

# Lawyers' Rights Watch Canada

Date: September 12, 2011  
Item 2 – Interactive Dialogue  
Topic: Accountability for war crimes in Sri Lanka – Recommendations of Panel of Experts  
NGOs: Lawyers Rights Watch Canada  
Speaker: Gary Anandasangaree

Good Afternoon Mme. President.

Lawyers Rights Watch Canada welcomes the report of Her Excellency Ms. Navi Pillay wherein she recalled the tragic events of September 11, 2001 and remembered those who perished in the United States. The world changed that day Mme. President, and so did the fates of so many peoples.

The international effort that ensued in the name of fighting terrorism has allowed many governments to trample on individual liberties, and liberally suspend civil rights. Over the past ten years, tens of thousands of innocent lives became collateral damage. Truth and justice have become victims in what we refer to as the post-9/11 era.

One such tragedy, and one that her Excellency refers to in her report, is the deteriorating situation in Sri Lanka. The government of Sri Lanka embarked on a no-holds barred attack against the Liberation Tigers of Tamil Eelam, and in doing so, ignored the plight of innocent Tamil civilians. The laws of war were broken by all sides of the conflict.

His Excellency, the United Nations Secretary General Ban Ki-Moon named a panel of international experts to advise him on accountability issues in Sri Lanka. The report found credible evidence, if proven, will establish that the Sri Lankan government and the LTTE, committed war crimes and crimes against humanity.

I note that the Minister of Plantation and Industries of Sri Lanka, Mr. Samarasinghe, has once again visited the Human Rights Council and has made statements, that vilify any attempts to hold the parties to the war in Sri Lanka to account. The Sri Lankan government is relying on an internal mechanism established immediately following the end of the war, called the Lessons Learnt and Reconciliation Commission. The Commission is flawed for various reasons, the most troubling of which, as illustrated in Amnesty International's most recent report, is the lack of independence, jurisdiction, due process, and protection for witnesses to the commission. The people affected by the war do not have the confidence that this commission will bring about reconciliation of any form, let alone accountability.

Unfortunately, many governments have placed a great deal of trust in this internal process, and as flawed as it maybe, there is a tendency to defer to the internal process undertaken by member states, including Sri Lanka. This may be an appropriate time in the mandate of the Human Rights Council to embark on a fundamental debate on the role of the UN bodies, including this Council. It is imperative that the UN Human Rights system act as a deterrent to breaches of international human rights laws, and war crimes, and deterrence can only take place where there is consistency in the application of the law, and proper investigation and prosecution of it. Mme. President, the Human Rights Council must act swiftly to bring about justice in Sri Lanka. The first step to that long process is to adopt the recommendations of the Secretary Generals Panel of Experts on Accountability in Sri Lanka.

Thank you, Mme. President.