

# MEMORANDUM

Hon. Dato Sri Anifah Hj. Aman  
Foreign Minister  
Ministry of Foreign Affairs  
Wisma Putra  
No. 1 Jalan Wisma Putra  
Precint 2  
Federal Government Administrative Centre  
62602 Putrajaya

## Sponsor a Resolution on Sri Lanka at the 22<sup>nd</sup> Session of the Human Rights Council (March 2013)

- to establish an independent international inquiry  
dedicated to investigate violations of international  
human rights and humanitarian law focusing on  
war crimes, crimes against humanity and genocide.

01 March 2013



01/02/2013



**Dear Honourable Minister,**

**The Malaysian Parliamentary Caucus on Human Rights in Sri Lanka convened a roundtable consultation with a group of Malaysian Civil Society members at the Parliament House on the 19 February 2013. The consultation resulted in the drafting of the following resolution;**

**The Malaysian Government,** Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, Universal values as enshrined in all religions and other relevant international human rights instruments,

**Noting Malaysia's** continuous membership in the United Nations Human Rights Council from its inception in 2006 and its neutrality during the voting on Human Rights Council Resolution 19/2 on Promoting Reconciliation and Accountability in Sri Lanka, Bearing in mind the findings and recommendations of the Lessons Learnt and Reconciliation Commission (LLRC) of Sri Lanka, Noting with concern that the National Action Plan promulgated by the Sri Lanka does not adequately address the findings and constructive recommendations of the LLRC,

**Recalling** the constructive recommendations contained in the LLRC's report, including the need to credibly investigate widespread allegations of extra-judicial killings and enforced disappearances, demilitarize the north of Sri Lanka, implement impartial land dispute resolution mechanisms, re-evaluate detention policies, strengthen formerly independent civil institutions, reach a political settlement on the devolution of power to the provinces, promote and protect the right of freedom of expression for all and enact rule of law reforms,

**Reaffirming** that all States have an obligation to promote and protect human rights and fundamental freedoms, as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable instruments,

**Expressing** our grave concern on the refusal of the Government of Sri Lanka to allow special procedures mandate holders on minority issues; freedom of peaceful assembly and of association; freedom of opinion and expression; extrajudicial, summary or arbitrary executions; enforced or involuntary disappearances; human rights defenders; independence of judges and lawyers; and discrimination against women in law and practice;

**Also noting** with concern the rejection of the President of Sri Lanka His Excellency Mahinda Rajapakse to the devolution of power to the Tamils on 4<sup>th</sup> of February 2013;

**Expressing concern** at the continuing reports of violations of human rights in Sri Lanka, extrajudicial killings, abductions and enforced disappearances, threats to judicial independence and the rule of law, and failure by the Government of Sri Lanka to fulfill its public commitments, including on devolution of political authority to provinces as called for in Sri Lanka's constitution,

**Welcoming** the call of the United Nations High Commissioner for Human Rights on the need for an “independent and credible international investigation into alleged violations of international human rights and humanitarian law which could also monitor any domestic accountability process

**Call upon the Government of Malaysia**, a leading member state of the Asian block in the Human Rights Council:

**1. To sponsor a resolution on Sri Lanka at the 22<sup>nd</sup> Session of the Human Rights Council (Feb/March 2013) to require the Human Rights Council/ Security Council or the Secretary General under Article 99 of the United Nations Charter to establish an independent inquiry dedicated to the investigations of violations of international human rights and humanitarian law.**

**2. Alternatively, to co-sponsor and support a resolution that is reported to be initiated by the United States to require the Human Rights Council/ Security Council or the Secretary General under Article 99 of the United Nations Charter to establish an independent inquiry dedicated to the investigations of violations of international human rights and humanitarian law.**

**3. To, include in the resolution (or seek the inclusion) of the following as the important tenets of the said resolution.**

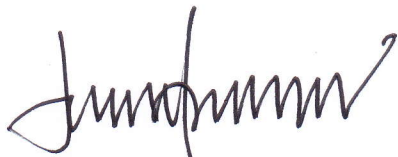
- a. To welcome the report of the High Commissioner for Human Rights on the human rights situation in Sri Lanka and calls for an independent international inquiry on war crimes, crimes against humanity and genocide.
- b. To reiterate HRC call upon the Government of Sri Lanka to expeditiously implement the constructive recommendations made in the LLRC report and to take all necessary additional steps to fulfill its relevant legal obligations and commitment to initiate credible and independent actions to ensure justice, equity, accountability, and reconciliation for all Sri Lankans;
- c. To urge the Government of Sri Lanka to formally respond to outstanding requests, including by providing unfettered access, by special procedures mandate holders, in particular the Special Rapporteurs on independence of judges and lawyers; torture; human rights defenders; freedom of expression; freedom of association and assembly; extrajudicial, summary or arbitrary executions; and the Working Group on enforced or involuntary disappearances;
- d. To Encourage the Office of the High Commissioner for Human Rights and relevant special procedures mandate holders to provide, in consultation with, and with the concurrence of, the Government of Sri Lanka, advice and technical assistance on implementing the above-mentioned steps;



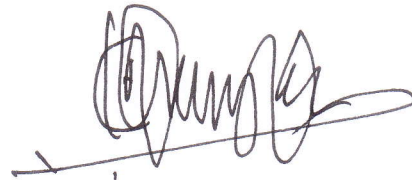
- e. To request the Office of the High Commissioner for Human Rights, in consultation with relevant special procedures mandate holders, to present a report on the provision of such assistance and progress on reconciliation and accountability, including investigations of violations of international law, in Sri Lanka to the Human Rights Council at its twenty-fifth session.
- f. To call on the UN High Commissioner for Human Rights to compile a list of individuals who were responsible for the violation of International Humanitarian Law, including extra-judicial killings, sexual violence and enforced disappearances, committed during the final months (January to June 2009) of the civil war in Sri Lanka.

We fervently look forward to your immediate indulgence and direction for Malaysia's role in the current session of the HRC.

Yours sincerely,



**Hon Manogaran Marimuthu**  
Member of Malaysian Parliament  
Secretary of the Parliament Caucus on Sri Lanka



**K. Arumugam**  
Chairperson SUARAM  
for Civil Society Organizations