
Sri Lanka Ambassador Tamara Kunanayakam responds to media queries on the AI Report on the LLRC

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“Pre-judgment of the Commission’s outcome is unacceptable and unwarranted”: Response by H.E. Tamara Kunanayakam, Ambassador/Permanent Representative of Sri Lanka to the UN in Geneva, to media queries on the Amnesty International Report on the LLRC. Claims by Amnesty International (AI) that they have analyzed the work of the Lessons Learnt and Reconciliation Commission (LLRC) is questionable when the final report of the LLRC is due only on 15 November 2011. It is recalled that AI in a demonstration of bad faith, refused an invitation from the LLRC in October 2010, to testify before the Commission. This would have provided an opportunity to AI to obtain first hand knowledge of the workings of the LLRC.

While pretending to be well versed in legal proceedings, in the case of Sri Lanka, AI has acted as a self-appointed judge and has chosen to ignore the fundamental principle of “contradictoriness” established by both national laws and international law, including by international human rights instruments. Compliance with this principle means that the parties have early knowledge of the opponent’s factual and legal arguments and evidence. The LLRC was founded upon the principle of restorative justice and focuses on identifying those responsible for past events related to the conflict and identifying the institutional, administrative and legislative measures which need to be implemented in order to prevent recurrence of such events in the future. Those questioning the transparency of the LLRC process are invited to visit the Commission’s website at www.llrc.lk, where its interim reports/communications are available. As for the credibility of the LLRC, it was established by a democratically elected President and Government and is composed of personalities whose eminence and integrity are not in doubt. Its composition reflects the pluralistic nature of the Sri Lankan polity. It is a well known rule of international law that domestic remedies must first be exhausted. This rule is found in the case law of the International Court of Justice, the European Court of Human Rights, the American Convention on Human Rights, the African Charter on Human and Peoples Rights, international human rights treaties, etc. Calls for external intervention were made even before the LLRC could actually begin its work in August 2010. How credible then are the claims made by AI? It is evident that the real aim of those questioning the legitimacy of LLRC is to undermine the principle of State sovereignty that constitutes the foundation of the rule that requires domestic remedies to be exhausted. Therefore, pre-judgment of the Commission’s outcome is unacceptable and unwarranted, and is to be considered as interference in the internal affairs of a sovereign state. Permanent Mission of Sri Lanka to the UN
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