



STATEMENT

by

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Mr. President
High Commissioner for Human Rights
Excellencies
Distinguished delegates

I would like to begin by thanking you, and the members of the Council for the trust reposed in Sri Lanka at the 28th Session and agreeing to defer the release of the Report of the OHCHR Investigation on Sri Lanka.

The time granted by the Council gave the Government much needed space to begin implementing its reform agenda, renew its engagement with the international community, including the High Commissioner for Human Rights, and his Office, and start taking steps aimed at achieving meaningful reconciliation, strengthening democratic institutions, good governance, the rule of law, and confidence building among communities affected by conflict for many years.

Mr. President,

The victory of the United National Front for Good Governance (UNFGG) at the Parliamentary election last month, enabled President Sirisena and Prime Minister Ranil Wickremesinghe to form a National Unity Government. Traditional rivals in Sri Lankan politics – the United National Party (UNP) and the Sri Lanka Freedom Party (SLFP) thus came together, heralding a new culture of consensual politics in the country and creating much needed political and policy stability.

An important feature in the August 17th election was the return of centrists to power in the legislature and the resounding defeat of extremists on both sides of the divide. As a result, the moderates in Parliament have once again secured power which augers well for progressive reform. This includes ensuring that the universal values of equality, justice, and freedom are upheld by fostering reconciliation between communities and securing a political settlement.

Inaugurating the 8th Parliament just two weeks ago on the 1st of September, President Sirisena drew from the example of South Africa where the main political parties came together at a historic moment in that country. He affirmed that similarly, in the post-conflict context in Sri Lanka, the formation of a National Unity Government is essential to obtain the bipartisan consensus that is necessary to face the important challenges before our nation, which include reconciliation and peacebuilding.

Upholding good governance practices, the Parliament, on 1st September, rightly appointed as the Leader of the Opposition, the head of the Tamil National Alliance, Mr. R. Sampanthan, who is the leader of the Party that obtained the third highest number of votes at the election.

The appointment of the Tamil National Alliance leader as Leader of the Opposition, as well as the appointment of the 44th Chief Justice of Sri Lanka in January were clear messages that in the new Sri Lanka, extraneous considerations such as ethnicity, religion, class or gender would not be used to deny anyone their rightful place.

Mr. President,

From May 2009 post-conflict reconciliation eluded us as a result of the short-sighted policies and the triumphalist approach that was adopted immediately following the end of the conflict. The National Unity Government is now approaching reconciliation afresh as a matter of urgent priority.

As a Government that is responsible and accountable to her people, the National Unity Government remains firm in its resolve to do right by the people of the country, not in the least because of assurances given to the international community at any point in time, but because this is the only path available to ensure justice, remove the causes of terrorism and achieve a durable peace for the long-suffering people in our country.

Mr. President,

As you would agree, reconciliation is a process and it will take time. Many, I know are impatient. We understand their impatience and their right to be so. However, this process must be carefully planned. Our nation has faltered far too many times since Independence and we cannot afford to fail once again.

Mr. President,

The Government of Sri Lanka recognises fully that the process of reconciliation involves addressing the broad areas of truth seeking, justice, reparations and non-recurrence and for non-recurrence to become truly meaningful, the necessity of reaching a political settlement that addresses the grievances of the Tamil people.

With the mandate granted by the people, the President, Prime Minister, and the Government have already taken some important steps to create the conditions required for initiating a dialogue aimed at a political settlement.

As you are aware, Mr President, item 93 of President Sirisena's manifesto in the lead up to the January 2015 election expressed the intention of the common candidate, if elected, to address issues of accountability through national independent judicial mechanisms.

Accountability is essential to uphold the rule of law and build confidence in the people of all communities of our country, in the justice system. We also recognise fully, the importance of judicial and administrative reform in this process. These are essential

factors that must be addressed for the culture of accountability and the rule of law which have eroded through years of violence to once again be ingrained in our society. We recognise how important this is to prevent impunity not only for violations of human rights but corruption and other crimes; and how vital these processes are for the long-term development of our country and for the peace dividend to be felt by all our citizens including generations to come. These are lessons we have not only learnt from the experiences of other countries, but also from our own history and recent past.

The ideas that the Government has evolved for setting up independent, credible and empowered mechanisms for truth seeking, justice, reparations and guarantees of non-recurrence within the framework of the Constitution include the following:

-For **truth seeking**, the establishment by statute, of two mechanisms:

(i) a Commission for Truth, Justice, Reconciliation and Non-recurrence to be evolved in consultation with the relevant authorities of South Africa. This mechanism is envisaged as having a dual structure: a 'Compassionate Council' composed of religious dignitaries from all major religions in the country and a structure composed of Commissioners. For many victims of human rights abuses, from whichever community, where the perpetrators are unclear for a judicial mechanism to handle, or where the practices of the state and society have resulted in discrimination, this Commission will allow them to discover the truth, understand what happened and help remedy any sense of injustice.

(ii) an Office on Missing Persons based on the principle of the families' right to know, to be set up by Statute with expertise from the ICRC, and in line with internationally accepted standards.

-On the **Right to Justice**, what is being proposed is for a Judicial Mechanism with a Special Counsel to be set up by Statute. This takes into account the right of victims to a fair remedy and aims to address the problem of impunity for human rights violations suffered by all communities. There have been previous instances as well in Sri Lanka when criminal justice mechanisms of different kinds have been set up. This, therefore, is not at all an alien concept. Neither is it aimed at a particularly group of persons, but something that is essential in terms of upholding the rule of law, and creating a society that respects the rule of law.

-On the **Right to Reparations**, an Office for Reparations to be set up by Statute to facilitate the implementation of recommendations relating to reparations made by the proposed Commission on Truth, Justice, Reconciliation and Non-recurrence, the Office of the Missing Persons, the LLRC and any other entity;

Mr President,

In order to guarantee **non-recurrence**, it is proposed that a series of measures would be undertaken including administrative and judicial reform, and the adoption of a new Constitution. A series of measures including amending the penal code to criminalise hate speech and enforced disappearances are also in process. The best guarantee for non-recurrence is of course a political settlement that addresses the grievances of the Tamil people. We hope that we can achieve this through the adoption of a new Constitution. A Constituent Assembly of Parliament will be set up for this purpose shortly.

Mr. President,

These mechanisms will be evolved and designed through a wide process of consultations involving all stakeholders, including victims. Moreover, each mechanism is envisaged to have the freedom to obtain assistance, both financial, material and technical from our international partners including the OHCHR.

Additionally, Mr. President, the Government is committed to strengthening the National Human Rights Commission in line with the Paris Principles; sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearances without delay; maintain the moratorium on the death penalty with a view to its ultimate abolition; release previous Presidential Commission Reports such as Udalagama and Paranagama by the end of this month; begin issuing Certificates of Absence to the families of the missing as a temporary measure of relief; disengagement of the military from commercial activities; undertake security sector reform; invite a series of Special Rapporteurs to undertake visits to Sri Lanka in 2015 and beyond; issue instructions clearly to all branches of the security forces that torture, rape, sexual violence and other human rights violations are prohibited and that those responsible will be investigated and punished; review and repeal the Prevention of Terrorism Act and replace it with anti-terrorism legislation in line with contemporary international best practices; review the Public Security Ordinance Act; and review the Victim and Witness Protection Act which was enacted this year. Steps are also being taken by the Office of National Unity and Reconciliation to extend psychosocial support to communities and individuals that are in need of such care. The pursuit of engagement of Sri Lankans living overseas belonging to all communities, and inviting them to assist in the Government's peacebuilding and reconciliation efforts is another undertaking that we take seriously. In this context, the review of the listing of 16 organisations and 424 individuals last year, under the provisions of UN Security Council Resolution 1373, is currently nearing completion.

Mr. President,

Defeating terrorism in Sri Lanka was a necessity. Today, we have greater freedom to deal with the causes of terrorism and engage in nation-building and peacebuilding as a result of the cessation of hostilities. The armed forces of our country have been hailed in the past for their discipline and professionalism. However, the reputation of the vast majority of the armed forces was tarnished because of the system and culture created by a few in positions of responsibility.

Therefore, to all those who have doubts about a process of accountability, I would like to say, please don't fear. Maintain your confidence that a process of this nature would impartially observe due process and, in fact, help restore the good name of the armed forces.

As we restore the credibility of the armed forces, we look forward to further contributing to peace and stability in the world through significantly greater engagement in peacekeeping and humanitarian activities. In fact Sri Lanka recently signed on to the Kigali Principles on the Protection of Civilians.

Mr. President,

Today, we have a Government in place which acknowledges the suffering of victims across Sri Lanka's communities; a Government which recognizes the mistakes of the past; and is all too aware of the weaknesses of our institutions. A Government that does not seek to take cover by distorting concepts and principles such as sovereignty for its own selfish ends, but instead remains firmly committed to the welfare of all its citizens, remains open to dialogue, and to address difficulties and deficiencies with help and assistance from the international community where required.

Those who are sceptical about Sri Lanka's ability to transform as a nation, and address all these issues, are many. They claim that there can never be justice in Sri Lanka; that there can never be recognition of all communities as equals. All I have to say to them is: look at what the people achieved on the 8th of January. The world had given up hope on Sri Lanka to such an extent that very few believed that what was achieved through democratic means on that day was within the realm of possibility in my country. This feat was repeated on the 17th of August when extremists on both sides of the divide failed to secure seats in Parliament. Therefore, I say to the sceptics: don't judge us by the broken promises, experiences and u-turns of the past. Let us design, define and create our future by our hopes and aspirations, and not be held back by the fears and prejudices of the past. Let us not be afraid to dream. Let us not be afraid to engage in meaningful dialogue aimed at finding solutions to problems as opposed to pointing fingers, heaping blame and scoring political points at the expense of future generations.

We are committed and we require the patient understanding not only of the international community but all the right-minded citizens of Sri Lanka in this endeavour; we seek their understanding and assistance in walking hand in hand with us on this journey.

This journey may not be as fast as some may want it to be. And for some, we may have already gone too far. But the Government of President Maithripala Sirisena and Prime Minister Ranil Wickremesinghe has the political will and the courage of their convictions to ensure that we take the country forward, breaking the barriers of ignorance, fear, prejudice and hate.

My plea to you Ladies and Gentlemen, is: trust us and join us to work together and create the momentum required to move forward and take progressive, meaningful and transformative steps to create a new Sri Lanka.

Thank you.