

SRI LANKAN GOVERNMENT MISUSE OF “GASH TELEXES” FOR PROPAGANDA AGAINST THE UN

The Sri Lankan Government has resorted to deliberately distorting British diplomatic telexes in an attempt to deflect allegations that they perpetrated war crimes and crimes against humanity in the final phase of the civil war in 2009. This is a desperate attempt to undo a decade of United Nations human rights reporting on Sri Lanka.

In February 2021, the Government of Sri Lanka sent “Observations” to missions in Geneva in which they misuse diplomatic telexes in order to attack Michelle Bachelet’s 2021 report to the UN Human Rights Council. The telexes were written in 2009 at the end of the war in Sri Lanka by the UK’s defence attaché in Colombo, Lt. Col. Gash. At the time, Gash relied on information provided to him by the Sri Lankan military, the UN and other diplomats in order to report to London on what was happening at the war front, to which he had no direct access. Furthermore, only a handful of Gash’s telexes from 2009 have been released by the UK Government and those are very heavily redacted, making it difficult to assess his full view of the situation at the time.

The Government of Sri Lanka claims that the British telexes are of “unimpeachable value” and “evidence which carries the highest degree of conviction and reliability”. The telexes are championed as revealing hidden information that showed the death toll in the 2009 war in Sri Lanka to be much less than estimated by subsequent UN reports, and that the allegations of war crimes against the Sri Lankan army are false . But this erroneous conclusion is based on a selective use of the heavily redacted telexes where Gash’s remaining words are sometimes cited out of context or just ignored altogether.

Interestingly, as shown below, the same “unimpeachable” telexes also reveal that as early as February 2009 diplomats based in Sri Lanka were raising their concerns about the Sri Lankan Army’s conduct of the war and pressing for a ceasefire, including warning that the Sri Lankan Army’s actions were disproportionate and probably in violation of international human rights law and international humanitarian law. Those telexes have simply been ignored.

SRI LANKA DISTORTS GASH TELEXES

CLUSTER MUNITIONS

20 JANUARY 2009



UK TELEX:

"We have had a statement from the secretary of defence [Gotabaya Rajapaksa] that no cluster munitions are being used".



ITJP COMMENTARY:

This telex has been used to suggest that cluster munitions were not used in the war but in fact it only cites Gotabaya Rajapaksa denying their use.

INTERIM UN CASUALTY FIGURES

26 APRIL 2009



UK TELEX:

"Leaked UN casualty figures calculate 6,432 civilians killed and 19,946 injured over the last 3 months".



ITJP COMMENTARY:

The figure of 6432 is the UN's own initial figure, not Gash's figure. It is not new - it was widely reported in 2009 and at that point vehemently disputed by the Government of Sri Lanka that claimed to have a 'zero civilian casualty policy'. The number is based on only a very conservative triangulated count until late April 2009 (not the bloodiest last 3 weeks of the war). The UN also counted from Jan.-May 2009, 17,810 dead and 36905 injured.

SRI LANKA OMITTS INCONVENIENT TELEXES

US THREAT OF LEGAL REPRISALS AGAINST SRI LANKA

4 FEBRUARY 2009



UK TELEX:

The US Ambassador “has apparently been sandbagging Fonseka [Army Commander] and Sec Def [Gotabaya Rajapaksa] this morning and afternoon in the strongest language (“legal reprisals” etc).”



ITJP COMMENTARY:

This telex implies the US Government was deeply concerned about war crimes after the 4 Feb. 2009 attack on the PTK Hospital.

NO FIRE ZONES INCORRECTLY LOCATED

12 March 2009



UK TELEX:

Regarding the first No Fire Zone says “it was clear the location was wrong”.



ITJP COMMENTARY:

The UN (OISL Report) confirms that the Government unilaterally declared the No Fire Zones and says “The logic behind the location of the NFZs was highly questionable... Locating a “safe zone” in an area where there is considerable likelihood that it will become part of the area of hostilities raises questions of intent on the part of the SLA”.

TIMING FOR A CEASEFIRE

28 JANUARY 2009



UK TELEX:

"If the SLA can link up 55 with 59 Division then the LTTE will have no coastal access and will be unable to move personnel or equipment in or out. Once this has happened the argument against a cease-fire that it would allow the LTTE time to regroup, rearm and reinforce - becomes invalid. There should be no reason, militarily, not to consider an operational pause...".



On 12 March 2009, another telex says there may be very limited Sea Tiger capability at this point and, "We have now entered the endgame in the Wannii."



ITJP COMMENTARY:

This telex argues for a halt to the fighting at the point the LTTE is unable to resupply. The 55 Division captured the Sea Tiger base at Chalai on 5 February 2009; the 59 Division captured Mullaitivu town on 25 January 2009. Arguably from this point onwards, the LTTE was cut off from coastal access and unable to regroup. The telex clearly conveys Gash's military opinion that at this point the Sri Lankan Army had the military advantage and that it was an appropriate moment for a ceasefire, raising the question of proportionality. This is probably a war crimes issue for the Sri Lankan military to answer - something which Sri Lanka clearly ignored.

GASH DOESN'T BELIEVE THE GOVERNMENT'S ZERO CIVILIAN CASUALTIES LINE

5 February 2009



UK TELEX:

"The bottom line is that significant numbers (Gaza plus) are dying, certainly high 3 figure, possibly low 4 numbers. Not the 10s of thousands or genocide that appears on TamilNet but certainly not the 'zero civilian casualties' affirmed by the GoSL until fairly recently".



ITJP COMMENTARY:

This is a point when the Government of Sri Lanka is claiming to operate a 'zero civilian casualty policy'.