



# General Assembly

Distr.: General  
20 September 2022

English only

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## Human Rights Council

### Fifty-first session

12 September–7 October 2022

Agenda item 3

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

## **Written statement\* submitted by Association Thendral, 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.

[22 August 2022]

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



## **No Justice for Tamil Families of the Disappeared As They Reach 2,000 Days of Continuous Protest**

The UN Working Group on Enforced or Involuntary Disappearances reported last year that Sri Lanka continues to have the second-highest number of enforced disappearances in the world, second only to Iraq, with 6,117 outstanding cases submitted to the organisation. These families have faced constant surveillance, intimidation and harassment by Sri Lankan authorities when engaging in peaceful protests.

Tamil families of the disappeared rallied in Kilinochchi, Vavuniya, Ammaparai, Batticaloa, Trincomalee, Mullaitivu and Maruthankerny to mark 2,000 days of continuous roadside protest as the search for their forcibly disappeared loved ones continues.

In February 2017, Tamil families of the disappeared launched their roadside protests in Kilinochchi, followed by Vavuniya, Trincomalee, Mullaitivu and Maruthankerny. The families have spent years, in some cases decades, searching for their loved ones who were either abducted or handed over to the Sri Lankan military at the end of the armed conflict in 2009, on the premise that they would be returned.

2,000 days on, their demands and their vigour for justice remains the same. Appeals to the international community, since their campaign for justice began, the families have maintained a set of simple demands:

1. Release a list of surrendees from the final phase of the armed conflict;
2. Investigate and release the list of all past and present secret detention centres;
3. Release the yearly lists of detainees under the Prevention of Terrorism Act (PTA) since 1978;

Misled by successive Sri Lankan governments and failed state-led commissions, the families have appealed to the international community for justice. The families have rejected domestic mechanisms such as the Office of Missing Persons (OMP) for lacking independence and have not held any of the perpetrators accountable. Despite the lack of progress made by the OMP, Sri Lanka continues to suggest to the international community that justice and accountability can be achieved domestically.

Speaking to journalists at the protest in Vavuniya, Cassipillai Jayavanitha said: "We've been protesting for 2,000 days but we still do not have any answers. We know this government will not give us any answers, that's why we are appealing to the international community...If the government doesn't understand our struggle after 2,000 days then the international community must step in."

### **Surveillance and harassment**

The Tamil families of the disappeared have faced surveillance and harassment by Sri Lanka's security forces in an attempt to silence their pursuit of justice. In a briefing, Adayaalam Centre for Policy and Research (ACPR) highlighted that the protesters encounter "severe threats and harassment" while "some of the leading protesters are under constant surveillance."

Earlier this year, the co-ordinator of the Mullaitivu Disappeared Relatives' Association, Mariyasuresh Eswari, was admitted to hospital with injuries after Sri Lankan police officers pushed her during a protest against former prime minister Mahinda Rajapaksa's visit to Jaffna.

In spite of the violence and surveillance, the protesters have been relentless in demanding information on the whereabouts of their loved ones and an international justice mechanism.

## Justice denied

Many of the parents who have been participating in the roadside protests are elderly and vulnerable. Since the beginning of the protests, 138 parents have passed away without knowing the truth about their disappeared children.

We reiterates 6 key demands ahead of UNHRC session In Kilinochchi, Vavuniya Amaparai, Batticaloa, Trincomalee, Mullaitivu and Maruthankerny, Tamil Families of the Disappeared are continuing their protests on the roadside to demand to know what happened to their loved ones.

Last 12 August 2022, marks 2,000 days since these demonstrations began and still, there has been no answers for the thousands of disappeared Tamils. Despite facing constant harassment from the security forces, these families continue to demonstrate against the government and to demand international action.

“Where are our children?” they chant. During the final phase of the armed conflict, thousands of Tamils disappeared, with many last seen in military custody. An estimated 138 relatives have died whilst awaiting an answer over the fate of their relatives. 16 of these 121 are from Vavuniya.

One of the mothers, Cassipillai Jeyavanitha, said:

"We've been protesting for 2,000 days but we still do not have any answers. We know this government will not give us any answers, that's why we are appealing to the international community."

"If we are not given any answers regarding the children that we handed over, then how can we go home?"

"If the government doesn't understand our struggle after 2,000 days then the international community must step in," she concluded.

The protests are held in advance of the United Nations Human Rights Council session this September.

On 12 August the Association for Relatives of Enforced Disappearances (ARED) released a statement calling for the United Nations Human Rights Commission (UNHRC) to acknowledge their demands ahead of the UNHRC session scheduled for September.

The statement which was addressed to the High Commissioner for Human Rights, Michelle Bachelet, emphasized that accountability for enforced disappearances would not be secured with the Sri Lankan government.

Instead ARED states that true justice will only be achieved through the international community and its mechanisms.

“Since we came to the conclusion that fair justice will not be meted out from the Sri Lankan government, we decided to focus our struggle towards the international world seeking justice from them.”

Relatives of those who were forcefully disappeared have been engaged in a struggle for their loved ones for over 2000 days.

These families have been relentless in their search for justice despite facing increasing levels of surveillance and harassment by Sri Lankan authorities. The Tamil families of the disappeared are under “increasing verbal, physical, and serious psychological harassment” from the Sri Lankan security forces. Although the families are faced with increasing levels of threats and harassment by the state and its security forces, they have been relentless in their pursuit of justice and accountability.

Despite multiple pledges from various Sri Lankan administrations, there has not been any accountability for those who were forcibly disappeared at the hands of the Sri Lankan state.

Since the protests began over Six years ago, over 138 parents have passed away without seeing any justice.

Whilst those arrested in the South have not been subject to Sri Lanka's draconian Prevention of Terrorism Act (PTA), it has been routinely used across the decades to detain and terrorise Tamils arbitrarily. Numerous reports detail how the act has been linked to cases of enforced disappearance and torture and was used to target Tamil youth.

Successive Sri Lankan administrations have pledged to repeal the PTA and meet their commitments under GSP+ but have failed to do so.

In a statement following the assault on protesters on July 22, the European Union noted that it "expects the new Government to work in full compliance" with its human rights commitments, made in exchange for tariff free access to the EU market under the bloc's GSP+ program. The World Bank said in a statement that the government should address "the root structural causes that created this crisis to ensure that Sri Lanka's future recovery and development is resilient and inclusive." Earlier, the United States of America Senate Foreign Relations Committee stated that any agreement with the International Monetary Fund "must be contingent on ... strong anti-corruption measures and promotion of the rule of law."

Tamil organisations called on the European Commission to increase its scrutiny on Sri Lanka and to set out a "timeline and concrete benchmarks for replacing the PTA and fulfilling other human rights obligations" or otherwise suspend Sri Lanka's access to preferential trading terms known as GSP+.

### **In the statement we reiterates six key demands**

1. We want to see the judgement of Justice before the end of our lives. Therefore, all those responsible for genocide against us, including Mahinda and Gotabaya should be brought to Justice at the International Criminal Court (ICC).
2. The International Community should come forward to arrest Gotabaya Rajapaksa through the international judicial mechanism regardless of which country he is hiding and bring him before the International Criminal Court for the genocide committed by him against the Tamil People.
3. Even today, the Sinhala Army, which is responsible for the disappearance of our children, is occupying our lands. It is the selfsame Army that is constantly threatening us and continues to keep us in a state of panic. This army must be removed from our lands immediately.
4. Following the war of aggression against us, the Sinhala Buddhist government is rapidly carrying out Sinhala Buddhistisation by occupying our lands and temples. This activity should be stopped immediately, and the land should be handed over to their rightful owners.
5. Our relatives languishing as Tamil political prisoners in jail should be released immediately without any conditions.
6. The Tamil people entitled to self-determination should have the opportunity to decide their political faith. A permanent political solution must be provided through the internationally monitored referendum among people and their descendants who lived in the Northern and Eastern provinces on and before February 4th, 1948.

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Association for Relatives of Enforced Disappearances, GLOBAL TAMIL MOUVEMENT, ADVOCATES FOR JUSTICE AND HUMAN RIGHTS, Association Internationale Contre les Disparitions forcées, ASSOCIATION DES ANONYMES ET PERSÉCUTES DU GÉNOCIDE TAMOULE, WORLD WOMEN SOLIDARITY ASSOCIATION, ASSOCIATION DES CHRETIENS TAMOULS DE FRANCE, Alliance Internationale de Défense des Droits Humains, International Alliance for the Defense of Human Rights, ALLIANCE INTERNATIONALE POUR LA JUSTICE, NGO(s) without consultative status, also share the views expressed in this statement.