



The Rt Hon Dominic Raab MP
Secretary of State for Foreign, Commonwealth and Development Affairs
Foreign, Commonwealth and Development Office
King Charles Street
London
SW1A 2AH

22 February 2021

Our Ref: EC11057

Dear Dominic,

I write with reference to the draft UN Human Rights Council (UNHRC) resolution on Sri Lanka published by the United Kingdom on behalf of the Core Group on Sri Lanka.

The All-Party Parliamentary Group for Tamils (APPGT) is concerned that the draft resolution does not sufficiently support the important recommendations by the UN High Commissioner for Human Rights that are critical for ensuring progress towards accountability in Sri Lanka.

The UK has always been at the forefront of promoting human rights and international justice around the world, including in Sri Lanka. In 2014 the UK led international efforts that successfully passed a key resolution in the UN Human Rights Council to promote accountability, justice, and reconciliation in Sri Lanka. That resolution authorised the landmark investigation by the Office of the High Commissioner for Human Rights, the OISL, into human rights abuses in Sri Lanka in the period 21 February 2002 to 15 November 2011.

The OISL's report documented mass atrocities and human rights abuses of unspeakable brutality and on an extraordinary scale. Yet, despite repeatedly pledging to ensure accountability, and repeated extensions by UNHRC members of their deadline for doing so, successive Sri Lankan governments have delayed and obfuscated at every turn.

Six years after the OISL report, and 11 years after the end of war in Sri Lanka, it is now time for the UK and the UNHRC member states to put the victims, the so many people who lost their lives, lost loved ones, and were put through unimaginable suffering, at the forefront of international efforts to ensure justice is delivered to them, and without any further delay.

It is therefore crucial that the resolution being tabled by the United Kingdom on behalf of the Core Group on Sri Lanka, provides for concrete steps towards international accountability, in particular ensuring the collection and preserving evidence of violations of international humanitarian law and human rights law perpetrated in Sri Lanka, evidence that can facilitate criminal prosecutions via an international judicial process.

To these ends, we urge you to ensure the Resolution when presented to the Council includes:

1. Evidence gathering for the purpose of criminal prosecutions

Establish an ongoing independent mechanism to collect, consolidate, preserve, and analyse evidence of the most serious international crimes and violations of international law committed in Sri Lanka between 21 February 2002 until 15 November 2011, and to prepare files in order to facilitate and expedite fair and independent criminal proceedings, in

accordance with international law standards, in national, regional or international courts or tribunals that have or may in the future have jurisdiction over these crimes.

2. International Mechanism

Provide a mandate the Office of the High Commissioner to consider and report on the feasibility and appropriateness of international mechanisms for accountability, in recognition of the fact that Sri Lankan authorities have failed to prosecute alleged perpetrators of serious abuses, which may amount to war crimes, crimes against humanity, and genocide. The international mechanisms considered should include the International Criminal Court (ICC). The ICC was established precisely so as to ensure that perpetrators of such heinous crimes do not enjoy impunity because the State in question is unwilling or unable to prosecute them, and the UK can be justifiably proud that a leading British barrister, Karim Khan, has been elected as the next Chief Prosecutor at the ICC.

3. Special Rapporteur

Urge the Council to appoint an individual of recognized international standing and expertise in human rights as Special Rapporteur to investigate and report on human rights situation in Sri Lanka, and on the Sri Lankan Government's compliance with its obligations under international humanitarian law and human rights law. It is not only past violations and the lack of accountability for those that are concerning for us, but ongoing ones also. The UN High Commissioner's latest report describes the deterioration in human rights protection in Sri Lanka as alarming and given the Sri Lankan government's appalling track record, we believe international scrutiny of the situation in the coming months and years should be continuous and ongoing.

We believe the above are essential steps for ensuring accountability for the well-documented heinous international crimes that have taken place, and ongoing human rights abuses, in Sri Lanka. After over a decade of promised yet ultimately denied justice for the victims, we also believe these are the minimal steps that the UK should pursue, if our commitment to human rights, international rule of law, and justice is not to appear hollow, to both the victims and the perpetrators.

With best wishes,



Elliot Colburn

Conservative Member of Parliament for Carshalton and Wallington
Chair of the APPG for Tamils