



# General Assembly

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## Human Rights Council

### Forty-ninth session

28 February–1 April 2022

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 Tournier La Page, 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.

[7 February 2022]

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\* Issued as received, in the language of submission only. The views expressed in the present document do not necessarily reflect the views of the United Nations or its officials.



## **Genocide of Eelam Tamils: Need to ensure accountability for the past, assess the present, and prevent repetitions in the future**

### **Overview**

At the 49th Session and reiterating the concerns raised in the report of the Office of the UN High Commissioner for Human Rights (OHCHR), the organization Tournier la Page in Partnership with Global Tamil Movement would like to draw the Council's attention to the unnerving indicators of impunity for past Crimes of Genocides against Eelam Tamils, current structural Genocide against Tamils and human rights violations in Sri Lanka, erasure of the steps taken towards ensuring justice, and the mounding challenges to upholding the rule of law and meaningful international engagement.

According to the records of the Sri lankan government agents officers of mullaitivu and kilinochi district, the population of vanni was 429,059 in October 2008. The total number of people who got into sri lankan government control including internment camps after the war was 282,380 according to UN update as of 10th of july 2009 due clarification should be made regarding what happened to 146,679 tamil people which is the discrepancy between the number of people who came to government controlled area between October 2008 - May 2009 and the population reported to the vanni in early october 2008. said the catholic Bishop of Mannar Late Reverend Dr Rayappu Joseph, in his witness submission to the LLRC.

Noting that according to the 2012 UN internal review report headed by Charles Petrie, there are credible sources indicating "over 70,000 civilians are unaccounted " during the final stages of the war.

After a prolonged period marred by conflict, ended by Genocide of Eelam Tamils by Sri Lankan Security forces and grave human rights abuses, Sri Lanka acted to be turning towards reconciliation and accountability, including by constructively engaging with the international community. In 2015, the Government of Sri Lanka co-sponsored the HRC Resolution 30/1 — adopted by consensus — as well as the subsequent resolutions, whereby it made broad promises of commitments to establish hybrid accountability mechanism with foreign judges and lawyers to bring perpetrators to justice...

However, recent developments have inched towards undoing this progress; after the 2019 election, the President Gotabaya Rajapaksa and Prime Minister (PM) Mahindra Rajapaksa had staunchly opposed any international involvement in the national reconciliation process as well as the commitments under Resolution 30/1. Finally, on 26 February 2020, the Rajapaksa Government officially communicated its withdrawal from the co-sponsorship of the resolution as well as the follow-up resolutions. This has underlined the concerns of deepening impunity, rise of ethno-nationalist rhetoric, shrinking civic space, and other human rights abuses on the one hand and foreseeable dilution of any international oversight or investigation on the other.

### **Barriers to Transitional Justice and Accountability**

The Sri Lankan government is ruled by the President and prime minister who are accused to have committed the Genocide against Eelam Tamils. The unilateral repudiation of their international commitments in February 2020 is only a recent overt barrier to accountability for the abuses committed during the conflict. The deep-rooted barriers are, however, linked to both the inability and the unwillingness on part of the successive Governments. Among the Promises of transitional justice mechanisms envisaged, the Office of Missing Persons and the Office of Reparations have been established, even the Tamil Victims don't recognize it and refused to participate on those Promises and at the same time their future seems to be uncertain. The 'judicial mechanism with a special counsel' and the 'Commission for Truth, Justice, Reconciliation and Non-recurrence' have not been established.

There have been reports of continuous deterioration of human rights, militarisation and forced occupation of Tamil Eelam by Sinhala military is the actuality.

Assertion of majoritarian dominance has also taken forms of construction of “victory” monuments and destruction of Tamils cultural-religious symbols. The recent widely condemned demolition of the Mullivaikal memorial in the Jaffna University campus, and the Mullivaikal memorial are symbolic of this marginalisation of the Eelam Tamils identity and our ‘right to memory’.

Some recent policies hint at wilful obstruction to accountability. In February 2020, the President announced that the 20,000 people, mostly Tamils, missing from the civil war were dead and death certificates would be issued to their kin. But in reality Eelam Tamils don’t have any faith on Sri Lankan Genocidal domestic process so Tamil rejected massively. However, the families of the victims are thus deprived of their right to know the truth. PM Rajapaksa publicly stated that the UNHRC resolutions amounted to “humiliation” and “injustice” towards the armed forces.

During his campaign, President Rajapaksa had promised to release “war heroes” jailed on “baseless offences”. This manifested when the President pardoned a soldier sentenced to death for brutally killing eight civilians, including children, during the conflict. The Government has made it clear that it will pursue reconciliation and transitional justice on its own terms by withdrawing from Resolution 30/1 and appointing its own Commission of Inquiry in January 2021 to look into human rights and international humanitarian law violations. Further, the Presidential Commission of Inquiry to investigate “political victimisation” subvert police and judicial investigations into cases of human rights violations and has further entrenched impunity.

Coupled with the history of failures of the previous domestic processes, raise questions over its independence and impartiality and to meaningfully establish accountability for past crimes of Genocide against Eelam Tamils.

This is notwithstanding that the current President and Prime Minister are both accused of crimes of Genocide, war crimes and human rights abuses. In light of these obstacles, the national and international civil society seek continued oversight and investigation by the international community through a renewed HRC resolution.

## **Some Other Human Rights Concerns**

Various UN human rights experts and reports have addressed patterns of intimidation and reprisals against civil society in the country. The reports of the Assistant Secretary-General and the High Commissioner noted that non-governmental organizations (NGO) participants were questioned before and after travelling to Geneva for the 43rd session of the HRC in March 2020. Many NGOs also reported incidents of surveillance during the HRC session, though the Sri Lankan Government has denied it. In addition to harassment and reprisals, journalists, critics, artists and lawyers have also been targeted for their legitimate work contributing to the shrinking civic space.

The pandemic has been used as a pretext to further curtail free expression and suppress dissent. There were reports that security agencies have allegedly threatened and intensified surveillance of the families of the victims of enforced disappearances and activists for their demand for accountability and justice.

The 20th Constitutional Amendment passed in October 2020 has expanded the powers of the President and virtually diminished the checks and balances in governance.

## **Recommendations**

In light of the above as well as other UN and international reports in the same vein, we call on the Council to:

1. Take serious account of the grave concerns raised and the recommendations made in the High Commissioner’s report of February 2022 and other stakeholders on the situation in Sri Lanka;

2. Remind the Government of Sri Lanka of its obligations towards the victims and their families as well as the international community and reconsider its position on unilaterally breaking the consensus in the Council bearing new resolution under Agenda 4 and name a country specific special rapporteur;
3. Meaningfully fulfil its mandate in furtherance on operative paragraphs 3 and 5f of the UN General Assembly Resolution 60/25 to prevent human rights violations before they have occurred and to identify the early warning signs and patterns of such violations in the context of Sri Lanka.
4. The referral of the situation in Sri Lanka to the International Criminal Court

### **To the Special rapporteurs and treaty bodies experts.**

- Please help us to ensure to human rights defenders in Sri Lanka to carry out their legitimate works in safe and enabling environment without fear of threats, acts of intimidation or reprisals to the witnesses and their families seeking truth and justice and not to failed to prosecute wrongdoers.
- It is well known that the victims of Genocide in Sri Lanka are Tamils in the hands of Sinhala Government and its security Forces. However, the Victims of Genocide, War Crimes, and other Crimes against Humanity, naming words, Tamils has been consciously, omitted and never mentioned in any of the Resolutions of HRG and other UN reports.
- We therefor request your to investigate this omission and to mention the appropriate word of "TAMILS (name of the ethnic group)" wherever it's needful.

### **To the 4th committee members of General Assembly**

- To recognize that Tamil Territories are not Governing by Tamils
- We strongly recommend you to bring the resolution to the Right to Self-determination of Eelam Tamils through hearing of statements from Tamil elected representatives, petitioners and dispatches visiting missions.
- And organise to monitoring the political, social, economic and educative situation in the Territories under Sri Lankan military occupation.

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GLOBAL TAMIL MOUVEMENT ASSOCIATION DES FEMMES SOLIDAIRES DU MONDE,  
NGO(s) without consultative status, also share the views expressed in this statement.