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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Forty-fifth session
Agenda item 6

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS
INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF
APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL
AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE
SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

Mr. Bossuyt, Ms. Chavez, Mr. Eide and Mr. Joinet: draft resolution

1993/... The situation of human rights in Sri Lanka

The Sub-Commission on the Prevention of Discrimination and Protection of
Minorities,

Recalling Commission on Human Rights resolution 1987/61 of 12 March 1987,
Recalling also the acknowledgment by the Chairman of the Commission at
its forty-ninth session of the statement by the representative of Sri Lanka
(E/1993/23-E/CN.4/1993/122, para. 564) and the statement by the Chairman of
the Commission at its forty-eighth session made on behalf of the Commission
(E/1992/22-E/CN.4/1992/84, para. 416),

Deeply disturbed by the continuation of ethnic violence in Sri Lanka,

GE.93-14799 (E)

Welcoming the readiness of the Government of Sri Lanka, exemplified by its statement to the Commission at its forty-ninth session, to uphold "the democratic principle of the Government's accountability to its people and Sri Lanka's international treaty obligations",

Welcoming the commitment by the Government of Sri Lanka, made to the Commission at its forty-ninth session, "to make a comprehensive review and revision of emergency legislation related to arrest and detention", "[to undertake] the compilation and publication of a consolidated version of all current emergency regulations to promote public awareness" and "to consider favourably Sri Lanka's accession to the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment",

Taking note of the contents of the reports of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1993/25 and Add.1), the Special Rapporteur on the question of torture (E/CN.4/1993/26) and the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/1993/46),

1. Urges the Government of Sri Lanka to ensure full respect for human rights and fundamental freedoms;
2. Calls upon the Government of Sri Lanka to appoint appropriate independent judicial commissions or tribunals to investigate all cases of enforced or involuntary disappearances, summary or arbitrary executions and cases of torture that have already occurred;
3. Welcomes the willingness of the Government of Sri Lanka to continue its cooperation with the Commission, and the Sub-Commission and, in particular, to help clarify pending cases of enforced or involuntary disappearances noted in the reports of the Working Group on Enforced or Involuntary Disappearances, and to communicate to the Commission and the Sub-Commission new measures the Government of Sri Lanka may take in the field of human rights;
4. Condemns the use, by the Liberation Tigers of Tamil Eelam, of summary or arbitrary executions of non-combatant civilians, the practice of torture, abductions, arbitrary detention of persons and the expulsion of thousands of Muslim civilians from the north of the country;
5. Calls upon the Government of Sri Lanka and all other parties to the armed conflict strictly to adhere to the obligations under common article 3 of the Geneva Conventions of 1949;

6. Urges the Government of Sri Lanka and other parties to the conflict to seek a cessation of hostilities and to achieve an end to the conflict through negotiations among representatives of all ethnic groups, freely elected by them, and to obtain the assistance of the Secretary-General in any mediation that may become necessary;

7. Expresses the hope that the Government of Sri Lanka will afford the required opportunity to the Working Group on Enforced or Involuntary Disappearances and the Special Rapporteur on the question of torture to visit Sri Lanka and to undertake whatever study they deem appropriate;

8. Invites the Government of Sri Lanka to submit information to the Commission on Human Rights at its fiftieth session on the implementation of the present resolution.
