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Human rights situations that require the Council's attention

Written statement* submitted by the Association Bharathi Centre Culturel Franco-Tamoul, 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.

[16 February 2017]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Eelam Tamil refugees in Tamil Nadu, India – Awaiting justice since 1991

The civil war in Srilanka constantly ejected refugees into India since 1983 riots. From 1987 the refugees returned home with the presence of the Indian Peace Keeping Force (IPKF) only to return in 1990 along with the IPKF. In 1991 the assassination of the former Indian Prime Minister Mr.Rajiv Gandhi during an election campaign allegedly by the Liberation Tigers of Tamil Eelam (LTTE), led to the deterioration of the Tamil refugee situation in India as these refugees till then were welcomed as wounded brethren.

India banned the LTTE and since then has been very suspicious of the Srilankan Tamil refugees. The government of Tamilnadu banned education for the Srilankan refugees, imposed a naval blockade on the new arrivals in 1992, but in a matter of life and death, the Sri Lankan Tamil refugees have risked their lives to reach India.

The 26 years old civil war has taken its toll, the refugees are people who have braved the bombs and bullets, and the wrath of the sea to reach India. The violence and bloodshed they have witnessed in the form of arbitrary killing, disappearances, arrests, torture, aerial bombings, constant displacement, ethnic cleansing etc have left an indelible haunting memory in them. It is extremely difficult to erase such nightmarish experiences.

There are a total of 1,02,055 refugees belonging to 34,524 families in Tamil Nadu. 64,924 of them, belonging to 19,625 families, were living in 107 refugee camps. Between 1987 and 1989, some 25,600 refugees went back to Sri Lanka. Between 1992 and 1995 an estimated 54,000 refugees were repatriated to Sri Lanka.¹

Braving many problems the Eelam Tamils are living in Tamil Nadu. These problems include political, social, economic and most importantly psychological.

A look into the life in the refugee camps

The Srilankan refugee camps have been in existence for the past 24 years. Apart from confinement, lack of privacy and dependent on the host government's policies has had its toll on the Srilankan refugees who are always at risk of being exploited by different forces. A bleak future stares at them as nothing is permanent. They face the psychological factor of lack of TIME and SPACE at their disposal, as others determine these and make life hard for them as their culture and traditions are eroded. The new generations born in the camps are ever ready to pick up an alien culture with a strong influence of the materialistic Tamil film world. Unemployment pushes them towards anti-social activities.

The living space in the refugee camps is very small. In the godown camps 8' by 8' partitions are allocated per family with plastic sheets as partitions. The government officials who are totally in command distribution of relief and movement of the refugees harass them to the core. The Q branch police further add insult to injury by unnecessarily harassing the innocents and implicating them with militant and criminal activities.

The Sri Lankan refugees are denied their refugees to move, which is enjoyed by other refugees. This hampers the meaningful existence of the refugees, as they are confined to the camps having an impending psychological effect. After the killing of Rajiv Gandhi, the former Indian Prime Minister in 1991, the government banned education to the Srilankan refugee students. The ban was revoked in 1996. From 2003 the government once again refused to admit Srilankan refugee students in government institutions to pursue higher education, thus depriving very many students of a rightful place in education institutions.

As the restriction on the refugees is imposed most of the time the young and able-bodied youth are denied form access to employment opportunities. The refugees have to survive on the meagre dole dished out by the government.

Abject poverty and unhygienic living conditions help in the spread of diseases rapidly in the camps. The non-availability of medicine in the local government hospitals force to refugees to go without treatment. Chronic illnesses are common and at times refugees go to the extent taking away their lives without any remedy.

Many refugees when interviewed echoed the feeling that one election cannot change the situation as those running the government were the same people who had worked at different points of time as part of successive genocidal governments.

There were still IDP camps in the North.

The last organized repatriation of the Tamil refugees from Tamil Nadu was from 1992 to 1995 when 54,000 refugees were sent back. These people had to settle down in Sithamparapuram camp in Vavuniya for years and many returned to India. Such a situation must not be repeated again where it is a shifting of refugees from the camps in Tamilnadu to more dreaded camps in Sri Lanka.

A survey by Tata Institute of Social Sciences (TISS), Mumbai, conducted among the one lakh odd Sri Lankan Tamil refugees in India in November, found that 67 per cent of those interviewed wanted to remain in India.

Only 23 per cent of the 520 families surveyed wanted to return to the island nation, while four per cent wanted to migrate to a third country where they have relations, according to the survey².

The fear of the refugees loom large as the High Security Zones persist in the north and east, what further supports their claim not to return is the large scale presence of the armed forces equipped with civil duty powers. The land confiscated from the Tamils is yet to be returned. The newly appointed civilian Governors are Sinhalese who on many occasions had been part of Sinhala governments which had made them refugees. The Draconian Prevention of Terrorism Act (PTA) is still intact. There have been no fresh livelihood initiatives undertaken.

It is now the moral duty of the International community and the UN to seek justice to the Tamils as they were part of the bandwagon which supported the false war on terror which was actually directed against the Tamils who suffered the worst genocide of the century.

The UN Panel of Experts report put the civilian casualty at 40,000, the UN Internal review of Mr.Charles Petrie put the civilian death around 70,000 to 100,000 the report of the International Crisis Group, the reports of the Human Rights Watch and Amnesty International along with the verdict given by the People's Tribunal on War Crimes against Sri Lanka, the three part Channel 4 documentaries titled 'Killing Fields of Sri Lanka', British Journalist Frances Harrison's much acclaimed book, 'Still Counting the Dead', clearly underlines the fact that Sri Lanka violated all the International Humanitarian and Human Rights Laws along with committing the crime of Genocide against the Tamils, what is needs is not coercion but condemnation and punishment which could bring succor and justice to the victimized Tamils.

Unless the International Community and the UN take the right steps towards delivering justice to the victimized Tamils, the Tamil refugees in India and elsewhere would continue to languish in subhuman conditions.

Any pregnant woman in a refugee camp is scared to become a mother, as the future of the unborn child is bleak. Nobody knows how the child would grow in such unfriendly atmosphere without an identity of its own and live a life of hardship in an alien land. How the child would grow, who would take care of its future, can the parents fulfill the duties of being a parent and many more similar questions haunt them

Living life as a refugee has taken its toll as these people cannot think of a reunion with their relatives and the state of affairs at the country of origin has left them in lurch. The emotional need to be with their family members agonize them from within.

The government of Sri Lanka must be compelled to immediately

1. The International Community must work out a Political settlement acceptable to the Tamils
2. Resettle all the displaced Tamils
3. Restore the land to the original owners

4. Dismantle the high security zones
5. Close all the IDP camps
6. Demilitarize the North and East of Sri Lanka
7. Provide jobs to the Tamil youth
8. Provide free and compulsory education to Tamils
9. Stop Sinhala resettlement in Tamil areas
10. Provide land to the 1992-1995 returnees living in Sithamparapuram camp in Vavuniya
11. The government of Sri Lanka must work out a comprehensive package to repatriate the Eelam Tamil refugees living in Tamil Nadu and welcome them with honor

¹ Arun Janardhanan Explained : The Sri Lankan Refugee Question <http://indianexpress.com/article/india/india-others/explained-the-sri-lankan-refugee-question/> January 31, 2015

² Pheroze L. Vincent Two-thirds of Lankan refugees want to remain in India <http://www.thehindu.com/news/national/twothirds-of-lankan-refugees-want-to-remain-in-india/article6538582.ece> October 27, 2014