



# General Assembly

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## Human Rights Council

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Agenda item 3

**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

## **Written statement\* submitted by African Green Foundation International, non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[12 February 2019]

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\* Issued as received, in the language(s) of submission only.



## **On Fairness to all Parties: An Appeal from Sri Lanka**

We Sri Lankans are a modern community that believes in the rule of law, where the law is right and is fair, balanced and equitable to all parties. Our complaint, not new, over the years has been that the UNHRC is not acting in accordance with the principles of fairness but more by passions, vested interests and emotionally biased statements concocted by interested parties, who claim to be victims, often backed up by powerful state parties. In this short paper a few comments are made to substantiate my claim. I will draw your attention to a few episodes in your activities in the human rights area.

It is emphasized right at the outset the UNHRC has outlived its original purpose. The UN outfit is no longer a forum where human rights are championed and measures adopted in an equitable manner to make this world a better place. Its members are driven by strategic interests and not any concern for human rights. Those who are dependent on the United States of America and other western nations do the bidding of the latter when issues are debated. The interests of the anti-western power bloc influence others. Sri Lankans, like the third world powerless states are cringed between the warring power blocs. The West does not hesitate even to take on the UNHRC chiefs when its interests are threatened. In Geneva, the US and its allies, backed by human rights groups they fund, condemn the nations perceived to be hostile to the West while shielding notorious human rights violators who happen to be their allies. What came of Jamal Khashoggi's death, or even the recent arrest of the footballer Hakeem al-Araibi, a refugee arrested at the Bangkok airport by the Thais, despite the UNHRC laws against the refoulement of refugees. The U.N. human rights expert leading an independent inquiry into the murder of journalist Jamal Khashoggi said that Saudi Arabia had "seriously curtailed and undermined" Turkey's attempts to investigate Khashoggi's killing in the Saudi Consulate in October. The expert, Agnes Callamard, shows evidence for a prime facie case that Mr. Khashoggi was the victim of a brutal and premeditated killing, planned and perpetrated by officials of the State of Saudi Arabia." The comments by Callamard, your own special rapporteur on extrajudicial, summary or arbitrary executions, added weight to Turkey's repeated assertions that Saudi Arabia had thwarted the work of Turkish investigators by limiting their access to Saudi diplomatic facilities and refusing to reveal the location of Khashoggi's remains. Nothing mattered. Where are the Human rights defenders now?

### **Lack of Neutrality**

The UNHRC has behaved as an inveterate enemy of Sri Lanka from the time of the LTTE terrorism, duplicitously labelled, from their point of view, a liberation group. A small nation unable to be divided for a multitude of reasons will not convince the UNHRC because Europeans who manipulate the UN are not interested in the long term prospects of any country which is non western. These officials are merely mouthpieces of the funders and it was proven that terror groups like the LTTE were even funding human rights organizations such as Amnesty International. UNHRC does not hold adversarial proceedings based on principles of fairness for the state party to defend itself. They have no real independent experts who are acceptable to non-western state parties. Naturally therefore the states do not take seriously the UNHRC.

The UN lacks a professional approach to the issue of terrorism in our country. It should recognize that devoting special attention to national security strategy is absolutely vital to establish stable and lasting peace between various communities. Our rights are in peril when professional organizations and human rights groups, associations that function as guardian deities on violations of justice, keep mum, on complex issues, especially after persons in such organizations accept political office that brings many a plum to their pockets.

Outgoing UN High Commissioner for Human Rights Ra'ad Al Hussein, presenting his last global update, in 2018, sought to ridicule the critics of the UNHRC. He demanded to know why they did not withdraw or 'stream toward the exits' if they did not believe in the values the UNHRC upheld. No sooner had he said so than the US pulled out of the UNHRC.

(Interestingly, the US pullout from the UNHRC has come within months of its withdrawal from the Paris climate pact.) This has been America's reaction to the 2018 UNHRC vote for setting up a probe into killings by Israel in Gaza. US ambassador to the United Nations, Nikki Haley condemned the UNHRC as a cesspool of political bias. Commissioner Hussein, who has been in charge of the cesspool say, fell silent?

You might remember the Commissioner in 2017 stated that there have been increasing attacks on the notion of universal human rights and attempts to brand it as a musing picked from Western imagination. He has sought to tar all critics of the UNHRC with the same brush. This kind of generalization is considered a fallacy in logic. Not all critics of the UNHRC rubbish human rights as a western concept. Most of them flay the UN human rights body because it acts selectively when dealing with human rights violators; it adopts different yardsticks and is swayed by powerful countries. The US is often accused of a bias pro Israel. But for poor nations like Sri Lanka the UNHRC and its emissaries launch witch-hunts at the behest of global powers backed up by erstwhile terror groups domiciled in the West.

### **Interference in Domestic Affairs**

In 2018 the UNHRC rapporteur Mr Emerson's press conferences on Colombo were given wide publicity in the international media to the effect that the violence, torture and rape are endemic in the security arms. One wonders why Mr Emerson was not circumspect as to call them unproven allegations and not proven facts given that he himself was subjected to embarrassment over unproven sexual harassment allegations. The UN has a habit of taking the human rights law as an excuse to cover all manner of things and poor countries are unable to halt the barrage.

Now we have other UN envoys and Western diplomatic missions, talking about constitutional matters, purely domestic, quite outside their mandated remit and apparently flouting all Vienna conventions. To ordinary people these appear as monstrous perversions of justice, which will only be justified by the NGO crowd who are all out to scratch festering wounds for their dollar value.

### **Allegations of Genocide and war crimes**

That fellow human beings can be slaughtered for any reason is a crime of immense proportion that demeans the humanity that inheres in us all. And none should be allowed to conceal them from public debate. No one denies that these should go unpunished. Neither should they be concealed by state action or academic debate regardless of the time at which they have been committed. But such allegations should not be levelled without evidence to tarnish the reputation of ethnic groups or nations. Nor should it be allowed to destroy smaller nations who find it difficult to protect them from the slander and innuendo hurled at them by lawyers from Western countries who believe in their superiority to deliver on the agendas set by super powers as punishment for countries such as Sri Lanka.

As a matter of international law, a state is responsible to act when terror outfits commit genocide, with the intention of destroying in whole or in part a national, ethnic, racial or religious group, kill or cause serious mental or bodily harm to or inflict destructive conditions of life. It was such a group, the LTTE that the state destroyed.

### **Chequebook driven agendas**

There are also those fronts which appear for human rights, like Amnesty International, Human rights Watch and other NGO teams who have built their anti Sri Lanka allegations on material submitted to them by parties with a stake in carving out a separate state in Sri Lanka. Creating separate states in the guise of self-determination claims in small countries is to wreak havoc in nations where diverse people have lived together for years in reasonable harmony. The UNHRC is blind to the history of small nations. Inimical plans mooted in far away places is the surest way to increase sales for the military industrial

complexes in gun power producing countries and they will dearly love the thought of ethnic wars outside their lands. Multicultural and multilingual societies in poor countries can fray at a momentary lapse but Sri Lanka has avoided mass killings by remaining as one unitary state.

The time has come to put an end to this incessant dollar driven propaganda that is sapping the energy of a developing nation. An open and frank dialogue between the communities can stop the surreptitious campaign conducted by the Tamil political parties at the behest of groups, which are resident in other countries. The current debate about a new constitution for Sri Lanka is an ideal opportunity to lay the ghost of separatism to rest by all concerned. The legal solutions cannot be to create further structural fault lines in the body politic. A country, which treats all as equals in all fronts with no particular provisions to discriminate ethnic or religious groups, creating provisions to foster division of the body politic can only create further dissension. One law for everyone will only invite further trouble.

## **Conclusion**

There is one incontrovertible fact that cannot be disbelieved and that is, the human rights claims and counter claims are not without biases. Any semblance of truth has to be squeezed out from the propaganda mass. The name United Nations is mostly a sham when it comes to due process matters. Its methods of investigation, marshalling of evidence, embargoes on victim statements and identities make a mockery of justice. The charges cannot be disproven because the hands of the alleged perpetrators are tied behind their back. If this is not an outrageous decline in reason, then what is it?

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Global Srilankan Forum Exco NGO(s) without consultative status, also share the views expressed in this statement.