

## **UPR Script - People For Equality and Relief in Lanka**

Good afternoon, my name is Ahrabi Rajkumar and I am the Advocacy and Research Director at People for Equality and Relief in Lanka, also known as PEARL. We are a non-profit advocacy organization concerned about the human rights situation in the North and East of Sri Lanka and our work spans across Europe, US, UK and Canada.

Today I will be presenting on the post-conflict human rights situation in Sri Lanka, dealing with the two issues of Justice and Accountability and the Repression of the rights of the Tamil people.

The Sri Lankan government has not organised any national consultations in preparation of the national report

### **Justice and Accountability**

During the last UPR, Sri Lanka supported recommendations to implement its commitments under UNHRC Resolution 30/1, including investigating enforced disappearances; holding accountable perpetrators of wartime human rights violations, including government officials and security forces; and preventing acts of violence and intimidation against ethnic minorities.

Since this last UPR session, Sri Lanka withdrew from its commitments under Resolution 30/1 and has yet to create an independent, internationalized judicial mechanism. The Office of Missing Persons, set up in 2017, has failed to solve a single case and has lost the trust of the victim-survivor communities. Officials have ignored the questions of the families of Tamil victims' and instead they ask for previously provided information. Moreover, the few families who engage with the office have faced state surveillance and harassment.

Impunity on the island has worsened, especially since the election of Gotabaya Rajapaksa as president.

The government has rewarded other military officials accused of war crimes with high-level government or diplomatic appointments, one example being Shavendra Silva, who was responsible for the gross violations of human rights, especially extrajudicial killings, committed by the 58th division of the Sri Lanka army during the final phase of Sri Lanka's armed conflict in 2009. In addition to making no progress on emblematic cases, the government has gone so far as to also pardon those involved in emblematic cases, such as the case of Sunil Rathnayake involved in the Mirusuvil Massacre.

PEARL recommends that 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 Tamil Rights**

During its last UPR, Sri Lanka supported recommendations to continue and/or expedite the process of reconciliation; end military involvement in economic and civilian activities; speed up the process of and significantly increase returning private land stolen by the army to its owners.

Since then, North-East Tamil areas remain heavily militarized. The military violently enforces the ban on Tamil memorialization of the war dead, erasing Tamil identity and perpetuating conflict. In fact, as we speak, the military continues to intimidate those currently preparing for memorialization activities. Displacement by the military or the national Mahaweli Authority, which uses its broad land development mandate to settle Sinhalese people on Tamil lands, has removed Tamils from their land and subsequently traditional sources of income, causing immense financial hardship for these families long before the island-wide economic crisis.

The government also continues to make Buddhism the foremost religion in the country, destroying non-Buddhist places of worship and replacing them with Buddhist statues. A high profile case in progress at the moment is that of Kurunthumalai, a tamil religious site that has been illegally taken by Buddhist monks who continue to face no repercussions.

PEARL recommends that 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.

## **Conclusion:**

Pearl has more resources available on the State-sponsored Sinhalaization of the North East, a report that was released earlier this year that goes into detail on the effects of sinhala buddhist

nationalism and how it prevents the enjoyment of human rights for the tamil and muslim communities.

As well as our recent report on Sri Lanka's conflict related sexual violence and the absence of accountability despite credible evidence of international crimes including rape and sexual violence.

Please do feel free to get in touch if you have any questions or would like further details. Thank you