

22nd June 2018

Secretary to the High Post Committee
Parliament of Sri Lanka
Sri Jayawardenapura, Kotte

**Representations on the Nomination of Dr. Jayatilleke
as Ambassador to Russia**

The following Sri Lankan civil society activists and organisations are deeply concerned by public reports indicating that the Government of Sri Lanka has proposed the name of Dr. Dayan Jayatilleke to the post of Ambassador to the Russian Federation. We write in response to the public notice dated 12 June 2018 issued by the Committee of the High Post of Parliament of Sri Lanka calling for representations regarding nominations including that of Dr. Jayatilleke.

At the outset it must be noted that Sri Lanka has a rich history of diplomatic engagement with the international community and cultivated standing and respect among its allies across the globe including in multilateral forums such as the United Nations. With the escalation of violence in the early 1980s, the then United Nations Human Rights Commission, and subsequently the United Nations Human Rights Council (UNHRC) which replaced the Commission, discussed Sri Lanka's human rights record where victim groups and civil society were able to make representations and successive governments of Sri Lanka engaged in constructive discussions.

A marked shift in this stance was evident under the Rajapaksa regime when we experienced unprecedented levels of violence targeting civilians, civil society, media and other dissenting voices. It was during this period we witnessed a shift in Sri Lanka's foreign policy. Dr. Jayatilleke who served as Sri Lanka's Permanent Representative to the UN in Geneva at the time, took an aggressive and triumphalist line on the violence unfolding back home. For example, in 2009 a Special Session was called to discuss Sri Lanka and it was under his leadership we witnessed a hostile position taken and the deliberate targeting of those who held a different view to his own. Such a stance created divisions within the UNHRC and undermined Sri Lanka's reputation of being able to diplomatically engage with the international community. The divisive line has had a lasting impression among missions and other entities in Geneva who remain dismayed by the negative impact the session had on the unity of the UNHRC and its impact on human rights globally.

We also note that the line taken at the Special Session ultimately ran counter to Sri Lanka's national interests. Professional diplomats have argued convincingly that the line espoused by Dr. Jayatilleke at the 2009 session, and triumphalism about his ability to 'win' a resolution congratulatory of Sri Lanka's execution of the war, galvanised Geneva actors whose concerns had been cast aside by the Sri Lankan delegation. The 2009 Special Session debacle ultimately had a significant impact in convincing the international community including the members of the UNHRC that grave violations took place in Sri Lanka and that an independent international investigation was required. This hostile and triumphalist line was counter productive as it subsequently led to several resolutions being adopted by the UNHRC in 2012, 2013 and 2014. We also note that Dr. Jayatilleke who was subsequently appointed Ambassador to France was unable to prevent the French Government from voting against Sri Lanka in these resolutions, demonstrating his ineffectiveness as a head of mission.

With the political change in 2015, we were relieved to see President Sirisena and the coalition government reverting to a more conciliatory tone where there was recognition of past abuses and the need for genuine reforms towards reconciliation. This was based on human rights being fundamentally a domestic issue, in recognition of the rights of all of Sri Lanka's citizens rather than a game played with the international community. We were also heartened to see the Government of Sri Lanka rebuilding bridges with the international community and engaging in a constructive manner to further the interests of Sri Lanka, not the whims of particular individuals. This was also welcomed by the international community and in recognition invited President Sirisena to events such as the prestigious Group of Seven (G7) summit in Japan and Anti-Corruption Summit in the United Kingdom both in 2016.

This hard work of rebuilding Sri Lanka's image and reputation to be a truly democratic and plural country where all citizens are equal and a country that values its international standing can be damaged with the promotion of individuals who were not only apologists of the previous Government but also, to date, its most ardent champions.

We note that Dr Jayatilleke's ideology and the ideology that shaped the January 8 2015 movement for change are poles apart. Dr. Jayatilleke has denounced the very concept of Yahapalanaya and members of this administration. He has stood stoically against democratic reform and reconciliation initiatives, repeatedly attacking progressive ministers and leaders of the current Government for making concessions to victims of the war, as seen when privately owned land is released by the military or a permanent office to investigate thousands of cases of disappeared is established. Where we fear the violence perpetuated by the previous regime, Dr Jayatilleke openly extols the virtues of ex-President Mahinda Rajapaksa, and his 'strong-man' tactics.

On both previous occasions when Dr. Jayatilleke was sent on diplomatic postings, to Geneva and Paris, he furthered a personal agenda which had detrimental consequences to Sri Lanka among its most important allies. If that was the case under the Rajapaksa administration, where Dr. Jayatilleke's ideological inclinations found resonance, then the potential for damage to this current administration which seemingly does not align with his ethno-nationalist views will be significantly greater.

It is in this context we question the nomination of Dr. Jayatilleke to a senior diplomatic post and urge the High Post Committee to reject the nomination. We also request President Sirisena, Prime Minister Wickremesinghe and the coalition government to acknowledge the work done since 2015 to rebuild Sri Lanka's image and standing internationally and to nominate individuals who are able to best represent the reforms promised in 2015 and not those who deliberately seek to undermine them.

Thank you

Signatures