
“Sri Lanka does not believe in any attempt to equate the two sides involved in the armed conflict”

Thursday, 04 June 2009

Last Updated Sunday, 29 November 2009

Ambassador Dayan Jayatilleka responds to UN Human Rights High Commissioner Navi Pillay's call for International Inquiry: Thank you Mr. President, Madam High Commissioner, Madam High Commissioner welcomed last week's Human Rights Council Special Session – may I echo that with a slight modification – Sri Lanka welcomes the outcome of last week's Human Rights Council Special Session. We hope it was as good for the co-sponsors of the Special Session as it was for us in Sri Lanka, though I am not sure I'd recommend that we should all do it again sometime soon.

Mr. President, Madam High Commissioner made the point that transition periods warrant close scrutiny. She also made a strong plea for a comprehensive process of accountability for human rights violations committed by all sides, and concretized that in a call for an International Inquiry. Mr. President, I would like to draw the attention of the Council to the fact that there are as many transition processes and experiences of transition – as there are experiences of armed conflict. There is no one-size that fits all. We recently had a judgement by Spain that inquiries into a seventy-five year old conflict – the Civil War seventy-five years ago, should be frozen because it would have seriously destabilizing social consequences. We respect that – that judgement. We also have the example of Nuremberg, after World War II, where it was the defeated fascists who were tried, and certainly not the victorious liberating Allies who among other things burned Dresden to cinders. We respect that experience too. We also have the experience of our brothers in Cambodia, who have a UN-assisted process to which is investigating the war crimes committed by the Khmer Rouge. And I'm sure that they, like all of us, would be appalled by any suggestion that that include the valiant efforts made by those who overthrew the Khmer Rouge regime. So, Mr. President, I think we have to be very clear about this. Sri Lanka is fully conscious that every transition is different from every other. Every search for accountability is different from every other. Much depends on the degree of social pressure, of social maturation, and the sovereign decisions made by each country as to which tasks assume priority at any given point of time. After 30 years of war, Mr. President, Sri Lanka privileges the search for normalcy, for stability, for healing and for reconciliation. And it is in the light of those priorities that the issues of accountability will be taken up. And when those issues are taken up, they will privilege the national institutions and the national processes. I must say very clearly, Mr. President, that in the case of Sri Lanka, we must not look for formulae which are derived from entirely different contexts of the transition from military dictatorship to democracy. Sri Lanka is not a newly emerging democracy. Sri Lanka is not the case of an army of occupation invading and occupying another peoples or another country. Sri Lanka's is a military that serves a constitutional democracy, a military that fought a war strictly within its recognized borders against a separatist, terrorist militia, with whom the State had tried to arrive at a peaceful settlement on numerous occasions. Therefore, we will not have forced upon us formulae and paradigms derived from entirely different contexts. Mr. President, Sri Lanka does not believe in any attempt to equate the two sides involved in the armed conflict in Sri Lanka. We cannot equate, and we will not equate the fascists and the anti-fascist armies, the terrorists and the legitimate army of a democracy, the separatists and those who fought in order to reunify the country. This, we shall not do, Mr. President. And we shall not allow anyone else to do so either. Sri Lanka will accept, and welcomes, the offers of international assistance. We have absolutely no problem with access, but whenever I hear the words unfettered access, Mr. President, I reach for my report of the Stiglitz's Commission, because laissez-faire and free-market fundamentalism whether it is in economics, or any other sphere, is equally damaging. Sri Lanka, as a sovereign country will decide on the degree of access that it grants anyone from outside. That access will be broad and wide as it has always been. Unfettered…? I doubt it. Mr. President, we would be happy to accept the offer of assistance of the OHCHR in all these endeavours, as soon as the OHCHR, itself, is regionally far more representative and transparent a body, as the majority of this Council has sought it should be. Thank you. Link to High Commissioner's

Remarks:<http://in.reuters.com/article/southAsiaNews/idINIndia-40097320090604>