

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

Asian Human Rights Commission

(Joint open letter issued by the Asian Human Rights Commission: AHRC-FOL-008-2008)

A Joint Open Letter by 84 Asian organisations to the UN General Assembly members

May 17, 2008

Your Excellency,

We, the undersigned 84 non-governmental organizations 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 Manabdhikar 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 Siddiqui , 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 Co-ordinator, 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. Kapaeng 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 Yeon-shik, 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 Rajbhandari, 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