



EUROPEAN PARLIAMENT

2009 - 2014

Plenary sitting

11.5.2011

B7-0324/2011 }
B7-0325/2011 }
B7-0326/2011 }
B7-0327/2011 }
B7-0328/2011 }
B7-0331/2011 } RC1

JOINT MOTION FOR A RESOLUTION

pursuant to Rule 122(5) of the Rules of Procedure

replacing the motions by the following groups:

GUE/NGL (B7-0324/2011)

ECR (B7-0325/2011)

S&D (B7-0326/2011)

PPE (B7-0327/2011)

ALDE (B7-0328/2011)

Verts/ALE (B7-0331/2011)

on the situation in Sri Lanka

**Elmar Brok, José Ignacio Salafranca Sánchez-Neyra, Thomas Mann,
Cristian Dan Preda, Filip Kaczmarek, Mario Mauro, Michèle Striffler,
Bernd Posselt, Tunne Kelam, Eija-Riitta Korhola, Monica Luisa Macovei,
Elena Băsescu, Sari Essayah, Laima Liucija Andrikienė, Dominique Baudis,
Bogusław Sonik, Agnès Le Brun**

on behalf of the PPE Group

Véronique De Keyser, Ana Gomes, Richard Howitt

on behalf of the S&D Group

Marietje Schaake, Izaskun Bilbao Barandica, Johannes Cornelis van Baalen,

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Ramon Tremosa i Balcells, Kristiina Ojuland, Sarah Ludford, Marielle De Sarnez, Alexandra Thein, Norica Nicolai, Jelko Kacin

on behalf of the ALDE Group

Geoffrey Van Orden, Charles Tannock, Jan Zahradil, Ryszard Antoni Legutko, Michał Tomasz Kamiński, Konrad Szymański, Tomasz Piotr Poręba

on behalf of the ECR Group

Heidi Hautala, Karima Delli, Raül Romeva i Rueda, Frieda Brepoels

on behalf of the Verts/ALE Group

Marie-Christine Vergiat

on behalf of the GUE/NGL Group

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European Parliament resolution on the situation in Sri Lanka

The European Parliament,

- having regard to the report of 31 March 2011 of the UN Secretary-General's Panel of Experts on Accountability in Sri Lanka,
 - having regard to the UN Secretary-General's statement of 25 April 2011 on the public release of the panel of experts' report on Sri Lanka,
 - having regard to the conventions to which Sri Lanka is a party, which require it to investigate alleged violations of international humanitarian and human rights law and prosecute those responsible,
 - having regard to the Declaration on the appointment of a UN Panel of Experts on Accountability Issues in Sri Lanka made on behalf of the European Union on 1 July 2010 by the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy (VP/HR),
 - having regard to the Declaration made by the VP/HR on 10 May 2011 on the report of the UN Secretary-General's Panel of Experts on Accountability in Sri Lanka,
 - having regard to its resolutions of 5 February 2009¹, 12 March 2009² and 22 October 2009³ on Sri Lanka,
 - having regard to the Second Additional Protocol, relating to the Protection of Victims of Non-International Armed Conflicts, to the Fourth Geneva Convention,
 - having regard to Rule 122(5) of its Rules of Procedure,
- A. whereas in May 2009 the long-running conflict in Sri Lanka came to an end with the surrender of the Liberation Tigers of Tamil Eelam (LTTE) and the death of their leader; whereas the conflict ended with large numbers of Sri Lankans living as internally displaced persons, especially in the north of the country,
- B. whereas in the final months of the conflict, intense fighting in civilian areas resulted in what are estimated to be thousands of civilian deaths and injuries,
- C. whereas on 23 May 2009, during a visit by Ban Ki-moon to Sri Lanka shortly after the end of the conflict, President Mahinda Rajapaksa and Ban Ki-moon issued a joint statement in which the UN Secretary-General underlined the importance of an accountability process and the Government of Sri Lanka agreed that it would take measures to address allegations of

¹ OJ C67 E, 18.3.2010, p. 141.

² OJ C87 E, 1.4.2010, p. 127.

³ OJ C265 E, 30.9.2010, p. 29.

laws-of-war violations,

- D. whereas on 15 May 2010 the Sri Lankan Government appointed an eight-member Lessons Learned and Reconciliation Commission (LLRC) to look into events in Sri Lanka between February 2002 and May 2009, with the aim of ensuring accountability, justice and reconciliation in the country,
- E. whereas on 22 June 2010 the UN Secretary-General announced the appointment of a panel of experts to advise him on the issue of accountability with regard to alleged violations of international humanitarian and human rights law during the final stages of the conflict in Sri Lanka,
- F. whereas the UN report, published on 25 April 2011, found to be credible allegations that both government forces and the LTTE conducted military operations ‘with flagrant disregard for the protection, rights, welfare and lives of civilians and failed to respect the norms of international law’,
- G. whereas the international community, in the final stages of the conflict, repeatedly called on the Government of Sri Lanka to allow international observers to enter the country in order to monitor the humanitarian situation of the civilian population affected by the fighting,
- H. whereas the panel also concluded that ‘Sri Lanka’s efforts, nearly two years after the end of the war, fall dramatically short of international standards on accountability’,
1. Expresses its concern at the serious nature of the allegations in the UN report; stresses that those allegations, and the issue of accountability for them, must be properly addressed before lasting reconciliation can be achieved in Sri Lanka;
 2. Acknowledges that the panel found to be ‘credible allegations which, if proven, indicate that a wide range of serious violations of international humanitarian law and international human rights law was committed both by the Government of Sri Lanka and the LTTE, some of which would amount to war crimes and crimes against humanity’;
 3. Welcomes the initiative taken by the UN Secretary-General in appointing the panel of experts on accountability in Sri Lanka regarding alleged violations of international humanitarian and human rights law during the final stages of the armed conflict;
 4. Applauds Ban Ki-moon’s decision to publish the report on 25 April 2011;
 5. Stresses that a commitment on human rights and accountability was a key point of the joint statement issued by the President of Sri Lanka and the UN Secretary-General on 23 May 2009;
 6. Welcomes the UN Secretary-General’s decision to respond positively to the panel’s recommendation for a review of the UN’s actions regarding the implementation of its humanitarian and protection mandates during the war in Sri Lanka, particularly in the final

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stages of the conflict; notes that the panel of experts has recommended that the UN Secretary-General should immediately proceed to establish an independent international mechanism, but that the latter has been advised that this will require host country consent or a decision by member states through an appropriate intergovernmental forum;

7. Takes the view that, in the interests of justice and reconciliation in Sri Lanka, the allegations contained in the UN panel of experts' report warrant a full, impartial and transparent investigation; encourages the Government of Sri Lanka to respond constructively to the recommendations made by the panel of experts;
8. Is deeply concerned about the worrying lack of independence of the judiciary, which could play a complementary role to an independent investigation body; urges the Sri Lankan Government to ensure restorative and retributive justice;
9. Calls on the Government of Sri Lanka, in compliance with its international obligations and with a view to improving its domestic accountability process, to contribute to the efforts already being made for a comprehensive reconciliation;
10. Recognises, in this respect, that the Sri Lankan Government has established a Lessons Learned and Reconciliation Commission (LLRC); urges the LLRC to take serious account of the UN report; notes that the LLRC is empowered to ask the Sri Lankan Attorney-General to institute criminal proceedings, based on its findings;
11. Asks for accountability of both the LTTE and the Sri Lankan Government for alleged violations of international humanitarian and human rights law;
12. Urges the Sri Lankan Government to implement the panel's recommendations, starting with the 'immediate measures', and immediately to commence genuine investigations into the violations of international humanitarian and human rights law allegedly committed by both sides involved in the armed conflict;
13. Calls on the VP/HR, the Council and the Commission to support further efforts to strengthen the accountability process in Sri Lanka and to support the UN report;
14. Urges the Government of Sri Lanka to be proactive in addressing the genuine political, economic and social concerns and interests of its Tamil citizens; urges the Sri Lankan Government accordingly to take active measures in terms of political devolution and to encourage Tamil recruitment to the government service and to the police and the armed forces, so that the Tamil peoples feel reassured and will recognise the defeat of the LTTE as a liberation and look forward to a bright and prosperous future, on equal terms with their Sinhalese fellow citizens;
15. Instructs its President to forward this resolution to the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, the Commission, the governments and parliaments of the Member States, the Secretary-General of the United Nations and the President, Government and Parliament of Sri Lanka.