



**Consejo Económico
y Social**

Distr.
GENERAL

E/CN.4/2005/G/44
22 de abril de 2005

ESPAÑOL
Original: INGLÉS

COMISIÓN DE DERECHOS HUMANOS
61º período de sesiones
Tema 3 del programa

ORGANIZACIÓN DE LOS TRABAJOS DEL PERÍODO DE SESIONES

Nota verbal de fecha 20 de abril de 2005 dirigida a la Secretaría de la Comisión de Derechos Humanos por la Misión Permanente de Sri Lanka ante la Oficina de las Naciones Unidas en Ginebra

La Misión Permanente de la República Socialista Democrática de Sri Lanka ante la Oficina de las Naciones Unidas en Ginebra y las demás organizaciones internacionales en Suiza saluda atentamente a la Secretaría de la Comisión de Derechos Humanos y desea referirse a varias declaraciones distribuidas por escrito por el Centro Asiático de Procedimientos de Recurso en relación con diversos temas del programa.

La Misión Permanente de Sri Lanka también desea adjuntar a la presente las observaciones del Gobierno de Sri Lanka sobre el contenido de dichas declaraciones.

La Misión Permanente de Sri Lanka pide a la Secretaría de la Comisión de Derechos Humanos que tenga a bien distribuir las observaciones del Gobierno de Sri Lanka* como documento oficial de la Comisión de Derechos Humanos en relación con el tema 3 del programa.

* Se reproducen en el anexo como se recibieron, en el idioma original únicamente.

Annex

**The Observations of the Government of Sri Lanka on the
written statements submitted by the Asian Legal Resource Centre (ALRC), a
Non-governmental Organisation to the
sixty first session of the UN Commission on Human Rights**

An NGO, Asian Legal Resource Centre (ALRC) claims it has submitted 40 written statements for circulation at the 62nd Session of the Commission of Human Rights, on countries in the Asian region.

On scrutiny of some ALRC statements and with regard to the references on Sri Lanka, it is observed that ALRC makes many conclusions of a general nature such as about the delay in the judicial process in the region. Delays in the judicial processes are a phenomenon not restricted to South Asia but a problem that is faced around the world. The ALRC however fails to note any of the positive steps taken in this regard, to remedy such delays. For instance in Sri Lanka, the Government has introduced new draft laws to establish regional Appeal Courts with the intention of speeding up the trial process and the draft legislation is now in a stage of public scrutiny.

One ALRC written statement concludes that 'there is erosion in the independence of the judiciary' as a result of the killing of a High Court judge by suspected narcotic drug dealers. Yet the statement does not refer to the speedy and efficient investigation that followed, as a result of which the suspects are now being tried for murder before the High Court.

Further, the ALRC statements refer to a number of incidents that are currently under investigation or where the State is already conducting prosecutions. Some statements refer to incidents that are already receiving the attention of special mechanisms such as the Optional Protocol to the ICCPR.

Some of the ALRC statements are self-contradictory, for instance, on the one hand complaints are made of impunity in action on torture cases, while at the same time ALRC concludes that 'two convictions and the increasing number of investigations leading to the filing of more cases have had a chilling effect on the police in recent months'!

It has also been noted the ALRC continues to cast aspersions on the National Human Rights Commission and appears to ignore the fact that persons of international repute and commitment have been appointed to this key institution in Sri Lanka and that the strategic plans and policies implemented by this Commission have been broadly endorsed and praised by the international community which has provided financial support for the Commission's programmes.

The ALRC also criticises the emergency regulations that came into force in Sri Lanka for a short period in the aftermath of the tsunami of 26th December 2004 in order to enable the authorities to deal with the worst ever natural disaster experienced in the country. The ALRC statement fails to mention that this was a temporary measure taken purely as a precautionary measure to address the extraordinary circumstances of this unprecedented natural disaster which left an estimated 30,000 dead, 900,000 displaced, 88,000 homes destroyed etc. The emergency regulations enabled quick action on human rights issues such as the protection of children from trafficking, violence against affected women and children, the protection of property etc. The Ministry of Justice in Sri Lanka received no harassment complaints from any person due to the imposition of these temporary regulations, which lapsed soon after the emergency relief phase came to an end.

The Government of Sri Lanka has always maintained a policy of open cooperation and engagement with civil society. However, since the written statements of the ALRC contain misleading assertions and polemical references, the Government wishes therefore to respond briefly, taking into consideration the need to avoid over-burdening the Commission at a time when representatives are being urged to make concise and consolidated statements and focus on specific topical issues requiring urgent redress.

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