

Statement by Hon. Mohan Peiris, Attorney-General of Sri Lanka

during the Interactive Dialogue with the High Commissioner for Human Rights,

4 March 2010

We welcome the statement of the High Commissioner and will give our earnest consideration to the matters set out in her report and their implications for the promotion and protection of human rights in Sri Lanka. We note that together with the increase in the numbers of special mandate holders that the High Commissioner's Office supports, a qualitative enhancement in their performance in terms of adherence to applicable guidelines. These procedures should also occupy this Council's attention, in order to ensure the effective fulfillment of their mandates and their accountability to the community of nations through the modality of the Human Rights Council.

We acknowledge the keen interest displayed vis-à-vis Sri Lanka by the High Commissioner. We in Sri Lanka also yearn to enjoy the dividends of peace. While we have seized upon the opportunity for peace and reconciliation by the implementation of meaningful mechanisms, we pledge to pursue those mechanisms with great hope and enthusiasm. We are pursuing every measure to prevent any activity that could possibly impede or mar this process – whether it be attacks against journalists, human rights defenders or other critics of Government and thank you Madame High Commissioner, for the encouragement. The rehabilitation process as my delegation outlined, in our address to the

Council last afternoon, is proceeding apace with many interrelated components being addressed concurrently through a range of mechanisms. These will gather momentum after the conclusion of the forthcoming Parliamentary election next month and will include political accommodation and re-democratization of areas hitherto have been within the theatre of conflict. The ultimate aim is the creation of an overarching and cohesive Sri Lankan identity which nurtures, celebrates and promotes unity in diversity.

We feel encouraged that the progress made in returning displaced persons has been duly recognized. We have already put in place a review mechanism for the early release of security detainees. Short and longer term rehabilitation programmes depending on the level of involvement will be the norm. Those as I said before with a deeper degree of involvement have been set apart for prosecution. The governing philosophy you will be pleased to note will be restorative rather than retributive.

On behalf of my delegation, as mentioned in my statement in the General Segment, we have mandated a committee of experts to undertake a review of alleged violations of human rights during the final stages of the conflict which would make recommendations as to the veracity of these allegations. You will be pleased to note that a functioning accountability structure is already in place and certain measures are currently being adopted. Moreover, the recommendations of this Committee will enable the Government to determine what additional measures need to be taken consequent to such recommendations. We take note of the High Commissioner's comment regarding assistance from the international community and wish to state that we have been studying international best

practice in this regard in structuring our norms, mechanisms and procedures to deal with these issues in our local context. It is to be regretted that the assistance and support of the international donor community has not been forthcoming in connection with the process of rehabilitation which is a key component of the national reconciliation process. We have also paid due regard to mechanisms of transitional justice and restitution which, in our considered view, would be an appropriate basis upon which the reconciliation process could be structured. This, however, does not preclude further initiatives to supplement this process.

We have also expressed our firm resolve not to countenance or tolerate acts of violence or intimidation against journalists and human rights defenders. This necessarily involves taking adequate measures to investigate and punish perpetrators of any violence against these persons who exercise their constitutionally mandated fundamental rights in keeping with the letter and spirit of the Constitution and the law of the land. It is the position of the Government that any individual must have his/her rights protected and personal physical integrity safeguarded. That being said, I would hasten to observe that the very amorphous nomenclature of "human rights defender" is used very loosely to encompass just about every form of activity however distantly associated with the sphere of human rights promotion and protection. We must discourage persons representing themselves as such and making these assertions for collateral purposes of political gain and causing embarrassment to the Government in pursuit of extraneous agendas, in the name of defending or campaigning for human rights.

May I reiterate that the enthronement of the rule of law is a cornerstone of our strategy to recovery from nearly 30 years of conflict against a ruthless terrorist organization, the defeat of which opens up new vistas of opportunity for Sri Lanka and her people who wish for nothing more than peace, prosperity and the ability to live with dignity in an united land that all our people will genuinely consider their own.