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SOCIALIST REPUBLIC OF
SRI LANKA**

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SUPPLEMENT

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OFFICE FOR REPARATIONS

A

BILL

to provide for the establishment of the Office for Reparations; to identify aggrieved persons eligible for reparations, and to provide for the provision of individual and collective reparations to such persons; to repeal the Rehabilitation of Persons, Properties and Industries Authority Act, No. 29 of 1987 and to provide for all matters connected therewith or incidental thereto

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Office for Reparations

L.D.—O. 12/2018

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE OFFICE FOR REPARATIONS; TO IDENTIFY AGGRIEVED PERSONS ELIGIBLE FOR REPARATIONS, AND TO PROVIDE FOR THE PROVISION OF INDIVIDUAL AND COLLECTIVE REPARATIONS TO SUCH PERSONS; TO REPEAL THE REHABILITATION OF PERSONS, PROPERTIES AND INDUSTRIES AUTHORITY ACT, No. 29 OF 1987 AND TO PROVIDE FOR ALL MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

WHEREAS the Constitution of the Democratic Socialist Republic of Sri Lanka recognizes the inherent dignity and equal and inalienable human rights of all Sri Lankans and the State's obligation to respect, secure and advance these rights: Preamble.

5 AND WHEREAS a comprehensive reparations scheme anchored in the rights of all Sri Lankans to an effective remedy will contribute to the promotion of reconciliation for the wellbeing, and security of all Sri Lankans including future generations.

10 NOW THEREFORE BE it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows:-

1. This Act may be cited as the Office for Reparations Act, No. of 2018. Short title.

2. The objectives of this Act shall be - Objectives of this Act.

- 15 (a) to formulate and recommend to the Cabinet of Ministers, Policies on Reparations to grant individual and collective reparations to aggrieved persons;
- (b) to facilitate and implement such Policies on reparations as approved by the Cabinet of Ministers,

by the Office for Reparations, including specialized policies on public education, memorialization and on children, youths, women and victims of sexual violence and persons with disabilities;

- 5 (c) to establish links to ensure the compatibility of the Office for Reparations with other mechanisms aimed at reconciliation; and
- (d) to monitor and evaluate the progress of delivery of reparations to eligible aggrieved persons.

10

PART I

ESTABLISHMENT OF THE OFFICE FOR REPARATIONS

3. (1) There shall be established an office which shall be called the Office for Reparations.

Establishment of the Office for Reparations.

- 15 (2) The Office for Reparations shall be a body corporate having perpetual succession and a common seal and may sue and be sued in its corporate name.

4. (1) The Office for Reparations shall consist of five members appointed by the President on the recommendation of the Constitutional Council.

Constitution of the Office for Reparations.

- 20 (2) The Constitutional Council shall recommend three names out of the members of the Office for Reparations to be appointed as the Chairperson of the Office for Reparations.

- 25 (3) One of the members recommended under subsection (2) shall be appointed by the President as the Chairperson of the Office for Reparations.

(4) In making recommendations for the appointment of members to the Office for Reparations, the Constitutional Council shall have due regard to -

- 30 (a) ensure that the composition of the Office for Reparations reflects the pluralistic nature of Sri Lankan society including gender; and

- (b) ensure that the members of the Office for Reparations shall be persons of integrity and possess experience and qualifications relevant to the carrying out of the functions of the Office for Reparations.

5 **5.** (1) The President shall, within a period of fourteen days of receiving the recommendations under section 4, appoint such persons as members and, a person as Chairperson out of the names recommended under section 4(2) for the Office for Reparations.

Appointment of Chairperson and members of the Office for Reparations.

10 (2) In the event of the President failing to make the necessary appointments within such period of fourteen days—

15 (a) the persons recommended to be appointed as members of the Office for Reparations shall be deemed to have been appointed as the members of the Office for Reparations; and

 (b) the person whose name appears first in the list of names recommended to be appointed as the Chairperson, shall be deemed to have been appointed as the Chairperson of the Office for Reparations,

20 with effect from the date of expiry of such period of fourteen days.

6. Every member of the Office for Reparations shall, unless such member vacates office earlier by death, resignation or removal, hold office for a term of three years from the date of such member's appointment and shall, unless such member has been removed, be eligible for reappointment.

Terms of office of members.

7. (1) The office of a member of the Office for Reparations shall become vacant-

Removal of members.

(a) upon the death of such member;

30 (b) upon such member resigning such office by writing addressed to the President;

- (c) upon such member being removed from office on any ground specified in subsection (2); or
- (d) on the expiration of such member's term of office.

5 (2) A member of the Office for Reparations may be removed from office by the President, if such person –

- (a) is adjudged an insolvent by a court of competent jurisdiction;
- 10 (b) is found to have a conflict of interest, which in the opinion of the President, formed on the recommendation of the Prime Minister made upon consultation with the Speaker and the Leader of the Opposition, conflicts with his duties as a member of the Office for Reparations;
- 15 (c) is unfit to continue in office by reason of illness or other infirmity of mind or body;
- (d) is declared to be of unsound mind by a court of competent jurisdiction;
- (e) is convicted of an offence involving moral turpitude; or
- 20 (f) absents himself from three consecutive meetings without previously obtaining leave from the Office for Reparations.

(3) The Chairperson may resign from the office of Chairperson by letter addressed to the President.

25 (4) Subject to the provisions of subsections (1) and (2), the term of office of the Chairperson shall be such member's period of membership of the Office for Reparations.

(5) (a) If the Chairperson becomes temporarily unable to perform the duties of his office, by reason of illness or other

infirmity or due to absence from Sri Lanka or any other such reason, the President may appoint subject to the provisions of section 4(1), any other member of the Office for Reparations to act as the Chairperson.

5 (b) If a member of the Office for Reparations becomes temporarily unable to perform the duties of his office, by reason of illness or other infirmity or due to absence from Sri Lanka or any other such reason, the President may subject to the provisions of section 4(1), appoint any other qualified
10 person to temporarily act in place of such member during such period.

(6) No act or proceeding of the Office for Reparations shall be deemed to be invalid by reason only of the existence of any vacancy among its members, or defect in the appointment of
15 any member thereof.

8. (1) The Chairperson of the Office for Reparations shall preside at all meetings of the Office for Reparations. In the absence of the Chairperson of any meeting of the Office for Reparations, the members of the Office for Reparations present
20 at such meeting shall elect one of the members of the Office for Reparations to preside at such meeting.

Meetings of the Office for Reparations.

(2) The Chairperson or the member presiding at any such meeting of the Office for Reparations shall, in addition to his own vote, have a casting vote.

25 (3) The quorum for meetings of the Office for Reparations shall be three members.

(4) Subject to the other provisions of this Act, the Office for Reparations may make rules, to regulate the procedure in regard to the conduct of its meetings, and the transaction of
30 business at such meetings.

9. The Office for Reparations shall, within a period of three months of the commencement of the functions of the Office for Reparations, appoint a member from amongst themselves or any other officer of the Office for Reparations as the Information Officer of the Office for Reparations in terms of section 23 of the Right to Information Act, No. 12 of 2016 and the Chairperson of the Office for Reparations shall be the Designated Officer for purposes of the said Act.

Information officer and designated officer.

10. (1) The headquarters of the Office for Reparations shall be situated in Colombo.

Headquarters and Regional Offices.

(2) The Office for Reparations may, from time to time, establish such number of regional, temporary or mobile offices, divisions and units including an outreach unit as may be necessary, for the purpose of achieving its objectives and to ensure that reparations are accessible to aggrieved persons.

PART II

POWERS AND FUNCTIONS OF THE OFFICE FOR REPARATIONS

11. (1) The Office for Reparations shall have the following powers and functions :-

(a) to receive recommendations with regard to reparations to be made to aggrieved persons from the Office on Missing Persons established under the Office on Missing Persons (Establishment, Administration and Discharge of Functions) Act, No. 14 of 2016 (hereinafter referred to as the 'OMP') or such other relevant bodies or institutions;

(b) to receive applications for reparations from aggrieved persons or representatives of such aggrieved persons and to verify the authenticity of such application, for the purpose of assessing the eligibility for reparations;

Powers and functions of the Office for Reparations.

- (c) to identify the aggrieved persons who are eligible for reparations as well as their level of need;
- 5 (d) to identify and collate information relating to previous or on-going reparation programmes carried out by the State, including any expenditure on similar reparation programmes through a centralized database;
- 10 (e) to make rules with regard to ensure the effective functioning of the Office for Reparations, including but not limited to -
 - (i) the manner in which recommendations and claims shall be received;
 - (ii) the manner in such recommendations and claims shall be processed and verified; and
 - 15 (iii) the administration of the Office for Reparations;
- 20 (f) to make rules and issue guidelines from time to time which shall include gender and child responsive policies, to be followed by the staff of the Office for Reparations relating to the exercise and performance of its powers and functions;
- 25 (g) to formulate and recommend to the Cabinet of Ministers, Policies on Reparations and guidelines with regard to the grant of individual and collective reparations, including-
 - (i) the criteria for eligibility for aggrieved persons to obtain reparations, including criteria relating to the nature and severity of grievances for which reparations will be available;

- (ii) the form, and where appropriate, the quantum of reparations that will be provided to eligible aggrieved persons;
- 5 (iii) the criteria of eligibility of aggrieved persons to financial compensation;
- (iv) the criteria of eligibility of aggrieved persons to urgent reparations;
- 10 (v) a list of bodies which may assist in the provision or delivery of different forms of reparations to aggrieved persons;
- (vi) recommendations on reparations which may be provided directly by other State institutions;
- 15 (vii) the criteria on which verified applications for reparations shall be prioritized;
- 20 (h) to implement such Policies on Reparations and guidelines as may be approved by the Cabinet of Ministers and grant individual and collective reparations as envisaged by such approved Policies on Reparations and guidelines;
- (i) to provide training including gender responsiveness to the staff of the Office for Reparations;
- 25 (j) to provide support, including administrative support, travel reimbursements and psychosocial support, where necessary, for the aggrieved persons who appear before the Office for Reparations;
- (k) to provide protection, with the assistance of law enforcement authorities, if there is a positive

assessment of threat to the physical integrity of aggrieved persons;

- 5 (l) to provide information and advice to aggrieved persons on their rights, the procedures involved in receiving reparations, truth-seeking mechanisms and other mechanisms through which they might receive redress or remedies;
- 10 (m) to consider and implement the claims made prior to the date of commencement of this Act to the Rehabilitation of Persons, Properties and Industries Authority established under section 2 of the repealed Act, subject to the availability of resources allocated therefor;
- 15 (n) to implement such programmes of the Rehabilitation of Persons, Properties and Industries Authority established under section 2 of the repealed Act approved by the Cabinet of Ministers prior to the date of commencement of this Act, until such time as such programmes may be discontinued;
- 20 (o) to facilitate the provision of other forms of assistance provided by other person or body of persons, including restitution, rehabilitation, administration and other assistance, and welfare services including health services, psycho-social support, educational and vocational training programmes, to the aggrieved persons;
- 25 (p) to appoint and exercise disciplinary control over or dismiss officers, employees and servants;
- 30 (q) to gather information necessary for the Office for Reparations to achieve its objectives including

requesting reports, records, documents or information from governmental authorities or any other sources;

- 5 (r) to establish in addition to any unit or division specifically mentioned in this Act, such committees, divisions and units as are required for the effective administration and functioning of the Office for Reparations;
- 10 (s) to enter into such contracts as may be necessary for the exercise of the powers and the achieving of the objectives of the Office for Reparations;
- 15 (t) to request and receive assistance necessary for the achieving of its objectives, from any State, governmental, provincial or local authority or agency, or any officer thereof, or from any other person or body of persons;
- 20 (u) to create, manage and maintain a database which will include all particulars concerning recommendations made with regard to reparations to be granted to aggrieved persons. Such database shall also include details of reparations previously granted by any other State authority or agency;
- 25 (v) to periodically inform aggrieved persons or representatives of such aggrieved persons of the status of the applications made for reparations, and to respond in a timely manner to queries related to the progress of such applications;
- 30 (w) to manage funds that will be used to provide reparations to eligible aggrieved persons through the Office for Reparations and which will be used in operationalizing this Office; and

- (x) to do all such other things as are necessary for the exercise and discharge of its powers and functions or to achieve its objectives.

5 **12.** (1) In formulating Policies on Reparations, and issuing guidelines, the Office for Reparations shall - Formulation
of Policies on
Reparations.

- (a) consult through appropriate methods, aggrieved persons, organizations representing aggrieved persons and any other authority, person or body of persons;
- 10 (b) ensure the availability at all times of Advisors with relevant expertise to advise the Office for Reparations with regard to gender responsiveness, and the specific needs of aggrieved persons who are women, children and persons with disabilities;
- 15 (c) be guided by the principles of non-discrimination, victim-centrality and fairness, and with due consideration to the special needs of women, children and persons with disabilities;
- (d) have due regard to all relevant factors, including –
 - 20 (i) the seriousness of the violation of the aggrieved person’s rights;
 - (ii) the impact, including continuing physical, psychological and economic impact, of such violation on the aggrieved persons;
 - 25 (iii) the need to provide special measures for vulnerable aggrieved persons including women, children, and persons with disabilities;

- (iv) the need to account for reparations already received by the aggrieved persons with regard to the violation of the right in question;
- 5 (v) in the case of the award of monetary reparations, factors to be considered, including availability of resources, and in deciding the manner of payments including between lump sum payments and staggered payments, the best interests of the aggrieved persons;
- 10 (vi) the appropriateness of non-monetary reparations;
- 15 (vii) in granting individual reparations which are monetary, the need to restrict such reparations to aggrieved persons who have the most serious grievance;
- 20 (viii) the need to priorities the grant of monetary reparations considering the severity of the violation of the aggrieved person's rights, the indigence of the aggrieved persons and the availability of resources;
- (ix) the need to formulate a scheme of distribution where multiple relatives make claims with regard to a deceased or missing person;
- 25 (e) in the case of collective reparations, have regard to the need to ensure-
 - (i) non-discrimination, facilitation of reconciliation and sensitivity to the experiences of all aggrieved persons;

5 (ii) that the design of such reparations should be informed by consultations with relevant aggrieved persons, organizations representing such aggrieved persons and any other authority, person or body or persons.

10 (2) For the avoidance of doubt, it is specifically provided that the receipt of reparations shall not preclude aggrieved persons from pursuing any remedy available in law to such persons, against any person who may have violated the rights of such persons.

(3) Aggrieved persons shall be informed of their ability to appear before any other appropriate authority, person or body of persons, by the Office's outreach unit of the Office for Reparations.

15 (4) The Office for Reparations shall coordinate with the OMP and other relevant institutions, in obtaining information with regard to aggrieved persons who have appeared before such institutions, regardless of whether such persons have submitted applications to the Office for Reparations.

20 **13.** (1) Notwithstanding anything to the contrary in any other written law, except in the exercise and performance of its powers and functions under this Act, every member, officer and servant, appointed to the Office for Reparations shall preserve and aid in preserving confidentiality with regard to
25 matters communicated to them in confidence, except to the extent that the requirement of confidentiality is waived by the person providing such information. Confidentiality.

30 (2) The Office for Reparations shall take all necessary steps including technical safeguards to ensure the security of all its databases and data.

PART III

SECRETARIAT

14. (1) The Office for Reparations shall have a Secretariat Secretariat.
 which shall be charged with the responsibility for the
 5 administration of the affairs of the Office for Reparations.

(2) The Office for Reparations shall appoint a Director
 General, who shall be the Chief Executive Officer of the Office
 for Reparations.

(3) There may be appointed, by the Office for Reparations,
 10 such other officers and servants as may be necessary to assist
 the Office for Reparations in the exercise and performance of
 its powers and functions.

15. (1) At the request of the Office for Reparations, any Appointment
 officer in the public service may with the consent of that of public
 15 officer and the Secretary to the Ministry of the Minister officers to the
 assigned the subject of Public Administration, be temporarily staff of the
 appointed to the staff of the Office for Reparations for such Office for
 period as may be determined by the Office for Reparations or Reparations.
 with like consent, be permanently appointed to such staff.

20 (2) Where any officer in the public service is temporarily
 appointed to the staff of the Office for Reparations, the
 provisions of subsection (2) of section 14 of the National
 Transport Commission Act, No. 37 of 1991, shall, *mutatis*
mutandis apply to and in relation to him.

25 (3) Where any officer in the public service is permanently
 appointed to the staff of the Office of Reparations, the
 provisions of subsection (3) of section 14 of the National
 Transport Commission Act, No. 37 of 1991, shall, *mutatis*
mutandis apply to and in relation to him.

PART IV

FINANCE AND REPORTING

5 **16.** (1) The Office for Reparations shall have its own Fund of the
fund. There shall be credited to the fund of the Office for Office for
Reparations- Reparations.

10 (a) all such balances as on the date of the
commencement of this Act that are lying to the credit
of the Rehabilitation of Persons, Properties and
Industries Authority, with regard to claims made to
the Rehabilitation of Persons, Properties and
Industries Authority, in terms of the Rehabilitation
of Persons, Properties and Industries Authority Act,
No. 29 of 1987;

15 (b) all such sums as may be voted by Parliament from
time to time for the purposes of this Act;

(c) all such sums as may be received by the Office for
Reparations by way of donations, grants or gifts,
whether local or foreign:

20 Provided that all foreign funds shall be channelled
through the External Resources Department.

(2) There shall be paid out of the Fund, all such sums as
may be required to defray any expenditure incurred in the
administration and implementation of this Act and all such
sums as are required to be paid out of the Fund by or under
25 any provision of this Act.

17. The salaries of the members of the Office for Salaries of
Reparations shall be determined by Parliament, and be members of
charged on the Consolidated Fund, and shall not be the Office for
diminished during their terms of office. Reparations.

18. (1) The financial year of the Office for Reparations shall be the calendar year. Financial year.

(2) The Office for Reparations shall cause proper accounts to be kept of its income and expenditure, and assets and liabilities.

(3) The accounts of the Office for Reparations shall be audited by the Auditor General in terms of Article 154 of the Constitution.

19. The Office for Reparations shall submit annual reports, including its audited accounts, to Parliament, and shall also cause such reports to be made public within a period of one month of such reports being submitted to Parliament. Reporting.

PART V

GENERAL

20. (1) If any person- Offences.

(a) wrongfully resists or obstructs any person authorized under this Act in the exercise of the powers conferred on him;

(b) wrongfully hinders or obstructs the Office for Reparations in the exercise and the performance of its powers and functions;

(c) willfully provides false information to the Office for Reparations; or

(d) discloses any confidential information in contravention of the provisions of this Act,

such person shall be guilty of the offence of contempt against the authority of the Office for Reparations.

(2) Where the Office for Reparations has reasonable grounds to believe that a person has committed the offence of contempt against the authority of the Office for Reparations, the Office for Reparations shall report such matter to the Court of Appeal. Every offence of contempt committed against the authority of the Office for Reparations shall be punishable by the Court of Appeal as if it were an offence of contempt committed against the Court of Appeal.

21. (1) Except as provided in section 25 of this Act, no criminal proceedings shall be instituted or maintained against any member, officer or servant appointed to the Office for Reparations in respect of any act done in good faith or purported to be done or committed to be done in good faith by such person under this Act. Protection from Action.

(2) Any order, decision, act or omission of the Office for Reparations or any member, officer or servant appointed to the Office for Reparations thereof may be questioned in proceedings under Article 126 or 140 of the Constitution.

(3) Subject to the provisions of subsection (2), no civil proceedings shall be instituted or maintained against any member, officer or servant appointed to the Office for Reparations in respect of any act done in good faith or purported to be done or omitted to be done in good faith by such person under this Act.

(4) Any expenses incurred by such member, officer or servant appointed to Office for Reparations as referred to in subsections (1), (2) or (3) in any civil or criminal proceeding instituted against such person in any court in respect of any act done or purported to be done or omitted to be done by him under this Act, shall, if the court holds that such act was done or omitted to be done in good faith, be paid out of the fund, unless such expense is recovered by such person in such proceedings.

22. (1) The Office for Reparations may make rules for matters which rules are required to be made. Rules.

(2) Every rule made under this Act shall be placed before Parliament and published in the *Gazette* within a reasonable period not exceeding three months. 5

(3) The Policies on Reparations and guidelines approved by the Cabinet of Ministers shall be placed before Parliament and published in the *Gazette* within a reasonable period not exceeding three months.

10 (4) Notwithstanding the provisions of this Act, Policies on Reparations and guidelines authorizing disbursement of funds shall be placed before Parliament for approval and published in the *Gazette* within a reasonable period not exceeding three months, and any disbursement in terms of 15 such Policies on Reparations and guidelines shall only be effected after such approval.

23. (1) The members of the Office for Reparations (for the limited purpose of their functions under this Act) and the officers and servants shall be deemed to be public servants Members &c. deemed to be public servants. 20 for the purposes of the Penal Code (Chapter 19), the Bribery Act (Chapter 26) and the Evidence Ordinance (Chapter 14).

(2) The Office for Reparations shall be deemed to be a scheduled institution within the meaning of the Bribery Act (Chapter 26), and the provisions of that Act shall be construed 25 accordingly.

24. (1) The Office for Reparations may delegate to the Chief Executive Officer, or any other member or officer thereof, any of its powers and functions. Delegation of Powers.

30 (2) The Chief Executive Officer, member or officer to whom any of the powers or functions of the Office for Reparations has been delegated shall exercise and perform such powers and functions subject to the general or specific directions of the Office for Reparations.

25. The entertaining of any application from, or the grant of reparations to, any aggrieved persons or representatives of such aggrieved persons shall not result in the civil or criminal liability of any other person.

No civil or criminal liability of any other person.

5 **26.** (1) The Rehabilitation of Persons, Properties and Industries Authority Act, No. 29 of 1987 is hereby repealed (in this Act referred to as the repealed Act).

Repeals, savings and transitional Provisions.

(2) Notwithstanding the repeal of the aforesaid Act—

10 (a) all movable and immovable properties including files, records, documentation, computers, data storage devices of the Rehabilitation of Persons, Properties and Industries Authority established under section 2 of the repealed Act, subsisting on the date of commencement of this Act, shall with effect from the date of commencement of this Act vest in the Office for Reparations established under section 3 of this Act;

15
20 (b) all contracts and agreements entered into by or with the Rehabilitation of Persons, Properties and Industries Authority established under section 2 of the repealed Act, subsisting on the date of commencement of this Act, shall, with effect from the date of commencement of this Act, be deemed to be contracts and agreements entered into by or with the Office for Reparations established under section 3 of this Act;

25
30 (c) (i) all officers or servants of the Rehabilitation of Persons, Properties and Industries Authority established under section 2 of the repealed Act who are offered employment in the Office for Reparations established under section 3 of this Act and who express a desire to accept such employment, shall become members of the staff of the Office

for Reparations and shall be employed on terms not less favourable than their terms of employment in the Rehabilitation of Persons, Properties and Industries Authority;

- 5 (ii) where any officer or servant of the Rehabilitation of Persons, Properties and Industries Authority established under section 2 of the repealed Act, express a desire—
- 10 (aa) not to accept employment in the Office for Reparations; or
- 15 (bb) to accept employment in the Office for Reparations, but in view of the nature of the services performed by him in his employment in the Rehabilitation of Persons, Properties and Industries Authority, he cannot be accommodated in the staff of the Office for Reparations,
- 20 be paid compensation in terms of a voluntary retirement scheme approved by the Cabinet of Ministers;
- 25 (iii) until such time as an appropriate decision is made by the relevant authority with regard to the cadres and salaries of the Office for Reparations, the approvals made and prevailing in respect of the cadres and salaries of the Rehabilitation of Persons, Properties and Industries Authority on the day
- 30 immediately preceding the date of commencement of this Act shall be deemed to be an approval of the cadres and salaries of the Office for Reparations;

- 5 (d) all actions and proceedings instituted by or against the Rehabilitation of Persons, Properties and Industries Authority established under section 2 of the repealed Act, and pending on the date of commencement of this Act, shall, with effect from the date of commencement of this Act, be deemed to be actions and proceedings as the case may be, instituted by or against the Office for Reparations established under section 3 of this Act and may accordingly be continued and completed;
- 10
- 15 (e) all judgments and orders made in favour or against the Rehabilitation of Persons, Properties and Industries Authority established under section 2 of the repealed Act, and remaining unsatisfied on the day immediately preceding the date of commencement of this Act, shall, with effect from the date of commencement of this Act, be deemed to be judgements and orders made in favour or against the Office for Reparations established under section 3 of this Act and be enforced accordingly;
- 20
- 25 (f) all the claims made to and all the programmes commenced by the Rehabilitation of Persons, Properties and Industries Authority established under section 2 of the repealed Act, on the day immediately preceding the date of commencement of this Act, shall be deemed on and after the date of commencement this Act to be the claims made to and all the programmes commenced by the Office of Reparations established under section 3 of this Act; and
- 30
- 35 (g) all interests, rights, assets, obligations, debts and liabilities of the Rehabilitation of Persons, Properties and Industries Authority established under section 2 of the repealed Act, on the day immediately preceding the date of commencement

of this Act, shall be on and after the date of commencement of this Act to be interests, rights, assets, obligations, debts and liabilities of the Office for Reparations established under section 3 of this Act.

5

27. Unless the context otherwise requires, in this Act— Interpretation.

“aggrieved persons” mean –

10

(a) persons who have suffered a violation of human rights or humanitarian law (as contained in the First, Second, Third and Fourth Geneva Conventions of 1949), as applicable –

15

(i) in the course of, consequent to, or in connection with the conflict which took place in the Northern and Eastern Provinces or its aftermath; or

(ii) in connection with political unrest or civil disturbances; or

20

(iii) in the course of systematic gross violations of the rights of individuals, groups or communities of people of Sri Lanka; or

25

(iv) due to an enforced disappearance as defined in the International Convention for the Protection of all Persons from Enforced Disappearance Act, No. 5 of 2018;

30

(b) relatives of a deceased person or, a person missing in the circumstances referred to in paragraph (a);

“collective reparations” mean, such measures as are intended to recognize the right to an effective remedy and benefits to the communities or groups of aggrieved persons and shall include-

- 5 (a) means of remembrance of deceased persons, including memorials;
- (b) development of infrastructure;
- (c) educational programmes, training, and skills development programmes;
- 10 (d) community development programmes or services; and
- (e) other appropriate programmes as identified by the Office of Reparations in consultation with affected communities;
- 15

“human rights” mean, all fundamental rights recognized by the Constitution and rights contained in Acts of Parliament enacted to give effect to international human rights treaties which have been ratified by Sri Lanka;

20

“individual reparations” mean, such measures as are intended to recognize the right to an effective remedy and benefits an individual aggrieved person and shall include -

- 25 (a) any monetary payment or material benefit provided to an aggrieved person;
- (b) micro-finance and concessionary loans;
- (c) educational programmes, training, and skills development programmes;
- 30

- (d) administrative assistance, and welfare services including psycho-social support provided to an aggrieved person;
- 5 (e) measures of restitution, including the provision of land and housing; and
- (f) other appropriate measures identified by the Office for Reparations;
- 10 “relatives”, in relation to a deceased person or a missing person include the following persons:-
- (i) spouse;
- (ii) children;
- (iii) parents ;
- 15 (iv) brothers or sisters;
- (v) parents-in-law, brothers/sisters-in-law, sons/daughters-in-law;
- (vi) grandchildren and grandparents;
- 20 “reparations” include, individual and collective reparations.

28. In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail.

Sinhala text to prevail in case of inconsistency.

