

NEWS

US urges Sri Lanka to probe, prosecute possible war crimes

THE United States on Thursday October 22 urged Sri Lanka to probe and possibly prosecute those behind war crimes alleged to have occurred this earlier year.

State Department spokesman Ian Kelly urged Sri Lanka to take steps to "thoroughly investigate" what are "credible" claims of atrocities committed by government forces and the Liberation Tigers - claims contained in a new department report.

"The government of Sri Lanka has said that they are determined to establish a reconciliation process with the people of the north, but we believe strongly that a very important part of any reconciliation process is accountability," said Kelly. "This report lays out some concerns that we have about how this military operation was conducted."

The report to the Senate detailed a day-by-day account and said the alleged incidents in the final stages of war may constitute "violations of International Humanitarian Law or crimes against humanity and related harms."

But it said the report "does not reach legal conclusions" as to whether such incidents actually amount to violations of the laws of war. Nor does it conclude that the incidents mentioned actually occurred.

The 70-page report was compiled from intelligence reports from the US embassy in

Colombo, text messages and photographs from the war zone, foreign government sources and reports from human rights and media organisations.

The allegations are "based on reporting by the embassy, by international organizations on the ground out there, and by media and NGOs (non-government organizations)," Kelly said.

"We believe that they are... credible," the spokesman added.

"Information concerning the majority of incidents cited in this report originated in first-hand accounts communicated by persons from within the government-declared No Fire Zones and locations close to the fighting," said a press release issued with the report.

The report was submitted in accordance with the 2009 Supplemental Appropriations Act, which directed the secretary of state to submit a report "detailing incidents during the recent conflicts in Sri Lanka that may constitute violations of international humanitarian law or crimes against humanity, and, to the extent practicable, identifying the parties responsible."

The act also instructed the U.S. government to cut off financial support to Sri Lanka, except for basic humanitarian aid, until the Sri Lankan government respected the rights of internally displaced persons, accounted for



The indiscriminate killing of civilians is among many potential war crimes identified by the US report

persons detained during the fighting, allowed humanitarian organisations and the media access into affected areas, and implemented policies to promote reconciliation and justice.

The report listed Common Article 3 of Geneva Conventions, statutes of International Criminal Tribunals for the former Yugos-

lavia and Rwanda, and the statutes of International Criminal Court as "useful foundation for reviewing the conduct" described in the State Department's report.

"Ultimately, as appropriate, (they should) bring to justice those who are found guilty," Kelly said following publication of the report which was sent to

Congress on October 21.

The report covered the period from January - when fighting intensified - until the end of May, when Sri Lankan troops defeated the Liberation Tigers of Tamil Eelam.

It cited reports in which government troops or government-

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Sri Lanka blasts US report

THE Sri Lankan government angrily rejected a US state department report containing allegations of human rights abuses in the final days of the country's civil war, saying the document would fan further conflict.

According to accounts said by a senior US state department official to be "credible and well substantiated", government forces abducted and killed ethnic Tamil civilians, shelled and bombed no-fire zones, and killed senior LTTE leaders with whom they had brokered a surrender.

Although the US stressed the allegations in the report did not constitute an accusation of war crimes, the Sri Lankan foreign affairs ministry in Colombo accused the US of smearing its reputation.

"The allegations against the government of Sri Lanka ... appear to be unsubstantiated and devoid of corroborative evidence. There is a track record of vested interests endeavouring to bring the government of Sri Lanka into disrepute, through fabricated alle-

gations and concocted stories."

"Thereby these interests hope to fan, once again, the flames of secessionism and to undo the concerted efforts of the Government and people of Sri Lanka, for rehabilitation and national reconciliation. The people of Sri Lanka therefore have every reason to be concerned that this report to the US Congress, may be abused for a similar end," said a statement issued by the Sri Lankan Ministry of Foreign Affairs said.

"Sri Lanka's domestic jurisprudence provides all the necessary scope for those perceiving themselves subjected to a violation of their human rights, to obtain redress through judicial directives to the concerned authorities," the statement said.

Stephen Rapp, the US ambassador-at-large for war crimes, called on Sri Lanka to investigate allegations of abuse by both sides.

"We want accountability in this situation," he said.

"We believe that [Sri Lankan authorities] can investigate this. We're trusting in that commit-

ment."

The report says it reaches no conclusions on the veracity of the charges, although Rapp said the individual sources were "credible and reliable" and that allegations had been corroborated.

The US embassy in Colombo also defended the report, saying a majority of the incidents cited originated from first-hand accounts from people who had been in government-declared "no fire zones" and locations close to the fighting during military operations that concluded in May.

The US embassy said the report detailed incidents that occurred during the final months of the conflict between the government and the Liberation Tigers of Tamil Eelam (LTTE) that might constitute violations of International humanitarian law or crimes against humanity.

"The report compiles alleged incidents, as reported by a wide range of primary and secondary sources, involving both sides in the conflict," the US embassy said.

HRW calls for international probe

A RECENT US report into alleged war crimes committed during the last days of the war in Sri Lanka has necessitated the need for an independent probe, said the New York-based Human Rights Watch (HRW).

The "report should dispel any doubts that serious abuses were committed during the conflict's final months," said Brad Adams, HRW's Asia director.

"Given Sri Lanka's complete failure to investigate possible war crimes, the only hope for justice is an independent, international investigation," he added.

"Concerned governments should use the US State Department report as a clarion call for an international investigation. There are no more excuses for inaction."

Other in HRW echoed this view. "The Sri Lankan government cannot get away with hiding what it did to civilians during the war," Tom Malinowski, Washington advocacy director for HRW,

told IPS. "And this report helps to show that. It compiles all of the information out there about what happened and it turns out there's a lot of sources."

"If their goal was to win the war and not allow the world to see what was happening to civilian caught in the crossfire then they failed," Malinowski said.

"Human Rights Watch's own research into the fighting found that both sides repeatedly violated the laws of war," said HRW.

"The LTTE used civilians as human shields, employed lethal force to prevent civilians fleeing to safety ... Government forces indiscriminately shelled densely populated areas, including hospitals. Both parties' disregard for civilian life resulted in thousands of civilian casualties."

"In the absence of any domestic steps to investigate these terrible offences there does need to be, in our view, an international inquiry," said Malinowski.