



CENTRE FOR POLICY ALTERNATIVES
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Release of the Lessons Learnt and Reconciliation Commission (LLRC) Report

4 January 2011, Colombo, Sri Lanka: The Centre for Policy Alternatives (CPA) welcomes the release of the Lessons Learnt and Reconciliation Commission (LLRC) Report, its analysis of the root cause of the conflict, the cataloguing of the atrocities of the LTTE, recommendations in respect of governance – especially the de-politicization of existing institutions, the introduction of Right to Information legislation, militarization, attacks on the freedom of expression, language rights, reconciliation and the investigation of the allegations contained in the Channel Four documentary as well as the investigation and prosecution of those responsible for disappearances and civilian deaths. We also welcome the LLRC recommendation that named individuals and organizations associated with the government be investigated for human rights violations and para-military activity, and its recommendations in respect of the Northern Muslims evicted by the LTTE and the Up Country Tamil population. The attention accorded by the LLRC to the situation of these two communities strengthens the coherence of this report on the pivotal issue of reconciliation for the peoples of Sri Lanka. We strongly urge that the testimonies and record of the proceedings of the LLRC be preserved for posterity.

CPA did not go before the LLRC because of reservations about the mandate and composition of the commission, the past record of presidential commissions, specifically the non- release and non-implementation of their recommendations –a point also made in the LLRC Report. We note however that a number of the observations and recommendations made by the LLRC reiterate those made by CPA and other civil society actors regarding the state of governance, the culture of impunity and human rights protection in Sri Lanka, in particular. The endorsement of these views by a presidential commission reinforces this civil society critique and underscores the importance of the credible and effective implementation of the LLRC recommendations in the areas mentioned above as a matter of the utmost national priority. This in turn, as also highlighted by the LLRC, is underscored by the failure of the Government of Sri Lanka (GOSL) to implement in full the interim recommendations of the LLRC.

Following the release of the UN Secretary General's Advisory Panel Report and the calls for international investigation of the allegations of war crimes and violations of international humanitarian law (IHL) made against the LTTE and the GOSL, the GOSL has maintained that the LLRC Report would answer its critics. Central to this is establishing what happened in the last phase of the conflict and the issue of accountability. The LLRC has concluded that in certain cases the truth is near impossible to ascertain given the information presented to the commission and

more importantly, the information that at this point can be obtained. Notwithstanding the issue of the limitations of the information available to it, the LLRC categorically states that it was not the intention of the GOSL to target civilians at any point. The LLRC also concludes that in certain cases further investigations are warranted to establish the responsibility of members of the armed forces for civilian deaths, war crimes and violations of IHL, though it maintains, “this may not have been with an intent to cause harm”.

This is a conclusion that echoes the testimonies of senior officers and officials in the political and security establishment. It has been arrived at through a process in which there was no witness and victim protection mechanism to facilitate further civilian testimony and thereby, a comprehensive account of what happened in the last phase of the war. In this connection it is pertinent to note the hardship and subsequent harassment faced by civilians who testified before the commission and the insufficient time allocated to civilians to make oral submissions before it. Most importantly, that so many family members of the disappeared and killed came before the commission, regardless of the difficulties and dangers they faced, attests to the dire need for affected communities to be heard as well as to the urgent need for justice and accountability at the community level. CPA finds the conclusion about the intentions of the armed forces disappointing. We firmly believe that it reinforces the demands for an international investigation rather than addresses and lays them to rest. These demands are further augmented by the critique of the LLRC of the current state of governance and the rule of law, the need to delink the police force from the defence establishment and the need in effect to restore the Seventeenth Amendment and independent commissions for the police and public service amongst others. The state of governance and the rule of law described by the LLRC, begs the question as to how the investigations it recommends can be conducted nationally, given the erosion of the integrity of the institutions that will be involved in such investigations. Explicit guidelines from the LLRC for the “independent” and “proper” “investigations” it recommends, would have made these recommendations more robust and meaningful.

Our disappointment extends to the commission’s treatment of the issue of the number of civilians in the Vanni during the last phase of the war and the provision of food and medical supplies to them. In this regard we are concerned that information from actors in direct contact with civilians on the ground, may not have been sufficiently sourced. This concern includes the population data available from the civilian administration in the region. The “White Flag incident” involving the killing of surrendering LTTE officials, the legality of High Security Zones, the incarceration of almost 300,000 civilians in the Menik Farm and other sites in violation of their fundamental rights should have been dealt with, given their impact on reconciliation and the allegations of war crimes.

These reservations apart, we call on the GOSL to implement the LLRC recommendations without delay and with sincerity and commitment to the cherished goal of a truly plural and united Sri Lanka. We note that the LLRC report is the initiation of a process of reconciliation; not the end of it. Furthermore, the LLRC clearly states that it is the GOSL that has to take the lead in the process and in particular, in arriving at a political and constitutional settlement based on devolution of “the ethnic problem as well as other serious problems that threaten democratic institutions”. In this regard as in all others, we also note that the implementation of the LLRC recommendations necessitate a major paradigm shift by the GOSL. We strongly urge that this be undertaken as a matter of national priority, and look forward to solid, demonstrable progress in reconciliation, accountability and human rights protection in 2012 and beyond. This is vital to the necessary transition from a post-war to post conflict situation and the enduring peace and unity the latter entails.

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The **Centre for Policy Alternatives (CPA)** was formed in the firm belief that there is an urgent need to strengthen institution- and capacity-building for good governance and conflict transformation in Sri Lanka and that non-partisan civil society groups have an important and constructive contribution to make to this process. The primary role envisaged for the Centre in the field of public policy is a pro-active and interventionary one, aimed at the dissemination and advocacy of policy alternatives for non-violent conflict resolution and democratic governance.

Accordingly, the work of the Centre involves a major research component through which the policy alternatives advocated are identified and developed.

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