



28<sup>th</sup> Regular Session of the UN Human Rights Council  
Item 2: Annual Report of the UN High Commissioner for Human Rights and Reports of the OHCHR and the  
Secretary-General – General Debate

Oral Statement Delivered by R Iniyan Ilango on behalf of  
Asian Forum for Human Rights and Development (FORUM-ASIA)

Thursday, 5 March 2015

Thank you Mr. President. The High Commissioner's Annual report notes the creation of the OHCHR Investigation on Sri Lanka (OISL) as tasked by this Council in its resolution 25/1.<sup>1</sup> We express our deep disappointment over the deferral of the OISL's report to the 30<sup>th</sup> session of this Council.<sup>2</sup> We share this disappointment with several victims and human rights defenders, many who have contributed to the OHCHR led investigation and have eagerly awaited the report as a sign of hope which transcends the vicious cycle of a long series of failed domestic accountability processes.

Following elections in January, there has been a noticeable reduction in threats to human rights defenders and media freedoms. However, political prisoners and human rights defenders detained by the previous government are yet to be released while civilians in the North and East are still subjected to intimidation and a lack of fundamental freedoms.<sup>3</sup>

In requesting a deferral, the High Commissioner referred to commitments set out in a 13 February 2015 letter by Sri Lanka's Foreign Minister. Unfortunately the letter does not say that the Sri Lankan government will cooperate with the investigation and provide access to new information nor does it say that human rights defenders may freely provide information to the investigation without fear of reprisals. It also does not invite the OHCHR investigation team to visit the country and collect evidence.<sup>4</sup>

The government of Sri Lanka must honour the trust placed in it by the High Commissioner and extend full cooperation for OISL including free access to the country and to victims. As a token of its assurances the government should, at once, release all detained political prisoners and human rights defenders. It should also demonstrate its sincerity towards change by taking immediate steps in the North and East, to fully demilitarise and ensure that fundamental freedoms are restored in full.

Mr. President Resolution 25/1 came in the wake of decades of failed domestic accountability processes that extend well beyond the tenure of Sri Lanka's previous government. Brutalities of Sri Lanka's civil war addressed by the resolution are rooted in decades of failure to address root causes of conflict. Mere political transition is not necessarily a guarantee for securing human rights. In the recent past this Council has sadly seen many examples of this from Burma/Myanmar to Libya and others that experienced the Arab Spring. It is our hope that the OISL report will take this context into account and both meaningfully establish accountability for grave human rights violations and advocate stringently for sustained international scrutiny until tangible results are demonstrably achieved, on the ground.

Thank You Mr. President.

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<sup>1</sup> A/HRC/RES/25/1

<sup>2</sup> Zeid requests "one time only" deferral of key report on Sri Lanka conflict (16 February 2015)  
<http://www.ohchr.org/RU/NewsEvents/Pages/DisplayNews.aspx?NewsID=15574&LangID=R>

<sup>3</sup> Human Rights and 50 days of Sri Lanka's new Presidency (3 February 2015) <http://groundviews.org/2015/03/02/human-rights-and-50-days-of-sri-lankas-new-presidency/> TID arrests a Tamil woman and 8 year old French daughter (3 March 2015)  
<http://groundviews.org/2015/03/03/tid-arrests-a-tamil-woman-and-8-year-old-french-daughter/>

<sup>4</sup> For additional analysis see: UN deferral must be used to make Sri Lanka war crimes report stronger (23 February 2015)  
<http://www.ucanews.com/news/un-deferral-must-be-used-to-make-sri-lanka-war-crimes-report-stronger/73047>