US-Sri Lankan resolution to UN human rights body to cover up war crimes

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The US draft resolution on Sri Lanka, co-sponsored by the Colombo government, was presented to the UN Human Rights Council (UNHRC) in Geneva last Thursday. Entitled "Promoting Reconciliation, Accountability and Human Rights in Sri Lanka," it is a cynical exercise in covering up the war crimes and atrocities carried out by the military and successive Sri Lankan governments in the island's 26-year civil war.

The resolution follows the release of a report by the Office of the UN Human Rights Commissioner for Investigation on Sri Lanka (OSIL) on September 16. While the report was largely limited to the final phase of the war, it did detail, without naming anyone, the extent of the atrocities. According to a previous UN estimate, 40,000 civilians were killed in the last months of the war, which ended with the defeat of the separatist Liberation Tigers of Tamil Eelam (LTTE) in May 2009.

The preamble of the draft resolution praised the Sri Lankan government's "contributions to promoting democratic governance," its steps to respect human rights and its recognition of the need for a mechanism to "redress the past abuses and violations." The praise for the Sri Lankan government has nothing to do with its stance on human rights, but is because, since ousting Mahinda Rajapakse as president in January, Sirisena and Prime Minister Ranil Wickremesinghe have shifted foreign policy sharply away from Beijing and towards Washington.

The mechanism to redress past abuses is being carefully crafted to ensure that very few people, if any, are held accountable for war crimes. After discussion with Colombo, Washington modified its first draft of the resolution to ensure the Sri Lankan government retains substantial control of any inquiry. A new clause omits a previous reference to international judges and declares that the government affirms the "importance of participation in a Sri Lankan judicial mechanism, including the Special Counsel's Office, of Commonwealth and foreign judges" and other officials.

The government wanted the changes for two reasons: firstly, to assure the military that it will not face war crimes charges and secondly, to satisfy Sinhala communal constituency on which Sirisena's Sri Lanka Freedom Party and Wickremesinghe's United National Party (UNP) are based. Sirisena and Wickremesinghe are both implicated: the former was acting defence minister in Rajapakse's government in the final two weeks of the war, the latter was a minister in the UNP government that started the war in 1983.

The final form of the resolution was the outcome of backroom intriguing involving Wickremesinghe and the Tamil National Alliance (TNA), the main party representing the island's Tamil elites. According to the *Sunday Times*, Wickremesinghe held a meeting with UK high commissioner, James Dauris in Colombo, then a teleconference with US ambassador for Sri Lanka, Atul Keshap, in Geneva appealing to them to add the new clause. "When this played out, TNA's M.A. Sumanthiran [a party leader] flew to New York for a meeting with Michele J. Sison, US deputy envoy to the UN (and former ambassador to Sri Lanka) ... Those interactions sealed the deal over a final resolution."

Wickremesinghe was clearly delighted with the resolution, declaring that it was "an important milestone in international relations" and that Sri Lanka would "no longer have to face [international] pressures." The "pressure" on human rights came primarily from Washington as a means of trying to compel Rajapakse to distance himself from Beijing. Up until the final months of the war, the US had backed Rajapakse's war and ignored the military's atrocities.

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When pressure failed, the US resorted to other measures. It was intimately involved in the behind-the-scenes manoeuvring to remove Rajapakse in the January presidential election and to ensure that he did not make a come-back as prime minister in last month's parliamentary election. Washington's willingness to countenance a largely domestic "human rights inquiry" rather than an international one is a payoff to the new pro-US government.

US Secretary of State John Kerry declared that resolution was "an important step towards a credible transitional justice process, owned by Sri Lankans and with the support and involvement of the international community." In reality, it is a conspiracy against workers and the poor—Tamil, Sinhala and Muslim alike—who were the chief victims of the war and is another example of how the US manipulates "human rights" to fit its interests.

According to the *Daily Mirror* on Sunday, Wickremesinghe has already briefed Colombo-based media heads on the judicial mechanism to be established. A Sri Lankan will be appointed as Special Counsel to investigate particular cases. Commonwealth judges will only be involved if sanctioned by Sri Lanka's Supreme Court. Wickremesinghe specifically declared that the government would not make "scapegoats" of security force members.

The prime minister also indicated that a "Truth Commission and a Compassionate Council" would be set up along the lines of South Africa's Truth and Reconciliation Commission (TRC). Cases identified for investigation by the Special Counsel will be referred to this commission.

The African National Congress-led government in South Africa set up the TRC in 1995 to examine crimes committed under Apartheid rule. Its real brief was, where possible, to cover up past atrocities and, in the name of "reconciliation," to ensure no one was held accountable and no relief or compensation was given to the victims. The TRC was a mechanism to consolidate the capitalist rule under the ANC and the black ruling elites.

The TNA is playing a similar role to that of the ANC. It hailed the resolution as a "dramatic break from the past and could herald the beginning of an end to impunity." The TNA noted that the draft would "not satisfy all victims of the conflict" but was "a constructive starting point for" reconciliation. By reconciliation, the TNA means securing the interests of the Tamil elites in a new power-sharing arrangement with Colombo.

Several countries have already indicated their support for the resolution, including Britain, Australia, Ireland and Montenegro. India has also signalled its support after a meeting between Indian Prime Minister Narendra Modi and Sri Lankan President Maithripala Sirisena in New York. The resolution is likely to be passed tomorrow without even a formal vote.

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