



# General Assembly

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## Human Rights Council

### Fifty-first session

12 September–7 October 2022

Agenda item 2

**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 Association Thendral, 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 2022]

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



## **Sri Lankan Military Continues Harassments against Eelam Tamils in North and East of Sri Lanka**

Association Thendral in Partnership with Global Tamil Movement identifies 2261 alleged interrogations and arrest under torturers and intimidation for last 5 years, by the Terrorism Investigation Division (TID), Criminal Investigation Department (CID), Special Task Force (STF), Military Intelligence Corps (MIC) and Department of Naval Intelligence of the Sri Lankan police based on investigation and research, including those who bear command responsibility. It is based on the testimony of Tamil Rights activists, Tamil victims' family members, Tamil students, Tamil politicians.

These survivors have experienced the most brutal torture imaginable – including in many cases rape and other forms of sexual violence. As such, it was brave of them to share their experiences of detention with our investigators and interpreters, in many cases while still fearing for the safety of their families left behind in Sri Lanka from whom they live apart. All said that they did it because they wanted justice and to ensure others did not suffer like them.

Prevention of Terrorist act (PTA) we are concerned about Torture, PTA, economic marginalisation and dependency, Denial of the right to development, Prevention of return to normalcy, Land grab, Buddhisisation and Sinhalisation, Structural genocide, Destruction of identity and assimilation of Tamil people with the repetition of Cycles of Violence orchestrated over the past seven decades.

The PTA was passed as a temporary measure in 1979, under questionable circumstances. Over four decades later, it's dangerous and historically abused provisions have been linked to torture in the island and are still disproportionately used to arrest Tamils and Muslims, with most detainees from the North and East of the island. "It has been used as a tool for political victimisation and majoritarianism politics"(5) and runs contrary to the accepted principles of the Rule of Law. Alongside other Emergency regulations, it has become a useful instrument for the government to perpetrate war crimes, crimes against humanity and genocide against Tamils. It is reported that 83% of men detained under this act were tortured, 90% were forced to sign confessions under duress, 80% signed pre-written or blank statements with 95% stating they did not understand the Sinhala language in which the confessions were written.(6) The Act has provisions for the use of these confessions obtained under torture in court as well as the indefinite detention of detainees and the quick and quiet disposal of bodies of those died while in detention.

More than 800 received by the family Members of enforced disappeared, member who are seeking for justice and whereabouts of their loves ones, and who participate for last 2000 days for the protest in all 8 districts.

The detailed findings of the Task Force make clear that it is the victims of human rights violations, namely the family members seeking answers, who can best identify what they need and expect from these mechanisms, and what they require most urgently.

For last 6 years many of family of victims were forced to receive death certificate and also forced to sign document that they received reparation funds, instead they don't get any single rupees. And the same time they don't want reparation but they want to know what happened to their loves ones.

Preclude the application of amnesties, immunities and other measures of impunity to persons suspected of committing crimes under international law;

Formally acknowledge and prioritize the findings and recommendations of the Consultation Task Force;

Provide effective protection to persons who file complaints of enforced disappearance before the courts and the proposed mechanism, as well as to families of the disappeared person, witnesses and lawyers representing them;

What is most shocking is that the then UN former Special Rapporteur on Torture, Manfred Nowak, named several of the same alleged perpetrators of torture in TID when he visited Sri

Lanka in 2007 – and not one was investigated or prosecuted. Instead many were subsequently promoted.

Had action been taken when the UN Special Rapporteur on Torture's report was published in 2008, hundreds if not thousands of Sri Lankans might have been saved from enduring horrendous torture and having their lives destroyed as a result. Moreover, cases of TID torture have been recorded by groups inside and outside Sri Lanka as recently as 2017 (and by CID in 2018 and the Army in 2019). This is therefore very much an ongoing problem.

In addition, torture has been happening not in the far away former conflict zones but right in the heart of the capital, Colombo, on the sixth floor of a well-known police building.

It is of great concern that several key TID officials alleged by victims to be responsible for their torture remain in senior positions in the police force. They have continued to be rewarded even under the Sirisena government, illustrating that the promised security sector reform has been illusory.

The UN Human Rights System has failed to recognise who are the victims on its successive reports, and has failed to recognise the PTA Tamil detainees as political prisoners. The UN High Commissioner for Human Rights describing the PTA detainees as 'security detainees' is not helping the languishing PTA victims, who feel as being subjected to a systematic targeting of their identity as Eelam Tamils.

While most of the UN Member States in the West have given political asylum status to more than 1,5 million Eelam Tamils for last 40 years, including former LTTE members, the Sri Lankan State uses the Foreign Terrorist Organisation listing of the LTTE in UN member states to justify its continued perception of equating the Eelam Tamil identity as LTTE terrorism and uses it to target the ethnic group. EU continue to keep the Ban Against the LTTE, which is totally against European Law.

The people on the ground request the UN Human High Commissioner for Human Rights and the OHCHR to urge the UN Human Rights Council to realise the significance of forcing the Sri Lankan state to withdraw its military forces from the North-East to reflect levels in the rest of the country. After withdrawing the Sri Lankan military, the UN should set up an internationally-monitored security mechanism to enable the people to submit all details about those subjected to enforced disappearances.

Physical acts of genocide have taken place in the form of massacres, deliberate targeting of civilians, forced eviction, widespread acts of war crimes and crimes against humanity during the times of war. But, the persecution continues against the same group inside and outside the prisons that target the Eelam Tamils ethnic group as a whole after the war in different forms.

European Union, International Monetary Fund, western countries, continue to Support the structural genocide against Eelam Tamils by supporting financially Sri Lankan government, there is no any change for Eelam Tamils.

## Recommendations

We call upon the UNHRC members, other affiliated UN agencies and member of states to adopt, as a matter of utmost urgency, following measures to protect the TAMIL NATION:

- a. Recognize the genocide resolution passed unanimously in the Northern Provincial Council of Sri Lanka on 10th February in 2015.
- b. Direct appropriate measures at the International Criminal Court outlining that the affected Tamil Nation have no faith in any domestic commission or inquiry.
- c. Council Members to have a second country Resolution under Agenda 4 to appoint a special Rapporteur to monitor and investigate ongoing human rights violations and repression against the Tamil Nation.
- d. We need to have a special session at the Human Rights Council on Sri Lanka for refer Sri Lanka to the International Criminal Court by the security council.

- e. Conducting an internationally monitored Referendum.

### **To the 4th committee members of General Assembly**

- To recognize that Tamil Territories are not Governing by Tamils
- We strongly recommend you to bring the resolution to the Right to Self-determination of Eelam Tamils through hearing of statements from Tamil elected representatives, petitioners and dispatches visiting missions.
- And organise to monitoring the political, social, economic and educative situation in the Territories under Sri Lankan military occupation.

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

- 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.
- 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.

### **To Special Adviser of the Secretary-General on R2P**

We kindly urge to recognize the failure of United Nations to prevent Tamils from genocide and now take the Responsibility to propose appropriate measures in order to protect Tamils from ongoing genocide.

### **To the Western countries**

Provide the lawyers, and civil society in North and East of Sri Lanka with the necessary support financial and technical expertise in addressing laws delays, protecting the integrity of evidence, victim and witness protection, forensics and other issues.

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Association de Défense des Droits des Enfants, Rencontre pour la Paix et les Droits de l'Homme, ASSOCIATION POUR LA SOLIDARITE FRANCE-AFRIQUE, ASSOCIATION FEMMES SOLIDAIRES (AFS), Centre de Recherche sur les Droits de l'Homme, CENTRE INTERNATIONAL DES DROITS DE L'HOMME, ALLIANCE INTERNATIONALE DES JOURNALISTES, CENTRE DE LA SORBONNE POUR LE DROIT INTERNATIONAL ET LES RELATIONS INTERNATIONALES, ASSOCIATION DES FEMMES POUR LA LUTTE CONTRE LA PAUVRETE, Association pour le droit des étrangers, Advocates for Justice and Human Rights, ADVOCATES FOR JUSTICE AND HUMAN RIGHTS, Association for Independence of Judges and Lawyers, Réseau International pour les Droits de l'Homme et de l'Etat de Droit, COORDINATION INTERNATIONAL DES DROITS DE L'HOMME, ASSOCIATION POUR LA DEFENSE DES DROITS DES CITOYENS, Association Humaniste de France, LE CONSEIL INTERNATIONAL POUR LES DROITS DE L'HOMME, International Centre for Right to Self determination, ASSOCIATION INTERNATIONALE DES JOURNALISTES INDEPENDANTS, ASSOCIATION FEMMES DE LA MEDIATION, COALITION OF WORLD TAMIL ORGANIZATIONS, CONSEIL NATIONAL DES DROITS DE L'HOMME ET DU CITOYEN, ASSOCIATION SOLIDARITE SANS FRONTIERE ET D'EDUCATION, World Tamil Parliamentarians Association, Tamil Eelam Football Federation, Tamil Eelam Olympic Committee, ACTIONS ECOLOGIQUES FRANÇAISES, ACTIONS POUR LA PROTECTION ET LA DEFENSE DES DROITS DE L'HOMME, LIGUE EUROPEENNE POUR LA PROTECTION DES DROITS DE L'HOMME,

Federation of Global Tamil Organizations, ACTION DE LA JEUNESSE POUR LE DÉVELOPPEMENT DURABLE, ASSOCIATION DES CHRETIENS TAMOULS DE FRANCE, Alliance Internationale de Défense des Droits Humains, International Alliance for the Defense of Human Rights, ALLIANCE INTERNATIONALE POUR LA JUSTICE, French for Democracy & Human Rights, FORUM FOR THE DEMOCRACY AND HUMAN RIGHTS FRANCE FDHR, Europeans Tamils for Justice and Peace, Action des Chrétiens Pour les droits de l'homme, ALLIANCE DES JURISTES POUR LES DROITS DE L'HOMME, MAISON DES CITOYENS DU MONDE, North-East Secretariat on Human Rights, NORTH-EAST DEVELOPMENT AGENCY, ALLIANCE POUR LA JUSTICE INTERNATIONALE (AJI), CENTER FOR HUMAN RIGHTS DEFENDERS, AJACCIO HUMAN RIGHTS CENTER, ACTIONS ET DROITS POUR LES FEMMES EXILEES ET MIGRANTES, TAMIL EELAM PEACE RESEARCH INSTITUTE, STUDENTS FOR HUMAN RIGHTS, ASSOCIATION DE DEFENSE DES DROITS DE L'HOMME, ASSOCIATION DES DROITS DE L'HOMME DE CHARENTE, CENTRE INTERNATIONAL DES ÉTUDES STRATÉGIQUES ET POLITIQUES, ASSOCIATION INTERNATIONALE POUR LE DÉVELOPPEMENT ECONOMIQUE ET SOCIAL DU TAMIL EELAM, CENTRE EUROPÉEN POUR LA PAIX ET JUSTICE, MEDIAS POUR LA PAIX ET JUSTICE, ASSOCIATION DES JEUNES DE LA DIASPORA TAMOUL, International Center for Peace and Justice - ICPI, CENTRE INTERNATIONAL DE RECHERCHE SUR LA PAIX ET JUSTICE, CENTRE DE PROTECTION DE TAMIL EELAM, Action Pour l'Education au Développement Durable et aux Droits Humains, Action des chrétiens pour les Droits Humains, ALLIANCE INTERNATIONALE CONTRE LE GENOCIDE DES TAMOULS, Youth Action for Development and Human Rights, Action for education and the Promotion of women, Action pour la Protection des Droits de l'Enfant, Centre Tamoul pour les droits de l'homme et la démocratie, International Federation for Child Rights, Advocates for Peace and Human Rights, Centre for Human Rights Advocacy, Association International pour le Développement Economique et Social, Agence Internationale des Droits de l'Homme, Centre for Human Rights Defenders (CHRD), INTERNATIONAL CHAMBER OF COMMERCE TAMIL EELAM, NGO(s) without consultative status, also share the views expressed in this statement.