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NATIONAL JOINT COMMITTEE

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Press Statement

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THE STATEMENT OF THE NATIONAL JOINT COMMITTEE ON ALLEGATIONS MADE BY THE SWISS EMBASSY

The National Joint Committee condemn the action taken by the Embassy of Switzerland and their Government to facilitate the travel of a public official attached to the CID by the name of Nishantha out of Sri Lanka and the subsequent grant of asylum in Switzerland to the said Nishantha. Soon after it was revealed that the Government of Switzerland was behind this high handed and illegal act, the Ministry of Foreign Affairs of Switzerland issued a statement that an official of the Embassy of Switzerland in Sri Lanka had been abducted and detained for two hours by an unidentified group. It is in this situation that the Government had requested the identity of this official who is said to be a local employee and a citizen of Sri Lanka for the purpose of investigating the alleged abduction. The Government of Switzerland has refused to divulge the identity of this official or any access to her although they falsely claim that they are cooperating with the investigation. This is obviously because such investigation would reveal the illegal conduct on the part of the Government of Switzerland.

Article 38 (2) of the Vienna Convention on Diplomatic Relations which is codified as a law in Sri Lanka by the **Diplomatic Privileges Act No. 9 of 1996** states,

“Other members of the staff of the mission and private servants who are nationals of or permanently resident in the receiving State shall enjoy privileges and immunities only to the extent admitted by the receiving State.”

So far the Government of Sri Lanka has not extended diplomatic privileges to other staff members of diplomatic mission of other countries in Sri Lanka in terms of **Section 2 (5)** of the said Act. Thus this employee cannot claim diplomatic immunity. This high handed act on the part of the Government of Switzerland, denying access to one of their employees who has no diplomatic immunity is not only illegal but also an affront to the sovereignty of the Republic of Sri Lanka. According to the media reports which appeared today the Government of Switzerland has requested the Government of Sri Lanka to allow this employee to be flown out of Sri Lanka in an air-ambulance on the basis that there “is rapid deterioration of her health.” The National Joint Committee wish to remind the Government of Switzerland that if there is “rapid deterioration of health” of a citizen of Sri Lanka, it is the responsibility of the Government of Sri Lanka to provide urgent medical assistance to safeguard her life and not the Government of Switzerland. The Sri Lankan Government is fully capable of ensuring the safety of its citizens.

There is a serious doubt whether this employee is to be removed from Sri Lanka against her will for the needs of other interested parties. Therefore before granting authorization by the Government of Sri Lanka it should be satisfied that this request to leave Sri Lanka is made at the request of this employee who is a citizen of Sri Lanka. We also wish to bring to the notice of the Government of Switzerland that obstructing police officers investigating a crime in itself is a violation of the criminal law of this country and the diplomatic immunity extended to the Diplomatic agents of the Embassy of Switzerland does not extend to engage in criminal activities in this country

The Government of Sri Lanka has a right to know from the Government of Switzerland the reason for suppressing the identity of this particular employee. It is necessary for the Government of Switzerland to make public whether they have any evidence that the Government of Sri Lanka was involved in the alleged abduction to suppress the identity of this employee. If such an allegation is made it is the duty of the Government of Sri Lanka to investigate such complaint. To deprive the Government of Sri Lanka in performing its obligation towards its citizens cannot be permitted for any reason.

It is obvious that this entire drama is to cover up the illegal act on part of the Government of Switzerland and to embarrass the Government of Sri Lanka especially at a time when Geneva session are due in March 2020.

The National Joint Committee note with much regret that even the notorious report of the OHCHR dated 16th September 2015 based its findings on the so called testimonies of witnesses whom the Commissioner withheld the identity. (Vide Paragraph 24 of Part 1 of the Report.) It is unfortunate that western governments with vested interests make use of the UN High Commission for Human Rights to harass and make false allegations on sovereign countries that are unwilling to comply with the dictates of these governments. Unable to find proof of these false allegations the latest is to withhold the identity of the 'so called victims' and to initiate action against countries based on false allegations. The Government of Sri Lanka needs to revisit whether it could any longer treat the Government of Switzerland as a friendly nation that it could extend diplomatic immunity. The Government of Sri Lanka should be mindful and take cognizance of the true friends of Sri Lanka without accommodating rogue states, hell bent on making false allegations for political reasons.

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