

مجلس حقوق الإنسان

الدورة السابعة والخمسون

9 أيلول/سبتمبر - 9 تشرين الأول/أكتوبر 2024

البند 2 من جدول الأعمال

التقرير السنوي لمفوض الأمم المتحدة السامي لحقوق الإنسان

وتقارير المفوضية السامية والأمين العام

مذكرة شفوية مؤرخة 23 آب/أغسطس 2024 موجهة من الممثل
الدائم لسري لانكا لدى مكتب الأمم المتحدة في جنيف إلى أمانة مجلس
حقوق الإنسان

تشير البعثة الدائمة لجمهورية سري لانكا الاشتراكية الديمقراطية لدى مكتب الأمم المتحدة في جنيف والمنظمات الدولية الأخرى في سويسرا إلى مذكرتها الشفوية رقم 313 المؤرخة 23 آب/أغسطس 2024 والرسالة الإلكترونية، المؤرخة أيضاً 23 آب/أغسطس 2024، الصادرة عن أمانة مجلس حقوق الإنسان بشأن نشر الموقع الشبكي للمجلس ملاحظات حكومة سري لانكا على التقرير الشامل الذي أعدته مفوضية الأمم المتحدة السامية لحقوق الإنسان عن حالة حقوق الإنسان في سري لانكا وقدمته إلى المجلس في دورته السابعة والخمسين (A/HRC/57/19) (انظر المرفق).

وستكون البعثة الدائمة لسري لانكا ممتنة لو أمكن نشر الملاحظات التي قدمتها حكومة سري لانكا إلى الأمانة في 23 آب/أغسطس 2024 باعتبارها إضافة إلى التقرير، إلى جانب التقرير الشامل المقدم من المفوض السامي، وعلى قائمة الوثائق نفسها التي تتضمن هذا التقرير.

ودون المساس بالموقف الذي أعربت عنه البعثة الدائمة أعلاه، يمكن للأمانة، كتدبير مؤقت، أن تنشر في أقرب وقت ممكن ملاحظات حكومة سري لانكا على تقرير المفوض السامي* باعتبارها بلاغاً حكومياً، مع إشارة واضحة إلى أنه كذلك و رابط إلكتروني يؤدي إليه في قائمة الوثائق الصادرة للدورة السابعة والخمسين، بجوار المكان الذي يُنشر فيه التقرير المتعلق بسري لانكا.

* يُعمَّم كما ورد، باللغة التي قُدم بها فقط.



مرفق المذكرة الشفوية المؤرخة 23 آب/أغسطس 2024 والموجهة من
الممثل الدائم لسري لانكا لدى مكتب الأمم المتحدة في جنيف إلى أمانة
مجلس حقوق الإنسان

**Comments of the Government of Sri Lanka on the comprehensive
report of the High Commissioner for Human Rights (A/HRC/57/19)**

1. Over the past several decades, Sri Lanka has continued its constructive engagement with the UN Human Rights regular mechanisms, as an active participant of the multilateral framework and in keeping with our close engagement with the international community and the United Nations. Sri Lanka will continue to engage constructively in those aspects of the Council's work that have been productive and beneficial to our people such as the UPR process, Special Procedures Mandate Holders and Treaty Bodies in accordance with Sri Lanka's international obligations and constitutional framework.
2. As the comprehensive report on Sri Lanka by the High Commissioner for Human Rights (HCHR) is presented to the Human Rights Council (HRC) pursuant to HRC Resolution 51/1, the Government of Sri Lanka (GoSL) at the outset, reiterates its position in relation to Resolution 51/1, and resolution 46/1 and their mandates as follows.
3. HRC Resolutions 46/1 and 51/1 were tabled without the consent of Sri Lanka (the country concerned) and adopted by a divided vote in the Council. Sri Lanka has consistently rejected Resolution 46/1 in particular its OP6, and Resolution 51/1 in particular its OP 8, and the so-called 'evidence gathering mechanism' established by these provisions, at every session of the Council since the 46th Session, including at the 51st Session of the Council in September 2022.
4. With regard to the so-called 'evidence-gathering mechanism', it has been continuously pointed out that this mechanism will be an unproductive and unhelpful drain on the resources of the Council and its Members. Many countries have already raised serious concerns on the budgetary implications of resolutions 51/1 and 46/1. Given its explicit rejection by the country concerned and by other Members of the international community, Sri Lanka will not cooperate with it.
5. The report to the September 2024 session of the Council purports to provide a comprehensive analysis of the human rights situation in Sri Lanka during the period October 2022 – July 2024.
6. Without prejudice to its rejection of the aforementioned resolutions, at the request of the OHCHR, in a spirit of cooperation and engagement, the Government of Sri Lanka has given its observations on several previous occasions with a view to providing a balanced perspective of developments in Sri Lanka. The information provided by the GoSL in communications with the OHCHR are not reflected in the High Commissioners report, although the report claims "... the Government's engagement in the preparation of the present report..."

Observations:

Re: Introduction and section II: 'Human rights trends and developments':

7. The period covered by the present report is one of the most remarkable in Sri Lanka's recent history. It is widely acknowledged that during this period, in a combination of prudent economic decision-making as well as measures of financial oversight and governance, Sri Lanka was not only successful in democratically overcoming unprecedented challenges in the social and political front, but also in stabilizing its economy following its worst economic crisis in recent history.
8. It is recalled that in 2022, Sri Lanka was faced with a severe debt situation and economic crisis. Civilian life, public administration and services were crippled across the

country, with widespread and dire shortages of food, fuel, medicines and power outages. This was accompanied by initially peaceful social protests and demonstrations which later escalated into potential threats to the democratic institutions and processes that Sri Lanka had preserved since independence.

9. Domestic public opinion, international agencies and bilateral and multilateral partners in the international community consider Sri Lanka's social and economic stabilization to date (since the last quarter of 2022) as well as the restoration of normal civilian life and access to essential supplies, energy, and public goods such as medical services and education, as remarkable in the current global experience of severe debt situations.

10. The period under review also witnessed the strength of Sri Lanka's democratic traditions, institutions and practices. Both the Government and the people exercised restraint and ensured that the political transition which took place following the social unrest was within the framework of the Constitution, safeguarding democratic and parliamentary procedures.

11. As a result of the adoption of sound long-term economic and fiscal policy measures, accompanied by strengthening of governance, financial oversight and reform as well as measures to reduce corruption vulnerabilities, a fragile but well-grounded economic stability has been restored. Restoration of sound agricultural policy has resulted in stabilizing food availability and revenue from export agriculture. These trends are borne out in improved economic data and indicators such as strengthened foreign exchange reserves, reduction of inflation from over 70% in September 2022 to 1.7 % by June 2024, appreciation of the currency, and even the return to positive economic growth rates of 5.3%¹ in the first quarter of 2024 as well as anticipated price reductions in the cost of electricity as a result of cost reflective pricing and reforms in this sector.

12. These trends as well as injections of external financial resources from multilateral institutions have provided limited fiscal space for important public expenditure such as on health and education as well as purchase of essential food and other supplies, bringing to an end the past period of scarcities and interruptions.

13. It is nevertheless clear that some of the fiscal measures in place result in hardship for the people in general and for the vulnerable in particular. Targeted welfare measures have been put in place to mitigate inequalities and to minimize the impact on vulnerable sections. These include a number of initiatives including the Aswesuma social protection program, the national school nutrition programme and the Urumaya land ownership scheme (details in this regard have been shared with the OHCHR on multiple previous occasions and are reproduced in paragraphs 7-15 and 48). Some of these measures have been undertaken in collaboration with donor governments and international and UN agencies.

14. In addition, the clear progress of policies put in place during the period subject to reference has resulted in a return of international confidence in Sri Lanka. There is a surge in inward tourism, resumption of inward remittances from migrant workers as well as anticipated resumption of foreign-funded projects which had been disrupted due to the debt-default. This will pave the way for enhanced economic activity and infrastructure improvement.

Re section A : 'Deepening human rights impacts of the economic crisis', paras 7-11 of report A/HRC/57/19

15. The GoSL notes the recent emphasis by the OHCHR on promotion of rights elaborated in the International Covenant on Economic Social and Cultural Rights.

16. Sri Lanka is a party to the International Covenant on Economic Social and Cultural Rights and has accorded high priority to the achievement of the rights identified in this Covenant such as the rights to food, housing, education, health and social security. The people of Sri Lanka continue to benefit from the outcomes of these policies as demonstrated

¹ Source: Central Bank of Sri Lanka.

inter alia, in high human development indicators such as high levels of literacy for both men and women, free healthcare, low levels of maternal and child mortality and high life expectancy and immunization, which are the highest in the region and on par with high-income countries.

17. The High Commissioner's interpretation of the impact of the economic crisis on the promotion and protection of economic and social rights overlooks the fact that in the transition from debt-driven economic crisis towards stabilization and higher inclusive growth, certain budgetary restrictions are inevitable including in public spending. Such measures are likely to cause short-term adverse impacts on all, including on vulnerable segments of the population. This is not done with the intention of denying individual rights; rather it is an adverse outcome of the situation of financial crisis and debt, and of the measures that had to be put in place for recovery followed by a sustainable growth path.

18. While the High Commissioner's report endeavours to portray a collapsing economy - the reality is a unique yet fragile economic stabilization process since 2022, poised towards eventual recovery and growth capable of generating more revenue to meet development needs, build human capital and better protect the vulnerable consistent with such recovery and growth frameworks advocated by a collective of International Financial Institutions and our bilateral and multilateral partners. This process also took cognizance of the dynamics of Sri Lanka's negotiations with bilateral and multilateral creditors which have now concluded successfully.

19. The High Commissioner's important mandate with regard to promotion of economic social and cultural rights must be exercised in a manner that recognizes the global factors and inequalities that hinder the economic growth of developing countries, and must support the efforts of a sovereign State to achieve economic recovery stabilization and growth in the best interest of its people. According to the Covenant '*all peoples have the right to ...freely pursue their economic, social and cultural development*'. For states such as Sri Lanka experiencing severe debt crisis, short-term austerity measures are intended to lead to economic stability, recovery and growth eventually expanding the fiscal space for the enhancement of these rights, and the enhanced provision of public goods such as health and education with justice and equity to all.

20. The Government's policy path referred to in the High Commissioner's comments should be seen in this light (para 7 - '*measures to strengthen revenue base*', '*lowering of personal income tax threshold*', '*introduction of cost-effective fuel and utility pricing*', '*widened scope of the VAT*' etc.). Council resolution A/HRC/RES/54/22 "*...Emphasizes that States, in fulfilling economic, social and cultural rights, should provide adequate investments **in accordance with the national legislation** of each State and its international human rights obligations...*"

21. In this fragile phase of economic transition, the High Commissioner's adverse characterization of Sri Lanka's economy also plays into destabilizing domestic populist narratives and risks aggravating social dissatisfaction and polarization in the country that will militate against nurturing consensual ways forward towards accountability, recovery and growth.

22. On a parallel front, Sri Lanka is making progress in achieving the SDG's, in order to ensure that '*no one is left behind*'. The global economic crisis and the domestic debt crisis has nevertheless retarded this process. This is not a situation unique to Sri Lanka - in the words of the Deputy Secretary General, "*Many developing countries cannot invest in their future as they struggle to meet their immediate needs - paying salaries and meeting debt service... The economic outlook for developing countries remains bleak. While the global economy has been described as resilient, there is a soft landing in the North but there is a crash landing in the South*"². In this regard, attention is drawn to paragraphs 9 -12 of the

² Remarks by UN Deputy Secretary-General Amina Mohammed at the fourth International Conference on Financing for Development (FfD4) held in Addis Ababa, 24 July 2024.

observations of the GoSL³ on the report submitted by the High Commissioner to the September 2023 session of the Council.

General Observations

23. Sri Lanka's significant economic, social and financial and stabilization achieved over the past year, has been objectively acknowledged both domestically and externally. As such, the overall negative portrayal of the country including its economic situation, adverse impact on human rights and predictions for a worsening situation in the future is inaccurate.

24. The report of the OHCHR contains no reference to the brutal acts of terrorism committed by the LTTE which continues to be banned in 33 countries, or any acknowledgement of the restoration of democracy in areas occupied by force by the LTTE, and the return of safety security and normalcy in the country. No mention is made of the ruthless violations of human rights committed by this group, including using innocent civilians as human shields and forcibly recruiting child combatants.

25. The OHCHR report recommends States to '*review asylum measures with respect to Sri Lankan nationals ...*' and to provide visas as well as 'permanent relocation' which implies a clear motive, going beyond the protection of human rights. In fact, the OHCHR is endorsing an attempt backed by certain groups and interested persons to circumvent legal migration processes.

26. The **Annex** to this response provides the comments of the GoSL on each section of the High Commissioner's report.

³ UN Document A/HRC/54/G/2.

Annex I

GoSL Response on relevant paragraphs of the OHCHR report

In response to the specific matters raised in the report of the OHCHR, the Government of Sri Lanka (GoSL) wishes to forward the following comments. This is supplementary to the overall comments in the previous section.

Paragraph 5

1. Sri Lanka experienced its most challenging period in recent times amidst unprecedented global crises. In overcoming these challenges, the Government has ensured that the country's democratic traditions and institutions have remained stable.
2. The 21st Amendment to the Constitution passed by the Parliament in October 2022 further strengthened democratic governance, independent oversight of key institutions, and the composition of the Constitutional Council and Independent Commissions. Based on the recommendations made by the Constitutional Council, new appointments to independent Commissions including Election and Human Rights Commissions have been made by the President in June 2023. The 21st Amendment enables measures to implement the UN Convention Against Corruption and any other international Convention relating to the prevention of corruption to which Sri Lanka is a party.
3. Sri Lanka is the oldest democracy in Asia, with Universal Adult Franchise being practiced for both men and women since 1931. For over 7 decades since independence, Sri Lanka is governed through democratic institutions which are enshrined in the Constitution such as representative government, separation of powers and an independent judiciary. Constitutionally guaranteed rights and freedoms are justiciable through the independent court system. Elected leaders have been held accountable to the people at regular intervals through free and fair elections with high voter participation, and orderly transitions of power at local, provincial and national levels.
4. The democratic resilience of the country and its institutions and quick recovery and stability achieved following unprecedented social protests and economic crises have been acknowledged and commended by many, with several bilateral and development partners including international organisations coming forward to work with Sri Lanka to partner and support the government and the people.

A. Deepening human rights impacts of the economic crisis (paras 7-11)

Paragraph 7 & 8

5. During the past year, the GoSL has been successful in restoring economic stabilization, while addressing the underlying fiscal and financial governance issues on a priority basis. Inflation has decreased to single digit⁴. A new Central Bank Act has been passed by the Parliament in September 2023, which has strengthened the Central Bank independence and accountability while eliminating monetary financing of the budget. The exchange rate appreciated by 12.1 per cent in 2023 and by a further 7 per cent by mid July 2024. The reserve levels have increased to over USD 5.6 billion by end-June 2024, bringing greater stability to the external sector. Tourist arrivals have increased exponentially. Foreign remittances have revived, and shortages of essential items, fuel and medicine have been overcome. Sri Lanka is witnessing the stabilization outcomes of the economic reforms and the revival of confidence internally and externally in the progress of the country. The economy showed signs of recovery in the second half of 2023 and this growth momentum continued during 2024 also, recording 5.3 per cent growth in the first quarter of the year. The economy is expected to grow by around 3 per cent during 2024. The Central Bank is adopting

⁴ <https://www.cbsl.gov.lk/en/measures-of-consumer-price-inflation>.

an accommodative monetary policy stance, and the credit to the private sector is gradually picking up. With the revival in economic activities, the households are expected to benefit from rising income level.

6. The remarkable economic, social and financial stabilization that Sri Lanka has achieved in 2023 and 2024, has been objectively acknowledged domestically and externally. Those who are mandated and have the expertise to deal with economic and financial reforms remain confident in the country's prospects. Expedient completion of debt restructuring is expected to relieve the country's debt service burden to a greater extent, allowing the Government to spend more on infrastructure and support low-income earners. Completion of debt restructuring is also expected to help the country to exit from the 'default' status and to improve sovereign rating.

Paragraph 9

Social Protection measures

7. On 22 July 2024, the Cabinet of Ministers has approved a new national social protection policy to enhance the effectiveness and coherence of the social protection system. The National Social Protection Policy for Sri Lanka has been formulated to provide strategic guidance to develop a proper coordinated and coherent social protection policy with the participation of all relevant parties. The National Social Protection Policy encompasses four key pillars namely, social assistance, social care, social insurance and labour market and productive inclusions programme.

8. Sri Lanka is firmly committed to protecting vulnerable segments of the society including through targeted social protection measures and subsidies. In order to strengthen the social safety nets (SSN) to help cushion the impact of the economic challenges on the poor and vulnerable, the Government initiated a new relief measure "Aswesuma" in July 2023.

9. "Aswesuma" specifically targets four social categories, namely transitional, vulnerable, poor and extremely poor. The government raised the spending on SSN (Social Safety Net) programmes and incorporated measures to improve the coverage, reducing inclusion and exclusion errors and establishing SRIS (Social Registry Information System) to reach out to the targeted beneficiaries. Total spending on SSN was around Rs. 174.1 billion in the year 2023. In addition, around Rs 8.4 billion which is eligible for 2023, has been paid in 2024. The government has increased budgetary allocation amounting to Rs. 205 billion in 2024 for social safety net spending. Moreover, allowances granted to kidney patients, the elderly, and individuals with disabilities have been increased by 50%. It is envisaged that the Government's commitment to economic recovery leading to sustainable and stable growth will benefit all segments of Sri Lankan society in all parts of the country.

10. For the Aswesuma cash transfer programme, the Government has allocated Rs. 183,300 million by the 2024 budget. Rs. 13,155 million has been allocated as financial support for elders while Rs. 5,570 million and Rs. 2,975 million have been allocated for low-income disabled persons and kidney patients, respectively. The Government has allocated Rs. 10 000 million by 2024 budget to continue providing nutritional food packages for expectant mothers and has allocated Rs. 16,600 million and 2 102 million for the school nutritional food programme and morning meal for preschool children, respectively.⁵

11. Additionally, necessary measures are being undertaken to continue the school nutrition program covering 1.6 million students from Grade 1 to Grade 5 with the allocation of Rs. 16.6 million. The Government ensured the regular provision of school meals by securing continuous funding for school nutrition programs with high nutritional value. The Government also ensured meals with high nutritive value through parental awareness programs and community-sponsored initiatives. The Government expects to spend an

⁵ H.E. the President's Budget Speech at the Parliament on 13 November 2023, <https://www.treasury.gov.lk/api/file/ed037ac8-9727-4292-ae9b-edac08c7a314>.

allocation of about Rs. 1 billion in order to support female students from the families with economic difficulties, by providing them vouchers to buy sanitary napkins.

12. Further, the Ministry of Education has increased the monthly scholarship allowance awarded to the students who passed Grade 5 scholarship examination from Rs.750 to Rs.1000 and the number of scholarships awarded has increased from 20,000 to 30,000 with the total allocation of Rs.0.9 billion. The Government has also allocated another Rs. 64 million for different Scholarship programmes: “Subhaga”, “Sujatha Diyani” and “Technology Stream” Scholarship schemes. Furthermore, the Government has allocated 2.5 billion rupees for awarding "Mahapola" scholarship programs for about 16,000 university students and “bursary "scholarship programs for about 8368 university students.

13. In order to expand higher education opportunities for all eligible students, the Ministry of Education, together with the non-state higher educational institutes, is implementing a student loan programme for students who are not selected to state universities and unable to afford the course fees. At present, around 14,567 students representing seven intakes, are studying at these institutes.

14. Further, the Government has allocated around Rs. 12.7 billion in 2024 for distribution of rice among around 3.4 million beneficiaries targeting to ensure the nutrition and well-being of poor families.

15. Further, “Kadukara Dasashakaya” programme has been introduced to uplift 11 Districts, namely: Kandy, Mathale, Nuwaraeliya, Rathnapura, Kegalle, Badulla, Ampara, Matara, Galle, Kaluthara, Kurunegala. The Government is spending around Rs. 10 billion for this programme with the aim of improving basic infrastructure facilities and thereby uplift the living standards of families in these areas.

16. The goal of the national health system is to ensure Universal Health Coverage (UHC) for all the citizens and in terms of ensuring UHC, the Government has given priority to improving primary healthcare service delivery. Primary healthcare services are delivered free of charge through 1,031 institutions around the county and the Government implemented two major projects during the last 05 years to improve the infrastructure and other facilities at the primary healthcare institutions. Further action is being taken to provide required human resources to ensure standard treatment to patients.

B. Concerning legislative developments (Paragraphs 12-15)

17. While the Constitution of Sri Lanka guarantees the freedom of expression and peaceful assembly, permissible restrictions are provided for in terms of the Constitution, which inter alia include interests of national security and public order.

18. Accordingly, while the rights of citizens to peaceful protest is recognized and permitted, all steps taken by the authorities have been within a democratic and constitutional framework, respecting civil and political rights. These steps are in line with the relevant articles of the ICCPR.

19. However, when the protests cease to be peaceful and become disruptive violating the rule of law and public security, the Government has a duty to restore and maintain law and order and public security. All such measures are judicially adjudicated.

20. As elsewhere in the world, Sri Lanka has its own national security challenges, which need to be addressed taking into consideration the ground situation while adhering to the highest standards of international best practices.

21. With reference to domestic legislation, Sri Lanka’s law-making procedure is transparent and articulated in the Constitution itself.

Paragraph 14*Online Safety Act (OSA)*

22. The alarming growth in crimes committed using digital technology and online platforms has necessitated the strengthening of measures to safeguard rights of individuals and the society against the misuse of such platforms.

23. In 2019, the UN General Assembly adopted a resolution on Right to Privacy in the Digital Age focusing in particular on women and children.⁶ Several international instruments and fora have recognized the need for States to take appropriate action in this regard. For instance, the UN Child Rights Committee issued a General Comment to States in 2021 recommending that States take strong measures, including legislation, to protect children from harmful and misleading content, protecting them from all forms of violence in the digital environment including child trafficking, gender-based violence, cyber-aggression, cyber-attacks and information warfare.⁷

24. In 2023, over 8000 complaints were received regarding crimes committed using the internet and over 100,000 nude photographs of Sri Lankan women and children were circulated on social media.

25. Additionally, there are ongoing discussions within the UN on countering the use of ICT for criminal purposes (UN Ad Hoc Committee on Cybercrime).

26. The Online Safety Act passed by the Parliament of Sri Lanka on 24th January 2024 is aimed at addressing this issue of growing public importance and thereby to protect the vulnerable sections of the society in line with international standards. It is not the objective of the Act to restrict fundamental rights guaranteed to the people by the Constitution of Sri Lanka including the freedom of opinion and expression, and freedom of peaceful assembly and of association guaranteed by the Article 14 of the Constitution of Sri Lanka.

27. As the digital landscape continues to evolve, it is imperative for governments and international bodies to collaborate in fortifying measures that ensure the protection of individuals' rights, particularly in the realm of online safety. The alarming surge in digital crimes underscores the urgency of such actions.

28. The passage of the Online Safety Act by the Parliament of Sri Lanka is a significant step towards addressing these challenges and safeguarding the vulnerable segments of society. Importantly, while enhancing online safety, it is essential to uphold the fundamental rights enshrined in the constitution, including the freedom of expression and peaceful assembly.

29. Taking into account concerns expressed by several parties, both local and international, the Ministry of Public Security proposed amendments to the Act. These amendments were submitted to the Cabinet of Ministers. Accordingly, the Cabinet of Ministers has approved to publish the revised Online Safety Bill in the government gazette and to table it in Parliament.

Paragraph 15*Anti-Terrorism Bill*

30. On 20 February 2023, the Cabinet approved the draft Anti-Terrorism Bill which is expected to repeal the Prevention of Terrorism Act (1979).

⁶ The General Assembly noted that every individual, especially children and women are more vulnerable to have their privacy violated. It was also recognized that the right to privacy is important to prevent gender-based violence, abuse and sexual harassment cyber-bullying, cyber stalking, especially against women and children. The UNGA also emphasized the need to adopt preventive measures and remedies to protect the privacy and rights of all especially women and children.

⁷ https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC/C/GC/25&Lang=en.

31. The new Anti-Terrorism legislation, inter alia, is expected to make provisions for the protection of national security of Sri Lanka and the people from acts of terrorism; other offences associated with terrorism and certain specified acts constituting the offence of terrorism committed within or outside Sri Lanka; and for the prevention of the use of Sri Lankan territory and its people for the preparation of terrorism outside Sri Lanka.

32. Following approval by the Cabinet on 20 February 2023 and gazetting of the Bill, the Ministry of Justice carried out wide public consultations on the Bill. Taking into consideration the observations and concerns expressed during these consultations including by the Bar Association of Sri Lanka, bilateral partner governments, UN, etc., the revised Bill was gazetted on 15 September 2023.

33. The Bill was thereafter tabled in Parliament on 10 January 2024, and following petitions in the Supreme Court, the determination of the Court was submitted to Parliament.

34. Along with the Supreme Court determination, the Bill was submitted to the Sectoral Oversight Committee of Parliament on National Security where the Bill was discussed on 22 March and 14 June 2024, along with the proposed amendments suggested by the Supreme Court.

Detainees under the PTA

35. Pursuant to the amendment to the PTA in 2022, which provided suspects with an opportunity to obtain bail, it was availed by several suspects.

36. The legal and administrative process has been set in motion to release detainees who have been in judicial custody for extended periods under charges relating to the PTA.

37. In August 2021, an Advisory Board under Section 13 of the Prevention of Terrorism Act (PTA) was established, comprising members representing all ethnic communities and headed by a retired Chief Justice. Any person who has been issued a Detention Order or a Restriction Order under the PTA, or any person representing him/her, were able to make representations to this Advisory Board to request a review of the Order.

C. Erosion of democratic checks and balances (paras 16 – 18)

Paragraph 16

38. The appointment of judicial and key government officials is entirely a domestic matter of a sovereign country, as per the Constitution.

D. Civic space restrictions and reprisals (paras 19– 20)

Paragraph 19 -20

Civil society space and NGO Bill

39. Sri Lanka has a vibrant civil society and is committed to protecting and promoting their freedom of expression and civil society space.

40. Civil society organisations number well over 42,000 across the country operating at national, provincial, district, and local Government levels dealing with areas such as development, social welfare, human rights, etc. In recent years, the NGO Secretariat has significantly simplified administrative procedures and registration requirements.

41. The Government consults and maintains close engagement with civil society with a view to harnessing their insights, expertise and experience in achieving reconciliation and development. Such engagement has benefitted the drafting of laws as well as in compiling national reports. For instance, in the recent past, Sri Lanka engaged in constructive consultations with the civil society in drafting amendments to the PTA and in preparing the National Report under the 4th Cycle of the UPR. A regular dialogue with civil society on a wide range of issues continues.

42. In keeping with international obligations and sound financial regulation and practice, it is essential to ensure regulation and management of these entities in terms of governance. This includes addressing concerns such as terrorism financing, money laundering etc. Recognizing the vital need to ensure transparency in the NGO sector, regulatory mechanisms are necessary as with all other sectors of private and public enterprises for any country to mitigate risks, and uphold integrity, while simultaneously ensuring the protection of fundamental rights.

43. Therefore, the NGO Secretariat initiated a process to draft a new law to address concerns. In this connection, The Ministry of Public Security and the NGO Secretariat have held meetings with the National Collective for NGOs to discuss the draft Bill. Six rounds of consultations with Civil Society Organizations had taken place. These consultations have served as a crucial platforms for dialogue and feedback exchange, allowing CSOs to voice their perspectives, concerns, and recommendations regarding the draft NGO Act. The draft Act had also been disseminated through media channels in January 2024, along with translations; and the views of certain bilateral partners have also been obtained. Based on observations received from a range of parties, the draft Bill would be amended.

E. Emerging and exacerbated human rights concerns (para 23 – 25)

Paragraph 23

44. Sri Lanka, like many other countries has social challenges due to illegal narcotic drugs brought into the country and the related criminal activities (involving illegal weapons, killings involving rival underworld groups etc.). This compelled authorities to take adequate and effective measures to maintain law and order in the best interest of the population. In order to address the significant increase in crimes particularly related to narcotics, the Sri Lanka Police on 17 December 2023 initiated a special operation titled ‘Yukthiya’ (Justice) to combat drug trafficking and related criminal activities within the framework of the law.

45. During these operations, the police have successfully seized a substantial quantity of drugs, valued at approximately Rs. 19 billion and illegally acquired assets worth Rs. 841 million in the past 7 months. All confiscated items will undergo legal proceedings for forfeiture. Due to the Yukthiya operation, crime rates have significantly declined. In view of the gravity of the situation and magnitude of the criminal activities connected to illegal narcotic drugs and networks, authorities have been compelled to continue the Yukthiya operation.

46. All arrested drug dependents are being sent to rehabilitation as per the Drug Dependent Persons (Treatment and Rehabilitation) Act No. 54 of 2007. Persons arrested for trafficking in narcotics are being produced before the courts. The judicial oversight processes in both these instances are upheld and protected.

Paragraphs 26-32

47. The Government of Sri Lanka, on 12 July 2024, responded to the outline of cases provided by OHCHR, providing information as requested. The response was as follows:

The Government of Sri Lanka takes allegations of abduction, unlawful detention and torture very seriously and remains committed to taking all steps to have such allegations investigated and prosecuted to the full extent of the law.

It is noted that the OHCHR does not contain specific details pertaining to the alleged incidents and allegations are of a general nature. The GoSL notes the following with regard to the allegations:

- Sri Lanka is a State Party to the nine core human rights conventions including the International Covenant on Civil and Political Rights, Convention against Torture and its Optional Protocol (OPCAT). Rights contained in these conventions have been recognized by the Sri Lankan Constitution and in national laws.
- Sri Lanka’s judiciary has played a proactive role in providing relief to citizens who have suffered infringement of their fundamental rights, including in cases on alleged

torture and inhuman and degrading treatment. Further, in terms of the OPCAT, the Human Rights Commission of Sri Lanka (HRCSL) functions as the National Preventive Mechanism on torture.

- Any person whose rights have been violated or who faces imminent infringement of their rights can file a complaint at a local police station and can also seek redress from the court by filing a fundamental rights application at the Supreme Court under Chapter III of the Constitution of Sri Lanka. Other mechanisms such as the Human Rights Commission of Sri Lanka and/or the National Police Commission are also available to make complaints.
- Victims of crime and witnesses are protected under the Assistance to and Protection of Victims of Crime and Witnesses Act, No.10 of 2023 and the National Authority for the Protection of Victims of Crime and Witnesses. The Act provides for the protection of as well as granting of redress including compensation, restitution, reparation and rehabilitation to victims of crime and witnesses.
- According to Section 24 of the Evidence Ordinance, a confession caused by inducement, threat or promise is irrelevant in a criminal proceeding. Further, the admissibility of confessions by an accused person under the Prevention of Terrorism Act (as amended) is subject to a *voir dire* inquiry conducted at a trial to determine the voluntariness of such confession.
- It must be noted that Sri Lanka ratified the Convention for the Protection of All Persons from Enforced Disappearance in 2016. The convention was given effect to in the national legal system through the International Convention for the Protection of All Persons from Enforced Disappearance Act enacted in 2018. Sri Lanka has been engaging regularly with the UN Working Group on Enforced Disappearance and has successfully resolved cases received from the Committee on Enforced Disappearances.
- The Office on Missing Persons (OMP) established in 2016 has a mandate to conduct inquiries on missing persons, to provide assistance to the recommended relatives of such missing persons, to establish a database on missing persons, to produce a guideline of assigned powers and functions and to enforce the provisions of the Act and to make provisions for such related measures. Demonstrating significant public trust, over 82% of individuals who filed initial complaints have participated in the inquiries conducted by the OMP.
- The OMP is conducting investigations on alleged cases of disappearances. The latest of such is the complaint made on behalf of Mr. Kapila Kumara De Silva received from the UN Committee on Enforced Disappearances which the Committee decided to discontinue after receiving the GoSL response.
- The Prevention of Terrorism Act was amended in 2022 after almost 43 years, subjecting the investigation process under the Act to the scrutiny of the Magistrate of the relevant area and the Human Rights Commission of Sri Lanka. Instructions have been given to law enforcement officials to follow due process in the conduct of investigations under the PTA and to use this legislation only in instances of extreme necessity. Further, Sri Lanka is in the process of introducing a new Anti-Terrorism Bill which will provide more safeguards to suspects and detainees.
- The following legal safeguards inter alia are available for any person who has been taken into police custody to ensure that he/she is not subject to ill treatment:
 - Regulations published in Gazette No. 1758/36 dated 18 May 2012 entitles an Attorney-at-law representing the interest of a suspect held in police custody to meet with the Officer in Charge of the relevant police station.
 - Section 15(3) of the Enforced Disappearance Act stipulates that the Human Rights Commission of Sri Lanka shall have access to the places where persons are deprived of liberty. The Commission is also mandated to ‘monitor the welfare of persons detained either by a judicial order or otherwise, by regular

inspection of their places of detention, and to make such recommendations as may be necessary for improving their conditions of detention.’

- The Government of Sri Lanka entered into an agreement with the International Committee of the Red Cross (ICRC) on 7th June 2018 to inter alia ensure that ICRC gains access to all detainees. ICRC undertakes visits to prisons and provides confidential reports to the prison authorities, provides material support, facilitates family visits and training to the authorities. The ICRC also provides technical support in relocation of prisons and designing new prisons.
- The OMP Act authorizes a specified officer of the OMP to enter without a warrant any time any place of detention in which any person is suspected to be detained in, or is suspected to have previously been detained in whether by judicial order or otherwise and make examinations.
- The Criminal Procedure Code Act No. 15 of 1979 of Sri Lanka was recently amended by Criminal Procedure Code Amendment Act no. 14 of 2021 vesting the power to the relevant Magistrate to visit a police station at least once a month to personally see a suspect in police custody, to look into his well-being and to record any complaints that the suspect may make.
- Section 39 of the Prisons Ordinance No.16 of 1877 empowers the Judges of the Supreme Court, Judges of the Court of Appeal and Judges of a High Court to visit any prison at any time and to hold therein any inspection, investigation or inquiry which he may consider necessary. Under the said Ordinance, any District Judge or Magistrate also can visit any prison, for the purpose of inspecting the general condition of the prison and of the prisoners therein, and can record in the Visitors’ book any observations or recommendations made after such inspection.
- Convention against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment Act has been amended to increase fines imposed for the offence of torture.

48. On 11 December 2023, the Human Rights Commission of Sri Lanka (HRCSL) launched its Draft General Guidelines and Recommendations to Sri Lanka Police on Preventing Custodial and Encounter Deaths which were accepted by the Inspector General of Police. The IGP has accordingly issued a Circular (Circular No.2747/2023) which instructs the Police to adhere to Guidelines on preventing custodial and encounter deaths. The circular is also included in the training and the curriculum of the National Police Academy.

49. The exact cause of death is always determined through a mandatory Magistrate investigation when someone dies while being in custody. In addition to indictments being served in the High Court, disciplinary measures are also taken against officers who are found to be guilty. Further, officers will face disciplinary action and possible interdiction if their negligence resulted in the death of someone in custody. Further, the families of the victims have the right to file a fundamental rights case in the Supreme Court under Article 17 and 126 of the Constitution of Sri Lanka.

F. Land contestations and restrictions on religious freedom

Paragraphs 33-35

Urumaya Programme

50. The Government initiated the ‘Urumaya’ programme on 5 February 2024 focusing on land rights and housing. Sri Lanka is the only South Asian nation offering free land rights to its citizens. Through this initiative, over two million people are set to benefit from restored land rights, and empowering farmers striving for self-sufficiency. Under the Urumaya national programme it is expected to grant 2 million freehold grants covering all 25 districts of Sri Lanka. The freehold grant is offered to members from all communities and regions. The Jaffna District Urumaya Program presided by H.E. the President was convened on 24

May 2024. A total of 1286 freehold deeds, encompassing all 15 Divisional Secretariat divisions within the Jaffna district, were distributed to the people. Further, this programme was continued in Kilinochchi and Vavuniya districts on 25 and 26 May 2024, respectively and more than 1000 freehold deeds were given to individuals.

Paragraph 35

Land dispute regarding Kurundhoor Malai Aadhi Shivan Temple

51. The Kurundhi Malai temple is located in a reserved forest area in Mullaitivu District. This temple has been gazetted as an archaeological site of the ruins of an ancient Buddhist temple. The Department of Archaeology initiated a plan to protect and conserve this cultural heritage.

52. However, the Hindu devotees in the area have been claiming that these ruins belong to Shivan Aiyar Kovil. In 2018, these Hindu devotees obstructed a group of Buddhist monks who tried to place a statue of Lord Buddha in the site. A case (No. AR 673/2018) was filed subsequently in Mullaitivu Magistrate Court in this regard. In 2023, the Mullaitivu Magistrate Court gave an order directing both parties to maintain peace when exercising their right to worship at this site. There are seven more cases in the Magistrate Court and three more cases in the Court of Appeal pending on the same issue.

53. As per the Magistrate Court Order under the aforesaid case, currently both parties conduct religious activities during their respective religious festivals under the protection of Police and tri-forces.

54. Mullaitivu Magistrate's Court case is now concluded and against the final order made by the Learned Magistrate, several parties have filed 04 Writ Applications in the Court of Appeal. The 4 Writ Applications are fixed for support before the Court of Appeal on 11.12.2024. On behalf of the Kurundhoor Malai Aadhi Shivan Temple and Villagers, an application has been made to intervene in the said four Writ Cases, before the Court of Appeal. This application for intervention is also to be considered on 11.12.2024. Further, another Fundamental Rights Violation application is also pending before the Supreme Court

III. Impunity, accountability and reconciliation

A. Accountability and reconciliation (paras 36-43)

Paragraph 36 & 42

Commission for Truth, Unity and Reconciliation (CTUR)

55. The proposed Bill to establish a Commission for Truth, Unity and Reconciliation is aimed to ensure the right of all Sri Lankans to know the truth concerning complaints or allegations or reports relating to damage or harm caused to persons or property, loss of life or alleged violation of fundamental rights anywhere in Sri Lanka during the period 1983-2009 or its aftermath. This bill will contribute to the promotion of national unity, peace, rule of law, co-existence, equality with tolerance and respect for diversity and reconciliation among the people of Sri Lanka. It will also help ensure non-recurrence of disharmony and violence for the wellbeing and security of all Sri Lankans including future generations.

56. The formulation of the Bill had taken cognizance of the establishment of an autochthonous Truth and Reconciliation Commission in Sri Lanka as recommended by the Justice Nawaz Commission that was appointed to investigate and report on findings and recommendations of preceding Commissions and Committees on human rights violations, serious violations of IHL and other such offences.

57. The Interim Secretariat for Truth and Reconciliation Mechanism (ISTRM) established by Cabinet decision in June 2023 was tasked with a number of activities including preparation of the concept law and drafting of necessary rules and guidelines for the operation of a TRC mechanism. Following a series of public consultations carried out by the ISTRM, and

building on the findings of the 2016 Civil-Society led Consultation Task Force on Reconciliation Mechanisms, a draft Commission for Truth, Unity and Reconciliation Bill was gazetted on 29.12.2023. Subsequently, the ISTRM extended public and political consultations over a period of 07 months and recommended further amendments to the gazetted Bill. These consultations included a discussion on the draft Bill led by the Minister of Foreign Affairs and Minister of Justice with Members of Parliament from all political parties including those representing the North and East Provinces on 7 May 2024.

58. The feedback garnered from consultations, written and oral submissions, as well as research findings, served as further crucial inputs for refining the draft Bill and has ensured that the final version of the Bill is enriched with diverse perspectives and informed by comprehensive analysis. Following these extensive consultations, the draft Bill, following required due procedures will be submitted to the Parliament very soon.

Paragraph 37

Office for Reparations (OR)

59. The Office for Reparations (OR) has granted approximately 2.4 billion LKR to 9,169 families from 2023 to end of June 2024. OR continues the granting of monetary relief to the families relating to ‘missing persons’ and damaged properties during the conflict in the Northern and Eastern Provinces and in 2022 violence. In providing livelihood support programmes, the OR accords primacy to empowering women heads of households. Nearly, 240 persons were provided livelihood support worth LKR 9.1 million from end of November 2023 to July 2024. OR has provided collective reparations for 170 individuals worth LKR 9.9 million in 2023 and will continue the programmes further.

Paragraph 38

Memorialization

60. There are no restrictions whatsoever for individual family members to memorialise loved-ones with their relatives.

61. Memorialization has been recognized through legislation governing the Office for Reparations Act as a form of individual or collective reparation. The Office for Reparations Act No. 34 of 2018 recognizes the provision of collective reparations in the form of memorials and other infrastructure as the right to a remedy to communities or groups of aggrieved persons.

62. As such, all steps taken were never intended to prevent memorialization but only to ensure that no glorification of a proscribed terrorist organisation takes place in the guise of memorialization.

63. This year, many events to commemorate those who have lost their lives during the conflict were held all over the country including in the North and the East.

64. Following a Cabinet decision on 22 May 2023, an expert committee was appointed by the President to make recommendations to commemorate those who died as a result of the armed conflict, political unrest, or civil disturbances in Sri Lanka during the period 1983-2009 as a means of healing and reconciliation among communities.

65. Over the past year, the Committee held public consultation sessions in Jaffna, Mullaitivu, Kilinochchi, Trincomalee, Batticaloa, Ampara, and Kurunegala, with coordination from ONUR's National Integration Coordinating Officers. These sessions provided an open forum for expressing aspirations and grievances related to community healing and reconciliation.

66. The Committee submitted its report to the President on 31 May 2024 which is now available as a public document. The report acknowledges the right to memorialize and highlights the diverse ways individuals and groups engage with memorialization and reconciliation. A key recommendation in the report is the establishment of a centrally located iconic building to serve as a repository for artistic and cultural expressions linked to the

conflict, aiming to foster collective commitment for non-recurrence and promote community healing and reconciliation among all Sri Lankans.

Paragraph 39 & 40

67. The Office on Missing Persons (OMP) has gained significant public trust, with 5,791 out of 6,025 complainants appearing before the panel of inquiry. By May 31, 2024, the OMP traced 17 missing persons, confirming 12 alive, 4 no longer missing, and 1 outside their mandate. Details on these findings will be published in August 2024. Additionally, the OMP referred 2,209 families to the Registrar General for Certificates of Absence and 389 families for Certificates of Death. Moreover, 4,032 families were referred for Family Revival Payment, with 1,522 having already received it from the Office on Reparation.

68. The OMP collaborates with the International Committee of the Red Cross (ICRC), receiving legal and forensic expertise, and with various international and local organizations for technical support and training. The office continuously follows up on investigations and court cases, supporting families as needed. It has been involved in representing or witnessing court cases, including monitoring the progress of Habeas Corpus cases and work in collaboration with Attorney General's Department in drafting by laws in accordance to the OMP Act.

69. In January 2024, the OMP reactivated its Civil Society Organizations Forum (CSO), established a technical working group for data management, and a steering committee at the Presidential Secretariat to handle missing files, further investigations, determine the best durable solutions, and to take preventive measures. The OMP ensures the accessibility of investigation results to the public, particularly victims' families, while maintaining security and privacy. It has developed a protection strategy, code of conduct, and internal complaint mechanism, and plans to establish communication channels for inquiries and information provision.

70. The OMP's mandate includes searching for missing persons and clarifying their circumstances, with powers to receive information, apply for court observations during excavations, and make recommendations on handling human remains. The OMP assists in legal proceedings, maintains follow-ups, trains staff, and engages with various bodies to fulfil its mandate. It has observed investigations into missing graves including Kokuthoduvai mass grave, ensuring the preservation, exhumation, and identification of remains according to international standards. For this, the OMP developed guidelines on searching, case management, and tracing.

Paragraph 41

Cabinet Sub-Committee on Reconciliation

71. Arising from matters discussed at the Sub Committee, the President has been holding several meetings with Tamil Parliamentarians representing the North and East Provinces to address reconciliation matters. These include land releases in the 2 provinces, resettlement of internally displaced persons, issuance of All Country Passports to undocumented Sri Lankans in South India, presidential pardons to those involved in LTTE activities as well as North and East infrastructure development. Progress of decisions taken are coordinated with the relevant implementing line agencies.

Paragraph 43

The proposed Act on burial or cremation of dead bodies on religious discretion

72. On 22 July 2024, the Cabinet of Ministers approved a joint proposal presented by the Minister of Justice, Prison Affairs and Constitution reforms, Minister of Foreign Affairs and Minister of Water Supply and Estate infrastructure Development to tender an apology on behalf of the Government of Sri Lanka from all the communities affected as a consequence of mandatory cremation policy enacted in Sri Lanka during the COVID-19 pandemic period. The Cabinet of Ministers also instructed the legal draftsman to prepare a draft law on burial or cremation of dead bodies on religious discretion.

B. Entrenched Impunity (paras 44-48)

Paras 45– 46

a. Killing of 5 Tamil students in Trincomalee in 2006;

73. This case relates to the killing of five students in Trincomalee on 02.01.2006. Non-Summary Inquiry (NSI) was initiated before the Magistrates' Court of Trincomalee against 13 suspects, including the Special Task Force (STF) personnel operating in that area. Endeavours to secure the presence of other crucial witnesses were not successful, as they had left the country and their whereabouts were unknown. Thus the suspects were discharged at the conclusion of the Non-Summary Inquiry by the Magistrates Court for lack of evidence.

74. To protect the witnesses of the above case, the Parliament of Sri Lanka, in 2017, passed an amendment to the Protection of Victims of Crime and Witnesses Act. The amendment was aimed at enabling the leading of evidence from remote locations through an audio-visual linkage, particularly in cases such as that of Dr. Kasipillai Manoharan, the father of one of the deceased students and a key witness in the case who was unwilling to visit Sri Lanka to testify at the trial in the Trincomalee High Court. However, the said witness has not availed of the above facility afforded through a legislative amendment.

b. Assassination of journalist Lasantha Wickramatunge in 2009;

75. The Criminal Investigation Department (the CID) has recommenced the investigation into this case. In the course of its investigation three suspects for the charges of concealing evidence and abduction of the chauffeur of Mr. Lasantha Wickramatunge were arrested and produced before the Magistrate's Court, Mt. Lavinia under the reference case number B92/2009.

76. Investigations are being carried out to trace and arrest the main suspect/s who may be held liable for this assassination and this case B92/2009 of Magistrate's Court, Mt. Lavinia will be called on 06. 12.2024.

c. Enforced disappearance of 11 individuals between 2008 and 2009;

77. 14 accused including Former Navy Commander Admiral Karannagoda, were indicted for illegal abductions, illegal detention and murder of 11 persons. The case has been referred to be tried by a Trial-at-Bar and currently the case is pending under reference No: HC-TAB-1448-2020. However, the 14th Accused, former Navy Commander, has filed a Writ Application No.77/2020 in the Court of Appeal to quash the decision to forward an indictment against him. The Court of Appeal had stayed the trial proceedings until it determines the Writ Application.

d. Killing of MP Nadarajah Raviraj in 2006

78. All five suspects arrested and charged in connection with the murder of late Parliamentarian Nadarajah Raviraj were acquitted and released by the Colombo High Court in 2016 due to the lack of evidence to substantiate the charges.

e. ACF case, killing of 17 humanitarian workers in Muttur in 2006,

79. As there was no evidence to implicate any person to this incident so far, further investigations are ongoing.

f. Disappearance of Prageeth Eknaligoda in 2010.

80. Nine accused have been indicted in the Colombo High Court with regard to the abduction and causing the disappearance of Prageeth Eknaligoda. The case has been referred to the Trial-at-Bar and currently the case is partly heard and pending before the Court. During the course of the trial, a preliminary objection has been raised by the defence, with regard to admissibility of certain items of evidence and the order on the same is due. The case in Colombo High Court case No. 729/2019 is due to be called on 18.09.2024 and 23.09.2024. The Homagama High Court case No. 209/2019 is due to be called on 23.09.2024.

Paragraph 46*Sunil Ratnayaka pardon*

81. The Fundamental Rights cases pertaining to the pardon granted to Sunil Ratnayaka has been fixed for Hearing before the Supreme Court on 4th September 2024.

Paragraph 47*Investigation of the Easter Sunday 2019 bombings and payment of compensation and rehabilitation to victims*

82. Extensive investigations have been carried out by the Government. Several suspects have been detained and interrogated for evidence. The direct perpetrators were all suicide cadres and thus the investigation has been complicated to identify the wider connections. Despite such challenges and in terms of the Sri Lankan law, investigations have to be carried out by law enforcing agencies such as different departments under the police. Information gathered through such investigations will be reviewed by the independent office of the Attorney General who has to subsequently take a decision, and whether the evidence is sufficient to charge any suspects, or whether anyone detained should be released for lack of evidence. As of May 2024, the Attorney General has preferred 41 indictments against 93 accused and the Trials in this regard are proceeding.

Supreme Court Judgement in relation to Easter Sunday Attacks:

83. The Supreme Court ordered the former President to pay compensation of Rs. 100 million to victims of the April 2019 Easter Sunday attacks. The Supreme Court inter alia made an order that these respondents must make their payment of compensation to the victim fund maintained at the Office for Reparation. Respondents are directed to pay compensation out of their personal funds. By an order dated 15 July 2024, the Supreme Court directed the former President to pay the compensation before 30 August 2024.

84. In response to the above directive of the Supreme Court on 12 January 2023, the Office for Reparations has submitted to the Court a comprehensive report*, providing detailed information on the compensation provided to victims and their families, including the manner in which the compensation was determined, in line with circulars containing the policy decisions.

85. The Easter Attack April 2019-Victim Fund was established with effect from January 19th, 2023 in compliance with the January 12, 2023 judgment of the Supreme Court and a scheme to make payments was formulated by OR. The Order of the Supreme Court was that the named respondents should make payments ordered against them, to the Fund. The Supreme Court also directed that the Office for Reparations publish a Notice calling upon benefactors to contribute to the Fund.

86. The total funds received to the Easter Attack April 2019-Victim Fund, as at 17 July 2024,

- From Respondents – Rs. 134,975,588.87

87. In compliance with the Scheme formulated to make payments from the above Fund, the following most vulnerable categories were granted monetary relief from the Fund for 2023 and 2024 (up to 17 July),

<i>Category of victim</i>	<i>Amount per victim (Rs)</i>	<i>No. of beneficiaries</i>	<i>Total Amount paid (Rs)</i>	<i>Date paid</i>
a) - Persons certified* to be totally permanently disabled	500,000.00	5	2,500,000.00	17-Aug-2023
	2,000,000.00		10,000,000.00	20-May-2024

b) - Persons certified* to be partially permanently disabled > 69%	100,000.00	24	2,400,000.00	31-Oct-2023
	150,000.00		3,600,000.00	28-May-2024
c) - Persons certified* to be partially permanently disabled 40-69%	100,000.00	53	5,300,000.00	29-May-2024
d) - Persons certified* to be partially permanently disabled < 40%	75,000.00	35	2,625,000.00	29-May-2024
e) - Families that suffered economic loss due to the loss of a wage earning family member**	175,000.00	167	29,137,500.00	04-Oct-2023
f) - Families of deceased children below 18 yrs.	75,000.00	46	3,450,000.00	31-May-2024
g) - Death of Foreign National (previously unclaimed)	1,500,000.00	1	1,500,000.00	31-May-2024
Total paid from the fund			60,512,500.00	
Reserved for two victims, pending receipt of the confirmation of the relief		02	3,500,000.00	
Bank charges			42,003.00	
Total expenditure as at July 17th 2024			64,054,503.00	
Balance available in the Fund			70,921,085.87	

* "certified" means certified by a Medical Officer

** The Fund enables the OR to make cash grants only. Hence, while the OR is deeply conscious of the emotional impact on a family as a result of the death of every family member irrespective of age, it was decided to utilize the limited funds available to provide relief on priority basis to the families that suffered financial loss as a result of the death of a family member who was or may have been contributing to the economy of the family unit at the time of death. The OR proceeded on the

assumption that every victim over 18 years was in that category. The OR does not wish to subordinate or trivialize the suffering of those who lost younger family members but has proceeded only to provide relief for financial loss. On subsequently receiving more monies to the Fund, families of those below 18 years were also given a grant.

Paragraph 48

Appointments of military/security officers to senior positions

88. As highlighted at several occasions, the Government of Sri Lanka strongly rejects unsubstantiated allegations against senior military officials without concrete proven evidence of human rights violations.

89. The appointment of key government officials is entirely a domestic matter of a sovereign country, as per the Constitution and the comments made by the OHCHR is clearly outside its mandate.

90. External attempts to influence decisions and internal administrative processes of public service promotions in Sri Lanka is unwarranted and unacceptable.

91. The GoSL reminds that calling for targeted sanctions and travel bans against individuals, in the absence of credible findings by a competent court/body on violations committed by them, itself constitutes nothing less than a political agenda against a sovereign nation, aimed at destabilizing and a violation of their rights and contravention of the principles of natural justice.

92. Articulating a position of concern on these appointments based on allegations, is therefore regrettable.

IV. Further options for advancing accountability (paras 49-59)

V. Conclusions and recommendations (paras 60-68)

93. While reiterating its position on the HRC Resolutions 51/1 and 46/1 (see paragraphs 2-6) Sri Lanka rejects all Conclusions and Recommendations including references to targeted sanctions/future accountability processes as they are based on incorrect and unsubstantiated sources/material contravening the principles of natural justice and the principles of universality, impartiality, objectivity and non-selectivity, as stipulated in the GA resolution 60/251 that created the HRC.
