

ADVANCE QUESTIONS TO SRI LANKA – ADD.2

CANADA

Situation in the North

- Will the Government of Sri Lanka commit to a specific date in 2013 to hold Northern Provincial Council elections? Will international observers be invited to witness the elections to ensure they are free and fair?
- What is the Government of Sri Lanka doing to reduce the intrusiveness of military presence on civilian life in the North, especially in the Vanni area?
- What measures is the Government of Sri Lanka taking to address the incidence of violence against women, including increasing reports of rape and sexual violence in the North?

Legal Issues – International Law

- When will the Government of Sri Lanka address accountability issues through a formal independent process of investigation of alleged violations of international humanitarian law and human rights that occurred during the civil conflict?

Legal Issues – Domestic Law

- When will the Government of Sri Lanka enact a Right to Information Act to ensure greater transparency for its citizens?
- What measures is the Government of Sri Lanka taking to eliminate lengthy pre-trial custody for those arrested and detained under the Prevention of Terrorism Act to ensure that they are accorded the right to a fair trial in an expeditious timeframe?
- What is the legal framework (including procedures and safeguards in accordance with international standards) applicable to individuals that have been “rehabilitated”? Under which law are judges currently issuing decisions that those being held on detention orders be sent to rehabilitation centres?
- What is the status of the investigation related to the attack on prisoners in Vavuniya on 29th June 2012, which resulted in the death of two detainees?
- What steps is the government taking to reinforce and expand practical freedom of expression, in the face of reports of censorship, harassment of journalists and intimidation of others critical of government policy?
- Implementation of Recommendations of the Lessons Learnt and Reconciliation Commission

- We note that the Government of Sri Lanka has released a National Action Plan to implement recommendations of the Lessons Learnt and Reconciliation Commission (LLRC). When will the government report on implementation of the National Action Plan?
- Many of the key activities listed in the National Action Plan have been referred to the yet-to-be-established Parliamentary Select Committee (PSC). Has there been progress toward establishment of the PSC? If not, what alternative measures does the Government of Sri Lanka have planned to ensure that activities in the National Action Plan are implemented in a timely manner?
- The National Action Plan addresses implementation of 91 of the 285 recommendations contained in the LLRC report. How does the Government of Sri Lanka plan to address the additional 194 recommendations contained in the report?

Internally Displaced Persons (IDPs)

- The Menik Farm IDP camp was closed in September 2012, but not all IDPs were able to return to their original homes, and there are concerns that relocations were not done in accordance with international standards. New temporary housing is reportedly inadequate, and IDPs have not been provided with written guarantees of compensation or entitlements. What steps is the government taking to address these concerns and adhere to international standards?

Reconciliation

- What steps has the Government of Sri Lanka taken to promote reconciliation within the country three years after the end of the civil conflict? As one aspect, what specifically has been done to implement devolution of power stipulated in the 13th amendment to Sri Lanka's constitution?

CZECH REPUBLIC

- What measures are being taken to strengthen the capacity and ensure the independence of the national Human Rights Commission?
- How is with regard to resources, financial and personal, ensured implementation of the National Action Plan for the Promotion and Protection of Human Rights and of the recommendations of the Lessons Learnt and Reconciliation Commission? Is civil society involved in this process?

- What measures is Sri Lanka taking to strengthen its implementation of the CAT, in particular in prison and detention centers? Does the Government consider acceding to the OPCAT?

NETHERLANDS

1. Freedom of expression and media (internet)

- The Government of Sri Lanka is said to be committed to taking necessary steps to ensure the safety of media institutions and personnel, in order to ensure media freedom. However, over the last year we have seen restrictions being imposed and even the banning of websites in Sri Lanka. How does the Government of Sri Lanka relate the mentioned media freedom to these facts and if restrictions would be seen appropriate what would be the objective and legislative foundation on which this is done?

2. Human Rights Defenders

- Although it is recognized that human rights defenders are entitled to all safeguards, including enjoyment of fundamental rights and protection under ordinary law, this group is under pressure in Sri Lanka. The Government of Sri Lanka states that in instances where complaints have been made, impartial and comprehensive criminal investigations have been conducted and judicial proceedings were initiated. How does this show in the number of cases that was investigated and that was consequently solved, and how will these efforts be further strengthened to ensure a safe environment for human rights defenders and their activities?

UNITED KINGDOM

- We would appreciate an update on progress made by the Court of Inquiry appointed by the Sri Lankan Army to investigate allegations of war crimes? Will the deliberations of that Court be made available to the public?
- We would be grateful to know what is the status of the recommendations from the LLRC report that were not included in the LLRC Action Plan? Can the government update on the status of actions committed to under the plan and which carry a three month deadline?
- We would be grateful to know what concrete steps the government of Sri Lanka has taken to implement the recommendations of the UN Committee Against Torture and the Special Rapporteur on torture?
- The Working Group on Enforced Disappearances records 5,653 open cases. In how many of these cases has the government of Sri Lanka undertaken

investigations? How many disappearances that have taken place since the end of the conflict in 2009 is the government investigating?

- Could the government of Sri Lanka outline the process for military and government acquisition of private property and the compensation received when this occurs?
- We would be grateful to know whether the government of Sri Lanka will issue an invitation to the six UN Special Procedures that have outstanding requests for visits? If so, when?

UNITED STATES OF AMERICA

- Since the end of the war the Government has conducted several national level and local municipal council elections, including one as early as August 2009 and the presidential and general elections held island-wide in 2010. Why has there been a considerable delay in holding elections for the Northern Provincial Council, and what can the government do to move the elections date up from September 2013?
- What is the status of the Witness and Victim Protection Bill that the Government committed to passing during the 2008 UPR first cycle?
- What is the status of the investigations into (a) the Channel 4 video, (b) the assassination of five students in Trincomalee (Jan 2006), (c) the execution of 17 ACF aid workers in Muttur (Aug 2006), (d) the murder of 10 workers in Pottuvil (Sep 2006), (e) the assassination of editor Lasantha Wickrematunge (Jan 2009), and (f) the disappearance of cartoonist Prageeth Eknaligoda (Jan 2010)?
- Given the uncertainty that exists as to whether some missing persons are in state custody, is there a national mechanism to address the cases of the missing and detained, and to take official steps to officially resolve the legal uncertainty of the status of the missing, by issuing death certificates or other appropriate legal declarations of their status for the benefit of their families? According to the Annex of the LLRC Report, representations to the commission reported over 1,000 disappearances following arrest by security forces. What action has the government taken to account for these disappearances following arrest?
- Given that not all the recommendations of the LLRC report were included in the LLRC Action Plan, what will happen to those recommendations that were not included? Will the recommendations not included in LLRC Action Plan be implemented at a future date? How does the Government propose to carry out an independent assessment on the progress of the activities in the LLRC Action Plan?

- What is the legal basis for High Security Zones following the 2011 lapse of Emergency Regulations, and how many families are unable to reclaim their properties due to HSZs? Does the Government have a plan to end military involvement in civilian affairs and oversight of NGO activities?
- Does the Government have plans for a new land policy for the north and east that involves the civilian administration, would include consultation with the local communities and civil society organizations, and would address key land issues, including loss of documentation and competing land claims?
- What are the Government's plans to resettle all remaining Internally Displaced Persons, including the long term displaced living in welfare centers, temporary relocation sites, or with host families?
- What is the necessity for emergency security legislation such as the Prevention of Terrorism Act three years after the end of the war, and under what conditions will it be repealed?
- Given that the bilateral talks with the Tamil National Alliance have extended for nearly two years with no advancement, what is the Government's plan to reach agreement on political devolution?
- Why, three years after the end of the war, is there continued intolerance for and threats against journalists, NGOs, and individuals who criticize the government, such as (most recently) the October 2012 threats against Centre for Policy Alternatives Executive Director Paikiasothy Saravanamuttu?