



# General Assembly

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## Human Rights Council

Forty-seventh session

21 June–9 July 2021

Agenda item 3

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

### **Written statement\* submitted by Association des étudiants tamouls de France, 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]

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



## **Valvetty Welfare Society ask for an International Mechanisms against Tamils Genocide and nomination of Special Rapporteur on Sri Lanka**

Even though the war has ended about eleven years ago, Tamils are still waiting for justice for the mass atrocities committed by the Sri Lankan Government. According to UN and other international organizations hundreds of thousands of Tamils were killed and numerous Tamil women were sexually assaulted and raped by the Sri Lankan Security Forces, in the final six months of the war that ended in May 2009.

The Occupying Sri Lankan state has evaded justice for the genocide that is being perpetrated against the Nation of Eelam Tamils since 1948 with impunity. Genocide of Tamils in Tamil Nation continue to date. Sri Lanka has the second-highest number of enforced disappearances in the world, with a reported backlog of between 80,000 and 100,000 disappearances since the late 1980s. Between 2005 and 2015, thousands of Eelam Tamils, were forcibly disappeared in state custody.

These were overseen by and when the present war crimes accused president, Gotabaya Rajapaksa, was defence secretary and his brother, current Prime Minister Mahinda Rajapaksa, was president.

The perpetrators of the genocide, war crimes and crimes against humanity, which were committed against thousands of Eelam Tamils, continue to evade investigations and prosecutions to date.

The continued impunity of these perpetrators and their return to power has meant that the state has resumed its genocide, in particular cultural genocide, against the Eelam Tamils to this very day.

The staggering Sinhhalisation in Eelam Tamils' traditional lands, destruction of commemoration monuments, obstruction of equality and the elimination of the Tamil language and history are merely a few examples of the ongoing genocide.

To date, Sri Lanka's domestic processes have persistently and manifestly failed thousands of victims and their families, which has further fuelled the demand for an international inquiry by the United Nations. The current Sri Lankan Government took a step further and officially withdrew from the co-sponsorship of HRC Resolutions 30/1, 34/1 and 40/1 and walked away from HRC's accountability process.

On 15th January 2021, in an unprecedented act of unity, all major Eelam Tamil political leaders, Tamil civil society actors and Tamil victim community representatives from the North-East of Sri Lanka signed a statement calling for an international investigation process, including a referral to the International Criminal Court (ICC) to investigate the crimes of genocide, war crimes, and crimes against humanity.

Twelve years have passed since the war ended. The UN, UNHRC and related agencies have made various commitments, and have adopted various resolutions. But to date, no meaningful progress has been made; war victims, refugees, relatives of the disappeared, and others continue to be affected, with no political will on the government's part to bring about a political solution, and to advance sustainable economic development in war-affected areas.

In February 2020, Sri Lanka, through its Foreign Minister, gave notice to the UNHRC that it was formally withdrawing from all previously co-sponsored UNHRC resolutions. President Gotabaya Rajapaksa and his brother, Prime Minister Mahinda Rajapaksa have repeatedly made it clear that they are not going to hold members of the security forces accountable for war crimes. They have meanwhile continued to deploy the military in civilian positions, seize lands belonging to the Tamil people, appoint Buddhist religious personnel to oversee land allotment in the East of Sri Lanka in the guise of archaeological management, increase surveillance and intimidation of victim families, human rights activists, journalists, and curtail burial rites of the Muslim community.

The resolution, passed last 23 March 2020, was supposed to strengthen the capacity of the Office of the High Commissioner for Human Rights to collect, consolidate, analyse, and preserve evidence of human rights violations.

This evidence would be used to support future accountability processes, advocate for victims and survivors, and support investigations and trials, including prosecutions under the principles of universal jurisdiction.

During the interactive dialogue on Sri Lanka, the Deputy High Commissioner noted that the OHCHR has already accumulated extensive documentation on human rights violations and mass atrocity crimes in Sri Lanka from previous investigations. It is critical that this evidence gathering mechanism is adequately resourced and supported by the international community.

The resolution also proposes regular reporting by the High Commissioner to the Council, with an oral update in September 2021 followed by a full written update in March 2022. This recognises the ongoing deterioration of conditions in Sri Lanka and the need for sustained scrutiny by the international community. Regular attention on Sri Lanka at the Council is important because in the past, the government of Sri Lanka has responded to some human rights concerns when facing a looming Human Rights Council discussion.

Since the last Resolution on March 2021, our village victims of Genocide and human rights activist were intimidated and forbidden to participate to any OHCHR mechanisms or any meeting with organizations from around outside of Sri Lanka.

The Sri Lankan security forces have arrested as many Tamil men and women under the much-criticised Prevention of Terrorism Act (PTA) last Mullivaikkal Genocide commemoration day, after they held a memorial event at different places in North and East of Sri Lanka like in a beach in Batticaloa to mark Tamil Genocide Day.

## Recommendations

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:

- 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,
  - (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.
    - 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 of America and Japan to try to rebuild the wartorn 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.

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.
- All political detainees to be released or brought to justice without any further delay.

To UN Special-Adviser on the Prevention of Genocide Mme Wairimu Nderitu

- We respectfully request the opportunity to brief you on the work of the Coalition of more than 3200 Tamil Organizations directly or via an online platform. In your remarks at the International Day to Commemorate the Victims of Genocide we urge you to highlight the importance of reparations for victims of Sri Lankan Genocidal Army's atrocities and encourage the Government of Sri Lanka to expedite the passing of the draft Reparations Bill. Finally, we request your Office to consider writing a report on the nexus between the non-repetition of genocide and reparations. To have a panel of discussion with Eelam Tamils Victim of Genocide in Sri Lanka

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Valvetty Welfare Society (Canada), NGO(s) without consultative status, also share the views expressed in this statement.