



General Assembly

Distr.: General
18 June 2019

English only

Human Rights Council

Forty-first session

24 June–12 July 2019

Agenda item 2

**Annual report of the United Nations High Commissioner
for Human Rights and reports of the Office of the
High Commissioner and the Secretary-General**

Written statement* submitted by African Green Foundation International, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[02 June 2019]

* Issued as received, in the language(s) of submission only.

GE.19-09995(E)



* 1 9 0 9 9 9 5 *

Please recycle A small graphic of a recycling symbol, consisting of three chasing arrows forming a triangle.



UNHRC Resolution 30/1 against Sri Lanka

We represent Sri Lanka and have an abiding interest on a peaceful and a stable Sri Lanka, after nearly 35 years of armed terrorism Sri Lanka defeated the Tamil Tiger terrorists decisively in 2009, about 10 years ago and ushered in a period of peace for Sri Lankan people. Especially, for the war affected many programs were launched to rebuild, rehabilitate and reconstruct the areas and the people requiring attention.

Some of the programs were unprecedented in like situations soon after "a war", were quickly and efficiently handled. By the period 2012-2013 in many war affected areas the economic and social development brought stability to the people unlike for example in Iraq, Libya and Afghanistan.

But, the international community led by former colonial powers such as the United States of America, the United Kingdom of Great Britain and Northern Ireland, Germany, France backed by their close friendly countries hit back at Sri Lanka with an unjustifiable and unfair resolution based on highly questionable and false allegations of crimes said to have committed by Sri Lanka's defense forces. This move was heavily backed by International NGOs who supported Tamil terrorists and a few well known international 'experts' of human rights who thrive on marketing HR ventures.

We, the Global Sri Lankan Forum- Executive Committee, GSLF-Ex. Comm. furnished a number of written submissions exhaustively discussing the unfair nature of the UNCHR Resolution on Sri Lanka and again we are here to register our vehement protest on the nature of the resolution 30/1 and discrimination of Sri Lanka by the UNHRC when compared to its attitude towards other blatant breach Human Right by well known and powerful nations who are members of the UNCHR.

On the OISL, the OISL's witness statements and other confidential material, like the Darusman material, are also locked up as strictly confidential. Details which could reveal the identity of victims or witnesses such as names, dates and places have been omitted in many cases described in the report in order to ensure that the victims, witnesses and their families cannot be identified.

The OISL team was given extensive access to the documentation of the Sri Lanka Monitoring Mission (SLMM), which was present in Sri Lanka (2002-2007) to monitor the implementation of the 2002 Ceasefire Agreement. The SLMM did not collect human rights information, but their documentation included incidents which could be considered human rights violations or abuses, including conflict-related unlawful killings and abductions.

The OISL team latched on to the Darusman Report, like a limpet. Darusman report was considered ineligible for UN action since it was not prepared by UN staff.

That is how OISL came into being. 'OISL' was replacing 'Darusman.' OISL team met the three members of the Darusman Panel and had discussions with them. OISL were given access to the evidence used by this Panel which is at present under the custody of the UN and kept sealed from public view for 25 years. These documents served as an important resource for identifying leads to incidents said OISL team. They could only follow up a limited number of the individual submissions held in this collection. This does not, however, lessen the value of the submissions, which will remain recorded in OISL confidential archives, said the team loyally.

The OISL repeats the Darusman findings, parrot like, in the same sensational way. Any impartial observer can clearly conclude the unfair nature of the allegations made based primarily on Darusman report.

The Global Sri Lanka Forum – Ex. Committee, observed that there has been no proper evaluation of the facts given in OISL report. Instead, Yahapalana government and also the UN HRC had accepted and endorsed without reservation the conclusions and recommendations of the report". Therefore the GSLF- Ex. Comm. requested a lawyer Darshan Weerasekera to provide a proper legal evaluation of the OISL report. In his 'short report' Weerasekera managed to rip the contents of the Report to shreds Weerasekera said that, the evidence in the OISL report is seriously flawed, characterized among other things by

contradictions, omissions, lies, obfuscations and half-truths, and also lacking in any consideration of exculpatory evidence, the cumulative effect of which is that the report fails to establish its primary claim, namely, that the State (i.e. the military as well as civilian leaders who oversaw the conduct of the war, and thereby the armed forces collectively, as contra-distinguished from individual soldiers) is responsible for war crimes and other serious crimes allegedly committed during the relevant period. Weerasekera said that the OISL team has failed miserably, to establish that the government of Sri Lanka was guilty of the any of the charges that the team levels against it. He wanted the GSLF and its affiliates to ask for official assessments of the OISL report from the government of Sri Lanka and also the UNHRC. Weerasekera then went on to a very, very important issue. An issue that should have been queried and settled as soon as the UNHRC resolutions against Sri Lanka started to emerge. What is the true scope of the UNHRC and what are its limits? Weerasekera points out that the UNHRC functions under two controlling documents, one is the UN Charter and the other is Resolution /60/251 of 2006 which created the UNHRC, UN Charter says the UN must always respect the sovereignty, territorial integrity and domestic jurisdiction of member state of the UN. Resolution 60/251 says there must be impartiality, objectivity, non-selectivity, constructive international dialogue and cooperation in whatever work the UNHRC engages in.

Weerasekera points out that when UNHRC accepted the OISL report, and then used it to support Sri Lanka resolution A/HRC/30/L.29, without debate or discussion; it violated both the UN Charter and Resolution 60/251. This is a serious matter said Weerasekera and the UN must be asked to intervene. If there is clear evidence that the UNHRC and the OHCHR, two subsidiary organs of the UN, are behaving in an unfair, unjust and inequitable way towards a member state of the UN, then it is a very serious violation of the UN Charter and the UN General Assembly must take action, said Weerasekera.

Another important issue which we need to Emphasize is that all crimes and HR violations discussed in the OISL report and the UN Resolution are pertaining only to the government forces while ignoring the criminal activities committed by the other part to the conflict, the LTTE which was dubbed by the New York Times as the world's most ruthless terrorist organization. More than 10,000 civilians were killed by the LTTE and 29,000 soldiers lost their lives with tens of thousands becoming disabled. About 7000 child soldiers were recruited by the LTTE and were used as cannon fodder. The methods used by the LTTE suicide bombers to destroy personnel were utterly brutal. The million dollar question was how the OISL report and the UN resolution ventured to not to mention the extreme atrocities committed by the Tamil Tiger and we register our protest for this glaring omission.

Further, the report envisages punishments to the members of the defence forces and infers that some of them will be arrested and punished in foreign countries if they travel abroad. But, the active combatants of the LTTE Tamil terrorists are now living in countries such as Switzerland, Germany, the United Kingdom, Canada, France and the United States of America who committed murders and other terrorist acts have been excused or forgotten by the OISL and UNCHR resolution. One glaring example is Adela Balasingahm now living in the United Kingdom who was directly responsible for the crime of recruiting child soldiers who trained and armed the child combatants; Why the UNCHR ignored these criminals. We register our protest for this partial omission.

In addition, the OISL outlines the difficulties faced by the Tamils and Muslims considering these as HR violations whereas even a passing reference was not made about the attacks on the Sinhalese and ethnic cleansing of Sinhalese and also the attacks on Buddhist places of worship and historically and archeologically important places. We protest about this discriminatory practice followed by the OISL report and the UN Resolution.

We trust that we have clearly spelt out the unenviable position of Sri Lanka in general and her armed forces including the discriminatory attitude of the OISL report and UNCHR resolution towards armed forces and the majority Sinhalese and we are confident that our opposition in heard, loud and clear for a fair go.

Global Srilankan Forum Exco. an NGO without consultative status, also shares the views expressed in this statement.