STATEMENT BY THE MINISTRY OF EXTERNAL AFFAIRS ON THE JOINT LETTER BY THE ICG, THE AI AND THE HRW

Wednesday, 20 October 2010
Last Updated Friday, 22 October 2010

The attention of the Government of Sri Lanka (GoSL) is drawn to the joint letter addressed by the International Crisis Group (ICG), Amnesty International (AI) and Human Rights Watch (HRW) on 14 October 2010, to the Secretary of the Lessons Learnt and Reconciliation Commission (LLRC). It is observed that the joint letter contains a series of unsubstantiated allegations against the GoSL on a wide range of issues, including matters unrelated to the purview of the Commission. This, as well as the unusual decision of the three Organisations to release the joint letter to the public, is demonstrative of a broader targeted agenda against the GoSL.

It is a matter of record that the GoSL, having been encouraged by the international community, established the LLRC on the 15th May this year as a domestic process in pursuing an agenda of restorative justice, to address the human and emotional repercussions of the decades-long conflict and thereby lay the foundations for continued reconciliation. This step was welcomed both nationally and internationally. The LLRC began work in August this year. The Terms of Reference of the Commission which have been made public, have been so drawn up as to afford the Commission the amplitude necessary to address all related issues. In order to be as accessible as possible to those wishing to testify, the Commission is holding hearings not only in the capital city of Colombo, but also in locations within the formerly conflict-affected areas. The testimony of civilians from all parts of the country, who have demonstrated their confidence in the process by appearing before the Commission, has raised critical issues that have been the subject of an interim communication to the Government by the LLRC. The Government has already considered the concrete steps required to address these issues contained in the interim recommendations of the LLRC, and given appropriate directions for the implementation of those recommendations to several agencies of the Government as a matter of priority. With regard to the claims by ICG, HRW and AI that due to the lack of witness protection ‘no organization or individual can disclose confidential information to the Commission”, the reality on the ground is that since the Commission began its work, civilians including displaced persons, widows and members of civil society have recounted their experiences before the Commission. If there were any fear to testify, such a strong public participation in the work of the Commission, especially in the North and in the East of the country, would not have materialized. The matter of the State of Emergency is also extraneous to the work of the LLRC. Sri Lanka faced for nearly three decades the extreme menace of terror and the very nature of that situation, required specific laws to cope with the attendant exigencies. With the end of that situation, the Government substantially repealed provisions of the Emergency Regulations. Moreover, Article 14(1)(a) of the Constitution of Sri Lanka guarantees the freedom of speech and expression, including publication. There are therefore no grounds for the sweeping unwarranted assertion of the existence of “laws that criminalize political speech”. On the contrary, the Government has taken steps to remove the offence of criminal defamation from the Penal Code. The three Organizations have taken as well the unacceptable step of publicly discrediting the individual Commissioners, on the grounds that they have previously served as public officials. It must be noted that there are several examples from all over the world, including at the present moment, of former officials having been entrusted the responsibility of serving on Commissions. The Commissioners appointed by the President of Sri Lanka have been selected on the basis of their proven experience, competence and integrity. It is indeed unacceptable therefore that these respected individuals have been personally targeted. The comment that previous Commissions have not fulfilled expectations, is a claim best left to the people of Sri Lanka, to determine. The tradition of unbroken democratic commitment to democratic governance spanning now over 79 years, provides the people the wherewithal and the political maturity, to apply their judgement. It is in this context that the three Organizations involved could have better contributed, by following the internationally recognized principle and practice of co-operating with national institutions and domestic mechanisms and processes, in the promotion and protection of human rights. Today, with the end of the conflict situation in Sri Lanka, security and stability has been restored throughout the country. Recently in Parliamentary and Presidential elections held for the first time in many years without the menace of terror, the Government received a resounding mandate from the people. The Government is now embarked on a programme aimed at reconstruction and rehabilitation of the conflict-affected areas, along with equitable long-term development in all parts of the country. The internally displaced have been resettled, all former child combatants have resumed schooling and have rejoined their families, ex-combatants have recommenced life as productive citizens and Provincial Council elections have been held in the East of the country. Similar elections will shortly take place in the North. All of this would create the necessary space for the democratic Tamil political leadership that the separatist terrorist group tried so hard to stifle, to flourish once more. Given the above, the development of the joint letter of 14th October by the ICG, AI and HRW to the Commission, leaves room to believe that these Organizations would by far prefer to voice allegations from distant parts of the world, rather than jeopardize their claims to credibility by subjecting their assertions to scrutiny under the transparent and legally sound process afforded by the LLRC. Ministry of External Affairs Colombo 20 October 2010.