

**Report of the Secretary General's Internal Review Panel
headed by Charles Petrie on United Nations action in Sri Lanka
is available online at**

http://www.un.org/News/dh/infocus/Sri_Lanka/The_Internal_Review_Panel_report_on_Sri_Lanka.pdf

Blacked-out Portions of Charles Petrie's Report

Page 11, Para 26

Three days later, on 12 March, at a UNHQ meeting of the Policy Committee to discuss Sri Lanka several USG participants and the RC did not stand by the casualty numbers, saying that the data were 'not verified'. Participants in the meeting questioned an OHCHR proposal to release a public statement referencing the numbers and possible crimes.³⁴ The next day, after receiving a draft of the statement, the Chef de Cabinet, the USG-Humanitarian Affairs, and the RC all wrote to the OHCHR leadership urging that the statement be changed to exclude specific reference to the number of casualties and possible crimes and violations of international law by the Government.³⁵ DPA supported the statement.

Page 15, Para 38

In June 2009 the Policy Committee discussed the possibility of UN action to establish a mechanism for an international investigation, an option presented by OHCHR. Several participants noted the limited support from Member States at the Human Rights Council and suggested the UN advocate instead for a domestic mechanism, although it was recognized that past domestic mechanisms in Sri Lanka had not led to genuine accountability. One participant said that "[i]t was important to maintain pressure on the Government with respect to recovery, reconciliation and returns and not to undermine this focus through unwavering calls for accountability ..."⁵⁰ The UN Office of Legal Affairs advised the Secretary-General that he had the authority, under Article 99 of the UN Charter, to establish Commissions of Inquiry. In July 2009, the Policy Committee held a meeting exclusively on accountability in Sri Lanka during which the Secretary-General decided to give the Government of Sri Lanka some time to meet its responsibilities on accountability, but to establish an international initiative of some sort if it did not do so.

Page 66, Para 81

The Policy Committee met two days later, on 12 March, to discuss Sri Lanka. Participants noted variously that "this crisis was being somewhat overlooked by the international community", the policy "of coordinating a series of high level visits seemed to have produced some positive results", and that the possible involvement of the Special Adviser on the Prevention of Genocide (SAPG) would not indicate a suspicion of genocide but may add to overcrowding of UN actors involved. Participants acknowledged the apparent need for a Special Envoy but noted this "did not seem politically feasible". It was suggested that "the Secretary-General's [public] statements may have appeared a bit soft compared with recent statements on other conflict areas [and it] was suggested [he] cite the estimated number of casualty figures ...". OHCHR said it would be issuing a "strong" statement which would include indicative casualty figures

Page 67, Para 83

At today's Policy Committee meeting, the [RC/HC] as well as [the USG-Humanitarian Affairs] of OCHA underlined the fact that the accuracy of figures remains still quite questionable

Page 68, Para 84

The civilian casualties have certainly been, and continue to be, heavy, but the detailed figures are still hard to be sure about ... (ii) The references to possible war crimes will be controversial ... I am not sure going into this dimension is helpful, as opposed to more indirect references to the need for accountability, in this conflict as elsewhere."

Page 88, Para 150

A 23 June Policy Committee meeting acknowledged the very limited political space given to the UN in Sri Lanka. Members agreed to: urge the Government to ensure protection and assistance for IDPs in accordance with international law; continue dialogue toward a durable political solution and reconciliation; seek a principled and coordinated international approach to relief, rehabilitation, resettlement, political dialogue and reconciliation; and pursue a "principle-based engagement by UNHQ and RC/HC/UNCT, with the Government,

International Financial Institutions, and other partners on early recovery ...". It was agreed that the UNCT would engage with international partners and develop principles of engagement, and a monitoring mechanism to ensure adherence to these principles.¹³⁵ The meeting also devoted considerable attention to the issue of accountability

Page 89, Para 152

In the weeks after the end of the conflict, the UN noted heightened intolerance and that "journalists, civil society actors and others have come under physical threat and attack, often labelled "traitors", for their criticism of the Government's conduct of the war ..." ¹³⁷ Members of the Policy Committee also noted "politically, there was little to show for the UN's engagement with all stakeholders" and that the President was "not receptive to the Secretary-General's suggestion to appoint an envoy."

Page 92, Para 163

In a February 2010 follow-up on progress made in implementing the various aspects of its 23 June 2009 decisions, the Policy Committee noted: "The Government has not agreed to proposals for the establishment of a body involving donors and the UN which would facilitate humanitarian and recovery coordination." As

Page 95, Para 172

By late June 2009, the heads of UN departments and agencies were increasingly focused on accountability, albeit with considerable disagreement on what action should be taken. In the 23 June Policy Committee meeting in New York OHCHR supported the creation of an international investigation mechanism. But others, noting the limited support from Member States in the wake of the Human Rights Council Special Session, suggested alternatives such as a national peace and reconciliation initiative, a national investigation involving credible international figures or a regionally-led process. One participant said that "[i]t was important to maintain pressure on the Government with respect to recovery, reconciliation and returns and not to undermine this focus through unwavering calls for accountability ..." OHCHR was tasked with preparation of a UN strategy and position on justice and accountability issues, including the possibility of an international investigation.

Page 96, Para 173

On 30 July the Policy Committee met again at UNHQ to address "follow-up on accountability" in Sri Lanka. Discussing whether or not the Secretary-General should establish an international Commission of Experts, many participants were reticent to do so without the support of the Government and at a time when Member States were also not supportive. At the same time, participants also acknowledged that a Government-led mechanism was unlikely to seriously address past violations. The Secretary-General said that "the Government should be given the political space to develop a domestic mechanism" and that only if this did not occur within a limited time frame would the UN look at alternatives