



THE SECRETARY-GENERAL

19 March 2010

Excellency,

I have the honour to refer to your letter of 9 March 2010, in your capacity as Chair of the Coordinating Bureau of the Non-Aligned Movement, regarding the appointment of a Panel of Experts to advise on accountability issues related to Sri Lanka. The letter contains evident misunderstandings that could easily have been clarified if there had been some prior contact with my Office or myself.

During the last year, my senior advisers and I personally have been very concerned with issues pertaining to the conflict in Sri Lanka which came to an end last year, a conflict which had caused an unacceptably high loss of civilian lives. When I visited Sri Lanka in May 2009, I had occasion to discuss the entire range of issues relating to the conflict with President Rajapakse, including Internally Displaced Persons, political reconciliation, and accountability. In that latter respect, the Joint Statement issued at the end of the visit stated:

“Sri Lanka reiterated its strongest commitment to the promotion and protection of human rights in keeping with international human rights standards and Sri Lanka’s international obligations. The Secretary-General underlined the importance of an accountability process for addressing violations of international humanitarian and human rights law. The Government will take measures to address those grievances”.

Over the succeeding months, I have addressed numerous communications to the Government of Sri Lanka on this subject. In September 2009, I informed the President that I was considering the establishment of a panel of experts to advise me on accountability issues, which advice I was willing to share with the Government. Since that time, both my spokesperson and I have reiterated this intention on numerous occasions.

His Excellency
Mr. Maged A. Abdelaziz
Chair of the Coordinating Bureau
of the Non-Aligned Movement
New York

SG Letter to Chair of
Coordinating Bureau of NAM
Drafter: EOSG
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Date: 19/03/10

I wish to clarify that the Panel of Experts which I intend to establish is an advisory mechanism which will advise me on modalities, applicable standards and comparative experience relevant to the fulfilment of the joint commitment to a national accountability process in the context of Sri Lanka. Its establishment, therefore, falls squarely within my powers and prerogatives under the United Nations Charter.

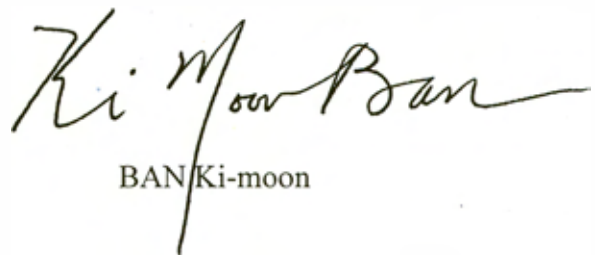
I recall in this connection that it is a well-established principle of international law that matters of human rights and international humanitarian law do not fall exclusively within the domestic jurisdiction of States. I should finally reiterate that the advisory panel is not a commission of enquiry or a fact-finding mission. Further, it is not intended that the advisory panel would visit Sri-Lanka without the consent of its Government or otherwise intrude upon its sovereignty or jurisdictional independence.

I look forward to continued cooperation with the Government of Sri Lanka on this important issue which is fundamental to longer term reconciliation within the country.

I trust this clarification puts my initiative into proper context.

I wish to assure you of my continued full respect and understanding of the concerns of the members of the Non-Aligned Movement. I seek your support in bringing the contents of this letter to their attention.

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


BAN/Ki-moon