



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

The Human Rights Council  
**23<sup>rd</sup> 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, 27<sup>th</sup> May 2013)

**Statement by H.E. Mr. Ravinatha P. Aryasinha,  
Permanent Representative of Sri Lanka and  
Leader of the Sri Lanka Delegation to the 23rd Session of the  
Human Rights Council, 27 May 2013**

At the outset, Sri Lanka wishes to associate itself with the statement made on behalf of the Non-Aligned Movement.

My delegation takes note of the High Commissioner's statement and is firmly committed to supporting the High Commissioner in the discharge of her mandate as contained in GA Resolution 48/141.

Sri Lanka urges the OHCHR to redouble its efforts in mainstreaming economic, social and cultural rights, which remain disproportionately marginalized, by allocating more financial and human resources to the promotion and protection of these rights.

We reiterate the primacy of the role of the States Parties in the treaty body strengthening process. It is also important for the special procedures mandate holders to adhere to the Code of Conduct as stipulated in Council resolution 5/2 in the execution of their respective mandates, through a professional, impartial assessment of facts. We would like to see an equitable distribution of financial resources among all special procedures mandate holders through a transparent process to safeguard their independence.

Sri Lanka notes the challenges faced by the OHCHR, particularly with regard to the budget which is paramount to the effective and independent discharge of the mandate of the High Commissioner. We believe that there is an urgent need for a more sustainable resourcing of the OHCHR in order to ensure efficient and objective fulfillment of its mandate under the administrative direction and authority of the UN Secretary-General and the General Assembly. To this end, Sri Lanka believes that the bulk of the OHCHR funding must come from the UN regular budget.

Sri Lanka remains deeply concerned that the lack of financial independence of the OHCHR also leads to disproportionate attention being paid to country-specific action in the Council which selectively targets some countries, while situations, human rights violations and restrictive practices in other parts of the world that warrant more urgent and immediate attention and action remain conveniently ignored. The continuation and proliferation of the practice of the selective adoption of country-specific resolutions in the Council is a tool that exploits human rights for political purposes. We reiterate that such politicized action is contrary to the high purposes and principles of the Council and must be arrested.

Regrettably, a similar pattern is evident in the case of continued action on Sri Lanka in this Council. It would be recalled that the call for an international investigation into the

situation in Sri Lanka emanated here barely a week after the Government's defeat of LTTE terrorism which reunited the country 4 years ago. As we have already informed the Council during past sessions, the ill-conceived resolution on Sri Lanka resulting from politicized action, diaspora compulsions and reports not mandated by the inter-governmental process and therefore lacking in legitimacy and credibility, is completely unwarranted and is for that reason rejected by the Government of Sri Lanka (GOSL). The collusion, which is increasingly evident between some countries that support action against Sri Lanka and some extreme elements of the Sri Lankan Tamil diaspora with vested interests, is a concern that must be addressed more comprehensively by the OHCHR. The fact that some of these diaspora elements were accredited as members of a country delegation at the 22<sup>nd</sup> HRC sets an alarming precedent. Let alone not adding any value to the ongoing domestic reconciliation process, such action has caused mistrust about international processes among the people of Sri Lanka, and also negatively impacted our reconciliation efforts.

Notwithstanding these distractions, in the four years since the defeat of terrorism, Sri Lanka has made significant strides in the reconciliation process. In keeping with Sri Lanka's policy of continuous engagement with the Council, I am pleased to avail myself of this opportunity to update the Council on progress made since the Council last met in March 2013:

- In the months of January, February and April 2013 of this year, GOSL has made public the continuing progress made in implementing the National Plan of Action towards the implementation of the recommendations of the Lessons Learnt and Reconciliation Commission (LLRC), the home-grown reconciliation mechanism in Sri Lanka. In addition to the majority of the recommendations which were deemed most significant and incorporated in the National Plan of Action (NPoA) for immediate implementation by 22 key government agencies in July 2013, GOSL is presently in the process of integrating into the NPoA further recommendations made by the LLRC.

- With the last batch of IDPs having been resettled in Mullaithivu in September 2012, and 23,398 choosing to live with host families, all 295,873 IDPs resulting from the ending of the conflict have been successfully integrated.

- As at end March 2013, only 96 square kilometers remains to be demined, out of 2,064 square kilometers left contaminated with landmines and UXOs at the conclusion of the terrorist conflict. Over 961,447 explosive devices (anti tank – 1,459, anti personal – 523,797 and UXO – 436,191) have been recovered and the Sri Lanka Army was responsible for demining approximately 75% of the land.

- Of approximately 12,000 ex-LTTE combatants who were arrested or surrendered at the end of the conflict, as of 15 May 2013, 11,551 persons, which included 594 child soldiers, have been rehabilitated and reintegrated into society. As of 15 May 2013, 374 ex-

combatants including 18 female ex-combatants are undergoing rehabilitation. Among those rehabilitated, 212 youth who were previously pursuing tertiary education were re-inducted into the university system to follow their undergraduate studies.

- Legal proceedings have been instituted against 194 ex-combatants who are under judicially mandated custody, remanded or enlarged on bail by Court. In order to expedite the cases of suspects that are in remand custody after serving indictment, the Government established 3 additional courts in Vavuniya, Mannar and Anuradhapura besides the Colombo High Court. Separate state counsels and dedicated staff including Tamil translators and typists have been allocated for this purpose. Furthermore, in order to file cases for the suspects that remain under remand custody pending indictment, a special committee has been appointed to look into their cases. The scope of this committee is to review and advice further legal proceeding of these cadres, including the possibility of release of suspects following rehabilitation.

- The Government has also established a mechanism to ensure the right of information of the relatives of the LTTE suspects. A centralized, comprehensive database of detainees established by the Terrorist Investigation Division (TID) of the Police with units operating around the clock in Colombo, Vavuniya and Boossa enables next-of-kin (NoK) to receive details of detainees and those who are released from detention. It may be noted that this information is only provided to NoK, as detainees have requested that such information not be released publicly due to privacy concerns. Upto now, around 3,220 inquiries have been made by the relatives to the TID alone (486 phone call inquiries, 5 email inquiries and 2,729 physical appearances). 2,729 complaints have been recorded and 1,628 investigations have been completed and 1,101 investigations were in progress as of February 2013.

- While ICRC access to prisons and detention centres where detainees under the Prevention of Terrorist Act (PTA) continues, the Ministry of Defense and the ICRC have also held a series of discussions on the issue of disappeared persons and continue to maintain a positive dialogue on areas of cooperation. In an ongoing operation, a Family Tracing and Reunification Unit (FTR) has been established in collaboration with UNICEF, primarily to trace missing children. The Unit recorded 2,564 untraceable persons out of which 676 were children, while 1,888 were adults. About 64 percent of tracing requests were reported by parents of children who had been recruited by the LTTE.

- Addressing concerns relating to accountability, the only authoritative and credible source of information relating to the demographics and those killed and untraceable in the Northern Province during the period 2005 - 2009, the Enumeration of Vital Events 2011 in the Northern Province (EVE 2011) by the Department of Census and Statistics (DCS) conducted during the months of June and July 2011, has estimated that the total number dead from 1 January to 31 May 2009 is 8998, including deaths caused due to old

age/sickness, natural deaths, deaths due to accidents/homicides/suicides and other causes. Out of this, 7896 are probable conflict related deaths, which include LTTE cadres killed in action, LTTE cadres and civilians who escaped from the conflict zone and had travelled

to other parts of Sri Lanka/overseas, civilians likely to have been killed in cross fire and civilians killed by the LTTE whilst escaping from LTTE control, false reporting, found to be alive, deaths reported but not during the period of Humanitarian Operation and those who have gone overseas/moved to other parts of Sri Lanka/ untraceable etc. It would be recalled that from Jan – May 2009 around 2,400 Sri Lankan security forces personnel were killed and around 11,000 wounded, which indicates the intensity of the LTTE resistance at the time. The GoSL has embarked on a fresh survey on deaths, injuries, untraced and property damages as recommended by the LLRC NPoA and this survey is expected to provide vital information to respond to many questions raised related to deaths, injuries and those untraced during the conflict.

- Pursuant to recommendations made by the LLRC, in relation to the killings of the 5 students in Trincomalee, investigations have been concluded and upon studying the material, the Attorney General has advised the Police to initiate non-summary proceedings, and the formal institution of these proceedings before the Trincomalee Magistrate is due to take place in the first week of June. The investigation into the killings of the 17 ACF aid workers is continuing. Further, an Army Court of Inquiry is presently investigating allegations made following the Channel 4 video footage, irrespective of its authenticity or otherwise. To date GOSL's request that Channel 4 provide the original material used by them to help the investigation process, has not been acceded to.

- The security forces presence in the Jaffna peninsula and the islands, which was over 50,000 personnel at the height of the conflict, has today reduced to approximately 13,200. While rationalization of this presence would be considered in line with the national security interests of Sri Lanka, efforts are also underway to explore possibilities to relocate troops in the Palaly cantonment and in other identified Government lands, in order to allow original owners to settle in their native lands. While some lands have been earmarked for use in the expansion of the Palaly airport - KKS harbour complex as part of the redevelopment of the area after almost 3 decades of conflict, owners of private lands acquired would be given compensation at market rates, and additionally alternate lands in adjacent areas.

- To address issues pertaining to land, the Government is in the process of formulating the Terms of Reference of the Fourth Land Commission. In May 2013, as per the recommendations of the LLRC, the Land Commissioner General's Department launched a special accelerated programme to resolve issues pertaining to state land in the Northern and Eastern provinces in the post-conflict context, in collaboration with Provincial Land Commissioners, Government Agents and Divisional Secretaries,. A notice issued by the

Land Commissioner in this regard has been widely circulated in all three languages in order to inform the public of this initiative.

- The economic growth rate and the share of the contribution to the national economy by the Northern Province have grown since the end of the conflict. The province recorded an economic growth rate of 22% in 2010, and 27.1% in 2011. The corresponding figure for 2012 is expected to be released in June. In 2012, paddy production in the Northern Province recorded an increase of 24% while the highest growth in marine fishery was also recorded from the Northern Province, which grew by 28%. The Government continues to focus on infrastructure development activities in the Northern and Eastern Provinces through significant public investment, in road construction, power generation and transmission, port development and extension of railway lines, etc. 139 destroyed and damaged schools were reconstructed and rehabilitated while 348 schools had been reopened in the Northern Province in 2012. On 14 May 2013, the 43-kilometre Medawchchiya-Madhu segment of the 106 kilometre long Medawchchiya - Thalaimannar railway line was commissioned under the first phase of the Northern Railway Project. The northern railway network was destroyed by the LTTE several times and the train service completely ceased operations after the 13th June 1990.

- Following the conclusion of the Census in the Northern Province and preparation of the electoral register, elections to the Northern Provincial Council is scheduled to be held in September 2013.

The Council may additionally wish to note that the High Commissioner for Human Rights has now decided to undertake a visit to Sri Lanka from 25 to 31 August 2013, in response to an invitation formally extended to her by the GOSL in April 2011. Sri Lanka considers this visit as part of its continued, transparent and proactive engagement with the High Commissioner and the OHCHR. We believe that the visit would enable the High Commissioner to experience at first hand the significant strides made and also efforts presently underway in the reconciliation process in Sri Lanka, in the relatively brief period of 4 years since the end of the ruthless terrorist conflict that decimated our nation and its peoples for 30 long years. We hope that through the visit, a platform will be built for constructive engagement between GOSL and the OHCHR, laying by the fallacies that have in recent years guided the UN system's actions and engagement with respect to Sri Lanka and its reconciliation process.

In conclusion, Mr. President, Sri Lanka looks forward to constructive engagement at the 23<sup>rd</sup> session of the Council.

Thank you.