

Appointment of Field Marshall Sarath Fonseka to the Sri Lanka Parliament Is an Affront to Victims of Civil War - MAP

Sri Lanka Monitoring and Accountability Panel (“MAP”)

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The Sri Lanka Monitoring and Accountability Panel (“MAP”) notes with great concern the appointment on 9 February 2016 of Field Marshall Sarath Fonseka to parliament as a national list member.

Field Marshall Fonseka was the commander of the Sri Lankan army in May 2009 and was in that capacity responsible for the actions of troops who are widely believed to have carried out war crimes and crimes against humanity. Successive governments in Sri Lanka have failed to investigate those allegations, and whilst the present regime has made apparent commitments to do so, the current appointment casts serious doubt on the partiality of any process it initiates or undertakes.

No proper and impartial investigation of the events of May 2009 could fail to examine the acts and omissions of Mr Fonseka. His appointment as an MP sends a chilling signal to the victims of the crimes allegedly committed by his subordinates. No less significant is the timing of this appointment. Made as it was during the visit of the UN High Commissioner for Human Rights to Sri Lanka, it is an affront not only to the victims but also to the United Nations and the international community.

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The Sri Lanka Monitoring and Accountability Panel or “MAP” Starts Work
www.war-victims-map.org

On 19 November 2015 the Transitional Government of Tamil Eelam nominated a panel of five legal experts to monitor the design and implementation of the transitional justice mechanisms in Sri Lanka, including the judicial measures to investigate and prosecute war crimes, crimes against humanity and genocide.

The Monitoring Accountability Panel – or “MAP” – started its work on 1st December 2015.

Following the Report of the OHCHR Investigation on Sri Lanka, dated 16 September 2015, and the UN Human Rights Council Resolution on ‘Promoting reconciliation, accountability and human rights in Sri Lanka,’ dated 1 October 2015, the Sri Lankan Government undertook to establish accountability mechanisms to address the crimes committed during the Sri Lankan armed conflict. These will include a special criminal court with foreign judges and prosecutors.

The MAP will provide independent monitoring, advice, and recommendations, focusing on the effectiveness of accountability measures from a victims’ perspective. It will also consider issues of fair trial and due process for suspects and accused persons.

Panel Member, Richard J Rogers, stated: “Fifteen years after the first hybrid tribunal emerged in East Timor, we’ve seen several models of varying quality—but no fixed templates. Far from being bound in any way, wise planners are free to cherry-pick past successes, negotiate around pitfalls, and fill gaps with innovative solutions. With its vast collective experience, the MAP will offer constructive advice and guidance to those seeking to bring justice to Sri Lankan victims.”

The views and recommendations of the Panel will enable victims and other stakeholders to participate more effectively in the process and thus enhance the legitimacy of the measures.

Panel Member Marie Guiraud added: “The success of any transitional justice measures depends, to a large extent, on the willingness of victims and other stakeholders to participate and claim ownership. The MAP plans to consult widely with affected communities and ensure that their views are taken into account in the design and implementation of accountability mechanisms for Sri Lanka.”

The Members of the MAP (in alphabetical order) are:

- Marie Guiraud (France)
- Peter Haynes QC (UK)
- Richard J Rogers (UK)
- Heather Ryan (USA)
- Justice Ajit Prakash Shah (India)

Geoffrey Robertson QC will act as a consultant to the Panel, providing additional independent advice.

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