

## **PRESS STATEMENT BY HIGH COMMISSIONER FOR HUMAN RIGHTS ON CONCLUSION OF HER VISIT TO SRI LANKA**

**COLOMBO, 13 OCTOBER 2007**

I wish to thank His Excellency the President for inviting me to visit Sri Lanka and the Government of Sri Lanka for facilitating my program. I would like to thank Minister Samarasinghe and the many government officials, representatives of political parties, religious leaders, members of civil society and UN colleagues who have taken the time to share with me their perspectives. In particular, I would like to express my gratitude to the many individuals who approached me with testimonies of their own experience.

Yesterday I visited Jaffna. I am grateful to the military authorities for facilitating my visit and my particular thanks are due to the Bishop whose warm welcome and hospitality I very much appreciated.

I regret that time did not permit me to visit the Eastern Province. I also regret that I did not have the opportunity to visit Killinochchi, where I would have liked to convey directly to the LTTE my deep concern about their violations of human rights and humanitarian law, including the recruitment of children, forced recruitment and abduction of adults, and political killings. I am very concerned by the many reports I have also received of serious violations by the TMVP and other armed groups.

I was struck in my discussions by the fact that broader human rights issues affecting all communities on the island have largely been eclipsed by the immediate focus on issues related to the conflict. These include issues of discrimination and exclusion, gender inequalities, the low participation of women in public and political life, the rights of migrant workers and press freedom. These challenges will remain before and after any peace settlement, and they are deserving of greater and more focussed attention.

Sri Lanka has many of the elements needed for a strong national protection system. It has ratified most of the international human rights treaties. It has justiciable human rights guarantees in the Constitution. It has longstanding democratic and legal traditions. It has had a national human rights commission for more than a decade. Sri Lanka has an active media and benefits from a committed civil society.

However, in the context of the armed conflict and of the emergency measures taken against terrorism, the weakness of the rule of law and prevalence of impunity is alarming. There is a large number of reported killings, abductions and disappearances which remain unresolved. This is particularly worrying in a country that has had a long, traumatic experience of unresolved disappearances and no shortage of recommendations from past Commissions of Inquiry on how to safeguard against such violations. While the Government pointed to several initiatives it has taken to address these issues, there has yet to be an adequate and credible public accounting for the vast majority of these incidents. In the absence of more vigorous investigations, prosecutions and convictions, it is hard to see how this will come to an end.

While Sri Lanka has much of the necessary human rights institutional infrastructure, critical elements of protection have been undermined or compromised. The application of treaties in domestic law has been questioned by the Supreme Court in the Singarasa case. The Government's proposed legislation to address this problem, tabled this week in Parliament only partially addresses the issues and risks confusing further the status of different rights in national law.

Throughout my discussions, government representatives have insisted that national mechanisms are adequate for the protection of human rights, but require capacity building and further support from the international community. In contrast, people from across a broad political spectrum and from various communities have expressed to me a lack of confidence and trust in the ability of existing relevant institutions to adequately safeguard against the most serious human rights abuses.

Some of the institutions themselves acknowledge their limitations in this respect. Members of the Commission of Inquiry pointed out to me that some state officials had failed to appear in response to their requests. They also stressed that the absence of an effective witness assistance and protection system was a major constraint on their work. The Commission would, in my view, gain greater public confidence and support by conducting public hearings. In any event, the Commission of Inquiry is an ad hoc response to a series of particularly shocking incidents and should not be a substitute for effective action by relevant law enforcement agencies. Nor should it divert from the need for a forward looking, comprehensive and effective human rights protection system.

The Human Rights Commission has in the past played an important role in this respect. However, the failure to resolve the controversy over the appointment of commissioners has created a crisis of confidence in the HRC both locally and internationally. The HRC's failure to systematically conduct public inquiries and issue timely public reports has further undermined confidence in its efficacy and independence. Indeed, the Commission may lose its accreditation to the international body governing these institutions.

In my view the current human rights protection gap in Sri Lanka is not solely a question of capacity. While training and international expertise are needed in specific areas, and I understand would be welcomed by the Government, I am convinced that one of the major human rights shortcomings in Sri Lanka is rooted in the absence of reliable and authoritative information on the credible allegations of human rights abuses.

Many state that the LTTE is quick to manipulate information for propaganda gain. In my view this only accentuates the need for independent information gathering and public reporting on human rights issues.

OHCHR is willing to support the Government of Sri Lanka in this way. I am aware that there is a lively national debate about the need for international support in human rights protection. In light of the gravity of the reported ongoing abuses, and in particular of threats to life and security of the person, I believe that we should urgently resolve our ongoing discussions about the future of a productive relationship between OHCHR and the Government of Sri Lanka.

A final observation: It would be highly desirable for the government to consider an early ratification of the new International Convention for the Protection of All Persons from Enforced Disappearance. In light of the documented violations of international humanitarian law, Sri Lanka should seriously consider joining the 105 countries which have ratified the Rome Treaty creating the International Criminal Court.