



22nd Session of the HRC

Statement by Sri Lanka - Item 3

Clustered ID with the SR on the Promotion and Protection of Human Rights and Fundamental Freedoms while Countering Terrorism and the WG on Arbitrary Detention

Mr President,

The Sri Lankan delegation thanks Mr. Ben Emmerson, Special Rapporteur for his Report. Sri Lanka notes the Special Rapporteur's recognition of the core human rights of victims of terrorism and the recommendation that States take steps towards enshrining rights and obligations in counter-terrorism in a specific international instrument.

As a country that has suffered immensely under the scourge of terrorism for over three decades, Sri Lanka unequivocally condemns terrorism in all its forms and manifestations. Sri Lanka eradicated terrorism from its soil almost four years ago, and is today in the process of bringing about lasting peace and reconciliation amongst its people. The country has achieved normality by the defeat of one of the most ruthless manifestations of terrorism the world has seen in recent times - the Liberation Tigers of Tamil Eelam (LTTE).

The humanitarian operation ensured for the people of the North and the East of Sri Lanka their right to once again live in dignity, and restored their democratic freedoms. It also ensured freedom from fear to the entire country from indiscriminate and ruthless terrorist attacks.

Following the restoration of peace, Sri Lanka's own LLRC was mandated, *inter alia*, to inquire and report the lessons we would learn from those events and their attendant concerns, in order to ensure that there will be no recurrence of internal conflict. This process became a platform for those survivors and for those who suffered tremendous losses to tell their side of the story. Hearings numbering over 1000 were conducted across the country including in the North and the East. As this Council is aware, Sri Lanka is currently in the process of implementing the National Action Plan on the recommendations of the LLRC, with specific time lines.

The reconciliation process, which is complex, has been approached from different angles. The Government has adopted a conciliatory attitude towards former combatants, based on restorative justice. Former LTTE child combatants have been treated as victims and not as perpetrators of violence and have been successfully reintegrated into their families and communities. This process has been completed in less than three years since the end of the conflict.

Sri Lanka notes that the Special Rapporteur has recognized some of the gravest violations of human rights are committed by or on behalf of non-state actors operating in conflict situations, including by domestic or international terrorist networks. Sri Lanka is aware of the many-faceted dangers of these international networks operating in foreign jurisdictions, including in the form of front organisations, while continuing to receive overt and tacit support from host societies. This tolerance and accommodation could lead to the resurfacing and rejuvenation of terrorism which has been effectively suppressed in countries that have suffered from it. Such support from overseas, whether it be by fundraising or other logistical support or even civic or political manifestations that espouse terrorist causes in victim countries and other fora, must be stringently guarded against. Pursuant to ratifying the Convention against Financing of Terrorism, Sri Lanka enacted the Convention Against Financing of Terrorism Act in 2005 and further fulfilled its obligation under Security Council Resolutions No 1267 and No 1373 by promulgating necessary regulations in order to implement the same. It is our belief that all countries have the responsibility to ensure that terrorism does not jeopardize the rights of its citizens on their own soil. Equally, countries have a duty to ensure that activities in its jurisdiction do not pose a threat to present and potential victims of terrorism in other nations.

Mr. President,

Sri Lanka continues to chair the UN Ad Hoc Committee, which seeks to conclude a Comprehensive Convention on Terrorism. We note the discussions that have been taking place since GA Resolution 51/210 of 1996, and hope that these negotiations could be brought to a successful conclusion urgently.

We reaffirm our commitment to the Global Counter-Terrorism Strategy that consolidates the activities of Member States and presents a common strategic and operational framework to fight terrorism and protect the right to life.

Mr. President,

Sri Lanka also takes note of the Report of the Working Group on Arbitrary Detention. The need to strictly adhere to the existing powers under the law to arrest or detain a person has been emphasized by the Supreme Court of Sri Lanka since its inception and any breach of such provisions would attract the infringement of the Fundamental Right enshrined in Article 13 of the Constitution of Sri Lanka. In this context it must be noted that it is mandatory to have the places of detention published under the Prison Ordinance and other laws dealing with detention of persons, which could be accessed by any member of the public.

Thank you Mr. President.