

SRI LANKA: Statements regarding the human rights situation in Sri Lanka at the UN Human Rights Council – Seventh Session

A. High Level Segment, 3 March 2008

Statements are transcribed from the webcast which can be found at <http://www.un.org/webcast/unhrc/archive.asp?go=080303>

Switzerland

Extract from statement by Micheline Calmy-Rey, Federal Councillor, Switzerland
<http://www2.ohchr.org/english/bodies/hrcouncil/7session/hls/Switzerland-F.pdf>

"Switzerland is worried by the continuing escalation of violence and by the human rights situation in Sri Lanka which seriously affects the civilian population. We call on all parties to comply with international humanitarian law and to respect human rights. Switzerland expresses its strong support for the efforts of the United Nations and of humanitarian actors in Sri Lanka and encourages a strengthening of cooperation between the United Nations Commissioner for Human Rights in Sri Lanka."

Slovenia

Extract from statement by H.E. Mr. Dimitrij Rupel, Minister of Foreign Affairs of Slovenia
<http://www2.ohchr.org/english/bodies/hrcouncil/7session/hls/Slovenia-E.pdf>

"We remain concerned about the deteriorating situation in Sri Lanka which warrants a human rights monitoring mission."

The Netherlands

Extract from statement by H.E. Mr. Maxime Verhagen, Minister for Foreign Affairs of the Netherlands
<http://www2.ohchr.org/english/bodies/hrcouncil/7session/hls/Netherlands-E.pdf>

"Equally, there can be no special circumstances in which human rights violations can be condoned. A simple example is our duty to protect people from torture. The fight against terrorism has sparked a debate on whether there are circumstances in which torture may be acceptable. And I have a very simple answer to that - No, torture is not acceptable in any circumstance. And I condemn practices such as waterboarding which have been used on detainees in Guantanamo Bay and other reported cases of torture in Uzbekistan, Belarus, Zimbabwe, Russia, Democratic Republic of Congo, Algeria, Nepal, Sri Lanka and many others. And I urge all these states to put an end to impunity for torture."

Sri Lanka

Statement by Hon. Mahinda Samarasinghe, Minister of Disaster Management and Human Rights
<http://www2.ohchr.org/english/bodies/hrcouncil/7session/hls/SriLanka-A.pdf>

"Mr. President,

Distinguished delegates,

Ladies and Gentlemen,

At the outset, let me congratulate you, Mr. President, on your able leadership and the professionalism with which you have guided the early, and sometimes challenging, years of this Council to meet the expectations of all peoples and nations in the world. My delegation assures you our full cooperation and constructive engagement at all levels in bringing the work of this Seventh Session to a successful conclusion.

Mr. President,

Sri Lanka is today facing a number of critical challenges.

Most important among these is the need to secure, guarantee and advance the rights all Sri Lankans to live in an environment free from fear and want, enabling them to achieve their full potential and to live in dignity. When I speak of all Sri Lankans, I speak of people who belong to every ethnic, linguistic, religious and cultural background, which makes up the rich and colourful mosaic that is the Sri Lankan nation.

The greatest impediment we face, in meeting this challenge, Mr. President, is the armed conflict forced upon us by a separatist terrorism that seeks to sow the seeds of discord, mayhem and disunity amongst our people and to dismember our nation. We note that the Sri Lanka monitoring Mission has ruled 3,830 violations by the LTTE in five years while a cease-fire agreement was meant to be in force - representing well over 90 per cent of all the determined violations.

The Government of Sri Lanka therefore stands firm in its unwavering determination to continue to oppose the use of terrorism as a means of achieving political gains. We are, Mr. President, equally firm in our resolve to uphold the sovereignty and territorial integrity of the country while, at the same time, preserving the fundamental freedoms of all.

Mr. President,

The Sri Lankan polity has been dominated for a quarter of a century by an ethnic issue, which requires a political solution as a means to resolve our problems; not terrorism.

This is why, Mr. President, while we continue our fight against terrorism, we also endeavour to find a sustainable political solution acceptable to all. This solution must not only guarantee social equity and fundamental freedoms but also empower every citizen through power sharing; bringing government closer to the people.

The All Party Representatives Committee (APRC) launched by President Rajapakse is tasked with formulating a comprehensive set of proposals to resolve the ethnic issue. On the eve of the 60th Anniversary of our independence on 4 February, this Committee recommended several key measures for expansion of language rights and for the full implementation of the 13th Amendment to the Constitution, enacted in 1987, which provided for far-reaching devolution measures to the Provinces. These measures have been welcomed by India, which assisted in the initial development of the power sharing arrangement via the Indo-Lanka Accord, and also by other friendly nations, as representing a valuable first step in the process of securing sustainable peace.

Now that the Eastern Province is freed from the clutches of the separatist terrorists, we are able to reinvigorate the democratic institutions at provincial and local levels. This is especially significant as the Eastern Province is one in which all three communities are represented.

Given the willingness of political actors in this Province to engage in the electoral process, and in the institutions of representative democracy, the Government of Sri Lanka strongly believes that the proposal to implement the 13th Amendment is all the more important. Subsequent to the abrogation of the 2002 cease-fire, Sri Lanka has been able to proceed with such a measure, which has been welcomed by several Tamil political parties that had eschewed violence and joined the democratic process but been left out of discussions because of the polarizing nature of the Cease-Fire Agreement as initially negotiated.

As a first step towards the implementation of police powers under the 13th Amendment, the first induction of 175 persons of Tamil ethnic origin, including 50 women, into the police service in the Eastern Province took place recently and 400 more police officers of Tamil origin are to be recruited shortly. The people recruited are from the local area; they speak the local language and come from similar communities that they serve. The principle of recruitment of officers of Tamil ethnic origin underlines the Government's commitment to ensure that police officers deployed in these areas can communicate with the local community and thereby better fulfill their responsibilities.

Mr. President, Language has been one of the most important issues underlying the ethnic problem. The Government has taken concerted action to ensure language rights in accordance with Constitutional obligations.

The Sri Lankan legislature recently enacted the National Institute of Language Education and Training Act which puts in place a framework for structured training, research and archiving and dissemination of information relating to language training. The Government has also adopted administrative measures that will encourage the acquisition of bi-lingual skills by all sectors in public service, particularly in the Police service. With regard to training of the Police, I may also mention that the Inter Ministerial Committee on Human Rights is engaged in an effort to develop better training for Police officers on human rights law. We are also looking at the enhancement of human rights education in the secondary school system.

Mr. President,

We were pleased to have welcomed the High Commissioner for Human Rights Louise Arbour, Under Secretary-General for Humanitarian Affairs Sir John Holmes, the Special Representative of the Secretary-General on the Human Rights of Internally Displaced Persons Walter Kälin and the Special Rapporteur on Torture Manfred Nowak to our shores during the second half of 2007, as a part of our sustained policy of open and constructive engagement with the international human rights mechanisms which was reflected in key pledges made during our successful campaign for the membership of this august body in 2006. Furthermore, just last week we facilitated the visit of Angela Kane, UN Assistant Secretary-General for Political Affairs, to Sri Lanka. Several other requests for visits have also been made - these will also be considered and facilitated in due course and will further demonstrate our commitment to continuing dialogue.

These high-level UN dignitaries have acknowledged that the Government facilitated their visits and that they were provided with access to sites and people in the North and East of Sri Lanka. Whenever requests were made for confidential meetings, the Government also facilitated such requests.

We are currently engaged in a process of reviewing and prioritizing the several recommendations made by these high-level dignitaries. We will then coordinate, facilitate and support the necessary capacity building, training and reforms needed to resolutely tackle the outstanding issues identified by these visitors. We have canvassed the support of UN agencies in Sri Lanka to complement Government efforts in this regard. We are firmly committed to fully implementing all constructive recommendations that can realistically be fulfilled.

Our openness to fair and objective scrutiny on human rights has been exemplified, Mr. President, by our continued engagement with UN special procedures. My own visits to Geneva have given me the opportunity to conduct an on-going dialogue with regional groups and interested parties on developments in Sri Lanka. We are also opening ourselves up to the Universal Periodic Review process in May when we will candidly discuss the underlying realities we face in the context of guaranteeing human rights while engaging in a conflict against a ruthless and increasingly desperate adversary.

As highlighted earlier, let me stress the fundamental principle upon which we engage and cooperate with international actors both in and outside this Council. We do not hold ourselves above criticism from well meaning and genuine friends and partners; when such constructive criticism is made in order to further promote the democratic values and fundamental freedoms that the people of Sri Lanka have upheld for the last six decades of our independence. What we do not, however, welcome are efforts to denigrate

and weaken us in the eyes of the international community to achieve propaganda gains and to fulfill narrow politically motivated objectives.

Furthermore, Mr. President, we do not believe in the imposition of external structures, which could undermine the very democratic national institutional framework upon which any national human rights promotion and protection system should be founded. Any effort, therefore, by this Council in the promotion and protection of human rights should be based on the primary aim of assisting and facilitating the strengthening and capacity-building of national institutions of States, which seek such assistance in good faith, and in accordance with their needs and priorities.

Mr. President,

With regard to several legislative measures we have initiated recently, perhaps the most important is our on-going effort to strengthen the legal framework of the Human Rights Commission of Sri Lanka through the modality of a Parliamentary Select Committee. The strengthening of the Human Rights Commission in order to enable it to fulfill its recently published Strategic Plan is of the highest priority. We also believe that the expansion of its regional network, staffing and training of its officers deserves the attention of our international partners. This Parliamentary Select Committee will also inquire into the sphere of post-enactment judicial review of legislation which would contribute further to the protection of human rights. We hope to accomplish these measures in the coming months.

The fundamental rights guaranteed in our Constitution, as well as other laws that protect and promote human rights, have been supplemented by legislative incorporation of certain rights under the ICCPR.

Mr. President, in the context of on-going investigations into alleged violations of human rights, the Government has now approved a draft law on the protection of witnesses to and victims of crime and has taken the decision to bring this important bill as an urgent bill before Parliament. There was a consultative process in the formulation of this bill, including consultations with civil society. Useful suggestions made by the International Independent Group of Eminent Persons (IIGEP) in respect of the bill have also been incorporated. We expect that with the passage of this bill, public confidence in the law enforcement process will be enhanced resulting in greater participation in investigations and prosecutions.

There is also an on-going process of drafting a new Constitutional Bill of Rights through a deliberative process involving government and civil society actors. The proposed Bill, which is being drafted, will be mindful of international obligations not only under civil and political rights but also economic, social and cultural rights.

We have recently amended the Commissions of Inquiry Act to enable Commissions such as the Presidential Commission of Inquiry appointed to inquire into a selected number of alleged serious violations of human rights, to function with greater ease and also to be able to expeditiously complete their mandates. The Commission is proceeding apace with inquiries into three high profile cases.

Intensive investigations and inquiries by the Commission have achieved a fair degree of progress under the scrutiny of the International Independent Group of Eminent Persons. This very day sees the commencement of public inquiries before the Commission into the deplorable incident in which 17 young aid workers of Action Contre La Faim lost their lives. Investigations are nearing completion and we expect an outcome that upholds the principles of justice once the Commission completes its deliberations. The public inquiry into the killing of five youths in Trincomalee, commenced in January. Arrangements have been made to record video evidence of witnesses who are overseas. Investigations are underway into the massacre of 10 Muslim civilians in Pottuvil in the East and also other incidents within the Commission's mandate. Allegations of impunity, made by certain vested interests, against Government forces, are therefore, Mr. President, premature and ill-conceived.

Mr. President,

My Ministry is, at present, engaged in a discussion with the UNDP and the Senior Human Rights Advisor to the UN Country Team on future cooperation between the UN and the Government of Sri Lanka. The main thrust of this initiative is to formulate a National Plan of Action on the Promotion and Protection of Human Rights as envisaged in the Vienna Declaration and Programme of Action.

We anticipate that the proposed Plan of Action will be able to address the existing gaps in order to build a stronger national protection framework in the further promotion and protection of human rights in the country.

In addition to the UN mechanisms, my Ministry also interacts with several other international organizations and a range of bilateral partners to improve good governance and human rights protection system. For instance, recently the Inter Parliamentary Union sent a high-level team to Sri Lanka, which recommended the establishment within Parliament of a series of multi-partisan oversight committees. The envisaged committees would be tasked with in-depth investigation of issues within their specific thematic mandates. I am pleased to announce that the Government is in agreement with the setting up of a Parliamentary Committee on Human Rights, Rule of Law and Humanitarian Issues. The Government will be taking steps with the assistance of the Inter Parliamentary Union to discuss this proposal with other political party leaders in Parliament. When implemented, this committee, which will include opposition Members of Parliament, can act as an influential oversight body.

With regard to the vexed and seemingly intractable problem of children and armed conflict, let me assure you Mr. President and this Council that we are working actively and constructively to fully implement the recommendations of the Security Council Working Group and the Special Representative, complemented by our own Treaty obligations as a Party to both CRC and its relevant Optional Protocol. Our well-established zero tolerance policy encompasses not only preventive measures but also larger and more complex issues of rehabilitation and reintegration. Sri Lanka was one of the first countries to set up a National Task Force, as required by SC resolution 1612 and I have also appointed a high-level committee that will probe allegations relating to abduction of children for use in armed conflict, as well as to implement plans for rehabilitation and reintegration. Just last week, Mr President, a senior Sri Lankan delegation engaged in an open dialogue on progress achieved so far with the SC Working Group on Children and Armed Conflict in New York.

Mr. President,

As you aware, one the biggest consequences of the conflict is the displacement of people. I personally chair a number of forums tasked with developing national policy, and coordinating humanitarian efforts to provide internally displaced persons with relief, shelter and a means to recovery, including eventual resettlement. I can report that to date we have successfully resettled approximately 120,000 IDPs in the East. We are now focused on economic recovery, livelihood development and infrastructure projects to ensure that return is sustainable. We look to our international partners to assist us in this regard and appreciate the assistance and cooperation received so far. The Government has, in partnership with UNHCR, developed a comprehensive strategy on confidence-building and stabilization measures, which we feel, will assist in overcoming challenges in the post-return phase and ensure sustainability of resettlement by restoring confidence amongst and between former displaced and host communities.

Against the above mentioned backdrop Mr. President, Sri Lanka is proud to announce its candidature for the continued presence in this Council at the forthcoming elections to be held in New York in May. We have made concerted efforts to fulfill in good faith the pledges we made during our successful campaign in 2006. I am proud to point-out that the Ambassador and Permanent Representative of Sri Lanka in Geneva is presently holding one of the Vice Presidencies of this Council and let me assure you Mr. President that we will continue to contribute to the effective fulfillment of the mandate of this august body. We will also continue our efforts to further undertake measures at national and international level

in the continued promotion and protection of human rights in Sri Lanka as well at international level, in the spirit of cooperation and constructive engagement.

I wish to inform you that my Ministry will launch a national human rights awareness campaign to commemorate the 60th Anniversary of the Universal Declaration of Human Rights. Sri Lanka is also pleased to be one of the co-sponsors of the resolution initiated by the delegation of Brazil and adopted by consensus at the last session of this Council on the elaboration of human rights voluntary goals to be launched on the occasion of the celebration of the 60th Anniversary of the UDHR in December 2008.

Mr. President,

Securing an environment of peace, prosperity and thereby creating a better future for all Sri Lankans, while guaranteeing their fundamental freedoms within a multi-ethnic, multicultural, multi-religious and multi-lingual nation, is our main goal. I hope therefore that all our international partners will assist the Government of President Mahinda Rajapakse to achieve this goal

Despite all our efforts which I have just described, we regret one or two statements made here, that fly in the face of all concrete evidence, that the situation in Sri Lanka is deteriorating, when we have dealt more firmly with terrorism, with far-less damage to civilians, than in any comparative situation.

Sri Lanka may be a small country, but nevertheless it is a country that is proud of its heritage and democratic values which it has upheld and continues to uphold under extreme adversity. We will not be pressurized by subjective criticism, however powerful the source may be, which seems influenced by parochial agendas. If similar energies and anxieties were directed towards the LTTE as the energies and anxieties displayed vis-à-vis Sri Lanka, Mr. President, it will greatly precipitate the realization of a durable and lasting solution.

Sri Lanka knows that we can count on our many friends in this Council who understand and appreciate the complexities of the situation we face, and the progress we are making in putting an end to terrorism and uniting our people.

Thank you Mr. President."

B. Statements during the interactive dialogue with the High Commissioner for Human Rights, 7 March 2008

High Commissioner for Human Rights

Extract from statement by the High Commissioner for Human Rights (from webcast)

<http://www.un.org/webcast/unhrc/archive.asp?go=080307>

Since we met last December I have also been concerned by further acts of violence in Sri Lanka. Every effort is required to ensure the protection of civilians as military actions intensify in the north of the country.

While the ceasefire agreement has now formally ended all parties are bound to respect human rights and international humanitarian law.

Sweden

Extract from statement by Sweden

<http://portal.ohchr.org/portal/page/portal/HRCExtranet/7thSession/OralStatements/70308/Tab1e/Tab/Tab/Sweden.pdf>

The move towards country engagement has given the UN and increased human rights presence on the ground and a focus on implementation that was lacking before. Today the early results of that policy are apparent - you have reported to us on Office activities in such geographically wide-spread and substantially diverse situations as Colombia and Nepal.

Sweden firmly supports your efforts to establish a presence by the Office in the field, where this is necessary. In this context, we hope that your dialogue with the Government of Sri Lanka on the establishment of an office there will be successful.

European Union

Extract from statement by Slovenia on behalf of the European Union

<http://portal.ohchr.org/portal/page/portal/HRCExtranet/7thSession/OralStatements/70308/Tab1e/Tab/Tab/Slovenia.pdf>

These and other successful missions on the ground demonstrate the necessity and usefulness of human rights missions on the ground. In that respect, the EU wishes to reaffirm our belief that this work needs to be strengthened and expanded further, to provide its appropriate presence in all cases, where this would still be needed, such as in Sri Lanka and Somalia.

South Korea

Extract from the statement by the Republic of Korea

<http://portal.ohchr.org/portal/page/portal/HRCExtranet/7thSession/OralStatements/70308/Tab1e/Tab/Tab/Republic%20of%20Korea.pdf>

The Republic of Korea has repeatedly expressed its strong support for a broader field presence as a crucial element for the strengthening of your Office. We believe it will enhance its capacity in terms of strengthening human rights protection on the ground through increased monitoring as well as technical assistance and capacity building. We also fully share your view that the human rights situations around the world call for additional field presences with full mandates, and therefore encourage you to explore the various possibilities.

France

Extract from the statement by France (from English translation of webcast)

<http://www.un.org/webcast/unhrc/archive.asp?go=080307>

We would also like to reiterate our concern regarding the situation in Sri Lanka and once again support the proposal of the Office to open a field office there. While I understand the Government's wish to ensure security within its territory, this objective may not be sought through all means indiscriminately and must be done in keeping with international standards on human rights and in the interests of the population to be protected.

Canada

Extract from the statement by Canada

<http://portal.ohchr.org/portal/page/portal/HRCExtranet/7thSession/OralStatements/70308/Tab1e/Tab/Tab/Canada.pdf>

At the fourth regular session of the Council, Canada commended the Government of Sri Lanka for the establishment of both the Presidential Commission of Inquiry into human rights violations and the International Independent Group of Eminent Persons. Unfortunately, the Group is about to end its work after having identified a number of serious problems with the Inquiry, which remain unaddressed. This outcome along with the increase in hostilities in Sri Lanka has made independent human rights reporting

all the more critical. We urge the Government of Sri Lanka to accept the assistance of your Office, and to allow it a full mandate to report on the human rights situation throughout the country. Following your visit to Sri Lanka, what other steps should the Government of Sri Lanka take to promote and protection the human rights of all its citizens?

Pakistan / OIC

Extract from the statement of Pakistan on behalf of the OIC

<http://portal.ohchr.org/portal/page/portal/HRCExtranet/7thSession/OralStatements/70308/Tab1e/Tab/Tab/Pakistan.pdf>

There are some gaps in the High Commissioner's statement. . We believe that the efforts made by the Governments of Sudan and Sri Lanka to ameliorate human rights situation should have been mentioned.

India

Extract from the statement by India (from webcast)

<http://www.un.org/webcast/unhrc/archive.asp?go=080307>

The High Commissioner has referred to the situations in countries in our neighbourhood. . India is closely monitoring developments in Sri Lanka and is concerned about the recent upsurge in the violence and conflict in that country. We remain convinced that there is no military solution to the conflict. The way forward lies in a peacefully negotiated political settlement within the framework of a united Sri Lanka acceptable to all communities. It is only through such a settlement that a lasting peace can be achieved in the country. In this context India has welcomed, as a first step, the declared intention of the Sri Lankan Government to fully implement the 13th Amendment.

The Netherlands

Extract from the statement by the Netherlands (from webcast)

<http://www.un.org/webcast/unhrc/archive.asp?go=080307>

For us country engagement means where needed enhanced field presences. In our view this could be the case in for instance Eritrea and Sri Lanka.

Japan

Extract from the statement of Japan (from webcast)

<http://www.un.org/webcast/unhrc/archive.asp?go=080307>

Given the concern expressed by Madame High Commissioner about the human rights situation in Sri Lanka we believe that it is essential for the Government of Sri Lanka to effectively address the situation itself. In this regard the Government of Japan hopes to see the Commission of inquiries produce tangible results soon.

C. Statements during the interactive dialogue with the Working Group on Enforced or Involuntary Disappearances and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, 10 and 11 March 2008

the Working Group on Enforced or Involuntary Disappearances

Extracts from statement by the Working Group on Enforced or Involuntary Disappearances

<http://portal.ohchr.org/portal/page/portal/HRCExtranet/7thSession/OralStatements/100308/Tab2ff>

Disappearances are currently a global problem. Today disappearances are current in countries suffering from internal conflicts such as Colombia, Nepal, the Philippines, the Russian Federation and Sri Lanka.

In the context of internal armed conflict we have received information that opposition forces have perpetrated acts that are analogous to disappearances such as in the case of Colombia, Nepal, the Russian Federation and Sri Lanka. Although our mandate is limited to violations carried out by state agents or other non state actors acting with the consent or acquiescence of the state the Working Group condemns the practice of acts analogous to enforced disappearance irrespective of who the perpetrators may be.

The Working Group is also concerned at the increasing number of reported cases of disappearances in Sri Lanka. As a result the Working Group sent a request in October 2006 for an invitation to be extended for a visit to that country in early 2007. However, the Government responded that it would not be possible for the visit to take place at that time. The Working Group hopes to meet with the delegation of Sri Lanka during this session and invites the government to issue an invitation for a visit by the Working Group as soon as possible.

Australia

Extract from statement by Australia

<http://portal.ohchr.org/portal/page/portal/HRCExtranet/7thSession/OralStatements/110308/Tab1g/Tab3/Australia.pdf>

In particular, Australia is concerned at continued reports of widespread forced disappearances in Sri Lanka, with more than 5,000 outstanding cases reported.

We strongly encourage the Sri Lankan Government to act to ensure the alleged perpetrators of such serious crimes, from all parties to the conflict, are brought to justice swiftly.

We would also encourage the Sri Lankan Government to schedule a visit by the Working Group, which was unable to go ahead during 2007 due to visits by other special rapporteurs.

Special Rapporteur on torture

Extract from statement by the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

<http://portal.ohchr.org/portal/page/portal/HRCExtranet/7thSession/OralStatements/100308/Tab2ff>

I also undertook a visit to Sri Lanka in October 2007. I have full appreciation for the challenges faced by the Government in relation to the violent and long lasting conflict with the Liberation Tigers of Tamil Eelam. However since the Government did not allow me to travel to LTTE controlled areas I cannot report on the situation with regard to torture and ill treatment by LTTE in this region of the Island.

The Sri Lankan Government has taken a number of important legal steps in order to prevent and combat torture as well as to hold perpetrators accountable such as the enactment of the Torture Act 1994 and the Corporal Punishment Act of 2005.

Nevertheless I came to the conclusion that the current legal system cannot be regarded as fully effective. The high number of successful fundamental rights cases decided by the Supreme Court of Sri Lanka and the even higher number of complaints received by the national Human Rights Commission indicate that torture is still widely practiced.

While I received only a comparatively low number of torture allegations from detainees suspected of ordinary crimes, in the context of detentions under the Emergency Regulations, in particular with respect to LTTE suspects, the clear majority of detainees complained of having been subject to torture and ill treatment by the police and/or the Army.

I was shocked by the brutality of some of the torture methods which included burning with soldering irons and suspension by the thumbs.

With regard to prisons, I am concerned about the high number of complaints of corporal punishment I received and about conditions of detention in severely over crowded and antiquated institutions. In police stations, detention under the Emergency Regulations for periods of several months up to one year in cells not intended to be used for such prolonged detention amounts to inhuman treatment.

Third I found that under the Emergency Regulations most of the safeguards against torture either do not apply or are simply disregarded. This opens the door for abuse of detainees and lead to a situation in which torture becomes a routine practice in the context of counter terrorism operations.

Finally, I wish to express my concern about the reported collaboration between the Government and the TMVP-Karuna Group which was confirmed by a representative I met during my visit in Trincomalee. This group, whose leader Colonel Karuna is currently detained in the United Kingdom, has been accused of particularly brutal human rights abuses in Sri Lanka such as torture, summary executions and recruitment of children.

Switzerland

Extract from the statement by Switzerland (from webcast of English translation)

<http://www.un.org/webcast/unhrc/archive.asp?go=080311>

Switzerland is also grateful to you for your mission report on your mission to Sri Lanka and the many recommendations you make in it. Your report which takes into account some positive developments concludes nevertheless that torture is widespread in Sri Lanka and is linked to the conflict and it is practiced both by the Government of Sri Lanka and by non government armed forces, Group/TMVP the LTTE and the Karuna Faction and the LTTE. Switzerland greatly regrets the fact that you were unable to go to the areas controlled by the LTTE which would enabled you to give a better report to the Council on violations perpetrated by the LTTE.

Switzerland believes that the fight against impunity is a priority and we have therefore taken note of your comment in paragraph 16 of your report on Colonel Karuna and the deals that have been made to prosecute him under universal jurisdiction for war crimes including for the recruitment of children, for summary executions and for torture.

Could you perhaps give us additional comments on this particular case.

Could you in particular comment on universal jurisdiction when it comes to cases of torture.

Statements during the interactive dialogue on agenda item four: Human rights situations that require the Council's attention at the seventh session of the UN Human Rights Council, 14 March 2008

Slovenia / EU

Extract from the statement by Slovenia (on behalf of the EU)

[http://portal.ohchr.org/portal/page/portal/HRCExtranet/7thSession/OralStatements/130308/Tab3i/Tab6/Slovenia%20\(on%20behalf%20of%20the%20European%20Union\).pdf](http://portal.ohchr.org/portal/page/portal/HRCExtranet/7thSession/OralStatements/130308/Tab3i/Tab6/Slovenia%20(on%20behalf%20of%20the%20European%20Union).pdf)

The EU continues to be deeply concerned about the situation in Sri Lanka, particularly after further acts of violence have occurred in the northern parts of the country. We are concerned about the lack of adequate investigations of serious violations of human rights concerning abductions and enforced disappearances, arbitrary detentions and also about the situation of human rights defenders and journalists. The EU believes that proper investigations of human rights violations would contribute to end impunity in the country. We urge the Sri Lankan authorities to fully cooperate with all relevant UN mechanisms and reiterate our call to Sri Lanka to accept OHCHR's monitoring and advisory human rights mission in the country.

France

Extract from the statement by France (from webcast of English translation)

<http://portal.ohchr.org/portal/page/portal/HRCExtranet/7thSession/OralStatements/130308/Tab3i/Tab6/France.pdf>

The situation of domestic conflict in Sri Lanka unfortunately offers fertile ground for human rights violations and violations of international humanitarian law. Many cases of abductions, forced disappearances, and arbitrary detention have been committed while the will to investigate these violations is insufficient, despite the institutional initiatives which have been undertaken by the Government to initiate investigation mechanisms. The killing of 17 humanitarian workers of the NGO Action Against Hunger has still not been elucidated. We think it is in the interest of the Sri Lankan Government as well as all the parties to facilitate the work of the High Commissioner for Human Rights, whose representation in the field which we hope will come about would be of great assistance.

Switzerland

Extract from the statement by Switzerland (from webcast of English translation)

<http://portal.ohchr.org/portal/page/portal/HRCExtranet/7thSession/OralStatements/140308/Tab1j/Tab/Switzerland.pdf>

Switzerland remains concerned about the culture of impunity in Sri Lanka. Switzerland would like the visits requested by the Council's special procedures, in particular the Working Group on enforced and involuntary disappearances and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, to be able to take place promptly under the best conditions and that their recommendations be taken into account.

The Government of Sri Lanka is still reluctant to have the establishment of an Office of the High Commissioner for Human Rights, with monitoring functions. As the High Commissioner has stated however technical cooperation alone cannot meet the challenges that exist. National institutions set up must be able to enjoy independence and credibility and show tangible results and contribute to combating impunity. Failing this the establishment of an independent international mechanism with reporting functions, such as an office of the High Commissioner for Human Rights will continue to have support.

New Zealand

Extract from the statement by New Zealand

<http://portal.ohchr.org/portal/page/portal/HRCExtranet/7thSession/OralStatements/140308/Tab1j/Tab/New%20Zealand.pdf>

We welcome the visit of the High Commissioner and the Special Rapporteur on Children and Armed Conflict to Sri Lanka. And we acknowledge Sri Lanka's willingness to accept both visits. However New Zealand remains concerned about the loss of civilian life in Sri Lanka and we call on both sides to cease hostilities and to respect human rights and humanitarian law as a means to move forward. We are disturbed that the conflict has resulted in a weakening of Sri Lanka's important overall human rights infrastructure and has diverted resources and attention away from the implementation of human rights protections, including mechanisms to combat impunity for abuses such as political killings and enforced disappearances.

New Zealand encourages the Sri Lankan Government to continue its engagement with the High Commissioner on the scope for capacity building in human rights protection and we support the efforts of the OHCHR to make the Sri Lankan Human Rights Commission a more effective and independent institution for investigating human rights.

The Netherlands

Extract from the statement by the Netherlands

<http://portal.ohchr.org/portal/page/portal/HRCExtranet/7thSession/OralStatements/140308/Tab1j/Tab/Netherlands.pdf>

The Netherlands is very concerned about the deteriorating human rights and humanitarian situation in Sri Lanka. The large numbers of civilian losses and displaced persons are alarming. We call on all parties in the conflict to ensure the full protection of all civilians throughout the country. It is our strong belief that there are no special circumstances in which human rights violations can be condoned. The best defense against terrorism is a well-functioning national and international legal order which provides peaceful means for everyone to express themselves and defend their own rights. In this regard, we call on the government of Sri Lanka to fully cooperate with all relevant UN mechanisms and to agree with the High Commissioner on Human Rights on a monitoring and advisory mission in the country. This is especially necessary after the withdrawal of the SLMM and the imminent departure of the International Independent Group of Eminent Persons.