



P.O. Box 529
Glen Echo
Maryland 20812-0529
Tel: 301 806 1866
TAGdesk@gmail.com

July 24, 2010



CC(NS)/TAG v. GERMANY

MEDIA STATEMENT

The alliance of Switzerland-based and Norwegian-based democratically-elected non-governmental organizations Swiss Council of Eelam Tamils (SCET) and Norwegian Council of Eelam Tamils (NCET), and United States-based non-governmental organization Tamils Against Genocide (TAG) (“CC(NS)/TAG”), have submitted an application to the European Court of Human Rights on the behalf of around 60,000 Norwegian-Swiss European Tamil war-affected Diaspora community it represents, under Article 34 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (the “Convention”).

Over one year after the Vanni massacre by the majority-Sinhala Sri Lankan Army (SLA) where it is reported over 40,000 Tamil civilians were killed, international consensus within the global human rights community estimates that during the last stages of Eelam War IV in the Government of Sri Lanka’s (GoSL) designated Safe Zones between about January 2009 and until about May 17, 2009, tens of thousands of Tamil children, women and men were victims of unimaginable atrocities perpetrated by the SLA that deeply shock the conscience of humanity.

The complaint brought by CC(NS)/TAG asks the Court to provide an answer to whether a European Union member-state’s acceptance of a military commander with command responsibility over war crimes violates human rights-based morality of European society. The complaint also probes whether the acceptance conflicts with European integration policy by causing psychological torture to Europe’s conflict-affected Tamil asylum and refugee population. Finally, since there have been no independent investigations of war crimes by Sri Lanka or by the United Nations, the complaint asks whether it is reasonable to hold that Jegath Dias is prima facie not guilty, and whether his ambassadorial appointment does not violate any international convention.

Premised on a novel interpretation of Convention Articles and principles to create jurisdiction for the appointment of an alleged war criminal as ambassador to Germany, CC(NS)/TAG sues Germany for knowingly not rejecting the Sri Lankan ambassadorial appointment of Sri Lankan military commander Jegath Dias, around 4 months after May 17, 2009, the end of Eelam War IV, in violation of Articles 3, 8, 11(2) and plausibly 13 of the Convention.

Appointments of ambassadors, in common law, are normally immune from challenge under the political question doctrine, and therefore, are not justiciable. Regarding the political question doctrine, CC(NS)/TAG argues that the combination of European Tamil asylum policy in response to Sri Lanka's historical culture of impunity and anti-Tamil racial discrimination, and the transnationality of Tamil European families with loved-ones residing in Europe and Sri Lanka, create a context where German non-rejection of alleged war criminal Maj. Gen. [retd.] Dias violates European morality as defined in 11(2), is a cause of psychological torture and cruel, inhuman, and degrading treatment for the conflict-affected European Tamil community, and violates the Tamil right to family life.

Regarding Dias, CC(NS)/TAG argues in the complaint that based on the new and collected evidence they have provided to the court, Jegath Dias, with military command responsibility over at least Divisions 53, 57, 59 and Task Force IV, is in fact criminally responsible for one or more jus cogens norm violations, including the systematic indiscriminate artillery shelling and aerial bombardment of the Safe Zone in Mullaitheevu between at least January and May 2009. Supporting this, the application includes 182 3-10 minute-length clips, taken over 59 days between January-May 2009, of direct video evidence of the indiscriminate SLA attack on the GoSL-designated Safe Zones in Eastern Sri Lanka between January-May 2009, establishing 10,740 Tamil civilian deaths and the severe injury of 12,442 Tamil civilians.

CC(NS)/TAG has requested an oral hearing and is ready to provide further evidence if the Court is satisfied with the jurisdictional argument and ready to take the case or open investigations.

Swiss Council of Eelam Tamils (SCET)
Norwegian Council of Eelam Tamils (NCET)
Tamils Against Genocide (TAG)