



General Assembly

Distr.: General
16 September 2021

English only

Human Rights Council

Forty-eighth session

13 September–1 October 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 Tournier La Page, 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.

[22 August 2021]

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



Sri Lanka's Wavering Commitment to Accountability for Enforced Disappearances and Genocide investigation

Enforced disappearances continue to affect hundreds of thousands of people around the world. The 2006 International Convention for the Protection of All Persons from Enforced Disappearance, now ratified or signed by 107 States, has spurred growing awareness of this issue, an increase in legislation criminalizing the practice, and mechanisms for the search of those disappeared. But in many countries, there are still unfulfilled promises, and the passage of time does not erase the intense suffering and anguish of those who do not know what happened to their loved ones.

The civil war, in which the Eelam Tamils fought the Sri Lankan armed forces from 1983 until their defeat in 2009, was marked by tens of thousands of enforced disappearances. The surviving family members who advocate for answers today include Tamil mothers and wives whose children and spouses were detained by security forces; the families who accompanied relatives who surrendered to military-run rehabilitation camps at the end of the war, to the army, or the police.

Violence and intimidation against Tamil Women

As desperate some of their situations are, Tamil women have been fighting the violation of their rights as well as of their missing relatives' relentlessly. With the help of the UN and NGOs, they continue to protest, seek answers and demand reparations. Both of these parties play an important role as supporters, as the UN has the means to address the issue from the top, working with or exerting pressure on the government, while NGOs can work their way up from the bottom, addressing individual cases and fighting for awareness.

The voices of Eelam Tamils demanding the truth about the disappeared in all 8 districts of North and East of Sri Lanka, Tamil Rights Activists working in all 8 districts in the northern and eastern parts of the country on behalf of relatives of the forcibly disappeared, are under significant increase in government surveillance and intimidation. One activist said that prior to a recent victims' meeting, "every one of the mothers got at least 10 telephone calls from different intelligence agencies asking, 'Where is the meeting?' 'Who is organizing the meeting?' 'What is being said?'" Another activist said, "We can't do any visible programs.... We've stopped everything."

The hopes of these victims reached a peak in 2015, when President Maithripala Sirisena was elected on a centrist platform and a commitment to truth, justice, and reconciliation. Later that year, the Sri Lankan government agreed to a UN Human Rights Council resolution that offered a roadmap for the search for the missing and forcibly disappeared. To the dismay of many, however, the government has done little since to implement these commitments and to take the opinions of victims seriously.

The situation for Tamil women in the north and east of Sri Lanka remains deeply insecure. Thousands of Tamil women lost husbands and other family members to death or disappearance, while human rights abuses and violations ranging from sexual violence to land grabbing have continued.

Over 130 members of enforced disappeared family members, who participate to different meetings since January are daily under Sri Lankan Genocidal security forces, they are repeatedly visited by members of the police Criminal Investigation Department (CID), Terrorist Investigation Department and Special Task Forces.

The Tamil female leaders namely Mrs Thevasagayam Ranjana, Mrs. Selvarani Tambirasa from Amparai, Mrs. Mariyasuresh Easwari from Mullaithivu, Mrs Sebasitan Devi from Thrincomalai, Mrs. Amalanathan Amalanayagi from Batticola and hundreds of others of the Association of the Relatives of the Enforced Disappeared people are being tortured and monitored by the Sri Lankan military, the policemen and the court for working for justice and conducting a public rally on the world international day of the enforce-fully Disappeared People (30. 08. 2020) in the Eastern Province. The militarization of the north and east from 2009 has contributed to continued insecurity for minority women. Many, especially widows

and the wives of disappeared or ‘surrendered’, are vulnerable to sexual harassment, exploitation or assault by army personnel or other militias.

“They have come and asked who is going to meetings,” she said. “And who is going to Geneva [to attend the UN Human Rights Council]. These are children who were taken by white vans from our houses or who surrendered [to the army]. These are the children we are talking about. I want to know what happened to my son – whether he is dead or alive, and if he is not alive, what happened to him and who did it; whether he was beaten, whether they broke a limb.”

Tamils victims are totally ignored by Sri Lankan domestic mechanisms and international mechanisms

The Office of Missing Persons (OMP), the only part of the roadmap that has been established, became operational only in February of this year. Unfortunately, affected communities are fragmented and disagree over whether the OMP can bring them the truth about the fate of their loved ones, or if families of the disappeared should even interact with the office.

Victims who stand up for their rights are labelled by their ethnic or religious identities. Tamil families of the disappeared are ignored by the Sinhalese majority, who perceive them as part of a nationalist Tamil struggle that brought about the civil war. Sinhalese nationalists dismiss any demand for accountability as an attack on war heroes who defeated the LTTE and they disregard the demands of Sinhalese families of the disappeared.

These families are conversely ignored by Tamils who define their victimization as part of their quest for self-determination. Within this context of competing nationalistic identities, those whose sons were forcefully recruited or disappeared by the LTTE do not have a place to seek truth and justice. And Muslim victims, targeted by both sides, feel marginalized and ignored.

Women who accompanied their husbands or children to surrender at military bases after the LTTE’s defeat in 2009 are still waiting to know whether their husbands are alive or dead. This uncertainty, central for understanding the pervasive effects of enforced disappearances, has been described as “ambiguous loss,” or “frozen, interrupted, or complicated grief.” Unlike those whose family members were killed outright during the conflict, relatives of the disappeared are deprived of certainty and the remains of their loved ones.

For 2100 days, Sri Lankan women protesting in the streets of Kilinochchi demanded, “Give us the list of those who surrendered.” The government has denied having such lists, or the existence of secret detention facilities where prisoners could still be kept, answers that do not appease the victims.

The Office of Missing Persons

The hope that the OMP has sparked is fragile. The office has inherited a legacy of unfulfilled promises made by previous commissions. The last of these mechanisms, the Presidential Commission of Inquiry into Complaints of Abductions and Disappearances, was created in 2013 and received approximately 23,000 complaints. In 2015, it delivered its report without providing specific clarification on the disappeared. Most of Tamils as they don’t have any faith in Sri Lankan domestic mechanism under Military occupation don’t give any information’s.

Sharing Our Truths

In Sri Lanka, the responsibility for redressing violations of international human rights and humanitarian law does not belong to only one group. Collaborating to establish the whereabouts of those killed by Sri Lankan security forces, and the armed forces could also help to illuminate truths that have been even more elusive. As in countries such as Peru or Timor-Leste, the truth could help reveal the broad picture about the different forms of disappearances practiced. This could create an understanding of the extent of the suffering

that the conflict and repression have caused and could have an impact across a wide spectrum of communities whose inalienable human rights must be protected to ensure peaceful coexistence.

Victims of enforced disappearances from Sri Lanka are suffering because of total ignorance of international community who never support the family of enforced disappearance's instead they always support south based civil organizations.

We ask to the HRC Members:

1. to organize a Special session on Sri Lanka as earlier possible.
2. to Refer Sri Lanka to the International Criminal Court.
3. 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.
4. International Justice mechanisms should adopt a gender-sensitive approach, including to investigations, exhumations, truth seeking, and reparations.
5. Countries should assist and support victims on their road for Justice, financial support and also let Victims family members to work with international mechanism.
6. Working Group on Enforced or Involuntary Disappearances and Committee on Enforced Disappearances' members should work with Tamil victims' of enforced disappeared family who are totally ignored. And Tamil Family ask for have interactive dialogue with those experts and committee members

GLOBAL TAMIL MOUVEMENT, Association Internationale Contre les Disparitions forcées, NGO(s) without consultative status, also share the views expressed in this statement.