
Sri Lanka welcomes condemnation by UN Disappearances Group of the actions of non-State actors

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Intervention of Prof Rajiva Wijesinha, Secretary to the Ministry of Disaster Management and Human Rights, in the General Debate following the Reports of Special Rapporteurs and the Working Group on Disappearances, under Item 3 of the Agenda of the Human Rights Council. Sri Lanka welcomes the reports of the Special Rapporteurs and Working Group, which are helpful as usual and raise a number of philosophical points as well as practical ones. Whilst we appreciate the moral perspective enunciated by Mr Martin Schenin, we must also sympathize with the Government of the United Kingdom who have lost three servicemen recently to terrorist activity.

Sri Lanka has long felt that the distinction between civilians and servicemen, whilst vital in a combat situation, should not allow the deaths of servicemen due to sudden terrorist attacks to be treated lightly. The same goes for the policemen who sacrificed their lives in Lahore when the Sri Lankan cricket team came under attack, and we believe Mr President that the United Nations must address the vicious nature of terrorism and set its face firmly against the human sacrifices, of civilians or of servicemen, that this infernal machine demands. In that context Mr President Sri Lanka welcomes the forthright condemnation by the Working Group on Disappearances of the activities in this regard of non-State Actors. At my very helpful meeting with the Group yesterday, it was mentioned that Sri Lanka had seen a reduction in disappearances a few years back. I had however to disabuse the group, for it was simply that there was little reporting to Geneva of the murders and enforced disappearances perpetrated by the LTTE on other Tamil Groups, during the Ceasefire Period when terrorism was unfortunately indulged by a Sri Lankan government anxious for a negotiated settlement. The names of those who were lost then are available, Mr President, and if ever the mandate of the Working Group can be expanded, we hope that justice might be done to them too, the democratic pluralist Tamils who were decimated whenever the LTTE claimed it was entering into negotiations. There is indeed another complication caused by the terms of the mandate of the Working Group, since anyone who wishes to complain to them feels they have to throw suspicion on the State. It was strange therefore, when the Ministry of Disaster Management and Human Rights took on responsibility for follow up on reported cases, to find significant differences between what had been reported to the Police and what was reported to Geneva. It could be argued that information was suppressed because of fear, but that is at odds with the fact that for instance all 32 urgent cases reported in the first part of last year had been reported to the Police ; in several cases the Police report included allegations against State actors, whilst in others there were details of a very different sort which were not reported to Geneva. We would therefore urge the Working Group to investigate the anomalies in such cases. We would also urge circumspection with regard to sources. Textual analysis suggests the same source for several complaints with regard to Sri Lanka. Whilst we would not wish to prejudge the motives of such a source, we believe undue indulgence to indiscriminate allegations might take away from the important responsibilities of the Group. In this context Sri Lanka is well aware that this is a problem that must be solved, and the sooner the better in our own national interest. Indeed, while we cannot declare that no State actors are involved, some recent investigations have suggested that criminal elements take advantage of the miasma of suspicion that has been thrown upon the country as a whole to hold people to ransom. We believe therefore that careful investigation of all allegations is essential, and in this respect we are grateful to the High Commissioner for Human Rights, and to the Special Rapporteur on Torture, for assisting us with police training in some areas. There are others, and we have kept asking some countries that raise complaints to assist us practically, as the Swedish did so professionally once, though there has been a deafening silence to my further request for aid. As today's terrorist attack in a mosque must make clear however to anyone, our police have enormous and ever expanding responsibilities, and that is why they need support and strengthening. But, with what seems a likely end soon to the more difficult aspects of our terrorist problem, we hope that we will be able to work more concertedly on the political and administrative and human rights reforms that will enable us to keep terrorism conclusively at bay. In such a situation, Mr President, we would be happy to welcome the Working Group. Currently, when we have seen how cleverly the forces of terror twist everything to their use, when the LTTE is making its last stand in the halls of hysterical Human Rights Extremists, as the distinguished scholar Michael Roberts described them, we would not want our joint efforts against the practices discussed here today to be placed at risk by misrepresentations. In this context I would like to draw attention to the inaccurate attribution of the word 'impunity' to the Working Group by the Czech Representative, speaking on behalf of the European Union. He may not have appreciated the connotations of that word, but it is more suited to the irresponsible statements of NGOs, and should not be used to take away from the serious approach of the Working Group. We accept their view that the problem needs to be solved, which is why we strove anxiously to send them responses with regard to all 32 urgent cases that were reported to us in the first eight months of last year, and have prepared a further report now with regard to cases submitted more recently. We grant that the delay in submitting to them the reports on those 32 cases that my Ministry had got ready by early September was our fault rather than theirs, but we hope that the submission, though made later in the year, will at least be recorded in an appendix to their Report. Meanwhile we will do our best to clear the backlog, that goes back twenty years, and ensure through the promotion of best practice with regard to investigation as well as record keeping that these problems will leave us soon, along with the corrosive scourge of terrorism. In that regard, we hope that the reforms we have begun to institute will serve us well in our further dialogue with these distinguished and helpful gentlemen and the overworked but ever cheerful ladies who, in the strangely sexist world of Geneva, act as their invaluable helpmeets.