



ONLINE

Zoom Webinar

Symposium on LTTE Terrorism and Alleged Tamil Genocide

Critical analysis of an alleged Tamil Genocide against Sri Lanka

Saturday, June 06, 2020

10:00 am – 11:45 am EST

(Canada eastern daylight time)

Organized by

Ontario Centre for Policy Research

Ottawa, Canada.

Panelists

Dr. Chandre Dharma-wardana, Ph.D.

Dr. Neville Hewage, Ph.D.

Dr. Sarath Chandrasekera, Ph.D.

For Free Registration

Please send e-mail, office@policy-research.ca or you can register below link

https://us02web.zoom.us/webinar/register/WN_rIm2QBD9TBWAOnU0ubIbWQ

Ontario Centre for Policy Research

www.policy-research.ca

Dr. Chandre Dharma-wardana, Ph.D.



Dr. Chandre Dharma-wardana, Ph.D.

Dr. Chandre Dharma-wardana graduated from the University of Ceylon in 1961 and briefly worked as an assistant lecturer at the University of Ceylon, Colombo. Then he read for a Ph.D. at the University of Cambridge, England (1966). Subsequent to that, he worked at the National Research Council of Canada, (1967-1969) and at the *Vidyodaya* University, Sri Lanka (1969-1975). He was the President of *Vidyodaya* during 1974-1975. Although primarily a scientist working in Physics and Chemistry, during his tenure as a University President, Dr. Dharma-wardana engaged in various social science and development studies, which became part of his continuing academic interests. From 1976-1978 he worked as a Research Fellow at The University of Paris-Sorbonne and Orsay. In 1979 he joined the National Research Council of Canada and retired in 2014 but continues to work as an Emeritus researcher.

He was a visiting faculty member of the University of California, Santa Barbara, the USA in 1989. He is currently an Adjunct Professor at the University of Montreal, Canada. More details about his carrier and research may be found form entries in The "Canadian Whose Who" (<https://canadianwhoswho.ca/>) and from Wikipedia (https://en.wikipedia.org/wiki/Chandre_Dharma-wardana).

Eelamist Propaganda and the Alleged Genocide of Tamils in Sri Lanka

Abstract

The military defeat of the Liberation Tigers of Tamil Eelam (LTTE) by the increasingly Chinese-aligned Government of Sri Lanka (GOSL) in May 2009 was not expected or welcomed by Western Military and political authorities, as well as by Human Rights Organizations (HRO) who advocated continued peace talks with the LTTE, *conducted under their aegis*. The foreign ministers of the UK and France even travelled to Sri Lanka in May 2009 but were rebuffed by the GOSL. Last-minute US requests to land troops to intervene had also been rebuffed. Canada's Bob Ray was not allowed an entry visa at the Colombo airport.

The backlash against the GOSL was swift and orchestrated via pro-Eelamist NGOs and via HROs who strongly influenced the UN Secretary-General. The latter appointed a three-person advisory committee. This included Yasmin Sooka, already a virulent critic of the GOSL. They ignored available UN reports citing 7000 casualties and proposed 40,000 as a credible figure based on secret submissions of unconfirmed killings. This was exaggerated by Diaspora activists to 150,000 casualties. A cry of Genocide of Tamils was launched. Extremist Tamil politicians in Sri Lanka even resolved that genocide of Tamils had occurred since independence in 1948, even though rejected by Sumanthiran, the spokesman of the leading Tamil party (the TNA) and by Anandasangaree, leader of the Ilankai Tamil Aarsu Kadchi.

Some Canadian municipalities, pushed by Tamil Diaspora activists jumped on the Tamil Genocide bandwagon while ignoring the aboriginal genocide by Canada. Here we examine the available data on the casualty figures of the last phases of the war, Tamil demographics, studies by other researchers, commissions of inquiry, and by the UK House of Lords led by Lord Naseby. We find that the claim of genocide is unsubstantiated, and the casualties due to the actions of *both the GOSL and the Tigers* are in the 7000 range.

Keywords: Eelamist, Tamil diaspora, LTTE terrorism, exaggerated death toll

Dr. Neville Hewage, Ph.D.



Dr. Neville Hewage, Ph.D.

Dr. Hewage is a policy analyst, with a Ph.D. from Laurentian University, Canada. He is also an adjunct professor at the Department of Law and Justice, Laurentian University. Dr. Hewage is a fellow of the International Centre for Interdisciplinary Research in Law at Laurentian University. He is a conference co-chair for the International Conference on Sustainable Development convened by the Ontario International Development Agency, Canada. He is also a managing editor for the peer-reviewed academic journal OIDA International Journal of Sustainable Development, index in SSRN, EBSCO, DOAJ and AMICUS Canada library and Archives database.

Dr. Hewage is involved with the project "Forced Migration of *Rohingya*," and research findings were presented at the Oxford University, London, UK, in 2018.

Dr. Hewage continues his work with multi-stakeholders, including government agencies, for rehabilitating and repatriating of *Rohingya* refugees. He worked tirelessly with many organizations to bring justice for the *Rohingya* racial group (Request for the indication of provisional measures) under the authority of Convention on the Prevention and Punishment of the Crime of Genocide to the International Court of Justice, Hague, Netherlands.

Dr. Hewage is a member of the Law Society, Ontario and licensed to provide legal services. He is a senior partner of the Hewage Law Group.

Alleged Tamil Genocide: No legal basis and evidence against Sri Lanka

Abstract

In Canada, section 83.01 of the *Criminal Code* defines terrorism as an act committed "in whole or in part for a political, religious or ideological purpose, objective or cause" with the intention of intimidating the public "...with regard to its security, including its economic security, or compelling a person, a government or a domestic or an international organization to do or to refrain from doing any act." Activities recognized as criminal within this context include death and bodily harm with the use of violence; endangering a person's life; risks posed to the health and safety of the public; significant property damage; and interference or disruption of essential services, facilities or systems. Given the social, political and cultural environment in which terrorism is often based, efforts have also been made to contextualize the problem as it features for various states. A legal definition adopted by Canada, Liberation Tigers Tamil Eelam (LTTE) met all criterions as a terrorist organization. LTTE is a banned terrorist organization in many countries including Canada.

Endeavour to explain the context of terrorism in Canada must also consider the ways extreme acts of violence and terrorist-type events have featured in Canada. LTTE sympathizers continue their separatist agenda against Sri Lanka in multiple platforms targeting politicians in all level of Canadian governments. In my view criminal element prevails on their act and opens an avenue for legal action against them in Canada.

A person may be found guilty of the crime specified in Article 2 (3) (c) of the *Rome Statute* if he or she directly and publicly incited the commission of genocide (the material element or *actus reus*) and had the intent directly and publicly to incite others to commit genocide (the intentional element or *mens rea*.) Under the Genocide Convention and Article 2 (3) (c) direct public incitement means : directly provoking the perpetrators to commit genocide whether through speeches, shouting or threats uttered in public places at public gatherings, or through any other means of audiovisual communication.¹

In context of Article 1F(c) of the *Rome statute* genocide must be the aim, but the act is not required. The elements of the offence of direct public incitement to commit genocide include that the person has incited others to commit genocide, that the incitement was direct, that the incitement was public, and that the person had a specific

¹ *Nahimana, Barayagwiza and Ngeze*, (Appeals Chamber), November 28, 2007, paras. 698, 700-03.

intent to commit genocide, that is, destroying whole or a part of a national, ethnic, racial or religious group.

I have carefully analyzed all facts before me including all acts of Tamil LTTE terrorists and Sri Lanka government's actions against the terrorist group throughout the 26 years civil war. The Sri Lankan government has legitimate rights to protect and defend any aggression against the state.

Further, I have reviewed satellite images and done a great deal of research of the last phase of the war in *Mullivaikal*, May 2009. It is concluded that Tamil LTTE terrorists built a huge earth-dam and forcibly detained over 90,000 Tamil civilians as a human shield. Sri Lankan military successfully rescued Tamil civilians with minimum casualties. There is credible evidence, during the rescue operation, Tamil LTTE terrorist attacked civilians who were trying to escape from them. These findings and related incidents significantly contributed the outcome of my conclusion. The government military operation against Tamil LTTE terrorists was efficient and effective, but most importantly was carried out with compassion, respect and concern. I am entirely certain that there was a genuine intention to protect civilians and minimize casualties.

Further, there is no legal basis and evidence against Sri Lanka government. It is concluded that Sri Lanka (state) has no intention to destroy Tamils; a racial group. The lack of such an intention for destroying a whole or a part of the racial group, Tamils; Genocide claim against Sri Lanka is not substantiated.

Keywords: Intention, human shield, Rome statute, LTTE Terrorism, defending rights of the state

Dr. Sarath Chandrasekera, Ph.D.



Dr. Sarath Chandrasekera obtained his Ph.D in sociology from the University of Toronto. He joined the Canadian Civil Service (CIDA, Govt. of NUnavut and Health Canada) in 1996 and got an early retirement having served Health Canada as its Provincial Director in Prince Edward Island. He now teaches sociology courses in his areas of specialization at the University of Toronto and McMaster University. He is currently the President of the Canadian-Sri Lankan Centre for Social Harmony.

Dr. Sarath Chandrasekera, Ph.D

Canadian politics and Tamil Genocide claims

Short Abstract

Dr. Chandrasekera will be focused on the relationship between the Canadian politics and Tamil Genocide claims. Specifically, the speaker will try to address the following issues:

- Vote base of the Canadian society
- Who in Canadian politics supports Tamil genocide Claims and Why?
- Connection between Tamil genocide claims and international fund raising
- The Transnational Government of Tamil Eelam) TGTE: the government in exile. And its future

Keywords: Canadian Politics, terrorist fund raising, government in exile.

Ontario Centre for Policy Research

Ongoing Projects

- Facts finding inquiry of alleged Genocide claims against Sri Lanka and Myanmar
- Tamil LTTE Terrorism and its impact on Western democracies
- Refugee crisis created by Tamil LTTE and Human smuggling networks
- The arms procurement process for Global Terrorism
- Tamil LTTE propaganda mechanism against Sri Lanka
- Reconciliation, repatriation of *Rohingya* racial group.

Ontario Centre for Policy Research
364 Moffatt Pond Court
Ottawa, Ontario
K2J 6G1
Canada
e-mail: office@policy-research.ca
w3: www.policy-research.ca

© 2020 Publication of Ontario Centre for Policy Research