

TAMIL CENTRE FOR HUMAN RIGHTS - TCHR/CTDH
CENTRE TAMOUL POUR LES DROITS DE L'HOMME
(Established in 1990)

(UN accredited NGO to the World Summit on Information Society and the Warsaw Conference)

www.tchr.net

Ref : WE084/PR/2010

19 May 2010

**UN HUMAN RIGHTS COUNCIL'S RESOLUTION
ON SRI LANKA IS A BOUNCED CHEQUE!**

When the UN Human Rights Council passed a resolution favouring Sri Lanka, then Sri Lankan ambassador for Sri Lanka Dayan Jayatileka told those who were against this resolution that, ".....Draft resolution L.1/Rev.2 – 27 May 2009, **was not a blank cheque** for the Government of Sri Lanka, it comprehended the totality of the agreement with the Secretary-General. But it was not a punitive measure either. It was not a manifesto for a lynch mob". **Excerpt**

Yes, it was neither a blank cheque nor a cheque for a heavy sum! Now it is almost a year, and **it has become a bounced cheque with no action!** The twenty nine countries (*Angola, Azerbaijan, Bahrain, Bangladesh, Bolivia, Brazil, Burkina Faso, Cameroon, China, Cuba, Djibouti, Egypt, Ghana, India, Indonesia, Jordan, Madagascar, Malaysia, Nicaragua, Nigeria, Pakistan, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Uruguay, Zambia*) which were in favour of this resolution are now answerable for their commitment to it.

Countries like South Africa (Glaudine J. Mtshali) explained before their vote that, "they wished to draw the attention of the Council to a document that had been recently issued by the Office of the Secretary-General. This was a joint statement of the Secretary-General and the Government of Sri Lanka. This statement read that the Secretary-General underlined the importance of an accountability process for addressing humanitarian and human rights law issues". She thus wanted to clarify that there was already an ongoing process of accountability."

Draft resolution L.1/Rev.2 has a few important features which have time limits and should have been achieved by now! Consider the following excerpts from the resolution for example:

Recalling also that States have the duty and responsibility to provide protection and humanitarian assistance to all segments of the population, including internally displaced persons, without discrimination,

Welcoming also the recent reassurance given by the President of Sri Lanka that he does not regard a military solution as a final solution, as well as his commitment to a political solution with implementation of the **thirteenth amendment** to bring about lasting peace and reconciliation in Sri Lanka,

Emphasizing that, after the conclusion of hostilities, the priority in terms of human rights remains the provision of assistance to ensure the relief and rehabilitation of persons affected by the conflict, including internally displaced persons, as well as the reconstruction of the country's economy and infrastructure,

Encouraged by the provision of basic humanitarian assistance, in particular, safe drinking water, sanitation, food and medical and health-care services to the internally displaced persons by the Government of Sri Lanka with the assistance of United Nations agencies,

Encouraged also by the recent announcement by the Government of Sri Lanka of the proposal to safely resettle the **bulk** of internally displaced persons **within six months**,

7. Urges the Government of Sri Lanka to continue strengthening its activities to ensure that there is no discrimination against ethnic minorities in the enjoyment of the full range of human rights;

10. Further welcomes the visit to Sri Lanka of the Secretary-General at the invitation of the President of Sri Lanka, and endorses the **joint communiqué** issued at the conclusion of the visit and the understandings contained therein.

The joint communiqué referred to in paragraph 10, above, affirms the importance of accountability: “.....The Secretary-General underlined the **importance of an accountability process** for addressing violations of international humanitarian and human rights law. The Government will take measures to address those grievances.”

It is soon to be a year since the resolution was passed. What have been the developments on what was stated therein? The IDPs, Political solution and Accountability remain the same and the countries which supported this resolution have their right, indeed an obligation, to question Sri Lanka. If not all those twenty nine countries, at least countries like **India, South Africa, Malaysia, Bangladesh, Indonesia, Brazil, Uruguay, Nigeria, Zambia, Cameroon, Burkina Faso, Senegal, Djibouti, Egypt, Ghana, Qatar, Bahrain, Azerbaijan, and Russian Federation** have a duty to prove their support for international human rights norms and standards. It is well known that other States sweep their skeletons under the carpet.

Now is the right time for the United Nations to use its appropriate mechanisms to take action against Sri Lanka. Countries in favour of human rights should support such actions.

Sri Lanka has bullied the international community far longer than any other countries have.

We hope the time has come when finally Sri Lanka will face the correct punitive measures, bringing an end to its entrenched and endemic impunity.

Members of Civil Society have an urgent responsibility to play their part and to actively demand those countries which supported the failed resolution (**Resolution L.1/Rev.2**) to take corrective action.

For any further information on this resolution, please refer to the annex given below

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UN HUMAN RIGHTS COUNCIL'S RESOLUTION ON SRI LANKA IS A BOUNCED CHEQUE

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ANNEX

JOINT STATEMENT BY UN SECRETARY-GENERAL, GOVERNMENT OF SRI LANKA – 26 MAY 2010

<http://www.un.org/News/Press/docs/2009/sg2151.doc.htm>

STATEMENTS – DISCUSSION “11TH SPECIAL SESSION ON SRI LANKA – UN HUMAN RIGHTS COUNCIL”

<http://portal.ohchr.org/portal/page/portal/HRCExtranet/11thSpecialSession>

UN PRESS RELEASES – 26 & 27 MAY 2009

<http://www.ohchr.org/EN/NewsEvents/Pages/NewsSearch.aspx>

UNITED NATIONS – PRESS RELEASE 26 & 27 May 2009 (Excerpts)

On 19 May 2009 the Permanent Representative of Germany to the United Nations Office at Geneva requested the President of the Council (A/HRC/S-11/1) Martin Ihoeghian Uhomoihi (Nigeria), to the convening of a special session of the Council on 25 May 2009 to address the human rights situation in Sri Lanka. This request was supported by 17 States Members of the Council - Argentina, Bosnia and Herzegovina, Canada, Chile, France, Germany, Italy, Mauritius, Mexico, the Netherlands, the Republic of Korea, Slovakia, Slovenia, Switzerland, Ukraine, the United Kingdom of Great Britain and Northern Ireland and Uruguay. In addition the request was also supported by observer States of the Council - Austria, Belgium, Bulgaria, Cyprus, the Czech Republic, Denmark, Estonia, Finland, Greece, Hungary, Ireland, Latvia, Lithuania, Luxembourg, Malta, Poland, Portugal, Romania, Spain and Sweden.

5. As more than one third of the membership of the Council supported the above-mentioned request, the President of the Council convened informative consultations on the matter on 25 May 2009 and decided to convene a special session of the Council on 26 and 27 May 2009.

29. At the same meeting, the representatives of Canada, South Africa and Switzerland made general comments in relation to draft resolution A/HRC/S-11/L.1.

During the Special session of the UN Human Rights Council, on 26 May 2009 - NAVI PILLAY, United Nations High Commissioner for Human Rights, in a video message to the Human Rights Council, said,

“.....There are strong reasons to believe that both sides have grossly disregarded the fundamental principle of the inviolability of civilians” said Ms. Pillay. An independent and credible international investigation into recent events should be dispatched to ascertain the occurrence, nature and scale of violations of international human rights and international humanitarian law, as well as specific responsibilities.

.....The Government had already indicated that it might grant amnesty to lower and mid-level LTTE cadres and only prosecute senior LTTE leaders. Ms. Pillay underscored that amnesties preventing accountability of individuals who might be responsible for war crimes, genocide, crimes against humanity or gross violations of human rights were impermissible.

At the time she recorded her message, on May 25, the Secretary-General had visited Sri Lanka. She joined him in his appeal to the Government of Sri Lanka to address the root causes, the longstanding human rights conditions, to ensure a comprehensive process of accountability for human rights violations by all concerned. A new future for the country, the prospect of meaningful reconciliation and lasting peace, where respect for human rights and fundamental freedoms could become a reality for all, hinged upon such in-depth and comprehensive approaches.

Ms. Pillay remained convinced that an Office of the High Commissioner for Human Rights with a promotion

and protection mandate in Sri Lanka could play an important role in supporting the Government and in building the confidence of all stakeholders in Sri Lanka's recovery. She urged the Human Rights Council to support the call for the international community's help at such a critical juncture for Sri Lanka. ". **Excerpt**

KONRAD MAX SCHARINGER (Germany) aligned itself with the statement made by the Czech Republic on behalf of the European Union. A week ago, one of the bloodiest civil wars of recent decades had come to an end in Sri Lanka; the human rights problems, however, remained. Both sides had ignored repeated appeals from the international community – including that of neighbouring India, for example – to agree on a ceasefire and seek a negotiated settlement. Both sides had continued fighting, although hundreds of thousands of civilians, women, children and elderly, had been caught between the front lines and could not flee to safety. Many Tamils, who survived the fighting, continued to suffer, from shock and trauma, from injuries and hunger, from the loss of their homes, villages, towns and from harsh treatment in camps.

What the country needed now was a review process to identify what led up to this tragedy, and an investigation process to examine human rights violations and punish those responsible. The focus must not just be on the northern and eastern regions but on the country as a whole, for in the current climate those who held different views were subject to violence and oppression and those who were responsible for such acts went unpunished. This had to stop immediately, all communities must once again be free to say and write what they wanted without risking intimidation, torture or death.

DANTE MARTINELLI (Switzerland) said Switzerland had joined in favour for the request to convene this Special Session. From the beginning, Switzerland had done all it could to ensure that a dialogue between all the delegations could take place so that the Special Session was held in an inclusive and cooperative atmosphere. The aim was to enable the Council to contribute to improving the situation of victims, in cooperation with Sri Lanka. Open consultations had been held and the draft text had been discussed with all Members with a clear wish for dialogue and moderation. Switzerland was relieved that the armed conflict had come to an end and hoped that the Government of Sri Lanka would adopt policies that would lead to a lasting peace in the country.

During the conflict, the use of force was often indiscriminate and often civilians were used as human shields. Switzerland recalled that it was the primary responsibility for the Government of Sri Lanka to investigate violations of international human rights and international humanitarian law, as well as to oppose impunity. It was now necessary for the Government to establish criminal liability for those who violated international humanitarian law and international human rights law. The issue of internally displaced persons was a complex one. The Government of Sri Lanka needed to collaborate closely with the United Nations and the International Committee of the Red Cross and should raise all restrictions imposed on humanitarian aid agencies. The fundamental rights of internally displaced persons must be protected, such as access to water, health care and food. Child soldiers must also be reintegrated and journalists held in detention centres should be released.

THE NORWEGIAN AMBASSADOR MADE THE FOLLOWING STATEMENT DURING THE UN SPECIAL SESSION OF THE HUMAN RIGHTS COUNCIL ON SRI LANKA – 27 MAY 2009 :

BEATE STIRO (Norway) welcomed the decision to convene this Special Session on the human rights situation in Sri Lanka. Ever since the direct peace talks between the Government of Sri Lanka and the Liberation Tigers of Tamil Eelam (LTTE) ended in 2006, Norway had urged both parties to return to the negotiation table. However, it became evident **that both the LTTE and the Government** decided that their chosen path would be war. **(Excerpt)**

**HUMAN RIGHTS COUNCIL - Eleventh special session
26-27 May 2009 - A/HRC/S-11/2 - 26 June 2009**

REPORT OF THE HUMAN RIGHTS COUNCIL ON ITS ELEVENTH SPECIAL SESSION

I. Resolution adopted by the Council at its eleventh special session S-11/1 Assistance to Sri Lanka in the promotion and protection of human rights

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant human rights instruments,

Reaffirming the purposes and principles of the United Nations as contained in Articles 1 and 2 of the Charter, including the principle of non-interference in matters that are essentially within the domestic jurisdiction of States,

Bearing in mind General Assembly resolution 60/251 of 15 March 2006,

Recalling Council resolutions 5/1 and 5/2 on institution-building of the Human Rights Council,

Recalling also that States have the duty and responsibility to provide protection and humanitarian assistance to all segments of the population, including internally displaced persons, without discrimination,

Recalling further its decision 2/112 and its resolutions 6/28, 7/7 and 10/15, and recalling General Assembly resolutions 57/219, 58/187, 59/191, 60/158, 61/171, 62/159 and 63/185, and welcoming the efforts of the States Members of the United Nations in the protection of human rights and fundamental freedoms, and reaffirming the obligations of States to respect human rights law and international humanitarian law while countering terrorism,

Reaffirming the respect for the sovereignty, territorial integrity and independence of Sri Lanka and its sovereign rights to protect its citizens and to combat terrorism,

Condemning all attacks that the Liberation Tigers of Tamil Eelam launched on the civilian population and its practice of using civilians as human shields,

Reaffirming its commitment to promote international cooperation, as set forth in the Charter, in particular Article 1, paragraph 3, as well as relevant provisions of the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993 for enhancing genuine cooperation among Member States in the field of human rights,

Recognizing that the promotion and protection of human rights should be based on the principle of cooperation and genuine dialogue and aimed at strengthening the capacity of Member States to comply with their human rights obligations for the benefit of all human beings,

Welcoming the conclusion of hostilities and the liberation by the Government of Sri Lanka of tens of thousands of its citizens that were kept by the Liberation Tigers of Tamil Eelam against their will as hostages, as well as the efforts by the Government to ensure the safety and security of all Sri Lankans and to bring permanent peace to the country,

Welcoming also the recent reassurance given by the President of Sri Lanka that he does not regard a military solution as a final solution, as well as his commitment to a political solution with implementation of the thirteenth amendment to bring about lasting peace and reconciliation in Sri Lanka,

Emphasizing that, after the conclusion of hostilities, the priority in terms of human rights remains the provision of assistance to ensure the relief and rehabilitation of persons affected by the conflict, including internally displaced persons, as well as the reconstruction of the country's economy and infrastructure,

Encouraged by the provision of basic humanitarian assistance, in particular, safe drinking water, sanitation, food and medical and health-care services to the internally displaced persons by the Government of Sri Lanka with the assistance of United Nations agencies,

Encouraged also by the recent announcement by the Government of Sri Lanka of the proposal to safely resettle the bulk of internally displaced persons within six months,

Welcoming the successful rehabilitation and reintegration of former child soldiers after the conflict ended in the Eastern Province of Sri Lanka,

Acknowledging the continued engagement of the Government of Sri Lanka in regularly and transparently briefing and updating the Council on the human rights situation on the ground and the measures taken in that regard,

1. *Commends* the measures taken by the Government of Sri Lanka to address the urgent needs of internally displaced persons;

2. *Welcomes* the continued commitment of Sri Lanka to the promotion and protection of all human rights and encourages it to continue to uphold its human rights obligations and the norms of international human rights law;

3. *Encourages* the Government of Sri Lanka to continue to pursue its existing cooperation with relevant United Nations organizations, in order to provide, to the full extent of their capabilities, in cooperation with the Government of Sri Lanka, basic humanitarian assistance, in particular, safe drinking water, sanitation, food and medical and health-care services to internally displaced persons;

4. *Welcomes* the announcement of the proposal to safely resettle the bulk of internally displaced persons within six months, and encourages the Government of Sri Lanka to proceed in these endeavours with due respect for persons belonging to national, ethnic, religious and linguistic minorities;

5. *Acknowledges* the commitment of the Government of Sri Lanka to provide access as may be appropriate to international humanitarian agencies in order to ensure humanitarian assistance to the population affected by the past conflict, in particular internally displaced persons, with a view to meeting their urgent needs and encourages the Sri Lankan authorities to further facilitate appropriate work;

6. *Encourages* the Government of Sri Lanka to continue to persevere in its efforts towards the disarmament, demobilization and rehabilitation of former child soldiers, recruited by non-State armed actors in the conflict in Sri Lanka, their physical and psychological recovery and reintegration into society, in particular, through educational measures, taking into account the rights and specific needs and capacities of girls, in cooperation with relevant United Nations organizations;

7. *Urges* the Government of Sri Lanka to continue strengthening its activities to ensure that there is no discrimination against ethnic minorities in the enjoyment of the full range of human rights;

8. *Welcomes* the continued cooperation between the Government of Sri Lanka, relevant United Nations agencies and other humanitarian organizations in the provision of humanitarian assistance to the affected people, and encourages them to continue to cooperate with the Government of Sri Lanka;

9. *Also welcomes* the recent visits to Sri Lanka by the Under-Secretary-General for Humanitarian Affairs and the Representative of the Secretary-General on the human rights of internally displaced persons, and encourages them to continue to cooperate in the mobilization and provision of humanitarian assistance to the affected populations;

10. *Further welcomes* the visit to Sri Lanka of the Secretary-General at the invitation of the President of Sri Lanka, and endorses the joint communiqué issued at the conclusion of the visit and the understandings contained therein;

11. *Welcomes* the resolve of the Sri Lankan authorities to begin a broader dialogue with all parties in order to enhance the process of political settlement and to bring about lasting peace and development in Sri Lanka based on consensus among and respect for the rights of all the ethnic and religious groups inhabiting it, and invites all stakeholders concerned to actively participate in it;

12. *Urges* the international community to cooperate with the Government of Sri Lanka in the reconstruction efforts, including by increasing the provision of financial assistance, including official development assistance, to help the country fight poverty and underdevelopment and to continue to ensure the promotion and protection of all human rights, including economic, social and cultural rights.

A/HRC/S-11/L.1. The draft resolution, as revised, was adopted by 29 votes in favour, 12 against, with 6 abstentions. The voting was as follows:

In favour: Angola, Azerbaijan, Bahrain, Bangladesh, Bolivia (Plurinational State of), Brazil, Burkina Faso, Cameroon, China, Cuba, Djibouti, Egypt, Ghana, India, Indonesia, Jordan, Madagascar, Malaysia, Nicaragua, Nigeria, Pakistan, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Uruguay, Zambia;

Against: Bosnia and Herzegovina, Canada, Chile, France, Germany, Italy, Mexico, Netherlands, Slovakia, Slovenia, Switzerland, United Kingdom of Great Britain and Northern Ireland;

Abstaining: Argentina, Gabon, Japan, Mauritius, Republic of Korea, Ukraine.

<http://www.ohchr.org/EN/NewsEvents/Pages/NewsSearch.aspx>

Press release - Human Rights Council - AFTERNOON

Speaking before the vote on the motion of no-action on proposed changes to the resolution were the delegations of Switzerland and Mexico. Speaking in an explanation of the vote before the vote were the delegations of Germany, Mexico and Chile.

Speaking in general comments South Africa.

GLAUDINE J. MTSHALI (South Africa), in a general comment, said that they wished to draw the attention of the Council to a document that had been recently issued by the Office of the Secretary-General. This was a joint statement of the Secretary-General and the Government of Sri Lanka. This statement read that the Secretary-General underlined the importance of an accountability process for addressing humanitarian and human rights law issues. ***She thus wanted to clarify that there was already an ongoing process of accountability.***

DAYAN JAYATILLEKA (Sri Lanka),

“.....Draft resolution L.1/Rev.2 was not a blank check for the Government of Sri Lanka, it comprehended the totality of the agreement with the Secretary-General. But it was not a punitive measure either. It was not a manifesto for a lynch mob”. ***Excerpt***

Speaking in an explanation of the vote before the vote were the delegations of Germany, Mexico and Chile.

KONRAD SCHARINGER (Germany),“.....The draft resolution called on Sri Lanka to conduct investigations into the violations of international humanitarian and international human rights law, and to bring all perpetrators of these violations to justice, but this had not been reflected. In addition the draft resolution did not ensure the follow up of reporting to the Council through the High Commissioner for Human Rights. Therefore the European Union would vote against the draft resolution”. **Excerpt**

MABEL GOMEZ OLIVER (Mexico),“.....The current discussed text did not include elements for a balanced treatment. Human rights protection was not only the responsibility of Sri Lanka, but that of the whole international community and thus it was the role of the Council to express its opinion. It was important to include the issue of investigation and sanctions against the committed human rights violations. Given all that this, Mexico would vote against the draft resolution”. **Excerpt**

ALEJANDRO ROGERS (Chile), “.....It contained no mention of follow-up to Council measures and the monitoring of the human rights situation in Sri Lanka. For that reason, Chile would vote against draft resolution L.1/Rev.2. ”. **Excerpt**

Speaking in an explanation of the vote after the vote were the delegations of Japan, Brazil, Nigeria, the Republic of Korea, Uruguay and Argentina.

SHINICHI KITAJIMA (Japan), in an explanation of the vote after the vote, said that regarding the no-action motion, Japan believed that constructive dialogue should be held in the Human Rights Council on issues of human rights. Japan did not sign the request to convene the Special Session. However, having been convened, it was essential for the Council to send a message that appropriately addressed human rights and humanitarian efforts on the ground in Sri Lanka. Japan wanted to see the message adopted by consensus with Sri Lanka's support. However, this was not able to be realized in this case. The amendment by Germany should be included in the message to be issued by the Council in this regard, as it was regrettable that the views of some countries were kept silent with the no-action motion.

MARIA NAZARETH FARANI AZEVEDO (Brazil),“.....The joint United Nations Secretary-General Communiqué issued after his visit included all elements, as had been reminded by the delegate of South Africa. Also, the elements included in the United Nations Charter should not be lessened under any circumstances.” **Excerpt**

ALEJANDRO ARTUCIO RODRIGUEZ (Uruguay),“.....They had voted in favour of the adopted document, because it had already been significantly improved to include issues such as child soldiers, the mention of different ethnic groups, and the joint statement of the United Nations Secretary-General and the Sri Lankan President. This was a way of ensuring that there was accountability. Uruguay's understanding was that there had been human rights violations by all sides. Further, the increase of paragraphs was not a bad thing as it had allowed for the inclusion of very important issues.” **Excerpt**

YESHEY DORJI (Bhutan) said..... Bhutan welcomed the statement issued by the Sri Lankan Government yesterday at the opening of the Special Session, which reaffirmed their firm commitment to an inclusive national solution and to the promotion and protection of all human rights to all. *The Government also outlined a 180 day plan to resettle internally displaced persons, and in this regard, was cooperating with the Government of India, which was welcomed.*(**Excerpt**)

MARTIN IHOEGHIAN UHOMOIBHI, President of the Human Rights Council, in concluding remarks, said that

“.....He did not subscribe to the thinking that because consensus was not achieved it was a failure; it reflected the diversity and difference of opinion, which was good. He agreed with the delegation of Sri Lanka that this resolution was not a blank cheque. The draft resolution endorsed the joint statement made by the Secretary-General of the United Nations and the Government of Sri Lanka. Every single text in that document had been endorsed, which should be a measure of satisfaction for the work done today.”
Excerpt

Representatives of the following non-governmental organizations also spoke: Franciscans International, in a joint statement; Asian Legal Resource Centre; Women's International League for Peace and Freedom; Fédération Internationale des Ligues des Droits des l'Homme, in a joint statement; Liberation; Lawyers' Rights Watch Canada; International Educational Development; Pasumai Thayagam Foundation; Interfaith International; Cercle de Recherche sur les Droits et les Devoirs de la Personne Humaine; North South XXI; International Movement Against All Forces of Discrimination and Racism; and United Nations Watch.

V. SANTHAKUMAR, of Pasumal Thaayagam Foundation, said they were deeply concerned about the conditions and treatment of Tamils in Sri Lanka. Verification of war crimes was hindered as human rights defenders had been denied access to the areas affected. In the internally displaced persons camps people had been reportedly disappearing. Indiscriminate shelling of hospitals and hindered access to health care were violations of the Fourth Geneva Convention. The Human Rights Council was urged to take note of the extremely precarious situation and to intervene in a direct and forceful way. It was also recommended that Tamils be directly involved in the process of rehabilitation.

Visuvalingam KIRUPAHARAN, of Interfaith International, observed that this Special Session had been called after the cold-blooded massacre of more than 20,000 civilians in several days. Today, where were those who had survived? They were in concentration camps, far away from their habitual residence, surrounded by razor barbed wire and without food, medicine or freedom of movement. It was now more than a week since those killings had taken place and international agencies and observers were still not permitted to enter that area. In fact, Sri Lanka was in the process of clearing away the evidence in the same way it had done before in various parts of the north and east, including when 600 Tamils had "disappeared" and had been killed by the Sri Lankan security forces in the area called Chemmani in Jaffa. The laws of right conduct in war had been flagrantly and consistently breached by Sri Lanka – the 1949 Geneva Conventions and its 1977 protocols, as well as the Hague Conventions. Sri Lanka's war crimes and genocide against the Tamil people had been well documented for a very long time.

SUNANDA DESHAPRIYA, of Franciscans International, in a joint statement with Pax Romana and Dominicans for Justice and Peace, said the fighting between the Sri Lankan armed forces and the Liberation Tigers of Tamil Eelam had led to the death of more than 6,400 civilians, and had left 13,000 wounded and more than 230,000 displaced since January 2009. These were only estimates, as no independent monitor – including humanitarian organizations, journalists and human rights defenders – had been allowed into the conflict affected areas. Internally displaced persons affected by the conflict continued to suffer; the infringement of their right to food, water, health and freedom of movement would continue to be a major problem due to the dire conditions inside Government camps. In addition, the condition of those working for human rights inside and outside the conflict zone served as a good example of why this Council must act strongly today.

ARJUNAN ETHIRVEERASINGAM, of Liberation, said that this Special Session had arrived too late for the victims. How could one explain the silence of the Council in the light of the atrocities committed in Sri Lanka? Credible sources had reported that there had been more than 13,000 deaths these past months and the final days of the battle had been described as a "bloodbath". More than 300,000 displaced persons, of which approximately 80,000 were children, were in dire need of urgent humanitarian assistance and protection from the ongoing abuses being committed in camps controlled by the Government of Sri Lanka. The Special Session had arrived too late, but it could still be useful, on a single condition: that it allowed the Human Rights Council to set up an International Commission of Inquiry with a mandate to investigate allegations of violations of international human rights and international humanitarian law and to make recommendations on ways and means to address the continuing impunity in Sri Lanka.

SOOSAIPILLAI DAVID, of International Educational Development, said that the Tamil civilians were currently facing conditions of life that appeared to be designed to bring about their destruction, at least in part. This was after killing nearly 100,000 of them. It was also after having driven more than a third of them out of the country. Justice had failed. Tamils were persecuted in concentration camps. Young men and women were disappearing daily from these torture chambers. Urgent steps should be taken to save the dying Tamils.

SATHIYASANGARY ANANDASANGAREE, of Lawyers' Rights Watch Canada, noted that the struggle for equality for Tamils in Sri Lanka had not started in 1983, nor ended in 2009, but rather it was one that had commenced well before independence and, sadly, was unlikely to be resolved any time soon. Over a span of three decades, the struggle for equality for Tamils in Sri Lanka had claimed well over 100,000 lives, and displaced approximately 1 million people within Sri Lanka and over 1 million around the world. In the past several weeks alone, it was estimated that tens of thousands had died, 30,000 had been maimed, and that over 300,000 had been internally displaced. Having won the war, however, Sri Lanka was far from winning the peace. Sri Lanka had embarked on a dangerous path towards the destruction of its democratic tenets, namely the freedom of the press, free movement, free speech, due process and, most importantly, rule of law – all in the name of the war against terror. Anyone criticizing the Government was a terrorist, and anyone courageous enough to challenge State authority was labelled a traitor. That was definitely not the foundation upon which a State could achieve peace.

(Excerpts)