



“Sri Lanka Rejects Foreign Judges in Accountability Mechanism: What next?”

UN Human Rights Council 34th Session: Side Event by Sri Lanka Monitoring Accountability Panel (MAP)

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On 9 March 2017, the Monitoring Accountability Panel (“MAP”) held a side event at the 34th Session of the Human Rights Council in Geneva. This event followed the publication of MAP’s Second Spot Report (dated 28 February).

International lawyer Richard J Rogers reiterated MAP’s position that the Government of Sri Lanka has been acting in bad faith and is neither willing nor able to establish a hybrid court, with meaningful participation of foreign judges and prosecutors, to prosecute those most responsible for the atrocities committed during Sri Lanka’s armed conflict. According to Rogers:

“The Government of Sri Lanka has failed to meet its commitments under the Human Rights Council Resolution of October 2015 and has breached its legal obligations to victims. If it continues in this vein, the UN Security Council should refer Sri Lanka to the International Criminal Court to prosecute those most responsible.”

MAP welcomed the recommendations of the High Commissioner on Human Rights in his (Advance) Report on Sri Lanka, dated 10 February 2017. Consistent with the view of MAP, the High Commissioner recommended “a hybrid court, which should include international judges, defence lawyers, prosecutors and investigators.” Rogers also agreed with the High Commissioner’s recommendation that Member States should:

“Wherever possible, in particular under universal jurisdiction, investigate and prosecute those allegedly responsible for such violations as torture, enforced disappearance, war crimes and crimes against humanity.”

According to Rogers: “By recommending that third States step in to prosecute alleged war criminals under universal jurisdiction, the High Commissioner has shown that he is losing faith in the Sri Lankan Government’s willingness to bring justice to hundreds of thousands of victims.”

The MAP provides independent monitoring, advice, and recommendations, focusing on the effectiveness of accountability measures from a victims’ perspective. 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.

For more information, please visit: <http://war-victims-map.org/>

For media enquiries on the above please contact: Richard J Rogers -

richardrogers@globaldiligence.com

Richard J Rogers
Monitoring Accountability Panel ("MAP")
+44-74-848-22-740
email us here

This press release can be viewed online at: <http://www.einpresswire.com>

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