



# Federation of Global Tamil Organizations

(A Non-Profit Organization registered in the State of New York, USA)

[fgto.org](http://fgto.org)

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## **FGTO Urges UNHRC 51st Session's Resolution to Call on the UN Security Council to Refer Sri Lanka's Crimes to the International Criminal Court (ICC) Prosecutor**

The Federation of Global Tamil Organizations (FGTO) consists of nine prominent Tamil organizations. We anticipate that the UNHRC's 51st session will pass a resolution calling on the UN Security Council to refer the crimes of Sri Lankan personnel, against the Tamil people, to the Prosecutor of the International Criminal Court (ICC). This UNHRC resolution should cite Article 13 of the Rome Statute, and Chapter VII of the Charter of the United Nations. This allows the Security Council to refer a situation where war crimes, crimes against humanity, genocide, or aggression appear to have been committed to the Prosecutor of the ICC.

If the resolution fails to include ICC referral, the FGTO considers the resolution a disappointment for the Tamil people, and a denial of justice. Major segments of the Tamil community in Sri Lanka, human rights groups worldwide, and the Tamil Diaspora have continuously pressed the international community and the UNHRC to refer Sri Lankan personnel to the ICC for crimes of genocide, war crimes, and crimes against humanity.

The cruelty of the crimes committed by Sri Lankan government forces in 2009 goes beyond the imagination. It shows extreme hatred towards the Tamils. The UK Channel 4 video documentaries record some of these atrocities. The UNHRC internal investigation report in 2012 showed a lack of will to either stop the genocide or document the evidence. It was not until March 2021 that the UN High Commissioner's office gained the authority to document evidence of Sri Lankan personnel's criminal activity. The Sri Lankan military had the confidence that they would never be prosecuted for their crimes, and it has proved true so far.

The Tamil victims and witnesses were further humiliated and their voices were suppressed by the continuous ban on civil liberties, even though the war had ended. The Tamil diaspora suspects that there is an effort to cover up Sri Lanka's crimes by geopolitical powers.

As the UNHRC is unable to enforce its own resolution that mandated the Hybrid court in 2015, referring Sri Lankan crimes to the ICC or setting up an ad-hoc international tribunal can be the only possible options left to the UNHRC. Tamil Diaspora organizations are determined and will persistently work with international organizations to seek justice for the Tamil Genocide.

The Sixth Amendment to the constitution of Sri Lanka denies the very basic freedom of expression of the Tamils to advocate for their self-determination, and the UNHRC must call for repealing the sixth Amendment in the upcoming Resolution. Self-determination is integral to basic human rights, hence the UNHRC must ensure the Tamils have their inalienable rights to exercise self-determination. The UNHRC must consider ways to offer guarantees of non-recurrence for the past violations against the Tamil people including facilitating an Independence Referendum for the Tamils to exercise their rights to self-determination.

When the island was given independence in 1948 from the UK, the power was transferred to the Sinhalese without the consent of the Tamils, and the Tamils were never given their independence. It was an improper and unfinished decolonization. The Tamil territory is still a non-self-governing territory, and Sri Lanka is engaged in taking over lands in Tamil territory for Sinhalese settlements and replacing Hindu temples with Buddhist temples with the intent to transform the whole island into a mono-Sinhalese Buddhist fundamentalist country. The Tamils are fast losing their traditional homeland, and the UNHRC should take urgent action to halt this aggression by Sri Lanka. The proper decolonization procedure must now be urgently executed using the existing UN process. The urgency is necessitated due to the atrocity crimes committed by Sri Lanka, its continuing aggression against the Tamils, and the absence of guarantees of non-recurrence.

We, therefore, call upon the UNHRC for the following actions:

1. Move the case of Sri Lanka to UNSC for referral to the ICC
2. Call Sri Lanka to repeal the 6th Amendment to the constitution and restore the Tamils' freedom of expression
3. Under Agenda 4 appoint a Special Rapporteur to monitor and investigate ongoing human rights violations and oppression against the Tamil Nation.
4. Facilitate an Independence Referendum for the Tamils to exercise their rights to self-determination

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Present member organizations: Tamil Americans United PAC (TAUPAC), Global Tamil Movement (GTM), Ottawa Tamil Association (OTA), Quebec Tamil Development Association (QTDA), World Tamil Organization (WTO), Tamil Genocide Memorial (TGM), ABC Tamil Oli, Ilankai Thamil Sangam-Florida, Tamil Canadian Centre for Civic Action (TCCCA)