

Universal Periodic Review (UPR) by NGOs,
Office of the High Commissioner for Human Rights (OHCHR)

Manitham is an NGO concerned with Human Rights issues affecting citizens of India and campaigning for human rights and freedom of expression is interested in the welfare of the 3 million Tamils who are ill-treated living in Sri Lanka.. Manitham is based in Chennai, Tamil Nadu, India. The list of Office bearers are :

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Herewith we are attaching our UPR submission on Sri Lanka under the head :
"Suppression of the Tamil People and their Rights, including the right to self-determination"

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Suppression of the Tamil People and their Rights, including the right to self-determination.

BACKGROUND

"Two different nations, from a very ancient period, have divided between them the possession of the Island: the Sinhalese inhabiting the interior in its Southern and western parts from the river Wallouwe to Chilaw, and the Malabars (Tamils) who possess the Northern and Eastern Districts. These two nations differ entirely in their religion, language and manners." - *Sir Hugh Cleghorn, British Colonial Secretary, June 1879*

"As to the qualification required in the knowledge of the native languages, the Portuguese and Sinhalese only being mentioned excludes one which is fully necessary in the Northern Districts as the Sinhalese in the South. I mean the Tamil language, commonly called the Malabar language, which with a mixture of Portuguese in use through all the provinces is the proper native tongue of the inhabitants from Puttalam to Batticaloa northward inclusive of both these districts.. Your Lordship will therefore, I hope have no objection to my putting Tamil on an equal footing of encouragement with the Sinhalese" - *Sir Robert Brownrigg, Governor of Ceylon, 1813 Dispatch to the British Colonial Secretary of State, Reported in the Tribune, 12 January 1956*

The island of Sri Lanka has historically been divided into two territories. In the South there were one or more Sinhalese Kingdoms and in the Northeast the Tamil Kingdom. These Kingdoms co-existed peacefully till they were conquered by foreign colonial powers like Portuguese, Dutch and British in that order.

The Tamil people of the island of Ceylon (now called Sri Lanka) constitute a distinct nation. They form a social entity, with their own history, traditions, culture, language and traditional homeland. The Tamil people call their nation Tamil Eelam.

60 YEARS OF INDEPENDENCE FOR SINHALESE BUT SLAVERY FOR TAMILS

1. Sri Lanka celebrated its 60th Independence Day on February 4th which coincided with Tamils losing their basic rights and freedom to the Sinhalese majority exactly 60 years ago.
2. Not surprisingly, while Sinhalese celebrate their independence Tamils observed February 4th as a black day at home and in Diaspora.
3. Sixty (60) years of oppression of Tamils forced almost a million Tamil people to flee Sri Lanka and live in Diaspora LIKE Canada, America, Australia, Europe, India and many other countries in the world. About half a million Tamil people are internally displaced and live in temporary shelters with limited access to food, medicine, healthcare, education in Northeast of Sri Lanka.
4. Sri Lanka obtained independence in 1948, when the British handed power to the majority Sinhalese and left the Tamils' fate in the hands of the Sinhalese. Since then all successive Sinhalese governments have gradually and systematically reduced Tamils to second-class citizens in their country of birth.
5. The enactment of a myriad of discriminatory and racially motivated legislative acts since independence (1948) has made Tamils second class citizens.
6. In the very first year of independence, a million strong Tamils of Indian origin were deprived of their citizenship and franchise rights.
7. In 1956, 'Sinhala Only Act of 1956 was enacted by the late S.W.R.D. Bandaranayake making Sinhala the only official language. Tamil was relegated to "Reasonable Use Only" status.
8. During the 1970 s university admissions were standardized in terms of Universities Act No.16 of 1978. This Act effectively shut the door to Tamil students aspiring for university education. The cut-off marks for entry into Universities was reduced for Sinhalese students and increased for Tamil students.
9. During this period, several pacts signed between Tamils and Sinhalese were un-ceremoniously torn off by Sinhalese politicians. The 1957 Bandaranayake-Chelvanayakam Pact was abrogated due to opposition by Buddhist monks and the main opposition United National party led by J.R. Jayewardene.
10. In 1965, Dudley Senanayake, Prime Minister and S.J.V. Chelvanayakam leader of the Federal Party signed a pact popularly known as the D-C Pact, which was never implemented and was abrogated in 1969.

11. A new Constitution drafted and adopted in 1972 removed the only constitutional safeguard for the minority communities incorporated in the Soulbury constitution.
12. The 13th Amendment effected following the Indo-Sri Lanka Agreement signed in 1987 became dysfunctional in the Northeast – the very province it was meant to serve.
13. The legitimate liberation struggle of Tamils in Sri Lanka is being manipulated by the Sri Lankan government as part of 'Global War on Terror' and brand the LTTE and LTTE supporters as "terrorists."
14. Unfortunately, labeling of the LTTE as a terrorist organization by Canada, US, EU and others have embolden the Government of Sri Lanka (GoSL) to declare war on Tamil people under the guise of fighting "Terrorism."
15. LTTE has been fighting for the self determination right of the Tamil people in Sri Lanka. One cannot equate the international terrorism and the Tamil people's liberation struggle. LTTE has been fighting to ensure the self-determination rights of Tamil people in terms of Convention on International Human Rights. This is not terrorism.
16. Sri Lanka is being governed by use of emergency laws almost continuously since 1983 and the Tamils have borne the brunt of worst forms of human rights abuses like abductions for ransoms, disappearances, extra-judicial killings, shelling, bombing, cordon and search arrests, torture, ethnic cleansing, sexual harassments and physical attacks.
17. The GoSL under President Mahinda Rajapakse is relentlessly pursuing the military option despite pleas by the international community that there is no military solution to a political problem. The abrogation of CFA (Ceasefire Agreement) has plunged the country into a full scale war. Sinhala racism – the claim the Sinhalese – Buddhists – are chosen people of Buddha - is the underlying cause of the ethnic conflict.
18. For three decades the Tamil people worked towards equal rights through the process of non-violent demonstrations, as taught by Mahatma Gandhi and other ambassadors of peace. But their nonviolence was directly answered with military force by Sinhalese dominated regimes.
19. Successive Sinhalese dominated governments organised anti-Tamil riots on a regular basis in an attempt to subdue the Tamil's struggle for equal rights. These state sponsored riots took place in 1956, 1958, 1977, 1979, 1981 and 1983. In 1983 the government organised a massive anti-Tamil pogrom that finally ended in having an ethnically divided country. Over 3,000 innocent Tamil civilians died at the hands of government aided and abetted Sinhalese mobs, for no other crime than belonging to the Tamil race.
20. Since the nineteen eighties over 80,000 Tamil civilians have been murdered by the Sri Lanka's armed forces. Scores of Tamil cities and villages have been reduced to dust and rubble through constant shelling and aerial bombardment.

21. In February 2002 the LTTE and the GoSL signed a CFA leading to peace talks. The peace efforts, with Norwegian facilitation and with the blessings of the international community, took place in the capitals of various countries from Oslo to Tokyo.
22. Like all previous Sinhala regimes, the Wickremasinghe regime dragged time without implementing the clauses in the CFA and the agreements reached at the talks. The armed forces failed to move out of people's homes, schools and hospitals and instead declared these vast areas of land as High Security Zones (HSZs) out of bounds for Tamil people. The sub-committee for De-escalation and Normalization became dysfunctional. The sub-committee created to solve immediate humanitarian needs of the people also became defunct due to planned sabotage by the government.
23. The Sinhala government has imprisoned the Tamils in their own land after closing its main A9 supply route. Having removed their freedom by restricting their movement and constrained their lives, it is inflicting great suffering on them. It has split the Tamil homeland, set up military camps, bound it with barbed wire, and has converted it into a site of collective torture.
24. Thousands of Tamils mostly in the east have been forced out their homes and are languishing with disease and hunger in refugee camps. More than 4,000 families in around Sampur have been driven out of their homes to create High Security Zones.
25. The Sinhala government has unleashed a two pronged war, military and economic, on the Tamil people. Tamil people are subjected to unprecedented assaults. Arrests, imprisonment, and torture, rape and sexual harassment, murders, disappearance, shelling, aerial bombing, and military offensives are continuing unchecked. At the same time our people are subjected to an inhuman economic embargo on essential items including food and medicine.
26. A government that denies food and medicine to the Tamil people and shows no compassion cannot be expected to give them their political rights.
27. Globalization and monumental growth in knowledge is taking humanity into new frontiers. Ideas, views and philosophies are changing in tandem is resulting in changes in society. Yet, within the Sinhala nation is refusing to broaden its thinking and take a new approach. The Sinhala nation remains mislead by the mythical ideology of the Mahavamsa and remains trapped in the chauvinistic sentiments thus created. Unable to free itself from this mindset, it has adopted Sinhala - Buddhist chauvinistic notions as its dominant national philosophy. This notion is spread in its schools, universities and even its media.
28. The domination of this Sinhala Buddhist chauvinism is preventing its students, intellectuals, and writers from stepping out of and thinking free from its domination. This, unfortunately, is preventing the Sinhala nation from undertaking a genuine attempt at resolving the Tamil national question in a civilized manner.

29. Each time the government changed, the dove of peace moved from one cage to another but it was never able to fly freely. Stabbed many times, the dove is now struggling for its life.
30. When the LTTE submitted its proposal for an Interim Self Governing Authority (ISGA), President Chandrika Kumaratunge government took over the reins of power citing threat to national security. The Kumaratunga regime failed to implement even the Joint Mechanism (PTOMS) agreement signed by her regime for tsunami rehabilitation. The Supreme Court, unable to step outside the Sinhala chauvinistic notions, rejected this purely humanitarian focused agreement citing the unitary constitution.
31. After 6 years of fruitless talks failed to change the mindset of the majority Sinhalese. The CFA failed to deliver dividends of much promised peace to the Tamil people. A just and reasonable solution to the national question remains as distant as before. And on January 16, 2008 the GoSL mindlessly and unceremoniously buried the CFA. Since the abrogation of the CFA at the instance of the Jathika Vimukthi Peramuna (JVP), the floodgates have been opened. The country is now witnessing a full-scale war (Eelam War IV) has broken out between the LTTE and GoSL.
32. The Rajapakse regime now hopes to decide the fate of the Tamil nation using its military power. It wants to occupy the Tamil land and then force a dictated peace to the Tamil people. Towards this goal, it has escalated attacks from land to sea and air. It has given a free hand to the paramilitary groups to kill at will. It has captured the east driving out several thousands of Tamils from their homes. It is using heavy firepower and launched large scale offensives to bring Tamil lands under its control.
33. The political accommodations and trust building necessary to generate an acceptable political solution do not fit well with prosecuting the war against the LTTE to a finish.
34. The Rajapakse regime, while perpetuating genocide of the Tamils, is portraying the legitimate struggle of the Tamil people as terrorism.
35. To improve his posturing as a peace dove, President Rajapakse staged a deceptive 'All Party Representative Committee'. The Sinhala leaders have practiced this infamous political tradition of initiating commissions of inquiry, parliamentary select committees, all party conferences, or round tables to procrastinate whenever it is unable to face up to a situation and wants to drag time until attention is diverted. Finally on the orders of President Rajapakse the APRC proposed the full implementation of the 13th amendment which is already there in the constitution. This tantamount to prescribing aspirin for 20 years old terminal cancer.
36. It is now crystal clear that the Sinhala leaders will never put forward a just resolution to the Tamil national question.
37. The uncompromising stance of Sinhala chauvinism has left the Tamil people with no other option but an independent state for the people of Tamil Eelam based on the right to self-determination.

A list of showing glaring human rights violations committed by the GoSL is annexed (Annexure 1) to this submission.

ANNEXURE 1

- (1) On July 09, 1995 St. Peter's Church, St. Peter's School and the adjoining residential houses were bombed by Sri Lankan air-force fighter planes during operation "Leap Forward". The bombing took place on the very first day of the military offensive and 3 miles away from the theatre of war. One hundred and twenty four (124) people were killed in the mindless bombing, including 65 women and children some less than 6 years of age. The tragedy is all the more weird when it was the Sri Lankan army that exhorted the people to take refuge in churches and schools.
- (2) On 22 September, 1995 Nagarkovil Central School in the Jaffna peninsula was bombed during school's lunch break by Pucara planes killing 25 school children and 15 Tamil civilians on the spot. Of the 25 children 12 were between 6-7 year olds. Nearly 200 others were injured, most of them students of the same school. Elsewhere in the area, 15 other civilians were also killed in the course of the bombing raids. The scene of the attack was visited by the ICRC. Pieces of human flesh were strewn around the area including tree branches, making identification impossible. The total death toll later increased to 71.
- (3) On October 01, 1995 8 people were killed and 5 houses destroyed in Mannar when the SLAF planes bombed the area.

- (4) On October 02, 1995 6 people killed and another 55 seriously wounded by Artillery Shelling at Valkamam when SLA fired artillery shells in the Valkamam area.
- (5) On October 04, 1995 16 Tamil civilians killed and more than 60 wounded in the Jaffna district. At least 8 Tamil civilians were killed and 30 seriously wounded by artillery shelling from SLA camp in Thenmaratchi. Another six killed in Valikamam and other two people killed and more than 30 wounded in Vadamaratchi. On October 05, 1995 eight Tamil civilians were killed and many houses destroyed at Thenmaratchi. Many Tamil houses were looted and artillery fire continued to rain down on the 4th day of Military operation "Thunder" in the Thenmaratchi area.
- (6) On October 13, 1995 two Tamil civilians were killed by artillery shelling in Vadamaratchi when the SLA fired artillery shells in the Vadamaratchi area.
- (7) On October 19, 1995 fifty-four Tamil civilians killed and several others wounded by aerial bombing and artillery shells fired by the SLA in the Jaffna district. 20 of those were killed in Valikamam and another 15 in Inuvil.
- (8) On October 27, 1995 twenty-five Tamil civilians were killed 23 wounded at Ariyalai by repeated aerial strikes by Supersonic planes! A couple married 3 months just 3 months before among those killed.
- (9) On September 7, 1996, soldiers and police raped and murdered of Krishanthi Kumaraswamy, murdered her mother Rasamma Kumaraswamy, brother Kumaraswamy Pranavan and neighbour Kirupamoorthi respectively in Chemmani, Jaffna Although crimes like rape and murder committed by men in uniform against unarmed and defenseless Tamil civilians were common during the Northeast war, the rapists and killers of Krishanthi displayed naked barbarism that surpassed all previous crimes. On October 03, 1996 Rajani Velayuthapillai, aged 23 years was detained by the SLA personnel at Kondavil military check-post on her way back from Maanippai. She was gang raped by soldiers on duty and her body dumped in a pit of an abandoned lavatory near the Kondavil military check-post.
- (10) On November, 1996 Thenuka Selvarajah, a 5th grade student at Atchuvally Mahavidyalayam, was abducted and gang raped by army personnel attached to Puttur army camp. Fortunately, the sexually abused and psychologically tormented child escaped her abductors to tell her story to the school principal.
- (11) On May 17, 1997 Mrs. Murugesapillai Koneswary, mother of 4 children, of Central Camp, Amparai District was raped and killed by an unknown number of armed men in uniform at her home. The soldiers exploded a hand grenade placing it on her private part apparently to destroy all evidence of gang rape.
- (12) On March 17, 1997 Velan Rasammah (38) a widow and her sister Nalliah Dharshini (28) were raped by four army soldiers at Thannamunai, a village 6 km north of Batticaloa.

- (13) On March 22, 1997 the police opened fire at a middle-aged couple in Batticaloa. Mrs. Mervyn Ockerz (52) who was shot in the head died on the spot. Her husband Kingsley Ockerz (55) was seriously wounded.
- (14) On April 1999, Thambaiyah Suntharalingam, 23, was arrested and taken into custody by the army at Navatkuda. The Batticaloa JMO who examined Suntharalingam on July 12, 1999 said in his report submitted to the court on August 02, that the youth had been beaten up severely and hung upside down and that his head had been covered with a plastic bag containing petrol and chilli powder during his detention at the military intelligence camp located in the former tooth powder factory building at Lake Road 2 in Batticaloa town. The DMO also stated in his report that the youth's head had been banged repeatedly on a wall for ten days while he was held at the camp of the Counter Subversive Unit (CSU) in Batticaloa town and that as a result his eardrums had burst and bled severely.
- (15) On July 13, 1999 Sithamparapillai Kananayakam, 27, of Kokkaddicholai, 16 kilometres southwest of Batticaloa, was arrested by the army while he was visiting relatives in Kallady, a suburb of Batticaloa town. He too was detained at the same military intelligence camp and later at the CSU camp. He was then transferred to Batticaloa and Kalutara prisons.
- (16) The Assistant JMO for Colombo Dr.S.Sivasubramaniam who examined Kananayakam on December 15, 1999 states in his report to the court that the youth had been beaten up severely with wires and plastic pipes and his head had been covered with a plastic bag containing petrol fumes and chilli powder and that his head had also been repeatedly submerged into water and held until he choked.
- (17) On December 28, 1999 Sarathamabal, 29, was gang-raped and murdered in Punguduthivu in Jaffna by Sri Lanka Navy personnel. The CID last week said that there was no evidence to continue the case.
- (18) On 12 July 1999 a young woman, Ida Kamaleeta, 21, was raped and murdered in Pallimunai, a suburb of Mannar town by SLA soldiers. Seven soldiers were accused and the case is still pending.
- (19) On March 9, 2000 Thirumeni Sunthararajah (24) and Suntharaligam Subendran (23) were shot dead by the Vellaveli STF lying in ambush. when they were going to Mandoor to bid farewell to their relatives before they travelled abroad for employment. The government falsely claimed that both of them were members of the LTTE.
- (20) On May 03, 2000 the day the new emergency regulations were gazetted 45-year-old Thangaiyah Sivapooranam from Wattala, Colombo was taken away by three people in civil dress who identified themselves as officers of the Criminal Investigation Department of the police. Following day, his body was found at Kadawatha, together with three other bodies, whose identities remain unknown. There were five gunshot injuries, including one to his forehead, suggesting he may have been summarily executed. Between June 21 - 27, 2000 Yogalingam Vijitha a 27-year-old Tamil woman from Kayts, Jaffna was tortured

and raped with a plantain tree flower (hard cone-like, approximately 8-inch long) while in detention at the Negombo.

- (21) On June 24, 2000 Velu Arshadevi, a Tamil woman of Indian origin, who was living in a boarding house in Colombo, was raped by three policemen.
- (22) On July 19, 2000 the Batticaloa High Court released two Tamil youths who had been tortured by the SLA while in detention under the Prevention of Terrorism Act. The state counsel said that the Attorney General is withdrawing the cases against them and another youth as Senior Superintendent of Police, Bandula Kumara, the chief witness had died.
- (23) On May 9, 2000 a 70 year old woman Poomani Saravanai of Neerveli, Jaffna was raped by soldiers of the SLA in front of her 32 year old son. The woman wrote a letter to Joseph Pararajasingham, MP narrating her ordeal at the hands of the thugs in khaki uniform. The MP read out the letter in Parliament and took the opportunity to inform Parliament that about 1, 500 Tamils arrested under the Prevention of Terrorism Act are still languishing in prisons without trial.
- (24) On June 24, 2000 (Saturday), two men from Kalmadhu refugee camp in Valaichenai, who were on their way to go fishing in Punaanai lagoon early morning, were killed when Sri Lanka Army soldiers opened fire, said survivors of the incident. Witnesses said an SLA ambush unit hiding behind bushes fired at them, killing their two colleagues, Sinnathamby Selvarajah, 28 and Kanthavanam Mangalan, 30.
- (25) On 13th July, 2000 a student named Somasunderam Sanjeevan schooling at Jaffna Hindu College was shot dead by the armed forces. Sanjeevan was returning home after playing football at the college grounds. The armed forces claimed that the deceased was a suspected Tiger and he was collecting funds for the LTTE. The parents have strongly refuted these frivolous charges.
- (26) On July 14 (Monday), 2000 Palanithamby Sambasivam, 16, and Thevaraj Gnanaesh, 16, both from Naasevanthivu were returning home from the annual festival of the Maylankarachchai Mariamman temple. They were shot dead by soldiers who were lying in ambush at Kaddumurivu, according to villagers. Kaddumurivu is a hamlet situated between Maylankarachchai and Naasevanthivu.
- (27) On July 15, 2000 a female student from Alvai in the Jaffna peninsula was gang raped by two soldiers attached to the Gajabahu regiment. She was later admitted to Manthikai hospital.
- (28) October 25, 2000 Sinhalese mob stormed the detention facility at Bindunuwewa close to Bandarawela. In spite of the presence of armed police, the mob killed 27 of the inmates, hacking and clubbing them to death. Some victims were burned to death. The remaining 14 detainees were seriously injured.
- (29) More than 61 schoolgirls were killed and 150 wounded when Sri Lankan Kfir jets bombed a children's home compound in Mullaitivu district Monday morning where schoolgirls from Mullaithivu district were attending a two-day residential course on first aid. Officials of the Liberation Tigers' Peace Secretariat, briefing reporters in Kilinochchi, described the attack as "a horrible

act of terror” by the Sri Lankan armed forces. They condemned the “deliberate, cold-blooded and inhumane” targeting of the schoolgirls compound by the daylight air raid. Liberation Tigers called upon the UN’s child agency, UNICEF, and international truce monitors to visit the scene of the carnage.

- (30) On January 29, a claymore-mine attack by the army’s Deep Penetration Unit (DOU) killed at Paalamadu in Mannar killed 20 school students returning from a sports meet and injured 20.