

February 15, 2022, Ottawa, Canada.

A review of testimony by Ms. Ambika Satkunanathan on the Human Rights Situation in Sri Lanka before the European Parliament Subcommittee on Human Rights

Response by Ontario Centre for Policy Research, Canada

Ms. Satkunanathan is accusing all Sri Lankan governments of failing to address minority rights. However, Ms. Satkunanathan ignored Tamil leaders' failures in the political arena. She conveniently blamed the Sri Lankan government and was unable to analyze real issues leading to minority rights. Tamils have had significant representation within Sri Lanka's legislature since independence in 1948. Tamil Political parties had joined with the majority to govern the country, and on some occasions, they were leading the opposition.

Ms. Satkunanathan has portrayed and invented two pillars to attack the President of Sri Lanka. However, those two pillars do not exist in the president and government policies. Before the European Parliament Human Rights sub-committee, she utilized her appearance to discredit her political rivalry and nothing more. Ms. Satkunanathan has conveniently mixed with her political opinion to evaluate the human rights situation in Sri Lanka should be denounced.

Her statement regarding the majority of the country leads to Sinhala Buddhist Nationalism having no legal basis. Sri Lanka's constitution recognized the importance of the protection of Buddhism in s. 9 and articles 10 and 14(1)e assuring religious rights to all religions. Jaffna district has more than 220 Hindu Temples. Tamils enjoy religious freedom with other minority groups such as Muslims and Christians. Ms. Satkunanathan agreed that Buddhist archeological sites were located in the North and East. Therefore, recognition of Buddhist archeological sites located in North and East does not connect with land grabs as she claimed. Archeological history and heritage belong to all citizens in Sri Lanka regardless of their ethnic origin. Her statement was riddled with factual inaccuracies, promoting hate among ethnic groups. Therefore, Ms. Satkunanathan's statement regarding Sinhala Buddhist Nationalism does not substantiate.

The Sri Lankan government's public policies focus not only on the majority Sinhalese. For example, education and health care policies and their framework focused on all ethnic communities in the country. COVID-19 pandemic vaccination program is a real and practical example to refute Ms. Satkunanathan's statement. Sri Lanka government policies are equally implemented everywhere in the country, including North and East. Tamils and Muslims were also beneficiaries of the programs; as a result, over 88% population is fully vaccinated. Further, Ms. Satkunanathan has failed to analyze facts and provide accurate testimony before the committee. Therefore, her testimony should not be considered due to the lack of merits.

Ms. Satkunanathan's version of accountability for wartime violations does not substantiate. Sri Lanka has implemented and successful in accountability mechanism unique to Sri Lanka based on the principles of the **Restorative Justice** mechanism. Ms. Satkunanathan purposely ignored that Sri Lanka rehabilitated over 12,000 former members of the Tamil Terrorist group, Liberation Tigers of Tamil Eelam (LTTE) cadre and successfully integrated them into society. Sri Lanka has formed independent domestic institutions; the Office of Missing Persons, the

Office for Reparations, the Human Rights Commission of Sri Lanka, the Office for National Unity and Reconciliation and the Sustainable Development Council of Sri Lanka in order to address accountability for wartime issues. Also, she did not the elaborate success of the domestic institutions in achieving accountability. She conveniently ignored the fact that allegations can not be considered violations. In her statement, Ms. Satkunanathan acted as judge and jury and presumed Sri Lanka committed wartime violations. In my view, as a Human Rights lawyer, she has failed her duties in this regard. Her statement has no different from the usual propaganda campaign run by various actors against Sri Lanka.

In her Testimony, Ms. Satkunanathan changed her role very quickly from a Human Rights lawyer to an expert in Geopolitics. She further alleged afflation with China as a bullying tactic and a common strategy to undermine human rights. She did not stop there and emphasized it as an attempt at validation with the West. This is a bold allegation and does not substantiate. Ms. Satkunanathan has failed to explain how and why geopolitics aligned with the so-called Human Rights situation in Sri Lanka. It raises a reasonable doubt that her testimony serves different agenda than Human Rights. It can be concluded that Ms. Satkunanathan's statement is usual bombast against Sri Lanka.

Ms. Satkunanathan also alleged that civic space is shrinking, and rights activists, journalists and dissenters all over the country are at risk of state reprisals. As a human rights lawyer, I expect her to be more constructive and logical in her testimony rather than providing a bold statement. Her statement does not substantiate since it has no valid proof. During her testimony, Ms. Satkunanathan has attempted to interfere independence of judicial institutions in Sri Lanka. It can be categorized as contempt to the court. The qualified Human Rights lawyer should avoid submitting allegations without their merits at all costs. This reveals her sinister intention to discredit Sri Lanka and nothing more.

Ms. Satkunanathan's allegation on the Prevention of Terrorism Act (PTA) used only against Tamils, Muslims, and dissenters are not substantiated. Even LTTE Tamil terrorist Group was defeated in May 2009; the Group attempted to regroup and attack against civilians' targets on twelve (12) occasions. Easter Sunday attack by Muslim extremists and LTTE's regrouping efforts successfully mitigate by using legal tools assigned with the PTA. The PTA allowed law enforcement agencies to protect all citizens in Sri Lanka, including Tamils and Muslims. Therefore, her presumption on the subjective determination of what is deemed an offence risks the decision being influenced by personal prejudice and unconscious bias has no legal basis and is unsubstantiated. PTA has amended to meet the obligation under international law. Each country has the right to enact laws according to the requirement to establish law and order. Ms. Satkunanathan or any other entity has no right to intervene in the rights of sovereign nation Sri Lanka.

Ms. Satkunanathan was acted in her interest and not for the citizens of Sri Lanka, including Tamils and Muslims. She had forgotten that minority Tamils and Muslims also working under GSP plus program in various industries will severely affect any changes to GSP plus program. This will allow us to reach a reasonable conclusion that Ms. Satkunanathan's statement serves her self-serving agenda and does not benefit from achieving accountability and reconciliation.

Finally, Ms. Satkunanathan's statement has no legal or moral basis. Therefore, her statement must be dismissed without any further consideration.

Ontario Centre for Policy Research recommends following action by European Parliament

1. Support Sri Lanka to achieve accountability and reconciliation based on a unique program formulated by using the Restorative Justice mechanism fundamentals.
2. Support a political solution that all Sri Lankans can enjoy aligned with Sri Lanka's constitution.
3. Allocate financial resources towards ongoing reconciliation efforts based on the **Restorative Justice** mechanism in Sri Lanka.
4. Reject the application of universal jurisdiction as a tool to achieve accountability in Sri Lanka since the Sri Lankan conflict was correctly categorized as non-international armed conflict with Tamil terrorist Group Liberation Tigers of Tamil Eelam (LTTE).

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