

Sri Lankan commission whitewashes war crimes

Wije Dias

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The Lessons Learnt and Reconciliation Commission (LLRC), appointed by Sri Lankan President Mahinda Rajapakse in May 2010, finally released its report on December 16. The result is a cover-up designed to deflect international pressure over war crimes and human rights abuses committed by the military during the war against the Liberation Tigers of Tamil Eelam (LTTE) that ended in May 2009.

The commission was never independent in any sense. It was headed by C.R. de Silva, a former attorney general with a record of defending the government against human rights violations. Others involved included a former UN envoy, top state officials, a former judge and an academic, none of whom have a record of defending human rights. Mandated to finish the report within six months, the commission strung out the process for another year.

Its terms of reference were deliberately limited to the seven-year period from the signing of the ceasefire agreement on February 21, 2002 up to the end of the war on May 19, 2009. The commission report serves Rajapakse's purpose by blaming the LTTE for violating the ceasefire and ignoring his government's flagrant acts of aggression that plunged the island back into war in July 2006.

By restricting the time frame, the government ensured that the commission made no examination of the reasons for the protracted civil war that lie in the divisive Sinhala communal politics used by successive Colombo governments to bolster their rule since independence in 1948. The report makes no attempt to address the systematic anti-Tamil discrimination that gave rise to the war in 1983.

Given its mandate and personnel, the commission was never going to be anything more than a whitewash. Its findings are in marked contrast to an Expert Panel appointed by UN Secretary General Ban Ki-moon, which found "credible evidence" that the Sri Lankan government committed a "wide range of serious violations" of international law, some of which "would amount to war crimes and crimes against humanity." The UN report concluded that "tens of thousands [of civilians] lost their lives from January to May 2009."

The LLRC report denies intentional killing of civilians took place. "On considering all the facts and circumstances before it, the Commission concludes that the Security Forces had not deliberately targeted the civilians in the NFZs [No Fire Zones], although civilian casualties had in fact occurred in the cause of crossfire." It attempts to put the blame for the deaths on the LTTE for preventing civilians fleeing from areas under its control.

One of the most blatant crimes by the armed forces was the shelling of hospitals where many civilians were seeking treatment. The shelling could not have happened without a decision by the military top brass. The LLRC report acknowledges that "shells had in fact fallen on hospitals causing damage and resulting in casualties", but exonerates the military by declaring that evidence "points to a somewhat confused picture as to the precise nature of events, from the perspective of time, exact location and direction of fire."

The conclusion simply ignores the evidence from a variety of sources, including the statements of the defence department and military spokesmen at the time.

They legitimised the targeting of clearly marked hospitals by declaring either that LTTE artillery had been placed alongside or that the hospitals had been “terrorist camps”. Deliberate attacks on hospitals, regardless of the pretext, are war crimes under international law.

The commission was toothless from the outset, having the power only to recommend compensation payments to persons affected by the war, and “institutional, administrative and legislative measures” to prevent future abuses. It had no power to try, convict or punish anyone suspected of war crimes or crimes against humanity.

The report’s recommendations were banal platitudes. It called for the removal of “the culture of suspicion, fear, mistrust and violence”. It declared: “What needs to be done for reconciliation and nation building is that the state has to reach out to the minorities and the minorities, in turn, must reposition themselves in their role vis a vis the state and the country.”

The Rajapakse government has already made clear that it has no intention of making any concessions to ease communal tensions. As the LLRC report was compelled to concede, “full effect has not yet been given to its Interim Recommendations.” It went on to warn: “The delay in taking effective remedial action would only result in a breakdown of law and order and the consequent erosion of the rule of law and the confidence of the people in the reconciliation process.”

The purpose of the LLRC report was never to investigate the war crimes of the government and military, but to deflect calls for an international inquiry. The US, India and the European powers have cynically exploited the prospect of war crimes proceedings to put pressure on the Rajapakse government to distance itself from China.

The US has issued a muted response, declaring it has “concerns” that the report did not fully address all the allegations of “serious human rights violations”. The EU has said that it needs more time to fully study the report. India welcomed the report and called for its recommendations to be implemented. None of these

powers has the slightest concern about either the crimes committed or the Sri Lankan government’s ongoing abuse of democratic rights.

For more than 60 years the Sri Lankan national bourgeoisie has trampled on the basic democratic rights of the island’s Tamil and other minorities. Successive Colombo governments have relied on the policy of divide and rule, whipping up Sinhala chauvinism against Tamils to split the working class and maintain bourgeois rule.

The LLRC declared that it was “imperative” to have a “political solution” to address the issues that gave rise to the war. But the only political solution that will end the decades of discrimination and abuse of democratic rights of Tamils is the abolition of the capitalist system that is the underlying cause. To achieve that end, Sinhala, Tamil and Muslim workers must unite and rally the oppressed masses for the establishment of a workers’ and peasants’ government committed to a program of international socialism.



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