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U.N. Chief Powerless to Pursue War Crimes in Sri Lanka

By Thalif Deen

UNITED NATIONS, Apr 25, 2011 (IPSnews.net) - U.N. Secretary-General Ban Ki-moon admitted Monday he is not empowered to establish an international war crimes tribunal to probe the "serious violations" of international humanitarian and human rights law committed during the concluding stages of the decades-long conflict in Sri Lanka in May 2009.

Ban has been advised this will require host country consent - in this case the consent of the Sri Lankan government - or a decision by member states through an appropriate intergovernmental forum such as the General Assembly, the Security Council or the Human Rights Council. Still, the secretary-general says he has "consistently held the view that Sri Lanka should, first and foremost, assume responsibility for ensuring accountability for the alleged violations." The Sri Lanka government is not likely to give its consent to any investigations of war crimes charges.

As a result, it will be left to one of the three intergovernmental bodies to decide on any course

of action or act on the recommendations of the panel.

The three-member panel, which submitted its 196-page report to Ban last week, recommended he "should immediately proceed to establish an independent international mechanism" to investigate allegations of violations both by the government of Sri Lanka and the Liberation Tigers of Tamil Eelam (LTTE).

The panel declared that some of allegations "amount to war crimes and crimes against humanity."

The report provides details of these allegations - including photographs and satellite imagery of civilian targets bombed during the conflict - which have been vehemently denied by the Sri Lankan government.

The LTTE, which has also been subject to severe criticism by the panel, is accused of executing civilians tantamount to war crimes.

"The conduct of war represented a grave assault on the entire regime of international law designed to protect individual dignity during both war and

peace," the report said.

The government made an unsuccessful attempt last week to convince the secretary-general not to release the report, even though large portions of it were leaked to the Sri Lankan media.

A statement attributed to the U.N. spokesperson said: "The decision to release the report was made as a matter of transparency and in the broader public interest."

A copy of the report was shared with the Sri Lankan government, through its Permanent Mission to the United Nations, on Apr. 12.

Although Ban indicated his willingness to publicise the government's response alongside the report, Sri Lanka did not avail itself of this opportunity.

"The government has not responded to this offer which nonetheless still stands," U.N. spokesperson Martin Nesirky said Monday.

One of the first recommendations of the panel was to call on the Sri Lankan government to respond to the "serious allegations" of war crimes "by initiating an effective accountability process beginning with genuine investigations."

Asked for his comments, Sri Lanka's Permanent Representative to the United Nations Ambassador Palitha Kohona told IPS, "It is disappointing that a report made to the secretary-general, funded from his emergency fund, and not authorised by any legislative organ of the United Nations should have been made public in this fashion."

He pointed out that the secretary-general had also consistently said the panel would only provide advice to him.

"The publication of this report in this manner, considering that it has strayed way outside its mandate, is also an unfair interference in the work of the Lessons Learned and Reconciliation Commission (LLRC) in Sri Lanka," Kohona said.

The LLRC, which was appointed by the government to probe some of the allegations, has not completed its own investigations.

But human rights groups have criticised the LLRC as lacking credibility.

The panel says the LLRC "fails to satisfy key international standards of independence and impartiality, as it is compromised... SEE P2

UK, US behind UNSG's War Crimes Report

by Shamindra Ferdinando

(Island.lk) - Contrary to the UPFA government accusing UNSG Ban Ki-moon over the hotly

disputed 'war crimes' report, exclusively revealed by The Island, the UK and US are widely believed to be behind the sordid operation, now

gathering momentum, with the Global Tamil Forum (GTF), pushing for an independent war crimes probe. **CONT ON P4**

Last respects to Sai Baba



Devotees pay their last respects as they gather around the coffin of Hindu guru Satya Sai Baba at Sai Kulwant Hall in Puttaparthi village, 200 kms north of Bangalore on April 24.AFP

Sri Lanka Cricket Team Tour of UK 2011

Date & Time	Venue
Sat May 14 - Mon May 16(11:00 am)	Middlesex v Sri Lankans Uxbridge Cricket Club Ground
Thu May 19 - Sun May 22(11:00 am)	England Lions v Sri Lankans County Ground, Derby
Thu May 26 - Mon May 30(11:00 am)	1st Test - England v Sri Lanka Sophia Gardens, Cardiff
Fri Jun 3 - Tue Jun 7 (11:00 am)	2nd Test - England v Sri Lanka Lord's, London
Fri Jun 10 - Sun Jun 12 (11:00 am)	Essex v Sri Lankans County Ground, Chelmsford

Tour dates continued on p16

Sri Lanka Cricket Fiesta See p16

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By Reggie Fernando
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