



Media Release

MINISTRY OF DISASTER MANAGEMENT AND HUMAN RIGHTS

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Justice P.N. Bhagwati, Chair of the IIGEP Clarifies Position States: “IIGEP has never alleged that there was absence of political will on the part of the Government of Sri Lanka”

Justice P.N. Bhagwati who chairs the International Independent Group of Eminent Persons (IIGEP) has, in a communication addressed to His Excellency President Mahinda Rajapaksa, clarified the position taken by the IIGEP in its 6th Public Statement relating to a supposed “absence of political will” on the part of the Government. He states:

“ .. you will find that IIGEP has not accused the Government of Sri Lanka of any lack of political will insofar as the functioning of C.O.I. is concerned. What has been recited in the Public Statement is about “IIGEP’s apprehension regarding absence of political will”. IIGEP has never alleged that there was absence of political will on the part of the Government of Sri Lanka. It was merely an apprehension which was voiced by IIGEP in view of the facts before them”

Justice Bhagwati, together with Professor Yokota Yozo and Professor Sir Nigel Rodley, members of the IIGEP, met with President Rajapaksa, Minister of Disaster Management and Human Rights, Mahinda Samarasinghe, Attorney-General, C.R. De Silva, and other officials last week following the announcement of the resignation of members of the IIGEP.

On that occasion, President Rajapaksa expressed the serious concern of the Government with regard to the IIGEP statement. The Government has consistently taken the unequivocal position that alleged serious violations of human rights that were included in the warrant of the Commission of Inquiry (CoI), should be thoroughly and comprehensively investigated and that appropriate action to prosecute and punish any persons found to have violated human rights, would follow. However such punitive measures, should they be warranted by the evidence disclosed by the CoI, would only be taken after due process of law in keeping with the highest legal standards.

The Government is also of the view that observations or conclusions of this nature were beyond the mandate of the IIGEP insofar as it was merely required to perform an observational and advisory function, to ensure that the CoI proceedings met with international norms and standards. The Government communicated that such statements by the IIGEP could be perceived as having political overtones. This could have led to reasonable inferences that the IIGEP’s statement was made in fulfilment of other agendas inimical to the Government of Sri Lanka. Such statements could have strengthened the hand of those who are working to bring discredit and dishonour upon the Government.

Moreover, the statement could undermine the credibility of and trust in the work of the CoI. Justice Bhagwati acknowledges in his statement that:

“IIGEP of course could not voice anything more than a mere apprehension [of an absence of political will] because it was not within their jurisdiction to find whether there was absence of political will on the part of Government of Sri Lanka or not. That was not within their terms of reference which were confined merely to observing whether the proceedings before the Commission of Inquiry were transparent and in accordance with the international principles and norms. ”

The Government appreciates the IIGEP's views expressed by Justice Bhagwati and the positive assessment of the work carried out so far by the CoI as follows:

“I may add that so far as the Commission of Inquiry is concerned, it has been doing very good work and the Members of IIGEP have had the best of cooperation from the Chairman and Members of C.O.I. I have no doubt that CoI will continue to carry on its work with the same zeal and dedication as it has been doing so far.”

Statements of this nature are constructive and encouraging and will support the ongoing work of the Commission.

The Government of Sri Lanka wishes to express its gratitude to Justice Bhagwati for the clarification and to reassure the IIGEP, the people of Sri Lanka and the international community that it remains steadfast in its determination to support the Chairman and Commissioners in ensuring the completion of the work of the Commission of Inquiry. (Ends)

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