

**Statement by Hon. Mohan Peiris, Attorney-General of Sri Lanka during the general debate under Item 2 of the 15<sup>th</sup> Session of the UN Human Rights Council,**

**13 September 2010**

Mr. President,

At the outset, since this is the first time I take the floor under your stewardship, let me congratulate you on your assumption of the Presidency of this Council, which would be crowned with success with your experience, and assure you of the full support of my delegation in discharging your responsibility. My delegation wishes to align itself with the statement delivered by the Ambassador of Egypt on behalf of the NAM.

Mr. President,

My delegation notes with interest the statement delivered by the High Commissioner under this agenda item, and looks forward to continued constructive engagement with her on relevant issues. My delegation deems it appropriate to highlight some of the major achievements that Sri Lanka has so far made in the area of post-conflict re-building and reconciliation for the last one year. As you are aware Mr. President, we in Sri Lanka have now begun to reap the dividends of peace with the ending of a three decade old terrorist conflict, more than a year ago.

Within the past one year, among many other achievements, we have scaled-down legislative provisions under the Emergency Regulations, re-settled more than 90% of the IDPs, continue to re-build basic infrastructure in the conflict-affected areas, rehabilitated a total of 667 former child combatants and reunited them with their families, established a Commission on Lessons Learnt and Reconciliation, improved security and mobility of people within the country, and accelerated the country's economic growth, thereby vastly improving the economic, social, civil and political conditions of all Sri Lankans. These achievements, which we continue to build upon, must be appreciated and acknowledged in any serious and constructive critique of Sri Lanka's post-conflict developments.

Mr. President,

We continue to care for and assist about 28,000 IDPs who still remain in welfare villages and their re-settlement is envisaged to be completed soon. Resettlement of this magnitude is not without its related drawbacks. The returnees need to rebuild their houses and embark on a livelihood to begin normalizing their shattered lives. The combined efforts of the government and humanitarian organizations have resulted in an accelerated de-mining process, and ensured that over 300,000 people have access to water and sanitation facilities, with other essential services such as health, nutrition and education being provided. However, more assistance is required for the reintegration process especially in the provision of housing and livelihood support. As the UN Resident Coordinator in Sri Lanka stated recently at a donor briefing, there is an urgent need to "stay the course in helping displaced persons and returned communities".

Mr. President,

Last week, under a Presidential directive, a Cabinet sub-committee assisted by me was appointed to fine-tune the formulated draft National Action Plan for the Promotion and Protection of Human Rights and make recommendations to the Cabinet expeditiously in order to come out with a feasible and time-bound action plan for implementation. This is keeping

with our pledge to this Council during our UPR. Government officials together with civil society comprise the stakeholders of this draft, which has been financially supported by the UNDP. The main objectives of the National Action Plan are to achieve genuine and substantive improvements in the observance and promotion of greater awareness of human rights, both among the general public and specific sectors, and the enhanced coordination of human rights activity among diverse stakeholders.

Mr. President,

The "Commission on Lessons Learnt and Reconciliation", which was established in May this year, has now begun its hearings which are open to the public and its work is progressing. The Commission traveled to some of the areas in the north which were conflict ridden, including IDP and detention centres to facilitate people there to testify. Witnesses have come forward from these areas to testify before the Commission. Such visits would be extended to other areas in the north and east. In the month of September, the Commission intends to revisit these places considering the newly resettled civilians in areas directly affected by the conflict. The Commission has also invited international groups such as the International Crisis Group, Human Rights Watch and Amnesty International to testify before the Commission.

With emphasis on restorative justice, this Commission is focusing on, among others, determining responsibility regarding past events in question related to the conflict. Therefore, we reject any aspersions already cast on the work of this Commission, which regrettably seeks to prejudge its outcome when it has only just begun its work. Sovereign States resorting to domestic mechanisms having emerged from protracted armed conflicts is not an unusual phenomenon. Adequate time and space should be accorded to such domestic processes without attempting to impose mechanisms with an international complexion, which while being inappropriate would only impinge on the very sovereignty that was under threat for nearly three decades due to terrorism.

We also view the Panel of experts appointed by the UN Secretary-General in the same context. The Government of Sri Lanka was not involved in any decision-making process on the appointment of this Panel. As upheld by the Secretary-General, this panel is purely to advise him on accountability-related issues. The government will continue to engage with the Secretary-General as the work of our Commission progresses. Furthermore, I reiterate that the domestic mechanism has the full capacity and capability of delivering on its mandate.

The legislature has just enacted with an overwhelming majority the 18<sup>th</sup> Amendment to the Constitution, which establishes an extremely workable Parliamentary Council and the process of appointing members to the Human Rights Commission, Public Service Commission, National Police Commission and the Commission on Bribery and Corruption has been simplified. These appointments would be made very shortly. These Commissions, which were made defunct by a complex constitutional mechanism would be set up in terms of the Paris Principles. Concerns expressed by some quarters are therefore misplaced.

We have taken note of some of the criticisms on the rollback on the Emergency Regulations by some sections in the international community in the past. We view the rollback on these regulations in the larger picture of post-conflict measures that would contribute to the ongoing reconciliation process. This initiative has also had a salutary effect on the further promotion and protection of the freedom of opinion and expression in the country.

In conclusion Mr. President, we agree with the High Commissioner's principle on the obligations of States to protect people from terrorism and that such anti-terrorism measures must never imperil human rights and due process. However, we need to examine in earnest the manner in which IHL could be constructively applied with the growing menace of non-State actors resorting to terrorism. There are terrorist groups who have unconscionably used child soldiers, civilians as human shields and suicide bombers, to causing destruction of property and countless deaths of innocent civilians. How does a legitimate conventional Army of a State counter that kind of combatant? The rules of war as they exist today were drafted in a different context and era, and therefore are inadequate to provide respite to such situations. We may well be confronted with a scenario where the measures that we may need to adopt could present as was aptly put, a painful conflict between human rights and national security. Hence, there is an imperative need for extensive multilateral consultation. The formulation of a new protocol in combating non-State actors could be an area to examine.

Finally, Mr. President we appreciate the High Commissioner's views on the forthcoming review process of the Human Rights Council. As stated in the NAM statement, we believe that the Council should strive to better fulfill its mandate, while preserving the qualitative improvement that it has been made so far, with the promotion of constructive dialogue. In this regard, we also hope that all would abide by a review process and not seek to re-invent the Council. To this end, we need to ensure the refinement of its work and functioning, in an open, inclusive and transparent manner.

Thank you Mr. President.