

Lawyers' Rights Watch Canada

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

Organization: Lawyers' Rights Watch Canada
Item: Item 2: General Debate on oral updates by the High Commissioner
Date: 14 September 2021
Speaker: Harini Sivalingam

Oral Statement to the 48th Session of the UN Human Rights Council from Lawyers' Rights Watch Canada (LRWC), NGO in special consultative status

Entrenched Impunity for Human Rights Violations in Sri Lanka

Human rights violations worsening in Afghanistan

Mme President,

Lawyers' Rights Watch Canada thanks the High Commissioner for her oral reports on Sri Lanka¹ and Afghanistan.²

We deplore **Sri Lanka**'s lack of effort to implement Council recommendations⁴ to strengthen accountability mechanisms for past violations. Transitional justice has not only been stalled but reversed.

Lack of progress in investigations displays entrenched impunity and lack of accountability of Sri Lanka's government. Families of the disappeared have been waiting more than 12 years for answers about their loved ones – they have received no justice or accountability. We are also alarmed increasing harassment of human rights defenders.

Sri Lanka's failure to implement Council recommendations evidences the need for swift and decisive creation of an international independent investigative body for Sri Lanka. We also reiterate our calls⁵ for the Council to:

1. Seek referral of the situation in Sri Lanka to the International Criminal Court;
2. Urge States to exercise universal jurisdiction within their national courts for prosecution of international crimes committed in Sri Lanka.

We are also alarmed by the situation in **Afghanistan**. The Taliban is increasingly violating human rights, including extrajudicial killings, beatings, arbitrary detentions, and use of "live ammunition, batons and whips"⁶ to disperse peaceful protests of women and defenders. We reiterate our call⁷ for an international investigative mechanism, as urged by the High Commissioner, Special Procedures, and Afghanistan's Independent Human Rights Commission.

Thank you, Mme. President.

¹ Statement by Michelle Bachelet, UN High Commissioner for Human Rights, Oral Update on the human rights situation in Sri Lanka, 48th session of the Human Rights Council, 13 September 2021, available at:

<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27447&LangID=E>.

LRWC also notes with appreciation the report of the Special Rapporteur on his follow-up on the visits to Burundi, the United Kingdom of Great Britain and Northern Ireland and Sri Lanka, A/HRC/48/60, available at: <https://undocs.org/A/HRC/48/60/Add.2>.

² Statement by Michelle Bachelet, UN High Commissioner for Human Rights, Oral update on the situation of human rights in Afghanistan, 48th Session of the Human Rights Council, 13 September 2021, available at:

<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27445&LangID=E>

⁴ UN Human Rights Council, A/HRC/RES/46/1, 26 March 2021, available at:

<https://undocs.org/A/HRC/RES/46/1>.

⁵ Lawyers' Rights Watch Canada, "Sri Lanka: Prevailing Impunity and Lack of Accountability for Human Rights Violations," Oral Statement to the 46th Session of the UN Human Rights Council, 25 February 2021, available at: <https://www.lrwc.org/sri-lanka-prevailing-impunity-and-lack-of-accountability-for-human-rights-violations-oral-statement-to-the-46th-session-of-the-un-human-rights-council/>

⁶ Spokesperson for the UN High Commissioner for Human Rights, Ravina Shamdasani, "Press briefing notes on Afghanistan," 10 September 2021, available at:

<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27441&LangID=E>

⁷ Lawyers' Rights Watch Canada, International Bar Association, and The Law Society of England and Wales, "Serious human rights concerns and situation in Afghanistan: Oral Statement to the 31st Special Session of the UN Human Rights Council, 24 August 2021, available at: https://www.lrwc.org/wp-content/uploads/2021/08/LRWC.IBA_LSEW_HRC31SS.Afghanistan.24Aug2021.F.pdf