

APPEAL TO THE 12TH SESSION OF THE UN HUMAN RIGHTS COUNCIL

BY

TAMIL CENTRE FOR HUMAN RIGHTS - TCHR
FRANCE

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APPEAL

14 September 2009

The President
Members and Delegates
12th Session – UN Human Rights Council
1211 Geneva 10, Switzerland

Distinguished Sirs / Mesdames,

First of all, we extend our congratulations to you for your appointment as President of the 12th session and following sessions.

Since the establishment of our organisation in 1990, we have been regularly reporting on the human rights violations taking place in the island of Sri Lanka to all United Nations Human Rights forums. Our reports are based on indisputable facts, the authentic details of which we receive from our sources directly from the places where incidents occur. The UN human rights monitoring bodies have appreciated the veracity of our reporting.

We wish to place before your esteemed honours our report on the violations of human rights and denial of fundamental freedoms perpetrated on innocent Tamil civilians in the North and East due to long years of war and military occupation. The human rights situation has been deteriorating there for many decades. Cultural and mandated genocide, multiple displacements and impunity are all very serious problems.

On 25 August 2009, the British Channel-4 TV, showed film footage in which Sri Lankan security forces were executing victims who were stripped naked, and whose hands were tied behind their backs. This is one of the many pieces of evidence which prove the way extra-judicial killings are carried out in Sri Lanka. This evidence of war crimes stresses the need for an immediate international investigation.

The situation of the 280,000 Internally Displaced Persons (IDPs) in several internment camps remains critical. Diseases are rife, and there is a desperate shortage of medical help. There are regular disappearances from these camps, as people are abducted mysteriously in vans, in what appears to be an efficient terror system.

Even though INGOs and other institutions have given statistics and the locations of many IDPs, more than ten thousand further IDPs are being held in secret locations.

Press freedom, freedom of expression and human rights activities are in peril in Sri Lanka. Journalists and human rights defenders are arrested, tortured, abducted, disappeared and killed over-night. Members of civil society and Parliamentarians are undergoing severe harassment by the authorities under the pretext of fighting terrorism. International human rights law and international humanitarian law are being massively violated by Sri Lanka.

On 31 August, the Sunday Times columnist, editor of 'North-eastern Herald' monthly and the online magazine 'outreach.com', Mr J.S.Tissanayagam was sentenced to jail for twenty years rigorous imprisonment by the Colombo High Court. By this date he had already been detained for 18 months. ***Mr Tissanayagam was not arrested on the basis of any ongoing investigation against him.*** He was arrested in March 2008 at the Police station when he went to find out why his printer colleague and his wife had been taken to the Police Station. He was indicted in Court after being held in detention under the Emergency Regulations (EMR) /PTA for over six months. In any event 'rigorous imprisonment' is something for murderers and hardcore criminals and certainly not for journalists like Mr Tissanayagam with no previous conviction of any sort. ***No journalist in Sri Lanka has ever received this type of sentence, which is a flagrant violation of media freedom.***

Widespread misinformation is disseminated locally and internationally by the Sri Lankan government, in a systematic manner, to give a distorted picture of what is happening in Sri Lanka.

Sirs / Mesdames, the reports and statements of UN Special rapporteurs, UN Working groups, many States, VVIPs and international NGOs to this august forum and to the Special session on Sri Lanka in June of this year, clearly indicate that war crimes and crimes against humanity have been committed by Sri Lanka.

As the above-mentioned personalities have also suggested, we kindly request this august body to act on these serious allegations. In addition, we urge this session to take immediate steps and prompt action to alleviate the humanitarian catastrophe that is being deliberately inflicted on the Tamil IDPs and the detainees in Sri Lanka.

Yours sincerely

S. V. Kirubaharan
General Secretary

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FEW EXCERPTS FROM THE REPORT

INTERNALLY DISPLACED PERSONS - IDPs

STATISTICS

VAVUNIYA
IDP SITE LOCATIONS AND CAPACITY
DISPLACED AFTER 27TH OCTOBER 2008

AS OF 10 AUGUST 2009

**VANNI IDPs IN WELFARE CENTRES -
DISPLACED AFTER 27TH OCTOBER 2008
(DATA SOURCE - UNHCR VAVUNIYA)**

	NO. OF FAMILIES	NO. OF INDIVIDUALS
Manik Farm School	273	925
Cheddikulam M V	525	1,750
Nellukulam M V	847	2,724
College of Education	1,723	5,511
Thandikulam School	324	977
Puthukulam MV	558	1,868
Andiyapuliyankulam MV	466	1,403
Komarasankulam school	663	2,087
Sooduvenhapulavu Muslim School	561	2,036
Veerapuram Transit Site	1,824	5,469
Sumathipuram	1,750	5,442
Tharmapuram Site (former MKK site)	1,488	4,997
Manik Farm - Zone 0 (Kathirkamar Relief Village)	5,795	19,553
Manik Farm - Zone 1 (Ananthakumaraswamy Relief Village)	15,772	46,999
Manik Farm - Zone 2 (Ramanathan Relief Village)	17,152	55,032
Manik Farm - Zone 3 (Arunachchalam Relief Village)	14,740	43,794
Manik Farm - Zone 4	12,434	38,102
Manik Farm - Zone 5	1,540	4,992
Manik Farm - Zone 7	756	2,510
Total	79,191	246,171

VAVUNIYA - DISPLACED BEFORE JAN 2006

**LONG TERM IDPs IN WELFARE CENTRES
DISPLACED BEFORE JAN 2006
(DATA SOURCE- KACHCHERI VAVUNIYA)**

	NO. OF FAMILIES	NO. OF INDIVIDUALS
Poonthoddam	523	1,896
Sithamparapuram WC	558	2,028
Total	1,081	3,924

Courtesy

[http://www.reliefweb.int/rw/fullMaps_Sa.nsf/luFullMap/B4C1AB500CA7682B8525761800532693/\\$File/map.pdf?OpenElement](http://www.reliefweb.int/rw/fullMaps_Sa.nsf/luFullMap/B4C1AB500CA7682B8525761800532693/$File/map.pdf?OpenElement)

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VAVUNIYA, JAFFNA, MANNAR, TRINCOMALEE AND OTHER DISTRICTS IDP CAMPS AND HOSPITALS INFORMATION

As of 08 June, 2009

*(Produced through the generous support of various INGOs –
United Nations Office for the Coordination of Humanitarian Affairs, Sri Lanka)*

<u>DISTRICT</u>	<u>IDP SITE</u>	<u>FAMILIES</u>	<u>INDIVIDUALS</u>
Vavuniya (As of 8 June 2009)	Menik Farm Aruviaru Sivanantha school	315	1,027
	Menik Farm Zone 1 (Semi permanent site)	15,236	46,458
	Menik Farm Zone 2 transit site	24,137	73,484
	Menik Farm (Zone-03-Block-A,B&C)	15,081	43,063
	Menik Farm Zone 4	14,276	41,142
	Menik Farm camp(Kathirkamarnagar village)	5,346	19,083
	Nelukkulam transit center	1,324	2,962
	Cheddikulam school	545	1,770
	Gamini school	867	1,933
	College of education, Poonthoddam	1,974	6,091
	Kovilkulam Hindu college	0	0
	Vavuniya Tamil MV, Secondary school site	1,711	4,843
	Vavuniya Muslim MV	0	0
	Vavuniya Sivapirakasa Ladies College	1,273	3,349
	Thandikkulam School	512	1,428
	Adiyapuliyankulam School	616	1,564
	Scandapuram Vany School	358	1,026
	Vavuniya Puthukkulam	773	2,384
	Va/Komarasankulam School	738	2,195
	Va/Velikkulam School	434	1,233
	Va/Samanankulam School (Elderly People)	N/A	114
	Va/Sooduventhapualvu Muslim School	561	2,036
	Veerapuram Transit Site	981	3,110
Sub Total		87,058	260,295

<u>DISTRICT</u>	<u>IDP SITE</u>	<u>FAMILIES</u>	<u>INDIVIDUALS</u>
Jaffna (As of 6 June 2009)	Kopay Teachers' College	210	494
	Old Courthouse Jaffna	74	143
	Kodikamam School	304	994
	Mirusuvil Church	569	1,739
	Kaithady University Hostel	418	1,097
	Kaithady Children's Home	74	208
	Palmyra 1 (Research Instution)	246	717
	Palmyra 2 (Research Instution)	212	624
	Kodikamam Ramavil	818	2,440
	Chavakachcheri Hindu Ladies' College	454	1,376
	Nelliyady Central College	473	1,237
Sub Total		3,852	11,069

<u>DISTRICT</u>	<u>IDP SITE</u>	<u>FAMILIES</u>	<u>INDIVIDUALS</u>
Mannar (As of 8 June 2009)	Ilupaikkulam English Training Center	N/A N/A	140 294
Sub Total		0	434

<u>DISTRICT</u>	<u>IDP SITE</u>	<u>FAMILIES</u>	<u>INDIVIDUALS</u>
Trincomalee (As of 26 May 2009)	Sinhala School Muslim Maha Vidyalayam	757 1,384	2,294 4,403
Sub Total		2,141	6,697

In Trincomalee Hospitals (As of 26 May 2009)	General Hospital - Trincomalee Base Hospital - Kantale Peripheral Unit - Thampalakamam Field Hospital - Pulmoddai		131 29 35 0
Sub Total			195

<u>DISTRICT</u>	<u>IDP SITE</u>	<u>FAMILIES</u>	<u>INDIVIDUALS</u>
Other Districts (As of 18 May 2009)	National Hospital - Colombo Teaching Hospital - Kandy Cancer Hospital - Maharagama General Hospital - Polonnaruwa Padaviya Hospital Mannar Hospital		57 29 1 83 413 1,539
Sub Total			2,122
Total		93,051	280,812

Courtesy -

[http://www.reliefweb.int/rw/fullMaps_Sa.nsf/luFullMap/6F6D19343765134DC12575D1003F4526/\\$File/map.pdf?OpenElement](http://www.reliefweb.int/rw/fullMaps_Sa.nsf/luFullMap/6F6D19343765134DC12575D1003F4526/$File/map.pdf?OpenElement)

Ps.

Even though INGOs and other institutions have given statistics and the locations of IDPs, another more than ten thousand IDPs are being held in secret locations. - **Tamil Centre for Human Rights – TCHR.**

JAFFNA WELFARE CENTRE LOCATIONS

JAFFNA - DETAILS OF IDPS IN WELFARE CENTRES AS AT 31.05.2009 (DISPLACED BETWEEN 01.01.2006 - 31.12.2006)

Divisions	WCs	Families	Total
Jaffna	2	74	242
Karaveddy	2	44	169
Total	4	118	411

**JAFFNA - DETAILS OF IDPs IN WELFARE CENTRES AS AT 31.05.2009
(DISPLACED BEFORE 31.12.2005)**

Divisions	WCs	Families	Total
Nallur	1	12	47
Sandilipai	11	228	862
Chankanai	10	338	1,273
Uduvil	15	518	1,980
Tellipalai	11	528	1,918
Kopay	5	248	1,039
Karaveddy	2	27	96
Point Pedro	9	336	1,149
Maruthankerny	3	266	1,009
Total	67	2,501	9,373

**JAFFNA - DETAILS OF IDPs IN JAFFNA AS AT 16.07.2009
(DISPLACED SINCE 27 OCTOBER 2008)**

Name of Welfare Centres	Families	Individuals
Old Court House - Jaffna	75	152
Kopay Teachers' College	196	475
Mirusuvil RCTMS	565	1,764
Kodikamam GTMS	304	995
Kaithadi Ayurvedic University Hostel	389	1,043
Kaithadi Hindu Children Home	70	187
Kaithadi Palmyrah Research Institute	432	1,292
Kodikamam Ramavil	1,723	4,945
Total IDPs in Welfare Centres	3,754	10,853
Reunified IDPs		
- Outside the welfare centres	139	227
Total Births		47
Total Deaths		5
Transferred to Rehabilitation center		100
Grand Total of IDPs arrived to Jaffna	3,893	11,232

JAFFNA - IDP DETAILS

AS OF 31 JULY 2009

IDP DETAILS OF JAFFNA DISTRICT AS OF 31.07.2009	INSIDE THE WELFARE CENTRES FAMILIES	INDIVIDUALS	OUTSIDE THE WELFARE CENTRE FAMILIES	INDIVIDUALS	TOTAL FAMILIES	INDIVIDUAL
IDPs after Oct. 08	3,754	10,853	-	332	3,754	11,185
IDPs after April 06	118	411	5,382	18,240	5,500	18,651
IDPs before Dec.05	2,501	9,373	19,142	64,694	21,643	74,067
Grand Total					30,897	103,903

Courtesy

[http://www.reliefweb.int/rw/fullMaps/Sa.nsf/luFullMap/1068E014458EA9A7C1257609002EA538/\\$File/Map.pdf?OpenElement](http://www.reliefweb.int/rw/fullMaps/Sa.nsf/luFullMap/1068E014458EA9A7C1257609002EA538/$File/Map.pdf?OpenElement)

**TENS OF THOUSANDS NEWLY DISPLACED IN 2008, LEADING TO
ALMOST HALF A MILLION IDPs (APRIL 2009)**
Internal Displacement Monitoring Centre – 1 May 2009

- **By February 2009**, there were approximately **495,000** conflict-displaced persons in Sri Lanka
- Of this number, **281,698 were displaced after April 2006** and approximately **214,000 from the period before**
- The biggest number of IDPs in 2008 were in the Vanni where due to access restrictions getting accurate figures was impossible
- The UN was estimating around **230,000 IDPs in the Vanni as of November 2008**; the Consortium of Humanitarian Agencies estimating **around 300,000 IDPs**; the government in some cases was suggesting a figure as low as 100,000
- By April 2009, the majority of IDPs in Sri Lanka were in the government-controlled areas where they had fled from the Vanni

As of February 2009, UNCHR was reporting a figure of 281,698 IDPs in Sri Lanka. This was in addition to approximately 214,000 conflict-displaced persons from the period before large-scale combat resumed in April 2006.

[http://www.internal-](http://www.internal-displacement.org/idmc/website/countries.nsf/(httpEnvelopes)/1BA99DE6D29D5AE7C12575A6005CFC35?OpenDocument#44.2.1)

[displacement.org/idmc/website/countries.nsf/\(httpEnvelopes\)/1BA99DE6D29D5AE7C12575A6005CFC35?OpenDocument#44.2.1](http://www.internal-displacement.org/idmc/website/countries.nsf/(httpEnvelopes)/1BA99DE6D29D5AE7C12575A6005CFC35?OpenDocument#44.2.1)

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**RECORDED LIST OF KILLINGS OF JOURNALISTS AND MEDIA WORKERS
APRIL 2004 – MARCH 2009**

2004

1. Aiyathurai A. Nadesan – Journalist / 31 May
2. Kandaswamy Aiyer Balanadaraj – Writer / 16 August
3. Lanka Jayasundera – Photo journalist / 11 December

2005

4. Dharmaratnam Sivaram – Editor / 28 April
5. Kannamuttu Arsakumar – Media worker/ 29 June
6. Relangee Selvarajah – Journalist / 12 August
7. D. Selvaratnam – Media worker/ 29 August
8. Yogakumar Krishnapillai – Media Worker / 30 September
9. L. M. Faleel (Netpittimunai Faleel) – Writer / 02 December
10. K. Navaratnam – Media worker / 22 December

2006

11. Subramaniam Suhirtharajan – Journalist / 24 January
12. S. T. Gananathan – Owner / 01 February
13. Bastian George Sagayathas – Media worker / 03 May
14. Rajaratnam Ranjith Kumar – Media worker / 03 May
15. Sampath Lakmal de Silva – Journalist / 02 July
16. Mariadasan Manojanraj – Media worker / 01 August
17. Pathmanathan Vismananthan – Singer and musician / 02 August
18. Sathasivam Baskaran – Media worker / 15 August
19. Sinnathamby Sivamaharajah – Media owner / 20 August

2007

20. S. Raveendran – Media worker / 12 February
21. Subramaniam Ramachandran – Media personnel / 15 February
22. Chandrabose Suthakar – Journalist / 16 April
23. Selvarasah Rajeevarman – Journalist / 29 April
24. Sahadevan Neelakshan – Journalist / 01 August

25. Anthonypillai Sherin Siththirajan – Media worker / 05 November
26. Vadivel Nimalarajah – Media worker / 17 November
27. Isaivizhi Chempian (Subhajini) - Media worker / 27 November
28. Suresh Limbiyo – Media Worker / 27 November
29. T.Tharmalingam – Media Worker / 27 November

2008

30. Paranirupesingham Devakumar – Journalist / 28 May
31. Rasmi Mohamad – Journalist / 06 October

2009

32. Lasantha Wickrematunga - Editor / 08 January
 33. Punniyamurthy Sathyamurthy – Journalist / 12 February
 34. Sasi Mathan – Media worker / 06 March
- <http://jdsrilanka.blogspot.com/2009/08/sri-lanka-thirty-four-journalists-media.html>

KANDYANS URGED FOR THREE FEDERAL STATES IN 1928 AND 1948

by Lakshman Kiriella

The Sunday Observer, 5 January 2003 - After years of colonial rule, when Sri Lanka was on the way to constitutional reform, the Donoughmore Commission was set up by the British Government in 1928 and several representations were made to the Donoughmore Commission. The most liberal and far-sighted memorandum was sent to the Commissioners by the Kandyan leaders at that time.

They pointed out to the Commissioners that for nearly hundreds of years before the coming of the Portuguese, Sri Lanka was divided into three Kingdoms of Ruhunu, Maya and Pihiti and if the British were to depart at a particular time, they should create three self-government areas comprising:

1. The Northern and Eastern provinces in which the Tamils predominate
2. The Kandyan provinces
3. The Southern and Western provinces peopled mainly by low-country Sinhalese.

GRANTED

Each of these three communities would thus be granted a government of its own, the Kandyans would preserve their national identity and would no longer be in danger of being sacrificed to the pressure from the South and North. For purposes affecting the welfare of the entire island, these three governments would be united in a federal government, thus ensuring that no one section would be in a position to dominate the others.

It is our duty to mention at this moment, the names of the delegates who represented the Kandyan community at that time. They were: J.H. Meedeniya Adigar (Leader), B.B. Nugawela Dissawa, J.C. Ratwatte Dissawa, T.B. Panabokka, J.A. Halangoda, A. Godamunne, A.W. Mediwaka, U.B. Dolapihilla, N.B. Galagoda, L.B. Giriagama, W. Talgodapitiya, T.B.L. Moonemalle, G.E. Madawala, F.D. Dissanayake, K.B. Beddewala, Roland Tennekoon, A.T.W. Marambe, Dr. T.B. Kobbekaduwa, P.B. Dolapihilla and W. Gopallawa.

They suggested that a federal form of government should be formed in Sri Lanka with the centre holding such important issues like foreign policy, defence and other key issues that they feel should be kept with the centre. This point of view was strongly urged by the Kandyan leaders, but the Commissioners rejected the memorandum of the Kandyan leaders.

Just before independence in 1948, the Soulbury Commission came to Sri Lanka. The Kandyan leaders made a similar claim of the creation of three self-governing Federal Regional Councils, but this request too was turned down. In retrospect, if this was done and if devolution was granted at the point of independence, like in India, we would not face the present unfortunate situation in our country.

The Commissioners held "The arguments of the Kandyan leaders were compelling and historically accurate". However due to pressure from Western Educated Colombo leaders who did not want to share power the Commissioners rejected the memorandum of the Kandyan leaders.

PERIOD

The 1947-1948 period was the best hour for devolution as there was extreme cordiality between all communities in Sri Lanka and a strong mediator in Britain.

The representatives to the Soulbury Commission were: M.B. Panabokke, B.H. Aluwihare, P. Dolapihilla, H.K. Keerthiratne, V.C. Udalgama, H. Ratwatte, Halangoda, H.W. Mediwake, A.E. Illukkumbura, J.A. Dhanapala, G.C. Leelaratne, U.B. Kulatunga, H.B. Kirimetiya, Rajakaruna Vedamahathmaya, H. Sunderasekera.

Though the Kandyan demand for self-government has died down, the Tamil demand persisted, resulting in the unfortunate situation in our country.

If power was devolved like in India at the point of independence the situation in this country would have been totally different. The Kandyan leaders were called backward and living in the past, but in retrospect if the suggestions of the Kandyan leaders were accepted the unfortunate situation in this country would have been totally avoided. They were the first leaders in Sri Lanka to speak of devolution openly, keeping in mind the historical kingdoms that existed before the coming of the colonial rulers. They were futuristic and far ahead of their time in thinking.

INDIAN EXPERIENCE

After years of colonial rule, in 1947, when India was granted independence, a new constitution was drafted. The patriotic Indian rulers who were poised to be rulers of that country after independence were conscious of the historic diversity that existed before the coming of the British. They realised that once the British departed, unless power was shared by the centre with periphery, the old feuds, difference between the old kingdoms would once again surface. New Indian states were created more or less out of the ancient kingdoms and devolved a great deal of autonomy to these states. The centre keeping foreign affairs and defence brought policy and other key issues.

For example, though the national language of India is Hindi, the respective states were granted the liberty to use their own languages in the day-to-day affairs of the respective states. Imagine what would be the situation if Indian rulers tried to force Hindi on all the states of the Indian Union. The situation would have been chaotic. So today after 50 years of Indian independence we have a situation where persons from Tamil Nadu, Gujarat, West Bengal proud to call themselves Indian first with a strong sense of Indian identity. The cultural, religious and language rights are safeguarded in the respective states. At the same time they consider themselves a part of a great Indian nation.

Rulers at the point of independence were generous enough to share power with the respective states rather than attempt to keep all the power selfishly in Delhi. If this was not done, there would have been friction within a short time after independence which would have led to the disintegration of the Indian Union.

SRI LANKAN EXPERIENCE

When the Portuguese came to Sri Lanka in 1505, the situation in Ceylon was very similar to the situation in India when the British arrived there. Just like India, in Sri Lanka too there were several kingdoms. Dr. (Mrs.) Lorna Devaraja who is a well-known historian, in her book "The Kandyan Kingdom", mentions that when the Portuguese first came to Sri Lanka in the beginning of the 16th century there were three kingdoms of varying politics and economic importance in the island. Foremost was the kingdom of Kotte occupying the west and the south west of the island, whose king claimed a nominal overlordship over the whole of Sri Lanka.

A separate dynasty was ruling in Kandy having broken away from the authority of the Kotte King. The founder of this dynasty was, according to tradition, Senasammata Vikramabahu who ruled from C. 1474-1511. ***Ever since the middle of the thirteenth century there had also been an independent Tamil king in Jaffna. This view was supported by all leading historians.***

So in Sri Lanka like in India there were basically three kingdoms when the Portuguese came. The Mahawamsa confirms this position by stating that from ancient times, Sri Lanka was divided into three kingdoms Ruhunu, Maya and Pihiti. Three treaties were signed by the respective rulers of these kingdoms with the foreign invaders. ***There was the Nallur convention by which King Sangili ceded the kingdom of Jaffna to the Portuguese.***

Then there was a Malwana convention whereby the low country were ceded to the Dutch. Then finally, the convention by which the Kandyan territory was ceded to the British. Further proof of the existence of the three kingdoms is again a system of laws prevailing in the three regions.

In Jaffna the Thesa Walamai Law operates. In the low country the Roman Dutch Law operates and in the Kandyan areas Kandyan Law operates. So it is well established that in Sri Lanka, there were three kingdoms for a very long period of time confirmed by the three treaties and also the three personal laws applicable to the respective areas. It is on this basis that the Kandyan leaders made their observations in 1928 and 1947.

If devolution of power was done at independence Sri Lanka would have been spared the present crisis.

Genuine devolution is 50 years late.

End