

# History And Highlights Of The UN Expert Panel Report.

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## Abstract

The civil war in Sri Lanka ended in a massive massacre of nearly 150,000 civilians in May 2009. The United Nations set up a three members panel of experts to examine the allegations of breach of the Geneva war convention and most importantly the alleged violations of the rights of the civilian population including use of food and medicine as weapons of war as well as targeting civilian areas declared as No Fire Zones by shelling and using heavy artillery. The UN Panel was not allowed to visit Sri Lanka, yet they completed their task and comprehensively gave a report which came to be popularly known as the UN Expert Panel Report.

**Keywords:** *United Nations, panel, credible allegations, evidence, Commission*

The three-member panel was set up in September 2010 following the Joint Statement made by Mr. Ban and Sri Lankan President Mahinda Rajapakse after the Secretary-General visited Sri Lanka shortly after the end of the conflict in May 2009. The panel consisted of Mr. Marzuki Darusman of Indonesia, Ms. Yasmeen Sooka of South Africa and Mr. Steven Ratner of USA.

The panel's findings contradict many of Sri Lanka's assertions about the conduct of its troops, who are accused of deliberately shelling civilians caught in the war zone. Tens of thousands of Tamil civilians trapped behind enemy lines may have died during the fighting.

Sri Lanka's government, which refused to cooperate with the panel, has already criticized its findings as "fundamentally flawed" and based on unverified claims. The Panel calls on the Sri Lankan Government immediately to "commence genuine investigations into these and other alleged violations of international humanitarian and human rights law committed by both sides involved in the armed conflict." The report also recommends that the Secretary General "immediately proceed to establish an independent international mechanism". The panel was tasked with examining "the modalities, applicable international standards and comparative experience with regard to accountability processes," taking into account the nature and scope of any alleged violations of international humanitarian and human rights law during the final stages of the conflict in Sri Lanka. They began their work in September 2010.

The evidence obtained by the panel revealed "a very different version of the final stages of the war than that maintained to this day by the Government of Sri Lanka"<sup>1</sup>. The panel found "credible allegations, which if proven, indicate that a wide range of serious violations of international humanitarian law and international human rights law were committed both by the Government of Sri Lanka and the LTTE, some of which would amount to war crimes and crimes against humanity".<sup>2</sup> The panel concluded that the "conduct of the war represented a grave

<sup>1</sup> Report of the Secretary-General's Panel of Experts on Accountability in Sri Lanka. United Nations. 31 March 2011. p. ii.

<sup>2</sup> ibid

assault on the entire regime of international law designed to protect individual dignity during both war and peace".<sup>3</sup>

The panel found "credible allegations" that the Sri Lankan military/government killed civilians through widespread shelling; shelled hospitals and humanitarian objects; denied humanitarian assistance; violated the human rights of civilians and Tamil Tiger combatants; and it violated the human rights of those outside the conflict zone such as the media.<sup>4</sup> The panel found "credible allegations" that the Tamil Tigers used civilians as a human buffer; killed civilians attempting to escape Tamil Tiger control; used military equipment in the proximity of civilians; forcibly recruited children; used forced labour; and killed civilians using suicide attacks.

#### **Findings of the panel:**

The Sri Lankan military used large-scale and widespread shelling causing large numbers of civilian deaths. This constituted persecution of the population of the Vanni.

- The Tamil Tigers kept hostage 330,000 civilians who were fleeing the shelling and trapped in an ever decreasing area.
- The Sri Lankan government tried to intimidate and silence the media and other critics of the war using a variety of threats and actions, including the use of white vans to abduct and to make people disappear.
- The Sri Lankan military shelled on large scale the three Safe Zones where it had encouraged the civilian population to concentrate. It did this even after saying it would cease using heavy weapons.
- The Sri Lankan military shelled the UN hub, food distribution lines and Red Cross ships coming to rescue the wounded and their relatives. It did this despite having intelligence as well as notifications by the UN, Red Cross and others.
- Most of the civilian casualties were caused by Sri Lankan military shelling.
- The Sri Lankan military systematically shelled hospitals on the frontlines. All hospitals in the Vanni were hit by mortars and artillery, sometimes repeatedly, despite the Sri Lankan military knowing their locations.
- The Sri Lankan government systematically deprived civilians in the conflict zone of humanitarian aid, in the form of food and medical supplies, adding to their suffering. The government deliberately underestimated the number of civilians in order to deprive them of humanitarian aid.
- Tens of thousands of civilians were killed between January and May 2009. Many died anonymously in the final days.
- The Sri Lankan government subjected the civilians who managed to escape the conflict zone to further deprivation and suffering.
- Screening for Tamil Tigers took place without any transparency or external scrutiny. Some of those separated by the screening were summarily executed whilst women were raped. Others simply disappeared.
- All IDPs were detained in closed overcrowded camps where they were deprived of their basic rights. The conditions in the camps resulted in many unnecessary deaths.
- There were interrogations and torture in the camps. Suspected Tamil Tigers were taken to other facilities where they faced further abuse.

<sup>3</sup> ibid

<sup>4</sup> ibid

**Excerpts from comments from NGO's pertaining to UN Panel of Experts Report.**

UN High Commissioner for Human Rights Navi Pillay issued a statement on 26 April 2011 welcoming the publication of the *report and supporting the report's call for further* international investigation.<sup>5</sup> The statement went on to say "The way this conflict was conducted, under the guise of fighting terrorism, challenged the very foundations of the rules of war and cost the lives of tens of thousands of civilians...I hope the disturbing new information contained in this report will shock the conscience of the international community into finally taking serious action...this report demand a full, impartial, independent and transparent investigation...Unless there is a sea-change in the Government's response, which has so far been one of total denial and blanket impunity, a full-fledged international inquiry will clearly be needed".<sup>6</sup>

Amnesty International has called for international accountability for those responsible for the war crimes alleged in the report, stating that the "UN report finally exposes the Sri Lankan government's whitewash in its efforts to deny justice to the war's victims".<sup>7</sup> AI has urged the UNSG to ensure that the UN establishes "a commission of inquiry to collect evidence on the alleged crimes by both sides, to determine who did what to whom, and to recommend next steps for bringing suspected perpetrators to justice in a transparent and timely manner".<sup>8</sup>

Human Rights Watch has stated that the panel's findings that both sides committed abuses and that the Sri Lankan government has failed to hold its forces accountable showed the need for an international investigation.<sup>9</sup> HRW has urged the UNSG to implement the panel's recommendation to establish an international independent investigation.<sup>10</sup> It has also urged Russia and China "to stop blocking efforts to find justice for victims in Sri Lanka and support the panel's recommendations".<sup>11</sup>

Eleven international human rights groups sent a joint letter to United States Secretary of State Hillary Clinton on 27 May 2011 urging the US government to use the 17th session of the United Nations Human Rights Council to press for international accountability for war crimes in Sri Lanka, welcome the expert panel's report, express concern at its findings and call for "full implementation" of the panel's recommendations.<sup>12</sup>

**The Channel 4 Documentary "the Killing Fields of Sri Lanka" as a hard evidence**

The Channel 4 account of "the Killing Fields of Sri Lanka" that went on air on the 14<sup>th</sup> of June 2011, provided corroborative visual evidence in the form of eyewitness accounts, amateur film footage, photographs and mobile phone videos. The 48 minute film depicted "death, injury, execution and evidence of sexual abuse and murder".

Two utterly distinct kinds of footage had gone into the making of Channel 4's account of the closing weeks of the war against the Tamil Tigers. The first two sections consisted mainly of amateur film of civilians, shot by the victims themselves, during or in the immediate aftermath of being shelled, trapped in the appalling "no fire zones" established by the Sri Lankan government, footage knowingly recorded to document a crime. It was graphic and deeply disturbing.

<sup>5</sup> "UN human rights chief welcomes Sri Lanka report, urges further investigation into conduct of final stages of the war". Office of the United Nations High Commissioner for Human Rights. 26 April 2011

<sup>6</sup> *ibid*

<sup>7</sup> "UN must act now on Sri Lanka war crimes report". Amnesty International. 26 April 2011

<sup>8</sup> *ibid*

<sup>9</sup> "Sri Lanka: UN Chief Should Establish International Inquiry". Human Rights Watch. 25 April 2011

<sup>10</sup> *ibid*

<sup>11</sup> *ibid*

<sup>12</sup> Secretary Hillary Clinton U.S. Department of State". Freedom House. 27 May 2011

The final third of the programme focused on mobile phone films of a series of live executions of prisoners, and the disposal and abuse of raped and mutilated bodies, filmed by the murderers themselves as trophy footage. Other soldiers could be seen filming the scenes with their phones at the same time. It provided incontrovertible evidence that war crimes had taken place.

Channel 4's film addressed a crime of omission as well – the failure of the international community to effectively protest against the treatment of civilians in the closing stages of the civil war. It began with the withdrawal of the United Nations from Kilinochchi, the Tamil capital in the north, after the Sri Lankan government had announced that it could no longer guarantee the safety of the UN mission, a move interpreted here as a premeditated plan to remove inconvenient witnesses. What followed was a lethal kind of kettling, as Tamil civilians found themselves squeezed between the ruthlessness of their own soldiers (who weren't above using them as a human shield) and the aggression of the Sri Lankan army. The "no fire zones" turned out to be a bloody joke, being repeatedly shelled. And the Tamils' makeshift hospitals were hit so frequently that they eventually asked the Red Cross not to pass on their GPS co-ordinates to the other side, fearing that they were being used for targeting rather than avoidance.

In the first half of the programme one could conclusively prove or confirm the belief that the Sri Lankans would pause after one shell and then fire another to kill the rescuers, though it did corroborate eyewitness descriptions of appalling conditions on the shrinking strip of land occupied by the Tamils. Because it was filmed by the victims, it's all too easy for the Sri Lankan government to argue that it represents only the chaos of an ugly war, rather than hard evidence of a war crime. But their only workable strategy with the film that followed, though, was to dismiss it as a fake, since it incontrovertibly showed Sri Lankan soldiers executing prisoners in cold blood. It hadn't looked fake to Channel 4's technical analysts, and nobody would think it would have looked fake other than any viewer outside the Sri Lankan High Commission. "These are our state property. Let's shoot," said an off-camera voice, as bound prisoners were murdered. "Is there no one here with the balls to shoot a terrorist?" yelled another soldier, impatient with his colleagues' irresolution in front of three kneeling prisoners. Most horrible of all was the ogling trophy footage of dead women stripped naked: "I really want to cut her tits off," someone muttered, "if no one was around."

The removal of the UN staff from Kilinochchi on 15<sup>th</sup> September 2008 based on the orders of the Sri Lankan government left virtually no international witnesses in the area. After the UN had withdrawn, the Sri Lankan military launched a massive offensive into the Tamil Tiger held areas and captured Kilinochchi in January 2009. Hundreds of thousands of civilians fled the onslaught. Over the following four months they were trapped in an ever decreasing area and constantly bombed by the Sri Lankan military.<sup>13</sup> Tens of thousands died as result of deliberate Sri Lankan military fire.<sup>14</sup> The harrowing ordeal suffered by the civilians was filmed.

The programme features the first video testimony of a Tamil woman who says she and her daughter were gang-raped by Sri Lankan Army soldiers. The film reinforces the findings of the UN panel – namely that both sides committed war crimes and crimes against humanity. It contains very graphic footage in a long format documentary that lasts one hour and therefore has more impact on the public than a written report.

<sup>13</sup> "Sri Lanka's Killing Fields". Channel 4.

<sup>14</sup> *ibid*

There is ample evidence and testimony that the Sri Lankan Army systematically and knowingly bombed hospitals and civilians, with the oversight of senior military and government officials.

The Sri Lankan government's only response to these disgusting documents has been to question Channel 4's "standards and fairness", presumably confident that there's no great appetite in the international community to pursue the matter. The failure of the UN Security Council to insist on an independent investigation is "inexplicable and morally quite indefensible," said Steve Crawshaw of Amnesty International. But it's all too explicable I fear, even if the explanation involves a squalid combination of real politik and self-interest. "Will they be failed again?" asked Snow at the end, over footage of Tamil civilians pleading for help.

The United Nations' Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions has also concluded that the video is authentic. The film has been hugely important, making it impossible for diplomats to ignore that gross human rights violations took place.

### **Highlights of the findings of the LLRC.**

The **Lessons Learnt and Reconciliation Commission (LLRC)** was a commission of inquiry appointed by Sri Lankan President Mahinda Rajapaksa in May 2010 to look back at the Sri Lankan Civil War a conflict which was fought in Sri Lanka from 1983 to 2009, and to provide recommendations for an era of healing and peace building. After an 18 month inquiry, the commission submitted its report to the President on 15 November 2011. The report was made public on 16 December 2011, after being tabled in the parliament.

### **Mandate**

To inquire and report on the following matters that may have taken place during the period between 21st February, 2002 and 19th May, 2009, namely:

- The facts and circumstances which led to the failure of the ceasefire agreement operationalised on 21st February, 2002 and the sequence of events that followed thereafter up to the 19th of May, 2009.
- Whether any person, group or institution directly or indirectly bear responsibility in this regard
- The lessons we would learn from those events and their attendant concern, in order to ensure that there will be no recurrence
- The methodology whereby restitution to any person affected by those events or their dependants or their heirs, can be affected
- The institutional administrative and legislative measures which need to be taken in order to prevent any recurrence of such concerns in the future, and to promote further national unity and the reconciliation among all communities, and to make any such other recommendations with reference to any of the matters that have been inquired into under the terms of the Warrant.

### **Findings of the LLRC**

- The 2002 ceasefire agreement (CFA) which was signed between the Sri Lankan government and LTTE, although brought about a short lived respite to the country, was unstable and eventually unproductive.

- Conceptual flaws and the untenable dual roles of the Government of Norway, as facilitator of the peace process and the head of the Sri Lanka Monitoring Mission paved the way to its failure.
- The military strategy of the Sri Lanka Armed Forces during Eelam War IV is satisfactory. It gave the highest priority to the protection of civilian population.
- Security Forces had not deliberately targeted civilians in the No Fire Zones (NFZs), which were declared in the final stages of the war.
- Given the complexity of the situation and based on the Principle of Proportionality, commission concluded that the Security Forces were confronted with an unprecedented situation where no other choice was possible other than returning fire into the NFZs in reply to the incoming fire, and all "feasible precautions" that were practicable in the circumstances had been taken. Determining and obtaining of a re-construction of all the conditions under which the "combat action" took place would be "next to impossible".
- Shells had in fact fallen on hospitals causing damage and resulting in civilian casualties. But evidence submitted is equivocal in nature and does not warrant a definitive conclusion that one party or the other was responsible for the shelling.
- Government of Sri Lanka with the co-operation of the aid agencies, has taken all possible steps in getting food, medical supplies and other essential items across to the entrapped civilians. However there appears to have been a paucity of medicines and the medical facilities appear to have been inadequate.
- LTTE was engaged in grave violations of core principles of International humanitarian law (IHL) by using civilians as human shields, placing and using military equipment in civilian centres, shooting at civilians trying to escape into safe areas, conscripting young children to engage in combat etc.
- Absence of a proper verification process during the final stages of the war has contributed to the unverified sweeping generalizations of a highly speculative nature, as regards casualty figures.
- There are a number of shortcomings in the existing IHL regime pertaining to internal conflicts involving states and non state armed groups.
- Technical ambiguities, electronic tampering and the artificial construction of the 'blood effect' in the 3 separate videos (originally in 3GP format) that appears in Channel 4 documentary *Sri Lanka's Killing Fields*, cast significant doubts on their authenticity, leading to questions on whether the incidents are 'real' or 'staged'.
- There was an alarmingly large number of representations made in front of the commission alleging abductions, unlawful arrests, arbitrary detention and involuntary disappearances, regarding which no official action has been taken.
- Programmes in rehabilitation centers for ex-LTTE combatants are conducted in a professional and caring manner.
- The grievances of the Tamil community have been a root cause for the ethnic conflict.
- Along with an independent judiciary and a transparent legal process, strict adherence to the rule of law is a sine qua non for peace and stability of the country.
- An independent and permanent Police Commission is a pre-requisite to guarantee the effective functioning of the Police service.
- While the distribution of meaningful powers to the periphery is essential, there are powers which form the core responsibilities of the state and which cannot be so devolved, and need to be retained and exercised by the government at the centre.

## Recommendations

- Further investigations should be carried out regarding four particular incidents which caused death or injury to civilians, on possible implication of the security forces.
- Necessary investigations should be carried out into specific allegations of disappearances after surrender/arrest, and where such investigations produce evidence of any unlawful act on the part of individual members of the Army, the wrongdoers should be prosecuted and punished.
- Take due account on surrendered LTTE cadres against whom investigations reveal prima facie material for prosecution.
- IHL regime should take into account the grey areas in the existing legal framework applicable to internal conflicts involving states and non state armed groups.
- A professionally designed household survey should be conducted covering all affected families in all parts of the island to ascertain firsthand the scale and the circumstances of death and injury to civilians, as well as damage to property during the period of the conflict.
- Institute an independent investigation into Channel 4 videos.
- A special commissioner should be appointed to investigate alleged disappearances and provide material to the Attorney general to initiate criminal proceedings as appropriate.
- Death certificates should be issued and monetary recompense should be provided where necessary. Steps should be taken to effectively implement the amendment to the Registration of Deaths Act (2006).
- Appoint an independent advisory committee to monitor and examine detention and arrest of persons under any regulations made under the Public Security Ordinance or the Prevention of Terrorism Act (PTA).
- Domestic legislation should be framed to specifically criminalize enforced or involuntary disappearances.
- Prepare a centralized and comprehensive database containing a list of detainees and make that available to their next of kin.
- All illegal armed groups should be disarmed.
- Grant the legal ownership of land to those who have been resettled.
- In instances where there is prima facie evidence of conscription of children as combatants (by both LTTE and TMVP), any such alleged cases should be investigated and offenders must be brought to justice.
- Increased employment opportunities should be provided to those in the former conflict affected areas.
- An inter-agency task force mandated to addressing the needs of vulnerable groups like women, children, elderly and disabled, must be established.
- Investigate and inquire into alleged incidents of serious violations of human rights including the 2006 Trincomalee massacre and the 2006 massacre of 17 aid workers.
- The land policy of the governments should not be an instrument to effect unnatural changes in the demographic pattern of a given province.
- A National Land Commission (NLC) should be established in order to propose appropriate future national land policy guidelines.
- All political parties should arrive at a bipartisan understanding on national land policy and recognize it as a national issue. Land policy should not be used as a tool to gain narrow political advantage.
- The role and capacity of the Rehabilitation of Persons, Properties and Industries Authority (REPPIA) should be reviewed, giving its primary focus in providing compensatory relief for persons affected by the conflict. Ex-LTTE combatants and next of kin should also be considered eligible for compensatory relief.
- Involvement of the security forces in civilian activities in North Eastern Province should be phased out. Private lands should be used giving reasonable time lines.
- A proper investigation should be carried out on the alleged involvement of Vinayagamoorthy Muralitharan *alias* Karuna Amman and Sivanesathurai Chandrakanthan *alias* Pillayan in the 1990 massacre of Sri Lankan Police officers.
- A full investigation should be done on the alleged acts of extortion committed by members of the Eelam People's Democratic Party (EPDP).
- Steps should be taken to neutralise the activities of a gang led by a person called Major Seelan in connection with offences of abduction, extortion and robbery using the security forces facilities as a cover.

- Units of the Attorney General's department should be set up in the provinces to guide and advise the Police regarding criminal investigations, prosecutions and other matters touching upon the criminal justice system.
- An independent Public Service Commission should be established without delay to ensure that there is no political interference in the public service.
- A good-faith effort should be taken to develop a consensus on power devolution, building on what exists – both, for maximum possible devolution to the periphery, as well as power sharing at the centre.
- Learning of each others' languages should be made a compulsory part of the school curriculum.
- All Government offices should have Tamil-speaking officers at all times. Police Stations should have bilingual officers on a 24-hour basis.
- A proactive policy should be implemented to encourage mixed schools serving children from different ethnic and religious backgrounds.
- Government should engage with the so-called 'hostile diaspora groups' constructively and address their concerns.
- National anthem should be sung simultaneously in two languages to the same tune.
- Laws should be strictly enforced on the instances of hate speech that contributes to communal disharmony.
- A separate event should be set apart on the National Day (4th of February) to express solidarity and empathy with all victims of the tragic conflict and pledge the collective commitment to ensure that there should never be such blood-letting in the country again.

### **Observations of the UN Panel of Experts on the LLRC**

The Panel has concluded that the Government's notion of accountability is not in accordance with international standards. The government appointed Lessons Learnt and Reconciliation Commission has also been under scrutiny by the panel as the report says "the LLRC is deeply flawed, does not meet International standards for an effective accountability mechanism and, therefore, does not and cannot satisfy the joint commitment of the President of Sri Lanka and the Secretary-General to an accountability process".

### **The flawed LLRC report reiterates the need for an impartial International Enquiry into War Crimes**

The LLRC was formed to bail out the Sri Lankan government when the noose was tightened by the human rights groups western governments to set up an independent commission of enquiry to investigate the allegations of state sponsored large scale war crimes.

At the very outset, the Commission was set up after considerable pressure as Sri Lanka was indicted for war crimes by the Permanent People's Tribunal on War Crimes against Sri Lanka held at Dublin in January 2010, followed by the report of the International Crisis Group in March 2010 and then the United Nations Secretary General, Ban Ki Moon appointing a very credible Panel of Experts headed by Marzuki Darusman with Yasmeen Sooka and Steve Ratner to complete the team.

It was only after this the Sri Lankan government appointed the eight member Lessons Learnt and Reconciliation Commission with only a couple of names from the aggrieved community.

From the beginning International Human Rights groups were against a domestic investigation for the simple reason that the previous Presidential commissions on many other issues did not bear any positive outcomes for the victims.

The Chairman of the Commission C. R. De Silva was the Attorney General and the chief law officer of the present government. Silva was accused of interfering in a previous commission, the *2006-2009 Presidential Commission of Inquiry* into allegations of serious human rights violations by the security forces. The International Independent Group of Eminent Persons, who had been invited by the President to oversee the Commission's



work, resigned in April 2008 citing De Silva's behaviour as one of major reasons for doing so. Another member was part of the UN ad-hoc Committee on Measures to Eliminate International Terrorism (what is to be noted here is that the Sri Lankan government branded all Tamils as either LTTE terrorists or sympathizers), a third member H. M. G. S. Palihakkara served as Sri Lanka's Permanent Representative to the United Nations during the final stages of the war and defended the actions of the Sri Lankan military during the final months of the civil war. A. Rohan Perera was legal advisor to the Foreign Ministry during the period investigated by the LLRC.

Most of the commissioners are well known to be close to the ruling dynasty and there was no way they would come out with a credible report against the institutional mechanisms used to commit crimes during the course of the war.

The LLRC in all made only 17 days of field visits and just 6 days to the war theatre in Vanni out of nearly 18 months, one wonders how they could come out with a credible report!

The commission lacked a victim centric approach as it was at the very first instance housed at Colombo and no professional counselors who could aid the victims deposing before them. The LLRC lacked gender sensitivity and victim centered approach as there are no emotional and psychological recourse to victims' giving testimony. 80% of the victims are women and children but the eight member team had only one aged woman. There was absolute lack of transparency as nobody knew what the commission was working on. The commission had no mandate for a grievance redressal mechanism.

There was no witness security, witnesses had to go back and live with the perpetrators of the crime that is the Sri Lankan armed forces which has taken over 40% of land belonging to the Tamils, which also means that cultivation and other livelihood activities of the Tamils are affected.

The members do not dare or make an attempt to mention of the exact or approximate numbers of civilians killed, missing or unaccountable.

According to records of the SL Government Agent offices of Mullaiththeevu and Killinochchi districts, the population of Vanni was 429,059 in October 2008. The total number of people who got into SL government control after the war was 282,380, according to UN update as of 10 July 2009. "Due clarification should be made regarding what happened to 146,679 people, which is the discrepancy between the number of people who came to government controlled areas between October 2008 – May 2009 and the population reported to be in Vanni in early October 2008," said the Catholic Bishop of Mannaar, Rt. Rev. Dr. Rayappu Joseph in his submission to the LLRC on the 9<sup>th</sup> of January 2011. The Bishop had also raised the issues of militarization, colonisation, land grab, Sinhalization, Buddhicisation and civil as well as human rights abuses that continues to take place in the Tamil land following the war. There are no answers to these very important queries.

The continuation of the high security zones comes at a high human cost. In Jaffna peninsula alone there are more than 60,000 Tamils who are rendered homeless. Restriction of fishing and cultivation continues in the High Security Zones everywhere. Outside the High security zones fishermen need to collect 24 signatures of officials for themselves and their boats to start fishing.

There is also a clear instruction from the government to the churches and the Non Governmental Organizations not to counsel the war affected Tamils or organize life skill training for Tamils as they do not want to rekindle the old wounds. Civilians cannot be normal unless they come out of the three decade trauma. The commission could have dealt on these very important human issues that would have brought solace to the Tamils in the war zones.

The UN panel report also states rape and sexual violence against Tamil women in the final stages of the war and its aftermath. Many cases were unreported as a result of cultural sensitivity and cultural stigma. Many video evidences depicted naked bodies of dead women alleged to be fighters. There were also reports from International agencies working in camps of instances of rape in the IDP camps and the military had warned the IDPs not to report these cases. The LLRC does not respond to this charge either.

Though the war is over for the last two and a half years the draconian Prevention of Terrorism Act continues, the LLRC has mentions no word on this.

The commission speaks of individual excesses by the state forces but does not speak of institutional violence perpetrated by the state during the war.

It does not answer to questions raised by the Human Rights groups regarding the expulsion of INGOs and NGOs from the war zones in September 2008, the ban on private and independent media covering the war. The white van abductions of anti-war activists across the whole island, the killing of independent journalist across the island, the recruitment of Child Soldiers by pro-government para military groups, torture, the future state of the 90,000 war widows from the north and the east, the disruption of education of children, the fate of orphans, the incarceration of 282,000 Tamils in the Manik Farm camps for more than a year, the restriction of movement of the Tamils. The economic embargo on the Tamil areas from the end of 2007, the starvation of civilians from June 2008, the continuous aerial bombings on civilian targets, using food, water and medicine as weapons of war, the shoddy resettlement of Tamils, the state of Tamil refugees around the world and many other issues.

The commission has recommended dishing out compensation to victims only as a goodwill gesture rather than a right of the victim to get fairness or justice. It further does not speak of the economic losses sustained by the Tamils during the course of the war.

The only positive outcomes are the recommendations to demilitarize the north and east and to dismantle the paramilitary groups.

Yet again this commission has come to the aid of the Sri Lankan President in buying time of nearly one and a half years and paving way for buying more time in the wake of recommending setting up of more commissions to enquire into many other allegations, especially into atrocities committed by individual soldiers.

The UN Panelists report very clearly states that time and again their offices, hubs and even relief distribution centers were relentlessly attacked why the UN did not bring it to the notice of the outer world or warn the Sri Lankan forces who deliberately bombed the UN establishments. The satellite photographs of the UN SAT are there as hardcore evidence, which the LLRC cannot refute.

The world has read and seen the gory incidents of the war against civilians when they read the UN panel of Experts report submitted in March 2011, 'The Cage', a book written by Gordon Weiss, former UN Spokesperson of Sri Lanka. Then the visual documentaries 'The Killing Fields of Sri Lanka' by Channel 4, 'I witnessed Genocide' by Headlines Today and 'Sri Lanka's lies', produced by Indian Channels, the BBC and Al Jazeera telecasting stories of war crimes. It is here that the world is not ready to accept the LLRC report which is biased.

It is a shame that this commission furthered the cause of impunity of the ruling class which had committed the heinous crime of killing and injuring civilians in the name of eliminating terrorism. The commission in short proved its loyalty to the President as it did not peep into the root causes of the so called "terrorism of LLTE" and gives a clean chit to "state terrorism" of the Sri Lankan state for which it was appointed.

At the end of the day, what were the lessons learnt? By whom? It is here that there can be no substitute to a professional International Enquiry that satisfies the aspirations of the Tamils without which there cannot be reconciliation and lasting peace.

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