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**Statement of Former US Ambassador Stephen J. Rapp on Transitional Justice in Sri Lanka
and on the Report of the International Truth and Justice Project on Continuing Torture
in “Joseph Camp” in Vavuniya, Sri Lanka**

Geneva, Switzerland --- The current session of the UN Human Rights Council (UNHRC) is now reviewing the progress of Sri Lanka in implementing the transitional justice provisions of UNHRC Resolution 30/1 of October 2015. These include the establishment and effective functioning of four institutions—an office of missing persons, a truth and reconciliation commission, a reparations authority, and a special prosecutor’s office and special court that would include international lawyers and judges. The Government of Sri Lanka co-sponsored Resolution 30/1 and committed itself to full compliance with all of its provisions.

From discussions this week in Geneva it was clear that there is a consensus among Member States in favor of reaffirming the mandate for full compliance with the transitional justice provisions of Resolution 30/1 while providing Sri Lanka with more time to achieve compliance. I heard from the victims and survivors of the serious violations of human rights documented in the Report of the UN’s Official Inquiry on Sri Lanka (of September 2015) of their great concern that further delay could mean that the commitments might never be fully realized. I therefore urge that Member States in the debate scheduled in the UNHRC for 22 March set forth their clear expectations of what needs to be done to keep faith with international partners, as well as the victims and survivors of serious human rights violations. These expectations should include the following:

1. The announcement by the Government of Sri Lanka of a specific time frame and benchmarks for implementing its commitments to accountability;
2. The immediate establishment of a special prosecutor’s office to begin gathering evidence and building cases that would be presented to the special court when it later begins operations. This will prevent the loss of evidence and testimony and will demonstrate to victims and survivors that the day of justice will arrive. This office should be independent of the Attorney General and include international lawyers, investigators and other staff as promised by the Government’s commitment under Resolution 30/1;
3. Amendment to the Victim and Witness Protection Act in accordance with international standards and the establishment of an effective system for vetting existing members of the national witness protection authority and associated bodies. The amendment should include procedures so that witnesses and victims can testify from abroad by means that will assure the integrity of the process while protecting the identity of witnesses from those not directly involved in the judicial proceedings.

The report of the UN High Commissioner for Human Rights and reports by the special mandate holders, as well as Sri Lanka’s own Consultation Task Force, have all made it very clear that international involvement in the accountability mechanisms in Sri Lanka is essential after decades in

which the judicial system has shown itself unable to hold official actors to account for serious violations. While there have been some improvements delivered by the new Government in Sri Lanka on civil liberties there has yet to be any institutional reform. The victims and survivors do not trust the domestic courts, which have repeatedly failed to deliver justice.

I am concerned about the continued “culture of impunity” in Sri Lanka that is evidenced by the acts of torture and sexual violence documented by the just-released report of the International Truth and Justice Project (ITJP) on past and present incidents at the Vanni Security Force Headquarters (commonly known as “Joseph Camp”) in Vavuniya, Sri Lanka. I have great confidence in the ITJP which follows the highest standards of criminal justice and is led by Yasmin Sooka of South Africa (who also chairs the official UN Human Rights Commission for South Sudan that reported to the UNHRC on 14 March). The ITJP report will be presented and discussed on 16 March at a UNHRC side event at the UN Palais des Nations in Geneva.

The ITJP’s investigation has identified alleged perpetrators, interviewed scores of victims and established patterns. Sri Lankan authorities can use this report and many others as an immediate starting point for vetting and investigations. The survivors of brutal torture and repeated sexual violence have been permanently injured by these horrific acts and are entitled to justice. A strong message must be sent to perpetrators that they will be held to account to deter further acts of torture and sexual violence.

The ITJP report underlines the importance of the prompt implementation of the commitments to transitional justice in Resolution 30/1 in order to demonstrate that the culture of impunity is coming to an end.

Stephen J. Rapp was Ambassador-at-Large heading the Office of Global Criminal Justice in the US State Department from 2009 to 2015. He is presently a Distinguished Fellow at The Hague Institute for Global Justice and the Center for the Prevention of Genocide at the US Holocaust Memorial Museum.