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## Response of the delegation of Sri Lanka to comments made during the General Debate under Item 4

Friday, 23 September 2011

Last Updated Wednesday, 28 September 2011

Delivered by H. E. Ms. Tamara Kunanayakam, Ambassador/Permanent Representative to the United Nations Mr. President, The Delegation of Sri Lanka wishes to respond to the references made to Sri Lanka by certain delegations of the Western Group. To those who question the credibility and independence of Sri Lanka's Lessons Learnt and Reconciliation Commission, I wish to reiterate that we cannot accept such a priori judgements of our domestic mechanism even before it has had the chance to complete its work and make its findings public. To those who welcome the transmission of the report of the UN Secretary General's Panel of Experts, we wish to say, once again, that any attempt to admit any such document or information contrary to established procedures would be inappropriate, irregular and procedurally improper and will establish a bad precedent which could be prejudicial to the future effectiveness of the Council. That report is neither the product of a request of the Human Rights Council nor of any other inter-governmental body. It may also be viewed as an attempt to legitimize a document which is based on undisclosed sources and which has no evidentiary value, more so because of the categorical declaration in the document itself that it is premised upon unproven facts.

The attempt to inveigle the Panel Report through a perverse circumvention of procedure was, even more reprehensible and equally repugnant to our policy of settling further our domestic mechanisms. Mr. President, References were being made in the Council to the benefit of an initiative to bring into focus the work of the LLRC by way of an interactive dialogue. Mr. President, It would be unprecedented and a complete abdication of sovereignty for Sri Lanka to submit itself to a review process that would entail the scrutiny of its domestic mechanisms by an external mechanism, circumventing its long established constitutional machinery. This would also result in established procedure of the Council being rendered a mockery, unless of course, this Council resolves itself to return to the days of the Human Rights Commission where might was simply right! In the circumstances, such a request would be a usurpation of Sri Lanka's sovereignty and clearly be ultra vires the mandate of the Council. Why, we ask &ndash; is this indecent hurry for a special differential treatment of Sri Lanka? Sri Lanka is committed to extend its utmost co-operation to this Council. We have always shared our experiences, achievements and even our failings in a spirit of a constructive dialogue. Sri Lanka continues to be steadfastly committed to the promotion and protection of all human rights, including the right to development. Mr. President, It is only fitting and proper that Sri Lanka should be allowed to continue its reconciliation process unimpeded, without the machinations of some States to undermine the authority of this Council by reopening a decision that it has already taken in 2009. If this trend is allowed to subsist, it will lead to a dangerous precedent that could be used against any developing country. It will also have the inevitable result of deepening confrontation and undermining the credibility and legitimacy of the process. I wish to conclude by calling upon all countries committed to genuine international co-operation in human rights to reject any action to promote mechanisms that lead to partiality, selectivity and double standards. Thank you Mr. President.