

Alliance Creative Community Project

HUMAN RIGHTS COUNCIL

30th Session

Delivered by:- Gajendrakumar Ponnambalam

ITEM 2 - OHCHR report on Sri Lanka

Our organisation welcomes the OISL report for the fact that it is the most comprehensive fact finding report thus far, on the mass atrocities committed in Sri Lanka despite the limited time frame investigated. We also note with appreciation that the findings were despite OISL not having direct access to victims and the physical evidence within Sri Lanka due to the none cooperation of the previous and current regimes.

We also welcome the report's recommendation that a comprehensive criminal investigation into the serious international crimes committed be undertaken and that the timeframe to be investigated should at least cover the entire period of the war. In this regard we find to be of utmost importance the report's finding that a domestic mechanism for such an investigation will not suffice due of the lack of capacity owing to the systematic distortion and corruption of security sector and judicial system in Sri Lanka by decades of emergency, conflict and impunity. But more importantly it is not merely the lack of capacity but also of political will which continues despite the regime change.

In this context all future steps regarding a criminal investigation must make sure that the current "distorted and corrupted" Sri Lankan judicial structures be excluded till such time comprehensive reforms have been undertaken, or at the very least, such structures' involvement be kept to the bare minimum in what should be a UN controlled and run criminal justice mechanism.

We regret to note however, that the draft resolution A/HRC/30/L.29 on Sri Lanka that is to be adopted, calls for a criminal investigation to be undertaken, but does not seriously address the significant shortcomings detailed in the OISL report. The resolution only seeks to provide the appearance of credibility by providing for some 'foreign' involvement, to what is for all practical purposes a domestic mechanism, which the OISL report very comprehensively rejects.

In conclusion we wish to reiterate the firm conviction of the Tamil people in Sri Lanka, who comprise the vast majority of the victims, that accountability and justice can only be truly delivered through an international criminal justice process.