

Sri Lankan president dissolves human rights investigations

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On June 16, Sri Lankan President Mahinda Rajapakse dissolved the Presidential Commission of Inquiry (CoI) that he appointed two years ago to investigate human rights violations. This move is another demonstration by the government of its contempt for legal and democratic rights and opposition to any probe of the abuses committed by its security forces and their associated paramilitaries.

The eight-member CoI, headed by a former Supreme Court judge Nissanka Udalgama, was appointed in November 2006 to head off international criticism over a series of killings that accompanied the government's resumption of military offensives against the separatist Liberation Tigers of Tamil Eelam (LTTE). In particular, there was outrage over the execution-style killing of 17 aid workers from the French-based Action Contre la Faim (ACF) in eastern Muttur, on August 4, 2006.

To provide some window-dressing, the government listed this and 15 other cases for the inquiry and Rajapakse extended its term every six months as required by law. But no extension was granted this time, even though the CoI had only investigated seven cases, and issued no reports, after two and a half years of foot-dragging, official obstruction and killing and intimidation of witnesses.

Udalagama told the Associated Press: "Extensions had been routinely granted in the past, but not this time. Instead, the commission was dissolved." Rajapakse provided no public explanation. Secretary of the human rights ministry Rajiva Wijesinha told the media: "I have no idea what the reasoning is."

The decision to shut down the CoI is in line with the government's consistent refusal to allow any investigation into the abductions, killings and disappearances by paramilitaries and death squads associated with the security forces, which have become the order of the day since

Rajapakse plunged the country back to war after taking office in 2005.

Similarly, the government has dismissed calls for an independent or internationally-monitored to probe into the military's brutal attacks in the final battles with the LTTE, which resulted in the deaths of thousands of Tamil civilians. The government and the military have forced nearly 300,000 civilians who fled the war zone into internment camps in northern Vavuniya.

The government has been emboldened by a May 27 vote in the UN Human Rights Council to commend the regime's "continued commitment to the promotion and protection of all human rights". The resolution, backed by China and Russia, defeated a motion by European Union countries, supported by the US, for an international war crimes investigation.

The vote had nothing to do with defending human rights in Sri Lanka, but marked the intensifying rivalry between the major powers for influence in the strategically-located island and South Asia more broadly in the wake of the LTTE's defeat. The hypocrisy of the EU and US is demonstrated by their support for Rajapakse's war since 2006.

A brief review of some of the high profile cases listed to be dealt with by the CoI indicates why the government shut down the investigations.

* The assassination of Joseph Pararajasingham, a member of parliament of the pro-LTTE Tamil National Alliance (TNA) in December 2005 in the eastern city of Batticaloa. An eye-witness account suggested that paramilitary elements associated with the military were responsible. The murder was a calculated provocation aimed at fuelling communal tensions, goading the LTTE into responding and laying the basis for war.

* The cold-blooded murder of five students on January 2, 2006 in the eastern town of Trincomalee, close to the navy complex. They had been murdered at close range and eye-witnesses blamed the security forces. Many of the students' relatives fled the country and took part in the inquiry via video link, before the government stopped the CoI taking video testimony. CoI chairman Udagama implicated the security forces in the killing, telling the Associated Press last week: "What we think is that someone in uniform did it."

* The slaying of the 17 ACF aid workers in August 2006, shortly after open warfare began. Fifteen of the bodies were found in a row, shot in the head, and two others who had tried to escape had been shot from the back. The international Sri Lanka Monitoring Mission (SLMM) that oversaw the 2002 ceasefire agreement between Colombo and the LTTE stated that the army was responsible for the killing. The SLMM formally ruled that the murders were "a gross violation of the ceasefire by the security forces of Sri Lanka" and described the murders as "one of the most serious recent crimes against humanitarian aid workers worldwide".

Among the cases that the CoI could not complete were the assassination of Foreign Minister Lakshman Kadirgamar, the bombing of a civilian bus at Kebithigollewa, the killings of TNA MP Nadarajah Raviraj and Peace Secretariat deputy director K.P. Loganathan, and the recovery of five headless bodies at Awissawella, south east of Colombo. The killing of Kadigamar was particularly significant. While the government blamed the LTTE, the murder could well have been carried out by Sinhala extremists or even the military. The assassination immediately strengthen the hand of those in the Colombo establishment bitterly opposed to the 2002 ceasefire and pressing for a renewed war.

After international human rights bodies criticised the government's refusal to permit an independent investigation of these crimes, in 2007 Rajapakse appointed an International Independent Group of Eminent Persons (IIGEP) headed by a former Indian supreme court chief justice to observe the CoI's investigations. In April 2008, however, the IIGEP terminated its work, accusing the government of a "lack of political will" to ensure proper investigations, of failing to protect witnesses and of operating without transparency. In some cases, witnesses were murdered, fled the country or were subject to intimidation to prevent them giving evidence.

Foreign human rights organisations have condemned the closure of the CoI, with Amnesty International demanding

that the CoI's concluded reports be "made public immediately." Amnesty declared that "not a single one [of the 17 cases] resulted in any justice" from the Colombo government, "either through the judicial system or through this Presidential CoI."

The rampant violation of democratic rights is continuing on every front. Last week, the US-based Committee for Protection of Journalists (CPJ) issued a report noting that 11 Sri Lankan journalists had fled the country during the 12 months to the end of May. A total of 39 journalists across the globe were forced from their countries, but Sri Lanka had by far the highest number of fleeing reporters, the report said.

The Sri Lankan exodus came amid a series of killings and violent attacks designed to silence any criticism of the war or the government. Police officially drew a "blank" on the January 2009 murder of *Sunday Leader* editor Lasantha Wickrematunge, which followed the ransacking of the Sirasa/MTV private television station.

Without producing a shred of evidence, government leaders have declared that abductions, disappearances and extrajudicial killings were the work of political opponents seeking to tarnish the government's image.

Likewise, Rajapakse has declared in his public speeches since the defeat of the LTTE that the military did not kill a single civilian during the war, which he and his government dubbed a "humanitarian operation". Visiting the former LTTE stronghold in eastern Mullaithivu on Friday, army commander General Sarath Fonseka claimed that the Sri Lankan army was "one of the most disciplined armies in the world".

The dissolution of the CoI marks a further strengthening of the hands of the military after the war. It is another message that the government will not hesitate to ride roughshod over the democratic rights of the working and rural masses. Instead, it will allow the military and associated paramilitary groups to act with immunity and above the law.



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