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Human rights situations that require the Council's attention

Written statement* submitted by Association Lutte Contre La Violence Faite Aux Femmes, 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.

[23 August 2023]

* Issued as received, in the language of submission only.



Intimidation and Arrest of Women's Rights Activists in North and East of Sri Lanka

Nearly fourteen years after the war, the Sri Lankan army, navy, and air force, as well as the police, continue to occupy private land that is owned and was used by civilians, and state land intended for non-military purposes. These occupations range from large areas that cut across multiple administrative divisions, to smaller areas encompassing several properties and even, in some cases, an individual house or farm. Private land includes homes, business establishments, cultivable areas, and other properties. Security forces also continue to occupy or control access to religious buildings, schools, communal wells, beaches, and arable lands that have long been used by communities, sometimes over generations, but where ownership lies with the state.

Structural discrimination, unequal wealth distribution, and economic and educational marginalization impacting Eelam Tamil people were among many factors in the post-independence era that led to Sri Lanka's genocidal war against Eelam Tamils. After the armed conflict ended in May 2009, state-led efforts to rebuild have failed to address these inequities. The North-East continues to be among the poorest regions in Sri Lanka and the structural conditions of poverty persist in Tamils homeland.

Although a review of the Sri Lankan Government's economic development of the North-East is outside the scope of this report, several concerns should be mentioned due to their relationship to the Sinhalization project: the presence of the military in development activities in the North-East; the focus on large scale infrastructure projects without local input; the continued lack of viable livelihoods in the North-East; and the lack of macro-vision for enabling a business environment in the North-East that prioritizes local agency over land and development opportunities. The lack of a locally controlled airport and seaport facilities in the North-East also prevent economic growth.

Moreover, despite over Fourteen years of the Sri Lankan Government's strategy of large infrastructure projects in the North-East, there is no evidence that the government's programs have worked. While there has been rapid infrastructure development in conflict-affected districts, it is unclear whether the slight reduction in poverty seen in the North-East, still the most impoverished region in the country.

Women Rights Activists and Resistance Are Under Attacks

Protests by affected Eelam Tamil women have compelled the authorities and others to recognize the issue of land occupation, and in specific instances, bring them to the negotiating table.

Sri Lankan successive governments continue to occupied Eelam Tamils and continue to destroy their voice and reprimanded peaceful protests have proliferated. While many of these protests have been by families of the forcibly disappeared, activists for their land's rights, Tamil Students and Tamil Politics, there have also been several protests by displaced Eelam Tamils demanding the release of land occupied by the security forces. They are systematically arrested, interrogated under torture, and intimidate by occupying Sri Lankan genocidal security forces.

Example of Testimony from Madame Jegathesewaran Sarkuna Devi from Marudankeni (Jaffna).

On 05. 06. 2023, Monday, early morning at 6.40 am the police arrested me in my house. My confessional statement was taken in hurry by the police at the police station of Marudankeni. The police on duty smoked cigarette and blew its smoke on my face. I was tortured and my head and hands have many wounds. I was beaten up by the plastic wire due which my left hip was damaged. I was not taken either to the Advocate or judge.

The police filed false allegations against me in the court of Kilinotchi and got permission for detention in the prison of Jaffna till 07. 06. 2023 when I was again presented in the court for trial and left on bail. I was sent to the hospital at Marudankeni for medical treatment again sent to the hospital in Jaffna for further and special medical treatment.

I have complained my torture and agony to an Advocate. When I was in the hospital the investigative officers came to me for interrogation. When they were in the hospital I informed to Mr. Selvaraja Kajendiran, the Member of Parliament about their arrival over the phone. He immediately came to the hospital and informed the committee of human rights in Jaffna what had happened to me. The police and the investigative officers surrounded me at 11.00pm and demanded me to come to their offices and give a statement. On 13. 06. 2023 I complained to the commanding officer of Human rights forum what had happened to me. Two unidentified persons in civil dress came to my house and intimidated me for interrogation.

I went to my relative house in search of security to my husband and my three children for three days. There my husband was arrested by the police, kept in detention camp and released him without any allegation by the court of Kilinotchi. We are living in our relative houses without any security and sending my children to school. Many things have taken place to many women like me. But they are afraid of uttering them in public. It should not happen to any woman like me. My life will go away but I along with my family members demand that justice should be done.

On 27. 06. 2021 I was attacked and admitted in the hospital for medical treatment. For that I have photos and evidences or documents which I will send to you. In the year 2012 after the rehabilitation, we were intimidated by the military we went to our relative houses and lived for 4 years there. In the year 2016 we returned to our village and now we are again being tortured. We are unable tolerate this torture and live in fear of losing our life. We living in the houses of our relatives' demand justice to be done to me.

The people at Marudankeni protested against the police of Marudankeni. In the same way Mr. Suhas, the advocate and Mahindan released Mrs. Arulmathi and Udhy Sivam on 5,00, 000 rupees bail.

Surveillance and Intimidation of the Population

Another problem is the continued surveillance of the Eelam Tamil population by the security forces, which still harass and intimidate Tamil human rights activists, civil society groups and journalists. When three Eelam Tamil women from Keppapulavu in the Mullaitivu District filed cases against the military for occupying their lands, they were intimidated. Consequently, two withdrew their lawsuits.

Former members of the LTTE, relatives of the disappeared, and victims of state land grabs are of a particular interest to the security forces and regularly subjected to harassment and intimidation. People taking part in protests are photographed by military personnel, while CSD workers are even coerced into attending events to support the military or the government's agenda and actively told that they are not allowed to engage in any political activity that is seen as against the government. As a result, the military presence significantly undermines the social fabric of local communities and instils fear, making it impossible to meaningfully and safely engage in civic activism.

Vulnerable Eelam Tamil Women in Highly Militarized Areas

Violence against Tamil women has always been an issue in Sri Lanka, with the genocidal war significantly increasing gender-based violence. Sri Lankan State genocidal security forces became known for their use of rape and sexualized torture as weapons, against Eelam Tamils, practices that peaked after the war ended. Single Eelam Tamil mothers in former war zones are particularly vulnerable to sexual exploitation, harassment and assault by Sri Lankan security forces.

Harassment takes place in public spaces, at home or at workplaces, with some Tamil women even forced into prostitution or coercive sexual relationships by security forces. Hardly any perpetrators face legal consequences. Cases of rape and sexual violence against Tamil women are greatly underreported due to social stigma and fear of retaliation.

Recommendation

- a. Take immediate measures to demilitarize North and East and hand over lands (occupied by the military for over 35 years) to their rightful owners without any further delay.
 - b. Having violated international humanitarian law and engaging war crimes the Relevant UN bodies must urge the Government of Sri Lanka to sign the Rome Statute in order to ensure justice and accountability to the victims of such heinous crimes under the International Criminal Court.
 - c. Endorse the Tamil genocide resolution of 2015 passed by the Northern Provincial Council in February 2015.
 - d. Perpetrators of war crimes, crimes of genocides and crimes against humanity must be investigated and brought to international justice process.
 - e. to have a new Resolution under Agenda 4 of HRC agenda to appoint a special Rapporteur to monitor and investigate ongoing human rights violations and repression against the Tamil People.
 - f. To the 4th committee members of General Assembly: To recognize that Tamil Territories are not Governing by Tamils
 - g. conducting an internationally monitored Referendum.
 - h. We call on the European Commission to stop being complicit in the genocide against the Tamil people and to suspend all aid and benefits such as the Generalized System of Preferences Plus (GSP+) granted to Sri Lanka.
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