

HCHR
Sri Lanka

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Note to Mr. Nambiar

**Special Session on Sri Lanka ✓
(report of the High Commissioner for Human Rights) ✓**

On behalf of the High Commissioner who is currently travelling, I have the honour to submit the following note. I would ask that you bring it promptly to the attention of the Secretary-General.

1. The Special Session of the Human Rights Council on the human rights situation in Sri Lanka was politically difficult as anticipated, marked throughout by a deep north-south divide. The Special Session adopted a resolution, which had been prepared by Sri Lanka itself, with a vote of 29 for, 12 against and 7 abstentions. The original Sri Lankan text was modified slightly to attract support from some GRULAC members, but further amendments proposed by the EU were suppressed with a no action motion which passed 22 to 17. A copy of the final resolution is attached for your information.

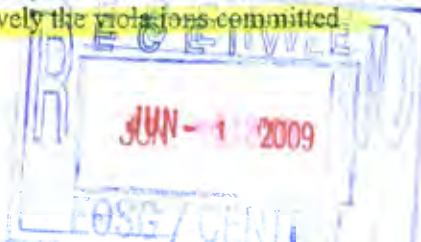
2. The resolution is extremely weak and couched in largely positive and congratulatory terms. It encourages cooperation between the Government and UN agencies in humanitarian assistance but makes no direct call on humanitarian access. It welcomes Sri Lanka's commitments to a broader political dialogue and urges strengthened activities to ensure there is no discrimination against minorities. The resolution does not address issues of accountability for violations committed in the recent past, or earlier phases of the conflict. It does not request any further action or reporting to the Human Rights Council.

3. The resolution endorses the joint statement the Secretary-General issued with the Sri Lankan President on 23 May. Many member states welcomed the statement or referred to its elements during the session. The UN system should build on this by developing its own system for monitoring and reporting on the progress or otherwise in implementing some of the commitments made during the visit.

4. In her opening statement (attached), the High Commissioner stressed serious concern for the grave violations of international human rights and humanitarian law which appeared to have been committed by both sides and urged an independent, international inquiry into recent events. She also urged a broader accountability process to address past violations of the conflict and repeated that an OHCHR country office could assist the Government and build confidence in the transition.

5. While clearly there is no appetite for an international inquiry at this time, the evidence will gradually emerge of what transpired during recent months as independent media and investigators gain access to the displaced population. The High Commissioner therefore intends to continue the advocacy for an independent and credible international investigation of violations by all sides, as a national inquiry is not likely to be independent or effective.

6. For the long-term credibility of UN engagement with Sri Lanka, the Secretary-General and other principals should continue advocacy for a broader accountability or transitional justice process to address comprehensively the violations committed.

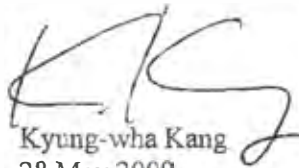


throughout the conflict in accordance with international standards. OHCHR will explore whether it can play a role in this regard, by providing advice and technical assistance on the options the Government might consider or undertaking a mapping project of past violations, as done in Afghanistan and is currently underway in the DRC.

7. The Government appears to remain determined against the establishment of an OHCHR office in Sri Lanka, but we will continue to seek alternate means to monitor and report publicly on the situation in the challenging period ahead.

8. We have appreciated the effective coordination of political advocacy at Headquarters level on Sri Lanka in recent months. We trust this will be sustained in the coming months. OHCHR should be fully involved in this process, both at HQ and field level.

Kind regards,



Kyung-wha Kang
28 May 2009

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