

TAMIL GUARDIAN

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A NATIONAL SHAM(E)!

The polls of March 1 to elect representatives to the Batticaloa Municipal Council, Amparai Urban Council and the various Pradeshiya Sabhas in the Districts of Trincomalee, Batticaloa and Amparai had all the ingredients of a Circus. (Editors' Note: We have withheld the name of the Ring-Master on legal advice). The tragedy, however, is that it was held in the name of Democracy!

We give below a sampling of what transpired on the day of the polls in the Eastern Province, based on ground reports received by the leader of EPRLF, Suresh Premachandran, and intimated to the Election Commissioner that very night:

* Despite the mandatory cessation of all election campaigning by Saturday, persons in a van fitted with a loud speaker engaged in pro-UNP propaganda till Monday night (ie the eve of elections)

* In many AGA Divisions, where polling took place for the respective Pradeshiya Sabhas, voters were turned away by the Police by 10 AM on the grounds that the polling booths had run out of ballots. The people of Eravur were particularly subject to this humiliation. This circus was enacted at the polling booth at Batticaloa Central College where the voters were turned away by the Police at 10 AM. However, as a result of protests, the booth was kept open till 12 noon.

* In all polling booths coming under the jurisdiction of the Batticaloa Municipal Council, the ballot boxes were sealed before admitting the polling agents of the contesting Parties.

* Two contestants for the Eravur Pradeshiya Sabha, Sinnavan Natkunasingham and Vasantharasa, were preventing from casting their ballot on the grounds that their votes had already been cast.

* When refugees from the Zahira refugee camp went to cast their votes, they were politely told that they had already voted

Another significant aspect of the polling in Batticaloa district is the high percentage of invalid votes.

According to official figures, 16.2% of the votes polled in the entire District were spoilt. These figures were much higher in certain areas.

For instance, in the polls for Manmunai West Pradeshiya Sabha, 31.2% of the votes were spoilt, while in Porathivu Pradeshiya Sabha, 31% of the votes polled were rejected.

Other areas where the spoilt votes

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Views On Polls

Prime Minister, Mr. Ranil Wickremasinghe, has welcomed the recently concluded polls for the Vavuniya Urban Council and all local government bodies in the Eastern Province as an indicator of the faith that the people had on the democratic process. He also interpreted the outcome as a clear victory for the UNP and thanked the security forces for having created a congenial atmosphere for the holding of free and fair elections.

The Army Commander for the Eastern Province, General Algama, has hailed the outcome of the polls as a rejection of the LTTE and Eelam by the Tamil people.

The Official spokesman of EPRLF, L. Ketheeswaran, claimed a defeat for democracy and a humiliating experience for the people. He said that despite the complaints that EPRLF had made to the Election Commissioner, in the run-up to the polls, on the conduct of the security forces in interfering in the electoral process, no action was taken. On the contrary, what transpired on the day of the polls in the Eastern Province far exceeded even the worst fears harboured by the Party.

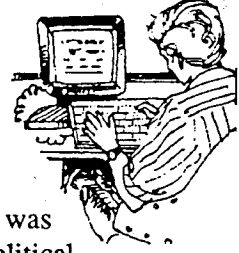
He maintained that the decision of EPRLF to boycott the local government elections had been vindicated and that the People will give a fitting reply to the indignities that they had been subjected to at the appropriate time.

The TULF, in a Statement, maintained that there were widespread polls irregularities, including direct interference by the security forces.

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REFLECTIONS



The new Head Office of the Elections Commissioner, located at Rajagiriya, was ceremoniously opened on 17th February with much pomp. It was attended by political "celebrities" of all hue and colour.

In the inaugural address, the President D.B.Wijetunga pointed out that, "Electoral systems are meant to serve the interests of the average elector. It should enable him to mark his vote freely and secretly. Marking a vote should not be a mere mechanical exercise. He should do so knowing reasonably well, the implications of it. To enable him to know the implications, I presume, he should firstly understand the electoral system and the role and significance of his vote at the election. This requires that whatever nice and sophisticated systems are drawn up, they should be within the grasp of the elector. Otherwise, he will vote mechanically or under pressure to oblige some party or candidate. To the extent that he does not understand it, he will feel alienated by the system."

The problem in our opinion, however, lies elsewhere. It certainly does not lie in nice and sophisticated systems of polling - but in the ugly and shabby methods of rigging of polls, including the use of violence, by the powers that be and those who aspire to it!

The Report of the Commissioner of Elections On The 9th Parliamentary General Elections has extensively referred to such cases. "In all these instances firearms had been used to threaten and silence the staff, forcibly chase away agents of the political parties and voters as well. In some of these instances, it is alleged that the armed gangs had been led by candidates... who dared to expose their identity. This unrestrained behaviour on their part is a clear deterioration in the standard of electioneering."

The run-up to the polls to the local government in the Eastern Province and Vavuniya Urban Council did not reveal any semblance of the Government taking heed of these warning by the Election Commissioner. In our previous issues we had already highlighted the case of "phantom candidates" and the "militarization of the electoral process" in the Eastern Province.

As though to confirm the militarization of the electoral process in the Eastern Province, the Army Commander for Eastern Province, while addressing the Grama Sevakas of Batticaloa a few days before the polling date, presented a rather curious lecture on the essentials of Democracy. In his opinion, anyone who did not cast his or her vote, was anti-democratic and hinted that the Army would keep its eyes open for individuals not having the identification mark on their fingers! Little does the General realize that the decision not to vote is no less democratic than the decision to vote.

The events on the day of the polling, elaborated in our lead article, has also demonstrated in no uncertain terms that the "will of the People" need not exactly be voluntary! To digress a bit, one also need to reflect over the absence of observer teams and election monitoring teams, national as well as international. Is it because they had decided not to **observe** the obvious, knowing fully well that what they observe would be an embarrassment to the Government?

Coming back to our main theme, if voters are alienated, it is not because that they are overwhelmed by the so-called sophisticated methods of polling. Their alienation stems from the indignity and humiliation that they have to undergo in the face of coercion, bribery and the undemocratic manner in which electoral processes are conducted.

In this the "Election Year", it is appropriate to remind the powers that be that the People may be overwhelmed. But they are certainly not gullible. They will await their turn. And their verdict may be the most unexpected - to the extent of overwhelming the powers that be.

Let Us Not Confuse Rigged Electoral Processes With Democracy!

HUMAN RIGHTS "BALANCE SHEET" FOR SRI LANKA IN 1993 - U.S. STATE DEPARTMENT -

While attempts by the Clinton Administration to use "human rights issues" as a pretext for interference in the affairs of nations, refusing to toe its line, is clearly unacceptable, the denial of a universal concern for "human rights" on the grounds that it is purely an "internal problem" is equally untenable. We give below excerpts from the Sri Lanka Country Report for 1993, issued by the U.S. State Department.

On Sri Lankan State:

- * Although the Government took further steps to institutionalize the protection of human rights in 1993, the pace slowed down in the second half of the year, and its forces continued to commit serious abuses which went unpunished. Despite credible evidence implicating security force members in human rights abuses, no member of the security force was tried or convicted for human rights violations in 1993, thus encouraging these forces to believe they are immune from prosecution.
- * Torture and mistreatment of detainees, particularly during interrogation, was common during 1993. Reports of torture included near drownings, placing of insecticide or gasoline-filled bags over the head, and beating the sole of detainees' feet with metal rods. Most members of the security forces regard torture as routine and acceptable.
- * The presidential Commission appointed to look into allegation of abductions and disappearances occurring after January 1991 has proven inadequate to the task.
- * Reports continue that government security forces held people incommunicado for months or even years in previously undisclosed places of detention. There were also reports that Tamil irregulars, armed and paid by the Government, were operating their own detention facilities.
- * A fundamental rights application was filed in the supreme Court against the leader of one such militia, the Eelam People's Democratic Party (EPDP), alleging illegal abduction and torture. The People's Liberation Organization of Tamil Eelam (PLOTE), an anti-LTTE Tamil militia allied with the Government, is believed to be responsible for the disappearance of several persons in the northern district of Vavuniya. In January army soldiers operating in conjunction with irregulars from the Tamil Eelam Liberation Organization (TELO), an anti-LTTE militia allied with the Government, reported killed and beheaded two unarmed persons, suspected of being LTTE members.
- * The Sri Lankan navy and air force were responsible for a number of civilian deaths, many due to indiscriminate or excessive use of force. Over 250 civilians were killed in such attacks.

On LTTE:

- * LTTE executed a number of its opponents. Torture and mistreatment of detainees were routinely practiced by the LTTE.
- * Observers in the North-East reported that the LTTE was responsible for a number of disappearances.
- * The LTTE sometimes conscript high school-age children for work as cooks, messengers, and clerks. There were also reliable reports of children being used as forced labour to build fortifications.
- * The LTTE tolerates no freedom of expression. The print and broadcast media in areas under its control are tightly regulated. The LTTE has been known to execute those who criticize it or disagree publicly with its policies. In the past, university professors, members of non-violent Tamil opposition parties, and human rights monitors have been among those killed.
- * The LTTE holds numerous prisoners of conscience, including the poet and women's activist Thiagarajah Sevaniy, who has been imprisoned since August 1991 for her participation in a play critical of the LTTE.
- * The group University Teachers for Human Rights (UTHR), a human rights group formerly based in the LTTE-controlled Jaffna Peninsula, has been the target of severe repression by the LTTE for its attempts to present a balanced picture of human rights violations in both LTTE and government-controlled areas of Sri Lanka.
- * The LTTE has expelled all Muslims from the areas of northern Sri Lanka under its control; expropriated Muslim lands, homes, and businesses; and threatened Muslim families with death if they attempt to return to their homes.
- * The Tigers also severely restrict the freedom of movement of Tamils living in areas under their control, exacting a large 'exit tax' from persons wishing to travel to areas under their control and requiring them to leave all of their property in escrow. In order to ensure that people return, the Tigers often allow only one member of a family to travel at a time. The LTTE does not allow internally displaced persons living in areas under Tiger control to return to their homes in government-controlled areas.

FREEDOM FROM FEAR!

Some Impressions On Rajani-Richard Commemoration Meeting

At a time when notions of Humanism, Co-existence and Freedom were being stigmatized and rendered obsolete, there emerged, from time to time, individuals who sacrificed their lives to keep these noble Ideas and Ideals alive.

Richard de Soyza, who felt repulsed by State Terrorism, in the South, and Rajani Thiranagama, who revolted against the rise of fascism from within the Tamil Resistance in the North, were two such individuals. Typically, Richard de Soyza died at the hands of State Terrorism while Rajani fell victim to LTTE Fascism.

4 years have elapsed since Richard's mutilated body was found off the shores of Moratuwa and Rajani was brutally gunned down in the streets of Jaffna. It was to commemorate the untimely and tragic deaths of these two young brave idealists that, at 8.30 am on 21 February, local and foreign journalists, human rights activists, representatives of political parties, and foreign observers congregated at the spot where Richard de Soyza's body was found. A manacled pen atop a tombstone against the backdrop of portraits of Rajani and Richard symbolized the solemn event.

Lucien Rajakarunanyake, the famed journalist and human rights watcher, addressed the gathering passionately in Sinhalese and English. Youths, wearing T-shirts depicting sketches of Rajani and Richard stood in silent salute. In the midst of these activities, a deep agonizing sorrow punctuated the proceedings.

Manoranee Saravanamuthu, the mother of Richard, in her grief, also reflected the agony of the mothers of all those youths who remain in the list of the "disappeared" - and the dead.

Lotus buds were strewn in front of the portraits of Rajani and Richard. Normally, lotus buds are laid before Lord Buddha - the epitome of compassion -

as a form of veneration. But here, lotus buds were laid before the portraits of Richard and Rajani - the victims of hate - as a mark of tribute. The buds also symbolized the "flowering" of a better future for which these two young people laid down their lives.

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"FREEDOMFROMFEAR" was the theme selected by the organizers of the Commemoration Meeting. That slogan symbolized the urge to free oneself from the fear of "necklacing" by burning tyres, the fear of torture chambers and the fear of "disappearing".

The slogan brought to my memory the revolutionary Tamil poet, Subramaniya Barathi, who through his songs and poems urged humanity to banish from their thoughts the very notion of fear.

The peace torch was lit and was brought on to the road by two youths, a male and female, only to be met by hundreds of policemen who seemed to have come prepared for war! Police vehicles had parked across the road to block the procession. After the procession had proceeded for a few yards, the police obstructed it by locking arms. What could possibly be the intentions of those who sought to obstruct a procession that symbolized the collective wish of a people to live without fear and to live with dignity?

Behind the banners, depicting the theme of the Commemoration Meeting, young men and women marched forward singing songs in Sinhalese that inspired humanism and compassion. Although I could not understand the language, to me the songs manifested anguish as well as hope, inner turmoil as well as serenity.

It was mid-day. Under the full fury of the afternoon sun, the participants of the

meetings sat down and laid across the road so as to prevent the police from dispersing them. Youths in vehicles sang songs in a high pitch about their hopeless future without employment - and about death.

The ranks of the Police began to swell. Members of Parliament Nandamithira Ekanayake of SLFP, Suresh Premachandran, leader of EPRLF, Raja Collure of the Communist Party, Indika Gunawardena, Communist Party member in the Western Provincial Council and Yukthiya Editor Sunanda Deshapriya and Joe Seneviratne tried to impress on the Police the purpose of the Commemoration Meeting and urged on them not to disrupt it. This was met by a sound of silence. Did they understand the meaning of what was happening? I wonder.

They snatched the Peace Torch and doused it. Did they think that by this they could douse the sentiments of the People? They threatened to fire tear gas. This tussle lasted for about two hours. Eventually, the participants reached the venue of the meeting at Vihara Mahadevi Park by proceeding along railway tracks, by-roads and in vehicles.

At the Vihara Maha Devi Park, large portraits of Richard and Rajani were displayed prominently. People sat down on the amphi-theatre. Songs depicting human rights themes were being sung by well-known artists. Even here the Police were conspicuous by their presence.

A photographic and poster exhibition was also on display depicting the horrors of the 10 year of war and the victims of state and anti-state terrorism.

As I was proceeding home after the days proceedings, it occurred to me that the Vihara Maha Devi Park, the venue for tamashas and carnivals, should for a change serve a meaningful cause.

SOME THOUGHTS ON

INTERNATIONAL WOMEN'S DAY

- MARCH 8 -

Although "International Women's Day" was first inaugurated in July 26-27 1910, it was subsequently changed to March 8 in 1921 and has since been so observed by Women, the world over.

While Women, share similar problems, it is also necessary to focus on specific problems that face women of specific societies. In this context, it is relevant here to pose some questions about the plight of Tamil Women - since I am one.

Leaving aside the problems that we face arising out of the war, we do not have the choice or the right to shape our own destinies. The dowry system, which has degraded not only women, but the society at large, has intensified - even under the conditions existing in Jaffna. Or is it because of the situation prevailing in Jaffna? I wonder.

If you take our Muslim sisters, the advance of Islamic fundamentalism is threatening to confine them to their homes - and **pardah**. Those Muslim women who are struggling against these tendencies are facing intense opposition from fundamentalist -elites in the urban centres.

The plight of our sisters in the Plantations remains the same - despite a long tradition of trade unionism. The dual burden of labouring in the Estates and in the "Lines", expropriation of their earnings by male members of the families and inadequate creches with inadequate re-

sources are some of these problems. Is it because the Trade Unions in the Plantation areas fail to include in their agenda the specific problems faced by the female work force?

In sum, if we are to be liberated fundamental changes must take place in our modes of existence and in our thinking. This requires

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The statement reiterated that their earlier stand that the holding of elections, under prevailing conditions, is a violation of all democratic norms had been vindicated.

The statement added, "All those who cherish democratic values cannot afford to remain unconcerned or complacent about these distressing developments. Notwithstanding these constraints, it is clear that the Tamil and muslim People, have rejected the policies and approach of the UNP Government towards the ethnic question".

The SLMC which had, on the night of the elections, called on the Election Commissioner to annul the polls in Batticaloa district in view of widespread electoral malpractice and violence against their supporters, has interpreted the outcome of the polls as a rejection of chauvinist political parties by the Sinhala and Tamil people.

But the most telling comment on the polls comes from Rev. Harry Miller, an American Catholic Priest who has been residing in Batticaloa for almost 45 years. Rev. Miller told **Reuters** that he had been repeatedly saying that the forthcoming

a struggle that encompasses women of all social and economic stratum. This also necessitates linking with other struggles for social progress.

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elections for the local government was a comedy. "Unfortunately, no one is laughing", he added!

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were conspicuous are Manmunai South (18.1%), Manmunai South-West (29.5%), Eravurpattu (15.3%), Manmunai (15.4%), Valachchenai (17.7%) and Batticaloa Municipal area (16.2%).

It is to be noted that EPRLF, TULF and ACTC, which boycotted the polls, also called on the voters to cast their ballots, after spoiling them, as a mark of protest. It is clear that a significant section of the voters took this to heart!

We had in our previous issue highlighted instances of irregularities, including abductions and coercion in the filing of nomination papers, in the run-up to the polls. In fact we had posed the question, in our front page lead story, as to whether this was **Democracy or Drama**.

However, in view of the events that took place on the day of the polling, we now feel constrained to state categorically - a **National Sham(e)!**

"COLLECTIVE PUNISHMENT"

Premachandran In Interview To BBC

In an interview given to BBC's Tamil Oosai, broadcast on 23rd February, Suresh Premachandran, leader of EPRLF and Member of Parliament for Jaffna District, criticized the government for indulging in a form of collective punishment. The arbitrary arrests of Tamils in Colombo, solely on the basis of their ethnicity, did not give room for any other interpretation, he said.

He further added that although one cannot deny the Government its legitimate security concerns, the irony was that it were the innocents who were being arrested, while a "terrorist" with proper connections and financial clout

was able to get away scot free. This was because extortion of money and corruption was rampant in police stations.

The Secretary-General of EPRLF was particularly harsh on the Government for going back on the commitments given to Tamil political parties who had repeatedly met the Prime Minister, Defence Ministry officials and the Chiefs of the Security Forces.

In particular, the Government gave its assurances on a range of measures aimed at stopping the harassment of the Tamil People. According to the agreement reached in June 1993, arrests was to be based solely on a report of suspicion by some agency or on

circumstances for suspicion. No person would be arrested on suspicion merely because he or she is Tamil. Detainees were to be allowed to make a statement to the police in their own language and may write and sign the statements themselves. Assurances were also given as regards the observance of civilized conduct when women are escorted to police stations and during interrogations.

Despite the above assurances, Suresh Premachandran charged the Government for not observing any one of them. In addition, he said that he had received complaints about torture, beating and ill-treatment of Tamil detainees.

AMNESTY INTERNATIONAL ON ABUSE OF ARREST & DETENTION POWERS IN COLOMBO

Amnesty International (AI) visited Colombo in January 1994 to investigate the arrest and detention of Tamil people in the city during 1993. The total number arrested in Colombo District under Emergency Regulations or Prevention of Terrorism Act (PTA) from 1 June 1993 (ie immediately following the assassination of President Premadasa) and 31 December 1993 exceeded 15,000.

Following numerous interviews with Government officials, detainees and released prisoners by a delegate who visited Colombo in January 1994, the AI has now released a Report entitled **Sri Lanka: Balancing human rights & security: abuse of arrest & detention powers in Colombo.**

While AI has not questioned the right of the Government "to take extraordinary measures to prevent further attacks" by the LTTE in Colombo, it is of the opinion that "the indiscriminate nature of the large scale arrests, during which thousands of people have been arrested solely because of their ethnic origin, is unjustified and in breach of the International Covenant on Civil

and Political Rights (ICCPR)".

It is to be noted that Article 4 of ICCPR prohibits any emergency measure which involves "discrimination solely on the ground of race, colour, sex, language, religion or social origin."

The AI Report also criticized the Government for violating Sri Lanka's own emergency laws.

In the words of AI, "Government officials told Amnesty International that the security operations in Colombo would continue. On the one hand, officials insisted that people are only ar-

rested if there are valid reasons. On the other hand, the IGP explained that the strategy is to randomly arrest people and then to check their identity. Officials argued that although the round-ups do cause problems, these are justified in the greater interest of ensuring security. 'We have no option', the Defence Secretary told Amnesty International. It is this indiscriminate character of the arrests, not based on concrete information about specific suspects, which violates international law, the Emergency Regulations and the government's political commitments."

Readers and Well-wishers of Tamil Guardian!

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