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PAGE**

## **Association Tourner La Page**

### **UPR Joint Submission: Sri Lanka**

**Related to:** Sri Lanka  
**UPR Session:** 28th session of UPR, November 2017  
**Submitted on:** 29 Mars 2017

#### **Joint Stakeholders Submission for the Universal Periodic Review of Sri Lanka**

##### **Submission by :**

In special consultative status with UN ECOSOC

##### **Association Tourner La Page (France)**

Association des Etudiants Tamoule de France (France)  
Association Bharathi Centre Culturel Franco Tamoule  
Association LE PONT (93300 Aubervilliers)  
Association Tamil Uzhagam (78310 Maurepas)  
Society for Development and Community Empowerment  
Association Burkinabé pour la Survie de l'Enfance  
Solidarité Internationale pour l'Afrique (SIA)  
Society for Development and Community Empowerment (SDCE)  
Association Mauritanienne Pour la Promotion du Droit  
Association Pour les Victimes du Monde  
Kenya Comunity Develepment Group KCDG  
Association Congolaise pour le Développement Agricole

##### **NGOs With our ECOSOC Status**

Association Le Collectif La Paix au Sri Lanka (France)  
Association ABC TAMIL OLI (Seine-Sain-Denis)  
L'Association Culturelle des Tamouls en France (A.C.T.F.). (Paris)  
Association pour le Droit de l'Homme et le Développement Durable.(92700)  
Association internationale des Droits de l'Homme de Bourgogne. (AIDHB 58000)  
Association Jeunesse Etudiante Tamoule (J.E.T.). (93)  
Association Thendral (94470 Boissy-Saint-Léger)  
Maison du Tamil Eelam France (France)  
Swiss Council of Eelam Tamils (Swiss)  
L'Association Mondiale des Droits de l'Homme (A.M.D.H) (Suisse).  
Association international des Droits de l'Homme (France)

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*"La révolution se fait grâce à l'homme, mais l'homme doit forger jour après jour son esprit révolutionnaire." [Ernesto Che Guevara]*

## **Tamil Nation under Structural Genocide**

Since 1948, Sinhala chauvinism has targeted the Tamils community. The Sri Lankan Parliament passed Draconian acts like the 'Sinhala Only' act of 1956, the Standardisation of education in 1973. The state sponsored riots of 1956, 1958, 1977, 1981 burning of the Jaffna Library regarded as the most sacred library of the Tamils and the identity of the Tamils in Sri Lanka, the 1983 Black July pogrom led the Tamils to resist the Sinhala onslaught through an armed struggle from 1983 to 2009 culminating in the forcible incarceration of 320,000 innocent Tamils in the Manik farm camps for 3 years.

Tamil Rights Activist Around the World are under reservation the adoption of the resolution 'Promoting reconciliation, accountability and human rights in Sri Lanka' (34/L.1) at the UN Human Rights Council (UNHRC).

For the victims of Sri Lanka's brutal war, words alone cannot provide relief, and time is long-past for credible actions and concrete outcomes. For the Tamil community, and particularly for the victims, their confidence that Sri Lanka would never faithfully honour its international commitments, Sri Lanka will delay and denied Justice for Tamil Nation.

There is no any change for The Victims of Genocide in Sri Lanka

### **The destruction of Tamil cultural identity:**

Ever since the time of Srilankan independence the Sinhala-Buddist chauvinist forces have launched continuous attacks on the Tamil cultural identities. In 1981 the Jaffna public library which was housing a lakh priceless Tamil books and palm leaf manuscripts was burnt down by the Sinhala racists <sup>[1]</sup>. The Tamil places of worship were also burnt down <sup>[2]</sup>. The Tamil who were subjected to ethnic oppression by the all-powerful Sinhala state were forced to resort to armed struggle to protect themselves and their cultural identity. The armed struggle of the Tamils created a Defacto state and thereby succeeded in protecting their cultural identity. Following the genocidal war of 2009, in which the Defacto state of Tamils was destroyed the Sinhala-Buddhist chauvinist forces have once again begun to destroy the Tamil cultural identities. Ever since the end of 2009 war the Srilankan government has been supplanting Tamil identities with Sinhala identities. The Tamils places of worship and Mosques have been destroyed and Buddhist viharas have been constructed in those places <sup>[3]</sup>. For example in 2016 a Buddhist vihara was constructed within the premise of Kanakambikai amman temple <sup>[4]</sup>. By destroying Tamil cultural identities, the Srilankan state is trying to wipe out Ethnic Tamil national identity.

### **Sexual Violence:**

All along the history of Srilankan state which is built on the colonial framework, Rape and sexual violence has been unleashed upon the Tamils. The 1983 riots that were orchestrated by the Sinhala-Buddist Chauvinists thousands of women were subjected to Rape. The Srilankan army has been using rape as a tool for Genocide. For example a 6 year old Tamil boy, Darshan was subjected to sexual torture and was tied to a stone and thrown into well and murdered by the Srilankan Army<sup>[5]</sup>. Numerous Human rights organisation have exposed the sexual violence carried out the Srilankan army before and after the genocidal war of 2009<sup>[6]</sup>. Recently a report exposed how Tamil prisoners of war are treated as sex slaves by the Srilankan Army<sup>[7]</sup>. The Srilankan government have awarded high positions to the army officers who have involved in these crimes and thereby have protected them from the ambit of Srilankan judiciary.

### **Destruction of livelihood:**

The Srilankan state sponsored Sinhala settlements have been carried out in the north and eastern part of Srilankae ever since 1948<sup>[8]</sup>. At the same time the Tamils have been forced to exile from their

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homeland through planned communal riots. The Defacto state of Tamil Eelam was stood in the way of these state sponsored Sinhala settlements. But post the genocidal war of 2009, the number of Sinhalese settlements has increased drastically in the Tamil Homeland. Before the genocidal war of 2009, the Sinhala civilians were settled in the Tamil Homeland. But now the Srilankan Army personnel are being settled in the Tamil Homeland. The Srilankan military which is 99% Sinhala is occupying the Tamil Homeland with military personnel to civilian ratio of 1:6. The Sinhala settlers have created infrastructure to carry out farming in the Tamil lands and other occupations. Farming and fishing are the main sources of livelihood in the Tamil Homeland. Today the Tamils are forced to abandon these two occupations and subjected to a structural genocide [9]. The livelihood of the Tamil fishermen who are using traditional fishing techniques is destroyed by the Sinhala fishermen with the support of the Srilankan state, using methods that are banned by the Srilankan government itself. Similarly Tamil farmlands are also occupied by the Srilankan Army. For example the villagers of Keppapulavu laid a siege protest on the Army base demanding the army to be completely withdrawn from their lands <sup>[10]</sup>. The Srilankan army placed boards which said "Trespassers Will Be Shot" when the struggle was underway the Tamil's farmlands <sup>[11]</sup>.

Following the people in Keppalapilavu, the people in the village of Mullikulam near Mannar district are also started to protest against the Srilankan Army's occupying of their lands. After the 2009 war Mullikulam has become the command headquarters for the North western Naval Area of the Srilankan Navy. A large number of homes, agricultural lands and over 7 Agricultural Tanks and schools are under the Srilankan Army. The Srilankan forces occupying the north and east part of Srilanka are posing a huge threat to the Tamils<sup>[12]</sup>.

The Tamils are thereby stripped of their livelihood and a well-orchestrated structural genocide is carried out by the Sinhala-Buddhist chauvinist forces.

### **Sinhalisation**

1. The negligence of Tamil language continues in North and East provinces by GoSL. During the Parliamentary Reforms and Mass Media minister's visit to Jaffna, which was supposed to build professional solidarity amongst journalists, instead fueled fears that Sinhalization of the North-East looks set to continue. The event was carried under Sinhala name and the slogan was in Sinhala but written in Tamil letters. The inscription at the construction of memorial pillar for murdered journalists also written in Sinhala but in Tamil letters <sup>[1]</sup>. This shows the structural removal of Tamil language and continuation of Sinhalisation in Tamil dominant North-East provinces by GoSL.
2. Sri Lanka has decided to spend millions on Buddhist sites in the Tamil majority north and east despite the Tamil community calling to end state sponsored Buddhistisation where almost non-existent of Buddhists. 20.24 million rupees from China will be used to develop sanitation facilities in 100 selected temples, the government announced in its cabinet decisions on November 9, 2016. The cabinet of ministers have approved a proposal made by Minister of Buddha Sasana Wijayadasa Rajapakshe to allocate those funds for temples in the north and east <sup>[2]</sup>. This shows the Buddhistisation used another strategy as part of Sinhalisation in Northern Province by GoSL.
3. Vavuniya Citizens' Committee has submitted a memorandum to the Task Force for finding out the opinion of people on the mechanism for reconciliation, stating with supportive evidence that, 67,000 acre lands are still under the control of the Army, without being released. It said their activities are proving that they are a part of massive Buddhist Predominance Scheme, deliberately destroying the unique identity of the Tamils' traditional soil. The GoSL is colonizing villages and renamed it in Sinhala. The name Kokkuweli had

been altered into “Kokeliya” in Sinhalese. Near Kokkadivankulam, Tamil families chased away from 200 acre lands and given it to 165 Sinhala families<sup>[3]</sup>.

4. It is expected that Constitution-makers and other policy-makers consider ways to make ‘Sri Lanka nationalism’ a core of school curricula in the country. In school admissions the ethnic identity under the law is ‘Sinhalese’ and ‘Tamils’ as language based ethnic nationality and confusingly Muslims and Christians too. Tamils fear any modernization would end up as ‘greater and faster Sinhalisation’ of any attempts at universalization of education<sup>[4]</sup>.

To date 146,679 civilians are missing. It is estimated that more than 150,000 Tamils were killed in this war. 160,000 Tamil houses were destroyed according to UN estimates. According to Sri Lankan government sources, there are 89,000 Tamil war widows and more than 40,000 war orphans. 7,000 square kilometers of land belonging to the Tamils in a total of 18,000 sq kms inhabited by them under the control of the army. The north of Sri Lanka counts as one of the most militarized zones in the world, despite the civil war ending more than six years ago.

Even though the UN panel of experts did not state that an act of genocide took place in their report of 2011, the facts identified by the UNSG panel, clearly constitutes a *prima facie* case of genocide.

The Panel of Experts has identified five serious violations committed by the Government of Sri Lanka. These are:

- (i) Killing of civilians through widespread shelling,
- (ii) Shelling of hospitals and humanitarian objects,
- (iii) Denial of humanitarian assistance,
- (iv) Human rights violations suffered by victims and survivors of the conflict, including both IDPs and suspected LTTE cadres,
- (v) human rights violations outside the conflict zone, including against the media and other critics of the Government

The above constitute actions directed by the military and political command of the Sri Lankan Government comprising almost exclusively Sinhalese against the Tamil civilians.

Furthermore, the Panel has gathered additional evidence which discloses that the policies of the Sri Lankan government immediately after the war subjected the Tamil population to torture, forcible imprisonment and other denials of human rights. Such persecutory and discriminatory conduct was based entirely on the ethnicity of people.

It is also noted that based on recent international as well as national jurisprudence the act of genocide can and has taken place in a limited geographic zone. The intent, an important component of the act of genocide can be inferred from the scale and nature of the operation. Based on information in the Panel report these components of the crime of genocide are present.

In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

**(a) Killing members of the group;**

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- In last weeks of April till mid May 2009 over 50,000 civilians were killed by security forces<sup>1</sup>
- Nearly 100,000 Tamils killed in pretext of destroying less than 10,000 LTTE members<sup>2</sup>
- “The Forum claimed that from the time that the war began in July 2006 through April 2009, according to United Nations internal documents, air raids and the use of heavy weaponry resulted in the death of 116 people per day. British and French mainstream media reported that during the final few weeks 20,000 Tamil people were killed.”<sup>3</sup>

**(b) Causing serious bodily or mental harm to members of the group;**

- “Densely packed in camps, with inadequate infrastructure to provide safe food, water, sanitation and health facilities, the Government announced that the internally displaced people (IDPs) would be kept there until they had been ‘screened’ for possible LTTE sympathies”<sup>4</sup>

**(c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;**

- Evidence of cluster munitions being dropped by warplanes (shells and parachutes from such munitions were found in the battlefields)<sup>5</sup>
- Witnesses reported use of white phosphorous<sup>6</sup>
- “Doctrine of Double Effect” – combining brutal military means with a long-term strategy directed specifically at the Tamil community, policy of ethnic cleansing<sup>7</sup>
- Basic needs of food, shelter and medicine were systematically denied to force physical destruction of Tamil civilians<sup>8</sup>
- “The Government shelled on a large scale in three consecutive No Fire Zones, where it had encouraged the civilian population to concentrate, even after indicating that it would cease the use of heavy weapons. It shelled the United Nations hub, food distribution lines and near the International Committee of the Red Cross (ICRC) ships that were coming to pick up the wounded and their relatives from the beaches.”<sup>9</sup>

**(d) Imposing measures intended to prevent births within the group;**

Widespread reports of rape and forced-sterilization of Tamil women<sup>10</sup>. The use of Jadel, a drug that was injected into the women of the North in September 2013 is well documented.<sup>11</sup> A Health Department report from the Northern Province in 2012 found a 30-times higher rate of birth control implants of Tamil women in Mullaitivu, compared to the much more densely-populated Jaffna. In August 2013, government health workers forced mothers to accept surgically-implanted birth control in three villages [Veravil, Keranchi, Valaipaddu] in Kilinochchi. When the women objected, the nurses said that if they did not agree to the contraceptive, they could be denied treatment at the hospital in the future.<sup>12</sup> Cases of coerced birth control and forced sterilization are clear evidence of genocide. The Genocide Convention obligation to prevent and punish genocide is not a matter of political choice or calculation, but one of binding international law. Concurrently, courts in countries that may exercise jurisdiction over the events and alleged perpetrators should prosecute these crimes.

<sup>1</sup> We Accuse War Crimes and Genocide, 93

<sup>2</sup> We Accuse War Crimes and Genocide, 95

<sup>3</sup> Dublin Permanent People’s Tribunal, 9

<sup>4</sup> Dublin Permanent People’s Tribunal, 9

<sup>5</sup> Dublin Permanent People’s Tribunal, 13

<sup>6</sup> Dublin Permanent People’s Tribunal, 13

<sup>7</sup> We Accuse War Crimes and Genocide, 91

<sup>8</sup> We Accuse War Crimes and Genocide, 93

<sup>9</sup> Report of the Secretary-General’s panel of Experts on Accountability in Sri Lanka, ii

<sup>10</sup> We Accuse War Crimes and Genocide, 94

<sup>11</sup> <http://www.lifenews.com/2014/01/09/population-control-activists-prey-on-women-in-sri-lanka/>

<sup>12</sup> <http://www.tamilguardian.com/content/gendered-genocide-sri-lanka%E2%80%99s-war-against-tamils>

### **(e) Forcibly transferring children of the group to another group.**

- Following the war in 2009 over 10,000 Tamil children were detained by Sri Lankan Army, nearly eight years later their whereabouts are still uncertain<sup>13</sup>

## **Recommendations**

### **Enforced Disappearances**

- a. Initiate and implement effective witness and victim protection.
- b. Adopt measures to investigate, prosecute and punish those responsible for serious human rights crimes such as enforced disappearances, in accordance with international norms and in a transparent manner.
- c. Facilitate to the Working Group on Enforced and Involuntary Disappearances to victims family without intimidations.
- d. Families of the disappeared are clear in their demands for truth, justice, redress, and guarantees of non-recurrence. It is critical to address the enormous problem of enforced or involuntary disappearances in Sri Lanka by tracing the missing, determining what happened, and prosecuting those responsible. This will be an important first step in dealing with the past.
- e. Moreover, the State should endeavor to build trust with Tamil Nation affected by war, who are weary about participating in yet another flawed domestic mechanism purporting to address enforced or involuntary disappearances.
- f. The pain and loss suffered by the people is immense and indescribable and therefore, it is important that they should be a part of the transitional justice process especially in formulating the framework of the four reconciliation mechanisms. It is imperative that the Government of Sri Lanka and UN understands the suffering and yearnings of the affected Tamil Nation. If not, search for truth and justice would be just another failure.

### **Anti-Terrorism Legislation**

- g. Repeal the Prevention of Terrorism Act and abolish the system of administrative detention;
- h. Ensure that security measures adopted in the context of armed violence comply with international human rights law;
- i. Release all individuals arrested under emergency or anti-terrorism laws, unless they are charged with recognizable criminal offences and remanded by an independent, regularly constituted court. Any trials must be held promptly and in regularly constituted courts with all internationally recognized safeguards provided.

### **National Human Rights Action Plan**

- j. Promptly implement the concrete human rights commitments contained in the National Human Rights Action Plan, particularly those that will protect against ongoing gross violations of human rights and ensure an end to impunity.

### **National Institutions**

- k. Strengthen and ensure the independence of human rights institutions such as the National Human Rights Commission,

### **Witness Protection**

- l. Initiate and implement effective witness and victim protection, in line with commitments made during the previous review but not yet implemented.

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<sup>13</sup> We Accuse War Crimes and Genocide, 94

### **Torture and ill-treatment**

- m. Implement the recommendations of the Special Rapporteur on torture, including to strengthening legal safeguards for eliminating all forms of ill treatment or torture in prisons and detention centres.

### **Death Penalty**

- n. Abolish the death penalty and commute all death sentences to terms of imprisonment.

### **Extrajudicial Executions**

- o. Investigate and prosecute all allegations of extrajudicial, summary or arbitrary killings and bring the perpetrators to justice in accordance with international standards.

### **Impunity**

- p. Take all necessary measures to prosecute and punish perpetrators of violations of international human rights law and humanitarian law.
- q. Stop to protect war criminals and promote them as high level diplomats

### **War crime, Crime against Humanity and Genocide**

- r. We request you to take measures to judicially address the Genocide against the Tamil people as called upon by the unanimous resolution adopted by the Northern Provincial Council of Sri Lanka in February 2015.
- s. Recognise the obvious pattern of sexual abuse against Eelam Tamil women as being carried out with genocide intent.
- t. Initiate an independent international investigation into the genocide of Eelam Tamils on the island to bring perpetrators of the crime of genocide to justice.
- u. Application of international criminal law, including war crimes, crimes against humanity, and genocide;

### **Ratification and implementation of international human rights treaties**

- v. Ratify and implement the International Convention for the Protection of All Persons from Enforced Disappearance;
- w. Implement the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- x. Ratify the Rome Statute of the International Criminal Court;
- y. Establish procedures in law to consider modalities for implementing the views of the UN Human Rights Committee.

### **Right to Self Determination**

- z. Referendum for the Eelam Tamils in Sri Lanka, so that Tamil Nation can decide their political destiny.
- aa. Under these circumstances, the UN is duty bound to strive for justice to the Tamil victims. We urges the UN to undertake the following measures which would reassure the Tamils that justice would ultimately prevail.
- bb. The UNHRC should pass a resolution against Sri Lanka for non compliance of the previous resolutions passed at the UNHRC since 2012 and refer Sri Lanka to the UN Security Council as Sri Lanka has defied the UNHRC time and again with false and unkept promises
- cc. UN Security Council should refer Sri Lanka to the International Criminal Court for investigation and prosecutions into war crimes, crimes against humanity and genocide.
- dd. Tamils should be recognized as a separate Nation.
- ee. The Right to Self Determination of the Tamils should be recognized by the International Community
- ff. A referendum in Tamil Eelam must be conducted under the UN supervision

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1. Burning of Jaffna library: <https://g.co/kgs/cUxBJy>
2. Tamil Nation coverage: <http://tamilnation.co/indictment/genocide95/gen95012.htm>
3. Erection of Buddha statues in areas where no Buddhists live, has become despicable: MP-  
<https://www.tamilnet.com/art.html?catid=13&artid=38542>
4. Sinhala military builds Buddhist vihara in Hindu temple premises in Ki'linochchi:  
<http://www.tamilnet.com/art.html?catid=13&artid=38364>
5. 6yearold Tamil boy brutally raped and killed near genocidal SL Navy camp in Champoor:  
<http://www.tamilnet.com/art.html?catid=13&artid=38104#>
6. A NGO namely, International truth and justice project's reports on srilankan army-  
<http://www.itipsl.com/reports/submission-to-cedaw#english>
7. JDS news, UN told of Sri Lanka military operating "rape camps"-  
<http://www.jdslanka.org/index.php/news-features/human-rights/669-un-told-of-sri-lanka-military-operating-rape-camps>
8. State aided Sinhala colonisation:  
[http://web.archive.org/web/20160306093927/http://ptsrilanka.org/images/documents/state\\_aided\\_sinhala\\_colonisation\\_en.pdf](http://web.archive.org/web/20160306093927/http://ptsrilanka.org/images/documents/state_aided_sinhala_colonisation_en.pdf)
9. Structural genocide against Tamil fishermen reaches alltime high in Mullaitheevu:  
<https://www.tamilnet.com/art.html?catid=79&artid=38560>
10. Uprooted Tamils demand occupying SL military to vacate from Keappaapulavu:  
<https://www.tamilnet.com/art.html?catid=13&artid=38074>
11. SL military puts up shoot-at-sight warning inside appropriated Keappaa-pulavu lands:  
<https://www.tamilnet.com/art.html?catid=13&artid=38588>
12. <http://www.tamilnet.com/art.html?catid=13&artid=38624>

<sup>[1]</sup> *Sri Lankan minister's visit to Jaffna fuels Sinhalisation of North-East*,  
<http://www.tamilguardian.com/content/sri-lankan-minister%E2%80%99s-visit-jaffna-fuels-sinhalisation-north-east>

<sup>[2]</sup> *Sri Lanka to spend millions on hundred Buddhist Temples in Tamil areas*,  
<http://www.jdslanka.org/index.php/news-features/politics-a-current-affairs/640-sri-lanka-to-spend-millions-on-hundred-buddhist-temples-in-tamil-areas>

<sup>[3]</sup> *67,000 acre land under Army in North and East: Sinhalisation continuing accuses the Vavuniya Citizens' Committee*, <http://tamildiplomat.com/67000-acre-land-under-army-in-north-and-east-sinhalisation-continuing-accuses-the-vavuniya-citizens-committee/>

<sup>[4]</sup> *Due Place For Buddhism*, <http://www.thesundayleader.lk/2016/07/31/due-place-for-buddhism/>