



*The Human Rights Council and the High Commissioner for Human Rights are considering whether to launch an international investigation into reported war crimes in Sri Lanka. The Sri Lankan Government, however, has expressed its dissatisfaction with outside interference, pending its own investigation.*

On 12 September 2011, Secretary-General Ban Ki-moon sent the report of his panel of experts who investigated alleged war crimes in the final stages of the civil war in Sri Lanka to the United Nations human rights chief and the Human Rights Council.

Mr Ban has declared that he remains convinced that accountability is an essential foundation for durable peace and reconciliation in Sri Lanka. He has also underlined the need to find a political solution to the underlying factors of the past conflict.

In April, Ban said he would welcome a mandate from the Geneva based human rights bodies to establish an international inquiry into allegations of possible war crimes.

The report of the three-member panel, which was released in April, found that there were credible reports that both Government forces and the rebel Liberation Tigers of Tamil Eelam (LTTE) had committed war crimes in the months leading up to May 2009, when Government forces declared victory over the separatists.

The panel found credible allegations of serious violations committed by the Government, including the killing of civilians through widespread shelling and the denial of humanitarian assistance.

The credible allegations regarding the LTTE concerned numerous serious violations, including using civilians as a human buffer and killing civilians attempting to flee LTTE control.

The panel – chaired by Marzuki Darusman of Indonesia and comprising Yasmin Sooka of South Africa and Steven Ratner of the United States – recommended that the Government respond to the allegations by initiating an effective accountability process beginning with genuine investigations.

“While the Secretary-General had given time to the Government of Sri Lanka to respond to the report, the Government has declined to do so, and instead has produced its own reports on the situation in the north of Sri Lanka, which are being forwarded along with the panel of experts report,” the Secretary-General’s Spokesperson Mr. Martin Nesirky said in a statement.

On 23 September, the UN Secretary-General Ban Ki-moon had a meeting with Mahinda Rajapaksa, the President of Sri Lanka, where he stressed the need for a “credible national accountability process” over actions in the final stages of the civil war.

Mr. Ban reiterated the need for such a process as envisaged in the joint statement he signed with Mr. Rajapaksa in May 2009, at the end of the war.

Sri Lanka has criticized the UN for forwarding the report to the human rights bodies in Geneva and questioned the impartiality of the UN High Commissioner for Human Rights, Navi Pillay. The Government of Sri Lanka says it was not notified of the upcoming decisions until the last moment.

“The failure on the part of the High Commissioner to inform the concerned state - Sri Lanka - was wholly inappropriate to say the very least. This, regrettably, may lead to a loss of confidence in the Office of the High Commissioner,” Mahinda Samarasinghe the head of the Sri Lanka delegation, told the UN Human Rights Council on 12 September.

Samarasinghe questioned the impartiality of the UN High Commissioner for Human Rights, Navi Pillay. “Today it may be Sri Lanka, but tomorrow it could be any other member state faced with

this predicament," he said.