

# Sri Lankan president appoints advisory panel to head off UN human rights inquiry

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Sri Lankan President Mahinda Rajapakse last month appointed three “international experts on war crime inquiries” to “serve on an Advisory Council” to his Commission of Inquiry (COI), established last August to “probe disappearances.”

In his proclamation, Rajapakse also extended the COI’s “mandate,” asking it to examine whether any human rights violations occurred in the final months of the war against the Liberation Tigers of Tamil Eelam (LTTE) that ended in May 2009.

This is a desperate attempt by Rajapakse to avoid a UN Human Rights Council (UNHRC) investigation into war crimes and human rights violations during the last period of the war. In March, the UNHRC passed a US-backed resolution for an international inquiry and in July it appointed an inquiry panel, which was due to start its work on August 1.

According to an earlier report by a UN expert panel, government forces killed more than 40,000 Tamils, mainly civilians, during the final weeks of the war. Rajapakse, however, has always flatly denied that the military committed war crimes, cynically proclaiming that the troops were engaged in “humanitarian operations” to protect people from LTTE “terrorists.”

Washington and the other Western powers fully backed the war, and turned a blind eye to the Sri Lankan military’s war crimes until the final months of the conflict. The US and its allies are exploiting the atrocities to put pressure on Rajapakse to break his close ties with Beijing and align more closely with the US in its “pivot” to Asia aimed at undermining and militarily encircling China.

Previous US-supported UNHRC resolutions called only for the Sri Lankan government to conduct its own inquiries. Last March’s resolution marked a shift in US policy to intensify the pressure on Rajapakse amid his

further development of military and economic links with Beijing.

Rajapakse’s government faces a profound political crisis. He and his top military commanders fear the possibility of being dragged before an international war crimes tribunal. Rajapakse also faces a socially explosive situation because of his government’s austerity measures and the vulnerability of the Sri Lankan economy to the impact of the ongoing global breakdown.

In May 2010, Rajapakse initially responded to the US pressure by appointing an internal Lessons Learnt and Reconciliation Commission (LLRC), which whitewashed the military’s role. Later, he ordered a military investigation into the war crimes allegations. Last August, when the US indicated it would back a UNHRC resolution for an international probe, he established the COI in a failed bid to prevent such a resolution.

Nevertheless, the announcement of the Advisory Council was an about turn by the government. A July 30 *Sunday Times* political column noted a “sharp shift,” commenting: “The government, which had insisted on there being no role whatsoever for any ‘foreign intervention,’ has now named three (foreign) persons to ‘serve on an Advisory Council to the Commission of Inquiry.’”

The three named experts, Desmond De Silva, Geoffrey Nice and David Crane, have all served in UN war crime tribunals. Nice headed Slobodan Milosevic’s trial at the international tribunal for the former Yugoslavia in The Hague. Crane was the chief prosecutor of the Special Court for Sierra Leone, which indicted Liberian president Charles Taylor, and was succeeded as chief prosecutor by de Silva, his deputy.

Rajapakse is attempting to give his domestic inquiry

some credibility, and, at the same time, signal his willingness to accommodate to Washington's agenda. Given their record, all three experts are trusted agents of the major powers, including the US.

Welcoming this move, sections of the Sri Lankan ruling elite that advocate a closer alignment with the US and other Western powers, are pushing for a further foreign policy shift in the same direction.

The *Sunday Times* editorial on July 27 called for a "Look West" policy, arguing: "There are more trade connections, education and job opportunities, and tourism from the West. If Sri Lanka is to succeed in this modern world it cannot shun the West—or be shunned by it."

Colombo's political and corporate establishment is very concerned about the prospect of Western economic sanctions. Since 55 percent of Sri Lankan exports go to the West, sanctions would be disastrous for big business.

The *Sunday Times* criticised the government for not responding to Washington's demands sooner and thus avoiding an international investigation into the military's war crimes. "The Security Forces did what it took to end the scourge of terrorism," the editorial stated. "But a more prudent foreign policy by the Government could have avoided investigations."

The right-wing opposition United National Party (UNP) has a long record of lining up with the US and other Western powers. However, it used Rajapakse's appointment of the advisory panel to appeal to Sinhala chauvinist forces, including those in the military hierarchy. A UNP statement declared: "They (the public) should be told why President Mahinda Rajapakse, who boasted he would rather sit in an 'electric chair' than betray soldiers, has now done an about turn."

The government's Sinhala extremist partners have denounced the panel's establishment. Technology, Research and Atomic Energy Minister Champika Ranawaka, the leader of the Jathika Hela Urumaya (JHU) criticised the government's extension of the COI's mandate "without gaining approval from members of the ruling coalition."

Construction, Engineering Services, Housing and Common Amenities Minister Wimal Weerawansa, the leader of National Freedom Front (NFF), said: "Those who have advised the government to appoint

international experts have jeopardised the government, the security forces and the head of state. This also gives an opportunity to international elements with vested interests to intervene in the internal affairs of the country."

On the other hand, the Tamil National Alliance (TNA), the main Tamil bourgeois party, which was the LTTE's parliamentary mouthpiece during the last years of the war, dismissed Rajapakse's move. Suresh Premachandran, a TNA leader, told the *Sunday Leader*: "The question is why the government took all this time to do that. Previously, on several occasions, the government appointed commissions and international experts to overlook investigations but none was implemented successfully."

The TNA has its own cynical political agenda. It is pushing for a power-sharing arrangement with Colombo, in order to secure the privileges of the Tamil elite, and it is counting on the major powers to push Rajapakse into such a partnership. The TNA's concern is that if Rajapakse manages to avoid an international inquiry via his latest ploy, that will undermine its hopes to exploit the US and Western pressure.



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