Asian NGOs call on UN member-states to reject Sri Lanka's Human Rights Council election bid

May 17, 2008

Your Excellency,

We, the undersigned 84 non-governmental organisations working on human rights in Asia, write to urge that your government not vote for Sri Lanka for membership in the United Nations Human Rights Council in the election taking place in the General Assembly on May 21, 2008, because of the country's evident failure to meet the Council's membership standards.

Asia does not have a functioning regional human rights system, making the United Nations' human rights mechanisms, notably the Human Rights Council, of increased significance for victims in the region. Under the Human Rights Council, Asia now has 13 members and an increasingly important role to play in steering the global effort in favour of human rights. Ensuring the highest standard of Council members from the Asian region is of great importance.

We have therefore carefully scrutinized the human rights records of the six candidates currently vying for the four seats available to the Asian region in the upcoming election, based on our collective experience as Asian NGOs working to improve human rights protection in Asia. Sri Lanka stands out as the candidate that suffers from the gravest ongoing human rights violations, the most significant lack of cooperation with the Council, and the least evidence of measures being taken to protect citizens from violations and to deliver justice and reparation to victims of abuses. Sri Lanka is without doubt the least suitable candidate of all those bidding for election this year, making it vital for your government to not support it.

We write to support the position of human rights organizations from Sri Lanka that wrote to UN members on April 28, 2008, stating that the government of Sri Lanka fails to meet the Council's membership standards, has "presided over a grave deterioration of human rights protection" since first winning membership in 2006, and "has used its membership of the Human Rights Council to protect itself from scrutiny." We also strongly support the campaign launched on May 6, 2008, by a coalition of international NGOs opposing Sri Lanka's candidacy (please see further at: http://www.hrw.org/effectiveHRC/SriLanka/).

We recall that General Assembly (GA) resolution 60/251 requires that "members elected to the Council shall uphold the highest standards in the promotion and protection of human rights" and "fully cooperate" with the Council.

Failure to uphold the highest standards: It is very clear that Sri Lanka has not only failed to meet this central criterion for membership in the Council during the last two years, but has become one of the worst human rights violators in the region and among the most negative

voices within the Council during this time. Sri Lankan government forces have been directly implicated in a wide range of grave rights abuses, including:

- hundreds of extrajudicial killings, including of humanitarian workers;
- hundreds of enforced disappearances, the highest rate of new cases recorded by the Working Group on Enforced and Involuntary Disappearances in 2007;
- arbitrary arrests and long-term detentions without charge or trial;
- widespread torture of detainees, "a routine practice ... both by the police and the armed forces" according the U.N. Special Rapporteur on Torture;
- forcibly returning internally displaced persons to unsafe areas;
- unwarranted restrictions on media freedoms, and threats and killings of journalists;
- complicity with the recruitment of child soldiers by the Karuna militia;
- denunciations and threats against human rights defenders and humanitarian workers.

Few if any proper investigations have been launched into these most serious rights abuses and impunity reigns. Political will and sincerity on the part of the authorities to address these human rights remains elusive. These problems are compounded by the authorities having failed to provide easily accessible avenues enabling victims of human rights abuses to make complaints. Extreme delays in adjudication make it near-futile to pursue such complaints, when made. Witnesses and victims have been harassed and even killed while seeking redress.

Failure to cooperate: Sri Lanka has been a member of the Council over the last two years, while its government forces have continued committing widespread violations, so there can be no pretence that its future membership will bring about positive change. Instead, it is clear that Sri Lanka is making use of its Council membership to shield itself from criticism, thus undermining the Council itself and all the efforts made by UN members to create a Council free from the destructive forces that fatally damaged the Commission on Human Rights.

Cooperation with the Council should not just be measured simply by a state's inviting international officials to visit, but also through the quality of the cooperation with such experts and other mechanisms, as well as the extent to which their recommendations are implemented. On these counts, Sri Lanka's record is deplorable. Sri Lankan government officials have launched unacceptable and unfounded personal attacks on respected international officials who have visited the country and raised human rights concerns. These include U.N. High Commissioner for Human Rights Louise Arbour, U.N. Special Advisor on Children and Armed Conflict Allan Rock, U.N. Undersecretary-General for Humanitarian Affairs John Holmes. When Secretary-General Ban Ki-moon called such comments "unacceptable and unwarranted," a Sri Lankan cabinet minister said that he "didn't give a damn" what the U.N. secretary-general had to say.

The Sri Lankan government has made desperate attempts to block a realistic solution to the grave situation in the country by refusing much needed international assistance, notably by rebuffing the key recommendation by several special procedures and by the OHCHR to establish a human rights monitoring mission under the auspices of the UN to document and report on violations committed by all sides to the conflict and to prevent further violations.

Sri Lanka has a very poor record on cooperation with the Council's special procedures: the government did not reply to *any* of the 12 questionnaires sent by special procedures mandate holders between 1/1/2004 and 31/12/2007, nor to over half of the 94 letters of allegations and urgent appeals sent by special procedures in that period. Sri Lanka has not implemented the principal recommendations of the Working Group on Enforced or Involuntary Disappearances and the Special Rapporteur on Extrajudicial Killings. The Special Rapporteur on Torture and other Cruel, Inhuman or Degrading Treatment or Punishment observed that Sri Lankan authorities impeded his fact-finding, citing "instances where detainees were hidden or brought away shortly before the Special Rapporteur arrived."

We abhor all acts of violence and recognise that the armed separatist Liberation Tigers of Tamil Eelam (LTTE) are responsible for numerous and ongoing serious human rights violations. We call on them to cease all such abuses immediately. However, abuses by non-state armed groups do not justify rights violations by state forces. The government has been hiding behind such justifications rather than taking concrete action to protect rights and deliver justice to victims.

Don't vote for Sri Lanka: A vote for Sri Lanka is a vote for disappearances, widespread torture, extra-judicial killings and impunity. It is a vote to undermine the Human Rights Council and therefore a vote against victims of human rights the world over. We who work directly with victims urge you in the strongest possible terms to take this opportunity to show your government's support for present and potential victims of human rights, as well as support for the Human Rights Council. The rejection of Sri Lanka's bid would strengthen the Council, shielding it from those that seek to misuse it at the cost of many lives. Local, regional and international NGOs are united in calling on you to resoundingly reject this year's worst candidate.

Don't vote for Sri Lanka.

Signed by the following 84 NGOs:

- 1. ADHOC, Cambodia, Mr. Thun Saray, President
- 2. Advocacy Forum, Nepal, Mandira Sharma, Executive Director
- 3. All India Catholic Union, India, Mr. John Dayal, Chairperson
- 4. Alliance for the Advancement of People's Rights (KARAPATAN), Philippines, Ms. Marie Hilao-Enriquez, Secretary General
- 5. Angikar Bangladesh Foundation, Bangladesh, Muhammad Hilaluddin,
- 6. Asia Monitor Resource Centre (AMRC), Hong Kong, Sanjiv Padita, Director
- 7. Asian Center for the Progress of Peoples (ACPP), Hong Kong, Linda Noche, Coordinator
- 8. Asian Federation Against Involuntary Disappearances (AFAD), Philippines, Mary Aileen D. Bacalso, Secretary General
- 9. Asian Forum for Human Rights and Development (FORUM-ASIA), Thailand, Yap Sweeseng, Acting Executive Director
- 10. Asian Human Rights Commission (AHRC), Hong Kong, Michael Anthony, Programme Coordinator
- 11. Bahrain Centre for Human Rights, Bahrain, Abdulhadi Alkhawaja, President
- 12. Balay Rehabilitation Center Inc. , Philippines, Sister Arnold Maria Noel, Secretary-Board of Directors

- 13. Banglar Manabadhikar Suraksha Mancha (MASUM), India, Kirity Roy, President
- 14. Bhumi Haqdari Morcha, India, Mr. Maheshanand Bhai, Secretary
- 15. Bhumi Hukka Andolan , India, John.P.Abraham, Executive Director
- 16. Cambodian Center for Human Rights (CCHR), Cambodia, Mr. Ou Virak, President
- 17. Campaign for Alternative Industry Network, Thailand, Penchom Tang, Coordinator
- 18. Catholic Human Rights Committee (CHRC), Republic of Korea, Bae Yeo-jin, Activist
- 19. Center for Peace Education, Philippines, Loreta Castro, Executive Director
- 20. Center for Trade Union and Human Rights (CTUHR), Philippines, Daisy Arago, Executive
- 21. Centre for Organisation Research & Education (CORE), India, Dr D Roy Laifungbam, Director
- 22. Citizen Front, India, Mr. Tanweer Ahmed Sidiqui, Convener
- 23. Citizens Alliance Unified for Sectoral Empowerment in Davao del Sur (CAUSE-DS), Philippines, Peter Jason Senarillos,
- 24. Committee to Support Imprisoned Workers, Republic of Korea, Lee Gwang-yeol, Director
- 25. Commonwealth Human Rights Initiative, India , R.Iniyan Ilango, Consultant & Acting Coordinator, Human Rights Advocacy Programme
- 26. Congregation of the Immaculate Heart of Mary, Rome, Japan, Ludo Goossens, Missionary
- 27. Cross Culture Foundation, Thailand, Pornpen Khongkajonkiet
- 28. Dalit Women Forum (DWF), India, Ms. Ch. Vijaya Kumari, Executive Secretary
- 29. Documentation Research Training Centre, India, Ms Pamela Fernandes, Extension Worker, Hotline India
- 30. Ecumenical Movement for Justice and Peace (EMJP), Philippines, Girlie Padilla
- 31. Friend of Tripe Hill group, Thailand, Suriyan Thongnoo-ead
- 32. Global Human Rights Defense, Bangladesh, Rabindra Ghosh
- 33. Green and Purple Sanctuary (GPS), Philippines, Odalie Adiao-Garcia, Co-Founder
- 34. Guria, India, Ajeet Singh, President
- 35. Hong Kong Christian Institute (HKCI), Hong Kong, TOO Kin Wai, Acting Director
- 36. Hotline Delhi, India, Antony Arulraj, Extension Worker
- 37. Hotline Human Rights Bangladesh, Bangladesh, Rosaline Costa, Human Rights Advocate
- 38. Human Rights Alert, India, Babloo Loitongbam, Executive Director
- 39. Human Rights Council of Australia Inc, HRCA, Australia, André Frankovits , International Project Director
- 40. Human Rights Now, Japan, Kazuko Ito, Secretary General
- 41. IMPARSIAL, the Indonesian Human Rights Monitor, Indonesia, Poengky Indarti, Director of External Relations
- 42. International Center for Law in Development, United States of America, Dr. Clarence J. Dias, President
- 43. IPANI, India, Fatima PBVM, Coordinator
- 44. Jananeethi Institute For Research And Training In Democracy, Human Rights, Rule Of Law, Conflict Resolution, Gender, Therapeutic Jurisprudence, Clinical Legal Education And Environmental Protection (Jananeethi Institute), India, George Pulikuthiyil, Executive Director
- 45. Japan Catholic Council for Justice & Peace, Japan, Fr.Francis Fukamizu, Board Member
- 46. Jesuit Social Center, Japan, Ando Isamu, Director
- 47. Justice and Peace Commission of Bishops' Conference of Indonesia (KKP-KWI), Indonesia, Fr. Serafin Dany Sanusi, OSC, Secretary of Commission
- 48. Kabir Panth Kabir Chaura Math, India, Sant Vivek Das, Head
- 49. Kapaeeng Watch, Bangladesh, Aungkyew Mong, Coordinator
- 50. Kasiyana Peace and Healing Initiatives, Philippines, Florence Macagne-Manegdeg, Program Coordinator

- 51. Korean House for International Solidarity (KHIS), Republic of Korea, Regina Pyon Yeonshik, Co-representative
- 52. Lembaga Bantuan Hukum Masyarakat (Community Legal Aid Institute) , Indonesia, Taufik Basari, Chairperson of the Board of Directors
- 53. Lembaga Bantuan Hukum Surabaya (Surabaya Legal Aid Institute), Indonesia, Mr. Athoillah, Head of Operational Division
- 54. Mahila Adhikar Manch, India, Ms. Sandhya, Convener
- 55. Mahila Samakhya, India, Ms. Kumkum, Secretary
- 56. Migrant Forum in Asia, Hong Kong, William Gois, Regional Coordinator
- 57. National Alliance of Women Human Rights Defenders (NAWHRD), Nepal, Dr. Renu Raibhandari, National Coordinator
- 58. National Commission for Justice and Peace (NCJP) Pakistan, Pakistan, Kiran Afzaal, Extension Worker Hotline Asia
- 59. Navsarjan Trust, India, Ms. Manjula Pradeep, Executive Director
- 60. Neervazhi, India, Mr. T. K. Naveenachandran, Secretary
- 61. Neethi Vedhi (Forum for Justice), India, Adv. Fr. Stephen Mathew, Director
- 62. Nonviolence International, Thailand, Diana Sarosi
- 63. People's Union for Civil Liberties (PUCL Bihar Unit), India, Mr. Ram Ashray Singh , Secretary General
- 64. People's Union for Civil Liberties (PUCL), India, Mr. Chitranjan Singh, National Secretary
- 65. People's Vigilance Committee on Human Rights (PVCHR), India, Dr. Lenin Raghuvanshi, Director
- 66. People's Watch, India, Henri Tiphagne, Executive Director
- 67. Rehabilitation and Research Centre for Torture Victims (RCT) Denmark, Denmark, Erik Wendt, Program Manager Asia
- 68. Rights Development Centre, Bangladesh, Mr. F. M. Abdur Razzak, Executive Director
- 69. Sasvika Sangatan (Organization For Community Based Health & Development), India, Carol Geeta, Director
- 70. Savitri Bai Phule Women Forum (SWF), India, Shruti Nagvanshi, Coordinator
- 71. Swanchetan Society, India, Dr. Rajat Mitra, President
- 72. Sophia Institute, India, Sr. Carol, Secretary
- 73. South India Cell for Human Rights Education and Monitoring (SICHREM), India, Mathews Philip, Executive Director
- 74. Southern Thai-NGOs-COD, Thailand, Bunjong Na-sae
- 75. Stree Adhikar Sanghatan, India, Ms. Padma, Convener
- 76. Thai Sea Watch Association, Thailand, Suppawan Chanasongkram
- 77. Thai Volunteer Service, Thailand, Vattana Narkpradit
- 78. The Human Rights Working Group (HRWG), Indonesia, Mr. Ali Akbar, Program Officer
- 79. The Indonesian Association of Families of the Disappeared (IKOHI), Indonesia, Mr. Mugiyanto, Chairperson
- 80. The Legal Aid Institute of Jakarta (LBH Jakarta), Indonesia, Mr. Asfinawati, Executive Director
- 81. Women's Rehabilitation Centre, Nepal (WOREC Nepal), Nepal, Ms. Jyotsna Maskay, Executive Director
- 82. Working Group Justice for Peace, Thailand, Angkana Neelapaijit
- 83. World Student Christian Federation Asia Pacific Region (WSCF AP), Hong Kong, Necta Montes Rocas, Regional Secretary
- 84. Young Muslim Association of Thailand, Thailand, Abdulasis Tade-in