



# General Assembly

Distr.: Limited  
12 March 2013

Original: English

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## 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,*

*Reaffirming the purposes and principles contained in the Charter of the United Nations,*

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

*Bearing in mind General Assembly resolution 60/251 of 15 March 2006,*

*Recalling Council resolutions 5/1 and 5/2 of 18 June 2007, on institution-building of the Human Rights Council,*

*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 ~~each State 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 law, international refugee law and international humanitarian law, as applicable,*

*Welcoming the announcement by the Government of Sri Lanka to hold elections to the Provincial Council in the Northern Province in September 2013,*

*Welcoming and acknowledging the progress made by the Government of Sri Lanka in rebuilding infrastructure, demining, resettling the majority of internally displaced persons, and noting nonetheless that considerable work lies ahead in the areas of justice, reconciliation and resumption of livelihoods, and stressing the importance of the full participation of local populations, including representatives of civil society and minorities, in these efforts,*

*Taking note of the report of the Lessons Learnt and Reconciliation Commission of Sri Lanka and its findings and recommendations, and acknowledging its possible contribution to the process of national reconciliation in Sri Lanka.*

*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 human rights law and international humanitarian 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, and discrimination on the basis of religion or belief,

*Calling upon ~~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,

*Noting the High Commissioner's call for an independent and credible international investigation into alleged violations of international human rights law and international humanitarian law.*

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. *Encourages ~~Urges~~* the Government of Sri Lanka to implement the recommendations made in the report of the Office of the High Commissioner, and also calls

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

upon the Government of Sri Lanka to conduct an independent and credible investigation into allegations of violations of international human rights law and international humanitarian law, as applicable;

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. ~~*Encourages Urges*~~ the Government of Sri Lanka to cooperate with special procedures mandate holders and to respond formally to their outstanding requests, including by ~~extending invitations and~~ 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 ~~oral update~~~~interim report~~ to the Human Rights Council at its twenty-fourth session, and a ~~comprehensive~~ report ~~in an interactive dialogue followed by a discussion~~ at the twenty-fifth session, on the implementation of the present resolution.