BBC HARDtalk With Mahinda Samarasinghe MP

Minister of Disaster Management and Human Rights of the Government of Sri Lanka

Interviewed by Stephen Sackur
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Amidst heightening international pressure and unsubstantiated accusations directed at the Government, Minister Mahinda Samarasinghe took on the challenge of dismissing the biased questioning of the BBC. He succeeded in quietening the waves of criticism from the international community and reaffirmed the Government's commitment to eradicate terrorism.

Presenter Stephen Sackur (SS): Introduction – The Sri Lankan Government is intent on destroying the Tamil Tigers once and for all. The military offensive in the north east of the island has reduced the Tamil militants to a tiny sliver of territory, but at what cost?
My guest today is Sri Lanka's Minister for Disaster Management and Human Rights – Mahinda Samarasinghe. Has respect for international law, and basic human rights become collateral damage in Colombo's war?

Mahinda Samarasinghe in Geneva, welcome to HARDtalk.

Minister Mahinda Samarasinghe (MS): Thank you Stephen. Nice to be here.

SS: Given your Government's intention to destroy the Tamil Tigers, is it safe to assume that the offensive continues unabated?
MS: Well, I must tell you very categorically that this humanitarian operation that we have launched is to liberate the civilians from the clutches of extreme terrorism. The fight is to eradicate terrorism and to liberate the civilians and give them a

future within a democratic framework.

SS: Yes, but I did ask you a specific question. Does the offensive continue unabated? I ask it because the UN Under-Secretary-General for Humanitarian Affairs just said to the UN Security Council: "I urge the Government of Sri Lanka to hold back from any final military battle in order to allow the civilian population to get out safely, one way or another".
MS: Well, our priority is also to get the civilians out but the LTTE, as you know, is holding them forcibly and it is now up to the international community to come out very strong and use whatever pressure that they have to get the LTTE to release these civil-ians. As I mentioned earlier, our fight is against terrorism and as long as terrorism is there, we will continue to eradicate terrorism, but the objective of course is finally to lib-erate the civilian population from terrorism and address their genuine grievances.

SS: So the offensive goes on and you talk about the international community. Well of course they have weighed into the arena because they have asked both sides to respect a ceasefire. Are you prepared to do that?
MS: Well, for example, the EU in its statement which was released last week – the EU Council of Ministers – not only called for a ceasefire but they also asked the LTTE to lay down their weapons. If the LTTE lays down their weapons tomorrow, there will not be any reason for us to fight. There will be an automatic ceasefire. As long as the LTTE is using weapons, as long as the LTTE is not allowing the civilians to leave, their freedom of movement being restricted, the civilians being shot and killed in cold blood and massive human rights violations being committed against the civilian population, our job is to ensure that this kind of terrorism is wiped out once and for all.

SS: And is it justifiable, do you think, to continue to use heavy weapons in those areas where you know many tens of thousands of civilians are trying to seek shelter?
MS: Well I am with you on that. There is absolutely no justification to use heavy weapons and, in fact, about ten days ago, the Armed Forces took a conscious decision not to use any heavy weapons. We have not been using heavy weapons; we are fighting man to man, door to door and street to street. This is the way that we are going to ensure that terrorism is wiped out because, as you know, the LTTE is now restricted in fact to a very small area of about 48 sq. km. and we cannot use heavy weapons.

SS: Just a couple of days ago, in the International Herald Tribune, there was a graphic account including direct quotes from a doctor working in a makeshift hospital in the so-called safe zone or no-fire zone, describing how ten people at least have lost their lives in an artillery attack and he said that it had appeared to come from the area where the Government forces are deployed.
MS: Well we categorically deny this. In fact, this particular doctor has gone on record as saying that he never spoke to anyone, that he is not in a position to speak to anyone, we know that there have been previous attempts to use this doctor's name. In fact, this is the Regional Director of Health Services in charge of Mullaitivu and he has been used on several other occasions and he has himself spoken to the Secretary, Health and very clearly stated that he never spoke to any media. This is, once again, part of the propaganda that the LTTE is using to distort what is really happening and I can say, very categorically, that we are not using heavy weapons.

SS: Well, are you trying to suggest to me that, in the course of the last six weeks or so of very bitter fighting, that your forces have not been responsible for civilian casualties on sometimes a very serious scale?
MS: We have never targeted civilians and we will never target civilians, because, as I mentioned earlier, our fight is to liberate the civilians from terrorism. We also know that the LTTE, previous to the no-fire zone which is now established in the coastal area, had their guns positioned in the previous no-fire zone and they were firing at the Armed Forces. The Armed Forces knew the coordinates of this heavy weaponry and they even knew what type of weaponry the LTTE were using and there was precise targeted firing on the part of the Armed Forces. We consciously avoided civilian areas because as I said earlier, what is the objective as far as the Government is concerned in targeting civilians, who are our own people? These are Sri Lankans whom we are trying to liberate from the clutches of terrorism.

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SS: I was looking at the words of the International Committee of the Red Cross' South Asia Chief, Jaques de Meyer, who says, "much of the fighting has been intrinsically incompatible with respect to the basic rules of war". Now you are the Minister for Human Rights in your Government. Are you trying to tell me that your Government doesn't acknowledge that it has

made any mistakes or in any way has failed to respect human rights in this conflict?
MS: Well I can categorically tell you that we have consciously never done that, because we know that some of these hospitals and other areas where civilians are there, the coordinates have been made available to us and there is no necessity for us whatsoever in targeting those areas. We have avoided those areas and I must tell you…..

SS: The New York Times has seen a memo in which a UN official in Sri Lanka sent a message to New York saying, "our team on the ground was certain that a particular artillery shell that caused a great deal of damage, killing nine civilians, came from the Sri Lankan military apparently in response to an LTTE, that is a Tamil Tiger shell."

MS: In fact I have seen that memo. We discussed this memo with the UN Resident Coordinator. He agreed that this memo, in the first place, was a confidential memo, and secondly he admitted finally after the discussion …..

SS: Just because it is confidential doesn't mean the information contained in it isn't very important.
MS: That is exactly what I am leading up to. He admitted that this memo was not correct. In fact the memo was never used. After that, I have in my phone right now a message that the UN Resident Coordinator in Colombo sent me, saying that the firing in fact, in their opinion, came from LTTE positions. This is the contradiction I presented to him and he agreed that this memo will not be used and it has not been used. So there is this kind of thing also that is picked up by journalists and it is put in newspapers and I can tell you very frankly that neither the ICRC nor the UN at any point has said that the Government has fired into civilian positions. Of course they have said that civilians have died, but to that, we have asked them the question: How do you identify a civilian from a terrorist?

SS: Nobody, and least of all you, I think, even in the course of this interview; nobody will dispute that the civilians in this remaining sliver of territory that is under Tamil Tiger control, are suffering terribly and, clearly, many of them want to get out. Many people involved in this have said that the Tamil Tigers are trying to prevent them from getting out but, nonetheless, substantial numbers of people are getting out. Why is it that, when they get out, you will not allow international observers to see what

happens when they are screened, first received, by the Sri Lankan military?
MS: Well, that is not correct. In fact, when they come from the forward defence lines, they are received by the Army. They are received not with guns but with bottles of wa-ter, with food. Then they are transported immediately to what is called the Omanthai entry/exit point which is very close to the forward defence lines. There we have allowed the UNHCR and the ICRC to be present, so that the registration process is observed and then, within twenty-four hours, the civilians are handed over to the Government Agent who then houses them.

SS: We have spoken directly to people involved in this on the NGO side who say that this is simply not true. They don't want to be named because their positions are very sensitive. They say the registration process by and large is being conducted away from the eyes of all UN, Red Cross and other international monitors.
MS: That is absolutely wrong, In fact when these IDPs are housed, they are serviced by not only the Government Agent and her officials, but also UN officials as well as the INGOs and NGOs.

SS: I am not talking about the camps. There is no doubt the UN does have access. I'm talking about what happens before people get to the camps. It is important because Human Rights Watch has just issued a report saying that significant numbers of people – mostly Tamil young men and women – have "disappeared" before getting to those camps.
MS: No, that is not correct. As I said before, UNHCR, ICRC have been invited to observe the registration process. We cannot send them to the forward defence lines as there is a question of safety but, as I said earlier, they are received, they are looked after, medical care is given immediately and they are transported immediately to the Omanthai entry/exit point. Anyone who knows the geography of Sri Lanka would know that, that is where the registration process starts. So we have not closed the doors to the international community. The ICRC as well as UNHCR have been invited to observe and, in addition, in the camps there is a registration process and the issue of identity cards and there, the INGOs and NGOs are allowed.

SS: Sorry, but you make it sound as if it is all working very smoothly and successfully. I again return to the words of Sir John Holmes who, after what has to be described as a pretty well-controlled and orchestrated visit on the part of your Government to Sri Lanka, nonetheless when he went

back to New York and the Security Council, he said that first of all he saw serious over-crowding in the IDP camps and, second and more serious, movement in and out of these sites is currently highly and unacceptably restricted. His words, not mine.
MS: Sir John Holmes was taken to Vavuniya. He was facilitated to look at some of these camps. He was allowed to go into the Vavuniya hospital to look at the conditions there and I must say that Sir John did make some valuable points; there were certain recommendations that he made and we are looking at those recommendations. Of course, we are not talking about an ordinary situation or a normal situation in those areas which are in the midst of a theatre of conflict. We also know that the LTTE has been infiltrating ……..

SS: You would acknowledge that these Tamils, tens of thousands of Tamils, are cur-rently, in essence, being kept in these camps, whether they like it or not, they have no freedom of movement whatsoever?
MS: These IDPs have not come because the LTTE has asked them to go. They have escaped the LTTE and come to obtain the protection of the Government. As I said earlier, this is not a concentration camp, this is not a detention centre, as some have tried to paint it out to be. The international community is working side by side with the Government Agent and her officials. Children are going to school. We have taken a decision that anyone over the age of sixty can leave these camps, if they so wish to, and go and live with their relatives if they so wish to.

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SS: It seems very bizarre that you can only allow people to leave when they are over sixty. Why is that?
MS: You have to understand that the LTTE has consciously, deliberately, infiltrated the IDPs with their cadre. We saw it happening two weeks ago when a suicide bomber ……

SS: Are you suggesting to me that every person under the age of sixty in these IDP camps is a suspected member of the Tamil Tigers?
MS: Well, there has to be a screening process. We cannot forget the fact that the LTTE has been recruiting children. We cannot forget the fact that anyone who can

carry a gun has been forcibly recruited into the LTTE, given training and deployed as part of their cadre. It is not as if we are suspecting every person who has come as being a terrorist or an LTTE cadre. That is not our policy. But, we have to take certain steps to ensure that the screening process is properly done.

SS: It just strikes me that it is a very frightening prospect for these people in these camps, who you say under the age of sixty, have to be regarded with suspicion. But now you want to keep them there for up to three years. You are talking about turning the camps, or creating side-by-side with them, welfare villages, which up to three years will contain these displaced Tamil people.
MS: That is absolutely incorrect. In fact, we clarified this situation of a three-year internment of these people as some newspapers made it out to be, some even called it ……..

SS: But that was the plan, wasn't it?
MS: No it wasn't the plan. The plan has always been to resettle them in the shortest possible time but we cannot afford to take short-cuts. We cannot compromise on the security and their wellbeing because we know that their villages have been heavily mined. We know that the LTTE does not keep records of the mines that they lay. The demining has to take place, the basic infrastructure has to be put in place, services have to be provided, "go and see" visits have to take place. We cannot force anyone to go back to their villages. It has to be an informed choice that the people themselves make. So our job is to ensure that these basic facilities are provided and then, as a result of the go and see visits that we organize, the people then decide whether they want to go back to their villages or not. We do not want to keep these people a day later than we can help to avoid.

SS: In the course of this conversation, I have relied heavily on UN sources, on various NGOs to get the information I'm putting to you. The reason partly is because journalists have been barred from any approach to the frontline areas – including the BBC and Sri Lankan journalists as well. You have made it impossible to get information about what is really happening, to journalists, haven't you?

MS: I must admit that, initially, we couldn't facilitate their requests to go to these areas. But, since January, we have been facilitating [them]. In fact, I have been

looking at the records preparing myself for the interview and I noticed that, in January alone, the BBC has gone thrice to Kilinochchi and Mullaitivu. Just about three or four days ago, we have facilitated not only the international media but [also] the local media to go to Vavuniya to look at the camps because there were a lot of stories being spread about the conditions of these camps. So we wanted them to have a look at what is really taking place.

SS: Why has your Government, in the course of the last couple of months, consistently blocked reports on the BBC; the Tamil, Sinhala and the English services that you didn't like? Why did you do that?
MS: This is a contractual agreement that the BBC has entered into with the Sri Lanka Broadcasting Corporation .....

SS: Which says: "no editorial interference". That's the agreement.
MS: Yes. So that is something the BBC has to sort out with the SLBC because there was a contract governing that arrangement. Don't forget, there is a commercial radio that is broadcasting BBC. Internet is available; anyone can look at the BBC telecast on [the] internet. [The] [O]nly thing is it is not on shortwave, it is on FM. But it is not as if the Government's policy was to block [the] BBC.

SS: Minister, obviously you won't take responsibility for it. Would you regret the fact that BBC has had to withdraw its services, re-broadcast on the Sri Lankan network because we were being editorially interfered with? Do you regret that?
MS: Once again, it is a contractual issue. I don't want to get involved in this. Let the SLBC and BBC figure it out what they are going to do as the next step. As far as I am concerned, I am happy that BBC is broadcast through a commercial radio channel.

SS: Alright, let's move on. There is a bigger picture and that is your Government stands accused of failing to protect journalists, allowing forces inside your country to act with impunity in their attacks on leading journalists; Sri Lankan journalists. Would you accept that there is a fundamental problem for independent journalists inside your country?
MS: I don't agree that there is a fundamental problem for independent journalists in our country, because all you have to do is look at a Sunday newspaper in Sri Lanka to see the personal attacks which are still launched against not only the President.....

SS: I'd like to take a look at the Sunday Leader, edited by one of your respected editors – Lasantha Wickrematunga – but of course I can't do that because he was murdered in early January.
MS: Well, [the] Sunday Leader, as a matter of fact, is still continuing to publish and they have not compromised on their style of investigative journalism. They still write stories about Government Ministers, the President and even his family members. That has not stopped. Lasantha was a great friend of mine. In fact, on the day he was assassinated he was on the telephone with me at seven-thirty in the morning. This is something we have been doing for some time.

SS: He was a great friend of yours and the President claimed he was a great friend of his too. How did you feel when you read his self-written valedictory when he knew that he was in danger of death and he wrote: "murder has become the primary tool whereby the State seems to control the organs of liberty." And of your own President, his so-called friend, he said: "for all the dreams you had for your country in your younger days, it has been reduced to rubble. In the name of patriotism you trampled on human rights like no President before you". Those are his words before he died.
MS: Well Lasantha was not only a journalist; he was also a political personality. Everyone knew that he was aligned to the United National Party which is the largest opposition political party and this is something that he has always been taking; this kind of line. These kinds of words have been espoused by him not only after his death but also when he was living. Lasantha Wickrematunga's assassination was a barbaric act, something that we have condemned wholeheartedly. The President has put in place a special investigative team. Two arrests have been made and, more than anyone else, I would like to see the culprits of this barbaric act being held accountable for what they did. They have to be punished and we are determined to do that.

SS: You are the Minister for Human Rights and you have not, in any way, indicated to me that you worry about the Sri Lankan Government and, for example, the Defence Minister [sic] naming specific journalists in public broadcasts, as accusing journalists of being traitors; the Ministry of Defence website using the same words. Are you not worried about the atmosphere that your own Government is creating which runs counter to human rights and freedom of the press?
MS: Well [the] killing of journalists, disappearances of journalists is something that

the Government has always condemned. We want to, as much as you espouse this, we also want to see – more than you – the culprits of these murders and abductions being held accountable, but it is not an easy situation that we are facing. It is a very complex situation we are facing. For example, when the Army Commander was nearly blown up and died in April 2006, we were all waiting to see the people responsible for this held accountable, but we have not been able to crack this case ……..

SS: Sorry to interrupt Minister, but we have to leave it there. Mahinda Samarasinghe, thanks very much for joining us from Geneva.