



11.12.2013

B7-0563/2013 }
B7-0574/2013 }
B7-0576/2013 }
B7-0579/2013 }
B7-0580/2013 } RC1

JOINT MOTION FOR A RESOLUTION

pursuant to Rules 122(5) and 110(4) of the Rules of Procedure

replacing the motions by the following groups:

Verts/ALE (B7-0563/2013)
S&D (B7-0574/2013)
PPE (B7-0576/2013)
ALDE (B7-0579/2013)
ECR (B7-0580/2013)

on the situation in Sri Lanka
(2013/2982(RSP))

José Ignacio Salafranca Sánchez-Neyra, Elmar Brok, Krzysztof Lisek, Cristian Dan Preda, Mariya Gabriel, Philippe Boulland, Jean Roatta, Bernd Posselt, Tunne Kelam, Monica Luisa Macovei, Eduard Kukan, Giovanni La Via, Sergio Paolo Francesco Silvestris, Roberta Angelilli, Elena Bănescu, Petri Sarvamaa, Eija-Riitta Korhola, Sari Essayah, Michael Gahler, Anne Delvaux, Seán Kelly, Salvador Sedó i Alabart, Bogusław Sonik

on behalf of the PPE Group

Véronique De Keyser, Ana Gomes, Richard Howitt, Lidia Joanna Geringer de Oedenberg, Joanna Senyszyn, Pino Arlacchi, Mitro Repo, Marc Tarabella, Antigoni Papadopoulou, Mojca Kleva Kekuš
on behalf of the S&D Group

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**Phil Bennion, Marietje Schaake, Sarah Ludford, Ramon Tremosa i Balcells,
Jelko Kacin, Angelika Werthmann, Louis Michel, Kristiina Ojuland,
Robert Rochefort, Izaskun Bilbao Barandica, Marielle de Sarnez,
Hannu Takkula**

on behalf of the ALDE Group

Jean Lambert, Nicole Kiil-Nielsen, Raúl Romeva i Rueda,

Barbara Lochbihler, Rui Tavares

on behalf of the Verts/ALE Group

Geoffrey Van Orden, Charles Tannock, Nirj Deva, Adam Bielan

on behalf of the ECR Group

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PE525.639v01-00 } RC1

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European Parliament resolution on the situation in Sri Lanka (2013/2982(RSP))

The European Parliament,

- having regard to its resolutions of 22 October 2009¹ and 12 May 2011² on the situation in Sri Lanka,
- having regard to the final report of Sri Lanka’s Lessons Learnt and Reconciliation Commission of November 2011,
- having regard to the United Nations Human Rights Council resolutions of 18 March 2013 and 22 March 2012 on promoting reconciliation and accountability in Sri Lanka,
- having regard to the report of the UN Secretary-General’s Internal Review Panel of November 2012 on UN actions in Sri Lanka during the final stages of the war in Sri Lanka and its aftermath, inquiring into the failure of the international community to protect civilians from large-scale violations of humanitarian and human rights law,
- having regard to the statement by the UN High Commissioner for Human Rights, Navi Pillay, of 31 August 2013 and to her report to the UN Human Rights Council of 25 September 2013,
- having regard to the report of French charity Action against Hunger on the execution in 2006 of 17 of its local staff in the northern town of Muttur,
- having regard to the Local European Union statement of 5 December 2012 on the rule of law in Sri Lanka³,
- having regard to the declaration of 18 January 2013 by the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, Catherine Ashton, on behalf of the EU on the impeachment of former Sri Lankan Chief Justice Shirani Bandaranayake,
- having regard to the recent Commonwealth heads of government meeting in Colombo and to UK Prime Minister David Cameron’s call for an independent investigation into war crime allegations,
- having regard to the conventions to which Sri Lanka is a party, notably the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Prevention and Punishment of the Crime of Genocide, the Convention on the Rights of the Child, the Convention on the Elimination of

¹ OJ C 265 E, 30.9.2010, p. 29.

² OJ C 377 E, 7.12.2012, p. 156.

³ http://eeas.europa.eu/delegations/sri_lanka/documents/press_corner/20121205_en.pdf

All Forms of Discrimination against Women and the Convention Against Corruption,

- having regard to Rules 122(5) and 110(4) of its Rules of Procedure,
- A. whereas in May 2009 the decades-long conflict between the Sri Lankan Government and the separatist Liberation Tigers of Tamil Eelam (LTTE) in the north of the country came to an end with the defeat and surrender of the latter and the death of their leader;
- B. whereas in the final months of the conflict, intense fighting in civilian areas resulted in what are estimated to be tens of thousands of civilian deaths and injuries and some 6000 disappearances;
- C. whereas on 23 May 2009 the UN Secretary-General, Ban Ki-moon, and the President of Sri Lanka, Mahinda Rajapaksa, signed a joint statement in which the Sri Lankan Government agreed to take measures to guarantee accountability for alleged war crimes and crimes against humanity during the final stages of the 26-year-long internal conflict;
- D. whereas on 15 May 2010 President Rajapaksa appointed a Lessons Learnt and Reconciliation Commission (LLRC); whereas the large number of people who have reportedly come forward on their own initiative to speak to the LLRC illustrates the strong wish and need for a national dialogue on the conflict;
- E. whereas the UN panel of experts' report of 26 April 2011 found that there were credible reports of both government forces and the LTTE having committed war crimes in the months leading up to May 2009, when government forces declared victory over the separatists;
- F. whereas the serious nature of the allegations in that report and the continued international campaign for an accurate assessment of the events, including on the margins of the recent Commonwealth summit, underline the need for this issue to be resolved before lasting reconciliation can be achieved in Sri Lanka;
- G. whereas a nationwide census has now begun in Sri Lanka to ascertain first-hand the scale and circumstances of civilian deaths and injuries, along with damage to property, inflicted during the conflict, in accordance with a key recommendation of the LLRC report;
- H. whereas in August 2013 a Presidential Commission of Inquiry was established to investigate and report on disappearances in the Northern and Eastern Provinces between 1990 and 2009;
- I. whereas on 25 September 2013 Navi Pillay called on the Sri Lankan Government to use the time left before she delivers a report on the country to the UN Human Rights Council at its March 2014 meeting 'to engage in a credible national process with tangible results', including the 'prosecution of individual perpetrators', otherwise 'the international community will have a duty to establish its own inquiry mechanisms';
- J. whereas the internal review panel on the UN's functioning in Sri Lanka during the final phase of the war came to the conclusion that the UN institutions' failure 'to stand up for the rights of the people they were mandated to assist' 'collectively amounted to a failure by the

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PE525.633v01-00 }
PE525.635v01-00 }
PE525.638v01-00 }
PE525.639v01-00 } RC1

UN to act within the scope of institutional mandates to meet protection responsibilities’;

1. Expresses its appreciation for the restoration of peace in Sri Lanka, which is a great relief for the whole population, and acknowledges the efforts that have been made by the Government of Sri Lanka, with the support of the international community, to rebuild infrastructure and resettle the majority of the country’s 400 000 internally displaced people;
2. Notes the progress which has been achieved in attaining the Millennium Development Goals, the trilingual policy – notably in teaching Sinhala, Tamil and English to public officials – and the recently decided nationwide census to tally ‘human and property damages’ inflicted during the civil war;
3. Welcomes the first ever elections to the Provincial Council in the Northern Province, held on 21 September 2013, which the Tamil National Alliance (TNA) party won with an overwhelming majority;
4. Hopes that the peace dividend will pay off, further enhancing the country’s development agenda and allowing its citizens and increasing numbers of foreign visitors to take full advantage of the natural and cultural potential it has to offer; stresses that long-term stability demands genuine reconciliation with full participation by local populations;
5. Notes with concern that the presence of government military forces in the former conflict areas remains considerable, leading to human rights violations including land grabbing, with more than one thousand court cases pending that involve landowners who have lost their property, and worrying numbers of reported sexual assaults and other abuses of women, bearing in mind the particular vulnerability of the tens of thousands of war widows;
6. Commends the national action plan for implementation of the LLRC recommendations, and calls on the government to intensify its efforts to fully implement the recommendations, namely to carry out credible investigations into the widespread allegations of extrajudicial killings and enforced disappearances, to further demilitarise the north of Sri Lanka, to complete impartial land dispute resolution mechanisms, to re-evaluate detention policies, to strengthen formerly independent civil institutions such as the police force, the judiciary and the Human Rights Commission, and to reach a long-term political settlement on the further devolution of power to the provinces; calls for the Presidential Commission of Inquiry to cover disappearances not only in the Northern and Eastern Provinces but also in the rest of the country;
7. Expresses considerable concern at the continuing reports of intimidation and human rights violations (including by the security forces), extrajudicial killings, torture and violations of freedom of expression, association and peaceful assembly, along with reprisals against human rights defenders, members of civil society and journalists, threats to judicial independence and the rule of law, and discrimination on the basis of religion or belief; calls on the Sri Lankan Government to take the necessary measures;
8. Welcomes recent moves on the part of the administration to investigate the alleged killing by government forces of 17 local aid workers from the French charity Action for Hunger in the northern town of Muttur, along with the killing of five youths in Trincomalee in 2006; urges

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PE525.633v01-00 }
PE525.635v01-00 }
PE525.638v01-00 }
PE525.639v01-00 } RC1

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the authorities to do everything in their power to bring those responsible for the massacres to justice;

9. Urges the Sri Lankan Government to act on the calls for accountability for alleged wartime violations of international human rights and humanitarian law by initiating an independent and credible investigation into alleged violations by March 2014, and considers that otherwise the UN should initiate an international investigation;
10. Encourages the Sri Lankan Government to draft an effective witness protection bill so that witnesses of such crimes receive sufficient protection;
11. Commends the demining activities of the Sri Lankan army and international NGOs such as the Halo Trust, and recognises the considerable funding provided by the EU and the additional funding announced by the UK; urges the Sri Lankan Government and armed forces, along with the EU and its Member States, to continue to provide the necessary resources for the further clearance of land mines, which are a serious obstacle to rehabilitation and economic regeneration; calls once more for Sri Lanka to accede to the Ottawa Mine Ban Treaty;
12. Notes with concern that, according to Europol's recent 'EU Terrorism Situation and Trend Report', the LTTE, which has carried out indiscriminate terrorist attacks in the past, is still active internationally;
13. Calls on the UN and its member states to analyse carefully the failures of the international community in Sri Lanka and to take adequate measures to ensure that, if confronted with a similar situation in the future, the UN will be able to meet much higher standards in terms of fulfilling its protection and humanitarian responsibilities;
14. Instructs its President to forward this resolution to the Council, the Commission, the European External Action Service, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the EU Special Representative for Human Rights, the governments and parliaments of the Member States, the UN Secretary-General, the UN Human Rights Council and the Government and Parliament of Sri Lanka.