

REPLY BY THE TAMIL DELEGATION TO THE STATEMENT MADE BY
DR. H.W. JAYAWARDENE, Q.C., LEADER OF THE SRI LANKAN
GOVERNMENT DELEGATION REGARDING VIOLATIONS OF THE
CEASEFIRE AGREEMENT.

The Tamil delegation rejects the Government's contention that the Tamil Liberation Organisations have been guilty of Ceasefire violations rendering the Government's compliance of the Ceasefire Accord difficult or to bring pressure upon the Government of Sri Lanka not to continue with the talks. The said Liberation Groups agreed to the Ceasefire Accord, and to participate in the process of Negotiations, to enable the Sri Lankan Government if it was willing, to evolve a peaceful negotiated solution to the Tamil National Question. The Tamil delegation reiterates that it is the Armed and Security Forces of the Sri Lankan Government who have been responsible for a series of Ceasefire violations many of which have already been placed before the conference both by way of oral and written statements and that the Government itself is responsible for non-observance of some of the terms of the Ceasefire Accord. The Tamil delegation asserts that the allegations of violations of Ceasefire Accord made against the Government have been made after due verification and with a full sense of responsibility. The Tamil delegation rejects as untenable the statement made that false allegations of Ceasefire violations have been made against the Sri Lankan Government.

.../2-

/2.....

The Tamil delegation asserts that it is the Government of Sri Lanka which has been carrying on a massive campaign of disinformation and that the Government of Sri Lanka is guilty of distorting and in many instances suppressing the true version of the facts pertaining to many events.

The Tamil delegation states that the Government is desperately trying to allege that the Liberation Organisations are also carrying on a campaign against the Muslims which is not merely untrue but also mischeivous.

The Government has made much fuss of the statement that there was an epidemic of smallpox at the Boosa Camp. The Government itself conceded that there was an epidemic of chickenpox at Boosa and that consequently it was not able to release about 30 persons. In the context of this admission on the part of the Government its statement that recklessly false allegations of this type were being made is unwarranted.

The Tamil delegation rejects the summary of alleged violations by Tamil Liberation Groups as being untrue and perhaps based upon deliberately incorrect information furnished by the Armed and Security Forces. A comparison of the summary with the particulars contained in Annex 'A' (though said to be confined to only more heinous offences) supports the view that the summary is not merely exaggerated but also false.

.../3-

/3.....

The Tamil delegation strongly refutes the statement of the Government delegation that assistance is being rendered to displaced permanent residents of all 'communities' to return to their homes in the North and East. The Tamil delegation reiterates its earlier stated position that not merely is no assistance being rendered to Tamil victims to return to their homes in the North and East but also that the Armed and Security Forces of the Government and Sinhala Armed thugs - the so called home guards - have by several acts of murder, terrorization and intimidation prevented Tamil victims from returning to their homes in the North and East.

The Government has not responded to the statement of the Tamil delegation that steps were being taken to attach the villages of Kokilai, Karunaddukēni, Kokuththoduvai, Nayaru and Thennaimaravaddi in the Mullaitthewvu and Trincomalee districts to the Anauradhapura district. The Tamils in these villages were driven out several months ago when the villages were attacked and burnt by Members of the Armed Forces and Government Armed Sinhala thugs - the so called home guards. This, and the attempt to evacuate the Tamil residents of Pampaimadu in Vavuniya are clear indications of the Government's intention and proposed plan to settle Sinhalese in these areas. The Tamil delegation further alleges that though not officially, agencies of the Government are surreptitiously engaged in encouraging Sinhalese to settle in Tamil areas particularly in the Vavuniya, Mullaitthewvu and Trincomalee districts.

.../4-

/4.....

The Tamil delegation strongly refutes the Government allegation that in violation of the Ceasefire Accord, Sinhalese or Muslim residents in any village in the Mullaitheevu, Vavuniya or Trincomalee districts have in anyway been harassed. The Tamil delegation states that this allegation has been falsely made by Government to counter the allegations already made on behalf of the Tamils that Government was taking steps to settle Sinhalese in Tamil areas and that the Armed and Security Forces and Government Armed Sinhala thugs - so called home guards, were intimidating and preventing Tamil victims from settling in their homes in their traditional villages.

The Tamil delegation reiterates the allegation that snakes were forced down the throats of detenees in the course of investigations. The Tamil delegation asserts that the severity of the torture practiced on the Tamil detenees is such, that there is nothing astounding, irresponsible or fanciful about the allegation that snakes have been forced down the throats of detenees. Non-Governmental Organisations like the International Commission of Jurists and Amnesty International have on their Own visited the country and reported on the methods of torture adopted by the forces of Government. To reject well considered findings of independent organisations as interference in the internal affairs of Third World countries, is an admission of the Government's own incompetence to truthfully refute such independent findings. The rejection by the Government of the

.../5-

/5.....

request made on behalf of the Tamil delegation that an independent international commission be invited to examine and study conditions of detention and methods of interrogation in Sri Lanka is indicative of the Government's mala-fides in this matter. The Government has not responded to the suggestion that in the alternative a commission of independent citizens of Sri Lanka be appointed for the said purpose. The Government's failure to accept this suggestion, we contend, establishes the Government's admission of its guilt in this matter.

One of the terms of the Ceasefire Accord is that there shall be no infusion of further resources to the Armed services and police establishments. The Government's continuing purchase of military equipment and training and recruitment we contend is in violation of this term of the Ceasefire Accord. We reject the Government's contention, that the Government's obligation in this regard is restricted only to the affected areas. The Government's assertion of its rights in this regard as a Sovereign Republic, indicates a lack of will on the part of the Government to either appreciate or comply with both the letter and the spirit of the Ceasefire Accord, and constitutes a gross breach of faith on the part of the Government. The Government's pronounced determination to proceed with such steps seriously raises the question of whether the Government is not making preparations for a further massive onslaught on the Tamil people. The Tamil fears in regard to this matter, are accentuated by the failure on the part of the Government thus far, to place before the Thimphu conference, proposals, which can lead to a peaceful resolution of the Tamil National Question.

.../6-

Furthermore, the Government is guilty of inducting resources to the armed services even in the affected areas of the Northern and Eastern Provinces as has been stated in earlier statements of the Tamil delegation.

The foul and gruesome atrocities committed against Tamils since the Ceasefire Accord by the Armed and Security Forces have been referred to in earlier statements. The Government's selective feelings in this matter are only too well known. The Government does not attach to Tamil life the same value it attaches to the lives of the Sinhala people. In the present situation, the Government also finds it most convenient to attach blame to the Tamil Liberation Organisations for events, with which they do not even have the remotest connection. In regard to the Government's view that the Constitution of Sri Lanka guarantees fundamental rights and contains inter-alia a prohibition against the use of torture, the Tamil delegation asserts that events in Sri Lanka have conclusively proved, that the rights so enshrined in the Constitution are meant only for the Sinhalese people, and that the Government is guilty of systematic condonation of the flagrant violation of such rights as far as the Tamils are concerned. To expect any Tamil subjected to such violations to be able to invoke the jurisdiction vested in the Supreme Court in the present situation, is to suggest a remedy which the Government itself is aware cannot be pursued now, by the Tamils. In any event the Government cannot be unaware of the magnitude of such violations and the Government's statement indicates the lack of a serious will on its part to fulfil its obligations by all ~~the~~ citizens.

/7.....

The Tamil delegation reasserts its allegations of the attacks on Tamil persons, and property owned by the Tamils, and the arming of the Sinhala people. Sinhalese in the Trincomalee, Mullaitheevu and Vavuniya districts have been armed by the Government, more recently with more sophisticated weapons, and the Tamil delegation asserts that the persons so armed are using these weapons aided by the Armed Forces for the destruction of the Tamils. While arming the Sinhalese the Government has withdrawn from the Tamils the licensed fire-arms issued to them and has thereby placed the Tamils completely at the mercy of the armed Sinhala thugs - the so called home guards - and the Sinhala Armed and Security Forces.

The Tamil delegation asserts that it is the Government that is responsible for violations of the Ceasefire Accord. The Tamil Liberation fighters, in particular, those represented at the Thimphu conference have conducted themselves with great restraint in the face of grave provocations on the part of the Armed and Security Forces and the Armed Sinhala thugs - the so called home guards.

The Government is contriving to avoid fulfillment of several obligations on its part under the Ceasefire Accord. In respect of detainees the Government is already guilty of not fulfilling its obligations in terms of the Ceasefire Accord. In respect of Amnesty the Government in order to avoid its obligations under the Ceasefire Accord is seeking to prepare the ground for the non-fulfillment of this term.

.../8-

8/.....

The Tamil Liberation Groups participating in the Thimphu conference deny that they are seeking to take undue advantage of the Ceasefire Agreement.

The Tamil delegation contends that while on the one hand Government is responsible for several acts of violations and acts of non-observance of the Ceasefire Accord, the Government is not conducting itself so as to achieve meaningful progress at the Thimphu talks.