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**Annual report of the United Nations High Commissioner
for Human Rights and reports of the Office of the
High Commissioner and the Secretary-General**

Written statement* submitted by African Green Foundation International, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[22 August 2019]

* Issued as received, in the language(s) of submission only.



The “OISL report”

The OISL Report’ is a report on Sri Lanka prepared by a special investigation team within the UN Office of the High Commissioner for Human Rights (OHCHR). The acronym OISL means ‘OHCHR Investigation on Sri Lanka.’ The purpose of the OISL report was to pave the way for UN resolution 30/1 on Sri Lanka in 2015. An internal report conducted by UN staff was necessary if the UN was to push charges against Sri Lanka.

The Investigation started in 2014 and the report was submitted in 2015 in time for the review of Sri Lanka at the HRC in September 2015. The period investigated was from February 2002 to November 2011, the investigation was based on HCR Resolution 25/1 of 2014.

The OISL report is an internal report of the UNHRC. The investigation was conducted by a special seven member HRC staff team, who are not named. Sandra Beidas was appointed senior coordinator of the investigation team. She allegedly was conducting an unethical probe into human rights violations in the country. She was given 48 hours to leave the country. Government of Sri Lanka objected to Beidas appointment for the Sri Lanka investigation.

There is nothing in this Report to indicate that this team looked anew at the issues. They do not seem to have elicited new evidence or new testimonies. They have clung to the existing reports and the evidence contained in them.

A public call for submissions resulted in 1,985 submissions. OISL also received a number of detailed written testimonies from ‘other credible sources.’ The team conducted face-to-face interviews, whenever this was possible, or otherwise through audio-video communication. However, the team was not given access to Sri Lanka and did not carry out direct interviews with individuals inside Sri Lanka. The alleged violations and abuses had occurred more than three years and, in some cases, up to 12 years ago, making investigation difficult.

The OISL’s witness statements and other confidential material, like the Darusman material, are also locked up as strictly confidential. The OISL team latched on to the Darusman Report, like a limpet. Darusman report was considered ineligible for UN action since it was not prepared by UN staff.

The OISL repeats the Darusman findings, parrot like, in the same sensational way.

The government questioned the team’s objectivity, professionalism and integrity. The Government issued several press statements, called three meetings with Colombo-based diplomats, and issued two demarches through the United Nations Resident Coordinator in Colombo, accusing OHCHR of a series of grave inconsistencies and contradictions which call into question the honesty, integrity and appalling levels of unprofessionalism of the OHCHR”. These allegations centered on procedural issues. High Commissioner for Human Rights issued a press statement urging the Government to focus on the substantive issues under investigation instead of obscuring them by the constant questioning of procedures”.

Now let us look at what the OISL report is really trying to do. OISL report says it is a ‘human rights investigation’ not a criminal one, but its findings are directed towards a war crimes investigation against the Sri Lanka army. The report openly advocates hybrid special courts and foreign judges for the investigation as well.

Counting or estimating the exact number of civilian casualties during the different stages of the armed conflict is impossible but on the basis of the information compiled by OISL, there is no doubt that thousands, and likely tens of thousands, lost their lives”.

The Federation of National Organizations, in association with the Global Sri Lanka Forum, observed that there has been no proper evaluation of the facts given in OISL report. Instead, Yahapalana government and also the UN HRC had accepted and endorsed without reservation the conclusions and recommendations of the report”.

Therefore, in 2017, the Federation asked lawyer Darshan Weerasekera to provide a proper legal evaluation of the OISL report. Darshan Weerasekera obliged but said that the time given to him was insufficient for a full report. However, in his 'short report' Weerasekera managed to rip the contents of the Report to shreds. His analysis can be read at <http://globalsrilankanforum.org/oisl-rebuttal> also at Lankaweb and Sinhala.net.

Weerasekera said that, the evidence in the OISL report is seriously flawed, characterized among other things by contradictions, omissions, lies, obfuscations and half-truths, and also lacking in any consideration of exculpatory evidence, the cumulative effect of which is that the report fails to establish its primary claim, namely, that the State (i.e. the military as well as civilian leaders who oversaw the conduct of the war, and thereby the armed forces collectively, as contra-distinguished from individual soldiers) is responsible for war crimes and other serious crimes allegedly committed during the relevant period.

Weerasekera said that the OISL team has failed miserably, to establish that the government of Sri Lanka was guilty of any of the charges that the team levels against it. He wanted the Federation of National Organizations and its affiliates to ask for official assessments of the OISL report from the government of Sri Lanka and also the UNHRC.

Weerasekera then went on to a very, very important issue. An issue that should have been queried and settled as soon as the UNHRC resolutions against Sri Lanka started to emerge. What is the true scope of the UNHRC and what are its limits? Weerasekera points out that the UNHRC functions under two controlling documents, one is the UN Charter and the other is Resolution 60/251 of 2006 which created the UNHRC.

The UN Charter says the UN must always respect the sovereignty, territorial integrity and domestic jurisdiction of member state of the UN. Resolution 60/251 says there must be impartiality, objectivity, non-selectivity, constructive international dialogue and cooperation in whatever work the UNHRC engages in.

Weerasekera points out that when UNHRC accepted the OISL report, and then used it to support Sri Lanka resolution A/HRC/30/L.29, without debate or discussion, it violated both the UN Charter and Resolution 60/251. This is a serious matter said Weerasekera and the UN must be asked to intervene. If there is clear evidence that the UNHRC and the OHCHR, two subsidiary organs of the UN, are behaving in an unfair, unjust and inequitable way towards a member state of the UN, then it is a very serious violation of the UN Charter and the UN General Assembly must take action, said Weerasekera.

The Federation of National Organizations and its affiliates must now take immediate action to inform the UN General Assembly of what has been taking place at the UNHRC and compel the UNGA to assign a Special Rapporteur to investigate the entire matter. Also, to impose a moratorium on the UNHRC from pursuing any further measures relating to the resolution A/HRC/30/L.29, on Sri Lanka, until such investigation is complete, concluded Weerasekera. (Reference - *KAMALIKA PIERIS*).

Global Srilankan forum excom- GLSF UK, GLSF Australia, GLSF Poland, GLSF UAE, GLSF Ireland, GLSF Canada, GLSF Switzerland, GLSF Russia. NGO(s) without consultative status, also share the views expressed in this statement.