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ORGANIZATION OF THE WORK OF THE SESSION

**Note verbale dated 20 April 2005 from the Permanent Mission of Sri Lanka
to the United Nations Office at Geneva
addressed to the Secretariat of the Commission on Human Rights**

The Permanent Mission of the Democratic Socialist Republic of Sri Lanka to the United Nations Office at Geneva and other International Organizations in Switzerland presents its compliments to the Secretariat of the Commission on Human Rights and wishes to refer to the several written statements circulated by Asian Legal Resource Centre under various agenda items.

The Permanent Mission of Sri Lanka wishes to attach herewith the observations of the Government of Sri Lanka on the contents of the above-mentioned written statements.

The Permanent Mission of Sri Lanka requests the Secretariat of the Commission on Human Rights to circulate the observations of the Government of Sri Lanka* as an official document of the Commission on Human Rights under agenda item 3.

* Reproduced in the annex as received, in the language of submission only.

Annex

**The Observations of the Government of Sri Lanka on the
written statements submitted by the Asian Legal Resource Centre (ALRC), a
Non-governmental Organisation to the
sixty first session of the UN Commission on Human Rights**

An NGO, Asian Legal Resource Centre (ALRC) claims it has submitted 40 written statements for circulation at the 62nd Session of the Commission of Human Rights, on countries in the Asian region.

On scrutiny of some ALRC statements and with regard to the references on Sri Lanka, it is observed that ALRC makes many conclusions of a general nature such as about the delay in the judicial process in the region. Delays in the judicial processes are a phenomenon not restricted to South Asia but a problem that is faced around the world. The ALRC however fails to note any of the positive steps taken in this regard, to remedy such delays. For instance in Sri Lanka, the Government has introduced new draft laws to establish regional Appeal Courts with the intention of speeding up the trial process and the draft legislation is now in a stage of public scrutiny.

One ALRC written statement concludes that 'there is erosion in the independence of the judiciary' as a result of the killing of a High Court judge by suspected narcotic drug dealers. Yet the statement does not refer to the speedy and efficient investigation that followed, as a result of which the suspects are now being tried for murder before the High Court.

Further, the ALRC statements refer to a number of incidents that are currently under investigation or where the State is already conducting prosecutions. Some statements refer to incidents that are already receiving the attention of special mechanisms such as the Optional Protocol to the ICCPR.

Some of the ALRC statements are self-contradictory, for instance, on the one hand complaints are made of impunity in action on torture cases, while at the same time ALRC concludes that 'two convictions and the increasing number of investigations leading to the filing of more cases have had a chilling effect on the police in recent months'!

It has also been noted the ALRC continues to cast aspersions on the National Human Rights Commission and appears to ignore the fact that persons of international repute and commitment have been appointed to this key institution in Sri Lanka and that the strategic plans and policies implemented by this Commission have been broadly endorsed and praised by the international community which has provided financial support for the Commission's programmes.

The ALRC also criticises the emergency regulations that came into force in Sri Lanka for a short period in the aftermath of the tsunami of 26th December 2004 in order to enable the authorities to deal with the worst ever natural disaster experienced in the country. The ALRC statement fails to mention that this was a temporary measure taken purely as a precautionary measure to address the extraordinary circumstances of this unprecedented natural disaster which left an estimated 30,000 dead, 900,000 displaced, 88,000 homes destroyed etc. The emergency regulations enabled quick action on human rights issues such as the protection of children from trafficking, violence against affected women and children, the protection of property etc. The Ministry of Justice in Sri Lanka received no harassment complaints from any person due to the imposition of these temporary regulations, which lapsed soon after the emergency relief phase came to an end.

The Government of Sri Lanka has always maintained a policy of open cooperation and engagement with civil society. However, since the written statements of the ALRC contain misleading assertions and polemical references, the Government wishes therefore to respond briefly, taking into consideration the need to avoid over-burdening the Commission at a time when representatives are being urged to make concise and consolidated statements and focus on specific topical issues requiring urgent redress.

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