

# **Sri Lanka: Resolution 30/1 Implementation Monitor**

*Statistical and Analytical Review No. 4*

LAW &  
GOVERNANCE

March  
2019

# **Sri Lanka: Resolution 30/1**

## **Implementation Monitor**

---

The Legal Research team at Verité Research prepared this brief. Sakeena Razick, Sierra Amarasiri and Ahalya Lelwala were the principal researchers. Rehana Mohammed and Gehan Gunatilleke provided research and editorial supervision.

Design and layout by Asanka Hendarhewa.

Verité Research aims to be a leader in the provision of information and analysis for negotiations and policy making in Asia, while also promoting dialogue and education for social development in the region. The firm contributes actively to research and dialogue in the areas of economics, sociology, politics, law, and media, and provides services in data collection, information verification, strategy development, and decision analysis.

Email comments to: [publications@veriteresearch.org](mailto:publications@veriteresearch.org)

Copyright © 2019 Verité Research Pvt Ltd.  
All rights reserved.



Background.....	01
Methodology.....	02
Resolution 30/1: Implementation Status.....	03
1. Transitional Justice and Reconciliation.....	03
2. Rights and Rule of Law.....	04
3. Security and Demilitarisation.....	05
4. Power Sharing.....	07
5. International Engagement.....	08
Resolution 30/1: Overall Status of Implementation.....	09
Annex 1: Implementation Status (June 2016 to March 2019).....	10
Endnotes.....	14



Sri Lanka co-sponsored United Nations Human Rights Council (UNHRC) Resolution 30/1 in September 2015. As a result, it committed to fulfilling a range of measures dealing with human rights, accountability and transitional justice.



Source: [www.meydan.tv](http://www.meydan.tv)

Resolution 30/1 has come to denote the main features of Sri Lanka's transitional justice agenda, particularly in relation to accountability mechanisms for abuses suffered by victims of the civil war.

Resolution 30/1 contains 36 distinct commitments that fall into five broad thematic categories:

1. Transitional justice and reconciliation
2. Rights and rule of law
3. Security and demilitarisation
4. Power sharing
5. International engagement

At the 34<sup>th</sup> UNHRC session held in March 2017, the Sri Lankan government co-sponsored a fresh resolution. Resolution 34/1 reaffirms the above commitments, and requests that Sri Lanka fully implement measures identified in Resolution 30/1 that are outstanding. Sri Lanka's progress in implementing Resolution 30/1 is due to be taken up for discussion at the UNHRC's 40th session in February and March 2019. The Council will consider the report of the Office of the United Nations High Commissioner for Human Rights (OHCHR) on Sri Lanka and discuss the implementation of Resolution 30/1.

VR released an analysis of government progress in fulfilling the 36 actionable commitments in Resolution 30/1 in June 2016, March 2017 and February 2018. **This brief contains an updated analysis of progress since February 2018.**

The methodology of this study has been developed in an attempt to create, an objective basis for monitoring progress.

		Performance Indicators			
		Fully met	Partially met	Poorly met	Not met
Implementation Plan	Workable	Completed	Partial progress	Poor progress	Poor progress
	Flawed				No progress
	No plan				

The methodology involves two assessments:

**1. Assessment of performance indicators:**

**Step 1:** Quantitative and qualitative assessment of progress in terms of ‘performance indicators’. Each indicator aims to capture full accomplishment of actions envisaged in a commitment. For instance, a commitment and its indicator can be devised as follows:

**Commitment:** Begin to issue certificates of absence to the families of missing persons as a temporary measure of relief.

**Indicator:** Certificates of absence have been issued to families of missing persons.

The assessment of progress thereafter relies on publicly available information and evidence of steps taken towards achievement of each indicator. The assessment includes a qualitative evaluation of how complete and effective the government’s steps have been in meeting performance indicators.

**Step 2:** Classification of all commitments into ‘completed’, ‘partial progress’, ‘poor progress’ or ‘no progress’, based on the degree to which performance indicators have been met.\*

\*N.B. Even if performance indicators have not been met to any degree, the commitment would be classified as ‘poor progress’ (as opposed to ‘no progress’) if it possesses a workable implementation plan. Hence, the second assessment detailed below may retrospectively determine the final classification of a commitment as ‘poor progress’ or ‘no progress’.

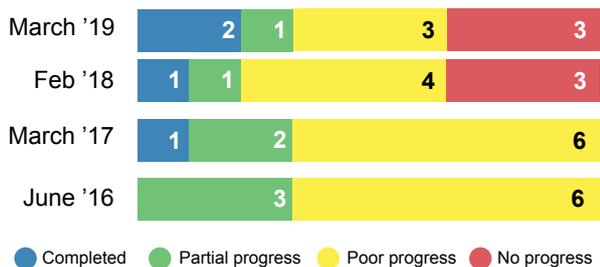
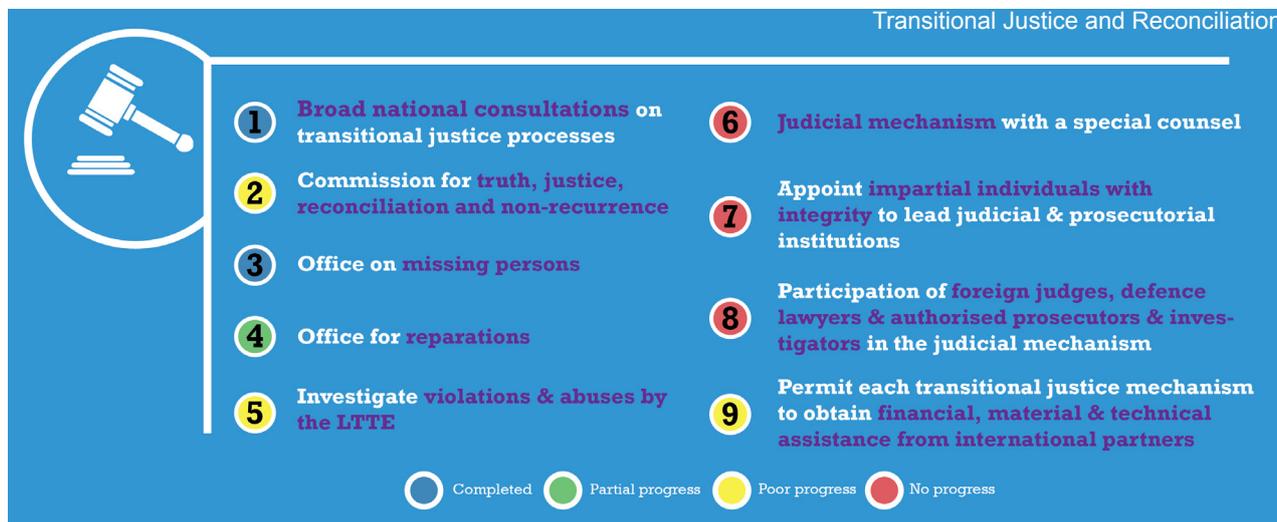
**2. Assessment of implementation plans:**

This assessment entails a determination of whether the commitment has an identifiable plan for implementation. Where there is a lack of a documented plan (such as a government action plan or roadmap), the existence of a plan may be verified by publicly available evidence of steps towards the commitment’s fulfilment (e.g. tabling legislation in Parliament or Cabinet approval for policy decisions).

The matrix above illustrates how the status of implementation of each individual commitment is classified. It also illustrates how the implementation plan pertaining to a commitment may determine its classification.

## TRANSITIONAL JUSTICE AND RECONCILIATION

The government made **nine commitments** on transitional justice and reconciliation in Resolution 30/1.



The Office for Reparations Act, No. 34 of 2018 was passed in Parliament on 10 October 2018.<sup>1</sup> The Office for Reparations is to identify ‘aggrieved persons’ eligible for reparations and facilitate the provision of individual and collective reparations for such persons.<sup>2</sup> It is to consist of five members appointed by the President on the recommendation of the Constitutional Council.<sup>3</sup> The Constitutional Council called for applications for membership in the Office on 3 January 2019.<sup>4</sup> No members have been appointed as yet. Concerns have been raised regarding the independence of the Office for Reparations, on the basis that the procedures stipulated for approving reparations policies and for disbursing funds introduce avenues for political interference.<sup>5</sup> According to section 11(1)(h) of the Act, policies on reparations can only be implemented following approval by the Cabinet of Ministers.<sup>6</sup> Section 22(4) stipulates that any policies and guidelines on reparations authorising the disbursement of funds requires Parliament’s approval.<sup>7</sup>

In February 2019, Prime Minister Ranil Wickremesinghe submitted a Cabinet memorandum to establish a commission for truth, justice, reconciliation and non-recurrence.<sup>8</sup> However the proposal did not receive Cabinet approval, with President Maithripala Sirisena reportedly requesting more time to make observations on the proposal.<sup>9</sup>

There has been ‘no progress’ towards establishing the judicial mechanism with a special counsel to investigate violations of human rights and international humanitarian law envisaged in Resolution 30/1. This commitment in the Resolution specifically refers to the participation of foreign judges and lawyers in the mechanism. At the 73rd Session of the United Nations General Assembly on 25 September 2018, President Sirisena stated that Sri Lankans ‘do not require foreign interference or threats’, ostensibly in response to the commitment to include foreign participation in the judicial mechanism.<sup>10</sup>

After several months of delay, seven commissioners were appointed to the Office on Missing Persons (OMP) in February 2018.<sup>11</sup> The OMP has since taken steps towards operationalisation. Its key activities over the past year included collating information on missing persons, consulting families of the missing, formulating recommendations to provide relief and justice to victims, and providing support for the excavation and exhumation of the mass grave discovered

in Mannar.<sup>12</sup> The OMP reported that it received over 13,000 files on missing and disappeared persons from the Ministry of National Integration and Reconcili-

ation.<sup>13</sup> The OMP has begun setting up regional offices around the country, beginning with an office in Matara established in March 2019.<sup>14</sup>

## RIGHTS AND RULE OF LAW

The government made **fifteen commitments** on rights and rule of law in Resolution 30/1.



Parliament enacted the International Convention for the Protection of All Persons from Enforced Disappearance Act, No. 5 of 2018 on 7 March 2018.<sup>15</sup> The Act criminalises enforced disappearance and introduces certain new procedural safeguards concerning persons taken into custody. For example, the new law recognises the right of any person taken into custody to access legal counsel and contact a family member.

There has been some progress in issuing certificates of absence to missing persons' next of kin in terms

of the Registration of Deaths (Temporary Provisions) Act, No. 16 of 2016. By 30 April 2018, the Registrar General's Department had received 827 applications and issued 616 certificates of absence.<sup>16</sup> The OMP also facilitates the issuing of certificates of absence. Section 13(1)(a)(i) of the OMP Act requires the OMP to issue an interim report to the relative of a missing person to enable the Registrar General to issue a certificate of absence pending an ongoing investigation.<sup>17</sup>

The National Authority for The Protection of Victims of Crimes and Witnesses is currently operational. The Authority's protection division is, however, established under the police, thus weakening effective protection of victims and witnesses vulnerable to police intimidation.<sup>18</sup> There have been reports of the Authority failing to ensure adequate protection to victims and witnesses, including journalist Kasun Pussawela who received threats from a key suspect in an ongoing case relating to the Welikada prison

riots, which Pussawela had reported on.<sup>19</sup> As at 31 December 2017, the Authority, as well as the special police division received 77 complaints from the public.<sup>20</sup> In August 2018, the government reported that Police investigations into sixteen complaints had been concluded.<sup>21</sup>

The Prevention of Terrorism Act (PTA) remains in force. The proposed Counter-Terrorism Bill, slated to replace the PTA, was tabled in Parliament in October 2018.<sup>22</sup> The Bill was subsequently challenged in the Supreme Court. In November 2018 the Supreme Court ruled that the Bill was inconsistent with the Constitution.<sup>23</sup> The Bill was placed before the Parliamentary Sectoral Oversight Committee (on international affairs) in February 2019.<sup>24</sup> It is due to be placed before Parliament for a vote after further deliberations.

There has been limited progress in investigating attacks against journalists, religious minorities, members of civil society and places of worship. Some of these cases have been subject to interference from the security and political establishment, thus impeding progress in investigations. For instance, the

military has withheld key evidence relating to the 2009 murder of journalist Lasantha Wickremetunge and the 2010 disappearance of cartoonist Prageeth Ekneligoda. There is currently no up-to-date information on investigations into violence against Muslims in Aluthgama (2014) and Gintota (2017).

In February and March 2018, there were fresh outbreaks of anti-Muslim violence in the Ampara and Kandy districts. In response, the government declared a state of emergency under the Public Security Ordinance (PSO). The government has not indicated plans to review the PSO.

There have also been incidents of harassment and violence against journalists over the past year. In November 2018, journalists were attacked at the Fort Magistrate’s Court premises, where they were covering a case in which Chief of Defence Staff Ravindra Wijegunaratne was named a suspect.<sup>25</sup> The case relates to the abduction of eleven persons by the Navy in 2010. In February 2019, journalist Nadarajah Kugarajah was attacked by policemen in Kokuvil, Jaffna.<sup>26</sup>

## SECURITY AND DEMILITARISATION

The government made **seven commitments** on security and demilitarisation in Resolution 30/1.

Security and Demilitarisation

Completed

Partial progress

Poor progress

No progress

- 1 **Security sector reforms** e.g. processes to prevent recruitment & retention of personnel implicated in human rights & IHL violations
- 2 **Training & incentives** for the promotion & protection of human rights
- 3 **End military involvement** in civilian affairs
- 4 **Return military-occupied land** to owners
- 5 **Restore livelihoods**
- 6 **Restore normality** to civilian life
- 7 **Full participation** of populations, civil society and minorities in demilitarisation efforts



There is currently no publicly accessible information that suggests that comprehensive security sector reforms have been introduced. Following an agreement between the government and the United Nations, military personnel deployed to international peacekeeping operations are to be vetted by the Human Rights Commission of Sri Lanka (HRCSL). However, in April 2018, the Army deployed 49 soldiers to Lebanon prior to the HRCSL completing its vetting process, in contravention of the agreement.<sup>27</sup>

The government made some progress in releasing military-held land to civilians. In October 2018, President Sirisena issued a directive ordering the release of all civilian land in the North and East by the end of 2018. According to the Secretariat for Coordinating Reconciliation Mechanisms (SCRM), 46,320 acres were released between 2015-2018 in the Northern and Eastern Province. This consists of 40,488 acres of state land, and 5,831 acres of private land. As at 31 December 2018, 30,187 acres (25,946 state land and 4,241 private land) were still occupied by the military.<sup>28</sup> Furthermore, according to Sri Lanka’s draft state party report under the International Covenant on Civil and Political Rights, 2.54% of total land-mass in the Northern and Eastern Provinces that was held by the military in 2009, has dropped to less than 0.75% in 2018.<sup>29</sup>

Despite progress in releasing land, a significant number of civilians remain displaced. By the end of 2017, the Ministry of Resettlement estimated that there

were 39,987 persons (from 12,465 families) in the North and East remaining to be resettled.<sup>30</sup> Of the total number of IDPs, 36,989 were living with friends and relatives in the North and East, and 2,998 were living in welfare centres in the two provinces.<sup>31</sup> As at 31 March 2018, the government reported that 2,216 persons (from 627 families) in IDP camps remained to be resettled.<sup>32</sup> There is currently no up-to-date information on the number of IDPs situated outside of IDP camps who are yet to be resettled, or on resettlement of IDPs in camps since March 2018. Residents of Keppapilavu, Mullaitivu, have held continuous protests for approximately two years, demanding the release of their land.<sup>33</sup> Continued military control over land has prevented IDPs returning to Mullikulam in the North, despite pledges to release the land in 2018.<sup>34</sup>

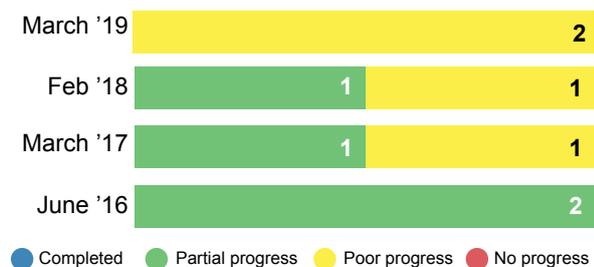
Military-occupied land is also often used for agricultural and commercial ventures. Over 1,000 acres of state land in the Northern Province have been used as farms run by the Army and were identified for release on 30 December 2018.<sup>35</sup> The military continues to be engaged in commercial tourism ventures.<sup>36</sup> Meanwhile, the military has reportedly engaged in harassment and intimidation of civilians and civil society actors (including IDPs demanding land return and families of the disappeared) in areas in the North and East.

The government has taken some steps to support livelihood development in the North and East. ‘Enterprise Sri Lanka’, a loan scheme encouraging entrepreneurship and a rural infrastructure investment scheme ‘Gamperaliya’ were extended to the North and East in August 2018.<sup>37</sup> The Northern and Eastern provinces have reported the highest levels of unemployment in the country, with unemployment rates at 7.7% and 6% respectively.<sup>38</sup> Unemployment is especially high among women, at 13% in the East and 15.5% in the North. These figures are over twice the national female unemployment rate (6.5%).<sup>39</sup>



## POWER SHARING

The government made **two commitments** on power sharing in Resolution 30/1.



Sri Lanka’s constitutional reform process began two years ago, in March 2016. On 11 January 2019, the Panel of Experts appointed to advise the Constitutional Assembly released its report on proposals for a new constitution.<sup>40</sup>

There was renewed public debate on the abolishment of the executive presidency in the aftermath of the political crisis between October and December 2018.<sup>41</sup> The release of the Panel of Experts’ report was the first key output of the constitutional reform process to be produced after the political crisis. Amidst public speculation that the experts’ report is a ‘draft constitution’, Prime Minister Wickremesinghe emphasised that the report must un-

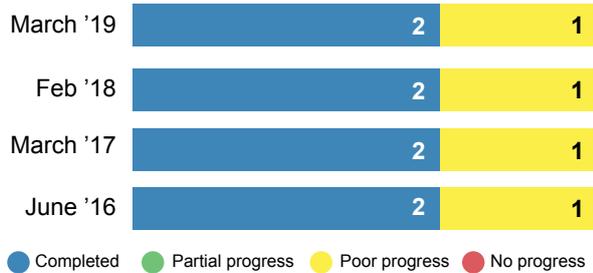
dergo further legislative processes to be considered an official draft.<sup>42</sup>

Currently, provincial council elections are overdue for six provincial councils, and the terms of the remaining three are due to expire in 2019. In September 2017, Parliament enacted the Provincial Councils Elections (Amendment) Act, No. 17 of 2017. The Act introduced changes to the provincial electoral system, thus requiring re-demarcation of electoral boundaries before fresh provincial council elections can be held. A Provincial Councils Delimitation Committee was appointed in terms of section 4 of the Act, and its report was presented to Parliament in March 2018. However, Parliament rejected the report, with 139 votes against it and no votes in favour.<sup>43</sup> In August 2018, Speaker Karu Jayasuriya appointed a new five-member committee, chaired by Prime Minister Wickremesinghe, to review the Delimitation Committee’s report.<sup>44</sup> There have been delays in submission of this committee’s report.<sup>45</sup> Due to the delay in holding provincial council elections, the government’s fulfilment of its commitment to ensure that Provincial Councils are able to operate effectively lapsed to ‘poor progress’.



## INTERNATIONAL ENGAGEMENT

The government made **three commitments** on international engagement in Resolution 30/1.



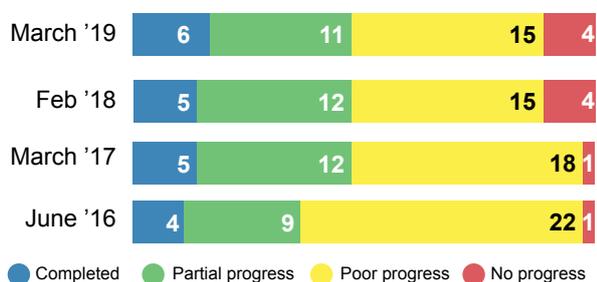
cial procedure mandate holders, with visits by special rapporteurs and independent experts scheduled for 2019.

However, the government has made poor progress in implementing the recommendations in the report of the OHCHR Investigation on Sri Lanka (OISL). For instance, there has been poor progress in enacting new modes of criminal liability (particularly command or superior responsibility) or undertaking a comprehensive mapping of all criminal investigations, habeas corpus and fundamental rights petitions, and commission of inquiry findings relating to serious human rights violations.<sup>46</sup>

There is continued engagement between the Government of Sri Lanka and the Office of the High Commissioner for Human Rights (OHCHR). The government has also extended invitations to UN spe-



## OVERALL STATUS OF IMPLEMENTATION



Four years after co-sponsoring Resolution 30/1, the Sri Lankan government has fulfilled six out of 36 commitments on reconciliation, human rights and accountability.

Three commitments saw an improvement in their implementation status since February 2018. These improvements resulted from the operationalisation of the OMP; the enactment of legislation to set up an Office for Reparations; and the criminalisation of enforced disappearances.

Most commitments contained in Resolution 30/1 saw no change in implementation status over the past year. Commitments that remain partially fulfilled include the release of military-held land; the review, repeal and replacement of the PTA; and investigations into attacks on journalists, religious minorities and civil society actors. Commitments that remained in the ‘poor progress’ category include those on security sector reform and demilitarisation; devolution of power; and protection of witnesses and victims of crime. The government lost ground in the fulfilment of one commitment – to ensure effective operation of Provincial Councils – as a result of continued delays in holding provincial council elections.

The government has made no progress thus far in fulfilling its commitment to set up a judicial mechanism with a special counsel and foreign participation to investigate violations of human rights and international humanitarian law.



# Annex 1: Implementation Status

## (June 2016 to March 2019)

Category	Commitment	Implementation Status			
		June 2016	March 2017	February 2018	March 2019
	Engage in broad national consultations on transitional justice mechanisms	Partial progress	Completed	Completed	Completed
	Establish a commission for truth, justice, reconciliation and non-recurrence	Poor progress	Poor progress	Poor progress	Poor progress
	Establish an office on missing persons	Partial progress	Partial progress	Partial progress	Completed
	Establish an office for reparations	Poor progress	Poor progress	Poor progress	Partial progress
	Give each mechanism the freedom to obtain financial, material and technical assistance from international partners, including the Office of the High Commissioner	Partial progress	Partial progress	Poor progress	Poor progress
	Accountability and reconciliation for the violations and abuses committed by the Liberation Tigers of Tamil Eelam	Poor progress	Poor progress	Poor progress	Poor progress
	Establish a judicial mechanism with a special counsel to investigate allegations of violations and abuses of human rights and violations of international humanitarian law	Poor progress	Poor progress	No progress	No progress
	Independent judicial and prosecutorial institutions led by impartial individuals of integrity	Poor progress	Poor progress	No progress	No progress
	Participation in a Sri Lankan judicial mechanism, including the special counsel's office, of Commonwealth and other foreign judges, defence lawyers and authorised prosecutors and investigators	Poor progress	Poor progress	No progress	No progress

Category	Commitment	Implementation Status			
		June 2016	March 2017	February 2018	March 2019
	Review the updated witness and victim protection law	Poor progress	Poor progress	Partial progress	Partial progress
	Strengthen the witness and victim protection law	Poor progress	Poor progress	Poor progress	Poor progress
	Investigate attacks on journalists, human rights defenders, members of religious minority groups and other members of civil society	Poor progress	Partial progress	Partial progress	Partial progress
	Hold perpetrators of such attacks to account	Poor progress	Poor progress	Poor progress	Poor progress
	Take steps to prevent such attacks in the future	Partial progress	Partial progress	Poor progress	Poor progress
	Review the Public Security Ordinance	No progress	No progress	No progress	No progress
	Review and repeal the Prevention of Terrorism Act	Poor progress	Partial progress	Partial progress	Partial progress
	Replace it with anti-terrorism legislation in accordance with contemporary international best practices	Poor progress	Partial progress	Partial progress	Partial progress
	Sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance without delay	Completed	Completed	Completed	Completed
	Criminalise enforced disappearances	Poor progress	Partial progress	Partial progress	Completed
	Issue certificates of absence to the families of missing persons as a temporary measure of relief	Partial progress	Partial progress	Partial progress	Partial progress
	Release previous presidential commission reports	Completed	Completed	Completed	Partial progress*

Category	Commitment	Implementation Status			
		June 2016	March 2017	February 2018	March 2019
	Develop a comprehensive plan and mechanism for preserving all existing records and documentation relating to human rights violations and abuses and violations of international humanitarian law, whether held by public or private institutions	Poor progress	Poor progress	Poor progress	Poor progress
	Issue instructions clearly to all branches of the security forces that violations of international human rights law and international humanitarian law are prohibited and punishable	Poor progress	Partial progress	Partial progress	Partial progress
	Address all reports of sexual and gender-based violence and torture	Poor progress	Poor progress	Poor progress	Poor progress
	Introduce effective security sector reforms	Poor progress	Poor progress	Poor progress	Poor progress
	Increase training and incentives focused on the promotion and protection of human rights of all Sri Lankans	Poor progress	Poor progress	Partial progress	Partial progress
	Accelerate the return of land to its rightful civilian owners.	Partial progress	Partial progress	Partial progress	Partial progress
	End military involvement in civilian activities	Poor progress	Poor progress	Poor progress	Poor progress
	Resumption of livelihoods	Partial progress	Partial progress	Partial progress	Partial progress
	Restoration of normality to civilian life	Poor progress	Poor progress	Poor progress	Poor progress
	Full participation of local populations, including representatives of civil society and minorities, in these efforts	Poor progress	Poor progress	Poor progress	Poor progress

Category	Commitment	Implementation Status			
		June 2016	March 2017	February 2018	March 2019
	A political settlement by taking the necessary constitutional measures on the devolution of political authority	Partial progress	Poor progress	Poor progress	Poor progress
	Ensure that all Provincial Councils are able to operate effectively, in accordance with the thirteenth amendment to the Constitution of Sri Lanka	Partial progress	Partial progress	Partial progress	Poor progress
	Implement the recommendations contained in the report of the Office of the High Commissioner	Poor progress	Poor progress	Poor progress	Poor progress
	Continuation of engagement between the Government of Sri Lanka and the High Commissioner and the Office of the High Commissioner	Completed	Completed	Completed	Completed
	Cooperate with special procedure mandate holders	Completed	Completed	Completed	Completed

\*VR's previous assessment of government progress in fulfilling this commitment overlooked the government's incomplete disclosure of reports by the Paranagama Commission, and that reports of some other CoIs (including the CoI into the Matale mass graves) are yet to be released publicly. The implementation status has accordingly been amended.

- <sup>1</sup> Office for Reparations Bill: Read a Second, and the Third time and passed as amended, ‘Parliamentary Hansard’, Volume 263 No.10, 10 October 2018.
- <sup>2</sup> Office for Reparations Act, No. 34 of 2018.
- <sup>3</sup> *Ibid.*, Section 4.
- <sup>4</sup> Appointing members to the Office for Reparations, Daily News, 3 March 2019, at [https://pbs.twimg.com/media/Dv\\_JoQ4VAAAMB-g.jpg](https://pbs.twimg.com/media/Dv_JoQ4VAAAMB-g.jpg), [last retrieved: 14 February 2019].
- <sup>5</sup> ‘Continuing Concerns on the Office for Reparations Bill’, Centre for Policy Alternatives (CPA), 4 October 2018, at <https://www.cpalanka.org/continuing-concerns-on-the-office-for-reparations-bill/>, [last retrieved: 14 February 2019].
- <sup>6</sup> Section 11(1)(h), Office for Reparations Act, No. 34 of 2018.
- <sup>7</sup> *Ibid.*, Section 22(4).
- <sup>8</sup> ‘PM moots Truth and Reconciliation Commission’, Daily Mirror, 13 February 2019, at <http://www.dailymirror.lk/article/PM-moots-Truth-and-Reconciliation-Commission-162281.html>, [last retrieved: 4 March 2019].
- <sup>9</sup> *Ibid.*
- <sup>10</sup> Address by H.E. Maithripala Sirisena, President of Sri Lanka at the 73rd Session of the United Nations General Assembly - 25 September 2018, New York, Ministry of Foreign Affairs Sri Lanka – Media Releases, 26 September 2018, at <https://www.mfa.gov.lk/address-73unga-eng/>, [last retrieved: 4 March 2019].
- <sup>11</sup> ‘Commissioners appointed to OMP’, Daily Mirror, 1 March 2018, at <http://www.dailymirror.lk/article/Commissioners-appointed-to-OMP-146609.html>, [last retrieved: 4 March 2019].
- <sup>12</sup> Investigation and tracing, Interim Report, The Office on Missing Persons, August 2018; ‘Office on Missing Persons assists investigation of human remains at the Mannar mass grave’, Press Release, 28 December 2018, at <https://drive.google.com/file/d/1iyrit3F0o0odc33z9KnpvWktpf11niPe/view>, [last retrieved: 14 February 2019].
- <sup>13</sup> ‘OMP receives 13,000+ missing person case files from former Ministry’, Daily FT, 10 July 2018, at <http://www.ft.lk/news/OMP-receives-13-000--missing-person-case-files-from-former-Ministry/56-658752>, [last retrieved: 12 February 2019].
- <sup>14</sup> ‘OMP regional office in Matara opened’, Sunday Observer, 3 March 2019, at <http://www.sundayobserver.lk/2019/03/03/news/omp-regional-office-matara-opened>, [last retrieved: 4 March 2019].
- <sup>15</sup> ‘Enforced Disappearances Bill passed in Parliament’, Daily Mirror, 7 March 2018, at <http://www.dailymirror.lk/146903/Enforced-Disappearances-Bill-passed-in-Parliament>, [last retrieved: 14 February 2019]; International Convention for the Protection of All Persons from Enforced Disappearance Bill: Read a Second, and the Third time and passed, Parliamentary Hansard, , Volume 259 No.02, 7 March 2018.
- <sup>16</sup> Paragraph 64, Consideration of reports submitted by States parties under Article 40 of the Covenant, Human Rights Committee, Sri Lanka, Draft as at 6 August 2018.
- <sup>17</sup> Section 13(1)(a)(i), Office on Missing Persons (Establishment, Administration and Discharge of Functions) Act, No. 14 of 2016.
- <sup>18</sup> Section 19(1), Assistance to and Protection of Victims of Crime and Witnesses Act, No. 4 of 2015.
- <sup>19</sup> ‘Threats against witnesses in Welikada massacre case’, Sunday Observer, 30 December 2018, at <http://www.sundayobserver.lk/2018/12/30/news-features/%C2%A0threats-against-witnesses-welikada-massacre-case>, [last retrieved: 12 February 2019]; ‘Witness Protection Authority: Still faltering after three years’, Sunday Observer, 24 February 2019, at <http://www.sundayobserver.lk/2019/02/24/news-features/witness-protection-authority-still-faltering-after-three-years>, [last retrieved: 4 March 2019].
- <sup>20</sup> Paragraph 54, Consideration of reports submitted by States parties under Article 40 of the Covenant, Human Rights Committee, Sri Lanka, Draft as at 6 August 2018.
- <sup>21</sup> *Ibid.*
- <sup>22</sup> Counter Terrorism Bill: Read the first time, Parliamentary Hansard, Volume 263 No.09, 9 October 2018.
- <sup>23</sup> ‘Several clauses in Counter Terrorism Bill inconsistent with Constitution’, The Island, 14 November 2018, at [http://www.island.lk/index.php?page\\_cat=article-details&page=article-details&code\\_title=194450](http://www.island.lk/index.php?page_cat=article-details&page=article-details&code_title=194450), [last retrieved: 4 March 2019].
- <sup>24</sup> ‘PTA to be repealed: Counter Terrorism Bill soon’, Daily News, 13 February 2019, at <http://www.dailynews.lk/2019/02/13/local/177386/counter-terrorism-bill-soon>, [last retrieved: 4 March 2019].
- <sup>25</sup> ‘Journalists covering CDS case attacked’, Daily Mirror, 28 November 2018, at <http://www.dailymirror.lk/article/Journalists-covering-CDS-case-attacked-159032.html>, [last retrieved: 4 March 2019].

<sup>26</sup> ‘FMM condemns police attack on Jaffna journalist’, *The Sunday Times*, 20 February 2019, at <http://www.sundaytimes.lk/article/1071848/fmm-condemns-police-attack-on-jaffna-journalist>, [last retrieved: 4 March 2019].

<sup>27</sup> Letter by Human Rights Commission of Sri Lanka to President Sirisena, Human Rights Commission Sri Lanka, at <http://hrcls.lk/english/wp-content/uploads/2018/04/Letter-to-H.E.-President-re-Vetting-English.pdf>, 4 April 2018, [last retrieved: 13 February 2019].

<sup>28</sup> ‘Land released from 2009-2019’, Based on data provided by the Ministry of Defense as at 25 January 2019, Secretariat for Coordinating Reconciliation Mechanisms official Twitter Page, 11 February 2019, at <https://twitter.com/officialscrmsl>, [last retrieved: 4 March 2019].

<sup>29</sup> Paragraph 43, Sri Lanka, Consideration of reports submitted by States parties under Article 40 of the Covenant (State Party Report under the ICCPR), Draft as at 6 August 2018.

<sup>30</sup> Performance Report and Annual Accounts, Ministry of Prison Reforms, Rehabilitation, Resettlement and Hindu Religious Affairs, 2017, at <https://www.parliament.lk/uploads/documents/paperspresented/performance-report-of-ministry-of-prison-reforms-2017.pdf>.

<sup>31</sup> *Ibid.*

<sup>32</sup> *Ibid.*, Paragraph 39.

<sup>33</sup> ‘Release our land, or we’ll occupy it’, *The Hindu*, 23 January 2019, at <https://www.thehindu.com/news/international/release-our-land-or-well-occupy-it/article26072145.ece>, [last retrieved: 14 February 2019].

<sup>34</sup> ‘Mullikulam: A step closer to regain Navy occupied lands and houses’, *Sunday Observer*, 5 August 2018, at <http://www.sundayobserver.lk/2018/08/05/news-features/mullikulam-step-closer-regain-navy-occupied-lands-and-houses>, [last retrieved: 4 March 2019].

<sup>35</sup> ‘Release Of State Lands Used by the Army for Farming Purposes as directed by H.E The President’, Sri Lanka Army, 30 December 2018, at <https://www.army.lk/news/release-state-lands-used-army-farming-purposes-directed-he-president>, [last retrieved: 13 February 2019].

<sup>36</sup> Thalsevana Army Resort, Jaffna, at <http://www.thalsevanaresort.com/> [last retrieved: 6 March 2019]; Marble Beach Air Force Resort, Trincomalee, at <http://www.marble-beach-air-force-resort-trincomalee-sri-lanka.en.www.lk/> [last retrieved: 6 March 2019].

<sup>37</sup> ‘Enterprise Sri Lanka and Gamperaliya introduced in North & East’, *Ada Derana*, at 9 August 2018, at <http://www.adaderana.lk/news/49260/-enterprise-sri-lanka-and-gamperaliya-introduced-in-north-east>, [last retrieved: 13 February 2019].

<sup>38</sup> Sri Lanka Labour Force, Annual Report, Department of Census and Statistics, 2017, at [http://www.statistics.gov.lk/sampleurvey/LFS\\_Annual%20Report\\_2017.pdf](http://www.statistics.gov.lk/sampleurvey/LFS_Annual%20Report_2017.pdf). Note: The Annual Report contains a discrepancy on unemployment rate in the North, for 2017. This brief used figure 7.7% on p. 26-27.

<sup>39</sup> *Ibid.*

<sup>40</sup> Reports of Constitutional Assembly Meetings, The Constitutional Assembly of Sri Lanka, at <https://english.constitutionalassembly.lk/constitutional-assembly/reports>, [last retrieved: 14 February 2019].

<sup>41</sup> The crisis began with President Sirisena’s appointment of former president Mahinda Rajapaksa as prime minister on 26 October 2018, followed by dissolution of Parliament in November 2018. The dissolution was challenged in the Supreme Court. On 13 December 2018, the Court ruled that the act was unconstitutional. Ranil Wickremesinghe was subsequently sworn in as prime minister, following which, a new Cabinet was appointed.

<sup>42</sup> ‘Sri Lanka: Report on constitution proposals tabled’, *The Hindu*, 11 January 2019, at <https://www.thehindu.com/news/international/sri-lanka-report-on-constitution-proposals-tabled/article25973005.ece>, [last retrieved: 15 February 2019]; ‘No draft made on new Constitution: Sri Lanka PM Ranil Wickremesinghe’, *The New Indian Express*, 20 January 2019, at <http://www.newindianexpress.com/world/2019/jan/20/no-draft-made-on-new-constitution-sri-lanka-pm-ranil-wickremesinghe-1927423.html>, [last retrieved: 15 February 2019].

<sup>43</sup> ‘Report of the Delimitation Committee is not approved by Parliament’, *Parliament of Sri Lanka News*, 24 August 2018, at <https://www.parliament.lk/en/news-en/view/1579?category=6>, [last retrieved: 15 Feb 2019].

<sup>44</sup> ‘Holding Provincial Council Elections: Speaker Appoints Five Member Committee’, *Daily News*, 29 August 2018, at <http://www.dailynews.lk/2018/08/29/local/161053/speaker-appoints-five-member-committee?page=30>, [last retrieved: 4 March 2019].

<sup>45</sup> ‘Provincial Council Delimitation report delayed 2 months’, *Daily FT*, 22 September 2018, at <http://www.ft.lk/news/Provincial-Council-Delimitation-report-delayed-2-months/56-663333>, [last retrieved: 4 March 2019].

<sup>46</sup> Section 3(3) of the International Convention for the Protection of All Persons from Enforced Disappearance Act, No. 5 of 2018, introduced elements of superior responsibility for the first time in Sri Lanka’s legal system.

A | No.5A, Police Park Place, Colombo 05  
T | +94 11 2055544  
E | [reception@veriteresearch.org](mailto:reception@veriteresearch.org)  
W | [www.veriteresearch.org](http://www.veriteresearch.org)