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**Sri Lanka should permit an impartial  
 investigation into the 'Channel 4  
 videotape', says UN expert**

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17 September 2009

GENEVA -- Professor Philip Alston, the Special Rapporteur on extrajudicial executions, appointed by the United Nations Human Rights Council today issued the following statement:

I have been requested by the Government of Sri Lanka to issue a public statement in response to the latest information provided by the Government in relation to the Channel 4 video which purports to show extrajudicial executions being carried out by the Sri Lankan Army. I have carefully reviewed the various briefings and statements made by the Minister for Disaster Management and Human Rights, which are essentially based upon a detailed "Consolidated Response" issued by the Government to the local and international media on 7 September 2009 and to the diplomatic community the following day. The Government's response was summarized in the Minister's statement on 15 September 2009 to the Human Rights Council in which he stated that "four separate investigations have now scientifically established beyond any doubt that this video is a fake."

I welcome the fact that the Government is now devoting considerable attention to this issue. The legal obligation incumbent upon a Government in a situation such as this is to undertake a "thorough, prompt and impartial investigation."\* My role as Special Rapporteur on extrajudicial executions is to evaluate whether the investigations undertaken have met the relevant criteria established under international law, and to advise the Human Rights Council accordingly.

I can attest to the fact that the investigation has been "prompt" since it was completed within two weeks of the information becoming available.

I am not, however, in a position to conclude that it was "thorough." I have not seen the original version of three of the four expert investigations. The fourth of the investigations seems to have originated as an Opinion piece in *The Island* newspaper, and was subsequently elaborated upon. It is not clear whether or not this was at the Government's request. The statement provided by the Minister summarizes "observations" made by the remaining three experts in presentations made at a meeting convened by the Government for this purpose. I would welcome the publication of the full text of the analyses undertaken and reports presented by each of the four experts.

The third and most important question is whether the "four separate investigations" meet the criteria of impartiality. I would note that two of the experts are members of the Sri Lankan Army, the body whose actions have been called into question. A third report is by Dr. Chathura De Silva, BSc Eng Hons (Moratuwa), MEng (NTU), PhD (NUS), Senior Lecturer, Dept of

Computer Science and Engineering, University of Moratuwa, who has advised the Government in relation to a number of other similar issues in the past. And the fourth is by Siri Hewawitharana, a broadcast media specialist based in Australia, who is said to be the former head of Cisco's global broadcast and digital video practice. No other information has been provided by the government on Mr Hewawitharana, but it would appear that he is a member of a network of Sri Lankan Professionals. I would welcome more information on how he was identified and selected by the government as an independent expert.

Based on the limited information available to me, it is impossible to conclude that these four individuals, given their relationship to the Government, meet the criteria for impartiality in this context. When the actions of a Government are called into question in a matter of this gravity, what is required is to undertake an investigation by demonstrated experts who can be shown to be fully independent of the Government concerned. Two of these individuals are full-time Government employees, one has previously acted on behalf of the Government, and the basis on which the fourth was identified and selected as an expert remains unclear. I must conclude therefore, on the basis of the information made available by the Government, that the investigations undertaken cannot be characterized as "impartial".

The final question that remains is whether the information provided by the Government raises significant doubts as to the authenticity of the video. On this question, my conclusion is that the views expressed do indeed raise several issues which warrant further investigation before it could reasonably be concluded that the video is authentic. The only way to do this is for an independent and impartial investigation to take place. This is all that I have called for. Such an investigation might well conclude that the position adopted by the Government is fully warranted. I would welcome that outcome very warmly, and I hope that the Government would do likewise.

(\* ) United Nations Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, adopted on 24 May 1989, para. 9.

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*Professor Alston was appointed Special Rapporteur in 2004 and reports to the United Nations Human Rights Council and the General Assembly. He has had extensive experience in the human rights field, including eight years as Chairperson of the UN Committee on Economic, Social and Cultural Rights, principal legal adviser to UNICEF in the drafting of the Convention on the Rights of the Child, and Special Adviser to the UN High Commissioner for Human Rights. He is Professor of Law and Faculty Director of the Center for Human Rights and Global Justice at New York University School of Law.*

*Learn more about the mandate and work of the Special Rapporteur on extrajudicial executions:*

*<http://www2.ohchr.org/english/issues/executions/index.htm>*

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