Hon. Mahinda Samarasingha addresses the UN Human Rights Council in Geneva,

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Mr President Excellencies Madam High Commissioner Distinguished delegates I wish to commend the constructive manner in which you, Mr President, have been conducting the work of the Human Rights Council. Our deliberations have been guided by you with sagacity and sensitivity, aimed at achieving the objectives of our agenda in a fair and equitable manner. You have the fullest cooperation and support of my delegation for the work of the Council. Mr. President, Consequent to the liberation of our people from the clutches of terrorism in May 2009, and mindful of the insurmountable challenges faced in its aftermath the Government of President Rajapaksa has embarked upon several initiatives in the areas of resettlement, rehabilitation, economic development, reconstruction and reconciliation to benefit those whose lives were affected by 30 years of conflict. In the immediate aftermath, the Government's priority has been the resettlement of the approximately 290,000 IDPs, while ensuring that they are provided adequate shelter, food, security and livelihood support. Today, ninety five percent (95%) have been resettled. It is envisaged to resettle the remainder, once the demining process is completed.

In addition to catering to the needs of the IDPs, considerable action has been taken by the government to facilitate the restoration of normalcy in the lives of the returning IDPs. To support the returnees in their original areas of habitation, a large number of houses have been constructed in the former theatre of conflict and distributed among the resettling IDP families. With regard to rehabilitation, former child combatants have been rehabilitated and have been beneficiaries of educational programmes including vocational training. Of the 11,644 ex-combatants who surrendered or were arrested at the end of the conflict, 6,530 have already been rehabilitated and reintegrated into society. There is even a large number who have qualified for admission to universities in the country. The Government is in the process of working towards the release of all remaining ex-combatants undergoing rehabilitation on a staggered basis, commensurate with their culpability with terrorist activity. Mr President, Considering that large parts of Sri Lanka's Northern and Eastern Provinces were denied infrastructure development by the unlawful presence and activities of the terrorists, the Government is implementing a comprehensive development programme, targeting these two Provinces in particular, to enable their rapid reintegration and contribution to the national economy. Mr President, The process of reconciliation is priority for the Government as it has everything to do with the people, who have now begun to enjoy the dividends of peace. This process needs to be sustained and gradually built upon. In addition to the comprehensive programme of socio economic development in the former theatre of conflict, the Government has commenced discussions with Tamil political parties examining constitutional, legal, and democratic reform. The Government has also extended an invitation to the Tamil diaspora to harness resources and talent for the betterment of Sri Lanka, especially in the Northern and Eastern provinces. We believe that of the challenges we face in the post-conflict phase healing the wounds of the recent past is important to sustained reconciliation. It is to address this challenge, Mr President, that the Lessons Learnt and Reconciliation Commission (LLRC) was established in May 2010 by His Excellency the President founded upon the principle of restorative justice, and focusing on identification of those responsible for past events related to the conflict: Its work commenced 3 months later. It is important to remember that this domestic process was established and commenced work prior to the establishment of the advisory Panel of the UN Secretary General. You will, no doubt, appreciate, that the process of reconciliation must also involve truth, justice and reparation. The LLRC is proceeding in this direction as it has been engaging in hearing the experience of affected persons, listening to their stories, examining them to elicit the truth and draw possible investigative material to enable further follow-up action. Despite the repetitive clarion calls for accountability, we have taken on the responsibility to examine the conflict which lasted nearly three decades, in a holistic manner, with a view to prescribing remedial action that will prevent any further violence in our country. Having commenced its substantive work in August 2010, this domestic process has yet to complete one year, and similar processes elsewhere, as you very well know, have taken far longer. In this context it is disconcerting to note the haste with which some have sought to usurp the Government of Sri Lanka's prerogative in deciding its domestic process. Undoubtedly, there is no one international panacea that can be applied to such a complex set of domestic issues. We firmly believe that our home-grown process is capable of addressing the nuances of our unique situation. The LLRC which was earlier scheduled to conclude its work this month, has sought and received an extension of its tenure by 6 months, to examine further relevant testimony and information which have come to light. We urge those critics, through you Mr President, to desist from arriving at hasty conclusions, and afford Sri Lanka the time, space and opportunity it needs to complete our domestic process. Pursuant to the interim recommendations of the (LLRC) in September 2010, the Inter Agency Advisory Committee (IAAC) was established to facilitate the expeditious implementation of LLRC recommendations. These included matters related to the detention of ex-combatants, land, law and order, administration, language, socio-economic and livelihood issues. The IAAC has facilitated the establishment of a speedy mechanism to which the LLRC can channel the complaints received with a possibility of immediate investigation and remedial action. The Attorney General in this regard, is empowered to institute criminal proceedings based on the material collected during the course of the sittings of the LLRC. It is with great satisfaction that we note the expeditious implementation of the recommendations made by the LLRC. Mr. President, Some of the recommendations already implemented include the reduction of High Security Zones, the closure of the Omanthai detention centre, the release of a large number of ex-combatants, the resolution of land disputes and the swift steps taken to ensure that no groups carry firearms with a deadline for the surrender of illegal weapons. Mr President, As I informed this august body in March, Sri Lanka's steadfast commitment to the further promotion and protection of human rights is enshrined in the proposed National Action Plan for the Protection and Promotion of Human Rights. This action plan was developed through a consultative, participatory process which included the participation of civil society actors on an equal footing with government. I am pleased to announce that this Action Plan has now been submitted to the Cabinet of Ministers for their consideration.

With the adoption of the 18th amendment to the Constitution of Sri Lanka in September 2010, work has commenced to establish the independent Commissions. Among these are the Permanent Commission to investigate allegations of bribery and corruption, the Public Service Commission and the Finance Commission. As I informed this Council in March 2011, the Human Rights Commission of Sri Lanka has been re-established and is now fully functional. The Human Rights Commission has, in fact, just taken proactive steps to inquire into allegations of rights violations of persons affected by the conflict, including the displaced. Mr President, I believe it is appropriate to share our perspective on the UN system, considering that Sri Lanka has been an active member of the World Body. Sri Lanka takes seriously its rights, obligations and duties and accords great importance to its engagement with the United Nations system and especially with this august body. It is in this spirit of constructive engagement that we have periodically kept the Member States, Observers and the High Commissioner for Human Rights briefed throughout on the conflict and post conflict developments and measures put in place to promote and protect human rights in Sri Lanka. In addition, we submitted ourselves to the UPR and have been actively participating in the examination of Sri Lanka's reports to treaty bodies in keeping with its obligations. Further, UN personnel and the international community directly participated in such bodies as the Consultative Committee for Humanitarian Affairs. We look forward to continuing our dialogue with the Council, the High Commissioner and all special procedures and mechanisms in a spirit of mutual respect, openness and constructive cooperation. Mr President, It may be recalled that I informed the council of the domestic process that the government of Sri Lanka has put into place to move towards reconciliation. Despite the fact that this domestic process had commenced its work, a decision was taken to appoint a panel of experts solely for the purpose of advising the UNSG. Sri Lanka however, regrets the procedural and substantive anomalies in the manifestly flawed report ostensibly compiled as an advisory document to the highest office of the UN, invoking a procedure outside the established intergovernmental process. Consequently in an unusual turn of events the report was made public simultaneously with a statement being issued that the report was being carefully reviewed. Mr. President, I would strongly commend to this Council that this kind of irregular practice be discouraged as this might well lead to established procedure being circumvented arbitrarily. It is also regrettable that the Panel has acted outside its jurisdiction in excess of its mandate. Moreover, Mr President, statements attributable to the Office of the High Commissioner having worryingly given rise to misgivings as to a lack of objectivity and contain prejudgement of the domestic mechanism established by the Government, even before it has concluded its work. It is undeniable that the humanitarian operations in Sri Lanka resulted in the rescue of over 290,000 persons - innocent civilians - held hostage by a terrorist organization proscribed in over 30 countries. It is well to remember that in the wake of the September 11th tragedy the UN invoked the right of self-defence and called upon the international community to neutralise or combat such terrorism by non-state actors by its resolutions 1368 and 1373 of September 2001. The humanitarian operation was therefore a part of an act of the sovereign and its people in the wake of terrorist aggression. It is equally undeniable that Sri Lanka has taken definite steps at great cost to resettle and rebuild the lives of the people in the conflict-affected area. Finally, it is readily apparent to all that the military capability of the terrorists to launch any offensive against the people and Government of Sri Lanka has been completely degraded. Therefore, the recent characterization by the HCHR of the very nature of the operation as one which was conducted “under the guise of fighting terrorism", is most unfortunate. Such a characterization is wholly misplaced, as the community of nations was well aware that Sri Lanka was combating one of the most ruthless terrorist organisations in the world. These statements also concluded that the conflict cost the lives of tens of thousands of civilians - the basis for such a statistical assumption not being revealed. Unverified information being used in this manner is totally unwarranted and gives rise to serious concerns as to whether the Sri Lankan situation is being considered in an objective manner. Mr. President, having regard to the vicissitudes of the manner in which Sri Lanka has been treated we seek the equal protection of the UN system in our engagement. Mr President, It is of paramount importance that high offices of the UN System are scrupulously impartial, independent and transparent, and are seen to be so. Any perceived lack of these fundamental characteristics would affect the effectiveness of such critical institutions. The work of the Special Procedure mandate holders and working groups being facilitated by the OHCHR, could also be seen to be compromised by such perceived shortcomings. It is also of concern to Sri Lanka that, while there has been robust engagement with the intergovernmental processes of the United Nations, any move to undermine it through attempts to formalise initiatives which arose outside intergovernmental processes, will entrench patently flawed procedure. We have every confidence that such unusual procedures will not find accommodation within this Council. Mr President, In conclusion, Sri Lanka looks forward to continuing its constructive dialogue in the spirit of respect, cooperation and reciprocity with the HRC in particular, the UN system in general and its other international partners. Thank you.