

**The Rights of Tamils
on the island of Sri Lanka
under International Law and Practice**

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Tamils Against Genocide

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SLA war crimes eerily similar to Srebrenica Scorpions' terror, says Boyle

[TamilNet, Wednesday, 26 August 2009, 00:27 GMT]

Summary executions violate Common Article 3 to the Four Geneva Conventions of 1949, to which Sri Lanka is a contracting Party, prohibiting in subsection I(d) "... the carrying out of executions without previous judgment pronounced by a regularly constituted court...." Violations of the Geneva Conventions are war crimes, said Professor Francis Boyle, after watching the video on the cold-blooded extra-judicial killings carried out by the Sri Lanka Army (SLA) soldiers, published by a German-based group 'Journalists for Democracy in Sri Lanka (JDS)' Tuesday.

"We have a video of the same being done to Bosnians at Srebrenica by Serbia's 'Scorpions,' which I viewed with one of the few male survivors while in the killing fields of Srebrenica itself," Boyle added, continuing: "Of course the Scorpion executions were just a small element of the Serbian genocide at Srebrenica."

A video of Serb paramilitary soldiers Scorpions, caught in the act of murdering six Bosnian Muslim youths in July 17, 1995, near the town of Trnovo, Srebrenica, discovered 10 years later, shocked Serbia and led to the arrest and later conviction of the soldiers. The six Muslim men and boys were forced to lie down with their hands tied before being shot in the back by their captors. Two of the victims were 17, while the others were in their 20s and 30s. A Belgrade war-crimes court sentenced four Scorpions to a total of 58-years in prison.

The New York Times reporting on the story on the 6-person massacre by the Scorpions, said: "The faces of the perpetrators can be seen and their insults to the Muslims can be heard. The film was shot by a Scorpions member."

In remarkable eerie similarity with the SLA crimes, the SLA terror video was also obtained by an SLA soldier using a mobile-phone camera, and the SLA soldiers are also heard spewing insults to the naked Tamil prisoners.

"Scorpions, however, did not strip and then murder the Bosnians in the nude. But the GOSL Army did exactly that, which is even more akin to what the Nazis did to the Jews, depriving their victims of the last shred of their humanity before dying," Boyle observed.

On the disappearances inside internment camps, the press release issued by the JDS said: "The Sri Lankan government justifies the internment of approximately 280,000 Tamil people, for over three months now, on the basis that they are 'screening' for LTTE cadres. These camps still remain out of bounds for independent media and human rights observers. Apart from these known camps, it is widely believed that there are over 10,000 Tamils are held in undisclosed locations. Further, as a recent BBC report reveals the interned Tamils have to regularly experience the trauma of the appearance of the 'dolphin vans' in the camps – as these whisk away people – who then disappear."

Commenting on the disappearances, Boyle said, "when the enforced disappearances are "widespread" or "systematic" they become Crimes against Humanity under the Rome Statute for the International Criminal Court," adding: "Crimes against Humanity are the precursor to genocide, just as Hitler and the Nazis did to the Jews--I also visited Dachau."

The Scorpions (Škorpioni) were a Serbian paramilitary group which actively sought out the extermination of other ethnicities in the wars in Croatia, Bosnia and Herzegovina and Kosovo. The unit was formed in 1991 in what was then the breakaway Croatian Serb Republic of Serbian Krajina. The Scorpion leader was Slobodan Medić.

Boyle: India a moral failure, Colombo's monstrosity matched only by Nazis

[TamilNet, Tuesday, 25 August 2009, 00:51 GMT]

"India's support to Rajapakse Government is an atrocious crime. Tamils are undergoing unspeakable hardship, and the monstrosity is only matched by the Nazis terror on Jews. The world had simply closed its eyes....Failure to ensure safety to Sri Lanka Tamils is a moral disgrace to India and a stain in India's illustrious history," said Francis Boyle, expert in International Law and Professor at the University of Illinois College of Law, during an interview with Tamil Nadu magazine, Dalit Murasu.

English translation of the Tamil article follows: (Note: The Tamil article is a translation of a recorded interview conducted in English):

Dalit Murasu: When more than 300,000 Tamils are held against their wishes in internment camps, do you think there remains any prospect of reaching a resolution to the conflict through intervention of International Rights Organizations including United Nations?

Prof. Francis A Boyle: It is imperative that these organizations should intervene. The 1948 Genocide Convention and the 1949 Geneva Convention obligate the United Nations to engage in Sri Lanka's conflict and seek resolution. I have been consistently writing and advocating the urgent need for the UN and the International Community to intervene and save the Tamil people held by the Sri Lanka Government in the several internment camps. Reports indicate nearly 1400 people die in a week in these camps, and that the conditions within the camps are very similar to those in the Nazi internment camps.

DM: Even after Sri Lanka's military unilaterally declared that the "war was over in Sri Lanka," the International Community, various Rights Organizations, and the media have failed to expose the gross rights violations that occurred during and after the war. You have noted in several articles that the internment camps are nothing but "death camps." Do you think similar silence would have prevailed if the affected people are from Palestine or from a European country?

FAB: One cannot be certain how the International Community will react to your hypothetical scenarios. While the U.S. supported peace talks between the two adversaries in Sri Lanka, U.S.'s approach to mediating conflicts took a dramatic turn after the 9-11, when the Bush administration started to aggressively pursue the "war on terror" on all movements that used violence to achieve their goals.

The President of India sending a congratulatory message to Sri Lanka's President is indeed a sad event. India has assured Sri Lanka of its cooperation, and India's position vis-a-vis Sri Lanka is totally unacceptable. India is ready and willing to continue support to Sri Lanka while standing on the bodies of 30,000 Tamils killed during the last several weeks of war. China and Pakistan both are collaborating with Sri Lanka.

The 65 million Tamils in Tamil Nadu should soon rise up to constrain India. The uprising in numbers and intensity should surpass the protests that occurred while Sri Lanka was slaughtering the Tamils. If India reconfigures its policy on Sri Lanka, US will likely support that. US will view with concern a friendly China-India relationship.

India's support to Rajapakse Government is an atrocious crime. Tamils are undergoing unspeakable hardship, and the monstrosity is only matched by Nazis terror on Jews. The world had simply closed its eyes.

DM: The world was waiting to hear the details of the last weeks of the war from the doctors

detained by the Sri Lanka Government. These Doctors were later paraded in front of the media and were forced to recant casualty figures. Do you think there is any chance for the truth to come out?

FAB: That depends on you, me, the other media, and in the hands of the 65 millions Tamils in Tamil Nadu. Sri Lanka Government has been systematically destroying physical evidence after barring news organizations from visiting the crime area and imposing censorship on journalists reporting the details. US will have detailed evidence of what's happening, and of what has happened. While the world watches in silence atrocities are continuing.

DM: Why is International Community not taking effective action to resettle the displaced people?

FAB: I don't think the International Community has any interest in the welfare of the Tamil people. That is why they kept silent during the slaughter of nearly 50,000 Tamils between February and May 2009. Finally the IMF loan is also going to be awarded. [was awarded early this month]. What happened in Sri Lanka is an attempt at extermination of a race, a racist war. Same thing happened in the 1930's against the Jews. Only after millions were killed the world began to know the truth of the atrocities. The world could not do anything.

DM: If IC does not have an interest in Sri Lanka, why did they express their commendations to Sri Lanka after the war?

FAB: I only said they have no interest in Tamils. Countries certainly have geopolitical interest in creating conditions advantages to them. Use of sea ports, and control of land mass in the Indian Ocean is certainly of interest to many powers.

DM: Will the Sri Lanka Government, which did not heed to the righteous demands of the Tamils when they had military power, attend to Tamils welfare now that Tamils appear defeated and powerless?

FAB: Definitely not. Sri Lankan state has set about to exterminate or, in the least, marginalize the Tamil people. The State inebriated with military victory have incarcerated the Tamil people in internment camps. For every 3 Tamils there are 14 Sinhala soldiers. This is violation of Geneva Conventions. What we witness in Sri Lanka is a clear attempt to destroy a race in whole or in part. All should identify this act as genocide.

DM: Why is the US unwilling to release satellite images it may have taken during the last stages of war?

FAB: US is cognizant of the serious repercussions that may result when the world sees the truth. These images will reveal the slaughter of Tamils with the use of heavy weapons, heavy artillery, and aerial bombardments by the Sri Lanka military. US's behavior was the same with respect to Bosnia. US is unlikely to reveal Sri Lanka images as truth may lead the civilized world to demand a solution that will be inimical to US's interest.

DM: What's US position on Sri Lanka's Tamils? Has the US revealed its true policy?

FAB: I believe the US will continue to support Rajapakse. The IMF loan is a clear indication of US's policy towards Sri Lanka. Earlier US supported peace talks. There is no more space for US to take that position. What's happening in Sri Lanka is a clear case of genocide. However, if the US accepts this, then Article I of Geneva Convention will obligate the US to intervene to stop the genocide. US does not want to do that. Similar thing happened in Bosnia too.

DM: Tamils are contemplating the establishment of a transnational government. In the future if Tamils declare a State of Tamil Eelam either within Sri Lanka or outside, what will be US's position?

FAB: US will not be disposed to supporting it.

DM: What do you think is a feasible political solution to the struggle waged by the Tamils for the last half a century?

FAB: The political solution has to be determined by the Tamils themselves. One of three solutions are possible. 1. Create a free, sovereign, separate state for themselves. 2. Form a confederation with another independent state. And 3. Any other solution agreed by a majority Tamil people. International laws dictate that Tamils are entitled to the right of self-determination. India, you, me or the Sri Lanka Government cannot dictate terms to what Tamils should do.

I want to emphasize one point here. Historically, peoples who have suffered through genocide-level atrocities like what the Tamil people have been through, assured their safety only after creating a separate state for themselves.

During the last few months when more than 50,000 Tamils were slaughtered in Vanni no country was able to stop the killings. All countries failed to execute their obligatory duty as required by the 1948 Genocide Convention. For Tamils to safeguard their lives from the Sri Lankan State, International Community should assist the Tamils to form their own separate state. International covenants declare that it is necessary and just that such peoples who have been affected by genocidal crimes to form their own state.

India's reason for not supporting Sri Lanka's Tamils is that a separate Tamil State in Sri Lanka will trigger fissiparous tendencies within Tamil Nadu. This is a lie and simply double talk. Failure to ensure safety to Sri Lanka Tamils is a moral disgrace to India and a stain in India's illustrious history.

International Covenant on Civil and Political Rights (ICCPR) clearly the Tamil people have the right to self-determination. Sri Lanka is a signatory to this covenant. Sri Lanka has accepted that Tamil people is a distinct race with their own language and have lived in areas of historical inhabitation.

Therefore, they have the right to exercise their right to self-determination, and as a free people they can then safeguard and nurture their social, economic, and cultural well-being.

Boyle debunks Kohona's war-crimes braggadocio

[TamilNet, Sunday, 23 August 2009, 03:17 GMT]

Debunking Sri Lanka's Foreign Secretary, Palitha Kohona's statement that "no winner of a war has been tried [for war crimes] before a Tribunal," Francis Boyle, Professor of International Law at the Illinois College of Law, said, as legal counsel for the Mothers of Srebrenica and Podrinja, he had convinced the Honorable Carla Del Ponte, the Prosecutor for the International Criminal Tribunal for the Former Yugoslavia (ICTY), to indict Yugoslav President Slobodan Milosevic for every crime in the ICTY Statute, including genocide, war crimes and crimes against humanity.

Kohona told a Sri Lanka's local paper in an interview Thursday: "If you look at the history of war crimes there isn't one instance where a winner of a war has been tried before a Tribunal. They have always been set up for losers. And if you were to take winners then the start would have to be taken elsewhere. Sri Lanka did not drop atom bombs or destroy entire cities during the war."

Boyle mocked this statement pointing to the fate of Slobodan Milosevic, and added, "Milosevic died on trial before the ICTY for these international crimes, including the genocidal massacre at Srebrenica.

"Today, Milosevic's henchman Radovan Karadzic—self-styled President of the self-styled Republika Sprka-- is on trial before the ICTY for every crime in the ICTY Statute, including the genocidal massacre at Srebrenica," Prof. Boyle said.

Boyle warned, "someday we shall hold to account the GOSL genocidaires as well, especially the Rajapaksa brothers and Fonseka, for their international crimes, including the genocidal massacre of Tamils on the Wannai Beach."

"Colombo bringing the war-crimes issue to public scrutiny reflects the nervousness the Sri Lanka's ruling administration feels on the potential fate of some high-level officials when the international legal spotlight turns on them. The evidence being collected from Satellite-witnessed massacres of Tamil civilians, and the eye-witness accounts that will soon be available from massacre escapees, will be haunting these officials," spokesperson of a US-based activist group TAG told TamilNet.

Boyle, Fein charge Sri Lanka of Genocide in Chennai seminar

[TamilNet, Tuesday, 09 June 2009, 02:20 GMT]

Francis Boyle, Professor of International Law at the University of Illinois College of Law, and Bruce Fein, a Washington D.C. Attorney, speaking at a seminar in Chennai organized by the International Tamil Center Monday, reiterated charges of Genocide against the Sri Lanka Government alleging massacre of more than 50,000 Tamil civilians, sources attending the event said. While Prof. Boyle urged India to file charges in International Court against Sri Lanka for violating Geneva conventions, and to stop Colombo "to cease and desist from all acts of genocide against Tamils," Fein stressed the urgent need for the Tamils to reach a "consensus on their political aspirations." The event was organized by Dr Panchadcharam, a consultant physician from New York.

Full text of draft of Prof. Boyle's talk at the seminar follows:

THE RIGHTS OF THE TAMILS LIVING ON THE ISLAND OF SRI LANKA UNDER INTERNATIONAL LAW AND PRACTICE

Introduction

There are two basic points I want to make: First, the Tamils living on Sri Lanka have been the victims of genocide. Second, the Tamils living on Sri Lanka have the right to self-determination under international law and practice, including the right to establish their own independent state if they so desire. And the fact that the Tamils living on Sri Lanka have been victims of genocide only strengthens and reinforces their right to self-determination, including establishing their own independent State if that is their desire.

Genocide

Article I of the 1948 Genocide Convention requires all 140 states parties to immediately act in order "to prevent" the ongoing GOSL genocide against the Tamils. One of the most important steps the 140 contracting states parties to the Genocide Convention must take in order to fulfill their obligation under Article I is to sue Sri Lanka at the International Court of Justice in The Hague (the so-called World Court) for violating the 1948 Genocide Convention on the basis of Article IX thereto: "Disputes between the Contracting Parties relating to the interpretation, application or fulfillment of the present Convention, including those relating to the responsibility of a State for genocide or for any of the other acts enumerated in Article III, shall be submitted to the International Court of Justice at the request of any of the parties to the dispute."

Any one or more of the 140 states parties to the Genocide Convention (1) must immediately sue Sri Lanka at the International Court of Justice in The Hague; (2) must demand an Emergency Hearing by the World Court; and (3) must request an Order indicating provisional measures of protection against Sri Lanka to cease and desist from committing all acts of genocide against the 300,000 Tamils in Vanni. Such a World Court Order is the international equivalent to a domestic temporary restraining order and permanent injunction.

Once issued by the World Court, this Order would be immediately transmitted to the United Nations Security Council for enforcement under U.N. Charter article 94(2). So far the member states of the United Nations Security Council have failed and refused to act in order to do anything to stop the GOSL's genocide against the Tamils (1) despite the fact that the situation in Vanni constitutes a "threat to the peace" that requires Security Council action under article 39 of the United Nations Charter and (2) despite the fact that they are all obligated "to

prevent” Sri Lanka’s genocide against the Tamils under article I of the Genocide Convention. This World Court Order will put the matter on the Agenda of the Security Council and force the Security Council to take action in order “to prevent” the ongoing genocide against the Tamils by Sri Lanka.

Article II of the Genocide Convention defines the international crime of genocide in relevant part as follows:

In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group such as:

(a) Killing members of the group;

(b) Causing serious bodily or mental harm to members of the group;

(c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;

....

Certainly the Sinhala-Buddhist Sri Lanka and its legal predecessor Ceylon have committed genocide against the Hindu/Christian Tamils that actually started on or about 1948 and has continued apace until today and is now accelerating in Vanni in violation of Genocide Convention Articles II(a), (b), and (c).

For the past six decades, the Sinhala-Buddhist Ceylon/Sri Lanka has implemented a systematic and comprehensive military, political, and economic campaign with the intent to destroy in substantial part the different national, ethnical, racial, and religious group constituting the Hindu/Christian Tamils. This Sinhala-Buddhist Ceylon/Sri Lanka campaign has consisted of killing members of the Hindu/Christian Tamils in violation of Genocide Convention Article II(a). This Sinhala-Buddhist Ceylon/Sri Lanka campaign has also caused serious bodily and mental harm to the Hindu/Christian Tamils in violation of Genocide Convention Article II(b). This Sinhala-Buddhist Ceylon/Sri Lanka campaign has also deliberately inflicted on the Hindu/Christian Tamils conditions of life calculated to bring about their physical destruction in substantial part in violation of Article II(c) of the Genocide Convention.

Since 1983 the Sinhala-Buddhist Sri Lanka have exterminated approximately 100,000 Hindu/Christian Tamils. The Sinhala-Buddhist Sri Lanka have now added another 300,000 Hindu/Christian Tamils in Vanni to their genocidal death list. Humanity needs one state party to the Genocide Convention to fulfill its obligation under article I thereof to immediately sue Sri Lanka at the World Court in order to save the 300,000 Tamils in Vanni from further extermination. Time is of the essence!

Self-determination

This gets into the second point that I want to make concerning the Tamils as a group of people living on the Island of Sri Lanka – their right to self-determination under international law and practice. And here I wanted to quote from an international treaty to which the government of Sri Lanka is a party, thus explicitly recognizing that the Tamils living on the Island of Sri Lanka have a right of self-determination. This is from the International Covenant on Civil and Political Rights, to which the government of Sri Lanka is a party. They are bound by their own treaty, which says quite clearly in Article One: “All peoples have the right of self-determination.”

And clearly, the Tamils living on the Island of Sri Lanka are a “people.” The Tamils on Sri Lanka have a separate language, race, ethnicity, and religions, from the GOSL. The Tamils see

themselves as a separate group of "people" and they are perceived to be such by the GOSL. For that precise reason the GOSL has attempted to exterminate the Tamils and ethnically cleanse their Homeland. So no better proof is needed than that. Both the objective criteria and the subjective criteria for establishing a "people" with a right of self-determination under international law and practice have been fulfilled by the Tamils living on Sri Lanka.

Let me continue enumerating a few more of the most basic self-determination rights of the Tamils living on Sri Lanka under international law that are recognized by this International Covenant that the GOSL is a party to: "By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development." Those are rights that the Tamils living on Sri Lanka have today even as recognized by the government of Sri Lanka. Those are group rights and not just individual rights. And those are group rights that must be protected because the government of Sri Lanka has attacked the Tamils as a group, not just as individuals. So, since Tamils have been victims as a group, they must be protected as a group. And one of the most basic rights of all that the Tamils have to protect themselves is this right of self-determination including determining their political status and pursuing their own economic, social and cultural development, as well as the establishment of an independent state of their own if that is what the Tamils decide is required for them to accomplish these objectives.

Another component of this right of self-determination for the Tamils living on Sri Lanka is set forth in paragraph (2) of this Article One of the International Covenant on Civil and Political Rights, to which the government of Sri Lanka is a party. Notice here I am only using the treaties the GOSL itself is a party to, including the Genocide Convention. I am not citing any principles of international law that the GOSL has not already recognized and indeed violated grievously with respect to the Tamils living on Sri Lanka: "All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic cooperation, based upon the principle of mutual benefit, and international law. In no case may the people be deprived of its own means of subsistence."

Yet we all know for a fact that the GOSL has done everything humanly possible to deprive the Tamil people of their own means of subsistence to a level that now constitutes genocide, in violation of that provision I quoted before from the Genocide Convention prohibiting inflicting on a group conditions of life calculated to bring about their physical destruction in whole or in part. Notice these economic and political rights are related to each other. Both elements of the right to self-determination must protect the Tamils since they have been victims of genocide. We must protect their political rights as well as their economic rights, to freely dispose of their natural wealth and resources. The Tamil people, not the GOSL, must control their traditional Homeland in the North and the East of the Island, their farms, their mines, their plantations, their forests, their waters, their beaches etc. This is critical. Yet today we know that the GOSL is currently in the process of stealing, destroying and negating all these economic and political rights of the Tamils in their traditional Homeland in the North and the East of the Island of Sri Lanka. The GOSL is currently inflicting ethnic cleansing on the Tamils living there.

I have already established that the Tamil people living on Sri Lanka have a right of self-determination, even in accordance with the GOSL's own treaties themselves. What are some of the other political consequences of their right of self-determination? These are set forth in what is known as the Declaration on Principles of International Law Concerning Friendly Relations and Co-operation Among States in Accordance with the Charter of the United Nations (1971). The government of Sri Lanka approved this Declaration in the United Nations General Assembly -- so I am not quoting here any provision of law that the GOSL has not already approved. And from the Declaration let me state what are the political alternatives that are open to the Tamil people, and they are set forth as follows: "[1] The establishment of a sovereign and independent State, [2] the free association or integration with an independent State, or [3] the emergence into any other political status freely determined by a people

constitute the modes of implementing the right of self-determination by that people.”

So again, it is not for the GOSL to determine what might be the ultimate political outcome here. It is for the Tamil people living on Sri Lanka to determine which of those three options they desire. I also want to make it clear that it is not for me to tell the Tamils on Sri Lanka which of these three options they should choose. Moreover, it is not for the Tamils of India to tell the Tamils on Sri Lanka which of these three options they should choose. This is for them to decide pursuant to their right of self-determination under international law and practice.

However I do want to note that historically the only way a people that has been subjected to genocide like the Tamils on Sri Lanka have been able to protect themselves from further extermination has been the creation of an independent state of their own. Indeed as the world saw for the last several months the government of Sri Lanka wantonly, openly, shamelessly, and gratuitously exterminated over 50,000 Tamils in Vanni; yet not one state in the entire world rose to protect them or defend them or help them as required by Article I of the 1948 Genocide Convention. Hence the need for the Tamils on Sri Lanka to have their own independent state in order to protect themselves from further annihilation by the GOSL. International law and practice establish that an independent state of their own is the only effective remedy as well as the only appropriate reparation for a people who have been the victims of genocide.

Now the Indian government has basically argued that if it were to recognize the right of the Tamils on Sri Lanka to self-determination and an independent state of their own, then the 60 million Tamils in Tamil Nadu would also assert that same right and proceed to secede from India. I submit this is a false dichotomy under international law and practice. It must not be used as an excuse for inaction by the government of India when it comes to protecting the Tamils living on Sri Lanka.

In this regard, let me return to the Declaration on Principles of International Law Concerning Friendly Relations and Cooperation Among States that was approved by both India and Sri Lanka and sets forth rules of customary international law interpreting the terms of the United Nations Charter itself as determined by the International Court of Justice in the Nicaragua case (1986). In particular let me draw to your attention the following language: “Nothing in the foregoing paragraphs shall be construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the principle of equal rights and self-determination of peoples as described above and thus possessed of a government representing the whole people belonging to the territory without distinction as to race, creed or colour.”

This paragraph of the Declaration sets forth the rules of customary international law when it comes to the right of a people to secede from another state by means of exercising their right of self-determination. As you can see from the above language secession is permitted only when a government does not conduct itself “in compliance with the principle of equal rights and self-determination of peoples” and thus does not represent “the whole people belonging to the territory without distinction as to race, creed or colour.”

From its very foundation in 1948 the government of Ceylon/Sri Lanka has never conducted itself “in compliance with the principle of equal rights and self-determination of peoples” with respect to the Tamils. Furthermore, the government of Ceylon/Sri Lanka has never represented “the whole people belonging to the territory without distinction as to race, creed or colour” with respect to the Tamils. In fact the government of Ceylon/Sri Lanka has always discriminated against and persecuted the Tamils on grounds of race, creed, colour, and language. This endemic pattern of criminal behavior by the Sinhala has now culminated in wholesale acts of genocide against the Tamils being inflicted by the government of Sri Lanka.

So of course the Tamils have the right to secede from Sri Lanka under international law and practice and especially under the terms of this Declaration.

Conversely, the government of India does conduct itself "in compliance with the principle of equal rights and self-determination of peoples" with respect to the Tamils in Tamil Nadu and is thus "possessed of a government representing the whole people belonging to the territory without distinction as to race, creed or colour." India just had elections where the Tamils in Tamil Nadu participated on a basis of full equality with everyone else. The Tamils in India have full legal equality with all other peoples in India and indeed have their own state here in Tamil Nadu. Therefore in my opinion, the 60 million Tamils in Tamil Nadu do not have a right of secession under international law and practice according to this Declaration, which sets forth the basic rules of customary international law on this subject.

Conversely, however, the Tamils living on Sri Lanka do have a right of secession under international law and practice including this Declaration for which both India and Sri Lanka voted. So with all due respect to the position of the Indian government, it is a false dichotomy for it to assert that recognition of the right of self-determination with an independent state of their own for the Tamils living on Sri Lanka would lead to the same for the Tamils in Tamil Nadu. There is no basis in international law for this conclusion. Indeed, basic principles of international law including this Declaration would fully support the territorial integrity of India in the event the government of India were to recognize the right of the Tamils living on the Island of Sri Lanka to self-determination including an independent state of their own.

Conclusion

Be that as it may, even if out of an excess of caution the government of India is not prepared to go that far at this time, nevertheless at a minimum, since it is the original homeland for the Tamils, the government of India has the right, the obligation, and the standing under international law and practice to act as *parens patriae* for the Tamils living on Sri Lanka. Therefore, India must immediately sue the GOSL for genocide at the International Court of Justice in The Hague, demand an Emergency Hearing of the Court, and request that the World Court issue a Temporary Restraining Order against the GOSL to cease and desist from committing all acts of genocide against the Tamils living on Sri Lanka. The ghosts of Dachau, Auschwitz, Cambodia, Sabra and Shatilla, Srebrenica, Rwanda, Kosovo, and now Vanni demand no less!

Sinhala "lebensraum" in progress in Vanni, warns Prof.Boyle

[TamilNet, Wednesday, 03 June 2009, 03:15 GMT]

"The Government of Sri Lanka (GoSL) is continuing to inflict Nazi-type crimes and atrocities against the Tamils even after their alleged excuse of fighting a "war against terrorism" has been exposed as a bogus pretext to annihilate the Tamils and to steal their lands and natural resources. This is what Hitler and the Nazis called "lebensraum"--"living space" for the Sinhala at the expense of the Tamils. The GOSL's "ethnic cleansing" of the Tamil Homeland for the benefit of the Sinhala is now underway," warns Francis Boyle, professor of International Law at the University of Illinois College of Law.

"With the UN already under fire for withholding and downplaying the number of civilian casualties in Sri Lanka, another ongoing controversy has opened up concerning the number of internally displaced persons detained in the IDP camps in northern Sri Lanka. Between the May 27 and May 30 reports of the UN's Office for the Coordination of Humanitarian Affairs, over 13,000 IDPs simply disappeared from the camps," reported Inner City Press which is covering the affairs at the United Nations in New York.

"Concerning these missing 13,130+ genocide-survivors from the Safety Zone, Article 7(1)(i) of the Rome Statute for the International Criminal Court provides that the "enforced disappearance of persons" is a Crime Against Humanity "when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack," Boyle said.

Clearly the GOSL's enforced disappearances of these Tamils and other Tamils in the past has been both "widespread" and "systematic" as documented over the years by numerous human rights NGOs. The GOSL's widespread and systematic enforced disappearances of Tamils over the years constitutes a Crime Against Humanity, Boyle added.

"According to the Nuremberg Charter (1945), the Nuremberg Judgment (1946) and the Nuremberg Principles (1950), the paradigmatic example of a Crime Against Humanity is what Hitler and the Nazis did to the Jews.

"Historically, this Nuremberg Crime Against Humanity was the legal precursor to the International Crime of Genocide as defined by the 1948 Genocide Convention," Boyle said.

Lebensraum served as a major motivation for Nazi Germany's territorial aggression. Adolf Hitler believed that the German people needed Lebensraum – for a Großdeutschland, land, and raw materials – and that it should be taken in the East. It was the stated policy of the Nazis to kill, deport, Germanize or enslave the Polish, and later also Russian and other Slavic populations, and to repopulate the land with reinrassig (racially pure) Germanic peoples.

Sri Lanka Government' Nazi-type crimes in the Vanni appear motivated by the doctrine of lebensraum, and the future survival of Tamil culture in Sri Lanka is in peril, says Prof. Boyle.

UN Officials complicit in aiding, abetting GoSL's Nazi-type crimes - Prof. Boyle

[TamilNet, Saturday, 30 May 2009, 11:14 GMT]

Pointing to a report in the French paper Le Monde, which quoted Vijay Nambiar, chief of Staff of UN Secretary General Ban Ki Moon, as telling UN representatives in Sri Lanka that the UN should "keep a low profile" and play a "sustaining role" that was "compatible with the government," Francis Boyle, professor of International Law at the University of Illinois College of Law said Saturday that both the United Nations Organization itself and its highest level officials are guilty of aiding and abetting Nazi-type crimes against the Tamils by the Government of Sri Lanka, in violation of international law. "Unless this Momentum is reversed and all these U.N. Officials fired, the United Nations Organization shall follow the League of Nations into the "ashcan" of History," Boyle said.

Nambiar's statement made while the GOSL inflicted genocide, crimes against humanity, war crimes and ethnic cleansing upon the Tamils in violation of the 1948 Genocide Convention, the Four Geneva Conventions of 1949 and their Two Additional Protocols of 1977, as well as the principles of Customary International Criminal Law set forth in the Nuremberg Charter (1945), the Nuremberg Judgment (1946) and the United Nation's own codification of the Nuremberg Principles (1950) for the trial and prosecution of the Nazis--all of which are now incorporated into the Rome Statute for the International Criminal Court, Boyle said.

"In other words, both the United Nations Organization itself and its highest level officials are guilty of aiding and abetting Nazi-type crimes against the Tamils by the GOSL.

"The United Nations Organization and its Highest Level Officials did the exact same thing to the Bosnians at Srebrenica in July of 1995--Days that have lived in Infamy and Shame for the United Nations ever since then.

"By comparison, today the GOSL's genocidal massacre of the Tamils in Vanni could be about four times Serbia's genocidal massacre of the Bosnians at Srebrenica.

Further, The Times of UK revealed Saturday, that the top aide to the United Nations Secretary-General Nambiar was told more than a week ago that at least 20,000 Tamil civilians were killed in the Sri Lankan Government's final offensive against the Tamil Tiger rebels this month.

"History is repeating itself with a Vengeance for the United Nations. Unless this Momentum is reversed and all these U.N. Officials fired, the United Nations Organization shall follow the League of Nations into the "ashcan" of History!" Boyle said.

Adding further complicity to Vijay Nambiar's role as a special UN envoy to Sri Lanka is the involvement of his brother Satish Nambiar, a former Indian general as a consultant to the Sri Lankan government. Satish Nambiar "was quoted on the Sri Lankan military's web page praising the Army's and its commander's conduct of the war in the north, despite all the civilians killed. It is, the [unnamed Security Council] diplomat said bitterly, all a family affair," a report of 11th May in the Inner City Press, said.

Unprincipled, shameless, "Orwellian" UN resolution ever - Prof. Boyle

[TamilNet, Thursday, 28 May 2009, 23:31 GMT]

"This is one of the most unprincipled and shameless resolutions ever adopted by any body of the United Nations in the history of that now benighted Organization. It would be as if the U.N. Human Rights Council had congratulated the Nazi government for the "liberation" of the Jews in Poland after its illegal and genocidal invasion of that country in 1939," said Francis Boyle, professor of International Law at the University of Illinois College of Law, referring to the resolution passed at the United Nations Human Rights Council on the Sri Lanka war.

"This Resolution simultaneously gives the imprimatur of the U.N. Human Rights Council to the ethnic cleansing, genocide, crimes against humanity and war crimes that the Government of Sri Lanka has already inflicted upon the Tamils in the past , as well as the Council's proverbial "green light" for the GOSL to perpetrate and escalate more of the same international crimes against the Tamils in the future," Boyle said.

"The U.N. Human Rights Council and those member States that voted in favor of this Resolution have thereby become ACCESSORIES AFTER THE FACT to the GoSL's genocide, crimes against humanity, war crimes and ethnic cleansing against the Tamils in the past, as well as AIDERS AND ABETTORS to future acts of genocide, crimes against humanity, war crimes and ethnic cleansing that the GOSL will undoubtedly inflict upon the Tamils thanks to this Resolution-all in violation of the Genocide Convention, the Four Geneva Conventions of 1949 and their Two Additional Protocols of 1977 as well as the Rome Statute for the International Criminal Court.

"Sri Lanka, together with these other Council States, are contracting parties to some or all of these International Criminal Law Conventions and therefore must be held accountable for their violation and international crimes against the Tamils," Boyle added.

"History shall so judge them all!

"Orwell stands vindicated by the U.N. Human Rights Council: WAR IS PEACE, FREEDOM IS SLAVERY, IGNORANCE IS FREEDOM, THE U.N. HUMAN RIGHTS COUNCIL LOVES BIG BROTHER," Boyle said, indicating he is deeply disturbed by the U.N. action.

“Glaring hypocrisy, blatant sophistry” Boyle slams Swiss UN Resolution

[TamilNet, Tuesday, 26 May 2009, 17:35 GMT]

Pointing out the twelfth operative paragraph of the Draft Resolution sponsored by Switzerland, that is currently pending before the U.N. Human Rights Council, Professor Boyle, expert in International Law and Professor at the University of Illinois College of Law, says this would be the same “as if the U.N. Human Rights Council had invited the Nazi government to investigate and prosecute itself for genocide, crimes against humanity and war crimes against the Jews instead of supporting the Nuremberg Charter and Tribunal.”

The twelfth operative paragraph says, "12. The Council stresses the importance of combating impunity and calls on the government of Sri Lanka to investigate all allegations and bring to justice, in accordance with international standards, perpetrators of violations of human rights and of international humanitarian law, including hostage taking, torture, enforced disappearances and extrajudicial, summary or arbitrary executions, and to increase its efforts to further prevent such violations;"

Boyle said, “ I am not going to waste my time here going through the hypocrisy and sophistry of the Draft Resolution sponsored by Switzerland that is currently pending before the U.N. Human Rights Council with the support of 25 other U.N. Member States. For operative paragraph 12 of the Swiss Resolution gives their entire Public Relations game away.

“It calls upon the Government of Sri Lanka to investigate and prosecute itself for war crimes and crimes against humanity, "including hostage taking, torture, enforced disappearances and extrajudicial, summary or arbitrary executions.

"It would be as if the U.N. Human Rights Council had invited the Nazi government to investigate and prosecute itself for genocide, crimes against humanity and war crimes against the Jews instead of supporting the Nuremberg Charter and Tribunal.

“So in other words the Swiss Resolution is basically a continuation of the international whitewash and cover-up of the GOSL's genocide, crimes against humanity and war crimes against the Tamils,” Professor Boyle said.

He added, “[t]he glaring hypocrisy and blatant sophistry of the Swiss Resolution is heightened by the fact that Switzerland is the Depositary for the Four Geneva Conventions of 1949 and their Two Additional Protocols of 1977 and therefore bears a special obligation under international law to promote, guarantee and ensure their effective enforcement rather than their negation and nullification, which this Swiss Resolution will do. Obviously, Switzerland knows exactly what it is doing. The same is true for the 25 other state Co-Sponsors of the Swiss Resolution.

“Instead of this meaningless and hypocritical and unprincipled Swiss Resolution, the U.N. Human Rights Council must establish an International Commission of Investigation to inquire into whether the GOSL has inflicted genocide, crimes against humanity and war crimes against the Tamils. Otherwise the U.N. Human Rights Council and its member states will simply and knowingly become part of the GOSL's propaganda campaign and cover-up against the Tamils.

“If adopted, History shall record for all time their cruel crocodile tears shed for the Tamils in this infamous Swiss Resolution,” Boyle warned.

"Accessories after the fact to acts of Genocide"

[TamilNet, Saturday, 23 May 2009, 02:00 GMT]

Condemning the sponsorship, by twelve states, of a self-praising resolution submitted to the United Nations by the Government of Sri Lanka, before the scheduled UN Human Rights Council emergency session scheduled for Monday, Professor Boyle, an expert in International Law said Friday that these states have become accessories after the fact to the numerous acts of genocide, crimes against humanity and war crimes that the Government of Sri Lanka has perpetrated upon the Tamils.

Labeled "Assistance to Sri Lanka in the Promotion and Protection of Human Rights," Sri Lanka's proposed text is co-signed by Indonesia, China, Saudi Arabia, India, Pakistan, Malaysia, Bahrain, Philippines, Cuba, Egypt, Nicaragua, and Bolivia, reported UN Watch, a non-governmental organization based in Geneva whose mandate is to monitor the performance of the United Nations.

"Their sponsorship of this Resolution means that the above-mentioned states have thereby all become ACCESSORIES AFTER THE FACT to the numerous acts of genocide, crimes against humanity and war crimes that the Government of Sri Lanka has perpetrated upon the Tamils in violation of the 1948 Genocide Convention, the Four Geneva Conventions of 1949 and their Two Additional Protocols of 1977, as well as the rules of customary international criminal law, including humanitarian law and the laws of war," Prof. Boyle said.

"By definition, violations of international treaties, genocide, crimes against humanity and war crimes cannot possibly fall within the domestic jurisdiction of a State.

"That Principle goes back to the Nuremberg Charter of 1945 and the Nuremberg Judgment of 1946 concerning the prosecution of the Nazis," Boyle added.

"This Resolution constitutes a total debasement and perversion of everything the United Nations Charter and the U.N. Human Rights Council are intended to stand for," Boyle said.

By contrast, the upcoming Monday session was initiated by the council's European Union members and supported by Argentina, Bosnia, Canada, Chile, Mexico, Mauritius, South Korea, Switzerland, Ukraine and Uruguay, UN Watch said.

"Sri Lanka's action today constitutes an outrageous abuse and show of contempt for the international human rights process," said Hillel Neuer, an international lawyer and the executive director of UN Watch, a Geneva-based human rights monitoring group.

300,000 Tamils held in Nazi-style concentration camps, says Prof. Boyle

[TamilNet, Friday, 22 May 2009, 12:30 GMT]

"These Nazi-style concentration camps that the Government of Sri Lanka is now forcibly imposing on at least 300,000 completely innocent Tamil civilians constitute acts of genocide within the meaning of Article II(c) of the 1948 Genocide Convention, to which Sri Lanka is a contracting party," Professor Boyle who is an expert international law and teaches at the University of Illinois College of Law said.

Article II(c) of the 1948 Genocide Convention: "c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part."

All other contracting parties to the Genocide Convention such as the United States, Britain, France and India have an absolute obligation under Article I of the Genocide Convention "to prevent" these acts of genocide against Tamils perpetrated by the GOSL under the guise of concentration camps, Professor Boyle said.

"Yet so far these other States have done nothing to alleviate the genocidal plight of the Tamils in Vanni.

"Unless these other states act immediately to rectify the genocidal humanitarian situation for the Tamils in Vanni, they will all become "complicit" in these the GOSL's latest acts of genocide against the Tamils in violation of Genocide Convention Article III(e) that prohibits, condemns and criminalizes: "(e)Complicity in genocide," Boyle added.

"These states have already made a mockery out of history's post World War II emphatic injunction that motivated the drafting of the Genocide Convention: Never again!" Boyle said in a note to TamilNet.

Sri Lanka destroys evidence, prevents ICRC, UN access - Prof. Boyle

[TamilNet, Wednesday, 20 May 2009, 04:20 GMT]

Noting that the slow genocide of Tamils in Sri Lanka accelerated to more than 10,000 killed in the last few months, far exceeding the horrors of Srebrenica, Professor Boyle in conversation with Los Angeles KPFK radio host, Michael Slate, Tuesday, accused Sri Lanka Government of bulldozing and destroying evidence of massacres in the Safety Zone while preventing access to the Red Cross and UN agencies. Boyle added that the United States Government with spy satellites would be knowing exactly what Sri Lanka's actions are in the Safe Zone, and stand implicated along with UK, France, and India in allowing the genocide to happen.

"Today ICRC still does not have access when the area should be flooded with food and medicine to urgently attend to the 300,000 Internally Displaced Tamils held in Sri Lanka Army (SLA) supervised camps," Boyle said, adding, survivors from the Safety Zone, from starvation, resembled escapees from Nazi death camps.

The situation was similar to what happened in Gaza, Boyle said, but in Gaza people had access to food via under ground tunnels, whereas the Tamils holed up in the Safety Zone were completely cutoff from the outside and were entirely dependent on food transported by the ICRC ships.

Tracing the history of the conflict, Boyle and Slate agreed that Sri Lanka was an apartheid state from the very beginning of independence, and pointed to the violent elements of the Buddhist clergy, and the India's dravidian-oriented racism as elements that exacerbated the deterioration of the conflict towards genocide.

Peace processes failed, Boyle argued, because Sri Lankan Governments, instead engaging in good faith negotiation, "wanted control, domination, and elimination of the Tamil population."

"We may be at the beginning of a humanitarian catastrophe for the Tamil people in Sri Lanka which would fit the ultimate objective of the Government motivated by chauvinist, violent racism," Boyle said, adding "my experience in working in genocidal situations says once the government and the people are possessed of this genocidal mentality it's very difficult to stop."

Slate added, "Tamil people are a severely oppressed nation. Anyone of conscience must stand up and support their resistance."

"Klerk risks repeating Netherland's criminality on Srebrenica genocide"

[TamilNet, Wednesday, 13 May 2009, 23:06 GMT]

By dismissing the horrendous rights violations of Sri Lanka in the safety zone of Mullaiththeevu as "not applicable" to providing favorable tariff treatment to Sri Lankan textiles under the GSP Plus Program, Pieter de Klerk, Netherland's Acting Permanent Representative to the UN, is in danger of repeating Netherland Government's history of criminality on Srebrenica genocide again on the genocide currently taking place in Vanni, Sri Lanka, a legal scholar in the U.S. pointed out. Inner City Press which carried the Dutch Representative's statement, mused, "[i]f the killing of thousands of civilians, hundreds in the last weekend alone, does not implicate the EU's [European Union] notions of human rights, perhaps these notions are bankrupt."

At a panel discussion Tuesday on the European Union and Human Rights, at the United Nations in New York, Inner City Press asked the Netherlands' acting Permanent Representative, Piet de Klerk, what the EU is going about following up on its favorable tariff treatment to Sri Lankan textiles under the GSP Plus program, on which the EU purportedly considers human rights. DPR de Klerk said he didn't think that human rights were "applicable to this sort of situation."

"The Dutch Government was criminally responsible for the genocidal massacre of 8000 Bosnian Muslims at Srebrenica in July of 1995 by Serbia. So of course it comes as no surprise that the Dutch Government has no problem with the Srebrenica-style genocidal massacre of 10,000 Tamils in Vanni by Sri Lanka in 2009. History is repeating itself," said University of Illinois law professor, Francis Boyle, who was a key player in bringing indictment against Slobodan Milosevic for committing genocide, crimes against humanity, and war crimes in Bosnia and Herzegovina.

The criminal complaint for the Srebrenica massacre included the Dutch nationals, Joris Voorhoeve, Dutch Minister of Defense, Dutch General Cees Nicolai, in the UN Chain of Command and reporting to Voorhoeve as well, and the Dutch Colonel Thomas Karremans, in charge of Srebrenica at the time of the massacre.

The Dutch government resigned on 16 April 2002, a week after a report on the 1995 fall of Srebrenica held political leaders partly responsible for failing to protect Muslims in a UN safe 'haven' in Bosnia.

Full text of the criminal complaint against United Nations' officials follows:

MOTHERS OF SREBRENICA AND PODRINJA ASSOCIATION
v.
UNITED NATIONS OFFICIALS AND OTHERS
(CRIMINAL COMPLAINT FOR THE SREBRENICA MASSACRE)

UNITED NATIONS, THE HAGUE, NETHERLANDS.

The Mothers of Srebrenica and Podrinja Association, headquartered in Vogosca, Bosnia and Herzegovina file a Criminal Complaint with the Prosecutor for the International Criminal Tribunal for the Former Yugoslavia (ICTY), Madame Carla Del Ponte, on Friday, February 4 against the following Officials of the United Nations Organization and others for the role they played in the fall and genocidal massacre at Srebrenica in July of 1995: BOUTROS BOUTROS-GHALI, KOFI ANNAN, YASUSHI AKASHI, BERNARD JANVIER, RUPERT SMITH, HERVÉ GOBILLIARD, JORIS VOORHOEVE, CEES NICOLAI, THOMAS KARREMANS, ROBERT FRANKEN, THORVALD STOLTENBERG, CARL BILDT, DAVID OWEN, MICHAEL ROSE, THEIR SUBORDINATES, SLOBODAN MILOSEVIC,

RADOVAN KARADZIC, AND RATKO MLADIC.

The genocidal massacre at Srebrenica was the single greatest human rights atrocity perpetrated in Europe since the genocidal horrors inflicted by the Nazis during the Second World War. Approximately 10,000 Bosnian Muslim men and boys were systematically exterminated during just a few days by the Bosnian Serb Army under the direct command of Milosevic, Karadzic, and Mladic. During this time, the above-named United Nations Officials and their subordinates deliberately and maliciously refused to do anything to stop this genocidal massacre at the U.N.-declared "safe area" of Srebrenica despite having the legal obligation, the legal and political authority, and the military power to do so.

The Complaint accuses the above-named United Nations Officials and their subordinates of planning, preparing, conspiring, instigating, complicity, and otherwise aiding and abetting, in the planning, preparation, conspiracy, complicity, and execution of crimes referred to in articles 2 to 5 of the ICTY Statute: Article 2--Grave Breaches of the Geneva Conventions of 1949; Article 3--Violations of the Laws or Customs of War; Article 4--Genocide; and Article 5--Crimes against Humanity.

Under ICTY Statute article 18(1), this Complaint establishes a "sufficient basis to proceed" toward the investigation and indictment of the above-named United Nations Officials and their subordinates by the Prosecutor. Pursuant to article 18(4) of the Statute, the Complaint requests that the Prosecutor prepare the appropriate indictments against the above-named United Nations Officials and their subordinates, and transmit these indictments to a Judge of the ICTY Trial Chamber for confirmation. If confirmed by the Judge, the Complaint requests that pursuant to Statute article 19(2), the Prosecutor request the Judge to issue international warrants calling for the arrest, detention, surrender and transfer to the Tribunal of the above-named United Nations Officials and their subordinates. The Complaint also requests that the Prosecutor ask the confirming Judge to freeze the worldwide financial assets of the above-named United Nations Officials and their subordinates so that the Mothers of Srebrenica and Podrinja Association might receive some small degree of reparations for the terrible harm that the above-named United Nations Officials and their subordinates deliberately and maliciously inflicted upon them and their deceased next-of-kin at Srebrenica and its environs during July of 1995.

WE WILL NOT REST UNTIL JUSTICE IS DONE!

Mothers of Srebrenica & Podrinja
Sakiba Ćere 9
Vogosca
Bosnia & Herzegovina

Professor Francis A. Boyle
Attorney for the
Mothers of Srebrenica & Podrinja

Prof. Boyle: hold Emergency Meeting of UNSC to stop Tamil genocide

[TamilNet, Tuesday, 12 May 2009, 23:20 GMT]

Pointing out that, under the current circumstances, the Provisional Rules of Procedure of the United Nation's Security Council (UNSC) provide at least three ways to convene a formal meeting of the Security Council in order to terminate the Genocide against Tamils by the Government of Sri Lanka (GoSL), Prof. Francis A. Boyle, professor of International Law at the Illinois University College of Law, says, failure of the Secretary General, Governments of the United States, U.K, France, and India to hold a UNSC Emergency meeting indicates that they are all quietly supporting the GoSL genocide against the Tamils from behind the scenes, despite their crocodile tears in public.

Professor Boyle provides the legal framework for the possible three ways to convene a UN Security Council Emergency meeting:

First, Rule 2 provides: "The President {of the Security Council} shall call a meeting of the Security Council at the request of any member of the Security Council." So in other words, any member of the Security Council can convene a meeting of the Security Council despite the opposition of Russia and China. Why have not the United States, Britain or France so far convened a meeting of the Security Council to terminate the GOSL's genocide against the Tamils? Clearly, any one of these states can do so immediately if they really cared about the Tamils in Vanni. The fact that they have not indicates that they are quietly supporting the GOSL genocide against the Tamils from behind the scenes despite their crocodile tears in public.

Second, Rule 3 provides in relevant part: "The President {of the Security Council} shall call a meeting of the Security Council...if the Secretary-General brings to the attention of the Security Council any matter under Article 99." Article 99 of the U.N. Charter provides that: "The Secretary-General may bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security." 10,000 Tamils exterminated by the GOSL during the past 3 months certainly threatens international peace and security in relations between India--which serves as *parens patriae* for these Tamils under international law-- and Sri Lanka as well as the peace and security of the northern Indian Ocean. Why has the U.N. Secretary-General refused to exercise his powers under U.N. Charter Article 99 and Rule 3 to convene an Emergency Meeting of the Security Council in order to terminate the GOSL's genocide against the Tamils? Is Ban Ki-Moon going to wait until the GOSL exterminates another 10,000 Tamils in the so-called No Fire Zone, which is really a Genocide Zone for the Tamils in Vanni? The fact that he has not exercised his powers under Article 99 indicates that he is quietly supporting the GOSL genocide against the Tamils from behind the scenes despite his crocodile tears in public and those shed by other officials in the U.N. Secretariat.

Third, Rule 3 also provides in relevant part: "The President {of the Security Council} shall call a meeting of the Security Council if a dispute or situation is brought to the attention of the Security Council under Article 35..." Article 35(1) of the U.N. Charter provides in relevant part: " Any Member of the United Nations may bring any dispute, or any situation of the nature referred to in Article 34, to the attention of the Security Council..." Article 34 of the U.N. Charter provides in relevant part: " The Security Council may investigate any dispute, or any situation which might lead to international friction or give rise to a dispute..." For some reason, the Government of India does not consider the recent extermination of 10,000 Tamils--for whom India is the *parens patriae* under international law--by the GOSL to constitute a "dispute" between India and Sri Lanka. Why not?

Boyle adds, "but certainly the GoSL's recent extermination of 10,000 Tamils, for whom India

serves as *parens patriae* under international law "might lead to international friction or give rise to a dispute" between India and Sri Lanka. Indeed according to the statements by the Prime Minister and other government officials of India and numerous trips by the latter to Sri Lanka and by GOSL officials to India, the GOSL's recent extermination of 10,000 Tamils has created "international friction" between India and Sri Lanka. Therefore India has an obligation to bring this matter to the attention of the Security Council under U.N. Charter Article 35 and to demand an immediate, emergency meeting of the Security Council under its Rule of Procedure No. 3 in order to terminate the GOSL's genocide against the Tamils in Vanni. Failure by the Government of India to do so would only render India guilty of "complicity" in the GOSL's genocide against the Tamils under Article III(e) of the 1948 Genocide Convention.

"Shall India--the Home of Gandhi--turn and look away from the Tamils in Sri Lanka as they are being exterminated by the GOSL without doing all in its power at both the Security Council and the International Court of Justice (as previously explained by this author) to save these Tamils for whom it serves as *parens patriae* under international law? Today the Tamils in Sri Lanka have now become Gandhi's Harijans. Yet so far the Government of India has treated the Tamils of Sri Lanka as if they were "untouchables," Boyle says.

US violates Geneva Convention by permitting Sri Lanka to commit slow-motion genocide - Prof. Boyle

[TamilNet, Tuesday, 12 May 2009, 04:26 GMT]

Pointing to the statement issued by the U.S. Department of State that after an informal meeting at the United Nations that "[t]he United States is deeply concerned by the continued unacceptably high levels of civilian casualties," expert in International Law, Professor Francis A. Boyle said, the Obama administration is violating the 1948 convention for continuing to give "green light" to the Government of Sri Lanka to destroy the LTTE no matter what the cost to innocent Tamil civilians. Lawrence Christy, the head of Tamils Rehabilitation Organisation (TRO) Field Office on Monday put the death toll of civilians at more than 3,200 killed during the weekend.

Boyle explains: "[t]he implication of this official Statement by the United States Government is that there exists an acceptable level of civilian casualties to be inflicted by the Government of Sri Lanka upon completely innocent Tamils in Vanni.

"Yet under international humanitarian law civilians can never be made the object of a military attack--as just happened in the GOSL "massacre on the beach" of Tamils over the weekend. So 2000 murdered Tamil civilians in one operation is "unacceptably high" in the opinion of the Obama administration.

"The conclusion is obvious that the Obama administration continues to give the proverbial "green light" to the GOSL to destroy the LTTE no matter what the cost to innocent Tamil civilians so long as their death and destruction and genocide transpire in increments of somewhat fewer than 2000 Tamil civilians at a time.

"Slow- motion genocide indeed here being advocated by the United States government in violation of the 1948 Genocide Convention, to which it is a contracting party," warns Prof. Boyle.

India should sue Sri Lanka in ICJ for massacre of 2000 Tamils - Prof. Boyle

[TamilNet, Sunday, 10 May 2009, 14:00 GMT]

"In light of the latest atrocity by the Government of Sri Lanka that overnight exterminated 2000 Tamils, at a minimum the Government of India must sue Sri Lanka for violating the 1948 Genocide Convention before the International Court of Justice in The Hague, request an Emergency Hearing by the World Court, and win an Order of Provisional Measures of Protection --the international equivalent of a temporary restraining order-- against the GOSL to cease and desist from committing all acts of genocide against the Tamils," said Professor Boyle, professor of International Law at the University of Illinois College of Law, in a note sent to TamilNet Sunday. "I stand ready to file this World Court Lawsuit immediately upon receipt of the appropriate authorization from the Government of India," Boyle further said.

"This ICJ Order would be immediately transmitted to the United Nations Security Council for enforcement under the terms of the United Nations Charter and thus would place the GOSL genocide against the Tamils on the formal agenda of the Security Council for action despite the wishes of some of its Permanent Members such as Russia and China," Boyle said.

"In the event these two Permanent Members were to veto enforcement measures by the Security Council against the GOSL under U.N. Charter Chapter VII, then the entire matter can be turned over to the U.N. General Assembly for action pursuant to the terms of the Uniting for Peace Resolution (1950) in order to terminate the ongoing GOSL genocide against the Tamils," Boyle added.

"I stand ready to file this World Court Lawsuit immediately upon receipt of the appropriate authorization from the Government of India.

"The GOSL genocide against the Tamils has now exceeded the horrors of Srebrenica. India must act now before Vanni becomes another Rwanda," Professor Boyle warned the International community.

UN violating Charter obligation to promote, encourage human rights - Prof. Boyle

[TamilNet, Friday, 08 May 2009, 00:45 GMT]

Dithering in the halls of the human rights apex body, the United Nations, culminating in the recent uncharacteristic pronouncement that the Secretary General Ban Ki-moon is "too-busy" to visit Sri Lanka, has prompted a legal scholar to point out that "where an individual such as the U.N. Secretary General has an obligation to act to prevent criminal activity and either refuses or fails to do so, that would render him "complicit" with the underlying criminal activity--in this case genocide." Prof. Francis Boyle said Thursday that "[t]he U.N. Secretary General must immediately travel to Sri Lanka and do all in his power " to prevent" the Government's genocide against the Tamils."

In a Thursday story, Inner City Press (ICP), which covers the developments within the United Nations, said that while there was earlier speculation that the Secretary General "will definitely consider" visiting Sri Lanka if he "feels that it can save lives," the ICP has learnt that "such a trip, for now, is unlikely."

Prof. Boyle of University of Illinois College of Law and an expert in International Law, pointed out that "[u]nder Chapter XV of the United Nations Charter, the U.N. Secretariat, headed-up by the U.N. Secretary General, is one of six independent Organs of the United Nations Organization itself. As such the U.N. Secretary General is obligated to implement the "Purposes of the United Nations" set forth in Article 1 of the Charter.

"Article 1(3) of the Charter provides that one of these "Purposes of the United Nations" is: "To achieve international co-operation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion."

Boyle added, "[i]n other words, the U.N. Secretary General has a U.N. Charter obligation "in promoting and encouraging respect for human rights and for fundamental freedoms for" the Tamils in Sri Lanka. Consequently, the U.N. Secretary General has a Charter obligation to immediately visit Sri Lanka and do all in his power " to prevent" the Government's on-going genocide against the Tamils as required by the peremptory norm of international law set forth in Article I of the 1948 Genocide Convention.

"Not to visit Sri Lanka immediately for this Purpose would constitute a violation of the United Nations Charter by the U.N. Secretary General himself.

"In addition, where an individual such as the U.N. Secretary General has an obligation to act to prevent criminal activity and either refuses or fails to do so, that would render him "complicit" with the underlying criminal activity--in this case genocide. Article III(e) of the 1948 Genocide Convention prohibits, criminalizes and calls for the punishment of: "Complicity in genocide."

"The U.N. Secretary General must immediately travel to Sri Lanka and do all in his power " to prevent" the Government's genocide against the Tamils. For the U.N. Secretary General to fail or to refuse to discharge this U.N. Charter obligation would render him complicit in the Government of Sri Lanka's genocide against the Tamils," Prof. Boyle said.

Green light to rid Tigers while 50,000 lives at risk, Boyle faults US, UK

[TamilNet, Thursday, 07 May 2009, 04:33 GMT]

"US, UK, France and India appear to have given green light to Sri Lanka to get rid of the Tigers no matter what the cost is to the 50,000 lives of innocent Tamils at risk now. Let's get back to the need to change that green light to a red light, and let's solve the humanitarian crisis first, and then talk about some sort of solution," said Francis Boyle, professor of International Law at the University of Illinois College of Law, during an interview with Aljazeera network Wednesday. Eric Solheim, key architect of the 2002 peace process in Sri Lanka, and Nirj Deva, a Member of European Parliament and of Sri Lankan origin also participated in the discussions.

Dismissing talks of who holds the military upperhand as "petty and insulting," Boyle stressed the need for immediate humanitarian intervention.

"50,000 people are bombarded, killed and are starving to death. We need to act immediately to remedy the situation. Immediate ceasefire, and massive humanitarian help via air, sea and land," is what's needed, Boyle said.

Mr Solheim said both sides must act to resolve the crisis, the Tigers should allow the civilians to leave the area, and Colombo to allow humanitarian aid to go in and permit UN relief agencies to engage in relief effort.

Mr Deva took the official line of the Sri Lanka Government, describing the unfolding humanitarian crisis as one of "largest ever evacuation of hostages."

Slow-motion genocide to exceed horrors of Srebrenica, warns Prof. Boyle

[TamilNet, Tuesday, 05 May 2009, 18:52 GMT]

Professor Boyle of University of Illinois College of Law, an international expert on Bosnia and crimes of Genocide said Tuesday, "[s]ince the outset of this latest crisis in January, the GOSL has exterminated about 7000 Tamils in Vanni, certainly a "substantial part" of the Tamil population in Vanni and Sri Lanka. If not stopped now, the GOSL's toll of genocide against the Tamils could far exceed the recent horrors of Srebrenica." Prof. Boyle's call for urgent food drop to the civilians close to starvation in the Safe Zone, has gathered momentum, and international media are seeking his comment on the urgency of humanitarian support.

In a note sent to TamilNet, Prof. Boyle says, "[t]he slow-motion genocide by the Government of Sri Lanka against the Tamils in Vanni is now accelerating to the point of outright extermination in violation of Genocide Convention Articles I, II(a), II(b) II(c), inter alia.

"Every state in the world has the obligation "to prevent" this GOSL genocide against the Tamils as required by the jus cogens, erga omnes rule of customary international law set forth in Article I of the Genocide Convention. These peremptory norms of international law apply to every state in the world, including the Member States of the United Nations Security Council, and especially its Permanent Members such as the United States, Britain and France, as well as to India. They must all exert maximum political, economic and diplomatic pressure upon the GOSL for an immediate cease-fire in conjunction with the massive provision of food, water, medicine and other humanitarian relief supplies by land, sea and air to the dying Tamils in Vanni.

"A generation ago the world turned away from the Nazi genocide against the Jews--and lived to regret it. Humanity is at a similar crossroads today. A generation ago the world designed the Genocide Convention to prevent a repetition of what Hitler and the Nazis had done to the Jews even "in part," according to Article II of the Genocide Convention. In the Bosnian case I convinced the World Court that the proper interpretation of this term taken from Article II of the Genocide Convention meant a "substantial part." The World Court later found that the Serbian extermination of 8000 Bosnian Muslim men and boys at Srebrenica was genocide in violation of the Genocide Convention.

"Since the outset of this latest crisis in January, the GOSL has exterminated about 7000 Tamils in Vanni, certainly a "substantial part" of the Tamil population in Vanni and Sri Lanka. If not stopped now, the GOSL's toll of genocide against the Tamils could far exceed the recent horrors of Srebrenica," Boyle warns.

India obligated to bring Sri Lanka's genocide to UN Security Council - Prof. Boyle

[TamilNet, Monday, 04 May 2009, 21:36 GMT]

Pointing to India's Prime Minister, Manmohan Singh's statement that the lack of peace and stability in Sri Lanka can also" affect security situation in our country [India]", as reported in the Press Trust of India Monday, Francis Boyle, professor of International Law at University of Illinois College of Law said that "[i]n light of this latest statement by the Prime Minister of India, the Government of India must immediately bring the Government of Sri Lanka's genocide against the Tamils to the attention of the United Nations Security Council for remedial action," as allowed by the Article 35(1) of UN charter.

PTI in a report published Monday said: "The Prime Minister expressed concern over the developments in the neighbouring nations including Pakistan, Nepal and Sri Lanka and said it could affect the security situation in the country "Today, there is lack of peace and stability in our neighbouring nations, be it Nepal, Pakistan and Sri Lanka. It (the developments) can also affect security situation in our country," he said, claiming that only Congress was capable of dealing with such critical issues."

Professor Boyle added, "Article 35(1) of the United Nations Charter clearly states: "Any Member of the United Nations may bring any dispute, or any situation of the nature referred to in Article 34, to the attention of the Security Council or of the General Assembly.""

"Article 34 refers in relevant part to: "any situation which might lead to international friction or give rise to a dispute.""

"Clearly, according to the Indian Prime Minister's own statement, the GOSL genocide against the Tamils has already "lead to international friction" between India and Sri Lanka, and it very well could and should "give rise to a dispute" between the two countries.

"India must lead the way at the United Nations Security Council to assemble the requisite number of member states to take action against Sri Lanka under Chapter VI and/or Chapter VII of the U.N. Charter," Boyle said.

Prof. Boyle calls for humanitarian airdrop to starving civilians in 'safety zone'

[TamilNet, Thursday, 30 April 2009, 19:10 GMT]

Francis Boyle, professor of International Law at the University of Illinois College of Law, on Thursday called on India, the United States, Britain and France to fulfil their obligations under the Geneva Conventions and Protocol, and under the Genocide Convention by launching an immediate humanitarian air-drop relief operation for the starving Tamil civilians within the so-called safety zone, who are suffering without adequate humanitarian supplies for weeks. In a note sent to TamilNet, Prof. Boyle said starvation of civilians, as a method of warfare, can also constitute an act of genocide as defined by Article II (c) of the 1948 Genocide Convention.

"Article 54(1) of Additional Protocol I to the Four Geneva Conventions of 1949 sets forth a rule of customary international humanitarian law that obligates every state in the world:

"Starvation of civilians as a method of warfare is prohibited." Starvation of civilians as a method of warfare is a war crime. Every contracting party to the Geneva Conventions and Protocol has the obligation under Common Article 1 thereof "to respect" the Conventions and Protocol themselves and "to ensure respect" for the Conventions and Protocol "in all circumstances" by other contracting parties such as Sri Lanka.

"Furthermore, starvation of civilians as a method of warfare can also constitute an act of genocide as defined by Article II (c) of the 1948 Genocide Convention: "Deliberately inflicting on the group {in this case Tamils} conditions of life calculated to bring about its physical destruction in whole or in part." Every contracting state party to the Genocide Convention has the obligation "to prevent" genocide by Sri Lanka against the Tamils as required by Article I thereof.

"Therefore, every state party to the Geneva Conventions and Protocols as well as to the Genocide Convention have the solemn obligation to terminate GOSL's starvation of Tamils as a method of warfare. Under the current "circumstances" one of the most effective means this can be done is for those states with the capability (e.g., India, United States, Britain, France) to immediately undertake an airdrop of food and other humanitarian relief supplies to the starving Tamils in Vanni.

"I hereby call upon these states and in particular India, the United States, Britain and France to fulfil their obligations under the Geneva Conventions and Protocol as well as under the Genocide Convention by launching an immediate humanitarian air-drop relief operation for the benefit of the starving Tamils in Vanni, Sri Lanka."

Miliband's statement obligates UK to take immediate UN action - Prof. Boyle

[TamilNet, Thursday, 30 April 2009, 03:42 GMT]

Pointing to the latest statement during the visit to Sri Lanka by British Foreign Minister, David Miliband that "[t]his is a civil war that does have regional and wider ramifications..." Professor Francis Boyle, professor of International Law at the University of Illinois College of Law, said that Miliband's statement obligates Britain, as a Permanent Member of the Security Council, under U.N. Charter Article 35(1) to bring this "civil war" and genocide in Sri Lanka "to the attention of the Security Council" for the purpose of obtaining remedial action under Chapters VI and/or VII of the Charter."

During a BBC interview when asked whether it is time for a UN Security Council resolution as Sri Lanka is paying no attention to international opinion, Miliband responded: "Well this is the first delegation that's been allowed in, media are not being allowed in to the north east of the country which only adds to the concern."

"I think that we were right; Britain, France, the US, to raise this issue at the United Nations last Friday this does belong on the United Nations Security Council agenda. This is a civil war that does have regional and wider ramifications and, obviously, a massive civilian emergency as well."

Professor Boyle says, "[u]nder Article 24 of the United Nations Charter, the United Nations Security Council has "primary responsibility for the maintenance of international peace and security."

"According to U.N. Charter Chapter VII, Article 39: "The Security Council shall determine the existence of any threat to the peace, breach of the peace or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security."

Prof Boyle adds, according to this latest statement by British Foreign Minister David Miliband: "This is a civil war that does have regional and wider ramifications...."

In other words, the GOSL "civil war" and genocide against the Tamils constitutes a "threat to the peace" for which the Security Council has "primary responsibility" to rectify.

"Therefore it can no longer be argued by other Security Council Member States such as China and Russia that this is an "internal matter" or a "domestic concern" for which the Security Council does not have jurisdiction to act.

Indeed, in light of this recent statement by their Foreign Minister Miliband, Britain--as a Permanent Member of the Security Council-- has an obligation under U.N. Charter Article 35(1) to bring this "civil war" and genocide in Sri Lanka "to the attention of the Security Council" for the purpose of obtaining such remedial action under Chapters VI and/or VII of the Charter," Boyle said in a note to TamilNet.

Stalling, obfuscation mirror UN's actions before Srebrenica genocide

[TamilNet, Wednesday, 22 April 2009, 16:19 GMT]

"This same type of deliberate stalling, delaying and obfuscation by United Nations Officials preceded and occurred during the course of the genocidal massacre at Srebrenica. Of course these UN Officials were then (and are still today) acting at the behest of the Permanent Members of the Security Council, who supported Serbia taking over the Srebrenica "safe-haven" as designated by the Security Council, no matter what the cost to the innocent civilians seeking refugee there," said Prof. Francis Boyle, professor of International Law at the University of Illinois College of Law, in a note sent to TamilNet, commenting on the denial at the United Nations to have Security Council hearings on the humanitarian situation in Sri Lanka.

"Today, they are all guilty of aiding and abetting Sri Lanka's genocide against the Tamils in violation of the 1948 Genocide Convention.

"History will hold them all accountable, including and especially the United Nations and its Highest Level Officials such as Ban Ki-Moon, Nambiar and Holmes.

"Under the terms of the United Nations Charter Chapter XV, the UN Secretariat and thus these UN Officials are legally independent of the United Nations Security Council. These UN Officials have a separate and independent obligation to uphold the Purposes and Principles of the UN Charter no matter what the U.N. Security Council Members might tell them to do.

"Article 1(3) of the UN Charter provides in relevant part that one of the "Purposes of the United Nations" is "promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion."

"Within Chapter XV of the Charter, article 99 expressly provides:"The Secretary-General may bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security."

"UN Secretary-General Ban Ki-Moon must immediately convene an Emergency Meeting of the Security Council in order "to prevent" the ongoing genocide against the Tamils by Sri Lanka as required by the 1948 Genocide Convention, Prof. Boyle said.

US should intervene directly with GoSL, LTTE to protect civilians - Professor Boyle

[TamilNet, Tuesday, 14 April 2009, 16:42 GMT]

With Norway's ouster as a third-party engaging with the Liberation Tigers of Tamileelam (LTTE), the role of the United States in having direct access with the Liberation Tigers has become critical to negotiating a ceasefire and bring relief to the more than 250,000 Tamil civilians caught in the war. Ambassador Lunstead points out that legal restrictions imposed by US domestic laws do not prevent the U.S. taking that role, and Professor Boyle further asserts that Geneva Conventions of 1949 makes it an obligation for the U.S. to intervene directly with both the Government of Sri Lanka (GOSL) and the LTTE in order to protect these innocent Tamil civilians.

Professor Boyle, professor of International Law at the University of Illinois College of Law, in a note sent to TamilNet said: "Both the United States and Sri Lanka are contracting parties to the Four Geneva Conventions of 1949. Common article 1 thereof provides: 'The High Contracting Parties undertake to respect and to ensure respect for the present Convention in all circumstances.' The United States government has an absolute obligation 'to ensure respect' for the Geneva Conventions 'in all circumstances.' With respect to the current situation in Vanni where the lives and well-being of 250,000 Tamils are at risk and in grave danger, the United States government has an absolute obligation to intervene directly with both the Government of Sri Lanka (GOSL) and the LTTE in order to protect these innocent Tamil civilians and to terminate the massive war crimes that are currently being inflicted upon them by the GOSL in violation of the Geneva Conventions. The same arguments apply to every state that is a contracting party to the Geneva Conventions, which includes almost every state in the world. In other words, almost every state in the world has both the right, the standing, and the obligation to intervene directly with both the GOSL and the LTTE in order to terminate war crimes from being inflicted upon the completely innocent Tamil civilians currently living in Vanni."

Jeffrey Lunstead, former US Ambassador to Sri Lanka, had earlier traced the legal and policy implications of the U.S. officials engaging directly with the LTTE. He makes the following point, "the legal restrictions were clear: the U.S. government could not provide material assistance to the LTTE, and had to block LTTE funds. LTTE officials could not obtain visas to visit the U.S. unless a waiver was granted by the Attorney General based on a recommendation by the Secretary of State. It should be noted that there is no legal proscription against meeting with LTTE officials. A decision not to meet with LTTE officials is a policy decision, not a legal one," indicating that the US's domestic laws do not bar the US officials from engaging directly with the LTTE.

On the question if "direct U.S. contact with the LTTE have made this [U.S.] position clearer and perhaps induced a change in behavior [of the LTTE]," Ambassador responds: "This question is of course unanswerable. As many participants have noted, direct U.S. contact with the LTTE, a designated Foreign Terrorist Organization (FTO), was difficult in the aftermath of September 11, 2001. One potential advantage of direct U.S. communication with the LTTE, had it occurred, would have been the ability of the U.S. to hear LTTE."

US support to IMF's Sri Lanka loan illegal – Prof. Boyle

[TamilNet, Thursday, 19 March 2009, 00:17 GMT]

“Concerning the proposed loan to Sri Lanka by the International Monetary Fund, United States domestic law makes it quite clear that the Obama Administration is obligated to oppose the loan. And given the weighted voting system for the IMF Board of Directors, a United States vote against the loan would be tantamount to a veto,” said Prof. Boyle, Professor at Illinois College of Law, adding, “for the Obama Administration to violate the Statute [22 USC 262d] and vote in favor of the proposed IMF loan to support the GOSL's "policy goals" would render the United States government "complicit" with Sri Lanka's genocide.”

Meg Lundsager who spent several years with the Treasury department in various capacities and also served as a member of the National Security Council staff, was confirmed by the US Senate in April 2007, and is now the official US Executive Director at the IMF. In the weighted voting arrangement of the IMF, US holds 16.77% of votes.

Title 22 of the United States Code, Chapter 7, Section 262d, "Human Rights and United States Assistance policies with international financial institutions" says quite clearly in relevant part:

"(a) Policy goals

The United States government, in connection with its voice and vote in...the International Monetary Fund shall advance the cause of human rights, including by seeking to channel assistance towards countries other than those whose governments engage in---

(1) a pattern of gross violations of internationally recognized human rights, such as torture or cruel, inhumane, or degrading treatment or punishment, or prolonged detention without charges, or other flagrant denial to life, liberty, and the security of person...."

"Most Human Rights Organizations, including and especially Human Rights Watch and Amnesty International, have determined that the Government of Sri Lanka (GoSL) has historically perpetrated "a pattern of gross violations of internationally recognized human rights" against the Tamil population living there, including and especially the 300, 000 Tamils now besieged and subjected to genocide, crimes against humanity and war crimes by the GOSL Army in Vanni," Prof. Boyle asserts.

Furthermore, subsection (f) of the above statute mandates:

"(f) Opposition by United States Executive Directors of institutions to financial or technical assistance to violating countries

The United States Executive Directors of the institutions listed in subsection (a) of this section {which includes the IMF} are authorized**AND INSTRUCTED** to oppose any loan, any extension of financial assistance, or any technical assistance to any country described in subsection (a)(1) or (2) of this section, unless such assistance is directed specifically to programs which serve the basic human needs of the citizens of such country." (emphasis added)

"It is also clear from the IMF's own statement that the proposed IMF loan to GOSL will NOT be used to "serve the basic human needs of the citizens of such country," but in fact will be used to support "the government's policy goals": "IMF spokesman David Hawley said the loan funds would be used for "the government's policy goals.""

"Of course the GOSL "policy goals" currently include waging warfare, war crimes, crimes against humanity and genocide against the Tamils, including and especially the 300,000 Tamil Civilians now besieged by the GOSL Army in Vanni," says Prof. Boyle.

UN Rights chief, Navi Pillay recently said that "[c]ertain actions being undertaken by the Sri Lankan military and by the LTTE [Tigers] may constitute violations of international human rights and humanitarian law," and RSF and HRW reports allege that Sri Lanka has committed war crimes.

Prof. Boyle adds: "Consequently the Obama Administration is **MANDATED** by this law to vote against the proposed IMF loan to Sri Lanka. Indeed, for the Obama Administration to violate this Statute and vote in favor of the proposed IMF loan to support the GOSL's "policy goals" would render the United States government "complicit" with Sri Lanka's genocide, crimes against humanity, and war crimes against the Tamils, including and especially the 300,000 Tamils currently besieged by the GOSL Army in Vanni, in violation of Genocide Convention Article III (e) and the Four Geneva Conventions of 1949, as well as the U.S. Genocide Convention Implementation Act and the U.S. War Crimes Act.

"Therefore we must prevent this from happening by mobilizing as much public pressure as possible upon the Obama Administration to vote against this proposed IMF loan to the GOSL, which would be tantamount to a veto. In addition, for similar legal reasons, all people of good faith and good will around the world must pressure their governments to vote against the proposed IMF loan to Sri Lanka," appeals Prof. Boyle.

AFP in a report Wednesday on Sri Lanka's bailout talks with IMF said: "The island turned to the International Monetary Fund after pouring an unprecedented 1.6 billion dollars into financing the military drive against Tamil Tiger rebels that the government says it is close to winning. Economists say the economic woes caused by the high defence spending have been compounded by the global economic meltdown and the government's policy of halting privatisation of state-run enterprises," further clarifying that the reason for loan request is the expenditure due to the "genocidal" war against the Tamils.

Boyle warns UN repeating Srebrenica debacle in Vanni

[TamilNet, Monday, 16 March 2009, 03:41 GMT]

Pointing out that "in 1995 the United Nations Organization as a whole was fully complicit in Serbia's genocidal massacre of 8500 Bosnian Muslim men and boys at Srebrenica in violation of Article III (e) of the 1948 Genocide Convention that prohibited, criminalized and required the punishment of: 'Complicity in genocide'," Professor Francis Boyle, an expert in international law and a professor at Illinois College of Law, said that it looks as if "the United Nations is now repeating one of the most shameless and disgraceful debacles in its entire history in today's Vanni Pocket by becoming complicit in Sri Lanka's genocide against the Tamils there."

"Indeed, at the time Srebrenica was a designated United Nations "safe area" supposedly under the protection of the United Nations Security Council, whose member states refused to lift even one finger to save these Bosnians from Serbian genocide," says Prof. Boyle who won two World Court Orders on the basis of the 1948 Genocide Convention that were overwhelmingly in favor of the Republic of Bosnia and Herzegovina against the rump Yugoslavia to cease and desist from committing all acts of genocide against the Bosnians.

Professor Boyle pointed to the Inner City Press (ICP) report which stated that "[t]he UN on Monday acknowledged that it is funding camps in Sri Lanka from which people cannot leave."

ICP has been asking for two weeks at the UN whether international aid funds will be used for detention camps in which those fleeing the conflict zone in Sri Lanka will be detained, until the end of 2009 or longer. Holmes confirmed that the UN has "offered to assist transit camps" or "semi-permanent camps," and as to funding as so far "make no links between the two."

U.N. human rights chief warned Friday that "civilian casualties could reach "catastrophic" proportions if the two sides do not suspend their fighting," and that the Sri Lankan military and the Tamil rebels may have committed war crimes.

Pillay also said the "army has repeatedly shelled inside safe "no-fire" zones set up for the civilians, and that "a range of credible sources" showed that more than 2,800 civilians had been killed and more than 7,000 wounded since January 20."

Stopping Sri Lanka's genocide at ICJ, UN- Prof. Boyle

[TamilNet, Wednesday, 11 March 2009, 12:14 GMT]

"Any one or more of the 140 states parties to the Genocide Convention (1) must immediately sue Sri Lanka at the International Court of Justice in The Hague; (2) must demand an Emergency Hearing by the World Court; and (3) must request an Order indicating provisional measures of protection against Sri Lanka to cease and desist from committing all acts of genocide against the 350,000 Tamils in Vanni," says Professor Francis Boyle, an expert in international law and a professor at University of Illinois College of Law, outlining the steps for the Tamil diaspora to take to bring Sri Lanka to International Court of Justice (ICJ).

How to Stop Genocide by Sri Lanka Against the Tamils at the International Court of Justice and the U.N. Security Council

On 8 April 1993 and 13 September 1993 the author single-handedly won two World Court Orders on the basis of the 1948 Genocide Convention that were overwhelmingly in favor of the Republic of Bosnia and Herzegovina against the rump Yugoslavia to cease and desist from committing all acts of genocide against the Bosnians.

Today the Government of Sri Lanka (GOSL) has trapped three hundred and fifty thousand Tamils in a forty square mile area of the Vanni region where it is mercilessly, deliberately, and systematically exterminating them by means of artillery shells, cluster bombs, rockets, jet fighters, tanks, and other weapons of mass and indiscriminate slaughter. The GOSL Defense Minister Rajapaksa has determined that this entire area now inhabited by 350,000 Tamils is nothing more than a free fire-zone in violation of the most fundamental requirements of International Humanitarian Law. The GOSL defense minister has ordered all doctors and medical personnel out of Vanni on pain of being murdered by the GOSL army, including the International Committee of the Red Cross. The GOSL defense minister has also compiled a death list of Tamil civilians to be massacred in Vanni. If the states of the world do not act immediately and effectively to stop GOSL, they will soon be witnessing serial massacres of Tamils along the lines of Srebrenica, Sabra and Shatilla, Rwanda, and Kosovo.

Article I of the 1948 Genocide Convention requires all 140 states parties to immediately act in order "to prevent" this ongoing GOSL genocide against the Tamils. One of the most important steps the 140 contracting states parties to the Genocide Convention must take in order to fulfill their obligation under Article I is to sue Sri Lanka at the International Court of Justice in The Hague (the so-called World Court) for violating the 1948 Genocide Convention on the basis of Article IX thereto: "Disputes between the Contracting Parties relating to the interpretation, application or fulfillment of the present Convention, including those relating to the responsibility of a State for genocide or for any of the other acts enumerated in Article III, shall be submitted to the International Court of Justice at the request of any of the parties to the dispute."

Any one or more of the 140 states parties to the Genocide Convention:

1. must immediately sue Sri Lanka at the International Court of Justice in The Hague;
2. must demand an Emergency Hearing by the World Court; and
3. must request an Order indicating provisional measures of protection against Sri Lanka to cease and desist from committing all acts of genocide against the 350,000 Tamils in Vanni.

Such a World Court Order is the international equivalent to a domestic temporary restraining order and injunction. Once issued by the World Court, this Order would be immediately transmitted to the United Nations Security Council for enforcement under U.N. Charter article

94(2). So far the member states of the United Nations Security Council have failed and refuse to act in order to do anything to stop the GOSL's genocide against the Tamils

1. despite the fact that the situation in Vanni constitutes a "threat to the peace" that requires Security Council action under article 39 of the United Nations Charter and
2. despite the fact that they are all obligated "to prevent" Sri Lanka's genocide against the Tamils under article I of the Genocide Convention. This World Court Order will put the matter on the Agenda of the Security Council and force the Security Council to take action in order "to prevent" the ongoing genocide against the Tamils by Sri Lanka.

Article II of the Genocide Convention defines the international crime of genocide in relevant part as follows:

In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group such as:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;

...

Certainly the Sinhala-Buddhist Sri Lanka and its legal predecessor Ceylon have committed genocide against the Hindu/Christian Tamils that actually started on or about 1948 and has continued apace until today and is now accelerating in Vanni in violation of Genocide Convention Articles II(a), (b), and (c).

For at least the past four decades, the Sinhala-Buddhist Ceylon/Sri Lanka has implemented a systematic and comprehensive military, political, and economic campaign with the intent to destroy in substantial part the different national, ethnical, racial, and religious group constituting the Hindu/Christian Tamils. This Sinhala-Buddhist Ceylon/Sri Lanka campaign has consisted of killing members of the Hindu/Christian Tamils in violation of Genocide Convention Article II(a). This Sinhala-Buddhist Ceylon/Sri Lanka campaign has also caused serious bodily and mental harm to the Hindu/Christian Tamils in violation of Genocide Convention Article II(b). This Sinhala-Buddhist Ceylon/Sri Lanka campaign has also deliberately inflicted on the Hindu/Christian Tamils conditions of life calculated to bring about their physical destruction in substantial part in violation of Article II(c) of the Genocide Convention.

Since 1983 the Sinhala-Buddhist Sri Lanka have exterminated approximately 70,000 Hindu/Christian Tamils. The Sinhala-Buddhist Sri Lanka have now added another 350,000 Hindu/Christian Tamils in Vanni to their genocidal death list. Time is of the essence!

Humanity needs one state party to the Genocide Convention to fulfill its obligation under article I thereof to immediately sue Sri Lanka at the World Court in order to save the 350,000 Tamils in Vanni from extermination. The ghosts of Dachau, Auschwitz, Cambodia, Sabra and Shatilla, Srebrenica, Rwanda, and Kosovo demand no less.

Evacuation would constitute U.S. "complicity in genocide"- Prof Boyle

[TamilNet, Tuesday, 10 March 2009, 05:59 GMT]

"For the United States government to "evacuate" Tamils from Vanni and then turn them over to the genocidal Government of Sri Lanka would constitute "Complicity in genocide" by the United States to the genocide that GOSL is currently inflicting on the Tamils in violation of Genocide Convention Article III (e) and the United States's own Genocide Convention Implementation Act as amended. Such a turn-over could very well create personal criminal responsibility for United States government officials involved in this process under both international criminal law and United States domestic criminal law," warns Prof. Boyle, an expert in international law and a professor at University of Illinois College of Law.

In a note sent to TamilNet, Prof Boyle adds: "The United States government is a party to the 1948 Genocide Convention, which has been implemented as internal United States domestic criminal law by means of the Genocide Convention Implementation Act as currently amended. Article III (e) of the Genocide Convention prohibited, criminalized and requires the punishment of "Complicity in genocide.""

Note that the 2007 Genocide Accountability Act (GAA) amended the Genocide Convention Implementation Act of 1987 signed by President Ronald Reagan.

An article that appeared in Telegraph edition of 8th March said that "[t]he Obama administration will sound out foreign secretary Shiv Shankar Menon on Monday on India's support for a US-led invasion of Sri Lanka to evacuate nearly 200,000 Tamil civilians trapped inside territory controlled by the Liberation Tigers of Tamil Eelam with precariously declining stocks of food or medicine.

"We had some people there to look at the situation to identify what the possibilities might be. We would do whatever we can to help these people," assistant secretary of state for South and Central Asian affairs Richard Boucher told a group of South Asian journalists yesterday," the Telegraph report added.

Forced starvation constitutes an act of Genocide - Prof. Boyle

[TamilNet, Friday, 06 March 2009, 04:53 GMT]

Commenting on recent reports that Colombo is withholding food supplies forcing into starvation the more than 300,000 Tamil civilians trapped in the war-zone, Prof. Boyle, an expert in international law and a professor at University of Illinois College of Law, in a note sent to TamilNet said, "[I]n the context of longstanding Sri Lankan genocide against the Tamils, this recent GOSL atrocity also constitutes an act of genocide as defined, prohibited and criminalized by Genocide Convention Article II (c): "Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part."

"The United States government has an obligation to prosecute U.S. Citizen Defense Minister Rajapaksa and U.S. Resident General Fonseka for violating the Genocide Convention Implementation Act and the U.S. War Crimes Act," Prof. Boyle added.

Boyle quoted sections of 1949 Geneva Conventions to substantiate his claim, saying: "Additional Protocol I of 1977 to the Four Geneva Conventions of 1949 provides in relevant part as follows: Article 54.-Protection of objects indispensable to the survival of the civilian population:

1. Starvation of civilians as a method of warfare is prohibited.
2. It is prohibited to attack, destroy, remove or render useless objects indispensable to the survival of the civilian population, such as foodstuffs, agricultural areas for the production of foodstuffs, crops, livestock, drinking water installations and supplies and irrigation works, for the specific purpose of denying them for their sustenance value to the civilian population or to the adverse Party, whatever the motive, whether in order to starve out civilians, to cause them to move away, or for any other motive.....

"This basic rule of International Humanitarian Law constitutes customary international law, the violation of which is a war crime," Boyle added.

Britain trying to dodge obligations to prevent Genocide of Tamils - Prof. Boyle

[TamilNet, Monday, 02 March 2009, 04:05 GMT]

Commenting on British Foreign Secretary David Miliband's statement in the British Parliament that "a failed [UN] resolution- one that faces a veto- is worse than no resolution at all," Prof Boyle, an expert in international law and a professor at University of Illinois College of Law, said that "Uniting for Peace Resolution of 1950" allows a vetoed resolution to be turned over to United Nations General Assembly for action. "The General Assembly can and must do the same with respect to the genocidal plight of the Tamils in Sri Lanka [...] Britain is simply trying to dodge its own obligation under Article I of the Genocide Convention "to prevent" the genocide against the Tamils by Sri Lanka," Prof Boyle added.

The British Foreign Secretary David Miliband was questioned in the British Parliament Wednesday by Liberal Democrat MP Edward Davey as to why Britain's representative in UN earlier failed to support a briefing on Sri Lanka while ministers in London call for ceasefire.

Miliband replied: "I am sorry to hear the hon. Gentleman talk in that way, because he knows that a failed resolution—one that faces a veto—is worse than no resolution at all, and it would strengthen precisely the forces that he and I oppose. I can assure him that our diplomats, whether in New York or in the region, are all working off the same script, which is one that has been set by the Prime Minister and me."

Professor Boyle said "[w]ith all due respect to the British Foreign Secretary, this statement is double-talk and he must know it. Under the terms of the U.N.'s Uniting for Peace Resolution of 1950, in the event one or more permanent members were to exercise a veto at the United Nations Security Council concerning a matter related to international peace and security, the matter can then be turned over to the United Nations General Assembly for action.

"Thereunder the General Assembly can take effective action by means of a two-thirds vote. The United Nations General Assembly has repeatedly acted under the Uniting for Peace Resolution with respect to the genocidal plight of the Palestinians.

"The General Assembly can and must do the same with respect to the genocidal plight of the Tamils in Sri Lanka. Invoking the Uniting for Peace Resolution is the well-known way to overcome threatened vetoes by Russia and China. Britain is simply trying to dodge its own obligation under Article I of the Genocide Convention "to prevent" the genocide against the Tamils by Sri Lanka, Professor Boyle said in a note sent to TamilNet.

Britain legally obliged to prevent Genocide in Sri Lanka: Prof. Boyle

[TamilNet, Thursday, 26 February 2009, 20:27 GMT]

Since the British Foreign Minister has now publicly admitted on behalf of his Government that Government of Sri Lanka (GoSL) is "quite prepared to go ahead with acts of genocide," then under Article I of the Genocide Convention, the British government has a legal obligation "to prevent" this expected genocide of the Tamils by GoSL, said Professor Boyle, professor of international law at the University of Illinois College of Law, in a note sent to TamilNet.

Britain also has domestic implementing legislation for the Genocide Convention that leads to the same legal conclusion, Prof. Boyle added.

Reporting from the transcript of the discussion on Sri Lanka in Parliament from Hansard, TamilNet earlier said, "Britain's Foreign Secretary, David Miliband, agreed Tuesday with parliamentarians who said that the Sri Lankan government is "quite prepared to go ahead with acts of genocide."

"Responding to Mr. Elfyn Llwyd, MP, Mr. Miliband said "the resolution of [a] terrorist problem cannot be achieved at the expense of the rights of minority communities in Sri Lanka, and that is what we are trying to work on." Britain was encouraging Sri Lanka's government to work with London's newly appointed Special Envoy to Sri Lanka, former defence minister and Secretary of State for Scotland, Des Browne, the Foreign Secretary said."

India legally obliged to prevent GoSL's genocide against Tamils- Prof. Boyle

[TamilNet, Thursday, 05 February 2009, 05:02 GMT]

Emphasizing that under Common Article 1 to the Four Geneva Conventions of 1949, India has the obligation "to respect and to ensure respect" for these Conventions "in all circumstances," Professor Francis Boyle, professor of international law at the University of Illinois College of Law, in a communiqué sent to TamilNet says, "India must demand that the United States government prosecute Rajapakse immediately for violating the U.S. Genocide Convention Implementation Act as well as the U.S. War Crimes Act," and appeals to the Tamils worldwide and people of good faith and goodwill to mobilize behind the legal agenda set forth above [in the communiqué] and to pressure the Governments of India and the United States to fulfill their solemn obligations under the Genocide Convention and the Four Geneva Conventions of 1949."

Full text of the communiqué follows:

"The Government of Sri Lanka (GoSL) is currently inflicting acts of genocide against the Tamils in violation of the 1948 Genocide Convention, and war crimes against them in violation of the Four Geneva Conventions of 1949. India is a party to all five of these Conventions. Therefore, under Article 1 of the Genocide Convention India has an obligation to do everything in its power "to prevent" GOSL's genocide against the Tamils.

Furthermore, under Common Article 1 to the Four Geneva Conventions of 1949, India has the obligation "to respect and to ensure respect" for these Conventions "in all circumstances." This requirement means that India has an obligation to prevent the GOSL from inflicting war crimes against the Tamils. Similar principles of analysis likewise apply to all 140 states that are parties to the Genocide Convention and to all states that are parties to the Four Geneva Conventions, which is almost every state in the world.

In addition, as the original homeland for the Tamils, India has the right, the obligation, and the standing under international law to act as *parens patriae* for the Tamils in Sri Lanka. Therefore, India must immediately sue the GOSL for genocide at the International Court of Justice in The Hague, demand an Emergency Hearing of the Court, and request that the World Court issue a Temporary Restraining Order against the GOSL to cease and desist from committing all acts of genocide against the Tamils. Time is of the essence!

GOSL Defense Minister Rajapakse has determined that a quarter-million Tamils are nothing more than a free-fire zone, which constitutes an act of genocide as well as a war crime. Since he is a United States Citizen, India must demand that the United States government prosecute Rajapakse immediately for violating the U.S. Genocide Convention Implementation Act as well as the U.S. War Crimes Act. Under Article 1 of the Genocide Convention the United States government has an obligation "to prevent and to punish" genocide. This treaty obligation requires the United States government to institute criminal proceedings against U.S. Citizen Rajapakse in order "to punish" his genocide against the Tamils.

India must use its newly founded special relationship with the United States government to do just that. Both the United States and India have a joint and several obligation "to prevent" the GOSL from committing genocide against the Tamils and "to punish" U.S. Citizen Rajapakse for committing genocide against the Tamils. The Four Geneva Conventions also require that India demand that the United States government prosecute U.S. Citizen Rajapakse for violating the U.S. War Crimes Act, which the United States government is obligated to do under both the Geneva Conventions and that Act.

I call upon all Tamils around the World and all people of good faith and good will to mobilize behind the legal agenda set forth above and to pressure the Governments of India and the United States (as well as your own Governments) to fulfill their solemn obligations under the Genocide Convention and the Four Geneva Conventions of 1949."

As an internationally recognized expert, Professor Boyle serves as counsel to Bosnia and Herzegovina. On 8 April 1993 and 13 September 1993 the author single-handedly won two World Court Orders overwhelmingly in favor of the Republic of Bosnia and Herzegovina against the rump Yugoslavia to cease and desist from committing all acts of genocide against the Bosnians.

A scholar in the areas of international law and human rights, Professor Boyle received a J.D. degree, and A.M. and Ph.D. degrees in political science from Harvard University. Prior to joining the faculty at the College of Law, he was a teaching fellow at Harvard and an associate at its Center for International Affairs.

Gotabaya should be prosecuted for Genocide, war crimes – Prof. Boyle

[TamilNet, Tuesday, 03 February 2009, 22:47 GMT]

Commenting on the interview to the BBC and to the Sky TV by Sri Lanka's Defence Secretary, Professor Francis Boyle, professor of international law at the University of Illinois College of Law, told TamilNet that "the deliberate targeting of Hospitals and Civilians by the Government of Sri Lanka (GOSL) violates the Geneva Conventions and is thus a war crime," and that "as a United States Citizen, Defense Secretary Rajapakse, should be prosecuted by the United States government for violating the US Genocide Convention Implementation Act and the US War Crimes Act."

Full text of the comment by Prof Boyle follows:

"The deliberate targeting of Hospitals and Civilians by the Government of Sri Lanka (GOSL) violates the Geneva Conventions and is thus a war crime.

"The GOSL Defense Secretary Rajapakse has publicly admitted that they have turned the Tamil North of the country into a so-called free-fire zone, which is clearly illegal and criminal under International Humanitarian Law.

"It is the culmination of the long-standing GOSL policy to inflict genocide upon the Tamils in violation of the 1948 Genocide Convention, to which Sri Lanka is a contracting party. As a United States Citizen Defense Secretary Rajapakse should be prosecuted by the United States government for violating the US Genocide Convention Implementation Act and the US War Crimes Act."

As an internationally recognized expert, Professor Boyle serves as counsel to Bosnia and Herzegovina. He also represents two associations of citizens within Bosnia and has been instrumental in developing the indictment against Slobodan Milosevic for committing genocide, crimes against humanity, and war crimes in Bosnia and Herzegovina.

A scholar in the areas of international law and human rights, Professor Boyle received a J.D. degree, and A.M. and Ph.D. degrees in political science from Harvard University. Prior to joining the faculty at the College of Law, he was a teaching fellow at Harvard and an associate at its Center for International Affairs.

