



# General Assembly

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## Human Rights Council

### Fiftieth session

13 June–8 July 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 ASSOCIATION CULTURELLE DES TAMOULS EN FRANCE, 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.

[23 May 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.



## **Need of international investigation and a nomination of rapporteur special**

We the undersigned Tamil Uzhagam with support of civil society groups, in particular from the

North and East of Sri Lanka, members of war victims' associations, other likeminded organisations and individuals concerned about the current state of affairs in Sri Lanka and lack of

progress on peace and justice, bring to your kind attention the following issues to be taken up in

your report to the forthcoming UN Human Rights Council session in June and September 2022.

### **Background**

The war in Sri Lanka erupted after decades of oppression of Eelam Tamils, rooted in the deeply

embedded nature of Sinhala Buddhist nationalist politics in the affairs of the State. After the end

of the armed conflict in 2009, the UN Secretary General Ban Ki-moon appointed a Panel of Experts on Accountability in Sri Lanka, headed by Mr. Marzuki Darusman, to advise the Secretary General on the events that transpired during the last phase of the war and for the kind

of action needed to hold those accountable for perpetuating those crimes. The panel concluded

that the conduct of the war represented a 'grave assault on the entire regime of international law

designed to protect individual dignity during both war and peace'.

A number of UN Human Rights Council resolutions were subsequently passed, calling for accountability and justice in Sri Lanka. The OHCHR Investigation on Sri Lanka (OISL) established by a resolution of the Council in March 2014 inter alia recommended the establishment of a special court, integrating international judges, prosecutors, lawyers and investigators as an essential step towards justice. In 2015, with the election of President Maithripala Sirisena, Prime Minister Ranil Wickremesinghe, and the passing of UNHRC Resolution 30/1 with Sri Lanka's support, expectations to initiate reforms for lasting peace and

justice grew. Crucially, the resolution supported the establishment of a special court with international participation – the first time the Sri Lankan government had accepted the need for

international participation in justice and accountability mechanisms Progress

Resolution 46/1 followed the Government of Sri Lanka's decision to withdraw from sponsorship

of the consensus process at the Human Rights Council established in 2015 with resolution 30/1

(and renewed under the rollover resolutions 34/1 and 40/1). Under this consensus process some

extremely limited progress was made towards addressing Sri Lanka's culture of impunity and strengthening respect for human rights and the rule of law. However, much of this progress was

reversed soon after President Gotabaya Rajapaksa was elected in November 2019.

The Government appointed a Consultation Task Force, which held island wide consultations to

recommend reconciliation mechanisms. Some of the recommendations made in this report exhibited the potential for political will within the government to genuinely work towards political change and reconciliation. It particularly endorsed the call for a hybrid mechanism as

suggested in the OISL report and Resolution 30/1 of 2015.

However, the report was consciously and deliberately side-lined by the Government when designing its transitional justice mechanisms.

Office of the Missing Persons (OMP): This was the first mechanisms to be created and it was created by an act of parliament in 2016. But the office came into operation only in 2018 when commissioners were appointed. The OMP fell short of many expectations that the families of the

enforced disappearances, particularly the Tamil families, had and it did not satisfy their needs and

aspirations.

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Global Tamil Mouvement, Nièvre action droit de l'homme, NGO(s) without consultative status, also share the views expressed in this statement.