



# PERMANENT MISSION OF SRI LANKA

GENEVA

## STATEMENT

BY

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LEADER OF SRI LANKA DELEGATION

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Mr. Chairman,

Cooperation with the United Nations bodies dealing with human rights has been a consistent and long-standing policy of Sri Lanka. We have voluntarily provided information and funds, within modest means available to us, to United Nations efforts in this regard. We intend to continue to pursue this policy.

Mr. Chairman, in the past two years particularly, Sri Lanka has had to cope with two interlocking crises - one in the South and the other in the North. In the South, the violence of the JVP challenged the established systems of democratic Government. In the North the militant LTTE sought to establish a separate State through the force of arms and threatened the unity and integrity of the nation. The challenge for Sri Lanka was how to deal with these twin threats to its structure, and to its democratic mode of functioning, whilst still maintaining and protecting the human rights of all its citizens.

I shall attempt, in the few minutes at my disposal, to make three main points. **Firstly**, to set the context in which the Government was compelled in 1989 and 1990 to move resolutely against armed attempts to destroy both democracy and the unity of Sri Lanka. Most of you distinguished delegates know the facts. In both instances, the action of the Government was **reactive** to deal with a critical situation which had arisen. The primary objective was the peaceful resolution of deep-seated grievances. In this spirit, the Emergency was lifted in January, 1989. 1,500 JVP detainees were released and the JVP invited to the negotiating table.

But these moves were of no avail.

The JVP misinterpreted the Government's preference for a peaceful solution as a sign of weakness and sharply stepped up its campaign of violence and intimidation. They were responsible for thousands of murders. The victims included people perceived as 'traitors', prisoners, security services personnel, and their families,

members of political parties, voters at the Presidential and Parliamentary elections, senior public officials, media personnel, Buddhist monks and left-wing Opposition activists. They called strikes, threatened to murder those who refused to participate, destroyed Government offices, Tea factories and a great deal of State property.

Normalcy has now been restored in the South and civil society re-established. But the restoration of peace has inevitably had its costs. Many service personnel and insurgents lost their lives in combat. Several thousands of young JVP activists had to be detained. Of the original 14,000 taken in, 3,000 have been released, around 5,000 are undergoing community-based rehabilitation, and about 6,000 are in detention awaiting trial through the normal courts system. The Government is also determined to take firm action against vigilante groups and individuals who may have been indulging in reprisal killings. We have set in motion an economic regeneration process to deal with the root causes which contributed to the insurgency.

In the North, the Indian Peace Keeping Force (IPKF) had since 1987 been attempting to disarm the LTTE in terms of the Indo-Sri Lanka Agreement. That struggle cost the lives of over 1,500 Indian soldiers, thousands of LTTE cadres and the lives of many thousands of Tamil civilians. Even before the departure of the IPKF, the Government had taken the bold step of opening negotiations with the LTTE unconditionally, with a view to a peaceful settlement. However, the optimism and hope which my Government reflected at the last session of the Commission were shattered on 11 June, 1990 by the unprovoked attacks on Police Stations, the surrender of over 800 Policemen and the eventual murder of most of them by the LTTE. Once again in the face of terror, the Government had no other alternative but to respond firmly to deal with the challenge to the integrity of the State, the disruption of essential services and the threat to citizens of all communities. So, regrettably conflict rages again with tragic loss of life to combatants and immense suffering of civilians - Tamils, Muslims and Sinhalese.

The second point I wish to highlight is the **accountability of the Government to the people** for the actions it has had to take. This accountability is ensured through the democratic mechanisms that have long been a part of the Sri Lankan polity and society. For example :

- \* The National Parliament elected in 1989 on the basis of Proportional Representation debates monthly the continuation of the Emergency;

The Press, both local and foreign, continue to report news uncensored. Foreign correspondents are free to travel around the country and report;

- \* NGOs like the Bar Association, the Civil Rights Movement, the Mothers' Front, the Churches.



Citizens' Committees, etc. freely ventilate issues relating to alleged violation of human rights;

- \* A Committee of Parliamentarians has been active over the last two years highlighting issues relating to human rights.
- \* A vigilant international community headed by Sri Lanka's aid donors regularly reflect their concerns to the Government;
- \* The Supreme Court has initiated action to hear Fundamental Rights violation pleas of persons in detention camps. Habeas Corpus applications are today before the Court of Appeal. An amendment to the Constitution to expand and strengthen Fundamental Rights has been placed before Parliament last December;
- \* A Human Rights Task Force composed of senior public officers is monitoring the prosecution of cases against those charged with excesses in the performance of security duties;
- \* The ICRC, active in Sri Lanka since November 1989 is helping to trace missing persons. It also monitors those in detention by regular inspections of detention centres and Police Stations. The UNHCR also has a presence in the country.
- \* In January, an Independent Commission of Inquiry of retired Supreme and Appeal Court Judges was appointed to look into cases of alleged disappearances;
- \* Peace Committees have been set up throughout the country bringing together the Police, the Temple or Church and the School, so as to inculcate in people respect rather than fear of the law;
- \* In 1991 the UN Working Group on Disappearances will visit Sri Lanka. The Government has also decided to invite the Special Rapporteur on Summary or Arbitrary Executions to visit Sri Lanka during the course of this year.

My final point is about the situation in the North which has been referred to by several speakers. The conflict that is now on is not against the Tamil people but against the LTTE. This militant group well armed, well financed especially from abroad and committed to "Tamil Eclam", a mono-ethnic separate State, continues its guerrilla warfare against the Government. Following the temporary cease-fire at the beginning of the year, the Government has called upon the LTTE to resume talks with the Government :

- Such talks would be with the leader of the military wing of the LTTE.
- Talks should be preceded by a declaration against the possession and use of arms by any group or persons other than those authorized by law
- All political parties including the six Tamil parties now in the All Party Conference (APC) would be invited to participate in such talks.

If the invitation for talks on these terms is accepted by the LTTE, the Government has stated that it would be prepared to suspend offensive operations against the LTTE. The Government has also called upon the LTTE to release all hostages they are holding, to stop recruiting for combat young boys and girls, to stop acts of extortion and terrorisation of civilians as a means of obtaining their support, and to allow humanitarian access to all prisoners in their custody.

Unfortunately, the LTTE perhaps uncertain of the political support it can obtain prefers to pursue its goal through violent means.

In the meantime, within the APC, six Tamil parties and two Muslim parties representing the 32% Muslims in the East are working out proposals for power sharing in the Northern and Eastern Provinces. These arrangements also contain recommendations for increased devolution of powers to the Provincial Councils. So, along with the strategy of militarily weakening the LTTE, there is also unfolding a viable political option, whereby peace and normalcy may once again be restored in northern and eastern Sri Lanka.

I am distributing an Aide-Memoire for the information of the Members of the Commission supplementing my comments.

Thank you.

## Indien

– Indien vor der Wahl –

### *Forces of Change versus Forces of Status Quo*

V.P. SINGH

**Y**ou will remember that I told you this government (led by Chandra Shekhar—ed.) would not last long. It could not last. It was a political oddity. A minuscule government was being backed by a party that had a larger number of MPs but was not accountable to the people at all. It was an unstable arrangement and had to collapse—and collapse sooner rather than later. There was constant pressure from the outside on the government and the Janata Dal-S Government had to make a number of compromises during its tenure.

Now, the only way out of the political mess is to go to the people again. The people should express themselves once more. That is the only way out.