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speaker: Mr. Bijo Francis
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A Joint Oral Statement to the 7th Session of the UN Human Rights Council by the Asian Legal Resource Centre (ALRC) and Lawyers Rights Watch Canada (LWRC).

Asia: Sri Lanka, Bangladesh and Nepal's human rights situations denounced

Thank you Mr. President,

Sri Lanka, one of this Council's Vice-Presidents, is also the State with the highest frequency and number of victims of forced disappearances in the world at present. During parallel events connected to this session, government representatives, like Yasantha Kodagoda, have sought to counter accusations about this reality by making dubious and unsubstantiated claims that the situation of human rights has been improving during its membership in the Council. As colleagues have pointed out, this would be a global first for a country where a cease-fire has collapsed.

This state of denial about the gravity of the situation and the unwillingness to cooperate with the OHCHR and accept its obviously required assistance and presence on the ground makes these persons directly, personally and morally complicit in the ongoing violations. How can the situation be getting better when new victims are being added on a daily basis, when none of the disappeared are resurfacing alive and well, and when no single effective investigations or prosecutions are taking place? Any thoughts of re-election to this Council must surely be nothing but a twisted joke.

The situation prevailing in Bangladesh is in effect being ignored by this Council, despite its severity. Since the imposition of a state of emergency on January 11, 2007, most fundamental rights have been suspended. The military-backed interim government has effectively bypassed the regular courts and ensured that Special Judges' Courts, under the control of specially appointed judges, are able to take over any and all cases of alleged corruption. This has guaranteed that the people that are being targeted by the government can be convicted arbitrarily. Blanket impunity for all actions by State actors has been granted under Section 6(1) of the Emergency Powers Ordinance – 2007.

Reports suggest that as many as 250,000 people have been arrested since the emergency began, many of whom have been tortured and/or killed. In short, an unjustified emergency has been repeatedly prolonged, the judiciary has been subverted, its independence scrapped, and the State can do and does as it pleases, while the Council turns a blind eye. We remain perplexed by the lack of value that this Council appears to give to the lives of Bangladeshis.

We have also received an alarming number of cases of rape by State and non-State actors in Nepal over the last year. Investigations into the majority of such cases and

others concerning torture, abductions and killings are not taking place, while violence has spread through myriad new armed groups, threatening a return to armed conflict in the country. According to local NGO INSEC, 234 persons were killed between November 21, 2006 and late 2007, including 28 by the government. The Maoists and YCL were involved in the abduction of 495 persons, while other groups accounted for a further 178 abductions. The police repeatedly refuse to accept complaints. While past and present violations remain un-prosecuted, impunity will breed further violence and victims, fuelling a negative cycle that will prevent stability, security and the protection and enjoyment of all rights in the country.

We expect the Council to take all necessary steps to address these priority situations, as a failure to intervene in a credible manner without doubt will result in further violations.

Thank you, Mr. President.