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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by ABC Tamil Oli, 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.

[31 May 2021]

* Issued as received, in the language(s) of submission only.



Destruction of the Mullivaikkal Memorial Monument and Theft of Mullivaikkal Memorial Stone: Acts Which Underscore the Need for Criminal Accountability for War Crimes, Crimes Against Humanity and Genocide against the Tamil People

In early 2009, the armed conflict between the government of Sri Lanka and the Liberation Tigers of Tamil Eelam (who administered the de facto state of Tamil Eelam) ended in a brutal show of force. The perpetrators were Sri Lankan armed forces. Overwhelmingly, the victims were Tamil civilians who took no part in hostilities.

In the weeks leading up to the final day of fighting on May 18, 2009, the Sri Lankan Army declared the now-infamous Mullivaikkal Beach a no-fire zone, and encouraged civilians to shelter there. Over several days, the Army then shelled the beach. Given the sheer numbers compressed into such a small area, it was impossible to distinguish between combatants and civilians at Mullivaikkal.

At the time, Sri Lanka claimed “zero civilian casualties.” The Secretary-General’s Panel of Experts estimated, in 2011, that Sri Lankan forces actually had killed up to 40,000 civilians during this final onslaught. The true numbers were likely dramatically higher, as the Bishop of Mannar used government figures to identify 146,679 people who remained unaccounted for. .

The families of those who disappeared mounted protests in more recent years, asking for the whereabouts of their loved ones. In 2020, President Gotabaya Rajapaksa of Sri Lanka stated that those missing are dead.

A monument on the campus of Jaffna University, commemorating the lives of all those Tamils lost in the Mullivaikkal Massacre, was unveiled in 2019. The Tamil Guardian reported on January 8 that Sri Lankan authorities razed the monument with a bulldozer, while troops stood guard to keep protestors at bay.

Similarly, a memorial stone was commissioned, bearing inscribed text that described the final days of the conflict. It was intended for installation at Mullivaikkal Beach. Just before the 11th anniversary of the massacre in May 2021, army and police removed the stone as it was being erected.

The two acts of vandalism and theft described above, which were directed by Sri Lankan forces against culturally-significant objects, parallel countless other attacks on the social fabric of the Tamil nation. They call to mind the burning of the Jaffna Library in 1981, which contained priceless ancient manuscripts, written on palm leaves in the Tamil language. They are a reminder that, every November during the Maaveerar Naal Remembrance Day, Tamil people who commemorate their loved ones—those who were killed in the conflict—are arrested, intimidated, and harassed.

Throughout these 40 years of conflict and political repression, the objective of the Sri Lankan government and its supporters has been—and remains—to destroy the historical foundations of the Tamil identity. Situated in their historical context, these acts to destroy and steal monuments represent an ongoing genocide and cultural erasure.

Resolution 2347 of the UN Security Council formally recognizes that the defence of cultural heritage is imperative for security. This Resolution was directed at the destruction of cultural objects by terrorist groups such as ISIL. By wantonly destroying objects of Tamil cultural remembrance, Sri Lanka shows that states, too, can commit such acts of terrorism—against a defenceless and marginalized people.

The Tamil people’s only crime has been to desire to exercise their right of self-determination, as enshrined in Article 1 of the International Covenant on Civil and Political Rights, and Article 1 of the International Covenant on Economic, Cultural and Social Rights. The irrational fear of the Sri Lankan state, that the exercise of basic Tamil rights would diminish its own standing, has driven it into increasingly desperate acts of cultural

and physical terror, directed against unarmed people and inanimate objects—and that, supposedly, in peacetime.

Sri Lanka's killings of civilians in 2009 are easily classified as war crimes and crimes against humanity. It has become more politically acceptable in recent years to describe the Mullivaikkal Massacre as an act of genocide. No other word so accurately describes the deliberate shelling of a trapped civilian population, followed by an attempt to erase the memory of the massacre itself from the historical record.

Speaking with a single voice—from its historical homeland in the North and East of the island together with its international Diaspora—the Tamil nation condemns the state terror and genocide that it continues to endure at the hands of Sri Lankan forces. While wholeheartedly welcoming the steps toward accountability that the Office of the High Commissioner on Human Rights took during the March, 2021 session of the UN Human Rights Council, Tamils call upon the international community to go beyond merely reproaching Sri Lanka's internationally recognized crimes. The Tamil people call for a meaningful accountability mechanism, such as an international criminal tribunal with jurisdiction over the crimes committed at Mullivaikkal and elsewhere on the island, to bring justice for those killed in the armed conflict.
