

Pre-sessions 42 – Democratic Socialist Republic of Sri Lanka

Presenting Organization: People for Equality and Relief in Lanka
(PEARL)

Presented by Ahrabi Rajkumar, Advocacy and Research Director

People for Equality and Relief in Lanka

- Established in 2005
- US-headquartered non-profit advocacy organization concerned about the human rights situation in the northern and eastern parts (North-East) of Sri Lanka
- Advocacy work spans across Europe, US, UK and Canada
- Presenting on two themes:
 - Justice and accountability for international crimes committed during the armed conflict and ongoing human rights violations
 - Sinhalization as repression of the rights of the Tamil people

Theme 1: Justice and Accountability

At the Previous UPR

The following three recommendations were supported:

- Fully implement its commitments under Human Rights Council resolution 30/1 (United States of America, New Zealand, Australia, Venezuela)
- Investigate and prosecute perpetrators of enforced disappearances (Slovakia, Italy); ensure the future work of the Office of Missing Persons is credible, independent, impartial, and adequately resourced (South Korea, South Africa, Germany, Slovenia) and provide the families of disappeared or arbitrarily detained persons with answers (France)

At the Previous UPR

- Investigate and prosecute perpetrators of wartime and ongoing human rights violations, including sexual violence, (Timor Leste, Palestine, France, United States, Argentina, Sierra Leone) in processes that are independent and internationalized (Canada, Slovenia)

Developments since the last UPR

- Sri Lanka withdrew from its commitments under Resolution 30/1
- The Office of Missing Persons has been ineffective:
 - It has continuously requested previously provided information
 - Families of victims have experienced state surveillance and harassment
 - Over 6000 complaints have been received, but none have been addressed to date

Developments since the last UPR

- Impunity has worsened since the presidency of Gotabaya Rajapaksa (Nov 2019 – July 2022)
 - Military officials accused of war crimes rewarded with government/diplomatic appointments (e.g., Shavendra Silva)
 - The Government has backtracked on justice, e.g. Pardoning of **Sunil Rathnayake** (Mirusuvil Massacre, where Sri Lankan soldiers murdered 8 Tamil civilians in Jaffna, including 3 children, before dumping their bodies in a mass grave.)

Recommendations for Sri Lanka

- Immediately remove political and security force leaders credibly accused of international crimes from positions of power.
- Immediately recommit to implementing UNHRC Resolution 30/1 and ensure the independent and timely investigation and prosecution of alleged international crimes , especially prioritizing justice for emblematic cases of serious human rights violations, especially those committed during the final months of the war.
- Cooperate fully with any accountability efforts, including by the Sri Lanka Accountability Project, the ICC, ICJ and states exercising universal jurisdiction.

Theme 2: Repression of Rights of the Tamil People

At the Previous UPR

The following three recommendations were supported:

- Continue and expedite the process of reconciliation, including by strengthening legal protections for ethnic and /religious minorities, preventing violence and intimidation against ethnic and religious minorities, investigating and prosecuting perpetrators of such violence and intimidation (Holy See, Poland, Uruguay, United States of America, Australia, Namibia)

At the Previous UPR

- End military involvement in economic and civilian activities (Austria)
- Accelerate process of returning military-occupied land in the northern and eastern provinces to its rightful owners (France, Haiti, Thailand), resettling internally displaced people (Azerbaijan, Nicaragua, Egypt), and ensuring resettlement and adequate housing for women heads of households in particular (Finland)

Developments since the last UPR

- Tamil memorialization of the war dead is banned, erasing Tamil identity and perpetuating the root causes of the conflict
- Tamil areas in the North-East remain heavily militarized
- Displacement by the military or the national Mahaweli Authority has removed Tamils from their land and traditional sources of income
- The government also continues to make Buddhism the foremost religion in the country at the expense of marginalised communities
 - Destruction of non-Buddhist places of worship

Recommendations for Sri Lanka

- Respect and protect Tamils' rights to free speech, assembly, and association, including by immediately ceasing the military policing and suppression of Tamil memorialization activities.
- Publicly commit to release all military-occupied private land back to their original Tamil-speaking inhabitants, and end military involvement in commercial and other civilian activities
- Create a transparent, accessible, and flexible process for the recognition of Tamil and other conflict-affected persons' land claims in line with international best practices.

Resources

PEARL reports available at www.pearlaction.org

- **State-Sponsored Sinhalization of the North East (March 2022)**: This report outlines the Sri Lankan government's historical and contemporary Sinhalization process in the North-East, through the use of state-sponsored land appropriation, settlement and irrigation schemes; “Buddhisization”; and the repression of memorialization of important Tamil events.

Resources

PEARL reports available at www.pearlaction.org

- **No Trials, Only Tribulations for Tamil Victims of Sri Lanka's Conflict-related Sexual Violence (August 2022)**: This report demonstrates the Sri Lankan government's unwillingness to end impunity for sexual violence against Tamils and the consequent need for international justice.

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