

Lawyers' Rights Watch Canada

NGO in Special Consultative Status with the Economic and Social Council of the United Nations

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Organization: Lawyers Rights Watch Canada
Item: Item 2 - General Debate
Speaker: Gavin Magrath
Date: September 30, 2015
Re: Sri Lanka

Oral Statement to the 30th Session of the UN Human Rights Council from Lawyers' Rights Watch Canada (LRWC), a non-governmental organization in special consultative status

Mr. President,

Lawyers' Rights Watch Canada welcomes the report on Sri Lanka by the Office of the High Commissioner for Human Rights. We thank the High Commissioner and his office for the detailed report and we sincerely thank the witnesses who made this report possible, taking incredible risks and re-living their harrowing experiences in order to provide evidence. The long awaited report finally acknowledges that grave human rights violations committed in Sri Lanka amount to war crimes and crimes against humanity.

We welcome the High Commissioner's strong recommendations about the kinds of measures Sri Lanka must undertake to achieve true accountability and reconciliation. One of the most significant recommendations contained in the report is the establishment of a special hybrid court with significant international involvement.

The Sri Lankan government, for good reason, lacks the basic trust of the predominantly Tamil war-affected population, and without such trust, any domestic accountability mechanism would lack credibility and meaning. This lack of trust was created in part by a history of failed initiatives, systemic and institutional deficiencies resulting from entrenched discrimination against Tamils, a repressive regime, and the 30-year conflict.

Lawyers' Rights Watch Canada therefore calls upon members of the Human Rights Council to pass a resolution that explicitly adopts the recommendations of the High Commissioner, guarantees strict timelines for progress to be made and ensures that Sri Lanka remains an item on the international agenda. Any accountability process must have significant international involvement including at minimum: having a majority of the judges, prosecutors and investigators appointed from outside Sri Lanka; using international law; and having an independent and internationally overseen witness and victim protection scheme. We believe that a domestic process is unacceptable and unfit to address the grievances of the Tamil people.

Mr. President, the Human Rights Council stands at a critical juncture with respect to Sri Lanka, and it is imperative that they don't fail victims and communities now.