



## Reforms will not happen, genocide will continue, warns Prof. Boyle

[TamilNet, Friday, 18 September 2015, 00:21 GMT]

**Asserting that war crimes and crimes against humanity “on discriminatory grounds” can constitute genocide, Professor Boyle, an expert in International Law and who teaches at the University of Illinois, commenting on the Office of the High Commissioner of Human Rights overview report on Sri Lanka made public Wednesday, said, that “a Truth and Reconciliation Process does not work within the context of genocide,” and that instead of a hybrid court recommended by the OISL there is a “need for an International Criminal Tribunal for Sri Lanka or else referral by the United Nations Security Council to the International Criminal Court.” Boyle also warned that reforms by GOSL will not happen and that “[t]he Sinhala genocide against the Tamils will simply and predictably continue.”**

The OISL report is divided into two parts, which are interlinked, an overarching report on promoting reconciliation (19 pages) and an accompanying detailed report (268 pages).

 [A/HRC/30/CRP.2 OISL Report](#)

 [A/HRC/30/61 OHCHR Report](#)

Detailed comment from Professor Boyle on the OISL overview report follow:

Par. 24: “... war crimes... and/or crimes against humanity. In some of these cases, the alleged acts were apparently committed on discriminatory grounds.” In other words, genocide—though he does not use the word. But war crimes and crimes against humanity “on discriminatory grounds” can constitute genocide.

Par. 55: “....were treated as suspects and detained because of their Tamil ethnicity....may amount to the crime against humanity of persecution...” AND GENOCIDE.

Par. 59: Chandrika in charge of Office of National Unity and Reconciliation. A sick joke and a demented fraud! I think we could make the argument that she is a genocidaire herself. So this is “national unity and reconciliation” in the Sinhala Grave for the Tamils.

Pars. 80 & 81: A Truth and Reconciliation Process does not work within the context of genocide. They tried it in Bosnia and it got nowhere and failed. The same will happen here.

Par. 80: “...examine the entire period of conflict and insurgencies dating back to at least the 1970s...” Right. That is how long the Sinhala and their Government have been inflicting genocide against the Tamils.

Par. 84: “Without far-reaching institutional and legal reform {which is not going to happen}, there can be no guarantee of non-recurrence.” Right! The Sinhala genocide against the Tamils will simply and predictably continue. Hence the need of the Tamils for their own State—Tamil Eelam!

Par. 88: In the cases of Bosnia and Rwanda where genocide occurred, there were established International Criminal Tribunals and Investigations and Prosecutors-- not hybrid courts and investigations and prosecutions involving nationals of the genocidal state and of the genocidal nationality: The International Criminal Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR). The same principles of international criminal law apply here. Hence the need for an International Criminal Tribunal for Sri Lanka or else referral by the United Nations Security to the International Criminal Court. If a Permanent Member of the Security Council vetoes a reference to the International Criminal Court, then the United Nations

General Assembly can establish an International Criminal Tribunal for Sri Lanka (ICTSL) as a "subsidiary organ" pursuant to its powers under Article 22 of the United Nations Charter.

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