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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 Action of Human Movement (AHM), 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.



Structural ongoing Genocide of Eelam Tamils in North and East of Sri Lanka

The annihilation of an ethnic or national group is inevitably accompanied by rape, sexual humiliation, disappearances, mass murder, and torture. Victims' suffering is acute, and survivors' trauma lasts generations. Few crimes are more shocking or abhorrent. But if we are to eradicate these injustices and help survivors rebuild their lives and their societies, genocide needs to be examined not in terms of individual evil but in terms of the historical and structural evil of colonization.

Repression of dissent and increased intimidation of Tamil human rights defenders, Tamil victims of Genocide, Tamil journalists and lawyers, has been a constant feature throughout the year. At the end of 2019, there was a spate of attacks against journalists, including a police raid on the offices of a news website and assaults on a number of journalists. Reporters Without Borders released a statement calling for a stop to all forms of intimidation. Meanwhile, President Gotabaya Rajapaksa told heads of media organisations in an official meeting that "media has a responsibility to create a virtuous image for our country."

During 2020, Sri Lankan security forces continue their occupation of Eelam Tamils with security forces and intelligence officers had intensified surveillance and harassment of Tamil relatives of the enforced disappeared and the activists supporting them in All 8 Tamil districts', with continues intimidation and repression on Tamils lands occupation.

The COVID-19 pandemic provided a cover for further repression; UN human rights chief Michele Bachelet criticised states including Sri Lanka for using the pandemic as an excuse to curtail freedom of expression and arresting critics.

Tamils victims and tamil rights activists in Sri Lanka, reported severe restrictions of memorial events in May 2020 marking the eleventh anniversary of the end of the war. During the international days of Enforced Disappearances many mothers and relatives of enforced disappeared were under sri lankan military attack and were baned to organize peacefull meetings. Organised commemorations of Maaveerar Naal in November were banned by several district courts. There were alarming reports of state intimidation of Tamils marking the remembrance day even in private homes.

On 8th January 2021, authorities demolished the Mullivaikkal memorial at Jaffna University, which was erected in 2019 to commemorate the Genocide of tens of thousands of Tamil civilians who were killed in the final stages of the war in 2009. Students who peacefully protested the demolition at the gates of the university were surrounded by heavily armed members of Sri Lanka's Special Task Force in an intimidating show of force. This is just the latest incident in a year which has seen a steep decline in respect for human rights in Sri Lanka and organised attacks by the state on protestors, lawyers, journalists, and human rights defenders.

Genocide perpetrators appointments to civilian positions

Since his election as President in November 2019, Gotabaya Rajapaksa has consistently appointed ex and serving military officers to key positions within the current government. Although Shavendra Silva was appointed as Army Commander under the previous government in August 2019, the President has since promoted him to Acting Chief of Defence Staff and head of Sri Lanka's coronavirus response. In this latter role Silva is extremely visible, giving regular press conferences. Fellow former commander Kamal Gunaratne was appointed Secretary of Defence in November 2019. Both have been appointed as members of several Presidential Task Forces set up by the President to manage issues as diverse as poverty alleviation, archaeological heritage, and national security.

Silva and Gunaratne are simply the highest profile amongst many military appointments. Currently four secretaries of government departments (defence, health, agriculture, and

foreign affairs) are former or serving military officers. MP Sarath Weerasekara, who was recently made Minister of Public Security – in charge of police – is a former senior naval officer Responsible for the killing of 17 members of ACF.

United States of America designates General Shavendra Silva

In rare positive news, in February 2020, the former US Secretary of State, Mike Pompeo, announced that Gen. Shavendra Silva had been publicly designated by the State Department due to credible information of his involvement, through command responsibility in Genocide and gross human rights violations, including extrajudicial killings.

President pardons convicted murderer Sunil Ratnayake

In March 2020, President Gotabaya Rajapaksa pardoned former soldier Sunil Ratnayake, who was convicted for the murder of eight Tamil civilians, including a five-year old child, near Jaffna in 2000. Ratnayake's conviction had been unanimously upheld by the Supreme Court less than twelve months previously and was a rare exception to the wholesale impunity enjoyed by Sri Lankan armed forces for human rights violations. There was outrage among civil society as Secretary to the Ministry of Defence, Kamal Gunaratne, travelled to the prison to welcome Ratnayake in person as he was released. The UN Human Rights Chief described the pardon as an "affront to victims," while a joint statement by Sri Lankan civil society groups referred to it as a "lethal blow to the rule of law."

Militarisation of North and East with COVID-19 response

Sri Lanka's response to the coronavirus pandemic has been heavily militarised of Eelam Tamils Lands. The centre responsible for tackling the virus is headed by Army Commander Shavendra Silva. The response has been termed as a 'war on the pandemic' and a 'national security challenge,' while military intelligence, who are notorious for Genocide against Eelam Tamils and their use of torture against Tamil civilians and ex combatants, have been put in charge of contact tracing. The military's role in contact tracing, surveillance, building and running quarantine facilities and distribution of essential services has raised concerns about confidentiality and the targeted suppression of Eelam Tamils.

The Police Media Division gave direction for legal action to be taken against video and other publications on the internet that criticize the work of state officials, and in a little over 2 months, the authorities arrested over 66,000 people for allegedly violating curfew restrictions. Security checkpoints have been set up across the Tamils Lands in the North and East. Drones and intelligence software, as well as military intelligence officers, were deployed to track down anyone potentially infected with the virus.

In this pursuit the Tamil homeland has been turned into one of the heaviest militarized territories in the world. It has been reported that there is a soldier present for every five civilians in the north, which holds a force density of 198.5 soldiers per 1000 civilians-higher than the Russian occupation of Chechnya during the Second Chechen War and the French occupation of Algeria during the War of Independence.

Moreover large swathes of lands in the northern province of Jaffna have since the 1990s been occupied by the military through the establishment of High Security Zones (HSZ) which resemble the Israeli policy of "Zoning" around military instalments. According to Tamil National Alliance (TNA) parliamentarians M.A. Sumanitharan, Sritharan Sivagnanam, more than one third of the land (7000 sq. km of 18 880 sq. km) in the North-East has been forcefully appropriated by the military, clearly indicating a hegemonic militarization alienating Tamils from their homeland.

Internationally financed development measures are being implemented due to the military occupation and colonized lands. Chief among the intentions behind the post-war development is to colonize Tamil majority areas with extra-local Sinhalese. By doing so the government is also shrewdly attempting to satisfy depressed Sinhala workers and farmers

and cultivate southern businesses within the broader state agenda. Such an agenda orients towards the colonization of the Tamil homeland as well as the facilitation of national and international capitalistic exploitation. Instead of being provided secure livelihood opportunities in the south, the Sinhala workers and peasants are seduced into the multi-national commercial ‘development’ projects in the Tamil homeland with an undertone of Sinhala Buddhist supremacy.

In this process local Tamil labour and enterprises are ignored, furthering the economic marginalization of Tamils. Development in Sri Lanka converges clearly with the practices of state violence, structural genocide and militarization.

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) Appropriate measures at the International Criminal Court outlining that the affected Tamil people have no faith in any domestic commission or inquiry.
- (c) Accept the Right to Self Determination of the Tamils
- (d) Demilitarize the entire North and East
- (e) Pay adequate compensation to the War affected Tamils
- (f) Release all Tamil Political prisoners
- (g) Repeal the PTA.

To the core group members on Sri Lanka Resolutions for last 12 years should work together with 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 Tamil people.

Gouvernement en Exil du Tamil Eelam, GLOBAL TAMIL MOUVEMENT, ASSOCIATION DES CHRETIENS TAMOULS POUR LA PAIX ET JUSTICE, Centre Bishop Rayappu Joseph pour la Justice et la paix, ASSOCIATION DES ANONYMES ET PERSÉCUTES DU GÉNOCIDE TAMOULE, NGO(s) without consultative status, also share the views expressed in this statement