
Intent of Genocide provable in Sri Lanka - Bruce Fein, former U.S. Deputy Associate Attorney General

Bruce Fein, former U.S. Deputy Associate Attorney General and currently counsel for the US-based group Tamils Against Genocide, addressing a select gathering of media persons and intellectuals organized by the Max Foundation in Chennai Friday, told the audience that there is enough evidence to criminally convict U.S. citizen Gotabaya Rajapakse and U.S. Green card holder Lt.Gen. Sarath Fonseka in the U.S. Federal Courts for "intent to commit Genocide" in Sri Lanka, sources from Chennai said.

Bruce Fein addressing audience on the invitation by Max Foundation on Friday
Displaying copies of the 1000-page indictment document he had prepared, Fein said, "irrespective of the nationality of the victim or the defendant, egregious crimes including cases of extrajudicial killings can be tried in the US courts, and I hope the criminal prosecution against the genocide will provide the launching pad for ensuring the civil rights of the Tamil people," and elaborated on how he would prove "intent" of genocide.

Mr. Fein said that Sri Lanka was a unique nation whose history reveals an ongoing cultural genocide, adding, "the myths of the Mahavamsa say that Sri Lanka belongs to no one but the Sinhalese, and the text celebrates kings for slaughtering Tamils. Secondly, the teachings of Dharmapala, celebrate the purity of the Aryan race and establish the idea of racial supremacy. Because Dharmapala is as sacred to the Sinhalese as Jesus to the Christians, the Sinhalese believe and act with the notion of racial supremacy. This legacy is being continued by Sinhalese Buddhist monks and this legacy is used by Buddhists in classrooms in the South, as an instruction in genocide."

3-Volume model indictment
Fein also pointed out that this was one of the reasons why Buddhist monks launched protests against peace on the island and continuously agitated against the Ceasefire Agreement (CFA) from 2002-2008.

He claimed that the trajectory of politics on the island has also been dictated by the religious and chauvinist elements. The politicians who expressed willingness to address Tamil grievances were assassinated. During the civil rights movement in the United States, significant number of whites openly protested against the oppression of the colored people. But in Sri Lanka, the dissent is not tolerated, he said.

Mr. Fein also compared the Black July of 1983 with the current situation faced by Tamils in the Northeast. In July 1983, 4000 people were massacred in a state-sponsored carnage that took place over four days and several thousand people were displaced. But today, while we cannot point out to any single mass-scale killings, genocide is taking place every day, he said, adding that all acts of killing from November 2005 to December 2008 had been documented.

In the three year period under Rajapaksa regime there have been nearly 3000 extra-judicial killings, an average of 3 civilian killings every day, he said. There has been no investigation or prosecution. Failure to prosecute the killers is a proof of genocide, he said.

"Nearly 189 military camps have come up in Tamil areas and no one could wriggle even a finger there without the permission of the Lankan military," Fein said, adding "Governments complicity in the killings is clear as the crimes take place in Government-controlled area. Gotabhaya and Fonseka are aware who committed the crimes but failed to order investigations and allowed complete impunity to the soldiers and paramilitaries to carry out the crimes."

Speaking about the white-van abductions, Fein observed that there had been more than 3000 documented cases of disappearances. There have also been more than 1000 cases of bombings causing serious bodily injury, however no Tamil has been given any compensation for the suffering undergone.

Bruce Fein addressing audience on the invitation by Max Foundation on Friday

Finally, Mr. Fein charged the Sri Lankan Government for creating conditions of life that gave Tamils no opportunity but to die, or to live at the mercy of the Government. By denying food, by stealing Tsunami relief, the Government ensured that people live in semi-starvation and more than 80% of the children suffered from malnutrition.

He also blamed the government for preventing supply of medicines and said, "Sri Lanka must be the only government in the world which wants its people to die from epidemics. It is the only government in the world that ships banned product to its people. There are no hospitals, there is no proper treatment facilities, there are no ambulances. Bullock carts serve as ambulances, and medicine has been pushed to the stone-age, he charged.

Fein also said that every Tamil in the North-East has been displaced at least once and that presently 1.3 million Tamils had been displaced. He blamed the Sri Lankan Government for cutting off all communication from the Tamil areas by expelling the Sri Lanka Monitoring Mission, UN agencies and foreign NGOs.

He said that one of the objectives of the genocide prosecution is to unify the Tamils worldwide. "There can be no difference of opinion over the fact that what is happening to Tamils in Sri Lanka is a clear-cut case of genocide," he said.

Fein said that he will deliver the model indictment US Secretary of State, the Attorney General and selected members of the Congress after he returns to the US. Even as the US is pre-occupied with serious foreign policy matters dealing with Iran, Iraq, Afghanistan and the Gaza strip, Fein added that the American Government cannot stay blind to genocide when a US citizen is accused of that crime.

He said that the Sri Lanka Government had gained military upper-hand by using the doctrine of "war on terror" against the ethnic conflict. But, when the genocide was exposed in the international forum, this would automatically lay the basis for providing a just and equitable solution to the Tamils, he said.

He also observed that there were a few positive signals from the International Community: Sri Lanka had been rejected from the United Nations Human Rights Council, and the British Parliament had discussed the need for a ceasefire in the war-torn island. Fein also said that one had to look for cracks in the Sinhalese-Buddhist polity. He emphasized the importance of finding support among these sections to advance the Tamil project. Sri Lankan government is attempting to muzzle Sinhalese critics through death-threats and the use of brute force, which clearly showed that the Government lacked legitimacy.

In conclusion, Bruce Fein said that Socrates who chose death in order to make life better for those yet to be born inspired him.

Later, responding to questions from the media, how the Sri Lankan Government using the counter-terrorism was committing atrocities including the massacre of women and children. He labelled the Government of Sri Lanka's genocidal program as the "crime of crimes."

When asked how this issue could be brought into the spotlight, the US former Deputy Associate Attorney General said that this could be done by focussing on American legal system. Gotabhaya would be the first US citizen in history to be tried for genocide. Fonseka would be the only green-card holder accused of the same crime. That would give this case worldwide publicity and the trial would grab the international media's attention, he said.

Responding to a question on how Tamils would get justice within the framework of the Sri Lankan Constitution which did not even allow for a federal state, Bruce Fein said that the Sri Lankan State had disrespected every piece of paper that tried to enshrine and protect Tamil rights. Even Article 29 had been dishonoured. Moreover, even a new Constitution could be repealed the very next day, and the Sri Lankan Supreme Court would support the same, he said. "There is no legitimate security for Tamil people without sovereignty," he added.

The anti-Congress mood prevalent in Tamil Nadu came to the fore when there was a barrage of questions targeting the Indian Government. When asked about the Indian Government's inaction to the humanitarian tragedy, and the proxy war that India was waging, Bruce Fein said that his silence would be the best answer to such a broad question.

Asked to comment on the Indian Government's inaction when Indian fishermen were being killed by the Sri Lanka Navy, Mr. Fein replied that these instances proved the landlessness of the Sri Lankan Government which wanted to shoot down anyone who vaguely resembled a Tamil.

Finally, when asked what a sustainable final solution to Sri Lanka would be, Bruce Fein said that nothing was ever fixed and this applied to national boundaries also. The only way in which peaceful existence between the Sinhalese Buddhists and the Tamils on the island could be ensured was to carve out a separate state for the Tamils.

"The important point to remember is that the rights of the Tamils have been dishonoured for the past sixty years. The Tamil people are being subjected to oppression, and they are made to live in fear every moment of their lives. To ask the Tamils to live along with the Sinhalese within unified Sri Lanka would be as disastrous as asking Blacks in the USA to go back to being slaves to the Whites."

Dr. Ezhilan, President of the Max Foundation which organized the meeting, spoke about the need for Indians and the International Community to react to the genocide as human beings, by displaying support and sympathy towards the Eezham Tamils.

Source: TamilNet