FORTY YEARS OF HUMAN RIGHTS VIOLATIONS BY SRI LANKA -

WHAT IS THE ANSWER?

தமிழீழ ஆவணக்காப்பகம்
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International Federation of Tamils

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"...Every one who possesses an elementary sense of justice has no moral choice but to acquaint himself fully with the plight of the Tamil people... their cause represents the very essence of the cause of human rights and justice..."

" The crimes committed by the Sri Lankan State against the Tamil minority - against its physical security, citizenship rights, and political representation - are of growing gravity for the international community. Other countries across the world, which have had to shelter the thousands of Tamil refugees who have fled and are still fleeing the island, must increasingly bear the cost of the denial of the fundamental political rights of the Tamils of Sri Lanka... Report after report by impartial bodies - by Amnesty International, by the International Commission of Jurists, by parliamentary delegates from the West, by journalists and scholars - have set out clearly the scale of the growing degeneration of the political and physical well being of the Tamil minority in Sri Lanka...everyone who possesses an elementary sense of justice has no moral choice but to acquaint himself fully with the plight of the Tamil people. It is an international issue of growing importance. Their cause represents the very essence of the cause of human rights and justice; and to deny it, debases and reduces us all."

- David Selbourne , Ruskin College, Oxford, July 1984

"We launched our struggle for self determination and political independence because of the systematic oppression of our people by the Sri Lankan state..... We have not given up our demand for self determination or independence."

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Velupillai Pirabakaran,
Leader of the liberation
Tigers of Tamil Eelam

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...the innumerable reports by human rights organisations speak for themselves and that which emerges is a chilling pattern of a forty year genocidal attack on the people of Tamil Eelam...

Amnesty International's recent three month worldwide Sri Lanka Campaign, which was launched on the 16th of September 1990, served to focus the attention of the international community on the horrendous forty year human rights record of the Sri Lankan authorities - a forty year human rights record which is one of the worst, if not the worst in the world.

The gross, consistent and continuing violations of the human rights of the people of Tamil Eelam, by the Sri Lankan authorities , have been well documented by innumerable reports by human rights organisations as well as by independent and impartial observers of the Sri Lankan scene.This publication brings together extracts from some of these reports. The reports speak for themselves and that which emerges is a chilling pattern of a forty year genocidal attack on the Tamil people - an attack which continues to the present day and which is intended to subjugate the Tamil people within the frame work of a unitary Sinhala Buddhist Sri Lankan state.

WHAT IS THE ANSWER?

"...we conclude that in order for the human rights of the Tamil people to be realised, the international community must invoke the principle of self determination..."

"The Sri Lanka situation has shown that for the past forty years, the Sinhala controlled government has been unwilling and unable to promote and protect the human rights of the Tamil population, and the Tamil population has accordingly lost all confidence in any present or future willingness or ability of the Sinhala majority to do so. Are people in this situation required to settle for less than their full rights. Can the international community impose on a people a forced marriage they no longer want and in which they can clearly demonstrate they have been abused?

We conclude that in order for the human rights of the Tamil people and others in a similar situation to be realised, the international community must invoke the principle of self determination as it arises from persistent non fulfilment of the rights of minorities who have been subsumed into larger states.

This solution is eminently just and sound, yet is not without some boundaries. An obvious issue in invoking the principle of self determination as a practical means of solving persistent conflicts involving minorities is (1) how bad does the discrimination need to be to ripen to a right? and (2) how long must the minority seek remedy through traditional democratic processes before a majority government loses the right to govern the minority? We consider that in the case of Sri Lanka, 40 years is clearly enough for any group to wait for their human rights."

- Ms.Karen Parker, International Educational Development, at 42nd Sessions of the UN Sub Commission on Prevention of Discrimination and Protection of Minorities, August 1990

WHAT IS THE TAMIL QUESTION?

"My own view is that there is no ethnic question...What is the Tamil question? Could you tell me? What is it? What do the Tamils suffer from? The island belongs to them, as to everybody else."

- ex Sri Lankan President Jayawardene, Madras Hindu January 1986

"The United National Party accepts the position that there are numerous problems confronting the Tamil speaking people. The lack of a solution to their problems has made the Tamil speaking people support even a movement for the creation of a separate state. In the interest of a national integration and unity so necessary for the economic development of the whole country, the Party feels such problems should be solved without loss of time. The party when it comes to power will take all possible steps to remedy their grievances in such field as (1) Education (2) Colonisation (3) Use of Tamil Language (4) Employment in Public and Semi-Public Corporations. We shall summon an All-Party Conference as stated earlier and implement its decisions."

- ex President Jayawardene's Election Manifesto, July 1977

"...The Tamil problem is more a military problem and any military problem has to be tackled militarily..."

ex President J.R.Jayawardene, India Today, 15th December 1985

"I know they say I am a strategist and a schemer but you cannot be a leader unless you scheme - not in politics or in war or in any human affair. Even a boxer has to scheme - and I was a boxer when I was young - you pretend to hit the face but you hit the stomach. Oh yes, you have to scheme."

- ex President Jayawardene reported in New International, November 1981 and quoted in Thornton & Nithyananthan - Sri Lanka, an Island of Terror

WHAT IS THE TAMIL QUESTION?

"...The Government does not, has not, and will not wage war against the Tamil people..."

Sri Lanka n President Premadasa, Press Release, 3rd January 1991

"...It is hard to sleep as the night sky is lit up with explosions, and the vibrations from bombs can be felt four miles away. The city centre has been flattened, with Jaffna railway and bus stations, shops, hotels and homes desolated... After one nights bombing I visited areas which had been hit. Six people had been killed, a row of houses was reduced to rubble and the smell of burning flesh hung in the air. Clothes, family photographs and furniture were scattered among the ruins. 'We ran into the bunkers when we heard the bombers coming' said a resident '...The Sri Lankans are just killing civilians at random'

London Daily Telegraph, 13th September 1990

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"...In one week, Jaffna was subjected to what its inhabitants called 'shit bomb' attacks. Jaffna smelt like a drain and the city's frightened inhabitants suspected they were being subjected to some sort of crude experiment in biological warfare...'

Torment of Jaffna, London Independent Magazine, 3rd November 1990

"... You must understand that in a war, civilians get killed. We are fighting a war..."

Sri Lanka Defence Minister Ranjan Wijeratne, 24th August 1990, reported in Sri Lanka Island

"I am winning this war... I have come to realise that only success matters. I do not care what New Delhi, London or any other country says... Now I have more weapons. Countries like Pakistan are training my men... My airforce is also being trained by people from abroad."

ex President J.R.Jayawardene, London Times, 27th January 1986

"...The President conceded that 'terrible things' were happening in Sri Lanka. Asked if he would set up an inquiry commission to go into the atrocities committed by the army against the Tamils, he said: 'Did the British appoint a commission during the war?..."

- President Jayawardene in an interview with Kuldip Nayar: Island, 17th February 1985

> ...if the post war years from 1945 to the 1980s belonged to the anti colonial liberation movements, the 1990s will prove to be the decade of post colonial nationalism...

"If the post war years from 1945 to the 1980s belonged to the anti colonial liberation movements, the 1990s will prove to be the decade of post colonial nationalism. We hear the voice of emergent nations being raised within existing state boundaries in the Soviet Union, in Eastern Europe, in Yugoslavia, in Iraq, and in the Indian region. Some may perceive these national movements as 'common threats' against the stability of the existing world power structure, choose to describe them as 'sub nationalisms' and seek to build a common front against their growth. But, the political reality is that in the same way as the colonial ruler was unable to prevent the rise of freedom movements, the 'great powers' of the emerging multi polar world will fail to suppress the national aspirations of the separate peoples living within existing state boundaries. The East - West confrontation of the bipolar world is being replaced by the sharpening North - South conflict of the emerging multipolar world . Again, it is a North - South conflict which will increasingly bring into relief the national aspirations of the separate peoples of the third world, who by the end of this century will amount to 85% of the world's population. Whilst it is true that we live in a world made increasingly small and inter dependent, by the free flow of money and information across state boundaries, at the same time, the thrust for human rights cannot be denied because, in the end, this thrust represents the stubborn force of the human aspiration for equality and freedom - and foremost amongst all human rights and from which , it may be rightly said that, all other rights flow is the right of self determination of a people. In Sri Lanka, as elsewhere, the challenge will be to create associative structures which on the one hand recognise the political force of emergent nationalism and which on the other hand , recognise that nations do not live in the stratosphere but on land, in relation to each other - and with each other."

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WHAT IS THE TAMIL QUESTION?

Nadesan Satyendra

"...The gross, consistent and continuing violations of human rights by the Sri Lanka government over a period of four decades are no accidental happenings - they constitute evidence of the resolute and determined effort of the Sinhala majority to subjugate and assimilate the Tamil people within the framework of a unitary Sinhala Buddhist Sri Lankan state..."

DEMOGRAPHY

Sri Lanka (earlier known as Ceylon) is an island, 25,000 square miles in extent, situated about twenty miles from the southern extremity of the Indian sub - continent. About one fifth of the island's population of 16 million, are Tamils and somewhat less than three quarters are Sinhalese. The Tamils reside largely in the north and the east and on the plantations in the central hills, whilst the Sinhalese reside in the south, west and in the centre as well. The two people speak two different languages and by and large profess two different religions. A large number of Tamils are Hindus and the overwhelming majority of the Sinhala people are Buddhists.

THE EARLY TAMILS

The Tamils are an ancient people. Their history had its beginnings in the early settlements on the rich alluvial plains near the southern extremity of peninsular India. It was here, that the Tamils erected their first cities about three thousand years ago.

The words in use amongst the early Tamils show that they had 'Kings' who dwelt in 'strong houses' and ruled over small' districts'. They had 'laws' and 'customs'. They had 'medicines', 'towns', 'boats' and 'ships'. All the ordinary and necessary arts of life, including 'agriculture' 'spinning', 'weaving' and 'dyeing' existed amongst them. *[Robert Caldwell: A Comparative Grammar of the Dravidian or South Indian Family of Languages: London, Trubner 1875]*

The Tamils were a sea faring people. They traded with Rome in the days of Emperor Augustus. They sent ships to many lands bordering the Indian Ocean and with the ships went traders, scholars, and a way of life. Tamil inscriptions in Indonesia go back some two thousand years and the French archeologist, Jean Filliozat, has concluded that some of them may be dated as belonging to the second century before Christ. The oldest Sanskrit inscriptions belonging to the third century in Indo China bear testimony to Tamil influence and until recent times Tamil texts were used by priests in Thailand and Cambodia. The scattered elements of ruined temples of the time of Marco Polo's visit to China in the 13th century give evidence of purely Tamil structure and include Tamil inscriptions.

The island of Sri Lanka, which was separated from the Indian sub-continent by less than thirty miles of water, was not unknown to the early Tamils (who called it Eelam), and it was here that the Nagadipa kingdoms were established around three thousand years ago.

THE EARLY SINHALESE

The Sinhala people trace their origins to the arrival in Sri Lanka of the Prince Vijaya from India, about 2500 years ago and the Mahavamsa, the Sinhala chronicle of a later period (6th Century A.D.) records that Prince Vijaya arrived on the island on the same day that the Buddha attained Enlightenment in India.

WHO CAME FIRST?

The question as to whether it was the Sinhalese or the Tamils who were the first settlers of Sri Lanka remains one of controversy but the words of the eminent Sinhala historian and Cambridge scholar, Paul Peiris represent an influential point of view:

'..it stands to reason that a country which was only thirty miles from India and which would have been seen by Indian fisherman every morning as they sailed out to catch their fish, would have been occupied as soon as the continent was peopled by men who understood how to sail....Long before the arrival of Prince Vijaya, there were in Sri Lanka five recognised isvarams of Siva which claimed and received the adoration of all India. These were Tiruketeeswaram near Mahatitha; Munneswaram dominating Salawatte and the pearl fishery; Tondeswaram near Mantota; Tirkoneswaram near the great bay of Kottiyar and Nakuleswaram near Kankesanturai. Their situation close to these ports cannot be the result of accident or caprice and was probably determined by the concourse of a wealthy mercantile population whose religious wants called for attention...' [Paul E. Pieris: Nagadipa and Buddhist Remains in Jaffna : Journal of Royal Asiatic Society, Ceylon Branch Vol.28]

EARLY POLITICAL HISTORY

The early political history of the people of South India and Sri Lanka, in the centuries before the advent of the European powers, is largely a chronicle of the rise and fall of individual kingdoms. Sometimes they fought against outside invaders and some times they warred against each other. The society was feudal in structure. Land was the dominant means of production. Kingdoms existed. Nations were yet unborn. There were more than one Tamil 'kingdom' in both South India and in Sri Lanka just as much as there were more than one Sinhala kingdom in Sri Lanka. Sometimes alliances were made to defeat a common enemy. Again, as in Europe before the Industrial Revolution, marriage was one way by which a kingdom was enlarged or strengthened. Sinhala Kings often married Tamil princesses. The pace had been set by Prince Vijaya himself.

CONQUEST BY EUROPEAN POWERS

In Europe, the industrial revolution which brought with it the printing press and the steam engine, the growth of easier communications, and the shift from land to other means of production, led to the break up of feudalism and the birth of nation states. It was a change that was aided by the use of gun powder and the power that flowed from the barrel of the gun. The boundaries of many nation states were settled painfully, after many wars spread across more than two hundred years. But the same industrial revolution which was linked with the birth of nation states in Europe, also fuelled the mercantile expansion of the European powers and the colonisation of Asia. The Portuguese arrived in Sri Lanka in the 16th century and the 17th century saw the advent of the British, the Dutch and the French to the Indian region. It was a colonisation process which inhibited the organic growth of nations in the Indian region and state boundaries in India and Sri Lanka reflected more often than not, the power wielded by the foreign ruler.

DEPARTURE OF THE BRITISH

It was with the departure of the British in 1947/48, that the organic growth of nations gathered momentum in the Indian region. On the Indian sub continent, the thrust of nationalism led to the demand for linguistic states within the federal Union of India and later for increasing regional autonomy. A rising Tamil nationalism on the Indian sub continent was contained within the frame of the linguistic state of Tamil Nadu which was constituted in the 1960s - a linguistic state with a population of around 45 million Tamils.

RULE BY PERMANENT SINHALA MAJORITY

In Sri Lanka, however, the growth of a separate Tamil national identity was accelerated by the actions of a Sinhala majority which regarded the island as the exclusive home of Sinhala Buddhism and the Tamils as invaders who were to be sent back to Tamil Nadu or subjugated and then assimilated within the confines of a unitary Sinhala Buddhist state.

""The history of Sri Lanka is the history of the Sinhalese race... The Sinhalese people were entrusted 2500 years ago, with a great and noble charge, the preservation... of Buddhism.. in 1956 will occur the unique three fold event - the completion of 2500 years of Ceylon's history, of the tie of Sinhalese and Buddhism... The birth of the Sinalese race would thus seem to have been not a mere chance, not an accidental occurrence, but a predestined event of high import and purpose. The nation seemed designed, as it were, from its rise, primarliy to carry aloft for fifty centuries the torch that was lit by the great World-Mentor (the Buddha) twenty five centuries ago..." (The Revolt in the Temple, by D.C. Vijayawardhana, 1953)

This potent mixture of legend and superstition, passed off as historial fact, was cultivated, refined and utilised by successive Sinhala political leaders to secure for themselves the support of the Sinhala people. It was a Sinhala political leadership which sought to rule within the structural constraints of a dependent post colonial economy. Richard Falk of

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the University of Princeton put it well when he declared:

"To participate actively in the world economy as a latecomer, it is necessary to enter on terms that serve that wider market at the expense of the domestic population...the logic of the global market is such that a Third World country has little to offer other than commodity exports (that generally divert productive resources from the domestic economy) and cheap labour (that attracts foreign investment). This cycle has dreadful political effects as well; the export compulsion capitalises agriculture at the expense of marginal peasants and domestic demand, while the investment compulsion both depresses real wages and represses the efforts of workers to resist. In such a context a Third World leader is necessarily alienated from his people, serving interests that are primarily external to those of his country..."[Richard Falk - The World Bank in the Phillipines, Institute of Food and Policy, San Francisco 1982]

On the one hand the Sinhala political leadership opened out the economy, built tourist hotels and encouraged the growth of a non buddhist culture. On the other hand it preached an exaggerated Sinhala Buddhist nationalism which laid claim to the island of Sri Lanka as a Sinhala Buddhist 'Deepa'. Caught in its own contradictions and alienated from its own people, it sought to divert the attention of the Sinhala people from the problems of development in a Third World economy, by declaring war on the Tamil people. It was a belligerent Sinhala chauvinism which often found open and shameless expression:

"...The time has come for the whole Sinhala race which has existed for 2500 years, jealously safeguarding their language and religion, to fight without giving any quarter to save their birthright... I will lead the campaign..." *(J.R.Jayawardene, Sinhala Opposition Leader reported in Sri Lanka Tribune: 30th August 1957)*

"I am not worried about the opinion of the Tamil people... now we cannot think of them, not about their lives or their opinion... the more you put pressure in the north, the happier the Sinhala people will be here... Really if I starve the Tamils out, the Sinhala people will be happy." *(President J.R.Jayawardene, Daily Telegraph, 11th July 1983)*

Again, whilst democracy may mean acceding to the rule of the majority, democracy also means government by discussion and persuasion. It is the belief that the minority of today may become the majority of tomorrow that ensures the stability of a functioning democracy.

The reality of democracy in Sri Lanka was that no Tamil was ever elected to a predominantly Sinhala electorate and no Sinhalese was ever elected to a predominantly Tamil electorate. The practise of democracy within the confines of a unitary state served to perpetuate the oppressive rule by a permanent Sinhala majority.

"The Tamils could be considered to be a 'people'. They have a distinct language, culture, a separate religious identity from the majority population, and to an extent, a defined territory.... The application of the principle of self determination in concrete cases is difficult. It seems nevertheless, that a credible argument can be made that the Tamil community in Sri Lanka is entitled to self determination...What is essential is that the political status of the 'people' should be freely determined by the 'people' themselves.

- Virginia Leary: Ethnic Conflict and Violence in Sri Lanka - Report of a Mission to Sri Lanka on behalf of the International Commission of Jurists, July/August 1981

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GROSS, CONSISTENT VIOLATIONS OF HUMAN RIGHTS BY THE SINHALA MAJORITY

It was a permanent Sinhala majority, which through a series of legislative and administrative acts, ranging from disenfranchisement, and standardisation of University admissions, to discriminatory language and employment policies, and state sponsored colonisation of the homelands of the Tamil people, has sought to establish its hegemony over the Tamils of Sri Lanka.

These legislative and administrative acts were reinforced from time to time with physical attacks on the Tamils of Sri Lanka with intent to terrorise and intimidate them into submission. It was a course of conduct which led eventually to the rise of Tamil militancy in the mid 1970s with, initially, sporadic acts of violence. The militancy was met with wide ranging retaliatory attacks on increasingly large sections of the Tamil people with intent, once again to subjugate them. In the late 1970s large numbers of Tamil youths were detained without trial and tortured under emergency regulations and later under the Prevention of Terrorism Act which has been described by the International Commission of Jurists as a 'blot on the statute book of any civilised country'. In 1980 and thereafter, there were random kill-

ings of Tamils by the state security forces and Tamil hostages were taken by the state when 'suspects' were not found. Eventually, in the eyes of the Sri Lankan state all Tamils were prima facie 'terrorist' suspects.

And in 1983, the Tamils were deprived of the effective use of their vote by an amendment to the Constitution which the International Commission of Jurists has declared to be a violation of the International Covenant of Civil and Political Rights and which rendered vacant the Parliamentary seats of the elected representatives of the Tamil people. Though elections were subsequently held in 1988 at a time when the Indian army occupied the Tamil homelands, the Sixth Amendment continues in force up to the present day.

The people of Tamil Eelam are a people who have been ruled for more than four decades by an alien people who do not speak their language, who do not share their culture and their heritage, and who, today, seek to perpetuate that rule by armed might. The gross, consistent and continuing violations of human rights by the Sri Lanka government over a period of four decades are no accidental happenings - they constitute evidence of the resolute and determined effort of the Sinhala majority to first subjugate and then assimilate the Tamil people within the framework of a unitary Sinhala Buddhist Sri Lankan state.

தமிழ் இணையக் கல்விக்கழகம்
Tamil Virtual University

THE PEOPLE OF TAMIL EELAM ARE A NATION

The law of nations declares that a people who are subjugated by an alien people are entitled to the right of self determination. Today, the Tamils of Eelam, are a people who have the right to self determination and the denial of that right to self determination is itself a violation of a human right enshrined in Article 1 of the International Covenant on Economic, Social and Cultural Rights, which Article declares:

"All people have the right to self determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development."

In the words of Dr.Hector Gros Espiell in his report for the United Nations Sub-Commission on Prevention of Discrimination of Minorities in 1980:

"Today, no one can challenge the fact that, in the light of contemporary international realities, the principle of self determination necessarily possesses the character of jus cogens (that is a 'peremptory norm of general international law')... Every people subject to any form or type of colonial or alien domination possesses the right to self determination, and no distinction can be drawn between one people and another for the purpose of recognising the existence of this right if there is evidence of colonial or alien domination of the people or peoples in question"

POLITICAL FORCE OF TAMIL NATIONALISM

But the existence of the Tamil nation is not a mere matter of international law. The political force of Tamil nationalism is rooted in the direct personal feelings and the material interests of large sections of the Tamil people, whether they be public servants deprived of increments and promotions in consequence of the Sinhala Only Act, whether they be expatriate Tamil professionals who had left Ceylonin the face of a growing discrimination so that they may lead a life not of luxury but of dignity, whether they be those who continued to suffer discrimination at their work place because they had nowhere else to go, whether they be students deprived of admission to Universities because of standardisation, whether they be parents who saw no future for their children's advancement, whether they be farmers who were forced to contend with an 'open economic' policy which granted them no protection, whether they be businessmen who had their businesses burnt and destroyed by Sinhala goon squads, whether they be those who had their kith and kin killed and raped and their homes looted, whether they be those who were rendered homeless and who lived in refugee camps in their own 'homelands', whether they be those who had left their homelands in fear and who had sought refugee in Tamil Nadu or as wandering nomads in foreign lands, whether they be those who continued to remain in Sri Lanka and live in fear because they were Tamils and whether it be those who said that 'enough was enough' and who would not take it lying down any more and who were ready to give their lives in an armed struggle.

A nation is an idea - but it is more. They err who conceive the nation as a mere intellectual platform. On the other hand, they also err who see the force of nationalism as simply the thrust of a people to better their material conditions of existence. These latter fail to recognise that ideas too have a material force. A nation is an amalgam of the 'ideal' with the 'material'.

It is the past which moulds the present and gives direction to the future. The political force of nationalism is rooted in a shared heritage, it is consolidated by the discrimination of the present, and it is given purpose by a people's aspirations for their future. It is this ongoing interplay which gives nationalism its strength in the political arena - its power to influence and direct the conduct of millions.

To fail to understand this, is to fail to understand the well springs of human action. It is also to fail to understand that which has made possible the colossal sacrifices so willingly suffered by so many thousands of Tamils during the past several years.The cyanide capsule in the hands of the Liberation Tigers of Tamil Eelam is evidence enough that it is much more than a piece of political rhetoric to say that it is not for glory or for riches or honours that a people fight but only for liberty which no human will consent lose but with his or her life.

But, the Tamil people are not chauvinists. They recognise that no nation is an island. They do not deny the existence of the Sinhala nation in Ceylon. The question is whether the Sinhala people are ready and willing to recognise the Tamils as a people and to deal with them on that basis. The concerns of the Tamil people for their 'physical security, employment and education' cannot be resolved unless the Sinhala people recognise the Tamils as a people and the two people, together fashion a constitutional structure on the basis of such recognition. It will be idle to pretend that equity will be achieved through a process which does not itself commence on an equitable footing.

NEED FOR INTERNATIONAL INTERVENTION

The comments of Professor Leo Kruper, made in 1982, have clearly, assumed an urgency and an immediacy:

"...genocide continues to be an odious scourge on mankind... there are also at the present time many immediate issues related to genocide which call for the most urgent action... (such as) the communal massacres in Sri Lanka...some of these genocidal massacres arise out of struggles for greater autonomy, and might be regulated by recognition of the right of self determination...there is a great need for delegations of member states with a strong commitment to human rights, and for non governmental organisations with consultative status, to continue their efforts to recall the UN to its responsibilities for international protection against genocide and consistent violations of human rights. These efforts would include attempts to develop norms for humanitarian intervention, for the exercise of the right of self determination..." (Minority Rights Group Report: International Action Against Genocide)

It is not enough for the international community to continue to talk about the 'gross and consistent violations' of human rights in Sri Lanka without at the same time openly recognising that a threatened genocidal situation has arisen out of the struggle of the Tamils of Eelam for national self determination.

It has become a matter of urgent importance that non governmental agencies with consultative status and governments with a strong commitment to human rights should see the need to act on the reports of Amnesty International, the International Commission of Jurists, the Lawasia Human Rights Standing Committee, the International Human Rights Law Group, and the United Kingdom Parliamentary Human Rights Group, on the 'gross and consistent violations of human rights' in Sri Lanka and to initiate steps to develop norms for humanitarian intervention, for the exercise of the right of self determination by the people of Tamil Eelam.

These, clearly, were some of the considerations which impelled 17 non governmental organisations to declare at the hearings of the UN Sub Commission on Prevention of Discrimination and Protection of Minorities, in August 1990:

"It has become a matter of urgent importance to act on the reports of several Human Rights organisations on the gross and consistent violations of Human Rights in Sri Lanka and to initiate steps to satisfy the aspirations of the Tamil people within the framework of Human Rights and the Right of Self Determination. "

These clearly, were also some of the considerations which led Ms.Karen Parker from one of the seventeen non governmental organisations, who signed the joint statement, to declare in a separate intervention at the UN Sub Commission in August 1990:

"The Universal Declaration of Human Rights states that all persons, including members of minority groups, have the right to the full realisation of their human rights and to an international order in which their rights can be realised.

The Sri Lanka situation has shown that for the past forty years, the Sinhala controlled government has been unwilling and unable to promote and protect the human rights of the Tamil population, and the Tamil population has accordingly lost all confidence in any present or future willingness or ability of the Sinhala majority to do so.

Are people in this situation required to settle for less than their full rights. Can the international community impose on a people a forced marriage they no longer want and in which they can clearly demonstrate they have been abused?

We conclude that in order for the human rights of the Tamil people and others in a similar situation to be realised, the international community must invoke the principle of self determination as it arises from persistent non fulfilment of the rights of minorities who have been subsumed into larger states.

This solution is eminently just and sound, yet is not without some boundaries. An obvious issue in invoking the principle of self determination as a practical means of solving persistent conflicts involving minorities is (1) how bad does the discrimination need to be to ripen to a right? and (2) how long must the minority seek remedy through traditional democratic processes before a majority government loses the right to govern the minority?

We consider that in the case of Sri Lanka, 40 years is clearly enough for any group to wait for their human rights."

If the post war years from 1945 to the 1980s belonged to the anti colonial liberation movements, the 1990s will prove to be the decade of post colonial nationalism. We hear the voice of emergent nations being raised within existing state boundaries in the Soviet Union, in Eastern Europe, in Yugoslavia, in Iraq, and in the Indian region. Some may perceive these national movements as 'common threats' against the stability of the existing world power structure, choose to describe them as 'sub nationalisms' and seek to build a common front against their growth. But, the political reality is that in the same way as the colonial ruler was unable to prevent the rise of freedom movements, the 'great powers' of the emerging multi polar world will fail to suppress the national aspirations of the separate peoples living within existing state boundaries. The East - West confrontation of the bipolar world is being replaced by the sharpening North - South conflict of the emerging multipolar world . Again, it is a North - South conflict which will increasingly bring into relief the national aspirations of the separate peoples of the third world, who by the end of this century will amount to 85% of the world's population. Whilst it is true that we live in a world made increasingly small and inter dependent, by the free flow of money and information across state boundaries, at the same time, the thrust for human rights cannot be denied because, in the end, this thrust represents the stubborn force of the human aspiration for equality and freedom - and foremost amongst all human rights and from which , it may be rightly said that, all other rights flow is the right of self determination of a people. In Sri Lanka, as elsewhere, the challenge will be to create associative structures which on the one hand recognise the political force of emergent nationalism and which on the other hand , recognise that nations do not live in the stratosphere but on land, in relation to each other - and with each other.

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"...it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law..."

Preamble to the Universal Declaration of Human Rights, adopted and proclaimed by the General Assembly of the United Nations on December 10, 1948

FORTY YEARS OF HUMAN RIGHTS VIOLATIONS BY SRI LANKA - WHAT IS THE ANSWER?

"Imagine a habitual wife beater who has been at it for twenty years. Imagine the little woman protesting arguing, screaming, grappling, and having come to the end of her tether one day, snatching the nearest kitchen knife to defend herself against further attacks. And then she says:'You have tormented me enough. It is impossible to live with you any more.' With that she files papers for divorce. If you were the judge, what causes would you attribute to the break up of the marriage? The Sri Lankan Government (as probably the habitual wife beater) attributes the causes to the wife snatching the kitchen knife and asking for separation! To any oppressor resistance to oppression is naturally the beginning of the problem..."

- S.Sivanayagam, Head Tamil Eelam Information Unit, 1984

"It is the common habit of established governments and especially those which are themselves oppressors, to brand all violent methods in subject peoples and communities as criminal and wicked. When you have disarmed your slaves and legalised the infliction of bonds, stripes, and death on any one of them who may dare to speak or act against you, it is natural and convenient to try and lay a moral as well as a legal ban on any attempt to answer violence by violence...But no nation yet has listened to the cant of the oppressor when itself put to the test, and the general conscience of humanity approves the refusal..."

- Sri Aurobindo, Bande Mataram 1907.

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PLANTATION TAMILS DEPRIVED OF VOTE AND CITIZENSHIP IN 1950

"Everyone has the right to a nationality. No one shall be arbitrarily deprived of his nationality..."

- Article 15 of the Universal Declaration of Human Rights

"...In 1948, at independence, the Tamils had 33% of the voting power in the legislature. Upon the disenfranchisement of the estate Tamils (in 1950), however, this proportion dropped to 20%. The Sinhalese obtained more than a 2/3 majority in the Parliament, making it impossible for the Tamils to exercise an effective opposition to Sinhalese policies affecting them..."

- Virginia Leary: Ethnic Conflict and Violence in Sri Lanka - Report of a Mission to Sri Lanka on behalf of the International Commission of Jurists, July/August 1981

"The real purpose of these Acts was to disenfranchise the plantation workers in the up country Kandyan areas where they might have been in danger of swamping the electorate...In revising the electoral registers for the central Sri Lanka districts for 1950, Tamil names were quite simply left out, leaving the onus on anyone who wanted his name reinstated to prove his citizenship under the new rules..."

- Walter Schwarz: Tamils of Sri Lanka, Minority Rights Group Report 1983

"...the result today is a wholly arbitrary deprivation of the fundamental right to the citizenship of one's country for a group of people almost all of whom were born there, who have lived there all their lives, who have never been anywhere else and have no other allegiance, and who have made an immense contribution to that country's wealth while being themselves allotted only a derisory share of it..."

- Paul Sieghart: Sri Lanka, A Mounting Tragedy of Errors, International Commission of Jurists Report 1984

"We do not accept...that there is any justification for denying civic and political rights to the million or so Tamils of Indian descent who work on the tea plantations."

- Robert Kilroy-Silk, M.P. and Roger Sims, M.P United Kingdom Parliamentary Human Rights Group Report, February 1985

STATE AIDED COLONISATION OF TAMIL HOMELANDS

"...Tamils have objected to State colonisation schemes which import large numbers of Sinhalese into traditional Tamil areas. The Tamil concern about colonisation is related to insecurity about their physical safety and to fears that Tamils will become a minority in their traditional homelands. The government maintains that since Sri Lanka is a single country citizens may freely move into any part of the country and that it is necessary to transplant some populations to more productive areas. The Tamils answer that they are not opposed to individual migration but only to large scale government colonisation schemes which change the ethnic composition of an area...The government should give renewed attention to Tamil concern over government sponsored colonisation schemes which bring large numbers of Sinhalese into Tamil areas and thus change the ethnic composition in such areas. This is particularly important in view of the insecurity of Tamils due to communal violence against them in areas where they live as a minority..."

- Virginia Leary: Ethnic Conflict and Violence in Sri Lanka - Report of a Mission to Sri Lanka on behalf of the International Commission of Jurists, July/August 1981

"In 1978, Tamil spokesmen complained that the momentum of colonisation was greater than ever. They referred in particular to the Mahaveli Diversion project, supported by the World Bank, in the Eastern Province, under which Sinhalese families were being brought in from the South. They pointed out that the Maduruoya Scheme in the Eastern Province, backed by Canadian assistance, was having the same effect."

- Walter Schwarz: Minority Rights Group Report on Tamils of Sri Lanka, 1979

"Witnesses also confirmed allegations made to us that whole villages have been emptied and neighbourhoods have been driven by the army from their homes and occupations and turned into refugees dependent on the government for dry rations... The human rights transgressed in such a course of action do not need to be detailed here...More important is that rightly or wrongly it tends to lend credibility to the view so frequently put to us that it is the Government's objective either to drive the Tamils out of the north and east in sufficient numbers so as to reduce their majority in the north and in the east, a process that would be aided by the Government's announced policy of settling armed Sinhalese people in former Tamil areas...or to drive the Tamils out altogether. We cannot make a judgement on this issue. We can say, without doubt, that the Government is driving Tamils from their homes and does intend to settle Sinhalese people in these areas. This, at least, lends support to the more extreme version believed by most Tamils."

- Robert Kilroy-Silk, M.P. and Roger Sims, M.P United Kingdom Parliamentary Human Rights Group Report, February 1985

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ENACTMENT OF SINHALA ONLY LAW

"All are equal before the law and are entitled without any discrimination to equal protection of the law."

- Article 7 of the Universal Declaration of Human Rights

"The first Constitution of Ceylon was drafted by an Englishman, Lord Soulbury and adopted by an Order in Council rather than by a constituent assembly. It remained in force until 1972. Section 29 of the Soulbury Constitution protected the rights of minorities. It read 'No... law shall... make persons of any community or religion liable to disabilities or restrictions to

which any persons of other communities or religions are not made liable; or... confer on persons or any community or religion any privilege or advantage which is not conferred on persons of other communities or religions.' Despite this constitutional provision the Official Language Act was adopted in 1956 providing that 'Sinhala Only' shall be the official language... In the eyes of the Tamils, they were discriminatory provisions adopted by the majority population which placed their language in an inferior position, (and) required them to learn the majority language... It also became more difficult for Tamils enter government service..."

- Virginia Leary: Ethnic Conflict and Violence in Sri Lanka - Report of a Mission to Sri Lanka on behalf of the International Commission of Jurists, July/August 1981

"We are completing by this (Sinhala Only) Bill an important phase in our national struggle. The restoration of the Sinhala language to the position it occupied before the occupation of this country by foreign powers, marks an important stage in the history of the development of this island"

- Phillip Gunawardene, Sri Lankan Cabinet Minister, Hansard, 14th June 1956

"There is the danger of the division of the country... if those (Tamil) people feel... that a grave and irreparable injustice is done to them, there is a possibility of their deciding even to break away from the rest of the country."

- Leslie Gunawardene, Sinhala Opposition Member of Parliament, Hansard, 8th June 1956

REPEAL OF CONSTITUTIONAL SAFEGUARDS AGAINST DISCRIMINATION

"The Bandaranaike government had directed that unless a Tamil public servant passed a proficiency test in Sinhala in stages over three years, his annual increment would be suspended and he would eventually be dismissed. Mr.Kodiswaran, a Tamil in the executive clerical service, declined to sit for the exam and in 1962 his increment was stayed. He sued the government on the ground that the regulation was unreasonable and illegal as the Official Language Act of 1956 transgressed the prohibition against discrimination provided for in section 29 of the Constitution. The trial judge, the most senior in the judicial service, upheld the plea. But his judgement was set aside on appeal in the Supreme Court on the ground that a public servant could not sue for his salary. Mr.Kodiswaran appealed to the Privy Council in London, which set aside the Supreme Court's decision on suing for a public servant's salary and directed that the Supreme Court should now rule on the constitutional question. The Sri Lanka government thereupon abolished appeals to the Privy Council, thereby disposing of Kodiswaran's case. And the Republican Constitution of 1972 did away with the safeguards for minorities enshrined in the original section 29."

- Walter Schwarz: Tamils of Sri Lanka - Minority Rights Group 1983 Report

"Policies concerning the use of Sinhala, inter alia, have seriously lessened the opportunities of Tamils for government employment. The government should adopt a system for recruitment for government service which provides equal opportunities for all persons regardless of ethnic origin."

Virginia Leary: Ethnic Conflict and Violence in Sri Lanka - Report of a Mission to Sri Lanka on behalf of the International Commission of Jurists, July/August 1981

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DISCRIMINATION IN RESPECT OF ADMISSIONS TO UNIVERSITIES

"Everyone has the right to education... higher education shall be equally accessible to all on the basis of merit"

Article 26.1 of the Universal Declaration of Human Rights

"...Nothing aroused deeper despair among Tamils than the feeling that they are being systematically squeezed out of higher education. They have complained particularly of the system of 'standardisation' in force after 1972, in which marks obtained by candidates for university admission are weighted by giving advantage to certain linguistic groups and/or certain districts..."

- Walter Schwarz: Tamils of Sri Lanka - Minority Rights Group Report, 1983

"The Government should re examine its policies on university admissions with a view to basing admission on merit rather than on racial grounds. Tamil and Sinhalese young people alike will then have equal rights to university education on the basis of capacity rather than on race. One of the major points of tension among many Tamil youth has been the implicit racial quota under present university admission policies which has barred many competent youths from pursuing higher education."

- Virginia Leary: Ethnic Conflict and Violence in Sri Lanka - Report of a Mission to Sri Lanka on behalf of the International Commission of Jurists, July/August 1981

ORGANISED SINHALA VIOLENCE AGAINST TAMILS IN 1956

"Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life."

- Article 6.1 of the International Covenant on Civil and Political Rights

"On 5th June 1956, the date the 'Sinhala Only' Bill was introduced by (Prime Minister) Bandaranaike in the House (of Parliament), as an act of protest, Chelvanayakam, the leader of the Federal Party, led a party of 300 Tamil volunteers and staged a sit down Satyagraha (peaceful protest) of the kind popularised by Mahatma Gandhi in the days of the Indian freedom struggle. It was a peaceful sit down protest outside the House, on the Galle Face Green...On that day, the police were all around but allowed the Satygrahis to be beaten up...Some Tamil Satygrahis were thrown into Beira Lake near the Parliament House. From that moment every Tamil seen on roads of Colombo was attacked. Tamil office employees going home from work in public transport were caught and man-handled. Tamils had to stay indoors for personal safety for days on end. Sinhalese hooligans took charge of the situation and went on a rampage of arson and looting of Tamil shops and homes. The rioting and violence were instigated by the government and actively supported by the Sinhalese organisations and bhikkus (Buddhist priests) to frighten Tamils into accepting the 'Sinhala Only' Act...The violence and rioting spread to Gal Oya and Amparai where, under an irrigation and re-settlement scheme, thousands of Sinhalese had been resettled in clusters around thinly distributed Tamil villages in the Eastern province. In the race riots in 1956, 150 people died. They included many Tamil women and children..."

- Satchi Ponnambalam in Sri Lanka: The National Question and the Tamil Liberation Struggle - Zed Books Ltd, 1983

ORGANISED SINHALA VIOLENCE AGAINST TAMILS IN 1958

"...The time has come for the whole Sinhala race which has existed for 2500 years, jealously safeguarding their language and religion, to fight without giving any quarter to save their birthright... I will lead the campaign..."

- J.R.Jayawardene, Sinhala Opposition Leader reported in Sri Lanka Tribune: 30th August 1957

"...(In 1958) passing cars and trains were stopped by mobs and their (Tamil) occupants butchered, houses were burnt with people inside and there was widespread looting..."

- Walter Schwarz: Tamils of Sri Lanka, Minority Rights Group Report 1983

"...(In 1958) hundreds of persons, primarily Tamils, were killed in this first episode of communal violence. Over 25,000 Tamil refugees were relocated from Sinhalese areas to Tamil areas in the North. The government was criticised for failing to declare a state of emergency early enough..."

- Virginia Leary: Ethnic Conflict and Violence in Sri Lanka - Report of a Mission to Sri Lanka on behalf of the International Commission of Jurists, July/August 1981

"On the night of May 25 (1958) one of the most heinous crimes in the history of Ceylon was carried out. Almost simultaneously, on the Government farms at Polonnaruwa and Hingurakgoda, the thugs struck remorselessly. The Tamil labourers in the Polonnaruwa sugar cane plantation fled when they saw the enemy approaching and hid in sugar cane bushes. The goondas wasted no time. They set the sugar cane alight and flushed out the Tamils. As they came

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A PROPHETIC WARNING IN 1975.

"If Sri Lanka is not to experience communal violence or terrorism and counter terror on a scale which would invite comparison with Northern Ireland or Cyprus, there will have to be more readiness for compromise and moderation than has yet been shown...Is it too late for an attempt to evolve an inter communal approach to the language question and the related matters of education and employment? It would a pity if Sri Lanka's leadership waited for bombs to explode, and for the prisons to fill up again before conceding that the Tamils need reassurance that they have a place in the future of the island."

- Walter Schwarz: Minority Rights Group Report on Tamils of Sri Lanka, 1975

out screaming, men, women and children were cut down with home made swords, grass cutting knives and katties or pulped under heavy clubs.

At the Government farm at Hingurakgoda, too, the Tamils were slaughtered that night. One woman in sheer terror embraced her two children and jumped into a well. The rioters were enjoying themselves thoroughly. They ripped open the belly of a woman eight months pregnant, and left her to bleed to death. First estimates of the mass murders on that night were frightening: 150-200 was a quick guess on the basis of forty families on an average of four each... A gang of goondas rushed into the Hindu temple and attempted to set fire to it. In their frenzy, they were clumsy and failed to get the fire going. But they had a more interesting idea. They pulled an officiating priest out of the Kovil and burnt him to a cinder...

What are we left with (in 1958)? A nation in ruins, some grim lessons which we cannot afford to forget and a momentous question: Have the Sinhalese and Tamils reached the parting of ways?"

- Tarzie Vittachi in Emergency 1958: The Story of the Ceylon Race Riots, Andre Deutsch, London 1958

ARMY ATTACK ON PEACEFUL SATYGRAHIS IN 1961

"...the military, without any warning and without informing the satygrahis assembled at the Jaffna Kacheri that an emergency had been declared, assaulted the men mercilessly, bundled the women into trucks...the military also vented their wrath on a large number of push cycles and even on some motor cars...the army covered itself with glory when under the cover of darkness and armed with modern weapons, it routed a band of unarmed satygrahis in what will go down in history as the 'Battle of Jaffna'... Immediately the 'Battle of Jaffna' was over, the army proceeded to way lay and assault all sundry on the roads of Jaffna on the ground that they were breaking a curfew order, of which most of them were unaware..."

- Senator Nadesan, Sri Lanka Senate Hansard 2nd May 1961

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"This is not a question of an army man here and there, after liquor, indulging in excess (in 1961 against Tamils in Jaffna). No, there is some plan, some purpose. There is an indication that they are going on instructions and preparing for some trouble because the purpose of the government in imposing an emergency and allowing army and navy personnel to behave in that fashion is to intimidate...the Tamil minority in this country. That is the fact. That is the purpose."

- Sinhala Opposition Member of Parliament, Hansard, 1961

SUPPRESSION OF PEACEFUL PROTEST 1972 TO 1975

"..at the time of the Amnesty International Mission (January 1975), 42 young members of the Tamil community, (were prisoners) arrested and detained since the end of 1972. They were arrested for their agitation, (generally peaceful, so Amnesty International understands) for a greater autonomy for the Tamils who feel that

the provisions in the 1972 constitution regarding language and religion discriminate against them..."

- Report of an Amnesty International Mission to Sri Lanka, January 1975

SINHALA VIOLENCE AGAINST TAMILS IN 1977

"...The trouble (in 1977) began in Jaffna, capital of the Northern province, when Sinhala policemen, believed to have been loyal to the defeated Sri Lanka Freedom Party of Mrs.Bandaranike, acted provocatively by bursting into a Tamil carnival. In the violent altercation that followed the police opened fire and four people were killed. A wave of rioting followed, spreading quickly to the south. Among 1,500 people arrested were several well known Sinhalese extremists, accused of instigating violence against Tamils. Martin Wollacott reported in the Guardian from Sri Lanka (27 August 1977): 'It looks very much as if disgruntled Freedom Party leaders in many places saw an opportunity to embarrass the government and with the collusion of some Freedom Party police appointees and of local gangsters, organised and encouraged the attacks on the Tamils'..."

- Walter Schwarz: Tamils of Sri Lanka, Minority Rights Group 1983

"A tragedy is taking place in Sri Lanka: the political conflict following upon the recent elections, is turning into a racial massacre. It is estimated by reliable sources that between 250 and 300 Tamil citizens have lost their lives and over 40,000 made homeless...(The Tamils) have now lost confidence in their treatment by the Sinhalese majority and are calling for a restoration of their separate national status... At a time when the West is wake to the evils of racialism, the racial persecution of the Tamils and denial of their human rights should not pass without protest. The British have a special obligation to protest, as these cultivated people were put at the mercy of their neighbours less than thirty years ago by the British Government. They need our attention and support."

- Sir John Foster, David Astor, Louis Blom-Cooper, Dingle Foot, Robert Birley, James Fawcett, Michael Scott, London Times 20th September 1977

STATE DIRECTED SINHALA VIOLENCE AGAINST TAMILS IN 1979

"On the 11th of July 1979.. President Jayawardene appointed his nephew Brigadier Weeratunga, as commander of the security forces in Jaffna...On the same day, a state of emergency was declared in Jaffna, and a Public Security Ordinance gave the police and armed forces the power to dispose of dead bodies without an inquest. On the night of the 14th of July, six Tamil youths were taken from their homes- three were never seen again. The mutilated bodies of two others were found the next day, and the sixth youth died later in Jaffna prison hospital.

By this time a Prevention of Terrorism Act had been brought into operation...This Act has been roundly condemned by Amnesty Internationl and the International Commission of Jurists as a gross violation of human rights and an incitement to torture. The state of emergency which Brigadier Weeratunga supervised for six months in the North gave Amnesty and the ICJ ample evidence for this assessment.

During this period, the security forces - most of whom did not speak the language of the people of the North, and had been taught to look upon them as enemies who must be subjugated at all costs - rounded up and tortured Tamil youths. Houses were entered and searched, relatives were taken into custody until wanted men surrendered. Villages were surrounded and the inhabitants flushed out and interrogated. Frequent 'stop and search' operations were carried on cars and buses. People who had absolutely nothing to do with any type of political activity, much less 'terrorism', were tortured with burning cigarettes, with chilli powder and red ants applied to sensitive parts of their bodies, by being hung upside down by their feet, or suspended by their wrists, by having pins driven into their toes and fingers, by being deprived of food and sleep, and by being beaten repeatedly... By the time the emergency was lifted in December 1979, hundreds of people, mostly young men, had been through the hands of the security forces. Many were radicalised by this direct application of state power, and sought for the first time to work for Eelam..."

- Nancy Murray, the State against the Tamils in Sri Lanka - Racism and the Authoritarian State - Race & Class , Summer 1984

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SINHALA VIOLENCE AGAINST TAMILS IN 1981 - FAILURE OF STATE TO INVESTIGATE

"A primary concern of the government should be the physical security of the minority Tamil population and the avoidance of future communal violence so frequently directed against Tamils in the past... In this regard the government should pursue a vigorous policy of investigation and prosecution of police officers responsible for the burning of many areas in Jaffna in May/June 1981".

- Virginia Leary: Ethnic Conflict and Violence in Sri Lanka - Report of a Mission to Sri Lanka on behalf of the International Commission of Jurists, July/August 1981

"It is regrettable that the government did not institute an independent investigation to establish responsibility for these killings (in May/June 1981) and take measures against those responsible. Instead, one police officer involved was promoted and emergency legislation was introduced facilitating further killings."

- Orville H.Schell, Chairman of the Americas Watch Committee, and Head of the Amnesty International 1982 fact finding mission to Sri Lanka

"...(The) August (1981) incidents of violence centred on three specific areas: the gem mining area of Ratnapura, Negombo near the capital city of Colombo, and the plantation towns in central Sri Lanka. Before the violence was brought under control...at least 10 Indian Tamils had been killed, numerous Tamil shops and businesses burned, and more than 5000 Indian Tamils had fled to refugee camps...It was widely reported that attacks in Negombo as well as an attack against passengers on a Jaffna to Colombo train were made by organised gangs. Tamil sources stated that it could not be ruled out that people close to the government were behind the organised violence. They also claimed that the police and the army did not intervene to prevent attacks until the declaration of the state of emergency many days after the attacks began..."

- Virginia Leary: Ethnic Conflict and Violence in Sri Lanka - Report of a Mission to Sri Lanka on behalf of the International Commission of Jurists, July/August 1981

DESTRUCTION OF TAMIL CULTURAL HERITAGE

> "Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advance and its benefits."
>
> *- Article 27.1 of the Universal Declaration of Human Rights*

"...a large group of police (estimated variously from 100-200) went on rampage on the nights of May 31-June 1 (1981) and June 1-2 burning the market area of Jaffna, the office of the Tamil Newspaper, the home of the member of Parliament for Jaffna and the Jaffna Public Library...the destruction of the Jaffna Public Library was the incident which appeared to cause the most distress to the people of Jaffna...the 95,000 volumes of the Public Library destroyed by the fire included numerous culturally important and irreplaceable manuscripts...The government should lead a major national and international effort to rebuild and develop the Jaffna Public Library destroyed by arson by police in June 1981. Such an effort would evidence the respect the government for the cultural rights of the Tamils, help to remedy a serious injustice done to the Tamil community and contribute to restoring Tamil confidence in the government."

- Virginia Leary: Ethnic Conflict and Violence in Sri Lanka - Report of a Mission to Sri Lanka on behalf of the International Commission of Jurists, July/August 1981

"With several high ranking Sinhalese security officers and two cabinet ministers, Cyril Mathew and Gamini Dissanayake (both self confessed Sinhala supremacists), present in the town (Jaffna), uniformed security men and plainclothes thugs carried out some well organised acts of destruction. They burned to the ground certain chosen targets - including the Jaffna Public Library, with its 95,000 volumes and priceless manuscripts, a Hindu temple, the office and machinery of the independent Tamil daily newspaper Eelanadu.. Four people were killed outright. No mention of this appeared in the national newspapers, not even the burning of the Library, the symbol of the Tamils' cultural identity..."

- Nancy Murray, the State against the Tamils in Sri Lanka - Racism and the Authoritarian State - Race & Class , Summer 1984

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VIOLATION OF RIGHT TO FREE ELECTIONS

> "The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures."
>
> *- Article 21.3 of the Universal Declaration of Human Rights*

"The Civil Rights Movement of Sri Lanka has published a critique of the referendum (of the 22nd of December 1982) questioning whether it was in fact fair and free. This analysis, released in January 1983, in summary, alleges that there were serious defects both prior to the poll and on polling day. The Movement also draws attention to some statistical analyses in selected electoral districts that would appear, prima facie, to raise some grave questions as to the accuracy of the count returned from these districts...the Civil Rights Movement instances the following five factors as militating against the peoples freedom of choice - (1) the continuance throughout the campaign of a state of emergency (2) the banning of two important opposition newspapers and the sealing of selected presses under emergency regulations. Leaflets advocating a 'No' vote were seized and the publication of an appeal by Srima Bandaranaike, leader of the main opposition Sri Lanka Freedom Party (SLFP) was prevented (3) detention under emergency regulations of a number of SLFP organisers, raid on SLFP headquarters and the seizure of party documents including membership registers (4) detention, short term arrests or repeated interrogations of opposition organisers, and (5) the blatant disregard of the law relating to the display of posters. There were massive displays of the 'Lamp' (ie Yes vote') posters and symbols all over the island throughout the campaign, including just outside police stations, whereas section 50 of the Referendum Law permitted such displays only at meeting places on the day of the meeting... The Civil Rights Movement reported events which concerned it relating to polling day, under the following heads: (1) illegal symbol display (2) intimidation of voters and prevention of access to polling stations (3) intimidation and harassment of polling elsewhere (4) intimidation of polling officers (5) impersonation."

"The matters detailed in these criticisms would be such to cause serious concern as to the fairness of the polling...The author shares the concern expressed by the Secretary General of the International Commission of Jurists about the desirability of the use of a referendum to extend the term of parliament and also is deeply concerned as to whether the referendum, in fact, was conducted freely or fairly and could be taken as representing an expression of opinion of the people of Sri Lanka."

- Ethnic and Communal Violence: The Independence of the Judiciary: Protection of Fundamental Rights and the Rule of Law in Sri Lanka - Fragile Freedoms? - Report of an ICJ Mission to Sri Lanka in June 1983 - Timothy J.Moore

"..the reason given for the referendum was the 'discovery' by the President of a threat to his life and a plot to overthrow the government, by a group of 'naxalites' - a group within the main opposition party, the SLFP. These persons were taken into custody and a state of emergency was declared. The referendum was then held, with a state of emergency prevailing; with the main organisers of the opposition party behind bars; and the Presidents main opponent, Mrs.Bandaranaike prevented from taking part (because she had been deprived of her civic rights). Once the referendum was held, the threat to the government seems to have disappeared as mysteriously as it had emerged. A police inquiry into the alleged conspiracy could come up with no evidence against the accused...The referendum was held in an atmosphere of violence, corrupt practices and intimidation of the opposition unprecedented in Sri Lanka's electoral history. The Civil Rights Movement of Sri Lanka has issued a statement documenting serious abuses of power by the ruling party during the referendum. The whole shameful charade calls into question the legitimacy of the UNP's present term of office...It is worth recalling that Hitler too, used the stratagem of referenda, maintained a climate of anti semitism and anti communism reinforced by political thuggery to suspend 'guaranteed civil liberties', to create an awesome dictatorship.."

- Memorandum on Human Rights Violations and Ethnic Violence in Sri Lanka: The Netherlands,Dutch Working Group, December 1983

"...The referendum to extend the life of the Parliament was held under strictures which severely hampered the opposition campaign. Some opposition politicians were detained under

emergency regulations, some had been stripped of their civic rights, some opposition papers were banned and some opposition presses were sealed, while the polling itself was marred by the harassment of electoral officers, candidates and voters..."

- Patricia Hyndman: Sri Lanka - Escalating Violence and Erosions of Democracy: Interim Report to Lawasia Human Rights Standing Committee March 1985

"...In view of the President being also the chief of the UNP, (United National Party), the ruling party MPs have had little leeway in effect for autonomy and independence within the legislature. The very fact that soon after the preponed Presidential election in October 1982...the President had undated letters of resignation of all his party MPs, reflected the untrammelled powers at his disposal for a 'made to order' Parliament. This was particularly so due to (the provisions) ...of the new constitution under which, in the event of resignation (or expulsion) of an MP, his party has the right to nominate his successor...(also) about half the government MPs are Ministers of one sort or another, i.e. cabinet ministers, deputy ministers, ministers without portfolio, project ministers and district ministers...Under such a situation (with the over arching powers of the President to hire and fire any MP), Parliament despite its so called sovereign powers, has become an appendage of the executive..."

- Ethnic Conflict in Sri Lanka: Urmilla Phadinis, Gandhi Peace Foundation, July 1984

VIOLATION OF THE RULE OF LAW

> "Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law"
>
> *- Article 8 of the Universal Declaration of Human Rights*

"During the campaign for the December 1982 referendum to extend the life of Parliament without a general election, a Superintendent of Police seized 20,000 pamphlets of 'Voice of the Clergy' opposing the referendum proposal. A Buddhist monk, the secretary of the organisation concerned, complained to the Supreme Court, under Article 126 of the Constitution, that this act had infringed his fundamental right to freedom of speech and expression. On 28th February 1983, the Supreme Court held in his favour, and awarded 10,000 rupees damages against the Superintendent personally, together with costs. On the 2nd March 1983, the Government announced that the Superintendent would be promoted, and that the state would pay the damages and costs.That history soon repeated itself. On 8th March 1983, a former M.P., together with some others, went to deliver a letter of protest to the American Embassy in Colombo, where she was received courteously... On their way back, some police officers took away their banners...soon after (she) found herself under arrest, thrown to the floor and kicked. She too complained to the Supreme Court under Article 126 about an infringement of her fundamental rights...it (the Supreme Court) found that the arrest was unlawful and directed the Inspector General of Police to conduct further inquiries... That judgment was delivered on the 8th of June 1983. On the following day, the Acting Inspector General of Police announced the promotion of the sub-inspector who arrested her.. Two days after that, two of the Judges of the Supreme Court who had heard this case found their private houses surrounded by unruly mobs, shouting obscenities at them...It was a frightening experience, and no policemen was in sight. They tried to telephone the police , but found the lines mysteriously out of order ...and although the mobs arrived in public service buses and the disorders had clearly been organised in a concerted fashion, no one seems to have managed to this day to unearth anyone responsible: apparently, the relevant records of the bus station concerned have somehow been lost."

"Such events are hardly calculated to encourage the judiciary to remain independent, or to enhance public respect for its members, their judgments, or the rule of law...The President freely conceded that he had personally ordered the promotion of the two police officers (in June 1983), and the payment out of public funds of the damages and costs. This he said had been necessary to maintain police morale...at a time when he found the Supreme Court a hindrance to some of his policies. The conclusion is inescapable that he was deliberately seeking to teach the Judges a lesson in order to make them more pliable to the Executive's wishes. If that is so, these were grossly improper acts; but for the immunity from all suit which the President enjoys under article 35(1) of the Constitution, they might well have been criminal offences..."

"...the Government's lack of respect for the rule of law was evident in three cases in which a mantle of protection was thrown over officials

who had exceeded or abused their powers. In the first case two soldiers who had been arrested and remanded in connection with the shooting of a lame Tamil youth were released by the Magistrate on the instructions of the Attorney General. In the other two cases, the Government promoted police officers against whom the Supreme Court had passed strictures for exceeding their authority. This was justified by the Government on the grounds that the police must be able to do their duty without fear of the consequences of adverse court decisions... In face of this it is not surprising that the police and army increasingly take the law into their hands."

- Paul Sieghart: Sri Lanka: A Mounting Tragedy of Errors - Report of International Commission of Jurists 1984

DETENTION WITHOUT CHARGE OR TRIAL

> "No one shall be subjected to arbitrary arrest, detention or exile"
>
> *- Article 9 of the Universal Declaration of Human Rights*

Tamileelam Archive

"Detainees...have been held for long periods, some for more than a year and a half and several for a longtime in solitary confinement. They have been held for many months before being brought before a judge. These practises contravene Article 9 of the International Covenant for Civil and Political Rights which state that no one shall be subjected to arbitrary arrest and detention ...Minimum safeguards prescribed in the Sri Lanka Prisons Ordinance and in subsidiary legislation are denied to political detainees..."

- Sri Lanka: Current Human Rights Concerns and Evidence of Extra Judicial Killings - Amnesty International Report, 1 June 1984

"...From time to time, opposition parties have been proscribed and some of their members imprisoned. Sometimes those detainees have, for periods, been held incommunicado, without access to either lawyers or relatives, amidst government allegations of the parties complicity in various suspected plots. So far no substantive evidence to substantiate such allegations, and no charges have been laid..."

- Patricia Hyndman: Sri Lanka - Escalating Violence and Erosions of Democracy: Interim Report to Lawasia Human Rights Standing Committee March 1985

"There is no formal notification to the next of kin of a detainee that the person has been taken into detention...Even after the habeas corpus application has been heard, and an order made by the court for access to the detainee by his legal representatives, further obstacles are placed in the way of the legal representatives...Often when the legal representatives attended at the nominated location, they would be informed that the detainee had been moved and that their order for access had no validity with respect to the place of detention..."

- Ethnic and Communal Violence: The Independence of the Judiciary: Protection of Fundamental Rights and the Rule of Law in Sri Lanka - Fragile Freedoms? - Report of an ICJ Mission to Sri Lanka in June 1983 - Timothy J.Moore

SRI LANKA PREVENTION OF TERRORISM ACT - 'UGLY BLOT ON STATUTE BOOK OF ANY CIVILISED COUNTRY'

"The South African Terrorism Act has been called 'a piece of legislation which must shock the conscience of a lawyer.' Many of the provisions of the Sri Lankan Prevention of Terrorism Act (of 1981) are equally contrary to accepted principles of the Rule of Law."

- Virginia Leary: Ethnic Conflict and Violence in Sri Lanka - Report of a Mission to Sri Lanka on behalf of the International Commission of Jurists, July/August 1981

"These provisions (in the Prevention of Terrorism Act) are quite extraordinarily wide. No legislation conferring even remotely comparable powers is in force in any other free democracy operating under the Rule of Law, however troubled it may be by politically motivated violence. Indeed there is only one known precedent for the power to impose restriction orders under section 11 of the Sri Lankan P.T.A., and that - as Professor Leary rightly pointed out in her Report - is the comparable legislation currently in force in South Africa... such a provision is an ugly blot on the statute book of any civilised country."

- Paul Sieghart: Sri Lanka: A Mounting Tragedy of Errors - Report of International Commission of Jurists 1984

"...The present government has enacted both permanent preventive detention legislation and temporary emergency legislation...some of the terms and utilisation of which bring Sri Lanka, a signatory to the International Covenant and Political Rights and the International Covenant on Economic, Social and Cultural Rights, into conflict with her obligations under international law.."

- Patricia Hyndman: Sri Lanka - Escalating Violence and Erosions of Democracy: Interim Report to Lawasia Human Rights Standing Committee March 1985

"...Under this law, a person can be detained for 18 months without trial and court decisions to transfer suspects to the custody of the judiciary can be reversed by Parliament. The brutal manner in which the Act has been enforced, as well as the widespread killings and torture by the security forces, have been investigated and condemned by international human rights organisations such as Amnesty International and the International Commission of Jurists, as well as other observers..."

- Tamils of Sri Lanka: Minority Rights Group Report September 1983

TORTURE - ALMOST UNIVERSAL PRACTISE OF SRI LANKAN AUTHORITIES

> "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment"
>
> *- Article 5 of the Universal Declaration of Human Rights*

"...the author accepts that it is the almost universal practice of the military authorities to physically assault and mistreat these persons who have been in their custody with the principal locations for that assault being the Elephant Pass army camp and the Panagoda army camp in Colombo...the author finds that this treatment is not only in breach of Article 11 of the Sri Lankan Constitution which states that 'no person shall be subject to torture or to cruel, inhumane or degrading treatment or punishment' but (that it) is also carried out on a systematic basis. This treatment is also in breach of the International Covenant on Civil and Political Rights to which Sri Lanka is a State Party after having ratified the Covenant. Unfortunately, Sri Lanka has not ratified the Optional Protocol to permit individuals, other than other States Party to the Covenant, to complain and proceed against Sri Lanka for breaches of the Covenant."

- Ethnic and Communal Violence: The Independence of the Judiciary: Protection of Fundamental Rights and the Rule of Law in Sri Lanka - Fragile Freedoms? - Report of an ICJ Mission to Sri Lanka in June 1983 - Timothy J.Moore

"...The testimonies taken by the Amnesty International mission (in January and February 1982), confirm other reports received by the organisation that torture was regularly inflicted in 1981 and at least up until the time of the mission..."

- Sri Lanka: Current Human Rights Concerns and Evidence of Extra Judicial Killings - Amnesty International Report, 1 June 1984

"Allegations that torture occurs in Sri Lanka have long been of concern to AI. Over the past five years, however, the organisation has received consistent reports, many in the form of sworn affidavits, which lead it to conclude that the practise is wide spread and persistent. Torture is used particularly against political detainees, some of whom have died as a result...When the present government took office in 1977, it prohibited torture and cruel, inhuman or degrading treatment, under the Constitution. It has also denied that torture is permitted...However torture has been widely reported from a variety of sources. AI has received testimonies from former detainees, detailing torture and from witnesses to tortures from others; from relatives of victims and from lawyers. In addition the findings of several medical examinations of former detainees are consistent with the tortures alleged...In all cases of torture and ill treatment reported to AI, detainees were held incommunicado... Relatives have difficulty in establishing the whereabouts of detainees and in recent months over 180 are reported to have 'disappeared', the authorities denying any knowledge of their detention."

- Amnesty International File on Torture, October 1985

"From informal records held in Jaffna, the author has discovered that at least 23 members of the Tamil community have died in, or as a result of being in army or police custody since July 1979. In addition four persons have 'disappeared' whilst in such custody and must be presumed to dead... the former detainees detailed to the author systematic inhumane and violent treatment at the hands of those who were detaining

them over long periods of time...Several instances were reported to the author of persons being hung upside down with a bag covering their head into which was introduced fine ground dried chilli powder. Evidence of the effect of this on the metabolism of the lungs was read by the author in the inquest depositions..."

- Timothy J.Moore: Ethnic and Communal Violence The Independence of the Judiciary: Protection of Fundamental Rights and the Rule of Law in Sri Lanka - Fragile Freedoms, ICJ Australian Section 1983

"Detainees often have been held in army camps, incommunicado, without access to lawyers and relatives, and in some cases have been tortured and even killed whilst in custody...(In one case) it was found, at a post mortem examination, that the detainee had suffered twenty five external and ten internal injuries which had been inflicted on him by force. This was the case of Mr.A.K.Navaratnarajah (a Tamil) who died on the 10th of April 1983 whilst held in custody. At the time of my visit in February 1985, no one had been charged with Mr.Navaratnarajah's murder... Government explanations that it is impossible to find reliable evidence to identify those responsible for such killings cannot be accepted in the absence of a clear indication of a serious public and impartial attempt to investigate such events."

- Patricia Hyndman - Democracy in Peril, Report to Lawasia Human Rights Committee, June 1985

தமிழீழ தகவல் களஞ்சியம்
Tamileelam Archive

GENOCIDAL ATTACK ON THOUSANDS OF TAMILS IN 1983

"I am not worried about the opinion of the Tamil people... now we cannot think of them, not about their lives or their opinion... the more you put pressure in the north, the happier the Sinhala people will be here... Really if I starve the Tamils out, the Sinhala people will be happy."

- President J.R.Jayawardene, Daily Telegraph, 11th July 1983

"President Jayawardene has increasingly come to resemble a dictatorial and racist Third World autocrat. He is an elderly and erratic communal politician who picks up problems, toys with them and puts them aside for action later.

- Editorial Comment, London Guardian, 1st August 1983

" Clearly this (attack in July and August 1983) was not a spontaneous upsurge of communal hatred among the Sinhala people - nor was it, as has been suggested in some quarters, a popular response to the killing of 13 soldiers in an ambush by Tamil Tigers on the previous day, which was not even reported in the newspapers until after the riots began. It was a series of deliberate acts, executed in accordance with a concerted plan, conceived and organised well in advance. But who were the planners ..."

- Paul Sieghart: Sri Lanka: A Mounting Tragedy of Errors - International Commission of Jurists Report, March 1984

"Motorists were dragged from their cars to be stoned and beaten with sticks during racial violence in Colombo, the Sri Lanka capital yesterday. Others were cut down with knives and axes. Mobs of Sinhala youth rampaged through the streets, ransacking homes, shops and offices, looting them and setting them ablaze, as they sought out members of the Tamil ethnic minority... A Sri Lankan friend told me by telephone last night how he had watched horrified earlier in the day as a mob attacked a Tamil cyclist riding near Colombo's eye hospital, a few hundred yards from the home of Junius Jayawardene, the nation's 76 year old President. The cyclist was hauled from his bike, drenched with petrol and set alight. As he ran screaming down the street, the mob set on him again and hacked him down with jungle knives..."

- London Daily Telegraph, 26th July 1983

"Smoke from hundreds of shops, offices, warehouses and homes blew idly over Colombo yesterday. Any business, any house belonging to or occupied by a Tamil has been attacked by gangs of goondas and the resulting destruction looks like London after a heavy night's attention from the Luftwaffe. The sharp smell of destruction fills the nostrils and the roads beneath the feet crunch with broken glass. Cars and lorries lie at ungainly angles across the footways. In Pettah, the old commercial heart of the city, row after row of sari boutiques, electronic dealers, rice sellers, car parts stores, lie shattered and

scarred... Government officials yesterday estimated that 20,000 businesses had been attacked in the city..."

- London Guardian, 28th July 1983

"Violence also erupted in places such as Kandy, Matale, Nuwara Eliya, Badulla and Bandarawela. On each of these occasions it followed a similar pattern. The incidents were started off by people coming in from outside the districts, lists were used to identify Tamil property and systematic attacks were made on it: the local people were then encouraged to follow with further depredations..."

- Patricia Hyndman, Lawasia Human Rights Standing Committee Report 1983

"The town (Kandy), which lies at the centre of the tea and rubber plantations of the central highland area of Sri Lanka has witnessed rioting and firebombing against Tamil owned homes and businesses for the past four nights. And the presence of the rows of burnt out shops and of the 6000 Tamils in five temporary camps shows that the communal terror which has been unleashed in Sri Lanka is much more widespread than at first reported. The testimony of similar outrages in the villages in the steep sided hills and dense green country around Kandy reinforces that impression...Two unidentified bodies were fished from the artificial lake in the centre of Kandy and a third body was found on a railway line close to the town. The body, which had been cut and chopped, was evidently thrown from a train.."

- London Times, 30th July 1983

"...News of the extent of the violence directed at the centre of Nuwara Eliya by Sinhala mobs was somehow contained by the town's remoteness.. But no point in Colombo or the surrounding suburbs matches the mess.. Whole blocks have been reduced to charred rubble. Only a handful of provision shops belonging to Sinhala traders remained..."

- London Daily Telegraph, 6th August 1983

"...Awareness of their insecurity drove many Tamils, especially in the Colombo area, to abandon their homes and shops and seek refuge in temples, airport hangars and improvised camps. Estimates of the numbers made homeless range upto 100,000, many in poorly provisioned 'refugee camps' (where as displaced persons, victims of an internal conflict they lacked the international protection which would be extended by UNHCR)..."

- Tamils of Sri Lanka, Minority Rights Group Report September 1983

"..Throughout the early hours of the violence it was clear that neither police nor defence forces had been given orders to re-establish control. My friends reported how police and troops could be seen on street corners watching the lawlessness spread. At one point several army vehicles drove through the city, packed with troops who shouted encouragement to the rioters.."

- London Daily Telegraph, 26th July 1983

"..But for days the soldiers and policemen were not overwhelmed: they were unengaged or, in some cases, apparently abetting the attackers. Numerous eye witnesses attest that soldiers and policemen stood by while Colombo burned..."

- London Economist, 6th August 1983

" ..in the present violence, the army, police and gangs of thugs acted in conjunction.. Some of us saw truck loads of soldiers cheering on the arsonists bands...."

- New Statesman, 28th August 1983

"..A tourist told yesterday how she watched in horror as a Sinhala mob deliberately burned alive a bus load of Tamils.And she said that she had heard other tourists describe how women and children have been murdered in the same way. Mrs.Eli Skarstein, back home in Stavanger, Norway, told how she and her 15 year old daughter, Kristin, witnessed one massacre. 'A mini bus full of Tamils were forced to stop in front of us in Colombo' she said. A Sinhalese mob poured petol over the bus and set it on fire. They blocked the car door and prevented the Tamils from leaving the vehicle. 'Hundreds of spectators watched as about 20 Tamils were burned to death'. Mrs. Skarstein added: 'We can't believe the official casualty figures. Hundreds may be thousands must have been killed already. The police force 95% Sinhalese did nothing to stop the mobs. There was no mercy. Women, children and old people were slaughtered. Police and soldiers did nothing to stop the genocide.."

- London Daily Express, 29th August 1983

"The violence which had broken out in different parts of Colombo almost simultaneously on the night of July 24th and on July 25th, extended during the course of the next few days to different centres throughout the country. About 130 sailors broke camp in Trincomalee and went on

a rampage in which one hundred and seventy five buildings were reported to have been damaged. Several people were injured and one person was reported killed."

- *Patricia Hyndman, Lawasia Human Rights Standing Committee Report 1983*

"President Jayawardene of Sri Lanka claimed yesterday that his army withheld information from him on massacres that had been committed in the northern region of Jaffna... Leading members of the Tamil community in Jaffna have told the Guardian that in one incident, troops killed number of students waiting at a bus stop. They allege that the students, aged between 18 and 20 had been lined up separately and fired upon..Shortly afterwards troops drove through a village..shooting at random at passers by. It was claimed that troops were then ordered back to barracks. But soldiers in civilian clothes were out in jeeps and raided a number of houses, shooting inhabitants..Lawyers in Jaffna claimed that the town's magistrate was ordered by the Ministry of Defence in Colombo not to hold a planned inquest...Asked yesterday, why no inquests had been held,..President Jayawardene said: 'I did'nt know until a couple of days ago. It is too late now'."

- *London Guardian, 8th August 1983*

"The government has now admitted that, during the days following the 23rd of July 1983, 51 members of the Tamil minority were killed by the armed forces in the northern region..the killing of members of the security forces by armed groups opposing the government can never justify the security forces resorting to deliberate arbitrary killings of innocent civilians, who had apparently been selected at random ..Amnesty International is greatly concerned that the government has permitted its security forces in July to commit such grave abuses of the right to life, that it has failed explicitly to condemn these abuses and to halt their occurrence, especially since several more killings of civilians by armed personnel have subsequently been reported to Amnesty International.."

- *Amnesty International Report on Sri Lanka: 1st June 1984*

"...The Government (of Sri Lanka) has repeatedly denied that its security forces violate fundamental rights. However, as head of an Amnesty International fact finding mission in January 1982, I received first hand evidence that incommunicado detention under the Prevention of Terrorism Act was widespread and that the army and the police regularly tortured political suspects and carried out political killings in June 1981, similar to those recently confirmed by President Jayawardene. I believe that recent killings by security authorities follow a pattern previously set...The government must bear full responsibility for these breaches of the right to life and other violations of human rights, especially in light of the wide powers that in recent years it has given the security forces.

- *Orville H.Schell, Chairman of the Americas Watch Committee, and Head of the Amnesty International 1982 fact finding mission to Sri Lanka:the New York Times, 24th August 1983*

INTERNATIONAL COMMISSION OF JURISTS CONCLUDED THAT 1983 VIOLENCE AMOUNTED TO "ACTS OF GENOCIDE"

"The impact of the communal violence on the Tamils was shattering. More than 100,000 people sought refuge in 27 temporary camps set up across the country. Commenting on the violence Neelan Tiruchelvam, a Tamil lawyer and member of Parliament, stated, "the latest round of violence has put the finishing touch to the eradiction of the Tamils. This time the Tamil professional and enterpreneurial class has been destroyed... A government spokesman has denied that the destruction and killing of Tamils amounted to genocide. Under the Convention on the Prevention and Punishment of the Crime of Genocide, acts of murder committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group as such are considered as acts of genocide. The evidence points clearly to the conclusion that the violence of the Sinhala rioters on the Tamils amounted to acts of genocide. Surprisingly, President Jayawardene in his first public comment made three days after the riots had begun, did not condemn the violence against the Tamils. In trying to placate the majority Sinhalese, he seemed by implication to justify the atrocities (against the Tamils.."

- *The Review, International Commission of Jurists, edited by Niall MacDermot, December 1983*

TamilEelam Archive

"BASIC HUMAN RIGHTS OF THE TAMIL COMMUNITY SUBJECT TO GROSS AND CONTINUED VIOLATIONS" MINORITY RIGHTS GROUP REPORT, 1983

"...The makings of an embattled freedom movement now (1983) seem assembled: martyrs, prisoners and a pitiful mass of refugees. Talk of 'Biafra' which had sounded misplaced in 1975, seemed less unreal a few years later...As this report goes to press in September 1983, the general outlook for human rights in Sri Lanka is not promising. The present conflict has transcended the special consideration of minority rights and has reached the point where the basic human rights of the Tamil community - the rights to life and property, freedom of speech and self expression and freedom from arbitrary arrest have in fact and in law been subject to gross and continued violations. The two communities are now polarised and continued repression coupled with economic stagnation can only produce stronger demands from the embattled minority, which unless there is a change in direction by the central government, will result in a stronger Sinhalese backlash and the possibility of outright civil war."

- Walter Schwarz: Minority Rights Group Report on Tamils of Sri Lanka, 1983

GOVERNMENT REFUSAL TO HONOUR PLEDGE TO HOLD INQUIRY INTO KILLINGS OF TAMILS

"The Sri Lankan authorities .... would leave no stone unturned to bring to justice all those responsible for killings, violence and acts of destruction no matter who they were and regardless of their status, ideology or political alignments. There would be no exceptions"

- Statement by Ambassador for Sri Lanka at UN Sub Commission in August 1983

"But what I find most extraordinary is that to this day there has been no attempt to find out the truth through an official, public and impartial inquiry, when the situation in the country cries out for nothing less.... So long as no such inquiry is appointed in Sri Lanka, rumours will continue to circulate, suspicion will point to many individuals and groups who cannot all be guilty, divisions between communities can only be exacerbated, and the Government's task in preserving order, peace and harmony can only be made more difficult."

- Paul Sieghart: Sri Lanka: A Mounting Tragedy of Errors - Report of International Commission of Jurists 1984

"Despite repeated appeals from international human rights bodies such as the International Commission of Jurists and Amnesty International, and from regional organisations concerned with the protection of human rights such as Lawasia, the government has failed to order independent investigations into the reports of extra judicial killings".

- Amnesty International Report, June 1984

"..the President did not see fit to utter one single word of sympathy for the victims of the violence and destruction which he lamented. If his concern was to re establish communal harmony in the Island whose national unity he was so anxious to preserve by law, that was a misjudgment of monumental proportions..."

- Paul Sieghart Sri Lanka Mounting Tragedy of Errors. International Commission of Jurists Report, March 1984

"...The President conceded that 'terrible things' were happening in Sri Lanka asked if he would set up an inquiry commission to go into the atrocities committed by the army against the Tamils, he said: 'Did the British appoint a commission during the war?..."

- President Jayawardene in an interview with Kuldip Nayar: Island, 17th February 1985

EXTRA JUDICIAL KILLING OF 52 TAMIL PRISONERS WHILST IN GOVERNMENT CUSTODY IN 1983

"Selvarajah Yogachandran, popularly known as Kuttimani, a nominated member of the Sri Lankan Parliament...one of the 52 prisoners killed in the maximum security Welikade prison in Colombo two weeks ago, was forced to kneel in his cell, where he was under solitary confinement, by his assailants and ordered to pray to them. When he refused, he was taunted by his tormentors about his last wish, when he was sentenced to death. He had willed that his eyes be donated to some one so that at least that person would see an independent Tamil Eelam. The assailants then gouged his eyes..He was then stabbed to death and his testicles were wrenched from his body. This was confirmed by one of the doctors who had conducted the postmortem of the first group of 35 prisoners."

- Madras Hindu 10th of August 1983

"Amnesty International has itself interviewed one Tamil detainee who survived the killing and has received a sworn statement from another survivor, both of whom state that some prisoners who had come to attack them later told the surviving detainees that they had been asked to kill Tamil prisoners. According to the sworn statement:'We asked these people as to why they came to kill us. To this they replied that they were given arrack (alcohol) by the prison authorities and they were asked to kill all those at the youth offenders ward (where the Tamil prisoners were kept). These statements demonstrate, Amnesty International believes, the need for further investigations to be conducted by an independent body before which witnesses can testify in conditions of safety.. Amnesty International believes that the government must order a comprehensive inquiry into the circumstances of the killings and bring to justice any of those identified as responsible for them.."

- Amnesty International Report June 1984

"It is not clear how it was possible for the killings to take place without the connivance of prison officials, and how the assassinations could have been repeated after an interval of two days, since Welikade prison is a high security prison and the Tamil prisoners were kept in separate cells..."

- Ethnic Violence in Sri Lanka, 1981-83: Staff Report of the International Commission of Jurists

ENACTMENT OF 6TH AMENDMENT TO CONSTITUTION - VIOLATION OF FREEDOM OF EXPRESSION

"Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers"

- Article 19 of the Universal Declaration of Human Rights

தமிழீழ அபிலேக்காரப்பகம்
Tamileelam Archive

"..the government has now decided that the time has come to accede to the clamour and the request, the natural request, of the Sinhala people that we do not allow the movement for division to grow any more...Those seeking partition will lose their civic rights, and cannot hold office, cannot practise professions, join movements or organisations "

- President Jayawardene on Sri Lanka Television, 28th July 1983

"...The key to its (the 6th Amendment's) effect is paragraph (1) which runs as follows:- 'No person shall directly or indirectly, in or outside Sri Lanka, support, espouse, promote, finance, encourage or advocate the establishment of a separate State within the territory of Sri Lanka'. Anyone who contravenes that provision becomes liable to the imposition of civic disability for upto 7 years, the forfeiture of his movable and immovable property... the loss of his passport... the right to engage in any trade or profession. In addition if he is a Member of Parliament, he

loses his seat. The freedom to express political opinions, to seek to persuade others of their merits, to seek to have them represented in Parliament, and thereafter seek Parliament to give effect to them, are all fundamental to democracy itself. These are precisely the freedoms which Article 25 (of the International Covenant of Civil and Political Rights) recognises and guarantees - and in respect of advocacy for the establishment of an independent Tamil State in Sri Lanka, those which the 6th Amendment is designed to outlaw. *It therefore appears to me plain that this enactment constitutes a clear violation by Sri Lanka of its obligations in international law under the Covenant"*

"...before the 6th Amendment was passed, the Tamil United Liberation Front was the largest opposition party in Parliament, and its effect has therefore been to increase the (ruling) United National Party's majority from the previous 83% to 93%.. Accordingly, the President can now hardly be surprised if his opponents, both within the country and outside, regard the 6th Amendment as nothing more than a piece of political chicanery, designed to move Sri Lanka even further towards a one party State...Support for a separate Tamil State is a consequence of the perception by the Tamil community of discrimination against them, reinforced by extravagant counter measures against terrorism. But to outlaw that support, even if it is expressed peacefully and within the framework of an open democratic system, plays directly into the hands of the terrorists."

- Paul Sieghart: Sri Lanka: A Mounting Tragedy of Errors - Report of International Commission of Jurists 1984

EXPROPRIATION OF TAMIL PROPERTY

> "No one shall be arbitrarily deprived of his property"
>
> *- Article 17.1 of the Universal Declaration of Human Rights*

"..the soft spoken Cambridge educated Finance Minister, Mr.Ronnie de Mel is too sophisticated to use the term on the tip of many Sinhalese tongues these days, the need for a 'final solution' to the Tamil problem. But even for him, the 'only solution' is to 'restore the rights of the Sinhala majority'.. this is what the Sinhala mobs set out to do when they put their torches to thousands of carefully targetted Tamil factories and shops. Now the government is about to advance this process by expropriating all damaged property. Many Tamils will assist them by leaving the country. The result will be a decisive shift in the balance of economic power in Sri Lanka from Tamils to Sinhalese. The stated aim of the government's take over of riot ravaged homes and businesses is to prevent distress sales and to promote an orderly reconstruction programme. Government funds are to be injected into salvageable industries with export earners a top priority. In exchange government will take a share of equity and appoint directors. In theory, former owners will be free to buy back government shares in time. But ministers do not disguise their redistributive intentions. Many are talking about following Malaysia's example of writing preferences for the majority community into commercial law. The trade minister has already reorganised rice wholesaling to break the Tamil grip... Ravaged city centres such as the Pettah commercial district in Colombo are to be redeveloped; when prime sites are reallocated, former occupants will not necessarily get them back.."

- London Economist, 20th August 1983

Tamil Eelam Archive

EXTRA JUDICIAL KILLINGS AND TORTURE OF TAMILS DURING 1984

"I left Sri Lanka most concerned that the terrible breaches of human rights of 1983 could well be repeated. Sri Lanka managed to stave of a United Nations investigation of the July 1983 violence by promises that have not been kept and other democratic nations should bring pressure to avoid the further outbreaks of communal hatreds that threaten and that will lead to further destruction of human rights"

- Senator A.L.Missen, Chairman, Australian Parliamentary Group of Amnesty International, Report on visit to Sri Lanka, June-August 1984

" The crimes committed by the Sri Lankan State against the Tamil minority - against its physical security, citizenship rights, and political representation - are of growing gravity for the international community. Other countries across the world, which have had to shelter the thousands of Tamil refugees who have fled and are still fleeing the island, must increasingly bear the cost of the denial of the fundamental political rights of the Tamils of Sri Lanka... Report after

report by impartial bodies - by Amnesty International, by the International Commission of Jurists, by parliamentary delegates from the West, by journalists and scholars - have set out clearly the scale of the growing degeneration of the political and physical well being of the Tamil minority in Sri Lanka...everyone who possesses an elementary sense of justice has no moral choice but to acquaint himself fully with the plight of the Tamil people. It is an international issue of growing importance. Their cause represents the very essence of the cause of human rights and justice; and to deny it, debases and reduces us all."

- David Selbourne, Ruskin College, Oxford in New York, July 1984

"..In the past two months at least 100 Tamils in the northern province of Jaffna have been killed by security forces. The official explanation is that these people were all 'terrorists', but this is contradicted by the accounts of every independent observer who has visited Jaffna. One typically disturbing incident occurred on the 28th of March, when air force personnel opened fire in the market place at Chunnakkam, a town about 8 miles outside Jaffna. Eight Tamils were shot dead and 22 others were wounded... If the victims were really terrorists, one might expect that fact to come out at the inquest into the deaths. However no inquest will be held into the killings in Chunnakkam market place, nor into any of the other recent deaths of Tamil civilians. This is because of a rule called Emergency Regulation 15A which was introduced last June and which allows the security to dispose of any dead body as they see fit, without post mortem or inquest.The International Commission of Jurists (in their report of March 1984) is particularly scathing about Regulation 15A arguing that it is bound to be regarded as a 'deliberate device for covering up murder'. But President Jayawardene will not repeal it; rather, he and his new Minister of National Security, Lalith Athulathmudali, actually intend to strengthen the emergency rules. One of the new rules would effectively do way with the right of habeas corpus, which according to an official spokesman ' the Government considers as an unnecessary exercise.' "

- Francis Whelan, London Times 7th of May 1984

"Most of the dead are admitted to have been passers by, shot at random by vengeful infantrymen. They reportedly included men and women in their sixties...when the security services cannot find known suspects, they detain their fathers or brothers.."

- Guardian 17th of April 1984

"Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life."

- Article 6.1 of the International Covenant on Civil and Political Rights

"Who is a terrorist? Is he the person who uses a gun? Or is he also not a terrorist who accompanies a terrorist with a gun? Is he not also a terrorist who gives a house to a person who has a gun and who wants to kill? Is he also not a terrorist who watches the movement of the army and then goes and tells a terrorist: do not go that way, the army is around?"

- National Security Minister Lalith Athulathmudali in Parliament December 1984

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"In respect of the killings on 28 March 1984, Amnesty International has concluded that there is strong evidence that the seven people shot dead in Chunnakam and the one man later shot dead at Mallakam died as a result of deliberate random shootings by airforce personnel"

- Amnesty International Report, June 1984

"Army authorities conducting operations (in August 1984), asked the local population to produce male teenagers, undertaking that they would be questioned and immediately released after checking their identity. The children were arrested, tortured and transported like cattle by lorries with barbed wire to unknown prisons in the South. Only 32 of the younger children were released. Not even the government agent has been informed where the children are being kept... More recently, on the 12th and the 13th of August, security forces set fire to the town of Mannar and near by towns in retaliation for a bomb blast some 40 miles away in an uninhabited area. More than 3000 are said to have lost their homes and the soldiers, according to the Roman Catholic Bishop of Mannar, rampaged through the town..."

- M.C.Bandare, Indian Expert at Sessions of the UN Sub Commission on Protection of Minorities, Geneva 21st August 1984

"...A HARSH AND REMORSELESS CAMPAIGN OF INTIMIDATION AMONG THE ISLANDS TAMIL MINORITY..."

Sri Lankan forces are conducting a harsh and remorseless campaign of intimidation among the islands' Tamil minority. By means of random murder, indiscriminate shootings, beatings, torture and plunder, ill disciplined and trigger happy soldiers keep the Tamils in the North in a state of constant fear...Military restrictions and the army's savage response have almost shut down the economy of this region...The Bishop of Jaffna said:' People live in fright and despair. They feel helpless. There is no equality or democracy left here anymore.' A civil servant said:'To the army every Tamil is now a terrorist.' It is a part of the Sri Lankan tragedy that the government has come to define the long smouldering Tamil question as simply one of terrorist eradication. Sinhalese antipathy to Tamils, rooted in ancient fears of conquest has been stirred up. With emotions running high, the conflict has its strong element of propaganda and disinformation. The government's case is that it is acting firmly against a terrorist threat to the country's integrity. But the Tamils, who form a fifth of the population, believe that the army is being used to subjugate them and to settle historic scores."

- Trevor Fishlock, London Times, 5th January 1985

"Despite denials by the government there... is credible evidence that the Sri Lanka security forces have repeatedly engaged in reprisals against civilian population centres in the northern province, burning houses and shops and randomly shooting civilians because of attacks by Tamil guerillas."

- International Herald Tribune, 14th August 1984

"Allegations have recently reached Amnesty International of widespread killings in the Mannar area on 4 December 1984 by personnel of the security forces apparently in reprisal for the killing of a soldier when a landmine exploded...the scale of these killings is unprecedented. It is alleged that at least ninety unarmed civilians, nearly all Tamils, many of them old men, women, and children, were shot dead..."

- Amnesty International Report on Sri Lanka, 9th January 1985

"Amnesty International was concerned about reports of random killings of non cobatant Tamil civilians by members of the security forces. It also remained concerned about the detention of Tamils... it continued to receive reports of widespread torture of detainees. Several reports of deaths in custody, allegedly as a result of torture or shooting were received..."

- Amnesty International Annual Report, 1985 for period January to December 1984

"The ethnic violence which erupted in Sri Lanka in July 1983 brought untold misery to the Tamils. They were beaten, hacked and burnt to death in a frenzy of racial hatred. Their houses and businesses were selectively looted and destroyed. The Sri Lankan government had admitted that the violence was pre planned and well organised and that even sections of the security forces joined in the attack against the Tamils. 53 Tamil detainees held in a maximum security prison were brutally killed on July 25th and July 27th. Yet to date no impartial inquiry into these violent attacks has taken place.

Amnesty International (AI) recently reported a number of cases of extra judicial killings and secret disposal of bodies without inquest or post mortem. The AI and the International Commission of Jurists (ICJ) have also reported on a number of cases of torture and death in custody of persons detained incommunicado for period upto 18 months under the Sri Lankan Prevention of Terrorism Act. 'No legislation conferring remotely comparable powers is in force in any other free democracy... such a provision is an ugly blot on the statute book of any civilised country'(ICJ). The Sixth Amendment to the Constitution has virtually disenfranchised the country's 3 million Tamils by reason of the ban imposed on their political parties. This Amendment according to the ICJ, 'constitutes a clear violation by Sri Lanka of its obligations in international law'. The one million Tamils working in the tea plantations, who were deprived of nationality, citizenship and franchise in 1948

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continue to remain stateless persons. We are of the opinion that:

* an impartial international commission should be set up to inquire into the violence against the Tamils in July 1983 including the killing of 53 Tamil detainees held in custody by the government

* the Prevention of Terrorism Act should be repealed and the powers given to the security forces which facilitate arbitrary killing of civilians and disposal of their bodies without inquest or post mortem should be rescinded

* the use of torture and incommunicada detention in violation of Sri Lanka's obligations under International Covenants should be discontinued

* the rights to nationality, citizenship and franchise to the Tamils working in the plantations should be restored

* the Sri Lankan government should repeal the Sixth Amendment to the Constitution and take meaningful steps to arrive at a political solution to the country's ethnic problem by the granting of the legitimate rights of the Tamil people in S Lanka."

- David Alton MP, Paddy Ashdown MP, Norman Atkinson MP, Tony Banks MP, Prof John Barret, Kevin Barron MP, Alan Beith MP, Tony Benn MP, Prof Tom Bottomore, Anne Clwyd MP, Mark Fisher MP, Roy Hattersley MP, Michael Foot MP, Sir David Lane,, Robert Kilroy Silk MP, Clare Short MP and many others, The Guardian, 28th July 1984

"...Yes, I believe Amnesty International's conclusions that there have been extra judicial killings in Sri Lanka; that the government's anti terrorism laws are brutal, repressive and inherently anti democratic; and yes, I believe that the process of disenfranchising anyone who believes in a potential solution that is not consistent with the majority view is completely anti democratic...The United States cannot simply write off murder and systematic discrimination as an 'internal matter' when the country happens to be non aligned and is willing to say nice things about our country. We should be putting pressure on President Jayawardene to move to resolve the terrible, terrible divisions within his country...We must let the Sri Lanka government know that we will not tolerate a government that is in any way complicit in the killing of its own citizens."

- Councilman Noach Dear of the Council of the City of New York, at Congressional Hearings, August 1984

"We do feel, however, that the Tamil minority is under threat. Certainly the Tamils, of all classes and from all parts of the country, believe that to be the case. Whilst we would not wish, at this stage, to lend support to the view that there is a deliberate and coordinated plan to reduce the rights and status of the Tamils, there is little doubt that the sum total of separate measures taken in respect, for example, of university entrance and colonisation in the north and east, amongst others, in fact, achieves such an objective. We see no possible justification for such measures... The consequence we saw was that of an increasing alienation of all Tamils from the Sri Lankan state."

- Robert Kilroy-Silk, M.P. and Roger Sims, M.P United Kingdom Parliamentary Human Rights Group Report, February 1985

"There was a general consensus that within Sri Lanka today, the Tamils do not have the protection of the rule of law, that the Sri Lankan government presents itself as a democracy in crisis, and that neither the government, nor its friends abroad, appreciate the serious inroads on democracy which have been made by the legislative, administrative, and military measures which are being taken. The extreme measures which are currently being adopted by the government inevitably provoke extreme reactions from the other side... The normal life of the (Tamil) population of the North has been seriously affected. People either have great difficulty or find it completely impossible to continue with their employment and there is a severe shortage of food and basic necessities...Many Tamils are daily fleeing across the Palk Straits to Southern India. The continuing colonisation of Tamil areas with Sinhalese settlers is exacerbating the situation... and the country is on the brink of civil war."

- Report of Working Group Chaired by Goran Backstrand, Swedish Red Cross at Second Consultation on Ethnic Violence, Development and Human Rights, Netherlands, February 1985.

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"...DEMOCRACY, SRI LANKAN STYLE..."

"Some 6000 Tamils have been killed altogether in the last few years...These events are not accidental. It can be seen that they are the result of a deliberate policy on the part of the Sri Lankan government...Democracy in Sri Lanka does not exist in any real sense. The democracy of Sri Lanka has been described in the following terms, terms which are a fair and accurate description: 'The reluctance to hold general elections, the muzzling of the opposition press, the continued reliance on extraordinary powers unknown to a free democracy, arbitrary detention without access to lawyers or relations, torture of detainees on a systematic basis, the intimidation of the judiciary by the executive, the disenfranchisement of the opposition, an executive President who holds undated letters of resignation from members of the legislature, an elected President who publicly declares his lack of care for the lives or opinion of a section of his electorate, and the continued subjugation of the Tamil people by a permanent Sinhala majority, within the confines of an unitary constitutional frame, constitute the reality of 'democracy', Sri Lankan style.'"

- Senator A.L.Missen, Chairman, Australian Parliamentary Group of Amnesty International, Australian Senate Hansard, 13th March 1986

EXTRA JUDICIAL KILLINGS AND TORTURE OF TAMILS DURING 1985 AND 1986

"Amnesty International was concerned about reports of arbitrary killings of many hundreds of non combatants by government security forces in northern and eastern Sri Lanka and of many 'disappearances'. Widespread torture of political detainees was reported... The organisation also remained concerned about long term detention without charge or trial of many hundreds of Tamils."

- Amnesty International Annual Report, 1986 for period January to December 1985

"There is very clear evidence now emanating that violence directed against the Tamil minority is indiscriminate and makes no distinction between those engaged in conflict and innocent civilians... Over one hundred and twenty five thousand Sri Lankan Tamils have sought refuge in India, and around forty five thousand more, here in Europe... The stories related by the hapless and tormented refugees arriving on our shores make it clear that the actions of the Government of Sri Lanka have resulted in serious violations of the human rights of Sri Lanka's Tamil citizens living in the Northern and Eastern provinces in that country. The blatant killings of innocent civilians, through ground, naval and air actions are beginning to look like victimisation of the entire community of Sri Lankan Tamils by the Sri Lankan security forces. Attacks on innocent civilians have been repeated too often, with ever increasing severity. They have been picked up on mere suspicion, brutally tortured and some even killed.."

- D.S.Dhillon, Leader of Indian Delegation at 42nd Session of the Commission on Human Rights, March 1986

"Arbitrary killings of hundreds of Tamil civilians, often in reprisal for attacks by armed Tamil groups, continued to be reported as armed conflict between such groups and government forces intensified. A major concern was the 'disappearance' of well over 300 young Tamil men during the last three years; a number of them were feared to have died as a result of secret shootings in army or police custody or as a result of torture...In one case, eye witnesses reported that at least 28 young men were taken away...on 17th of May by (government) STF personnel. There was evidence that the STF shot and killed them and disposed of their bodies in secret..."

- Amnesty International Annual Report, 1987 for period January to December 1986

"In light of the consistent, serious allegations of torture and killings brought by respon-

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sible Non Governmental Organisations... is it credible to believe that an objective inquiry would not reveal a single instance of ill treatment of suspects, as the Sri Lankan courts have apparently concluded? Is it credible that not a single unlawful action by the security forces has been judicially condemned?... The Government of Sri Lanka has suggested, publicly and privately, that interest in the human rights situation in Sri Lanka will in some way support separatism and terrorism... Without denying the relevance of separatist demands to the conflict in Sri Lanka, in the context of the (UN Human Rights) Commission, this is simply a false issue raised by the Government in order to deflect the legitimate concern with human rights."

- Intervention of Hurst Hannum, Procedural Aspects of International Law Institute at 42nd Session of the Commission on Human Rights, March 1986

EXTRA JUDICIAL KILLINGS AND TORTURE OF TAMILS DURING 1987

"Large scale suffering inflicted by the Government on the entire Tamil minority can only antagonise the community further and make progress towards a negotiated settlement that much more difficult... There are reports that the loss of civilian lives in 1986 alone exceeds 2000. The overwhelming majority of them are Tamil civilians...Repeated human rights violations result in lasting resentment and bitterness. These become a major obstacle to a political solution. It is only by ending such violations and by restoring the human rights and aspirations of the Tamil minority that a lasting solution to this problem can be found..."

- Virendra, Leader of Indian Delegation, 43rd Session of the Commission on Human Rights, March 1987

"The continuing conflict in northern and eastern Sri Lanka exacted a heavy price from the civilian population. The police and armed forces continued to kill non combatant Tamils... Of particular concern were reprisal killings by the security forces and reports that Tamil suspects taken into custody were shot or tortured to death and their bodies disposed of in secret. By the end of 1987, over 680 Tamils had reportedly 'disappeared' since 1983 and no substantive attempts had been made by the government what had happened to them."

- Amnesty International Annual Report, 1988 for period January to December 1987

UN COMMISSION'S CALL ON SRI LANKA TO RESPECT HUMANITARIAN LAW OF ARMED CONFLICT

"The Commission on Human Rights, guided by the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the universally accepted rules of international humanitarian law,... noting also that more than a hundred new cases of alleged disappearances in Sri Lanka have been transmitted to the Government by the Working Group on Enforced or Involuntary Disappearances ... calls upon all parties and groups to respect fully the universally accepted rules of humanitarian law... (and) appeals to the Government of Sri Lanka to intensify its cooperation with the International Committee of the Red Cross in the fields of dissemination and promotion of international humanitarian law and invites the Government of Sri Lanka to consider favourably the offer of the services of the ICRC to fulfil its functions of protection of human rights standards..."

- Resolution of the United Nations Human Rights Commission, co-sponsored by Canada, Norway and Argentina and unanimously adopted on 12th March 1987

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INDIAN INTERVENTION AT INVITATION OF SRI LANKA

"If victory was to be achieved, it could not be done by uniting all opposing forces but by dividing them and creating dissension among them... Sri Lankan Kings never opposed the entirety of India. When there was conflict with the Pandyans, they sought the aid of the Cholas and acted against the Pandyans. When the Pandyans and Cholas combined, they sought the aid of Kalinga. Sinhala Kings had that high intelligence and knowledge of statecraft."

- National Security Minister Lalith Athulathmudali at the 87th Mahapola held at the Sinhala Vidyalaya, Kahatagasdigliya on the 27th of May 1984

The violence in the north) was also stopped by the Indian Peace Keeping Force. (Though the fighting went on) no Sinhalese, no Sinhalese soldiers were killed... only the Indian soldiers and the LTTE (were killed). Yes, (I had to invite a foreign army to do this on our sovereign soil)... I was doing what so many Sinhala kings had done in the past in similar circumstances."

- ex President Jayawardene, Interview with Mervyn de Silva, Lanka Guardian, 15th July 1990

VIOLATION BY INDIAN ARMY OF HUMANITARIAN LAW OF ARMED CONFLICT IN 1987 - 1989

"The civilian population as such, as well as individual civilians shall not be object of attack... Indiscriminate attacks are prohibited. "

- Article 50(4) of the 1977 Protocol to the Geneva Conventions of 12 August 1949

"Over a period of about twenty days, (in October and November 1987) the Indian Army's direct attack on LTTE positions, and defence from LTTE attacks, was coupled with the Indian Army's attack and storming of still unevacuated Jaffna - and many villages and settlements throughout the peninsula - with widespread (insofar as territory), indiscriminate (insofar as targeting) and sustained (insofar as intensity) artillery shelling.

Only less widespread, sustained and indiscriminate, there was air strafing from helicopter as well. It was not 'crossfire' that incidentally killed thousands of civilians. The majority were killed inside their houses and huts under shelling or were shot at random by the roads and on the streets.

A large number of people were 'only' wounded - yet many of them died in the absence of medical care, especially under the 24 hour curfew over a period of about one month to mid November. It was a combination of firing and shelling ... that made an estimated 175,000 families (that is about 500,000 people) refugees...

The situation became grotesquely hopeless for many people in some areas: while the curfew was being rigourously enforced - that is with an order to shoot to kill pedestrians - the inhabitants were simultaneously ordered out of their houses into the outskirt concentrations - an absurd operational overlapping inevitably leaving a good number dead... (the) consequences have included: material ruin for much of the population all over the province; physical and moral suffering for no less than 1 million people, including thousands of civilian casualties counting both killed and wounded...

On top of everything has been the 'unmilitary' or 'unsoldierly' side of events: wanton killings out of rage, reprisals against non combatants, looting of homes of middle and wealthier classes, soldiers assault of women, a murderous attack on the main hospital victimising both patients and medical personnel, and killing of a number of unarmed and disarmed guerilla suspects without trial according to the Law of War... the central fact is that the Indian Army attacked Jaffna and many other populated places throughout the Peninsula, shelling massively and indiscriminately rather than at the LTTE selectively.

Why did they do this? For three interrelated reasons - physically it is very difficult to

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target the LTTE as it is such a part of the Tamil population; secondly to 'soften' (Indian officers terminology) and thereafter controlling the whole of the population with a view to squeezing the LTTE out; and thirdly to minimise casualties on the side of the Indian Army by maximising inactivity on the Tamil side...

Following guerilla dislodgement, the Indian Army occupied Jaffna, fortified their positions, searched for arms... To suggest that 'normalcy' has returned to Sri Lanka is to add lie to injury - the 'normalcy' of absolute martial rule by India and the legality of Emergency Regulations in Sri Lanka.."

- Eduardo Marino, Report to International Alert, December 1987

"The Indians have insisted throughout the 11 day offensive that they have used little artillery and no air cover to minimise civilian casualties. That claim was sagging yesterday under a heavy, and remarkably uniform, weight of evidence from refugees and the few scraps of independent confirmation coming out of the Jaffna peninsula. The infantry advance, the student said, was preceded by a systematic artillery barrage. He had heard heavy guns firing daily, and had seen two women killed by the washing well in the Hindu Ladies College, one of the main refugee camps where thousands have sought shelter from the fighting. 'The people have no food but they are not worried about that. Even if they are starving, they worry only about security. They have no cover from the shelling' he said. He also flatly denied the Indian claim that there had been no air strikes. He had seen helicopters and fixed wing aircraft of the Sri Lankan air force attacking with bombs and machine guns. The Sri Lankans, indeed, have more or less openly admitted that their aircraft were used last week, but they have insisted that the operations were only on the direct request of the Indians.."

- Derek Brown, Guardian, 21st of October 1987

"A senior Sri Lankan security source admitted last night what had previously only been rumoured - that despite Indian protestations about their self denial of air cover during operations, on one occasion, air cover had been provided by the Sri Lankans at the Indians' urgent request. It happened when a group of commandos had been air dropped into an unsecured landing ground north of Jaffna and suffered heavy casualties. The Indians needed instant help, and the Sri Lankans brought up helicopters to give covering machine gun fire to an armoured rescue. A recording of radio messages during these operations smuggled out of the north and circulating in the capital makes it clear that the Indians and Sri Lankans were working close together"

- Michael Hamlyn in the Times, 21st October 1987

"India forbids journalists from entering the combat zone, and no independent confirmation of the situation in Jaffna was available... Reports from officials and refugees said two thirds of the city's 150,000 residents had fled or sought refuge in schools, Hindu temples and public buildings.."

- International Herald Tribune, 21st October 1987

"... (in Mannar) we heard the familiar stories from Tamil refugees from Jaffna. Dr. B.B. Easwaraj, 27, who had fled the town two days earlier, said that large sections of Jaffna's main hospital had been destroyed by shelling. Dozens of bodies of men, women and children lay rotting in the mortuary. Phillip Constantine,26, another refugee, said that one Tamil family had been executed by the Indians by having a tank run over them. Mannar like many areas in the north and east of Sri Lanka, has been devastated by almost a decade of fighting between the Tigers and the Sri Lankan army and now, the Indians. Three months ago, when the Indians arrived to act as peace keepers, the local Tamils greeted the Indians as saviours. But as one Sri Lankan police officer told me, they now regard them with the same contempt as they once did the Sri Lankan police and army.."

- Simon Freeman, Sunday Times, 25 October 1987

"...Jaffna is a broken and silent place of refugees clustered in churches and temples among empty roads. The area behind the Fort bears all the signs of two savage campaigns, first by the Sri Lankan army and now by the Indians. It is the Tigers who seem to have won the battle for hearts and minds... though they wanted peace more than anything, the Tigers were 'their' boys and the Indians were outsiders...Last Thursday, he (a refugee) said that he had been ordered from his nearby house by Sikh soldiers, who were apparently clearing the area before an offensive. One of the soldiers struck him and when his daughter protested, she too was beaten. Another old man told how his daughter had been killed when she returned to the family home

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to fetch her jewellery...a middle aged woman had half a leg missing - blown off by an Indian shell. A 14 year old girl clutched a stomach wound. A young woman with a blood soaked plaster on her leg said she had been unconscious when Indian soldiers 'liberated' the hospital last week. She was certain that the Tigers had not been in occupation at the time, as the Indians claimed..."

- Derek Brown, Guardian, 27 October 1987

"The (Indian) spokeswoman said that Indian forces had not entered nor touched the Jaffna Hospital. But a report from a local correspondent, who recently returned from the Jaffna peninsula, said it was hit at least seven times earlier this week"

- Bruce Palling, Independent, 22 October 1987

"Tens of thousands of refugees are living in appalling conditions in makeshift camps in Jaffna, according to a senior Sri Lanka Red Cross official, despite claims by the government of President Junius Jayawardene and the Indian Army that the town is returning to normal...'it is a ghost town. The streets are deserted. Thousands of people are living in temples because they are afraid to go back to their homes. They have no electricity. They need everything - clothes, medicine, even candles and matches. Many buildings have been destroyed. I saw three or four dead bodies on the streets'... 20,000 refugees share three or four toilets... It is a similar story in the Tamil eastern coastal provinces... hundreds of buildings in Trincomalee have been destroyed... the countryside is just as ravaged as the towns. He (the Red Cross Official) said that he was describing what he had seen as accurately as possible in the hope that international publicity would help the victims.."

- Sunday Times - 8th November 1987

"But on the evidence last week in Trincomalee, many Tamils still view the Tigers as their only defence against Sinhalese domination. Many young Tamils regard the Tigers stand in Jaffna as heroic, even though it cost so many innocent lives. The Indian and Sri Lankan strategy of arming Tamil groups opposed to the Tigers is also going badly wrong. Last week the Peoples Liberation Organisation of Tamil Eelam, Plot, was warned about using weapons, supplied to kill Tigers, to rob innocent civilians"

- Simon Freeman, Sunday Times - 8th November 1987

"Our first encounter with these young men came shortly before we reached a Sri Lankan army camp... They said they were from Plot, the People's Liberation Organisation of Tamil Eelam, part of a Tamil coalition bitterly opposed the Tigers. Plot has been armed by the Sri Lankan authorities, who believe, mistakenly, that the organisation and its allies will be useful supporters in the fight against the Tigers. The parallels with South Lebanon are inescapable. There the Israelis hoped that by arming Christians they would, somehow, help defeat the Shi'ites. Here the Sinhalese majority seem to think that fringe Tamil groups can be manipulated in the fight against the Tigers..."

- Simon Freeman, the Sunday Times, 25th of October 1987

"Indian intelligence services in Tamil Nadu, and the IPKF in Sri Lanka, have been making use of the rivalry and violent bickering between the LTTE and other militant groups. Moreover India has obviously exacerbated the intra Tamil militant conflict by rewarding materially - offering to do it politically in future as well - the assistance received from (other groups) to identify LTTE members living underground with the population, and also in refugee camps - a process of identification that the recently arrived Indian soldiers cannot do...the Tamil people by and large seem to resent such fratricidal mercenarisation of their youngsters... also information gathering tactics such as the use of relief and recourse to mercenarisation suggests that the population has not been volunteering information to the Indian Army, which in turn may suggest either or both of two things: that by and large the Tamil population has turned, if only passively, against the Indian Army, and that popular support for the LTTE is more solid and widespread than anywhere seems to want to acknowledge"

- Eduardo Marino, Report to International Alert, December 1987

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DISAPPEARANCES AFTER ARREST BY THE INDIAN ARMY

"At least 43 people (Tamils) are known to have 'disappeared' following arrest by the IPKF... The majority of the 'disappearances for which the IPKF were reportedly responsible occurred in the Jaffna District in October and November 1987, the period of the main IPKF offensive on Jaffna town."

- Amnesty International Sri Lanka Briefing, 19th September 1990

RAPE OF TAMIL WOMEN BY INDIAN ARMY

"The Indian Army has court martialled four of its men serving in the Jaffna peninsula for rape, a senior Indian military officer said here yesterday...He also conceded that several complaints of theft had been made against Indian soldiers. 'The Indian army are not angels. We are not devils either. We are just human' Brigadier Kahlon said when pressed for details. 'Rape happens even in the West'."

- Sri Lanka Sun - 15th of January 1988

"Two Indian soldiers serving in Batticaloa are to be court martialled for rape, authoritative sources in Batticaloa said yesterday... The two soldiers to be court martialled, allegedly raped two girls during a cordon and search operation at Ariyampathi on Friday"

- Sri Lanka Sun, the 19th of January 1988

"After its forces entered Sri Lanka on 30 July, the IPKF was increasingly accused of raping Tamil women and of deliberately killing dozens of unarmed Tamil civilians, among them elderly people, women and children...in several cases there was eye witness evidence that the victims were non combatants shot without provocation... Several dozen Tamil women, some of whom needed hospital treatment, testified that they were raped by IPKF personnel. A local magistrate in the north reportedly found the IPKF had been responsible for seven cases of rape in December."

- Amnesty International Annual Report, 1988 for period January to December 1987

INCOMMUNICADO DETENTION BY INDIAN ARMY

"...I have no doubt that when this letter is made known to the outside world, it will serve as the cause of my death...Sixteen of us, including myself, are locked inside one room. The remainder are locked in two other rooms. I have no communication whatsoever with the persons in the other two rooms. In the morning and in the evening we are allowed outside our room for 15 minutes to wash and to go the toilet. A bucket is provided inside the room for us to excrete into, if the need arises at other times. The food that is given to us is not food that we are used to, and because of this we have several loose motions and if the sentries do not allow us out, we excrete into the bucket or into small bags. The smell inside the room is nauseating. We are given food daily at 10 a.m. and in the evening at 4 p.m.. There is no light inside our room...Nobody outside knows about that which is happening here and here we do not know what is happening outside. But it is certain that the Indian Government is telling the outside world lies about our position."

- from a letter in Tamil addressed to Chris Nuttal of the Guardian, by Kanagaratnam alias Raheem whilst being held in custody in an Indian Army Camp in early 1988

"We have received more than one report from different sources in Sri Lanka expressing serious concern about the build up of Indian forces in the Eastern Province and the possibility of a repition of the offensive against the civilian population in Jaffna last year... Human rights organisations in Sri Lanka are demanding that the Sri Lankan authorities allow the International Committee of the Red Cross (ICRC) to monitor any, military operations and to protect the civilian population as far as possible... It was because the ICRC were denied access to the North that a huge loss of life and casualties occurred amongst the civilian population

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there. We urge the international community to prevent a repetition of that tragedy..."

- Lord Avebury, Chairman UK Parliamentary Human Rights Group - Press Statement, 4th March 1988

REPRISAL ATTACKS BY INDIAN ARMY ON TAMIL CIVILIANS

> "Attacks against the civilian population or civilians by way of reprisals are prohibited."
>
> *- Articles 50(4), 50(6) of the 1977 Protocol to the Geneva Conventions of 12 August 1949*

"Dozens of people were killed in Valvettiturai (in the North) on the 2nd of August 1989 by members of the IPKF(Indian Peace Keeping Force). The attack was in apparent reprisal for an incident earlier in the day when, according to reports, six soldiers of the 17th Sikh regiment were killed and 11 injured when the LTTE ambushed an IPKF patrol in Valvettiturai market. A few hours after the clash, members of the IPKF reportedly returned to Valvettiturai, a known LTTE stronghold, and rampaged through the town, killing 52 residents, many of whom are believed to have been defenceless and deliberately killed, and setting fire to houses and property. The IPKF cordoned off the town for two and a half days, denying access to medical personnel who were trying to reach the injured. In some cases IPKF soldiers entered houses where people were taking refuge and shot them. Twenty people were sheltering in the house of Vengadasalam Subramanaiam when IPKF soldiers entered: 'All of us then went forward raising our hands.(Subramaniam) also went forward raising his hands and attempted to speak to the soldiers. But the soldiers started firing. Those in front fell down.' Subramaniam was killed along with eight others..."

- Amnesty International Sri Lanka Briefing, 19th September 1990

DETENTION AND DISAPPEARANCES IN 1988

"Thousands of people were detained without charge or trial, and dozens 'disappeared' following arrest by the Sri Lankan security forces and by the Indian Peace Keeping Force (IPKF) deployed in the northeast. The fate of hundreds who had disappeared in previous years remained inadequately investigated. There were many allegations of torture. Emergency Regulations were amended to permit the disposal of bodies by the police. There were widespread reports of extra judicial killings by Sri Lankan security forces, who were among those granted immunity from persecution retroactively for offences committed 'in good faith'."

- Amnesty International Annual Report, 1989 for period January to December 1988

TORTURE AND EXTRA JUDICIAL KILLINGS IN 1989

"Inthe northeast hundreds of peole were arrested by the IPKF and screened for links with the LTTE. Members of the EPRLF and allied Tamil groups aided the IPKF in identifying suspects. Relatives of LTTE suspects were also detained. The Indian authorities did not disclose whether these detainees were held under Sri Lankan or Indian legislation. There were no reports that the detainees had been charged or tried. In August the Indian authorities reportedly said that 5,489 prisoners were in IPKF custody. Members of the EPRLF and other Tamil groups regularly arrested and detained LTTE suspects... Both the IPKF and groups allied with them reportedly tortured prisoners. Indian troops regularly beat prisoners and subjected them to electric shocks. Dozens of prisoners were reportedly killed in custody. There were dozens of cases in which arrests by the IPKF or EPRLF were witnessed and after the authorities said the detainees were released, their bodies were found with gun shot wounds.

Several reprisal attacks by the IPKF after ambushes by the LTTE were reported. Upto 46 people were extrajudicially executed at Valvettiturai in August after the LTTE had ambushed an IPKF patrol there and killed six Indian soldiers. Among the reported victims was a one year child.

Many extrajudicial killings in the northeast were reportedly committed by the EPRLF and their allies, acting with the backing or acquiescence of

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the IPKF. The EPRLF was allegedly responsible for scores of extra judicial executions...

...at least two of six Tamil asylum seekers who were forcibly returned to Sri Lankafrom the United Kingdom in February 1988 had been tortured after their return. One of the victims was reportedly tortured by the IPKF in Jaffna, and the other by police in Jaffna."

-- *Amnesty International Annual Report, 1990 for period January to December 1989*

AERIAL BOMBARDMENT AND ARBITRARY KILLINGS OF TAMIL CIVILIANS BY THE SRI LANKAN GOVERNMENT IN 1990

"Hundreds of people in northeastern Sri Lanka have reportedly 'disappeared' after being detained by Sri Lankan security forces since 21 June 1990. Bodies, some of which have been identified as those of prisoners, have been dumped in several places. In Kalmunai, over 70 people were reportedly detained and then 'disappeared' after the soldiers reclaimed the town from the Liberation Tigers of Tamil Eelam... Over 30 bodies were dumped in a burnt out shop in Kalmunai, including the body of 23 year old Chandrakumar, who had been earlier taken by the security forces.. In Vavuniya on the 13th or 14th June, government forces reportedly shot and killed defenceless civilians... about 15 bodies were found on the road... hundreds of thousands of people fled their homes as fighting intensified: in early August there were over 300,000 refugees in Jaffna District alone, and fears of food shortages".

- *Amnesty International Report, 10th July 1990*

"...in recent months the Sri Lankan government in pursuance of the armed conflict against the Liberation Tigers of Tamil Eelam has engaged in aerial bombardments of the Tamil civilian population' and hundreds of Tamils have disappeared from those areas within the control of the Sri Lankan army. The Sri Lankan army is also engaged in arbitrary killings of Tamil, Sinhalese and Muslim civilians. Tamils have been forcibly evacuated from their villages and the Sri Lankan government plans to relocate the entire Tamil civilian of one million from their homes in the Jaffna peninsula to refugee camps.'

- *Joint Statement of Seventeen Non Governmental Organisations at the 42nd Sessions of the UN Sub Commission on Prevention of Discrimination and Protection of Minorities at Geneva, August 1990*

"Barrel bombs - 210 litre cast iron barrels packed with explosives, rubber and saw dust - rain down on residential areas with the most devastating effect; each bomb can destroy 20 houses. By its haphazard bombing of civilian targets in the Northern peninsula of Jaffna, the airforce is imposing an unofficial blockade which is bringing some parts to starvation. Helicopters, equipped with rockets and machine guns hover day and night over Jaffna city and the surrounding towns and villages, ready to strafe any moving civilians or vehicles... The hospital has also been bombed and three weeks ago, a helicopter fired into the operating theatre, killing a doctor... It is hard to sleep as the night sky is lit up with explosions, and the vibrations from bombs can be felt four miles away. The city centre has been flattened, with Jaffna railway and bus stations, shops, hotels and homes desolated... After one nights bombing I visited areas which had been hit. Six people had been killed, a row of houses was reduced to rubble and the smell of burning flesh hung in the air. Clothes, family photographs and furniture were scattered among the ruins. 'We ran into the bunkers when we heard the bombers coming' said a resident '...The Sri Lankans are just killing civilians at random... In an effort to dent civilian morale, they have also been showering the area with human and animal excrement."

- *The London Daily Telegraph, 13th September 1990*

"...In one week, Jaffna was subjected to what its inhabitants called 'shit bomb' attacks. Jaffna smelt like a drain and the city's frightened inhabitants suspected they were being subjected to some sort of crude experiment in biological warfare...'

Torment of Jaffna, London Independent Magazine, 3rd November 1990

"... Due to Hitler's nonsense, 50 million people were killed and of them 80% were civilians. You must understand that in a war, civilians get killed. We are fighting a war..."

Sri Lanka Defence Minister Ranjan Wijeratne, 24th August 1990, reported in Sri Lanka Island

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THE RIGHT OF THE PEOPLE OF TAMIL EELAM TO SELF DETERMINATION

"...genocide continues to be an odious scourge on mankind... there are also at the present time many immediate issues related to genocide which call for the most urgent action... (such as) the communal massacres in Sri Lanka...some of these genocidal massacres arise out of struggles for greater autonomy, and might be regulated by recognition of the right of self determination... there is a great need for delegations of member states with a strong commitment to human rights, and for non governmental organisations with consultative status, to continue their efforts to recall the UN to its responsibilities for international protection against genocide and consistent violations of human rights. These efforts would include attempts to develop norms for humanitarian intervention, for the exercise of the right of self determination..."

- Professor Leo Kuper, Minority Rights Group Report: International Action Against Genocide, 1982

"The National Convention of the Tamil United Liberation Front meeting at Pannakam (Vaddukoddai Constituency) on the 14th day of May 1976, hereby declares that the Tamils of Ceylon, by virtue of their great language, their religions, their separate culture and heritage, their history of independent existence as a separate state over a distinct territory for several centuries till they were conquered by the armed might of the European invaders, and above all by their will to exist as a separate entity ruling themselves in their own territory, are a nation distinct and apart from the Sinhalese and this Convention announced to the world that the Republican Constitution of 1972 has made the Tamils a slave nation ruled by the new colonial masters, the Sinhalese, who are using the power they have wrongly usurped to deprive the Tamil nation of its territory, language, citizenship, economic life, opportunities of employment and education, thereby destroying all attributes of nationhood of the Tamil people, and therefore ... This convention resolves that the restoration and reconstitution of the Free, Sovereign, Secular Socialist State of Tamil Eelam based on the right of self determination inherent to every nation has become inevitable in order to safeguard the very existence of the Tamil nation in this country."

- First National Convention of Tamil United Liberation Front, May 1976

"The proponents of Tamil Eelam argue that the northern and eastern of the nine provinces of Sri Lanka coincide with the historic boundaries of the kingdom of Jaffna and argue a case that seeks to establish that sovereignity over these territories was never ceded to any conquror and that, even if such concession had been made at any time in the past, the unilateral renunciation of links with the United Kingdom which took place at the assumption of Mrs. Srimavo Bandaranaike 's government in 1972, resucitated the Tamil sovereignity which had merely lain dormant until then... In the abstract theory of international law, it would appear that the Tamils have, at the very least, an arguable case, and possibly, a sustainable one..."

- Ethnic and Communal Violence: The Independence of the Judiciary: Protection of Fundamental Rights and the Rule of Law in Sri Lanka - Fragile Freedoms? - Report of an ICJ Mission to Sri Lanka in June 1983 - Timothy J.Moore

> "Today, no one can challenge the fact that,in the light of contemporary international realities, the principle of self determination necessarily possesses the character of jus cogens (that is a 'peremptory norm of general international law')... The notion of colonial and alien domination is broader than - though it includes - the notion of foreign occupation, and hence the right of peoples to self determination may arise and be typfied in other situations in addition to those where there is merely foreign occupation... Every people subject to any form or type of colonial or alien domination possesses the right to self determination, and no distinction can be drawn between one people and another for the purpose of recognising the existence of this right if there is evidence of colonial or alien domination of the people or peoples in question"
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> *- Dr.Hector Gros Espiell- Report for the United Nations Sub-Commission on Prevention of Discrimination of Minorities for the Implementation of United Nations Resolutions Relating to the Right of Peoples Under Colonial and Alien Domination to Self Determination, 1980*

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"It has become a matter of urgent importance to act on the reports of several Human Rights organisations on the gross and consistent violations of Human Rights in Sri Lanka and to initiate steps to satisfy the aspirations of the Tamil people within the framework of Human Rights and the Right of Self Determination.'

- Joint Statement of Seventeen Non Governmental Organisations at the 42nd Sessions of the UN Sub Commission on Prevention of Discrimination and Protection of Minorities at Geneva, August 1990

"The Tamils could be considered to be a 'people'. They have a distinct language, culture, a separate religious identity from the majority population, and to an extent, a defined territory.... The application of the principle of self determination in concrete cases is difficult. It seems nevertheless, that a credible argument can be made that the Tamil community in Sri Lanka is entitled to self determination...What is essential is that the political status of the 'people' should be freely determined by the 'people' themselves.

- Virginia Leary: Ethnic Conflict and Violence in Sri Lanka - Report of a Mission to Sri Lanka on behalf of the International Commission of Jurists, July/August 1981

"Prior to colonial rule, the island of Sri Lanka contained two separate states, one Sinhalese and one Tamil - each with its territory, language, religion, culture and racial origins. The colonial power, not the Tamil and Sinhala rulers, established unitary rule. The decolonisation process resulted in a continuation of a unitary state rather than a return to the pre colonial status. This new unitary state has a Sinhalese majority and a Tamil minority. The lands that had been part of former Tamil governments were subsumed into the jurisdiction of the unitary government heavily dominated by Sinhalese people. The Tamil people were no longer in charge of their affairs in their traditional lands."

"Unfortunately, the succession of Sinhala majority governments have not adequately attended to promotion and protection of the rights of the Tamil people - now converted into a small minority. A systematic and insidious pattern of discrimination and communal unrest developed rather early on in this forced marriage with the predictable result of numerous periods of peaceful protests, and when demands were not met, open hostilities. As hostilities have increased, so have large scale violations of the rights of the Tamil people, including arrests and detentions of thousands of Tamils. The Tamils then came to be converted into a 'subversive' element according to the Sinhala dominated government, which in turn has resulted in a more and more militant position on the part of the Tamil population. For the past 8 years, there has been a more or less continuous state of civil war between the Sinhala dominated government and the Tamil population and its militant factions. The conflict became internationalised for the one and half years of the entry of the Indian Peace Keeping Force into combat."

"The Universal Declaration of Human Rights states that all persons, including members of minority groups, have the right to the full realisation of their human rights and to an international order in which their rights can be realised.

The Sri Lanka situation has shown that for the past forty years, the Sinhala controlled government has been unwilling and unable to promote and protect the human rights of the Tamil population, and the Tamil population has accordingly lost all confidence in any present or future willingness or ability of the Sinhala majority to do so. Are people in this situation required to settle for less than their full rights. Can the international community impose on a people a forced marriage they no longer want and in which they can clearly demonstrate they have been abused?

We conclude that in order for the human rights of the Tamil people and others in a similar situation to be realised, the international community must invoke the principle of self determination as it arises from persistent non fulfilment of the rights of minorities who have been subsumed into larger states.

This solution is eminently just and sound, yet is not without some boundaries. An obvious issue in invoking the principle of self determination as a practical means of solving persistent conflicts involving minorities is (1) how bad does the discrimination need to be to ripen to a right? and (2) how long must the minority seek remedy through traditional democratic processes before a majority government loses the right to govern the minority? We consider that in the case of Sri Lanka, 40 years is clearly enough for any group to wait for their human rights."

- Ms.Karen Parker, International Educational Development, at 42nd Sessions of the UN Sub Commission on Protection of Minorities, August 1990

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International Federation of Tamils

Considering that the people of Tamil Eelam are a people bound together by a shared heritage, a common culture and a common language; and

Considering that the national identity of the people of Tamil Eelam evolved in the context of a shared economic life in their homelands in the North and East of the island of Ceylon; and

Considering that without a homeland they would not have become a people and that without a homeland they will cease to be a people; and

Considering that the national identity of the people of Tamil Eelam was consolidated by the ever widening and deepening oppression by successive Sinhala governments - an oppression which included the disenfranchisement of the plantation Tamils, state aided Sinhala colonisation of the homelands of the people of Tamil Eelam, the downgrading of the Tamil language and the enactment of the Sinhala Only law, discriminatory employment policies, the inequitable allocation of resources to Tamil areas, the exclusion of eligible Tamil students from Universities and higher education, the refusal to share power within the frame of a federal constitution, and the resort to state sponsored violence culminating in a genocidal attack on the people of Tamil Eelam to intimidate them into submission; and

Considering that a people subjected to any form or type of colonial or alien domination possess the right to struggle against that domination, and that such a people have the inalienable and inherent right to freely choose their political status, and recognising that this right of self determination which includes the right to secede, has today become a peremptory norm of the law of nations; and

Considering that the armed struggle of the people of Tamil Eelam, in which thousands of the people of Tamil Eelam have given their lives so that their brothers and sisters may live in equality and freedom, has further strengthened the togetherness and the will of the people of Tamil Eelam; and

Recognising the existential political reality that by any and every test, the people of Tamil Eelam constitute a nation; and

Recognising that peace will not come without justice and that justice demands that the people of Tamil Eelam shall have secured to them, those basic and fundamental rights which spring from the inherent dignity of the human person; and

Considering that foremost amongst those basic and fundamental rights, and from which all other rights flow, is the right of self determination of a people; and

Considering that the Tamil people living in many lands and across distant seas have extended their support for the struggle of the people of Tamil Eelam for national self determination;

exists

a. to secure international recognition of the right of self determination of the people of Tamil Eelam;

b. to protect and secure the human rights of the Tamil people;

c. to preserve and promote the culture and language of the Tamil people;

d. to secure and advance the physical and economic well being of the Tamil people; and

e. to alleviate the hardship and suffering of Tamil refugees in foreign lands.

தமிழீழ ஆவணக்காப்பகம்
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