

PARLIAMENT WATCH – SRI LANKA*

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Overview

In December 2011, the Lessons Learnt and Reconciliation Commission presented the final report to Parliament. However, based on the findings of the report, zero dialogue was initiated. The Commission report was presented in international forums while the Sri Lankan legislature had no clue of its contents. The law and order in the State was once again questioned in Parliament with regard to the state of affairs in the North and the East.

Zero dialogue on the factors observed in the LLRC report

Leader of the House, Minister Nimal Siripala de Silva presented the final report of the Lessons Learnt and Reconciliation Commission (LLRC) to Parliament on December 16, 2011.¹

In a statement summarizing the LLRC report, he said that the broad concerns addressed were civilian casualties during the last phase of the war, illegal armed groups, reconciliation, rule of law and the language policy of the Government.²

This report was highly anticipated by all parties, especially in the context of the UN's Darusman Report, the Channel 4 'Killing Fields' documentary and the ongoing debate in the Human Rights Commission. Many speculated whether the LLRC would satisfactorily address issues like civilian casualties during the war or activities of armed gangs in the North and East after the war, and whether the government would stick to the zero civilian casualties stance it had adopted, despite the large number of testimonies given before the Commission which pointed to the contrary.³

The 407-page report which Minister Siripala summarized seems to have addressed these sensitive issues more thoroughly than many expected. Although it denied that the government policy deliberately targeted civilians to achieve military objectives, it stressed that it was evident that the military has caused death or injury to civilians "even though this may not have been with an intent to cause harm."⁴

What was most surprising was the Commission's willingness to include concerns over the deterioration of Rule of Law in its mandate. It also stressed the need to investigate

¹ Hansard, December, 16, 2011, Volume 205- No. 13, Report of the Presidential Commission of Inquiry on Lessons Learnt and Reconciliation, Nimal Siripala de Silva 2338
40.<http://www.parliament.lk/news/ViewPublication.do?published=Y&documentID=PUB3738>

² Hansard, December, 16, 2011, Volume 205- No. 13, Report of the Presidential Commission of Inquiry on Lessons Learnt and Reconciliation, Nimal Siripala de Silva 2338-
40.<http://www.parliament.lk/news/ViewPublication.do?published=Y&documentID=PUB3738>

³ Compilation of LLRC submissions by CHR-Sri Lanka.<http://chrsrilanka.com/products/110208060220Submissions%20And%20Transcript%20at%20LLRC.xlsx>

⁴ Reconciliation Commission (LLRC) sessions in Trincomalee: Karuna group behind more abductions, cash demands for release, By RathindraKuruwita, December 9, 2010.
http://www.lakbimanews.lk/archvi/lakbimanews_10_12_05/special/spe7.htm

violations of human rights that have languished without proper investigation or prosecution, and stated that such action would send a strong signal internationally that Sri Lanka was serious about ensuring respect for the Rule of Law, which in turn will contribute to the reconciliation process.⁵

However, after presenting the LLRC Report there was no discussion in Parliament about the matter, neither on that day nor during the rest of the month. This was despite the fact that Parliament met several times a week to discuss the budget. There was no dialogue among the MPs, no call by the opposition or the government to create a non-partisan committee to discuss the report, and no attempt to establish an inter-ministerial committee to look at how best to implement the recommendations. The only exception was Prof. Rajiva Wijesinghe who called for the establishment of a Ministry of Reconciliation to implement the LLRC report. This call was largely ignored.⁶

The lack of discussion on matters of human rights, transparency and Rule of Law in Parliament has been a recurring theme in recent years. Action concerning these issues such as the creation of a national human rights action plan or a witness protection bill has been largely limited to international forums. The LLRC was discussed in the Convention Against Terrorism sessions in November 2011⁷ well before Sri Lankan legislators had even seen the report. Meanwhile, the National Action Plan for Human Rights is set to be presented and discussed at the March 2012 Geneva UNHRC sessions.⁸

While the government sends delegations to such forums and makes promises, too often the recommendations of such forums are labeled as international influence to undermine the country. The opposition political parties and civil society groups likewise often confine their discussions to international forums, which has meant that there has been little local dialogue about these issues. This lack of dialogue in the society at large has contributed to the perception that attempts at reconciliation are artificial and irrelevant to many citizens.

Although the LLRC recommended a quick return to normalcy and the minimization of militarization, Democratic National Alliance (DNA) MP Ajith Kumara was prevented from entering Menik Farm Camp on December, 7, 2011 by the army officer in charge. This action was taken despite the fact that the MP had received permission from the Secretary to the Ministry of Resettlement. It also should be noted that this camp is not under the purview of the Ministry of Defense (MoD).

⁵ LLRC report. <http://www.scribd.com/doc/75861472/Report-of-the-Commission-of-Inquiry-on-Lessons-Learnt-and-Reconciliation>

⁶ Reconciliation Initiatives by Rajiva Wijesinghe. <http://www.peaceinsrilanka.org/>

⁷ SRI LANKA: Report on the examination of the third and fourth periodic reports of Sri Lanka by the UN Committee against Torture, AHRC, November, 28, 2011. <http://www.humanrights.asia/news/ahrc-news/AHRC-ART-061-2011>

⁸ Sri Lanka to Distribute Copies National Action Plan for Human Rights Protection at UN in Geneva, by Chandani Kirinde, Sunday Times. <http://transcurrents.com/news-views/archives/8241>

“When I informed the Minister in charge he told me that there is no problem and that he will call the officer in charge, Colonel Premalal. But Premalal still refused to allow me inside a camp that does not belong to the Ministry of Defense,” he told Parliament.⁹

Law and Order

The LLRC issued an interim report in the latter part of 2010 that urged the government to address the prevailing law and order issues which has continued despite the end of the war. The Commissioners urged the government to put an end to the continuous abductions by various groups. In addition, it urged the authorities to normalize civilian life.¹⁰

However, the fact that individuals keep on being abducted, beaten up and intimidated in the North, often in HSZs, and the fact that opposition MPs cannot still visit IDP camps without MoD clearance still indicates how far away normalization is. In addition, two Movement for Peoples Struggle activists disappeared in Jaffna on December 09, 2011. This was in the immediate aftermath of the MP's visit to Menik Farm. Lalith Kumar Weeraraju and Kugan Muruganandan were human rights activists who played a key role on the ground. Their disappearance in a heavily militarized area is eerily reminiscent of such other disappearances in Jaffna.¹¹

Conclusion

A look at the Order Paper for January 2012 shows that there are no motions, questions or debates scheduled on LLRC report or reconciliation. However, media has reported that the government as well as civil society groups are gearing for the UNHRC sessions in March. This has meant that the discussion on reconciliation, Rule of Law and human rights will continue to be excised from the media and denied to ordinary citizens. This refusal to acknowledge the problem makes attempts to implement the LLRC recommendations even harder.

⁹ Hansard, December, 13, 2011, Volume 205 - No. 10, Ajith Kumara, page 1789, Privilege : obstruction from entering Menik Farm IDP camp.

<http://www.parliament.lk/news/ViewPublication.do?published=Y&documentID=PUB3723>

¹⁰ Two JVP rebel activists missing, feared abducted in Jaffna, Lakbima News, December, 11, 2011. http://www.lakbimanews.lk/index.php?option=com_content&view=article&id=3846:two-jvp-rebel-activists-missing-feared-abducted-in-jaffna&catid=40:news&Itemid=64

¹¹ LLRC: Interim report to Government, Groundviews, November, 11, 2010. <http://groundviews.org/2010/11/11/llrc-interim-report-to-government/>