

Challenging Sri Lanka's Sixth Amendment : Rudrakumaran's Interview

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Interviewed by: Taylor Dibbert freelance writer

Mr. Visuvanathan Rudrakumaran is Prime Minister of the Transnational Government of Tamil Eelam (TGTE). He is based in New York City.

This interview has been edited for brevity and clarity.

1) Would you talk a bit about the motion that you and some colleagues will be filing with the UN Human Rights Committee (HRC)?

The Sixth Amendment to the Sri Lankan Constitution criminalizes peaceful advocacy for an independent state. In highlighting this fact, a former Judge of the High Court of Madras (India) Justice K.P. Sivasubramaniam, the former U.S. Attorney General, Mr. Ramsey Clark, and I signed a communication to be filed with the UN Human Rights Committee with respect to the Sixth Amendment. Through this communication, the TGTE is calling all progressive lawyers from across the globe to lend their support and provide legal representation for this communication.

The enactment of this protest is reminiscent of Sri Lanka's 1976 Trial-at-Bar proceedings taken up against Tamil political leaders at the time for distributing to the public copies of the Vaddukoddai Resolution which had been adapted by all the major political parties and leaders in 1976, including the present opposition leader, Mr. Sampanthan.

Like the Million Signatures campaign calling for the referral of Sri Lanka to the International Criminal Court (ICC) in which more 1.6 million people participated, we believe thousands of lawyers across the globe will participate. The TGTE has also set up a website in which interested lawyers will be able to log their names, affiliation, and their country of residence in order to express their solidarity in joining the call for legal representation.

While this campaign is predominantly a legal one, it also has a political dimension. We believe this campaign will contribute to solidify the legitimacy of Tamils' campaign for an independent state. It will also mobilize and solidify the soft power of the Tamils.

It is our belief that given the present Sri Lankan government's duplicitous political exercise of drafting a new constitution and a call for a referendum, this campaign is a timely one. The Sixth Amendment to Sri Lanka's constitution prohibits the Tamils to articulate their political aspirations freely. If a referendum is to be held, it should be held in an unhindered, open political space. Otherwise it is a sham exercise.

This campaign can be seen as part of a global effort to strengthen democracy. A well-known

human rights lawyer from Canada, David Matas, is coordinating our campaign to the UN against the Sixth Amendment.

2) Why is the Sixth Amendment to Sri Lanka's constitution problematic?

The Sixth Amendment to the Sri Lankan Constitution criminalizes peaceful advocacy for an independent state, by its people, and we hold the strong view that this amendment is a violation of freedom of thought and conscience and freedom of speech guaranteed to citizens in the International Covenant on Civil and Political Rights, in sections 18 and 19.

3) Do you expect the government of Sri Lanka to respond? What do you think will happen once the motion is filed with the HRC?

I do not think the Sri Lankan government has the moral courage to respond to this. Since the Sri Lankan state practices democracy as ethnocracy, we do not expect that the Sri Lankan government will respect Tamil people's democratic rights and repeal the Sixth Amendment. However we are confident that the campaign would increase the legitimacy for the political struggle of Tamil people. Once the communication is filed, the Human Rights Committee of the UN will call for an explanation from the government of Sri Lanka.

4) Regarding this initiative, how much support do you have from Tamils residing in Sri Lanka?

The starting point of the Sixth Amendment is in fact the well-known 1976 Vaddukoddai Resolution which called for (for the first time) the establishment of an independent and sovereign state of Tamil Eelam in the island of Sri Lanka. In fact, the Vaddukoddai Resolution was promulgated before the armed struggle by the Liberation Tigers of Tamil Eelam (LTTE) began.

During the subsequent general elections of 1977, the Vaddukoddai Resolution was put forward to the people and a mandate was sought by the united Tamil political leadership at the time. The Tamils in the North-East all vehemently voted in favor of the resolution and gave a resounding mandate. All elections since 1977 have been held under the imposed parameters of the Sixth Amendment. This implies that the mandate given by the people at the 1977 general election, the last time elections were held in an open political space, remains a valid one.

If anyone today wants to claim that the Tamil people have given up their political aspirations for an independent Tamil state, I dare them to resign their position and contest elections after repealing the Sixth Amendment or to conduct a referendum after repealing the Sixth Amendment.

It should be noted that while the Sixth Amendment prohibits a call for an independent state, it does in no way prohibit calling for the repeal of the Sixth Amendment. In fact, in my encounters with the Tamil domestic leadership, we found that they too subscribe to this same view. Thus, it is our intention to take this campaign calling for solidarity and legal representation of lawyers in the island of Sri Lanka.

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