

Sri Lankan presidential candidates accuse each other of war crimes

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16 December 2009

As the campaign for the January 26 election in Sri Lanka gets underway, President Mahinda Rajapakse and opposition rival General Sarath Fonseka have traded blows over who bears responsibility for war crimes and human rights abuses.

In fact, both men are responsible for the government's communal war against the separatist Liberation Tigers of Tamil Eelam (LTTE) that was defeated in May. Rajapakse restarted the war in July 2006 and Fonseka, the country's top general until he resigned last month, prosecuted it. Now as both candidates attempt to portray themselves as "democrats," they are levelling accusations against each other.

Fonseka fired the latest salvo in an interview published in last weekend's *Sunday Leader* which implied that Defence Secretary Gotabhaya Rajapakse, the president's brother, had ordered the slaughter of top LTTE leaders, even though they had been seeking to surrender. Fonseka denied that he had any involvement, even though he was army commander at the time, saying he only came to know about the matter later via the officer involved.

According to Fonseka, three LTTE leaders—political wing leader Balasingham Nadesan, peace secretariat head Seevaratnam Puleedevan and Ramesh, a military leader—were engaged in desperate negotiations over their surrender. The efforts involved various intermediaries, including Norway, other foreign parties and presidential adviser Basil Rajapakse, another of the president's brothers.

Fonseka told the *Sunday Leader*: "Later, I learnt that Basil had conveyed this information to the Defense Secretary Gotabhaya Rajapakse—who in turn spoke with Brigadier Shavendra Silva, Commander of the Army's 58th Division, giving orders not to accommodate any LTTE leaders attempting surrender and that 'they must all be killed'."

According to the newspaper's account, the LTTE leaders were trapped in a tiny pocket of land at Vellamullivaikkal near Mullaithivu and on the night of May 17 tried to give themselves up. They had been told through intermediaries: "Get a piece of white cloth, put up your hands and walk towards the other side in a non-threatening manner." As they tried to do so, they were shot dead by government troops. The military reported that their bodies

were found the following day during mopping up operations, giving the impression they were killed in fighting.

Fonseka's account only confirms articles that appeared at the time in the British-based *Guardian* and *Sunday Times*. Nadesan and Puleedevan had tried to broker their surrender via Vijay Nambiar, chief of staff to the UN Secretary General, along with British and Norwegian diplomats and ministers. They were advised by Sri Lankan Foreign Secretary Palitha Kohona to "walk across to the troops, slowly with a white flag and comply with instructions carefully".

Sunday Times journalist Marie Colvin, who was directly involved in the negotiations, wrote: "A Tamil who was in the group that managed to escape the killing zone described what happened. This source, who later spoke to an aid worker, said Nadesan and Puleedevan walked towards Sri Lankan army lines with a white flag in a group of about a dozen men and women. He said the army started firing machineguns at them. Nadesan's wife, a Sinhalese, yelled in Sinhala at the soldiers, 'He is trying to surrender and you are shooting him.' She was also shot down." (See: "British newspapers expose cold-blooded killing of LTTE leaders in Sri Lanka").

Fonseka's comments make clear that the shooting was not accidental but had been ordered from the very top. The general said nothing at the time, of course. Both the government and the military were flatly denying that the Sri Lankan army was committing any war crimes, even as evidence mounted that thousands of Tamil civilians trapped in LTTE-held territory were being killed by indiscriminate government artillery fire and aerial bombardment.

This week, the Rajapakse government immediately denounced Fonseka. Disaster Management Minister Mahinda Samarasinghe told a press conference on Sunday: "This is a great betrayal against his former boss, colleagues and soldiers of the armed forces." Government lawyers claimed that Fonseka had violated the Official Secrets Act of 1955 and could be charged.

Wimal Weerawansa, head of the government-aligned National Freedom Front (NFF), told the media on Monday that Fonseka had seriously violated the army's ethic. He dismissed Fonseka's

comments, saying: “This was highly unnecessary as no one in Sri Lanka is interested in knowing how the LTTE leaders were killed”.

What is significant about these responses is that no one contradicted Fonseka’s account of the events or expressed the slightest concern that the government and the military were responsible for a flagrant war crime. Under the Geneva Conventions, the deliberate killing of enemy soldiers or civilians is defined as “a grave breach”—that is, one of the worst infractions.

After making the accusation, Fonseka soon began to backpedal. He hurriedly called a press conference and accused the government of “misinterpreting his interview”. No LTTE leader had attempted to surrender under white flags on May 17, 18 and 19 as “claimed by others”.

“For all the happenings in the battlefield from the beginning to the end of the war, I am responsible as the then Army Commander. I closely observed and monitored the war, and gave necessary instructions. The military maintained its discipline in the war. No field commander acted in contravention of international covenants and conventions. I will not betray the army,” he said.

The only element of truth in this statement is that Fonseka, along with Rajapakse, is responsible for the war crimes carried by the military. According to UN estimates, at least 7,000 civilians were killed between January 20 and May 7 as the army indiscriminately bombarded the small patch of LTTE-held territory. Hospitals were repeatedly shelled. Many of the dead were killed inside what the army had proclaimed as a “no-fire zone”.

In August, the British-based Channel 4 News broadcast footage of Sri Lankan soldiers shooting naked and blindfolded men, who appeared to be Tamils, at close range. Yesterday, the *Times* reported that it had an expert report confirming the authenticity of the video. (See: “Video evidence of Sri Lankan government war crimes”).

Fonseka’s accusation about the killing of LTTE leaders is not the first time that such allegations have surfaced in the campaign. Over the past four years, hundreds of people, including journalists and politicians, have been abducted or killed by pro-government death squads in circumstances that at the very least point to the complicity of the security forces. One of the most notorious cases involved the murder of *Sunday Leader* editor Lasantha Wickrematunge in broad daylight in January as he drove to work. His killers managed to escape despite heavy security in Colombo and, as in other cases, they have not been found and brought to trial.

Fonseka told a National Association of Lawyers meeting on November 27 that he had nothing to do with Wickrematunge’s murder. He stood alongside Ranil Wickremesinghe, leader of the opposition United National Party, as he draped a garland around a portrait of the slain editor. The police’s Criminal Investigation

Department, which is in charge of the murder investigation, has asked to question the general.

Two days later, Defence Secretary Rajapakse gave an interview to *Irida Lankadeepa*, in which he implied that Fonseka was involved in the murder. He said that he was only speaking out now because Fonseka was talking about media freedom. “Particularly at that time [of the murder], I accepted the accusations made by the media [against Fonseka]. I kept silent throughout. I wanted to save the armed forces chiefs. The reason is because we did not think of personal matters since we had a common goal. My silence over the killing of Lasantha Wickrematunge and other issues thus led [to] the blame being place on me.”

In reality, both Fonseka and Defence Secretary Rajapakse were part of the president’s politico-military cabal that operated increasingly independently of cabinet and parliament and regarded itself as being above the country’s constitution and legal system. Fonseka only fell out with President Rajapakse after the war, in a spat that reflected deep resentment in the officer corps that the government was claiming all the credit for the victory.

As these war criminals fling accusations against each other, cooler heads are warning of the danger of airing these allegations in public. In an editorial on Monday entitled “An attempt at harakiri”, the *Island* declared: “It behoves the government worthies exuding venom from every pore and Fonseka on the war path to realise that by trading allegations of war crimes they are only playing into the hands of their mutual enemies awaiting allegations to haul before a war crimes tribunal. They better look beyond Jan 26, 2010.”

The real fear in ruling circles is that the recriminations over war crimes will only further fuel widespread political alienation and opposition and provoke a backlash by ordinary working people against the political establishment as whole.



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