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**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 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.

[23 May 2022]

* 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.



Enforced Disappearances In Sri Lanka: Need Of International Mechanisms

It is high time that the world held Sri Lanka's governing regime to account, and imposed stiff targeted sanctions and penalties on its members for the brutality that continues to be unleashed on Eelam Tamil citizens, much of which amounts to the gravest of international crimes and Crimes of Genocides.

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.

Mme CHANDRIKA KUMARATUNGA, former President of Sri Lanka (1994-2005), last 18th of May 2022 recognize the Genocide of Eelam Tamils, "War is never a victory, but a defeat for a country or mankind. Because of our thirty-year-long genocidal war, the Nation lost much. Mothers in the North and South lost their children and on the other hand children lost their parents. We were racially divided as Sinhalese, Tamils and Muslims."

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 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 five years the we have been part of a group participating in a continuous protest in all 8 districts, 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 5 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 13 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.

Nearly 170 mothers and relatives who are part of our protest for last 5 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.

Office of Missing Persons

Commenting on the Office of Missing Persons established under the Sirisena administration, we already highlighted the failure of the institution to win the trust of victim's families and the no any single progress it made.

However, we note that Rajapaksa's recent appointments to the office have gravely undermined its independence.

The appointments include Jayantha Wickramaratne, a former policeman accused of destroying evidence in the murder of journalist Lasantha Wickrematunge, and Upali Abeyrathne, who led last year's commission seeking to exonerate alleged perpetrators.

We further highlight the government's repeated harassment and threatening of victims' families, as well as lawyers and organizations representing them.

Tamil activists been "abducted, tortured and raped because of their involvement in the search for the truth about the disappeared in Sri Lanka".

In May 2021, former Inspector General of Police, Hapu Arachchige Jayantha Shantha Kumara Wickremaratne was appointed to the Office of Missing Persons despite the widespread outcry.

It's hard to make this up – the man who was in charge of three police units named by the United Nations investigation as involved in mass enforced disappearances of Eelam Tamils at the end of the war is now investigating the disappearances himself.

Given the failures of the OMP, Is it reasonable for the UN to abet the Sri Lankan Government to thrust the OMP on us? The international community and UN should accept the fact that the OMP is incapable and advise the Sri Lankan Government to abolish the OMP immediately and refer Sri Lanka to the ICC.

It has been 1,935 days since we began their roadside protests across the eight districts in the North-East. Over the years, over a hundred participants in these protests have died without learning the fate of their loved ones. Due to the state-imposed lockdown, these families chose to continue their protest at home, lighting lamps.

How can we accept the claim by the President of Sri Lanka that no one is alive, we [...] had been eyewitnesses when our loved ones were handed over to the Sri Lankan army in 2009?".

The same person to whom we handed over our relatives, has become the President of Sri Lanka now.

International Justice

Instead, we have called for an international investigation into the genocide in Sri Lanka and to inquire into the fate of our loved ones, because we don't have any hope in any domestic mechanisms.

We call upon United Nations member States and other affiliated UN agencies to adopt, as a matter of utmost urgency, the following measures:

- (a) Recognize the genocide resolution passed unanimously in the Northern Provincial Council of Sri Lanka on 10th February, 2015.
- (b) Direct appropriate measures at the International Criminal Court outlining that the affected Tamil people have no faith in any domestic commission or inquiry.
- (c) Bring a Resolution in the Human Rights' Council insisting that the North-East is the traditional homeland of the Tamil people as agreed in the Sri Lanka-India Accord 1987

and urging the Sri Lankan Government to immediately stop the occupation of land in the North-East with its Military as well as Sinhala colonists.

(d) United Nations Human Rights 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 Tamils.

1. Monitor and investigate human rights violations, transmits urgent appeals and letters to Sri Lanka on alleged violations of human rights;
2. Undertakes country visit to Sri Lanka and to the region and engage with relevant stakeholders;
3. Submit reports to the General Assembly and Human Rights Council on the situation of human rights in the North and East of Sri Lanka; and
4. Engages publicly on issues of concern, including through press releases.

(e) It is well known that the victims of Genocide in Sri Lanka are Tamils in the hands of Sinhala Government and its security Forces. However, the Victims of Genocide, War Crimes, and other Crimes against Humanity, naming words, Tamils has been consciously, omitted and never mentioned in any of the Resolutions of HRG and other UN reports. We therefor request your good self to investigate this omission and needful mention the word "TAMILS" wherever right.

GLOBAL TAMIL MOUVEMENT, Association Internationale Contre les Disparitions forcées,
NGO(s) without consultative status, also share the views expressed in this statement.