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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 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.

[16 February 2017]

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

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Eelam Tamils ongoing Genocide in Sri Lanka*

In October 2015, the Sri Lankan Government had given an assurance to the United Nations Human Rights Council and the people of Sri Lanka, saying, "The Government will take legal and other appropriate recourse for the faults of the previous Government to provide total and permanent solution and also bring out the truth, provide justice, and ensure rehabilitation for the affected people."

15 months post this commitment of the Sri Lankan Government, on the 13th of January, 2017 Mr. Mangala Samaraweera, Ministry of Foreign Affairs, Sri Lanka, has stated during a public meeting in London that the Sri Lankan Government would need more time to meet their commitment.

This is not the first time that the Government of Sri Lanka has failed to meet its promises and commitment. In 1948, soon after Sri Lanka got its freedom from Britain, problems started brewing between the Buddhist Sinhalese and the Tamilians. From 1956, subsequent governments in Sri Lanka took political decisions favouring the Sinhalese. Between 1948 and 2008, in the intervening 60 years, many agreements have been signed between the Sri Lankan Government and the representatives of the Tamil people of Sri Lanka. However, the Sri Lankan Government has not adhered to any of these promises and single handedly avoided action on any of these. In 1958, due to the pressure of the Buddhist Monks and the Sinhalese people, the then Prime Minister of Sri Lanka, Mr. Bandaranayake publicly tore the main copy of the agreement that he had entered into with the leader of the Tamil People representative of Sri Lanka, Mr. Selvanayagam. This act of his showed the mentality and the stance of the Sri Lankan Government towards the minority Tamil People of Sri Lanka.

The Expert Council of the United Nations Secretary General had issued a report on the 31st of March 2011. As per the report, from August 2008 until 13th May 2009, approximately 40,000 Tamil People have died in Sri Lanka. The residual Tamil People in Vanni and other locations were incarcerated, their properties confiscated, and they were subjugated by the Sri Lankan Government. The Sri Lankan army had denied them their rights to their livelihood and rehabilitation in their land. The Sri Lankan army implements works of development based on the aid received from other countries.

Ever since the ascendance to power of Mr. Maitiripal Sirisena, there has been no change or improvement in the living conditions of the Tamil People of Sri Lanka.

- Political detainees arrested under anti-terrorist laws are kept in isolation in the jails. Since they are interred in jails that are far away from their homelands, it becomes prohibitive for their families to visit them. Inordinate delay in the legal process and handling of cases without just reasons for the delay. Because of the delay in the legal process, many detainees are still interrogative prisoners even though they have spent time in jail that is more than the normal period that they would spend in jail as punishment for the acts that they have been arrested for.

- The fourth floor of the office of the investigative wing of the police still continues to be famous for torturous and inhuman interrogation methods. There are approximately 400 individual complaints pending with the United Nations Human Rights Commission in this connection.

- The Sirisena Government has been waxing eloquent about reconciliation. However, they have not recalled the Sri Lankan army from the native motherland of the Tamil People of Sri Lanka. For every five Tamil People, there is one army man in these areas causing much chaos, fear, confusion, intimidation, and interfering with their daily lives. The Sri Lankan army runs the shops, farms, restaurants, schools and other public utilities thereby controlling the daily lives of the Tamils indirectly.

- Under such circumstances, the Tamil People of Sri Lanka cannot be expected to come forth and give their statements to the fact finding and interrogation commission set up by the Sri Lankan Government and handled by the Sri Lankan army.

- Two students of the Yazh University Mr. Vijayakumar Sulakshan and Mr. Nataraja Gajan were shot at and killed by the police on the 20th of October, 2016. The students of Yazh University are at the forefront of mobilising people and protesting against the cruelty and excesses of the Sri Lankan army. Hence, the killing of these students is an intimidation to the students of the University from involving in such activities.

- On 7th August, 2016, the Chief Minister of the Northern Province has said that he had got numerous complaints stating, "The detainees who were former Tigers held in Sri Lankan army camps have been injected with poisonous viruses like cancer and other life sucking diseases and have died enmasse." He has also informed that he is trying to gather more information on the same. Under these circumstances, the world Tamil community has raised the demand that an investigation should be undertaken in the presence of international doctors.

- Another way to subjugate and terrorize voices that support justice are the false cases that are foisted upon such people and unjust incarcerations. Even after having announced that the Civil War has come to an end, in the past 7 years, many men and women from the North and East Province have been arrested for no reason. This trend continues under the current dispensation under Mr. Sirisena as well.

- The biggest casualty of the War was the dislocation and the deprivation of livelihood of the people from their land. For people thus dislocated from their land, there was hope that someday their lands will be returned to them and that they will be rehabilitated. But the continued forcible occupation of such land by the Sri Lankan army has kept people away from their habitat and livelihood. Huge land mass has been taken under the control of the army in the North and East province during and post the Civil War. The previous and the current Governments indulge in unlawful seizure of land in the North and East province using their power. Such misappropriation of land has not been looked into by the revenue department. Even after the change of Government last year, this condition continues. Having thus grabbed the land from the Tamil People of Sri Lanka and having destroyed their livelihood, the Sri Lankan army runs restaurants and farms in these lands.

- Not only the houses of individuals, but also the graveyards of Tigers have also been forcibly occupied by the Sri Lankan army. These graveyards of considered to be sacred spots for Tamils as they house the graves of valourous men and women who had fought for the rights of the Tamils. In some graveyards, the cemeteries have been destroyed and the land converted as football playgrounds.

- November 27th is observed as Martyr's Day in memory of all the valourous men and women who have given up their lives since 1989 for the Tamil cause. The day is held in very high esteem and thought of as a sacred day. On that day, the Tamil People go to the cemeteries of these men and women and pay homage to them. But, post 2009, since many of these graveyards had been destroyed by the army and many more occupied by them, the Tamil People of Sri Lanka observe the day at home and pay homage in their own homes. A few public programmes were also conducted. During those times, the Government would bring in more army and threaten the people. Last year (2016) Tamil Leaders sought the permission of the Government of Sri Lanka to observe Martyr's Day in a public place. However, Mr. Ruwan Vijayawardana, Minister for Internal Security refused to permit the public homage to Martyr's on the 22nd of November, 2016 and went on to caution that legal action will be taken on those who paid homage publicly and observed Martyr's Day.

The above instances prove that the current government is no different from the earlier Governments. It is also clear that the current Government does not want true reconciliation with the Tamil People of Sri Lanka. This Government too continues to undermine and hide the atrocities and murder of the Tamil People that has happened and continues to happen in Sri Lanka. Hence, giving more time to the Sri Lankan Government will further deteriorate and ruin the reconciliation process. This will further deteriorate the condition of the Tamils in Sri Lanka.

In this background, to put an end to the genocide the demand of the Tamil people for a separate nation and their demand of a Tamil Eelam should be taken into consideration. We submit that the United Nations should undertake a separate voting by the public and give the rights of decision on a separate country for Eelam to the Tamil People of Sri Lanka.

There need to be an international independent tribunal for crime of genocide, war crimes and crimes against humanity and also need to investigate ongoing structural genocide post 2009.

As ensured by the UN to all peoples the right to self-determination for independence through internationally monitored referendum conducted to both people living in Tamil eelam and the eelam Tamil diaspora including living in India.

Tamil Nadu Tamil Rights Activists

*Tamil Nadu Tamil Rights Activists, NGOs without consultative status, also share the views expressed in this statement.