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MEDIA RELEASE

The great betrayal in Geneva

At the recently concluded session of the UN Human Rights Council (UNHRC), the yahapalana government pledged to implement in full the resolution they co-sponsored in October 2015. Thereby they renewed their earlier undertaking to establish a war crimes tribunal with foreign judges, prosecutors and investigators; to remove through an administrative process members of the armed forces suspected of war crimes even if there isn't enough evidence to take them before a judicial inquiry; to repeal the Prevention of Terrorism Act and to replace it with a law acceptable to the Western powers; and to allow the war crimes tribunal and other mechanisms set up in Sri Lanka to obtain funding from overseas. Though the President and Prime Minister repeatedly say that no foreign judges will be brought to try our armed forces, the pledge given in Geneva last week is exactly the opposite.

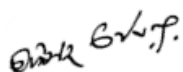
The most dangerous aspect of the UNHRC resolutions of 2015 and 2017 is that the Sri Lankan government has accepted without any reservations the report of the Office of the High Commissioner on Human Rights (OHCHR) of September 2015 which had accused the Sri Lankan government of a whole range of war crimes including indiscriminate killings of non-combatants, torture, rape, illegal detention, abduction and deprivation of humanitarian assistance. There was no compelling reason for the yahapalana government to have accepted the OHCHR report other than their own inherent anti-national attitude. In 2010, the UN Secretary General commenced an inquiry against Sri Lanka and its report was published in April 2011. My government resolutely refused to accept that report and today, nobody even remembers that such a document existed.

The UN Secretary General can appoint a panel of experts to advise him on a country only on the instructions of the UN Security Council. Yet, under pressure from the Obama administration, Ban Ki Moon appointed a panel of experts to advise him about Sri Lanka without the sanction of the Security Council thus going against the practices in the UN that had evolved over seven decades. The investigation against Sri Lanka by the OHCHR which began in 2014 had similar issues of legitimacy. When the UNHRC appoints a Commission of Inquiry to go into the situation in a country, the members of the commission are appointed by the President of the UNHRC who is the ambassador of a member nation. But in the case of Sri Lanka the inquiry

panel was appointed by the UN Human Rights Commissioner - a second tier UN official, not by the President of the UNHRC.

Thus this report of the OHCHR which the yahapalana government has accepted is not the report of a properly constituted UNHCR Commission of Inquiry. Moreover the UNHRC itself passes resolutions each year (with a two thirds majority) against the OHCHR accusing it of being overly dependent on Western countries for funding and having too many Westerners on its staff. Thus the present government has accepted the report of an inquiry carried out by a body regularly accused of bias by the UNHRC itself. In order to meet the allegations being made against our armed forces by various interested parties, my government commissioned six of the world's foremost experts in the law of armed conflict, Sir Geoffrey Nice QC, Desmond de Silva QC, Rodney Dixon QC, Professor David M. Crane, Prof. Michael Newton and Maj. Gen. John Holmes to provide us with written opinions about the allegations and purported evidence against Sri Lanka.

All six experts wrote well reasoned analyses declaring unequivocally that no violations of the law of armed conflict had taken place in Sri Lanka. My government wanted to table these six reports before the UNHRC but we were voted out of power in January 2015. The new government deliberately suppressed all these documents. (However, these expert opinions were published in full by The Island newspaper and they are in the public domain now for everyone to read.) After suppressing these written opinions of international experts which were all in Sri Lanka's favour, the yahapalana government accepted without a murmur, the OHCHR report on Sri Lanka which accused us of committing every war crime imaginable. Now they have through two co-sponsored resolutions in the UNHRC, agreed to implement the recommendations in that biased and tainted report. This is the extent of the outright treachery practiced by the yahapalana government against its own armed forces and people.



Mahinda Rajapaksa
Former President of Sri Lanka