

Sri Lankan President Gotabaya Admits Thousands of Disappeared Tamil are Dead. TGTE Urges UN to Act.

President Gotabaya's statement has had a devastating impact on the families of those who remain missing after surrendering to the Sri Lankan Army

NEW YORK, USA, January 28, 2020 /EINPresswire.com/ -- On 20 January 2020, the BBC reported that Sri Lankan President Gotabaya Rajapaksa told the UN representative in Sri Lanka Hanaa Singer that the Tamils who were forcibly disappeared in the final days of the conflict are now all dead. Gotabaya, formerly the Permanent Secretary of the Ministry of Defense oversaw the military operations during which Sri Lankan soldiers perpetrated atrocity crimes at the end of the conflict in 2009.



Tamil Families of the disappeared

"President Gotabaya's statement has had a devastating impact on the families of those who remain missing after surrendering to the Sri Lankan Army," said TGTE Prime Minister Visuvanathan Rudrakumaran. "Gotabaya's later statement that the government would investigate the circumstances of the missing Tamils' deaths corroborates UN High Commissioner Michelle Bachelet's finding in February 2019 that '[s]ince 2015, virtually no progress has been made in investigating' the many crimes including enforced disappearances." (see, A/HRC/40/23). The Presidential Secretariat, in an effort to contain the damaging implications of Gotabaya's admission has tried to "walk-back" his statements, making the incredulous claim that they were taken out of context.

But sadly, Gotabaya did not say anything the international community did not already know. Three comprehensive UN investigations have found "credible allegations of violations of international humanitarian law...some of which amount to crimes against humanity". (Panel of Experts Report, 31 March 2011, p.ii)

The 2015 OHCHR Investigation on Sri Lanka (OISL), found reasonable grounds to conclude that the Sri Lanka Army committed the following acts that constitute war crimes and crimes against humanity: unlawful killings, enforced disappearances, shelling of hospitals and civilian areas, rape and sexual assault, torture, and denying civilians (nearly all Tamils) humanitarian aid, causing mass fatalities. The report cited abundant video, photographic and documentary evidence (link) of these crimes and identified the specific units responsible.

The UN Working Group on Enforced or Involuntary Disappearances (WGEID), in its most recent report from September 2019 (A/HRC/42/40/Add.1), found that "there remains a climate of impunity in Sri Lanka and a lack of actions envisaged to address this." (para. 10) The report

further notes:

[W]orrying information received according to which some individuals suspected of having been involved in the commission of enforced disappearances and related offences are being permitted to remain in positions of power including within the armed forces and the police. In this regard, it expresses serious concern at the appointment of Lieutenant-General Shavendra Silva as Commander of the Sri Lankan Army in August 2019, despite there being serious allegations of gross violations of international human rights and humanitarian law against him and soldiers under his command, including enforced disappearances.

“Gotabaya’s January 20th admission makes it clear that the promise of an effective Office of Missing Persons is nothing more than a farce designed to deceive the international community,” TGTE Prime Minister Rudrakumaran added.

In light of Gotabaya’s admissions, TGTE makes the following seven demands:

1. The Government of Sri Lanka must immediately return the remains of those killed to their families for burial or reveal the location where the Sri Lanka Army buried their bodies.
2. UN High Commissioner for Human Rights Michelle Bachelet must require Sri Lanka to provide details about the circumstances surrounding the death of the tens of thousands of Tamils Gotabaya has declared dead. Under the Right to Know and the Right to Truth, the families have the right to learn what happened so that their continued suffering at not knowing can be abated.
3. High Commissioner Bachelet must also respond to Gotabaya’s declaration that the missing are dead in her upcoming oral report scheduled for the 43rd session in February/March 2020.
4. The UN Working Group on Enforced or Involuntary Disappearances (WGEID) must prioritize the thousands of cases of missing Tamils still before it.
5. WGEID must renew OISL’s call for the creation of an “ad hoc hybrid special court, integrating international judges, prosecutors, lawyers and investigators, mandated to try war crimes and crimes against humanity.” (A/HRC/30/CRP.2, recommendation # 20).
6. WGEID must also call upon the UN Human Rights Council to, at long last, adopt the recommendations made by the previous UN High Commissioner for Human Rights Zeid Al Hussein to strengthen human rights, end impunity and hold perpetrators of war crimes and crimes against humanity accountable.
7. Given the fact that the UN Security Council passed a resolution last year designating forced disappearance in the context of an armed conflict a war crime, the Security Council must pass a resolution referring the Sri Lanka situation to the International Criminal Court (ICC), as the Council is empowered to do under Chapter 7 of the UN Charter on the ground that continuing impunity constitutes a threat to international peace and security.

“Impunity is more than a threat to peace. It is an unspoken call to arms. The recent anti-Muslim violence perpetrated by the Sinhala Buddhist fundamentalists aided by the State of Sri Lanka renders this fact unrefutable,” Rudrakumaran added. “Gotabaya’s declaration that tens of thousands of missing Tamils are dead is nothing less than an admission of guilt that he and the State of Sri Lanka committed grave breaches of international law. While nothing can bring back the tens of thousands of Tamils killed by Sri Lankan forces, by following through on TGTE’s seven demands, the international community will send the urgent and decisive message that international justice is still alive.”

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