



**The Permanent Mission of Sri Lanka to the  
United Nations and other International Organizations in  
Geneva**

**Human Rights Council  
27<sup>th</sup> Regular Session**

General Debate  
(Agenda Item 2)

**Statement by H.E. Mr. Ravinatha P. Aryasinha  
Ambassador / Permanent Representative of Sri Lanka and  
Leader of the Sri Lanka Delegation**

(Geneva, 8<sup>th</sup> September 2014)

Mr. President, Mr. High Commissioner,

1. Sri Lanka associates itself with the statements delivered by Iran and Egypt on behalf of the Non-Aligned Movement and the like-minded group of countries respectively.
2. My delegation takes note of the update by the High Commissioner.
3. On behalf of the Government of Sri Lanka, I wish to congratulate the High Commissioner, Zeid Bin Ra'ad Al-Husseini, on his appointment to this important post. His wide experience in diplomacy, in-depth knowledge of the United Nations system and understanding and respect for social and cultural characteristics are useful assets that will guide the work of the OHCHR consistent with the IB package and based on the fundamental principles of universality, impartiality, objectivity, non-selectivity, constructive international dialogue and cooperation.
4. Sri Lanka recognises the financial constraints being faced by the OHCHR and strongly reiterates its call for greater allocation of resources from the UN regular budget to lessen the OHCHR's dependence on voluntary contributions and earmarked funding. This would strengthen the financial independence of the Office, thereby enhancing transparency and contributing to depoliticisation of its work.
5. Like many countries, we are concerned about the selective targeting of countries for country specific action in the Council while human rights situations which pose a grave threat to international peace and security, are ignored or do not receive the attention they deserve. This trend has resulted in the moral legitimacy of the institution being eroded and nations losing trust and confidence in the institution. This trend has to be arrested immediately, if the Council is to serve its mandated purpose.
6. Sri Lanka also wishes to emphasize the need to address economic, social and cultural rights on an equal footing and on par with civil and political rights. In this respect, it is also important that the Right to Development is accorded due attention and the importance it deserves.
7. Despite Sri Lanka's non-recognition of the politically motivated resolution on Sri Lanka in the Council at its 25<sup>th</sup> Session, we continue to engage with the regular mechanisms of the Council, including special procedures, treaty bodies and the UPR.
8. At the invitation of the Government of Sri Lanka, the Special Rapporteur on the Human Rights of Internally Displaced Persons and the Special Rapporteur on the Human Rights of Migrants visited Sri Lanka in December 2013 and May 2014 respectively. The invitation extended to the Special Rapporteur on the Right to Education unfortunately remains to be accepted. In continuation of the

Government's engagement with Special Procedure Mandate Holders, invitations will be extended to other Special Rapporteurs as mutually convenient and taking into account national imperatives. Sri Lanka's regular engagement with the Working Group on Enforced or Involuntary Disappearances (WGEID) in Geneva continues. As announced at the 25<sup>th</sup> Session of the Council in March this year, the Government will seek to process the request for a visit to Sri Lanka by the Working Group once the work of the Presidential Commission on Missing Persons (COI) concludes its work, as the findings of the latter could have some correlation with that of the Working Group.

9. Further, Sri Lanka continues its engagement with the Human Rights Treaty Bodies. The consideration of Sri Lanka's fifth periodic report under the International Covenant on Civil and Political Rights (ICCPR) is due to take place next month, October 2014. We look forward to this meeting with the Human Rights Committee, as it will be an added opportunity to engage with the regular mechanisms of the Council and to update and inform the international community on developments in Sri Lanka including efforts of the Government to promote and protect human rights.

#### **HRC Resolution and the OHCHR driven 'comprehensive investigation'**

10. I now turn to HRC Resolution 25/1 on Sri Lanka. In this regard, I reiterate the Government of Sri Lanka's categorical rejection of the Resolution and its call for a "comprehensive investigation" by the OHCHR. The Resolution and its mandate for a 'comprehensive investigation' challenge the sovereignty and independence of a member state of the United Nations, are based on profoundly flawed premises inimical to the interests of the people of Sri Lanka and violate a fundamental principle of international law which requires that national remedies have to be exhausted before resorting to international mechanisms. As Sri Lanka and other countries have pointed out in the Council on several previous occasions, operative paragraphs 2 and 10 of the Resolution are mutually contradictory, in calling on both the Government and the OHCHR to conduct parallel investigations. What is most regrettable is that the intrusive external investigative authority vested on the OHCHR not only exceeds its mandate, but disregards completely the domestic processes in place in the country. It disrespects the inherent social, cultural and ethnic susceptibilities of the people of the country, jeopardizes the delicate process of reconciliation that is already under way, and militates against stability and peace in the country. My delegation will be addressing this issue comprehensively when the High Commissioner's oral update is taken up for discussion later in this Session.

#### **Implementation of the LLRC National Plan of Action (NPoA)**

11. Notwithstanding the rejection of the Resolution, the Government of Sri Lanka is continuing its own domestic process of reconciliation with utmost dedication towards all her people. The National Plan of Action to implement the

recommendations of the LLRC (NPoA), which was formulated for this very purpose, will continue to provide the basis for this process.

-A 'Special Bureau for Reconciliation' is being set up to facilitate the work of the Committee headed by the Secretary to the President to monitor the implementation of the NPoA. The 'Special Bureau for Reconciliation' will assist the line ministries and agencies vested with the responsibility of effectively implementing and monitoring the respective LLRC recommendations assigned to them in the NPoA.

-In the larger interest of national reconciliation and peace and harmony for the people of Sri Lanka and importance in this respect of addressing issues of accountability and alleged violations of international law and international humanitarian law, the Government has set in motion multiple mechanisms during the last five years. Out of the specific issues identified as requiring further investigation by the LLRC, in addition to previous updates provided on the Army Inquiry, further progress has been achieved in the following on-going investigations:

- Steps are being taken to tender forensic evidence on the next date of the non-summary inquiry on the killing of five students in Trincomalee scheduled for 17 September 2014. Non Summary Inquiry in this case commenced on 9 September 2013 and has met on 5 occasions. Evidence has been led of 15 witnesses. With regard to 7 other witnesses who are believed to be living abroad, summons have been issued.
- With regard to the Muttur (ACF) case, following instructions by the Attorney-General, action has been taken to identify and record statements from witnesses' material to this incident. The police have also obtained clarifications on the issue of the exact number of dead bodies from the Additional Director of CHA and the report he prepared with regard to his visit to Muttur on the 6th of August 2006. Meetings have also been held between the Attorney General and French Embassy Officials, during which, the progress of the investigation was discussed. It is noted that the Attorney General has expressed willingness to accept the assistance of the Embassy in facilitating the obtaining of statements from witnesses known to them and living in France, whether in France or in Sri Lanka.
- The first part of the Court of Inquiry (on alleged civilian casualties during the final phase of the Humanitarian Operation) has been concluded. The Court of Inquiry appointed by the Army is currently addressing the second part of their mandate, comprising the Channel 4 allegations.

-The three-member Presidential Commission of Inquiry on Missing Persons (COI) appointed in August 2013 has made considerable progress in their efforts to undertake further investigations into several matters referred to in the recommendations of the LLRC. As at August 2014, the Commission of Inquiry on Missing Persons has conducted 6 rounds of sittings in Killinochchi, Jaffna, Batticaloa, Mullaitivu and Mannar and the 7th round is scheduled to be held in Killinochchi District from 27-30 September 2014. The COI has received 19,471 complaints which includes approximately 5,000 complaints from relatives of missing security forces personnel. 939 complaints out of those received have been inquired into. Recorded evidence by the complainants is being analysed for further investigation through an independent Investigation Team.

Given the sensitivities involved in cases of missing persons and the relevance of such cases to the process of reconciliation that is already underway in Sri Lanka, the term of the COI was extended to February 15, 2015. Moreover, by Presidential Proclamation gazetted on July 15, 2014, the Commission's mandate was enhanced to inquire into several matters including recommendations categorised by the LLRC under International Humanitarian and Human Rights Law.

The Commission itself was strengthened, at the request of its Chairman, through the appointment of a five-member Advisory Council which includes internationally recognised legal experts who will advise the Commission on matters pertaining to their work including legal aspects. The Chairman of the Advisory Panel has already held preliminary discussions with the Chairman of the Commission.

-The Bill on "Assistance to and protection of Victims of Crime and Witnesses" which safeguards the rights of victims and witnesses has been approved by the Cabinet of Ministers and was gazetted on 8 August 2014. This Bill is due to be presented in Parliament on 9 September 2014. The salient features of the Bill include, inter alia, the recognition and setting out of rights of victims of crime and entitlements of witnesses; creation of certain offences that may be committed against victims of crime and witnesses; establishment of a mechanism for inquiry into complaints against infringement or imminent infringement of rights or entitlements of victims of crime or witnesses; establishment of an authority for the purpose of administering the provisions of the Bill; establishment of a special division by the Inspector General of Police to provide assistance to victims of crime; imposing duties on courts, commissions or law enforcement authorities in providing protection to victims of crime and witnesses; establishment of a special fund to be utilised for the payment of compensation to victims of crime and providing for the recording of evidence through contemporaneous audio visual linkage from remote locations within Sri Lanka.

-The Government has taken measures to ensure rapid development, sustainable peace and reconciliation in the country and focused action continues to be taken in resettlement, rehabilitation, reconstruction, socio-economic development in the former conflict affected areas and political empowerment.

- As at 30 June 2014, 96 percent of demining has been completed.
- Regarding resettlement, out of nearly 767,748 IDPs (226,824 families), a total of 510,710 persons (153,837 families) have been resettled in the Northern Province and 257,038 persons (72,987 families) have been resettled in the Eastern Province. As per the Joint Study undertaken by the Ministry of Resettlement; the Presidential Task Force for Resettlement, Development and Security in the Northern Province (PTF); and the UNHCR, as of August 2014, only a total of 26,056 persons (7,840 families) remain to be resettled, which includes 21,747 persons (6,498 families) from the North and 4,309 persons (1,342 families) from the East. We appreciate the support and assistance extended by our bilateral and multilateral partners in this endeavour.
- The data processing phase of the Joint Needs Assessment (JNA) on resettled IDPs carried out by the Government with the Humanitarian Country Team (HC), supported by UNOCHA is nearing completion. The final report of the JNA is expected by October 2014. The outcome which is based on a survey conducted in 9 districts, including in the 5 districts of the Northern Province, will enable the Government to address residual displacement needs.
- With respect to large scale development needs, on 27 August 2014 the Industrial Estate of Atchuveli in the Jaffna District was inaugurated with Government of India Grant Assistance of SLR 220 million. Under Phase I of this project, 25 acres will be developed facilitating the setting up of 22 industrial units and providing employment opportunities for approximately 12,000 persons directly and indirectly. Overall, the Industrial Estate will help serve as a platform for industrial development of the region, for regeneration of livelihood in Northern Province and for optimal utilization of local resources. The Yal Devi train service to the North, which was suspended for nearly 30 years due to LTTE terrorist activities will be resuming operations in mid-October 2014. The rail line from Anuradhapura to Jaffna has been fully upgraded and reconstructed over a stretch of 191km.
- With regard to the rehabilitation and reintegration of LTTE ex-combatants, from approximately 12,000 persons, as at 11 August 2014, only 114 beneficiaries (112 male and 2 female) are undergoing rehabilitation, and 84 are under legal proceedings (under judicially mandated custody, remanded or bailed out)
- The education system in the North has been restored, ensuring equal access to education for all students whose education was disrupted by conflict in the Northern and Eastern Provinces. Eight Schools in the Districts of Kilinochchi, Mullaitivu and Mannar were upgraded to the status of national schools while 1,105 primary schools in the Northern and Eastern provinces were also upgraded as a part of the national programme to upgrade educational facilities in 6500 child friendly feeder schools. These efforts have resulted in the highest success

rate in performance of school candidates by Province (63.88%) at GCE Advanced Level 2013 being recorded from the Northern Province. The Eastern Province has been placed third, with a percentage of 60.72%.

- On the contentious land issues, the Prescription Bill (Special Provisions) to restore land rights is scheduled to be taken up for discussion at the Second Consultative Committee Meeting in Parliament on 9 September 2014. Special Mediation Boards have been initiated in consultation with the Ministry of Lands by a Regulation to be gazetted under the Mediation (Special Categories of Disputes) Act to resolve land disputes.
- Since the end of the conflict, the Government has considerably phased out the military presence in the North, taking into consideration the national security situation and strategic security needs. Accordingly, the total reduction level by July 2014 stands at approximately 35% demonstrating a further 4% reduction in the 6 months, from December 2013. There has also been a significant reduction in the numbers of security barricades and checkpoints in the North and East, since the end of the conflict.
- On housing needs, as at July 2014, 61,831 fully damaged houses have been reconstructed and 9,104 partly damaged houses have been renovated for IDPs. The Government and other agencies have further committed to reconstructing 9,578 fully damaged houses and renovating 2,291 partly damaged houses during 2014 and 2015. The Housing Project funded by the Government of India has a target to build 50,000 houses by end-2015.
- On restitution and the provision of compensatory relief for those affected by the conflict, a total sum of Rs 1,421,368,198 has been disbursed since 2009 to July 2014 and the 2014 budget has allocated an additional SLRs. 475 Million to continue the implementation of this recommendation.
- The welfare of women-headed households in the Northern Province is a priority issue for the Government. Already, a database of beneficiaries has been established and self-employment and Micro-Enterprise Assistance has been provided to 611 single parents in the Northern Province and 128 in the Eastern Province. Special Vocational and Non-formal training programmes are conducted for women who have not been able to continue with their formal education due to the conflict. 27,000 women headed families in the North have already benefitted from this Programme.
- Further progress has been achieved by the Inter-Ministerial Committee that coordinates work related to the needs of vulnerable groups. A “Psycho-Social Support and Counseling Services” Programme for relatives of missing persons is currently being finalized. The Committee is also engaged in rebuilding conflict affected villages in the Ampara District in the Eastern Province. An integrated social care package is being provided as a safety net to vulnerable persons

including the conflict affected through 54 Social Care Centers in the North and East.

- As of August 2014, 19,389 resettled individuals in the Northern Province and 32,584 individuals in the Eastern Province have benefitted through the services of the National Counselling Centre since 2010. “Guidance & Counselling Cells” that have been set up in 736 schools in Northern and Eastern provinces and “Children’s and Women’s Development Units” are in operation.
- Special attention has also been paid by the Government to persons with disabilities in the former conflict affected areas. Under the “Housing Assistance Programme”, 167 families in the North and 534 families in the East, having a disabled member, have already been provided monetary assistance to construct houses with accessibility facilities. With regard to livelihood support, nearly 4,000 families receive a monthly cash allowance. Further 243 persons in the Eastern Province and 560 persons in the Northern Province have been assisted up to date to set up self-employment ventures. Job-oriented Vocational Training Programmes are also conducted on priority basis in the former conflict affected areas.
- In order to enhance understanding and social harmony among all the communities, following the National Unity Convention which was held in April 2014, a “Social Integration Week” was successfully held from 14-20 July 2014. This event which was a recommendation of the LLRC, aims to encourage the dissemination of information that highlight commonalities and mutual understanding between communities, especially for the benefit of the younger generation.
- Following the LLRC recommendations on giving effect to the Official Languages Policy, action has been already initiated to present to the Cabinet a Roadmap for the Implementation of the Official Languages Policy shortly, and as per LLRC recommendation (9.256) on establishing branches of the Official Languages Commission in every Province, and also in line with the 10-year National Plan for a “Trilingual Sri Lanka”, 2 branches have already been set up in the Northern and Sabaragamuwa Provinces. Further, all 90 Police Stations established in the North and East now have Tamil speaking police officers to serve the public.
- Consistent with the recommendations of the LLRC, the Parliamentary Select Committee (PSC) which was set up in November 2012 to achieve a multi-party consensus in respect of political and constitutional measures continues to endeavour to fulfil its mandate. Despite calling for a political solution, the persistent refusal of the Tamil National Alliance (TNA) to participate in this process has been a serious impediment to achieving this objective.

12. Mr. President, Sri Lanka is deeply appreciative of all our long standing friends in this Council and in the wider international community who have continuously and consistently kept their faith in our ability to achieve national reconciliation on our own. Desirous of achieving a lasting peace through a home grown solution towards achieving reconciliation, sharing of experiences through its regional and international partners continues to receive the Government's attention. In this context, Sri Lanka has already explored with South Africa the possibilities of sharing experiences on post-conflict reconciliation. In this context, South African Deputy President Cyril Ramaphosa visited Sri Lanka in July 2014 at the invitation of the government to exchange views on South Africa's experience in the Truth and Reconciliation Process. The visit was undertaken in the capacity of a mutual sharing of views on the TRC in order to explore the possibility of adopting a similar mechanism taking into account social and cultural particularities of the country. For the success of such a domestic reconciliation process, the imperative need for all stakeholders to participate in the PSC was discussed as well. Similar dialogue continues bilaterally with other countries as well as at high level.
13. It is unfortunate that some, fuelled by externally motivated agendas and political and electoral compulsions, refuse to acknowledge the holistic development in the country especially in the North and the East, as well as the sensitive ongoing domestic processes of reconciliation, nation building and accountability.
14. Sri Lanka rejects assertions regarding threats levelled against the human rights community in Sri Lanka. Steps will be taken at all times to investigate into complaints. In this context, it must be noted that the full gamut of constitutional guarantees including effective remedies are available to individuals or groups who wish to canvass the rights of persons. Sri Lanka also regrets attempts being made to portray the country as intolerant of religious minorities. For centuries, people in Sri Lanka practising different faiths and practices have coexisted peacefully and in harmony. However, like in all countries in the world composed of multi-cultural and multi-religious communities, unfortunate isolated incidents can occur. Wherever such incidents of attacks involving religious places of worship have taken place or any individual has been targeted on the basis of religion or faith, the legal process has been set in motion in respect of reported incidents and investigations have been launched. The Government expressly condemns all acts of violence against any religious or ethnic communities.
15. In conclusion, Mr. President, I wish to reiterate that the Government of Sri Lanka is firm in its commitment to continue its ongoing domestic processes of accountability, justice, reconciliation and nation building in the best interest of the people of Sri Lanka. Towards this end, we will continue to work with our international partners.
16. I also wish to reaffirm Sri Lanka's continued support to the High Commissioner in discharging his mandate as contained in GA Resolution 48/141; to the OHCHR; and to the work of Human Rights Council based on the principles of the IB package.

Thank you.