

# **Sri Lanka: Resolution 30/1 Implementation Monitor**

*Statistical and Analytical Review No. 3*

**LAW &  
GOVERNANCE**

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# Sri Lanka: Resolution 30/1

## Implementation Monitor

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Background.....	01
Methodology.....	02
Resolution 30/1: Implementation Status.....	03
1. Transitional Justice and Reconciliation.....	03
2. Rights and Rule of Law.....	04
3. Security and Demilitarisation.....	05
4. Power Sharing.....	06
5. International Engagement.....	07
Resolution 30/1: Overall Status of Implementation.....	08
Annex 1: Implementation Status (June 2016 to February 2018).....	09
Endnotes.....	12



In September 2015, Sri Lanka co-sponsored Resolution 30/1 at the 30<sup>th</sup> Session of the United Nations Human Rights Council (UNHRC).<sup>1</sup> In doing so, the Sri Lankan government committed to a range of measures dealing with human rights, accountability, and reconciliation.



Source: [www.meydan.tv](http://www.meydan.tv)

The government's commitments in Resolution 30/1 have come to denote the main features of Sri Lanka's transitional justice agenda, particularly with regard to accountability mechanisms for abuses suffered by victims of the conflict.

Resolution 30/1 contains 36 distinct commitments that fall into five broad thematic categories:

1. Transitional justice and reconciliation
2. Rights and rule of law
3. Security and demilitarisation
4. Power sharing
5. International engagement

The Sri Lankan government co-sponsored a fresh resolution during the 34<sup>th</sup> Session of the UNHRC, held in March 2017. Co-sponsored Resolution 34/1 reaffirms the above commitments, and requests that Sri Lanka fully implement measures identified in Resolution 30/1 that are outstanding. Sri Lanka's progress on reconciliation, accountability, and human rights is due to be taken up for discussion at the UNHRC's 37<sup>th</sup> Session to be held in February and March 2018.

VR released an analysis of government progress in fulfilling the 36 actionable commitments in Resolution 30/1 in June 2016 and in March 2017. **This briefing note contains an updated analysis of progress since March 2017.**

The methodology pertaining to this study has been developed in an attempt to create, as far as possible, an objective basis for monitoring progress.

		Performance Indicators			
		Fully met	Partially met	Poorly met	Not met
Implementation Plan	Workable	Completed	Partial progress	Poor progress	Poor progress
	Flawed				No progress
	No plan				No progress

**The methodology involves two assessments:**

**1. Assessment of performance indicators:**

**Step 1:** Quantitative and qualitative assessment of progress in terms of ‘performance indicators’. Each indicator aims to capture full accomplishment of actions envisaged in a commitment. For instance, a commitment and its indicator can be devised as follows:

*Commitment:* Begin to issue certificates of absence to the families of missing persons as a temporary measure of relief.

*Indicator:* Certificates of absence have been issued to families of missing persons.

Indicators have been devised in this manner due to the fact that there is no publicly available government plan – similar to the plan to implement the Lessons Learnt and Reconciliation Commission’s recommendations – for the fulfilment of commitments in Resolution 30/1.

**Step 2:** Classification of all commitments into ‘completed’, ‘partial progress’, ‘poor progress’ or ‘no progress’, based on the degree to which performance indicators have been met.\*

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\*N.B. Even if performance indicators have not been met to any degree, the commitment would be classified as ‘poor progress’ (as opposed to ‘no progress’) if it possesses a workable implementation plan. Hence the second assessment detailed below may retrospectively determine the final classification of a commitment as ‘poor progress’ or ‘no progress’.

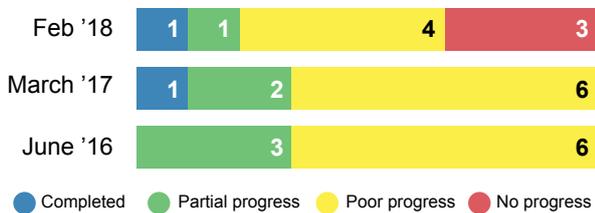
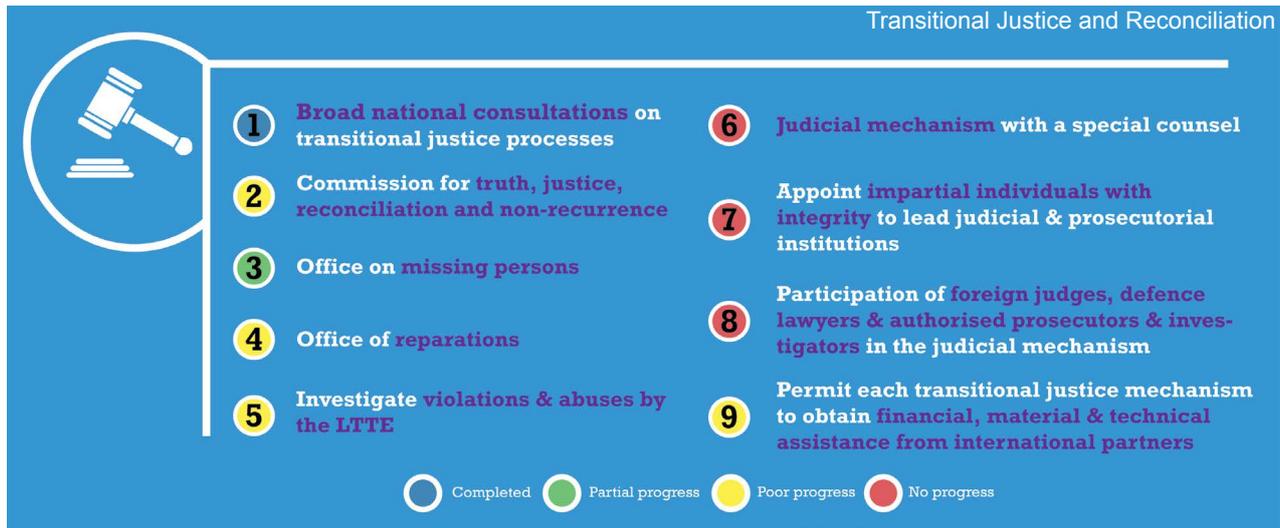
**2. Assessment of implementation plans:**

This assessment entails a determination of whether the commitment has an identifiable plan for implementation. The existence of a plan may be verified by publicly available evidence including steps taken towards the commitment’s fulfilment.

The matrix above illustrates the manner in which the status of implementation of each individual commitment is classified. It also illustrates the manner in which the implementation plan pertaining to a commitment may determine its classification.

## TRANSITIONAL JUSTICE AND RECONCILIATION

The government made **nine commitments** on transitional justice and reconciliation in Resolution 30/1.



The government committed to establishing four transitional justice mechanisms in Resolution 30/1:

- An office on missing persons (OMP);
- An office for reparations;
- A commission for truth, justice, reconciliation and non-recurrence; and
- A judicial mechanism with special counsel to investigate violations of human rights and international humanitarian law.

Of the four mechanisms, the government has made demonstrable progress only towards the establishment of the OMP. Technical working groups undertook initial efforts to draft legislation pertaining to an office for reparations and a truth commission. For instance, the working group appointed to draft legislation on a truth-seeking mechanism submitted a concept note

on the relevant legislation to the Prime Minister's office in early 2017. There has been no further progress towards the establishment of these mechanisms over the past year. Moreover, both the Prime Minister and President have asserted that the government will not pursue a 'hybrid' judicial mechanism or permit the participation of foreign judges in the proposed judicial mechanism.<sup>2</sup> Accordingly, the implementation status of three commitments relating to accountability has moved from 'poor progress' to 'no progress'.

The Office on Missing Persons (Establishment, Administration and Discharge of Functions) Act, No. 14 of 2016 (the OMP Act) became operational on 15<sup>th</sup> September 2017.<sup>3</sup> The OMP is to consist of seven members appointed by the President on the recommendation of the Constitutional Council.<sup>4</sup> The Constitutional Council is reported to have submitted its nominees to President Maithripala Sirisena in December 2017.<sup>5</sup> There is a lack of publicly available information as to the status of appointments to the OMP by the President. Nevertheless, section 5(2)(a) of the OMP Act provides that in the event the President fails to make the necessary appointments to the OMP within fourteen days of the Constitutional Council's nomination, these nominees are deemed to have been appointed.<sup>6</sup> Furthermore, the OMP has been assigned a sum of LKR 1.4 billion for its oper-



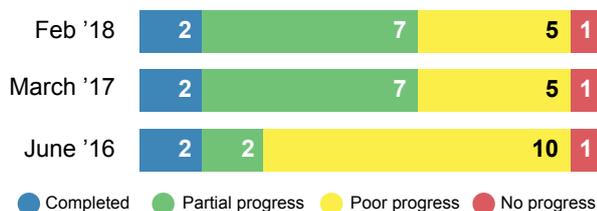
ations in the government’s annual budget for 2018.<sup>7</sup> Notably, this allocation falls within the government’s ‘Supplementary Support Services and Contingent Liabilities’ (managed by the Department of National Budget of the Ministry of Finance), despite the OMP falling under the purview of the Ministry of National Integration and Reconciliation. This placement of the OMP’s funding leaves it open to transfers to other spending units or programmes, including those outside the Ministry of National Integration and Reconciliation.<sup>8</sup>

Meanwhile, the OMP (Amendment) Act, No. 9

of 2017, enacted in June 2017, repealed provisions that permitted the OMP to enter into agreements with persons or organisations, in order to achieve its mandate.<sup>9</sup> This amendment, to an extent, restricts the OMP from securing technical assistance from international entities. Meanwhile, section 21(b) of the OMP Act provides that the OMP may raise funds by obtaining gifts, grants or endowments from outside Sri Lanka.<sup>10</sup> Accordingly, the fulfilment of the government’s commitment to ‘ensure that transitional justice mechanisms are able to obtain financial, material and technical assistance from international partners’ shifted from ‘partial progress’ to ‘poor progress’.

## RIGHTS AND RULE OF LAW

The government made **fifteen commitments** on rights and rule of law in Resolution 30/1.



There has been poor progress in holding perpetrators accountable for past attacks on journalists, religious minorities, and civil society actors. For instance, there has been limited progress in cases regarding the assassination of Sunday Leader editor Lasantha Wickrematunge, the disappearance of journalist Prageeth Eknaligoda, and riots in Aluthgama in 2014.<sup>11</sup> By

contrast, several arrests were made following clashes between Sinhalese and Muslims in Ginthota, Galle in November 2017. It remains to be seen whether these new arrests will result in the prosecution and conviction of perpetrators.

The government ratified the International Convention for the Protection of All Persons from Enforced Disappearances in May 2016. The International Convention for the Protection of All Persons from Enforced Disappearances Bill, which would give domestic effect to the Convention, was gazetted on 9 February 2017. However, the parliamentary debate on the Bill has been postponed twice, on 5 July 2017 and 21 September 2017. Furthermore, Prime Minister Ranil Wickremesinghe has publicly claimed that the new law would not function retrospectively, and would therefore not apply to past offences.<sup>12</sup>

The Prevention of Terrorism Act, No. 48 of 1978 (PTA) remains in force. The PTA was reviewed in

2016, and a revised policy and legal framework for a new Counter-Terrorism Act (CTA) was developed.<sup>13</sup> The revised CTA framework was submitted to the Parliamentary Sectoral Oversight Committee on National Security in early 2017. Meanwhile, there have been no efforts to review the Public Security Ordinance.

The National Authority for Victims and Witness Protection, and the Board of Management of the Authority were appointed in terms of the Assistance to and Protection of Victims of Crime and Witnesses Act, No. 4 of 2015.<sup>14</sup> Contrary to the government's commitment in Resolution 30/1, the Act currently does not contain specific provisions to protect investigators, prosecutors and judges. However, the government's National Human Rights Action Plan (2017-2021) includes a commitment to review and reform the Act in order to ensure compliance with international standards, including by insulating the witness protection institutions from law enforcement authorities.<sup>15</sup>

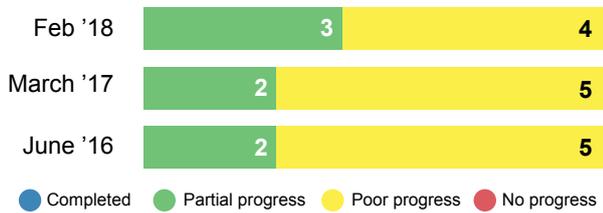
## SECURITY AND DEMILITARISATION

The government made **seven commitments** on security and demilitarisation in Resolution 30/1.

Security and Demilitarisation

- 1 **Security sector reforms** e.g. processes to prevent recruitment & retention of personnel implicated in human rights & IHL violations
- 2 **Training & incentives** for the promotion & protection of human rights
- 3 **End military involvement** in civilian affairs
- 4 **Return military-occupied land** to owners
- 5 **Restore livelihoods**
- 6 **Restore normality** to civilian life
- 7 **Full participation** of populations, civil society and minorities in demilitarisation efforts

- Completed
- Partial progress
- Poor progress
- No progress



The government has made some efforts to improve human rights training for security forces; for instance, the Directorate of Human Rights and Humanitarian Law of the Sri Lanka Army is tasked with providing human rights and international humanitarian law (IHL) training to all ranks. The International Committee of the Red Cross also conducts regular training programmes on IHL for Sri Lankan military personnel.<sup>16</sup> Sri Lanka meanwhile made a voluntary pledge during the Third Cycle of its Universal Periodic Review to ensure that security forces deployed overseas are ‘adequately vetted through a comprehensive process with the participation of the Human Rights Commission of Sri Lanka’.<sup>17</sup> However, there is no publicly available information to indicate that broader security sector reforms have been introduced.

Periodic releases of land held by the military have continued to take place. In August 2017, the government reported that 4,190.58 acres of private land occupied by the military in the North and East had been released since January 2015.<sup>18</sup> As at August 2017, a further 6,051.36 acres of private land held by the military in the Northern and Eastern provinces were yet to be released.<sup>19</sup> Furthermore, according to the Report of the Office of the United Nations High Commissioner for Human Rights released in January 2018, government plans indicate the need for security forces to retain 5,327 acres of private land.<sup>20</sup> Meanwhile, fresh acquisitions of land for military purposes have taken place. For instance, in August 2017 approximately 272 hectares of land were acquired in Mullaitivu for the purpose of establishing a naval base.<sup>21</sup>

The military remains involved in civilian activities in the North and East,<sup>22</sup> impeding the restoration of normality to civilian life. In January 2018, the Sri Lankan Army sought information on candidates contesting in local government elections due in February 2018.<sup>23</sup> The security forces are also actively engaged in commercial activity, including in the tourism sector.<sup>24</sup>

## POWER SHARING

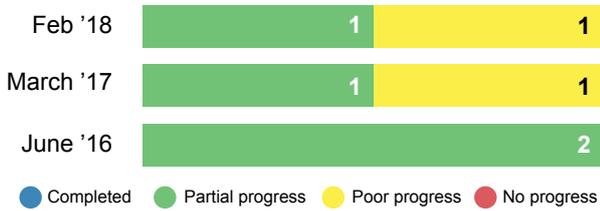
The government made **two commitments** on power sharing in Resolution 30/1.

Power Sharing



- 1
A **political settlement** through constitutional reform
- 2
Full implementation of the **13th Amendment to the Constitution**

● Completed
● Partial progress
● Poor progress
● No progress



A constitutional reform process is currently underway. The Steering Committee of the Constitutional Assembly presented its Interim Report to the Assembly in September 2017. The Steering Committee comprises representatives of major political parties. The Committee's Interim Report outlines the outcomes of the Committee's deliberations on constitutional reform proposals. The Report indicates a degree of consensus among parties on the broad parameters of power sharing proposals. The Constitutional Assembly debated the Report in October 2017,<sup>25</sup> and is likely to consider its proposals when framing new constitutional provisions.

Meanwhile, the government proposed the 20<sup>th</sup> Amendment to the Constitution in August 2017. The

Amendment allowed for all elections to provincial councils to be held on a single date determined by Parliament.<sup>26</sup> Provincial councils are elected for five-year terms.<sup>27</sup> The Amendment would have in effect postponed elections to some provincial councils, contrary to the government's commitment to ensure that all provincial councils operate in accordance with the 13<sup>th</sup> Amendment to the Constitution. However, the government abandoned efforts to enact the 20<sup>th</sup> Amendment when the Supreme Court ruled that sections of the Amendment would require the approval of the people at a referendum, and a two-thirds majority in Parliament.<sup>28</sup>

Parliament later enacted the Provincial Councils Elections (Amendment) Act No. 17 of 2017, on 20 September 2017.<sup>29</sup> The Act introduced some reforms to the provincial electoral system, including in relation to women's political representation. However, the passage of the Provincial Councils Elections (Amendment) Bill effectively allowed for elections with respect to three councils due to be held in 2017 to be delayed, as a re-demarcation of constituencies would be necessary before elections can be held.

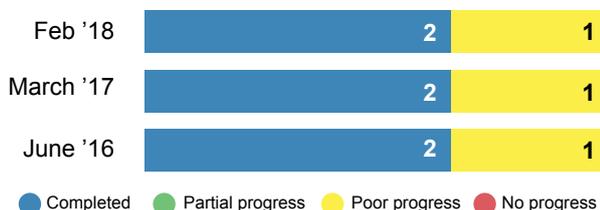
## INTERNATIONAL ENGAGEMENT

Resolution 30/1 contains **three commitments** on international engagement.

International Engagement

- 1** Implement **recommendations of the OHCHR report on Sri Lanka**
- 2** **Continued engagement between the government & OHCHR**
- 3** **Cooperation between the government & special procedures mandate holders**

● Completed  
 ● Partial progress  
 ● Poor progress  
 ● No progress



The government has continued its engagement with the Office of the High Commissioner for Human Rights (OHCHR), and has issued standing invitations to all UN special procedures mandate holders. Visits by special procedures mandate holders in 2017 include that of the UN Special Rapporteur on the Pro-



motion and Protection of Human Rights and Fundamental Freedoms while Countering Terrorism, UN Special Rapporteur on the Promotion of Truth, Justice, Reparation, and Guarantees of Non-recurrence and, the UN Working Group on Arbitrary Detention.

However, progress on overall fulfilment of the recommendations contained in the report of the OHCHR Investigation on Sri Lanka (OISL) has been poor. For instance, there has been no progress towards enacting modes of criminal liability or criminalising war crimes, crimes against humanity and genocide. There

has been limited progress in releasing detainees held under the PTA. According to then Minister of Law and Order Sagala Ratnayaka, of the 108 detainees held under the PTA as at January 2015, 27 have since been released, 25 sent to rehabilitation, 40 granted bail, eleven placed in remand, four convicted, and one died in custody.<sup>30</sup> A further 74 cases are being heard in court, while 18 cases are pending action by the Attorney-General.<sup>31</sup> Furthermore, there have been reports of arrests under the PTA in 2017, and no publicly available information on efforts to review cases of those convicted under the Act.<sup>32</sup>

## OVERALL STATUS OF IMPLEMENTATION



During the past year, the Sri Lankan government has made minimal progress towards the fulfilment of its commitments in Resolution 30/1. Only two out of 36

commitments saw an improvement in their implementation status in recent months. Moreover, since March 2017, the government lost ground in the fulfilment of five commitments. These commitments include the establishment of accountability mechanisms, and the prevention of attacks against religious minorities. Approximately two and half years since co-sponsoring Resolution 30/1, the government has completely fulfilled only five out of its 36 commitments, with no change in this regard since March 2017.



# Annex 1: Implementation Status (June 2016 to February 2018)

Category	Commitment	Implementation Status		
		June 2016	March 2017	February 2018
	Engage in broad national consultations on transitional justice mechanisms	Partial progress	Completed	Completed
	Establish a commission for truth, justice, reconciliation and non-recurrence	Poor progress	Poor progress	Poor progress
	Establish an office on missing persons	Partial progress	Partial progress	Partial progress
	Establish an office for reparations	Poor progress	Poor progress	Poor progress
	Give each mechanism the freedom to obtain financial, material and technical assistance from international partners, including the Office of the High Commissioner	Partial progress	Partial progress	Poor progress
	Accountability and reconciliation for the violations and abuses committed by the Liberation Tigers of Tamil Eelam	Poor progress	Poor progress	Poor progress
	Establish a judicial mechanism with a special counsel to investigate allegations of violations and abuses of human rights and violations of international humanitarian law	Poor progress	Poor progress	No progress
	Independent judicial and prosecutorial institutions led by impartial individuals of integrity	Poor progress	Poor progress	No progress
	Participation in a Sri Lankan judicial mechanism, including the special counsel's office, of Commonwealth and other foreign judges, defence lawyers and authorised prosecutors and investigators	Poor progress	Poor progress	No progress
	Review the updated witness and victim protection law	Poor progress	Poor progress	Partial progress
	Strengthen the witness and victim protection law	Poor progress	Poor progress	Poor progress
	Investigate attacks on journalists, human rights defenders, members of religious minority groups and other members of civil society	Poor progress	Partial progress	Partial progress



# Annex 1: Implementation Status (June 2016 to February 2018)

Category	Commitment	Implementation Status		
		June 2016	March 2017	February 2018
	Hold perpetrators of such attacks to account	Poor progress	Poor progress	Poor progress
	Take steps to prevent such attacks in the future	Partial progress	Partial progress	Poor progress
	Review the Public Security Ordinance	No progress	No progress	No progress
	Review and repeal the Prevention of Terrorism Act	Poor progress	Partial progress	Partial progress
	Replace it with anti-terrorism legislation in accordance with contemporary international best practices	Poor progress	Partial progress	Partial progress
	Sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance without delay	Completed	Completed	Completed
	Criminalise enforced disappearances	Poor progress	Partial progress	Partial progress
	Issue certificates of absence to the families of missing persons as a temporary measure of relief	Partial progress	Partial progress	Partial progress
	Release previous presidential commission reports	Completed	Completed	Completed
	Develop a comprehensive plan and mechanism for preserving all existing records and documentation relating to human rights violations and abuses and violations of international humanitarian law, whether held by public or private institutions	Poor progress	Poor progress	Poor progress
	Issue instructions clearly to all branches of the security forces that violations of international human rights law and international humanitarian law are prohibited and punishable	Poor progress	Partial progress	Partial progress
	Address all reports of sexual and gender-based violence and torture	Poor progress	Poor progress	Poor progress
	Introduce effective security sector reforms	Poor progress	Poor progress	Poor progress



# Annex 1: Implementation Status (June 2016 to February 2018)

Category	Commitment	Implementation Status		
		June 2016	March 2017	February 2018
	Increase training and incentives focused on the promotion and protection of human rights of all Sri Lankans	Poor progress	Poor progress	Partial progress
	Accelerate the return of land to its rightful civilian owners	Partial progress	Partial progress	Partial progress
	End military involvement in civilian activities	Poor progress	Poor progress	Poor progress
	Resumption of livelihoods	Partial progress	Partial progress	Partial progress
	Restoration of normality to civilian life	Poor progress	Poor progress	Poor progress
	Full participation of local populations, including representatives of civil society and minorities, in these efforts	Poor progress	Poor progress	Poor progress
	A political settlement by taking the necessary constitutional measures on the devolution of political authority	Partial progress	Poor progress	Poor progress
	Ensure that all Provincial Councils are able to operate effectively, in accordance with the thirteenth amendment to the Constitution of Sri Lanka	Partial progress	Partial progress	Partial progress
	Implement the recommendations contained in the report of the Office of the High Commissioner	Poor progress	Poor progress	Poor progress
	Continuation of engagement between the Government of Sri Lanka and the High Commissioner and the Office of the High Commissioner	Completed	Completed	Completed
	Cooperate with special procedures mandate holders	Completed	Completed	Completed

<sup>1</sup> Resolution adopted by the Human Rights Council on 1 October 2015 (A/HRC/RES/30/1), 30<sup>th</sup> Session of the UNHRC.

<sup>2</sup> ‘President reiterates stance on foreign judges, says there are enough local judges with knowledge’, *The Daily FT*, 20 December 2017, at <http://www.ft.lk/news/President-reiterates-stance-on-foreign-judges-says-there-are-enough-local-judges-with-knowledge/56-645600> [last retrieved: 25 January 2018]; ‘Hybrid Court not politically feasible: PM’, *Daily Mirror*, 3 March 2017, at <http://www.dailymirror.lk/article/Hybrid-Court-not-politically-feasible-PM-124837.html> [last retrieved: 25 January 2018].

<sup>3</sup> Extraordinary Gazette 2036/21 of 12 September 2017, at [http://documents.gov.lk/files/egz/2017/9/2036-21\\_E.pdf/](http://documents.gov.lk/files/egz/2017/9/2036-21_E.pdf/) [last retrieved: 25 January 2018].

<sup>4</sup> Section 4(1)(a), Office on Missing Persons (Establishment, Administration and Discharge of Functions) (Amendment) Act, No. 9 of 2017. The Constitutional Council comprises of seven Members of Parliament and three members with no political affiliations.

<sup>5</sup> ‘CC submits names of seven nominees for OMP to President’, *Daily Mirror*, 8 December 2017, at <http://www.dailymirror.lk/article/CC-submits-names-of-seven-nominees-for-OMP-to-President-141883.html> [last retrieved: 26 January 2018].

<sup>6</sup> Section 5(2)(a), Office on Missing Persons (Establishment, Administration and Discharge of Functions) Act, No. 14 of 2016. The OMP Act is gazetted under the Ministry of National Integration and Reconciliation. The Ministry is presently headed by the President of Sri Lanka. A VR Brief previously noted that the President’s ‘self-assignment’ of the Ministry is unconstitutional. ‘The Limits of the Presidential Portfolio and its Implications for the Office on Missing Persons’, *Verité Research*, February 2017.

<sup>7</sup> ‘Supplementary Support Services and Contingent Liabilities’, Development Activities, Department of National Budget, Ministry of Finance, 2018 Budget Estimates, pp. 132-135.

<sup>8</sup> Section 6, Appropriation Act, No. 30 of 2017. Accordingly, funds allocated under the ‘Supplementary Support Services and Contingent Liabilities’ can be transferred to ‘any other Programme under any other Head’ within the ‘First Schedule’ of the Appropriation Act, under the guidelines specified in the 2018 Budget Estimates.

<sup>9</sup> Section 2, Office on Missing Persons (Establishment, Administration and Discharge of Functions) (Amendment) Act, No. 9 of 2017.

<sup>10</sup> Section 21(b), Office on Missing Persons (Establishment, Administration and Discharge of Functions) Act, No. 14 of 2016.

<sup>11</sup> ‘Former Mt. Lavinia Crimes OIC detained over Lasantha’s murder’, *Daily News*, 3 February 2018, at <http://www.dailynews.lk/2018/02/03/local/141843/former-mt-lavinia-crimes-oic-detained-over-lasantha%E2%80%99s-murder> [last retrieved: 4 February 2018].

<sup>12</sup> ‘Enforced Disappearances Bill has no retrospective effect: PM’, *Daily Mirror*, 17 September 2017, at <http://www.dailymirror.lk/136753/-Enforced-Disappearances-Bill-has-no-retrospective-effect-PM> [last retrieved: 26 January 2018].

<sup>13</sup> Policy and Legal Framework of the proposed Counter Terrorism Act of Sri Lanka, at <http://www.sundaytimes.lk/161016/Cabinet%20Version%20-%20CT%20Polyc%20and%20Bill.pdf> [last retrieved: 26 January 2018]. However, the CTA framework failed to meet international standards, including in terms of immediate access to legal counsel, pre-trial detention, and admissibility of confessions. A revised CTA framework developed in early 2017 sought to address some of these concerns – for instance, by repealing provisions on the admissibility of confessions.

<sup>14</sup> Progress Report, Ministry of Justice, January-September 2017, p. 74.

<sup>15</sup> Objective 2.6, National Action Plan for the Protection and Promotion of Human Rights 2017 – 2021.

<sup>16</sup> National Report for the Working Group on the Universal Periodic Review on Sri Lanka, 24 August 2017, (A/HRC/WG.6/28/LKA/1); ‘Brigade Commanders & Commanding Officers Attend Two-Day Workshop on International Humanitarian Law’, *Sri Lankan Army News*, at <http://www.army.lk/news/brigade-commanders-com>



manding-officers-attend-two-day-workshop-%E2%80%98international-humanitarian-law%E2%80%99 [last retrieved: 26 January 2018].

<sup>17</sup> Voluntary Pledge and Commitment 127, Draft Report of the Working Group on the Universal Periodic Review, Sri Lanka, 23 November 2017, (A/HRC/WG.6/28/L.14).

<sup>18</sup> National Report for the Working Group on the Universal Periodic Review on Sri Lanka, 24 August 2017, (A/HRC/WG.6/28/LKA/1).

<sup>19</sup> *Ibid.*

<sup>20</sup> Report of the Office of the United Nations High Commissioner for Human Rights, 25 January 2018, (A/HRC/37/23).

<sup>21</sup> Extraordinary Gazette No. 2030/44 of 4 August 2017, at [http://documents.gov.lk/files/egz/2017/8/2030-44\\_E.pdf](http://documents.gov.lk/files/egz/2017/8/2030-44_E.pdf) [last retrieved: 26 January 2018]; 'Army Retakes Land in the North. Yahapalanaya Claims it is in the Public Interest', *Vikalpa*, at <http://www.vikalpa.org/?p=31728> [last retrieved: 26 January 2018].

<sup>22</sup> Civil Military Coordination, Jaffna, at <http://www.cimicjaffna.com/Services.php> [last retrieved: 26 January 2018]; Security Force – Kilinochchi, at <http://www.army.lk/sfkilinochchi/>; '724 More Jaffna Students Get Incentives for Studies', *Sri Lankan Army News*, at <http://www.army.lk/news/724-more-jaffna-students-get-incentives-studies> [last retrieved: 26 January 2018]. Civilian activities include, launching agricultural projects, distribution of school textbooks, and involvement in educational, sports and entertainment programmes.

<sup>23</sup> 'Army Chief wants data on candidates contesting polls', *The Daily FT*, 1 January 2018, at <http://www.ft.lk/news/Army-Chief-wants-data-on-candidates-contesting-polls/56-646249> [last retrieved: 26 January 2018].

<sup>24</sup> Laya Hotels, at <http://www.layahotels.lk/aboutus.php> [last retrieved: 26 January 2018]; Eagles' Lakeside at [http://www.airforce.lk/eagles\\_lakeside/aboutus.html](http://www.airforce.lk/eagles_lakeside/aboutus.html) [last retrieved: 26 January 2018].

<sup>25</sup> 'Debate on steering committee interim report begins', *Daily Mirror*, 30 October 2017, at <http://www.dailymirror.lk/139395/Debate-on-the-steering-committee-interim-report-begins-> [last retrieved: 26 January 2018].

<sup>26</sup> Section 2, Twentieth Amendment to the Constitution (Bill), 3 August 2017, at [http://documents.gov.lk/files/bill/2017/8/232-2017\\_E.pdf](http://documents.gov.lk/files/bill/2017/8/232-2017_E.pdf).

<sup>27</sup> Article 154E, The Constitution of the Democratic Socialist Republic of Sri Lanka, as amended up to 15 May 2015.

<sup>28</sup> Announcement on 'Twentieth Amendment to the Constitution Bill: Determination of the Supreme Court', *Parliamentary Hansard*, Volume 255 No.01, 19 September 2017.

<sup>29</sup> 'Controversial Provincial Councils (Amendment) Act: The procedure and the challenges', *The Sunday Times*, 15 October 2017, at <http://www.sundaytimes.lk/171015/news/controversial-provincial-councils-amendment-act-the-procedure-and-the-challenges-264087.html> [last retrieved: 26 January 2018].

<sup>30</sup> Parliament speech by Minister of Law and Order and Southern Development Sagala Ratnayaka, Adjournment Motion on 'Release of Persons in Custody under Prevention of Terrorism Act', *Parliamentary Hansard*, Volume 255 No.08, 17 October 2017.

<sup>31</sup> *Ibid.*

<sup>32</sup> 'Full Statement by Ben Emmerson, UN Special Rapporteur on Human Rights and Counter-Terrorism, at the conclusion of his official visit', *United Nations Sri Lanka Media Center*, 14 July 2017, at <https://lk.one.un.org/news/full-statement-by-ben-emmerson-un-special-rapporteur-on-human-rights-and-counter-terrorism-at-the-conclusion-of-his-official-visit/> [last retrieved: 5 February 2018]. The Special Rapporteur stated that while there has been a decrease in arrests made under the PTA, there have been recent cases of individuals reportedly arrested under the PTA.





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