

**H.E. Ban –Ki- Moon,
General Secretary,
United Nations Organization
Geneva
Switzerland.**

Your Excellency,

Abolition of the Advisory Expert Panel on Sri Lanka appointed by UN General Secretary

We are expatriate Sri Lankans residing overseas and are writing to Your Excellency at a time when the relations between Sri Lanka and UNO has reached a critical juncture due to the appointment of an expert panel on Sri Lanka.

The United Nations' Organization (UNO) was founded in 1945 after witnessing the horrendous crimes of terrorism committed by the Nazi war criminals against humanity during the World War II. Today UNO is the major international representative body of 192 sovereign States of the world. Sri Lanka is one of the pioneering members of the UNO as she obtained membership in the UNO on 14th December 1955. During the past half a century of her membership, Sri Lanka has never deviated from the stated ideals and inviolable principles of the UN Charter.

The cardinal principles on which the UNO is based are the sovereign equality of all its members and non intervention in matters which are essentially within the domestic jurisdiction of member States.

As Your Excellency is aware, Sri Lanka has been plagued with terrorism for more than 30 years which was unleashed by the world most ruthless terrorist organization, the Liberation Tigers of Tamil Elam (LTTE). The LTTE killed tens of thousands of innocent unarmed men, women, children and religious dignitaries and vandalized private and state properties worth billions of rupees converting our motherland into a living hellhole. This is analogous to the situation that prevailed in Germany and surrounding countries during the World War II.

In as much as the Allied Forces destroyed the Nazi terrorists and liberated the people, the Sri Lankan forces too eliminated LTTE from our soil and liberated more than 300,000 civilians who had been kept as a human-shield by LTTE.

Your Excellency would have also seen the aerial visual footages taken by the UAV showing the exemplary manner how our forces executed the humanitarian operation against LTTE. They not only followed *jus cogens* of International Humanitarian Law to the very letter but also created hitherto unheard concepts under IHL such as "No fire Zone".

After the humanitarian operations, the Government took swift action to re-settle IDPs and developed the infrastructure of the affected areas and brought normalcy and civil

administration by holding democratic elections. Subsequently, His Excellency the President appointed a “Lessons Learnt and Reconciliation Commission” (LLR) under the Commission of Inquiry Act to look into the concerns of the affected parties during the conflict period. The public sittings of LLR are to take place soon thereby providing opportunity to the any affected person to come out with the truth.

All the child combatants were immediately released and handed over to their families. The former LTTE combatants have been reformed and absorbed into the civil society. Hundreds of male and female ex-combatants were provided with employment. Mass wedding ceremony was held for male and female combatants who desired to get married and they were provided with employment in the garment industry and elsewhere. Is there any State in the world which has shown such level of magnanimity and humane treatment to surrendered terrorists?

It is in this context; the appointment of expert panel on Sri Lanka should be viewed and assessed. I would like to draw Your Excellency’s attention to Article 100 of the UN Charter which is quoted verbatim below.

“ In the performance of their duties the Secretary General and the staff shall not seek or receive instructions from any government or from any other authority external to the Organization. They shall refrain from any action which might reflect on their position as international officials responsible only to the organization”

The above mentioned Article is self-explanatory. In this context, any reasonable prudent man would assume that unless Your Excellency and key staff members on human rights monitoring missions are influenced by an external authority, there are no clear grounds for Your Excellency to appoint an expert panel on Sri Lanka. In fact, all what Your Excellency should have done was to appoint a panel of experts to draw lessons from Sri Lanka’s experience in defeating terrorism.

Ours is a land with 2500 years of unbroken written history endowed with rich hydro civilization. After the defeat of terrorism, peaceful atmosphere is prevailing in the country and racial amity is fast improving paving way for turning our motherland once again into her past glory and property.

The appointment of an expert panel to dig into what went on during the last phase of humanitarian operation sounds like probing an already healed wound. In fact, rather than serving any purpose, it would undoubtedly destroy the peaceful atmosphere that is now taking shape in the country and also breed mistrust among different communities in the country. All what Your Excellency is expected doing is to help our motherland to rebuild and re-construct and rehabilitation.

Although Your Excellency stated that the Advisory Commission was appointed in accordance with the agreement listed in the Joint Statement issued at the end of the United Nations Secretary-General Ban Ki-moon in May 2009, the Joint Statement did not made any reference to an Advisory Commission to be set up by UNSG. The 11-paragraph Joint Statement referred mainly to the resettlement of internally displaced persons, rehabilitation of LTTE combatants and early release of LTTE child combatants.

The issue of human rights and the importance of accountability process referred to in the last paragraph of the 2-page Jt Statement. That paragraph too concludes with the sentence stating that 'the Government will take measures to address those grievances'. There is no reference whatsoever to any need for a foreign commission. The relevant paragraph is self evident:

“Sri Lanka reiterated its strongest commitment to the promotion and protection of human rights in keeping with international human rights standards and Sri Lanka’s international obligations. The Secretary General underlined the importance of an accountability process for addressing violations of international humanitarian and human rights law. The Government will take measures to address those grievances”.

The Joint Statement made a reference to UNSG's call for a 'Common Humanitarian Action Plan', but that is for the sole purpose of supporting 'the relief, shelter and humanitarian needs of those in IDP sites.'

The only other reference to international assistance was for the clearance of land-mines. “The Government seeks the cooperation of the international community in mine-clearing which is an essential prerequisite to expediting the early return of IDPs,” the Joint Statement stated..

In these circumstances, we request Your Excellencies to re-assess your decision to appoint an expert panel with an open mind and take every positive actions to abolish it.

We appreciate your cooperation very much,

Yours Sincerely,

Sri Lankan Expatriates in Italy and other European countries.