

Accountability of the Combatant in Asymmetric Warfare with Special Reference to Findings in the Darusman Report

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Sri Lanka having fought a thirty year internal war has achieved many victories apart from the victory on the battle ground in the aftermath of the conflict. Such include the preservation of territorial integrity, racial harmony and restorative justice to victims of war. However, as a state, SL has failed to counter any of the allegations made by the international community on the events happened during the last stages of the war against the LTTE. Accountability of a combatant on the battlefield is a process which needs to be done after careful consideration of all aspects. This paper discusses the IHL violations alleged by the Darusman Report and issues relating to accountability. Data were collected through a sample of 30 officers and other ranks from the Sri Lanka Army using snowball method to select officers and other ranks who were directly engaged in the battle field during the final stages of the war. In-depth and semi-structured interviews were held to ascertain their views on the aspects of war crimes allegations, the role of officers in battlefield and issues of command responsibility and issues relating to accountability of foot soldier viz a viz superior orders as a defence, and to ascertain the training needs of the combat troops in light of laws relating to conduct of hostilities. A descriptive analysis was done on the findings and suitable recommendations were discussed.

Keywords: *war crimes, accountability, command responsibility, superior orders*