



THE EMBASSY OF THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA

TO BELGIUM, LUXEMBOURG AND THE EUROPEAN UNION

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**GOSL Statement in response to comments made during an “Exchange of Views on Human Rights in Sri Lanka in the post-conflict period” at the Meeting of the European Parliament’s Sub-committee on Human Rights on 6 December 2010**

The Government of Sri Lanka (GoSL) welcomes this opportunity to respond to the number of unsubstantiated allegations made of it during the over one hour long “Exchange of Views on Human Rights of Sri Lanka in the post conflict period” that took place at the meeting of the European Parliament’s Sub-committee on Human Rights on 06 December, 2010.

While we reiterate our strong protest against the refusal of the Chair at the time of the above discussion to permit Sri Lanka’s Ambassador a ‘right of reply’, following a protest made by the Ambassador, we appreciate the step taken by Ms. Heidi Hatuala, Chair of the sub-committee through her letter dated 16 December 2010, to correct this procedural anomaly and enable GoSL to share its views denied to it previously, with the assurance that it would be distributed to the members of the sub-committee. We are also thankful to the ‘Friends of Sri Lanka’ group of the European Parliament, Coordinators of the Human Rights Sub-Committee and officials of the Parliament cutting across political group and country lines, for supporting Sri Lanka’s demand for a ‘Right of Reply’.

While the panellists Prof. Francois Howtart (Chairman) and Dr. Jude Lal Fernando (Coordinator) of the ‘Permanent People’s Tribunal’ based in Ireland had nothing good to say about Sri Lanka, in an otherwise lengthy list of accusations against Sri Lanka, Mr. Alen Keenan, Sri Lanka Project Director of the International Crisis Group (ICG) grudgingly conceded three important points:

- With respect to resettlement he noted that, *“of the nearly 300,00 people displaced from their homes by the last two years of fighting, the large majority have left the military run camps in which they were locked for months”*;
- With respect to ex-combatants he noted that, *“of the estimated 12,000 people who surrendered or were detained at the end of the war on suspicion of involvement with the LTTE, many, perhaps most, have now being released”*;

- He also noted that, *“since the end of the war and the active counter insurgency campaign, there have been much fewer reports of extra-judicial killings and enforced disappearances”*.

One would have expected that these vast strides by Sri Lanka in a little over a year alone, would have called for some commendation by the Human Rights Sub-Committee for a job well done. This is particularly so in the context that at the last hearing of this committee relating to Sri Lanka held on 01 October 2009, the Communications Director of the ICG Mr. Andrew Stroehlein had claimed that GoSL *“has been imprisoning without charge over a quarter of a million ethnic Tamils displaced by the conflict”*, that *“the state has locked them in internment camps in the North of the country”*, that *“all talk of release dates and resettlement schedules is nonsense”* suggesting that they would be held indefinitely, and urged that *“no donors should fund any substantial development work until there is a clear plan”*.

The 15 months that have passed since, has made abundantly clear that the ICG, as its other fellow travellers, have been wrong in both its assessment, as well as its prescription for addressing the massive challenge the Government of President Mahinda Rajapaksa faced in the aftermath of having defeated the ruthless terrorist organization the Liberation Tigers of Tamil Eelam (LTTE) which had plagued Sri Lanka for over 30 years. On that occasion Sri Lanka asked that *“displaced persons in Sri Lanka be not used as a political tool”* and assured that *“we will ensure that they get back to their homes in safety, not because anybody tells us to do so, but because we want them to do so”*. The GoSL has kept this pledge and in less than 18 months since the end of the conflict has made tangible progress in re-settling the IDPs, reintegrating ex-combatants and also set in motion an effective program of action for reconciliation between communities and development of previously terrorist affected areas.

### **Internally Displaced People (IDPs)**

On IDPs, we are all aware that in the immediate aftermath of the defeating of terrorism in May 2009, as at 17 June 2009, a total of 295,136 IDPs were located in 37 welfare villages in the 04 districts in the North, with the bulk of them in one single location – the Menik Farm Welfare village complex in Vavuniya.

Much of the success of Sri Lanka’s restoration of normalcy to the lives of the IDPs is owed to the systematic manner in which GoSL set about the task of mine clearance, an area in which very little foreign support was forthcoming at the time. Soon after phase I of the demining was completed, in September 2009, the GoSL launched an accelerated programme to return internally displaced persons (IDPs) to their places of origin in the North. The progress made in this resettlement process has been aptly described by the UN’s Office for the Coordination of Humanitarian Affairs (OCHA) in its Joint Humanitarian Update report No. 29 of October – November 2010 *“as at 02 December, some 21,000 IDPS were still in Menik Farm”* and *“most of the remaining IDPs originate from heavily mine contaminated areas where mine action operations are still on-going”*. As at the end of December 2010, these figures have

changed even further and according to the latest reports by the Commissioner General Rehabilitation of the Ministry of Rehabilitation and Prison Reforms, only 19,840 IDPs remain in 3 welfare villages functioning in Vavuniya and one of those villages (Arunachalum Relief Village) is scheduled to be closed in January 2011. The remaining IDPs will be resettled in their places of origin in due course as the mine clearance is completed. Similarly, those who are with host families are also now returning to their places of origin. The OCHA Joint Humanitarian Update of October- November 2010 also indicates *"In October, 9,816 persons returned to their areas of origin, mostly IDPs from the host families"* which exemplifies that their return is a continuous process.

As for all those who are returning to their places of origin, considerable effort by GoSL has gone into facilitating restoration of normalcy to their lives with the assistance of friendly countries, regional groupings, the UN and local and foreign NGOs. The returnees receive a 'package of support' which includes six months dry rations, shelter grant of Rs. 25,000/-, non food relief items (NRFI), roofing sheets (12 nos.), cement (8 bags per family) etc. Moreover, assistance is given to rebuild the houses of these returnees by security personal in their areas in both man power and materiel. The Indian Government has extended support in rebuilding houses and has committed to build 50,000 houses in the North. The pilot housing project of 1,000 houses at Ariyalai funded by the Indian Government was handed over to the IDPs in November 2010. The Australian Government has provided 07 Million Euros for the UN-Habitat program for similar housing projects in the North of Sri Lanka.

In order to establish their livelihoods agricultural tool kits, land preparation cost of Rs. 4000 per acre, provision of seed paddy 2 bushels per acre per family for 2 acres and provision of fertilizer is also provided. 2 acres of land has been also given to those who do not own land for agricultural purposes. Tractors are also donated to community groups. Key irrigation tanks have been restored and waterways have been rebuilt to distribute water. During the last season, most of the farmers were able to cultivate their lands and it is expected that the paddy cultivation will be doubled during the next season. For the fishing community, new boats have been distributed, and contrary to what the ICG says, the fishing restrictions have been completely lifted.

In order to direct more economic opportunities to the returnees, the GOSL has undertaken a major development programme to expand access to the North. Under this programme, the main roads have been repaired and upgraded. Restoration work of the Jaffna-Colombo railway line which was completely destroyed during the conflict has also commenced. In order to meet the demand for power, it is proposed to construct a 500 MW Thermal Power Plant at Trincomalee in Eastern Sri Lanka. Telecommunication facilities have been expanded (both fixed line and mobile) and all the communication networks of all the districts in the North have been restored.

The GoSL has also made provisions for the socio-cultural needs of the returnees. Being predominantly a Hindu area, the key Hindu Kovils which were destroyed have been reconstructed. All the base hospitals are now functioning and the GoSL has appointed a fresh

batch of doctors and nurses to serve in these hospitals. Several NGOs including UNICEF are also involved in providing psychological support programmes in hospitals and schools. Many of the schools which had been previously closed are now functioning.

Also contrary to what ICG says, there are 89 NGOs/INGOs and UN organization that have access to the North. So too does ECHO. These organizations are involved in various activities ranging from providing shelter, to psychological support programmes. Some of these NGOs are now moving out as they have completed their projects involving the IDPs or have run out of funds.

The Presidential Task Force (PTF) on Northern Development is responsible for coordinating the activities of the Government and NGO/INGOs in resettlement, rehabilitation and development activities. The GoSL appointed this body in order not to repeat the mistakes made in the aftermath of the tsunami, as most of the tsunami development work did not yield the desired results. The decision making process which centers in the PTF has achieved positive results as could be seen in the resettlement and development in areas in the North.

Also contrary to what the ICG says, while GoSL has deployed the military in the North mainly to provide security to the people in the areas, they are also involved in the rebuilding process such as rebuilding roads, bridges, schools etc. and also taking part in distributing resources within the area such as food and also providing transport. It must also be noted that in the areas of lesser sensitivity and where the Police and the local authorities are fully operational and there is a robust distribution system in place, there is no military presence. The sensitivity with which GoSL is handling this transition is reflected in the decision by the Manila-based Gusi Peace Prize Foundation, which recognises exemplary contributions to peace and human rights, science, politics, arts and literature, medicine and other fields, who in November 2010 awarded the prestigious Gusi Peace Prize for 2010 to Major General Mahinda Hathurusinghe, who has commanded the armed forces in Jaffna since January 2010 and overseen the transformation of the Army into a community building force, gaining the trust and the support of the local Tamil community.

The accusation of the ICG that the GoSL is trying to change the ethnic make-up is yet another canard which is based on here say, without an iota of evidence to back it. As to the 90,000 Muslim IDPs who were forcibly expelled from Jaffna by the LTTE in 1990 in its most noted act of ethnic cleansing, the government is committed to re-settle them in their original places of habitation, as it does all others belonging to all communities displaced due to 30 years of LTTE brutality.

### **Ex-combatants**

At the end of the conflict, the Bureau of the Commissioner General of Rehabilitation (BCGR) was vested with the responsibility of rehabilitating and reintegrating into society 11,696 ex-combatants (male-9428 and female-1674) recruited by the LTTE, which included 594 child combatants (Male- 363 and female - 231).

The tendency among speakers to ignore the vast strides made by Sri Lanka with respect to human rights in the post conflict period, was never more obvious in the discussion on 6 December, than in the failure to acknowledge the already internationally acclaimed successful program which resulted in the rehabilitation and reintegration into society of all the 594 LTTE child combatants recruited by the LTTE. The last batch of these children were reintegrated with their families on 25 May, 2010.

Additionally, 5092 (males-3256 and females-1836) ex-combatants have already been rehabilitated and reintegrated into society as at the end of 2010.

Of the rest, while GoSL is presently in the process of assessing the cases of those who have been identified as more seriously involved in the atrocities committed by the LTTE with a view to pressing charges, the others continue to remain at 09 rehabilitation centres.

Besides being provided facilities to continue their education and prepare for GCE (O/L) and GCE (A/L) examinations, the ex-combatants receive skills training in a number of areas including information technology and nursing. The effectiveness of these programmes can be judged by the fact that of some 363 rehabilitees who sat the recent GCE (A/L), 210 passed the exam, while 40 qualified for university entrance, including 02 to the prestigious medical faculty. This provides reasonable testimony as to the state of mind that prevails among those previously misguided youth who were used by the LTTE, and should be an example to the many other programmes for re-integration of former combatants around the world.

#### **Access to foreign entities**

Much has been made by the speakers on the panel about the question of access to foreign entities with respect to the IDPs, returnees and ex-combatants.

As for IDPs and those who have been resettled, besides foreign embassies and delegations that visit Sri Lanka from time to time, 11 UN agencies and 78 INGOs continue to have access to IDPs and to those re-settled.

What members of the panel failed to inform you is that diplomatic representatives, the UN and INGOs mandated to help with rehabilitation also do have access to ex-combatants and are able to verify their condition. In fact, Mr. Richard Danziger, the Chief of Mission in Sri Lanka of the International Organisation for Migration (IOM), which has been a main partner through which the EU implements its humanitarian relief projects in Northern and Eastern Sri Lanka, at a press conference held in Colombo on 16 December 2010, on the eve of the International Migrants' Day, was quoted as saying former LTTE combatants held at rehabilitation centres "*were looked after well*" and "*there had been no complaints*".

With respect to the specific question raised regarding the lack of access to the International Committee of the Red Cross (ICRC), a respectful dialogue is taking place in Sri Lanka between GoSL and the ICRC on agreeing on an appropriate role for that organization whose

original mandate during the time of conflict – that of acting as a communication link between GoSL and the LTTE, helping ferry food, persons and exchange of dead bodies is no longer relevant in the present context. Mr. Yves Giovannoni, the new Head of Delegation of the ICRC in Colombo in an interview of 26 November 2010, published on the ICRC website has acknowledged *“I do not see the ICRC continuing with the major set up it had during the conflict years, when the need for humanitarian aid was considerable. Fortunately, most of the direct consequences of the conflict are gradually disappearing, although physically disabled people and detainees will need help for many years. We have been discussing the eventual phaseout of emergency relief with the government authorities, the Sri Lanka Red Cross Society and other agencies concerned. It is clearly understood that there will be a reduction of activities”*.

Thus, it is important to note, that while the ICRC does not have access to those ex-combatants who have been detained post conflict, they continue to enjoy access to LTTE detainees previously held by GoSL. The same website of the ICRC in an operational update of 14 October 2010 titled “Sri Lanka: transition from conflict to recovery and reconstruction continues” states that between May and August 2011 alone, the ICRC *“made 138 visits to 95 places of detention where it met privately with 2400 detainees”*. This contradicts the portrayal given by the panellists of the ICRC operations in Sri Lanka.

Therefore, to make ICRC access to a particular category of ex-combatants, the single barometer of assessment of Sri Lanka’s post conflict development, as done by the panellists, would be a gross distortion of the ground situation in Sri Lanka.

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### **Emergency Regulations/Prevention of Terrorism Act**

Throughout the world, the West being no exception, a tension prevails between safeguarding national security and maintaining civil rights. As it faced the LTTE, one of the most ruthless terrorist organizations for almost three decades, the very nature of that situation required specific laws to cope with the attendant exigencies to be introduced in Sri Lanka as well. Having some time ago taken steps to remove the offence of criminal defamation from the Penal Code, with the end of terrorism GoSL substantially repealed provisions of the Emergency Regulations. As is the international practice, GoSL duly informed the relevant UN bodies of the de-derogation made possible by these changes of the ICCPR in June 2010, which the UN has acknowledged through its C.N.400.2010.Treaties-16 (Depository Notification) of 23 June 2010.

What remains of the emergency procedures are a bare minimum which are procedural and technical in nature required to complete action relating to earlier cases of arrest and dealing with large quantities of LTTE arms stock piles which are being discovered at regular intervals in the previous conflict areas. The GoSL is committed to review and repeal these provisions too in due course, in a manner that does not compromise the national security of Sri Lanka.



That the Prevention of Terrorism Act (PTA) continues to exist is no contradiction, for a much higher threshold of evidence is needed for a person to be detained and charged under this more specific counter-terrorism related instrument. Such PTAs are not unique to Sri Lanka, but exist in most countries, including those in the West which face the threat of terrorism.

To those who question Sri Lanka's right to continue to protect itself from possible remnant LTTE cadres in Sri Lanka or abroad which are trying to resuscitate the movement through numerous front organizations, the recent alert by the Indian Intelligence Bureau that the LTTE is trying to re-group and planning to launch spectacular strikes on high profile targets in India should come as a wakeup call. That Sri Lanka is asked to free all ex-combatants unconditionally and dispense with laws that could check on any future terrorist oriented activity also appears sinister, given that in recent months, several member states of the EU itself have used their special laws, to arrest, detain, prosecute and convict LTTE/Front Organization activists, while in several other countries active investigations are on-going.

### **Extra-judicial killings and enforced disappearances**

At present the allegation that "war crimes" were committed during the last phase of the conflict in Sri Lanka remains merely speculative. What representatives of both the ICG as well as the Permanent People's Tribunal have presented as "evidence", lacks authenticity and credibility.

In such context, it is clear that what the panellists have resorted to, is a deliberate attempt to discredit the GoSL using the visuals broadcast by Channel 4 which the broadcaster says they obtained from a group called 'Journalists for Democracy in Sri Lanka' (JDS) and allegedly shows so called "executions of surrendered *Tamils* by *Government forces*", but for which the broadcaster takes no responsibility. It is also ironic that this happens, despite no credible evidence being placed before the world to date to support the allegations levelled against GoSL, at a time when incontrovertible evidence is emerging from certain other theatres of conflict of such atrocities and gross human rights violations, proved to have been committed, but glossed over.

It must be emphasized, that in the alleged new footage, no distinguishing features either by those recording the events or purportedly involved in the commission of crime are visible. As regard the persons wielding the camera, if the purported tape is to be given any credence then those wielding the camera too are complicit of witnessing what is claimed to have taken place. This is in stark contrast to the material that has established itself as authentic, as for example, the footage from the Abu Gharib prison incidents, where the facial and other distinguishing features of perpetrators were visible. It may be recalled that the GoSL clearly established that the initial footage telecast by Channel 4 has serious technical anomalies, including discrepancy between audio and the video. Given this background and the particular aspect of the additional material that has been brought out, there is every indication that the entirety of the material has been concocted for political reasons.

Responsible governments and bodies such as the EU should be cautious in making assessments on developments in Sri Lanka, relying on such questionable information provided by parties with vested interests, who constitute a vociferous minority- that includes some INGOs and academics, sections of the media, as well as the pro-LTTE Tamil diaspora.

For its part, the Government of Sri Lanka while not willing to act on mere here say, as suggested by various parties, has made clear that it is open to consider any credible evidence any party has to offer on any incidents that might have occurred in the past. The transparency it seeks to maintain in this regard is evident, from its recent announcement that “in the event of the Advisory Panel of the Secretary-General wishing to present representations to the LLRC, the Ministry of External Affairs will make the arrangements that are necessary to enable the Panel to do so” and that “this position has already been conveyed through diplomatic channels, to the United Nations in New York”.

### **Lessons Learnt and Reconciliation Commission (LLRC)**

The seriousness of the ICG to transparency and concern for the people of Sri Lanka becomes clear, from their letter dated 14th October 2010, where along with Amnesty International and Human Rights Watch, they rejected an invitation to appear before the Lessons Learnt and Reconciliation Commission (LLRC) set up in Sri Lanka in May 2010, to report on the events that took place in Sri Lanka in the period from 21 February 2002 to 19 May 2009. This refusal leaves room to believe that these organizations would by far prefer to voice allegations from distant parts of the world, rather than jeopardize their claims to credibility by subjecting their assertions to scrutiny under the transparent and legally sound process afforded by the LLRC.

Having done so, today the ICG representative complains of the “lack of independence of the Commissioners”, that “there have been relatively few sittings in the North and East” and that “the bulk of the hearings before the Commission have featured Government and military officials or witnesses sympathetic to the Government policies, none of whose presentations have been seriously challenged by Commission members”. He notes that “more generally, the value of the LLRC depends on what it does in response to the information presented to it”. He observes that the “Crisis Group remains convinced that the process fails to meet the criteria necessary for it to contribute either to reconciliation or to legal accountability for alleged war crimes and crime against humanity”.

But what are the facts on the ground?

- The eminence of the personalities serving on the panel is well known. The fact that several of them have previously served in the public service or the judiciary should not in any way question their independence, for if so, one would also be making a mockery of similar undertakings such as the 9/11 Commission and Chilcott Commission, which depended on persons with the same backgrounds.



- For those who question the transparency of the LLRC process, the extent to which witness testimony has been challenged by the Commissioners can be seen if one cares to visit the website of the LLRC at: [www.llrc.lk](http://www.llrc.lk).
- The robust manner in which the LLRC has set about its task is evident in the over 200 public sessions it has conducted, including in the Northern and Eastern provinces. Sessions have been held in Jaffna, Chavakachcheri, Kyts and Mandativu in the Jaffna District, Mullaitivu, Puttukuduiruppu, Nanthikadal in the Mullaitivu District, Vavuniya, Puliyanikulam, Omanthai and Menik Farm in the Vavuniya District, Kilinochchi in the Kilinochchi District, Trincomalee, Muttur and Kuchchaveli in the Trincomalee District, Batticaloa Vakara, Eravur, Kattankudy, in the Batticaloa District; as well as the Boossa detention centre in the Galle District. Future public sittings and field visits are also available on web site of the LLRC.
- What the LLRC does with the evidence presented before it has also been amply demonstrated by its far reaching interim recommendations submitted to the President of Sri Lanka on September 13, 2010 where it has recommended:
  - promptly processing the cases relating to persons in detention, ensuring due process, and keeping family members informed in the event of the change of location of detainees;
  - that government assure that private land in the former conflict areas will not be used by any government agencies;
  - that administrative changes be made to make officials to use the people's own language in government affairs to facilitate closer interaction between people and government authorities;
  - the strengthening of law and order mechanisms in former conflict areas and disarming of any remaining armed groups carrying illegal weapons;
  - encouraging socio-economic progress in the region and facilitate livelihood efforts through improvement in coordination and communication among relevant agencies.

The Sri Lankan government has established an Inter Agency Committee (IAC) chaired by the Attorney General to facilitate the early implementation of the interim recommendations made by the Lessons Learnt and Reconciliation Commission (LLRC). Among the practical results stemming from the setting up of the IAC, is the establishment of a mechanism to which the Commission can now channel the complaints it receives for immediate investigation and remedial action, where so warranted:

- (a) Any material presented to the LLRC during its sessions both in Colombo and outside that may warrant further inquiry or investigation, will be immediately referred by the Commission Secretariat to the Chairman of the IAC;

- (b) The avenues afforded by the widespread availability of communication technology throughout the country will be utilized, to enable the next of kin to be kept continuously informed of the whereabouts of those detainees who are family members;
- (c) Every effort will be taken to ensure that the necessary information is available especially to the public in the former conflict affected areas, concerning the rehabilitation and resettlement effort in the North and in the East;
- (d) The permanent instructions given to the law enforcement authorities concerning the collection of unauthorized weaponry throughout the island will be reiterated.

That the process underway through the LLRC is having its effect in allowing for the long suffering Sri Lankans of all communities who have equally being victims of LTTE atrocities and at sometimes been caught in the cross-fire, is evident from the testimonies that have been recorded. That the process has also served as a catharsis of sorts after long years of suffering is also evident from the testimonies of civilians from all parts of the country, who have demonstrated their confidence in the process by appearing before the Commission.

Also contrary to what the ICG claims, the terms of reference of the LLRC has sufficient ambit to fully explore all issues relating to the conflict. Under the LLRC's notice to the public published in news papers in Sri Lanka (in Sinhala, Tamil and English languages) on 18 June 2010, representations by Sri Lankans as well as by foreign individuals, groups or organizations including foreign media entities could be made before the LLRC. The GoSL would facilitate the arrangements necessary for entities wishing to make such representations.

The recent facilitation offered by GOSL for the members of the UNSG's advisory panel on Sri Lanka to make representations to the Commission is fully in keeping with its commitment to achieve the best results from its invitation calling for representations to the Commission. This will assist in demonstrating the transparency of the LLRC, and its willingness to afford opportunities to all who are ready to make representations before it, on the basis of credible evidence and material that would be useful in the task of reconciliation and the process of restorative justice in Sri Lanka, as much as all other relevant matters in the warrant issued to the LLRC.

#### **Court Cases of former Army Commander Sarath Fonseka**

The GoSL clearly rejects the claims made by the panellists regards the arrest and the trials of Former Army Commander Sarath Fonseka. He was arrested under the provisions of the prevailing law and due process has been afforded at all stages of investigation. His appeal challenging the ruling of the verdict of the Court Martial is pending in the Court of Appeal, while another appeal against the loss of his Parliamentary seat, is pending in the Supreme Court.

## **18<sup>th</sup> Amendment to the Constitution of Sri Lanka**

Section 3 of the Sri Lanka Constitution states that the sovereignty is vested with the people while Section 4 explains as to how the sovereignty is exercised by the people. The legislative power of the people is exercised by the Parliament which is made up of elected representatives. The executive power vested with the people including defence of the country is exercised through a President elected by the voters themselves. What the panellists fail to recognize is that besides help break the deadlock that prevailed in constituting the Constitutional Council required by the 17<sup>th</sup> Amendment, the 18th amendment has also strengthened the accountability to Parliament by the President making his attendance in Parliament compulsory at regular intervals. The comment the ICG makes that the new amendment could "give Rajapaksa a very real chance of remaining indefinitely in power" has no basis in reality, as he has to democratically face a presidential election, in order to secure another term.

## **Media Freedom**

Many of the issues listed by the panelists relating to media freedom in the present period are not unique to Sri Lanka, but are also prevalent in other parts of the world. Infact the latest report dated 30 December 2010 published by the 'Reporters Sans Frontiers' notes "the fall in the number of physical attacks, threats and cases of imprisonment is to be welcomed". GOSL is committed to identify the perpetrators of the killing of Sunday Leader Editor Lasantha Wickramatunge, for which investigations were recently handed over to the Terrorist Investigation Division (TID), while every effort is being made to investigate the reported disappearance of the cartoonist and journalist Prageeth Ekneligoda.

## **Reconciliation**

Much has been said by all panellists about the need for reconciliation between the ethnic communities, with the suggestion that the Government is not intent on addressing this issue. However, the above mentioned successful comprehensive programme for resettlement of former IDPs, the re-integration of ex-offenders and the thoughtful manner in which the LLRC is proceeding, provides clear evidence of GoSL's intent in this regard.

Through its actions, GoSL has made clear that it does not intend to demonize or even isolate the Sri Lankan Tamil expatriates, and that it understands that a majority among them had to act as they did, under duress from the LTTE. The GOSL has also shown keenness to engage in a dialogue with them in the changed atmosphere, with a view to harness their talents and resources towards the betterment of Sri Lanka, particularly the Northern and Eastern Provinces, which have seen little economic development during the 30 years of the conflict. This approach was most eloquently articulated by President Mahinda Rajapaksa, during his address to the 65th Session of the UN General Assembly in New York on 23 September 2010, when he observed, "a great deal has been said by those beyond our borders about our Tamil community. Let me be clear, no nation on earth can wish Sri Lanka's Tamil community more good fortune than Sri Lanka itself. To the misguided few, I say, do not

allow yourselves to become an instrument of division, hate and violence, to be used as an enabler for hatred to be reborn in another form. Rather come, let us join hands and break the bonds of mistrust to rise to new horizons. Sri Lanka recognizes the challenges we face, among the greatest of which is healing the wounds of the recent past.”

While it may well be the case that such acts of reconciliation are not appreciated by LTTE sympathizers living abroad who are only intent in fanning the flames of hatred, it surely has been experienced by many expatriate Sri Lankan Tamils, who over the past year have used the freedom provided by the ending of terrorism to visit their places of origin in Sri Lanka and re-unite with their families. The opening provided for reconciliation has also been felt in the political sphere, where sections of the Tamil political mainstream who during the presence of the LTTE feared talking to GoSL, are now fully engaged with it. The opportunity for reconciliation has also been seized by previously antagonist sections among the Tamil polity itself, as evidenced from the coming together of the Tamil National Alliance (TNA) and the Tamil Political Parties Forum (TPPF), to form a Joint Forum of Tamil Parties and appointed a sub-committee tasked to formulate a political proposal acceptable to all parties, to be presented to President Mahinda Rajapaksa in early 2011. These steps augur well for reconciliation in Sri Lanka.

Rather than appearing to remain oblivious to these on-going processes or seeking to pretend to be the ‘self- appointed guardians’ of the Tamil people of Sri Lanka, it would be prudent for all those who wish Sri Lanka well to join in making GoSL’s effort to recover with speed all that was lost to Sri Lankan society in more than three decades a reality.

### **GSP+**

Reference has been made through the course of the Sub-Committee discussion by both the panellists and particularly the representatives of the Commission, to the EU’s August 2010 temporary suspension of the GSP+ facility to Sri Lanka, seeking to project it as an example that confirms the effectiveness of the mechanism and to distort Sri Lanka’s principled stance taken with respect to the GSP+ “investigation” as well as the process of engagement undertaken by GoSL. However, in the context of the Sri Lanka GSP+ decision, the comment by the Representative of the ICG during the discussion, that *“there is nothing the EU should regret about insisting that agreed upon human rights principles be respect”*, is particularly telling. It confirms Sri Lanka’s long suspected concerns as to the genesis and dynamics of this arbitrary and inequitable application of a trade concession, to achieve partisan political objectives and thereby satisfy those with vested interests against GoSL.

### **Proscription of LTTE by the EU**

The President of the Permanent People’s Tribunal was also to bemoan that the peace process in Sri Lanka had been disrupted by the proscription of the LTTE by the EU, which MEP Barbara Lochbihler was quick to latch onto. This under-writes the tenor of the entire discussion that took place on 6 December 2010, where one sees the European Parliament’s

Human Rights Sub-committee being used as a platform by LTTE apologists, not only to vilify the GoSL, but also to white wash the atrocities committed by the LTTE.

It must be borne in mind that such actions which previously primarily affected Sri Lanka but are now a thing of the past, today presents a real national security challenge to the entire Western world, where the LTTE through its network of numerous front organizations continues to operate not only exploiting peace loving Tamils and liberal asylum systems through extortion, human smuggling and money laundering, but also threatening the peace through its mob activity, using the pretence of democratic protest. The extent to which such activity has today become a problems in Europe is amply demonstrated, in that besides action taken earlier against LTTE activists in the UK, Denmark and Italy, over the last 13 months alone, with in November 2009 a Paris court banning the CCTF and convicting 21 LTTE activists for upto 7 years, the March and May 2010 arrests in Germany of 08 activists, the April 2010 arrests in the Netherlands of 07 activists for pro-LTTE involvement, as well as counter LTTE action that is on-going in several EU member states.

It is understandable that those elements connected to the LTTE who entered western countries illegally and who would in the normal course of events be sent back home given the restoration of normalcy in Sri Lanka, would desire to keep the pot boiling, in order to remain relevant in countries where they have sought asylum. However, it would be a mistake if European Institutions and member states are to allow these rump LTTE cadres and other LTTE apologists to dictate their respective foreign policy towards Sri Lanka

## **Conclusion**

In conclusion, let it be clear that GOSL is more than ready for respectful and constructive engagement on all issues, including that of human rights, with all those genuinely concerned about the well being of the people of Sri Lanka. GoSL has continued to do so with the relevant individual states, international and regional bodies including the EU, as well as with credible NGOs who are willing to engage in informed and balanced discussion.

On the basis of the factual evidence presented in this statement that is amply verifiable, what becomes clear to anyone who wishes to see, is that the charges made by the speakers in the carefully orchestrated one sided 'exchange of views on human rights in Sri Lanka in the post-conflict period' that took place in the human rights Sub-committee on 6 December 2010, is that no attempt was made to ensure objectivity or balance. The dis-interest among the MEPs who are members of the Human Rights Sub-Committee was evident, by the fact that in a more than one hour long discussion, of 32 members, only one MEP asked for the floor.

The truism that emerged from the points made made by the NGOs represented on the panel of speakers on this entire cluster of issues relating to post-conflict development in Sri Lanka, is not that GOSL has failed to respond to the challenges it has been confronted with or that there has been no amelioration of the plight of the long suffering people of the Northern

Sri Lanka who for three decades have been exploited by the LTTE as human shields. It is simply that this is not happening to the liking of some and that GOSL is not accommodating a handful of NGOs in this process.

Sri Lanka appreciates the contribution NGOs in general have made over the years in the difficult situation the country faced as it confronted terrorism or in the immediate aftermath of the tsunami. This is not withstanding the knowledge that much of their expenditure is spent on overheads. Such costs and the vulnerability of having these organizations work at cross purposes might have been endured in times of crisis. However, one cannot demand that GoSL fashion its policies in a manner that perpetually keeps INGOs in business in Sri Lanka or becomes complicit in providing pro-LTTE elements abroad a rationale to fool their hosts and enjoy their asylum status, when in essence they are economic migrants.

05 January 2010