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Agenda item 2

**Annual report of the United Nations High Commissioner
for Human Rights and reports of the Office of the
High Commissioner and the Secretary-General**

Written statement* submitted by the Pax Christi International, International Catholic Peace Movement, 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).

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Written statement to the 34th session of the Human Rights Council on the human rights situation in Sri Lanka

In 2014, the Council through resolution 25/1¹ established an investigation by the High Commissioner into alleged serious violations and abuses of human rights during the Sri Lankan war. His report confirmed widespread atrocities to have been committed. It also concluded that Sri Lanka's institutions do not have the capacity or the independence to implement the necessary security, judicial and political reforms without international participation. In response in 2015, the Council adopted resolution 30/1², co-sponsored by Sri Lanka, calling on the government to establish a transitional justice program. It set out an agenda promising truth, justice, reparations and guarantees of non-recurrence to victims of human rights violations and other crimes under international law.

Pax Christi International welcomes the work of the High Commissioner as he presents his report on the implementation of the 30/1 resolution at this session. However, we would like to underline that Sri Lanka's commitments regarding implementation remain unfulfilled. In addition, the current human rights situation in Sri Lanka's Tamil North and East has been deteriorating, forming an obstacle to reconciliation, accountability and human rights in Sri Lanka. Further information on the current human rights situation is given below.

Military occupation

Tamil regions are occupied by Sinhalese Armed Forces who treat the area as 'conquered territory' and act with high levels of impunity, where crimes, including rape and theft, go unpunished. The numbers of Sri Lankan military have risen since the armed conflict has ended. There were some 175,000 members of the Armed Forces at the end of the armed conflict in May 2009. This increased to 250,000 in 2012 and 300,000 as of 2017. The expansion of their non-military activities has also increased, including large scale property development, construction projects, and small business ventures. The land currently occupied by the Armed Forces in the Tamil area is 67,427 acres. This has caused great economic and social hardships for Tamil families traditionally engaged in agriculture.

Furthermore, physical and sexual violence by the Armed Forces and police remain a serious problem, and are responsible for the extensive atmosphere of fear in the civilian (Tamil) population. It will remain a serious problem as long as the Sinhalese military remain in the area and remain unaccountable. Prostitution, drug and alcohol abuse have also risen as a result of armed occupation.

Sinhalisation

The mass movement of Sinhalese from the South to the Tamil North and East of the country has important electoral consequences. In time, there will be no parliamentarians from the Tamil community or very few left to represent the Tamil people. This way, Tamils will be left voiceless and vulnerable in the political future impacting their lives.

Religious persecution

The destruction of minority religious groups in Sri Lanka, a multi-religious nation, is of great concern. There have been thousands of attacks on Christian churches³, Hindu temples⁴ and Islamic mosques⁵, led by groups of Buddhist monks⁶.

¹ UN Human Rights Council, resolution on promoting reconciliation, accountability and human rights in Sri Lanka, A/HRC/RES/25/1, available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G14/132/86/PDF/G1413286.pdf?OpenElement>

² Idem, A/HRC/RES/30/L.29, online available at: <https://documents-dds-ny.un.org/doc/UNDOC/LTD/G15/220/93/PDF/G1522093.pdf?OpenElement>

³ The Sunday Leader, *US Makes Push To Prosecute Perpetrators*, February 9th 2017, available at: <http://www.thesundayleader.lk/2016/08/14/us-makes-push-to-prosecute-perpetrators/>

⁴ The Government Department of Hindu Affairs reported that some 1479 shrines had been damaged in the Tamil North and East, Hindu Human Rights, March 28th 2014, available at: <http://www.hinduhumanrights.info/destruction-of-hindu-temples-in-sri-lanka/>

⁵ BBC news, *Sri Lanka Buddhist monks destroy Muslim shrine*, September 15th 2011, online available at: <http://www.bbc.com/news/world-south-asia-14926002>

Judicial systems, including police and the Armed Forces, seem to condone and allow these attacks to be carried out⁷. Bills have been introduced into parliament, with the objectives of preventing conversion and reducing the growth of Christianity⁸. Attacks on ancient religious structures, organisations, businesses and homes belonging to minority religions are widespread, with many worshippers killed and injured. The damaged structures have not been rebuilt, and in most cases have been replaced by Buddhist temples, structures and statues⁹. Many of these structures have been built in Tamil regions despite low numbers of Buddhist residents, only soldiers.

Torture

In April 2016, the UN Special Rapporteur on torture, Mr. Juan Mendez, and the UN Special Rapporteur on the independence of judges and lawyers, Mrs. Monica Pinto, visited Sri Lanka. Their reports are a devastating indictment of Sri Lanka. In the words of Mr. Juan Mendez: “The testimonies I heard from victims, including detainees, who took the risk of speaking to me despite safety concerns, persuade me that torture is a common practice inflicted in the course of both regular criminal and national security-related investigations. Severe forms of torture continue to be surrounded by total impunity¹⁰ I have been assured by the authorities that confessions alone are not sufficient evidence for a conviction; however, in practice, 90% of convictions are either solely or mainly based on a confession.”¹¹

Victims of torture are predominantly Sri Lanka’s largely Hindu Tamil minority and alleged perpetrators were members of the intelligence services or military, dominated by the Sinhala Buddhist majority¹². Victims describe torture chambers equipped with cables, rods and batons for beating victims, and water barrels and a pulley system for hoisting them upside down. There were repeated accounts of severe sexual abuse of both male and female detainees.¹³

Disappearances

The white van phenomenon continues, building a climate of fear among minority groups¹⁴. Families of the ‘disappeared’ wait for loved ones to return and cannot continue life until they have access to justice. Families have been seriously affected by pathological family dynamics due to displacement, separation, death, ‘disappearances’ or injury to bread winners. There are some 89,000 female-headed households in the Tamil North and East of the country.

Recommendations

Considering the above, Pax Christi International therefore calls the Human Rights Council to:

- Refer the case of Sri Lanka to the General Assembly and the Security Council for measures to be taken since the government has not implemented the action points set out in resolution 30/1, which has had a deleterious effect on the rights of the Tamil people.
- Maintain together with the High Commissioner and its office scrutiny of the human rights situation in Sri Lanka and especially with regard to the situation of the Tamil people.

⁶ Examples include Bolu Bala Sena (Buddhist power force), Sinhala Ravaya (Sinhala echo) and Rayna Balakaya (Ravana’s Force).

⁷ “Judicial Responses to Religious Freedoms. A Case Analysis”. It says that the higher courts such as the Supreme Court has the right to hear such cases of abuse; however the lower courts (to which most people go, or can afford to go), are simply not interested.

⁸ 2002: The Buddha Sasan Commission, 2004: Bill for the Prohibition of Forcible Conversion, 2005: Act for the Protection of Religious Freedom

⁹ British Tamils Forum, September 2016, “*Proliferating Buddhist Structures in Tamil Homeland – Sowing the Seeds of Disharmony*.” United Kingdom

¹⁰ Mendez, Juan E., Preliminary observations and recommendations of the Special Rapporteur on torture and other cruel, inhuman and degrading treatment or punishment, Colombo, 7 May 2016, available at:

<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=19942&LangID=E>

¹¹ Ibid

¹² Freedom from Torture, *Tainted Peace, Torture in Sri Lanka since May 2009*, published by Freedom From Torture United Kingdom, 2016, available at:

https://www.freedomfromtorture.org/sites/default/files/documents/sl_report_a5_-_final-f-b-web.pdf

¹³ Ibid

¹⁴ Amnesty International, *Sri Lanka Refusing to Disappear: Tens of thousands missing. Families demand answers*, January 23rd 2017: <https://www.amnesty.org/fr/documents/asa37/5497/2017/en/>

- Recommend an investigation by the High Commissioner and his office into the sinhalisation and religious oppression of the North and East of Sri Lanka, and that those found guilty of attacking and persecuting religious minorities be brought to justice.
 - Support the establishment of a country office of the High Commissioner in Sri Lanka for increased monitoring and assistance with regard to the human rights situation.
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