

Statement by UN High Commissioner for Human Rights Zeid Ra'ad Al Hussein at the end of his mission to Sri Lanka

Colombo, 9 February 2016

Good afternoon, and thank you for coming.

I come to you shortly after wrapping up my visit here with meetings with President Maithripala Sirisena and Prime Minister Ranil Wickremesinghe and the Leader of the Opposition, in which we discussed a wide range of issues that will have an important bearing on the future of Sri Lanka. Since arriving here on Saturday, I have also met the Ministers of Foreign Affairs, Justice, National Dialogue, and Prison Reforms, Rehabilitation and Resettlement, as well as the Defence Secretary, Chief of Defence Staff, Army and Air Force Commanders and the Chief of Staff of the Navy.

In addition, here in Colombo, I visited the Human Rights Commission of Sri Lanka, and the Task Force that will lead the forthcoming National Consultations on transitional justice. I also met a number of Sri Lanka's finest thinkers and analysts, including members of its vibrant civil society organizations.

On Sunday, I visited the Northern and Eastern Provinces, where I met the Chief Ministers and members of the Provincial Councils as well as the Governors, and yesterday morning I was honoured to visit the revered Sri Dalada Maligawa, or Temple of the Sacred Tooth in Kandy, where I was graciously received by the Mahanayakas (Chief Monks) of the Malwatte and Asgiriya Chapters. I am very grateful to them for according me this great privilege, as well as to the members of the Hindu, Muslim and Christian communities I met in Colombo, Jaffna and Trincomalee.

This has been a much more friendly, cooperative and encouraging visit than the one my predecessor endured in August 2013, which as you may recall was marred by vituperative attacks on her integrity, simply because she addressed a number of burning human rights is-

sues that any High Commissioner for Human Rights would have raised at that time.

I am aware that some of the same people have given me a similar welcome — I've seen the posters — but I am pleased that in the new environment in Sri Lanka, all voices, including the moderate voices of civil society, can at last be heard, even if sometimes the voices of hatred and bigotry are still shouting the loudest, and as a result are perhaps being listened to more than they deserve.

Sri Lanka has come a long way in the past year, as you, the media, are only too aware — given the much greater freedom you now have to write what you wish to write, and report what you feel you should report. The element of fear has considerably diminished, at least in Colombo and the South. In the North and the East, it has mutated but, sadly, still exists.

Virtually everyone agrees there has been progress, although opinions differ markedly about the extent of that progress. The 'white van' abductions that operated outside all norms of law and order, and — as intended — instilled fear in the hearts of journalists, human rights defenders and others who dared criticise the Government or State security institutions, are now very seldom reported. The number of torture complaints has been reduced but new cases continue to emerge — as two recent reports, detailing some disturbing alleged cases that occurred in 2015, have shown — and police all too often continue to resort to violence and excessive force.

Several recent highly symbolic steps have been taken that have had a positive impact on inter-communal relations, including the decision taken to sing the national anthem in both Sinhala and Tamil on Independence Day, for the first time since the early 1950s. The following day, in a reciprocal gesture, the Chief Minister of the Northern Province paid a respectful visit to a Buddhist temple in Jaffna. And in January, the President pardoned the convicted LTTE prisoner who once plotted to assassinate him. These are significant steps on the path of reconciliation between these two communities, both of which bear their own deep scars from the years of conflict. I was pleased to learn that some major inter communal events are planned in the North and East to bring together large numbers of young people from all across Sri Lanka. In both provinces, the Governors are now civilians, which is another key improvement.

One of the most important long-term achievements over the past year has been the restoration of the legitimacy and independence of Sri Lanka's Human Rights Commission. The appointment of new leadership of great integrity, through the proper constitutional process, offers a new start to revitalise this all-important national institution. I hope the Government will now swiftly provide it with the resources, and above all the institutional respect it needs, to enable it to fulfil its great potential, not only to provide human rights protection for all Sri Lankans, but also to offer expert advice on laws and policies from a human rights perspective.

Despite these advances — and others I have not mentioned — after nearly 30 years of conflict and acrimony, that not only cost tens of thousands of lives but also eroded so many vital components of the State, Sri Lanka is still in the early stages of renewal.

During this visit, I have met Sinhalese, Muslim and Tamil victims of the ruthless LTTE and other paramilitary groups. Family members of those who were assassinated. Mothers of children who were abducted or recruited. Muslims from the north who were forcibly evicted and expelled from their homes. Mothers of soldiers who never returned, and some of the many thousands of war widows from both sides. I am all too conscious of the suffering and fear that the years of bombings, killings and other abuses inflicted on this society.

I also met the mothers and wives of people who were apprehended, or surrendered to the security forces, and then disappeared. I have met relatives of people who have been in detention for years, without being charged with any crime, or who were charged solely on the basis of allegedly forced confessions. I met one woman carrying the emotional scars of her rape by security forces nearly 30 years ago during the JVP insurgency. Her pain, and that of all these victims and their families is terrible to behold, and it is cruel to prolong it if ways of alleviating it are available.

Distracted by this conflict, Sri Lanka has also failed to address critical issues facing women, people with disabilities, people with different sexual orientations, and other groups suffering discrimination such as the Plantation Tamils in Central Sri Lanka. I hope that these and other neglected or discriminated-against groups and minorities will now

receive the attention they deserve, not least in the constitutional reform process.

Repairing the damage done by a protracted conflict is a task of enormous complexity, and the early years are crucial. If mistakes are made, or significant problems are downplayed or ignored during the first few years, they become progressively harder to sort out as time goes on. While the glass is still molten, if you are quick and skilful, you can shape it into a fine object that will last for years. Once it starts to harden in misshapen form, it becomes more and more difficult to rectify. Likewise if any of the four key elements of post conflict resolution — truth-telling, accountability, reparations and institutional reform — are neglected or mishandled, unresolved resentments will fester, new strains will emerge, and a tremendous opportunity to establish long-term stability, which in turn should result in greater prosperity, will be lost.

In the case of Sri Lanka, large parts of the country have been physically, politically, socially and economically separated from each other to a greater or lesser degree for much of the past three decades, and the effort to rebuild trust in the State, and between communities, will take years of political courage, determination and skilled coordination and planning.

When you visit Colombo, you see a bustling city, a mass of construction sites, clean streets, and flourishing businesses. You see a thriving tourist industry.

When you visit the North and the East, you see, in patches at least, damaged and depressed areas, poverty and continued displacement. Signs of physical development, certainly. And positive vision and ambitions among the elected representatives. But also more ominous signs of hopes that are not yet bearing fruit, and optimism that is already showing some signs of souring.

While there is much support for the very important proposed Constitutional reform, which should ensure that the rights of all Sri Lankans are fully recognised, there are also fears that at a later stage this may be achieved at the expense of other equally important processes such as truth-telling, justice and accountability.

While the Task Force appointed to lead the National Consultation process includes high quality representatives of civil society, there are concerns — including among the TaskForce members themselves — that the process is too rushed and has not been properly planned or adequately resourced.

There are some measures that could be taken quickly which would reverse this trend of draining confidence. First of all, the military needs to accelerate the return of land it has seized and is still holding to its rightful owners. While some land has been returned in the Jaffna and Trincomalee areas, there are still large tracts which can and should be swiftly given back. Once the land has been given back, the remaining communities of displaced people can — if given the necessary assistance — return home, and a lingering sore will have been cured once and for all. In parallel, the size of the military force in the North and the East can be reduced to a level that is less intrusive and intimidating, as a first step in security sector reform.

The Government must also quickly find a formula to charge or release the remaining security-related detainees. In addition, the Prime Minister's recent statement that nearly all the disappeared persons are dead has created great distress among their families, who until then still had hope. This statement must be followed by rapid action to identify precisely who is still alive and who has died or been killed, properly account for their deaths — including whether or not they were unlawful — identify the location of their remains, and provide redress.

High on the agenda in every meeting I have had here, of course, were issues relating to the implementation of the resolution adopted by the UN Human Rights Council on 1 October last year, a resolution that was co-sponsored by Sri Lanka and agreed with the consensus of all 47 Member States of the Council. The resolution laid out an eminently sensible pathway for the country to follow, and my Office was charged with following up on its implementation, including by reporting back to the Council on progress — or lack of it — next June, and again in March 2017.

The Human Rights Council resolution, and the comprehensive report on which it was based, and which it endorsed, aim to promote reconciliation, accountability and human rights. The release of the report, and the ensuing resolution, unleashed a great surge of hope that fi-

nally we were all turning a corner in terms of starting to fully recognise what happened during the final years of Sri Lanka's hugely corrosive and tragic conflict.

The Human Rights Council resolution was in many ways a reflection of the reform agenda that Sri Lankans had voted for in last year's Presidential and Parliamentary elections. It sets out some of the tough steps that must be taken to achieve reconciliation and accountability and, through them, lasting peace.

There are many myths and misconceptions about the resolution, and what it means for Sri Lanka. It is not a gratuitous attempt to interfere with or undermine the country's sovereignty or independence. It is not some quasi-colonial act by some nebulous foreign power. The acceptance of the resolution was a moment of strength, not weakness, by Sri Lanka. It was the country's commitment to both itself and to the world to confront the past honestly and, by doing that, take out comprehensive insurance against any future devastating outbreak of inter communal tensions and conflict.

The world wants Sri Lanka to be a success story. It has seen the opportunity for lasting success in Sri Lanka, and that is why it has invested so much time and energy into providing that pathway laid down in last October's Human Rights Council resolution. I urge all Sri Lankans to make an effort to understand what that resolution and the report underpinning it actually say, and I urge all those in a position to do so, to make a greater effort to explain why the recommendations are so important, and why the United Nations and all those individual States — Sri Lanka included — endorsed them. Then perhaps the siren voices, who wish to undermine all reforms, all attempts to provide justice, accountability and reconciliation, will get less traction. The people who are trying to undermine confidence in these crucial initiatives are playing a game that is endangering the future peace and stability of this country.

For a country to be stable, to be a success, it needs to have a strong, impartial and credible justice system. The security services and the judiciary must function in the interests of all its citizens. And it was in these areas, that the country's key institutions were seriously corroded and corrupted during three decades of conflict and human rights violations, including through its reliance on the draconian Prevention of Terrorism Act and other emergency powers. And it is the integrity

of these institutions, which depends on having the trust of the population, that the international community is trying hard to help Sri Lanka restore through the implementation of the recommendations contained in the report and in the resolution.

Sri Lanka has many excellent judges, lawyers, and law enforcement officials. But over the years the system they depended on, and which depends on them, became highly politicised, unbalanced, unreliable. The country's history over the past few decades is littered with judicial failures. Virtually all Sri Lankans recognise this, and the Prime Minister commented on it at great length, and with admirable candour, during a 27 January debate in Parliament. Virtually every week provides a new story of a failed investigation, a mob storming a courtroom, or another example of a crime going unpunished. Sexual violence and harassment against women and girls is particularly poorly handled by the relevant State institutions — especially when the alleged perpetrators are members of the military or security services — and, as a result it remains all too widespread.

It is for these reasons that the report and the Human Rights Council resolution suggest international participation in the accountability mechanisms set up to deal with international crimes and gross human rights violations committed by individuals on both sides. This is a practical proposal to solve the very real and practical problems I mentioned earlier. But it is only one aspect — albeit a very important one — of the broad range of measures outlined in the 2015 UN report and resolution, and the extent to which it has been allowed to dominate the debate in Sri Lanka in recent days is unfortunate. Extreme nationalistic tendencies lay at the heart of Sri Lanka's conflict, and they should not be allowed to undermine the country's long term chances of recovery once again.

Only a year ago, large numbers of Sri Lankans voted for change, for reconciliation, for truth, for justice. It would be a great shame if a minority of extreme voices — on both sides — who are bent on disruption, were allowed to prevail by creating fear where there should be hope. Sri Lanka needs a serious debate about these very serious issues, on which its future depends. This needs to start with a thorough, frank and honest discussion of the detailed findings of the September 2015 UN report, as it is important that all Sri Lankans rally behind the process and better understand the point of view of all the victims on all sides.

The Government has shown the will to make great changes. But from the victims in the North and in the East, and also from some of the wisest analysts here in Colombo, I have heard fears that the Government may be wavering on its human rights commitments. I was therefore reassured this morning to hear both the President and the Prime Minister state their firm conviction in this regard.

Let me make it as plain as I can: the international community wants to welcome Sri Lanka back into its fold without any lingering reservations. It wants to help Sri Lanka become an economic powerhouse. It wants Sri Lanka's armed forces to face up to the stain on their reputation, so that they can once again play a constructive role in international peace-keeping operations, and command the full respect that so many of their members deserve.

But for all that to come to fruition, Sri Lanka must confront and defeat the demons of its past. It must create institutions that work, and ensure accountability. It must seize the great opportunity it currently has to provide all its people with truth, justice, security and prosperity. I, for my part, will do all in my power to help that come about, and will continue to offer the services of my Office to accompany Sri Lanka through this very difficult process.

Thank you