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Human rights situations that require the Council's attention

Written statement* submitted by International Educational Development, Inc., a non-governmental organization on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[16 May 2010]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

The Situation of the Tamil People in Sri Lanka*

International Educational Development and the Association of Humanitarian Lawyers again address the situation of the Tamil people in Sri Lanka. At time of writing, it is approximately one year since the Sri Lankan military authorities defeated the Liberation Tigers of Tamil Eelam (LTTE), the armed force of the Tamil national liberation movement.

In the final days of the war, there were at least 30,000 Tamil civilians killed by forces of the government of Sri Lanka. Additionally, it is alleged that many LTTE combatants were summarily executed, even though they were surrendering with clearly visible white flags. After the end of hostilities, more than 350,000 Tamil civilians were detained in camps. When the Secretary-General visited the camp at Malik Farm he declared the situation to be the worst that he had ever seen. He was, of course, shown the best parts of the camp. An undisclosed number of LTTE combatants are in detention, and the International Committee of the Red Cross and other humanitarian organizations are unable to visit them. Tamil youth continue to be “removed” from detention camps, and cannot be located.

The Human Rights Council held a Special Session at the request of, mainly, Western governments. That session became essentially a Sinhala victory session, and will live as a shameful moment in the history of the United Nations. Instead of protecting a people against genocide and mass atrocities, the Human Rights Council actually applauded the genocide and mass atrocities, as if the entire world agreed to hate the Tamil people enough to want to kill them all off. Our opinion on this is also supported by the fact that in the Universal Period Review of Sri Lanka that took place not long prior and in the midst of the armed conflict barely addressed the armed conflict at all or the situation of the Tamil people – whose plight was the single sole cause of it. In fact, our submission to the UPR was almost the only one that addressed the application of humanitarian law to the conflict in Sri Lanka or even the Tamil people by name. In like fashion, at the Special Session on Sri Lanka and the Councils next regular session, we were one of only a handful of speakers who mentioned the Tamil people by name.

What was distressing about this conflict is that governments that typically support national liberation movements betrayed the Tamil people to a government that meets the criteria of “racist regime” as set out in Article I of the Protocol Additional I to the Geneva Conventions. In particular, it is as if the international community sided with former Latin American dictators against liberation movements there. Why would some of these countries now support the Sri Lankan government to the detriment of the Tamil people?

A year has now passed and the Tamil people in Sri Lanka have, essentially no future in Sri Lanka except within the narrow confines of what the government will allow. The government of Sri Lanka offers no proposals regarding how to resolve any of the underlying Tamil grievances. Their recent proposal for a national commission to look into the final days of the war is, in our view, a sham and delaying tactic, given the history of such totally ineffective “commissions” in the past. Why any other government would take this latest offer of a “commission” seriously is beyond belief. The last such “Commission” was a public, dismal failure. We assure the council that this “commission” is offered primarily to delay, if not derail, a real investigation under the auspices of the Secretary-General.

* The Association of Humanitarian Lawyers, an NGO without consultative status, also shares the views expressed in this statement.

Meanwhile, Tamil properties are taken away and given to Sinhala military and other settlers, and the Tamil people have no way to restore their lives and livelihoods. Former LTTE combatants are held incommunicado, other Tamil detainees lack basic procedural rights, torture and summary execution continue, and there is no resolution to the conflict in terms of Tamil rights.

Western governments bear their share of blame for this situation, as they followed the United States, that has serious interests at stake in Sri Lanka, in placing the LTTE on the “terrorist” list even though its activities were limited to the armed conflict in Sri Lanka and most (but not all) of its military operations complied with existing norms of humanitarian law. These lists, of course, have the negative consequence of severely curtailing actions that oppressed people take to resist oppression and tyranny at the risk of being also placed on such lists, especially as the Tamils are not the only ones on such lists. Like the Tamils, persons from these groups who have sought and received asylum abroad fear to send resources to friends and family still in the area to avoid also being labelled terrorists and having their own assets seized by their new governments. In this regard, we ask these “listing” governments, what exactly the Tamil people, facing oppression and tyranny for over 60 years, were supposed to do? All attempts to achieve a peaceful resolution to their situation had clearly failed in 1983, when Sinhala again went on a rampage, slaughtering more than 3000 Tamils and wounding many thousands more. The government did nothing. Other States, primarily Western and other States, were swamped with asylum seekers, almost all of whom received it. This should have been a wake-up call, but the responses were weak and ineffective, further emboldening the government of Sri Lanka to ignore Tamil grievances, resulting in the long armed conflict and the loss of thousands of lives on both sides.

At this point, the Human Rights Council and the international community as a whole must insist on a proper investigation into the events in Sri Lanka. Failure to do so will embolden other government to evade scrutiny of similar events, and the Council will become even more politicized than the former Commission on Human Rights. The current human rights crisis of the Tamil people and their humanitarian aid needs must also receive full attention of the Council and the international community. Finally, the Council and the international community must address the underlying cause of the conflict – the situation of the Tamil people – and ensure that the government of Sri Lanka and the Tamil people there are able to enter in meaningful dialogue on how to resolve the Tamil issues and ensure that measures are put in place to achieve such a resolution.
