

# Lawyers' Rights Watch Canada

*NGO in Special Consultative Status with the Economic and Social Council of the United Nations*  
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## Sri Lanka Report, November 2012

by

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### Universal Periodic Review

LRWC's Sri Lanka monitor, Gary Anandasangaree and Vani Selvarajah were present during the 14<sup>th</sup> Session of the Universal Periodic Review (UPR) in Geneva. Instituted in 2008, the UPR is a peer review process of the UN Human Rights Council (UNHRC). [Sri Lanka was reviewed](#) during the UPR's second cycle on November 1<sup>st</sup>, 2012. In anticipation of the review, 46 Non-Governmental Organizations submitted reports on all aspects of human rights violations in the country.

Several recommendations were made by states following Sri Lanka's first review in 2008. Four years later, Sri Lanka has only implemented 5 of the 45 recommendations it accepted. However, there was greater participation during this year's review as 99 states made statements on Sri Lanka's human rights record. States noted the launch of [Sri Lanka's National Human Rights Action Plan](#) but called for the timely implementation of constructive recommendations. States also noted the lack of effort to combat impunity in relation to the past conflict and measures taken to prevent torture and ill treatment, particularly in prison and detention centers. Several states expressed concerns around respecting the independence of the judiciary and called for Sri Lanka to take steps to protect the rights of human rights defenders and journalists in the country.

Sri Lanka rejected approximately 100 recommendations, some of which included the abolishment of the death penalty, protection for witness and victim protection and cooperation with UN Special Procedures such as the Working Group on Enforced or Involuntary Disappearances. It also rejected Canada's recommendation to expedite reconciliation measures in the North by removing oversight of humanitarian and NGO activities from the purview of the Ministry of Defence to a civilian body.

Sri Lanka has maintained that it is taking steps to recover from the war but it has made minimal efforts to ensure that reconciliation and accountability issues are addressed. Instead, the ground reality in Sri Lanka is one of ongoing militarization, enforced disappearances and torture.

## **UN Internal Report**

On November 14<sup>th</sup>, 2012, the [Report of the Secretary General's Internal Review Panel on UN Action in Sri Lanka](#) was released. The powerful and highly critical internal review, written by Charles Petrie, outlines the failure of the UN to adequately respond to the humanitarian crisis, which unfolded in Sri Lanka during the last stages of its war. The internal review was a product of the Secretary General's Panel of Experts report, which found credible allegations, which if proven, indicate that both parties to the conflict committed a wide range of serious violations of international humanitarian law and international human rights law.

According to the 128 page report, the UN suppressed information in its possession surrounding casualties and failed to make clear that a large majority of deaths were caused by Government shelling. The UN was also criticized for pulling out of the Vanni region in September 2008, just before the Government of Sri Lanka started its final offensive.

The Panel noted several individual UN staff who went out of their way to help civilians but concluded that “events in Sri Lanka mark a grave failure of the UN to adequately respond to early warnings and to the evolving situation during the final stages of the conflict and its aftermath, to the detriment of hundreds of thousands of civilians and in contradiction with the principles and responsibilities of the UN.”

November 28, 2012