



**30<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 (OHCHR Report on Sri Lanka) - General Debate**

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

**Wednesday, 30 September 2015**

Mr. President, FORUM-ASIA welcomes the OHCHR and OISL reports<sup>1</sup> and endorses their findings. We express serious concern on the gross and systemic crimes they indicate including war crimes and crimes against humanity. We urge the government and people of Sri Lanka and the international community to address the findings of the report and fully implement its recommendations.

Despite some change, oppressive structures, policies and practices continue in Sri Lanka. Harassment and intimidation of HRDs and war victims continue in the North and East alongside military occupation of civilian land, as well as torture and sexual abuse. Disappearances all over the country remain unaccounted for and people continue to be arrested under the abusive Prevention of Terrorism Act (PTA). Some PTA detainees languish in detention for the last 19 years without the conclusion of their cases. Very little has been done in the last few months to address any of this.<sup>2</sup>

We note the commitments made by the government to the Council, and reiterate that concrete results, and not promises, will make a difference to survivors and their families and generate confidence - particularly, given broken promises and U turns in past, some of which the government has acknowledged. Success of accountability mechanisms will depend the details and on the confidence Sri Lankan people have in them, especially survivors and victims' families; and the extent to which their insights are included in the design, implementation and oversight of such mechanisms.

Noting the government's acknowledgement to the Council on the "weaknesses of (Sri Lankan) institutions", we agree with the High Commissioner that Sri Lanka's criminal justice system is not ready to pursue accountability through a domestic process. We call on the government and the international community to work together towards an accountability mechanism that has, at minimum, a sole international prosecutor and a majority of international judges, lawyers and investigators, appointed independently.

It is imperative that war crimes, crimes against humanity and genocide are criminalised domestically with retrospective effect. Furthermore, UN member states should fully implement recommendations addressed to them, including by applying universal jurisdiction to prosecute those responsible for serious violations.

The report is an important milestone, but the difference it makes to Sri Lanka will depend on follow up. Thus, this Council must continue to regularly assess progress and in the event of a failure consider further international action to ensure accountability.<sup>3</sup> I Thank You.

1 OHCHR (16 September 2015), [Report of the Office of the United Nations High Commissioner for Human Rights on Promoting Reconciliation, Accountability and Human Rights in Sri Lanka](#) (A/HRC/30/61); also see OHCHR (16 September 2015), [Report of the OHCHR Investigation on Sri Lanka \(OISL\)](#) (A/HRC/30/CRP.2).

2 FORUM-ASIA (3 July 2015), [Sri Lanka: Joint Open Letter to the Ambassadors of UN Human Rights Council Member States](#)

3 FORUM-ASIA (17 September 2015), [OHCHR releases its reports on Sri Lanka: A milestone in the quest for justice and accountability in Sri Lanka](#)