

Secretary-General António Guterres

Office of the Spokesperson for the UN Secretary-General

United Nations, S-233

New York, NY 10027

14 January 2018

Thai Pongal

Dear Mr. Secretary-General,

1. We, undersigned, advocates for the Eelam Tamil nation in Tamil Eelam and worldwide, along with our allies, respectfully invite you to employ your good offices to find a just, comprehensive, and internationally acceptable solution to the question of Tamil Eelam.

2. First, we invite your support for a resolution instituting a special criminal tribunal, to investigate the litany of crimes (in violation of treaty obligations and *jus cogens* norms) that we allege Sri Lankan personnel to have committed against Eelam Tamils.

3. Second, we invite your support to institute a mechanism facilitating Eelam Tamils' free exercise of the inherent right of self-determination, by means of popular consultation, in accordance both with Article 1 of the *International Covenant on Civil and Political Rights* (ICCPR), and with Paragraph 5 of General Assembly Resolution 68/175.

4. We intend to show, by means of this letter, that continued impunity for Sri Lanka's crimes under international law shares a mutually causal relationship with obstruction of the exercise of Eelam Tamils' right of self-determination. In this respect, we recall the words of the Independent Expert on the Promotion of a democratic and equitable international order to the General Assembly: "For human rights, peace, security and stability to flourish, the relationships between peoples and governmental entities must be based on genuine and continuing consent, on the understanding of a *contrat social* and, if this *contrat* is violated by Government, the people as sovereign have the democratic right to redefine the relationship."¹

5. Eelam Tamils assert that the exercise of our right of self-determination shall occasion an end to the dominion of one nation by another: an undesired unity that allows the anguished inheritance of history's crimes to endure. The invocation of our own liberty is bound together with the promise of freedom to every nation and people.

A. Allegations

6. The armed conflict killed an approximate minimum of 60,000 between 1983 and 2008. Within this period, several crimes under international law have been documented on the part of Sri Lankan personnel. The 2011 Panel of Experts' Report confirms indiscriminate Sri Lankan Army killings of at least 40,000 civilians during the final period of armed conflict, ending in May, 2009.² The victims are predominantly of Eelam Tamil origin.

¹ UN General Assembly (A/69/272) *Interim report of the Independent Expert on the promotion of a democratic and equitable international order*, para. 8

² *Report of the Secretary-General's Panel of Experts on Accountability in Sri Lanka* para 137, 31 Mar 2011

These ethnically characterized killings of non-combatants, we argue, are murders that constitute a crime against humanity under the *Rome Statute of the International Criminal Court* (Rome Statute) Article 7(1)(a), holding *jus cogens* status³; violate Article III(a) common to the Geneva Conventions (constituting war crimes in a non-international armed conflict); and violate the *Convention on the Prevention and Punishment of the Crime of Genocide* (Genocide Convention) Article II(a).

7. Cell-phone footage, taken by Sri Lankan soldiers at the end of the armed conflict, shows combatants of the Liberation Tigers of Tamil Eelam (LTTE) executed without trial.⁴ Such acts, we argue, violate Article III(d) common to the Geneva Conventions.

8. Following the end of the armed conflict, forcible internal displacement and wholesale internment of Eelam Tamils took place in locations such as Manik Farm (which held 300,000, closed in 2012⁵) and Joseph Camp (still the site of torture and rape reports in December 2016⁶). It was reported that “[a]bout 1,400 people are dying every week at the giant Manik Farm internment camp set up in Sri Lanka to detain Tamil refugees [according to] senior international aid sources.”⁷

We believe that such forcible population transfer and internments constitute crimes against humanity under the Rome Statute Article 7.1(d) and (e), which holds *jus cogens* status. We further believe that such conditions of internment have altered Eelam Tamils’ conditions of life in a manner calculated to bring about their destruction as a group, in the sense of the Genocide Convention, Article II(c).

9. Consequent to forcible displacement and internment, militarization of historically Tamil areas has proceeded at an extremely rapid pace. In historically Tamil Mullaitivu, for instance, it has produced a ratio of one (Sri Lankan Sinhalese) soldier to every two (Eelam Tamil) civilians.⁸

Settlements on requisitioned Tamil land, consisting of military families who also benefit from state financial incentives to have a third child,⁹ appear calculated to alter Eelam Tamils’ conditions of life in a manner that may bring about their destruction as a group, in the sense of the Genocide Convention, Article II(c). Militarization of their homeland also appears to deprive Eelam Tamils of the ability to dispose of their natural wealth, resources, and means of subsistence, in the sense of ICCPR Article 1(2).

10. The foregoing allegation is complemented, in particular, by substantiated reports that long-lasting birth control implants were coercively administered among Tamil women in Kilinochchi.¹⁰ This measure arguably restricts births among the Eelam Tamil people group in the sense of the Genocide Convention, Article II(d); and deprives group members of the right to protection of the family under ICCPR Article 23(1).

³ “Those peremptory norms that are clearly accepted and recognized include the prohibitions of aggression, genocide, slavery, racial discrimination, crimes against humanity and torture, and the right of self-determination.” Commentary on Article 26, in *Yearbook of the International Law Commission “Draft Articles on Responsibility of States for Internationally Wrongful Acts,”* with commentaries (2001) Vol. II, Part 2, p 85.

⁴ BBC Channel 4 documentary, *Sri Lanka’s Killing Fields*, directed by Callum Macrae, 14 Jun 2011

⁵ “Sri Lanka shuts Manik Farm IDP camp” *The Hindu* 25 Sep 2012

⁶ *Joseph Camp* International Truth and Justice Project pp. 5, 11, Mar 2017

⁷ “Tamil death toll ‘is 1,400 a week’ at Manik Farm camp in Sri Lanka” *Times Online UK* 10 Jul 2009.

⁸ *Normalising the Abnormal: The Militarisation of Mullaitivu District*, Adayaalam Centre for Policy Research (ACPR) and People for Equality and Relief in Lanka (PEARL), 4 Oct 2017

⁹ “Sri Lankan budget continues payments for soldiers that have third child” *Tamil Guardian* 21 Jan 2016

¹⁰ “Coercive Population Control in Kilinochchi” *Groundviews* 13 Sep 2013

11. While several countries (including Canada,¹¹ Australia,¹² and Switzerland¹³) return Eelam Tamil refugees to Sri Lanka, citing the end of the armed conflict to show that Sri Lanka is safe for them, the Working Group on Arbitrary Detention reports receiving “accounts of Tamils who were arrested and detained in 2015, 2016 and 2017 when returning to Sri Lanka after seeking asylum in another country or working abroad.”¹⁴

12. The Special Rapporteur on Torture noted that “torture and ill-treatment as a routine method of work,” in conditions of “total impunity,” characterized such detention under Sri Lanka’s Prevention of Terrorism Act (PTA),¹⁵ indicating a violation of ICCPR Article 7. Such acts arguably constitute serious mental and bodily harm (in the sense of the Genocide Convention, Article II[b]), to Eelam Tamil detainees.

13. Sri Lanka has undertaken to repeal the PTA, but its proposed replacement legislation (the Counter-Terrorism Act or CTA) also suspends *habeas corpus*.¹⁶ The provisions of the PTA and its replacement therefore both facilitate arbitrary detention in the sense of ICCPR Article 9, and also deny detainees the right to legal personhood in the sense of ICCPR Article 16.¹⁷

14. The Bishop of Mannar documents 146,679 missing at the end of the armed conflict, based on government records.¹⁸ President Sirisena met with representatives of the families of victims of enforced disappearances on June 12, 2017, promising to release a list of the names and last-known whereabouts of the disappeared.¹⁹ While the administration instituted the Office of Missing Persons (OMP) in compliance with UNHRC Resolution 30/1, the OMP has not been operationalized; and the administration has not produced the list of those missing.

15. This is a partial list of allegations. A thorough investigation will unearth others. To date, no one has been prosecuted for any of these acts. Sri Lanka’s deadline for compliance with UNHRC Resolution 30/1, which requests a hybrid tribunal to investigate international crimes, has been extended until March, 2019 under UNHRC Resolution 34/1. Yet, repeated public statements from President Sirisena indicate his intention to shield Sri Lankan military personnel from investigation, and thus to violate Resolution 30/1.²⁰ In March, 2019, all domestic remedies will have been exhausted.

16. Paragraph 4 of the “Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law”²¹ prescribes that

¹¹ “Sri Lankan family deported after spending 5 years in Canada” Canadian Broadcasting Corporation 3 Dec 2017. This case involved Robert Lawrence, a former UN employee in Sri Lanka.

¹² “Tamil refugee set to be deported from Australia” SBS News 20 Dec 2017 <<https://www.sbs.com.au/news/tamil-refugee-set-to-be-deported-from-australia>>

¹³ “Swiss to get tough on Sri Lankan refugee status” Swissinfo.ch 8 Jul 2016

¹⁴ *Working group on arbitrary detention: preliminary findings from its visit to Sri Lanka (4 to 15 December 2017)*, OHCHR, 15 Dec 2017

¹⁵ A/HRC/34/54/Add.2, paras. 111-112

¹⁶ Prof. Christof Heyns and Toby Fisher, “The Policy and Legal Framework Relating to the Proposed Counter Terrorism Act of Sri Lanka: A Review of Compliance with International Human Rights Norms” Foundation for Human Rights and Institute for International and Comparative Law in Africa, 13 Jun 2017

¹⁷ This interpretation is bolstered by the *Tharu et al. v. Nepal* decision (CCPR/C/114/D/2038/2011 paras. 10.6–10.9)

¹⁸ “Mannar Bishop questioned by Sri Lankan CID on ‘disappearances’” *Weekend Leader* 10 May 2012

¹⁹ “President Sirisena promises families lists of forcibly disappeared will be released” *Tamil Guardian* 12 Jun 2017

²⁰ Mr. Sirisena’s oft-repeated refrain appeared perhaps most recently in “President asserts troops will not be taken before war tribunals” *Colombo Gazette* 9 Nov 2017.

²¹ A/RES/60/147

In cases of gross violations of international human rights law and serious violations of international humanitarian law constituting crimes under international law, States have the duty to investigate and, if there is sufficient evidence, the duty to submit to prosecution the person allegedly responsible for the violations and, if found guilty, the duty to punish her or him. Moreover, in these cases, States should, in accordance with international law, cooperate with one another and assist international judicial organs competent in the investigation and prosecution of these violations.

Eelam Tamils seek the support of the Secretary-General for such investigation and prosecution through an international judicial organ competent to do so: in compliance with the obligations imposed on the international community through General Assembly Resolution 60/147, and acting under the authority of Chapter VII of the UN Charter.

B. The Question of Tamil Eelam

17. The above-mentioned human-rights abuses and international crimes, we strongly believe, are the means through which the Sri Lankan state has denied the Eelam Tamil nation's right of self-determination. Simultaneously, we consider such crimes and abuses to structurally perpetuate that status. The Human Rights Committee's General Comment 12 on ICCPR Article 1 notes:

The right of self-determination is of particular importance because its realization is an essential condition for the effective guarantee and observance of individual human rights and for the promotion and strengthening of those rights. It is for that reason that States set forth the right of self-determination in a provision of positive law in both Covenants [ICCPR and ICESCR] and placed this provision as article 1 apart from and before all of the other rights in the two Covenants.²²

18. Post-armed conflict, development-centred initiatives that elide this intrinsically national subordination can, therefore, only reinforce it. In the words of the Independent Expert on the Promotion of a democratic and equitable international order,

The general comment underscores a particular aspect of the economic content of the right of self-determination, namely the right of peoples, for their own ends, freely to dispose of their natural wealth and resources.²³

19. The ICCPR's guarantee of the right of all peoples of self-determination founds the Eelam Tamils' claim. States the Independent Expert:

Participants at a UNESCO expert meeting on self-determination endorsed what has been called the "Kirby definition", recognizing as a "people" a group of persons with a common historical tradition, racial or ethnic identity, cultural homogeneity, linguistic unity, religious or ideological affinity, territorial connection, or common economic life.²⁴

²² HRC "CCPR General Comment No. 12: Article 1 (Right of self-determination) The Right of self-determination of Peoples" 13 March 1984.

²³ A/69/272 para. 23

²⁴ A/69/272 para. 4

20. Eelam Tamil citizenry is defined by the 1976 Vaddukoddai Resolution: which formed the 1977 electoral platform of the Tamil United Liberation Front (TULF), and remains recognized as the basis of Eelam Tamil identity today. It affirms, in part:

the State of Tamil Eelam shall consist of the people of the Northern and Eastern provinces and shall also ensure full and equal rights of citizenship of the State of Tamil Eelam to all Tamil-speaking people living in any part of Ceylon and to Tamils of Eelam origin living in any part of the world who may opt for citizenship of Tamil Eelam.

The Vaddukoddai Resolution thus provides the basis for response to the conditions of status as a people. Eelam Tamils self-evidently constitute a group of persons. These persons hold a common historical tradition, with a recorded literary history of at least two millennia.²⁵ By virtue of self-identification as Tamils, they hold a common ethnic identity. Their habits of daily life, dress, cuisine, etc. demonstrate cultural homogeneity. As speakers of the Tamil language (especially its Eelam variety), they hold linguistic unity. The Vaddukoddai Resolution, and Eelam Tamil social practice, enshrine a secular society respecting Hindus, Muslims, and Christians. Eelam Tamils hold ideological affinity based on the principles of “nationhood, homeland, and self-determination.”²⁶ The Vaddukoddai Resolution indicates the demographic claim of the Eelam Tamil population to the contiguous Northern and Eastern Provinces of the island of Ceylon, indicating territorial connection. Eelam Tamils are demonstrably bound together, both within their national territory and worldwide, by commercial, charitable, and familial economic ties.

Eelam Tamils therefore fulfill each condition constituting a “people” under the “Kirby definition.” As such, the Eelam Tamil people holds the right of self-determination under ICCPR Article 1.

21. Regarding the Kirby conditions, The Independent Expert notes:

To this should be added a subjective element: the will to be identified as a people and the consciousness of being a people.²⁷

In this respect, the Vaddukoddai Resolution’s formulation received overwhelming democratic ratification. Since the 1977 Sri Lankan election, Eelam Tamils have consistently aspired to governance by a state of their own. The 1977 TULF election manifesto stated:

The Tamil nation must take the decision to establish its sovereignty in its homeland on the basis of its right to self-determination. The only way to announce this decision to the Sinhalese government and to the world is to vote for the Tamil United Liberation Front. The Tamil-speaking representatives who get elected through these votes, while being members of the National State Assembly of Ceylon, will also form themselves into the National Assembly of Tamil Eelam which will draft a constitution for the state of Tamil Eelam and establish the independence of Tamil Eelam by bringing that constitution into operation either by peaceful means or by direct action or struggle.²⁸

²⁵ Harvard Tamil Chair Inc. “Tamil Language” <<http://harvardtamilchair.org/tamil-language>>

²⁶ See Anton Balasingham, *War and Peace: Armed Struggle and Peace Efforts of Liberation Tigers* (Fairmax 2004) 400-401

²⁷ A/69/272 para. 4

²⁸ Balasingham 28-29

The Northern and Eastern Provinces overwhelmingly elected TULF representatives in 1977. Eelam Tamils thereby expressed a democratic consensus to be recognized as a people and to hold a state of their own, by exercising the right of self-determination.

22. Having established that Eelam Tamils are a people who bear the right of self-determination, this letter partially documents the historical exercise of this right; both through the establishment of a *de facto* state during the time of the Ceasefire Agreement (CFA 2002-2006), and through popular consultations immediately after the armed conflict (2009-2010).

23. The era that followed independence from British colonial administration had previously exhausted the domestic recourse available through Ceylonese/Sri Lankan constitutional democracy and nonviolent civil disobedience.²⁹ Similarly, violent reprisals followed the 1977 election results.³⁰

24. This closure of democratic space through which to articulate the right of self-determination gave rise to an armed movement, the LTTE. The group began significant operations following the “Black July” pogroms of 1983. Coinciding approximately with the end of the Indian intervention in the armed conflict (1989-1990), the LTTE established effective control over significant portions of the Northern and Eastern provinces, defined as Tamil Eelam under the Vaddukoddai Resolution.³¹

These territorial positions were acknowledged in Paragraphs 1.4 and 1.5, and were recognized in Paragraph 2.6 of the February 2002 Ceasefire Agreement (CFA). The ceasefire thus saw Sri Lankan state recognition of the *de facto* state of Tamil Eelam. This led to a statement from the “Sri Lankan President, Chandrika Kumaratunga, ... that the Liberation Tigers of Tamil Eelam (LTTE) has established a ‘*de facto* separate State’ in the north of her country and in parts of the east since entering into peace talks with the Ranil Wickremesinghe Government.”³²

25. International organizations, composed of governments external to the armed conflict, also recognized the *de facto* state of Tamil Eelam. The UNHCR (for instance) acknowledged “legitimacy,”³³ or recognition for the LTTE’s exercise of effective control over territory, from external governments and institutions through such means as the Sub-committee for Immediate Humanitarian and Rehabilitation Needs (SIHRN), a joint LTTE-GOSL (or government of Sri Lanka) organization.³⁴ Similarly, the Post-Tsunami Operational Management Structure (P-TOMS) established joint cooperation for natural disaster relief in 2005.

26. On the basis of its ability to enforce territorial control, the LTTE ultimately expressed willingness to explore a federal solution. In December 2002, LTTE theoretician Anton Balasingham made the statement:

The decision as far as the LTTE is concerned is in line with the policy that we have been advocating for the last two decades or more. That is, a regional autonomous model based on the right to internal self-determination of our people in the historical areas where the Tamil and the Muslim people live. So, with this autonomous model or model of self-government that we were referring

²⁹ See Balasingham 1-36

³⁰ Balasingham 28-30.

³¹ See Appendix: “Distribution of Territorial Control, Ceasefire Agreement (2002)”.

³² Amit Baruah “LTTE has set up de-facto State” *The Hindu* 12 Apr 2003

³³ UNHCR *Global Appeal 2004* p. 200

³⁴ Balasingham 402

to, has to be couched or properly conceptualised within an appropriate concrete constitutional form. That is what we decided, that we will opt for a federal model.³⁵

27. The “Autonomous Model” produced a constitution of the *de facto* state of Tamil Eelam under the rubric of the Interim Self-Governing Authority (ISGA). The ISGA proposal was released on October 31, 2003 (during the CFA). The document expressed full autonomy within the formal structure of the Sri Lankan state. The civilian authorities that operated under the LTTE’s aegis held, in all meaningful aspects, functions of state agencies.³⁶ Rather than being an aspirational political document, therefore, in most respects the ISGA merely acknowledged the existing state of affairs. Accordingly, the *Agreement to Establish the ISGA* arguably held status as customary constitutional law.

28. The ISGA Preamble founds the document within the international order, committing the Authority to “the principles of the rule of law, the human rights and equality of all persons, and the right of self-determination of Peoples.”³⁷ It furthermore roots itself in a democratic consensus, noting that the “Tamil people mandated their elected representatives to establish an independent, sovereign, secular State for the Tamil people in the elections subsequent to the Vaddukoddai Resolution of 1976.”³⁸ The Preamble recognizes the LTTE’s “effective territorial control and jurisdiction over the majority of the NorthEast area of the island of Sri Lanka,” and that the Tamil people had mandated the LTTE to be their sole representatives.

The ISGA furthermore asserted powers of election,³⁹ taxation,⁴⁰ delimited separation of powers,⁴¹ and regulated internal and external trade.⁴² Paragraph 22, on the Settlement of Disputes, mandated arbitrators to “ensure the parity of status of the LTTE and the GOSL.”

Therefore, Tamil Eelam fulfilled the four criteria of the Montevideo Convention for statehood: a permanent population, a defined territory, government, and the capacity to enter into relations with other states.

29. Such modalities of interaction between Tamil Eelam and Sri Lanka may have been tense and short-lived, but they were made possible on the basis of accepted “parity of status” between the CFA parties. This phrase meant lifting the proscription against the LTTE, thereby expressing acknowledgement of the LTTE’s authority “to represent the Tamil nation as legal representatives on a status of parity”.⁴³

30. Following the LTTE’s defeat, amid a dire security situation within Sri Lanka in 2009-2010, referenda were held in 10 other countries, hosting populations of Eelam Tamils, on the question:

³⁵ Government of Norway, “Breakthrough in Sri Lanka Peace Negotiations”

<https://www.regjeringen.no/no/aktuelt/breakthrough_in_sri_lanka_peace/id248914/>

³⁶ See N. Malathy, *A Fleeting Moment in My Country* (Clarity 2012); Kristian Stokke, “Building the Tamil Eelam State: Emerging State Institutions and Forms of Governance in LTTE-controlled Areas in Sri Lanka” (Department of Sociology and Human Geography, University of Oslo 2006)

³⁷ In Balasingham 504

³⁸ Ibid

³⁹ ISGA Agreement para. 3

⁴⁰ Ibid para. 9.1

⁴¹ Ibid para. 10

⁴² Ibid para. 12

⁴³ Balasingham 373

I aspire for the formation of the independent and sovereign state of Tamil Eelam in the north and east territory of the island of Sri Lanka on the basis that the Tamils in the island of Sri Lanka make a distinct nation, have a traditional homeland and have the right of self-determination.

Each non-binding, independently-supervised referendum returned over 99% in favour.⁴⁴

C. Remedies

31. We observe, therefore, that the exercise of Eelam Tamil self-determination has attempted the routes of electoral expression, nonviolent civil disobedience, and as a last resort, rebellion. That rebellion attempted both secession, and an autonomous model of federalism. Post-armed conflict democratic initiatives have utilized a non-binding public consultation favouring independence.

32. We recall General Assembly Resolution 2625 (XXV):

Every State has the duty to promote, through joint and separate action, realization of the principle of equal rights and self-determination of peoples, in accordance with the provisions of the Charter, and to render assistance to the United Nations in carrying out the responsibilities entrusted to it by the Charter regarding the implementation of the principle...

The establishment of a sovereign and independent State, the free association or integration with an independent State or the emergence into any other political status freely determined by a people constitute modes of implementing the right of self-determination by that people.

Therefore, the Government of Sri Lanka has the responsibility to uphold the exercise of the right of self-determination, and if it fails to do so, the international community must ensure peace and stability by upholding its exercise instead.

33. General Assembly Resolution 2625 (XXV) binds UN member states to:

refrain from any forcible action which deprives peoples referred to above in the elaboration of the present principle of their right to self-determination and freedom and independence. In their actions against, and resistance to, such forcible action in pursuit of the exercise of their right to self-determination, such peoples are entitled to seek and to receive support in accordance with the purposes and principles of the Charter.

We allege that the dismantling of the autonomous region of Tamil Eelam, a *de facto* state recognized by Sri Lanka and parts of the international community, was accomplished through grave violations of international law and human-rights abuses. We furthermore allege that such violations and abuses continue against the Eelam Tamil people at present. As such, the Eelam Tamil people is entitled to support, in accordance with the UN Charter, for the free exercise of its right to self-determination.

34. The above-mentioned acts merit an international investigation into war crimes and crimes against humanity, as part of a comprehensive international transitional-justice mechanism. They furthermore bear special

⁴⁴ Results were reported by TamilNet between 11 May 2009 and 22 April 2010. Each of the ten consultations (Norway, France, Canada, Switzerland, Germany, Netherlands, the United Kingdom, Denmark, Italy, and Australia) was independently conducted and supervised.

investigation under the Genocide Convention, to which Sri Lanka (formerly Ceylon) is a long-standing party, as part of that mechanism.

We note that Paragraphs 18 and 19 of the “Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law” prescribe reparations adequate to the crimes committed:

18. In accordance with domestic law and international law, and taking account of individual circumstances, victims of gross violations of international human rights law and serious violations of international humanitarian law should, as appropriate and proportional to the gravity of the violation and the circumstances of each case, be provided with full and effective reparation, as laid out in principles 19 to 23, which include the following forms: restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition.

19. Restitution should, whenever possible, restore the victim to the original situation before the gross violations of international human rights law or serious violations of international humanitarian law occurred. Restitution includes, as appropriate: restoration of liberty, enjoyment of human rights, identity, family life and citizenship, return to one’s place of residence, restoration of employment and return of property.

In this case, therefore, restitution includes restoring members of the Eelam Tamil nation to a situation of the enjoyment of the human right of self-determination.

34. Particularly given the Government of Sri Lanka’s stated intent to violate Resolution 30/1, but independently of it, we request that the Secretary-General rectify the bleak injustices of history by instituting a special criminal tribunal to investigate war crimes, crimes against humanity, and genocide that we allege were perpetrated against Eelam Tamils by Sri Lankan personnel.

35. We are encouraged to recall that the independence of East Timor was ultimately gained through peaceful and democratic means, implemented in part through the good offices of the Secretary-General. We assert that the people of Tamil Eelam also hold the rights of self-determination, to territorial integrity and unity, and to permanent sovereignty over their wealth and natural resources.

36. We request the Secretary-General’s aid in the promotion of a democratic and equitable international order, under Resolution 68/175, by facilitating a binding public consultation to ascertain the will of the Eelam Tamil people, who considers itself to constitute a nation, in accordance with both the UN Charter and the ICCPR.

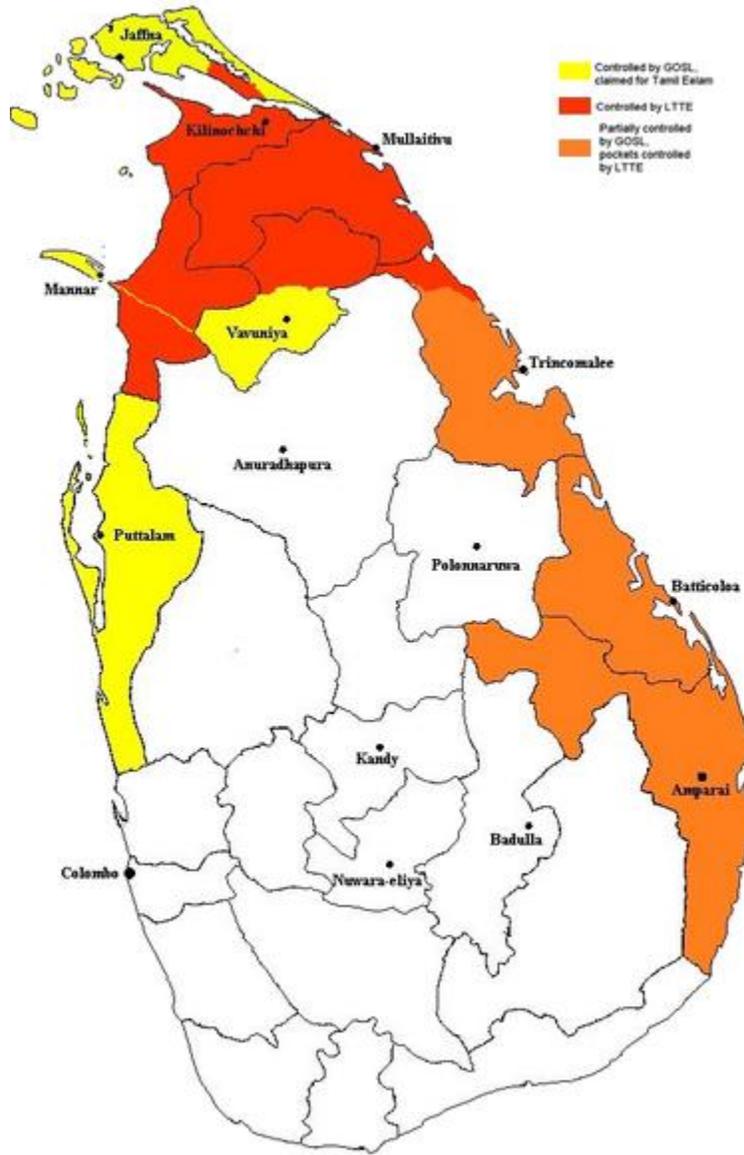
37. We request, furthermore, an appropriate United Nations mission in Tamil Eelam to enable effective implementation of the popular consultation.

38. We request the Secretary-General to report the result of the popular consultation to the Security Council and the General Assembly, as well as to inform the Government of Sri Lanka and the Eelam Tamil people.

39. We assert our nationhood, and our claim to our homeland, through the free exercise of our right of self-determination. Our thirst is for the birth of Tamil Eelam.

Signatories: Tamil Civil Society Forum UK (TSCF UK), Transnational Government of Tamil Eelam (TGTE), People for Equality and Relief in Lanka (PEARL), Tamil Coordinating Committee (TCC), Tamil Movement, May 17 Movement

Appendix: Distribution of territorial control, Ceasefire Agreement (2002)



Source: Office of Strategic Affairs, Ministry of Defence, Sri Lanka