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

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.

[22 August 2023]

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



Sri Lankan Colonization and Militarization of Tamil Eelam: the Case of Pallimunai

Sri Lanka has experienced a bitter 26-year-long genocidal war against Eelam Tamils. The struggle for a separate Tamil state in the north and east of the is-land was brutally defeated in 2009 by Sri Lankan government forces. More than 350 000 Eelam Tamils were massacre by Sri Lankan security forces, while more than 2 million Eelam Tamils were displaced as a result of the war. Sri Lankan security forces are alleged to have committed crimes against humanity, crimes of genocides and war crimes. In January 2015, the incumbent President, Mahinda Rajapaksa, who led the country in an authoritarian direction with an alarming human rights situation, lost the election to Maithripala Sirisena, then Gotabaya Rajapaksha was elected and after mass protest Ranil is the current President of Sri Lanka.

The new presidency continues with the previous government's authoritarian and repressive practices against Eelam Tamils. And the Situation of Human Rights for Eelam Tamils has not any change. The torture and ill-treatment of detainees, arbitrary arrest and detention, and the surveillance and harassment of Tamil civil society and Tamil journalists, occupation of Tamis land are still common in Sri Lanka. Furthermore, Eelam Tamils in Sri Lanka continue to experience dis-crimination and forced colonization by Sinhala security forces.

Since the end of the war, the Sri Lankan genocidal security forces have been oc-cupying land at gun point without following any official procedures and killing Eelam Tamils. As a consequence, the Sri Lankan occupying military is not only repressing fundamental freedoms, such as the freedom of movement, as people are not allowed to enter the occupied areas, but also arbitrarily depriving or re-stricting people of their traditional livelihood. Before being displaced, it was their access to land and water that provided Eelam Tamil with diversified and sustainable sources of income and in turn economic security. The military occu-pation of their traditional land has denied them access to both for several years, making them dependent on the support of relatives and work with irregular wages. As a result, many, especially female-headed, households are currently struggling to meet their basic needs. In the occupied land, meanwhile, the Sri Lankan genocidal military not only maintains its camps, it also runs businesses, such as resorts, restaurants and farms. These economic activities deviate far from the military's actual ambit and pressure the local communities even further by taking away market shares and, therefore, work and livelihood opportunities.

Land Acquisition Act

The government also used the Land Acquisition Act of 1950 to empower it to ac-quire lands required for public purpose. The gaps and limitations in the law pro-vide significant space for abuse. The government can identify a broad public purpose as the act itself does not clearly define the term. Thus, although the Land Acquisition Act provides a legal basis for occupation of land, the legality of the acquisition is open to challenge and judicial review in terms of the purpose and compliance with due process.

The Case of Pallimunai

In 1990, all 600 families residing in Pallimunai were displaced by the war. When some of them returned in 1991, 50 houses were being occupied by the army. After four years, the army left, but the police moved in. Following an LTTE attack on June 6, 1994, the police fenced off 2.2 acres of private land and about 2 acres of state land and established their quarters. In addition, the police demolished six houses. However, the police started paying rent to the owners of the occupied land and properties, including arrears from 1990. Although the amounts were small, this rental served to acknowledge the private ownership of these properties. The navy also operated in the region.

On April 12, 2012, three years after the war ended, the police informed the owners that they could now return to their homes. However, on the agreed date, the residents were blocked from returning by the navy, who established their presence and refused to vacate their properties. As a result the people started to live in temporary sheds set up in the land of a private individual since 1994 to 2001.

Soon after the navy occupied Pallimunai, naval officers met with the owners and Fr. Peter Manoharan (the parish priest at the time), to negotiate a monthly rent. The villagers informed the naval officers that it's not rent they need but their land back.

The villagers have filed a complaint with the Human Right Commission of Sri Lanka, and also sent multiple appeals and petitions to the district secretariat and the grama sevaka, but there has been no response. On February 11, 2013, 20 of the 23 owners (three had problems with their deeds), filed cases against the navy demanding release of their property. Instead, the state counsel offered to pay the owners 20 million rupees to be shared among them if they dropped the case. The petitioners refused. Since 2013, the elderly complainants have been to court more than 25 times. Later, the people say, the lands were taken by the government.

The 37th day of the case was set for June 8, 2021, and due to the closures due to the pandemic, the trial date was set for September 28, 2021. Earlier it was stated through the court that the authorities will take a decision to release the lands belonging to the wildlife department and distribute them among the 23 families as alternative lands. The wildlife department had asked for a period of six months to consider the matter. Later, it was informed that the wildlife department is unable to provide land for this purpose.

Earlier, the Divisional Secretary had discussed that alternative land would be given from Mandai area, but the discussion of giving land from Mandai area was stopped after the wildlife department mentioned about giving alternative land. People are impatiently waiting for the court to give a decision in this regard.

Latest Information:

Among the 23 aggrieved families and among the 19 related to the case, 07 families have been given alternative land so far and the remaining 12 families have expressed their willingness to receive compensation for land and houses. A process is going on to calculate the economic loss and compensation due to those people since 1990. In particular, the loss of income from the coconut trees on their land; the loss of their land; the loss of money due to having to live in rented accommodation; etc. It was also mentioned that people would lead an advanced life if such a disaster had not happened.

Key Demands

For the immediate release of the 23 privately owned houses still under the occupation of the Navy and removal of the security forces from all civilian areas

For rent, in accordance with current rental scales, including all arrears to date, to be paid to all house owners

For proportionate compensation to be paid to those whose houses were demolished by the police and navy respectively, whilst under occupation

For compensation to be paid for the loss of income as a result of limited access to the sea and the sale of produce grown in their lands

As the people have long faced difficulty and challenges in obtaining their lands, they should be paid compensation through the cases now being heard

The villagers will accept the alternate lands subject to the following conditions:

- The lands should be suitable for fishing
- It should have basic facilities such as schools and hospital and easy access to transport services

- Should be able to live with their relatives

Recommendation to Human rights Council Members

- 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. Also the Eelam Tamils of the North East must be given access to their residential and agricultural lands to engage in economic and livelihood activities
- 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. 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.

GLOBAL TAMIL MOUVEMENT, ADVOCATES FOR JUSTICE AND HUMAN RIGHTS, Association for Independence of Judges and Lawyers, Réseau International pour les Droits de l'Homme et de l'Etat de Droit, COORDINATION INTERNATIONALE DES DROITS DE L'HOMME, ASSOCIATION POUR LA DEFENSE DES DROITS DES CITOYENS - A.D.D.C., Association Humaniste de France, LE CONSEIL INTERNATIONAL POUR LES DROITS DE L'HOMME, INTERNATIONAL CENTRE FOR RIGHT TO SELF DETERMINATION, ASSOCIATION INTERNATIONALE DES JOURNALISTES INDEPENDANTS, ASSOCIATION FEMMES DE LA MEDIATION, COALITION OF WORLD TAMIL ORGANIZATIONS, CONSEIL NATIONAL DES DROITS DE L'HOMME ET DU CITOYEN, ASSOCIATION SOLIDARITE SANS FRONTIERE ET D'EDUCATION, World Tamil Parliamentarians Association, ACTIONS ECOLOGIQUES FRANÇAISES, ACTIONS POUR LA PROTECTION ET LA DEFENSE DES DROITS DE L'HOMME, LIGUE EUROPEENNE POUR LA PROTECTION DES DROITS DE L'HOMME, Federation of Global Tamil Organizations, ACTION DE LA JEUNESSE POUR LE DÉVELOPPEMENT DURABLE, NGO(s) without consultative status, also share the views expressed in this statement.