

Sri Lanka Monitoring Accountability Panel's

Open Letter to the United Nations High Commissioner for Human Rights

Mr Zeid Ra'ad Al Hussein
UN High Commissioner for Human Rights
United Nations
Geneva, Switzerland.

Sri Lanka Monitoring and Accountability Panel
<http://war-victims-map.org/>

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Dear High Commissioner:

The Monitoring and Accountability Panel (MAP) - established to provide independent monitoring, advice and recommendations on the transitional justice mechanisms in Sri Lanka - writes in advance of your report to the 32nd regular session of the UN Human Rights Council, on 28 June 2016.

Since the adoption of Human Rights Council Resolution 30/L.29 (Resolution), the Sri Lankan Government has taken some important steps towards implementing its provisions. However, progress has been slow and has fallen short of expectations. We are deeply concerned that the Sri Lankan Government now lacks the political will to meet the challenges relating to impunity and transitional justice.

Our greatest concern is the lack of progress in establishing a credible war crimes court. In breach of the word and spirit of the Resolution, the Sri Lankan President and Prime Minister have stated that they will not allow international judges and prosecutors to participate meaningfully in future trials. This is a serious blow to the possibility of victims ever obtaining independent and impartial justice.


We respectfully request you to urge the Sri Lankan Government to abide by its promises and facilitate the full participation of international judges and prosecutors in future war crimes trials. More specifically, we request you to pursue the following recommendations:

- ❖ Urge the Sri Lankan Government (SLG) to continue and intensify consultations with relevant stakeholders, including the victims of conflict, Sri Lankan community leaders and civil society, Sri Lankan diaspora representatives, international human rights organizations, and relevant legal experts. As part of

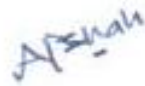
the consultation process, the SLG should ensure that victims are adequately informed of the options for transitional justice, including a special war-crimes chamber of hybrid nature.

- ❖ Urge the SLG to establish a special war crimes chamber comprised of a majority of international judges with international prosecutors, investigators and defense counsel. As a part of this effort, the SLG should:
 - Establish a legislative framework, which provides for international customary law crimes, forms of liability and other jurisdictional powers of a special war crimes court;
 - Strengthen the Witness Protection Act to provide for robust and independent protection to witnesses and those that assist the court;
 - Develop a system for implementing victims' participation in the proceedings, including the right to counsel;
 - Begin specialised training for judges, prosecutors and investigators;
 - Develop a secure system for collecting and preserving evidence.

Please accept, Excellency, the assurances of our highest consideration.



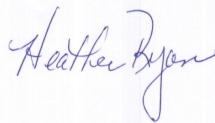
Marie Guiraud



Justice Ajit Prakash Shah



Peter Haynes QC



Heather Ryan



Richard J. Rogers