

28th January, 2016

We the undersigned activists and organizations condemn President Maithripala Sirisena's recent statements (BBC Sinhala Service, 21 Jan. 2016, Frontline, 14 Jan, 2016) wherein he appears to be indicating a withdrawal from the obligations the Government had committed to in the consensus resolution passed at the 30th Session of the UN Human Rights Council (UNHRC) in October 2015. It is worth recalling that the Government as a co-sponsor of this resolution, was in a position to negotiate the exact terms of the resolution. Owing to the Government's positions taken at these negotiations, the resolution in itself was a compromise, much to the disappointment of many victims and activists. The Government now appears to be backtracking from even these compromised commitments. The President in these interviews categorically stated that foreign judges and experts would not be part of the process. In his interview to BBC Sinhala Service he also went on to express his full confidence in the existing judicial system and in Sri Lanka's investigative authorities. In that interview he added that if there was any international support necessary for Sri Lanka that it was only for economic development. On 26 January 2016, a few days after the President's interview to the BBC, Prime Minister Ranil Wickremesinghe in an interview to Channel 4 appeared to be engaging in damage control when he stated that the Government will abide by commitments given in Geneva. These contradictions between the President and the Prime Minister are however not new and have been a constant feature of the Government's public communications about their commitments under the resolution ever since the resolution was passed.

It is widely acknowledged that the victim communities in Sri Lanka consider a purely domestic process to be untrustworthy. The crimes that were committed and that continue to be committed are of a systemic nature and the security apparatus that is responsible for most of these crimes and the attendant judicial, legal infrastructure continue to remain the same. Lack of legal and judicial response in the face of continuing violations including torture, arbitrary detention, unlawful arrest and sexual violence does not inspire confidence in the local judiciary. Further, a backlog of thousands of cases remain unaddressed, with very few arrests and convictions in response. Hence international participation in transitional justice processes including criminal prosecutions become an important element to win the trust and confidence of the victim communities. It is important to understand that the issue with regard to the need for international participation is one relating to willingness and not just of capacity. The agreement in October 2015 to include foreign judges and prosecutors showed signs on the part of the new Government of a willingness to act on accountability issues. The withdrawal from such obligations today leads us to questioning the seriousness of the Government's willingness.

The President's comments come at a time when his Government claims to have embarked on a process of consultations on the design of transitional justice mechanisms outlined in the UNHRC resolution. These comments severely compromise that process and cast doubt on the intentions of the entire endeavour. There are also reports that the Government has

already started drafting the necessary legal frameworks to put in place these mechanisms, which then raise the question as to whether the consultations will be merely tokenistic.

Of concern was also that President Sirisena in the BBC Sinhala Service interview had chosen to deny reports that violations continue to occur even after he took over as President in January 2015. Of particular concern was his accusation, quite similar to that of his predecessor, that those who allege such things have an LTTE connection.

We also recall that on 15 January 2016 in his remarks in Jaffna at the 'National Pongal Day' Prime Minister Ranil Wickremesinghe claimed that most of those who have disappeared are now dead. This callous remark by the Prime Minister, which has caused much anguish to victim families, is representative of the Government's lackadaisical attitude towards the issue of enforced disappearances. The Prime Minister reiterated this point in his Channel 4 interview. If the Prime Minister possesses such information on the disappeared the questions arises as to why he hasn't disclosed them through proper channels. That the Government has chosen to continue with the flawed Paranagama Commission, an institution that the UN High Commissioner had advised abandoning, is even further evidence of the Government's lack of willingness to deal with the issue of disappearance in a sincere manner.

Similarly on 21 January 2016 the Prime Minister speaking at the World Economic Forum noted that according to his Government that there were no political prisoners in Sri Lanka. This comes on top of the Government's failure on its own promises and time tables with regard to the release of political prisoners.

We fear that all of the above points to Sri Lanka's co-sponsoring of the UNHRC resolution in October 2015 being merely an act of foreign policy aimed at boosting its international image and legitimacy. Therefore, we demand that the Government issue a policy statement clarifying its position on the UNHRC resolution, in particular its stance with regard to the commitment to institute a hybrid process. We feel that it is time that all stakeholders, both within the country and in the international community, hold the Government accountable to its Geneva commitments.

Signatories:

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1. Centre for Human Rights and Development (CHRD)
2. Centre for the Promotion and Protection of Human Rights (CPPHR), Trincomalee
3. Ceylon Tamil Teachers' Union
4. Ceylon Teachers Union (CTU)
5. Dabindu Collective

6. Documentation Centre for Justice
7. Families of the Disappeared (FoD)
8. Jaffna Economists Association
9. Jaffna University Employees Union
10. Jaffna University Teachers Association (JUTA)
11. Mannar Citizens Committee (MCC)
12. Mannar Women's Development Federation (MWDF)
13. Muslim Women's Development Trust (MWDT)
14. National Fisheries Solidarity Movement (NAFSO)
15. National Movement for Release of Political Prisoners
16. North-East Coordinating Committee on Disappearances
17. Right to Life (R2L)
18. Tamil Civil Society Forum (TCSF)
19. Tamil Lawyers Forum
20. The Social Architects (TSA)
21. The Commission for Justice and Peace of the Catholic Diocese of Jaffna
22. Uyirolu - Brightness of Life Organisation
23. Vavuniya Citizens Committee

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