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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.

[22 August 2013]

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

Human rights violations in Sri Lanka: worse than ever*

International Educational Development, Inc. and the Association of Humanitarian Lawyers remain seriously preoccupied by both the number of gross violations of human rights committed by the government authorities in Sri Lanka against the Tamil people, but also by the brazenness with which they are committed – it appears that the authorities believe that they can operate with total impunity and no entity can stop them. Indeed, the violations against the Tamil people are in many ways even worse than those that brought about the long war between the government and the Tamils. The September 2013 elections in the traditional Tamil areas in the North and East should be very revealing as to the wishes of the Tamil people in light of their mistreatment by the ruling Sinhala governments since independence and especially with what they endured at the hands of the Sri Lanka armed forces in the final years of the war and in the post-war detention camps.

We welcomed the Council's attention to this issue even though we consider the resolutions adopted, A/HRC/RES/19/2 and A/HRC/RES/22/1, small steps in achieving justice, equity, accountability and reconciliation in Sri Lanka. It should be patently obvious that the authorities in Sri Lanka have no intention of providing justice and equity for the Tamil people. They have no need to reconcile with the Tamil people and they certainly are not going to indict themselves: they are the very authorities who perpetrated the vast majority of the war crimes and crimes against humanity carried out against the Tamil civilian population and captured combatants of the Liberation Tigers of Tamil Eelam. At the six months mark since Council resolution 22/1, the authorities have done practically nothing to comply.

While the Council's resolutions praise Sri Lanka for its progress and efforts in demining we note two things: 1. the vast majority of the demining is done by foreign non-governmental organizations such as the Halo Trust and the Danish Demining Group and that the government of the United Kingdom provided £20 million for it; and 2. the government authorities are giving Tamil lands to its soldiers as part of the militarization in the North and East and is also offering Sinhala settlers and businesses incentives to relocate to the Tamil areas.¹ This policy is to reduce the percentage of Tamils in their traditional territories. We also stress that the continuing violations in the North and East are a factor in the continuing flow of Tamils out of Sri Lanka: we consider that the authorities are deliberately trying to drive the Tamils out. Well documented violations include torture, rape, arbitrary detention, continuing threat to religious freedom, and other violations that traditionally drive people to seek asylum.

The Council also mentions that the recommendations of the Lessons Learnt and Reconciliation Commission report are a "possible contribution" to national reconciliation. While in principle this may be so, even if every single recommendation were implemented there would still be grossly inadequate remedies for the serious violations of humanitarian law and the achievement of national reconciliation may have moved only a baby step forward. However, at present the Sri Lankan authorities continue to fuel animosity towards the Tamil people. For example, the authorities encourage "anti-Tamil" tourism to the Tamil areas, making former LTTE facilities into tourist attractions. Another vehicle for animosity

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

¹ It is ironic that while the numbers of persons in IDP camps is diminishing, as indicated in the Council's resolutions, people return home to discover that they no longer have a home – a soldier or Sinhala civilian has been given their home and property. Many of them must live with relatives or friends, so in a way, they are still displaced.

is destroying Hindu temples and replacing them with Buddhist ones. Tamil historic sites and towns are being renamed with Sinhala names. The authorities even continue to take their anti-Tamil campaigning to Tamil groups around the world and other groups perceived as sympathetic to the Tamil people. Members of Sri Lanka's diplomatic corps try to interfere with other countries and their treatment of Tamils and Tamil refugees.²

Sri Lanka has no incentive to resolve the Tamil national question or to cease violations against the Tamil people because the fact is that Sri Lanka continues to be rewarded in spite of them -- hosting the Commonwealth meeting, receiving lucrative commercial contracts and benefitting from other economic measures are just a few.

The Council has requested input from its mandate holders, and we consider that nearly every mandate is relevant to the situation in Sri Lanka. We especially note the relevance of the mandate on truth, justice, and reparation and guarantee of non-recurrence, and have submitted a written statement on this point. The mandates on torture, summary execution, violence against women, freedom of expression, freedom of association, freedom of religion, housing, cultural rights, the independence of judges and lawyers, internally displaced persons and human rights defenders are also highly relevant and we encourage the mandate holders on these topics to contribute to the Council's effort.

It is obvious that continuing the same approach for another year will not further the Council's goal of promoting reconciliation and accountability in Sri Lanka and the Council must now begin efforts to improve on it. The call of the High Commissioner for an independent and credible investigation is a sound one and should be seriously considered, especially as the authorities are allowing luxury resorts to be built in the area of the final assaults and evidence will be permanently buried under hotels. We think the process should start with a Commission of Inquiry of the Council. The Council and the international community as a whole must also find ways to prevent any alteration of the final Tamil areas or any destruction of evidence until the Commission has completed its work. Those States that voted against resolution 22/1 or abstained must begin to re-evaluate this and look at what gains they have from denying justice for the Tamil people. We also encourage the Council to consider a special sitting or a "stand alone" session for Sri Lanka at its 25th session, inviting mandate holders, members of the Secretary-General's Panel of Experts. We also think Mr. Petrie, Chair of the Secretary-General's internal review panel formed as a result of the Panel of Experts finding that there was a failure of the international community and the UN to engage in Responsibility to Protect (R2P) type actions or other measure to prevent war crimes, could usefully contribute. As stated Edward Mortimer, Chair of the Sri Lanka Campaign for Peace and Justice: "Sri Lanka must not become another hollow 'never again' but the starting point for a real change in the world's response to genocide and mass atrocities."

² Some of these members of Sri Lanka's diplomatic corps are themselves persons who perpetrated or planned the gross violations of humanitarian law, and who hide behind the cloak of diplomatic immunity. We maintain that one reason the Rajapakse group fights so hard to stay in power is so that none will lose diplomatic immunity.