



தமிழீழ விடுதலைப் புலிகள் Liberation Tigers of Tamil Eelam

10th December 2005,

“Right to Self-determination contributes to global peace”

Excerpts from the keynote address delivered by Mr.S.P.Tamilselvan, Head of the LTTE Political Division today, 10 December 2005 in the International Human Rights Day celebrations under the auspices of the NorthEast Secretariat on Human Rights (NESOHR) held at the Cultural Hall Auditorium in Kilinochchi:

“The Tamil liberation struggle for our right to self -determination evolved as a protest against the undemocratic genocidal pattern of governance of the Tamil Nation by successive governments of Sri Lanka from the time the island became independent of colonial rule. Being alienated in power sharing, the Tamil people were motivated to decide for themselves their political destiny through the liberation struggle. Passive and democratic non-violent protests against injustice and discrimination were responded with military oppression, paving way to an armed struggle in the early seventies. The Tamil people have today risen up in unison under a national leadership asserting their distinct identity as a Nation that respects noble human right values and cherish their valued culture and tradition.

The concept of self-determination enshrined in the UN Human Rights Charter and other Covenants speaks about the right to life of a distinct nation of people. It is important to have a clear understanding of both, the international and regional laws relating to human rights and how they impact upon our liberation struggle for political rights. Human Rights factor is an impacting element today in international relations. Proliferation of weapons of mass destruction, international terrorism, global warming and connected environmental hazards, widespread epidemic of diseases like AIDS and worldwide poverty can be listed as the serious international problems of the century. Human Rights however tops the agenda in international discussions at the level of Heads of States, United Nations and other International Non-Governmental Organisations.

Former UN representative for the United States of America Late Adlai Stevenson said “Human Rights is the focal point of what we are doing and what we are endeavouring to do”. Human Rights is the subject that consumes most of the time of Heads of States and diplomats participating in the UN Assembly and international political conferences. Matters related to Human Rights are not confined to the UN’s Human Rights Commission or its sub-committees rather it extends to the General Assembly and the Security Council. World peace and Human Rights are the two main goals of the August Assembly and hence the importance of Human Rights needs no elaboration.

The subject of Human Rights has taken an important position in the international arena for many reasons. Significant among these reasons is the totally changed international political scenario consequent to the terrorist attack of September 11 on the United States and the consequent war against terrorism. Laws enacted to achieve this are seemingly in violation of internationally accepted norms of human rights and have become the subject of criticism in the UN and many other international organisations. In a Tamil perspective, this has provided an opportunity to the government of Sri Lanka to portray our struggle for self-determination as terrorism in the international forums.

Another reason that has given the pride of place to Human Rights in international arena is the nation states making use of this as a handy instrument to put forward their stakes. Painful though, ground realities on the



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application of human rights seem to be of double standards, deviating from justice and fair play in many instances.

To expose the violation of our human rights by Sinhala regimes, we need to clearly understand the West European concepts on human rights and the application of international laws on human rights in the context of our liberation struggle. The concepts of today's international human rights were given shape in the 18th century by thinkers John Lock, Ruso and the like. They emphasised the norms of Natural Rights and Inalienable Rights for every individual. These rights relate to individual right to life and live with liberty. These are rights that are not conferred on man by a government or any other entity rather they are inherent. Today's international human rights laws are the end products of the gradual evolution and Codification of laws borne out of the Natural and Inalienable Rights. In this context, Self-determination is not just an empty political rhetoric rather it relates to the collective right to life with freedom and in all respects it is a peoples' right to live as a nation. United States of America derived inspiration from this Natural Rights concept for its declaration of independence.

Right to life, Right to Identity and the Right to Homeland form the basic concept of the Hierarchy of Human Rights. Right to Identity in this context is the right to conserve one's distinct tradition, culture, language, religion etc. Right to Homeland confers on one the right to live in a nation and call it his own where he has freedom of movement and life without foreign interference. This also includes the right to return to ones own nation wherever one happens to reside. Our right to the homeland includes individual rights such as civil, political, economic and social thereby encompassing a wholesome basic human right, i.e. Collective Rights. Inherent in this Collective Right is the right of determining one's political status without any interference and the right to secede if need be.

Today, the Tamil people are living in their homeland deprived of their right to life and the right to live freely threatened. Our homeland is under occupation by the Sinhala military and our people are denied access to their natural habitats and forced to live in refugee centres. Whenever our people express their political aspirations in demonstrations, the military intelligence personnel, in spite of a cease- fire in force, kill them at random.

International Human Rights laws were formulated on the basis of man's Natural Rights and Inalienable Rights. By International Human Rights Laws, we refer mainly to laws framed by the UN. Other laws are mostly regional. Universal Declaration of Human Rights (UDHR) of the UN in 1948 can be considered an important mile- stone in the history of laws relating to Human Rights. The first and the foremost of the clauses in the UDHR is that 'all human beings are born free and equal in dignity and rights'. Evolving consequent to this were seven important Human Rights Treaties and Treaty Bodies to monitor them. There are in addition to this over fifty treaties and declarations on Human Rights. Important among these are the Geneva Conventions and the Nuremberg Statute. These are the statutes that are called as the Human Rights laws today. The UN Charter too contains articles on human rights, especially on the right to self-determination.

Let us now look at the various provisions contained in the international human rights laws and the UN Charter justifying our liberation struggle and how successive Sinhala governments have blatantly violated them. The International Covenant on Civil and Political Rights (ICCPR), International Covenant of Economical, Social and Cultural Rights (ICESCR) are the two important covenants that vouchsafe our basic human rights and the right to self-determination. More important are the Universal Declaration on Human Rights and the UN Charter, the latter containing very important provisions on self-determination.



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Article 1 of the ICCPR defines the right of all peoples for self-determination. In terms of this Article, all peoples have the right to determine their political status and upgrade their social economic, social and cultural affairs independently. Article 1 (3) stipulates that member states shall promote the realisation of the right of self-determination and shall respect that right, in conformity with the provisions of the UN Charter. Sri Lanka is a party to this covenant, but successive governments including the incumbent regime have refused to accept the Tamil peoples' right to self-determination. This is denial of basic rights of the Tamil people.

The concept of self-determination was included in the UN Charter in 1945. Chapter I, Art 1 (2) refers to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples and to take other appropriate measures to strengthen universal peace. Chapter IX, Article 55 further elaborates on creation of conditions of stability and well being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples.

Successive governments of Sri Lanka continue to militarily oppress the Tamil people from the time they started their struggle to win back lost rights through democratic means up to date. Killings and aggression let loose on the Tamil homeland by state terrorism have deprived the Tamil people of their Natural right to live with freedom. Convention on the Prevention and Punishment of the Crime of Genocide of December 9, 1948, Article 2, states inter alia, killing members of the group, causing serious bodily or mental harm to members of the group falls under genocide. Accordingly, the destructive activities of the Sinhala regimes are clearly genocidal. Statutes enacted by the governments in Sri Lanka impacting on our education, economic and cultural activities are clear violations of the various articles of International Covenant on Civil and Political Rights (ICCPR), International Covenant on Economic, Social and Cultural Rights (ICESCR). These notwithstanding, mass killings of Tamil people, orchestrated communal pogroms, Sexual molestations, disappearances, mass graves, extra judicial killings, detention without trial for indefinite periods of youths, torture and inhuman treatment while in detention violates the International Convention on the Elimination of all forms of Discrimination and Genocide Convention. The Bindunuwewa Detention Centre massacre that was exposed to the world is an indicator to the extent to which Tamil youths suffer in the hands of the Sinhala state and its law enforcement authorities. Nuremberg Statute Article 6 (b) defines expulsion forcibly of people from their habitat as a war crime. Article 6 (c) further includes acts of violence against people before or during war as Crimes against humanity. State aided Sinhala colonisations in the East evicting Tamil people from their ancestral habitats and denying access to the inhabitants in the North of areas that are forcibly held by the military as High Security Zones are blatant violations of this article and are serious war crimes. The Sri Lankan government forces have killed several thousands of Tamil people by indiscriminate aerial bombing and shelling. International organisations have documented these atrocities, but to the dismay of the Tamil people the government of Sri Lanka has not been tasked for its Crimes against Humanity.

The Prevention of Terrorism Act (PTA) and violence perpetrated on the Tamil people during periods declared as 'Emergency' are clear violations of articles in ICCPR and ICESCR.

No enquiry or effective investigation has been undertaken yet relative to the disappearance of hundreds of Tamil youths in Jaffna immediately after the military occupied the peninsula. The Tamil people feel hurt over the fact that the international community has so far not taken any steps to task the government of Sri Lanka for the mass graves in Chemmani and other places in the Jaffna peninsula.

It is the armed violence of the state; its terroristic acts against the Tamil people that made the Tamil people resolve to take up arms against that military oppression. The freedom struggle of the Tamil people under the leadership and guidance of the National Leader has assumed conventional proportions. About 18,000 youths



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have sacrificed their lives to safeguard the Tamil people from genocide. This sacrifice is the supreme price our people paid for their freedom.

While in the struggle for freedom, our leadership is keen in maintaining standards of human rights adherence respecting international human rights laws. Whenever charges are levelled against us for human right violations, we face it with transparency, inviting international organisations to conduct independent enquiries. Allegations continue on the premises of recruiting children. We continue to explain the ground realities pertaining to the children who lost parents in the war and are interacting with Unicef and other relevant agencies. Data and statistics relating to the truth or otherwise of the allegations are provided to the Unicef periodically and the process of dialogue is ongoing in this matter. Our invitation to Unicef and related agencies in this matter is always open for them to institute effective realistic enquiry proceedings into the allegations. We had discussions with the Secretary General of the Amnesty International during last week and invited AI to conduct an independent survey. Our engagement with UN agencies, ICRC and other international organisations for human rights is a process in continuity and the number of joint projects we are working with such agencies is an indicator to the transparency with which we work on this issue.

During the peace negotiations too, we had discussions with international human rights organisations and put forward plans for development of human right activities. Article 4 of the proposals we submitted for the formulation of an Interim Self Governing Authority (ISGA) for NorthEast demonstrates our commitment for human rights. We strictly adhered to the norms of the Geneva Convention in treating prisoners of war, demonstrating our commitment to human rights even during the height of war. Many international humanitarian agencies are working in the liberated areas of the Tamil homeland independently without let or hindrance. Our co-operation is always there in place for them to investigate any complaints to ascertain the truth independently.

While commemorating the International Human Rights Day today, let us for a moment think of the hundreds of thousands of our brethren killed by state terrorism and the hundreds of youths who disappeared overnight. Let us resolve to be united in achieving the right to our homeland on the basis of self- determination, our homeland where we would cherish our human rights. Let us unite to win the rights to live as dignified citizens with lofty national and cultural traditions and pride ourselves in the same way citizens in the western world are proud of their values.”