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'People Want Peace'

- US Committee for Refugees



Tamil Refugees queuing to be returned from India to Sri Lanka (above) and packing up their belongings to be returned to an uncertain future. (Photographs by Walter Keller, South Asia Bureau, Germany).



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of what you say, but I'll
defend to the death your
right to say it.*
- Voltaire.

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RETURN OF REFUGEES AND ASYLUM SEEKERS

The resumption by India of repatriation of Tamil refugees to Sri Lanka and the reported recent agreement between the governments of Switzerland and Sri Lanka to return Tamil asylum seekers have raised justifiable acute concern among many human rights and humanitarian agencies both within and outside the island.

The root cause of the exodus of Tamil refugees into India and other countries is the violent ethnic conflict in Sri Lanka and the continuing fighting between government forces and the Tamil Tigers, and the resulting danger for their personal physical security. Hence the basic precondition for their return to the island must be that the root cause that led to their departure is removed and that they will no longer be exposed to physical danger. However, the fact is that the conflict has not been resolved and the fighting between the forces of the state and those of the LTTE continue unabated. There are no signs even on the horizon that there is any prospect of any negotiations between the warring parties for the resolution of the conflict. On the contrary, while President Wijetunga continues to assert that his government would deal with the conflict as a 'terrorist problem' by military means, the Tiger leader has declared 1994 as the 'year of the mother of battles'.

The repatriation of Tamil refugees from South India is described as 'voluntary'. However, there is irrefutable evidence that the so-called voluntary consent for their repatriation has been obtained by a combination of direct and indirect coercion and intimidation. The marginal involvement of officials of the United Nations High Commission for Refugees (UNHCR) has proved inadequate to ensure that the refugees are being returned on a voluntary basis, and their ineffective participation has served only to offer some artificial respectability to an otherwise objectionable and offensive exercise.

The readiness and sympathy with which India accepted and housed these refugees in the 1980s would appear to have totally disappeared. The fallout from the assassination of Rajiv Gandhi in May 1991 and the political and security imperatives that motivate the conduct of the State Government of Tamil Nadu and even that of politicians belonging to the opposition parties there have produced a climate in which the carrying out of even enforced repatriation of Sri Lankan Tamil refugees has become unobjectionable. But the fact is that these refugees are being returned to areas of the north and east of Sri Lanka where fighting is continuing, and where the physical safety of the returnees cannot be guaranteed. The additional complication for the repatriated Tamil refugees is the continuing conflict between the LTTE and the government in relation to the question whether those who arrive from India should be allowed to return to 'government controlled areas' or the 'Tiger controlled areas'. The lack of a sensible solution to the latter issue means that those who return are kept in refugee camps for prolonged periods.

The reported agreement between the governments of Switzerland and Sri Lanka to return Tamil asylum seekers to Sri Lanka, and similar moves by other west European countries follow a view expressed by the UNHCR that the area around Colombo would be safe for returning asylum seekers and come in the wake of an agreement on the part of the UNHCR to undertake 'passive monitoring' of those who are returned to Sri Lanka. The fact is that, under the pretext 'hunting the Tigers', the government and its security forces have been and are engaged in a continuing campaign of indiscriminate and widespread arrest of Tamils in the Colombo area. According to the government's own figures quoted in a recently released report of the Amnesty International (ASA37/10/94 of February 1994), a total of 15,711 Tamil persons have been taken into custody since June 1993, that is on an average of over 2,000 persons per month. The report cites several instances of arrests of whole families, repeated arrests of the same persons, torture and illtreatment of persons in custody, unacknowledged detentions in undisclosed locations and even 'disappearances'. This being the case, the UNHCR's view that 'Colombo is safe for returning Tamil asylum seekers' is gravely flawed.

Rather than collaborating in an effort to send back Tamil refugees from refugee camps in India to be relocated in refugee camps within Sri Lanka, and to return asylum seekers in western Europe to become victims of being incarcerated in Colombo's jails, the UNHCR and concerned governments should bring whatever pressure they can upon the Sri Lankan government and the LTTE to bring an end to the armed conflict and to seek a negotiated solution which will lead to lasting peace and normalcy. Only in such a context can the refugees and asylum seekers return in dignity and safety.

Local Elections in Sri Lanka's Eastern Province

Testing the Government's Strength

by Rita Sebastian in Colombo

Tamil political groups scored a decisive victory in the local poll held in the island's eastern province and northwest Vavuniya on March 1, capturing 3 of the 4 main councils – the Batticaloa Municipal Council, and the urban councils of Vavuniya and Trincomalee, conceding only eastern Ampara to the ruling United National Party (UNP).

What this election effectively did was to register the anger and disillusionment of the minorities against the UNP over President Dingiri Banda Wijetunge's contention that the country's problem is 'terrorist not ethnic'.

The poll was seen by most Tamil political commentators as a contest between the government and the Tamil parties.

The UNP which won 18 of the 40 councils did however have something to crow about in that the main opposition Sri Lanka Freedom Party (SLFP) fared miserably by winning just 3 of the councils.

The UNP's success in the predominantly Sinhalese areas was thus seen as an endorsement of the government's policies.

Ironically, the military wing of the three Tamil groups, the People's Liberation Organisation of Tamil Eelam (PLOTE), the Tamil Eelam Liberation Organisation (TELO) and the Eelam People's Democratic Front (EPDP), who got their candidates into the councils, are battling the Tigers alongside government forces in the northwest.

As Prof. Betram Bastiampillai of the Colombo University argues it is only a thin line that divides the political from the military and therefore these groups who have captured power must drop their guns and build themselves up politically.

As for the Tamil United Liberation Front (TULF) and the Eelam People's Revolutionary Liberation Front (EPRLF) their boycott of the poll, as Bastiampillai sees it would only help to erase their presence from the collective mind of the voters.

A rather curious element of the poll was an independent Tamil group in the fray, who captured six

of the councils. They were alleged by rival Tamil political groups to be 'LTTE surrendees' coerced by the Sri Lankan military to file nominations, a charge that the military vehemently denied.

Although the Sri Lanka Muslim Congress led by its President M. Asraff did win in the predominantly Muslim areas of the eastern province, Asraff has alleged that the party's victory was secured against a background of several election irregularities by the government in connivance with the Sri Lankan police. Allegations of intimidation of its candidates, of rigging, and blatant thuggery has led to an inquiry by the Elections Commissioner.

These alleged malpractices have led the opposition to allege that the government has hatched a conspiracy to visit the same sins on the southern electorate, due for polls on March 24.

The southern polls could well decide the parliamentary elections due in early 1995. The UNP feels that if they win the Southern Provincial Council election they could confidently go for a parliamentary poll in June or July, taking advantage of the disarray in the opposition in the aftermath of defections in the main opposition Sri Lanka Freedom Party (SLFP).

The government understandably attaches high importance to this election. Both the Western Provincial Council and Parliament has suspended sittings to enable the political top-rungers of the two contending parties to campaign extensively in the province.

Prime Minister Ranil Wickremesinghe and SLFP's Chandrika Kumaranatunge have virtually moved to the south with President Wijetunge himself addressing several meetings.

The UNP believes that it has to consolidate its gains among the Sinhala voters in the eastern province election. While the opposition is focussing on issues of democracy, the high cost of living, the on-going northeast conflict and human rights, the government's main focus is on economic issues.

The President mindful however of the growing frustration over the military impasse in the north has made reference to it.

For him, a win in the south he said will strengthen his hand to go ahead with his plans to 'liberate the north'. According to the President: 'The LTTE is half dead today. I will restrict the festering abscess to a small area in the north to perform an operation that will heal it for good'. It is a promise that has come from the President over several months and regarded by many as mere platform rhetoric.

Wijetunge unfortunately hasn't the eloquence of his predecessor President Premadasa who could mesmerise his audience.

The key player in the opposition side is Chandrika Kumaranatunge. This would be a significant test of her own credibility as an alternative to the government, for if she succeeds in the Southern province, it will consolidate her position as the Presidential candidate of the SLFP in the next Presidential election.

1994 is an election year, so the Southern provincial election will be a key indicator of the political trends in the country.

Scramble for Power in Batticaloa

by our Special Correspondent

The results of the local government elections in the east and in Vavuniya have given rise to many interpretations – each one framed in a manner to suit the political inclination of each interpreter. The UNP thinks that it has had a remarkable success and promotes the argument that the Tamil and Muslim votes which went against

it does not affect its standing because those votes will any way not go to the SLFP. (This, it should be noted means that there will not be any significant change in the President's hardline Sinhala nationalist stand).

The UNP also feels as it was clearly expressed by the Party's General Secretary, Mr. Sirisena Cooray, that

the minority groups and parties which scored a large number of votes in this election are, indirectly and ultimately, its allies. Mr. Cooray must have had in his mind the times when all of them without exception were in many ways beholden to President Premadasa. The SLFP, on the other hand notes with apparent satisfaction that the strategic minority vote which is generally believed to have paved the way for Premadasa's victory at the Presidential polls in 1988, is no longer with the UNP.

The results have convinced Sri Lanka Muslim Congress (SLMC) chief, M.H.M. Ashraff that he can re-emerge as a powerful communal leader like Thondaman and, unfortunately, they have also convinced him that the Tamils are still an untrustworthy lot, (at least in his area).

The TELO and PLOTE which contested separately in Vavuniya but together formed independent groups in the east, claim that the results of the election have taught a lesson to the forces of Sinhala chauvinism.

The fact that each one of these interpretations, and predictions based thereon, can be advanced with an equal measure of plausibility shows that the future is uncertain, which means, given the state of Sri Lankan politics today, that, as the Presidential poll nears, political manoeuvring among the minorities would descend to unprecedented levels of unscrupulousness and venal opportunism.

The nature of things to come is nowhere more evident than in the tussle over running the largest local body to be contested in this election – the Batticaloa Municipal Council. The TELO-PLOTE combine which secured 9 seats out of 19 is expected to form the administration with the help of the SLMC which won one seat. The EROS which got 3 seats was not approached by TELO or PLOTE at all with a view to forming a strong administration in the interests of the local people who have for long been affected by the absence of an elected body to run the M.C. Instead a slander campaign was launched against the EROS which sought to imply that it was actually functioning under the directions of Basheer Segudawood M.P. who has fallen out with the EROS leadership in Colombo and has in recent times drifted towards the UNP. The implication is not just that Basheer is manipulating the local EROS in order to help the UNP form the administration, but that he is a Muslim trying to undermine Tamil interests. This communal nuance is not lost on the average Batticaloa person.

The local EROS under the leadership of E. Prabhakaran attempted to rid itself of the image of being Basheer's lackey and made a pledge during the campaign that it would not join hands with the UNP once the election was over to capture power in the council. However it now appears that, inspite of Mr. Prabhakaran's protestations to the contrary, the UNP has somehow persuaded his group to sit in the opposition with them.

The PLOTE-TELO combine which contested the election under the leadership of Mr. Cheliyan Perinbanayagam finds its position in the council vulnerable with a majority of one vote which does not even belong to them. (The LTTE surrenderee Mr. E. Koneswaran who won with the Army's backing is of course with the UNP). This has caused much worry to the local leaders of the TELO and PLOTE, for their credibility – a factor that may perhaps have some value for them now, particularly in view of the general election early next year – is at stake. The Mayor Mr. Perinbanayagam and his deputy Mr. Benedict Thanabalingham, both of whom have a keen eye on a parliamentary seat at the forthcoming general election, have ample reason to be worried.

The official premises of the Batticaloa M.C. is still in the hands of the army which uses it as its brigade headquarters. The extremely cramped space that was apportioned to it in lieu of the divisional secretariat building after the army moved into town, is no place for a council to conduct its normal business. The Pradeshiya Sabhas in the district are no better off than the M.C. – four of them do not even have a building to call their own since the structures that housed them were destroyed completely in Eelam War Two. (The Trinco Urban Council functions out of the N.E. Provincial Council building at present). All major contenders in Batticaloa including the UNP had promised to get the building back. Although it may be true that the

candidates of the PLOTE and TELO lambasted the UNP to their heart's content during the campaign, they seem to approach the all important question of 'retaking' the building with meek caution and patent trepidation, basically because it involves the army. Apart from this calamity which has beset Cheliyan and his men (there wasn't a single female candidate on their list) even before they can get things going, they are faced with general scepticism about the new administration's ability to survive at all.

The Batticaloa M.C. was established 28 years ago in 1966 and no Mayor was able to survive his full term. Since the resignation of Mr. E. Amblavanar of the TULF as Mayor in 1983 after his refusal to take the oath of allegiance under the sixth amendment, the council has been run by a commissioner whose administration became a farce since the army moved in and consolidated its position in the town. Therefore despite the sentiments stirred often by the murky winds of national politics, a genuine desire to have a proper council elected by them persisted among the residents of Batticaloa. But the fate of the council is in the balance. Its fall would harbinge the UNP's first move in the northeast to prepare the ground for the Presidential election in December. Firstly it can strike a deal with the SLMC once Ashraff has satisfied himself after the SLMC convention is held in Kalmunai on March 19 that he has sufficiently demonstrated his power the way Thondaman has done in the hill country. Secondly it can win over some gullible members of the Tamil groups and make them vote with the UNP on a no-confidence motion. The predicament of the Batticaloa Municipal Council has made at least one thing clear: that the local government elections has made the east once more fair game for the government and the UNP leadership.

Not a Happy Outcome for the UNP

by Taraki

The local government elections in the east and in Vavuniya is the first and most significant indication of how the UNP would fare at the forthcoming Presidential and Parliamentary elections minus a substantial portion of the Tamil and Muslim vote bank which had been assiduously cultivated by President Premadasa. In the east-

ern province independent groups backed by the TELO, PLOTE and the EROS have secured approximately hundred and fifty thousand votes. All these groups called on the Tamil people to show their strong opposition to President D.B. Wijetunga's stand that there is no ethnic problem but only a

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terrorist problem in Sri Lanka, by voting against the UNP. The Muslim Congress secured eighty seven thousand votes. Ashraff's bitter and determined opposition to the UNP awed even those hardened Tamil nationalists who had cast aspersions on his political integrity. This means the UNP has to do without two hundred and thirty seven thousand minority votes in the eastern province which, had President Premadasa been alive, would have most probably been his. Even the SLFP which has shown a dogged propensity for demonstrating a singular ability for utterly bungling the rudiments of political strategy, has managed to get sixty three thousand votes in the province.

While the UNP may congratulate itself that all's well on the eastern front, any fool can observe the fact that in a closely contested Presidential poll, three hundred thousand anti-UNP votes in the east can tilt the balance. The strategic value of these votes will be apparent if one were to examine the manner in which the minority vote in the eastern province influenced the outcome of the 1988 Presidential election in Premadasa's favour.

The UNP's current standing among the Tamils of the east must have been pretty obvious to the Prime Minister when he arrived in Batticaloa town on February 20 to address a public rally to muster support for his party. There were about hundred and fifty people gathered at the venue, among whom were a number of (most probably pro-UNP) Policemen in civils. Mr. Joseph Michael Perera who was expected to address a meeting at Palameenmadu on the outskirts of the Batticaloa town a couple of days later was more prudent - he did not turn up although a police officer of the area had managed to 'persuade' about sixty people to attend the meeting. It must be said that certain sections of the Police in the Batticaloa district were brazenly engaged in activities which were aimed at making the UNP win come what may. If one were to consider it a patriotic act to gloss over their disgraceful and rascally conduct on the ground that they are working in the war zone, then one will have no one but himself to blame when law enforcement in the South becomes an extension of the ruling party's political machinery at the next election. The manner in which some police appointments have been made in the east seems to indicate that the UNP is unable to resist the temptation to look upon the police force as a potential and strategic ally for the successful con-

duct of its political manoeuvres.

One instance should illustrate my point. Senior Superintendent of Police Mr. M.A. Majeed (formerly of the NIB in Madras) who is said to be in charge of the Batticaloa and Ampara districts was a UNP candidate in the last general elections. (He hails from Pottuvil and appears to have some popular support there. His brother won the Pottuvil PS for the UNP). Some UNPers in Kalmunai described him as a key organiser of their party in the region. The people of Batticaloa have also known another senior police officer who took a keen interest in getting the UNP reorganised in the district.

Another interesting development in this election is the UNP's decision to recruit into its ranks boys who have been working for the Batticaloa unit of the military intelligence operating out of the prison building in the town. Most of them belong to the much feared Mohan's group, such as 'Rangan', 'Selva', 'Guru', 'Kesavan' and 'Ramesh'. All five were once members of the PLOTE and (except Guru) were trained in Tamil Nadu and Uttar Pradesh. The PLOTE sacked them two years ago for reasons which were stated in a press release at the time. However the UNP leadership seems to have found them fit for promoting its interests and enhancing its prestige in the Batticaloa district. All of them were confident that they would 'somehow' win the election. And one of them - 'Selva' - who contested the Kalawanchikudy Pradeshiya Sabha has scored the highest number of preference votes among the UNP candidates in the area. Govindan Karunakaran MP of the TELO (who also hails from the same place fielded his father as the leader of the independent group backed by him) has complained of malpractices and has said that he will file action in court challenging the results of the election to the Kaluwanchikudy PS. But 'Selva' is there to stay. And I will not be surprised if he were to become a member of parliament at the next general election.

The most senior member of the UNP in the Batticaloa district to contest this election, Mr. M. Pathmanathan, who is also the treasurer of the party's district committee made it appear from the beginning that he was a reluctant participant in the whole exercise. His insistence on the point that the local branch of the UNP had pleaded with the government not to hold this election and that it was Mr. Joseph Pararajasingham who had called on the government to do so (he had the Virakesari at hand to prove it) made many wonder why he was so eager to loudly proclaim his 'inno-

cence'. It appears that the memory of what the LTTE did to him last year is still quite fresh in him. The Tigers abducted him from his home to their base across the lagoon and released him after negotiations with his relatives. It is not clear what the terms and conditions of the release were, (but I understand that he now prefers to claim that he made good his escape).

But the Tamil nationalist sentiment seems to have left an indelible impression on him. So much so that the main campaign song of the UNP in Batticaloa was 'Achcham enpathu', the theme in MGR's Mannathimannan which incidentally is a song well loved by Prabhakaran and which used to be played at the beginning of the Voice of Tiger broadcast. (The song says 'the Dravidians are a fearless race. Death comes at six or sixty. It is our duty to protect our homeland').

However it must be said in fairness to him that Mr. Pathmanathan saved the UNP from defeat in the Batticaloa municipal council and other local bodies albeit with assistance of Mohan's group and its 'friends'.

Things did not go smoothly for the UNP in the Tamil areas of the Ampara district either, although three cabinet ministers are from this region all of whom could count on Tamil votes in the past. The party could not find a single person to contest this election in the Tamil dominated Alayadivembu and Thirukovil Pradeshiya Sabhas. Even Mr. Dharmalingam 'chairman' who was UNP's main man in this part of the district had not obliged his party.

Two independent Tamil groups sponsored by the government forces have won both Pradeshiya Sabhas (the outcome of course was obvious from the beginning).

The EPDP which submitted a list at the last moment has got a drubbing. Mr Douglas Devananda as we know is not in a position to cry foul at the government. The chief candidate of the 'independent' group which won the Thirukovil PS is a teenager who used to be an EPRLF 'helper', and had returned recently from the Pulal refugee camp in Tamil Nadu. The other main Tamil village in the district Karaithivu was almost on the verge of boycotting the election to register their protest over the fact that they have not been granted a separate Pradeshiya Sabha. But later an independent group was hastily put together at a village meeting. The UNP organiser of the area joined this independent group as a candidate.

The question then is: will the unpre-

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U.S. Committee for Refugees 'People Want Peace'

The controversial repatriation of Sri Lankan Tamil refugees from India resumed in August 1993, with the return of some 69,900 Tamils. Thousands of other internally displaced Sri Lankans mostly Tamils, also recently returned home under a 'resettlement' plan promoted by the Sri Lankan government.

To the outside observer these developments, which followed a limited improvement in human rights and a lull in fighting in Sri Lanka in early 1993 might have suggested that peace was close at hand.

But that was not the case. In late September the conflict, which has left tens of thousands dead or missing in the past decade exploded again with deadly ferocity when the Sri Lankan military launched a major attack on areas under the control of the Liberation Tigers of Tamil Eelam (LTTE) rebel group. In mid-November the LTTE retaliated with a virulent counter-attack. The two attacks left more than 1200 dead.

These are among the disturbing findings in a new Issue Paper by the U.S. Committee for Refugees (USCR) 'People Want Peace: Repatriation and Reintegration in War Torn Sri Lanka.' This Issue Paper was written by USCR policy analyst Hiram A. Ruiz, and is based, in part, on Ruiz's site visits to Sri Lanka and southern India. The report focuses on the situation of Sri Lankan Tamil refugees in India, the 1993 repatriation and conditions for returnees, internally displaced Sri Lankans, and recent developments in various regions of Sri Lanka. It concludes with recommendations aimed at improving the situation for all uprooted Sri Lankans.

Among the report's recommendations is a call for the increasingly hawkish Sri Lankan government which seems bent on pursuing a military solution to the conflict, and the LTTE, whose record of negotiating in good faith is poor, to pursue a political solution to the conflict. According to Ruiz, 'Unless the root causes of the conflict are seriously addressed, ethnic strife is likely to continue and the hundreds of thousands of Sri Lankans who have been uprooted from their homes will be unable to start rebuilding their lives.'

Yet according to the report there appears to be little if any willingness on the part of the Sri Lankan govern-

ment, the Sri Lankan military, southern opposition parties, or the Sinhalese public in general to work towards a peaceful resolution to the conflict. The report says, 'USCR only heard urgent calls for peace in the grim camps for internally displaced persons and in the northern and eastern districts whose residents mostly Tamil but also Muslim and Sinhalese have borne the brunt of the fighting, human rights abuse, and suffering engendered by the conflict. "People want peace," said a Tamil woman from Jaffna. "They are tired of living in fear and suffering. They want a solution through talks not violence."

The report adds that although a majority of the refugees who repatriated from India in 1993 did so voluntarily, the Indian government is increasingly pressuring the more than 76,000 Sri Lankan Tamil refugees who remain in refugee camps there to return home. New Delhi is allowing the UN High Commissioner for Refugees (UNHCR) to monitor the repatriation but on such a limited basis, that the agency cannot fully carry out its mandate. He added that UNHCR has ably assisted the 1993 returnees in Sri Lanka, but recently had to suspend some of its activities on behalf of returnees and internally displaced Sri Lankans in LTTE-controlled areas because of threats to its staff.

More than 600,000 persons remain displaced within Sri Lanka, many of them living in poor conditions in crowded, government-run 'welfare centers'. Providing for their day-to-day needs severely strains the government's resources.

Although the program to resettle the displaced is supposed to be fully voluntary, and thousands of displaced persons have gone home willingly, various government branches have reportedly pressured, even forced, some displaced persons to return home in order to promote a false sense that the country is returning to normal. At present, due to woefully inadequate funding, many of those who resettled do not receive the assistance they or their communities have been promised.

For the more than a quarter of a million Sri Lankan exiles living in the West, including tens of thousands in the United States and Canada, recent developments are a cause for concern. Many of them have been denied asy-

lum and are concerned that the governments of the countries in which they are living may deport them. USCR's report discusses a recent proposal to involve UNHCR in monitoring, on a limited basis, the security situation for denied asylum seekers deported to Sri Lanka by Western countries. USCR recommends against such deportations while the current situation in Sri Lanka persists.

Following are the excerpts from the conclusions and recommendations:

The voluntary repatriation of refugees and the return home of internally displaced people is a development that all those concerned with uprooted people welcome. Yet, in today's world, such returns usually occur under less-than ideal conditions and present difficult choices for all concerned.

The repatriation of Sri Lankan Tamil refugees and resettlement of internally displaced Sri Lankans fall into that category. Clearly, repatriation to Sri Lanka at this time is risky: the potential remains for renewed inter-ethnic communal violence; and the root causes of the problems in Sri Lanka - the grievances of the Tamil minority - have yet to be redressed. For the same reasons, the advisability of a return home is also questionable for many internally displaced Sri Lankans.

Yet refugee repatriation and resettlement of internally displaced Sri Lankans is taking place. The U.S. Committee for Refugees is satisfied that a large majority of the refugees who repatriated in 1993 did so voluntarily, mostly for personal reasons. We are concerned however, that many of those who may register to repatriate in the future may do so primarily as a result of Indian government pressure to repatriate.

USCR believes that it is appropriate for UNHCR to continue to facilitate repatriation for those who choose it voluntarily. But we also firmly believe that everything should be done to ensure that it is truly voluntary. However much one may sympathize with the burden that a large refugee population represents for India (sympathy that is at least partly tempered by the knowledge that India has chosen to refuse international assistance), the principle of voluntary repatriation must be upheld.

In Sri Lanka UNHCR is ably assisting recent returnees. It has negotiated an agreement with the Sri Lankan government that ensures that returning refugees are allowed to go back to

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their original homes, even when those are in areas under LTTE control, though following the problems UNHCR faced at Madhu centre, the agency has suspended its activities in most LTTE-controlled areas, including transporting returnees there. Responding to requests from various sources, UNHCR has also undertaken out-of-the-ordinary initiatives such as the safe passage and passive monitoring proposals, to try to respond to diverse humanitarian problems.

UNHCR's role in India is more problematic. While the fact that it has been permitted some involvements in the repatriation is something of a breakthrough, the limited scope of that involvement raises concerns about the agency's role. UNHCR should continue to seek a very necessary expansion of its role.

UNHCR should also keep clearly in mind its own assessment that conditions are not yet suitable for repatriation, and avoid any actions that would appear to encourage return. The agency must also remain sensitive to expressions of concern by many observers that India is pressuring refugees to repatriate. Some interested parties have argued that UNHCR may be holding back criticism of India's actions in order to pursue broader objectives such as gaining greater access to all refugees in India, but that in doing so it is putting one refugee group at risk in order to protect others. UNHCR counters that it does informally bring concerns to the attention of India officials, and that its representations have contributed to a *de facto* easing of some of the restrictions imposed by the government on the refugees and NGO's.

Fundamentally, however, the most important issue affecting uprooted Sri Lankans is the conflict in that country. Like so many other seemingly intractable inter-ethnic conflicts in the world today the conflict in Sri Lanka wanes and escalates in fits and starts leaving death, destruction, and despair in its path. Until it ends hundreds of thousands of Sri Lankans will remain tragically uprooted.

It is a conflict that cannot be 'won'. It is highly doubtful that the LTTE can wrest independence by force, or that any Sri Lankan government will ever accept an independent Tamil Eelam. Sri Lankan Tamils cannot - and should not - accept second class citizenship in a unified Sri Lanka. Somewhere there is a middle ground. But it can only be reached through negotiation and compromise.

At present, there is little political

will in Colombo, or indeed in much of southern Sri Lanka to negotiate or compromise. The LTTE has said that it is willing to do so but its past actions do not inspire confidence in its sincerity. Perhaps the recent deaths of more than 1,200 people in the course of unsuccessful military ventures by both sides will encourage those in power on either side to come to their senses.

For the sake of all Sri Lankans USCR encourages the Sri Lankan government and the LTTE to work towards peace, and calls upon all concerned, including Sri Lankans at home and abroad, and governments with strong ties to Colombo, including the U.S. government, to do all they can to encourage that process.

In Sri Lanka: Island of Refugees (October 1991), the U.S. Committee for Refugee's made eight recommendations regarding Sri Lanka's refugees and internally displaced and the country's communal conflict. Progress has been made on some of those, but on most the problems remain largely unaddressed. Those eight recommendations are listed below, with USCR's assessment of progress made on them to date, and of the need for continued or further action. New USCR recommendations based on the current situation follow the eight 1991 recommendations.

1. The United States and the international community should contribute to both UNHCR and ICRC appeals for their Sri Lankan programs.

Since 1991, donor governments, including the United States, have been supporting the valuable work of UNHCR and ICRC. Their continued support is needed, and should be given, until Sri Lankan refugees can safely return home and the conflict that disrupts so many lives has ended. Repatriations from India are likely to continue, and UNHCR's commendable efforts on behalf of returnees are vital. The work of ICRC particularly its facilitation of safe passage of food to Jaffna and its protection of Jaffna hospital through its presence will remain essential as long as the current situation in Jaffna prevails. (See also New Recommendations, No. 7)

2. The United States and other governments should provide bilateral aid to Sri Lanka in order to maintain basic relief for displaced persons.

Despite pressing emergencies in other areas of the world, the continuing needs of the hundreds of thousands of Sri Lankans still affected by the conflict many of whom remain dependent on national and international aid should not be forgotten. Donor governments should continue

bilateral financial support for Colombo's relief efforts on behalf of all displaced and war-affected Sri Lankans.

3. The United States and the international community should promote international aid and protection for Sri Lankan refugees in India, preferably through a full-time UNHCR presence.

For many years, while India extended hospitality to refugees fleeing persecution in neighbouring states and either assisted them or allowed them to work and support themselves, some in the international community did not appear to consider India's refusal to permit UNHCR access a pressing problem. Now, however, some refugee groups in India clearly need protection (both Sri Lankan Tamils and Bangladeshi Chakmas have faced the threat of involuntary or less-than-voluntary repatriation). UNHCR is the appropriate body to provide that protection. The international community should continue to press the Indian government to permit UNHCR to exercise its full mandate.

4. Any further discussions between the Indian and Sri Lankan governments regarding the voluntary repatriation of the refugees in Tamil Nadu should involve the UNHCR representatives for the respective countries.

UNHCR is fully involved in the repatriation process on the Sri Lanka side, and now has limited involvement on the India side. It remains imperative that UNHCR be as involved as possible in all aspects of discussions regarding repatriation.

5. The LTTE should halt any further expulsions of Muslims - or any other ethnic communities - from the North-east and, at the same, time should permit the free exit of Tamils seeking to leave Jaffna.

LTTE actions towards Muslims have changed. The LTTE is no longer driving Muslims from the North and East, though that is partly because it previously drove out so many of the Muslims who lived there. Much fear and distrust exists between Tamils and Muslim communities, and overcoming that will be a challenge for both communities and their leadership.

Civilian movement in and out of Jaffna is even more dangerous now than in 1991. The Sri Lankan military attacks Tamils attempting to leave or return to Jaffna. Such attacks have left scores of civilians dead. UNHCR's efforts to negotiate safe passage for relief were thwarted. USCR urges both parties to the conflict to respect

civilians' right to free movement.

6. Sri Lankan asylum seekers in the West should be accorded at least temporary safe haven until the conflict is resolved. Although the number of Sri Lankan asylum seekers in the United States is quite small, it would appear that they qualify for Temporary Protected Status (TPS). USCR continues to urge Western governments not to deport Tamil asylum seekers while the conflict remains unresolved. UNHCR has agreed to participate in a program in which the agency would provide some monitoring of rejected asylum seekers who are deported to Sri Lanka. USCR recognises that this plan could provide deportees some measure of protection, but we are also concerned that this policy will lead to more deportations, which might place some individuals at risk.

7. The new Assistant Secretary of State for South Asia should make it an early priority to visit India and Sri Lanka.

In early 1993, the then-senior State Department official for South Asia, Interim Director of the Bureau for South Asian Affairs John Malott, visited Sri Lanka. The current assistant secretary of state for South Asian Affairs, Robin Raphael, attended the funeral of President Premadasa in May 1993, when she was assistant secretary of State-designate. While in Sri Lanka Ms. Raphael held consultations with government officials.

8. The Sri Lankan government and the LTTE must be encouraged to agree first to a ceasefire and then to negotiated settlement.

The Sri Lankan government repeated in mid-1993 that it is not possible to negotiate with the LTTE and that Sri Lanka does not have an ethnic problem, but rather a terrorist problem. Regardless of repeated public denials, Colombo is pursuing a military solution to the conflict. The level of human rights abuses attributable to the armed forces has diminished, but abuses continue. Sinhalese public opinion is becoming increasingly chauvinistic, and the political opposition labels as a demonstration of national weakness any conciliatory effort the government may make towards a resolution.

Colombo's pursuit of a military solution puts the lives of countless civilians at risk. Even if achieved, it is ultimately an unsatisfactory and flawed answer. The problems between Sinhalese and Tamils (and, more recently, between Tamils and Muslims) are about communities failing to live together at close quarters in an equitable manner.

The LTTE has done little to convince the Tamil people of its ability to do more than wage guerrilla warfare. It has alienated many Tamils by assassinating Tamil leaders opposed to the LTTE and it has taken other actions (most significantly the alleged assassination of former Indian Prime Minister Gandhi) that have had direct, negative impact on Sri Lankan Tamils (in the case of the Gandhi assassination, on those living as refugees in India).

If the various communities are to build a foundation for co-existence, then they must stop killing and start talking to each other now. The process may be painstakingly slow and difficult, but it is the right, indeed the only way forward.

New Recommendations

There have been a number of developments since the 1991 publication of Sri Lanka: Island of Refugees that call for action to ensure adequate protection and assistance for uprooted Sri Lankans. To that end, and based on its findings during September 1993 site visits, to Sri Lanka and India, the U.S. Committee for Refugees makes the following new recommendations:

To the Government of Sri Lanka:

1. The government should pursue a political, not military, solution to the ethnic-based conflict in Sri Lanka.

The problems that Sri Lanka faces cannot be solved militarily, though that is what the Sri Lankan government is trying to do. Even if the government were to achieve significant military gains and re-establish control over areas presently under LTTE control, the Tigers are likely to continue to wage guerrilla warfare, and the Tamil minority will continue to demand that their grievances be redressed. Therefore, unless the root causes of the conflict are seriously addressed, ethnic strife is likely to continue, neither the Tamil community nor Sri Lanka as a whole will achieve the peace and normalcy both desire, and those whose lives have been devastated by this conflict, including the hundreds of thousands who have been uprooted from their homes will be unable to rebuild their lives.

For the sake of all Sri Lankans, USCR urges the Sri Lankan government the LTTE and all the concerned parties to work towards a peaceful resolution to the conflict. Colombo should welcome, not reject, the efforts of those in the international community who take enough of an interest in Sri Lanka to offer their help. Perhaps the United Nations, Norwegian gov-

ernment, the Conflict Resolution Program of the Carter Center, or other similar outside bodies can help build the bridges that the Sri Lankan government and LTTE alone have failed to build.

Colombo should also take care not to undo the welcome progress it has made in human rights. Sri Lankan human rights groups have expressed concern that the government's hawkishness, continued arrest of large numbers of Tamils in the capital, and imposition of restrictions on the media suggest that human rights are at risk.

2. The Sri Lankan government should provide refugees in India current, accurate information on security and other conditions in their areas of origin in Sri Lanka. The refugees need this information in order to make an informed decision regarding repatriation.

The current situation in Sri Lanka, particularly in the areas most affected by communal conflict, is not conducive to repatriation. Nevertheless, a number of refugees are, for a variety of reasons, choosing or considering that option. Conditions in their home areas - including security, who controls the area militarily, economic opportunities, level of infrastructure and social services, and availability of government or other assistance - vary. It is necessary for refugees to have accurate information on conditions in their home areas in order to make an informed decision.

Since much of that information is politically sensitive, some UNHCR officials do not believe that UNHCR is the appropriate body to disseminate it. An alternative source for that information is the government of Sri Lanka. Colombo has not made such information available to refugees in India since January 1992. UNHCR and others should monitor the information to ensure that refugees are not misled. Refugees should continue to seek information from whatever other sources are available to them in order to develop as full an understanding as possible of conditions in their home areas, and be able to make an informed realistic decision regarding repatriation.

3. The Sri Lankan government must ensure that there is close linkage between resettlement and availability of funding.

A major flaw in the funding of the Sri Lankan government resettlement program threatens the success of many resettlement projects. Although the Ministry of Reconstruction, Rehabilitation and Social Welfare

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The Politics of Terror and Treachery

by Rajan Hoole

The bomb explosion in the bus from Padaviya which killed 13, following on months of impersonal terror unleashed on the civilians in Jaffna marks a deterioration that makes life markedly more unsafe for the ordinary people of this country. Meanwhile drastic measures are being taken by leaders on both sides in an attempt to secure their personal safety which include torture, fomenting hysteria and secret executions. In the Jaffna peninsula itself at least 93 civilians have died from 1st October 1993 to 5th January 1994 as a result of aerial bombing and strafing, naval attacks and the land-based shelling. This almost fatal desire for destructive options continues despite both sides admitting privately their anxiety over enormous pressure concerning their human rights record.

It is revealing that the politics in both the North and the South are obsessed with questions of treachery: Was the killing of General Kobbekaduwa an inside job? A key question troubling LTTE supporters around the world is, was Mahattaya a traitor and a RAW agent? These questions are more significant than the answers. In the context of politics marked by cynicism and disinformation, it is unlikely that they would ever be answered adequately. When the politics of those in power loses respect for the people and their well-being as its reference, a drift into terror and treachery is very likely to be its eventual outcome. It comes to see its most potent enemies as dwelling within. An external enemy is more often an alibi for internal repression. There is an implicit suggestion in Lucien Rajakarunanayake's article in the last issue of *Counterpoint* that the Wijetunga government is more in earnest about its war against democracy in the South, than over that in the North-East. The LTTE for its part has burnt all options through its brutality except that of being the sole overlord of the Tamils. This has been seen to be the determining consideration in its military and political strategy, imposing needless suffering on the people. Events culminating in sensational allegations against its former deputy leader Mahattaya, also raise aloud the question of how much key decisions affecting the future of Tamils hinged on the leader's need to maintain an absolutely servile organisation.

The UNP, post 1977

Under J.R. Jayewardene, his desire for absolute control revealed itself in the disenfranchisement of Mrs. Bandaranaike, repressive legislation, oppression of labour and peasantry and violence against Tamils. His securing letters of resignation from his party MPs and extending the life of a parliament with an absolute UNP majority through the dubious referendum of 1982, made him technically a monarch. In attaining to this position through the methods of a mob leader, the character of the party was also fixed. This showed itself in a contempt for democratic protest which destroyed legality and also in the violence of July 1983. The mob-leader mentality accompanied by brazen contempt for truth caused the most far-reaching damage to the Sinhalese themselves. The JVP and two left parties were blamed for the July 1983 violence and the JVP was driven underground through being banned. The JVP later found it most convenient to challenge the UNP using similar methods and chauvinistic slogans popularised by the UNP. The virtual banning of the TULF and the eventual rise of the LTTE took place within this political culture. The result was unprecedented carnage. The UNP remained a party held together by perks from corruption and a good dose of latex injected into the spine of its members.

Once dissent became a very costly and terrifying prospect, the only methods available were extreme ones which would be treacherous or noble depending on one's perspective. When the impeachment crisis came under President Premadasa, except for those whose welfare was too closely tied to him, the decision of others had little to do with either loyalty or principle. (See *Counterpoint* September 1993). The plotters themselves had been too long in the UNP to find trust among themselves. Where trust and character were needed, these had to be supplied by Mrs. Bandaranaike.

Lalith Athulathmudali paid heavily for his dissent. The UNP Cabinet, which some of his DUNF colleagues are now eager to join, must take responsibility for withdrawing the police protection that was his due. Who pulled the trigger is less important than the intention signalled.

President Wijetunga's war on demo-

cracy, his North-East policy and the fate of the Southern Provincial Council are of all one piece. They are part of the refusal to accept any kind of dissent or diversity. A politics which is anti-people has too much to fear and too much that needs to be hidden. It cannot devolve real power as a means of coming to terms with the historical experience of different sections of the people.

North-East Policy

It is here that the UNP's political compulsions resulted in the biggest shambles by the kind of opposition it legitimised. The UNP leadership, nervous about power sharing in principle, has lacked the imagination to challenge the LTTE politically by instituting political processes to win over the minorities. The President proclaimed that there was no ethnic problem, but only a terrorist problem in the North-East, and having thus signalled a military intent, there was little that he could do effectively. Having sent raw Sinhalese recruits to the frontlines, while he found even the Batticaloa kachcheri inhospitable, what happened is well known. What is going on in Jaffna today and the attempt to hold sham elections in Vavuniya and the East, of no political purpose, are the results of the Government having cornered itself into a position of belligerence. All that the Government could do to show that it is carrying out a policy is to hammer civilians in the North using transient technological advantage. Places apparently targeted in bombing include five hospitals and several churches. At least 45 civilians were killed in aerial attacks in and around churches. St James Church in Jaffna town and the American Mission Church in Chavakachcheri were hit. Call it what you will, but this is best explained by the mob-leader mentality in politics. Its consequences we shall examine in the sequel.

The LTTE

The LTTE has similarly from the start been characterised by an intolerance of dissent. After July 1983, even on Indian soil, potential dissent was weeded out through secret executions. Like in the UNP, dissent or ambition beyond what suited the leader became a costly affair. The leadership of the Tamil military struggle had been contracting ever since Prabakaran had himself photographed with the leaders of the TELO, EPRLF and EROS at the formation of the ENLF in early 1985. By the end of 1986, having put the others out of action, the LTTE was the sole group. Those in public view as

leaders were Prabakaran, Mahattaya, and Kittu. The LTTE leader coming from India in early January 1987 was regarded as a signal that the last was getting too big for his boots. Kittu lost a leg in a late night assassination attempt at the end of March 1987. Not knowing this, some went to meet him at his office the following morning. They were met by some new faces. On asking for Kittu, the new men laughed. Others said later that the new men were Mahattaya's. Year's later in London, Kittu admitted to former associates that his physical disability was an inside job. Outwardly he played the very faithful servant of the organisation. An ironic charge now levelled against Mahattaya is that he betrayed Kittu to the RAW on 16th January 1993.

The IPKF presence and the N-E Provincial Council resulted in a crisis for the LTTE. It had cornered itself into having to be the sole group. There was evidently much unease with the organisation in making a deal with the Sri Lanka state in 1989. Much less in others had earlier been deemed treachery. The subsequent non-appearance of the leader for several months very likely represented internal horse-dealing. As the IPKF left, Mahattaya emerged as the high profile leader of the group's political party. He widely travelled the North-East meeting people and establishing a base in his own way. As the war which commenced in June 1990 progressed, Mahattaya and Yogi declined in the LTTE in a series of coups by the leader. The charges currently levelled against Mahattaya tell us less about Mahattaya as a person or his alleged guilt than about the LTTE-UNP type of politics. A politics that loses the people as its reference must ultimately direct its predatory instincts within. If the Government needs to bomb or massacre Tamil civilians as an outlet for its bile, the LTTE's politics needs, and indeed invites this, as an organism needs oxygen.

Effect on Individuals

Living in a political dispensation where the people are disregarded, forces us into compromises and safe positions, coming to terms with the evil that is around. We then become traitors in a real rather than in a rhetorical or partisan sense.

Recent press reports from Jaffna contain much that has been said by church officials in the wake of the bombing blitz by the SLAF. A leading official of the Catholic Church reportedly said recently: 'The Sri Lanka government sought to suppress our non-violent struggles for our rights by

resorting to violence. We are thus reluctantly compelled to wage an armed struggle'. He was a man who had in earlier years many questions about this armed struggle. I believe in 1986, he said that the Tamil people must get together and end the spate of internal violence. I am sure he previously felt uneasy about a bankrupt struggle into which the innocent young were being drawn, but was almost entirely shunned by adults. Caught between insensate bombing by the Government and the pressure from his surroundings he has found it convenient to avoid the deeper moral issue of the LTTE's regime and take this position. The influential Roman Catholic Church is being pushed in a direction it had hitherto avoided. Such legitimisation of the LTTE must be blamed less on the character weaknesses in a few individuals, than on the brutality of a politically purblind government which even bombs churches, temples, schools and hospitals.

The fate of Mahattaya has also set in motion the familiar trapeze artistry among the leading LTTE supporting Tamils. Mahattaya was far better known personally than Prabakaran. Having dealings with the RAW became a crime only after the TELO was smashed in May 1986. Indeed all militant leaders of consequence had dealings with the RAW and vied for its favours. A few months before the event, when the TELO leader Sri Sabaratnam arrived in Jaffna, people of consequence went in droves to pay court to him as India's favourite son. Many of those who courted Sri Sabaratnam expressed their grief and moved on to court the LTTE. Abroad too, some like Nateson Satyendra, successfully swung over to the LTTE.

Death Threats Against G.A.

Batticaloa Government Agent R. Maunakurusamy received several death threats after he began inquiries into allegations of election irregularities in the Eravur and Kattankudy Pradeshiya Sabhas during the recently held local elections.

'I was threatened several times over the telephone,' he said while revealing that the callers had wanted him to abandon inquiries into election related incidents in Eravur and Kattankudy.

Elections Commissioner Chandrananda de Silva late last week sent a deputy commissioner of elections and an assistant commissioner of elections to Batticaloa to assist the Batticaloa GA in holding a fullscale inquiry into

Many others became silent and inactive. Today, no doubt, many abroad are preparing to express their regrets over Mahattaya's fate, and agree to keep the show going. There is much at stake, materially and otherwise.

D.B.S. Jeyaraj's writings about the trial of Mahattaya in the Toronto 'Manchari' is a sophisticated example of escape artistry. He gives many facts favourable to Mahattaya, his contribution to the LTTE and what the trial may cost the organisation. He records Mahattaya's anguish at what he saw as undeserved punitive measures levelled at him. He recognises the trial as legitimate. But he does not fail to tell us that a key witness, 'Engineer' Mahendrarajah was executed even before the conclusion of the trial was announced. The reader's ire is directed away from the bankruptcy of the politics by informing him: 'Rather than seeing this problem as a Prabakaran-Mahattaya split, it is more profitably seen as an Indian conspiracy'. The reader is told that the writer refrains from expressing his opinion because the matter is 'sub-judice'. The final thrust - a farewell with regrets to an old friend - comes in the conclusion: 'The saying "Individuals can perish, but an idea (struggle) cannot perish" rings true as a proverb. But those who think that an idea of Tamil Eelam will wax strong and eternal after the individual Prabakaran is gone are fooling themselves. Even Mahattaya is no exception to this'. Such are the character transformations, as of the kiss of the vampire, resulting in those who are caught up in the embrace of this politics. It casts its long shadow even upon Toronto.

(Courtesy of Counterpoint, January 1994.)

several charges of serious poll malpractices.

Mr. Maunakurusamy said the inquiry would continue despite the threats. 'I am only doing my duty,' he said.

Officials said that any one found guilty of allowing poll malpractices would be punished. The Elections Commissioner has already urged the police chief IGP Frank de Silva to take disciplinary action against policemen found guilty of Eravur and Kattankudy incidents.

SLMC officials have told the election authorities that uniformed officers entered polling stations in Eravur and Kattankudy had ordered staff to lie on the ground and then stuffed the ballot boxes.

In some places the election staff had been ordered to look at the walls.

'ANBU ILLAM' of Trincomalee

Reproduced from Report 11 of the University Teachers for Human Rights (Jaffna).

The story of Anbu Illam (Dwelling Place of Love) situated in Trincomalee in eastern Sri Lanka is among the most remarkable tales of humanity amidst the gloom of war. Suntharalingam was a middle-ranking official in Nilaveli in 1985, by which time the tumult had resulted in much loss of life in the district. It fell to him to determine the future disposition of 27 young orphans. After being processed by the normal state machinery he was asked to send them to the Nuwaraf-Eliya Children's Farm. The village children feeling apprehensive about leaving known people and known places asked if they could not stay thereabouts. Suntharalingam who had hitherto treated the matter as one of his routine duties was taken aback by what struck him as a slap on the face. He, in his fifties had been through much that was good and evil in this world and was approaching old age - a time everyone hopes would be one of ease and reflection. He saw this younger generation coming into a more uncertain world, knocking on his door and entreating him. There was little he could do for them and felt condemned if he did not do what he could. He and his wife Rasalatchumi, a teacher (now retired) took what may appear a rash decision. They decided to take them all into their home to be raised with their own two sons. The number quickly increased to 45. Suntharalingam said, 'As a young man I had come from the backwoods of Mutur with Rs 17/- in my pocket and had over the years acquired rice fields and had done pretty well for myself. We had some means'. To increase his income with a view to providing for the orphans, he spent rupees four and a half lakhs and started 3 shops in Trincomalee.

When the IPKF came in 1987, Colonel Raman was at first well-disposed to Anbu Illam. He sometimes came with provisions and Suntharalingam used to tell him, 'Give it to the children, and not to me'. As the war between the IPKF and the LTTE wore on, the fact that the LTTE had once been influential in Vilaveli made him an object of suspicion. He was once detained, presumably at Colonel Raman's bidding and was tied naked for 7 days before being released on the intervention of friends.

Suntharalingam was deeply upset by the killings of Vijayanathan and

later of Gnanasekaran in September 1989. Suntharalingam composed a poem for Gnanasekaran and he and the children sang the poem in front of every militant camp in Trincomalee. The poem described Gnanasekaran's qualities the void left by his loss and called upon Lord Konesar to tell them why. Suntharalingam started getting threats from the killer unit known as the 'Mandayan Group' widely associated with the EPRLF. One day, in Nilaveli he was warned by a mechanic that he was being followed. He loudly said that he was going to Seven Star shop, proceeded as if to go there, and escaped to Trincomalee.

He then decided to go to Varatharajaperumal, Chief Minister NEP, and have it out with him face to face. He explained his position to Varatharajaperumal who listened patiently. The Chief Minister impressed him as a man of ability and understanding, not lacking in humanity, who was moved by his story. He offered Suntharalingam rupees one and a half lakhs towards his children. Suntharalingam thanked him for his kind thought and replied, 'In this transitory world where men wielding power come and go, if I accept this money from you what would be my position when the dispensation of power changes?'. He then asked Varatharajaperumal a direct question. 'Why did your party kill Gnanasekaran?'. Taken aback Varatharajaperumal replied in embarrassment, 'Why he was one of us'. This was the time the provincial government was dissolving under the onslaught of the LTTE and the Sri Lankan forces accompanied by a sharp rise in revenge killing. Varatharajaperumal told him finally with a note of concern, 'This is a time when men are turning into beasts. It is not good for you to be here. Get yourself to a safe place'.

It is also notable that during some of the last sessions of the North-East Provincial Council about the end of 1989, one member Ratnam had expressed concern about the spate of revenge killings. He said in effect. 'People like us come and go and every-time things are turned topsy-turvy. But who is going to look after the ordinary people?'. He made a plea to protect those in the community not directly associated with any side and have a social concern, who alone can guide the people through the coming vicissitudes.

The Suntharalingams and the children then moved to Kattaiarichchan

in the Mutur area, where his friend Thangathurai, former MP gave him 5 acres of land. As the war progressed Suntharalingam lost most of his wealth, and the three shops had crashed.

Shortly before the June 1990 war, the LTTE set up a platform near his place and had a meeting in the morning which was addressed by Mahattaya, then Deputy Leader, LTTE. Following the meeting Mahattaya walked into Anbu Illam and made inquiries. On learning their story he was visibly moved. He hugged some of the children and asked to have breakfast with them - an event which was photographed.

A tractor which had been taken by another group fell into the hands of the LTTE. On discovering that it belonged to Suntharalingam they offered to return it to him about 3 days before the war of June 1990. He reflected, 'True. I was once a wealthy man. But, by this time my desire for wealth had worn off. I lost several lakhs when my house and vehicle in Mutur were destroyed. I felt somewhat deterred from applying for compensation. I told the LTTE men you keep it for the time being and return it to me at some convenient time. I think it was God (Konesar) who guided me to take that position. If after the war had broken out word had got around that I had retrieved my tractor through the LTTE, it would have meant a lot of trouble'.

About July 1990 as the Sri Lankan army moved into the Mutur area Suntharalingams and the children betook themselves to the jungles with the village folk. For 47 days they led a tenuous existence sleeping among snakes and wild animals. In late August 1990 one girl was bitten by a snake and there was no way of reaching medical assistance. Suntharalingam took a gamble. He went in the morning with all the children and surrendered themselves at the Pachchanoor army camp. Confronted with the unusual event the sentries were hostile and suspicious. When the officer in charge was called, following a few questions he grasped the reality of the situation. He promptly ordered hot tea and biscuits for the children. Meanwhile, he contacted other camps stopped the bus to Mutur, and arranged for all to be sent to Trincomalee on Mutur-Trinco ferry. Suntharalingam said, 'That officer was a good human being. But I forgot his name. All I know now is that he was in charge of the Pachchanoor camp in August 1990'.

In Trincomalee the large family

moved into the house of the late Appathurai Chettiar at 167 Central Road, which had upon his last will passed onto the Ramakrishna Mission. It had been a grand house in its time about the turn of the century, with pillars of solid Burma teak, which was now in some state of disrepair. An old slightly damaged picture of the late Chettiar himself, sparsely attired as an ascetic distancing himself from ties of the flesh and mourning over the mortal remains of an elder daughter, now hangs near the entrance. Suntharalingam rescued it from the rubbish and had it framed as a mark of respect.

But that was not the end of the troubles of Anbu Illam. Through some quirk of fate, a photograph taken by the LTTE in Kattaiarichchan during Mahattaya's visit to the Illam had fallen into the hands of the Sri Lankan forces. The Illam was surrounded twice in 1990 and investigation units tried to take Suntharalingam for questioning. Both times the forces were turned back through demonstrations of protest from the children. The third time Suntharalingam decided to have it out direct. He talked to the officer in charge, believed to hold the rank of a major. The officer said in effect that Suntharalingam was breeding recruits for the Tigers. Suntharalingam explained the alienation of the young and said with some indignation pointing to the children. *'On the contrary, these children have been given a home with love and affection taught the tenets of religion and are steeped in abiding human values. These hundred children have been saved from a life of destruction and a life with the gun'*. He was troubled no more.

To make his point Suntharalingam pointed to two 18 year old boys who were at his home, and said, *'These two boys came from Muttur for a technical college interview. They came with all their documents including identification and interview letters. The army took them and kept them for a week at Plantation Point during which time they were beaten. What message is the government giving our young.'*

For seven months after the war of June 1990, no one went to Koneswar- am Temple at Fort Frederick to worship. On the first day of the month of Thai (14th January 1991), the Suntharalingams and children went to the entrance of the fort and sang Thevarams (devotional hymns). The sentries were stupefied. After some questions the officers were informed. Colonel Saliya Kulatunge, Deputy Commandant, Trincomalee, came and spoke to them. He was so moved by

The Case of Vijayanathan

B. Vijayanathan was among the foremost sons of Trincomalee marked out by unshakeable honesty and forthrightness. These gave him an appearance of rigidity in a world where flexibility had come to mean being economical with principles. He was among the first to protest when confronted with something unfair and was in turn tireless in the pursuit of justice. As much as people admired him, they were also bemused by his energy.

Vijayanathan's social concern led to his involvement in several voluntary organisations, including the Young Men's Hindu Association (YMHA). The phase of the conflict following the arrival of the IPKF placed the Tamils in the East, particularly in Trincomalee, in a severe dilemma. Vijayanathan, like most community leaders believed that the IPKF presence must be used to stabilise the position of Tamils who had previously suffered massive displacement.

But Vijayanathan in no sense compromised with inhuman behaviour by members of the IPKF. An officer by the name of Andrew thrust a boy named Manivannan from Kumburupiddy into a pit containing a python (boa constrictor). He was pulled out after a week and sent home, where he died shortly after arrival. Vijayanathan was furious and told Andrew in no uncertain terms that Lord Konesar would punish him for his action. That was Vijayanathan.

About mid-August 1988, the IPKF began assisting Tamils displaced from Pankulam by Sri Lankan forces to resettle in their lands. On 17th August, unarmed IPKF soldiers went into the nearby jungles with men from Pankulam to cut branches so as to make poles that would make up temporary shelter for returning refugees. The LTTE sneaked in and shot dead about six unarmed soldiers. Subsequently several refugees were beaten and rehabilitation ceased.

Pankulam folk went to Trincomalee and informed Vijayanathan as the president of the citizen's committee. Vijayanathan was critical of the LTTE and indicated to the refugees that they too were to blame, as the LTTE could not have stalked the area without their knowledge. A senior official of the

citizen's committee who was present asked Vijayanathan whether he should not have been more cautious. Vijayanathan responded dismissively that what needed to be said ought to be said.

There was another event which also took place during these dangerous days. From mid-1986 the LTTE was regularly visiting NGOs, monitoring their receipt and disbursement of funds. Following the war with the IPKF in October 1987 the LTTE's ability to operate in urban areas became seriously limited. It was here that the EROS came into the act.

Since the LTTE attacked the TELO in mid-1986, there were considerable sections in the EROS that opposed the leadership's inclination to dance to the LTTE's tune. The leadership ignored these sections and became sniffer dogs for the Tigers. It was in these circumstances that Kanthasamy of the TRRO was abducted by the EROS, who then disappeared. Kanthasamy, on a visit to Trinco a short time earlier, had given Vijayanathan Rs1 lakh and had asked him to use it whenever an emergency arose. Vijayanathan took it on condition that it would be kept in a savings deposit and used only on express instructions from Kanthasamy. When the EROS came sniffing for the money, Vijayanathan put them off by saying it was not his to touch.

On 18th August 1988, the day following the Pankulam incident, Vijayanathan was sent a message saying that a militant group wanted to talk to him in Kanniya, a couple of miles west of Trinco. He was taken to Kanniya on the pillion of a motor cycle by a lad well known to him. A number of persons in Trinco have said that the group concerned was the LTTE. Vijayanathan, though outspoken was cautious. Had the EROS or a pro-Indian group wanted to talk to him, he would not have easily budged from Trincomalee town where they openly operated. Vijayanathan too disappeared.

(Source: *'Sovereign Will to Self-Destruct'*, Report 11 by the University Teachers for Human Rights (Jaffna), November 1993).

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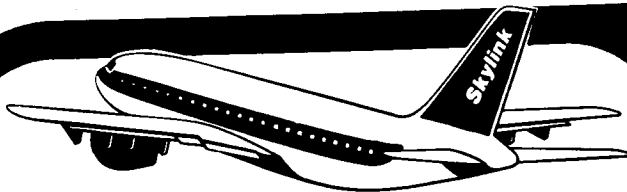
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their story that he could not suppress his tears. Thereafter Koneswaram was open to worshippers.

Several people in Trincomalee ascribe to Suntharalingam an image tending towards sainthood in the eastern sense. Talking to Suntharalingam, one gets the impression that he is a shrewd man of the world. He learnt about good and evil not through meditation or books, but from the rough and tumble of day to day living. Having been pretty successful, when a crucial challenge was posed, he had responded with his heart. He was sustained by his experience and knowledge of the affairs of men.

Although his particular situation obliged him to care for Tamil children from the area who were victims of the war, his personal development has made his humanity very broad and humbling to the listener. His sentiments about the Sinhalese, which would surprise outsiders, are being increasingly echoed by Trincomalee Tamils. Asked what he would regard as a solution to the current crisis he said, 'I have seen good and evil in all places, in all peoples and in all forces. Whether IPKF, the Tamil groups or the Sinhalese forces. Anyone with a gun has potential for evil. I would like to see an end to guns. If we could all talk without guns we could do pretty well. The ordinary Sinhalese are not aggressors. Both communities in town have suffered in recent times. A few days ago I was in the market, a place of bitter acrimony in the past. Some Sinhalese market vendors waved at me with a smile and said "Now that the politicians and big mudalalis (traders) have gone, we can live together as friends." You go up along the coast. At Kallara you will find migrant Sinhalese fisherfolk. They are poor innocent people. The mudalalis for whom they earn money do not sight the place. It is these innocent people who get hurt in the war.'

'We Tamils who have lost much should not blame the Sinhalese for everything. It is often more true that we lost something rather than the Sinhalese took. Did the Sinhalese take one inch of temple land by force? It is rather our lawyers who wrote away temple lands for the money. True the festive ground at Koneswaram was turned into a parade ground for the army. But sometimes our people going there have behaved shamefully. If it is for their palate, people would go into the market which was unsafe in previous times. But if you ask them to come to Koneswaram they would say it is unsafe. Sometimes the behaviour of our young folk in the precincts of

Koneswaram was such that even the soldiers were embarrassed. On the other hand, soldiers are often very respectful towards the temple and put much cash into the till. So are the Sinhalese employees of Prima. If we want to use Theerthakari on a festive occasion the Sinhalese who have temporary huts there would dismantle everything and give us the place spick and span'.

As to how he manages he said 'It costs Rs 2250/- a day to feed the children. This comes from the government in the form of rations for refugees. Other expenses have been met on an ad hoc basis by well wishers. Some of the older girls would be entering university. For the one who will enter this year money has been pledged by a well-wisher. If I register this home as an orphanage the government would give each child Rs150/- a month. But there would also be interference. I am going on the basis that these are my children in my home. I have so far not turned down any request to bring up a child where a child has lost both parents or where a similar alternative was not feasible.'

The Illam has just over 120 children at present. The last 7 taken were bereaved by the Mutur ferry boat disaster of January this year. The majority of the children are girls. The eldest Shanbakadevi (22) is about to start a degree course in commerce at the Eastern University. The youngest is a boy, Dinesh (3), whose father was killed in 1990 and whose mother lives in Mulleriya. Suntharalingam's own two sons are completing their school education. Four of the children are studying A Level Arts

About the future, Suntharalingam said, 'I could ask others to come and help. But too often people come into such things to feather their own nests. I am training some of the older girls to manage the administration and the finances. Hopefully they would take over. But they would then take over a working institution without having gone through the struggle of building it up and so its character may change. I will keep going in the present manner as long as it is possible.'

The Inmates of Anbu Illam

The stories of the children at Anbu Illam give in a nutshell the course of the war in the Trincomalee District.

Shanbakadevi (22), Kattaiparichchan, Mutur: Joined the Illam in 1985. Father Velukutti shot dead by the army in 1985 while working in the fields in Eravur (near Batticaloa) as a migrant labourer. Mother died of illness in 1987. Sister went to India as a

refugee with relatives and lives there. Grandmother in Kattaiparichchan.

Jeevamalar (19) Puthukudiyiruppu, Thampalakamam: Joined Illam in 1985. Studying A Levels. The army woke up the family one night in 1985, took the father Vijayasingam out and hacked him to death. She with mother Thevarani and others fled and took refuge in neighbouring Muslim village and her mother was killed by shrapnel.

Vijayakumar (14), Thampalakamam: Father hacked to death by the army in 1985.

Nathikummar (14), Kilivetti, Kottiyarpurpaatu: Father Sivasubramaniam among 3 shot dead by the army on 26/9/86. Mother killed later in shelling.

Mohanadevi (16), Thampalakamam: Father Maheswaran killed by Sinhalese homeguards on 17/12/85. Mother died of illness earlier.

Kumudhini (about 16), Thiriyai: Father Thuraisamy dragged away by Tamil militants in 1985 while having a meal with his family and shot dead. He was alleged to be responsible for a gallon of diesel that was missing.

Thanalakshmi (17), 3rd Ward, Muthur. Father Letchumikantham farmer, shot dead by the army on 26/9/86 over an incident connected with Sinhalese in the nearby village. Her mother lives in a refugee camp in Muthur.

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U.N. Commission on Human Rights

NGOs Call for Negotiated Political Solution to Conflict

Several Non-Governmental Organisations attending the Fiftieth Session of the United Nations Commission on Human Rights called for a negotiated political solution to the ongoing ethnic conflict in Sri Lanka.

In an intervention by the representative of the Regional Council for Human Rights in Asia, which was also supported by over a dozen other NGOs, including Human Rights Advocates, Pax Christi International, World Student Christian Federation, International Movement for Fraternal Union Among Races and Peoples, Women's International League for Peace and Freedom, Third World Movement Against Exploitation of Women, World Alliance of Reformed Churches, World Christian Life Community, and International Movement Against All Forms of Discrimination and Racism, the NGOs stated that the experience of recent years had shown that there was no military solution to the conflict.

The following is the text of the intervention:

The continuing violation of human rights of the people of Sri Lanka is a matter of concern that should be placed on the list of priorities of this Commission. Although the present Government of Sri Lanka seeks to deny the fact of discrimination against the minority communities in the island that has given rise to the present situation, the realities are well known to the international community and need not be described in detail on this occasion.

'We would like to make use of this opportunity to draw the attention of this Commission to a few of the most significant factors relating to the present situation in Sri Lanka:

(1) The military conflict in the north-east of the country, causing tremendous losses to life and property; over a million persons have been internally displaced as a result of the conflict, and thousands of others have fled to other countries.

(2) The civilian population of the north-east of the island have lived without basic amenities, shortages of essential items including food, fuel and drugs and minimal access to medical attention. They live under a constant threat to their safety and security and are subjected to continual, widespread

and indiscriminate aerial bombing by the Sri Lankan security forces.

(3) The Government of Sri Lanka uses the ongoing conflict in the north-east of the island to prolong the State of Emergency which was declared in May 1983 under which many of the fundamental freedoms guaranteed by the Constitution to all the people of Sri Lanka continue to be infringed with impunity.

(4) The experience of the past years have proved beyond doubt that there can be no military solution to the conflict and the pursuit of such a course thus far has only resulted in incalculable loss of life and property.

In this context, we request the Commission on Human Rights to urge the two main parties to the conflict in Sri Lanka, the Government of Sri Lanka and the Liberation Tigers of

Tamil Eelam (LTTE) to seek a cessation of hostilities with a view to achieving a political solution to the conflict through negotiations among all concerned parties and groups and obtain the assistance of the Secretary General of the United Nations in any mediation that may become necessary with the objective of bringing about an end to the war and the restoration of normalcy and peace with respect for human rights for all the people of Sri Lanka.

'We also request the Chairman, after consultation with the Bureau, to appoint an independent expert of international standing in the field of human rights as Special Rapporteur of the Commission whose mandate will be to make a thorough study of the violations of human rights in Sri Lanka based on all information the Special Rapporteur may deem relevant, including information provided by inter-governmental and non-governmental organisations, and any comments and material provided by the Government of Sri Lanka and submit a report to the Commission at its Fifty-First Session.'

'A Pervasive Atmosphere of Censorship' in Sri Lanka

The following are excerpts from an intervention by the representative of 'Article 19' at the recently held 50th session of the UN Commission on Human Rights:

'In July, 1993, ARTICLE 19 the International Centre Against Censorship sent a four-person fact-finding delegation to Sri Lanka on the issue of freedom of opinion and expression.

'ARTICLE 19 both welcomes and acknowledges the reduction in the incidents and degree of violence in Sri Lanka in the last two years. There remain, however constitutional provisions, laws and practices which continue to infringe severely the fundamental right to freedom of expression, and developments in Sri Lanka in the seven months since our visit are disquieting. In addition the continuing failure of the Sri Lankan government to investigate and bring prosecutions in respect of massive violations in the recent past represents the denial to the Sri Lankan people of their right to know the truth which is a fundamental aspect of the right to freedom of expression and information.

'Among our concerns is the promulgation of Emergency Regulations on sedition, which had been withdrawn in

June 1993 only to be reintroduced this past December. There are two troubling aspects to these regulations ARTICLE 19 wishes to emphasize.

'First, the promulgation of these laws as Emergency Regulations has meant that they were not subject to public or parliamentary debate before coming into force. ARTICLE 19 considers this side-stepping of the democratic process a serious violation of freedom of expression. It also contradicts the statement of the representative of Sri Lanka at the 49th session of the Commission, to the effect that there is a "democratic form of governance which Sri Lanka has uninterruptedly practised for over half a century".

'Second, the Emergency Regulations restoring laws on sedition violate international and comparative standards, not least because their wording is broad and vague. It must also be noted here as has been pointed out by ARTICLE 19 to President Wijetunge that courts throughout the Commonwealth have condemned sedition laws that purport to punish speech short of incitement to violence. The Sri Lankan Emergency Regulations do not require incitement to violence. The law also

makes it a crime to display posters or distribute leaflets "the contents of which are prejudicial to public security". In addition, the regulations make civil disobedience a crime of sedition with a penalty of up to 20 years' imprisonment.

'ARTICLE 19 acknowledges that a change to the regulations, introduced on 5 January 1994, removed an earlier provision making it an offence to "bring or attempt to bring the President or the government into hatred or contempt". This change will have little impact, however, on the manner in which the law is interpreted and charges preferred against journalists and others seeking to exercise their right to freedom of opinion and expression.

'A number of the recommendations in our report, which will be published shortly, call for changes in laws which continue to restrict freedom of expression and which contradict article 19 of the International Covenant on Civil and Political Rights. These changes alone, however, will not resolve the very real problem of informal censorship in Sri Lanka.

The ARTICLE 19 mission to Sri Lanka found ample evidence to support the claim that the hand of government operates in virtually every sphere of society and outside the context of law to abridge the right to freedom of expression. This may be accomplished through exerting economic and financial control, threatening ostracism or actually perpetrating violence against an individual, a publication, a group of publications or a non-government organization working in the area of freedom of expression. As a result, it can be said that a systemic and entrenched culture of censorship permeates all the institutions of society.

This pervasive atmosphere of informal censorship raises the question of what kind of challenge can be mounted by Sri Lankan or external human rights groups to combat it. For, by definition, this kind of censorship exists as a grey area of threats and pressures. Informal censorship and the self-censorship it encourages are difficult to document but are relatively easy to dismiss and certainly are not often held against a government by an international community eager to see improvements. Our conclusions following our mission therefore reflect grave concern that in Sri Lanka, as in other countries, criticism from the international community and an insistence that there be a return to the rule of law and good governance as pre-conditions for further aid agreements

has pushed abuse into this "informal" arena.

'It is therefore our view that the reintroduction of Emergency Regulations on sedition, coupled with other policies and informal practices, supports our hypotheses that the improvements in human rights frequently cited by the Sri Lankan government in this forum - and too often accepted by the Commission on Human Rights at face value - were and remain, tenuous. They are not institutionally based and thus do not provide real protection for freedom of expression in general and the media in particular.

'Based on the findings of our mission in July of last year and information subsequently received, ARTICLE 19 is not confident the human rights situation in Sri Lanka will substantially improve without greater involvement by the Commission on Human Rights. We therefore call on the Commission, at this 50th session, to appoint a Special Rapporteur for a term of one year to investigate and report to the Commission, to provide concrete recommendations and to work with the government of Sri Lanka to address the concerns we have outlined above as well as others. Specifically, ARTICLE 19 calls on the government to cooperate with the Special Rapporteur to, among other issues:

- 1) ensure a) that there is a full disclosure to the people of Sri Lanka, through uncensored reports in the media, of the discovery of mass graves at Suriyakanda, and; b) that an inquiry into the circumstances surrounding the deaths of those whose bodies were found in the mass grave be carried out, in accordance with the recommendations of the Working Group on Disappearances; c) that those considered responsible be charged in a court of law, and; d) that human rights monitors and journalists be kept fully informed so that the inquiry and its findings may be open to public scrutiny.
- 2) ensure access for all political parties to the government-controlled broadcast and print media in this pre-election period, and;

3) ensure full cooperation with Mr. Abid Hussain, the Special Rapporteur on Freedom of Opinion and Expression, in the investigation of both legal and informal limitations to the right to freedom of expression and the adoption of policies and practices to eliminate obstacles to the enjoyment of this right for all people.

'In January 1993 the Sri Lankan government announced (not for the first time) its intention to establish a national human rights commission. We note that no date for the creation of this body nor its terms of reference or constitution have been made public. ARTICLE 19 wishes to place on record our serious reservations about the establishment of yet another national institution in Sri Lanka which, if it follows the pattern of its predecessors - namely the Human Rights Task Force and the Inquiry into Disappearances - will serve the government's international public relations purposes far more than it will address the grave problem of public accountability for human rights abuses and the need for prosecutions to be brought against those who perpetrate these abuses.

'ARTICLE 19 notes that in the undertaking given by the Sri Lankan government at the 49th UNCHR sessions, the following statement was included: "The government will continue to pursue its policy of openness and cooperation with regard to further measures for the promotion and protection of human rights. Collaboration with the United Nations, national institutions and interested governments will continue to be an integral part of this policy."

'ARTICLE 19 calls on the government of Sri Lanka to practise this same policy of openness and cooperation in its dealings with non-governmental organizations both within Sri Lanka and externally based. ARTICLE 19 also calls on the government of Sri Lanka vigorously to pursue a policy of openness with the people of Sri Lanka themselves by ensuring the effective and full enjoyment of the right to freedom of opinion and expression.'

THE UDUGAMPOLA CASE

A Clear Case of Impunity

The following are excerpts from the intervention by the General Secretary of the Women's International League for Peace and Freedom at the recently held 50th Session of the UN Commission on Human Rights:

'The situation of conflict in Sri Lanka and the many violations of the democratic rights of the people of Sri Lanka are matters that have been placed before this Commission for suc-

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cessive years. It is with dismay therefore that we record that there has been no substantive change in the Sri Lankan situation in the past year, despite the repeated assurances of the Sri Lankan government to the contrary.

...we wish to welcome the accession by the Sri Lankan government to the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment, and urge the Sri Lankan government to take steps to ensure the implementation of the Convention. In particular, we urge that steps be taken to ensure that members of the security forces do not engage in torture of alleged suspects or detainees with impunity. A compilation of recent judgements by the Supreme Court of Sri Lanka presented in Parliament in November 1993 show that in the period from January 1991 to December 1992, 90 Police officers were found guilty of fundamental rights violations of detainees including torture.

We would like to underscore the persistence of impunity in Sri Lanka and its impact on the human rights situation. The fact that the state has systematically paid the fines imposed on Police officers found guilty of fundamental rights violations by the Supreme Court and granted promotion to such Police officers totally disregarding their human rights records is one which contributes to a sense among members of the security forces that they may engage in detaining and torturing persons with impunity, while among members of the general public it creates a climate of fear and intimidation in which no civilian will dare to defend his or her rights.

Of particular concern is the recent promotion of former Deputy Inspector General of Police, Premadasa Udugampola, who has been implicated in several cases of gross abuse of human rights; for example, the death of lawyer Liyanarachchi while in Police custody. The High Court judgement in this case, delivered on March 18 1991 found that it could not hold Mr. Udugampola's testimony in the case to be truthful and said that the state "had not with fairness presented the full picture of complicity before this Court". The present President of Sri Lanka has also gone on record on April 8 1992 as stating that the Criminal Investigations Department was proceeding with inquiries against Mr. Udugampola in connection with the Liyanarachchi case. However, instead of Udugampola being investigated he has been rewarded with the appointment to the prestigious position of

Acting Chairman of the Sri Lankan Ports Authority.

In this connection we would like to refer back to the recommendations, made by the UN Working Group on Enforced and Involuntary Disappearances after their visits to Sri Lanka in 1991 and 1992. In their report E/CN.4/1992/18/Add.1 recommendation (g) called for the Sri Lanka government to engage in "more rigorous prosecution" and "severe disciplinary punishment" of those responsible for human rights violations while recommendation (i) specifically asked that the "human rights records of members of the armed forces and the Police should be taken into account in the consideration of promotions".

The recent discovery of a mass grave in Suriyakanda in Sri Lanka also has major implications for the human rights record of the country, given the history of massive disappearances which remain unsolved up to the present. Although human rights groups both within and outside the country have expressed concern regarding the exhumation and the subsequent investigation, in particular raising the issue of the lack of forensic expertise in the field, the government has disregarded all such interventions and continues to proceed with a judicial inquiry with an undefined deadline. Lawyers and other witnesses involved in the investigation have been subject to threat and intimidation and there is a fear that vital evidence in the case has already been destroyed. The suggestion that the Sri Lanka government would seek international forensic expertise in the event of such exhumations directly linked to past disappearances was also one of the recommendations of the UN Working Group on Disappearances

Thus, it becomes clear that the government of Sri Lanka is continuing to disregard the recommendations of the UN Working Group on Disappearances as well as of other international human rights agencies such as Amnesty International with regard to the question of prosecution and punishment of those responsible for human rights violations in the country while also displaying no concern for the unravelling of the truth with regard to the past history of disappearances and massive human rights violations in the country.

We would also take this opportunity to raise our concerns about a case in the north of Sri Lanka which we have raised in this Commission in the past year as well. We refer to the prolonged detention of feminist poet Selvanithy Thiagarajah. She was arrested by the

Liberation Tigers of Tamil Eelam in Jaffna in August 1991, and since then her whereabouts have remained unknown. We appeal to those who have her in their custody to release her forthwith.

Given the fact that many pieces of anti-democratic legislation such as the Emergency Regulations and the Prevention of Terrorism Act which permit the indiscriminate arrest and detention of persons for undetermined periods and in undefined places of detention remain in place, the framework within which many violations of the rights of detainees can take place continues to exist. The last Annual Report of the Human Rights Task Force, one of the national mechanisms set up by the government of Sri Lanka in response to growing international criticism of its human rights record, says it received 2351 complaints of missing persons in the 12-month period from September 1, 1992 to August 31, 1993. Although the recorded number of disappearances in the country seems to be less in 1993, this is because many of the arrests of Tamil and Muslim persons in the conflict areas in the Eastern and North-Central Provinces go unrecorded. And recent mass round-ups of Tamils in the south of the country, especially in Colombo, have indicated beyond doubt that the mechanisms which allow for arbitrary arrest and detention and disappearances are still very much in existence. The case of Sinnathambi Meganathan, a bodyguard of a Tamil member of Parliament, who was abducted in November 1993 while on a bus in Colombo and who was traced a week later in Batticaloa in the Eastern province, in custody and with marks of assault all over his body, is but one of the better known.

In conclusion we would wish to underscore the continuation of the ethnic conflict in the country and the absence of any process of negotiation towards a resolution of the conflict and the restoration of peace to the island of Sri Lanka. Both parties to the conflict - that is, the government of Sri Lanka and the LTTE are responsible for this state of affairs and we urge them to consider the initiation of a peace process without further delay, if the rights of all Sri Lankan people to live in harmony and with dignity are to be assured.

As the Women's International League for Peace and Freedom, we appeal to the government of Sri Lanka to take note of the concerns of the international community with regard

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Sri Lanka Hits Out at LTTE to Deflect Attention on Human Rights

The following is the text of the statement made on 7th March by Mr. Tilaik Marapana on behalf of the government of Sri Lanka at the Fiftieth Session of the UN Commission on Human Rights.

This 50th session marks several decades of work, in which the Commission has contributed significantly to the promotion and protection of human rights since the adoption of the Universal Declaration. Sri Lanka is privileged to have participated in this process, having been a member of this Commission at regular intervals since 1957.

Over the years, the Commission's work, both in structure and content, has demonstrated its success in adapting to the changing international context in which it functions. This flexibility has enabled it to overcome its own limitations. In the same spirit of cooperation that has enabled the Commission to overcome difficult issues in the past, we remain optimistic that the current concerns relating to the agenda of the Commission, and the rationalization of its work, could be resolved through dialogue, mutual trust and accommodation.

Let me now turn to the situation in Sri Lanka, since I addressed the 49th Session of this Commission in March last year.

On 1st May, a tragic blow against our democratic institutions was struck by the terrorists when President Ranasinghe Premadasa, the elected President of Sri Lanka was brutally assassinated in Colombo. The ongoing inquiry indicates that this diabolical and senseless act was the work of the Liberation Tigers of Tamil Eelam (LTTE).

The manner in which the government, the opposition, and the people of Sri Lanka reacted in the aftermath of the assassination was exemplary. Foreign observers were impressed with the resilience displayed by the

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to the urgent need for peace in Sri Lanka and request the Commission to urge the government of Sri Lanka to take immediate steps to bring an end to the on-going ethnic conflict through a process of negotiations and to restore peace with respect for human rights in Sri Lanka.

people and the peaceful process of transition, by which President D.B. Wijetunga was unanimously elected and installed in office. Throughout this traumatic period complete law and order was maintained and communal harmony prevailed. There were no reprisals of any kind against groups who may have been suspected of involvement in the assassination. The intention of the terrorists to instigate violence on racial lines and cause political turmoil was thereby defeated.

In his inaugural address to the nation, President Wijetunga expressed his commitment to democracy and human rights as follows: 'I wish to stress again the commitment of myself and my government to the preservation of democracy and all the democratic freedoms enshrined in our Constitution. . . . The maintenance of discipline, law and order and respect for human rights will receive the considered attention and support of my government'.

The resilience of our democratic institutions is further evidenced in the peaceful conduct of the Provincial Council elections on 17th May 1993, barely two weeks after President Premadasa's assassination. Nine political parties and ten independent groups participated in these elections in seventeen districts of the country. An international observer team, including representatives of some of the members of this Commission, witnessed the peaceful, free and fair conduct of these elections.

Members of this Commission will recall that on 11th March 1993, I made a statement indicating certain measures the government would implement to further improve the human rights situation in Sri Lanka.

These measures were identified in recognition of the allegations of human rights violations reported to have occurred in Sri Lanka. We have assumed full responsibility to investigate these reported violations and take remedial action wherever necessary.

I wish to highlight the significant progress we have made in this regard: Sri Lanka has acceded to the UN Convention Against Torture.

A mechanism has been set up to ascertain the fate and whereabouts of

persons reported missing prior to 1991, as recommended by the UN Working Group.

The Emergency Regulations pertaining to arrest and detention procedures have been reviewed and revised. Steps are underway to identify Emergency Regulations, which could be revoked or replaced by legislation.

The recommendations of the UN Working Group on Disappearances subsequent to their two visits to Sri Lanka, are under implementation.

Several prosecutions against human rights violators have been launched.

The invitation extended a few years ago to the UN Special Rapporteur on Extra-judicial, Summary or Arbitrary Executions has been accepted. He will visit Sri Lanka at a mutually convenient date in the course of this year.

Clearly the most significant of the measures that were proposed by the government to this Commission last year was the achievement of a negotiated political settlement to the problems involving the North and the East of the country. Over the last ten years, constitutional changes have been effected in order to meet the legitimate demands of the Tamil people on critical issues like devolution, and language rights. These have been arrived at after thorough and painstaking dialogue and negotiation. These measures have resulted in persuading even extremist Tamil groups to join the democratic mainstream. The LTTE alone has refused to enter the democratic process, attempting to achieve its aim of creating a separate mono-ethnic one-party state in the North and the East of Sri Lanka by violent means.

The government has expressed its resolve that the LTTE should not be permitted to bypass the democratic process. Several opportunities were given in the past to the LTTE to engage in discussions with the government, the latest being the fourteen month period between April 1989 and June 1990 when former President Premadasa had talks with the LTTE. Despite the unreliability that the LTTE has manifested in the past, on 15th January 1994, Prime Minister, Ranil Wickremasinghe extended an invitation to the LTTE to talks and to participate in the ongoing discussions on constitutional reforms by submitting its proposals to the Parliamentary Select Committee on Constitutional Reforms. As the Commission would recall, the LTTE had earlier been given an opportunity of participating in the Parliamentary Select Committee which had been established in

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August 1991 to arrive at a political solution to the question involving the devolution of power to the Northern and the Eastern Provinces. The LTTE however failed to accept this invitation.

There is one basic fact that must be borne in mind in the consideration of the endeavours by the government to achieve a negotiated political settlement. The LTTE, whilst consistently denying cherished democratic freedoms to the people whom they claim to represent, is espousing a claim for self determination ostensibly on their behalf. The Tamil people comprise only 12.5 per cent of the population. They too are not confined to the North and the East of the country. The LTTE has no proven mandate to represent them. The LTTE is demanding a separate state, constituting as much as one third of the territory of Sri Lanka and two thirds of the island's coastline. They have based this demand on a spurious interpretation of historical facts. The illogicality and complete unreasonableness of this demand which is sought to be extracted by violence and terrorism is abundantly clear. Yet, in spite of the irrational nature of the claim, the government is prepared in the interest of peace and welfare of ordinary people who are helpless victims of this conflict, to search for a peaceful solution, without total disregard of the concerns of the LTTE.

The government has reiterated that any talks with the LTTE would only be held on the basis of four fundamental conditions:

– first, the renouncing of violence by the LTTE;

– second, discussions being held at the highest level of the leadership and not through intermediaries;

– third, that all recognized political parties, especially of the Tamil community, must also be represented at the discussions;

– fourth, the salient features of such a negotiated settlement are made known before talks commence.

The government is awaiting the response of the LTTE to this invitation.

We are gratified that the international community looks forward to the resolution of the North-East problem through a negotiated political settlement. This is our objective too. The international community can undoubtedly assist in the achievement of this objective. The international community should exert influence on the LTTE to renounce violence, accept democracy, jettison unreasonable demands and come to the negotiating table. It is well known that the LTTE draws most of its financial sustenance through illegal activities, and coercion and intimidation of the expatriate Tamil community now resident in Western Europe, the USA, Canada, Australia etc. In fact, in some of these countries, the LTTE has established offices for the purpose of conducting these covert operations. We are indeed grateful to the Government of the United Kingdom for expelling a LTTE leader who had been indulging in illegal activities. These activities were a direct threat to the security of Sri Lanka and were prejudicial to its unity and integrity. It is this type of action that can best serve our common interest in eliminating terrorism and restoring peace and normalcy in Sri

Lanka. In our view, such action would be an important measure that our well-wishers could take to improve the human rights situation in our country. The international community should also be mindful of its obligation to help eradicate terrorism.

In the meantime, the government has taken steps to restore normalcy in the Northern and the Eastern Provinces. In fact, elections to local government bodies in all three districts of the Eastern Province and in the Vavuniya district of the Northern Province were held on 1st March. Over 2000 candidates from seven registered political parties and 50 independent groups contested these elections for a total of 431 seats. An electorate of 762,930 persons who had been denied political representation for so long owing to the disruption caused by terrorism exercised their cherished political rights. Election results indicate that polling had been high, at an average of 70 per cent of the registered voters and that the elections were keenly contested. With these elections, the process of building up the civil administrative infrastructure and the democratic institutions will be accelerated.

The return of normalcy to these areas is reflected in the continuing repatriation from India, of displaced persons. Approximately 40,000 persons have now returned and are being assisted to resettle in areas cleared of terrorist violence. An Agreement has been entered into with the Government of Switzerland to enable the return to Sri Lanka of asylum seekers whose claims have been rejected. Other Western countries saddled with such asylum seekers who had left Sri Lanka claiming to have done so due to the unsettled conditions, now have the opportunity to repatriate them.

The events of last year have amply demonstrated the fact that, despite grave and provocative terrorist threats, our democratic institutions have been resilient, electoral processes have continued, the human rights of our people have been promoted and protected and the rule of law maintained.

In spite of the conflict in the North, the government has continued to discharge its humanitarian responsibilities to the people in the affected areas. A fleet of vessels has been chartered by the government to supply essential items of food, fuel, text books and medical supplies to the North under the flag of the ICRC. The thousand bed Hospital in Jaffna, is being kept fully staffed and maintained by the government so that the medical needs of the

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Chairman's Statement

The following is the text of the statement made on 7 March by the Chairman of the UN Commission on Human Rights.

'The Commission acknowledges the statement of the representative of Sri Lanka concerning the situation of human rights in Sri Lanka, and welcomes the government's continuing cooperation with the Commission.

'The Government of Sri Lanka has outlined a programme of work which is to be implemented in the course of the coming year which *inter alia*, includes commitments to: the further revision of the Emergency Regulations; the promotion of accountability through the vigorous undertaking of investiga-

tions and institution of prosecutions against human rights violators; taking all possible steps to prevent injury to civilians in the course of military operations; implementation of the recommendations made by the Working Group on Disappearances.

'The efforts of the Government to arrive at a negotiated political settlement to the problems in the North and the East of the country should be encouraged.

'As requested by the delegation of Sri Lanka, this acknowledgement will be included in the final report of the Commission and the statement of the delegation of Sri Lanka in its entirety in the summary records of this session.'

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largely civilian population can be adequately met. It is monitored and assisted by the ICRC.

In October 1993, Dr. Francis Deng, the Special Representative of the Secretary-General of the United Nations visited Sri Lanka at the invitation of the government. Dr Deng was witness to the massive efforts deployed by the government, at the cost of US \$ 55 million in 1993, and in collaboration with local and international NGOs, in providing relief for those affected by the conflict. Dr. Deng has observed that 'Sri Lanka presents the unusual situation of a central government providing relief aid to persons under the control of the main opposition group. In a world replete with examples of governments and rebel groups using food as a weapon against civilian populations, the situation in Sri Lanka is one that deserves closer attention, if not more publicity as an important precedent'. With regard to the issues of the internally displaced, my delegation has made a separate statement under the item dealing with Dr. Deng's Report.

Regrettably, some confidence building measures initiated by the government with the support of the UNHCR and the ICRC such as the establishment of a 'humanitarian corridor' in the North to provide 'safe passage' for civilians between the Jaffna peninsula and the mainland, and an attempt to seek the release of those illegally detained by the LTTE for almost four years, failed on account of the intransigence of the LTTE. The government will nevertheless continue with such initiatives in the interest of innocent civilians.

I would now like to share with the

SLMC Condemns Police Involvement

The Sri Lanka Muslim Congress (SLMC) yesterday condemned what it called 'direct police involvement' in the March 1, local government election in the Eastern Province and the Vavuniya District. The Congress has called on President D.B. Wijetunge to appoint a commission to conduct an impartial inquiry.

The congress has also requested all Tamil political parties which contested the local government election to join hands with the SLMC to press for a commission of inquiry. This request has also been extended to the SLFP, SLMC General Secretary Rauf Hakeem said.

'We have informed IGP Frank Silva

members of the Commission the main elements of the programme of work which the government proposes to carry out during the course of the next twelve months. This signifies the continuation of the process described in some details in our previous statements at this Commission.

Bearing in mind the improved situation in the country, steps will be taken to further revise the Emergency Regulations. These revisions will include:

- restricting the use of preventive detention by imposing a reasonable maximum time limit for such detention without judicial intervention;
- removal of provisions which permit suspects to be held for long periods in police or military custody without access to judicial authorities;
- ensuring strict compliance with the provisions requiring detention only at authorized places of detention by increasing the penalty and vigorously prosecuting the offenders;
- imposition of heavier penalties for the failure to issue receipts at time of arrests;
- removal of provisions which dispense with post mortems and inquests when deaths have occurred in custody or as a result of official action of the security forces.

Vigorous action will be taken to ensure that procedural safeguards contained in the Emergency Regulations are strictly complied with and implemented in practice.

Provisions in the Emergency Regulations promulgated in December 1993, which confer special powers in dealing with the offence of promoting feelings of hatred or hostility among inhabitants of Sri Lanka will be removed at the earliest opportunity.

and the Election Commissioner Chandrananda de Silva about the indecent police engagement in the election. While the Election Commissioner has already sent his officials to the East to look into this matter, the IGP is maintaining a low profile on this matter,' Mr. Hakeem said.

In a memorandum to President Wijetunga, the SLMC has indicted that the police in particular had violated the fundamental rights of the voters through sheer intimidation and also by supporting only the UNP candidates and supporters.

Mr. Hakeem alleged that in the Eravur and in the Kattankudy areas, the police had forcibly opened the polling stations and taken away the ballot boxes, while in the Kalmunai area the police had provided security and other services only to the UNP

The exercise underway to identify and consolidate all existing Emergency Regulations will be completed.

The Unit established to monitor pre-1991 disappearances will be strengthened with adequate staffing and funding and where appropriate its findings will be forwarded to the authorities with a view to prosecuting any offender.

Legislation for the issuance of death certificates in respect of missing persons will be enacted and provincial mechanisms for the implementation thereof will be established.

As a commitment to the promotion of accountability through pursuit of legal mechanisms, effective steps will be taken to prosecute human rights violators by undertaking vigorous investigations and the institution of prosecutions in court.

Legislation to fulfil Sri Lanka's obligations under the Convention on Torture will be enacted. Enhanced punishment for torture will also be provided for in this legislation.

Instructions will be given to the relevant authorities to take all possible steps to prevent injury to innocent civilians and damage to civilian property, such as places of religious worship and schools, in the course of military operations conducted against terrorists.

Emergency Regulations concerning NGOs will be replaced by legislation and any representations made by the NGOs will be given due consideration in the preparation of such legislation.

Sri Lanka will continue its cooperation with humanitarian and human rights organizations in their endeavours to improve the situation in Sri Lanka.

Action will be taken to continue implementation of the recommendations made by the UNWG on Disappearances following its two visits to Sri Lanka in 1992 and 1993.

Sri Lanka will continue its dialogue and cooperation with the Commission on Human Rights.

Efforts will be continued to seek a negotiated political solution to the problems affecting the North and the East.

At every international forum dealing with human rights issues, including this Commission, Sri Lanka has reiterated its policy of cooperation with the United Nations. On behalf of the President D.B. Wijetunga, my delegation reaffirms this policy of openness and cooperation, and the continuation of the commitment to fulfil the proposed programme of work.

SUB CONTINENTAL SCENE

Benazir's Diplomatic Fiasco

Pakistan's attempt to internationalise the Kashmir issue by seeking to get the UN Commission on Human Rights to adopt a resolution calling for a fact-finding mission to Kashmir collapsed when it was forced to withdraw its own resolution which did not attract even a single co-sponsor country. From the time the resolution was mooted, it was evident that it had little support. Even the Organisation of Islamic Countries, of which Pakistan is its current Chairman, refused to endorse the resolution. Forty three of the fifty three members represented in the Commission openly stated that they would abstain on it.

Few doubted the fact that gross violations of human rights were being committed by Indian security forces engaged in the containment of the armed insurgency in Kashmir. Many would agree that the human rights situation there justified independent investigation and monitoring. But the cause for human rights in Kashmir suffered because it was taken up by Pakistan. Almost every country represented in the Commission realised that Pakistan in raising the Kashmir issue was motivated not by considerations for the protection

and promotion of human rights of the Kashmiris or their right to self determination, but by its desire to promote its own territorial claim over Kashmir which had been disputed by India since the creation of Pakistan in 1948.

The decisive date was 11 March when the vote was to be taken. When the time came, Pakistan asked for a postponement of the vote for the afternoon to which India objected. India must have been confident that it was in a position to defeat the Pakistani move. If it came to a vote, those in the know say that only three countries – Pakistan, Libya and Mauritania – would have supported the resolution and, seven countries – Russia, Cuba, Cyprus, Bulgaria, Mauritius, India and Angola – would have voted against it, and the rest would have abstained.

In the afternoon, spearheaded by Iran and China over fifteen member countries ranging from Australia to Mexico, called upon Pakistan to withdraw the resolution and underlined that the issue of Kashmir was essentially a bilateral affair which India and Pakistan should resolve between themselves. Lacking support and in the face of

the pressure coming from many countries which Pakistan regarded as its allies, the resolution was withdrawn.

To Benazir Bhutto, the diplomatic fiasco at Geneva must be regarded as a personal setback. After being accused of being soft on the Kashmir issue by her powerful domestic rival, the former Prime Minister of Pakistan Nawaz Sharif, Benazir Bhutto embarked on a vigorous world-wide campaign to internationalise the problem in Kashmir. She raised the diplomatic stakes by her personal high profile intervention in promoting the campaign, and personally appearing at the Commission's sessions – an unusual thing for a head of state to do – and mounting an anti-Indian tirade against what she described as 'the Indian suppression of the Kashmiri people's struggle for self-determination'.

Having personally involved herself in the anti-Indian move on Kashmir due to domestic compulsions and the need to boost her weak parliamentary position at home, Benazir has got herself into more trouble. The diplomatic debacle in Geneva has resulted in a mounting campaign by her opponents demanding her resignation and that of her Foreign Minister, Assef Ahmed Ali.

Kashmir: Pakistan Puts India Under Pressure

by Thomas Abraham, Geneva

Public memory is notoriously short so it is useful to recall that a year ago the Indian delegation to the Commission on Human Rights in Geneva was in much the same predicament as it is today. The then Pakistani Prime Minister, Mr. Nawaz Sharif, like Ms. Bhutto this year, visited Geneva and delivered a scathing attack on Indian policy in Kashmir. Pakistan circulated a draft resolution calling for the UN Secretary General to send a fact-finding mission to Kashmir to enquire into human rights violations. India came under tremendous pressure, and had to intensively lobby key countries to make sure they did not encourage Pakistan. Eventually, Pakistan decided not to table its resolution after it became clear that no one was really interested in it.

The Indian foreign policy establishment sighed in relief but it was already clear that this was only going to be the first round of a continuing battle. Even though the Pakistani delegation withdrew the resolution, they had learnt certain lessons. The most important was the discovery that India could easily be put on the defensive. At every possible opportunity, the Pakistani delegation used to leap to its feet and talk about the atrocities committed by the security forces on the people of Kashmir and demand that the Kashmiris be given the right to self determination. India was forced to respond by denying that there were any rights violations, and reiterate that Jammu and Kashmir was an integral part of India. These constant exchanges benefitted Pakistan. It

helped to focus international attention on Kashmir and was an important step in the overall Pakistani strategy of making Kashmir an international issue. As the leader of the Pakistan delegation, Mr. Mushahid Hussain, remarked to this correspondent, he had raised the issue 27 times during the Commission's six week session, and was satisfied that attention was being focussed on Kashmir. More than the public statements, India was also forced to discuss Kashmir with governments all over the world to explain its position and win support.

In the months that followed, Pakistani diplomats built on this strategy. Every possible international forum was used to raise Kashmir including the world conference of human rights in Vienna and the UN General Assembly. So what is happening in Geneva is the culmination of a year of effort.

Both India and Pakistan have learned lessons in the process. For Pakistan, the strategy has produced immediate gains. India has been put on the defensive, and issues which had

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been taken off the international agenda such as the validity of Jammu and Kashmir's accession to the Indian Union, and the UN's role in solving the dispute are once again being raised. India is under international pressure, and this pressure has had results. New Delhi has had to abandon its traditional policy and open up Jammu and Kashmir to western ambassadors, and international organisations such as the International Commission of Jurists, the International Red Cross, and perhaps eventually Amnesty International as well. All this will help to focus international attention on Kashmir and keep up the pressure on New Delhi.

But Pakistan's gains have been mixed. It is striking that Pakistan has been able to gather very little international support so far even from the constituency that would normally support it to the maximum, the Islamic countries. Pakistan has tried very hard to equate Kashmir with Bosnia in order to transfer at least part of the international indignation that has been raised over Bosnia to Kashmir. This has not succeeded. The fact that Pakistan has had to table a resolution without any co-sponsors indicates its isolation.

There are a variety of reasons for the meagre support that Pakistan has received so far. Pakistan's natural allies, the Islamic countries have been reluctant to push Kashmir for a variety of reasons. First the majority of them have no quarrel with India, and see no reason to unnecessarily pick one. Secondly, the concept of self determination and the questioning of existing borders is something that many of them feel uncomfortable about. Indonesia for example, faces similar claims in East Timor, and is also under

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cedented travails experienced by the UNP among the minority communities in the east the support of which Premadasa could count on once upon a time, make that party revise its stand on the problem in the northeast, particularly when the Southern province polls show that the Sinhala vote is still divided?

The President being a principled and forthright Sinhala leader will not, I hope, indulge in such opportunism. He should stand by what he has enunciated thus far. It is easier for the minorities to live with a forthright leader than an arch equivocator, for they can know full well where they stand under his leadership and hence think clearly about their future in the Sri Lankan polity.

constant pressure in the Commission. To champion the cause of Kashmir would be politically foolhardy for the Indonesians. There are other countries, like Iran for example which see the need to build a broad anti-west front, and are reluctant to encourage quarrels within the developing world.

Pakistan has not received support from the west for a different set of reasons. There is widespread western concern over the situation in Jammu and Kashmir, and both the Europeans and the United States have lost no opportunity to tell India that they are disturbed by what is happening. But these countries also recognise Pakistan's role in fuelling violence in the valley. Therefore, any Pakistan sponsored resolution is seen as self serving. The head of the US delegation to the Commission, Ms. Geraldine Ferraro made this quite clear when she said that her country was likely to abstain from voting on the resolution because it was an 'interested country resolution'.

Pakistan's lack of support should not blind India to the necessity of asking some hard questions about the government's Kashmir policy. The most obvious question is why has it been so easy for Pakistan to push India on the defensive and bring to international attention an issue that India has struggled so long to confine at a bilateral level. Unless this question is asked and satisfactorily answered, Pakistan can and will keep tabling resolutions in the General Assembly and the Commission, until Kashmir is firmly under the international spotlight.

The first thing to note is that India is in a tactically weak position. It is always easier to make charges than to answer them. All Pakistan has to do is to keep talking about Kashmir, and force India to defend its record. This is a tactic which costs Pakistan nothing but costs India a lot in terms of time and resources. The second problem is that India's own hands are not clean. Everyone knows there have been violations of human rights by the security forces. These violations are well publicised, and apparent to the world. The Indian media itself is full of reports of such incidents. Pakistan's role in fomenting militancy is much less apparent. Pakistan denies it has any link with violence in the valley, and invites the international community to send a fact finding team to see if there are Pakistani terrorists camps. Since India is locked into a position where it cannot accept any fact finding team, it cannot call Pakistan's bluff.

India's position is also weak because

it is based on a flawed premise. The basic plank of India's policy is that Kashmir must not be internationalised. But in fact, Kashmir has become an international issue. Pakistan raises it at every international forum, and India is forced to respond. Ninety percent of the Indian delegation's efforts at the current session of the Commission on Human Rights is spent answering charges on Kashmir. Kashmir is an international issue, whether one likes it or not. But while Pakistan has the full use of international fora to talk about Indian policy and initiate action against India, India has a self imposed restraint about using the UN to talk about Pakistan.

Indian policy has been reduced to a mantra 'the Simla agreement is the only forum to solve the problem of Kashmir and Kashmir must not be internationalised.' This fear of internationalisation at one time had a sound basis. The UN Security Council resolutions asking for a plebiscite still hang like a sword of Damocles, and Kashmir is still a disputed territory as far as the UN is concerned. India fears that bringing the issue back to the UN would reopen the question of Kashmir's accession. Therefore, any internationalisation has been taboo. But it is time this taboo was questioned. The arming and sponsoring of separatism is an issue which must be brought to the attention of the United Nations and international pressure must be brought to bear on Pakistan.

There are ways that India could put Pakistan on the defensive. For example the world conference of human rights in Vienna last year, adopted a document which for the first time contained a paragraph linking sponsorship of terrorism to the violation of human rights. This was put in at Indian insistence, and was directed at Pakistan. It took several years of hard lobbying in the preparatory meetings leading up to the Vienna conference to get this paragraph in. It is an ideal weapon to use, and if Indian policy were more aggressive, it would form the basis for a resolution condemning states sponsoring terrorism. Such counter pressure would make Pakistan think before raising Kashmir again.

This strategy can be made to work, though there is an important precondition, The government must also be demonstrably seen to check human rights violations by the security forces, and act to reduce the alienation of the people of the valley. Once this is done, the way will be cleared to use international fora to effectively fight the external sponsorship of separatism.

India and Pakistan on Collision Course

by T.N. Gopalan

The much vaunted giant leap does not seem to have taken India anywhere. Not only that the Foreign Secretary-level talks have failed to break the ice in the relationship between India and Pakistan, the latter has chosen to embarrass the former by seeking to get a resolution passed in the current session of the United Nations Commission on Human Rights (UNHCR) in Geneva condemning the massive violation of human rights in Jammu and Kashmir.

A shot in the Pak arm has been US President Bill Clinton's categorical assertion that he shares Pakistan's concerns about the human rights abuses in Kashmir. While accepting the diplomatic credentials of the new Pak Ambassador to the US, Ms. Maleeha Lodhi, he declared that promoting respect for human rights around the world remained a 'pillar' of his foreign policy.

Ms. Lodhi's rhetoric on the occasion was on predictable lines - '...half a million brutal occupation troops were making life miserable for the Kashmiris...they are denied the basic tenet of Jeffersonian democracy, the pursuit of happiness...Can we preach human rights but only selectively apply it when convenient?... (such a course) is not worthy of the new global agenda to which both our nations strive...'

India is red in its face. Only a month earlier it had got out of the Hazratbal mess without losing face - that all the militants holed up in the shrine at the time and taken into custody have subsequently been released is a different matter. There was a constant chatter of reactivating the political process in Kashmir, right from the Home Minister, S.B. Chavan to non-descript political commentators harping on the need to defeat the devious designs of Pakistan with the help of the saner among the Kashmiris.

But then Pakistanis are no easy neighbours to live with. Nor for that matter is it easy to live down the blunders committed by the successive Indian policy-makers.

Says Mr. Manzoor Alam, a former vice chancellor of the Kashmir University, 'The alienation of the Kashmiris from India was sharply brought into focus by the siege. The entire population in the Valley rose in defence of the militants... The militan-

cy is at its peak, and so are the reprisals by the security forces as is evident from the happenings of Lal Chowk, Sopore, Khan Yar and Brij Behara... The loss of life in Kashmir, particularly of the youth, on account of militancy has reached colossal proportions...'

No wonder then, spurning the preferred olive branch, Pak Prime Minister Benazir Bhutto lashed out at India in the most virulent terms possible at the UNHCR, comparing India's current operations in Kashmir to the events of the dark days of the Nazi holocaust.

The South Block in New Delhi had to work overtime issuing refutations of Ms. Bhutto's allegations and instructing its diplomats all over the world to get into the act and 'set right the situation'. Prime Minister Narasimha Rao himself did, first briefing a visiting French Senate delegation, the French Senate Committee on Foreign Affairs, Defence and the Armed Forces and then Mr. Daniel Patrick Moynihan, Chairman of the US Senate panel on South Asia and a former US Ambassador here, on India's position.

Mr. Xavier de Villepin, leader of the French delegation, was apparently

Mr. Xavier de Villepin, leader of the French delegation, was apparently convinced that India had a case. He told the Press subsequently, 'We have respect for India's policy on Kashmir... We have no reason to criticise the position... In France we are very concerned with human rights, but we are against terrorism... We too have suffered on account of terrorism... we appreciate the risks and dangers involved should the dialogue process suffer...'

Expressing his 'disinclination' to indulge in rhetoric, Mr. Rao told Mr. Moynihan that it was 'strange' that India should be blamed for human rights violation when it had an independent judiciary, free press and democratic system and now a human rights commission to probe cases of excesses. Of course he would not elaborate whether all this applied in the case of Kashmir. Naturally Mr. Moynihan would only say, 'You have my sympathies and respect,' and nothing more.

The very day after the Indian Prime Minister asked Mr. Moynihan to 'rein in Pak,' Mr. Clinton came up with his

stinging comments on Kashmir. That he did not 'balance' his remarks by referring either to terrorism or 'territorial integrity' of the states in the region was even more galling to the Indian side. All that he had to say on the subject was 'we also oppose infringements of individual human rights as a result of extremism and fanaticism, whether of religious or secular nature, wherever it occurs.'

That Mr. Clinton should say all this when India is planning to allow the Red Cross and Amnesty International team to visit Kashmir, was one strain of lament. Another was, like the recently retired Foreign Secretary, J.N. Dixit's, the suspicion that the US was only in the process of setting the stage for interfering in the affairs of this region. There was also a concern that such statements would give a fillip to the militancy in the valley.

As part of the damage limiting exercise, the Indian government sought to rally round itself the opinion of the member nations of the UNHRC, telling them that Pak's efforts to have an international fact-finding team despatched to Sri Nagar or tabling an anti-Indian resolution were motivated and that the Indian position was 'transparent' and so on.

In addition anti-Pak propaganda was geared up at the Geneva session of the UNHRC. The Kashmiri Pandits, at the receiving end of the terror tactics of the Kashmir militants and most of whom find themselves out of the valley at the moment, distributed pamphlets illustrating what has been done to their community. Also excerpts from an Asia Watch report detailing militant atrocities against the civilians and a pamphlet highlighting the condition of the northern areas of Pak-occupied Kashmir were also circulated. One has to wait and see what impact all this has on the international community.

Meantime Pakistan has rejected most of the 'non-papers' from India on improving the relationship between the two countries, whether it is Siachen or Wullar barrage, India's proposals, submitted after the visit of Mr. J.N. Dixit to Pakistan, have all been shot down as of no consequence. On the other hand it has called for an end to the repression of the Kashmiris and deinduction of Indian troops by way of preparation for holding a plebiscite.

For all this politicking, it is clear that neither country is seriously exercised by the problems of the Kashmiris. As the Zurich-based Kashmir Democratic Forum, said in a presenta-

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tion before the UNHCR, 'Even in the area under its occupation which Pakistan calls "Azad" Kashmir, Kashmiris are treated by Pakistan worse than Gulams (slaves). There is no economic development, people have to pledge their support for Kashmir's accession to Pakistan before they are allowed to contest elections or take up government jobs, and the Pok Government is dismissed at the whims and fancies of the Islamabad government. If that is the plight of the Kashmiris, who are fellow Muslims in Azad Kashmir, one can well imagine the plight of all Kashmiris if Pakistan succeeds in its design to annex Kashmir. . . .'

Continued from page 9

(MRRSW) plans new resettlement locations and obtains central government approval for the budget to cover resettlement in those locations, it has little control over whether or not budgeted funds are disbursed to the local government authorities responsible for carrying out the resettlement plan. Consequently, internally displaced persons resettle, but often do not receive the aid - grants, infrastructure, and essential social services - they have been promised.

This must be corrected. A system must be found to ensure that available funds go to priority areas and projects. The MRRSW has proposed a plan by which the Treasury would transfer resettlement project funds to the MRRSW, which would then disburse them to District Government Agents, who would be responsible, with MRRSW participation, for project implementation. This idea appears feasible and should be tested.

4. The government, in consultation with UNHCR and others in the international community, should plan for a possible large-scale refugee repatriation and reintegration of internally displaced persons.

At some point, most uprooted Sri Lankans will return home, ideally as a result of a political resolution acceptable to all. The Sri Lankan government is unable to respond adequately to the needs of even the limited number of refugees repatriating and internally displaced persons resettling now.

Colombo, in conjunction with UNHCR other UN agencies, and international and local NGOs, should be preparing contingency plans for the eventuality of a large-scale return. In that, they may benefit from the experience that the international community

Many sober elements have been calling upon both the countries to create conditions conducive for a dialogue among pro-Pak, pro-independent and pro-Indian Muslims on the one hand and between the militants and the Kashmiri Pandits on the other. But who cares?

The successful third test-firing of the Agni, the intermediate range ballistic missile, on February 19 has added another twist to the picture.

The Agni missile can deliver a nuclear payload of one tonne over a distance of 1,500 km or a smaller warhead of 500 kg over a longer range of 2,500 km. The Indian Defence Research and Development Organisation

has been gaining in the repatriation of Cambodian, Afghan, and Mozambican refugees. The Sri Lankan government might do well to follow closely those repatriation movements, and especially the difficulties that the refugees' home governments have experienced.

5. Sri Lanka should accede to the 1951 UN Convention and 1967 Protocol Relating to the Status of Refugees.

The government of Sri Lanka is not a signatory to the convention or Protocol. Neither does it have any domestic legislation on refugees or asylum. While Sri Lanka does not host any significant refugee population at present by acceding to these important documents, Colombo could help pave the way for others to do so in a region woefully bereft of signatories.

To the LTTE:

6. The LTTE should resume dialogue with the government and should desist from actions - like its attack in Point Pedro harbour and its ransacking of the ICRC office - that threaten the welfare of civilians in areas under its control.

The LTTE shares responsibility for the sharp escalation in fighting in September and November 1993, bears significant responsibility for the breakdown of talks with the government and is responsible for the breakdown of UNHCR efforts to open a safe passage to the Jaffna peninsula. It has also taken actions such as the Point Pedro attacks that have directly harmed Tamil civilians. The disturbances at Madhu ORC that led to UNHCR pulling out of the camp probably could not have happened without tacit LTTE approval - if not LTTE incitement.

The LTTE should end such actions, and take positive steps to open new dialogue with the government.

is now presumed to have successfully demonstrated the key aspects of long range missile technology, effective integration of different stages of the medium range missile and re-entry of the warhead and its terminal guidance.

But whereto from here? Launch vehicle technology is difficult to acquire what with the sanctions on India, ISRO, The Missile Technology Control Regime, as developed by a small club of countries which already possess the intermediate range and intercontinental missiles, will work against India, and it cannot gain entry into the club unless it surrenders the nuclear option. That way perhaps India can gain access to civilian space technology. But can any government at New Delhi afford to be seen weak and going on bended knees? Anyway in its current state of predicament, India might go some length to placate the West.

It is possible that Mr. Clinton is stepping on the gas *vis-a-vis* Kashmir only to extract major concessions from India and Pakistan on the nuclear issue. In fact he did dwell at some length on the attempts of India and Pakistan to 'acquire weapons of mass destruction and ballistic missile delivery system' and his concern over the 'potential nuclear exchange with devastating consequences for the region and the world at large. . . .', while accepting Ms. Lodhi's credentials.

US Assistant Secretary of State, Ms. Robin Raphael, who had first set the ball in motion by openly calling in question Kashmir's accession to India, has of late been asserting that India has agreed, in principle at the moment, to participate in a multilateral process on arms control, non-proliferation and regional security. The Clinton administration which has purportedly been striving for a global ban on the production of fissionable material for nuclear weapons would like to impose a regional regime on India and Pakistan.

The latter is apparently game for such an approach in that if only because any such multilateral conference on 'regional security' would also focus on danger areas - which in turn could be said to cause nuclear proliferation - and inevitably Kashmir would be on the agenda. And thus the Kashmir issue would be internationalised, an extremely pleasing prospect for that country. If India is giving in on such a tricky business it would only be because it realises there is not much leverage left for it in this unipolar world of ours.

Tamil Nadu Newsletter

Distancing From the Lankan Tamil Issue

by T.N. Gopalan, Madras

Both DMK president M. Karunanidhi and the splinter group leader V. Gopalsamy (Vai.Go.) seem to have learnt to tone down their enthusiasm for the Lankan Tamils – whether it is the LTTE or even the ethnic problem as such, they prefer to avoid any sabre-rattling and fall in line readily with the views of the powers-that-be in New Delhi.

Take for instance the amazing some-rsault executed by Mr. Karunanidhi on the reasons behind his decision to boycott a reception to a batch of deinducted IPKF personnel in March 1989.

It may be recalled here that when the last batch of the IPKF personnel returned to the Indian shores, a reception was organised to greet them at Madras. The then Chief Minister Karunanidhi kept away, but Governor P.C. Alexander made it to the occasion. The former abstained saying that he could not bring himself into greeting those responsible for decimating hundreds and thousands of 'those belonging to my Tamil community'. His statement drew a lot of criticism from various quarters, but he stood his ground defiantly. 'For me my community comes first,' was his attitude.

With the exit of Mr. V.P. Singh as Prime Minister, and his successor Chandrashekhar threatening to dismiss his regime on a charge of colluding with the Tigers, his ardour for the Tamil cause cooled. His government rounded up a number of Lankan Tamils, both militants and ordinary refugees, as part of a crack-down on law-breakers. Most of those arrested then, many of them mere victims of Karunanidhi's unabashed greed for power, are still behind the bars, under humiliating conditions.

Be that as it may, in his affidavit put before the Jain Commission probing into the conspiracy angle behind the Rajiv assassination, Mr. Karunanidhi has cited a very patriotic reason for his boycotting the reception to the IPKF personnel:

'The IPKF was committed to fighting the Tigers without sufficient preparation. And hence the enormous loss of life on the part of the Indian army. And hence indeed he had to boycott the IPKF reception – a gesture of protest against the mess-up for which the rulers in New Delhi were squarely

responsible. Oh, what a touching concern for the lives of the Indian soldiers! Promptly Vai.Go. pounced upon the statement and pointed out the glaring contradiction between the attitude of Mr. Karunanidhi when he was in power and now when he is angling for an alliance between the DMK and the Cong-I and is also scared to death of any kind of implication in the Rajiv assassination or even in the disgraceful 'escape' of the LTTE killer squad which mowed down EPRLF leaders a year earlier.

The DMK president was embarrassed no end and had to do a lot of explaining, not very convincingly anyway, on the matter. Even as Vai.Go. was gloating over the betrayal of the Tamil cause by Mr. Karunanidhi, came his own nemesis – ironically, again, in the form of his own affidavit to the Jain Commission!

Vai.Go. has steered clear of the very word Jaffna in his affidavit while referring to his controversial visit to the peninsula in 1989. He had visited only the 'northern parts of Sri Lanka'. Surely it does not lie in him to undermine the political entity called Sri Lanka simply because there is some trouble going on there!

And why did he go there in the first place? Not to express his solidarity with the fighting Tigers, with their leader Prabhakaran, in their struggle against the Sinhalese and the marauding IPKF as he was wont to say those days. No, nothing of that sort. He was only concerned with the conflict between the LTTE and the Indian army and was exploring the possibilities of bringing the parties together and the war to an end!

There is more to come. Vai.Go. has also denied that any video film was done on his Jaffna visit; was he unaware that the video film of his visit was shown by the LTTE all over the world to gatherings of expatriate Tamils?

The video film featuring Prabhakaran and Vai.Go. together was leaked to the press by the CBI obviously in an attempt to malign the DMK last year to further sharpen the cleavage between Mr. Karunanidhi and Vai.Go.

And who was able to lay his hands on Vai.Go.'s affidavit to the Jain Com-

mission? Who else but Mr. Karunanidhi whose turn it was now to lampoon his rival's commitment to Tamil Eelam. Put on a spot Vai.Go. asserted that he stood by his support for Eelam and that he had submitted a second affidavit to the Jain Commission. But, sorry, he was not in a position to disclose its contents!

Now the two are locking horns in platform after platform, rally after rally, on who is a greater champion of the Tamil cause, but their credibility has certainly diminished in the light of the recent revelations.

Unfazed, Mr. Karunanidhi has announced a 'rail roko' (stop the train) agitation to protest the 'Hindi imposition' and Vai.Go. is going in for a massive rally in Madras to highlight a series of grievances of the people of Tamil Nadu. Incidentally, a picketing programme of Vai.Go. in Madras in the second week of February proved a smashing success and the turn-out of volunteers has taken many observers by surprise.

Surely the two by-elections to the Assembly in which both DMK and Vai.Go.'s group are sure to contest could provide a pointer to the future.

Rally Suppressed

Such is the present climate in the state, the government could easily squelch any aggressive attempt to focus on the problems of the Sri Lankan Tamils. Like when the Indo-Sri Lanka Friendship Society sought to take out a rally (on Jan.30) to protest the forced repatriation of the refugees, restrictions on their movements and the ban on the non-governmental organisations from entering the camps. Thirteen persons were taken into custody in the process.

The stopping of such an purely humanitarian effort – the rallyists had planned to distribute relief materials to the inmates of the refugee camp – got some cursory notice in the local press. Even the Madras editions of those newspapers did not have a word to say on the episode. None of the opposition leaders – all of whom were kept informed on the developments – bothered to issue any statement.

Much after the repatriation of over 2,000 refugees, most of them hailing from Mannar, in four sailings this month in January – February Vai.Go., DK general secretary K. Veeramani, that old war-horse P. Nedumaran and Mr. Maniarasan, leader of an odd Marxist-Tamil nationalist grouping, jointly issued a statement denouncing forced repatriation. Interestingly the statement sought to arraign the Cen-

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tre alone over the matter but maintaining a discreet silence on the state government's own role – if anything it is the Jayalalitha regime which has been incessantly pressing the Centre to 'deport' all the Lankan refugees at the earliest and the latter is generally seen to be giving in to the wishes of the state government.

Denigrating Judiciary, Jayalalitha Style

Meantime, the AIADMK has thought nothing of denigrating and harassing the judiciary in its attempts to 'protect its interests', it looks like. The son-in-law of a High Court judge was arrested early this month for alleged possession of ganja, stirring up a hornet's nest. For the judge concerned Mr. A.R. Lakshmanan, reputed for many a judgement adversely affecting the interests of the government, soon thereafter excused himself from a case filed by TNNC-I president Vazhapadi K. Ramamurthy alleging corruption in a multi-crore coal import deal by the Tamil Nadu Electricity Board.

While the opposition cried foul, the government defended itself saying the son-in-law in question has had a case history of violating prohibition laws. Unfortunately for it, many of those found unpalatable by the AIADMK government have, in the past, been charged with exactly the same offence – possession of ganja!

Naturally then advocates raised a storm. When they convened a meeting to denounce the government for its attempts to 'intimidate' the judiciary, AIADMK thugs gate-crashed and sent the advocates diving for cover. There were wall-posters all over the High Court complex calling the judges smugglers, and worse.

When the High Court took serious note of the unseemly developments, Nagai Mugan, a self-professed Tamil Nationalist, but who always takes care to be on the right side of Ms. Jayalalitha, came forward to own the crime of producing the posters denigrating the judges.

But there was yet another intriguing turn when the owners of the printing press, where the police said the posters were printed, denied that they had anything to do with the matter. Power supply had been disconnected since a month ago because of non-payment of tariff and hence the press had not been functioning at all, they told the court! The judges told the police in no uncertain terms, 'catch the real culprits or face action for contempt of court'.

30 Civilians Missing After Bombing Raid

The BBC reported on Sunday 27 February: 'At least thirty (Tamil) civilians are missing presumed dead, following an attack by (Sri Lanka) airforce planes on a convoy of boats in an area dominated by Tamil separatists. The incident is reported to have occurred on Saturday night as some six hundred people crossed a prohibited lagoon which separates the rebel held Jaffna peninsula from the mainland. It is the first air attack on the strategic waterway since last November, when Tamil rebels overran a large military base on the shores of the lagoon.'

'Fear danger and death have returned to a lagoon which is used by civilians and Tamil separatists in the north. For the last three months, under cover of darkness, these same people have been able to cross the waterway safely because the rebels destroyed a nearby naval base, taking away patrol boats. Now the security forces have struck back (at Tamil civilians). Reports of the latest attack have come from boat passengers who have survived the incident. They say that a convoy of sixty boats was crossing the lagoon on Saturday night when airforce planes attacked them. One eye witness said that "people began to scream, some jumped overboard while others prayed." At least

thirty civilians, all of them Tamils, are now missing, presumed dead.

'The new head of Sri Lanka's airforce, Oliver Ranasinghe, said this month that his planes would only attack "correct" rebel targets in the north. Despite his statement, this incident is unlikely to embarrass the (Sri Lanka) security forces.

'Over the past two years, they have yet to acknowledge or accept any responsibility for the numerous attacks on the lagoon, which have claimed the lives of some two hundred (Tamil) civilians.

'Efforts aimed at finding a solution to the dangers of the waterway have so far failed. This means that innocent people will continue to risk their lives crossing the prohibited lagoon, which is the only way that Tamils on the peninsula can reach the mainland and the capital, Colombo.'

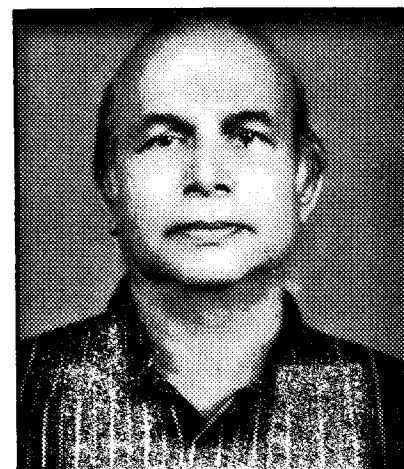
Meanwhile a Reuter news report from Colombo, Sri Lanka datelined 27 February confirmed that a convoy of boats bringing (Tamil) civilians from the Jaffna Peninsula, was bombed and strafed by a (Sri Lanka) ground attack aircraft and two helicopters halfway across the (Killali) lagoon and said that in addition to the (at least) 30 Tamil civilians missing 'ten more passengers were injured when the same (Sri Lanka) aircraft attacked the landing point on the mainland.' The Reuter report added: 'The (Sri Lanka) military said that it had no information on the attack.'

T. Wanam Rajaratnam

Tribute to a Judge

by Dr. Neelan Tiruchelvam

Tellipillai Wanarajah Rajaratnam was born in December 21st 1921, the son of Proctor T.C. Rajaratnam, a highly respected member of the legal profession. Wanam as he was affectionately known was a student at Trinity College where he achieved distinction in the study of the classics and was awarded both the Senior Ryde Latin Prize, and the Prize for Greek. He read classics at the University College and was awarded an Honours degree. He later became an Advocate of the Supreme Court and was also called to the English Bar as a barrister. He practised law for twenty two years during which period he acquired a reputation as a highly competent but somewhat maverick trial lawyer with a substantial criminal and labour law practice. He also appeared in several important election petition cases which are the most demanding of all litigation as



Justice Tellipalai Wanam Rajaratnam

they call for the discipline and tenacity of the civil lawyer and the ingenuity and intuition of the criminal bar. He

accepted an appointment as Commissioner of Assizes in 1970, an inevitable stepping stone to an appointment to the Supreme Court in 1972.

His six years in the Supreme Court were perhaps the most important years of his life, as he believed that every judge must fashion a judicial philosophy which enables himself to consistently resolve the difficult moral and social choices which arise in the process of adjudication. Not everyone agreed with his judicial philosophy which often required an explicit consideration of the issues of social and distributive justice in reconciling the interests of the individual with that of the state as a custodian of wider societal interests. He was unsympathetic to any attempt by what he perceived to be vested property interests to whittle down the impact of land reforms, agrarian reforms, urban land ceiling legislation, or progressive labour legislation. He believed that judicial activism on behalf of disadvantaged or vulnerable groups was entirely consistent with the obligation to dispense justice without fear or favour. His judgments were often elegantly crafted reflecting his broader training in the classics, and his uncanny ability to focus on the hard issues of law and

equity which were at the centre of a case. He could not be swayed from a course of action which he believed to be just and correct.

At the age of 58, he had to face an unforeseen crisis when the Supreme Court was reconstituted under the Second Republican Constitution. He faced premature termination of his judicial career and by law and convention could not revert to his practice. He remained defiant and became a lonely crusader for justice, and an advocate of 'unpopular causes'. He contributed frequently to the Saturday Review and the Tribune, and was the author of a Manual on Industrial Law and Plantation Workers Manual. He was a Visiting Lecturer at the University of Colombo, and was active in the Civil Rights Movement, and the Classical Association. He belonged to a small band of progressive lawyers and was knowledgeable on ideological and political developments in the Soviet Union.

The trial of Zulfikar Ali Bhutto was a watershed in his career. He requested a copy of the Supreme Court judgement and subjected it to meticulous analysis. His book on the Trial of Bhutto, called 'A Judiciary in Crisis' was subsequently translated into Uru-

du and widely read within Pakistan. Lawyers and judges in Pakistan were amazed that a former member of the Sri Lankan judiciary should take the trouble to read 709 pages of the judgement of the Pakistan Supreme Court, and publish a critical analysis at his own cost. But to Wanam, 'an injustice anywhere was a call to the just everywhere'. On August 14 1989, the President of Pakistan conferred on him the highest civilian award for meritorious and invaluable contribution (Hilal-I-Quaid-E-Azam).

He was appointed a Member of Parliament in 1989, and thereby became one of the very few to be both a Member of the apex court and the supreme legislature. He did not reach his full potential as a member of the legislature, as he was often incapacitated by ill health. When he spoke in Parliament, his interventions were thoughtful and reflective. He once wrote that, 'when life's landmarks vanish, judges like ordinary mortals will be helpless as moths having to account for their deeds on earth'. Wanam will be remembered for his simplicity, his legal learning, his passionate engagement with legal and political causes, and his abiding faith in the Majesty of the Law.

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MATRIMONIAL

Jaffna Hindu Tamil sister residing South Africa, seeks professional bridegroom for younger sister, fair, 5', 29, slim, employed as computer programmer, Mars in eighth house. Send horoscope with details. M 720 c/o Tamil Times.

Jaffna Hindu parents seek brides for their two sons, post graduate teacher and supervisor oil factory, Nigeria. Send photo, details. M 721 c/o Tamil Times.

Jaffna Hindu seeks groom for her graduate sister, 40, employed in Bombay. Send horoscope details. M 722 c/o Tamil Times.

Jaffna Hindu parents seek suitable bride for son, 32, professionally qualified in California, good secure position, migrating to Australia near future. Send horoscope details. M 723 c/o Tamil Times.

Jaffna Hindu parents seek professionally qualified partner for 32 year old attractive accountant daughter in USA. Horoscope immaterial. P.O.Box 8714, Northridge, CA 91327, USA.

Jaffna Hindu parents resident in Canada seek partners for pretty accountant daughter, 35, Mars afflicted and engineer son, 30, good natured, both working in Canada. Send horoscope, details M 725 c/o Tamil Times.

Jaffna Hindu Uncle seeks professionally qualified groom for attractive science and music graduate niece in late twenties, presently in high employment in Colombo. Proposals treated confidentially and replied/returned. M 726 c/o Tamil Times.

OBITUARIES

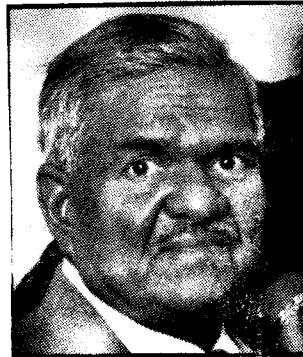
Mr. Velupillai Ponnudural, formerly of the Ceylon Cement Corporation, KKS, youngest son of the late Mr. Velupillai and Mrs. Parwathipillai of Kumara Kovil, KKS; brother of the late Theivanaipillai (Trinco) and late Mr. Murugupillai (Kokuvil); beloved husband of Rajaluxmy; everloving father of Dr. Vetha (Oman), Krishnan-

than (Oman), Useelanathan (Brunei), Sasi (Irrigation Department, Vavuniya), Kumaranathan, Rusitha, Shanmuganathan, Sarvanathan and Ratha (All of Jaffna); father-in-law of Rajeswaran (UK), Dr. Ranjini (Oman), Dr. Geetha (Brunei) and Ganeshalingam (Malaysia); grandfather of Harendra, Sivendra, Nishantha, Thanuja, Prasanth, Nisanth, Milu and Mithu passed away in Jaffna on 16.2.94 and was cremated on 22.2.94 from Luxmy Vasa, Suthumalai Centre, Manipay. - 312 Torbay Road, Harrow, Middlesex, U.K. and P.O. BOX 3, Code 119, Al Amerat, Sultanate of Oman.



Dr. Velupillai Krishnarajah, formerly Consultant Surgeon, Jaffna General Hospital, Sri Lanka; dearly beloved husband of Rathivathani; loving father of Kumidini and Nirantharakumar; son of the late Mr. & Mrs. Velupillai (Puloly); son-in-law of the late Mr. & Mrs. Kulasegarampillai (Thellipalai); brother of the late Vamadeva, Balendra, Rajendra, Pathmini (Canada), and Pushpadevi (Australia); brother-in-law of R.S. Pillai (Canada), Parameswaran (Australia), Arulanantham (Canada), Dr. (Mrs.) Rudradevi Paramaguru (USA), Iris (UK), Ratnamany and the late Sivamani passed away on the 28th of January 1994. Funeral took place at Kanatte (Colombo) on 30th January.

His family wishes to thank everyone for their help during his prolonged illness, messages of condolence and acts of kindness - 40 Rajasinghe Road, Colombo.



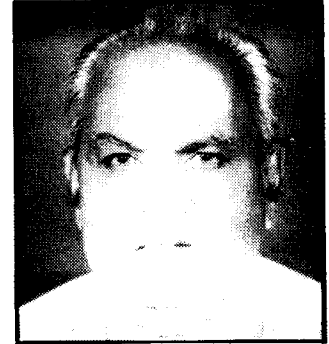
Mr. Sinnappu Vallipuram Ponnampalam (63), popularly referred to as V.P., former teacher, Shanda Varodaya College; Principal, Mulliyavallai Vidyananda College; Lecturer, Palaly Training College; Teacher, Zambia; Chairman, Alaveddy-Mallakam Village Council; President, Alaveddy-Mallakam M.P.C.S.; Communist Party Candidate for Uduvil and KKS Parliamentary Seats; beloved husband of the late Pooranam and Puvaneswary; loving father of Mahavelirajan, Namunukulan and Sensudar (All of Canada); son of the late Mr. & Mrs. S. Vallipuram of Alaveddy; brother of Masilmany (Canada); father-in-law of Sarvalogini and Kala; Grandfather of Poorani and Senchenay passed away in Toronto after addressing a memorial meeting of his former teacher and principal Mr. Subramaniam (Orator) on 5.3.94 and was cremated on 12.3.94 - 28 Medley Crescent, Scarborough, Ontario M1J 1Y3, Canada. Tel: (416) 269 9373.



Mrs. Rajaratnam Sabapathy, beloved wife of late Mr. Sam Sabapathy, former Mayor of Jaffna, loving mother of Dr. Nalayini Sriskandarajah (U.S.A.), Vinothini Amarasekara (Sri Lanka); Malini Karunanathan, Dr. Premala Isweran, Kanageswary Chandrakumar and Raji Kanagadevan (all of U.K.); mother-in-law of Dr. Rajan Sriskandarajah, Dr. Sarath Amarasckara, Dr. M.S. Isweran Dr. M. Chandrakumar and M. Kanagadevan; grandmother of Saianthan, Shamila,

Shanika, Yalini, Roshini, Tharaka, Arani and Amuthan, passed away peacefully on 20th March 1994. Cremation 26.3.94, at Golders Green Crematorium, London, following ceremonies according to Hindu rites at 49, Orchard Drive, Watford, Hertfordshire (Tel: 0923 229421).

IN MEMORIAM



In loving memory of **Dr. Sinnathamby Selvarajah**, Retired Registered Medical Practitioner, Kantharmadam, Jaffna on the second anniversary of his passing away on 25th March 1992.

He was the loving husband of Thanaluxmy; father of Dr. Yoganathan, Dr. Yogaranjitham (both of U.K.), Mrs. Jeyaranjitham, Mr. Eswaranathan (U.K.); father-in-law of Manjula, Dr. Navaratnam (both of U.K.) and the late Mr. Sivalingam and grand father of Mahesh, Nilusha, Govardhan, Janardhan (U.K.), Bhiranavan and Sivanjali (Sri Lanka). - 6 Birchwood Close, Highfields, Blackwood, Gwent, NP2 1WW.

In Loving Memory of Our Beloved

Daddy Mummy

Ponnampalam Vemalaranee
Kanagaratnam Kanagaratnam
Born: 11.10.1908 10.7.1923



Rest: 2.3.1982 31.3.90
Gently with love your memory is kept
Your affection and kindness We will never forget
You both are always in our thoughts
And for ever in our hearts.

Remembered with love and affection by sons Sara, Brem and Dubsy; daughters-in-law Lalitha and Shyamala; and

grandchildren Janarthan, Mehalala, Uthistran, Arani and Anuja. - 19 Huxley Place, Palmers Green, London N13 5SU. Tel: 081 886 5966.

FORTHCOMING EVENTS

April 1 Good Friday.

Apr. 6 Ekathasi.

Apr. 8 Pirathosam.

Apr. 9 6.30pm. Cultural Evening including Dance Drama 'Kundrakudi Kuravanji' organised by London Tamil Centre at Brent Town Hall, Forty Lane, Wembley. Tel: 081 904 3937.

Apr. 10 Amavasai.

Apr. 15 Sathurthi.

Apr. 29 Feast of St. Catherine of Siene.

Apr. 30 7.00pm Natha Vidyalaya Violin Concert at Baden Powell House, Queens Gate, London SW7. Tel: 081 964 5868.

At Bhawan Centre, 4A Castle-town Road, London W14 9HQ. Tel: 071-381 3086/4608.

Apr. 9 7.00pm Hindustani Vocal by Ustad Dilshad Khan.

Apr. 17 6.30pm Devotional Music by Vani Jairam.

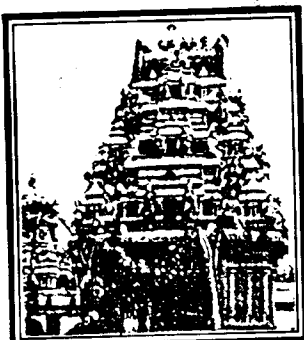
Apr. 24 6.30pm Karnatic Vocal by Sivasakti Sivanesan.

Apr. 30 5.30pm Talk by Dr. V. Vasantasree on 'Education of Women in India'.

Apr. 30 7.00pm Dance Drama 'Chandalika'.

Gita Lectures by Sri Mathoor Krishnamurthi at 5.30pm on Apr. 9, 16, 23.

A Bell For Thirukoneswaram Temple



Thirukoneswaram Temple in Trincomalee has been restored to its pristine glory at a cost of 1.3 million rupees from funds from the President's Fund and from several donors. The Maha Kumbabishekam was held on

11.12.93, and regular poojas are being conducted. The ancient temple on the Holy Swamy Rock had an excellent bell which is not in use now.

A new bell tower 54 feet high is being constructed alongside the Thirukoneswaram Temple dome and arrangements are being made to obtain a suitable bell. The cost of a new bell including transport to Trincomalee is estimated to be £5000. The donations received to date amount to £2350.

A dinner is being organised at Lola Jones Hall, Tooting Leisure Centre, Greaves Place, off Garratt Lane, London SW17 on Saturday, 2nd April 1994 from 7.00pm and the support of all devotees is requested.

Donations are urgently required and cheques in favour of Thirukoneswaram Restoration Fund could be sent to: U.K. Fund Manager, 10 Townley Road, Dulwich, London SE22 8SW. All donations will be acknowledged.

Flute Recital in Holland



A flute recital was performed by Mr. K. Jananayagam on 3rd March 1994 in Enschede Music Centre in Holland. This centre is one of the good halls in Holland with excellent acoustics. One of the interesting features of the recital was that the only accompaniment was a Tabla instead of the usual violin and the mirudangam in other concerts.

The audience was cosmopolitan and the Ragas selected were common to both North and South Indian styles of music. Mr. Sandip Bhattachariya, well known artiste accompanied on the Tabla. Explanations were given of the different Ragas and the hall was packed to capacity in spite of the inclement weather and a national soccer fixture in the locality.

Ramanathan Feted and Honoured in Colombo



Mr. V.R. Ramanathan, General Secretary of the Saiva Muneeta Sangam, U.K. Branch was 'draped with a golden shawl' and conferred the title of 'Saiva Thurantharar' by the State Minister for Hindu Religious and Cultural Affairs, Mr. P.P. Devaraj, at a function held in Colombo on 12.12.93. Mrs. Vijayalakshmy Ramanathan was associated with her husband on this occasion.

Mr. Ramanathan had joined the parent body in Colombo in 1964 and had worked tirelessly as teacher of Religious Knowledge, treasurer, editor of the magazine, secretary and leader of the volunteer group and Assistant Treasurer of the Building Fund Committee, before going over to the U.K. in 1977.

In U.K. he established a branch of the Sangam and had been active in the holding of regular poojas and the teaching of Hindu religion and Tamil language to the younger folk. He has been working hard to acquire a building in U.K. for the Sangam and takes a very active part in the production of the Hindu religious magazine 'Kalasam'.

Kalabhavanam Promotes Young Musicians

Kalabhavanam Fine Arts Centre, in its programme of promoting young musicians opened its Willis Road auditorium to a variety of student musicians on Sunday, 30th January last. The programme was organised and presented by the Mridangam artiste Muthu Sivarajah assembling students from different schools and different gurus.

Vocal music was contributed by Jagadeeswarampillai sisters Thenuka and Birami, students of Tiruvarur Kothandapani, the violin artiste. The young girls' presentation of various keerthanams was well appreciated. Bravely they attempted to recite swara prasthara and succeeded in it flawlessly. There were two violin solo recitals one by Aparna Sarma, disciple of Dr. Lakshmi Jayan and the other by Bhairavi Ganeswaran, disciple of Kalaivani Indrakumar. The handling of the instrument and tackling of intricate swara patterns by these two young girls was highly appreciated.

In all the programmes mridangam accompaniment was provided by Nishanthan Nagarajan, Ranjiith Kanagasundaram and Marino Kumaradasan who had their Arangetam not long ago. They displayed their grasp of rhythmic patterns and it was felt that these youngsters should be encouraged by senior concert performers to accompany them. Angelo Kumaradasan, brother of Marino, was also on the stage playing the Ghatam. He is another young percussionist recognised by senior performers as a full-fledged accompanist.

Senior artistes Muthu Sivarajah (mridangam) Jananayagam (flute), Chidambaranathan (Ganjira) and Balendra (veena) assisted in the programme to give colour.

Matrimonial

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Dr. Sri Pathmanathan: An Appreciation

A Life of Dedicated Service

(Excerpts from a speech by Mr. P. Rajanayagam (Editor of Tamil Times and former President of SCOT) at a memorial meeting held on 5 December 1993).

We are gathered here today to remember our friend and colleague, the late Dr. Sri Pathmanathan, affectionately known to his friends and colleagues as Sri Paths. In the course of one's life and work, there are those who leave a deep impact in one's thinking and an indelible imprint in one's memory even after they have departed from this world. During their lifetime, you take them for granted and you never realise what an impact and influence they have had in your own life and work. One can say without any fear of being accused of exaggeration, Sri Paths was one of those persons who certainly left such a deep impact and imprint in our thinking and memory.

Sri Paths' life was one of service to his fellow beings. Running like a golden thread through all his work was his deep commitment to alleviate human suffering. I have not known him as a deeply religious person, but I am sure he would have agreed with Swami Vivekananda who said: 'So long as even a dog of my country remains without food, to feed and to take care of him is my religion, anything else is either non-religion or false religion.'

Sri Paths' natural concern for the plight of the ordinary people was brought into sharp relief when he was stationed in Vavuniya when the 1958 violence broke out. Politicians with their shortsighted and opportunistic policies had lit the fuse of communal violence which engulfed the whole island and the situation in Vavuniya and adjoining areas was particularly dangerous. Vavuniya had a mixed population and armed gangs from Padaviya were menacingly marching towards Vavuniya bent on murder and mayhem. Rather than seeking safety and security for himself, Sri Paths threw in his lot with others to take steps to safeguard the ordinary people from violent attacks. He had never before driven a vehicle bigger than a motor car. On this occasion, he took upon himself the responsibility of being the driver of a bus which was used to transfer the Tamil people from the Sinhala section of Vavuniya to the Tamil section and the Sinhala people from the Tamil section of Vavuniya to the Sinhala section.

It was his experience in Vavuniya during the 1958 period that brought him the realisation that the vicious poison of the politics of communalism had infected the body of the island.

In 1959 Sri Paths arrived in the UK for his postgraduate studies and along came Sheila, his wife and lifelong companion. They have four children – two sons and two daughters. The eldest Rohendra is a Medical Researcher at the Edinburgh University; Gehan is a Civil Engineer, Chantal, a qualified Architect and presently engaged in Art and filming; and Asitha a Doctor.

Although Sri Paths had achieved a great deal in his professional field and there was a lot more he could have achieved in the UK or elsewhere, he had an irrepressible urge to go back to his country – an urge which remained undiminished till his dying days – to make his own contribution to his compatriots. It was this urge which made him return to Sri Lanka in 1971. On his return, he became Senior Lecturer and Head of Department of Oral and Maxillo-Facial Surgery at the University of Sri Lanka, and Honorary consultant at the University Teaching Hospital Kandy. Severe obstacles were placed by those who had anchored themselves in key positions in the university. They felt threatened by his innovative and patient-oriented methods of work.

It was during this period that Sri Paths became more politicised and radicalised. He became a committed socialist. However, his beliefs were not rooted in the theoretical formulations of marxist ideology, but sprang from his abiding commitment to the principles of equality and social justice. To him oppression in whatever form had to be resisted and removed, and exploitation of man by man had to be ended. But unlike some of his comrades who were prepared to wait for the eventual liberation by means of the revolutionary overthrow of the existing system bringing in the promised utopian land of milk and honey, Sri Paths was pragmatic and one could say humane enough to recognise the need in the meantime to promote, initiate and participate in programmes to bring about relief and alleviation to the suffering people.

Sri Paths was particularly concerned about the appalling conditions to which the plantation workers were



Dr. R. Sri Pathmanathan

subjected in the early 1970s more specifically following the state take-over of the tea plantations by the SLFP-lead coalition government. Tens of thousands of workers and their families were evicted from the estates and they were literally dying of starvation and malnutrition. It was during this period that Sri Paths linked up with the late Dr. S. Rajasundaram who later became Secretary of Gandhiyam to rehabilitate the displaced and suffering plantation workers in Vavuniya and the adjoining districts.

Having been deprived of their fundamental rights of citizenship and franchise after 1948, the lot of the plantation Tamil workers and their families had remained grim and appalling without basic medical, sanitary, housing and educational facilities. Six to seven thousand of them were dying annually due to diseases resulting from malnutrition and starvation. The state take-over and the consequent eviction from the estates made them literally destitute.

The War-on-Want Report of 1974 and the two World-in-Action programmes by Granada Television in late 1973 and early 1975 brought into the living rooms of western audiences the tragic plight of these people and were to shake their conscience. People were horror-struck by what they saw. The sheer weight of pressure following these programmes compelled the British government to send a parliamentary delegation to investigate the conditions in the estates owned by British companies – and we must not forget that at this time some upper class Sri Lankans, both Sinhalese and Tamils held directorships in these companies. The Sri Lankan government was compelled to introduce minimum wage structure. Subsequent improvement in the conditions of these people was in no small measure attributable to the impact these programmes had.

The role played by Sri Paths in initiating and participating in these programmes stand testimony to his

unrelenting commitment to the oppressed and the repressed, the young and the old, the weak and the poor, a commitment which remained undiminished till his dying days either by passage of time or by affliction of an ailment which was to eventually remove him from our midst.

In 1974 Sri Paths returned to the UK and recommenced work in his chosen professional field in Scotland which can be described as his adopted homeland. But Sri Paths was a larger man with a wider vision than many with whom he worked either in the medical field or social sphere. He was deeply concerned and disturbed by the gathering dark clouds of violent ethnic conflagration in the late 1970's in Sri Lanka. In the wake of the islandwide outbreak of communal violence in August 1977, he together with a few likeminded friends formed the Standing Committee of Tamil Speaking People - UK (SCOT), a non-political registered charitable organisation committed to assisting in the relief and rehabilitation of people adversely affected or displaced due to ethnic violence in Sri Lanka. Till his death, he remained a livewire for this organisation.

Helping to upgrade universities and hospitals by enabling the provision of enhanced facilities in terms of equipment, books and research, by arranging exchange programmes of qualified medical personnel and enabling provision for postgraduate training for medical personnel are some of the areas in which Sri Paths spent a considerable amount of time and effort. These efforts were extensive and not necessarily confined to Sri Lanka. His contribution in this field went as far as Bangalore, Kerala and Tamil Nadu in India and even to Thailand and other third world countries, and reflected the total absence of sectarianism, narrow nationalism and parochialism in his personality. In one letter received after Sri Paths' death, Dr. Thavanchaya from Bangkok gratefully refers to the help recently given by Sri Paths in organising a new dental school in Thailand.

The hundreds of letters of sympathy, many of which extol Sri Paths' virtues both as a professional and a humane being, that his wife Sheila and his children have received and continue to receive from many parts of the world constitute a commendable commentary of the life and work of this great and remarkable, and at the same time unassuming and self-effacing individual we have gathered to remember today.

In a letter to Sheila, Prof. Peter

Ward Booth of Bristol University says: *I was sad to hear the news about Paths' death. As I hope he knew, I always held him in high esteem. Not only because he helped me visit Sri Lanka, but also because of his great contribution to our speciality. My visit to Sri Lanka was the highpoint of my training. Not only did I learn more in that 6 months than all my S.R. training, but it was such a 'life' experience. As you can imagine from my narrow European experience, it represented a huge cultural experience. As you know his fertile mind and international links, have given tremendous opportunities to other trainees, for which our speciality will be forever grateful. Few of us can hope to make such a contribution. I certainly never expected our speciality to go so far forward as a result of people like Paths' help and enthusiasm'.*

In a letter to Sri Paths' eldest son, Rohendra, Prof. M. Martin Ferguson of the University of Otago, New Zealand, says: *'When we last spoke by telephone he seemed to be in good spirits and was accepting of the situation. It was characteristic of your father never to allow a bleak situation to overwhelm him and I am pleased that he could be with the family until the end... You will be aware that I started working with your father while he was a consultant in Glasgow. Inevitably, one became organised by him and I ended up visiting Sri Lanka twice and India once. On one occasion, we drove up to Jaffna despite the hostilities and I recall being the only occupant in the hotel, if not the only non-local in town. Situations like that seem to be every day event for your father and my memory of him will be his untiring energy and perpetual good humour.'*

In another message, Prof. B.F. Bradley, Head of Department of Oral & Maxillo-Facial Surgery of the London Hospital Medical College, says: *'I am writing to say how sorry I was to hear the news about your husband from Mr. Ian Laws. I came to know him during my time as consultant in*

North Wales, where he had carried out a locum during Philip Worthington's sabbatical in the USA. His personality and great background of knowledge impressed itself upon me, as on many people. It was always a great pleasure to meet him at meetings in various parts around the world, for he always seemed to have the ability to turn up in unexpected places. He is somebody who will be much missed in the speciality.'

These are quotations from just three letters randomly picked up from the hundreds that have been received since Sri Paths' departure. I have also had the opportunity of perusing a document numbering several pages listing the impressive array of numerous post-graduate qualifications that Sri Paths had achieved, the countless number of papers and publications that SP had authored and presented at international medical conferences, and the wideranging experience he had acquired in many aspects of his chosen speciality. I am no medical person, but one thing I am sure of - to achieve all these while at the same time being engaged in other social and political concerns, Sri Paths must have possessed enormous energy, sustained commitment and a sense of discipline very few would have been capable of.

At a time when Sri Lankans of all nationalities, whether within or outside the island, have become almost desensitised and brutalised by the enormity of the death, destruction, displacement, killing and counter-killing that continue to characterise an almost never-ending war, Sri Paths lived his life contributing, among other things, to save lives, bring relief and rehabilitation. That is a type of life which may not fit into the present-day description of a hero, but is worth emulating for it encapsulates all that is good in humankind.

His colleagues and friends will always remember him and his life-long work and service which was devoted to the enhancement of the quality of life of his fellow beings.

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