



To Permanent Representatives of Member and Observer States of the United Nations (UN) Human Rights Council (Geneva, Switzerland) August 30, 2023

Re: HRC57 – Sri Lanka: Renew the mandates of the OHCHR for 2 years

Excellency,

We are writing to urge you to take action at the 57th session of the United Nations Human Rights Council to extend, by at least two years, the mandates of the Office of the UN High Commissioner for Human Rights (OHCHR) and its Sri Lanka Accountability Project – established by resolution 46/1 (2021) and extended under resolution 51/1 (2022).

Fifteen years since the defeat of the Liberation Tigers of Tamil Eelam in 2009, there has been no justice, truth or reparation for large-scale violations amounting to grave crimes under international law committed by forces on either side in Sri Lanka's 26-year internal armed conflict. Some alleged perpetrators on the government side now hold high office, while victims and survivors face ongoing repression and rights violations.

This legacy of impunity, which facilitated corruption, contributed to the economic crisis that has gripped the country since 2022. Human rights defenders and civil society groups are facing threats from the authorities throughout the country, and the human rights and fundamental freedoms of all Sri Lankans - such as freedoms of expression and association - are under assault.

Renewing the mandates established by resolution 46/1 is vital to ensure that all those suspected of criminal responsibility for crimes under international law can be held accountable, while mitigating ongoing abuses and the risk of recurrence, and supporting the calls within Sri Lanka for justice and reform. The government of Sri Lanka has made no progress towards upholding its human rights obligations, nor taken genuine steps towards accountability for the serious international humanitarian law violations and gross human rights violations and abuses identified by the previous [OHCHR Investigation](#), that would justify a weakening of the approach at the Human Rights Council. Instead, successive Sri Lankan governments have only obfuscated accountability efforts by establishing domestic mechanisms that repeatedly fail to deliver.

The [August 2024 OHCHR update on Sri Lanka](#) called on the government taking office after the September 21 elections to, "as a matter of urgency – pursue an inclusive national vision for Sri Lanka that addresses the root causes of the conflict and undertakes fundamental constitutional and institutional reforms needed to strengthen democracy and devolution of political authority and advance accountability and reconciliation."

The High Commissioner called on the Human Rights Council and individual UN member states to "continue to fill the accountability gap in Sri Lanka by supporting and using the full potential of OHCHR's strengthened capacity to undertake accountability-related work under Human Rights Council resolutions 46/1 and 51/1, and contributing to creating necessary conditions and political will for undertaking meaningful accountability and reconciliation efforts in the country."

Below is a summary update on the current human rights situation in Sri Lanka.

- Survivors and victims' families and communities seeking justice, truth and reparation for tens of thousands of enforced disappearances and conflict-era killings are [subjected to arbitrary and unlawful surveillance and harassment](#) by security and intelligence agencies.
- On May 17, 2024, the [UN Sri Lanka Accountability Project](#) published a [report](#) on enforced disappearances in Sri Lanka. It found that in the 15 years since the end of the war, steps taken by successive Sri Lankan governments "have not resulted in tangible progress in realizing victims' rights" and therefore "there remains a real risk of recurrence." Numerous [mass graves](#), usually discovered accidentally, have not been properly examined to identify the victims or the perpetrators.
- Communities in the north and east comprised mainly of Tamils face an ongoing campaign of "[land-grabbing](#)" by government agencies and the military, which is building Buddhist monuments on Hindu temple sites and driving communities from farmland in an apparent attempt to change the demography of the region.
- Economists and others, including the [Supreme Court](#), have acknowledged that Sri Lanka's economic crisis that began in 2022 and plunged millions into poverty was triggered by misgovernance and corruption, part of a larger crisis of impunity and rule of law.
- Instead of addressing demands, the government has responded by [tightening restrictions on civic space](#) across the country after Sri Lankans took to the streets in 2022 to call for reform, accountability for corruption, and for urgent government action to protect their civil, cultural, economic, social, and political rights.
- The [Online Safety Act](#), adopted by parliament in January 2024, is very concerning. The [OHCHR said](#) the law "could potentially criminalize nearly all forms of legitimate expression, creating an environment that has a chilling effect on freedom of expression."
- The Sri Lankan government ended a moratorium ([announced in Geneva in 2022](#)) on the use of the notorious [Prevention of Terrorism Act](#) (PTA), using it for example to arbitrarily detain [student activists](#) protesting for economic rights in 2022 and [Tamils commemorating war dead](#) in 2023.
- In June 2023, the Sri Lankan government announced plans to establish [a new truth and reconciliation commission](#), called the Commission for Truth, Unity and Reconciliation, to examine conflict-related rights violations and abuses. Six [UN special procedures](#) mandate holders said the proposals "appear not to be in compliance with international standards."
- The difficult human rights situation in Sri Lanka is currently further exacerbated as the country enters a period of political transition with presidential elections scheduled to take place during the Human Rights Council session. It is essential to protect the medium-term stability of international human rights mechanisms working on Sri Lanka and to enable them to effectively meet human rights challenges amid current uncertainties. Maintaining existing UN human rights oversight mechanisms and providing them a secure tenure through a full two-year renewal is crucial to demonstrate that the international community is taking a principled position on human rights in Sri Lanka, that is independent of domestic electoral outcomes.

In these circumstances, extending the mandate established by resolution 46/1 is vital to enable the Sri Lanka Accountability Project to complete its work, and to maintain regular OHCHR reporting to the Human Rights Council. To do otherwise – while the government of Sri Lanka has made no progress towards upholding its obligations including towards accountability, and amid a continuing crackdown on human rights – would disincentivize adherence to international human rights law, and betray the many victims of grave human rights violations and abuses and their families who, in the absence of domestic accountability, look to the United Nations for justice, truth and reparation.

It is important that the mandate is renewed for at least two years, consistent with the previous renewal, to ensure that the Accountability Project has the resources, capacity and stability to fulfill its role.

Yours sincerely,

Amnesty International

Asian Forum for Human Rights and Development (FORUM-ASIA)

Franciscans International

Human Rights Watch

International Commission of Jurists

International Working Group on Sri Lanka

Sri Lanka Campaign for Peace & Justice