



General Assembly

Distr.: General
11 June 2021

English only

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]

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



Vaudreuil-Dorion Tamil Community ask for an International Mechanisms against Tamils Genocide and nomination of Special Rapporteur on Sri Lanka

Vaudreuil-Dorion Tamil Community is a none profit organization that focus on developing young Tamils and adults through the promotion of culture and heritage. In Partnership with Association des Etudiants Tamouls de France. We join Tamil organizations across the world for ask Justice against Eelam Tamils Genocide.

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.

Sri Lankan Security forces made a structural Genocide from 1948,

In May 2010, the Sri Lankan government appointed a Lessons Learnt and Reconciliation Commission (LLRC) and promised to implement the Commission's recommendations. Many Tamil NGOs and witnesses of Genocide refused to give testimony before the Commission due to the lack of witness protection.

The UN Panel of Experts appointed by the Secretary General, and other credible international human rights groups, criticized the LLRC due to its narrow mandate, lack of independence, and failure to meet international standards. According to a subsequent UN Report (the Petrie Report), despite some positive characteristics, the LLRC was fundamentally constrained by a mandate that did not focus on actual accountability, and by the lack of an enabling environment for judicial follow-up.

As Sri Lanka failed to make meaningful progress, a third resolution was adopted in 2014, again giving time for Sri Lanka to implement its promises. While incorporating previous positions, the Council on this occasion also authorized the OHCHR to undertake a comprehensive investigation into alleged serious violations and abuses of human rights and related crimes by both parties in Sri Lanka and present its report to the Council.

In particular, the High Commissioner wishes to highlight the following recommendations: Institutional reforms, Justice, Truth/right to know, Reparations & General improvements.

Sri Lanka, as expected by all the UN bodies, the victims, non-governmental organizations and Tamils around the world was back again in 2017 asking more time to implement its own resolution. Accordingly, a fifth UNHRC resolution on "Promoting Reconciliation and Accountability in Sri Lanka" was adopted on March 23, 2017 without a vote.

Sri Lanka was back again in 2019, asking for further time to implement the co-sponsored resolution. Therefore, a sixth UNHRC resolution was adopted on March 21, 2019, without a vote.

Twelve plus 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, and journalists.

The Resolution, presented by members of the Core-Group on Sri Lanka during last 46th Session, however, fails to outline a clear approach for ensuring justice, accountability and lasting peace. “It completely deviates from the recommendations made by the UN High Commissioner Bachelet and those made by four former High Commissioners, nine former Special Rapporteurs, and all members of the UNSG’s Panel of Experts on Sri Lanka — to refer the matter to the International Criminal Court. Endless War, exposes the reality of the destruction of land, life, and identity of the Tamil people in Sri Lanka and presents a prima facie evidence for collective international action to arrest the worsening human rights situation,”.

From the last March 2021 Resolution on Sri Lanka:

- over 2000 peoples, who participate to different manifestation were interrogated and intimidate by Sri Lankan security forces.
- The Mothers and relatives of Enforced Disappeared are constantly by Sri Lankan security forces, even they don’t have permission to pay tribute for their loves ones who were killed during Mullivaikkal Genocide.
- Over 1700 members of family of relatives of Enforced Disappeared received Sri Lankan military intelligent and were intimidate to not participate to any OHCHR mechanism otherwise they will be arrested under PTA.
- More than 140 peoples were interrogated, just for have participate to a commemoration via Zoom.
- Militarisation ramped up in North and East despite lifting of COVID-19 travel restrictions, The army has been heavily deployed in Jaffna to surveillance the streets as restrictions on travel imposed in the Tamils districts.
- On the 12th anniversary of the massacre at Mullivaikkal, which killed tens of thousands of Tamil civilians, Sri Lankan President Gotabaya Rajapaksa promoted 452 officers in the Sri Lankan army and 4289 officials of other ranks.

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:

- (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

Vaudreuil-Dorion Tamil Community, NGO(s) without consultative status, also share the views expressed in this statement.