UN High Commissioner criticises Sri Lankan human rights

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10 September 2013

The UN High Commissioner for Human Rights Navi Pillay visited Sri Lanka late last month to examine the government's implementation of the recommendations of its own Lessons Learnt and Reconciliation Commission (LLRC) into human rights violations during the war against the separatist Liberation Tigers of Tamil Eelam (LTTE) that ended in May 2009.

Pillay's limited criticism over continuing human rights violations, made at a press conference on August 31, provoked a rebuke from President Mahinda Rajapakse's government, which accused her of exceeding her mandate. Pillay's visit was in line with a US-sponsored resolution passed by the UN Human Rights Council (UNHRC) in March.

Washington is exploiting the issue of human rights violations to pressure the Sri Lankan government to distance itself from China. The US fully backed Rajapakse's decision in 2006 to restart the communal war against the LTTE and ignored the military's atrocities until the LTTE's defeat was imminent. A UN report estimated that the Sri Lankan military killed at least 40,000 civilians in the final phase of war.

In her press statement, Pillay made clear that she had no fundamental criticisms of the war or the military. She declared that she was pleased to come to Sri Lanka after the defeat of "terrorism," adding that improvements in infrastructure and resettlement were "impressive." She did not oppose the military occupation of the island's north, saying: "Clearly, the army needs some camps."

However, the high commissioner did say that "the curtailment or denial of personal freedoms and human rights, or linked to persistent impunity and the failure of rule of law" continued in Sri Lanka. She warned that it "may sow the seeds of future discord." She praised the LLRC's limited recommendations, but noted the LLRC had "side-stepped" the issue of war crimes.

Pillay alleged that a number of people whom she had met had been harassed and intimidated by police and military, before or after her meetings. "The war may have ended, but in the meantime democracy has been undermined and the rule of law eroded," she said, concluding that the country was "heading in an increasingly authoritarian direction."

Stunned by the public criticism, the government accused Pillay of "clearly transgressing" her mandate and branded her remarks as "political." Rajapakse had only allowed Pillay's visit to appease the US, as part of his government's attempts to balance between Washington and Beijing.

During the war, Rajapakse's government relied heavily on China for arms, finance and political support. Since the LTTE's defeat, Colombo has depended on Beijing to fend off demands for an international war crimes inquiry in the UNHRC. At the same time, the Sri Lankan government is seeking to improve relations with the US, in part to avoid possible war crimes charges.

From the outset of Pillay's week-long visit, tensions with the government were evident. During his meeting with her, Rajapakse declared that the Sri Lankan people believed the UN was biased. "They believe that your report [to the UNHRC] has already prejudged (Sri Lanka)."

Defence Secretary Gotabhaya Rajapakse, the president's brother, told the media he had told Pillay that the US had "no moral right" to "move a resolution targeting Sri Lanka."

Pillay is due to give an oral report to the UNHRC session on September 20. Next March she will submit a detailed written report on Sri Lanka's actions in implementing the UNHRC resolution.

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The government has in recent months taken several steps to comply with the resolution. These include holding provincial council elections in the North, a bogus investigation into the murder of five school children in Trincomalee, the release of some private properties acquired by the military in the North and the appointment of a commission to investigate disappearances in the North and East.

Colombo is also desperate for a favourable outcome from the UNHRC as it is scheduled to host the Commonwealth Heads of Government Meeting (CHOGM) in November. The government is concerned to secure the participation of government leaders from major countries, notably India.

During her visit, Pillay met with opposition parties, including the United National Party (UNP) and the Tamil National Alliance (TNA). The UNP is oriented toward Washington and is seeking to exploit the human rights issue for its own political purposes. UNP leader Ranil Wickremesinghe declared that his party was concerned about the "overall democratic structure" in the country, which was not a "fully functional democracy."

The UNP is a right-wing bourgeois party that is mired in Sinhala chauvinism and launched the island's protracted communal war. It relies on the pseudo-left organisations—the Nava Sama Samaja Party (NSSP) and United Socialist Party (USP)—to provide it with false democratic credentials. In the lead-up to Pillay's visit, the pseudo-lefts campaigned with the UNP and TNA to demand that the government implement its promises to the "international community."

Writing in the *Daily Mirror*, NSSP leader Wickramabahu Karunaratne criticised Pillay for "not doing enough" for Tamils but was enthusiastic about her statement that the UN had the "strongest interest" in the implementation of the LLRC recommendations. He declared that could be "a starting point for a unity with power-sharing."

Central to the LLRC recommendations is a "political solution" to the end of the war. The TNA, with the backing of the NSSP and USP, is pushing for a limited devolution of powers at the provincial level—in effect, a power-sharing arrangement between the Tamil elites in the North and their Sinhala counterparts in Colombo. This has nothing to do with ensuring the democratic rights of working people—either Tamil or Sinhala. The NSSP and USP, along with the TNA, have openly embraced the bogus US-led human rights campaign in Sri Lanka.

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