



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

Human Rights Council
26th Regular Session

Agenda Item 2

**Update of the High Commissioner for Human Rights
on her Annual Report
to the Human Rights Council**

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

(Geneva, 10 June 2014)

Mr. President,
Madam High Commissioner,

1. At the outset, Sri Lanka wishes to associate itself with the statement made by the Islamic Republic of Iran on behalf of the Non Aligned Movement.
2. My delegation takes note of the update by the High Commissioner.
3. We urge the Council to give equal focus and attention to economic, social and cultural rights and civil and political rights, as well as to undertake a more robust approach to upholding the right to development.
4. We observe the financial constraints and challenges faced by the OHCHR and strongly believe that there is an imperative need for more sustainable resourcing to ensure the efficient and objective execution of the High Commissioner's mandate under the administrative direction and authority of the UN Secretary General and the General Assembly. To this end, we reiterate our call for greater allocation of funds from the UN regular budget, and for voluntary contributions to be unearmarked, in order to ensure transparency and non-politicization.
5. We have submitted our observations to the High Commissioner on the OHCHR Management Plan (OMP), the UNSG's Strategic Framework for 2016-2017 as well as the OHCHR Annual Report 2013. We have, among other issues, highlighted some of the errors contained with regard to references to Sri Lanka in these reports. Like several other countries, it is our considered view that the OMP needs to be guided by the Strategic Framework and carried out in alignment with the latter, with due regard to member-state driven processes.

Mr. President,

6. Like many countries, Sri Lanka remains deeply concerned that the lack of financial independence of the OHCHR has an adverse bearing on the overall independent functioning of the Office. We have observed that this contributes to the selective targeting of some countries for country-specific action in the Council, while situations, human rights violations and restrictive practices in some other parts of the world which warrant urgent action are not given the attention that they deserve. This increasing trend of exploiting human rights to fulfil politicized agenda of countries needs to be arrested in order to uphold the high purposes and principles of the Human Rights Council.

Mr. President,

7. In pursuance of our pledge, we have continued our proactive engagement with mechanisms of the Council including special procedures, treaty bodies and the UPR.
8. With regard to our continued engagement with special procedures, Sri Lanka facilitated the visits of the Special Rapporteur on the Human Rights of IDPs and the Special Rapporteur on the Human Rights of Migrants in December 2013 and May 2014, respectively. Pursuant to his visit, we look forward to our engagement in the Interactive Dialogue with the Special Rapporteur on the Human Rights of IDPs which will take place later this week.
9. It is however regrettable that some of the Special Rapporteurs in their statements and reports pursuant to visits appear to have exceeded their mandate. We will be addressing these concerns in the relevant Agenda Items. We therefore reiterate that given the importance attached to the special procedures mechanisms, it is imperative that mandate holders maintain their credibility and relevance in the execution of their mandates through a professional and impartial assessment of facts, in strict adherence to the Code of Conduct as delineated in Council Resolution 5/2.
10. Requests for visits by special procedures will continue to be processed by the Government as mutually convenient and taking into account national imperatives. The Government will also seek to process the request to visit by the Working Group on Enforced or Involuntary Disappearances (WGEID) following the conclusion of the work of the Presidential Commission on Disappearances, as the findings of the latter could have some correlation with that of the Working Group.
11. Sri Lanka has meanwhile continued its regular engagement with the Working Group on Enforced and Involuntary Disappearances (WGEID), having transmitted 1,270 cases to the Working Group for clarification in the period January 2012 to date. From January 2013 to date, Sri Lanka has responded to 28 communications from special procedures (both country specific and general), excluding communications by the WGEID which are indicated as a separate category. The Government continues to endeavour to respond to all communications by special procedures in a spirit of cooperation and dialogue.
12. Similarly, Sri Lanka has continued to submit its periodic reports to the respective treaty bodies. We hope that the treaty body strengthening process mandated by the General Assembly in April this year, will help overcome past challenges in a sustainable manner, supported by the allocation of additional meeting time and financial resources from the regular budget. We also reaffirm the importance of the independent nature of the treaty bodies and the independence and impartiality of their members.

Mr. President,

13. In keeping with our policy of continuous engagement, allow me to take this opportunity to update this Council on progress made in the reconciliation process since our last update to the Council in March 2014:
14. The Government has continued with the implementation of the recommendations of the Lessons and Learnt and Reconciliation Commission (LLRC) through the National Plan of Action (NPoA). Of the 285 paragraphs contained in Chapter 9 of the LLRC, the Government has identified 144 as recommendations for implementation. As of 03 June 2014, out of the 144 recommendations of the NPoA, 45 have achieved their objectives, and there are 89 recommendations where implementation has progressed to a considerable extent with long-term timeframes, and 10 recommendations where preliminary steps are being taken for implementation.
 - The Presidential Commission to Investigate into Complaints Regarding Missing Persons concluded its fourth round of Public Sitzings in the Batticaloa District which were held from 6 to 9 June 2014. The Commission had previously conducted Public Sitzings in January, February and March this year in Killinochchi, Jaffna and Batticaloa, respectively. To date, 18,590 complaints have been received from many parts of the country, inclusive of approximately 5,000 from relatives of missing security forces personnel. The Commission has thus far inquired into 462 complaints, which are being analyzed for further investigations through an independent investigation team. The Commission has also held regular meetings with the ICRC, the UNDP and obtained their views and experiences gained in other parts of the world on matters relating to persons missing at the end of a conflict. The mandate issued to the Commission of Inquiry to investigate cases of alleged disappearances of persons in the Northern and Eastern Provinces has been extended by six months to 12 August 2014.
 - Processing of data of the Island-wide Census to gather information on deaths/injuries to persons and property damages that have occurred from 1982 to date as a direct or indirect result of the internal conflicts, as per the recommendations of the LLRC, is in progress. Preliminary Report data of the census is being verified and the Report is nearing completion. Data for the Final Report is being keyed in concurrently. An additional budgetary allocation of Rs 150 Million was granted in January 2014 to the Department of Census & Statistics to complete the Census.
 - The Government has initiated action to prepare legislation with regard to Witness and Victim Protection. The Bill is currently before the Cabinet of Ministers, which has referred it to other stakeholders for their observations.
 - As noted in the government's response to the Report of the Special Rapporteur on the human rights of Internally Displaced Persons in April 2014, with regard

to the resettlement of IDPs, nearly 766,307 IDPs (226,239 families) have been resettled between 2009 and April 2014 in the Northern and Eastern Provinces. As a result of ongoing cooperation between the Government and the UNHCR following a series of meetings conducted from January to March 2014 at the district level in the Northern and Eastern provinces with the participation of the Ministry of Resettlement, the Presidential Task Force for Resettlement, Development and Security in the Northern Province (PTF) and the UNHCR, a significant achievement has been the reconciling of IDP figures. Emanating from this exercise, as at 31 May 2014, according to the Joint Study between Ministry of Resettlement, PTF and UNHCR, a total of 30,007 persons (9,073 families) remain to be resettled, which includes 22,453 persons (6,766 families) from the North and 7,554 persons (2,307 families) from the East. All 18 recommendations of the LLRC pertaining to the issues of IDPs, including land, housing, infrastructure and livelihood needs as well as their emotional and spiritual needs, are comprehensively addressed in the LLRC NPoA, of which 3 recommendations have been addressed and completed.

- Land is one of the most complex and sensitive residual issues of the conflict and continues to be addressed.
 - The Ministry of Justice has taken the initiative to embark on a programme of land mediation initially in the North and East.
 - An inter-Ministerial Committee has been appointed to study the special nature of problems and displacement of families in former 'threatened villages'. The final report of the Committee is due to be submitted shortly.
 - The Land Commissioner General has alienated 6,391 plots of land to resettled Muslim families to facilitate their resettlement. Land Kachcheries to select suitable allottees is in progress, and 1,993 allotments have been alienated so far.
 - The Prescription (Special Provisions) Bill drafted to give relief to persons disadvantaged by reason of the thirty year conflict has been sent to the Cabinet of Ministers which has referred it to the Ministry of Finance and Planning for their observations.

- Work has also commenced on the Joint Needs Assessment (JNA) conducted by OCHA in consultation with the PTF to address residual displacement needs. The Letter of Agreement was signed between the Government and the UN Country Team on 25 March 2014 to give effect to the JNA which aims to identify the specific needs of those displaced persons who have returned or resettled but are still having specific needs linked to their displacement. This was also discussed during the visit of the SR on the human rights of IDPs to Sri Lanka. The JNA is being implemented under the guidance of co-chairs, the PTF and the Humanitarian Country Team (HC), and is supported by OCHA as the JNA Secretariat and the lead consultants.

- As recommended by the LLRC, the Government has mobilized funding for restitution and the provision of compensatory relief for those affected by the

conflict. Rs. 596 Million has been provided for the payment of compensation from 2010 to 2013. The 2014 budget has allocated SLRs. 475 Million to continue the implementation of this recommendation. Compensation schemes have also been implemented by the Rehabilitation Authority to provide relief for the next of kin affected by the death or injury of those involved with the LTTE. Such relief is also provided in cases of property damage due to the conflict, including religious places. The Rehabilitation Authority has in this regard implemented several loan and compensation schemes at a cost of Rs. 1.32 Billion.

- In line with the LLRC recommendation, an Inter-Ministerial Committee coordinates work carried out separately by stakeholder line Ministries to ensure that the needs of vulnerable groups are met in a comprehensive manner, without duplication, and gaps are filled through timely interventions. The status of women, children, elderly and other vulnerable groups is monitored by each stakeholder agency according to their mandate.
- In line with the 10-year National Plan for a Trilingual Sri Lanka that was launched in January 2012 for the implementation of the Trilingual Policy, the Government continues with its programme to make public sector workers bilingual in Sinhala and Tamil. The Government continues to recruit Tamil-speaking civil servants and police officers to serve the public in North and the East in the language of their choice. 'The Convention on National Unity in Diversity' was held in April, 2014 organized by the Ministry of Languages & Social Integration together with relevant stakeholders.

Mr. President,

15. Even as the country moves on the path of reconciliation, the Government of Sri Lanka has for long maintained that although the LTTE has been militarily defeated in Sri Lanka in May 2009, its overseas network which includes a number of trained cadre, funded by some sections of the expatriate Tamil community, continues to remain in place, posing a medium and long term security challenge to Sri Lanka and the region. This assessment has been shared by India as well as many other countries, which have continued to keep the LTTE on the proscribed terrorist list. The recently released EU Terrorism Situation and Trend Report 2014 (TE-SAT 2014) of the EUROPOL observes that "LTTE networks remain in numerous countries, and continue to attempt to rebuild their structures and operating capabilities, especially via fundraising and money laundering". It notes that "in Switzerland, for instance, police continued to investigate the activities of a number of former LTTE members. The investigation focused primarily on operations aimed at channeling funds collected on Swiss territory to Sri Lanka".

16. In 2012, LTTE cadres operating on instructions of LTTE operatives in France carried out an assassination of a member of a political party (EPDP) in Trincomalee, Sri Lanka. This was the initial indication that the LTTE was regrouping to carry out acts of violence in the country. Subsequently, further evidence emerged of a network of connections stemming from Europe, Malaysia, India, and Sri Lanka of LTTE operatives attempting a resurgence of terrorism in the country.
17. Based on information received a combined operation launched by the Indian and Sri Lanka authorities resulted in the arrest of connected LTTE operatives in Chennai in December 2012. The group in Chennai, had been found providing training to make IEDs (Improvised Explosive Devices) to youth/ex-LTTE cadres coming from Sri Lanka. These were clear indications of LTTE's new efforts of revamping the organization.
18. In March 2014, as we noted in our statement to HRC 25, investigations confirmed that these activities were coordinated by a broader network of LTTE operatives functioning from overseas. Three LTTE operatives who were overseas and had returned to Sri Lanka were found to have been actively involved in the reorganizing of the terrorist organization in the North. They were involved in the recovery of arms caches, planning to assassinate high profile targets in Colombo, re-establishing the intelligence network, recruiting unemployed youth and rehabilitated ex-combatants and collecting information on potential targets including in other provinces, with the intention of carrying out terrorist acts in the country. Investigations revealed that funding for such activities came from Europe and were being transferred using an illegal system of money transfer widely used in the subcontinent. It was also revealed that many safe houses, vehicles and other resources required for resurgence the terrorist group had been procured by them using this money. The incident highlights the very real dangers that exist in this regard for Sri Lanka.
19. In March 2014, the Government of Sri Lanka took measures to list entities and persons under UN Security Council Resolution 1373 who were, believed on reasonable grounds, to be committing, attempting to commit, facilitating or participating in the commission of acts of terrorism. This order designating entities and persons was undertaken following several years of consideration of information and monitoring of their activities. There have been several actions by the law enforcement authorities both in Sri Lanka and abroad before as well as after Government action under UNSC Resolution 1373.

20. In May 2014, the Malaysian authorities immediately took action, at the request of the Government of Sri Lanka, to extradite 3 key LTTE operatives arrested by them who are wanted in relation to terrorism related offences in Sri Lanka. These operatives had been designated as refugees by the UN High Commissioner for Refugees. It is imperative to ensure that the UN system does not fall prey to manipulations by terrorist groups. It is also incumbent upon nations to be vigilant of such misplaced initiatives.

Mr. President,

21. Allow me now to address the issue of the so called “comprehensive investigation” on Sri Lanka being launched by the OHCHR, regards which the High Commissioner earlier today informed this Council that her office has now put in place a staff team that will be supported by several experts and Special Procedures Mandate holders.

22. During the March session, the Government of Sri Lanka made clear its position with regard to the Council Resolution A/HRC/Res/25/1 which mandated this action, which was adopted with the support of less than half the Council’s membership. As we have placed on record, this resolution challenges the sovereignty and independence of a member state of the United Nations, violates principles of international law, is inherently contradictory, and based on profoundly flawed premises inimical to the interests of the people of Sri Lanka. The resolution’s lack of clarity of mandate in requesting the OHCHR to undertake an investigation with the ‘assistance from relevant experts’ sets a dangerous precedent. Further, the prejudice and bias concerning Sri Lanka repeatedly displayed by the High Commissioner and her Office which have been vested with the mandate to carry out the “comprehensive investigation”, is a matter of deep concern to Sri Lanka. In fact, regrettably reports which could question the credibility of the coordinator appointed for the investigation have already emerged.

23. We reiterate the categorical rejection of this Resolution, and our non-cooperation with the OHCHR-driven “comprehensive investigation”. The Government of Sri Lanka remains firm in its conviction that the Human Rights Council’s efforts should contribute to a State’s own efforts in the promotion and protection of human rights, and that any external assistance and initiatives to protect human rights in a country should be in consultation with, and with the consent of, the country concerned, as stipulated in Council Resolution 5/1. As we have placed on record previously, operative

paragraphs 2 and 10 of Resolution A/HRC/Res/25/1 are also mutually contradictory. The latter violates a basic principle of international law that national remedies need to be exhausted before resorting to international mechanisms. Ironically, the Resolution calls on the Government of Sri Lanka and the OHCHR to conduct parallel investigations.

24. The Government of Sri Lanka upholds the processes of national reconciliation already instituted in Sri Lanka, amply satisfies the elements contained in operative paragraph 2. Therefore the implementation of operative paragraph 10 becomes unnecessary and is a violation of international law.

25. I wish to re-iterate that the Government of Sri Lanka is firmly committed to continue its ongoing processes of reconciliation, nation building and accountability, which have the best interests of the people of Sri Lanka, who after three decades of suffering at the hands of ruthless terrorism, deserve nothing less. Towards this end, the Government of Sri Lanka will continue to work with countries and intergovernmental and non-governmental organizations that are genuinely interested in the welfare of the people of Sri Lanka.

26. In such context, any attempt to impose on these processes externally, without the consent of the country and disregarding its inherent social, cultural and ethnic particularities, will only serve to destabilize the intricate balance of the homegrown process of national reconciliation. It is for this reason that the operationalizing of Resolution A/HRC/Res/25/1, we are convinced, will affect a sensitive domestic process detrimentally.

In conclusion, Mr. President,

Sri Lanka reiterates its continued cooperation and engagement with the Council.

Thank you.