

COMMITTEE FOR THE FORMATION OF A
Provisional
Transnational Government of Tamil Eelam
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PRESS RELEASE

The Advisory Committee for the formation of the Provisional Transnational Government of Tamil Eelam met in Zurich on 2nd and 3rd of August 2009.

The Advisory Committee considered the immediate and urgent needs of the more than 300,000 people internally displaced since May 2008, most of whom are held prisoners in camps without access to relief agencies or any resettlement process. Despite repeated requests from the international community, journalists and independent monitors are denied access to these camps. The Advisory Committee also noted the return of over 2 million Internally Displaced People (IDP) in the SWAT valley of Pakistan within 4 months of their displacement in spite of the fact that the Taliban leadership remains at large. The continued detention of 300,000 Tamils belies the argument of the Government of Sri Lanka (GOSL) that its military action was against the LTTE and not against the Tamil people. The International Community's inability to secure the release and resettlement of the IDPs reinforces the sense of betrayal felt by the global Tamil community. Normative standards that the international community has articulated – the responsibility to protect civilians in times of strife, the protection of women and children from hunger and violence, the human rights concerning liberty and freedom of movement, the prevention of torture, principles relating to the punishment of international crimes, lie in tatters. The international community needs to restore credibility in the rule of law.

The Advisory Committee noted, as observed by the International Committee of the Red Cross, that IDPs are first and foremost civilians who are entitled to the protection guaranteed by international humanitarian laws. The Committee also noted the Guiding Principles on Internal Displacement endorsed by the UN General Assembly – UN Doc A/Res/58/177. The Committee requests the International Community to ensure that the above laws and norms are applied to the Tamil IDPs and to secure their immediate release and resettlement.

The Advisory Committee calls on the International Community to address the following issues as a matter of urgency:

- *The plight of Tamil children orphaned by war.* The Tamil Diaspora is appalled at the plight of the countless number of orphaned children currently held in the camps or other facilities. We

call upon welfare organizations with a track record of providing a lifeline for these orphaned children to come forward and help alleviate their suffering. Precedence for this exists in the relief efforts after the conclusion of the Second World War when children from Germany were taken to Sweden and other countries to recover for limited periods.

- *Children in armed conflict.* The Advisory Committee wishes to highlight the indifference of the International Community, notably the Office of the Special Representative for Children and Armed Conflict and UNICEF, which were vehement in their condemnation of the practice of recruitment of children as combatants. It is inexplicable that the same agencies remain silent whilst these children are inhumanely detained in internment camps by the GOSL. Immediate release of these children to their families and their rehabilitation under the auspices of International Non Governmental Organizations remain a priority for the Tamil Diaspora. Several provisions of the UN Convention on the Rights of the Child have been infringed. Their right to life (Article 6), the right not to be separated from parents (Article 9), the rights to access to health care and food (Article 24) and the right to education (Article 28) are among the several rights of children being violated. It is also pointed out that the Special Convention on the Rights of the Children affirms that “the best interest of the child shall be the primary consideration in all actions concerning children” and the Optional Protocol on Children in Armed Conflicts says “the rights of children require special protection” and calls for “continuous improvement of the situation of children without distinction, as well as for their development and education in conditions of peace and security.” In addition, UN Security Council Resolution 1612 notes that “the protection, rights and well-being of children affected by armed conflict are specifically integrated into all... post-conflict recovery and reconstruction planning and programmes.”
- *Combatants and Torture.* The Tamil Diaspora and the Advisory Committee call for immediate cessation of the use of torture, as reported in the media, on ex-combatants who have been captured or who have surrendered. Prohibition against torture cannot be derogated under any circumstances. It is a fundamental norm of the international community that must be observed in any circumstance. Even though the armed conflict involves the realisation of the Tamil people’s right to self-determination, the Tamil Diaspora calls for at least the observance of Common Article 3 of the 1949 Geneva Convention. International norms on the treatment of ex-combatants should be ensured. We call for a register of all those who have been identified as combatants and demand access to these individuals on a weekly basis by the ICRC to ensure that they are not subject to torture or enforced disappearance.

The immediate and urgent attention to these matters is a priority for the Tamil Diaspora. No political dialogue would be possible whilst these injustices remain unresolved.

The structure of the Transnational Government of Tamil Eelam and the road map for the creation and implementation of its governing body were discussed by the Advisory Committee. The Transnational Government will preserve the gains that the freedom struggle of the Tamil people has achieved which includes a secular society, the equality of women and the protection and promotion of human rights. The Transnational Government will seek to realise the declared aspirations of the Tamil people through democratic and peaceful means.

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