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## **Sri Lanka**

### **Greens/EFA motion for resolution**

*Tabled by Jean Lambert, Nicole Kiil-Nielsen, Raül Romeva i Rueda, Barbara Lochbihler on behalf of the Greens/EFA Group*

*The European Parliament,*

having regard to the European Parliament resolutions on the situation in Sri Lanka of 12 May 2011 and 22 October 2009

- having regard to the report of Sri Lanka's Lessons Learnt and Reconciliation Commission published in November 2011,

- having regard to the resolutions of the UN Human Rights Council on Promoting reconciliation and accountability in Sri Lanka of 18 March 2013 and of 22 March 2012

- having regard to the report of the UN Secretary-General's Internal Review Panel on UN actions in Sri Lanka during the final stages of the war in Sri Lanka and its aftermath of November 2012

- having regard to the Statement by the UN High Commissioner for Human Rights (OHCHR) on 25 September 2013

- having regard to the report of French charity "Action against Hunger" (ACT) on the execution by government forces of 17 of its local staff in 2006 in the northern town of Muttur,

- having regard to the European Union statement of 5 December 2012 on the rule of law in Sri Lanka,

- having regard to the declaration of 18 January 2013 of High Representative Catherine Ashton on behalf

of the European Union on the impeachment of former Sri Lankan Chief Justice Shirani Bandaranayake,

- having regard to the recent Commonwealth Heads of Government Meeting (CHOGM) in Colombo, which confirmed Sri Lanka as the organisation's chair for the next two years; having regard to the position of the government of India, Canada and Mauritius, as well as UK Prime Minister David Cameron's statement

- having regard to the Conventions to whom Sri Lanka is a party, notably the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Prevention and Punishment of the Crime of Genocide, the Convention on the Rights of the Child, and the Convention on the Elimination of All Forms of Discrimination against Women and the Convention Against Corruption (UNCAC)

having regard to Rule 122 of its Rules of Procedure,

A. Whereas on 23 May 2009 United Nations Secretary-General Ban Ki-moon and President of Sri Lanka Rajapaksa signed a joint statement in which the Sri Lankan government agreed to take measures to guarantee accountability for alleged war crimes and crimes against humanity during the final stages of the 26-year-long internal conflict;

B. Whereas on 15 May 2010 President Mahinda Rajapaksa appointed a Lessons Learnt and Reconciliation Commission (LLRC); whereas the large number of people who reportedly have come forward on their own initiative to speak to the LLRC Commission, despite its limitations, illustrates the strong wish and need for a national dialogue on the conflict;

C. Whereas the UN Secretary-General on 22 June 2010 appointed a three Member panel of Experts to advise him on modalities for an accountability process "having regard to the nature and scope of alleged violations of international humanitarian and human rights law during the final stages of the armed conflict in Sri Lanka" whereas the panel report, published on 26 April 2011, 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

D. Whereas the panel also concluded that Sri Lanka's efforts, nearly two years after the end of the war, fall short of international standards on accountability and fail to satisfy either the joint commitment of the President of Sri Lanka and the Secretary-General, or Sri Lanka's legal duties

E. Whereas on 25 September 2013 Navi Pillay called on the Sri Lankan Government to use the time left before she delivers a report on the country to the March meeting "to engage in a credible national process with tangible results, including the successful prosecution of individual perpetrators", otherwise "the international community will have a duty to establish its own inquiry mechanisms."

F. Whereas Internal Review panel on the UN functioning in Sri Lanka during the final phase of the war came to the conclusion that the failure of the UN institutions "to stand up for the rights of the people they

were mandated to assist" "collectively amounted to a failure by the UN to act within the scope of institutional mandates to meet protection responsibilities"

1. Expresses its appreciation for the restoration of peace in Sri Lanka which represents a great relief for the whole population and acknowledges the enormous efforts which have been made by the Government of Sri Lanka with the support of the international community to rebuild the infrastructure, demine, and resettle the majority of some 400 000 internally displaced persons
2. Notes the progress which has been achieved in attaining the Millennium Development Goals, the tri-lingual policy notably in teaching Sinhala, Tamil and English to public officials, as well as the recently decided nationwide census to tally "human and property damages" inflicted during the civil war
3. Welcomes the first ever held elections to the Provincial Council in the Northern Province on 21 September 2013 in which the Tamil National Alliance (TNA) party won with an overwhelming majority;
4. Hopes that the peace dividend will pay off to further enhance the country's development agenda and to allow its citizens and increasing numbers of foreign visitors to take full advantage of the natural and cultural potential that Sri Lanka has to offer; expresses however concern, based also on own historical experience that long-term stability demands genuine reconciliation with full participation of local populations;
5. Takes note of the national plan of action for the implementation of the recommendations of the Lessons Learnt and Reconciliation Commission and calls on the government to act notably upon the LLRC recommendations to credibly investigate widespread allegations of extrajudicial killings and enforced disappearances, to demilitarize the north of Sri Lanka, to implement impartial land dispute resolution mechanisms, to re-evaluate detention policies, to strengthen formerly independent civil institutions (as the Police, the Judiciary and the Human Rights Commission), and to reach a political settlement on the devolution of power to the provinces,
6. Is particularly disappointed that senior military commanders allegedly responsible for targeting civilians and hospitals during the war have been promoted instead of investigated;
7. Expresses considerable concern at the continuing reports of intimidation and violations of human rights, notably by the security forces, including enforced disappearances, extrajudicial killings, rape, torture and violations of the rights to freedom of expression, association and peaceful assembly, as well as reprisals against human rights defenders, members of civil society and journalists, threats to judicial independence and the rule of law, and discrimination on the basis of religion or belief;
8. Deplores the lack of cooperation on the part of the administration in investigating the alleged killing by government forces of 17 local aid workers of the French charity Action for Hunger in the northern town of Muttur as well as the 5 youths in Trincomalee in 2006; urges the authorities to do all in its power to bring those responsible for the massacre to justice;

9. Urges the Sri Lankan government to act upon the multiple calls for accountability for wartime violations by initiating an independent and credible investigation into alleged violations of international human rights law and international humanitarian law before March 2014 and considers that otherwise the UN has the obligation to initiate an international investigation;

10. Calls on the UN and its member states to carefully analyse the failures of the UN in Sri Lanka and to take adequate measures that if confronted with a similar situation in the future the UN will be enabled to meet a much higher standards in fulfilling its protection and humanitarian responsibilities

11. Instructs its President to forward this resolution to the Council, the Commission, the VP/HR, the governments of the member states, the Secretary General of the United Nations and the President and Government of Sri Lanka.

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