

## **STATEMENT BY THE FORMER MEMBERS OF THE CONSULTATION TASK FORCE ON RECONCILIATION MECHANISMS (CTF)**

*15<sup>th</sup> March 2017, Colombo, Sri Lanka:* The Consultation Task Force on Reconciliation Mechanisms (CTF) was mandated to ascertain the views of the public on the reconciliation mechanisms proposed by the Government of Sri Lanka and incorporated in the resolution co-sponsored by the Government at the UN Human Rights Council in 2015. Recognising the need to be open to submissions from victims of all large-scale conflicts, including the war and the insurrections against the State by the JVP, the CTF took on board submissions that went beyond the four mechanisms.

The CTF officially handed over its Final Report to the Government on 3<sup>rd</sup> January 2017. The Report was received by former President and Chairperson of the Office of National Unity and Reconciliation (ONUR), Chandrika Bandaranaike Kumaratunga, on behalf of President Maithripala Sirisena, who was indisposed on the day. The CTF subsequently met with His Excellency President Sirisena who informed them that Constitutional Reform would be prioritised over Transitional Justice and that the two would not be pursued together. He stressed the overarching need to garner the support of all communities behind Transitional Justice, in particular, in the south of the country. The CTF has also requested an appointment with Prime Minister Ranil Wickremesinghe.

The Report is based on submissions from over 7,000 citizens throughout Sri Lanka and also others including persons of Sri Lankan origin living abroad, that the CTF received *via* email, post and in person. Island-wide consultations were held by 15 Zonal Task Forces (ZTFs), which were representative of the district or province and made up of members of civil society of the area. The ZTFs held public meetings in every district of the country to provide the opportunity for anyone to attend. Focus group discussions were also held to ensure victims of specific violations relevant to the zone could raise their concerns with confidentiality assured. The CTF conducted sittings in Colombo with key national level stakeholders, including the military and police, and lay religious and professional organisations.

The Final Report consists of three volumes. Volume One contains the substantive submissions made by members of the public from across the island compiled according to the four proposed mechanisms and two separate chapters on suggestions beyond the four mechanisms and psycho-social and security issues respectively. The final Chapter contains the CTF's observations and recommendations. Volume One is currently available in English and Sinhala only and Tamil translations to follow. It also contains the recommendations of the CTF, which are informed by the submissions made to the CTF. The views of each of the 15 Zonal Task Forces are contained in the Second Volume, which is available in the original languages in which the ZTF reports were submitted. The final volume comprising the Executive Summary and CTF Recommendations is available in all three languages. The CTF will also compile a digital archive of the submissions.

The response of the Government at the highest levels to the CTF Report has been critical and even dismissive, focusing on one of the CTF recommendations of a hybrid court. The criticism has also been made that the CTF was not explicitly mandated to make recommendations of its own. It has also been stated that once constitutional reform has been completed, the Office of Missing Persons (OMP) could be established and that there would be no need for an accountability mechanism.

It should be noted that the Final Report is predominantly a compilation of the views of the many thousands who made submissions to the CTF. The recommendations and suggestions made by the public need to be considered, even if members of the Government disagree with the CTF's recommendations. In addition, it should be noted that the Final Report covers the gamut of issues and concerns with regard to Transitional Justice in Sri Lanka and not just the accountability mechanism, which has attracted attention. The Report also covers recommendations relating to the Office of Missing Persons (OMP), the Office of Reparations, the Truth Commission, and a vast array of suggestions for wide ranging changes in how the State addresses the concerns of its citizens. These include constitutional and other state reform, measures to address long-standing historical injustices, alternate mechanisms for reconciliation and measures to bring about societal change.

The CTF recommendations, as stated in the Report, are **informed** by over 7,000 submissions made to it by citizens of Sri Lanka. As such they focus on a variety of issues—judicial and police reform, the treatment of women and youth, de-militarisation and other confidence-building measures—not just the four mechanisms proposed by the Government alone. The recommendations are categorised according to general recommendations, cross-cutting recommendations and those specific to each mechanism.

It should be noted that despite repeated CTF requests to the Government, there was no public information campaign both championing Transitional Justice for Sri Lanka and informing the public of the mechanisms proposed. Accordingly, public submissions as noted above, were wide ranging and spoke overwhelmingly to the experiences and perspectives, primarily of victims, rather than specifically to the structure, powers and functions of the mechanisms proposed by the Government. CTF recommendations, therefore, also constitute the extrapolation and contextualisation of views and perspectives presented in the submissions, in terms of specific mechanisms for truth, justice, reparations and non-recurrence as well as transitional justice and reconciliation in general.

At the outset, the CTF informed the Government that security for those participating in the consultations needed to be guaranteed and the security, police and intelligence needed to be instructed to ensure there were no incidents that could create fear and mistrust. While the security forces and police cooperated with the consultations and also made submissions to the CTF, incidents were reported and taken up by the CTF with the relevant authorities, including the Ministries of Defence and Law and Order, and the Human Rights Commission. The Government has assured the CTF that there will be no repercussions for all those who came before the CTF or were involved as a result of participating in the consultations.

Although the CTF has been made aware that the report is informing the design of the Government's reconciliation mechanisms, the Government has yet to announce a process to review the many recommendations contained in the report. This lack of government ownership of the process has raised fears that the CTF's Final Report will suffer the fate of those submitted by previous commissions and committees appointed by successive governments to address human rights. At session after session of the consultations, members of the public raised concerns about these successive commissions and unimplemented recommendations, with some noting that this would be the last time that they would appear before such a state mechanism.

In a significant move, the Government presented the OMP Bill to Parliament in August 2016 before the consultation process had concluded. In a statement issued on August 21<sup>st</sup> after the passage of the Act, the CTF whilst welcoming the historic opportunity presented, noted with disappointment that many of the recommendations made during the consultations and submitted to the Government in an Interim Report had not been incorporated. On February 8<sup>th</sup> 2017, the Cabinet made amendments to the Act; however, they failed to take on board recommendations in the CTF Reports, including the need to incorporate disappearances in the title of the office, ensuring prosecutions, and providing for victim representation in the OMP and its activities. The CTF reiterates the need for the Government to consider and incorporate recommendations contained in the CTF Reports, whilst ensuring that no measures are undertaken by the Government that undermine the credibility and independence of the OMP.

The 92 members who formed the 15 ZTFs included victim activists, members of clergy, civil society leaders and retired public servants. They took on the risk of fronting the consultations for the Government, despite the continuing security hazards of surveillance, intimidation and questioning, and the social and political pressure of being associated with such an initiative they and those who made submissions had and have to confront. They however, despite their doubts, appreciated and supported this Government's initiative of consulting the public on the crucial issue of reconciliation and believed that under this Government, the historical moment when progress on this issue was possible had arrived. Not announcing how the Report will be used will lead to widespread disappointment, affect the credibility of the Government amongst persons who came before the CTF and supported the consultations in multiple ways, and also exacerbate the distrust between the State and the victims of Sri Lanka's multiple conflicts.

Whilst the CTF ceases to exist with the completion of its mandate and the handing over of the Report, its members will continue their advocacy, research and support work on Transitional Justice as central to reconciliation in our country. We strongly urge that the Final Report, which reflects the travails as well as concerns of a number of our fellow-citizens as well as their deep commitment to Transitional Justice and Reconciliation, is not ignored and that the Government heeds their voices and implements the findings of the Report in full or substantive measure.

We remain, as members of civil society, ready to fully support them in this vital and necessary exercise.

**Signatories:**

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