

Sri Lankan army report denies war crime accusations

Sarath Kumara
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Sri Lanka's army commander, Lieutenant General Jagath Jayasuriya, has presented a report rejecting evidence of the military's involvement in war crimes and human rights abuses during the civil war against the Liberation Tigers of Tamil Eelam (LTTE) that ended in May 2009.

The report, handed to Defence Secretary Gotabhaya Rajapakse on January 25, also represents a direct political intervention. It challenges the findings and proposals of the government's own Lessons Learnt and Reconciliation Commission (LLRC), and makes policy recommendations to undermine democratic rights and consolidate the ongoing military occupation of the North and East of the island.

President Mahinda Rajapakse, the defence secretary's brother, appointed the LLRC in 2010 to deflect international criticism of the Sri Lankan military and block calls for an international investigation of its war crimes. The LLRC report predictably whitewashed the government and military, but included limited recommendations for probes into "disappearances" by pro-government death squads, the disarming of paramilitaries, the gradual de-militarisation of the North and East and a power-sharing arrangement with the Tamil elite.

The Rajapakse government has done virtually nothing to implement these recommendations but is under pressure to do so from the US and Western powers. Washington, which backed the Colombo government's war against the Tamil minority, is now cynically exploiting the issue of "human rights" to pressure Rajapakse to distance himself from China.

The army report represents the view not only of the military, but of substantial sections of the Colombo political establishment that are mired in Sinhala supremacism, hostile to any undermining of the

military's authority and deeply opposed to any concessions to the Tamil bourgeoisie. The document was prepared by a board headed by Major General Kamal Gunaratne and comprised of senior army officials, all of whom were actively involved in the final offensives of the war.

The report flatly denied that the military had any responsibility for war crimes, declaring that it took "all precautions to avoid civilian casualties". This is a repetition of President Rajapakse's lie following the end of the war that there had been "zero casualties" among civilians. When the defence ministry later acknowledged that there might have been 8,000 civilian deaths, it blamed all of them on the LTTE.

In reality, the Sri Lankan military was responsible for a bloodbath. A UN expert panel estimated that at least 40,000 civilians were killed during the final weeks of the war as the military bombarded LTTE-held areas, deliberately targeting hospitals and aid supplies. A detailed International Crisis Group report presented similar evidence and put the number of deaths at between 30,000 and 75,000. The government and the military rejected these reports but opposed any independent investigation.

The army's report also entered the political arena. It justified the war, declaring: "A sovereign state has the right to take all legitimate measures to maintain or re-establish the law, the national unity and territorial integrity of the state ... For 30 years the entire Sri Lankan nation consisting of 20 million people had been subjugated by LTTE terrorism."

The real political responsibility for the protracted communal war lies with successive Colombo governments that entrenched anti-Tamil discrimination in the constitution and consciously whipped up communal hatred to divert the working class and prop

up bourgeois rule. The onset of full-scale civil war in 1983 was marked by a government-instigated island-wide pogrom against the Tamil minority that led to hundreds, if not thousands, of deaths.

During the report's presentation, Defence Secretary Gotabhaya Rajapakse dismissed the issue of civilian casualties by implying, without a shred of evidence, that all the dead were LTTE "terrorists". He declared: "The army lost nearly 6,000 soldiers after the humanitarian operation [the final offensive] started. We had 20,000 soldiers injured. If we suffered that number of casualties, what about the terrorists?"

The army report proposed that Sri Lanka dispense with international law as applied to war and establish its own domestic rule. "International Humanitarian Law principles applicable to an internal war situation have not adequately addressed various complex issues," it stated. "Seemingly," the report claimed, the principles only applied to "state actors".

The report called for the screening of international organisations and non-government organisation (NGOs) by the military "to ensure that undesirable elements will not jeopardise national security." The government and military were deeply hostile to the presence not only of NGOs, but also journalists, and sought to block them from the war zones during the final months of the onslaught, to ensure there were no independent witnesses to the crimes taking place.

The army also opposed any easing of the military occupation of the North and East, as recommended by the LLRC. "The government has an absolute right to maintain its armed forces anywhere in the island, according to the country's strategic and security needs," the report declared. It claimed that bases were located to cause "minimum inconvenience to the public" and occupied land would be "legally acquired at the market value and owners should be given alternative lands." The military has seized large areas of the North and East and transformed them into security zones, driving thousands of people from their homes, businesses and farmlands.

The military justified its continued occupation by alleging that the country faced a "foreign conspiracy" by the Tamil diaspora, backed by foreign powers that were encouraging a "resurgence of the LTTE" in the northern Jaffna Peninsula. In fact, the rising discontent and hostility to the military is a product of its war

crimes, its continued use of police-state methods and widespread unemployment and poverty. The fear in the Colombo establishment is that this opposition in the North will join up with growing anger in the South among workers and the poor over deteriorating living standards.

Despite the government's claim that there is a civilian administration in the North, the military is in de facto control. The army report recommended a further consolidation of its control, with the military's "civil affairs officers" continuing to function "as liaison officers to assist the civil administration."

The report also rejected an LLRC proposal to separate the country's police from the defence ministry. It insisted that "police should be placed under the defence ministry at all times." Moreover the defence ministry "should study and make recommendations with regard to the role of the police in insurgencies and terrorism." In effect, the armed forces and police have become a concentrated repressive security apparatus.

During the protracted civil war, the military became a major factor in political life. Defence budgets expanded rapidly after Rajapakse assumed power in 2005 and have not diminished since the end of the war. The military now consumes 15 percent of the national budget.

Rajapakse has ruled through a cabal of relatives, cronies, top generals and state bureaucrats that has increasingly ridden roughshod over the constitution, the legal system and parliament. The army report's proposals amount to a bid by the military for an even larger political role as social tensions in the country deepen, raising the prospect of a rebellion by the working class and rural poor.



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