

Submission to the UN Universal Periodic Review

By

British Tamils Forum

Sri Lanka - April 2012

Introduction

British Tamils Forum is an organisation that represents the Tamil people living in the United Kingdom, most of whom were displaced from the island of Sri Lanka due to continued violence and discrimination against them by successive Sinhala governments. The Sinhalese assumed control of the entire island including the Tamil people's own Homeland in the North & East of the island, in 1948, when Britain left the island having merged the independent Tamil and Sinhala kingdoms during their rule. Ever since the Sinhalese assumed control over the whole island, they have been persecuting the Tamils and systematically destroying the demography of their traditional homeland. The Tamil people have been fighting against this injustice since 1948 through non-violent methods for nearly 30 years to no avail. The Sri Lankan state unleashed state terror and repeated pogroms against the Tamil people in which they were massacred in thousands and their properties looted or set ablaze. The consequent exodus of Tamils from the island resulted in many of them taking refuge in various countries around the world including Britain. The state violence saw the emergence of a military response in the form of the Liberation Tigers of Tamil Eelam (LTTE) who fought to reinstate the lost independence of the Tamil people. The LTTE held vast territories of the Tamil Homeland and were running a de facto government. Since the 9/11 attack by the Al-Qaida on the USA, the LTTE being a non-state actor, was unjustly designated as a terrorist organisation by the USA and banned. Many allies of the USA also followed suit. The Sinhala Sri Lankan state used the opportunity to wage an all-out war against the de facto state of the Tamils, in the pretext of fighting "terrorism." The war culminated in the massacre of more than 40,000 innocent Tamil civilians during the last few days and a total of nearly 147,000 remaining unaccounted for since October 2008. The March 2011 report of the UN panel of experts surmised that there was credible evidence to indicate, war crimes and crimes against humanity having been committed during the war, necessitating an independent inquiry. The Sri Lankan regime has been defying calls for such an inquiry claiming that there were "zero civilian casualties". Following the military victory it had gone on to deploy its armed forces in large numbers to occupy the Tamil people's homeland.

Since the end of the war in May 2009, the International community has been expecting the dawn of peace and reconciliation between the Tamil and Sinhala ethnic communities in the island of Sri Lanka. On the contrary, the Sinhala Sri Lankan state has resumed its programme of decimating the Tamil people's homeland at an aggressive pace. With no forces to resist, the Sri Lankan regime has deployed its all Sinhala military in the Tamil peoples Homeland terrorising the population.

This submission focusses on three major issues faced by the Tamil people in their Traditional homeland, the North & East region in the island of Sri Lanka, which is now occupied by the Sinhala armed forces.

1. Militarisation
2. Sinhalsation / Buddhistisation
3. Land Grab

Militarisation in Sri Lanka

The Sri Lankan military which is 99.99% Sinhalese, is now occupying the entire Tamils' homeland at a ratio of 1 military person to 10 civilians. The military's increasing control of administrative decisions in the north and east, including distribution and use of land, has turned the issue of land ownership into a deeply politicized and ethnically-charged one. Administrative and developmental decisions in North & East of Sri Lanka are frequently taken by the military in consultation with the Presidential Task Force for Resettlement, Development and Security (PTF). The military is involved in various committees set up in accordance with the September 2011 government policy regarding land in the North & East. Furthermore, the military continues to impose restrictions on humanitarian, developmental and psychiatric social work, accentuating existing resentment and impeding return to normal civilian life. The presence of large numbers of alien army personnel, particularly in the north, has increased the vulnerability of women to violence and other forms of abuse.¹

Sri Lanka was South Asian region's highest military spender for 2011 with its military expenditure at 3% of Gross Domestic Product (GDP).² In the North/East, civilian lands are being appropriated to build new bases for the forces and cantonments for their families. According to parliamentarian M. A. Sumathiran, "out of a total land mass of 65,619 sq km, Tamil people

¹ Chatham House, Asia Programme Paper ASP PP 2011/05, Sri Lanka: Prospects for Reform and Reconciliation, Charu Lata Hogg, October 2011.

² <http://www.ceylontoday.lk/27-4805-news-detail-sl-highest-military-spender-in-s-asia.html> [Accessed 20 April 2012]

inhabited 18,880 sq km of land in the North and East, but after May 2009, the defence forces have occupied more than 7,000 sq km of land owned by Tamil people. There is one member of the armed forces for approximately every ten civilians in the Jaffna Peninsula. The heavy presence of the military continues to be the most serious concern in the North and East."³

The military is involved even in selling vegetables and running roadside tea boutiques, threatening the livelihoods of local people who rely on these activities as their sole source of livelihood. The Tamil farmers have no choice but to “sell” their produce to the military at prices dictated at gun point which they sell on at knock down prices in the military run stores killing off competition from civilian shopkeepers.

While domineering over the civilian life the military is also implicated in terrorising the community through intimidation, rape, abduction and enforced disappearances. In 2011 there has been a spate of attacks on women by mystery men described as “grease devils” who when given chase by local people had run into nearby military camps. The people have then been attacked by the military for daring to challenge them. ⁴

The omnipotent and omnipresent military intrudes into every aspect of Tamil-life. Not only must the army be informed about visitors. “Any family gathering to celebrate the birth or naming of a child, attainment of puberty of a girl, a wedding or even a death, requires prior permission. The army must be informed even of community activities such as sports meets. In a recent incident in Chavakachcheri [Northern part of Sri Lanka], youth participating in a football match were brutally assaulted by the army as they had played on a field without the permission of the army. It is common to see the presence of soldiers in all civilian activities including village, temple or church meetings”⁵

Demilitarization of the North and East is a vital point of the Report of the Lessons Learnt and Reconciliation Commission [LLRC]. It is notable that during the UPR in May 2008, following recommendation of Belgium was accepted by the GoSL delegation. “*Take the measures necessary to ensure the return and restitution of housing and lands in conformity with international*

³ http://www.island.lk/index.php?page_cat=article-details&page=article-details&code_title=38085 [Accessed on the 13 April 2012]

⁴ <http://groundviews.org/2011/08/25/jaffna-brutal-assault-of-civilians-in-navanthurai/>

⁵ <http://transcurrents.com/news-views/archives/5513> [Accessed on the 4 April 2012]

standards for internally displaced persons.⁶ However, there were no significant efforts taken to promote and protect human rights by GoSL.

A report of the Center for Policy Alternatives noted that “thus the military’s move to acquire new land and further expand their presence has resulted in a situation where individuals are returning to find their lands occupied by the military.”⁷ In another occasion, a report produced by the Social Architects said, “militarization is an effective tool used by the State to gain and maintain both government and Sinhala monopoly of various aspects of day to day life, including the provision of services by civil administration, economic activities and civic activities in Tamil majority areas. It also helps create and maintain a sense of fear within the Tamil community”.⁸

In the north in particular, the military monitors civilians, decides policies and controls many aspects of peoples’ lives. Community workers report that the level of military scrutiny in northern Sri Lanka is so high that civilians have to seek permission even to hold religious or other personal gatherings. In some instances, rights activists in the north-east say the military is known to attend private functions and take pictures of people attending in order to gather intelligence.⁹ In addition, grassroots level organizations in the Vanni region, where the last phase of the war took place state that SLAF is in the process of “dumping the war crimes evidences”. Also, they are taking Sinhala soldiers’ families on tour to those areas, while Tamils who were from those areas are denied entry. The military mood of the government is clearly visible in its announcement in the 2012 budget in which the government proposed a Rs. 100,000 grant to every third child born to a security personnel (which are 99.99% Sinhalese) in Sri Lanka. A similar grant was already provided for army soldiers (which are 99% Sinhalese) in the 2011 budget (Haviland.C, 2011).

Sinhalisation / Buddhistisation

Soon after war came to an end, Sri Lanka's Buddhist nationalist party Jathika Hela Urumaya [JHU], which backs the Sri Lankan government, said that “each road in the liberated areas in the North should be named for the war heroes who sacrificed their lives for the nation's liberty”.¹⁰

⁶ <http://upr-epu.com/ENG/country.php?id=58> [Accessed 13 April 2012]

⁷ Land in the Northern Province – Post-War Politics, Policy and Practices, *Center for Policy alternative*, December 2011

⁸ http://www.scribd.com/fullscreen/86205026-Salt-on-Old-Wounds-by-TSA-The-Systematic-Sinhalization-of-Sri-Lanka-s-North-East-and-Hill-Country?access_key=key-3szuxcd2ta360nmtijl

⁹ Chatham House, Asia Programme Paper ASP PP 2011/05, Sri Lanka: Prospects for Reform and Reconciliation, Charu Lata Hogg, October 2011.

¹⁰ http://www.colombopage.com/archive_091/May1242654127RA.html [Accessed 27 March 2012]

The Sri Lankan state has changed Tamil street names to Sinhala names as well as has built a number of Buddhist temples across the length and breadth of the Tamil people's homeland since May 2009, in areas where there are no Buddhists. These temples are built purely for the purpose of destroying the heritage of the Tamil people who are non-Buddhists.

Land grab

The Tamil people who have been displaced a number of times have been denied their right to return to their original places of abode by the Sri Lankan state for a number of reasons.

1. Their land taken over and given to a Sinhala farmer or in case of a coastal village to a Sinhala fisherman
2. Their land taken over for the construction of military base
3. Their land has been designated as high security zone
4. Land taken over to build housing for the Sinhala families of the occupying military

Conclusion

The accelerated moves of state sponsored colonization and militarization are interconnected to the last phase of the war, which ended with serious violations of International Humanitarian Law and gross violations of International Human Rights Law.¹¹ Therefore, it is vital to establish an international independent investigation into last phase of the war, in order to prevent the annihilation of the Tamil people and to begin genuine reconciliation efforts. Voluntary returning to their traditional habitats is a crucial step to build confidence and trust on the GoSL and co-existing community in the island nations.

Recommendations

1. To include the High Commissioner for Human Rights to allow international monitoring of the human rights situation and for the establishment of a field office of the OHCHR in Sri Lanka
2. Urge the GoSL to stop ongoing state sponsored colonization and militarization and seek strong clarification on the matter as it's hardening the steps to start genuine reconciliation process.
3. Take adequate measures to establish an international independent investigation mechanism.

¹¹ <http://groundviews.org/2011/09/12/human-rights-in-sri-lanka-impunity-against-accountability-and-justice/> [Accessed 13 April 2012]