

Hon. Mahan Peiris  
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SRI LANKA

Mr. President,

My delegation notes the High Commissioner's interest on Sri Lanka as contained in her statement. Having seized the opportunity for peace and reconciliation with the end of the terrorist conflict, we in Sri Lanka have now begun to reap its dividends through the meaningful implementation of the necessary measures to ensure they are enjoyed by every citizen of the country.

It is also noteworthy that the ruling UPFA swept the boards at the parliamentary elections held on 8 April. This undoubtedly is a resounding endorsement by the people, of the policies being implemented by the Government, having been able to begin partaking of the peace dividends.

With the ending of the terrorist conflict, the Government of Sri Lanka has now commenced the scaling down of legislative provisions. As a first step in this direction, the Government decided to withdraw a substantial segment of the Emergency Regulations, and modified several others.

Among those repealed were the emergency provisions having a direct bearing on the freedom of expression, which has resulted in further strengthening the protective measures in the area of freedom of opinion and expression, and have been amended in keeping with the relevant principles of the ICCPR. The roll back of the Emergency Regulations at this juncture is only the beginning of a process which will be continued as and when the ground conditions become conducive to their further relaxation.

In keeping with the pledge of President Rajapaksa, that the pursuit of national unity and peace requires reconciliation among all communities since the defeat of terrorism, the establishment of a transitional justice mechanism has been one of the foremost priorities of the Government.

In order to accomplish this task, the Government has now established a 'Commission on Lessons Learnt and Reconciliation', with emphasis on restorative justice; focusing among others, for determining responsibility regarding events in question. This mechanism will soon commence its work.

Mr President,

The Government of Sri Lanka during the last week also achieved the completion of the rehabilitation and releasing of all child soldiers numbering 294 to their parents legally through a court procedure.

It would be appropriate to note that the draft of Sri Lanka's National Action Plan on Human Rights has reached near finality and will be submitted to the Cabinet of Ministers soon. The Victims and Witness Protection Bill as amended will also be presented to Parliament shortly. In addition, a special committee has also been established to study the provisions of the Code of Criminal Procedure with a view to addressing the issues of torture, which has been subject to much discussion.

Mr. President,

My delegation wishes to make some observations with regard to the references made by the High Commissioner in her statement on Sri Lanka.

We are of the view that the High Commissioner's observations on the Commission on Lessons Learnt and Reconciliation, which has just been

established, regrettably seeks to prejudge its outcome even before the mechanism has begun its work, which is most discerning. It may be opportune to remind ourselves of the Biblical saying "Let him who hath not sinned cast the first stone". We are sure that none of us could boast the capacity to earn for ourselves a place in the litany of the saints. However, every accommodation must be made possible, even an endeavour such as a Commission of this nature, and that is precisely what the Government of Sri Lanka has sought to embark on, in a genuine sense of reconciliation.

It is not unusual, Mr. President, that sovereign States having emerged from protracted armed conflicts resort to domestic mechanisms, as encouraged by the Secretary-General of the UN himself, due to the complexed nature of the issues at hand and their domestic relevance and better understanding. It is in this context that the Government of Sri Lanka has consistently upheld and established a domestic mechanism for transitional justice, rather than one with an international complexion, which would impinge on the very sovereignty that was under threat for nearly three decades. Further, it is inappropriate to be wholly guided by precedent, that too not having paid heed to connected issues, in order to keep advocating for a so called "independent international accountability mechanism". While history can be interpreted subjectively, its tenets remain unshaken which should be understood before seeking it as a justification. In this context, it may be recalled that the Government of Sri Lanka has delivered on related undertakings in the past. In this instance too we will deliver on our commitment as the domestic mechanism's Warrant clearly provides for the identification of direct or indirect responsibility, which would hold perpetrators, if any, accountable for past violations, and will not be deterred by any pressure or force that will deter us from achieving a lasting peace for our people. We say to those who are our protagonists let this process

commence as envisaged, observe its progress constructively and provide the necessary space without unwarranted and misplaced rhetoric. Permit the people of Sri Lanka an opportunity of achieving sustainable peace. Action to the contrary would inevitably lead to serious misgivings with regard to the role of this Council in the minds of our people, which would necessarily lead to an erosion of the several confidence-building measures in place, and will surely result in a serious set-back to Sri Lanka's transitional justice process, which we have very recently put in place.

It is disconcerting for the Government of Sri Lanka to be needlessly confronted, at this time of a paradigm shift in the hearts and minds of our people, by the observations in the High Commissioner's statement, after having taken concrete steps in keeping with domestic compulsions, to address post conflict reconciliation issues. My delegation looks forward to constructive engagement with the UN in this regard. Thank you.