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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.

[18 August 2017]

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

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Status Report on the Plight of Tamils in the island of Sri Lanka*

To understand the current impasse in the Sri Lanka conflict, one must look at the history. The Tamil and Sinhala Nations existed side-by-side as independent kingdoms for over two millennia. When the British conquered both Nations, they brought them under one British rule for administrative convenience. The 1833 Cleghorn minutes dispatched to the King of England clearly recognized the distinct Tamil and Sinhala Nations. Once the British left the island in 1948, the Tamil people have been undergoing a slow and sustained genocide committed by successive Governments of Sri Lanka (GoSL) elected by the majority Sinhalese Nation. The Tamils objected to the discriminatory constitutions, which they were never party to, and thus never ceded their sovereignty to the Sinhalese. They continued to protest non-violently, which was met with periodic pogroms against unarmed Tamil men, women, and children which have been unleashed in 1956, 1958, 1961, 1967, 1974, 1977, 1983, 1989, and more frequently thereafter. The armed struggle for freedom began in 1983 culminating in the whole-scale massacre, by GoSL, of innocent civilians herded into GoSL declared “safe zones” in May, 2009. The GoSL is still in serious denial refusing to accept these massacres and blocking international independent investigations. In fact, every article of the Universal Declaration of Human Rights proclaimed in 1948 to protect vulnerable people has been flagrantly violated by successive GoSL. These discriminatory violations are entrenched in the law and the Sinhala psyche. Sinhala politicians, who compete for votes among the numerically larger Sinhala population, have to prove their anti-Tamil stance is more virulent than their Sinhala opponents to win their votes.

The Tamils staged Gandhian-style sit-ins to protest non-violently from 1956 to 1983, which was violently suppressed by the GoSL military entirely composed of Sinhalese soldiers. The armed-struggle by the Tamil people started in 1983 due to the intransigence of the GoSL. However, unfortunate world events helped the GoSL paint the Tamil peoples’ struggle for freedom as “terrorism” and continue its ongoing genocide, couched in “war-against-terrorism” lingo. Successive governments of Sri Lanka have been using the geopolitics to their advantage to continue their annihilation of Tamils under the shield of “sovereignty.” The Tamil people never ceded their sovereignty to anyone since the British left. The Tamil people were never party to the constitutions enacted to advance the Sinhala rights in traditional Tamil homeland. At present, the Tamils need protection from the UN to stop the ongoing genocide manifesting as severe militarization, land-grab and Sinhalization and Buddhistization of traditional Tamil lands, while the Tamils are languishing in makeshift tents in the jungles unable to return to their ancestral lands. The dismal conditions the Tamils are facing today are orders of magnitude severe than that led them to their armed struggle for freedom in 1983.

Since 2009, the UNHRC has voted on resolutions, ironically co-sponsored by Sri Lanka, claiming to bring justice to the Tamil victims. After promising to take action in Geneva, the Sinhala leaders publicly declare that no Sinhala soldier will ever be brought to justice, in flagrant violation of their own pledge they made in Geneva weeks earlier. In the last seven decades, no Sinhalese have ever been convicted for the murder and mayhem during the pogroms. The UNHRC has never questioned this double-speak of the GoSL making the Tamil people to lose faith in the international body created to protect vulnerable populations like them. They need justice for war crimes, crimes against humanity, and genocide. For over 150 Days, many of the kith and kin of the disappeared are engaged in non-violent protest seeking to know any information about their loved ones who surrendered to the GoSL army in May 2009. The June 2017 Report of the Special Rapporteur on the independence of judges and lawyers on her April 2016 mission to Sri Lanka (A/HRC/35/31/Add.1) clearly stated grave shortcomings i.e. Witness protection, independence of judiciary etc, in the Sri Lankan judicial system. This absence of adequate judicial mechanisms in Sri Lanka to deal with International War Crimes, Crimes against Humanity, and the Crime of Genocide, ensures an International Judicial mechanism is the long standing demand of the Tamils.

Since May, 2009, over 146,000 people are still unaccounted for and over 90,000 widows are demanding to know about their husbands who were abducted by paramilitary or taken away by the GoSL army. Heavy militarization (one army per four civilian) in the Tamil homeland has grabbed fertile ancestral lands from the Tamils and these are being given to Sinhalese settlements. Buddhist temples are being built in close proximity to ancient and historically important Hindu

temples to culturally “drown out” the Tamils in their own homeland. All this is happening at an accelerated pace while the UNHRC is granting extension of time in the name of “reconciliation and transitional justice” which is deftly being used by the GoSL to continue with its ongoing genocide.

Can the Tamil victims expect the perpetrators brought to justice and the ongoing genocide to stop? When can they return to their ancestral lands and live peacefully without fear of persecution by the occupying Sinhala army?

The Tamil people do not need the “hand-wringing” from the UNHRC that followed the genocide in Rwanda, Kosovo, South Sudan, and East Timor. The Tamils need concerted and tangible action on the ground to stop the ongoing genocide now.

Note: International Council of Eelam Tamils (ICET) was established in 2011 by a number of grass-roots Tamil organizations, which were democratically elected by the Eelam Tamils. The ICET is absolutely committed to a non-violent agenda and it seeks a lasting peace in Sri Lanka, based on Vaddukoddai Resolution.

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