

May 27, 2011

Secretary Hillary Clinton  
U.S. Department of State  
2201 C Street, NW  
Washington, DC 20520

Dear Secretary Clinton,

We write to urge you to take advantage of the opportunity of 17<sup>th</sup> session of the U.N. Human Rights Council to highlight the need for effective accountability in Sri Lanka for war crimes and other abuses committed by both sides during that country's civil war that concluded in May 2009. The United States Government should press for prompt action by the international community to provide such accountability and end the ongoing impunity in Sri Lanka for these abuses.

The Panel of Experts appointed by U.N. Secretary-General Ban Ki-moon to advise him on issues of accountability in Sri Lanka found credible allegations of war crimes, crimes against humanity and other violations of international humanitarian and human rights law by both the Sri Lankan government forces and the opposition Liberation Tigers of Tamil Eelam during the war in Sri Lanka.

The UN report concludes that tens of thousands were killed in the final months of the war, documenting rape, summary execution, enforced disappearances, widespread shelling, denial of food and medicine, and government attempts to intimidate and silence media. The UN Panel recommended that the U.N. Secretary-General immediately proceed to establish an independent international mechanism to conduct an investigation into the alleged violations.

The Sri Lankan government has pointed to its Lessons Learnt and Reconciliation Commission (LLRC) as the vehicle for accountability in Sri Lanka. But the LLRC is neither independent nor impartial. It is composed of individuals with close ties to the government, including former government officials who publicly defended the government's conduct during the war against allegations of war crimes. The LLRC is not explicitly mandated to investigate violations of human rights and international humanitarian law. In its proceedings to date, it has failed to pursue these allegations with any vigor.

The U.N. Panel examined the workings of the LLRC and concluded in its report as follows: "In sum, the LLRC is deeply flawed, does not meet international standards for an effective accountability mechanism and, therefore, does not and cannot satisfy the joint commitment of the President of Sri Lanka and the Secretary-General to an accountability process."

We appreciate the support the U.S. Government has repeatedly expressed for the Panel, including Ambassador Rice's April 25 statement commending the Panel's report. We respectfully request that the U.S. Government reiterate its support for the Panel at the

opening session of the U.N. Human Rights Council on May 30 by making a strong statement which would:

- a) welcome the Panel's report;
- b) express the U.S. Government's concern about the credible allegations detailed in the report, including the seriousness and scale of the crimes described;
- c) express concern at the report's findings of the failure of the Sri Lankan government to investigate and prosecute these crimes;
- d) note the Panel's findings that the LLRC is "not tailored to investigating allegations of serious violations of international humanitarian and human rights law," and has "not sought to investigate systematically and impartially the allegations of serious violations on both sides of the war;" and
- e) call for the full implementation of the Panel's recommendations, in particular the establishment of an independent international mechanism with a mandate to conduct investigations into alleged violations of international humanitarian and human rights law, including war crimes.

Such a statement by the U.S. Government would send a powerful signal to Secretary-General Ban Ki-moon, the Sri Lankan government and the other U.N. member states of U.S. support for effective accountability in Sri Lanka. With the support of the U.S. and other members of the international community, the victims and their families in Sri Lanka may finally receive the truth and justice they have long been denied.

Thank you for your consideration. We look forward to hearing from you in response to this matter.

Sincerely,

Adotei Akwei, Managing Director, Government Relations, Amnesty International

Karin Ryan, Director, Human Rights Program, Carter Center

Don Kraus, Chief Executive Officer, Citizens for Global Solutions

Dokhi Fassihian, Executive Director, Democracy Coalition Project

John Bradshaw, Executive Director, Enough Project

Paula Schriefer, Director of Advocacy, Freedom House

Tom Malinowski, Washington Director, Human Rights Watch

Mark Schneider, Senior Vice President, International Crisis Group

Jerry Fowler, Senior Policy Analyst, Open Society Foundations

Hans Hogrefe, Chief Policy Officer/Washington Director, Physicians for Human Rights

Aung Din, Executive Director, U.S. Campaign for Burma

CC:

Robert O. Blake, Assistant Secretary for South and Central Asian Affairs

Dr. Esther Brimmer, Assistant Secretary of State for International Organization Affairs

Ambassador Eileen Donahoe, U.S. Representative to the United Nations Human Rights Council

Harold Koh, Legal Advisor, U.S. Department of State

Michael Posner, Assistant Secretary of State for Democracy, Human Rights and Labor

Samantha Power, Senior Director for Multilateral Affairs and Human Rights, National Security Council

Ambassador Stephen Rapp, Ambassador-at-Large for War Crimes Issues, U.S. Department of State

Ambassador Susan Rice, U.S. Permanent Representative to the United Nations