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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**

Joint written statement* submitted by Association Bharathi Centre Culturel Franco-Tamoul, "ECO-FAWN" (Environment Conservation Organization - Foundation for Afforestation Wild Animals and Nature), "Women and Modern World" Social Charitable Centre, ABC Tamil Oli, Abibimman Foundation, Action of Human Movement (AHM), Action pour la protection des droits de l'homme en Mauritanie, Africa Unite, African Agency for Integrated Development (AAID), African Centre for Advocacy and Human Development, African Citizens Development Foundation, African Network of Young Leaders for Peace and Sustainable Development, Ageing Nepal, AIMPO, Alliance Creative Community Project, Alliance for Development and Population Services (ADEPS), Alliance internationale pour la défense des droits et des libertés, Aman against Discrimination, Amis d'Afrique Francophone-Bénin (AMAF-Benin), Amman Center for Human Rights Studies, Arab Society for Academic Freedoms, Asabe Shehu Yar Adua Foundation, Asociación Española para el Derecho Internacional de los Derechos Humanos AEDIDH, Asociación pour les Droits de l'Homme et l'Univers Carcéral, Association Aide aux femmes et enfants, Association Burkinabé pour la Survie de l'Enfance, Association Congolaise pour le Développement Agricole, Association culturelle des Tamouls en France, Association des étudiants tamouls de France, Association des Jeunes Engagés pour l'Action Humanitaire (A.J.E.A.H.), Association des jeunes pour le développement humain et la protection de l'environnement, Association des jeunes volontaires au service du monde environnemental, Association Elmostakbell pour le Développement, Association femmes solidaires au Togo, Association Malienne de Savoir Construire (A.M.S.C.), Association mauritanienne pour la promotion des droits de l'homme, Association Mauritanienne pour la promotion du droit, Association nationale des partenaires migrants, Association pour la Défense des Droits de Développement Durable et du Bien-être Familial (ADBEF), Association pour les Victimes Du Monde, Association

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



Solidarité Internationale pour l'Afrique (SIA), Association Thendral, Autre Vie, Blessed Aid, Center for Africa Development and Progress, Centre for Gender Justice and Women Empowerment, Centre for Human Rights and Peace Advocacy, Centro Regional de Derechos Humanos y Justicia de Genero, Change Human's Life, CIRID (Centre Independent de Recherches et d'Initiatives pour le Dialogue), City2000 Youth Action International, Comité des observateurs des droits de l'homme, Comité Permanente por la Defensa de los Derechos Humanos, Community Restoration Initiative Project, Conseil International pour le soutien à des procès équitables et aux Droits de l'Homme, Coordination des Associations et des Particuliers pour la Liberté de Conscience, Corporación Red Nacional de Mujeres Comunes, Comunitarias, Indígenas y Campesinas de la República de Colombia, Coup de Pouce, Dayemi Complex Bangladesh, Edfu Foundation Inc., EG Justice, Elizka Relief Foundation, Excellent World Foundation LTD/GTE, Families of the Missing, First Modern Agro. Tools - Common Initiative Group (FLMO.AT.C.I.G), Foreningen for Human Narkotikapolitikk, Freann Financial Services Limited, Fundação de Apoio a Pesquisa Científica, Educacional e Tecnológica de Rondônia, Fundación Latinoamericana por los Derechos Humanos y el Desarrollo Social, Fundación Lonxanet para la Pesca Sostenible, Giving Life Nature Volunteer, Goodness and Mercy Missions Common Initiative Group, Haitelmex Foundation A.C., Hamraah Foundation, Hape Development & Welfare Association, Idheas, Litigio Estratégico en Derechos Humanos, Asociación Civil, Inter-Action Globale (I.A.G.), International Career Support Association, International Centre for Environmental Education and Community Development, International Federation of Medical Students' Associations, International Movement for Advancement of Education Culture Social and Economic Development, Jeunesse Etudiante Tamoule, Lazarus Union, Le Pont, Lebanese American Renaissance Partnership, Inc., L'observatoire mauritanien des droits de l'homme et de la démocratie, Mandala Transformation Foundation Inc., Mijoro Mandroso (Mi.Ma.), Murna Foundation, Nobel Laureate Mother Teresa Charitable Trust, Northern CCB, Ocean Lifeline Inc., Otro Tiempo México, Asociación Civil, Paz y Cooperación, Pirate Parties International Headquarters, Planetary Association for Clean Energy, Inc., The, PLURIELS, Centre de Consultations et d'Etudes Ethnopsychologiques pour Migrants, Project 1948 Foundation, Rassemblement des frères unis pour le développement socio-culturel (RAFUDESC - BENIN), Reachout and Smile Initiative for Social Empowerment, Réseau Unité pour le Développement de Mauritanie, Safe Campaign LLC, Shirley Ann Sullivan Educational Foundation, Society for Development and Community Empowerment, Solidarité Agissante pour le Développement Familial (SADF), Stichting Global Human Rights Defence, Stichting Spanda, Tournier La Page, Trilok Youth Club and Charitable Trust, Vadodara, United Zo Organization (USA) Inc., Vision GRAM-International, Vision Welfare Group, Women Watch Afrika, Inc., Yayasan Pendidikan Indonesia non-governmental organizations 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.

[12 February 2019]

Appeal by Tamil Diaspora and world human rights organizations to The UN Human Rights Council: Refer Sri Lanka to International Criminal Court (ICC).

We, representing Tamil Diaspora Organizations with support of more than 120 NGOs with ECOSOC and more than 3000 organizations around the World, Jointly submit the following appeal to UN High-commissioner for Human Rights and Member States of the UN Human Rights Council ahead of UNHRC's March 2019 Session: Urging to refer Sri Lanka to International Criminal Court (ICC) or to a specially created international criminal tribunal for Sri Lanka.

Background:

Even though the war has ended about ten 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 tens 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.

The March 2011 Report of the UN Secretary General's Panel of Experts on Accountability in Sri Lanka stated that war crimes and crimes against humanity were committed during the final six months of the war and 40 thousand Tamil civilians were killed.

Also, according to the November 2012 Report of the UN Secretary-General's Internal Review Panel on UN Action in Sri Lanka, the figure was raised to 70 thousand killed during the final phase of the war in 2009.

During the final six months of the war UN and international journalists were removed from the conflict zones and the war was conducted in complete secrecy. Civilian targets and internationally protected areas like hospital and food distribution centers were bombed and shelled.

Most were killed as a result of intense bombing and shelling of a government designated safe area called "No-fire Zone" where Tamils assembled for safety. Several also died of starvation and bled to death when Sri Lanka bombed and shelled hospitals and prevented enough food and medicine to reach those trapped in the "No Fire Zone".

UN ranked Sri Lanka as having the 2nd highest disappearance in the world. According to the UN there are over 20 thousand disappeared, which includes babies and children.

Women faced brunt of abuses:

A report by the International Truth and Justice Project (ITJP) published details of Sri Lankan Military run "Rape Camps", where Tamil women are being held as sex slaves.

The report states the following:

"A senior officer came into the room and was asked to take his pick, like we were meat in a meat market. He looked around and chose me. He took me to another room and raped me"

"Two of the women describe being detained in a group in one room, available for any soldier to come and chose from and take to an adjacent room or tent to be raped," says ITJP.

Tamil War Widows:

There are around 90 thousand Tamil war widows facing numerous challenges from the Security forces to them and especially to their daughters.

The same security forces that committed sexual abuses are still stationed in very large numbers in Tamil areas; living among the same women they committed sexual violence and killed and disappeared their husbands and children. Tamil women have to undergo fear and humiliation to live among the same soldiers who abused them and to see them walking free and enjoying full protection and support of successive Governments.

Tamil Mothers of the Disappeared are leading a campaign to find their disappeared babies, children, daughters, sons and husbands. They face intimidation and attacks by the Military Intelligence and the security forces.

Office of Missing Persons (OMP):

Sri Lankan Government half-heartedly established the Office of Missing Persons (OMP) to satisfy the international community, especially the UNHRC. We have difficulty trusting OMP, given that a former senior military officer is serving as an OMP Commissioner. Furthermore, according to the law that established OMP, any evidence obtained by the OMP cannot be used for prosecuting any suspect in a court of law. This leaves us solely to depend on international mechanisms to find our loved ones and to get justice.

Mass Graves:

Recently a large mass grave was found in Sri Lanka in the Northern Province town of Mannar, consisting of 300 skeletons including 23 children below the age of 12. Some of the victims were bound. The bodies had been heaped up and found “dumped”, instead of being “laid to rest” beside each other, as would be the case in a cemetery. The Military intelligence was occupying a building close by. Even though the war has ended almost ten years ago, still there is very large number of security forces stationed in Tamil areas, raising concerns that these Security forces may tamper and destroy the evidence of war crimes, including that’s found in mass graves. Several mass graves were found since 1990’s, but none was held accountable or evidences preserved by a neutral body.

Importance of the upcoming March 2019 UN Human Rights Council Session:

The upcoming UNHRC Session is to be convened in a few weeks’ time on February 25th is vital to get justice for war crimes and crimes against humanity committed by the Sri Lankan Security forces against us.

Sri Lanka will be on the Agenda of UNHRC to assess whether Sri Lanka has fulfilled its obligation to the Council outlined in the Resolution 34/1, which was passed unanimously by the Council on March 2017. This Resolution was necessitated when Sri Lanka failed to fulfil its obligation on an earlier Resolution 30/1 on war crimes and crimes against humanity committed during the final months of the war that ended ten years ago on May 2009.

As requested by Sri Lanka, the Resolution 34/1 gave a two year extension of time to fulfill its obligation under that Resolution. One of the main requirements of the Resolution is for Sri Lanka to establish a Hybrid Court consisting of international judges and prosecutors. The two year extension of time given to Sri Lanka is coming to an end in few weeks’ time.

Despite cosponsoring the UNHRC Resolution 34/1 and committing itself to fulfill the requirements of the Resolution in two years’ time, Sri Lankan Government not only used diversionary tactics to mislead and delay the implementation, the Sri Lankan President and the Prime Minister have repeatedly and categorically said in public that they will not implement the main elements of the Resolution, including establishing a Hybrid Court consisting of International Judges and prosecutors.

Recently, one the main suspects named by the UN of committing War Crimes and Crimes Against Humanity, Major General Shevendra Silva was appointed as the Chief of Staff of the Army. It should be noted that it was under his command that bombing and shelling of a place designated by the Government as safe zones (No Fire Zone) took place, resulting in tens of

thousands killed. It is also under his command that large number of Tamils, including babies and children, surrendered about ten years ago at the end of the war in May 2009 and still remain disappeared.

In addition, several senior military officials who are credibly accused of committing war crimes and crimes against humanity by the UN and other international organizations were given promotions and sent as Ambassadors and senior diplomats to represent Sri Lanka in different countries and to the UN. One was even made a Cabinet Minister.

These actions by Sri Lanka called into question the sincerity of Sri Lanka when it cosponsored the Resolution 34/1 and whether Sri Lanka is acting in bad faith and plan to hoodwink the UNHRC by not implementing the requirements of the Resolution, even after two year extension was given to that country in good faith by UNHRC.

We have been waiting for ten years and fully believed that UNHRC process will bring us justice.

Now due to Sri Lanka's misleading and delaying tactics to avoid fulfilling the main requirements of Resolutions 30/1 and 34/1, it is time to explore other avenues to get justice. Giving any more time to Sri Lanka is a non-starter and will further embolden the Security Forces to continue their abuses against us and cover-up and destroy vital war crimes evidences. This will also serve as a road map for other countries to commit war crimes and crimes against humanity without any fear, fully well knowing that they will escape accountability by following Sri Lanka's path.

We urge UN High-Commissioner for Human Rights and the Member States of the UN Human Rights Council to:

- 1) Not to fall into Sri Lanka's trap by giving any more additional time to Sri Lanka. Giving extension of time will embolden Sri Lankan Security Forces stationed in Tamil areas to continue their abuses and destroy vital war crimes evidences. Additionally, giving Additional time will permanently deny justice for Tamils.
- 2) To refer Sri Lanka to the International Criminal Court (ICC) or to a specially created international criminal tribunal for Sri Lanka.
- 3) To appoint a UN Special Rapporteur for Sri Lanka, to monitor and report to the Council every six months about the plight of the war affected and other international human rights and humanitarian issues.

Tamil Movement (Suisse) And more than 3000 NGOs across the world NGO(s) without consultative status, also share the views expressed in this statement.