
Hypocritical accusations of war crimes against Sri Lanka

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by Fr.Vimal Tirimanna, CSsRAI patriotic Sri Lankans have been jubilant during the past few weeks on the triumph over the LTTE terrorists which marked the end of a 30- year spell of terrorism in the country. Although the pro-Western international media, such as the BBC, CNN, Al Jazeera etc., were all out to portray such celebrations as those of the extreme Sinhala Buddhists, anyone who witnessed what went on here would vouch that there were no barriers based on caste, race or creed for such celebrations.

The West seems to have easily forgotten how they went overboard with victory parades, yellow ribbons tied from rooftops etc., over the military victories of their invading Allied forces not so long ago in Iraq. They seem to be very upset, however, when we celebrate our victory over the brutal LTTE terrorism in our own country. Of course, there were some (including the present writer) who wondered for a while whether we were in a mood to celebrate when thousands of our own displaced Tamil brothers and sisters were in very hard conditions in the camps for displaced persons. However, ironically, such concerns made it all the more reason to celebrate because it was precisely the brutal Tiger terrorism which the FBI of the USA itself had branded as "the most brutal terrorist organization in the world", which was responsible for their plight in camps, in the first place. So, when such terrorism was crushed militarily, it ought to be a celebration. This adverb "militarily" had been stressed ad nauseam by the Western media just to subtly imply that the LTTE is not fully defeated. They seem to be gleefully waiting for a resuscitation of the LTTE. That's why even when the Sri Lankan government was categorically saying a few days ago that the LTTE with its leader were annihilated, the Western media, especially the BBC and Al Jazeera, kept on repeating what the pro-LTTE internet website, the Tamil net was saying, i.e., that Prabhakaran was still alive. They seemed to be hoping against hope that he would be alive; or else, they would have not portrayed as the undeniable truth what the Tamil net said, while they ignored almost fully what the government of Sri Lanka was saying. Provided, we celebrated for the right reason, namely, for the crushing of LTTE terrorism, there would be no problem at all. Of course, there is still so much to do, if this victory over Tiger terrorism is to be complete, as the President himself had openly stated. That the next "war", namely, to unite ourselves as a nation without being locked in such categories as "minorities" and "majorities" with all that would entail, is going to be a formidable challenge to our Sri Lankan nation, is a fact. That until that day when there will be no "majorities" and "minorities", but equal, patriotic citizens in our country, we cannot talk of any meaningful victory, is also a fact. But, as most of our discerning, patriotic local journalists (especially in The Island) have pointed out recently, there are also a few other formidable "wars" we have got to fight and win, before we could raise our heads as a truly independent, sovereign nation. The past week marked the victory of Sri Lanka over one such crucial "war" in the aftermath of our historic victory over Tiger terrorism, in the United Nations Human Rights Commission (UNHRC), in Geneva. While there is no secret about the covert support rendered for decades by certain Western governments to the LTTE terrorists (whom they themselves had hypocritically claimed to have banned as "terrorists" in their own countries), the recent war waged against Sri Lanka by them at the UNHRC, in the aftermath of LTTE annihilation, would go down as the one which all such enemies of Sri Lanka did openly wage. If the annihilation of the LTTE by the Sri Lankan forces is something unbelievably true, so also this victory of Sri Lanka in Geneva. The Western nations who have taken cover behind the respectable but spurious façade, "the international community", tasted one of their worst defeats which, by the way, will not be the last of such shock defeats that awaits them. This recent international "war" against Sri Lanka was waged under the respectable guise of human rights of the civilians in Northern Sri Lanka. Human rights are something which are universally accepted by all civilized nations. But human rights as selectively interpreted by the West need not be universal, and this is the bitter lesson which the recent UNHRC taught the West. In many of his previous articles, the present writer has pointed out time and again, how selectively hypocritical such Western interpretations of human rights had been. To begin with, according to those interpretations, only certain nations are bound by the international laws against the violation of human rights, and Sri Lanka is one such nation. The same West and their allies, such as Israel (who ironically was one of those who wanted to probe Sri Lanka's alleged "war crimes" despite her notorious indiscriminate bombing of Palestinian territories), are not bound by such laws. The only reason for this double standard, apparently, is that they are the ex-colonizing, Western nations, and they are above all such laws, simply because they are the ones who drafted such laws, and it is they and they alone who would be selectively interpreting such laws for others. Consequently, such reasoning would lead one to the ignominious conclusion that it is the West and West alone who could accuse and cite charges against other nations (the vice-versa being simply impossible), while they and they alone would be the arbiters or judges too. With the collapse of the ex-Soviet Union in the late 1980's, the power balance in the world became pathetically and unjustly one-sided. The US-led West became the only "super power" at the same time usurping the unique privilege of being the "international policeman" too. It was simply an ethic of might becoming right as evidenced in the recent terrible tragic wars the West waged unjustly against Iraq and Afghanistan. They exercised this usurped authority in the world to such an extent that even the United Nations Organization became redundant. Even in the UN, it was the West who called the shots. The best recent example was the West's unilateral declaration of war against Saddam Hussein's Iraq under the pretext of destroying the alleged weapons of mass destruction (WMDs) which Saddam was supposed to have amassed there, which to-date, some six years later, have not been found. This was in spite of the UN special commission led by Hans Blix clearly saying that they have no evidence of such WMDs in Iraq. The US-led West ignored the UN and unjustly invaded Iraq. In the process of legitimizing their usurped world authority, the US-led West went a step further by calling themselves "the international community". Sadly, most of the nations in the rest of the world also were rattling off this highly-loaded, apparently respectable concept of "international community" without ever really knowing why they were using that concept or what it really meant. As it is said, even a lie when it is repeated often has the competence to end up as the "truth", so it was with this

spurious concept of "international community". Very few even seriously raised the obvious question as to what would happen to the universally accepted authority of the United Nations, vis-à-vis the self-acclaimed authority of this self-appointed "international community", which was nothing but a band of Western nations led by the USA. Of course, every now and then, the utter bankruptcy and hypocrisy of this so-called "international community" were evident, in such events as the above-mentioned unjust invasion of Iraq in 2003, the bombing of Afghanistan to pre-historic times, the notorious torture camps in places like Abu Ghraib in Iraq and Guantanamo Bay in Cuba and elsewhere, the indiscriminate bombing of the Palestinian territories, especially in Gaza etc. In all these cases, the West (and their allies like Israel) though more than obviously were the shameless culprits of human rights violations against hundreds and thousands of innocent civilians, did manage to come out unscathed and also to portray themselves as the morally upright and still worse, as the universal police force which ensured world "morality". This was simply because they exercised the unique privilege to accuse a nation of human rights violations/ ’war crimes and also at the same time to be the unique arbiters in judging such accusations. As to be expected, they never accused themselves of the terrible crimes against humanity they themselves had committed and neither did they judge themselves. Such accusing and judging were exclusively their own unique privilege, but reserved to be used against others. The humiliating set-back they got in the case of Sri Lanka recently at the UNHRC was the first shock humiliation, but as already mentioned above, will not be the last. This is because the non-Western nations are no longer going to take things lying down. Justice and Truth have to triumph, sooner or later. The recent accusation levelled by the so-called "international community" (that is by the West) against Sri Lanka at the UNHRC was that innocent civilians were killed in the North-East Sri Lanka by our armed forces in trying to flush out the Tigers who were holding such civilians as human-shields. Such alleged killings were portrayed as "war crimes". In doing so, they seem to have overlooked the more than obvious irony of the base of such accusations: on the one hand, the West complained bitterly that there was no press freedom in Sri Lanka and no access to the Northern war areas (as if there were any access to war coverage in Iraq or Afghanistan); on the other hand, they claimed massive figures of civilian killings which amounted to "war crimes". According to UN humanitarian chief, John Holmes, the numbers killed were so great that one would never know the exact figures (as if the exact figures of the Iraqi and Afghan civilian deaths or those of the Second World War, were known). The Times of London and the CNN have joined hands in insisting that 20,000 civilians were killed. If there were no access (and indeed there was none) to the war front in the North-East, how did the West get those figures of the civilians who were allegedly killed by the Sri Lankan shelling? The West was in no mood to go by the figures of casualties given by the legitimate Sri Lankan government and they preferred to believe those figures given by the pro-LTTE terrorist Tamil Net. So much for the base of the allegations of "war crimes" against Sri Lanka. Moreover, the very West who could violate all international laws in invading other sovereign countries, such as Iraq and Afghanistan, in the name of combating terrorism (committing innumerable "war crimes" in the process), could not understand how a sovereign nation, Sri Lanka could wage war against terrorism, and that too, within her own territory. That is simply why they called for probes into alleged "war crimes" at the UNHRC and wanted to probe such ’crimes’ by intervening in Sri Lanka under the pretext of humanitarian interventions. Humanitarian interventions The concept of ’nation state’ was born after the well-known Westphalia meeting in 1648 at the end of the 30-Year War in Europe, in the aftermath of the Renaissance and Reformation. Since then, the concept of ’nation state’ has served in some way to avoid many wars among different nations. The coining of the concept of ’sovereignty of a nation’ is an attempt to conceive the moral status of ’the state’ in international relations by analogy with a common understanding of the moral status of an individual in a domestic society. Just as autonomous individual persons are thought to possess individual rights of self-control and non-interference, so autonomous nation states have rights of territorial integrity and political independence. These rights obviously entitle governments to conduct their internal affairs as they see fit, provided they do not harm others. The infringement of these rights by force is the crime of aggression. The sovereign equality of states, their territorial integrity and political independence, the equal rights of peoples and the non-intervention in the internal affairs of other nations, are among the basic principles of international law. In fact this view is well expressed in the universally accepted Charter of the United Nations which has as its main tenets the sovereign equality of all the member nations and non-interference in matters purely of national concern, among other things. Intervention, then, should be perceived as a violation of sovereignty, because by definition sovereignty has as its corollary a principle of non-interference. Any type of intervention, "direct or indirect, individual or collective" in domestic jurisdiction of another state is explicitly barred even by the 1975 Final Act of the Conference on Security and Cooperation in Europe. The international customary understanding of sovereignty holds that it is only for the purpose of either self-defence or to prevent aggression that a state could violate the sovereignty of another legally constituted state. Ever since the collapse of the ex-super power, the Soviet Union, in the late 1980’s, the new concept of ’humanitarian interventions’, has gained ground. The humanitarian interventions in Haiti (in the aftermath of the coup against the democratically elected President Jean Bertrand Aristide in the early 1990s), in the ex-Yugoslavian republic (when they were warring with each other in mid-1990s) and in Rwanda and Burundi (when the tribes of Tutsis and Hutus were killing each other), were among the first exceptions to the existing international law of non-interference, in the name of this new-found concept of ’humanitarian interventions’. In helpless situations, such interventions, in the name of human rights, appeared to be not only just, but the only available alternative to prevent further human catastrophe. However, the unilateral creation of the so-called "safe havens" in Northern Iraq (that is within the sovereign state of Iraq) by the Western nations in mid-1990s, the unjust invasions of Iraq and Afghanistan in this millennium, all in the name of humanitarian interventions, raised many an eye-brow, as to the impartiality of the so-called "international community". Could the West arbitrarily decide when and where to intervene, in the name of human rights, just because they have baptized themselves as the "international community"? As if this question was not troubling enough, there was also the other crucial but real question asked: what was the same West doing when her blue-eyed boy, Israel, was openly violating international law and killing indiscriminately the

Palestinians, even as late as in the beginning of this year? Why could not the West make a humanitarian intervention there in Palestine? It was more than obvious that if this new found concept of humanitarian intervention were to gain solid ground it should be governed by the universally accepted international laws. To begin with, there should be an impartial international body that would be the arbiter in deciding on such interventions, in the name of human rights violations. The best arbiter one could think of was the United Nations Organization, but then, the West had already decided to ignore the UNO, simply because they did not have the clout they now enjoyed under the guise of being the "international community". The above-mentioned glaring injustice and imbalance among the nation states (thanks to the powerful West usurping the world authority under the guise of "international community"), were sure to surface in one way or the other, sooner or later. What happened last week in the UNHRC is just the beginning of the tide that would edge the West out of the high moral pedestal which they have created unjustly for themselves. The upcoming non-Western world, led by Brazil, India, Nigeria, South Africa, Russia and China, are not going to lie low any longer, and take the Western bullying, sitting. **Civilian safety** One of the serious issues of concern in the area of violence and war has always been the safety of civilians or the non-combatants, i.e., those who are not directly involved in violence or war. Human history is replete with various codes of conduct of different civilizations which primarily aimed at reducing the civilian casualties if not avoiding them altogether. In the aftermath of the two World Wars during the last century (both of which were essentially disputes of the Western nations which eventually were made to overflow to the rest of the world), concern for civilian casualties in warfare has taken a unique importance in international politics. Undoubtedly, the annihilation of some six million Jewish people by Hitler (who himself was a product of the West) was the eye-opener that demanded international solidarity in protecting civilians during wars irrespective of the race or religion to which they belonged; the horrors of that Nazi "holocaust" was such that the world was not ready to allow any more brutal massacres of innocent human lives. The Universal Declaration of Human Rights by the United Nations at the end of the Second World War and the subsequent international zeal for human rights, have also contributed to a more international focussing on civilian safety during recent wars. While the ideal to be strived for during a given war is the safety of all civilians, realistically speaking, history (even recent history) has shown us that during a war at least some civilian casualties are unavoidable and this is the main evil of war. Saints and thinkers from the time of Aristotle and Augustine have failed to find a satisfactory solution to this evil in any war, namely, the civilian casualties. But then, let's not forget that it is an unavoidable evil during a war, especially in contemporary warfare with all the modern weapons of mass destruction. But this does not absolve those who wage war (or those who are engaged in a war) from their prime duty to protect the civilians who are caught in-between the warring parties. The traditional Just War Doctrine which was originally propounded from the exclusive point of view of those who waged wars, was seriously challenged ever since the "discovery" of the so-called "New World" in the 15th century. Since then, wars were also looked at from the point of view of the civilians or the non-combatants; the civilian or non-combatant casualties began to matter, at last in the Just War Doctrine. The Spanish colonialists who were ruthless in conquering South America were told bluntly by their experts (who at that time were mainly theologians and jurists from the University of Salamanca, Spain) of the crucial ethical issue of the Spanish war waged against the natives, namely, that they have no right whatsoever to annihilate entire nations simply because those nations did not belong to the culture and/or the religion of the Spaniards. According to those jurists and theologians, the Latin American natives had the same right to life just as the conquering Spanish colonialists. Speaking from the point of view of the native South Americans, well-known Spanish figures of the era, such as Bartolomeo de Las Casas, Francesco de Vitoria and Francesco de Suarez, took the lead in bluntly reminding the Spanish authorities of their duty to protect the natives (or the "civilians" as we would call them today). Thanks to their original daring efforts and thanks also to later jurists elsewhere, such as the Dutchman, Hugo Grotius, what we call today "the international law" came into being. Today, it is an universally accepted essential tenet of international law that during any warfare the civilians or non-combatants ought to be protected. That is to say, those who wage war have the responsibility to be discriminate in their attacks, i.e., to be in favour of civilian safety. This is also ratified by the various decrees of the United Nations. However, the same international law also is realistic in acknowledging that during any war, there can be what is technically called today "collateral damages", i.e., some unintended, unavoidable civilian casualties. This is very true also of certain tactical military operations (such as the Entebbe operation in Uganda to rescue the Israelites in 1970s, and more recently, the operation by the Indian military to save the hostages at the hotel in Mumbai at the end of last year) during which the main target is the enemy who is a threat to the common good of the entire civilian population. The same holds good for a war which is waged by a government to safeguard the integrity or to protect the common good of a nation. In trying to get at one's enemy, it is possible that some innocent civilians too could be killed unintentionally. Still worse, it is possible that the enemy could use civilians as human shields to protect themselves, as it happened recently in the no-fire zone in North-Eastern Sri Lanka. On such occasions, international law acknowledges the duty of any government to protect the common good of the entire nation by attacking the enemy even when it results in the unintended killing of some innocent civilians. This is surely an unintended, unavoidable moral evil, but ethicists justify it by pointing out the need to be realistic here, and also by invoking the ethical principle of "lesser evil". Or else, there will be greater evils and threats to the entire common good, to the entire civilian population. However, the onus still falls on warring authorities, often on governments, to do their best to protect the civilians who are not directly involved with war. As such, there is no denying at all that according to the international law now in vogue, civilian lives ought to be protected during any war as far as possible. Since September 11, 2001, however, this essential of international law is under threat. Ever since the terrorist attack on the Twin Towers in Manhattan, New York, there has been a zealous international mobilization against terrorism. Thanks to the then US President George W. Bush and his Western allies, terrorism has been portrayed as an absolute evil, ever since. Accordingly, any means (whether moral or immoral) could be used to eradicate such terrorism. In fact, Bush's "War on Terror" which was popularized by the international mass media (80 to 90 percent of which are

owned and controlled by the West itself), justified the use of any means to achieve their target, i.e., the elimination of terrorism at any cost. Bush's accomplices who were not only within the White House but also in many Western governments (including France and Britain whose Foreign Ministers dared to come to us recently to lecture down to us about civilian protection), did promote and support torture camps in places like Guantamano Bay in Cuba, Abu Ghraib prison in Iraq, Afghanistan and elsewhere. It was only in the first week of May 2009 that the new Obama administration in Washington released some of the official secret documents which clearly point out how President Bush, his administration, and other Western governments, cooperated in carrying out torture practices just to elicit information from all suspected civilians who were branded 'terrorists'. Although torture is clearly a gross violation of the UN Declaration of Human Rights, even such violations were portrayed as justifiable by the West in the face of terrorism which rightfully is considered an absolute evil in the contemporary world. In this Western "War on Terror", there was no talk on a civilian's rights not to be tortured, because according to the West, which was surely targeted by terrorists, any means (whether they are ethical or not) could be used to get rid of this great 'curse' of terrorism. No one spoke then (and not even now) about any "war crimes" in the form of torture in this War on Terror. Enough has been written already, and so needless to repeat here, about how the US-led Western allies bombed both Iraq and Afghanistan to pre-historic times, all in the name of fighting terrorism. In doing so, there was no talk of civilian casualties or of human rights violations though hundreds of thousands of innocent civilians were killed by direct bombing and not as collateral damages. War crimes One needs to ask how only the alleged killing of Sri Lankan Tamil civilians (which is a subjective accusation of the pro-LTTE Tamil-net Website and the West which swallowed it entirely and uncritically) became uniquely important for the West though there is no parallel between the recent indiscriminate US and Israeli bombing (in Afghanistan and Iraq, and in Palestinian Gaza Strip, respectively) which resulted in the deliberate killing of civilians, and the calculated, discriminate bombing of identified targets by the Sri Lankan forces recently (which may surely have resulted in the unintended collateral killings of some civilians). It is in this sense that most of us in the non-Western world, and especially, in Sri Lanka, are not only amazed but also highly amused by the over-enthusiasm of the same West about the casualties of civilians who were trapped in the small no-fire-zone in the extreme North East of Sri Lanka. The very West which does not care at all about the civilian casualties of their own deliberate indiscriminate bombings in Afghanistan, Iraq and elsewhere are so worried now about the alleged civilian deaths who were kept hostage by the LTTE, and the irony is that instead of ever blaming the LTTE (for keeping them hostage in the first place), they blamed the Sri Lankan government, for not entering into a ceasefire with the LTTE terrorists (as if they would have ever entered into any ceasefire with the Al Qaida or Hisabollah terrorists). The issue acquires hypocritical if not ridiculous proportions when one recalls the fact that all those Western allies of the LTTE who showed a sudden love for Tamil civilians (but in reality it was a love for the LTTE), have also enlisted the same LTTE as a terrorist organization, at least on paper. They were deaf, blind and dumb when it came to the many civilian casualties caused by the LTTE's ruthless and deliberate shooting (not collateral) of many Tamil civilians who had tried to cross over to the government-controlled areas. The Western "god-fathers" of the LTTE have thus openly manifested their ever-present innate reluctance to distinguish the Tamil civilians from the LTTE terrorists. Instead, they have been all out to pressurize the Sri Lankan government to allow them (the self-appointed Western judges, who are also the accusers) to probe the alleged 'war crimes'. The accuser of such 'war crimes' is the West (under the guise of "international community") and ironically, the would-be judge of the same is also to be the West. If the same West had allowed, say for example, the USA and her Western allies to be probed for the more than obvious 'war crimes' in the aftermath of their unjust invasion of Iraq and Afghanistan, then, such a call to probe the alleged 'war crimes' in Sri Lanka would have not only gained credibility, but would have had an easy sailing even in the UNHRC. Until the West takes cognizance of their hypocrisy and behaves accordingly, they fully deserve such humiliations at international fora like the UNHRC! What is a 'war crime'? This concept has its origins in the aftermath of the Second World War where ironically only the defeated forces were accused of such 'war crimes' while the victorious Western Allies went scot-free, though the latter were guilty of indiscriminate carpet bombing entire cities of Nagasaki and Hiroshima. The Nazis were rightly tried before the war tribunals in Nuremberg, but very rarely was the question asked: were it only the defeated troops that were guilty of war crimes? What about those who deliberately annihilated entire populations with their carpet bombings? Were they not war crimes? So, from its very inception, this concept of 'war crimes' has had a very subjective, partial history, to it. I repeat, it was the duty of the sovereign state of Sri Lanka to protect all its civilians from LTTE terrorism, not just the civilians who were trapped in the extreme North East of Sri Lanka due to the LTTE forcefully holding them as human shields. As such, the recent Western calls to enter into a ceasefire with the LTTE in order to protect the civilians was nothing but a hypocritical joke; and when the Sri Lankan government did not heed such calls and went on a relentless attack against terrorists to protect her civilians, to brand that action as 'war crimes' is a clear sign of the never fading Western Colonial Hegemonic will to intervene in other countries. That is why the recent UNHRC decision ought to not only humiliate the West, but also teach them an unforgettable lesson. Now that they have failed in both their campaigns to protect the LTTE terrorists and also to tarnish Sri Lanka's image and then, intervene unjustly under the pretext of probing the alleged 'war crimes', they are all out to highlight the misery and agony in our camps for the internally displaced persons from the North. This is the last trump card they have. And it is here that the Sri Lankan government should take this as yet another challenge and show the world how committed we are in settling them soon in their native places. If and when that happens, one wonders what the next 'war' the West would wage against us? Courtesy: Island.lk