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## Sri Lanka addresses UN Human Rights Council in Geneva

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Hon. Mahinda Samarasingha addresses the UN Human Rights Council in Geneva, meets Asian Ambassadors and conducts bilateral meetings Before the official opening of the 10th Session of the United Nations Human Rights Council in Geneva today, the Sri Lankan delegation led by Hon. Mahinda Samarasinghe, Minister of Disaster Management and Human Rights attended a working breakfast hosted by Permanent Representative Dr. Dayan Jayatilaka for the Asian Ambassadors to brief them about the current situation in Sri Lanka. Thereafter, he addressed the High Level Segment of the Council attended by the UN High Commissioner for Human Rights Ms. Navanethem Pillay.

Along with Hon. Mahinda Samarasinghe, Vice President of Colombia, Vice President of the Maldives, Minister of Justice of Ghana, Foreign Minister of Ecuador, Foreign Minister of Bosnia and Herzegovina, Minister for Human Rights of Brazil, Minister for Justice of Morocco, Vice Prime Minister of Gabon, Foreign Minister of Iran, Foreign Minister of Slovakia, Minister of Human Rights of Yemen, Chairperson of the Human Rights Commission of Saudi Arabia, Minister for Legal and Parliamentary Councils of Egypt, Foreign Minister of FYR of Macedonia, Vice Minister of Foreign Affairs of Chile, Under-Secretary of the Ministry of Human Rights of Iraq, State Secretary for Foreign Affairs and Human Rights of France, and Deputy Minister of Foreign Affairs of Norway also addressed the High Level Segment of the UN Human Rights Council today. Hon. Mahinda Samarasinghe also addressed the representatives of the Organization of Islamic Conference and conducted bi-lateral meetings with Minister for Legal and Parliamentary Councils of Egypt H.E Dr. Mufid Shehab, State Secretary for Foreign Affairs and Human Rights of France H.E Mrs. Rama Yade and the Minister of Foreign Affairs of the Islamic Republic of Iran H.E Manouchehr Mottaki. Hon. Minister was accompanied by H.E Dr. Dayan Jayatilaka, Permanent Representative of Sri Lanka to the UN in Geneva, Hon. Mohan Peiris, P.C., Attorney-General, Prof. Rajiva Wijesinha, Secretary to the Ministry of Disaster Management and Human Rights, and Dr. Rohan Perera, P.C. Sri Lankan Delegation with the French State Secretary for Foreign Affairs and HR Meeting with the Organization of Islamic Conference Meeting with the Foreign Minister of Iran The full text of Hon. Minister's statement is as follows: Mr. President, Madam High Commissioner, Distinguished Delegates, Ladies and Gentlemen, Before I begin, Mr. President, let me first offer you my sincere felicitations on your able leadership and the principled but practical approach you have adopted since taking office to guide this Council forward to meet the expectations of all peoples and nations of the world. The Sri Lankan delegation assures you unstinting cooperation in bringing the work of this important Tenth Session to a successful conclusion. We are committed to continuing with our stated policy of constructive engagement with all those who genuinely share our desire to seek improvement in the enjoyment of human rights by all persons, not only in my country, but also on the planet. Mr. President, Since Sri Lanka last engaged with delegations attending Sessions of this august body, we have witnessed many fundamental changes in our country. The challenges we face are many. As we overcome some of the stiffest hurdles, new adversities rise up to meet us. This is a common phenomenon in a fast-evolving conflict situation. But we are confident that we will win the day, strengthened by our belief in democratic values and human rights, and above all, by our dedication to a search for a stable peace with honour and dignity for everyone. Hon. Mahinda Samarasinghe addressing the High-Level Segment of the 10th Session of the UN Human Rights Council Geneva, 2 March 2009 For years, Mr. President, the most intractable problem we had to deal with in Sri Lanka was terrorism. The conflict which erupted from time to time caused much suffering to men, women and children of every ethnicity and religion and linguistic group which go together to make up the richly diverse Sri Lankan polity. My government is conscious that efforts should have been made earlier to resolve what was a political conflict, by political means. This we are committed to doing. However, when there was a serious attempt at such a solution in 1987, the intransigence of just one group out of many led to terrorism taking on a central role. Since then, despite many attempts by many governments to reach a negotiated consensus towards a durable peace, such negotiations were abandoned continuously by the forces of terrorism. That scourge returned redoubled in intensity after every attempt at negotiation by the government, and it is only now that we are close to eradicating it from our island nation's shores. But, just as no man is an island, Mr. President, even islands do not exist in splendid isolation. Soon enough Sri Lanka's terrorists came to be globally acknowledged as a menace not only to Sri Lanka but to people in many countries across several continents, through assassination, narco-terrorism and gun-running. But we are grateful that at least some of the countries affected have, by banning the terrorist organization and striving to limit their fundraising and other criminal activities, enabled Sri Lanka to finally eliminate threats to her sovereignty and territorial integrity. But we need your continuing cooperation and support to aid us to eliminate terrorism and foster peace in our land, and a more peaceful polity too for all of you. This intense effort on our part, Mr. President, occurred, as I have noted, after manifold efforts to seek a settlement through discussion. We tried direct discussions in 1985 in Bhutan with all armed militant groups, only to find that one of them took advantage of these discussions to destroy the leadership of others. When those talks failed, after however the LTTE, the most intransigent group, had immensely strengthened its own position, we thought we had achieved a settlement with Indian support in 1987. When that was subverted by the LTTE, admittedly helped in this by political changes in both Sri Lanka and India, two of our Presidents personally reached out to the Liberation Tigers of Tamil Eelam in 1990 and in 1994 and talks were held in Colombo and in the Northern Peninsula. Finally, with international facilitation, we talked in several cities in Thailand and Japan and Norway and even here in snowbound Switzerland, in the period from 2002 to 2006. Our efforts were all unsuccessful. On each of these occasions, the LTTE abandoned attempts to bring peace and ultimately returned to the tactics they know best - the tactics of terrorism. In two instances they used suicide bombers in attempts to kill the leaders they had negotiated with, just as they had killed Prime Minister Rajiv Gandhi of India for his pains in having negotiated a system of devolution acceptable to all parties except the LTTE. Mr. President, In 2006, the LTTE returned to negotiations from which they had unilaterally withdrawn in 2003. Whilst appearing sporadically at talks, they tried to assassinate the army commander by

using a pregnant suicide bomber, and then launched two massive attacks on our forces in the North and East of the country. It was only after that that His Excellency President Mahinda Rajapaksa resolved that the right of self defence which was contained in the Ceasefire Agreement of 2002, an Agreement violated nearly 4000 times by the LTTE according to the Scandinavian Monitors, meant preventing such sudden attacks by destroying the strongholds, the airstrips, the arsenals, that had been built up during the Ceasefire period. The people of Sri Lanka have, in successive elections, demonstrated their support for his resolve to stay the course. Thus today we are able to finally see the light at the end of the long and dangerous tunnel through which we groped our way for more than two decades. Mr. President, Our march to military mastery over the forces of terror has not been easy. While our advances over the past two and a half years have outstripped all expectations, we have had to rethink and refine our strategies because of the intransigence of the LTTE in its refusal to allow civilians to leave the theatre of conflict. Thus the progress of our forces is slower now, in view of the even greater care that has to be exercised with regard to civilians. Earlier, when we declared a safe zone, the LTTE moved guns into the area and used them without regard for civilians, as was indicated to us by the Bishop of Jaffna, in asking our government to extend the safe zone. We have now declared a safe zone on the coast, which makes it less easy for the LTTE to continue with its dastardly tactics, especially since their last murderous cadres are restricted to an area of less than forty square kilometres. But, as Sir John Holmes, the UN Under-Secretary-General for Humanitarian Affairs, stressed at the conclusion of his recent visit to Sri Lanka, our primary concern must be the people now in the safe area but not allowed to escape from there by the LTTE. For this reason, the United Nations and other international friends and partners of Sri Lanka have joined us in the last few weeks in urging the LTTE to permit the evacuation of those people to safety. We are glad about this, though we could have wished such calls had been made categorically much earlier, when the tactics of the LTTE in corralling these civilians as they withdrew were manifest. Our calls for innocent Sri Lankans to be let free go back to September last year. Our President in addressing the 63rd UN General Assembly stated that: "What the Government would not and could not do is to let an illegal and armed terrorist group, the LTTE, hold a fraction of our population, a part of the Tamil community, hostage to such terror in the northern part of Sri Lanka and deny those people their democratic rights of dissent and free elections." With little done to help those people then, it is a much worse hostage crisis that we are dealing with today. Hostage taking in a conflict situation is, as you know, a clear violation of international humanitarian law. How much more egregious, Mr. President, is it when an unlawful belligerent group traps thousands of people in a small tract of land and actively prevents their flight to safety by the use of arms and cold-blooded murder? It is our fervent appeal, through you Mr. President, to the members and observers of this Council and to the world at large, to bring any influence you might have to bear on the LTTE, to apply whatever pressure you can to permit these civilians – these innocent hostages – to move to safety. We are in no doubt that the civilians, if allowed the freedom of movement, will escape, as they did at the end of January in response to the President's call and come to areas where their safety can be assured and their needs met. But, after over 30,000 had got away in the space of a week, with the churches amongst others providing admirable leadership, they were intimidated and targeted by suicide bombing and gunfire and forced into a tiny area which Sir John Holms called the "Wanni pocket" in the north-eastern part of Sri Lanka. One of the nuns brought by the ICRC to the hospital at Trincomalee has testified that she was shot in the leg by the LTTE, but she was not the only religious leader targeted in increasingly brutal acts of terrorism that the entire civilized world must decry, and indeed has decried, in the strongest possible terms. Mr. President, Despite the conflict in which we have pushed the forces of terror to a small parcel of land in a corner of Sri Lanka, we have not lost sight of our duty to protect and care for our people - the ordinary people who have suffered from the conflict. Throughout the period of conflict to date, the Government of Sri Lanka, complemented in its efforts by the UN and ICRC, continued to send in food and non-food relief items and continuously supported health and education services in areas yet to be cleared of the unlawful presence of the LTTE. Such commitment and concern, though to us natural, is so unusual that our Ministries of Health and Education have been nominated for the Felix Houphouet-Boigny Peace Prize with the support of UN Agencies and non-governmental associations. This, I should stress, is on top of the basic provision of food, which the government has been supplying to the people of the Vanni right through the conflict, ensuring that the displaced were fed while prices were kept stable for the rest. In the last 13 months, from January 2008 to January 2009, food and non food relief items totalling nearly 55,000 metric tonnes were sent in. We know that the numbers of persons reported to be in those areas was grossly inflated. In one instance, we discovered that 20,000 families – roughly 80,000 persons – were double counted. However we continued to send in food knowing that some of the supplies were being diverted and that the beneficiaries were the LTTE. In some Government hospitals wards were commandeered and set apart for the exclusive use of the LTTE. However we staffed and supplied those institutions with their requested levels of supplies. And even in the present final phase of conflict we have ensured that over 170 metric tonnes of food were supplied to the civilians in the past two weeks to the new safe zone on the coast. Another 40 metric tonnes is scheduled to go in tomorrow. Mr. President, Whilst we made all these efforts, the well-oiled propaganda machine of the LTTE and its proxies in Sri Lanka and all over the world are ceaselessly spreading canards about mounting civilian casualties. These spurious stories, targeting our security forces since such stories are the last major weapon left to the LTTE, are being fed to international media, well-meaning human rights organizations and decision makers in government. Unfortunately, not every one of these recipients of falsehoods treats the stories with any degree of discernment. As we well know, and the world acknowledges, it is the LTTE that is using the civilians as shields against the advancing Sri Lankan forces, using vicious tactics to prevent them getting to safety. Treating the Government's calls and the many international appeals with disdain, the LTTE remains unmoved. Many thousands of civilians remain trapped. The Sri Lankan armed forces, on the other hand, are well versed in the laws of war – from the rank and file to the higher echelons. The training in international humanitarian law which became standard practice a decade ago has paid rich dividends, as is apparent from the fact that even what might be termed a worst case scenario, the allegations on TamilNet and other

media outlets associated with the LTTE, could only assert 78 civilians casualties from the actions of ground troops in the last seven months of last year. In the course of over 400 air strikes there were allegations of a score of civilian deaths. In November, with forty precisely targeted attacks &ndash; given the information we were supplied with by civilians sick and tired of brutality &ndash; there was just one strike alleged to have caused civilian lives. After we cited these statistics, the allegations have increased, but you will recognize from all this Mr. President, that we have taken care of our own, and know the importance of abiding by law. Our troops, who carry handbooks as part of their standard kit on how to conduct themselves in accordance with these norms and standards, know that even a few deaths of civilians are deaths too many, and that is why currently we are holding back our strength even at the cost of increased casualties to our forces, as Sir John recognized would be inevitable if we abided by these principles. Mr. President, Over thirty-six thousand Sri Lankans who were trapped in the Wanni have managed to escape the LTTE and flee the theatre of conflict. These include persons who were patients or casualties evacuated by the International Committee of the Red Cross. We have housed these Sri Lankans in several hospitals as well as twelve temporary accommodation centres and one more fully facilitated welfare village. We will ensure that our fellow citizens will be provided not only with accommodation and food and sanitation facilities, but also a range of Government services including banks, post offices, schools, health and even recreational facilities, counselling and psychosocial care and vocational training. These persons who flee the LTTE and arrive in safe areas will go through a gradual process of emergency care, accommodation, stabilization and eventually re-settlement. This policy will also apply to those persons displaced prior to 2006 and we are grateful to Professor Walter Kaelin who assisted us in conducting a national consultation on protracted displacement in September last year. The outcome of that consultation, we expect, will be a plan of action that can resolve this long outstanding issue for many Sri Lankans driven from their homes by the conflict over a nearly twenty-year span of time. We will continue to work with the Representative of the Secretary General on the Human Rights of IDPs and with UNHCR and UNDP in Sri Lanka who are providing us with valuable support in this important area. It should be noted that the possibility of finding a solution for this protracted problem will be facilitated by the elimination of LTTE influence, since a number of these long term IDPs were Muslims driven out of the North of Sri Lanka by the LTTE nearly 20 years ago, with successive governments not seeking actively to solve this problem because of the implications for what were thought essential negotiations with the LTTE. We are working closely with UN agencies and other partners to make the conditions in the welfare villages as comfortable as possible. UNHCR is even providing the security forces coming into contact with these persons training on the Guiding Principles on Internal Displacement. We expect the flow of persons seeking safety to grow exponentially in the coming days when the capacities of the LTTE are degraded to such an extent that they are unable to prevent civilians from moving freely. The Government is confident of its ability to care for all these persons &ndash; Sri Lankan citizens &ndash; and ultimately return them to their places of origin, guaranteeing them a stable and secure future. That future can only be assured if massive development is undertaken, infrastructure restored and, most important, democratic institutions at the local government and provincial administration levels are reinvigorated and re-established. Mr. President, This brings me to the next phase of our plans to win the peace after achieving the military objective of overcoming terrorism. Our national discourse has been dominated for decades by an ethnic issue, which requires a political solution as a means to resolve problems. This political solution could never be imposed by force of arms and certainly not gained by acts of terrorism. It is for this reason that we are also trying to forge a sustainable political solution acceptable to all Sri Lankans. This solution must not only guarantee social equity and fundamental freedoms but also empower every citizen through sharing power between the centre and the periphery - bringing government closer to the people.

Fortunately, with the LTTE having removed itself from negotiations through intransigence, we could work with the democratic minority parties which had been sidelined and hounded previously, with the LTTE claiming to be the sole representatives of the Tamil people, and killing many senior Tamil politicians to fulfil this dastardly claim. In addition, on a recommendation of the All Party Representatives Committee, we are able to properly implement the 13th amendment to the Constitution, which was passed in 1987 following the Indo-Lankan Accord, but which was subverted through LTTE pressure with some regrettable support from Sri Lankan politicians who thought a negotiated settlement with the LTTE was possible. In that regard, Mr. President, we are proud that we now have democratically elected local government institutions in the East, along with a functioning Provincial Council with a Tamil Chief Minister. We hope that soon the same will be possible in the North, though this has to go together with rapid de-mining, as well as development of infrastructure and the restoration of livelihoods. Mr. President, Language has been one of the most important issues underlying the ethnic problem. The Government has taken concerted action to ensure language rights in accordance with Constitutional obligations. In 2007, the Sri Lankan Parliament enacted the National Institute of Language Education and Training Act which put in place a framework for structured training, research and archiving and dissemination of information relating to language training. The Institute was opened in November last year. This measure will aid in the implementation of Government's language policy which will encourage the acquisition of bilingual skills by all sectors in public service. But we have also realized that we have not done enough to ensure that English, which was constitutionally recognized as the Link Language in 1987, is provided to all our people in the rural and peripheral areas of the country. Since it is also a tool of empowerment, along with Information Technology, His Excellency the President has declared 2009 the Year of English and IT, and set up a Task Force to promote this. A sub-committee of the Task Force deals with the North and East of the country, and recently the Cabinet declared Jaffna, the capital of the North, to be a Centre of Excellence for English and IT. This followed on an immensely successful Industrial Exhibition in Jaffna, which saw several private sector firms from Colombo deciding, after successful participation, to engage in investment in the area. Mr. President, Last year I informed this Council that my Ministry was engaged in a discussion with the UNDP and the Senior Human Rights Advisor to the UN Country Team on future cooperation between the UN and the Government of Sri Lanka which included support to the Government in formulating a National Plan of Action on the Promotion and

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Protection of Human Rights as envisaged in the Vienna Declaration and Programme of Action. I can report that we have now moved ahead with our initiative and are most encouraged by the invaluable support we received in this connection from these UN officials. As a basis for the National Plan of Action, we are considering the recommendations made by UN Treaty Bodies, special procedures and mechanisms of the UN human rights system and also the recommendations accepted and the voluntary commitments we made during the Universal Periodic Review process which Sri Lanka engaged in last year. We have held a wide ranging series of consultations on several key thematic areas with state and non-governmental actors representing civil society and are now able to prioritise and identify courses of action which will be submitted for official adoption by Government. These steps will, we expect, lead to improved promotion and protection of human rights in Sri Lanka by addressing the existing gaps in order to build a stronger national protection framework in the country. Our cooperation with the UN in Sri Lanka in the area of human rights is not limited to the National Plan. Last year, as we celebrated the sixtieth anniversary of the Universal Declaration of Human Rights, we decided not to limit ourselves to the traditional day of celebration with meetings and events planned for just the one day. Instead, we invited Government officials working at the grassroots to submit project proposals focused on the thematic areas of the right to food, education and health and the right to safety and security. We selected the outstanding proposals and rewarded nine with a small cash grant each to enable implementation in 2009. The officials were also given an orientation in human rights based approaches to development and we will monitor their progress during the coming months. It is in this manner that the Government seeks to ensure that the UDHR remains a living, vibrant and relevant instrument for the ordinary people of Sri Lanka. We hope to build on lessons learned and conduct similar exercises in the future. With regard to the very worrying problem of children and armed conflict, we have taken steps to secure the release of children forced to bear arms. Just four days ago, Mr. President, Sri Lanka launched a National Campaign against the Recruitment of Children for Use in Armed Conflict in cooperation with UNICEF. On the occasion, our Head of State and Government, President Mahinda Rajapakse, who launched the campaign, said: "The image of Sri Lanka, for far too long, has been stained by the presence of Child Soldiers in our country. We have been disgraced by being banded with others where this dreadful practice exists, and it is time for us to erase that stain on our country and nation; a stain that has not come through official policy, but through the acts of those who use terror against the state. But, more important than erasing the stain on our image, is the need to save our children from this special horror of terror, the most savage of the chosen weapons of terror that has been the menace of our society for nearly three decades." Through the modality of the Commissioner-General for Rehabilitation, we have set up a dedicated centre where these traumatized children can be cared for, and have thus taken the first steps to their reintegration and resumption of a normal life. Let me assure this Council that we are working actively and constructively to fully implement the recommendations of the Security Council Working Group and the Special Representative, complemented by our own Treaty obligations as a Party to both CRC and its first Optional Protocol. Once again, the reports we are receiving from the sources such as UNICEF of stepped-up recruitment of children by the LTTE are of great concern. We are also taking steps to further enhance our commitment to a zero tolerance of torture by working closely with Professor Manfred Novak and the Senior Human Rights Advisor on several initiatives. In pursuance of the recommendations of Professor Manfred Nowak, we had hoped, in January this year, to commence a programme of simulation based training in Human Rights for police officers. Unfortunately administrative difficulties in Geneva over the holiday period did not permit confirmation of this programme in Colombo. Nevertheless, we are working with the Senior Human Rights Advisor to conduct the training in April and hope that this will be the precursor to further work not only in Human Rights Awareness but also better professional practice. In addition, we are working on improving capacity in prosecuting skills, since those too must be enhanced to ensure fulfilment of our policy of zero tolerance.

We have also engaged with the Working Group on Enforced or Involuntary Disappearances and have worked out a modality to clear a backlog of cases which have been on their books for many years. I must express my appreciation to the UN in Sri Lanka in supporting our efforts to clear this backlog by building up a comprehensive national database which will make clarification of these cases more expeditious. Mr. President, In conclusion, I would welcome further dialogue on these issues and any others that are of concern in relation to Sri Lanka. We will, during the course of this High Level Segment and throughout the Tenth Session, continue to engage with our many friends in this room on a bilateral and multilateral basis with regional and cross regional groupings as we have done over the past few years. I appreciate your interest and express my delegation's willingness to candidly and openly exchange views on vital human rights and humanitarian issues of current significance. We reiterate our commitment to further undertake measures at national and international level in the continued promotion and protection of human rights in Sri Lanka as well as globally, in the spirit of openness, cooperation and constructive engagement with our friends and partners. Thank you, Mr. President.