



Association Internationale des Droits de l'Homme
அனைத்துலக மனித உரிமை சங்கம்.

de l'association N° W941011373

January 26, 2022

To:

Shri Narendra Modi,
Honourable Prime Minister of India
South Block, Raisina Hill
New Delhi 110011
India

Through: The Embassy of India,
13-15 rue Alfred Dehodencq,
75016 - Paris,
France

Subject: Urging review of India's Foreign Policy on Sri Lanka vis-à-vis Tamils in the North-East

Your Excellency,

Our heartiest greetings to you on 73rd Republic Day!

Our organization, Association Internationale des Droits de l'Homme (AIDH), based in France, represents the European Eelam Tamil diaspora human rights activism on behalf of the Eelam Tamils, particularly of those who were uprooted from the island of Ceylon (the illegitimate state of Sri Lanka since 1972) due to more than seven decades of protracted genocide against Tamils.

We are writing this letter seeking a review of India's foreign policy on Sri Lanka vis-à-vis Tamils in the North-East, in a way that best serves the strategic interests of India in the Indo-Pacific. Like the Jewish diaspora who resuscitated the dream of an independent state of Israel, the Tamil diaspora have been focused on the realisation of the Right of Self-Determination of Eelam Tamils in their ancestral and traditional homeland in the North-East of the island.

The United States was the first country to recognize Israel as an independent state. Israel remains a strategic ally to the United States and Israel has no greater friend than the United States. While clearly distancing from Israel's non-secular policies and condemning its occupation of Palestine, the nation of Eelam Tamils, seek a mutual and strategic relationship with India as close as Israel's is with the United States, but with an outlook that is in sharp contrast to Israel's by being secular, inclusive and non-discriminatory.

We wish India to be the first country that recognises the Right of Self-Determination of Eelam Tamils. We are writing this letter with serious concern regarding the political aspirations of the nation of Eelam Tamils and the Indian Foreign Policy towards the illegitimate state of Sri Lanka.

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Before, proceeding with explaining the background for this letter and the justification of our requests, we would like to place the following demands:

1. The Eelam Tamils urge the Government of India and all other Member States of the UN to treat them as a people with a traditional homeland in the territorially contiguous northern and eastern parts of the island and are indigenous to the island of Ceylon.

The Eelam Tamils constitute a nation and are not a minority in the North-East. Eelam Tamils have historical, earned and remedial sovereignty rights and are entitled to uncompromising Right of Self-Determination according to the Wilsonian and Leninist conceptions of self-determination as well as the principles enshrined in the UN Charter and the International Covenant on Civil and Political Rights.

2. The Eelam Tamils urge the Government of India and all other Member States of the UN to recognise the genocide of the nation of Eelam Tamils and demand independent international investigation to determine that root crime.

The Tamils and their affinity to their motherland are being subjected to a protracted genocide by the chauvinistic Sinhala rulers through the occupying unitary state system.

The Tamils identified the root crime clearly in the historic Convention of the Federal Party held on 19 August 1956, in Trincomalee. The Trincomalee Resolution stated that “the policy of the Government is to perpetrate the genocide of a people, whose history in this country is as ancient and as glorious as that of the Sinhalese and whose language having a rich classical heritage and a modern development is one of the most advanced and progressive of Eastern languages” (See Attachment 1).

The ruling of The Permanent Peoples' Tribunal (PPT) on Sri Lanka, an alternative tribunal outside of the UN system, which held a series of sessions of hearings in Dublin (2012) and in Bremen (2013) concluded: “On the strength of the evidence presented, the Tribunal reached the consensus ruling that the state of Sri Lanka is guilty of the crime of genocide against Eelam Tamils and that the consequences of the genocide continue to the present day with ongoing acts of genocide against Eelam Tamils.”

“Regarding the characterization of the victims as belonging to a particular national, ethnical, racial or religious group population, the Tribunal specifies that the victims are in this case the Eelam Tamils as a national group,” the PPT judgement concluded.

Please note the definition of Eelam Tamils as the national group subjected to genocide in the PPT verdict. (See Attachment 2).

Furthermore, the Eelam Tamils have brought out democratically mandated resolutions demanding



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international investigations on genocide in the Northern Provincial Council in February 2015. They have been demanding international investigations on genocide despite the advice of the diplomats and foreign powers involved in geopolitics and international politics to the contrary. (See Attachment 3).

The Tamil Nadu State Assembly, under the leadership of the late Selvi Jayalalithaa, passed unanimous resolutions demanding international investigations on genocide in March 2013, and it was followed in September 2015 making a reference to the February 2015 resolution by the Northern Provincial Council.

We would also like to draw your attention to the joint demand of all elected Tamil national leaders in the letter to the 47 Member States in the UN Human Rights Council, including India, dated 15 January 2021. That letter, is more credible and genuine than the letter dated 29 December 2021 and addressed to Your Excellency. The 15 January 2021 letter, titled Call for decisive action at the 46th Session of the UNHRC, was supported by the civil society and religious leaders and urged the 47-Member States to bring a new resolution urging the “United Nations including the UN Security Council and the UN General Assembly take up the matter and take suitable action by reference to the International Criminal Court and any other appropriate and effective international accountability mechanisms to inquire into the crime of genocide, war crimes and crimes against humanity.” (See Attachment 4)

3. The Eelam Tamils seek India and all other UN Member States to conceive a foreign policy towards the nation of Eelam Tamils distinct from the one towards the illegitimate, unitary state of genocidal Sri Lanka.

The Tamil perspective of the so-called Sri Lankan state, with a constitution that was enacted without the democratic mandate of Eelam Tamils, is that the unitary state is illegitimate. However, as an occupied people we were forced to take part in the governance imposed by the unitary constitution. Such participation does not imply that those elected under that system are the sole representatives of Eelam Tamils. In fact, the foreign policy needs to treat the nation of Eelam Tamils, the Tamil-speaking people in the traditional homeland and the Eelam Tamil Diaspora as a whole including the Tamils who have been uprooted overseas to India.

4. The Eelam Tamils seek India and all other UN Member States to recognise their inalienable Right of Self-Determination. A political solution, in order to be meaningful, needs to be negotiated from a starting point, which is extra-constitutional and not confined to the parameters of the illegitimate unitary constitution of genocidal Sri Lanka.

Furthermore, the negotiation process needs to be internationally-mediated and the solution to the national question needs to ensure an entitlement rooted in the right to self-determination. Eelam Tamils urge India and all other countries to treat them as a distinct, secular and inclusive nation rooted in the traditional Tamil homeland in the North-East of the island.



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In the meantime, Tamil-speaking people would constitute a minority in the South of the island, beyond the limit of the traditional Tamil homeland.

The Eelam Tamil identity is inclusive also in the sense that it accommodates the Tamils who settled in the island from India during and the before the times of the European colonisation if they so wish to settle in the North-East. The secular and inclusive Eelam Tamil nationhood was defined in 1976 Vaddukkoaddai Resolution (VKR) under the leadership of the late Thanthai S.J.V. Chelvanayakam, the Gandhi of Eelam. All Tamil-speaking parties in the island endorsed the definition, including the Indian-origin Tamil parties in the Up-Country.

The nation of Eelam Tamils is also sharing their motherland with Tamil-speaking Muslims who have settled in the North-East. Therefore, we call it the traditional homeland of the Tamil-speaking people.

Our identity as well as our political aspiration as defined in the VKR received democratic mandate of the people in the last-ever free election held in the island in 1977. Every election held in the island after 1977 denied the democratically mandated political aspiration of the Tamils through the so-called Sixth Amendment, which is an outright violation of the freedom of expression on Tamil political aspiration. Since Eelam Tamils were uprooted in large numbers due to the genocidal pogroms and war and are living scattered around the world, they also constitute an integral part of the nationhood of Eelam Tamils. This has been defined in the VKR (See Attachment 5).

5. The Eelam Tamils urge India and all other UN Member States of their obligation of preventing the crime of genocide is territorially unlimited. Recognition of independent Tamil Eelam is a must at the absence of meaningful solution and inability of the neighbouring State and the regional power to check the protracted genocide. The right to self-determination, recently posited as one possible jus cogens norm, accompanies the other jus cogens norm, the duty to punish and the duty to prevent genocide.

The nation of Eelam Tamils has already exhausted everything in its possession, including the armed struggle for secession as the last resort for ending oppression.

Therefore, in the absence of a meaningful and internationally mediated negotiation, India and other UN Member States need to come forward to recognise the establishment of the independent state of Tamil Eelam. This needs to be expressed as an ultimatum to the Sri Lankan State.

6. The Eelam Tamils urge India's friendship and cooperation on strategic interests in a reciprocal manner, however small the nation to which we belong.

Demanding by West Bengal, India liberated Bangladesh, but had acted completely opposite to the wishes of the people of Tamil Nadu with regards to the nation of Eelam Tamils. Furthermore, New



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Delhi has not acted on any of the resolutions of the State of Tamil Nadu on this issue.

At the absence of a reviewed approach from New Delhi, the Eelam Tamil diaspora would have no other choice than to mobilise to prove India's complicity in Sri Lanka's genocide against the nation of Eelam Tamils. If that was the last choice, such a process needs to be initiated and carried out in the same spirit and courage as the nation of Eelam Tamils confronted the IPKF. As a nation facing genocide, Eelam Tamils would have no other choice than taking the case against those complicit in the genocide before their nation faces complete structural annihilation in the traditional homeland.

Around one million Tamils of Eelam Tamil origin are scattered around the world today, most of them in the Europe and Northern America. More than 100,000 of them are also residing overseas in the Indian State of Tamil Nadu.

More than two million Eelam Tamils, who survived the physical genocide by the Sinhala chauvinist unitary state of Sri Lanka, are still facing annihilation of existence as a nation on the island. Our lands are being taken over and the Sri Lankan state is destroying the territorial contiguity of the traditional homeland in the North-East, which is also known as Tamil Eelam, the occupied country of Eelam Tamils.

After the end of genocidal onslaught and enslavement of the Eelam Tamils into barbed-wire concentration camps in 2009, the people in the occupied homeland are facing accelerated structural and cultural genocide, including linguistic, religious, heritage and demographic dimensions of the root crime of genocide.

The driving force behind the genocide is the extremist Sinhala Theravada Buddhist ideology, which is known as the "Mahawansa mindset". This ideology has been institutionally embedded in the Sri Lankan constitution, the military and in almost all the state mechanisms under the unitary state system. The unitary system was introduced by the British colonists without the democratic mandate of Eelam Tamils. But, it has been made worse by the successive Sinhala chauvinistic state system and the regimes, particularly from 1972 onwards. Unlike the Republic of India, the Republic of 'Sri Lanka' is officially unsecular and it is intended to be genocidal against Tamils by design.

Even the name, 'Sri Lanka', which literally means 'the auspicious island' implies 'the chosen island for Sinhala Buddhists'. As far as the Eelam Tamils are concerned, everything, from the name and the national flag to ministerial, departmental and other administrative systems under the parliamentary system and the appointed officials such as the governors under the executive presidency, are institutionalised agencies serving the exclusivist state-driven ideology. The genocidal ideology is deployed, both sophisticatedly and often blatantly, depending on the prevailing regional and international order. This is exactly what Tamils have witnessed during the post-World War II, Cold War, and post-Cold War times under the alien Sinhala chauvinistic rule of the Tamil homeland. Now, we are facing the same scenario, also in the "Indo-Pacific" era.

The non-violent struggle by the Tamils didn't produce any meaningful power sharing. Federalism

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became synonymous to what Sinhalese called as 'Separation'. When, Separation became the last-resort choice and Tamils took to the arms, Eelam Tamils were able to successfully defend their interests despite the loss of lives.

The territorial contiguity of the traditional Tamil homeland and the distinct sovereignty of Tamils prevailed during the armed struggle, which halted the structural and demographic genocide.

The armed struggle caused an internationally brokered Ceasefire Agreement (CFA) in 2002.

The late Brajesh Mishra, an exceptional National Security Advisor of India, was involved in the process towards the CFA behind the scenes. The peace process had a good start. However, the process was taken into a wrong direction, by his successor, the late J.N. Dixit, who was reportedly shocked to learn about the pro-active role of his predecessor in the making of the CFA and the peace process.

Your Excellency is surely well informed about the misguided Indian Foreign Policy under the J.N. Dixit and the likes of him.

However, we are also disillusioned to learn about what is going on at the moment. This letter, urging a review of the Indian foreign policy towards the island and the Tamils, reflects it.

Your Excellency has visited the island twice, for the first time in March 2015 and then in June 2019.

We are aware that you gave an indirect advice to the Sri Lankan state leaders to adopt a cooperative-federalist model citing the example of India.

Seven years have elapsed since your first visit and the above-mentioned advice delivered at the Sri Lankan Parliament has been completely ignored by the Sinhala leaders.

During your first visit, you also met the Chief Minister of Northern Province, Justice C.V. Wigneswaran, on 14 March 2015.

Kindly permit us here to remind what Justice Wigneswaran, pleaded with Your Excellency to help to find a political solution "without taking refuge under the current constitutional provisions and protocols to find ways of resolving the central problem of the Tamil speaking people in an innovative and creative manner bearing in mind the root causes of our ethnic conflict and post war needs and priorities of the people of the Northern and Eastern Provinces".

The situation on the ground has further deteriorated. None of the promises and the internal constitutional discourses as well as the international accountability processes have treated the aspiration of Eelam Tamils and the Tamil-speaking people of the North-East with the required level of seriousness.



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Now, the Sinhala Sri Lankan leaders, with two-thirds majority in the present parliament are embarked upon another chauvinistic discourse with the intention of emboldening the unitary state system with another constitution. This project has been named “One country, One Law”, displaying open hostility towards the Eelam Tamils and the other non-Sinhala Buddhist people on the island.

In the meantime, the Sri Lankan state is cooperating with foreign powers, particularly that of China. It is using the pro-China posture to woo the competing regional and global powers, with the aim of dislodging even the mere international focus on the human and collective rights of the people, which it suppresses with the ultimate “Manhavamsa Mindset”.

Colombo's handing over of Hambantota port to China on 99-year-lease as part of a debt-equity in 2017 has totally violated the understanding reached between the leaders of India and Sri Lanka following the Indo-Lanka Agreement of 1987. The same can be said of China's presence in Port City in the south and in the islets of the nation of Eelam Tamils.

The Indo-Lanka Agreement has gravely failed in bringing a political solution, security and the collective rights of the Tamil-speaking people in the North-East, which was the stated intention of the agreement.

However, after securing the strategic access to the island, the then Indian leaders ended up fighting a war against the nation of Eelam Tamils for whom the agreement was intended to serve.

Ultimately, the Indo-Lanka Agreement also failed to safeguard the interests of India.

The final nail in the coffin for the Indo-Lanka Agreement was hammered by Sri Lanka in 2017 at Hambantota, exactly 30-years after its inception.

Not only the Indo-Lanka agreement, all the other undertakings and agreements promised by the Sinhala leaders of genocidal Sri Lanka to India, have been violated, rendering India as the losing party and the Tamils as the victimised party subjected to systematic annihilation.

To mention two other undertakings violated by Sri Lanka against India: Ceylon allowed its air space to be used by Pakistan in 1971 and provided fuel to the C-130 bombers of Pakistan Air Force during the Bangladeshi War of Independence (Indo-Pakistani war of 1971).

The India-Sri Lanka maritime agreements in 1974 and 1976, that ceded Katchatheevu island in the Historic Waters of Tamils to the illegitimate state of Sri Lanka, resulted in Sri Lankan Sinhala Navy killing hundreds of Tamil Nadu fishermen, who are Indian citizens.

Buying time and political space, Colombo emerges as the winner almost always. It is using the



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strategic location as a trump card against India and genocidal card against the Tamils.

At every juncture when Colombo secured Indian backing, it aggravated the flagrant violations and the continuation of the unchecked Tamil genocide.

Once again, the 'Sri Lankan' state has sought India's tacit approval of its unchecked unitary discourse, utilising the foreign policy interests of New Delhi to its favour.

Colombo seeks economic assistance from India and the Quad partners to overcome the financial collapse of the genocidal state-order. By providing access to the strategic resources in Trincomalee, the occupied and Sinhala-colonised capital of Tamil Eelam, and other selective ports and portions of the land and the sea to the Quad partners, Colombo is getting hard on using its geopolitical balancing act in 2022.

Tamils are concerned that the Quad partners and the UK are simply following suit, obviously due to the China factor.

Regardless of the triggering causes, the losses felt by India in the past and possibly also the ones that are to follow in future, may be reparable for India in the long run. But, the Indian losses, caused by the deceptive Sri Lankan influence, have far reaching consequences to the Tamils as a people facing existential threat on the island.

Thus, the combined foreign policy interests of the legitimate Indian and the illegitimate Sri Lankan states in the Indian Ocean, and the political aspiration as well as the collective rights of nation of Eelam Tamils, seem to be at loggerheads once again, due to the latest developments involving Your Excellency's government as well as the powerful countries of the Quadrilateral Security Dialogue and the UK. The latter is responsible for the root cause of the conflict.

Therefore, we have no option other than conveying our concerns directly to Your Excellency.

It is under these circumstances, seven leaders of Tamil political parties from our traditional homeland, have written a joint letter, dated 29 December 2021, to Your Excellency. They are seeking your help to enable the Eelam Tamils to "live with dignity, self-respect, peace and security in the areas of their historic habitation, exercising their right to self-determination within the framework of united, undivided country".

The joint letter, which was harping on a federal solution without articulating it sharply, was also referring to the Indo-Lanka Agreement of 1987 and the 13th Amendment, both of which have totally failed to safeguard the democratic aspiration of the Tamils.

What is the point of urging India to exert pressure on Sri Lanka to implement a failed constitutional amendment when the concerned State is embarked upon an exercise to bring in an even more stringent constitution, which is set to replace the existing one?



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Instead, our political leaders should have urged Your Excellency to take an informed and reviewed approach on the foreign policy options vis a vis Sri Lanka and the Tamils, pointing out how the starting point for meaningful engagement needs to be conceived and where such a process should bring us.

The content of their letter has been produced without proper consultation of the electoral members of the Eelam Tamils and the representatives of the nation of Eelam Tamils in the diaspora, which jointly composes the nation of Eelam Tamils in terms of the composition of the people belonging that nation.

Three of the seven signatories are not even elected by their constituencies.

It is indeed a pity that Justice C.V. Wigneswaran, who argues for a confederal solution as the ideal framework, is being a signatory to the controversial letter.

Based on available media reports, the letter-drafting exercise seemed to be highly influenced by the Sri Lankan diplomats, and possibly also by the sections of Indian advisors, who belong to the legacy of 1987 Indo-Lanka Accord.

The letter also fails to urge Your Excellency to bring the case of international investigation on Sri Lanka's genocide against Eelam Tamils. It has also avoided to seek an active Indian role in the UN-led human rights process towards the direction of investigating the perpetrated genocide.

The need of the hour is India exerting pressure on Sri Lanka to commit for an internationally mediated negotiation process without imposing its unitary constitution in the North-East. We need an interim self-governing authority beyond the control of the unitary constitution of Sri Lanka as a starting point. Such an arrangement would enable also the Tamil diaspora to meaningfully take part in the reconstruction and development of the traditional homeland without the need to go through the unitary and genocidal filtering process in Colombo.

At the same time, it is of paramount importance to subject the state-responsibility of Sri Lanka on Tamil genocide for a proper investigation by the International Court of Justice and prosecute those criminally responsible for the genocidal acts by a UN constituted International Criminal Tribunal, without limiting the prosecution to the already established findings of war crimes and crimes against humanity alone.

India, as the neighbouring country and the regional power has in-depth knowledge of the Tamil genocide. Yet, it has failed to call for justice on Tamil genocide. A proper review of Indian foreign policy towards Sri Lanka and the Tamils needs to take this into account.

The late Smt. Indira Gandhi, who was the prime minister of India in 1983, called the anti-Tamil pogrom in the island against Tamils a genocide while speaking on the situation in Sri Lanka, on 16

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August, 1983. Mrs Gandhi said: "I personally, my Government and my Party are just as deeply distressed as any who has spoken here. We have condemned and we do condemn genocide and where and we realise the harassment of and injustice to the Tamils of Sri Lanka. However, I am sure Hon. Members will understand that however strong our feelings, the Government has to show greater restraint, not because we are hesitant or reluctant, but because at every step we have to consider whether our words and actions will help or harm the Sri Lankan Tamils."

Tamils all over the world, including the Eelam Tamil diaspora, were proud to hear Your Excellency invoking the three-millennia old Tamil poet and philosopher Kaniyan Poongundranar of the Sangam Age in your address to the 74th UNGA session.

Eelam Tamils were also living in the island at the time of Sangam Age.

The current constitution of the illegal state of Sri Lanka (Seventh Schedule, Article 157A and Article 161 (d) (iii)), demands the parliamentarians to take oath for the following text: "I... do solemnly declare and affirm/swear that I will uphold and defend the Constitution of the Democratic Socialist Republic of Sri Lanka and that I will not, directly or indirectly, in or outside Sri Lanka, support, espouse, promote, finance, encourage or advocate the establishment of a separate State within the territory of Sri Lanka."

The parliamentarians elected under the Sri Lankan constitution cannot be the sole representatives of the nation of Eelam Tamils, precisely because they are denied the right to represent the democratically mandated political aspiration as articulated in the VKR.

We sincerely hope the urgent and grave issues not exhaustively presented here, faced by the nation of Eelam Tamils will compel Your Excellency to consider a thorough review of the Indian foreign policy on Sri Lanka vis-à-vis Tamils in the North-East.

Thanking you for your precious time. We look forward to your response.

Sincerely yours,

M. Loganathan Maruthaiah

President,

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