

UN confirms authenticity of Sri Lankan war crimes evidence

By Sarath Kumara
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Senior UN official Philip Alston last week confirmed the authenticity of a video of Sri Lankan soldiers summarily executing Tamil men in the final months of the war against the separatist Liberation Tigers of Tamil Eelam (LTTE). The footage was aired last August on the British-based Channel 4, prompting immediate claims by the Sri Lankan government that it was fake.

The evidence of war crimes is a damning indictment on the two establishment candidates in Sri Lanka's January 26 presidential election: incumbent President Mahinda Rajapakse and opposition candidate General Sarath Fonseka. Both men are responsible for the military's numerous crimes and abuses of democratic rights, including the indiscriminate shelling of civilians and death squad operations. At the time, they insisted that the army was engaged in a "humanitarian operation" to liberate Tamils from the LTTE.

In the months leading up to the defeat of the LTTE last May, the government imposed a virtual media blackout on the war zones. Journalists and most aid workers were banned from the frontlines. Nevertheless evidence emerged of large-scale atrocities, including the bombardment of hospitals and other civilian areas. According to the UN, at least 7,000 civilians were killed in such attacks in the period from January to May. Unpublished UN estimates put the death toll as high as 20,000.

The video, however, was one of the few pieces of direct evidence of war crimes. It was released by Journalists for Democracy, an exile group comprised of both Sinhala and Tamil journalists who fled media repression in Sri Lanka. The organisation stated that the footage, which appears to have been taken on a cell phone, was shot in January 2009.

The footage is gruesome. It starts with a Sri Lankan soldier shooting a naked man in the head. Eight naked bodies are on the ground. In the background, several gunshots are heard, together with men speaking in Sinhala and apparently joking about the killings. The footage ends with another execution. It is impossible to tell if the victims are LTTE fighters or Tamil civilians.

In a press conference on January 7, Alston, the UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, reported that three independent US-based forensic experts confirmed that the video was authentic. He said that most of the arguments relied on by the Sri Lankan government to impugn the footage were flawed. He called on the government to carry out its own investigation and also for an independent inquiry into war crimes in Sri Lanka.

Grant Fredericks, an expert in video analysis, stated: "All the events that are purported to have taken place in the field of view of the camera are authentic. There is no sign of editing, there is no signs of any errors in the video. It's impossible to reproduce virtually in a computer environment." Two experts in ballistics and pathology confirmed that the shootings had not been staged with blank cartridges.

Alston said there were some unexplained elements to the video, including the movement of certain victims, 17 frames at the end and the date of 17 July 2009 encoded in it. He concluded nevertheless that the video had "most of the characteristics of a genuine article" and warranted further investigation.

After the video was first aired, the Sri Lankan government claimed to have conducted its own expert investigations, which concluded that the footage was "doctored" to tarnish the image of the military and the government. None of the evidence considered by these "investigations" has been made public.

The Rajapakse regime responded to Alston's statements with a barrage of denunciations. Speaking at an election meeting in Hambantota on January 7, Rajapakse declared that no UN official had the right to express their own views on Sri Lanka because it was an independent country. Flatly denying any wrongdoing, he said: "We have confidence that our brave security personnel haven't been involved in any misconduct... Our forces are among the best disciplined forces in the world..."

Foreign Minister Rohitha Bogollagama accused Alston of

flouting accepted UN procedures and “the norms of justice and fair play” by making the findings public before informing the Sri Lankan government. He said Alston’s “rush and determination to go public... must make us question whether he is targeting our country and deliberately timing his actions to coincide with the current sensitive phase of national elections”.

In a similar vein, Human Rights Minister Mahinda Samarasinghe declared: “We believe his [Alston’s] conclusions are highly subjective and biased. We believe he is on a crusade of his own to force a war-crime inquiry against Sri Lanka.”

Rajapakse took another political shot at his rival General Fonseka, who was the country’s top general until he resigned in December to become the “common candidate” of the opposition parties. He accused Fonseka of putting Sri Lankan security officers in danger of arrest if they travelled abroad as a result of allegations of involvement in the killing of LTTE leaders.

In an interview in the *Sunday Leader* on December 13, Fonseka accused Gotabhaya Rajapakse, the defence secretary and president’s brother, of ordering the killing of LTTE leaders B. Nadesan, S. Puleedevan and Ramesh. The defence secretary had overruled efforts by various intermediaries, including a UN official, to work out the terms of their surrender.

Fonseka’s account only confirmed reports that appeared in May in the British-based *Sunday Times* and *Guardian* of the attempts by LTTE leaders to give themselves up. *Sunday Times* journalist Marie Colvin, who was directly involved in the negotiations, cited an eyewitness who described how the three unarmed men carrying white flags were gunned down by soldiers as they moved toward the army’s frontline.

As in the case of the video, the government responded with denunciations, accusing Fonseka of betraying the military and saying the “war hero” had become a traitor. Rajapakse routinely declares all criticisms of the military and the war to be part of an “international conspiracy” against Sri Lanka. While the US and European powers have exploited such accusations for their own political purposes, the evidence of extensive war crimes and human rights abuses is irrefutable.

Fonseka countered the government by backing away from his allegations and declaring that the newspaper had misquoted him. He insisted the military did not slaughter the top LTTE leadership and that no one had tried to surrender to the army on May 17, 18, or 19—the final days of the war.

Fonseka is engaged in a delicate political balancing act in the election campaign. On the one hand, he has been supported by various Tamil parties, including the formerly pro-LTTE Tamil National Alliance (TNA). In an utterly

opportunist fashion, these parties are calling for a vote for the general as the “lesser evil” compared to Rajapakse. On the other hand, he has to keep the officer caste—his only real base of support—on side. Like Fonseka, the military, which is deeply imbued with Sinhala chauvinism, regarded the island’s entire Tamil population as the enemy.

Significantly, Fonseka is yet to make any statement on Alston’s remarks. His silence underlines his dilemma: if he sides with Alston, he risks alienating the military’s top brass, but if he criticises the UN officials, he could undermine his political alliances and lose votes. All of this demonstrates the completely bogus character of the attempts by all the opposition parties to dress up the general as a democratic alternative to Rajapakse.

The Socialist Equality Party and its candidate Wije Dias have repeatedly warned that sections of the Sri Lankan ruling elite are backing Fonseka as a better means of ramming through their agenda of economic restructuring and silencing political opposition. Whoever wins on January 26, the agenda of the next government has already been laid out by the International Monetary Fund: savage cutbacks to public spending, privatisations and the suppression of wages. The responsibility of Rajapakse and Fonseka for war crimes is a sure sign that they are both prepared to carry out new crimes against the working class.

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