

**IS THE INTERNATIONAL COMMUNITY AWARE OF THE  
GENOCIDE OF TAMILS?**

**APPEAL TO THE  
UN HUMAN RIGHTS COUNCIL**

**APPEL À LA PRISE DE CONSCIENCE DU  
CONSEIL DES DROITS DE L'HOMME - NATIONS UNIES**

**LLAMADO PARA REACCIÓN URGENTE DEL  
CONSEJO DE DERECHOS HUMANOS-NACIONES UNIDAS**

**WEBSITE : [www.tchr.net](http://www.tchr.net)**

**10th session / 10ème session / 10º período de sesiones**

**02/03/2009 -- 27/03/2009**



**TAMIL CENTRE FOR HUMAN RIGHTS - TCHR**  
**CENTRE TAMOUL POUR LES DROITS DE L'HOMME - CTDH**  
**CENTRO TAMIL PARA LOS DERECHOS HUMANOS**  
**(ESTABLISHED IN 1990)**

# HYPOCRISY OF MAHINDA RAJAPAKSA

**“THERE IS NO ETHNIC CONFLICT IN SRI LANKA  
AS SOME MEDIA MISTAKENLY HIGHLIGHT”**

**MAHINDA RAJAPAKSA TO THE LOS ANGELES WORLD AFFAIRS COUNCIL – 28 SEPTEMBER 2007**

“Ladies and Gentlemen, our goal remains a negotiated and honourable end to this unfortunate conflict in Sri Lanka. Our goal is to restore democracy and the rule of law to all the people of our country. 54% of Sri Lanka’s Tamil population now lives in areas other than the north and the east of the country, among the Sinhalese and other communities. *There is no ethnic conflict in Sri Lanka - as some media mistakenly highlight. Sri Lanka’s security forces are fighting a terrorist group, not a particular community.*”

“I see no military solution to the conflict. The current military operations are only intended to exert pressure on the LTTE to convince them that terrorism cannot bring them victory.” *(Excerpt)*  
[http://www.president.gov.lk/speech\\_latest\\_28\\_09\\_2007.asp](http://www.president.gov.lk/speech_latest_28_09_2007.asp)

\* \* \* \* \*

**“...WE ARE EQUALLY COMMITTED TO SEEKING A NEGOTIATED AND SUSTAINABLE  
SOLUTION TO THE CONFLICT IN SRI LANKA”**

**MAHINDA RAJAPAKSA TO THE HINDUSTAN TIMES LEADERSHIP SUMMIT  
AT NEW DELHI ON 13 OCTOBER 2007**

“It is necessary for me to repeat here that while my Government remains determined to fight terrorism, we are equally committed to seeking a negotiated and sustainable solution to the conflict in Sri Lanka. If those who carry arms against the State are willing to enter a process of genuine negotiation towards a peaceful and democratic solution, the government and the people will reciprocate. In this, it would not be out of place to look forward to understanding and assistance from our regional neighbours and friends, especially those with whom we share the strongest bonds throughout history. We will see in such understanding and assistance the true signs of emerging greatness”. *(Excerpt)*

[http://www.president.gov.lk/speech\\_latest\\_13\\_10\\_2007.asp](http://www.president.gov.lk/speech_latest_13_10_2007.asp)

\* \* \* \* \*

**“WE ARE STILL READY TO TALK,..”**

**MAHINDA RAJAPAKSA’S SPEECH AT OXFORD UNION – 14 MAY 2008**

“As our forces seek to defeat and disarm the LTTE, we are firm in our resolve to have a negotiated solution to the crisis in Sri Lanka. I do not believe in a military solution. We have attempted talks with the LTTE on several occasions – thrice since my election as the President – but they have not reciprocated. They have always left the talks with lame excuses. We are still ready to talk, once we are certain of their genuine intent for a political solution... and their readiness to give up arms”. *(Excerpt)*

[http://www.president.gov.lk/speech\\_New.asp?ld=51](http://www.president.gov.lk/speech_New.asp?ld=51)

# TAMIL CENTRE FOR HUMAN RIGHTS - TCHR

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CENTRO TAMIL PARA LOS DERECHOS HUMANOS

(Established in 1990)

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## TCHR PARTICIPATION IN UNITED NATIONS WORLD CONFERENCES AND OTHER MEETINGS

- \* *TCHR was a registered participant in the World Social Forum 2009 in Belem, Brazil Jan 27- Feb 1, 2009.*
- \* *The Tamil Centre for Human Rights (TCHR) officially participated in the 61st annual DPI/NGO conference in UNESCO, Paris, 3-5 September 2008.*
- \* *TCHR was a registered participant in the European Social Forum 2008 in Malmo, Sweden 17-21 Sept 2008.*
- \* *TCHR officially participated in the 'United Nations 7th Global Forum, Re-instating good governance', in Vienna, Austria 26-29 June 2007.*
- \* *Members of TCHR participated in the World Federation of United Nations Associations (WFUNA) seminar in Geneva, Switzerland, 29-31 July 2007.*
- \* *TCHR officially accredited to participate in the United Nations Conference on Anti-corruption Measures, Good Governance and Human Rights, in Warsaw, Poland 8-9 November 2006.*
- \* *A meeting was held on 7 March 2006, in the European Parliament – titled "EU contribution to the peace process in Sri Lanka". This was jointly organised by TCHR and Mr. Robert Evans, a member of European Parliament and of Labour Party in UK.*
- \* *Accredited by the United Nations to participate in the World Summit on the Information Society – WSIS in Tunisia, 16 – 18 November 2005.*
- \* *Officially participated in the NGO forum of the UN World Conference Against Racism – WCAR in Durban, South Africa, from 28 August to 1 September 2001. TCHR held an information stall including an exhibition at the forum. The TCHR representatives also attended the main WCAR conference held in Durban, 31 August to 7 September 2001. ([http://www.tchr.net/reports/wcar\\_detail.htm](http://www.tchr.net/reports/wcar_detail.htm))*
- \* *A meeting was held on 14 October 1998, in the European Parliament – titled "Press censorship in Sri Lanka". This was jointly organised by the Tamil Centre for Human Rights (TCHR) and Ms. Anita Pollack, a member of European Parliament and of Labour Party in UK.*
- \* *In 1993, TCHR held an information stall and a photo exhibition on human rights violations, in the United Nations 2<sup>nd</sup> World Conference on Human Rights held in Vienna, Austria, from 14-25 June.*
- \* *TCHR participates in meetings of Treaty bodies and submits reports to the same.*

## Fact finding missions to the North East of the Island of Sri Lanka

- \* *May 2003* ([http://www.tchr.net/report\\_studymission\\_2003.htm](http://www.tchr.net/report_studymission_2003.htm))
- \* *December 2003 – addendum report* ([http://www.tchr.net/report\\_studymission\\_2003add.htm](http://www.tchr.net/report_studymission_2003add.htm))
- \* *July-August 2004* ([http://www.tchr.net/reports\\_visite\\_2004.htm](http://www.tchr.net/reports_visite_2004.htm))

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2 March 2009

The President  
Members and Delegates  
Human Rights Council - 10th Session  
United Nations  
1211 Geneva 10, Switzerland

**Distinguished Sirs / Mesdames**

Since the establishment of our organisation in 1990, we have been bringing our concerns regarding the situation in Sri Lanka to all UN Human Rights forums.

We wish to place before your esteemed honors our report on the violations of human rights and denial of fundamental freedoms perpetrated on innocent Tamil civilians in the North and East through long years of war and military occupation. The human rights situation has been deteriorating sharply. Cultural and mandated genocide, multiple displacements, a systematic economic embargo and impunity are all very serious problems.

On a daily basis, over a hundred Tamils are being arrested and detained. The security forces and paramilitaries are given a free hand to abduct, arrest, rape and carry out arbitrary killings. Continuous aerial bombing and artillery attacks on the civilian population are causing hundreds of deaths in the North. Hospitals, temples and schools have been targeted.

The situation of the Internally Displaced People (IDPs) in Vanni remains critical. Press freedom, freedom of expression and human rights activities are in peril in Sri Lanka. Journalists are arrested, tortured, abducted, disappeared and killed over-night. Members of civil society and Parliamentarians are undergoing **severe harassment by the authority**. International human rights law and international humanitarian law are being massively violated by Sri Lanka.

***Misinformation is disseminated locally and internationally by the Sri Lankan government, to distort the real picture of what is happening in the war torn areas in Sri Lanka.***

Sirs / Mesdames, the recent statements by ten UN Special rapporteurs, various countries including United Kingdom, USA, Canada and European Union and international NGOs clearly indicate that there is a **genocide going on in war-torn areas in Sri Lanka**.

Despite the massive forced displacement of civilians in the Vanni, only a few hundred people have crossed into so-called "cleared areas" which are government controlled military zones. Those who reach government areas are under great risk - facing extrajudicial killing, enforced disappearance, rape and gang rape by government security forces and the members of paramilitary groups working along with government forces.

According to reports received by the TCHR, 2,076 civilians including many pregnant women, children and the elderly, have been killed and nearly 4,277 wounded in shelling and aerial bombardment, between 1 January to 24 February 2009.

According to reports received by the TCHR, the bodies are piling up in the streets, bunkers and ditches in Puthukudiyiruppu and Mullaitivu.

We urge the members and other states in the Human Rights Council to take action to stop the ongoing slaughter and genocide of Tamils.

In addition, we urge this session to take immediate steps and prompt action to alleviate the humanitarian catastrophe that is being deliberately inflicted by the government of Sri Lanka on civilians in the North East.

Yours sincerely  
**S. V. Kirubaharan**  
General Secretary

# TAMILS' STRUGGLE FOR RIGHT TO SELF-DETERMINATION NO DIFFERENCE TO THE STRUGGLE OF PALESTINIANS

TAMIL CENTRE FOR HUMAN RIGHTS - TCHR/CTDH

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	<b>Palestine</b> <i>(2/5 landmass of Israel)</i>	<b>Tamils</b> <i>(1/3 landmass of Island of Sri Lanka)</i>
<b>Annexed with</b>	Israel May 14 1948	Ceylon (Sri Lanka) in 1833
<b>Conflicting People</b>	Israelis vs Palestinians	Sinhalese vs Tamils
<b>Population</b>	97% in Palestine are Arabs	93% Tamil in North-East
<b>Domination by</b>	Jews of Israel, 6 million	Sinhalese of Sri Lanka 18 million
<b>Military Composition</b>	100% Israelis	99% Sinhalese
<b>Colonisation of</b>	Palestine by Jews	Tamil hereditary land by Sinhalese
<b>Occupied by</b>	Israeli forces	99% Sri Lankan forces in North-East
<b>Colonised areas</b>	About 4800km <sup>2</sup> <i>(79% of present West Bank and Gaza Strip)</i>	8000km <sup>2</sup> <i>(50% of Tamil hereditary land)</i>
<b>Settlers</b>	400,000 Jews	500,000 Sinhalese
<b>Armed conflict started</b>	1964	July 1983
<b>Freedom fighters</b>	PLO	LTTE(Liberation Tigers of Tamil Eelam)
<b>Economic embargo</b>	Not presently	Since 1990 (Embargo on essential items)
<b>Freedom of movement</b>	Denied	Denied
<b>Civilians killed</b>	Over thousands	More than 100,000
<b>Disappearances</b>	figures not known	Over 10,000 (Highest in the world)
<b>Mass graves</b>	Several	Many
<b>Refugees</b>	3.6 million	Over 300,000 Multiple displacements
<b>Property damaged</b>	209 billion dollars	Over US \$ seven billion
<b>Houses destroyed</b>	8500	More than 500,000
<b>Attack on religious places</b>	figures not known	More than 2000 Christian and Hindu
<b>Villages demolished</b>	531 Villages and towns	More than 500
<b>Political Prisoners</b>	1682 Arabs(8/10/2000)	Over 9,000 Tamils (January 2009)
<b>Detainees torture ratio</b>	85% Palestine	99% Tamils
<b>Peoples' mandates</b>	Many	1977 & 2004
<b>UN H/R Special sessions</b>	Many	<b>None</b>
<b>UN Resolutions</b>	Many	<b>None</b>
<b>Countries in support</b>	OIC Countries (57)	<b>None</b>

*For facts on Palestine - Palestinian Academic Society for the Study of Internal Affairs (PASSIA)  
(Updated from TCHR report dated 19 March 2001 to the UN 57th Session of the Commission on Human Rights –  
19 February 2009)*

# ACTUAL REALITIES

## THE RESPONSIBILITY TO PROTECT TAMIL CIVILIANS

by Prof. M Sornarajah, February 13, 2009

It has been reported that the Sri Lankan government has rejected the appointment of Mr. Des Brown by the British Government as an envoy to deal with issues arising from the persecution by the state of the Tamil population in the country. As with all totalitarian governments, like those in Zimbabwe and Sudan, the Sri Lankan government takes refuge in its sovereignty to deny the competence of the international community's concern with the plight of the Tamil civilians who have been confined to a small space and subjected to relentless bombings by the Sri Lankan army.

The brutality with which Tamils have been treated in Sri Lanka by successive Sinhalese governments has justified a claim to self-determination in the Tamil minority. It is an idea and a claim that cannot be extinguished by the killing of people, either the LTTE militants or the civilian Tamils. As with Palestine, the more killing there is, the more entrenched the determination and will of the suppressed people to continue the struggle, a fact lost both on Israel as well as the Rajapakse government. The history of the Tamil struggle shows that the more the repression, the greater becomes the resolve of the people to ensure their freedom.

In Sri Lanka, every government of every major party, from that of the two Bandaranaiques, the Jayawardene government and that of Chandrika Kumaranatunge kept themselves in power by stoking ethnic hatred and unleashing the army on the Tamil population, without making efforts at a political solution to an obviously political problem. That tendency has become more severe under the government of Mahinda Rajapakse, who finds in ethnic chauvinism, not only the means of maintaining the power of his family group but also of hiding the looting of the country and the economic decline that such plunder has created. Many civilians, largely Tamils but also Sinhalese, have suffered so that this coterie could be kept in power. Sinhalese journalists brave enough to question the fact that the government is bombing its own people out of existence have been murdered within security zones which the government itself has established. No one has yet been arrested in connection with any of these murders. Sinhalese of good will, who queried the conduct of the government, have been quelled through fear or have left the country under threats of violence.

The plight of the Tamils at the present moment is grave. They are being decimated by bombings of hospitals and safety zones by the air-force and direction of artillery fire at these zones. The luring of these people into the safety zones and then bombing the zones smacks of genocide. This practice gives rise to the inescapable inference that ethnic cleansing is the clear purpose of what is being attempted. Taken together with the views expressed by the army commander about his mission to make the island under Sinhalese rule and the obvious destruction of Tamil lives, there is genocide taking place in Sri Lanka. In the South, the torture of arrested persons, the disappearances of those opposed to the regime and the violence unleashed on the voices of dissent indicate that the whole of Sri Lanka is being subjected to colossal violations of a diverse category of vital human rights.

In the light of these circumstances, a responsibility to protect the Tamil civilians arises in the international community. The Responsibility to Protect is now well recognized in international law. It results from an international instrument which the General Assembly of the United Nations approved in 2005 at the World Summit. The Responsibility to Protect is a duty every state owes its minorities. The Responsibility requires that the minority not be subjected to atrocities involving genocide or crimes against humanity like torture. Where this duty is violated by the state, it is incumbent on other members of the international community to intervene and ensure that the persecuted group is protected. Such intervention is legitimate in international law. It is opposed only by a few states like China, Russia, Sudan and Zimbabwe, fellow travellers with the government of Sri Lanka and persistent violators of the rights of their own citizens.

There has been a history of violence against Tamils by the Sri Lankan government. The entrenched discrimination began with the independence of Sri Lanka in 1948 with a slew of legislative measures disadvantaging the minority Tamils. But, it soon turned into violence to dispossess them of their traditional homelands. This resulted in violent resistance which successive Sinhalese governments have sought to crush. Tamil men and women have been arrested and tortured. They have been transferred out of the main cities. Their homes have been taken over for construction of high security zones. Bombings of schools and hospitals in the Tamil region have been frequent. Women have been raped by the occupying forces. Children have been killed. Temples and churches have been demolished or desecrated.

Under Rajapakse, these practices have taken a more intense turn. Hiding under the war on terror initiated by a now defunct American government which also unleashed un-American practices in the name of the war on terror, the Rajapakse government has intensified atrocities on the Tamils. The Tamils have now been driven



into a thin strip of land and are subjected to constant shelling by the government troops even in the designated safety zones. Independent verification for such shelling exists.

In these circumstances, a clear responsibility to protect arises. It is unlikely that the United Nations would act, as Russia and China, both Security Council members, have their own incidents of oppression of minorities in Chechnya, Tibet and Xiamen to hide. It is incumbent now on individual members of the international community who respect this Responsibility to protect the Tamil minority in its current plight of helplessness against atrocities. Britain has made a start in attempting to send an envoy. More requires to be done so that the gang of international criminals who rule Sri Lanka do not commit further atrocities. As with the British government, other Western states should insist on sending envoys to determine the situation that prevails in the hope of bringing help to a besieged people. The urgency of this situation is great as the people face decimation at the hands of the government troops.

One other urgent measure is to identify the coterie in power in Sri Lanka as international criminals who will have to pay for their crimes in the future in the same way Milosovic was expected to pay for his. What is happening in Sri Lanka is no different from what is happening in Darfur or what happened in Gaza. The equality principle requires these situations to be treated alike. As the impeachment of the President of Sudan is being contemplated by the International Criminal Court, it is necessary to think in terms of the prosecution of Rajapakse as well. Another is to ensure that the corrupt wealth the Rajapakse coterie has spirited away in Western banks is identified and returned to the people of Sri Lanka. The announcement of these measures by well-meaning states will deter the continued persecution of the people, both Tamil and Sinhalese alike, by the Rajapakse government.

It is important to remember that a right to self-determination has arisen in the Tamil people as a result of continued discrimination and oppression which cannot be extinguished through government violence. It will live on however many people of whatever combatant status - terrorists, armed thugs, civilians call them what you want - are eliminated. It can only be dealt with politically through discussion between the two parties. There is a possibility still, as the majority of Sinhalese people who refuse to be deluded by ethnic chauvinism believe, of resolving this issue peacefully through the search for a constitutional mechanism. It must be said that the LTTE itself was not averse to this idea. It is time that the international community intervened in order to ensure that a guaranteed settlement comes about through peaceful means and that a problem which has befuddled the island for over a generation is ended.

***Professor M Sornarajah, a former lecturer in law at the University of Ceylon, teaches and works in the area of public international law.***

(Courtesy - <http://www.sangam.org/2009/02/R2P.php?uid=3320>)

## **ONE THOUSAND WAS DEEMED TOO MUCH IN GAZA, BUT 2000 FOR NOW SEEMS DEEMED OKAY IN SRI LANKA**

**ON SRI LANKA, UK'S FOR UN COUNCIL SESSION UPON HOLMES' RETURN,  
"SHOCKING," ROBINSON CALLS IT**

**UNITED NATIONS, Inner City Press, February 20** -- As the UN's top humanitarian John Holmes continues his government-controlled visit to Sri Lanka, at the UN in New York the Ambassadors of France and the UK expressed concern, and former Human Rights Commissioner Mary Robinson told Inner City Press that the killing of civilians there, including by the government, is "shocking."

Outside a Security Council meeting about Myanmar on Friday morning, Inner City Press asked UK Ambassador John Sawers for the second time if the UK is calling for a briefing on Sri Lanka in the Council. Sawers replied that the UK "supports a briefing of the Security Council on John Holmes return." Video [here](#), from Minute 7:07.

But at the UN's noon briefing an hour later, Ban Ki-moon's spokesperson Michele Montas said that Holmes will be travelling to Colombia immediately after his trip to Sri Lanka. Inner City Press asked Ms. Montas about the reported plane-bombing of Colombo by the Tamil Tigers. "John Holmes is there," she said, "he is better able than anyone to answer." But, conveniently, he will not be available to the Security Council after his trip. When Inner City Press asked about this, Ms Montas said she would try to make him available to talk "between trips, or before another trip." Video here, from Minute 15:03.

Mary Robinson, at the UN for an event on social justice, took questions at a press conference on Friday afternoon. Inner City Press asked for her views, as former High Commissioner on Human Rights, of the current situation in Sri Lanka. Video here, from Minute 43:30. She analogized it to Darfur and the Democratic Republic of the Congo, saying "we diminish the value of life... if we don't question the disproportionate use of force." Video here, from Minute 45:52. This last is a phrase much used in the UN during Israel's bombardment of the Gaza Strip in an attempt to attack Hamas.

Inner City Press asked Ms. Robinson to explain why not only Gaza, but Darfur and the DRC, are on the Security Council's agenda, and received cease fire calls from Ban Ki-moon. Ms. Robinson answered that that it appears that Sri Lanka's government was convincing that it was on the verge of victory. Video here, from Minute 47:15. But does the plane-bombing undermine even *that* claim?

Mary Robinson on Feb. 20, free to call Sri Lanka "shocking" as others at UN don't

Japan's Ambassador Yukio Takasu, this month's president of the Council, told Inner City Press it is difficult to separate his nation's position from his role as president. He decried the Tamil Tigers for "using humanitarian" issues "to promote their military offensive." Video here, from Minute 12:22. He seemed to be implying that any focus on humanitarian suffering only helps the Tamil Tigers. But wouldn't Sudan's government make similar statements? Didn't Israel's?

Takasu said "I don't want to say human shields," but France's Jean-Maurice Ripert used the term, when asked by Inner City Press for France's position. Video here, from Minute 5:45. He said France is very concerned about "violations by both parties." Inner City Press asked, should it be discussed in the Council? I don't know, Ripert said, we'll see when Holmes gets back. In the UN, certainly, he said. We'll see.

Note: while Inner City Press continues to receive entreaties, including from people it respects, to not ask about civilian casualties in Sri Lanka "because it only helps the Tamil Tigers," there must be a way to respond to civilians deaths that is not dismissed as support of terrorists. The questions will continue.

Footnote: a senior UN official, speaking to Inner City Press on condition of anonymity, said the question is what level of civilian death is acceptable. One thousand was deemed too much in Gaza, but 2000 for now seems deemed okay in Sri Lanka. Watch this site.

<http://www.innercitypress.com/unsc5srilanka022009.html>

## **14.4 MILLION KILOGRAMMES OF EXPLOSIVES HAVE BEEN DROPPED IN THE VANNI**

**The Sunday Leader, 16 November 2008** - The government these days wages a losing battle in parliament in trying to convince the legislature and the people that the 2009 budget is indeed one aimed at resuscitating local industries and shunning the begging bowl. Unconvinced remain the opposition parties that accuse the government of not offering relief even where it is possible while slamming new taxes on the unsuspecting public.

Throwing a spanner in the works, the opposition has raised the issue as to why parliament should debate an Appropriation Bill the Supreme Court has declared unconstitutional and required amendment in order to be duly passed.

Speaking during the early stages of the debate was SLFP defector Mangala Samaraweera who took on the government for record breaking bombing of the Vanni, another aspect that so burdened the country's economy.

### **Bombing spree**

**Speaking on Monday, Samaraweera derided that Defence Secretary Gotabaya Rajapakse has gone on record stating that 14.4 million kilogrammes of explosives have been dropped in the Vanni.**

"The Defence Secretary has made a fantastic story. As for the LTTE's air capabilities, the Defence Secretary has claimed "they have come six times, we have bombed them 6,000 times," evoking scoffs and laughter.

The pioneer of White Lotus and Brick And Book programmes, Samaraweera charged that the government was "**responding to terrorism with terrorism**" and openly scoffed that if Rajapakse's fantastic claims were true, "**government forces have made more air strikes than in Vietnam.**" Importantly, he noted that for the

first time in contemporary political history, racism has become government policy and took broad swipes at Rajapakse.

"This is every Sri Lankan's homeland. There are no outsiders. When we label people like that, we can only quarrel and kill," he noted.

Further, he said that following the launch of Defence Watch, his life has come under serious threat but pledged to continue his work to restore democracy.

### **Discrepancies**

Showing statistical discrepancies, he said while the Prime Minister said 155 soldiers were killed and 983 seriously wounded in August, Gotabaya Rajapakse's defence.lk claimed only 15 killings and 308 injured. Pleading for rational thinking, Samaraweera warned that when scores are killed in the north, there was no reason to be happy about it. "Why should we be pleased with statistical wars? We are not fighting another country but within our own. These are all Sri Lankans."

As for the Rajapakses, Samaraweera alleged that they have given up their Sri Lankan citizenship to live in the US, but have now returned, "to set up a police state in Mugabe style." **(Excerpt)**  
<http://www.thesundayleader.lk/20081116/parliament.HTM>

### **Ps.**

President Mahinda Rajapaksa's brother, Defence Secretary Gotabhaya Rajapakse said that the government has dropped 14.4 million kilo grams of bombs in the Vanni. In fact, 14.4 million kilo grams of military grade explosive is equivalent to the explosive of over 18 kilo tonnes of TNT.

The nuclear weapon dropped by the United States on Hiroshima had been estimated yield of between 13 to 18 kilo tonnes of TNT.

## **VANNI HOSPITAL EVACUATED - PARTIES MUST DO UTMOST TO PROTECT MEDICAL SERVICES AND THE WOUNDED AND SICK**

**4-02-2009 News release 29/09 - Colombo/Geneva (ICRC)** – Puthukkudiyiruppu Hospital, in the northern Vanni region, has been shelled repeatedly in the last 24 hours, forcing patients and staff to flee towards the north-eastern coast.

"We are shocked that a medical facility has again sustained direct hits. We have grave concerns for the well-being and safety of those who fled," said Paul Castella, head of the Colombo delegation of the International Committee of the Red Cross (ICRC). "We call upon both parties to meet their obligation under international humanitarian law to spare and protect at all times the sick and wounded as well as medical facilities and their personnel."

Over 300 patients and hospital staff fled the premises of Puthukkudiyiruppu Hospital this morning. Accompanied by 18 ICRC staff members, they made their way to a community centre in Puttumatalan, in the north-eastern Vanni – an area that lacks clean drinking water, which puts the displaced patients and medical staff at even greater risk.

The ICRC has repeatedly asked both parties to grant safe passage so that patients and medical staff can be evacuated. "Both sides have been reminded several times of their obligation to spare wounded and sick people, and medical facilities and their personnel," said Mr Castella. "But this needs to be put into practice in the field."

The ICRC is also seriously concerned about the plight of Vanni residents still trapped in an area enduring heavy fighting. The vast majority of them are displaced and completely dependent on aid brought in from outside the conflict zone. What they need first and foremost is a place where they are safe.

ICRC personnel remain in the Vanni, where they continue to provide support for Ministry of Health staff caring for the patients displaced from Puthukkudiyiruppu Hospital.

<http://www.icrc.org/Web/Eng/siteeng0.nsf/html/sri-lanka-news-040209>

# Destruction of the Tamil Community in NE Sri Lanka

February 2009

The Sri Lankan Tamil community has been deliberately targeted by the Sinhalese-dominated government of Sri Lanka and its mono-ethnic armed forces since the beginning of fighting between the Sinhalese and the Tamils in 1983. Acts of genocide, including pogroms, ethnic cleansing and state-sponsored colonization of Tamil areas, against the Tamil population have taken place ever since independence from Britain in 1948.

The physical destruction of the Tamil community has included widespread attacks on the NorthEast's agricultural, commercial and industrial base, its civilian infrastructure, and its cultural and social institutions.

The NorthEast has been heavily militarized by the mono-ethnic armed forces, with High Security Zones restricting access to most fishing and a high proportion of the best farming land, and checkpoints, special passes, curfews, blockades and military administration restricting freedom of movement and expression for decades. A heavy military presence has allowed the systematic looting of timber and titanium, religious and historical artefacts, livestock and civilian belongings.

**Tamils killed:** 83,982<sup>1</sup>, primarily youths. The young and the old have died from deprivation and are not yet counted.

**Ethnic cleansing:** The number of Tamils displaced since 1983 is approaching 100%. One third of the population has fled overseas. Entire villages have been razed to the ground and large areas declared High Security Zones with their inhabitants herded into IDP camps.

**Colonization of Tamil areas,** state-financed & under military guard, particularly notable in the East: "Tamil population increased...302%, Muslim population increased...289%, Sinhalese population increased...883%. The national average increase of Sinhalese during this period is only 238%."<sup>2</sup>

**Blockade of Tamil areas:** A military blockade of Tamil areas, in place since 1990 except for ceasefire periods, has contributed to the impoverishment and isolation of the Tamil community. The blockade has prevented ordinary items such as cement and gasoline - and even chocolate and candles - from entering the Tamil areas, and prevented goods from the NorthEast from being sold in the rest of the island.

**Temples & churches destroyed:** Over 2,000 Hindu temples.<sup>3</sup> 300 churches were destroyed in Jaffna district over one 8-year period.<sup>4</sup>

**Children affected:** "It is estimated that 1 million children living in the North and the East of the country under the age of 18 are directly affected by a protracted ethnic-based civil war and one third of children have dropped out or never attended school."<sup>5</sup>

**Malnutrition among children:** "The WFP survey found that nearly one in three children is "wasted" or far too thin for their height, in the north and east of the island nation where a civil war was fought for nearly 20 years. In these areas, malnutrition levels are at least twice as high as the national average."<sup>6</sup>

**Infant mortality:** By 1993 infant mortality in the Jaffna peninsula had quadrupled since before the war and was twice as high as in the South.<sup>7</sup>

**Maternal mortality:** Twice as high as the rest of the island.<sup>8</sup> 30% of deliveries in the East are at home, while in the rest of the island only 2% are, and access to emergency obstetric care is very limited.<sup>9</sup> In Jaffna, the 1981 MMR of 0.3 is now 2.8; the rate increased from 2.7 to 9.7 in Mannar, and from 0.6 to 9.7 in Amparai<sup>10</sup>

**Poverty:** 70% of the people in the NorthEast are below the poverty line,<sup>11</sup> while the average for the rest of the island is 23%<sup>12</sup>

**Courtesy : Tamil Against Genocide - February 2009**

<sup>1</sup> 1958 – June, 2008 documented deaths from Tamil Centre for Human Rights, Paris

<sup>2</sup> 'Sinhalese of East' by M. I. M. Mohideen, *The Island*, 27 December 2007

<sup>3</sup> Sulekha.com, <http://unaruval.sulekha.com/blog/post/2008/09/state-sponsored-destruction-and-desecration-of-hindu.htm>

<sup>4</sup> Tamil Information Centre, London

<sup>5</sup> UNICEF (2003) At a glance: Sri Lanka - the big picture. New York: UNICEF from [http://www.ineesite.org/core\\_references/SriLanka.pdf](http://www.ineesite.org/core_references/SriLanka.pdf) accessed 2/10/09

<sup>6</sup> UNWFP, Oct 17, 2003. <http://www.reliefweb.int/rw/rwb.nsf/AllDocsByUNID/cb64d0f8899c67dac1256dc200394bba>

<sup>7</sup> *Jaffna infant mortality survey* by N. Sivarajah, MD, *Proceedings of the International Conference on Health*, London, Sept, 1994

<sup>8</sup> World Vision, 'About Sri Lanka,' accessed 2/10/09

[http://srilanka.wvasiapacific.org/index.php?option=com\\_content&task=section&id=16&Itemid=90](http://srilanka.wvasiapacific.org/index.php?option=com_content&task=section&id=16&Itemid=90)

<sup>9</sup> Dr. Shanthini Ganesan, IMHO, accessed 2/10/09. <http://theimho.org/publications/presentations/115-child-health>

<sup>10</sup> Sri Lanka Department of Health Services, 2003 quoted in *Rural women in Sri Lanka's post-conflict rural economy*, Leelangi Wanasundera, Centre for Women's Research Sri Lanka, 2006

<sup>11</sup> Asian Development Bank's Country Director John R.Cooney quoted in *TamilNet*, Feb 14, 2002.

<sup>12</sup> MDG Sri Lanka, Statistics and Reports, accessed 2/14/09

## VANNI HOSPITAL SHELLED

**1-02-2009 News release 09/26** - Colombo / Geneva (ICRC) – Puthukkudiyiruppu Hospital in the northern Vanni region was shelled this afternoon, killing at least two people and injuring at least five others. The compound sustained two direct hits.

"We're shocked that the hospital was hit, and this for the second time in recent weeks," said Paul Castella, head of the Colombo delegation of the International Committee of the Red Cross (ICRC). "Wounded and sick people, medical personnel and medical facilities are all protected by international humanitarian law. Under no circumstance may they be directly attacked."

The hospital currently has over 500 in-patients, some of them still waiting to be transferred to the government-controlled area for more adequate treatment. Despite today's attack, people injured by the fighting continue to arrive at the facility.

The ICRC has been supporting the hospital's staff by setting up a makeshift structure for triage, receiving ambulances, and helping to clean the facility. It has also provided mattresses for patients who find themselves in the corridors because there is no longer any room in the wards.

"The staff are under acute stress, surrounded as they are by the sound of the ongoing fighting and the influx of new patients," said Morven Murchison-Lochrie, an ICRC medical coordinator, who is present in the hospital. "Ambulances are constantly arriving, but people are also being brought in by wagon, pick-up truck, tractor and even motor scooter." Despite this, she said, the staff remained inventive and committed to caring for the injured and sick who had made the dangerous trip to the hospital.

Appealing to those involved in the fighting, Mr Castella said: "The ICRC calls on both parties to respect their obligation to spare medical facilities and activities, as required by international humanitarian law in all circumstances."

ICRC staff are present in the hospital and, together with the Sri Lanka Red Cross Society, continue to support the Ministry of Health staff caring for the injured and sick there.

<http://www.icrc.org/Web/Eng/siteeng0.nsf/html/sri-lanka-news-010209>

## MAJOR HUMANITARIAN CRISIS UNFOLDING

**27-01-2009 News release 09/22** - Colombo / Geneva (ICRC) – Hundreds of people have been killed and scores of wounded are overwhelming understaffed and ill-equipped medical facilities in Sri Lanka's northern Vanni region, following intensified fighting between the Sri Lanka Security Forces and the Liberation Tigers of Tamil Eelam (LTTE).

"People are being caught in the crossfire, hospitals and ambulances have been hit by shelling and several aid workers have been injured while evacuating the wounded. The violence is preventing the International Committee of the Red Cross (ICRC) from operating in the region," said Jacques de Maio, ICRC head of operations for South Asia in Geneva.

The terrified population is in need of protection, medical care and basic assistance, according to the ICRC.

An estimated 250,000 people are trapped in a 250 square-kilometre area which has come under intense fighting. They have no safe area to take shelter and are unable to flee.

"When the dust settles, we may see countless victims and a terrible humanitarian situation, unless civilians are protected and international humanitarian law is respected in all circumstances," said Mr de Maio. "It's high time to take decisive action and stop further bloodshed because time is running out."

The ICRC urgently appeals to both sides to allow and facilitate the safe and voluntary movement of civilians out of the combat zone.

The ICRC is determined to stay as long as possible in the Vanni, but the parties must respect its presence and its work. Humanitarian assistance must be allowed to enter the Vanni and aid workers and their premises must be protected from shelling and looting, as required by international humanitarian law.

Both sides are strongly urged to spare the lives of those not, or no longer, taking direct part in the fighting. Hundreds of patients need emergency treatment and evacuation to Vavuniya Hospital in the government-controlled area.

The ICRC, which is the only international aid agency to have remained permanently in the Vanni over the past four months with the agreement of both sides, continues to work alongside the Sri Lanka Red Cross Society helping those in need. <http://www.icrc.org/Web/Eng/siteeng0.nsf/html/sri-lanka-news270109>

## **AS SRI LANKA IGNORES UN'S CALL FOR CESSATION OF HOSTILITIES, DETENTION CAMPS UN COMMENTED ON**

**Byline: Matthew Russell Lee of Inner City Press at the UN: *News Analysis***

**UNITED NATIONS, February 24** -- A day after the UN's Ban Ki-moon belatedly called for a "cessation of hostilities" in Sri Lanka, his Deputy Spokeswoman declined to directly respond to that country's foreign minister's statement that Ban has never called for a ceasefire, and never conveyed any similar request to Sri Lanka. "You heard what he said," the UN's Marie Okabe told Inner City Press. "You asked him the question."

But what about Sri Lanka ignoring the UN's call for a cessation of hostilities? "Listen to his remarks," Ms. Okabe repeated. When asked if Ban, who has left for a trip to Africa including to view the top of Mount Kilimanjaro, had conveyed his call to stop the fighting to Sri Lanka, Okabe declined to comment. (Video, from Minute 10:22.)

By contrast, Ban has convened to his office the Ambassadors of, among others, Sudan and Israel, to tell them directly when he is calling for government forbearance. In these disparate conflicts, in which government military action has killed civilians like in Sri Lanka, the UN has clearly used the term ceasefire, and conveyed it to the foreign service of each country. ***Why not in Sri Lanka?***

A senior Ban administration official tells Inner City Press that Ban's "private notes" to Sri Lanka's president Mahinda Rajapaksa have "been tough." Why then allow Foreign Minister Rohitha Bogollagama to so publicly contract what is supposedly the UN's position? Sri Lanka is viewed as "delicate," the official said, adding that Team Ban's view is that the Tamil Tigers lost support with their own people, even that some things must be accepted in the name of nation-building. He predicted that Mahinda Rajapaksa will call for elections soon, "to further strengthen his hand."

The official says the UN Country Team was consulted and was asked if those Tamil fleeing the shelling in the zone of conflict are "leaving along with their men," and whether the government was separating out the men once they are retained in the camps that are under construction. Yes and no, he said the Country Team told him, adding that "unless they have gone native... things are not that bad." ***He compared this account to the separation and beating of male refugees in the Balkans.***

***While the Gaza conflict*** differs in that while Israel conducted its offensive, it closed all border crossing, effectively sealing civilians in the zone of conflict, the *ad hoc* litmus test the UN is now using differs markedly from its approach to Darfur. There, the government's resistance at ceasefire calls, for example earlier this year in a town in South Darfur, triggered detailed and insistent public statements by the UN. ***In the case of Sri Lanka, a wan and too-late call for a cessation of hostilities has been made, and then not followed-up on.***

Rohitha Bogollagama was quoted that "I appreciate the call made by Sir John Holmes, UN Under Secretary General (for) the LTTE to free civilians." Before Holmes left on his government-controlled trip to Sri Lanka, Inner City Press asked him if the UN will be providing financial support for what some call concentration camps. Holmes said of course not.

Now, after acknowledging that he relied on the government's Minister for Relocation for translation, Holmes and his spokesperson have declined for 24 hours to comment on detailed first-person accounts of violations of international humanitarian law in the camps the government is setting up. On Friday, Okabe pre-empted questions by saying that after his conveniently-timed trip to Colombia, Holmes will be back at the UN this Friday. We will have more on these topics at that time.

<http://www.innecitypress.com/ban10srilanka022409.html>

## DEATHS OF 250 TO 300 CIVILIANS MORE THAN 1,100 WERE WOUNDED

**The Washington Post, 29 January 2009** - The Associated Press quoted a government health official Wednesday saying that witnesses reported the deaths of 250 to 300 civilians in fighting over the past week. The official also said that hospital records showed that more than 1,100 were wounded. Those figures could not be verified, but aid workers are alarmed about conditions in the region, where a 25-year-old conflict is being fought almost entirely outside the view of the world because of government-restricted access to the front lines. *(Excerpt)*

### I WILL KNEEL DOWN BEFORE THE PEOPLE TO APOLOGISE FOR BRINGING A MURDEROUS REGIME TO POWER

**Mangala Samaraweera, former Minister of Foreign affairs**

**Sunday Leader, 11 January 2008** - Convenor, SLFP (M) Wing Mangala Samaraweera said that he was ready to kneel before the people of this country to apologise for bringing the Rajapakse regime into power.

"I should say that I too have to take the responsibility for all these murders as I am part and parcel of forming this brutal regime. The government gunned down the Editor of The Sunday Leader, a senior journalist in the country as they could not stand the criticisms of Lasantha Wickrematunge" Samaraweera told The Sunday Leader.

According to Samaraweera the time has come for all the patriot people to come forward to get rid of this brutal government," Samaraweera said.

"Never in the history of the country were journalists killed and Wickrematunge's assassination would not be the last. Some more could follow, and the time has now come to take action against the Rajapakse brothers' regime that has ruined the country and the economy," Samaraweera further stated.

<http://www.thesundayleader.lk/20090111/REVIEW.HTM>

### GOVT. MEDIA ATTACKS PROMOTES STATE TERRORISM

**Opposition Leader, Ranil Wickremesinghe**

**The Bottom Line, 7 January 2009** - The Rajapaksa government is promoting state terrorism at a time the war heroes are striving to eradicate terrorism from the motherland, claims Opposition Leader Ranil Wickremesinghe.

Speaking at the presentation of compensation to the families of the deceased bank employees and pensioned employees who are attached to the Jathika Sevaka Sangamaya (JSS) held at Sirikota yesterday, Wickremesinghe said that the government once again resorts to state terrorism by attacking Sirasa TV Station.

"The government should stop all types of state terrorism, which they practice occasionally, as we should be more thankful to and appreciate the sliders who are fighting against the LTTE by sacrificing their lives," Wickremesinghe added.

He further said that the UNP appreciates the efforts of the forces engaging in battle and have sacrificed their lives for the country. "The credit should go to the forces and not to the leaders. But currently, the situation is such that the credit has gone to the President, who enjoys a luxury life in Colombo, and not to the war heroes who are fighting to save the motherland from the LTTE," Wickremesinghe said.

He further said the successive governments have always protected and respected the Supreme Court, which safeguards the rights of the people of this country, **but Rajapaksa and his cabinet is not respecting the orders given by the Supreme Court. "What is the point of having a government which does not respect a single court order issued by the Supreme Court?"** Look at what happened with the court order regarding the fuel prices? We filed a case against the high fuel prices in order to get some relieves for the

people, as they have a right to enjoy the benefits rather than paying for the oversight made by the government,” Wickremesinghe asserted.

UNP Deputy Leader Karu Jayasuriya, Assistant Leader Rukman Senanayake, Secretary General Tissa Attanayake, UNP MP Johnston Fernando and many more UNP supporters were present.

<http://www.thebottomline.lk/2009/01/07/index%2027.htm>

## **CFA PAVED WAY FOR VICTORIES**

### **Opposition Leader, Ranil Wickremesinghe**

**Daily Mirror, 6 January 2009** - Opposition UNP leader Ranil Wickremesinghe yesterday defended the 2002 Ceasefire Agreement and claimed that it had paved the way for the armed forces to achieve their recent military victories.

Mr. Wickremesinghe made these comments during a joint news conference organized by the UNP, SLMC, SLFP (M) and DPF at the opposition leader’s office in Cambridge Terrace yesterday.

He said the LTTE would have offered stiff resistance if it had used the ceasefire period to bring down sophisticated weapons as claimed by the government.

***“The Tigers could not face the Army especially in the East. There was no evidence of the Tigers using sophisticated weapons to hit back at the security forces during any of the military operations carried out anywhere so how can anyone blame the ceasefire for paving the way for the LTTE to bring down arms,” Mr. Wickremesinghe asked.***

***He said the ceasefire paved the way for many countries including the United States to provide arms to the security forces.***

***“The security forces successfully carried out operations with the weapons which were brought down after signing the ceasefire agreement,” Mr. Wickremesinghe said.***

He claimed that America had stopped providing arms to Sri Lanka because of human rights violations in the country after the present administration assumed office.

He referred to the Kilinochchi operations and charged that the government was treating the wounded soldiers unfairly after using their brave deeds to cover up its inability to resolve a host of other issues.

Mr. Wickremesinghe showed pictures of wounded soldiers being transported in ordinary vehicles and said it was not the way to treat people who had done a great service to safeguard the sovereignty of the nation.

He stressed that the government should reward the people who tightened their belts and that was why the party leaders stressed the need for a further reduction of oil prices.

“The Government has failed to carry out these duties and this is why the UNP and other parties have decided to take to the streets tomorrow to launch a protest campaign at Hyde Park with the theme ‘enough is enough’,” he said.

The four party leaders urged the government to increase the compensation paid to the families of soldiers who died in action to Rs.5 million and that paid to each injured soldier to Rs.2.5 million.

### **Govt. fires back**

Transport Minister Dulles Alahapperuma yesterday urged Opposition Leader Ranil Wickremesinghe not to belittle the historic victory of the heroic soldiers at a time when the entire country celebrated their achievement.

“The aim of Mr. Wickremesinghe is to under-estimate and belittle the military successes of the armed forces. When he says that the government must reduce petrol prices ‘if Kilinochchi has been conquered’, his tone reflects a doubt in his mind and his reluctance to accept the fact which the entire country witnessed. He does not want to accept the reality, the fall of Kilinochchi into the hands security forces,” Minister Alahapperuma said.



"Kilinochchi was the political, administrative and business capital of the LTTE. The reluctance of Mr. Wickremesinghe to endorse and respect the enormous victory achieved by the security forces in conquering Kilinochchi clearly reflects his mental impediment in respect of his patriotism. He has clearly displayed this fact by becoming the only human being in the world who sings the National Anthem by looking at a piece of paper. Hence, it is not difficult to understand his failure to issue even a short statement praising the military victory and his act to criticize Army Commander through Parliamentarian John Amaratunga instead," Mr. Alahapperuma claimed.

"When he was in power his regime was the underdog to the LTTE. It was during that time the treacherous peace accord was signed and accepted the legal existence of the LTTE. Not satisfied with that, there was an attempt to offer an 'Interim Administration' to the LTTE and through that to give the terrorists a constitutional acceptance," he said.

"It was during his administration the intelligence units of the armed forces became the targets of the LTTE and the terrorists transported military cargo and communication equipment from the BIA to Kilinochchi freely. It is a shame that Mr. Wickremesinghe suggests with his international chums to start peace talks with the LTTE at a time when President Mahinda Rajapaksa endeavours to free the North and East from the menace of terrorism and achieves victories after victories."

"We haven't forgotten his utterances that Toppigala was a baron jungle after our heroic soldiers over-ran it with many sacrifices. He discloses sensitive information about the security forces with the intention to help terrorists," Minister Alahapperuma charged.

"Mr. Wickremesinghe now wants to reduce petrol prices following the fall of Kilinochchi. He has comfortably forgotten that under his economic policies he had forgiven unscrupulous businessmen who plundered the public," he said.

Meanwhile, Government Defence spokesman Keheliya Rambukwella said intelligence units knew of many instances of the LTTE having brought down several sophisticated weapons during the Ceasefire Agreement period.

He said the LTTE obtaining a large haul of weapons and military hardware during the ceasefire was no secret. He said that during the CFA, the LTTE became militarily more powerful.

"During that time the LTTE expanded its control to several areas, put up new camps, police stations, courts etc," the minister said the Tigers were able to gain access to international organizations and the government to justify their demands. "These actions were endorsed by the then government in which Mr. Wickremesinghe was Prime Minister," Minister Rambukwella said.

[http://www.dailymirror.lk/DM\\_BLOG/Sections/frmNewsDetailView.aspx?ARTID=37042](http://www.dailymirror.lk/DM_BLOG/Sections/frmNewsDetailView.aspx?ARTID=37042)

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## **INTERNALLY DISPLACED PEOPLE - IDPs**

### **MASSIVE DISPLACEMENT OF CIVILIANS AMID ESCALATING CONFLICT**

**ICRC - 15-01-2009 Operational update**

**Ever more civilians have been leaving areas held by the Liberation Tigers of Tamil Eelam (LTTE) and entering government-controlled territory in recent weeks.**

The ICRC has been helping them to maintain acceptable levels of hygiene, to keep in touch with relatives and to maintain hope.

Fighting has prevented relief supplies from reaching the population in the Vanni for the past five days. "Civilians in the Vanni are weary from the conflict. Repeated displacements, often involving the loss of their personal belongings, have taken a toll on them. Nevertheless, their ability to cope has been remarkable," said Paul Castella, the ICRC's head of delegation. "The ICRC is committed to stay at their side as long as there are needs to address"

Because of ongoing combat operations and the moving front line, tens of thousands of displaced civilians are concentrated in an area so small that there are serious concerns for their physical safety and living conditions, in particular in terms of hygiene. In addition, the ICRC has to negotiate safe passage over a distance of up to 30 kilometres between government- and LTTE-held areas with the parties every day (between 2002, when the ceasefire was signed, and November 2008, guarantees of safe passage were needed only for travel on a 300-metre stretch of road). The new situation has made it necessary for the ICRC to bring in more international and national staff to manage the convoys and communicate with the parties on the ground.

The ICRC also negotiates with the parties to the conflict to arrange for the safe passage of ambulances transferring patients and health professionals back and forth between the various medical facilities in LTTE-held areas and Vavuniya. However, the ICRC is extremely concerned by the fact that no safe passage has been arranged since 9 January. This has put at risk the lives of patients who cannot receive suitable treatment on the spot and therefore need to be transferred to Vavuniya Hospital, in government-controlled territory.

A major concern of the ICRC is to ensure that civilians, the sick and wounded and medical personnel receive the protection to which they are entitled under international humanitarian law. The organization has reminded the parties to the conflict repeatedly – in recent days especially – of their obligation to protect persons not taking part in the hostilities.

### **ICRC maintains its support for displaced people in the Vanni**

In the districts of Mullaitivu and Kilinochchi, more and more civilians abandoned their homes and shelters and fled combat areas in December. Unfortunately, there is almost no area left in that part of the country where people can be safe from the ongoing hostilities. "Families heading westward in search of safety are encountering other families moving eastward with the same aim," said Mr Castella.

Heavy rains that fell on the Vanni in December damaged shelters and roads and destroyed millions of rupees' worth of food crops, thus posing further challenges for the displaced population.

Existing health-care facilities are managing to cope with the basic health needs of the civilian population despite a lack of personnel and other constraints.

The ICRC has distributed personal-hygiene and baby-care items to more than 750 displaced people and built toilets and bathing facilities. In addition, it has monitored conditions in centres for the displaced set up by the authorities in Jaffna and Vavuniya. It has listened to the concerns of those living in the centres and where necessary helped them to restore contact with their relatives by means of Red Cross messages.

In an attempt to stave off mosquito-transmitted disease among displaced people, the ICRC distributed some 350 baby mosquito nets.

Working together with volunteers from the Sri Lanka Red Cross Society, the ICRC provided some 3,600 displaced individuals in Puthukudyirippu with shelter and other essential items. The ICRC also repaired wells and built toilets for the displaced population in Oddussudan, Kandavalai and Puthukudyirippu. In addition, it gave over 1,100 displaced people in these areas tents and tarpaulins for use in erecting emergency and temporary shelters.

In December, a total of 60,056 families in Kandawalai, Karachchi Maruthankerny and Puthukudyirippu received food, clothing and hygiene items donated to the ICRC in November by the Indian government for the conflict-affected population of the Vanni.

### **ICRC serving as neutral intermediary between government and LTTE**

In its role as a neutral intermediary, the ICRC facilitated the movement of civilians, sick and wounded people, food and other relief items, and Sri Lanka Red Cross members and various officials across the front line throughout most of last year. In 2008 the ICRC helped more than 273,000 civilians and 32,000 vehicles to make the crossing.

In December, the conflict continued to disrupt the movement of civilians, civilian vehicles, ambulances and humanitarian aid convoys across the no man's land between government- and LTTE-held areas. During the month, the ICRC facilitated the passage into the Vanni of 199 ambulances carrying 505 patients and of nearly 1,190 trucks loaded with humanitarian aid. ICRC staff also transported the bodies of 204 fallen fighters across the front line.

### **Protecting civilians and people held in connection with the conflict**

The ICRC continues to monitor possible violations of international humanitarian law affecting civilians throughout the country. When necessary, it makes representations to the authorities concerning missing persons, arbitrary arrests, under-age recruitment, unlawful killings and ill-treatment of civilians or detainees by weapon bearers. Allegations of violations are discussed confidentially with the parties to the conflict.

With the cooperation of government officials and the LTTE, the ICRC has been visiting a growing number of people arrested in connection with the armed conflict to monitor their treatment and conditions of detention. In December, ICRC delegates held private talks with more than 900 security detainees in some 50 government places of detention throughout the country and provided them with clothes, toiletries and recreational items. The ICRC covered the travel costs of six detainees returning home on public transport after being released, and of the families of over 465 detainees visiting their detained relatives.

### **Restoring family links with Red Cross messages**

Red Cross messages help family members separated by the conflict to keep in touch. In December, the ICRC and the Sri Lanka Red Cross collected or distributed 685 messages.

### **ICRC staff member killed in Jaffna**

An ICRC staff member was killed in a shooting incident in Jaffna on 23 December. He was the father of two children and had been working with the ICRC since 1999. The incident occurred while the victim was exiting a bus on his way to work. The police authorities are investigating to ascertain the exact circumstances that led to his tragic death.

<http://www.icrc.org/web/eng/siteeng0.nsf/html/sri-lanka-update-150108?opendocument>

## **JAFFNA BISHOP, CHRISTIANS ON HUNGER STRIKE FOR VANNI'S DISPLACED CIVILIANS**

**Colombo, 29 January 2009, (AsiaNews)** – Jaffna's Catholic community led by the city's bishop, Mgr Thomas Saundaranayagam, has gone on a hunger strike. Beginning at 9 am yesterday Catholics have been taking turns fasting in order to get the government to stop air raids and bombing the Vanni area. Unable to get supplies refugees caught in the conflict are going hungry.

In front of St Mary's Cathedral hundreds of people began the protest against the "unbearable human tragedy" that is taking place amid the "silence of the international community" and the indifference of the government, which is minimising the real impact on civilians whilst blaming the Tamil Tigers for all the violence. (Excerpt)

<http://www.asianews.it/index.php?!=en&art=14342&geo=2&theme=5&size=A>

## **SRI LANKA PLANS TO HOLD DISPLACED TAMILS IN 'CONCENTRATION CAMPS'**

**by Dean Nelson, *The Telegraph*, UK, February 13, 2009**

Officials have confirmed they will establish several "welfare villages" to house the estimated 200,000 Tamils displaced from their homes by the Sri Lankan army's "final offensive" against the LTTE's stronghold on the north of the Island. Senior officials have however confirmed that those housed in the villages will have no choice on whether to stay in the camps.

The villages, which will be based in Vavuniya and Mannar districts and will include banks and parks, will be compulsory holding centres for all civilians fleeing the fighting. They will be screened for terrorist connections and then held under armed guard, with only those with relatives inside the camp allowed to come and go. Single youngsters will be confined to the camps.

It remains unclear how long displaced Tamils will be forced to remain in the camps. Officials had originally planned to detain civilians there for three years but, following an outcry from humanitarian groups, said they hoped to resettle 80 per cent within a year.

Aid groups, senior opposition leaders and Britain's Department for International Development have all denounced the plan, which was on Friday compared to Hitler's demonization of the Jews in the 1930s.

Former Foreign minister Mangala Samaraweera, a former close aide to President Mahinda Rajapaksa, said it was part of a police to paint all Tamils, even moderate opponents of the Tamil Tigers, as potential terrorists and to silence all Tamil voices.

"It is amazing and terrible. A few months ago the government started registering all Tamils in Colombo on the grounds that they could be a security threat, but this could be exploited for other purposes like the Nazis in the 1930s. They're basically going to label the whole civilian Tamil population as potential terrorists, and as a result we are becoming a recruitment machine for the LTTE. Instead of winning hearts and minds of the Tamil people, we're pushing even the moderates into the arms of the LTTE by taking these horrendous steps," he told *The Daily Telegraph*.

A spokesman for Britain's Department for International Development said:"We are aware of the Government of Sri Lanka's plans for civilians displaced by the conflict in the Vanni. We do not believe current plans represent a sufficient solution by international humanitarian standards. Prolonging the displacement of this very vulnerable group of people is not in anyone's interests.

"There is no UK Government money going into the camps. The UK is supporting international agencies on the ground like the Red Cross, who are in constant touch with the Government of Sri Lanka to find an acceptable solution for those affected. It is important to note that the Government of Sri Lanka has consistently followed a speedy resettlement policy and the experience in the East has been positive in this regard.

## THE BARBED WIRE RETURNS

**The Sri Lankan Army's plans for camps to intern Tamil civilians is brutal and illegal. It will help neither peace nor reconciliation on the island**

***The Times*, London, February 13, 2009** - It was one of the 20th century's most bestial images, and one that was invented by the British. The concentration camps set up by Lord Kitchener to intern Boer women and children were officially intended to shelter civilians while the British Forces conducted a scorched-earth policy to deprive Boer combatants of food and shelter. In fact, they were places of brutality, hardship and death. More than 26,000 people died in some 50 makeshift camps across South Africa.

Forty years later, millions more died in Nazi camps that borrowed the name and copied the brutal regime of starvation and death. Humanity vowed that never again would such atrocities be tolerated. Yet they have persisted: from the Soviet gulags to the killing fields of Cambodia and the Serb-run camps housing half-starved Bosnians. And now the barbed wire is going up again, as Tamil civilians are herded into makeshift compounds. The victorious Sri Lankan Army, sweeping across the last holdouts of the separatist Tamil Tigers, is proposing to imprison tens of thousands of non-combatants in a "safe zone" for up to three years as the area is "cleansed" of rebel supporters. Starvation, despair and death are all too easy to predict.

Some 250,000 civilians have been trapped by the fighting in the north east of the island. Hundreds have already been killed, either by Tiger fighters firing on them as they tried to escape or by government troops shelling the rebel enclave, now only some 70 square miles. Many of those fleeing the crossfire have been killed by mines. The International Committee of the Red Cross has done its best, but was forced yesterday to evacuate 160 patients from a makeshift hospital where artillery shelling killed 16 people earlier in the week. The United Nations is planning for an exodus of 150,000 people. But the troops appear intent on holding them, ostensibly for their safety but in fact to root out any supporters or relatives of the Tiger fighters.

The army has good grounds for suspicion. Velupillai Prabhakaran, the fanatical leader of the Liberation Tigers of Tamil Eelam (LTTE), has apparently escaped, probably by sea, but he has left behind more than 700 zealots, ready to fight to the death, and suicide bombers. Some have already blown themselves up, killing dozens of troops and civilians. For years the Tigers have forced each Tamil family to enlist one of its members in the rebel army. Until the last minute, Tamils have been assembling mortars, grenades and roadside bombs in workshops in Tiger-controlled towns. Prabhakaran's reign of terror has used civilians as human shields or forced them to build defences. Few have been able to stay out of the conflict.

The 50,000-strong army, however, is now bent on revenge. After 25 years of fighting, some 70,000 deaths and a war that has brutalised the country and stunted its economy, the hard-line Government of President Rajapaksa has resolved to crush the LTTE by force and destroy the basis of Tamil separatism. All earlier offers of devolution and autonomy have been withdrawn. Sinhala nationalism was the main issue of the last election, with parties in the south competing to denounce the Norwegian-brokered peace talks. There is no talk of political reconciliation.

Instead, Colombo appears to be giving free reign to the armed forces and turning a blind eye to civilian suffering. At the same time it is asking Britain for support to fund its five "welfare villages", ignoring protests from Indian and Sri Lankan MPs. Human rights activists have denounced these as illegal detention centres and demanded, as a minimum, international inspection and control. A century after Britain's shameful treatment of the Boers, this country should be the first to protest at this odious plan.

## **SRI LANKA'S CIVILIAN TRAGEDY** **UK Guardian**

**The Guardian weekly, 4 February 2009** - Sri Lanka's government is winning its 25-year-long war against rebel group the Tamil Tigers, according to the country's president, Mahinda Rajapaksa. But at what cost to its human rights credentials, asks **Father Peter Nayanamithra**, a Catholic priest who regularly crosses the border into the conflict zone and has seen with his own eyes the indiscriminate bombing and persecution that takes place there

This culture of war began back in 1985, when I became a priest. There were killings, abductions, bombings then and the Tamils had to run away to the north, where refugee camps started to form.

These days I often visit the north of Sri Lanka, but I have to hand over my identity card at the army-controlled border, and they tell me I can only stay limited periods of time. I spend hours at these checkpoints, having my registration taken, cards checked, answering questions.

In the north, all vehicles are barred from the roads after 5pm and barriers are pulled across. In each household every person must have their identity card, and each house must have a list of registered people and a group photo. They are checked all the time. Any extra people in the house could be taken away. If there's a person missing, after dark, they're in trouble.

Army personnel take vehicles whenever they want, telling the owner to come and pick it up from such-a-such a station. Sometimes it will be there, or sometimes the person picking it up will be detained. Identity cards are also used like this: the police will take the cards from young men and tell them to report to the station the next day to collect them. Some of the men never come home, or on the way back they are killed by unknown gunmen. This is very common.

The current military operation is moving west to east. From that side the army has started shelling heavily. They tell people: "You have 10 minutes, take everything and go." People have to vacate and their houses are destroyed and looted and they're told they can't go back, that they have to stay behind the army line in the camps. Then the next day the army will point to pictures in reports and say, "Look, we got a LTTE camp!" But they're shelling indiscriminately.

The army are always trying to find Tamil Tiger supporters, so they question small children about their family; does anyone have a gun? Based on what they say, their father or brother might be taken away that night.

In southern Sri Lanka, in reports, they only speak about the victories of the army, "our heroes" and all that, but nobody talks about the 400,000 refugees: where they are, whether they're being fed. When I went behind the lines I found thousands of them sheltering in a big building. According to the priest there, the army promised that they could go back immediately, but it's been one and a half years.

At the moment the biggest problem is the lack of food, shelter, medicine and even temporary toilets; there are no basic necessities. People are sheltering under scraps of sackcloth. Schooling is a problem, too. I think the government believes that these civilians will turn on the Tigers and say "because of you we are suffering". But it will only make them join and fight.

Young men in the refugee camps can be taken at any time – not only by the army but by other groups too, paramilitary groups. They come at night and take them. Abductions are sometimes for money or because their brother or someone they know is in the LTTE. Once they go into the detention camps there's not much chance they'll come out. For those not living in refugee camps there is the threat of the Tigers coming to force them to fight.

People in the south aren't 100% uninterested in what's happening. They have experienced bomb blasts and they go out to work in the morning not knowing if they'll return home at night, so they have their difficulties too. But these smaller incidents seem to be allowing the government to justify anything that goes on up north, and the people say: "Yes, carry on, finish the war any way you have to."

There's no other way but to accept that the Tamils have a right to self-determination. We should not be two countries. Before the British came there were kingdoms within this country and it worked much better.

I always take the side of the poor. To my congregation I explain what's going on in northern Sri Lanka and ask them to donate money. For this they sometimes call me a Tamil Tiger, but I'm not going to argue with that, it's useless. I have better things to talk about. Before, if you supported peace you were considered a good role model. Now you are told you are against your country.

The worst crimes against humanity are taking place in northern Sri Lanka. In just the past few days hundreds of people have been moved into "safe zones" by the army and then killed by shelling that was directed into those zones. It makes me ashamed to be an ethnic Sinhalese. We haven't done our part.

• Father Peter Nayanamithra was speaking to Julianne Porter. For up-to-date coverage of the conflict, go to the Guardian's online Sri Lanka page.

<http://www.guardianweekly.co.uk/?page=editorial&id=918&catID=6>

## **COUNTRY CELEBRATES VICTORY OVER TAMIL TIGERS, BUT FORGETS DEAD AND DISPLACED**

**Colombo (AsiaNews), 17/11/2008** - The government of Sri Lanka has proclaimed a "Jayagrahee Ranaviru Upahara Sathiya," a week of celebration for the recent victories of the army. On the morning of November 15, forces of the SLA occupied Pooneryn, one of the strongholds of the Liberation Tigers of Tamil Eelam (LTTE) in the north of the country. The military operation permitted the army of Colombo to take back control of the strategic position held by the Tigers for 15 years. On November 16, the areas of Kumalamunai and Mankulam returned to the control of the SLA after years of domination by the LTTE.

In giving the news of the occupation of Pooneryn, President Mahinda Rajapaksa congratulated the "heroic soldiers," and immediately called on the leader of the LTTE, Valupillai Prabhakaran, to lay down the group's weapons and sit at the negotiating table. In the statement on Saturday, November 15, Rajapaksa said: "Now, we can open a land route to the Jaffna Peninsula after many years," referring to the so-called second war of Eelam at the beginning of the 1990's.

In various areas of the country, supporters of the president immediately hailed the news with celebrations. With a press conference convened on the morning of the 17th, the government asked schools, offices, and public buildings, but also private citizens, to display the national flag on buildings, homes, and vehicles, and to celebrate the recent success of the military forces.

But many of the Catholics on the island are asking whether this is a victory to celebrate, while there are still thousands of civilians suffering in the north of the country.

Outside of the Sunday Mass at the church of St. Philip Neri in Colombo, AsiaNews gathered the comments of Sinhalese and Tamil faithful: "The real victory is the day we get permanent peace in the country. Not just capturing lands," said one of those present. A Sinhalese man who had recently visited Jaffna commented that "this victory is meaningless if our military is going to keep the said liberated lands for themselves like they are doing in Jaffna."

Many of the Catholics criticize Rajapaksa for failing to mention in his statement the deaths among the civilian population caused by the war. The father of a soldier killed last year during the battle of Toppogala criticizes the president, who has not dedicated "even one word for those who have sacrificed lives for the unwanted war."

<http://www.asianews.it/index.php?l=en&art=13772&geo=44&size=A>

### **INTER-AGENCY STANDING COMMITTEE SRI LANKA 16-23 October 2008 Displacement after April 2006**

<b>Location</b>	<b>No. of Families</b>	<b>No. of Individuals</b>
Jaffna	6,024	20,249
Vadamarachchi East <i>(Now displaced to Mullaithivu)</i>	1,957	7,787
Kilinochchi	37,281	1,48,255
Mullaithivu	39,248	1,55,887
Vavuniya	2,970	9,991
Mannar	2,816	8,760
Trincomalee	1,480	4,896
Batticaloa	2,984	11,268
Ampara	1,148	4,223

<http://www.reliefweb.int/rw/rwb.nsf/db900SID/SHIG-7KWEK3?OpenDocument>

## **ATTACK ON DEMOCRACY AND JUDICIARY**

**The Bottom Line, 01 October 2008** - More than 500 Lawyers in Hulftsdorp yesterday staged a "Silent Street Walk" to protest against the grenade attack on the residence of Attorney-at-Law J.C. Weliamuna on September 27, 2008.

The 'Silent Street Walk' commenced in front of the Supreme Court yesterday afternoon, proceeded along Mihindu Mawatha up to the Bar Association office and returned to the Supreme Court premises.

It was led by very Senior President's Counsel N.R.M. Daluwatta with former Attorney General Shibly Aziz, P.C. and Manohara De Silva P.C. followed by lawyers and lady lawyers.

At the commencement of the protest, N.R.M. Daluwatta P.C., addressing the gathering, said that the protest should be very peaceful and demonstrate the Lawyers dignity to express their opposition to the incident at the residence of Attorney-at-Law Weliamuna. He stressed that the Lawyers' responsibility is to represent their clients in the Judiciary and no one can deny that right.

Shibly Aziz P.C. said that their colleague Weliamuna appears in court on behalf of his clients in various controversial cases. to assist the court. If any person or group attempts to suspend it, it amounts to interfere with the judiciary.

This type of cowardly act is a challenge to the independence of the judiciary and it is a dangerous sign against the freedom of the Lawyers and the citizens seeking their assistance for justice Aziz added.

Former Secretary, Bar Association of Sri Lanka, Upul Jayasuriya expressing his views before the gathering, said that this cowardly act was a attempt at curtailing, suppressing and hindering our freedom of peacefully an consciously engaging in our profession and performing a constitutional duty towards the citizen, which responsibility has been cast on us.

He explained the urgent motion to hand over to the Secretary, Bar Association of Sri Lanka, U.R. de Silva and requested the IGP to investigate on this matter very impartially, honestly and to disclose the steps the police has taken to bring the culprits to justice, within one week.

Manohara de Silva P.C. expressing his views, said that the attack on our colleague is a attack on the profession and Lawyers cannot ignore it, we have to register our protest.

President's advisor and Attorney-at-Law Vasudeva Nananayakkara said this cowardly act is a dangerous blow on citizens' democratic rights and independence of Judiciary.

Whoever is responsible for this act, indicates to the people of this country that justice of judiciary must be done according to them, and that is the message they are giving to the country.

We must consider this as a attack on Democracy and Independence of Judiciary.

<http://www.thebottomline.lk/2008/10/01/index%2029.htm>

## **PROFESSIONALISM IN KILLINGS FOXES THEM ALL**

**According to many civil rights activists, the current killing trend is due to the on-going war in the north east the culture of impunity**

**The Nation, 18 January 2008** - The fatality figures in Sri Lanka are perhaps telling a story, which would be that, the on-going north east war focuses progressively on internecine killings. The death rate in Sri Lanka is steadily increasing to a gruesome toll and pathetically the majority of the murder cases are going uninvestigated.

Political and personal murders have taken place from time immemorial but majority of the murder cases going uninvestigated has never been heard of, in the past.

The brutal assassination of The Sunday Leader Editor-in-chief and veteran journalist **Lasantha Wickramatunge on Thursday January 8**, has reminded the entire country of the similar killing of another veteran journalist **Richard de Zoysa in 1990**.

If investigations into the killing of Zoysa have still not produced any positive results, it is unlikely that even the investigations into Wickramatunga's killing would bring any results.

The civil rights activists are now increasingly worried about the growing number of killings and the successive government's lukewarm attitude in carrying out the investigations.

Serious questions are raised as to why successive governments have failed to conduct proper investigations into the series of killings of politicians, journalists and human rights workers. According to many civil rights activists, the current trend is due to two important reasons; one is the on-going military conflict in the north east and the other is the culture of impunity.

A random look at some of the killings that have gone uninvestigated is nothing but scary. "In the good old days, if one murder takes place, we talk about it for months. But now, it is simply forgotten within the same day," observed ex-minister and veteran politician Sirisena Cooray.

### **Uninvestigated murders**

Fingers have been pointed at the ruling party immediately after each assassination. No government, it must be underscored, has taken prompt action to bring the culprits to book immediately after a killing.

According to Human Rights Minister Mahinda Samarasinghe, it has not been too easy to find evidence for any government to immediately complete investigations into killings.

"For instance, the investigation into the killing of former Foreign Minister **Lakshman Kadirgamar** is still pending," the Minister said.

However, the onus is on the incumbent government to ensure that the culprits are brought to book and a proper investigation is carried out immediately after a killing. Otherwise the public fingers would obviously be pointed at the governments.

When former minister and veteran politician **Lalith Athulathmudali** was assassinated at an election rally held in Kirullapone on April 23, 1993, the immediate suspect was none other than President Ranasinghe Premadasa.

But later it was revealed that a person named Rangunathan, assigned by the LTTE was responsible for the killing.

### **Chilling murders**

In the early hours of February 18 1990 journalist and television newsreader Richard de Zoysa was abducted from his home in Colombo.

The next evening his body was washed ashore on Lunawa beach. He had been shot in the head. He had burn marks on his body. Richard was 32 at the time of his death.

To this date, the investigation into his death has not been completed.

**Dharmaratnam Sivaram** was also killed on April 28 2005. He was a popular Tamil journalist. He was kidnapped by four men in a white van in front of the Bambalapitiya police station.

His body was later found the next day about 500 metres from the country's parliamentary precincts in Sri Jayawardenepura. He had been beaten and shot in the head.

Forensic expert Jeanne Perera, who conducted the post-mortem, reported that Sivaram had been hit on the back of the head and shoulders and shot at point blank range.

To date, the investigation that was initiated by the government has not been completed.

**Kumar Ponnambalam**, another leading Tamil politician was shot dead in Colombo on January 5, 2000.



The assassination took place barely three days after he wrote an open letter to the then President Chandrika Kumaratunga, severely castigating her regime.

Still there has not been any proper investigation into the killing of Ponnambalam.

**Mylvaganam Nimalrajan**, is yet another senior Tamil journalist based in Jaffna who was shot dead by gunmen on October 19, 2000. The shooting took place near Nallur Kandaswamy Kovil in Jaffna – an area declared as High Security Zone (HSZ).

He had worked for BBC's Tamil and Sinhala language services, Virakesari and Ravaya as a freelancer.

The assailants shot the journalist through the window of his study, where he was working on an article, and threw a grenade into the home before fleeing the premises. The attack occurred during curfew hours in a high-security zone in central Jaffna town. But there has not been any results emerging from the investigations the authorities carried out.

Another popular Tamil politician **Joseph Pararajasingham** was also killed while attending midnight mass at Christmas 2005.

He was inside the Church in Batticaloa when gunmen opened fire on him at close range, in the presence of the entire congregation and the clergymen, including the Batticaloa/ Trincomalee Bishop Rt. Rev. Dr. Kingsly Swamipillai.

The Church is also situated in the heart of Batticalao and in the High Security Zone (HSZ). To date, there has not been any outcome of the investigation the government undertook.

Reports indicated that the killings may have been carried out by a breakaway group of the LTTE.

**T. Maheswaran**, a former minister and member of the opposition United National Party, was also shot dead by unknown attackers and died in hospital. He was killed on January 1 2008. So far the culprits have not been apprehended or investigation completed.

**Nadarajah Raviraj**, another vociferous Tamil legislator and a human rights lawyer was killed on November 10 2006, in broad daylight.

Barely 24 hours before his assassination he led a protest demonstration in front of the UNICEF office in Colombo regarding the Vakarai bombing allegedly by the Sri Lankan troops of a school that led to the death of 45 civilians. The following day he was killed. So far there has not been any report of his killing.

### **Modus operandi**

The modus operandi and the manner, in which these people had been killed, are sufficient evidence, that these killer groups had been well trained.

A leading lawyer, who wished to remain anonymous, said that if there was a political will, the investigations into these killings could have been completed with accurate results.

According to him, it is the incumbent governments that have put the lid on each investigation and added assassinations of this nature could not have been carried out without state sponsorship or assistance.

In Sri Lanka two factors have contributed immensely to the growing rate of killings. One is the north east conflict and the other is the culture of impunity.

The ongoing conflict has facilitated the proliferation of weapons into the island nation and today all types of weapons are used by killers to eliminate their opponents.

Of all the killings that have taken place in Sri Lanka the majority of the killings have been political.

One wonders whether killing a person in such a broad daylight is possible without the assistance of the state.

The law enforcement authorities have been in most cases impotent when it comes to bring the culprits to book.

## Cost of NE war

Sri Lanka has so far spent colossal amounts of money on the north east war. The cost in terms of human lives is appalling. The war has also caused economic and social affects.

Besides, the gun culture that is prevalent in Sri Lanka is also a by product of the conflict that has been devastating the country for the past three decades or so.

Today, there are various armed groups, freely roaming about in the towns and cities and they are not only hired for killings but are also used by politicians for their own political work.

If the north east conflict is brought to an end, many civil rights activists say, the gun culture in Sri Lanka could be eliminated. Due to the prevailing terrorism in the country, they say there have been continuous bombings and killings on either side. The civil rights activists say this has changed the entire culture of Sri Lanka.

**Mano Ganesan**, the Civil Monitoring Committee (CMM) and Parliamentarian says the gun culture took deep roots in the island nation only in the mid seventies.

“Prior to this, we did not hear of people killing each other,” he said. He warned that if corrective measures are not taken forthwith, there could be a further erosion of the value system the country has been blessed with.

He said when the people start to lose confidence in the democratic system when killings take place under this system, then, the people will start to look for alternatives. “Then they might want a dictator to wipe out this menace. This is dangerous,” he said.

But for Human Rights Minister Mahinda Samarasinghe, some cases are too complicated that the government is simply not able to put to use its own machinery to reveal the culprits.

“The nature of the killings is of such a complex background and executed in such a way, it might take time. As Human Rights minister my objective has been these kinds of incidents cannot be tolerated and accepted and we have to demonstrate to the world that we are committed and capable of apprehending the culprits,” he said. <http://www.nation.lk/2009/01/18/newsfe5.htm>

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## PRESS FREEDOM

### OUTRAGE AT FATAL SHOOTING OF NEWSPAPER EDITOR IN COLOMBO

**Reporters Without Borders, 8 January 2008** - Reporters Without Borders is outraged by the murder of Sunday Leader editor Lasantha Wickrematunga, who was shot dead by two men on a motorcycle as he drove to work this morning in Colombo.

“Sri Lanka has lost one of its more talented, courageous and iconoclastic journalists,” Reporters Without Borders said. **“President Mahinda Rajapaksa, his associates and the government media are directly to blame because they incited hatred against him and allowed an outrageous level of impunity to develop as regards violence against the press.** Sri Lanka’s image is badly sullied by this murder, which is an absolute scandal and must not go unpunished.”

The press freedom organisation added: “The military victories in the north against the Tamil Tigers rebels must not be seen as a green light for death squads to sow terror among government critics, including outspoken journalists. The international community must do everything possible to halt such a political vendetta.”

**President Rajapaksa called Wickrematunga a “terrorist journalist”** during an interview with a Reporters Without Borders representative in Colombo, last October.

This morning’s attack on Wickrematunga occurred in rush-hour traffic about 100 metres from an air force checkpoint near one of the capital’s airports. The two assailants smashed the window of his car with a steel bar before shooting him at close range in the head, chest and stomach. He was rushed to a Colombo hospital where he died a few hours later.

The Sunday Leader's outspoken style and coverage of shady business deals meant that Wickrematunga was often the target of intimidation attempts and libel suits. The most recent lawsuit was brought by the president's brother, Gotabhaya Rajapaksa, who got a court to ban the newspaper from mentioning him for several weeks.

Lasantha Wickrematunga, who was also a lawyer, told Reporters Without Borders in an interview that his aim as a journalist was to "denounce the greed and lies of the powerful." His newspaper specialised in sensational investigative reporting of corruption and abuse of authority in Sri Lanka.

The printing press of the Sunday Leader media group (Leader Publications), which is located in a high security area near Colombo, was destroyed in an arson attack by a group of gunmen in November 2007. Wickrematunga told Reporters Without Borders at the time the attack was "a commando operation supported by the government." The police did not carry out a proper investigation.

**Sri Lanka was ranked 165th out of 173 countries in the Reporters Without Borders 2008 press freedom index. This was the lowest ranking of any democratic country.** Two journalists were killed in Sri Lanka in 2008 and two others, J. S. Tissanayagam and Vettivel Jasikaran, are currently in prison.

[http://www.rsf.org/article.php?id\\_article=29916](http://www.rsf.org/article.php?id_article=29916)

## **LASANTHA WICKREMATUNGA WROTE HIS OWN OBITUARY**

On 8 January 09, Lasantha Wickrematunga, was on his way to work at the Sunday leader in Colombo. His killers were following on motorbikes. Then they blocked the path of his car and opened fire.

Wickrematunga had anticipated his death - and wrote his own obituary, which was published in the Sunday leader, on 11 January 2009, headlined "**And Then They Came for Me**".

## **AND THEN THEY CAME FOR ME**

**Sunday Leader - Editorial, 11 January 2009** - No other profession calls on its practitioners to lay down their lives for their art save the armed forces and, in Sri Lanka, journalism. In the course of the past few years, the independent media have increasingly come under attack. Electronic and print-media institutions have been burnt, bombed, sealed and coerced. Countless journalists have been harassed, threatened and killed. It has been my honour to belong to all those categories and now especially the last.

I have been in the business of journalism a good long time. Indeed, 2009 will be The Sunday Leader's 15th year. Many things have changed in Sri Lanka during that time, and it does not need me to tell you that the greater part of that change has been for the worse. We find ourselves in the midst of a civil war ruthlessly prosecuted by protagonists whose bloodlust knows no bounds. Terror, whether perpetrated by terrorists or the state, has become the order of the day. Indeed, murder has become the primary tool whereby the state seeks to control the organs of liberty. Today it is the journalists, tomorrow it will be the judges. For neither group have the risks ever been higher or the stakes lower.

Why then do we do it? I often wonder that. After all, I too am a husband, and the father of three wonderful children. I too have responsibilities and obligations that transcend my profession, be it the law or journalism. Is it worth the risk? Many people tell me it is not. Friends tell me to revert to the bar, and goodness knows it offers a better and safer livelihood. Others, including political leaders on both sides, have at various times sought to induce me to take to politics, going so far as to offer me ministries of my choice. Diplomats, recognising the risk journalists face in Sri Lanka, have offered me safe passage and the right of residence in their countries. Whatever else I may have been stuck for, I have not been stuck for choice.

But there is a calling that is yet above high office, fame, lucre and security. It is the call of conscience.

The Sunday Leader has been a controversial newspaper because we say it like we see it: whether it be a spade, a thief or a murderer, we call it by that name. We do not hide behind euphemism. The investigative articles we print are supported by documentary evidence thanks to the public-spiritedness of citizens who at great risk to themselves pass on this material to us. We have exposed scandal after scandal, and never once in these 15 years has anyone proved us wrong or successfully prosecuted us.

The free media serve as a mirror in which the public can see itself sans mascara and styling gel. From us you learn the state of your nation, and especially its management by the people you elected to give your children a better future. Sometimes the image you see in that mirror is not a pleasant one. But while you may grumble in the privacy of your armchair, the journalists who hold the mirror up to you do so publicly and at great risk to themselves. That is our calling, and we do not shirk it.

Every newspaper has its angle, and we do not hide the fact that we have ours. Our commitment is to see Sri Lanka as a transparent, secular, liberal democracy. Think about those words, for they each has profound meaning. Transparent because government must be openly accountable to the people and never abuse their trust. Secular because in a multi-ethnic and multi-cultural society such as ours, secularism offers the only common ground by which we might all be united. Liberal because we recognise that all human beings are created different, and we need to accept others for what they are and not what we would like them to be. And democratic... well, if you need me to explain why that is important, you'd best stop buying this paper.

The Sunday Leader has never sought safety by unquestioningly articulating the majority view. Let's face it, that is the way to sell newspapers. On the contrary, as our opinion pieces over the years amply demonstrate, we often voice ideas that many people find distasteful. For example, we have consistently espoused the view that while separatist terrorism must be eradicated, it is more important to address the root causes of terrorism, and urged government to view Sri Lanka's ethnic strife in the context of history and not through the telescope of terrorism. We have also agitated against state terrorism in the so-called war against terror, and made no secret of our horror that Sri Lanka is the only country in the world routinely to bomb its own citizens. For these views we have been labelled traitors, and if this be treachery, we wear that label proudly.

Many people suspect that The Sunday Leader has a political agenda: it does not. If we appear more critical of the government than of the opposition it is only because we believe that - pray excuse cricketing argot - there is no point in bowling to the fielding side. Remember that for the few years of our existence in which the UNP was in office, we proved to be the biggest thorn in its flesh, exposing excess and corruption wherever it occurred. Indeed, the steady stream of embarrassing expose's we published may well have served to precipitate the downfall of that government.

Neither should our distaste for the war be interpreted to mean that we support the Tigers. The LTTE are among the most ruthless and bloodthirsty organisations ever to have infested the planet. There is no gainsaying that it must be eradicated. But to do so by violating the rights of Tamil citizens, bombing and shooting them mercilessly, is not only wrong but shames the Sinhalese, whose claim to be custodians of the dhamma is forever called into question by this savagery, much of which is unknown to the public because of censorship.

What is more, a military occupation of the country's north and east will require the Tamil people of those regions to live eternally as second-class citizens, deprived of all self respect. Do not imagine that you can placate them by showering "development" and "reconstruction" on them in the post-war era. The wounds of war will scare them forever, and you will also have an even more bitter and hateful Diaspora to contend with. A problem amenable to a political solution will thus become a festering wound that will yield strife for all eternity. If I seem angry and frustrated, it is only because most of my countrymen - and all of the government - cannot see this writing so plainly on the wall.

It is well known that I was on two occasions brutally assaulted, while on another my house was sprayed with machine-gun fire. Despite the government's sanctimonious assurances, there was never a serious police inquiry into the perpetrators of these attacks, and the attackers were never apprehended. In all these cases, I have reason to believe the attacks were inspired by the government. When finally I am killed, it will be the government that kills me.

***The irony in this is that, unknown to most of the public, Mahinda and I have been friends for more than a quarter century. Indeed, I suspect that I am one of the few people remaining who routinely addresses him by his first name and uses the familiar Sinhala address oya when talking to him. Although I do not attend the meetings he periodically holds for newspaper editors, hardly a month passes when we do not meet, privately or with a few close friends present, late at night at President's House. There we swap yarns, discuss politics and joke about the good old days. A few remarks to him would therefore be in order here.***

Mahinda, when you finally fought your way to the SLFP presidential nomination in 2005, ***nowhere were you welcomed more warmly than in this column.*** Indeed, we broke with a decade of tradition by referring to you throughout by your first name. ***So well known were your commitments to human rights and liberal values that we ushered you in like a breath of fresh air.*** Then, through an act of folly, ***you got yourself involved in the Helping Hambantota scandal. It was after a lot of soul-searching that we broke the story, at the same time urging you to return the money. By the time you did so several weeks later, a great blow had been struck to your reputation. It is one you are still trying to live down.***

You have told me yourself that you were not greedy for the presidency. You did not have to hanker after it: it fell into your lap. You have told me that your sons are your greatest joy, and that you love spending time with them, ***leaving your brothers to operate the machinery of state. Now, it is clear to all who will see that that machinery has operated so well that my sons and daughter do not themselves have a father.***

***In the wake of my death I know you will make all the usual sanctimonious noises and call upon the police to hold a swift and thorough inquiry. But like all the inquiries you have ordered in the past, nothing will come of this one, too. For truth be told, we both know who will be behind my death, but dare not call his name. Not just my life, but yours too, depends on it.***

Sadly, for all the dreams you had for our country in your younger days, in just three years you have reduced it to rubble. ***In the name of patriotism you have trampled on human rights, nurtured unbridled corruption and squandered public money like no other President before you. Indeed, your conduct has been like a small child suddenly let loose in a toyshop.*** That analogy is perhaps inapt because no child could have caused so much blood to be spilled on this land as you have, or trampled on the rights of its citizens as you do. Although you are now so drunk with power that you cannot see it, you will come to regret your sons having so rich an inheritance of blood. It can only bring tragedy. As

for me, it is with a clear conscience that I go to meet my Maker. I wish, when your time finally comes, you could do the same. I wish.

As for me, I have the satisfaction of knowing that I walked tall and bowed to no man. And I have not travelled this journey alone. **Fellow journalists in other branches of the media walked with me: most of them are now dead, imprisoned without trial or exiled in far-off lands. Others walk in the shadow of death that your Presidency has cast on the freedoms for which you once fought so hard. You will never be allowed to forget that my death took place under your watch. As anguished as I know you will be, I also know that you will have no choice but to protect my killers: you will see to it that the guilty one is never convicted. You have no choice.** I feel sorry for you, and **Shiranthi** will have a long time to spend on her knees when next she goes for Confession for it is not just her own sins which she must confess, but those of her extended family that keeps you in office.

As for the readers of The Sunday Leader, what can I say but Thank You for supporting our mission. We have espoused unpopular causes, stood up for those too feeble to stand up for themselves, locked horns with the high and mighty so swollen with power that they have forgotten their roots, exposed corruption and the waste of your hard-earned tax rupees, and made sure that whatever the propaganda of the day, you were allowed to hear a contrary view. **For this I - and my family - have now paid the price that I have long known I will one day have to pay.** I am - and have always been - ready for that. I have done nothing to prevent this outcome: no security, no precautions. I want my murderer to know that I am not a coward like he is, hiding behind human shields while condemning thousands of innocents to death. What am I among so many? It has long been written that my life would be taken, and by whom. All that remains to be written is when.

That The Sunday Leader will continue fighting the good fight, too, is written. **For I did not fight this fight alone. Many more of us have to be - and will be - killed before The Leader is laid to rest.** I hope my assassination will be seen not as a defeat of freedom but an inspiration for those who survive to step up their efforts. Indeed, I hope that it will help galvanize forces that will usher in a new era of human liberty in our beloved motherland. I also hope it will open the eyes of your President to the fact that however **many are slaughtered in the name of patriotism, the human spirit will endure and flourish. Not all the Rajapakses combined can kill that.**

People often ask me why I take such risks and tell me it is a matter of time before I am bumped off. Of course I know that: it is inevitable. But if we do not speak out now, there will be no one left to speak for those who cannot, whether they be ethnic minorities, the disadvantaged or the persecuted. An example that has inspired me throughout my career in journalism has been that of the **German theologian, Martin Niemoller.** In his youth he was an **anti-Semite and an admirer of Hitler.** As Nazism took hold in Germany, however, he saw Nazism for what it was: it was not just the Jews Hitler sought to extirpate, it was just about anyone with an alternate point of view. Niemoller spoke out, and for his trouble was incarcerated in the Sachsenhausen and Dachau concentration camps from 1937 to 1945, and very nearly executed. While incarcerated, Niemoller wrote a poem that, from the first time I read it in my teenage years, stuck hauntingly in my mind:

**First they came for the Jews and I did not speak out because I was not a Jew.  
Then they came for the Communists and I did not speak out because I was not a Communist.  
Then they came for the trade unionists and I did not speak out because I was not a trade unionist.  
Then they came for me and there was no one left to speak out for me.**

If you remember nothing else, remember this: **The Leader is there for you, be you Sinhalese, Tamil, Muslim, low-caste, homosexual, dissident or disabled.** Its staff will fight on, unbowed and unafraid, with the courage to which you have become accustomed. Do not take that commitment for granted. Let there be no doubt that whatever sacrifices we journalists make, they are not made for our own glory or enrichment: they are made for you. Whether you deserve their sacrifice is another matter. As for me, God knows I tried.

<http://www.thesundayleader.lk/20090111/editorial-.htm>

## **LASANTHA NOMINATED FOR UNESCO/GUILLERMO CANO WORLD PRESS FREEDOM PRIZE 2009**

**The Sunday Leader, 18 January 2009** - Editor-in-Chief of *The Sunday Leader*, Lasantha Wickrematunge, has been nominated for the UNESCO/Guillermo Cano World Press Freedom Prize 2009 on behalf of the Southeast Asian Press Alliance (SEAPA).

SEAPA said that throughout his career, Lasantha fearlessly and tirelessly took on Sri Lanka's leaders exposing corruption, ineptitude, and failures in governance wherever he saw them.

"In a country where journalists are routinely assassinated by various vested interests, Lasantha always knew that his life was in danger. And though a trained lawyer, he chose to be a journalist above all, finding in its daily struggles the nobility and need of being one with Sri Lanka's people," SEAPA said.

"In the ultimate testament to his life and legacy, not even his own assassination could silence Lasantha. He embodied *The Leader's* motto: "Unbowed and unafraid." Fully anticipating that he would pay the ultimate price for press freedom and human rights."

<http://www.thesundayleader.lk/20090118/NEWS.HTM>

## GERMAN ENVOY SUMMONED OVER SPEECH

**Daily Mirror, 13 January 2009** - The Foreign Ministry summoned the German Ambassador Jurgen Weerth Tuesday, to express the government's displeasure over comments made by him at the funeral of Sunday Leader Chief Editor Lasantha Wickrematunge on Monday, informed sources told Daily Mirror.

The German envoy was among the many diplomats who attended the funeral.

He delivered a very short speech on behalf of the diplomatic community.

"Today is a day when one remains speechless," Mr. Jurgen Weerth had reportedly said during his speech at the funeral. "Maybe we should have spoken before this. Today it is too late. Today is a day when humanity has lost a major voice of truth. But he will live in his work."

The Foreign Ministry was disturbed over the move by the envoy to deliver a speech at the funeral, as several opposition parliamentarians, including UNP leader Ranil Wickremesinghe, had delivered speeches critical of the government. It sought an explanation from him.

Foreign Secretary Dr. Palitha Kohona had met the German envoy yesterday and expressed the government's concerns over the speech, Daily Mirror learns.

According to sources, the German envoy had accepted that the funeral had turned out to be a political meeting and said that he had written to Mr. Wickremesinghe expressing his views on the manner in which the funeral was conducted. (ER)

[http://www.dailymirror.lk/DM\\_BLOG/Sections/frmNewsDetailView.aspx?ARTID=37758](http://www.dailymirror.lk/DM_BLOG/Sections/frmNewsDetailView.aspx?ARTID=37758)

## WHERE IS THIS SO-CALLED DEMOCRATIC GOVERNMENT HEADING FOR? Tamil Centre for Human Rights – 12 January 2009

***"We will have no truce or parlay with you (Hitler), or the grisly gang who work your wicked will. You do your worst and we will do our best."* -- Sir Winston Churchill**

While there is a serious international lobby by the Sri Lankan government propagandists about their 'democracy' and fight against terrorism, locally they do EVERYTHING under the Sun. There is no-one to question them. If anyone speaks about the realities or criticises their activities, they are branded as 'terrorist supporters' or justifying terrorism in Sri Lanka!

***The solution for the 60 years of bloody ethnic conflict; for the humanitarian crisis - is military. Artillery firing and aerial bombardments. Civilians including children are butchered in the Vanni.***

***The solution for any question raised by MPs in the parliament; for people talking about the realities - is to carry out arson attacks and assassinations.***

***The solution for the increase in the cost of living - is to divert the people's attention towards temporary military victories.***

***If any queries come from the international community, - the simple answer is, 'We are fighting terrorism', introducing 'democracy' – conducting local, provincial and parliamentary elections - but not the Presidential election!***

This is the pathetic situation today in Sri Lanka.

Since independence, no acceptable political solution has been proposed to the people in the North East by any of the successive governments, but they have each sucked the blood of those people.

Even with the continuous grievances the people in the North East managed to live in some pockets of peace in the land of their birth at least since 1984. Gradually almost everything has been ruined under the pretext of the fight against terrorism.

People are suffering in monsoon rain and flood, without food, shelter and other basic facilities. When they demand humanitarian assistance, the government pounds them with artillery shells and aerial

bombardments. One day the culprits causing this agony – crimes against humanity - must face the international court – ICC.

The free media which talks about corruption within the government and highlights the realities of the war in the North East are intimidated, threatened and individuals are assassinated. The free media in Sri Lanka has a very long sad story to relate.

#### **TCHR CONDEMNS THE BRUTAL SLAUGHTER OF A PROMINENT AND COURAGEOUS JOURNALIST**

**On 6 January 09**, fifteen masked gunmen threw grenades and set fire to the main control room of Sri Lanka's largest private broadcaster - Maharaja Television/Broadcasting Network (MTV/MBC) in Pannipitiya, near Colombo.

**On 8 January 09**, the Chief Editor of the English weekly 'Sunday Leader' and 'Morning Leader' - Mr Lasantha Wickramatunga was shot dead by unknown gunmen. ***TCHR condemns this brutal slaughter of a prominent and courageous journalist.*** For the last few years, Mr Wickramatunga has been harassed and threatened by the State and its mercenaries. The Leader publication's printing press was attacked in 2005 and 2007, but the culprits were neither arrested nor punished.

The press release issued by Reporters Without Borders, (Reporters Sans Frontières - RSF), on 8 January 09, stated, "***....President Mahinda Rajapaksa, his associates and the government media are directly to blame because they incited hatred against him and allowed an outrageous level of impunity to develop as regards violence against the press. Sri Lanka's image is badly sullied by this murder, which is an absolute scandal and must not go unpunished.***"

Reporters Without Borders also said that during their meeting with President Rajapaksa in October last year, Rajapaksa had called Wickrematunga a "terrorist journalist"!

Several Sri Lankan journalists have been killed in the recent past and no one has been held responsible despite government promises to investigate these murders. Last year, the political officer of the British Embassy in Colombo was injured after being dragged out of his car and attacked, along with a journalist accompanying him.

The Minister of Labour Mervyn Silva walked into the Canadian High Commission with a pistol in his hand in **September 2007** to demand a visa for his son. Also Mervyn Silva assaulted a news editor of the state-owned Rupawahini cooperation for not broadcasting his speech in **December 2007**. He still remains as a cabinet minister with impunity.

**During 2008**, many journalists were intimidated, two journalists - Paranirupasingam Devakumar (28/5/08-*Maharaja Television*) and Mohamed Rashmi, (6/10/08-*Sirasa TV*) were killed and two other journalists, J. S. Tissanayagam and Vettivel Jasikaran were imprisoned and remain so.

As far as the free media is concerned, Reporters without Borders has ranked Sri Lanka 165th out of 173 countries. Is this the democracy that Sri Lankan propagandists are boasting about to the international community?

It is to be noted that on 6 January 09, the opposition leader in Sri Lanka, Mr Ranil Wickremesinghe requested the government to stop all types of "***state terrorism***".

With such an immense humanitarian catastrophe ongoing in the North East and persistent threats on the media - where is this country going with its military dictatorship?

#### **LATEST INFORMATION**

#### **UTHAYAN & SUDAROLI EDITOR ABDUCTED IN COLOMBO**

**26 February 2009** – This morning, Mr N Vithyatharan, editor of Uthayan and Sudaroli, Tamil daily published in Colombo and Jaffna was abducted by armed person in Colombo, while he was attending a funeral in Mount Lavenia.

Last week, Vithyatharan was questioned for three hours by the Sri Lankan Terrorist Investigation Department concerning news and articles that appeared in Uthayan and Sudaroli.

His family has not heard anything about his whereabouts.

## JOURNALISTS AND MEDIA ASSISTANTS KILLED IN SRI LANKA - SINCE 1990

<u>Name</u>	<u>Media</u>	<u>Killed</u>	<u>Journalists (J) Media Asst. (M/A)</u>
Punniyamurthy Sathyamurthy	Canadian Tamil Radio	12/02/2009	J
Lasantha Wickramatunga	<i>Sunday Leader</i>	8 /01/2009	J
Mohamed Rashmi	<i>Sirasa TV</i>	6 /10/2008	J
Paranirupasingam Devakumar	<i>Maharaja Television</i>	28/05/2008	J
Sahathevan Nilakshan	<i>Chaalaram</i>	01/08/2007	J
Selvarajah Rajivarnam	<i>Uthayan</i>	29/04/2007	J
Chandrabose Suthaharan	<i>Nilam</i>	16/04/2007	J
Isaivizhi Chempiyan	<i>Voice of Tigers</i>	27 /11/2007	M/A
Suresh Linbiyo	<i>Voice of Tigers</i>	27/11/ 2007	M/A
T. Tharmalingam	<i>Voice of Tigers</i>	27 /11/2007	M/A
Sinnathamby Sivamaharajah	<i>Namathu Eelanadu</i>	20/08/ 2006	J
Sathasivam Baskaran	<i>Sudar Oli</i>	15/08/2006	M/A
Mariathas Manojanraj	<i>Thinakural/Veerakesari</i>	27/07/2006	M/A
Lakmal Silva	<i>Free-lance</i>	01/07/2006	J
Subramaniam Sugirdharajan SSR	<i>Sudar Oli</i>	24/01/2006	J
Ranjith Kumar	<i>Uthayan</i>	02/05/2006	M/A
Suresh Kumar	<i>Uthayan</i>	02/05/ 2006	M/A
K. Navarathnam	<i>Thinakkural</i>	22/12/ 2005	J
Relangi Selvarajah	<i>SL Rupavahini Corporation</i>	12/08/ 2005	J
Dharmeratnam Sivaram	<i>Daily Mirror, Virakesari, Tnet</i>	29/04/ 2005	J
Kandasamy Iyer Balanadarajah	<i>Thinamurasu</i>	16/08/ 2004	J
Aiyathurai Nadesan	<i>Virakesari, IBC</i>	31/05/2004	J
Mylvaganam Nirmalarajan	<i>BBC &amp; IBC, UK</i>	20/10/2000	J
Nadarajah Atputharajah	<i>Thinamurusu</i>	02/11/1999	J
Rohana Kumara	<i>Editor-Satana</i>	07/09/1999	J
Richard de Zoysa	<i>IPS</i>	18/02/1990	J

*(Source from year 2000 to 2009 – Reporters Without Borders - Reporters Sans Frontières - RSF)*

### JOURNALISTS STILL IN CUSTODY

Number of journalists were taken in for questioning on 7<sup>th</sup> and 8<sup>th</sup> of March with some of them held incommunicado for hours by Terrorist Investigation Department (TID). Most of the journalists arrested were associated with [www.outreachsl.com](http://www.outreachsl.com), a news and features web site. On 6<sup>th</sup> March, E-Kwality printing press owner and writer N. Jasiharan was arrested with his partner Valarmathi without any valid reason. On 7<sup>th</sup> March, the TID arrested the Editor of [www.outreachsl.com](http://www.outreachsl.com) and freelance journalist, J.S Tissainayagam . Both of them are still in custody. J.S Tissainayagam has filed a FR case against the government at Supreme Court.



# RESPONSE BY THE INTERNATIONAL COMMUNITY

## UK Houses of Commons debates – 24 February 2009

### SRI LANKA

5. **Joan Ryan (Enfield, North) (Lab):** What recent assessment he has made of the political situation in Sri Lanka; and if he will make a statement. [257917]

**The Secretary of State for Foreign and Commonwealth Affairs (David Miliband):** The recent military advances by the Sri Lankan Government and the subsequent humanitarian crisis are of continuing serious concern. *We have repeatedly called for an immediate humanitarian ceasefire.* We have made it clear to the Government of Sri Lanka that a political solution that addresses the legitimate concerns of all communities in Sri Lanka is the only way to bring a sustainable end to the conflict.

Our commitment to that goal and our desire to work with the Sri Lankan Government are clear in the appointment of an experienced former Secretary of State, my right hon. Friend the Member for Kilmarnock and Loudoun (Des Browne), as the Prime Minister's special envoy. I remain in active discussion with the Sri Lankan Government to encourage them to work with him.

**Joan Ryan:** I thank my right hon. Friend for that answer and also welcome the appointment of my right hon. Friend the Member for Kilmarnock and Loudoun as special envoy to Sri Lanka, as well as the statements made in the House by members of the Government regarding ceasefire, but warm words and good intentions will not protect the civilians of the Vanni.

My right hon. Friend the Foreign Secretary will be aware that, in the last 24 hours, a ceasefire offer has been made but was rejected out of hand by the Government of Sri Lanka. *The situation is grave, with 2,000 civilian deaths since January. Is not now the time for the Government to take the issue up at the highest levels—namely, at a session of the United Nations Human Rights Council or in the Security Council itself, or by seeking the suspension from the Commonwealth of the Government of Sri Lanka?*

**David Miliband:** The situation is indeed extremely serious. For some time, the Sri Lankan authorities were offering a ceasefire and it was rejected by the Liberation Tigers of Tamil Eelam. Now there is news of an LTTE offer, which has been rejected by the Government. My right hon. Friend will have seen the strong conclusions reached by the European General Affairs and External Relations Council yesterday on the Sri Lankan issue, which are wholly appropriate and welcome, and she can be assured that we continue to press at the highest levels for humanitarian assistance and for a ceasefire.

**Mr. Edward Davey (Kingston and Surbiton) (LD):** Further to the point made by the right hon. Member for Enfield, North (Joan Ryan), will the Foreign Secretary explain to the House why the Government have not sought a resolution of the UN Security Council for a ceasefire in Sri Lanka? Indeed, why, when Mexico recently asked for the council to be briefed on Sri Lanka, did the British representative to the UN fail to support that call? Does the Foreign Secretary realise that people get pretty angry when UK Ministers here in London talk about and call for a ceasefire, but British officials in New York do not follow through?

**David Miliband:** I am sorry to hear the hon. Gentleman talk in that way, because he knows that a failed resolution—one that faces a veto—is worse than no resolution at all, and it would strengthen precisely the forces that he and I oppose. I can assure him that our diplomats, whether in New York or in the region, are all working off the same script, which is one that has been set by the Prime Minister and me.

**Mike Gapes (Ilford, South) (Lab/Co-op):** Can the Foreign Secretary confirm that the problem in the Security Council is not the UK Government, but the Russian Government, who refuse to support the Security Council resolution? Therefore, unlike in Gaza, we are unable to get the Security Council resolution that is so needed.

**David Miliband:** There certainly is a blockage at the UN. That is why the UN has not been able to opine on this issue.

**Andrew Stunell (Hazel Grove) (LD):** The Secretary of State will know that there are credible reports of atrocities on both sides. *Will he assure the House that the Government will channel their energies into getting this ceasefire before more and more civilians are killed and brought into the conflict?*

**David Miliband:** Yes. The tragedy in Sri Lanka has claimed 70,000 lives in the course of the conflict. That conflict is against the interests of all Sri Lanka's communities, which could find a way to live together if they had representation that was able to eschew violence and look for a political solution. I assure the hon. Gentleman that we are using all our best efforts to achieve that. It is deeply to be regretted that the appointment of an envoy has not yet been met with a welcome in Colombo, but that is what we are working for.

**Fiona Mactaggart (Slough) (Lab):** But will that envoy be able to help us ensure that Ban Ki-Moon's commitment to supporting a ceasefire that enables civilians to leave the hot areas in Sri Lanka can be realised? Families in Britain are anxious about relatives of whom they have heard nothing for months. We need to help them, and their relatives, to be safe.

**David Miliband:** My hon. Friend speaks about this issue with knowledge and passion. She is absolutely right about the need for us to do all that we can to protect those civilians, including working with the United Nations. There are very distressing reports of both sides interfering with civilians' ability to find safety. It is at the heart of our concerns not just to try to provide money, but to try to provide space to which civilians can escape and in which they can be given proper safety. The situation is deeply distressing, not just to people in the region but to many, many people in the United Kingdom.

**Mr. Elfyn Llwyd (Meirionnydd Nant Conwy) (PC):** Some of the signals coming from the Sri Lankan Government imply that they are quite prepared to go ahead with acts of genocide. Time is of the essence. I understand that the right hon. Gentleman is doing what he can, but many of us are deeply worried about what is going on in Sri Lanka and, as time goes by, it is getting worse. The next fortnight may be crucial. May I urge the right hon. Gentleman to think again about every possible avenue that might enable a horrible humanitarian catastrophe to be averted?

**David Miliband:** The hon. Gentleman has raised an important point. Sri Lanka has a democratic Government, and—as I have said in another context—high standards are rightly expected of democratic Governments, and should be adhered to by every single Government.

What the hon. Gentleman said about the Sri Lankan Government was absolutely right. No one denies that there is a terrorist problem in Sri Lanka. That terrorist problem poses a mortal threat to Sri Lankans in all communities, but the resolution of that terrorist problem cannot be achieved at the expense of the rights of minority communities in Sri Lanka, and that is what we are trying to work on.

**Mr. Andrew Love (Edmonton) (Lab/Co-op):** As chairman of the all-party parliamentary group on Sri Lanka, I welcome the appointment of my right hon. Friend the Member for Kilmarnock and Loudoun (Des Browne), and wish him well in his discussions with the Government there.

***Human Rights Watch reported recently that 2,000 people had died and 5,000 had been injured—innocent civilians caught in the conflict.*** There are now reports that the so-called safe areas are no longer safe because conflict is proceeding there. I have noted the comments of my right hon. Friend the Foreign Secretary. Will he redouble his efforts to secure a humanitarian corridor that will allow innocent civilians to escape entirely from the area of conflict in the Vanni?

**David Miliband:** I recognise the work that my hon. Friend has done as chairman of the all-party group. We will certainly explore all options for the provision of civilian safety, including a ceasefire, a humanitarian corridor and humanitarian safe zones. The situation does indeed get worse day by day. The stories that emerge are of extreme cruelty—cruelty, I have to say, on both sides—and it is very important for the international community to work on the issue. The unanimity of the European Union's response yesterday is an important indication that the issue is rightly becoming higher on the international agenda.

**Mr. Keith Simpson (Mid-Norfolk) (Con):** Obviously we all wish the right hon. Member for Kilmarnock and Loudoun (Des Browne) great success. However, is it not the case that after the Prime Minister had announced the right hon. Gentleman's appointment, the Sri Lankan Government made it clear that they had not been consulted and that they found the whole thing extremely objectionable, and is it not the case that, on Wednesday 18 February, the Sri Lankan Cabinet met and refused to withdraw its opposition to the right hon. Gentleman's appointment? If that is so, it must mean either that the right hon. Gentleman personally is unacceptable—which I would find strange—or that a special envoy from the United Kingdom is unacceptable and will therefore be in permanent limbo.

**David Miliband:** I am sorry that the hon. Gentleman has taken the position that he has, because following a letter from our Prime Minister to the President of Sri Lanka, I spoke to the President of Sri Lanka on 30 January—a long time before the date the hon. Gentleman mentioned—and President Rajapakse said he

would engage with a UK envoy. Two meetings between our high commissioner and the President confirmed that position, so it is important that we do not leave on the record the suggestion that there was not consultation. There was, indeed, consultation on this issue, and that is why we are working hard to explain to the Sri Lankan Government not only the virtues of my right hon. Friend the Member for Kilmarnock and Loudoun, but the potential benefit of a UK envoy, joining envoys from Japan, Norway and other countries, playing a positive role in the conflict.

**Dr. Phyllis Starkey (Milton Keynes, South-West) (Lab):** Among the civilian deaths in the north of Sri Lanka as a result of the Sri Lankan Government's military action are 11 relatives of a member of the Milton Keynes Tamil Forum. What she wants to know is what justice there will be for her relatives killed in that action. Can the Foreign Secretary offer any hope of justice?

**David Miliband:** The constituent my hon. Friend mentions has lost 11 relatives, and it is impossible from this Dispatch Box to say anything that will give someone in such a situation, at a time of such huge distress, any sense of real comfort. She is among a large number of people in this country who have lost large numbers of relatives in this terrible conflict. I can assure her and every person who has Sri Lankan heritage or relatives in Sri Lanka that their Government in the UK are working very hard, internationally and bilaterally, on the issue. There are responsibilities on the LTTE, but there are also responsibilities on the Sri Lankan Government, and both need to fulfil them.

[http://www.publications.parliament.uk/pa/cm200809/cmhansrd/cm090224/debtext/90224-0002.htm#column\\_140](http://www.publications.parliament.uk/pa/cm200809/cmhansrd/cm090224/debtext/90224-0002.htm#column_140)

## **UN SECRETARY-GENERAL'S PRESS ENCOUNTER**

**New York, 23 February 2009**

**(Excerpts on Sri Lanka)**

**Q:** Human Rights Watch has said that 2,000 civilians have been killed in Sri Lanka since the beginning of the year. I know that the Tamil Tigers have written a letter to the EU, to the UN and others, offering a ceasefire but not to lay down their arms. Before, you said that you weren't calling for a ceasefire because it wasn't on the Security Council's agenda. Now, having heard hopefully from Mr. [John] Holmes, what do you think should happen in Sri Lanka at this time?

**SG:** Mr. Holmes had a very good visit to Sri Lanka. He had meetings with many senior government officials, including President [Mahinda] Rajapaksa. The UN deplores the increasing casualties among civilians trapped in the intense fighting between the government and the LTTE [Liberation Tigers of Tamil Eelam] over the last several days and would strongly support a suspension of fighting for the purpose of allowing safe passage of the civilian population trying to flee the conflict.

There is an urgent need to bring this conflict to an end without any further unnecessary loss of civilian life and destruction of Sri Lankan society. The United Nations renews its call on all sides to pursue serious efforts toward political discussion to achieve an orderly end to the conflict.

Thank you very much. As you know, I am leaving for Africa today, and I will see you. Thank you.

<http://www.un.org/apps/sg/offthecuff.asp>

## **U.S. DEPARTMENT OF STATE**

**Daily Press Briefing - February 23, 2009**

**(Excerpts issues related to Sri Lanka - Robert Wood - Acting Spokesman)**

**QUESTION:** In a couple of days, the Sri Lankan Government said it will completely eliminate the Tamil Tigers in a matter of days. The Tamils in the U.S. are freaking out and asking Hillary Clinton to call for a ceasefire. What do you say?

**MR. WOOD:** Well, look, with regard to Sri Lanka, one of our primary concerns is the humanitarian situation. We're worried about IDPs, what happens to them, we are worried about civilians that are caught up in the hostilities that are going on. And we want to see both governments talk about a way to end the hostility – excuse me, the government and the LTTE discuss ways to end the hostilities.

**QUESTION: So you want a negotiated solution. You don't think that this should end militarily?**

**MR. WOOD:** Well, look, eventually you need to have a political framework that deals with some of the questions that are being put forth by various parties in the country. We just want to see, again, an end to hostilities. We want to see civilians protected – you know, as protected as best they can be protected in this conflict. And we want to be able to deal effectively with the humanitarian situation that we're very concerned about.

**QUESTION: Well, when you say you want to see an end to the hostilities, does that mean you're calling for a ceasefire?**

**MR. WOOD:** I'm saying we want to see an end to the hostilities.

**QUESTION: But how do you get into a negotiated solution, though, if one side wins a total military victory?**

**MR. WOOD:** Well, look, again, we're getting ahead of the game here. What we're trying to do with this, as I said first off, is to deal with the concerns we have about IDPs and the humanitarian situation. That's our foremost objective, to deal with those issues.

But we obviously want to see an end to that conflict, and for that to happen, there has to be a discussion of the issues that are – you know, that are coming between the two sides.

**QUESTION: Are you guys just communicating through the ambassador, or is there any, you know – you know (inaudible)?**

**MR. WOOD:** Our ambassador is very much involved, also our South Central Asia Bureau, in trying to deal with this conflict. There are other parties in the international community that are engaged in trying to do this.

**QUESTION: Is the Sri Lankan Government listening to your concerns about --**

**MR. WOOD:** We make our concerns known to the Sri Lankan Government and to others. We hope that they will listen to us, but it's not just the United States here we're talking about. We're talking about others in the international community that are interested in seeing this conflict ended.

**QUESTION: Have they been responsive to what you've been saying?**

**MR. WOOD:** Well, I think we have to see how things go in terms of how this conflict either continues or discontinues. I can't give you a better assessment than that at this point.

**QUESTION: It seems like you're leaving open the possibility of a military victory and then some discussions about how to go forward from there. You're not mentioning --**

**MR. WOOD:** I'm not leaving open any possibilities of anything. I'm just stating to you what our policy is.

**QUESTION: You're not calling for a ceasefire. You're saying --**

**MR. WOOD:** We want to see an end to hostilities.

**QUESTION: Would the U.S. offer to negotiate between the LTTE and the government – Sri Lankan Government?**

**MR. WOOD:** As far as I know, we have not been asked to do that. This is something – there is a process that has been put forward to try to help end this conflict. We will do what we can to support efforts to end the conflict. But in the end, the two sides have got to, as I said, discuss ways of ending this conflict and bring a cessation to hostilities.

**QUESTION: What process are you talking about? I'm sorry.**

**MR. WOOD:** There are – there is a process underway within the international community to try to resolve this crisis, and we will do what we can, as the United States, to try to bring about an end to the hostilities, but also to try to deal with the question of IDPs and the humanitarian situation on the ground, and those are the things that we are trying very much to deal with.

<http://www.state.gov/r/pa/prs/dpb/2009/02/119483.htm>

## **UN OFFICIAL URGES GOVERNMENT, REBELS TO END CIVILIAN DEATHS**

**UN Daily News Monday 23 February 2009 – Issue DH/5344**

**21 February 2009** - The top United Nations humanitarian official today urged combatants on both sides of the battle ravaging the northern Vanni region of Sri Lanka to make greater efforts to stop the rising toll of civilian casualties and to protect the people trapped in a small pocket of land held by rebel fighters.

As thousands of Sri Lankans continue to stream out of Vanni, where Government forces are in the midst of a fierce armed offensive against the separatist Liberation Tigers of Tamil Eelam (LTTE), the UN emergency relief fund has targeted \$10 million to assist civilians caught up in the conflict.

“I came because I am desperately concerned about this humanitarian situation,” said UN Under-Secretary-General for Humanitarian Affairs John Holmes at the end of his three-day visit to Sri Lanka to assess the condition of people who have recently fled the conflict.

“Tens of thousands of civilians have been cut off from outside food supplies for weeks, have limited medical care and are in extreme danger because of the continued fighting,” added Mr. Holmes, who is also the UN's Emergency Relief Coordinator.

Mr. Holmes called on the LTTE to free civilians kept in the remaining combat zone against their will, and to stop forced recruitment, particularly of children. He also pressed the Government to ensure a peaceful, orderly and humane end to what appears to be a decisive stage of the conflict.

In a meeting with President Mahinda Rajapaksa of Sri Lanka earlier today, Mr. Holmes made clear his condemnation of the LTTE aerial attack on Colombo the previous night and expressed his sympathy for the families of the victims, according to a press release issued by his spokesperson.

***Ongoing fighting, which has intensified since December, has trapped some 250,000 civilians in the conflict zone, and the rapidly deteriorating humanitarian situation has led to a large number of people taking the risk of escaping the fighting, with more than 30,000 already seeking shelter in and around the town of Vavuniya alone, and many more are expected to arrive in the coming days and weeks.***

***On his visit to Vavuniya, just south of the conflict zone, Mr. Holmes found that most of the internally displaced persons (IDPs) were mentally and physically exhausted after weeks of sheltering in makeshift bunkers but that their basic needs were met.***

He welcomed the increasingly good cooperation between Government officials, UN agencies and non-governmental organizations (NGOs) in providing urgent food, shelter and medical help.

Difficult challenges lie ahead, including rapid and transparent registration procedures, reinforcing the civilian nature of the camps, facilitating family reunification and greater freedom of movement, and ensuring the earliest possible return of IDPs to their homes, noted Mr. Holmes. **(Excerpt)**

<http://www.un.org/news/dh/pdf/english/2009/23022009.pdf>

# COUNCIL OF THE EUROPEAN UNION

## Council Conclusions on SRI LANKA

**2925th GENERAL AFFAIRS Council meeting  
Brussels, 23 February 2009**

The Council adopted the following conclusions:

1. The EU has been following closely developments in Sri Lanka. The EU is deeply concerned about the evolving humanitarian crisis and vast number of Internally Displaced People (IDPs) trapped by the fighting in northern Sri Lanka, as well as the continuing reports of high civilian casualties. To prevent the loss of civilian life, the EU stresses the need for the provisions of international humanitarian law and the principles of the laws of war to be respected by parties to a conflict. The EU calls on the Government of Sri Lanka and the LTTE to comply with these laws.
2. ***The EU calls for an immediate cease-fire thereby providing for the establishment of full and unrestricted access, allowing humanitarian aid to be safely delivered and allowing civilians to leave the conflict area.*** The EU condemns the LTTE's use of violence and intimidation to prevent civilians from leaving the conflict area.
3. ***The EU urges the Sri Lankan Government to ensure that the temporary camps for IDPs and the screening process for access to them are in compliance with international standards and that independent monitoring be allowed. The UN, the ICRC, and other humanitarian organizations need to have full access to these camps. These above conditions must be met for the EU to be in a position to provide the required humanitarian assistance.***
4. The EU remains convinced that the long standing conflict in Sri Lanka cannot be resolved by military means. A military defeat of the LTTE will only reemphasize the need to find a political solution in order to ensure a lasting peace. ***The EU recalls the Co-Chairs Statement issued on 03/02/09 and reiterates its intention to send a Troika as soon as possible.***
5. The EU calls on the LTTE to lay down its arms and to renounce terrorism and violence once and for all, end the inhuman use of child soldiers and forced recruitment, and participate in a political process to achieve a just and lasting solution. The EU calls on the authorities of Sri Lanka to engage in an inclusive political process, which addresses the legitimate concerns of all communities.
6. ***The EU remains deeply concerned about grave violations of human rights, in particular the cases of enforced disappearances, extra-judicial killings as well as harassments, intimidations, attacks on the media and human rights defenders and the climate of impunity. The EU calls on the Sri Lankan authorities to take decisive action to tackle human rights abuses, to guarantee press freedom and to disarm paramilitary groups in Government controlled areas. The EU views with concern the draft 'Prohibition of Forcible Conversions' bill.***
7. The EU underlines the importance of the Sri Lankan authorities to cooperate in the GSP+ investigation into the effective implementation of the International Covenant on Civil and Political Rights, the Convention against Torture and the Convention on the Rights of the Child."  
***consilium.europa.eu/uedocs/NewsWord/en/gena/106256.doc***

## DES BROWNE - SPECIAL ENVOY TO SRI LANKA

**BBC Sinhala news, 12 February 2009** - British Prime Minister Gordon Browne has announced the appointment of Des Brown, MP as his Special Envoy for Sri Lanka.

Former Defence Secretary, Des Browne is the current Scottish Secretary of the British government.

Des Browne will focus on the immediate humanitarian situation in northern Sri Lanka and the Government of Sri Lanka's work to set out a political solution to bring about a lasting end to the conflict, Prime Minister's office said in a statement.

As Special Envoy, he will work closely with the Sri Lankan Government, leaders from all communities in Sri Lanka, international agencies and the wider international community.

Prime Minister Gordon Brown said the issues of getting a ceasefire and trying to find a political settlement needed to be addressed immediately.

He said an attempt to arrange a temporary ceasefire a few days ago had failed. **(Excerpt)**  
[http://www.bbc.co.uk/sinhala/news/story/2009/02/090212\\_safetyzone.shtml](http://www.bbc.co.uk/sinhala/news/story/2009/02/090212_safetyzone.shtml)

## **GOVERNMENT REJECTS UNILATERAL APPOINTMENT OF BRITISH SPECIAL ENVOY**

### **Ministry of Foreign Affairs, Sri Lanka**

Having learnt of the appointment of a Special Envoy for Sri Lanka being made by the British Prime Minister Gordon Brown, the Cabinet of Ministers at its meeting today (12.02.2009) presided over by President Mahinda Rajapaksa, rejected this unilateral appointment, following a submission made by Foreign Minister Rohitha Bogollagama.

The Government of Sri Lanka categorically states that this appointment is in contravention of the basic principles governing international relations and the requirement for consultation and reciprocity. The Cabinet noted that neither proper procedure nor consultations had been undertaken by the British Government, prior to the said appointment which are time honoured traditions in diplomatic practice.

The Cabinet was of the view that this initiative is unhelpful, especially considering the unilateral nature of the position taken by the United Kingdom. The Cabinet also ruled that such an appointment tantamounts to the intrusion of Sri Lanka's internal affairs. Further, the Cabinet perceived that this would be a hindrance in pursuing a sustainable solution to the conflict in terms of a Sri Lankan agenda.

**Ministry of Foreign Affairs, Colombo, February 12, 2009**

[http://www.slmfa.gov.lk/index.php?option=com\\_content&task=view&id=1608&Itemid=75](http://www.slmfa.gov.lk/index.php?option=com_content&task=view&id=1608&Itemid=75)

## **BRITISH ENVOY BANNED IN WAR WITHOUT WITNESSES**

***Fears for 200,000 civilians trapped between army and Tamil Tigers as Sri Lankan government rebuffs move by Gordon Brown.***

**By Andrew Buncombe, Asia correspondent**

**The Independent, 14 February 2009** - Dozens of Sri Lankan civilians are being killed and many more wounded every day even as the government moves to restrict foreign diplomats and journalists from what has been called a "war without witnesses".

In the latest rebuff to international efforts to try to ease the suffering of up to 200,000 Tamil civilians, the Sri Lankan government yesterday rejected the appointment by Britain of a special envoy tasked with seeking an end to the fighting in the country's north. A day earlier, Gordon Brown had appointed the former defence minister Des Browne to the role.

"It is tantamount to an intrusion into Sri Lanka's internal affairs and is disrespectful to the country's statehood," said the Sri Lankan Foreign Minister, Rohitha Bogollagama, denying a claim by the British Foreign Office that talks on the appointment were still ongoing. "There could be major repercussions (for relations with Britain)," he said. **(Excerpt)**

<http://www.independent.co.uk/news/world/asia/british-envoy-banned-in-war-without-witnesses-1609188.html>

## **GERMANY CALLS FOR A NEGOTIATED CEASEFIRE AND AID TO REFUGEES CAUGHT IN SRI LANKAN CONFLICT**

**(DPA, 01 22 2009)** - German Foreign Minister Steinmeier called for a negotiated ceasefire between the Sri Lankan government and Tamil rebels to allow for the delivery of humanitarian aid to civilians in conflict areas.

German Foreign Minister Frank-Walter Steinmeier called Thursday, Jan. 22, for humanitarian assistance to be delivered to civilians cut off by government and rebel clashes in the north-eastern region of Sri Lanka. Steinmeier expressed concern for more than 300,000 refugees on a coastal 30-kilometer strip of land, in the area held by the Liberation Tigers of Tamil Eelam (LTTE) rebel group.

"They have been completely cut off from international aid for more than 10 days," the German foreign minister said.

"The most important thing now is to negotiate a ceasefire, to enable aid deliveries and medical care for the civilians in the disputed areas," he added.

Steinmeier also called for the conflicting parties to urgently come to a political agreement. "The conflict won't be solved by military means alone," he said.

The LTTE claimed Wednesday that at least 17 civilians were killed and over 50 were injured in shelling by government forces since Monday. The military denied the claim.

The German Foreign Office has pledged a further 1 million euros (\$1.29 million) to the International Committee of the Red Cross (ICRC), bringing the sum of German humanitarian aid for the region to 5.9 million euros since 2006.

International aid organizations were advised by the Sri Lankan government to leave the disputed north-east region in September 2008.

The United Nations World Food Program and the ICRC are the only two aid organizations operating in the region.

Germany's ambassador to Colombo recently angered the Sri Lankan government with comments made at the funeral of a murdered newspaper editor.

"Maybe we should have spoken before this. Today it is too late," Juergen Weerth said at the funeral on Jan. 12 of Lasantha Wickrematunge, editor of the anti-government *The Sunday Leader* newspaper.

The eastern part of Sri Lanka was secured from Tamil rebels in 2007, but sporadic incidents have been taking place in the area.

<http://www.dw-world.de/dw/article/0,,3967746,00.html>

### **SRI LANKA WRITTEN MINISTERIAL STATEMENT (21/01/2009)**

*by the Secretary of State for Foreign & Commonwealth Affairs on Sri Lanka, 21 January 2009.*

#### **Read the statement**

The Government has long standing concerns with the promotion of peace in Sri Lanka, where the conflict has claimed at least 70,000 lives during the past 26 years. We are now at an important moment.

Since its abrogation in January 2008 of the 2002 Ceasefire Agreement, the Sri Lankan government has embarked on a policy of militarily defeating the Liberation Tigers of Tamil Eelam (LTTE). In recent months the government has made significant military gains, including the capture of Kilinochchi, the former administrative centre of the LTTE in the north, and the capture of remaining rebel territory in the Jaffna Peninsula. These gains make progress on a political solution even more urgent. The LTTE is a proscribed terrorist organisation with no democratic mandate to represent the Tamil people. It is responsible for a terrorist campaign that has targeted innocent civilians across all communities in Sri Lanka over the past three decades.

Thousands of lives have been lost since the renewal of open hostilities in 2006. We recognise the government of Sri Lanka's need to root out terrorism. It also has a responsibility to safeguard the rights of all its citizens and adequately to address their political concerns. Our consistent position remains that for peace to be sustainable, an inclusive political process that takes fully into account the legitimate concerns of all Sri Lankan communities - Sinhalese, Tamil and Muslim - is essential. As my Rt. Hon Friend the Prime Minister



has said, we must see an end to the conflict and new drive for a lasting political solution. We continue to engage with all political parties across all communities in Sri Lanka to support progress in this direction.

We are deeply concerned by the humanitarian situation in Sri Lanka and the growing number of Internally Displaced Persons (IDPs). My Rt. Hon Friend the Prime minister spoke about this issue with President Rajapakse when they met last September and we continue to raise our concern at senior levels. The UN estimates that 200,000-300,000 IDPs remain in the conflict area. Although there have been convoys providing basic humanitarian assistance, there are credible reports that these supplies are inadequate. The military gains by the Sri Lankan armed forces have resulted in these IDPs being squeezed into an ever-decreasing space. Further deterioration in the situation would mean acute humanitarian need and distress.

Following on from a Department for International Development (DFID) mission in September 2008, we will be sending a DFID humanitarian expert in the coming weeks to try to assess the situation and to report on the distribution of £2.5 million in humanitarian funding that we have committed to assist IDPs in northern Sri Lanka. In coordination with international organisations on the ground, we have urged all parties to abide by their obligations under international humanitarian law, in particular the need to ensure the safety of civilians, to allow their free movement and to enhance access for humanitarian agencies to facilitate the delivery of adequate supplies of humanitarian aid. Safe passage for civilians wanting to escape the hostilities should be guaranteed by all parties and safe humanitarian space provided for them. We believe that a full independent assessment of the IDPs' humanitarian needs is essential. Such an assessment would be a powerful demonstration that everything that can be done is being done to support these vulnerable people. We will continue to press on these matters.

Recent weeks have seen a considerable number of high profile attacks on media freedom in Sri Lanka. We condemn such brazen attacks. Of particular concern was the murder on 8 January of the Chief Editor of the Sunday Leader newspaper, Lasantha Wickrematunge. The Sri Lankan authorities have a duty to take prompt action to ensure a thorough and independent investigation is carried out. Those responsible must be held to account. The lack of progress in securing convictions for such cases indicates that urgent action is needed.

There continue to be reports of abductions, disappearances and acts of violence and intimidation in Sri Lanka. Without strong mechanisms for independent human rights reporting, it is difficult to assess the true scope of the problem. We consistently call upon the government of Sri Lanka to take decisive action to tackle human rights abuses, including by taking action against those responsible for violations. Creating an environment in which people from all communities in Sri Lanka live without fear is essential to creating the conditions for a sustainable end to the conflict. The recent commitments by militias on release of child soldiers and disarmament following our lobbying are welcome steps that need to be followed through.

My Rt. Hon. Friend the Prime Minister has written to President Rajapakse to express our concerns.  
<http://www.fco.gov.uk/en/newsroom/latest-news/?view=PressS&id=12533815>

## HOUSE OF COMMONS

### Wednesday 14 January 2009

#### **Oral Answers to Questions**

**14 Jan 2009 : Column 210**

**Keith Vaz (Leicester, East) (Lab):** Hundreds of thousands of innocent Tamil civilians are under siege in Sri Lanka because of the aerial bombardment by the Sri Lankan Government. Last Sunday, the editor of the leading newspaper there was assassinated. He said, in an obituary written before he was killed, that this was due to the forces of the Government. Will the Prime Minister please use his good offices, either unilaterally or through the European Union, to call for a ceasefire so that all those involved in this conflict stop their violence, so that peace can return to that beautiful island?

**The Prime Minister:** I know, from talking to my right hon. Friend on many occasions about this, how strongly he feels about what is happening in Sri Lanka. I agree with him about the terrible violence that is happening there. I also agree with him about the need for a ceasefire. I will be talking to President Sarkozy and Chancellor Merkel, and that will be one of the issues that I will raise with them.

<http://www.publications.parliament.uk/pa/cm200809/cmhansrd/cm090114/debtext/90114-0001.htm#09011438000004>

## POLITICAL SOLUTION IN SRI LANKA A MUST- POPE

**Daily Mirror, 11 January 2009** - While the conflict in Sri Lanka heads for a decisive final showdown between the military and the LTTE the head of the Catholic Church, Pope Benedict the XVI has stressed that a political solution in the country is a must.

[http://www.dailymirror.lk/DM\\_BLOG/Sections/frmNewsDetailView.aspx?ARTID=37462](http://www.dailymirror.lk/DM_BLOG/Sections/frmNewsDetailView.aspx?ARTID=37462)

### ADDRESS OF HIS HOLINESS POPE BENEDICT XVI TO THE MEMBERS OF THE DIPLOMATIC CORPS

**Radio Vaticana, 8 January 2009** - Looking to the great continent of Asia, I note with concern that, while in certain countries acts of violence continue, and in others the political situation remains tense, some progress has been made, enabling us to look to the future with greater confidence. I think for example of the new negotiations for peace in Mindanao, in the Philippines, and the new direction being taken in relations between Beijing and Taipei. ***In this same context of the quest for peace, a definitive solution of the ongoing conflict in Sri Lanka would also have to be political, since the humanitarian needs of the peoples concerned must continue to receive ongoing attention.*** The Christian communities living in Asia are often numerically small, yet they wish to contribute in a convincing and effective way to the common good, stability and progress of their countries, as they bear witness to the primacy of God which sets up a healthy order of values and grants a freedom more powerful than acts of injustice. The recent beatification, in Japan, of 188 martyrs brought this eloquently to mind. The Church, as has often been said, does not demand privileges, but the full application of the principle of religious freedom. In this perspective, it is important that, in central Asia, legislation concerning religious communities guarantee the full exercise of this fundamental right, in respect for international norms. **(Excerpt )**

<http://www.radiovaticana.org/en1/Articolo.asp?c=257167>

## POLITICAL SOLUTION NEEDED TO END CONFLICT IN SRI LANKA (06/01/2009)

### Secretary of State for International Development and Foreign Office Minister

Secretary of State for International Development, Douglas Alexander and Foreign Office Minister Lord Malloch-Brown commented on the situation in Sri Lanka on Tuesday 6 January. They said:

'We continue to monitor developments in Sri Lanka closely, including on 2 January the capture of Kilinochchi, the former administrative capital of the LTTE in the north of the country, by the Sri Lankan Armed Forces. This development makes it even more urgent that all parties achieve progress on setting out a political solution that addresses the legitimate concerns of all communities. This is the only way to achieve a strong and sustainable peace in Sri Lanka in which all communities can prosper.

We remain concerned about the humanitarian impact of the conflict and call on all parties to abide by their obligations under International Humanitarian Law, in particular the need to ensure the safety of civilians, to allow their free movement in the Vanni and to enhance access for humanitarian agencies to facilitate the delivery of adequate supplies of humanitarian aid.'

<http://www.fco.gov.uk/en/newsroom/latest-news/?view=PressS&id=11760707>

## UN SAYS LASTING PEACE IN SRI LANKA WILL REQUIRE POLITICAL SOLUTION

**07 January 2008** - The United Nations says that despite the recent military developments in Sri Lanka, it is convinced that lasting peace in the country will require a political solution.

Asked for UN reaction to the military advances in Sri Lanka, UN spokesman Farhan Haq told a *pro-government website*. "We are following the military developments in Sri Lanka. We remain very seriously concerned about the impact of the increased fighting on the civilian population.

"We continue to call on all sides to comply with international humanitarian law, to ensure the safety and freedom of movement of civilians, to allow humanitarian organizations to do their work in safety and to reach persons who need assistance.

He reiterated "We remain convinced that lasting peace in Sri Lanka will require a political solution."

<http://www.newslanka.org/>

## US CALLS FOR DIALOGUE IN SL

**The Sunday Leader, 4 January 2009** - The United States on Friday called for peaceful dialogue between Sri Lanka 's government and the Tamil Tiger rebels after the government officially announced the fall of Kilinochchi.

US State Department spokesman Gordon Duguid has urged the government and the Tigers to start negotiating the "legitimate" demands of the Tamils.

"The Sri Lankan government now seems to have made a gain through a military gain," Duguid had told reporters.

"We would also like to see that the Sri Lankan government and the Tamil opposition enter into a discussion that will resolve the legitimate issues held by the Tamils," Duguid had said, adding that "the differences they have should be resolved peacefully." <http://www.thesundayleader.lk/20090104/NEWS.HTM>

## US RENEWS CALL FOR PEACEFUL DIALOGUE IN SRI LANKA

**WASHINGTON, January 2, 2009 (AFP)** - The US State Department on Friday urged the Sri Lankan and Tamil Tigers to start negotiating over the "legitimate" demands of the Tamils after Colombo announced a key win over the rebels.

Sri Lanka said Friday its troops had finally captured Kilinochchi, the unofficial capital of the Tigers, and urged the rebels to lay down their arms and end their decades-old struggle for a separate homeland.

"The Sri Lankan government now seems to have made a gain through a military gain," Gordon Duguid, a State Department spokesman, told reporters when asked for comment on the development.

"We would also like to see that the Sri Lankan government and the Tamil opposition enter into a discussion that will resolve the legitimate issues held by the Tamils," Duguid added.

"But we repeat our call that the differences they have should be resolved peacefully," he said.

"The Tamil Tigers have been one of the most notorious and brutal terrorist organizations over the past 20 years and a peaceful dialogue is what's called for in order to resolve the differences and the legitimate concerns of the Tamils," Duguid added.

### LATEST INFORMATION

#### **CIVILIAN CASUALTIES IN VANNI FROM 1/1/2009 TO 24/02/2009**

##### **Selvarajah Gajendra, Member of Parliament**

Civilian killed in artillery fire and aerial bombing	<b>2,076</b>
Civilian injured in artillery fire and aerial bombing	<b>4,277</b>

# ANNEXES

## UNITED NATIONS DOCUMENTS

### FINLAND ON BEHALF EUROPEAN UNION TABLED A DRAFT DECISION ON SRI LANKA TO THE UN HUMAN RIGHTS COUNCIL – OCTOBER 2006

(IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 60/251 OF 15 MARCH 2006 ENTITLED  
“HUMAN RIGHTS COUNCIL” - A/HRC/2/L.37-3 October 2006

#### DRAFT DECISION - 2006/... SRI LANKA

The Human Rights Council decides to adopt the following text:  
“The Human Rights Council,

“*Expresses its concern* at the recent escalation of violence in Sri Lanka following the resumption of hostilities, leading to increasing violations of human rights and international humanitarian law, including increased extrajudicial killings and disappearances, impunity, large-scale displacement and the continuing forced recruitment of soldiers by the Liberation Tigers of Tamil Eelam, including of children. The Council calls for the respect of human rights and calls upon all parties to put an immediate end to the violations of humanitarian law, and to guarantee access for humanitarian aid to the population as well as to guarantee the protection of humanitarian workers,

“*Welcomes* the constructive cooperation of Sri Lanka with the special procedures and other human rights mechanisms, and also welcomes the announcement by the President of Sri Lanka appointing a Commission of Inquiry into allegations of human rights violations, as well as the involvement of the International Independent Group of Eminent Persons to Act as Observers of Investigations into Abductions, Disappearances and Extra-judicial Killings. The Council notes the need for the Commission of Inquiry to carry out its mandate in conformity with international standards,

“*Invites* the Office of the United Nations High Commissioner for Human Rights to consider strengthening its presence in Sri Lanka and to report on these efforts at the Council’s third session in 2006. The Council also invites the Group of Eminent Persons to update it on its activities at that session.”

<http://portal.ohchr.org/portal/page/portal/HRCExtranet/2ndSession/ResolutionsDecisions>

**Ps. This was never taken up for discussion in the Human Rights Council.**

## UN TEN EXPERTS CONCERNED AT SUPPRESSION OF CRITICISM, IMPUNITY

9 February 2009

**GENEVA** – Ten independent UN experts\* on Monday expressed their deep concern at the deteriorating human rights situation in Sri Lanka, particularly the shrinking space for critical voices and the fear of reprisals against victims and witnesses which – together with a lack of effective investigations and prosecutions – has led to unabated impunity for human rights violations.

The UN experts also unreservedly condemned this morning’s suicide attack, allegedly by a female Tamil Tiger, which reportedly killed 28 and injured about 90 civilians and soldiers in Mullaitivu district in north-east Sri Lanka.

Speaking of the general human rights situation in the country, Ms. Margaret Sekaggya, the Special Rapporteur on the situation of human rights defenders, said “A climate of fear and intimidation reigns over those defending human rights, especially over journalists and lawyers.” The safety of defenders has worsened considerably over the past year, most significantly following denunciations of human rights abuses committed by parties to the conflict, of corruption by state officials and of impunity. Serious and fatal aggression against journalists and the media are now a common occurrence as witnessed in the killing of the journalist Lasantha Wickremetunga and recent attacks on major media outlets.

The fighting in the North of the country has resulted in hundreds of thousands of civilians being internally displaced and trapped. The UN experts share the deep concern of the United Nations High Commissioner for Human Rights over the rapidly deteriorating conditions facing those civilians and the significant number of civilian casualties. They also deplore the restrictions on humanitarian access to conflict areas which exacerbate the ongoing serious violations of the most basic economic and social rights.

Notwithstanding the severity of the abuses in areas of conflict, the experts wish to highlight that the problem is deeper and more endemic. The conflict deflects attention from the impunity which has been allowed to go unabated throughout Sri Lanka. The fear of reprisals against victims and witnesses, together with a lack of effective investigations and prosecutions, has led to a circle of impunity that must be broken. The experts continue to receive disturbing reports of torture, extra-judicial killings and enforced disappearances throughout the country.

The UN experts strongly urge the Government of Sri Lanka to immediately take measures to ensure that effective remedial action can be pursued in support of the victims of human rights abuses and their families. They also highlight that thorough reforms of the general system of governance are needed to prevent the reoccurrence of further serious human rights violations. The experts call for an immediate end to impunity and to refrain from any reprisals. To strengthen the rule of law and to help ensure the safety and protection of the human rights of all persons in Sri Lanka, they continue to extend their offer of assistance to the Government.

\* The Special Rapporteur on the situation of human rights defenders, Ms. Margaret Sekaggya; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Mr. Frank La Rue; the Chairperson of the Working Group on Enforced or Involuntary Disappearances, Mr. Santiago Corcuera Cabezut; the Chairperson of the Working Group on Arbitrary Detention, Ms. Manuela Carmena Castrillo; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Mr. Anand Grover; the Special Rapporteur on the independence of judges and lawyers, Mr. Leandro Despouy; the Special Rapporteur on the right to food, Mr. Olivier de Schutter; the Special Rapporteur on extrajudicial, summary or arbitrary executions, Mr. Philip Alston; the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Mr. Manfred Nowak; and the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context Ms. Raquel Rolnik.

<http://www.ohchr.org/EN/NewsEvents/Pages/Media.aspx>

## **ABROGATE THE CEASEFIRE AGREEMENT - CFA**

**ADDRESS BY SRI LANKAN AMBASSADOR BERNARD GOONETILLEKE  
AT CAPITOL HILL, WASHINGTON DC - 25 JANUARY 2008**

On January 3, 2008, the government gave notice to abrogate the CFA, which became operational on January 17, 2008. Since then, many close observers of Sri Lanka's conflict and the peace process, Co-Chairs of the Tokyo Donor Conference viz. Norway, Japan, the US and the EU, other friends of Sri Lanka and the civil society, have expressed concern. The sentiments commonly expressed have been that withdrawal from the CFA would escalate fighting, leading to heavy civilian casualties and violation of human rights, that there is no military solution to the conflict, that a solution can be found only through negotiation, and that parties to the conflict should return to the CFA. **(Excerpt)**

[http://www.slembassyusa.org/statements/2008/the\\_ceasefire\\_25jan08.html](http://www.slembassyusa.org/statements/2008/the_ceasefire_25jan08.html)

## **SRI LANKA HAS DECIDED TO ABROGATE THE CEASEFIRE AGREEMENT**

**SLMM, 3 January 2008** - The Government of Sri Lanka has decided to abrogate the Ceasefire Agreement of 2002 between the Government of Sri Lanka and the Liberation Tigers of Tamil Eelam effective as of 16 January 2008.

Thus the SLMM will terminate its current operational activities in Sri Lanka effective 16 January at 19.00hrs.

<http://www.slmml.info/STATEMENTS/2008/03%2F01%2F08+SLMM+Statement.9UFRrM2V.ips>

## **FINAL DAY OF THE CEASEFIRE AGREEMENT (CFA) – SLMM**

**Today, January 16 2008**, marks the final day of the Ceasefire Agreement (CFA) period in Sri Lanka, that has lasted for almost six years. (Excerpt)

<http://www.slmml.info/STATEMENTS/2008/16%2F01%2F08+SLMM+Press+Statement.9UFRrM3W.ips>

## UN HIGH COMMISSIONER FOR HUMAN RIGHTS URGES RESPECT FOR INTERNATIONAL LAW WITH END OF CEASEFIRE IN SRI LANKA

**Geneva, 15 January 2008** -- As the Ceasefire Agreement in Sri Lanka is due to effectively end on 16 January 2008, the United Nations High Commissioner for Human Rights, Louise Arbour, reminded the Government of Sri Lanka and the Liberation Tigers of Tamil Eelam (LTTE) of their obligations under international law to respect human rights.

"An intensification of hostilities will likely have a devastating effect on the human rights of many Sri Lankans from all communities," the High Commissioner said.

The High Commissioner noted that international law obliges all parties to protect civilians without discrimination and includes prohibitions against the arbitrary deprivation of life, arbitrary detention, forced displacement, enforced disappearances, torture and other cruel, inhuman or degrading treatment or punishment. It also forbids the recruitment and deployment of children as soldiers.

The High Commissioner warned that violations of these rules by any party could entail individual criminal responsibility under international criminal law, including by those in positions of command.

The High Commissioner visited Sri Lanka in October 2007. In her dialogue with the Government she has stressed the critical need for independent, public reporting on the human rights situation in Sri Lanka and the readiness of her Office to assist in this regard.

<http://www2.ohchr.org/english/>

## EUROPEAN COMMISSIONER FOR EXTERNAL RELATIONS BENITA FERRERO-WALDNER ON THE SITUATION IN SRI LANKA

**04.01.2008** - "I am deeply disappointed by the Sri Lankan government's decision to abrogate the 2002 Ceasefire Agreement. This decision risks complicating the already difficult situation in the country.

I firmly condemn LTTE's recent acts of terror and statements announcing further violence from their side. As Co-Chair together with Japan, US and Norway we have always held the view that violence is not the appropriate way to solve this conflict. A lasting solution can only come from a ceasefire and a negotiated settlement.

I hope that the Sri Lankan government will come forward with a substantive devolution offer around which negotiations can start as soon as possible. As the Co-Chairs stated in Japan last year, for an arrangement to be credible to minorities and to serve as a feasible base for negotiations, it needs to go beyond past offers that failed." [http://ec.europa.eu/commission\\_barroso/ferrero-waldner/speeches/index\\_en.htm](http://ec.europa.eu/commission_barroso/ferrero-waldner/speeches/index_en.htm)

## SUPREME COURT OF SRI LANKA OVER RULE THE DECISION OF THE UN HUMAN RIGHTS COMMITTEE IN THE SUPREME COURT OF THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA

Even though Sri Lanka is signatory to the ICCPR, **on 15 September 2006**, the Supreme Court effectively ruled that Sri Lankan citizens cannot seek remedy from the UN Human Rights Committee regarding human rights violations.

*"The Constitution of Sri Lanka and the prevailing legal regime do not provide for release or retrial of a convicted person after his conviction is confirmed by the highest appellate Court, the Supreme Court of Sri Lanka. Therefore, the State does not have the legal authority to execute the decision of the Human Rights Committee to release the convict or grant a retrial. The government of Sri Lanka cannot be expected to act in any manner which is contrary to the Constitution of Sri Lanka."*

If the provisions of the Constitution were adhered to the then President as Head of Government could not have acceded to the Optional Protocol in 1997 and made the Declaration referred to above. The upshot of the resultant incongruity is a plea of helplessness on the part of the Government revealed in the response to the Human Rights Committee cited above, which does not reflect well on the Republic of Sri Lanka.

For the reasons stated above I hold that the Petitioner's application is misconceived and without any legal base. **The application is accordingly dismissed. (Excerpt)**

<http://www.ruleoflawsrilanka.org/cases/un-cases-for-sri-lanka/special-case-supreme-court-on-nallaratham>

## UN HIGH COMMISSIONER FOR HUMAN RIGHTS HOPES NEW INQUIRY COMMISSION ON KILLINGS AND DISAPPEARANCES IN SRI LANKA WILL PROVE EFFECTIVE

6 November 2006

United Nations High Commissioner for Human Rights Louise Arbour today welcomed the Sri Lankan President's establishment of a Commission of Inquiry into extrajudicial killings and disappearances, expressing hope that it will see the perpetrators of serious human rights violations brought to justice.

The High Commissioner underlined the significance of this initiative in addressing impunity for human rights violations related to the on-going conflict in Sri Lanka. She noted that the Government has also invited a group of international observers in the form of an International Independent Group of Eminent Persons to monitor, provide advice as requested, and report on the Commission's work.

The High Commissioner thanked the Government for inviting her to provide advice on the terms of reference for the Commission of Inquiry and the observer group in line with international standards. She expressed satisfaction that many of the comments by her Office had been taken into account in establishing the Commission, including the need for witness protection and measures to increase the transparency of the inquiry.

The High Commissioner expressed concern, however, over several shortcomings in the national legal system that could potentially hamper the effectiveness of the Commission of Inquiry, particularly the absence of any legal tradition of establishing command responsibility for human rights violations. She also noted that many recommendations of past commissions of inquiry, including into disappearances, had not yet been fully implemented.

"It will be critically important for the Commission to establish not only individual responsibility for crimes, but the broader patterns and context in which they occur", the High Commissioner said.

The High Commissioner also noted that any commission of inquiry can only investigate a selection of cases, and that a broader international mechanism is still needed to monitor, ultimately prevent, human rights violations in the longer term.

***At the invitation of the Government, the Office of the High Commissioner for Human Rights (OHCHR) has submitted a list of names of suitable candidates who could potentially serve as observers to the inquiry. These persons, if selected, would serve in their personal capacities and would not represent the High Commissioner or OHCHR. <http://www2.ohchr.org/english/>***

### INTERNATIONAL INDEPENDENT GROUP OF EMINENT PERSONS – IIGEP, QUILTS SRI LANKA

#### Conclusion

**IIGEP, 6 March 2008** - The IIGEP has decided that it will terminate its operation in Sri Lanka. It has taken this decision after due consideration and for fundamental reasons. The President charged the IIGEP to observe the proceedings of the Commission of Inquiry, to offer suggestions, and to assess the conduct of these proceedings against international norms and standards. The Eminent Persons conclude that they have accomplished all that is possible within the constraints of the prevailing situation. They no longer see how they can contribute further to the protection and enhancement of human rights in Sri Lanka and have regretfully decided to bring to an end their activities in this country. **(Excerpt)**  
<http://www.iigep.org/prelease/estatement6.pdf>

### HIGH COMMISSIONER FOR HUMAN RIGHTS EXPRESSES CONCERN OVER INCREASING NUMBER OF KILLINGS OF CIVILIANS IN SRI LANKA

**23 May 2006** - United Nations High Commissioner for Human Rights Louise Arbour today expressed deep concern about the rising violence in Sri Lanka, in particular the increasing killings of civilians, including children. The victims have also included staff of humanitarian agencies, which are facing increasing threats in their important work.

"These violations are not only ceasefire violations, but also serious breaches of international human rights and humanitarian law", the High Commissioner said. She stressed that the Government of Sri Lanka and LTTE have obligations beyond the Ceasefire Agreement to respect basic human rights and humanitarian norms and these obligations apply regardless of the status of the Ceasefire Agreement and whether the country is at peace or war.

Paramount among these is respect for the right to life, said the High Commissioner, noting the concerns raised by the Special Rapporteur on extrajudicial, summary and arbitrary killings in his recent report about the targeting of both civilians and members of the security forces taking no active part in hostilities.

A duty of the state in maintaining security and law and order is to ensure crimes of this nature are properly investigated and punished, whoever is responsible, she said.

The High Commissioner also expressed concern about recent threats and obstruction to the work of the Sri Lankan Monitoring Mission and urged the parties to give their fullest cooperation and reinforce SLMM's capacity to respond to violations.

"I recommend that the Government of Sri Lanka seek international police and forensic support for investigations into killings to ensure justice and accountability", she said.

The High Commissioner urged the parties to take immediate steps to de-escalate the violence, resume dialogue and strengthen the monitoring and protection of human rights.

<http://www2.ohchr.org/english/>

<http://www2.ohchr.org/english/press/hrc/index.htm>

## **STATEMENT BY MS LOUISE ARBOUR, HIGH COMMISSIONER FOR HUMAN RIGHTS CONCLUSION OF HER VISIT TO SRI LANKA**

**13 October 2007** – I wish to thank His Excellency the President for inviting me to visit Sri Lanka and the Government of Sri Lanka for facilitating my program. I would like to thank Minister Samarasinghe and the many government officials, representatives of political parties, religious leaders, members of civil society and UN colleagues who have taken the time to share with me their perspectives. In particular, I would like to express my gratitude to the many individuals who approached me with testimonies of their own experience.

Yesterday I visited Jaffna. I am grateful to the military authorities for facilitating my visit and my particular thanks are due to the Bishop whose warm welcome and hospitality I very much appreciated.

***I regret that time did not permit me to visit the Eastern Province. I also regret that I did not have the opportunity to visit Killinochchi, where I would have liked to convey directly to the LTTE my deep concern about their violations of human rights and humanitarian law, including the recruitment of children, forced recruitment and abduction of adults, and political killings. I am very concerned by the many reports I have also received of serious violations by the TMVP and other armed groups.***

I was struck in my discussions by the fact that broader human rights issues affecting all communities on the island have largely been eclipsed by the immediate focus on issues related to the conflict. These include issues of discrimination and exclusion, gender inequalities, the low participation of women in public and political life, the rights of migrant workers and press freedom. These challenges will remain before and after any peace settlement, and they are deserving of greater and more focussed attention.

Sri Lanka has many of the elements needed for a strong national protection system. It has ratified most of the international human rights treaties. It has justifiable human rights guarantees in the Constitution. It has longstanding democratic and legal traditions. It has had a national human rights commission for more than a decade. Sri Lanka has an active media and benefits from a committed civil society.

However, in the context of the armed conflict and of the emergency measures taken against terrorism, the weakness of the rule of law and prevalence of impunity is alarming. ***There is a large number of reported killings, abductions and disappearances which remain unresolved.*** This is particularly worrying in a country that has had a long, traumatic experience of unresolved disappearances and no shortage of recommendations from past Commissions of Inquiry on how to safeguard against such violations. While the Government pointed to several initiatives it has taken to address these issues, there has yet to be an adequate and credible public accounting for the vast majority of these incidents. ***In the absence of more vigorous investigations, prosecutions and convictions, it is hard to see how this will come to an end.***



While Sri Lanka has much of the necessary human rights institutional infrastructure, critical elements of protection have been undermined or compromised. **The application of treaties in domestic law has been questioned by the Supreme Court in the Singarasa case.** The Government's proposed legislation to address this problem, tabled this week in Parliament only partially addresses the issues and risks confusing further the status of different rights in national law.

Throughout my discussions, government representatives have insisted that national mechanisms are adequate for the protection of human rights, but require capacity building and further support from the international community. In contrast, people from across a broad political spectrum and from various communities have expressed to me a lack of confidence and trust in the ability of existing relevant institutions to adequately safeguard against the most serious human rights abuses.

Some of the institutions themselves acknowledge their limitations in this respect. Members of the Commission of Inquiry pointed out to me that some state officials had failed to appear in response to their requests. They also stressed that the absence of an effective witness assistance and protection system was a major constraint on their work. The Commission would, in my view, gain greater public confidence and support by conducting public hearings. In any event, the Commission of Inquiry is an ad hoc response to a series of particularly shocking incidents and should not be a substitute for effective action by relevant law enforcement agencies. Nor should it divert from the need for a forward looking, comprehensive and effective human rights protection system.

The Human Rights Commission has in the past played an important role in this respect. However, the failure to resolve the controversy over the appointment of commissioners has created a crisis of confidence in the HRC both locally and internationally. The HRC's failure to systematically conduct public inquiries and issue timely public reports has further undermined confidence in its efficacy and independence. Indeed, the Commission may lose its accreditation to the international body governing these institutions.

***In my view the current human rights protection gap in Sri Lanka is not solely a question of capacity. While training and international expertise are needed in specific areas, and I understand would be welcomed by the Government, I am convinced that one of the major human rights shortcomings in Sri Lanka is rooted in the absence of reliable and authoritative information on the credible allegations of human rights abuses.***

Many state that the LTTE is quick to manipulate information for propaganda gain. In my view this only accentuates the need for independent information gathering and public reporting on human rights issues.

OHCHR is willing to support the Government of Sri Lanka in this way. I am aware that there is a lively national debate about the need for international support in human rights protection. In light of the gravity of the reported ongoing abuses, and in particular of threats to life and security of the person, I believe that we should urgently resolve our ongoing discussions about the future of a productive relationship between OHCHR and the Government of Sri Lanka.

***A final observation: It would be highly desirable for the government to consider an early ratification of the new International Convention for the Protection of All Persons from Enforced Disappearance. In light of the documented violations of international humanitarian law, Sri Lanka should seriously consider joining the 105 countries which have ratified the Rome Treaty creating the International Criminal Court. (Excerpt)*** <http://www.dmhr.gov.lk/hr/english/press.html>

## **ADDRESS BY UN HIGH COMMISSIONER FOR HUMAN RIGHTS TO THE 6TH SESSION OF THE HUMAN RIGHTS COUNCIL**

**Geneva, 11 December 2007**

**Mr. President,  
Excellencies,  
Ladies and Gentlemen,**

I was very pleased to visit Sri Lanka from 9-12 October at the invitation of President Rajapakse and am grateful for the broad access I was given to Government representatives, political parties and members of civil society, including in the troubled northern region of Jaffna. I regret not having the opportunity to meet with representatives of the Liberation Tigers of Tamil Eelam (LTTE), as I would have liked to convey to them directly my deep concern with their serious violations of human rights and humanitarian law, including the recruitment of children, forced recruitment and abduction of adults, and political killings.

During my visit, I paid special attention to the issue of abductions and disappearances, which have been reported in alarming numbers over the past two years. While the Government pointed to several initiatives it had taken to address these issues, there has yet to be an adequate investigation or credible public accounting for the vast majority of these cases. I am also concerned about safeguards for those detained under the emergency regulations, including during recent mass arrests in Colombo.

Regrettably, the various national institutions and mechanisms that could be expected to safeguard human rights have failed to deliver adequate protection. In particular, the Human Rights Commission of Sri Lanka, which had previously enjoyed a proud reputation internationally, has had its independence compromised by the irregular appointment of its Commissioners and the credibility of its work has suffered. Further, despite high expectations, the special Commission of Inquiry appointed by the President more than one year ago to investigate high profile killings and disappearances has yet to complete any of its cases. The Eminent Persons invited to observe the Commission have expressed concerns about its compliance with international standards.

In a highly polarized context, where human rights information is easily manipulated for propaganda gains, there is a critical need for an independent actor to gather information and publicly report on the human rights situation. For this reason, I have suggested that the Government would benefit from the support of a presence of OHCHR in the country, with a full mandate incorporating technical assistance and public reporting. ***Since my visit, my Office has engaged in discussions with the Sri Lankan authorities on possible models involving an OHCHR presence working alongside national structures. We have reached no agreement on a formula by which independent, public reporting by OHCHR could be ensured.*** OHCHR will continue to assist the authorities in strengthening the national human rights system, but this will fall short of meeting the critical protection gap. (Excerpt) [http://www2.ohchr.org/english/](http://www2.ohchr.org/english/http://www2.ohchr.org/english/press/hrc/index.htm)  
<http://www2.ohchr.org/english/press/hrc/index.htm>

## UNITED NATIONS EXPERT GROUP DEPLORES RECENT WAVE OF DISAPPEARANCES IN SRI LANKA

**UN Press Release, 11 June 2008** - "In the past two months alone, the Working Group has sent 22 urgent actions to the Government. Out of those cases, 18 disappearances took place in May. The Working Group is also concerned that both women and humanitarian aid workers are being targeted", the expert group said. That number may be lower than in reality, as the group estimates that many other disappearances may be occurring in Sri Lanka but are not being reported because of fear of reprisals. (Excerpt)  
[HTTP://WWW.UNHCHR.CH/HURICANE/HURICANE.NSF/VIEW01/D564F9EDD64E959FC12574650049042C?OPENDOCUMENT](http://www.unhchr.ch/hurricane/hurricane.nsf/view01/D564F9EDD64E959FC12574650049042C?OPENDOCUMENT)  
<http://www2.ohchr.org/english/press/hrc/index.htm>

## UN WORKING GROUP ON ENFORCED OR INVOLUNTARY DISAPPEARANCES CONCLUDES 85TH SESSION

**UN Press Release, 26 July 2008** - "The Working Group examined 38 reported cases under its urgent action procedure. The members of the Working Group expressed deep concern that 30 of the new urgent action cases refer to alleged disappearances in Sri Lanka". (Excerpt)  
<http://www.unhchr.ch/hurricane/hurricane.nsf/view01/9138D9FB1CF7358FC125749400457190?opendocument>

## REPORT OF THE WORKING GROUP ON ENFORCED OR INVOLUNTARY DISAPPEARANCES TO SEVENTH SESSION – UN HUMAN RIGHTS COUNCIL A/HRC/7/2 - 10 January 2008

### Total cases transmitted, clarified and outstanding

**343.** In previous years and during the year under review, the Working Group has transmitted 12,463 cases to the Government; of those, 39 cases have been clarified on the basis of information provided by the source, 6,530 cases have been clarified on the basis of information provided by the Government, 378 cases were found to be duplications by the Working Group and were therefore deleted, and 5,516 cases remain outstanding. (Excerpt - Page 73-76, Paragraphs 330-348)  
<http://daccessdds.un.org/doc/UNDOC/GEN/G08/101/05/PDF/G0810105.pdf?OpenElement>

# WORKING GROUP ON ENFORCED OR INVOLUNTARY DISAPPEARANCES

E/CN.4/2000/64/Add.1 - 21 December 1999

## MISSION TO SRI LANKA (25 to 29 October 1999)

### III. CONCLUSIONS AND RECOMMENDATIONS

62. As far as prevention is concerned, **many of the earlier recommendations of the Working Group have not been implemented. First of all**, the Prevention of Terrorism Act and the Emergency Regulations, which are rightly considered as the main reason for the continuation, albeit on a much less severe level, of enforced disappearances, have not been abolished or brought into line with internationally accepted standards of human rights. **Secondly**, no central register of detainees was set up. **Thirdly**, the safeguards for the prevention of arbitrary arrests, and in particular the legal obligation to immediately inform the Human Rights Commission of arrests and detentions, seem not to be widely known by the law enforcement bodies and are often disregarded in practice.

63. In conclusion, the Working Group addresses the following recommendations to the Government of Sri Lanka:

(a) The Government should establish an independent body with the task of investigating all cases of disappearance which occurred since 1995 and identifying the perpetrators;

(b) The Government should speed up its efforts to bring the perpetrators of enforced disappearances, whether committed under the former or the present Government, to justice. The Attorney-General or another independent authority should be empowered to investigate and indict suspected perpetrators of enforced disappearances irrespective of the outcome of investigations by the police;

(c) The act of enforced disappearance should be made an independent offence under the criminal law of Sri Lanka punishable by appropriate penalties as stipulated in article 4 of the United Nations Declaration on the Protection of All Persons from Enforced Disappearance;

(d) **The Prevention of Terrorism Act and the Emergency Regulations currently in force should be abolished or otherwise brought into line with internationally accepted standards of personal liberty, due process of law and humane treatment of prisoners;**

(e) Any person deprived of liberty should be held only in an officially recognized place of detention as stipulated in article 10 (1) of the Declaration. All unofficial places of detention, in particular those established by paramilitary organizations fighting alongside the Security Forces, such as PLOTE and TELO, should immediately be dissolved; **(Excerpt)**

<http://www.unhchr.ch/Huridocda/Huridoca.nsf/TestFrame/e6d08bb09c61c6d7802568a9006830f1?Opendocument>  
[http://www2.ohchr.org/english/bodies/chr/special/countryvisitsn-z.htm#sri\\_lanka](http://www2.ohchr.org/english/bodies/chr/special/countryvisitsn-z.htm#sri_lanka)

### UN INDEPENDENT EXPERTS EXPRESS SERIOUS CONCERN OVER THE ESCALATION OF VIOLENCE IN SRI LANKA

**11 August 2006 - The Special Representative of the Secretary-General on Human Rights Defenders, Hina Jilani; the Special Rapporteur on extrajudicial, arbitrary and summary executions, Philip Alston, and the Special Rapporteur on the Right to Food, Jean Ziegler, issued the following statement today:**

We are shocked and alarmed by the recent escalation of violence in Sri Lanka which has culminated in the brutal killing of **17 humanitarian workers of the NGO Action Contre la Faim on Sunday, 6 August**, and the car bomb blast in Colombo on 8 August killing two civilians, including a three-year old child.

The deliberate targeting of humanitarian workers is a serious violation of the basic principles of international human rights and humanitarian law and the Declaration of Human Rights Defenders. Humanitarian workers serve every day as implementing partners for UN agencies. They deliver and distribute food, water, medicine, clothing and other material assistance. They provide medical care and psychological support for victims of sexual violence and other trauma. They help transport people when they are ready to return home. Humanitarian workers are, without question, human rights defenders who help people stay alive during times

of conflict. Without them, especially in times of conflict, many more civilians would be vulnerable to violations of their civil, cultural, economic, political and social rights such as their right to life, physical integrity, liberty, food, health and adequate housing. In the face of that reality, the responsibility of the Government to extend effective protection to humanitarian workers is heightened.

We urge the Government to ensure immediate and independent investigations are carried out into these killings and that the perpetrators of these despicable acts are brought to justice. We therefore welcome the Government's strong condemnation of the murders, its promise to conduct such an investigation expeditiously and ***its request to the Government of Australia to send a forensic expert who will assist the Sri Lankan special investigations team, a request the Australian Government has agreed to.*** The vigorous independent investigation into the killings of the 17 humanitarian workers is vital not only to bring the perpetrators to justice, but to restore confidence to humanitarian workers and the populations they serve. ***We also urge the Government to render the findings of its investigation public as soon as it is completed.*** An investigation, however independent, impartial and professional, whose results remain covered by secrecy is of little use.

The on-going wave of fighting between Sri Lankan Government forces and the Liberation Tigers of Tamil Eelam's (LTTE) has only served to strain an already precarious ceasefire agreement.

The recent spike in fighting is also related to the closing of sluice gates of a water reservoir south of the eastern Muslim-dominated town of Muttur, halting the water supply to vast areas of farm land in government controlled territory, and thus threatening the livelihoods of the farmers in the area. We welcome the recent reopening of the sluice gates.

The Independent Experts further express concern over the disproportionate effects the current fighting has had on the Muslim population in Muttur town and surrounding region. ***It is reported that this latest escalation has created a climate of fear making life intolerable for the affected communities. According to the most recent reports, more than 50,000 out of the 63,690 inhabitants of the district have fled their homes and villages.*** A large proportion of those displaced are part of the Muslim community. The Independent Experts appeal to those involved in the fighting to ensure that all civilians are granted immediate protection and that humanitarian agencies are granted access to the conflict-affected areas to deliver assistance to the civilian population. Civilians and humanitarian workers need guarantees of security and access as well as a meaningful commitment by both the Government and the LTTE.

We strongly urge the Government of Sri Lanka and the LTTE to immediately halt the violence, the deliberate targeting of civilians and promptly return to negotiations to solve this current impasse.

<http://www2.ohchr.org/english/press/newsFrameset-2.htm>

## **SPECIAL RAPPORTEUR ON EXTRAJUDICIAL EXECUTIONS CALLS FOR URGENT MEASURES END POLITICAL KILLINGS**

**27 April 2006**

The United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions, Professor Philip Alston, today called on the Government of Sri Lanka and the Liberation Tigers of Tamil Eelam (LTTE) to take urgent measures to end political killings and to strengthen protection for human rights as conflict looked set to spiral out of control.

"The current impasse in negotiations is no excuse for either side not taking immediate steps to end political killings and protect human rights," he said. "The dangerous escalation of the conflict in recent days is a direct consequence of killings being allowed to run unchecked."

The Special Rapporteur has recently released the final report of his fact-finding mission to Sri Lanka in December 2005. His report draws on visits and interviews undertaken in Ampara, Batticaloa, Colombo and Kilinochchi with Government officials, representatives of the LTTE, the Sri Lanka Monitoring Mission (SLMM), representatives of the diplomatic community, witnesses of extrajudicial killings and relatives of those killed, representatives of various political parties, and members of Sri Lankan civil society.

The Special Rapporteur expressed deep concern about the widespread killings and violence that has continued to spiral since his visit, culminating in a suicide bomb attack on the army chief in Colombo and retaliatory military strikes on 25 April. These included the assassination of Tamil National Alliance MP Joseph Parajasingham while attending church on Christmas Eve 2005; the apparent extra-judicial execution by security forces of five students in Trincomalee on 2 January; and the killing of a prominent Tamil community leader in Trincomalee, Mr J Vigneswaran, on 7 April. The victims also include members of the Sinhalese and Muslim communities, including transport workers, business people and government officials. During the same period, there have been numerous claymore mine and other attacks on police and security forces.

Alston observed that "Every such killing represents a major setback to the peace process, and every retaliatory death plays into the hands of those whose interests do not lie in the restoration of peace. In responding to the situation, the Government must give primacy to protecting civilian lives."

The Special Rapporteur noted the difficulties in attributing responsibility for many attacks in the absence of effective investigation by Sri Lanka's law enforcement bodies or the Sri Lanka Monitoring Mission that oversees the ceasefire. Both parties appear to be exploiting the ambiguities presented by the ceasefire agreement and the weakness of its monitoring mission to consolidate and advance their position. He noted also that the national Human Rights Commission currently had its hands tied due to the Government's failure to appoint new members through the Constitutional Council.

The Special Rapporteur found the LTTE's denials of responsibility for many attacks unconvincing, and warned that its apparent use of surrogate groups to attack the security forces represented a dangerous escalation of the conflict. He also noted that the LTTE's characterization of its political opponents within the Tamil community as paramilitaries is a gross oversimplification of a complex situation.

At the same time, the Special Rapporteur reported a dangerous indifference on the part of the Government to other armed elements responsible for attacks, including the Karuna group. While he found no clear evidence of official collusion during his visit, he reported strong circumstantial evidence of at least informal cooperation between Government forces and these factions.

The Special Rapporteur noted the Government had failed to effectively investigate most political killings. Few suspects are pursued or identified, let alone apprehended. In many cases, the police act as if the ceasefire agreement itself prevented them from fulfilling their law enforcement functions. Even where arrests have been made, witnesses face threats and prosecutions rarely proceed. The Special Rapporteur expressed special concern about serious threats made in recent weeks to Dr Manohoran, the father of one of five students killed in Trincomalee on 2 January who had given eyewitness testimony, and urged the authorities to expedite this case while ensuring full protection to the witnesses and families. He was also disturbed by the re-emergence of reports of deaths in custody and disappearances at the hands of the security forces, problems that have wracked Sri Lanka in the past.

At the same time, the Special Rapporteur noted that the SLMM has taken an overly narrow view of its mandate as excluding investigation, making it appear simply as a recording agency. While the SLMM has made an invaluable contribution over the past four years, the time has come to reinforce its work. He urged the parties to accord the SLMM a stronger and better-equipped role to enable it to carry out more in-depth monitoring of killings and to publicly report its findings of the facts in different cases. This would build public confidence and help quell the claims, counter-claims and rumours that were only fuelling the cycle of retaliation and conflict.

***Longer term, the Special Rapporteur said a broader human rights framework and more comprehensive international monitoring mechanism is needed to address the many human rights issues that went beyond the ceasefire. He commended to the parties the options presented in this regard by their human rights advisor, Mr Ian Martin.***

In his report, the Special Rapporteur also stressed the need for reforms to the criminal justice system as a whole to improve law enforcement, prevent problems of torture and deaths in custody, and better safeguard the human rights of all Sri Lankans. <http://www2.ohchr.org/english/press/newsFrameset-2.htm>

## **REPORT OF THE SPECIAL RAPPORTEUR ON EXTRAJUDICIAL, SUMMARY OR ARBITRARY EXECUTIONS - PHILIP ALSTON E/CN.4/2006/53/Add.5 - 27 March 2006**

### **MISSION TO SRI LANKA (28 November to 6 December 2005)**

59. The failure to effectively prosecute government violence is a deeply-felt problem in Sri Lanka. The paucity of cases in which a government official - such as a soldier or police officer - has been convicted for the killing of a Tamil is an example. Few of my interlocutors could name any such case, with the exception of Krishanthi, in which six soldiers and a policeman were convicted.<sup>40</sup> ***The cause of this impunity is unclear.*** The result, however, is clear: many people doubt that their lives will be protected by the rule of law.

60. The State's failure to convict anyone for the Bindunuwewa massacre is an example of this impunity: on 25 October 2000, 27 Tamil men were beaten, cut, and trampled to death by a mob while they were in custody and "protected" by roughly 60 police officers, but not a single private person or public official has been convicted. I had previously corresponded with the Government concerning this case<sup>41</sup> and, during my visit, I met with the mothers of Bindunuwewa victims, a survivor, and an attorney for the families.

61. That there was both State and individual criminal responsibility is undeniable, and supported by multiple government reports.<sup>42</sup> However, not a single person has been convicted of any crime related to the events at Bindunuwewa.<sup>43</sup> I was offered various explanations for this failure of justice: an inadequate police investigation led to insufficient evidence for conviction; judicial bias or corruption produced acquittals; the complexity of the case forced the prosecution to rely on novel legal theories. I do not have the information available to form a judgement, but the bottom line remains that this is a deeply unsatisfactory outcome and one which is all too consistent with fears of impunity for those who kill Tamils.<sup>44</sup> **(Excerpt)**  
<http://daccessdds.un.org/doc/UNDOC/GEN/G06/121/16/PDF/G0612116.pdf?OpenElement>  
[http://www2.ohchr.org/english/bodies/chr/special/countryvisitsn-z.htm#sri\\_lanka](http://www2.ohchr.org/english/bodies/chr/special/countryvisitsn-z.htm#sri_lanka)

**REPORT OF THE SPECIAL RAPPORTEUR ON EXTRAJUDICIAL,  
SUMMARY OR ARBITRARY EXECUTIONS - MR. BACRE WALY NDIAYE  
E/CN.4/1998/68/Add.2 - 12 March 1998**

**MISSION TO SRI LANKA  
(24 August to 5 September 1997)**

**119. Effective impunity encourages political violence** and is a serious destabilizing element in all contexts of the Sri Lankan socio-political system. Respect for the rule of law is essential to maintain order and stability and to protect human rights in any country. Impunity perpetuates the mass violation of human rights. There have been periodical extrajudicial executions, but few perpetrators have been brought to justice. Furthermore, impunity is an obstacle to democratic development and peace negotiations, and makes reconciliation difficult. This culture of impunity has led to arbitrary killings and has contributed to the uncontrollable spiralling of violence.

**120.** The systematic absence of investigation, either civil or military, into violations of the right to life **facilitates impunity.** Investigations are rarely conducted, and when they are, they do not lead to the appropriate convictions or penalties. **(Excerpt)**  
<http://daccessdds.un.org/doc/UNDOC/GEN/G98/109/17/PDF/G9810917.pdf?OpenElement>  
[http://www2.ohchr.org/english/bodies/chr/special/countryvisitsn-z.htm#sri\\_lanka](http://www2.ohchr.org/english/bodies/chr/special/countryvisitsn-z.htm#sri_lanka)

**SPECIAL RAPPORTEUR ON TORTURE AND OTHER CRUEL, INHUMAN  
OR DEGRADING TREATMENT OR PUNISHMENT - MANFRED NOWAK  
A/HRC/7/3/Add.6 - 26 February 2008**

**MISSION TO SRI LANKA  
(1 October to 8 October 2007)**

42. For three decades, emergency rule has continued between intervals in Sri Lanka. The Prevention of Terrorism Act (PTA) of 1979 was suspended in 2002 after the CFA was agreed upon. However, the law is still in force and its section 9 (1), allowing to detain a person under detention order (DO) for a period of “three months in the first instance, in such place and subject to such conditions as may be determined by the Minister”, renewable to a maximum of 18 months, still applies. Although the CFA provided for the temporary suspension of the PTA, throughout this time many provisions of the PTA were reintroduced under the Emergency Regulations and now that the CFA has been abrogated, the temporary suspension of the PTA has been repealed.

51. The Special Rapporteur is encouraged by the significant number of indictments, 34, made by the Attorney General. While appreciating that the conviction of offenders is entirely a matter for the courts, before which evidence must be led and prosecutions carried out according to law, he regrets that the indictments by the Attorney General have led so far only to three convictions. He notes that eight cases were concluded with acquittals. Further, the Special Rapporteur is concerned about the long duration of investigation with regard to these cases of often more than two years and allegations of threats against complainants and torture victims.

52. The Attorney General's powers have so far not been used to prosecute any officer for torture above the rank of inspector of police and no indictment was filed on the basis of command responsibility.<sup>13</sup> **(Extract)**  
<http://daccessdds.un.org/doc/UNDOC/GEN/G08/111/35/PDF/G0811135.pdf?OpenElement>  
[http://www2.ohchr.org/english/bodies/chr/special/countryvisitsn-z.htm#sri\\_lanka](http://www2.ohchr.org/english/bodies/chr/special/countryvisitsn-z.htm#sri_lanka)

**REPORT OF THE SPECIAL RAPPORTEUR ON FREEDOM OF RELIGION  
OR BELIEF - ASMA JAHANGIR  
E/CN.4/2006/5/Add.3 - 12 December 2005**

**MISSION TO SRI LANKA  
(2 to 12 May 2005)**

39. Religious sensitivity is thus very often coupled with nationalism, and the words “Sinhalese” and “Buddhist” are increasingly becoming interchangeable.

42. Finally, there were numerous reports of destruction of religious symbols such as crosses and statues of Buddha and other religious personalities. For instance, a dispute over the erection of a Buddhist statue in Trincomalee was the cause of considerable tension in the weeks following the Special Rapporteur’s visit. It was often claimed that these symbols or revered statues had been deliberately put in a place populated by followers of another religion. Sometimes it appeared that the level of intolerance had fallen so low that even the sight of religious symbols of other communities was seen as offensive.

85. Although the Special Rapporteur’s interlocutors at the official level all condemned the attacks, the reports received claimed that the measures taken by the authorities to bring the perpetrators to justice and to remedy the situation have been either insufficient or non-existent. In only a very few cases have perpetrators been prosecuted under applicable criminal law provisions (destruction of property, violence). Certain interlocutors claimed that there was political pressure behind the apparent reluctance to make the judicial apparatus function properly. **(Excerpt)**

<http://daccessdds.un.org/doc/UNDOC/GEN/G05/166/64/PDF/G0516664.pdf?OpenElement>

[http://www2.ohchr.org/english/bodies/chr/special/countryvisitsn-z.htm#sri\\_lanka](http://www2.ohchr.org/english/bodies/chr/special/countryvisitsn-z.htm#sri_lanka)

**REPRESENTATIVE OF THE SECRETARY-GENERAL ON THE SITUATION OF HUMAN  
RIGHTS ON INTERNALLY DISPLACED PERSON – WALTER KALIN  
- A/HRC/8/6/Add.4 - 21 May 2008**

**MISSION TO SRI LANKA  
(14 to 21 December 2007)**

16. The Representative distinguishes among six situations:

(b) Continuing displacement since 2006 and 2007 in the Eastern districts. Roughly 188,000 of the 300,000 displaced since the resumption of hostilities remain in displacement in both the North and the East. Those who remain displaced in the East are primarily those from areas where there are (i) high security zones, (ii) zones awaiting demining, or (iii) houses or villages occupied by security forces. Many of these IDPs are concerned about security, access to services and livelihoods. Most are in camps or host families in Batticaloa district, although some are in “transit camps” in Trincomalee district;

(d) Displacement inside the Vanni. In the areas under LTTE control, covering Mullaitivu and Kilinochchi districts and parts of Mannar, Vavuniya and Jaffna districts, estimates indicate 106,000 IDPs, or perhaps one third of the total population. This category overlaps with categories (c), (e) and (f) but warrants attention as a distinct category, because these IDPs face additional challenges related to freedom of movement and access to services and livelihoods. In particular, Kilinochchi and Mullaitivu districts experienced large influxes of IDPs from Jaffna in 1995 and 1999. The two districts have experienced new displacement since 2006, of 81,000 arriving from Jaffna, from within the districts, and recently Mannar; **(Excerpt)**

<http://daccessdds.un.org/doc/UNDOC/GEN/G08/135/54/PDF/G0813554.pdf?OpenElement>

[http://www2.ohchr.org/english/bodies/chr/special/countryvisitsn-z.htm#sri\\_lanka](http://www2.ohchr.org/english/bodies/chr/special/countryvisitsn-z.htm#sri_lanka)

**SPECIAL RAPPORTEUR ON THE RIGHT TO FREEDOM OF  
OPINION AND EXPRESSION - AMBEYI LIGABO**

**A/HRC/7/14/Add.1 - 25 February 2008**

605. The Special Rapporteur brought to the attention of the Government the situation of Mr. **Sripathi Sooriyaarachchi**, former Projects Minister, who was reportedly arrested on 17 March under the Misappropriation of Public Property Act, on the charge of misusing a government vehicle. On 27 March, a Magistrate Court refused his request to be released on bail. It is reported that Sripathi Sooriyaarachchi,

together with National Heritage Minister **Anura Bandaranaike** and Ports Minister **Mangala Samaraweera** were stripped of their ministerial portfolios on 9 February 2007, allegedly in connection with their position with regard to the Government's contacts with the LTTE and with regard to some cases of corruption. It seems that former Ports Minister Mangala Samaraweera left the country in March 2007 fearing that he could also be arrested.

**Letter of allegations sent on 23 August 2007 jointly with the Special Rapporteur on extrajudicial, summary or arbitrary executions**

613. The Special Rapporteurs brought to the attention of the Government the reported **killings of eleven journalists and media workers** in Sri Lanka since January 2006. All those killed either worked for Tamil language publications or reported violations relating to the conflict. Many of the killings appear to share common elements: the shootings occurred in Government controlled areas and sometimes during curfew hours. It is furthermore reported that investigations into most of the killings have been inconclusive and the perpetrators have not been found. **(Excerpt - Page 160-165, paragraphs 605-631)**

<http://daccessdds.un.org/doc/UNDOC/GEN/G08/109/89/PDF/G0810989.pdf?OpenElement>

**SPECIAL RAPPORTEUR ON THE RIGHT TO FREEDOM OF  
OPINION AND EXPRESSION - AMBEYI LIGABO**

**A/HRC/4/27/Add.1 - 26 March 2007**

580. On 6 January 2006, the Special Rapporteur sent a letter of allegation concerning Mr **Joseph Pararajasingham**, leader of the parliamentary group Tamil National Alliance, who was murdered on 24 December by unknown gunmen in the cathedral of his home town Batticaloa, where he was participating in the midnight Christmas Eve mass with his wife Sugunam, who was also seriously wounded in the attack. According to reports received, Mr and Mrs Pararajasingham had not visited their home town Batticaloa in the recent past

because of security concerns. Pararajasingham had drawn international attention to the attacks against Tamil civilians, including the killing of lawyers and journalists, in the North-East part of the country, including the town of Batticaloa, an area in which, despite the Ceasefire Agreement, the ethnic and political confrontation continues to be very violent.

581. On 28 February 2006, the Special Rapporteur sent a letter of allegation concerning the Sinhala-language weekly ***Irudina*** and its English counterpart ***The Sunday Leader***. The two newspapers have already been the subject of a communication sent on 28 October 2005. According to the new information received, on 10 February 2006, the police summoned and interrogated members of *Irudina* and *The Sunday Leader*, regarding the article on claymore mines, which was published by *Irudina* on 22 January. The focus of the interrogation was the management structures of *Irudina* and *The Sunday Leader*. Following this investigation, on 11 February, several members of the weekend newspaper *Sathdina* were assaulted by an unidentified group of men. It is reported that *Sathdina* staff members were attacked because the assailants mistook them as members of *Irudina*. The assailants told the *Sathdina* staff members that it was forbidden to put up *Irudina* posters. The assault ceased once a *Sathdina* member told the assailants that they were not working for *Irudina*. Concern was expressed that these series of events were directly connected with the journalistic work of *Irudina* and *The Sunday Leader*. Concern was heightened in light of the report that a parliamentarian made a statement on 1 February 2006, inciting hatred against the editor of *The Sunday Leader*, accusing him of supporting terrorism activities in Sri Lanka.

583. On 7 June 2006, the Special Rapporteur sent an urgent appeal concerning five journalists: **Sunanda Deshapriya** and **Sitha Ranjanee** of the Free Media Movement; **Poddala Jayanthe**, of the Sri Lanka Working Journalists Association; **Dharmasiri Lankapeli**, of the Federation of Media Employees Trade Unions; and journalist **Prasanna Fonseka**. Sunanda Deshapriya was the subject of an urgent appeal sent on 23 May 2005. According to the information received, the five above-mentioned journalists were amongst the representatives of journalist groups who went to Kilinochchi to meet with the chief of the Political Wing of the Tamil Tigers on 16 May 2006. Reports indicate that they went to raise their concern about the Tamil Tigers' earlier call for Tamil journalists to resign from positions in the media affiliated to the Government. Following the meeting, several media published articles accusing the five journalists of being Tamil Tiger spies. They have subsequently received several phone calls from unidentified individuals, threatening that they would be killed. **(Excerpt - Page 213-218, paragraphs 580-596)**

<http://daccessdds.un.org/doc/UNDOC/GEN/G07/121/77/PDF/G0712177.pdf?OpenElement>



**SPECIAL RAPPORTEUR ON VIOLENCE AGAINST WOMEN,  
ITS CAUSES AND CONSEQUENCES - YAKIN ERTÜRK**

**A/HRC/7/6/Add.1 – 27 February 2008**

**Allegation letter**

471. On 23 April 2007, the Special Rapporteur on violence against women its causes and consequences and the Special Rapporteur on trafficking in persons, especially women and children sent an allegation letter to Government concerning a proposed regulation banning mothers of young children from migrating abroad for work.

472. According to information received : On 7 March 2007, the Ministerial Cabinet discussed a proposal reportedly made by the Minister for Women's Empowerment and Child Welfare that would ban women with children under 5 years of age from emigrating for work. If adopted such a regulation would also require mothers with children aged 5 or older to obtain approval for overseas employment from a government committee after submitting proof that they can provide appropriate caretakers for their children.

**Observations**

473. The Special Rapporteur *regrets for not having received a reply to the communication* sent in 2007 and reiterates her interest in receiving a reply from the Government of Sri Lanka in regard to all allegations submitted. **(Excerpt - Page 124 paragraphs 471-473)**

<http://www2.ohchr.org/english/bodies/hrcouncil/docs/7session/A.HRC.7.6.Add.1.pdf>

**SPECIAL RAPPORTEUR ON VIOLENCE AGAINST WOMEN,  
ITS CAUSES AND CONSEQUENCES - YAKIN ERTÜRK**

**A/HRC/4/34/Add.1- 19 March 2007**

**Allegation Letter**

635. On 16 January 2006 the Special Rapporteur has jointly with the Special Rapporteur on extrajudicial, summary or arbitrary executions sent a letter of allegation to the Government of Sri Lanka concerning two incidents of killing of Tamil civilians.

636. According to the reports received, I.T., a woman aged 20 from Pungudutivu, Jaffna Peninsula, was last seen alive on 16 December 2005, when she left her home at 6.15 pm. on her way to the Sri Lankan Navy camp in Pungudutivu. On the evening of 17 December 2005, her body was found in a well. It had been weighed down with heavy stones. The following morning, her body was taken to the Jaffna Teaching Hospital, where a post mortem was performed. The Judicial Medical Officer reportedly found stab wounds in her chest and near her hips. He concluded that I.T. had been raped before being killed. The medical report was given to police, who submitted it to the Magistrate's Court on 20 December 2005. The Criminal Investigation Department (CID) has been at the crime scene and has heard from the victim's relatives.

**(Excerpt - Page 108-110 paragraphs 635-646)**

<http://daccessdds.un.org/doc/UNDOC/GEN/G07/119/48/PDF/G0711948.pdf?OpenElement>

**THE FOLLOWING SPECIAL RAPPORTEURS REQUESTED VISIT TO SRI LANKA  
BUT THEIR REQUEST EITHER PENDING OR POSTPONED !**

**Special Rapporteurs on independence of judges and lawyers** – requested in 2005

**Special Rapporteurs on the right to freedom of opinion and expression** requested in 2003 and agreed for visit during 20 February- 4 March 2006. *But his visit was postponed*

**UN Working Group on Enforced or Involuntary Disappearances** made requests twice in 2006 and 2007.

## UN DID NOT RE-ELECT SRI LANKA TO HUMAN RIGHTS COUNCIL

**BBSNews 2008-05-22 -- New York (HRW)** - UN member states enforced the standards they established for the new Human Rights Council by not re-electing Sri Lanka to the body today. Domestic and international human rights advocates who had opposed Sri Lanka's re-election to the council said the vote was a victory for human rights standards and for victims of abuse in Sri Lanka. (*Excerpt*)  
<http://bbsnews.net/article.php/20080522120036196>

### EUROPEAN COMMISSIONER FOR EXTERNAL RELATIONS, AFTER A MEETING OF THE SRI LANKA CO-CHAIRS OF THE TOKYO DONORS CONFERENCE IN NEW YORK

**24.09.2008** - "Along with my colleagues, I am concerned about the humanitarian situation prevailing in Sri Lanka, and would appeal to both the Government and the LTTE that the rights and needs of civilians and those who are internally displaced by the ongoing conflict in the North are fully respected, in line with international humanitarian law. Their safety and freedom of movement must be paramount.

It is crucial that full access for relief supplies is ensured and that the safe transit of these supplies be supervised by independent humanitarian monitors. I also want to underline our full support for the United Nations and its agencies and the NGO's, who are shouldering a heavy burden in carrying out these operations.

I am preoccupied by the continuing disrespect for human rights by all sides and am very concerned by reports of forced recruitment and summary executions by the LTTE. These violations must cease and the perpetrators brought to justice."

Speech at Foreign Policy Association, World Leadership Forum 2008, New York  
[http://ec.europa.eu/commission\\_barroso/ferrero-waldner/speeches/index\\_en.htm](http://ec.europa.eu/commission_barroso/ferrero-waldner/speeches/index_en.htm)

## EU ANNUAL REPORT ON HUMAN RIGHTS, 2007

**THIS REPORT HAS BEEN JOINTLY PREPARED BY THE PRESIDENCY OF THE EUROPEAN UNION, THE EUROPEAN COMMISSION, AND THE GENERAL SECRETARIAT OF THE COUNCIL**

The EU followed with dismay the deteriorating human rights situation in **Sri Lanka**. The EU continued to play its part as one of the Co-Chairs of the 2003 Tokyo Conference, and continued to support the role of Norway as facilitator in the peace process. Unfortunately, however, both the Sri Lankan government and the Liberation Tigers of Tamil Eelam (LTTE) have declined to respect the 2002 ceasefire. Instead, there has been a pattern of worsening attacks on civilians while the perpetrators of atrocities have continued to benefit from a culture of impunity. The EU has sought to support the President's Commission of Inquiry, and has been a contributor to the IIGEP (International Independent Group of Eminent Persons), **but remains convinced that the IIGEP cannot replace an international human rights monitoring mechanism.** (Page – 80)

**Sri Lanka** has been listed as one of the countries, "**Where did the EU carry out démarches on torture and ill-treatment?**" (Page – 31)

**Sri Lanka** has been listed as one of the countries, "**Campaign on Women Human Rights Defenders - Specific target countries**" (Page – 34)

The **inaugural session** of the Human Rights Council took place from 19 to 30 June 2006 in Geneva. The **2nd regular session** was held from 18 September to 6 October, and resumed from 27 to 29 November 2006. ".....All the other resolutions including the **EU's text on Sri Lanka** were either deferred to later sessions or withdrawn. (Page – 62)"

The opening session of the Council's **4th regular session** (12 to 30 March 2007) was attended by Foreign Minister Frank Walter Steinmeier of Germany representing the EU Presidency. "...As to the **situation in Sri Lanka**, the EU was once again constrained to defer its initiative to **one of the upcoming sessions of the Council.**" (Page – 62)

[http://ec.europa.eu/external\\_relations/human\\_rights/doc/report07\\_en.pdf](http://ec.europa.eu/external_relations/human_rights/doc/report07_en.pdf)

# EU ANNUAL REPORT ON HUMAN RIGHTS, 2006

THIS REPORT HAS BEEN JOINTLY PREPARED BY

THE PRESIDENCY, THE EUROPEAN COMMISSION, AND THE COUNCIL SECRETARIAT

The EU has continued to promote the peace process in **Sri Lanka**, as one of the Co-Chairs of the 2003 Tokyo Conference. The EU has strongly supported Norway in urging the Sri Lankan government and the Liberation Tigers of Tamil Eelam (LTTE) to respect the 2002 ceasefire and resume direct talks.

Unfortunately, both sides failed to take advantage of the opportunity for reconciliation presented by the 2004 Tsunami and the situation started to deteriorate rapidly in the spring 2006. Faced with increasing levels of violence towards civilians, the EU finally decided to list the LTTE as a terrorist organisation on 31 May 2006. (Page 80)

**Sri Lanka** – is one of the countries in the list of démarches to promote the universality and integrity of the **Rome Statute during the period under review.** (Page 39)

**Sri Lanka** has been listed as one of the countries, "*Campaign on Women Human Rights Defenders - Specific target countries*" (Page – 34)

An EU EOM in **Sri Lanka** headed by John Cushnahan, former MEP and Chief Observer for the 2000, 2001, and 2004 elections in Sri Lanka, was deployed for the Presidential election on 17th November. The mission was deployed from 23 October until 4 December 2005.

In its final report, the mission concluded that "while the 17th November presidential election was conducted in a much improved election environment in the South of the country, a markedly contrasting situation was to be found in the North and East. In areas in which the LTTE either controlled or exercised influence, there was little tangible evidence to show that an election process had actually taken place. Political campaigning was non-existent and voters were prevented from exercising their franchised because of an enforced boycott by the LTTE and its proxies. Regrettably the distortion of the electoral process in these areas was not a new phenomenon and therefore cannot be ignored. Previous EU EOMs to Sri Lanka have made a number of recommendations but most of them have not yet been implemented. These are put forward again as they remain essential ingredients for strengthening the electoral process. However, on their own, they are insufficient to address the fundamental malaise that exists in those areas of the North and East where voters have been constantly denied the opportunity to fully participate in the democratic process". (Page 44 & 45)

[http://ec.europa.eu/external\\_relations/human\\_rights/doc/report\\_06\\_en.pdf](http://ec.europa.eu/external_relations/human_rights/doc/report_06_en.pdf)

## THE EU'S RELATIONS WITH SRI LANKA (OVERVIEW)

### EXTERNAL RELATIONS

#### Human Rights

In recent years, Sri Lanka has seen a gradual erosion of human rights standards and a systematic increase of abuses and human rights violations. The human rights and humanitarian situation in Sri Lanka has deteriorated drastically since April 2006. Credible sources - including the UN and reputable Human Rights advocates and organizations - reported growing human rights problems, including unlawful killings, high profile killings by unknown perpetrators, child soldiers, politically motivated killings and disappearances. Human rights monitors also reported arbitrary arrests and detention, abductions, attacks to the press, denial of fair public trial, government corruption and lack of transparency, infringement of religious freedom, infringement of freedom of movement, and discrimination against minorities. The failure to make the Constitutional Council operative and the unilateral appointment of commissions for the police, public service, and human rights has taken away national institutions involved in human rights protection of their independence and much of their legitimacy.

Against this backdrop and the pleas of the international community, in October 2006 the President of Sri Lanka has decided to appoint a Commission of Inquiry (CoI) to investigate recent human rights violations. In order to enhance transparency and ensure that investigations are conducted in conformity with international norms, the President has invited an international panel of eminent persons supported by a standing secretariat, to observe the work of the CoI and independently report on it. This 'International Independent Group of Eminent Persons' (IIGEP) is mandated to observe and monitor the working of the CoI. The role of the group and its mandate were established in close consultation with the International Community, including the UN Office of the High Commissioner for Human Rights (UNOHCHR). The group consists of eminent persons from a series of countries/organizations which have been invited, including Australia, Canada, the EU, the Inter-Parliamentary Union, Japan, the Netherlands, the UNOHCHR, the United Kingdom and the United States. The group is chaired by Mr. Bagwati, former Chief of Justice of India. Eminent Persons act in

their personal capacity, and not as official representatives of the nominating countries/organizations. The IIGEP has become operational in February 2007 and is put in place for an initial period of 18 months. The European Union designated former French Minister Dr Bernard Kouchner as the EU Eminent Person.

Reversing the deterioration of human rights while coping with conflict and striving for a political solution are some of the greatest political challenges facing Sri Lanka in the coming years. In 2006 Sri Lanka was elected member of the newly-established UN Human Rights Council.

## **Electoral observation**

In view of the very specific political situation, the EU deployed four Electoral Observation Missions (EOMs) to Sri Lanka in 2000, 2001, 2004 and 2005. All four took place under the leadership of Mr John Cushman (Ireland), former Member of the European Parliament and a well-known figure in Sri Lanka. EU EOMs were the largest international observer missions and followed the standard EU methodology (long-term observation, legal and media analysis, political independence).

The **final report of the EU-EOM for the 2005 presidential elections** called for an international organisation to administer and supervise elections in uncleared areas. Compared to previous elections, the 2005 Presidential election was conducted in a much improved election environment in the South of the country. However, a very different scenario was to be found in the North and East. The recommendations of earlier EU-EOM's (the appointment of an independent Election Commission with extended powers, the role of the police and proper treatment of complaints received against police officers, the role of the media, particularly state-owned, the need for a code of conduct for political parties) have been re-stated because most of them have not yet been implemented. They remain essential ingredients for strengthening the electoral process. However, on their own, they are insufficient to address the fundamental malaise that exists in those areas of the North and East where voters and parties have consistently been denied the opportunity to fully participate in the democratic process. It is clear that more radical measures are necessary to transform this situation.

[http://ec.europa.eu/external\\_relations/sri\\_lanka/intro/index.htm#hr](http://ec.europa.eu/external_relations/sri_lanka/intro/index.htm#hr)

## **SRI LANKA: COUNTRY STRATEGY PAPER 2007-2013 EXECUTIVE SUMMARY**

The European Union (EU) has a long and substantial relationship with Sri Lanka, including sizeable development co-operation, extensive trade relations and an important political role.

**The challenges facing Sri Lanka over the next seven years will be characterised by:**

- ***The need to resolve a volatile political and conflict situation with the overall objective of realising a lasting resolution of the conflict through a peacefully negotiated political settlement which respects the legitimate demands of all the people of Sri Lanka including minority communities.***
- ***The need to take forward a series of reforms and ensuring faster growth to achieve Millennium Development Goals (MDGs) on poverty reduction.***
- ***The need to eradicate acute poverty in parts of central Sri Lanka and in the whole of the North and East of Sri Lanka.***

The development assistance mapped out in this present Country Strategy Paper (CSP) seeks to assist Sri Lanka to meet these challenges. The CSP, for which an envelope of 112 MEURO has been set aside, is in line with the EU's established strategy of focusing on conflict prevention and poverty reduction and will support the EU scenario based strategy towards Sri Lanka.

The priority sector for 2007-13 will be support to the peace process and poverty reduction in the North and East through sustainable integrated district development of one to two Districts. In addition, the CSP will include a smaller allocation of support to two non focal sectors: trade and good governance. The trade support takes note of the fact that trade concessions such as GSP+ can have a major development impact but countries such as Sri Lanka have not managed to make maximum use of them in the past. ***Support under reform, human rights monitoring and advocacy and conflict resolution.***

Over the past seven years, Sri Lanka has experienced widely different political situations, including periods of positive climate towards peace/uneasy peace, of low intensity conflict and of high intensity conflict, the

latter is arguably the prevailing situation in 2007. Conflict is clearly the single most important obstacle to successful implementation of the proposed EC programme and development activities will need to be adapted to suit what is feasible and appropriate. To this end, the CSP foresees three scenarios under which the EC's support and response strategy will change respectively:

a) Under a scenario of a positive climate towards peace/uneasy peace, integrated district development as foreseen in the strategy will be pursued and support for trade and good governance will follow normal channels, supporting both government and non government institutions.

b) Under a scenario of insecurity and low-intensity conflict, when regional development and road building are problematic, support will focus more on trying to keep vulnerable communities in place, whereas for the two non focal sectors support will be directed via non state actors and, only if duly justified, aid could pass via government institutions.

c) Under a scenario of high intensity conflict with major displacement of population, support will tend to focus on the communities and people who have been uprooted, addressing their medium term needs in the conflict affected communities which cannot be addressed by the ECHO instrument. Under this scenario, support for governance and trade will be channelled exclusively via NGOs and the private sector.

Those scenarios need to be used with flexibility and judgment so that they allow account to be taken of the changing situation in the implementation of the CSP.

[http://ec.europa.eu/external\\_relations/sri\\_lanka/csp/index.htm](http://ec.europa.eu/external_relations/sri_lanka/csp/index.htm)

## **US DEPARTMENT OF STATE - 2007 COUNTRY REPORTS ON SRI LANKA** **RELEASED BY THE BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR** **March 11, 2008**

### **Government Corruption and Transparency**

According to the World Bank's Worldwide Governance Indicators, government corruption was a serious problem. There was corruption in all three branches of government, as well as various bureaucratic agencies. Transparency International (TI) identified nepotism and cronyism in the appointment of officials to government and state-owned institutions. **(Excerpt)**

#### **Denial of Fair Public Trial**

The law provides for an independent judiciary, and the government generally respected this provision in practice.

The president appoints judges to the Supreme Court, the High Court, and the Courts of Appeal. A judicial service commission, composed of the Chief Justice and two Supreme Court judges, appoints and transfers lower court judges. Judges may be removed for misbehaviour or incapacity but only after an investigation followed by joint action of the president and the parliament. **(Excerpt)**

#### **Internally Displaced Persons (IDPs)**

The UN High Commissioner for Refugees (UNHCR) reported in December that there were currently approximately 456,000 IDPs in the north and east. Of these, 312,000 were displaced prior to 2006 by the conflict and the 2004 tsunami, and 208,000 became displaced since the resumption of the conflict in 2006. There is an overlap between the two groups of approximately 65,000 IDPs who have been displaced more than once. An estimated 353,000 IDPs (old and new) live with host families, usually relatives. Since March about 120,000 IDPs have returned to their places of origin in the east. Among the long-term displaced were tens of thousands of Muslims evicted from Jaffna in 1990 by the LTTE, many of whom are still in camps in Puttalam. The government has not permitted other recent IDPs, primarily Tamils, to return home because their places of origins were declared HSZs. **(Excerpt)**

<http://www.state.gov/g/drl/rls/hrrpt/2007/100620.htm>

## DEBATE IN THE BRITISH PARLIAMENT ON SRI LANKA

### PARLIAMENTARY UNDER-SECRETARY OF STATE FOR INTERNATIONAL DEVELOPMENT - MR. MICHAEL FOSTER

The Government share the grave concern about the *prospects for peace in Sri Lanka, the humanitarian situation there*, the decline in respect for human rights and the impact that the conflict is having on Sri Lanka's development, *including slowing the recovery from the tsunami of December 2004*.

*The total number of internally displaced persons in Sri Lanka is estimated at 500,000. The worst off are the approximately 220,000 people who have repeatedly been displaced by the conflict in the north over the past year, including at least 30,000 who have been displaced an average of five times.* Those desperate people fear both sides in the conflict and have barely enough food to survive on. As we have heard, they are made more vulnerable and less able to cope each time they are driven out of their homes.

All UN agencies and NGOs left the area last month after the Government requested their withdrawal, stating that their security could no longer be guaranteed. The International Committee of the Red Cross and the Red Crescent remain in the area and are critical to the protection of the population. We welcome the stated commitment of the Government of Sri Lanka to allow humanitarian access and regular convoys of essential supplies to the north, and acknowledge the value of the continued international presence of the ICRC in the Vanni region. *We are urging the Government of Sri Lanka to facilitate the work of other impartial humanitarian actors to enable them to deal with the growing crisis.*

The EU notes with concern the trend in attacks and threats on journalists, civil society organisations and lawyers. As far back as 2006, *Louise Arbour, the UN High Commissioner for Human Rights, was sufficiently concerned to call on the international community to monitor the unfolding human rights situation*, suggesting that the events were not simply ceasefire violations, but grave breaches of international human rights and humanitarian law. That situation remains. *(Excerpt)*

<http://www.publications.parliament.uk/pa/cm200708/cmhansrd/cm081014/halltext/81014h0010.htm>

### REPORT PRESENTED TO SUB-COMMISSION ON THE PROMOTION AND PROTECTION OF HUMAN RIGHTS 55<sup>TH</sup> SESSION EE/CN.4/Sub.2/AC.5/2005/WP.6

#### REPORT ON THE SUB-REGIONAL SEMINAR ON MINORITY RIGHTS: CULTURAL DIVERSITY AND DEVELOPMENT IN SOUTH ASIA: NARRATIVE OF INFORMATION PRESENTED AND DISCUSSION AT THE MEETING

(Kandy, Sri Lanka, 21 to 24 November 2004)

#### MS. ASMA JAHANGIR, MR. M.C.M. IQBAL AND MR. SOLI SORABJEE, CO-CHAIRPERSONS

13. Particular concern was expressed about the situation of Tamils of Indian origin working in the plantation sector. Tamil tea plantation workers were believed to constitute about 5 per cent of the population of Sri Lanka. All participants agreed that they had been an oppressed group and were in the most disadvantaged position in society. The stripping away of their citizenship by laws enacted soon after independence and their continued denial of citizenship demanded remedial action. Allegations of the forced sterilization of Tamil tea plantation workers drew condemnation and recommendations focused on the need to address this serious issue. Equally, there was agreement among participants that there was an urgent need to address the issue of the denial of citizenship to Tamil plantation workers. Information was presented on the severe poverty affecting the plantation community and that the development and poverty reduction programmes in Sri Lanka did not ensure the effective participation and representation of the plantation community in proposing and implementing programmes to address their poverty and improve their socio-economic situation, including through the establishment of appropriate educational policies. *It was pointed out that plantation workers only received a daily wage and only for those days that were worked, and that there was no coverage for sickness. It was recommended that workers be made aware of welfare legislation and benefits and that the trade union system be changed to ensure it is centered on improving the situation of the most disadvantaged and contributes to their empowerment.* (Excerpt)

<http://www2.ohchr.org/english/issues/minorities/docs/2005-wp>

## STATELESS PERSONS

### US Department of State - Country Reports on Human Rights Practices - 2007

The 2003 Grant of Citizenship to Persons of Indian Origin Act provides stateless persons, particularly Hill Tamils, the opportunity to gain nationality. The government took steps to naturalize and provide citizenship documentation to most stateless persons. However, by year's end documentation efforts had not reached some populations which remained vulnerable to arbitrary arrest and detention. According to political parties representing Hill Tamils, there may still be roughly 70,000 Hill Tamils without adequate documentation of their Sri Lankan citizenship. **(Excerpt)**

<http://www.state.gov/g/drl/rls/hrrpt/2007/100620.htm>

### ABROGATION OF "INDO-LANKA" PACT

**On 29 July 1987**, the "Indo-Lanka" pact was signed between Sri Lanka and India, under the guise of settling the Tamil ethnic conflict in Sri Lanka. Under this accord, by a special decree of the Executive President of Sri Lanka, the merger of the North Eastern province took place on 8 September 1988.

But, after exactly 18 years of this merger, the JVP filed a case in the Supreme Court, demanding the **de-merging of these two provinces**. The Supreme Court delivered its biased political decision on this case on 16 October 2006, stating that the merger of these two provinces by the then President was invalid. **Once again another agreement/accord, in this case one that even had international status, was abrogated with the biased legal support of the Supreme court.**

#### Referendum

**BBC Sinhala service, 1 January 2007** - "What is the special reason to de-merge at this particular point?" the veteran politician who has long been a vocal critic of the Tamil Tigers questioned.

He said neither the people of the north and the east nor the government is going to be beneficial of this untimely decision. The government has taken steps to de-merge the provinces temporarily merged after the Indo-Lanka accord in 1987.

#### Court ruling

Sri Lanka's Supreme Court last year ruled that the temporarily merger was against the country's constitution. But the former parliamentarian Anadasangaree says the President Rajapaksa's government could obtain a parliamentary majority if they were genuinely interested in keeping the provinces merged. **"What I have been fighting for the full democracy for all the peoples in Sri Lanka". (Excerpt)**

[HTTP://WWW.BBC.CO.UK/SINHALA/NEWS/STORY/2007/01/070101\\_TULF\\_DEMERGE.SHTML](HTTP://WWW.BBC.CO.UK/SINHALA/NEWS/STORY/2007/01/070101_TULF_DEMERGE.SHTML)

### SRI LANKA IS A FAILED STATE

Year	Place
2008	20 <sup>th</sup>
2007	25 <sup>th</sup>

[http://www.fundforpeace.org/web/index.php?option=com\\_content&task=view&id=99&Itemid=140](http://www.fundforpeace.org/web/index.php?option=com_content&task=view&id=99&Itemid=140)

### FAILURE OF PEACE TALKS

Due to pressure from the International community, President Mahinda Rajapaksa's government agreed to have peace talks in Geneva which took place in February 2006. During the talks, the government of Sri Lanka agreed to abide by the CFA, including its clause 1.8, and disarm paramilitary groups operating in army-controlled areas.

However, when the 2<sup>nd</sup> round of talks took place in Geneva in October 2006, the talks failed, as the government of Sri Lanka had not implemented what had been agreed in the first round of Geneva talks. **The international community, especially Norway and Switzerland witnessed this at close hand.**

## **SRI LANKAN TALKS END IN FAILURE**

**BBC News, 29 October 2006** - Talks between Sri Lanka's government and Tamil Tiger rebels aimed at averting a return to war have ended without agreement. Norwegian mediator Erik Solheim said no deal had been reached on how to address the humanitarian crisis and no dates had been set for new negotiations.

The two-day talks in Geneva had been intended to shore up the 2002 ceasefire amid a major upsurge of fighting. They were the first time the two sides had met in eight months. **(Excerpt)**

[http://news.bbc.co.uk/1/hi/world/south\\_asia/6090866.stm](http://news.bbc.co.uk/1/hi/world/south_asia/6090866.stm)

## **CORRUPTION - SRI LANKA 92ND IN THE CORRUPTION INDEX YEAR 2008**

Sri Lanka occupies the 92nd position among 180 countries in the Corruption Perception Index (CPI) 2008 conducted by Transparency International (TI), the global civil society organisation leading the fight against corruption. **(Excerpt - [http://www.tisrilanka.org/Press\\_Releases/pr53.htm](http://www.tisrilanka.org/Press_Releases/pr53.htm))**

## **94TH IN THE CORRUPTION INDEX Year 2007**

Sri Lanka occupies the 94th position among 179 countries in the Corruption Perception Index (CPI) 2007 **(Excerpt - [http://www.transparency.org/policy\\_research/surveys\\_indices/cpi/2007](http://www.transparency.org/policy_research/surveys_indices/cpi/2007))**

## **84TH IN THE CORRUPTION INDEX Year 2006**

Sri Lanka occupies the 84th position among 163 countries in the Corruption Perception Index (CPI) 2006 **(Excerpt - [http://www.transparency.org/policy\\_research/surveys\\_indices/cpi/2006](http://www.transparency.org/policy_research/surveys_indices/cpi/2006))**

## **78TH IN THE CORRUPTION INDEX Year 2005**

Sri Lanka occupies the 78<sup>th</sup> position among 158 countries in the Corruption Perception Index (CPI) 2005 **(Excerpt - [http://www.transparency.org/policy\\_research/surveys\\_indices/cpi/2005](http://www.transparency.org/policy_research/surveys_indices/cpi/2005))**

## **REPORTERS WITHOUT BORDERS – FOR PRESS FREEDOM**

### **SRI LANKA - ANNUAL REPORT 2007**

The daily *Uthayan*, published in Jaffna had three employees killed in 2006. Its offices came under murderous attack on 2 May, eve of World Press Freedom Day, celebrated by UNESCO in Colombo on 3 May. Armed men believed to be pro-government militia sprayed its offices with machine-gun fire, killing two staff members, the day after it carried a cartoon of Douglas Devananda, leader of the Eelam People's Democratic Party (EPDP), a member of the ruling coalition. A few weeks later, a newspaper vendor selling the daily was killed by soldiers in the streets of Jaffna. In August, armed men threatened fresh reprisals if the paper published a statement from striking students, and then set fire to its presses. At the end of the year, soldiers blocked its news print supply. Tamil media also suffered serious interference with distribution in the east of the country. Distributors on several occasions were forced to stop selling some papers in the face of death threats from pro-government militia headed by Colonel Karuna. These were *Virakesari*, *Thinakural* and *Sudar Oli*. The state-run Tamil newspaper *Thinakaran* was not interfered with however.

Under strong press criticism, President Mahinda Rajapakse and his government stepped up their control over state-run media. At least two journalists, including Rajpal Abenayaka, editor of the government weekly *Sunday Observer*, were removed from their posts after publishing news seen as too independent. Two state radio programmes were also pulled because they reported on the ethnic conflict in outspoken terms. The government in November also used a 1966 law on good social behaviour to block *Raja FM*, supposedly broadcasting shocking programmes about sexuality.

**(Excerpt - [http://www.rsf.org/country-50.php3?id\\_mot=264&Valider=OK](http://www.rsf.org/country-50.php3?id_mot=264&Valider=OK))**



## PRESS RELEASES ON PRESS FREEDOM

2008 - [http://www.rsf.org/archives-en.php3?id\\_rubrique=51&annee=2008&tri=](http://www.rsf.org/archives-en.php3?id_rubrique=51&annee=2008&tri=)

2007 - [http://www.rsf.org/archives-en.php3?id\\_rubrique=51&annee=2007&tri=](http://www.rsf.org/archives-en.php3?id_rubrique=51&annee=2007&tri=)

2006 - [http://www.rsf.org/archives-en.php3?id\\_rubrique=51&annee=2006&tri=](http://www.rsf.org/archives-en.php3?id_rubrique=51&annee=2006&tri=)

## SRI LANKA - ABORTION POLICY

(Population and development in the United Nations system)

### Grounds on which abortion is permitted:

To save the life of the woman	<b>Yes</b>
To preserve physical health	<b>No</b>
To preserve mental health	<b>No</b>
Rape or incest	<b>No</b>
Foetal impairment	<b>No</b>
Economic or social reasons	<b>No</b>
Available on request	<b>No</b>

### Additional requirements:

The Penal Code contains no procedural requirements for the legal termination of pregnancy, except that the pregnant woman's consent is necessary. There are no provisions specifying the qualifications of those authorized to perform abortions nor the type of facilities in which the procedures are to be performed.

## REPRODUCTIVE HEALTH CONTEXT

Government view on fertility level:	<b>Satisfactory</b>
Government intervention concerning fertility level:	<b>To lower</b>
Government policy on contraceptive use:	<b>Direct support provided</b>
Percentage of currently married women using modern contraception (aged 15-49, 1993):	<b>44</b>
Total fertility rate (1995-2000):	<b>2.1</b>
Age-specific fertility rate (per 1,000 women aged 15-19, 1990-1995):	<b>20</b>
Government has expressed particular concern about:	
Morbidity and mortality resulting from induced abortion	<b>No</b>
Complications of childbearing and childbirth	<b>Yes</b>
Maternal mortality ratio (per 100,000 live births, 1990):	
National	<b>140</b>
South-central Asia	<b>560</b>
Female life expectancy at birth (1995-2000):	<b>75.4</b>

\* Excluding areas containing roughly 15 per cent of the population.

## BACKGROUND

Abortion is generally illegal in Sri Lanka under the Penal Code of 1883, which is based on the Indian Penal Code. Section 303 of the Penal Code provides that anyone voluntarily causing a woman with child to miscarry is subject to up to three years' imprisonment and/or payment of a fine, unless the miscarriage was caused in good faith in order to save the life of the mother. The penalty is imprisonment for up to seven years and payment of a fine if the woman is "quick with child", a term which, while not defined in the Code, refers to an advanced stage of pregnancy when there is perception of foetal movement, as opposed to "woman with child", which simply refers to "being pregnant".

In 1973, the abortion legislation of the country was studied by a committee of the Medical Legal Society of Sri Lanka, which recommended that the law should be liberalized to allow abortions to be performed to prevent grave injury to the physical and mental health of the mother, in cases where pregnancy resulted from rape or incest, and in cases where there was substantial risk that the child, if born, would suffer from severe physical or mental abnormalities that would cause it to be seriously handicapped for life. No legislative action, however, resulted from these recommendations. The Ministry of Health has begun, however, to publicize the linkage between illegal abortion and maternal mortality as a means of giving support to a liberalization of the abortion law.

Although any abortion wilfully induced without the specific intent to save the life of the mother constitutes illegal abortion in Sri Lanka, in practice, indictments for criminal abortion rarely occur and convictions are even rarer. The incidence of abortion is believed to be considerably higher than is commonly acknowledged. ***A rural survey suggests that 54 abortions per 1,000 population are performed each year.***

The Government of Sri Lanka considers the rates of fertility and population growth to be too high and hoped to achieve a target of replacement-level fertility by the year 2000. Sri Lanka has a current total fertility rate of 2.1 children per woman and a population growth rate of 1 per cent, a rate satisfactory to the Government. ***Recognizing that a reduction in fertility will enhance socio-economic development, the Government has sought to strengthen and expand the delivery of family planning services, to provide incentives for controlling population growth and to promote population education. Family planning services are part of a comprehensive family health programme that provides a variety of subsidized clinical and contraceptive services.*** Existing maternal and child health and family planning services are being enhanced, especially in rural and poor urban areas. ***The modern contraceptive prevalence rate was estimated at 44 per cent in 1993. Local health officials estimated the 1999 maternal mortality rate to be 250 deaths per 100,000 live births, 25 per cent of them related to unsafe abortions. (Excerpt)***  
[www.un.org/esa/population/publications/abortion/doc/srilanka.doc](http://www.un.org/esa/population/publications/abortion/doc/srilanka.doc)

## St. Jude's Church, Mullaithivu

Mullaithivu-Paranthan Road,  
Udaiyarkaddu,  
Mullaithivu District,  
Sri-Lanka,  
13 January 2009.

**His Excellency Ban Ki Moon  
The secretary General,  
United Nations**

Your Excellency,

### **The Agonising Cry of the People of Wannu, Sri-Lanka**

We the Roman Catholic Priests and Religious serving the people in Wannu, the theatre of on-going vicious battles, make the following ardent and urgent appeal.

1. The "uncleared" area of Wannu which consisted of Killinochchi, Mullaithivu, parts of Mannar, parts of Jaffna and parts of Vavuniya districts has now shrunken to parts of the Mullaithivu district alone, as a result of the on-going military operations carried out by the SriLankan security forces against the Liberation Tigers of Tamil Eelam (LTTE)
2. About 491,000 people from the above-mentioned districts are now forced to live in the shrunken Mullaithivu district alone. Day after day, displacements continue unabated, as a result of the aggressive artillery poundings and aerial bombardments in and around civilian settlements.
3. In these indiscriminate attacks, babies in mothers' wombs, infants, children, women and men, young and old are killed and maimed and wounded every day. Even schools, hospitals, places of worship, civilian settlements etc., the security and safety of which are guaranteed in the Geneva Convention on the Conduct of War, are not spared in this aggressive war.

4. The merciless Economic Embargo imposed on Wanni and the Eviction of the INGOs worsen the predicament of the innocent civilians. A shortage in fuel, food supply, medicines, shelter materials and drinking water weigh heavily upon an already beleaguered people.

5. As the geographical territory occupied by the people keep on shrinking daily, it is becoming almost impossible for the people even to move towards "safer" areas, away from the battle fields. A GREAT HUMAN TRAGEDY HAS EXPLODED IN WANNI. Such a gruesome experience is unprecedented in the recent history of these people.

6. In times of war, the parties to the conflict, particularly the Government which is a signatory to the Geneva Convention on the conduct of war has the bounden duty to uphold the Convention. The safety and security and human dignity of the innocent civilians cannot and should not be trampled upon by anyone, particularly by the Government, waging a war.

7. What is at the root of this ongoing war is the STRUCTURAL INJUSTICE, a vehement denial of EQUALITY and DIGNITY of the Sri Lankan Tamils, perpetrated by the successive Sinhala dominated Governments of Sri Lanka for decades.

8. Therefore, we earnestly urge Your Excellency to take immediate action to stop this senseless war and put an end to the untold sufferings of the innocent civilians in Wanni whose life has become a real struggle for survival. And kindly take the necessary steps to bring the parties to the conflict to the negotiating table in order to find a humane and just and lasting political solution to the ethnic conflict in Sri Lanka .

Your Sincerely,

.....  
**(Signed) Rev Fr.James Pathinathar,**  
**(On behalf of the Priests and Religious of Wanni)**

## **In Sri Lanka 'hope' is a four letter word**

*By Qadri Ismail*

**The Morning Leader, 21 January 2009** - Bulldozed from the land, bombarded from the air and sea, brutalised in general, one would think the Palestinian people would make a sensible calculation, put their hands up and surrender. They don't.

Most of the world is with them, but that doesn't really matter because the dominant global power, the United States, is against. Indeed, the U.S. refuses to prevent, or even condemn, the merciless assault of the Israeli state.

Thus encouraging, abetting it. Barack Obama's silence is particularly repugnant.

One would think that Palestinians would get the message. They don't.

Their cause seems so hopeless some might even think they should capitulate. Clearly, however, they won't.

Like Palestine, in Sri Lanka today hope is a four letter word. In the three years since the Rajapakses captured the presidency, our citizens continue to be denied equality, our rights have been stolen systematically, our lives are increasingly terrorised.

### **The press, a threat**

The constitution is treated, at best, as an inconvenience. The press, a threat. Human rights activists are accused of aiding terrorism. One of our leading lawyers, J. C. Weliamuna, had his home grenade. Lasantha Wickrematunge was murdered — for opposing, as everyone including its apologists is aware, the government and its warmongers.

The Tamils, of course, are the primary target of this policy of systematic slaughter. Since Don Shelton Senanayake, they have been less than equal citizens. Since Junius Richard Jayewardene, they have been brutalised. Today the powers that be are inspired by the worst examples of both.

Under the pretext of a war on terror, Tamils are routinely murdered, maimed, displaced, dispossessed in Sri Lanka today. Never before in our postcolonial history have they felt more politically insignificant. Never before has their every step been monitored, scrutinised. They are even denied the right to move freely across the country. More than a thousand are arbitrarily detained in northern camps — including some fleeing the LTTE. The number incarcerated in the south is unknown.

### **Politically irrelevant**

In Sri Lanka today, the Muslims, too, are being made politically irrelevant. In the east, under the pretext of saving the environment, hundreds of acres of their land have been alienated. At some future stage, no doubt, this property will be transferred to Sinhala settlers. Soon it may be next to impossible for Muslims to elect representatives from any but the most densely populated parts of the east (like Kaththankudy).

In such a context, it is infuriatingly ironic to find Rajapakse, not to mention the JVP, express sympathy for the Palestinian people. The same Rajapakse who unabashedly buys guns and gunships from Israel. Similar weapons, no doubt, to those directed, as you read this, at Palestinian lives. If not Palestinian life itself.

The Iranian government of that anti-Semitic anti-imperialist, Mahmoud Ahmedinejad, may think it proper to subsidise the present regime — despite their repression of Sri Lankan Muslims. Despite the fact that Iranian money ends up subsidising the Israeli arms industry. Despite the government's own admission on Wednesday that the Sri Lankan and Israeli navies exchange ideas on tactics.

The Israeli military says it targets only the resistance. And yet, most of its casualties are civilians. The same is true of the rhetoric and victims of the Sri Lankan military. The Israeli government often stages military actions around elections. This government, ditto.

### **Palestinian politicians**

The Israeli government only accepts Palestinian politicians it can puppet, like Mahmoud Abbas. The Rajapakses pull the strings of Douglas Devananda, "Karuna" Muralitharan and "Pillayan" Chandrakanthan.

Israeli leaders are routinely accused of corruption. This government appears to revel in it. Parallels are not restricted to the present, but extend historically. The Israeli state has systematically settled Jews in Palestinian territory. Perhaps they learned this from the Sinhala state, which has pursued such a policy since Senanayake.

And Israelis Jews believe themselves to be a chosen people. That God himself bequeathed Palestine to them as their exclusive homeland. Likewise, Sinhala Buddhists believe Buddha himself blessed this country as their sole possession. If you believe in absurdities, said Voltaire, you will commit atrocities.

### **Atrocious acts**

Unfortunately, in both Palestine and Sri Lanka, atrocious acts are not limited to one party. The Palestinian resistance has targeted, killed and injured Israeli civilians. Just as much as the LTTE, once upon a time at the urging of the Indian state, has constantly targeted and murdered Sinhala civilians.

Such practice is ethically unacceptable. It cannot be whitewashed by any alibi. Murder, even to counter state-sanctioned murder, remains murder.

Such practice is also politically counter-productive. Like the Palestinians, I unequivocally endorse the Tamil demand to resolve their future. The government instead, would resolve it for them.

### **The Tamil cause**

But the actions of the LTTE have weakened the Tamil cause and their case. Indeed, the LTTE's authoritarian methods have significantly alienated the Tamil people themselves: the drafting at gun-point of children for its army, the killing of dissenting Tamils like K. Padmanabha and Rajini Thiranagama and hundreds of others, the forced evacuation of the Jaffna population in 1995. The list is long. Despite this government's brutality, due mostly to its own actions, the LTTE no longer enjoys the popular support it did in the 1980s and '90s.

It does not follow, however, that most Tamils who diverge from the LTTE support this racist regime. They don't. It does not follow that the Tamils believe, despite Rajapakse's bombast, that this is a government of all the people. They don't. Even Devananda, Muralitharan and Chandrakanthan don't believe that.

Or that the Tamil people, however terrorised they might be today, will surrender their struggle for peace with equality, with justice, with honour. Like the Palestinians, hell no, they won't.

<http://www.themorningleader.lk/20090121/issues.html>

# SINHALA TAMIL RELATIONSHIP

## SINHALA BUDDHISTS DOMINATE SRI LANKA

The President is a Sinhalese and Buddhist  
The Prime Minister is a Sinhalese and Buddhist  
The Opposition Leader is a Sinhalese and Buddhist

The Commander of the Sri Lanka Army is a Sinhalese and Buddhist  
-do- Navy is a Sinhalese and Buddhist  
-do- Air Force is a Sinhalese and Buddhist  
The Inspector General of Police is a Sinhalese and Buddhist  
The Attorney General is a Sinhalese and Buddhist

Armed forces are 99% Sinhalese  
Public service is 95% Sinhalese  
Diplomatic Service is 95% Sinhalese  
Admission to Law College 99% Sinhalese  
Universities – Staff & students 85% Sinhalese

Political prisoners in Sri Lanka's prisons 99% Tamils  
Arrested, killed, disappeared, raped and displaced 99% Tamils

**“REALLY IF I STARVE THE TAMILS OUT, THE SINHALA PEOPLE WILL BE HAPPY”**  
PRESIDENT J.R. JEYAWARDENA (FEB 1978 – JAN 1989)

“I am not worried about the opinion of the Tamil people. Now we cannot think of them, not about their lives or their opinion. The more you put pressure in the north, the happier the Sinhala people will be here. Really if I starve the Tamils out, the Sinhala people will be happy.” – *President J.R. Jeyawardena, Daily Telegraph, UK 11th July 1983*

<http://www.washingtontimes.com/news/2008/jun/03/commentary-plucked-peace-flower/>

**“MINORITIES ARE LIKE CREEPERS .....**”  
PRESIDENT D. B. WIJETUNGA (MAY 1993 – NOV 1994)

D B Wijetunga President of the UNP that the *“minorities are like creepers clinging to the Sinhala tree.”* (Excerpt) <http://www.indianexpress.com/res/web/ple/ie/daily/19981117/32150274.html>

**“MINORITY COMMUNITY IS NOT THE ORIGINAL PEOPLE OF THE COUNTRY”**  
– PRESIDENT KUMARATUNGA (NOV 1994 – NOV 2005)

President Chandrika Kumaratunga told South African television recently that Tamils were not the "original" people of Sri Lanka. *“They are wanting a separate state, a minority community which is not the original people of the country,”* she said in the interview. (Excerpt)

<http://www.indianexpress.com/res/web/ple/ie/daily/19981117/32150274.html>

**“I STRONGLY BELIEVE THAT THIS COUNTRY BELONGS TO THE SINHALESE”**  
LIEUTENANT-GENERAL SARATH FONSEKA

**National Post, Canada - September 23, 2008** - "I strongly believe that this country belongs to the Sinhalese but there are minority communities and we treat them like our people," he says. 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 can live in this country with us. But they must not try to, under the pretext of being a minority, demand undue things."

(Excerpt - Stewart Bell, National Post, Canada - Monday, September 22, 2008)

<http://www.nationalpost.com/news/story.html?id=832374>

**TAMIL CENTRE FOR HUMAN RIGHTS - TCHR**  
**CENTRE TAMOUL POUR LES DROITS DE L'HOMME - CTDH**  
**CENTRO TAMIL PARA LOS DERECHOS HUMANOS**  
(ESTABLISHED IN 1990)

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