

9(2)(a)

From: NEW DELHI
Sent: Saturday, 19 September 2015 7:48 p.m.
To: SEA
Cc: UNHC; ISED; NAD; AMER; WASHINGTON; LONDON; BEIJING; OTTAWA; ...ASEAN
POSTS; FM.NZTE (Seemail); FM.MPI (Seemail); FM.EducationNZ (Seemail);
FM.Immigration NZ (Seemail); FM.DPMC (FPA) (contact); DS AAG; CEO; DS MLG;
FM.P/S Trade; GENEVA; IDG GLO; IDG PHM; IDG DSE; IDG SED; DS IDG; NEW YORK;
FM.P/S MFA; STR; FM.NAB (Seemail); CANBERRA; AUS;
[REDACTED] 9(2)(a)
[REDACTED] 9(2)(a) LEVERMORE, Reuben 9(2)(a)
(BKK); [REDACTED] 9(2)(a)
(BKK); DS APE; APD
Subject: Formal Message: Sri Lanka Prime Minister Ranil Wickremesinghe visit to India
14-16 September 2015
Attachments: [REDACTED]
[REDACTED] **Out of scope**

Formal Message: Sri Lanka Prime Minister Ranil Wickremesinghe visit 14-16 September 2015

Summary

- [REDACTED] **Out of scope**
- [REDACTED] **Out of scope**
- [REDACTED] **Out of scope** India also stated its support for the new government's emphasis on internal reconciliation.)
- [REDACTED] **Out of scope**

Action required

For Information.

[Redacted] **Out of scope**

Report

[Redacted]

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Out of scope

[Redacted] **Out of scope**

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- **National Reconciliation:** India complimented the efforts of the President and the Prime Minister to take Sri Lanka towards genuine reconciliation and development, so that all Sri Lankans, including the Sri Lankan Tamil community, could live lives of equality, justice, peace and dignity in a united Sri Lanka. [Redacted]

[Redacted]

[Redacted]

Out of scope

Comment

[Redacted]

Out of scope

[Redacted]

Out of scope

From: GENEVA
Sent: Thursday, 17 September 2015 8:43 a.m.
To: UNHC; SEA; LGL; NEW DELHI
Cc: DS MLG; ...ASEAN POSTS; DS AAG; CEO; GENEVA; IDG PHM; FM.P/S MFA; ISED
Subject: FORMAL MESSAGE: OHCHR INVESTIGATION REPORT ON SRI LANKA RELEASED
Attachments: A_HRC_30_61_ENG.docx; Srilanka_GD_2.pdf

Summary

On 16 September the OHCHR's Report on Promoting Reconciliation, Accountability and Human Rights in Sri Lanka was submitted to the Human Rights Council. The report concluded that "gross violations of international human rights law" and "serious violations of international humanitarian law and international crimes" were committed by all parties to the conflict, many of which may amount to war crimes. Of the range of recommendations to the Sri Lankan government and the international community, the most notable was that a hybrid court should be established to try the alleged violations committed by all parties to the conflict, since it considered that Sri Lankan domestic processes alone would not be adequate to progress these long-standing issues.

Action

UNHC, SEA & LGL – for your consideration in preparing a statement for the discussion on the Report at the Human Rights Council, scheduled for 30 September, and for guidance on engagement on the follow-up resolution being run by the US and UK at the current Human Rights Council session.

Report

1 Pursuant to Human Rights Council resolution 25/1, on 16 September the OHCHR's Report on Promoting Reconciliation, Accountability and Human Rights in Sri Lanka was released on 16 September (**attached**). The Human Rights Council had deferred consideration of the Report from June until this session, following "signals of engagement" by the newly established Sri Lankan Government in January 2015, and the prospect of further information coming to light. The decision to delay the report seems to have been well judged, with the report able to take account of the positive change in political circumstances in Sri Lanka.

OISL's principal findings

2 The Report documents some of the key findings of the OHCHR Investigation on Sri Lanka (OISL), noting these give reasonable grounds to believe "gross violations of international human rights law" and "serious violations of international humanitarian law and international crimes" were committed by all parties to the conflict, many of which may amount to war crimes. OISL's findings are expanded on in an accompanying OISL Report (**linked [here](#) (261pgs,5.95mb)**).

3 OISL found evidence of: unlawful killings by both parties; arbitrary detention by Government forces, which reportedly led to enforced disappearances and extrajudicial killings; torture by Government forces; sexual and gender based violence by Government forces (against men and women detainees as part of what appeared to be a deliberate policy to inflict torture); abduction and forced recruitment by the LTTE; recruitment of children and use in hostilities by the LTTE; attacks by both parties putting civilians at risk; interference with civilians' liberty of movement by LTTE (compelling them to remain in hostile areas); denial of humanitarian assistance by the Government and failures to protect humanitarian personnel by LTTE; and screening and deprivation of liberty of internally displaced persons by the Government.

Inadequate domestic mechanisms

4 The Report found that Sri Lanka's criminal justice system is not yet ready or equipped to conduct an independent and credible investigation into the alleged violations, or to hold those responsible accountable. It welcomed the new Government's commitments to end impunity and ensure accountability (outlined in a statement made by the Sri Lankan Minister of Foreign Affairs to the Human Rights Council on 14 September – copy **attached**), but identified three key reasons why Sri Lanka's criminal justice system was not yet ready or equipped to conduct an independent and credible investigation into the alleged violations, or to hold those responsible accountable: (i) there was no reliable system for victim and witness protection; (ii) Sri Lanka's domestic legal framework did not provide a basis to deal with international crimes of this magnitude; and (iii) the independence and integrity of key institutions within Sri Lanka's security sector and justice system remain compromised.

Recommendations

5 The Report makes recommendations to the Sri Lankan Government and to the United Nations system and Member States, aimed at addressing impunity and ensuring accountability for the alleged violations of human rights and humanitarian law in Sri Lanka. A comprehensive set of recommendations was included in the accompanying OISL Report. The Report made the following key recommendations for the Government of Sri Lanka, which lay outside the scope of the measures Foreign Minister Samaraweera announced in the Human Rights Council this week:

- *“Adopt a specific legislation establishing an ad hoc hybrid special court, integrating international judges, prosecutors, lawyers and investigators, mandated to try war crimes and crimes against humanity, with its own independent investigative and prosecuting organ, defence office and witness and victims protection programme, and resource it so that it can promptly and effectively try those responsible.”* A stated benefit of this mechanism is that it will give Sri Lankans confidence in the independence and impartiality of the process.
- *“Invite OHCHR to establish a full-fledged country presence to monitor the human rights situation, advise on implementation of the High Commissioner’s recommendations and of all HRC resolutions, and provide technical assistance.”*

8 The Report also makes recommendations to the United Nations system and Member States, including to *“[e]nsure a policy of non-refoulement of Tamils who have suffered torture and other human rights violations until guarantees of non-recurrence are sufficient to ensure that they will not be subject to further abuse, in particular torture and sexual violence.”*

Next steps

9 The 30 September discussion in the HRC will be a useful opportunity for member and observer states to exchange initial views on the report and any future action that might take place. [REDACTED]

[REDACTED]

[REDACTED] **6(a)** [REDACTED]

[REDACTED]

[REDACTED] **9(2)(g)(i)**

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[REDACTED] **6(a)** [REDACTED] We will revert seeking instructions on engagement in the negotiations once the draft text is released.

[ENDS]

RELEASED UNDER THE
OFFICIAL INFORMATION ACT



STATEMENT

by

Hon. Mangala Samaraweera, M.P.
Minister of Foreign Affairs of Sri Lanka
&
Leader of the Sri Lanka Delegation

30th Session of the Human Rights Council

14 September 2015, Geneva

The Permanent Mission of Sri Lanka to the United Nations
and other International Organizations in Geneva

RELEASED UNDER THE
OFFICIAL INFORMATION ACT

Statement by
Hon. Mangala Samaraweera, MP
Minister of Foreign Affairs of Sri Lanka

General Debate of the 30th Session of the UN Human Rights Council
Geneva, 14 September 2015

Mr. President
High Commissioner for Human Rights
Excellencies
Distinguished delegates

I would like to begin by thanking you, and the members of the Council for the trust reposed in Sri Lanka at the 28th Session and agreeing to defer the release of the Report of the OHCHR Investigation on Sri Lanka.

The time granted by the Council gave the Government much needed space to begin implementing its reform agenda, renew its engagement with the international community, including the High Commissioner for Human Rights, and his Office, and start taking steps aimed at achieving meaningful reconciliation, strengthening democratic institutions, good governance, the rule of law, and confidence building among communities affected by conflict for many years.

Mr. President,

The victory of the United National Front for Good Governance (UNFGG) at the Parliamentary election last month, enabled President Sirisena and Prime Minister Ranil Wickremesinghe to form a National Unity Government. Traditional rivals in Sri Lankan politics – the United National Party (UNP) and the Sri Lanka Freedom Party (SLFP) thus came together, heralding a new culture of consensual politics in the country and creating much needed political and policy stability.

An important feature in the August 17th election was the return of centrists to power in the legislature and the resounding defeat of extremists on both sides of the divide. As a result, the moderates in Parliament have once again secured power which augers well for progressive reform. This includes ensuring that the universal values of equality, justice, and freedom are upheld by fostering reconciliation between communities and securing a political settlement.

Inaugurating the 8th Parliament just two weeks ago on the 1st of September, President Sirisena drew from the example of South Africa where the main political parties came together at a historic moment in that country. He affirmed that similarly, in the post-conflict context in Sri Lanka, the formation of a National Unity Government is essential to obtain the bipartisan consensus that is necessary to face the important challenges before our nation, which include reconciliation and peacebuilding.

Upholding good governance practices, the Parliament, on 1st September, rightly appointed as the Leader of the Opposition, the head of the Tamil National Alliance, Mr. R. Sampanthan, who is the leader of the Party that obtained the third highest number of votes at the election.

The appointment of the Tamil National Alliance leader as Leader of the Opposition, as well as the appointment of the 44th Chief Justice of Sri Lanka in January were clear messages that in the new Sri Lanka, extraneous considerations such as ethnicity, religion, class or gender would not be used to deny anyone their rightful place.

Mr. President,

From May 2009 post-conflict reconciliation eluded us as a result of the short-sighted policies and the triumphalist approach that was adopted immediately following the end of the conflict. The National Unity Government is now approaching reconciliation afresh as a matter of urgent priority.

As a Government that is responsible and accountable to her people, the National Unity Government remains firm in its resolve to do right by the people of the country, not in the least because of assurances given to the international community at any point in time, but because this is the only path available to ensure justice, remove the causes of terrorism and achieve a durable peace for the long-suffering people in our country.

Mr. President,

As you would agree, reconciliation is a process and it will take time. Many, I know are impatient. We understand their impatience and their right to be so. However, this process must be carefully planned. Our nation has faltered far too many times since Independence and we cannot afford to fail once again.

Mr. President,

The Government of Sri Lanka recognises fully that the process of reconciliation involves addressing the broad areas of truth seeking, justice, reparations and non-recurrence and for non-recurrence to become truly meaningful, the necessity of reaching a political settlement that addresses the grievances of the Tamil people.

With the mandate granted by the people, the President, Prime Minister, and the Government have already taken some important steps to create the conditions required for initiating a dialogue aimed at a political settlement.

As you are aware, Mr President, item 93 of President Sirisena's manifesto in the lead up to the January 2015 election expressed the intention of the common candidate, if elected, to address issues of accountability through national independent judicial mechanisms.

Accountability is essential to uphold the rule of law and build confidence in the people of all communities of our country, in the justice system. We also recognise fully, the

importance of judicial and administrative reform in this process. These are essential factors that must be addressed for the culture of accountability and the rule of law which have eroded through years of violence to once again be ingrained in our society. We recognise how important this is to prevent impunity not only for violations of human rights but corruption and other crimes; and how vital these processes are for the long-term development of our country and for the peace dividend to be felt by all our citizens including generations to come. These are lessons we have not only learnt from the experiences of other countries, but also from our own history and recent past.

The ideas that the Government has evolved for setting up independent, credible and empowered mechanisms for truth seeking, justice, reparations and guarantees of non-recurrence within the framework of the Constitution include the following:

-For **truth seeking**, the establishment by statute, of two mechanisms:

(i) a Commission for Truth, Justice, Reconciliation and Non-recurrence to be evolved in consultation with the relevant authorities of South Africa. This mechanism is envisaged as having a dual structure: a 'Compassionate Council' composed of religious dignitaries from all major religions in the country and a structure composed of Commissioners. For many victims of human rights abuses, from whichever community, where the perpetrators are unclear for a judicial mechanism to handle, or where the practices of the state and society have resulted in discrimination, this Commission will allow them to discover the truth, understand what happened and help remedy any sense of injustice.

(ii) an Office on Missing Persons based on the principle of the families' right to know, to be set up by Statute with expertise from the ICRC, and in line with internationally accepted standards.

-On the **Right to Justice**, what is being proposed is for a Judicial Mechanism with a Special Counsel to be set up by Statute. This takes into account the right of victims to a fair remedy and aims to address the problem of impunity for human rights violations suffered by all communities. There have been previous instances as well in Sri Lanka when criminal justice mechanisms of different kinds have been set up. This, therefore, is not at all an alien concept. Neither is it aimed at a particularly group of persons, but something that is essential in terms of upholding the rule of law, and creating a society that respects the rule of law.

-On the **Right to Reparations**, an Office for Reparations to be set up by Statute to facilitate the implementation of recommendations relating to reparations made by the proposed Commission on Truth, Justice, Reconciliation and Non-recurrence, the Office of the Missing Persons, the LLRC and any other entity;

Mr President,

In order to guarantee **non-recurrence**, it is proposed that a series of measures would be undertaken including administrative and judicial reform, and the adoption of a new Constitution. A series of measures including amending the penal code to criminalise hate speech and enforced disappearances are also in process. The best guarantee for non-recurrence is of course a political settlement that addresses the grievances of the Tamil people. We hope that we can achieve this through the adoption of a new Constitution. A Constituent Assembly of Parliament will be set up for this purpose shortly.

Mr. President,

These mechanisms will be evolved and designed through a wide process of consultations involving all stakeholders, including victims. Moreover, each mechanism is envisaged to have the freedom to obtain assistance, both financial, material and technical from our international partners including the OHCHR.

Additionally, Mr. President, the Government is committed to strengthening the National Human Rights Commission in line with the Paris Principles; sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearances without delay; maintain the moratorium on the death penalty with a view to its ultimate abolition; release previous Presidential Commission Reports such as Udalagama and Paranagama by the end of this month; begin issuing Certificates of Absence to the families of the missing as a temporary measure of relief; disengagement of the military from commercial activities; undertake security sector reform; invite a series of Special Rapporteurs to undertake visits to Sri Lanka in 2015 and beyond; issue instructions clearly to all branches of the security forces that torture, rape, sexual violence and other human rights violations are prohibited and that those responsible will be investigated and punished; review and repeal the Prevention of Terrorism Act and replace it with anti-terrorism legislation in line with contemporary international best practices; review the Public Security Ordinance Act; and review the Victim and Witness Protection Act which was enacted this year. Steps are also being taken by the Office of National Unity and Reconciliation to extend psychosocial support to communities and individuals that are in need of such care. The pursuit of engagement of Sri Lankans living overseas belonging to all communities, and inviting them to assist in the Government's peacebuilding and reconciliation efforts is another undertaking that we take seriously. In this context, the review of the listing of 16 organisations and 424 individuals last year, under the provisions of UN Security Council Resolution 1373, is currently nearing completion.

Mr. President,

Defeating terrorism in Sri Lanka was a necessity. Today, we have greater freedom to deal with the causes of terrorism and engage in nation-building and peacebuilding as a result of the cessation of hostilities. The armed forces of our country have been hailed in the past for their discipline and professionalism. However, the reputation of the vast majority of the armed forces was tarnished because of the system and culture created by a few in positions of responsibility.

Therefore, to all those who have doubts about a process of accountability, I would like to say, please don't fear. Maintain your confidence that a process of this nature would impartially observe due process and, in fact, help restore the good name of the armed forces.

As we restore the credibility of the armed forces, we look forward to further contributing to peace and stability in the world through significantly greater engagement in peacekeeping and humanitarian activities. In fact Sri Lanka recently signed on to the Kigali Principles on the Protection of Civilians.

Mr. President,

Today, we have a Government in place which acknowledges the suffering of victims across Sri Lanka's communities; a Government which recognizes the mistakes of the past; and is all too aware of the weaknesses of our institutions. A Government that does not seek to take cover by distorting concepts and principles such as sovereignty for its own selfish ends, but instead remains firmly committed to the welfare of all its citizens, remains open to dialogue, and to address difficulties and deficiencies with help and assistance from the international community where required.

Those who are sceptical about Sri Lanka's ability to transform as a nation, and address all these issues, are many. They claim that there can never be justice in Sri Lanka; that there can never be recognition of all communities as equals. All I have to say to them is: look at what the people achieved on the 8th of January. The world had given up hope on Sri Lanka to such an extent that very few believed that what was achieved through democratic means on that day was within the realm of possibility in my country. This feat was repeated on the 17th of August when extremists on both sides of the divide failed to secure seats in Parliament. Therefore, I say to the sceptics: don't judge us by the broken promises, experiences and u-turns of the past. Let us design, define and create our future by our hopes and aspirations, and not be held back by the fears and prejudices of the past. Let us not be afraid to dream. Let us not be afraid to engage in meaningful dialogue aimed at finding solutions to problems as opposed to pointing fingers, heaping blame and scoring political points at the expense of future generations.

We are committed and we require the patient understanding not only of the international community but all the right-minded citizens of Sri Lanka in this endeavour; we seek their understanding and assistance in walking hand in hand with us on this journey.

This journey may not be as fast as some may want it to be. And for some, we may have already gone too far. But the Government of President Maithripala Sirisena and Prime Minister Ranil Wickremesinghe has the political will and the courage of their convictions to ensure that we take the country forward, breaking the barriers of ignorance, fear, prejudice and hate.

My plea to you Ladies and Gentlemen, is: trust us and join us to work together and create the momentum required to move forward and take progressive, meaningful and transformative steps to create a new Sri Lanka.

Thank you.

9(2)(a)

From: NEW DELHI
Sent: Wednesday, 19 August 2015 12:43 a.m.
To: SEA
Cc: UNHC; ISED; NAD; AMER; WASHINGTON; LONDON; BEIJING; OTTAWA; ...ASEAN POSTS; FM.NZTE (Seemail); FM.MPI (Seemail); FM.EducationNZ (Seemail); FM.Immigration NZ (Seemail); FM.DPMC (FPA) (contact); DS AAG; CEO; DS MLG; FM.P/S Trade; GENEVA; IDG GLO; IDG PHM; IDG DSE; IDG SED; DS IDG; NEW YORK; FM.P/S MFA; STR; FM.NAB (Seemail); CANBERRA; AUS; [REDACTED] 9(2)(a)
[REDACTED] 9(2)(a)] LEVERMORE, Reuben (BKK); [REDACTED] 9(2)(a)
(BKK); DS APE; APD
Subject: Formal Message: Sri Lankan Voters Block Rajapaksa Comeback, Paving Way for Government of National Unity

Formal Message: Sri Lankan Voters Block Rajapaksa Comeback, Paving Way for Government of National Unity

Summary

- Sri Lanka held Parliamentary elections yesterday, which were described by election monitors as the most free and fair in the country's history. There was no significant electoral violence.
- The election results, announced today, delivered a close but clear victory to Ranil Wickremesinghe's United National Party (UNP) over former President Mahinda Rajapaksa's United People's Freedom Alliance (UPFA).
- UNP won 106 seats in Sri Lanka's 225-seat Parliament, versus 95 for the UPFA, with the remainder being won by Tamil, Muslim and socialist parties who tend to favour UNP-led Government. Wickremesinghe is expected to be sworn in again as Prime Minister tonight.
- The results constitute the second rejection in eight months of Rajapaksa by Sri Lankan voters, with UPFA suffering a significant fall-off of support right across the country, but especially in the cities and among Sri Lanka's ethnic minorities.
- The elections pave the way for a UNP-led Government which President Sirisena and Prime Minister Wickremesinghe hope will act as a unifying force after a decade of bitter divisions and recriminations fostered by Rajapaksa's rule. Sirisena wishes for the new government to involve politicians from both of Sri Lanka's major political parties, including to limit reliance of ethnically-based political parties.

Action

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Report

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[REDACTED]
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[REDACTED] **Out of scope**

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Out of scope

4 The elections were noteworthy for the peaceful and orderly way in which they were conducted. Both Sri Lanka's Elections Commissioner, and the country's independent, domestic election monitors, hailed the elections as the most free and fair in the country's history. International observers, including from the European Union and the Commonwealth, were also complimentary about the way the elections were conducted.

5 Today's results constitute a clear electoral rejection of Rajapaksa, the second in eight months for a man who only five years ago was the most popular President in Sri Lanka's history. His party entered this year's election with a clear Parliamentary majority (144 seats to UNP's 60), having won the previous 2010 elections in a landslide. But UPFA shed support right across Sri Lanka, its national vote share dropping by around 18 percentage points. This collapse in support was most acute in the cities, and in those regions of Sri Lanka (especially in the north and the east of the island) with high concentrations of voters from Sri Lanka's Tamil and Muslim minorities. The Colombo-based business and political elites also deserted Rajapaksa; whereas the capital city had given UPFA a ten-percentage point victory in 2010, this year Colombo residents opted for UNP by a 53-to-39-percent margin.

[REDACTED]

Out of scope

7 [REDACTED]

Out of scope The President, while the titular leader of UPFA, warmly welcomed UNP's victory today, describing it as a vindication of the "quiet revolution" launched by Sri Lankans in January. Sirisena has already demonstrated that he wishes to concentrate on national reconciliation and bolstering Sri Lanka's international reputation, whilst leaving other domestic policy to Wickremesinghe and his Cabinet. Sirisena also wishes, should he be successful in wresting effective as well as putative control of the UPFA from Rajapaksa, for both major parties to cooperate with one another under his Presidential leadership.

[REDACTED]

Out of scope

Sirisena, who views himself as a historically important healing President, wishes to lead a "Government of National Unity". [REDACTED]

[REDACTED]

Out of scope

[REDACTED]

Out of scope Like January's Presidential poll, yesterday's Parliamentary election revealed a closely divided country. With around 11 million Sri Lankans casting ballots, UNP and UPFA were separated by fewer than 400,000 votes. Rajapaksa remains the clear favourite of a majority of Sinhalese Buddhists, especially the rural, southern poor.

6(a) Should the Sirisena/Wickremesinghe Administration come to be viewed as too pre-

occupied with "minority concerns" of reconciliation and political devolution, then Rajapaksa would be well placed to try to incite and then take advantage of a backlash among the Sinhalese majority.

10 For this reason, Sirisena and Wickremesinghe will aim to command a Parliamentary majority drawn from Sri Lanka's two major parties so that they do not have to formally rely upon the Tamil and Muslim political parties for confidence and supply in Parliament. [REDACTED]

[REDACTED] **6(a)** The Tamil National Alliance, which ran on a platform of significant political devolution/autonomy for the Northern Province, won a resounding victory. Tamil parties won 10 seats in the Northern Province, against 3 for the UNP and UPFA combined. [REDACTED]

[REDACTED] **6(a)**

Comment

11 Today's victory for Ranil Wickremesinghe and the UNP caps a remarkable nine months in Sri Lankan politics. Having occupied a position of enormous power over Sri Lankan politics and government, Mahinda Rajapaksa and his family have now been ejected from both the Presidency and from the Parliamentary majority. In doing so, Sri Lankan voters have brought the curtain down on a decade of often bitter divisions between the country's different faith and ethnic communities. In its place, Sri Lankans have installed a government which aspires to being an administration of National Unity, which can start to heal the divides opened up by decades of civil war and then worsened during a post-war period characterised by mutual suspicion and recrimination.

[REDACTED]

[REDACTED] **Out of scope** Their reform agenda, now twice endorsed by Sri Lankan voters, aims to make Sri Lanka better and more transparently governed, more internationally engaged, and more socially cohesive.

[REDACTED]

[REDACTED] **Out of scope**

[REDACTED]

[REDACTED] **Out of scope**

[REDACTED]

[REDACTED] **Out of scope**

ENDS

9(2)(a)

From: NEW DELHI
Sent: Friday, 14 August 2015 12:57 a.m.
To: NEW DELHI; SEA
Cc: UNHC; ISED; NAD; AMER; WASHINGTON; LONDON; BEIJING; OTTAWA; ...ASEAN POSTS; FM.NZTE (Seemail); FM.MPI (Seemail); FM.EducationNZ (Seemail); FM.Immigration NZ (Seemail); FM.DPMC (FPA) (contact); DS AAG; CEO; DS MLG; FM.P/S Trade; GENEVA; IDG GLO; IDG PHM; IDG DSE; IDG SED; DS IDG; NEW YORK; FM.P/S MFA; STR; FM.NAB (Seemail)
Subject: SRI LANKA: BUILD-UP TO THE GENERAL ELECTION ON 17 AUGUST: PROSPECTS AND ISSUES

SRI LANKA: BUILD-UP TO THE GENERAL ELECTION ON 17 AUGUST: PROSPECTS AND ISSUES

Summary

On 17 August, Sri Lanka has a general election to elect its 225 member (proportionally elected) Parliament.

The United National Party (UNP) party of current minority Prime Minister Ranil Wickremesinghe is picked to win the most seats, which would leave it in the best position to lead the formation of a coalition government broadly supportive of the reconciliation agenda of President Sirisena.

6(a)

6(b)

Though fighting an election without liberal use of state resources for the first time since 2005, former President Rajapaksa (SLFP/UPFA) has campaigned effectively in his heartland areas, highlighting lack of visible economic development and "Tamil gains" during the eight months of Sirisena/ Wickremesinghe government.

Anti-Rajapaksa electoral momentum appears to have ebbed since the January Presidential election

6(a)

UNP victory would likely see a measure of stability and continuation of the positive trajectory towards reconciliation and human rights observance prioritised under Sirisena.

Out of scope

Action

For information.

To note also, issues of particular areas of post-election interest: Human rights progress and issues (para 18-20);

Out of scope

[Redacted]

Out of scope

Report

2 On 17 August, Sri Lanka goes to the polls for its proportionally-elected 225 member parliament. High Commissioner Grahame Morton made an accreditation visit to Sri Lanka from 27 to 31 July. The visit enabled meetings that added to our assessment of the campaign and discussion with ministers of issues of importance to New Zealand that may be impacted by results, **(Out of scope)** human rights, [Redacted] **Out of scope** and developments in the Tamil North. [Redacted]

[Redacted] **Out of scope**

3 [Redacted]

Out of scope

[Redacted]

Out of scope

[Redacted]

Out of scope

[Redacted] **Out of scope**

[Redacted] **Out of scope**

[Redacted]

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6(b)

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[REDACTED]

Out of scope

17 The government meanwhile was worried about rumours that a faked Geneva human rights report critical of Sri Lanka conduct during the end of the civil war and making recommendations on full Tamil autonomy might be “leaked” publicly immediately prior to the polls. This would play to concerns that reconciliation was “going too far” and that “foreign interference” was leading to the break-up of the country. [REDACTED]

[REDACTED]

6(b)

What are the campaign themes and what would they mean for New Zealand?

18 The main theme of the UNP campaign has been the importance of reconciliation and clean governance and if, as seems likely, it is in a position to lead a government then these can be expected to again figure.

19 It was clear that if the UNP wins then the **reconciliation programme** will be the top priority. Ministers generally regard it as important and all saw the continued cultivation of a peace dividend as requiring the input of both Tamil and Singhalese communities. The President’s preference for a national government, including a variety of parties, was clearly in part to try and ensure that whatever future initiatives are possible on human rights and power devolution have majority support.

20 Foreign Minister Samaraweera said that he was working hard to have a package of “genuine measures” ready for discussion in Geneva human rights bodies after the election. “Traditional friends had been alienated and it will take some time and actions to re-establish trust”. Sri Lanka was preparing to take measures, including on a reconciliation and accountability mechanism, he said. The form of this was not yet settled and was still the subject of further quiet internal and external consultation, principally with South Africa, but progress was being made. Work was also under way in drafting new rights-related legislation and on follow-up of a UNDP-funded ICRC report on over 5000 missing persons. He was concerned that the delay of the Sri Lanka election meant there would be little time between it and the next Geneva session. Sri Lanka would be working overtime to demonstrate some progress and to manage the UN report when it was released. He was pleased however that his consultations in Geneva and in western capitals mean that the report had been delayed until after the general election.

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