
Assessing the analysis of the University Teachers for Human Rights

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The University Teachers for Human Rights has issued yet another report on the situation in Sri Lanka which, as with its previous reports, merits serious attention. I have always admired their commitment and efforts at objectivity and, even when I disagree with what they say, I have noted their sincerity. It should also be noted that they are amongst the few such organizations to admit it when they have been mistaken, as with their accounts of what happened to the ACF workers in Muttur. Their assertion that inquiries into that event and similar ones should be expedited cannot be challenged. Though I have pointed out that delays have arisen because of the prejudging that has taken place elsewhere, as well as the bad faith of some of the assistants to the International Eminent Persons, I too hope very much that the Commission of Inquiry will produce a report soon on the cases they have dealt with, and that action is taken as appropriate.

The current UTHR report is in the same serious vein, and its efforts at objectivity should be lauded. At the same time there are a couple of issues that need to be clarified. Though there are general accusations against the Sri Lankan forces, the details supplied testify to the humanitarian concerns of the forces, and indicate that many of the tragic deaths that occurred were inflicted by the LTTE. One principal complaint, that the government should have made clear its conditions for stopping hostilities, ignores the fact that the government did precisely that, in asking for surrender, and it was those who discouraged such surrender, or tried to introduce different modalities, who in effect encouraged the LTTE to go on fighting. In this regard clearly the British Foreign Minister, and British journalists associated with his position, have much to answer for.

There are other areas in which the report needs further explication, though I will confine myself here to references to my own pronouncements. One occurs in a long disquisition on the doctors who are being questioned about their pronouncements. After strictures on those who suggest that charges might be preferred, my own more sympathetic approach is described as patronizing. The simple fact is that there are those who believe the doctors conveyed false information which was damaging to the government. This may or may not be true, and even if it were, I believe there were mitigating factors. Certainly the revelation by the Guardian that they had their own different sources of information suggest that some of the falsehoods at least came from people fraudulently described as officials, and not from the poor doctors. In any case we know of instances earlier, when the doctors were not under such pressure, when they actually corrected some falsehoods that were attributed to them. But the simple point is that, as for instance the British felt with P G Wodehouse, there is a case that must be investigated, and it is not correct for anyone to assume either absolute innocence or guilt in accordance with their own predilections.

The second issue relates to my comments about allegations concerning the usage of heavy weapons. UTHR takes issue with two of my statements, first when I challenged the HRW claim about how we had rescued civilians in April, second when I clarified matters in an interview to the Guardian in June. With regard to the first, the UTHR report itself seems to support my interpretation in its description of how the army broke through the bund on the northwest of the strip in which the civilians were being held by the LTTE. It then talks about shelling on the east, but that is not germane to the statement for which I am criticized, namely ‘The point the government had been making was that it was not using heavy weapons on civilians, and indeed its recent magnificent achievement in breaching one of the walls the LTTE had built up, and thus ensuring that over 100,000 civilians could get to safety, was without the use of heavy weapons as pointed out at the time.’

UTHR then objects to the clarification in my Guardian interview as to the type of weapons that were used. In fact the UTHR analysis of the manner in which the LTTE prevented civilians from escaping explains of itself the need to combat those pernicious efforts as swiftly as possible, without however using weapons that would inflict indiscriminate harm on civilians. I should note that UTHR is right to fault our estimate of the number of civilians in the zone, though that low estimate did contribute to the later international assertion of a credible average, as opposed to the figures of 400,000 that were being bandied about at one stage. They are certainly wrong to compare that with my estimate of all casualties, not just civilians, which has been also found fault with as being too high.

My methodology, explained in detail in my release on ‘Big lies from the big boys’, and discussed earlier too, does not seem so very different from that of UTHR itself, and I would therefore welcome a clear statement from them of their estimates of all casualties, dead and injured. I certainly appreciate their clear-sighted assertion that many of those who died were those whom the LTTE had dragooned into combat, who therefore have to be considered as combatants in any formal accounting, but who are clearly tragic victims of LTTE compulsions, and also of the pusillanimity of those international actors who kept quiet for so long about such abuses.

In that regard UTHR has never minced its words, for which it deserves all respect, and I hope it will play an active role in the reconciliation and reconstruction with which we all must proceed. However I must note a slight tendency to what might be termed ‘othering’, which it should get over so as to contribute positively to developments in Sri Lanka.

I refer to its explanation of what it sees as an improvement in the role of the armed forces in upholding human rights. Having granted that ‘It is hard to identify any other Army that would have endured the provocations of the LTTE, which was angling for genocide, and caused proportionately little harm’, it goes on to declare that ‘The result is remarkable because the present Army Commander’s operations in Akkaraipattu and Kalmunai in 1990 led to grave massacres. The same year the present Army Commander and Defence Secretary took part in the operation in the islands off Jaffna, which too resulted in significant massacres of civilians. Foreign pressure and scrutiny apparently forced the Government to be extremely careful this time.’ UTHR here ignores completely the simple fact that successive Sri Lankan governments have themselves deduced that, given the pressures of combating terrorism, it is

important to guard against possible violations of human rights. Therefore they have developed training programmes in this field that have continuously been refined and strengthened. This has been an ongoing process, dating back several years, and has nothing to do with what UTHR thinks are current pressures. It would be useful, and in line with the scientific methods UTHR endeavours to employ, if this fact were noted, and if UTHR allowed at least some credit to the Sri Lankan government and its forces for what is rightly recognized as a remarkable achievement, far in advance of what we have seen in other countries that assume the pressures they might selectively apply are more important than our concern for our people. It is sad therefore that UTHR seems to have adopted the agenda of some of these countries that, with less attention to evidence than UTHR, are trying to put Sri Lanka in the dock for its achievement in getting rid of terrorism from Sri Lanka. Such efforts may well strengthen terrorist forces elsewhere, and since UTHR well understands the horror of LTTE terrorism, I hope that it will not lend its voice to stratagems that the rump of the LTTE now promote so assiduously. Prof Rajiva Wijesinha Secretary General Secretariat for Coordinating the Peace Process