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வடக்கு கிழக்கு சிறீலங்கா

ORGANIZATION OF RELATIVES OF ENFORCED DISAPPEARANCES  
IN NORTH AND EAST SRI LANKA

Reg.No:.....

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Ms. Michelle Bachelet

High Commissioner for Human Rights  
Palais Wilson – United Nations  
Geneva, Switzerland

15 September 2021

**Open Letter to the High Commissioner for Human Rights**

**Madam High Commissioner,**

Re: Oral Update on the human rights situation in Sri Lanka by the UN High Commissioner for Human Rights at the 48th session of the UN Human Rights Council (UNHRC)

We regret to note that your oral update on Sri Lanka delivered on 13 September 2021 was a big disappointment to the Tamil victims of war in the North-East.

The unwarranted "acknowledgement" you extended to the Sri Lankan Foreign Ministry's mischievous inputs submitted to you beforehand your oral update has seriously degraded the already precarious situation of the Tamil families of persons subjected to enforced disappearances in the North-East.

However, within 24 hours of your acknowledgement of the inputs from the Sri Lankan Foreign Minister, the very same person responded as follows: "We reject the proposal for any external initiatives purportedly established by Resolution 46/1 while domestic processes are vigorously addressing the relevant matters. This will polarize our society, as we experienced with Resolution 30/1."

Six months ago, you said, "Domestic initiatives for accountability and reconciliation have repeatedly failed to produce results, more deeply entrenching impunity, and exacerbating victims' distrust in the system," and you recommended Member States to consider referring Sri Lanka to the ICC through the Security Council.

Only after six months since your substantial update on 36/1 and despite worsening conditions on the island, how could you acknowledge the inputs submitted by the Sri Lankan Foreign Ministry in the same manner time and again earlier?

Madam, the victims who have completely lost any hope in the domestic processes for decades, needed the UNHRC Resolutions, your monitoring and updates to ensure justice and accountability at an international level. Now, the UN Rights system has backtracked once again. Your office must be aware of the repeating saga of commissions and omissions by the successive presidents of Sri Lanka, which are well documented in the past. They have a particular purpose: to postpone and dilly dally any progress and buy time and space from the international community to do whatever the genocidal system in Colombo wishes to achieve on the ground in the North-East.

You have been dealing with the Sri Lankan state under wrong Agenda Item 2 instead of addressing the country under the stringent Human Rights situations that require the Council's attention (Agenda Item 4). We are afraid that you have started paving the way for the Sri Lankan state to successfully build the case for slipping into the lowest Agenda Item 10 in the future.

We demand the OHCHR and the UNHRC address the root crime committed and continues to be committed against the Tamil people on the island. The root crime is genocide. It must be addressed under the most rigid Agenda Item 4. Your office must not be waylaid into justifying escape routes for the genocidal state.



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As victims, we have decided to demand the highest level of scrutiny from the Human Rights Council as it has considered Myanmar, Burundi, North Korea, South Sudan and Syria under Agenda Item 4 earlier without the consent of the country concerned. The UNHRC must upgrade the Agenda Item and appoint a new independent international fact-finding mission to determine the root crime of genocide. What we need is accountability for genocide and nothing else. The state that committed genocide would always try to avoid whatever it could do to prevent that. The Sri Lankan state is precisely doing that through Minister G.L. Peiris. There has been no transition in the underlying conflict, even though a genocidal onslaught ended the war in 2009. The conflict has not ended for a transitional justice mechanism to get applied in a post-conflict sense. The protracted genocide is going on in the North-East, and the spectre of physical genocide looms again.

Finally, we want to contradict the figures provided by the Minister, acting to deceive your office into reducing the numbers of the people subjected to enforced disappearances. In categorising the groups into three phases, Minister Peiris portrays only around 6,025 cases in the first phase or priority between the last twenty years, 2000-2021. He also states that the UN Working Group on Enforced or Involuntary Disappearances (WGEID) had submitted 6,259 alleged cases as of July 2021. He also says that these WGEID data contains overlaps and that the data needs to be verified.

We wish to point out that between 2000-2007 more than 5,000 Tamils were subjected to enforced disappearances at the hands of the Sri Lankan military and the squads it operated. Then, between 2007-2015, more than 9,400 people were made to disappear by the same forces. Before these priority years, there were more than 1,340 persons between 1984-1994, more than 1,300 people between 1994-2000. There are at least 17,040 people subjected to enforced disappearances at the hands of the Sri Lankan forces and the squads it operated. Many people, particularly in the East, have avoided registering details, fearing reprisals from the military.

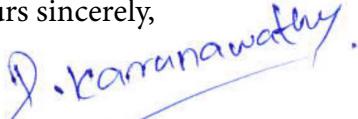
The Minister is trying to reduce the actual figures to below 4,000 for the period of the priority. In reality, the estimation for this category alone stands at a minimum of 15,000.

Most of those subjected to enforced disappearances were civilians, mostly youth and males between 16 and 35. We estimate that 95% of those abducted belong to this category. This act is nothing else than a crime of systematic extermination of a particular group, and that is what the Sri Lankan minister is hiding now. You are paving the way for his project through the acknowledgement.

The people in the North-East are afraid of delivering details while living under militarisation. Why did the UN system hand over the details of those subjected to the enforced disappearance to the offices of the genocidal state itself? The international community must make the Sri Lankan State withdraw its military forces from the North-East and bring an UN-monitored security mechanism to enable the people to submit all details for credible and independent international investigations.

We thank you for your consideration of this letter.

Yours sincerely,

  
D. Karunawathy  
DIRECTOR

NORTH & EAST PROVINCE SRILANKA  
ORGANIZATION OF RELATIVES OF  
ENFORCED DISAPPEARANCE