His Excellency Maithripala Sirisena  
President of the Democratic Socialist Republic of Sri Lanka  
Presidential Residence  
Paget Road  
Colombo 07  

Your Excellency,

Re: His Excellency the President’s Statement in the Parliament about the Human Rights Commission of Sri Lanka

We have been made aware of Your Excellency’s statement in the parliament on 06 February 2019, through media reports and relevant video recordings. We observed that You Excellency mentioned the Human Rights Commission of Sri Lanka among others. The Commission expresses its deep concern about the said statement and wishes to present to you the correct facts regarding the matter.

1. Regarding the deployment of the Special Task Force to Angunakolapelessa Prison

One of the main functions of the Commission is to monitor the welfare of detainees and protect their rights according to the recognized laws. As per Article 28 (2) of the Human Rights Commission of Sri Lanka Act No. 21 of 1996, the Commission has been granted the power to enter and monitor any place of detention, police station or prison. Inquiring into the safety of detainees, their basic needs, sanitary facilities, rehabilitation process is included in monitoring places of detention. Guidelines recognized by national and international laws are used for such monitoring of places of detention.

While carrying out this mandate, the Commission must properly inquire into and investigate the complaints of detainees. Detainees and their family members have lodged complaints to the Commission regarding the recent deployment of the Special Task Force and various other issues stemming from the deployment, it is the duty of the
Commission to clarify matters related to such issues. Therefore, the Commission’s Inquiries and Investigations Division sent a letter to the Commanding Officer of the Special Task Force requesting information regarding the matter. The Commanding Officer has given an explanation as a reply to that letter. We must remind ourselves of the fact that many detainees have a reasonable fear of the deployment of external armed officers due to the violent series of events that took place in 2012 resulting in the murder of 27 detainees. Therefore, we would like to point out that in this instance, the Commission has undertaken its lawful mandate in a fair manner.

It is well recognized that it is essential that an independent commission protects the rights of all groups of citizens in the country. This includes even groups of people who have been marginalized and rejected from society, since the fundamental mark of a democratic civilized society is guaranteeing humanity. Thus, it is a misconception to interpret the Commission presenting facts regarding the rights of prisoners and the types of punishments, in accordance with human rights law, as an attempt by the Commission to protect criminals. Considering the principle “Prisoners are Human Beings” as well as laws protecting the rights of prisoners, we hope Your Excellency too agrees that such misconceptions are unfair.

2. The Human Rights Commission and the vetting process

We emphasize that it is due to the independence of the Commission and the trust placed in the Commission, in 2016 the United Nations designated the Human Rights Commission to vet our military and police officers for deployment to UN Peacekeeping Missions. We consider the fact that the Human Rights Commission of Sri Lanka is the only national institution selected to undertake the vetting process, amongst all countries that supply troops for peacekeeping missions, as a triumph for Sri Lanka. Therefore, we strongly consider that it is our duty to undertake the vetting process with integrity and professionalism.

We inform Your Excellency with great respect that it is absolutely incorrect to state that bringing back the Sri Lankan troops from Mali was delayed because of delays on the part of the Human Rights Commissions. The vetting process was suspended until a Standard Operating Procedure (SOP) was drafted, which was a unanimous decision made by all stakeholders (the military, the police, Ministry of Foreign Affairs, Ministry of Defence, Human Rights Commission of Sri Lanka and the United Nations). This decision was taken at a roundtable discussion held in June 2018 between the above mentioned parties in Colombo to solve a multitude of issues during the initial stages of the vetting process, After the said SOP was agreed upon by all the parties, United Nations Department of Peace Operations informed that the vetting process can be resumed from 20 December 2018. Accordingly, the Commission began the vetting
process from that day. Therefore, we strongly disagree that the vetting process suffered setbacks due to any delays or carelessness on the part of the Commission.

We strongly condemn the attack and violence targeted at Peacekeeping troops who undertake a great service in guaranteeing the peace of a country. We consider that to be a crime against humanity. We expressed our condolences to the Commander of the Army regarding the loss of two members of our Peacekeeping mission. Responsibility for these murders clearly are borne by the armed group [that carried out the attack]. We state with regret that holding the Human Rights Commission of Sri Lanka responsible for the loss of the lives of those officers caused grave dismay.

In the past three years, we have worked tirelessly to build respect for and trust in the Human Rights Commission of Sri Lanka. As a result of that the Human Rights Commission was awarded international recognition in 2018 by the Global Alliance of National Human Rights Institutions (GANHRI). We know that it is the understanding of all reasonable people that this was an esteemed honor not only for the Commission but also for our country. We are also aware that it is a reason for elevating the recognition Sri Lanka gains from international organizations.

Not only are we disheartened by the unjust criticism but are also discouraged. We appreciate any just critique and consider it to be a step to further growth and betterment, which we believe will serve the country better.

We greatly appreciate Your Excellency’s future cooperation.

Chairperson
Human Rights Commission of Sri Lanka