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Ambassador Aryasinha says High Commissioner Pillay has no mandate to set deadlines on Sri Lanka

Sri Lanka's Permanent Representative to the UN in Geneva Ambassador Ravinatha Aryasinha told the UN Human Rights Council on Wednesday (25 September 2013) "Sri Lanka strongly repudiates the High Commissioner's assertion that if certain concerns are not comprehensively addressed before March 2014, she believes the international community will have a duty to establish its own inquiry mechanisms". The Ambassador said High Commissioner Navanethem Pillay had "no mandate to make such a claim". He said having accomplished the task of bringing normalcy to the lives of the civilian population, GOSL has put in place "multiple mechanisms" to address concerns relating to accountability.

Ambassador Aryasinha made these observations when as the Leader of the Sri Lanka delegation to the 24 Session of the Human Rights Council, he responded to an 'oral update' on "Reconciliation and Accountability in Sri Lanka" held during the ongoing session of the Human Rights Council in Geneva. He made clear that notwithstanding Sri Lanka's rejection of resolution 22/1, the Government has continued with its commitment to the reconciliation process within the framework of the National Plan of Action on the implementation of the recommendations of the LLRC and had kept the Council informed on developments.

In a comprehensive statement which outlined Sri Lanka's position on a range of issues that were raised, the Ambassador detailed action underway to probe alleged killings including the 5 students in Trincomalee where the case commenced earlier this month and 30 witnesses have been summoned to appear on October 29th, the lines of investigation into the ACF case, the status on the Army Court of Inquiry into the Channel 4 allegations, investigation into custodial deaths of prisoners in Vavuniya and Welikada. He also provided details on the 3 member Commission appointed to Investigate Allegations of Abductions and Disappearances related to the conflict, cooperation with the ICRC on missing persons and the engagement with the UN Working Group on Enforced and Involuntary Disappearance (WGEID).

With regard to the vulnerability of women and girls to sexual harassment and abuse in the North as referred to in the 'Update', the Ambassador who deplored all such acts of violence against women and girls, said the inference that the presence of the military contributes to insecurity of women and girls in the former conflict affected areas is baseless and disingenuous. He noted that a comprehensive study undertaken of incidents of sexual offences which have occurred in the North had revealed that out of a total of 375 reported

incidents during the conflict and in the post conflict periods (2007-2012), only 11 incidents (involving 17 security forces personnel) can be attributed to the security forces.

Noting that the government had at no time "downplayed" allegations of attacks against religious minorities, he strongly rejected accusations of "state patronage or protection given to extremist groups". He said, such generalizations lack credibility. It is for this reason that the GOSL has requested specific information on such allegations. He added, that while the existing provisions in the Penal Code and the ICCPR Act criminalise 'hate speech', steps are underway to further strengthen the law against hate speech through a new amendment, under which those found guilty will be liable to imprisonment for a period not less than five years and not exceeding twenty years. He said Sri Lanka welcomes any technical assistance on the scope of such legislation from the OHCHR on the scope of such legislation. On the issue of intimidation and harassment of human rights defenders, he said the Government is fully committed to the protection of human rights defenders and had requested the OHCHR to provide it with specific information with regard to the allegations, so that they could verify their credibility. On complaints regarding harassment and/or assassination of journalists, he said whenever credible evidence is available, steps have been taken to prosecute the offenders.

He noted that while the 'Update' refers to the abolition of the Constitutional Council via the 18th Amendment, it must be remembered that the legislature enacted the 18th amendment to address the infirmities that had rendered the Constitutional Council non-operable. The fact that several Commissions and high offices have been operationalized since the 18th amendment and their robust functioning today, demonstrate its efficacy. Similarly, all constitutional stipulations inclusive of due process rights were followed in relation to the impeachment proceedings of the former Chief Justice. Sri Lanka reiterates that similar provisions exist in other countries in relation to the removal of higher judiciary, and the impeachment process was in keeping with the constitutional imperatives. In the above context, he said Sri Lanka strongly rejects the unsubstantiated claims in the Update that the rule of law and democratic institutions are being undermined and eroded.

Pointing out that over the years Sri Lanka has demonstrated its commitment to be constructive and proactive engagement with the mechanisms of the Council including special procedures, treaty bodies and the UPR, Ambassador Aryasinha said the government has already scheduled a visit by the Special Rapporteur on IDPs in December this year, and extended an invitation to the Special Rapporteur on Education to visit in January 2014. Sri Lanka will continue to schedule visits of special procedures mandate holders in the future following a consultative process. The Ambassador noted that GOSL welcomes consideration of technical cooperation in the process of reconciliation and detailed possibilities in this regard. Sri Lanka however notes that technical cooperation provided in full cooperation and consultation with the Government of Sri Lanka, must complement the ongoing

reconciliation process. We also note that the unwarranted call for a truth seeking mechanism would only be tantamount to duplication and multiplication of existing institutions and initiatives.

Emphasizing that no doubt that there remains work to be done to complete the ongoing reconciliation process in Sri Lanka, the Ambassador said given the High Commissioner's own admission while in Colombo that her visit was her "longest visit", and that she was able to "go anywhere and see anything" that she "wished to see", there was legitimate expectation in Sri Lanka that the High Commissioner would adopt an objective and unbiased approach to the country in her Oral Update to the Council. It is unfortunate that this was not the case. He strongly refuted the High Commissioner's view that "the human rights situation in Sri Lanka remains critically important". The Ambassador said, "the disproportionate attention paid to Sri Lanka, largely at the behest of parties with vested interests, considerably complicates the on-going delicate process of reconciliation. Sri Lanka is not a situation that requires the urgent and immediate attention of the Council. Sri Lanka needs to be encouraged, not impeded."

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