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# Sri Lanka: LLRC Implementation Monitor

Statistical and Analytical Review No.2

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## Background

The Lessons Learnt and Reconciliation Commission (LLRC) published its final report on 16 December 2011.<sup>1</sup> On 26 July 2012, the government released a National Plan of Action to Implement the Recommendations of the LLRC (NPA). In November 2012, Verité Research published *Sri Lanka: LLRC Implementation Monitor - Statistical and Analytical Review No. 1*, which contained an analytical counting and categorisation of the LLRC recommendations, and an assessment of the NPA.

The LLRC contains 180 tangible recommendations. But even by end 2012, only 168 of them were actionable by the government.<sup>2</sup> Subsequently, 11 further recommendations have become actionable, making the total number of **tangible and actionable recommendations 179**.<sup>3</sup>

Following the introduction of the 2013 Land Circular, the NPA (either explicitly or implicitly) fully included 80 of the above 179 recommendations and partially included 51. Thus **48 tangible and actionable recommendations** were not included in the original NPA.

On 4 July 2013, the Presidential Secretariat announced that the Cabinet had approved the explicit inclusion of 53 recommendations in an addendum to the NPA.<sup>4</sup> In fact, a careful scrutiny reveals that as many as 58 distinct recommendations are contained in this addendum.<sup>5</sup>

However, considering the assessment of the original NPA, where some recommendations were already credited as being implicitly included (even though they were not explicitly mentioned), the July 2013 revision **adds only 32 of the tangible and actionable recommendations**.<sup>6</sup> Therefore, **16 tangible and actionable recommendations**<sup>7</sup> are *not included* even in the revised NPA.

The remaining 26 distinct recommendations contained in the July 2013 revision are made up of the following: 15 that were already credited as *included* in the original NPA;<sup>8</sup> 1 that is *not actionable*; and 10 that are *intangible* (i.e. do not contemplate tangible governmental action).

(See Annex 1 for a detailed explanation of this analysis)

Table 1: Extent of Mapping

Extent of Mapping	July 2012 Original NPA	Post-Land Circular 2013 NPA	July 2013 Revised NPA
Fully included	69	80	106
Partly included	51	51	57
Not included	48	48	16
Not actionable	12	01	01
Intangible			10
<b>Total</b>	<b>180</b>	<b>180</b>	<b>190</b>

In March 2012, the UN Human Rights Council passed Resolution 19/2 on Promoting Reconciliation and Accountability in Sri Lanka.<sup>9</sup> The Resolution specifically called for the implementation of the 'constructive recommendations' of the LLRC.

**105 of the LLRC recommendations** fall into one of the following eight constructive categories listed by the UNHRC:

1. Credibly investigating widespread allegations of extrajudicial killings and enforced disappearances;
2. Demilitarising the north of Sri Lanka;
3. Implementing impartial land dispute resolution mechanisms;
4. Re-evaluating detention policies;
5. Strengthening formerly independent civil institutions;
6. Reaching a political settlement on the devolution of power to the provinces;
7. Promoting and protecting the right of freedom of expression for all; and
8. Enacting rule of law reforms.

These constructive recommendations were once again cited in the March 2013 UN Human Rights Council Resolution on Promoting Reconciliation and Accountability in Sri Lanka.<sup>10</sup>

In January 2014, the Government of Sri Lanka claimed to have 'completed' the implementation of several constructive recommendations.<sup>11</sup>

**This briefing note seeks to evaluate the government's claims by assessing the implementation status of selected recommendations under each constructive category.**

## 1. Investigating Extrajudicial Killings and Enforced Disappearances

The LLRC report contained **13 recommendations** on credibly investigating widespread allegations of extra-judicial killings and enforced disappearances.

The LLRC cited several incidents of civilian deaths allegedly caused by the government security forces, including the Sri Lanka Army and the Sri Lanka Navy.<sup>12</sup> In recommendations 9.9 and 9.37a, the LLRC recommended that the government investigate these incidents.<sup>13</sup>

The Army Board on the Recommendations of the LLRC, in its report released on 24 January 2013, observed that ‘the questions whether civilian casualties in fact occurred or whether such incidents were collateral or incidental damages that are inherent with the vagaries of war have not been answered affirmatively by the LLRC’ [*sic*].<sup>14</sup> It recommended the appointment of another Army Board of Inquiry to investigate allegations contained in the LLRC Report and the Channel Four footage.<sup>15</sup> The Army simultaneously appointed a Court of Inquiry to investigate these allegations and concluded in February 2013 that ‘instances of shelling referred to in the LLRC Report were not caused by the Sri Lanka Army.’<sup>16</sup> The Navy also appointed a Board of Inquiry, which concluded that ‘the allegations made against the Sri Lanka Navy that it fired at civilian targets are baseless as there is no evidence to indicate that the Navy personnel were responsible for any attacks on civilians or civilian property either deliberately or by negligence.’<sup>17</sup>

### Analysis

Military bodies have described the LLRC’s findings pertaining to civilian deaths caused by security forces as either inadequate or baseless. Hence the government has not demonstrated a clear intention to fully implement the LLRC’s recommendations on investigating extrajudicial killings, including civilian deaths during the war.

**3,596 disappearances** were reported to the LLRC during its sittings in 2010 and 2011, out of which **1,018** reportedly took place after the Police or security forces arrested the person concerned.<sup>18</sup> Moreover, **45 cases** were reported to have taken

place after the person concerned surrendered to the security forces.<sup>19</sup> In August 2013, the President appointed a three-member Commission of Inquiry with a mandate to investigate cases of missing persons reported from the Northern and Eastern provinces from 1990 to 2009. The Commission received approximately 13,700 complaints as at January 2014.<sup>20</sup>

In January 2014, the government reported significant progress in implementing recommendation 9.46 pertaining to investigating disappearances.<sup>21</sup> It reported that 2,792 complaints of disappearances were made to the Terrorist Investigation Division of the Police (TID), out of which 2,547 cases have been investigated.<sup>22</sup>

### Analysis

The TID’s involvement in investigating cases of disappearances, many of which involve suspected ‘terrorists’, is highly inappropriate. The former Special Rapporteur on Torture, Manfred Nowak has previously observed: ‘a considerable number of clearly established cases of torture by TID...together with various efforts by TID to hide evidence and to obstruct the investigations of the Special Rapporteur.’<sup>23</sup> As at January 2014, only **14 persons** have been traced by the TID.<sup>24</sup>

In this context, even after the lapse of more than two years since the LLRC released its report, poor progress has been achieved in investigating enforced or involuntary disappearances, including those reported to the LLRC during its sittings.

## 2. Demilitarisation

The LLRC presented **6 recommendations** on the subject of demilitarisation.

In January 2014, the government specifically reported that the implementation of recommendation 9.171 on phasing out the involvement of the security forces in civilian activities and use of private lands by the security forces was ‘completed’.<sup>25</sup>

### Analysis

The military continues to engage in civilian administration activities including the general maintenance of law and order, which is a function ordinarily allocated to the Police. The President cur-

rently issues monthly proclamations under section 12 of the Public Security Ordinance (1947), calling out the armed forces for the maintenance of public order.<sup>26</sup> This proclamation entrenches the military's role in maintaining law and order not only in the Northern Province, but also in the rest of the country.

The military continues to seize and occupy private land. In April 2013, the Army seized **6,371 acres**<sup>27</sup> (approximately 25 km<sup>2</sup>) of private land in Valikamam North, Jaffna for the purpose of establishing a battalion headquarters. The acquisition is currently ongoing, and is being challenged by **2,176 affected Tamil landowners** in the Court of Appeal.<sup>28</sup> The government makes no mention of this acquisition in its progress report on the NPA released in January 2014.

### **3. Land Dispute Resolution**

The LLRC made **31 actionable recommendations** on the subject of land dispute resolution.

In January 2014, the government claimed to have fully implemented many of the recommendations pertaining to land, including an interim recommendation on 'issuing a clear statement that private lands would not be utilized for settlements by any government agency.'<sup>29</sup>

#### **Analysis**

No identifiable policy of this nature exists in the public domain. The above-mentioned example of land acquisition in Valikamam North, Jaffna demonstrates the continued use of private lands for settlements by government agencies, including the military.

In January 2014, the government claimed to have 'completed' implementing recommendation 9.131, which calls for a media seminar on the Land Circular programme, designed to identify land-related problems in the North and East.<sup>30</sup>

#### **Analysis**

The activity that is reported in terms of implementing this recommendation only refers to a separate commission (i.e. the 4<sup>th</sup> Land Commission) tasked with assessing the 'feasibility' of implementing the recommendation.<sup>31</sup> Hence the

claim that implementation of this recommendation was 'completed' remains unsubstantiated.

### **4. Detention Policies**

The LLRC presented **18 recommendations** on re-evaluating detention policies. One key recommendation in this regard calls for law enforcement authorities to issue a formal receipt of arrest when taking persons into custody. This recommendation was only incorporated into the NPA in July 2013.

In January 2014, the government reported that 'no further action is required for implementation,' as '[f]amilies of arrested persons were informed of their arrest and detention when Emergency Regulations were in force and in the period before and after, and that persons were and are being detained in places which are declared as places of detention.'<sup>32</sup> The same progress is reported for at least four recommendations under this category.<sup>33</sup>

#### **Analysis**

The government's claims appear to render the LLRC's recommendations on detention policy redundant, as no new commitments are made with respect to implementing these recommendations.

Meanwhile, arbitrary arrest and detention of civilians, including students, continues to take place under the new Prevention of Terrorism Act (PTA) Regulations, which permit investigating officers to take suspects to any place for the purpose of interrogation and from place to place for the purposes of investigation.<sup>34</sup> The new regulations also permit the law enforcement authorities to 'rehabilitate' suspects without any indictment or criminal prosecution. In December 2012, following a peaceful protest against military assaults on students, **eleven students** from the University of Jaffna were arbitrarily arrested and detained, and four students were thereafter 'rehabilitated' in a facility in Welikanda.<sup>35</sup> **Seven Tamil youth** were similarly arrested between 23 and 27 November 2013.<sup>36</sup>

### **5. Independent Civil Institutions**

The LLRC presented **5 recommendations** on strengthening formerly independent civil institutes. It specifically called for reforms with respect to the National Police Commission and the Public Service Commission.<sup>37</sup>

In January 2014, the government claimed that implementation of the recommendations on establishing an independent permanent Police Commission had been 'completed'.<sup>38</sup> Moreover, it reported that 'an independent Public Service Commission has been established.'<sup>39</sup>

### Analysis

The Seventeenth Amendment to the Constitution empowered an independent, bi-partisan body, the Constitutional Council, to determine appointments to several key civil institutions including the National Police Commission and the Public Service Commission.<sup>40</sup> However, the Eighteenth Amendment to the Constitution abolished the Constitutional Council and vested power in the President to make appointments to the National Police Commission and Public Service Commission.<sup>41</sup> This highly centralised approach to appointments compromises the independence of these civil institutions. Hence the recommendations on strengthening the independence of the National Police Commission and Public Service Commission have not been fully implemented.

## 6. Devolution

The LLRC presented **7 recommendations** on reaching a political solution on devolution in Sri Lanka.

### Analysis

As at January 2014, only 4 recommendations pertaining to a political solution have been included in the NPA. Of these recommendations, one recommendation (9.230) has no discernable implementation plan, except that it was included in the NPA in July 2013.<sup>42</sup> The remaining 3 recommendations (9.36, 9.37 and 9.61a) are to be referred to a Parliamentary Select Committee (presumably the Select Committee on 'political and constitutional measures to empower Sri Lankans to live as one nation') and no further progress is reported.<sup>43</sup>

## 7. Freedom of Expression

The LLRC presented **5 key recommendations** on protecting the freedom of expression.

In January 2014, the government claimed to have 'completed' implementing the key recommendation on investigating past attacks on media per-

sonnel.<sup>44</sup> The government cited the online complaints mechanism available to journalists to complain to the Sri Lanka Press Council as evidence of the full implementation of this recommendation.<sup>45</sup>

### Analysis

The Sri Lanka Press Council is an ineffectual mechanism which contributes more towards restricting media freedom rather than promoting it. The Act incorporating the Council, for instance, prohibits disclosure of certain fiscal, defense, and security information and stipulates that the violation of the Act by individuals (including journalists) could result in prison terms.<sup>46</sup>

Meanwhile, investigations into the assassination of the Editor of *The Sunday Leader*, Lasantha Wickrematunge, the disappearance of journalist Prageeth Eknaligoda and the numerous attacks on the staff and offices of the *Uthayan* newspaper, are either incomplete or nonexistent.

## 8. Rule of Law

The LLRC presented **20 recommendations** on rule of law reforms.

In January 2014, the government reported that the implementation of recommendation 9.73 had been 'completed'. This recommendation called for the investigation and prosecution of illegal armed groups.

### Analysis

The government's report on progress only specifies that action has been taken 'to disarm all illegally armed persons in the North and East' and that 'measures will be observed regularly to ensure that illegally armed groups do not reemerge.'<sup>47</sup> This report makes no mention of investigations into the past activities of illegal armed groups, which is specifically referred to in the LLRC's recommendation.

LLRC recommendation 9.213 on 'ensuring that all allegations are investigated and wrongdoers are prosecuted and punished irrespective of their political links' refers specifically to 'Karuna' as an individual that should be investigated for human rights violations and crimes. In January 2014, the government reported that '76 persons are in custody [and that] investigations relating to many of



them have been completed.’<sup>48</sup> Moreover, the government reported that ‘legal action had been taken with regard to the release, indictment or rehabilitation of 181 remaining suspects and this number has now been reduced to 84.’<sup>49</sup>

### **Analysis**

The government’s report on progress does not relate to the specific issue raised by the LLRC with respect to the impunity enjoyed by illegal armed groups including the ‘Karuna’ faction of the LTTE, which had ‘political links’ to the government. The progress report instead refers to former cadres of the LTTE who are presently being investigated and rehabilitated under the above-mentioned PTA Regulations. Meanwhile, Vinayagamoorthy Muralitharan (a.k.a ‘Karuna’) still remains the government’s Deputy Minister for Resettlement.

### ***Additional Issue: Religious Freedom***

The March 2013 UN Human Rights Council Resolution on Promoting Reconciliation and Accountability in Sri Lanka specifically expressed concern on the continuing reports of discrimination on the basis of religion or belief.

The LLRC’s recommendation 9.267 calls on the government to take strong deterrent action against incidents of inter-faith intolerance.<sup>50</sup> This recommendation was only partly incorporated into the NPA in the July 2013 addendum, as the addendum only refers to deterrent action against ‘vandalization of places of worship’, and not against incidents of inter-faith intolerance.

In January 2014, the government reported that implementation of recommendation 9.267 has

been ‘completed’ and that ‘no further action is required.’<sup>51</sup>

### **Analysis**

Several incidents involving inter-faith intolerance were reported during 2013.<sup>52</sup> Over 300 attacks against the Muslim community have occurred since January 2013, out of which 59 involved physical violence or destruction of property. Muslim places of worship, businesses and public figures have been targeted. At least 69 attacks on Christians have occurred since January 2013, out of which 15 involved physical violence or destruction of property. Churches as well as private residences have come under attack.

### **Conclusion**

In January 2014, the Government of Sri Lanka claimed that the implementation of a significant number of constructive recommendations was ‘completed’. This briefing note has examined selected recommendations under each constructive category mentioned in the UN Human Rights Council Resolutions 19/2 and 22/1 in order to evaluate the credibility of the government’s claims.

The aforementioned analysis accordingly raises serious doubts with regard to the credibility of the government’s claims. In each constructive category, it is possible to demonstrate with available facts that one or more of the LLRC recommendations listed as fully implemented (i.e. ‘completed’) by the government, have not been fully implemented. In this context, it is reasonable to conclude that the government’s report on progress is inaccurate.

## End Notes

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<sup>1</sup> *Report of the Commission of Inquiry on Lessons Learnt and Reconciliation* (November 2011) [hereinafter: 'LLRC Report'].

<sup>2</sup> At the time the LLRC report was first released, 12 recommendations were not actionable in their current form, as they directly relate to the Land Circular No.2011/04, which was subsequently withdrawn.

<sup>3</sup> The new Land Circular No.2013/01 has now replaced the previous Circular. As such, 11 of these recommendations are once again deemed actionable (i.e. recommendations **9.126**, **9.128**, **9.129a**, **9.129b**, **9.131**, **9.132**, **9.133**, **9.135a**, **9.135b**, **9.136** and **9.141**). In order to reasonably assess the implementation status of these 11 recommendations, we replace all references to 'Land Circular No. 2011/04' with 'Land Circular No.2013/01'. The recommendation contained in paragraph **9.139** of the LLRC Report is not actionable. The recommendation calls on the government to give all families who have been secondary occupants, whether at the behest of LTTE or not, land, if the lands they are currently in occupation are awarded to the genuine original permit holders on the results of the Investigating Committee [In terms of Land Circular 2011/04] decisions. This recommendation is not actionable, as the 'Investigating Committees' envisaged under the original Land Circular No. 2011/04 have been omitted in the new Land Circular No.2013/01. Also see Verité Research, *Sri Lanka: LLRC Implementation Monitor – Status of Implementation – Vol.1 No.1: Land Dispute Resolution* (October 2013).

<sup>4</sup> Official website of the Presidential Secretariat of Sri Lanka, Cabinet approves action on 53 more LLRC recommendations, 15 July 2013, [http://reading.gov.lk/index.php?option=com\\_k2&view=item&id=120:cabinet-approves-action-on-53-more-llrc-recommendations](http://reading.gov.lk/index.php?option=com_k2&view=item&id=120:cabinet-approves-action-on-53-more-llrc-recommendations).

<sup>5</sup> Paras.**9.53**, **9.54**, **9.103**, **9.143** and **9.145** contain two recommendations each. Hence the number of distinct recommendations in the addendum is 58.

<sup>6</sup> The addendum includes the aforementioned recommendation **9.139**, which is not actionable, as well as 10 other recommendations, which do not call for specific tangible governmental action.

<sup>7</sup> The omitted recommendations include: **9.9b**: Provide redress to families of those killed or injured; **9.41**: Ensure and facilitate the confidentiality and protection of information and informants during independent investigation into issues raised by Channel 4 documentary; **9.47**: Ensure the safety and security of any person taken into custody by governmental authorities through surrender or arrest; **9.50b**: Keep families informed of progress towards locating their loved ones; **9.66**: Expand the policy of cooperation and constructive engagement with the ICRC and other similar humanitarian organizations to ensure the welfare of the detainees; **9.79b**: Implement fully the Action Plan between the TMVP, Commissioner General of Rehabilitation, and the UNICEF with immediate effect; **9.91**: Address issues pertaining to missing persons, abductions, arbitrary detentions, long and indefinite detentions, and disappearances as a priority; acknowledge right of women to the truth and legal remedies; **9.134a**: Disengage Security Forces from all civil administration related activities as rapidly as possible; **9.140b**: Make legal provision to enable relevant authorities to investigate and institute legal action in cases against any public officer, Attorney-at-Law, or Notary Public who commits or abets the alienation of State land through spurious deeds; **9.153**: Ensure that those who are eligible for payments, compensation or monetary relief have access to it within a reasonable timeframe; **9.159**: Set a time limit for completion of payments for losses suffered up to the end of the conflict; **9.198**: Undertake an in-depth study to identify the needs of the people in villages adjacent to former conflict areas to address the question of improving their livelihood; **9.199**: Ensure even-handed resource allocation and development of villages; **9.223**: Ensure that development activities should be carried out in consultation and with the participation of the local people; **9.231a**: Empower the Local Government institutions to ensure greater peoples' participation at the grass roots level; and **9.231b**: Take into account the lessons learnt from the shortcomings in the functioning of the Provincial Councils system in devising an appropriate system of devolution that addresses the needs of the people whilst safeguarding unity and fostering diversity.

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<sup>8</sup> Recommendation **9.276** was fully included in the original NPA, but was simply miscited. Recommendations **9.48** and **9.70** were partly included in the original NPA. Recommendation **9.70** was also miscited. Moreover, recommendations **9.87, 9.88, 9.89, 9.93, 9.95, 9.96, 9.98, 9.100, 9.111, 9.243, 9.256** and **9.281** (12 recommendations) were partially included in the original NPA though not explicitly referenced. These recommendations were credited as implicitly included (i.e. in an indirect manner) by virtue of their relevance to other recommendations that were included in the NPA. For example, several of these recommendations are contemplated under the action plan to implement recommendation 9.92.

<sup>9</sup> United National Human Rights Council, 19<sup>th</sup> Session, Resolution on Promoting Reconciliation and Accountability in Sri Lanka (A/HRC/RES/19/2).

<sup>10</sup> United National Human Rights Council, 22<sup>nd</sup> Session, Resolution on Promoting Reconciliation and Accountability in Sri Lanka (A/HRC/RES/22/1).

<sup>11</sup> See <http://www.llrcaction.gov.lk/completed>. Also see Government of Sri Lanka, *National Plan of Action for the Implementation of LLRC Recommendations – Responsibilities by Thematic Area* (January 2014).

<sup>12</sup> LLRC Report, at paras.**4.106, 4.107, 4.109, 4.110, and 4.111**. The incidents include the alleged Navy attack on civilians in Chundikulam on 10 May 2009; an incident which took place on 20 April 2009 at Mathalan Pokkanai, where the Army allegedly forced civilians to recover the body of an army personnel and prevented them from crossing over to government controlled area; and the government shelling of civilians in Pokkanai.

<sup>13</sup> Recommendations 9.9: Investigate material implicating Security Forces in death and injury to civilians; prosecute wrongdoing thereupon. Recommendation **9.37a**: Investigate reported cases of deliberate attack on civilians; take appropriate legal action thereupon.

<sup>14</sup> Report of the Army Board on Implementation of the Recommendations of the Lessons Learnt & Reconciliation Commission (January 2013), at para.56.

<sup>15</sup> *Ibid.*

<sup>16</sup> Government of Sri Lanka, *National Plan of Action for the Implementation of LLRC Recommendations – Responsibilities by Thematic Area: International Humanitarian Law Issues*, (January 2014) [‘Monitoring Report: IHL Issues’], at p.1.

<sup>17</sup> Government of Sri Lanka, *National Plan of Action for the Implementation of LLRC Recommendations - Responsibilities by Thematic Area*, (June, 2013), at p.1.

<sup>18</sup> Annex 5.1 of the Annexes to the Report of the LLRC.

<sup>19</sup> Annex 4.15 of the Annexes to the Report of the LLRC.

<sup>20</sup> Government of Sri Lanka, *National Plan of Action for the Implementation of LLRC Recommendations – Responsibilities by Thematic Area: Human Rights*, (January 2014) [‘Monitoring Report: Human Rights’], at p.2.

<sup>21</sup> Recommendation **9.46**: Direct law enforcement to take immediate steps to ensure that allegations of abductions, involuntary disappearances and arbitrary detention are investigated; prosecute wrongdoers thereupon.

<sup>22</sup> Monitoring Report: Human Rights, at p.1.

<sup>23</sup> Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak: Mission to Sri Lanka, A/HRC/7/3/Add.6, 26 February 2008, at p.20.



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<sup>24</sup> Monitoring Report: Human Rights, at p.1.

<sup>25</sup> See <http://www.llrcaction.gov.lk/completed>. Also see Government of Sri Lanka, *National Plan of Action for the Implementation of LLRC Recommendations – Responsibilities by Thematic Area: Reconciliation*, (January 2014), at p.1.

<sup>26</sup> The most recent of such Presidential Proclamations under section 12 of the Public Security Ordinance was issued on 3 February 2014. See Gazette Extraordinary No.1848/5.

<sup>27</sup> See Gazette Extraordinary No. 1807/23 dated 26 April 2013.

<sup>28</sup> ‘Appeals Court issues notice on respondents in Jaffna land acquisition cases’, *DailyFT*, 31 May 2013, <http://www.ft.lk/2013/05/31/appeals-court-issues-notice-on-respondents-in-jaffna-land-acquisition-cases>.

<sup>29</sup> See <http://www.llrcaction.gov.lk/completed>. Also see Government of Sri Lanka, National Plan of Action for the Implementation of LLRC Recommendations – Responsibilities by Thematic Area: Land Return and Resettlement [‘Monitoring Report: Land’], (January 2014).

<sup>30</sup> Recommendation **9.131**: Organize a well-planned media seminar on the Land Policy and the Associated Programme to enable the Media to project an accurate and clear view of the Programme. See Land Commissioner General’s Department, Land Circular No.2013/01: Accelerated Programme on Solving Post Conflict State Lands Issues in the Northern and Eastern Provinces (January 2013).

<sup>31</sup> See <http://www.llrcaction.gov.lk/npoa/land-return-and-resettlement/245-9-131-organize-a-well-planned-media-seminar-on-the-land-policy-and-the-associated-programme-to-enable-the-media-to-project-an-accurate-and-clear-view-of-the-programme.html>. Also see Monitoring Report: Land, at p.2

<sup>32</sup> Monitoring Report: Human Rights, at p.2.

<sup>33</sup> *Ibid.* at pp.3-5.

<sup>34</sup> The Prevention of Terrorism (Proscription of the Liberation Tigers of Tamil Eelam) Regulations No. 1 of 2011, the Prevention of Terrorism (Proscription of the Tamil Rehabilitation Organisation) No. 2 of 2011, the Prevention of Terrorism (Extension of Application) Regulations No. 3 of 2011, the Prevention of Terrorism (Detainees and Remandees) Regulations No. 4 of 2011, and the Prevention of Terrorism (Surrendees Care and Rehabilitation) Regulations No. 5 of 2011, respectively published in Extraordinary Gazette Notifications 1721/2, 1721/3, 1721/4 and 1721/5 of 29 August 2011.

<sup>35</sup> Amnesty International, *Two students released from custody*, 22 January 2013, at [http://ua.amnesty.ch/urgent-actions/2012/12/347-12/347-12-2?ua\\_language=en](http://ua.amnesty.ch/urgent-actions/2012/12/347-12/347-12-2?ua_language=en); Amnesty International, *Impunity persists for crimes under international law as Sri Lanka escalates attacks on critics*, Written statement at the 22<sup>nd</sup> Session of the UN Human Rights Council, 22 February 2013, A/HRC/22/NGO/166.

<sup>36</sup> See Statement Condemning the Arrest and Unlawful Detention of Seven Tamil Youth, and Calling for their Immediate Release (December 2013), available at <http://www.srilankabrief.org/2013/12/sri-lanka-statement-condemning-arrest.html>.

<sup>37</sup> Recommendations **9.214**: De-Link the Police Department from the institutions dealing with the armed forces which are responsible for the security of the State; **9.215**: Establish an independent permanent Police Commission as a pre-requisite to guarantee the effective functioning of the Police and to generate public confidence; and **9.226**: Establish an Independent Public Service Commission without delay to ensure that there is no political interference in the public service and that recruitment and promotions in the public service are in conformity with the equality provisions in the Constitution.

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<sup>38</sup> Monitoring Report: Reconciliation, at p.3.

<sup>39</sup> *Ibid.* at 5.

<sup>40</sup> See Schedule under Article 41B of the Constitution (prior to amendment).

<sup>41</sup> Article 41A, as amended, provides: ‘The Chairman and members of the Commissions referred to in Schedule I to this Article, and the persons to be appointed to the offices referred to in Part I and Part II of Schedule II of this Article, shall be appointed to the Commissions and the offices referred to in the said Schedules, by the President. In making such appointments, the President shall seek the observations of a Parliamentary Council.’ The Parliamentary Council comprises the Prime Minister; the Speaker; the Leader of the Opposition; a nominee of the Prime Minister, who should be a Member of Parliament; and a nominee of the Leader of the Opposition, who should be a Member of Parliament. Both the National Police Commission and the Public Service Commission are included in Schedule I.

<sup>42</sup> Monitoring Report: Reconciliation, at p.5.

<sup>43</sup> *Ibid.* at p.6. Recommendation **9.61a**: ‘Engage the elected representatives of the minority parties in a meaningful dialogue on devolution and other grievances’ is partly included under the NPA item pertaining to recommendation **9.37**.

<sup>44</sup> Monitoring Report: Human Rights, at p.15.

<sup>45</sup> *Ibid.*

<sup>46</sup> See Freedom House, *Freedom of the Press 2013* (2013), at p.350.

<sup>47</sup> Monitoring Report: Human Rights, at p.7.

<sup>48</sup> Monitoring Report: Reconciliation, at p.3.

<sup>49</sup> *Ibid.*

<sup>50</sup> Recommendation **9.267**: Take strong deterrent action to prevent incidents of inter-faith intolerance and make every endeavour to arrest the occurrence of such incidents.

<sup>51</sup> Monitoring Report: Reconciliation, at p.12.

<sup>52</sup> A comprehensive list of incidents involving inter-faith intolerance targeting the Muslim and Christian communities has been compiled using multiple, independent sources including the Secretariat for Muslims and the National Christian Evangelical Alliance of Sri Lanka. We also note that some sources document over 300 attacks on Hindu places of worship in the North and East. See for example, [http://www.tchr.net/religion\\_temples.htm](http://www.tchr.net/religion_temples.htm).