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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 Association Bharathi Centre Culturel Franco-Tamoul, 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.

[30 May 2021]

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



Need of Human Rights Council Resolution on International investigation on Tamils Genocide in Sri Lanka.

This statement is delivered in partnership with Hon. Canagasabapathy Visuvalingam Vigneswaran a Member of Parliament for Jaffna District in the Sri Lankan Parliament.

Sri Lanka received Independence from the British in 1948. From the time Ceylon obtained Independence the Sinhalese who constitute nearly 75 percent of the population have been acting towards the prejudice of the Tamil community. Even though the Sinhalese are majority in the Country the Tamil speaking are the majority in the Northern and Eastern Provinces, Tamils having more or less inter alia occupied the area covered by the Northern and Eastern Provinces for over 2500 years continuously presently are the majority in the North and East. Over eighty percent of the denizens of the North and East are even today Tamil speaking.

The Sinhalese on the grant of Independence went on to plan out the ousting of the Tamils from the Southern seven Provinces south of the Northern and Eastern Provinces. The country has nine Provinces. Northern and Eastern are majority Tamil speaking while the other seven are majority Sinhala speaking. But during the time of the British the Tamils were scattered throughout the Island.

In 1949 the Sinhala majority Central Government of Ceylon disenfranchised over ten lakhs of its Tamil Citizens.

These were the Up Country Tamils who had been brought from South India to work in the Tea Estates.

In 1956 the language of the majority, Sinhalese, was made the sole official language throughout the Country overlooking the fact that the North and East had been continuously Tamil speaking from prehistoric times. This was to force the Tamils in Government Service to retire or resign from service. Lots of Tamils who had been scattered throughout the Country working for the State retired or emigrated after 1956.

From the time of the State Council before grant of Independence steady colonization of the Tamil speaking areas with Sinhalese colonists from the South had been going on. Today colonization is attempted with a view to oust Tamils from their traditional areas of residence despite the Indo Sri Lankan Accord of 1987 which recognized the North and East to be traditional Tamil speaking areas and their traditional homeland.

The Accord has stated as follows - "Also recognizing that the Northern and the Eastern Provinces have been areas of historical habitation of Sri Lankan Tamil speaking peoples, who have at all times hitherto lived together in this territory with other ethnic groups".

The Census Reports from the time of the British would point out that Tamils were almost 90 percent of the population in the North and East until 1956. Steady expropriation of the lands in the North and East had been going on from around the time of Independence where the Sinhala majority State brought in Sinhalese from elsewhere to occupy these traditional Tamil speaking areas.

In 1958 a pogrom was staged by the Sinhalese with Government support to drive the Tamils from the seven Provinces south of the North and East. Government acknowledged the North and East to be traditional Tamilian areas when they sent by ships the internally displaced Tamils to the North and East.

Since Tamils started protesting against the anti-Tamil activities of the successive Sinhala majority Governments the Military were sent to the North around 1961. From that time until today the Military is stationed in the North and East except during the civil war when the LTTE were in control.

In the early 1970s a process called standardization in the selection of candidates to the University was introduced. By this process many qualified Tamil students were denied entry into Universities while less qualified Sinhalese and Muslim students were taken into Universities.

Pogroms against the Tamils continued even after 1958 in 1961, 1977 and so on until in 1983 many Tamils were chased out from Colombo and suburban areas making almost a million Tamils to flee to foreign Countries.

When the youth took up to arms their struggle was identified as Terrorism and with the help received from many Countries it was brutally crushed in May 2009. At the end of the war, inter alia war crimes and crimes against humanity were committed by the Sri Lankan Military Forces. Lots of innocent people handed over to the Forces simply disappeared unaccounted.

The first and so far only Northern Provincial Council of which I was Chief Minister, passed unanimously the Resolution on genocide committed by the Sri Lankan State against the Tamils. Genocide continues even now.

It is our desire that the European Union must step in to establish a mechanism for an international inquiry into the genocide that took place during the final days of the war and still being committed against the Tamils in Sri Lanka. Land grabbing in the North and East through State Departments, planned colonization of Tamil areas with Sinhalese continue to date. Thus structural genocide has intensified through various means in the North and East.

True peace can only be achieved on the basis of the establishment of justice through international inquiry.

It is our sincere wish that the European Union must take strong action against the Sri Lankan government for failing to implement the UN Human Rights Council Resolution 30/1 and the Sri Lankan government's unilateral withdrawal from the resolution recently.

Recommendations:

1. To the Human Rights Council Members:
 - You should take the following steps to protect the Tamil people:
 - (a) Recognize the genocide resolution passed unanimously in the Northern Provincial Council of Sri Lanka on 10th February, 2015.
 - (b) Support the Resolution 30/1 which seeks an UN inquiry to investigate the genocide of the Tamil people in Sri Lanka by successive Sri Lankan Governments and
 - (c) Direct appropriate measures at the International Criminal Court outlining that the affected Tamil people have no faith in any domestic commission or inquiry.
 - 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. Also stop land grabbing by Central Government Departments under many ruses.
 - The Council Members should work together to appoint a special Rapporteur to monitor and investigate ongoing human rights violations and repression against the Tamil people.
2. To the European Union:
 - must propagate the fact that the International community has a responsibility to ensure the security of the Tamil people by ensuring a meaningful devolution of power to the North and East as the government moves to do away with the weak and powerless 13th Amendment replacing it with nothing tangible yet.
 - 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.
 - During the peace talks, an international structure of co-chairs was established, and conferences were organized in the United States and Japan to try to rebuild the war-torn North-East. The European Union played a significant role in this. We need to

create a similar international structure and take steps to provide direct assistance through this structure to the war-torn North-Eastern provinces.

3. 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, particularly when attempting to establish the circumstances of enforced disappearances and the fate of disappeared persons.
 - All political detainees to be released or brought to justice without any further delay. Also the list of names of those who surrendered to the military at various check points at the end of the conflict should be released to the public.

Therefore, the Human Rights Council Members and the other Members of the UN Community should propose a federal solution as an appropriate solution to protect the equality and human rights of all ethnic groups in Sri Lanka.

GLOBAL TAMIL MOUVEMENT, NGO(s) without consultative status, also share the views expressed in this statement.