



## **Joint Opposition**

84, Kirillapone Avenue, Colombo 5, Sri Lanka

**2016 February 08<sup>th</sup>**

**His Excellency Prince Zied Ra'ad Al Hussein**

**United Nations High Commissioner for Human Rights**

**High Commission Office**

**United Nations**

**Geneva, Switzerland**

Your Excellency,

As Members of the Joint Opposition of Sri Lanka we would like to express our vehement protest against the course of action perused by your office in respect of our country Sri Lanka.

The principle grounds on which the protest is based are the following;

1. The report prepared by your office and presented by you to the Human Rights Council contains a number of extremely serious allegations against the Armed Forces of Sri Lanka. The report concludes that there are “reasonable grounds” for believing that the Armed Forces committed acts involving liability for war crimes. However, it is deeply regrettable that these conclusions carrying the gravest possible consequences in international law, were reached on the basis of evidence given anonymously, and on the express assurance that the identity of the persons giving this evidence would not be revealed for 20 years.

This procedure is clearly inconsistent with natural justice and procedural fairness.

2. It is obvious that highly discriminatory standards have been applied to Sri Lanka while in other comparable post-conflict situations far longer periods have been considered appropriate for reconciliation processes. Intensity of the pressure exerted on Sri Lanka has no rational justification.



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3. The resolution against Sri Lanka based on the report prepared by your office goes well beyond your mandate, in that it is unacceptably intrusive and purports to make recommendations with regard to sensitive internal matters including the creation of new penal offences with retrospective operation, the use of administrative measures to change the composition of the Armed Forces, proposals regarding land issues and devolution of power within the country as well as the overhaul of the country's national security apparatus.
4. Contrary to basic principles of the rule of law founded on equality of treatment, adhoc procedures are to be adopted in setting up of a special court to try members of Sri Lankan Armed Forces. This is invidious, since these judicial proceedings are to take place outside the established judicial system of the country.
5. There is absolutely no justification for the appointment of Commonwealth and other foreign judges, prosecutors, and investigators. This is contrary to the Constitution of Sri Lanka and other statutory provisions.
6. Political considerations have clearly governed the course of action adopted against our country. This is demonstrated by voting patterns in the Human Rights Council indicating division on geographical and cultural lines in previous years.
7. There is a lack of even handed treatment in dealing with the atrocities committed by the LTTE. This made clear, for instance by the preposterous finding there is no evidence indicating that the LTTE used hospitals and other health facilities in the North against which military actions were taken.
8. There has also been a material omission, namely the total failure to take into account relevant aspects of the reports of two significant Sri Lankan Commissions, the Udagama Commission and the Pranagama Commission.



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9. We would emphasize that the course of action followed by the Human Right Council represents an unacceptable affront to the sovereignty and the dignity of the Sri Lankan Nation.

Yours sincerely,

**Dinesh Gunawardena (signed)**

**Vasudeva Nanayakkara (signed)**

**Wimal Weerawansa (signed)**

**Tissa Vitarana (signed)**

**Udaya Gammanpila (signed)**

**Raja Collure (signed)**

**G.L. Peiris (signed)**

**Bandual Gunawardena (signed)**