

March 1, 2022

Her Excellency Dr. Michelle Bachelet Jeria  
Office of the United Nations High Commissioner for Human Rights  
Palais des Nations  
CH-1211 Geneva 10, Switzerland

Dear High Commissioner Bachelet,

**ACTION TO URGENTLY ADDRESS EXACERBATED HUMAN RIGHTS VIOLATIONS AGAINST EELAM TAMILS AND CONTINUED IMPUNITY FOR THE GOVERNMENT OF SRI LANKA**

The report of the Office of the High Commissioner of Human Rights on Sri Lanka issued last year clearly highlighted your deep concern about the trends emerging over the past year, which represent clear early warning signs of a deteriorating human rights situation and a significantly heightened risk of future violations in Sri Lanka. Despite this dire warning, the respect for fundamental human rights is in serious jeopardy and exacerbated human rights violations are continuing to be carried out with impunity by the Government of Sri Lanka (GoSL) and its security forces on the Eelam Tamil people in Sri Lanka.

Even more than 12 years after the end of the military conflict which was marked by the targeted mass killings of Tamils in the Mullivaikkal “massacre”, the GoSL is continuing to perpetrate atrocity crimes on Tamils through acts including a) the indiscriminate use of the draconian Prevention of Terrorism Act (PTA) to arrest and torture people, b) Land grabs designed to prevent displaced people from returning to their homes and also change the demography of traditional homelands, c) Enforced Disappearances and abductions reportedly sanctioned by the highest authorities in the country and d) continued militarisation of the North and East with a vast number of military personnel in the North and East amounting to a military occupation.

In terms of the actions being taken to safeguard human rights violations in Sri Lanka, we are grateful for your strong and timely report last year, which has resulted in the critical UNHRC Resolution 46/1 collecting evidence about the atrocity crimes in Sri Lanka to support future prosecutions. We also welcome with hope your call for other countries to initiate action through referrals to the International Criminal Court (ICC), through extraterritorial/universal jurisdiction and other targeted sanctions against perpetrators in Sri Lanka. Although this path has proved to be quite challenging due to various political influences at play, we in the Tamil Rights Group have treated this very seriously and have taken action to submit a major Article 15 Communication to the International Criminal Court (ICC) in November 2021 (see reference below).

**Tamil Rights Group and Referral to ICC**

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 the upholding of human rights for our oppressed people and seek a just resolution for the Eelam Tamil National Question through global diplomacy, together with legal avenues available under international law and human rights principles, in addition to working with civil society to bring justice and meaningful change that will enable Eelam Tamils to fulfill their aspirations to 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 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/>).

### **Exacerbated Human Rights Issues That Must Be Addressed Urgently**

As highlighted earlier, the following are the critical issues that need to be addressed urgently to alleviate the grave suffering and continuing human rights abuses that have been experienced by Tamils for a very long time. For any serious and genuine attempt by GoSL to pursue transitional justice and also find a lasting solution to provide a just resolution, these critical issues need to be addressed now, to not only demonstrate the commitment of the GoSL towards justice and accountability but to also build trust and confidence about its desire to uphold human rights and embark upon a path that will lead to a just resolution to the Eelam Tamil national question to attain harmony in Sri Lanka. These critical issues are:

1. Demilitarisation of North and East.
2. Stop Land Grabs Immediately.
3. Abolish the Prevention of Terrorism (Temporary Provisions) Act (PTA) and Release Political Prisoners.
4. Prevent Enforced Disappearances and Release Details About Missing Persons.

***(Note: More details regarding the above issues are included in the Annexure)***

Further to addressing the above issues urgently, the following actions also need to be initiated without delay to ensure preventative actions are taken and measures of redress are supported for victims:

- International Independent Inquiry to investigate serious international crimes in Sri Lanka.
- Make meaningful transitional justice workable by empowering the victims of the conflict through an UN-sponsored victim protection mechanism and a sustainable political solution.

## **Threats to Human Rights as well as Peace and Stability of the Region**

There is an increasingly authoritarian regime in Sri Lanka under the current President which is accelerating the militarisation of civilian functions. Due to these moves and Sri Lanka's precarious financial situation, there is a great danger that Sri Lanka will irretrievably be placed under the influence of major foreign powers threatening the peace and stability of the region.

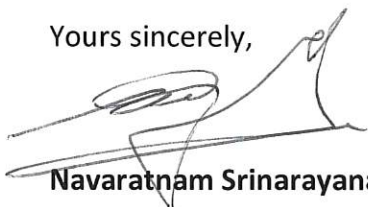
In addition, there are reports that the GoSL is considering constitutional changes that may be designed to further entrench the current government's authoritarian position making any genuine attempt at resolving the ethnic crisis even more difficult. We are also fearful that such moves will make the Tamil community and other threatened communities even more vulnerable to continued human rights violations and being victims of atrocity crimes perpetrated by the GoSL and Sinhala Buddhist nationalistic movements.

## **Appeal to OHCHR**

We appeal to you High Commissioner, to initiate urgent action to hold the Government of Sri Lanka accountable for the grave human rights violations and atrocity crimes being perpetrated against the Tamils and other threatened communities in Sri Lanka and facilitate an UN-led response with support from like-minded countries to address the following critical concerns as outlined in this letter.

- Take urgent action to enable: 1) Demilitarisation of North and East; 2) Stopping Land Grabs Immediately; 3) Abolishing the Prevention of Terrorism (Temporary Provisions) Act and Releasing Political Prisoners; and 4) Preventing Enforced Disappearances and Releasing Details About Missing Persons.
- Initiate an International Independent Inquiry to investigate serious international crimes in Sri Lanka.
- Make meaningful transitional justice workable by empowering the victims of the conflict through an UN-sponsored victim protection mechanism and a sustainable political solution.

Yours sincerely,



**Navaratnam Srinarayanathas**  
President, Tamil Rights Group

## **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 Sri Lankan law, international law and human rights conventions. The Sri Lankan army has an extremely high capacity of active army personnel (reported to be more than 300,000 higher than even countries such as the UK and Ukraine) which is disproportionately high compared to many other comparable countries in the world. The concentration of military personnel in the North and East is extraordinarily high by international standards, confirming that such a disproportionate ratio of military personnel to civilians makes this presence a military occupation, with an unvetted military against which credible evidence exists for committing atrocity crimes against the Tamil people.

### **2. Stop Land Grabs Immediately**

There is ongoing land grabs and confiscation without any compensation and expropriations are happening at an alarming rate even after the end of the military conflict. The Mahaweli project and 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 The Presidential Task Force consisting of academics, Buddhist clergy and Sinhalese politicians known for their belligerent and hegemonic deliberations. The land grabs and confiscation in violation of human rights conventions is also part of a planned and systematic drive by successive Sinhalese governments to colonise traditional homeland for homogeneity against the 13th amendment and destroy areas of cultural/ religious significance to Tamils in the North and East of Sri Lanka.

### **3. Abolish the Prevention of Terrorism Act and Release Political Prisoners**

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 torturing to death, illegal arrests, summary execution euphemistically called Enforced Disappearance and degrading 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. Current proposed changes are cosmetic and the PTA has been condemned and campaigned against it by all sections of civil society and politicians. The PTA must be abolished to end the persecution against Tamils and Muslims in Sri Lanka. There are 16 legislations that can be employed in the legal system to act against violent crimes in Sri Lanka. The PTA must be abolished immediately or at least a moratorium on its use called until a proper bill as promised is introduced in line with human rights obligations.

**[Human Rights Watch Report Titled: “In a Legal Black Hole” Sri Lanka’s Failure to Reform the Prevention of Terrorism Act | February 2022 provides extensive details about how “Sri Lanka’s Prevention of Terrorism Act (PTA) has been used for over 40 years to enable prolonged arbitrary detention, to extract false confessions through torture, and to target minority communities and civil society groups”.**

<https://www.hrw.org/report/2022/02/07/legal-black-hole/sri-lankas-failure-reform-prevention-terrorism-act>]

#### **4. Prevent Enforced Disappearances and Release Details About Missing Persons**

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 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.