



General Assembly

Distr.: General
30 August 2022

English only

Human Rights Council

Fifty-first session

12 September–7 October 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 International Communities Organisation Limited, 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.

[19 August 2022]

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



Recommendations to Reduce the Risk of Human Rights Violations and to Ensure Safety of Tamils, Various Ethnicities and Religions in Sri Lanka

International Communities Organisation (ICO) believes communities can come together and achieve a peace, based not on one group's views prevailing over another, but by constructing a shared vision for a better future. ICO is independent, neutral and dedicated to the protection of minority rights and giving a voice to those who need it. In this written statement, we share our preliminary findings regarding the crisis in Sri Lanka, which has been perceived as a result of political and economic instability, as well as consequences of long-lasting ethnic violence and significant linguistic and religious divisions such as tensions between Sinhalese and Tamil communities.

We share the concerns reflected in the reports of Office of the United Nations High Commissioner for Human Rights (OHCHR) issued on Sri Lanka, which highlights the exacerbated human rights violations and recommendations on the efforts that will assist accountability and transitional justice in Sri Lanka (1). We propose recommendations that will strengthen civil society and education for all, boost an inclusive economy and reduce poverty.

The methodology adopted in the preparation of outcomes is based on consultations done with local and relevant international stakeholders, especially with the Tamil Rights Group (TRG) in order to understand their views and to address issues pertinent to civil society in Sri Lanka. The current situation and risks faced by people in the North and East as reflected by civil society on the ground is highlighted in seven critical areas:

1. Constitutional Framework

The 20th Amendment to the Constitution, passed in October 2020, is perceived as one of the main reasons for the shift in the dynamics of a democratic society in Sri Lanka, such as the abolishment of the National Procurement Commission and the National Audit Commission. Stakeholders have expressed their concerns regarding the changes, which have led to a concentration of powers in the Executive President, and thereby erodes a number of the democratic reforms previously introduced.

2. Severe Economic Consequences of War

TRG emphasises the "Mullivaikkal" massacre at the end of the military conflict has had harmful consequences for the Tamils as well as the economy of Sri Lanka. The military expenditures rapidly increased and also main infrastructure, and industry areas have been destroyed or damaged. The Myliddy Port, which in 1980's accommodate one third of Sri Lanka's fishing trade, also saw a reduction in its function.

3. Unaccomplished Demilitarisation Process

It is also noted that although demilitarisation was welcomed by officials after the war, especially the removal of checkpoints, the military presence in the North and East regions remains and persists in disturbing daily life whilst acting as a threat to its inhabitants. This aggravates social problems, particularly in Valikamam and North of Jaffna District, for instance students who need to pass through military fences are having difficulties to access their school.

4. Enforced or Involuntary Disappearances

In 2017, Amnesty International estimated that 60,000 to 100,000 people have disappeared in Sri Lanka, whilst 'white van' arrests and unlawful killings are still carried out (2). Disappeared persons often end up in imprisoned, tortured or killed, whilst their fate is

concealed from their families, friends and loved ones. This causes a deep fear for surrounding inhabitants and for victims, close family members, friends and loved ones who are left worried about their fate, whilst children become indirect victims. Indirect victims (family members and others with a close connection to the disappeared persons) are seeking information on whether the persons are dead or alive; or where they are being detained; or they are being mistreated.

5. Land Grabs, Illegal Confiscations and Cultural Destruction

Local stakeholders observed that land grabs and confiscation since the end of the war have continued at an alarming level. According to the Endless War research published by the Oakland Institute in 2021 (3), a large number of military troops remain in the North and East (one military member is estimated for each six civilians) and have acquired more than 16,910 acres of public and private land.

A large majority of land is exposed to military occupation in Jaffna, Kilinocha, Mullaithu, Vavuniya and Batticaloa. This severely impacts human rights violations and has an effect on local livelihood. It's estimated that seven army camps and five naval bases are located just 15 kilometres from the village of Alampil to the village of Kokkilai in Mullaithivu. Such continued military presence, who run shops and resorts on the land, threatens resettlement of Tamil persons displaced during the war. It's projected that in the Jaffna District, 23,000 persons are waiting to be resettled in their native land.

The alleged land grabs are also perceived as a continuation of a colonial trend that destroys areas of cultural and religious significance to Tamils in the North and East of Sri Lanka. Ancient temples, and churches have been damaged or demolished. People's access is restricted as they are not allowed to enter many important areas due to large military camps and bungalows occupying private land.

TRG reported that the continued military majority presence creates a physical threat to Tamil communities, because there have been arbitrary persecution incidents and Tamil journalists' who cover these incidents are threatened and their rights are endangered.

6. Intimidation and Persecution through Torture, Rape and Sexual Abuse

Reports by civil society organisations and also the Secretary General's Expert Panel Report states that intimidation and persecution in the form of illegal abductions, detainment, torture, rape and sexual abuse of victims continue. In the North and East of the island, the threat of rape, sexual abuse and molestation has been reported by Tamil women, particularly war widows with young destitute children.

7. Administration of Justice including Impunity, and the Rule of law

As UN human rights experts also highlighted, The Prevention of Terrorism Act (PTA) causes arbitrary detentions, especially Tamils and Muslims for indefinite periods of time and without any trial. TRG reported that prisoners under the PTA are subject to abuse and humiliation in the form of torture, racial abuse and sexual violence. Also, due to the insufficient conditions and overcrowded prisons, a large number of prisoners have suffered from Covid-19 or died as a result of coronavirus.

Under the state of emergency, declared on July 18 2022, detention time before being brought before a magistrate has been increased from 24 to 72 hours. The authorities acquire additional powers in order to search and arrest, and the military is authorised to conduct arrests without disclosing their detention.

Recommendations: Urgent Action Required on Accountability and Protection

We welcome UN High Commissioner for Human Rights Michelle Bachelet's call, dated 10 May 2022 (4), for the authorities in Sri Lanka to prevent further violence and need to address the grievances of the population amid the severe economic crisis. Michelle Bachelet also highlighted the need to establish structural reforms led by people from various ethnicities and religions that will ensure greater transparency, accountability and participation in democratic life. We, therefore, urge the UNHRC and other UN bodies to implement the following measures:

- Provide technical assistance and capacity-building for Sri Lankan institutions and civil society to address alleged corruption at government level and implement transparent laws. We believe the prevention of corruption and encouragement of democratic practices will also help the flow of international funds and provide assistance for the development of IMF and World Bank programmes that can safeguard financial stability and reduce inflation rate, and bring debt stability.
- Appoint a Special Rapporteur on the HRC to ensure continued documentation of human rights violations and crimes against humanity and preservation of information that may be used in future accountability processes.
- Pressurise and encourage Sri Lanka to ratify the Rome Statute of the International Criminal Court in order to ensure accountability of mass atrocities and alleged genocide can be agreed.
- UN Security Council to hold an urgent debate on the situation of human rights in Sri Lanka and strategies to advance accountability at the international level. In addition, to implement measures that can achieve the recommendations of the OHCHR.
- Implement the recommendations of Investigation on Sri Lanka (2015) (5), particularly the creation of an Ad Hoc Hybrid Special Court.
- Investigate the possibility of programmes that will support civil society and institutions to address social, cultural and economic challenges with innovative and local solutions.

Tamil Rights Group (TRG), NGO(s) without consultative status, also share the views expressed in this statement.

(1) UN Human Rights Council, Compilation on Sri Lanka - Report of the Office of the United Nations High Commissioner for Human Rights, 28 August 2017, A/HRC/WG.6/28/LKA/2, available at: <https://www.refworld.org/docid/5a2a76304.html> [Accessed 4 August 2022]

(2) Amnesty International (2017) "Only Justice Can Heal Our Wounds": Listening to the Demands of Families of the Disappeared in Sri Lanka, [Accessed 4 August 2022] <https://www.amnesty.org/en/documents/asa37/5853/2017/en/>

(3) The Oakland Institute (2021) "Endless War: The Destroyed Land, Life, and Identity of the Tamil People in Sri Lanka", [Accessed 4 August 2022] <https://www.oaklandinstitute.org/tamils-sri-lanka-endless-war>

(4) <https://www.ohchr.org/en/press-releases/2022/05/bachelet-urges-restraint-and-pathway-dialogue-violence-escalates-sri-lanka> [Accessed 4 August 2022]

(5) UN Human Rights Council, Report of the OHCHR Investigation on Sri Lanka (OISL), 16 September 2015, A/HRC/30/CRP.2, available at: <https://www.refworld.org/docid/55ffb1d04.html> [Accessed 4 August 2022]