



# General Assembly

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## Human Rights Council

### Fifty-fourth session

11 September–13 October 2023

Agenda item 2

**Annual report of the United Nations High Commissioner  
for Human Rights and reports of the Office of the  
High Commissioner and the Secretary-General**

## **Written statement\* submitted by ABC Tamil Oli, 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]

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



## **Association of Relatives of the Enforced Disappearances Leaders Facing Intimidation, Arbitrary Arrest and Torture**

The situation of Relatives of members from ARED Vavuniya is in very bad situation, Tamil mothers from ARED Vavuniya are facing systematic violation by Sri Lankan security forces.

We have Sivananthan Jenita. the secretary of the Association of relatives of Enforced Disappearances of the district of Vavuniya and also secretary of the whole North and East association of relatives of enforced disappearances.

Even if she could not participate directly to the session of Human Rights, because Swiss authorities denied her visa to get access to the Human Rights council session, she is glad to have the opportunity to speak there through a video statement and by written statements.

“From the 36th session to the last 51st session, our mothers of the Enforced disappearances have come directly to this forum as living witnesses. It is a great tragedy that we could not make it for this time for the 52nd session. As for me, each time I have applied for visa to the Swiss embassy to come to Geneva, I was refused the visa 3 times continuously. I don't know why I am refused to register directly my complaint myself here. I don't know the real reason for the refusal. They have rejected my request for visa pretending that there is no guarantee of my return to Sri Lanka. In fact, if I had the intention to live in Europe in a comfort zone, I would never have started this fight in search for my husband and all the others.”

“If I still fight for my husband and all the enforced disappeared people despite all the harassments, it is because I want justice for them. My goal is to know the sort of what really happened to my husband and the others. Our loved-ones have surrendered themselves to the military at the end of the war. We, wives and mothers of the bread-winners, have handed them over to the military. Some others have been abducted. We are still fighting for justice for them.”

“At the same time, we have handed over more than 29 minor children and today they are also made disappeared. What have these little babies or school students done wrong? Have they taken weapons to combat? Even these little ones have been labeled as armed forces. We don't even know what happened to them until now. They have been handed over to the military so they have to tell us what happened to them. But this Sri Lankan government does not answer to our questions on these issues. “

“How can we expect justice from such a government? When we hand over a child to a person, it is with entire trust on this person. The officials have promised to us that they will give a "rehabilitation" to our children and give them back, to us in better condition. But these same officials say now that they do not exist. “

Today, the officers of Terrorist investigation Department are going to every house of the mothers and try to convince them "not to fight for justice on your own", "let us do the job for you", "tell to the mothers of the association that we will get justice for you", "we will bring you to your loved-ones if we come to know they are somewhere".

If the Sri Lankan government staffs ask us to stop our search for our loved-ones, and our daily protest the it due our protest and they meet all leader of different Association of Relative of Enforced Disappearances from all 8 districts and ask us to stop our protest and our activism.

For example, 2 days ago some officials came and meet me asking me to arrange a meeting with all relatives of my organization and they said it's no more use to make protest, that it is better to engage into dialogue with the Sri Lankan government and ask them financial support instead.

One of the officer has mentioned his father also was enforced disappeared. But I said to him your father was maybe part of police or military. So he died in the war fields. We are not asking for the LTTE members who fought for our freedom. We don't ask for the people who took arms. They died for an honorable cause as they wanted. We only ask for common peoples who were enforcedly MADE disappeared. He was asking me to join him to search for his father. He ironically asked me that LTTE also should help singalese to find out their loved ones.

I replied : "For the singhala peoples' fate you can't ask me that because they were not enforced disappeared by tamils. AND we really don't ask for LTTE combatants who died during the war. We ask you only peoples whom we gave into the hands of Sri Lankan military as surrendees.

Sri Lankan successive governments are not able to answer our questions about where are they? So I politely declined their offer.

Despite all that, they come continuously to our house to threaten us. Before when we were going to demonstrations, there were just threats with court summons and police investigations, and continuous harassments.

Now it has escalated worse with a massive presence of Sri Lankan police and military attacking us at all our protests. The number of these security forces is far more important in figures than our protesters.

We have never demonstrated violently, we have always demonstrated peacefully.

But the police continue to abuse us. They try to provoke us and they even molest us. But these aggressions of the security forces is transformed into a violent demonstration on our part and we are accused under false accusations.

See how they try to silence us step by step.

They made false lawsuits against us and requested court acts against us.

Little by little they used different types of violence against us in order to prevent us from demonstrating. They even came to our house to spray dirty water, dirty oil in our homes.

Despite all these violations by the Sri Lankan security forces, we do not give up our fight and we will continue to demonstrate.

Today we no longer have confidence in the human rights procedures in Geneva, we are asking to be referred to the international criminal court because we do not want it to remain stagnant and we do not want internal mechanisms from Sri Lanka but we want an international jurisdiction.

We want an international investigation with the intervention of the International Criminal Court. We want the other step in advance.

On February 16 and 17, there was a request from the Sri Lankan Human Rights Commission to come to their meeting, but we rejected it altogether. But the Sri Lanka Human Rights Commission lied in a report about that meeting saying that we were ready for an internal investigation. It is completely a lie and they not only deceive us but they also deceive the international community like they are deceiving the tamils. It is also a violation of Human Rights.

Among the members of the Association of Relatives of Enforced Disappearances, we have have already 158 parents who died without having to get to know the truth or getting justice for their children.

We are living witnesses, but after our deaths who do you want to do justice to? and with what witnesses will you render justice?

## **International Justice**

On the occasion of the 54th session on the Human Rights council, We ask for a lasting justice for all Tamils.

We trust that the International Criminal Court (ICC) is the only solution for justice. We will continue our protests until our demands are met. We call upon United Nations member States and other affiliated UN agencies to adopt, as a matter of utmost urgency, the following measures:

- a. Take immediate measures to demilitarize North and East Sri Lanka
- b. Endorse the Tamil genocide resolution of 2015 passed by the Northern Provincial Council in February 2015.
- c. Refer Sri Lanka to The ICC,
- d. Perpetrators of war crimes, crimes of enocides and crimes against humanity must be investigated and brought to international justice process.
- e. Council Members to have a new Resolution under Agenda 4 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.
- i. OHCHR's successive reports don't mention "Tamils" who are the victims of genocide in Sri Lanka, we therefor request you to investigate this omission and to mention the appropriate word of "TAMILS" wherever it's needful.

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Association for Relatives of the Enforced Disappearance Vavuniya district, Association for Relatives of the Enforced Disappearance Mannar district, Association for Relatives of the Enforced Disappearance Trincomalee district, Association for Relatives of the Enforced Disappearance Kilinochchi district, Association for Relatives of the Enforced Disappearance Mullaithivu district, Association for Relatives of the Enforced Disappearance Jaffna, Association for Relatives of the Enforced Disappearance Batticaloa district, Association for Relatives of the Enforced Disappearance Amaparai district, Alliance internationale contre le génocide, ALLIANCE INTERNATIONALE CONTRE LE GENOCIDE DES TAMOULS, Alliance Internationale de Défense des Droits Humains, ALLIANCE INTERNATIONALE DES JOURNALISTES, Association Internationale Contre les Disparitions forcées, GLOBAL TAMIL MOUVEMENT, Gouvernement en Exil du Tamil Eelam, NGO(s) without consultative status, also share the views expressed in this statement.