



# General Assembly

Distr.: Limited  
12 March 2013

Original: English

---

## Human Rights Council

### Twenty-second session

Agenda item 2

### Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

#### United States of America: draft resolution

#### **22/... Promoting reconciliation and accountability in Sri Lanka**

*The Human Rights Council,*

*Guided by* the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant instruments,

*Recalling* Human Rights Council resolution 19/2 of 22 March 2012 on promoting reconciliation and accountability in Sri Lanka,

*Reaffirming* that it is the responsibility of the Government of Sri Lanka to ensure the full enjoyment of all human rights and fundamental freedoms of its entire population,

*Reaffirming also* that States must ensure that any measure taken to combat terrorism complies with their obligations under international law, in particular international human rights, refugee and humanitarian law, as applicable,

*Taking note* of the national plan of action to implement the recommendations of the Lessons Learnt and Reconciliation Commission of the Government of Sri Lanka and its commitments as set forth in response to the findings and recommendations of the Commission,

*Noting with concern* that the national plan of action does not adequately address all of the findings and constructive recommendations of the Commission,

*Recalling* the constructive recommendations contained in the Commission's report, including the need to credibly investigate widespread allegations of extrajudicial killings and enforced disappearances, demilitarize the north of Sri Lanka, implement impartial land dispute resolution mechanisms, re-evaluate detention policies, strengthen formerly independent civil institutions, reach a political settlement on the devolution of power to the provinces, promote and protect the right of freedom of expression for all and enact rule of law reforms,

*Noting with concern* that the National Plan of Action and the Commission's report do not adequately address serious allegations of violations of international law,

*Expressing concern* at the continuing reports of violations of human rights in Sri Lanka, including enforced disappearances, extrajudicial killings, torture, and violations of

the rights to freedom of expression, association and peaceful assembly, as well as intimidation of and reprisals against human rights defenders, members of civil society and journalists, and threats to judicial independence and the rule of law,

*Noting with concern* the failure of the Government of Sri Lanka to fulfil its public commitments, including on the devolution of political authority, which is integral to reconciliation and the full enjoyment of human rights by all members of its population,

*Expressing appreciation* for the efforts of the Government of Sri Lanka in facilitating the visit of a technical mission from the Office of the United Nations High Commissioner for Human Rights, and encouraging the Government to increase its dialogue and cooperation with the Office of the High Commissioner,

1. *Welcomes* the report of the Office of the United Nations High Commissioner for Human Rights on advice and technical assistance for the Government of Sri Lanka on promoting reconciliation and accountability in Sri Lanka<sup>1</sup> and the recommendations and conclusions contained therein, in particular on the establishment of a truth-seeking mechanism as an integral part of a more comprehensive and inclusive approach to transitional justice, and notes the call of the High Commissioner for an independent and credible international investigation into alleged violations of international human rights law and international humanitarian law;

2. *Urges* the Government of Sri Lanka to implement the recommendations made in the report of the Office of the High Commissioner;

3. *Reiterates its call* upon the Government of Sri Lanka to implement expeditiously and effectively the constructive recommendations made in the report of the Lessons Learnt and Reconciliation Commission, and to take all necessary additional steps to fulfil its relevant legal obligations and commitment to initiate credible and independent actions to ensure justice, equity and accountability, including investigations of violations of international law, and reconciliation for all Sri Lankans;

4. *Urges* the Government of Sri Lanka to cooperate with special procedures mandate holders and to respond formally to their outstanding requests, including by providing unfettered access to the Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on the situation of human rights defenders, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on the rights to peaceful assembly and of association, the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Independent Expert on minority issues, the Working Group on Enforced or Involuntary Disappearances and the Working Group on the issue of discrimination against women in law and in practice;

5. *Encourages* the Office of the High Commissioner and relevant special procedures mandate holders to provide, in consultation with and with the concurrence of the Government of Sri Lanka, advice and technical assistance on implementing the above-mentioned steps;

6. *Requests* the Office of the High Commissioner, with input from relevant special procedures mandate holders, as appropriate, to present an interim report to the Human Rights Council at its twenty-fourth session, and a report in an interactive dialogue at the twenty-fifth session, on the implementation of the present resolution.

---

<sup>1</sup> A/HRC/22/38.