



# General Assembly

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## Human Rights Council

### Forty-first session

24 June–12 July 2019

Agenda item 4

### Human rights situations that require the Council's attention

## **Joint written statement\* submitted by Pasumai Thaayagam Foundation, 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.

[03 June 2019]

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

GE.19-10788(E)



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## **On the 10th Commemoration of end of war in Sri Lanka and the urgent necessity of Sri Lanka to implement its human rights, accountability and reconciliation commitments made in Human Rights Council Resolution 30/1 and reaffirmed in Resolution 34/1 and 40/1 to prevent outbreaks of violence**

In May 2019 we acknowledge and commemorate the 10th year since the end of the ethnic conflict in Sri Lanka. We mourn the precious lives, wealth and community lost and pledge to work for accountability and justice for the Tamil victims and survivors.

The war ended in the first atrocity crimes of the 21st century directed by the state against the Tamil community in which tens of thousands of Tamil civilians and combatants were killed by shelling, bombing and shooting, while many others were disappeared, many after surrendering to the security forces. The exact number of those who perished in the final months leading up to 18 May and in the months following remains unknown, with vigorous attempts by the Government and armed forces to hide the war crimes, crimes against humanity and genocide committed.

After a long and brutal war, the need since has been for a rapid process of 'relief, rehabilitation, resettlement and reconciliation' as noted in the joint statement by the UN Secretary in his 23 May 2009 joint statement with President Rajapaksa. In the past 10 years, the necessary reconciliation between Sri Lanka's diverse communities - particularly between the Sinhalese Buddhists who dominate the government and security forces - and other communities on this very diverse and cosmopolitan island has not taken place. Violence and discrimination against Christians, Muslims, Hindus and Tamils has continued, while promised political, legal and security sector reforms for building a new society have not been undertaken.

The failure to build a plural society in which all may live together in security, dignity and prosperity is manifested in the recent Easter Sunday bombings in which disaffected Muslim youth turned to outside forces to express their alienation. It is estimated that 70% of the casualties of the church bombings were Tamil Christians, a community which has already suffered tremendous losses and a reflection of the complexity of Sri Lanka's ethnic and religious interconnectivity. This effort at deflecting retribution by the Sinhalese Buddhists away from the Muslim community has been only moderately effective, as the attacks on Muslims by 'mobs' while the security forces stand idle attest.

Of particular concern is that the unreformed security state is reasserting itself by re-imposing Emergency laws, under which Sri Lanka has been ruled for the majority of the time since independence, by increased surveillance and harassment even of those with no connection to the bombings and by reneging on pledges to reform the Prevention of Terrorism Act to conform with international standards.

Of particular concern to the Tamil community - but should be of concern to all in the current tense situation -- is the continued impunity of members of the security forces and former governments who have been involved in human rights abuses and serious crimes during and after the war. Sri Lanka made commitments on accountability to its people and the international community, which concerns itself with serious crimes, in co-sponsoring UNHRC Resolutions 30/1, 34/1 and 40/1. Literally no action has been taken on these commitments and both the president and prime minister have made multiple statements that members of the security forces involved in the war will never be prosecuted.

In commemorating the 10th year since the end of the war, we note the cliché that Sri Lanka won the war, but it has not won the peace. We urge the following immediate actions to move toward a real peace for all:

1. Solidify and adopt the time-bound implementation strategy for Sri Lanka's commitments encouraged in Resolution 40/1.
2. Strengthen the OHCHR presence in Sri Lanka as recommended in the OISL Report, including in the North and East.

3. Ensure that Sri Lanka firmly remains on the UNHRC agenda until all aspects of resolutions 30/1, 34/1 and 40/1 are fully implemented, including the establishment of a special court, integrating international judges, prosecutors, lawyers and investigators. Any new resolution must also include all aspects of the past resolutions, further strengthened by well-defined timelines, more rigorous monitoring, and consequences if Sri Lanka fails to comply within the established timeline;
4. Encourage UN Member States to exercise universal jurisdiction as applicable, particularly in the absence of the promised special court;
5. Encourage UN Member States to adopt effective bilateral measures – such as vetting procedures that would deny travel privileges to those credibly accused of international crimes, asset freezes, targeted economic and military restrictions (including prohibitions against the deployment of Sri Lankan soldiers in UN peacekeeping operations) – to impress upon Sri Lanka the consequences for not meeting its international commitments; and
6. Adopt alternate UN processes involving multiple UN organs if required to establish criminal accountability should Sri Lanka continue failing to implement its commitments to the HRC.

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The Australian Tamil Congress (ATC), the British Tamils Forum (BTF), the Canadian Tamil Congress (CTC) and the US Tamil Political Action Council (USTPAC) NGO(s) without consultative status, also share the views expressed in this statement.