

The future of the Tamils / The Challenge for the Tamil Diaspora

**Brian Senewiratne
Australia**

This dual title has a reason. When I was first asked (3 April 2014) by the Tamil Writers Guild (of which I was a member) whether I would come and deliver the 2014 C.J.T. Thamoderam Memorial Lecture, I was asked to speak on the first of these. When I found that it was physically unsafe for me to do so because of the long reach of the murderous Rajapaksa regime, I was asked to send a 12 minute recording on the second of these titles.

I will try and deal with both.

Let me sum up each one in a sentence.

The Tamils have no future under the Totalitarian virulently chauvinistic regime that now runs Sri Lanka. Those who think otherwise are not on the real world.

As for the Challenge for the Tamil Diaspora, the answer is that they have a crucial role to play, if the Tamil people are to be saved from extinction (a word used by the UN Secretary General's Panel of Experts).

I would like to slightly expand this to "The Challenge for ALL of us – Tamils, Sinhalese (such as myself), Muslims and non-Sri Lankans (such as Geoffrey Robertson QC, Professor Francis Boyle and many others) who have supported the right of the Tamil people to live with equality, dignity and safety (and now to live at all) in the country of their birth.

When I met Archbishop Desmond Tutu some time ago in Cape Town, he was pacing up and down saying, "Isn't it wonderful to have a Sinhalese campaigning for the Tamils?" when he had said it thrice I said, "With respect, I disagree. It is not 'wonderful'. This is not a Tamil issue or a Sinhalese issue but a humanitarian issue that must arouse the concerns of every decent person. This is what it means to be a human being and share the world with other human beings. That is not 'wonderful', it is how it should be, when the struggle of the Tamil people is for something very basic – the right to live with equality, dignity and safety in the country of their birth".

I was very fortunate that at a very young age (16 years), I was able to distinguish right from wrong. When nearly a million (Plantation) Tamils – one seventh of the population of the country at that time, were decitizenised and then disenfranchised, it was simply wrong. I led a protest in my school in Colombo – the board I carried read "Bad start for Democracy". It was.

When the ethnic Tamils were targeted by a member of my family, S.W.R.D Bandaranike, in 1956, the 'Sinhala Only Act', I protested again because it was wrong. When his wife sent the (Sinhalese) Army to Jaffna, I protested, because it was wrong. When their daughter, my cousin, decided to carpet-bomb Jaffna with half a million people, I protested because it was very wrong.

When Rajapaksa became President in November 1995 and decided to make multiethnic, multilingual, multireligious, multicultural Sri Lanka into a Sinhala-Buddhist nation, I thought it outrageous.

As a half-Buddhist myself, I have always felt that thugs and hooligans in yellow robes, behaving as they did, and still do, is an absolute insult to one of the great religions in this world. They should practice their intolerance and violence, but not in a yellow robe. That is Rajapaksa-Buddhism.

What has been happening since 1995, with the election of Mahinda Rajapaksa, was the appearance of the first Sinhalese 'leader' – if such a term can be used – who is determined to make Sri Lanka into a Sinhala-Buddhist country. If the Tamils are a 'problem' in achieving this extreme ethno-religious chauvinism, they can be driven out of the country, slaughtered, made to 'disappear' or made into 'non-people'. Bishop Rayappu Joseph, the Roman Catholic Bishop of Mannar, one of the finest still left in Sri Lanka has repeatedly said that unless the UN Human Rights Council (and others) do not stop this, the Tamil people 'will cease to exist as a people'. That is Genocide – the destruction in whole or in part, a national ethnic, linguistic, religious or cultural group. In Sri Lanka the 'part' is the part that lives in the North and the East.

I have gone into all this in detail in *"The Genocide of the Tamil people in Sri Lanka"* which is on the net. Dr Winston Panchacharan (USA) has published an extraordinary book, *"Genocide in Sri Lanka"*. The closing page asks the question, *"If this is not Genocide, then what is it?"*

All this is happening at an alarming rate in the "Democratic Socialist Republic of Sri Lanka", as it is called – one of the most inappropriate names for the country. It is not Democratic, nor Socialist, but a Totalitarian State under one family, a 'Family Autocracy'.

This dreadful regime has an Army, the largest per capita of the population in the country, than any country in the world. And it is growing – 170,000 during the war, 240,000 after the end of the war, with a call to expand it to 300,000, even more.

The 'Sri Lankan Army' – a misnomer – since it is a 'Sinhalese Army' – treats the Tamil North and East as 'Occupied Territory', and the people in the area as the 'Spoils of War' – to be used, abused or ignored, with no accountability. That is the situation in the Tamil North and East which is being demographically changed (rapidly) by 'Sinhalese' so that the Tamils will not have a 'homeland'. These are changes that can never be reversed, hence the need for urgent action.

The Tamil people in the North and East under this tyranny, have no voice. They do not open their mouth except to eat, and not that frequently either, because they have lost their lands, their occupation and their means of earning a livelihood. They have the 'freedom' to be raped, as my just published book, *"The Rape of Tamil women, girls and men in the North and East of Sri Lanka by the Armed Forces and others"* has set out in detail.

The closing pages of this book has more than a dozen things that can, and must, be done to stop this outrage. Geoffrey Robertson QC, who has been cited extensively in the book, has set out in detail what can be done legally.

Since the Tamils do not have a voice in Rajapaksa's Totalitarian State, it is for us to provide this voice to tell the world what is going on behind the closed and censored doors of Sri Lanka and its strangled media. If we do nothing, the Tamils will simply wither away, and we will be witness to 'successful Genocide'.

The violation of human rights is not an 'internal affair' of a particular country. That is why the world acted against apartheid in South Africa, something which was most

certainly and 'internal affair' of that country. when apartheid was dismantled, it was not only the African people who won, the world won by freeing a people from discrimination, domination and oppression by a racist bunch of rulers..

Now that the path has been cleared and the sign-posts erected to show how a ruthless regime can be brought to its knees, it should be relatively easy. When I was in South Africa talking with some of those who took on the apartheid regime and won, I was told that only two things worked – the trade boycott and the sports boycott, in particular cricket. None of the Resolutions passed by international bodies had the slightest effect. They were simply ignored. The regime could not care less. When the regime was hit where it hurts – economy and sport – isolation in every possible way, it was an entirely different matter.

Before I spell out what can be done in Rajapaksa-land – which is what it is, some basic facts must be stressed.

1. There will never be a devolution of power to the Tamil areas by the Sinhalese government, in particular that of Rajapaksa. It simply will not happen because of people like the *de facto* President of Sri Lanka, Gotabaya Rajapaksa, his brother being only the *de jure* President who is firmly under the control of his so-called 'Defence Secretary'. It will also not happen because of the power of the politically active Buddhist monks who see any devolution, however minimal, as 'a sell-out of a Sinhala-Buddhist nation to the Tamils'. They have done this for years and they are not about to change.
2. 'National reconciliation' will not happen. I have dealt with this in detail in a paper which is on the net and on my blog "Brian Senewiratne Pages". There is no 'need' for national reconciliation when national oppression has 'worked'.
3. Another armed uprising (by the Tamils) will be crushed with even greater ruthlessness, and with it the Tamil civilians (or what is left of them). In fact even the suggestion of an armed uprising might be dangerous since it will provide a reason for a ruthless regime to expand an already massive Army even more.
4. The Rajapaksa junta are inveterate liars. Not a word that comes out of them can be believed. Indeed the opposite. This must be conveyed to the international community especially when they claim what they do as to the plight of the Tamil people in the North and East. If what they claim is true, the next question that must be asked is, "if that is so, why is Amnesty International, Human Rights Watch and International Crisis Group excluded from the country? This is a crucial question which has not been asked in any fora for a reason that escapes me.

Examples are too numerous to quote. At the first anniversary of the end of the massacre, President Rajapaksa had the nerve to address a large gathering in Colombo which included diplomats from many countries and say that not a single Tamil civilian was killed. all those who were killed were LTTE 'terrorists'. He went on without batting an eyelid – '*Our troops went to war with a weapon in one hand and the Human Rights Convention in the other*'. He claimed that this was the biggest rescue operation ever mounted – to rescue the Tamil people from terrorists. No one asked him why it was necessary to expel all human rights groups and independent observers from this and preventing them from seeing this commendable exercise – something that has never been done in any war anywhere in the world.

I have no evidence that the Rajapaksa junta studied Hitler and Goebbels (the Nazi Minister of Propaganda), but the Nazi regime in Sri Lanka has expanded

and applied the Nazi “Big Lie” – that if a lie was audacious enough and repeated enough times, it would be believed by the masses (in this case the international community).

5. The current attitude of the expatriate Tamil community – that it is all over for the Tamils. It is this hopelessness of one of the most powerful groups in the world that the Rajapaksa junta has struggled to achieve. If we believe that it is all over, it will be. I would suggest that the opposite attitude be adopted – “we tried non-violent Gandhi-style protests for more than two decades and got nowhere. Then we (or rather, the Tamil youths) tried a violent struggle, and were crushed. We are now going to embark on a different struggle to – the same as was done to another evil regime – Apartheid South Africa – and isolate this regime, trade, economic, sports etc.

To have a depressed, defeated expatriate Tamil community is exactly what the Rajapaksa junta wanted. Fortunately, this is now disappearing. Hence the ‘need’ to ban them – designating 16 Tamil groups and some 424 individuals under the UN Security Council Regulation 1372 which has just been done. It is, of course, an exercise in futility but it is definite evidence that the Rajapaksa regime is terrified.

A terrified regime

Despite the cavalier ‘we don’t give a damn what the world thinks’ attitude of the Rajapaksa junta, they are terrified. Crazy things are done by crazy people or those who are terrified. The Rajapaksa regime is both.

They are terrified of three groups/people

;

1. The powerful expatriate Tamil community getting more active by the day.
2. The UN Human Rights Council and the increasingly strong Resolutions, the last calling for an independent investigation into war crimes.
3. Geoffrey Robertson QC and his determination to take Sri Lanka to the Human Rights Committee.

The UN Human Rights Committee is not a Court but a group of 18 world experts (mainly judges and lawyers) who sit in Geneva. It is the expert body that monitors the compliance of States with the UN International Covenant on Civil and Political Rights (ICCPR) and looks into whether these have been violated. It is a powerful UN organ with direct access to the UN.

Sri Lanka has signed the ICCPR. As such, the Human Rights Committee will investigate complaints. Any individual, or group, whose rights have been violated, can complain against Sri Lanka, and the Committee will act (as it has in other cases where complaints have been lodged).

All of this has been set out in detail in my book on Rape which is ready for publication if someone would publish it. I have described the legal options in detail.

The problems facing the Rajapaksa junta

The Totalitarian regime in Sri Lanka is terrified of five entities, not without reason-

1. The expatriate Tamil community – a million strong, and others who support the struggle of the Tamil people for peace with justice, who live and work in some of the most powerful countries in the world.
2. Navanethem Pillay, the outstanding Head of the Human Rights Council however weak this talk-shop is, and has been, till recently.
3. Geoffrey Robertson QC, a world famous British barrister, and Professor Francis Boyle, a leading American expert in International Law.
4. India, especially with the near-certain demise of the Congress party.
5. An uprising in the Sinhalese South because of the escalating cost of living and grinding poverty.

These are areas we should be looking at if we are to look at the future of the Tamil people.

1) The Expatriate Tamil community.

If the various groups that exist as separate entities unite, it will be a force to reckon with. This is happening at last, hence the panic of the Rajapaksa regime and the 'need' to ban them (a strategy that will not work).

It is they who can:

1. Be the voice of the Tamil people and tell the world what is going on behind the closed and censored doors of Sri Lanka, especially in the Tamil North and East. With outstanding people such as the Rayappu Joseph, Bishop of Mannar, and Tamil Civil Society in Jaffna, the humanitarian crisis in the North and East, cannot be hidden, despite the most rigorous press censorship and a ban on human rights groups from entering the area. As a Tamil priest from the North who recently spent a few days with me in Australia said, "We will provide the facts, you do the shouting".
2. Demand the admission of Internationally credible human rights groups - Amnesty International (AI), Human Rights Watch (HRW) and the Brussels-based International Crisis Group (ICG) - into the area, and turn the screws on the Rajapaksa junta until this is done.
3. Launch an effective boycott of goods and services in and out of Sri Lanka. For a start, support the "*No to Sri Lanka*" campaign, and extend this to a total isolation of the Rajapaksa junta until clearly documented evidence is obtained. When Rajapaksa says "See what we have done for the Tamil people", our response must be "What exactly? Can we have that confirmed by AI, HRW and ICG? "
4. Stop international aid going to Sri Lanka. Mount a campaign to target the main aid-givers. As an example, look at the countries responsible for Foreign Direct Investment in Sri Lanka. Figures that have just been released show that in 2013, this came from China (US \$ 240 million), Malaysia (US \$ 176 million), Hong Kong (US \$139 million), Netherlands (US \$ 119 million), Singapore (US\$ 112 million), United Arab Emirates (US \$ 112 million). While nothing can be done about aid for this murderous regime from China, or the

- dictatorship that runs Singapore, something can certainly be done in Malaysia (which has a powerful Tamil community) and certainly in the Netherlands.
5. Charge the war criminals in Sri Lanka and drag them before the International Criminal Court. For a start, support Geoffrey Robertson's commendable action to take Sri Lanka before the Human Rights Committee, which has already started.
 6. Demand a UN conducted Referendum to determine what the Tamil people in the North and East want. This was done in East Timor, why not Sri Lanka where the humanitarian problems are far greater than they ever were in East Timor.
 7. Mount a campaign in the Sinhala South, to tell these people that their land is being plundered by a bunch of crooks and that this thoroughly corrupt regime is selling off large areas of their land to China, and mortgaging the country to the International Monetary Fund. Can this be done? Yes it can, since there are several Sinhalese who have access to hundreds of thousands of Sinhalese people, especially the poor, and can bring the Rajapaksa junta to a grinding stop.
 8. Mount a campaign in the tea plantations, where the workers are still the lowest paid workers in Sri Lanka. If they act and shut down tea picking, the Rajapaksa regime will collapse in a week.
 9. Sabotage the disinformation campaign, and break the media censorship as was done so effectively by UK Channel 4 News.

2. Navanethem Pillay and the Human Rights Council

Navanethem Pillay will be replaced in August 2014. However, she has more than enough time to set in motion the UNHRC Resolution A/HRC/25/ L.1/Rev.1. However weak this Resolution was, something is better than nothing. It is a 'Challenge' for the expatriate Tamil community and others, to see that this is done and to pressure whoever succeeds Pillay.

3. Geoffrey Robertson QC (UK), and Professor Francis Boyle (USA)

Robertson is one of the leading barristers in London and a world authority on human rights. He heads one of the most famous human rights legal organisations in the world.

I contacted him in 2010 to see if he will take action against Sri Lanka. His office contacted me to tell me that there was an Indian who wanted to do the same thing. Would it not be sensible to do a joint action. The Indian would supply the funds if I supplied the information (which of course I was more than happy to do. Unfortunately, the Indian 'disappeared' and I could not get one organisation to come up with the necessary funds.

In 2013, I took this up again with Robertson. He said he would act. I was staggered when I saw the costs of action which were peanuts when compared to the legal expertise. I contacted the Transnational Government of Tamil Eelam, which commendably decided to support it. Robertson was retained to take a case to the Human Rights Committee. This is now in progress.

What he said at the Geneva Press Club in March 2014, when he announced the launching of action against Sri Lanka, to take a complaint to the Human Rights Committee, is one of the most powerful actions taken in the past five years. To support him and his actions is a mandatory obligation for expatriate Tamils and others who support the Tamil people and are determined to see justice done, and

reparations, including financial compensation to the victims of crimes against humanity, if not war crimes, committed by the Sri Lankan government and its murderous Armed Forces.

Professor Boyle a leading American expert in international law, and the Professor of International Law at the University of Illinois College of Law. In 1993, with numerous accounts of aggression and genocide perpetrated by the rump Yugoslavia and its Bosnian Serb surrogates against the People and the Republic of Bosnia and Herzegovina, he was the lawyer appointed by the People of Bosnia to take Yugoslavia to the International Criminal Court (the 'World Court') in The Hague. He won two Orders against the rump Yugoslavia in favour of Bosnia and Herzegovina.

He is one of the strongest supporters of the Tamil people. His book *"The Tamil Genocide by Sri Lanka. The global failure to protect Tamil Rights under International Law"* sets out where he stands on Sri Lanka.

Last year at the launch of the Tamil Eelam Charter in Lancaster, Pennsylvania (which I attended), Professor Boyle in his address said *"I say Rajapaksa to The Hague"*.

It is time that the Tamils in the US retained Professor Boyle to take the Rajapaksa junta to the World Court (which I know he will do). This will yield far more effective results than spending millions of dollars to get lawyers to write a 1,000 page indictment against Sri Lanka to be presented to the US Supreme Court which was predictably tossed out.

4. India

I cannot comment on India because with an almost certain change of government with the defeat of the Congress party and its probable replacement by the BJP and Narendra Modi as Prime Minister. Even with the Tamil Congress party (effectively run by the virulently anti-LTTE Sonia Gandhi), India did not vote against the UNHRC Resolution.. With the probability that, short of a miracle, Sonia Gandhi's Congress Party will be defeated and a more pro-Tamil party elected to power, Rajapaksa has reason to be nervous.

Whatever be the change in Delhi (and there will be a change) one thing is certain. Tamil Nadu with some 75 million Tamils, will continue to be one of the strongest supporters of the Sri Lankan Tamils. This massive support, especially from the Tamil Nadu youths, will not go away, and will be a force to be reckoned with by whoever takes control in Delhi.

5. The Sinhala South

I do not have enough reliable information of the situation in the Sinhalese South. According to Sunanda Deshapriya, a former buddy of Rajapaksa, the support for Rajapaksa is slipping. In a recently published article, *"Dear President ...! An open letter to President Rajapaksa"* published in Lanka-e-News on 22 April 2014, the outlook for Rajapaksa does not seem to be too good.

Deshapriya points to the (obvious) fact that Rajapaksa has lost the Tamil people. In the Northern provincial council election, the Tamil National Alliance obtained the largest electoral victory margin in post-war Sri Lanka, obtaining more than 70 % of the votes. This was despite massive election rigging by the Rajapaksa government and its Tamil stooges in Jaffna. So also in the East.

So also the Muslims. In the recently held election in the Western Province where there is a sizeable Muslim population, Rajapaksa could not get a single Muslim candidate to win a seat for his party.

It is clear that Rajapaksa has lost the Tamils and the Muslims – two important minorities.

Even among the Sinhalese his popularity seems to be waning. The rampant corruption all the way to the top, the escalating cost of living, hooligans and thugs being part of the government, intimidation and thuggery, the collapse of law and order, the rampant nepotism, the collapse of everything except for the Rajapaksa junta and their stooges, is having an effect in the Sinhala people. Hence the 'need' for a massive military. Hence the 'need' to retain the Prevention of Terrorism Act, the absolute control of the Media and the continuing exclusion of independent international human rights organisations from the country.

There seems to be increasing dissent even within his own Party as Rajapaksa pushes more and more of his relatives to senior positions in the Government and administration.

The biggest problem in the Sinhalese South is the complete absence of an Opposition worth talking about. The leader of the UNP, Ranil Wickremasinghe, is a joke. If he did not exist, he would have had to be created by Rajapaksa. I cannot think of a greater asset to the Rajapaksa Government than the leader of the Opposition. As such, Rajapaksa will survive, at least for the time being, since the Sinhalese have no alternative leader and if anyone raises his/her hand, he/she will be 'white-vanned'.

As I have always said, no dictator in history has lasted for ever. Mussolini, the 'invincible' Italian strong-man, came and went, so did Hitler, Stalin, Idi Amin, Gadaffi – and the list goes on. There is no reason to believe that Rajapaksa is the exception. He will surely go. The question is how much damage he will do to the Tamil people, indeed to the country, before he goes. The damage he is doing will take years to undo, if ever. Sri Lanka, despite its 5-star roads and hotels, skyscrapers and high-life (for the fortunate few – ie the Rajapaksas, the con-men, drug dealers, crooks), seems to be heading in the direction of a Failed State. It certainly is a Totalitarian State – far worse than a Dictatorship.

Action needed

I will set out what has to be done immediately:

1. The immediate admission of Amnesty International, Human Rights Watch and International Crisis Group into the North and East.
2. If this is blocked by the Sri Lankan Government (which it will be), then it will have to be done by force – by the UN or a foreign country – the most obvious being India.
3. The UN will have to apply the R2P. There is provision in R2P for the application of force 'as a last resort'. That time has now come.
4. There is a case for a UN 'rescue operation' and the taking over of the Sri Lankan North and East as a UN administered 'protectorate' at least for the

moment. As the UN Forces move in, the Sri Lankan military will have to move out.

5. India – the major regional power – will have to be co-opted by the UN to do some of this under the UN flag.
6. An immediate international investigation will have to be launched to look at not only what has happened but what is happening right now. To state that this is an ‘internal problem’ that Sri Lanka will have to address, is absolute nonsense. It will not happen.
7. An international criminal investigation has to be launched to charge those responsible for criminal activity, past or present, irrespective of their ethnicity, status or position.
8. A boycott of goods and services in and out of Sri Lanka – as was done against Apartheid South Africa – will have to be done at once, and maintained until the serious abuse of human rights ceases and international human rights groups admitted to the country in general, the Tamil areas in particular.
9. People outside Sri Lanka will have to be apprised of what is going on behind the closed and censored doors of Sri Lanka. The GoSL has mounted a massive disinformation campaign, hiring some of the most expensive firms in the world. To a large extent this disinformation campaign has been ‘successful’ in that the vast majority of people outside Sri Lanka believe the downright lies by the GoSL and the heavily censored media.
10. It must be stressed that if, as the Sri Lankan government claims, ‘Tamil terrorism’ has been crushed, and ‘all is well in the Tamil areas, it is impossible to justify the continuing exclusion of internationally recognised human rights organisations from the area.
11. All foreign aid to Sri Lanka must be put on hold until the human rights abuses cease – something that must be confirmed by AI and HRW.

It is simply not good enough to hope that the UN Human Rights Council will act. It has not done so for more than 4 years and to hope that it will do so now is completely unrealistic. There is no place for more and more ‘Resolutions’ urging Sri Lanka to address the problem. It will not happen.

The absolute incompetence of the Human Rights Council has been demonstrated year in year out for five years. To hope that this will change is an exercise in futility.

A British colonial construct has collapsed, as have so many colonial constructs across the world. The price for this has been paid by the Tamils. The epidemic of rape of Tamil women and girls is just one of a multitude of human rights abuses of the Tamil people. Britain has more than a slight responsibility for the chaos in Sri Lanka.

If Britain was part of the problem, it must also be part of the solution. That has not happened. Indeed, Britain continues to keep Sri Lanka in the British Commonwealth despite the outrageous human rights abuse that has occurred.

An entire ethnic group, the Tamils in the North and East of Sri Lanka are ceasing to exist as a people and are suffering indescribable misery. The world cannot remain

unaware of this. A democracy has been replaced by a murderous Totalitarian State under one family – a 'Family autocracy' that can do what it wants to anyone with no accountability.

If the Sri Lankan regime gets away with this, it will be a triumph of evil where 'good men' have done nothing. The world has watched as tyrant after tyrant has established tyrannical regimes. Sri Lanka cannot be added to this list. If it is, then the rest of the world will have to open its doors to asylum seekers fleeing a tyrannical regime.

Brian Senewiratne

Brisbane, Australia.

3 May 2014