



Fresh Reports, Imagery Contradict Sri Lanka on Civilian No-Fire Zone

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NORTHEASTERN COAST, Sri Lanka -- The strip of beach where tens of thousands of civilians huddled during the Sri Lankan military's decisive assault against the Tamil Tiger rebels this month shows clear signs of heavy artillery shelling, according to a helicopter inspection of the site by independent journalists, interviews with eyewitnesses, and specialists who have studied high-resolution satellite imagery from the war zone.

That evidence contradicts government assertions that areas of heavy civilian populations were no-fire zones that were deliberately spared during the final weeks of military assault that ended this island nation's quarter-century of civil war.

"We see a lot of images of destroyed structures and what look like circular shell craters and also, frankly, very large holes in the ground. If it was a shell, it must be a very large one to make 24-foot-wide craters," said Lars Bromley, director of the American Association for the Advancement of Science's Geospatial Technologies and Human Rights project, which was asked by human rights groups to study the [satellite images](#).

A recent helicopter tour by journalists, the first permitted since the battles ended last week, revealed that the glistening beach where the Tamil Tigers made their last stand is now a scorched strip of devastation, filled with uprooted palm trees, holes blasted deep into the charred earth and a network of hastily dug trenches where civilians took shelter.

Thiru Kumarni, an elementary school principal, said he and a dozen of his students were pinned down in the trenches as the shelling raged. In an interview, he said he and the students held hands and fled from one trench to another for two weeks, trying to avoid the artillery rounds landing with sharp thuds in the soft, sandy ground.

"We didn't think we would live. Some students were too afraid to move. We had to beg them. We were running out of water," said Kumarni, his face gaunt as he spoke softly about his distress over three students he believed had died and six others who are missing. He hoped they were somewhere in the massive military-run refugee camp known as Manik Farms, where 220,000 civilians have taken shelter.

The Sri Lankan government has dismissed criticism of its actions as absurd and maintains that it did not shell civilians. Sri Lankan officials, in interviews, said they should be getting international praise, not punishment.

Sri Lanka's leaders say they are among the few in the world who can say they have successfully vanquished three decades of terrorism by military means. They argue in government newspapers and on billboards across the country that if the United States has the right to fight terrorism, Sri Lankans do not need or want lectures about how to conduct a war against domestic insurgents.

What precisely happened in the last weeks of the war is the subject of a growing number of international inquiries, even as Sri Lanka rejects those queries and continues to celebrate its victory. The government's decisive offensive against the rebels, conducted in an area strictly closed to reporters and other independent observers, also raises larger questions about the rights of nations to take military action against their people beyond the view of the rest of the world.

In Geneva on Wednesday, the U.N. Human Rights Council adopted a resolution commending Sri Lanka on its victory and rejected calls by its human rights chief for an international investigation to determine whether Sri Lankan government forces or the Tamil rebels have committed war crimes.

"Establishing the facts is crucial to set the record straight regarding the conduct of all parties in the conflict," said Navanethem "Navi" Pillay, the U.N. high commissioner for human rights and former U.N. war crimes judge. "Victims and the survivors have a right to justice and remedies."

[Britain's](#) Times newspaper reported Friday that 20,000 civilians were killed in the government's final assault on the rebels. Sri Lankan officials strongly disputed that figure; they have repeatedly said no civilians were killed by government soldiers in the final weeks of fighting.

U.N. officials told reporters Friday that the death toll from Sri Lanka's civil war was "unacceptably high" but declined to offer their own estimate. The United Nations previously said more than 7,000 civilians were killed this year in fighting through April.

The E.U. human rights commissioner has also called for a war crimes investigation.

In Washington, officials in the Justice Department are considering whether to seek criminal charges against Gotabaya Rajapaksa, Sri Lanka's defense secretary and a U.S. citizen; and Sarath Fonseka, Sri Lanka's army commander and a U.S. legal resident who holds a green card.

Bruce Fein, a lawyer who represents the group Tamils Against Genocide, said he filed a 1,000-page report with the attorney general's office detailing alleged bombings, disappearances and other attacks. Fein, a former associate deputy attorney general, said

he hoped the evidence would lead to charges of genocide, war crimes and torture against Rajapaksa and Fonseka, who are widely considered architects of the government's war against the Tamil Tigers.

Fein, in an interview, said his group hopes to win a legal ruling to deny Rajapaksa and Fonseka U.S. visas and freeze their assets. If Rajapaksa and Fonseka were indicted, Sri Lanka would be obliged to extradite them to the United States under the genocide convention of 1948, he said.

"We reject any allegations of genocide or war crimes in Fein's case, or with the United Nations," said Palitha Kohona, Sri Lanka's minister of foreign affairs. "We would have finished this war months ago if we didn't want to hurt civilians. It could have been over in days."

Sri Lankan officials have also said that much of the damage was caused by shells fired by the Tamil Tigers and that the rebels used civilians as human shields.

Dayan Jayatilleka, the Sri Lankan ambassador to the United Nations in Geneva, said it is "outrageous" to suggest that the government should be investigated. He compared the situation to asking the triumphant Allies of World War II to be tried for war crimes in the atomic bombing of Hiroshima.

Sri Lanka's minister of disaster management and human rights, Mahinda Samarasinghe, said on Tuesday that his government was "sick and tired" of what he called foreign meddling.

Recently, eggs were thrown at the British High Commission in Colombo, and the words "Tamil Tiger Headquarters" were spray-painted on the building. On an island with a long history of colonization by Portugal, the Netherlands and Britain, such sentiments are tapping into very old notions of self-reliance.

"The time has come to tell the salmon-eating international busybodies to go home," read a recent editorial in the Nation newspaper.

Diplomats and experts say it is likely that Sri Lanka will be able to skirt all inquiries, partly because of a shifting world order. Colombo has courted new friends, and billboards have sprung up across the country thanking [China](#), [Russia](#) and [Pakistan](#) for their help in buying new weapons, including fighter jets and multi-barrel rocket launchers. At the United Nations, Sri Lanka has courted China, Russia, [India](#) and Pakistan and proposed a counter-resolution to stress the rights of states to act without outside intrusion.

"Sri Lanka is one of those rare cases where terrorism has been comprehensively defeated despite all the advice, reservation and fears. Instead of succumbing to these pressures, the government sought assistance from nontraditional allies," said Kohona, the foreign affairs minister. "This effort paid handsome dividends. [Iran](#), for example, pledges over \$1.9

billion in development assistance to Sri Lanka. China's share of development assistance topped \$1 billion."

Human rights leaders said any government could defeat terrorism if it ignored the 1949 Geneva convention that aims to protect civilians caught in war zones.

Human rights groups have also raised questions about media reports that two senior Tamil Tiger rebels were killed while waving a white surrender flag. Government officials deny the allegation.

Concern is also growing for the hundreds of thousands of displaced people still living in temporary camps. There has been little independent scrutiny of conditions in the camps, and journalists have been allowed only a handful of heavily supervised visits.

Behind the coils of barbed wire at the government-run Manik Farms camp, Kumarni and his students said they wish they had been born in another country. They made it here but lack even the most basic supplies, such as soap and water. Others say they lack food in the camps. They have shown journalists ration cards showing they were fed only two meals in four days. They miss their families. They suffer from nightmares.

Last weekend, government officials asked them to sing a welcome song for U.N. Secretary General Ban Ki-moon, who was visiting to press for better access to the war zone by humanitarian groups. Some stood weakly in the hot sun trying to sing. Others just stared at the ground.

Researcher Robert E. Thomason in Washington contributed to this report.