



# ASIAN LEGAL RESOURCE CENTRE

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HRC section: UPR review of Sri Lanka

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**An Oral Statement to the 8th Session of the UN Human Rights Council by the Asian Legal Resource Centre (ALRC), a non-governmental organization with general consultative status**

## **SRI LANKA: Government must heed international recommendations**

The Asian Legal Resource Centre (ALRC) underlines the acknowledgement in the Working Group report that the human rights situation in Sri Lanka is worsening. We welcome recommendations concerning the need for the Sri Lankan government to investigate, prosecute and convict those responsible for widespread torture,<sup>1</sup> extra-judicial killings<sup>2</sup> and forced disappearances.<sup>3</sup>

The Government's claim that torture is only used occasionally by certain overzealous investigators shows its lack of credibility and unwillingness to address this issue by itself. Torture is widespread and impunity for such acts is systemic. We particularly welcome recommendation 19 made by Iran calling for increased efforts to strengthen legal safeguards for eliminating all forms of ill treatment or torture in prisons and detention centres.<sup>4</sup> Calls for the implementation of the recommendations of the Special Rapporteur on torture;<sup>5</sup> the ratifications of the OPCAT,<sup>6</sup> the Rome Statute<sup>7</sup> and the Convention against disappearances,<sup>8</sup> must also be heeded by Sri Lanka.

The government's dismissive attitude towards allegations of disappearances is a serious concern. The ALRC has repeatedly requested that government representatives in this Council provide evidence of the alleged 599 prosecutions of State agents concerning such abuses,<sup>9</sup> but has not received a shred of information concerning these. We are concerned that these statistics relate to cases committed in the country's past, and that no recent or current cases are in fact being effectively investigated or prosecuted.

There is an undeniable gap in protection in Sri Lanka,<sup>10</sup> and therefore an obvious need for an appropriately-sized international presence, mandated to conduct independent protection, monitoring, investigation and reporting of the increasingly serious situation in the country.<sup>11</sup> Claims by the government that domestic systems can cope and would be undermined by an international presence are evidently false. Priority must be given to protecting victims and resolving the human rights crisis.

Finally, recommendations calling for the strengthening of the rule of law, notably through prompt and effective investigations, prosecutions and convictions, concerning torture and other grave violations, are of paramount importance.<sup>12</sup> The worsening situation in Sri Lanka is driven by the paralysis of its institutions of the rule of law and the active role played by those in power to remain above the law.

<sup>1</sup> Paragraph 28,

<sup>2</sup> Paragraph s 21, 28, 47, 74

<sup>3</sup> Paragraph s 26, 47, 74

<sup>4</sup> Recommendation no. 19

<sup>5</sup> Paragraph 33, 61

<sup>6</sup> Paragraph 55

<sup>7</sup> Paragraph 33

<sup>8</sup> Paragraph 33

<sup>9</sup> Paragraph 52

<sup>10</sup> Paragraph s 34, 54

<sup>11</sup> Paragraph s 26, 28, 43, 55, 56, 57, 61, 74, 75

<sup>12</sup> Paragraph 55