



# General Assembly

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## Human Rights Council

### Fifty-fourth session

11 September–13 October 2023

Agenda item 4

**Human rights situations that require the Council's attention**

**Joint written statement\* submitted by Association caritative étudiante pour la jeunesse, ABC Tamil Oli, Association Bharathi Centre Culturel Franco-Tamoul, Association Burkinabé pour la Survie de l'Enfance, Tamil Uzhagam, Tamil-Style, Tripla Difesa Onlus Guardie - Sicurezza Sociale e Ecozoofila, non-governmental organizations 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 August 2023]

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



## **Appeal against Enforced Disappearances in Amparai, Sri Lanka: 2000 Days of Protest: 'We Need an International Justice Mechanism!'**

Failure to protect Tamil Civilians in War and UN Responsibilities, End arbitrary arrests, reprisals against human rights defenders and activists advocating against Tamils' Enforced Disappearances in Sri Lanka.

We are members of Associations for relatives of the Enforced Disappearances in Amparai district in Sri Lanka strongly condemn the ongoing persecution and reprisals by Sri Lankan authorities against the leaders and activists of the Associations for relatives of the Enforced Disappearances North and East Provinces of Sri Lanka, for last 14 years we are living under Sri Lankan security forces reprisals and continuous harassments.

Sri Lanka has the world's second-highest number of cases registered with the United Nations Working Group on Enforced or Involuntary Disappearances". An estimated 100,000 Tamils have been forcibly disappeared.

Last August 2021, Sri Lankan Minister, Dinesh Gunawardena, claimed without evidence that victims of enforced disappearance are secretly living abroad.

The statement further takes issue with former President Rajapaksa's commission into "political victimisation" which seeks to exonerate senior military officials implicated in these disappearances and instead of prosecuting the police investigating the case.

For the past Seven years, we have been part of a group participating in a continuous protest in all 8 districts, and today marks 2000th days, asking the simple question, "Where are they?" But to find the answer to the simple question is a very complex process fraught with evasion, denial and politics. While the previous government set up an Office on Missing Persons which we don't recognize any credibility's, that has found no one yet nor brought any of the guilty to book, President Gotabaya Rajapaksa and his government deny the very concept of the missing. They refuse to accept the possibility that all Sri Lankan genocidal military which they called some "war heroes" may in fact have flouted the rules of war. This is despite many eye witness accounts of enforced disappearances over the decades and especially during the end of the war. Enforced disappearances are continuing to this day; just recently groups of young men have been arrested under the PTA and their families are unable to gain access to them.

In order to keep up our cause alive and to bring it to the notice of our last hope – the international community – the mothers from eight districts in the north and east went on a protest march for last 7 years in all 8 districts.

The persecution and intimidation of the Tamil mothers and wives have intensified under this government. Military intelligence officers visit their houses regularly warning us not to participate in protests. For some mothers is a stark choice – do I keep looking for my missing child and put my remaining children in danger or should I just give up?

The mothers of enforced disappearances are under discrimination from Sri Lankan authorities, We are unable to get loans from banks when the officers know we are involved in the protest movement. Sometimes We are able to get help from neighbours and relatives, but even the relatives have fear to have any link with us because of TID, STF, Sri Lankan Police, Sri Lankan military, Sri Lankan Navy and other intelligent service's continuous harassments.

Despite the harassment, we are determined to continue our quest for justice. The government wants us to stop because it is a disturbance for them. If families don't participate in the protests the issue will be forgotten. That is why all mothers from 8 districts are continuing.

We continue our search for our husband, our sons, our daughters, we believe they are alive. We will keep looking until we know what happened to them. If They are dead, how did they die? We are not afraid of the army. We want to know what happened.

For last 14 years all Leaders from 8 districts, Association of Relatives of Enforced Disappearances, had used all domestic process and there are no any single results, from Sri Lankan authorities.

As Sri Lanka's abandonment of truth, justice, human rights and the rule of law is being discussed at the 49th sessions of the UN Human Rights Council, it has been announced that President Rajapaksa, who has referred to the missing as being "already dead", will meet the families of the disappeared to "bring closure to this issue and give the families a solution."

During 51st Session the Current President Ranil Wikramasinghe also rejected to collaborate with Human Rights Council, for Tamils victims of Sri Lankan genocidal government only international mechanism is unique solution.

Nearly 170 mothers and relatives who are part of our protest for last 7 years, have already died without knowing what has happened to their children, the last Just 3 weeks ago. Some mothers are too sick to join the protests, so attendance is low. But despite these adversities, they are determined to carry on.

Marking International Day for the Victims of Enforced Disappearances, the Association for Relatives of the Enforced Disappearances have called on UN High Commissioner, Volker Türk, to reject the Sri Lankan Government's Office of Missing Persons (OMP) and instead pursue an international inquiry into the fate of those forcibly disappeared.

In our statement, we detailed the dire situation in Sri Lanka with over a decade passing since the end of the armed conflict and still no account for their missing loved ones. Sri Lanka has the world's second-highest number of cases registered with the United Nations Working Group on Enforced or Involuntary Disappearances. An estimated 100,000 Tamils have been forcibly disappeared by Sri Lankan security forces. Following this refusal, we began our protests and would demonstrate outside these offices. In turn, the government began to open these offices in secret.

## **United Nations Investigations & Proposed Tribunal**

In 2014, the UN High Commissioner for Human Rights established the OHCHR Investigation on Sri Lanka (OISL) to investigate alleged human rights violations in the country committed by government forces against Eelam Tamils from February 1983 to November 2011. In a 2015 OHCHR report on Sri Lanka, the OHCHR confirmed "patterns of grave violations" and urged for the "creation of a hybrid special court" to address allegations of war crimes and crimes against humanity, finding that Sri Lanka's criminal justice system "lacks a reliable system for victim and witness protection and has been corrupted by decades of emergency, conflict and impunity."

While Sri Lanka voluntarily committed to provide accountability and redress for all human rights violations committed during the civil war in UN Human Rights Council resolution 30/1 on the Promotion reconciliation, accountability and human rights in Sri Lanka, and reaffirmed this commitment in 2017 and most recently in Human Rights Council resolution 40/1 in 2019, it has consistently rejected the establishment of a hybrid special court.

In February 2020, Sri Lanka announced that it would no longer honor its commitments in resolutions 30/1 and 40/1 to "establish a judicial mechanism with a special counsel to investigate allegations of violations and abuses of human rights and violations of international humanitarian law," among others. See Permanent Mission of Sri Lanka to UN, Foreign Relations Minister meets UN High Commissioner for Human Rights.

The update further noted the UN Human Rights Council (UNHRC) adoption of resolution 46/1 in March 2021 which expressed serious concern over human rights in Sri Lanka and stressed the need for a "comprehensive accountability process for all human rights violations and abuses committed in Sri Lanka". The resolution also called for the collection and preservation of evidence that may be used in a future war crimes tribunal. They also rejected 51/1 resolution.

## **Recommendation**

- a. Take immediate measures to demilitarize North and East Sri Lanka
- b. Endorse the Tamil genocide resolution of 2015 passed by the Northern Provincial Council in February 2015.
- c. Refer Sri Lanka to The ICC,
- d. Perpetrators of war crimes, crimes of genocides and crimes against humanity must be investigated and brought to international justice process.
- e. Council Members to have a new Resolution under Agenda 4 to appoint a special Rapporteur to monitor and investigate ongoing human rights violations and repression against the Tamil people.
- f. To the 4th committee members of General Assembly: To recognize that Tamil territories are not Governing by Tamils
- g. conducting an internationally monitored Referendum.
- h. We call on the European Commission to stop being complicit in the genocide against the Tamil people and to suspend all aid and benefits such as the Generalized System of Preferences Plus (GSP+) granted to Sri Lanka.
- i. OHCHR's successive reports don't mention "Tamils" who are the victims of genocide in Sri Lanka, we therefor request you to investigate this omission and to mention the appropriate word of "TAMILS" wherever it's needful.

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Association for Relatives of the Enforced Disappearance Vavuniya district, Association for Relatives of the Enforced Disappearance Mannar district, Association for Relatives of the Enforced Disappearance Trincomalee district, Association for Relatives of the Enforced Disappearance Kilinochchi district, Association for Relatives of the Enforced Disappearance Mullaithivu district, Association for Relatives of the Enforced Disappearance Jaffna, Association for Relatives of the Enforced Disappearance Batticaloa district, Association for Relatives of the Enforced Disappearance Amaparai district, Alliance internationale contre le génocide, ALLIANCE INTERNATIONALE CONTRE LE GENOCIDE DES TAMOULS, Alliance Internationale de Défense des Droits Humains, ALLIANCE INTERNATIONALE DES JOURNALISTES, Association Internationale Contre les Disparitions forcées, GLOBAL TAMIL MOUVEMENT, Gouvernement en Exil du Tamil Eelam, INTERNATIONAL CENTRE FOR RIGHT TO SELF DETERMINATION, NGO(s) without consultative status, also share the views expressed in this statement.