



General Assembly

Distr.: General
21 February 2017

English only

Human Rights Council

Thirty-fourth session

Agenda item 4

Human rights situations that require the Council's attention

Written statement* submitted by the Pasumai Thaayagam Foundation, 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.

[13 February 2017]

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

GE.17-02762(E)



* 1 7 0 2 7 6 2 *

Please recycle



Take decisive action to protect the Tamils in the island of Sri Lanka*

While there are talks of good governance, reconciliation, and constitutional reforms by the Sri Lankan government; the Tamil homeland in the island of Sri Lanka continues to experience human rights violations and cultural genocide at an accelerated pace.

Erecting statues of the Buddha in places where no Buddhists lived prior to the escalation of the conflict; continuous expansion of military occupation of Tamil civilians' land; military interference on civilian affairs; and military interference of Tamil businesses are some of the many facets of the ongoing genocide being committed by the Sri Lankan government with impunity. Tamil political prisoners continue to languish without trial.

Colonization: Since 1948, the Sri Lankan governments reduced the Tamil Nation to a minority status in the districts of *Ampara* and *Trincomalee* by gerrymandering the district boundaries. Now they are attempting this in the *Batticaloa* district, which is the last remaining Tamil majority district in the Eastern Province. With the aid of the all-Sinhala military and Buddhist monks, hundreds of Buddhists temples have popped up all over the Tamil Homeland with the aim of permanent demographic changes.

Militarization: 14 out of 21 divisions of all-Sinhala-military are stationed in the traditional Tamil homeland. According to statistics provided by the Northern Provincial Council (NPC) on 09/10/14, 68,546 acres of land in the North has been forcibly appropriated and occupied by the military. The Sri Lankan Army and Navy, which is entirely composed of Sinhalese, continue to occupy and control numerous economic and social institutions that are essential for the livelihood and survival of the Tamils, predominantly living in the North-East of Sri Lanka.

Political Prisoners: Political prisoners in Sri Lanka, all of whom are Tamils, have been systematically abused and discriminated against by the state. These prisoners have been subjected to arbitrary detention and torture. Many of the detainees have been incarcerated for decades without charges being laid against them, judicial oversight, or trial. The government continues to break its international treaty obligations and its own laws through its treatment of Tamil political prisoners

Non-Compliance: For decades, Tamils in the Island of Sri Lanka have been subjected to structural genocide, which is well-documented. Several countries have been calling for an international investigation into Tamil genocide. After the mass scale atrocities during 2009 where more than 75,000 innocent people were massacred by the Sri Lankan armed forces, the United Nations passed Resolution 30/1 calling for an International independent investigation. Even though Sri Lanka co-sponsored the resolution, until now there is virtually no progress in any of the articles agreed upon in the resolution. Calling the new government as "Good Governance," the President has repeatedly stated that he will not let any 'war hero' to be charged for any crime he has committed during the war, is an indication of the total impunity ingrained in the Sri Lankan system. This culture of impunity of the Sri Lankan State is the principal cause for the continuing Human-Rights violations and torture. Without accountability for the human rights violations during the conflict reconciliation is bound to fail.

Constitution: The new constitution that is being drafted to "offer" a political solution seems to make things worse by entrenching the Unitary State structure, splitting the Tamil Homeland, and making Buddhism as the foremost religion in the Island of Sri Lanka.

When there are two nations in conflict, a viable solution is only possible when the constitution recognizes the two nations as equal partners. The traditional Tamil homeland which has geographically remained as a contiguous unit for millennia should be explicitly recognized before any resolution can be attempted.

Office on Missing Persons: The Office of the Missing Persons [OMP] expected to function shortly has been welcomed as a positive step from various quarters towards reconciliation after the war. However, a close scrutiny and analysis of the legislation governing it reveals the deception and futility underlying most of the provisions in The Act.

Sri Lanka ranks second in the list of countries after Iraq to record the largest number of disappearances with unofficial estimated numbers of about 90,000 since 1980s. Out of these disappearances, enforced or involuntary disappearances are reported to be around 65,000.

Armed with various discretionary powers, the OMP's success depends on how far these discretions are exercised honestly and in good faith to uphold justice which an aggrieved litigant can attempt to achieve through the writ remedies to challenge an act, omission, order, or decision of the OMP or acts of members, excluding the findings of the OMP and closing the avenues of civil or criminal liability proceedings against identified perpetrators.

This act was intended to placate the United Nations and the International Community hoping to ride over the gathering stormy waves expected from the forthcoming UNHRC sessions particularly the one in March 2017 when Sri Lanka is in the agenda for a final evaluation and assessment report about its progress as regards the October 2015 UNHRC Resolution, the recommendations of which, except the OMP, remain untouched and intact.

The Eelam Tamils have awaited a peaceful resolution to the conflict that recognizes their fundamental and inalienable rights. We strongly urge the UNHRC to take decisive action to protect the Tamils in the island who have waited patiently for eight long years for justice. Justice delayed is justice denied.

*International Council of Eelam Tamils (ICET), NGO without consultative status, also shares the views expressed in this statement.