



Following is an extract from the Human Rights Watch (HRW) website:
<http://www.hrw.org/effectiveHRC/SriLanka/factandfiction.html>

Sri Lanka's Human Rights Record: Fiction and Fact

Analysis of Sri Lanka's Claims of Suitability for UN Human Rights Council Membership

UN General Assembly resolution 60/251 requires that states "take into account the contribution of candidates to the promotion and protection of human rights and their voluntary pledges and commitments made thereto" in voting to elect members of the Human Rights Council.

In a message to member states announcing its candidacy for re-election to the Council this year, the government of Sri Lanka has made numerous inaccurate claims with regard to its human rights record and, thus, its suitability for membership of the Council.

Fiction: The government of Sri Lanka claims it has taken adequate measures to ensure effective investigation of 16 serious human rights cases by appointing an International Independent Group of Eminent Persons to observe the work of the Sri Lankan Presidential Commission of Inquiry set up in 2006.

Fact: The Eminent Persons Group concluded in April that there remains a lack of political will on the part of the Sri Lankan authorities to search for the truth in these investigations, despite the considerable publicity, expertise and resources provided to the commission by the government.

Fact: The Eminent Persons Group terminated its mission at the end of March 2008 stating that it could not conclude that the Sri Lankan Commission of Inquiry was operating according to international norms and standards due to, among other things, the lack of effective victim and witness protection, lack of transparency and timeliness in investigations and a lack of cooperation from state bodies.

Fact: The Eminent Persons Group's suggestions, outlined in public statements every three months, as to how to overcome the concerns stated above in order to bring the Commission's work into harmony with international norms and standards, were repeatedly disregarded by the Sri Lankan government.

Fiction: The government asserts that no international monitoring mission is needed in Sri Lanka because national mechanisms for human rights monitoring exist.

Fact: National mechanisms for the protection of human rights have only deteriorated since Sri Lanka's election to the Human Rights Council in 2006. In October 2007, the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights – the international body that regulates national human rights institutions – downgraded Sri Lanka's National Human Rights Commission to "observer" status due to government encroachment on its independence.

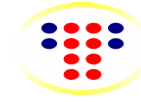
Fiction: The government of Sri Lanka asserts that "The Constitution of Sri Lanka enshrines Sri Lanka's commitment to Human Rights by guaranteeing to its citizens, fundamental rights, which include freedom of thought, conscience and religion; freedom from torture; right to equality; freedom from arbitrary arrest, detention and punishment, and prohibition of retroactive penal legislation."

Fact: The government of Sri Lanka has failed to protect these fundamental rights of its citizens, taking little or no action against members of the security forces implicated in extrajudicial killings, enforced disappearances, torture, the forcible recruitment of child soldiers by the Karuna militia, and the arbitrary arrest and detention of hundreds of ethnic Tamils, political opponents and journalists under newly strengthened "Emergency Regulations."

Fact: "Torture is widely practiced in Sri Lanka" according to UN Special Rapporteur, Manfred Nowak. In February of this year he reported being "shocked at the brutality of some of the torture measures ... such as burnings with soldering irons and suspension by thumbs."

Fact: Following her visit to Sri Lanka in October 2007, UN High Commissioner for Human Rights, Louise Arbour remarked that "[T]he weakness of the rule of law and prevalence of impunity is alarming."

Fact: The government of Sri Lanka and its policies foster an atmosphere of impunity, which exacerbates the crisis. As reported by Philip Alston, UN Special Rapporteur on extrajudicial, summary or arbitrary executions, "[I]t is an enduring scandal that there have been virtually no convictions of government officials for killing Tamils, and many Tamils doubt that the rule of law will protect their lives."



Fiction: The government of Sri Lanka pledges to "continue its active and constructive dialogue and cooperation with the Office of the High Commissioner for Human Rights to strengthen national mechanisms in all aspects."

Fact: Far from engaging in constructive dialogue with High Commissioner and Under Secretary-General Louise Arbour, a senior Sri Lankan government official responded to her concerns about the credibility of national Human Rights protection mechanisms by alleging she was merely "a football, to be kicked about at will, to score goals for terrorists and others who do not mind sharing a terrorist agenda provided it gets them their goals too."

Fact: Arbour's comments came in late 2007, following a visit to Sri Lanka during which she said "people from across a broad political spectrum and from various communities have expressed to me a lack of confidence and trust in the ability of existing relevant institutions to adequately safeguard against the most serious human rights abuses."

Fiction: As evidence of their commitment to Human Rights, the government of Sri Lanka highlights the fact that it is party to the Optional Protocol to the Convention on the Rights of the Child and the Involvement of Children in Armed Conflict.

Fact: As noted by former Special Advisor to the U.N. Special Representative for Children and Armed Conflict on Sri Lanka Allan Rock and others, there is ample evidence of the complicity of the Sri Lankan security forces in the recruitment of child soldiers by the Karuna group, a non-state armed group. Being a party to the Optional Protocol obliges a state to adopt the necessary protection mechanisms and demonstrate the political will to ensure its implementation.

Fiction: In March 2008, the Sri Lankan Foreign Ministry responded to the United States' negative assessment of the human rights situation in Sri Lanka, by citing confidential findings of the International Committee of the Red Cross (ICRC), which they said "confirmed a distinct downward trend in disappearances and unexplained killings" and described an "improvement on the ground" in the country.

Fact: The ICRC immediately issued a public statement saying that, in fact, "Extra-judicial killings and disappearances are part of a terrible pattern of abuse in Sri Lanka, which must be stopped" and objecting to what they called the Sri Lankan government's "misleading public use of its confidential findings."

Fact: While the number of outstanding cases of disappearances declined from 5,749 to 5,516 during 2007, this was due to the fact that 378 of the outstanding cases were deemed to be duplications by the U.N. Working Group on Enforced and Involuntary Disappearances. Thus, the figures from 2007 actually represent 233 new documented cases of enforced disappearances.

Fiction: The government of Sri Lanka claims that "Sri Lanka has followed a consistent policy of cooperation as well as open and constructive engagement with the special procedures mechanisms of the Commission on Human Rights as well as the Human Rights Council."

Fact: Sri Lankan authorities hid detainees with visible signs of abuse from U.N. Special Rapporteur on torture, Manfred Nowak, during his most recent visit to the country in 2007. In his February 2008 report on this visit, Nowak writes that "detainees were hidden or brought away shortly before the Special Rapporteur arrived. . . . The Special Rapporteur received information from the remaining detainees that the transferred persons were those who had been most seriously tortured before and still bore marks of the ill-treatment."

Fact: A request from the Working Group on Enforced or Involuntary Disappearances to undertake a mission to Sri Lanka has been pending since October 2006. The Working Group has repeatedly restated this request including as recently as March 2008.

Fact: The government of Sri Lanka has repeatedly failed to respond or has responded inadequately to allegations and requests for information from special rapporteurs and representatives of the Secretary General, including the Special Rapporteur on freedom of religion or belief, the Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on extrajudicial, summary or arbitrary executions, and the Special Representative of the Secretary General on the situation of human rights defenders.