

Sri Lanka loses vote to retain seat on UN Human Rights Council

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Despite a concerted lobbying campaign by Colombo, Sri Lanka lost its seat on the UN Human Rights Council (UNHRC) in an election held by the UN General Assembly on May 21. The loss was a humiliating blow to Sri Lankan President Mahinda Rajapakse and his government, which desperately wanted to retain the seat as a means of obscuring its own appalling record of abusing democratic rights.

The election was to choose 15 of the 47 UNHRC members. Six countries—Bahrain, Japan, Pakistan, South Korea, Sri Lanka and East Timor—competed for the four seats allocated to Asia. Sri Lanka and East Timor came last—obtaining only 101 and 97 votes from the 192 countries eligible to cast a ballot.

The Sri Lankan government spent millions of rupees lobbying countries for support. In the weeks preceding the vote, Foreign Minister Rohitha Bogollagama personally went to New York to speak to politicians and diplomats. Human Rights Minister Mahinda Samarasinghe was sent to Geneva to make a presentation before the Universal Periodic Review panel of the UNHRC on May 13, a week before the vote.

Sri Lanka's permanent UN representative in Geneva, Dayan Jayatileke, along with Peace Secretariat Chief Rajiva Wijesinha, Foreign Secretary Palitha Kohona, UN Ambassador Prasad Kariyawasam and Attorney General C.R. de Silva all addressed international forums on Sri Lanka's human rights record. However, even in the cynical atmosphere of these international human rights bodies, the abuse of democratic rights in Sri Lanka is too obvious to be completely ignored.

Rajapakse set the course for a return to war with the Liberation Tigers of Tamil Eelam (LTTE) soon after he won the Sri Lankan presidency in November 2005. After a covert war of provocation and murder, the government ordered the military onto the offensive in July 2006, seizing LTTE-held territory in the Mavilaru area in breach of the 2002 ceasefire. After overrunning LTTE strongholds in the East, the army commenced operations in the North. In January 2008, the Rajapakse government formally tore up the ceasefire agreement.

While not opposing the Sri Lankan government's return to war, the major powers have made muted criticisms of its human rights record. The island is under emergency rule that allows for indefinite detention without trial. Journalists have been threatened, detained, beaten up and in some cases murdered for making even limited criticisms of the military or the war. Ministers have accused striking workers, protesting students and angry farmers of

being traitors. The security forces treat the Tamil minority as a whole as "Tiger terrorists". Hundreds of people have either "disappeared" or been murdered by death squads operated by the military or allied paramilitary groups.

Rajapakse and his ministers, however, have flatly denied allegations of abuses, ignored recommendations by human rights bodies and in some cases accused those making the accusations of being in the LTTE's pay. Last year Defence Secretary Gotabhaya Rajapakse, the president's brother, accused the UN of "bullying" Sri Lanka over democratic rights and absurdly claimed that the international body had been thoroughly "infiltrated" by the LTTE over the previous 30 years.

After a visit to Sri Lanka last October, UN High Commissioner for Human Rights Louise Arbour noted: "There is a large number of reported killings, abductions and disappearances which remain unresolved." During her visit, 200 people gathered at the UN compound in Colombo to present a long list of complaints to her, mostly concerning the abduction or disappearance of their loved ones.

A week before Arbour's visit, UN Special Rapporteur Manfred Nowak visited Sri Lanka and submitted a report with 25 recommendations. The report stated that he was "shocked by the brutality of some of the torture measures applied to persons suspected of being Liberation Tigers of Tamil Eelam members, such as burning with soldering irons and suspension by the thumbs".

Nowak also expressed concern at the inhuman conditions in cells where the suspects were held, adding: "Under the emergency regulations, most of the safeguards against torture either do not apply or are simply disregarded, which leads to a situation in which torture becomes a routine practice in the context of counter-terrorism operations."

Nowak's recommendations included the establishment of mechanisms for the protection of torture victims and witnesses, reducing the period of detention under the emergency regulations and the repeal of other emergency restrictions on basic human rights. Sri Lanka's written submission on human rights to the UN General Assembly in April neither answered the allegations nor proposed any steps to implement Nowak's report.

On May 13, Attorney-General C. R. de Silva responded to criticisms of Sri Lanka's record by lamely declaring that the systematic abuses were the work of a few "bad apples" in the security forces. Addressing the UNHRC's Universal Periodic

Review, de Silva said he and his predecessors had instituted criminal proceedings against 599 members of the security forces for abductions, unlawful detentions and extra-judicial murders over the past decade. He deliberately avoided stating the number of convictions—there have been only a handful under the Rajapakse government. Even where individuals have been found guilty, some have been allowed to continue in their positions and even given promotions.

According to a recent US-based Human Rights Watch (HRW) report, figures released by various governmental and non-governmental sources suggest that more than 1,500 people were reported missing between December 2005 and December 2007. HRW referred to data from the University Teachers for Human Rights (Jaffna), which found that of 948 individuals reported missing in the northern city of Jaffna between December 2005 and October 2007, 684 remained unaccounted for.

MTV, a Sri Lankan television channel, reported on May 24 that 166 persons had been either abducted or detained without charges during the fortnight between May 8 and 24. The fact that these incidents took place while Sri Lanka was conducting its international campaign to retain its UNHCR seat is a testimony to the scant regard and contempt in the government and security forces for democratic rights.

In one particularly glaring case, 17 local aid workers attached to the French-based Action Contre la Faim (ACF) were lined up and murdered execution-style in August 2006 in the eastern town of Muttur. The killings took place after the army retook the town from LTTE rebels. The Sri Lankan Monitoring Mission, which oversaw the 2002 ceasefire, issued a formal finding that concluded: “There cannot be any other armed groups than the security forces who could actually have been behind the act.”

The murders, along with the killing of five young Tamils in the same month, provoked widespread international condemnation forcing the Rajapakse government to establish a National Commission of Inquiry in November 2006 to investigate selected violations of human rights. To provide a façade of international legitimacy Rajapakse established an International Independent Group of Eminent Persons (IIGEP) in May 2007 to oversee the investigation.

However, when the IIGEP complained of undue influence by the Attorney-General in the commission’s investigation, the Presidential Secretariat replied: “The President did not require the Commission to any way consider, scrutinise, monitor, investigate or inquire into the conduct of the Attorney-General or any of his officers with regard to or in relation to any investigation already conducted by the relevant authorities.” Faced with being thoroughly compromised, the IIGEP withdrew from Sri Lanka.

In this context, former US President Jimmy Carter, Bishop Desmond Tutu of South Africa and Adolfo Prez Esquivel of Argentina headed a coalition of more than 20 international non-governmental organisations in urging UN members to oppose Sri Lanka’s re-election to the UNHRC. Several NGOs active in Sri Lanka also appealed to the UN, accusing the government of using “its membership of the Human Rights Council to protect itself from scrutiny”.

This campaign reflects certain nervousness in international

circles about the renewed war in Sri Lanka. The major powers have been insisting for some time on the establishment of a field office of the UN High Commissioner for Human Rights in Sri Lanka. The concern is not so much with the democratic rights of ordinary working people, but to establish a tighter control over the Colombo government. While there has been no criticism of the tearing up the 2002 ceasefire, Rajapakse’s reckless prosecution of the war is producing disquiet about the impact in Sri Lanka and the broader South Asian region, particularly neighbouring India.

The pro-war media in Colombo has responded to Sri Lanka’s loss of its UNHRC seat with bitter denunciations and demands that Rajapakse take no notice. In an editorial on May 23, the right-wing *Island* declared that “on no grounds” should the government “give in to pressure and subscribe to the not-so-surreptitious moves being made in some quarters to undermine the country’s sovereignty, and rescue the cornered tigers [LTTE]”.

Within 24 hours of the UN vote, 17 civilians including women and children, travelling on a bus in LTTE-held territory in the Vanni were killed by a mine. The LTTE immediately blamed the military’s Deep Penetration Units, which are notorious for murderous operations behind the lines. On the same day, Keith Noyahr, defence analyst for the *Nation*, was abducted, tortured and then dumped near his home with serious injuries. He said his interrogators were demanding the names of sources for his articles, which have been mildly critical of the military.

In retaliation for the campaign of international NGOs at the UN, the government has imposed tough new conditions on the issuing of visas for their foreign staff and on their work inside Sri Lanka. The Controller-General of Immigration and Emigration will be able to investigate the background of NGO personnel, including any security concerns, in consultation with the Ministry of Defence and Sri Lankan intelligence agencies before granting entry or residence visas.

The government’s actions confirm its determination to pursue its bloody communal war and its blatant abuse of basic democratic rights, despite the impact on its image on the international arena.



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