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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 African Development Association, 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.

[31 May 2021]

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



Requesting an immediate attention to release all the Tamil Political prisoners considering the prevailing situation of Covid'19 in Sri Lanka.

We, a network of 24, non-governmental organization in special consultative status with the UN Human Rights Council and the human rights advocates working with Tamil Political prisoners in Sri Lanka are deeply anxious about the status of the Tamil Political prisoners due to ongoing Covid'19 Infections in Sri Lanka recently, and urge Sri Lankan Government to consider releasing all the Tamil Political prisoners who have been detained unlawfully for decades now.

The International Covenant on Civil and Political Rights, which Sri Lanka is a party to, states that “no one shall be subjected to arbitrary arrest or detention and deprived of his liberty except on such grounds and in accordance with such procedure as are established by law, that anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him, that anyone arrested or detained on a criminal charge shall be brought promptly before a judicial authorities and are entitled to trial within a reasonable time or to release.

The Covenant also affirms the right of a detainee take proceedings before a court, in order that that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful and that anyone who has been the victim of unlawful arrest or detention shall have the right to compensation. The Covenant also guarantees the right of all detainees to be treated with humanity, with respect for his / her dignity.

From 1979, Sri Lankan State use the PTA for make a structural Genocide of Eelam Tamils and during all different phase of the process Tamil Peoples are facing systematic intimidation in North and East of Sri Lanka.

In its 1983 annual report, Amnesty International stated its concern about reports that between January and March 1982, Tamils in the north were being arrested under the PTA and held without charge or trial. At least 65 people were detained without charge or trial in mid-December 1982 and made allegations of torture and ill treatment against security forces.

Amnesty International reported the first trial under the PTA, which took place in 1982, and resulted in death sentences being passed to Selvarajah Yogachandiran and Ganeshanathan Jeganathan, who were convicted of murdering a police officer on 21 March 1979. The men were in army custody during their detention and trial and stated that their confessions had been extracted under torture.

During the Black July Genocide acts in 1983, 53 Tamil political prisoners were killed by Sinhalese inmates, following two riots at the Welikada high security prison in Colombo, with evidence that prison guards were complicit in the massacre. The first riot took place on July 25 1983, resulting in 35 Tamil prisoners being killed. A curfew was imposed at the end of the day, yet this did not stop further riots erupting at the prison on July 27, with a further 17 Tamil prisoners being killed by their Sinhalese inmates.

Over the years, some of Sri Lanka's prisons and detention centres have gained notoriety for violence and torture. The headquarters of the Criminal Investigation Department in Colombo is one such location.

For decades, Tamil political prisoners in Sri Lanka have been systematically abused and discriminated by the Sri Lankan Government's security forces, which assumes they have links to the separatist group, the Liberation Tamil Tigers of Eelam (LTTE).

These prisoners have been subjected to arbitrary detention and torture and many have since been released without charge. The Prevention of Terrorism Act (PTA) and Emergency Regulations, which had allowed for the detention of prisoners for long periods of time - up to 15 years in some cases – often without judicial oversight or trial in the country.

Currently there are 96 Political prisoners in all and 47 of them were already convicted, apart from this there are Tamil prisoners who have been recently arrested during the political influence of TNA political member in the special cases in the North, a medical Doctor Dr.Sivaruban also a victim of those case.

The Sri Lankan government and security forces in Sri Lanka are increasing their influence across the country, suppressing the independence of the judiciary, and often disobeying the orders of judges/magistrates.

We would like to also notice here that, “In March this year, President Gotabaya Rajapakshe pardoned a soldier who was on death row for killing eight Tamil civilians, including a five-year-old during the civil war.”

Furthermore, we would like to reminder of former Human Rights Commissioners visit to Sri Lanka, in her visit Hon Navaneethampillai also has and dialog with the state minister of Human rights about releasing the political prisoners.

The release of the Tamil political prisoners is fundamental with the national security and foreign policy interests of the democratic socialist republic of Sri Lanka following the end of the 30 years of civil war as well as the national values of the Sri Lankans on ethnic grounds.

It continues to undermine the standing of the state of Sri Lanka in the world and its national security, fully aware of the identity crises of the Tamil diaspora in the world.

Consistent with Sri Lanka’s commitment to the rule of law, and the universal human rights, the current administration under President Gotabaya Rajapakshe has made no effort towards the release of these prisoners.

Recommendations

We propose some recommendations that need to be implemented by the Sri Lankan government and legal system so that it can uphold basic human rights promulgated in its own constitution and within international law

- Repeal the Prevention of Terrorism Act, or bring it in line with Sri Lanka’s international treaty obligations
- All political prisoners should be released or charges should be brought against them before a specified date. In case of future arrests, they should be charged or released within a short period, such as 3 months after arrest
- Publish a list of all political detainees being held around the country under the PTA or those previously arrested under the Emergency Regulations
- Arrests under the Prevention of Terrorism Act (PTA) should only be used to arrest people when there is clear evidence of involvement in terrorism
- Prisoners must be held at prisons located in closest proximity to their homes, to enable regular visits by their families and minimize the chances of conflict and strife between inmates. If they are being transferred, the authorities should provide clear reasons why they are doing this
- Make all documentation with prisoners and families in their respective native tongue so that they know exactly what they are signing
- Put a halt to the state’s use of torture as a method of interrogation or punishment
- When prisoners become ill they must be provided with the opportunity for treatment, whether this is through medication by healthcare professionals or visits to hospitals or clinics
- Special spaces should be provided for lawyers and members of the clergy to visit detainees during specified times and days, without prior permission, with facilities to ensure confidential communication. Lawyers and members of the clergy should

also be allowed to visit prisoners when they are in hospital, subject only to restrictions by doctors

- Prisoners should not be taken to court or made to attend proceedings when they are seriously ill or debilitated, and should be given time to recover. If a judge orders that a prisoner needs immediate treatment then these summons must be adhered to, and the prisoner should stay in hospital for as long as is needed to recover
- Enable humane visitation opportunities where prisoners and their families are permitted to sit within close proximity of each other and have physical contact with their children below the age of 12
- The procedures for visiting prisoners should be according to the Prison Ordinance, Rules and Regulations and should not be unduly restricted at the discretion of individual officers in particular prisons

The detention of political prisoners continues to undermine the standing of the State of Sri Lanka in the world. We demand the Human Rights Commissioner to engage in dialogue with Sri Lankan authorities to release all these political prisoners without any conditions which may further delay their release.

Therefore, we really appreciate your kind consideration on behalf of the international community and on the standards of promoting and maintaining international peace and security to come to a long-standing solution pertaining to this issue.
