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# Government Communicates its Position on the UN High Commissioner for Human Rights' Statement

Saturday, 14 March 2009

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In PDFAddressing local and foreign media at a briefing on Saturday (14), Minister of Disaster Management and Human Rights, Mahinda Samarasinghe stated that the consolidated position of the Government of Sri Lanka in respect of the press release from the Office of the UN High Commissioner for Human Rights, was that the statement dated 13 March was unacceptable due to the manner that it was formulated and disseminated and also with regard to the contents as they pertain to the conduct of the Government. He expressed his disappointment and dismay at the statement and said that one of the main issues of contention was the use of unsubstantiated casualty figures cited by the High Commissioner's Office. He noted that these figures bore a similarity to those carried by websites such as Tamilnet and the figures quoted by LTTE front organizations and their representatives. He stated that the representatives of these front organizations were very active on the sidelines of the 10 Sessions of the UN Human Rights Council currently being held in Geneva.

The Minister said that the Sri Lankan armed forces have never, and will never, target civilians. However the Government acknowledges that there have been civilian casualties. For instance when a suicide bomber blew herself up and when 19 civilians who were attempting to flee were gunned down by the LTTE, civilian casualties were recorded. However when such rounded up figures such as those used in the High Commissioner's statement were put forward, the Government expects verifiable details such as age, gender and names so that the information could be checked and it could be ascertained whether or not the dead or injured were in fact civilians or terrorist combatants. The High Commissioner seems to have relied on unverified, and perhaps even dubious, sources which are believed by her office to be credible. However the Government notes that the High Commissioner does not even make a categorical statement based on these sources to the effect that 2,800 civilians have been killed. Instead, she makes a qualified statement that 2,800 may have been killed, which is in the Government's opinion, extremely unprofessional, to say the least, Minister Samarasinghe added. Referring to the figure quoted by the High Commissioner of 7,000 who may have been injured, the Minister said that 2,224 patients – those injured due to the conflict or suffering from other normal illnesses or medical conditions – had been evacuated by the ICRC. In addition to these persons requiring medical care, 971 bystanders – relatives or caregivers of the patients – had also been brought out by the ICRC. If the vast number of 7,000 persons injured was correct, the ICRC would obviously give priority to the injured and would not have evacuated 971 healthy persons. The fact that the ICRC was able to evacuate uninjured bystanders, clearly indicates that the large number of estimated injured cited by the High Commissioner is incorrect. Had this number been correct, the ICRC would have obviously given the injured persons preference. The Minister pointed out that the High Commissioner had every right to listen to and use whatever sources of information that she cared to. However, she should have availed herself of the many channels of communication open to her to communicate these figures to the concerned Government. She could have mentioned these detailed figures during her meeting with the Minister the previous week or she could have communicated with Sri Lanka's Permanent Representative accredited to the UN at Geneva. The High Commissioner's Office also has a Human Rights Adviser in Colombo who could have raised the matter with relevant Government ministries. The High Commissioner's Office did not use any of these channels, Minister Samarasinghe said. High Commissioner Pillay also omits mention of the main issue in the present situation; namely, that all possible pressure must be brought to bear on the LTTE to free the civilians they are holding hostage. Not once does the High Commissioner make a definite demand that the trapped civilians should be released by the LTTE. Minister Samarasinghe also noted that the Secretary to the Ministry of Defence has categorically stated that the Sri Lankan forces will not use long-range heavy weapons and fire into the no-fire zone. This is despite the LTTE positioning some of this weaponry in the no-fire zone and firing at the security forces, he added. The armed forces' advance was slowed and they were suffering casualties of their own due to this policy but the Government was committed to ensuring the safety of the civilians held by the LTTE. Minister Samarasinghe expressed the intention of the Government to meet and engage with the High Commissioner early next week to place the facts before her. Through Sri Lanka's Permanent Representative in Geneva, the Government will ensure that its perspective is also made known to her. The Government expects that once the inaccuracies in the figures are pointed out to the Office of the High Commissioner, a correction or total retraction will be forthcoming. Foreign Secretary, Dr Palitha Kohona, stated that the conduct of the High Commissioner's Office in this instance was not that usually expected from the UN system. When the Secretary-General of the UN was made aware of some concerns relating to Sri Lanka he sent a senior official, an Under-Secretary-General, to Sri Lanka to engage with the Government and discuss relevant issues he added. This is the manner in which the UN should function, especially in view of the role of the High Commissioner which is to work with governments around the world to improve the promotion and protection of human rights. Foreign Secretary Kohona also mentioned that US Secretary of State, Hillary Clinton, during her telephone call to President Mahinda Rajapakse on Friday (13) had expressed appreciation for the Defence Secretary's reassurance that heavy weapons would not be used in the no-fire zone. Ms Clinton has also said it was her expectation that the United States would participate in the reconstruction process in the North. Responding to a question on the allegation of war-crimes, Legal Advisor, Dr Rohan Perera, said the allegation of the commission of war crimes was non-specific and general in nature insofar as the Government is concerned. He said that there are threshold issues that must be satisfied before such a charge can be supported. The alleged war crimes must be systematic and part of a plan or policy or as part of a large-scale commission of such crimes. Looking at the Sri Lankan situation, it is quite clear that it is the LTTE and not the Government that has committed crimes such as using human shields and indiscriminate killing. Military spokesman Brig. Udaya Nanayakkara,

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Director & Policy Research and Information Unit & Presidential Secretariat, Lucien Rajakarunanayake, Director-General of the Media Centre for National Security, Lakshman Hulugalle and Director of the Information Dept., Anusha Pelpita also were present at the briefing. Ministry of Disaster Management and Human RightsColomboSri Lanka. 14th March 2009