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مجلس حقوق الإنسان

الدورة الثامنة

البندان ٣ و ٤ من جدول الأعمال

تعزيز وحماية جميع حقوق الإنسان، المدنية والسياسية والاقتصادية والاجتماعية والثقافية، بما في ذلك الحق في التنمية

حالات حقوق الإنسان التي تتطلب اهتمام المجلس بها

مذكرة شفوية مؤرخة ١٠ حزيران/يونيه ٢٠٠٨ موجهة من البعثة الدائمة لسري لانكا لدى مكتب الأمم المتحدة في جنيف إلى أمانة مجلس حقوق الإنسان

تهدي البعثة الدائمة لجمهورية سري لانكا الاشتراكية الديمقراطية لدى مكتب الأمم المتحدة في جنيف تحياتها إلى أمانة مجلس حقوق الإنسان، وبالإشارة إلى البيانين الخطيين اللذين عممهما المجلس النرويجي للاجئين (A/HRC/8/NGO/29) والمنتدى الآسيوي لحقوق الإنسان والتنمية (A/HRC/8/NGO/36) في إطار البندين ٣ و ٤ من جدول الأعمال على التوالي، تشرف بأن تقدم رفق هذا ردّي* حكومة سري لانكا على البيانين الخطيين المذكورين، راجية تعميمهما بوصفهما وثيقتين من وثائق الدورة الثامنة.

* استنسخ الردان في المرفقين كما وردا، باللغة التي قُدمتا بها فقط.

Annex I

The response of the Government of Sri Lanka to the written statement circulated by the Norwegian Refugee Council (A/HRC/8/NGO/29 of 28 May 2008) under the agenda item 3 of the Human Rights Council

1. Sri Lanka welcomes the concern expressed by the Norwegian Refugee Council (NRC) in its written statement (A/HRC/8/NGO/29 of 28 May 2008) circulated under the agenda item 3 of the Human Rights Council that *inter alia* referred to the plight of Internally Displaced Persons in Sri Lanka. It notes the recognition in that statement of the improvement in the situation following the democratization of the Eastern Province, and hopes the NRC, which has been of considerable assistance to the Government of Sri Lanka in its efforts to solve the problems of IDPs, will continue to cooperate actively in the current more positive situation too. The UN system has now begun to react more positively to Government requests that it should move on from basic humanitarian assistance to livelihood development too, in these changed circumstances, and there is no doubt that the Norwegian Refugee Council can contribute to this process.
2. The NRC refers to problems in connection with High Security Zones, but it must surely be aware that, in the context of continuing security concerns in Sri Lanka, the Government has to take all necessary precautions. The Zone referred to in the Eastern Province is in the area from which the LTTE launched its bloodthirsty bid to take control of areas surrounding Trincomalee Harbour, and was of a piece with LTTE attempts to starve Jaffna by not permitting SLMM monitoring and ICRC escorts of naval traffic and food supplies to Jaffna. The massive increase in prices in Jaffna around February last year was a tribute to the success of LTTE methods, but the Government has overcome them since, and it will not allow a repetition of such threats to food security.
3. However, within that context, conditions in the HSZ in Trincomalee District have been considerably liberalized. As the NRC must be aware, resettlement of 200 families of Pallikuduruppu took place within the Zone recently. 50 more families were to be resettled in Paddalipuram this week, and 30 more to Nallur next week. Returns to Amar Nagar and Alpha Nagar are also planned shortly.
4. NRC, which has been helpful also in the Puttalam District, which had been long neglected by successive governments, will also be aware that the current government is finally trying to address the concerns of the Muslim population driven out of the Northern Province in the nineties by the LTTE, in its only, thankfully never repeated, stab at ethnic cleansing. Given such threats however, we trust the NRC will accept the need to liberate the suffering people of the North also from LTTE oppression. While the Government continues to provide essential services to these people, with facilities for health and schooling, it must ensure that ongoing security concerns are addressed.
5. NRC is aware that IDP issues in Sri Lanka are discussed freely each month at the Consultative Committee on Humanitarian Assistance, with sub-committees dealing with subjects such as logistics and welfare. Its representatives at those committees should raise any issues there, and can seek further discussion with the Ministry of Disaster Management and Human Rights to resolve issues. Humanitarian Access is granted in accordance with guidelines that have been agreed, but it must be recognized, in the context of the abuse of humanitarian workers that the LTTE has engaged in, to the extent of supplying a UN employee with a pen pistol to smuggle out of the Vanni, the Government of Sri Lanka cannot relax its watchfulness.
6. The NRC should be commended however for publicly proclaiming at the UN Human Rights Council the abuse that goes on in the Vanni, in terms of forced and underage recruitment. Though the UN is aware of this phenomenon, it has confined criticism thus far only to internal documents. It may feel that it can thus maintain good relations with terrorists, but such indulgence always comes home to roost, and it would be better if, like the NRC, accountable members of the international community did not try to hedge their bets in the struggle against terrorism.

Annex II

The response of the Government of Sri Lanka to the written statement circulated by the Asian Forum for Human Rights and Development (A/HRC/8/NGO/36 of 28 May 2008) under the agenda item 4 of the Human Rights Council

1. Sri Lanka notes with surprise the irresponsible written statement (A/HRC/8/NGO/36 of 28 May 2008) circulated by Forum-Asia under the agenda item 4 of the Human Rights Council. It only cursorily criticizes the LTTE, one of the most fearsome terrorist organizations in the world, which has only a small democratically elected government to face, not the assembled might of NATO which Special Rapporteur Philip Alston so vividly drew attention to. And then, in criticizing harshly the Sri Lankan government, it even falsifies history to try to make that government responsible for the LTTE's violent attacks on civilians and other Tamils.
2. It claims for instance that it is because the Government 'co-opted', to use its loaded phraseology, 'two anti-LTTE Tamil groups to defeat the LTTE, the LTTE now appears to consider it acceptable to attack Tamil aid workers, journalists and civilians perceived to be supporting anti-LTTE Tamil groups.' Does it forget the attacks on, not anti-LTTE, but any group that was not LTTE, starting from the decimation of the Tamil Eelam Liberation Organization in 1985 and the killing of Tamil United Liberation Front former leader of the Opposition Appapillai Amirthalingam in 1989? If FORUM-ASIA wishes to attack the Government of Sri Lanka it is certainly free to do so, but whitewashing the LTTE must cease.
3. After this little exercise in casuistry, FORUM-ASIA goes on to allegations concerning 67 persons in humanitarian service who were either killed or who disappeared in 2006 and 2007. These figures are almost the same as those given in a diatribe from the Sri Lankan Law and Society Trust (LST), to which a comprehensive response was issued by the Government Peace Secretariat on March 12th. That response made it clear that, in trying to attribute full responsibility for the killing of 17 aid workers in Muttur in August 2006, LST had distorted facts and not bothered to verify its allegations against the assertions of the Jaffna University Teachers for Human Rights, a far more serious and longstanding defender of human rights, since the days when such work was not fashionable and lucrative.
4. Though FORUM-ASIA does not make overt allegations against the Government, it should be noted for instance that the detailed commentary of LST insisted that six Sinhalese construction workers must have been killed by security forces because the incident took place near a camp – whereas the government was categorical that this was the work of the LTTE, and the LTTE equally categorical that it was the work of Tamil para-militaries. Again LST included in its list two workers killed when their vehicle was caught up in a bomb in which five soldiers were killed – one hopes FORUM-ASIA will not also claim that that incident was also the responsibility of the security forces.
5. Sri Lanka is tired of these misrepresentations. Sri Lanka is tired of claims that we are 'unwilling to accept international advice and assistance offered to address deficient prosecution and compensation processes' when in the words of Alfred Doolittle we are begging for it. We have asked for technical assistance, but if we are slapped in the face when we do so and told that either we accept a monitoring mission or nothing, we are not going to submit to such blackmail. We appreciate the assistance of those officials in the UN system who are willing to help with the problems we have, but we will not be stampeded by forces providing excuses for terror into measures that will prevent us from putting a stop to terror, and its ghastly consequences for all our citizens and our Tamil brethren in particular.

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