
HRC Agenda Item2:Ambassador of Sri Lanka responds to High Commissioner Pillay's remarks on Sri Lanka

Tuesday, 13 September 2011

Last Updated Tuesday, 13 September 2011

Statement by H.E. Tamara Kunanayakam, Ambassador/Permanent Representative of Sri Lanka During the General Debate under Item 2 at the 18th Session of the United Nations Human Rights Council 12 September 2011, Geneva
Madam President, You must note, however unpalatable it may be to some, that terrorism has not been allowed to rear its ugly head since 2009, in Sri Lanka. We, like many other like-minded nations, are not willing to create nurseries for terrorists wherever they may be. Madam President, The partiality of the High Commissioner has once again been manifestly demonstrated in the Council today.

You would recall that in April this year, following the extraordinary public release of the Darusman Report, which was compiled purely for the advisory purposes of the UN Secretary General, the High Commissioner referred to Sri Lanka's successful humanitarian operation as being one carried out "under the guise of fighting terrorism". Sri Lanka, at the June session of the Council, was quick to remind the High Commissioner of the gross inaccuracy of that statement. In this context, it may be recalled that in the wake of the 11th September tragedy, the UN invoked the right of self defence and called upon the international community to neutralize or combat such terrorism by non-state actors by its resolution 1368 and 1373 of September 2001. The humanitarian operation was part of an act of the sovereign State and its people in the wake of terrorist aggression. It is equally undeniable that Sri Lanka has taken definite steps, at great cost, to resettle and rebuild the lives of the people in the conflict affected areas. It is apparent to all that the military capability of the terrorists to launch offensives against the people and Government of Sri Lanka has been completely degraded. The High Commissioner's characterization is wholly misplaced as the community of nations was well aware that Sri Lanka was combating one of the most ruthless terrorist organizations in the world. We find this distorted position once again reiterated by the reference to Sri Lanka in the present context, in crass disregard to contextual developments. Therefore, I categorically dispute the assertion of the High Commissioner that the combat of terrorism was designed with insufficient regard to human rights, more particularly, having regard to the giant strides that Sri Lanka has taken in the reconciliation process, and the numerous measures that the leader of our delegation has referred to this morning in his statement. I must also observe that it appears that the High Commissioner does not have the will to even acknowledge a paradigm shift in the policy of the Government of Sri Lanka. In her statement, she treats the lifting of emergency regulations so lightly and fails to acknowledge that they are withdrawn in their entirety. Sri Lanka observes that the High Commissioner's position on the withdrawal of emergency misleads the Council with regard to the true legal position. In conclusion, Madam President, it has to be appreciated that each Member State of this Council does recognize the need to have a security related legislation, and it has to be noted that Sri Lanka's only existing legislation as it stands today is less stringent than the modern legislations of some other countries, which provide for the most stringent of measures in the treatment of terrorism. The amorphous statement about the undermining of independence of institutions, human rights and rule of law, I reiterate is strenuously denied, and I must place on record that all national institutions today function with due regard to established principles of international law, administrative governance and with respect to the rule of law as prescribed in the fundamental rights and directive principles of state policies, as enshrined in the constitution of the Republic. We remain dedicated to building a country based on all-pervading unity, equity and justice. Thank you.