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MAP PRESENTATION AT UN HUMAN RIGHTS COUNCIL

“Sri Lankan Government Efforts Have Fallen Short of Expectations”

On 22 June 2016, during the 32nd regular session of the UN Human Rights Council, legal experts from the Monitoring Accountability Panel (“MAP”) gave their assessment of the Sri Lankan Government’s transitional justice programme to date. The panel discussion was chaired by eminent jurist, Geoffrey Robertson QC, and included a detailed assessment by US lawyer, Ms Heather Ryan.

Following the UN Human Rights Council Resolution on ‘Promoting reconciliation, accountability and human rights in Sri Lanka,’ (October 2015), the Sri Lankan Government promised to consult widely with victims and establish accountability mechanisms to address the mass crimes committed during the armed conflict. The measures specifically included a criminal justice process with foreign judges and prosecutors to prosecute war crimes and crimes against humanity.

To date the Sri Lankan Government’s efforts have fallen well short of expectations. Whilst the consultation process is still underway, the Sri Lankan Government has already made major decisions on the transitional justice process without waiting to receive the views of those most affected.

The greatest concern is the Sri Lankan Government’s backtracking on the inclusion of foreign judges and prosecutors in future war crimes prosecutions. Within the context of Sri Lanka, international participation is essential to ensure an effective and impartial process. If powerful vested interests can force Sri Lanka’s elected government to rescind its promise to include international judicial actors, those same interests will be able to influence the direction of future prosecutions and trials. A purely domestic process is bound to fail. As Geoffrey Robertson QC pointed out:

“It is now clear that the Sri Lankan government must make greater efforts to comply with its international obligation to victims and indeed with the HRC Resolution that it co-sponsored last year. There will be no compliance unless it establishes a proper international court and a criminal justice mechanism which features judges and prosecutors, a majority of whom should be drawn from distinguished international jurists. Although the leading states who also sponsored the Resolution should insist that the government live up to its promises in this respect, they should not discount the cost of providing for international lawyers, and they should foot that bill out of their own aid budgets to assist Sri Lanka.”

In short, the Sri Lankan Government must make greater efforts to comply with its international obligations to victims, conduct broad consultations, and establish a criminal justice mechanism that includes international prosecutors and judges. According to Heather Ryan, “the international community must forcefully press the Sri Lankan Government not to abandon its commitments and obligations in regard to these matters.”



This side-event was sponsored by the Bharathi Society and TGTE. It was attended by over 60 diplomats and interested parties from around the globe.

The MAP provides independent monitoring, advice, and recommendations, focusing on the effectiveness of accountability measures from a victims’ perspective. The views and recommendations of the Panel will enable victims and other stakeholders to participate more effectively in the process and thus enhance the legitimacy of the measures. For more information, please visit: <http://war-victims-map.org/>

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