

**The statement by the delegation of Sri Lanka exercising its right of reply  
during the general debate under item 4 of the UN Human Rights Council,  
14 March 2011**

Mr. President,

My delegation wishes to exercise its right of reply in response to the statement delivered by the European Union during the general debate under agenda item 4.

With regard to matters relating to accountability, my delegation wishes to draw the Council's attention yet again to the Commission on Lessons Learnt and Reconciliation (LLRC), established in May 2010 modeled on international mechanisms, which include the Chilcott inquiry and the South African Truth and Reconciliation Commission. This is a domestic process in pursuing an agenda of restorative justice to lay the foundation for continued reconciliation.

This Commission has been established under the Commissions of Inquiry Act and the strength it draws from its mandate has been bolstered by the legislation enacted by Parliament, including the Commissions of Inquiry Act (Amendment) Act No. 16 of 2008. It would be observed that Article 24 of this Act specifically empowers the Attorney-General to institute criminal proceedings based on material collected in the course of an investigation or inquiry by a Commission of Inquiry.

Mr. President,

The Terms of Reference of the Commission, which have been made public, have been so drawn up as to afford it the amplitude necessary to address all related issues. Hence, the Commission mandate necessarily includes the capacity to consider any evidence indicating violations of international humanitarian and human rights law. The Commission has also made it a point to engage in field visits to several locations in the areas that were affected by the conflict situation. This has enabled it to gather testimony from affected civilians, including those in places of detention, rehabilitation and welfare centers for the IDPs. It has submitted interim recommendations and an inter-agency committee chaired by the Attorney-General has been appointed for their implementation, some of which have already been completed.

Mr. President,

It is a universally accepted legal principle that consideration needs to be given to international measures, only when national domestic recourse is unavailable. Therefore, it is the position of the government of Sri Lanka that the essential and non-derogable act of sovereignty of establishing this Commission was fully recognized and endorsed by the UN Secretary-General during his bilateral meeting with the President of Sri Lanka on 24 September 2010 in New York.

Mr. President,

We believe that it would be more constructive to desist from this repetitive refrain on accountability and provide the required time and space for the domestic process already underway, in fulfilling its objectives, designed for the better of our own people.

Mr. President,

From the very origin, it was established that the UNSG's panel is advisory. It is therefore important that all concerned should continue to recognize this status of the panel. As outlined earlier, the LLRC has been engaged in purposeful work. Therefore, on no account should the LLRC's mandate be usurped and hereby constrain its contribution to the reconciliation process.

Mr. President,

With regard to pending requests for special procedure mandate-holders, it may be noted that at present, the government of Sri Lanka is in the process of formalizing an invitation to the High Commissioner for Human Rights to visit Sri Lanka this year, as a matter of priority among all other requests. It should be also noted that a number of visits of mandate-holders to Sri Lanka did take place during the period 2005-2008. Subsequently there has been a slack in scheduling similar visits due to the primary focus being post-conflict priorities of the country, which included the facilitation of humanitarian assistance, resettling a large number of IDPs, and engaging in reconstruction, rehabilitation, and reconciliation processes. As we have now made significant progress in these areas, the processing of pending visits by the mandate-holders have been set in motion.

Sri Lanka has taken extensive measures to repeal nearly 80% of the provisions of its ERs, the bare minimum that remains are required as safeguards against ongoing unlawful activities of the remnants of the terrorist group. We believe that it is our authorities, which would be the best placed in making the judgment of repealing the remainder. The rollback process of the ERs will be concluded in an appropriate and timely manner.

In conclusion Mr. President, The government of Sri Lanka is committed to ensure all freedoms, which would enhance the promotion and protection of human rights.