
The secretive anonymity of Human Rights Watch

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Human Rights Watch, standard bearers of what Michael Roberts has characterised as HRE - Human Rights Extremism - seems to have decided that it has a special relationship with me. I am the only person quoted by name in the presentation made by their Senior Researcher Dr. Anna Neistat to the US Senate Foreign Relations Sub-Committee that dealt with Sri Lanka.

Sadly, this anxiety to use my name in an attempt to shore up her case against the Sri Lankan government was not accompanied by any attempt to check with me as to my views on the matters on which they were pronouncing. This is of a piece with their previous dodging of any engagement with me. Eighteen months ago, HRW failed to respond when I proved, from their own report, that their sensationalistic release about the Sri Lankan forces indiscriminately targeting civilians was totally false. Even more tellingly, they cancelled a discussion on Sri Lanka that they had arranged in the British House of Commons, when they heard that the Foreign Minister had asked me to attend. The official from our High Commission who had been liaising with them, and found first Sir Nigel Rodley dropping out, and then Human Rights Watch abandoning the event, thought they feared I would be excessively critical.

Running away from discussion based on evidence seems a dubious practice for an organisation that claims the moral high ground, but an investigation of the way they present their opinions suggests that morality has nothing to do with it. They have a purpose, and if that purpose coincides with the purposes of terrorists, that means nothing to them, since they do not have to live with the effects of terrorism. So they produce what seem to be well researched papers, but singularly fail to substantiate any of the points they make.

In the case of Dr Neistat's performance in the Senate, the one piece of verifiable evidence she produced was something she attributed to me, all her other quotations being from sources she would not name. However, despite this use, or rather misuse, of my name, she did not bother to check her story with me, even though she claims to have been in Sri Lanka at the time the London Times cited the line she so triumphantly used.

That the line was misleading must of course have been obvious to anyone who understands English. The London Times had claimed I said, 'Of course, it will not be voluntary - we need to check everyone,' which is tautologous because that is what the word 'check' means. Even in what is termed random checking, it is not those checked but those who check who decide who will be checked. I could only conclude then that Dr Neistat privileging me by citing a redundancy arose from a desire to score debating points, while fearing to see me face to face.

The fear is perhaps understandable, because her testimony is so full of falsehoods that she would have been extremely nervous to actually ask questions that would have upset her applecart. She starts by claiming that the Sri Lankan government is burying 'the abuses' by preventing people from gathering or disseminating information, and then immediately says that 'we', whoever that might be, managed to collect credible information. If she can achieve that in a short time, and so many others are purveying information they think credible, what on earth makes her think that the government is trying to stop information being collected, or believes that it is possible to succeed in such an endeavour?

Dr Neistat claims that the government and the LTTE are engaged in 'a perverse competition to demonstrate the greatest disregard for the civilian population'. She conveniently thus ignores that the government expended much energy and money in providing high quality health and education to those under LTTE control for several years, and continued to supply them when the LTTE drove them from pillar to post as the forces regained more and more territory in the North. She ignores forced conscription by the LTTE of one and then two children per family, the forced labour to build bunkers with all the cement the Sri Lankan government sent in for dwellings for civilians. And she will not admit that, if civilians are trying to get into government controlled territory, 35,000 of them succeeding despite being shot at in LTTE attempts to stop them, they obviously do not share her view that both sides are as bad as each other.

Dr Neistat claims that, following the fall of Kilinochchi, civilian casualties have skyrocketed. This is certainly true, but there is no mention of the fact that many of these were due to the LTTE firing on its own people, as indicated by the UN verdict (on the day on which TamilNet reported the greatest number of alleged deaths) that 'we believe that firing this morning was most likely from an LTTE position'. Significantly the Human Rights Watch Extremism estimate of civilian deaths, up to 2,000, which they claim came from independent monitors on the ground, is almost the same as that propagated by TamilNet. However, HRW's figure of other 'civilian casualties', 5,000, far exceeds what would otherwise have been thought the worst case scenario, that of TamilNet, which alleged fewer than half that figure over the last eight months.

Dr Neistat talks about insufficient food, medical care, and shelter in government-run internment camps, which are obviously a figment of her imagination, since no one from the UN or non-governmental agencies who has visited the welfare centres has made any such claim. However, Dr Neistat then pulls rank about her wide experience of 'many conflict areas across the world' to say that she has 'rarely seen a humanitarian disaster of such scale', which is a statement that cries out for that old examination rubric, 'Name names'. Dr Neistat then claims that Sri Lankan forces 'have committed numerous indiscriminate and perhaps disproportionate attacks consisting of artillery bombardment and aerial bombing. These include attacks on the government-proclaimed 'safe zones' and on clearly marked hospitals. Statements

by senior officials indicating that civilians who do not leave LTTE-controlled areas are subject to attack are indicative of an intent to commit war crimes,' which is rich even for her. If she can name me, why can she not name these 'senior officials', and perhaps cite what they said to prove her point? Does she not see that talking of 'perhaps disproportionate attacks' reveals her prejudices? She does try to substantiate her claim regarding 'clearly marked hospitals' with a long list, dating only from December, which was after we had pointed out how careful the government had been in the preceding six months, since TamilNet had alleged hardly any collateral damage. And whilst it cannot be asserted that there has been no collateral damage since, there was only one allegation of a civilian death until January 22nd, when it was claimed that 30 people had died in an attack on Vallipuram hospital. When the doctor cited initially denied this, the claim was brought down to 5, while it is ignored by Dr Neistat that this was not a hospital marked by coordinates but a medical centre set up suddenly. Indeed, even the TamilNet claims about this, and the Udaiyarkadu hospital, refer to them as 'makeshift' hospitals. It is therefore disingenuous of Dr Neistat to assert that 'Deliberately attacking a hospital is a war crime,' and use these instances to bolster her case. With regard to violations by the LTTE, HRW quotes eyewitness accounts of particulars and, though there are no names, there is some description at least of the alleged eyewitnesses. Contrariwise, claims about excesses by the Sri Lankan forces are usually generalised and full of whims and wise sayings. What are claimed to be eyewitness accounts are sometimes at odds with the earlier TamilNet claims, as when an incident on January 24th is said to have taken place in a playground, whereas TamilNet mentioned a hospital. The number of deaths alleged is the same, 7, while HRW has 15 persons injured where TamilNet has 87. Whatever the number, these deaths and injuries are too many, but as the Bishop of Jaffna put it, the LTTE had positioned its guns amidst civilians, which HRW grants, though helpfully noting that they were 'about two to four kilometers north of the playground' and also that the 'SLA was also not prohibited from attacking LTTE forces inside a safe zone.' Though obviously the obligations of a government are greater than those of terrorists, this incident, assuming the HRW account is accurate, does not justify the claim of 'serious violations of international humanitarian law' which 'led to high civilian casualties'. Dr Neistat then goes on to talk of what she calls lack of humanitarian access after September 2008, and repeats her charge of 'shortages of water, food, medical supplies and other necessities', none of which have been reported by others, with the UN indeed informing the Consultative Committee on Humanitarian Assistance after a monitoring visit in December that it was pleasantly surprised at the satisfactory levels of health (and also of education, with the government conducting the General Certificate of Education Ordinary Level Public Examination). Though things have got more difficult since then, this has finally prompted people who seemed to be hedging their bets before to categorically call upon the LTTE to let go of the civilians whom it was holding against their will. With the support of the Church, 35,000 did make their way out in February, and if there is no ambiguity about criticism of the LTTE for keeping the rest, it is likely that they too will soon be set free. Then Dr Neistat, ignoring the fact that, despite the propaganda of both the LTTE and HRW, 35,000 people chose to make their way to what those two organisations described as internment camps, continues with the usual HRW diatribe about these. She sets up a Manichean dichotomy in claiming that 'Instead of providing the internally displaced with the assistance and protection they are entitled to under international law, the Sri Lankan government continues to violate their fundamental rights', forgetting that not only have physical needs been provided, but that education and vocational training have also commenced. Dr Neistat talks of arbitrary detention during screening procedures as though she is the sole arbiter of the reasons the Sri Lankan government might have for particular security precautions. However, given that the government has only placed in judicial custody 32 of the 250 or so youngsters who confessed to being fighting cadres, and has allowed the others to remain with their families, its conduct can scarcely be described as arbitrary. Dr Neistat then goes on to complain of conditions in the camps as well as the hospitals, obviously not aware that the UN had actually said it could not assist at the level the government had prescribed because it was beyond UN standards. The ICRC has consistently praised the efforts of the Sri Lanka Ministry of Health. Dr Neistat may have different ideas of a public health system, given her own experience, but she should read the plaudits the Sri Lankan system has received from international observers, and also register the comparative efficiency with which it has dealt with such a large influx of patients. And though she complains of security precautions, and that humanitarian assistance from outsiders is forbidden, she must recognise first the need to limit access given the reach and intensity of Tiger terrorism, and secondly the fact that many humanitarian workers, including indefatigable nuns, have been assisting the Ministry in its work. Besides, government has made arrangements for relations to accompany those being treated, even though that makes security precautions all the more difficult. Dr Neistat cites some cases of what she claims are disappearances, but is extraordinarily coy about these. She may claim that she is silent because of fear for her informants, but since government has had cases of families who were separated in the trek to safety brought to its notice, and has sought and in many cases already achieved reunification, Dr Neistat should get over this particular neurosis if she is really anxious to help. She should also avoid sweeping generalisations such as 'some detainees are children' since government has been waiting anxiously for such victims of the Tigers, but has so far found none, though some of those who confessed to being cadres were former child recruits, though now over eighteen. Dr Neistat claims that 'Several sources reported to Human Rights Watch the presence of plainclothes military intelligence and paramilitaries in the camps. A UN official in Vavuniya told Human Rights Watch that she and colleagues have seen members of paramilitary groups in different camps.' It is astonishing that this has not been conveyed to government, since the forces, who are present in uniform too to help as necessary, have made it a point to prevent any such incursion. Indeed, when I checked a claim that the USAID sponsored agency Internews had reported something of the sort, they denied it - but clearly HRW has its own special sources, none of which will actually make any clear allegation. HRW also goes on at length about restrictions, without any recognition that, with 35,000 people arriving suddenly and the Tiger practice of deathly infiltration, security precautions are essential, at least until the Tiger command structure is dismantled. HRW also ignores that restrictions on outside access were intended to prevent exploitation of those who had been previously exploited by the Tigers, and that aid agencies, once they had committed to particular acts

of assistance, have been granted access. Journalists too now visit, though the salacious reporting of HRW makes one realise why some precautions are still necessary, since the Tiger propaganda wing is now its most efficient component and will take ruthless advantage of anything critical of the government. Sadly, so systematic has HRW been in its critiques of the Sri Lankan government, that one begins to wonder whether it thinks such grist to the terrorist mill to be no bad thing. Certainly its reliance on simply one-sided information and its refusal to even attempt to engage with government, indicates a deviousness that does no credit to the ideals it professes. Prof. Rajiva Wijesinha Secretary General Secretariat for Coordinating the Peace Process Courtesy: SCOPP