

Vavuniya,  
20 February 2015

**Statement on the Deferral of the Report of the Office of the UN High Commissioner for Human Rights' Inquiry on Sri Lanka (OISL)**

We are extremely disappointed that the UN Human Rights Council has decided to defer the report of the Office of the UN High Commissioner for Human Rights Inquiry on Sri Lanka (OISL) by six months to September 2015. We are even more disappointed that the recommendation to defer the report originated from the UN Human Rights Commissioner. Victims who engaged with the OISL see the postponement as completely unnecessary and as a possible final blow to any further search for accountability through international means. Given their lack of confidence in any domestic mechanism delivering on accountability, Tamils are afraid that the delaying of the report signals an end to the hope for accountability, truth and justice in Sri Lanka, in its entirety.

We wish to point out with utmost disappointment that the UN High Commissioner for Human Rights, the Council and the relevant states had ignored the unequivocal request from all sections of the Tamil polity not to delay the release of the report. The announcement of the deferral sadly reminds us of 2008 when the UN left Kilinochchi contrary to the wishes of the local population to remain with them and provide humanitarian protection.

The UN High Commissioner in his media statement of 16 February 2015 provides two reasons for the postponement of the report to September 2015:

- a) the possibility of the inquiry receiving important new information
- b) cooperation from the new government on a broad range of human rights issues.

Regarding (a) above we believe that this reasoning will only be credible if the OISL team is given access to Sri Lanka and given full freedom and access to engage in evidence gathering. The Sri Lankan Foreign Minister's letter to the High Commissioner dated 13 February 2015 does not promise engagement with OISL specifically. Given that the Government does not promise cooperation with the OISL inquiry, the High Commissioner needs to clarify as to how he envisages OISL receiving new information.

*The Tamil Civil Society Forum is a network of more than 100 Tamil Civil Society Activists from the North-East of Sri Lanka convened by Bishop Dr Rayappu Joseph. For more info see: <http://goo.gl/p1Spg5> and <http://goo.gl/Gn1RLR>*

Regarding (b) we are not convinced that this is a sufficient basis to postpone the report. Why should the Government's willingness to act on present day human rights issues be a bar to releasing a report on accountability for the past? We are well aware of the OISL mandate to monitor on going violations but this need not be read as impeding any efforts taken by the Government to improve on the human rights situation in the country.

We however do not think that in the past month of the new Government taking office there have been any significant improvements in those human rights issues that significantly and directly affect the Tamil people. The new government similar to its predecessor has also confirmed that there will be no scaling down or withdrawal of troops from the North-East. The government has published a gazette notification under the public security ordinance extending the granting of police powers to the Sri Lankan armed forces. The Government has promised resettlement in the Valikamam High Security Zone in Jaffna but has in fact has only rehashed an abandoned model resettlement village programme initiated by the former government, which will not allow people to go back to their original lands. It has so far remained silent about the plight of the IDPs in Sampur (Trincomalee), Mullikulam (Mannar) and Keppapilavu (Mullaitivu).

The promise on the part of the Sri Lankan Government to allow for a visit of the High Commissioner and that of the UN Working Group on Disappearances we suspect have instrumental motives of wooing international opinion in their favour while not delivering on substantial issues. This expressed willingness to engage with UN mechanisms sits in contradiction to the Sri Lankan Government's position of rejecting the UNHRC resolution of 2014 and the OISL inquiry.

We have detailed in our 12 February 2015 letter to the High Commissioner (in which we urged that there be no deferral of the report) as to the reasons that point to the impossibility of setting up a credible domestic accountability in Sri Lanka.

For the above stated reasons we do not believe that there were adequate reasons for the deferral of the report. We insist that the High Commissioner should officially request the Government for the OISL team to have access to Sri Lanka. If not it will only strengthen the understanding that the deferral of this report was made for extraneous political considerations.



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