

UN human rights officials visit Sri Lanka

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Officials from the Office of the UN High Commissioner for Human Rights arrived in Sri Lanka last week and met with government officials and Tamil leaders in preparation for an upcoming visit by the UN High Commissioner, Navanethem Pillay.

The Sri Lankan government's invitation to Pillay reverses its previous opposition to such a visit and indicates that it is seeking closer relations with the US and its allies. Washington has been exploiting the "human rights" issue in Sri Lanka as a means of exerting pressure on President Mahinda Rajapakse.

The Rajapakse government has flatly rejected evidence of war crimes and human rights abuses during its communal war against the separatist Liberation Tigers of Tamil Eelam (LTTE). A UN expert panel last year found "credible evidence" that the Sri Lankan military had committed war crimes in the final months leading up to the LTTE's defeat in May 2009. During that period, tens of thousands of Tamil civilians were killed. The UN panel also detailed gross abuses of democratic rights, including "disappearances," extra-judicial killings and torture.

In March, the US sponsored a limited resolution adopted by the UN Human Rights Council (UNHRC), calling for the Sri Lankan government to draw up a National Action Plan to implement the recommendations of the government's own Lessons Learnt and Reconciliation Commission (LLRC).

Washington's concern was not with human rights in Sri Lanka. The US backed Rajapakse's renewed war against the LTTE and, until the final months of fighting, turned a blind eye to the crimes carried out by the Sri Lankan military. The US then used the issue to pressure the Rajapakse government to distance itself

from China, which provided considerable military and financial support to Sri Lanka during and after the war.

The Rajapakse government bitterly opposed the UNHRC resolution, despite its perfunctory character, and declared it would take no action. Within Sri Lanka, government ministers denounced the move as a violation of national sovereignty and declared there was "an international conspiracy" against the country.

In July, however, Colombo submitted a National Action Plan to the UNHRC and dropped its objection to Pillay's visit. The about-face was driven by the government's concerns that Sri Lanka could become increasingly isolated and a target for a US-backed regime change operation.

Another consideration behind the patching up of relations with Washington was the ability of the US and its allies to limit access to global financial institutions. Amid a worsening balance-of-payments crisis, the Sri Lankan government is seeking another loan from the International Monetary Fund (IMF).

However, the entire framework of the UNHRC resolution, the National Action Plan and the UN visits ensures that no serious investigation will take place into the war crimes and abuses of democratic rights for which Rajapakse and his government are responsible.

The UNHRC resolution did not address the report of the UN expert panel, which provided evidence of war crimes, but focussed instead on the findings of the government's sham LLRC panel, which was hand-picked by Rajapakse. The purpose of the LLRC was to appease the US and European powers and cover up the government's responsibility for the crimes and abuses carried out by the military against Tamil civilians.

The National Action Plan is based on the LLRC's limited proposals, which included the disarming of "illegal" militias, the prosecution of Tamil detainees held without charge, and the devolution of some powers to the provincial level in the island's north and east. None of these measures addresses the continued systematic discrimination against the island's Tamil minority.

As part of the plan, the government has promised to investigate "specific instances of death or injury to civilians" and "allegations of disappearances after surrender/arrest," with "wrongdoers" to be punished.

However, these "disciplinary inquiries" will be carried out by the Defence Ministry, which has already insisted that the armed forces committed no crimes. The military claimed that its offensives were a "humanitarian operation" and any civilian deaths were caused by the LTTE.

Under its action plan, the government has initiated a "professional survey" across the island to ascertain the scale and circumstances of civilian deaths and injuries, and damage to property during the conflict. One can predict in advance that this will whitewash the military's role.

The plan further promises an "independent investigation into the Channel 4 Video to establish the truth." The video, broadcast on British television in 2011, showed footage of civilians, including in hospitals, being shelled by the military, as well as of the extra-judicial execution of captured LTTE cadre.

There is nothing "independent" about this inquiry. It will be carried out by the Defence Ministry and the Presidential Secretariat, which have declared that the video was concocted by LTTE sympathisers.

The government's plan calls for an investigation of "allegations on abductions, enforced disappearances and arbitrary detentions." Hundreds of people, mainly Tamils, were "disappeared" by pro-government death squads, operating in collusion with the military. No one has ever been convicted of these crimes.

The disarming of "illegal" armed groups has also been assigned to the Defence Ministry. But it is well known that these militias collaborated with, and were often armed by, the military to terrorise the Tamil population. Some of the militias are associated with political parties that form part of Rajapakse's ruling coalition.

The government intends to keep a tight rein on any investigation. In July, Media Ministry secretary Charitha Herath said the government would not introduce a "Right to Information Act at the expense of national security." He declared that "external elements" could use such a law to obtain "sensitive information." The government fears that the media might use the legislation, which was first mooted in 2002, to obtain information regarding war crimes and other human right violations.

The present team of UN officials will report to the UNHRC's Universal Periodic Review, to be held on November 1, which reviews the human rights records of UN member countries. Another report will be prepared by Pillay for the UNHRC's session next March.

The Sri Lankan government clearly wants the UNHRC to whitewash its crimes. Former Attorney General Mohan Peiris, who is part of the Sri Lankan delegation to the UNHRC, told the media last week that Pillay's visit "is going to showcase that Sri Lanka has fulfilled its human rights obligations."

Nothing could be further from the truth. The outcome of the UNHRC's deliberations will be determined in large measure by the degree to which the Rajapakse government falls into line with the Obama administration's foreign policy, including its aggressive moves throughout Asia to undercut Chinese influence.



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