

# Karen Parker's Statement before UN Human Rights Council

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International Educational Development, Inc., and the Association of Humanitarian Lawyers welcome the work of the Special Rapporteur DeGreiff on the promotion of truth, justice, reparation and guarantees of non-recurrence to address the issue of prosecution of perpetrators of gross violations of human rights and humanitarian law.

We agree that prosecutions should focus on those who ordered acts that constitute war crimes and crimes against humanity. Of course the rule that superior orders is no defense is important but we do recognize that merely prosecuting the lower (usually front-line) soldiers does little to guarantee non-recurrence. Further, the lower soldiers may be draftees, under-aged and may have had no instruction in humanitarian law. Such is the case with the many war crimes in Sri Lanka carried out by government troops against civilians and captured LTTE combatants: the orders came from the highest authorities and were carried out by lower soldiers who were draftees, and uneducated in humanitarian law. We note that not a single high authority of the LTTE survived, so there cannot be prosecutions of them for alleged violations. Further, this fact makes the intentional killing of the LTTE captured combatants, a serious war crime, a certainty. Current actions in Sri Lanka to address prosecution for these crimes do not exist, nor do actions for truth and genuine reconciliation with the Tamil population. What does the Special Rapporteur propose in light of the apparent absolute impunity of that government, especially in light of the recurrence of gross violations of human rights directed at the Tamil population?

We are also concerned with the lack of prosecution in India for atrocities carried out against the Sikh population in 1984 and subsequent years. Indeed, one of the authorities responsible for these has recently been awarded with the post of head of police in Punjab. How does the Special Rapporteur intend to address long-time failures of certain governments, such as that of India, to prosecute past grave violations that risk the recurrence of such crimes?

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