



# General Assembly

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## Human Rights Council

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Agenda item 3

**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

### **Written statement\* submitted by Tournier La Page, a non- governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[30 May 2021]

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\* Issued as received, in the language(s) of submission only.



## **The Punguduthivu Alumni Association of Canada ask for an International Mechanisms Tamils Genocide and nomination of Special Rapporteur on Sri Lanka**

The Punguduthivu Alumni Association of Canada is in accordance with the statement of all Tamil organizations across the World, working together, to bring unity and energy, who loves their soil, people and their petitions.

We will work together with our roots to rebuild our motherland. We join Tamil organizations across the world for ask Justice for Eelam Tamils and we ask to The Council Members to have Strong Resolutions for have Justice for Tamils.

Even though the war has ended about eleven years ago, Tamils are still waiting for justice for the mass atrocities committed by the Sri Lankan Government.

Sri Lankan Security forces made a structural Genocide from 1948, In May 2010, the Sri Lankan government appointed a Lessons Learnt and Reconciliation Commission (LLRC) and promised to implement the Commission's recommendations.

The UN Panel of Experts appointed by the Secretary General, and other credible international human rights groups, criticized the LLRC due to its narrow mandate, lack of independence, and failure to meet international standards. According to a subsequent UN Report (the Petrie Report), despite some positive characteristics, the LLRC was fundamentally constrained by a mandate that did not focus on actual accountability, and by the lack of an enabling environment for judicial follow-up.

On June 22, 2010, a three-member panel was appointed by UN secretary-general Ban Kimoon to look into human rights accountability issues during the final stages of the civil war in Sri Lanka. The report of this panel of experts was handed over to Secretary General in March 2011.

According to its executive summary:

In a significant evolution of its position, the Human Rights Council adopted a resolution on Sri Lanka that focused on accountability for the first time in 2012. The First UNHRC resolution on "Promoting Reconciliation and Accountability in Sri Lanka" was adopted on March 22, 2012.

In his address at the UNHRC during the discussion in 2013, the Indian envoy to the UN – Mr. Dilip Sinha – called for an independent and credible investigation into Sri Lankan war crimes. He stated: "India believes that the report of the LLRC and its findings and recommendation provides a window of opportunity to forge a consensual way forward towards a lasting political settlement through genuine national reconciliation and the full enjoyment of human rights by all its citizens. We note with concern the inadequate progress by Sri Lanka in fulfilling its commitment to this Council in 2009. Further, we call on Sri Lanka to move forward on its public commitments, including on the devolution of political authority through full implementation of the 13th Amendment and building upon it."

As Sri Lanka failed to make meaningful progress, a third resolution was adopted in 2014, again giving time for Sri Lanka to implement its promises. While incorporating previous positions, the Council on this occasion also authorized the OHCHR to undertake a comprehensive investigation into alleged serious violations and abuses of human rights and related crimes by both parties in Sri Lanka and present its report to the Council.

The OHCHR Investigation on Sri Lanka (OISL) report was released on September 28, 2015. Its conclusions and recommendations included the following:

The findings of the OHCHR investigation contained in the present report were born out of the past failure of the Government of Sri Lanka to address accountability for the most serious human rights violations and crimes.

The commitments made by the new Government in this respect are welcome, but it needs to convince a very skeptical audience – Sri Lankan and international – that it is determined to show results.

The Former High Commissioner remains convinced that, for accountability to be achieved in Sri Lanka, it will require more than a domestic mechanism. Sri Lanka should draw on the lessons learned and good practices of other States that have succeeded with hybrid special courts, integrating international judges, prosecutors, lawyers and investigators.

The former High Commissioner also believes that the Human Rights Council has played – and should continue to play – a critically important role in encouraging progress on accountability and reconciliation in Sri Lanka. As the process now moves into a new stage, he urges Council members to sustain their monitoring of developments in Sri Lanka with a view to further actions that may be required at the international level should concrete results not be achieved.

In particular, the High Commissioner wishes to highlight the following recommendations: Institutional reforms, Justice, Truth/right to know, Reparations & General improvements.

Sri Lanka, as expected by all the UN bodies, the victims, non-governmental organizations and Tamils around the world was back again in 2017 asking more time to implement its own resolution. Accordingly, a fifth UNHRC resolution on “Promoting Reconciliation and Accountability in Sri Lanka” was adopted on March 23, 2017 without a vote.

Sri Lanka was back again in 2019, asking for further time to implement the co-sponsored resolution. Therefore, a sixth UNHRC resolution was adopted on March 21, 2019, without a vote.

Eleven plus years have passed since the war ended. The UN, UNHRC and related agencies have made various commitments, and have adopted various resolutions. But to date, no meaningful progress has been made; war victims, refugees, relatives of the disappeared, and others continue to be affected, with no political will on the government’s part to bring about a political solution, and to advance sustainable economic development in war-affected areas.

In February 2020, Sri Lanka, through its Foreign Minister, gave notice to the UNHRC that it was formally withdrawing from all previously co-sponsored UNHRC resolutions. President Gotabaya Rajapaksa and his brother, Prime Minister Mahinda Rajapaksa have repeatedly made it clear that they are not going to hold members of the security forces accountable for war crimes. They have meanwhile continued to deploy the military in civilian positions, seize lands belonging to the Tamil people, appoint Buddhist religious personnel to oversee land allotment in the East of Sri Lanka in the guise of archaeological management, increase surveillance and intimidation of victim families, human rights activists, journalists, and curtail burial rites of the Muslim community.

## Recommendations

We call upon the UNHRC members and other affiliated UN agencies and member states to adopt, as a matter of utmost urgency, the following measures:

- Should take the following steps to protect the Tamil people:
  - (a) Recognize the genocide resolution passed unanimously in the Northern Provincial Council of Sri Lanka on 10th February 2015.
  - (b) Support the Resolution 30/1 which seeks an UN inquiry to investigate the genocide of the Tamil people in Sri Lanka by successive Sri Lankan Governments,
  - (c) Direct appropriate measures at the International Criminal Court outlining that the affected Tamil people have no faith in any domestic commission or inquiry.
- Bring a Resolution in the Human Rights’ Council insisting that the North-East is the traditional homeland of the Tamil people as agreed in the Sri Lanka-India Accord 1987 and urging the Sri Lankan Government to immediately stop the occupation of

land in the North-East with its Military as well as Sinhala colonists. Also stop land grabbing by Central Government Departments under many ruses.

- The Council Members should work together to appoint a special Rapporteur to monitor and investigate ongoing human rights violations and repression against the Tamil people.

To the European Union:

- Must propagate the fact that the international community has a responsibility to ensure the security of the Tamil people by ensuring a meaningful devolution of power to the North and East as the government moves to do away with the weak and powerless 13th Amendment replacing it with nothing tangible yet.
- The Sri Lankan government is still using the ban imposed on the LTTE by some countries as a tool to suppress the democratic voices and activities of the Tamil people in the North and East today even in the absence of the LTTE. Therefore, the countries concerned should take note of this and take appropriate action.
- During the peace talks, an international structure of co-chairs was established, and conferences were organized in the United States of America and Japan to try to rebuild the war-torn North-East. The European Union played a significant role in this. We need to create a similar international structure and take steps to provide direct assistance through this structure to the war-torn North-Eastern provinces.

To the Special rapporteurs and treaty bodies experts.

- Please help us to ensure to protect human rights defenders in Sri Lanka to carry out their legitimate work, in a safe and enabling environment without fear of threats, acts of intimidation or reprisals of any kind witnesses and families seeking truth and justice, and failed to prosecute those against whom there was evidence of wrongdoing.
- All political detainees to be released or brought to justice without any further delay.

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The Punguduthivu Alumni Association of Canada, NGO(s) without consultative status, also share the views expressed in this statement.