

# Looking Ahead: After the UNHRC Resolution Mandating the Office of the High Commissioner to Undertake a War Crimes Investigation in Sri Lanka

S. Ratnajeewan H. Hoole

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This is a victory for the people of Sri Lanka who need to know the truth.  
*David Cameron, Prime Minister of the United Kingdom*



Good evening! A resolution has been passed at long last at the UN Human Rights Council on March 27, 2014 calling for war-crimes investigations in Sri Lanka. As David Cameron the Prime Minister of the UK has noted, this is a victory for the people of Sri Lanka who need to know the truth. This would not have been possible without the active support of Canada, the US and the UK, and the UN Human Rights Commissioner Navaneetham Pillai as well as of Amnesty International, the International Crisis Group, Human Rights Watch and many organizations which never let the world forget the large scale murder in Sri Lanka in January to May 2009.

Please sign the petitions in the Foyer – they help as I can certify!



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URGENT ACTION

Sri Lanka: Fear for safety: Professor Ratnajeewan Hoole

PUBLIC AI Index: ASA 37/010/2008 12 April 2008

Urgent Actions  
Amnesty International's global Urgent Action network provides an effective and rapid means of preventing some of the most life-threatening human rights violations against

First, before I speak, just a reminder on signing the important petitions from AI before you go. These are on human rights activists at risk, the disappeared Prageeth Ekmaligoda, the five bright Tamil students from Trincomalee murdered by Sri Lankan forces between high school and college, and a more general one on Prevention of Terrorism Act detainees long after the war. As someone supported and helped by AI, I tell you that these petitions help. So please do sign before you go.

My qualifications to speak

Fled Sri Lanka in 2006 because of Tamil tiger death threats



Fled Sri Lanka in 2011 because of an open warrant for my arrest by Govt. based on complaint by Minister Devananda who is wanted for Murder in India



As a speaker I can claim a kind of neutrality. In 2006 the Tamil Tigers came after me and I had to flee my homeland. In 2011 again, I had to flee when the government issued an open warrant for my arrest because I wrote of the election rigging that I was witness to. I aver a firm opposition to anyone violating human rights, be it the government or the Tamil Tigers.

## The Tamils and Sinhalese of Sri Lanka: Coming from Great Civilizations

### Tamils

- Tamil is one of the oldest languages, a Classical Language
- Largely Hindu

### Sinhalese

- An old civilization constructing massive irrigation works
- Largely Buddhist

### Tamils and Sinhalese

- A lot in common, reluctant to recognize
- Vibrant democracy, a culture of dissent, regularly voting out govts
- Common Buddhist religion in the Second Century
  - with similar writing, similar irrigation schemes, etc.
- Discrimination of Tamils since independence: Buddhism state religion, Sinhalese official language, colonization altering demography, higher cut-off mark for Tamils for university, etc.

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But this is a moment for looking forward, not gloating. We Tamils and Sinhalese of Sri Lanka come from great civilizations. We Tamils speak one of the oldest languages of the world and the Sinhalese possess a very old civilization credited with massive irrigation schemes. Although reluctant to concede, we were all largely Buddhists once. But many Tamils are Hindu today. Our ancient inscriptions bear similar writing. Tamil irrigation achievements in India are similar to those of the Sinhalese. We were joint heirs through the British to a vibrant

democracy with a culture of dissent. But we messed it up.

## Tamils: From Militant Liberation to Terrorism?

- Fighting government forces
- Robbing state banks
- Forced contributions from Tamils
- Killing Tamil dissenters
- Tit-for-tat killings of Sinhalese civilians

LIBERATION

TERRORISM

- We Tamils see daily criminal activity by both sides
- We will not report militants to the state because we know the state will not uphold the law
- **It does not make us civilians terrorists**

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The Tamil militancy in response to state discrimination and ethnic cleansing started with fighting government forces which most Tamils supported, and gradually deteriorated to tit-for-tat killings of civilians. At one end of the spectrum is liberation which we can all support and at the other end is terrorism as represented by the Tamil Tigers.

Living among militants we civilians see criminal militant activity daily but do not report it to the government which we know will resort to torture and extra-judicial

killings. So our silence does not betoken support of terrorism as the government would have it in justifying its genocidal bombings we saw in January to May 2009.

## Collapse of Civilizations with Tamil Militancy and Civil War

### Tamils

- Support of brutal murders in the name of freedom
- Support for child soldiers so long as our children were safe
- Justification of drugs and weapons trades to make money for weapons
- Support for tit-for-tat killings
- Moralizing the suppression of dissent – Tigers claimed to be the sole representatives of the Tamils and many of us agreed

### Sinhalese

- Disfranchisement of half the Tamils and repatriation to India
- Assertion of majoritarianism through ethnic cleansing
- Assertion of militant Buddhism as state religion
- Rape to alter demography
- A gentle democracy giving way to a corrupt state
- Judiciary and press cowed into submission
- Necrophilia on Tamil women

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This war has led to a collapse of our great civilizations on both sides. We Tamils have supported murder and drug peddling excusing them as a reaction to state violence. The Sinhalese have dismantled our democracy while engaging in large scale murder and mayhem, asserting Buddhist hegemony in their descent into necrophilia.

From Prime Minister  
Dudley Senanayake –  
Cambridge Scholar  
reputedly with only 2  
suits



From the time of our Prime Minister Dudley Senanayake who went to Cambridge and is said to have managed with two suits, we have deteriorated ...



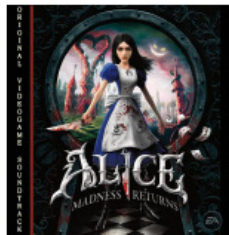
To Mahinda  
Rajapakse,  
No degree  
but  
honorary  
doctorate:  
War  
Criminal?

Reports of massive corruption, contracts to China without bidding and Chinese gifts, excessive use of jewelry? **Transparency International:** Chairs Bank of Ceylon and Lotteries Board. These donate to son Namal's NGO. Namal then spends on father's election; has millions in sports cars.

now into times when the President uses excessive jewelry and, as Transparency International reports, as Chairman of state institutions, he donates to his son's charity and the son then uses that money for his father's elections and a sports-car life style which cannot be supported on his parliamentarian's salary.

### A Government Gone Mad

- After the war in 2009, UN HRC Congratulated the Government
- Drunk with success, instead of reconciliation
  - Inundated Tamils areas with 1 soldier for 5 civilians
  - Crack down on any sign of Tamil pride
  - Ignored resolutions of 2012 and 2013 calling for domestic inquiries and reconciliation
  - Muslim, Christian and Hindu places of worship violated
  - As the 2014 resolution was debated, those calling for inquiries were arrested and harassed.
- The government gave no choice to the international community but to vote for this resolution



As this UN resolution came up, as if in fulfillment of the saying "Those whom the gods wish to destroy, they first make mad," the government seemed indeed to go mad. A normal government would have made at least some token gestures to accommodate its Tamil citizenry. But this government flooded the North with troops who behaved like an army of occupation. They engaged in rape. Then instead of punishing the rapists they offered the women marriage to their Sinhalese rapists. It was demographic alteration camouflaged as justice. Just last

month the army arrested prominent human rights activists, one a Roman Catholic priest. Their release without charge under intense publicity showed that the arrests were to terrorize. The passage of the UN resolution became assured as a result of this government's blind, hateful madness.



## Government Denial of Channel 4 Evidence

- I have met and worked with several people who lived through that hell.
- A Tiger bus driver who said he remembers only flashes which I saw in the movie
- A secretary who said she lined up for baby milk at a government designated place – then bombs started raining.
- Left: Australian returnee (Australia supported Sri Lanka to avoid too many refugees turning up there)
- Right: A religious Buddhist playing with a dead woman's nipple and having it trophy photographed



the Tigers testified to lining up for milk as directed by the government and being bombed by the government. On the left you see the scars of a person tortured.

Right bottom has a soldier playing with the nipple of a dead civilian as can be seen from the clothes. Tiger girls wore military uniforms. The point I make is from the blessed amulets the soldier is wearing on his wrist. He is a devout Buddhist engaging in necrophilia. This is the collapse of civilization I refer to.

## No one kills women and babies, or self-scars to fake a movie A Collapsed Civilisation Lingerin in Sinhalese Releasing these shots



Remember, no one kills women and babies or self-scars himself to make a fake film. In deference to your sensibilities I have not put up a clip of a soldier having sex with a corpse. Imagine the depravity of a man who does that and then gets his friend to film it. While Sinhalese civilisation seems to have gone bankrupt, we have to note that unlike us Tamils who have argued for *our* Tamil rights, it is generally the Sinhalese human rights workers who have consistently stood for *universal* rights, theirs and ours.

Sinhalese redemption lies in that. It is from them that we have these pictures.

## A Little History from 1980s: India saw herself in big power games

- Sri Lanka was getting friendly with Israel and Mossad in combating the Tigers
- Mossad was training the Tigers and the SL Army at the same camp at different times (Mossad officer Victor Ostrovsky, in *By Way of Deception*)
- Tigers ships were smuggling Uzi machine guns for Israel for South American drug lords (Washington Post)
- India trained and armed several groups, some of my friends in India, some with the PLO
- When Tamils devised a mine to take out a mine-resistant South African armoured car, India brought them to New Delhi to train Jonas Savimbi's SWAPO




Indian support for Tamils:  
Enough to make SL obey  
but not enough for a  
separate Tamil state which  
would be a precedent for  
India's breakup

For a little bit of history now. As state and militant terrorism grew in the 1980s, Israel and Apartheid South Africa, badly short of friends, came forward to help Sri Lanka. Israel using Tamils in its arms trade trained us as well. According to Mossad agent Victor Ostrovsky, Israel trained both sides in the same camp in Israel at different times of the day! India, leaning towards the

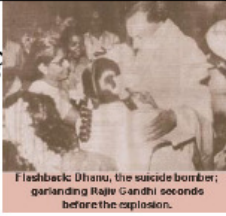
Soviets and suspicious of US designs in Sri Lanka moved in. Remember that at that time Israel and the Apartheid regime would have been perceived as US proxies by India. Seeing herself as a big power, India trained and armed Tamil militants. I have friends whose training with the PLO, India arranged. Those trained in Uttar Pradesh to this day are described in whispers as “UP Trained,” meaning a very tough guerrilla. When our militants devised a mine to take out a supposedly mine-resistant South African armored car used by Sri Lanka, India arranged for SWAPO guerrillas to be trained by the militants around New Delhi.

India has its own separatist problems. So Indian support for Tamils was carefully calibrated: enough support to force Sri Lanka to settle the problem, but not enough for Tamils to form a separate state. As such the Tamil Tigers were soon estranged from the Indian government.



### India: Mother India?

- Indian Peace-keeping Force (IPKF) moved in, in 1987 “to restore peace.”
- Tigers fight IPKF. SL Army works with Tigers
- British arms taken by govt by rail and left for Tigers in the jungles
- IPKF moves out in 1990 deliberately leaving behind large caches of arms
- SLA and Tigers resume fighting.
- Rajiv Gandhi assassinated by Tiger girl (possibly raped by Indians)
- Tigers run the North. Brutal regime.
- Vast money-making Tiger enterprise in Sri Lanka, Europe and Canada – businesses, extortion, drugs, etc.
- Countries destabilized by Tiger criminality: attempted jail break in Canada





When the India-calibrated war reached a stalemate, India forced an agreement on Sri Lanka for devolution and the Indian Peace Keeping Force, the IPKF, arrived in 1987. Soon the IPKF was fighting the Tigers. Ironically the Sri Lankan Army quietly helped the Tigers because Hindu India’s intrusion was resented by Buddhist Sinhalese. Sri Lanka then bought arms from Britain. The containers were not opened at customs but taken by rail and left in the jungles for the Tigers.

The IPKF left in 1990, deliberately leaving behind large caches of arms for the Tigers. The Tigers and the SLA now resumed fighting. The Tigers suicide bombed their two former benefactors, the Indian Prime Minister Gandhi and the Sri Lankan President Premadasa. The Tigers grew into a large organization making money from extortion, drugs and arms smuggling. They ruled larger swathes of Tamil area.

### Chandrika Bandaranaike Kumaratunga

- Lost an eye in a failed Tiger assassination but still enacted many reforms like signing on to UN HR Conventions.

- However Tamil militancy was full blown – it was shutting the stables after the horse had fled

The government of Chandrika Bandaranaike Kumaratunga enacted many reforms like signing on to the UN human rights conventions. But her reforms merely shut the stables after the horse had bolted. She too was targeted by the Tigers.

## Key Developments

- President Chandrika Kumaratunga who agreed to a Norway-brokered ceasefire in 2002 left office in Nov. 2005
- Rajapaksa was likely to lose the 2005 elections to Ranil Wickremasinghe who was less of a war monger.
- Tamils seemed likely to vote for Wickremasinghe
- The Tigers did not like that. Nor did Rajapaksa.
- Tiran Alles (a Tamil who has become a Sinhalese) on behalf of Rajapaksa paid the Tigers multimillion dollars to prevent Tamils from voting (US Embassy Wikileaks cable)
- Rajapaksa was elected.
- Tigers knew only life while warring and could not adjust to peace.
- Confident of Rajapaksa's gratitude, they were provocative in shutting off water to Sinhalese settled on Tamil lands
- Rajapaksa immediately launched a full scale war against the Tigers, killing many civilians in the process.
- India and the US worked for the defeat of the Tigers
- Who supplied cluster bombs and chemical weapons to Sri Lanka?
- How far did India and the US go?

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The war out of control, Kumaratunga agreed to a ceasefire. As she finished her final term in 2005, her successor Rajapakse seemed likely to lose the Tamil vote to Ranil Wickremasinghe who seemed less of a warmonger. Neither the Tigers nor the Rajapakses liked that. Through Tiran Alles whose father was a Tamil at St. Anthony's Katugasthota, US embassy Wikileaks cables suggest, multimillions in dollars were paid to the Tigers to order Tamils not to vote. Rajapakse was elected. The Tigers misread Rajapakse as a friend whom they helped

win. They moved to take over water schemes supplying Sinhalese settlers on Tamil lands. Rajapakse launched a war where he used the same tactics as the Tigers – attacking civilian supporters of the other side. That proved to be a winning stratagem.

India and the US helped Sri Lanka win. How far did they go? We do not know but the rest we have seen in the movie.

## The Tamil Tigers were widely Recognized to be as evil as the government

- Tigers banned as Terrorists in many countries
- Logistical Support for the government from India and the West
- Most Governments helped Sri Lanka
- In return, they expected reconciliation and addressing of Tamil grievances
- But the govt. used it as an opportunity to assert Sinhalese dominance



That 2005 election meddling was the Tamil Tigers' undoing. They were banned as terrorists in many countries. Sri Lanka received logistical support from India and the West. It appears that India even manned radar systems on the battlefield. The US supplied satellite data helping the government interdict and destroy four important Tiger weapons supply ships.

The expectation of western and Indian allies was that Sri Lanka after winning the war would go for reconciliation. But the SLA has used it to strengthen Sinhalese hegemony.



Permanent Peoples' Tribunal  
Successor to  
**The Russell-Sartre Tribunal**

- An international tribunal independent of States –
- Its panel of 11 judges: experts in law, former UN officials, and peace and human rights activists.
- Found Sri Lanka guilty of genocide at its December 7-10, 2013 hearings in Germany.
- They found the US and UK guilty of complicity.
- A decision on the complicity of India, and other states is pending further examination.

The Permanent Peoples' Tribunal has found the US and the UK complicit in genocide. The UK and the US actively pushing for the UNHRC resolution I think betrays their own sense of betrayal by their ally Rajapakse.

The Tribunal's hint of Indian guilt might explain why India panicked and abstained from the HRC vote after voting for the resolutions of 2012 and 2013.

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## India's Dirty Game at UNHRC

- Wanted a reference to the 17<sup>th</sup> Amendment (which had been forced on SL by India in 1987)
- Wanted elimination of references to demilitarization
- Wanted strict limitation to the recent war (so that IPKF violations would not be looked into)
- India implied a willingness to support if these amendments were made
- Joined Pakistan in calling for elimination of **Key Para 10**: "Takes note of ... the need for an international inquiry mechanism in the absence of a credible national process with tangible results". Defeated by majority
- Probably feared a precedent for inquiries in Cashmere
- India abstained.

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To everyone's surprise India pushed at the HRC for key amendments that weakened the resolution last week. India asked for and got recognition of the 17<sup>th</sup> amendment that she had imposed on Sri Lanka in 1987. But she seemed to have buckled down to Sri Lanka's threat to inquire into IPKF atrocities if there are war crime inquiries. India therefore pushed for an amendment to limit inquiries to a period excluding her 1987-90 IPKF debacle, her greatest foreign policy failure. Rather surprisingly India voted for Pakistan's failed amendment to remove the key

paragraph 10 calling for an international inquiry.

The Vote shows Sri Lanka's Friends: Algeria, China, Congo, Cuba, Kenya, Maldives, Pakistan, Russia, Saudi Arabia, UAE, Venezuela, Vietnam: **Not the most exemplary states**

L.1/Rev.1 Promoting reconciliation, accountability and HR in Sri Lanka

ALGERIA	No	FRANCE	Yes	PAKISTAN	Yes
ARGENTINA	Yes	GABON	Abst	PERU	Abst
AUSTRIA	Yes	GERMANY	Yes	PHILIPPINES	Abst
BENIN	Yes	INDIA	Abst	REP. OF KOREA	Yes
BOTSWANA	Yes	INDONESIA	Abst	ROMANIA	Yes
BRAZIL	Yes	IRELAND	Yes	RUSSIAN FEDERATION	Yes
BURKINA FASO	Abst	ITALY	Yes	SAUDI ARABIA	Yes
CHILE	Yes	JAPAN	Abst	SIERRA LEONE	Yes
CHINA	No	KAZAKHASTAN	Abst	SOUTH AFRICA	Yes
CONGO	No	KENYA	Yes	THE FORMER YUGO. REP. OF MACEDONIA	Yes
COSTA RICA	Yes	KUWAIT	Abst	UNITED ARAB EMIRATES	Yes
COTE D'IVOIRE	Yes	MALDIVES	Yes	UNITED KINGDOM	Yes
CUBA	No	MEXICO	Yes	UNITED STATES OF AMERICA	Yes
CZECH REPUBLIC	Yes	MOROCCO	Yes	VENEZUELA	Yes
ESTONIA	Yes	MONTENEGRO	Abst	Viet Nam	Yes
ETHIOPIA	Abst	NAMIBIA	Abst		
Yes 23		Abstention 12		No 12	

The final vote tally showed the list of countries that are Sri Lanka's friends – the unsavoury likes of Pakistan, China, Russia, Saudi Arabia, Algeria, and Cuba. It is indeed sad that democratic India was unable to uphold her duty to maintain a minimum world order through human rights protections for ordinary citizens.

## War Crimes Inquiry

- To cleanse the polity of all those who supported terror
- To recover the old Sri Lanka we all love. Is that possible? I don't know after all that has happened.
- HRC authorized – actions cannot be vetoed
- If SL Govt does not cooperate, they will not be able to travel freely
- Their bank accounts can be frozen
- The inquiry may look into India's role in 2009

### Nuremburg Trials



What now? If the inquiries are done right, the Sri Lankan polity will be purged of all those who supported terror to recover the old Sri Lanka we all love. But after all this hatred and murder, I do not know if a united Sri Lanka is possible any more. The best alternative to separation that we can realistically hope for is a federal model.

Sri Lanka's friends on the Security Council, Russia and China, have no veto over the HRC. They can only block any attempt to take the murderers to the Rome Tribunal.

If Sri Lanka does not cooperate, the accused can have travel bans and their accounts can be frozen. There can be sanctions against Sri Lanka. India's role can be examined.



The accused presently have impunity through the immunity they have in government and from their plum diplomatic postings in embassies and the UN they received as reward for the butchery of innocents.

If found guilty, they cannot survive except by running back to Sri Lanka – and even that protection will not last after this government goes out of office as it surely will one day.



What then of the brutal Tamil Tiger leaders who according to UN analyses were also guilty of war crimes? Do they have impunity through their own cold-blooded murder after they surrendered with white flags as arranged by the UN, Norway and Times Journalist, the late Marie Colvin?

That is unfortunately so. But ...

### Louise Arbour: Urged Inquiry into War Crimes

- Formerly
  - President of Ireland
  - UN Human Rights Commissioner
  - Now head of Crisis Group
- A commission is also likely to uncover evidence of abuses by the defeated Liberation Tigers of Tamil Eelam in a form that would be hard for Tamils and Tamil organizations to deny. **That would deflate a romanticization of the Tigers among Tamils**

... recall the wise words of Louise Arbour of the International Crisis Group who pushed hard for this resolution – that this inquiry will deflate the romanticisation of the Tigers among us Tamils.

On that note I say



Thank you: AI, HRW, Crisis Group and many others who worked for justice, especially the Sinhalese who released the evidence



“Thank you!” to all those who helped this day dawn.