

Is the report of the UNSG's panel of experts a conspiracy and obstacle to reconciliation?

Group of concerned Christians

25th April 2011

In the past weeks, we as Christians have been reflecting on the torture, killing of Jesus by the rulers of that time, with complicity of high priests of the time, due to Jesus's efforts to stand by the poor and oppressed and bring them good news of liberation. Our reflections had been taking into account the situation in our country today and we had noted the controversy surrounding the report of the panel of experts of the UN Secretary General related to the war in Sri Lanka.

But our reflections have been hampered by the fact that the Sri Lankan government and the UNSG is not allowing us, Sri Lankan citizens to read the full report that deals with a critical and tragic part of our history. We are disappointed that after almost two weeks, and after several promises being made, the UNSG had not extended the same courtesy that he had deemed fit to extend to the Sri Lankan government (one of the parties implicated in the horrific crimes mentioned in the report) to victims whose stories are told, their families and those who risked their lives and shared their stories and information. We regret that the Sri Lankan government has even resorted to requesting the UNSG to withhold the report from Sri Lankan people. Thus, our reflections are based on the parts of the report that is claimed to have been "leaked" and published in the media.

During the last phase of the war, particularly from Jan. – May 2009, and till today, religious leaders, government servants, humanitarian workers, doctors, farmers, fisherfolk, housewives, teachers, traders, students etc. from the North, particularly the Vanni¹ have been telling us about shelling, artillery fire, multi barrel rocket launchers etc. that had killed close family members and friends, others they didn't know, caused people to lose hands, legs and caused other serious injuries. We had met in hospitals, detention camps and in their homes, those who survived with injuries and many who still have pieces of shells in their bodies. These people had told us about a Catholic priest and LTTE members who had surrendered to the Sri Lankan Army and were never seen again and how they saw some such surrendeers shot in cold blood by the Army. We had received desperate calls, emails and messages about how the government repeatedly shelled the no fire zones that it asked civilians to take shelter, how hospitals and food distribution centers were attacked when their locations were known and clearly marked and about people being killed and injured in these places and in bunkers they had dug with bare hands. We had been told about surgeries done without anesthesia, amputations with ordinary knives, refusal by the government to send in much needed medical supplies and food despite repeated requests. We have been told about how the LTTE took cover behind civilians to fire at the advancing Army. How the LTTE had tried to prevent civilians from fleeing the war zone and how they had shot at people when they defied the LTTE and tried to flee in desperation. We had met people including children, who had been forcibly conscripted by the LTTE and tried hard to escape and we had met parents who had their young children conscripted and tried hard to hide them. We were also told about the disappointment and frustration when international staff of humanitarian agencies left the Vanni on orders of the government despite desperate pleas and protests from the people of Vanni and how the LTTE refused to give permission for Sri Lankan staff of humanitarian agencies to leave the war zone with their families when their international counter parts left on orders of the government.

We had heard words of appreciation for the courage and dedication of the doctors that served to the end in war zone and made desperate appeals on behalf of suffering people, humanitarian workers and government officials that provided life saving assistance, ICRC staff that evacuated thousands of people who were sick and injured and ferried much needed food supplies, religious leaders that remained with people to the end and individual soldiers of the Sri Lankan Army who had cared and helped some of the injured, sick and hungry when they escaped the LTTE and came to government controlled areas.

¹ The reference to Vanni here refers to areas controlled by the LTTE prior to 2007, that were captured by the Army, covering parts of Mannar and Vavuniya districts and whole of Mullativu and Killinochi districts

After the end of the war, we met families of people who disappeared from closely guarded hospitals and detention camps where internally displaced persons were detained by the government. Many people we had met have told us how they themselves or their family members were kept in detention without access to lawyers and ICRC, on allegations of being part of the LTTE. Some of them had indeed been in the LTTE, some forcibly conscripted, and others had joined voluntarily. Some had been involved in varying degrees in armed combat while others had been performing administrative and civil functions in the LTTE administration such as cooking, driving. Some of these people have told us how they were tortured, showed us scars and how they continue to suffer from these. Some complained about their family members who continue to be in detention without any charges. Others who we had met after being released, have narrated how they have been told to get permission to leave their village, had been photographed, are being visited often in their homes, had been summoned to camps and interrogated etc. Mothers recounted threats from the Army to bring back children who had gone to India after being formally released. Religious leaders have told us how the Army had prevented and even threatened them when they tried to organize religious events for civilians killed and disappeared, how monuments for dead Tamil militants were destroyed by the Army and how they were threatened when they tried to put up a simple memorial for those killed and had no burial place. Community leaders and humanitarian workers have told us about the restrictions on humanitarian assistance, freedom of assembly, freedom of association and freedom of expression in the North.

Many such stories have been shared by Vanni people, particularly families of those directly affected, during hearings of the government appointed Lessons Learnt and Reconciliation Commission (LLRC) in the North. Such stories are also reflected in the submissions to the LLRC by the Catholic Bishops Conference of Sri Lanka and Church of Ceylon and Church leaders from the North such as the Catholic Bishop of Mannar and the Jaffna Diocesan Laity Council. But it is our regret that with a few exceptions such as above, almost two years since the end of the war, we Sri Lankans have failed to tell and listen to these stories of our brothers and sisters and that most of our media have refused to publish these stories. Despite our own efforts to retell the stories people had narrated to us, it is our regret that we ourselves have not been able to do so to the extent we would have liked to. We also recognize that many who would have liked to retell these stories have refrained from doing so out of fear of reprisals. And we salute the few individuals, groups and media that have had the courage to share some of these stories.

We also know that some concerned individuals and groups submitted their testimonies, eye witness accounts etc. to the panel of experts of the UNSG. Now, we find that these are the stories reflected and retold in the parts of the report by the panel of experts of the UNSG that had been leaked and published in the media. We fail to understand how retelling the stories of our brothers and sisters, Sri Lankan citizens, who had suffered so much and lost so much, can be a conspiracy against Sri Lanka.

We recognize that different opinions exist about the motivation for this report and that there are similar or more horrific crimes that have been committed during military operations in other countries where no such reports have been issued. We also recognize that the stories told in this report appears to ignore several other stories of suffering in the context of our ethnic conflict and war, such as the Muslim community that was evicted from the North by the LTTE, those killed and injured by claymore attacks and suicide bombings in Colombo and other cities outside the North and East, those killed in riots and in carpet bombings, those in “border” villages that had been massacred etc. However, we do not see above and any other limitations or weaknesses of the report as a reason for us to reject the stories that are told. On the contrary, we hope that this will be a motivation for us to share more and more such stories. We reject the argument that such a process of truth telling is a harassment of our country or destabilizing our country’s post war recovery and on the contrary, we feel that truth telling is an essential element of post war recovery and progress.

We believe that it is left to us Sri Lankans to establish and acknowledge the truth, apologize for wrongs done, ensure justice and accountability, and through measures such as reparations, show our care and support towards

those who have suffered such as families of those killed and disappeared, those who have been injured during war and due to torture, those who continue to be detained without charges and without due process, those who had been displaced and lost properties etc. It is our contention that truth, justice, accountability together with care and reparation for victims are essential ingredients for progress, development of a post war Sri Lanka, along with a longer term political solution that addresses grievances of Tamil community that led to the birth of the LTTE and full scale war.

But it is our assessment that we have been unable to make significant progress on any of the above fronts within Sri Lanka, particularly in the last two years since the end of the war. The process of LLRC had not given us much confidence though we still hope for positive outcomes from the LLRC, particularly the publication of its final report, conclusions and recommendations as soon as possible, which would have the potential to serve as a valuable resource for our reconciliation efforts. In this context we believe international assistance can also be crucial in our post war rebuilding and reconciliation efforts. Thus, we find it encouraging that establishment of the truth, apology for wrongs done, justice, accountability and reparation for victims is reflected in the conclusions and recommendations of the panel of experts appointed by the UNSG.

We call on the UNSG and the government of Sri Lanka to immediately make available the report of the UNSG's panel of experts to all Sri Lankan citizens, including translations in Sinhalese and Tamil. We call on all Sri Lankans and particularly religious leaders and the government to take into serious consideration the stories of our brothers and sisters contained in the report of the panel of experts of the UNSG, along with conclusions and recommendations. Instead of denial and rejection that seems to be happening now, we believe all of us Sri Lankans should treat this report as a resource and tool in our own efforts towards a process of reconciliation that is based on truth, justice, accountability and reparation to victims.

1. Bishop Kumara Illangasinghe
2. Rev. Sr. Deepa Fernando, H.F.
3. Rev. Sr. Helen Fernando, H.F.
4. Rev. Sr. Jesmin Fernando, H.F.
5. Rev. Fr. Ashok Stephen, omi
6. Rev. Fr. M. Sathivel
7. Rev. Fr. Nandana Manatunga
8. Rev. Fr. Jeyabalan Croos
9. Rev. Fr. Praveen Mahesan, omi
10. Rev. Fr. Rayappu Augustin
11. Rev. Fr. Rohan Dominic, cfm
12. Rev. Fr. Rohan Silva, omi
13. Rev. Fr. Sarath Iddamalgoda
14. Rev. Fr. Sherad Jayawardena
15. Rev. Fr. Terence Fernando
16. Rev. Fr. Thangarasa Jeevaraj, sj
17. Jovita Arulanantham
18. Juliana Arulanantham
19. Tirzah Soares
20. Ainslie Joseph
21. Britto Motha
22. Jude Preman
23. Nimal Perera
24. Philip Sethunga
25. Rukshan (Ruki) Fernando

The group maybe contacted through the email rukiii@gmail.com