
13th Amendment will be implemented in full: Dr. Kohona

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Interview with Palitha Kohona INTERVIEW

The resolution by the UN Council for Human Rights (UNCHR) generated a great deal of dissatisfaction. As regards the neighbourhood, you have received support from Pakistan, India and China. How do you view this Asian backing of Sri Lanka at the Council? It was not only support from Asia, which has only five votes in the Council. We got 29 votes, due to support from Latin America and other quarters. The message is clear: no individual country can be hounded. We must remember that the UNCHR was established to cooperatively develop a culture of human rights. The intention was not to put individual countries in the dock. We hope that the philosophy of the Council will prevail.

If a review of the UNCHR resolutions does take place, how do you predict the outcome? The result will be the same. The countries opposing the resolution in the Council should work with countries they accuse in order to promote human rights. Those countries that are today messianic about human rights are those that fought bloody wars in recent history. Are you worried about the fact that the countries in Asia that supported you do not have a good record of human rights? The effort should be to help improve human rights cooperatively, and not put certain countries in the dock. How do you see the next few months in terms of reconstruction and reconciliation after the war? About 287,000 people poured out of the LTTE-controlled areas. Our first priority is to take care of them. We make sure that they get three meals a day (which is costing us more than a million dollars a day) and medical care (232 doctors have been sent to look after them). Now, 40,000 of the children who came out of the LTTE areas attend school. The next task is to separate the LTTE combatants from the non-combatants. We have no intention of keeping large numbers of former combatants in jail — they must be rehabilitated. And the third most important immediate task is to return the bulk of the camp inhabitants to their homes within 180 days. To date, 3000 have already returned to Mannar, 10,000 to Jaffna and the East and 10,000 seniors have been identified for release. One of the main obstacles in their returning speedily is the fact that all their homes are in heavily mined areas. We will have to pull out the mines. Everyday we discover mines in all sorts of places. And the UNHCR will also not agree to people going back to their homes unless those homes are habitable. Mines have to be cleared, water has to be connected, electricity has to be connected, the schools and clinics have to be rehabilitated and the roads have to be restored. It's a huge challenge, and we hope that the international community will assist us in this. The UN is already contributing considerably towards this process. In June, Basil Rajapakse, senior adviser to the President; Defence Secretary of Sri Lanka Gothabaya Rajapakse; and Secretary to the President Lalith Weertunga, shared with India's External Affairs Minister Pranab Mukherjee, that the IDP camps would be disbanded in 180 days. Is this the time frame you still propose? I think, judging from our own experience, this is attainable. In 1987, when 187,000 people were displaced from the Eastern Province as a result of the fighting, we sent them back to their homes within 12 months. Then after the tsunami, a million people were displaced. They were all back in their homes within 18 months. With that experience, we should be able to achieve a substantial proportion of this commitment. These camps have been called "internment camps", pointing to the denial of freedom of movement. Of course, concerns have also been raised about the conditions in the camps: lack of sanitation and basic facilities in many. What is your comment? I am going to be very frank with you. You can quote me on this. When 300,000 people came to our side, in the middle of the fighting, our first priority was to look after them. What did we do? We built these huts, very quickly, within a period of three weeks. Then we built the perimeter fence. The fence was put in for a number of reasons. One is that amongst those who came out, there were literally thousands of former combatants and we had to ensure that they did not slip back into the jungle. And of course, you know, when the LTTE pulled back, in addition to laying down mines, they also buried hundreds, maybe thousands, of weapons. We are discovering them on a daily basis. Having gone through the agony of this insurrection for 27 years, we were not going to run the risk of it being reignited due to lack of care on our part. So we had to keep these people in enclosed spaces to stop that from happening. There is no guarantee that we will be able to recover all the weapons in the next 180 days, but we will make every effort to locate and recover those weapons. We are doing that on a daily basis. Literally thousands of guns have been recovered, which had been buried perhaps with the intention of restarting the insurrection. After putting the people in the camps, we are also in the process of separating the combatants from the normal civilians. Another thing to remember is that when we had camps in the Eastern Province in 1987, the UN itself asked us to put barbed wire around the camps for two reasons. First, children were being dragged into the jungle by the armed groups to be inducted into their units. The UN wanted us to stop that. The only way to do that was to put a security fence around the camps. Then, the other thing was, the locals were looting the UN supplies. They were coming in and walking away with water pumps, roofing material etc. So the UN asked us to put those fences. Now when we put in the fences on our own, everybody is complaining that we are putting people into "internment" camps. I think that is a little cynical and unfair. And then of course, I think it is highly exaggerated to say these are internment camps. This must be the only internment camps the world has ever seen which have post offices and schools — 40,000 children go to school there. There are 232 doctors looking after the welfare of these people. Where do you see the criticism coming from? Which arena does it emanate from, including the term "internment camps"? It originated in The London Times, which was quite bitter that its reporter in New Delhi was not allowed into Sri Lanka. He is the one who coined this expression. He called them internment camps, concentration camps, in fact, and that there was barbed wire. And he took pictures when Sir John Holmes (UN Undersecretary-General for Humanitarian Affairs and Emergency Relief Coordinator) had visited the camps. And of course, anywhere in the world, when a helicopter lands, children rush towards it. In this case, they were all standing against the barbed wire fence — and this was photographed and scattered all over the world as evidence of people being in an internment camp. To go back to the government's conduct during the war, and to

some things that you have been reported to have said. At one point, in an Al Jazeera interview, you justified aerial bombings in the ‘No Fire Zone’ in early May, when two weeks earlier you had denied it outright. No, I think that is a misquote. What I said was that there has never been aerial bombing or artillery bombardment of the No Fire Zone (NFZ). And remember, the NFZ was declared by us. There was no legal obligation to declare a NFZ. Nobody asked us to declare a NFZ. We declared the NFZ to save the civilians. I think it would be absolutely ludicrous for us to bomb the NFZ. But, if combat approached a NFZ, we did fight it out outside the NFZ, but the NFZ was never targeted by our artillery or air force. But the NFZ itself kept moving, because we declared it in one place in February/March, then we moved it ourselves to the final area, and of course, once the NFZ had been moved, the fighting took place in the former NFZ. You are also reported to have stated that it was ‘too late’ for the LTTE cadre to surrender, though conventions of war demand that such a surrender is conducted under established rules and norms. Your comment?

Yes. Because they kept on ringing me. Not the LTTE, but interested third parties. Not the government side, not the ICRC but other interested third parties who were trying to raise this issue of surrender. And I think, at 2 in the morning when the phone rang, I said: ‘It’s too late now, the war’s going to be over’. I said ‘— follow the normal rules of war. What do you do when you surrender? You don’t have to ring me. You put your hands up, wave a white flag and walk. There’s no need to ring me about it. Follow the normal rules, but it might be a little late by now, because the fighting was almost over by then. What is the future of the LTTE cadre who have surrendered? What percent of the people in camps could be LTTE operatives, and what is your definition of them being LTTE operatives? Who are the people you are going to keep back? There are two or three aspects to this question. I think there were those who actually self-identified and surrendered. We had almost 9000 of them. There are others now being identified by informers, as having been LTTE combatants. And of course, within the camps, almost everybody has undergone military training. There are LTTE trained children, grown ups and old people. But what we are trying to separate are the hard core combatants. Because these were the ones who were trained to blow up civilians, these were the ones who were trained to massacre civilians. We’re going to separate them and then, the normal civilians will be sent back. And the others will undergo rehabilitation. There’s a fuzziness there, of who gets to go away, as of now. The ones who have been identified as having been non-partisans on the LTTE side will get to go back. These are normal villagers, townspeople, etc. And there are lots of others who had been literally forced to contribute to the LTTE. If there were entire villages that had nothing to do with LTTE, they can just be let go. But for the others, it’s a massive job of identification that you would have to do. Yes, we are likely to make mistakes. There was a senior person, 74 years of age, who was released because of his age. And then he promptly went abroad to Singapore. And he was the one who controlled the LTTE computer, the database. So we missed out on this fellow. But you could also make a mistake on the other side, and that is worrisome. Yes, that is possible, but we will do our best not to make mistakes. But remember, 300,000 screenings is not an easy task. In this context, on 15 June, S Pathmanathan, the most prominent of surviving member of the LTTE, announced the establishment of a Provisional Transnational Government of Tamil Eelam (PTG). Comment? He is dreaming. There is no LTTE left, the leadership is gone, and this man, who is wanted by Interpol, even for the murder of Rajiv Gandhi, is now talking of establishing a ‘transnational government’ or whatever it is. I think the guy is living in cuckoo land. The vast majority of people who were supporters of the LTTE will, in the next few months, drift away, because they were coerced into supporting the LTTE. That structure, as we know from information, is fraying very quickly. It is also a fact that he controls the wealth of the LTTE. He knows the fund raisers. The LTTE probably had in its coffers, scattered throughout the world, something between USD 1 and 5 billion in May. One man who knows the whereabouts of this money is Pathmanathan. So he needs to keep the rage going so that, at some point, I suppose, he is going to enjoy this money. But he could also use it for revolution — movements are supported by cash. My own guess, knowing human nature, and judging from other similar organisations, is that they quickly join the fray to divide the spoils, rather than anything else.

To quickly revert to the future of the LTTE, you did refer to it, but to go a little deeper: Were you surprised at the collapse, not in the battlefield, but in the political front? No, we expected this to happen. It was kept together by coercion, it was kept together by a man called Prabhakaran, who commanded loyalty either through fear or through genuine affection. Once he was gone, the one single threat that held this organisation together had disappeared. The disappearance of that threat caused the different pieces that were strung together to scatter. And I expect this organisation to become just a distant memory. In that case, one would expect that the Sri Lankan state would be completely magnanimous, if that is the right word, to the Tamil population, now that there is no fear of the LTTE. Let me say that the Sri Lankan state has been magnanimous. There has never been a conflict, as far as the government is concerned, with the Tamil people. We always distinguished the Tamil people from the terrorist LTTE. And we fought the terrorist LTTE and we eliminated the terrorist LTTE. The Tamil people are our people, they live amongst us and have always been welcomed amongst us. You have to remember that even when the LTTE was clamouring for its homeland, mythical homeland, 54 percent of the Tamils lived in the South, amongst the Sinhalese. Magnanimity in the post-war scenario is actually the concern. Word that is coming out, is that the Sri Lankan state is actually becoming harsher on everything from the freedom of the press, to those talking about devolution or conditions of the Tamils.

That’s a harsh comment that cannot be sustained. Now, after the war, we have brought together all the parties, including every single Tamil party into a consultative process. This is aimed at working out the appropriate political solutions necessary to address the grievances of our minorities. For the first time, even the TNA participated in a consultation that was held about three weeks ago. And then on top of that, we have gone out of our way to look after the needs of the 287,000 IDPs. Where else in the world do you find so many doctors being sent into an IDP camp? Or a

million dollars a day being spent to feed them three meals a day? I don't think the word magnanimity is an appropriate expression. We don't have to be magnanimous with our own people. We do what is necessary, what has to be done. I think the State and the Sinhalese people will do all that is necessary to care for the Tamil people. What of the reasons why the Tamil issue came to the fore? If in victory, the Colombo government were not able to reach out for a political solution that includes devolution, and secondary, or media sources indicate that the reaching out is pro-forma. What if the Tamils feel they are up against the State which could become chauvinistic? I am very confident that this will not happen. Because we are who we are. Historically, we have never been an oppressive majority, because Tamils have always been a part of us. They lived amongst us, their gods have been venerated in our temples and their professionals have practiced amongst us. How do you propose to set in motion specific provisions of the APRC proposals to ensure genuine devolution of powers which would be an advance from the 13th Amendment?

The 13th Amendment will be implemented in full. The government is totally committed to that.

Do you see a time frame for implementation? Remember, it is only eight weeks since the end of the conflict. You can't create miracles in eight weeks, not even the Sri Lankan government! And then of course, the President has been talking about a 13 Plus solution, and the "Plus" is what we are discussing, sometimes openly. This includes the establishment of a second chamber in Parliament. A specific question about what you propose to do with Dr Thurarajah and other doctors in your custody? The doctors themselves have gone public, on television, and admitted that they conveyed incorrect information to the world, they have retracted their statements. That has been assumed to have been done under pressure. What is there not to assume that the statements they originally made were not made under pressure? So it balances itself out. They made certain statements, some of which were proved to be incorrect. Dr Varatharaja went public, and on the BBC said that he saw 13 people who had died of starvation. When he was asked by the Secretary of Health, as to whether he had conducted any post mortems on them, he said no. Then as a simple practitioner of medicine, when he was asked how he could determine whether somebody had died from hunger or some other cause, he had no answer. Then there were statements issued by him again on letterhead, letterhead which was actually forged, because the spelling in Sinhala was wrong. What is there to suggest that he did not make the statements under pressure or because he was LTTE. But we have to determine now whether he has breached the rules of the public service, because public servants are not allowed to make statements to the press in Sri Lanka, and in most other countries that I am aware of, without the authorisation of their superiors. Secondly, our Prevention of Terrorism Act is very clear on not extending assistance to terrorist movements, even under pressure. So I think these things will have to be resolved. All this sympathy for these doctors is totally misplaced. They made irrational statements. Varatharaja and Thuraraja said the Air Force was dropping cluster bombs, when they had no idea what a cluster bomb was. Sri Lankan forces never possessed cluster bombs. And he was talking on the BBC about us dropping cluster bombs. Either he was deliberately trying to create a wrong impression in support of the LTTE, or he was being asked to do that. A lot of this might also be due to the lack of access of independent media. Do you think the government is going to change its stance any time soon? I would like to challenge you on that. There are 174 media groups who have either gone there on their own, or been escorted up there. When the fighting was going on, no sensible media person would have wanted to go there because there were bullets flying in every direction. But now is there access? There is access. In fact, you can wander around the Eastern Province without any constraint, you can go to the camps properly escorted and people have reported from within the camps. You know that. The BBC has reported, CNN has reported and Al Jazeera has reported from within the camps. There seems to have been a diplomatic reshuffle after the war. What is the reason to have recalled Dayan Jayatilake as Ambassador to the UN in Geneva? He completed his term a few months ago, and the government decided it was time to replace him in Geneva. He played a critical role at a difficult time. Now that peace has dawned, we may need a different person to manage that. What do you think will happen to the Generalised System of Preferences Plus (GSP+), the trade concessions Sri Lanka receives from the EU, which is under review? The loss of GSP+ could cost Sri Lanka hundreds of thousands of jobs in the garment industry. The GSP+ concessions were granted following the 2004 tsunami, to help the economy recover. It is unfortunate that it is under review for the wrong reasons. On many of the human rights fronts – ICCPR, torture, children, and gender – we have an excellent record. It is harsh to single out Sri Lanka. We have told the European countries that we will co-operate in any consultations and discussions, but will not be subjected to an "inquiry". We have continued to talk to the Europeans. We hope that the EU countries will look at the issue of trade concessions in a pragmatic way, rather than listen to the lobby groups, primarily the LTTE lobby groups who have been extremely successful in Europe. Looking at post-conflict Sri Lanka, the fear people have is of a kind of right-wing oriented control of society in the name – perhaps even genuinely – of ensuring long term peace, but which stands on the foundation of poor press freedom and fundamental rights, of the Tamils in particular. There is a fear among friends outside, that after the war ends, you can suddenly become very liberal, or you can suddenly become extremely conservative, if not right-wing. Such fears are also articulated among the media. Can you provide any reassurances? I can give you that reassurance, mainly because of the nature of our society, a Buddhist society, a tolerant Buddhist society. Secondly, our democratic institutions go back 31 years. No government has succeeded in staying in power for ever. We just vote governments and leaders into power; we kick them out unceremoniously in a short period. And then, extremely importantly, our judiciary has been extremely independent, and very assertive. There have been times when an army, 200,000 strong, armed to the teeth, in the middle of a war, have walked away from situations because the court said "walk away". And the court doesn't have a single man under arms to enforce its views. And because of these things, I am very confident that our society will not head in the direction that you seem to suggest. But the press is feeling pressured in Colombo. Of course, the press has to suggest that it is under pressure, because otherwise how can they sell their newspapers? There

have been killings. There hasn't been a single killing of a media person for the last 12 weeks. And then, media persons get into trouble not only because the government has been offended. So there are situations that can be attributed to the government, but essentially have nothing to do with the government. So you have to be very cautious. About the journalists who have been leaving. We have information of journalists fleeing Sri Lanka, suggesting that their lives are under threat. How do you respond? I think they should not flee Sri Lanka. I am very confident, because in Sri Lanka, the press is a very hallowed institution. There is no reason to run away from Sri Lanka. People who make a hue and cry about having had to run away I am sure are doing it for their own reasons. Specifically, how do you see the role of India in the coming months? India is a close friend, and India also has domestic issues arising from Sri Lanka's trouble. And we have to be sensitive to that and we have to be cautious about that. We keep the Indian leadership informed, apprised of what is going on in Sri Lanka. We consult on a regular basis. And I must say that India has been very supportive of how Sri Lanka has handled this situation. Thank you very much. courtesy: himalmag.com