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

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.

[22 August 2021]

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



Eelam Tamils seek International Juridictions: 15 years after the disappearance of Fr. Jim Brown & Mr. Vimalathas

Enforced disappearance is a violation that has affected all Eelam Tamils for last 40 years in Sri Lanka and was a hallmark of security operations for decades. For last 40 years about 90 000 to 110 000 Tamils were enforced disappeared by Sri Lankan Sinhala security forces. Human rights activist and Catholics fathers were on the front line of enforced disappeared.

Frustrated by government failure, Family of enforced disappeared have turned to the international community to take action on disappearances. A number of families have shared their cases with the Working Group on Enforced or Involuntary Disappearances and a network of campaigners have lobbied the UN High Commissioner for Human Rights to push for truth, justice and reparations.

Until now United Nations Human Rights Mechanisms continue to deny Justice For Eelam Tamils and refused to identify who are the victims in Sri Lanka on their Reports.

15 years ago, on 20th August 2006, Fr. Jim Brown and Mr. Vimalathas disappeared after having been last seen at a Navy checkpoint in Allaipiddy, Jaffna. Few days before, Fr. Jim Brown had been threatened by a Sri Lankan Genocidal Navy officer. There had also been tension between him and the Sri Lankan Navy, as the Catholic Priest had pleaded with the Navy to allow injured civilians leave Allaipiddy, during the fighting between the government military and the LTTE. Earlier on, many civilians were killed and injured on an attack on the Allaipiddy Church, to which Fr. Jim Brown had welcomed desperate civilians seeking a place of refuge from the fighting.

The first time our delegates went to Allaipiddy was when the people displaced in this fighting started to go back, sometime after the disappearance. He was warned by friends not to talk about Fr. Jim Brown and he didn't. But even today, our delegates remember people telling that they were alive because of Fr. Jim Brown. We remember also the shelled-out church. Not many Catholic Priests would have invited people to take shelter in a Church knowing it was likely to get hit and people – and even he – maybe killed.

Their disappearance was amongst the 16 cases a high profile Presidential Commission of Inquiry (the Udalgama Commission), monitored by "International Independent Group of Eminent Persons (IIGEP) took up from 2006 onwards. To date, the report has not been shared with the families. The Lessons Learnt and Reconciliation Commission (LLRC) also heard submissions about the case. Again, no response – except that another Catholic Priest who made a submission got a threatening call the next day asking whether he wanted to suffer the same fate as Fr. Jim Brown.

Fr. Jim Brown is not the only Tamil Catholic Priest who disappeared, there is a habeas corpus case pending on the disappearance of Fr. Francis Joseph, who disappeared in May 2009 after surrendering to the Army at the end of the war, in front of many witnesses. Many other journalists, humanitarian workers, and civilians, majority of them Tamil in the last decade, have disappeared without trace. The latest Presidential Commission of Inquiry has reported receiving 16,826 and 5,000 complaints each from civilians and military. But in total there are about 90 000 to 110 000 tamils were enforced disappeared by Sri Lankan Security forces from earlier 1970s.

Their families have been clamoring for truth and justice in Sri Lanka and beyond. They have become a powerful moral conscience to those who are sensitive to their cries and struggles. The previous government and some others have sought to dismiss their struggles as attempts to promote political agendas. Like Fr. Jim Brown's family, they have been threatened, intimidated, obstructed and ridiculed for struggling to find the truth about their loved ones. They were stopped from coming from Colombo to the North and a meeting we had with some of them in a Church run institute in Colombo was broken into by Buddhist Monk led group.

In addition to the Police, Human Rights Commission and Courts, families of disappeared have appeared before multiple domestic Commissions of Inquiries. After having worked with many families of disappeared persons for several years, We don't think they have had much success in finding disappeared persons or what happened to him / her.

But given the large number of families of disappeared persons waiting for answers, we may need dedicated special mechanisms, including but not limited to special courts, prosecutors and investigators, set up under special laws. But any new mechanism the government may set up must have the involvement of the families of disappeared in the setting up process itself and have their confidence. It should be seen as independent and effective, not yet another “eye wash”. It should have wide ranging powers, including subpoenaing, searching, seizing and obtaining information and materials from any person or institution, including the military. It should also be able to access information on any progress of investigations and inquiries made to date by Police and any other such bodies, share updates with families and take follow up actions. It is important not to further traumatize families by compelling them to complain yet again. No persons associated with a new mechanism should be perceived or suspected to have been involved with disappearances. A strong and substantial international involvement, that goes beyond mere advice, monitoring, financial and training, would facilitate confidence of families of disappeared. Mechanisms to solicit information from persons who may know about individual cases or overall trends may also be helpful to trace disappeared persons.

Fr. Jim Brown’s and Vimalathas’s disappearance was amongst the earliest in a new wave of complaints made to the UN Working Group on Enforced or Involuntary Disappearances since 2006 from Sri Lanka. Since then, Sri Lanka has accounted for the largest number of complaints to the UN Working Group. In its 35 years of work, Sri Lanka has the second largest number of complaints. The Working Group was due to visit in August, but the government had requested for a postponement due to elections. It is hoped that the new government will renew the invitation for them visit soon, and cooperate with them to give answers to families of disappeared persons.

A lot will depend on the genuine political will of the new Sri Lankan government. The support of the international community will also be important, particularly countries that have experience in dealing with large case disappearances, such as Argentina and other Latin American countries. But perhaps the most crucial element will be how much outrage there will be from Sri Lankan citizens against unwillingness and inability of our government to give answers to our fellow citizens whose loved ones have disappeared and how much sympathy and support families of disappeared persons will receive from their fellow citizens. What can we offer Fr. Jim Brown’s father and Vimalathas’s children and wife, and many others like them, will be a determining factor in our ability to have co-existence and lasting peace.

We call upon the UNHRC members and other affiliated UN agencies and member states to adopt, as a matter of utmost urgency, the following measures:

- Recognize the genocide resolution passed unanimously in the Northern Provincial Council of Sri Lanka on 10th February, 2015.
- Direct appropriate measures at the International Criminal Court outlining that the affected Tamil people have no faith in any domestic commission or inquiry.
- The Council Members should work together to appoint a Special Rapporteur to monitor and investigate ongoing human rights violations and repression against the Eelam Tamils.
- The Sri Lankan government is still using the ban imposed on the LTTE by some countries as a tool to suppress the democratic voices and activities of the Tamil people in the North and East today even in the absence of the LTTE. Therefore, the countries concerned should take note of this and take appropriate action.

To the Special Rapporteurs and Treaty Bodies experts.

- Please help us to ensure to protect human rights defenders in Sri Lanka to carry out their legitimate work, in a safe and enabling environment without fear of threats, acts of intimidation or reprisals of any kind witnesses and families seeking truth and justice, and failed to prosecute those against whom there was evidence of wrongdoing.

- Working group on Enforced or Involuntary Disappearances and Committee on Enforced Disappearances' members should work with Tamil victims' of enforced disappeared family member, who are totally ignored on the process.

To the Fourth Committee members of the General Assembly

- To recognize Eelam Tamil as Non-Self-Governing Territories
- To bring the Right to Self-determination of Eelam Tamils at the Fourth Committee and hears statements from Tamil elected representatives as well as petitioners, dispatches visiting missions, and organises seminars on the political, social, economic and educative situation in the Territories under Sri Lankan occupation.

Global Tamil Mouvement, Centre Bishop Rayappu Joseph pour la Justice et la paix, Association Internationale Contre les Disparitions forcées, NGO(s) without consultative status, also share the views expressed in this statement.