



Shri S. M. Krishna
External Affairs Minister
Government of India
South Block
New Delhi

19th March 2012

Sub: Resolution on Sri Lanka at the Human Rights Council demanding accountability for human rights violations

Your Excellency,

I am writing on behalf of a coalition of Indian civil society organisations and independent experts to urge India to vote in favour of the resolution demanding accountability in Sri Lanka, at the current session of the UN Human Rights Council (UNHRC).

Across the international community India is admired as the largest democracy in the world with governance based on constitutional values steeped in respect for human rights, rule of law and the celebration of diversity. India's pledges to the UNHRC reflect these commitments and create a duty to ensure that the world-body lives up to its mandate by insisting on accountability for grave human rights violations wherever they happen.

It is encouraging to note that India's recent votes at the UN have shown a willingness to dispense with its traditional opposition to country-specific resolutions. Last month, India supported strong UN Security Council and General Assembly resolutions that condemned human rights violations perpetrated by the Government of Syria. The events in Sri Lanka in 2009 surely compare to the ongoing crisis in Syria, in terms of the severity of the violence perpetrated by the State against civilians.

Three years after, one of the most shocking and brutal human rights catastrophes of the 21st century unfolded just next door to us. Such a situation, in fact, could have prompted India to take a lead initiating a resolution on Sri Lanka at the UNHRC. Not having taken this bold step, India remains best placed to play an intermediary role between the actions of the international community demanding accountability and a Sri Lankan response to those demands. Such an outcome can only occur if India votes in favour of the resolution.

The road to peace and stability in Sri Lanka requires that victims receive justice for alleged violations of international human rights and humanitarian law. The Sri Lankan government has, to date, rejected all calls to conduct independent and credible investigations into the most serious allegations contained in the report of the *UN Secretary-General's Panel of Experts on Sri Lanka*. The Sri Lankan government has also delayed consideration of its own *Lessons Learnt and Reconciliation Commission* (LLRC) report, and seeks to dilute credible follow-up that would bring to book perpetrators of serious war crimes for which there is credible evidence.

In 2009, India shielded Sri Lanka at the UN Human Rights Council from international condemnation as well as from direly needed international investigations. One of the consequences of the inability of the UNHRC, at that time, to hold Sri Lanka accountable for human rights violations is that these violations remained unaddressed. India's bilateral efforts to get Sri Lanka to address concerns have so far been met with patent intransigence from the Sri Lankan regime. The most recent example is evidenced by President Mahinda Rajapaksa's claim to never have made any promises towards going beyond the 13th Amendment to address a political solution for Tamils, despite India's several public reiterations that such promises were made by Sri Lanka.

Convenor | Miloon Kothari

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The world is now keenly watching how India votes on the Sri Lanka resolution at the UNHRC. Many countries are likely to wait and hear India's position before deciding upon their own. Indian and international public opinion will measure India's capabilities and its credibility on human rights and diplomacy by its ability to stand for justice and accountability in Sri Lanka.

While we appreciate that many considerations will weigh-in on how India finally votes, we would urge, that a paramount consideration in the final outcome must be India's democratic values that are grounded in justice and accountability. We urge the Government of India to support the resolution that has recently been tabled at the Human Rights Council. In informal negotiations on the resolution, India should use every influence to ensure that, at a minimum, Sri Lanka is bound to:

- Implement progressive recommendations made in the LLRC report.
- Go beyond the LLRC report to credibly address all allegations of humanitarian law violations in the last phase of the war in Sri Lanka, through an independent and transparent investigation.

These should be achieved within a short, specified time frame, and with the support and oversight of the Office of the High Commissioner for Human Rights (OHCHR). Failure on the part of Sri Lanka to address these concerns adequately, should immediately and automatically lead to international investigations.

The proposed draft resolution may not go far enough. It may not include the possibility of early international investigations, if Sri Lanka fails to adequately address accountability on its own. This is an issue that India should take note of and effectively address. As such, any vote on Sri Lanka that takes place at the Human Rights Council this month, must not preclude future Human Rights Council efforts that demand justice, accountability and international investigations in Sri Lanka. The resolution should be voted on only as a first step in the right direction, and not as a final step diluting international scrutiny or as a tactic to delay urgently needed justice in Sri Lanka.

Yours Sincerely,



Miloon Kothari
Convenor, Working Group on Human Rights in India and the UN (WGHR)