

Update on reconciliation

Sri Lanka remains committed to pursuing tangible progress in the protection of human rights and reconciliation through **independent domestic mechanisms** inter alia, the Office on Missing Persons (OMP), Office for Reparations (OR), and Office for National Unity and Reconciliation (ONUR).

The Office on Missing Persons (OMP)

The OMP has established units for tracing, protection, and victim support. It has conducted panels of preliminary inquiries as part of its verification process that leads to in-depth investigation. Over 80% participated in these inquiries, indicating public trust. 4,088 out of 6,025 (phase 1) complaints appeared before the OMP. The Tracing Unit found 16 persons alive, and confirmed 3 deceased as of November 2023.

The OMP supports families in obtaining legal documents, relief measures, and financial support and collaborates with other Government agencies in addressing their issues. Certificates of Absence (CoA) for individuals previously reported as missing, is an interim measure. As of July 2023, 1,313 families have been assisted in getting CoAs. On 06 November 2023¹ the validity period of the Certificate of Absence (CoA) was further extended for 5 years, i.e. until 2028.

The OMP has developed the Strategic Road Map – 2023-2025 which covers eight focus areas including the preliminary inquiries to be conducted, digitalization process, victim and family support, tracing, and further investigations.

The OMP assists in legal proceedings, maintains follow-ups, trains staff, and engages with various government bodies and organizations to fulfill its mandate, including observing investigations into suspected gravesites with Standard Operating Procedures (SOPs) developed. For instance, the OMP has participated as an observer in the investigations into the mass grave at Kokuthoduvaai in Mullaitivu since its discovery in June 2023 and has actively participated in ensuring preservation and exhumation, respect and identification of the mortal remains contained therein in line with international standards.

The ICRC collaborates with the OMP and provides technical assistance and expertise in medico-legal matters.

The Office for Reparations (OR)

The National Reparations Policy and Guidelines formulated by the OR was approved by the Cabinet in August 2021 and tabled in Parliament in February 2022 as required by the OR Act. Accordingly, relief and assistance provided through the OR extends to eight key interventions namely provision of livelihood support, restitution of land rights, provision of housing, development of community infrastructure, administrative relief, psychosocial support and measures to advance unity, reconciliation and non-recurrence of violence.

A budget of LKR 459 million and LKR 815 million was allocated to the OR in 2021 and 2022 respectively, and 87% of the total recurrent expenditure of 2022 was to pay monetary compensation. In the year 2022, LKR 405.3 million was disbursed for 2402 cases related to death and injuries, missing persons and damaged properties due to conflict in the Northern and Eastern provinces and few other areas. As of July 2023, Rs 405.5 million was utilized to provide monetary relief to the 664 families of the victims relating to death and injuries, missing persons and damaged properties due to conflict in the Northern and Eastern Provinces and other areas including 2022 incidents.

¹ Extraordinary Gazette 2357/18 dated 2023.11.06 - http://documents.gov.lk/files/egz/2023/11/2357-18_E.pdf

Payments of monetary relief has been granted to the 203 families of missing persons from North East Conflict amounting to Rs. 40,600,000 as at 12 July 2023.

Supreme Court Judgement in relation to Easter Sunday Attacks:

Following the Supreme Court judgement dated 12 January 2023 related to the Easter Sunday attacks, the Office for Reparations has submitted to the Court a comprehensive report, providing detailed and updated information on the compensation provided to victims' families, including the determination of compensation in line with the policy decisions and circulars.

The OR has highlighted in its report that there were no underpayments on account of any of the victims and the OR has not made any ad hoc decisions. The OR explains that the families of the seven (07) victims referred to in the submissions of Counsel for the Archbishop of Colombo as well as of the three (03) other victims had been granted Rs. 1 million in compliance with the Cabinet decision dated 24 April 2019 which was submitted by the then Prime Minister.

The OR has already completed the payment of monetary relief to all the victims of Easter Sunday attacks. At present, the OR is in the process of identifying the needs of the victims in order to grant them additional reparations with the amount deposited in the 'Victim Fund' by the respondents as per the Supreme Court order.

The Office for National Unity and Reconciliation (ONUR)

The ONUR continues its reconciliation work and provides opportunities through its conflict transformation programme for interfaith and intercultural dialogue among the reconciliation committees established at the grassroots level with the inclusion of clergy, women's groups, youth, government officials and civil society leaders.

The Office for National Unity and Reconciliation (ONUR) is making steady progress in advancing the ONUR act to establish the organization permanently and ensure the continuation of its mandate for reconciliation. The draft act will be submitted to the Parliament in the near future. The Reconciliation policy with the inclusion of 5-year action plan was developed and submitted to the Ministry of Justice for necessary authentications.

Under its Economic Engagement program, ONUR conducted a socio-economic survey of 1,589 rehabilitated youth in the Mulathivu district and is actively working on developing an action plan to support these young individuals in achieving economic stability.

In collaboration with UNESCO, the Office for National Unity and Reconciliation (ONUR) has successfully delivered online training to young individuals, spanning across all regions of the country. Additionally, ONUR has implemented a Small Grants Program to provide support to grassroots level initiatives. Through funding received from USAID, comprehensive training programs have been organized, involving all National Integration Officers, focusing on reconciliation and the establishment of an early warning system. Furthermore, through the GGP (Grant Assistance for Grassroots Human Security Projects) grant program under the Embassy of Japan, livelihood initiatives have been proposed specifically for the Northern Province.

Truth and Reconciliation Mechanism

A Cabinet Sub-Committee on Reconciliation was appointed by the President in October 2022 under his chairmanship with the objective of promoting reconciliation in the country. Following the deliberations of this Committee, a number of issues were identified to be addressed expeditiously including the development of a national mechanism for truth-seeking.

The proposal to formulate this mechanism, submitted by the Cabinet Sub-Committee, was approved by the Cabinet on 16 January 2023. As approved by the Cabinet, an Advisory Committee was appointed by Hon. Minister of Justice, Prison Affairs and Constitutional Reforms and Hon. Minister of Foreign Affairs to initiate discussions with the stakeholders to facilitate the drafting of a new legislation.

On 29 May 2023, Cabinet approval was granted to establish and operate an **Interim Secretariat on the Truth and Reconciliation Mechanism**. Pursuant to this approval, a Director General has been appointed to lead the Interim Secretariat and several officers have been recruited following a transparent and careful selection process. One of the tasks of the Interim Secretariat is to ensure stakeholder engagement, to create public awareness of the intended work of the Truth and Reconciliation Mechanism to be established in Sri Lanka, and to consider their feedback and/or observations and/or concerns in connection with the establishment of such mechanism.

Several consultations have already been held with key government stakeholders, including reconciliation mandated organizations namely: Office on Missing Persons, Office for Reparations and Office for National Unity. In addition, civil society representatives, members of trade unions, Parliamentarians from the minority parties, associations representing the diaspora community, and associations representing religious groups have also been consulted on the proposed mechanism. These consultations were conducted in Sinhala/Tamil and English. These efforts of stakeholder engagement provided a platform for the said stakeholders to raise concerns, verbally and in writing. The participants thereat were also encouraged to make recommendations to the process. The GoSL is committed to following an inclusive path in establishing the mechanism. Thus, all relevant observations of the stakeholders will be given due consideration when the draft legislation for establishing the mechanism is prepared.

The Government is open to receiving any further comments and observations regarding the proposed Truth and Reconciliation Mechanism, in order to make the process as inclusive as possible, while following due process established by law, and balancing the need to expedite the process.

Office for Overseas Sri Lankan Affairs (OOSLA):

Sri Lanka stands to benefit from the social and professional diversity of an estimated 3 million Sri Lankans living abroad, by tapping into their expertise, resources for the economic and social development of Sri Lanka, as well as supplementing domestic reconciliation efforts. In this context, **the Office for Overseas Sri Lankan Affairs (OOSLA)** was operationalized in January 2023 following a decision by the Cabinet of Ministers in December 2022 as a platform for mutually beneficial engagement between the Government of Sri Lanka and Overseas Sri Lankans who wish to remain connected to their country of origin in multiple ways.

Prevention of Terrorism Act (PTA)

Recognizing the importance of protecting human rights while combatting acts related to terrorism, Sri Lanka has initiated the process of reviewing the PTA. In this context, following extensive deliberations with all relevant stakeholders including civil society, amendments to the PTA were adopted by Parliament in March 2022. This is the first time that the PTA has been substantively amended in 43 years. The cumulative effect of these Amendments will make a substantial improvement of, and a profound impact upon the existing law, and will further the cause of human rights and human freedoms in Sri Lanka.

Following extensive deliberations with all relevant stakeholders including civil society, amendments to the **Prevention of Terrorism Act** were adopted in March 2022. These

were substantive amendments for the first time in 43 years, making in line with international standards.

Anti-Terrorism Bill

A Cabinet Sub-Committee was appointed in September 2022 to develop anti-terrorism laws that balance national security concerns while considering inter alia, international standards and best practices.

On 20 February 2023, the Cabinet approved the draft **Anti-Terrorism Bill**. Pursuant to the Cabinet decision and the gazetting of the Bill, the Ministry of Justice has actively reached out to the public to receive further views. The Government engaged in further consultations with all stakeholders on the draft Bill and in the process of reviewing the Bill to ensure that it is in line with international standards while catering to domestic needs.

With regard to the Anti-Terrorism Bill, further deliberations were made and taking into consideration the observations made including by the international community, the BASL and other stakeholders and it was decided to consider the same within the framework of Sri Lanka legal system and in accordance with international norms and best practices. On 28.08.2023, the Cabinet approved the revised draft Anti-Terrorism Bill.

On 01.09.2023, a Diplomatic briefing was convened at the Ministry of Foreign Affairs for the Colombo-based diplomatic corps on current developments related to the draft Anti-Terrorism Bill. At the Diplomatic Briefing, the following salient features of the draft legal framework were presented:

- Counter Terrorism Bill of 2018, the report of the Commission of inquiry on Easter Sunday as well as observations made by the Bar Association of Sri Lanka (BASL) and the international community, were among the elements considered in developing the framework.
- The new draft seeks to ensure protection of Fundamental Rights such as freedom of expression and will not include the death penalty, while judicial oversight will be ensured throughout detention.
- The draft Bill will be subject to approval of the Cabinet and subsequent procedures as per the Constitution.

On 15.09.2023, the draft Anti-Terrorism Bill was gazetted². Several petitions have been made before the Supreme Court challenging the draft Bill. The draft Bill will be subject to subsequent procedures as per the Constitution.

Commemoration of the 200th Anniversary of Upcountry Tamils' arrival in Sri Lanka

The commemoration activities for the 200th Anniversary of Upcountry Tamils' Arrival in Sri Lanka took place on 02 November 2023. This campaign symbolized the celebration of identity and belonging of the plantation community with wider Sri Lankan society and the integral role they have played in the history, economy and culture of the country.

Release of land

Presently, 92% of the lands occupied by the Security Forces and Police in 2009 have been released from time to time. Accordingly, 22,919 acres comprising 817 acres of state lands and 22,101 acres of private land have been released. The current extent of occupied land by the Security Forces and the Police is 3754 acres, of which 862 and 2892 acres are

² http://documents.gov.lk/files/bill/2023/9/383-2023_E.pdf

respectively state and privately owned. Further, a committee has been established by the Secretary Defence to identify more lands to be released.

Engagement with the Council and HR mechanisms

Sri Lanka has reiterated its categoric rejection of the external evidence gathering mechanism established following Resolution 46/1, which will have wide-ranging legal and political implications for all countries.

Notwithstanding its position on the HRC Resolution 51/1 and despite the severe constraints, Sri Lanka actively and constructively engaged with the regular Human Rights mechanisms, including the UPR Review under the 4th Cycle and the ICCPR Review in February and March this year respectively. The Government has taken note of the constructive comments and recommendations made during these Reviews. After careful consideration of all 294 recommendations received at the 4th Cycle of the UPR, the Government of Sri Lanka supported 173, while 115 were noted, 06 recommendations which referred to HRC resolutions 30/1, 46/1 and 51/1 were rejected by Sri Lanka based on its position on these resolutions. Sri Lanka also announced 12 voluntary pledges.

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