

## **The statement made by the Hon Nimal Siripala de Silva, Leader of the House, when tabling the Report of the LLRC in the Parliament of Sri Lanka**

The achievement of national reconciliation is one of the principal aims of the government after the eradication of terrorism. The reign of terror, which our country had to endure for thirty long years, was the main impediment to economic and social development in every sector. It is a matter of deep satisfaction to the government that it has been able to rid Sri Lanka of this menace. We now have the opportunity, which eluded us for so long, to derive the fullest benefit from our country's natural strengths and, in particular, from the unique calibre of our human resources.

To do so, the first requirement is the spirit of inclusivity. We have to put behind us the anguish of a painful conflict and to confront the challenges of the future as one nation.

It is in this context that His Excellency President Mahinda Rajapaksa appointed on 15th May 2010, the Commission of Inquiry on Lessons Learnt and Reconciliation. The Commission submitted its Report to the President on 20th November 2011. His Excellency President Mahinda Rajapaksa wishes to thank the Chairman and Members of the Commission for the conscientious and painstaking work they have done.

It is now my pleasure to submit their Report to this August Assembly, together with a brief statement which sets out the government's initial response to the major recommendations contained in the Report.

The Commission offers us detailed observations and recommendations on international humanitarian law issues relating to the final phases of the conflict. The Report clearly accepts the position that protection of civilian life was a key factor in the formulation of policy for carrying out military operations and that the deliberate targeting of civilians formed no part of this policy. Military operations were conducted professionally, but if there is evidence of transgression by individuals, this of course should be examined. It is important to point out that the government, of its own accord, has already carried out a series of measures including a comprehensive census in the Northern Province which will enable firm and variable conclusions to be arrived at on issues involving accountability, without any element of conjecture or speculation.

On the basis of evidence placed before them, the Commission points to several specific episodes which, in their view, warrant further investigation. These episodes are referred to in the Report, in a variety of settings.

With regard to video footage which has generated controversy, while the Commission refers to “troubling technical and forensic questions of a serious nature that cast significant doubts about the authenticity of this video and the credibility of its contents”, the Commission recommends, for the purpose of clearance of all doubts, that an independent investigation of this matter be embarked upon.

It is a matter of the greatest importance to the government to have the truth relating to each of these matters established in a manner that puts controversy to rest for all times. The government has asserted clearly on many occasions that, if reliable evidence is available in respect of any contravention of the law, the law of the land will be set in motion. The Report now sets out some specific situations where examination of the circumstances from this perspective is appropriate. The government is firmly of opinion that these situations require thorough investigation in the first instance, and punitive action in terms of the law if wrongdoing is established.

In these circumstances the proper course of action is to set up a mechanism for gathering and assessing factual evidence relating to the episodes indicated, buttressed by a strong investigative arm. The findings arrived at in this process will form the basis of a decision whether criminal proceedings can be instituted. The material yielded by this investigation will be placed before the Attorney-General for a decision in respect of institution of criminal proceedings, where warranted.

This is the vital aspect of application of the law. There is, as well, a cluster of issues with regard to restitution. The Commission rightly observes that “Closure is the first difficult emotive step in a long and complex journey”. In appropriate cases, once finality is reached, the issuance of death certificates and the provision of a variety of forms of relief including monetary compensation and access to facilities in the education and employment sectors, are among the steps that will be taken as a matter of urgency.

The government has addressed in earnest a series of valuable recommendations by the Commission in respect of land issues, with particular reference to return and resettlement.

With regard to this range of matters, the government would like to set out some basic principles with crystal clarity. It is a false, and indeed mischievous canard, that the government is committed to a policy of changing the demographic composition of the areas affected by the conflict. It is our firm resolve to ensure that all those who

have been dispossessed of their lands, are afforded the opportunity to return to the lands they occupied. With regard to the two High Security Zones - Palaly and Trincomalee-Sampur - the area occupied by the Zones, as the Commission has recognized, has diminished significantly, and the government will closely monitor and expedite continuing progress in this regard. In cases where the owners have decided to sell their lands or to accept alternative lands in situations where restoration to possession of the original lands is not feasible because of supervening circumstances, the necessary arrangements will be completed expeditiously. There has been very considerable progress in respect of access to places of religious worship, very few of which are currently situated within High Security Zones, and any residual issues will be resolved in a time-bound manner. The government, moreover, regards as fundamental the principle that any citizen of Sri Lanka has the inalienable right to acquire land in any part of Sri Lanka in accordance with applicable laws.

The resolution of matters pertaining to competing equities in respect of title to land in the former areas of conflict, is strikingly complex. The government finds helpful the Commission's suggestions regarding the institutional mechanisms to deal with land documentation and user-right issues. The launching of a well-designed, settler centred communication campaign to provide fuller information will be immediately undertaken. The government accepts the Commission's recommendations about formulation of a land use plan for each district in the Northern and Eastern Provinces and, as a longer term initiative, the establishment of a National Land Commission for the country, as a whole.

Security Forces will continue to be deployed as appropriate in all parts of the island, including the Northern and Eastern Provinces. However, now that conditions of normalcy have been re-established, it will be the deliberate policy of the government to ensure the withdrawal of Security Forces from all aspects of community life, their role being confined exclusively to security related matters. This is a matter relating to scope of functions and to profile. Security Forces will disengage themselves from civil administration related activities and, in particular, from participation in any decision making in respect of land issues. More than 600 Tamil speaking police officers have been recruited already. The police, with Tamil language capability, will be further strengthened to deal with law and order functions. As a means of enhancing effectiveness in this regard, units of the Attorney-General's Department will be set up in the Provinces to provide guidance to the police with regard to procedure.

The government places particular emphasis on bringing about a total end to the possession of unauthorised weapons. No one is more concerned than we are, as a government, with this phenomenon, because of its potential to stultify our central

objectives. The relevant information contained in the Report will be acted upon. This issue, which was closely linked to the turbulent conditions prevailing at the height of the conflict, has been addressed with considerable success, and the final mopping up will be taken in hand vigorously. Where there is evidence relating to the possession of illegal weapons, raids will be conducted on the basis of a policy of zero tolerance. His Excellency the President has directed the defence authority to keep him informed of progress, and this information will be made available to Parliament as part of an effective monitoring process under public scrutiny.

Sound prioritization is an essential aspect of a practical strategy for implementation. It is important to distinguish between measures addressing humanitarian needs as a matter of urgency and longer term initiatives. As a central feature of the government's approach to reconciliation, a Parliamentary Select Committee has been set up to achieve a national consensus in respect of constitutional changes which are timely to fulfil minority aspirations. Parallel with this all-Party mechanism, necessary for sustainability of far-reaching constitutional reforms, the government has commenced bilateral discussions with Tamil political parties on a structured basis.

The government has no doubt that the Trilingual Policy, already announced by the government as a cornerstone of our plans for the year 2012, will make a contribution of value to building bridges among the communities and consolidating a sense of national unity.

All the agony and suffering which the thirty year conflict has inflicted on our country, is a matter for deep sadness. While we recognize this collectively as a nation, our acknowledgement of this reality must strengthen our determination to seize this rare opportunity which has now presented itself. We must do so in a spirit of togetherness, irrespective of considerations of language, creed or religion. In this context, the government would endorse unreservedly the comment by the Commission that "There must be willingness on the part of all political parties to give up adversarial politics and have consensual decision-making on national issues". This is the need of the hour.

His Excellency the President wishes to reiterate his thanks to the Commission for the dedication and commitment with which they have accomplished their daunting task within a remarkably brief period. The government seeks the support of all members of this House, rising above Party affiliation, to carry forward the task of implementation with the energy that is called for at this crucial time.

Colombo

16 December 2011