



**International Truth
& Justice Project
Sri Lanka**

Press Release: Exiled Victims Cannot Testify in Sri Lankan Embassies

8 July 2016

Johannesburg: The International Truth and Justice Project (ITJP) welcomes media reports¹ that the Sri Lankan cabinet has recognised that exiled victims and witnesses have a key role in testifying to the country's future transitional justice mechanisms. The ITJP has reported that some of the most important war crimes witnesses, who can identify perpetrators and those in command responsibility, are outside the country and will play a crucial role in the hybrid Court and Truth Commission envisaged by the Sri Lankan government.

Despite this positive development, the ITJP is extremely concerned about media reports that suggest that the cabinet has merely approved an amendment to the Protection of Victims of Crime and Witnesses Act to allow witnesses overseas to testify in a Sri Lankan diplomatic mission. Testifying in a Sri Lankan diplomatic mission does not address the genuine concerns of witnesses and victims abroad who fear reprisals either against themselves or their families in Sri Lanka if they testify about alleged war crimes and crimes against humanity and can be identified.

"A credible witness protection process must allow victims to testify safely and anonymously and this cannot happen in a Sri Lankan diplomatic mission which risks them being identified by those who may be implicated themselves in the final phase of the war," said Yasmin Sooka, executive director of ITJP.

"There is consensus among activists inside and outside Sri Lanka that the Witness Protection Act is fatally flawed and must be thoroughly revamped – tinkering with it like this will clearly not achieve anything," she added.

In June 2016, ITJP published the results of a consultation process with 75 exiled survivors of war and post-war violations in its report *Forgotten: Sri Lanka's exiled victims*. It found the level of mistrust in the Government was very high indeed. While many recently exiled victims said they would testify long distance to a Truth Commission or Special Court in Sri Lanka, this was only if their confidentiality, anonymity and safety was guaranteed and on condition no government official knew their identity. Many advances have been made in the gathering of evidence that do not require that evidence be taken on Sri Lankan diplomatic soil. Indeed the consideration of the issue of Letters Rogatory may facilitate such evidence being taken by Judges in other jurisdictions abroad. The Sri Lankan Judicial system would benefit from such considerations.

Ends.

¹ <http://www.ceylonews.com/2016/07/cabinet-approves-law-amendment-for-witness-to-testify-from-overseas/>