


Feature

US-sponsored Resolution, Shocking, Shameful, says Boyle

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Professor Francis Boyle, an expert in international law, who teaches at University of Illinois, in an interview given to the 3CR radio broadcast in Melbourne Saturday in the "Tamil manifest" program said that he sees the 50 million Tamils in Tamil Nadu, its Chief Minister Jayalalitha, a unified Tamil diaspora and the young generation of Tamils as the propelling agents to force the changes necessary to bring justice to the victims of Tamil genocide by taking the Sinhala genocidaires to Court. The horrendous nature of genocide needs an international tribunal to dispense justice, and the United Nations and the U.S have failed in their obligations, Boyle said. Geopolitical compulsions have pulverized U.S. foreign policy to collude with the genocidaires, Boyle told TamilNet.

Full text of the interview is published below with permission from 3CR:


3CR: What's your opinion about the report tabled by the UNHRC on Sri Lanka?

Boyle: I thought the report was pretty good, except that the High Commissioner refused to use the word genocide, even though if you go through the report carefully it's clear he could have reached a conclusion of genocide but he refused. I also believe his predecessor Navi Pillay also refused to use the word genocide while the Vanni massacre was going on.

The other two UN reports, the UN experts report and the UN internal report [Petri Report], they also refused to use the word genocide. The reason is because if they used it it raised the question as to why the United Nations act immediately and effectively to stop it. Other than that I thought it was a good report and we could certainly use it to press war crime charges and charges of crimes against humanity against the entire Sinhala leadership who the High Commissioner most conveniently mentioned by name. As for genocide charges we'll have to do more work on that because they didn't really pull together the types of evidence that we need to prove that in Court. I think we can do that.

3CR: What do you think of the resolution put forward by the USA?

Boyle: It's a total disgrace. It really is. And indeed yesterday the State Department put out a press statement claiming credit for and boasting about it and they were proud of it. It is a shocking , shameless resolution including praising the Sinhala military forces for their honorable service committing genocide against about 146,000 Tamils. But as I said in my other comments basically rendering themselves accessories after the fact to the Sinhala genocide war crimes and crimes against humanity against Eelam Tamils. And if you read the Genocide Convention to which US is a party, it clearly prohibits and criminalizes complicity in Genocide , and that's what we are seeing here.

 [A/HRC/30/L.29: Promoting reconciliation, accountability and human rights in Sri Lanka](#)

U.S. State Department Press release:

"Sri Lanka: The U.S.-led resolution, which Sri Lanka co-sponsored, highlights the Sri Lankan government's efforts to advance respect for human rights and strengthen good governance since January 2015, encourages the reform of domestic laws to facilitate accountability for past crimes related to the Sri Lankan civil war, affirms the importance of the participation of foreign judges and prosecutors in domestic accountability mechanisms, and requests further reporting by the Office of the High Commissioner for Human Rights (OHCHR)."

3CR: Lets focus on the genocide question. The reason they refuse to even use the word genocide is clearly as you said, they have to take further steps. Then how cases like this is brought up at the International Court of Justice (ICJ). How does that work?

Boyle: We have tried consistently since the beginning of the crisis in Jan 2009 to get India to raise this issue at the ICJ for us. As you know even under the Gandhi Government they wouldn't do it because they were complicit in the GoSL [Government of Sri Lanka] genocide against Tamils, and now under Prime Minister Modi, BJP, so far he has not done it. I think it is going to take the leadership in Tamil Nadu under Chief Minister Jayalalitha to pressure Prime Minister Modi to do something here. I am here in the U.S. But I was there in Chennai after the massacre in June 2009, less than a month after the massacre. It was a national trauma over there; I spoke and I had a morning meeting with the members of the Tamil Nadu Bar Association discussing about steps that could be taken in India. Unfortunately I don't think there was much follow up.

3CR: So it has to be a state that should bring that accusation against another country? Would that be correct?

Boyle: That's correct. Right now the most likely candidate is India. Certainly if the 50 million Tamils living in Tamil Nadu can get Prime Minister Modi to do this, I will be happy to file the charges myself; draft the papers and file the charges. But we will need Prime Minister Modi, and unfortunately he seems to be supporting the process recommended by the Human Rights Council.

3CR: I wonder if you could draw out some points on this report. They have recommended a hybrid system, internal investigation, but the external international judicial process can be drawn in. There are two views on that. One the report says Sri Lanka can request international intervention. But local government in Sri Lanka and it's supporters are vehement in the point that we would determine who and when we invite into this process

Boyle: If you read the resolution itself, and what it actually approves was a purely domestic mechanism. As a matter of fact yesterday in the press release the State Department said, that it was a domestic mechanism. That is like asking Hitler and the Nazis to prosecute their own people for what they did to the Jews. Of course it's not going to happen. So we are dealing now with a domestic mechanism, history has taught that when you have genocide you must have an international mechanism, the Nazi genocide against the Jews, the Yugoslav genocide against the Bosnians. I was the lawyer for the Bosnians at the World Court and argued their case for genocide and won two orders of provisional measures of protection on their behalf against Yugoslavia to cease and desist from committing all acts of genocide, also international criminal tribunal against Yugoslavia to prosecute genocide, war crimes and crimes against humanity. And the third case we have is Rwanda, that too was genocide, and that called for the International Criminal Tribunal for Rwanda.

The three known instances of genocide, certainly since the second world war, have all required international mechanisms. But what we have here is nothing more than a domestic mechanism even bragged about by the US State Department that sponsored this resolution. It is a domestic mechanism with a fig-leaf of some degree of international participation as determined by the Government of Sri Lanka. It is not going to be nothing more than a copper out, damage control, damage limitation and it's not going to work.

3CR: One of my biggest concerns is that especially NGOs like Amnesty and HRW have accepted the report as a step in the right direction. What do you think of that type of support from credible organizations .

Boyle: As I said the report isn't that bad. The problem is the resolution which to some extent undercuts and denies the significance of the report. I was on the board of directors of Amnesty International USA for four years, and dealt with Amnesty at the highest levels. They are in the pockets of US, Britain, Israel, and they tow the party line of the major western powers. Since we have seen that US and Britain have come out in favor of this resolution, this domestic mechanism, it does not surprise me at all that the NGOs have simply towed their party line. It is regretful, but that's pretty much how these NGOs work.

3CR: Can you tell us a little about the political side of things, where you have got

China Russia Cuba and US supporting the report and even the resolution. The political line up is massive against the Tamils of Sri Lanka. What do Tamils have to do to untangle this?

Boyle:We need to put together a comprehensive program here first to get the Government in Tamil Nadu working actively on our behalf internationally, that's where the real power is, and then second to get the Tamil diaspora around the world every one united together on a common front on a common program; that's the task that is facing us now. We have US, China, two major powers working in cahoots with the Sinhala Government. When Secretary of State Kerry was chairman of Foreign Relations Committee he put out a completely horrendous report which I commented on in my book "Tamil Genocide by Sri Lanka," saying for strategic reasons US has to align with Sri Lanka, and that is exactly what they [US] have done.

We have a tough job ahead of us. We have 50million Tamils in Tamil Nadu have to get organized, and all the Tamils in the diaspora. You have to understand that the Human Rights atrocity here was enormous, I accept the figure given by the Bishop in Jaffna of about 146 thousand people. When you have figures that high in such a short period of time, it is going to take time, organization and resources to bring justice to bear on these Sinhala leaders, because now it's clear that the UN itself is not going to do it. So it's really up to us to do it.

3CR: Recently I read a news item that large number of Tamils were out on the streets protesting against the Resolution in Tamil Nadu and thousands were arrested. The problem is the relationship between the Central and State Governments. The Center completely controls the foreign affairs department.

Boyle:Let me interject here. We are in a better situation now with Prime Minister Modi than what we were with Gandhi. And Prime Minister says he is a devout Hindu. What did the Sinhala Buddhists do here but wipe out 146 thousand Tamils from January through May. I don't have a precise breakdown of how many of them were Hindus and how many were Christians, but I suspect the vast majority of them were Hindus. Where is the Prime Minister Modi here? We need to bring this out that Tamil Hindus were exterminated and we expect Prime Minister Modi to do something on our behalf. So I think we are in a better situation here under Prime Minister Modi and we have to produce a change in New Delhi.

3CR:Can a provisional Government bring accusations of Genocide against a state?

Boyle: Unfortunately we don't really have a provisional government at this time. As you know the LTTE had set up a de facto state with a de facto government in Tamil eelam but it was completely destroyed in May 2009, so we are dealing now with reorganizing something. I provide advice and counsel Tamil organizations that ask my help, I try not to exclude one or any organization. We have an enormous task ahead of us.

3CR:The question of the LTTE is constantly brought up by many of the forces around this issue. For me it seems like blaming the victims and their actions for defending themselves in whichever way possible against the perpetrators, and yet there is a constant attempt to balance the LTTE activities against the Sinhala right wing government or genocidal government I like to hear your comments on this type of argument.

Boyle:Look, the LTTE is dead. It is eliminated. Its history. I think rather than arguing about the past, we should focus on the future. That would be the best advice I would give to Tamil organizations. Let's not argue about the LTTE, people can have different opinions, but with all due respect, that does not get us anywhere.

Let me give you one other piece of advice. I have worked on the Tamil issue since 1996. I have met many Tamils all over the world. Tamils are highly educated and highly professional wherever you go. But the issue is this. It seems to me most Tamils are doctors, engineers, professors. We need more young Tamils to become lawyers. That's what we need, and we need Tamil parents to tell their children that even though Law may not be a high prestigious profession as a doctor, engineer, scientists, for the good of the Tamil people we need young Tamils now to go to law school and get trained in International Law, Human Rights and things of that nature, and start to work to the benefit of the Tamil people. So we need Tamil parents to tell their children, go to law school and help our people please

Chronology:

- 10.10.15 US-sponsored Resolution, Shocking, Shameful, says ..
- 08.10.15 Tamils dutybound to spearhead South Asian struggle..
- 06.10.15 Tamils need leadership, not hypocrisy of powers: P..
- 04.10.15 Media, NGOs provide SL cover for Genocide
- 03.10.15 U.S, U.N diplomatic shenanigans allow Sri Lanka Ge..
- 02.10.15 Resolution sponsors, voters, UNHRC become accessor..
- 01.10.15 China, Russia, India join USA in upholding Agent S..
- 01.10.15 UNHRC 'judgement' harps on Samaraweera oration
- 30.09.15 UN mechanism fails in gaining confidence of victim..
- 29.09.15 Tamil civil groups, political parties, come a step..
- 27.09.15 Dubious "Sovereignty" defence
- 25.09.15 USA sets new stage for Tamil struggle
- 24.09.15 Tamil Nadu political party cautions on impending G..
- 23.09.15 Terms may not be important but the thrust matters
- 22.09.15 Arrests in historical numbers in Tamil Nadu, TVK v..
- 21.09.15 Hybrid court unworkable in 'Sri Lanka' context: K...
- 19.09.15 Sumanthiran acts to weaken Tamil demand for genoci..
- 19.09.15 Welcoming OISL implies dropping national question ..
- 18.09.15 Hindutva-Buddhist 'pincer mechanism' to compete hy..
- 18.09.15 Reforms will not happen, genocide will continue, w..
- 17.09.15 Hybrid Mechanism saves State lacking political wil..
- 16.09.15 Genocide not recognised, 'Hybrid mechanism' recomm..

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