

UN sets up limited inquiry into human rights in Sri Lanka

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The Sri Lankan government has reacted angrily to UN Secretary General Ban Ki-moon's June 22 appointment of an expert panel to advise him on human rights violations in the final stage of the island's civil war. Thousands of civilians were killed by the Sri Lankan military's bombardments in the months leading up to the defeat of the separatist Liberation Tigers of Tamil Eelam (LTTE) in May 2009.

The UN panel is headed by former Indonesian Attorney General Marzuki Darusman, who is a member of Golkar—the ruling party during the Suharto military dictatorship. The other members are Yasmin Sooka, a former member of South Africa's Truth and Reconciliation Commission and Steven Ratner, an American law professor. UN spokesperson Martin Nesirky underlined the limited scope of the move, noting the “advisory panel [is] limited to advising the secretary general... It is not a fact-finding or investigative body.”

Sri Lankan President Mahinda Rajapakse rejected that UN panel at a cabinet meeting the following day. External affairs minister G.L. Peiris declared: “We feel the panel is an unnecessary interference. The government should be given a free space to make its own findings.” The government has announced that it will not cooperate with the UN panel, nor give its members visas to enter the country.

On the same day that the UN panel was announced, the European Union (EU) issued an ultimatum to the Colombo government, declaring that it would not extend GSP+ tariff concessions to Sri Lanka after August 15 without a written assurance on protecting human rights. An EU statement proposed an extension for “a limited additional period, subject to a clear and written commitment” to undertake a number of human rights-related actions within a six-month time frame beginning in July. The withdrawal of EU concessions would impact on Sri Lankan exports, particularly of garments, to Europe.

The EU identified 15 areas, including the implementation of the Sri Lankan constitution's 17th Amendment, the repeal of emergency regulations allowing detention without trial, cooperation with UN human rights bodies, the release of the names of former LTTE combatants and other persons being detained, and an end to the harassment of journalists.

The government flatly rejected the conditions. Peiris declared: “We cannot surrender decision making powers, very sensitive and crucial matters to any foreign government.” In particular, he insisted: “The implementation of the 17th Amendment to the Constitution is an internal matter.”

The 17th Amendment covers the formation of a Constitutional Council, which has broad powers to oversee government appointments and appoint other commissions to supervise key government institutions, including the police, elections and the public service. The Rajapakse government has ignored the constitutional requirement, which would cut across its crony network, and intends to remove it from the constitution.

Economic development minister Basil Rajapakse, the president's brother, told last weekend's *Sunday Times*: “This is more dictatorial than how the colonial rulers of the past treated us. We cannot be bullied into submission. We can stand on our own and resist these conditions.” His comments are in line with the ruling coalition's previous posturing about an “international conspiracy” against the country.

The government, which is directly responsible for the military's war crimes, is desperate to block any international scrutiny of its actions, no matter how limited. In an attempt to deflect criticism, President Rajapakse has established a Lessons Learnt and Reconciliation Commission. Like previous commissions and investigations, it will whitewash the government's record.

The UN has estimated that at least 7,000 civilians died in the final months of the war, between January 20 and May 14. An International Crisis Group report last month put the figure far higher, at between 30,000 and 75,000 deaths, and accused the Sri Lankan military of deliberately targetting hospitals and civilians inside LTTE-held territory. The US-based Human Rights Watch and Britain's Channel Four have produced pictures showing the torture of Tamils, which experts have said are authentic. The Colombo government has repeatedly branded all such evidence as "fabricated" and claimed that the army killed no civilians.

Following the LTTE's collapse, the army herded more than 250,000 civilians—men, women and children—into huge, military-run detention centres in blatant violation of their basic rights under the country's constitution. Young people in particular were interrogated. Thousands accused of being "terrorist suspects" were dragged off to re-education centres in unknown locations. The country's emergency laws, which remain in force a year after fighting ended, provide for indefinite detention without trial.

The Rajapakse government has been attempting to block the establishment of the UN panel. During a trip to the US earlier this month, Peiris met with US Secretary of State Hillary Clinton, who backed Colombo's bogus Lessons Learnt and Reconciliation Commission. At the same time, the Obama administration urged the Sri Lankan government to work with the UN, and last week welcomed the formation of the UN panel.

The US and EU, which backed Rajapakse's war, have both used the human rights issue as a means of undermining China's growing influence in Colombo. During the war, Rajapakse relied increasingly on Beijing for diplomatic, financial and military support. In return for its backing, China was granted significant economic concessions.

Just last week the Sri Lankan government signed a \$250 million agreement with China to develop the second stage of a modern new port in the southern town of Hambantota. Earlier in the month, a deal was reached to fund and construct an international airport near Hambantota. For China, it is part of a broader strategy of securing key sea routes from the Middle East and Africa, which provide crucial supplies of energy and other resources.

Sri Lanka is seeking diplomatic support to scuttle the UN panel, which was established by Secretary General Ban without reference to the Security Council or General

Assembly. The Russian foreign ministry has hinted at opposition, stating: "What also makes us cautious is the fact that this decision was taken without regard to the position of a sovereign state and a member of the UN—Sri Lanka." The Sri Lankan foreign ministry claims China and the Non-Alignment Movement (NAM) have expressed reservations. In March, the NAM issued a statement opposing the panel, but has made no comment since its establishment.

Within Sri Lanka, the major opposition parties, which supported the war, have fallen into line with the government. The United National Party has not made a formal statement but individual MPs have expressed opposition to the UN panel, saying that it was impossible to defend human rights during the war. Janatha Vimukthi Peramuna (JVP) general secretary Tilwin Silva made a similar statement. During the war, the JVP vociferously defended the military's attacks on civilians, the scores of "disappearances" at the hands of pro-government death squads and the repeated attacks on the media.

The lack of any opposition underscores the lack of any constituency in the Colombo political establishment for the defence of basic democratic rights. Nor will the UN panel bring any justice to the victims of the military's war crimes. The panel, whose scope has been limited from the outset, is simply a plaything of the major powers, which are all jockeying for position in Colombo.



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