The Permanent Mission of Sri Lanka to the
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High-Level Segment

Statement by
Hon. Dinesh Gunawardena
Foreign Minister of Sri Lanka

(Geneva, 23 February 2021)
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Sri Lanka

23 February 2021, Geneva

Madam President,
Madam High Commissioner,
Distinguished Ambassadors,
Ladies and Gentlemen,

As I address you today, the Office of the High Commissioner for Human Rights (OHCHR) has published a report on Sri Lanka, accompanied by an unprecedented propaganda campaign on that report. This propaganda has been added on to through a press release issued by a group of Special Procedure Mandate Holders. We have indications to the effect that the ‘Core Group’ on Sri Lanka would table another country-specific Resolution against Sri Lanka during the current session of this Council. After almost five years it appears that the attention, time and energy of this Council is being heavily invested on Sri Lanka again.

As this Council is aware, the Sri Lankan heroic armed forces militarily neutralized the LTTE, in 2009, after a three-decade long terrorist conflict the objective of which was to divide Sri Lanka on ethnic lines to carve out a separate State. The Sri Lanka Government acted in self-defence to safeguard the unitary state, sovereignty and territorial integrity from the world’s most ruthless separatist terrorist organization. This terrorist campaign included large scale ethnic cleansing, deliberate attacks on civilians, indiscriminate bombings, use of children as soldiers and suicide cadres, use of civilians as a human shield, terrorist financing and money-laundering, among other heinous crimes. The LTTE is the only terrorist organization in the world which has killed two world leaders: a serving President of Sri Lanka and a former Prime Minister of India, extending its terror beyond the borders of Sri Lanka.

The end of terrorism guaranteed the most cherished of all human rights -the right to life of all Sri Lankans - Sinhala, Tamil and Muslims. How the people of Sri Lanka including the Tamil community itself had been made to live under fear for their lives throughout this long period, by the LTTE, has been well documented and presented to this Council by Sri Lankan delegations.

Nonetheless hegemonic forces colluded against Sri Lanka in bringing an unsubstantiated resolution against Sri Lanka which was defeated by the support of friendly nations who remain by Sri Lanka’s side even today. Further resolutions were
presented to this Council on purely political motives. In each Instance, Sri Lanka presented the procedural improprieties, and how such processes could set a dangerous precedent affecting all member states of the United Nations.

As I explained to this Council at its 43rd Session in February 2020, the Government which assumed office in Sri Lanka in 2015, in a manner unprecedented in human rights fora, joined as co-sponsors of Resolution 30/1 which was against our own country. It was an action that had not been sanctioned by the then President or the Cabinet of Ministers.

Resolution 30/1 carried a host of commitments that were not deliverable and were not in conformity with the Constitution of Sri Lanka. This led to the compromising of national security to a point of reviving terrorist acts on Easter Sunday 2019 causing the deaths of hundreds. Further, the Resolution and its implications became the subject of political debate, and led to tensions and polarization among communities, thereby achieving the complete opposite of its stated objective of reconciliation.

The rejection of this resolution by the peoples of Sri Lanka was clearly manifested in the mandate received by His Excellency President Gotabaya Rajapaksa in November 2019. Based on this mandate I announced at the 43rd session of this Council that Sri Lanka would withdraw from co-sponsorship of the Resolution.

In my statement at the High-Level Segment of the 43rd Session of the HRC, while announcing Sri Lanka’s intention of withdrawing from co-sponsorship of resolution 40/1 and its preceding resolutions 34/1 and 30/1, I expressed the commitment of the Government of Sri Lanka to remain engaged with the UN system including this Council, and outlined a clear plan that we intended to implement to achieve sustainable peace through an inclusive, domestically designed and executed reconciliation and accountability process.

The salient points of this plan included, among other things, action envisaged by the Government in addressing alleged violations of human rights including those currently before the judicial process and continuity of the existing mechanisms. With a view to building a just and disciplined society, the Government also pledged to work towards addressing other outstanding concerns in a manner consistent with its voluntary obligations under the 2030 Sustainable Development Agenda.

The recorded history of Sri Lanka portrays that a comprehensive system of dispute resolution existed and the current system introduced by the British in 1801 continues to play a robust role in the administration of justice. In this context, the judicial system that has prevailed in Sri Lanka over the years has proved to be independent and several other jurisdictions including the UN tribunals and the International Court of Justice have invited and drawn from the expertise of Sri Lankan judges and prosecutors in
complementing and strengthening the respective judicial systems. It may be noted that Fiji and Seychelles are amongst such countries that have sought the expertise of Sri Lankan judges.

As I stated earlier, we have provided detailed updates to the Office of the High Commissioner for Human Rights in December 2020 as well as in our comments in January 2021 on the progress of implementation of these voluntary commitments that Sri Lanka has undertaken within the framework of the Constitution of Sri Lanka. They include:

- The Office of the Missing Persons (OMP) continues to operate. A draft Plan of Action has been requested from the OMP in order to make appropriate financial provisions for the immediate implementation of its statutory mandate. A former Supreme Court Judge has been appointed as the new Chairperson of the OMP. The functional independence of the OMP and the exercise of its powers and functions are regulated by legislation governing its establishment. Further, the exercise of powers, functions and duties by the OMP in terms of the said law is subject to judicial oversight.

- The Office of National Unity and Reconciliation (ONUR) continues to execute its mandate which includes restorative justice and reconciliation, and financial provisions have already been made for this purpose.

- The National Human Rights Commission of Sri Lanka (HRCSL) has been reconstituted in accordance with the procedure mandated by the Constitution and financial provisions have been allocated to implement its statutory mandate.

- The Office for Reparations (OR) continues to function, and financial provisions have been allocated for that purpose from the 2021 Budget. Guidelines have been prepared for the consideration of the applications for reparations. This Office has processed 4,358 applications from January – November 2020 and a total sum of Rs. 142 million has been paid as compensation.

- In January 2021, His Excellency the President appointed a Commission of Inquiry (Col) headed by a Justice of the Supreme Court, to review the reports of previous Sri Lankan ColS which investigated alleged violations of Human Rights and International Humanitarian Law (IHL), to assess the status of implementation of their recommendations, and to propose deliverable measures to implement them keeping in line with the new Government's policy and other initiatives that are thought to be appropriate. This Col consists of members representing all main ethnicities in Sri Lanka and its composition is gender-balanced.
The Government intends to revisit counter terrorism legislation having due regard to the progress made in the area of development and reconciliation. In that process the Government will draw in aid international best practices adopted by other jurisdictions and the recommendations that may be made by the Col appointed with regard to the Easter Sunday attack. The Attorney General is also reviewing cases pending before the High Courts with a view to ensuring the expeditious disposal of cases involving LTTE cadres in order to bring a meaningful end to the said cases.

The National Policy Framework ‘Vistas of Prosperity and Splendour’ formulated after extensive consultations with diverse stakeholders including the public, effectively integrates our global SDG commitments, reflecting considerable policy alignment. In line with this vision, the Government has appointed a high level Inter-Ministerial Committee under the stewardship of the Honourable Prime Minister to provide the leadership and guidance to the SDG process and to foster a whole-of-government approach to planning and implementation as well a whole-of-society approach promoting national ownership towards the sustainable development agenda. The Sustainable Development Council, the national agency mandated to coordinate, facilitate and monitor the progress of achievement of SDGs, is in the process of strengthening the statistical capacities of the national institutions to monitor, evaluate and report on SDG progress.

Of the lands previously held by the security forces, i.e. 89.26% of State lands and 92.22% of private lands, have already been released to the civilian owners by 31 December 2019.

98.7% of the land in the North and East which had been contaminated due to landmines and Unexploded Explosive Ordnances (UXOs) placed by the LTTE without records in civilian areas, have already been demined, thereby facilitating the process of land return and resettlement.

I wish to point out to this Council that these steps have been taken even as Sri Lanka was battling the effects of the COVID-19 pandemic for the past year. In spite of these challenges we held a free and fair general election in August 2020 and elected a new Government with a two-thirds majority in one of Asia’s oldest Parliamentary democracies.

It is therefore disappointing that the OHCHR report has failed to give due consideration to these comments provided by the Government in the spirit of constructive engagement, and instead sought to proceed with its unsubstantiated claims, on perceived ‘trends’ under a Government which is not even six months old. These claims are imaginary and far from actual ground realities in Sri Lanka.
It is also regrettable that despite the spirit of cooperation with the HRC and its mechanisms, elements working against Sri Lanka intend to table another country-specific resolution against Sri Lanka during this session, based on this OHCHR Report. This rejected Report by Sri Lanka has unjustifiably broadened its scope and mandate further, incorporating many issues of governance and matters that are essentially domestic for any self-respecting, sovereign country.

I leave it to the Members and Observer States of this Council to make their own judgement on whether Sri Lanka represents a situation that warrants the urgent attention of this Council; or if this campaign is essentially a political move that contravenes the very values and principles on which this Council has been established. Particularly at a time when legislation is enacted by some countries to protect their soldiers from prosecution in military operations carried out overseas, it only points to duplicity and hypocritical nature of their motives. This cannot but result in a significant loss of morale among countries engaged in the struggle against terrorism.

The Council must hold the scales even, not going by hearsay, unilateral action or one angled doubtful sources but adhere to its guiding principles. Insistence on such ever-expanding externally driven prescriptions, notwithstanding our continued cooperation and engagement with this Council can pose numerous challenges.

As the Council is aware, this is a critical time to the entire world in the last hundred years where we need to be united in our efforts to overcome the COVID 19 pandemic and to revive battered economies. I appeal to the members of this Council to take note of our continued engagement and cooperation on its merit and support us by rejecting any resolution against Sri Lanka. We believe that the extent to which the resources and time of this Council has been utilized on Sri Lanka is unwarranted, and carries a discouraging message to the sovereign states of the global South.

The need of the hour, in the face of an unprecedented pandemic, is solidarity, rather than rancour and acrimony arising from divisions within this Council.

In view of the circumstances set out above, we urge that this resolution be rejected by the Council and be brought to a closure.

May I conclude quoting the words of Lord Buddha,

“Siyalu sathwayo niduk wethwa, nirogee wethwa, suwapath wethwa”.

May all beings be safe. May all beings be free from suffering. May all beings be well and happy.

Thank you.