

## NEWS

# Uncovering Sri Lanka's war crimes

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DESPITE verbal acrobatics reminiscent of George Orwell's 1984, Sri Lankan officials have been unable to dismiss a shocking mobile phone video from last January purportedly showing Sri Lankan soldiers summarily executing naked and bound captives. The government has consistently claimed the video is fake, without providing any evidence that the gruesome scene was staged or the footage tampered with.

Now, the top United Nations envoy responsible for investigating extralegal executions around the world has added his voice to those believing the tape to be genuine. After commissioning three experts on forensic pathology, video analysis and firearms to review the tape, the envoy, Philip Alston, told the BBC, "You cannot fake the precise sort of reaction which the human body makes when shot at close range by such a weapon."

Of course Sri Lanka's public relations team went into its usual overdrive, denouncing the "bias" of the UN expert and suggesting that he was on a "personal crusade" to force a war crimes investigation over the allegations.

The response was unsurprising. The Sri Lankan authorities have a list of "biased" organisations that includes just about anybody who reported critically on the final months of the fighting last year against Liberation Tigers of Tamil Eelam, in which at least 7,000 civilians died. The villains include my own organisation, Human Rights Watch, other international human rights and humanitarian groups, several UN agencies, the European Union, the BBC, Channel 4 and many other media outlets. For our Sri Lankan human rights colleagues and journalists, the situation is even graver, of course: many have fled the country fearing for their lives, and some have paid the highest price.

But the Sri Lankan spin is starting to fray. General Sareth Fonseka, the man in charge of last year's offensive and who is challenging his former boss for the presidency, said that the orders to execute surrendering Tamil Tiger leaders in the final days of the war had come directly from the defence secretary, Gotabaya Rajapaksa, the powerful brother of President Mahinda Rajapaksa. The general later claimed to have mis-spoken, but it is difficult to imagine what he meant to say instead.

The atrocity captured in the video was not an aberration, but sadly an all-too-common occurrence during the 26-year civil war. Both government forces and the Tamil Tigers were responsible

for summary executions and targeted killings for which no one has ever been punished. Hundreds of people, primarily ethnic Tamils, have "disappeared". During those dark days, local newspapers on a daily basis ran ads such as "White Van Disappearance - Information wanted," placed by desperate relatives of the latest victims. As hard as they try, Sri Lankan officials cannot hide the reality of what happened during this brutal conflict and its continuing impact on society.

When you really dig into the "disappearances," as Human Rights Watch has done, the truth becomes all too apparent. For our March 2008 report, *Recurring Nightmare: State Responsibility for "Disappearances" and Abductions in Sri Lanka*, our investigators spoke to families and witnesses in more than a hundred such episodes. In most cases we were able to establish direct state responsibility. These were just a small fraction of the disappearances and executions carried out by state security services over the course of the armed conflict. But no one has ever been held responsible.

The government's record of investigating allegations of war crimes by both government forces and the Tamil Tigers during the final months of the conflict has been no better. Human Rights Watch and others reported the Sri Lankan army's repeated indiscriminate shelling of civilians, including packed hospitals, and the blocking of humanitarian assistance to the trapped and desperate population in the war zone. One reason the government locked nearly 300,000 civilians fleeing the fighting in closed camps apparently was to keep their stories from coming out.

The Sri Lankan government continues to believe that aggressive denial is the best policy. But the price it is paying in lost credibility is rising. The International Monetary Fund (IMF) took the extraordinary step of delaying an emergency loan for months. At the direction of the US Congress, the US State Department produced a report detailing alleged violations of international humanitarian law during the final months of the conflict.

When the UN secretary general Ban Ki-moon visited Sri Lanka shortly after the conflict ended in May, President Rajapaksa promised him that his government would investigate, but it has not kept that promise. The ball is now in Ban Ki-moon's court: he should establish an independent international investigation to establish the truth of what happened.



The media in Sri Lanka continues to be targetted, with magazines shutdown and journalists arrested

## Media intimidation ongoing

SRI LANKA'S crackdown on the media have deteriorated over the last few months, with yet more journalists arrested, kicked out of the country or shut down.

The Committee to Protect Journalists expressed alarm in January over reports that journalists in Sri Lanka have been subjected to government intimidation, arrests, censorship, and harassment in the aftermath of the presidential election.

"We are receiving reports of government retribution against journalists who sided with the opposition in the election. Given the ugly history of attacks on journalists in Sri Lanka, we call on President Mahina Rajapaksa to ensure the safety of all journalists in Sri Lanka, and to use his new mandate to reverse the repressive trends of the past several years," said Bob Dietz, CPJ's Asia pro-

gram coordinator.

Reporters Without Borders (RSF) appealed to the President to put a stop to arrests and intimidation of journalists working for privately-owned and foreign media.

"This wave of post-election violence could cast a lasting stain on the start of President Rajapaksa's second term and bodes ill for the political climate during the coming years," the organization said in a press release.

"It is quite normal for journalists and privately-owned media to side with a candidate before and during a democratic election but it is unacceptable for them to be the victims of reprisals once the elections are over," the press freedom organization added.

The authorities also ordered the deportation of Swiss journalist Karin Wenger, before later

rescinding it.

Wenger, who covered the presidential election for Swiss public radio station DRS, had received a letter from the immigration department ordering her to leave the country within 48 hours.

"I fear I have been kicked out for asking uncomfortable questions at a govt. press conference," Wenger, who is based in New Delhi, told AFP.

AFP quoted a government spokesman as saying the order was issued on the basis of "false information."

Meanwhile, the Colombo headquarters of Lanka, a Sinhalese-language weekly that supports the Sinhala nationalist JVP opposition party, were closed by the authorities, 24 hours after its edi-

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## Challenges remain re polls - Commonwealth verdict

A well-administered election day but challenges in the pre-election period, was the conclusion of the Commonwealth Expert Team that monitored the Sri Lankan Presidential polls on January 26.

The Commonwealth Secretary-General, Kamallesh Sharma, released the Final Report of the Commonwealth Expert Team on Monday 15 February 2010.

In issuing the report, he noted the Expert Team's conclusion that "even though on the day of the election voters were free to express their will, shortcomings primarily in the pre-election period meant that overall the 2010 Presidential elections in Sri Lanka did not fully meet key benchmarks for democratic elections."

Mr Sharma was encouraged

by the report's finding that "the administrative arrangements for voting and counting were well conducted and the Commissioner of Elections and his staff across the country expended great effort to put in place procedures to ensure Sri Lankans were able to cast their ballots."

Referring to post-election developments in the country, including the arrest of the main opposition candidate for the presidential election, the Secretary-General said: "These developments have increased tension. It is important that the rule of law and due process are applied."

Mr Sharma also expressed the hope that "Sri Lanka will move towards political and social reconciliation in the aftermath of the

first post-conflict elections and in the lead-up to the forthcoming parliamentary elections."

The Secretary-General added: "Many of the problems identified reflect the same problems identified during previous elections. These problems - which have also been highlighted by the country's own Commissioner of Elections - will hopefully receive urgent consideration. The Commonwealth is ready to assist as requested."

The Report was completed by the Commonwealth Expert Team prior to their departure from Sri Lanka. Before being made public, it was distributed to the President of Sri Lanka, leaders of political parties, the Commissioner of Elections and to all Commonwealth governments.