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Amnesty International welcomes UN High Commissioner for Human Rights' repeated call for an independent and credible international investigation into alleged violations of international law in Sri Lanka

A report made public yesterday (12 February) by the Office of the UN High Commissioner for Human Rights (OHCHR) makes clear that Sri Lanka has a lot of work to do when it comes to securing justice, reconciliation and resumption of livelihoods in the aftermath of Sri Lanka's protracted armed conflict. It also suggests that Sri Lanka may be unwilling to do that work. Sri Lanka's recent steps toward investigating allegations of serious violations of human rights were described as "inconclusive" and lacking "the independence and impartiality required to inspire confidence." Meanwhile serious violations of human rights continue to be reported and Sri Lanka had not taken advantage of the UN's proffered technical assistance aimed at improving the human rights situation in the country.

The report notes that both the High Commissioner for Human Rights and the UN Special Rapporteur on the Independence of Judges and Lawyers warned that Sri Lanka's impeachment of the Chief Justice in January "could undermine the independence of the judiciary and the rule of law."

As the OHCHR report emphasizes, continuing reports of extrajudicial killings, abductions and enforced disappearance underscore the urgent need to end impunity in Sri Lanka. But there has really been no progress in that regard at all. Sri Lanka has spent the last year deflecting international criticism and lashing out at its Sri Lankan critics instead of addressing past human rights violations or preventing new ones.

Amnesty International has repeatedly expressed concern that the government's intolerance of dissent, even from those using the country's judicial system, combined with its unwillingness to rein in abusive members of its security force and political supporters or account for their actions, has led to violations of the right to freedom of expression, undermined rule of law and is derailing post-conflict reconciliation.

The situation has prompted the High Commissioner for Human Rights Navi Pillay to: reiterate her call for an "independent and credible international investigation" into alleged violations of international human rights and humanitarian law in Sri Lanka, which Amnesty International fully supports; and to suggest that that investigation could also serve to monitor any domestic accountability process, should one emerge.

The OHCHR report was requested by the Human Rights Council in Resolution 19/2 of March 2012, which called on Sri Lanka to implement recommendations made by its Lessons Learnt and Reconciliation Commission (LLRC), to take additional steps ensure justice, equity, accountability and address alleged violations of international law. The Council asked Sri Lanka for a comprehensive action plan to implement the LLRC recommendations. OHCHR and relevant special procedures mandate holders were encouraged to provide Sri Lanka with advice and technical assistance. The Council also asked OHCHR to present a report on the provision of such assistance to the Council at its 22nd session, which starts on 25 February 2013.

Although OHCHR has offered assistance in a number of areas, including importantly, advice on establishment of a truth-seeking mechanism, the Sri Lankan government has not yet agreed to any technical assistance from OHCHR. And, as the report notes, the Sri Lankan government has failed to agree to requested visits by eight UN special procedures mandate holders: on minority issues; freedom of

peaceful assembly and of association; freedom of opinion and expression; extrajudicial, summary or arbitrary executions; enforced or involuntary disappearances; human rights defenders; independence of judges and lawyers; and discrimination against women in law and practice.

In the report, the High Commissioner for Human Rights endorses the views expressed by many stakeholders in Sri Lanka, including prominent community leaders, about the important contribution made by the Human Rights Council in raising issues of accountability and reconciliation in Sri Lanka, and creating a space for debate within Sri Lanka. Amnesty International's joins the High Commissioner in encouraging the Council to maintain and build on this momentum. The Human Rights Council should establish a Council mechanism devoted to monitoring and reporting to the Council on the current human rights situation in Sri Lanka and should throw its support behind growing demands for an independent international investigation into allegations of crimes under international law committed in Sri Lanka..