

March 1, 2022

His Excellency Shri Narendra Modi
The Prime Minister's Office
152 South Block, Raisina Hill
New Delhi 110011

Your Excellency,

APPEAL FOR INDIAN INTERVENTION TO PROGRESS A RESOLUTION FOR THE EELAM TAMIL NATIONAL QUESTION TOGETHER WITH ACTION ON CRITICAL ISSUES TO BE ADDRESSED URGENTLY

At this critical juncture when Eelam Tamils are continuing to undergo grave sufferings while waiting for a just resolution thirteen years after the mass extermination of Tamil lives that marked the end of the military conflict, it is imperative that India use its influence and leadership in the region to ensure that meaningful steps are taken immediately by the Government of Sri Lanka (GoSL) to fully implement a resolution to fulfill the legitimate aspirations of Eelam Tamils in Sri Lanka. Such a resolution should be based on a genuine commitment to agree on fundamental principles and be supported by an effective framework for sharing power while guaranteeing the safety, peace, and prosperity of Eelam Tamils in Sri Lanka. We are writing to you, Your Excellency, with the firm belief that India's renowned democratic and humanitarian traditions can play a critical role towards this cause. We appeal to you to act directly and with urgency to help alleviate the immediate and long-term sufferings of Eelam Tamils. We believe India can lead the way to bring about a resolution to the Eelam Tamil national question with support from other like-minded countries, UN bodies and the international community at large.

Tamil Rights Group

Tamil Rights Group (TRG) is a not-for-profit human rights organisation that is headquartered in Markham, Canada, acting globally to support and represent Eelam Tamils in the quest to bring transitional justice and a lasting solution for our people in Sri Lanka. We relentlessly pursue a just resolution through global diplomacy, together with legal avenues available under international law and human rights principles, in addition to working with civil society in our homeland to bring justice and facilitate meaningful change that will enable Eelam Tamils to fulfill their aspirations and live with peace, security and dignity in their traditional homeland in the North and East of Sri Lanka. To highlight some of our work, in November 2021, we submitted a major Communication under Article 15 of the *Rome Statute* to the Office of the Prosecutor at the International Criminal Court (ICC) requesting a preliminary examination into crimes against humanity of deportation and persecution committed against Eelam Tamils within territories of states parties to the ICC (please refer to details available in our website – <https://www.tamilrightsgroup.org/icc-campaign/>).

Proposal for a Resolution to the Eelam Tamil National Question

Ever since Sri Lanka gained independence from Britain in 1948, Tamils have been struggling to express our legitimate grievances and exercise our right to self-determination. We believe in political and constitutional reforms implemented with concrete objectives to guarantee peace and security, while allowing Tamils to prosper and fulfill their aspirations. Despite failed promises from successive Sri

Lankan governments, the paramount need for such reforms has long been recognised by India and the international community.

The Indo- Lanka Accord proposed through India's good offices and signed in July 1987 remains the only instrument that made a serious attempt to bring a just resolution. The opportunity presented by this agreement was, however, later compromised by the GoSL through flawed implementation of the 13th Amendment, including political manoeuvrings designed to deceive Tamils and the international community up to now.

In order to move towards a resolution to the Eelam Tamil national question, we firmly believe that the following underlying conditions should be first satisfied:

- The GoSL should take immediate action to address the critical issues that are listed to alleviate the sufferings of Tamils and build a climate of trust (Please refer to Section titled "Critical Issues That Must Be Addressed Urgently").
- Undertake genuine constitutional reform to accomplish sharing of power through a process supported and facilitated by India and the international community under the auspices of the United Nations, and
- Implement agreements reached for a just resolution in accordance with an agreed timetable, supported by designated UN and international observers to assist in promulgating the agreements.

The starting point for making progress and resolving the ethnic conflict should be taken from the *Indo-Lanka Accord* agreed in 1987. The path towards resolution should be based on the intent and spirit of this agreement and any proposed resolution should meet the following fundamental principles espoused by the Eelam Tamil people:

- A power sharing arrangement should be worked out that will enable self-determination for Eelam Tamils and allow them to live with peace and security in their traditional homeland defined as areas of historical habitation in the North and East to fulfill the aspirations tied to their own future.
- The historical areas of habitation consisting of the North and East of the country should be merged (combined) to form a single province or contiguous region that defines the constituent unit in the power sharing arrangement for Eelam Tamils.
- The Government of the North and East province or contiguous region so formed (a constituent unit of the governance structure) should have the power to determine and control policy over Legislation, Language, Religion, Culture, Education, Health, Land, Police, Agriculture, Farming, Industry, Tax with equitable revenue sharing, Commerce and Economic Development in accordance with agreed constitutional arrangements with the Central Government in Sri Lanka.
- Tamil should be maintained as an official language together with Sinhala, with English being the link language to facilitate communication.
- Genuine constitutional reform should be undertaken to design and develop a suitable constitution to protect all communities and allow them to coexist in harmony through constitutional safeguards and strong demarcation of powers allocated to the provinces or contiguous regions forming constituent units in the governance structure.

- The constitution and court systems shall provide a strong framework for delineating powers and adjudicating potential disputes over jurisdiction.
- The constitutional framework should guarantee personal freedom and have strong provisions for upholding the human rights of all individuals in accordance with international law and human rights conventions. This should include treating all citizens equally.
- The constitutional reform should deliver a suitable constitution designed and developed with international collaboration to provide a just resolution to the Eelam Tamil national question and a lasting solution for harmony in Sri Lanka.
- The political system and constitutional provisions to be put in place should follow the model of federalism, designed, and developed with international collaboration to provide a just resolution for Eelam Tamils in a plurinational country of Sri Lanka.
- As an interim measure, the provincial elections should be held as soon as possible to provide a solid platform to build trust and confidence in moving to the just resolution as above.

Critical Issues That Must Be Addressed Urgently

The following are the critical issues that need to be addressed urgently to alleviate the grave sufferings and continuing human rights abuses that have been experienced by Tamils for a very long time. For any serious and genuine attempt to find a lasting solution to be successful, these critical issues need to be addressed now, to not only demonstrate the commitment of the GoSL, but to also build trust and confidence about its desire to make the necessary changes to ensure a just resolution to the Eelam Tamil national question and attaining harmony in Sri Lanka:

1. Demilitarisation of North and East.
2. Stop Land Grab and Confiscation.
3. Repeal the Prevention of Terrorism (Temporary Provisions) Act (PTA).
4. Release Political Prisoners and Details About Enforced Disappearances.
5. Eliminate Hate Speech and Targeting Communities Based on Language, Religion and Culture.
6. Emergency Relief and Development Funds for Tamils.

(Note: The above issues are detailed in the Annexure)

Transitional Justice

It is important in moving towards a permanent and lasting solution, that the transitional justice process is not forgotten and is indeed pursued to establish truth and accountability to ensure that what happened does not happen ever again.

Impunity has been rampant in Sri Lanka and it is well known that the GoSL has reneged on multiple commitments given to the UN Human Rights Council through various resolutions. The last major report published in 2021 by the UN Human Rights High Commissioner is a damning indictment of the Sri Lankan regime and warns of grave risks of continuing human rights violations under an increasingly authoritarian president promoting militarisation of civilian functions. As Sri Lanka is manifestly failing to protect the Eelam Tamil population, the international community has the obligation to take collective action under the Responsibility to Protect (R2P) principles to ensure that atrocity crimes are prevented

and perpetrators brought to justice in accordance with international law, human rights conventions, international treaties, and the UN Charter.

We seek India's help in maintaining the pressure on the GoSL, including the garnering of international support to pursue effective action through lawful means and targeted sanctions against perpetrators in Sri Lanka. These measures will indicate clearly to the GoSL, the commitment and resolve of the international community to stand up against the serious human rights violations that are continuing to occur with impunity in Sri Lanka.

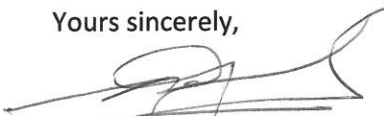
Concluding Remarks

In order to find a just resolution to the Eelam Tamil national question and satisfy their aspirations, the GoSL needs to recognise their legitimate grievances that stem from the root cause of this conflict, including political marginalisation, decimation of innocent lives, wanton destruction of property, suppression of individual rights and physical insecurity created by atrocity crimes for over 70 years since independence. The need to find this just resolution is becoming increasingly urgent, due to authoritarian rule by a president militarising civilian functions and the desperate financial situation faced by Sri Lanka which is pushing the country irretrievably into the hands of China. This is not only creating a disastrous scenario for the future wellbeing of everyone in Sri Lanka, but also creating a serious threat to the security and stability of the region.

To remedy this perilous situation, pressure needs to be brought on the GoSL by India and the international community to influence outcomes that are required for the wellbeing of Eelam Tamils, Sri Lanka itself and the region as a whole. Financial aid and investments being considered should be tied to the GoSL making genuine progress towards implementing a comprehensive and lasting solution to the Eelam Tamil national question in Sri Lanka. Targeted sanctions should also be considered against Sri Lanka to curtail the impunity that is rampant in Sri Lanka, while being careful about not letting such actions impact the innocent people who are caught up in this struggle.

Your Excellency, once again we reiterate the desperate need for meaningful steps to save the Eelam Tamils in Sri Lanka and appeal to you to initiate Indian intervention to progress a just resolution for the Eelam Tamil national question in accordance with the intent and spirit of the Indo-Lanka Accord and the fundamental principles proposed in this letter.

Yours sincerely,



Navaratnam Srinarayanathas
President, Tamil Rights Group

cc. The Honourable Dr. S. Jaishankar, External Affairs Minister of India
His Excellency Ajay Bisaria, High Commissioner of India to Canada
Ambassador T.S. Tirumurti, Permanent Representative of India to the UN (New York)
Ambassador Indra Mani Pandey, Permanent Representative of India to the UN (Geneva)

Annexure

1. Demilitarisation of North and East

Despite the armed conflict ending more than 12 years ago, the military has a very heavy presence in the Tamil areas of North and East of Sri Lanka, intruding into civilian life where people are subjected to harassment, intimidation, and other activities such as land grabbing and confiscation which contravene international law and human rights conventions. The Sri Lankan army has an extremely high capacity of active army personnel, which is disproportionately high compared to many other countries in the world. The concentration of military personnel in the North and East is extraordinarily high, with reliable reports indicating that at times the ratio of military personnel to civilians has been 2:1 or much worse in many areas making this presence a military occupation.

2. Stop Land Grab and Confiscation

There is on-going land grab and confiscation happening at an alarming rate even after the military conflict. The military sanctioned by the GoSL has been a major instigator of land grabs, before, during and after the armed conflict appropriating thousands of acres of land, a lot of which has never been returned. Such land grabs are placing restrictions on the voluntary return of displaced persons to their original homes without legitimate justification in contravention of international law and human rights conventions. Land grabs have also been happening under the guise of activities such as archaeological excavations and forest preservations often carried out by Government authorities/ departments, Buddhist clergy and Sinhalese politicians. The land grabs and confiscation in violation of human rights conventions, is part of a planned and systematic drive by successive Sinhalese governments to colonise traditional homeland and destroy areas of cultural/ religious significance to Tamils in the North and East of Sri Lanka.

3. Repeal the Prevention of Terrorism Act

The Prevention of Terrorism (Temporary Provisions) Act (PTA) well known for its draconian measures that perpetuate human rights violations is still in existence despite the end of the armed conflict. Under this act, the Sri Lankan security forces operate with impunity due to extensive powers of investigation without judicial oversight, with the act mainly being used against Tamils in gross violation of human rights covering Enforced Disappearances, Torture, Rape and Persecution. Sri Lanka had promised to replace the PTA with anti-terrorism legislation in line with international best practices and the international human rights law obligations of Sri Lanka when it co-sponsored UN Human Rights Council Resolution 30/1 in October 2015. Since then, a Counter Terror Bill was introduced in 2018 which was subjected to robust debate from different stakeholders in Sri Lanka. However, this bill was withdrawn in December 2019, soon after the current president's victory at the presidential election in November 2019. Current proposed changes are cosmetic, and the PTA needs to be repealed or a moratorium called until a proper bill as promised is introduced in line with human rights obligations.

4. Release Political Prisoners and Details About Enforced Disappearances

The Prevention of Terrorism Act (PTA) has been used to arbitrarily detain Tamils and Muslims for indefinite periods of time. These prisoners are in a very vulnerable position because they are held under the PTA which allows long term detention without any trial or even attempts at conviction. Reputable human rights organisations have highlighted that prisoners detained under the PTA were often subjected to abuse in the form of torture, racial abuse and sexual violence. It has also been reported that due to overcrowded prisons, a large number of prisoners had contracted Covid-19 and that 14 prisoners had died after contracting the virus.

Enforced disappearances have also been a major issue from before, during and after the military conflict. Sri Lanka has the world's second highest number of enforced or involuntary disappearances registered with the UN Working Group on this issue. Since the 1980s, reliable reports indicate that an estimated 60,000 to 100,000 people have "disappeared", including through the dreaded "white van" abductions believed to be sanctioned by the highest levels of government. Many victims are believed to have been abducted, tortured, and killed by the government security forces. The families of people subjected to enforced or involuntary disappearance have been denied justice for these serious human rights violations that if proven will amount to Crimes Against Humanity.

5. Eliminate Hate Speech and Targeting Communities Based on Language, Religion and Culture

The Tamil community has suffered discrimination, racial vilification, harassment, and brutal violence for decades at the hands of Sinhala-Buddhist nationalist aided and abetted by the political leaders and state machinery of Sri Lanka. Since about 2013, the Muslim community has also been targeted by the growth of anti-Muslim sentiment, culminating in the Muslim community also suffering the same violent treatment. This has also been fuelled by government rhetoric and policies, sometimes openly targeting Muslims. The current president's public statements and proposals for "one country one law" to which he has appointed one of the worst militant Buddhist monks Galagoda Aththe Gnanasara as the head has shocked many people in Sri Lanka and overseas.

6. Emergency Relief and Development Funds for Tamils

The decades long military conflict has left the areas of the North and East decimated, with these areas lagging far behind the rest of Sri Lanka. Destruction of industries and infrastructure has been drastic, while agriculture, farming and fisheries on which many ordinary people depend for their livelihood has been affected severely. Nearly a decade after the end of the Sri Lankan civil war, the Northern and Eastern provinces lag significantly in key social and economic measures. The lack of opportunity for employment for Tamil youth has taken its toll and mental anguish is a major issue. This in turn is affecting the elderly population and the entire community where a lot of people are struggling to survive. This situation calls for emergency relief and development funds to be injected into the North and East areas urgently.