

Top UN human rights official raises the issue of war crimes in Sri Lanka

Wije Dias
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UN High Commissioner for Human Rights Navi Pillay last Friday expressed alarm at the desperate situation facing civilians caught in fighting in northern Sri Lanka. She went on to warn that the government and the separatist Liberation Tigers of Tamil Eelam (LTTE) might be held responsible for war crimes.

According to UN estimates, between 150,000 and 180,000 civilians are trapped inside a small pocket of remaining LTTE-held territory without adequate food, shelter or medical care. Government troops have surrounded the area of some 50 square kilometres and blocked the entry of most supplies.

Pillay stated that the army had repeatedly shelled government-designated "no-fire" zones, killing and wounding civilians. "A range of credible sources had indicated more than 2,800 civilians may have been killed and more than 7,000 injured since 20 January, many of them inside the no-fire zones. The casualties are believed to include hundreds of children killed and more than a thousand injured," she said.

The UN official warned: "The current level of civilian casualties is truly shocking and there are legitimate fears that the loss of life may reach catastrophic levels, if the fighting continues in this way." She also criticised the LTTE's "brutal and inhuman treatment of civilians" for refusing to allow them to leave the area and firing on those who tried.

Pillay declared: "Certain actions being undertaken by the Sri Lankan military and the LTTE may constitute violations of international human rights and humanitarian law. We need to know more about what is going on, but we know enough to be sure that the situation is absolutely

desperate. The world today is sensitive about such acts that could amount to war crimes and crimes against humanity."

The Sri Lankan government reacted with a characteristic mix of slander and lies, denouncing Pillay for her "unprofessional statement" and declaring that her figures for civilian deaths were "unsubstantiated". At the same time, attempts have been made to smear Pillay, an Indian Tamil from South Africa, as an LTTE supporter.

At a hurriedly convened media conference on Saturday, Disaster Management and Human Rights Minister Mahinda Samarasinghe declared he was both "disappointed and dismayed at the manner in which civilian casualties had been put together". He suggested that Pillay had been influenced by LTTE propaganda, saying: "These figures tally closely with those put out by Tamilnet and other pro-LTTE organisations".

In an effort to prove Pillay wrong, Samarasinghe pointed out that the International Committee of the Red Cross (ICRC) had, between February 10 and March 6, transported 2,224 civilians from LTTE-held territory, including 900 who were not injured. "If in reality there were 7,000 wounded, the ICRC would not have transported people who were accompanying the patients," he declared.

But as the ICRC head of operations for South Asia, Jacques de Mio, explained on March 4, his teams confront terrible decisions about who to evacuate and who to leave behind. "Tragically, we have to leave many people behind who also want to leave. This is very difficult to handle for our people on the ground. So even though it is positive that in the last three weeks we managed to save up to 2,400 people, we cannot but think of the people left

behind, particularly the wounded and sick," he said.

Samarasinghe also repeated the claim that the army had stopped using heavy weapons in order to safeguard civilians and did not violate the "no fire" zones. It begs the obvious questions as to how and why the LTTE, which is desperately fighting for survival and lacking in military supplies, would be shelling civilians. Earlier this month, the army claimed it had silenced the LTTE's "conventional confrontational capability"—that is, its artillery.

Foreign Secretary Palitha Kohona, who was also at the press conference, implied that the UN human rights commissioner was part of a wider conspiracy. "[Her statement] was only providing ammunition to those who were trying to tarnish the image of the country and bring about a ceasefire which would help the LTTE," he said. Demanding an end to any criticism, Kohona added: "UN bodies are there to help the governments and not to castigate them."

There is no doubt that the UN has own agenda, which reflects that of the major powers. They have concerns about the implications of the Sri Lankan war and are seeking an outcome that will suit their own strategic and economic interests in the region. Nevertheless, the limited information released by UN Human Rights Commissioner Pillay does give a glimpse of the crimes against civilians being perpetrated by both the army and the LTTE.

The government's crude attempts to silence international critics are paralleled in Sri Lanka by outright repression aimed at intimidating and silencing any political opposition. Hundreds of people have been abducted or killed by pro-government death squads operating with the complicity of the security forces. The media in particular has been targeted—at least 12 journalists have been killed and 27 detained since late 2005.

The lack of detailed information about the plight of civilians is a direct result of the government's ban on journalists, human rights groups and most aid organisations in the northern war zone. The ban also applies to hospitals and the detention camps into which refugees are being herded by security forces. However, the government has been unable to maintain a complete blackout of its war crimes. In recent weeks, doctors, aid workers and human rights organisations have spoken out

about the government and LTTE's contempt for civilian lives.

The response in Colombo to Pillay's remarks is not exceptional. In late February, for example, Human Rights Watch researcher Anna Neistat addressed a US Senate hearing on Sri Lanka and provided details of the conditions in which war refugees are being compulsorily held in government-run detention camps. Sri Lankan officials immediately lashed out at Neistat, accusing her of violating the country's immigration laws by visiting the camps of the displaced people without government approval.

Neistat stood her ground, telling the press: "More importantly, don't you as a journalist wonder why the government is so concerned about it [her report]? If they are claiming our information is wrong, the best way to address it would be allowing independent journalists and other groups to the area. When there is no access the first question will be, what are the authorities trying to hide?"

UN Human Rights Commissioner Pillay's statement carries considerable formal weight in various international bodies and opens up the prospect of senior government and military figures ultimately being charged with war crimes. That is no doubt a factor in the government's attacks on her credibility. Samarasinghe indicated that the government would present its own case to Pillay and expressed the hope that "a correction or total retraction would be forthcoming".

At this stage, Pillay shows no sign of backing down. The Office of the UN High Commissioner for Human Rights issued a statement on Sunday standing by the original comments. Spokesman Rupert Colville told the *Daily Mirror* that "the casualty figures which were hotly disputed by the government had been cross-checked from a number of different sources".



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