

# UN report verifies Sri Lankan government war crimes

**Sarath Kumara**  
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The Expert Panel appointed by the UN Secretary General Ban Ki-moon to advise on human rights violations in Sri Lanka found “credible allegations” that the Colombo government committed a “wide range of serious violations” of international law, some of which “would amount to war crimes and crimes against humanity.”

The three-member panel was belatedly appointed in March 2010, after widespread accounts of atrocities carried out by the Sri Lankan military in the final months of its long-running war against the separatist Liberation Tigers of Tamil Eelam (LTTE) that ended in May 2009.

The full 196-page report is yet to be officially released, but the executive summary was leaked to the media last Saturday. It rebuts the claims made by President Mahinda Rajapakse and other Sri Lankan politicians that the military was engaged in a “humanitarian rescue operation” with a policy of “zero civilian casualties.”

The report, which covers the period from September 2008 to May 2009, concludes that the military campaign into the LTTE-held Vanni region used “large-scale and widespread shelling causing large numbers of civilian deaths. This campaign constituted persecution of the population of the Vanni. Around 330,000 civilians were trapped into an ever-decreasing area, fleeing the shelling but kept hostage by the LTTE. The government sought to intimidate and silence the media and other critics of the war through a variety of threats and actions, including the use of white vans to abduct and to make people disappear.”

The persecution of the Tamil population underlines the communal character of the civil war. Successive Colombo governments fought the war to entrench the dominance of the Sinhala elite that has used communal violence and systematic discrimination against the Tamil minority for decades to divide working people to maintain its rule.

The executive summary also accuses the LTTE of refusing to allow civilians to leave its territory—in the final months

shooting those who attempted to leave—and forcibly recruiting children as young as 14. Such practices make clear that the LTTE’s defeat was primarily political, not military. Confronted with a concerted government offensive, the LTTE was unable to mobilise any significant active political support from the Tamil population, let alone more broadly from the working class in Sri Lanka and internationally.

However, as the report stated, “most civilian casualties in the final phases of the war were caused by government shelling.” The military bombarded its own “no-fire zones” where it had encouraged civilians to congregate and assured them of protection. Despite being informed of their locations, the government shelled the “United Nations hub, food distribution lines and near the International Committee of the Red Cross (ICRC) ships that were coming to pick up the wounded and their relatives from the beaches.”

The government also shelled designated hospitals, some repeatedly, and “systematically deprived people in the conflict zone of humanitarian aid, in the form of food and medical supplies, particularly surgical supplies, adding to their suffering”.

The government and military deliberately underestimated the number of civilians trapped in the LTTE-held zone in order to cover up the number of dead and wounded that resulted from its shelling. The UN report estimated that “tens of thousands lost their lives from January to May 2009, many of whom died anonymously in the carnage of the final few days.” The figure is significantly higher than the previous UN estimate of 7,000.

Following the LTTE’s military collapse, around 280,000 civilians—men, women and children—were forcibly and illegally detained in so-called welfare camps run by the military. “Massive overcrowding led to terrible conditions, breaching the basic social and economic rights of the detainees, and many lives were lost unnecessarily,” the report stated. Some of those singled out as “LTTE suspects” were tortured and summarily executed and the remainder sent to secret prisons.

Nearly two years after the LTTE's defeat, the pervasive role of the military and the government's anti-democratic measures continue. As well as the ongoing use of emergency powers and the Prevention of Terrorism Act, the report drew attention to "the continued militarisation of the former conflict zone and the use of paramilitary proxies, all of which perpetuate a climate of fear, intimidation and violence."

Despite the seriousness of these crimes, the Expert Panel's recommendations effectively let those responsible off the hook. The report was scathing on the lack of accountability through the Sri Lankan court system and described the government's Lessons Learnt and Reconciliation Commission (LLRC) as lacking "independence and impartiality" and compromised by the "deep-seated conflicts of interests of some of its members."

However, the report's main recommendation leaves the investigation of the war crimes to the Sri Lankan government—that is, in the hands of the criminals themselves. It calls for the Rajapakse regime to immediately commence "genuine investigations" into the "credible allegations" of international law identified by the panel. A separate international mechanism is proposed to monitor and assist the Sri Lankan government.

The Rajapakse administration immediately dismissed the UN report with contempt. In a brief statement, the External Affairs Ministry declared that "the UN report is fundamentally flawed in many respects." It went on: "Among other deficiencies, the report is based on patently biased material which is presented without any verification."

The response is hardly surprising. President Rajapakse was hostile to the UN Panel from the outset and refused to allow its members to visit the country or interview civilian or military officials. In other words, the government actively blocked evidence gathering, in the same way that it prevented the media and most aid organisations from the war zone in the final months of the war. It continues to deny responsibility for any civilian deaths.

At the same time, the government is mounting a crude anti-Western propaganda campaign, claiming that the country faces a vast international conspiracy. Rajapakse has called on his Sri Lankan Freedom Party to organise a May Day rally as a "show of strength" against the UN Panel report and any calls for war crimes investigations.

Rajapakse accused Western countries of conducting a campaign to punish Sri Lanka for defeating the LTTE. The claim is ludicrous. Right up until the final months of the war, the US and European powers had quietly backed Rajapakse's renewed war against the LTTE, the military's open breaches of

the 2002 ceasefire and its shelling of civilians, abductions and extrajudicial killings.

The US and its European allies only began to raise concerns about the Sri Lankan military's actions in the final months of the war when the scale of the savagery became apparent and was generating international outrage. Even then, the main purpose of the limited criticisms of Western powers was not to prevent the slaughter under way, but rather to boost their political influence in Colombo.

The US in particular was deeply concerned that rival China had exploited the conflict to forge close ties with the Rajapakse government by providing military, financial and political support. China had already been granted the contract to build a sophisticated modern port at Hambantota in the south of the island. The port is part of a broader Chinese plan to build harbours adjacent to key shipping routes from Africa and the Middle East to North East Asia.

The US Assistant Secretary of State for South and Central Asian Affairs, Robert Blake, underscored Washington's vital interests in Sri Lanka in comments on April 5 to the House Foreign Affairs Committee. "Positioned directly on the shipping routes that carry petroleum products and other trade from the Gulf to East Asia, Sri Lanka remains of strategic interest to the US," he explained.

While the government's record on human rights and the weakening of democratic institutions was "worrisome," Blake declared, "Sri Lanka stands poised to be a capable and willing partner to effectively combat violent extremism, trafficking and piracy, and thereby help to ensure the maritime security of the region." Since late 2009, Washington has further played down "human rights", as it has sought other means to establish the Rajapakse government as a reliable US partner.

Even the UN report was compelled to acknowledge that the UN Security Council and other UN bodies "failed to take actions," including in the final months of the war, to protect civilians. The "failure" simply demonstrates that lack of any real interest in the plight of hundreds of thousands of civilians on the part of all the major powers as each sought to exploit the issue for its own political ends. The same considerations will determine the fate of the Expert Panel report itself.



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