

27<sup>th</sup> January 2016

We, the undersigned activists and organisations from Sri Lanka, are seriously concerned by President Maithripala Sirisena's recent statements where he rejected the possibility of participation of foreign personnel in proposed justice mechanisms to deal with human rights abuses and violations of international humanitarian law. He also went on to express his full confidence in the existing judicial system and in Sri Lanka's investigative authorities. These statements are contrary to Sri Lanka's commitment in the consensus resolution at the 30th Session of the UN Human Rights Council (UNHRC) in October 2015, which Sri Lanka co-sponsored. That resolution affirmed the importance of the participation of Commonwealth and other foreign judges, prosecutors, lawyers and investigators in a Sri Lankan judicial mechanism. Statements by the President and others in government in recent weeks raises questions whether there is a genuine political will to carry through with its own commitments.

In the context of wide-scale impunity and the alleged collusion of state functionaries in systematic criminal conduct, robust participation of foreign personnel in trials is a necessary starting point to redeeming the trust of victims in the state, and ensuring the confidence and participation of all stakeholders in Sri Lankan transitional justice processes. President Sirisena's comments are deeply damaging to government's avowed commitments to victims and the international community in this regard. Furthermore, state investigations in the past have had foreign personnel as advisers and observers including the International Independent Group of Eminent Persons (IIGEP) and the Advisory Council to the Presidential Commission on Missing Persons. Failures of such initiatives contributed to the collapse of the rule of law and exacerbated the culture of impunity, areas requiring urgent attention if the government is sincere in its commitments to its citizens. We also recognise the expertise and skills required to investigate and prosecute serious abuses of international human rights and humanitarian law, and note the vacuum in this regard within Sri Lanka. Thus, it is crucial the government introduces immediate reforms including the robust participation of foreign personnel in domestic mechanisms.

The comments by the President also come at a time when the government has, in partnership with the United Nations, embarked on a process of consultations on the design of transitional justice mechanisms outlined in the UNHRC resolution. These comments severely compromise that process and cast in doubt the intentions of the entire endeavour. We urge the government to take immediate steps to implement in full its commitments, thereby demonstrating its sincerity in the pursuit of truth, justice and reconciliation in Sri Lanka.

**Signatures:**

**Individuals**

1. A.M. Faaiz
2. Ainslie Joseph
3. Ajit Abeysekera
4. B. Gowthaman
5. Bhavani Fonseka

6. Chandrika de Silva
7. Christine Perera
8. Dr. Muzzammil Cader
9. Dr. Paikiasothy Saravanamuttu
10. Dr. Rohini Hensman
11. Emil van der Poorten - human rights supporter
12. Gamini Viyangoda
13. Gayathri Gamage
14. Ishan Jalill
15. Jake Oorloff - Artist
16. K. Aingkaran - Attorney-at-law
17. K.S.Ratnavale- Attorney at law
18. Kumaran Nadesan
19. Lesley Sirimane
20. Luwie Ganeshathasan
21. Melisha Yapa
22. Mohammed Mahuruf
23. Nicola Perera
24. Nicola S.
25. Nilantha Ilangamuwa
26. Nimalka Fernando
27. Niran Anketell
28. P. Selvaratnam
29. P.M. Mujeebur Rahman - Journalist, Mannar
30. Prof. Jayantha Seneviratne
31. Prof. Kumar David
32. R.M.B. Senanayake
33. Rev. Fr. Jeyabalan Croos
34. Rev. Fr. Nandana Manatunga
35. Rev. Fr. T. L. R. Dominic
36. Rev. Jason J. Selvaraja - Assembly of God, Chavakachcheri
37. Sampath Samarakoon
38. Sanjana Hattotuwa
39. Sathy Kulasingham
40. Shehan de Alwis
41. Sheila Richards
42. Shreen Abdul Saroor
43. Sonali Perera
44. Sudarshana Gunawardana - Attorney-at-law
45. Supipi Jayawardena
46. T. Mathuri - Attorney-at-Law
47. Thiruni Kelegama
48. Udaya Kalupathirana
49. Vasuki Jeyasankar

50. Vinoth Ramachandra
51. YaliniDream - Performing Artist

**Organizations**

52. Action Against Apathy
53. Centre for Policy Alternatives
54. IMADR Asia Committee
55. INFORM Human Rights Documentation Center
56. Rights Now Collective for Democracy
57. SAMADANA/N - Centre for Nonviolence, Conflict Resolution & Handling, Peace Building and Human Rights
58. South Asian Centre for Legal Studies