



# General Assembly

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## Human Rights Council

### Forty-third session

24 February–20 March 2020

Agenda item 3

**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

## **Written statement\* submitted by Association Bharathi Centre Culturel Franco-Tamoul, a non-governmental organization in special consultative status**

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

[03 February 2020]


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\* Issued as received, in the language(s) of submission only.

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## **Tamil Rights to self-determination under occupation**

Presently Eelam Tamils have to fight for their rights to Self-determination for their own country. Tamils in the North and East province are systematically discriminated by the Sri Lankan Army and the government. Tamils are not allowed to gather together to remember their loved ones who were killed in Mullivaikkal and for the remembrance of Maaveerar (Heroes) who sacrifice their lives for the rights of Tamils. Mothers and relatives of enforced disappeared family members face troubles whenever they come together to protest the Government requesting an answer. It should be noted that this protest has been happening for over 1100 days. These family members are regularly threatened by the CIDs and army to stop their protest. Some of the women who participate in the protest are receiving unwanted calls, and are being threatened by unknown people. The Government of Sri Lanka purposely ignores these Tamils who are looking for their loved ones for over 10 years now.

I would like to point out the Kanniya, Trincomalee incident where the ancient temple that was there has been destructed by the Sinhala Government who is colonizing Sinhalese in Trincomalee. The Kanniya hot springs is a historical place occupied by Tamils for generations. Sri Lankan Tamils have been observing religious Hindu rituals dedicated to lost loved ones at this site. Ancient historical understanding is that Hindu Tamils believed this site in mythology to have been started by Ravana, the antagonist of the epic Ramayana. Ravana and his mother worshipped the Hindu god Shiva at the Koneswaram temple and the Hot springs of Kanniya. Ravana wanted to remove the temple of Koneswaram when his mother was in failing health. When Ravana was heaving the rocky outcrop that the temple was built on, Lord Shiva made him drop his sword. Ravana's mother was in deep sorrow when she heard this news. When Ravana returns he found his beloved mother's dead from her discouragement. To do her mother's rites, Ravana stuck the earth with his sword in several spots and several fountains sprang from these points. The water was hot and this was the beginning of these hot water springs.

Tamils highly respect this place as spiritually significant. When Tamils noticed that the Government tried to destroy their ancient temple and replacing with a Buddhist temple dedicated to Vihara in Kanniya, they got alarmed and disputed. Tamils from the North and East decided to get together for a peaceful assembly against Government in Kanniya. They travelled by buses from great distances to protest. But the Sri Lankan Police had obtained a court injunction against the protest from the Trincomalee magistrate's court, by arguing that the protest would cause "communal tensions." A lot of army and police were deployed to the place where Tamils were gathering.

Protesters who travelled to the area from Jaffna and Mullaitivu had their vehicles and bodies subjected to intense searches by the army and police. The Sri Lankan Police and Army stopped the people who travelled from all over the North and East, purposely puncturing their bus tires to delay their journey. In another group, K Kumanan, a Tamil journalist, was harassed by the Sri Lankan Army who attempted to detain him longer after the rest of the group was cleared to continue travelling.

The Police blocked the roads about 1 ½ KM away from the temple, showing the court injunction. Tamils requested permission to the Police whom set up a barrier blocking the road to go to the temple to perform their worship rituals peacefully. But the Sri Lankan police didn't allow them to go in. The police informed them that there were no-one in the temple.

The court injunction was written only in Sinhala, with no Tamil translations available. Tamils refused to accept it and requested the court injunction in Tamil. Police further argued that that place is "given to the Department of Archaeology" for further investigation. Tamils are not allowed to go there. Why does the Government want to perform an archaeological study suddenly on a well-known as a Tamil historical area?

The owner of the Temple was there, arguing with police to go into their own temple. At last, Akarthiyar, the Saivite guru/priest and Ms Kokilaramani, the land owner of the Kanniya temple, were allowed to go inside. Everyone else decided to perform their rituals in the middle of the road. Both Ms. Kokilaramani and Akarthiyar were assaulted by the Sinhalese traders, throwing hot tea on their faces and insulting them when they went in.

Upon returning, Ms. Kokilaramani spoke to the media and the public, stating that most of the people inside are rowdies. She further stated that there were at least 30 to 40 rowdies inside of the temple ready to attack them. It should be noted that it was well planned by the Sinhalese Police. Tamils started to argue with the Police that this is injustice for Tamils. Why are the Tamils being discriminated? Nothing changed. The Police officers who were in charge on that day ignored the Tamils and said that “If you want to complain, go to the Police.” Tamils were threatened that they would be arrested if necessary. This made the Tamils very upset. There is no equality and justice for Tamils in their own country.

The attempt of a peace assembly came to end with the announcement from Akarthiyar. Tamils were concerned about their rights, and their lands were taken by the Army. Their worship places are being destroyed by Buddhist, replacing them with Buddhist Vihara. What is the future of Tamils who live in Sri Lanka? When the report was finished by the leader, those rowdies who were inside the temple, including a Buddhist Monk, came out by vehicles. After that many Sinhala young people came towards the protesters, including the Buddhist Monk, yelling and trying to attack them.

I wanted to highlight another incident that took place at Neeravipitti Pillayar Kovil (Temple) in Chemmalai, Mullaitivu, on a Saturday the July 7<sup>th</sup>, 2019.

This temple was destroyed and attempted to be replaced with a Buddhist Vihara by a Monk. It should be noted that there is no Sinhala people live in that village currently and never been. Tamils arranged a festival there, for the first time after a decade. The Neeraviyadi Pillaiyaar temple in Chemmalai has been at the centre of a local dispute about land-grabs and Sinhalese, as a Buddhist monk has spent the last ten years attempting to establish a Vihara on the temple’s premises, culminating in the building of a massive Buddha statue. The Hindu temple which was previously out-of-bounds due to the Sri Lankan army occupation has restarted worship activities after a court ruled in its favour.

Since the ruling, the defeated Buddhist monk has regularly bussed in Sinhalese supporters from the South to protest against the Tamil temple.

The Tamil traditional “Pongal” festival of 2019 took place in that temple where Tamils placed 108 pots and cooked traditional sweet rice as per custom. Thousands of Tamils travelled from great distances to show their support and politicians participated as well. Tamil Christians joined in the festivities as well. The Sinhala Army and Police crowded into that temple during this festival. The police interrogated the people, pictures were taken of some, and many of them were threatened as well.

There is always a heavy presence of Police and the Sinhala Armies when Tamils get together for any reason. Tamils don’t have freedom of speech or freedom of peaceful assembly. People are threatened or arrested under the “Prevention of Terrorism Act” or under the “state of emergency.” The Police have to be bribed by whoever is arrested in order to be released.

The “Prevention of Terrorism act of 1978”, made permanent in 1982, is a law in Sri Lanka that provides power to the police to search, arrest and detain suspects without due process. Under the PTA of Sri Lanka, a person can be detained for up to three month periods, renewable up to a total of 18 months. Those who arrested under this law are still in jail, not giving them a chance to prove that they are innocent. This is used only against Tamils. The reasons of arrest are usually circumstantial, and would not hold up in a court of law, but these people are not presented to the courts for trial. Anytime Tamils gather, the police threaten them with this act.

**Resolved that,**

- We seek a reliable independent inquiry by International Judges assisted by Legal experts.
- A special rapporteur should be appointed to monitor the Sri Lankan government in this regard and thus render justice.
- The UN Security Council should refer the situation in Sri Lanka to the International Criminal Court for prosecutions based on war crimes, crimes against humanity, and genocide.

- This international intervention, coupled with action to promote the respect of human rights, is necessary to ensure a sustainable future for self-determination, peace, and justice, in Sri Lanka and for the Tamil people.
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