

Statement by S.A.N Rajkumar

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Everyone is concerned about the delay of the UN report on war crimes in Sri Lanka, but the real worry should be about the actions that should follow the release of the report in September 2015. The mandated report was delayed in March 2015 in the aftermath of the regime change in Sri Lanka on the 8th of January 2015.

Delay of the report sets a wrong precedent – UN mandates cannot be manoeuvred around electoral politics of the country in question.

The regime change in Sri Lanka has helped some geopolitical interests in the region - but it seriously falls short of delivering justice and accountability to the victims.

The failure of the United Nations to protect civilians during the last phase of the war in Sri Lanka resulted in 146,679¹ Tamils still not accounted for.

Now the UN and the International Community has a second chance to rectify its own failings in Sri Lanka during the final phase of the war in 2009.

There is talk of domestic mechanisms to carry out the investigations. Sri Lanka does not have the will or the capacity to conduct a domestic investigation due to various factors, including:

- Alleged war criminals still hold public offices.
- The constitution or the penal system does not recognise war crimes, crimes against humanity or genocide as a crime under domestic law; hence past crimes can't be prosecuted.
- Most of the atrocities and crimes were committed against the Tamils, and the Tamil people have lost faith and trust in the Sri Lankan legal system.

In Sri Lanka, justice can only be served by establishing an international tribunal to investigate all atrocities and war crimes committed by all parties.

I welcome the report by the Oakland institute. It clearly depicts the current dire situation in the Island of Sri Lanka. **Land was a key factor in the Sri Lankan civil war**; it is vital to understand the underlying issues around land when addressing political issues in the country. **Ethnocratic land grabs and forced demographic alterations must be stopped for peaceful co-existence of all ethnic groups in the Island of Sri Lanka.**

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¹ Submission by the Catholic Diocese of Mannar to the Lessons Learnt and Reconciliation Commission on 8th January 2011 - Calculations was based on the local Government Agent's reports