

18<sup>th</sup> February 2013

To: The President and all members of the UN Human Rights Council

**Call for a strong and action oriented resolution on Sri Lanka at the 22<sup>nd</sup> session of the UN Human Rights Council**

As a group of concerned Christian clergy living and serving in North and East of Sri Lanka, we are writing to appeal for a strong and action oriented resolution in relation to accountability, reconciliation and human rights in Sri Lanka, which will go beyond the resolution adopted at the 19<sup>th</sup> session of the Council.

As noted by the High Commissioner for Human Rights in her report to the Council, what we have seen since the rather weak resolution adopted at the 19<sup>th</sup> session of the Council is a total lack of political will on the part of the government to implement recommendations therein, such as the call for investigations into allegations of international law during the final stages of the conflict and cooperation with the UN Special Procedures, as evident by the lack of response to requests for country visits by 8 thematic UN Special Procedures for a number of years.

We had also witnessed continuing ignorance and violations of the key LLRC recommendations, related to political solution to the ethnic conflict, release of political prisoners, appointment of a Commissioner to look into disappearances, reparations, release of land occupied illegally by the military, restrictions on media, commemorating those dead and disappeared, use of both national languages etc. In the last year, those criticising and challenging the government in peaceful ways including by engagement with the UN, have been assaulted, questioned, arrested, threatened, discredited and intimidated by government ministers, officials, military and police. Victims include some of us and fellow clergy who are not signing this letter due to fear of reprisals.

We feel that the killing and disappearance of tens of thousands of Tamil people and actions that are suppressing the Tamil people and community, our culture, religions, language, land in a systematic way before, during and after the war, appears to be done with an intent to destroy us in whole or part, and thus, it is imperative that the international community addresses this seriously even at this late stage. We fear that at the pace these oppressive methods are carried out after the war, our identity as a people will be destroyed in the near future. Hence there is an exigency to arrive at a political solution which acknowledges the internal self-determination of the Tamil People.

While we have focussed on issues confronting the Tamil people, particularly in the North and East, we also remain deeply concerned about increasing authoritarianism all over Sri Lanka, such as the recent attacks against Muslims, killing of 27 Sinhalese prisoners in November last year, lack of investigation into discovery of skeletal remains in Matale of those suspected to have been tortured and killed, threats, attacks and

intimidations of journalists, human rights defenders, student leaders, trade unionists and religious clergy who criticize the government. We remain in solidarity with victims, their families and those who struggle for justice. The most recent impeachment of the Chief Justice bypassing Court decisions and due process, attacks and threats on judges and lawyers, as well as inaction of statutory bodies such as the Police, National Human Rights Commission and Attorney General's Department reinforces our long held view that justice for Tamils through domestic processes is not realistic, despite our own engagement with several such bodies in good faith.

We are convinced that the root cause of these problems is a lack of political will, than the capacity. Hence, it is our firm conviction that technical assistance from the UN in the form of training, advice, financial and material support will not suffice, and may even serve as red herring if not accompanied by more substantive investigative, monitoring and reporting role.

Thus, we appeal for a strong and action oriented resolution, which will:

1. Note the lack of progress on human rights and reconciliation since the last year's resolution, the continuing repression of minorities and those with dissenting views and unwillingness of the Sri Lankan government to address allegations of past violations
2. Establish an international and independent commission of inquiry to look into allegations of violations of international law by all sides during the war with proper witness protection mechanism
3. Appoint a Special Representative / Rapporteur on Sri Lanka with a broad mandate to address the past and on-going violations and assist and advice the government on future reconciliation initiatives
4. Identify a team of thematic UN Special Procedures to visit Sri Lanka considering pending requests for visits
5. Set up an accountability mechanism for UN officials implicated in the failure of the UN's protection mandate in relation to last stages of war in Sri Lanka as identified in the UN's Internal Review
6. Request the High Commissioner for Human Rights to report back to the Council's 25<sup>th</sup> session her observations on progress of the above and recommendations.

Thank you.

Sincerely yours,

1. Most Rev. Dr. Rayappu Joseph, Bishop of Mannar
2. Rev. Fr. S.V.B. Mangalaraja. President, Justice and Peace Commission, Jaffna
3. Rev. Fr. M.V.E. Ravichandran, Director, Laity council, Jaffna
4. Rev. I.D. Dixon, Anglican Church, Nallur
5. Rev. Sujithar Sivanayagam, Methodist Church, Trincomalee

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66. Rev. Sr. Anushia Alexander H.C.
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