



# INTERNATIONAL COMMISSION OF JURISTS

Commission internationale de juristes - Comisión Internacional de Juristas

"Dedicated since 1952 to the primacy, coherence and implementation of international law and principles that advance human rights"

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## ICJ Intervention on the adoption of the outcome document of the Universal Periodic Review of Sri Lanka

13th June 2008

Check against delivery

Mr. President,  
Distinguished Ambassador,

The International Commission of Jurists (ICJ) calls for prompt implementation of all the UPR recommendations by the Sri Lankan Government. Let me draw your attention to the recommendations no. 2, 3, 14, 17 or 18, as the Government must substantially strengthen the regular justice system and agree to re-establish the international monitoring presence.

The ICJ remains concerned with the Sri Lankan government's complacent responses to mounting criticism of deteriorating human rights situation in the country. The information provided in the UPR dialogue have proved that the elements of Sri Lanka's national human rights protection system do not function as part of a coherent and regular justice system. The effectiveness of the regular law enforcement mechanisms, including the judiciary, is limited, in part due to security constraints in response to terrorist threats, and also due to variety of *ad hoc* mechanisms and commissions which have functioned over the time with meager results.

The Government must strengthen the independence, impartiality and capacity of the justice system to ensure adequate investigation, prosecution and conviction of the perpetrators of gross human rights violations, as well of the disproportionate and indiscriminate use of force and other breaches of international humanitarian law by both the Government of Sri Lanka and the LTTE and other non-state actors. Combating impunity, especially of those who commit extra-judicial executions, arbitrary killings, abductions, enforced disappearances and forced recruitment of child-soldiers, is an imperative. Therefore, the Government's reservations to the recommendations to combat impunity, as stated in paragraph 84 of the Working Group's report, are absurd and should be disregarded, along with the reservations to the recommendations to protect humanitarian personnel.

The ICJ is also concerned with the fact that the Constitutional Council remains dissolved, while its shortcomings, if any at all, have not been clarified. It is essential to swiftly appoint the members of the Constitutional Council, allowing this body to return to existence and resume its constitutional function. The work of Sri Lanka's justice system is further hampered by witnesses' reluctance to testify, given that Sri Lanka lacks a victim and witness assistance and protection program. The Government must finally specify a time-frame for the adoption of the *Victim and Witness Assistance and Protection Act*. Another source of frustration is that the provisional arrangement for witnesses abroad to testify through a video-conferencing has been stopped.

The Government must move beyond its vague arguments and denials of impunity, and must speedily progress in the investigation, prosecution and conviction of the perpetrators of gross human rights violations, including extra-judicial executions of 17 *Action Contre la Faim* workers in Muttur and of five students in Trincomalee. The adequate completion of investigations into the extra-judicial executions of aid workers, which results have been long-awaited, will require restoring the impartiality of the Presidential Commission of Inquiry and encouraging it to use its legal investigative powers to their full extent.

Finally, the volatile human rights situation in Sri Lanka largely prevails due to a lack of political will to ensure accountability for human rights violations, as evidenced by the minimal number of convictions. Any future assistance to empower the regular justice system will be meaningful only if backed by the international monitoring and reporting presence, which must be swiftly re-established.

I thank you.