
Our priority is reconstruction, reintegration and rehabilitation in post-conflict phase:

Mohan Peiris

Monday, 08 June 2009

Last Updated Tuesday, 09 June 2009

The Right of Reply exercised by Hon. Mohan Peiris, President's Counsel, and Attorney-General of Sri Lanka during the general debate under agenda item 4 of the UN Human Rights Council (Click on the photo to listen to the speech) Mr. President, Sri Lanka has taken serious note of the observations made during the debate on Item 4. We are encouraged by the fact that the majority of the members have commended our commitment to post-conflict nation-building, instead of being unfairly castigated repeatedly by a few States hell-bent on pursuing their agendas, and their agendas alone, at all cost. We are however more than conscious that there is no room for triumphalism. Mr. President, We have seen in some States a whole license of interference by way of a plethora of powerful pressurizing tactics at which even the hardest of critics might want to blush. We want those States to know that we will continue our engagement with them nonetheless and welcome working together in a spirit of true partnership as our equal and friend. We will find it difficult to acquiesce in any initiative that carries with it the preparation of international interference. Mr. President, The use of civilians as human shields in the overall combat strategy of the LTTE and holding them hostage was the zenith of an inhuman strategy in cynical disregard of the fundamental principles of IHL. You may note and appreciate that the deliberate targeting of civilians never formed part of the military strategy of our forces. The work of the IHL Division of our Army has been commended by the ICRC as a model for other countries. This is not to deny civilian casualties which may have occurred as collateral damage. This is not peculiar only to Sri Lanka. Such casualties do occur particularly when one party uses the civilians and civilian centers and establishments as a central part of its combat strategy. You will appreciate that in such situations the contours of the traditional battlefields recedes into the background with unfortunate consequences to civilians. However, the principles of distinction and proportionality which form the cornerstone of the principles of IHL were observed by our security forces. Our military strategies ensured that civilian population and civilian establishments were never made the target of deliberate attack. The commanders on the ground have been thoroughly trained in the requirements of international humanitarian law and its governing principles. The strict observance of these principles and the law as developed in the context of an inter-State conflict and clearly demarcated battle lines is not, you will appreciate, an easy task when engaging a terrorist group. However, the conduct of our security forces to ensure minimum casualties was better than any in the world, and should be commended. The liberation of over 250,000 civilians to the safety of our camps is testimony if testimony is needed of the atrocities perpetrated by the LTTE and the clear rejection of the inhuman policy of using civilians as combat strategy. Our decision not to use the heavy weapons was with the objective of minimizing civilian casualties which resulted in heavy casualties among the security forces. However we desisted from the use of heavy and sophisticated weapons. In any even the narrow and open area which was occupied by the LTTE which area did not have built-up fortifications was not susceptible to the use of heavy artillery. Mr. President, Sri Lanka's priority now is reconstruction, reintegration and rehabilitation in the post-conflict phase which we propose to approach in a spirit of true reconciliation. This would be as challenging if not more as the conflict phase. What is therefore required is the constructive engagement by the international community in our efforts to achieve these objectives which are already underway. We are tirelessly working towards a comprehensive solution to the problems of our internally displaced inclusive of a political process. We have already re-settled more than 10,000 persons who have been re-united with their families. We have permitted the host families to receive persons over 60 years and children wherever the host families have the economic capacity to accommodate such persons. The UNHCR and the ICRC have been given ample access and more to the IDP camps together with over 50 NGOs. We will continue to ensure that the Tamil community will live side by side in dignity with others and enjoy the freedoms as guaranteed by our constitution. It is regrettable that these same concerns were not directed to the LTTE with the same vigor at the appropriate time. We are approaching the political process with equally great care. You will appreciate that elections alone do not make a true democracy. It is therefore necessary to insist that those who seek the benefits of democratic process accept its underlying principles as well. We have to make it clear that the democratic process that we are seeking to put in place in the once war-torn areas is not a free-pass to the Diaspora or to other groups to participate in that process with a view to latently advancing their violent agendas rather than forsake them. They must unconditionally and for all time accept the core democratic principle and manifestly abandon and reject the use of force and unlawful economic activity as a political tool. Mr. President, Our commitment to the liberation of our people held by the LTTE arises from a constitutional obligation and permitted by the universal covenants which we could not have been remiss from. We are currently engaged in a programme to restore our displaced population to their original habitats and livelihoods with the assistance of the international community. Isn't it then of paramount importance that we unconditionally support that process and not distract ourselves by indulging in counter-productive rhetoric, undue pressure and the posturing of other multifarious measures? To indulge in the latter would only make the domestic situation in Sri Lanka more difficult. We have gone through the UPR process and an unwarranted special session which have affirmed and reflect an inter-governmental decision which endorses the joint communiqué at the end of the Secretary-General's visit to Sri Lanka which confirms our willingness to address core issues set out therein. It is therefore regrettable that the principle of majority intergovernmental decisions making process does not appear to be fully appreciated by the EU notwithstanding the Council's procedures being founded upon intergovernmental decisions among member States. Are we then to pay lip service to these procedures that would be rendered useless and academic? Or are we to abdicate our rights to the might of some members who continue to persist with their agendas regardless. To give into this unsavory practice would be only opening the window to a serious departure from the procedures established in the inter-governmental decision-making process. It is therefore our plea that Sri Lanka be

given space and time to adhere to its commitments and undertakings and not allow ourselves to be overcome by the agenda of some States or unrepresentative or unaccountable organizations and thereby usurp the procedural rules of this Council and of the principles of inter-governmental agreements which binds us as one human family committed to the objective of ensuring that every member of this family lives on this planet in safety and dignity. Thank you.