



SRI LANKA POLICE INSPECTORS' ASSOCIATION

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Chairman,
The Constitutional Council of Sri Lanka,
Parliament Complex,
Sri Jayawardenepura Kotte.

18th June 2020

Arbitrary Conduct and Violation of Article 14(1)(a) & (g) of the Constitution by Human Rights Council of Sri Lanka (HRCSL)

The Executive Committee of Sri Lanka Police Inspectors' Association (ExCo/SLPIA) presents its compliments to the Constitutional Council of Sri Lanka for its valuable and continuous contributions to the Good Governance and to establish Rule of Law in the country by appointing members to the Independent Commissions which were established by the 19th amendment to the Constitution.

The Sri Lanka Police Inspectors' Association is an institution which had been established in 1945 mandating it 'To protect, promote and safeguard the interests and welfare of its members as a body' {Article 02(1) of the Constitution of SLPIA}.

It is credibly learnt that the HRCSL has been conducting vetting for any Human Rights / Fundamental Rights violations for Sri Lankan Armed Forces including Sri Lanka Police since 2016 whereas Government of Sri Lanka (GOSL) agreed upon the obligation imposed by United Nations consequent to the UN Human Rights Council resolution 30/1, which was co-sponsored by Sri Lanka in October, 2015.

We learnt that a United Nations Selection Assistance and Assessment Team (SAAT) had visited Sri Lanka in April 2019 and 69 Police Officers have been selected through the an extensive selection process having conducted 'Combine Language Assessment (CLA), Driving Skills Test followed by Shooting Test and one-to-one interview (The list of the officers is herewith annexed

as Annexed-01). A communiqué was received on 26.07.2019 from UN Police division that they have shortlisted the names of 44 officers out of 69 to be deployed in UNMISS (mission in South Sudan), UNAMID (mission in Darfur) and UNISFA (mission in Abyei) and a further communiqué was received from United Nations requesting HRCSL to expedite the clearance for 26 Police officers for immediate deployments in UNMISS and UNISFA. (List of 44 officers is herewith annexed as Annexed – 02).

Due to the double vetting process of HRCSL and OHCHR (as per the letter of HRCSL dated 12.12.2019), all 69 Police officers including female officers have been selected on 03.04.2019 by UN SAAT have still been waiting without deployment in a Field Mission even after the lapse 14 months of their preliminary selection which resulted **Zero Sri Lanka Police representation** in UN Peace Operations.

HRCSL had a press release on 29.08.2019 (copy the Sinhala version is herewith attached as annexed-03 - unfortunately, it is found that none of the copy either in Sinhala or English languages aren't available in the official website of HRCSL whilst all other communications of them are found available) and it indicated that a total of 632 Officers from 06 Groups have been deployed for the Peace Keeping Missions and we strongly believe that none of the Police Officers from the Sri Lanka Police were included along with the said number of Officers which surfaces that the Report has muted about the Police Officers. Report further stated in paragraph 02, that there was an incident where GOSL (SL Army) and HRCSL had a dispute in relation to deploy 200 Army personal who wished to be deployed in UN Peacekeeping Mission in Mali whereas SL Army had stated that they have received the clearance from United Nations prior to the clearance from HRCSL and they had abandoned the process on a written advise of SL Army which we observed that HRCSL agreed that there are instances where Military personals have been deployed without the clearance of HRCSL.

It is fitting mention here, that unlike the Military contingents where they have no time bar of deploying in the field missions, the Individual Police Officers (United Nations Police Officers – UNPOL) who are to be served in the United Nations Peace Keeping Missions has a 'time bar' for the period of 02 years from the date of selection (UN SAAT) where lapsing the same will automatically disqualify them from the deploying process.

Further, those Police Officers selected were subject to rigorous selection process termed as 'Combined Language Assessment (CLA)' followed by Driving Assessment and Fire Arm Handling Tests and further filtered by a 'one to one' Interview Process before the final selection. As per the SOP of United Nations, the CLA is only valued for two years. It may be noted that, prior to UN

SAAT, Sri Lanka Police will conduct pre-selection process to select qualified Police officers in which, in addition to language assessments, the officers are called for their 'Blemished Records' (Screening Process) for 'Fundamental Right violations; court cases; disciplinary cases (fall under Schedule 1 of Establishment Code), against such officer (pending and or previous) in entire period of his/her service. Hence, it is noteworthy to state that those officers, who are selected by CLA, have been checked by the Inspector General of Police for those of required by UN. (Order of IGP for pre-selection screening is herewith annexed as Annexed – 04)

Since the selected Police Officers have a 'time bar' of deployment, it is of paramount importance that the Vetting Process have to be concluded ahead of the 'time bar'. Failure to submit clearance during the said time frame will negate the opportunity of Sri Lanka Police as UN will fill the vacancies from another member country.

It is sadly noted, in reference to the Vetting Process 13 Police Officers who were selected in 2015, whose clearance have never been issued had lost their opportunity due to this procedural impropriety where it has caused irreparable loss to the Sri Lanka Police and to the economy of Sri Lanka at large. Furthermore, these officers have filed a case in Court of Appeal against the HRCSL under reference CA Writ 91/2019 for not having submitted their clearance without an undue delay. It is credibly learnt that Court of Appeal of Sri Lanka had given directions to HRCSL to liaise with GOSL and expedite the vetting process in 'just and equitable' manner.

It is of paramount importance to note than an UNPOL is paid **Mission Subsistence Allowance (MSA) of USD 148.00 per day in African Continent which is of USD 4440.00 at an average per mensem**. Therefore, it is evident that an UNPOL who serve in the mission received **MSA of USD 53,280.00 per annum** and if all 69 Police officers deploy in the UN mission, they **will bring USD 3,676,320.00 of Foreign Exchange to the country which is equivalent to LKR 681,479,055.60 (681.5 million)**. It clearly indicates the damage done by HRCSL to the economy of the State by failing to give clearance without an undue delay.

It is noteworthy to state that, once Police officer is selected through UN SAAT, he/she is legitimately entitled for an opportunity to serve in an UN Peacekeeping mission in which, it is declared under Article 23 of Universal Declaration of Human Rights (UDHR) and further guaranteed by the Article 14 (1)(g) of the Constitution. Henceforth, ExCo/SLPIA is strongly believed that HRCSL has infringed the Fundamental Rights of those Police officers who were selected.

In light of the above, SLPIA as an independent and official body of Sri Lanka Police which represents the Inspectorate, addressed these issues to HRCSL and sought an appointment to discuss the same on behalf of Inspectorate officers who are waiting for the clearance. The response of HRCSL by its letter dated 28.10.2019 signed by the Chairperson; Dr. N.D. Udagama, had shocked the SLPIA having seen that the appointment was categorically turned down stating that 'the Commission does not engage with group of officers who approach us directly' which is a clear violation of Art. 21(2) of UDHR which reads as 'Everyone has the right of equal access to public service in his country'. Additionally, it is further guaranteed by Art. 14(1)(a) of the Constitution of Democratic Socialist Republic of Sri Lanka and strengthened by Section 03 the Right to Information Act, No. 12 of 2016. (The reply of HRCSL is herewith annexed as Annexed – 05)

Furthermore, it is credibly learnt that the Commissioner Ms. Ambika Satgunanathan who overlooked the vetting process had resigned from HRCSL in March 2020 in order to contest for upcoming general election from Ilankai Tamil Arasu Kadchi (ITAK) and was placed in no.01 position as a National list candidate (copy of the national list of ITAK is herewith annexed as Annexed – 06) which clearly indicate that HRCSL had acted partially and detriment to the GOSL at large.

Before conclusion, we wish to reiterate the fact that the total of 69 Police officers who have been selected 14 months ago in April, 2019, have been victimized by delaying of 'double vetting' process and HRCSL was not able to uphold any of the Fundamental Rights guaranteed by Art. 14(1) (a) and (g) of the Constitution and Art. 21(2) and 23 of UDHR.

Under these circumstances, a great emphasis is made that their vetting process may be expedited and a direction may be given to HRCSL to issue vetting reports before the expiry of 24 months (which will be 03.04.2021) from the date of the first qualified in order to further losing the opportunity of Sri Lankan Police representation in UN Peace Operations.

It is respectfully noted that having failed to issue vetting reports in stipulated period of time will negate the opportunity of Sri Lanka Police representation in UN Peacekeeping Mission which ultimately results of losing LKR 681,479,055.60 (681.5 million) of Foreign Exchange in which will be a notable contribution to the economy of Sri Lanka in the financial crisis at present due to Covid 19 pandemic.

In conclusion, the SLPIA wishes to emphasize that HRCSL had violated the Art. 14(1) (a) and (g) of Constitution and Art. 21(2) and 23 of UDHR by failing to issue HRCSL clearance without an undue delay and restricting the access to information as they ought to do. Henceforth, this

establishment believes that a timely intervention may be needed to give directions to HRCSL to uphold the Fundamental Rights and Human Rights established and guaranteed by Constitution and Universal Declaration of Human Rights.

On behalf of the Executive Committee, Sri Lanka Police Inspectors' Association,



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Copy:

1. His Excellency the President Gotabaya Rajapaksa. – For Information and timely intervention please.
2. Hon. Mahinda Rajapaksa, The Prime Minister – For Information and timely intervention please.
3. Hon. Dinesh Gunawardena, Minister of Foreign Relations – For Information and Necessary Action.
4. Hon. Nimal Siripala De Silva, Minister of Justice – For Information and Necessary Action.
5. Maj. Gen. Kamal Gunaratne, Secretary Defence – For Information and Necessary Action.
6. Mr. S.M Wickramasinghe, Ombudsman, Presidential Secretariat. – For Information and Necessary Action.