'Govt. committed to safety of civilians'

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Secretary General, Secretariat for Coordinating the Peace Process in Sri Lanka and Secretary, Ministry of Human Rights and Disaster Management, Professor Rajiva Wijesinha in an interview with The Sunday Leader attempts to set the record straight in relation to Sri Lanka being accused of war crimes and other violations of human rights. Excerpts: Serious violation of human rights The UN High Commissioner for Human Rights has talked about war crimes in relation to Sri Lanka and about the violations of international human rights and humanitarian law by both sides. In a statement issued on March 13, 2009, High Commissioner Pillay warns: "Certain actions being undertaken by the Sri Lankan military and by the LTTE may constitute violations of international human rights and humanitarian law. We need to know more about what is going on, but we know enough to be sure that the situation is absolutely desperate. The world today is ever sensitive about such acts that could amount to war crimes and crimes against humanity." Q: UN Human Rights Chief Navi Pillay has accused both the government and the LTTE of possibly having committed war crimes. What is your response? A: She stressed the use of the word 'possibly' when we met, but our view is that such statements need much stronger evidence than simply assertions by people who have a jaundiced view, who have been feeding her information. In the case of the LTTE, there is of course well documented evidence of suicide bombs targeting civilians, recruitment of child soldiers, etc, whereas in fact the government has an excellent record with regard even to collateral damage on civilians - the accusation, as far as the government goes, has fleshed out in the third and fourth paras of her statement, relates only to firing into zones containing civilians. The government does not target civilians but, as it had explained with regard to the Kathiravelli incident, the only one in which civilian deaths were even alleged during the whole operation to free the east, if the LTTE fires from amongst civilians and we have no reason to believe civilians are there, our targeting of the LTTE could lead to civilian casualties. That is not a war crime. It was shown, on the first occasion on which the LTTE claimed that we had fired into the safe zone that we had declared, that it was the LTTE that had done the firing - the UN sent us an SMS that evening to say that the firing most probably came from the LTTE side. You will note that Ms. Pillay's statement also says that, apart from firing into the safe zone - which you have evidence the LTTE has certainly done, from the UN as well as the Bishop of Jaffna - 'Other areas holding civilians have also been shelled.' That cannot be a war crime, though it is certainly criminal of the LTTE to hold civilians in these areas and not let them go to the safe areas, just as it is criminal of them (though I suspect this has not been specified by those who define war crimes, since they never had to deal previously with a monstrosity like the LTTE) not to let civilians leave the safe areas and come over to government controlled areas as they want to. We told Pillay that she should have made this demand clear, and she said she had, but we pointed out the ambiguities in her text and then she said she had made that demand earlier. We told her, as we have told the UN for months, that this is simply not good enough, and ambiguity allows the LTTE to continue with this practice - which should most certainly be defined as a war crime too. Q: Pillay very specifically says that "certain actions being undertaken by the Sri Lankan military and by the LTTE may constitute violations of international human rights and humanitarian law." How seriously does the government view this statement? A: Very seriously indeed, because Pillay seems a very honourable lady, and it is sad that she should have been subjected to so much pressure. This pressure seems to have arisen between the meeting she had with the Sri Lankan delegation on March 4th, and the issuing of the statement on March 13th. When we asked her why she had not raised these queries then, she told us that she had received information subsequently. She apologised for not having spoken to us about the statement beforehand, since it had been drafted for her on the 11th, and she had been in Berne all day on the 12th. On the 4th itself she explained to us that she had been getting thousands of e-mails, which jammed her blackberry, and she repeated this when the Ambassador and I met her on the 16th - that was the problem, she said, not the e-mails themselves, because those were looked at not by her but by her office. After we met we found that, before the statement was drafted, she had met a group that included the London head of the TRO, which as you know is banned for supporting terrorism in some Western countries, including I believe the United Kingdom. We have suggested to the Ambassador of the UK that he take up this matter, since the UK has been better than most about dealing not only with Tiger terrorism, but also with terrorist funding. Q: What action do you intend to take to address such a serious charge? After all, the government is being accused of war crimes and crimes against humanity. A: You must be precise. Pillay has said that certain actions by the Sri Lankan military may constitute violations. We showed the good lady that the evidence is to the contrary. She was, I think, pleasantly surprised when we explained to her about the schedules we maintain of what might be termed the worst case scenario, the allegations on TamilNet, and that for the seven months until December even TamilNet only claimed 78 civilian deaths in all army operations. The figure has gone up since, but when you remember that, in the few instances in which it was clear who had done the firing, it was the LTTE, you will understand that the possibility of government being responsible for war crimes is not one that can be taken seriously, though LTTE fronts and what Michael Roberts has called 'human rights extremists' are trying to blow it up as a fully fledged accusation. Q: Pillay has urged the government and the LTTE to halt hostilities to allow for the evacuation of civilians trapped on the north-eastern coast. Are you considering this request? A: Again, you need to be precise, she did not call for a halt, she asked for a suspension - similar to what the Indian Foreign Minister did, and I have explained previously why that was an eminently rational request, and had nothing to do with a ceasefire, which both the Indian government and the Sri Lankan government know is not something you can trust the LTTE with. However, even with regard to a suspension, you will recall that the government did this at the end of January, and the LTTE promptly took advantage of it to try to retake Mullaithivu. But certainly the government wants these civilians evacuated and, if there can be any guarantee that the LTTE will actually suspend hostilities and let the civilians go, we would be delighted. Q: How many civilians are still trapped in the battle zone? A: Government believes it is 70,000 at most, based on our careful calculations with regard to the lists of those for whom we have been sending food over the last few years, as well as satellite imagery. Interestingly

the UN itself judged from the imagery it had studied that there were only between 70,000 and 100,000 in the safe zone. The UN also knows that the figures of those for whom we send food were inflated, and indeed I asked them in 2007 to rationalise, a process that began then but was put on hold after the offensive in the north began. You have to remember that figures were supplied by government agents, and we could not push them too hard, since they were under pressure from the LTTE, which was of course living off the food we sent. Now that the government agents are safe from the LTTE, we could look more closely at the lists, and that is how we could calculate more carefully. You will notice that earlier allegations of over 300,000 have now come down in general, but no one has admitted the earlier errors. Of course whether it is 180,000 or 70,000 makes no difference to the criminality of the LTTE in keeping them forcibly and thus endangering them - to say nothing of the forced labour and forced recruitment that has been reported. Q: Pillay has also noted that after the government's assurance not to use heavy weapons in the "no fire" zones, civilians have been killed and injured due to shelling. Is there any truth or substance to this statement? A: We know that there has been killing of civilians in the safe zone, because the LTTE has, as they did in the other safe zone on January 26th, fired into it. One reason obviously is to ensure that civilians do not use the safe passages from the safe zones into government controlled territory that have been suggested. You also remember the incident in which the ship we had sent under the ICRC flag came under fire. We reported that that had been from the LTTE, and that was not repudiated, though the ICRC said the ship had not been a target. The point is that civilians also see these ships as a route to freedom, and the LTTE is determined to stop them. The government is committed to the safety of these civilians, and in any case has had much to do, clearing PTK completely, and dealing with the bulwarks the LTTE had built up in the area on the west of the lagoon. And remember that the LTTE still has its own heavy weaponry, which it used from the earlier safe zone as the Bishop of Jaffna reported on January 26th. Q: US Secretary of State Hillary Clinton during a telephone conversation with the President has also expressed concern over the loss of civilian lives in the no fire zone. She has specifically said that the Sri Lanka Army should not fire into the civilian areas. Does this not prove how serious this charge is? A: Secretary Clinton made no charges, she made a request which is unquestionably a decent request and which we are happy to respect. As I said at the Human Rights Council, 'we have no objection to being urged to follow international humanitarian law, which we strive to uphold, with a much better record in this respect than some of our more sanctimonious critics when confronted with terror or the mere suspicion of it.' We are glad that countries like Japan have publicly recorded recognition of this, and I believe the US and others understand this too, but of course they are worried that there might be derogations from our high standards in the face of consistent violations of such law by the LTTE. The current situation is certainly serious, but we have to be proud that we are maintaining our standards, even though we are taking higher casualties ourselves as a result. Q: Civilians entering into government controlled areas are being subjected to an intense screening process. While the government does have legitimate security concerns, there are allegations that many Tamil men and women disappear from this point. What is your response? A: I have heard such allegations, but there have been no specific names given. There have been names given of those who said they had been separated from their families, and we know this has happened, and set up a mechanism to ensure that families were unified. These separations are of two sorts, first when people came over at different periods, and therefore are not even sure if other members of their family got away. Full reunification in such cases will take time, and may not be perfect until we get everyone out of the LTTE area, and even then, we do not know whom the LTTE has taken away meanwhile, to force after the most cursory training into the battle lines - as with the poor child of a UN worker as reported recently. Secondly, there are those who were separated in the bussing process, and on that we believe we can have all the information ready and reunification there will be completed soon. In fact, when we discussed this at a meeting in Vavuniya a month ago, the forces wanted to fast forward the process, but the government mechanism had begun to issue forms, and they wanted to collate these and work more systematically, which took more time. I suppose you have to weigh urgency against the need to be thorough and make sure everything is on record. Though I personally believe that everything that should be done should be done at once, I understand that sometimes bureaucratic procedures are more suitable to ensure complete records, etc. Q: What standards are in place to ensure that such a screening process complies with Sri Lanka's primary duty to protect all civilians? A: I think you must remember the distinction between the registration process and the screening process. The screening process, which is much more complex, is certainly in accordance with requirements, since the forces ensure that they hand over those who come over to the civilian authority within the prescribed period. This is one reason for the screening not being as thorough as is desirable, given LTTE subterfuges and the numbers coming over, but the forces believe it would be a mistake to keep people longer under their custody. In fact they are comparatively liberal, because even in the case of those who have admitted to being LTTE cadres, they have only sent a limited number, whom they believe to be more hardened, to a rehabilitation centre, while the others are allowed to go with their families into the camps and welfare centres. Q: Has the government made provision for international agencies like the UN/ICRC to monitor the screening process? A: Again, remember that there are two processes involved, since screening for possible terrorist links is an ongoing process. It also has to happen in the transit camps and welfare centres, where of course there is a regular presence of international groups, including NGOs who are committed to assistance. There is also international presence at the entry points, though you have to remember that, contrary to popular belief, the UN and ICRC work to schedules, unlike the forces which have to be on duty 24 hours a day, seven days a week - and the IDPs come through at all times. In fact UNHCR has recently noted that, though they have access to IDP screening centres, this is not always actualised since IDP arrivals are ad hoc. There may then be room for improvement in the logistics, but this should not be a problem. Q: Civilians fleeing the fighting are being placed in government controlled camps which are actually confining them to these camps and preventing them from moving. Should it not be the case that only individuals suspected of being violent or of danger be retained in these camps? A: The full screening process cannot be finished quickly, particularly when the LTTE high command is still active, and able to activate any suicide cadres or other violent elements at will. As mentioned above, hundreds of youngsters who fought

with the LTTE are in the camps, and though we can sympathise with them, as the army did, and assume that most of them were simply forced to fight, you have to remember that one or two of them may have a deeper, more dangerous commitment. And these are those who confessed to being fighters. Earlier, when the displaced came over more slowly, while some confessed straight away, others only acknowledged after some time in the camps that they too had fought. Again we have to be sympathetic, most of them would have kept quiet initially out of fear, given the demonisation of the government and the forces that the LTTE engages in, and it was only after a few days of experience of our positive side that they confessed. But, obviously, there could be others, and we have to be absolutely certain given the enormous damage even one LTTE suicide bomber can wreak. However, I believe that, once the LTTE leadership is no longer able to control them, the government could relax restrictions, and pursue a concerted programme of rehabilitation. Courtesy: thesundayleader.lk