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Sri Lanka justice: leaked UN document casts doubts

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A leaked UN document raises concerns over the prospects for genuine justice for the Sri Lankan victims of alleged war crimes, writes Callum Macrae.

Channel 4 News has been supplied with the leaked document which critics claim could pre-empt and undermine September's Human Rights Council discussion on a UN's long-awaited investigation into crimes committed at the end of Sri Lanka's 26-year civil war.

According to the UN [tens of thousands of Tamil civilians died in the closing stages of the Sri Lankan military's war](#) against the LTTE, also known as the Tamil Tigers.

The UN says most of those civilians died in government shelling as they were crammed into ever-diminishing "No Fire Zones" - though the Tamil Tigers are also alleged to have committed grave abuses including suicide bombings and the use of human shields.



The document appears to have been created by the UN in conjunction with the Sri Lankan government, and outlines plans to set up a purely domestic inquiry into human rights violations - with technical support from the UN.

Most human rights groups regard plans for an internal judicial process as unacceptable and many warn it would inevitably be seen as a "victor's court".

The leaked UN plan claims that the "implementing partners" for the scheme would include, along with the Sri Lankan government, the Tamil-dominated Northern Provincial Council, widely seen as representing the popular voice of the Tamils.

But that council's chief minister, former Sri Lankan Supreme Court Judge CV Wigneswaran, told **Channel 4 News** that the UN had not even consulted them on the plan.

He added that despite the fact that under the scheme the council stood to receive half a million dollars in funding, he was minded to reject it.

What is surprising is that this document has emerged ahead of the September Human Rights Council discussion. The September meeting is about the international investigation - [announced by the Human Rights Council in March 2014](#) at the behest of world leaders including David Cameron - into alleged war crimes and human rights abuses.

Six months earlier [David Cameron had visited the Tamil-dominated north of Sri Lanka](#), alongside **Channel 4 News** Presenter Jon Snow, where he was inundated by requests from the families of Sri Lankans who have been missing since the end of the civil war in 2009.

Expectations are high for the HRC's report and what happens after it has been released.

The government of Sri Lankan President Maithripala Sirisena - [who replaced Mahindra Rajapaksa in January](#) - have said they can be trusted with a domestic inquiry. Tamil activists want an international inquiry.

[President Sirisena's government has done much](#) to tackle corruption, reduce the power of the executive presidency and lift restrictions on the press. It has also, significantly, shifted the country's international orientation from China back to the West and India.

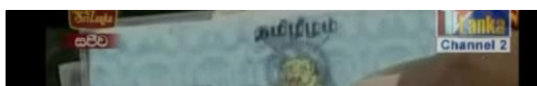
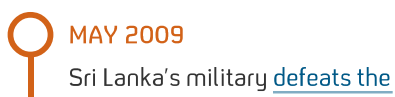


That diplomatic shift led some to re-appraise the calls for international justice. In the US some commentators, notably former ambassador to Sri Lanka Teresita C Schaffer, called for the US government to "lower its voice" on human rights in the country.

But many Tamils doubt the government's ability to create an internal inquiry that will not be swayed by the views of the victors. They point to the fact that although there has been much talk of "reconciliation" from the new government, there have been few concrete changes for the Tamils of the north and east.

Many thousands of Tamils taken into captivity during and in the immediate aftermath of the war are still missing and the government denies knowledge of all but 273 of them.

THE LONG ROAD TO SRI LANKA JUSTICE



[Tamil Tigers](#) to end the country's 26-year civil war.



AUGUST 2009

Channel 4 News first airs video evidence appearing to show [Sri Lanka soldiers executing Tamil prisoners](#).



DECEMBER 2010

Friends and former colleagues of Tamil TV presenter and member of the LTTE propaganda wing Isaipriya [identify her as one of the executed bodies](#) seen in more footage aired by Channel 4 News. In 2013 Channel 4 News revealed more footage about the fate of Isaipriya, showing her alive and in the custody of the Sri Lankan army.



APRIL 2011

A [critical UN report](#) reveals "credible allegations" of war crimes committed by both sides and says tens of thousands of Tamil civilians were killed in the last four months of the war, with one of the main reasons being "systematic shelling".

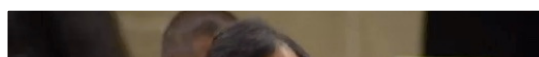
Details	Welfare Centres		With F & R		Total
	Families	Members	Families	Members	
Displaced Peoples					
Internal (within the)	1907	8000	1798	6456	10661
Outside of district	1418	5920	1855	7730	20273
Total	3325	13920	3653	14186	18109
IDPs food assistance details					
WFP ration	2820	11823	3424	13128	17261
UNRWA ration	505	2143	649	2786	3933
Sub Total	3325	13966	4073	15914	18199
Not eligible for any ration			803	3213	4016
Grant Total	3325	13966	4876	19127	23091
Displaced from other district					
	Welfare Centre		With		Total
	Families	Members	Families	Members	Families
Vavuniya	22	84	44	187	66
Kilinochchi					468

NOVEMBER 2013

David Cameron visits the Tamil-dominated north of Sri Lanka during the Commonwealth heads of government meeting in Colombo. [Talking to Jon Snow](#) in a camp for the displaced, Mr Cameron said that if the Sri Lankan government did not "come up with a credible independent inquiry" then the British government would "lend our support to a full international independent inquiry".



MARCH 2014



The UK is one of the governments which loses patience with Sri Lanka and [passes a resolution at the UN Human Rights Council in Geneva](#) setting up the international inquiry into war crimes.



JANUARY 2015

President Mahinda Rajapaksa is [voted out](#) and replaced with former ally Maithripala Sirisena. The new Sirisena government makes significant moves to confront corruption, reduce the power of the executive presidency and lift many restrictions on the press.



MARCH 2015

[Sirisena visits the UK](#) and says a domestic process to ensure justice and reconciliation would start "within a month". However, that process has been delayed several times.



JULY 2015

[A leaked UN report](#) suggests the UN may co-operate with the Sri Lankan government's entirely domestic investigation into alleged war crimes. A separate report claims "white van abductions" and torture have continued under the government of Sirisena.



AUGUST 2015

Sri Lankan parliamentary elections are due to take place, in which Mahinda Rajapaksa is standing as an MP. His supporters hope that he could go on to become prime minister.



Eyebrows will also be raised about the fact that one of the UN "partners" in the domestic inquiry would be the prime minister's office.

Former President Mahinda Rajapaksa is standing in next month's parliamentary elections. His supporters hope he could be the next prime minister.

This creates the possibility that the UN would be co-operating with the man accused of overall command responsibility for the war crimes being investigated, in the inquiry into those alleged offences.

Mr Rajapaksa has denied allegations against him, and accused those calling for an investigation of having hidden agendas.

The current Sri Lankan government has also rejected an international inquiry saying it can be trusted to carry out the truth and reconciliation process itself.

The UN said it "supports accountability mechanisms that meet international standards".

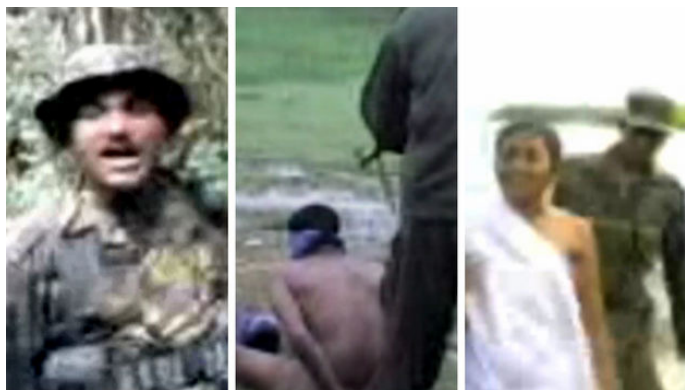
"Whether that should be a domestic or international process or comprise elements of both... will need to be determined," a statement said.

"The UN will await the High Commissioner's reports and recommendations to make a determination. The UN also believes that there should be genuine and inclusive consultations on a national basis, including the northern province."

*Callum Macrae is the director of the documentary **No Fire Zone**. Follow him on Twitter @Callum_Macrae*

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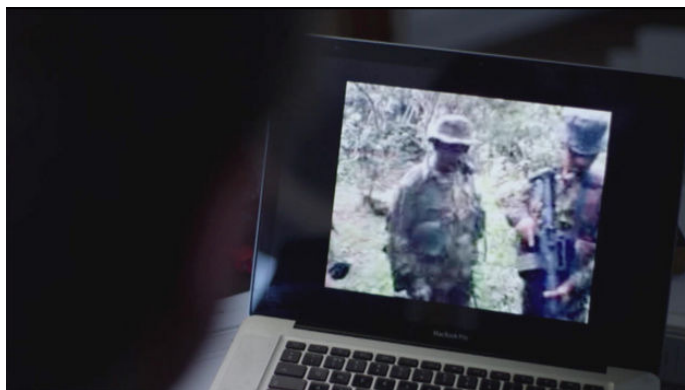
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