An Appeal to The United Nations

Commission on Human Rights

Fifty-fifth Session
22 March - 30 April 1999

Tamil Centre for Human Rights
(Established in 1990)

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22 March 1999

Honourable Chairperson and members
55th Session of the
Commission on Human Rights
United Nations
1211 Geneva 10
Switzerland

Honoured Sirs / Mesdames,

We, the Tamil Centre for Human Rights would like to present this appeal and our latest report to you to consider the sad, tragic and rapidly deteriorating Human Rights situation in Sri Lanka.

Violation of human rights in Sri Lanka have been the subject of discussions, deliberations and resolutions since 1983 in the Sub-Commission. Sixteen years have passed since the first resolution was passed on Sri Lanka in the Sub-Commission, yet the human rights violations are continually occurring on a massive scale for the past fifteen years. There are no signs of abatement.

Since 1983, more than 60,000 people have lost their lives in the continuing bloody conflict. Human Rights violations such as arbitrary arrests, indefinite detention, torture, rape, involuntary disappearances, custodial summary executions, murder and massacre continue with impunity and disregard of the UN.

During the last fifteen years, the Commission on Human Rights and the Sub-Commission have heard hundreds of interventions made by various NGOs, reports on violations of humanitarian law and human rights in Sri Lanka. In the past, there were many joint-statements submitted by the ECOSOC - NGOs to these Assemblies and the last one to the 54th sessions of the Commission on Human Rights was signed by fifty four NGOs, which expressed grave concern on the situation in Sri Lanka.

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The UN Secretary General Dr. Boutros-Boutros Ghali intervened at the height of the refugee crisis in 1995. Twice, in 1991 and 1992 - the UN Working Group on Enforced and Involuntary Disappearances visited Sri Lanka. The Working Group has reported, that Sri Lanka had the highest number of disappearances for the year 1997. Mr. Bacre Waly Ndiaye - the Special Rapporteur on extra judicial, summary or arbitrary executions visited Sri Lanka in August 1997 and his report is highly critical of the situation in Sri Lanka. The Special representatives of the UN Secretary General - Mr. Francis Deng on displacement was in Sri Lanka in 1994 and Mr. Olara Otunnu on Children in Armed Conflict paid a visit in 1998.

Hon. Sirs, how is it possible for a country with such a bad record like Sri Lanka to escape the attention of this Commission?

The recent discovery of mass graves in Chemmani in the Jaffna peninsula was a typical example of ***the Sri Lankan government's attitude to the human rights of Tamil people.*** The mass graves in Jaffna peninsula were originally reported in July last year and until to-day virtually nothing has as yet been officially done or said other than a few misleading statements by the Minister of Foreign Affairs.

In 1987, the Commission on Human Rights passed a consensus resolution taking note of the gross and continued violations of human rights in Sri Lanka. Since then even though Sri Lanka became the worst violator of human rights, there has never been any check by the Commission or Sub-Commission.

Mr. Chairman, considering all the above facts, we kindly request the 55th Session of the Commission on Human Rights to intervene directly in this affair to prevent the gross human rights violations in Sri Lanka, in particular to :-

* ***Call for an immediate cessation of the war against the Tamils.***
* ***Call upon Sri Lanka to respect the Right to Life and the Right to Liberty.***
* ***Appoint an independent committee to start an immediate investigation into the mass graves in Chemmani in the Jaffna peninsula.***
* ***Request Sri Lanka to abide by International Human Rights Conventions.***
* ***Call upon Sri Lanka to lift press censorship immediately.***
* ***Call upon Sri Lanka to free all political prisoners. The 'confessions' of the Tamil political prisoners have always been recorded in the Sinhala language and found to be complete fabrications and recorded against the law.***
* ***Call upon Sri Lanka to repeal the draconian Prevention of Terrorism Act.***
* ***Call for the removal of the thoroughly undisciplined Sri Lankan army from the North East of Sri Lanka, thereby ensuring the right to personal security of the Tamils in their homeland, prevent genocide and take step forward in finding a lasting political solution to the island's long-standing ethnic problem.***
* ***Condemn and impose stringent measures against Sri Lanka for the violations of human rights against the Tamils.***

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We take this opportunity to request the 55th session of the Commission on Human Rights to appoint a country rapporteur to Sri Lanka. This could facilitate the UN to record the acts of violence, humanitarian violations, ethnic and cultural genocide, etc., that take place in Sri Lanka especially in the north-east.

We earnestly await for your response to this appeal and prompt action.

Thanking you.

Yours truly,

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S. V. Kirubaharan
General Secretary - TCHR

Background and roots of systematic human rights violations

1) Since 1983, there has been a war in Sri Lanka between the government, essentially representing the Sinhala Buddhist majority of the country, and the Tamils.

   The war being waged is but the climax of a long-worn out struggle by the Tamil community for their rights which have been progressively eroded by successive governments practically ever since independence in 1948: starting in 1947/48 with the disenfranchisement of the Tamil plantation workers (the Indian Tamils), followed by the "Sinhala only" language policy introduced in 1956 by the then Prime minister Mr.Bandaranaike, the father of today's President and husband of today's Prime minister of Sri Lanka, and continued with the policy of standardisation in education and of settling Sinhalese in largely Tamil occupied areas.

   These policies of progressive discrimination against the Tamil population by successive governments were accompanied by riots, the bloodiest of which occurred in 1956, 1977, and 1983. According to several sources these violent persecutions of Tamils were condoned, if not directly instigated by the major political (Sinhalese) parties, whether of the right (United National Party) or of the left (Sri Lanka Freedom Party), whether in opposition or in government, for short term political advantage in their mutual struggle for power.

   After decades of peaceful parliamentary and extra-parliamentary struggles for their rights, and after successive governments, whether of the right or the left, had broken previously given promises to end the discrimination, the political representatives of the Tamils claimed their right of self-determination at first in Parliament based on a electoral platform of independence (1977), and -after the pogrom-like riots of 1983- increasingly by armed conflict for an independent Tamil home land in the North and East of the island.

   In conclusion: The present conflict is but the culmination of a long process of discriminatory practices by predominantly Sinhalese governments and futile attempts at conflict resolution by peaceful means by the Tamils. This war has so far claimed more than 60 000 lives and has made over one million people mostly in the North and East of the country into refugees.

2) The legal provisions, in particular the Public Security Ordinance, first introduced in 1947, the Prevention of Terrorism Act of 1979, the Emergency Regulations of 1983, and the Indemnity (Amendment) Act of 1982/1988 have effectively emasculated parliament, suspended human rights and due process of law. They have created a culture of violence and impunity for violators of Human Rights in the security forces whether in the army or the police. Not only are such crimes "committed in good faith" not prosecuted, proven perpetrators have been promoted, with the highest authorities of the country even publicly defending them.

   Private militias have been set-up and armed with government aid. According to Amnesty International, they function under the protection off and in collaboration with, the official security forces reducing the latter's responsibility for human rights violations in the eyes of the Sri Lankan and international public.

3) According to international human rights organisations, large-scale violations of human rights, in the form of torture, rape, and ill-treatment continue to occur- even though their officially reported numbers have diminished of late. ***According to government sources over 22 700 persons have "disappeared",*** whose fate remains largely unaccounted for.

These violations can neither be explained nor be excused by the war or by the state of emergency being in force virtually uninterruptedly ever since 1983:

Article 4, para 2 of the 1966 International Convention on political and civil rights stipulates unequivocally that even under such extraordinary conditions no country and no government is permitted to resort to torture, ill-treatment, etc.

4) Despite its official declarations, the present government is by no means prepared to contemplate a negotiated end to the conflict, to accord any autonomy to the Tamils, and to re-establish the rule of law and the implementation of human rights. On the contrary, the various peace proposals are mere rhetoric to hoodwink public opinion, while a strategy of military annihilation on the battlefield is being pursued.

a) While the government officially proclaims the objective to provide for "Regional Councils"; in the Draft Constitution of 1997, these -as their predecessors, the Provincial Councils (established in 1987), are mere institutions of administrative decentralisation. The term "The Union of Regions" (Art.1 (1), and provisions for "The Devolution of Power" (chap.XV) are void of any substance in terms of giving a greater degree of self-determination to the regions.

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Introduced first in the Constitution of 1972, and reiterated in Article 2 of the 1978 Constitution, Sri Lanka is declared a "unitary state", a provision which is being substantiated in Article 76 which, instead of being repealed, is being reproduced practically verbatim in Article 92 of the Draft Constitution of 1997. This article 76, 92 respectively, explicitly forbidding any abdication or alienation of legislative power from Parliament, permits political decentralisation through delegation of authority only, but no sharing of power in the Centre or devolution of power to the regions, a conditio sine qua non to end the conflict.

b) The historical experience, i.e. exploitation of the ethnic conflict for political gains among the Sinhalese majority, together with the legal provisions (a two third parliamentary majority is necessary to change the constitution; the present government has a majority of **just one vote**) require that first of all a consensus is sought and established among the two principal Sinhalese political-parties **before** any serious thought as to an accommodation with the Tamils can be entertained. Against this background, the bona fide of the proposals made since 1995 to settle the conflict has to be called into question, since all of them appear to have been just individual proposals by the President or by her Minister of Justice with no prior consensus having been sought either within the government or in the directly concerned parliamentary committee or with the opposition.

c) The Human Rights Commission (HRC) established by the present government as successor to the earlier Human Rights Task Force (HRTF), is totally inadequate to visit detention camps and police stations, to say nothing of the illegally established detention camps and the prisoners held

there; it is, in addition, unable to perform its function efficiently as it is swamped by all kinds of cases, in particular those related to the elimination of all types of discrimination.

Further, the Presidential Commission on Disappearances which has just produced its interim report, has not been staffed by independent experts, but by appointees of the government. Moreover, in contrast to the Commission operating in Sinhala areas, those established to inquire into the disappearances in the Northeast have no power to file charges.

d) If the government were indeed seriously inclined to end atrocities and establish the rule of law based on human rights and justice, it would have immediately called upon independent foreign experts to inquire into the "Chemmani mass graves". Even though their existence was rendered public in mid-July 1998, and even though Sri Lanka officially acknowledged a lack of qualified forensic experts, and even though the UN has offered to the HRC its assistance in inquiring into the estimated 600 people who disappeared in 1996 in the Jaffna area, and were possibly murdered and buried at Chemmani by the army, virtually nothing has as yet officially been done. While the government did not give its official permission to foreign experts until February, local newspaper accounts report of nightly activities in the area occupied by the military...

5) No, in view of an army 150 000 men, which claims fully ***one third of the national income,*** and has just ended three bloody military campaigns to regain control of the North, the real strategy of the Sri Lankan government appears to be a military solution.

At the beginning of January 1999 the Deputy Defence Minister, General Ratwatte, an uncle of the President, has once again proclaimed total military victory for 1999. He only reiterated what the Minister of Justice, Prof. Peiris, in commenting upon the 1995 "peace package" of President Kumaratunga said "...What we need to win the war is armaments not a political solution. But we have been able to procure military hardware because we have presented a political solution." (Daily News 15.8.95).

The following chapters detail various concrete aspects of human rights violations in Sri Lanka committed against the Tamil people. It appears, however, imperative that the international community in general, the UN Commission on Human Rights in particular, takes notice of these systematic violations which are systemic being part of a political strategy and embedded in the institutional and legal structure of Sri Lanka. In a report on the Implementation of the Recommendations of the UN Working Group on Enforced or Involuntary Disappearances, Amnesty International concludes ***"The Commission has neglected its duty to effectively monitor the human rights situation in Sri Lanka"*** (ASA 37/04/98, p 18).

It is a reproach no international institution, least one charged with as serious a matter as human rights, will want to leave unrefuted.

Excerpts from the memorandum submitted to Mrs. Mary Robinson

The systematic violation of human rights by the Sri Lankan government over a period of five decades is well documented and are clearly no accidental happening. The violations constitute evidence of the resolute and determined efforts of governments dominated by the Sinhala majority to subjugate and assimilate the Tamil people within the framework of a unitary Sinhala Buddhist Sri Lankan state. The Tamil people have suffered enormously for several decades and can no longer be denied their right to self-determination.

The two UN International Covenants declare that "All people have the right to self-determination". In the words of the legal scholar Professor Chen, the right to self-determination is "deeply rooted in the concept of human dignity". He maintains that self-determination has as its heart the people's wish to be "active agents of their own history". Self-determination is the other side of the coin of democracy. Territorial integrity should never be used to justify fraudulent territorial claims or to suppress the legitimate demands of an indigenous population. In Sri Lanka, Sinhala domination which found expression in the disenfranchisement of the plantation Tamils, the enactment of the Sinhala Only law, discriminatory employment policies, inequitable allocation of resources to Tamil areas, exclusion of eligible Tamil students from Universities and higher education and genocide pogroms in 1958, 1977 and again in 1983. At the same time systematic state-aided Sinhala colonisation has continued in an attempt to make the Tamil people a subject minority in their homeland. Intense government-planned Sinhala colonisation resulted in the exclusion of Tamils in some areas of the north-east and a reduction in Tamil representation to elected bodies, including Parliament.

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Several attempts by Tamil representatives to attain political self-determination failed, most notably the Bandranayake-Chelvanayakam Pact in 1957, the Dudley Senanayake-Chelvanayakam Pact in 1965 and the formation of District Development Council in 1981 due to abrogation or failure by government to provide the administrative means. In 1976, the Tamils declared their intention to assert their inalienable right to self-determination by virtue of their historic consciousness and distinct nationality occupying a defined territory. ***At the negotiations held at Thimpu in 1985, the Tamil delegation, comprising moderate and militant parties put forward four cardinal principles -(1) that the Sri Lankan Tamils be recognised as a distinct nationality; (2) that the Northern and Eastern provinces of Sri Lanka be recognised as the historical and traditional homeland of the Sri Lankan Tamil people; (3) that the right of the Sri Lankan Tamils to self-determination be acknowledged; (4) that the Plantation Tamils, though outside the Eelam formation, be restored full rights of citizenship and franchise.*** These principles were rejected outright by the government negotiators resulting in the continuation of the conflict which has intensified over the years causing more destruction of human life and misery to the different communities in Sri Lanka.

(Excerpts from the memorandum submitted on 19/10/1998 to Mrs. Mary Robinson - UN High Commissioner for Human Rights)

Kosova in Yugoslavia and Tamil homeland in Sri Lanka

UN General assembly resolutions #1199 and #1160 to protect the Kosovars in Yugoslavia		None for Tamils
	Kosovo (1/5 landmass of Serbia)	**Tamil region (1/3 landmass of Island of Sri Lanka)**
Annexed to	Serbia in 1989	Sri Lanka in 1878-Tamil Kingdom
Conflicting People	Serbs Vs. Kosovars	Sinhalese Vs. Tamils
Population	90% in Kosovo are Albanians	90% Tamils in North-East
Domination by	Serbs of Serbia, 11 million	Sinhalese of Sri Lanka 18 million
Military Composition	100% Serbs	99% Sinhalese
Colonisation	Kosovo region by Serbs	Tamil regions by Sinhalese
Occupied by	40,000 Serbian Military	150,000 S/L forces in North-East
Armed conflict started	March 1998 (just 7 months)	July 1983 (15 long years)
Freedom Fighters	KLA (Kosovo Liberation Army)	LTTE (Liberation Tigers of Tamil Eelam
Economic embargo	Not enforced	Since 1990
Civilians killed	Over 350	Over 60,000 Tamils
Disappearances	None reported	Over 1000 within three years
Mass graves	None reported	Three discovered in Jaffna alone
Refugees	250,000 Single displacement	1,000,000 Multiple displacements
Property damaged	Not known	Over US $ three billion
Attack on religious places	None reported	1900 Temples / Churches bombed

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QUOTES

".....today's human rights violations are the causes of tomorrow's conflicts."

- Mary Robinson - High Commissioner for Human Rights

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"It was never the people who complained of the universality of human rights, nor did the people consider human rights as a Western or Northern imposition. It was often their leaders who did so."

- Kofi Annan - UN Secretary General

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

There are several serious allegations and significant recognition of failures of the government of Sri Lanka to provide adequate food and medicine to the Tamil population in the north and to provide drinking water. It is particularly egregious and a serious human rights violation for the government to deny food, medicine and medical care to the displaced, the infirm, the disabled, the children and the disadvantaged and ***to use food or medicine and medical supplies as a political tactic or weapon of war***.

The government agents and local NGOs in the Vanni region have repeatedly raised concern about the impact of food and medical restrictions imposed by the military. Their concern has been continually disregarded by the government. Water supply for the people in the Vanni continues to remain a major problem.

Fuel shortage

The fuel shortage is a serious problem in the North-East. Kerosene is the only fuel used by most of the residents in the North-East for various purposes.

The actual requirement of kerosene in the Kilinochchi district for domestic usage and agricultural purposes is 3,175 barrels per month but the Ministry of Defence has only approved 625 barrels of kerosene per month.

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Each month 1675 barrels for domestic usage and 1500 barrels for agricultural purpose are needed in the Kilinochchi district alone. The Ministry of Defence has approved only 525 barrels of kerosene for domestic usage and only 100 barrels for cultivation.

The presently authorised quota of 525 barrels of kerosene is not sufficient to meet the domestic need and by other utility services in the Kilinochchi district.

Northern districts deprived of development funds

December 8, 1998 - According to administrative sources in Jaffna, of the total money allocated for the Jaffna district in the 1998 Government budget, only 38.7% has been spent on different development programs.

The official further said that of the Rs. 2,000 million allocated under the budget for the municipal council, local councils, foreign institutions and rehabilitation and reconstruction work in the North, only Rs 370 million has been disbursed. ***Notably, the Rs 50 million allocated for the Education Department has not been delivered.***

Army presence leads to social problems

According to the "Fact Finding Citizen's Commission on the Border Villages in the North-East affected by the War", the presence of the Sri Lankan Army in the border areas of the northern and eastern parts of Sri Lanka has created massive social problems.

The report said that Sri Lankan soldiers in the conflict zones sexually harass and intimidate women and that there are a large number of children in these areas who do not know their fathers because soldiers move from one camp to another.

Physical relationships with soldiers arise as a consequence of a great number of girls in these areas being single mothers, the commissioners pointed out.

The Commission had recorded evidence from more than 192 civilians in border villages affected by the war for three months, in the districts of Anuradhapura, Polonnaruwa, Monaragala, Amparai, Puttalam, Trincomalee, Batticaloa and Vavuniya.

Military Governor to the North-East

In November last year, a retired Lt. General was appointed as the new Governor of North-East Provincial Council. This newly appointed Governor retired especially from the Sri Lankan army to take up this post. According to political sources in Sri Lanka, the Government is having a military administration in the North-East in the name of a Civil Governor.

It was during *his* service in the Sri Lanka army that more than 600 persons disappeared in Jaffna and led to the Chemmani mass graves. He had also participated in the Welioya and Padawachiya Sinhala colonisation schemes in Tamil areas.

Most parts of North-East under night curfew - between 6 p.m. to 6 a.m.

Recent election violence

The elections to the Northwestern provincial council in Sri Lanka took place in the midst of a number of election-related violence. On 24 January - the day of voting, there were reports of ballot box stuffing, impersonation of a large number of voters, threats and assaults of polling agents, among other acts of violence.

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According to Sri Lanka's polls watchdog - these violations have been committed predominantly by the ruling party, the People's Alliance. The reports from its elections monitors clearly indicate that the conduct of the elections does not fulfil the criteria of being free and fair. It has been pointed out in the report that stuffing of ballot papers had taken place in 13 polling booths. In 24 polling stations thugs had driven out the polling agents of political opponents of the ruling party.

According to a Sri Lankan news paper report, almost 700 incidents of election-related violence - murder, attempted murder, assault, robbery arson, threat, damage to property - had been reported. This includes two brutal murders and attacks on journalists.

Thugs and hooligans

(Excerpt from Midweek Mirror - Wednesday, January 27, 1999)

The People's Alliance made the point on Monday - "we make better thugs and hooligans when our political future is at stake". The behaviour of the ruling party on Election Day made it appear that it is mortally scared that the people are going to vote it out of power. Why did the PA bosses let (or allegedly encourage) their supporters and henchmen scare voters and rig elections?

Right to Food

The Sri Lankan government had cut relief assistance to about 150,000 refugees in July 1998. Thousands of refugee families demonstrated and held hunger strikes demanding that the government permit relief assistance and supplies of dry rations. More than 200 people are still holding a hunger strike opposite the UNHCR office in Mallavi for more than 130 days running.

A memorandum sent by the displaced people in Vanni to the United Nations General Secretary on November 6, 1998 said, a cut in relief supplies to the displaced people in the Vanni cannot be justified and amounts to collective punishment by the Sri Lankan Government on the displaced people.

The memorandum further said that the Sri Lanka Government had introduced a massive cut in the relief supplied to the displaced people in the Vanni last July. Though there are 39,000 families in the Mullaithivu district eligible to receive relief, only 13,000 receive the relief. The situation is similar also in the Mannar, Vavuniya and Kilinochchi districts.

The memorandum also said that infant mortality is on the rise due to the cut in relief, and children have been affected by malnutrition.

The Government Agents in Kilinochchi, Mullaithivu, Mannar and Vavuniya have been requesting the Sri Lankan Government to send a team of officials to assess for itself the critical situation in the Vanni.

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UNESCO on food to Vanni

August 27 1998 - UNESCO expressed its concern over reports that food distribution to Vanni by the Sri Lankan government has been deliberately reduced. The organisation also urged the Sri Lankan Government to provide unhindered humanitarian assistance to the people of Vanni.

Prayers for the hungry in Vanni

Special services were held on 29 November 98, at many religious places in Batticaloa town and at St. Anne's church in the suburb of Veechchukkalmunai for the people of the Vanni affected by the severe food restrictions. A large number of people prayed and fasted during the day, contributing a day's earning for sending assistance to the people in the Vanni.

They sent a memorandum to the Sri Lankan president about the near famine conditions in the north.

Survey report

Sixty seven percent of school children in Jaffna are undernourished according to a survey carried out in January in the Jaffna peninsula by the research organisation "Ootru", that has been engaged in scientific, social, economic and development studies in the north for almost two decades.

This high level of undernourishment among Jaffna school children is due to bloated prices of essentials, unemployment and death of breadwinners in many families. The Director for Planing of "Ootru" revealed that the survey found that 10,000 children are without primary education in the peninsula.

Nine thousand youth are unemployed and there are more than 20,000 widows in the peninsula with no regular means of income. Also it revealed that there are currently more than 4000 persons who are separated from their families due to the war.

Half a million malnourished

Around 500,000 persons suffer from malnutrition in the Vanni, according to NGO health workers in the region. Malnutrition has reached grave levels, causing a series of deaths.

A number of persons receive treatment daily in the Akkarayan Kulam hospital in Vanni for anaemia due to malnutrition. NGO sources said it is difficult to treat these patients because there is no blood for transfusion available in the area.

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Substitute food - plants kill two

January 21, 99 - Two women died and two others fell seriously ill after eating the tuber of 'Alli', a local species of the water lily in Mulliyawalai area, in Vanni. These women had not had been able to get any food for a long time, and in desperation had looked for tubers and roots. The dead were Suppiah Sinnammah (40) and Santhalingam Renuka (18).

Children crying in hunger - father commits suicide

December 3, 1998 - Mr. Kumaresu Yogarajah (36), father of three children who had sought refuge at Thatchanamaruthmadu in the Madhu area, committed suicide by burning himself. He was unable to bear the sight of his children crying in hunger, said the Sri Lankan Police.

According to the police, his family displaced from Aanaikoddai in Jaffna, was depending on the relief food assistance provided by the Sri Lankan Government. The relief, however, was inadequate for the family as the father could not find any employment due to the prevailing situation in the area. The day of the incident, the three children had cried in hunger and the father who was mentally disturbed over the difficult situation, had poured kerosene on his body and lit himself. He died on December 5 in Anuradhapura hospital.

Infant milk powder banned

In December last year, the Sri Lankan Army banned milk powder to villages south of Nagar Kovil on Jaffna's south-eastern coast. Civilians living in this region face many restrictions by the Army on the quantity and kind of essential items they can take with them.

The ban on milk powder has affected children in the region and residents ask why the army is banning infant milk powder.

Majority of children born in Batticaloa district maladjusted

(Excerpt from "The Island - 25 January 1999)

Eravur - A large number of children born in 1990 in the Batticaloa district are maladjusted, said the Principal of Al-Nazar Vidyalaya, Kattankudy, A.L. Uduma Lebbe at a special ceremony held at the school recently.

"At present more than 30 children who were born during that period study at this new school and are maladjusted due to emotional disturbance. They are very weak in studying and we provide them with special education".

In conclusion the principal said that as this school is located in a backward area, many children attend this school without having their breakfast. "They often faint during the morning period and we have to take remedial measures."

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Right to Education

LOWEST PRIORITY FOR TAMIL MEDIUM EDUCATION

According to a statement released on 3 December 98 by the Ceylon Tamil Teachers Union - Technical education in the Tamil medium has been relegated to the lowest priority and is completely neglected in Sri Lanka.

The statement points out that there are 470 technical and vocational courses in the Sinhala medium and 91 in English whereas there are only 65 courses for Tamil speaking students.

All the districts of the country except Mannar, Vavuniya, Kilinochchi and Mullaithivu have technical colleges. The Vanni has been denied technical education, it charged.

The statement further said that there are no Tamil medium technical colleges outside the North-eastern province. Tamil medium instruction is provided only in the technical colleges of Jaffna, Batticaloa, Sammanthurai - Amparai and Trincomalee.

Sinnala is the medium of instruction at the other thirty four colleges in the island.

The Sinhala medium technical colleges in Sri Lanka offer eight courses in computer studies whereas there is only one such course in Tamil in Trincomalee it points out.

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Vocational and technical education in radio, electronics, TV technology, motor vehicle maintenance and repairs, leather work etc. that help generate self employment has been denied to Tamil medium students.

TAMIL MEDIUM SCHOOLS NEGLECTED

Mr. R. Sambanthan - parliamentarian for the Trincomalee district said in parliament on December 8, 1998 that Tamil medium schools in the north-east province were being neglected and that Tamil medium teachers were discriminated against.

He said that according to figures released in 1996 there was a shortage of ten-thousand Tamil medium teachers and only 4000 appointments have since been made.

Recruiting 10,000 Tamil medium teacher under a scheme financed by the World Bank has not been realised, he further said.

He pointed out that 10,000 more Sinhala medium teachers were appointed despite the already surplus of 14,000 Sinhala medium teachers.

The parliamentarian also accused the ministry of not utilising funds granted by the Asian Development Bank (ADB) for the development of Schools in the Northeast.

He said that 24 schools in Western province
25 schools in Central province
26 schools in Southern province
22 schools in Sabaragamuwa province
19 schools in Uua province have been selected for the School development projects funded by the Asian Development Bank,

while only 12 schools were selected in the North-east for the project.

Furthermore, he said that all of the 12 schools selected for the Asian Development projects in the North-east were in the Amparai district, while other districts in the province had been completely neglected.

He also said that there was a severe shortage of teachers in the fields of computer studies, science, English and mathematics in the North-Eastern province.

SHORTAGE OF TEACHERS IN NORTH-EAST

According to a research conducted in the North-Eastern Province, many children are not being sent to schools by their parents. Those who are attending school face hardships. Some of them go to school without their breakfast and many of them live in refugee camps.

Nearly 30% of students in the north-east leave school in the middle of their schooling, while it is 5% in the rest of the island. Furthermore, 180 schools in the north-east have closed for various reasons.

தமிழீழ ஆவணக்காப்பகம்
Tamileelam Archive

3553 Tamil medium teachers are required for primary schools. But there is a shortage of 1500 teachers.

In total, including other levels, there are 4500 vacancies for teaching posts in the north-east.

15000 school children affected

At least 70 schools in the Vanni region have been either destroyed or closed down due to the Sri Lankan Army's ongoing military operation in the Vanni, said the teachers' union in Karathuraippattu in Kilinochchi district.

Fifteen thousand school children are unable to attend school as a result, said the union in a press statement.

The statement further said that large numbers of children have become refugees due to the military operation and that they have missed their opportunity to receive education.

ARMY ATROCITIES IN SCHOOLS

The Sri Lankan Army in Jaffna peninsula round up and search schools in Jaffna since it consolidated its hold on the peninsula in early 1996. Troops enter the premises of schools, screen all the students and check the school premises very often. Students who have no national identity cards are asked to come to near by camps for questioning.

The Sri Lankan security forces in the war zone in the North-East select places for setting up their detachments not only for their tactical, logistical or territorial reasons but also, to a large extent, taking into consideration their security. Many camps of Army, Special Task Force (STF) and Police are located in schools, temples, crowded neighbourhoods and even hospitals specially with a view to deterring attacks.

ARMY INTRUSION IN SCHOOLS AND PUPILS' DAILY LIVES

On November 12, 98, Sri Lankan Army soldiers cordoned off and searched the Teachers training school in Kopai, Jaffna. Soldiers interrogated more than 100 teachers for five and a half hours, during which they used masked spotters. Such intrusion by the military into the environment of schools and colleges is highly unacceptable. Even the journey to and from school can be fraught with terror. Pupils and students have on numerous occasions been "disappeared" by the Sri Lankan army or arbitrarily arrested at the many checkpoints in and around Jaffna.

75 UNIVERSITY STUDENTS WANT TRANSFER

Seventy-five students from the Vanni region studying at the Jaffna University, have applied for transfer to Batticaloa University. They are unable to attend the classes due to disruption in transport to and from Jaffna.

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Right to Health

HOSPITAL MONEY DIVERTED TO MINISTRY OF DEFENCE

A sum of 3.5 million rupees earmarked for the rehabilitation of hospitals in the North-East has been channelled to the Ministry of Defence.

In a letter to all regional directors of health services, the Secretary, North-East Provincial Ministry of Health, has said that work on repairs and the rehabilitation of hospitals should be suspended forthwith. In some hospitals tenders have been called to award contracts for the work, while in others work has already begun. All these have come to a standstill.

SHORTAGE OF MEDICAL STAFF AND DRUGS

Services to sick children are being compromised by the lack of qualified paediatricians at the Jaffna Hospital. The severe shortage of specialists is not a problem specific to paediatrics but exists in other specialities too.

The Hospital sources said that there is also a severe shortage of medical staff and surgical instruments at the hospital. In addition, only one-third of the quota for surgical equipment is sent from Colombo and the hospital does not receive the allowed quota of drugs every month.

Almost all the hospitals in the Jaffna peninsula are badly hit by a shortage of medical staff and medicine. The hospitals have received only 30% of medicine approved for the second quarter of the year and the quota for the third and fourth quarters has not yet been granted.

Consortium of Peoples Organization

Kilinochchi District - Report dated 17/7/1998

Short supply of basic life-saving drugs

	Malathion		Tropical Chlorinated lime	
Year	Actual Requirements	Supply	Actual Requirements	Supply
1991	2400x30	828x30	1200 Kg	100 Kg
1992	2400x30	2040x30	1200 Kg	100 Kg
1993	1800x30	1650x30	1200 Kg	500 Kg
1994	1200x30	375x30	1200 Kg	150 Kg
1995	1200x30	375x30	1200 Kg	500 Kg
1996	1200x30	160x30	1200 Kg	Nil
1997	1200x30	400x30	1200 Kg	25 Kg

HOSPITAL OCCUPIED BY STF

The buildings and premises of the base hospital at Thirukkovil, the large Tamil village on the south-eastern coast of the island, 76 kilometres south of Batticaloa, is occupied by a detachment of the Special Task Force (STF) since 1985.

CHOLERA OUTBREAK IN NORTH-EAST

The North-East might be on the verge of being hit by a severe epidemic of cholera, a public health official in the North-East stated. Many patients suspected to be suffering from cholera were admitted to hospitals in these regions.

In September last year, sixteen patients suspected to be suffering from cholera were admitted to hospitals in Batticaloa district. Ten of these were admitted to the Valaichchenai hospital, 3 to the Eravur hospital and another 3 to Batticaloa general hospital.

On 12 September 98, three cholera patients died at the Welikanda hospital in the East.

Another three died of cholera on September 22 last year, in west of Valaichchenai in Batticaloa - about a hundred persons in the region are stricken by the epidemic.

In Mannar, two people have died and six have been detected as having cholera in July 98.

In Vidathalthivu and Pallamadu divisions in Mannar, five people have died of cholera during the month of September last year.

Tamileelam Archive

The health official said that the Government is not paying much attention to the cholera epidemic in the North-East.

43,495 MALARIA PATIENTS

According to sources in Mallavi hospital in Mullaithivu district last year the hospital had treated 43,495 patients who were affected by malaria. The Mallavi hospital is functioning with minimum resources under a severe ban of important drugs and essential equipment.

A large number of people suffer from malaria and diarrhoea in the Vanni region.

33 die of Malaria

In Puthukudyiruppu in Vanni, 33 people died of malaria and diarrhoea in the early part of 1998.

By May last year, only 20% of the anti-malaria materials due in the first quarter of the year had been received. Spraying and other public health measures have been heavily reduced because of delays and restrictions on necessary pesticides and machinery.

Consortium of Peoples Organization

Kilinochchi District - Report dated 17/7/1998

Incidence of Malaria in the Kilinochchi District

			1998					
Incidents	**1996**	**1997**	**Jan.**	**Feb.**	**Mar.**	**Apr.**	**May**	**June**
Fever cases detected	181461	255393	33949	22976	22725	16347	13980	15109
Cases given R.T.	113147	144454	22917	14365	13694	3218	7029	7485
Cases given P.T.	2830	3208	521	319	310	233	255	230
Blood films taken	83827	87163	9468	9539	9930	7086	6359	6495
Blood films exam.	82807	85239	8979	9336	11290	7499	6777	6452
Positive cases	33783	40711	5447	5095	6177	3924	3326	3059
PV	23023	24350	2001	1810	2741	2284	2428	2377
PF	10740	16343	3446	3235	3435	1638	895	677

WOMAN FORCED TO GIVE BIRTH AT CHECK POST DIES

July 20, 98 - A woman who was being taken to hospital with labour pains, was stopped and delayed on the way by Sri Lankan Army personnel manning a check post in Aanaikottai in Jaffna and was forced to give birth in a house close to the check post. The woman later died as she did not receive the necessary medical care.

WOMAN DIES DUE TO UNOFFICIAL CURFEW

August 31, 98 - Another woman from Thalankudah in Batticaloa district died due to lack of medical assistance after her labour pain started at around 10.30 p.m. She had remained at home until morning though bleeding heavily as the Special Task Force (STF) had imposed an unofficial curfew in the Thalankudah area after 8 p.m. She died on admission to the Batticaloa hospital.

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TRAGEDY HITS BULLOCK CART WITH PATIENT IN BATTICALOA

(Sunday Times 10/8/1998)

Police at security checkpoints are firing indiscriminately at civilians, an MP has charged. TULF Batticaloa District Member of Parliament, Mr. Joseph Pararajasingham in a letter to President Kumaratunga has appealed to her to intervene and stop this disturbing trend.

According to his statement, the latest incident took place at Eravur Pattu where the police allegedly fired at a group taking a patient to hospital in a bullock cart. One person Nallathamby Sabanayagam (50) was killed while another was injured.

The MP says that the bullock cart involved in this night time shooting had carried a hurricane lamp according to regulations and the police had no reason to open fire.

The police claim a constable had opened fire because he had been fired upon from the direction of the bullock cart. But the MP says there is no basis for this claim.

Mr. Pararajasingham said several such incidents had taken place and the President must act to stop them.

About 500-700 Criminal abortions per day

Abortions should be legalised - Medical experts

(Excerpt from 'The Sunday Observer' of January 31, 1999)

Medical experts request the government to implement changes in the legislation related to abortions, the law which was introduced during the British rule for the benefit of rape victims. According to available statistics, the rate of criminal abortions per day in the region of 500 to 700 in Sri Lanka.

The clarion call came from Dr. Upali Marasinghe, Consultant Obstetrician and Gynaecologist of the Kethumathi Hospital, Panadura at a seminar on 'Consequences of Abortions' held for the media to highlight the fatal effects and to find ways and means to control it.

Dr. Lakshman Senanayake, Consultant Obstetrician and Gynaecologist of the Castle Street Maternity hospital said that as a large number of illegal abortions are carried out daily, it was difficult to calculate the exact daily figure of abortions in Sri Lanka.

According to recent research carried out by the World Health Organisation (WHO), over 585,000 maternal deaths were recorded world-wide last year. Out of this, a higher percentage was recorded from the developing countries. Over 75 million women become pregnant unexpectedly and out of these 45 million resorted to illegal abortions.

Two hundred and fifty maternal deaths per year were recorded from Sri Lanka and 33 percent of the maternal deaths were due to haemorrhage.

தமிழ் இணைய நூலகம்
Tamil Digital Archive

Dr. Senanayake added that out of 250 annual maternal deaths, nearly 25 per cent of the deaths were due to illegal abortions and 33 per cent due to haemorrhage. ***"Sri Lanka is a country which has a high potential for abortions", he said.***

"A high percentage of unmarried young girls go for illegal abortions in Sri Lanka. School girls, Free Trade Zone employees, urban and office workers between the ages of 18 to 25 are victims of illegal abortions," he added.

Right to Work

Fishing

The Sri Lankan Army has banned fishing in Vadamaradchi and Vadamaradchi East in the western coastal areas of the Jaffna peninsula since November last year. Also it was banned in the Jaffna lagoon in the waters off Gurunagar, Paashaiyoor, Colombuthurai and Mandaithivu and in the Pannai lagoon off Jaffna town.

The whole peninsula fishing population has been affected by this ban. The affected fishermen families are unable to sustain their livelihood without compensation for the loss of income suffered by them.

The Commission of Peace and Justice of Jaffna Diocese had submitted a memorandum to the Secretary of the Ministry of Defence on 18 November 98, saying "the existing ban on fishing in Jaffna lagoon must be immediately lifted and the fishermen in surrounding areas should be again allowed to fish". The memorandum appealed to the Government to initiate discussion with people associated with affected families in the fishing industry.

Fishermen said that if none of this is permitted by the army they should be at least entitled to relief.

NAVY KILLS FISHERMEN

Nine Sinhala fishermen settled in coastal villages on the extreme south of the Mullaithivu district were killed by the Sri Lankan Navy on 30 November 98. The Sri Lankan Navy attacked a group of fishing boats in the sea off Mullaithivu, between Semmalai and Alampil. The Sri Lankan Navy had mistakenly fired on the Sinhala fishermen assuming that they were Tamils. For a long time, the Sri Lankan Navy schools at the Tamil fishermen in the northern sea claiming that it was a battle against the separatists.

These nine fishermen from the western coast were settled on the southern coast of Mullaithivu in traditional Tamil villages such as Kokkilai, Naayaaru and Kokktuhoduvai. Since the late seventies Sinhala fishermen were settled under the Government sponsored Sinhala settlement in Welioya. Sri Lankan army and Navy provide them protection.

Agriculture

Forced evacuation of farmers

The government continues to impose an economic embargo on Tamil areas. Cultivation in 66,000 acres of land in Kilinochchi district has been disrupted and restrictions on fuel, fertiliser and farming implements have further affected agriculture.

The Sri Lankan Police in Akkariappattu in the Amparai district have ordered the villagers of Aaleemsenai, in Addanchenai, to vacate the village after a statue of lord Buddha was presumed to be discovered there recently.

The villagers, mainly Tamil farmers, have pleaded with the police to allow them to stay there until the season is over. The Police, however, have turned down the villagers' request and arrested five civilians. The villagers of Aaleemsenai have been farming in the area for more than four decades.

Abandoned Agricultural land

According to the Agriculture Ministry - about 2430 acres of agricultural land near Oddusuddan in Vanni had to be abandoned because of the recent military operations in the area.

Kerosene shortage affects agriculture

Shortage of fuel in North-East has badly affected the agriculture industry there. The Ministry of Defence approves not even one fourth of the actual requirements of fuel to the Tamil regions.

In the Kilinochchi district, the actual requirement of kerosene for agriculture purposes is 1500 barrels per month. But the Ministry of Defence has approved only 100 barrels each month.

The quantity of kerosene approved for agriculture is not sufficient to meet the ploughing of the targeted 11,600 hectares.

At present, a litre of kerosene fetches around Rs. 110/- to Rs. 140/- in Vanni area.

Five farmers arrested

Five employees working in a farm in Thandikulam, 2 km north of Vavuniya were arrested by the Sri Lankan Police on 5 October 98. The police in Vavuniya had asked them to come to the Vavuniya police station and detained them.

Tamileelam Archive

Following the arrest, other workers have stopped reporting for work at the farm saying that the military activities nearby continue to cause fear and trouble.

Severe rice shortage

More than seventy percent of Jaffna's rice fields may have to lie fallow due to the unavailability of seed paddy from the southern parts of the island. Jaffna farmers said that the belated announcement that there won't be any seed paddy from the south spells disaster for them. If no remedy is found, there will be a rice shortage in the Jaffna peninsula.

Consortium of Peoples Organization

Kilinochchi District - Report dated 17/7/1998

Agricultural input needs for production

Years	Mixture		Ammonia		T.D.M.	
	Required	Supply	Required	Supply	Required	Supply
1990/91	4839	1815	6790	4026	3395	479
1991/92	9876	1086	4148	2111	2074	794
1992/93	3556	1166	4939	2397	2470	811
1993/94	4139	1082	5818	2319	2909	710
1994/95	3819	700	5304	637	2652	90
1995/96	2074	825	2881	15	1440	450
1996/97	3439	302	5604	----	6282	184

Production realised

Year	Extent of land under paddy cultivation (hectares)	Production realised
1991	27159	68584
1992	16592	39742
1993	19755	49100
1994	23270	49929
1995	21214	17828
1996	11523	17835
1997	10184	15728

தமிழீழ ஆவணக்காப்பகம்
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Colonisation

In Sri Lanka, colonisation started in 1935 to increase the number of Sinhala population in the North-East, so as to change the demographic composition. Always, the colonisation was sponsored by the successive governments with irrigation projects, fishing industry and militarisation of North-East. The land less Sinhalese and the Island re-convicted criminals were settled in the hereditary Tamil regions with protection given by the Sri Lankan security forces.

Army attempts to evacuate Tamil residents

The Sri Lankan Army has ordered all the Tamil residents of Linganagar in Trincomalee town to leave the surburb at the earliest. This is believed to be the plan of the Government to evict the Tamils and take over this suburb to settle Sinhalese.

The Trincomalee district command of the army had informed the residents of Linganagar in September last year of the army's claims on the suburb and ordered that they should leave Linganagar forthwith.

One of the residents of Linganagar had asked the Brigadier, "you say that our land belongs to you. You say that it has been your property since 1979. Why didn't you take action against all this before? Pipelines were laid and electricity was supplied to our residents. Even then you did not take action, although you claim the land is yours. Is this justice?"

The Brigadier had told the people of Linganagar : "The ethnic conflict will not end now. Do not trust politicians and political parties. They cannot do anything."

தமிழீழ ஆவணக்காப்பகம்
Tamil Eelam Archive

Linganagar is a suburb of the Trincomalee town that grew around an old Urban Council housing scheme. The Sri Lankan army says that part of it, 47 acres in extent, belongs to it. The army's claim on this residential area has been bitterly contested by the Tamils. 118 Tamil families have already abandoned their homes, unable to bear army harassment and arm twisting. But 132 families have vowed to fight on.

There are illegal Sinhala settlements and encroachments that the army has encouraged and actively backed in every part of the Trincomalee district and town.

Once again, in a letter dated November 16, the commander of the Trincomalee security forces had ordered the Trincomalee district secretary to inform the residents that the land is required by the army very urgently.

Meanwhile, sources say that posters have appeared demanding the residents of the disputed land to vacate immediately.

The efforts taken by parliamentarians to get the President of Sri Lanka to stop the eviction of Tamil residents from the land in Linganagar ended in total failure.

Forcible evictions and massacres of Tamils

Pottuvil was formerly a Tamil dominated area in the Batticaloa district. The electorate of the same name returned a Tamil member to Parliament at the 1977 general elections.

The Tamil population in the Pottuvil town has greatly dwindled since the late eighties and particularly after 1990 as a result of systematic elimination, forcible evictions and massacres of Tamil civilians by the Special Task Force (STF).

Tamil land owners and businessmen who once dominated this south-eastern town have left, selling their properties to Muslims.

The few impoverished Tamils who fled from the massacres in 1990-91 from villages such as Oorani, Chemmanikulam, etc., were resettled last year.

They were driven out again because of the actions of the Police in the village of Inspectoreyththam.

A Buddhist temple was constructed under the patronage of the STF to cater to the Sinhala Buddhist commandos of this police unit.

Trincomalee market converted into waiting hall

தமிழிழ ஆவணக்காப்பகம்

Trincomalee market building is being used as a waiting hall for passengers waiting for the ship to travel to Jaffna. This has made it difficult for the people of Trincomalee town to buy and sell goods. This was brought to the notice of the newly appointed military Governor of the North-East but nothing has happened so far.

Muslim property on fire

On 10 September 98, Muslims homes and shops were set on fire in Kumbukgeta and Kiripitiya in the Kurunegala district by a mob led by a local Sinhala politician.

An opposition Member of Parliament charged that Muslims had been targeted by the Sinhala mob in this area where, according to him, tension between the two communities has prevailed for some time.

February 17, 99 - Forty shops and businesses belonging to Muslims were completely burnt in Nochchiyagama since February 15. Tension between the Sinhala and Muslim communities in the north-central province continued to mount.

CIVIL AND POLITICAL RIGHTS

For the last fifteen years the human rights situation in the North-East of Sri Lanka and other parts of the island has been rapidly deteriorating. Arbitrary arrests, detentions, torture, involuntary disappearances, rape and extra-judicial killings of innocent civilians continue under cover of media censorship. The violations behind the iron curtain continue to go unrecorded.

TORTURE AND DETENTION

Mr. Kumar Ponnambalam - a leading Lawyer in Colombo and other human rights activists are also aware of these cases.

Arbitrary arrests

Arbitrary arrests in the North-East of Sri Lanka still continue despite that area being a war zone.

Mr. Bacre Waly Ndiaya - UN special rapporteur on extra judicial, summary or arbitrary execution who visited Sri Lanka from 24 August to 5 September 1997 - said in his report ***(E/CN.4/1998/Add.2 - dated 12 March 1998)*** that the security forces comprised of members of the army and police are 99% Sinhalese and do not speak Tamil which is the language of the local population, and very often treat the local population with suspicion. This amplifies the sense of an army occupation and exacerbates the already existing feeling of alienation.

These security forces continue to arrest youths in the North-East under cover of darkness and their parents have no way of stopping these arrests.

In Colombo there was the case of 26 year old Ambika Sri Vallipuram. She was staying at the Holy Cross Convent, opposite the Crime Detective Bureau, in Gregory's Road, Colombo. Whenever she went out, she was subjected to teasing by the police at the gates of the Bureau. One day, she could not stand it any longer, and she scolded the policemen. Very soon, thereafter, on 2nd September 1998, she was taken into custody by the Sub-Inspector of Police Wastikawatte and others from the Terrorist Investigation Department. She was not told of the reasons for her arrest. Her neck was squeezed and her head knocked violently against the wall several times. The Police were reported to the Anti-Harassment Committee - a group of Parliamentarians - who immediately ordered the police to produce her before the Magistrate. The Magistrate released her on bail. The mother of the girl is contemplating filing a fundamental rights application against this arbitrary arrest and torture.

Arbitrary arrests of Tamils at the check points in Colombo are legion. Whenever there is an incident in Colombo, there are mass arrests of Tamils in their hundreds. Tamils in Colombo also experienced the unsavoury phenomenon of authorities going into Tamil homes, at dead of night, and photographing females in their night clothes. We also saw how Tamil females, picked up from their homes at night were marched along the streets of Colombo to police stations in their night clothes. There was such publicity in the Tamil newspapers about such incidents and so much hue and cry from the Tamils that the authorities were forced to discontinue such humiliation.

In Colombo and its suburbs nearly 10,000 Tamils had been arrested during the year 1998. These arrests had taken place in Ratmalana, Mount Lavenia, Dehiwella, Wellawatte, Bambalapitiya, Maradana, Pettah, Fort, Kotahena, Modera and Mattakulliya. Those arrested were subjected to harassment and torture.

On 5 September 98 - In the heart of Mannar town there was a roundup by Sri Lankan army, and more than 5000 people were detained for screening and questioning.

Indefinite detention

Indefinite detention of Tamils has always created problems for the authorities. Tamils are kept for such long periods without charges being framed against them or their not being taken to courts, that it has led to two separate incidents of fast unto death by Tamils in the prisons of Sri Lanka.

The first one was at the New Magazine Prison in Colombo in 1996. As this fast received much adverse publicity against the Government, the Government got the state counsel in the Attorney General's Department to go to the prisons, together with other government officials and prevail upon the youths to give up the fast upon lavish promises being held out. This was done and the Tamil youths gave up the fast.

Since nothing happened regarding the promises held out on the earlier occasion, the Tamil youths commenced another fast unto death at Kalutara Prison sometime in June 1998. This fast too received much publicity against the Government and again officials of the Attorney General's Department made grandiose promises and had the fast called off. The Tamil youths complained that detention was too long and hence they must be released immediately or brought to trial in the Courts on specific charges. Nothing seems to have been done during the last three months and the Tamil political prisoners are getting restless once again.

It is estimated that 1,700 Tamils are in custody and many for long periods without trial. There are over 450 Tamils in custody for over two years, some over four years.

In a press release issued on 3 September 98, Amnesty International has appealed for an immediate halt to the use of unauthorised places of detention in Sri Lanka. Amnesty has condemned the PLOTE, TELO and EPRLF for rights abuses.

Tamileelam Archive

Amnesty says that according to reliable sources, the People's Liberation Organisation of Tamil Eelam - PLOTE and the Tamil Eelam Liberation Organisation - TELO run more than 20 illegal camps.

Tamil detainees neglected

(Excerpt from 'The Weekend Express' of 30-31 January 1999)

The Nava Sama Samaja Party in a letter addressed to President Chandrika Kumaratunga has highlighted the total disregard to the basic human rights of Tamil detainees.

Despite several promises to either file plaint against the prisoners or release them, no action has been taken and detainees continue to be behind bars for varying periods extending to over four years.

Subsequent to a roof top demonstration at the Kalutara Prison, a committee was appointed to expedite action but it has not achieved any results. The recent visit of the Minister of Women Affairs, Hema Ratnayake has also not yet brought relief to these prisoners, including babies, who are living in appalling conditions.

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Torture

Mr. Kumar Ponnambalam - in particular highlighted many instance of torture cases supported with Medico-legal Reports forwarded to the High Courts of Colombo by the Government Judicial Medical Officers. Here we reproduce a few such cases.

The case of Kalimuthu Selvarajah, aged 27. He was arrested by the Crime Detective Bureau (CDB) on 10th July 1995 but was examined only on 17th December 1997 - two and half years after the arrest! He gave a history of torture to the doctor, suffered at the hands of the CDB. He was found to have 24 injuries on examination of which three were caused at childhood. The other injuries were consistent with the history given by the accused. He had injuries all over his body caused by assaults with hands, burns by cigarettes, cuts caused by blades, assault with wooden poles, assault with plastic tubes, assault with broom stick and injuries due to being pulled along the floor whilst fallen.

Another report refers to Luis Rama, a girl aged 18 years. She was examined on 17th May 1997 and gave a history to the doctor of being arrested on 20th July 1995 - again two and a half years before the date of examination by the doctor - by the Sri Lankan Navy. She was in Navy custody for two months and during that period she was suspended by her ankles cut with blades on her breasts and thighs and burnt with cigarettes on her breasts. The doctor has found all her injuries consistent with the history of those injuries as given to him.

The medico-legal report in respect of Pasupathipillai Yogendran shows 28 injuries, all consistent with the history of those injuries that he told the doctor. He was examined on 1st April 1998. He was arrested by the army at Vavuniya on 27th October 1996 - one and a half years before the examination. He was first taken to the army's JOSOP camp where he was suspended from a tree by his ankles for three days. He was assaulted with fists, wire, sticks, iron pipes, and square shaped wooden rods, his head and face were covered with a polythene bag, and dipped in water and his hands were kept on a stony surface and trampled with boots. On 29th October 1996, he was taken to the Counter Subversive Unit (CSU) in Vavuniya where he was cut with blades hit with fists and sticks and his toes crushed.

Tamileelam Archive

The medico legal report of Sinnarasa Anthonymala, a 18 year old refugee girl from Jaffna, shows 46 injuries all over her body. She was examined by the Judicial Medical Officer of Colombo on 17th October 1997. She was taken into custody by the Sri Lankan Navy on 16th July 1995 after a boat that she was travelling to India with other refugees was fired at. She received a gun shot injury on her thigh. She was taken to the Navy's Kankesanthurai Camp. There she was blindfolded, stripped of all her clothing and assaulted continuously during the entire period she was kept at the camp, with iron rods, live electric wires applied to her body, burnt with cigarettes, burnt with heated metal rods, hit with plastic pipes, punched, kicked, handcuffed at the ankles and suspended upside down, handcuffed at wrists and suspended from a fan which was rotating and her breasts, buttocks and thighs continuously squeezed. She was then brought to Colombo and handed to the Criminal Investigation Department (CID). There she was cut on the neck, hit on the mouth where she sustained a fracture of the tooth, and hit with pieces of wood. The doctor found all injuries to be consistent with the foregoing history she gave him before he started examining her.

There were several other cases of torture reported by Government medical officers in the North and East.

Torture of Tamil girls and boys in police stations and camps of the security and armed forces has become a rule and commonplace.

Mr. Bacre Waly Ndiaya - UN special rapporteur on extra judicial, summary or arbitrary execution who visited Sri Lanka from 24 August to 5 September 1997 - said in his report (E/CN.4/1998/Add.2 - dated 12 March 1998) that "it seems to be a common practice that members of the armed forces and security forces arrest persons without reasons, subject them to interrogation and take them to the judge days later, after forcing them to sign a statement of good treatment. **All these circumstances, together with the fact that the detainees are kept incommunicado, increase the risk of torture".**

A Youth Tortured to Death in Police Custody

Anura Sampath (24) of Veera Puranappu Mawatha - Moratuwa, was taken to the Police Station at Moratuwa on 30th December 1998, by some police officers who said that he is needed to make a statement.

As he did not return till late, his brother went to the Moratuwa Police Station at night and he saw Anura Sampath. Anura Sampath told his brother that he was severely beaten by some police officers and that he might be killed by them. The family members tried their best to get Anura Sampath released on that day but police refused.

Then, next day when the family members visited the police station Anura Sampath was not there. A police officer told them that he had been taken away to make a statement.

Tamil Eelam Archive

The family was later told by the Officer-in-charge of the police station that Anura Sampath was dead. The police provided misleading information about the whereabouts of Sampath's body. Later the family found the body of Anura Sampath at Kalubowila Hospital.

Due to the family's protest the body was produced before a doctor at the Colombo General Hospital. At the post-mortem inquiry, the finding was that the death was due to assault. The inquiry revealed that there were 24 internal injuries.

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DISAPPEARANCES AND SUMMARY EXECUTIONS

DISAPPEARANCES

The UN Working Group on Enforced or Involuntary Disappearances made two visits to Sri Lanka in 1991 and 1992. In 1997, the Working Group reported that Sri Lanka has the highest number of disappearances for the year 1997!

According to Member of Parliament Mr. Joseph Pararajasingam, about thirteen thousand people have disappeared since 1990 in the Eastern Province.

On 17 January 99 - Kachcheri (Secretarial) sources in Kilinochchi said that 164 persons from the district were reported missing in 1998. The fate of 109 of these persons was not known, they said. Eight of these were arrested and killed by the Sri Lankan Army and forty seven were released.

In 1997 alone, there were over 700 persons had disappeared in the District of Jaffna alone. This led to an Association being formed of the parents of those missing - ***"Guardian Association for person Arrested and Latter Disappeared".*** What was equally tragic was that they sought an 'audience' with the President of Sri Lanka and a date was given in July 1997. But when they came to Colombo, amidst great inconvenience, ***the Sri Lanka's President refused to see them and they were forced to return to Jaffna!***

But the occupying centre stage today is the disclosure by two soldiers who were accused in the well known Krishanthy Kumaraswamy case that there were over 400 bodies buried in the open tract that is Chemmani. This disclosure was made in Court on 3rd July 1998. More than six months have passed since then and nothing has been done to investigate the mass graves. ***Please see page 00 for further information on mass graves.***

தமிழீழ ஆவணகம்
Tamileelam Archive

White van abductions continue

Cases of abduction of young people continue. The feared "unmarked white vans" still operates. On 26 October 98, four Tamil youths were abducted by six unidentified armed men in Kalmunai, south of Batticaloa. The parents reported the incident to the HRC, the Chairman of which contacted the local Special Task Force (STF) where he was told they had not made the arrests.

Cases of Involuntary disappearance in Sri Lanka reported to the UN Working Group on Enforced or Involuntary Disappearances, ***between 1980 and 1996.***

Cases transmitted to the Government :

Total No. of cases	:	11513
Female	:	127
Outstanding	:	11449

Clarifications by Government: 30
Clarifications by NGOs sources: 34

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SUMMARY EXECUTIONS

The incidence of extra judicial killings is far too numerous and far too widespread in the North-East to catalogue or categorise. From indiscriminate aerial bombings to secretive sniping, one comes across extra judicial killings.

Few recent massacres and major killings : (many more to be included)

Major incidents	Date	No. Killed	No. Injured
Nachchikuda Massacre	18/04/1995	30	060
Navaly St. Peter's Church Massacre	09/07/1995	165	150
Nagar Kovil School Children Massacre	22/09/1995	71	100
Kumarapuram Massacre	11/02/1996	24	-----
Poonaithoduvai in Kilinochchi	18/02/1996	11	-----
Muthumariyamman Temple - Jaffna	03/03/1996	07	21
Sithandi, Kaluvenkerni - Batticaloa	11/05/1996	18	30
Massacre in the Kilali Sea	20/04/1996	42	075
Bolgoda Lake - Colombo	Mar.1996	21	-----
Puttur - Jaffna	03/06/1996	08	-----
Mallavi Town - Mallavi, Vanni	24/07/1996	09	24
Puthukudyiruppu - Kilinochchi	31/07/1996	10	30
Kilinochchi town - Kilinochchi	25/09/1996	05	09
Puthumurippu - Kilinochchi	25/09/1996	05	15
Vavunikulam - Kilinochchi	26/09/1996	04	12
Konavil - Kilinochchi	27/09/1996	04	08
Akkarayan - Kilinochchi	29/09/1996	04	07
Ponnalai Bridge in Jaffna	29/01/1997	09	-----
Batticaloa - Valaichchenai	09/03/1997	11	04
Kilinochchi - Uruthirapuram	16/04/1997	05	01
Mullaitivu - Nedunkerni	15/05/1997	04	-----
Mankulam - Town	09/06/1997	07	05
Kilinochchi - Akkarayan	15/07/1997	04	07
Mullaitivu - Nedunkerni	17/07/1997	08	022
Trincomalee - Hindu Temple	17/07/1997	04	02
Vavunikulam - Church - Vanni	15/08/1997	09	021
Mullaitivu	11/08/1997	40	086
Amparai - 4th colony	24/09/1997	08	013
Mullaitivu - fishermen	02/10/1997	08	----
Market Place in Batticaloa	11/12/1997	05	53
Kalutara Prison	12/12/1997	03	20
Jaffna Coast - Jaffna	27/01/1998	09	15
Thampalakamam	01/02/1998	08	019
Vaddakkachchi in East Paranthan	26/03/1998	08	037
Suthanthirapuram in Mullaitivu	10/06/1998	32	052

தமிழீழ ஆவணக்காப்பகம்
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Chemmani mass graves

In September 1996, Krishanthi Kumaraswamy, a student at the Chundikuli Girls School was attacked by Sri Lanka Army and police personnel at a military checkpoint in Jaffna. She is said to have been gang raped by up to 11 security forces personnel, before being murdered.

When Krishanthi had not returned home, her mother, brother and a neighbour went to the checkpoint. They too were arrested and 'disappeared'.

This incident brought widespread local and international condemnation which eventually led to government taking steps to search for the missing people. Finally their bodies were found in a shallow graves several weeks later. Krishanthi's body had been dismembered. On the orders of the Government, the bodies were flown to Colombo Krishanthi's family was told to dispose of the bodies within two hours.

The Sri Lankan government ordered the arrest of the suspected soldiers and police personnel. However the trial took nearly two years leading to accusations that the government has been dragging its feet.

Meanwhile, on 27 November 1997, Amnesty International issued a News release stating that their delegation which visited Sri Lanka had concluded that of the 600-odd people who have "disappeared" in the last 18 months after their arrest by the security forces, nearly all have died as a result of torture or been deliberately killed in detention.

தமிழீழ ஆவணகம்
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On 3 July 98, the Colombo High Court sentenced five Sri Lanka army soldiers and a policemen charged with abduction, rape and murder in the Krishanthy Kumaraswamy case to death.

Ironically, an admission by one of the soldiers accused in the Krishanthi case has highlighted the magnitude of the problem. On being asked why he should not get the death sentence, the first accused in this case, Corporal R.D. Somaratna Rajapakse, reportedly denied murder and said in court "We only buried bodies. We can show you where 300 to 400 bodies have been buried". He also reportedly said, "almost every evening, dead bodies were brought there and the soldiers were asked to bury them".

The whole world was alarmed with Corporal Rajapakse's statement in Court and the Government kept silent about it. Expectations of finding the bodies of 'disappeared' have risen in the minds of the public since 3 July 1998.

On July 08, 1998 - the NGO Consortium of Jaffna told the National Human Rights Commission - Jaffna, that not only should unauthorised graves at CHEMMANI be excavated, but mass graves in other parts of Jaffna too should be opened. The Mission for Peace and Harmony, which is dominated by Roman Catholic clerics also appealed to Sri Lankan President Chanrdrika Kumaratunga to investigate into the matter of the mass graves at Chemmani.

Yukthiya named the Commanders responsible

The July 12, 1998 issue of Yukthiya, a Sinhala weekly has written an article on Chemmani mass graves and also published a map of the area marking the location where the bodies were buried.

The Yukthiya article said the following :

"Between 300 and 400 of the 700 civilians who were reported missing soon after the Sri Lankan government forces took control of the Jaffna peninsula three years ago are buried in the paddy fields surrounding the main road near Chemmani checkpoint. There are no other buildings in the area, except the structure of the check point.

After the completion of 'Operation Riveresa' security personnel manning the Chemmani check posts received dead bodies with specific orders to bury them. They also received some living prisoners to be killed and buried, the paper reports.

All these killings took place on the instruction of the senior commanding officers in Jaffna at that time, reports the paper.

According to our sources, these mass graves are quite close to the location where Krishanthy was buried after being repeatedly raped.

Soon after the "Riveresa Operation", Jaffna was under the command of **Brig. Sri Lal Weerasuriya (present Commander in chief of the Sri Lanka Army),** under whom two other **Brigadiers, Janaka Perera and Karunatilake,** were handling security in prescribed areas. **The Chemmani** area was under the command of **Brig. Janaka Perera.**

There is absolutely no way that so many civilians could have been killed and buried without the knowledge of these officers.

If an inquiry is ever launched into this affair, the part played by these officers should also be exposed to protect the true image of Human Rights in Sri Lanka."

Attempt to alter the topography of the location

On 22 July 98 - the National Human Rights Commission has urged the Sri Lankan Government to protect the areas of Chemmani where the bodies of people who disappeared while in military custody in Jaffna are alleged to have been buried.

The Human Rights Commission said that there are indications that some interested parties would try to alter the topography of the location of the mass graves to remove clues or traces, and it urged the government to prohibit unauthorised persons from entering the area.

Rajapkse's statement recorded

According to the National Human Rights Commission, it has independently recorded a statement from Corporal Somaratne Rajapakse on July 23. It was expected to visit the site immediately with forensic experts from the Colombo University but it was postponed indefinitely.

Debate in the Parliament

On July 23, 1998, during the adjournment debate on Chemmani mass grave in the Sri Lankan Parliament, both main parties the UNP and the SLFP, attacked each other for human rights violations in their respective terms of office.

The UNP members said that the government was trying to hide what had happened in Chemmani, because it had occurred during its term in office.

Replying to this, Minister of Parliamentary affairs said that the UNP had no right to talk about this, and that only the Tamil and Muslim parties could do so!

He also asked the UNP members whether investigations were conducted to find out what happened during the July 1983 violence in which large numbers of Tamil people were killed.

Government's first statement

The Ministry of Defence said on July 25, 1998 that it had advised the Criminal Investigation Department of the Sri Lankan Police to launch an investigation into the alleged mass graves.

Meanwhile several NGOs, human rights activists and politicians appealed to the Human Rights Commission asking that ***foreign experts*** be brought to excavate the mass graves at Chemmani.

Amnesty International

தமிழீழ ஆவணக்காப்பகம்
Tamileelam Archive

On August 03, 1998 - Amnesty International appealed to the Attorney General of Sri Lanka "to allow the Criminal Investigation Department (CID) and National Human Rights Commission (HRC) to jointly carry out preliminary investigations of the site at Chemmani, Jaffna with the help of leading forensic experts in the country".

Amnesty International asked the Attorney General "to ensure that the CID and HRC investigations were properly conducted" and "to ensure that the investigations of the site, including any exhumation was impartially and independently conducted in such a way that any evidence collected was admissible in court".

Amnesty also called on the Sri Lankan government to invite "international forensic experts with specific experience of excavating and examining (bodies) in situations relevant to specific type of exhumation required at Chemmani"

Chemmani road closed by the Army

During the third week of July 1998, the Sri Lanka Army kept the Kaithady-Nallur road passing through Chemmani closed. This has led to suspicion and unease in the minds of the Jaffna public.

With the closure of the Kaithady-Nallur road there is no movement of civilians in the Chemmani area.

On August 2, 1998 - the People's Power Forum (PPF), a civic organisation in Jaffna had passed a resolution demanding that Sri Lanka Army should take steps to open the Chemmani road as early as possible.

Corporal Rajapakse attacked by prison guards

On 23 August 98, Corporal Somaratne Rajapakse was attacked by Welikade prison guards and admitted to the prison hospital for treatment for injuries he sustained.

This attack is believed to have been carried out on the instruction of the Army commanders responsible for the Chemmani mass graves. It was an attempted murder on Corporal Rajapkse. He was released from hospital on 28 August 98.

Amnesty's concern of Corporal Rajapakse

In a press release issued on 26 August 98, Amnesty International has expressed concern for the safety of Corporal Rajapakse who revealed the existence of mass graves in Chemmani. "There are fears for the safety of Somaratne Rajapakse who is in Welikade prison hospital following an attack on him by prison guards on 23 August 1998.

Amnesty said that one of the attackers subsequently visited him in hospital and allegedly threatened him not to talk about the incident **"or you won't be able to leave the prison alive".**

The press release further said that "the attack on Somaratne Rajapakse appears to have resulted from **his refusal to sign a written statement offered to him by the guards, reportedly on the order of "the Minister"**, to the effect that he had been emotionally disturbed at the time he made the statement to the High Court about the mass graves and that it was untrue".

Somaratne Rajapakse subsequently attempted to swallow the paper he was being asked to sign, in order to preserve it as evidence, but the guards violently extracted it from his mouth, contributing to some of his present injuries said Amnesty.

TCHR appeal to OHCHR and Sub Commission

The delegation of the Tamil Centre for Human Rights - TCHR had brought the Chemmani mass graves to the concern of the High Commissioner for Human Rights - Mrs. Mary Robinson and other officials in her office on 16 and 21 August 1998.

In August 1998, during the 55th session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities Human rights, TCHR delegation raised this issue on several occasions with the Chairman of the Sub-Commission Mr. El Hadji GUISSE and with all other members (Experts). Many interventions were also made by NGOs in the forum expressing concern on the Chemmani mass graves.

On August 10, 1998, more than 10,000 Tamils who demonstrated in front of the United Nations office in Geneva, demanded the United Nations to raise the question of mass graves in Chemmani.

Sri Lankan delegation kept silent in the UN Sub-Commission

The Sri Lankan delegation represented in the 55th session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, kept silent on the issue of mass graves in Chemmani.

This made the NGOs and others in the Sub-Commission to have a second thought whether the Chemmani mass graves were not within the territory of Sri Lanka! Some were adamant that Sri Lankan delegation should answer on these mass graves since the accusations were pointing at the Sri Lankan army.

Transfer of officials who collected data on Chemmani mass graves

August 29, 1998, two officials working at the National Human Rights Commission in Jaffna have been transferred from Jaffna. The transfer order issued by the Commission's head-office in Colombo asked both, the co-ordinator Mr. Senaka Dissanayake and his associate Mr. Lohan Chandrasekera to cease their activities in Jaffna and report for duty in their previous working places.

Both were involved in collecting information about the 700 or so people who 'disappeared' after being arrested by the Sri Lankan military, and were reportedly adopting a 'sympathetic approach' to the cases. This transfer order has come at a time when the Chemmani mass graves issue is being discussed both locally and internationally.

தமிழீழ ஆவணக்காப்பகம்
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Meanwhile the Union of NGOs in Jaffna has written to the Human Rights Commission to cancel the transfer. The Union head, said in his urgent letter to the Commission's head office, that the transfer has alarmed the people of Jaffna, as these two officers were able to gather details about Jaffna's missing people and were gathering data on Chemmani mass graves.

Many other mass graves in Jaffna peninsula

The press release issued by the Tamil Centre for Human Rights - TCHR on 29 August 98 said that the TCHR sources in Jaffna reported that the bodies of a large numbers of Tamil civilians who 'disappeared' under Sri Lankan military custody may have also been buried in the Vasavilan and nearby Punnalaikadduvan areas". The TCHR also said it was concerned that the evidence at Chemmani was being destroyed.

The Vasavilian/Punnalaikadduvan area, located along the Palaly-Jaffna road, three miles from the Sri Lankan military complex at Palaly is under Sri Lankan Army control for several years.

Smoke rising and bulldozers working in the Chemmani area

TCHR press release of August 29, 1998, also said "reports from the Jaffna peninsula say that, on occasion, smoke has been seen rising from the direction of Chemmani since the area was sealed off. This contributed to concerns that Sri Lankan soldiers who might have been responsible for 'disappearances' may currently be deployed to destroy the evidence at the site."

In the meantime various other organisations have said that there are allegations from the people of the area that there are nefarious activities at night with spot lights burning, bull dozers feverishly working, helicopters descending and smoke emanating at Chemmani.

Plot to harm Rajapakse

During the first week of September 98, Corporal Somaratna Rajapakse appealed to prison authorities that he be transferred to the Bogambara prison in Kandy as he fears for his life at the Welikada jail in Colombo. Legal sources in Colombo said that Rajapakse has expressed concern that there is a plot to seriously harm him.

Sinhala news paper accuse Government

A Sinhala language news paper has accused the Government in its Sunday (6/9/98) editorial, of deliberately delaying the inquiry into the mass graves. The paper gave extensive coverage to the mass-graves issue and said that the **Government was citing legal loopholes as an excuse for not opening an inquiry.**

The paper further says that President Chandrika Kumaratunga who, while she was Prime Minister marched her supporters towards the mass graves at Sooriyakanda, should use her executive presidential powers to excavate the graves at Chemmani. This is the expectation of the people, the paper added.

Mentioning that the near monsoon set to begin in two months, the paper suggested that the Government should speed up the process of excavation.

தமிழீழ ஆவணக்காப்பகம்
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Rajapakse could identify the mass graves on the video

The People's power movement (The Makkal Sakthi Iyakkam) of Jaffna sent a letter to the Sri Lankan President on 7 September 98, suggesting that Corporal Somaratna Rajapakshe should be made to identify on video tape the location of the mass graves in Chemmani.

The letter further said that the government had delayed bringing over Rajapakse to Jaffna to identify the graves because of security reasons and this has now given rise to the fear among the people of Jaffna that something untoward might happen to him to cover up the mass graves.

In these circumstances, it made the following recommendation on the question of the Chemmani mass grave :

1- An area 1.5 kilometres in radius, covering the Chemmani Road-Kandy Road, should be filmed on Video.
2- This video tape should be played to Rajapakshe so that he could identify the spot where the mass graves were located.
3- That Rajapakse should be filmed on video watching the video of the Chemmani area and identifying the mass graves on that video.

That Rajapakse's statement should also be recorded on video tape once he identifies the mass graves.

Smoke and vehicles moving in the Chemmani area

On September 8, 1998, the Missing Person's Guardian Association - Jaffna (MPGA) sent a letter to the National Human Rights Commission urging it to take action on the Chemmani mass grave issue without delay in view of reports that there are secret moves to destroy evidence on the Chemmani mass graves.

The MPGA expressed fear that evidence might be damaged due to the monsoon rains that are expected to start next month.

The MPGA letter further states that there are complaints from civilians that they had seen smoke and vehicles moving about in the Chemmani area after dark.

MPGA planned to file Habeas Corpus

On September 20, 1998, members of the MPGA decided to file a habeas corpus petition for the missing persons in Jaffna.

MPGA sources said that the Habeas Corpus case might eventually compel the authorities to examine the area of the Chemmani mass graves. Some 'disappeared' persons were arrested at the Chemmani junction and were missing since then.

Many NGOs demonstrate over Chemmani

On 25 September 98, more than five hundred people took part in the march and squat to protest against the government's apathy towards the Chemmani graves and missing persons in Jaffna organised by the Jaffna NGO consortium, Mothers Front, the Missing Persons' Guardian Association (MPGA) and a large number of public interest groups.

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The marchers went to the office of the National Human Rights Commission (NGRC) office and submitted a memorandum to the Office Assistant. The people told him that they would not move from the premises until they got a clear reply from the Commissioners. The crowds waited in the rain until a reply was received.

In the afternoon, the NHRC replied that they would initiate action on the Chemmani graves by early October 98. The demonstrators were not satisfied with the NHRC's reply.

Appeal signed by 10,000 people to Mary Robinson

Colombo, Sep 27, 97 (AFP) - A Sri Lankan rights group has called on the United Nations to open the suspected mass grave of 500 Tamil civilians in northern Sri Lanka.

The "Guardians' Association for persons arrested and disappeared in the north" made the appeal in a letter signed by 10,000 people and sent to United Nations Human Rights Commissioner Mrs. Mary Robinson.

"We are really annoyed and impatient about the attitude of the Sri Lankan government which is purposely delaying exhumation of the mass graves at **Chemmani**, in the northern Jaffna peninsula", said Guardians head P. Selvarajah after the letter was released Saturday.

He also cast doubts on the impartiality of the Human Rights Commission (HRC) set up by the government to find out about alleged massacres.

They said the HCHR had already informed the Commission that it could not assist in the exhumation process because it had not received permission from the Sri Lankan government.

Three skeletons found

During the first week of October, three skeletal remains were found in a toilet pit close to a former Sri Lankan Army sentry post, at Uthayanagar in Kilinochchi. The skeletons had their hands tied behind their backs, and the skull of one showed damage from a heavy blow.

The Skeletons are believed to be of people who had returned to examine their homes, which they had fled after the Sri Lanka Army moved into Kilinochchi in late 1996. It is believed that the residents had been arrested and subsequently killed by the Sri Lankan Army in the region.

Amnesty meets Attorney General

In a press release on 30 October 98, Amnesty International said that the Sri Lankan government "must guarantee" the safety of forensic experts to enable international observers to participate in the exhumations of the alleged mass grave at Chemmani.

தமிழீழ ஆவணகம்
Tamileelam Archive

Amnesty warned the operation "was being held up by the government's failure so far to provide assurances of full co-operation and security for all those participating in the exhumations".

Amnesty said it had recently met the Attorney General and officials of the Ministry of Foreign Affairs, Ministry of Defence, police and the government sponsored Human Rights Commission (HRC) regarding the pending exhumations.

The Attorney General had told Amnesty that "a lot of preparatory work had been done" and said **that part of the delay was due to fears for the safety of local forensic experts and of the soldiers who are to point out the locations of the graves.**

The HRC had written to the Sri Lankan President seeking guaranteed protection for foreign forensic officials, but had not yet received a response, said Amnesty.

Vanni Citizen's Committee urge OHCHR

On the second week of December 98, the Vanni Citizen's Committee urged the Office of the High Commissioner for Human Rights - OHCHR to intervene in the affair of the Chemmani mass graves and to bring pressure to bear on the Sri Lankan government to take appropriate action against those responsible for the killing of those buried in the graves.

The Committee sent a memorandum on the matter to the Commission. The letter states that, although international agencies have come forward to assist in the exhumation of the graves, the government have ignored them.

The memorandum points out that there are more mass graves in Vasavilaan and Punnalaikadduvan areas of the peninsula, near the Sri Lankan military complex at Palalay and that there is suspicion that there may be more mass graves in the Eastern province as well.

The memorandum urged the OHCHR to request the Sri Lankan government to launch an investigation into the large number of missing civilians in Jaffna and about the allegations of mass disappearances due to army action.

The Citizen's Committee pointed out that the residents of Kopay near the Chemmani mass graves had told that they had seen movements of vehicles and lights during the night in Chemmani area and have complained to the authorities that they had smelt the burning of human remains.

The memorandum accuses the Sri Lankan government of supporting the Sri Lanka Army engaged in criminal offences against innocent Tamil civilians.

Criminal Investigation Division involved in 'Cover up'

On 08 January 1999, Jaffna district judge A. E. Ekanaathan told the Sri Lankan Criminal Investigation Division (CID) Superintendent of Police, **that a solid expert has to examine the site of the alleged mass grave in Chemmani in Jaffna before the excavations could begin.**

தமிழீழ ஆவணக்காப்பகம்
Tamileelam Archive

The CID Superintendent moved a motion in the court seeking an order to bring two analysts from Colombo and the Ruhuna University to begin excavations at the site of the mass graves of Chemmani in Jaffna.

The judge, commenting on the motion filed by the CID, said that the mass graves are now three years old and that the area is presently under water due to the heavy monsoon rains.

Therefore, the judge said that he will issue an order to the CID to bring the forensic expert from the government analyst's department and an analyst from the Ruhuna University only after seeing the report of a soil expert who examines the Chemmani mass graves site.

The decision of the judge come in the wake of reports that the Sri Lankan government is secretly destroying the remains in the Chemmani graves.

A columnist to the Colombo English weekly 'The Sunday Leader' hinted that the CID might be involved in the 'cover up'. The present flooding in the area is a convenient excuse to confound the evidence, said a legal source in Jaffna remarking on the decision of the judge.

Mr. A. E. Ekanathan then postponed the case until 29th January 99.

Are Chemmani skeletons missing?

(Excerpt from 'Midweek Mirror' - 14 January 1999)

A Tamil party has accused the government of acting too late in probing the alleged mass graves in Chemmani, thus allowing interested parties to remove skeletal remains or otherwise tamper with evidence.

PLOTE vice-president N. Manickathasan said the Kumaratunga Government had taken as much as five months to make the first move in probing the allegation that the bodies of hundreds of Tamil civilians were buried in Chemmani.

Mr. Manickathasan said the Government had for some reason dragged its feet on the probe and he feared that evidence might have been removed or tampered with.

Hearing postponed until March 5

On 29 January 1999, after hearing the explanation from government investigators. the Jaffna District Magistrate fixed a new hearing for March 5, when he will decide on when the digging will start, the Daily News reported.

Sri Lanka's misleading statement on mass graves

To our great surprise, the Sri Lanka's Ministry of Foreign Affairs and the Embassy of Sri Lanka in Washington D.C. released a statement on 11/02/99, saying that the alleged mass graves at Chemmani would be exhumed on March 5! The statement further said that "with a view to be transparent on the allegations made against the members of the armed forces, the Government has agreed to permit interested non-governmental organisations, whether local or foreign, to engage the services of independent forensic expert to observe the exhumations. Similarly, interested local and foreign media can arrange to cover the exhumation work which is due to commence on March 5, 1999.

Tamileelam Archive

TCHR Press release

TCHR press release of 12/02/99, said that "their is no truth in the statement of Ministry of Foreign Affairs and this show the desperateness of the Government in the Chemmani affair."

It further said "even though the Jaffna peninsula is under the control of the government of Sri Lanka - it took almost eight months to start judicial process regarding the exhumation. When mass graves were found in other parts of Sri Lanka, action has commenced within twenty four hours - without any judicial process!

Judge complained to the J.S.C.

Magistrate S.A.E. Ehanathan has taken exception to a Foreign Ministry statement that set March 5 as the excavation date, saying he would review the situation on that day, court officials said on condition of anonymity.

The judge told the Judicial Service Commission, which oversees judicial work, that he had not set a date for the excavation and ***considered the Foreign Ministry's statement an interference.***

It was not immediately known why the Foreign Ministry made the statement without consulting the judge. ***(Associated Press (AP) 13/02/1999)***

FREEDOM OF EXPRESSION

Press censorship

There have been three periods of media censorship since 1995. The first from October 1995 to December 1995, the second, from July 1996 to December 1996 and the third from June 1998 to date.

Censorship has to be viewed with the imperatives of the Right to Information ***which right does not exist in the Constitution of Sri Lanka.*** The Government suffer from a paranoid about its record of gross human rights violations being exposed to the outside world, that it will go to any length to stop the outside world from knowing what exactly is happening in Sri Lanka, under cover of censorship.

To draw an example : In March 1997, Mr. G. G. Ponnambalam was requested by certain NGOs to make representations on behalf of the Tamils, at the 53rd Session of Commission on Human Rights. On his departure from the international airport in Sri Lanka, an army of customs police officers shamelessly rummaged through his personal belongings, as if in search of a rat, to get at his papers.

Reporters are always denied access to the North to obtain first hand information on what is happening there.

The Sri Lankan Government often resorts to misinformation in its attempt to cover up its violations of humanitarian rights. Even with a censorship on, the Government takes members of the diplomatic corps. and journalists on frequent "conducted tours" having set the stage, in the war zones of the North and East, to show and tell only what it wants to show and talk about. In other words, Sri Lanka is an outstanding example of a country that has succeeded in getting away with violations amounting to genocide proportions merely by blocking information or by manipulating it.

தமிழீழ ஆவணகம்
TamilEelam Archive

Report of Article 19

In a report released on 20 January 99, the British anti-censorship group "Article 19" accused the Sri Lankan authorities of using emergency regulations to conceal information about the conflict from ordinary people.

It says that appointment of an official censor to vet domestic media coverage of the civil war is a chilling development that seriously impedes the free flow of information about key issues of public interest.

The report says ordinary Sri Lankans are kept in the dark about the high number of casualties on both sides and the extent of civilian displacement.

Article Nineteen's spokesman, Malcom Smart said, Article 19 is also concerned that many libel cases in Sri Lanka are treated as criminal cases allowing journalists to be imprisoned. But they stress it is not just the government that is exerting pressure on reports, ***so too is the military.***

Harassment of journalists

Mr. Sri Gajan, a journalist from the Tamil daily the "Veerakesari" was arrested on 16 July 1998 from the "Veerakesari" office by officials of the Criminal Investigation Department (CID) in Colombo.

Mr. P. Manickavasagam, a senior journalist in the same news paper "Veerakesari" was arrested by the Sri Lankan Police in Vavuniya on 20 July 1998.

A prominent journalist and author, Mr. Mathusoothanan had been abducted by unidentified persons on 26 August 1998 at around 6.00 p.m. The incident happened while he was walking along the Galle Road in Bambalapittiya (Colombo) with two of his friends. According to his friends, Mr. Mathusoothana was manhandled by a man wearing white T-shirt and blue jeans who then took him in a jeep that was parked nearby. They further said that there were several persons in the jeep in military uniforms.

On 29 August 98 - Mr. Velupillai Thavachelvam - a journalist working for the "Uthayan", the Tamil daily in Jaffna was severely assaulted by unidentified persons, suspected to be members of the Sri Lankan security forces. He was assaulted at his residence in Sembianpatty in Vadamarachchi East in the Jaffna peninsula.

No reason had been given for the arrest of journalists including the abducting and attack on them.

The newspaper reporters on their way to cover Parliamentary news and news about Ministerial decisions, are forced to undergo extremely stringent checks at the Checkpoint at the Jayanthipura junction in Colombo. The reporters are forced to wait in the sun in the middle of the road and their photographic and television equipment are given thorough examination, complained the reports.

On 22 January 99 - Unidentified gunmen opened fire on the vehicle in which a group of foreign and local journalists and photographers were travelling on the Chillaw-Anamaduwa road to report on the (Provisional) election campaign. Sources said the journalists AFP, PTI, The Hindu, Indian daily photographer and AFP photographer were in the vehicle.

Harassment of a lawyer

Mr. Kumar Ponnambalam, a leading Criminal Lawyer and General Secretary of the All Ceylon Tamil Congress, the first Tamil Party in Sri Lanka was interrogated by the Criminal Investigation Department (CID) on 13 January and 20 January 99.

According to the CID, Mr. Ponnambalam was deemed to have committed a crime under section 2 (1)(h) of the PTA during his interview with the Swarnawahini TV channel. Mr. Ponnambalam stated that nowhere in the Swanavahini interview did he say anything to offend that section 2 (1)(h) of the PTA.

This is considered as political revenge by the Government on Mr. Kumar Ponnambalam for exposing the fallacies in Sri Lankan President Chandrika's interview to the South African

Television. In this TV interview, President Chandrika Kumaratunga had said : **"They are wanting a separate state - the minority Tamils who are not the original habitants of the country".**

The Island of 20/1/1999

The reason for Mr. Ponnambalam to be questioned by the CID is most probably to harass him into silence and to intimidate others not to emulate him. This is part of the ostrich syndrome practised by the Sri Lankan government.

■ **by Jegan Perera**

Harassment of a Member of Parliament

An opposition member of Parliament Dr. Jayalath Jeyawardena, a well known human rights activist, who has been an outspoken critic of the Sri Lankan government was interrogated by officials of the Criminal Investigation Department on 9 September 1998.

It is believed that this harassment of Dr. Jayawardana by the Sri Lankan Police was intended to silence him and bring pressure to bear on the Sri Lankan opposition parties.

தமிழீழ ஆவணக்காப்பகம்
Tamileelam Archive

INDEPENDENCE OF THE JUDICIARY AND ADMINISTRATION OF JUSTICE

Supreme court judge, Mr. Mahanama Thilakaratne was arrested on 16 September 98 by officials of the Criminal Investigation Department (CID) for unknown reasons. The judge's arrest move was a challenge to the independence of the judiciary and the whole of the Sri Lankan society.

The Bar Association of Sri Lanka condemned the arrest of the judge as "a gross violation of personal liberty and safeguards provided by law". Many lawyers believe the arrest is solely politically motivated. In Sri Lanka, the Government wields undue influence over the country's judicial system.

Judicial Independence in Sri Lanka

(Excerpts from the report of Centre for the Independence of Judges and Lawyers)

Sinhala is officially used as the language of the courts. Even in parts of Sri Lanka where Tamil is the language of administration, it is also the language of the courts. Parties and their lawyers who are not conversant with the language of the court are entitled to use the other language and to the services of an interpreter provided by the State. The Minister of justice may authorise the use of English in any court. In practice, the proceedings of the Supreme Court and the Court of Appeal are conducted in English.

There are serious problems for Tamil litigants and lawyers, particularly in Colombo. The right to the services of an interpreter is not observed because interpreters are not available. Few judges can function in Tamil. Publication of legislation and Emergency Regulations in Tamil is not up to date. Law Reports and textbooks are not available in Tamil.

Women and Tamils are underrepresented on the bench. There are no women judges of the Courts of Appeal and, as we understand it, there is only one woman High Court judge out of 26. There is one Tamil judge of the Supreme Court, one of the Court of Appeal, and one of the High Court, though on a proportional basis there would be two at each of the two appellate levels and four or five in the High Court.

An increasingly serious problem is the inadequate knowledge of English of many of the newly appointed judges of the lower courts. Almost all the law reports are in English; there are hardly any law reports in Sinhala and ***none at all in Tamil.*** It is therefore of great importance that judges should be able to read and understand judgements in English.

(See annexe for the recommendations of Centre for the Independence of Judges and Lawyers)

Impunity

Every fact finding mission which has visited Sri Lanka has raised the question of impunity in Sri Lanka.

Mr. Bacre Waly Ndiaye - special rapporteur on extra judicial, summary or arbitrary executions who visited Sri Lanka from 24 August to 5 September 1997 - said in his report (E/CN.4/1998/Add.2 - dated 12 March 1998) that "Soldiers convicted of rape or other crimes could be granted bail once the investigation is completed. While on bail, these soldiers are often transferred to other parts of the country, thus making it difficult to trace them. Often, they will not report for further investigation.

He further said the systematic absence of investigation, either civil or military, into violations of the right to life facilitates impunity. Investigations are rarely conducted and when they are, they do not lead to the appropriate convictions or penalties.

Impunity for those responsible for human violations remains a serious concern. Progress in a few court cases against members of the security forces charged in connection with disappearances and extra judicial executions is slow, as are investigations into many other cases".

Some of the murder cases of Tamils are either dragged or have been abandoned. The Bolgoda (near Colombo) Lake case in which 22 policemen were charged with the murder of 21 Tamils in custody at the Colombo Special Task Force (STF) headquarters has been abandoned.

தமிழீழ ஆவணக்காப்பகம்
Tamil Eelam Archive

In December 98, 65 Sri Lankan Police officers who were involved in the brutal anti-JVP campaign in the South during the late 80s have been given promotions and cash rewards between 25,000 and 300,000 rupees. The Sri Lankan security forces have massacred over 60,000 youths in the South during the JVP up-rising in the 80s. The names of some of the Policemen who have got this reward had been published in the Sinhala weekly Ravaya in its December 98 issue.

Razeek group in Batticaloa

The group extorting gold, money and good from almost every local industry in Batticaloa is known to the public as the "RAZEEK GROUP". This group collects from local farmers five hundred Sri Lankan rupees for every acre of paddy that is harvested in Batticaloa. They collect nearly 2.5 million rupees during each harvest in Batticaloa.

This group which numbers some 200, now operates under the supervision of the Sri Lankan military officials in Batticaloa. The group runs a camp in Batticaloa town in what was formerly the residence of an ex-parliamentarian. Some of the group's members have been trained at the Sri Lankan Infantry Training School in Minneriya, about 120 kilometres north-west of Batticaloa.

Some Sri Lankan Police officials claim that although they are aware of the "Razeek Group", they were ordered by the Ministry of Defence not to intervene or investigate into this massive organised extortion!

Local businessmen and the people of Batticaloa feel that this group collect gold, money and goods in Batticaloa with impunity of the Government.

The newly appointed Sri Lanka's army commander had told the leaders of the Razeek group that they should recruit more Tamil youths from Batticaloa and work more closer with them.

There are several other paramilitary groups known as Anwer group TELO, EPDP and PLOTE also function in Batticaloa and other parts of the East.

Security officials in the North - East

Most of the Police and Army officials in the North - East had been already convicted or guilty of having committed a crime during the JVP up-raising in the South in the 80s. These notorious security officials were sent to the North -East to achieve the Government's "War for peace", programme.

Now there is a special unit in Colombo that consists of this type of officials to screen Tamils in Colombo!

தமிழீழ ஆவணக்காப்பகம்
Tamileelam Archive

RELIGIOUS INTOLERANCE

The Sri Lankan constitution declares Buddhism as the state religion and that the state has the responsibility of protecting Buddhism. Other religions do not have any official status in Sri Lanka.

The role of the Church in Sri Lanka

(Excerpt from 'The Island' of 22/1/99)

In most instances, analysts point out, a conflict arises because the Church succeeds where the government fails. The Church tends to thrive in areas of strife and dissent. Not that the Church is responsible for this, but it finds the situation ideal to work with the people and earn their trust - to fill the vacuum.

The Church in Jaffna and neighbouring areas has been able to reach out to the common people and look after their immediate problems - it implements a number of programmes to generate self-employment and works for community development. It runs a chain of educational institutions and takes care of the nutrition needs of children and ensures that many of them go to school. In addition to the existing skeletal health care system, it offers a complementary service, sometimes with the help of foreign doctors.

Above all, the Church also caters for to spiritual needs of a strife-torn society. Prayer, peace, counselling and extensive interaction help the people retain their hope and faith.

But in southern Sri Lanka, the Buddhist clergy often battle it out with the Church in the controversy over conversions. The Church, therefore, adopts a low-profile there to avoid any confrontation with the majority or the Government, which also comes under Buddhist pressure.

Army encamped in Temple premises

The Sri Lankan Army in Vadamaradchi and Thenmaradchi in Jaffna peninsula is encamped in the premises of several temples in the area. The devotees are unable to hold 'poojas' (prayers) in these temples because of the Army's presence.

Currently the army is camped in the Vallipuram Aalvaar temple and Naagathambiraan temple (Nagar temple) both south of Point Pedro in the Vadamaradchi division. In the Thenmaradchi division the army has detachments at the Pillaiyar temple in Iyakkachchi and at the Thiriyai Amman temple in Pachchilaippalli.

In the Batticaloa district, the army is encamped by the local temple at Morokkottaanchenai.

The military trained Police detachment is in the premises of the Maamangam temple on the outskirts of Batticaloa town. The Special Task Force (STF) camp at Chettipalayam, south of Batticaloa is located similarly.

Protest by Buddhist monks

A project to build a temple to the Hindu god Ram at Seetha Eliya near Nuwara Eliya in the island's hill country now hangs in the balance following a strong protest by forty Buddhist organisations on 29 December 98. These Buddhist organisations began a protest claiming that the Ram temple complex at Seetha Eliya in Nuwara Eliya was an insidious conspiracy on the part of Hindu India to destroy Sinhala Buddhism in Sri Lanka.

Hundreds of Buddhist monks demonstrated at Borella junction in Colombo on 21 December 99 to protest against the ***building of Hindu temples*** in various parts of the country and the introduction of the ***Halal bill.***

The demonstration was organised by the National Sangha Council, a militant Buddhist organisation led by monk Maduluwawe Sobitha. ***He said that the Hindu temples are coming up on land belonging traditionally to the Sinhalese.***

Ven. Maduluwawe also stated that the Halal Bill which would make it mandatory for several food products to be made according to the Islamic Thaqbeer procedure may be the ***first step to a greater future threat to Buddhism and Buddhist culture from the Muslim faith.***

Denial of right to pray

Prayer meetings to be held at religious places and schools to commemorate the 15th death anniversary of people killed in the anti-Tamil riots of 1983 were not permitted by the police and military authorities in Batticaloa.

The Sri Lankan Army banned the early morning Pooja for the Thiruvembaavai ceremony at the Pillaiyar temple in Vaakarai, 56 kilometres north of Batticaloa. Thiruvembaavai is a Hindu religious ceremony observed by devotees in the early hours of the morning in January, before the crack of dawn, by singing special devotional hymns while walking in procession through the village.

தமிழ் ஆவணக்காப்பகம்
Tamil Eelam Archive

Atrocities on religious places and priests

On 4 June 1998, two Christian priests, Dominic and Christianpillai from Iranaimadu, Kilinochchi were killed in an air strike carried out by Kfir jet bombers of the Sri Lankan Air Force.

In a letter dated 24 June 98 - the "North-East Hindu Priests' Association" had claimed that "according to a recent estimate made by concerned persons, the number of Hindu temples that had been destroyed or damaged by the Sinhala armed forces, in the North-East is more than 1800. The latest instances of vandalism occurred on June 10, 1998. In the aerial bombing and artillery attack of Suthanthirapuram, Udayarkaddu and Vallipuram, the Sri Sithi Vinayagar Temple of Suthanthirapuram was damaged. The poojas were in full swing and many devotees were present when the assault took place. The officiating Brahmin priest was injured on the chest and had to be hospitalised.

It further says that the Brahmin families of North-East Sri Lanka are 1500 in number and the total number of Hindu places of worship they serve (leaving aside the Temples that are destroyed or are under military occupation) is approximately 3000. It has already been stated here that the

estimate of temples destroyed is 1800. This figure is not static, and unless some action is taken to halt the menace, the number will increase.

On 3 September 98 - Sri Lankan police opened fire indiscriminately on devotees at a Hindu temple festival in Kondayankerni, near Valaichchenai, 32 kilometres north of Batticaloa. A young girl was killed and two others injured. The policemen at the sentry point in Maanacholai, the adjacent village had opened fire on the devotees. The motive of this attack was simply to disrupt the temple festival.

On 16 October 98 - The priest Ulahakurunatha Iyer of the Selvachannithy temple in Vadamaradchi in Jaffna peninsula was arrested by the Sri Lankan Army for interrogation for unknown reasons.

On 20 October 98 - The Hindu festival Deepavali was celebrated by a large crowd at Karaithivu Vipulananthar Tamil school in Kalmunai, 30 kilometres south of Batticaloa. At this celebration two were killed and 20 others injured when a bomb exploded in the concert hall. The bomb is believed to have been planted by a mercenary of the Sri Lank army.

On 27 November 98 - The priest of the Aaraipattai Kaali temple S. Navaratnam was shot dead by the Special Task Force (STF). He was shot, after concluded the night Pooja at the Kaali temple in Aaraipattai, 7 kilometres south of Batticaloa.

On 1 January 99 - A mob attacked a church on New Year's day. Members of Calvary Prayer Centre in Udugampola in the Gampaha district were praying in the early hours of January 1, when the crowd attacked the church with stones. Portions of the church were damaged and six children were injured. Police dispersed the mob after two hours, but the pastor and church member's fear for their lives. The church has been attacked before, but never with such violence.

Tamileelam Archive

Hindu idols stolen

The Sri Lankan Police at Peliyagoda, a suburb of Colombo north, arrested four Sri Lankan army personnel on 7 September 98 when they attempted ***to sell ancient Hindu religious idols*** to an antique dealer. The police team arrested an army Major, two Lance Corporals and a Sergeant who had served in the north of Sri Lanka. Police sources said that the army personnel may have stolen the idols from abandoned Hindu temples in the North.

In another raid ***a shrine (Pillaiyar statue) that was reported stolen*** from Munneswarm temple in Chilaw last year was recovered by the police on 7 October 98. A Buddhist monk involved in this robbery has been arrested by the police. The police found the statue and other stolen goods.

Kadiragamuwa Sri Ratna Himi, a Buddhist monk accused ***of stealing archaeological treasures*** in the south-eastern parts of Sri Lanka, was produced in the Ampara district court on 14 December 98.

The monk, chief priest of Muthumaha Vihara, a Buddhist temple in Pottuvil, was arrested on 14 December 98 on a complaint made by the eastern unit of Sri Lanka's Archaelogical Department. According to the police sources the arrest of the monk came in the wake of the tracing of several archaeological treasures that had been stolen from ancient sites in the region.

STATE OF EMERGENCY

Sri Lanka is ruled under the state of emergency for a long time. In recent times, it is in force along with the PTA. Both give undue advantage and impunity to the security forces.

The Sri Lankan Government has relied mainly on Emergency Regulations made under the Public Security Ordinance of 1947. Emergency Regulations authorise the detention of persons. Emergency Regulations override existing laws. The proclamation of a state of emergency takes effect for one month and a further proclamation may be made before or at the end of that period. A proclamation has immediate effect but must be approved by Parliament within 14 days. When a proclamation is renewed, existing Emergency Regulations are deemed to continue in force unless otherwise directed by the President. However, there is insufficient Parliamentary control over Emergency Regulations and there is no requirement that the new Emergency Regulations should be laid before Parliament for approval. Even Members of Parliament are not aware of the new regulations.

தமிழீழ ஆவணக்காப்பகம்
Tamileelam Archive

20th anniversary of Prevention of Terrorism Act - PTA

This most notorious law - the Prevention of Terrorism Act (PTA) No 48 of 1979, came into effect on 20 July 1979. This act was introduced to use almost exclusively against the Tamils in Sri Lanka. Here we highlight certain excerpts of this Act :

Part II - Investigation into offences

6.(1) Any police officer not below the rank of Superintendent or any other police officer not below the rank of Sub-Inspector authorised in writing by him in that behalf may, ***without a warrant not withstanding anything in any other law to the contrary :***

(a) arrest any person;
(b) enter and search any premises;
(c) stop and search any individual or any vehicle, vessel, train or aircraft; and
(d) seize any document or thing.....

A police officer conducting an investigation under this Act in respect of any person arrested..... shall have the right of access to such person and the right to take such person.... from place to place.....

Detention and restriction orders

9.(1) ....the Ministry may order that such person be detained for a period not exceeding three months in the first instance, in such place and subject to such conditions as may be determined by the Minister, and any such order may be extended from time to time for a period not exceeding three months at a time..... the aggregate period of such detention shall not exceed a period of eighteen months.....

10. An order made under Section 9 shall be final and shall not be called in question in any court or tribunal by way of writ or otherwise.....

..... An order made by the Minister under subsection (1) shall be final and shall not be called in question in any court or tribunal by way of writ or otherwise.....

Part VI - Trial

18 (1) b - any document found in the custody, control or possession of a person accused of any offence under this Act or of an agent or representative of such person may be produced in court as evidence against such persons.

19...(a) - every person convicted by any court of any offence under this Act shall, notwithstanding that he has lodged a petition of appeal against his conviction or the sentence imposed on him, be kept on remand until the determination of the appeal.....

Part VIII - 26 - No suit, prosecution or other proceeding, civil or criminal, shall lie against any officer or person for any act....in pursuance or supposed pursuance of any order made or direction given under this Act.

Tamil Eelam Archive

VIOLENCE AGAINST WOMEN

There about 19,100 widows in the Jaffna peninsula and most of them are distressed by difficulties they face in providing for their families. There is no programme to assist them.

Women in areas which are not under Sri Lankan government control suffer perilous frustrations of being unable to feed children who are starving and ill as a consequence of the Sri Lankan government's blockade on food and medicine. Women in areas which are under Sri Lankan government control suffer routine sexual harassment by Sri Lankan soldiers at army checkpoints and other places. All women's lives are deeply affected by the war against the Tamils, in the North-east of the island.

Furthermore, women are killed by Sri Lankan force bombing civilian targets. Although these cannot be considered gender-specific violations, they illustrate an important reality of the overall situation where women's lives are in danger because first and foremost they are Tamils.

Women who survive may not survive alone. Recent statistics gathered by a fact-finding Committee in Trincomalee state that there are 6,000 war widows living in the Trincomalee district alone. In the East there are more than 8500 widows in total, 70% of whom are between 18 and 21 years old. Their situation is often desperate and if their husbands were the sole breadwinners they are now driven to extreme poverty. Women as sole carers of their children are under enormous pressure, simply to survive and help their children survive.

தமிழ் அவணக்காப்பகம்
Tamil Eelam Archive

Rape

Some women are subjected to unspeakable horrors and denial of right to life itself. Rape, gang-rape and murders of Tamil women by Sri Lankan armed and security forces have been consistently documented. The government of Sri Lanka's armed and security forces use rape systematically to terrorise the Tamil population in an attempt to subjugate them. Rape functions like torture, it is being used as a tactical weapon of war to humiliate and dominate the victims. A girl-child as well as women of all ages can be victims of rape.

On October 6 1998, Pushpamalar, aged 12, who was returning from school was detained and raped by a soldier in Sangathaanai, Chavakachcheri, east of Jaffna. She was admitted to hospital.

The gang-rape of Sivasothy Krishnapillai (31yrs) by the Special task Force in Batticaloa is another case in point. Sivasothy and her husband were displaced from Mandoor and she returned there to collect belongings from her house. "My husband and I rented a bullock-cart to get things from our house in Mandoor on 31 December 96. We were displaced and living at Murungaiyadipoo. My husband and the person who owned the cart went along the main road. I took a short way and went through a paddy field." She described how three STF personnel raped her near her house. The inquest was held in Batticaloa on 3 December 98. One of the accused had offered her money to keep silent, and they had threatened to kill her family if she told anyone what had happened. On her return home she had attempted to take her own life but her husband had prevented her.

On 14 August 98, the body of Gopalan Emilinona (35), was found by her husband and other villagers, hidden in bushes at Kachchai, half a kilometre from her home. Her body was decomposed and cut into several pieces. Emilinona was a mother of six children. She had been missing from 2 August and since then her family and friends had been searching for her. Her body was taken to Jaffna General hospital for a post-mortem.

Pregnant woman gang-raped

(The Sunday Leader - February 07, 1999)

A pregnant woman was allegedly raped by three youths last week in Peliyagoda, police said. The woman aged (20) was dragged out of her house and was taken to a nearby playground and raped repeatedly by the three youths. Police said the youths were apprehended within an hour of the crime. The woman who was five months pregnant was admitted for a medical examination at the national hospital. She was discharged later.

Counter Impunity

In an effort to counter the accusation of impunity by the human rights community, the Sri Lankan government responded **to international pressure in one single case of gang-rape and murder** of a young woman in September 1996. This case came to Colombo High Court. During the proceedings, it was revealed that on July 3 1998 that there exist mass graves of Tamil people in the Chemmani area which is controlled by the Sri Lankan Army. The Sri Lankan government has been delaying investigation into the mass graves. **It is highly likely that many of the bodies in these graves are of women and girls who have been raped and murdered by Sri Lanka security and armed forces.** The systematic rape and murder of Tamil women is now well documented by human rights organisations.

தமிழ் ஆவணகம்
Tamileelam Archive

Torture of women in Sri Lankan government detention centres is of the most brutal kind. A case in point is that of Sivasothy Dhamayanthi (20yrs). Her case was dismissed in court. The Chief Medical officer in his medical report documented that there was irrefutable evidence that she had been tortured and sexually assaulted. She had been kept in detention for 22 months.

(Page 80 for summary report)

RIGHTS OF THE CHILD

"All children have the right to food, healthcare, education. They also have the inherent right to life. The situation in the North and East of the island is causing chronic suffering for children - whose rights are being denied".

In August 1997, the number of refugees was 785,000 of which 75,000 were under the age of five. During the visit of the UN Secretary General's Special Representative on Children and Armed Conflict, Mr. Olara Otunnu to Vanni on 7 May, NGOs indicated that around 93,000 children in the North-East have been affected by the war including 180,000 in the LTTE held territory and 490,000 in contested areas. An estimated 220,000 children are displaced in the North-East and another 16,000 live in refugee camps in Puttalam District. According to NGOs, a number of factors including food shortage and health problems have increased child mortality and morbidity, particularly in the Vanni District. More than 11,000 children in Vanni have no educational facilities.

A recent survey of 16,700 children under five years of age reveals that 71% are malnourished and 33% suffer from severe malnutrition. Children also have developed night blindness through lack of Vitamin A and need constant supervision.

MALNUTRITION OF CHILDREN

There are over 75,000 children under five years of age. The blockade by the government against the delivery of food continues to cause malnutrition. In the Mullaitivu District out of a random sample of 16,767 children under five, there were only 4,863 who were normal. 6,371 children were found to be afflicted with third degree malnutrition, 3,186 with second degree and 2,347 with first degree malnutrition. The impact of malnutrition will persist as the affected children grow into underdeveloped adults. The loss of dairy production from the area and limited supplies of vegetables contributes to vitamin deficiency. Malnutrition is linked to many health problems and weakens children's ability to resist diseases. It also causes stunted growth and reduced learning ability.

Tamileelam Archive

Consortium of Peoples Organisation

Kilinochchi District - Report dated 17/7/1998

Children population

Divisional Secretary's Divisions	05 yrs to 06 yrs			07 yrs to 16 yrs		
	Male	Female	Total	Male	Female	Total
Karachchi	1152	939	2091	609	1295	1904
Kandawalai	350	325	675	219	230	449
Poonakary	742	549	1291	10472	11741	20658
Total	2244	1813	4057	11300	13266	23011

Short supply of Triposha (Children's nutritional food)

	Triposha	
Year	Actual Requirement	Supply
1991	6000x30	Nil
1992	6000x30	125x30
1993	6000x30	1800x30
1994	6000x30	850x30
1995	6000x30	450x30
1996	6000x30	1015x30
1997	6000x30	Nil

Five-year old girl raped

(The Sunday Leader - 31 January 1999)

A Five-year old girl attending Year 1 class of Magalle Maha Vidyalaya in the Bulathkohupitya division was reportedly raped by a senior student. On January 18, L. P. Geethika had allegedly been dragged away to a forest near the school. Medical reports indicate that the child had been raped.

The school authorities, however, are not keen to discuss the issue but the Bulathkohupitiya police are investigating the incident.

தமிழீழ ஆவணக்காப்பகம்
Tamileelam Archive

The police have taken several senior students of the Magalle Maha Vidyalaya for questioning. A senior student who was taken into custody in this regard was released after interrogation.

Owing to the severe trauma suffered by five-year old Geethika Sumanthi, she has so far been unable to identify the molester.

It is also reported that the staff of the Magalle Maha Vidyalaya are doing their best to cover up the incident.

CHILDREN'S HEALTH PROBLEMS

Parents and teachers in the Vanni have reported an increase in the number of children with symptoms concurrent with vitamin A deficiency such as night blindness and difficulties with reading. Some children are reported to have lost sight completely over a period of time.

Respiratory infections and cases of scabies are also common, especially in crowded transitory conditions. Teachers notice that recurrent illnesses affect the displaced population far more than the settled population. In a recent study illness was reported to be the most frequent cause of irregular school attendance, with malaria cited as the most common. Anaemia due to repeated bouts of malaria combined with poor nutrition have led to deaths.

86 schools in the Vanni for the displaced do not have clean water supply and do not have latrine facilities, resulting in an increase in diarrhoea and typhoid.

More than 600 children in the Vanni are classified as emotionally disturbed but not serious enough to be medicated. In Jaffna the situation is much worse, and stress related illnesses are on the increase.

SCHOOL NON ATTENDANCE

In addition to ill health, reasons for non-school attendance include the economic condition of families and military shelling and security incidents in the neighbourhood.

Teachers, parents and children across the Vanni reported that poverty was the most frequent cause of children dropping out of school. With the war came loss of a parent, or both parents, loss of livelihood or loss of any precarious stability which the family had managed to establish.

A fact-finding Committee reported on 25 October 98 that in Trincomalee District alone more than 5,000 children have been orphaned and 18,000 had lost at lease one parent as a direct consequence of the war.

Right to life

The most basic Right of the Child is the inherent right to life (Art. 6 CRC). Over the last six months there have been 21 documented cases of summary execution of Tamil children by the Sri Lankan government's security and armed forces. 11 have been shot dead, 1 killed by a grenade and 1 died from torture. 8 have been killed by Sri Lankan Air Force bombings or land-mines. Children have a right under international humanitarian law to be protected from torture, arbitrary detention, rape and summary execution, yet the government of Sri Lanka's armed and security forces show an ethnic and cultural contempt for the lives of young Tamils and children in the following cases and others. The right to life can never be subject to derogation by a state.

Tamilnet.com Archive

These are some of the cases that are fully documented. The real figure is far higher.

Two girls shot, one killed

In the early evening of August 21st 1998 two sisters, Kokularajani (9yrs) and Anurajani (10yrs), were walking home from a church service, near Karuvankerney. They were stopped by Sri Lanka soldiers and questioned. Later they were told to go and the soldiers shot them from behind. Kokularajani died later in hospital. The post-mortem revealed it was murder. *(See earlier TCHR documentation on Peethamparam Sasikala (6yrs) gunned down in the back after release from a detention centre).*

Boy shot dead by Sri Lankan army while fishing

Iyappan Sivakumar (16yrs), from Naasivanthivu, went fishing in the Valaichchenai Lagoon at 6pm on 18 September 98. His father heard gun-shots later in the evening. Since his son did not return home in the morning, he went in search of him. He heard that the army had taken a body to Valaichchenai hospital, and proceeded to the hospital to make enquiries. He identified the body as that of his son. The inquest was held on 20 September.

A boy was shot dead on his way to work in a local brick firm Veluppillai Manoharan (16yrs) left his cousin's house, where he was living, in the morning of 18 September to go to his workplace. He was shot by the army on the Kattumurivu bridge, to the north of Valaichchenai. The inquest was held on 19 September.

Youth returning from temple shot dead

On 10 October, Sithamparananthan Roopathaas (17yrs) was returning from a festival at the Thraupathai Amman temple at Paandirippu, when he was shot by the Special Task Force (STF). He managed to reach his home screaming in pain, with a gaping stomach wound. He died as he was being rushed to Batticaloa hospital.

Boy shot in the head

On 13 December at 9.30am, 15 year old Ponnuthurai Nakuleswaran was reading on the veranda of his home in Thambalakamam, south-west of Trincomalee. Armed police opened random fire and Nakuleswaran was shot. He was admitted to Trincomalee hospital. Later that day doctors said it was unlikely he would survive. He was in a coma and later died. His funeral was held on 17 December.

Teenage girl found dead

The naked body of a girl was found behind bushes in Irupaalai, Jaffna, at about 9am on 22 December. Around her neck was a cord. Her face was unrecognisable. Many young people have "disappeared" after arrest by the Sri Lanka army in and around Jaffna. She is believed to be one of the disappeared.

Tamileelam Archive

Two infants killed in shelling

Three hours of shelling on three villages by the Special Task Force (STF) based at Kalavanchikudi camp, killed Hindusan (2yrs) and Sathursan (1yr), on 27 August. 7 other people were injured including the mother of the two children. Amongst the injured were two brothers Srikanth (15yrs) and Rajanikanth (17yrs). The infants bled to death after being refused permission by the STF to cross into government held area for treatment.

Three children killed by Sri Lankan Army mortar fire

Jeyasingaratnam Vinoja (3yrs), M Pragash (12) and Loganathan Ahileswaran (10) were killed in Visuvamadu, Kilinochchi when Sri Lankan Army fired mortars from Elephant Pass after 3pm on 24 November. Loganathan had been displaced from Kokuvil. Another displaced person, Krishna Thangaratnam (32yrs) was also killed. Seven others were injured, two of whom are teenagers, A Santhakumar (16yrs) and S Sivarnajani (17yrs).

Ten year old boy killed

It was reported on 2 December that Vivekanantharasa (10yrs) was killed when Sri Lankan Police fired mortars from Paddiruppu bridge and Kaluthvalai in the east of the island, towards areas not under their control.

PLANTATION WORKERS

Hill country Tamils continue to suffer the effects of denial of citizenship and franchise right in 1948 and 1949. Successive Sri Lankan governments have been hand-in glove with plantation interests in exploiting plantation labour in various ways. Legislation has suppressed wages and crucial social facilities and has forced repatriation of workers under agreements entered into without their participation. The plantation workers continue to be paid low wages and suffer discrimination in health, education, employment and all other aspects of national life. Over 200,000 jobs have been lost in the plantation industry after private companies took over estates in 1993.

Ethnic cleansing in the estates (Hill country)

Tamils from a tea estate in Alupola at Wewelwatte Division in the Ratnapura District, took refuge in a tea factory after a mob of 300 Sinhalese set fire to their 'line rooms' on 9 September 98. About 400 'line rooms' extremely squalid quarters in which an estimated 1000 Tamil estate labourers live, were set on fire by the mob.

Hundreds of Tamil worker families had fled into the jungles in fear. There were heavy rains and the workers were held up in the jungles without food or shelter.

Then again on 14 September 98, the following estates were attacked by Sinhala mobs.

Estate	Division	Property damaged	Family affected
1- Alupola	Wewelwatte	all line rooms 80 huts 12 shops	200 families
2- Galaboda	Galkandura	2 off. Residences 6 line rooms	5 persons with burns 3 persons serious
3- ------	Wellawala	13 line rooms	124 families
4- Balangoda	Egaslanda	all line rooms	72 families
5- Rasagala		all line rooms	36 families
6- Thikkumukkalana			75 families
7- Panagoda		all line rooms	96 families

Tamileelam Archive

According to the Tamil trade unions, 1500 families who had sought refuge in the Egaslanda - Wewelwatte have not been supplied with any rations for a week.

Sterilisation to reduce Tamil population

A major program to systematically and radically reduce the Tamil population in Sri Lanka's plantation sector is secretly but effectively being carried out with state assistance and misdirected foreign aid. The Tamils in the hills of Sri Lanka where most of its tea and rubber grow are being subjected to large scale sterilisation which contravenes customary rules and law elsewhere in the island.

A survey in Hali-Ela, Rockkettanne estate revealed a shocking fact that there are only 96 children below the age of 5 in that estate's primary school.

Surveys done in several other estates also clearly show the drastic decline in birth rates among the Tamils in the hill country.

1500 Estate workers on strike

25 October 98 - nearly 1500 estate workers of the 'Pasara Group' were on striking for a week. The employees have put forward 17 demands including one listed as "to stop racial discrimination of the employees". Several discussions between the trade unions and the plantation's administration have failed to resolve the conflict. Two person who were wounded in the incident have been admitted to Badulla hospital.

50% Unemployed in the estates

The hill country Tamil population has been subjected to severe hardship, exploitation and discrimination in the provision of food, nutrition, shelter, education and health facilities.

The youth of the hill country have said that "we cannot be satisfied thinking that the problems in our community will be solved by building houses and supplying them with electricity or by solving labour disputes.

"We do not have our own University. We do not have a National School. More than 50% are unemployed in the estates. All such problems have to be confronted and solved, and youth of the hill country should come forward and play a key role".

Harassment

On 5 September 98, a young girl from Caterpillar Estate, Kola Patana in Nawalapitiya was on her way home from tuition after school when a person from the nearby Sinhala village waylaid her and raped her. As no action was taken by the authorities, nearly three thousand estate workers went on strike demanding that the rapist be punished forthwith.

The local press reported that many hill country Tamils were also detained in police stations at Nuwara Eliya, Badulla, Bandarawela and Kandy. Hundreds of hill country Tamils were arrested for not possessing their National identity cards. According to the Trade Unions in the sector plantation, over 50% of the Hill Country Tamils have not been issued identity cards and are exposed to the danger of arrest.

DISPLACED PERSONS

The continued Sri Lankan military operation in the North-East has created over 700,000 displaced people. Besides the continuing air raids, shelling and military encounters that take place almost daily, the main causes of the displacement of people from their native lands have been the harsh living conditions with scarcity of food and other essential supplies and the disruption of normal civilian life.

A study conducted by the Colombo-based Marga Institute says that the internally displaced people have risen from 524,000 in 1994 to over 1 million in 1996.

The present Jaffna population is said to be around 470,000. The number continues to increase with the return of displaced people from the Vanni as the military operations are intensified in Vanni and due to the impact of the blockade to the region of essential items such as food, fuel and medicine.

According to Mannar Government Agent, the number of people entering Mannar Island was reported to be around 75 per day.

More than 7,000 people are still living in 56 refugee camps in the Jaffna District, unable to return to their homes. NGO representatives say that no assistance has been provided to repair the 91,000 houses damaged or demolished.

Many refugees in Madhu camp have also reported to have contracted cholera, malaria and diarrhoea.

Tamileelam Archive

Consortium of Peoples Organisation

Kilinochchi District - Report dated 17/7/1998

Statistics as on 31/05/1998 in Kilinochchi District:-

Nature	Families	Persons
Non displaced	6671	27187
Internally displaced	11690	46192
Displaced from others Districts		
From Jaffna prior to Riviresa	2708	11629
From Jaffna - Riviresa I	20482	82790
From Jaffna - Rivresa II	363	1335
From Mannar	47	180
From Trincomalee	54	220
From Vavuniya	101	380
From Batticaloa	13	46
From Mullaitivu	214	841
Total	42352	171100

Categories of Families entitled to and Recipients of dry rations :

No of families entitled to dry rations	: 34381
No of families - recipients as on 30/06/1998	: 18887
No of families allowed relief from 01/07/1998	: 8889
No of families disallowed relief from 01/07/1998	: 9998
No of families - non recipients of relief	: 25492

14 refugees intercepted

On 17 December 98. the Sri Lankan Navy arrested 14 refugees in the seas of Thalaimannar when they tried to cross over to neighbouring India. They were handed over to the Sri Lankan Army in Mannar who had interrogated them.

The refugees had said during the interrogation that they could not bear the hardships of the war and had decided to flee to India where they could find some help.

In the past few years, people fleeing the Island have often been intercepted by the Sri Lankan Navy and brought back to the Island. There have been several instances in which refugee vessels have been sunk and hundreds of people had been killed.

FLOOD VICTIMS AND GOVERNMENT RESPONSE

தமிழீழ ஆவணக்காப்பகம்
Tamileelam Archive

Heavy showers in the North-East have caused severe flooding and have made several thousands people homeless. A spokesman for the Ministry of Social Services said that 22,848 have been rendered homeless in the Trincomalee, Batticaloa, Vavuniya, Polonnaruwa and Amparai districts.

The latest report said 550 houses were damaged and over 450 houses completely damaged due to floods in Trincomalee and Mahiyangana areas. More than 6000 families have been displaced. 2000 acres of paddy cultivating land in Trincomalee district have been inundated by the deluge.

An official at the Ampara GA's office said around 15,000 people from areas like Lahugala. Pottuvil, Alayadivembu, Mahaoya and Dehiattakandiya had been forced out of their homes by floods and were being sheltered in camps.

Some 5,000 acres (2,020 hectares) of paddy land in the north-central Polonnaruwa district had been completely inundated by the deluge. Around 2000 families in Manampitiya and Putur village in Polonnaruwa district were displaced.

25,000 people belonging to 6781 families have been affected in the Vavuniya district. Eight minor irrigation reservoirs were breached and 1000 hectares of paddy fields were destroyed by the heavy showers. Another 1230 hectares of black gram cultivation were also destroyed.

In Vanni more than 200 families were affected by torrential rains experienced in the Vanni region. 128 families in the Mulankavil area were displaced as their makeshift huts were flooded and

damaged by the continuing rains. Another 78 families were affected by floods in the Kariayali Nagapaduvan area of the Vanni.

Most of the flood victims in the North-East were refugees affected by the ongoing war in the region. They were blaming the Government for not doing enough to provide them food and shelter. The Government spends around Rs. 50 billion a year (Rs. 6.5 million a day) for the war whereas it had not allocated enough funds to protect the flood victims. Even the flood relief which was spent was mostly for the Sinhalese people in Polonnaruwa and Amparai area, rather than other parts.

MEMORANDUM TO UN SECRETARY GENERAL AND WFP

On 6 November 98, a memorandum was handed over to the Government Agent of Mullaithivu along with signatures of several thousands of displaced people in the Vanni. A cut in relief supplies to the displaced people in the Vanni cannot be justified and amounts to collective punishment by the Sri Lankan Government on the displaced people, said the memorandum sent by the displaced people to the UN Secretary General and the Director of World Food Programme.

The memorandum further said that the Sri Lankan Government had introduced a massive cut in the relief supplies to displaced people in the Vanni last July. Though there are 39,000 families in the Mullaithivu district eligible to receive relief only 13,000 receive the relief. The situation is similar in the Mannar, Vavuniya and Kilinochchi districts.

MEMORANDUM TO UNHCR

The Consortium of Non Governmental Organisation (NGOs) in Puthukudiyruppu, in Mullaithivu district has sent a memorandum on 10 December 1998, to the United Nations High Commissioner for Refugees.

The memorandum urged UNHCR officials to "visit the area to see for themselves the suffering of the newly displaced people from Oddusuddan area and to take appropriate steps to provide relief assistance".

The memorandum went on to say, "more than fifteen thousand people are newly displaced due to the latest offensive by the Sri Lankan Army, which was launched on December 3 to capture Oddusuddan area. The displaced, depended mainly on farming and, to escape from the advancing army, had fled to Puthukudiyruppu leaving behind their farms, cattle and personal belongings."

Weekend Express of December 19-20, 1998

(Excerpt from an article written by Harry Gunatileka, ex-Air Vice-Marshal, Sri Lanka)

Meanwhile, we were treated to a new operation, Rivi Bala, which was completed almost as soon as it began in the record time of 7 ½ hrs on or about the 2nd of this moth to occupy an area of 134 sq kms bonded by Mankulam, Nedunkerni and Oddusudan with as usual little or no people living therein. The supposed number approx. 11,500 have been displaced by the occupation of the military and are continuing to swell the refugee numbers which now stands at over 400,000 in the Vanni.

TAMIL CENTRE FOR HUMAN RIGHTS - TCHR

9, rue des Peupliers, 95140 Garges les Gonesse - FRANCE - Tel/Fax : 33 - 1 - 40 38 28 74

Documented cases of ARBITRARY ARRESTS/DETENTION - July 1998 to January 1999 (actual arrests higher than documented by TCHR)

No.	Date	Full Name	Sex	Age	Place of Arrest	District	Incident
001	14/07/98	Kumar Vijayayakanthan	M	19	Muthurai Chanthai	Jaffna	arrested by the Sri Lanka Army at the Muthurai Chanthai Junction in Nallur Jaffna.
002		S. Kamalanathan	M	27	Junction in Nallur		
003		S. Indrakumar	M	22			
004		S. Mukumthan	M				
005	15/07/98	S. Theivanayagam	M		In his office	Colombo	he is the Ass. Director of Hindu Cultural Affairs. Arrested while he was on duty in his office
006	16/07/98	Sri Gajan	M		In his office	Colombo	both are journalists working for a Tamil daily, arrested by the CID in Colombo and Vavuniya
007	20/07/98	P. Manikkavasagam	M		Vavuniya	Vavuniya	
008	29/07/98	T. Chidambarapillai	M	20	Thaandamalai -	Batticaloa	students from Ambalanthurai Kalaimagal Vithiyalam, arrested by the STF while they were working in the fields.
009		V. Thavarajah	M	18	30 km Southwest of		
010		S. Kuverajah	M	20	Batticaloa		
011		C. Mahendran	M	17			
012	31/07/98	C. S. Dharmalingam	M	45	Nelliyadi -	Jaffna	arrested by the Sri Lanka Army. Fourteen persons comprise of two families and individuals from Nelliyadi - Point Pedro.
013		Desia	F	08	Point Pedro		
014		Mary Yaso	F	10	27 km from Jaffna		
015		Arul Ruban	M	13			
016		Arulraj	M	15			
017		Dharshini	F	17			
018		K. Mahesan	M	52			
019		L. Rasamma	F	45			
020		M. Sashikala	F	21			
021		M. Niroshan	M	11			
022		M. Vajith	M	12			
023		M. Ishwarya	M	14			
024		N. Vajri	F	12			
025		Aalvan Vanniyasingham	M	50			
026	06/08/98	Vignarajah Suntharamoorthy	M	23	Kokuvil north	Jaffna	Arrested by the Sri Lanka Army in a search

Thaileelaiil Archive

TCHR documented ARBITRARY ARRESTS/DETENTION - July 1998 to January 1999 (actual arrests higher than documented)

No.	Date	Full Name	Sex	Age	Place of Arrest	District	Incident
027	14/08/98	More than 75 Tamil youths in Vaththalai, Oliyamullai, Hehitta and Vaththalai	M/F		Oliyamullai, Hehitta and Vaththalai	Colombo	more than 75 Tamil youths arrested in a combined operation by the Sri Lanka army and the police from Gampaha and Kelaniya.
028 029	22/08/98	Subramaniyam Murugan	M M	35 45	Kachatheevu - Island	Jaffna	four Indian fishermen – severely beaten and arrested by the Sri Lanka Navy while they were fishing near the island. Two fishermen escaped with injuries.
030 031	23/08/98	Nagan Balasingam Balasingham Jeyarani	M 1F	19 18	Nelliady - Point pedro	Jaffna	the couple had gone to the Nelliady Army camp to find out why the army had come looking for them while they were away from home. Immediately they were arrested and handed over to the Police.
032 033 034	31/08/98	K. Sri Raghavan Nanthini Sri Raghavan Mohan Sri Raghavan	M F M		Puttalam town	Puttalam - North-western part of Sri Lanka	the three members of the family had come to Sri Lanka on a holiday from Canada. They were arrested by the Puttalam police
035	04/09/98	More than 500 civilians	M/F		4th cross street to Aththiyadi and bus depot in Pt. Pedro	Point Pedro - Jaffna	arrested in a cordon and search operation launched by the Sri Lanka Army in the early hours of the morning.
036	05/09/98	More than 5000 civilians	M/F		Mannar town	Mannar	arrested by the Sri Lanka Army in cordoned and search operation.
037 038 039 040	09/09/98	Sathasiva Parathan T. Vijayasanthiran Seemampillai Mariampillai Sebastianpillai Mariadavid	M M M M	42 24 50	Sembianpattu, Aaliyawalai Thalaiyadi	Point Pedro - Jaffna	arrested in a cordon and search operation by the Sri Lanka Army.
041 042	15/09/98	Mahanama Thilakaratne Thilakaratne	M M		At their residence in Kospave	Colombo	arrested by the Kosppava Police (supreme court judge and his son)

Tamilnaam Archive

TCHR documented ARBITRARY ARRESTS/DETENTION - July 1998 to January 1999 (actual arrests higher than documented)

No.	Date	Full Name	Sex	Age	Place of Arrest	District	Incident
043	16/09/98	Joseph Xavier Shanthi	F		Jaffna town	Jaffna	arrested by the Sri Lankan Police
044	1909/98	Thuraichchaamy Shanthi	F		Sithaandy – Post	Sithaandy 22 km north	Postmistress and postman - arrested by the
045		Sangarapillai, K	M		Office	of Batticaloa	Valaichenai Police.
046	22/09/98	Ponniah Anton	M		Kodikaamam	Jaffna	arrested by Chavakachcheri Police
047	05/10/98	Kandiah Paramanathan	M	45	In a farm in	Vavuniya	Tamil employees working in a farm in Thandikkulam
048		Muththusami Irathinam	M	43	Thandikkulam -		- arrested by the Sri Lankan Police in Vavuniya
049		Arumugam Thiruvarutchelvam	M	23	2km north of		
050		Paramalingam Satkunaraja	M	35	Vavuniya		
051		Thevaraja Adaikalam Alex Robin	M	19			
052	07/10/98	Krishnathas Mathanakanthan	M	20	Kudaththani coast	Jaffna	arrested in an Army round up
053	16/10/98	Kandasamy Iyer	M		Selvachannity	Jaffna	arrested by the Sri Lanka Army in the Temple.
054	22/10/98	Three fishermen	M		South-eastern	(coastal area) Jaffna	arrested by the Sri Lankan Navy while fishing
055	27/10/98	Amarasuntharam Thaneshkumar	M	16	Palalai	Jaffna	arrested by the Sri Lanka Army
056		Sasikumar Thaneshkumar	M	21			
057	02/11/98	Nadesu Rasakumar	M		Udupiddy	Jaffna	arrested by the Sri Lanka Army. They are being
058		Yogalingam Kugan	M		Udupiddy		detained at S/L army 524-division camp at
059		Suntharam Shanmuganathan	M		Udupiddy		Vadamarachi
060		Velayutham Kamalathas	M		Thondamanaaru		
061		Thalayasingham Ranjan	M		Thondamanaaru		
062		Sinnathurai Vickneswaran	M		Thondamanaaru		
063		Selvarasa Manisivan	M		Neervely		
064		Gajenthiran Kapilathas	M		Neervely		
065		Karupaiah Karunakaran	M		Thalayadi		
066		Thavapalasingham Pirabahan	M		Puloppalai, Palai		
067	04/11/98	Selvarasa Sujeevan	M	17	Chunakam	Jaffna	arrested by the Sri Lanka Army
	05/11/98	Arumugam Chanthiramohan	M	25	Karanavai	Point Pedro-Jaffna	arrested by the Sri Lanka Army
	05/11/98	Iyathurai Baskaran	M	20	Kudaththani	Vadamarachi-Jaffna	arrested by the Sri Lanka Army
068	5-8/11/98	Fifteen persons	M/F		Thenmaradchi	Jaffna	arrested in a search operation by the S/Lanka Army
069	06/11/98	More than 90 teachers	M/F		Kopay	Jaffna	arrested in a cordon and search operation by the S/L Army in the compound of Teachers Train. school.

Tamileelam Archive

TCHR documented ARBITRARY ARRESTS/DETENTION - July 1998 to January 1999 (actual arrests higher than documented)

No.	Date	Full Name	Sex	Age	Place of Arrest	District	Incident
070	In	Rasaiah Sivakumar	M	31	Jaffna	Jaffna	arrested and detained by the Sri Lanka Army at the Kankesanthurai (KKS) detention centre
071	November	Gopalappillai Pushpakaran	M	22	Thirunelveli		
072	98	Mahalingam Jeyarooppan	M	19	Jaffna		
073		Kanagalingam Ajanthan	M	19	Jaffna		
074	12/11/98	Ariyaratnam, C	M	33	Chunnakam	Jaffna	arrested by the Sri Lanka Army and detained at the KKS detention centre
075		Sarnilaraj, T	M	20	Chunnakam	Jaffna	
076	14/11/98	Sabesan, A	M	19	Chunnakam	Jaffna	arrested by the S/L Army and detained at the KKS d/centre
077	16/11/98	Vickneswaran	M	20	Chunnakam	Jaffna	arrested by the S/L Army and detained at the KKS detention centre
078		S. Manoharan	M	27	Jaffna	Jaffna	
079	17/11/98	Vijayakumar, A	M	25	Colombuthurai	Jaffna	arrested by the S/L Army and detained at the KKS d/centre
080	19/11/98	Anthonythas Jenforman	M	24	In Kandy and its	Kandy	arrested during search operations by the Sri Lankan Police in Kandy and its surroundings.
081		Gregary Antony Jesuthas	M	24	surroundings		
082		Francis Roman	M	23			
083		Thurairajah Nihal Dunston	M	28			
084		Jegathees Jegavan	M	20			
085		Nakan Balasingham	M	22			
086		Sankarathas Sreetharan	M	22			
087		Kumaresh Gnaneeswaran	M				
088		Rasenthiran Marislaine	M	22			
089		Armugam Suntharalingam	M				
090		Maharatnam Jeyasuthan	M	20			
091		David Antony	M	48			
092		Kanapathypillai Ketheesan	M	22			
093		Ratnam Uthayakumar	M	22			
094		Sebamani Vimalakumar	M	32			
095		Sellakkily Sathyaseelan	M	20			
096		Subramaniam Nagarajah	M	21			
097		Krishnasamy Kugathasan	M	19			
098		Gunanasingam Bopitha	F	18			

Tamil Eelam Archive

TCHR documented ARBITRARY ARRESTS/DETENTION - July 1998 to January 1999 (actual arrests higher than documented)

No.	Date	Full Name	Sex	Age	Place of Arrest	District	Incident
099	19/11/98	Somasunderam Vinithini	F	19	In Kandy and its surroundings	Kandy	arrested during search operations by the Sri Lankan Police in Kandy and its surroundings.
100		Irasamani	F	17			
101		Kanapathy Jegawathy	F	17			
102		Sathasivam Sathiya	F	18			
103		Mariyathas Inthirathevi	F	20			
104	20/11/98	Sivsubramaniam Ariyaratnam	M	33	Ealalai North, Chunnakam	Jaffna	arrested by the Sri Lanka Army and are being kept in the detention centre
105		Arulanantham Sabesh	M	19			
106		Thevarajah Sarmilarajah	M	19			
107	20/11/98	C. Manoharan	M	27	Irupalai	Jaffna	arrested by the S/L Army - detained at KKS d/centre
108	21/11/98	K. Ratneswaran	M	21	Kondavil	Jaffna	arrested by the S/L Army - detained at KKS d/centre
109	23/11/98	A. Arul Mich Jacson	M	23	Kurunagar	Jaffna	arrested by the S/L Army and detained at the Kankesanthurai (KKS) detention centre
110		N. Subas	M	23	Kondavil	Jaffna	
111	24/1198	Vasantharajah Suthaharan	M	18	Kotkovalam	Point Pedro - Jaffna	arrested by the paramilitary (PLOTE) group
112	05/12/98	Forty-seven persons	M/F		Oddusuddan	Mannar	arrested by the S/L Army in a round-up operation
113	12/11/98	Ramalingam Shanthirakumar	M		Nallur	Jaffna	village officer of Nallur and a retired surveyor were arrested by the S/L Army 51-2 brigade
114		Nadarajah Keetheswaran	M	62	Thinnevely	Jaffna	
115	15/12/98	Rasaiah Prabaharan	M		Batticaloa	Batticalo	arrested by the S/L Army (he is a member of the Batticaloa Municipal Council - MMC))
116	18/12/98	Muthukaruppan Irulaanji	M	27	Nagar Temple beach on the south-eastern coast of Jaffna peninsula	Jaffna	sixteen fishermen form India's southern state of Tamil Nadu - detained by the Sri Lanka Army in Nagar Temple when they came ashore due to engine trouble with their boat
117		Nagasamy Babu	M	14			
118		Akinraj Sesurachchi	M	29			
119		Melson Vinosan	M	21			
120		Vellaichaamy Kasinathar	M	16			
121		Adaikalam Soosaiappu	M	28			

Tamil Eelam Archive

TCHR documented ARBITRARY ARRESTS/DETENTION - July 1998 to January 1999 (actual arrests higher than documented)

No.	Date	Full Name	Sex	Age	Place of Arrest	District	Incident
122	18/12/98	Vellaiyan Paalraj	M	26	Nagar Temple beach on the south-eastern coast of Jaffna peninsula	Jaffna	sixteen fishermen form India's southern state of Tamil Nadu - detained by the Sri Lanka Army in Nagar Temple when they came ashore due to engine trouble with their boat
123		Soosai Anothony Elsin	M	18			
124		K. Karuppaiah	M	35			
125		Virsin Anthonypichchai	M	37			
126		Karuppaiah Kesakaruppanidian	M	26			
127		Rasappan Merin	M	16			
128		Anothony Fernando Rayappan	M	43			
129		Pichchai Appa Moorthy	M	32			
130		Muthaiah Sellaiah	M	65			
131		Pichchaiah Mig Joseph	M	48			
132	20/12/98	More than 300 civilian	M/F		Kondaiankerny, Kinnaidy, Sungaankerni	32 k.m. north of Batticalo	the villagers were herded by the soldiers to the S/L Army camp at Kumburumoolai junction - South of Valaichienai
133	20/12/98	Vilvendirarajah	M		Colpetty	Colombo	Tamil businessman had been arrested by the officers of the S/L Police (CID)
134	29/12/98	Four people	M		Siththaandy	Batticaloa	arrested by the S/L Army detachment of Maavadivembu
135	13/01/99	Rajan, K	M	33	Vaakarai forest	Batticaloa	arrested by the S/L Army while collecting honey in the forest - currently held at Welikanda
136		Thevarajan, S	M	35			
137		Selvarajah, S	M	58			
138	14/01/99	Arumugam Kanakaratnam	M	39	Valvettithurai	Jaffna	arrested by the S/L Army at his home
139	16/01/99	20 Tamil youths in Colombo	M		Pettah	Colombo	Tamil youths working at different shops in Pettah-Colombo - arrested by the S/L Police
140	18/01/99	Santhiralingam Gnanamma	F	32	Samarabaahu – Valvettithurai	Jaffna	arrested by the S/L Army and detained in the S/L Army camp at the Point Pedro.
141		Murugesu Jeyalogarani	F	25			
142		Murugesu Srisoobharani	F	23			
143		Murugesu Sasikumar	M	20			
144		Murugesu Suthaharan	M	19			
145		Sinnathamby Ravi	M	23			

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TCHR documented ARBITRARY ARRESTS/DETENTION - July 1998 to January 1999 (actual arrests higher than documented)

No.	Date	Full Name	Sex	Age	Place of Arrest	District	Incident
146	April 98	Kindar Murugupillai	M		Avarangal	Jaffna	arrested by the S/L Army in several round-up
147	*(left out by an*	Yogarasa Kokularasa	M		Chundikuli	Jaffna	operations in Thenmaradchy and Valigamam in the
148	*oversight in*	Arumugam Sripalakrishnan	M		Chavakachcheri	Jaffna	Jaffna peninsula
149	*previous*	Sellankandy Jemiluthasan	M		Eluthumadduval	Jaffna	
150	*reports)*	Nicholaspillai Jeganathan	M		Eluthumadduval	Jaffna	
151		Theiventhiran Sujeevan	M		Kalvayal	Jaffna	
152		Amirthalingam Kanagalingam	M		Kalvayal	Jaffna	
153		Srikanthan Srikanesan	M		Kodikamam	Jaffna	
154		Kulasekarampillai Sivakaran	M		Kodikamam	Jaffna	
155		Nagarasa Muthurasam	M		Kodikamam	Jaffna	
156		Markandu Suveenthiran	M		Kodikamam	Jaffna	
157		Vannisasigam Karthikesu	M		Kudathanai	Jaffna	
158		Raymond Rajakulanathan	M		Meesalai	Jaffna	
159		Kandiah Saurnan	M		Mirusuvil	Jaffna	
160		Sittampalam Thankavelu	M		Mirusuvil	Jaffna	
161		Thankarasan Menakumar	M		Nunavil	Jaffna	
162		Sinnarasa Jegan	M		Nunavil	Jaffna	
163		Selvan Ravinthiran	M		Puttur	Jaffna	
164		Sivaganam Savanathan	M		Puttur	Jaffna	
165		Gunapalasingam	M		Thavady	Jaffna	
166		Sivakumar Kunapalasingam	M		Mirusuvil	Jaffna	
167		Ravichandran Selvan	M		Mirusuvil	Jaffna	
168		Amirthalingam Kalaivanan	M		Kalvayal	Jaffna	
169		Nadarajah Mohanakumar	M		Nunavil	Jaffna	
170		Kanapathypillai	M		Kachchai	Jaffna	
171		Sivakumaran	M		Kachchai	Jaffna	
172	22/05/98	Muthuthamby Pratheepa	F	19	Chankanai	Jaffna	arrested by the Sri Lanka Army

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Documented cases of E.J. KILLINGS / SUMMARY EXECUTIONS - July 1998 to January 1999 (actual killings higher than documented by TCHR)

No.	Date	Full Name	Sex	Age	Place of incident	District	Incident
001	26/05/98	Marimuthu Selvakumar	M	22	Near Murunkan S/L Army camp	Mannar	shot dead by the S/L Army at Murunkan point
002	*(left out by an oversight in previous reports)*	Muniayandy Ramaiah	M	23			
003		Palaniyandy, S	M	30			
004		Sellathurai Selvaratnam	M	32			
005	12/07/98	Vairamuthu Thangavadivel	M	27	Kinnaiyadi lagoon in Batticaloa	Batticaloa	shot dead by the Sri Lanka Army from Kinnaiyadi Army camp in Batticaloa. Local residents heard the sound of the gunfire.
006		Kanapathypillai Thavaseelan	M	22			
007		Thambypillai Kalirajah	M	22			
008		Pillayan Sellathurai	M	20			
009	12/07/98	Two civilians	M		At the 'petrol – station' junction	Karuvakkerni - Batticaloa	shot dead by the Sri Lankan Police
010			M				
011	15/07/98	S. Shanmugathasan and his son	M		Vavuniya	Vavuniya	killed in a land mine (Vavuniya Parliamentarian and his son)
012		Shanmugathasan	M				
013	18/07/98	Soosaimuthu Arullanantham	M	43	Navaladdy beach	Batticaloa	shot dead by the S/L Army while he was sleep in an open hut before going to sea
014	19/07/98	Sivasuthan Mary Antorina	F	18	Aanaikoddai	Jaffna	while being taken to hospital with labor pain, she was stopped by the S/L Army at a check post. Died due to harassment of the Army
015	20/07/98	Ilaiyathamby Selvarajah	M	27	Thambattai	Thirukovil - Batticaloa	shot dead by the Special Task Force (STF) while he had gone into the jungle to cut firewood
016	25/07/98	Kanthasamy Srikantha	M	21	Puthukudiyiruppu	Valaichenai-Batticaloa	shot dead by the S/L Army in a search operation
017	27/07/98	Poopalapillai Somanathar	M	37	Kiran-30 km south	Batticaloa	watchman of the Kiran co-operative society shot dead by the S/L Army while on duty
018	02/08/98	Gopalan Emilinona	F	35	Kachchai - Chavakachcheri	Jaffna	hacked to dead by the S/L Army. The decomposed body was found on 14 August in bushes near her house
019	05/08/98	Two civilians	M		Eluththoor area	Mannar	two traders shot dead by the S/L Army
020			M				
021	06/08/98	Vignarajah Suntharamoorthy	M	23	Kokuvil North	Jaffna	shot dead by the S/L Army during a search operation.
022	10/08/98	Inniyas Francis	M	39	Karuveppamkerni	Batticaloa	shot dead by the S/L Army and para-military group

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TCHR documented E.J. KILLINGS / SUMMARY EXECUTIONS - July 1998 to January 1999 (actual killings higher than documented)

No.	Date	Full Name	Sex	Age	Place of incident	District	Incident
023	11/08/98	A skeleton found in the toilet of Vasavilan Mahavidyalam school			Near S/L Army HQ in Palaly – Jaffna	Jaffna	it was identified that this is the skeleton of Ratnasigam of Punnalikkadduvan who disappeared since September 1995
024	21/08/98	Kokularajani Somaratnam	F	09	Karuvankerny -	Valachenai-Batticaloa	shot dead while returning home after church service
025	02/09/98	Kandiah Thambiah	M		Punnalaikkattuwan	Jaffna	killed by the Sri Lanka Army
026 027	09/09/98	Rajeswaran, S. Yogeswaran, S	M M	26 24	Beach of - Santhiveli	Batticaloa	both brothers shot dead by the S/L Army near the Army camp
028 029	20/09/98	Two fishermen	M M		sea off Samboor	Trincomalee	shot dead in their boat in the sea, off Tincomalee by the Sri Lankan Navy
030	18/09/98	Iyappan Sivakumar	M	16	Naasivanthivu	Valaichenai-Batticaloa	shot dead by the S/L Army
031 032 033	19/09/98	Three civilians	M M M		10th Mile post in Uylankulam	Mannar	shot dead by the S/L Army (businessmen who had gone to purchase goods in Mannar)
034	22/09/98	Selvam Nandakumar	M		Chavakachcheri	Jaffna	shot dead by the S/L Army
035 036	24/09/98	Sivalingam, S Sivalingam Sarojathevi	M F	 36	Kandalady -Vakarai	Batticaloa	killed by a mortar shell fired by the S/L Army
037	26/09/98	Sarath Weerasingha	M		Arachchikaddu	Puttalam	shot dead by unknown gunmen - (election violence)
038	10/10/98	Meerasahib	M		Paddirippu	Batticaloa	shot dead by unknown gunmen
039	10/10/98	Sithamparanathan Roopathaas	M	17	Somanathar Street	Paddirippu- Batticaloa	shot dead by the Special Task Force(STF)
040	10/10/98	Irasamansingm Suresh	M	23	Palai	Jaffna	shot dead by the S/L Army
041	18/10/98	Chithiran Rajakopal	M	38	Gurunagar	Jaffna	shot dead by the S/L Army
042	23/10/98	Rasanayakam Uthayakumar	M	44	Nayanmarkaadu	Nallur - Jaffna	killed by the S/L Army - D.M.O said that there are indications that he was tortured
043 044	23/10/98	Subramaniam Balarajah Tharmarajah	M M	56 49	Paalapani – Mankulam	Mullaitivu	shot dead by the S/L Army
045	26/10/98	Kathiravelu Nagenthiram	M	42	Pannai lagoon	Jaffna	shot dead by the S/L Army while fishing in the lagoon
046 047	30/10/98	Karunakaran K Sreetharan, K	M M	18 22	Kanakapuram	Kilinochchi	both brothers killed in a land mine planted by the S/L Army
048 049	01/11/98	Vettivelu Suthan Murugiah Nageswaran	M M	22 17	Visuvamadu	Kilinochchi	killed by an artillery shell fired from the Elephant - Pass Army camp

TCHR documented E.J. KILLINGS / SUMMARY EXECUTIONS - July 1998 to January 1999 (actual killings higher than documented)

No.	Date	Full Name	Sex	Age	Place of incident	District	Incident
050 051	06/11/98	Velupillai, Velupillai Theivanaipillai	M F	70 62	Kandavalai	Kilinochchi	killed by an artillery shell fired from the Elephant - Pass Army camp
052	12/11/98	S. Krishnapillai	M	65	Arukal Aaru	Batticaloa	shot dead by the Special Task Force (STF)
053 054	13/11/98	Rasu Letchumi Sambasivam Arudchelvan	F M	75 25	Kokavil junction	Mullaitivu	killed in the S/L Air Force bombing
055	15/11/98	Sambasivam Arulmoly	F	26	Puthukudiyeruppu	Mullaitivu	found dead at her home (reason unknown)
056 057 058	15/11/98	Sinnaswamy Uruthiran R. Thirumalai Iyaavu, R	M M M	32 35 48	Uylankulam	Mannar	shot dead by the Sri Lanka Army. Bodies handed over to Mannar hospital
059 060 061 062	21/11/98	Thangarasa Bavaani Thangarasa Santhini P. Jegan Suresh Muhunthan	F F M M	19 19 13 14	Murippu	Mullaitivu	killed in the S/L Air Force bombing
063 064 065	22/11/98	Mohanraj Kavitha Letchumanan Naagenthiran Seveethi Joseph	F M M	07 23 60	Koddaikattiya-kulam	Kilinochchi	killed in the S/L Air Force bombing at the residential area Koddaikattiyakulam
066 067	23/11/98	Two civilians	M M		Eluththoor	Mannar	businessmen shot dead by the S/L Army
068	26/11/98	S. Navaratnam (Hindu Priest)	M		Aaraipattai	Batticaloa	shot dead by the Sri Lanka Army
069	26/11/98	Saththiyanathan Thamilkumaran	M		Koomankulam	Vavuniya	hacked to dead - (University students of Moratuwa in Colombo district)
070 078	30/1198	Nine fishermen	M		sea between Semmalai and Alampil	Mullaithivu	shot dead by the Sri Lankan Navy in the sea. (All Sinhalese fishermen settled in the coastal area of Mullaithivu district)
080	02/12/98	Vivekanantharasa	M	10	Kaluthavalai	Batticaloa	shot dead by the Special Task Force (STF)
081 082	02/12/98	Two civilians			Palai	Jaffna	two youths shot dead by the Sri Lankan Police. Bodies handed over to the Jaffna Hospital

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TCHR documented E.J. KILLINGS / SUMMARY EXECUTIONS - July 1998 to January 1999 (actual killings higher than documented)

No.	Date	Full Name	Sex	Age	Place of incident	District	Incident
083	02/12/98	Rasalingam Suthaas	M	13	Chundikulam - East of Vadamaradchchi	Jaffna	killed in the S/L Air Force bombing at Nallathannithoduvai, a fishing village
084		Siva	M	13			
085		Kamalanathan Thanusha	F	15			
086		Yogachanthiran Mallikadevi	F	36			
087		Visuvalingam Yogarani	F	38			
088		Velupillai Sellathurai	M	75			
089	03/12/98	Kumaresu Yogarajah	M	36	Thatchanamaruth-madu	Mannar	tragic death due to S/L government economic embargo
090	04/12/98	Sanjithambi Sinnathurai	M		Chenkalady	Batticaloa	A cadre of the PLOTE, a paramilitary group working with the Sri Lanka Army, identified as K. Balasubramaniam alias Balan had opend fire into the house killing seven members of a family
091		Kanakammah Velupillai	F				
092		Sinnathurai Anthony	M	32			
093		Ranjini Anthony	F	28			
094		Nisha Anthony	F	09			
095		Anushiya Anthony	F	07			
096		Sinthuja Anthony (10 months old)	F				
097	08/12/98	A three months old infant and his brother	M	15	Kilaly - Southeast of Jaffna	Jaffna	killed when S/L Army opened fire in a house at K ly
098							
099	09/12/98	Five civilian			near the Punanai Army camp	Batticaloa	shot dead by the S/L Army. The victims are from the Muslim town of Ottamavadi - Batticaloa
103							
104	15/12/98	M. Vadivelu	M	74	Muthayankadu	Kilinochchi	killed in a shell attack fired from the Elephant Pass Army camp
105	20/12/98	Arumugam Rajakumar	M	17	Valaichchenai	Batticaloa	killed in a S/L Army grenade attack
106	21/12/98	Sivabalasingham, S	M	26	Nedunkerni Road	Mullaitivu	five civilians who were travelling to their paddy fields hacked to dead by the S/L Army
107		Ponnuthurai Sivabalu	M	28			
108		Arumugam Vallipuram	M	45			
109		Satkunam Manickavasagam	M	48			
110		Nallathamby Nadarajah	M	49			
111	23/12/98	Girl in her late teens	F		Irupaalai	Jaffna	the naked body of a girl found in the shrub at Irrupalai. The girl's face was unrecognisable
112	23/12/98	Highly decomposed body			Erukkalampiddy	Mannar	decomposed body washed ashore

Tamileelam Archive

TCHR documented E.J. KILLINGS / SUMMARY EXECUTIONS - July 1998 to January 1999 (actual killings higher than documented)

No.	Date	Full Name	Sex	Age	Place of incident	District	Incident
113	29/12/98	Arumugam Rajeswary	F	21	Rangala estate	Rangala	raped and killed by an unidentified person
114	01/01/99	Chanthirasekram Selvanayaki	F		Palai	Jaffna	shot dead by the S/L Army
115	04/01/99	Nallathamby Sabanathan	F	41	Eravur	Batticaloa	shot dead by the Sri Lankan Police
116	04/01/99	S. Pathmanathan	M		Mahiloor Munai	Batticaloa	shot dead by the Special Task Forces (STF)
117 118 119	09/01/99	Three civilians			Mahakachokidiya, off Maamaduwa	Vavuniya	killed in a land mine blast
120	13/01/99	Kanapathypillai Gopal	M	32	Vaakarai forests	Batticaloa	shot dead by the S/L Army in the jungle while collecting honey
121	15/01/99	P. Siva	M		Kuliyapitiya	Kurunagala	shot dead by gunmen suspected to be member of ruling People Alliance (PA) - election campaign violence
122	17/01/99	Ekamparam Anantharajah	M	17	Myilambaveli	north of Batticalo	shot dead by the para-military group
123	17/01/99	One civilian	M		Uyilankulam	Mannar	businessman shot dead by S/L Army
124 125	18/01/99	Santhalingam Renuka Suppiah Sinnamman	F F	18 40	Mulliyawalai	Mullaitivu	tragic death due to S/L government economic embargo. Both ate poisonous plants due to starvation
126	19/01/99	Gamini Weerasinghe	M		Paalavi Junction Aanamaduwa	Puttalam	shot dead by unidentified gunmen - election campaign violence
127	23/01/99	Selvaratnam Kouthathaas	M	16	Nunavil west	Jaffna	shot dead by the S/L Army
128	24/01/99	One student	M		Mullaitivu	Mullaitivu	killed in the S/L Air Force bombing
129	26/01/99	Mathuraiveeran Subramaniam	M	53	Madhu rd.junction	Mannar	tragic death due to S/L Gov. economic embargo.
130	16/04/98	Vijayakumari *(left out by an oversight in previous reports)*	F		Point Pedro	Jaffna	Burn to death by the S/L Army
***	1998	Kachcheri sources in Kilinochchi said that **eight persons** arrested and killed by the S/L Army	M/F		Kilinochchi	Kilinochchi	Kilinochchi was under the control of the S/L Army until September 98. Eight people arrested and killed by the S/L Army
***	0/01/99	Human Rights Commission (HRC) in Jaffna said four arrested persons have been confirmed dead!			Jaffna	Jaffna	According to HRC, these arrests were made by the security forces and Eelam People's Democratic Party (EPDP). HRC = Government source

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Documented cases of ENFORCED OR INVOLUNTARY DISAPPEARANCES - July 1998 to January 1999 (actual disappearances higher than documented)

No.	Date	Full Name	Sex	Age	Place of incident	District	Incident
***	1990 to March, 98	According to Member of Parliament for Batticaloa: **13,000** people have disappeared in the **Easter Province**	M/F		all over Eastern Province	Batticalo, Trincomalee, Amparai, Kalmunai	people arrested and disappeared in the Eastern Province by the S/L Army, the Special Task Force (STF) and the Police
***	07/01/96 to 23/07/97	According to the Guardian Association for person Arrested & Latter Disappeared; **more than 600** of their children were arrested and disappeared in the Jaffna peninsula	M/F		Jaffna peninsula	Jaffna	arrested by the Sri Lanka Army and disappeared in the Jaffna peninsula. The news release issued by Amnesty International on 27/11/97 had confirmed these disappearances.
***	1998	Kachcheri sources in Kilinochchi said that 109 persons of the district reported missing in 1998	M/F		Kilinochchi	Kilinochchi	Kilinochchi was under the control the Sri Lanka Army until September 98. 109 people were arrested and disappeared
001 002	30/07/98	Nadarajah, S (and his wife) Mrs. Nadarajah	M F	50 47	Islands off the Jaffna peninsula	Jaffna	reported missing
003	24/08/98	Rajakuru Yogeswaran	M	27	Kathiresan Road	Colombo 13	reported missing after arrested by the Police (CID) at his place of employment (shop) in Colombo.
004	27/08/98	Poopalapillai Suthakaran	M	18	Maning Place – Wellawatta	Colombo	reported missing after arrested by the S/L Police at his place of employment (restaurant) in Colombo
005	13/09/98	Shanmugarajah	M		Vavuniya (Vepankulam)	Vavuniya	abducted by an armed group while returning home after work
006	21/09/98	Ponniah Anton	M		Chavakachcheri	Jaffna	missing aftermath of the shoot between S/L Army and para-military group PLOTE
007-031	06/10/98	Twenty four persons disappeared	M	15 to 40	Koppaveli – 30km Northwest of Batticaloa	Batticalo	reported missing after arrested by the Special Task Force (STF)
032 033 034 035 036	07/10/98	P. Sritharan S. Vaseekaran S. Thavakularatnam S. Selvaratnam A. Thangarajah	M M M M M	27 33 38 42 43	Karanavai in Karaveddy (lagoon nearby)	Jaffna	five fishermen have been missing since they had set out to fish in the lagoon on 7/10/98. The resident saw, five blind folded civilians being taken in a S/L Army truck in Maruthankerni

TCHR documented ENFORCED OR INVOLUNTARY DISAPPEARANCES - July 1998 to January 1999 (actual disappearances higher than documented)

No.	Date	Full Name	Sex	Age	Place of incident	District	Incident
037 038	22/10/98	Soman Rajendran Vinasi Kanagaratnam	M M	47 42	Nedunkerni	Mullaitivu	reported missing after they went to see their abandoned houses at Nedunkerni. They had sought refuge at Oddusuddan and Vasanthapuram in Vanni
039 040 041 042	26/10/98	Karunaratnam Ranjan John Jeevaranjan John Ramesh Baliah Pirasanth	M M M M	14 19 21 21	Kalmunai	Batticaloa	youths were abducted by a group of unidentified six armed men who came in a white van. Para-military groups and Special Task Force (STF) use white van
043 044	27/10/98	Lakshman Keetheswaran Veeraiah Uthayakumar	M M	22 30	Sithamparapuram	Vavuniya	both were arrested at their homes by the para-military group PLOTE on 27/10/99 - nothing heard of them since then
045 046 047 048	31/10/98	Kandasamy Vijayaratnam Kandiah Rasiah Kandasamy Pavendiran V. Ratnam	M M M M	25 31 50	Marailuppai – Nedunkerni	Mullaitivu	reported missing after they went to see their abandoned houses at Nedunkerni
049	03/11/98	Manickam Nageswaran	M	26	Point Pedro	Jaffna	he was asked to report to the S/L Army camp in Pedro on 3rd November 98. As it was requested, he went to the Army camp and nothing heard of him since then
050	04/11/98	Nadarajah Rajaratnam	M	30	Sithamparapuram	Vavuniya	arrested at his home by the para-military group PLOTE and nothing heard of him since then
051	05/11/98	Poopalasingam Uthayakumar	M	23	Kalikovilady Kokuvil	Jaffna	owner of a butchery - his house was searched by the S/L Army and his photo and identity card were taken away by them. He was not at home during the search. He has been reported missing since then.
052	05/11/98	Rasiah Thavarasa	M	32	Kopai	Jaffna	went for shopping and had not returned since then
053	22/11/98	Gunakularajah Danushan	M	17	Poonthoddam	Vavuniya	arrested by the S/L Army and taken in a white van and nothing heard of him since then
054	25/11/98	Packyaratnam Yogeswaran	M	16	Veppamkulam	Vavuniya	arrested by the S/L Army at Veppamkulam camp and nothing heard of him since then.
055	26/11/98	Ponnuthurai Ravindran	M		Kurumankadu	Vavuniya	arrested by the para-military group PLOTE and nothing heard of him since then

Tamil Eelam Archive

TCHR documented ENFORCED OR INVOLUNTARY DISAPPEARANCES - July 1998 to January 1999 (actual disappearances higher than documented)

No.	Date	Full Name	Sex	Age	Place of incident	District	Incident
056 057 058 059	01/12/98	Gunaseelan, K Kanagasabai Thesangi Bernard de Alwis, V Mariyanthambi Thevarajah	M M M M	19 26 28 28	Koppaveli	Batticaloa	five civilians had gone into the jungle to chop fire wood and they had been surrounded by the members of STF. One of these civilians escaped the gunmen and returned home and alert villagers. Four had been reported missing since then
060	20/12/98	Mylvaganam Jayaseellan	M	23	Vairakuliyankulam	Vavuniya	arrested by the para-military group PLOTE and nothing heard of him since then
061 062	21/12/98	Selvarajah Thamilchelvam Subramaniam Atputharajah	M M	16 17	Kovilkulam	Vavuniya	arrested by the para-military group PLOTE and nothing hear of him since then
063	01/01/99	Sinnathamby Thavarajah	M	18	Moorthavinayagar Road – Nallur	Jaffna	he went to Palaly to buy coconuts - reported missing since then
064	07/01/99	T. Selvendran	M		Kallapaadu	Mullaitivu	reported missing since he went for fishing in the sea off Kallapadu in Mullaithivu
065 066	14/01/99	Poopalapillai Thiagarajah Eliyathamby Narayanapillai	M M	47 49	Mandoor	Batticaloa	as a result of a complaint made against them, both went the Mandoor police station. Nothing heard of them since then..
067 068 069	20/01/99	Vigneswaran Thuvaragan Namasivayam Jeyakumar Sithamparapillai Santhirasekaran	M M M	17 18 19	Moondrumurippu-Mallavi	Vavuniya	reported missing while they were looking after the grazing cattle
070	23/01/98	Pararajasingham Baskaran	M		Chunnakam Army Camp	Jaffna	as he was recently released from Kalutara prison, he was reporting regularly to Chunnakam Army Camp. As usual, he went to the Army camp on 23/1/99 and reporting missing since then
071	28/01/99	Christie Johnson Basilrajah	M	24	Mount Kamal Rd. Gurunagar	Jaffna	Last seen at 2p.m. in Jaffna town on 28/01/99. Reported missing since then.

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Documented cases of RAPE / TORTURE AND OTHERS - July 1998 to January 1999 (actual rape / torture, etc. higher than documented)

No.	Date	Full Name	Sex	Age	Place of incident	District	Incident
***	31/12/96 *(left out by an oversight in previous reports)*	Sivasothy Krishnapillai The inquest was held at the Batticalo court on November 30, 98	F	31	Mandoor	Batticaloa	she was **raped** near her house by three Special Task Personnel. Soon after the rape, she was about to commit suicide by taking poison
***	02/02/97 *(left out by an oversight in previous reports)*	Ehamparam Dhamayanthi Colombo High Court Judges had ruled on 15/01/98 that she raped and tortured while under custody of the police and armed forces	F	20	Police station – Kommanthurai	Batticaloa	she was **raped and tortured** while under custody of the police and S/L Army
***	10/07/98	over 1800 civilians in 6 years	F/M		Jaffna	Jaffna	over 1800 civilians have lost limb due to **land mines** blast in Jaffna during the last 6 years
001	15/07/98	Thambirajah Kamalathasan	M	19	Pettah police station	Colombo	subjected to **torture** by the Police at Pettah police station. Assaulted with rod, Chilli powder was rubbed into his eyes and genitals were squeezed.
002	15/07/98	Nagalingam Bavany	F	48	Thirunelvely	Jaffna	**raped and hacked to dead**, possibly by the S/L Army
003	08/08/98	Mahenthiran Susila	F		Kasthuriyar Road	Jaffna	lost her leg in a **land mine** blast
004	14/08/98	Emilinona Gopalan	F	35	Kachchai	Jaffna	**raped and hacked to dead**-possibly by the S/L Army
005	21/08/98	Anurajani Somaratnam	F	10	Karuvankerney	Batticaloa	**shot and injured** by the S/L Army
006	23/08/98	Somaratne Rajapakse	M		Welikade prison	Colombo	he was **attacked** by prison guards - fear of safety
007 008	29/08/98	Vellupillai Thavachelvam Vellupillai	M M		Sembianpattu – Vadamarachchi	Jaffna	father and the son, **severely assaulted** by the S/L Army at their residence in Sembianpattu
009	13/09/98	House maid	F	12	Seethuva	Colombo	**child labor and rape.** Twelve year-old girl working as a maid at a retired police office's house was sexually molested by the employer's son
010	19/09/98	V. Pushparajah	M	28	10th mile post in Uylankulam	Mannar	**shot and injured** by the S/L Army.

Tamil Eelam Archive

TCHR documented RAPE / TORTURE AND OTHERS - July 1998 to January 1999 (actual rape/torture, etc. higher than documented)

No.	Date	Full Name	Sex	Age	Place of incident	District	Incident
011	22/09/98	Two fisherman	M		Madaththuveli Pungudutheevu	Jaffna	**severely assaulted** by the S/L Navy personnel and admitted to Jaffna hospital
012	22/09/98	Nantharasan Poopalasingham	M	17	Chavakachcheri	Jaffna	**severely assaulted** by the S/L Army and admitted to hospital
013 014	24/09/98	Jeyalatha Krishnapillai Navaratnam Krishnapillai	F M	11 37	Kandalady	Batticaloa	**injured** in a mortar attack by the S/L Army in Kandalady
015	02/10/98	Pushpamalar, S	F	12	Sangathaanai	Jaffna	**raped** by the S/L Army while returning from school
016	04/10/98	Thiagarajah, S	M		Murukandy	Kilinochchi	injured in a **shell attack** fired by the S/L Army
017	07/10/98	Ruban, T	M		Kilinochchi	Kilinochchi	lost one of his legs in a **land mine** blast in Kilinochchi
018	10/1098	Mrs. Anthonypillai	F		Palai	Jaffna	**shot and injured** by the S/L Army
019	15/10/98	Sathasivam Sanjeevan	M	18	Kalmunai	Batticaloa	**arrested, tortured and killed** by the S/L Police in Kalmunai
020	17/10/98	Raped 16 year old school girl	F	16	Vaddukoddai	Jaffna	she was **abducted and raped** by three S/L Navy personnel
021	21/10/98	Indian bride	F	29	Modera	Colombo	**raped** by an unidentified person at the beach
022 023	01/11/98	Amuthan Paramasivam Thambiah, R	M M	24 60	Visuvamadhu	Kilinochchi	shell fired from the Elephant Pass Army camp **injured** both
024	03/1198	Sathasivam Nimalanathan	M	27	Kiran	Batticaloa	**severely beaten** by the S/L Army at Kiran bridge
025	05/11/98	Three civilians	M		Aaraipattai	Batticaloa	**injured** in a S/L Police grenade attack
026	14/11/98	Muthiah Ramanetharan	M	28	Pandiyankulam	Mullaitivu	**injured** in an aerial bombing carried out by the S/L Air Force
027	15/1198	Supiah Veerasingham	M		Nelunkulam	Vavuniya	shot and **injured** by unidentified gunmen
028	18/1198	Two civilians	M		Palukamam	Batticaloa	**injured** in a shell fired by the STF from it's camp at Manmunaithurai
029 030	21/11/98	Mathan Suhanathan, R	M M	18 22	Murippu	Mullaitivu	**injured** in an air strike carried out by the S/L Air Force
031 032	22/11/98	Thiyagarasa Pirasath Nallathamby Bavani	M F	06 25	Puliyamadhu	Mullaitivu	**injured** in a mortar fired by the S/L Army

Tamil Elam Archive

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No.	Date	Full Name	Sex	Age	Place of incident	District	Incident
033	22/11/98	Sulochana	F	04	Koddaikattiya-	Kilinochchi	**injured** in an air strike carried out by the S/L Air
034		Kulasunthari, R	F	28	kulam		Force on the residential areas
035		Thevy, R	F	37			
036		Vellaiammah, S	F	46			
037		Velammah	F	57			
038	23/1198	Jesurajah Anushyanathan	M	03	Koddaikattiya-	Kilinochchi	**injured** in an air strike carried by the S/L Air Force
039		Jesurajah Jeneeva	M	10	kulam		
040		Kumaraswamy Nagammah	F	58			
041	02/12/98	Pushparanee, M	F	37	Kaluthavalai	Batticaloa	**injured** in a mortar attack fired by the STF from
042		Saraswathy, K	F	39			Paddiruppu bridge
043	02/12/98	Subramaniam Kangairubi	F	16	Chundikulam –	Jaffna	**injured** in an air strike carried by the S/L Air Force
044		Sothimalar, K	F	38	Vadamarachchi East		
045		Kanapathypillai Subramaniam	M	48			
046	06/12/98	Selvarajah Sivakumar	M	24	Katchillaimadhu	Mullaitivu	**injured** in an strike carried out by the S/L Air Force
047		Tharmalingam Anton	M	28			
048		Perampalam Mahalingam	M	48			
049		Ilayakutty Mylvaganam	M	50			
050	07/12/98	Sinarasa Vinodhini	F	16	Kilaly	Jaffna	**shot and injured** by the S/L Army in a house near the Church of Virgin Mary in Kilalay
051	08/12/98	Amirthanathan Theepan	M	04	Kilaly – Southeast	Jaffna	S/L Army opened fire in a house and **injured** four
052		Amirthanathan Amirtharani	F	35	of Jaffna		people
053	09/12/98	Eight children	M/F		Kalmadu	Batticaloa	while they were collecting firewood in the shrub jungle behind the army camp, they had picked up a can which exploded and **injured** them
054	13/12/98	Ponnuthurai Nakuleswaran	M	15	Thamballagamam	Trincomalee	**injured** in an indiscriminate firing by the military-police
055	17/12/98	Thillainayagam Vellaikutty	M	24	Batticaloa lagoon	Batticaloa	while they were fishing in the lagoon, STF shot and
056		Arumporul Vellaikutty	M	33	near Mandoor		**injured** them
057	18/12/98	Sinnathurai Ganeshamoorthy	M		Kanagapuram	Kilinochchi	**injured** when stepped on a booby trap laid by the S/L Army. (during its control over Kilinochchi)

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No.	Date	Full Name	Sex	Age	Place of incident	District	Incident
058	26/12/98	Pilliyan Gnaneswaran	M	04	Koduvamadu	Batticaloa	ten member of a family, including five children were **injured** when the S/L Army fired artillery from their camp
059		Pilliyan Kandeepan	M	08			
060		Pilliyan Lavan	M	09			
061		Pilliyan Rasamani	F	10			
062		Pilliyah Uruthiran	M	12			
063		Chelliah Kugan	M	15			
064		Chelliah Manjula	F	23			
065		Kanapathypillai Pilliyan	M	32			
066		Kanapathypillai Ranee	F	35			
067		Kanapathypillai Chelliah	M	48			
068	29/12/98	Arumugam Rajeswary	F	21	Rangala Estate	Rangala	While she was returning home after work, she was **raped and killed** by an unidentified person
069	01/01/99	Mohamad Ashraff	M	14	Trincomalee	Trincomalee	Critically **injured** by a stray bullet fired by the S/L Navy
070	02/01/99	Anton, S	M	41	Kalmadu	Kilinochchi	**Injured** in a booby trap laid by the S/L Army. (during its control over Kilinochchi)
071	04/01/99	Rajendiram, S	M		Eravur	Batticaloa	S/L Army opened fire on a cart that he was travelling and **injured** him
072	11/01/99	Asoka, T	M		Kayankerni	Batticalo	**Injured** in a shell fired by the S/L Army stationed at the Usanar Eththam
073		Tharumaratnam, K	M	47			
074	13/01/99	Wickramabahu Karunaratna	M		Wariyapola	Kurunagala	**Severely assaulted** by a group of ruling PA members – election campaign violence
075	18/01/99	Moraes	M		Uyilamkulam	Mannar	shot and **injured** by the S/L Army
076	21/01/99	Navaratnam Nagalingam	M	16	Muthayankaddu	Mullaitivu	**Injured** in a artillery attack fired by the S/L Army
077	23/01/99	Nareshkanthan Rajanathan	M	10	Mathurankerni in Vakarai	Batticaloa	**Injured** in a shell attack fired by the S/L Army from Mankerni camp
078		Vairamuthu Krishnapillai	M	50			
079		Sambu Nathan	M	50			
080	24/01/99	Sinarasa Jehan	M	18	Nunavil west	Jaffna	shot and **injured** by the S/L Army

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No.	Date	Full Name	Sex	Age	Place of Arrest	District	Incident
081	24/01/99	Sebastian Jude	M	07	Mullaitivu	Mullaitivu	**Injured** in an air strike carried out by the S/L Air Force on the residential areas in Mullaitivu
082		Sebastian Suthan	M	09			
083		Sebastian Mayooran	M	12			
084		Jesunayagam Thileep	M	13			
085		Sinniah Manoharaseelan	M	24			
086		Sebastian Mariathas	M	37			
087		Thanabalasingham Saraswathy	F	59			
088	29/01/99	Three Muslim women	F		Iyankerni	Batticaloa	three Muslim women were tied to lamp posts, heads completely shaved, stripped to their waists and **raped** by six Muslims youths believed to be members of an Islamic fundamentalist group
089	30/01/99	Sivalingam,	M		Jeyanthinagar	Kilinochchi	**Injured** when stepped on a booby trap laid by the S/L Army (during its control over Kilinochchi)
090		Pancarasa, S	M	37			
091	14/04/98	Selvarasa Vasantha *(left out by anoversight in previous reports*	F		Point Pedro	Point Pedro	**Raped** by the Sri Lanka Army
092	17/03/98	name remain anonymous *(left out by anoversight in previous reports*	F	17	Palugamam	Batticaloa	**Striped naked and beaten** by the S/L Army and para-military group

Tamilenathi Archive

ANNEXES

SRI LANKA WARNS U.S. AND UN

COLOMBO, Feb 3 (AFP) - The Sri Lankan government has strongly warned diplomats against commenting on a local election which the ruling party won amid charges of major vote fraud, officials said Wednesday.

The warning by the foreign ministry came as a US embassy spokesman expressed concern over the allegations of violence and vote-rigging and said they were awaiting a final report from the independent poll monitors.

The ministry told all heads of diplomatic missions and United Nations agencies that any reaction to the January 25 north-western Province (NWP) elections would be considered interference in Sri Lanka's internal affairs.

".....The government of Sri Lanka accordingly regards any such public statements as may have been made as interference in the internal affairs of a sovereign state".

The warning sent under confidential cover to all foreign missions said diplomats were in no position to make an "objective assessments" of the conduct of the election.

The government of President Chandrika Kumaratunga is under intense pressure to cancel the vote and hold fresh elections following reports from independent poll monitors that it was the most fraudulent poll ever.

Tens of thousands of people halted traffic in Colombo Tuesday to press for fresh elections and condemned Kumaratunga for the election fraud. Activist burnt three coffins near the meeting venue symbolising the "death of democracy" while bands played funeral music.

The US embassy spokesman said the monitors had a "solid reputation". The government said the observers were biased towards the opposition.

Elections Commissioner Dayananda Dissanayake admitted vote-rigging at 212 out of 1,140 polling booths during the vote but said he had no power to annual the entire election.

Kumaratimga's party won 30 seats in the 52-member council while the UNP got 19 seats and the balance went to a leftist party. The UNP has vowed to boycott the council, which is the highest level of local government.

Two cheers for Democracy !

(Hot Spring - January 99)

President Kumaratunga's hesitant opening "democratic" gambit at the recently concluded North-western provincial council polls seems to have resulted in everyone calling names at what happened. **"A shame"**, said her own Muslim Ports Minister Ashraff. **"A fraud"** said veteran M.P. Ronnie de Mel. **"A mafia operation"**, said an opposition candidate. **"Gangsterism"**, said someone. **"Goonda power"**, said another. **"Gestapo tactics"** said a news paper headline. **"A disgrace that passed for an election"**, said another. No event in that country's recent history provoked such an outpouring of adjectives, such semantic thunder, and such copiousness of vocabulary as this election - if you call it one-to a mere provincial council, an one of several in the country.

Not terrorism?

We have no complaint to make at the various colourful description ascribed to Madame President's electoral adventure. Every one of them seems apt and appropriate. But has it struck anyone that the one world that would have described perfectly what happened in that electoral province appears to have been scrupulously avoided by all concerned, as if by common consent. That world TERRORISM. What happened in Wayamba was nothing short of terrorism. Polling stations were invaded by armed gangs, polling agents were chased away, ballot boxes were forcibly stuffed.

There were two murders, and several attempted killings. A 53-year old woman was stripped naked and paraded. Pistols were waved, and even T-56 fully automatic weapons used by the combatants in the 15-year old war figured at the Wayamba election scene, according to two commentators. Can terrorism be any different? And yet, that one word did not creep into the rich vocabulary that was used to describe the Wayamba scene. Why? Because terrorism is a word that is exclusively reserved for use again the Tamil Tigers! It would not do to use that world to anything happening in the Sinhala south. **In the Sri Lankan lexicon, an army of Tamil Tigers wiping out a Sri Lankan military camp in the north, along with over a thousand armed soldiers would be described as the act of terrorists,** but if a hundred gun toting Sinhala voters from voting.....? Well....

Holding elections is not necessarily indicators of a thriving democracy. Stalin held elections. And so did Hitler, whom Madame President recently compared to Prabaharan - taking advantage of a safe audience in FRONTLINE editor N. Ram. The latter of course prefers to liken the LTTE leader to Pol Pot who is reputed to have presided over the death of two million Cambodians. Well, each person to his taste. Madame President's mother incidentally is on record as having presided over the death of a mere 20,000 Sinhala youths in 1971. All that is by the way. What we were trying to say is, **Stalin held elections, Hitler held elections, and now President Kumaratunga has also held a little election.** The common problem in all these election is how one rescues democracy from such elections.

Disappearances

The Tamil man is all too familiar with such elections. In 1981, under another Sinhala political dispensation, elections were held in Jaffna for some toothless District development Councils, and when whole ballot boxes disappeared : that was long before Tamils themselves began disappearing under the present dispensation. As also everyone knows, if a man could sit

in Parliament today by securing only eight or ten votes, that could happen only in Jaffna, and that was what happened in the last Parliamentary elections of 1994. The President has nine such M.Ps under her wing today. So that is also Democracy for you. Two cheers !

S. Sivanayagam
Editor in Chief - Hot Spring

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PROSTITUTION OF DEMOCRACY

(The Sunday Leader - January 31, 1999)

CHANDRIKA Kumaratunga is a thoughtful woman this week. Almost five years into her term of office, her party was able to capture the Wayamba Provincial Council only through an orgy of violence, intimidation and thuggery. If the independent election observers and media are to be believed (quite apart from the opposition), this was the mother of all elections. The People's Alliance sheep had shorn off its fleece and appeared for all to see as the wolf it really is.

The people's Alliance is not the first party in history to have stepped into the sad path of political subversion. Others before them have tried, and very often succeeded, although ever so briefly. **Hitler, Mussolini and Marcos, to name but a few. All took office through the democratic process : all left office through violence and upheaval.** There is a lesson in this and one that Kumaratunga has chosen to learn the has way : if you cling to office by subverting democracy, the chances are you will leave it only by violence.

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We have pointed out in the past and done so with responsibility, that **Kumaratunga is a bold, habitual fluent liar.** One could be forgiven for concluding that **it is in her character not to tell the truth if a lie would serve her purpose**. Examples of her untruthfulness abound, and we shall be happy to catalogue them on demand. Can we then take seriously anything she utters now?

What is saddest in these events is the dehumanising effect they have not just on the political forces of Sri Lanka but on the presidency itself. Among the countless acts of violence inflicted on the opposition parties in the course of Wayamba election campaign were ones of utter perversion. **Most disgusting of all was an instance when 53-year old woman, perceived as UNP 'supporter', was stripped of her clothing and marched at gun point down public highway, in the presence of children.**

Despite wide publicity in the independent media and vague talk of women's rights, Kumaratunga has not up to now so much as issued a statement condemning this barbaric and cruel crime that agitates against the very roots of our culture and civilisation. Kumaratunga is too, is 53 and a mother. How would she feel if (God forbid!) when one day she finally relinquishes office, she is stripped naked and marched down Galle Road at the point of a bayonet, accompanied by her children Yasoda and Vimukthi? How for that matter would they feel?

Ruling a country by force of arms is an enterprise fraught with peril. It can do the people no good, for each governmental lie must lead inexorably to another; neither can it do Kumaratunga any good, for an angry public is a dangerous thing.

It is Kumaratunga who, as Minister of Defence, presides over the police. As much as she might try to distance herself now from the even of January 25th, that day will be remembered for a long time **as a day of shame for Kumaratunga.** She is ultimately responsible for the disgraceful events of that day, a blot indeed on the Bandaranaike escutcheon of which she effects to be so proud.

Twice in our time the youth of this national have taken arms against the state. On each occasion their repression has led to merciless slaughter, **all in the name of democracy.** To the public, it makes little difference that the JVP should endeavour to acquire power through the gun, while the PA should strive to acquire it through the goon. In the long run, they share the same fate. Our country's heritage is not Kumaratunga's to prostitute.

(Excerpt from the Comment)

தமிழீழ ஆவணக்காப்பகம்
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THIRD PARTY MEDIATION

(The following are extracts from Mr. Pirapaharan's Heroes' Day message)

Mr. V. Pirapaharan the leader of the Liberation Tigers of Tamil Eelam (LTTE) in his message to mark the anniversary of the Heroes' Day (27/11/1998), blamed the growing entrenchment of Sinhala - Buddhist chauvinism and militarism in Sri Lankan politics as stumbling blocks for a negotiated political settlement of the Tamil ethnic conflict.

The leader of the Tamil Tigers declared that the LTTE is prepared for a negotiated political settlement if peace talks are mediated by a third party. Mr. Pirapaharan said that peace negotiations cannot take place under the prevailing conditions of war, violence and oppression. The LTTE, he said, prefers to hold talks in an atmosphere of peace and normalcy, in a congenial environment free from military aggression, occupation and economic blockades imposed on the Tamil homeland. He explained that peace talks cannot be free, fair and just if the Sri Lanka Government utilises military aggression and economic strangulation as political pressures on the Tamil community.

What are we demanding? What are we struggling for?

We aspire to live peace fully with freedom and dignity, without the interference of anyone, in our own soil; in our Motherland where we are born and bred; in our own historical homeland which belongs to us. We too, are human beings. We constitute ourselves as a human society processing the basic rights of human beings. We are a national formation with a distinct language, culture and history. We, therefore, demand that we should be recognised as a community of people, as a social formation with distinct characteristics. We have the right to determine our political status. On the basis of the right, we aspire to choose freely a political model suited to us to govern ourselves.

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This is what our people are demanding and fighting for. The Sinhala nation has been denying this just and civilised demand. It is precisely for this reason that the Sinhala state has been oppressing and suppressing our people. Successive Sri Lanka Governments have neither integrated or assimilated our people within the unitary system nor allowed to people the right to secede. Instead, they have always attempted to repress and subjugate our people. It is for this reason we have been compelled to fight a political struggle for the last fifty years. Though the forms of our struggle have changed in accordance with the historical compulsions, we continue to fight for political rights, for our right to live in freedom. Now the Tamil struggle has expanded and escalated into a war between two nations.

It is none other than the anti-Tamil attitude of Sinhala-Buddhist chauvinism that has turned Sri Lanka into a blazing cauldron of violence. The Tamil national question arose as historical of this racist oppression.

Over the years our people have been shedding tears of blood under the oppressive grip of Sinhala chauvinism. We are deeply saddened by the fact that their long-standing suffering has not yet touch the conscience of the world community. Apart from this apathetic attitude

shown by the international community towards the problems of our people, the massive financial and military assistance provided to Sri Lanka by foreign countries has also engorged the rigid, irreconcilable and bellicose attitude of the Sinhala chauvinists. The world community has always fought for the cause of the oppressed and it has always raised its voice of protest or intervened whenever there have been incidents of human rights violations, crimes against humanity or repression of minority nations in any part of the world. But we are dismayed to note that the international community is observing a muted silence over the colossal tragedy faced by the Eelam Tamils. Encouraged by the economic aid, military assistance, political, moral and diplomatic backing gained from international countries, Sinhala chauvinists have been adopting a genocide policy against the Tamils with single-minded ruthlessness and arrogance.

We are aware of the fact that the international community is misguided by the sophisticated misinformation campaign carried out by Sri Lanka. It is unfortunate that the world community has uncritically assimilated the preposterous theories advanced by the Sri Lankan state (i.e. war for peace) to legitimise its military campaign against the Tamils. Nevertheless, facts about the plight of the Tamils have also found their way to the international arena. Atrocities and injustices committed to international forums. International human rights organisations have expressed serious concern that the state oppression against the Tamil has reached genocidal proportions. It is well known internationally that more than sixty thousand innocent Tamil civilians have been brutally done to death over the years by the terror and violence unleashed by the racist state in the Tamil homeland. Furthermore, more than eight hundred thousand Tamils, who fled the country and sought refuge all over the world, bear testimony as living witness to the barbaric nature of the Sinhala state oppression. The world is aware of all these facts. Yet, we are surprised and deeply saddened to note that this monumental human tragedy has not yet aroused the concern of world community.

We are well aware that in the present world order every country pursues its own national and commercial interests. Yet, the civilised world has always given primacy to the universal values of human rights and freedoms. What dismays us is that the countries which lead the civilised world are reluctant to raise their voices against the uncivilised forms of oppression unleashed against the Tamils. Nevertheless, we have not lost hope. One day the truths that are buried deeply in mass graves of Tamil Eelam will emerge from slumber and reveal the true face of Sinhala chauvinism. Only then the tragic story of our people will thought the heart of the world.

So far, not a single voice of rationality is heard from the Sinhala national against the war. None so far has made a plea to put an end to the war and resolve the problem by peaceful means. From politicians to the ;monks, from intellectuals to the journalists, every one calls for the intensification of the war. The Sinhala national want to continue the war to subjugate the Tamil national.

We do not believe that Chandrika, who has become the author of the most blood strained chapter in the history of oppression of the Tamils, will bring peace to the country by resolving the Tamil national issue by peaceful means. She is a firm believer in a military solution and lives in an illusion that political conflicts can be solved by military means. She is also a prisoner of the Sinhala-Buddhist chauvinistic ideology. One cannot therefore expect a

leadership dominated by such thinking to be humane and compassionate enough to do justice to the Tamils.

We have not close the doors for peace. We are open to the civilised method of resolving conflicts through rational dialogue. Since the Sinhala leadership lacks the political will and sincerity to resolve the problem we favour third party mediation for political negotiations. But we are not prepared to accept any pre-conditions for political dialogue. We want the political negotiations to be held in an atmosphere of peace and normalcy, free from the conditions of war, military aggression and economic blockades. We are not stipulating any pre-conditions for peace talks. We are suggesting the creation of a climate of peace and goodwill to hold peace talks, a congenial environment in which our people must be free from the heavy burden of suffering imposed on them. We hold the view that political negations cannot be free, fair and just if the Government utilises the military aggression on our soil and the restrictions imposed on the economic life of our people as political pressures. We are prepared to engage in initial talks to discuss the removal of such pressures and to workout a basic frame work for political negotiations.

We do not anticipate that the hawkish and racist attitude of Sinhala chauvinism will undergo fundamental transformation. If such change does not take place Sinhala chauvinism will bear the responsibility for creating the concrete historical conditions for the birth of independent Tamil state".

(LTTE Headquarters - Tamil Eelam - 27/11/98)

தமிழ் ஆவணக்காப்பகம்
Tamileelam Archive

MEDIATION OFFERS " NOT GENUINE"
- Sri Lanka's Foreign Minister

Sri Lanka's Foreign Minister Lakshman Kadirgamar said that sixteen countries are keen to mediate in the island's ethnic conflict. But only a few of these are genuine Mr. Kadirgamar added while speaking to journalists at a press conference in his ministry on January 18, 1999.

He claimed that many foreign person and institutions are taking an interest to mediate for personal motives such winning the Nobel prize for peace etc.

(Excerpt from Tamil Net 18/01/1999)

Excerpt from the concluding Observations/Comments of the Committee on Economic, Social and Cultural Rights : Sri Lanka 16/06/98

- The Committee regrets that its dialogue with representatives of the State party regarding the root causes of the armed conflict was inconclusive; the absence in the report of statistics relating to the north and east of the country can only reinforce the view of the Committee that the question of discrimination in relation to the economic, social and cultural rights of ethnic groups remain the central issues in the armed conflict in Sri Lanka. In this regard, the Committee notes with concern that the Government's peace plan, consisting of devolution of authority to regional governments through constitutional reform, has not been implemented. Although it has been more than three years since the plan was introduced, the timetable for its implementation, as well as for a referendum to determine public acceptance, remains unclear.

- Committee express its grave concern regarding the situation of an estimated 800,000 persons displaced because of the armed conflict, many of whom have been living in temporary shelters for the past 15 years and who lack basic sanitation, education, food, clothing and health care. It is reported that Tamils families who were forced by the military to leave their ancestral villages in the Welioya region are among the displaced. The Committee is alarmed by the results of an independent survey which estimated the incidence of undernourishment of women and children living in temporary shelters to be as high as 70 per cent, and by reports that in many cases food assistance did not reach the intended beneficiaries.

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- Committee notes with concern the uncertain situation of 85,000 Tamils of Indian origin living in Sri Lanka. They possess neither Indian nor Sri Lanka citizenship, have no access to basic services such as education, and do not enjoy their economic, social and cultural rights.

- The Committee notes with concern the existence of disparities between statutory law and customary law. The age for marriage in statutory law is 18 years old but girls as young as 12 years of age are able to marry under customary law, as long as the parents consent. The committee is of the view that the practice of early marriage has negative impacts on the right to health, right to education and the right to work, particularly of the girl child. In statutory law there is equality of inheritance among siblings while customary law discriminates against married women who, unlike married men, may not inherit family property. In allowing customary law to prevail over statutory law in this regard, the Government is not complying with its obligation to protect the rights of women against discrimination.

- The Committee further notes with concern that existing legislation discriminates against children born out of wedlock who may inherit only from their mother. The legislation violates the rights set forth in article of the Convenient.

- The Committee expresses its deep concern at the lack of anti-discrimination mechanisms in the area of employment with regard to women and minority groups. The Committee note that while a system of ethnic recruitment autos is in place in the public sector, there is no effort to ensure that promotions in the public sector and employment in the private sector are free from discrimination. In particular, the concept of equal pay for work of equal value is not applied effectively in Sri Lanka particularly in the private sector where women have no legal protection against discrimination in employment.

- The Committee also notes with concern that inadequate efforts appear to have been made by Government to promote awareness among the women of Sri Lanka of their human rights.

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THE EFFECTS OF SRI LANKA'S WAR POLICIES ON HEALTH, EDUCATION AND WELFARE OF TAMIL CHILDREN

by

Nagalingam Ethirveerasingam, Ph. D. - Arjunan L. Ethirveerasingam, B.A.
(Last year both were on a study tour in Sri Lanka - Los Angeles, October 1998)

HEALTH SYSTEM IN THE VANNI DISTRICTS

Personnel :

- Only Eight physicians for 480,000 people of whom 81% are displaced
- No Dentist No Ophthalmologist No Paediatrician No Gynaecologist
- One Public Health Officer
- Vacant health positions are not being filled

Medicines and Care :

- Required amount and types of medicines are restricted and most often not sent
- No care for the hearing and vision impaired
- No school health programmes
- No vehicles for hospital or Doctors

Nutrition :

- Degrees of Malnutrition in children - Stunted growth - Night Blindness
- 20% of students each in grades 1 to 8 come to school without breakfast
- Reduced learning ability
- Non-participation in recreation activities

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Diseases :

- Cholera is back, Malaria, Diarrhoea, Respiratory diseases, Scabies
- More than 600 children are classified as emotionally disturbed but not serious enough to be medicated in the Vanni.
- Stress related illness is on the increase in the North

PROBLEMS OF FOOD PRODUCTION IN THE NORTH

Jaffna

- Reduced acreage, High yield, After land fallow
- Low price, High cost, Low demand, Loss
- No Vanni or Colombo market
- Water pollution beginning
- E.coli 1989, 100 - 150% Nitrogen over WHO Rec.

Vanni

Reduced acreage

- Loss of land and irritable land
- 1995, 96, 97 & 98 operations & displacements. Access only to 10-20% of cultivable land.

Low yield, except for 1998

- Embargo & restrictions
- Fertiliser & chemicals, Kerosene for tractors, improved seed, Machinery, Building materials
- Storage buildings demolished - loss from insects and fungus damage
- Unemployment and poverty prevents access to food

SHELTER IN THE VANNI

- Shelters are 8 ft x 10 ft each - five to eight persons live in it
- 40,000 plus families live in shelters
- Re-thatching needed - after two years, thatched roof leaks - thin plastic sheet roof tear and leak - thatched walls deteriorate
- Water - lack of wells & drinking water - drought is from June to September
- Kitchen space - cooking done in one corner - hearth and storage leaves less space for studying and sleeping
- Study space - no space for afternoon and evening study - no space on rainy days to study - lack of kerosene for lamps
- Toilets - no toilet in most shelter settlements - pit latrines needed

FREEDOM OF MOVEMENT OF TAMILS

General travel to Tamil areas & Colombo

- Fear of being picked up and tortured under Prevention of Terrorism Act
- Identification card from Tamil areas - Residential registration required - Need pass to enter the south - Harassment of Tamils at checkpoints
- Cordon, search, detention & torture are real - army and police do not speak Tamil or English
- 10,000 in "Welfare" camps are virtual prisoners and cannot move out to the south
- Young Tamils lose employment opportunities - Employers do not want to employ them due harassment from armed forces

Jaffna and Vavuniya

- Fear of arrest and beating in Jaffna & the south - Passengers must take permission from police and army which takes one to three months or never
- Every junction has a checkpoint - Undignified search - when there is an attack, civilians in the area get beaten
- Houses must have police certificates of occupants posted on the outside

Trincomalee, Batticaloa & Kalmunai

- Tamils must be residents or Government workers or have an acceptable reason to travel
- Search of houses and public places and round-up of young Tamils
- In Trincomalee Tamils & Sinhalese youths play separately
- Armed forces use the civilian playgrounds

POLITICS AND WAR IN SRI LANKA

- 50 years of politics brought zero - implemented or implementable results
- Now 93% of Government servants and 99% armed forces are Sinhalese

15 years of war brought

- More than 40,000 Tamils dead - many more wounded and disabled - a million displaced and or made refugee
- US $3 billion public and private property destroyed in the north-east
- Education of Tamil children in jeopardy

War is stalemated

- Sri Lanka government and LTTE will continue war

Politics

- ***UNP and PA want to win election more than finding a solution***
- ***Majority of Sinhala voters do not want to give political rights to Tamils***
- ***Tamils parties in parliament have no political power as before***
- ***Sri Lanka Aid consortium and India are the only ones who can convince Sri Lanka to stop war and accept third party***
- ***International mediator essential***
- ***Without the LTTE there can be no solution***

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SECURITY FORCES PREVENT FOOD SUPPLIES REACHING VANNI

(Text of report by London based International Broadcasting Corporation - (I B C) Tamil 9 January 1999)

Fourteen lorry-loads of wheat flour were abandoned in the Vanni District when the Sri Lankan security forces at the Paraiyanalankulam check post insisted on having all the bags unloaded in torrential rain on Wednesday (6th January). The government soldiers at the checkpoint slit open the flour bags in pouring rain for checking contents of each bag. The bags were also asked to be left out on the ground for a few hours before being loaded onto the lorries again. By the time the loading hour arrived the bags were found unworthy to be taken to consumers.

Although the government should have dispatched 100 lorry-loads of dried rations to the Vanni District in December, excuses were given for the delay and delivery postponed. The 14 lorries that left for Vanni on Wednesday 6th January with wheat flour had to return without delivering their consignment to the needy after the flour bags were abandoned at the checkpoint at Paraiyanalankulam.

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Government increase food aid quota to the Vanni

(The Sunday Observer, December 27, 1998)

The government have increased the quota of food aid sent to people living in LTTE-controlled areas of Vanni, following a visit there by the Commissioner-General of Essential Services, N.A. Obadage earlier this month.

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"We have increased the total number of people who were receiving their dry rations by 55,000", Mr. Obadge said.

He said he had visited the Vanni to check on food distribution in the region. Tamil refugees in the Vanni have off and on been staging demonstrations, protesting against what they called 'cut in food aid' Mr. Obadage said that he had held talks with the LTTE in the Vanni on supply of food to refugees there.

He said there was a big difference in statistics and that his visit confirmed that the volume of food sent to the Vanni was not sufficient. In the Mullaitivu district alone, the number of people entitled to food aid has been increase to 90,000 from 60,000 and in Kilinochchi to 60,000 from 40,000.

Note :

This news item will confirm to all the participants of the 54th session of the Human Rights Commission as well as those in the 50th session of the Sub-Commission - how they were deliberately misled by the Sri Lankan delegation who made the false claim that there was enough food in Vanni and who accused the NGOs who raised this matter in these forums".

RESCUE EFFORTS IN JAFFNA GROUNDED - NGOs

(Weekend Express of 16-17 January 1999)

Even after two years and eight months since the security forces took control of the Jaffna district there are yet cleared and uncleared areas. Within the uncleared areas there "High Security Zones" and "Restricted Zones". Under the blanket cover of security, various restrictions have been imposed in movement of people, transport of goods, obstructions to income generating activities, social, economic and educational activities which have hampered normal civilian life.

This was said in the monthly situation report in the Jaffna peninsula, sent to the Consortium of Humanitarian Agencies in Colombo by the Council of Non Governmental Organisations in the Jaffna district. The report was jointly signed by the President of the organisation Prof. V. K. Ganeshalingam and the Secretary, A. K. Subramaniam and highlighted the glaring anomalies present in each of these sectors.

Transport

Transport out of Jaffna has become a stumbling block to the public. With the cessation of flights, people have no option but to travel by ship. This becomes possible only after undergoing security clearance which is often a delayed process with no certainty of the travel date. As a result university students, candidates scheduled to sit examinations or face interviews outside of Jaffna, government officers and the public face considerable difficulties and restrictions in their lives.

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Mines

There is no further development in the demining programme. Although the UN team who were assisting in the programme arrived in Jaffna, conducted a survey and even trained a workforce to undertake the job the programme has not yet commenced as there was delay in obtaining Ministry of Defence approval for the transport of the necessary communications equipment. It would appear that this programme has been shelved at the moment.

Fishing

With complete prohibition on fishing in force at Gurunagar, Passaiyoor, Columbuthrai and Aryalai East, the fisher community is solely dependent on the dry rations for sustenance which is barely sufficient for two weeks. Fishermen have no skills in other trades.

Agriculture

Farmers engaged in plantain cultivation are faced with sales problems and transport to markets in Colombo. There is glut and the price in the local market has dropped to Rs 5 per kilogram.

Palmyrah Cultivation

More than 1,500,000 palmyrah palms have been felled during the last decade, the majority being decimated by the Indian Peace Keeping Force (IPKF) and the Sri Lankan security forces for use in the construction of bunkers. The palmyrah Development Board (PDB) has undertaken a programme of replanting in selected areas.

Health

The position of the numbers in the medical and paramedical cadres is unsatisfactory at hospitals and the service is understaffed. There is a shortage of 544 medical personnel in all categories in the district. Early steps would have to be taken to fill the vacancies and revitalise the health service.

Checking and arrests

Round ups, body checks at barriers, and arrests on suspicion are frequent in the district. Arrests have been made without due consideration to age and sex of the person. With this harassment, the people have been psychologically affected.

Malnutrition

Malnutrition levels among the children under 5 years of age is very high. The number of under nourished children below 5 years of age, has been estimated at 22,473 in all the AGA's division in the district.

Registration of Births and Deaths

The registration of past births and deaths was not done in Jaffna for the last few years as the official responsible for this work retired and the post has not been filled since then.

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Judicial Independence in Sri Lanka

(Recommendations made by Centre for the Independence of Judges and Lawyers)

Excerpts

- There is insufficient Parliamentary control over the making of Emergency Regulations. All new regulations, or amendments to existing regulations, should be required to be laid before Parliament for approval. Except in cases of necessity, such regulations or amendments should not take effect until so approved.

- The current situation in parts of Sri Lanka justifies the proclamation of a state of emergency. It is one which "threatens the life of the nation" within the meaning of Article 4 of the ICPPR.

- The power of detention following arrest in all district subject to Emergency Regulations should be limited to 7 days.

- Powers of detention under the Prevention of Terrorism (Temporary Provisions) Act should be abolished or made subject to the same restrictions as are recommended above for detention under Emergency Regulations, and should be made only when and where a state of emergency is in force.

- The power under the PTA to make restriction orders falling short of detention should be reviewed and, unless a clear case for its retention can made out, should be repealed.

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- The exclusion by section 7 of the PTA power to grant bail to persons arrested on suspicion of "unlawful activity" leads to remands in custody for relatively minor offences. It also puts undue pressure on defendants to plead guilty in the expectation of receiving a suspended sentence rather than remain in custody pending a contested trial. The PTA should be amended to permit the courts to grant bail except in the most serious cases.

- The admissibility under emergency Regulations and the PTA of confessions made to police officers encourages the use of torture and should be abolished.

- Access to justice of Tamil-speaking parties to proceedings and lawyers is seriously restricted by the lack of interpreters, by delays in publishing legislation and Emergency Regulations in Tamil, and by the absence of Law Reports and textbooks in Tamil. Steps should be taken to remedy these problems. Judges should be encouraged to develop the ability to conduct trials in Tamil.

- The system of appointment and promotion of judges would be improved by selecting the Judicial Service Commission by methods which will make it more independent and by requiring appointments to the higher courts to be made by the Commission, or by the President from a short list of names selected by the Commission.

- The Secretary of the Judicial Service Commission should be appointed by the Chief Justice or by the Commission and not by the President.

- In making appointments the desirability of increasing the number of women and Tamil judges should be borne in mind.

- Between 1983 and present day the security forces in Sri Lanka (including the armed forces, the police, and local militia units armed by the government) have been responsible for thousands of unlawful killings. The worse offences took place during the JVP insurgency in 1987 to 1990. However, hundreds of unlawful killings have also occurred in the course of the struggle against LTTE. After a welcome decline in 1994 and 1995, there was a significant recurrence in 1996 (main in the Jaffna peninsula) and, though declining again, these incidents are still continuing.

- However, steps so far taken to punish those responsible for the killings have been manifestly inadequate. A culture of impunity has developed. At the date of the Mission, not a single member of the security forces had been convicted of murder in any case arising out of the misconduct of those forces. Perpetrators of graves violations have been convicted of minor offences or, in most cases, not at all.

international Obligations

- There are a number of important respects in which the fundamental rights recognised by the present Constitution of Sri Lanka fall short of the standards required by the ICCPR. In particular :

  (i) the Constitution does not recognise the right to life

  (ii) the death penalty is not restricted to the most serious crimes, and is not prohibited for crimes committed by persons under 18

  (iii) there is no prohibition of slavery or of forced or compulsory labour

  (iv) the provisions of the Constitution providing for freedom from arbitrary arrest, detention and punishment, and for the prohibition of retrospective legislation, are weakens than the equivalent provisions of Article 9 and 15 of the ICCPR

  (v) there is no provision requiring persons deprived of liberty to be treated with humanity and dignity

  (vi) the provisions of the Constitution governing criminal proceedings provide very much less protection than does Article 14 of the ICCPR

  (vii) the Constitution contains no provisions equivalent to Articles 17 (prohibition of arbitrary interference with privacy, family, home or correspondence) 23 (protection of families and the right to Mary) and 24 (protection of children) of the ICCPR

- Some of the fundamental rights which are recognised by the Constitution are subject to restricts which go beyond those authorised by the ICCPR.

தமிழிழ ஆவணக்காப்பகம்

- The present and previous Governments of Sri Lanka have been in serious breach of their obligations to ensure to all individuals subject to their jurisdiction the rights recognised by the ICCPR. These rights have been infringed by killings and torture by security forces; by detention without trial; delays in habeas corpus proceedings; and by inadequate conditions of detention.

- Although introduction of a power of detention without trial could have been the subject of a lawful derogation under Article 4.1 of the ICCPR, the Government has failed to give the Secretary General of the UN of any such derogation, as required by Article 4.3 of the ICCPR. In the absence of such a derogation, detention constitutes a breach of the obligations of the Government under Article 9.

- The protection given by the draft new Constitution to fundamental rights is severely and unjustifiably restricted by the provision that "all existing written law or unwritten law shall be valid and operative notwithstanding any inconsistencies with" the provisions recognising fundamental rights.

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Internally Displaced People A Global Survey

(An excerpt from Norwegian Refugee Council (September) 1998)

UNHCR and the special rapporteur have a regional approach to IDP in Sri Lanka. In encouraging regional settlements, UNHCR has facilitated a 'Draft Regional Declaration on Refugees in South Asia' with preparatory discussions. Generally, however, the governments concerned are suspicious of regional initiative on refugees. ***With the exception of Tamil in Sri Lanka, only national NGOs have had a role in advocacy and assistance programmes for IDPs. Any regional initiatives for IDPs would be considered a violation of national sovereignty.***

Almost 25 years of violence have led to major population movements in and from Sri Lanka. Since the second Eelam war in the early 1970s, some 500,000 Tamil asylum seekers joined the estimated 300,000 who in the 1970s and 1980s had moved to the west as legal economic migrants. During that phase of violence, tens of thousands also took refuge, sometimes for the second time, in Tamil Nadu in south India. In 1994, some 10,000 were repatriated, but an estimated 50,000 remain in the south India. During the successive ethnic riots, Indian Tamils from the plantation in Central Sri Lanka fled, and resettled in the north and east of the islands off Jaffna in 1991 created many IDPs in the north.

In mid 1995, the government forced shifted the theatre of war from the east to the north. In the face of a sustained army offensive towards Jaffna city, virtually the whole urban population, some 400,000 people, fled and became internally displaced. When the army subsequently extended its control over the whole of the Jaffna peninsula, about 200,000 came back under the authority of the government and most of these eventually returned to Jaffna. Since then, the theatre of war has been in the Vanni, a collective name for an agricultural and forest area comprising four districts between the Jaffna lagoon and the town of Vavuniya. IDPs previously displaced from plantations and from the island off Jaffna. In May 1997, the situation worsened as a result of the army's slow advance from Vavuniya to establish a land route to the north.

Depending on the levels of violence government figures of IDPs in the 1990s fluctuate between 500,000 and one million for a total population 18 million. At the end of 1997, there were 787,877 officials recognised IDPs. Most of these (635,752) are self-settled or stay with friends and relatives. The remainder (152,125) tend to be temporarily accommodated in 'welfare centres', which are mostly public buildings such as schools or temples. The majority of IDPs are on the Jaffna peninsula and in the Vanni.

SRI LANKA by Koenraad van Brabant

Conflict-induced internal displacement 1997/1998

Afghanistan	1.45 million
Algeria	unknown
Angola	1.2 million
Armenia	75,000
Azerbaijan	550,000-612,000
Bangladesh	50,000-100,000
Bhutan	50,000-100,000
Bosnia-Hercegovina	450,000
Brundi	551,000
Cambodia	26,500
China	500,000 (usually as a measure against political dissents; figures highly speculative)
Colombia	500,000-1 million
Congo-Brazzaville	240,000
Croatia	174,000
Cyprus	265,000
Dem. Rep. Congo	1 million
East Timor	unknown
Eritrea	unknown
Ethiopia	15,000
Georgia	280,000
South Ossetia	13,000
Ghana	20,000
Guatemala	250,000
India	390,000
Iraq	1.2 million
Iraqi Kurdistan	700,000
govt.controlled	500,000
Kenya	100,000
Lebanon	500,000-800,000
Liberia	725,000
Mali	100,000 (+10,000 demobilised soldiers)
Mexico	6,000
Mozambique	30,000-50,000
Myanmar	800,000-1 million
Nigeria	470,000
North Korea	Unknown
Pakistan	50,000
Peru	250,000
Philipinnes	189,000
Russian Federation	
Chechnya	350,000
Krasnodar	60,000
Russia	90,000
Stravropol	100,000
Rwanda	180,000
Senegal	5,000
Sierra Leone	200,000
Somalia	250,000-350,000
South Africa	20,000
Sri Lanka	**790,000 - 1 million**
Sarpska	416,000
Sudan	4 million
Syria	200,000
Tajikistan	600,000 (but almost all returned by Oct. 1997)
Turkey	330,300 (gov.figure) Most Intr. Orga. estimates +-2.5m which includes economic migrants
Uganda	400,000

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Internal displacement caused by development projects, natural disasters or economic migration (selection only)

Bangladesh	750,00-1 million
China	2-4 m (natural disas) 400,000 (deve.prog) 120m (eco.migrant)
Haiti	1 million
India	21.3 million
Mauritania	200,000
Nepal	150,000
Nigeria	800,000
Pakistan	200,000
Vietnam	48,000

(Courtesy Norwegian Refugee Council - 1998)

TAMIL CENTRE FOR HUMAN RIGHTS - TCHR

LE CENTRE TAMOUL POUR LES DROITS DE L'HOMME - CTDH

(Established in 1990)

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Australia, Denmark, Norway, U.K.

Are these bodies unaware that Sri Lanka is just behind Iraq in disappearances ?

It would seem to International Educational Development that the Tamil people are not viewed as worthy of attention and that this must be viewed as rank and despicable discrimination. What other conclusion is possible when in the face of this long, protracted war, neither the Commisson nor Sub-Commission has issued a resolution since 1987? Have these bodies not paid any attention to the reports of the Commission's Working Groups and Rapporteurs? Are these bodies unaware that Sri Lanka is jut behind Iraq in disappearances and that almost all disappeared are Tamils? Are the Tamil people not as fashionable as the Bosnians? Is the fact that the Tamil people are historically Hindu a problem, seeing that so few other countries are Hindu?

-Humanitarian Law Project

55th Session of the UN Sub-Commission on
Prevention of Discrimination and Protection of Minorities

Sri Lanka has the habit of giving vague and false promises

The Sri Lankan government has the habit of giving vague and false promises and resorting to fiction in order to mislead the UN Human Rights Sessions and the NGOs. In the past, the International Community and the UN mechanisms have been deceived by the government of Sri Lanka.

-Nord-Sud XXI

55th Session of the UN Sub-Commission on
Prevention of Discrimination and Protection of Minorities