



Civil Society Groups Urge the UN Human Rights Council to Interrogate Sri Lanka on its proposed Truth and Reconciliation Commission which will deepen Impunity

Geneva, Switzerland - 7 July 2023 Three organisations today called upon members of the Human Rights Council (HRC) to interrogate the Government of Sri Lanka on Monday 10 July 2023 about the President's announcement to establish a Truth and Reconciliation Commission (TRC), when the report of the Universal Periodic Review (UPR) on Sri Lanka will be up for adoption before the HRC.

The Families of the Disappeared (FoD), Journalists for Democracy in Sri Lanka (JDS) and the International Truth and Justice Project (ITJP) pointed to UPR recommendations made by the Netherlands, Germany, New Zealand, Norway, Australia and the USA on the need for Sri Lanka to deal with accountability for past human rights violations and to establish a credible and inclusive transitional justice and reconciliation mechanism. These recommendations were rejected by the Government of Sri Lanka.

“These rejections make it clear that President Ranil Wickremesinghe is emboldened by the carrot and stick approach of the international community to follow the beaten path of not delivering justice for years of state crimes. His proposed Truth and Reconciliation Commission, like previous bodies, such as the Office of Missing Persons, will fail to meet the expectations of the innumerable victims and their families. This comes at a time when their anxiety is heightened with the newly discovered mass grave in the former war zone that poses more questions on accountability,” said Bashana Abeywardane of JDS.

The bill to establish the TRC has not been published. Considering the rejection of the UPR recommendations made by certain countries, it is unlikely that the TRC will be given a strong mandate to recommend prosecutions, if any.

Already in an interview with France24 on 26 June, President Ranil Wickremesinghe indicated that once investigations are conducted by the TRC, there will be no need for 'parallel' investigations, the implication being that there will be no criminal prosecutions and that pending criminal investigations may be suspended.

“Establishing a TRC as a substitute for criminal accountability will clearly be in violation of established international norms and standards, including the Convention on Enforced Disappearances to which Sri Lanka is a party, and the Updated Principles to Combat Impunity”, said Yasmin Sooka of ITJP.

“We don’t need another commission that doesn’t deliver truth, justice, reparations, memorialisation, commitments for non-recurrence, including institutional reform. We urge the HRC members to not support any TRC that compromises Sri Lanka’s international and domestic obligations”, said Brito Fernando of FoD.

Background

On 22 June, four organisations (including FoD, JDS and ITJP) launched a report documenting the failures in 20 exhumations of mass graves conducted in Sri Lanka to date. When asked about the report, President Wickremesinghe told France24 that any mass graves will be dealt with by the TRC. He also said that he “would like any allegations to come before the Truth and Reconciliation Commission that is about to be implemented. But if you are going to run a parallel investigation, we are only undermining the TRC. Any complaints anyone has can go before the Truth and Reconciliation Commission... No one can say it’s a cover-up as we will have international observers.”

The President’s comments even before a bill has been published suggest a predetermined agenda which will not realise the rights of victims in Sri Lanka and may lead to deepening impunity in the country which has existed for more than three decades.

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