

**An Open Appeal to the United Nations and the
International Community to Assist
Sri-Lankan Government to Rapidly Implement the
Resolution 30/1**

North East Coordinating Committee

May 2017

Sri Lanka

Sri Lanka moved from a post war suppressive political period to a new political transit period under a new government which came to power on 9th January 2015. The change has opened a space for the communities and civil societies in North and East areas to come out and openly express their grievances and to demand for their rights. Even though the situation may look positive still the fundamental rights are challenged by the continuing militarized and ethno-political institutions that continue to be exist in these areas. Besides, within the two years period the National Unity government has failed to prove its strong and genuine commitments on resolving the national question of minorities.

The Government of Sri Lanka cosponsored the Resolution 30/1 which was adopted in the United Nations Human Rights Council on 1st October 2015. As the Government of Sri Lanka has not duly fulfilled its commitments which are enshrined in the resolution 30/1, the Council has given 2years period of extension to Sri Lankan government in March 2017 to fulfill its obligations. But there are no signs from the side of the government to implement these commitments.

Therefore, we North and East Coordinating Committee (NECC) bring the political and human rights situation of the people of North East to the attention of the United Nations and the international community to assist and support the Sri Lankan government to fulfill its duties to its people.

1. Challenges in the Transitional Justice mechanisms:

The State of Sri Lanka established the Secretariat for Coordinating Reconciliation Mechanisms (SCRM) with Cabinet approval on 18 December 2015 as per its assurances to the international community that it would implement the recommendations of Resolution 30/1.ⁱ The Secretariat comes under the direct purview of the Prime Minister's Office. However, the Secretariat functions under the guidance of the Ministry of Foreign Affairs. Therefore, it is not clear as to which parliamentary body is responsible for the SCRM.

The Coordinating Secretariat was not formed under any law that was passed by the parliament and gazetted. Therefore, this structure has no authority to function on a long-term basis as it does have any legal entity and without this, it will be difficult to coordinate the proposed mechanisms — Office of the Missing Persons, Truth Seeking Commission and Office of Reparations and Special Courts – in an effective manner. A major reason for stagnation in the progress of the transitional justice process is the absence of a structure that is legal and independent with the authority to carry out the proposed work free of any political interferences. We would like to point out that appropriate measures were not taken

to implement the recommendations of the OISL (*OHCHR Investigation on Sri Lanka*) report which we believed was the basis for Resolution 30/1.

It was said separate acts will be introduced for the above four mechanisms of transition justice and if these four Mechanisms are to be handed over to four different Ministries, it wouldn't help to promote a comprehensive transitional justice process. It will become an adhoc activity. For an example the OMP Act has not been operationalized after more than seven months after it had been passed in the parliament as still the government has not identified a Ministry to hand over the implementation of the OMP. This type of approach will not help to achieve the objectives of the transitional justice. Sri-Lanka so far not considered to introduce a "Transitional Justice Law". Also there is no a "Ministry of Human Rights and Transitional Justice" in Sri-Lanka to promote the comprehensive transitional justice approach and the human rights policies.

2. Consultation Task Force and National Consultation was not officially recognized by the State

Despite the various challenges, the Consultation Task Force for Reconciliation Mechanisms was able to carry out its consultations with the cooperation of the civil society and affected communities. However, neither the President nor the Prime Minister was present to accept the report when it was finally released after many delays. The Consultation Task Force was compelled to hand over the report to the former President Chandrika Bandaranaike Kumaratunga who has no decision making authority in terms of policy reform.ⁱⁱ Therefore, we consider that all doors to officially implement the recommendations of the Task Force are strictly closed.

Following the tabling of the final report by the Consultation Task Force, the Minister of Justice Wijedasa Rajapakse claimed that he did not have any faith in the Task Force. He further added that the need to follow the recommendations of the consultation report does not exist.ⁱⁱⁱ Even after more than two months after the publication of the report, neither the President nor the Prime Minister has made public their official position and that of the government. This goes on to prove that the State parties have failed to extend their support to the transitional justice process and continue to ignore accountability.

Many thousands in the North and East who have been affected directly by violence and various other forms of violations lack awareness of the activities of the Consultation Task Force. The final report of the Task Force has recommended the National Consultation must be continued.^{iv} But the government does not show any positive signs on continuing the consultation. Overall, the voices of the victims appear to be ignored in the transitional justice process.

3. Prevention of Terrorism Act

Prevention of Terrorism Act (PTA) has facilitated arbitrary and illegal arrest and detention, lengthy detention without trial, and torture. Basically, it violates the International Convention on Civil and Political Rights (ICCPR). To this day there have been arrests, detention and inquiry under the PTA. Under the new National Unity government, 11 Tamil speaking government officers (Grama Niladaries) were detained under the name of rehabilitation for three month in the Poonthoddam camp. Seven of them are women including a woman with a baby.^v Especially people in North East are targeted by this draconian law to be punished for general crimes and sexual crimes too. 13 men who have been arrested under the suspicion of their connections with the gangster team “Awa group” were arrested under the PTA. Similarly the teenager Vithya’s collective rape and murder suspects are interrogated under PTA.^{vi}

Human rights activists and affected communities in the North and East have been calling for the repeal of the Act.^{vii} Sri Lanka Human Rights Commission too has laid down general directives in this regard.^{viii} However, the new Government has not repealed the PTA after more than 2 years. Instead, it appears to be focusing on replace it with the Counter Terrorism Act (CTA) being drafted secretly without consultations with Sri Lankan public. A leaked draft^{ix} indicated that it contains several draconian provisions that may restrict civil liberties and due process.^x During the side event organized by the Sri-Lanka Mission for UN in Geneva in March 2017, while answering for a question of a participant the Foreign Minister also accepted that the CTA bill has exceeded the objectives of the government. CTA bill is not gazzeted or made public. However, the CTA has been approved by the Cabinet of Ministers on 25th April 2017.^{xi}

4. Political prisoners

Although many assurances were given to release political prisoners who have been languishing in prisons for a lengthy period of time. The government had showed very little concern regarding their release and wellbeing. Presently, there are 191 political detainees detained under the PTA; which include 121 (02 women) political prisoners in detention and nearly 70 detainees released on strict bail conditions (their trials are continuing).^{xii} Sri-Lanka Human Rights Commission released Press Communique highlighting to the Attorney General of the ill effects of long term detention and the human rights violations as well.^{xiii}

5. Enforced Disappearances

The current National Unity government extended the duties of the Paranagama Commission which was formed by the then President Rajapakse.^{xiv} People who observed the commission sittings said, intelligence officers were sitting in-front of the room where the commission hearings took place and they photographed and monitored the people who have gone to give testimonies. In one incident the intelligence personals took the name list of the people who had gone to give the testimonies from the government officers.^{xv} Some people who gave testimonies in front of the Paranagama Commission said, their stories were not heard appropriately and they were mainly diverted to consider on getting compensation and certificate of death instead of seeking truth and justice. Some of the divisional secretary officers compelled the people to get death certificates with compensation for their involuntarily disappeared family members. There were several complaints of threats and intimidations by the intelligence against the family members of disappeared persons who visited the commission.^{xvi}

The WGIED visited Sri-Lanka in November 2015 by the request of the government. People who met the Working Group were monitored by the intelligence and some of them have received threat calls. This was mentioned in the Working Group's country visit report. Family members of enforced disappeared persons, who have met the High Commissioner Al Zeid during his country visit in February 2016, also have faced threats. High Commissioner has mentioned this in his Oral Statement on Sri-Lanka at the 31st session of the Human Rights Council which was held in June 2016.

On 14th January 2016, on the Thai Pongal day, the Prime Minister participated in the National Thai Pongal Day which was held in Jaffna. He made a statement to the public that the people who were considered as disappeared would had been dead. The statement was repeated by the Prime Minister in an interview with Channel 4.^{xvii} Many family members, especially women, who are seeking for their beloved ones were psychologically disturbed by this statement. A woman stated that she got chest pain and fallen ill for weeks.^{xviii} Trauma counselling was not systematically provided to the affected people to manage the situations. The government had several meetings with the families of disappeared person. So far it has not officially declared the status of the disappeared persons and has not created justice mechanisms to find the truth and to punish the perpetrators for these violations.

Office on the Missing Persons

Office of Missing Persons (OMP) bill was gazetted under the direction of the Prime Minister in May 2016 and it was passed in parliament as an act in August 2016.^{xix} OMP lacked genuine consultation with affected communities, human rights activists and civil society.^{xx} This is an ideal example of government's lack of transparency and noninvolvement in the national consultation. However, the OMP has not come into power because government has failed to

handover the office to a Ministry even though the act has been passed in the parliament almost a year ago. If it has been handed over, then the Minister of the certain Ministry is responsible to inform officially the implementation of the Office by a gazette notification.

The OMP does not consist of a judicial mechanism, it has no authority to prosecute and is not bound to share their findings with prosecuting authorities. It appears that the reason for the formation of such a weak office is to ensure protection of the security forces. This has been clearly stated in the FAQs on OMP of the SCRM official website.^{xxi} The affected communities and the civil society are left in the dark not knowing what action the government would take, since the government had failed to take any action even after the OMP act was passed by the parliament almost a year ago. The government is still blind towards the continuing campaigns of the families of disappeared persons and it has left them to suffer in the streets.

Witness Victim Protection Act has been passed and a national authority has been established in this regard.^{xxii} Nevertheless, surveillance, inquiry and intimidation directed at the families of the disappeared is continuing to this day. As women of these families are the main persons who are tirelessly struggling to find their beloved ones. They often become primary victims of these state sponsored intimidation.

6. Ex Combatants

Ex combatants who have been undergone a detention process were not given rehabilitation by the international standards. Brutal torture (both physical and psychological) was perpetrated against most of these detainees. Female combatants faced gender based sexual torture and intimidation.^{xxiii} Both male and female ex combatants are still facing threats and intimidation by the state intelligence. They receive telephone calls from the intelligence any time of the day and visited by them any time.^{xxiv}

7. Rule of law

Sexual crimes, murders, violent gang activities, sand and timber smuggling and trafficking and distributing narcotics have been increased in North and East areas. Especially in Northern Kilinochchi sand mining has become a major natural resources rights violation.^{xxv} In Jaffna violent activities of gangster teams in public places has intensified. This has again created a self-curfew among general public in Jaffna due to fear and to protect themselves from such gangsters.^{xxvi} In one incident police officers at a check point have breached their duty to protect the law. They shot at a motor cycle rider and killed him and the person who was sitting behind him was killed too. (both the young men were university students).^{xxvii} In another incident police persons at the check point used their gun to threaten a civilian who traveled in a particular way.^{xxviii}

8. Gender based violence and sexual crimes

There have been a significant increase in violence against women and children in war affected areas in the North and East. School children, especially female children are unable to return home safely without facing various forms of sexual harassments. According to the Police Report released in 2015, a total of 135 female children under the age of 16 were sexually abused in the North and East.^{xxix} Incidents of women being attacked and murdered are increasing. A pregnant young mother of seven months was raped and murdered in the Jaffna district at beginning of this year.^{xxx} Absence of law and order, failure by the police to take action to produce the perpetrator before the court and lack of protection of victims and witnesses are the reasons for increase of sexual crimes. In addition, unavailability of State sponsored safe houses for women in the in the North and East, lack of documentation and data on incidents of gender based violence and sexual crimes, lack of wider awareness are also contributing factors for such increase.

Heavy militarization and the function of state intelligence is another reason for the gender based violence. Men attached to state intelligence section make telephone calls to female headed households at late nights and verbally abuse them. A woman attached to the zonal task force of the Consultation Task Force received several SMSs with abusive messages during her period in the task force.

There have been intensified and increased number of Issues, related to women migrant domestic workers. They undergo labour exploitation and various forms of physical, mental and sexual violence in the host countries. Sri Lanka has been sending labour force to Middle Eastern countries since early 80s. But still the country has not developed a national policy to protect its citizen in the host countries.

Sri Lanka has become a state party to CEDAW in 1981^{xxxi} and a Women's Charter was approved by the government as a policy document in May 1993.^{xxxii} But there has been no action taken by the Sri Lankan government to propose a draft CEDAW legislation in line with its international obligations. A draft CEDAW legislation that comprising CEDAW General Recommendations 19, 26 and 30 is necessary in-order to eliminate violence against women, to protect the rights of migrant women workers and to protect conflict affected women's rights, justice and women's engagement in peace and reconciliation process.

9. Development bill to reduce powers of the provincial councils

The development bill which has been gazetted by the Sri Lankan government to ensure rapid economic development will limit the economic and development activities of the provincial council.^{xxxiii} Section 12 of the Bill states that the relevant Minister holds the authority to obtain a preferred land through the Chief Minister of the Provincial Council for the purpose of tourism, high-tech agricultural activities and fisheries. Accordingly, development activities of the province which is under the control of the provincial council will be transferred to development agencies and thus come into the power of the central government. Therefore, this Bill is a stumbling block to devolution of power in terms of politics and development to the provinces. Basically, this Bill is disadvantageous in terms of the aspirations of the minorities in the North and East who have been calling for political, economic and administrative independence since inception.

10. Resettlement is not carried out fully in the North and East and Continuation of Military occupation

Northern province:

Resettlement has not taken place fully in military occupied areas. The resettlement of Valigamam North of Jaffna district has not yet completed. A total of 4835 persons of 1224 families are living in temporary camps in the Jaffna district. A further total of 28, 492 persons of 7123 families are living with friends and relatives.

Areas such as Keppapilavu, Mullikulam is occupied and controlled by the military and the people of the said areas have been resettled in so called development villages in forest areas.

Mullikulam: People of Mullikulam continuously campaigned for more than a month (March 21 2017 to 38 April 2017). On the 38th day of their campaign the Navy Commander met the representatives of Mullikulam (on 29th April) and said that they could go and live in the Mullikulam village where the families of the Navy reside in the lands of the native people. The following day (30th April) the villagers happily entered their village. But, the villagers are restricted to live within the church location and their lands are not released, they are not allowed to use any of their natural resources such as the tanks to bath or fish for their livelihood not allowed to use the short pathways to travel out of the village and totally trapped inside a militarized environment. The government said that the Mullikulam

village has been released but it has not really happened and the villagers are not resettled there as still the Navy families live in the household of the native villagers.

Keppapulavu: *In Keppapulavu 44 acres land of 84 families was released by the military due to the continuous campaign of the people. Still 482 acres land of 138 families need to be released. Keppapulavu people engaged in fishing in Nandhikadal which coast is now under the control of the military and people are allowed to fish in a particular area and military engage in fishing in the rest of the area.*

Iranaitivu: *Iranaitivu is an island village which is situated in the gulf of Mannar, approximately 20 kilo meters of distance from the Mulangavil/Nachchikkuda mainland costal village of Pooneryn division of Kilinochchi district. Due to the armed conflict, around 176 families of this village were displaced in 1997 (20 years ago), being forced to leave behind their entire house & property as well as livestock. Once the villagers of Iranaitivu displaced in 1997 the entire Island village has come under the control of the Sri-Lankan Navy. The displaced people are not allowed to resettle in their place of origin or stay for fishing activities due to the presence of Naval Forces.*

Representatives of the Iranaitivu community met the Commissioner of the Human Rights Commission, Officers of the European Union and the Officers of the UN at their respective head offices in Colombo in the latter part of 2016. As an impact of this meeting, EU Office in Colombo had sent a letter to the Minister of Resettlement to consider the plight of the Iranaitivu people and of their resettlement. But there is no progress from the side of the government to resettle these people.

Iranaitivu community started their campaign for their native place on 1st May 2017 and still its continuing.

Movements of security forces and intelligence have increased in the said areas. Similarly, the people who were resettled in areas like Valalai and Mavittapuram of the Vallikamam North are living amidst military camps.

Myliddy harbour and the surrounding 12 km long coastal land spreading across areas such as Palaly, Oorani, and Kankesanthurai have not been released for public use^{xxxiv}

Nearly 100 families who were living in temporary shelters in Jaffna were resettled in a different area called Nallinakkapuram (Reconciliation Village) created by the military. There's heavy military presence in the area.^{xxxv}

The military has taken over 39 acres of private land which belong to 23 persons in Nedunthivu (Delft). Also in the same area they have taken over 05 acres of government land and they have occupied in 20 buildings which belong to government departments and public.

There are 12 fresh water wells in the Sarapiddy area of Nedunthivu. These wells been utilized only by the Navy. 72,000 liters of water per day is being used for their consumption. They draw water 6 times per day in a bowser which holds 12,000 liters.

Similarly 12,000 liters of drinking water is daily taken by the Sri-Lankan Navy in Karainagar Naval base from a well in Ponnalai village (GN division J/170) of Chankanai area.

Besides, the wells in private lands belonging to the people are also controlled by the military. Thousands of liters of water are drawn daily for the surrounding military camps. Because of this, people are facing water shortage. The water crisis exists in resettled areas, islands and in various parts of the Jaffna peninsula.

Eastern Province:

People of village Sampur abandoned their lands totally when hostilities broke out in 2006. w, The government ignored the legal provisions in the law, illegally acquired 818 acres of land owned by the people and later gave the land on long term lease to a private company. When the present National Unity government came into power in 2015, the long term lease agreement with the private company was cancelled. Without providing any basic facilities the displaced people were resettled in two phases in their own lands on 19.08.2015 and 25.03.2016. However, the ownerships of the land have not been transferred to the resettled people and it remains to be the property of the government. Also, facilities for resettlement were not provided. When the people of Sampur had been displaced in 2006, the navy had put up a training camp in 176 acres of the land which belong to the people. On 25.03.2016 this camp was removed. It was decided at the Trincomalee Development Committee meeting that 40 acres of alternative land will be provided between Sampur Sea and Villukulam to put up the camp. But, in addition to the approved 40 acres, a further 245 acres of land from the Sampur coastal area and 32 acres of people's land including the Neelakerni Sri Murukan Temple land (totaling 277 acres of land) was taken over by the navy for the above purpose. As a result, coastal fishing in the Sakaravattavan area in Sampur and fresh water fishing in the Villukulam area in Sampur has been banned. The 505 acres of land allocated for construction of a coal power plant includes 110 acres of private land. Furthermore, the allocated land comprises 15 water

tanks used by public and 395 acres of forest land used by tribal communities for their livelihood purposes.^{xxxvi}

11. Land Confiscation by the Forest Department:

In the post war situation due to the long term displacements native people's residential and agricultural lands grown with shrubs and vegetation. In several areas in North and East, the Forest department claims and forcibly controls the lands which are originally owned by civilians. 16,060 acres land of Pothuvil, Sammanthurai, Oluvil and Irakkamam Divisions of Ampara District are taken by the forest department. These lands belong 13 traditional villages of these Divisions. A total number of 14,850 acres land of Kiran, Vakarai and Eravur Pattru divisions of Batticaloa district have been confiscated by the Forest Department. In Kiran Division 12,000 acres extended Pasture land (Maadhavanai area) has been taken by the Forest Department in 2014 for Sinhala colonization from Pollannaruwa district.

In Trincomalee district an extend of 8940 acres land of 48 villages of six divisions respectively Trincomalee Town and Gravets, Kutchaveli, Thambalagamam, Muthur, Verugal and Serunuwara have been forcibly taken by the Forest Department.

Such issue is widely taking place in the districts of Northern Province as well. The entire 154 families of Kuruvilvaan village of Maanthal West Division of Mannar district were evacuated by the Forest Department in 2014 and the area has been declared as "No Entry" area and it is continuously occupied by the military.

Without any survey plan or legal process the Forest Department take the lands by their discretionary. They just place an identification stone and declare that the land belongs to them.

12. Issues face by Fishers:

The traditional harbor of 300 fisher families of Metkuthurai costal village (GN division J/5) of Delft island in Jaffna district is being totally under the control of the Sri Lankan Navy since 2004. The fishers of this village are unable to place their boats in this location. Therefore, the fishers daily travel 7 Km from their village to Kilakuthurai for their fishing activities.

Since 210 Southern fishers have encroached in the Vadamarachchi East coast and engage in fishing with the support of the military. Likewise, in Mullaitivu district also without the permission of the Fisher Federation of the district Southern fishers engage in fishing with the support of the military. Beach scene is a traditional collective fishing method where nearly 40 people engage in it and it brings livelihood for 40 families. Southern fishers use tractors instead of human energy to drag the beach scenes to the coast. This immensely affect the livelihoods of the native fisher families.

Harassment and violence against fishers:

- i) On 13th February 2016, when 04 fishers of Pallimunai coastal village of Mannar district were engaged in fishing in the Iranaithivu sea area around morning 9.00 am, Navy came in a civilian's boat and attacked these fishers with sharp knives. Two of the fishers were severely injured while two jumped into the sea to protect themselves from the attack of the Navy. The men who jumped into the sea were arrested and taken by the Navy to Mulangavil police. It was not informed to the family for hours. However with the interference of the Human Rights Commission their whereabouts were identified and later the two men were brought to the courts.

- ii) 71 fishers of Muththaripputhurai village of Chilavathurai area, Muasali DS Division of Mannar district were arrested by the Navy of that area in the sea while they were fishing. They were brought back to the shore to verify their legal documents (NIC and fisher insurance) and later they were released. But boats of these fishers were taken to Mullikulam Navy Camp for further investigation and they were also released. three times these fishers were arrested by the Navy in the sea within two months of period. Every morning fishers of Mannar district go to the sea after an inspection by the Navy at their respective fisher ports. Navy records their fisherman IC numbers and boat / engine numbers. Muththaripputhurai fishers also went for fishing after the inspection of the Navy. According to the villagers, two Navy men were trespassed a house in Muththaripputhurai. Villagers caught and beaten up them and handed over them to the police and police took them to the Mannar courts. As a revenge of this incident Navy harassed the fishers in the sea.

- iii) On 23 March 2017, a patrol boat of Navy was collided with a fiber boat of a fisherman around 7.30 pm in the Vidathalthivu sea path. Due to the serious injuries of the accident, 39 yrs old fisherman of Vidathalthivu North of Manthai

West of Mannar district was killed. Police arrested two of the navy personnel and took them to the Mannar courts.

13.Militarization

Military presence can be seen and felt in the people's daily lives in the North and East. The military interference in economic activities, educational activities, cultural events, family events has become a common occurrence.^{xxxvii} The military runs a total of 22 business centers in the Mannar district.^{xxxviii} Such kind of military economic spots are functioning in all districts of North and East areas.^{xxxix} The State contracts for infrastructure work in the North and East are being taken by the forces and they involved such construction work. For an example, Navy renovated Navalady – Sampur road with the financial assistance of the Ministry of Resettlement.^{xl} As a result local construction workers, contractors and the local governments too are affected. A total of 588 preschool teachers are receiving their salaries from the Civil Security Department (CSD) under the Military. In Muthur, military occupies the Kattaparichchaan Government Paddy Store building and the surrounding 5 acres land since 1990. Recently they have started to sell cinder blocks for Rs.32.00 which is usually lesser than the market price.

The Trincomalee Marble beach and the surrounding natural park area is totally controlled by the Sri Lankan air force. They charge Rs. 20. 00 as entrance tickets for local people to access the beach. They also run resorts in the location which are available only for foreign tourists.

In Kilinochchi and Mullaitivu districts military run farms (CSD farms) in various locations. More than 3000 civilians including women are working in those farms. Two batches of men who work in the farms were recently given training with armaments too.^{xli}

A portion of UN Peace Building Fund has been granted to Sri-Lankan government for the resettlement of IDPs in lands released by the Government from former High Security Zones. The Ministry of Resettlement is responsible for this.^{xlii} But military is responsible to construct the houses for the IDPs of Valikamam North.^{xliii} Nallinakkapuram model village houses were constructed by the military and photographs of the military have been hung in all those houses.

Military engage in government administrative activities covertly in North and East. In the monthly District Development Committee meetings along with the government officials, authorities of Navy and Army also participate and engage in decision making as well.

14. Threats and intimidation to human rights defenders

The military and State intelligence officers continue to monitor and carry out inquiries of human rights activists and representatives of civil society organizations in the North and East to date. They force the communities to provide information regarding their activities. They have also formed informants amongst the public in order to obtain information on activities carried out by civil society activists. Women human rights defenders who are working at civil society organizations are visited by the intelligence and inquiries are taking place regarding their work. Male intelligence officers visit female civil society workers' houses and inquire them. Both female and male civil activists' movements are closely followed and they are photographed and videoed by the intelligence. Social media of the civil society workers are followed by the Intelligence. They stay in front of the houses and offices of some of the civil society workers for several days and closely watch them. Journalists are threatened and forced to provide information about the programmes of civil society activities. Some human rights activists often receive telephone calls by the intelligence.

15. Discrimination in justice mechanisms

Justice is imperative for reconciliation. However, the Sri Lanka judiciary acts in a biased manner. In the past, perpetrators went scot free and victims of war crimes and extra judicial killings were denied justice due to our justice system. Kumarapuram massacre^{xlvii} and the killing of parliamentary member Raviraj^{xlviii} went on to prove that although there were credible witnesses, but the perpetrators went scot free due to jury trials.

16. Language policy and ethnic discrimination:

Though the Constitution of Sri-Lanka guarantees the Tamil is the official language in North and East areas, until to date very often official letters are sent to individuals and institutions in North and East in Sinhala language by the government authorities. They receive letters in Sinhala language as a response for their appeals in Tamil. Some of the police stations in North and East take the complaints from Tamils whom only speaks Tamil in Sinhala and give the copy of the Sinhala statements back to them. As Most of the time Sinhala speaking police officers and government officers are employed for the service of Tamils who only speak Tamil in North and East. So the civilians struggle to communicate and understand the language.^{xlix} In some areas the Tamil names of the villages are changed into Sinhala names. In Jaffna, Kantharodai a traditional Tamil village in Chunnakam area has been changed as Kadhurugoda which is a Sinhala name. It was changed during the period of previous government but still the name remains the same. Similarly, in Trincomalee, Ilangai Thurai Mugatthuvaram has been changed as Lanka Patuna. Buddhisization is increased in North and East and this is undermining the traditional cultural

identities of the natives of the area. Military has taken upon itself the responsibility of maintaining such locations.

Threats and hate speech against minorities have been increased in the recent past by the Sinhala Buddhist extremist forces. They conduct street protest, public meetings and also directly intimidate minority government officials as well. Some of these extremist elements have forcibly encroached the traditional lands of Tamils and Muslims in the Eastern Province (e.g. Kanguveli and Thoppur in Muthur Division of Trincomalee district and Swamimalai in Pattipalai division of Batticaloa district).

Recommendation:

Based on the continuing injustice and rights denial of the people of North and East by the Sri-Lankan state. we appeal the United Nations and the International community to consider our following recommendations positively and to assist the Sri-Lankan government to fulfill its obligations to its people in North and East:

1. To promote transitional justice process in a holistic manner, we insist the Sri-Lankan government to establish a “Ministry of Human Rights and Transitional Justice”
2. To legalize the transitional justice process, we insist the Sri-Lankan government to create “Transitional Justice Law”
3. To eradicate immunity and to promote reconciliation we demand for a justice mechanism with international judges
4. Sri Lankan government should officially disclose the truth about the involuntarily disappeared persons and persons who have been handed over to the military by their families and later gone missing. Actions should be taken to fully implement the recommendations of the UN Working Group on Enforced and Involuntary Disappearances.
5. The Directives of the Sri Lanka Human Rights Commission on the release of political detainees and review and reforming the Prevention of Terrorism Act should be taken into consideration while implementing international standards.
6. Inquires and intimidation against human rights defenders and civil society activists should be stopped immediately.

7. Private and public land which are under the control of the military should be released and returned to the people. Militarization should be stopped.

8. Resolution 30/1 and recommendations of the OISL report should be implemented without any further delay.

9. The government of Sri Lanka must draft a CEDAW legislation comprising CEDAW General Recommendations 19, 26 and 30.

10. A Memorandum of Understanding should be signed with the Sri Lankan government in order for UN to become joint partners in the transitional justice process.

North East Coordinating Committee

Sri Lanka

May 2017

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Sri-Lanka Human Rights Commission

Consultation Task Force for Reconciliation Mechanisms

ⁱ Promoting reconciliation, accountability and human rights in Sri Lanka, 29 September 2015, UN Human Rights Council, Geneva, A/HRC/30/L.29,

<https://documents-dds-ny.un.org/doc/UNDOC/LTD/G15/220/93/PDF/G1522093.pdf?OpenElement>

ⁱⁱ Consultation Task Force on Reconciliation handed over final report, Lanka Business Online, 5 January 2017, <http://www.lankabusinessonline.com/consultation-task-force-on-reconciliation-handed-over-final-report/>

ⁱⁱⁱ I Have No Confidence in the CTF, 6 January 2017, Daily Mirror, <http://www.dailymirror.lk/article/I-have-no-confidence-in-the-CTF-Wijeyadasa-121817.html>

^{iv} Final Report of the Consultation Task force on Reconciliation Mechanisms, Executive Summary and Recommendations, 17 November 2016, P-85 <http://www.scrm.gov.lk/documents-reports>

^v Report of the Human Rights Commission to the Committee Against Torture, Review of the 5th Periodic Report of Sri Lanka, October 2016, Human Rights Commission of Sri Lanka

^{vi} Discussion with CHRD lawyers, March 2017

^{vii} Participants of 16 group discussions which were conducted by NECC between December 2016 - January 2017 in all 8 districts of North and East areas.

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