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**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, 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.

[11 February 2019]

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



Is Human Rights Council Resolution 30/1 giving impunity to the terrorism, by not defining the Liberation Tigers of Tamil Eelam (LTTE) as a terrorist organization?

The Human Rights Council Resolution no. 25/1 of 9th April 2014, “*Promoting reconciliation, accountability and human rights in Sri Lanka*”, in paragraph 9, defined the situation of the past armed conflict in Sri Lanka as “*combat terrorism*”.

OHCHR Investigation on Sri Lanka (OISL) which was formed by the Human Rights Council Resolution 25/1 had changed the definition of the past armed conflict without any explanation and authority from the Human Rights Council from “*combat terrorism*” to an “*internal armed conflict*” in his report in paragraph 1141.

In paragraphs 168 and 661 of the OISL report, Liberation Tigers of Tamil Eelam (LTTE) was defined as a non-state armed group but not as a terrorist organization even if in the report accepted war crimes and crimes against humanity of the Liberation Tigers of Tamil Eelam (LTTE) were well written such as:

“Expelling Muslim and Sinhalese communities, conducting assassinations and attacks on civilian targets, unlawful killings, abduction and forced recruitment, recruitment of children and use in hostilities, impact of hostilities on civilians and civilian objects, control of movement, denial of humanitarian assistances.”

OISL report also had created a paper so-called genocide in Sri Lanka by the breach of the “Guidance and Practice of the Commissions of Inquiry and Fact-Finding Missions on International Human Rights and Humanitarian Law” (https://www.ohchr.org/Documents/Publications/CoI_Guidance_and_Practice.pdf).

The OISL report used religious discrimination by using a suspicious religious source for the base as the proof of the so-called paper work genocide without taking into account of the United Nations bodies reports in Sri Lanka. To protect the honor, pride and the prestige of the Human Rights Council and the Office of the High Commissioner for Human Rights, a special investigation should be open for the reporters of the OISL report. Any breach of the “Guidance and Practice of the Commissions of Inquiry and Fact-Finding Missions on International Human Rights and Humanitarian Law” by the Office of High Commissioner for Human Rights, staff can never be under the immunities for the reporters to protect the United Nations.

The Human Rights Council Resolution 30/1 must be defined as an international wrongful act of an international organization. The international community has an obligation not to recognize as lawful the Resolution 30/1 unless the Liberation Tigers of Tamil Eelam (LTTE) is to be defined as terrorist and an international criminal investigation for the perpetrators of financing terrorism in Sri Lanka to be opened by the Human Rights Council with a new resolution.

It is an *erga omnes partes* responsibility not only to the today's or future governments of Sri Lanka but as well to the international community as a whole to not to recognize as lawful the Human Rights Council Resolution 30/1 to protect right to life, the *raison d'être* of the United Nations as well should ask a special investigation for the reporters of the OISL report from the Human Rights Council.

Global Srilankan Forum exco. NGO(s) without consultative status, also share the views expressed in this statement.