



Good morning, and thank you for coming. As is customary at the end of official missions such as this, I would like to make some observations concerning the human rights situation in the country. During my seven-day visit, I have held discussions with President Mahinda Rajapaksa, and senior members of the Government. These included the Ministers of External Affairs, Justice, Economic Development, National Languages and Social Integration, Youth Affairs and the Minister of Plantations Industries who is also Special Envoy to the President on Human Rights, as well as the Secretary of Defence. I also met the Chief Justice, Attorney-General, Leader of the House of Parliament and the Permanent Secretary to the President, who is head of the taskforce appointed to monitor the implementation of the report of the Lessons Learned and Reconciliation Commission (LLRC). I had discussions with politicians who are not part of the current Government, namely the Leader of the Opposition and the leader of the Tamil National Alliance; in addition I met with the National Human Rights Commission, and a total of eight different gatherings of human rights defenders and civil society organizations in Colombo, Jaffna and Trincomalee. I also received briefings from the Governors and other senior officials in the Northern and Eastern Provinces.

I thank the Government for its invitation and its excellent cooperation during the planning and conduct of this very complex mission. It stated that I could go anywhere, and see anything I wished to see. And, despite some disturbing incidents which I will go into later, that commitment was honoured throughout.

Even though this is the longest official visit I have ever made to a single country, I am acutely conscious that I was unable to see everyone who requested a meeting. Nor will I be able to do justice to all the human rights issues facing the Sri Lankan people and government. Since I will be providing an oral update to the Human Rights Council in Geneva in late September, and a full written report in March next year, I will today confine myself to a few key issues that crystallized during the course of the mission.

I will divide these human rights issues into two parts: those related to the vicious and debilitating 27-year conflict between the Government and the LTTE, and its aftermath; and those that relate to the whole country.

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Some media, ministers, bloggers and various propagandists in Sri Lanka have, for several years now, on the basis of my Indian Tamil heritage, described me as a tool of the LTTE. They have claimed I was in their pay, the “Tamil Tigress in the UN.” This is not only wildly incorrect, it is deeply offensive. This type of abuse has reached an extraordinary crescendo during this past week, with at least three Government Ministers joining in.

Firstly, let me say, I am a South African and proud of it.

Secondly, the LTTE was a murderous organization that committed numerous crimes and destroyed many lives. In fact, my only previous visit to Sri Lanka was to attend a commemoration of the celebrated legislator, peacemaker and scholar, Neelan Tiruchelvam, who was killed by an LTTE suicide bomb in July 1999. Those in the diaspora who continue to revere the memory of the LTTE must recognize that there should be no place for the glorification of such a ruthless organization.

I would like to pay my respects to all Sri Lankans, across the country, who were killed during those three decades of conflict, and offer my heartfelt sympathy to their families, all of whom – no matter who they are – share one thing: they have lost someone they can never replace. I have met many people during this visit whose relatives or spouses – both civilians and soldiers – are known to have been killed, or who are missing and may well be dead.

It is important everyone realizes that, although the fighting is over, the suffering is not.

I have been extremely moved by the profound trauma I have seen among the relatives of the missing and the dead, and the war survivors, in all the places I have visited, as well as by their resilience. This was particularly evident among those scratching out a living among the ghosts of burned and shelled trees, ruined houses and other debris of the final battle of the the war along the lagoon in Mullaitivu.

Wounds will not heal and reconciliation will not happen, without respect for those who grieve, and remembrance for the tens of thousands of Tamils, Sinhalese, Muslims and others who died before their time on the battlefield, in buses, on the street, or in detention. As one wife of a missing man put it poignantly: “Even when we eat, we keep a portion for him.”

Throughout my visit, the authorities, at all levels, have been keen to demonstrate to me how much has been achieved in terms of resettlement, reconstruction and rehabilitation in the relatively short period since the conflict with the LTTE ended in 2009. And the reconstruction achievements, made with the help of donor countries, UN agencies and NGOs, are indeed impressive: in both the Eastern and Northern Provinces, large numbers of new roads, bridges, houses, medical facilities and schools have been built or rebuilt; electricity and water supplies have been greatly improved; and most of the landmines have been removed. As a result, the great majority of the more than 450,000 people who were internally displaced at the end of the conflict have now gone home.

These are important achievements, and I understand the Government’s concern that they have perhaps not been sufficiently recognized. However, physical reconstruction alone will not bring

reconciliation, dignity, or lasting peace. Clearly, a more holistic approach is needed to provide truth, justice and reparations for people's suffering during the war, and I have repeated my previous offer of OHCHR's assistance in these areas.

There are a number of specific factors impeding normalization, which – if not quickly rectified – may sow the seeds of future discord. These are by and large to do with the curtailment or denial of personal freedoms and human rights, or linked to persistent impunity and the failure of rule of law.

From the very beginning, I have placed great hopes in Sri Lanka achieving true peace and reconciliation after the war. I welcomed the LLRC report as an important step in that direction, even though it side-stepped the much-needed full, transparent, impartial investigation into the conduct of a conflict that saw numerous war crimes and other violations committed by both sides. The Human Rights Council has expressed a strong interest in seeing progress in the implementation of the most important LLRC recommendations, and proper investigation of the many outstanding allegations and concerns.

The LLRC report contains a broad range of excellent recommendations regarding concrete improvements on human rights, and I was interested to receive a briefing on the extent of the implementation of some of those recommendations from the Permanent Secretary to the President. My Office will closely examine that update and future developments in the implementation of the LLRC, and I will of course make reference to any genuine progress in my reports to the Human Rights Council.

I will now briefly outline some of the other issues that were raised during my visits to the Northern and Eastern Provinces, and which I have in turn raised with various ministers.

I welcome the forthcoming elections to the Northern Provincial Council and hope they will proceed in a peaceful, free and fair environment, and usher in an important new stage in the devolution of power.

I was concerned to hear about the degree to which the military appears to be putting down roots and becoming involved in what should be civilian activities, for instance education, agriculture and even tourism. I also heard complaints about the acquisition of private land to build military camps and installations, including a holiday resort. This is only going to make the complex land issues with which the Government has been grappling even more complicated and difficult to resolve. Clearly, the army needs some camps, but the prevalence and level of involvement of soldiers in the community seem much greater than is needed for strictly military or reconstruction purposes four years after the end of the war.

I understand the Secretary of Defence's point that the demobilization of a significant proportion of such a large army cannot be done overnight, but urge the government to speed up its efforts to demilitarize these two war-affected provinces, as the continued large-scale presence of the military and other security forces is seen by many as oppressive and intrusive, with the continuing high level of surveillance of former combatants and returnees at times verging on

harassment.

I was very concerned to hear about the vulnerability of women and girls, especially in female-headed households, to sexual harassment and abuse. I have raised this issue with several ministers, the provincial governors and senior military commanders who attended my meeting with the Secretary of Defence. I challenged them to rigorously enforce a zero tolerance policy for sexual abuse.

I have also been following up on the status of the remaining detainees and have urged the Government to expedite their cases, either by bringing charges or releasing them for rehabilitation. I also suggested it may now be time to repeal the Prevention of Terrorism Act which has long been cause for concern.

Because of the legacy of massive trauma, there is a desperate need for counseling and psychosocial support in the North, and I was surprised and disappointed to learn that the authorities have restricted NGO activity in this sector. I hope the Government can relax controls on this type of assistance.

I met many relatives of missing or disappeared civilians and soldiers who are still hoping to discover the whereabouts of their loved ones, and they emphasized the urgent need to resolve this issue – something that was made abundantly evident at the two very moving meetings with relatives of the disappeared that I attended yesterday, to commemorate the International Day of the Victims of Forced Disappearances.

I asked the Government for more information about the new Commission of Inquiry on Disappearances, and stressed the need for it to be more effective than the five previous commissions of this kind. I was disappointed to learn that it will only cover disappearances in the Northern and Eastern Provinces, which means that the many “white van” disappearances reported in Colombo and other parts of the country in recent years will not fall within its scope.

I urge the Government to broaden the Commission’s mandate, and seize this opportunity to make a comprehensive effort to resolve the disappearances issue once and for all. I therefore welcome the new proposal to criminalize disappearances in the penal code, and hope this will be done without delay. The Government could also send a clear signal of its commitment by ratifying the International Convention on Disappearances, and by inviting the Working Group on Enforced and Involuntary Disappearances to visit Sri Lanka, ideally before I report back to the Human Rights Council in March.

The Human Rights Council will also be looking to see something credible in terms of investigation of what happened at the end of the war and many other past cases.

I was pleased to learn that the case of the five students murdered on the beach in Trincomalee in 2006 has been reinvigorated by the arrest of 12 Police Special Task Force members known to have been in the vicinity at the time of the killings. I will be watching the progress of that case with interest, as well as the other infamous unsolved case of 17 ACF aid workers murdered in

the same year,  
just a few kilometres to the south.

I also requested more information about the Courts of Inquiry appointed by the army to further investigate the allegations of civilian casualties and summary executions, and suggested that appointing the army to investigate itself does not inspire confidence in a country where so many past investigations and commissions of inquiry have foundered one way or another. Unless there is a credible national process, calls for an international inquiry are likely to continue.

The recent deployment of the military in support of police to control a demonstration in Weliwariya, which resulted in at least three deaths, has sent a shockwave through the community. I stressed to the Defence Secretary the need to urgently complete and publish a proper investigation into this incident.

Too many other investigation files remain pending, for instance the custodial deaths of prisoners in Vavuniya and Welikada Prisons in 2012. The Government has since announced police powers will now be transferred from the Ministry of Defence to a new Ministry of Law and Order, but this is at best a partial separation as both Ministries will remain under the President, rather than under a separate civilian ministry.

I have also reminded the Government that Sri Lanka desperately needs strong witness and victim protection legislation, which has been languishing in draft form since 2007.

I expressed concern at the recent surge in incitement of hatred and violence against religious minorities, including attacks on churches and mosques, and the lack of swift action against the perpetrators. I was surprised that the Government seemed to downplay this issue, and I hope it will send the strongest possible signal of zero tolerance for such acts and ensure that those responsible (who are easily identifiable on video footage) are punished. The Minister of National Languages and Social Integration told me that he has proposed new legislation on hate speech. We have recently concluded a study of such laws and would be happy to assist in this area. The same Minister, along with the Minister of Justice, expressed to me his support for a visit by the Independent Expert on Minorities, and I hope this can happen as soon as possible. I also applaud the Government's policy of introducing tri-lingualism all across the country.

I would now like to turn to a disturbing aspect of the visit, namely the harassment and intimidation of a number of human rights defenders, at least two priests, journalists, and many ordinary citizens who met with me, or planned to meet with me. I have received reports that people in villages and settlements in the Mullaitivu area were visited by police or military officers both before and after I arrived there. In Trincomalee, several people I met were subsequently questioned about the content of our conversation.

This type of surveillance and harassment appears to be getting worse in Sri Lanka, which is a country where critical voices are quite often attacked or even permanently silenced. Utterly unacceptable at any time, it is particularly extraordinary for such treatment to be meted out during a visit by a UN High Commissioner for Human Rights. I wish to stress that the United Nations takes the issue of reprisals against people because they have talked to UN officials as

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an extremely serious matter, and I will be reporting those that take place in connection with this visit to the Human Rights Council.

I urge the Government of Sri Lanka to issue immediate orders to halt this treatment of human rights defenders and journalists who face this kind of harassment and intimidation on a regular basis. More than 30 journalists are believed to have been killed since 2005, and several more – including the cartoonist Prageeth Ekneligoda – have disappeared. Many others have fled the country. Newspaper and TV offices have been vandalized or subjected to arson attacks – some, such as the Jaffna-based paper Uthayan, on multiple occasions. With self-censorship fuelled by fear, journalists report that there are articles that they dare not write, and others their editors dare not print. Freedom of expression is under a sustained assault in Sri Lanka. I have called for the right to Information Act to be adopted like many of its neighbours in SAARC.

The war may have ended, but in the meantime democracy has been undermined and the rule of law eroded. The 18th amendment, which abolished the Constitutional Council which once recommended appointments to the independent bodies, such as the Elections Commission and Human Rights Commission, has weakened these important checks and balances on the power of the Executive. The controversial impeachment of the Chief Justice earlier this year, and apparent politicization of senior judicial appointments, have shaken confidence in the independence of the judiciary.

I am deeply concerned that Sri Lanka, despite the opportunity provided by the end of the war to construct a new vibrant, all-embracing state, is showing signs of heading in an increasingly authoritarian direction.

Ending on a more optimistic note, yesterday, at the Government's suggestion, I visited the Youth Parliament. This unusual institution, founded in 2010, is filled with bright, enthusiastic students from all across the country, and dedicated to a tolerant and all-inclusive approach. The parliament draws on elected members of youth groups who meet once a month to discuss key issues such as the importance of Amendment 13 to the Constitution and the LLRC (indeed they claim they actually debated the latter before the National Parliament).

I hope that the current and future members of the Youth Parliament, three of whom delivered excellent speeches in my presence, will, when they graduate to the main political stage, usher in a new era of tolerant coexistence in this beautiful island, where – despite the problems I have listed above – I have been greeted with great warmth and hospitality.

Thank you.

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