

**Right of Reply of the delegation of Sri Lanka during the  
general debate under**

**Item 4 of the HRC Agenda, 16 March 2010**

Mr. President,

My delegation would like to respond to the references made on the situation in Sri Lanka by some delegations, under Item 4 of the Council's Agenda.

Mr. President,

With regard to the issue of investigations into and addressing alleged human rights violations, my delegation wishes to state that a domestic mechanism is expected to be established, taking into account the need to learn from recent history, lessons which would ensure that there will be no recurrence of any internecine conflict in the future. Accordingly, it is envisaged that this mechanism will be mandated, *inter alia*, to inquire and report on the underlying causes of the conflict and whether any person, group or institution was directly or indirectly responsible for perpetuating such causes. Further this body is expected to examine the modalities of restitution to victims, their dependents or their heirs.

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Additionally, it will also report on the measures taken to effect reconstruction, rehabilitation and reconciliation and further steps to prevent any recurrence of such events in the future in order to promote national unity and reconciliation among all communities.

This domestic mechanism will honour the assurance given by the President to address the issues outlined by me and guarantee to our people the full amplitude of the constitutional protections and create a conducive environment to achieve their aspirations . It is in this context, that the Government of Sri Lanka has serious reservations regarding the UNSG's proposal to appoint a Panel of Experts to advise him on accountability issues related to my country. We respectfully observe that this unilateral initiative at the present juncture is misplaced and unwarranted having regard to the rapid progress that is being made in our endeavour to return to normalcy as acknowledged by the Secretary-General. It is also pertinent to observe that no inter-governmental body of the United Nations has called for such a measure.

The Presidential election has just concluded and as you are aware the Parliamentary election is scheduled to be held on 8 April. It is our considered view that the incoming administration will be better equipped to realize the aforesaid objectives. More particularly, due to the fact that the present reforms undertaken under the President's personal stewardship will be given greater impetus and will ensure broad-based participation of all stakeholders including political parties and the diaspora.

We believe that this domestic mechanism would conclusively allay the concerns expressed. Further, in the medium to long-term, we will continue to build institutional capacities that will accommodate an efficient and expeditious investigatory mechanism into matters pertaining to human rights as provided for in the proposed National Action Plan for the promotion and protection of human rights.

Mr. President,

Let me now briefly advert to the concerns relating to journalists and freedom of expression. In the past, when some journalists were attacked, the Government condemned such acts and pledged to bring to book any elements responsible for such outrages following findings of the investigations. On the cases reported the law enforcement authorities have continued to pursue the leads. Journalists in Sri Lanka have a free hand and full amplitude to engage in their profession in keeping with their lawful rights and privileges. The freedoms of opinion and expression are constitutionally guaranteed rights in the supreme law of the country. In furtherance of these guarantees, the establishment of a regulatory structure such as the former Press Council is being examined. While freedom can be ensured, it is the responsibility of the media to maintain accuracy, fairness and objectivity.

Mr. President,

On the question of the continuity of emergency regulations in Sri Lanka, it has to be highlighted that though armed operations have come to an end, we cannot disregard the pervasive influence of elements in various parts of the country who are seeking to wreak havoc and destabilize the country through reviving the separatist agenda. These elements are being actively supported by the remnants of the international network of the terrorists who were operating in Sri Lanka. In these circumstances, the emergency regulations are still needed to maintain and safeguard national security. The onus therefore is also upon that part of the international community not to fall prey to apologists of these terrorists, domestic political compulsions notwithstanding. That being said, with the return to normalcy, we are considering a review of the some of the provisions of the emergency regulations with a view to a phased withdrawal.

Mr. President,

In conclusion, while welcoming the encouragement received from that part of the international community who has acknowledged the advances the Government of Sri Lanka has made in resettlement, reconstruction and rehabilitation, we expect a fair assessment of the evolving situation through a proper understanding of ground conditions and devoid of constantly shifting goal posts. These ever-changing standards, appear to us to be motivated by parochial interests rather than genuine desire for constructive engagement. It seems to be conveniently overlooked by some parts of the international community that it is a mere nine months since Sri Lanka emerged from a 30-year old armed conflict against terrorism.

Thank you Mr. President.