



INTERNATIONAL COMMISSION OF JURISTS

Commission internationale de juristes - Comisión Internacional de Juristas

"Dedicated since 1952 to the primacy, coherence and implementation of international law and principles that advance human rights "

11th Special Session of the UN Human Rights Council

ICJ Intervention on Serious Humanitarian and Human Rights Situation in Sri Lanka

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Mr. President,
Madam High Commissioner,

The end of the armed conflict in Sri Lanka, after 26 years and the loss of up to 100,000 civilian lives, including 7,000 since January 2009, provides a historic opportunity for the international community to encourage and support a national process of political reconciliation, recovery and reconstruction based on principles of human rights and rule of law.

The pattern of systematic abuses evident throughout the conflict, including extrajudicial and other unlawful killings, enforced disappearance, torture and other ill-treatment, holding civilians hostage, forced recruitment to paramilitary groups, and widespread crackdown on political dissent and free expression – testifies to the need for a renewed commitment to the rule of law by the Government of Sri Lanka.

The International Commission of Jurists (ICJ) therefore welcomes this Council's special session to address for the first time the humanitarian and human rights crisis in Sri Lanka, which continues after the end of the military conflict. However, we deplore that the current draft resolution L.1/Rev.2 fails to address the most pressing concerns.

It is particularly important that urgent measures be taken to relieve the crisis faced by up to 280,000 internally displaced persons (IDPs) detained by the Government in overcrowded, undersupplied and unsafe camps. To that end, the special session should urge the Government to:

- Ensure that the UN, other international humanitarian agencies and NGOs have immediate and unimpeded access to the internally displaced persons (IDPs), and to provide journalists with access to the camps;
- Improve security and living conditions for IDPs, and allow them to exercise freedom of movement, expression, and other human rights;
- Ensure access of IDPs to adequate food, medicine, housing, and other humanitarian aid;
- Release full information on the sick and wounded, disclose screening procedures, assist people in returning to their homes as soon as possible, and enable effective monitoring by competent international organizations, including the ICRC;
- Ensure rehabilitation of child soldiers and disarmament and demobilization of paramilitary groups, and protect children in camps from forcible removal by paramilitary groups.

The ICJ also urges the Council to request the assistance of the OHCHR to document, advise and report on the human rights situation in support of humanitarian and reconstruction efforts. This vital assistance will provide a basis for ongoing discussion between the Government and international donors as they evaluate the process of ensuring sustainable recovery and reconciliation against progress in protection of human rights.

Recognizing the importance of recovery measures based on a demonstrable commitment to the rule of law, the special session should take note of the failure of successive governments in Sri Lanka to implement legal reform to prevent systematic impunity. This is the context for recent expressions of concern expressed by the UN Member States, the UN Secretary General, the High Commissioner for Human Rights and the Council's Special Procedures for an independent and impartial investigation into alleged crimes under international law committed by all parties to the conflict, including paramilitary groups. In this respect, it is important for the international community to support the Government in undertaking legislative and institutional reform necessary to ensure a durable political settlement. To this end, the Council should urge the Government to:

- Undertake prompt, effective, and impartial investigations into human rights and humanitarian law violations, including violations of the right to life, security, and free expression in relation to attacks against journalists and human rights defenders, and prosecute those found responsible;
- Cooperate with international efforts to investigate human rights and humanitarian law violations, including alleged crimes under international law, including by providing access throughout Sri Lanka to the Commission of Inquiry to be established by the Council and to the Council's Special Procedures;
- Review emergency and security laws and repeal those provisions that have given rise to human rights violations and have enabled discrimination against minority and disadvantaged groups;
- Reform the criminal justice system, including prosecutions of gross human rights violations and witness protection, to be in conformity with international standards and in line with international treaties that the country has ratified;
- Address the grievances of minority communities, in particular Tamils and Muslims, to prevent recurrence of social and political exclusion and injustice;
- Ensure implementation of the 17th Amendment to the Constitution providing for the mandate and powers of the Constitutional Council, safeguard the independence of the judiciary, and allow the unhindered operation of institutions charged with law enforcement and the protection of human rights.

Mr. President, Madame High Commissioner,

I thank you.