



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
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Geneva, 13 February 2015

Dear Mr. President,

After careful consideration, I would like to recommend that the Human Rights Council requests OHCHR to continue its follow-up to Resolution 25/1 and that the Council defers, for one time only, its consideration of my comprehensive report on the implementation of the resolution to the 30th session of the Human Rights Council.

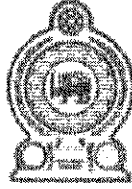
My request is based on the changing context in Sri Lanka, and the signals of broad cooperation I have received from the Government, as well as the possibility that new information will become available for the report.

I am attaching a letter I received today from the Foreign Minister of Sri Lanka, H. E. Mr. Mangala Samaraweera, which sets out the Government's commitments on advancing reconciliation, accountability and human rights in Sri Lanka, including a request for a deferral to the 30th session.

Please accept, Mr. President, the assurances of my highest consideration.

Zeid Ra'ad Al Hussein
High Commissioner for Human Rights

H.E. Mr. Joachim Rucker
President
Human Rights Council



13 February 2015

H.E. Zeid Ra'ad Al Hussein
UN High Commissioner for Human Rights
Office of the High Commissioner for Human Rights
Geneva

Excellency,

It is a pleasure for me to remain engaged with you personally and to work closely with you at a time when, based on the mandate received by the new Government headed by President Maithripala Sirisena, Sri Lanka is renewing its partnership with the world community including international organisations.

As you are aware, the current Government was elected on the promise of creating a new political culture based on consensus-based politics to achieve important objectives such as strengthening democracy and democratic institutions, good governance, the rule of law, reconciliation and creating a just and inclusive society. These objectives and more that have been set out in the 100 Day Programme of the Government are currently in the process of being implemented with a firm resolve to build a peaceful Sri Lanka where the human rights of all are protected. The Government recognizes that this process is essential for the country and its population to reach their full potential.

President Sirisena has mentioned this in several important speeches including in his remarks on 4 February 2015, the Independence Day of Sri Lanka. He recognized the need for healing and uniting the minds of people being important components of the reconciliation process. The new Government also took the important step of acknowledging that certain incidents took place during the conflict period and issued a 'Declaration of Peace' which was read out in all three principle languages on that day. The Declaration, while paying respects to all citizens of all ethnicities and religions who lost their lives due to the tragic conflict, committed the Government to ensure that never

again will the country be allowed to be traumatized by the shedding of blood of her citizens.

As a first step in strengthening civilian administration in the former conflict afflicted provinces, the Government, soon after its election, replaced the military Governors in the Northern and Eastern Provinces with respected ex-senior civil servants.

Upholding freedom of expression, all restrictions on media personnel were immediately discontinued. All news websites that were blocked were immediately unblocked. All foreign media personnel who wish to visit Sri Lanka are now welcome to do so and travel to and report from any part of the country, freely, without fear or intimidation. The Government has also extended an open invitation to all media personnel living in exile to return to the country.

Demonstrating its commitment to engage actively with civil society and the human rights community including human rights activists, the NGO Secretariat was shifted away from the purview of the Ministry of Defence and placed under the Ministry of Policy Planning and Economic Affairs. The Government has commenced active and close cooperation with civil society including with international human rights groups.

Action will be taken in Parliament this month on the passage of the Assistance and Protection to Victims and Witnesses Bill. The enactment of the Right to Information Act and the National Audit Act are currently being worked on for implementation within 100 days.

Necessary amendments to the Constitution are being drafted to transfer executive powers exercised by the President to the Prime Minister, the Cabinet of Ministers and to Parliament. Action in this regard is to be taken in Parliament within 100 days. Legislation to repeal the 18th Amendment to form a Constitutional Council to establish independent Commissions for appointments to the Judicial Service, Police, Public Service, Elections, Bribery and Corruption, and National Human Rights Commissions is being drafted. Action on this will also be taken in Parliament within 100 days.

High Security Zones are being reviewed. While this process is underway, certain lands in the Northern and Eastern provinces have already been identified for release to the people in these areas.

As you are aware, Excellency, item 93 of the 100 Day Programme manifesto of President Sirisena states the following:

"Since Sri Lanka is not a signatory to the Rome Statute regarding international jurisdiction with regard to war crimes, ensuring justice with regard to such matters will be the business of national independent judicial mechanisms."

President Sirisena's decisive victory at the election held on 8 January 2015, therefore, allows the new Government to set up the necessary domestic mechanisms required to

investigate into incidents and where sufficient evidence is available, conduct criminal prosecution.

As I explained during my interaction with you, although the new Government is just 33 days old, discussions are already underway on the kind of domestic mechanism that should be put in place and the nature of assistance that would be required from your office and other international partners. While the Government is committed, as undertaken in the election manifesto, to set up a credible domestic mechanism, the relevant preambular provisions in Resolution 25/1 to ensure accountability, serve justice and provide remedies to victims will be taken into account.

The Government looks forward to working with you and your office to develop this mechanism and obtain technical assistance.

In keeping with my letter dated 7 February 2015 inviting you to visit Sri Lanka, I look forward to receiving you in Colombo at an early opportunity well before the 30th Session of the Human Rights Council.

The Government will also invite the Working Group on Enforced and Involuntary Disappearances at an early opportunity before the 30th Session of the Council and also invite relevant Special Procedure Mandate Holders on a needs-based early opportunity.

The Government will commence an immediate dialogue with the Special Rapporteur on truth, justice, reparations and guarantees of non-recurrence with a view to seeking his advice as necessary including extending an invitation at an appropriate time.

As explained during my discussion with you and in this letter, the Government, although only just over a month old, has already taken a series of steps to ensure freedom of expression, assembly and movement, and protect and safeguard the human rights of all citizens as already manifested and widely acknowledged by the international community.

As you would recognize, the Government of Sri Lanka will require time to set up the domestic mechanisms required as indicated above. Therefore, the Government respectfully requests the following:

- (a) the Report of the OHCHR Investigation on Sri Lanka (OISL) to be presented at the 30th Session of the Human Rights Council so that its contents can be taken into account by the domestic investigative and judicial mechanisms once they are set up by the Government in accordance with its commitments to the public.
- (b) the Human Rights Council does not formally discuss the Sri Lanka situation at its 28th Session.

Excellency, I look forward to attending the High-level Segment of the 28th Session of the Human Rights Council in Geneva. In my statement to the High-level Segment on 2

March 2015, I will brief the Council of the progress Sri Lanka has been making on all aspects related to human rights since the election of the new Government.

I also look forward to meeting you to discuss matters further during my visit.

Please accept Excellency, the assurances of my highest consideration.


Mangala Samaraweera, MP
Minister of Foreign Affairs