

## RESPONDING TO THE CRISIS IN SRI LANKA A BRIEFING BY CDJ

This briefing seeks:

- (1) to outline the most urgent problems facing the people of Sri Lanka today;
- (2) to summarise the events which have led to the present crisis;
- (3) to suggest what might be done by political leaders and others in the UK who are concerned about peace and human rights.

### No end to the violence

In Sri Lanka, civilians have been the principal victims of one of the most violent conflicts in recent history. Numerous people throughout the island, many of them children and teenagers, have been killed in crossfire, shelling or bombing or deliberately murdered. The death toll continues to mount.

The food and medical supplies which numerous people desperately need have been cut off as a result of the war. Many of those who have lost their homes and livelihoods now live in insanitary conditions in refugee camps. Weekly, newcomers join the ranks of the displaced.

Large numbers have been arbitrarily seized, held without trial and sometimes tortured. Others have 'disappeared'.

Over the past decade, hundreds of thousands have been bereaved. There is no immediate prospect of peace. It seems more probable that the violence will worsen further.

### How did the crisis arise?

The roots of the current situation go back several decades. When Independence was attained, several ethnic and regional communities were unified under one administration; majority Sinhalese from the southern lowlands and central hill-country, Tamils of northern and eastern descent, other Tamils mostly in the hill-country, Muslims and other ethnic minorities including Veddhas, the most ancient community.

Much of the island was left economically underdeveloped, and there was acute rivalry for jobs. Moreover, British administrators had not been above exploiting ethnic divisions to make the island more governable.

Hill-country Tamils whose recent ancestors had migrated from India to work on the plantations were disenfranchised under a patriality law. Soon afterwards, in 1956, English was replaced as the national language by Sinhala. Tamils, who had been given to believe that their language would receive equal status, protested. The two most powerful political parties, the UNP and the SLFP, which were both predominantly Sinhalese, reacted repressively. Anti-Tamil attacks took place and a number of people were killed, and the army was ordered into mainly Tamil areas to deal with civil disobedience. There was also conflict over education.

There were other tensions too. When an uprising by the populist Sinhalese party JVP took place in 1971, it was suppressed, in some cases with excessive use of force.

Hence serious problems existed before 1977, but worsened dramatically from then onwards.

### Removal of human rights

Before the election, the UNP had suggested that, if it came to office, it would resolve Tamil grievances against the government. After winning, however, it set about dealing harshly with dissent.

Existing laws restricted employees' right to strike, especially during a state of emergency. Under the Essential Public Services Act of 1979, the government was given the right to declare strikes in a variety of services illegal; anyone taking part in, or even supporting, a stoppage of work in an essential public service risked a fine, imprisonment, confiscation of property and removal from his or her professional register. Trade unionists were physically attacked; in 1980, after a general strike, tens of thousands were dismissed.

Tamils were especially targeted by the government. Some in the north and east had come to believe that devolution was necessary, and a few had taken up arms to win freedom. Under the Prevention of Terrorism Act of 1979, such activities as speaking or writing words intended to cause feelings of ill-will between different communities, and even erasing lettering on a board in a public place without lawful authority - or harbouring someone who had done so - were defined as terrorist acts. Penalties ranged from five years to life imprisonment and forfeiture of property; suspects could

be held for up to 18 months without charge; any confession made to a police officer of the rank of assistant superintendent or above was admissible in evidence.

On 23 May 1980 Amnesty International presented a memorandum to the government which concluded that torture had been used systematically by the police and army during the months following the 11 July 1979 emergency declaration. While similar reports of such a substantial nature did not reach the organization during 1980, an Amnesty International mission, visiting Sri Lanka from 31 January to 9 February 1982, investigated allegations that Tamil detainees held under the 1979 Prevention of Terrorism Act and held in incommunicado detention had been tortured. The Amnesty International delegation examined 10 released detainees and obtained affidavits from others still in detention which confirmed that torture had been used systematically by security forces in the north of Sri Lanka following a bank robbery in March 1981. It was used especially by the army and also by the police in various army camps and some police stations described in the Amnesty International report. Methods of torture included hanging prisoners upside down, prolonged beatings on sensitive parts of the body, insertion of needles under finger and toe nails and insertion of chilis into sensitive parts of the body.

Torture in the Eighties, Martin Robertson and Amnesty International, 1984

Hill-country Tamils were also victimised. Some were massacred, others driven from their homes and jobs. Those who had been the mainstay of Sri Lanka's economy were now treated as public enemies. In spring 1983, for instance, a refugee settlement was attacked by security forces. It was run by the Ghandiyam Society, a voluntary organisation assisted by European church agencies; the secretary was arrested, ostensibly on suspicion of helping terrorists, and died in custody. Although the citizenship of some was restored, in practice they became highly vulnerable.

That summer, the property of Tamils in much of the south - including the capital, Colombo - was systematically destroyed, and some were massacred, by UNP thugs; this took place, with non-interference or assistance by the security forces, in front of tourists and international media.

The activities of the security forces in the north - including the burning of the historic Jaffna library in 1981 - and in the east convinced increasing numbers of people that they would only be safe and free in a separate state.

The provisions of the Sri Lankan Terrorism Act are not only objectionable from a human rights point of view but it is doubtful that the Act is effective in controlling terrorism. The limitations on human rights, therefore, do not seem acceptable as a necessary means of maintaining public security. Since 1979, when the Act was adopted, terrorism has not declined but rather increased in the northern Tamil area. Increased police and army surveillance of the population have not curtailed the violence but seemingly stimulated it. This experience is similar to that of some other countries which have attempted to control terrorism by armed force rather than dealing with the fundamental factors contributing to the recourse to violence.

Professor V.A. Leary, Ethnic Conflict and Violence in Sri Lanka, International Commission of Jurists, 1983

### **An end to democracy**

The government had become increasingly despotic. Under the new constitution of 1978, the head of state and of the government was the president, initially J.R. Jayawardene. In the 1982 presidential election, his main rival, former prime minister Sirimavo Bandaranaike of the SLFP, was banned from taking part or even canvassing for any other candidate. He won, but with only a small overall majority.

Uncertain that he would win the general election due in 1983, he held a referendum on whether it should take place. During the campaign, a state of emergency was declared, pro-democracy literature was seized and those who printed it detained, SLFP headquarters were raided and documents - including lists of members - taken. As polling took place, there was widespread intimidation and ballot-rigging. In one electorate, Laggale, tens of thousands of anti-democracy votes were recorded despite the fact that, because of floods and earthslips the previous day, voters had been unable to get to polling stations to cast their votes.

The 1983 election was cancelled.

### **Undermining the rule of law**

It became increasingly difficult for the judiciary to provide any protection for the Sri Lankan people from abuses of power. In cases where the courts retained the power to intervene in defence of human rights, and did so, members of the legal profession themselves were threatened.

In 1982 the Supreme Court fined a superintendent who had harassed an organisation of Buddhist and Christian clergy and seized its literature; he was promptly promoted. The following year a former

MP who took part in an International Women's Day demonstration was assaulted by a police officer who, after being found guilty by the Supreme Court, was also promoted. Shortly after the judgement, UNP thugs arrived in Transport Board buses outside the houses of two of the judges, shouting abuse; the police refused to act.

It grew almost impossible for most Sri Lankans to find legal means to rectify their grievances. The rule of law had been largely undermined.

#### The international dimension

Unable to rely on the support of the people of Sri Lanka, the government increasingly came to depend on other states. Indeed, the reason given for some of its measures had been to attract overseas investment and aid.

The UK was one. Economic assistance was given through various aid programmes, freeing Sri Lankan government funds for military use as the war against its own people became more costly.

In 1984, former members of the SAS, employed by Channel Island company KMS (which would not generally conduct overseas operations disapproved of by the UK government), were hired to train the Special Task Force. These commandos became notorious. Some KMS soldiers refused to continue to serve in Sri Lanka, the London Daily News revealed in March 1987, because they were revolted by much that was done and felt that it was counterproductive.

In 1986 Paul Nallanayagan, president of the Citizens' Committee of Kalmunai, was acquitted by the High Court of sedition and of making rumours or false statements. He had been prosecuted for revealing Special Task Force atrocities, including the Naipattinunai massacre in 1985 when 23 young men were forced to dig their own graves.

The UK government continued to grant licenses to firms to export military equipment - including assault rifles, light machine guns and gun boats - to Sri Lanka.

Other countries which have provided military assistance include the USA, Pakistan and Israel.

#### The intensification of violence

Some of the Sinhalese civilians who had been deliberately settled by the government in predominantly Tamil areas were recruited to a vigilante force, the Home Guards. Bitterness grew, and some Tamil guerrillas took out their anger on unarmed Sinhalese people. Still more people became refugees.

In 1987 J.R. Jayawardene agreed with the Indian prime minister that limited devolution would be offered to the people of the northern and eastern provinces, security forces would be confined to their barracks as Tamil nationalist fighters surrendered their weapons, there would be an amnesty, Sri Lankan ports would not be used by foreign powers against India's interests and no overseas broadcasting facilities would be made use of for military or intelligence purposes. Indian troops replaced the Sri Lankan armed forces in predominantly Tamil areas.

Sinhalese nationalists feared that India, in which there is a sizeable Tamil-speaking community, was planning to swallow up its smaller neighbour. The new president, R. Premadasa, made it difficult for the provincial councils to function effectively, and exploited divisions among Tamil nationalist groups. When the Indian force withdrew in 1989, more civilians had been killed or injured and the fighting continued. In the south, more young people took up arms.

Our youth have not been able to participate in a free and fair general election for 12 years and have lost confidence in the democratic process. They have seen the growth of authoritarianism, and the centralization of power in a Presidency, and the consequent loss of the sovereignty of the people. They have seen and experienced the denial of trade union rights and student rights. The arbitrary banning and proscription of any movements and organisations of protest, for example the proscription of the JVP, has embittered a large section of our young people... while we understand the spiral of violence that has driven them to armed struggle we believe that the strategy of violence is too costly in terms of human life, dehumanising and totally counter productive.

The Rt Revd F.M. Fernando and other bishops, priests, nuns and laypersons of the Roman Catholic, Anglican, Methodist and Presbyterian churches, 1989

The government's response was to kill tens of thousands of people, mainly in rural areas. Following the reimposition of the state of emergency in June 1989, government security forces did little to conceal their resort to widespread murder... defenceless prisoners were deliberately killed; unarmed demonstrators and curfew violators were shot dead; people in the vicinity of atrocities attributed to the JVP were killed in acts of reprisal; individuals were targeted for assassination, including JVP suspects, members of other opposition parties, journalists, lawyers and witnesses to violations committed by members of the security forces. Some extrajudicial executions were reportedly committed by uniformed members of the security forces. Some extrajudicial executions were reportedly

carried out by uniformed members of the security forces. Others, however, were committed by armed men wearing civilian dress who the government claimed were 'vigilantes' acting outside their control, but who in some cases were recognized by witnesses as members of the security forces or, sometimes, as bodyguards of UNP politicians.

Sri Lanka; extrajudicial executions, 'disappearances' and torture, 1987 to 1990, Amnesty International, 1990

During the presidential election of 1988, people in many areas where the opposition was strong were prevented from voting, supposedly as a result of JVP activity. Nevertheless the UNP scraped through with only a small majority. The subsequent parliamentary election was similarly invalid.

As the violence continued, even lawyers who filed *habeus corpus* petitions were threatened, and some were murdered. A UNP municipal councillor who had produced a satirical play about the president 'disappeared' in January 1990. The following month the writer, Richard de Zoysa, a well-known journalist, broadcaster and actor who had reported on human rights violations for an international news agency, was abducted by a death squad; his corpse was found by fishermen. His mother identified one of the squad, a senior superintendent of police in Colombo, and a magistrate ordered his arrest. This did not happen. A year later, no action had been taken.

### Restoring peace, democracy and human rights

After the JVP was crushed, state violence has continued in the south, albeit initially on a reduced scale, and has worsened in some other parts of the country. Some donors have warned that, if the situation does not improve, international aid may not be renewed. However, after the Paris aid group agreed in late 1990 to provide \$1000m, the government appeared to interpret this as support for its repressive activities.

The European Parliament,

- having regard to the statement of 19 October 1990 by the twelve Member States on Sri Lanka and noting their concern at human rights abuses in Sri Lanka,
  - having regard to the statement of the President of Sri Lanka that the October 1990 aid package was an endorsement of his Government's policies and programme,
  - having regard to the European Parliament's resolution of July 1990 on Sri Lanka,
  - whereas numerous cases of disappearances and extra-judicial executions continue to be reported in Sri Lanka,
  - whereas the violence of the JVP contributed to a climate of brutality and repression,
  - whereas the Sri Lanka Government has acknowledged that the JVP was suppressed by December 1989,
  - whereas renewed conflict by the LTTE in June 1990 has exacerbated problems in the North and East of Sri Lanka,
  - whereas about 1500 documented cases of disappearances and extra-judicial executions were delivered to the United Nations in November 1990 by members of the European Parliament,
  - whereas no lasting solution to the conflict will be found without protection of equal rights for all people in Sri Lanka irrespective of religion, caste, class, race or ethnic background,
1. Calls on the Sri Lankan Government to constitute an independent Commission of Enquiry into disappearances and extra-judicial executions;
  2. Calls on the Sri Lankan Government to publish immediately full and complete lists of those held in detention camps, police stations and other forms of incarceration;
  3. Calls on the Sri Lankan Government to uphold its commitment to allow a UN working group to visit Sri Lanka in February 1991 to investigate disappearances;
  4. Calls upon the Member States to implement adequate mechanisms to indicate progress on human rights and proper law and order before further aid packages are agreed;
  5. Instructs its President to forward this resolution to the Foreign Ministers meeting in political cooperation and to the Sri Lankan Government.

Resolution passed by the European Parliament, 13 December 1990

It is to be hoped that the UK government will stop supplying aid to Sri Lanka (under its own or multilateral schemes), no longer encourage investment there by UK firms and refuse licenses for the supply of equipment for military use until - in the opinion of such organisations as Amnesty International - the Sri Lankan government's widespread violations of justice and human rights are brought to an end. Otherwise the UK taxpayer will continue, directly or indirectly, to subsidise the large-scale destruction of homes and property, detention without fair trial, sexual abuse and other forms of cruelty, and what can only be described as genocide.