

TAMIL INFORMATION

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SRI LANKAN ARMY MASSACRES TAMIL CIVILIANS UNHCR SAYS HUMAN RIGHTS SITUATION HAS IMPROVED

Attacks on Tamil civilians by the military has continued in the North-East. In the South, Tamils persecution is becoming increasingly severe.

Tamil prisoners at the Colombo Magazine prison in Borrella were mercilessly assaulted by over 100 prison officers on 19 February resulting in serious injuries to many detainees.

Prison officers led by A.K.Chandrasiri used batons, iron rods, wooden spoons and cricket bats to assault the 146 Tamils, as they cried out for mercy.

Several Sinhalese prisoners assisted the prison guards. Lingeswaran, Suthakaran, Parameswaran and Segar were brutally attacked and taken away from their cells.

K.Suthakaran and Kandapody Yogadas produced before the Colombo High Court on 20 February by lawyer Kumar Ponnambalam, described the prison attack and identified A.K.Chandrasiri who was present in court. After Mr.Ponnambalam complained to the High Court that four prisoners were missing, the prison authorities said that they had been admitted to the prison hospital.

TULF MPs Joseph Pararajasingham and Neelan Tiruchelvam have demanded inquires. Although Mr.Ponnambalam was assured that he or a representative from outside will be allowed for an in-

ternal investigation, the inquiry had proceeded without his knowledge. The prisoners say their statements were recorded in Sinhalese language which they do not understand and were asked to sign.

The Justice Minister has appointed Additional Secretary M.S.Jayasinghe to investigate. Observers say prisons come under the purview of the Justice Minister and the appointment of an inquiry officer into its own conduct is against natural justice. Mr.Ponnambalam has

The Sri Lankan army assisted by Home Guards massacred 24 Tamil civilians, including nine children, at Kumarapuram in Trincomalee District on 11 February. Twenty eight others were wounded and four of them succumbed to the injuries later in hospital. The revenge attack on the village took place after two soldiers died in a LTTE attack. Arumaithurai Thanalakshmi, 17, was dragged from a shop to a milk collection centre and gang-raped by soldiers before being shot dead.

called the inquiry an eyewash. The denial of an identification parade indicates that the government has already decided not to take any action against the offenders. Tamil prisoners staged a five-day hunger strike against their treatment. A request for transfer to a safe detention centre has been denied.

Tamil MPs say over 2,000 Tamils were arbitrarily arrested after 31 January, the day on which the Central Bank was attacked by a suicide bomber in Colombo and around 400 are still held in appalling conditions at Welikada and Mahara prisons. In July 1983, fifty three Tamil political prisoners were massacred, said to be on the orders of the then National Security Minister Lalith

Athulathmudali. No inquiry has been conducted into these killings, despite the call of Amnesty International in its July 1994 report. *When will justice be done?*

Mr. Pararajasingham in a letter to Justice Minister G L Peiris has deplored the conditions at Mahara prison and has requested for the appointment of a committee of inquiry into the conditions, comprising of independent persons from NGOs and the ICRC.

The arbitrary nature of arrests and the inhuman prison conditions have been brought to the notice of the Human Rights Task Force (HRTF) appointed with much fanfare in June 1995. Sources say the Chairman C T. Jansz, being a former Prisons Commissioner is reluctant to take concrete action. Differences of opinion between the commissioners and administrative officers are affecting the work of the HRTF. Tamil observers in Colombo have condemned the attitude of the HRTF towards Tamil arrests and detainees.

The Movement for the Defence of Democratic Rights says that the prevailing security measures are leading to harassment, humiliation and insecurity of the Tamil community. Those taken in roundups are forced to spend time in police cells, for several days, until a report is received from the National Intelligence Bureau (NIB). Tamil prisoners on suspicion are detained in police cells and prisons along with other prisoners. On several occasions Tamils have been humiliated and assaulted by these other prisoners.

Those arrested and released are not provided any document. Therefore many have been arrested several times. Arrests have taken place even when Tamils have documents, such as court documents granting bail. Relatives are not in-

formed of arrests and observers say police are now demanding that only a Sinhalese person can stand as surety for bail for a Tamil.

Observers also allege that a quota system is in force, under which each police station in the city is required to arrest a certain number of Tamils regularly.

Tamils travelling to work in buses have been taken into custody despite possessing all necessary documents. There have also been abductions in unmarked white vans used by security forces and other armed groups operating with the NIB. In February two bodies were found in the Mirigama lake. Earlier, 30 bodies recovered from other lakes and streams were identified as those of Tamil people. They had been murdered by the security forces at the Special Task Force (STF) headquarters in Colombo. The 22 security personnel held in custody in this connection have been released on bail. The body of K. Arulkumar from Trincomalee, who was a student in Colombo, was found on 17 February near the Bambalipitiya railway station, with head injuries. Tamils suspect that the police are also involved in this murder.

Several Tamils have been arrested for failing to register with the police, which is not a requirement by law or under Emergency regulations. Lawyers say these arrests are illegal. The issue is currently before the Supreme Court. Under Emergency regulations if a person is not charged with any offence before 90 days that person must be released. Tamils are held for over 90 days by changing their detention to fall under the Prevention of Terrorism Act (PTA) under which a person can be held for 18 months by extension of the detention order every three months. Lawyers say, once again such detentions by such change are illegal. A large number of Tamils are held for over three years without charge or trial.

While Tamil persecution becomes worse, international refugee agency UNHCR continues its disinformation campaign about the situation in Sri Lanka. NGOs have urged UNHCR to change its stance, but UNHCR carries

on regardless for human rights or the protection of refugees.

UNHCR in its 4 January guideline says the "Tamil population by reason of their ethnic origin alone reportedly do not face any serious problems in Colombo and other areas under government control, although many Tamils perceive the frequent ID checking, round-up, temporary detention and house searching as discriminatory harassment". UNHCR has conveniently forgotten to mention the murder of Tamils in STF custody, the torture of Tamils relating to which a number of cases are before the Supreme Court, disappearance of Tamils after arrests, detention of Tamils without charge or trial for over three years, the robbery of Tamil homes by security forces during search operations, the massacre of Tamil civilians and killing of Tamil civilians in shelling, aerial bombardment and the economic blockade of the north-east causing death and disease without sufficient food and medicine.

Amnesty International in its 27 October 1993 report on arbitrary arrests said "There have been several waves of such arrests forming a part of a pattern of human rights violations directed at the Tamil community, in which thousands of people appear to have been arrested solely on the basis of their ethnic origin". Tamils in southern Sri Lanka, including Colombo say that the current situation is much worse than it had ever been. Tamils fear even to walk on roads as arbitrary arrests continue. It was pointed out at a meeting in February between police officers, HRTF members and human rights organisations that the "Tamilness of a person leading to a presumption of guilt has consequences leading to the isolation and alienation of a community" and that "systematic violation of human rights makes it impossible for the Tamils to feel that they are part of one society with the rest of the country".

UNHCR also says that improvements in the human rights situation which had been achieved by the present government could be maintained and strengthened. The NGO Forum on Sri Lanka in a February report has pointed out that "the intensification of the military conflict has had implications for human rights

islandwide, increased security measures throughout the country have resulted in many restrictions especially for Tamils"

UNHCR says further that checking takes place regardless of their ethnic origin and they are treated in a fair and humane manner by the police and security authorities. Nothing could be further from the truth than this statement. This statement is calculated falsehood by UNHCR. Colombo human rights organisation INFORM in its February report states as follows:

"Although there are few reports of physical harassment, hundreds of Tamils have complained of the harassment undergone by them because of these security procedures. There are also reports of specific harassment of women detainees. In addition women have been detained at police stations for over seven days at a stretch. Over 20 lodges were closed down..... This step would create great hardship for Tamils."

INFORM has also pointed out that Presidential directives on procedures for arrest and detention have in most instances been not followed. Police also do not issue receipts to relatives on arrest as required by the presidential directive.

UNHCR adds that the institutional and legal mechanisms are functioning. As has already been pointed out a number of Tamils are detained illegally. Others have been arrested for non-registration with the police although there is no such mandatory requirement. HRTF has become totally useless as far as the Tamils are concerned. In February the Mt. Lavinia magistrated censured the police when it was found that the names of a Tamil mother and child arrested had not been recorded in the police register. Human rights organisations say police do not bother to register many arrests of Tamils.

Amnesty International in its December 1995 report "Sri Lanka: Under scrutiny by the Human Rights Committee", says it is concerned that safeguards on arrests and detention are not being strictly implemented, despite informing the UN Human Rights Committee that presidential directives have been issued on 18 July 1995. Amnesty's recommendation for a thorough review of Emer-

gency regulations, in view of the Human rights Committee's declaration that the power of the Secretary to the Ministry of Defence to order indefinite detention violates the International Covenant on Civil and Political Rights, has been thus far ignored by the government. Amnesty's recommendation for the review of the Prevention of Terrorism Act (PTA) (in the light of concerns raised by the Human Rights Committee on the admissibility of confessions as evidence) to bring it in conformity with the Covenant has also not been considered.

Colombo human rights agencies say habeas corpus as a remedy for detainees has ceased to be effective in Sri Lanka, because of continuing disappearances and delays by the Attorney - General's Department. Applications are heard by the Court of Appeal, in some cases, only after nine months. Amnesty International says that the government must take effective steps to ensure habeas corpus orders are implemented and there are effective sanctions for not doing so.

Recommendations made by Amnesty International in its July 1994 report "Sri Lanka: When will justice be done?" and April 1995 report "Sri Lanka: Time for truth and justice" have also largely been ignored by the government. In a new report, Article 19 has condemned the government for the erosion of the freedom of expression. While many believe that the human rights situation has in fact deteriorated UNHCR is attempting to maintain and prop-up government claims that the situation has improved.

There is no doubt that UNHCR is attempting to make a case for the return of Tamil refugees in the West which it has been doing for many years during which the Tamils in Sri Lanka have been tortured, persecuted and massacred.

In a final ludicrous statement UNHCR says that people claiming problems with LTTE may avail themselves of the protection of the government outside LTTE- controlled areas. This is like escaping the tiger to be fed to the lion.

TIC ACCESSION LIST

A selection of documents received by the Centre in
January/February 1996

SHR 3614

Damage to Thiruketheeswaram Temple Mannar District, Sri Lanka
Sri Lanka Thiruketheeswaram Temple Restoration Society; 30 January 1995
7p.

DESCRIPTORS: Attack on Temple / Destruction / Appeal

SHR 3872

Human Rights in Sri Lanka 1996; a failure to implement reforms
London: NGO Forum on Sri Lanka; January 1996
3p.

DESCRIPTORS: Disappearance / Human Rights Violation / Freedom of Expression / Displaced Person / NGOs

SHR 3873

Tamil as official language: retrospect and prospect
Colombo: International Centre For Ethnic Studies; 1995
126p.

DESCRIPTORS: Tamil Language / Discrimination

SHR 3874

Living with torturers and other essays of intervention: Sri Lankan society, culture and politics in perspective
Colombo: International Centre For Ethnic Studies; 1995
89p.

DESCRIPTORS: Culture / Politics / Sociology / Torture / Sri Lanka

SHR 3876

Sri Lanka under scrutiny by the Human Rights Committee
London: Amnesty International; December 1995
25p.

DESCRIPTORS: Commission of Inquiry / Sri Lanka / Emergency Regulation / Recommendation

SHR 3877

India, Sri Lanka and the Tamil crisis 1976-1994; an international perspective
London: Pinter; 1995

DESCRIPTORS: Political History / IPKF / JVP / Peace Initiative / Agree-

ment / Ethnic Problem / Foreign Intervention

SHR 3878

Sri Lanka: a bitter harvest
London: Minority Rights Group International; 1996
46p.

DESCRIPTORS: History / Sri Lanka / Population / Statistics / Maps / Discrimination / Foreign Intervention / India / Political History / Indo-Sri Lanka Accord / War / Development / Freedom of Expression / Arrest / Recommendation

SGN 420

Water Resources Development: Jaffna peninsula
Australia: Fast Books; 1993
121p.

DESCRIPTORS: Water Resources / Jaffna Peninsula / Development / Geology / Fisheries / Recommendations

OHR 323

Interim guideline for Environment Sensitive Management of Refugee Programme
Geneva: UNHCR; July 1994
15p.

DESCRIPTORS: Refugees / Environment / UNHCR

OHR 333

Arms to fight arms to protect: women speak out about conflict
London: PANOS; 1995
282P.

DESCRIPTORS: Women / War / Political History / Liberation / Somalia / Uganda / India / Nicaragua / Sri Lanka / Vietnam / El Salvador / Croatia / Bosnia / Lebanon

PC 4841

Tiger Terror: Sri Lanka is being mauled by its ruthless Tamil separatists
London: Times; 10 August 1995
1p.

DESCRIPTORS: LTTE / Liberation Movement

JANUARY DIARY

JANUARY 01

CIVILIAN KILLED: A Tamil civilian was killed by troops at Chenkalady market in Batticaloa District and security sources reported that he was a LTTE suspect.

POLICE POST ATTACKED: One policeman was killed when the police post at Puliyanakulam in northern Puttalam District came under LTTE attack. One constable and three LTTE cadres were killed.

JANUARY 02

TROOP RAMPAGE: Drunken soldiers were engaged in assaults on villagers at Kinnayady in Batticaloa District. Two goats were shot and several shops were looted by the soldiers. Injured civilians were warned not to seek treatment at the hospital.

JANUARY 03

LTTE ATTACKS: One airman was killed and 12 injured when an air force foot patrol was attacked by the LTTE at Pankulam in Trincomalee District. Two soldiers were also killed in an attack on troops at Erlalai in Jaffna District.

SEARCH IN EAST: Troops surrounded the Batticaloa town at dawn and conducted a house to house search.

JANUARY 04

TROOPS TARGET REFUGEES: An elderly man was injured when troops fired shells towards a refugee camp at Peiththalai in Batticaloa District.

LTTE INFILTRATION: A troop patrol came under LTTE attack at Periyavilan in Jaffna District and three soldiers were killed.

LTTE LEADER KILLED: Army claimed to have killed the LTTE area leader Kannar in Polonnaruwa.

JANUARY 05

DESTRUCTION BY SHELLFIRE: Shells fired from the army camp damaged 15 houses and a shop at Kaluvankerni in Batticaloa District.

TROOPS ATTACKED: Eight soldiers were killed and seven injured when a troop patrol came under LTTE attack at Punanai in Batticaloa District.

JANUARY 06

EXTRA-JUDICIAL KILLING: UNHCR -supervised Sithamparam refugee camp officer T Sritharan was killed by unidentified assailants. His throat had been slit.

JANUARY 07

EXECUTION AT NIGHT: TELO member T.Sureshkumar was called out at night from his residence at Chenkalady in Batticaloa District and shot dead. Police blamed the LTTE for this killing.

CONTINUING DISPLACEMENT: Relief workers in the Vanni District announced over 2000 people crossed to Vanni from Jaffna during the last seven days.

JANUARY 08

LOOT VICTIMS: Four Tamil residences in Kotahena, Colombo were robbed of cash and valuables between 3.30 and 4 pm by soldiers who gained entry on the pretext of conducting a search.

EXPLOSION IN MARKET: One person was killed and seven injured in an explosion at the market in Batticaloa. Police claimed the victim to be the bomber.

AIRCRAFTS PURCHASED: The air force took delivery of three attack aircrafts from Israel. Three MI 17 helicopters from Russia also arrived in Colombo.

JANUARY 09

ARRESTS IN PUTTALAM: Thirty Tamils including a woman were arrested by police following the discovery of buried bombs at Udappu in Puttalam District.

ADMINISTRATIVE OFFICER KILLED: Valaichchenai Pradeshiya Sabha administrative officer R.Thiagarajah was shot dead by an in-

truder in his office in Batticaloa District.
TELO MEMBER KILLED: TELO member V.Ganesh (33 yrs) was shot dead at his residence in Chenkalady in the Batticaloa District.

JANUARY 10

DEATH IN TRINCOMALEE: K.Gunarajah was shot dead by unidentified persons at his residence at Serunuwara in Trincomalee District.

JANUARY 11

SEARCH OPERATION: The body of an LTTE cadre was recovered by troops in a search operation at Panankadu in Amparai District. One policeman and a civilian were injured in the incident.

JANUARY 12

URGENT ACTION: In an Urgent Action note Amnesty International says that eleven Tamils had disappeared after arrests by Sri Lankan government's paramilitary forces in Batticaloa District between 17 December 1995 and 1 January 1996.

JANUARY 13

LTTE INFILTRATION: One soldier was killed in a confrontation with the LTTE at Punnalaikulam in Jaffna District.

JANUARY 14

LTTE FUND RAISING: Foreign Minister Lakshman Kadirgamar asked Britain to halt fundraising by the LTTE claiming that the Tigers raised £250,000 a month in UK.

HOMEGUARD KILLED: A home guard was killed in the LTTE attack in Anuradhapura District.

JANUARY 15

EVICITION OF TAMILS: The residence of a Tamil family at Seeduwa in Gampaha District was set on fire and destroyed by a gang. The family had been earlier threatened with dire consequences if they did not leave the area.

JANUARY DIARY

JANUARY 16

SHELLFIRE VICTIMS: K. Iletchumy (45 yrs), Miss K. Thevaki (10 yrs) and K. Raveendranathan (19 yrs) from the same family were seriously injured when shells fired by troops hit their house at Kalkudah in Batticaloa District.

GRAMA SEVAGA KILLED: Grama Sevaka of Kanniya Division S. Alagurajah was shot dead by unidentified gunmen at 8pm while walking along Main Road in Trincomalee.

OPERATION RIVIKIRANA: The security forces launched an offensive code name *Operation Rivikirana* against LTTE bases in the East. The first movements started from the Pollonaruwa District borders into western Batticaloa. Most heavy fighting took place in the Thoppigala jungles of Batticaloa District. Over 3,000 troops reported to have participated in the offensive.

JANUARY 17

AERIAL BOMBING: Five Tamil residents of Vakara in Batticaloa District were killed when air force planes bombed the area.

JANUARY 18

TAMILS DISPLACED IN EAST: Thousands of residents of Pankudaveli, Iluppachchenai, Veppavettuyan, Unnichchai and Urugamam were displaced following the assault on these areas by troops engaged in military operation "*Sun Eclipse*".

JANUARY 19

PRESIDENT'S APPEAL: President Kumaratunge appealed to the Government Medical Officer's Association for doctors to serve in the hospital in Jaffna town, now under army control.

JANUARY 20

LTTE CAMP DESTROYED: Security sources reported the destruction of a LTTE camp in the jungles of Kudimbimalai in Batticaloa District in an operation conducted with air cover. Twelve soldiers were injured and the death toll of LTTE was estimated to be 15 by the same source.

JANUARY 21

DISPUTED CLAIMS: The Defence Ministry reported the killing of three soldiers, two homeguards and two civilians in a confrontation with the LTTE at Manal Aru in Mullaitivu District. According to the Ministry 15 Tigers were killed. The LTTE, however, named one of their cadres killed and says that seven soldiers were killed.

JANUARY 22

HELICOPTER LOST: A Russian built MI 17 helicopter carrying 39 personnel from the armed services went missing off the coast of Point Pedro in Jaffna District. An LTTE announcement claimed responsibility for shooting down the helicopter. Reports say two foreign mercenaries were also killed. The helicopter.

BLACK TIGER KILLED: Army spokesman in Batticaloa announced that a Black Tiger suicide bomber was killed before he could infiltrate Chenkalady camp in Batticaloa District.

JANUARY 23

POLICEMEN KILLED: Three policemen and a former homeguard were killed when the LTTE attacked a police guard post at Eravur in Batticaloa District.

JANUARY 24

TROOPS KILL CIVILIANS: In indiscriminate firing from the army camp at Kumburumoolai in Batticaloa District in the direction of Vembu village K. Arumugam (70 yrs), Miss K. Sumathi (20 yrs) and K. Sithiravel (57 yrs) were killed. Shanthakumar (12 yrs) was injured in the shooting.

JANUARY 25

BODIES WASHED ASHORE: Sixteen bodies believed to be of those on board the missing helicopter were washed ashore on the Katkivalam beach in Jaffna District.

JANUARY 26

DEATH BY MYSTERIOUS DISEASE: Reports said ten people died of a mysterious disease in Oddamavady and Valaichenai areas in Batticaloa District within the last one month.

JANUARY 27

MORE BODIES : Three more bodies in a highly decomposed state were washed ashore on the beach of Katkivalam in Jaffna District believed to be those of service personnel travelling in the helicopter that went missing earlier.

JANUARY 28

CLASH IN EAST: A confrontation at Janakapura in Trincomalee District claimed the lives of three soldiers. Another was injured in the incident.

JANUARY 29

CIVILIAN KILLED: K. Samithamby (36 yrs) from Mandur in Batticaloa District was shot dead by unidentified persons.

FORCES SUFFER IN EAST: Thirteen soldiers were killed at Pulmoddai in Trincomalee District when a troop patrol came under LTTE attack. Three Special Task Force policemen were killed in a skirmish at Panama in Amparai District. Security reports indicated that bodies of three LTTE cadres were recovered in the area.

GRENADE ATTACK: G. Dilipkumar of PLOTE was killed at Kalmunai in Batticaloa District in a grenade attack.

JANUARY 30

CIVILIAN DEATH: One civilian was killed in an explosion at Kalmunai in Batticaloa District and security sources claimed that the death was from LTTE fire.

JANUARY 31

SECURITY BREACH: A truck bomb rammed into the Central Bank by suicide attackers caused widespread destruction in Colombo. Over 80 people were killed and over 1,400 injured in the explosion. The LTTE has denied responsibility for the attack.

Concern for the people in the Jaffna islands

Text of an address in Parliament on 22 November 1995 during the committee stage of the 1996 budget by EPDP MP U. Baskaran.

"The health situation on Jaffna islands under government control is worse than that prevailing in areas not under the government. Retired Registered Medical Practitioners (RMPs) have been manning three District Hospitals and three Peripheral Units on the islands for the last five years. Currently only the Out-Patients Department is functioning at the Karainagar Peripheral Hospital. The Peripheral Hospital at Analaithivu is in the charge of a midwife. The beds are damaged. Mattresses and bedspread are in shreds at this hospital. Patients are expected to bring their own drinking water from outside.

"The male ward in the Nainathivu Island hospital is on the verge of collapse. The efforts of the RMP in charge

to remedy the situation has fallen on deaf ears. The refrigerator has been defective for the last several years. Although there is a Dental Clinic at Deft Island there has been no dentist for the last five years. There is a shortage of medicines in the Jaffna islands and staff shortage is common among the medical sections. Therefore I call upon the Hon. Minister of Health to provide medical facilities without pointing out security reasons, as the residents there are also citizens of this country.

"I wish to be informed of the medical services provided by the government in the so-called cleared areas of the Jaffna Islands. The confidence in the government among the Tamil-speaking people is eroded by the fact that the areas under government control are lagging far behind.

"In the background of a war situation two medical officers are serving at Delft District Hospital since 1986 and another is at Kayts Hospital for the last one and a half years. But their basic needs have not been provided by the government. They need to be provided transport to Colombo as the Jaffna Islands have no links with the mainland. This would encourage them to continue to serve ensuring at least some medical services are available to the local residents.

"Residents in the Jaffna island are Without any earning due to the prevailing situation and they have to journey all the way to Trincomalee or Colombo spending large amounts of money even to get a pair of spectacles. I, therefore, request the Hon. Minister of Health to satisfy the medical needs of the Jaffna islands by appointing Eye/Dental Surgeons and making available surgical facilities at the District Hospitals in Kayts or Punguduthivu".

Military creates transport chaos in Batticaloa

Army restrictions and harassment are making life miserable for the people of Batticaloa District.

Transport in the district has been severely affected. Whereas earlier the privatised transport service had over 150 buses, currently only 30 buses are in service. The military has commandeered most of the vehicles and Batticaloa people say buses are being removed daily. There are no bus services to areas around Vaharai, west of the Batticaloa lagoon, such as Unnichchali, Vavunativu, Kokkaddichchola, Vellaveli and Mandur.

Several deaths have occurred in Vaharai area because people are unable to transport sick patients to hospitals. Delay at check points is causing further problems, particularly to those who are seriously ill. As a result of many hours

of delay at checkpoints students are unable to reach schools in time and others are always late for their work. Farmers in the paddy-planting areas in the west of the district are also having great difficulty because of military's special restrictions on transport into the area.

The Special Task Force (STF) has imposed restrictions on crossing the Batticaloa lagoon at Manmunaitthurai, Ambilanthurai and Kurumanveli. As a result farmers are unable to take harvested paddy for marketing in Batticaloa town and transport fuel to their areas.

There are no long distance bus services from Batticaloa to places such as Kandy, Nuwara Eliya and Badulla. Only

two buses run to Colombo from Batticaloa town and Kaluvanchikudi. The train services to Colombo is irregular and trains run only according to the whims of the security forces despite the Railway Department's willingness to run trains daily. Those people who wish to go to Colombo on business are often forced to cancel their trips. The train service has also affected regular fuel supply to the district according to the Petroleum Corporation. The Cooperative Wholesale Establishment (CWE) and the Building Materials Corporation (BMC) are unable to maintain regular supply of essential food and building material such as cement.

The military owes over Rs.20 million for the use of buses of the transport services. As a result the Batticaloa privatised transport board is in dire financial straits. Hundreds of buses have no spare parts and are unusable. Board officers are also facing extreme difficulties in obtaining fuel and paying employees. They say if the situation continues transport services may come to a standstill.

Criteria for a Solution

By Visuvanathan Rudrakumaran
Political Advisor, Liberation Tigers of Tamil Eelam
International Unit, USA

Paper presented at the conference on Conflict in Sri Lanka and International Response, in Bergen, Norway, February 26, 1996

"Distinguished panelists, honoured guests: Thank you for inviting me to speak here this morning. It is a pleasure to be attending this seminar organised by the Norwegian Government and the Christian Michaelsen Institute and the All Party Solidarity Group. Norway is well known for its neutrality in international relations. Mr. Christian Michaelsen was the first prime minister of Norway and founder of the Christian Michaelsen Institute played an important roll in the peaceful secession of Norway from Sweden.

"As we are all aware, the recent escalation of violence on the island of Sri Lanka has caused great dismay and alarm. The mounting loss of innocent lives, resulting from the Naval Church bombing, the Nagarkovil School bombing, "Operation Sunshine", the Colombo bank bombing and the Kumarapuram massacre among the many tragedies has demonstrated that the strategy of "peace through war" is not only untenable but immoral. As the United Nations Secretary-General pointed out in his statement issued on the first of February 1996, the bombing incident in Colombo highlights "the need to find an early negotiated political solution to the conflict in Sri Lanka". Any lasting resolution of the conflict has to be based on the real situation in the island of Sri Lanka. The response of the Tamil people after the politics of exclusion by all Sinhala Governments since Independence is a realisation that their lives and their interests can only be protected by collectively asserting their aspirations in the form of nationhood. In the last democratic elections held in 1977, the Tamils voted for an independent state for Tamils. Since then they have not only asserted their right to nationhood, but have paid for it, and still paying for it in blood, toil, sweat and tears.

"Conflict resolution should be based

on such values as human dignity, respect for humanity and equality, among others. Unfortunately, in Sri Lanka one of the parties to the conflict, the Sinhala establishment as represented by the Sri Lankan government, persistently denies these values when dealing with the other party to the conflict; the Tamil nation represented by the Liberation Tigers of Tamil Eelam (or LTTE).

"The characterisation of the Tamil Nation's striving to be responsible for its own affairs and to take its destiny in its own hands as a "Terrorist Problem" is an implicit yet nonetheless glaring denial of the dignity of the Tamil nation. There must be recognition that the discrimination, deprivation, exclusion from political representation and the power processes as well as the physical insecurity inflicted upon it have forced the Tamil nation to seek a political space of its own.

"The brutalisation and alienation of the Tamil nation by the oppressive Sinhala government is much older than the LTTE. Decitizenisation of substantial numbers Tamil occupying the hill country, long before the birth of any Tamil resistance and long before any of the members of the LTTE was born is a clear indication that the Sinhala racism is the fundamental problem in Sri Lanka, not the Tamil resistance. As one federal judge in the United States observed, 'the LTTE arose as a result of the Sri Lankan Government's attempt to reduce Tamils to second class citizens or even non-entities'. And as Sri Lanka's Foreign Minister Mr. Lakshman Kadirgamar aptly put in his speech at the Asia Society in New York in April 1995: "LTTE is fighting for a cause in which they believe, and there are historical precedents for it, and there is a historical genesis for why they are doing what they do". The cause of the conflict lies not in "terrorism", but in the brutalisation and alienation of the

Tamil nation by the Sinhala establishment.

"President Chandrika Kumaratunge's recent polemical stipulation of LTTE's laying down of arms as a precondition for future negotiations, is a manifestation of the government's insistence on denying equality to the Tamil nation. The Tamils constitute "people" under international law and are thereby entitled to exercise the right of self determination and as a corollary the right to engage in an armed campaign. This is in accordance with the General Assembly Declaration of Friendly Relation Among States (G.A.Res: 625) which is considered as customary international law.

"For a successful negotiated outcome both parties should proceed on a principal of fairness and free will. A nation cannot negotiate when it is under occupation. One cannot negotiate under duress. Even the most basic contractual law prohibits it, let alone it being, at the level of nations, a violation of the right of self-determination. A negotiated settlement that is gained through coercion only serves to perpetuate and institutionlise the conflict in such a way that "peace through war" will become part of the way of life.

"A wholly different constructive element is necessary for a truly successful negotiated settlement. The international community has requisite ability to facilitate the peace process and should play a vital role in it. Moral support of international community for the victim of aggression will prevail upon the aggressor to seek resolution that takes into account the needs and interests of both parties. Unfortunately, in Sri Lanka we are witnessing a phenomenon in which the victim is brutalised, then blamed. This is due to the powerlessness of the Tamil people vis a vis their access to the media.

"Due to the censorship instituted by the Sri Lankan government, truth itself has become a victim. Therefore, international opinion regarding the conflict in Sri Lanka is fundamentally biased, and the international community has so far been disinclined to show sympathy for the Tamil victimisation. For example when the peace process on the island collapsed, the blame was put on LTTE. Now as one diplomat observed, when ne-

gotiations collapse the blame usually rests on the withdrawing party, especially where it is a non-state entity. If the withdrawing party is unable to explain its actions because of its powerlessness and lack of access to the media, however, it has no choice but to bear the brunt of the criticism.

"The fact that the Sri Lankan government was escalating its military might even as the talks were in progress, the fact of LTTE's insistence that the urgent day to day problems of severe food, medicine and fuel shortages be given priority; the fact that LTTE's proposals to address four situations of paramount importance out of which three were related to civilian life; the fact that LTTE withdrew from the negotiations in conformity with its three weeks notice, whereas the agreement required only 72 hour notice are all relevant to forming a correct opinion about LTTE's behavior, but none of them were brought to the international community's attention as a result of the Tamils' lack of media access. On the other hand, the lifting of the food embargo, a belated fulfilment of the state's moral and legal obligation to its citizens are viewed as a major concession on President Chandrika's part. This is largely due to the manner in which this event was represented in the media. When LTTE explicitly announced its willingness to consider a political arrangement short of an independent state, their act of goodwill was not appreciated by the international community, because it had not been adequately covered in the media.

The same asymmetry in the two parties access to the media results in an effective and swift response by the international community when certain actions are attributed to the LTTE without proof, whereas sheer silence or indifference occur in response to massacres committed by the Sri Lankan government, such as Naval church bombing, school bombing and recently the Kumarapuram massacre. The illusion shared by many today, that President Chandrika's devolution package is a panacea for the national conflict in Sri Lanka, is also the product of a well-orchestrated media campaign by the Sri Lankan government. It is very sad that many "bought" the spurious package without the benefit of a detailed analysis of its contents. It is therefore necessary to examine whether the devo-

lution package indeed provides for meaningful power sharing between Tamils and Sinhalese on the island of Sri Lanka, and whether it is adequate to guarantee the physical security of Tamil population.

It is said in the media and even in some academic circles the proposal even though by name is called a devolution package, in reality it embodies a federal formula.

The core of federalism is division of power. In other words non-centralisation is the key principle of federalism. Non-centralisation is not synonymous with either decentralisation or devolution. Decentralisation or devolution presupposes a higher authority which chooses to divolve its power. As Daniel Elzar, an expert on Federalism observes the government that can decentralise or devolve can also re-centralise it if so desires. Hence in decentralised systems the diffusion of power is actually a matter of chance, not right, and as history reveals in the long run, it is usually treated as such. Devolution implies hierarchy, a pyramid of government where power flows downward from the top, whereas non-centralisation requires that there can be no single centre, but rather a dispersal of power among a number of centres that must co-ordinate their activities and policies with one another in order to make the entire polity work." In any hierarchy, the top is expected to have more authority and power than the middle or the bottom, which contradicts the basic principles of federalism".

Moreover, the implications to the effect that there exists a legitimate higher authority in Colombo is false both historically and legally. Consequently, the very notion that power somehow "devolves" from Colombo to the Northeastern Region fails to withstand rational scrutiny.

Another important feature of federalism is over-representation of the constituent unit in the centre so as to enable the unit to participate effectively in policy-making and governance. The Kumaratunge's proposals are completely devoid of any such power-sharing arrangement. As the title and the substance of the "Devolution Proposals" reveal beyond any doubt what is proposed is not anything that resembles fed-

eralism even remotely. The other question is whether Kumaratunge's proposals allow Tamils to have the last word in the determination of their own destiny. The question before us is whether under the proposed polity on the island of Sri Lanka, Tamils indeed have sufficient say in matters affecting their national existence. It should be observed at the outset that the Sri Lankan government's attempts to undermine the LTTE and to impose the devolution package upon the Tamils are a clear violation of the Tamils' right to self-determination. The devolution package has not been presented to the LTTE and the Government has publicly stated that it will not talk to the LTTE. The first step for negotiated settlement is that the Government should recognize the LTTE as the sole legitimate representative of the Tamils and start to learn to deal with them. Even if the devolution package is implemented with the participation of the LTTE there is nothing to prevent the proposal's provisions from being undone unilaterally by the sheer Sinhala majority.

The Sinhalese in Sri Lanka constitute not only a numerical but also permanent political majority. While it is true that under a proportional representation no single political party will enjoy a two-thirds majority in Parliament, the combined Sinhala political parties will nevertheless always enjoy at least a two-thirds majority. Furthermore, by constituting 74% of the entire population, the Sinhalese are able unilaterally to modify, abrogate the whole body of the present proposals. It should be remembered that the Sinhala Only Act, the 1972 Constitution and the 1978 Constitution were adopted over the objections of the Tamil nation.

Sri Lanka's majority rule does not uphold democratic ideals, it constitutes a veritable tyranny of the majority. According to the Nobel Prize winning economist, Sir Arther Lewis, majority rule may be interpreted as undemocratic because it is compatible with the principles of exclusion. He emphasised that the primary meaning of democracy is that all who are affected by a decision should have the chance to participate in making that decision either directly or through chosen representatives.

Political scientists and constitutional

lawyers have translated these concerns and ideals into an institutional concept known as Consociational Democracy defined by concurrent majorities and power sharing at the centre.

In Belgium, under the 1970 constitution, the cabinet must consist of equal members of Dutch speaking and French speaking ministers. In the Netherlands Antilles, in order to moderate the separatist tendency of Aruba, an over-representation of Aruba in the Federal Chamber was introduced coupled with a two-third majority for constitutional change.

The significance of consociational arrangement is recognised in the US-brokered agreement for Bosnia-Herzegovina. According to the Agreed Basic Principles, two thirds of the members of the proposed parliament and the proposed presidency will be elected from the territory of the Bosnian Croatian Federation and one third from the territory of the Republic Srpska. All parliamentary actions will be by majority vote provided that the majority included at least one third of the votes from each entity. Similarly it is also proposed that "all Presidency decisions will be taken by the majority vote, provided however, that if one third or more of the members disagree with the decision to be destructive of a vital interest of the entity or the entities from which the dissenting members were elected, the matter will be referred immediately to the appropriate entity's/entities' parliament. If any such parliament confirms the dissenting position by a two-thirds vote, then the challenged decision will not take effect.

In Mrs. Kumaratunge's proposals, the concepts of concurrent majority rule and power-sharing at the centre are conspicuous by their very absence. Kumaratunge's proposals also rupture the territorial integrity of the Tamil homeland. The proposals clearly state that the currently merged North Eastern province will be demarcated.

Mrs. Kumaratunge proposal's life span will be solely dependent upon Sinhalese benevolence. The lessons of history and the most basic prudence do not allow the Tamils to put themselves in such vulnerable position, especially after the sacrifice of so many lives. History will not forgive us if we do. Thus, if

the "Devolution Proposals" truly become a step towards terminating the conflict, they must go beyond the present provisions in terms not only for more powers to the North-Eastern region, but also for a concurrent majority rule and parity at the centre.

The "Devolution Proposals" are silent about specific changes that the boundaries of the devolved unit will undergo. In contrast with Belgium, where the established boundaries may only be changed by a special two-thirds majority vote in parliament combined with a majority of votes within each linguistic group, the boundaries in Sri Lanka that will be established for the Northern and Eastern region will be liable to unilateral alterations by the Sinhala-dominated centre.

Thus it is not only that the proposed Northern region should be comprised of the existing Northern and Eastern provinces, but also provisions must be made that the region's boundaries may not be changed without the consent of the respective Council.

It is important to bear in mind that the conflict in the island of Sri Lanka was not caused by the way that the power was distributed between the centre and the region. Indeed, as Prof. K.M. de Silva of the University of Peradeniya observed recently, there was no enthusiasm for devolution in the Sinhalese areas of the Country. The current Sri Lankan representative to the United Nations Hon.H.L. de Silva observed that the "federal system is much too expensive a luxury for a small state. A unitary system makes for the avoidance of unnecessary expenditure and consequent waste, prevents the duplication of establishment cost that is necessarily involved when creating regional governments with recruitment machinery--- a two tiered government structure may be too great a burden for such a state." This view was corroborated by the economist and banker, NU Jayawardena.

The crux of the matter is that the island of Sri Lanka is inhabited by at least two distinct nations the Sinhalese and the Tamils. The Muslims have a separate identity though they have not made a claim for nationhood. The current conflict has resulted from the exclusion of the Tamil nation by the

Sinhalese from the political and the power process. Unfortunately, the Colombo political establishment lacks the courage or candour to admit this. The denial and deception on the part of the Colombo political establishment are not merely self defeating but they hinder all prospects for negotiated settlement that will address the cause of the conflict. Recognition of this simple truth, namely that the island of Sri Lanka is inhabited by two nations who have the right to nationhood will help the parties to address the core issue fairly and squarely.

Recently in addressing the conflict in Bosnia Herzegovina, the US administration rejected the so-called Vance-Owen plan, which would have divided Bosnia into several territories with a view to devolving power to them from the centre; instead it proposed a peace settlement which took into consideration that the Bosnian conflict is not about the distribution of power between the centre and the periphery, but rather a struggle for political power and territory. It was proposed that "Bosnia and Herzegovina will consist of two entities, the Federation of Bosnia and Herzegovina and the Republic of Srpska".

It is refreshing that there is a growing awareness of the true cause of the conflict on the part of the Colombo establishment. The *Island* newspaper carried an editorial which suggested that the Sri Lankan government should confine the regional councils to the North and East only. Even if the Colombo political establishment lacks the integrity to treat the conflict as one of the national nature, and insists on dealing with it by way of a "Regional" formula, it must acknowledge that the North Eastern council is not just another council, but an entity whose function is to protect and promote the aspirations of the Tamil nation. This involves an asymmetrical relationship of the kind that is prevalent in many parts of the world. For example an asymmetrical relationship between Quebec and the rest of Canada was instituted by the British North American Act, and envisaged in the Meechlake Accord and the Chariestown Accord. Such asymmetrical relationships are also observed in Malaysia and to some degree in Germany and Switzerland.

Asymmetry normally applies to three aspects of a federation namely to the Constituent unit, to jurisdiction and to representation at the centre, even though the form of asymmetry with respect to the constituent unit is indeed envisaged by Mrs. Kumaratunge's Devolution Package, it provides for no jurisdictional or representational asymmetry.

The issue of asymmetry is of utmost importance and entails significant practical consequences concerning the nature of the settlement the "devolution Proposals" seek to effect. The proposals provide for the establishment of the conference of chief minister which is to be vested with considerable authority.

Lacking an symmetrical provision, the North Eastern Council will be confined to the status of yet another ordinary body alongside the eight Sinhala Councils. In other words the Tamil-dominated North East Council will be reduced to a permanent minority among those entities, which will effectively bar the North Eastern Council from effective participation in the power process. Therefore, asymmetry should be regarded as an indispensable first step toward any meaningful settlement. The proposed Northern Council must be much more than an ordinary regional council, it must genuinely express, enact and represent the aspirations of the Tamil Nation. Anything less than that is heresy and stands no chance.

Besides lacking power sharing at the centre, any power sharing between the centre and the regions is also lopsided. Since time does not permit me to engage in detailed analysis I would only like to say a few words with respect to the latter.

When the political proposal was converted into legal formulation, changes were created, so that the already defective proposal was made even more untenable. These changes include the role of Buddhist clergy in the political affairs of the country which rings a death knell for secularism and caters to the growing Buddhist fundamentalism on the island of Sri Lanka; the dissolution of the regional council under the guise of imminent and direct threat to the unity of country. There is a saying in my language that "kaluthai theinthu

katterumbu anathu". If I put it in English the devolution proposals which initially was a donkey, on translation to legal formula, has become an ant. Meaning what was weak to begin with has become meaningless.

The changes that have been made to the package follows the pattern of deals made with Tamils historically, where every agreement was either abrogated or changed. This points to a fundamental problem in the Sri Lankan polity. The fundamental problem facing Mrs. Kumaratunge is that the Sinhala establishment does not want to grant any power to Tamils. Since it cannot be presented to the international community, the government goes through various public relations exercises which in effect makes the government's position dishonest.

As the current situation demonstrates, a negotiated settlement may become feasible only with active participation of the international community. The rationale is that the distrust between two parties is too deep, as such the effective communication is impossible in the absence of international facilitators. LTTE has consistently said that it welcomes international facilitation. Unfortunately, the Sri Lankan Foreign Minister said they were matured enough to resolve the conflict, even after the loss of 50,000 people and despite the fact that the conflict has gone on for 12 years. This is childish and unfortunate attitude for the government to assume. This kind of attitude and arrogance will only serve to perpetuate the conflict.

It is high time that the international community should become aware of its vital and moral responsibility in this regard. The Tamils' behaviour in the conflict grows out of the real conditions. It should be remembered they have been living in a continual state of war for over ten years now. It should also be recognised that the Tamils are deprived by the Sri Lankan government of the most essential, elementary rights and dignities. It should be borne in mind that unlike the Sri Lankan government, the LTTE which currently administers a de facto state does not have the luxury of an apparatus to rely on.

A recognition of the above realities

along with the moral incentives that the international community has at its disposal will enable it to exercise influence over the parties and the final outcome of the conflict. Supplying the Sri Lankan government with more aid than it had asked for and remaining passive observers of the Sri Lankan government's calculated genocidal attacks, while at the same time maintaining a critical and hostile attitude towards the victim, are not policies that add to the dignity of the international community nor contribute toward a peaceful resolution. The victim's faith in the international community's sense of goodness and justice should not be betrayed.

The argument that state-to-state relations take precedence over relations with non-state entities does not really hold water. International law and international relations have long recognised that non-state entities are legitimate actors in international life. The recognition of human rights is one example where priority is assigned to non-state entities, over states. With this in mind, the international community should reconsider its attitude towards LTTE's legitimate campaign and find a new course of action with respect to the conflict in the island of Sri Lanka. As I have attempted to demonstrate the imperatives pointing in this direction are above all of a moral nature. On the legal side of the issue, it is essential to recognise that self determination is a legitimate and internationally recognised right, LTTE in charge of a de facto state, has every right to be treated as a government. Negotiations toward the conflict's resolution should thus be conducted on what amounts to an inter-governmental basis. The international community's efforts in trying to bring about peace in the island of Sri Lanka will be best applied if it tries to create incentives for both parties to reopen negotiations with the above realisation in mind.

SURVIVAL: The sole aim of displaced Tamils

Around 320,000 Tamils have fled to Kilinochchi District in the wake of military operation *Sunray* in Jaffna, says Kanapathipillai who serves as a researcher of the Kilinochchi Economic Development Research Circle.

Kilinochchi District has no town planning and is an agricultural area. The two-mile roadway from Paranthan to Kilinochchi bus stand is the only area that has any semblance to a town in the whole district. A few metres on either side of this roadway one would stumble on to a village community. Large buildings or water supply facilities do not exist and any building of note has been damaged in earlier military attacks. The Iranamadu tank

“Their anguish and struggle to survive cannot fail to move those with any humanitarian feelings”.

waters irrigate the fields through a network of canals in the district. This tank together with minor tanks like Akkarayan kulam, Kanakambikai-kulam, Kilinochchikulam and Murippu kulam serve some needs of the displaced. But several deaths have been caused, as displaced people are unaware of the location of such water resources.

POPULATION DENSITY: Displaced Tamils are concentrated at Thirunagar, Jayanthinagar, Paravip panjan, Kanakapuram, Kanesapuram, Uthaya nagar, Thuruvaiyaru, Irathina puram, Parathipuram and Iranamadu junction. The Kandy road has become very congested. The influx into Uruthirapuram, Murippu, Akkarayan, Skanthapuram Vattakkachchi, Ramanathapuram, Mallavi, Mankulam, and Vavanikulam is also significant. Residents of northern Kilinochchi, coastal Elephant Pass, Kumarapuram, Paranthan, Oriyan, Murasumottai, Poonakari and Kandavalai areas themselves face imminent displacement and these areas, therefore, attract very few among the Tamils displaced from Jaffna. It must be pointed out that some displaced Tamils have been the victims of daily shellfired from the Elephant Pass army camp.

FOOD: Food prices remain high with

scarcity of vegetables. A kilogram of vegetables costs over Rs.80/- although fish prices remain at Rs.70/-. Flour is in short supply and bread queues are common. Infant food is scarce leading to emaciation and malnutrition. Food shortage and malnutrition have also weakened the old and infirm. The whole population in Kilinochchi is experiencing shortage of food.

HEALTH: The district hospital together with rural hospitals is overflowing with patients. Schools are crammed with the displaced people and lack of toilets has polluted the surroundings leading to children being afflicted with disease.

Lack of doctors is a major problem

and hospitals face a severe shortage of drugs. Health officials revealed that Rural Hospitals at Vattakkachchi and Tharumapuram have to treat 200 patients within two hours.

Malarial fever and typhoid have struck many. Without laboratory facilities medication is on assumption leading in many cases to epilepsy and psychological imbalances. Drugs for rabies, tetanus, asthma and ulcers have become acutely short in supply. Even a painkiller tablet like paracetamol costs Rs.3/- and glucose is not available, according to health officials.

Ayurvedic doctors and hospitals have tried to fill the enormous void but patients flock in large numbers and lack of medical facilities has led to several deaths among the displaced.

Contaminated water from unprotected wells and canals cause continuing diarrhoea and fever. The trauma of escape from Jaffna, fatigue from trekking on foot and lack of medical care have taken the lives of some elders.

TRANSPORT: The major form of transport in the district is the bicycle and even patients who are seriously ill have no other transport. Most of the

roads are dirt tracks and new arrivals often lose their footing in the night and injure themselves. The main roads are packed with pedestrians and huts abound on either side. Auto-rickshaws and motor cycles brought in to the district have only a limited use due to the unsuitable roads.

PRICE HIKES: Prices of whatever items available keep rising phenomenally. A cadjan leaf costs Rs.35/- and a palmyrah leaf Rs.10/- and they are essential for construction of huts. Half an acre of land is home to over 80 persons in seven or eight huts. The prices of essentials like sugar, milk foods and soap are prohibitively high.

SERVICES: ICRC, UNHCR, CARE, OXFAM and the Churches are serving the urgent needs of the displaced Tamils. The services of the Government Agent and his staff are greatly appreciated by the refugees. It is reported that they serve beyond their remit and bring relief to the needy.

EDUCATION: All schools have been made refugee camps overnight. Although it was announced that the new school year would commence in January there is no likelihood of this happening as alternative accommodation for refugees is not available.

Students who have been deprived of a chance to sit examinations at the year end are in despair. Teachers attend school but are engaged in the care of refugees.

NEEDS: Currency is a necessity for the people and the new arrivals. However, banks have run short on currency following government ban on cashflow.

Reports say bed sheets, tents and cooking utensils for the care of the children are urgently needed in the district and these could be channelled through the Government Agent. NGOs and donors have been requested to come forward to meet this need.

DESPAIR: All the refugees are in great despair and without hope. They are not concerned about tomorrow but are worried about today. The sorrow of having left behind all their belongings is explicit in their faces. The problem that is uppermost is the daily existence.

Their humanitarian needs should be the focus of attention of world bodies.

FEBRUARY DIARY

FEBRUARY 1

FISHERMEN ARRESTED: Sri Lankan navy arrested two youths while fishing near Vidaltivu in Mannar District and detained them in the Mannar military camp.

DEFENCE FUNDS BOOSTED: Over 30 public and private companies have announced that they would contribute their share of the Rs. 700,000 for the war effort of the government.

FEBRUARY 2

ARRESTS IN THE NIGHT: Over 500 Tamils were rounded-up including young women by police from Wellawatte, Bambalapitiya, Kollupitya, Kirillepone, Narahenpita, Borëlla and Cinnamon Gardens in Colombo.

FEBRUARY 3

TAMIL ARRESTED: K. Thurairajasingham, MP Batticaloa District urged the police to release the Tamils rounded up from the Mannampitty and Soruvil villages.

FEBRUARY 4

TRAVELLERS RELEASED: Over 400 Tamils detained by the police at Vavuniya Gamini Vidyalaya following the Central Bank bomb attack were allowed to proceed to the North via Thandikulam. Over 3,000 people stranded in Vavuniya were also allowed to proceed to the North. Army restricted people leaving to the South.

FEBRUARY 5

VILLAGERS ASKED TO SUPPORT THE ARMY: Kinniyadi military camp lender invited the villagers around the camp to attend a meeting and asked them to support the army & not the LTTE.

FEBRUARY 6

RESURRECTION OF JAFFNA HOSPITAL: Emergency Relief Coordinator SMT Senaratne announced that reconstruction work of the damaged Jaffna Hospital is in progress and help from doctors arriving in Jaffna on an exchange programme has enabled two wards to function. He also announced that special identity cards have been distributed to those who remain in the army-controlled areas in the peninsula.

FEBRUARY 7

LTTE AMBUSH: Eleven soldiers were killed and five seriously injured when LTTE ambushed an army patrol at 10.30 am at Navalady Junction in Batticaloa District. The army indiscriminately shelled the surrounding areas.

ASSISTANCE FROM CARE INTERNATIONAL: Care International provided clothes, cooking utensils and bed sheets for over 150 families displaced from Valikamam and settled in welfare centres and private homes in Visvamadu in Kilinochchi District.

FEBRUARY 8

TAMIL RIGHT TO SELF-DETERMINATION: Professor Wickremabahu Karunaratne, on behalf of the NSSP called all the progressive forces to unite and support the Tamil people's struggle for their right to self determination. He accused the government for continuing the war and said that the Colombo bomb attack only reflects the sufferings of the Tamil people.

FEBRUARY 9

CLERICAL EMPLOYEES SELECTION: A. Rasamanickam, EPDP MP has urged Richard Pathirana, Minister for Higher Education not to interfere in the clerical employees selection to fill vacancies arising after closure of schools in the North-Eastern Province.

PASS ISSUED: The army issued passes for 174 people who arrived in Vavuniya to go to Colombo. Over 500 people are awaiting for clearance from the army to visit Colombo.

FEBRUARY 10

TAMILS TAKEN FOR QUESTIONING: The LTTE is reported to have taken 15 people from Periya Kallaru in Batticaloa District by boat through Neelavanai in the night for questioning. Their whereabouts are not known.

TRAIN ATTACKED: The Colombo bound train from Batticaloa was attacked near Vantharumoolai by the LTTE. The attack has disrupted fuel supply to Batticaloa. Five people were injured.

LTTE CONCERNED ABOUT AMBASSADOR'S COMMENTS: LTTE

wrote to Mrs. Francis Henrick, Ambassador of the European Union in New Delhi expressing concern and distress over her comment about LTTE at a press conference in Colombo.

FEBRUARY 11

TAMIL MASSACRED: Security Forces massacred 24 civilians in Kumarapuram village in Trincomalee District. President Chandrika Kumaratunga instructed General Gerry de Silva and IGP W B Rajaguru to conduct inquiries.

MPCS OPENS NEW BRANCHES: Akkarayan Multipurpose Co-operative Society (MPCS) opened a branch at Skanthapuram in Vanni District to distribute relief to the displaced people.

FEBRUARY 12

RUSSIAN HELICOPTERS IN BATTICALOA: Villagers reported frequent appearance of MI 17 Russian helicopters over their houses. Panic-stricken villagers began to move to the surrounding areas fearing military attacks.

FEBRUARY 13

TRACTORS BANNED: Special Task Force (STF) imposed a ban on tractors, and diesel fuel in Manmunai, Ambalanthurai and Kurumanvely areas in the Batticaloa District. This new ban has badly affected farmers who are ready for harvest.

FEBRUARY 14

LTTE SHIP ATTACKED: Defence Ministry spokesman announced that they had attacked and destroyed a ship transporting military hardware to the LTTE near Alampil in Mullaitivu.

FEBRUARY 15

FAST UNTO DEATH: Muthusamy Benedict a youth from the plantation area who had been detained for over two years refused to break his fast at Magazine prison. He accused the HRTF and ICRC for not taking steps to obtain his release.

FEBRUARY 16

TAMILS TO PRESSURE UNP: At a meeting with GL Peiris EPDP repre-

FEBRUARY DIARY

sentative were told that Tamil parties should exert pressure on UNP to accept the government devolution proposals.

FEBRUARY 17

NO TO RETURN DISPLACED PEOPLE: D.Sitharthan, Leader of PLOTE and MP for Vanni District has urged the government to stop forcibly returning displaced people to army controlled areas in the peninsula.

FEBRUARY 18

ARREST IN COLOMBO: Meiyappan Nagarajah, 33, returning from Saudi Arabia after five years of working was arrested on his way to his home at Nickaloya Estate in Matale for having a military style uniform in his luggage apparently presented by his employer who is a Saudi military officer. He was detained in a police station in Colombo awaiting investigation.

FEBRUARY 19

BOATS HIJACKED BY LTTE: Six boats transporting kerosene and aerated water from Puttlam were waylaid by LTTE who took away 50 barrels of kerosene and large quantitative of aerated water. Fifteen boats were reported to have been involved in transporting kerosene and essential supplies.

ARRESTS IN PLANTATIONS: Two Tamil youths working in a tea shop at Gampola were arrested and taken by the security forces to Kandy. Similar arrests were also reported in other plantation areas during the last two weeks.

FEBRUARY 20

PLANTATION YOUTHS IN CUSTODY: Sithamparam Ananthan (age 19), Sivapakiyam Subramaniam (age 21) and Velu Sivanan (age 20) were arrested by police and detained, although in possession of identity cards.

DESTRUCTION OF JUNGLES: Security forces ordered Tamils to help them destroy the jungle stretch from Valaichenai to Kalkudah in Batticaloa District to prevent LTTE attacks.

FISHERMEN MISSING: Six Tamil fishermen who went fishing at dawn

from Pesalai in Mannar District were reported to have gone missing.

FEBRUARY 21

NO TRANSPORT TO TAMIL PATIENTS: The army refused to transport seriously ill Tamil patients from Jaffna to Colombo for urgent treatment.

ATTACK ON MILITARY: LTTE carried out a pre-down attack on Kinnayadi army camp in Batticaloa District. Fourteen LTTE cadre including Major Santhan were killed. Following the attack soldiers went on rampage burning down 125 houses looted and destroyed over 90 homes.

FEBRUARY 22

FAMILY ARRESTED: A husband and wife from Trincomalee who went for shopping leaving behind their child with relatives were arrested by the security forces in Colombo for not having a police registration certificate. Worried relatives handed over the child to the mother in custody. All three were detained at Mahara detention centre awaiting reports from the NIB.

FEBRUARY 23

MILITARY OPERATIONS IN THE EAST: Joint operations by army and police were carried out in several villages in Trincomalee and Batticaloa Districts. People were forced out of their homes. Homes were ransacked. Soldiers also dug floors to check hidden weapons and destroyed ceilings and roofs. There were reports of assault by soldiers on the people.

FEBRUARY 24

LTTE ACCUSED OF ABDUCTION OF MUSLIMS: The Defence Ministry has accused the LTTE for abducting six fishermen from Mankerni in Valaichenai. According to a Defence spokesman one fisherman had escaped and given the information.

FEBRUARY 25

ARMY AMBUSH: The army killed four LTTE cadre at Thriyai in Trincomalee District.

LTTE STEPS UP ATTACKS: LTTE si-

multaneously attacked Kinnayadi army camp in Batticaloa District and Keppittipola army camp in Anuradapura. LTTE communique claimed that the soldiers from Keppittipola camp were responsible for atrocities against Tamils in the Manikaveva Tamil village in the district. Two soldiers, two policemen and five home guards were killed in the Keppittipola camp attack.

FEBRUARY 26

TRAVELLERS TO THE NORTH DETAINED: Vavuniya Police have announced that travellers from Colombo and South wanting to travel to the North will be detained for investigation for 48 hours at Vavuniya. The practice of detaining travellers from the North to Colombo and South for long hours is already in force at Vepenkulam transit camp.

FEBRUARY 27

LTTE RETALIATION: LTTE attacked and killed several soldiers from Arikundan military camp Manalaru in Mullaitivu District who were allegedly involved in attacking Tamil farmers and assisting in the settlement of Sinhalese in the lands belonging to Tamils.

FEBRUARY 28

TULF CONCERN OVER DETAINEES: M.Sivasithamparam, President of the TULF wrote to G L Peiris accusing the government of using Emergency Regulations and the PTA to imprison 123 Tamil detainees who have been detained between two to four years without any reason. He further accused the government for not allowing them even on bail after 90 days. Detainees are eligible for bail after 90 days.

FEBRUARY 29

ARBITRARY ARRESTS: Human rights workers in the south reported that over 500 Tamils were arrested during the last three days by security forces in capital Colombo. Those who produced ID cards and police registration certificates were also rounded up and taken to police stations. Kannathasan, father of three, who visited Sri Lanka for a domestic caremony from the Middle East was alone arrested and detained at Dhematagoda police station.

The Jaffna Citizens Committee has called on British Prime Minister John Major and donor countries to urge the Sri Lankan government to end the military campaign and pursue political settlement through negotiations with the LTTE

In a letter to Mr. John Major, British Prime Minister on 28 December 1995, K Kunaratnam, President and R Mahendran, Secretary of the Jaffna Citizens Committee have raised concerns about the developments in the North-East following the government's brutal military offensive and called the donor countries to review their pledge of aid to rehabilitate the war-ravaged Jaffna area.

The letter says:-

"We learn from the Sri Lankan state media that the Sri Lankan government is proposing to obtain assistance from the aid consortium to Sri Lanka from the funds earmarked earlier by the consortium for rehabilitation and reconstruction of the Northern region when peace returns to the region. The ostensible purpose for seeking this assistance at this stage, when peace is as elusive as ever before is for undertaking reconstruction in the stretch of territory in the Valigamam region and the Jaffna town areas which are presently under army occupation and to rehabilitate the people there. The news of the request for this aid has been received with great apprehension and foreboding by the Tamil people for the following reasons.

1. Almost the entire civilian population of about five hundred thousand in the region proposed for reconstruction barring a few hundred, fled from their homes to comparatively safer areas in Vadamaratchi and Thennaratchi and the Vanni districts during the military operation code-named 'Riverasa' when the army advanced into civilian areas firing artillery and mortar shells indiscriminately and causing death and destruction on a large scale. These people are now living outside the area to be reconstructed under appalling conditions without proper food, shelter and sanitation and they need assistance on a large scale to alleviate their suffering.

2. The proposed region to be reconstructed was devastated by the military activities of the Sri Lankan security forces themselves and is virtually free

of civilians. It is occupied almost entirely by the Sri Lankan army and if television pictures are any indication resembles a military garrison. The civilians who were forced to flee from the region due to the military operation will not be inclined to return to their homes in the region until and unless the military withdraws from the occupied areas. The record of human rights violations by the Sri Lankan security forces and the experience of Tamil people living in areas under the occupation of the army particularly in the Eastern province, are too horrifying to be easily erased from the memory of the people.

3. Rehabilitation and reconstruction can be undertaken only when peace has returned to the entire north-east and that too with the co-operation and participation of the people concerned. The Sri Lankan government which came to power with a mandate for peace has by its military operation and oppressive administrative measures only laid the foundation for a long drawn-out war. It is impractical and inadvisable to embark on a reconstruction programme of an area which has the potential for being the venue of further intensified military conflicts.

4. The continued imposition of economic embargo on the suffering Tamils by the Sri Lankan government, the prevention of free flow of food, medicine, fertilisers, building materials and other non-military items to the North, the detainment of mails addressed to the people in the North for months in Colombo and tampering with them have all added to the immense suffering and misery of the people here. As if all this were not enough even the flow of currency into the region is being prevented now unofficially by the authority in a calculated attempt to stifle the economic activity of the people and to create a liquidity problem for the entire population. Even the State banks in the North are unable to honour their customers' demands to withdraw money from their own accounts in the banks. Many institutions in the North have been forced to pay their employees' salary by cheques

which the recipients are unable to cash because the banks are not allowed by the military authorities to bring the money required to service their clients. These and other oppressive measures like indiscriminate arrests of Tamils in Colombo and detaining Tamil people has led to suspicious about the bona fides of the government's intention and raised doubts as to whether the government is really concerned about the plight of the Tamils when it proposes to reconstruct an area which is under the sole occupation of the army.

5. When reconstruction work is proposed to be undertaken the donor countries should be able to assess the nature and extent of damage to property and monitor the reconstruction programme. The activities of the government and the army in the occupied areas and the actual extent of the damage to buildings and other properties are shrouded in mystery for the government and the military have so far steadfastly refused permission for independent observers of local and foreign media men to visit the area.

"In conclusion we wish to emphasise that immediate need of the people in the North is the removal of all the above oppressive measures by the Sri Lankan government and assistance on a scale to alleviate the suffering of the massive number of displaced people. Reconstruction and rehabilitation should be deferred until such time as a comprehensive peace settlement which meets the political aspirations of the Tamil people is arrived at and the displaced people are able to return to their homes and live with self respect and dignity and without fear. It is our firm belief that such a settlement can be brought about only if the Sri Lankan government abandons its present militaristic approach to the ethnic problem and reverts to its original stand of seeking a political settlement of the problem through negotiations with the LTTE.

While we thank you and other donor countries of the consortium for the present assistance to the displaced people in the North and your promise for rehabilitation and reconstruction aid later when peace returns" □

THE RIGHT TO HEALTH

Article 28 of the Universal Declaration of Human Rights states that:

“Everyone has the right to a standard of living adequate for the health and well-being of himself and his family, including food, clothing, housing and medical care and necessary social services”

The Constitution of the world Health Organisation declares that the enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being without distinction of race, religion, political belief, economic or social conditions.

While there has been substantial attention and progress in the health status of the population in different countries, there are also oppressive governments which deliberately ignore or deprive progress in the health status of sections of communities in their countries. Such underprivileged populations deserve close attention of the international community.

Tamils of Sri Lanka is one such population whose efforts to improve their health status has been purposefully disrupted and denied by the government which is continuing a brutal military campaign in the Tamil homeland.

The Tamils continue to face great political and economic onslaught in Sri Lanka, which is bound to have serious repercussions on the health and nutritional status and consequently, their productivity. The challenge, therefore, is how to reach the Tamil population and build on their own capacities so as to ensure a self-reliant health development process.

In order to assist in this matter, the Tamil Information Centre, from now on will publish information on health and health care needs of the Tamil people

with a view to creating greater awareness and facilitate involvement of the exiled Tamil community in health service provisions and urging national and international agencies to increase their input in service planning and provisions to improve the health status of the victims of the ongoing war in Sri Lanka.

RESURGENCE OF MALARIA IN THE NORTH OF SRI LANKA

Historically malaria has been incriminated in the fall of the Polonnaruwa and Anuradhapura dynasties of ancient Sri Lanka. During the late 1940's over 80,000 people died of malaria in one year. With intensive antimalarial measures, the prevalence of malaria decreased until the late 1960's and then rapidly increased. Currently it is kept under control in all areas but the North-Eastern province, through stringent antimalarial work undertaken by the Sri Lankan government.

In the Northern province war zone antimalarial activity undertaken are negligible. Malathion, the chemical used in preventive spraying is banned and cannot be transported to the North. As a result there has been no spraying for the past several years, although control of malaria requires spraying every three to four months. No mosquito or larval control measures are undertaken. Even the supply of drugs used in the treatment of malaria is restricted.

In the early 1980s malaria was a rare disease in the Jaffna peninsula although a fair number of cases were reported from the Kilinochchi, Mullaitivu, Vavuniya and Mannar districts. Since the escalation of the ethnic conflict in 1983 the cases of malaria in the Jaffna district has increased by over 10 fold. Most cases of malaria in Jaffna were concentrated in the southern part of the district. The propor-

tion of the cases of malignant malaria (which is liable to produce cerebral malaria) also increased several times. Even infants have developed severe forms of malaria. An examination of blood films of all persons in the refugee camp at Pandithar kudiyiruppu, in the southern part of the Jaffna district, who had fever within the previous one month, was carried out in 1994 by the Department of Community Medicine at the University of Jaffna. Ten percent of the 3,000 refugees had malaria parasites in their blood.

The complete cessation of antimalarial activities by the government and the non availability of sufficient drugs have contributed to the steep rise in the prevalence of malaria in North Sri Lanka.

Following Sri Lankan military operation in Jaffna in November 1995, 500,000 people have been pushed as refugees towards the south of the peninsula and into the mainland where there is a higher prevalence of malaria and more conducive environment for mosquito breeding. A relatively non-immune population in an area where there is a higher prevalence of malaria will lead to a major epidemic.

Higher incidence of malaria will lead to more deaths and debility. The population of Jaffna especially, the women and children, have been shown in the past, to be very anaemic. According to doctors when these children and women get malaria the anaemic status will deteriorate further and lead to forms of malnutrition. Their resistance to disease will be reduced leading to increase in mortality, especially, infant and maternal mortality.

Doctors further say that anaemic mothers who conceive are likely to deliver babies of low birth weight with physical and mental handicap and will

be weaker than children of satisfactory birth weight. They are more liable to be afflicted by diarrhoea. Even ORS solution which is necessary to prevent deaths in cases of diarrhoea is not being sent to the north in sufficient quantities.

Currently 20% of the babies born in Jaffna district are low in birth weight. The percentage is liable to double with the displacement of the people and the consequent poor nutrition. The epidemic of malaria will add to this problem.

Medical Personnel are concerned that anaemic mothers are more likely to die of haemorrhage around the time of delivery. During the period of escalation of the war in Jaffna, for every 10,000 deliveries 22 mothers died due to a cause related to their pregnancy. For the whole of Sri Lanka the corresponding figure is 6. With the present displacement, destruction of the health infrastructure and its consequences, including the epidemic of malaria, the number of pregnant mothers who die is liable to double or even treble.

It is time that the international community urges the Sri Lankan government to send sufficient quantities of malathion and drugs to prevent a calamity, says Dr N Sivarajah, Head of Department, Community Medicine, University of Jaffna. International agencies such as the WHO and UNICEF whose motto is prevention must intervene now if major catastrophe is to be avoided. International NGO's which have shown great concern for the plight of the refugees must act without delay and urge their respective governments to pressure the Sri Lankan authorities to undertake disease prevention measures and discharge its human right obligations by providing sufficient food and medicine to the Tamil people.

INTERNATIONAL RECOGNITION OF LEGITIMATE TAMIL RIGHTS WILL PAVE WAY FOR SOLUTION TO THE SRI LANKAN PROBLEM

- A Comment

The Sri Lankan Tamil conflict has reached a crucial stage. On the one hand the government believes that only a military victory can enable it to bring about a political solution and on the other the LTTE has announced its conditions for its dealings with the government namely, the withdraw of the armed forces from areas captured by the military and the lifting of the economic embargo that has remained imposed on the Tamil people.

It is often misconceived widely that the above position of the LTTE is that of the LTTE alone and not of the Tamil people. A close analysis of the LTTE stand would reveal that LTTE's position reflects the genuine grievances of the Tamil people which unfortunately have never been understood and addressed by successive Sinhala governments.

The Sri Lankan Tamils believe that Sri Lanka belongs to them as much as any other community and they feel that they are equally independent as any other group within an independent polity. Marginalisation of Tamils which began as far back as in the late 40's reached unimaginable proportions by the 1950s and thereafter they have been made to feel that they are losing their place irretrievably. This was a process that the Tamil parliamentarians were unable to arrest. In fact the parliamentary system legitimised the marginalisation and introduced new constitutional arrangements in which the Sri Lankan Tamils were expected to develop themselves as full citizens. An observation of the events since independence would reveal that in addition to constitutional manipulation and blatantly discriminatory legislation and administrative action, violence has been perpetrated systematically against the Tamil community, threatening their very existence as a group of people.

This constitutional lapse has not been remedied up to date. The inability of the government to understand and respond has led to the rise of youth militancy.

Youth militancy is seen by the Tamils as perhaps the inevitable results of political mismanagement and the youth correctly argued for separation if the just demands of the Tamils were not met within a united Sri Lanka. Any proposal should take this important aspect into account.

To-day, the LTTE has emerged as the main symbol and spokesman of Tamil grievance and perception. If there are indications of inflexibility, it is because previous administrative negation of political agreements reached in negotiations. The international community should see the problem in this light as otherwise it could be interpreted that all seemingly good proposals are being rejected. The implementation of political arrangements spelt out in the District Development council system and the Thirteenth Amendment to the constitution show clearly that Tamil fears are genuine. As Tamil expatriates it is our duty to highlight this factor to the international community. We do not want this to be seen in terms of "terrorism" and "military campaigns". But as the fears of a community that has never been able to realise its just demands. It should be clearly understood that every Sri Lankan Tamil is behind the political struggle for the right to self-determination.

We urge that the Sri Lankan Tamil problem, is also viewed and understood from the point of the Tamils who have been at the receiving end of political discrimination and violence for the last 50 years.

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