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LLRC report fails to address war crimes committed during the last stages of the civil war in 2009

<http://www.fidh.org/LLRC-report-fails-to-address-war>

FIDH - Worldwide Human Rights Movement

The final report published by the Lessons Learnt and Reconciliation Commission (LLRC) of Sri Lanka established by President Mahinda Rajapaksa in May 2010 largely exonerates government forces from liability for serious international crimes perpetrated during the last stages of the civil war in 2009 and the Commission has so far failed to fully investigate neutrally and with impartiality abuses that occurred in 2009, said the International Federation for Human Rights (FIDH). FIDH joins the growing call by the international community and civil society for the establishment of a UN commission of inquiry into all crimes committed, as recommended by the UN Secretary-General's Panel of Experts on Sri Lanka.

As foreseen, the almost 400-page long report submitted on 20 November 2011 by the LLRC to President Rajapaksa, and publicly released on 16 December 2011, fails to present an impartial and neutral account of the events that occurred from 21 February 2002 to 19 May 2009 in Sri Lanka. In particular, it clearly disregards the worst abuses committed by government forces, including the alleged executions of several LTTE leaders who attempted to surrender in what has been called the "white flag" incident.

The LLRC says it is satisfied with the military strategy adopted to secure the LTTE-held areas, in which the "protection of the civilian population was given the highest priority". It considers that systematic human rights violations were committed mostly by the LTTE and calls for investigations regarding alleged violations by other groups such as the Eelam People's Democratic Party (EPDP) without acknowledging the links the latter, a paramilitary organization, has with government forces.

The government of Sri Lanka has systematically resisted external accountability mechanisms such as the UN Secretary General's Panel of Expert, and repeatedly said that the LLRC report would be impartial and objective, and presented as such at the next session of the Human Rights Council in March 2012. The LLRC joins the government of Sri Lanka in rejecting the authenticity of damning testimonies such as those displayed in the video broadcast by Britain's Channel 4 television. It has also been blaming the so-called «hostile diaspora groups» for jeopardizing the reconciliation process and supporting the LTTE.

"Considering the many allegations of abuses involving its own security forces, the government of Sri Lanka must immediately investigate all allegations, including cases of enforced disappearances, and take preventive measures, until all facts are fully established and clarified", said Souhayr Belhassen, president of FIDH. "The right to truth, justice and reparation for all victims is a prerequisite in any reconciliation process and no sustainable peace can be achieved as long as impunity prevails".

FIDH notes several important recommendations made by the LLRC, but stresses that these should be implemented alongside with a full and transparent process of truth-seeking and accountability. One of these recommendations is that it is essential for the government of Sri Lanka to adequately address the grievances of all ethnic groups, including the Tamil people but also the Muslims, in order to prevent a re-escalation of inter-ethnic tensions, which had been one of the underlying factors in the protracted conflict that lasted 26 years from 1983 to 2009.

"Transitional justice mechanisms are direly needed to address the level of violence, suspicion and the sense of discrimination which are still prevalent in today's social and political life in Sri Lanka which shows that the situation may soon deteriorate, especially if the government continues to perpetuate impunity," said Souhayr Belhassen. "The international community also has a responsibility in ensuring that the Sri Lankan government does not obstruct effective efforts to establish accountability for grave violations of international humanitarian and human rights law during the war".