

26 January 2021

All Heads of Missions

Mission of 47 Member States of UNHRC

Your Excellencies

12 YEARS POST-LTTE TERROR DEFEAT

INTRODUCTION

It is pertinent to note that Sri Lanka was engaged in an internal violent armed conflict for almost three decades against a brutal terrorist organization, the LTTE, that was termed the 'most dangerous and deadly extremists' in the world whose 'ruthless tactics have inspired terrorist networks worldwide, including Al-Qaeda in Iraq, by the Federal Bureau of Investigations (FBI) of the USA. As stated by the FBI in 2008, the terror group has quite a résumé: perfected the use of suicide bombers; invented the suicide belt; pioneered the use of women in suicide attacks; and assassinated two world leaders the only terrorist organization to do so.

This armed conflict ended in May 2009. The world's largest humanitarian rescue operation by the Sri Lankan defense forces resulted in bringing to safety close to 300,000 people taken hostage and kept as human shields by the LTTE despite numerous appeals to the LTTE by the UN and international organizations for their release. This rescue operation combined with the surrender of close to 12,000 LTTE combatants which included 594 LTTE child soldiers who were given a Presidential Pardon and given the education and societal acceptance that they needed to return to live a normal life.

The Government of Sri Lanka adhered to a policy of treating all these children as victims not perpetrators and all possible efforts have been taken to look into their welfare and future. With the conclusion of the humanitarian operation, the Government took all efforts to rehabilitate all the combatants and reintegrate them in to the society. Many were given job opportunities in several sectors and they are now living a better life.

Over the 3-decade LTTE terror campaign, hundreds and thousands of innocent civilians fell prey to LTTE suicide attacks. Tamil children were kidnapped and turned into child soldiers. These children who could not gain any form of education are today attending schools and qualifying to pursue their chosen careers. The schools occupied by the LTTE were renovated by the Government and handed over to the respective zonal directors of education which was only possible because the war ended.

DEMINING ACTIVITIES

As soon as the conclusion of the humanitarian rescue operation, the Government undertook a very difficult challenge of demining a vast area of approximately 5,000 square kilometers of land, out of which approximately 2,064 square kilometers were confirmed as hazardous areas where LTTE had laid extensive mines. This process was supported by funding and assistance received from several countries, INGOs and NGOs. The Sri Lanka Army was responsible for demining approximately 75% of the land which was the largest single area assigned to any of the parties involved in demining and included most of the densely mined regions. 98% of the area allocated to the Army has already been cleared and Sri Lanka Army alone has recovered 87,294 explosive devices. Demining process was mandatory prior to commencing any other activities in the areas of conflict.

DEVELOPMENT ACTIVITIES

It was a shock to all to see the lack of development in the area as a result of LTTE running a defacto rule by the terrorist outfit. The Government launched the "UthuruWasanthaya" programme to pave roads, to reconstruct buildings, temples and kovils, schools and other infrastructure. Areas that had not enjoyed electricity for decades on account of LTTE cutting of supply was restored. Fishing restrictions were removed, the opening of the A9 road enabled people to travel and engage in business and travel. Train services halted for years resumed in a short span of time connecting the South and the North.

Similarly, "NegenahiraNavodaya" programme was launched to develop the Eastern province as well. Playgrounds were open for adults and youth to engage in sports activities of their choice in North. Duraiappa Stadium in Jaffna in Northern Province Sri Lanka has been identified to be developed catering to all sports as a central point for the development of sports in Jaffna. For the first time in Sri Lanka's history a youth from Jaffna is playing for the Sri Lanka National Cricket and even has represented Sri Lanka in international Cricket. This youth would have become a LTTE child soldier if LTTE prevailed.

RESETTLEMENT OF INTERNALLY DISPLACED PERSONS

By the time the LTTE was finally defeated in May 2009, a total of 295,873 IDPs were in the care of the Government. The Government made every effort to provide for the welfare of these IDPs, spending about 1 million USD per day for food of IDPs alone, at the peak. A Presidential Task Force for Reconstruction and Resettlement was appointed to expedite IDP resettlement and reconstruction in parallel with the demining efforts in the North. Government managed to resettle all the displaced persons by September 2012 just 3 years after the conflict.

MYTH OF MILITARY PRESENCE

The former High Security Zones (HSZs) have ceased to exist. The Palaly Cantonment is now the only area in which some security restrictions remain, but even within the Cantonment, civilians have unrestricted access to the Palaly airport and the Kankesanthuraiharbour. As of August 2014, 45% of the area in Palaly HSZ has been released to the civilians to house 7,499 families. Action is also being taken to release lands within the Cantonment area for agricultural and religious activities. The only land kept by security forces is for national security requirement and strategic interests only. Our recent findings have confirmed that 59% of Tamils have moved to areas where majority Sinhalese are living and live peacefully with them.

With the termination of military operations and the gradual restoration of normality, the strength of the military in the North has been reduced considerably. The present strength in the Jaffna Peninsula is reduced to a greater degree. Further rationalization of this presence would be considered in line with national security interests. It should be noted that the total strength in the military in the North has been reduced considerably and the troops have been deployed in areas which were not affected by the conflict. Reduction in the numbers of security barricades, roadblocks and checkpoints in the North and East is also significant. In 2009, there were approximately 1,800 checkpoints / sentry points in North and as of August 2014 it was reduced to about 300 – restrictions reduced by 83%. Further, the reduction of road blocks in North stands 64% as of August 2014. As of now numbers are near zero.

RELEASING OF LANDS TO CIVILIANS

As at 30 September 2014, the Government has released 19,506 acres of private land and 2,979 acres of State owned land in the Northern Province which were hitherto used by the military. In the East, the Government has released 692 acres of private land and 3,622 acres of State Land. Therefore, the total figure of lands released in the North and the East amounts to 20,198 acres of private land and 6,601 acres of State Land.

RESTORING CIVIL ADMINISTRATION

The civil administration system in the North and East is fully functional with Government officials at the District, Divisional and grassroots levels being appointed and discharging their functions. The activities carried out by the Sri Lankan military are within the ambit of Civil Military Cooperation and are not intended to usurp the powers of the civil administration. The full responsibility for Law and Order has been handed over to the Police. A new Ministry of Public Security has also been created. Tamil language training is also being provided to additional numbers of Police personnel. 3,424 Police officials have been given Tamil language training in the period 2009 – 2012 and 409 Police officials have been given English language training during this same period. This is in line with the Government's overall policy of promoting

trilingual competency among public officers. Since 2015, several batches of Tamil speaking youth have been recruited to the Sri Lanka Police.

RESTORING DEMOCRACY

Sri Lanka is a vibrant multi-party democracy, and has consistently been so since independence. During the three decades of the terrorist conflict, however, the LTTE did not allow Sri Lankans in parts of the North and East to exercise their democratic rights.

Resuscitating democracy in these areas following their liberation during the Humanitarian Operation was one of the key concerns of the Government in the post conflict period. Provincial Council elections were held in the Eastern Province in 2008, while fighting was still going on in the North. 65% of registered voters participated in this election, in which the main Government party, the United Peoples' Freedom Alliance won 52% of the vote and 20 seats on the Council.

With the end of LTTE terrorism in May 2009, the Government took quick measures to bring democracy to the people by holding elections. Local government elections were held in August 2009, Presidential Elections were held in January 2010, General Elections were held in April 2010 and Provincial Council elections were held in 2013. Even parties supporting of LTTE were given the opportunity to contest. But their results show the dwindling trust and support of the Tamil people with each election. Since then, many other elections were held and Tamil people were given the full freedom to select their representation with no restriction. Present representation of different Tamil political parties in the parliament is a clear testimony for such freedom of Tamil people.

MEDIA AND RELIGIOUS FREEDOM

Sri Lanka's multi-cultural, multi-ethnic and multi-religious social fabric is one which is fiercely protected not only by the Government of Sri Lanka but also by its people. It may be noted that all people living in Sri Lanka enjoy freedom of religion, which is a constitutionally guaranteed right. Also the media freedom and freedom of expression have been ensured despite repeated allegations with regard to curtailment of media freedom and freedom of expression in the country. Sri Lanka remains committed to taking necessary steps to ensure the safety of media personnel and institutions.

PROCESS OF ACCOUNTABILITY

Sri Lanka has understood the responsibility of accountability. It should be noted that many allegations leveled against the security forces seemed baseless, habitual, differently motivated efforts to discredit Sri Lanka and the efforts by the security forces to rescue the Tamil community from the clutches of the LTTE. There are discontented parties annoyed at the defeat of the LTTE who wish to for different reasons, level war crimes allegations against Sri

Lanka. Sri Lanka has always been ready to investigate, many commissions have been appointed, concluded and actions are in progress. One must understand that the war in Sri Lanka was three decades long, thus this process needs some time.

The Government established the LLRC as a domestic process of accountability and appointed a military commission to investigate all alleged violations. Domestic process of accountability has been the cardinal principal adhered by Sri Lanka as Sri Lanka is a sovereign nation. The Government established an Office of Missing Persons (OMP) and it will continue albeit voluntary resignation of its Chairperson to contest for the top post of a professional body. The Parliament has passed monetary provisions for the continuity of the OMP for next year (2021). Appointment of the Chairperson has been appointed as the Chairperson of the National Human Rights Commission of Sri Lanka (HRCSL). Funds have been allocated for the functioning of the HRCSL for next year. The Office on Reparations (OR) has been allocated monetary provisions for the continuity of its work for next year (2021). A Policy on Reparations is drafted (Policy document with a draft Cabinet Memo has been submitted to the Ministry of Justice) to be submitted to Cabinet and to the Parliament for approval.

As at October 2020 total no. of applications received by the OR was 16,275. 4,555 applications were processed from Jan-Oct 2020 and total sum of paid compensation was Rs. 44,030,026. (44 million) For Nov 2020 the OR received Rs 90 million for payment of compensation and Rs. 70 million in December. The Office on Reparation has asked for Rs. 1.25 Billion for 2021 to pay compensation. As at end October, 5,318 applicants were awaiting payment, (ie. their applications have been processed and payment approved). The amount needed to pay all of them is Rs. 412,288,080/=.

On 17 November 2020, the Cabinet of Ministers approved the appointment of a Commission of Inquiry (COI) headed by a Justice of the Supreme Court, to review the reports of previous Sri Lankan COIs which investigated alleged violations of Human Rights and International Humanitarian Law (IHL), to assess the status of implementation of their recommendations, and to propose deliverable measures to implement them keeping in line with the new Government's policy. The COI is yet to be appointed by the President. This commission will comprise representatives of all ethnicities and gender. The law of evidence plays the most crucial role, and due process is required for prosecution. Investigations are carried out into all incidents and suspects are prosecuted through the legal system once sufficient evidence has been found.

APPEAL

An economically, socially and politically secure Tamil populace does not require presence of LTTE supporting parties who are living overseas to act as a conduit for their demands. People are able to judge and decide for themselves. They know how life was when LTTE ruled them with gun and they know what life is like 12 years on. Today, people have more important socio-

economic challenges to deal with. Proposals for ethno-religious devolution or self-determination will not feed their stomachs, send their children to school or give them a suitable job. They want to put aside that bleak period of terror and get on with their lives. The people of Sri Lanka has weathered decades of terror which came to an end in May 2009. The only memory of that terror remains with the political wing of the LTTE who without LTTE have no political careers. To move forward, we must close the chapter of LTTE terrorism and separatism in whatever nomenclature. This is a chapter no person wants to return to. A new chapter must commence minus any links to LTTE terror or its separatist ideology.

The world cannot forget that we endured 3 decades of terror accepting the formulas proposed by the UN and international community. We held peace talks, ceasefires, negotiations both in Sri Lanka and overseas. We allowed foreign mediated negotiations and ceasefires; we even had a foreign peace keeping force. All these foreign formulas failed. They didn't bring peace and they didn't stop the terror. We gave room for these foreign formulas but we suffered. The victims of LTTE were all Sri Lankans – they were Sinhalese, Tamils, Muslims and Burghers. In fact, LTTE has even killed foreigners. Now the UN and international community must give room and allow us to determine our future and a formula that works for us. A home grown one.

The military defeat of LTTE combined with the world's largest hostage rescue operation undeniably enters world records. This is an achievement not many foreign national armies have achieved. With terrorism prevailing in almost all countries of the world, Sri Lanka's military managed to defeat an internationally proscribed terrorist movement. This achievement should not be belittled. We are proud to say that our post-conflict records have no parallel as well. With only 11 countries without any conflict and over 50.8 million IDPs, the world should praise Sri Lanka for its post-conflict achievements. No post-conflict country has achieved what Sri Lanka has. Take a walk through the war-torn areas to witness this change. We say this with great pride because we can see the change. Our appeal is to give us space. Give us a chance to sort out our internal issues. When we can't and we want help, we will certainly reach out for help. But, we want to be the change we want to see and the world must allow us to do so. We are a sovereign nation - we are Sri Lankans. Allow us to build our nation at our own space and pace.

Signatories:

1. Association of Displaced Persons in North and East – KILINOCHCHI / උතුරේ යුද්ධය හේතුවෙන් අවතැන්වූ සිංහල මුස්ලිම් පවුල් එකමුතුව
2. Association for Disappeared Families of All Ethnic / සියළුම ජාතීන්ගේ අතුරුදහන් වූවන්ගේ පවුල් එකමුතුව
3. A Vision Sri Lanka / ඒ විෂන් ශ්‍රී ලංකා
4. Ar-Roomy Sport Club / අර් රූම් ක්‍රීඩා සමාජය

5. Citizens Committee AMPARA District / අම්පාර දිස්ත්‍රික් පුරවැසි කමිටුව
6. Civil Citizen Council of BATTICALOA District / මඩකලපුව දිස්ත්‍රික් පුරවැසි කවුන්සිලය
7. Country Tomorrow Organization / හෙට රට සංවිධානය
8. Dambulu Kathikawa / දඹුළු කපීකාව
9. Death and Missing Persons' Association / මියගිය සහ අතුරුදහන් වුවන්ගේ සංවිධානය
10. Dharmapala Parapura / ධර්මපාල පරපුර
11. Generation of Inheritance / පරපුරක උරුමය
12. Global Forum Executive Council / ගෝලීය සංසදය විධායක සභාය
13. Lanka National Front / ලංකා ජාතික පෙරමුණ
14. Medical Student Parents Association / වෛද්‍ය ශිෂ්‍ය මාපිය එකමුතුව
15. Movement for National Reconciliation / ජාතික සමභීය ගොඩනැගීමේ සංවිධානය
16. Movement of Sri Lanka War Heroes / ශ්‍රී ලංකා යුධ විරුවන්ගේ සංවිධානය
17. National Agrarian Union / ජාතික ගොවිජන එකමුතුව
18. National Joint Committee / ජාතික ඒකාබද්ධ කමිටුව
19. National Leather Manufacturers Organization / දේශීය සම්භාණ්ඩ නිෂ්පාදනයන්ගේ සංගමය
20. National Movement of Patriots / දේශමාමක ජාතික සංවිධානය
21. National Teachers Council / ජාතික ගුරු පවුර
22. Family Association of Sinhala and Muslims Displaced by Northern War / උතුරේ යුද්ධය හේතුවෙන් අවතැන්වූ සිංහල මුස්ලිම් පවුල් එකමුතුව
23. Organization' Council for Peace and Co-Existence / සාමය සහ සහජීවන සඳහා වන සංවිධානයන්ගේ මහා මණ්ඩලය
24. Organization to Protect National Heritage / ජාතික උරුමයන් සුරකීමේ සංවිධානය
25. Patriotic National Movement / දේශභිතෙමි ජාතික ව්‍යාපාරය
26. Pharmacist Union / ඖෂධවේදීන්ගේ සංගමය
27. Ranasara National Movement / රණසර ජාතික සංවිධානය
28. State Ayurvedic Doctors Association / රජයේ ආයුර්වේද වෛද්‍යවරුන්ගේ සංවිධානය

29. The Generation of Magamana / මගමානවක පරපුර
30. Traditional Coconut Manufacturers Organization / පාරම්පරික පොල් තෙල් නිෂ්පාදකයන්ගේ සංගමය
31. Viyath Pawura / වියත්පවුර