Ambassador of Sri Lanka responds to High Commissioner Pillay's remarks on Sri Lanka at the UN

Tuesday, 31 May 2011
Last Updated Tuesday, 31 May 2011

Statement by H.E. Kshenuka Senewiratne, Permanent Representative of Sri Lanka to the UN, Geneva on the Statement of the High Commissioner for Human Rights Navanethem Pillay on 30 May 2011 Mr. President, My delegation is perplexed to note the High Commissioner’s reference as stated, to the report of the Secretary General’s Panel of Experts on accountability in Sri Lanka. It is widely known that the said report was borne outside of an intergovernmental process. It is a report which was initiated solely by the UNSG to advise himself on the modalities, applicable international standards and comparative experience relevant to an accountability process in respect to the conflict in Sri Lanka. It is extremely unfortunate, Mr President, that the High Commissioner has thought fit to refer to it in her report to the 17th Session of the HRC, a document which was compiled by a Panel to advise the SG, that too at his own request, and well exceeding its mandate, thereby bringing into question her objectivity. In this context, the High Commissioner has resorted to drawing on recommendations culminating from a report of a non intergovernmental process, which also has no official status in the UN system. This Council would agree that at no point has it sought this so called information referred to by the High Commissioner.

Mr. President, Further the High Commissioner unbecomingly deems it appropriate to call for action on the recommendations of the said report which are based on unverified information and also un-sourced, and would remain so for the next 20 years. Infact the Report itself states that the facts are unsubstantiated, whereas the information being processed by Sri Lanka’s domestic mechanism, has been collected through the conduct of open and transparent hearings, including from the former theatre of conflict, which would enable a careful evaluation of such material to culminate in considered conclusions. Mr. President, The High Commissioner continues with a seeming preoccupation of calling for the establishment of an international monitoring mechanism, which also has been recommended in the report based on unverified information, and if adhered to will call into question, the professionalism and independence of the Council. The High Commissioner through her references in the statement seems to attempt to legitimise an internal document by seeking to push it into an intergovernmental body, ignoring all relevant rules of procedure. This, Mr President, would establish a dangerous precedent and certainly undermine the credibility and objectives of this august body. We call upon the member states of the World Body to unite against such possible machinations, by disallowing negative precedents to become concretised. It may wrongly be us today and one of you tomorrow. Mr. President, In addition, the High Commissioner has prejudged the ability of the domestic mechanism even before it has concluded by pledging her full support to an international mechanism being established to monitor national investigations. The bona fides of her position in this regard comes into question, as the accepted practice is to provide the domestic processes adequate time and exhaust all available domestic recourse, prior to resorting to any international mechanism. This basic requirement of the need to give the domestic mechanism space, time and opportunity should be known by the High Commissioner, unless she wishes to ignore it for a reason of her own choice. The continued demonstrable lack of objectivity and impropriety on the part of the High Commissioner does not augur well on the work of her office in constructive engagement with the Government of Sri Lanka which we have consistently sought through our interactions. The unrelenting criticism, constant negativity in approach and the unwillingness to recognize the enormous strides made by the GoSL are counterproductive to the process of engagement, which has been pursued so actively by the Government with the High Commissioner. Mr. President, Unfortunately the High Commissioner’s statement has also given the cue for similar references by some countries. We say to them that while taking cognisance of our aforesaid position, the policies of the GoSL are solely based on ensuring the welfare of its people and therefore is well aware of its responsibilities. Therefore it is time for genuine, demonstrable constructive engagement by those countries with the Government of Sri Lanka. We can only seek to look forward to the dawn of a better era of engagement with them and the High Commissioner, free from prejudice. Thank you.