

The Issue of War Crimes: A Question of Sovereignty and Moral and Political Jurisdiction:

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As Communists, we are not in truck with those who uphold the United Nations as a protector of human rights. To be blunt, the UN is an instrument set up by the victorious imperialist powers, led by the US, following the end of World War 2, to sanction the new imperialist world order. Whether in Korea, Vietnam, Laos, Cambodia, Kashmir, Palestine, Iraq, Afghanistan, Bosnia, Rwanda and elsewhere, the UN has sanctioned the most blatant military aggressions and occupations that have led, in several cases, to genocide. Indeed, the UN has no moral or political jurisdiction over universal human rights.

It is also important that we do not get sucked into imperialist politics on this question. In my view, all these imperialist powers are terrorist states that have a history of genocidal crimes. The 'war against terrorism' is a war waged by terrorist states to perpetuate their empires of profit and plunder. Insurgent counter-terrorism is a product and effect of state terrorism. The task at hand is to ensure justice for the oppressed by eradicating the structural sources of exploitation and oppression at the very root of Imperialism. In principle, the major imperialist powers- US, Russia, Germany, Britain, France, Italy, Canada and Japan - supported the war against the LTTE. So did India, China, Pakistan and most of the states belonging to the Non-Aligned Movement. Norway was appointed as facilitator of the 'peace process' by the US to ensure that the end result of the conflict would provide the US and Western Imperialist powers strategic leverage within Sri Lanka and the Tamil nation. Playing both sides is the name of the game, as in the infamous Oslo Accords over the Palestinian question, and continues to this day. This a policy of crass duplicity and deception. Why not conduct a war crimes tribunal over the horrendous war crimes committed in Hiroshima and Nagasaki, in Mi Lai, Abu Graib and Guantanamo, in Falluja, in the refugee camps of Shabra and Shatilla, and so on and on? None of these predator terrorist states have any moral or political jurisdiction over universal human rights.

The Ceylon Communist Party (Maoist) consistently opposed a military solution on the basis of upholding the right of self-determination of the Tamil nation cohabiting the North East. We have stood for a political solution that guarantees equality, dignity, security, autonomy and democratic freedom for all the nations, nationalities and communities that make up the People of Lanka, within a united country. We do not advocate a separate state as a solution, since such a state will become just another neo-colonial puppet state in the service of world imperialism, and will bring no liberation to the exploited and oppressed Tamil or Moslem masses. We have stood for the unity of all exploited and oppressed classes, nations and communities in the common revolutionary struggle to overthrow imperialist domination and feudal oppression in order to establish a People's Republic of Sri Lanka, as the path to Socialism and the new Communist World Order.

We condemn the particular military doctrine that was applied to seek a military solution that was hatched in combination by the RAW, MOSSAD, CIA and the Sri Lankan military establishment, which was based on no regard for collateral damage and civilian casualties. This solution has compounded the national question and led to unaccountable human suffering and violation. Nor as Maoists, do we subscribe to the ideological, political and military line and doctrine of the LTTE, which negated the role of the oppressed masses in engaging in conscious revolutionary struggle to overthrow their conditions of oppression, so they may rule their own state and society and attain their liberation.

Both Pirabhakaran and Mahinda Rajapakse provoked the logic and dynamic of a military solution, for their own ends and needs. In the end, the entire imperialist world order, including the major imperialist powers, along with India, China, Pakistan and other states, ensured the military defeat of the LTTE by sustaining the war effort by the Sri Lankan state with critical political, military, economic, logistical, moral and diplomatic support. Raising the issue of war crimes by these states is nothing but an exercise in sheer hypocrisy, duplicity and complicity, since they aided and abetted in implementing the whole project to militarily liquidate the LTTE, and consequently, the political status of the Tamil nation.

Throughout this protracted war, the State and the LTTE, along with a host of paramilitary organizations, committed gross violations of human rights. However, states are bound to abide by international standards, rules and protocols in their conduct, if they wish to remain part of the global political order. They are accountable to human civilization to maintain ethical standards, and not descend into barbarism. They are accountable to the people from whom they receive their governing mandate. The people have a sovereign right to demand accountability. The Tamil people are an integral and indivisible part of the people of Lanka, and therefore, they have a sovereign right to demand accountability for crimes committed against the people. If they do not have recourse to the judicial system in their own country, they have the right seek justice from international centers and institutions appointed for ensuring justice-however flawed and prejudiced they may be. In as much as Mahinda Rajapakse once sought refuge in these very same institutions to seek redress for gross violations of human rights in his country, and urged them to intervene.

There are various pedantic, lackey theorists who try to elevate the question of national-state sovereignty above that of people's sovereignty. This is but a careerist ideology of craven apologists of the regime. The state is accountable to the people from whom it is supposed to derive its mandate to decide and rule. If any section of the people feel that their fundamental rights have been violated, they have the supreme right to seek justice, if even in international jurisdictional institutions, if they have no confidence in the domestic system of justice. Indeed, the people have a supreme right to revolt against any repressive regime that denies them freedom. This is the essence of people's sovereignty that stands supremely above state and national sovereignty.