

UN report on Sri Lanka details atrocities during the civil war

Rohantha De Silva, K. Ratnayake
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A report on Sri Lanka released by the UN High Commissioner of Human Rights Zeid Ra'ad Al Hussein last Wednesday provides further evidence of atrocities committed by the Sri Lankan military during the 26-year war waged by successive Colombo governments against the separatist Liberation Tigers of Tamil Eelam (LTTE).

Though the introduction and recommendations have been slanted in favour of the current pro-US government in Sri Lanka, the report provides details of war crimes and human rights violations by every faction of the Colombo ruling elite and also by the LTTE.

Presenting the report, Zeid noted: "Importantly, the report reveals violations that are among the most serious crimes of concern to the international community as a whole." It does not, however, name the perpetrators of the war crimes.

President Maithripala Sirisena and Prime Minister Ranil Wickremesinghe were jubilant that the report did not name names. According to the *Daily Mirror*, Sirisena told a meeting of Colombo media heads that the report was "100 times or 1,000 times milder than that would have been presented at the UNHRC if not for the change that took place on January 8."

Sirisena, who won the presidency from Mahinda Rajapakse in January, declared the "danger of several names being included in the report" was averted by "the positive image" of the present United National Party (UNP)-led government.

The omission of names in the report points to an understanding between Zeid's office, the US and the Colombo government. The 261-page report was prepared by Office of the UN High Commissioner for Human Rights Investigation on Sri Lanka (OISL) following a US-sponsored resolution passed in the UN Human Rights Council in March 2014.

Washington backed the Rajapakse government's war against the LTTE and turned a blind eye to the Sri Lankan military's atrocities. However, in the final months of the war in 2009, the US seized on "human rights" as a means of pressuring Rajapakse to distance himself from China. When that failed, Washington backed what amounted to a regime-change operation in the January 8 presidential election.

If the report is "milder," it is because the US and its allies want no disruption to the new government which has aligned itself more closely with Washington. Up until last November,

Sirisena was a senior minister in the Rajapakse government, a close confidence of the former president and on several occasions served as acting defence minister. As such, the new president could be caught up in war crimes charges along with Rajapakse, other ministers and senior military figures.

The report reveals aspects of the criminal war that resulted in the deaths of about 200,000 people, the majority being Tamils. The OISL gathered evidence from satellite pictures and photos from various sources as well as eyewitness accounts. The time frame of the report is from 2002 to 2011—the period from the 2002 ceasefire to the LTTE's defeat in May 2009 and beyond. It does not cover the previous two decades of the war that a UNP government began in 1983.

Despite its failure to name those responsible, the report's conclusions are a devastating indictment of successive Colombo governments led both by Rajapakse's Sri Lanka Freedom Party (SLFP) and the current UNP. The OISL found "the persistence of serious human rights violations, abuses and related crimes that have impacted on tens of thousands of individuals as well as whole communities" not only during the period covered by the report but over previous decades.

It pointed out that these included "extensive and endemic patterns of extrajudicial killings, enforced disappearances, abductions, unlawful arrests and arbitrary detention, torture and sexual violence committed with impunity by the government forces over many years, as well as by paramilitary organisations linked to them."

The report also pointed to extensive human rights abuses by the LTTE, whose agenda of Tamil separatism represents the interests of the island's Tamil elites, not the Tamil workers and rural poor. Unable to make any appeal to working people, the LTTE increasingly resorted to anti-democratic methods to maintain its territory and deliberately whipped up communal hatreds by attacking Sinhalese civilians.

Having won the 2005 presidential election, Rajapakse, with the backing of the US and its allies, plunged the island back into civil war in mid-2006, boosted the military budget, trebled the army's fighting strength to 300,000 and launched massive offensive operations against the LTTE, first in the East and then in the North.

Like a previous UN investigation, the report focuses on the

final months of the civil war in 2009 when hundreds of thousands of Tamil civilians were trapped in shrinking LTTE-controlled territory and subjected to deprivation of food and medical facilities. The No Fire Zones declared by the Sri Lankan military inside LTTE-held areas offered no protection. In order to cover up the military's activities, the government ordered all UN agencies and non-governmental organisations to leave the remaining LTTE-controlled area in the North in September 2008.

The report concluded: [T]he intensive shelling by the armed forces caused great suffering and loss of life among the civilian population of the Vanni. Witnesses gave harrowing descriptions to the OISL of the carnage, bloodshed and psychological trauma of bombardments in which entire families were killed. Lack of food, water and medical treatment because of strict controls of supplies allowed into the Vanni by the government further impacted on their well-being and undoubtedly caused additional deaths."

The OISL makes no estimate of the number of civilians killed but declared "there is no doubt that thousands, likely tens of thousands, lost their lives." It concluded that "the patterns of commission of gross human rights violations and serious violations of international law, the indications of their systematic nature, combined with the widespread character of the attacks all point to the possible perpetration of international crimes."

These crimes included attacks on hospitals despite, or perhaps because, their location had been provided to the Sri Lankan armed forces. The first shelling on Vallipunam hospital in January 2009 resulted in "damage to the main building, medical infrastructure, ambulances and temporary medical shelters. At least five civilians were reportedly killed and 22 others were injured in the incident." It was followed by attacks on the Pudukudiyirippu, Valayarmadam, Mullivaikkal and finally Vellimullivaikkal health facilities.

As the report explained, "the plight of the civilians did not end once the war was over." More than 250,000 people were herded into internment camps, known as "welfare villages," under the direct control of the military. Manik Farm in Vavuniya "spanned some 500 hectares and several kilometres, and was comprised of seven zones, each one surrounded by barbed wire and guarded by military personnel." About 220,000 people were detained there. Around 12,000, mainly young people, were branded "LTTE suspects" and taken to secret locations where they faced torture. Some simply "disappeared."

The report examines several notorious cases including the murder of 17 aid workers from the French-based Action Contre la Faim (ACF) in the eastern town of Muttur on August 4, 2006. Fifteen of them were lined up in a row and shot execution-style in the head. Two others were killed while trying to flee. The subsequent investigations were a whitewash designed to exonerate the military who almost certainly were responsible.

The report stated: "The Executive [President Rajapakse] interfered with the inquest and shifted the case to a jurisdiction in a Sinhalese area where Tamils had difficulty attending the proceedings. The magistrate initially assigned the case was threatened. The international forensic pathologist appointed to oversee a second autopsy was harassed and retracted his finding that a bullet likely to be from a STF weapon was lodged in the skull of one of the victims."

In another high profile case, the report declared that there were "reasonable grounds," contrary to government denials, to believe that the security forces murdered surrendered LTTE members. The most prominent were Balasingham Nadesan, the leader of the LTTE's political wing, and Seevaratnam Puleedevan, the head of its peace secretariat, who died after surrendering to security forces on May 18, 2009.

The OISL recommended the establishment of "hybrid special courts integrating international judges, prosecutors, lawyers and investigators" to investigate the crimes it identified. It insisted that the "domestic" judicial system in Sri Lanka was not sufficient, given the impunity with which the armed forces and police have operated.

The report is due to be discussed at the UN Human Rights Committee on September 30. The US has already indicated it will work with Sri Lankan government on a resolution about the implementation of the recommendations. Washington has already indicated its support for a domestic-based investigation as proposed by Colombo.

Speaking to the *PTI News* on Sunday, US Assistant Secretary of State for South Asia Nisha Biswal said Washington has "seen Sri Lanka's strong intent" to address human rights and pledged to work with the government. In reality, the Colombo government, with US support, will use any investigation to bury the extensive war crimes.

The entire military and political establishment in Colombo is implicated in the protracted communal war and associated atrocities. Moreover, as the report makes clear, the entire police-state apparatus still exists. "Many of the structures responsible for the violations and crimes remain in place, ready to be activated when necessary as well as to prevent any progress in terms of addressing accountability," it stated.

In the next period, as the new government implements its austerity agenda, such repressive "structures" will indeed be reactivated to suppress workers and the poor seeking to defend their jobs and living standards.



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