

THE INTERNATIONAL MOVEMENT AGAINST ALL FORMS OF DISCRIMINATION AND RACISM

IMADR Oral Statement, Human Rights Council 16th Session

Item 3: Interactive Dialogue with WG disappearances, WG arbitrary detention and SR IDPs

7 March 2011

Mr. President,

IMADR welcomes the reports of two WGs and SR and express its support to their work.

Concerning the issue of IDPs, millions of persons are still displaced in Asia and being deprived of their rights. The drafting of IDP laws in some countries, such as Sri Lanka and the Philippines, have made no significant progress, while in Nepal, the effectiveness of the existing national IDP policy continues to be limited by poor coordinations, insufficient resources and the absence of any implementation guidelines. In post conflict Sri Lanka, implementation of the recommendations made by Mr. Kälin following his visit in 2007 still remain challenges for the government. The UN Resident and Country Representative stated in a Sri Lankan newspaper on 20th August 2010 that 90 % of the IDPs in the North had been resettled. However, he only referred to persons who have been displaced since 1st April 2008 and the number only refers to those who *left* previously closed camps in the region. There are still a number of persons in displacement, including those who have been displaced since 80s and 90s. At the same time, the fact that people have returned to their homeland does not necessarily imply that issues relating to displacement have been resolved. In Sri Lanka, many returnees in the north are still in serious need of assistance and protection. Against this backdrop, we would like to request that the SR effectively follow-up the work of his predecessors, in particular to conduct a visit to Sri Lanka.

Mr. President,

We appreciate the efforts of both WGs in fulfilling their mandates. However, in many cases we are disappointed by the lack of cooperation by the states concerned. In addition, lack of protection for victims and witnesses, fear of reprisals and the culture of impunity make filing cases difficult for civil society actors. Thousands disappeared between 2005 and 2009 in Sri Lanka, and no proper investigation has been conducted nor have the reports of the Commissions appointed by the authority been made public. On 24th January 2010 journalist Prageeth Eknaligoda disappeared in Colombo. We would like to hear about the progress of the investigation into this. The GOSL has not responded yet to the request of the WG for a visit. It is regrettable to note that hundreds and thousands of Tamils are still languishing in various detentions centres with no charges being brought against them. There is an urgent need to provide lists of detainees and detention centres.

We are also very concerned that the emergency regulations and the Prevention of Terrorism Act are still in force in post conflict Sri Lanka. These were and are used to arrest and detain people who are opponents and critics of the government.

Thank you Mr. President.