

August 31, 2021

Honourable Michelle Bachelet  
UN High commissioner for Human Rights  
Geneva

Dear Madam, High Commissioner,

As you are preparing to deliver an oral update to the UN Human Rights Council about Sri Lanka, we, from the Tamil political parties wish to bring to your attention our assessment of the situation of Tamils since the adoption of UN Resolution 46/1 six months ago.

During the last six months, there was continued impunity for violations committed during the war that ended twelve years ago and the government ignored repeated UN Human Rights Council Resolutions calling for justice and accountability. As such, justice stalled and impunity prevailed. Tamil victim groups, Human rights defenders, Civil society leaders, Journalists and others were increasingly intimidated and harassed by Sri Lankan authorities.

Increased use of Covid-19 restrictions and counter-terror laws by the Sri Lankan law enforcement authorities restrict the space for peaceful protests while discrimination against and marginalization of the Tamil people continues.

Under the guise of “development projects,” government - driven Sinhalese - Buddhist colonization (settlements) is growing in traditional Tamil areas with the intent to change the demography and deny Tamil people access to their lands. Several government departments, including the Mahaweli Authority, Archaeological Department, Forest Department, and Wildlife Department are deployed in this initiative.

According to US Think-Tank Oakland Institute, there is widespread militarization imposed on the Tamil population. The military occupation is extreme, with roughly one military member for every six civilians. Meanwhile, thousands of Tamils, including over 23,000 people in Jaffna alone, still remain displaced 12 years after the end of the war, awaiting resettlement with no end in sight.

Suffering Tamil women continue to face numerous challenges in their life since the war ended. International Truth and Justice Project (ITJP) in February 2017 handed over details to UN of Sri Lankan Military run "Rape Camps", where Tamil women are being held as “sex slaves”. Also, according to UK Foreign and Commonwealth Office report in April 2013, there are over 90 thousand Tamil war widows in the North and East of Sri Lanka.

Thousands of Tamils had disappeared, including babies and children. UN Working Group on Enforced Disappearances stated in 2020 that the second highest number of enforced disappearance cases in the world is from Sri Lanka. Families of the disappeared who seek their loved ones are harassed, threatened and intimidated by the Terrorist Investigation Department (TID), Criminal Investigation Department (CID) and other Government intelligence agencies. Peaceful protests of these families face numerous challenges.

Despite numerous appeals and Resolutions by the UN Human Rights Council, Sri Lanka continues to use draconian Prevention of Terrorism Act (PTA).

While numerous Tamil political prisoners are imprisoned for years without charge or trial or convicted after unfair trials, not a single member of the Sri Lankan security forces was arrested or charged for committing atrocity crimes against Tamils. It is pertinent to mention that members of the security forces have been released from their convictions or charges of crimes by the current Government.

#### **Some examples of Land grabbing in Traditional Tamil areas:**

- 1) 617 Acres of public land at Vadduvakal, Mullivaikkal East, Mullaitivu belonging to Tamil people to be acquired to expand Gotabaya Naval Base. Letters have been sent to the public by the Land Surveyors Department on 29-07-2021.
- 2) In 2017/2018 similar attempts had been stopped by public protests. Court cases have been filed against the people who staged the protests.
- 3) 44 Acres of land at Kokkilai East, Mullaitivu belonging to the public were acquired by Sri Lanka Mineral Sands Limited, an arm of the Government of Sri Lanka (GOSL) despite protest by the people.
- 4) 50 Acres land at Katkovalam, Karainagar, Jaffna belonging to the public were to be acquired by the Sri Lanka Navy and those attempts were foiled by the people.
- 5) A notice has been published on 26/08/2021 by the District Secretary of Jaffna calling for the details of people of Palaly whose lands have been acquired for the Airport by GOSL
- 6) 4000 Acres land at Sannar, Nanaattan Division in Mannar District is being acquired by the Military forces while the Tamil people in the surrounding villages live without own lands for housing or farming
- 7) Lands at Mathavanai, Mayilathaimadu, Chengaladi Divison, Batticalloa District used by Tamil farmers to feed their live stocks, mainly cattle, have been colonized by Sinhalese people from bordering districts of Pollonnaruva and Ampara with the granting of 3 to 4 acres to each of them under the guise of Chena Cultivation. This move deprives the livelihood of Tamil farmer families and drastically reduce the Tamil people's ethnic strength by systematic implementation of the Governmental scheme of ethnic cleansing.
- 8) In another similar case on this basis at Keviliyamadu, Kanthar Malli Chenai, under Pattipalai - Kakkatti Cholai Divisional Secretariat, 1500 acres of Forest Land in Tamil area has been divided into 2 acre plots and handed over to 750 members of Home Guards, a para military

attachment of the Defence forces by Hon. Sarath Weerasekara, Minister of Public Security. There are several such activities planned for the future by GOSL in the traditional home lands of Tamil people.

### **Archaeological Department:**

- 1) A Special Commission has been appointed by the President of Sri Lanka for archaeological activities in the Eastern Province comprising 13 members, all Sinhalese including some Military personnel. They come to our places, discover an archaeological site, fence hundreds of acres of land in the name of archaeological sites instead of 1 or 2 acres, with the view to ensure future military presence and or Sinhala colonization (Settlements).
- 2) Acquiring Tamil archaeological sites and installing Buddhist monuments to claim those places as Sinhala Buddhist historical sites is cultural genocide indeed! The original inhabitants of this Island from over 2000 years were Tamil speaking. There was no Sinhala language until the 6th or 7th century AD. Those who welcomed Buddhism into the Island were Tamil speaking people. Yet the Lands are claimed as belonging to Sinhala Buddhists.
- 3) On March 29th 2021 Sri Lanka Military personnel and officers of the Department of archaeology jointly attempted to take over a Tamil historical site called 'Nilavarai Well' situated within the administrative area of the Valikamam East Local Council and install some Buddhist monuments. This move was thwarted by the protest of people of the area and the Chairman of the Local Council, Mr. Nirosh Thiyagaraja. This issue was inquired at the Atchchuvely Police station and the Chairman was grilled for four hours and later brought to court by the government authorities on the allegation that he caused obstruction to public servants in the performance of their duties. Later he was released on bail.

### **Peaceful remembrance of the war dead and other killings by the State prevented by the Government:**

1. Government had prevented the Tamil people by force from paying homage to their relatives and loved ones who lost their lives. May 18, Mullivaikal Remembrance day is to remember the Genocide committed during the war that ended on May 18, 2009. A Monument erected to mark the genocide of thousands of innocent civilians in the war was damaged and people were prevented by court order obtained by the police, from paying homage to the dead by lighting oil lamps and placing flowers. Barricades were erected on the roads leading to the monument and manned by security forces and police personnel. In the entire Northern and Eastern Provinces similar attempts by the people were prevented and warning notices and court orders were issued on political leaders and social activists to restrain them.

2. Many were arrested under the Prevention of Terrorism act for paying respect in a peaceful manner to their relatives who had been killed in the war. In one instance, ten persons of the same family were arrested at Kiran, Batticaloa.

### **Remembering July 1983 mass killings of Tamils:**

- 1) Annual remembrance of Government of Sri Lanka's systematic and well organized Genocide and ethnic cleansing of Tamil people called "Black July", starting from 23rd July to 30th July was forcibly stopped by threats and intimidation coupled with court orders obtained by the police.
- 2) It was during this time in 1983, unprecedented state terror was unleashed on the Tamil people and thousands were killed and their properties burnt and destroyed. Robbery, rape and arson were the order of those dark and dreadful days.
- 3) 53 Tamil political prisoners held under state custody at Welikada Prison in the capital city of Colombo were massacred. This state savagery came to be known as Welikada Massacre. So far no one had been arrested nor charged for these killings. Remembering these political prisoners were also stopped. This year too, Tamils could not remember their dead of the Black July in the face of state intolerance and intervention. Many youth who posted Remembrance and homage in their social media and anyone who was tagged by someone else of such remembrance post too were either arrested or called for inquiry by Terrorist Investigation Department (TID) and police intelligence units.

### **Discrimination in Government Administrative appointments:**

- 1) A Sinhala speaking Chief Secretary has been appointed by the President to administer the Tamil speaking Northern Province despite the availability of many eligible Tamil officers and in the midst of stiff opposition from Tamil political parties. This results in denying deserving Tamil officers in the administrative service of their due promotions and prospects.
- 2) Public Services Commission has promoted 10 planning officers to Director General, Planning grade on 11th May 2021 and informed the Department of Public Administration which in turn sent letters to the officials concerned to assign them duties at Ministries on or before the 7th August 2021. Out of the 10 officers promoted were 5 Sinhalese, 4 Tamils and 1 Tamil speaking Muslim. Sinhalese officers were allowed to assume duties while the Tamil and Muslim officers were disallowed from doing so by the Secretaries of the relevant Ministries who stated that only Sinhalese officers are admitted. Such are the discrimination and difficulties to which Tamils in government administration are subjected to now.

### **Military officers appointed to the Office of Missing Persons (OMP):**

Even though the Military was responsible for the disappearing of Tamils, appointments to OMPs are made from their ranks. It was informed by Tamil civilians whose loved ones “disappeared” that since Military personnel have been appointed to this office, they are fearful to go there and give evidence.

We feel that it is all the more relevant to mention the fact that the GOSL has announced on 30<sup>th</sup> Aug 2021 through the Minister of Justice that there is no need at all to search for the “missing persons”, reasons for the missing or any crime committed in this regard and the question is to decide on the matter of compensation. This, we are constrained to state, reflects the callous attitude of the government in regard to what has been an emotional issue with the Tamil people since the end of the war in May 2009.

### **Peaceful Protest Leaders from P2P movement and families of the disappeared are harassed and intimidated:**

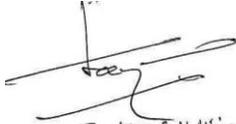
- 1) Leaders of the Tamil peaceful protest march known as P2P (from Poththuvil to Polihkandy) movement are repeatedly harassed by Sri Lankan Intelligence Services, including the Terrorist Investigation Department (TID) and Criminal Investigation Department (CID). These leaders are frequently called by these intelligence departments under the guise of “inquiry” and subjected to mental harassment and psychological pressure in order to achieve their submission. P2P led a one week peaceful march through the traditional Tamil homeland in which tens of thousands of Tamils and Tamil speaking Muslims participated despite tremendous opposition from the police and the Security forces and called to Refer Sri Lanka to the International Criminal Court (ICC) for war crimes, Crimes Against Humanity and Genocide committed against the Tamil People by the Sri Lankan State and to hold an Internationally conducted and monitored Referendum to find a Permanent Political solution to the protracted Tamil conflict since the attainment of independence by Sri Lanka as far back as 1948.
- 2) Peaceful activists from the families of the disappeared who have been staging a continuous and persistent campaign for the last several years demanding Justice for their loved ones and punishment for the guilty are frequently harassed by the Terrorist Investigation Department (TID) and Criminal Investigation Department (CID). The intelligence personnel of these state agencies visit their homes under the guise of “inquiry” at odd hours in the night and harass them. Most of these activists are women who had lost their husbands and/or children and as such head their households.

The state of emergency declared by the GOSL invoking the provisions of the Public Security Act, ostensibly to deal with the supply and distribution foods and essential items could lead to a military rule as experienced by this country many time in the past. Unless it is allowed to lapse at the end of one month without seeking parliamentary approval for its extension beyond that period, it could easily end up with violations of human rights including freedoms of speech and assembly, with impunity.

We submit these facts for your kind attention, consideration and necessary action and to support your commitment and untiring efforts to ensure justice to the Tamil people of Sri Lanka.

Thanking you,

Sincerely,

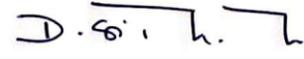


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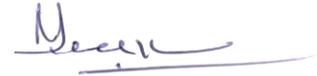
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