



WGHR Press Release

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WGHR welcomes India's vote in favour of the Resolution on Sri Lanka: GoI falls short, however, of ensuring inclusion in the resolution of the call for an Independent and Credible International Investigation

The Working Group on Human Rights in India and the UN (WGHR), New Delhi, welcomes India's vote in favour of the resolution on Sri Lanka at the 22nd session of the UN Human Rights Council (HRC) On 21 March 2013. WGHR is encouraged that India stood with rights, justice and accountability and supported the present resolution as it did the resolution at the 19th session of HRC in 2012. India called on Sri Lanka to account for egregious crimes during the last days of the 2009 civil conflicts and to take immediate steps for the rehabilitation of the affected people.

It is significant to note that out of twelve Asian member countries of the HRC only India and the Republic of Korea voted in favour of the resolution. India's position at the HRC was a test of credibility, in front of the international community, on whether it stood for human rights, justice and accountability.

We commend the Government of India for supporting the operating paragraph of the resolution that calls on the Sri Lankan Government for the effective and timely implementation of progressive recommendations made in its Lessons Learnt and Reconciliation Commission (LLRC) report and to take all necessary additional steps to fulfil its legal obligations and reconciliation for all Sri Lankans.

In his oral statement, the Indian permanent representative to the UN, Ambassador Dileep Sinha spoke on issues that went beyond the text of the adopted resolution. He called for the Government of Sri Lanka to fulfil "*its public commitments, including on the devolution of political authority through full implementation of the 13th Amendment and building upon it*" and to ensure that the people of the Northern and Eastern province exercise their democratic rights freely in the forthcoming Provincial Council election in September 2013. Ambassador Sinha's strong views, regretfully, did not translate into the operative paragraphs of the adopted resolution especially the critical importance of an independent and credible **international** investigation into alleged violations of international human rights law and international humanitarian law.



While commenting on the development at the HRC, Convenor WGHR and former UN Special Rapporteur, Miloon Kothari said that *"asking Sri Lanka to carry out its own 'independent, credible investigation' makes a mockery of the 'international responsibility to protect' human rights that India must espouse. International investigations for war crimes must be a standard maintained by all countries whether in their neighbourhood or elsewhere. We hope India will continue to push for a credible international investigation for the crimes in Sri Lanka at various forums including the upcoming HRC session in September 2013 where Sri Lanka's complicity in the conflict will be reviewed again and the upcoming Commonwealth Heads of States meeting in November 2013"*.

While we commend India's willingness to uphold the need for human rights accountability wherever human rights violations occur, despite regional sensitivities, one could see the indecisiveness of Indian Diplomacy in first joining those that wanted to dilute the resolution and again under domestic compulsions asking for some amendments at the last minute which were not accepted by the sponsors of the resolution. It is also unfortunate that India could not introduce these amendments when it took the floor at the HRC prior to the voting on the resolution. In the interest of the ongoing national and regional dialogue on peace and security in the sub-continent WGHR calls on the GOI to make public the text of these recommendations at the earliest.

WGHR expects that the Sri Lankan Government will take immediate steps to implement the steps called for by HRC resolution and identify and prosecute the perpetrators of the war crimes. WGHR calls on the Sri Lankan Government to not see the adopted HRC resolution as a step by the international community to censure Sri Lanka but rather as a further step in international assistance aimed at cementing peace and assuring justice to all those scarred during the conflict.

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