

# U.S. SENATOR PATRICK LEAHY

**CONTACT: Office of Senator Leahy, 202-224-4242**

**VERMONT**

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## Statement Of Senator Patrick Leahy On Sri Lanka November 2, 2007

MR. LEAHY. Mr. President, it has been a little over a year since I last spoke in this chamber about the fragile peace process in Sri Lanka. I want to take a moment to discuss the situation today, because in the past year we have seen human rights in that small island nation steadily deteriorate. I also want to correct some confusion that may have occurred as a result of statements reported in the press regarding the Senate's action in connection with the Fiscal Year 2008 State, Foreign Operations Appropriations bill. That bill passed the Senate by a vote of 81 to 12 on September 6, 2007, and we are waiting to begin conference discussions with the House of Representatives.

Over the years, I have been a strong supporter of U.S.-Sri Lankan relations. A good friend, Ambassador James Spain, served there, and the American people acted quickly to provide emergency assistance for Sri Lanka after the December 2004 tsunami devastated Sri Lanka's east, north and southern coasts, claiming tens of thousands of lives. Beyond that, we have long supported the Sri Lankan government's efforts to respond to acts of terrorism by the LTTE, which has been designated by the Department of State and the European Union as a foreign terrorist organization because of its attacks against civilians, assassinations of political leaders, forced recruitment of children, and other crimes.

We deplore these tactics. However, we are also aware that the LTTE has, at times, shown a willingness to participate in serious negotiations, as well as to respond to human rights concerns. These overtures should be pursued. We also recognize that the LTTE should not be equated with the Tamil community. There are many ethnic Tamils living in and outside of Sri Lanka who do not condone acts of violence and terrorism against civilians. Many have been victims of the LTTE themselves.

At the same time, our aid to the Sri Lankan government is not a blank check. We have been increasingly concerned with reports of abuses by Sri Lankan government forces – not from the LTTE or their supporters as some have inaccurately claimed, but from the United Nations, the Department of State, and international human rights organizations. These reports are not “disinformation” or “misinformation” as some Sri Lankan officials have alleged. Rather, they contain specific, documented, consistent information indicating a steady increase in serious human rights violations by both Sri Lankan government forces and the LTTE since the collapse of the ceasefire. While the first acts of aggression were attributed to the LTTE, these reports also implicate government forces in attacks on civilians, extrajudicial executions, torture, and forced disappearances. There is also evidence that Sri Lankan government forces have stood by while allied paramilitary organizations have carried out abuses, including forcibly recruiting child soldiers. With few exceptions, the Sri Lankan government has yet to bring the perpetrators, including members of government security forces, to justice.

It is important to note that the Sri Lankan government's respect for human rights and rule of law has deteriorated even outside conflict-affected areas. The Millennium Challenge Corporation suspended more than \$11 million intended for Sri Lanka because of the deteriorating security situation and the government's worsening performance on human rights. Freedom House, whose assessments of political rights and civil liberties are factored into the Millennium Challenge Corporation's analysis, stated "The serious human rights abuses and excessive restrictions on freedom of speech and association by the government of Sri Lanka merit the country's removal from a list of eligible recipients for U.S. Millennium Challenge Account assistance." We want to see a Millennium Challenge compact for Sri Lanka, but these problems must first be recognized and effectively addressed.

An international human rights field presence, under the auspices of the United Nations, could do much to improve the situation. Given the gravity and scale of the violations witnessed in Sri Lanka, and particularly the inability of the Sri Lankan government to monitor the abuses taking place in areas held by the LTTE, such a presence would help protect lives, document abuses by all sides, and support the government and civil society in protecting the civilian population. The Department of State has publicly endorsed such a role for the United Nations.

It is due to this information, from reputable sources, that the Senate attached three conditions to our assistance to the Sri Lankan military in the Fiscal Year 2008 State, Foreign Operations Appropriations bill. Anyone who reviews those conditions should agree that they are reasonable and appropriate. They would require the Sri Lankan government to be bringing to justice members of the military who have been credibly alleged to have committed gross violations of human rights; end unreasonable restrictions on access in the country by humanitarian organizations and journalists; and agree to the establishment of a field presence of the Office of the UN High Commissioner for Human Rights in Sri Lanka.

It is regrettable that rather than explain why the Sri Lankan government should not meet such reasonable standards when it is seeking millions of dollars in U.S. taxpayer assistance, some Sri Lankan officials have attacked our motives and falsely attributed our actions to LTTE propaganda. Others have insisted that they are meeting these standards already, when the facts clearly indicate that far more needs to be done.

We want Sri Lanka to succeed in stopping terrorism, and we recognize that military force can be necessary against terrorist tactics. But there is no military solution to the Sri Lankan conflict, which has dragged on for more than two decades. Thousands of innocent people, Sinhalese, Tamils and Muslims, have been killed. More than 1,000 are reported to have "disappeared" in just the past twelve to eighteen months, and many more before that. Hundreds of thousands of civilians have been displaced by the fighting. Families on both sides of the conflict have suffered terribly, and the country remains divided and no closer to peace.

Every time a Sri Lankan soldier violates international humanitarian law it alienates the very people in the Tamil community whose support the government needs to combat terrorism. Our country has experienced a similar problem in Iraq, where killings of civilians have hurt our mission, tarnished our image and weakened the support of our allies.

Mr. President, I would hope that the Sri Lankan government would see our action for what it is. We want to help, but not unconditionally. I believe the United States could and should play a more active role, with other key partners, in helping to facilitate negotiations on a political settlement. But rhetoric about human rights and the appointment of ineffectual commissions of

inquiry that have no credibility, only goes so far. The situation remains grave and those responsible for abuses are rarely punished, making a peace agreement more difficult to achieve. A field presence of the Office of the High Commissioner for Human Rights, with sufficient mandate and capability to conduct full and unfettered monitoring throughout the country, communicate its findings to all sides of the conflict and the public, and provide advice and technical assistance, is overdue. Also urgently needed is greater access for humanitarian organizations to assist civilians caught in the cross-fire and for journalists to report the facts.

The Sri Lankan people have suffered the consequences of ethnic discrimination, violence and injustice for the better part of their country's history. We cannot solve Sri Lanka's conflict; only the Sri Lankan people can. But we can and want to continue helping if the government demonstrates that it takes our concerns seriously.

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