

# Unfettered Genocide in Tamil Eelam

North East Sri Lanka, the historical homeland of Tamils



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## **2013 Unfettered Genocide in Tamil Eelam**

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*This book is a new record of the Tamil Nation struggles and sacrifices made to regain fundamental rights in Sri Lanka, which are recognised under the “International Bill of Human Rights”. It is dedicated to all who sacrificed their lives fighting for their “right to self-determination” and victims still waiting for justice.*

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# Foreword

In May 2009, the Sri Lankan army brought to a bloody conclusion a war that had wracked the island of Sri Lanka for the previous 26 years. Some 100,000 people or more were killed in the war, in which the Liberation Tigers of Tamil Eelam strove for independence for the Tamil people in North East of Sri Lanka.

The war's most brutal period was at its end, with around 40,000 deaths in the last weeks and days of the conflict. Having been pursued from their 'capital' of Kilinochchi, more than 250,000 civilians ended up trapped in what was called, with a cruel irony, a 'no fire zone'. That was just a little over three square kilometres of beach near Mullaithivu in Sri Lanka's north-east corner. There the Tamils Tigers and civilians with them were subjected to constant sea, land and air bombardment.

The UN Security Council was hamstrung in its ability to intervene to protect the civilians and to bring about a negotiated settlement to the end of the war. China and Russia ensured that there would be no intervention to stop the slaughter. That was exactly what Sri Lanka's Rajapaksa regime wanted. Its game plan all along had been to not just militarily defeat but to wipe out any trace of the Liberation Tigers of Tamil Eelam – the Tamil Tigers – and to settle the post-war period on its own one-sided terms.

The war for a separate Tamil state had flowed from the same logic that ended it; the Tamil people of Sri Lanka could exist, but only on the terms allowed them by the numerically dominant Sinhalese. Sri Lanka's pre-colonial history was marked by rare

political consolidation of authority over the island. Mostly it was divided into kingdoms that were as often as not at war with each other. Colonialism ended that, briefly, but left a legacy of 'unity' that had not previously existed. It quickly showed itself to be a false unity.

In 'Unfettered Genocide in Tamil Eelam', authors Krishnan, Newman and Nathan explore the bid by the Tamil people for self-determination in the face of active discrimination. They carefully outline the structural inequity of the terms under which Sri Lanka, then Ceylon, was granted independence in 1948, and the host of problems that flowed from that. In part, the inequity stemmed from the ignorant misuse of Sinhalese numerical superiority over others. But in large part, too, it also stemmed from a deep sense of national chauvinism on the part of a large proportion of Sinhalese that simply did not accept that others should have equal rights as citizens in the post-independence state.

The authors detail how, in the face of a series of exclusionary acts by the Sinhalese dominated parliament, Sri Lanka's Tamils came to the inevitable conclusion that they could never achieve equity under a Sinhalese dominated government. Legitimate protest was little tolerated and treated harshly. Tamils eventually started to fight back. Yet rather than seek a reasonable and balanced political solution once and for all, the perceived audacity of Tamils claiming equality led to further repression. It was inevitable, with nowhere else to turn, that the Tamils should fight back.

The world has seen numerous wars for independence, but few have been conducted with the barbarity and ferocity of that of Sri Lanka. The brutality was visceral and became increasingly extreme. There was a moment, after 2002, when it seemed possible that there might yet still be a peace, allowing some sort of separation between the Sinhalese and Tamil peoples. Yet the election of Mahinda Rajapaksa, as President of Sri Lanka, in 2005 put paid to any hope of a settlement, much less civility. The return to war was made inevitable, and the methods used extreme. The end result confirmed the government of Sri Lanka's genocidal preferences and its blunt embrace of war crimes and crimes against humanity.

'Unfettered Genocide in Tamil Eelam' recounts, details and analyses this brutal history. It is not an easy read, but it is a necessary one. The Tamils of Sri Lanka still seek justice and a fair political settlement which will see them treated as equal, and perhaps autonomous, in the shared island that is Sri Lanka. But this will now only come if the international community holds to account the war criminals that pursued to its unnecessarily bloody end the war ☒ perhaps only for the time being ☒ against a persecuted minority people.

This book makes an important contribution to the wider understanding of these issues, and pricks our conscience by reminding us that those who can now act are not the



Tamils of Sri Lanka who survive, or sometimes don't, in repressed silence. 'Unfettered Genocide in Tamil Eelam' reminds us that we, each one of us, are the international community. Read this book, learn its lessons, and act to help right these wrongs.

**Professor Damien Kingsbury**

Director, Centre for Citizenship, Development and Human Rights  
Deakin University, Melbourne, Victoria, AUSTRALIA

# Acknowledgements

We were inspired by many calling loudly and clearly for justice for children, women and men who in their tens of thousands perished or disappeared during the conflict in Sri Lanka. The dear ones of missing people are living in hope and displaying the photograph of the missing one at every opportune moment. The war against so called “Tamil terrorists” was conducted without witnesses by the Rajapaksa regime claiming “zero casualties”. The truth emerged because of the hard work of journalists from the international media and international humanitarian organisations. This forced the hand of the United Nations Secretary General to initiate an inquiry by appointing a Panel of Experts. They alleged that the government of Sri Lanka had breached International Human Rights and Humanitarian Laws when up to 40,000 people were killed during the last few months of the conflict, which ended on 18 May 2009; they recommended an Independent International Inquiry to uncover the truth about the conflict. Facing criticism from the international community, for the failed operation of UN in Sri Lanka, the UN Secretary General appointed a Review Panel to examine the UN operation during the last stages of the conflict in Sri Lanka. Panel findings were very critical of the UN operation and their withdrawal without a murmur during the conflict from the war zone and concluded that the number of people killed was estimated at 70,000. This book is written to compliment the work others have done.

Four years have passed, since the end of conflict and a group made up of people from Australia, India and Malaysia (AIM) came together as “a regional group” to seek justice for the victims of the conflict in Sri Lanka by promoting an Independent International

Inquiry, called by the Panel of Experts and other Human Rights Organizations. The Writing of this book is one of many acts to draw the attention of the world to the story in the pre-colonial, colonial, post-independence periods. The writing of this book became a reality because of encouragement and inspirations from Dr Iyngkaran Nagalingam and Mr K Arumugam, Editor of Samparuthi both of Kuala Lumpur, Malaysia. Mr Gana Kurinji of PUCL, India for giving editorial assistance in the initial stages of preparation of this book. Mr Guruswamy Ilanchezhian consciously and willingly worked very hard. His enthusiastic contributions in the design of the book, collation of photographs from many sources: [www.warwithoutwitness.com](http://www.warwithoutwitness.com), numerous other websites and private collections, made the authors' task very much easier. Mr Joseph M Vargeese for the design of the front and back cover pages which reflect the theme of the book very well. The Australian editor of this book undertook an arduous task of final editing on a difficult topic and made valuable structural and editorial contributions to the book. Her efforts to complete the undertaking, within a short timeline and her dedicated efforts are greatly appreciated by the authors. We respect the editor's wish to remain anonymous for personal reason.

This book complements the earlier publication of "The Unspeakable Truth" published by British Tamil Forum (BTF) with additional materials and thorough analysis of past events, as well as events that occurred during the end of conflict and events occurring thereafter in Tamil Eelam. A few of the photographic and statistical evidence were extracted from the earlier publication, which were updated and lot more materials introduced; authors gratefully acknowledge the support of Raj Kumar for giving us permission to use materials for the book.

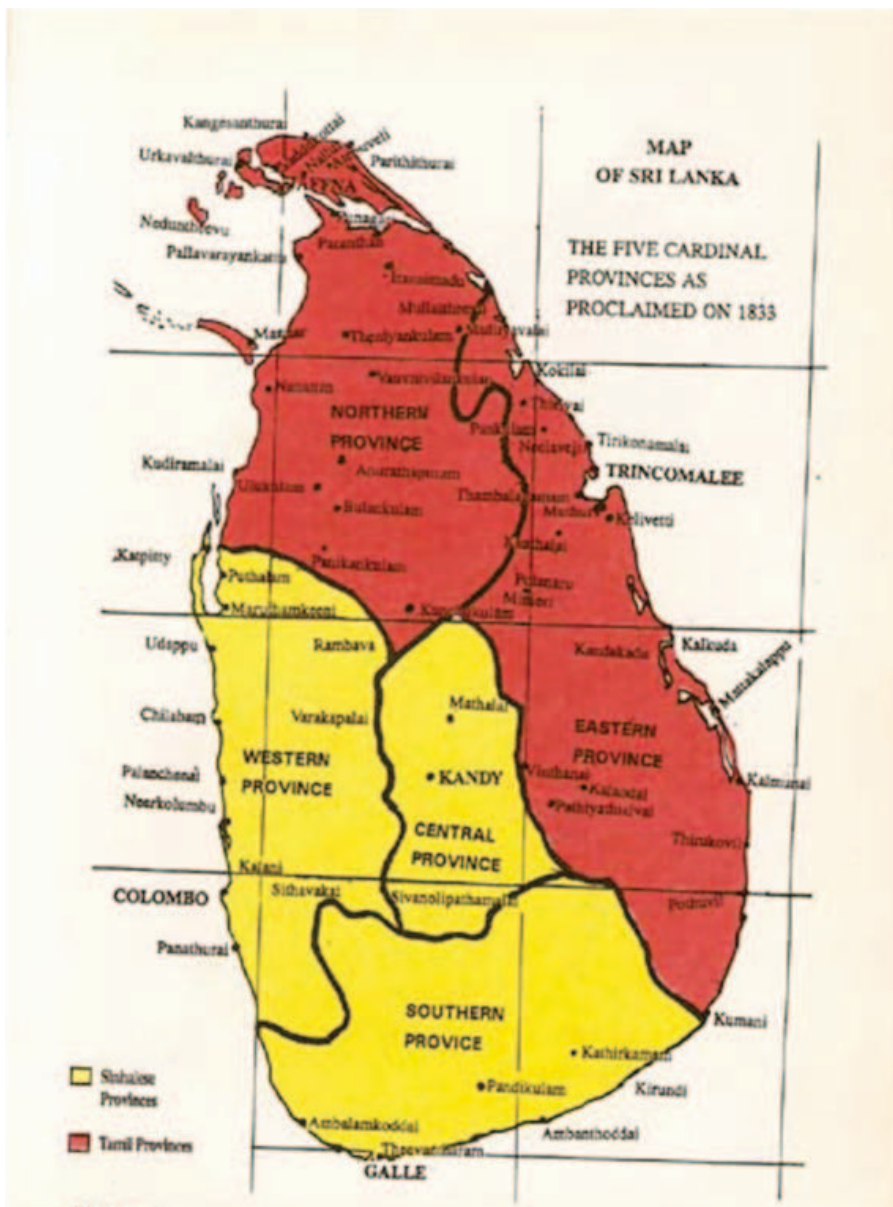
Professor Damien Kingsbury's foreword to this book, written within a very short time, truthfully encapsulates the entirety of the book in a couple of pages; which compliment the authors' efforts. His conclusion, that each of us forms the International community and that all need to act to ensure that justice is done to Tamil victims in Sri Lanka is a timely one. Authors gratefully appreciate his precise foreword and a wakeup call to each one of us who make up the International community to act now without any further procrastination, the war ended four years ago on 18 May 2009 with unbelievable human tragedy.

## Maps of Sri Lanka showing the structural differences



Map 1 Current nine provinces of Sri Lanka are shown above; North- East provinces form the Tamil homeland at Independence in 1948.

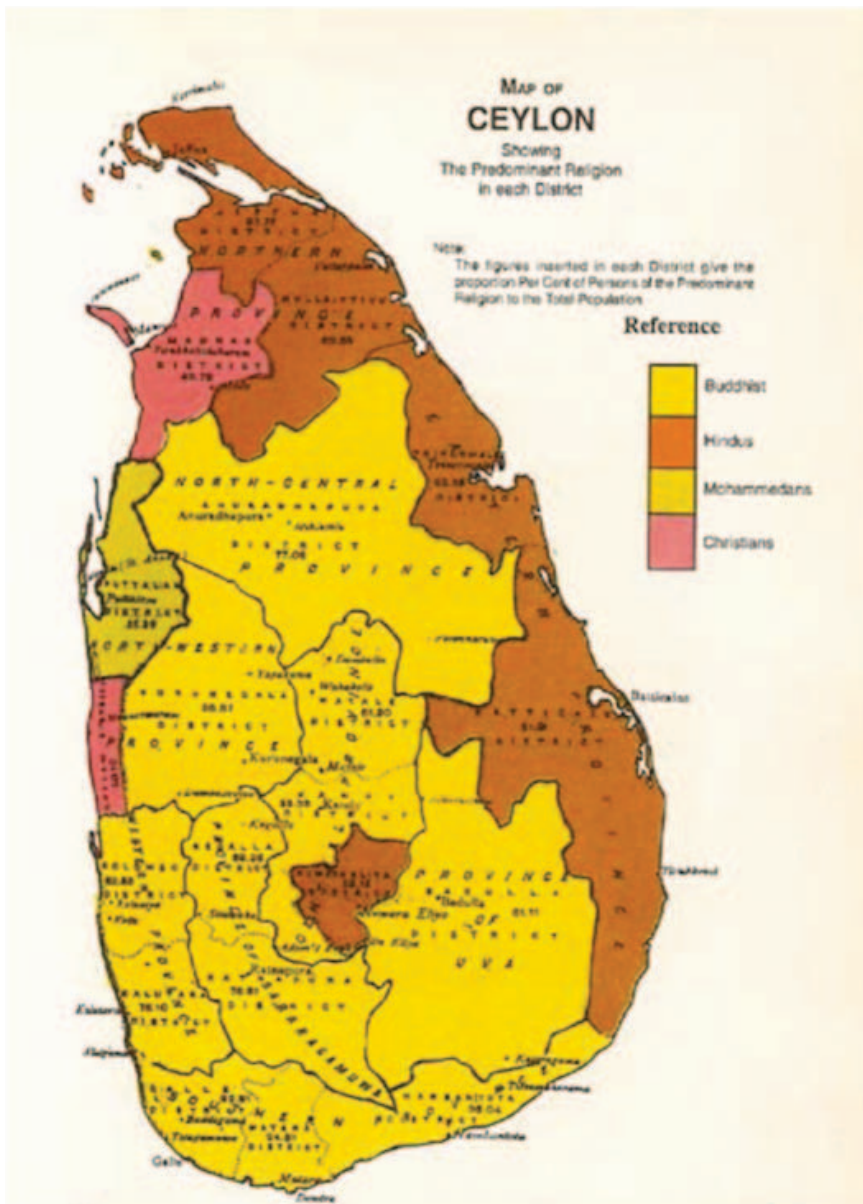
## The first official survey showing ethnic distributions in 1833



Map 2 - Boundaries showing the original five cardinal provinces (Sinhala and Tamil areas demarcated, since then ethnic areas have been demarcated a few times, Tamil homeland shrinking). Land maps and surveys by RL Brohier



Sri Lanka map showing linguistic nations (Sinhala and Tamil) and significant religious distributions in all nine provinces



Source: ethno territorial divisions within each of the nine provinces that appeared in the Ceylon Manual 1905 and Census of 1911

Map 3 Shows the ethnic (Tamils and Sinhala) and religious (Buddhists, Hindus, Moslems and Christians) distributions in all nine provinces

# Abbreviations

B-C Pact	Bandaranayake - Velupillai Prabhakaran Pact
CFA	Cease Fire Agreement
EPRLF	Eelam People Revolutionary Liberation Front
ER	Emergency Regulations
EROS	Eelam Revolutionary Organization of Student
FP	Federal Party
GoSL	Government of Sri Lanka
LLRC	Lesson Learnt and Reconciliation Commission
INGO	International Non Government Organization
IPKF	Indian Peace Keeping Force
ISGA	Internal Self Governing Authority (proposed by LTTE)
ITAK	Illankai Tamil Arasu Kachchi (Lanka Tamil State Party)
JHU	Jathika Hela Urumaya (National Heritage Party)
JVP	Janatha Vimukthi Peramuna (People's Liberation Front)
LTTE	Liberation Tigers of Tamil Eelam
NGO	Non Government Organization
PA	People's Alliance (led by SLFP)
PLOTE	People Liberation of Tamil Eelam
PoE	Panel of Experts (appointed by UNSG)
PTA	Prevention of Terrorism Act
P-TOMS	Post Tsunami Operational Management System
SLFP	Sri Lanka Freedom Party
SLMC	Sri Lanka Muslim Congress
TC	Tamil Congress
TELO	Tamil Eelam Liberation Organization
TNA	Tamil National Alliance
TSA	Tamil Social Architects
TULF	Tamil United Liberation Front
UN	United Nation
UNHRC	United Nation Human Rights Council
UNICEF	United Nations International Children's Emergency Fund
UNSG	United Nation Secretary General
UNF	United National Front (led by UNP)
UNP	United National Party
UPFA	United People Front Alliance (led by SLFP)





# Introduction

The island of Sri Lanka (also known as Eelam to Tamils, and Taprobane, Serendip, Zeylan and Ceylon to foreigners) has been visited from time immemorial by foreigners from the East and from the West, and currently by a million tourists. It is a beautiful, compact island off the south coast of India, offering many attractions. The island is surrounded by pristine sandy beaches, rolling hills in the centre, ancient temples and friendly, hospitable peoples. Tourism is the fastest growing economic sector and employs the largest number of personnel; the government of Sri Lanka tries to project the island to the world, spending millions of dollars on public relations, to promote an image of a harmonious nation, where all communities: Sinhalese, Tamils, Muslims and others live side by side, participating in national life as brothers and sisters. On the contrary, “The Tamil Nation” lived under the mono-ethnic oppressive majority rule of “The Sinhala Nation” from the time of independence; even after the military conflict ended on 18 May 2009, the oppression continues unabated with military occupation of North East Sri Lanka (Tamil Eelam). The word “Eelam” is the oldest known name of the island in Tamil language and “Tamil Eelam” refers to the area occupied by the Tamil Nation in Sri Lanka.

This book is presented in five chapters and each chapter explores different aspects of the struggle. The history helps to understand the current situation and looks at possible solutions to bring peace to a country that has been in turmoil since independence in 1948. Chapter 1 briefly outlines the history of Sinhala and Tamil Kingdoms, prior to colonial occupation. Colonial rule lasted four and a half centuries and ended up

with last of the colonial rulers, the UK, sowing the seed of conflict between Tamil and Sinhala Nations with the proclamation of a unitary constitution. Transferring power to the majority Sinhala Nation, at the time of independence, contributed to: disenfranchisement of upcountry Tamils, state aided colonisation and ethnic cleansing, the Sinhala Only Act, and the start of the pogroms against the Tamils. Non-violent protest demanding equal rights by Tamils met with more violence, and Tamil youths were deprived of educational and employment opportunities, which led to Tamil youth militancy. It is also true uprising Sinhala youth in 1971 and 1987, on political ideology grounds and economic deprivation of Sinhala educated youth. The Tamil people endured the worst “Black July” pogrom in 1983 preceded by pogroms in 1977 and 1981, all happened under President J R Jayawardene’s regime, a watershed event in the history of Sri Lanka in which three thousand innocent Tamils were killed.

Chapter 2 provides documentary evidence of acts of genocide, repeated pogroms, aerial bombardment, rape and violence against women, the disappearance and assassination of Tamil political leaders and activists, and war without witness under President Rajapaksa. Also, this chapter includes: suppression of media freedom, silencing of aid workers, incarceration of victims of the conflict, and the war widows and orphans – a voiceless group.

Chapter 3 covers the structural genocide against Tamils, which includes: destruction of infrastructure, economic embargo, internal displacement and ethnic cleansing, violation of fundamental rights, destruction of Tamil memorials, and the militarisation, Sinhalisation and Buddhistisation of Tamil Eelam or the Tamil homeland made up of Eastern and Northern Provinces.

Chapter 4 explores the peace process between Tamil and Sinhala Nations: an arduous process considering the constitution promulgated by the UK at the time of independence was heavily biased against the Tamil Nation, with Sinhala hegemony over any negotiated political solution. This chapter also covers broken promises and torn-up bilateral agreements between the two nations. India’s involvement with a bilateral agreement between India and Sri Lanka in 1987 remains unfulfilled. The international community facilitated a ceasefire agreement in 2002, which gave rise to worldwide resurgence, starting from Tamil Eelam and spread worldwide by Tamil diaspora. After coming to power in 2006 and with his mono-ethnic vision in a multi-layered society, President Rajapaksa undertook a military solution to the conflict and unilaterally abrogated the ceasefire agreement in 2008. The failure of all bilateral agreements is a reminder that the solution to the conflict requires a new and different approach to what has been tried and failed in the past.

Chapter 5 carries the hope that “The Sinhala Nation” and “The Tamil Nation” – which lived independently prior to the colonial invasion of the Sinhala Nation in 1505 and the Tamil Nation in 1619, brought together by the UK under a 1948 unitary constitution

✘ finds a new constitutional structure respecting the provision in the “International Bill of Human Rights”. This section summarises the political struggle of the Tamil Nation and examines the failure of the UN and the government of Sri Lanka to define a path to reconciliation, after the end of military conflict on 18 May 2009. Failure of Sri Lanka to investigate accountability for alleged war crimes and crimes against humanity and advance reconciliation since the end of conflict in 2009, led to the United Nation Human Rights Council (UNHRC) passing resolutions to advance reconciliation first at the 19th session on 22 March 2012 and once again at 22nd session on 22 March 2013. The first two resolutions passed at the UNHRC called upon the Government of Sri Lanka to implement their own Lesson Learnt and Reconciliation Commission (LLRC) report, with the view to emphasise “Promoting, Reconciliation and Accountability in Sri Lanka” following the allegation of war crimes and crimes against humanity that occurred during the last stages of the military conflict. The Government of Sri Lanka failed to implement the first two resolutions, which resulted in passing a third resolution at 25th session of UNHRC on 27 March 2014. The third resolution declared that an International Commission of Inquiry be setup under the auspice of Office of High Commissioner for Human Rights (OHCHR). The OHCHR has said, if it is not permitted to conduct the inquiry within the country, it will conduct the inquiry outside the country where there are a number of witnesses who are victims of war crimes and crimes against humanity. The Government of Sri Lanka has threatened not to cooperate.

In the context of Commission of Inquiry, the work done by Permanent Peoples’ Tribunal (PPT), an international opinion tribunal independent from State authorities will be useful. **A Panel of Judges presented a verdict finding Sri Lanka guilty of the crime of genocide against the Eelam Tamils. The work PPT has done will be a valuable input to the work OHCHR is going to undertake on Sri Lanka, which is also briefly covered in this book. Though work will be in some ways similar in nature, but it will be different because the OHCHR’s work will also focus on individuals.**

This book systematically documents the history of Tamil struggle, to acquaint and familiarise the reader with fundamental rights lost by the “Tamil Nation” in Sri Lanka. The Tamils had developed into a most prosperous and vibrant community during colonial occupation, but at the time of Independence in 1948, the majority community Sinhala Buddhists were empowered in a multiethnic, multilingual, multireligious country without any safeguard for minority groups. Today, the Tamil Nation is fighting for survival as a nation and to maintain the identity of “Tamil homeland” in Sri Lanka; this homeland is now illegally occupied by the military and ruled by a majority “Sinhala Nation” consumed by Sinhala Buddhist nationalism.

This is a virtual plea to the international community, from a dwindling Tamil population in Sri Lanka: the rights denied to them by the UK, at the time of independence in 1948, should be restored under the “International Bill of Human Rights” by recognising the “right to self-determination” of the people of Tamil Eelam.

## Chapter 1.0

# The Tamils: a distinct nation fighting for self-determination

### 1.1 Historical background of Sinhala and Tamil Kingdoms

According to the Mahavamsa, in 544 BC the Sinhalese came to the island when Vijaya landed with 700 followers. Many scholars have rejected the fanciful story of Vijaya's landing in Ceylon. According to Codrington<sup>1</sup> the story related in the Mahavamsa of Vijaya's advent has been copied from earlier legends found in Jataka stories.<sup>2</sup> It only contains an element of truth, and some Aryans from the North of India did come and settle in Ceylon, and mingled freely with the Dravidians of Ceylon and South India. Codrington remarks that the resulting position was though the Sinhalese language was of North Indian origin though the social system of the Sinhalese is that of the South.<sup>3</sup>

The Sinhalese also came to share beliefs with the aboriginal peoples of Sri Lanka. During the reign of Devanampiya Tissa (250 BC to 210 BC) the Mauryan Buddhist mission came to Sri Lanka and preached to a receptive audience. With the help of Devanampiya Tissa's conversion, Buddhism quickly spread



*Figure 1.1 Stamp issued by Sri Lanka's Sinhala government in 1956, which shows that Sinhalese arrived to land already occupied by Tamils.*

throughout the island and became a crucial part of Sinhalese culture and life in Sri Lanka.<sup>4</sup>

The Tamils originated from the southern part of India. They speak Tamil, the world's oldest language, which is commonly spoken in South India; Tamil is a language totally different from the language of the Sinhalese, which is derived from Pali in North India.<sup>5</sup> The Tamils are also predominantly Hindu, while the Sinhalese preserve their orthodox Buddhist beliefs. While it is hard to tell when the Tamils came to Sri Lanka, historian SA Pakeman states there is ample historical evidence to suggest that well before the beginning of the Christian era, invasions from southern India had begun, and that these continued sporadically throughout the history of Sri Lanka until the coming of the Portuguese early in the sixteenth century.<sup>6</sup> Various tribes from southern India invaded and settled in northern parts of the island, spreading down the northeast and northwest coastline. The northern peninsula of Sri Lanka, Jaffna, became a principal settlement of the Tamils. During the ninth century, they designated the peninsula as the Tamils' independent kingdom. Due to the differences in religion, language and tensions over land rights, the Tamil Kingdom of Jaffna was often at war with Sinhalese kings until the coming of the Portuguese.

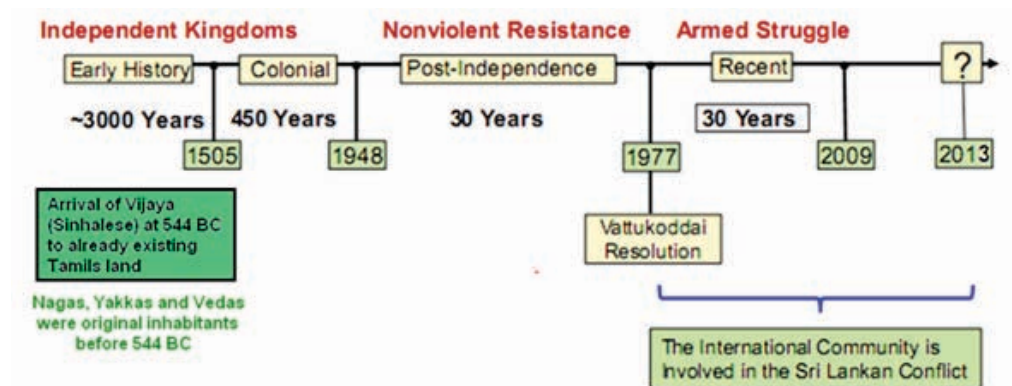


Figure 1.2 Brief outline of the island's history

## 1.2 Colonial history of Sinhala and Tamil Nations, 1505–1948

European colonialism laid the foundation for the political, economic, social and religious infrastructure that defines post-colonial Sri Lanka today. Though Sri Lanka is positively identified for having its own unique and distinct characteristics, 443 years of European domination cannot be overlooked; this had profound implications for the island's development, growth, and eventual transformation into a modern nation state. Most notable is the rise of various European colonial powers, their impact, and the



reaction of Sinhalese, Tamils, and various indigenous groups to the island during each of the three European nations' colonial reigns.

### Portuguese and Dutch colonisation

In 1505, the Portuguese landed in Sri Lanka and successfully negotiated a trade agreement with the Sinhalese Kingdom of Kotte.<sup>7</sup> The Portuguese continued to rule Sri Lanka until the Dutch forced them out in 1658. The Dutch were considered far more tolerant than the Portuguese, even though they took complete control of the spice trade, and asserted their religious affiliation of Protestant Christianity on the populace. The Sinhalese Kingdom of Kandy continued to exist with autonomy<sup>8</sup> under the Dutch, but the Tamil Kingdom and remnants of the Kotte and Sitawake Kingdoms remained under colonial rule. The colony remained firmly in the hands of Dutch until the middle of the eighteenth century, when British imperial ambitions in India brought the British to Sri Lanka in an attempt to drive the Dutch from the Indian subcontinent. From around 1756 until 1795, conflicts around Sri Lanka were frequent between the Dutch and the British.<sup>9</sup>



Figure 1.3 Historic Tamil Eelam or Coylot Wannees Malabar country in 1681<sup>10</sup>, of Robert Knox



Figure 1.4 Sketch of the island of Ceylon, 1822<sup>11</sup>

“Two different nations, from a very ancient period, have divided between them the possession of the Island: the Sinhalese inhabiting the interior in its Southern and Western parts from the river Wallouwe to Chilaw, and the Malabars (Tamils) who possess the Northern and Eastern Districts. These two nations differ entirely in their religion.

(Sir Hugh Cleghorn, British Colonial Secretary, June 1799)

### **British colonisation**

The British took the major east coast port of Trincomalee in 1796, and effectively took the island from the Dutch in 1797. Once again, the dominant Sinhalese Kingdom, Kandy, pursued a trade agreement and autonomy treaty with Great Britain, doomed to fail from the beginning. The British did not intend to keep Ceylon (as they called it), but assumed that with cessation of hostilities with the Dutch, it would be returned.<sup>12</sup> In 1802 Dutch possession was ceded to the British under the “Treaty of Amiens” and Ceylon became the first Crown Colony (literally a colony of the Crown), meaning that it was under direct British rule. Peace lasted no more than a year. The ensuing war between the British and Kandyan Kingdom lasted from 1803 to 1815, but resulted in absolute British domination of Sri Lanka.<sup>13</sup>

When the British assumed control of the island, the main economic activity was subsistence farming and limited plantation agriculture. The



*Figure 1.5 Indian Tamil workers at a tea plantation in Ceylon*

The British built the island’s society around plantation agriculture, and initially began with the main crop being cinnamon. However, as a result of various agricultural disasters throughout the nineteenth century, the keystone crop changed many times from cinnamon to coffee, cocoa, tea and rubber. Some of these crops required more labour than the island could initially provide, and so the British brought in the ethnically similar Indian Tamils to work on plantations. These Tamils were considered to be different by Tamils who had lived in Sri Lanka for centuries. The British effectively created a new ethnic rivalry on the island.<sup>14</sup> Generally, the Sinhalese and the Tamils

had lived in peace (with occasional territorial disputes), but now with the introduction of this third, but ethnically similar group, a critical imbalance in political representation severed years of Sinhalese and Tamil coexistence.<sup>15</sup> In 1825, the British brought in Indian Tamils to Ceylon, this time to work on the tea estates.

The Colebrook-Cameron Report<sup>16</sup> on recommendations for administering the island under a single unified Legislature with tighter degree of centralisation, and reducing the number of provinces to five (from sixteen) was published in 1833. The entire Island was to be administered by the Governor (Sir Robert Wilmot Horton) and his council.

These recommendations included forming an Executive and Legislative Councils; the latter to be a nominated, but to evolve into an elected body. The Governor would continue to be the head of government on the island. The imperial composition of the Legislative Council was made up of Low Country and Kandyan Sinhalese; Ceylon Tamils of the Northern, Western and Eastern Provinces; and the Indian Tamils, Muslims, Burghers and Europeans. The British colonial power unified the low country Sinhalese, Kandyan and Tamil Kingdoms for administrative convenience and established, for the first time, a unified government for Ceylon.<sup>17</sup>

### 1.3 Inequity of Ceylon independence in 1948

In 1927, a Royal Commission under the Earl of Donoughmore visited Ceylon to ascertain why a representative government, as chartered by the 1924 constitution, had not succeeded and to suggest constitutional changes necessary for the island's eventual self-rule.<sup>18</sup> This resulted in a new constitution, known as the Donoughmore Constitution, designed to address grievances and failures of the previous 1924 Constitution. Sir Ponnampalam Ramanathan's motion to reject the Donoughmore Constitution on political reforms was defeated in the Legislative Council. He warned of impending danger to the Tamils arising from the 'law of large numbers.' For the first time the Tamils began to be referred to in constitutional papers and state documents as the 'minority'. Until then, the Tamils had been called either 'Ceylon Tamils' or 'Indian Tamils' and the Sinhalese as either 'Low Country Sinhalese' or 'Kandyan Sinhalese'. The Ceylon Tamils, Low Country Sinhalese and Kandyan Sinhalese were three different peoples occupying three Territories belonging to three different Kingdoms.

This failed to produce anything more than a splintering of more nationalist groups and movements, for example, the Great Council of the Sinhalese (Sinhala Maha Sabha), founded in 1937.<sup>19</sup> These groups intended to attract the attention of the growing Ceylonese/Sri Lankan nationalism in an attempt to spark change. Their failure led to the creation of more radical leftist groups during that decade. These groups never gained significant political weight, but they nonetheless proved a nuisance to the greater political machine in Ceylon/Sri Lanka.



In 1944 the State Council of Ceylon passed a resolution recognising Sinhala and Tamil as the official languages. The Soulbury Commission arrived from the UK. GG Ponnambalam, founding member of The Tamil Congress, had called earlier for balanced representation in the Legislative Council to safeguard the political rights of minorities, especially those of the Tamils, which the Commission rejected. **In 1945 the State Council appointed a Select Committee to look into the recognition of Sinhala and Tamil as official languages, and in 1946 the Select Committee reported on the transition from English to Sinhala and Tamil.**

In 1945, Great Britain agreed to grant Ceylon independence. Before independence was granted, a Royal Commission, headed by Lord Soulbury, was sent from Britain to examine a new constitutional draft proposed by the Sri Lankan minister. The Commission made recommendations that led to a new constitution, known as the Soulbury Constitution. In 1947 DS Senanayake, leader of the State Council, urged the Tamils and other minorities to accept the Soulbury Constitution, granting independence. He promised that the Tamils and other minorities need not fear at the hands of the majority Sinhalese in a free Sri Lanka and no harm would befall them.

To prevent discriminatory laws being enacted the Soulbury Commission provided a safeguard which became Section 29(2) of the Soulbury Constitution, prohibiting the enactment of any law which would make persons of any community or religion liable to disabilities or restrictions to which persons of other communities or religions were not made liable, or confer advantages or privileges on persons of any community or religion, which were not conferred on persons of other communities or religions. This provision proved to be totally ineffectual in preventing either individual discrimination or outright deprivation of existing collective rights of franchise, citizenship, language, etc.

In 1948, Ceylon was granted independence with a parliamentary system implementing a bicameral legislature. The power was transferred to the United National Party (UNP) government dominated by Sinhalese elite. A House of Representatives was directly elected by popular vote. The upper house, known as the Senate, had its members elected through the House and partly by the governor general, who was the primary figurehead. The most powerful man in the new government was the Prime Minister. All seemed well, and a bright future seemed to guarantee a prosperous nation. But history has a way of making itself fail to adhere to our assumptions.

## 1.4 Disenfranchisement of Tamils of Indian origin in 1948

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

The Indian plantation labour that had been brought into central Ceylon by the British since 1824, travelling in conditions resulting in a high death rate in the early days, now knew of no other country but Ceylon. Indian Tamils working in the plantation sector formed a very deprived and subjugated class without means of social advancement; they were kept isolated in line rooms, and alienated from the Kandyan peasantry by the European plantation owners. Outsiders had to seek permission to enter the estates. The formation of the estates too had involved the takeover of some lands from the Kandyan peasantry. Much of the planting was done on land where thick jungle was cleared by Indian coolie labour working in conditions of poor health and disease. In the nature of things Kandyan anger tended to be turned against the Indian labourers, rather than against the European plantation owners and the low country Sinhalese businessmen, who made money from the commerce of the hill country.

The first Prime Minister, DS Senanayake of the conservative United National Party (UNP), reacting to the possibility of losing power to leftist political parties, commenced the task of weakening the leftist parties and associated organisations. Indian Tamil labour had overwhelmingly supported these organisations. According to opposition parties he was also influenced by segments of the majority Sinhalese population who felt their voting strength was diluted due to Indian Tamils. He introduced the Ceylon Citizenship Act of 1948, the Indian-Pakistani Citizenship Act of 1949 and amended the Parliamentary Elections Act, disfranchising the Indian Tamils along with many persons of Indian and Pakistani ancestry. As they had no means of electing any one to the Parliament they ceased to be the concern of parliamentarians.

The first parliament had over 40 per cent of the seats represented by candidates from the minorities or left inclined candidates influenced by the minorities. (The minorities consist of the Ceylon Tamils, Indian Tamils, Muslims and Burghers.) But the Citizenship Act of December 1948 and the Parliamentary Elections Amendment Act of 1949 put an end to that and paved the way to reducing the representation in parliament of minorities to less than 20 per cent. What these Acts did was to make non-citizens of the Tamil plantation labour force, who formed about 10 per cent of the national population or about a third of the minority population, to deprive them of their vote. Besides having seven parliamentary representatives, the Indian Tamil vote influenced the decision in 20 other constituencies, generally to the ruling UNP's disadvantage.

Community	1947 Seats	1952 Seats	1960 Seats	1977 Seats	2000 Seats	2010 Seats
Sinhalese	64	75	125	139	180	187
Tamils	23	12	18	18	24	23
Muslims	8	8	8	11	21	15
Appointed minorities	6	6	6	none	none	none
Total	101	101	157	168*	225	225*
Sinhalese Representation	63.3%	74.3%	79.6%	82.7%	80.0%	83.1%

*Table 1.1 Change in representation in the Sri Lanka (Ceylon up to 1972) parliament over six decades*

Thus the first and most grievous blow against democracy was struck by the passage of these bills with Tamil connivance of a few of the Tamils in the government. In poignant words during the course of parliamentary debates, Dr NM Perera, the leader of the LSSP said: “I thought racialism of this type died with Houston Chamberlain and Adolph Hitler. I do not believe that anyone claiming to be a statesman would ask us to accede to a bill of this nature ... We cannot proceed as if we were God’s chosen race quite apart from the rest of the world; we and we alone have the right to be citizens of this country.”<sup>21</sup> The Sinhala parliamentary representation increased threefold (almost 85 per cent), while minority representation marginally increased from 26 to 35, but the percentage dropped to less than 16 with disenfranchisement, constitutional amendments and colonisation, which affected the demography of the Tamil areas. The 1948 Soulbury Constitution had 60/40 representation between Sinhalese and minorities, denying a two-thirds majority to the Sinhalese to protect the rights of minorities. The disenfranchisement of Tamils from upcountry, colonisation of Tamil homeland, the new constitution proclaimed by the Sinhala Buddhist majority and unavoidable migration of Tamils caused by repeated pogroms helped to decrease the representation of minorities in the parliament. When the only protection provided in the British Soulbury Constitution, avoiding a two-thirds majority to the Sinhala Buddhists was removed, the minorities depended on the mercy of the majority.

### 1.5 State-aided Sinhala settlements in the Tamil homeland since 1949

In 1947 the government under DS Senanayake enacted Act No. 51 under which the Gal Oya Development Board was established. It was officially inaugurated by Prime Minister, Senanayake on August 28, 1949 at Ingniyakala, and there a dam was built to divert the Gal Oya river water. The Gal Oya irrigation scheme covered 120,000 acres

and a total of 40 colonies were established, each consisting of 150 families. A single family was given three acres of paddy land and two acres of highland with a dwelling house, which led to a change of demographics.

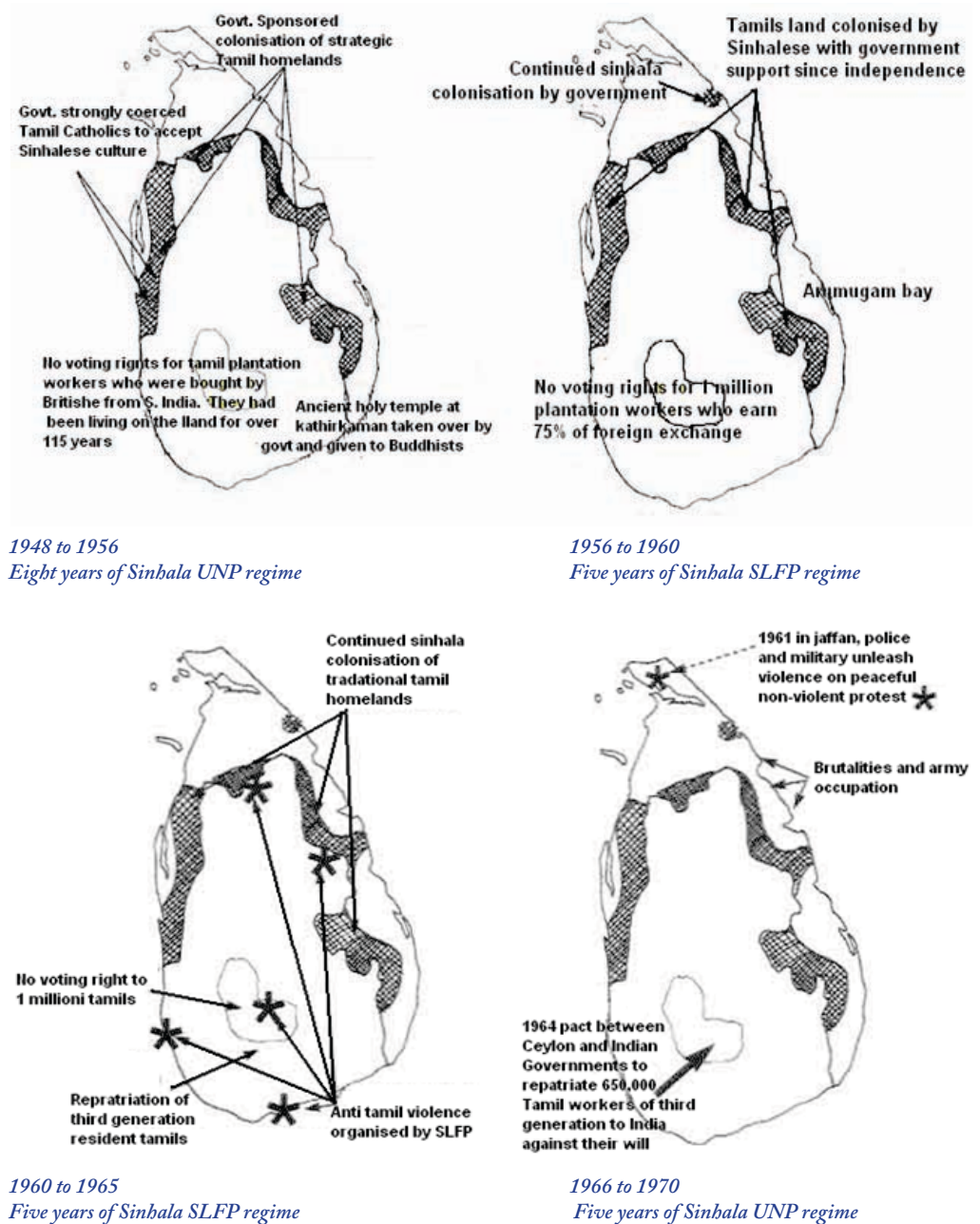


Figure 1.6 Colonisation impacting on Tamils in Sri Lanka, 1948 to 1970

In the first phase of the scheme 20,000 Sinhalese were settled in these colonies. Although six colonies were allocated to Tamils, they were driven out during the communal riots that broke out on June 5, 1956. Several Tamils were killed or maimed by marauding Sinhalese thugs. Those Tamils who returned to their homes were again attacked during the 1958 racial riots. Today the allotments in these six colonies are occupied by the Sinhalese.<sup>22</sup>

## 1.6 Sinhala Only Act in 1956

The Sri Lanka Freedom Party (SLFP) led by SWRD Bandaranaike broke away from the UNP and contested the 1952 general elections<sup>23</sup> losing to the UNP. The defeat inherently pushed the SLFP to seek straightforward alternatives to win Sinhalese votes in the crucial 1956 general elections. Bandaranaike espoused competitive Sinhala chauvinism and economic nationalism to outbid his electoral enemies, particularly the liberal leaning ruling UNP. It is also important to note that the SLFP customarily relied upon socially and politically influential groups including the Buddhist clergy or Bhikkus and the Sangha<sup>24</sup> to carry its message to the Sinhalese villages, where representatives of the Sinhalese rural middle class, such as village teachers, indigenous physicians and petty landowners, played a major role in the political decisions of villagers.

The economically disadvantaged Sinhalese, who believed Tamils enjoyed privileged positions and benefits under British colonial administration, became an ardent audience of the SLFP's religious-ethnic symbolic sentiments, which promised to safeguard the interests of the Buddhists and offered egalitarian social reforms such as the introduction of the Sinhala Only official language policy, land reform measures and subsidised agricultural policies and social reforms to institutionalise equity for the rural sector. The significant point is that Bandaranaike vigorously attempted to prove that he was the only voice of the oppressed Sinhalese who would lose their rights and centuries old Buddhist traditions, if the UNP were elected to power. Thus, the SLFP found an easy passage to public office, and gave up Bandaranaike's early policy of language parity between Sinhala and Tamil. In fact, Bandaranaike's only aim was to exploit the social and cultural conditions of disadvantaged Sinhalese to win votes.<sup>25</sup>

The 1956 election, which successfully mobilised extremist Sinhala Buddhists, radically changed the shape of the island's politics for years to come: the major Sinhala parties including the left parties.<sup>26</sup> On June 5, 1956, Bandaranaike introduced in the House of Representatives a bill to make Sinhala the only official language of Sri Lanka. The bill was passed on the same day with the main opposition UNP voting with the government.

## 1.7 Beginning of pogroms against Tamils in 1956 and 1958

The Sinhala Only policy was opposed by the Tamils who led the Federal party which organised a non-violent peaceful protest or Satyagraha on June 5, 1956 in front of



the parliament in Colombo. About 200 Tamil leaders and politicians took part in this protest. The peaceful protestors were attacked by a Sinhalese mob led by a junior government minister. The same mob, after listening to a speech by populist Sinhalese politicians urging them to boycott Tamil business, went on a looting spree in the city.<sup>27</sup> Over 150 Tamil-owned shops were looted and many people were hospitalised with injuries. But these disturbances were quickly brought under control by the police.<sup>28</sup>

The news reached Gal Oya where a massacre of Tamils took place; these were the first ethnic riots that targeted Sri Lankan Tamils in post-independent Sri Lanka.<sup>29</sup> The riots took place from June 11, 1956 and occurred over the next five days. Local majority Sinhalese colonists and employees of the Gal Oya Development Board commandeered government vehicles, dynamite and weapons and massacred minority Tamils. It was estimated that over 150 Tamil people lost their lives due to the Sinhala violence on that day.<sup>30</sup>

In 1957, in order to buy peace with the Tamils, SWRD Bandaranaike signed an agreement with SJV Chelvanayagam, Leader of the Federal Party, which would have made Tamil the official language of North and East provinces.

SWRD Bandaranaike was forced to cancel the pact under pressure from Sinhala nationalists and some Buddhist monks, particularly the United National Party, which organised a 'March from Kandy', led by JR Jayawardene, the leader of the Opposition who later became the President and allegedly sponsored the 1983 Pogrom.<sup>31</sup>

Meanwhile, 400 Tamil labourers were laid off when the British navy closed its base in Trincomalee. The government proposed to resettle them in the Polonnaruwa district. This angered the Sinhalese population there, and they began forming gangs and threatening vigilante attacks on any Tamil migrants who came to the region.<sup>32</sup>



*Satyagraha performed at Galle Face Green, Colombo; this was followed by attacks on Tamils in Colombo by Sinhala hooligans, while military and police forces watched (more than 150 Tamils were killed) on in 1956.*



*Figure 1.7 “Sinhalas Only Bill” was passed, contrary to promises that both Sinhala and Tamil will have equal status; opposition to the bill was met with violence*

The riots lasted from May 22 until May 27, 1958 although sporadic disturbances happened, even after the declaration of emergency on June 1, 1958. The event is generally termed as an ethnic riot, but in some geographic locations the scale of its destruction meant it was a pogrom.<sup>33</sup> In these ethnic riots about 300 Tamils lost their lives and more than 1,000 were seriously wounded.<sup>34</sup>

## 1.8 The non-violent Tamil struggle for justice in 1961

The next phase of direct action took the form of Satyagraha before government offices in Northern and Eastern provinces. The Federal Party made this decision unanimously. The date of the commencement of the Satyagraha campaign at Jaffna was fixed on February 20, 1961, which was observed for almost two months.<sup>35</sup> When a postal stamp was issued for use in the Tamil homeland, the government proclaimed a state of emergency, all the political leaders and the prominent members of the Federal Party were arrested using force and the peaceful protest ended with military intervention.

Its ultimate objective was to bring pressure upon the government by non-violent means to make it realise the just demands of the Tamil speaking people. By way of strategy, the Federal Party aimed at disorganising the work of the Jaffna kachcheri by preventing its officers from entering the kachcheri office.<sup>36</sup>

Hartals, Satyagrahas, black flag demonstrations, marches, processions, mass demonstrations, protest fasts, days of mourning, civil disobedience, civil resistance and boycotts were a regular feature of Tamil politics in those days, which brought unity among the entire cross-section of the society. Through united effort and dedication, the Tamils paralysed the administrative machinery of the Colombo government for nearly two months in the Northern and Eastern provinces of Sri Lanka until military repression was unleashed.<sup>37</sup>



*Women in front of government offices showing their defiance by sitting peacefully*



*Men and Women in front of government secretariat peacefully preventing entry*



*Sinhala soldier threatening a peaceful protester and he said "shoot me if you must, I am ready to die"*



*Students in their school uniform marching on streets demanding for their rights. The top three pictures demonstrate the men, women and children challenge to the administrative power of the Sinhala government asking for their rights*



*A stamp was issued and used in defiance, as a method of peaceful protest*

*Figure 1.8 All Tamils showed their opposition to denial of equal rights by peaceful means throughout North East Sri Lanka, which was met with force*

## 1.9 Deprivation of educational opportunities to Tamil youth in 1973

Until 1970 university admissions were determined solely by academic achievement at school. Admission among Tamils was high because of high achievement by Tamils; their percentage of university enrolments substantially exceeded the percentage of the general population. In 1969, for example, 50 per cent of medical students and 48 per cent of engineering students were Tamils.

During the 1970s, however, the government implemented a preferential admissions system known as the "policy of standardisation." This was a geographically based criterion, since the two ethnic communities tended to be regionally segregated, and such a policy increased Sinhalese enrolments. The scheme established quotas for 70 per cent of university places on the basis of revenue districts; this included a special allotment of 15 per cent of all openings reserved for educationally underprivileged districts, which were predominantly Sinhalese districts. Only 30 per cent of openings were allotted nationwide on merit considerations alone. By the early 1980s, the policy had proven a statistical success: in 1983 only 22 per cent of medical students and 28 per cent of engineering students were Tamils.

The limiting of educational opportunities for Tamils was reflected in declining percentages of Tamils in skilled and



professional areas of government service. State employed Tamil physicians declined from 35 per cent in the period 1966-70 to 30 per cent in 1978-9; engineers from a 38 per cent average in the 1971-7 period to 25 per cent in 1978-9; and clerical workers from an 11 per cent average in 1970-7 to a little more than 5 per cent in 1978-9. By 1980 the percentage of Tamil employees in the public sector, excluding public corporations, was roughly equivalent to their percentage of the population, or 12 per cent.<sup>38</sup> The discrimination continues. There are a surplus of 14,000 Sinhala teachers against a shortage of 10,000 Tamil teachers; a lack of the most elementary school equipment (120,000 benches and desks in Vanni alone); and a teacher pupil ratio of 70:01 in Tamil areas versus 22:1 for the rest of the country.<sup>39</sup>

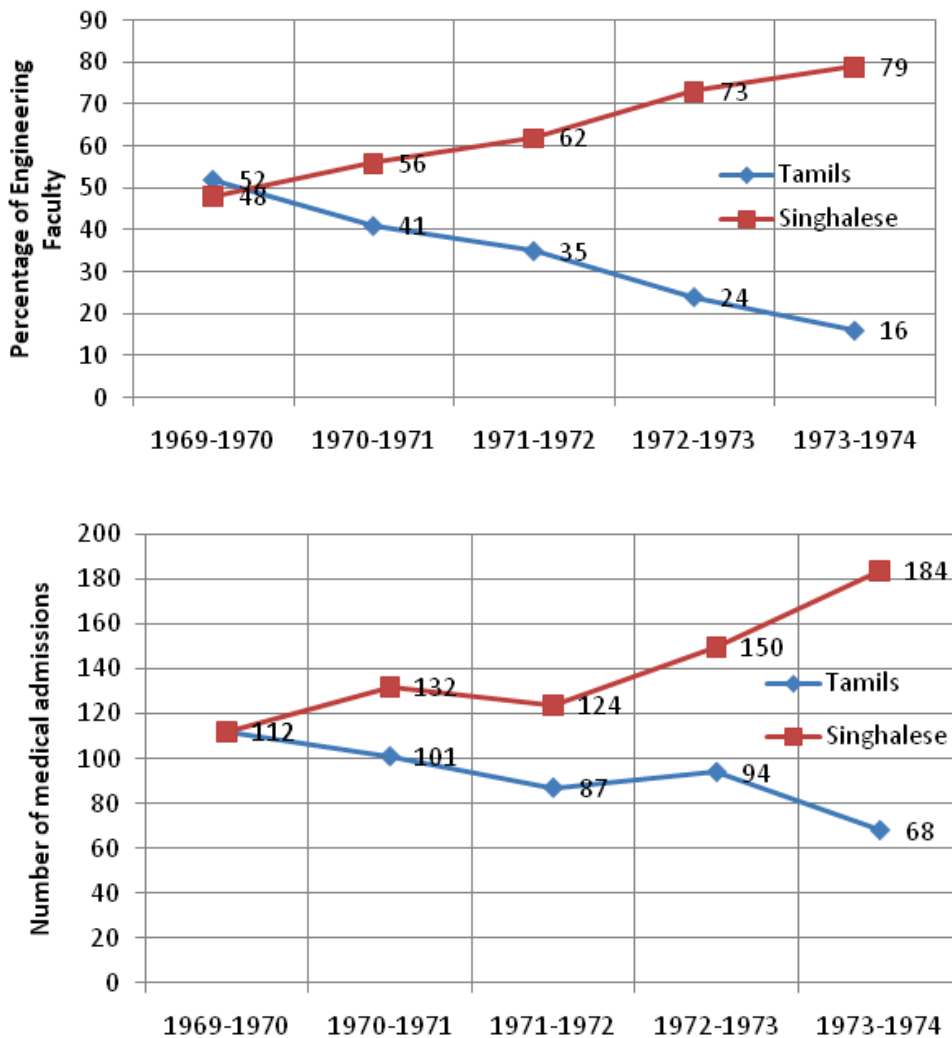


Figure 1.9 Admission of students to medical and engineering degrees after standardization

### Discrimination in employment

Political factors played a role in the decline in number of Tamils in public service. Under the so-called chit system, which became pervasive when Sirimavo Bandaranaike was in power during the 1970s, the influence of a parliamentarian was needed to secure a government job (the chit being a memorandum written by the legislator to inform personnel authorities of the preferred candidate). The Jayewardene government made the machinery of patronage still more overt by giving each legislator “job banks” of lower level positions to be distributed to their followers. The expanding role of patronage on all levels of the civil service had two implications for Tamils: first, merit qualifications that would have benefited educated Tamils were sacrificed to patron-client politics; and second, the patronage system provided Tamils with little or no access to public employment because their political representatives, especially after the 1977 general election, had very limited influence.<sup>40</sup>

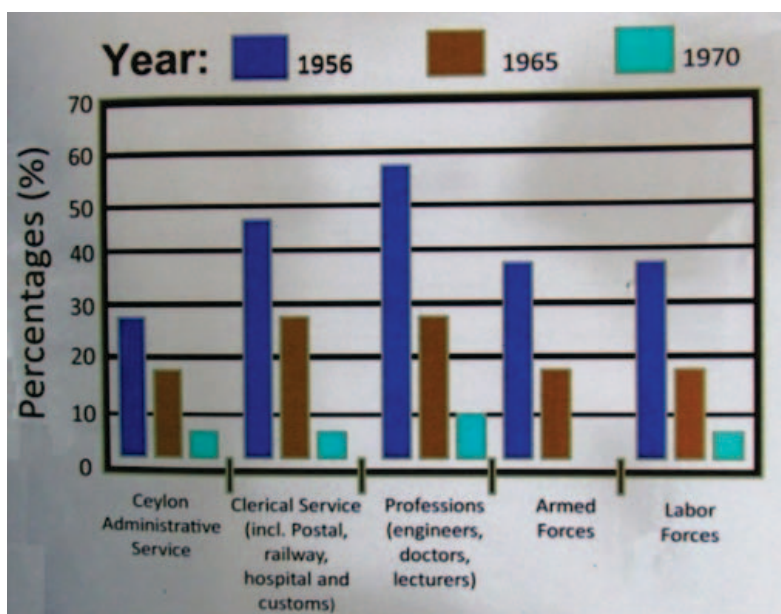


Fig 1.10 Tamils marginalised from state employment

### 1.10 The historical Vaddukottai Resolution of 1976<sup>41</sup>

From the dawn of history Sinhala and Tamil Nations have shared the island between them, occupying demarcated areas, mostly as independent nations; but occasionally for brief periods the sovereignty extended over part of each other's territory. The prehistory and colonial history of Ceylon are given elsewhere (see sections 1.1 and 1.2). The three kingdoms: Tamil in the North, Sinhala in the South, and Kandyan had Sinhala subjects and a Tamil King in the central highlands. For many centuries, these three kingdoms existed independently before the arrival of colonial powers: the Portuguese, followed

by the Dutch and finally, the British. All three colonial powers ruled the kingdoms as separate and independent parts of their domain. In 1833, for the first time, the British brought the three kingdoms together for administrative convenience, and from then on came to be known as one country called Ceylon. At the time of independence in 1948 the power was transferred to the majority Sinhala and others in the ratio of 60:40 representations, in the parliament, with only a single Clause 29(C) protecting minority rights by preventing unilateral changes to the constitution.

Unfortunately, the trust the British had with the majority Sinhala community was not reciprocated; soon after independence in 1948 the Sinhala government started undermining minority rights as follows:

- 1948 Disenfranchised half the Tamil population living in the up-country and reduced Tamil representation in the parliament
- 1949 Started state sponsored colonisation of the Tamil homeland, further affecting Tamil representation
- 1956 Sinhala Only official language act led to deprivation of educational and employment opportunities
- 1960 Cultural genocide of Tamils by cutting off mainstream Tamil cultural ties with Tamil Nadu
- Communal violence or pogroms against Tamils in 1956, 1958, 1961, 1974 and 1976
- Tamil youths were subjected to terror, torture and arbitrary imprisonment, after the leftist Sinhala youth uprising in 1971
- New Republican constitution, without the consent of Tamils, removed the minimum safeguard given by Clause 29(C); Sinhala language and Buddhism were given special places in the constitution at the expense of other languages and religions. Thus, Tamils became second class citizens under new colonial masters, who only believed in Sinhala Buddhist hegemony.
- And therefore, while taking note of the reservations in relation to its commitment to the setting up of a separate state of TAMIL EELAM, expressed by the Ceylon Workers Congress as a trade union of the plantation workers, the majority of whom live and work outside the northern and eastern areas,

And taking into consideration past history and development since independence, as outlined above, the Tamil Nation, at the First National Convention of the Tamil United Liberation Front (TULF) on May 14, 1976 presided over by Mr SJV Chelvanayakam, QC, MP made the following declaration.

**This convention resolves that restoration and reconstitution of the Free, Sovereign, Secular Socialist State of TAMIL EELAM based on the right of self-determination inherent to every nation has become inevitable in order to safeguard the very existence of the Tamil Nation in this Country.**

The Convention further declares that:

(a) the state of TAMIL EELAM shall consist of the people of the northern and eastern provinces and shall also ensure full and equal rights of citizenship of the state of TAMIL EELAM to all Tamil speaking people living in any part of Ceylon and to Tamils of EELAM origin living in any part of the world who may opt for citizenship of TAMIL EELAM.

(b) the constitution of TAMIL EELAM shall be based on the principle of democratic decentralisation so as to ensure the non-domination of any religious or territorial community of TAMIL EELAM by any other section.

(c) in the state of Tamil Eelam, caste shall be abolished and the observance of the pernicious practice of untouchability or inequality of any type, based on birth, shall be totally eradicated and its observance in any form punished by law.

(d) TAMIL EELAM shall be secular state giving equal protection and assistance to all religions to which the people of the state may belong.

(e) Tamil shall be the language of the state but the rights of Sinhalese speaking minorities in Tamil Eelam to education and transaction of business in their language shall be protected on a reciprocal basis with the Tamil speaking minorities in the Sinhala state.

(f) Tamil Eelam shall be a socialist state wherein the exploitation of man by man shall be forbidden, the dignity of labor shall be recognised, the means of production and distribution shall be subject to public ownership and control while permitting private enterprise in these branches within limit prescribed by law, economic development shall be on the basis of socialist planning and there shall be a ceiling on the total wealth that any individual or family may acquire.

This Convention directs the Action Committee of the TAMIL UNITED LIBERATION FRONT to formulate a plan of action and launch without undue delay the struggle for winning the sovereignty and freedom of the Tamil Nation;

And this Convention calls upon the Tamil Nation, in general, and the Tamil youth, in particular, to come forward to throw them fully in the sacred fight for freedom and to flinch not till the goal of a sovereign state of TAMIL EELAM is reached.

## 1.11 Evolution of the LTTE and who they represent

The years around 1970 are a very significant period in the history of Sri Lanka, because policies pursued alternatively between the UNP and the SLFP post-independence alienated the Tamil Nation followed by Tamil youth; the economic policies alienated

the Sinhala youth. After the 1970 landslide victory by Mrs Srimavo Bandaranaike of the SLFP in coalition with the leftist political parties, they followed the late SWRD Bandaranaike's Sinhala Buddhist hegemonic policies. The abandonment of the policy of equalities for both the Sinhala Nation and the Tamil Nation by the leftist parties, as well as the economic policies pursued did not give any hope to the under privileged class of people to whom they spoke for. These policies dashed all hopes for both Sinhala and Tamil youth and they came to the same conclusion: that they would have to challenge the seat of power in Sri Lanka, militarily. The year 1971 in Sri Lanka will be remembered for the Sinhala youth insurrection in the South and haunting memories in Sri Lanka's history: the first organised assault on state power, unprecedented army and police excess, and the subsequent bloodbath that accounted for the death of more than 10,000 Sinhala youths. The youths were described by authorities as "misguided revolutionary romanticists", perhaps constituting the finest flowers of Sinhala youth of that time; this was led by Janatha Vimukthi Perammuna (JVP)<sup>42</sup>, an organisation opposed to all political parties on the island. At the same time, Tamil youths in the North were increasingly becoming disillusioned with failed attempts at political negotiations, because all the political parties in the South were committed to Sinhala Buddhist hegemony, disregarding the rights of Tamils.

The 1948 Constitution had a provision to appeal to the Privy Council in London, to redress the grievances, which was abolished in 1971, for two reasons: to prevent the external scrutiny of the conduct of the Sri Lankan army in putting down the insurgency of Sinhala youths and to make the pending directive in 1969 to the Sri Lanka Supreme Court to review the constitutionality of the "Sinhala Only Act of 1956". The promulgation of the "1972 Republican constitution" gave the Sinhala government the power to carry out, with full impunity, any act of oppression.

These events left the Tamil youth disillusioned, as well as the failure of the democratic processes pursued by Tamil political leaders for two decades with political negotiation, Satyagraha and peaceful protests to achieve desired results for the Tamil Nation. Sinhala Buddhist communal politics of the SLFP and repeated pogroms against the Tamil Nation as a form of oppression to silence the Tamil Nation left the youth to take up militancy. There were many militant groups. Prominent among them was one started by Velupillai Pirabhakaran, a 17 year old, with 12 others called the Tamil National Tigers (TNT)<sup>43</sup> and the Tamil Liberation Organization (TLO) started by "Kuttimani" (Selvarajah Yogachandran) and "Thangathurai" (Nadarajah Thangavelu). Most of these militant groups initially struggled with lack of financial resources, but they were mainly differentiated by the resourcefulness of their respective leader to draw support among the people and the growing Tamil diaspora. The forerunner to militant groups was the Thamil Maanavar Peravai (Tamil Students' Federation- TSF)<sup>44</sup>, formed in 1970, which brought together Tamil youths who were alienated by the blatant anti-Tamil education policy of Mrs Bandaranaike's government. The leader, Ponnudurai Sathyaseelan, was not averse to resorting to violence, but he was disinclined to indulge in violent action.

However, he was instrumental in popularising armed rebellion against the state of Sri Lanka and attracted future rebel leaders, among them the LTTE leader. The growth of militancy was further strengthened among Tamil youth because of restricted university admission using standardisation procedures in 1972, contrary to the opportunities Tamil youth enjoyed until the introduction of this policy. There were other land-mark events: the 5th International Tamil Research Conference held in Jaffna in 1974, where nine Tamils were killed by police gunfire; shortly thereafter Tamil militant Sivakumaran was killed while attempting to murder a policeman. And in 1975 Alfred Duraiappah, SLFP convener in Jaffna, was murdered by a Tamil youth.

Against the power of the Sinhala Buddhist hegemonic parliament, all the main Tamil political parties united under the leadership of SJV Chelvanayagam and formed the Tamil United Liberation Front (TULF) to face the challenges from Mrs Bandaranaike's government, pursuing with vengeance the policy of Sinhala Buddhist chauvinism, with no consideration for Tamil rights under her government, and at the same time Tamil youths were getting increasingly restless with their vision for a Tamil Eelam to achieve their lost rights, militarily.

The "Vaddukottai Resolution" call to the Tamil youth to fight for the freedom of the "Tamil Eelam" was wholeheartedly accepted by the youth. The "TNT" reconstituted as the Liberation Tigers of Tamil Eelam (LTTE) on May 5, 1976; similarly "TLO" became the Tamil Eelam Liberation Organisation (TELO) and both the TNT and TELO were the two prominent groups. In the following period about 30 groups came into existence, all with one vision: the liberation of Tamil Eelam. Beside LTTE and TELO, there were other groups: the Eelam Peoples' Revolutionary Liberation Front (EPRLF), the Eelam Revolutionary Organisation of Students (EROS) and the Peoples' Liberation Organisation of Tamil Eelam (PLOTE). Though everyone was pursuing the liberation of Tamil Eelam, their methods, economic orientation, level of commitment and perhaps their ego differentiated from each other. Unfortunately, the internecine conflict among groups did not help the cause, but Tamil militancy was gaining ground in Sri Lanka and was accepted by the Tamil diaspora.

In the general election of 1977, the people of Tamil Eelam overwhelmingly endorsed the "Vaddukottai Resolution" by 82 per cent of the people voting for TULF. With this election result, the duty and responsibility of fighting for the liberation of Tamil Eelam was passed on to the Tamil youth, and the TULF carried on with political activities. At the same election JR Jayawardene, at the age of 71, became victorious with a landslide victory supported overwhelmingly by Sinhala people, frustrated by the economic policies of Mrs Bandaranaike's government and by the Tamil voters in the South, who thought the UNP would be fair to the Tamils compared to the SLFP and leftist parties together. JR Jayawardene was never a friend of Tamils; he marched against Bandaranaike-Chelvanayagam pact signed in 1957, granting political rights and he was equally Sinhala Buddhist centric like the SLFP. And in 1977, the second large scale



pogrom against Tamils took place, under his watch. In 1978, a new highly centralised Presidential system of government was set up, replacing the Westminster style 1972 parliamentary constitution, which reduced the parliament to a rubber stamp of the President's call. Further concentration of power was in the hands of the Sinhala Nation and ignoring the Tamil Nation, accelerated the growth of Tamil militant groups and their militarist activities. The LTTE emerged as the most prominent group, endorsed by the majority of the people of Tamil Eelam and the Tamil diaspora. In 1983 "Black July" further consolidated the LTTE's position and the government of India actively engaged in the affairs of Sri Lanka by providing military training to Tamil youth.

### 1.12 The 1983 Pogrom – a watershed event and the start of mass migration

The mother of all pogroms against the Tamil Nation started on July 24, 1983, after having been subjected to varying levels of pogroms or mass mob violence, which began in 1956, and continued in 1958, 1961, 1977 and 1981. The last three pogroms occurred within a short frequency, under the regime of JR Jayawardene; he was first elected as Prime Minister in 1977 with five-sixths parliamentary majority. In 1978 he installed himself as the President of Sri Lanka with a new constitution, without the consent of non-Sinhala and non-Buddhist groups. The Westminster type 1972 Republican constitution was replaced by the highly centralised power of executive presidency, which set the path for totalitarianism in Sri Lanka. Following the proclamation of the new constitution, the draconian Prevention of Terrorism Act (PTA) was passed in 1979; President Jayawardene declared war against Tamils, saying he wanted to eradicate "terrorism". The armed forces carried out arbitrary arrests, detention without trial, torture, rape, violence against women and arbitrary execution of the Tamil people using the PTA. The LTTE reacted by murdering 13 soldiers in Jaffna. Their bodies were taken to the South for public funerals; the mother of all pogroms started and spread like wildfire across the island, referred to as "Black July". President Jayawardene, Instead of immediately declaring a state of emergency to control the spread of violence and murder, President Jayawardene made a statement, adding fuel to the fire: "I am not worried about the opinion of the



*Sinhala mobs seeking out Tamils for beatings and killings*



*Sinhala daubed on the wall, pointing out 'Tamil family lives here'*

*Figure 1.11 Scenes from the 1983 "Black July" pogrom against Tamils*

Jaffna people... now we cannot think of them, not about their lives or their opinion... the more you put pressure on the north, the happier the Sinhala people will be here... Really, if I starve the Tamils out, the Sinhala people will be happy.” (Daily Telegraph, July 1983)



*A mini bus full of Tamils was forced to stop in front of us in Colombo... Sinhalese mobs poured petrol over the bus and set it on fire. They blocked the car door and prevented them escaping.*



*A Sinhala mob looting a Tamil shop, with uniformed policemen looking on (July 1983)*

*Fig 1.13 Tamils were burnt alive and properties were attacked with no protection*

Mr S Sivanayagam, a well-known journalist, in his book *Sri Lanka: Witness to History a Journalist's Memoirs* has quoted the media, as to how the outside world saw “Black July”. A few of these quotes appear below, to help the reader understand the underlying factors and to determine who is responsible. The following quote is taken from the Introduction to ‘Sri Lanka: Paradise in Ruins’ Sri Lanka Coordinating Centre, Kassel, Germany: “Sufficient evidence exists to prove that the riots in the last days of July 1983 by no means occurred suddenly and spontaneously. On the contrary, a carefully prepared plan (by the government or parts of it) for destruction of houses, shops and other property of the Indian Tamils and Ceylon Tamil population seems to have existed long before the rioting began.”

“Moreover, the settlement activities of thousands of refugees from the plantation areas of the central highlands, who made their homes in the areas around Vavuniya, Mannar and Trincomalee after the disturbances of 1977 and 1981, had long been a source of irritation to the government. The government planned to expel these settlers. Both aims were achieved...”

“Though violation of the curfew and plundering was to result in shooting without warning, these government actions did not have the effect of re-installing law and order. We cannot shoot our Sinhalese brothers, a lot of soldiers (99 per cent are Sinhalese) said. So the terror gangs [ ] not held back by anyone [ ] took over the streets... According to witnesses, even pupils of a large Buddhist college participated in the riots in Colombo.....” ‘What a Norwegian tourist saw’, *Daily Express*, London August 29.

“Mrs Eli Skarstien, back home in Stavanger, Norway, told how she and her 15-year- old daughter, Kristin, witnessed one massacre. “A mini bus



full of Tamils was forced to stop in front of us in Colombo,” she said. “A Sinhalese mob poured petrol over the bus and set it on fire. They blocked the car doors and prevented the Tamils from leaving the vehicle. Hundreds of spectators watched as about 20 Tamils were burned to death.” Mrs Skarstien added: “We can’t believe the official casualty figures... Hundreds, maybe thousands must have been killed already... The police force, 95 per cent Sinhalese, did nothing to stop the mobs. There was no mercy. Women, children and old people were slaughtered. Police and soldiers did nothing to stop the genocide.”

**Who will help the Tamils?** New Statesman, London, July: “Sri Lanka is burning again. **Several hundred Tamils have been killed in the past week, and at least 20,000 have been made homeless.** Now the Sri Lankan government says that it is creating an emergency committee for providing food and shelter for Tamil refugees. The Tamils can be forgiven if they do not show much gratitude for this act of charity, for this week’s horrific violence, in which Sinhalese lynch mobs roamed the streets of Colombo, attacking anyone who happened to be Tamils, is the direct fault of the government itself.”

“For years Sinhalese politicians have encouraged their fellow Sinhalese to see the minority Tamils as second-class citizens. Matching action with words, they have made it almost impossible for the Tamils to find decent education or employment. They have also supervised a programme of colonisation under which Tamil farmland has been handed over to Sinhalese.”

“In Britain there may be a tendency to view the violence in Sri Lanka as part of some unfathomable feud in a faraway country, of which we know nothing. Yet Britain is inescapably involved. It was Britain, as the colonial power, which brought Indian Tamils to Ceylon to work in the tea estates. It was Britain which encouraged the indigenous Tamils to help with the running of the colonial bureaucracy. **When Britain departed, in 1948, the Sinhalese took over the country and exacted their revenge.** The



*Buildings on fire, cars overturned and looters walking away with goods, July 1983*



*Tamil refugees being taken in an Indian ship to Jaffna, August 1983*

*Figure 1.14 Unending pogrom forced Tamils to escape from Sinhala to Tamil region*

plantation Tamils were stripped of their citizenship and the indigenous Tamils were stripped of their jobs.”

‘In Pettah, the old commercial heart of the city, row after row of sari boutiques, electronic dealers, rice sellers, car parts stores, lie shattered and scarred... Government officials yesterday estimated 20,000 businesses had been attacked in the city’, London Guardian, July 28, 1983

### **LAWASIA report: The Welikade Prison massacres**

Two prison massacres that occurred are presented here from the book Sri Lanka: A country in crisis, by a senior lecturer in Law at the University of New South Wales, Australia (June 7, 1985): “In addition to the events recorded above, there were two violent massacres in the Welikade Prison in Colombo, during which 53 Tamil prisoners arrested on suspicion of terrorist activity, were killed. The setting in which the prison riots occurred was as follows: there were between 800 and 850 convicted prisoners in the prison. Some of these prisoners were Tamils, though most of them were Sinhalese... At the time of the riots these prisoners were housed in the galleries and cells in the upper section of the Welikade Prison. On average there were three prisoners in each cell.”

“In addition to the above prisoners, there were also in the gaol at the time, 73 Tamil political prisoners who had been arrested under the Prevention of Terrorism Act. These people had been detained originally in army custody at Panagoda army camp, but had recently been transferred to the Welikade Prison. The reason for the transfer was that complaints had been made about the treatment...”

“One of the accounts was given by Mr SA David, President of the Gandhian movement. He had been arrested with Dr Rajasunderam in April 1983. His description of the Welikade Prison was as follows: “On July 25, 1983 Sinhala prisoners attacked the detainees in the Chapel section of the prison and murdered 35 persons... After killing six Tamils including Kuttimani, Thangathurai in one wing, the attackers killed 28 Tamils in the other wing. A boy of sixteen years, Mylvaganam, had been spared by the attackers and was crouching in a cell. A jail guard spotted him and stabbed him to death. The 35 dead were heaped in front of the statue of Gautama Buddha in the yard of Welikade Prison, as a Minister aptly described, a ‘sacrifice to appease the blood thirsty cravings of the Sinhala demons’. Some who were still alive raised their heads and called for help but were beaten to death in the heap. The attackers then made their entry into the other wing... the jail guard refused to give them the keys and persuaded them to leave.”

A second massacre of 28 prisoners, including Dr Rajasunderam, took place under similar circumstances on July 27, the remaining prisoners were lucky enough to survive the repeated ordeal; among them was Mr SA David who survived the ordeal to tell the story to the world, as to what happened during the massacre. They were taken across the island from the West to the East, travelling about 240 km to Batticaloa Prison the next day. Most of them who were held in Batticaloa Prison were lucky enough to escape and reached foreign shores.

“Police knew about the Welikade Prison riots around 2.45 pm, from the police radio recoding. As the clock struck 2pm, about 300 to 400 prisoners ran towards the chapel section where prisoners were held.” (Surviving prisoner, T Sabaratnam)

It is known widely that the attack on Tamils living in Trincomalee districts started several weeks before the start of “Black July” in Colombo on July 24; there were already over 1,000 Tamils, most of them from upcountry, who had settled in Trincomalee after the 1977 and 1978 pogroms in the Trincomalee districts. They were living in nine refugee camps around Trincomalee. In Trincomalee an alarming and hitherto unreported incident occurred. Late on the night of July 24, armed police and air force men went to refugee camps, accompanied by a convoy of 13 buses. All but one camp was emptied



*Dr. Rajasunderam, Mr. Kuttimani and Mr. Thangathurai, were three of the 52 Tamil political prisoners murdered on July 27, 1983*



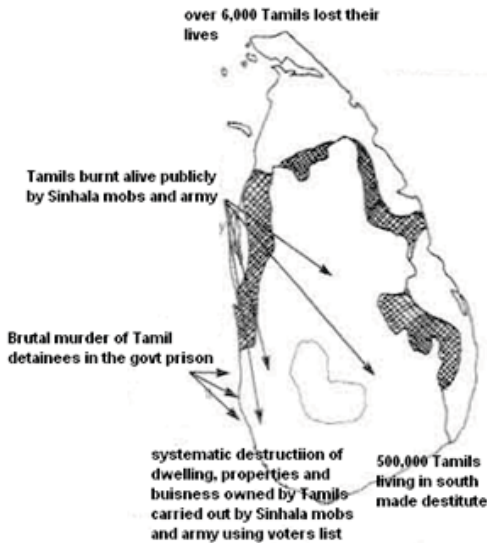
*Main entrance to Welikade Prison*

*Fig 1.15 Prominent Tamil leaders in high security prison were murdered*

and thousands of refugees were taken about 350 km to Badulla and Nuwara Eliya. In the morning they were dispersed around several estates and told to start picking tea, as reported in Sri Lanka: Witness to History.

The killing of Tamil leaders held in custody under the Prevention of Terrorism Act with the participation of murderers and criminals in the custody of state cannot be condoned. The killing of innocent civilians by Sinhala mobs (more than 3,000 in number), the displacement of over 200,000 people and making them refugees by a government which was supposed to protect them, cannot continue to happen while

the international community stands on the sideline. Due to the absence of any public inquiry following “Black July” the truth, the actual number of deaths and the cost of damage to property were never established. Justice did not happen for these victims.



*Figure 1.16 Attempted genocide in Sri Lanka partially succeeded by driving away half a million Tamils to foreign countries*

Eyewitness accounts and media reports demonstrate beyond any doubt that “Black July” was a pre-planned attack on Tamils, which proved what President JR Jayawardene had declared: “if I starve the Tamils out, the Sinhala people will be happy”. The stand taken by the President encouraged his lieutenants to implement his wishes and the “planners of genocide” had a free hand while law enforcement forces under the President, as commander-in-chief of armed forces, stood aside; but they actively engaged in transporting the population at night under the cover of darkness to bring about changes in population distribution. That is a genocidal act.

The migration of Tamils to foreign countries started immediately after the first pogrom in 1956 and the number of migrants increased with every following pogrom; the largest migration took place immediately after the “mother of all pogroms” in “Black July”. Western countries could not do anything when people were murdered, displaced and deprived of their livelihood, but they opened their hearts and accepted hundreds of thousands of Tamils as migrants in their own countries. Currently the number of Tamil diaspora has reached about a million in Western countries. The downside to this so called generous act is to put “Tamil Homeland” in North East Sri Lanka at risk, because of the dwindling Tamil population and colonisation of this homeland with Sinhala people..

<sup>1</sup>HW Codrington, A Short History of Ceylon, [http://books.google.com/books/about/Short\\_History\\_of\\_Ceylon.html?id=tqpdlPiOyEC](http://books.google.com/books/about/Short_History_of_Ceylon.html?id=tqpdlPiOyEC), pp. 9, 10.

<sup>2</sup>Jataka stories are fables which centre round the personality of the Buddha.

<sup>3</sup>Codrington, *ibid*, p.10.

<sup>4</sup>KM De Silva, A History of Sri Lanka (London: C. Hurst and Company, 1981), p. 11.

<sup>5</sup>Zeylanicus, Ceylon between Orient and Occident (Great Britain: Elek Books Limited, 1970), p. 24.

- <sup>6</sup> SA Pakeman, *Ceylon* (New York: Frederick A. Praeger, 1964), p. 20.
- <sup>7</sup> Steven Kemper, *The Presence of the Past: Chronicles, Politics, and Culture in Sinhala Life* (Ithaca: Cornell University Press), p. 104.
- <sup>8</sup> Richard Nyrop, *Area Handbook for Sri Lanka*, [http://lcweb2.loc.gov/frd/cs/sri\\_lanka/lk\\_bibl.html](http://lcweb2.loc.gov/frd/cs/sri_lanka/lk_bibl.html) (U.S. Library of Congress, Washington, D.C.) The Portuguese.
- <sup>9</sup> KM De Silva, *A History of Sri Lanka* (London: C. Hurst and Company, 1981), p. 146.
- <sup>10</sup> [http://en.wikipedia.org/wiki/Portuguese\\_conquest\\_of\\_the\\_Jaffna\\_kingdom](http://en.wikipedia.org/wiki/Portuguese_conquest_of_the_Jaffna_kingdom)
- <sup>11</sup> <http://www.globalsecurity.org/military/world/sri-lanka/maps-history.htm>
- <sup>12</sup> *Ibid*, p. 148.
- <sup>13</sup> Lennox A. Mills, *Ceylon Under British Rule: 1795-1932* (London, Charles Birchall & Sons, 1933), p. 133.
- <sup>14</sup> Jonathon Spencer, *Sri Lanka: History and the Roots of Conflict* (New York, Routledge, 1990), p. 177.
- <sup>15</sup> KM De Silva, *op.cit.*, p. 231.
- <sup>16</sup> The Commission was established on December 24, 1831
- <sup>17</sup> 1833 A.D.
- <sup>18</sup> Nyrop, *The Donoughmore Commission*.
- <sup>19</sup> Jonathon Spencer, *op.cit.*, p. 235.
- <sup>20</sup> Virginia Leary, 'Ethnic Conflict and Violence in Sri Lanka' Report of a mission to Sri Lanka on behalf of the International Commission of Jurists, July/August 1981
- <sup>21</sup> Rajan Hoole, "Missed Opportunities and the Loss of Democracy: The Disfranchisement of Indian Tamils: 1948-49". [uthr.org](http://uthr.org).
- <sup>22</sup> V Thangavelu, Sinhalese Have Cause to Celebrate the Golden Jubilee of Gal Oya Colonization Scheme, <http://www.oocities.org/vthangav/politicsE006.html>
- <sup>23</sup> Laksiri Jayasuriya, *The Changing Face of Electoral Politics in Sri Lanka: 1994-2004* (Singapore: Marshall Cavendish International, 2005), p. 11.
- <sup>24</sup> The highest Buddhist order.
- <sup>25</sup> ARM Imtiyaz, *Politicization of Buddhism and Electoral Politics in Sri Lanka, Religion and Politics in South Asia* (London: Routledge, 2010).
- <sup>26</sup> The left parties realised that their pro-minority policies would alienate them from the majority Sinhalese, who are demographically and electorally superior. And the LSSP at its annual conference in June 1964 accepted "Sinhala-Only" and joined the SLFP and other Sinhala chauvinistic group demonstrations to protest the Dudley-Selva pact of 1965, a power-sharing accord signed by the then Premier, Dudley Senanayake of the UNP and Tamil leader, Selvanayakam of the FP.
- <sup>27</sup> N DeVotta, *Blowback: Linguistic Nationalism, Institutional Decay, and Ethnic Conflict in Sri Lanka*, <http://www.sup.org/book.cgi?id=5026>, p. 86.
- <sup>28</sup> T Vittachi, *Emergency '58: The Story of the Ceylon Race Riots*, (as above), pp. 7-8.
- <sup>29</sup> H Chattopadhyaya, *Ethnic Unrest in Modern Sri Lanka: An Account of Tamil-Sinhalese Race Relations*, <http://sangam.org/tamil-nation-library-eelam/>, p. 52.
- <sup>30</sup> "An evolving army and its role through time", *Sunday Times*, October 16, 2005.
- <sup>31</sup> T Bartholomeusz, *In Defence of Dharma: Just-War Ideology in Buddhist Sri Lanka*, <http://www.amazon.com/In-Defense-Dharma-Just-War-Routledge/dp/0700716823>, pp. 93-94.
- <sup>32</sup> T Vittachi, *op.cit.*, p. 10.
- <sup>33</sup> M Roberts, *Exploring Confrontation: Sri Lanka: Politics, Culture and History*, Routledge. ISBN 3-7186-5506-3 p.331.
- <sup>34</sup> *Ibid*, p. 29.

- <sup>35</sup>50th Anniversary of 1961 Tamil “Satyagraha” campaign <http://dbsjeyaraj.com/dbsj/archives/1984>
- <sup>36</sup>S Ponniah , Satyagraha and the Freedom Movement of the Tamils in Ceylon, 1963. [http://www.sangam.org/2011/03/Satyagraha\\_1961.php](http://www.sangam.org/2011/03/Satyagraha_1961.php)
- <sup>37</sup><http://dbsjeyaraj.com/dbsj/archives/1984>, retrieved on 03/01/13.
- <sup>38</sup><http://countrystudies.us/sri-lanka/71.htm>, Source: U.S. Library of Congress.
- <sup>39</sup>Discrimination of Tamils in Sri Lanka, 56th Session of the UN Commission on Human Rights. Item 10, January 1, 2002, Society for Threatened Peoples, <http://www.gfbv.de/inhaltsDok.php?id=383>.
- <sup>40</sup>Ibid.
- <sup>41</sup>Vaddukottai Resolution, May 1976. [http://www.sangam.org/FB\\_HIST\\_DOCS/vaddukod.htm](http://www.sangam.org/FB_HIST_DOCS/vaddukod.htm)
- <sup>42</sup>S Sivanayagam, Sri Lanka: Witness to History, A Journalist’s Memoirs 1930- 2004, ISBN 0-9549647-0-5, printed in Great Britain, 2005.
- <sup>43</sup>Anitab Pratab, Island of Blood, Penguin Books, India, 2001.
- <sup>44</sup>Ana Pararajasingham, Editor, Sri Lanka: 60 Years of “Independence” and Beyond, Centre for Just Peace and Democracy (CJPD), Switzerland.



## Chapter 2.0

# Documented acts of genocide against Tamils in Sri Lanka

Acts of genocide occur in many forms, which have been identified below. In Sri Lanka various acts of oppression against Tamils – tantamount to genocide – have occurred, while the rest of the world looked on. These events are presented here under different sections with documentary and photographic evidence. Considering most events happened over the past six decades (and long before), they are an important historical record when looking at possible future solutions to the Sinhala–Tamil conflict in Sri Lanka. The main focus of this chapter is to look at what has taken place in the past and what is happening today under the current President, Mahinda Rajapaksa and his accomplices.

### 2.1 Genocide of Tamils in Sri Lanka?

In 1948, the first Prime Minister of the newly independent Ceylon, Don Stephen Senanayake deprived one million Tamils, of Indian origin, of their citizenship and their right to vote. Eight years later the Prime Minister, SWRD Bandaranayake enacted legislation to confer on Sinhala the status of the sole official language of the country, again in defiance of Section 29. State authority, having thus effectively passed into the hands of the Sinhalese majority, meant they would not share power with Tamils willingly.

A multi-pronged policy was adopted, in pursuance of the objective of making the then Ceylon a Sinhalese state.



1. Denial of language rights (1956).
2. State aid for Sinhala colonisation in the Eastern Province, began with Gal Oya and Weli Oya.
3. Softening of Tamils into submission by encouraging and conniving, and later actively promoting mob attacks on Tamils or pogroms in 1956, 1958, 1961, 1977, 1981 and 1983; using the police and army to put down even passive resistance employed by Tamils in the North and East during the Federal Party's Satyagraha campaign in 1961; destroying the cultural wealth of the Tamils in Jaffna by using Sinhala hoodlums to burn down the public library, bookshops in the town and Jaffna's only Tamil newspaper, the Eelanadu (1981); framing intimidating legislation, such as the Prevention of Terrorism Act (1979), later made part of the permanent law of the land (1982), and used since then exclusively on the Tamil people; destruction of Hindu temples in the south (1977) and later in other parts of the island; enthroning Buddhism with special status in the 1972 Constitution ☒ a constitution that was adopted without Tamils' consent and against Tamils' opposition.

From 1956 to date about 200,000 Tamil civilians have been killed, and many more wounded and maimed by Sinhalese mobs and members of the various security forces. The killings have taken place in the form of massacres, arbitrary and extra-judicial killings as well as disappearances. Hill country Tamils (about 600,000) were forcibly expelled from their homes and rendered stateless. Since the beginning of the 1983 ethnic war in Sri Lanka, a few hundred thousand Tamils have left the shores of Sri Lanka, some as migrants and others as refugees to Europe, North America and Australia. About 400,000 Tamils fled to South India as refugees and to date more than 100,000 remain as refugees: many more tragically perished while trying to cross in boats to Tamil Nadu. More than 800,000 Tamils became internally displaced in the North and East of Sri Lanka. They were unable to return to their own homes, due to occupation of their homelands by Sinhalese armed forces and armed Sinhalese settlers, and because their last tracts of land has been declared a High Security Zone (HSZ). Apart from these people, there are many thousands of young Tamils held in Sinhalese army controlled concentration camps. The following statistics show how the Tamils are treated in Sri Lanka by respective governments:<sup>1</sup>

Universities (staff & students)	85 per cent Sinhalese
Public service	95 per cent Sinhalese
Admission to Law College	99 per cent Sinhalese
Diplomatic service	95 per cent Sinhalese
Armed forces	99.5 per cent Sinhalese

The four phases of the Eelam War, exclusively against Tamils in the North and East and subsequent ethnic cleansing and genocide through various means are detailed below.

## 2.2 Repeated Pogroms and the aerial bombings begin

During the course of the conflict, since 1995, Sri Lankan government forces have reportedly engaged in a pattern of indiscriminate aerial and artillery bombardment of areas populated by civilians. Many of these attacks have been badly aimed attempts to flush out LTTE cadres hiding in residential areas. There have also been reports of deliberate attacks on civilian residential areas. The church of St. Peter and Paul in Navaly (also Navali), located on the Jaffna peninsula, was bombed by a Sri Lankan military aircraft on the afternoon of July 9th 1995. Several hundred Tamil civilians took refuge at the church and surrounds at the time. It is estimated that at least 125 civilians died. On August 14th 2006 the Sri Lankan air force bombed an orphanage for girls at Sencholai, killing 53 between the ages of 15 to 18, and wounding over 130.



*Indiscrete aerial bombardment at Navaly, Jaffna Peninsular  
The army ordered civilians to take refuge in St Peters and then bombed the church, killing over 100 and injuring 120 including women and children (October 9th 1995)*

*Figure 2.1 Murdered civilians who had sought refuge in the church, Jaffna*

Kfir jet bombers flew over the school early in the morning and carried out a heavy aerial bombardment. UNICEF, who had an office near the orphanage, released the following statement. “These children are innocent victims of violence,” said Ann M Veneman, UNICEF Executive Director.<sup>2</sup> These were not isolated incidents. The jet squadrons carried out about 2,700 sorties during the fourth phase of the Eelam War. No. 12 squadron carried out 854 sorties using explosives weighing 1,071 tons. The No. 9 squadron fired 19,762, 80mm rockets during some 400 missions.<sup>3</sup> The Sri Lankan Air Force (SLAF) launched 3,000 missions with an estimated 15,000 sorties, of which 1,900 targets were in the East with three fighter squadrons ✕ firs.<sup>4</sup>



*Carnage at the Sencholai orphanage at Vallipunam, Vanni District  
Figure 2.2 Dead teenage girls at Sencholai orphanage on August 14th 2006*

### Attack by MiG-27 and F-7 planes and one squadron of Mi-24 helicopters

The bombardment of civilians and civilian structures as a means of conducting hostilities is prohibited by customary law, as codified in Article 13(2) of Protocol II, which prohibits attacks on civilians as such. Attacks on military targets in civilian areas in which precautions are not taken to avoid civilian casualties are indiscriminate. And thus prohibited by the customary law principle codified in Article 13(1) of Protocol II, which provides that, “the civilian population and individual civilians shall enjoy general protection against the dangers arising from military operations.” As the ICRC explained in its separate Commentary on Protocol II, this provision “means that the obligation does not consist only in abstaining from attacks, but also in avoiding, or in any case reducing to a minimum, incidental losses, and in taking safety measures,” including “reducing the effects of military operations which could affect protected persons.” Such precautions include a requirement that the warring parties distinguish military targets from non-combatants and avoid disproportionate collateral harm to civilians.<sup>5</sup>

## 2.3 Abduction, torture and murder of civilians



Figure 2.3 Tamils in torture camps



Figure 2.4 July 1983, a Tamil was stripped naked by Sinhalese treated, inhumanly.

**Torture and inhuman treatment of Tamils in Sri Lanka** For years, torture has been among the most common human rights violations reported in Sri Lanka and continues to be reported, almost daily. Torture is an aggravated and deliberate form of cruel, inhuman, degrading treatment or punishment.

Despite the long-term existence of legislation to punish torture and the enactment of the Torture Act in 1994, this violation continues to be committed with impunity, while a handful of cases were reportedly pending in the courts; so far no one has been convicted in relation to the crime of torture in Sri Lanka. The prevalence of torture is intrinsically linked with other human rights violations, particularly the long-term pattern of “disappearances” reported from the country.

Many of the thousands of cases of “disappearances” reported in Sri Lanka since the early 1980s concern detainees alleged to have died under torture in police or army custody, whose bodies were subsequently disposed of in secret.<sup>6</sup> Sri Lanka was known to have given a free hand to those who tortured in the early 1980s, where it was common practice to pile rubber tyres on victims, from the feet to the neck, and burn the tyres. The victim is charred beyond recognition in the process. Each year, thousands of Tamil people, including scores of possible prisoners of conscience, have been arrested, particularly in the North and East of the country and in the capital, Colombo, on suspicion of being members





*Unspeakable war crimes committed on innocent Tamil people  
Figure 2.5 Nine killed in Allaipiddy, Jaffna, May 14th 2006*



*Figure 2.7 A school bus was targeted by the Sri Lankan Army's Deep Penetration Unit (DPU) in Mannar (2007)*

or sympathizers of the LTTE, the main armed opposition group.

The arrests are carried out under the ERs or the PTA, and detention orders are supposed to be issued for those held beyond the initial period. Several safeguards were introduced to guarantee the welfare of detainees, including, for instance, that a detention order can only be issued if the arrest has been notified to the officer in charge of the nearest police station forthwith, and in any event, not later than 24 hours after the arrest. Breach of this provision has also been made an offence. Nevertheless, many of those arrested and detained were tortured in custody.

*Victims: Moorthy Martin (father), Mary Medaline (mother, raped before being murdered) and two children: Ann Nixon age 7 and Ann Luxi age 9*

*Figure 2.6 Family was brutally tortured and killed by SLAF personnel in Vankalai, Mannar on June 9th 2006. The bodies were exhibited to intimidate the population*



## 2.4 Rape as a means of suppression

The Sri Lankan Army has been using rape as a weapon of war in the Tamil regions for over 30 years. Currently, most of North East is under Sri Lankan Army control. Forced disappearance of Tamils for torture and rape is the norm in these regions. The Sri Lankan Army has used rape as a demoralising weapon against the Tamil community.<sup>7</sup>

“The actual incidence of rape and sexual violence committed by police and security forces is certainly far higher than that which is reported. Women in Sri Lanka are frequently prevented, through fear and shame, from reporting acts of sexual violence. Fear of social ostracism and retaliation, when combined with the widespread lack of gender sensitivity amongst police, means judicial and medical personnel act as powerful deterrents to women reporting violence and pursuing legal action against the perpetrators. The prevailing climate of impunity for acts of sexual violence against women from ethnic minorities, combined with the fact that women who are victims of violence frequently have no safe place to



*Sexual violence against women in Sri Lanka*

*Figure 2.8 Several cases of sexual violence along with horrible killing of women combatants were used as a weapon of war on the final onslaught in 2009 in the North East Sri Lanka*

stay during investigations or trials, are further elements that dissuade women from reporting crimes of violence committed against them...”<sup>8</sup>

The New York based organization Human Rights Watch released the 141-page report “We Will Teach You a Lesson’: Sexual Violence against Tamils by Sri Lankan Security Forces,” on February 26th 2013. The report gives a detailed account of 75 cases of alleged rape and sexual abuse against men and women that occurred from 2006 to 2012, during the military conflict between Sri Lankan armed forces and the LTTE, in both official and secret detention centres in Sri Lanka. The report says: “In the cases documented by Human Rights Watch, men and women reported being raped on multiple days, often by several people, with the army, police, and pro-government paramilitary groups frequently participating.”<sup>9</sup>

Further evidence and photographs of the victims are also given.<sup>10</sup> Asia Director of Human Rights Watch said: “These are not just wartime atrocities but continue to the present, putting every Tamil man and woman arrested for suspected LTTE involvement at serious risk.” Number of photographic evidence is in the public domain, mostly from army personnel mobile phones, and evidence is also presented in this book.

*Figure 2.9 Ilayathambiy Tharshini (20), whose body was recovered from an abandoned well. She had been brutally raped and murdered, and her body had been weighed down with a rock.*

Outlook India<sup>11</sup> in an article titled “The Sri Lankan Army Rebuts Rape Charges in HRW Report” said that Sri Lanka dismissed, as “fabricated lies”, a report by a leading rights group<sup>12</sup> alleging that its military used rape and other forms of sexual violence to torture suspected Tamil rebels since the island’s civil war ended in 2009. Sri Lankan military spokesman, Brigadier Ruwan Wanigasooriya, added: “These are fabrications to justify their claims for asylum. The army is ready to investigate if there are proper





complaints.” The content providers for the report were those who had applied for political asylum in the West. But, the evidence against Sri Lanka armed forces is overwhelming and one of the reports published in Global Peace Support Group<sup>13</sup> gives more evidence and additional references. Most of the evidence available in the public arena, collated by human rights organizations and videos released by Sri Lanka soldiers are tantamount to war crimes and crimes against humanity; the UK Channel 4<sup>14</sup> has produced number of documentaries. Only an international independent inquiry will determine the truth, will the world face the challenges to bring justice to numerous victims of this conflict?

## 2.5 Violence against women and children

In the civil war in Sri Lanka it is estimated that 80 per cent of Sri Lankan IDPs/refugees were women and children.<sup>15</sup> A number of factors determine their future existence including army and rebel operations, availability of food and medicine, psychological support, security of the family (women in the East generally are more concerned about the security of the family than themselves), et cetera

UNICEF estimates there are 900,000 children in the North east, all of whom have been seriously affected by the war, either through a lack of education, food, shelter or by direct injury.<sup>16</sup> An estimated 300,000 children have been displaced due to the war,<sup>17</sup> most having moved multiple times from one bunker to another; 270,000 of these are Tamil children.<sup>18</sup> Half the Tamil population has been displaced at least once during the war, many of whom remain displaced. Well over a million Tamils have fled persecution overseas, roughly one in four.<sup>19</sup> Of the million Tamil IDPs, UNICEF’s Ted Chaiban said that about three quarters of the 400,000 school-age population in the war zones lived as refugees.<sup>20</sup> The previous undercounting of affected populations was one of the least savoury aspects of the war.

## 2.6 Disappearances – a deliberate act of creating fear among Tamils

A 1999 study by the United Nations found that Sri Lanka had the second highest number of disappearances in the world. And that 12,000 Sri Lankans had disappeared



*Figure 2.9 H (a pseudonym) is a survivor of sexually abused by Sri Lankan security forces in custody*



*Figure 2.10 Sri Lanka security forces committed untold rapes of Tamil men and women in custody*

after being detained by the Sri Lankan security forces.<sup>21</sup> In 2003 the Red Cross stated that it had received 20,000 complaints of disappearances during the Sri Lankan civil war. Of these cases, 9,000 had been resolved, but the remaining 11,000 were still being investigated.<sup>22</sup> Human rights groups, such as Amnesty International, Human Rights Watch and the Asian Human Rights Commission, have documented many of the disappearances and attributed them to the Sri Lankan security forces, pro-government paramilitary groups and Sri Lankan Tamil militant groups.<sup>23</sup>

### **White vans**

Many Tamil nationalists claim there was a resurgence of abductions in 2005 after the failure of the Norwegian mediated peace process. The victims of these abductions were predominantly Sri Lankan Tamils living in Jaffna and the capital, Colombo.<sup>24</sup> A notable feature in the abductions is the use of white vans without number plates. White van abductions are a part of life in Jaffna and the abductions are carried out with impunity, even during curfew hours.<sup>25</sup>

## **2.7 Mass graves**

In July 1998 a former army corporal who was charged for the rape and murder of a school girl, while he was on duty at the Chemmani check point, told a High Court judge that he knew about a mass grave where about 400 Tamil bodies were buried. He said that the bodies of those killed by the army were brought to Chemmani, along with people who were to be executed and then buried there.<sup>26</sup>

More than 700 people disappeared in Jaffna from 1996 to 1997. The Sri Lankan government has said that 765 complaints of disappearance had been received. Sixteen people were ascertained as killed in custody and 201 were said to be in prison. The fate of 548 remains unknown. The UN Working Group on Disappearances urged the government to abolish the Prevention of Terrorism Act and the emergency regulations which facilitate disappearances.<sup>27</sup>

One also needs to remember that in late 1995 the bodies of 17 Tamils, living in and around Colombo, who had been abducted, were found floating in the Bolgoda Lake, the Alawwa Oya and the Diyawanna Oya. Following CID investigations into these cases, 21 Special Task Force police officers were arrested along with three civilians, who appeared before the Chief Magistrate in Colombo and were remanded in 1996. But due to reasons better known to the authorities, all but three of these police officers were released subsequently. The three who were indicted before the High Court were also released later and the proceedings against them were suspended.

It should be noted that the mandates of the various Commissions on Disappearances did not permit them to investigate mass graves that came to their knowledge. So they made the information about them available in their Reports and recommended that the government should investigate them and charge those responsible. That recommendation



was never implemented. Consequently the perpetrators became emboldened. Many of them still continue in service with impunity and they could well be the ones responsible, at least for having played a part in the mass graves that are now being discovered.

## 2.8 Assassination of political leadership and human rights activists

It began with vengeance, when Prime Minister Mahinda Rajapaksa of the SLFP was elected and sworn in as President of Sri Lanka in December 2005, after he started the war on “terrorism” with zero casualties attacking the LTTE stronghold. The murder of politicians started in the East, then Colombo, followed by the North. The murders followed the progression of military attacks on the LTTE and the people of Tamil Eelam. The killing of Tamil political activists has been going on for some time, but here we take a look at what has happened since Mahinda Rajapaksa came to power, first as Prime Minister and later as President of Sri Lanka. The number of political and humanitarian worker casualties increased with intensification of war between Sri Lanka’s armed forces, under the command of President Rajapaksa as the de-facto Commander in Chief of the Armed Forces, and the guidance of his brother, Mr Gotabaya Rajapaksa, as Defence Secretary. The incidents are given in chronological order, which suggests there is a link between the two events.



Ariyanayagam Chandra Nehru was killed by the Sri Lankan Army; he was a member of the Tamil National Alliance in the Sri Lanka Parliament and elected on February 7th 2005, Amparai



Figure 2.11 Some mass graves and mass grave sites of Tamils in North East Sri Lanka and dug-out remains



Figure 2.12 Mass graves being unearthed and remains near Batticaloa



**Joseph Pararajasingham MP** was assassinated in St Mary's church, Batticaloa, during the Christmas eve mass, by the Sri Lankan Army. He was also a founder director of NESOHR. He was silenced as his words were beginning to gain hold internationally on December 25th 2005, Batticaloa



**Vanniasingham Vigneswaran**, TNA member and President, Trincomalee District Tamil Peoples' Forum, was to be nominated in place of Joseph Pararajasingham MP, who was murdered earlier in Batticaloa. Mr Vigneswaran was also murdered on April 7th 2006, Trincomalee

**Sinnathamby Sivamaharajah** was the managing director of Namathu Eelanadu, a Tamil language newspaper, in Jaffna; he was also a former TULF MP. He was killed by an armed group aligned with the government on August 20th 2006, Jaffna



**Nadarajah Raviraj**, TNA/TULF MP, was assassinated in the Colombo HSZ in broad daylight, 24 hours after the protest outside the UNHCR office on November 10th 2006, Colombo



**Sivasubramaniam Raveendranath**, Vice Chancellor of the Eastern University of Sri Lanka (EUSL), was abducted on December 15th 2006 in Colombo in the High Security Zone. He has been missing since December 15th 2006, Colombo



**SP Thamichelvan**, Liberation Tiger's Political Head, was killed in Sri Lanka during the SLAF aerial bombardment on Friday morning in Kilinochchi. The SLAF attack specifically targeted the residence of members of the Political Division. The LTTE has conferred its highest military rank, Brigadier, on Thamichelvan, who died on November 3rd 2007, Kilinochchi



**Mr Thiyagarajah Maheswaran**, UNP Colombo district MP, was assassinated by a gunshot while worshipping at a Hindu Sivan temple with his family; being a New Year there were about 600 devotees and a number of them were also injured. He was a critic of President Rajapaksa's war against Tamil rebels and died on January 1st 2008, in Kotahena, the centre of Colombo



**Rev. Father MX Karunaratnam**, chairman of the North East Secretariat on Human Rights (NESOHR), with former President of Amnesty International and Human Rights expert, Mr Ian Martin. Rev. Father was killed in a claymore attack by the SLA on April 20th 2008, Mannankulam



**Father Nicholas Pillai Pakiaranjith** was a minority Ceylon Tamil Roman Catholic priest and aid worker. He was killed by a Deep Penetration Unit of the Sri Lanka Army. Father was on the way to provide aid to displaced Tamils when his van was hit by a claymore mine on September 26th 2008, Kalvilaan, Mankulam

## 2.9 Suppression and violence against the media

Over the past four years (2009 to 2012) 34 media professionals have been murdered in Sri Lanka. There have been no convictions, few prosecutions, and in most cases no serious investigations in cases involving media personnel. The murder of the Sunday Leader editor Lasantha Wickermatunga occurred in broad daylight in the heart of Colombo on January 8th 2009. Following that murder a man was arrested, but before he could be brought to the courts, he died in custody in October 2011. There were many journalists from Newspapers who were either threatened or attacked. Surprisingly, the Sunday Leader journalists because of their independent stand have been subject to persistent attack. In the year 2013, a journalist Faraz Shauketaly, holding British and Sri Lankan nationalities, was shot in the neck on February 15th; another senior journalist Mandana Ismail Abeywickrema was made to flee the country after she was attacked by four masked men at her home on 24th August.

### Media personnel were victims during President Rajapaksa regime



*Figure 2.14 Attack on the Sunday Leader News Paper infrastructure and murder of the editor based in Colombo*

Employees were subject to numerous attacks, the above attack took place on November 27th 2007. Editor Lasantha Wickermatunga was threatened by President Rajapaksa for being critical<sup>28</sup> and spoke against the government's war and was murdered.



*Figure 2.15 Mr. Sivaram a journalist for Reporters Without Borders (RSF) on the right and his body is on the left, after he was abducted in a white van and killed on April 28th 2005*



The government of Sri Lanka continues to exercise control over media freedom in a variety of ways including violence, threats of violence, and using its own media to attack those who demand greater freedom of expression and access to information. According to the World Press Freedom Index, compiled by Reporters without Borders (RSF), Sri Lanka ranks 136 in the world in terms of lack of media freedom. In November 2011, the government of Sri Lanka permanently blocked five websites including Lanka e-news, a popular citizen platform, which has been subjected to a relentless assault from government forces. A further 30 news sites were blocked in January 2012.<sup>29</sup>

A “brilliant journalist”, recognised by his peers, was targeted because of his “uncompromising coverage of the political and military situation”. He was abducted in a white van and later his body was recovered on April 29th 2005.

*Figure 2.15 Tamil Journalists. 19 were brutally murdered from 2000 to 2008.<sup>30</sup>*



*Mr. Mylvaganam Nimalarajan, BBC Journalist shot dead on October 19th 2000*



*Mr. Aiyathurai Nadesan, a leading Tamil journalist and political analyst, shot dead on May 31th 2004*



*Body of Paranirupasingam Ibevakumar, Jaffna correspondent of Sakthi TV station, in the Jaffna Teaching Hospital mortuary, May 28th 2008*

## 2.10 Obstruction and silencing of aid workers

On several reported occasions, Sri Lankan government forces have attacked medical facilities because they were treating wounded LTTE fighters. Such attacks violate the principle set forth in Article 11, that “medical units and transports shall be respected and protected at all times and shall not be the object of attack, unless they are used to commit hostile acts, outside their humanitarian function.” Treating wounded combatants is fully compatible with a medical facility’s as a humanitarian purpose and does not render it to be subject to attack.

On August 4th 2006, gunmen executed the 17 Sri Lankan aid workers – 16 ethnic Tamils and one Muslim – with the Paris-based international humanitarian agency



*Figure 2.16 Bodies of Action Against Hunger aid workers (Action Contre la Faim)*

Action Contre La Faim (Action Against Hunger, ACF) in their office compound in the town of Mutur, Trincomalee district in North East Sri Lanka. Despite compelling evidence of participation of state security forces in the killings, government inquiries have not progressed and no one has been charged with the crime.<sup>31</sup>

Sri Lankan government forces have also reportedly attacked places of worship in which civilians have taken refuge. Attacks on civilians are strictly prohibited by Common Article 3 and the customary law principle set forth in Article 13(2) of Protocol II. Insofar as government forces contend that rebel combatants have hidden in such facilities, efforts to attack or capture them must, under

customary law principles set forth in Article 13(1) of Protocol II, be made only after all feasible steps have been taken to avoid collateral civilian casualties. Even then, attacks that are indiscriminate or cause disproportionate harm to civilians are prohibited.<sup>32</sup>

## 2.11 War without witness under the regime of President Mahinda Rajapaksa

In September 2008, the government of Sri Lanka asked all UN agencies, humanitarian agencies, international non-governmental agencies, local NGOs and the press, to move out of the war zones with a deliberate intention of making this war a 'War without Witness'. Those who spoke out were brutally murdered. Sri Lanka ranks as the fourth most dangerous place for journalists according to Reporters Sans Frontiers. More than 35 journalists are in exile in different parts of the world. The media was deliberately kept away from the war zones, making this the first war in modern history to be unrecorded. Nick Patton Walsh, the Asia bureau chief of Channel 4, was deported for his impartial visual reporting of camp conditions in the IDP camps of Vavuniya, where he exposed the sexual harassment by security forces.

## 2.12 Incarceration of victims at Manik Farm – an unforgettable dehumanising experience

About 300,000 Internally Displaced People (IDPs) who had lost their homes or fled the conflict zones were dumped into the Manik Farm closed camps. The unfolding

scenario marked one of the most serious, though grossly underreported, humanitarian crises of recent times.



*Figure 2.17 Scenes from Manik Farm - Tamils were incarcerated after the war*

Though the GoSL euphemistically called the barbed wire camps of the IDPs ‘welfare villages’, humanitarian agencies pointed out that they evoked rather a grim image of detention centres associated with great wars of the last century. On the ground, the people in these camps had been denied their most basic human rights – movement, family separation, basic health facilities, food, clothing, proper shelter, toilet facilities, livelihood, speech, assembly and grievances redressed. NGOs had only limited access to these camps and conflict zones in general. The incarceration lasted more than two years, in which many precious lives were lost.



## 2.13 War widows and orphans – a voiceless group created by the Sri Lankan state

There are 90,000 war widows in the North and east, most of them below the age of 40, according to government estimates. These women are living in miserable conditions and have been forced to take up odd and difficult jobs, like mine clearance, in order to feed their children. There are more than 40,000 orphans whose condition are the most pitiable, as they are denied the right to grow with their parents and their basic right to a meaningful education.

### **Prevention of Terrorism Act**

The detainees were arrested under prevention of terrorism legislation introduced as a temporary law in 1979 and made permanent two years later. Under the Act, suspects can be held for up to 18 months without charge or trial. But some detainees have spent more than 10 years in jail, with cases still pending in the courts. Human rights activists say more than 650 Tamils, including about 50 women, are suspended in legal limbo in Sri Lankan jails.<sup>33</sup>

The basis of the law is that one is presumed innocent until otherwise proven guilty. But under the Prevention of Terrorism Act, one is presumed guilty until proven innocent. The emergency regulations and the Act remain; and even in late 2010, it was used to arrest and detain those opposing constitutional amendments. Though the war has been over for more than 50 months, these inhuman, draconian laws haunt the people with bitter memories of the past.

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<sup>1</sup>[http://www2.ohchr.org/english/bodies/cescr/docs/.../TCHR\\_SriLanka\\_44.d...](http://www2.ohchr.org/english/bodies/cescr/docs/.../TCHR_SriLanka_44.d...)

<sup>2</sup><http://www.acp-cpa.ca/en/HART.html>

<sup>3</sup>[http://www.island.lk/index.php?page\\_cat=article-details&page=article-details&code\\_title=61679](http://www.island.lk/index.php?page_cat=article-details&page=article-details&code_title=61679)

<sup>4</sup>[http://www.claws.in/administrator/uploaded\\_files/1274263403MP%2022.pdf](http://www.claws.in/administrator/uploaded_files/1274263403MP%2022.pdf)

<sup>5</sup><http://www.hrw.org/reports/1995/Srilanka.htm>

<sup>6</sup>According to the Report of the United Nations Working Group on Enforced or Involuntary Disappearances of December 28, 1998 (UN document E/CN.4/1999/62), more than 12,000 cases of “disappearances” have been reported from Sri Lanka. During 1997, the Working Group registered 77 cases, the highest number of “disappearances” reported to them from any country in that year. During 1998, a further 13 cases were recorded by the group, four of which occurred in 1998. Three presidential commissions of inquiry into involuntary removal and disappearances of persons, set up by the government in late 1994 to investigate past human rights violations since January 1, 1988, found evidence of “disappearances” in 16,750 cases

<sup>7</sup>Rape of Tamil Women: Sri Lankan Army’s Weapon of War | NowPublic News Coverage <http://www.nowpublic.com/world/rape-tamil-women-sri-lankan-armys-weapon-war#ixzz2KZ6TvxS>

- <sup>8</sup>Violence Against Women in Sri Lanka - Report by World Organisation Against Torture (OMCT), November 2002
- <sup>9</sup><http://www.hrw.org/news/2013/02/26/sri-lanka-rape-tamil-detainees>
- <sup>10</sup><http://www.hrw.org/features/sri-lanka-sexual-violence-security-forces>
- <sup>11</sup><http://news.outlookindia.com/items.aspx?artid=790965>
- <sup>12</sup>SRI LANKA: Systematic Detention, Torture, Rape and Murder as weapon of war  
<http://www.humanrights.asia/news/urgent-appeals/UA0100>
- <sup>13</sup>Sri Lanka. The systematic Rape of Tamil women, men and children ..... <http://www.globalpeacesupport.com/2013/08/sri-lanka-the-systematic-rape-of-tamil-women-men...>
- <sup>14</sup>Sri Lanka's killing fields Ȣ channel 4 investigates alleged war crimes in Sri Lanka  
<http://srilanka.channel4.com/index.shtml>
- <sup>15</sup>Economic and Social Council, Integration of the Human Rights of Women and the Gender Perspective, February 27, 2003. <http://www.womenwarpeace.org/angola/docs/srvaw27feb03.doc>
- <sup>16</sup>UNICEF, A Special Program for Assistance for Children and Women Affected by Armed Conflict in Sri Lanka 2000-2001, Colombo, Sri Lanka, March, 1999.
- <sup>17</sup>Reuters, 'Sri Lankan children plead for peace, compassion,' April 30, 2002.
- <sup>18</sup>DBS Jeyaraj, 'War affected Tamil children of the North-East,' The Sunday Leader, March 24, 2002
- <sup>19</sup>D Sriskandarajah, 'The Migration-Development Nexus: Sri Lanka case study,' Center for Development Research, Denmark, February 2002.
- <sup>20</sup>Associated Press, November 22, 2002.
- <sup>21</sup>[http://news.bbc.co.uk/2/hi/south\\_asia/306447.stm](http://news.bbc.co.uk/2/hi/south_asia/306447.stm)
- <sup>22</sup>[http://news.bbc.co.uk/2/hi/south\\_asia/2781551.stm](http://news.bbc.co.uk/2/hi/south_asia/2781551.stm)
- <sup>23</sup><http://www.hrw.org/en/news/2008/03/05/sri-lanka-disappearances-security-forces-national-crisis>
- <sup>24</sup>[http://www.boston.com/news/world/asia/articles/2006/09/14/disappearances\\_on\\_rise\\_in\\_sri\\_lankas\\_dirty\\_war/](http://www.boston.com/news/world/asia/articles/2006/09/14/disappearances_on_rise_in_sri_lankas_dirty_war/)
- <sup>25</sup>[http://news.bbc.co.uk/2/hi/south\\_asia/5382582.stm](http://news.bbc.co.uk/2/hi/south_asia/5382582.stm)
- <sup>26</sup><http://groundviews.org/2010/06/07/mass-graves-nothing-new-to-sri-lanka/>
- <sup>27</sup><http://www.ictj.org/static/Asia/SriLanka/facade.eng.pdf>
- <sup>28</sup>President Rajapaska threatens Lal Wickermatunga - Sri Lanka ...  
<http://blog.srilankacampaign.org/2011/08/president-rajapaska-threatens-lal.html>
- <sup>29</sup>A media briefing from Sri Lankan civil society and non-governmental organisations. The Sri Lanka Campaign for Peace and Justice at the 19th session of the Human Rights Council.
- <sup>30</sup>Tamil Journalists and Media Workers Killed in Sri Lanka, [http://www.sangam.org/2008/05/Journalists\\_2000-2007.php](http://www.sangam.org/2008/05/Journalists_2000-2007.php)
- <sup>31</sup><http://www.hrw.org/news/2012/08/02/sri-lanka-massacre-aid-workers-goes-unpunished>
- <sup>32</sup><http://www.hrw.org/reports/1995/Srilanka.htm>
- <sup>33</sup>'Legal limbo Tamils beg for mercy or trial', Swaminathan Natarajan, BBC Tamil, December 14, 2010. <http://www.bbc.co.uk/news/world-south-asia-11808551>

## Chapter 3.0

# Structural genocide against the Tamils

### 3.1 Destruction of infrastructure in the Tamil homeland

During the ethnic conflict, most of the infrastructures in the North and some in the East were destroyed. In the Northern Province alone 150,000 houses were destroyed. According to the survey carried out by international organisations, over one million landmines exist in the North-East.<sup>1</sup> About four million Palmyrah trees have been destroyed due to the war in the Northern and Eastern provinces.<sup>2</sup> The livelihoods of more than 300,000 people were affected because their employment was based on industries using Palmyrah products.<sup>3</sup>



*Figure 3.1 Burnt-out shell of the best Jaffna library in South Asia in 1981. The library was the pride of Tamils in Sri Lanka and was a treasure house of Tamil literature, including rare Tamil manuscripts, all destroyed and lost forever*



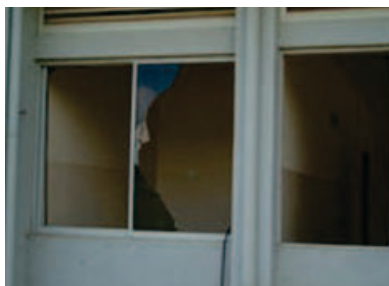
*Figure 3.2 Many Tamil school children in the bunker were killed in aerial attacks*



*Figure 3.3 Classroom devastated by SLAF aerial bombing*



*Figure 3.4 School children killed by Sri Lankan forces*



*Figure 3.5 Artillery shell attack on Kilinochchi General Hospital, December 2008*

### 3.2 Economic embargo leading to starvation

The two predominant occupations in the Tamil areas are fishing and agriculture. The government enforced a strict ban on fishing and restricted the movement of fishermen to a few hours, not far from shore, thus reducing their catch; but Sinhala fishermen were given greater freedom to fish in adjoining Tamil areas. Further, the navy established high security zones displacing civilians. Agricultural land has also been taken by security forces and converted to the high security zones. More than 400,000 Palmyrah trees were felled by security forces. The locals rely upon these palms for toddy tapping, making jaggery, using the leaves to make shelters and so on. It is estimated that it takes nearly 60 years to grow a mature Palmyrah tree. In Jaffna alone the 60,000 civilians displaced are yet to be resettled. Fishing in these areas provides the main source of protein, which has declined by 63 per cent since 1982, and the agricultural output declined by 47 per cent. In 1998 the Ministry of Rehabilitation compiled the following estimate (in percentages) of families in which the main breadwinner has been lost: Mullaitheevu (55%), Batticaloa (41%), Kilinochchi (30%), Ampara (27%), Jaffna (25%), Trincomalee (17%) and Vavuniya (5%).<sup>4</sup>

The third phase of the Eelam War had witnessed an all-out attempt by the Sri Lankan government to starve and isolate the people of the North and East by imposing an economic embargo. The government believed that by banning essential commodities it could also deprive the militants from using them and thus deflate their striking capabilities. But this inhuman act, on the part of the government, largely affected innocent Tamils who were caught in-between. Even during the most violent JVP insurrection period, the economic embargo was not used as a means of warfare. This government tactic was seen as a weapon, which could quash the people's morale and force them to flee their country of origin. Under these circumstances the only alternative was to flee to a safer destination, which was not to be found anywhere in Sri Lanka. In all, hundreds of thousands left the shores of Sri Lanka to foreign lands.

From 1995, the Sri Lankan government imposed an economic ban on Tamil areas to the North and East, which came under the control of the LTTE. Even in the Tamil areas that came under government control; there was a stifling rationing of all essentials. The Sri Lankan government used a strategy to ban certain items, considered useful for LTTE military efforts; but basic items were controlled, requiring special permission from the military at checkpoints. Other items were rationed. The types of control imposed on residents in un-cleared areas are provided in detail below to show the power exercised by the Sinhala regime against Tamils.

#### **Banned and controlled items**

There were items completely banned by the Special Government Force to be carried to uncleared areas. However, an individual or a member of a concerned organisation could



carry a few of these items, which were permitted by the Chief Security Officer, but further required written permission from concerned authorities.

Particular items were banned from passing military checkpoints: petrol, diesel, cement, medicine and batteries, which cannot be carried in large quantities for private use.

Items banned by the government of Sri Lanka into war zones in the North were: war items, artillery shells, helmets, telephones, boundary arrows, fabrics similar to army uniforms; iron bars; welding items, barbed wire, flammable items, except for kerosene; urea fertiliser, torch batteries; petrol, diesel; electronic items; cement; and motor spare parts.

The following items were not banned, although Tamils had to produce both a recommendation from the Chief Security Officer, and a letter from the Vavuniya Army Coordinator: generators; all engines used for water supply; typewriters, printing machines; glue; agricultural chemicals (flammable); televisions; video-graphing instruments, video cassettes; surgical items including medicines (in large quantities); cameras; X-ray machines and other scanning instruments; empty gunny bags; polythene covers; motor vehicles, motor cycles, three wheelers; swimming suits; fibre; vehicle fuel; aluminium, aluminium wires; saris, shawls, cotton; and matchboxes in large numbers.

The following items used by the terrorists for war or propaganda were banned and needed a special recommendation by the branch officer.

- a. Food items taken into the war zones in carry bags for inspection: instant noodles; tinned fruit; fruit juice cubes; powder for making cool drinks; soup cubes; gelatin powder; small biscuit packets; tinned cheese; glucose; and tinned fish.
- b. Commodities of oil-making items confiscated at checkpoint: Coconut oil; vegetable oil; and other flammable commodities.
- c. The following items were used by the militants for communication and propaganda: photocopies; map drawing sheets; printed letters; cyclo-styling papers and ink; printing ink and drawing paper.
- d. Other items which could be useful to the militants: wooden items; glue; containers such as iron vessels; camphor products; and agricultural implements and spare motor parts, which could be used for weapons.

When people are moving from cleared to uncleared areas, they could carry the following items in the recommended quantities.

- a. **Medical Prescribed medicine:** prescribed by a government doctor for a patient was permitted. **Unprescribed medicine:** could be carried in permitted quantities: *aspirin tablets (48); balm (1 bottle); syrup (1 bottle); eau de cologne (1 bottle); vitamin tablets for one month and malaria tablets (14 per person).*



- b. *Food: rice, flour, sugar, grains, meat (total 20 kilograms); milk powder (450 grams, 6 packets); 500 grams or more tinned fish (six tins); three types of chocolate (can be opened for inspection); eggs (two dozen); noodles (three kilos, not instant noodles); greens and vegetables; coconut oil (two litres) (can be taken for inspection).*
- c. *Refreshments: liquor (6 large bottles); 12 large soft drink bottles; 24 small soft drink bottles; and alcohol and cigarettes.*
- d. *Stationery: printed letterhead; notebooks; 12 brown sheets; and 1 bottle of glue.*
- e. *Other commodities: Soap (half dozen); matchboxes (one dozen); cement sack made of paper; hygienic commodities; rope (1 knot); kerosene (two litres); infant's tricycle (one per child); matchsticks (100 per person per month); one plastic mat; plastic vessel/tub (one per person); two torch batteries (not pen torch batteries); white wall paint 'lime' (one litre per person).*

*To avoid inconvenience, passengers were allowed to carry only two carry bags during their travel on Thandikulam to Nochimodai buses.*

Security officers at the checkpoints were permitted to reject, inspect or postpone inspection of goods carried by passengers. Even items which were not banned could be prevented from being carried, if security personnel felt that the militants could use them for terrorist action.



*Figure 3.6 Food was used as a weapon of war during the final onslaught on Tamils*



*Figure 3.7 Starvation is endemic among refugees, especially toddlers*

### 3.3 Internally displaced people and ethnic cleansing

The primary cause of displacement in Sri Lanka was a war waged around communities. Since the first round of the civil war in 1983, more than 230,000 people sought refuge in Tamil Nadu, India and thousands could not afford to take a boat to India. They became helpless, homeless and internally displaced. One of the main features of Sri Lanka's war is its pattern of repeated displacement of Tamils. Many families were displaced several times and increasingly vulnerable and dependent. They were affected by various problems such as disability, loss of income and livelihood, loss of production and personal assets, lack of social status or, in extreme cases, loss of life. A large number were living in welfare centres for several years without basic amenities, despite enjoying a reasonable standard of living before displacement. It is a recognised fact that displaced people suffer from psychological trauma and associated psychiatric problems.<sup>5</sup> The sudden separation from traditional neighbourhoods and denial of their way of life had a traumatic effect on the victims of displacement.

Their normal daily routine of life and economic activities were disrupted, leaving people in a state of physical and psychological limbo. Compounding this uncertainty was the lack of access to basic shelter, health services, educational services and employment opportunities. The civilians were deprived of their daily routine: politically, socially and economically. Many times the warring groups used civilians as a human shield. Welfare centres were breeding grounds for disease and recruitment centres for pro government militants. The lack of access to employment opportunities and medical and educational facilities for the IDPs, as a result of the restriction of movement, made IDPs vulnerable. The welfare centres, checkpoints, and pass system have resulted in over militarisation, leading to disappearances and torture. IDPs suffer from many forms of human rights violation. Many have continued to live as refugees or IDPs since 1990, forced to forget their roots. Thousands lay buried in distant lands, thousands were born in alien lands, and they have never seen their homeland. Sri Lanka produced the fourth largest refugee group in the world.

### 3.4 Violation of the fundamental rights of Tamils

Arbitrary detention of innocent civilians, restriction of movement to other parts of Sri Lanka from the North, arbitrary killings of innocent people, torture of people suspected of having links with militants and denial of access to medical, educational and employment opportunities are some of the important rights violated on Tamils living in the North. Curbs on freedom of the press and other media have deepened the problem. Also compounding this problem are other militant groups supporting the government and contributing to the misery of civilians living in the North.

### **Some of the most notorious human rights violations on Tamils:**

- Restriction of movement
- Economic embargo of 54 essential items
- Aerial bombing of civilian targets
- Pass system
- Fourteen different types of pass
- Welfare centres
- Videoing of Tamils travelling to the south (Sanasa-Koolikoodu camp)
- Checkpoints in the North and East
- Arbitrary arrests
- Disappearances
- Rape
- Mass graves in Jaffna (Alfred Duriappa Stadium, Chemmani, etc. where forensic investigation abruptly stopped)
- Sponsorship letter for Tamils travelling to the south for education, medical reasons, foreign travel, visiting prisoners in south, employment, etc.
- Daily appearance at the nearest police station when Tamils travelled to the south
- Attacks and frequent rounding up of Tamils in the south incapacitated the entire IDP population in camps by imposing travel restrictions and making them dependent on donor compassion
- Highest number of disappearances between 1990 and 2000, with more than 16,000 recorded cases and double that number for unrecorded cases
- Unleashed a reign of terror on human rights activists and the media
- Blatantly violated all international instruments signed as a participating state to the agreement
- Incarcerated 320,000 civilians in the barb wire camps for years
- Deliberately shelled declared “No fire zones”
- Used food and medicine as weapons of war
- Occupied Tamil land and converted it into high security zones: in Jaffna alone 60,000 homes were occupied. Tamils are forced to live outside their homes as their land now constitutes high security zones
- Out of a total land mass of 65,619 sq km, the Tamils inhabit 18,880 sq km in the North East of the island. Since May 2009, the defence forces have occupied more than 7,000 sq km of land.<sup>7</sup>

### **3.5 Destruction of Tamil memorials and militarisation**

The sight of military camps and Sinhala speaking soldiers is endless as they are present in more than a third of Tamil speaking areas.

The government is bent upon humiliating the Tamils further; instead of making May 18 a national solidarity day, the government celebrated victory day with parades everywhere.

The Sri Lankan government has since been accused by critics of triumphalism. Recently the Tamils were also subject to racial profiling in Jaffna, where they were required to be photographed at the nearest army unit.

The burial grounds of the LTTE men, who had died in action, have all been razed to the ground; and in many places the army has bulldozed and built its own complex, like the one in Koappaay. More details can be found elsewhere<sup>8</sup> and some details are given below.



*Figure 3.8 Memorial cemetery converted to military headquarters*

The war heroes' cemeteries located at Kagnchikudichcharu in Ampaarai district, Thaandiyadi, Tharavai, Kandaladi and Maavadi Munmaari in Batticaloa district and Aalangkulam, Iththikkulam, Verukal, Uppaaru and Paalampoaddaaru Trincomalee district were destroyed after the SLA occupied LTTE held areas in the East in 2006 and 2007.

In Vanni, at least 10 war heroes' cemeteries located in Aandaangkulam, Aadkaaddiveli and Pandivirichchaan in Mannaar, Kanakapuram and Muzhangkaavil in Kilinochchi district, Uduththurai in Vadamaradchi East in Jaffna district, Eachchangkulam in Vavuniyaa and four at Vannivizhaangkulam, Visuvamadu, Alampil, and Mulliyavalai of Mullaitheevu district were destroyed. The Sri Lankan Army bulldozed the war heroes' cemetery at Visuvamadu between March and April 2009.<sup>9</sup> Further, there is no effort to recruit Tamils into the armed forces to give them much needed confidence so they feel part of Sri Lanka.

*Visuvamadu war heroes' cemetery in the North before and after*

*Figure 3.9 Part of largest cemetery on November 27, 2007*

*Figure 3.10 Cemetery was bulldozed by the Sri Lankan Army after their victory May 2009*





New, permanent military cantonments are everywhere in the North. There are also instances of soldiers being encouraged to marry local Tamil girls,<sup>10</sup> with a long-term plan to wipe out the Tamil race à la the Kosovo-Bosnian strategy! Steps are being taken to change the demography of the North, as happened in Tamil areas in the East, by colonisation.

The presence of these soldiers are a curse to the Tamils, as the original Tamil symbols are being replaced by the victorious Buddha; dotting all the street corners, new Buddhist temples are a common sight, where only the soldiers are Buddhists. All the Tamil signage and directions have been replaced by Sinhala signage, which can only be read by soldiers and Sinhala tourists; among them it is a big growth industry. Small Tamil businesses along the A9 highway have been replaced by Sinhala-owned supermarkets and hotels. **How will the ordinary Tamil survive this state sponsored economic onslaught by the Sinhalese?**



*Figure 3.11 Life in Tamil Eelam under the watchful eye of the military*

### 3.6 Sinhalisation

During the course of the civil war in Sri Lanka, the then commander of the armed forces, General Sarath Fonseca remarked, in Sri Lanka, there were only Sinhalese, and that is what mattered to him. The same remark was reiterated in a similar tone by President Mahinda Rajapaksa, after the victory of the armed forces, when he stated there were one nation and one people.



*Figure 3.12 The signage in the lorry says, 'Sri Lanka, the land of Buddhists only'*

The aftermath of the war saw the influx of Sinhalese to the North, as part of the war victory tourists, and the proliferation of Sinhala Buddhist religious symbols in traditionally Tamil areas. This has upset many Tamils and Muslims in the North and East.<sup>11</sup> In all of the main towns on the North-South A9 highway, busloads of Sinhalese

tourists are seen stopping for food.<sup>12</sup> Most of the tourists from the south did not have access to the North during the conflict, but today visiting military monuments are a great tourist attraction in the unexploited North. At the end of the conflict, the military destroyed all the LTTE monuments; within months, massive monuments dedicated to the military victory were erected on the main road.<sup>13</sup> There are also stopping points, where the military scored a major victory against the Tigers, or where the LTTE perpetrated a civilian attack.<sup>14</sup> There is no mention of attacks, killings or human rights violations by the military.<sup>15</sup> Because of language barriers and the way in which the tours are conducted, the tourists have limited interaction with local Tamil people. While these tourist activities are helpful to some shopkeepers and local market traders, generally the Tamils in the North do not welcome the influx of such groups.<sup>16</sup>

An activist in Jaffna said: ‘Tourists come in busloads and it is not appreciated. Jaffna is reviving, we have limited resources here. It is a kind of exploitation, when our water, land and environment, which we need to develop, is used up by so many of these tourists. They don’t respect our culture, they cook on the streets, pollute the road by throwing polythene bags all over. With the victory, they have this attitude, as if they can do anything; they think “It’s our land.” They come and go but we don’t even look at them.’

**Sinhalisation of the North west while denying similar infrastructure to Tamils at Madhu Road is taking place, as shown below**

Another issue for Tamils in the North and East is the practice of replacing Tamil name of a place with Sinhalese name; Appendix 3 gives a long list of places where name has been changed. This often occurs after an area has been linked to a Buddhist religious event and turned into a site of pilgrimage. For example, Thiruvadinalai in Jaffna has now been renamed Jambukolapatune. Buddhists in Sri Lanka believe that this is where Prince Ashoka’s daughter, the first female Buddhist missionary, first set foot in Sri Lanka. A shrine was built in 2005 and a temple in 2009, which was opened by the President’s wife, Shiranthi Rajapaksa, and her son, Namal Rajapaksa, in 2010.<sup>17</sup> Another recent place name change in Jaffna is Kathirimalai to Kaduruugaoda. An activist in Northern Sri Lanka said: ‘In Sri Lanka there has always been Tamil Buddhism’.



*Figure 3.13 Proposed Sinhala settlement at Madhu Road*

*Figure 3.14 New Sinhala Maha Vidyalam for new returnees at Madhu Road*







*Asymmetric treatment of Tamils in their homeland  
Figure 3.15 Tamil resettlement in Akkarayan,  
Kilinochchi (made with six bamboo poles and tin roofs)*



*Figure 3.16 Sinhala signage board in an  
interior Tamil village in Kilinochchi district*

Tamils also believe in aspects of Buddhism and respect it. Now they are trying to make it all Sinhalese and fail to acknowledge Tamil Buddhism.<sup>18</sup> The concerns raised by minorities interviewed for this book are not about challenging the right of Sinhalese people to move, travel, assemble, or practice their religion and enjoy their culture across the country. It is to do with the politicisation of religion and race. Many of those interviewed were concerned by state involvement in the promotion and encroachment of Sinhala Buddhist culture and influence in minority areas. The state does not prevent Tamils and Muslims from practicing their religion and culture; yet the activities described above challenge international human rights guarantees relating to the promotion and protection of minority cultural and religious rights, particularly in minority areas.

Sinhalisation of the North continues with 165 Sinhala families settled in Kokkachchaankulam in Vavuniya. The Tamil village in Vavuniya district is re-settled with Sinhalese, without the knowledge of district administration. Kokkachchaankulam is a Tamil village in Vedivaithakallu Gram Sevak(GS) division under Nedunkerny divisional secretary in the Vavuniya North Piradesha sabhai. Kokkachchaankulam can be reached via Semamadu, Oothukulam & Ariyakundam. Nedunkerny can be reached from Kokkachchaankulam via Vedivaithakallu.

*Information and  
road directions  
in the heart of  
Tamil homeland  
are given in  
Sinhala only,  
and sometimes in  
English  
Figure 3.17  
Information  
centre at  
Putbukudiiruppu*



Tamil residents were displaced by war and this agricultural village was described as 'abandoned' in Vavuniya district official reports. After a survey undertaken by Mahaweli Authority personnel in March 2010, a 'quiet' plan was implemented to reconstruct the village and settle Sinhalese. The settlement scheme was brought under the Vavuniya south Sinhala division and temporary land permits were issued to 165 Sinhala families.

These families settled in Kokkachchaankulam with the help of the military and without officially informing the Vavuniya district secretary. More than 300 acres of paddy land, owned by Tamils, was cultivated by residents in Kokkachchaankulam prior to displacement due to war. The army repaired and reconstructed, by December 2010, the damaged anicut and deepened the tank enabling paddy cultivation to resume in Kokkachchaankulam. Rs. 4.5 million was allocated for anecut/tank restoration and settlement of 165 Sinhala families allegedly through 'Northern Spring' funds.

A further Rs. 20 million was allocated for construction of a 22km gravel road from Kokkachchaankulam to Mahakachchankodi in Vavuniya south. Road work was started by a private contractor Bandara in April 2011. Thirty feet of jungle is cleared and a 24ft road with 12ft gravel strip is being built. The Sinhalesed village of Kokkachchaankulam is to be renamed 'Kalabowasewa'. The new road will be called Mahakachchankodi Kalabowasewa.<sup>19</sup>

All petitions since 2009 have to be written in Sinhala. Until 2009 the people living in the erstwhile LTTE controlled areas were writing petitions in Tamil only.

### 3.7 Buddhistisation

There is also concern among Muslims and Tamils in both the North and East about the emergence of Buddhist religious symbols. People in these areas, especially in the East of Sri Lanka, say that statues of the Buddha and Buddhist shrines are appearing in places where previously they did not exist. In the North and East it is now common to observe that, wherever a Bo tree is found, a Buddhist shrine is erected. The MRG (Minority Rights Group) received reports that sometimes these trees are planted by state agents and shrines are subsequently built.<sup>20</sup> There are also reports of cases where areas in Eastern Sri Lanka have been demarcated as Buddhist religious sites, because Buddhist artefacts have been found there. In Trincomalee, several people interviewed for this book stated they had evidence that artefacts were planted in the area. They say people came at night, on motorcycles, with sacks full of items which they planted in the area.<sup>21</sup> Those interviewed were adamant that state officials were involved in these incidents. According to villagers, police have been seen assisting in such incidents; they also accuse the police of partiality towards Sinhalese when Tamils or Muslims report such cases.<sup>22</sup>

Once the war with the LTTE was over, the A9 highway was opened for normal traffic and full-scale Buddhistisation of the North is now underway. Huge statues of Buddha and Dagobas were erected, either in or near the army camps, with full participation of the security forces. Some of these statues were erected near permanent Hindu temples which had been there for centuries. To the total dismay of the Hindus and against their religious sentiments; in some places already existing Hindu temples have been destroyed and Buddhist worship sites have been established, as in Chavakachcheri and Kilinochchi.

*Examples of Buddhistisation of  
Tamil homeland*



*Figure 3.17  
Kanagarayankulam  
Buddhist stupa*



*Figure 3.18  
Buddha statue  
at Kilinochchi*

At Thiruketheeswaram village there is an ancient Hindu temple and at Murunkan, statues of Buddha have been erected near the existing Hindu temple. On the A9 road we can observe many such new Buddhist worship sites with statues of Buddha and Dagoba. There is one new Dagoba built at Mankulam. At Mirusuvil we now find a new statue of Buddha, a few yards away from the existing Catholic statue (a statue of Saint Mary). In the South, among majority Buddhist population, there are substantial number of Hindus, Muslims and Christians who have built their temples, mosques and churches respectively; but, in the North the number of Buddhist civilians is negligible. The security forces stationed in the North and the Buddhists visiting from the South have well-established Buddhist places of worship in Nainativu, Jaffna Town, Mathakal and Kilinochchi; which co-existed with other places of worships for very long period of time and there was harmony. Only conclusion that can be drawn is a revengeful act to deny the North East of Sri Lanka is the homeland of Tamils.

Attempts to erect statues of Buddha in every nook and corner do not help to win the hearts of the people of Jaffna, who are well known for their religious sentiments. In some places, like Mathakal, at the expense of expanding, existing Buddhist sites, the people who had been living close by who owned land are being removed by force and asked to find some other place to live. They are also not allowed to go fishing from the nearby sea. The people see, in this kind of development, a move to colonise the Sinhalese as the slogan of the government is “Sri Lanka is for all and anybody can live anywhere”. Already, settlements are underway in the regions of Nedunkerny and Manal-Aru, which have been given a Sinhalese name: Welī-Oya. The

Tamils who have lived there for generations have been ejected and their paddy fields are given to settlers from the south. What the people resent is state sponsored settlements. People won't object to anybody buying a land or house and living here, as it happened many years ago<sup>23</sup>.

The state encourages the growth of Buddhist monuments in the North by providing five acres of land, as Sri Lanka now upholds Buddhism. The armed forces and state machinery go all out to help construct these new structures. A Buddhist Vihara named Mahatota Raja Maha Vihara has come within 50 metres of the famed Thiruketheeswaram temple in the Mannar district. The ancient traditional name for the area was Mahathottam. First in the name of Sinhala language and now in the name of Buddhism, harmony among all religions is being destroyed.

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<sup>1</sup><http://www.eurac.edu/it/newsevents/focus/Newsdetails.html?entryid=42361>

<sup>2</sup><http://www.dailynews.lk/2012/08/11/pol03.asp>

<sup>3</sup><http://www.asiantribune.com/news/2010/02/20/call-restructuring-palmyra-development-board>

<sup>4</sup>N. Sivarajah, MD, 'Nutritional Survey of Welfare Centre in Jaffna District,' WFP, Feb./March 2001 in Tamil Times, May 15, 2001

<sup>5</sup>Adelaidean -- Civil war impact greater than tsunami: scholar <http://www.adelaide.edu.au/adelaidean/issues/22581/news22643.html>

<sup>6</sup>[http://www.island.lk/index.php?page\\_cat=article-details&page=article-details&code\\_title=38085](http://www.island.lk/index.php?page_cat=article-details&page=article-details&code_title=38085)

<sup>7</sup><http://www.tamildaily.net/2010/12/28/sri-lanka-tamil-national-anthem-row-reignites/>

<sup>8</sup>SLA obliterates Tiger Heroes' Cemeteries, erects military bases <http://www.tamilnet.com/art.html?catid=13&artid=32113>

<sup>9</sup><http://www.lankasrinews.com/view.php?2b35QsX4b43z96ae4b43CwDce2bh3CS3cd3XlpG2e0d15MvDce02l2DI0cd3sksBd0>

<sup>10</sup>An impossible dream comes true after the war <http://www.dailymirror.lk/opinion/172-opinion/35878-an-impossible-dream-comes-true-after-the-war.html>

<sup>11</sup>Interviews with Tamils in Jaffna, included the Vanni, and members of minority groups in the East, July to August 2010.

<sup>12</sup>No war, no peace: the denial of minority rights and justice in Sri Lanka, p. 13, Minority Rights Group International, United Kingdom, 2011

<sup>13</sup>'Monuments of war,' The Sunday Leader, September 26, 2009, <http://www.thesundayleader.lk> (retrieved December 15, 2010); Sri Lanka Air Force, 'President unveils a monument to commemorate the final battle,' official website of the Sri Lanka Air Force, December 10, 2009, <http://www.airforce.lk/news.php?news=179> (retrieved July 5, 2011).

<sup>14</sup>Tourist excursions to memorials of the army's military victories are considered an important aspect of the economic development of the Eastern province. 'Basil Rajapakshe turning the wheel of change - interview,' Official Government News Portal, October 2009, <http://www.news.lk> (retrieved 5, 2011).

<sup>15</sup>Throughout most of the conflict, particularly after the growth of private media in the 1990s, there was state censorship of the media. Hence, few Sinhalese or others living outside the

NORTH and East were aware of civilian killings and atrocities committed by the military. In the last stages of the fighting, there was strict media censorship and no independent access for journalists to war torn areas. There is limited knowledge, particularly among Sinhalese in the south of the country, about the high civilian death toll with the defeat of the LTTE.

<sup>16</sup> Author observations and interviews with people in Jaffna and the Vanni district, August 2010.

<sup>17</sup> 'First Lady and her son visit Jaffna', Sri Lanka Guardian, June 5, 2010, <http://www.srilankaguardian.org> (retrieved July 7, 2010).

<sup>18</sup> Interview, July 2010, Colombo.

<sup>19</sup> <http://dbsjeyaraj.com/dbsj/archives/2374>.

<sup>20</sup> In some instances trees have been planted in these areas and later a structure is built. In 1997 a navy commander planted a tree in Jaffna and a Buddhist temple was built around it in 2008 ('Navy commander unveils pinnacle of Sagamitta Seya in Jaffna', Sunday Island, 21 August 2005, <http://www.island.lk> (retrieved December 15, 2010)). Numerous other instances were mentioned by people and activists across the NORTH and East. On the A9 highway, there are several new Buddhist temples, and it is common to find a small statue of the Buddha and other Buddhist symbols constructed near army camps.

<sup>21</sup> Interviews in Trincomalee, August 2010.

<sup>22</sup> Ibid.

<sup>23</sup> [http://www.ucanews.com/diocesan-directory/html/dps-sr\\_jaffna.phps](http://www.ucanews.com/diocesan-directory/html/dps-sr_jaffna.phps)



## Chapter 4.0

# Brokering peace in Sri Lanka – a futile act

Sri Lanka, formerly Ceylon, achieved its independence after about 450 years of colonial rule in 1948. The British had ruled the country for the last 150 years of the colonial rule. Sri Lanka became a free country without any apparent political struggles or bloodbaths, as compared to India, its immediate neighbour. “British India”, after a prolonged freedom struggle, was bifurcated into two different countries, India and Pakistan, with calamitous deaths and a blood bath of millions, committed by people against people following the partition. The ruling elites of Sinhala, Tamil and Muslim communities had something in common: all political leaders, being anglophile, thought their camaraderie was because their common educational and social upbringing will carry them towards shared national integration. Unfortunately, this view did not last. After independence, the clamour for political power among Sinhala and Tamil elites led to the abandonment of national integration. And with it the camaraderie between political leaders of different ethnic, language and religious backgrounds was also abandoned. The emphasis on differences led to unspeakable death and destruction in Sri Lanka, which began with the Sinhala Only Act of 1956 and ended with war crimes and crimes against humanity, allegedly by the state against their own people, which ended in May 2009. In hindsight, looking at the failure to broker peace and establish national integration, calls into question the constitutional arrangement Britain provided at the time of independence. The establishment of accountability and a process for reconciliation are needed to find peace in Sri Lanka between different ethnic, language and religious groups. Or has the country reached a point of no return by pushing the people to adopt extreme views which are not conducive to national integration?

## 4.1 Sinhala leaders and their mono-ethnic mindset

The rot of national integration began by abandoning the belief in undoing the harm done to the country by the colonialists; instead, Sinhala majority leaders began a campaign to focus exclusively on the rights of the Sinhala Buddhist community, at the expense of other communities, which exacerbated differences. This started with the disenfranchisement of plantation workers, brought to Sri Lanka from India to develop the tea plantation industry, which had kept the economy growing, whilst suffering terrible living conditions and receiving a pittance as wages, administered by Ceylon's first Prime Minister, DS Senanayake.

The following quotations are from Sinhala leaders, illustrating their mono-ethnic mindset in a multi-ethnic, multilingual and multi-religious Sri Lanka, from the time of independence to February 4th 2013 – the 65th anniversary. The first quotation is the narrative of the then Prime Minister, DS Senanayake's grandson:



Figure 4.1 Prime Minister DS Senanayake and 14 cabinet ministers, of which two were Tamils, who approved disenfranchisement of Hill country Tamils

*“Today you are brought here and given a plot of land. You have been uprooted from your village. You are like a piece of driftwood in the ocean; but remember that one day the whole country will look up to you. The final battle for the Sinhala people will be fought on the plains of Padaviya. You are men and women who will carry this island’s destiny on your shoulders. Those who are attempting to divide this country will have to reckon with you. The country may forget you for a few years, but one day very soon they will look up to you as the last bastion of the Sinhala.”<sup>1</sup>*

Four of these cabinet ministers later became prime ministers; but the policies pursued by SWRD Bandaranayake and JR Jayawardene adversely affected the country's unity, contributing to a mono-ethnic mindset and spread of Sinhala Buddhist chauvinism among the masses.



**JR Jayawardene, Leader of the Opposition:** “...The time has come for the whole Sinhala race which has existed for 2,500 years, jealously safeguarding their language and religion, to fight without giving any quarter to save their birthright... I will lead the campaign...” Sri Lanka Tribune, August 30, 1957.

**President JR Jayawardene, during the July 1983 Pogrom:**<sup>2</sup>

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

**Mrs Wimala Kannangara**, Minister for Rural Development

“If we are governing, we must govern. If we are ruling, we must rule. Do not give into the minorities. **We are born as Sinhalese and as Buddhists in this country.** Though we are in a majority, we have been surrendering to the minority community for four years. Let us rule as a majority community.”<sup>3</sup>



**Oxford educated Senior Cabinet Minister, Mr Gamini Dissanayake in the cabinet of President JR Jayewardene:**

“Who attacked you? Sinhalese. Who saved you? Sinhalese. It is that we who attacked and protected You. They are bringing an army from India. It will take 14 hours to come from India. **In 14 minutes the blood of every Tamil in the country can be sacrificed to the land by us.**”<sup>4</sup> Soon after the July 1983 Pogrom which was the worst assault against the Tamil Nation.



**Oxford educated National Security Minister, Mr Lalith Athulathmudali:**

“In a lengthy speech to Parliament on November 29, 1984, announced stringent new measures to prevent movement to and from the Jaffna peninsula and to restrict movement within the peninsula...” ...“While trying to generate sufficient terror among the Tamils to prevent them giving shelter to the militant rebels, the armed forces are driving them to consider themselves as aliens.”

Speaking at another occasion, he said: **“The only way to root out terrorism was to remove the concept of ‘traditional homelands.’**”<sup>5</sup> This is denial of fundamental rights of a Nation.



**DB Wijetunge, President, 1993–1994 for a period of 18 months**

The majority community in this country is Sinhalese. Therefore the Sinhalese should govern the country. They governed the country in the past and will do so in the future. The minorities should assist and guide them.<sup>6</sup>



I strongly believe that this country belongs to the Sinhalese but there are minority communities and we treat them like our people... We being the majority of the country, 75%, we will never give in and we have the right to protect this country... We are also a strong nation... They [Tamils] can live in this country with us. But they must not try to, under the pretext of being a minority, demand undue things.”<sup>7</sup> **Sri Lankan Army Commander, Lt. Gen. Sarath Fonseka**, in an interview with Stewart Bell of the National Post Canada, September 23, 2008.



What started with disenfranchisement of upcountry Tamils (1948) by DS Senanayake continued with the introduction of Sinhala Buddhist chauvinism by SWRD Bandaranayake (1956), nurtured by Sirimavo Bandaranayake (1970) and the presidential system of government introduced by JR Jayewardene (1977) consolidated power in the hands of Sinhala Buddhists. Acts of genocide pursued by President Mahinda Rajapaksa completed the marginalisation of minorities in Sri Lanka and he is paying obeisance at the Bodhi tree, a branch supposedly brought from India in the 3rd Century BC to Anuradhapura, after his victory.

The message of President Rajapaksa at the 65th Independence Day in Trincomalee on February 4, 2013 was a coded endorsement of the Sinhala supremacist vision peddled by Sinhala Buddhist chauvinists. In his speech abandonment of “autonomy” seals the fate of Tamils and other minorities<sup>8</sup>, contrary to previous agreement by all leaders. **Is this the last straw for survival of a pluralistic society in Sri Lanka?**

Successive Sinhala leaders, while masquerading Sri Lanka as a ‘multi-ethnic civic society’ to the world and to the Sinhala masses, paraded as the champions of Sinhala Buddhist ethno-nationalism, which led Buddhist monks to be the believers and defenders of this philosophy; which did not suit a multi-ethnic, multi-religious, multilingual country to maintain harmony. Buddhist monks became the frontline soldiers; the murder of SWRD Bandaranayake is a good example, and having played a key role in the subjugation of the Tamil Nation, now their focus has turned to Muslims. The pictures below show they are prepared to enter the battle to propagate and safeguard their beliefs, at the expense of Buddha Dharma. Below Buddhist monks are blessing Sinhala soldiers at the war front on the Jaffna peninsula in 1998, inspecting Sri Lankan artillery.



*Figure 4.2 Sinhala Buddhist monks who preach Abimsa are Interested in everything Militaristic too.*

## 4.2 Unfulfilled proposals, promises and agreements

The unification of the two Sinhala and Tamil Nations into one country took place in 1833 on the recommendations of the Colebrook Commission for **administrative convenience**. In 1948 the Soulbury Commission had also accepted the de-facto setup for administrative convenience. This was regarded

as a permanent solution and independence was granted with the acceptance of the draft constitution drawn up by a Pan-Sinhala Board of Ministers, ignoring the demand for equality between the majority Sinhala community and other minorities. This set the scene for unfulfilled promises, agreements and conflict between Sinhala and Tamil Nations, resulting in island wide death and destruction, but even more so in North East Sri Lanka. The above declaration and statements over the past six decades do not hold out much hope for accountability and reconciliation in Sri Lanka.

### **Bandaranayake-Chelvanayagam pact (B-C pact)**

SWRD Bandaranayake, educated at St Thomas College, Colombo and Oxford University, served as member of State Council, and he was Minister of Health and Local Government in the first cabinet. He left the ruling United National Party (UNP) and formed the ultra-nationalist Sri Lanka Freedom Party (SLFP) in 1952; subsequently the birth of many other parties and proportional representation meant that a coalition of parties is needed to form government. SWRD Bandaranayake formed the nationalist-socialist coalition Mahajana Eksath Peramuna (MEP-People's United Front) abandoning his past, anglophile background. The full name, Solomon West Ridgeway Dias Bandaranayake, gives an insight into his background; he was elected as prime minister in a landslide victory in 1956. In the same year, the Parliament passed the "Sinhala Only Act" against the long held view that both Sinhala and Tamil would replace English as the official language. He abandoned his Christian upbringing and learning; he encouraged Buddhism, the religion of the masses, as a vehicle to political power and focused on Sinhala Buddhist nationalism. The Tamil people lost faith in Sinhala political leadership and the political camaraderie that existed prior to independence, as previously mentioned, was shattered.

The very same Sinhala Buddhist forces, unleashed by Mr Bandaranayake, opposed his proposal to remedy the wrong done to Tamils by giving them limited language and political rights in their traditional homeland. The agreement was unilaterally abrogated by Mr Bandaranayake in April 1958. A campaign led by the Buddhist clergy and factions of the Sinhala political leadership under JR Jayawardene, then leader of the opposition in Parliament, organised a march from Colombo to Kandy on October 4, 1957 to invoke the blessings of the gods for abandoning the granting of rights to Tamils.

Prime Minister SWRD Bandaranayake passed the Sinhala Only Act, abandoning the understanding before independence that there would be parity between both Sinhala and Tamil languages. Following the agitations by Tamils an agreement was signed to recognise "reasonable use of Tamils" and a degree of self-rule was signed between Prime Minister SWRD Bandaranayake and leader of the Federal Party, SJV Chelvanayagam in 1957.





*Figure 4.3 Federal Party members with SWRD Bandaranayake and SJV Chelvanayagam after signing of the B-C pact.*

SWRD Bandaranayake was assassinated on September 25, 1959 by a Buddhist monk; his legacy of Sinhala Buddhist nationalism continues to date and this is used as a means to come to power, when in opposition. After the 1960 elections, his widow, Sirimavo Ratwatte Dias Bandaranayake, became prime minister. She left office in 1965, but returned to serve two more terms (1970-77, 1994-2000) as prime minister. She became the first woman head of state in the world and longest serving prime minister in the country; she pursued a policy similar to that of her husband, but her economic policies brought hardship and financial ruin to the country. The economic downturn and high level of unemployment among youth turned the focus again on Tamils and, in particular, Tamil youth, who were victims of standardisation in education, which deprived them of educational opportunities. The second-class treatment of Tamil youth to placate Sinhala youth deprived Tamil youth of employment opportunities and drove them to militancy, as the last choice. The focus on Sinhala Buddhist chauvinism, started by Mr SWRD Bandaranayake, was consolidated by Mrs Srimavo Bandaranayake. And the events that have followed in Sri Lanka to date show that any Sinhalese leader's rise to power in Sri Lanka is determined by how much they are committed to Sinhala Buddhist chauvinism; the quotations from Sinhalese leaders given above demonstrate the country's dilemma. The two leaders who followed this policy to the letter are JR Jayawardene (1977-1988) and the current President, Mahinda Rajapaksa since 2006, continuing to placate chauvinistic forces in the country. **The list of proposals, broken promises and torn-up agreements (1957-2013)** given here show that unless the "Genie of Sinhala Buddhist chauvinism" is put back into the bottle, the probability of finding peace between Sinhala

and Tamil Nations in Sri Lanka is very remote. **Will the international community intervene to find a just solution or allow the injustice to the Tamil Nation to continue?**

## List of proposals, broken promises and torn-up agreements, <sup>9,10</sup>

Year	Brief Outline of Proposals, Promises and Agreements	Action/Outcome
1956	<b>Federal Party Convention in Trincomalee called for:</b> Federal Constitution, parity of status for Tamil and Sinhala languages, repeal of discriminatory citizenship laws against Tamils of Indian descent, stop colonisation of the Tamil homeland (North East Sri Lanka)	Proposals were given to Prime Minister SWRD Bandaranayake after he won the 1956 General Election. <b>No action taken.</b>
1957	Signing of <b>Bandaranayake-Chelvanayagam pact</b> calling for regional councils, opposed by chauvinistic forces unleashed by SWRD Bandaranayake to become prime minister; the same forces did not want the implementation of the B-C pact.	Unilaterally abrogated in 1958 due to <b>opposition from the UNP</b> and others. In 1959 the prime minister was murdered by a Buddhist monk.
1965	After the 1965 General Elections, the <b>Senanayake -Chelvanayagam pact</b> was negotiated and signed to establish District Councils and to secure the support of the Federal Party for the formation another UNP government.	Draft bill presented with cabinet approval in 1968, <b>withdrawn due to opposition from SLFP.</b>
1970	<b>Constituent assembly was set up; the Federal Party (FP), on behalf of Tamils, submitted this proposal:</b> federal constitution with an autonomous Tamil state; an autonomous Muslim state and three autonomous Sinhala states; Tamil Language Regulation 1966 to be incorporated into the constitution; and the mother tongue to be the compulsory medium of instruction for all Tamil children. SLFP rejected the above and FP boycotted the procedures. Name of the country was changed from Ceylon to Sri Lanka.	Republican constitution was proclaimed on May 22 <sup>nd</sup> 1972, <b>Article 29 giving minorities' rights, and in the 1948 constitution was deleted.</b> Buddhism was given a prominent place, but others religions were denied, equal status given in 1948 constitution.

1976	<b>Vaddukottai Resolution of 1976</b> at the Tamil United Liberation Front declared: “this Convention calls upon the Tamil Nation, in general, and the Tamil youth, in particular, to come forward to throw themselves fully in the sacred fight for freedom and to flinch not till the goal of a sovereign state of <b>TAMIL EELAM</b> is reached”	Tamil militancy in its infancy gained momentum, as Tamil leaders attempt to find an <b>amicable solution failed and the cliff widened between the two Nations</b>
1977	The <b>Sansoni Commission</b> was appointed on November 9 <sup>th</sup> 1977 and reported on July 2 <sup>nd</sup> 1980 with a mandate to inquire into the incidents that took place between August 13 and September 15 <sup>th</sup> 1977. This was the first and last inquiry into island wide pogroms against Tamils.	Victims of the pogrom were Hill country Tamils; <b>findings and recommendations were not implemented.</b>
1978	Mr JR Jayawardene of the UNP came to power in 1977 with a five-sixths majority and <b>promulgated a new Constitution on September 7<sup>th</sup> 1978</b> , which provided for a unicameral parliament and Executive President. The term of office of the president and the duration of parliament were both set at six years, without any consideration for minorities’ rights.	The Constitution vested absolute power in the hands of the president and made it impossible for Tamils to seek rights through democratic means.
1979	Sri Lanka <b>President JR Jayawardene appointed a Presidential Commission</b> to inquire and report on the creation of District Development Councils. The Commission addressed the issues arising from the ethnic conflict and concluded that the scheme they had envisaged “would be applicable to all of the 24 districts in the island, irrespective of their ethnic composition”.	Though the President had absolute power to implement island wide regional councils, they were not fully implemented.
1983	The 1983 pogrom causing the death of thousands of Tamils at the hands of Sinhalese mobs in July/August 1983, made Indian Prime Minister, Indira Gandhi send her representative for discussions with Sri Lankan officials. The proposals which emerged were presented as Annexure “C” to the <b>All Party Conference on December 1<sup>st</sup> 1983</b> . However, the government of Sri Lanka failed to adopt these proposals at the All Party Conference (APC) discussions, which commenced in December 1983 and ended inconclusively in December 1984.	The <b>first external intervention from an immediate neighbour on the internal affairs of Sri Lanka</b> . India started the training of Tamil youth on their soil, and also gave refuge to many Tamil refugees from the North and East of Sri Lanka.

1985	<p>In July /August 1985, the leaders of the Tamil armed resistance, together with the Tamil United Liberation Front (TULF) participated in talks with the government of Sri Lanka (GoSL). The talks, sponsored by India, were held in Thimpu, the capital of Bhutan with a view to resolving the conflict. At the <b>Thimpu Talks</b>, the GoSL, in substance, resubmitted its proposals from the aborted December 1984 APC held in Colombo.</p>	<p>Putting forward the proposals rejected by the TULF, once again at the <b>Thimpu talks, called into question the good faith and commitment of the GoSL</b> to seek a just solution between Sinhala and Tamil Nations.</p>
1986	<p>Following the failure of the Thimpu talks initiated by India, another Working Paper envisaged the creation of separate Provincial Councils for the Northern and Eastern Provinces by amending the Sri Lankan Constitution. During October /November 1985, India's Foreign Secretary, Romesh Bhandari, attempted to secure the agreement of Tamil militant groups to the Sri Lanka Working Paper, but not surprisingly it failed. In mid-December 1986, Indian Minister of State, Mr Natwar Singh and Home Minister, Mr P Chidambaram visited Colombo with a fresh proposal known as the <b>"December 19 Proposal"</b> to negotiate agreement with the GoSL to this proposal. Tamil parties and militant groups were not a party to these proposals.</p>	<p>India was in a quandary to seek the consensus of both warring parties. At the same time <b>GoSL started a "scorched earth policy" with shelling and aerial bombardment of Jaffna centres of population and imposed an economic blockade on the northern province.</b> India intervened, by dropping food parcels by air to the starving population of Jaffna.</p>
1987	<p>The Indo-Sri Lanka Peace Agreement was signed on July 29<sup>th</sup> 1987 by Prime Minister Rajiv Gandhi and President of Sri Lanka, JR Jayawardene. India adopted a soft option to secure its own strategic interests, even at the expense of Tamil aspirations. It was an agreement that went back even on the Chidambaram <b>'December 19 proposals'</b>. The Agreement did not recognise the existence of an identified Tamil homeland, and resorted to the subterfuge of a referendum to evade facing the issue posed by the demand for a merger of North and East.</p>	<p><b>The 13<sup>th</sup> Amendment to the 1978 Constitution for provincial councils.</b> Indian Peace Keeping Forces (IPKF) arrived to oversee the peace process in North East Sri Lanka; this later turned into fighting the President's war with the LTTE, incurring heavy losses of lives on both sides.</p>

1989	<p>Following the election in December 1988, President Ranasinghe Premadasa took oath of office on January 2<sup>nd</sup> 1989. President Premadasa was intent on securing the withdrawal of the IPKF due to opposition from Sinhala militants (JVP) to Indian presence on the island. The new <b>President engaged the LTTE in talks</b> which commenced in April/May 1989 and <b>agreed for the withdrawal of IPKF</b>. India commenced withdrawing troops in July 1989; by that time Rajiv Gandhi has lost power in New Delhi.</p>	<p>This was the <b>only agreement partially implemented</b> in this peace process; the IPKF completely withdrew by March 1990. Rajiv Gandhi was killed in 1991. And in 1993 President Premadasa was allegedly killed by the LTTE.</p>
1995	<p>On August 3<sup>rd</sup> 1995, Sri Lankan President Kumaratunga released a <b>'Devolution' package with the stated objective of ending the ethnic conflict on the island. At the same time, she reaffirmed her intention to wage war against the LTTE, and launched an act of genocide against Tamil homeland</b> in the north of Sri Lanka. The 'Devolution Package' appeared to be no more than a peace mask to Sri Lanka's war. Later it was scrapped, due to opposition from Sinhala Buddhist nationalists.</p>	<p>The genocidal attack on the Jaffna population resulted in a mass <b>exodus of 400,000 people, who sought refuge in October 1995 in the homeland, under the jurisdiction of the LTTE</b> in the Mullaitivu and Kilinochi districts of North East Sri Lanka.</p>
2002	<p>A Norwegian peace initiative, supported by the USA, EU and Japan, and referred to as the <b>Cease Fire Agreement (CFA)</b> came into effect on February 22<sup>nd</sup> 2002, jointly signed by Prime Minister, Ranil Wickremasinghe of the UNP and the LTTE leader, Mr Vellupillai Prabhakaran. A Sri Lankan monitoring mission was set up, facilitated by Norway, with peace monitors from Nordic countries. In 2003 six rounds of talks took place and in 2004 the LTTE submitted a proposal for Internal Self-Governing Authority (ISGA). President Kumaratunga of the SLFP rejected the proposal outright, saying it was against national security, and later dismissed the government of Prime Minister Ranil Wickremasinghe in 2004, which forced a general election. Mr Ranil Wickremasinghe was replaced by Mr Mahinda Rajapaksa as the Prime Minister.</p>	<p>During this period murder and mayhem continued. The war between Sri Lankan armed forces and the LTTE continued, following a brief period of tenuous peace in the country after the Boxing Day Tsunami of 2004.</p>



2005	<p>The 2004 tsunami in the Indian Ocean caused massive death and destruction, mostly in eastern coastal areas of Sri Lanka. Over 30,000 people were killed with large scale damage to infrastructure. The <b>Post-Tsunami Operational Management Structure (P-TOMS)</b> was initiated by Norwegian facilitators on June 24, 2005. In the spirit of partnership, the GoSL and the LTTE resolved to work together, in good faith, using their best efforts to deliver expeditious relief, rehabilitation, reconstruction and development to these coastal communities in the six districts of Amparai, Batticaloa, Jaffna, Killinochchi, Mullaitivu and Trincomalee (known as “the Six Districts”) and to facilitate and expedite the process of rebuilding the affected areas.</p>	<p>“P-TOMS” was set up with representatives of all groups interested in the welfare of victims, to manage funds promised by foreign aid to carry out the tasks. Extremist Sinhala Buddhist parties challenged the P-TOMS in the <b>High Court and stopped the process, even before it started. The GoSL instead of meeting requirement of the courts happily accepted the decision.</b></p>
2005	<p>After the Tsunami President Kumaratunga of the SLFP rejected out rightly, the ISGA proposal put forward by LTTE, saying it was against national security. Later dismissed the government of Prime Minister Ranil Wickremasinghe in 2004, which forced a general election. Mr Mahinda Rajapaksa became the Prime Minister. The presidential election that followed Mahinda Rajapaksa was elected with the narrowest of margin and became the President of Sri Lanka because LLTE called for the boycott of the Presidential election in the North East. President reciprocated by intensify the war against LTTE in the North East.</p>	<p>President Rajapaksa’s without respecting the CFA started saying the “war against terrorists is conducted with zero civilian casualties”. As the war intensified, in January 2008, <b>President Rajapaksa unilaterally abrogated the CFA.</b> This action did not augur well for finding a peaceful solution to the long standing conflict.</p>
2009	<p>Joint statement <sup>11</sup> from the President of Sri Lanka, Mr Mahinda Rajapaksa and Secretary General of the United Nations (UNSG), Mr Ban Ki-Moon, issued on March 23<sup>rd</sup> 2009, which <b>“underlined the importance of an accountability process”</b> and the GoSL agreed, <b>“it will take measures to address those grievances.”</b> Following the statement two independent bodies released their reports: the Panel of Experts by UNSG (PoE) on March 31<sup>st</sup> 2011, and the Lesson Learnt and Reconciliation Commission (LLRC) set up by the Sri Lanka president on December 16<sup>th</sup> 2011.</p>	<p>Almost four years since the end of the military conflict in May 2009, and two years since the release of reports, no measures have been taken to implement the joint statement or to advance reconciliation. Government’s focus has been only to build infrastructure rather than to pay attention to the rights of victims.</p>

2012	At the 19th session of the UNHRC a resolution was passed on March 22 <sup>nd</sup> 2012 <sup>12</sup> , calling upon the GoSL to implement LLRC recommendations. A similar motion was passed at the 22nd UNHRC session in March 2013. <sup>13</sup>	The UN and the international community should take action to implement what has been agreed at the UNHRC sessions.
2013		

### 4.3 Bilateral agreement to impose a solution on Tamils

India, being the immediate neighbour of Sri Lanka, separated only by a narrow sea lane, has 75 million Tamils with common cultural links with Sri Lankan Tamils from time immemorial. And considering the total population of Sri Lanka is less than a third of the Tamil population in India, it is in India's best interests to see that peace prevails in Sri Lanka, for their own security, as well as for geographical and political reasons. Following the July 1983 Pogrom, a few hundred thousand Tamil refugees landed on the shores of Tamil Nadu. The Prime Minister of India, Indira Gandhi, who had liberated Bangladesh, gave hope to Eelam Tamils and welcomed them warmly in 1983. She took a direct interest in Sri Lanka and sent her personal envoy Mr G Parthasarathy to Colombo. Unfortunately, her murder in 1984 changed the course of history, and she was succeeded by her son, Rajiv Gandhi. He continued the peace initiatives started by his mother, and the first talks between Tamil groups and the Sri Lanka government took place at Thimpu, the capital of Bhutan, in 1985.

The talks failed due to the Sri Lankan government's intransigence, and their failure to accept that the Tamil Nation should have the same rights as the Sinhalese Nation in Sri Lanka; this is because the Sinhala masses have come to believe that the island is a Sinhala Buddhist country – the myth propagated by politicians – contrary to history and the relative geographical position of the island and Tamil Nadu. All the Tamil parties from Sri Lanka who attended the Thimpu talks unanimously agreed on a document



*Tamil delegation: the Eelam People's Revolutionary Liberation Front (EPRLF), Tamil United Liberation Front (TULF), Liberation Tigers of Tamil Eelam (LTTE), Eelam Revolutionary Organisation of Students (EROS), People's Liberation Organisation of Tamil Eelam (PLOTE), and the Tamil Eelam Liberation Organisation (TELO). Figure 4.4 "Thimpu Talks" initiated by India in 1985*

that demanded recognition of the Tamils as a distinct nation (living in the North and East of the island), the right to self-determination, and the right to citizenship for all Tamils of Ceylon. To this day, all Tamil parties consider this declaration as sacrosanct and the minimum requirement in order to reach any political solution, based on the Vaddukottai Resolution of 1976, overwhelmingly approved by the population of North East Sri Lanka in the 1977 General Election, with almost 84% voting for the resolution.

Joint statement was made by the Tamil delegation on the concluding day of the first phase of the Thimpu talks held on July 13th 1985. It is the considered view of the Tamils that any meaningful solution to the Tamil national question must be based on four cardinal principles given below.

**The Thimpu declaration states:**

- i. Recognition of the Tamils of Ceylon as a nation
- ii. Recognition of the existence of an identified homeland for the Tamils in Ceylon
- iii. Recognition of the right to self-determination of the Tamil nation
- iv. Recognition of the right to citizenship and the fundamental rights of all Tamils in Ceylon

Following the failure of these talks in August 1985, in mid-December 1986, Indian Minister of State, Mr Natwar Singh and Home Minister, Mr P Chidambaram visited Colombo with fresh proposals, which as mentioned earlier, came to be known as the “December 19 Proposals”. This informal Working Paper was the result of discussions between Sri Lankan and Indian government officials; the proposals were rejected by the Tamil militant movement, but later formed the basis for the Indo-Sri Lanka accord, jointly signed by Indian Prime Minister, Rajiv Gandhi and the Sri Lankan President, JR Jayawardene, on July 28th 1987 in Colombo.

The bilateral solution reached through negotiation between India and Sri Lanka, as we know, ignored the agreed position and the declaration made by all Tamil groups. President JR Jayawardena, a cunning, wise old politician outfoxed the young Prime Minister of India, Mr Rajiv Gandhi, who signed the “Indo-Sri Lanka Peace Agreement”, mostly to placate Sri Lanka. President Jayawardene cleverly manipulated India to fight his war against the LTTE, with the Indian Peace Keeping Forces (IPKF), at a great loss of Indian lives and at zero cost to Sri Lanka. Furthermore, President Jayawardene succeeded in creating enmity between the Eelam Tamils and subsequent Indian governments and the distrust of Eelam Tamils and this distrust exist today, in contrast to the cordial relations that once existed between India and Eelam Tamils during Indira Gandhi’s rule. After two years of unleashing death and destruction on the Tamil people, caused by the failure to distinguish between the Tamil people and the LTTE, the IPKF left the Tamil homeland, unceremoniously, with bad memories for all.



*Figure 4.5 Prime Minister Rajiv Gandhi was attacked by a Sri Lankan naval rating while inspecting the guard of honour in Colombo. Welcome Sri Lanka style; this is what Tamils are experiencing, even today.*

the LTTE, where victims were civilian medical staff, including specialist Dr A Sivapathasunthram, along with two other senior medical practitioners, Dr K Parimelalagar and Dr S Ganesharatnam plus the Head Nurse, R Vadivel were gunned down by the IPKF, on October 21st 1987, as they came out of the hospital with their hands up indicating surrender. They walked out of the hospital building having realised Indian troops had entered the building. They wished to introduce themselves and also try to ensure the safety of the hospital and its staff. But the IPKF, who had reached Jaffna, amidst heavy resistance, did not pay any attention and opened fire. The 25th anniversary of these brutal killings was remembered in 2012. On reflection, the other events during the IPKF occupation and examination of the GoSL actions over many decades, points to the fact that there is no simple solution, as envisaged in the Indo-Sri Lanka Accord.

The Accord failed to tackle the root cause of the problem between the Sinhala and Tamil Nations; instead it only scratched the surface and failed to resolve the problem of equality for the Tamil Nation within Sri Lanka.

The Tamil leadership was neither consulted nor a party to this Accord; it was a fait accompli. The largest of the liberation movements, the LTTE, despite their misgivings, were powerless to oppose. Under the Accord a Provincial Council was set up and elections were held; since then, none of the successive Sri Lankan governments have devolved power to the provincial councils, as agreed.

An example of the IPKF offensive, purportedly against staff, is given below. A total of 21



*Figure 4.7 Doctors and other staff killed in Jaffna Hospital by IPKF*



*Figure 4.6 Arrival of the Indian Peace Keeping Force (IPKF)*



Looking back on India's efforts, after more than two decades, may help us to understand why successive Indian governments to date have failed to read the underlying reasons for such a spectacular lack of success, having made many sacrifices in Sri Lanka. It is mainly due to a lack of understanding of Sinhala leaders, their mono-ethnic mindset, and their belief that Sri Lanka is only a Sinhala Buddhist country, contrary to history and Sri Lanka's geographical location, at the southern tip of India. To reach a peaceful solution, as one country, this has been the biggest stumbling block to date. Since independence, Sinhala Buddhist nationalism has been used by the main political groups, the UNP and the SLFP, to outbid each other to capture power.

Any country or organisation that attempts to find or promote a political solution to the conflict between Sinhala and Tamil Nations, which existed independently prior to unification by Britain in 1833, need to pay attention to the mindset of Sri Lanka Sinhala Buddhists. Six decades of conflict and failure of previous internal processes, as well as the failed bilateral approach between India and Sri Lanka are not reassuring. Restoration of sovereignty for both nations may be the only option left.

#### 4.4 Agreements under international community facilitation

The first international community engagement in the peace process started with signing of the Cease Fire Agreement (CFA); this was facilitated by Norway and jointly signed on February 22nd 2002 by the Sri Lankan Prime Minister, Mr Ranil Wickremasinghe of the UNP and LTTE leader, Mr Velupillai Prabhakaran, supported by the USA, the EU and Japan. This became possible because of President Chandrika Kumaratunga-Bandaranayake of the SLFP led coalition; daughter of former Prime Ministers who had sowed the seed of Sinhala Buddhist nationalism in Sri Lanka, her "war for peace" mantra did not progress well and met with criticism from the Sinhala electorate of the South. The United National Front, led by Mr Ranil Wickremasinghe, became victorious at the General Election on a platform for peace on December 5th 2001. During this period, Norway was attempting to bring the GoSL and LTTE to the negotiating table; on December 19, 2001st the LTTE announced a 30-day ceasefire with the Sri Lankan government and pledged to halt all attacks against government forces.

Newly elected Prime Minister, Mr Ranil Wickremasinghe, welcomed the move and reciprocated, two days later, announcing a month long ceasefire agreement (CFA), further agreeing to lift a longstanding economic embargo on rebel-held territory. The peace agreement between the two parties was an outcome waiting to happen, following the September 11 terrorist attack in New York and world condemnation of that act.

The overall objective of the CFA was to reach a negotiated solution to the ongoing conflict, an end to hostilities, and to establish a positive future in Sri Lanka. The CFA has four main sections: modalities of ceasefire, measures to restore normalcy, a Sri Lanka monitoring mission (SLMM) to monitor the CFA, and the last section dealt with entry into force, amendments and termination of agreements. The Sri Lanka Monitoring



Mission (SLMM) was a separate body with representatives from the Nordic countries. The SLMM was set up to monitor the CFA, which paved the way for six rounds of talks between the Sri Lankan government and the LTTE. Three talks were held in Thailand with the other three were held in Norway, Germany and Japan from September 2002 to March 2003, respectively. Many foreign countries offered financial support for the development of infrastructure in the affected area, and the Tokyo donors' conference pledged US\$4.5 billion for reconstruction and development, subject to progress on the peace process. The CFA resulted in the opening of the A9 highway linking the Jaffna peninsula with the rest of the island, enabling free movement of people and goods after a long absence. There were breaches of agreement, but this initiative provided the longest recess from war conditions, and in turn gave much hope to the affected civilians. The ceasefire provided the outside world with an opportunity to glimpse hitherto fortified LTTE controlled areas and their regime in the area under their control.



*Figure 4.8 LTTE delegation meets German foreign ministry officials*



*Figure 4.9 Mr Prabhakaran the LTTE leader, with the Foreign Minister, Mr Jan Petersen, and the Norwegian delegation*

The LTTE was excluded from reconstruction talks in Washington DC on April 14, 2003; the LTTE cited failure to receive part of the peace dividend for areas under their control, a lack of progress in the peace talks, and made an announcement on April 21, 2003, withdrawing from the talks. But, maintained that the LTTE was committed to a peaceful settlement of the longstanding conflict. On October 31st the LTTE issued its own peace proposal, calling for an Interim Self-Governing Authority (ISGA). The ISGA would have broad powers in the North and East with representatives from all, but the LTTE would have a majority. This provoked a strong backlash among the hardline elements in the South, who accused Prime Minister Wickremasinghe of handing the North and East to the LTTE. Under pressure from within her own party to take action, President Kumaratunga declared a state of emergency and took three key government ministries, the Ministry of Mass Media, the Interior Ministry and the crucial Defence Ministry. President Kumaratunga of the SLFP then formed an alliance with the JVP, calling it the United People's Freedom Alliance (UPFA). The UPFA opposed the ISGA, advocating a harder line on the LTTE and calling for new parliamentary elections. The General Election held on April 8, 2004, resulted in victory for the UPFA with

Mahinda Rajapaksa from the SLFP appointed as the Prime Minister, replacing Mr Ranil Wickremasinghe who had signed the CFA. At the same time, the Tamil National Alliance (TNA) won 22 seats, almost all available to them in the North East Sri Lanka; the TNA pledged political support to the LTTE. The rise to power of the SLFP-led alliance, with a long history of antagonism to minorities from its inception in 1952, did not augur well for a peaceful solution to the longstanding conflict.

The Boxing Day Tsunami on December 26th 2004, killed more than 35,000 people, leaving many more homeless. This event had an adverse impact on Tamils in the Easter coast of Sri Lanka. Aid poured in from donor countries, but disagreements arose instantly over how it should be distributed in the Tamil regions under LTTE control. Considering the urgency of the need for the victims, on June 24th 2005, the government and the LTTE agreed on the Post-Tsunami Operational Management Structure (P-TOMS), but it received sharp criticism from the partners in the government, in particular the JVP, which left the government in protest. The JVP challenged the legality of P-TOMS in the courts and blocked implementation. President Kumaratunga eventually had to scrap P-TOMS, which led to widespread criticism that sufficient aid was not reaching the North and East of the country. However, immediately following the tsunami, there was a marked decrease in violence in the North.

The Supreme Court of Sri Lanka declared President Kumaratunga's second and final term was over and ordered her to hold new presidential elections. Two main candidates emerged: the UNF former Prime Minister, Ranil Wickremasinghe, who advocated the reopening of talks with the LTTE and UPFA Prime Minister, Mahinda Rajapaksa, who called for a tougher line on the LTTE and a renegotiation of the ceasefire; both were contesting on a widely contrasting platform. The LTTE, having lived under alliances led by UNP (UNF) and the SLFP (UPFA), openly called for a boycott of the election by the Tamils. Many Tamils would have voted for Wickremasinghe, but the loss of Tamil votes proved fatal to his chances of winning the election and Rajapaksa scored a very narrow win. Following the election, the LTTE leader, Velupillai Pirabakaran stated in his annual address that the Tigers would "renew their struggle" in 2006, if the government did not take serious moves toward peace. True to these words President Rajapaksa, prior to the presidential election, expressed he would take a tougher line on the LTTE; military confrontation was intensified by both sides and the president declared he would conduct a war with "zero civilian casualties." On January 2nd 2008, the GoSL unilaterally abrogated the CFA, disregarding the procedures for termination of the agreement given in the CFA.

#### 4.5 Sinhala Buddhist hegemony against any solution

The root cause of Sinhala hegemony in Sri Lanka in the post-independence period is due to the failure of the Britain to recognise the rights of multilingual, multi-ethnic and multi-religious groups, and to provide an equitable and representative constitutional

structure at the time of independence in 1948. This constitutional structure provided the platform for a lethal combination of “Mahavamsa mindset of Sinhala Polity” and “Sinhala Buddhism”, leading to Sinhalese hegemony, which did not augur well for peaceful co-existence of “all peoples” in Sri Lanka. The Mahavamsa (the chronicle written in the 6th century AD) talks of past, a millennium ago. It sends a message of division that Sri Lanka is the land of Sinhala Buddhist people, contrary to all geographical, historical and archaeological evidence that Tamil people had lived on the island for as long, or longer, than the new arrivals, given the location of the island next to the Indian subcontinent, with a very large Tamil population. “Sinhala Buddhism” a world apart from the tolerant non-violent Buddhism of the Gautama Buddha was spread among gullible Sinhalese by Buddhist monks. And the mythology became a “Truth” in the minds of the Sinhalese, supported by the revivalist movement of Sinhala Buddhism and the Sinhala intelligentsia. The failure of Britain to provide an equitable constitutional setup in Sri Lanka, protecting the rights of “all peoples”, helped to promote the belief among Sinhala masses that Sri Lanka belongs to Sinhala Buddhist people, spurred the Sinhala politicians to abandon the need for plurality in the country. This made the majority of Sinhala people to accept Sinhala hegemony: only they have the right to determine Sri Lanka’s future. This arrogance was in fact a historical blunder committed by Britain, which damaged any chances of resolution of competing demands of two Nations.

The post-independence history of Sinhala and Tamil Nations in Sri Lanka is a history of ethnic conflict, which failed to bring lasting peace, but caused death, destruction, displacement, and war without witness. At the same time the emergence of consciousness among the Sinhala polity meant that Sri Lanka was perceived as a Sinhala Buddhist country, denying its multi-ethnicity and the political rights of Tamils. This led to the emergence of Sinhala Buddhist hegemony and, in turn, political leadership of both UNP and SLFP, which have been in power, alternately, and governing Sri Lanka with support of the minor parties. Thus political structure in Sri Lanka began to emerge as two coalition groups, one led by the UNP and the other by the SLFP. The political structure of Sinhala polity, with two informal “coalition groups”, could have come to a political understanding with Tamil polity to find an amicable political solution to more than six decades of ethnic conflict between Sinhala and Tamil Nations. The political parties or alliance representing the Tamil polity of North East Sri Lanka is trapped in the middle of the “dog fight” between these two coalition groups and consequently the Tamil Nation has become the victim. The long list of proposals, broken promises and torn-up agreements (1957–2013), shows how the Sinhala hegemony, exercised by the “Sinhala Buddhist coalition of parties” out did each other, so as to appeal to Sinhala Buddhist consciousness to gain support at the time of elections in Sri Lanka.

After the Cease Fire Agreement (CFA) was signed on February 22, 2002, the **British Refugee Council**<sup>14</sup>, in July 2002, said in their report: “...Despite the initial optimism generated by the possibility of co-operation to achieve peace, the increasing acrimony

between the UNF and the opposition People's Alliance (PA) has the potential of destabilising the whole process..." Also the European Commission Conflict Assessment Mission<sup>15</sup> on August 2nd 2002 made a similar observation in their report: "...The lack of a genuine bi-partisan commitment and approach by the (Sinhala) political establishment represented mainly by the two major parties, the UNP and the SLFP, has been the single, most important obstacle in achieving a negotiated political settlement. This is accounted for by the longstanding struggle for power by both parties..." Their observations have been proved right.

Britain, as the last of the Colonial power, failed to foresee this outcome; Britain together with the International community and the International organizations need to intervene, before we see the re-run of the events of the past.

#### 4.6 Inaction by the international community during military conflict

At the time the CFA was signed in 2002 in Sri Lanka, at the helm, political power was shared between the two main opposing parties who always ruled in coalition with other minor parties; The President, Mrs Chandrika Kumaratunga was from the SLFP and the Prime Minister, Mr Ranil Wickremasinghe was from the UNP. Differences of opinion between them was not a good signal, from the beginning, for the CFA to be implemented; those who have followed the politics of Sri Lanka would have guessed the final outcome. During the first three years of the CFA, cooperation existed between the GoSL and the LTTE, the international community and non-government organisations, though progress was slow, and there was little peace between the adversaries. **The premature dismissal of the UNP government in 2004 by President Kumaratunga** resulted in victory for the SLFP led coalition, with parties who promoted the Sinhala Buddhist chauvinistic agenda at the subsequent General Election. Having the President and the Prime Minister from SLFP, at the helm, made it easy for the GoSL to pursue a policy against the CFA; in the first instance the CFA was signed by the UNP Prime Minister. The tsunami in 2004 and subsequent P-TOMS, in which



*Figure 4.10 2006 extremist Buddhist monks burning the Royal Norwegian flag*



*Figure 4.11 Desecrating the Union Jack flag while Sri Lankan parliamentarians look on*



the international community became further engaged, brought respite to the military skirmishes between the two warring parties, both having different views about peace in Sri Lanka. **If the International community had taken direct action in implementing the CFA, this could have brought about a positive outcome.**

Coalition partners of the SLFP with extremist views brought about a court action and **blocked the implementation of P-TOMS in 2005**; the presidential election, held in November 2005, brought to power Mahinda Rajapaksa on a Sinhala Buddhist nationalistic platform by a slim majority, made possible by Tamils boycotting the election. President Mahinda Rajapaksa abandoned all moderate views which recognised that Tamils had equal rights and started the fourth phase of the Eelam War, following Rajapaksa's stand; a minor party challenged the merger in the High Court which determined the merger was not valid. Following this judgment, the **North-East merger was dissolved and two Provincial Councils were formed**; the GoSL failed to take remedial action in both cases. While the above undemocratic actions were taking place, the **international community failed to act against the GoSL for breach of agreements**, which indirectly helped the GoSL to pursue the militaristic approach, which came at a great loss to the people of North East Sri Lanka.

After the failure of the international and Norwegian mediated peace process in 2006, President Mahinda Rajapaksa, as commander-in-chief of the Sri Lanka Armed Forces (SAF), with his brother as Defence Secretary, advocated military offensives aimed at recapturing territory controlled by the Tamil Tigers. By July 2007, the military had recaptured all areas in the East; during the period from 2006 to 2007, the SAF were accused of murdering: **5 Tamil students in Trincomalee; 17 Tamil humanitarian workers from Action Contre le Faim in Mutur; 67 orphan school girls from the "Sencholai" Orphanage in Mullaithivu, who died from aerial bombing; 5 Tamil parliamentarians and more than 10 independent journalists.** In October 2007, the UN Human Rights Commissioner called for the **UN Human Rights Monitoring Mission** to be sent to Sri Lanka. President Rajapaksa rejected the call. Once more the failure of the international community to prevent the breach of international human rights law by the GoSL encouraged President Mahinda Rajapaksa to intensify the war against Tamils, having **unilaterally abrogated the CFA against the wish of many countries in January 2008.** **The international community remained inactive, satisfied with a few statements,** and President Rajapaksa pursued his war, saying he was fighting a war against "Tamil terrorists" with "zero civilian Casualties".

Immediately after the abrogation of the CFA and following the military victory in the East, the attention turned to the military offensive on the Northern Province; with armed forces, well equipped, war experienced and inspired by recent victory in the East. President Rajapaksa wanted to carry out his military offensive, as a "war without witness." As part of his plan, he ordered UN agencies and International Non-Governmental Organizations (INGOs) out of the region and banned all foreign aid



into the region; this draconian and inhuman action left ordinary people caught between warring parties without food and medical support, in particular, war victims. By merely stopping the condemnation of Sri Lanka for breach of human rights and humanitarian laws, this did not prevent Sri Lanka from continuing, unleashing its forces against weakened LTTE forces in the North. The LTTE was depleted by its losses in the East and affected by the loss of its supply route, which had been cut-off by Sri Lanka with help from neighbouring countries. This made it an uneven contest, causing a big loss of civilian lives.

President Rajapaksa, having set the scene for the military offensive in the North, in October 2008, unleashed the fire power of Sri Lankan armed forces on the Vanni heartland of the LTTE, assisted by aerial bombardment and naval support. After successive defeats, the Tamil Tigers were forced to retreat to the North-East coast in the Mullaitivu District. The civilian population of the Vanni also fled from one safe zone to another until everyone ended up in Safe Zone 5, 32 square km north-west of Puthukkudiyirppu, between the A35 highway and Chalai Lagoon, where 350,000 people sought refuge on January 21st 2009. Safe Zone 5 continued to shrink with the military offensive and people continued to escape from a trickle to a torrent by the end of April; on May 19th 2009 Sri Lanka declared a military victory. The number of casualties varied widely, from ten to one hundred thousand.

*Figure 4.12  
Mass internal  
displacements in  
North East Sri  
Lanka, where tens  
of thousands died,  
while others moved  
from place to place  
under random aerial  
bombardment*



The story of the failure by the international community to stop what was happening to the Tamil Nation during the last stages of the conflict has come unravelled, due to conscientious people revealing the real story of what took place during the Sinhala-Tamil conflict in the North East of Sri Lanka. Though human rights organisations such as Amnesty International, Human Rights Watch and the International Crisis Group



*Figure 4.13 An abandoned UN World Food Program vehicle sits amidst the vast devastation in North East Sri Lanka, where Tamils lived and died*

have relentlessly provided valuable information on the ground in Sri Lanka during the military operation, **the international community failed to act.** More information which has come to light from the report by the Panel of Experts appointed by the UN Secretary General, Channel 4 videos, satellite images of the area and evidence of artillery fire have revealed the true story. Alleged war crimes and crimes against humanity in breach of international human rights and humanitarian laws have come to light. **The international community must act to reveal the truth to establish accountability and hopefully to find the best way to bring about reconciliation.**

#### **4.7 New approach to overcome structural impediments**

Sinhala Buddhist hegemony established in the country by the politicians from the time of independence until today is antagonistic to non-Sinhala and non-Buddhist groups, which has led to six long decades of conflict. If there is going to be peaceful and friendly co-existence, Sinhala Buddhist consciousness has to change, and they must accept the multi-ethnic and multi-religious character of Sri Lankan society. This will lead to restoration of rights of the Tamil Nation and other minorities to their legitimate rights.

The attempt to restore legitimate rights vis-a-viz a bilateral agreement through the Indo-Sri Lanka Accord resulted in the 13th Amendment to the Constitution, though it did not meet the aspirations of the Tamil Nation that was thwarted by competing forces within Sinhala political groups undermining each other to appeal to Sinhala Buddhist consciousness. The Cease Fire Agreement signed between the government of Sri Lanka and the LTTE before a settlement could be found, was undermined by Sinhala Buddhist chauvinistic forces by taking the agreement, the Post-Tsunami Operational Management Structure (P-TOMS) to the High Court, which declared the P-TOMS as unconstitutional based on the 1978 constitution. Sri Lanka is currently ruled by Sinhala people who are antagonistic towards non-Sinhala, non-Buddhist groups and the Tamil Nation, which existed as an independent nation, prior to and during colonial rule until Britain in 1833, unified into one administrative unit. Britain integrated Sri Lanka for administrative convenience and the country became a de-facto unitary state at the time of independence, which sowed the seed of current conflict. The willingness

of the Tamil Nation to live as one country was not respected by the Sinhala Buddhist hegemony, but the “Vaddukottai Resolution” seeking the “Right to Self-Determination” in 1976 was approved by 84% of the Tamil Nation at the 1977 General Election. The LTTE and many others fought and died for an ideal, the “Right to Self-Determination”, which is very close to the heart of the Tamil Nation and recognised in the UN Charter.



“One-man one-vote led to the domination of the Sinhalese majority over the minority Tamils who were the active and intelligent fellows who worked hard and got themselves penalised. And English was out. They were educated in English. Sinhalese was in. They got quotas in two universities and now they have become fanatical Tigers. And the country will never be put together again.”<sup>16</sup>

**Lee Kuan Yew, founding father of Singapore.**



“I think when you force a minority to live under a brutal regime; it continues a convulsed state of affairs. And with Sri Lanka in particular, with which I’m familiar, we’ve had almost 50 years of oppression of a Tamil minority at the hands of a Sinhalese majority.”<sup>17</sup>

**Bruce Fein, Attorney & Chairman of the American Freedom Agenda**



“I think the Tamils have a de jure State: they have the right to self-determination, the Tamil lands are those lands attached to that right, they are present in their land and they have a Tamil civil administration governing it. This is a de jure State. The Tamil people, of course, also have a de jure right to the Tamil lands under control of the government, but they are not now in control of them.”<sup>18</sup>

**JD Karen Parker, chief delegate for IED Humanitarian Law Project**



“It was not easy,” said the first elected and internationally recognised postwar Prime Minister of Kosovo, adding “we will show solidarity and support for your struggle.”<sup>19</sup>

**Dr Bajram Rexhepi, first Prime Minister of Kosovo and current Mayor of Mitrovica**



Statement to the House of Commons: At present, the Sri Lankan government is engaged in a war without witness in the north of the country. Civilians have fled the terror ... are afraid of what awaits them at the hands of the government and unsure whether they will ever be allowed home ... given assurances by the Sri Lankan government that they had nothing to hide... We responded that ... the Sri Lankan government ... to work with the international community...<sup>20</sup>

**Foreign Secretary, David Miliband, on April 30th 2009, Hansard, British Parliament**



The last of the colonial powers, Britain, reposed faith in the majority Sinhala Buddhist community of Sri Lanka, and believed that the majority Sinhala Nation would accept the minority Tamil Nation as equal partners to bring prosperity to the country by sharing power with each other, but this was not met. Instead, the Sinhala community has pursued a policy of Sinhala Buddhist hegemony; groups of Sinhala Buddhists have competed with each other to convince the Sinhala people that one is more hegemonic than the other. This view does not augur well in finding a peaceful resolution to the conflict in Sri Lanka. This book presents the facts; Britain, which brought two independent nations together, living separately for many centuries, has a moral responsibility to promote an alternate approach. The international community passed a Resolution at the 19th session of the UNHRC on March 22nd 2012 and March 21st 2013 with preambles: *“Reaffirming the purposes and principles of the Charter of the United Nations and Guided by the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant instruments”*.<sup>21</sup> The international community has to implement their undertaking to arrive at a resolution to the conflict in Sri Lanka, which started with the proclamation of a unitary constitution by Britain in 1948, which was not deemed suitable for a multi-ethnic, multilingual and multi-religious country.

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<sup>1</sup>UTHR (J) Chapter 8 – Colonisation – Issues & Non-Issues <http://www.uthr.org/Reports/Report7/chapter8.htm>

<sup>2</sup>JR Jeyawardene, Sinhala Opposition Leader, reported in Sri Lanka Tribune, 30 August 1957, <http://tamilnation.co/selfdetermination/tamileelam/9309satyendra.htm>

<sup>3</sup>Wimala Kannangara, Minister for Rural Development, in Sri Lanka’s Parliament, July 1981 <http://tamilnation.co/selfdetermination/tamileelam/9309satyendra.htm>

<sup>4</sup>Horror of a pogrom: Remembering “Black July” 1983, <http://dbsjeyaraj.com/dbsj/archives/1545>

<sup>5</sup>British Tamils Forum, The Unspeakable TRUTH <http://tamilsforum.co.uk/resources/publications-2/publications/>

<sup>6</sup>President DB Wijetunga’s Tamil bashing <http://tamilnation.co/saty/9407dbwijetunge.htm>

<sup>7</sup>Feature: Historical roots and contemporary causes of conflict in Sri Lanka <http://pact.lk/feature-historical-roots-contemporary-causes-and-contributory-factors-of-co>

<sup>8</sup>President Rajapaksa Rules out Autonomy for Tamils as Political ... <http://dbsjeyaraj.com/dbsj/archives/15872>

<sup>9</sup>Tamil Eelam Struggle for Freedom <http://tamilnation.co/tamileelam/texts.htm>

<sup>10</sup>Timeline: November 2008 to June 2009 [http://new.sangam.org/2011/12/Timeline\\_Spring2009.php](http://new.sangam.org/2011/12/Timeline_Spring2009.php)

<sup>11</sup>Joint statement by UN secretary general and President of Sri Lanka <http://www.un.org/News/Press/docs/2009/sg2151.doc.htm>

<sup>12</sup>UNHRC 19th Session, Resolution on Sri Lanka, 22 March 2012 [http://www.sangam.org/2012/03/UNHRC\\_Resolution.php](http://www.sangam.org/2012/03/UNHRC_Resolution.php)

<sup>13</sup>UNHRC 22nd Session, Resolution on Sri Lanka, 21 March 2013 [http://sangam.org/wp-content/uploads/2013/03/UNHRC-Resolution-22-L-1-Rev-1\\_English-March-21-2013.pdf](http://sangam.org/wp-content/uploads/2013/03/UNHRC-Resolution-22-L-1-Rev-1_English-March-21-2013.pdf)

<sup>14</sup>Refugee Council (UK), Sri Lanka: Return to Uncertainty, July 2002 - <http://www>

refugeecouncil.org.uk/downloads/rc\_reports/srilanka\_uncertainty.pdf <http://www.forcedmigration.org/research-resources/expert-guides/sri-lanka/other-resources#sthash.uxWrmwrG.CkWQ6Vj2.dpuf>

<sup>15</sup>EC Conflict Assessment Mission – Sri Lanka

[http://www.operationspaix.net/DATA/DOCUMENT/5961~v~EC\\_Conflict\\_Assessment\\_Mission\\_-\\_Sri\\_Lanka.pdf](http://www.operationspaix.net/DATA/DOCUMENT/5961~v~EC_Conflict_Assessment_Mission_-_Sri_Lanka.pdf)

<sup>16</sup>Mahinda Rajapaksa is a Sinhalese Extremist says Lee Kuan Yew

[http://transcurrents.com/tc/2010/05/mahinda\\_rajapakse\\_is\\_a\\_sinhale.html](http://transcurrents.com/tc/2010/05/mahinda_rajapakse_is_a_sinhale.html)

<sup>17</sup>Bruce Fein, Independence promotes stability : Tamil Eelam

<http://www.youtube.com/watch?v=pcSLO74geMs>

<sup>18</sup>International Law also Applies to the Tamils of Sri Lanka

<http://www.currentconcerns.ch/index.php?id=428>

<sup>19</sup>Dr Bajram Rexhepi speaks at grand finale for Pongku Thamizh in London

<http://www.tamilnet.com/art.html?artid=26338&catid=79>

<sup>20</sup>House of Commons Hansard - Debates for 30 Apr 2009 (pt 0006)

<http://www.publications.parliament.uk/pa/cm200809/cmhansrd/cm090430/debtxt/90430-0006.htm>

<sup>21</sup>Right to self determination <http://www.un.org/en/documents/charter/index.shtml>



## Chapter 5.0

# Inalienable right to self-determination of “all peoples” in Sri Lanka

In the last six decades, the initiatives taken by Tamils in Sri Lanka to convince successive Sinhala regimes that both “The Tamil Nation” and “The Sinhala Nation” (which existed independently prior to the arrival of colonial power) should have equal rights, as recognised in the “*International Bill of Human Rights*,”<sup>1</sup> have failed to achieve their aspirations. Tamils sought their rights as minority in a country artificially formed with a unitary constitution, unsuitable for a multiethnic, multilingual and multireligious country by the United Kingdom, as the last Colonial power at the time of Independence in 1948. Tamils, pursued different forms of agitation, but each subsequent reaction from the Sinhala people and politicians increased in intensity and affected the Tamils depriving their rights. So far all actions pursued by Tamils have failed to meet their aspirations for equality, but every consecutive action Tamils took they lost more of their rights; currently, living under military occupation in their own homeland. The international community has a moral responsibility to enforce all means at their disposal to find a resolution to this long- standing conflict, leading to the recognition of equal rights for “all peoples” in Sri Lanka. In the concluding chapter all possible options available are explored.

## 5.1 Struggle for political rights of the Tamil Nation in Sri Lanka

The Tamils have lived through six decades of oppression and subjugation at different levels in the hands of every post-independence government in Sri Lanka, dominated by an overwhelming majority of Sinhala Buddhists. To regain their lost rights, Tamils had three decades of peaceful struggle, ending in repeated pogroms of increasing intensity,

last one referred to as “Black July 1983”. Pogroms resulted in the death of innocent people, the destruction of properties and plundering of wealth belonging to Tamils, large scale displacement and migration to foreign lands. The displacement changed the demography of the Tamil homeland and when political representation was reduced, desperation and hopelessness of the Tamil Nation led to the proclamation of the “Vaddukottai Resolution” of 1976, claiming the right to self-determination, which was approved by an overwhelming majority of Tamils. Tamil youths were affected and deprived of equal opportunities in education and employment. Finally, disheartened youth, motivated by military struggles in other countries, took up arms to defend their homeland. They succeeded in liberating a substantial part of their Tamil homeland and held it under their military control for a period of time, which stopped repeated pogroms against Tamils for about two decades, perhaps due the apparent strength of Liberation Tigers of Tamil Eelam (LTTE).

The prolonged military conflict between the Sri Lankan armed forces and the LTTE continued for more than two decades, ending in a Cease Fire Agreement (CFA) jointly signed by the Prime Minister of Sri Lanka and the leader of the LTTE in February 2002, under the auspice of the US, the EU and Japan, with Norway facilitating the peace process. The LTTE reached the pinnacle of power<sup>2</sup> in 2001 and controlling a third of the island, most of the Tamil homeland as a non-state player, on behalf of the Tamils with their tacit support and hope that peace is at hand.

Mahinda Rajapaksa came to power in December 2005; it appears on hindsight, with a single vision to further consolidate the Sinhala Buddhist hegemony in the island and he achieved his vision, inadvertently helped by boycott of the Presidential election by Tamils and by the indifference of International community to stop alleged genocide during the final war. He was coaxed by Sinhala chauvinists in his party, supported by other chauvinistic parties in the Parliament and blessed by Sinhala Buddhist clergy; he duped the international community into believing that he was fighting a war against “terrorists” with “zero causality of civilians”, eventually leading to military victory. A cocktail of global events that occurred before and after the CFA led to the current shocking state of the Tamil Nation in Sri Lanka: the deadly terrorist attack on the twin towers in New York (9/11 ☒ 2001); other terrorist attacks on Western capital cities; aversion to terrorism in the international community as a means of liberation; the strategic failure of the Tamil Nation to capitalise and advance the CFA for a political solution. These events distracted the international community, which focused less on the unfolding events in Sri Lanka. The position taken by the international community assisted President Rajapaksa to pursue his

*Peaceful Protest  
-1956 (for Tamils'  
equal rights)*



*Tamils -1961  
(face, military  
force)*



*LTTE Military  
-2001 power (in  
Tamil Eelam)*



*Victorious Army  
☒ 2009 (in Tamil  
Eelam)*



*Figure 5.1 Evolution  
of the struggle in Sri  
Lanka for recognition  
of Tamils' rights*

mission of victory over “terrorists”: to begin with, the CFA was unilaterally abrogated by President Rajapaksa in January 2008; the international community failed to see the reasons behind the LTTE waging a “liberation war” for more than two decades against successive regimes in Sri Lanka, but focusing only on LTTE methods of operation, agreed that LTTE is a “terrorists” organization. President Rajapaksa exploited the West’s aversion to “terrorism” and ordered the evacuation of all foreign organisations from the conflict zone in September 2008 before the final war. The UN, international Red Cross, NGOs and INGOs all evacuated quietly; this stopped the 24/7 news coverage of the military onslaught unleashed against the Tamil Nation and, in particular, the destruction and devastation caused in the North East Sri Lanka. Realisation by the UN and Western leaders, after the tragedy had occurred in the narrow area in the corner of North East Sri Lanka, cannot bring back to life over 100,000 people who perished in the last stages of war. President Rajapaksa’s clever plan to conduct a war without witness did not succeed, because the details of the war have finally come to light. President Rajapaksa, commander-in-chief of the armed forces, and others allegedly committed war crimes and crimes against humanity, tantamount to genocide, as determined by International organisations. International community has a responsibility that justice is done to all victims of the war, irrespective of their ethnic identity and religious identity.

The final war between Sri Lankan armed forces and the LTTE was a mismatch because Sri Lanka was fully backed by China, Russia, Pakistan and Iran; India provided intelligence and strategic support, while the LTTE had no friends because of strategic failure of its methodology. The militarist liberation struggle waged by the LTTE came to a sudden end on May 18th 2009. The consequences of one-sided war are many: according to the submission of the Bishop of Mannar to the LLRC<sup>3</sup>, 146,679 people are missing based on available regional statistics; in addition 282,380 were initially incarcerated. Most of the detainees were released, together with another quarter of a million displaced people before the beginning of the final war, there are more than half a million people displaced in total. At the same time, during the conflict, Sri Lankan government maintained that there was far small number of people living in the conflict zone. Of the half a million displaced people, most of them not have not returned to their original villages or towns or resumed their normal lives, which they had enjoyed before the start of the final conflict. President Rajapaksa is continuing to make progress with his own agenda: the planned colonisation of Tamil homeland including militarisation, Sinhalisation and Buddhistisation, all in breach of the International Bill of Human Rights. The UN Secretary General’s Internal Review Panel’s report on the UN actions in Sri Lanka<sup>4</sup>, released in November 2012 has pointed out “the failure of the UN and dereliction of its duty during the military conflict in Sri Lanka”, which makes the case for global scrutiny, more urgent. **Should the UN Secretary General act now to determine who is responsible for these killings and the destruction in Sri Lanka that occurred supposedly under the UN’s watch, so that justice can be done to ALL the victims?**

## 5.2 The United Nation and Sri Lanka fail to enforce a path to reconciliation

Following the end of the war, the international media and other sources brought to light the atrocities committed during the military conflict between Sinhala and Tamil Nations – tantamount to genocide. Prior to the end of conflict and due to concern expressed by Western nations, the President of Sri Lanka and the United Nations Secretary General (UNSG) met in Colombo, Sri Lanka. Both jointly issued a statement on March 23rd 2009, which “**underlined the importance of an accountability process**” and furthermore, the Sri Lankan government agreed that it would “**take measures to address those grievances**” of the Tamil Nation. After a prolonged delay of over a year, the UNSG appointed a Panel of Experts (PoE) on June 22nd 2010: Mr Marzuki Darusman (Indonesia) as Chair; Mr Steven Ratner (United States) and Ms Yasmin Sooka (South Africa), as members. The Panel formally commenced its work on September 16th 2010 and was assisted throughout by a secretariat. The Panel’s mandate is to advise the Secretary General regarding the modalities, applicable international standards and comparative experience relevant to an accountability process, with regard to the nature and scope of alleged violations of international humanitarian and human rights law during the final stages of the armed conflict in Sri Lanka. The PoE was denied access and the right to conduct their investigations within Sri Lanka; instead, evidence was collated from outside sources and satellite imagery captured during the war. The PoE<sup>5</sup> handed over their final report to the UNSG on March 31st 2011. The report found credible allegations, which, if proven, would indicate that a wide range of serious violations of international humanitarian and human rights laws were committed by both parties during the conflict, amounting to war crimes and crimes against humanity. The PoE estimated the number of deaths at 40,000. *Still Counting the Dead*<sup>6</sup> gives an account of estimated casualties and alleged war crimes. Other reports put the number of deaths at about 100,000 during the final stages of the war; this number seems plausible. Almost four years since the end of the conflict, the rights of the Tamil Nation have continually been denied, while the world watches on.

Following the setting up of PoE, the Sri Lankan president appointed the Lesson Learnt and Reconciliation Commission (LLRC) in May 2010. The LLRC was given a brief to find: facts and circumstances for the failure of the CFA, covering the period from the signing of the CFA on February 21st 2002 to the end of military conflict on May 18th 2009; individual, group or institutional responsibility; methodology to award restitution to the victims or dependents; and finally, methodology to stop the recurrence of these events. The LLRC findings were based on 950 public appearances and nearly 5,000 written submissions; the LLRC report was released in mid-December 2011, after a long delay.<sup>7</sup>

In general, the findings by the PoE and the LLRC were not corroborative because both were looking at different aspects of the conflict, but with regard to military

confrontation, the LLRC depended solely on one side, that is, the Sri Lankan armed forces for evidence, making the evidence gathering process a suspect. The LLRC report claimed that 5,556 died in action and 28,414 were wounded; the LTTE had lost 22,247 in action, of which 11,812 had been identified. **Notably there are no figures for injured LTTE cadres or civilians killed in the conflict, giving the impression that the LLRC maintained President Rajapaksa's call that the war was won with "zero civilian casualty"**, which cast further doubts on the integrity of LLRC process. The PoE was highly critical of LLRC procedures and was of the view that the LLRC was "deeply flawed" and did not meet international standards of independence and impartiality due to "deep-seated conflicts of interest" among its members. The mandate of the LLRC, its work and its methodology meant it was incapable of investigating the serious violations of international humanitarian and human rights laws or examining the root causes of the civil war. The PoE concluded that the LLRC could not satisfy the commitment on accountability given by President Rajapaksa to Mr Ban Ki-moon, UN Secretary General. It can be said that with contradictory conclusions from the two bodies means that **the primary purpose of promoting reconciliation between the two nations, as initiated by the UN Secretary General and President of Sri Lanka, has failed to materialise.**

### 5.3 Intervention at United Nation Human Rights Council (UNHRC)

Mr Ban Ki-moon, the UN Secretary General said that the Universal Periodic Review (UPR) "has great potential to promote and protect human rights in the darkest corners of the world." UPR was a process set up through the UN General Assembly Resolution 60/252, which established the UNHRC with 47 members, elected for a three year term, contributed by five regions: African (13), Asian (12); Latin American & Caribbean (8); Western European and other States (8) and Eastern European (5); the human rights record of all UN members is reviewed on a four-year cycle; the first cycle began in 2008. The review of each country is conducted by a troika of three states appointed by the UNHRC and, at the session, UN members are entitled to make individual presentations on the country being reviewed.

The first UPR cycle<sup>8</sup> of Sri Lanka's human rights records took place at the 2nd session in November 2008, in the midst of the final battle between the Sri Lankan armed forces and the LTTE; in all, 39 countries submitted 95 recommendations. Sri Lanka of all recommendations accepted 55, rejected 25 and said it will consider the others voluntarily. The second UPR cycle<sup>9</sup> commenced at the 14th session in November 2012; this was exactly three and a half years after the conflict ended abruptly, with military victory to Sri Lanka armed forces. During this period, **investigative journalism and documentary photographic evidence concluded that war crimes, crimes against humanity and genocide of Tamils had occurred during the conflict.** This explains why there were many more submissions: 99 countries (compared to 39 in 2008), 29 NGOs and INGOs, and 17 individual submissions. In all, of the 210 concrete recommendations,



Sri Lanka accepted 110. In the short history of the UPR process, no country has ever rejected that many submissions, which constituted almost half the recommendations.

**Some rejected recommendations are:**

1. Accede to the Rome Statute of the International Criminal Court (ICC) and draft a law on cooperation between the State and the Court.
2. Accede to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
3. Sign the International Convention for the Protection of All Persons from Enforced Disappearance.
4. Fully incorporate the Convention on the Elimination of Discrimination against Women into its domestic system.
5. Abolish the death penalty.
6. Adopt the draft bill on witness and victim protection.
7. Adopt legislation on appointments that would ensure the independence of the Human Rights Commission.
8. Fully implement the recommendations of the LLRC, in particular, steps to ensure independent and effective investigations into all allegations of serious human rights violations, in the context of Sri Lanka's civil war and its aftermath.
9. USA sought removal of the military from civilian functions, creation of mechanisms to address cases of the missing and detained, issue of death certificates, land reform; devolution of power; and disarming paramilitaries
10. Expedite implementation of reconciliation measures in the North. This would include removing oversight of humanitarian and NGO activities from the purview of Ministry of Defense to a civilian body, reducing the intrusiveness of military presence on civilian life in the North, and setting a specific date for free and fair Northern Provincial Council elections.
11. Adopt a national policy to provide human rights defenders with protection and ensure investigation and punishment of threats or attacks against them.
12. Fully cooperate with United Nations Human Rights mechanisms to create a reliable investigation commission consisting of professional and independent investigators to identify arrest and prosecute the perpetrators of the Muttur murders.
13. Publish the names and places of detention of all the imprisoned persons.
14. Take action to reduce and eliminate all cases of abuse, torture or mistreatment by police and security forces.
15. End impunity for human rights violations and fulfill legal obligations regarding accountability.
16. Strengthen judicial independence by ending government interference with the judicial process, protecting members of the judiciary from attacks, and restoring a fair, independent and transparent mechanism.

17. Grant due process rights to all detainees held in both military and police facilities, including those held in administrative detention; disclose all unofficial detention sites; and facilitate effective and independent monitoring of detainees.
18. Allow the International Committee of the Red Cross unrestricted access to detention centres.
19. Undertake measures that would allow citizens to have access to public information, in particular, on alleged violations of human rights.
20. Ensure that all human rights defenders, including individuals cooperating with UN HR mechanisms, are protected effectively from unjustified criminalization, harassment or intimidation and can perform freely their legitimate duties.

For the first time in seven decades of struggle to regain lost rights for the Tamil Nation in Sri Lanka, international intervention took place through a UNHRC resolution<sup>10</sup>, immediately after the conflict ended; Resolution “S-11/1 Assistance to Sri Lanka in the promotion and protection of human rights” was passed at the UNHRC special session on May 27th 2009. In all, 29 countries voted for the resolution, mostly made up of African, Asian and Latin American countries, 12 voted against, made up of European countries, and 6 abstained. Unfortunately, the resolution failed to address the critical issues of human rights violation and what really happened; the resolution was mainly due to the GoSL conducting a war without witness. The second resolution (A/HRC/19/L.2)<sup>11</sup> was initiated by the USA at the 19th session of the UNHRC on 22nd March 2012 after the PoE and LLRC reports were released, though the LLRC report was condemned outright by many human rights organisations, the media and others, there were a few good points on human rights issues. The resolution can only be considered as exploratory to determine the level of commitment the GoSL has towards reconciliation and accountability; the resolution was further diluted by India but finally adopted and voting is:

**In favour (24):** Austria, Belgium, Benin, Cameroon, Chile, Costa Rica, Czech Republic, Guatemala, Hungary, India, Italy, Libya, Mauritius, Mexico, Nigeria, Norway, Peru, Poland, Republic of Moldova, Romania, Spain, Switzerland, United States and Uruguay.

**Against (15):** Bangladesh, China, Congo, Cuba, Ecuador, Indonesia, Kuwait, Maldives, Mauritania, Philippines, Qatar, Russian Federation, Saudi Arabia, Thailand and Uganda.

**Abstentions (8):** Angola, Botswana, Burkina Faso, Djibouti, Jordan, Kyrgyzstan, Malaysia and Senegal.

The UNHRC, which is responsible for strengthening, promoting and protecting human rights and addressing human rights violations, called upon the GoSL to implement the recommendations made in the LLRC report and to present “as expeditiously as

possible” a comprehensive action plan detailing the steps it has taken and will take toward that end; to address alleged violations of international law; and to take ‘credible’ steps to ensure accountability for alleged war crimes. Additional information about alleged war crimes and crimes against were published. The UK’s Channel 4<sup>12</sup> video gave glimpses of what really happened during the conflict, which touched the conscience of many in attendance; the world woke up to the atrocities inflicted on innocent Tamils and clamoured for independent investigations to determine the truth.

The GoSL having failed once again to implement the resolutions passed at the 19th UNHRC session on 22nd March 2012 and the USA introduced at the 22nd UNHRC session on 19th March 2013 (A/HRC/22/L.1/Rev.1)<sup>13</sup> another resolution was presented, co-sponsored by 40 other countries, the result of the vote is:

**In favour (25):** Argentina, Austria, Benin, Brazil, Chile, Costa Rica, Côte d’Ivoire, Czech Republic, Estonia, Germany, Guatemala, India, Ireland, Italy, Libya, Montenegro, Peru, Poland, Republic of Korea, Republic of Moldova, Romania, Sierra Leone, Spain, Switzerland and United States.

**Against (13):** Congo, Ecuador, Indonesia, Kuwait, Maldives, Mauritania, Pakistan, Philippines, Qatar, Thailand, Uganda, United Arab Emirates and Venezuela.

**Abstentions (8):** Angola, Botswana, Burkina Faso, Ethiopia, Japan, Kazakhstan, Kenya and Malaysia.

At the press conference<sup>14</sup>, a US State Department spokeswoman said international action will be pursued, if GoSL fails to honour the undertaking within a specified timeframe given in the resolution. Failure of Government of Sri Lanka to implement the resolutions passed at the 19th and 22nd sessions and as part of the previous resolutions Ms Navi Pillay, High Commissioner for Human Rights, visited Sri Lanka, in the last week of August 2013. She visited the North East Sri Lanka, met up with people who were affected by the conflict, civil society and political leaders from the North and the South; Ms Pillay submitted her report at the 25th session of UNHRC. The report was welcomed by United Nation Secretary General Mr Ban Ki-Moon and he said “High Commissioner Pillay has been a fearless defender of the most vulnerable”<sup>15</sup> this is in contrast to derogatory view held by GoSL.

On 27 March 2014 at the 25th session of UNHRC a resolution (A/HRC/25/L.1)<sup>16</sup> a strong one was introduced, true to the words of US State Department spokeswoman at end of 22nd session. The UK fully extended its support, after the statement made by the Prime Minister David Cameron of the UK at the Commonwealth Head of Government meeting in Sri Lanka; in which he said if Sri Lanka failed to implement the UNHRC resolutions, the UK will initiate an independent inquiry mechanism at the 25th session of UNHRC. The UNHRC 25th session was sponsored by 42 countries

who are members of the United Nations. The key emphasis of the resolution is: “the Council requests the Office of the High Commissioner to undertake a comprehensive investigation into alleged serious violations and abuses of human rights and related crimes by both parties in Sri Lanka during the period covered by the Lessons Learnt and Reconciliation Commission, and to establish the facts and circumstances of such alleged violations and of the crimes perpetrated with a view to avoiding impunity and ensuring accountability, with assistance from relevant experts and special procedures mandate holders. The resolution also requests the High Commissioner to present an oral update to the Council at its twenty-seventh session, and a comprehensive report followed by a discussion on the implementation of the present resolution at its twenty-eighth session. The Council reiterates its call upon the GoSL to implement effectively the constructive recommendations made in the report of the Lessons Learnt and Reconciliation Commission; and calls upon the GoSL to release publicly the results of its investigations into alleged violations by security forces, including the attack on unarmed protesters in Weliveriya on 1 August 2013, and the report of 2013 by the court of inquiry of the Sri Lanka Army” (the full UNHRC resolution at 25th session is given in Appendix 2). The result of the voting is as follows:

**In favour (23):** Argentina, Austria, Benin, Botswana, Brazil, Chile, Costa Rica, Côte d’Ivoire, Czech Republic, Estonia, France, Germany, Ireland, Italy, Mexico, Montenegro, Peru, Republic of Korea, Romania, Sierra Leone, The former Yugoslav Republic of Macedonia, United Kingdom, and United States of America.

**Against (12):** Algeria, China, Congo, Cuba, Kenya, Maldives, Pakistan, Russian Federation, Saudi Arabia, United Arab Emirates, Venezuela and Viet Nam.

**Abstentions (12):** Burkina Faso, Ethiopia, Gabon, India, Indonesia, Japan, Kazakhstan, Kuwait, Morocco, Namibia, Philippines, and South Africa.

Government of Sri Lanka through External Affairs Minister G L Peiris<sup>17</sup> in defiance of the UNHRC resolution has briefed Colombo-based diplomats; outlining Sri Lanka’s position with respect to the US-sponsored resolution passed at the UNHRC 25th session in Geneva on 27th March 2014. At the meeting on Wednesday, **he asserted that the current Government would neither accept nor cooperate with the OHCHR** (Office of the High Commissioner for Human Rights) in any investigation. As a first step of defiance and a negative reaction by GoSL to the resolution at UNHRC 25th session and taking note of the role played by Tamil Diaspora in promotion of this resolution, Sri Lanka declared 16 entities sponsored by Tamil Diaspora and 424 Tamil Diaspora as “persona non grata” by a Gazette notification by Defence Secretary of Sri Lanka<sup>18</sup> on March 31, 2014, saying the organizations are identified on documents retrieved from war grounds after the end of the conflict. This defiant act clearly demonstrates that GoSL does not care very much about bringing everyone together to build a prosperous and thriving democracy in Sri Lanka, where everyone will enjoy

equality. Some of the entities were formed after the end of conflict in May 2009 and have nothing to do with the final stages of the military conflict, beside these entities function openly in a democratic way and available for public scrutiny. Many countries and international organizations criticised the vindictive position taken by GoSL against Tamil Diaspora and given assurance to the listed entities that the foreign governments are not listing them as “terrorists” organization and they are allowed to operate, freely and independently. Continued ignoring of International call by GoSL does not give much hope to find a amicable resolution to the conflict?

The last three consecutive resolutions at the 19th, 22nd and 25th sessions of UNHRC, which every time increased in emphasis and the last one called for an Independent Commission of Inquiry, Tamil Diaspora has been clamouring for since the end of the conflict in 18 May 2009. The resolution passed at the 25th session of UNHRC, gives a mandate to OHCHR *“To undertake a comprehensive investigation into alleged serious violations and abuses of human rights and related crimes by both parties in Sri Lanka during the period covered by the Lessons Learnt and Reconciliation Commission, and to establish the facts and circumstances of such alleged violations and of the crimes perpetrated with a view to avoiding impunity and ensuring accountability, with assistance from relevant experts and special procedures mandate holders.”* The resolution also requests the High Commissioner to present an oral update to the Council at its 27th session, and a comprehensive report followed by a discussion on the implementation of the present resolution at its 28th session. This resolution is achieved with support of Tamil Diaspora, International Human Rights Organizations and friendly countries working for justice to the victims of the conflict in Sri Lanka. The negative reaction of the current regime of Sri Lanka and refusal to cooperate with OHCHR show the peaceful battle will continue.

## 5.4 Tamil diaspora – a way to support the Tamil Nation in Sri Lanka

Repeated pogroms against the Tamil Nation in Sri Lanka, projection of the island as a Sinhala Buddhist country, denial of basic human rights recognised under the “International Human Rights Bill” and lack of economic opportunity forced about a million Tamils from Sri Lanka to seek new homes in Western nations. The migration of Tamils, deprivation of economic activities and denial of human rights has resulted in a weakened Tamil Nation in Sri Lanka. A significant number of Tamils from Sri Lanka and Tamil Nadu have also settled in Malaysia, Mauritius and South Africa, encouraged by the British during their colonial occupation of these countries. Tamils have been living in these countries for generations, before recent migration started from Sri Lanka to Western democratic nations, there is unity in purpose to support the Tamils in Sri Lanka, but there are stumbling blocks put by the current regime.

The signing of CFA in 2002 gave Eelam Tamils more space to use democratic processes to agitate for their rights in the Tamil homeland. “Pongu Thamizh” or “Tamil



Resurgence”, gained momentum every year from 2001 to 2006, which was replicated in foreign lands and continues in some countries. In Tamil Eelam, Tamil resurgence took place in each and every town; people participated in their thousands, showing greater commitment to freedom.

*Tamil resurgence (Pongu Thamizh) creates international awareness*



*Trincomalee, 2005*



*Oslo, 2005*



*Sydney, 2005*



*Paris, 2006*



*Toronto, 2011*



*Geneva 2011*



*Jaffna, 2003*



*London, 2008*

*Figure 5.2  
Worldwide  
demonstrations for  
the recognition of  
the Tamil Nation  
in Sri Lanka,  
bottom two show  
large uprising*

The global Tamil diaspora has supported the Tamil resurgence movement and the pictorial evidence of Tamil resurgence is given above. President Rajapaksa, assuming power in December 2005, and his brother, a resident of the USA, who became the Defence Secretary, turned the pursuit of peace by democratic acts into a futile effort in Sri Lanka. Furthermore, unilateral abrogation of the CFA in February 2008 worsened the situation for the Tamil Nation, and Tamil resurgence came to a sudden halt in Tamil Eelam, but this resurgence has continued in Western countries. The demonstration held in foreign capitals given in Figure 5.3 shows that Tamil Diaspora is with Tamils in Sri Lanka and willing to fight for their rights, irrespective of the position taken by the current regime which is overlooking the valuable support from Tamil Diaspora that can bring contributions to advancement of the peoples in Sri Lanka.

The term “Diaspora” originally referred to dispersed Jews; after thousands of years the Jewish Diaspora succeeded in persuading the international community to establish a

Jewish homeland, while continuing to support their people in Israel, irrespective of where they had set up their own homes. Diaspora is now used by other dispersed nations. The Tamil Diaspora widely supported the liberation of the Tamil homeland by militarist means, as there were no other promising options offered, either by Sinhala Buddhists or the international community. **Tamil Diaspora has a greater role in the future, that is to influence the government of countries where Tamil Diaspora lives to enforce the rule of law in Sri Lanka and support the delivery of Tamils' rights in the Tamil homeland which the Tamil Diaspora abandoned many years ago.**

The military approach pursued by the Rajapaksa regime after unilateral abrogation of CFA and the international community's failure to recognize what was happening in Sri Lanka in the final stages of military conflict, resulted in large scale destruction of infrastructures, prevented economic activities in the Tamil homeland, maimed and killed tens of thousands of people, displaced hundreds of thousands and forced many to leave their homeland as migrants to foreign countries. To reverse the process, the Tamil Diaspora, Indian Tamils and Tamils from other countries, including Malaysia, South Africa, Mauritius and Singapore have united to garner the support of the wider community, in each and every country where the Tamil diaspora is living. Eelam Tamils' misfortune was brought about by the failure to understand the changing geopolitical situation and adopt a strategy to suit the changing times, which brought the Tamil Nation in Sri Lanka to a very weak position. Hopefully, Tamils will learn lessons from the past and move forward to achieve their goal; the Tamil diaspora has a greater responsibility as the clock is ticking against the survival of the Tamil Nation in Sri Lanka, where Sinhala Buddhism is put at the pedestal and other minority groups rights are continually denied.

### 5.5 Sri Lanka's masquerade in the form of the LLRC

The report presented by the LLRC was flawed from the start; the composition of this commission of eight people did not effectively represent Eelam Tamils, who were the victims. Many commission members cannot claim true independence, as they were linked to the current government in one way or another. For example, the Chairman of the Commission was the former Attorney General – the chief law officer of the current GoSL. Another member was part of the UN ad hoc committee on Measures to Eliminate International Terrorism; what is to be noted here is that the Sri Lankan government continued to brand all Tamil activists as either “LTTE terrorists” or “LTTE rump”. If this is the case, where is the independence? A third committee member served as Sri Lanka's Permanent Representative to the United Nations during the final stages of the war. Another member was the first legal advisor to the Ministry of Foreign Affairs and then international legal affairs advisor to the same Ministry. **The composition of the LLRC commission casts doubts in the minds of many about the unbiased nature of this LLRC report.**

The report of UN Panel of Experts, published on March 31st 2011 and the LLRC report was released on December 16th 2011, LLRC having had nine months to address the finding of PoE had failed to address the PoE findings. Whereas the PoE expressed their critical views on the LLRC report: the procedures followed the findings and noted that LLRC failed to meet the International standard in such investigations. **The findings and the process reiterate the need for an independent international inquiry into war crimes and crimes against humanity committed in Sri Lanka by both parties to the conflict.** The international community should think again about the credibility of these findings and yet continue to call for implementation of this flawed LLRC report. Notably, the LLRC was set up due to considerable pressure from the international community; the history of past regimes in Sri Lanka, starting from independence in 1948, show even this flawed report will not be implemented.

From the beginning international human rights groups were sceptical of a domestic investigation. The simple and logical reason was that previous presidential commissions on many other issues did not bear any positive outcomes for the victims. Also, in all, the LLRC made only 17 days of field visits and just 6 days to the war theatre in Vanni out of nearly 18 months. How could the LLRC possibly produce a truthful and credible report?

The commission lacked a victim-centric approach, instead from the outset it was housed in Colombo. The LLRC lacked gender sensitivity and a victim centered approach, as there was no emotional or psychological recourse to victims' giving testimony. Young women and children constituted 80 per cent of the victims, whereas the eight-member team had only one older woman. There was an absolute lack of transparency, as nobody knew what the commission was working on and there was no mandate for a grievance redress mechanism to the commission.

There was no witness security; witnesses had to go back and live with the perpetrators of the crime – the Sri Lankan armed forces – which had taken over 40 per cent of land belonging to the Tamils, which also means that cultivation and other livelihood activities are affected.

**The members do not dare to make an attempt to mention exact or approximate numbers of civilians killed, missing or unaccounted for, which speaks for itself.** The continuation of high security zones comes at a high human cost. In Jaffna peninsula alone there are more than 60,000 Tamils who are homeless. Restrictions on fishing and cultivation continue in the high security zones that are everywhere. Outside these zones fishermen need to follow lengthy approval process from officials for themselves and their boats to start fishing.

The PoE report noted that rape and sexual violence toward Tamil women occurred in the final stages of the war and its aftermath. Many cases went unreported as a result of

cultural sensitivity and cultural stigma. Much video evidence depicted naked bodies of dead women, allegedly LTTE fighters; evidence has also emerged that a large number of non-combatant women and girls were victims. Also with large numbers of single women households, many have become victims of sexual harassment and assault, even today. There were also reports from international agencies, working in camps, quoting instances of rape in the IDP camps. The military had warned the IDPs not to report these cases and the LLRC did not respond to these charges either, overall LLRC report was to masquerade the truth, but failed.

**Although the war ended more than 2 years ago, when the LLRC report was released, the LLRC did not make any comment on the draconian *Prevention of Terrorism Act* which continues to be used even today.** The commission speaks of individual excesses by state forces but does not speak of institutional violence perpetrated by the state during the war. It does not answer to questions raised by human rights groups regarding: the expulsion of INGOs and NGOs from the war zones in September 2008; the ban on private and independent media covering the war; the white van abductions of anti-war activists across the island; the killing of independent journalist across the island; **the recruitment of child soldiers** by pro-government paramilitary groups; torture; **the future of 90,000 war widows from the North and the East**; the disruption of education of children; the fate of orphans; the incarceration of 282,000 Tamils in the Manik Farm camps for more than a year; and the restriction of Tamil movement. The LLRC failed to explain the economic embargo on Tamil areas from the end of 2007; the starvation of civilians from June 2008; the continuous aerial bombings on civilian targets; using food, water and medicine as weapons of war; the shoddy resettlement of Tamils; the state of Tamil refugees around the world; and many other issues. Also, **the LLRC does not speak of the economic losses sustained by the Tamils during the course of the war.** The only positive outcome is the recommendation to demilitarise the North and the East and to dismantle paramilitary groups. To date no progress is reported, instead the armed forces are continuing to take possession of the private land of people and only a limited number has been released.

The PoE report very clearly states that time and again UN offices, hubs and even relief distribution centres were relentlessly attacked, and questioned why the UN did not bring it to the notice of the world, or warn the Sri Lankan forces who deliberately bombed UN establishments. The satellite photographs of the UN SAT are there as hard evidence, which the LLRC cannot refute. It is here that there can be no substitute for a professional international inquiry that satisfies the aspirations of the Tamils, without which there cannot be accountability, reconciliation and recognition of the rights of Tamils for a lasting peace between the peoples in Sri Lanka.



## 5.6 International verdict on war without witness in North East Sri Lanka

After the conflict ended on 18th May 2009, numerous reports and videos were made public by: international human rights organisations, the international media, videos taken by the people in the war zone, and in some cases military personnel's videos taken with their mobile phones and also private satellite imagery. Sri Lanka's attempt to conduct the war without witnesses, by evacuating UN personnel, INGOs and NGOs, preventing 24/7 media coverage miserably failed, except during the war International community was kept in dark, which served the objectives of GoSL to cause vast devastation to Tamils, underestimation the number of Tamils in the conflict zone. The evidence which emerged from different sources made the international community to put pressure on the UN Secretary General to investigate the circumstances and allegations of war crimes and crimes against humanity, against both combatants. The first body to act was the Permanent People's Tribunal, an International body.

A) **The Permanent People's Tribunal (PPT)**, founded in June 1979 and based in Bologna, Italy has a broad spectrum of legal experts, writers, and other cultural and community leaders (including five Nobel Prize laureates) from 31 countries to investigate human rights violations anywhere in the world. The request to conduct a Peoples' Tribunal came from the Irish Forum for Peace in Sri Lanka, in a letter dated November 19th 2009. The PPT<sup>19</sup> heard the harrowing evidence, including video footage submitted by eye witnesses of the use of heavy artillery and phosphorous munitions, and of the continuous violation of human rights by military activity to a panel of 10 international jurors over two days (January 14th to 16th 2010) at Trinity College, Dublin. Number of witnesses from different countries and organisations made presentations and released material to the Tribunal, but eyewitness reports were given "in camera to safeguard witnesses security". The Tribunal Chairman, Francois Houtart, presented the following four preliminary findings:

- That the Sri Lankan Government is guilty of war crimes
- That the Sri Lankan Government is guilty of crimes against humanity
- That the charge of genocide requires further investigation
- That the international community, particularly the UK and USA, share responsibility for the breakdown of the peace process.

The evidence presented at the first session and additional evidence made available subsequently resulted in **the second PPT Bremen Session<sup>20</sup>** which was held from 7th to 10th December 2013. The key conclusion made was: "**On the strength of the evidence presented**", the Tribunal reached the consensus ruling that "**the state of Sri Lanka is guilty of the crime of genocide against Eelam Tamils and that the consequences of the genocide continue to the present day with ongoing acts of genocide against Eelam Tamils.**" This is the first time an International group has recognized "Eelam Tamils"



as a Nation, the International community should take into effect the historical rights of Tamils in pursuing accountability, justice for the victims and reconciliation between peoples.

**B) The United Nations Secretary General's Panel of Experts (PoE)** was appointed following the outcry from mainly Western countries and human rights organisations; probably the PPT's findings would have put additional pressure on the UNSG to act. On June 22nd 2010 the PoE was appointed and released their findings on March 31st 2011. The evidence collated by the panel revealed a very different story to that projected by GoSL that war was fought against "Tamil terrorists" with "zero casualties"; finding estimated that in the final stages of the war about 40,000 people perished. In the main findings that follow, there are credible allegations against Sri Lankan military and/or GoSL and against the LTTE:

- "Killed civilians through widespread shelling; shelled hospitals and humanitarian objects; denied humanitarian assistance; violated the human rights of civilians and Tamil Tiger combatants; and it violated the human rights of those outside the conflict zone such as the media."
- "If proven, indicate that a wide range of serious violations of international humanitarian law and international human rights law were committed both by the government of Sri Lanka and the LTTE, some of which would amount to war crimes and crimes against humanity"
- "The Tamil Tigers used civilians as a human buffer; killed civilians attempting to escape Tamil Tiger control; used military equipment in the proximity of civilians; forcibly recruited children; used forced labour; and killed civilians using suicide attacks"
- "Demands a serious investigation and the prosecution of those responsible. If the allegations are proved, senior commanders, military and political on both sides are liable for prosecution under international criminal law."

The United Nations failed to determine what happened during the military conflict between the Sri Lankan armed forces and the LTTE in the final stages of the war, with respect to the breach of international human rights and humanitarian laws. This raises a question about the United Nation's operations in Sri Lanka. As a follow-up to this observation and criticisms from human rights organisations, the UN Secretary General, Ban Ki-Moon, appointed an Internal Review Panel headed by Charles Petrie at Assistant Secretary General Level.

**C) The United Nations Secretary General's Internal Review Panel** was appointed to look into UN operations in Sri Lanka, in three parts: i) The lead-up to the final stages 2007/2008; ii) The final stages ☐ August 2008/May 2009, and iii) The aftermath ☐ May 2009 onward. The review panel was highly critical of the failure of UN operations in Sri Lanka during the conflict, and made a number of recommendations to improve UN

operations in the future, and to avoid repeat of atrocities in the future. Looking back on the failure of the UN during the Rwandan genocide of 1994 and the subsequent release of the UN report in 2000, the UN accepted responsibility. At the discussion of the 2000 “Rwandan Genocide” report in the UN Security Council, the phrase “Never Again” was used for the first time “Never Again” had been used since the Holocaust. Failures by the UN are following the Sri Lankan situation like a shadow. **If what happened in 2009 and what continues to happen in Sri Lanka now is “genocide of the Tamil Nation”, it is déjà vu. The international community and the United Nations have a responsibility to stop the cycle of failure by taking serious action against the alleged genocide in Sri Lanka and bringing and end to this sorry saga.**

Report of the UN Secretary General’s Internal Review Panel, which examined UN action in Sri Lanka during the conflict between the Sri Lanka armed forces and the LTTE, found serious failings in the conduct of UN officials and institutions. It concluded: **“There was a continued reluctance along UN country team institutions”** to stand up for the rights of the people they were mandated to assist. **“Some senior staff did not perceive the prevention of killing of civilians as their responsibility”**... **“Agency and department heads at UN headquarters were not instructing them otherwise”**.

Charles Petrie’s report increased the number killed to 70,000 from 40,000 given by PoE report. The report further points out how the UN officials’ omission and commission of their duties unwittingly served the GoSL’s agenda, and thus exacerbated the humanitarian catastrophe, even more so after UN withdrawal in September 2008. The report states: *“Seen together, the failure of the UN to adequately counter the government’s underestimation of population numbers in the Vanni [war zone], the failure to adequately confront the government on its obstructions to humanitarian assistance, the unwillingness of the UN in UNHQ and Colombo to address government responsibility for attacks that were killing civilians, and the tone and content of UN communications with the government on these issues, collectively amounted to a failure by the UN to act within the scope of institutional mandates to meet protection responsibilities”* (p. 27)

The UN Secretary General should be commended for initiating the internal review process and releasing the report, even though the UN was found to be at fault; unfortunately such gestures are wanting from GoSL and has continued to carry out militarisation, Sinhalisation and Buddhistisation of the Tamil homeland in North East Sri Lanka since the military conflict ended in May 2009. The intransigence of GoSL is evident from its avoidance or unwilling to: implement UPR recommendations in 2008 and 2012; and UNHRC resolutions passed at the 19th, 22nd and 25th sessions in 2012, 2013 and 2014 respectively. At the same time GoSL has failed to uphold international human rights law and international humanitarian law, as evident from various reports. **The UN Secretary General, taking into consideration the Review Panel’s conclusion, “that findings and recommendations provide an urgent and compelling platform for action”, should consider other methods at his disposal to address the rights of two**

nations in Sri Lanka. This will go some way towards avoiding the repeat of such tragedy which has occurred in Sri Lanka for over six decades and documented in this book.

## 5.7 Current situation in North East Sri Lanka: numbers never lie

The world has silently watched the murder and mayhem in the North East corner of Sri Lanka, with hardly any action or condemnation of the tactics used by armed forces of Sri Lanka, during the war, which was determined by neutral bodies. The military conflict between the Sri Lankan armed forces and the LTTE was conducted without witness after all INGOs were ordered out of the conflict zone in September 2008. Since the end of the conflict in May 2009 compelling evidence about what happened during the war has emerged, provided by four defining reports. Three reports from UN agencies and one from the Sri Lankan government have been published: the Panel of Experts appointed by the UN Secretary General, the Lesson Learnt and Reconciliation Commission (LLRC) appointed by the President of Sri Lanka, the UN Review panel appointed by the UN Secretary General to examine UN operations during the conflict in Sri Lanka, and the more recent report from the Office of the High Commissioner for Human Rights under the United Nations. Valuable videos and sensitive information on war crimes and crimes against humanity were made available to the media from military personnel of GoSL; videos from the UK's Channel 4 with titles like "Sri Lanka's Killing Fields", the recent one is the "No Fire Zone", a 90 minutes documented evidence, presented by Callum Macrae<sup>21</sup> in a video as possible evidence of genocide in Sri Lanka. International Human Rights groups have published their own investigative report on war crimes in Sri Lanka, one of the recent one was by International Crises Group<sup>22</sup>; Human Right Watch and the Amnesty International have published similar reports and referred too, earlier.

Sri Lankan armed forces emerged victorious, partly supported by the international community. Since this so-called victory, the euphoria of the Sinhala people is being harnessed by President Rajapaksa's regime to remain in power claiming credit for victory, and is well on the way to establishing an authoritarian rule in Sri Lanka, denying basic human rights to the people, in particular, to Tamils. Contrary to the expectation of many in the international community that the end of conflict would promote accountability and reconciliation between the groups, the situation in the North East has deteriorated, as presented by "The Social Architects "(TSA)<sup>23</sup> covering the period from 1987 to 2012, scientifically done, a comprehensive report. At the same time, GoSL claims the situation has improved in North East Sri Lanka, but most of these assertions are misleading. They point, only to the improvement of physical infrastructure, which alone is not a good indicator when it comes to accountability for alleged war crimes and reconciliation between peoples. The development of infrastructure hardly benefits the local economy when it is done by mostly foreign labour, Sinhala workers from the South and armed force personnel from outside the region; people are left with infrastructure which is only a show piece, hardly benefiting the local population. The report presented by TSA

contradicts the claim of GoSL, pointing to: a dearth of psychosocial assistance to victims; thousands who disappeared remain missing. Sinhalisation and Buddhistisation taking place in the guise of development; militarisation depriving the people of resuming their normal livelihood, which they enjoyed prior to the war; and the erosion of the rule of law and human rights in North East Sri Lanka continues.

The TSA produced *The Numbers Never Lie: A Comprehensive Assessment of Sri Lanka's LLRC Progress*, a highly critical document, which provides a detailed look at what GoSL has achieved with respect to implementation of the LLRC, as recommended in the UNHRC resolutions. The TSA researchers surveyed a total of 1,786 households using well-established research practices to heighten the independence of the survey, spread among nine chosen districts, which include all seven from North East Sri Lanka and two from the hill country. In all, 208 GN (Village) divisions were used for this survey and 210 households were disqualified. Random sampling was preferred, due to military presence and fear of interference, snowball sampling was used and the survey was carried out prior to 1987 to June 2012. According to the TSA survey **118,036 people perished from September 2008 to May 2009** as a result of the fighting. This number is close to what other recent reports have revealed.

The report is based on questions asked and answered from participants on almost all crucial areas: disappearance, arbitrary detention, rule of law for political rights, language policy, land, compensation and militarisation, which affect the livelihood of ordinary people. The report reveals that the government continues to fall short of expectations of all, other than the members of GoSL. **The international community should question whether the current practice of continually asking the GoSL to undertake their own investigation will produce any acceptable outcome by international standard. Should this option be abandoned and other options taken up, sooner than later, to avoid future disasters?** Significant changes are urgently needed in order to ensure that the island does not encounter more and worst ethnic strife in the future, as it happening in other parts of the world.

As evidence, selected charts from the survey are provided in four different categories, and in some cases subcategories are given; for example cases, the results from Northern and Eastern provinces in Sri Lanka are differentiated:

- The dead, and those who were arrested, who disappeared or were injured are covered during the period prior to 1987 to June 2012.
- The military and the GoSL interference with civilian activities, give the impression, four years after the end of war, the military is the master; people are enduring this aftermath with no one to speak or complain, because of fear.
- Lands expropriated from the people, mostly by the military, have displaced them from their own land and familiar way of life. Many have not been compensated for losses of property and the way of life.

- Newly built places of worship have been erected in each district in North East Sri Lanka for mostly Buddhists though Hindus, Muslims and Christians are majority in these areas.

**A) Distribution of the dead, injured, arrested and/or missing**

The interesting outcome from the TSA survey has now confirmed with reliable investigation that 118,036 people perished from September 2008 to May 2009,

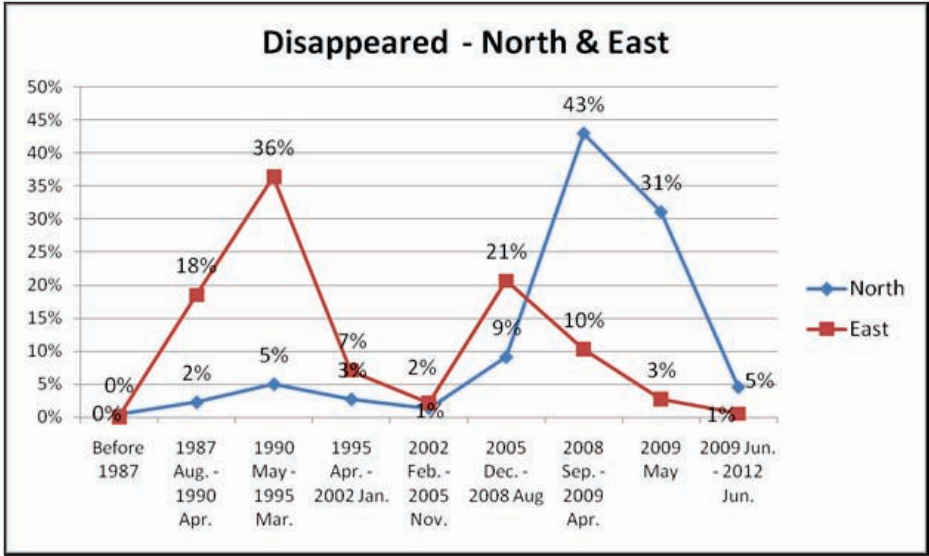


Figure 5.3 People who disappeared from North and East from 1987 to 2012

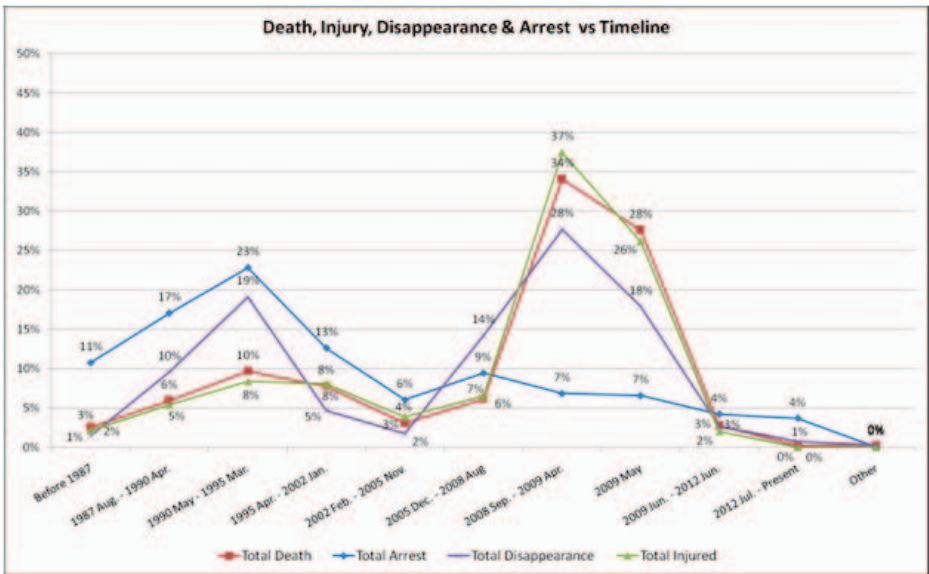


Figure 5.4 Distribution of death, arrest, disappearance and before 1987 to June 2012



as a result of the fighting. This study gives credence to earlier estimates; the UN Panel of Experts (40,000), the later one UN Review Panel of about 70,000 were killed, both but done without visiting Sri Lanka.

The Figures 5.3 and 5.4 given above show the distribution in percentages of people arrested, those who disappeared, who were injured or died. These percentages are based on a final sample of over 1,500. This could be considered a large enough sample to give a realistic picture of what really happened to the people in North East Sri Lanka over the past two decades. Figure 5.3 show the distribution based on provinces and Figure 5.4 shows the aggregate of specific events. The TSA's report is the only authentic and representative document available until an independent commission of inquiry determines otherwise by visiting Sri Lanka? Will it ever happen?

Examination of the above charts shows two peaks one in the period 1987 to 1990 and the other in the period 2006 to 2009. The first period was during Indian Peace Keeping operations and the other period is during President Mahinda Rajapaksa's war with "zero casualty". The figures for both periods contradict the claim made by GoSL. There is a notable difference in figure 5.3, where the data for both provinces are given separately; the peak for the Eastern province within the period (2006 to 2009) has shifted to the left because military operations in the Eastern province took place from 2006 to 2007, highlighting these well-known facts, now proved by the TSA study.

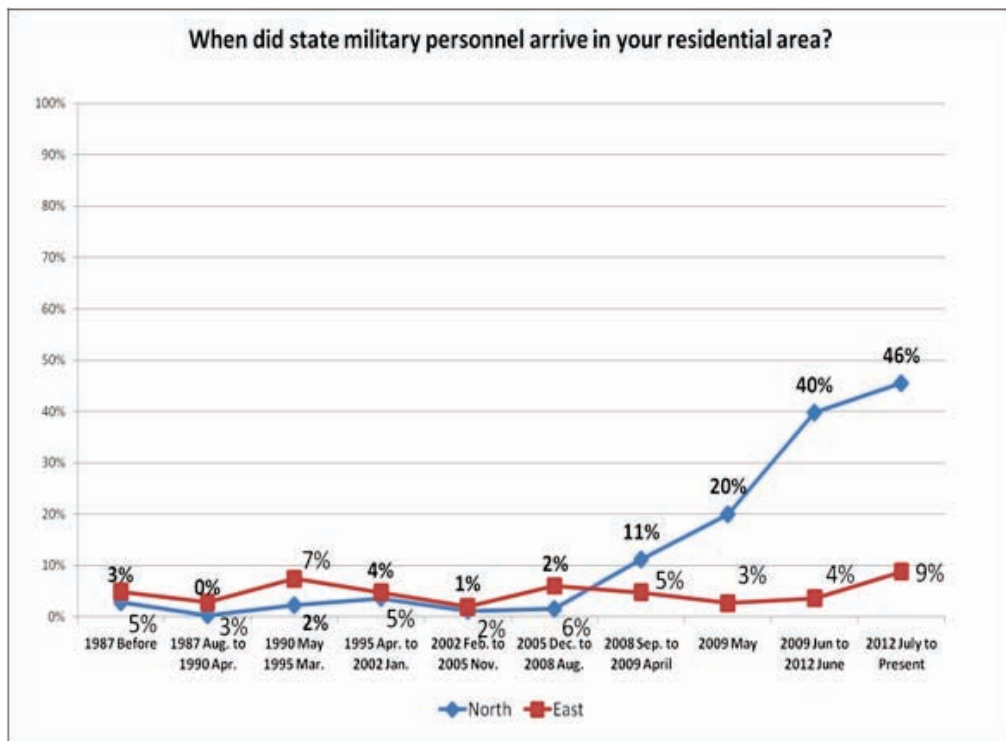


Figure 5.5 Increased presence of military in both provinces over two decades

## B) Military & Government interference with civilian activities

The Unified North East Provincial Council was formed under the Indo-Lanka Agreement jointly signed by the Indian Prime Minister, Rajiv Gandhi, and the Sri Lankan President in 1987 and it was divided into two councils by the order of the Sri Lankan Supreme Court. President Mahinda Rajapaksa, instead of taking remedial action, used the opportunity to declare a war on the LTTE in 2006. Figure 5.5 above shows the increased military presence in both provinces, but this presence is much higher in the North. After the war, instead of demilitarising North East Sri Lanka, as recommended by LLRC, the military began to engage in activities previously carried out by civilians, and militarisation of civilian activities continue.

Figure 5.6 below show that military participation in civilian activities given in percentages: medical (21%), health awareness activities (32%), education (10%), registration of documents (52%) and community social work (57%). Figure 5.7 the distribution between both provinces. Figures show the day-to-day life of Tamil people is under the military control of and military deprives employment opportunities for Tamil civilian workers.

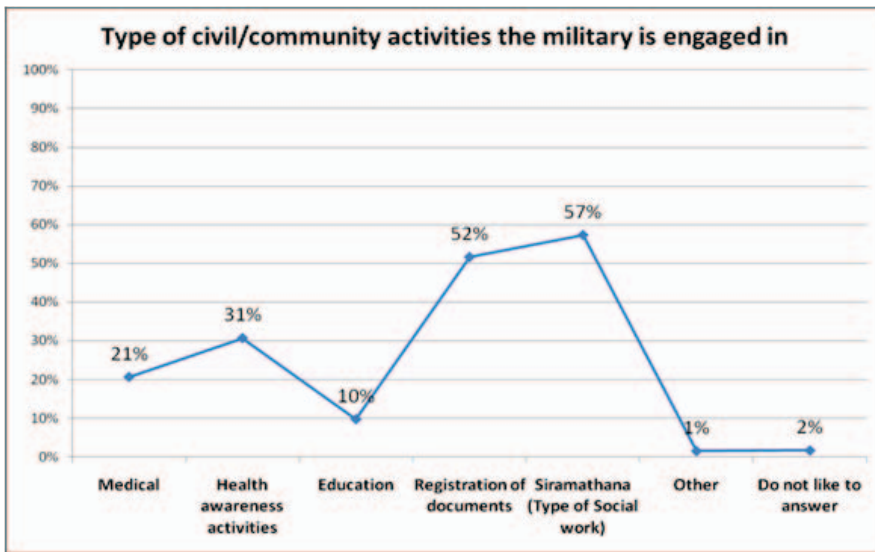


Figure 5.6 Distributions of military in civilian activities post conflict

Figure 5.7 shows the types of NGO activities the military is engaged in: house construction, road development, livelihood, building construction, educational development, agriculture and irrigation, human rights and legal aid. The percentage of military participation is high in both North and East Sri Lanka. Military engagement is a good example of Sinhalisation of Tamil homeland and depriving Tamil workers

of any opportunity to find work. This is accompanied by Buddhisation as most of the soldiers are Buddhists. The engagement of the military in the work usually carried out by civilians is due to the presence of a large military contingent, which gives the impression that this work is done with a purpose.

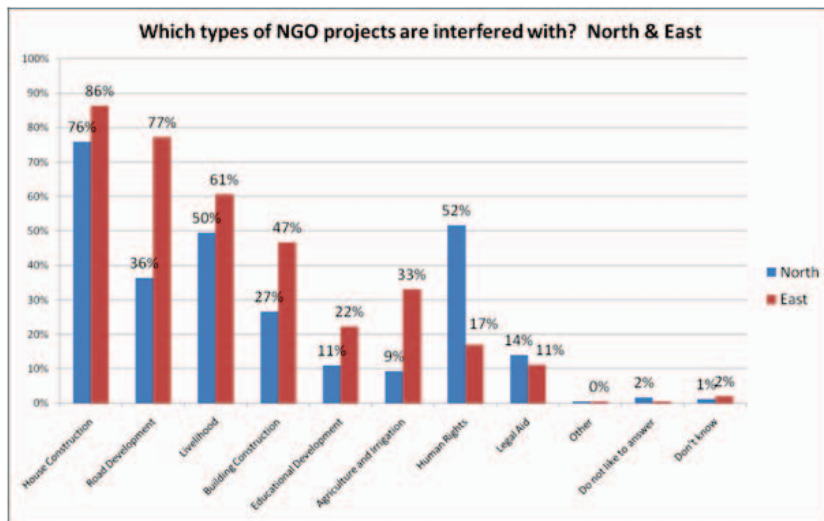


Figure 5.7 Different types of NGO activities in which the army gets involved

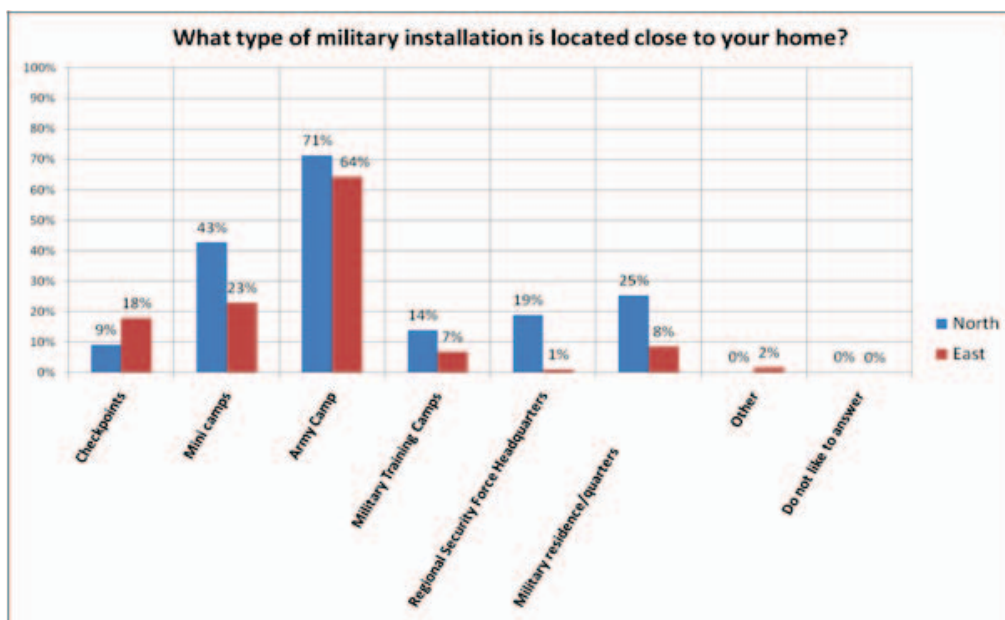


Figure 5.8 Types of army installation in the neighbourhood

### C) Military Expropriation of Land and People's Reaction

Figure 5.8 below shows the types of army installation close to people's home: these include checkpoints, mini-camps, army camps, military training camps, regional military headquarters, military residences and quarters. In all categories, the North had a higher percentage than the East, except for checkpoints. The fact that 71 per cent of people in the North and 64 per cent in the East said that army camps are close to their homes is very significant, and the resumption of normal livelihood is at a distance for these people. The large scale military presence of Sinhala speaking soldiers among the Tamil speaking population (Hindus, Christians and Muslims) is causing many social problems. In particular, sexual harassment is prevalent because about 90,000 widows, as single parents, are head of the household. These issues have been brought to the attention of the international community at the recently concluded 22nd session of the UNHRC meeting by international human rights organisations.

The presence of large scale military personnel meant that large tracts of land required by the armed forces were expropriated from the people. Alternative land was received only by 10 per cent of the people and 41 per cent did not receive any; 6 per cent received compensation, while 90 per cent received nothing. The distributions are given in Figures 5.9 and 5.10 given below.

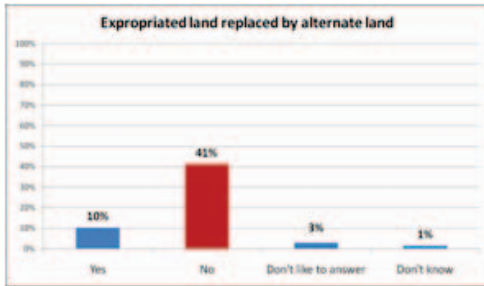


Figure 5.9 Expropriated land replaced with alternate land



Figure 5.10 Compensation provided for expropriated land

### D) Buddhist, Hindu, Muslim and Christian - Places of worship

Mostly Hindu temples and Christian churches came under attack during the prolonged military conflict. The people took refuge inside places of worship, hoping they would be spared; instead the people who took refuge were targeted as “terrorists”. The Tamils are either Hindu or Christian and a large number of places of worship were thus destroyed; also the 2004 Boxing Day Tsunami did not spare places of worship.

The bar chart shows the newly built places of worship: Buddhists, Hindus, Muslims and Christians in the North and East Sri Lanka. The pie diagram shows denominational distributions for both provinces separately. The chart shows places of worships built in all seven districts of the Northern and Eastern provinces in percentage distribution.

This shows the GoSL's flagrant disregard for other religious groups. The government's goal is to show to the world that the island is a Buddhist Sinhala country, even though other religious groups are much higher in North East Sri Lanka.

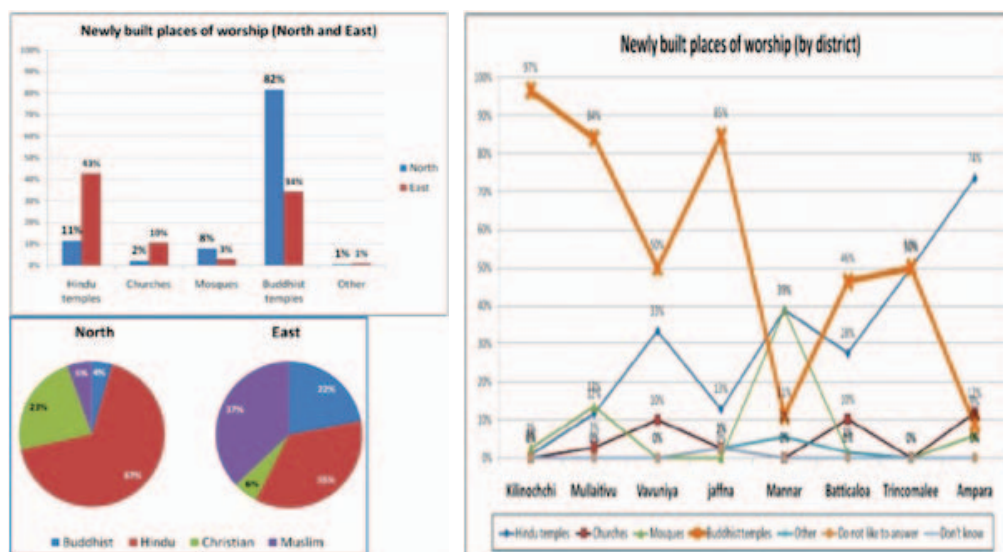


Figure 5.11 Comparison of newly built places of worship after the conflict and the demography by religious denomination in Northern and Eastern provinces

The TSA survey has exposed the GoSL's intention, the period after the end of military conflict in the seven districts in North East Sri Lanka, the percentage of newly built Buddhist temples are the highest, except in Mannar, as shown in Figure 5.11. Also, the survey shows that the Buddhist population in the North and East is only 4 and 22 per cent respectively, but the newly built Buddhist temples are 84 per cent in the North and 34 per cent in the East, even though Buddhist temples were least damaged during the conflict.

### Impact on religious minorities and triumphalism of Buddhists

President Rajapaksa, his brother, Defence Secretary and their supporters have succeeded in suppressing the rights of Tamils in North East Sri Lanka and progressing with Sinhalisation and Buddhistisation of the Tamil homeland. This clearly demonstrates the structural genocide taking place in the Tamil homeland. The same cohort of leaders has turned their attention toward other minority groups, Muslims<sup>24</sup> and Christians<sup>25</sup>, as reported by the BBC and Vatican Insider Media respectively. A number of Sinhala Buddhist organisations have cropped up in Sri Lanka after the defeat of the LTTE, in the mood of triumphalism; their primary motive is to consolidate their hegemony over other minority groups in Sri Lanka<sup>26</sup>. Their attention is currently focused on Muslims, who are spread around the island, mostly as traders and merchants; about one-third of



the population in the Eastern Province is Muslim who speak Tamil as their mother tongue, most of the time both groups live amicably, pursuing two different religions: Hinduism and Islam.

Repeated attacks on mosques, women who wear Hijab and calling for the banning of Halal meat are spreading, instigated by newly formed groups without any intervention from the law enforcement authority which comes under the Defence Ministry. Sri Lanka is currently facing international scrutiny for its treatment of Tamils; the attack on other minorities, Muslims and Christians, has made other Sinhala leaders warn of possible repercussions.

Former and the first foreign minister in the Rajapaksa government and now with the opposition party, Mr Mangala Samaraweera<sup>27</sup>, has warned the GoSL that extremist groups unreasonably targeting Muslim places of religious worship and businesses, had failed to realise the majority of Sri Lankan's working in the Middle East were Sinhala Buddhists. He queried what their plight would be if the hate campaign against Sri Lankan Muslims, who have been citizens of Sri Lanka for centuries, ended in violence. This is an accurate reflection of Sinhala politicians' stand with respect to minorities, both major parties in Sri Lanka holds diametrically opposite views on minority policies depending on whether they are in government or in opposition. There are Sinhala media and leaders warning last year, at the 30th anniversary of "Black July" 1983, it could happen once again. UN Human Rights Commissioner Ms Navi Pillay, after the end of her week long first visit to Sri Lanka on August 31, 2013 sharply criticized the Government of Sri Lanka's failure to implement previous undertakings and she feared that the country was becoming increasingly authoritarian<sup>28</sup>.

The current situation in Sri Lanka is not reassuring for a better future for all peoples in Sri Lanka, irrespective of who is in power; in the survey period from 1987 to 2012, both major Sinhala political parties have been in power at different period. Two recent reports based on incidents after end of conflict in May 2009 to this year shows situation has changed for the worse, in spite of previous UNHRC resolutions. Ms Yasmin Sooka, she was one of the three members of UN Panel of Experts', has prepared a report this year. The report released on behalf of "The Bar Human Rights Committee of England and Wales (BHRC) and The International Truth & Justice": Torture and Sexual Violence in Sri Lanka 2009-2014<sup>29</sup>; says the situation in Sri Lanka has

*Top level support and triumphalism of Buddhists waving flags*



*Figure 5.3 Defence Secretary Gotabaya Rajapaksa has said monks are there to protect country, religion and race (Sinhala)*



*Figure 5.4 Some civil society activists believe the dominant mood is one of Sinhala Buddhists triumphalism*

worsened, since the end of conflict in May 2009. In addition the report presented by Human Rights Watch<sup>30</sup> February 2014, gives additional evidence of torture, rape etc being committed by the military in Sri Lanka. The international community has to be cognisant of the state of affairs in Sri Lanka, and the continuing violation of international human rights and humanitarian laws should be met with enforceable action, now.

### **Right to rehabilitation ☒ victims of armed conflict**

There is another important area which failed to get the attention of the world community in particular; the right to rehabilitation of victims of armed conflict that cannot be ignored. International law recognizes the Principle of Restitutio ad integrum for the redress of victims of armed conflict to help them reconstitute their destroyed 'life plan'<sup>31</sup>. It has been pointed out in a study that some economic and infrastructure development in the war torn areas (Presidential Task Force - PTF for Resettlement Development and Security ☒ orthern Province 2013) is largely illusory<sup>32</sup> and not aiding the psychosocial recovery of the victims.

Four years after the ending of the war, legitimate reparation, community recovery and national reconciliation are yet to take place. The community and its members need to be able to benefit from the developmental programs being undertaken. Economic recovery will not be sufficient; people need to reconstruct communities, re-establish social norms and values, which were lost as the result of the 30 years of war. This justifies the need for rehabilitation as a form of reparation clarified by the UN 'Basic Principles and Guidelines on the Right to a Remedy and Reparations for Victims' as taking five forms: restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition<sup>33</sup>. This should necessarily include psychosocial rehabilitation at the individual, family and community levels<sup>34</sup>. Significant advances have taken place in recognizing universal human rights, in particular the right to health that is now enshrined in international human rights law, humanitarian law and criminal law.

Many of these relevant treaties have been ratified by states, including Sri Lanka, and found their way into domestic law. The data presented earlier shows that number requiring rehabilitations as victims of armed conflict in Sri Lanka runs to hundreds of thousands of people of all ages and gender, Sri Lanka as signatory to the treaties should honour the needs of the victims. This subject was considered at an inaugural oration at Jaffna Medical Association<sup>35</sup>, the key note speech dealt in detail "Right to Rehabilitation", which will be published soon. If due attention is given to "right to rehabilitation of victims of armed conflict" preceding the infrastructure and economic development in the war affected areas, that will promote reconciliation and not vice versa.

Guidance note<sup>36</sup> of the UN Secretary General gives the United Nations approach to Transitional Justice are there for any nation which has come out of armed conflict

to pursue. Transitional justice aims primarily to establish criminal accountability of perpetrators and to respect the rights of victims to reparation. The United Nations, transitional justice is the full range of processes and mechanisms associated with a society's attempt to come to terms with a legacy of large-scale past abuses. The victims in Sri Lanka, about half a million displaced people and ninety thousand war widows, most of them are still waiting for accountability, justice and reconciliation, five years after the end of conflict. Transitional justice processes and mechanisms are a critical component of the United Nations framework for strengthening the rule of law.

## 5.8 Lasting peace between Two Nations in Sri Lanka

The rights of all Nations, recognised in the “International Bill of Human Rights” were denied to the Tamil Nation for the past six decades; the attempts to get recognition through negotiation with different Sinhala majority governments, including the current regime of President Mahinda Rajapaksa, have failed. During the six decades of negotiations and agreements signed between the representatives of the Tamil Nation and the Sinhala government were hardly implemented; because the agreements were opposed by one political party or the other of the Sinhala Nation, at times the regime made use of the opposition to the proposal to procrastinate the implementation of agreements. This led to continued subjugation of Tamil Nation by the Sinhala majority. The reason behind this sad story is mainly due the failure of the last colonial ruler, the United Kingdom, to pay attention to the 2500 years of history of Sri Lanka, where both communities lived in their separate homelands, had “on and off” conflict with each other, at times occupation of each other's land and Tamil Kings from South India, periodically occupied part of the Island. At the time of arrival of the first colonial ruler from the West in 1505, there were well established three Kingdoms in the Island of Sri Lanka, the Jaffna Kingdom in the North was in existence for almost about half a millennium. The United Kingdom, ignoring the historical facts introduced a unitary constitution unsuited for a multiethnic, multilingual and multireligious country, which sowed the seed of conflict at the time of Independence in 1948. Empowering only the majority Sinhala community without proper constitutional structure to safeguard the rights of other communities brought in communal conflict in various forms, which continues from the time of Independence in 1948 to the present day. President Rajapaksa's euphoria at the victory over LTTE; but obfuscated to recent history of how the other authoritarian rulers ended, President Rajapaksa continues to pay no attention to the call by International community. The International community's silence during the conflict, while war crimes and crime against humanity were taking place under the President Rajapaksa regime made the regime to believe in its methods. Later, the world came to know that the victory was achieved, at a great loss of lives and the GoSL was in breach of International human rights laws and International humanitarian laws. After the military victory, instead of looking at accountability and justice to bring about reconciliation between peoples in Sri Lanka, the regime of President Rajapaksa is pursuing a policy of further Militarisation, Sinhalisation and Buddhistisation of Tamil

homeland. President Rajapaksa who has established an authoritarian rule with the support of the Sinhala Buddhist majority is not willing to heed to International calls in the form of UNHRC resolutions in 2012, 2013 and 2014. The direct action by the International community remains the only option, left to bring about changes, if GoSL continue to oppose International inquiry.

### **International Commission of Inquiry**

Recent statements made by the High Commissioner of UNHRC, Ms Navi Pillay and UN Secretary General, Mr Ban Ki-Moon cast doubt on the action taken to date by the GoSL, after the end of military conflict; the momentum is building up for an International Commission of Inquiry. It has come close to reality with passing of the resolution on Sri Lanka at the 25th session of UNHRC, which says: *“To undertake a comprehensive investigation into alleged serious violations and abuses of human rights and related crimes by both parties in Sri Lanka during the period covered by the Lessons Learnt and Reconciliation Commission, and to establish the facts and circumstances of such alleged violations and of the crimes perpetrated with a view to avoiding impunity and ensuring accountability, with assistance from relevant experts and special procedures mandate holders”*. This gives a mandate to OHCHR to set up an International Commission of Inquiry on combatants from both sides to the conflict, unfortunately the current Sri Lanka regime has taken a stand not to cooperate with OHCHR, which puts the onus on the international community to take steps to implement what was supported by 42 countries. It is up to the International Community to see that justice is done to the victims of armed conflict in Sri Lanka, but the choice is narrowing to only possible external direct intervention, as it has happened in other countries. The GoSL believes that with the support from China and Russia, the regime can continue to avoid public scrutiny; but, little realising that recent history of “Middle East Spring” shows that such regimes had only a short term survival, before succumbing to International pressure. The European Union, Canada, the USA and India have greater roles to play in advancing a peaceful resolution to the longstanding conflict in Sri Lanka, failing which to impose a solution. The Tamil diaspora has to broaden the support base in the country they live and draw in the support of wider community to bring about change to stand taken by their respective national governments. The success stories of other liberated nations are the key to future success of the Tamil Nation in Sri Lanka and the Tamil Diaspora has to play a strategic and key role?

### **Sri Lanka’s Negative Reaction and Threat with Non-Cooperation**

The main focus of UNHRC resolutions was to **promote reconciliation, accountability and human rights in Sri Lanka**, which are welcome by all who believes in human rights of fellow human beings. Sri Lanka’s failure to implement their own Lesson Learnt and Reconciliation commission report as called in previous two UNHRC resolutions in 2012 and in 2013 resulted in a resolution in 2014 which called for an **International Commission of Inquiry, under the auspice of OHCHR**. The proposed inquiry covers the period: from the time of signing of the Cease Fire Agreement in February 2002

(endorsed by the USA, EU and Japan) and to the end of military conflict in May 2009, which will investigate alleged war crimes and crimes against humanity committed by both sides to the conflict. The GoSL's negative reactions to the resolutions are non-cooperation and very critical of the Office of High Commissioner for Human Rights Ms Navi Pillay for implementing the UNHRC resolutions and making a submission at the UNHRC 25th session pointing out the failure of the current regime to implement the previous resolutions.

Reactions of GoSL to UNHRC resolution, takes place in two fronts: the first, Minister of External Affairs of Sri Lanka declared<sup>37</sup> that "Government would neither accept nor cooperate with the OHCHR", even before knowing the members of the International Commission of Inquiry; the second one, the Defence Secretary "revival of the spectre of terrorism in Sri Lanka, once again, before the last consequence of the last one is dealt with properly". Defence secretary is implementing oppressive actions against some Tamils within the country, branding them "as LTTE terrorists" and Tamil Diaspora as "LTTE rump". Recent incidents where three Tamils were named as "LTTE terrorists" and murdered in a gun fight with the military<sup>38</sup>, no one knows whether the gun battle was "pseudo" or real one; but based on past history, it is hard to believe what the government says without solid evidence. Is the threat of "LTTE terrorism" another example of trying to relive the past by GoSL, to avoid examination of the past, record of war crimes and crimes against humanity and raise the communal stake in the country before the elections.. This action by GoSL was to give the impression to the world that LTTE terrorists are still active in Sri Lanka, but the Tamil National Alliance (TNA) Member of Parliament<sup>39</sup> has discounted the proposition in a public statement. At the same time, Tamil Diaspora linked 16 entities in the Western democracies and 424 individuals from Tamil Diaspora were gazetted as "persona non grata" by the Defence Secretary of Sri Lanka<sup>40</sup> on March 31, 2014. According to defence ministry the information is retrieved from the battle ground after the end of military conflict in the North East Sri Lanka. A number of entities listed in the gazette notification is formed after the end of the military conflict in May 2009 and have no link to LTTE, whatsoever; which cast doubts about truthfulness of the news emerging from the defence ministry.

The UNHRC resolution calling for a Commission of Inquiry for alleged war crimes and crimes against humanity during the final stages of the military conflict that ended in May 2009, received outlandish reactions on UNHRC resolution, without any substance from the GoSL, a few of the statements attributed to the External Affairs minister of Sri Lanka are as follows:

- **Pillay's report will harm Lankan reconciliation**
- **UN High Commissioner's report entirely rejected; claims fundamentally flawed**
- **UNHRC action against Sri Lanka "disproportionate" to circumstances**
- **Judging Sri Lanka by the initiative of OHCHR is a 'travesty of justice'**
- **TNA hindering political settlement process by not participating in PSC**



The above reactions by GoSL have ignored the opportunity that was being given to GoSL to prove to the World what were claimed above. On the contrary rejecting the setting up of the Commission of Inquiry by the International community and refusing to cooperate could only cast doubts about the genuineness of the position taken by the key members of the President Rajapaksa's regime. Also one sided inquiry will lead to adverse conclusions against the regime which conducted the "war without witness". Recent events in Sri Lanka following the passing the UNHRC resolution has made many to make adverse observation against the current regime of GoSL.

### **Reactions of International Community to Sri Lanka's Response**

The path chosen by the President Rajapaksa and his brother, the Defence Secretary, will diminish the standing of the regime. This is not a good omen for promoting reconciliation and human rights in Sri Lanka. There is also a move to remove President Rajapaksa from power in Sri Lanka, in the forth coming Presidential election, so that Sri Lanka can avoid the ignominy of going through a confrontation with International community, rather than following a peaceful path. There is also a question whether arbitrarily changing the limit on the term of Presidency from two terms to unlimited will be acceptable to the people in Sri Lanka, considering that the President Rajapaksa was elected with 50.29% votes in which Tamil voters were called to boycott the election by the LTTE in 2005, because he has already served two terms, people will become the judge of his action. The International community has to take into account, irrespective of whichever Sinhala party is in power, there was never any interest in sharing of power between the two Nations and providing equal rights to the Tamil Nation. In the post independence era of Sri Lanka, all the key positions in the government or in the administration are reserved for Sinhala Buddhists, in contrast looking at India our neighbour and other countries, shows the glaring discrimination practiced by Sinhala Buddhists. The Gazette notification and GoSL's actions against Tamil Diaspora have been widely criticized by all democratic countries, by ignoring their announcement, as well as reassuring Tamil Diaspora. The key countries that will eventually determine the final outcome are: the USA, the UK, Canada and India for different reasons, in the last three countries there are very active Tamil population clamouring for the rights of Tamil people in Sri Lanka, four countries proactive actions that will contribute to final outcome are given, briefly below:

**Canada** has been in the forefront of rejection of Sri Lanka's stance, from the time, the United Nation Secretary General appointed a Panel of Experts determined. In Canada, all political parties hold similar views and also has the largest number of Tamil Diaspora, has been calling on UN bodies to investigate GoSL for alleged breach of International Human Rights Laws and International Humanitarian Laws. To demonstrate their position Canada called for shifting of the Commonwealth Head of Government Meeting (CHOGM) from Sri Lanka to another country and demonstrated their position by not attending the CHOGM, from 15 - 17 November 2013 in Colombo, Sri Lanka. After the UNHRC resolution was passed at the 25th Session on 27 March

2014 calling for an establishment of International Commission of Inquiry, Canada has withdrawn the Canadian contribution of ten million dollars to the secretariat of CHOGM with immediate effect.

**India** has been in the forefront of supporting the Tamils' struggle to regain the rights in Sri Lanka after the Independence on 4 February 1948 from the Colonial power the United Kingdom, after India gained Independence from the same colonial power on 15 August 1947. India is the closest and immediate neighbour to Sri Lanka, just divided by a narrow Palk Straight, as an emerging one of the super power with historical link of over a couple of millennium, has an important influencing role on Sri Lanka. First intervention was by **Prime Minister Mrs Indira Gandhi** immediately after pogrom of "**Black July 1983**" with the arrival of about 300,000 refugees on the Tamil Nadu shores of which many migrated to Western countries, from India. At that time, majority of Tamils' hoped that Tamil homeland will be liberated the same way East Pakistan, but their hope did not materialise. Tamil youth militancy was born with support and blessing of the Central government, led by Mrs Indira Gandhi. In the midst of military conflict between LTTE and Sri Lanka armed forces in 1987, **where Jaffna in the North was bombarded by Air force of GoSL**, Indian Air force was ordered by **Prime Minister Rajiv Gandhi to drop food parcels to besieged Jaffna population**, which brought the armed conflict to an end followed by the **Indo-Sri Lanka accord** for devolution of power to combined Northern and Eastern Provinces. Unfortunately, in 1991 the murder of Rajiv Gandhi by a suicide bomber allegedly belonging to LTTE, as determined by the Indian High Court, soured the relationship between Congress governments and Eelam Tamils for about two decades. Under the 10 years joint leadership of Ms Sonia Gandhi, as leader of the Congress Party and Mr Manmohan Singh, as Prime Minister of India, their role during the final stages of the military conflict which ended in May 2009 was a disaster for Eelam Tamils and failed to stop the alleged genocide of Eelam Tamils. Unfortunately, the determined and decisive leadership shown by Mrs Indira Gandhi and Mr Rajiv Gandhi was lacking from the leaders who followed them, giving an impression of indecisiveness with respect to politics with Sri Lanka. At the same time, President Rajapaksa used the China card to weaken India's strategic position in the Indian Ocean. President Rajapaksa out played India in the diplomatic manoeuvre, the first time that happened was when President Jayawardene outfoxed Rajiv Gandhi with signing of Indo-Lanka accord which remains unfulfilled, to date.

Hopefully, a new chapter will open with the next Prime Minister of India who will have an important and assertive role to bring an end to the festering conflict in Sri Lanka, also establish dominance in their own backyard. **Mr Narendra Modi, BJP's Prime Ministerial candidate said**, if the BJP wins the election in May 2014, Tamils living all over the world, including in Malaysia, Sri Lanka and Fiji, should be a priority of the Indian government<sup>41</sup> to take care of their well being.

**United Kingdom (UK)**, the last and the third colonial ruler of Sri Lanka, the UK, has moral responsibility to the present situation in Sri Lanka where the Tamil Nation has been denied of their rights. The UK empowered the majority Sinhala community without devolution of power to the Tamil Nation which was one the oldest in Sri Lanka, as well as in the world, with a unitary constitutional structure unsuited for a multiethnic, multilingual and multireligious country. The Tamil Nation in Sri Lanka has been denied equality and justice under successive Sinhala governments; none of them has neither stopped nor reversed the subjugation of the Tamil Nation. Active participation of Prime Minister of the UK in passing the UNHRC resolution at the 25th UNHRC meeting on 27th March 2014 is a positive move, which need to be taken to a logical conclusion, if GoSL fails to cooperate. The current stance taken by the GoSL shows, what is needed is more than a resolution; perhaps direct intervention, sooner than later. The rights given to the Scottish people to decide in a referendum whether they wish to be part of the United Kingdom or as an Independent country should be given to the Tamil Nation in Sri Lanka too. Failure of GoSL to implement the resolution will have to lead to other level of action; the UK has moral responsibility to play an equally important role to move it in the right forum to give the right to self-determination to the people of Tamil Eelam. The UK, at the time of Independence to India and Sri Lanka, if it had similar federal constitutional set-up most of the harrowing experience of Tamils would have been avoided. The moral responsibility remains with the UK, Prime Minister David Cameron's positive role in advocating International Commission of Inquiry in Sri Lanka at CHOGM and in UNHRC is most welcome, need to be taken to a logical conclusion ending up with "the right to self-determination" being exercised by Eelam Tamils, as the last option. It is reassuring the UK has listed Sri Lanka as a "country of concern" in its latest annual human rights report, released days after it co-sponsored a US-backed resolution against the country at the UNHRC<sup>42</sup>.

**United States of America (USA)** after emerging as the only Super power in the World has brought about positive development because of advocacy of human rights, recognition of rights of nations and upholding of United Nations values. Many Nations have become liberated and new Nations have been formed. Sri Lanka may be a far away Island, but occupies a key position in the sea route between the East and West in the Indian Ocean, which attracts the attention of China. Sri Lanka is playing the China card against, countries which are active at the UNHRC, little realising that China will not stake its good relationship with the USA for a lesser country, which was demonstrated in the Middle East. The USA's position with respect to Sri Lanka is welcome and the role played at the UNHRC. In all four resolutions that were considered on Sri Lanka at the UNHRC, the first one was voted in favour of Sri Lanka, led by China, India and Russia, opposed by Western democratic countries. Since then, the USA has grasped the initiative and passed three resolutions against Sri Lanka 2012, 2013 and 2014; the last one is calling for an International Commission of Inquiry. This opens up an opportunity that can bring about changes for the good to all peoples in Sri Lanka and edging towards peaceful resolution after six decades long conflict.

### **Intervention by International Community is Inevitable**

President Rajapaksa's regime is not in a mood to change its ways, currently supported by China, Russia, Iran and Pakistan, make the regime believe, that its position is strong and the regime can hold on to power. The recent history of authoritarian regimes does not give any hope for survival, but action is needed sooner than later. The arrogance of GoSL is evident from the indifference shown to the 2008 and 2012 Universal Periodic Review (UPR) recommendations on Sri Lanka, and UNHRC resolutions at 19th session - 2012, 22nd session - 2013 and 25th session - 2014. The uncompromising stand taken by the current regime against implementations of resolutions and disrespectfully discarding, the wish of the International community is not reassuring. This is a challenge posed to the International community to find a resolution to the long standing conflict in Sri Lanka; the stand taken by the USA, the UK, India and Canada gives hope there will be positive movement for better resolution to the long standing conflict in Sri Lanka. International community's successive actions at UNHRC started in 2012 after the release of reports from UN Panel of Experts, UN Review panel and LLRC, following the end of military conflict, which exposed the alleged breach of International Human Rights Laws and International Humanitarian Laws. The failure of GoSL to implement UNHRC resolutions of 2012 and 2013 resulted in the release of a report to 25th session in 2014 by Ms Navi Pillay after visiting Sri Lanka in August 2013, emphasized the importance of International Commission of Inquiry, which was called by Panel of Experts in 2011. The progression towards peace in Sri Lanka would depend on, in particular, the UK as the former colonial power, India as the neighbouring regional power with long history with the Island of Sri Lanka and the USA as the only super power with leadership responsibility to take action independently or jointly to bring about changes in Sri Lanka, so that both the Sinhala and Tamil communities can live in the Island respecting each other's rights and respecting other minorities too.

All possible methods should be explored and all countries should be persuaded to take a strong stand against the current GoSL for failing to implement UNHRC resolutions. hopefully. The direct peaceful action within and outside Sri Lanka is the only course of action left to persuade President Rajapaksa to abandon his current grandstanding of his regime, towards true and genuine reconciliation between the two nations. Both have been at loggerheads for over six decades, **International intervention is unavoidable to pursue peace with dignity for multiethnic, multilingual and multireligious peoples of Sri Lanka**

- A. Restoration of rule of law and order in Sri Lanka, which would help to achieve genuine democracy; more so in the Tamil homeland. Long delayed Northern Provincial Council Elections was recently conducted, but should be allowed to function and to enjoy enshrined rights and also enhance those rights to respect wishes of the people. Restoration of independence of Judiciary, prevention of using undemocratic means to achieve hidden

agendas of the government of Sri Lanka such as militarisation, Buddhistisation and structural genocide of Tamil homeland are important steps and necessary condition for reconciliation.

- B.** Following the **United Nation Human Rights Council (UNHRC) resolution** at the 25th Session on 27 March 2014, the **Office of High Commissioner for Human Rights (OHCHR)**<sup>43</sup> has announced it will seek the approval of GoSL to conduct the inquiry within the country. If declined International Commission of Inquiry will be set up outside the country. There a number of organizations which have collated the evidence, one such example is given here from Australia. The International Crimes Evidence Project (ICEP) on Sri Lanka which was conducted by Public Interest Advocacy Centre (PIAC). The ICEP report was based on evidence collated from the victims of military conflict who are current residents of Australia; the final report was tabled in the Australian Parliament on 12 February 2014 (see Hansard) or visit PIAC<sup>44</sup> website.
- C.** There is a greater challenge to the International community to impose the findings of the Commission of Inquiry with or without the support of GoSL through institutions set-up by the United Nations. The past experience with the current government of Sri Lanka means the decisions may have to be externally imposed this is where the USA, the UK, Canada and India have to take a lead role. President Mahinda Rajapaksa after assuming the office of in 2005 has used procrastination very successfully. Taking into account all facts figures under this and previous regimes for a period over six decades, both the Sinhala and Tamil Nations in Sri Lanka should be recognised under the “International Bill of Human Rights” to have the “right to self-determination”.

Implementation of the above three calls will restore confidence and genuine discussion can take place between representatives of the Sinhala and Tamil Nations, under the UN umbrella, to decide the future of the two nations because bilateral efforts in the past have failed. This will provide an opportunity to seek a final political solution, to be decided in a referendum by “the peoples” either jointly or separately, accepting that each nation has inalienable rights under the UN Charter.

The UN Secretary General, High Commissioner of United Nation Human Rights Council and the International community have the responsibility to uphold that justice is done to the Tamil Nation in the Island of Sri Lanka. The four countries identified earlier: the USA, the UK, India and Canada their positive action will determine the final outcome; Tamil Diaspora’s proactive role will determine how quickly events will move forward. In particular, the United Kingdom has a moral responsibility for imposing a unitary constitution at the time of Independence in 1948, in a multiethnic,



multilingual and multireligious country, ignoring the historical facts that Sinhala and Tamil Nations lived independently, alongside, prior to colonial occupation of the country.

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Self-determination is recognised as a right of all peoples in the United Nations Charter, Universal Declaration of Human Rights, International Covenant on Civil and Political Rights and International Covenant on Economic, Social and Cultural Rights, known collectively as the International Bill of Human Rights.

*<http://www.ohchr.org/documents/publications/factsheet2rev.1en.pdf>*

The United Nations Charter, ratified in 1945, placed the right of self-determination into the framework of international law and diplomacy. The Charter states that one of the purposes of the United Nations is “to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace.”

*<http://www.un.org/en/documents/charter/>*

The Universal Declaration of Human Rights (UDHR), adopted by the United Nations General Assembly in 1948, recognises that everyone has the right to a nationality, and that no one should be arbitrarily deprived of a nationality or denied the right to change nationality. The UDHR also recognises the right of everyone to freedom of thought, conscience, religion and expression, including the freedom to hold opinions without interference, and to seek, receive and impart information and ideas through any media and regardless of frontiers.

*[http://www.ohchr.org/EN/UDHR/Documents/UDHR\\_Translations/eng.pdf](http://www.ohchr.org/EN/UDHR/Documents/UDHR_Translations/eng.pdf)*

The International Covenant on Civil and Political Rights (ICCPR) multilateral treaty, with two optional protocols, commits its parties to respect the civil and political rights of individuals, including the right to life, freedom of religion, freedom of speech, freedom of assembly, electoral rights and rights to due process and a fair trial.

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**The International Covenant on Economic, Social and Cultural Rights (ICESCR)** multilateral treaty commits its parties to work toward the granting of economic, social and cultural rights to individuals, including labour rights, and rights to health, education, and an adequate standard of living.

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## Appendix 1

### Massacre of Tamil civilians in Sri Lanka from 1956 to 2009

The summary of massacres inflicted on civilians over five decades is based on publications of North East Secretariat on Human Rights organization (NESOHR). Most of them were collated from surviving eyewitnesses, given below number of people killed, injured and disappeared; for more details on each episode, visit the website: [www.nesohr.org](http://www.nesohr.org). This does not include the death that occurred in the fight between Sri Lanka Armed Forces and the LTTE. Massacres that occurred against Tamil civilians are arranged in chronological order and the number within brackets is the reference number in the publications “Lest we Forget” Part 1 (1956 – 2001) & Part 2 (2002 – 2008) published by NESOHR. In the latter part of the conflict, many innocent young and old were killed by Claymore mine set-up by military Deep Penetration Unit (DPU) on the interior tracks used by fleeing civilians. The Social Architects determined in all **118036** people died, ([www.groundviews.org/author/the-social-architects/](http://www.groundviews.org/author/the-social-architects/)) in the final phase of the battle from **September 2008 to May 2009** between the Sri Lanka Armed Forces and the LTTE, based on a survey carried in the North and East of Sri Lanka. Who killed them?

RefNo	Place, District and Date of Massacre	Number of people killed, injured and disappeared
1 (1)	Iginiyakala massacre, Amparai-June 5 <sup>th</sup> 1956	150 people killed (estimated), following “Satyagraha” in Colombo, people attacked, properties looted and set on fire
2 (2)	Island wide first pogrom 1958	300 people killed (estimated) Island wide. Property destroyed, start of Tamils’ migration, mostly professionals.
3 (3)	World Tamil Research conference, Jaffna - January 10 <sup>th</sup> 1974	9 People killed due to unprovoked attack by armed forces on the final session, just before the closure of the conference
4 (4)	Island wide pogrom August 13 <sup>th</sup> to September 15 <sup>th</sup> 1977 (lasted one month)	300 people killed estimated by Sansoni Commission, but Independent sources put it at 1500
5 (35)	Periyapullumalai, Batticaloa - May 20 <sup>th</sup> 1980	25 youth killed, properties destroyed 100 homes set on fire by Sri Lanka Armed Forces and home guard
6 (5&6)	Jaffna Public Library with rare books, Jaffna - June 1 <sup>st</sup> 1981	1 policeman killed the previous day, public buildings and the Jaffna library with 95000 books were set on fire
7 (8)	Thirunelveli massacre, Jaffna - July 24-25 <sup>th</sup> 1983	13 Soldiers killed in a landmine explosion, next day 51 civilians killed by armed forces, number of homes set alight

8 (7)	Island wide “Black July” pogrom July 1983	Over <b>3000</b> killed and more than 200,000 people displaced, hundreds of thousands crossed the sea and went to Tamil Nadu, large scale migration of Tamil victims started. Welikade Jail 63 political prisoners were massacred
9 (9)	Sampalhoddam massacre, Vavuniya ☒984	<b>55</b> men taken off a bus and shot dead in nearby woods, 15 women and children allowed to proceed.
10 (10)	Chunnam Police Station massacre, Jaffna - January 9 <sup>th</sup> 1984	<b>19</b> youth in custody at police station, died of an explosion set-up by police, when under attack from militants
11(11)	Chunnam market massacre, Jaffna -March 28 <sup>th</sup> 1984	<b>8</b> Civilians killed and 50 injured due to in discriminatory military fire, from there army went on a shooting spree along the main road, 1 killed 46 students were injured.
12 (12)	Mathawachchi ☒ Rampawa ☒ Vavuniya South - September 1984	<b>15</b> killed and 31 injured, travelers on A9 were under random attack, resulting in casualties.
13 (13)	Point Pedro ☒ Thikkam massacre, Jaffna ☒ eptember 16 <sup>th</sup> 1984	<b>4</b> military personnel killed following that 16 civilians killed by police force
14 (14)	Othiyamalai massacre , Mullaithivu ☒ December 1 <sup>st</sup> 1984	<b>32</b> male villagers killed duped by Tamil speaking Sinhala soldiers who asked to be directed to LTTE managed office
15 (15)	Kumulamunai massacre, Mullaithivu ☒ December 2 <sup>nd</sup> 1984	<b>7</b> men were shot dead and many taken into custody, six are brothers and married ; at the time the married men were not in the fighting force of LTTE
16 (16)	Cheddikulam massacre, Vauniya ☒ e- cember 2 <sup>nd</sup> 1984	52 men rounded up in the early morning and taken away allegedly chopped up and heavy vehicles ran over them.
17 (17)	Manalaru massacre , Trincomalee ☒ December 3 <sup>rd</sup> 1984	Unknown number of villagers including women and children killed, villagers evicted and houses set on fire. Sinhala settlers were brought and settled in Manalaru.
18 (18)	Blood soaked Mannar Town massacre, Mannar ☒ eember 4 <sup>th</sup> 1984	45 men burnt alive, after Army vehicle was attacked, shelling from army camp caused many more deaths and houses set on fire by army en route to their army camp, 90 bodies were found later, it is estimated in all 200 died
19 (19)	Kokkilai -Kokkuthoduvai massacre, Mullaithivu ☒ eember 15 <sup>th</sup> 1984	131 civilians killed including, 31 women and 21 children; 2000 people displaced following this operation.
20 (21)	Mulliyavalai, Mullaithivu ☒ anuary 16 <sup>th</sup> 1985	17 people arrested, tortured and shot dead, in this included a pregnant woman and a young mother of three, people recovered the bodies later
21 (22)	Vaddakandal massacre, Mannar- January 30 <sup>th</sup> .1985	52 shot and killed including 17 school staff and children, 200 Army personnel from nearby army camp carried out this.

22 (37)	Udumbankulam massacre, Amparai ☒ February 19 <sup>th</sup> 1985	103 Men and women harvesting of rice field, shot dead; in doing women raped, disfigured and then killed by Army
23 (23)	Puthukkudiyiruppu Iyankovilady massacre, Mullaithivu ☒ April 21 <sup>st</sup> 1985	30 people rounded up and taken away, later shot dead and bodies were burnt, story told by one who escaped death.
24 (24)	Trincomalee massacre - May 3 <sup>rd</sup> to June 3 <sup>rd</sup> 1985	94 people killed in one month in eight different incidents: Sinhala mob violence 50, 13 in a bus, 10 who went to collect firewood, 7 killed by Home guard and set on fire, etc.
25 (25)	Valvai massacre, Jaffna ☒ May 10 <sup>th</sup> 1985	70 Killed in three incidents, in one 24 students in a police lock up killed by throwing hand grenades, others shot dead
26 (26)	“Kumuthini” Delft-Jaffna ferry massacre, Jaffna - May 15 <sup>th</sup> 1985	36 killed and 36 survived, SL Navy personnel boarded the ferry carrying 72 people and attacked the passengers by knife and many died.
27 (27)	Kiliveddi massacre, Trincomalee - June 1 <sup>st</sup> to 14 <sup>th</sup> 1985	150 killed, over 2500 people displaced, number of houses burnt down, in some cases women were raped and killed
28 (28)	Thiriyai massacre, Trincomalee June 8 <sup>th</sup> to August 8 <sup>th</sup> 1985	16 killed, after forced to vacate the villages, after that 1400 houses burnt down, prior to that helicopter strafed the area
29 (38)	Vayaloor , Amparai - August 24 <sup>th</sup> 1985	40 people killed by the army in the remotest village
30 (29)	Sampaltivu massacre, Trincomalee - September 4 <sup>th</sup> to 19 <sup>th</sup> , 1985	25 killed, Land, Sea and Air forces engaged in the offensive, objective to evict the Tamils from that area.
31 (31)	Nilaveli massacre, Trincomalee ☒ September 16 <sup>th</sup> 1985	24 shot dead after taking them from a Refugee camp which had victims of 1983 pogrom
32 (32)	Piramanthararu massacre , Killinochchi ☒ October 2 <sup>nd</sup> 1985	15 (estimated) tortured and killed after about 200 soldiers landed by helicopters looking for LTTE fighters
33 (33)	Kanthalai , Trincomalee ☒ November 9 <sup>th</sup> 1985	6 killed from a family, two daughters were raped
34 (34)	Muthur Kadatkarachenai massacre, Trincomalee ☒ November 8th to 10 <sup>th</sup> 1985	30 killed, 70 arrested and disappeared, the village was attacked from land, air and sea.
35 (44)	Thambalakamam massacre, Trincomalee ☒ 2 <sup>th</sup> and 26 <sup>th</sup> November 1985	12 killed nine rounded up then shot and killed, three farmers were and bodies burnt by military
36(20)	Vankalai church massacre, Mannar ☒ January 6 <sup>th</sup> 1986	7 Killed includes Father Mary Bastian who came out to plead with military to stop firing and 6 injured
37 (36)	Kilinochchi Railway Station massacre, Kilinochchi ☒ January 25 <sup>th</sup> 1986	12 killed, as soldiers at the station opened fire, later official statement said a deranged soldier shot a the passenger

38 (39)	Eeddimurinchan massacre, Vavuniya - March 19 <sup>th</sup> and 20 <sup>th</sup> 1986	20 killed, Upcountry Tamil settlers attacked by Army and Sinhala villagers with helicopter strafing from air
39 (35)	Periyapullumalai massacre, Batticaloa, May 8 <sup>th</sup> 1986	18 shot and killed, few cases entire family, 51 taken away by the military, disappeared.
40(40)	Anandapuram, Kilinochchi ☒ une 4 <sup>th</sup> 1986	5 sleeping children killed due to shell fired army camp
41(41)	Kanthalai massacre, Trincomalee ☒ June 4 <sup>th</sup> to 5 <sup>th</sup> 1986	50 killed by Air force and armed guard; 35 disappeared, mostly passengers travelling between the two destinations
42 (42)	Mandaithivu , Jaffna - June 10 <sup>th</sup> .1986	33 fishermen, tortured and killed at sea
43 (43)	Seruvila massacre, Trincomalee ☒ une 12 <sup>th</sup> 1986	21 killed and 2 injured while transporting food to refugees with Village headmen by Home guards
44 (44)	Thambalakamam massacre , Trincomalee ☒ May and June (4 incidents) 1986	Civilians 43 killed (2 set alight) and 8 disappeared, in a joint operation Army and Air Force.
45 (45)	Paranthan, Jaffna ☒ une 28 <sup>th</sup> 1986	7 farmers tied together and tortured to death
46 (46)	Peruveli refugee camp massacre, Batticaloa - July 15 <sup>th</sup> 1986	48 killed and 20 injured caused by attack on the refugee camp by military and home guard
47 (47)	Thanduvan, Mullaitivu - July 17 <sup>th</sup> 1986	17 killed and 13 injured due to rocket attack on a bus
48 (48)	Mutur Manalchenai massacre of displaced, Trincomalee ☒ uly 18 <sup>th</sup> 1986	44 killed, after cordon and search operation were taken away from by the military and shot dead
49(49)	Adampan massacre, Mannar- October 12 <sup>th</sup> 1986	20 killed Army rounded up villagers, shot them dead and strewn the bodies in the field and also set fire to shops
50 (50)	Periyapandivrichchan massacre, Mannar ☒ October 15 <sup>th</sup> 1986	2 killed, 2 (father and one daughter) escaped with injury , a guard and a daughter were butchered by army patrol
51(35)	Periyapullumalai massacre, Batticaloa-November 10 <sup>th</sup> 1986	6 women raped and killed and many others, 24 were arrested and all disappeared and this is the 3 <sup>rd</sup> incident here
52(51)	Kokkadichcholai massacre, Batticaloa ☒ January 28 <sup>th</sup> to 30 <sup>th</sup> 1987	200 killed, Armed forces assisted by helicopter rounded up prawn farm workers (14 to 40 yrs old) and under 12, 7
53 (52)	Paddithidal massacre, Trincomalee ☒ April 26 <sup>th</sup> 1987	16 killed from a family, following the army clash with LTTE, the people were attacked.
54(53)	Thonithiddamadu, massacre, Batticaloa - May 27 <sup>th</sup> 1987	13 shot in their sleep, prior to this army was firing at the village
55(54)	Alvai temple shelling, Jaffna ☒ May 29 <sup>th</sup> 1987	40 killed many more injured, "Liberation attack on Jaffna" shells fell on temple where over 10,000 people took refuge
56(55)	Eastern University massacre, Batticaloa - May 23 <sup>rd</sup> and 24 <sup>th</sup> 1990	226 killed, following the army assault in the region, many took refuge, first 58 youth and next day 168 were taken

57(56)	Sammanthurai massacre, Amparai - June 10 <sup>th</sup> 1990	37 Killed, Muslim groups with support of Army attacked, escaping Tamils were shot and killed by Army.
58(30)	Veeramunai massacre, Amparai From June 20 <sup>th</sup> 1990, lasting two months	200 killed or disappeared, in more than ten incidents, Home guards, Muslims and Army were involved in torture and murder, rape of women by Army as reported by survivors
59(58)	Siththandy massacre, Batticaloa - July 20 <sup>th</sup> and July 27 <sup>th</sup> 1990	137 killed, mostly youth, first day 57 and second day 80 were taken to a Sinhala village and Army shot them
60(59)	Paranthan junction massacre, Kilinochchi - July 24 <sup>th</sup> 1990	10 killed, houses burnt, by military dropped from helicopter, as the military moved to rescue soldiers at Elephant pass
61 (60)	Poththuvil massacre, Amparai July 30 <sup>th</sup> 1990	125 killed by burning them alive in small groups, when displaced people returned to their looted homes by Army.
62 (61)	Tiraikerny massacre, Amparai August 6 <sup>th</sup> 1990	Tamils were attacked by Muslims, many were beaten up and some were shot and killed
63 (59)	Xavierpuram massacre, Amparai - August 7 <sup>th</sup> 1990	‘Kuravar community’ was attacked and tortured and youths killed by Home guard and Muslims
64(62)	Kalmunai massacre, Amparai- August 11 <sup>th</sup> 1990	37 killed, 25 disappeared presumed dead, relatives who went looking for their relatives stopped by the wayside; young women were gang raped by army and killed
65(63)	Thuranilavani massacre, Batticaloa August 12 <sup>th</sup> 1990	60 killed when army opened fire on rounded up people
66 (64)	Eravur hospital, Batticaloa August 12 <sup>th</sup> 1990	10 hacked to death in the hospital by Soldiers and Muslims
67(65)	Koraveli massacre - August 14 <sup>th</sup> 1990	15 killed and 25 injured when army opened fire on farmers
68(71)	Mandaithivu disappearances, Jaffna - August 23 <sup>rd</sup> 1990	20 shot dead for refusing to obey order to gather at Temples, Churches and Schools from three villages
69(66)	Nelliyadi market, Jaffna-August 29 <sup>th</sup> 1990	16 killed, 24 injured in air force bombing all civilians
70 (68)	Saththurukkondan massacre, Batticaloa September 9 <sup>th</sup> 1990	205 killed, includes 85 women who were raped and disfigured; there were 65 children and five of them babies
71 (69)	Natpiddymunai massacre, Amparai September 10 <sup>th</sup> 1990	23 killed, young men were taken from home to an Army camp and later found in a mass grave
72 (76)	Vantharamullai massacre, Batticaloa, September 5 <sup>th</sup> and 23 <sup>rd</sup> 1990	174 killed, many thousands sought refuge in the Eastern University, when army went on a rampage through the neighboring villages and unaccounted death is many more.
73(64)	Eravur massacre, Batticaloa October 10 <sup>th</sup> 1990	Tamils and Muslims were separated and many Tamils slaughtered and women raped, actual number not known



74 (72)	Oddisuddan, Mullaithivu -27November 11 <sup>th</sup> 1990	12 killed due Air force bombing the surrounding area
75(73)	Puthukkudiyiruppu junction, massacre Mullaithivu 1 <sup>st</sup> January 1991	28 killed and 50 injured when Air force dropped bombs close to refugee camp holding 1500 refugees
76 (81)	Uruthrapuram, Mullaithivu 4 <sup>th</sup> February 1991	11 killed, more unaccounted, when 4 bombs were dropped, in one explosion 9 killed
77 (74)	Vankalai, Mannar 17 <sup>th</sup> February 1991	5 butchered to death and bodies found a few days later
78 (75)	Vaddakkachchi, Kilinochchi - February 28 <sup>th</sup> '91	9 killed, 3 injured and 26 goats, all were buried together
79 (76)	Vantharumoolai massacre, Batticaloa June 9 <sup>th</sup> 1991	10 killed, six shot and killed, others butchered to death
80 (77)	Kokkadichchola massacre, Batticaloa - June 12 <sup>th</sup> 1991	237 killed, 17 burnt alive with the Rice mill, others randomly shot and killed, bodies were burnt in a heap.
81(79)	Kinniyadi, Batticaloa July 12 <sup>th</sup> 1991	13 killed, some shot dead and others chopped with a knife
82 (82)	Karapolla, Uthgalla, Polanaruwa, North Central Province - April 29 <sup>th</sup> 1992	97 Killed in their sleep, military and Muslim groups cut them with knives. Escapees left the village for good
83 (83)	Vatrapalai Temple, Mullaithivu May 18 <sup>th</sup> 1992	14 killed, 60 injured when army shelled from their camp at 5000 people gathered for a special Hindu festival
84(84)	Theppilalai Temple, Jaffna - May 30 <sup>th</sup> 1992	5 killed, areas around Palaly camp shelled and bombed
85 (85)	Mailanthalai, Batticaloa, August 9 <sup>th</sup> 1992	50 killed and many injured when Army surrounded the villagers and attacked with swords, knives and guns
86 (86)	Kilali Lagoon crossing massacre Jaffna - 1992, 1993	150 killed, 100 permanently disabled and 150 sustained serious injuries due to attack by Naval forces
87(87)	Maaththalan, Mullaithivu September 18 <sup>th</sup> 1993	13 killed and 40 injured bombed by Air force a gathering of people for a community hall opening.
88 (88)	Chavakachcheri, Jaffna September 28 <sup>th</sup> 1993	30 killed in bunker including babies by air force bombing
89 (89)	Kokuvil temple, Jaffna - November 29 <sup>th</sup> 1993	2 killed by Air force bombing
90 (90)	Kurunagar church, Jaffna November 13 <sup>th</sup> '93	10 killed and 25 injured when Air force dropped 2 bombs
91(91)	Chundikulam, Jaffna February 18 <sup>th</sup> 1994	10 killed when fishermen at sea were attacked by Navy
92 (92)	Navali St Peters church massacre, Jaffna - July 9 <sup>th</sup> 1995	155 killed, 250 injured from 2500 who took refuge as eight bombs were dropped at the Church and the surrounds

93 (93)	Nagarkovil massacre, Jaffna - May 22 <sup>nd</sup> 1995	40 killed and 100 injured, almost half students, due to shells and aerial bombing from Palaly army camp and airbase
94 (96)	Kumarapuram massacre, Trincomalee February 11 <sup>th</sup> 1996	26 killed, 22 injured and 16 year old girl was gang raped and killed, later s soldier confessed.
95 (97)	Nachchikuda, Kilinochchi March 16 <sup>th</sup> '96	16 killed by Army helicopters strafing, burnt down huts
96 (98)	Thambirai, Kilinochchi May 17 <sup>th</sup> 1996	7 killed and 7 injured due to Air force bombing of market
97(99)	Mallavi, Mullaithivu - July 24 <sup>th</sup> 1996	9 killed and 15 injured due to Air force bombing
98(94)	Chemmani massacre, Jaffna from midyear 1996	700 people disappeared and 450,000 displaced due to military offensive; a soldier confessed 300-400 are buried, first dig found 11 bodies, second 6, later it was abandoned
99(95)	Kilinochchi town massacre, Kilinochchi Mid August 1996	72 skeletons were found of which 12 indentified, in all 184 disappeared as the result of Army military operation code named Sathjey 2 &3 advancing to Kilinochchi town
100(101)	Kaithady massacre, Jaffna - September 7 <sup>th</sup> 1996	Krishanthi was raped and killed. After a month 4 bodies were found, 300-400 bodies are buried there. Later, 3 soldiers sentenced to death, 3 imprisoned for 20 years each.
101(102)	Vavunikulam, Mullaithivu September 26 <sup>th</sup> '96	4 killed and 12 injured due to aerial bombardment
102(103)	Konavil, Kilinochchi September 27 <sup>th</sup> 1996	5 killed many more injured due to aerial bombardment
103(104)	Mullivaikal, Mullaithivu May 13 <sup>th</sup> 1997	10 killed of which 7 fishermen and 2 road workers by bombing from air
104(105)	Mankulam, Mullaithivu - June 8 <sup>th</sup> 1997	7 killed and many more injured due to aerial bombing
105(100)	Pannankandy, Kilinochchi July 5 <sup>th</sup> 1997	6 bodies were found in a well when it was unfilled
106(80)	Akkarayan, Kilinochchi July 15 <sup>th</sup> 1997	3 killed shells from army camp hit hospital quarters
107(102)	Vavunikulam, Mullaithivu September 15 <sup>th</sup> '97	10 killed and 15 injured duet to aerial bombardment
108(106)	Thampalakamam massacre, Trincomalee February 1 <sup>st</sup> 1998	8 shot and killed by the military of which 4 children, one body was sadistically mutilated.
109(107)	Old Vaddakachchi massacre, Kilinochchi March 26 <sup>th</sup> 1998	6 killed and 5 wounded when bombs were dropped by Air force, similar incident took place in 1986
110(108)	Suthanthirapuram massacre, Mullaithivu June 10 <sup>th</sup> 1998	25 killed and 50 injured; houses and vegetations were destroyed by shelling and aerial bombardment
111(109)	Visuvamadhu , Mullaithivu November 25 <sup>th</sup> 1998	6 killed and 10 injured when shelled from Elephant Pass Army camp, kitting a few children returning from school

112(110)	Chundikulam, Kilinochchi ௩௦ eember 2 <sup>nd</sup> 1998	7 killed includes children by bombs dropped by Air force
113(112)	Palinagar massacre, Mullaitivu ௩ September 3 <sup>rd</sup> 1999	25 killed and 50 injured by bombing and shelling from nearby camps, mostly displaced people lived in the area
114(111)	Manthuvil massacre, Mullaitivu ௩ September 15 <sup>th</sup> 1999	22 killed 40 injured, large number of livestock and vegetation destroyed by bombing
115(113)	Madhu church massacre, Mannar- November 20 <sup>th</sup> 1999	36 killed including children, 72 injured by bombing of people who took refuge in the church due to shelling
116(114)	Bindunuwewa centre for LTTE suspects and surrendees ௩ October 25 <sup>th</sup> 2000	28 killed, 14 injured and 9 survived when Sinhala mob attacked the Rehabilitation centre , two inquiries were held and no one convicted, proceedings came to an end in 2005
117(115)	Mirusuvil massacre, Jaffna ௩ eember 19 <sup>th</sup> 2000	8 Killed and buried in a mass grave, when dug-out on 25 <sup>th</sup> December mutilated bodies were found.
<b>Events that occurred after Mahinda Rajapaksa took oath of office as President of Sri Lanka December 2005</b>		
118(1)	Pesalai housing scheme , Mannar ௩ December 23 <sup>rd</sup> 2005	4 burnt alive, when Navy men entered the housing scheme and started spraying bullets, those who could run escaped.
119(2)	Trincomalee students massacre ௩ anuary 2 <sup>nd</sup> 2006	5 killed and 5 injured shot by armed forces after making student lie on the ground. Court case pursued in the USA
120(3)	Manipay, Jaffna ௩January 24 <sup>th</sup> 2006	3 killed and 2 injured, all from the same family, after army came in a “white van” to check the people and opened fire
121(4)	Welikande, TRO workers abducted , Polanaruwa ௩ anuary 28 <sup>th</sup> 2006	10 disappeared, 7 still missing, but 3 released; when Tamil Rehabilitation Organization (TRO) were travelling from Batticaloa to Kilinochchi
122(5)	Trincomalee riots ௩ pril 12 <sup>th</sup> 2006	15 killed include 10 Tamils, 50 seriously injured and 100 less seriously the riots, while Navy and army personnel just stood and watched when people were attacked..
123(6)	Puthoor, Jaffna ௩ pril 18 <sup>th</sup> 2006	4 friends and a shopper were murdered by army fire
124(7)	Muthur, Trincomalee ௩ pril 25 <sup>th</sup> 2006	Army, Navy and Air force combined attack on Tamils in East Muthur, first time aerial bombardment since signing the peace treaty with LTTE in Feb 2002.12 killed, 25 injured and 3000 displaced.
125(8)	Uthayan Daily Press Office, Jaffna ௩ May 2 <sup>nd</sup> 2006	2 killed , Army and militants entered and the press and fired at 7.30 PM at workers and destroyed equipment
126(9)	Nelliyadi, Jaffna ௩M ay 4 <sup>th</sup> 2006	7 friends were killed, from the fire from the Army camp, after a hand grenade was thrown near the camp.

127(10)	Manthuvil, Jaffna May 6 <sup>th</sup> 2006	8 people went missing, during Temple "Consecration ceremony" people who stayed at the temple, making preparation were visited by the Army a few times. They heard shooting and next day saw blood stained sand.
128(11)	Allaipiddy massacre in a home, Jaffna May 13 <sup>th</sup> 2006	24 shot and killed by EPDP, four from one family, the people who gathered in a home for safety due to increased violence after election of President Rajapaksa.
129(12)	Vadamunai, Batticaloa - June 7 <sup>th</sup> 2006	10 killed including a nine month old baby and nine injured, when pressure mine was used Army deep penetration unit
130(13)	Vankalai family massacre, Mannar June 8 <sup>th</sup> 2006	4 stabbed to death by Military, determined by boot marks, 3 men's bodies were hanged from the roof and the women was raped before she was stabbed to death.
131(14)	Kaithady mass graves, Jaffna June 6 <sup>th</sup> to 8 <sup>th</sup> 2006	4 bodies were found includes Temple priest and 3 others, while mining for gravel, the village headmen who exhumed was shot and wounded by a unknown gunman.
132(15)	Pesalai church massacre, Mannar June 17 <sup>th</sup> 2006	6 killed, five were fishermen also properties destroyed, this followed the clash between the Navy and LTTE at sea
133(16)	Muttur, ACF Action Contra La Faim staff massacre, Trincomalee August 5 <sup>th</sup> 2006	17 employees of ACF were killed at point blank by military and buried, later bodies exhumed for medical examination
134(17)	Nedunkerni, Mullaithivu DPU Claymore mine attack August 2006	5 killed includes a doctor and his wife, two nurses and the driver due to pressure mine laid by DPU
135(18)	Eastern Trincomalee Batticaloa border and Mavilaru bombing and shelling August to December 2006	200 killed (estimated) after pushing the people to narrow strip of land, SLMM and ICRC prevented from visiting the area, bombed on 6 <sup>th</sup> , 19 <sup>th</sup> and 28 <sup>th</sup> - 25 killed
136(19)	Allaipiddy military shelling of Philip Neri Church, Mullaithivu - August 13 <sup>th</sup> 2006	Large number killed who took refuge, as a consequence of fighting between Military forces and LTTE; Father Jim Brown an eye witness disappeared, without trace?.
137 (20)	Senchchulai bombing, Mullaithivu August 14 <sup>th</sup> 2006	54 killed, includes 2 staff and 130 seriously injured by aerial bombardment of teenage girls residence
138(21)	Pottuvil massacre by Sri Lanka Special Task Force (STF), Amparai September 17 <sup>th</sup> 2006	10 killed (Muslims), there was a dispute between Muslim and Sinhala villagers, Muslims who went to repair the reservoir bank were killed
139(22)	Puthukkudiyiruppu (PTK), Mullaithivu - October 16 <sup>th</sup> 2006	4 killed including three children, 6 injured and property damage due aerial bombardment
140(22)	Kilinochchi hospital precincts bombing, Killinochchi - November 2 <sup>nd</sup> 2006	2 students killed and 6 injured (patients 3 and employees 3) 700 patients ran out when 16 bombs were dropped from air.

141(23)	Vavuniya Agriculture School massacre, Vavuniya 18 <sup>th</sup> November 2006	4 students killed at point blank range and 11 injured following an explosion around a nearby army camp
142(24)	Padahuthurai, Mannar 2 <sup>nd</sup> January 2007	15 killed from the same extended family including 6 children and 35 injured by bombs dropped from aircraft
143 (25)	Silavathurai DPU claymore mine attack , Mannar 2 <sup>nd</sup> September 2007	13 killed fleeing in a van from military attack, on the 26 <sup>th</sup> Father Nicholas Pillai Pakiaranjith was killed, the same way
144(26)	Periyamadu, Manthai West, Mannar 25 <sup>th</sup> October 2007	3 killed from the same family, including a pregnant woman and 9 injured due to shelling from Army camp.
145(27)	Tharmapuram bombing, Kilinochchi 25 <sup>th</sup> November 2007	4 killed including 2 children and 5 injured from 8 bombs dropped from aircraft
146(28)	Iyankulam, DPU claymore mine attack, Mullaithivu 27 <sup>th</sup> November 2007	9 killed includes 6 school children, 2 trainers and the driver of the van, no one escaped in the mine explosion.
147(29)	Voice of Tigers (VOT) Radio station Kilinochchi 27 <sup>th</sup> November 2007	10 killed includes 3 VOT employees and 7 civilians and 10 seriously injured caused by bombs dropped from aircraft.
148(30)	Thadchanamadhu, DPU claymore mine attack, Mannar -January 29 <sup>th</sup> 2008	41 killed and 17 injured in two explosions, which includes 13 school children and the school principal
149(31)	Kiranchi bombing Poonahari, Kilinochchi 22 <sup>nd</sup> February 2008	8 killed includes mother, a child and her baby, 12 injured one of them died in the hospital
150(32)	Murukandy DPU claymore mine attack, Kilinochchi 23 <sup>rd</sup> May 2008	16 killed including 5 children all from the same extended family and 3 injured
151(33)	Nahathambiran temple, Mullaithivu DPU attack 2 <sup>nd</sup> June 2008	6 killed and 4 injured when returning from pilgrimage caused by claymore mine explosion on the roadside
152(34)	Puthukkudiyiruppu (PTK) bombing, Mullaithivu 15 <sup>th</sup> June 2008	4 civilians killed and 10 injured caused by extensive aerial bombardment on school, hospital, market, homes etc.



## Appendix 2

### Summary of notable changes in Sri Lanka, major events affecting Tamils and number of victims during different regimes in Sri Lanka from 1948 to the present

An attempt is made to summarize what happened under different regimes in Sri Lanka; the main focus is at the major events that affected the Rights of Tamils and continued deterioration of their life in their traditional homeland the North East Sri Lanka (Tamil Eelam). The country has been ruled by one of the two major political parties: United National Party (UNP) and Sri Lanka Freedom Party (SLFP) or a coalition led by them. Two heads of government have been murdered; killing of civilians started in 1956 with passing of the “Sinhala Only Bill” and the first two major pogroms (1956, 1958) took place under the first SLFP regime, the next two major pogroms (1977, 1983) took place under the UNP regime. The worst alleged war crimes and crimes against humanity has happened under the current SLFP led coalition regime with minor parties (2005 to date). Since Independence, all the regimes focus and thrust have been to set-up a Sinhala Buddhist regime of the majority overlooking other minority groups in a multiethnic, multilingual and multireligious country, this summary gives that story. The focus is on the number of civilian victims of the conflict is extracted from Appendix 1 given earlier.

Leadership and Notable Changes	Major Events Affecting Tamils	Victims of Conflict
<b>Don Stephen Senanayake (1884-1952) Prime Minister - UNP from September 24th 1947 to March 22nd 1952</b>		
D. S. Senanayake was the first Prime Minister of Ceylon. The country gained independence from the UK during his term of office.	Disenfranchisement of Indian Tamils who were brought by the British, which reduced the representation of Tamils. Colonisation of Tamil Eelam (North East Sri Lanka) further reduced, Tamil representation.	About ten percent of the total population of Sri Lanka was disenfranchised
<b>Dudley Shelton Senanayake (1911-1973) (1st term) Prime Minister - UNP from March 26th 1952 to October 12th 1953</b>		
Dudley Senanayake was appointed as Prime Minister following the death of his father, D. S. Senanayake. His party won at the general elections held in June 1952, after a short period he resigned in 1953.		

<b>Sir John Lionel Kotelawala (1897-1980) Prime Minister - UNP from October 12th 1953 to April 12th 1956</b>		
Sri Lanka joined the United Nations during his regime		
<b>Solomon West Ridgeway Dias Bandaranayake (1899-1959) Prime Minister - LFP from April 12th 1956 to September 26th 1959</b>		
Bandaranayake changed the official language of the country from English to Sinhala language with "Sinhala Only Act of 1956".	Satyagraha in 1956 was met with violence against Tamils. A pact signed granting self-rule between Prime Minister and the Tamil Leader Mr SJV Chelvanayagam (B-C Pact), was unilaterally abrogated opposed by Sinhala Buddhist chauvinists.	In 1956, 150 were killed in the newly colonized area in the East of Sri Lanka. In 1958, 300 were killed in an Island wide Pogrom. A Buddhist monk murdered the Prime Minister in 1959.
<b>Wijayananda Dahanayake (1902-1997) Prime Minister - SLFP from September 26th 1959 to March 20th 1960</b>		
Disagreement between the party officials and the government led to dissolving of the parliament		
<b>Dudley Shelton Senanayake (1911-1973) (2nd term) Prime Minister - UNP from March 21st 1960 to July 21st 1960</b>		
Government was defeated in the Parliament after one month in power and the parliament was dissolved.		
<b>Sirimavo Ratwatte Dias Bandaranayake (1916-2000) (1st term) Prime Minister - SLFP from July 21st 1960 to March 25th 1965</b>		
Sirimavo Bandaranayake was the world's first female prime minister. She was not a member of Parliament at the time of appointment, and was first appointed to the Senate on 2 August 1960.	In 1961, all Tamil political parties took part in a Satyagraha (peaceful protest) demanding their political rights in Tamil Eelam, which brought the administration to a halt, which was met by brutal force with Police and Armed forces against Tamils.	Many people were injured, but records are not available.
<b>Dudley Shelton Senanayake (1911-1973) (3rd term) Prime Minister - UNP from March 25th 1965 to May 29th 1970</b>		
Dudley Senanayake was elected Prime Minister for the third time, when his party formed a government with the help of six other parties, after an election which did not give a clear majority to any party.	A pact was signed in 1965, between Prime Minister and SJV Chelvanayagam to devolve power to the regions, which was not fulfilled. In 1969 Privy Council (UK) directed the Supreme Court to examine the constitutionality of "Sinhala Only Act".	

<b>Sirimavo Ratwatte Dias Bandaranayake (1916-2000) (2nd term) Prime Minister of SLFP from May 29th 1970 to July 23rd 1977</b>		
<p>Mrs Srimavo Bandaranayake had a landslide victory in 1970 with more than two-third majority. In 1971, abolished right to appeal to the Privy council. Constituent assembly was set up and a Republican constitution was proclaimed in 1972 and declared the country a republic. Changed the name from Ceylon to Sri Lanka. The life of parliament was extended from 5 to 7 years, without consulting the people of Sri Lanka. The government pursued a socialist economic policy leading to deterioration of economy, which led to the downfall of the government in 1977.</p>	<p>An unalterable 29(2) clause protecting minority rights in 1948 constitution was removed from the new constitution, without the consent of minority groups; Buddhism was given “foremost place” in the constitution, ignoring other religions Hinduism, Islam and Christianity. Introduction of standardization of University admission deprived equal opportunity to Tamils. All the Tamil political parties formed Tamil United Liberation Front and made a joint declaration calling for “Right to Self-Determination” by people of Tamil Eelam in 1976. Following this declaration all the Tamil militant groups included the word “Tamil Eelam” in their name. Liberation Tigers of Tamil Eelam (LTTE) became the most prominent one and started the military conflict against armed forces.</p>	<p>The 4th International Conference on Tamil Studies was held in Jaffna, in 1974. In the last day of the conference, there was an unprovoked attack on the attendees by the armed forces, resulted in the death of 9 people and many were injured.</p>
<b>Junius Richard Jayewardene (1906-1996) Prime Minister of UNP From July 23rd 1977 to February 4th 1978</b>		
<p>Won the Parliamentary election with Five-Sixth majority and became the Prime Minister. Changed the Parliamentary system to Executive Presidency in 1978 with six year term and giving the absolute power to the office of President and a subordinate Parliament was set-up with a Prime Minister and a cabinet.</p>	<p>In 1957 as the leader of the UNP Mr Jayewardene marched calling for the repeal of B-C Pact. In 1977 following the pogrom “policy of standardization” was lifted. Once again a new Republican constitution was proclaimed in 1978 neither consulting the minority groups nor recognizing rights of Tamils; power was concentrated at the office of Executive Presidency.</p>	<p>In 1977 Pogrom 800 killed And a Commission of Inquiry determined 300 people were killed, but independent sources put the total at 1500</p>

<b>Junius Richard Jayewardene (1906-1996) Executive President - UNP from February 4th 1978 to January 2nd 1989</b>		
In 1984 Eelam war I erupted between the Sri Lanka Armed Forces and the LTTE. In 1985 talk between Government of Sri Lanka and the LTTE took place at Thimpu arranged by India and no progress was made. Indian Peace Keeping Forces (IPKF) arrived first in Jaffna to keep peace after signing of the Indo-Lanka accord. In 1988 war broke out between IPKF and LTTE. SLFP leader Mrs Srimavo Bandaranayake's civil rights were stripped for extending the life of parliament by two years beyond 1975. But, J R Jayewardene extended life of parliament and Presidency to 1989 by a referendum in 1983.	In 1979 Prevention of Terrorism Act was passed which gave unlimited rights to arrest and detain suspects, Tamils became the victims. India under the Prime Minister-ship of Mrs Indira Gandhi intervened; following the 1983 pogrom and provided military training to Tamil youth. In 1987, Prime Minister of India Mr Rajiv Gandhi and President of Sri Lanka Mr J R Jayewardene signed an Indo-Lanka Pact leading to the 13th Amendment to the constitution, which gave limited political power to all provinces, also a single authority was set-up to rule Tamil Eelam.	In 1983 pogrom 8000 killed, the worst against Tamils and referred to as "Black July" pogrom and more than 200,000 people were displaced. Beside this, 26 Massacres occurred during Eelam war I under his Presidency in Tamil Eelam. In all 607 Tamil civilians were killed, by: brutal attack, shooting, setting on fire, shelling, aerial bombardment, and in addition, 472 were injured.
<b>Ranasinghe Premadasa (1924-1993) Executive President - UNP from January 21st 1989 to May 1st 1993</b>		
In all about 1200 members of IPKF, thousands of Tamil people and LTTE cadres lost their lives. President declared economic embargo against people of Tamil Eelam. Mr Rajiv Gandhi was murdered on May 21st 1991 allegedly by LTTE suicide bomber; following that Eelam Tamils, were not welcome in India.	Ceasefire and peace talks between President Premadasa and LTTE, took place; he provided tacit support in the fight against IPKF. IPKF made to withdraw in 1990. Eelam war II broke out between Government forces and the LTTE. The stand of India against LTTE and Tamil struggle helped Sri Lanka to continue the genocidal war against Eelam Tamils.	After the IPKF withdrawal 18 Massacres took place. In all 490 Tamil civilians killed and 493 injured. President Premadasa was killed on 1 May 1993, during May day march
<b>Dingiri Banda Wijetunga (1916-2008) - Executive President - UNP from May 2nd 1993 to November 12th 1994</b>		
Mr Wijetunga was appointed as president after the assassination of his predecessor. President Wijetunga ushered in more political freedom in the country.		During his short presidency Eelam War II continued and in all, 4 Massacres occurred and 68 people were killed.
<b>Chandrika Kumaratunga (1945-) Executive President - SLFP from November 12th 1994 to November 19th 2005</b>		

<p>Chandrika Kumaratunga became the first SLFP Executive President of the country. Started with four rounds of peace talks between SLFP and LTTE, without any progress towards peace.</p> <p>In 1998 LTTE was declared as a foreign terrorist organization by the USA, which was followed by another 30 countries. After that Eelam war III started with indiscriminate aerial bombardment. She was again re-elected as the President for the 2nd term and sworn in December 1999. During the election campaign, there was an unsuccessful assassination attempt on her life allegedly by LTTE. In the Parliamentary election in 2001 the UNP won and Mr Ranil Wickremasinghe was sworn in as Prime Minister of Sri Lanka.</p> <p>President Kumaratunga not happy with concessions given to the LTTE under the CFA, to which she was not a party to the agreement with LTTE, which led her to take over defence and media ministries, to keep a control of actions. She dissolved the Parliament in January 2004. Mr Mahinda Rajapaksa of SLFP won the election and became the Prime Minister.</p>	<p>Historic exodus of almost the entire population of Jaffna peninsula took place and over 400,000 people moved to an area controlled by the LTTE South of Peninsula in October 1995. The “Lion Flag” was raised in the ghost city of Jaffna capital of Northern Province.</p> <p>In 1996 SLFP put forward a draft proposal to Tamils, which was later withdrawn due to Buddhist clergy and Sinhala extremist parties opposition to the proposal.</p> <p>Areas captured by Sri Lanka armed forces were recaptured by LTTE including “Elephant Pass” in April 2000. Leading to the LTTE establishing a de-facto Tamil Eelam State in 70% of Tamil Eelam homeland.</p> <p>Prime Minister Ranil Wickremasinghe and Leader of LTTE signed a ceasefire agreement (CFA) in February 2002 with Norway as a facilitator; co-sponsored by the USA, EU and Japan. The ban on LLTE was lifted. In 2003 LTTE submitted a proposal for an Interim Self Governing Authority (ISGA). The CFA brought peace to some extent and reduction in military confrontation with increased mobility of people, efforts were made to come to a peaceful settlement of the conflict.</p> <p>The P-TOMS was signed between the Government and the LTTE and a committee was formed with balanced representation, with the proviso the funds given by the International community will be jointly managed.</p>	<p>Eelam war III started by President Kumaratunga resulted in 19 Massacres and 491 were killed and 408 injured.</p> <p>On December 26th 2004 , the Boxing day Tsunami caused by an earthquake North of Sumatra caused great devastation along the Eastern coastal area of Sri Lanka caused great devastation, loss of lives and properties.</p> <p><b>Impact of Tsunami 2004</b> In all 35,322 people were killed, 21,411 were injured and 561,150 people were displaced. Very high percentage of Muslims first, then Tamils and a small number of Sinhalese were affected.</p>
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**Mahinda Rajapaksa (1945 ) Executive President UPFA (SLFP) from November 19th 2005 to date**

<p>United People's Alliance Front (UPFA) led by SLFP, included parties advocating Sinhala Buddhist chauvinism. He followed his predecessor and took control of ministries to strengthen his hands. Took control of highways, Defence and Finance, the last two managed by two of his siblings Gotabaya (as Defence Secretary) and Basil (Minister of Economic Development) and sworn in on November 23rd 2005. Undeclared Eelam war IV started ignoring all International expectation, but encouraged by declaration of LTTE as an international terrorist organization by European Union (EU).</p>	<p>Call by LTTE to boycott the Presidential election, decided the outcome in favour of Mr Mahinda Rajapaksa, the leader of UPFA. He was elected by a very slim margin of 190,000 votes and securing 50.3% of total votes.</p>	<p>Adverse findings of Supreme Court of Sri Lanka on: P-TOMS and Unification of North East were exploited by President Rajapaksa and declared Eelam War IV to put the minority groups to a greater economical disadvantage. Instead of correcting the statutes to implement the agreements.</p>
<p>Under the regime media freedom was suppressed and power of the Executive presidency was used to entice opposition members of parliament and minor parties to become ministers in his government, as of January 2013 there are 66 cabinet and 31 other ministers. Nepotism is prevalent at all levels of government. At the 2010 Parliamentary election UPFA had 144 members, but enticed enough from the opposition to reach two-third in the parliament and gained two-third majority and changed the constitution to extend the Presidency for life. Path leading to totalitarianism is in progress. Ms Navi Pillay on 31 August 2013 signaled the warning to the world, after her one week tour of Sri Lanka.</p>	<p>Sinhala extremist parties which were part of the coalition challenged the P-TOMS and the Unification of North East Sri Lanka in the highest court of the land, which declared them as invalid.</p>	<p>Up to August 2008, 35 Massacres occurred, in all 533 were Killed and 310 injured. The war started at a low level of intensity, after the eviction of UN and INGOs in September 2008 are not included. Killing intensified after the unilateral abrogation of CFA in January 2008.</p>
	<p>In the period 2006-2007, a myriad of murder in violation of human rights occurred, notables are: 5 students killed in Trincomalee, 17 Action Contre le Faim workers killed in Muttur, 67 orphanage girls were killed in a aerial bombing in Mullaitivu, 5 Tamil parliamentarians and 10 journalist were murdered. Abduction, murders and disappearances were common and happened with impunity.</p>	<p>Estimated deaths during the period of war without witnesses are: UN Panel of Experts estimated the deaths at 40,000, but UN Internal Review panel estimated the number at 70,000</p>
	<p>In January 2007 Eastern province fell to Government forces, and rejected the call by UN human rights mission visit to Sri Lanka. President Rajapaksa in 2008: January the CFA was unilaterally ended; September ordered the UN agencies and INGOs to leave the Tamil areas and banned any foreign aid to the region. On 18 may 2009 declared victory over LTTE and spearheaded the Sinhala victory celebration in Colombo and elsewhere, while the people of Tamil Eelam mourned in silence, the loss of human rights guaranteed under the UN charter.</p>	

## What has happened after end of conflict in Sri Lanka on 18 May 2009 to date?

UN Secretary General appointed a Panel of Experts on June 2010 and released the final report on March 31st 2011

- It claimed 40,000 civilians were killed in the last phase of the war
- Called the government to comply with international obligations, initiate accountability process and commence genuine investigation
- UNSG should establish independent international mechanism to monitor government's domestic process, alleged violations and protect information
- UNHRC should be invited to reconsider May 2009 resolution on Sri Lanka
- Found credible allegation of breach of International humanitarian law and human rights law which need further investigation
- Called upon the UN Secretary General to review the actions of UN during the conflict and the aftermath regarding the implementation of its humanitarian and protection mandates

**Lesson Learnt and Reconciliation Commission (LLRC)** was established on May 2010 by Government of Sri Lanka (GSL) released the report on 16 December 2011; an interim report was issued on 13 September 2010. Given below are the views expressed by the Panel of Experts and International Humanitarian organizations on LLRC report and other matters.

- Panel of Experts said that “In sum, the LLRC is deeply flawed, does not meet international standards and cannot satisfy the joint commitment of the President of Sri Lanka and the Secretary General to an accountability process”.
- **Amnesty International<sup>1</sup>**: “A preliminary review of the report suggests that it acknowledges the very serious human rights problems in Sri Lanka..... really falter is in ignoring the serious evidence of war crimes, crimes against humanity and other violations of the laws of war by government forces, even though the report highlights the serious and systematic violations committed by the LTTE.”
- **Human Right Watch<sup>2</sup>**: “disregards the worst abuses by government forces, rehashes longstanding recommendations, and fails to advance accountability for victims of Sri Lanka’s civil armed conflict ..... highlight the need for an international investigative mechanism into the conflict as recommended by the United Nations Secretary-General’s Panel of Experts in April”.
- **Tamil National Alliance (TNA) Response<sup>3</sup>**: Parliamentary party representing worst affected victims of war said genuine reconciliation is contingent on a **credible accountability that ensures the right of victims to truth, justice and repara-**

tion. LLRC process and practices failed to win the confidence of Tamil people; disregarded credible allegations against GSL with respect to violations of IHL amounting to war crimes and crimes against humanity.

- **International Crisis Group**<sup>4</sup>: “...*Sri Lanka’s Authoritarian Turn: The Need for International Action*, the latest report from the International Crisis Group, examines the government’s recent consolidation of power and sets out critical steps for an effective and coordinated international response.”

**UNHRC resolution passed at the 19th Session on March 22nd 2012** “Promoting Reconciliation and Accountability in Sri Lanka (A/HRC/19/L.2)”, adopted by 24 voting for, 15 against and 8 abstention; called upon Government of Sri Lanka to:

- Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant instruments,
  - *Reaffirming* that States must ensure that any measure taken to combat terrorism complies with their obligations under international law, in particular international human rights, refugee and humanitarian law, as applicable,
  - *Taking note* of the report of the Lessons Learnt and Reconciliation Commission of Sri Lanka and its findings and recommendations, and acknowledging its possible contribution to the process of national reconciliation in Sri Lanka,
  - *Welcoming* the constructive recommendations contained in the Commission’s report, including the need to credibly investigate wide spread allegations of extra-judicial killings and enforced disappearances, demilitarize the north of Sri Lanka, implement impartial land dispute resolution mechanisms, re-evaluate detention policies, strengthen formerly independent civil institutions, reach a political settlement on the devolution of power to the provinces, promote and protect the right of freedom of expression for all and enact rule of law reforms,
  - *Noting with concern* that the report does not adequately address serious allegations of violations of international law,
1. *Calls upon* the Government of Sri Lanka to implement the constructive recommendations made in the report of the Lessons Learnt and Reconciliation Commission and to take all necessary additional steps to fulfill its relevant legal obligations and commitment to initiate credible and independent actions to ensure justice, equity, accountability and reconciliation for all Sri Lankans;
  2. *Requests* the Government of Sri Lanka to present, as expeditiously as possible, a comprehensive action plan detailing the steps that the Government has taken and will take to implement the recommendations made in the Commission’s report, and

also to address alleged violations of international law;

3. *Encourages* the Office of the United Nations High Commissioner for Human Rights and relevant special procedures mandate holders to provide, and the Government of Sri Lanka to accept, advice and technical assistance on implementing the above-mentioned steps, and requests the Office of the High Commissioner to present a report on the provision of such assistance to the Human Rights Council at its twenty-second session.

**Internal Review Panel**, to review the UN's conduct in Sri Lanka during the last stages of the war, was appointed by the UN Secretary-General, headed by Charles Petrie, the panel completed an eight-month study on November 14th 2012. The Internal Review Panel (IRP)<sup>5</sup> painted a bleak picture and concluded that in brief UN's conduct amounted to a failure of its humanitarian mission. It is referred to as "Petrie Report" and it says, "Seen together, the failure of the UN to adequately counter the Government's under-estimation of population numbers in the Vanni, the failure to adequately confront the Government in its obstructions to humanitarian assistance, the unwillingness of the UN in UNHQ and in Colombo to address Government responsibility for attacks that were killing civilians, and the tone and content of UN communications with the Government on these issues, collectively amounted to a failure by the UN to act within the scope of institutional mandates to meet protection responsibilities."

The Petrie panel reviewed about 7,000 documents, including internal UN exchanges with the government of Sri Lanka, met with a large group of people, including representatives of civil society and member-states, and its recommendations build on previous reviews of UN action in theatres of escalated conflict. In summary the Petrie report declared: "Seen together, the failure of the UN to adequately counter the government's underestimation of population numbers in the Vanni [warzone], the failure to adequately confront the government on its obstructions to humanitarian assistance, the unwillingness of the UN in UNHQ and Colombo to address government responsibility for attacks that were killing civilians, and the tone and content of UN communications with the government on these issues, collectively amounted to a failure by the UN to act within the scope of institutional mandates to meet protection responsibilities." Also, the report points out, there were no meetings of the UN Security Council, the Human Rights Council, or the General Assembly on the appalling situation in Sri Lanka. In a rather telling expression of the relationship between top UN officials and the major powers, the report stated: "The tone, content and objectives of UNHQ's engagement with member states regarding Sri Lanka were heavily influenced by what it perceived member states wanted to hear, rather than by what member states needed to know if they were to respond."

**UNHRC resolution passed at the 22nd Session on March 19th 2013, Promoting Reconciliation and Accountability in Sri Lanka (A/HRC/22/L.1/Rev.1) adopted 25 voting for 13 against and 8 abstention and the resolution said:**

- *Welcomes* the report of the Office of the United Nations High Commissioner for Human Rights on advice and technical assistance for the Government of Sri Lanka on promoting reconciliation and accountability in Sri Lanka and the recommendations and conclusions contained therein, in particular on the establishment of a truth-seeking mechanism as an integral part of a more comprehensive and inclusive approach to transitional justice”
- *Encourages* the Government of Sri Lanka to implement the recommendations made in the report of the Office of the High Commissioner, and also calls upon the Government to conduct an independent and credible investigation into allegations of violations of international human rights law and international humanitarian law, as applicable”
- *Reiterates its call* upon the Government of Sri Lanka to implement effectively the constructive recommendations made in the report of the Lessons Learnt and Reconciliation Commission, and to take all necessary additional steps to fulfil its relevant legal obligations and commitment to initiate credible and independent actions to ensure justice, equity, accountability and reconciliation for all Sri Lankans”
- *Encourages* the Government of Sri Lanka to cooperate with special procedures mandate holders and to respond formally to their outstanding requests, including by extending invitations and providing access”
- *Encourages* the Office of the High Commissioner and relevant special procedures mandate holders to provide, in consultation with and with the concurrence of the Government of Sri Lanka, advice and technical assistance on implementing the above-mentioned steps”
- *Requests* the Office of the High Commissioner, with input from relevant special procedures mandate holders, as appropriate, to present an oral update to the Human Rights Council at its twenty-fourth session, and a comprehensive report followed by a discussion on the implementation of the present resolution at its twenty-fifth session.



**UNHRC resolution passed at the 25th Session on March 27th 2014**, Promoting Reconciliation and Accountability in Sri Lanka (A/HRC/25/L.1/Rev.1) was adopted 23 voting for 12 against and 12 abstention and the resolution said:

- *Reaffirming* the purposes and principles of the Charter of the United Nations,
- *Guided* by the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant instruments, *Bearing in mind* General Assembly resolution 60/251 of 15 March 2006,
- *Recalling also* Human Rights Council resolutions 19/2 of 22 March 2012 and 22/1 of 21 March 2013 on promoting reconciliation and accountability in Sri Lanka,
- *Reaffirming* its commitment to the sovereignty, independence, unity and territorial integrity of Sri Lanka,
- *Reaffirming also* that it is the responsibility of each State to ensure the full enjoyment of all human rights and fundamental freedoms of its entire population,
- *Reaffirming further* that States must ensure that any measure taken to combat terrorism complies with their obligations under international law, in particular international human rights law, international refugee law and international humanitarian law, as applicable,
- *Reaffirming* that all Sri Lankans are entitled to the full enjoyment of their human rights regardless of religion, belief or ethnicity, in a peaceful and unified land,
- *Welcoming* and acknowledging the progress made by the Government of Sri Lanka in rebuilding infrastructure, demining and resettling the majority of internally displaced persons, while noting nonetheless that considerable work lies ahead in the areas of justice, reconciliation, land use and ownership, the resumption of livelihoods and the restoration of normality to civilian life, and stressing the importance of the full participation of local populations, including representatives of civil society and minorities, in these efforts,
- *Welcoming* the successful holding of Provincial Council elections on 21 September 2013 and, in particular, the high turnout and participation in all three provinces, while noting with concern reports of election-related violence, as well as of voter and candidate intimidation,

- *Expressing appreciation* for the efforts and cooperation of the Government of Sri Lanka in facilitating the visit of the United Nations High Commissioner for Human Rights and providing her with open access, and welcoming the visit of the High Commissioner to Sri Lanka in August 2013,
- *Expressing deep concern* at reported intimidation and retaliation against civil society members who engage with United Nations human rights mechanisms, including those who met with the High Commissioner during her visit,
- *Expressing serious concern* at the continuing reports of violations of human rights in Sri Lanka, including sexual and gender-based violence, enforced disappearances, extrajudicial killings, torture and violations of the rights to freedom of expression, association and peaceful assembly, threats to judicial independence and the rule of law, as well as intimidation of and reprisals against human rights defenders, members of civil society, lawyers and journalists,
- *Alarmed* at the significant surge in attacks against members of religious minority groups in Sri Lanka, including Hindus, Muslims and Christians, Calling upon the Government of Sri Lanka to fulfill its public commitments, including on the devolution of political authority, which is integral to reconciliation and the full enjoyment of human rights by all members of its population,
- *Taking note* of the report of the Lessons Learnt and Reconciliation Commission of Sri Lanka, its findings and recommendations, and acknowledging its possible contribution to the process of meaningful national reconciliation in Sri Lanka,
- *Recalling* the constructive recommendations contained in the Commission's report, including the need to credibly investigate widespread allegations of extrajudicial killings and enforced disappearances, demilitarize the north of Sri Lanka, implement impartial land dispute resolution mechanisms, re-evaluate detention policies, strengthen formerly independent civil institutions, reach a political settlement on the devolution of power to the provinces, promote and protect the right of freedom of expression for all persons and enact rule of law reforms,
- *Taking note* of the national plan of action to implement the recommendations of the Lessons Learnt and Reconciliation Commission of the Government of Sri Lanka and its commitments as set forth in response to the findings and recommendations of the Commission, Noting that the

national plan of action does not adequately address all of the findings and constructive recommendations of the Commission, and encouraging the Government of Sri Lanka to broaden the scope of the plan to adequately address all elements of the Commission's report,

- *Noting with concern* that the national plan of action and the Commission's report do not adequately address serious allegations of violations of international human rights law and international humanitarian law,
- *Emphasizing* the importance of a comprehensive approach to transitional justice incorporating the full range of judicial and non-judicial measures, including, inter alia, individual prosecutions, reparations, truth-seeking, institutional reform, vetting of public employees and officials, or an appropriately conceived combination thereof, in order to, inter alia, ensure accountability, serve justice, provide remedies to victims, promote healing and reconciliation, establish independent oversight of the security system, restore confidence in the institutions of the State and promote the rule of law in accordance with international human rights law, with a view to preventing the recurrence of violations and abuses,
- *Underlining* that truth-seeking processes, such as truth and reconciliation commissions, that investigate patterns of past human rights violations and their causes and consequences are important tools that can complement judicial processes, and that, when established, such mechanisms have to be designed within a specific societal context and be founded on broad national consultations with the inclusion of victims and civil society, including non-governmental organizations,
- *Recalling* the responsibility of States to comply with their relevant obligations to prosecute those responsible for gross violations of human rights and serious violations of international humanitarian law constituting crimes under international law, with a view to end impunity,
- *Recalling also* the High Commissioner's conclusion that national mechanisms have consistently failed to establish the truth and to achieve justice, and her recommendation that the Human Rights Council establish an international inquiry mechanism to further investigate the alleged violations of international human rights law and international humanitarian law and monitor any domestic accountability processes,

- *Encouraging* the Government of Sri Lanka to increase its dialogue and cooperation with the Office of the High Commissioner, including with regard to technical assistance,

1. Welcomes the oral update presented by the United Nations High Commissioner for Human Rights to the Human Rights Council at its twenty-fourth session<sup>1</sup> and the subsequent report of the Office of the United Nations High Commissioner for Human Rights on promoting reconciliation and accountability in Sri Lanka<sup>2</sup> and the recommendations and conclusions contained therein, including on the establishment of a truth-seeking mechanism and national reparations policy as an integral part of a more comprehensive and inclusive approach to transitional justice;

2. Calls upon the Government of Sri Lanka to conduct an independent and credible investigation into allegations of violations of international human rights law and international humanitarian law, as applicable; to hold accountable those responsible for such violations; to end continuing incidents of human rights violations and abuses in Sri Lanka; and to implement the recommendations made in the reports of the Office of the High Commissioner;

3. Reiterates its call upon the Government of Sri Lanka to implement effectively the constructive recommendations made in the report of the Lessons Learnt and Reconciliation Commission, and to take all necessary additional steps to fulfill its relevant legal obligations and commitment to initiate credible and independent actions to ensure justice, equity, accountability and reconciliation for all Sri Lankans;

4. Urges the Government of Sri Lanka to investigate all alleged attacks, by individuals and groups, on journalists, human rights defenders, members of religious minority groups and other members of civil society, as well as on temples, mosques and churches, and also urges the Government to hold perpetrators of such attacks to account and to take steps to prevent such attacks in the future;

5. Calls upon the Government of Sri Lanka to release publicly the results of its investigations into alleged violations by security forces, including the attack on unarmed protesters in Weliveriya on 1 August 2013, and the report of 2013 by the court of inquiry of the Sri Lanka Army;

6. Encourages the Government of Sri Lanka to ensure that all Provincial Councils, including the Northern Provincial Council, are able to operate effectively, in

accordance with the 13th amendment to the Constitution of Sri Lanka;

7. Welcomes the visit by the Special Rapporteur on the human rights of internally displaced persons in December 2013, and calls upon the Government of Sri Lanka to facilitate the effective implementation of durable solutions for internally displaced persons, including the long-term displaced;

8. Also welcomes the invitation to the Special Rapporteur on the human rights of migrants and the Special Rapporteur on the right to education;

9. Encourages the Government of Sri Lanka to cooperate with other special procedures mandate holders and to respond formally to their outstanding requests, including long-standing requests;

10. Takes note of the recommendations and conclusions of the High Commissioner regarding ongoing human rights violations and the need for an international inquiry mechanism in the absence of a credible national process with tangible results, and requests the Office of the High Commissioner:

(a) To monitor the human rights situation in Sri Lanka and to continue to assess progress on relevant national processes;

(b) To undertake a comprehensive investigation into alleged serious violations and abuses of human rights and related crimes by both parties in Sri Lanka during the period covered by the Lessons Learnt and Reconciliation Commission, and to establish the facts and circumstances of such alleged violations and of the crimes perpetrated with a view to avoiding impunity and ensuring accountability, with assistance from relevant experts and special procedures mandate holders;

(c) To present an oral update to the Human Rights Council at its twenty-seventh session, and a comprehensive report followed by a discussion on the implementation of the present resolution at its twenty-eighth session;

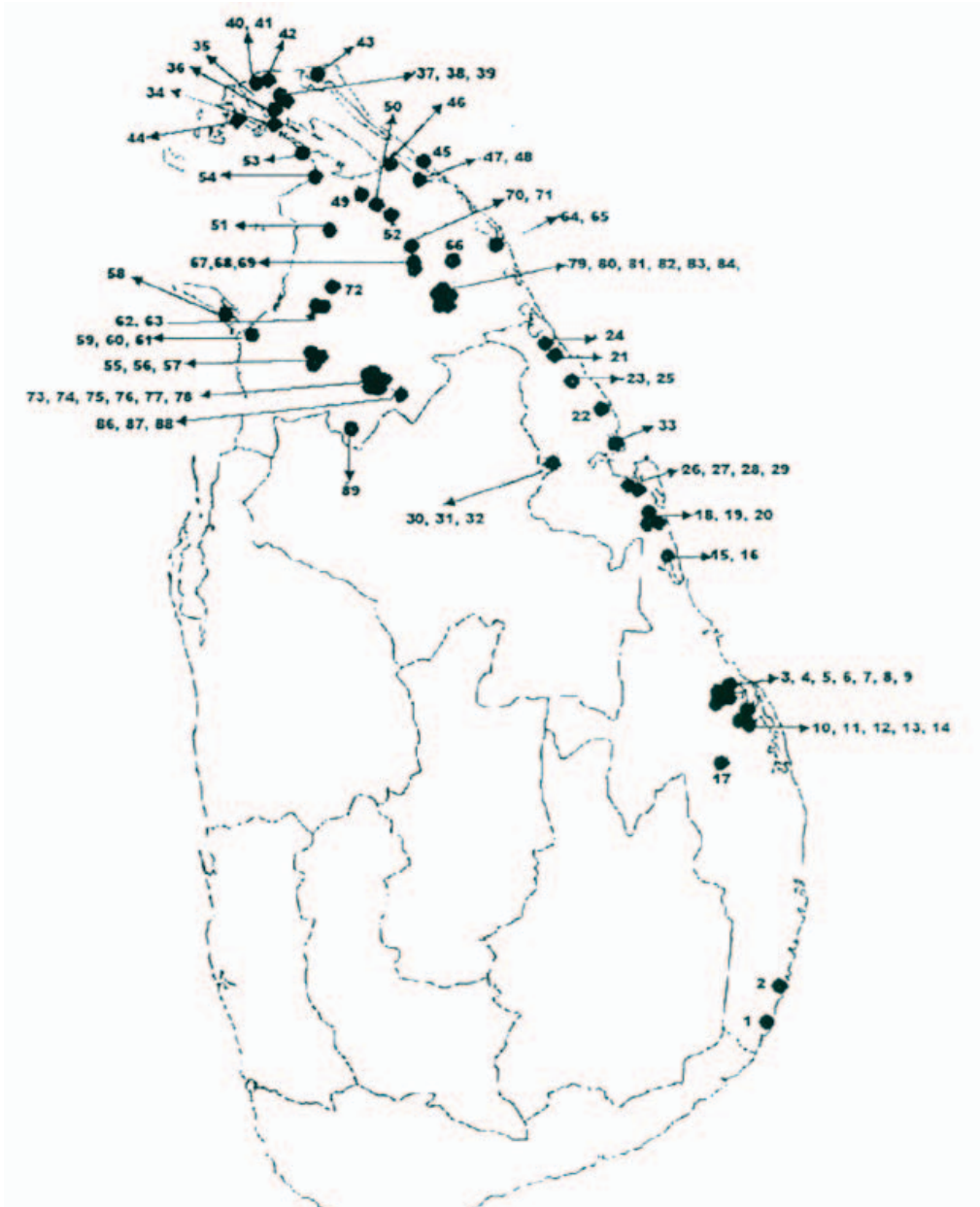
11. Encourages the Office of the High Commissioner and relevant special procedures mandate holders to provide, in consultation with and with the concurrence of the Government of Sri Lanka, advice and technical assistance on implementing the abovementioned steps;



12. Calls upon the Government of Sri Lanka to cooperate with the Office of the High Commissioner in the implementation of the present resolution.

### Appendix 3

Some of the place names in Tamil in North East Sri Lanka have been changed to Sinhalese after May 2009



No.	District	DS division	Historical Tamil name	New Sinhala name
1	Ampara	Potthuvil	Potthuvil	Pothuvila
2	Ampara	Thirukovil	Thirukovil	Sirikovila
3	Batticaloa	Koralaipattu south	Allioodai	Alioluva
4	Batticaloa	Koralaipattu south	Tharavaikulam	Tharakkulam
5	Batticaloa	Koralaipattu south	Kudumbimalai	Thoppigala
6	Batticaloa	Koralaipattu south	Periyamathavanai	Malamandi
7	Batticaloa	Koralaipattu south	Nedunkalvettai	Kevarmandi
8	Batticaloa	Koralaipattu south	Ilukkupam	Rithithenna
9	Batticaloa	Koralaipattu south	Miyankallukulam	Miyangalkulama
10	Batticaloa	Eravur Pattu	Earanaikulam	Iralkulam
11	Batticaloa	Eravur Pattu	Iluppayadichchenai	Mejor PAtthirana mawatta
12	Batticaloa	Eravur Pattu	Puluttumanoodai	Narakkamulla
13	Batticaloa	Eravur Pattu	Kopaveli	Gopawela
14	Batticaloa	Eravur Pattu	Pullumalai	Pullumala
15	Batticaloa	Koralaipattu North	Vagarai	Vagara
16	Batticaloa	Koralaipattu North	Omadiyamadhu	Ransrithenna
17	Batticaloa	Manmumai west/ Vavunithivu	Thandiyadi	Koviyana Kendriyas
18	Trincomalee	Eechchhampattu	Verugal	Veheragala
19	Trincomalee	Eechchhampattu	Kottanchole	Kottansoliya
20	Trincomalee	Eechchhampattu	Kallaru	Galara
21	Trincomalee	Kuchchaveli	Thiriyai	Thiriyaya
22	Trincomalee	Kuchchaveli	Nilaveli	Nilavaella
23	Trincomalee	Kuchchaveli	Kuccaveli	Kaeshavaella
24	Trincomalee	Kuchchaveli	Pulmottai	Puhulmotte
25	Trincomalee	Kuchchaveli	Alankulam	Gemburuweva
26	Trincomalee	Muthur	Mutthur	Moodutharu (Mudugama)
27	Trincomalee	Muthur	Kiliveddi	Kiliwetiya
28	Trincomalee	Muthur	Thoppur	Thupapura
29	Trincomalee	Muthur	Ilankaipattinam	Lankapattuna
30	Trincomalee	Morawawa	Muthalirarkulam	Morawewa
31	Trincomalee	Morawawa	Pankulam	Panwewa
32	Trincomalee	Morawawa	Periyavilankulam	Mahathivulwewa
33	Trincomalee	Town and gradets	Andankulam	Andaweva
34	Jaffna	Jaffna	Colombothurai	Koloambathota

35	Jaffna	Chankanai	Vattukoddao	Battakote
36	Jaffna	Nallur	Kokuvil	Kokavila
37	Jaffna	Uduvil	Mallakam	Mallagama
38	Jaffna	Uduvil	Chunagam	Hunugama
39	Jaffna	Uduvil	Kantharadai	Kathurukoda
40	Jaffna	Sandilippai	Mathakal	Dambakolapptuna
41	Jaffna	Sandilippai	Manipay	Amape
42	Jaffna	Thelippalai	Teipali	Teilpola
43	Jaffna	Pointpetro	Paruththithurai	Pethuruthoduva
44	Jaffna	Valanai	Nainatheevu	Nagatheeba
45	Kilinochchi	Pachchilaipallai	Kaddaikadu	Gathekaduwa
46	Kilinochchi	Kandawalai	Aanaiyiravu	Alimandkaduwa
47	Kilinochchi	Kandawalai	Paranthan	Putanthaenna
48	Kilinochchi	Kandawalai	Velikkamdai	Velikanda
49	Kilinochchi	Karachchi	Uruthirapuram	Gurusiripura
50	Kilinochchi	Karachchi	Kilinochchi	Granika
51	Kilinochchi	Karachchi	Vannerkulam	Vannanveava
52	Kilinochchi	Karachchi	Irnanamadu	Ranamaduwa
53	Kilinochchi	Punagary	Punagary	Punrana
54	Kilinochchi	Punagary	Kumulamunai	Batumuna
55	Mannar	Madhu	Silavatturai	Kiravathara
56	Mannar	Madhu	AruviAaru	Malvatuoya
57	Mannar	Madhu	Palambitti	Paelumpitiya
58	Mannar	Mannar	Mathottam	Manthota
59	Mannar	Manthai West	Vellankulam	Bellanvaeva
60	Mannar	Manthai West	Kalliyodai	Kalliyada
61	Mannar	Manthai West	Iluppaikadavai	Meepathoda
62	Mullaitivu	Manthai East	Aalankulam	Eranveava
63	Mullaitivu	Manthai East	Mondumurippu	Mulmuraekiya
64	Mullaitivu	Maritimepattu	Vatrapalai	Yaathrapola
65	Mullaitivu	Maritimepattu	Mullaitivu	Mooladoova
66	Mullaitivu	Maritimepattu	Manalaru	Velioya
67	Mullaitivu	Odduchiddan	Katchchilamadu	Kakirimaduwa
68	Mullaitivu	Odduchiddan	Kokkavil	Kokkavila
69	Mullaitivu	Odduchiddan	Mankulam	Ma-yu-Ravaeva
70	Mullaitivu	Puthukkudiyiruppu	Ambalavanpokkanai	Uppulvanpockkana
71	Mullaitivu	Puthukkudiyiruppu	Puthukkudiyiruppu	Aluthukulissa
72	Mullaitivu	Thunukkai	Thunukkai	Dunakaava

73	Vavuniya	Vavuniya	Mundumurippu	Mulmuraekiya
74	Vavuniya	Vavuniya	Vavuniya	Vannimava
75	Vavuniya	Vavuniya	Kovitkudiyiruppu	Govikulissa
76	Vavuniya	Vavuniya	Periyachippikkulam	Mahasippivaveva
77	Vavuniya	Vavuniya	Kokkuvelli	Kokkeliya
78	Vavuniya	Vavuniya	Veppankulam	Kokombawewa
79	Vavuniya	Vavuniya North	Kochchankulam	Kalposavewa
80	Vavuniya	Vavuniya North	Nedunkeny	Neadunkurana
81	Vavuniya	Vavuniya North	Kachchuranmottai	Kahambilmode
82	Vavuniya	Vavuniya North	Puliyankulam	Siyambalavaeva
83	Vavuniya	Vavuniya North	Periyanalankulam	Pareviaeva
84	Vavuniya	Vavuniya North	Puliyankulam	Kottiyaveva
85	Vavuniya	Vavuniya North	Pankulam	Panwewa
86	Vavuniya	Vavuniya South	Erapperyakulam	Demahavaeva
87	Vavuniya	Vavuniya South	Iratperiyakulam	Iratperiyakulam
88	Vavuniya	Vavuniya South	Madukantha	Mandukoddai
89	Vavuniya	VengalaCheddikulam	Adappankulam	Adappankulam



## Appendix 4

### A brief history of the Sri Lankan government's tactics to establish Commissions to meet international and/or domestic pressure

The history of appointment of commissions of inquiry dates back to the passing of the Commissions of Inquiry Ordinance No. 9 of 1872, which may be regarded as the legislative precursor to the present COI Act of 1948. Prior to the adoption of this ordinance, such Commissions were appointed pursuant to Article VII of the Letters Patent constituting the office of Governor and Commander in Chief of the island of Ceylon, then a crown colony.

With the coming into operation of the Independence Constitution, power formerly vested in the Governor stood conferred on the Governor General as the representative of the Monarch in England, the nominal Head of State. The President de facto assumed the Governor General's role with the entry into force of the 1972 Constitution, which preserved the "Westminster" model of cabinet government. The promulgation of the 1978 Constitution gave the newly established Executive President the power to appoint such commissions (The continuation of the COI Act of 1948 was preserved mutatis mutandis in terms of Article 16(1) of the 1978 Constitution).<sup>6</sup>

#### The Sansoni Commission

**Appointed on:** November 9<sup>th</sup> 1977

**Reported on:** July 2<sup>nd</sup> 1980

**Mandate:** To inquire into the incidents that took place between 13<sup>th</sup> August and 15<sup>th</sup> September, 1977, to ascertain:

- The circumstances and the causes that led to the incidents that took place between August 13<sup>th</sup> 1977 and September 15<sup>th</sup> 1977, resulting in death or injury to persons, the destruction or damage of property of any person or state property;
- Whether any person or body of persons or any organisation or any person or persons connected with such organisation, committed or conspired to commit, aided or abetted or conspired thereto to aid or abet or assisted and encouraged or conspired thereto or encouraged the commission of such above mentioned acts; and
- To recommend such measures as may be necessary to rehabilitate or assist such affected persons and to ensure the safety of the public and prevent a recurrence of such incidents.

**Findings:** Though there was a general condemnation of ‘unruly’ behaviour of the police, his disposition to accept police versions of particular incidents solely on the basis that no complaint had been made to the police,<sup>7</sup> and to dismiss eye-witness accounts of ‘a reign of police terror’ during the 1977 communal violence,<sup>222</sup> raises unresolved questions about the Sansoni Report.

## Inquiry into attack on MSF Vehicle (Palampiddi-Iranai Road Inquiry)<sup>8</sup>

**Appointed on:** May 9<sup>th</sup> 1991

**Reported on:** June 1991

**Mandate:** to inquire into the shooting and attack by aircraft which caused injury and damage to personnel and property of Medecins Sans Frontieres (MSF) on 3 May, 1991 and to ascertain whether the firing upon of the MSF vehicle by a government helicopter was intentional or accidental. The Commission found that the MSF officers had not obtained the requisite permission regarding route clearance from the Joint Operations Command (JOC) to use the Palampiddi-Iranai road which route was, at that point, near an ongoing military operation with a curfew having been declared in Vavuniya.<sup>9</sup>

**Findings:** The Commission concluded that though JOC had approved a particular route on the main Mannar-Vavuniya road, MSF had not taken that route but had followed the Palampiddi-Iranai road. This conclusion was reached through sole reliance on the statements of the JOC officer with whom the MSF officer had conducted a telephone conversation regarding the route that should be taken.<sup>10</sup> It also concluded that the firing was accidental, that the shooting or attack was not conducted without due care and precautions for the safety of persons, but was due to a mistake made in good faith.<sup>11</sup>

The Commission’s finding, however, was contrary to evidence from the injured MSF personnel that after the first shot was fired at their vehicle (which was clearly marked from all sides with the MSF emblem) from the army helicopter, the four personnel had commenced to wave the MSF flags in order to establish identity. However, despite their doing so, the shooting continued, followed by the dropping of bombs on the vehicle. It was at that point that the MSF personnel were injured.<sup>12</sup>

## The Kokkadicholai Commission of Inquiry

**Appointed on:** June 18<sup>th</sup> 1991

**Reported on:** March 9<sup>th</sup> 1992

**Mandate:** To report on whether there was any connection between the two incidents of the explosion of a device on 12 June 1991 resulting in the deaths of two soldiers and the injury to another and the killing of sixty-seven civilian inhabitants of nearby villages in Batticaloa. It was also required, inter alia, to report on whether the civilian deaths resulted from actions of the armed forces.

The Commission was established by then President R. Premadasa, responding to public pressure to identify the perpetrators of the massacre. The Commission, in its Final Report, found the killings of the civilians directly attributable to the soldiers stationed in the Kokkadicholai army camp. The actions were stated to disclose penal offences; namely murder, arson, robbery, unlawful assembly and similar offences.

However, in an assessment of the context and circumstances surrounding the massacre, it was concluded that the civilian killings were the result of unrestrained behaviour of soldiers after the explosion and death of two of their colleagues and the injury of yet another.

**Findings** :That the witnesses from the villages involved were questioned as to whether before this incident, there was any harassment by or bad conduct of the soldiers. The villagers were unanimous in stating that since the Camp was established at Kokkadicholai about 6 months prior to June 1991, there had been no harassment from the soldiers and that it appears there had been cordial relations with the soldiers.<sup>13</sup>

**Action**: Accordingly, the killings were not found to be the result of military action but rather, offences committed by soldiers who ran amok. The Commission opined that the offences were punishable in terms of the Penal Code but that, due to the finding that there was no evidence against any particular soldier or soldiers as such, it was determined that “the offenders cannot be brought before a criminal court of law.”<sup>14</sup>

## The 1991-93 Presidential Commissions (1991-1993)

### *Commissions appointed by President R. Premadasa*

**Appointed on:** 11 January 1991; 13 January 1992; 25 January 1993<sup>15</sup>

**Reported on:** Not Published

**Mandate:** To inquire into and obtain information and report in respect of the period commencing 11 January 1991 (thereafter 13 January 1992 and 25 January 1993) until twenty-four months following upon the date hereof. The Commission was to inquire into allegations “that persons are being involuntarily removed from their places of residence by persons unknown” and report on the following:

- i. Any complaints of such alleged removal, and/or the subsequent lack of information of the whereabouts of the person or persons so removed;
- ii. The evidence available to establish the truth of such allegations;
- iii. The present whereabouts of the person or persons so removed;
- iv. The identity of the person or persons or groups responsible;
- v. The evidence available to establish the truth of such allegations;

- vi. The steps at law to be taken against such persons responsible;
- vii. Whether such illegal acts took place by reason of any lack of legal provision in the present laws relating to law enforcement;
- viii. The remedial measures necessary to prevent the future occurrence of such illegal activity.<sup>16</sup>

### Commission Appointed by President D.B. Wijetunge

**Appointed on:** 13<sup>th</sup> September 1993<sup>17</sup>

**Reported on:** Not published

**Mandate:** to inquire into past involuntary removal of persons during 1991-1993 and

- i. whether such illegal acts took place by reason of any lack of legal provision in the present laws relating to law enforcement;
- ii. the remedial measures necessary to prevent the future occurrence of such illegal activity.<sup>18</sup>
- iii. any complaints of such alleged removals, and/or the subsequent lack of information of the whereabouts of the person or persons so removed;
- iv. the credibility of such complaint;
- v. your recommendation as to whether or not further investigations into such complaint are warranted for the purpose of the institution of legal proceedings<sup>19</sup>

### The 1994 Commissions of Inquiry into Disappearances

**Appointed on:** November 30<sup>th</sup> 1994.

**Reported on:** September 1997

**Mandate:** to inquire into and report on the following matters:

- a. whether any persons have been involuntarily removed or have disappeared from their places of residence in the [Central, North Western, North Central and Uva Provinces/Northern & Eastern Provinces/ Western Province, Southern Province and the Sabaragamuwa Province] at any time after 1 January 1988;
- b. the evidence available to establish such alleged removals or disappearances;
- c. the present whereabouts of the persons alleged to have been so removed, or to have disappeared;
- d. whether there is any credible material indicative of the person or persons responsible

- for the alleged removals or disappearances;
- e. the legal proceedings that can be taken against the persons held to be so responsible;
  - f. the measures necessary to prevent the occurrence of such alleged activities in the future;
  - g. the relief, if any, that should be afforded to the parents, spouses and dependents of the persons alleged to have been so removed or to have disappeared; and
  - h. to make such recommendations with reference to any of the matters that have been inquired into under the terms of this Warrant. In view of the importance of these Commission Reports, the following analysis deals with different aspects of their establishment, functioning and recommendations.

These three Commissions investigated a total of 27,526 complaints out of which 16,800 cases were established to amount to enforced disappearances. Out of the 16,800 cases, the three Commissions were of the opinion that, there was evidence indicative of the identities of those responsible for the relevant involuntary removal of persons and their subsequent disappearances in respect of 1,681 cases.<sup>20</sup>

**Findings: The 1994 Commissions Reports** are unambiguous with regard to the expectation that justice and reparations follow their determination of truth as disclosed through their inquiries. This Commission recommends a vigorous prosecution of those responsible for disappearances.<sup>21</sup> Severe disciplinary measures should be meted out to Government Officials who have failed to take adequate measures to prevent disappearances.<sup>22</sup> The Recommendations of the 1994 Disappearances Commissions in relation to reforms of the law and legal process included the following:

Investigations into all acts of gross human rights abuses should be carried out through a special unit of the police under the direct supervision of an officer not below the rank of a Deputy Inspector General of Police;<sup>23</sup> An Independent Human Rights Prosecutor should be established as an institution similar to the Commissioner of Elections and the Auditor General with funds provided by Parliament; Evidentiary rules in regard to cases of enforced disappearances and extrajudicial executions should remain that of the normal law. However, once detention is established, the burden should shift to the person charged in the absence of an explanation.

Legal principles relating to chain-of-command liability should be clarified by the Supreme Court in the exercise of its jurisdiction in terms of Article 126 of the Constitution. Due obedience should not be entertained as a defence to abuses.

The Reports of the Commissions submitted to President Kumaratunge in 1997 were not made publicly available in a generalised way until some years later, even though the Sessional Papers themselves are dated 1997. In any event, some portions of these reports have still not been made public. The relatives of the victims and those who



appeared before the Commissions were not individually or collectively informed of the findings of the Commissions. Except for the payment of compensation in certain cases, no effective action was forthcoming in displacing the systems and structures that permitted and encouraged the disclosed crimes.

**Action:** A factor that is sometimes overlooked in this context is that apart from prosecutions, the findings in these Commission Reports would have warranted internal disciplinary action to be taken in respect of officers found credibly implicated in the incidents investigated in terms of internal departmental orders of the police and services Regulations of the forces. However, whatever action taken on this basis has also been negligible. Further, as adverted to later, a 1996 presidential direction to the Commander of the Armed Forces to send 200 services personnel implicated in the findings of the three 1994 Disappearances Commissions on compulsory leave, was ignored.

## The 1998 All Island Disappearances Commission

**Appointed on:** April 30<sup>th</sup> 1998

**Reported on:** March 2001

**Mandate:** to inquire into and report on the following matters:

- a. The allegations about the involuntary removal of persons from their residences, or the disappearances of persons from their residences, made to the Commissions of Inquiry appointed under the Commissions of Inquiry Act, and terms of reference of which are published respectively, in Gazettes No. 855/18, 855/19 and 855/20 of January 25, 1995, being allegations in respect of which no investigations have commenced on the respective dates, appointed by the respective warrants appointing such Commission of Inquiry, for the rendering of the reports of such Commissions of Inquiry;
- b. The evidence available to establish such alleged removals or disappearances;
- c. The present whereabouts of persons alleged to have been so removed or to have so disappeared;
- d. Whether there is any credible material indicative of the person or persons responsible for the alleged removals or disappearances;
- e. The legal proceedings that can be taken against the person held to be so responsible;
- f. The measures necessary to prevent the occurrence of such alleged activities in the future;
- g. The relief if any that should be afforded to the parents, spouses and dependents of the persons alleged to have been so removed or to have disappeared; and to make such recommendations with reference to any of the matters that have been inquired into under the terms of this warrant.

The 1998 All-Island Disappearances Commission sent a list of individuals implicated in the enforced disappearances under confidential cover to the President, following the 1994 Disappearances Commissions' procedures in not embarking to the second stage of affording the alleged perpetrators an opportunity to testify.<sup>24</sup> It was concluded that in the 4,473 cases where enforced disappearances had been proved, agents of the state, paramilitaries acting in collaboration with them, as well as subversive groups, were implicated.<sup>25</sup> Personal enemies and unknown persons were also noted to be responsible for some of the cases.

**Findings:** The Commission recommended, *inter alia*, the following measures in respect of legal proceedings against those responsible for gross human rights violations:

- *The creation of an office of an Independent Human Rights Prosecutor*
- *The creation of a crime of enforced disappearances and inclusion of the concept of command responsibility<sup>26</sup>*
- *Interdiction from service of alleged perpetrators to take place following the initiation of criminal and/or disciplinary proceedings*
- *Affirmation of the principle of accountability in respect of past acts for the good of society in the future*

**Action :** Recommendation not implemented

## The Presidential Truth Commission on Ethnic Violence (1981-84)

**Appointed on:** July 23<sup>rd</sup> 2001<sup>27</sup>

**Reported on:** September 2002<sup>28</sup>

**Mandate:** Inquire and report on the following matters:

- a. The nature, causes and extent of ☐
  - (i) The gross violation of human rights; and
  - (ii) The destruction of and damage to property committed as part of the ethnic violence which occurred during the period commencing from the beginning of the year 1981 and ending in December 1984, with special reference to the period of July 1983, including the circumstances which led to such violence;
- b. Whether any person, group or institution was directly or indirectly responsible for such violence;
- c. The nature and extent of the damage, both physical and mental, suffered by the victims of such ethnic violence;

- d. What compensation or solatium should be granted to such victims or to their dependents or heirs;
- e. the institutional, administrative and legislative measures which need to be taken in order to prevent a recurrence of such violations of human rights and destruction or damage of property in the future and to promote national unity and reconciliation among all communities and to make such recommendations with reference to any of the matters that have been inquired into under the terms of this Warrant.

**Recommendations:** The Report of this Commission reveals witness testimony and other evidence in regard to the burning of the Jaffna Public Library in 1981, the District Development Council elections (1981), the July riots (1983) and the killing of prisoners at the Welikada Prison (1983). The Commission report had, in fact, minimal positive impact on public opinion and did not serve as a mechanism for accountability or redress

**Action:** Despite the many pronouncements of this Commission as to the taking of measures that were deemed necessary for national healing, there was no implementation of any of these recommendations.

## The Bindunuwewa Commission

**Appointed on:** 8th March, 2001<sup>29</sup>      **Reported on:** November 2001 (Not Published)

**The incident:** 28 Tamil youth between the ages of 14-23 years were killed while some 14 other Tamil youth were seriously injured.

**Mandate:** To inquire into questions of responsibility, rehabilitation, administration, and prevention in respect of incidents that occurred at the Bindunuwewa Rehabilitation Centre during the month of October 2000.

**Findings:** The Commission report held liable the two senior police officers, ASP Daryaratne and HQI Seneviratne, for not taking action to prevent the attacks and for ordering the police to shoot into the crowd of detainees. It further held their junior officers, Subinspectors Walpola, Ratnayake and Abeynarayana, responsible for engaging in the attacks willfully.

**Action:** Recommendation not implemented

## The International Independent Group of Eminent Persons (IIGEP),

was a group of individuals nominated by international donor countries and the government of Sri Lanka, vested with a wide mandate to observe all investigations and inquiries conducted by and on behalf of the Commission of Inquiry into alleged human rights abuses in Sri Lanka.

**Appointed on:** November 2006

**Reported on:** Not Published

**Mandate:** The Presidential Warrant limits the scope of the Commission to a retrospective and fact finding role. The core work of the Commission is to obtain information, investigate and inquire into alleged serious violations of human rights arising since 1 August 2005, including 16 specific cases; and to examine prior investigations into these cases. The Commission is required to make findings and report to the President on the facts and circumstances pertaining to each case; the descriptions, nature and backgrounds of the victims; the circumstances that may have led to, or resulted in, those persons suffering such deaths, injury or physical harm; the identities, descriptions and backgrounds of the persons and groups responsible for the commission of deaths and other acts; measures of reparation to be provided to the victims; and recommendations in order to prevent the occurrence of incidents in the nature of those investigated and any other recommendations considered as relevant.

**Resignation:** The members of IIGEP at their November 2007 plenary concluded that they would terminate the IIGEP observation role with effect from April 1, 2008 and informed President Mahinda Rajapaksa of their decision. In their concluding public statement, they outlined that they did not see that continued observation would change the situation, and that despite IIGEP drawing attention to defects in the workings of the Commission, their recommendations have been largely disregarded.

The main concerns of the IIGEP were:

- A lack of political will from the Government of Sri Lanka to support a search for the truth.
- A conflict of interest in the proceedings before the Commission, with officers from the Attorney General playing an inappropriate and impermissible role in the proceedings.
- Lack of effective victim and witness protection
- Lack of transparency and timeliness in the proceedings
- Lack of full cooperation by State bodies
- Lack of financial independence of the Commission

## Appendix 5

### Failed pacts between different governments in Sri Lanka and the Tamils to protect the rights of minority Tamils

“...One of the essential elements that must be kept in mind in understanding the Sri Lankan ethnic conflict is that, since 1958 at least, every time Tamil politicians negotiated some sort of power-sharing deal with a Sinhalese government - regardless of which party was in power - the opposition Sinhalese party always claimed that the party in power had negotiated away too much. In almost every case - sometimes within days - the party in power backed down on the agreement...” Professor Marshall Singer<sup>30</sup>

#### 1928 Donoughmore Commission proposal for Provincial Councils

Even before Sri Lanka became independent and as early as 1928, the Donoughmore Commission recommended the establishment of Provincial Councils on the ground that it was desirable that a large part of the administrative work of the centre should come into the hands of persons resident in the districts and thus more directly in contact with the needs of the area.

Twelve years later the Executive Committee of Local Administration chaired by the late S.W.R.D. Bandaranayake, considered the proposal of the Donoughmore Commission and in 1940, the State Council (the legislature) approved the establishment of Provincial Councils. In 1947, on the floor of the House of Representatives, the late S.W.R.D. Bandaranayake again declared his support for the establishment of Provincial Councils.

In 1955, the Choksy Commission recommended the establishment of Regional Councils to take over the functions that were exercised by the Kacheries and in May 1957, the government of the late S.W.R.D. Bandaranayake presented a draft of the proposed Bill for the establishment of Regional Councils.

#### 1957 Bandaranayake- Chelvanayakam Pact for direct election to Regional Councils

The SLFP negotiated and reached an agreement with the FP, known as the B-C Pact, on a plan for regional autonomy following mass agitation by the Tamils in the northern and eastern provinces against the imposition of Sinhala in 1957.<sup>31</sup>

Subsequently, in July 1957, the pact made provision for direct election to Regional



Councils and also provided that the subjects covered by Regional Councils shall include agriculture, cooperatives, lands and land development, colonisation and education. The Pact however did not survive the opposition of sections of the Sinhala community led by Buddhist priests and which included the opposition United National Party led by J.R. Jayewardene (who twenty years later, in 1977 became Sri Lanka's first executive President).

Widespread Sinhala opposition to the B-C Pact triggered the events that led to the first pogrom against the Tamils in 1958. The SLFP later abrogated the agreement fearing Sinhala opposition. A year later, a militant Buddhist monk assassinated S.W.R.D. Bandaranayake<sup>32</sup>. At the General Elections in March 1960 (after the assassination of S.W.R.D. Bandaranayake) neither of the two Sinhala dominated parties, the SLFP nor did the UNP win an overall majority in Parliament. The Federal Party submitted to both the SLFP and the UNP a statement of minimum demands. The UNP did not refer to these demands in the Throne Speech, the Federal Party voted against the Throne Speech, the government was defeated, and fresh elections were called.

At the subsequent elections in July 1960, the Federal Party supported the SLFP on the basis of the SLFP pledge to implement measures on the lines of the 1957 B-C Pact. But the SLFP won the General Elections with an overall majority and did not implement the agreement.

In July 1963, the government of Mrs. Bandaranayake declared that 'early consideration' would be given to the question of the establishment of District Councils to replace the Kacheries and the government appointed a Committee on District Councils and the report of this Committee containing a draft of the proposed Bill to establish District Councils was published but again nothing was done.

### 1965 Dudley Senanayake-Chelvanayakam Agreement for District Councils

After the 1965 General Elections, a pact was negotiated to secure the support of the Federal Party for the formation of a U.N.P. government led by Dudley Senanayake. Following upon the 1965 Dudley Senanayake-Chelvanayakam agreement, the UNP government declared that it would give 'earnest consideration' to the establishment of District Councils and in 1968 a draft Bill approved by the Dudley Senanayake Cabinet was presented as a White paper and this Bill provided for the establishment of District Councils.

This time round, the opposition to the Bill was spearheaded by the Sri Lanka Freedom Party which professed to follow the policies of the late S.W.R.D. Bandaranayake who himself had in 1940, 1947 and again in 1957, supported the establishment of Provincial/Regional Councils. In view of the opposition, the Senanayake government withdrew the district council's bill in July 1968 and the Federal Party then withdrew from the government.

The pattern of Sinhala opposition to any proposal for granting regional autonomy to the Tamils that has been dogging all efforts to forge peace in the island to date scuttled the Dudley Senanayake-Chelvanayakam Pact as well. Those sections of the Sinhala press, the SLFP and the powerful left-wing parties that had hitherto been ethnically liberal, joined a campaign against the government charging that the Prime Minister had colluded with the FP to divide the country.<sup>33</sup>

### 1970 Proposals by the Tamil Federal Party rejected by Sri Lanka

After yet another General Election in 1970, which was won by a large majority by the S.L.F.P. led by Mrs. Srimavo Bandaranayake, a Constituent Assembly was established to enact a new constitution. The Federal Party submitted proposals to the Ministry of Constitutional Affairs for:

1. A federal form of government with an autonomous Tamil state, an autonomous Muslim state and three autonomous Sinhala states;
2. Tamil Language Regulation 1966 to be incorporated into the constitution;
3. Mother tongue to be the compulsory medium of instruction for all Tamil children

The Federal Party withdrew from the Constituent Assembly in June 1971, after its proposed amendment on parity of status for the Tamil and Sinhala languages was defeated. The Constituent Assembly passed the new Constitution (which gave Ceylon the Sinhala name 'Sri Lanka' and gave a dominant Constitutional role for Buddhism) on 22 May 1972. The Federal Party parliamentarians boycotted the meeting.

In the 1977 elections, the people of Sri Lanka elected UNP representative, J.R. Jayewardene, as head of state. He helped draft the 1978 constitution which is still used today. The constitution included the use of Tamil and English as official languages, allowed the Tamils to have representatives in proportion to their population, and ensured easier access to education. Although this may seem to be a step towards resolving the discrimination against the Tamil people, the basic freedoms outlined in this constitution have never been enforced for a variety of reasons. The best explanation of this lack of enforcement is stated by David Little: "The possibility of improved ethnic relations was... undermined by the government's failure to implement its policies wholeheartedly."<sup>34</sup> In addition to this, legislative groups had less authority than assumed and were limited by budget cuts and corruption to enforce such legislation.<sup>35</sup>

## 1979 Presidential Commission to inquire and report on the creation of District Development Councils

In August 1979, Sri Lanka President J.R. Jayewardene appointed a Presidential Commission to inquire and report on the creation of District Development Councils. The Commission included, Dr. Neelan Thiruchelvam and Professor Alfred Jeyaratnam Wilson who both had the support of the Tamil United Liberation Front.

But though the Presidential Commission had been touted as a body which would address the issues arising from the ethnic conflict, in the event, the Commission concluded that the scheme that they had envisaged “would be applicable to all of the 24 districts in the Island irrespective of their ethnic composition” and was “not intended to provide a different political or administrative structure for any particular part of the country.”

## 1985 Thimpu Talks

In July and August 1985 the leaders of the Tamil armed resistance, together with the Tamil United Liberation Front participated in talks with the Sri Lanka government. The talks, sponsored by India, were held in Thimpu, the capital of Bhutan with a view to resolving the conflict.

At the Thimpu Talks, the Sri Lankan Government presented proposals, which were in substance, a repetition of the proposals by the Government to the aborted All Party Conference in Colombo in December 1984.

These proposals had been rejected by the TULF and the action of the Sri Lankan government in placing similar proposals once again at the Thimpu talks called in question the good faith of the Government and its commitment to seek a just solution at these talks.

The intent of the proposals that were presented by Sri Lanka at Thimpu was clear. **The unit of devolution was not even the province but the district.** Further, the District Councils were without executive power. Their limited legislative power to enact subsidiary legislation was made subject to the control and approval of the President. Finally the funds to be placed at the disposal of a District Council were to be determined at the discretion of a commission appointed by the President.

The proposals evidenced the intention of the Sri Lankan government to manage and control the Tamils even in the relatively insignificant functional areas where the District Councils were given some jurisdiction. In the end, the Thimpu Talks collapsed because even as the talks continued, Sri Lanka renewed its military offensive in the Tamil homeland.

## “December 19” Proposals -1986

After the collapse of the Thimpu Talks, India attempted ‘indirect negotiations’ - with Indian officials talking to the Sri Lanka government and the TULF separately. The LTTE and the other militant groups (with the possible exception of PLOTE) were not involved in these ‘indirect negotiations’. At the end of these ‘indirect negotiations’ on 30.8.1985 the Sri Lankan side presented a Working paper (Draft Framework of Accord and Understanding), which, it was agreed by the Government of India, could serve as the basis for further negotiations.

The Working Paper envisaged the creation of separate Provincial Councils for the Northern and Eastern Provinces by amendment to the Sri Lankan Constitution. Yet again, the Proposals refused to recognise the existence of the Tamil homeland in the North-East. During October and November 1985, India’s Foreign Secretary, Romesh Bhandari, attempted to secure the agreement of the Tamil militant groups to the Sri Lanka Working Paper but not surprisingly failed.

In mid December 1986, Indian Minister of State Mr. Natwar Singh and Mr. P. Chidambaram visited Colombo and fresh proposals were evolved (which came to be known as the December 19 Proposals).

These proposals involved the formation of a new Eastern Province by excising Sinhalese majority areas (Amparai Electoral District) from the existing Eastern Province, and the creation of two Tamil Provincial Councils in the Northern and the reconstituted Eastern Province. The Sri Lanka government agreed to consider a proposal for a Second Stage of constitutional development, which would provide for the Northern Province and the new Eastern Province being merged.

During the Thimpu talks the Tamil parties jointly came up with four principles on which they sought a negotiated settlement. The government rejected outrightly three principles-those pertaining to the recognition of the Tamils as a nation, the right to self-determination, and the existence of the Tamil homeland. The Tamil position was articulated at the level of principles; the government’s response-offering district councils- was at the practical level and was hardly substantive. There was no effort then, nor has been any since, to try to reconcile the Thimpu principle with those regarded as nonnegotiable by the Sri Lankan government, in particular the unity and territorial integrity of the country.<sup>36</sup>

However, soon after the return of the Indian Ministers, the Sri Lankan Government expressed reservations and reviled from the December 19 position and this is reflected in the exchange of letters between India and Sri Lanka in February 1987.

## 1987 Indo - Sri Lanka Peace Agreement

The Indian government's interest in Sri Lankan affairs increased from 1983 through 1987. Numerous attempts at mediation between the Sinhalese and the Tamils failed. The impetus for such intervention was most likely the pressure from the many citizens of Tamil Nadu who were related to the Tamils in Sri Lanka. The Indian government decided that military intervention was necessary. However, a practical reason was needed to avoid international scorn.<sup>37</sup>

The Indo-Sri Lankan peace agreement was signed on the 29th of July 1987 by Prime Minister Rajiv Gandhi and President J.R. Jayewardene. The Indo-Sri Lankan Peace Accord of 1987 was the Indian government's way of satisfying its own Tamil citizens and the Sinhalese government in Colombo. It was an agreement that went back even on the Chidambaram 'December 19' proposals. The Agreement did not recognise the existence of an identified Tamil homeland and resorted to the subterfuge of a referendum to evade facing the issue posed by the demand for a merger of the North and East.

In August 1987, the Sri Lankan Parliament passed the 13th Amendment to the Constitution and the ancillary Provincial Councils Act and claimed that the enactment of these laws fulfilled the promises made in the 1987 Indo Sri Lanka Accord, to 'devolve power' on the Tamil people.

It created Provincial 'Ministers' without executive power and at the same time a Provincial Governor, appointed by the President, who would exercise executive power in respect of provincial matters - a Provincial Governor who was also the administrative head of the provincial public service and who has control of the Provincial Finance Fund.

India and Sri Lanka sought to enforce the Indo Sri Lanka Agreement by resort to force and the Indian Army was invited to the North-East by Sri Lanka President Jayewardene. Initially, 1,700 Indian troops (the Indian Peace Keeping Force - IPKF) arrived to enforce the pact. The Indian presence eventually grew to over 100,000. The accord stated that the Indian government never would allow a separate Tamil state; however, it did recognize the northern and eastern areas as "areas of historical habitation"<sup>38</sup> by Tamil-speaking Sri Lankans and that "Sinhalese shall be the official language of Sri Lanka. Tamil and English will also be official languages."<sup>39</sup> Sinhalese was first, but Tamil and English were equal to Sinhala, satisfying the Tamils. The Indian Army moved in to help restore order to the north and east. The Indians, not knowing how to distinguish guerillas from citizens, killed 7,000 Tamil civilians and caused significant property damage<sup>40</sup>.

## 1989/90 Premadasa Talks

In December 1988, Sri Lanka elected a new President, Ranasinghe Premadasa. He assumed office on 2<sup>nd</sup> January 1989. President Premadasa was intent on securing the withdrawal of the IPKF because of opposition by Sinhala militants (JVP) to Indian



presence in the island. India commenced withdrawing troops in July 1989 and completed the withdrawal by March 1990.

With the departure of the IPKF, President Premadasa went back on the basic LTTE demands for the dissolution of the North-East provincial councils, the holding of fresh elections and the repeal of the 6th Amendment to the Sri Lanka Constitution. In June 1990, the talks inevitably collapsed and the armed conflict resumed.

### 1994 Talks with Chandrika Government

In August 1994, the newly elected Sri Lanka government led by Chandrika Kumaratunga engaged the Liberation Tigers in talks yet again. The people elected Chandrika Kumaratunga to the Presidency in 1994 as she promised immediate cessation of hostilities with the LTTE. She immediately began peace talks with the LTTE. An initial peace package was accepted by the LTTE under four conditions:

1. The embargo of food, gas, and other supplies to the North was to be lifted.
2. Tamil fishermen should be allowed to fish in the North.
3. All military camp should be removed from the North.
4. LTTE members should be able to carry guns in the government-controlled East<sup>41</sup>.

The first two demands were agreed upon, but it was difficult to enforcing the lifting of the embargo. The LTTE was not satisfied and decided to extend the March 1995 deadline for the terms to be met. However, in April 1995, the LTTE backed out of the agreement. The LTTE blew up two ships in an east coast harbor and subsequently blew up almost a quarter of the Sri Lankan navy, including airplanes and military personnel.<sup>42</sup> But in an interview with the she admitted:

“We conducted talks on the basis that the LTTE would not agree to any peaceful settlement and lay down arms.”<sup>43</sup>

The talks collapsed on April 19<sup>th</sup> 1995.

“... giving pledges and implementing those pledges are two different things. In the past the Tamil people have been betrayed by previous Sinhala regimes. Agreements were made but not implemented. Pacts were signed and abrogated. This is our history. Chandrika’s government is not an exception...”<sup>44</sup>

### 1995 Devolution Package

On August 3rd 1995, Sri Lanka President Kumaratunga released a Devolution Package with the stated objective of ending the ethnic conflict in the island. At the same time she reaffirmed her intention to wage war against the Liberation Tigers and launched a

war known as 'No Mercy War' in the north of the island of Sri Lanka. The 'new' proposals once again, refused to recognize the existence of the Tamil homeland, rejected an asymmetric approach, and continued to treat all the provinces in the same way and to insist on a unitary state. This was the last proposal dished out to the Tamils but unfortunately it never saw the light of the day as there was a stiff opposition from various sections of Sinhalese.

## 2002 Cease Fire Agreement with International Support

Prior to the election of United National Party (UNP)-led coalition of Prime Minister Ranil Wickremasinghe, the military suffered major defeats at the hands of the LTTE in 2000 and for the first time, the economy experienced negative growth in 2001. Following the September 11 terrorist attacks in the USA, sections of the ruling elite saw the Bush administration's "war on terrorism" as an ideal opportunity to force the LTTE to the negotiating table on favourable terms. At the same time the LTTE using in the battle field victory declared a universal ceasefire and invited the Government of Sri Lanka (GSL) for peace talks.

The LTTE leader Mr. Velupillai Pirabakaran and the Prime Minister Ranil Wickremasinghe signed a Cease Fire Agreement (CFA) on February 22<sup>nd</sup> 2002 mediated by the Norwegian government. The Sri Lanka Monitoring Mission (SLMM), comprised of Nordic countries, was sent to Sri Lanka to monitor this CFA. The United States of America, the European Union and Japan, along with Norway, appointed themselves as Co-Chairs to drive the CFA forward. Contradictory positions taken by the Prime Minister from the UNP and the President from the SLFP did not augur well for the success of the CFA, which led to the dissolution of the Parliament and election of Mr Mahinda Rajapaksa of SLFP as the Prime Minister on 26<sup>th</sup> December 2004 and was elected as the President of Sri Lanka on 19<sup>th</sup> November 2004 with the smallest margin of votes, a fraction of a percentage, because of the boycott called by the LTTE in Tamil Eelam most of it was under LTTE control.

President Rajapaksa intensified the war against the LTTE declaring that he is fighting against the "Tamil terrorists" with zero casualties. The armed forces victory against the LTTE in the East of the Island, led him to unilaterally abrogate the CFA in January 2008. President Mahinda Rajapaksa emerged victorious against the LTTE, after totally annihilating the LTTE leadership towards the end of the war.

## Appendix 6

### Named Eelam war table with dates

#### Eelam War I

The **Operation Liberation** or **Vadamarachchi Operation** 1987

#### Eelam War II

**Operation Eagle** was a Sri Lanka Air Force operation 1990

**Operation Thrividha Balaya** (Sea Breeze) 1990

**Operation Balavegaya** (Operation Power force) 1991

The **Battle of Kokavil** was a battle in June and July 1990

The **Battle of Pooneryn** was a battle fought on November 11<sup>th</sup> 1993

#### Eelam War III

**Operation Riviresa** (Operation *Sunrays*), was a combined military operation launched by the Sri Lankan Armed Forces in Jaffna. Starting on the October 17<sup>th</sup> 1995

**Operation Jayasikurui** (*Certain Victory* in Sinhala), was a Sri Lankan military action launched on May 13<sup>th</sup> 1997

**Operation Rivibala** Sun Power 1998

**Operation Rana Gosa**, (battle cry in Sinhala) 1999

**Operation Rivi Kirani** (Sun rays) 1999

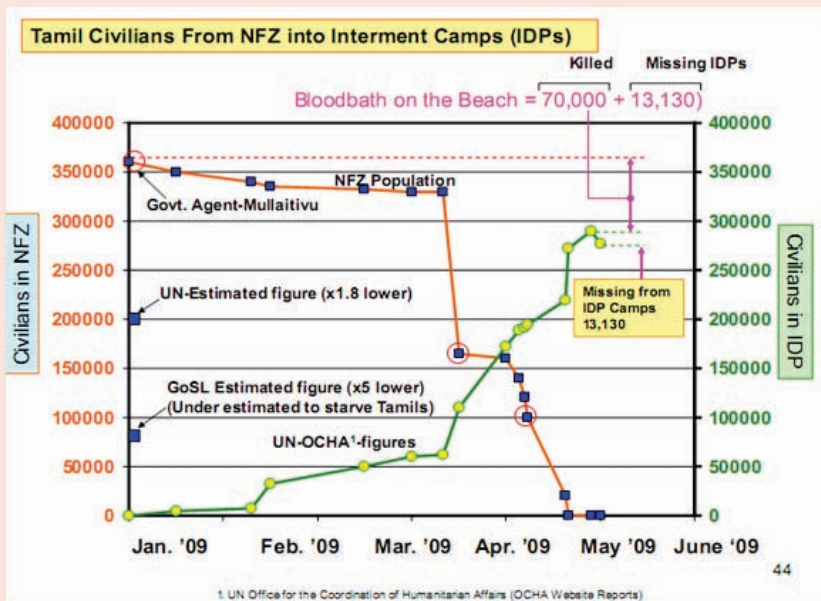
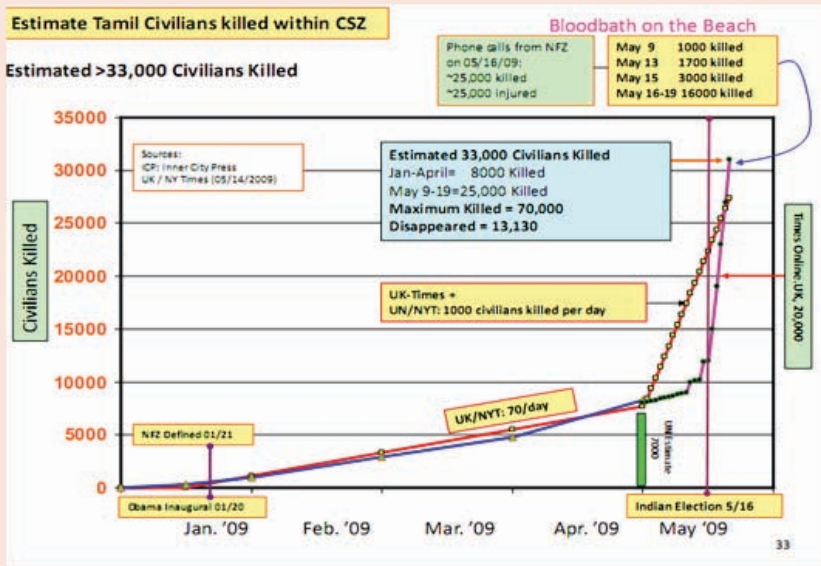
**Operation Kinihira I, II, III/IV, V,VI,VII,VIII,IX (Unceasing Waves) 1999 ☒ 2002**

Battle of Jaffna	August 11 <sup>th</sup> 2006 ☒ October 29 <sup>th</sup> 2006	Jaffna Peninsula, Jaffna District
Battle of Sampur	August 28 <sup>th</sup> 2006 ☒ September 4 <sup>th</sup> 2006	Sampoor (Sampur), Trincomalee District
Attack on Galle Harbour	October 18 <sup>th</sup> 2006	Galle, Galle District
Battle of Thoppigala	April 25 <sup>th</sup> 2007 ☒ July 11 <sup>th</sup> 2007	Kudumbimalai (Thoppikkal), Batticaloa District
Battle of Point Pedro	June 19 <sup>th</sup> 2007	Bay of Bengal near Point Pedro, Jaffna District
Raid on Anuradhapura AFB	October 22 <sup>nd</sup> 2007	SLAF Base, Anuradhapura, Anuradhapura District
Battle of Delft	December 25 <sup>th</sup> 2007	Palk Strait near Neduntheevu (Delft) island, Jaffna District
Battle of Vidattaltivu	July 16 <sup>th</sup> 2008	Vidattaltivu, Mannar District
Battle of Kilinochchi (2nd)	November 23 <sup>rd</sup> 2008- January 2 <sup>nd</sup> 2009	Kilinochchi, Kilinochchi District
Battle of Mullaitivu (2nd)	January 2 <sup>nd</sup> 2009 ☒ January 25 <sup>th</sup> 2009	Mullaitivu, Mullaitivu District
Battle of Elephant Pass (3rd)	January 9 <sup>th</sup> 2009	Elephant Pass
Battle of Chalai	February 2 <sup>nd</sup> 2009 ☒ February 6 <sup>th</sup> 2009	Chalai, Mullaitivu District
Battle of Puthukkudiyirippu	Ended May 18 <sup>th</sup> 2009	Mullaitivu District

# Appendix 7

## Documented carnage (UN statistics and photographs)

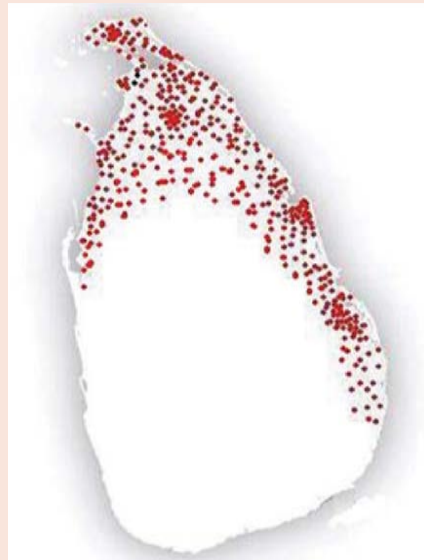
### UN statistics on final bloodbath at the beach







*Sri Lanka, where the majority were Tamils*



*Areas where the Sri Lankan Air Force bombed and the army launched artillery attacks during past several years*  
[http://en.wikipedia.org/wiki/List\\_of\\_attacks\\_attributed\\_to\\_Sri\\_Lankan\\_government\\_forces](http://en.wikipedia.org/wiki/List_of_attacks_attributed_to_Sri_Lankan_government_forces)

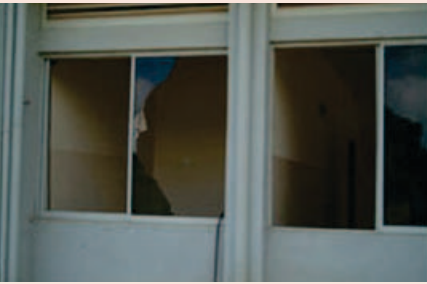
## Attack on hospitals



*Bombing of hospitals in 2007*  
*"Why was the hospital so different to the many I had visited in Sinhala areas" -John S. Whitehall*  
*American Pediatrician, Medical Journal of Australia, Vol 187, December 2007*



*Victimizing the victims, attack on hospitals*



*Artillery shell attack on Killinochchi General Hospital, December 2008*



*Hospital under trees ☞ towards the end of the conflict*



*Puthukudiirupu Hospital, February 7th 2009,*



## Attack on places of worship where civilians took refuge

*From 2008 to 2009, about 2000 Hindu temples and 400 churches were destroyed by Sri Lankan armed forces*



*"This church and several adjacent buildings were hit by further air force strikes at 4.30 p.m. the same day. During the attack 65 people were killed and 150 wounded, including women and children."*

*- International Committee of the Red Cross Communication to the Press No.95/30 (July 11th 1995)*

*"Thirteen babies were among the 65 dead found under the rubble of a Catholic church bombed..." - Reuters (July 11th 1995)*

*2001 riots on Muslim Tamils in Marwanella. Two mosques, 60 houses, 40 shops and two Muslim-owned fuel stations were burnt down in Marwanella.*





*Desecration of Amman Statue by a Buddhist monk at a Hindu temple in Colombo, September 2008*



*The Holy Cross convent was bombed by Air force, church that had a Red cross marked on the roof, such attacks were frequent with large scale damages.*



*The photographs below & right show the severe damage caused to the Vannarpannai Vaitheesvaran temple on the Jaffna peninsula in an aerial bombing by Sri Lankan Air Force planes on May 27th 1987. The Sri Lankan armed forces had launched their offensive to capture the Jaffna peninsula from the LTTE on May 26th. The Vannarpannai Vaitheesvaran temple was one of 18 centres, notified by the Sri Lankan government, where Tamil civilians were asked to take shelter. But the temple was bombed from the air. The photographs also show the victims of the bombing - a man, woman and child who had sought refuge in the temple*





## Attack on schools and school children



*"Hours after the Sri Lankan government imposed military censorship on press reporting, on September 21st, aircraft bombed a Jaffna schoolyard crammed with 750 children on their lunch break, killing 34 and seriously injuring over 150 others."  
- The British Refugee Council, Sri Lanka Monitor (September 1995)*



*Tamil students murdered in execution style in 2005, allegedly ordered by former Deputy Inspector General of Police, HNGB Kotakadeniya. Killing of Tamil students, all under 20 years of age, in Triconamalee was allegedly carried out by "a special Task Force (STF) of police commandos" ☒ Sunday Times*

*Bombed shell of a school in the Tamil homeland, students prepare for their future while the government continues to destroy and disrupt*



*School functioning in spite of buildings bombed and partially destroyed*



*Education under the sky*



## Attack on residential areas and public places



*“Daily life in Jaffna is conditioned by the distant drone of aircraft engines and the run to the bunkers behind almost every house. There were no warnings, no air-dropped leaflets announcing operations. Why should there be? After all, no one is watching.”*  
 - *The British Refugee Council Publication, Sri Lanka Monitor (July 1993)*



*“Last week the army bombed and shelled Jaffna, the largest town in northern Sri Lanka, for four days. In further incessant attacks, almost 300 bombs were dropped on Velvettiturai, birthplace of Velupillai Prabakaran, the Tiger leader, and the second most densely populated town in northern Sri Lanka. In the attacks, 500 houses and two large schools were reduced to rubble and more than 100 other buildings, including two historic Hindu temples, were damaged beyond repair.”*  
 - *The London Independent (February 13th 1991)*



*A two-storey building completely collapsed*  
*The military claims that it only bombs known Tamil Tiger targets but admits it uses aircraft - Sia Marchetti single engine training planes, adapted to carry two bombs underneath, Chinese Y-8s and Y-12s and British Avros, small cargo planes from which home made bombs are pushed out of the back - which do not permit accuracy.*  
 - *The London Independent, February 13th 1991*



*Shops bombed by Air Force*  
*It is with dismay, horror and sadness I read of the bombing over the Jaffna peninsula... such indiscriminate killings and hostilities cannot be tolerated by people who care for peace in our world. Do stop the suffering and bloodshed. The world community is shocked at the barbarity.*  
 - *Jean Augustine MP & Parliamentary Secretary to the Prime Minister of Canada, in a letter to President Kumaratunga (1995)*



*A market bombed by Sri Lanka Air force  
Bombers also hit a crowded market place in another town south of the Jaffna peninsula, with a 90 percent refugee population killing 22 people and seriously wounding 13. A refugee camp in a girls school, six miles outside Jaffna, was almost totally destroyed...*  
- *The London Independent, London (February 13th 1991)*



*A man grieving the death of children  
"In May this year (1995), President Chandrika Kumaratunga declared that it may be necessary to launch an all out attack in the Jaffna peninsula and that this 'would mean a lot of civilian casualties' and 'the place would be wiped out'. In May, June and July the Sri Lanka armed forces launched a genocidal onslaught on the Tamil people in the Tamil homeland in the North-East."*  
- *21 NGOs at the 47th Sessions of the UN Sub-Commission (August 9th 1995)*



*Family mourning death of breadwinner.  
"I share the grief of those who lost their loved ones in the bombing of the church and school of Navali."*  
- *Pope John Paul (July 12th 1995)*



*Coconut estate destroyed by aerial bombardment and shelling*

*Jaffna bus depot  
bombed and destroyed*



*Jaffna railway station  
bombed and destroyed*





## 1977, 1981 and 1983 pogroms - JR Jayewardene's Regime

*1977, 1981 and 1983 pogroms against Tamils, targets and damages were similar, but the scale of attack was raised to a higher level, progressively with each pogrom*



*Statute of 1st freedom fighter, desecrated by Sinhala thugs -1977*



*Residential place - 1981*



*Burnt down building during pogroms: a common sight -1977*



*Commercial establishment - 1981*

*Mobs of Sinhala youth rampaged through the streets, ransacking homes, shops and offices, looting and setting them ablaze - 1983*



*Hundreds of Sinhala spectators watched as a minibus with 20 Tamils was set on fire -1983*



*Looters with a refrigerator in daylight during curfew hours*



*Women and children walking away with "goods" packed in suitcases*





*Destruction and setting on fire of commercial properties - 1983  
 During 2008-2009 war, Tamils residential areas in the North were almost completely destroyed and in the East partially. Systematic destruction of infrastructures and properties by Sri Lankan armed forces were regular occurrences'*

**Is this evidence of chemical attack?**



*The bombs - oil drums filled with gelignite or flammable gas and rubber tubes, which stick to the skin like napalm - have no ballistic stability. ☒ The London Independent, February 13th 1991*

*Victims of attack with unknown ammunition*





Use of mass destruction weapons to kill its own citizens



*Colombo's cluster bomb attack on civilians in Vanni challenges international norms, November 29th 2008*



*Livestock killed in SLAF cluster bombardment in Paranthan*



*Parachute used to drop cluster container with remains of exploded case carrying cluster bombs*



*Cluster bombs by the Sri Lankan air force December 24th 2008*



*Unexploded cluster bomb in designated safe zone for civilians in Vanni*



*Unexploded cluster bomb*



*Unexploded bomb*





*Indiscriminating bombing at Mullivaikal, May 2009*

## Mass killing of Tamils in the final onslaught in 2009

*Pictures show the undignified way last rites were meted out*



*People killed in a camp*



*Corpses are put in a heap*



*Naked corpses being transported*



*Corpses piled for unceremonious burial*

## Sri Lanka's forgotten mass graves: Nandikadal

<http://groundviews.org/2012/09/18/sri-lankas-forgotten-mass-graves-google-earth-and-remembering-the-dead-in-nandikadal/>

Visit the site for satellite images

### Mass displacement in the last phase of the military conflict



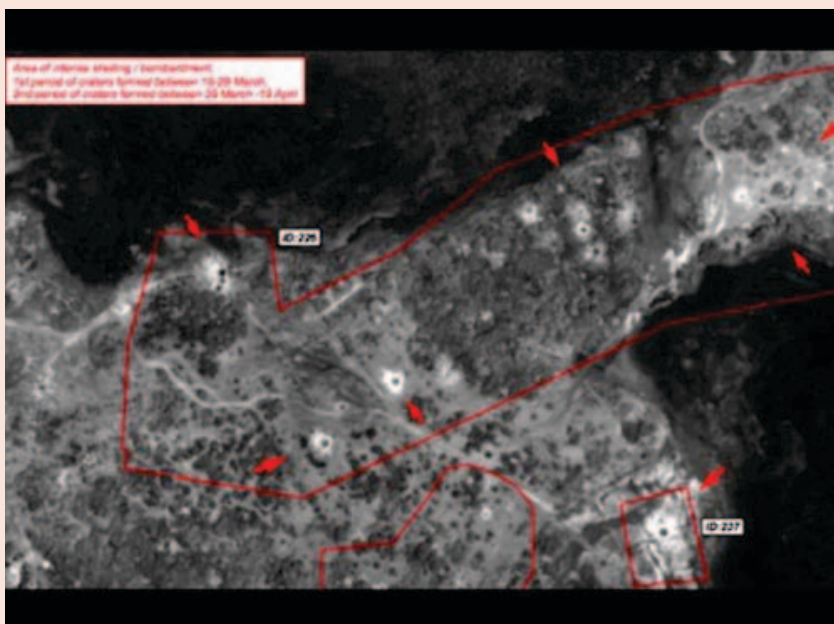
*Temporary makeshift shelters are set up wherever possible with constant shelling and bombardment, for months' people were continuously shifting from one temporary shelter to another, on the move families lost their loved ones.*



*People moved from place to place, gathering all their possessions as the no fire zone area shrank*



## Aerial views of battle ground - satellite images, May 2009



*No fire zone declared by Sri Lanka armed forces on the right is the smallest of the three zones (3 square km)*



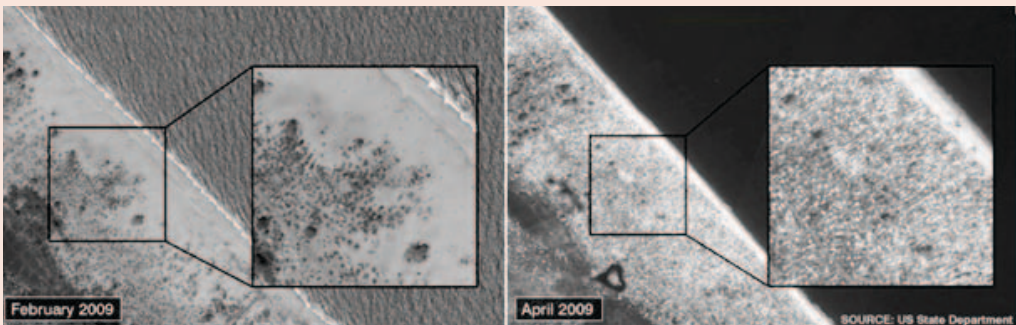
*Aerial view of battle zone 2, Puttamattalan beach*



*Aerial view of war zone after bombardment and shelling*

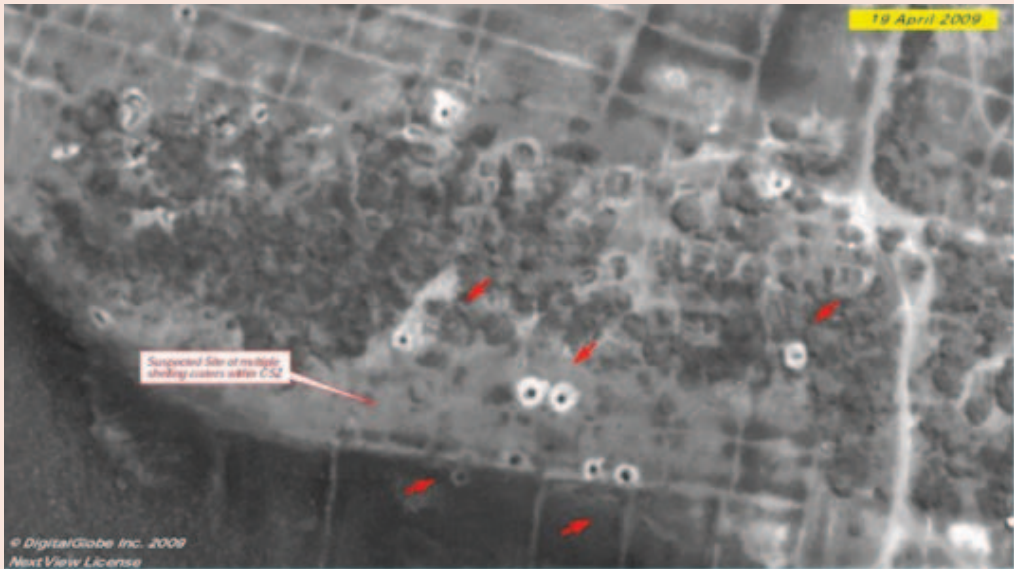


*Indiscriminate bombing of civilians in the no fire zone*



*Satellite images show changes in the civilian "safe zone" in northern Sri Lanka, packed with hundreds of thousands of civilians in shelters*





*UN satellite image showing shelling of no fire zone*



*Mullivaikal Puthamathalan camps, left intact (May 6th 2009) and right (May 10th 2009) destroyed in four days showing the level of fire power from the armed forces*



## Arbitrary execution of surrendees and captured prisoners



*12-year-old son of LTTE leader, Balachandran, who was summarily executed*



*Torture and summary execution of captured combatants*

*Arbitrary shooting of captives*



*TV announcer, Isaipriya, allegedly raped, disfigured and murdered*





*Summary execution by the military, recorded by soldiers as a souvenir*

*Colonel Ramesh senior LTTE leader's events were captured by a soldier*



*Interrogation*



*Shot and killed*



*Funeral pyre*



*Cremation*

## End of conflict and incarceration of 282,380 people



*Refugees who were taken into detention looking through barbed wire fence*





*Aerial view of tent city people who find shelter under the trees in the day time*



*Mothers and fathers forced inside barbed wire fence and children taken away<sup>45</sup>*



*Fighting displaced at least a quarter of a million Tamils, the UN says*

- <sup>1</sup>Sri Lanka report falls short, 17 December 2011, <http://www.amnesty.org.au/news/comments/27467/>
- <sup>2</sup>Sri Lanka: Report Fails to Advance Accountability Governments Should Act on UN Panel Call for International Investigation - December 16, 2011 <http://www.hrw.org/news/2011/12/16/sri-lanka-report-fails-advance-accountability>
- <sup>3</sup>[http://www.tamilcanadian.com/eelam/docs/TNA\\_LLRC\\_Study\\_FOR\\_PRINT\\_FINAL.pdf](http://www.tamilcanadian.com/eelam/docs/TNA_LLRC_Study_FOR_PRINT_FINAL.pdf)
- <sup>4</sup>Sri Lanka's Authoritarian Turn: The Need for International Action 20 February 2013 - <http://www.crisisgroup.org/en/regions/asia/south-asia/sri-lanka/243-sri-lankas-authoritarian-turn-the-need-for-international-action.aspx>
- <sup>5</sup>UN Secretary General appointed an internal review committee to examine the operation of the UN officials during the conflict in Sri Lanka Report [http://www.un.org/News/dh/infocus/Sri\\_Lanka/The\\_Internal\\_Review\\_Panel\\_report\\_on\\_Sri\\_Lanka.pdf](http://www.un.org/News/dh/infocus/Sri_Lanka/The_Internal_Review_Panel_report_on_Sri_Lanka.pdf)
- <sup>6</sup>See Section 2(1) of the COI Act of 1948.
- <sup>7</sup>The Sansoni Commission Report, Sessional Paper No. VII, July 1980, p. 93.
- <sup>8</sup>Appointed by President R Premadasa. LH de Alwis functioned as the Commissioner. This is commonly referred to as the MSF Commission Report.
- <sup>9</sup>MSF Commission Report.
- <sup>10</sup>ibid.
- <sup>11</sup>ibid.
- <sup>12</sup>ibid.
- <sup>13</sup>Final report of the Kokkadicholai Commission of Inquiry, Sessional Paper No. 11, 1992, p. 6.
- <sup>14</sup>ibid.
- <sup>15</sup>Warrants of the Commissions Gazette No. 644/27, 11.01.1991, Gazette No. 697/5, 13.01.1992. Gazette No. 751/1, 25.01.1993.
- <sup>16</sup>The Gazette of the Democratic Socialist Republic of Sri Lanka, Extraordinary, No. 644/27, 11.01.1991, Schedule A. Warrants of the Commissions Gazette No. 644/27, 11.01.1991, Gazette No. 697/5, 13.01.1992, Gazette No. 751/1, 25.01.1993.
- <sup>17</sup>The Gazette of the Democratic Socialist Republic of Sri Lanka, Extraordinary, No. 784/1, 13.09.1993. This fourth Commission was appointed by President DB Wijetunge upon assuming the office of the Executive Presidency shortly following President R Premadasa's assassination by an LTTE suicide bomber on 1.05.1993.
- <sup>18</sup>ibid, Schedule "A".
- <sup>19</sup> ibid, Schedule "B".
- <sup>20</sup>United Nations Human Rights Committee, Fourth Periodic Report of Sri Lanka, CCPR/C/LKA/2002/4, 18/10/2002, para. 156.
- <sup>21</sup>Final report of the 1994 Western, Southern and Sabaragamuwa Disappearances Commission, Sessional Paper No. V, 1997, p. 175.
- <sup>22</sup>Final report of the 1994 Commission of Inquiry into the Involuntary Removal or Disappearance of Persons in the Central, North Western, North Central and Uva Provinces, Sessional Paper No VI-1997, p. 3.
- <sup>23</sup>ibid, pp. 68 and 171. Following these recommendations, a Disappearances Investigation Unit (DIU) was established under the Deputy Inspector General of Police of the Criminal Investigations Department. It has been consistently maintained by the government that police officers are 'handpicked' for this Unit and that great care is taken to ensure that they have a 'good record' as reiterated in confidential interviews with police officers conducted for the purpose of this research. However the performance of this Unit has been poor, despite the good intentions of some police officers who have attempted to do their work properly. In certain instances, officers had been transferred out from the Unit after they tried to investigate

their senior officers for alleged abuses. Cases investigated by the DIU, which appear to result in credible evidence against state officers, are referred to the Missing Persons Unit (MPU) of the Attorney General's Department for prosecution.

<sup>24</sup>Report of the 1998 All-Island Disappearances Commission, Sessional Paper No 1, 2001, p.9.

<sup>25</sup>*ibid*, p. 10.

<sup>26</sup>Report of the 1998 All-Island Disappearances Commission, Sessional Paper No 1, 2001, pp. 16-17.

<sup>27</sup>Appointed by President Chandrika Kumaratunge. The Commission comprised S Sharvananda (retired Chief Justice as Chairman) and SS Sahbandu and MM Zuhair (Presidents Counsel) as members.

<sup>28</sup>The final report of the Presidential Truth Commission on Ethnic Violence (1981-1984) is published as Sessional Paper No. III, 2003.

<sup>29</sup>Appointed by President Chandrika Kumaratunge. The Commission was headed by Justice PHK Kulatilleke.

<sup>30</sup>At the US Congress Committee on International Relations subcommittee on Asia and the Pacific hearing on Sri Lanka November 14, 1995

<sup>31</sup>Kumar Mitra, Mike Enskat, Clemens Spiess, Political parties in South Asia, Greenwood Publishing Group, 2004, p. 264.

<sup>32</sup>Kumar Mitra, Mike Enskat, Clemens Spiess, Political parties in South Asia, Greenwood Publishing Group, 2004, p. 264.

<sup>33</sup>Kumar Mitra, Mike Enskat, Clemens Spiess, Political parties in South Asia, Greenwood Publishing Group, 2004, pp. 264-265.

<sup>34</sup>David Little, Sri Lanka The Invention of Enmity, Washington DC: United States Institute of Peace Press, 1994, pp. 86-87.

<sup>35</sup>David Little, Sri Lanka, The Invention of Enmity, Washington DC: United States Institute of Peace Press, 1994, p. 87.

<sup>36</sup>Nat J Colletta, Tech Ghee Lim, Vittanen, Social Cohesion and Conflict prevention in Asia, World Bank, 2001, p. 393.

<sup>37</sup>Shantha K Hennayake., "The Peace Accord and the Tamils in Sri Lanka," Asian Survey 29, no. 4, 1998, p. 407.

<sup>38</sup>Shantha K Hennayake., "The Peace Accord and the Tamils in Sri Lanka," Asian Survey 29, no. 4, 1989, p. 408.

<sup>39</sup>Shantha K Hennayake., "The Peace Accord and the Tamils in Sri Lanka," Asian Survey 29, no. 4, 1989, p. 409.

<sup>40</sup>Shantha K Hennayake., "The Peace Accord and the Tamils in Sri Lanka," Asian Survey 29, no. 4, 1989, pp. 410-412.

<sup>41</sup>Marshall R Singer, "Sri Lanka's Ethnic Conflict: Have Bombs Shattered Hopes for Peace?" Asian Survey 36, no. 11, 1996, p. 1150.

<sup>42</sup>Marshall R Singer, "Sri Lanka's Ethnic Conflict," pp. 1150-1151.

<sup>43</sup>Sri Lanka President Kumaratunga, Sri Lanka Sunday Times, 20 August 1995.

<sup>44</sup>Velupillai Pirapaharan, LTTE Supremo, BBC interview, April 19, 1995.

<sup>45</sup>A number of children in camps for people displaced by Sri Lanka's conflict have been abducted, say international human rights groups [http://news.bbc.co.uk/2/hi/south\\_asia/8060564.stm](http://news.bbc.co.uk/2/hi/south_asia/8060564.stm)





