



# General Assembly

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## Human Rights Council

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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 Association Thendral, 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.

[7 February 2022]

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\* Issued as received, in the language of submission only. The views expressed in the present document do not necessarily reflect the views of the United Nations or its officials.



## **Genocide of Tamils in Sri Lanka**

International intervention is urgently needed to stop genocide of Tamils in Sri Lanka. The Sri Lankan government's persistent use of indiscriminate force in 2008 and 2009 has displaced or killed Tamil civilians in the Vanni region.

Relentless shelling and aerial bombardment of places, including the safety zones announced by the government, have continued. Up to the middle of May 2009 more than 70 000 civilians, including many pregnant women, children and elders, were killed and over 50,000 were wounded, and 146700 Eelam Tamils are unaccounted.

On 17 February 2009, an UNICEF officer saw babies with shrapnel and blast wounds and gunshot injuries. Hospitals have been attacked and medical personnel, sick and the wounded have been killed.

According to the ICRC, the Mullaitivu and Puthukudiyiruppu hospitals were targeted repeatedly by the Sri Lankan security forces.

### **Genocidal Intent**

The intent of the Sri Lankan government to destroy, in whole or in part, the Eelam Tamils in Sri Lanka, is clear from several categories of evidence:

- 1) Documentary evidence including court case documents;
- 2) Legal inference based upon the systematic perpetration of culpable acts directed against the Tamils;
- 3) Testimony of witnesses who survived genocidal attacks;
- 4) Government's unwillingness to investigate grave violations against the Tamils, including mass graves;
- 5) Introduction of laws to facilitate genocide.

Genocidal Actions In Sri Lanka physical violence has been perpetrated against the Tamils since 1956. The Tamil community has been systematically targeted. The violence directed against the Tamil community with increasing ferocity has included the categories listed in the Genocide Convention. Acts of violence by State security forces have included the following:

- a) Massacres and extra-judicial executions
- b) Disappearances
- c) Torture
- d) Rape
- e) Illegal detention

International legal precedent (from the International Criminal Tribunals for Rwanda and the former Yugoslavia) holds that genocidal intent can be inferred from the context of the perpetration of culpable acts when they are systematically directed against a group.

The Rwandan tribunal has said that it is possible to deduce the genocidal intent inherent in a particular act charged from the general context of the perpetration of other culpable acts systematically directed against that same group, whether these acts were committed by the same offender or by others.

Other factors, such as the scale of atrocities committed, their general nature, in a region or a country, or furthermore, the fact of deliberately and systematically targeting victims on account of their membership of a particular group, while excluding the members of other groups, can enable the inference of the genocidal intent of a particular act.

The Yugoslavia tribunal has said that intent may be inferred from a number of facts such as the general political doctrine which gave rise to the genocidal acts or the repetition of

destructive and discriminatory acts. The intent may also be inferred from the perpetration of acts which violate the very foundation of the group. The tribunal found that the intent derives from the combined effect of speeches or projects laying the groundwork for and justifying the acts, from the massive scale of their destructive effect and from their specific nature, which aims at undermining what is considered to be the foundation of the group.

### **Genocidal Actions**

- Rendering a million Tamils stateless in 1948 and their disenfranchisement in 1949 by legislative measures
- Periodic violence from 1956 and island-wide genocidal massacres targeting the Tamil community
- Security force massacres of the Tamil community in north-east Sri Lanka
- Massacre of Tamils in government custody, including prisons and other detention centres
- The introduction of the draconian legislation and their use exclusively against Tamils
- The use of paramilitary forces and militias by security forces for violations against Tamils
- Mass round-up of Tamils by security forces
- Detention without charge or trial for long periods
- Disappearance of thousands of Tamils following arrest by the security forces
- Abduction and disappearance of Tamils
- Rape of Tamil women by security forces
- Destruction of Tamil villages, homes, hospitals and crops
- Destruction of places of worship and cultural centres
- Prevention of supply of food, medicines and other essential needs to the Tamil population

The genocidal actions of the Sri Lankan State have resulted in the deaths of more than 80,000 Tamils, forced nearly a million Tamils to flee the country and internally displaced 800,000 Tamils.

### **Violation of international humanitarian law**

High-level [Sri Lankan government] officials assert that the ethnic Tamil population trapped in the war zone can be presumed to be siding with the LTTE and treated as combatants, effectively sanctioning violations. Sri Lankan forces have repeatedly and indiscriminately shelled areas packed with displaced persons, causing numerous civilian casualties. This includes numerous reported bombardments of a government declared “safe zone” and of the remaining hospitals in the region. Concerns of indiscriminate attacks by SLA forces are heightened by reports that they are using multi-barrel rocket launchers. Rockets fired from multi-barrel launchers cannot be targeted with sufficient precision to be accurate against military targets, and their broad area effect makes their use incompatible with the laws of war in areas where civilians or civilian objects (such as schools and hospitals) are located.

Puthukkudiyiruppu Hospital : At least nine people were killed and at least 20 others injured as a result of the first three shillings. The hospital sustained direct hits three times in less than eight hours...On Monday evening at 6.40 p.m., the hospital was hit a fourth time. When it was hit the third time, more than 800 people, including 500 in-patients, were sheltering in the hospital...This is unacceptable.

Wounded and sick people, medical personnel and medical facilities are all protected under international humanitarian law.

### **Attack in the safe zone**

On 4th March 2009 artillery shelling, multi-barrel firing and mortar and cannon firing were aimed on the Mathalan makeshift hospital area from 5.15 in the morning till evening. Thirteen civilians were killed and 58 were seriously injured. During this time, shell attacks were made on Mathalan, Ambalavanpokkanai and Valaignarmadam areas which caused the death of 44 civilians and injured 46 persons. 4th Wednesday alone, 68 civilians including children were killed and 126 were injured. The number of dead increased as not enough medicines have been sent to Mullaitivu hospital and the injured could not be saved with the limited facilities in the Vanni makeshift hospitals. Dr. T. Varadhrajah, Regional Director of Health Services, Mullaitivu, Sri Lanka, 5 March 2009

### **Recommendations**

We call upon the UNHRC members, other affiliated UN agencies and member of states to adopt following measures to protect the TAMIL NATION :

- a. Recognize the genocide resolution passed unanimously in the Northern Provincial Council of Sri Lanka on 10th February in 2015.
- b. Direct appropriate measures at the International Criminal Court outlining that the affected Tamil Nation have no faith in any domestic commission or inquiry.
- c. 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 Nation.
- d. We need to have a special session at the Human Rights Council on Sri Lanka for refer Sri Lanka to the International Criminal Court by the security council.
- e. The referral of the situation in Sri Lanka to the International Criminal Court with the respect of genocide, crimes against humanity and war crimes, and legal action against Sri Lanka.

### **To the Special rapporteurs and treaty bodies experts.**

- Please help us to ensure to human rights defenders in Sri Lanka to carry out their legitimate works in safe and enabling environment without fear of threats, acts of intimidation or reprisals to the witnesses and their families seeking truth and justice and not to failed to prosecute wrongdoers.
- It is well known that the victims of Genocide in Sri Lanka are Tamils in the hands of Sinhala Government and its security Forces. However, the Victims of Genocide, War Crimes, and other Crimes against Humanity, naming words, Tamils has been consciously, omitted and never mentioned in any of the Resolutions of HRG and other UN reports.
- We therefor request your to investigate this omission and to mention the appropriate word of "TAMILS (name of the ethnic group)" wherever it's needful.

### **To UNSG Advisers**

#### **To UN Special-Adviser on the Prevention of Genocide Mme Wairimu Nderitu**

We urge you to highlight the importance of reparations for victims of Sri Lankan Genocidal Army's atrocities and encourage the Government of Sri Lanka to expedite the passing of the draft Reparations Bill.

We request your Office to consider writing a report on the nexus between the non-repetition of genocide and reparations to have a panel of discussion with Eelam Tamils Victim of Genocide in Sri Lanka.

**To Special Adviser of the Secretary-General on R2P**

We kindly urge to recognize the failure of United Nations to prevent Tamils from Genocide and now take the Responsibility to propose appropriate measures in order to protect Tamils from ongoing Genocide.

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AMIL RIGHTS ACTION FORUM, World Tamil Parliamentarians Association, WORLD WOMEN SOLIDARITY ASSOCIATION, NGO(s) without consultative status, also share the views expressed in this statement.