

UN Sri Lanka

New Version

**Statement of the delegation of Sri Lanka during the interactive dialogue
with the Special Rapporteur on extrajudicial, summary or arbitrary
executions, Mr. Philip Alston**

Mr. President,

My delegation has taken note of the statement delivered by Mr. Philip Alston, Special Rapporteur on extrajudicial, summary or arbitrary executions.

With regard to the concerns Mr. Alston expressed today on Sri Lanka once again is a demonstration of a statement reeking with bias and overbearing in his usual style, belated in character and extremely unhelpful and unconstructive especially in the backdrop that a Lessons Learnt and Reconciliation Commission is to commence its inquiries shortly.

Mr. President,

The Government of Sri Lanka will not shy away from investigating into any credible alleged violation of human rights that has taken place in the past. The recent establishment of the Commission on Lessons Learnt and Reconciliation is a clear testimony of this commitment. In my statement to this Council on 31 May, I provided a detailed account of the mandate of this Commission.

My delegation wishes to make the following specific observations on the remarks made by the Special Rapporteur. His views with regard to an international inquiry, is regrettably counterproductive to the objectives of a home-grown mechanisms of the Lessons Learnt Commission, and regrettably based on unsubstantiated, uncorroborated heresay supplied by certain interested parties, who he seem to give credence to on a continued basis. We have been in the recent past privy to such information spread around the globe with a singular motive of destabilizing Sri Lanka and scuttling the reconciliation process which has been resoundingly endorsed by our people through an overwhelming mandate given to the government. It is equally regrettable that a personality of Prof. Alston's calibre who is expected to ensure impartiality and independence in the delivery of his mandate, seeks to prejudge the outcome of the Commission

before the mechanism has begun its work, by continuously calling for an independent international inquiry ad-nauseam.

It is not unusual, Mr. President, that sovereign States having emerged from protracted armed conflicts resort to domestic mechanisms, as encouraged by the Secretary-General of the UN himself, due to the complex nature of the issues at hand and their domestic relevance and better understanding. It is in this context that the Government of Sri Lanka has consistently upheld and established a domestic mechanism for transitional justice, rather than one with an international complexion, which would impinge on the very sovereignty that was under threat for nearly three decades. Further, it is inappropriate to be wholly guided by precedent, that too not having paid heed to connected issues, in order to keep advocating for a so called "independent international accountability mechanism". While history can be interpreted subjectively, its tenets remain unshaken which should be understood before seeking it as a justification. In this context, it may be recalled that the Government of Sri Lanka has delivered on related undertakings in the past. In this instance too we will deliver on our commitment as the domestic mechanism's Warrant clearly provides for the identification of direct or indirect responsibility, which would hold perpetrators, if any, accountable for past violations, and will not be deterred by any pressure or force in achieving a lasting peace for our people. We say to those who are our protagonists let this process commence as envisaged, observe its progress constructively and provide the necessary space without unwarranted and misplaced rhetoric. Permit the people of Sri Lanka an opportunity of achieving sustainable peace. Action to the contrary would inevitably lead to serious misgivings of the functioning of this Council in the minds of our people, which would necessarily lead to an erosion of the several confidence-building measures in place, and will surely result in a serious set-back to Sri Lanka's transitional justice process, which we have very recently put in place.

It is disconcerting for the Government of Sri Lanka to be needlessly confronted, at this time of a paradigm shift in the hearts and minds of our people, by the observations of Special Rapporteur Alston, after having taken concrete steps in keeping with domestic compulsions, to address post conflict reconciliation issues.

Mr. President,

The Special Rapporteur and I are both aware of the importance of complying with the rules of natural justice without which no inquiry could be credible or complete and will be critiqued at the end for the lack of administrative fairness. It is surprising that a trained mind like that of a special Rapporteur would continuously seek to embarrass a sovereign government, which has brought a 30-year old conflict legitimately to an end.

Mr. President,

Is it that Special Rapporteur Alston finds it difficult to accept that the terrorist conflict in Sri Lanka has come to an end? Or does it trouble him that during the last one year we have not heard a report of a gun or and to see the country fast moving to near normalcy? Mr. President, the present time perhaps is inappropriate to discuss numbers but I can assure this council that Mr. Alston's reference to 30,000 civilians dying is no more than an irresponsible statement made at the behest of persons interested in resuscitating the conflict so that they can be gainfully occupied otherwise, especially considering that the Government provided facilities for 300,000 internally displaced in welfare villages at the end of the conflict.

I must in conclusion add that my delegation is not surprised by Special Rapporteur Alston's approach in the execution of his mandate which is symptomatic of a consistent course of conduct which supports our view that this Council should take cognisance of a failure in the past to follow procedure in the Code of Conduct as set down by this Council.