



Nothing much in budget for Tamils

Politicians and commentators reacting to the budget proposals said they did not hold anything significant for the Tamils both to relieve the cost of living or for the reconstruction and development programmes earmarked for the war-devastated northeast.

They believe the major contributions to the reconstruction and rehabilitation exercise will come with the meeting scheduled for Oslo where the major industrial nations are expected to announce their contributions as an encouragement to the peace process.

"There are no significant allocations for the rehabilitation programme; I believe they are awaiting the Oslo conference, where the international community will come forward with the funds, rather than depend on Sri Lanka's national budget for funding," said Suresh Premachandran of the Tamil National Alliance (TNA).

He said the budget was rather disappointing because no significant reductions had been made in the defence budget, though much had been promised. "With the peace process on track, I expected a much more significant reduction than what has been drawn up," Premachandran said.

Premachandran, who heads the EPRLF (S) said though various schemes for the reconstruction of roads, infrastructure, human resources etc. had been proposed, when it came to allocations to the northeast they had to be channelled through the ministry of rehabilitation.

"None of the line ministries have special allocations for reconstruction and development of the northeast. They say the allocation is channelled through the ministry of rehabilitation. But there does not seem to be an increase significant enough in the allocation for the ministry of rehabilitation to absorb an R&R programme of the magnitude that has been proposed," Premachandran said.

He said all this indicated the Oslo conference would be the key in the rehabilitation and development process in the northeast.

Premachandran said there was also no let up in the cost of living that had increased by leaps and bounds lately. "There have been price hikes in almost all consumer items recently. This affects not only the Tamil population marginalized by the war, but also the poor people of the south," he said.

NGO activists said that with the rehabilitation phase of the northeast refugees beginning, there would, hopefully, be a significant degree of resettlement. But though this might pump in more money into the economy the average citizen might continue to be victimised by a high cost of living.

Tamils victims of Govt's NE recruitment policy

By a Staff Correspondent

There is little likelihood of the health situation in the northeast improving in the near future due to the battering the system has taken over the past two decades due to the war and successive governments exploiting the northeast to channel excess benefits to the south, the *Northeastern Herald* learns.

Recruitment policies have been haphazard leading to non-availability of trained personnel of the medical and paramedical categories that has resulted in the health system barely able to keep its head above water in the northeast.

In his address of the annual sessions of the College of Community Physicians Dr. N. Sivarajah, head department of community medi-

cine, University of Jaffna, quoted extensively statistics from a WHO survey that pointed out the vacancies existing in the health sector in the northeast has paralysed the system in that part of the country.

He said there are 42 vacancies for consultant doctors in the northeast that amounts to 82% of the total cadre in that category, while 91 vacancies for medical officers is a 23% of total cadre deployed in the same area.

An average of 11 nurses recruited to the government health services over the past 10 years and at present there are 525 vacancies for nurses in the northeast that is 49% of the total cadre.

Speaking to the *Northeastern Herald* Sivarajah pointed out, "What is more, it has been very haphazard with large intakes in

certain years and none at all in the subsequent years."

Of the two nursing schools in the northeast - Jaffna and Batticaloa - there were zero number of nurses and family health workers (midwives) passing out of the Jaffna facility between 1995 and 1997, the years of the PA government's Operation Riviresa and its subsequent consolidation in the Jaffna peninsula.

He also said paramedical officers such as assistant medical officers (AMOs) and midwives were vital in war-torn areas where delivery of health services was difficult due to various constraints.

He said the major shortfall in midwives had led to the Asian Development Bank (ADB) and North East Community Restoration and Development (NECORD) agreeing

to begin training programme for them.

But though the requirement was around 600 and the project could very well have trained this number, the Treasury had not welcomed the idea because it could only absorb 200.

"The government has utilised the cadre provision for the northeast to absorb midwives for the rest of the island and does not funds now to pay for more than 200. This is forcing us to restrict the number of recruits to 200," Sivarajah said.

The government has introduced new regulations that require midwives to have A/levels in bio-science for entrance to the course as family health workers. With science education in the northeast

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New games afoot?



Prime Minister Ranil Wickremesinghe speaking to TNA Members of Parliament R. Sampanthan (Trincomalee) and Joseph Pararajasingham (Batticaloa)



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Tamils victims...

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declining due to the war; training persons in the sciences in schools in the northeast has become very difficult.

Despite this, the Northeast Provincial Council (NEPC) advertised for midwives to serve in the northeast and of 489 applicants only 14 were Tamil-speaking, sources from the Ministry of

Health said.

"There has to be decentralisation of health education, where universities are given the autonomy to select and train persons with suitable qualifications," said Sivarajah. He went on to say that centralisation does not allow the aspirations of periphery to be realised.

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Ian Martin to join peace process in next round

As the Sri Lankan government and the Liberation Tigers begin to explore models for a political solution to the island's protracted ethnic conflict, calls for human rights to be given greater prominence in the deliberations look set to receive a fillip with the participation of a senior international human rights official. Responding to reporters' questions, the chief negotiators of both sides announced Sunday that Mr. Ian Martin, who has considerable experience of human rights work in Rwanda, East Timor, Bosnia and Eritrea would join the talks in future.

Asked about calls for human rights experts to be involved in the talks, Mr. Anton Balasingham, chief negotiator of the Liberation Tigers, said: "With regards allowing a human rights resource person in the political negotiations, we have decided to allow an expert [to join] as early as possible." "May be in the next session of talks we might invite an expert, one Mr. Ian Martin of Amnesty International. He has decided to help us. And definitely any

framework we are going to agree will incorporate human rights norms," Mr. Balasingham said.

The Sri Lankan government's chief negotiator, Prof. G. L. Peiris added: "The government of Sri Lanka has been very happy about the participation of Amnesty International. They wrote to us, we readily agreed to their request and the involvement of Mr. Ian Martin is a matter that we no problems with at all; in fact we are very enthusiastic and very happy about it."

"Both the government and the LTTE have both subscribed to the principle with regards the application of human rights standards. So that is not an issue," Mr. Peiris said further. "We both believe there is no conflict between the conflict resolution and human rights dimensions. If you have to solve a problem like this and the solution is to stand the test of time, obviously the solution has to be predicated on respect for and enforcement of human rights," he concluded.

Mr. Ian Martin is presently Vice President of the Interna-

tional Centre for transnational justice. He has some 30 years of experience in the field of human rights, both with nongovernmental organizations and as a representative of the United Nations.

He served as the Secretary General of Amnesty International from 1986 to 1992 and went on to play a central role in several international missions.

He was the human rights director of the UN/OAS Mission to Haiti in 1993 and 1995, and served as Chief to the Human Rights Field Operation in Rwanda from 1995 to 1996.

He was the Deputy High Representative for Human Rights in Bosnia and Herzegovina from 1998 to 1999. Most recently, he served as the Special Representative of the Secretary-General and Head of the UN Mission in East Timor in 1999, and from 2000 to 2001 as the Deputy Special Representative to the Secretary-General for the UN Mission to Ethiopia and Eritrea.

Govt., Tigers to examine conflict resolution models

In a major step forward in the Norwegian peace process, both the Sri Lankan government and the Liberation Tigers said Sunday they are to begin exploring longer term solutions to the island's protracted ethnic conflict. In another surprise announcement at the press conference Sunday which concluded the second round of direct talks between the two sides, the chief negotiators of both sides said they would be examining ethnic conflict resolution efforts from around the world.

The Liberation Tigers' chief negotiator, Anton Balasingham said the movement was considered "a federal or confederal" model as a possible solution.

Reading from a prepared statement, Norwegian Deputy Foreign Minister Vidar Helgesen announced: "In the quest for a final settlement, a broad range of issues must be addressed with considerable attention to detail."

"The parties agreed to establish a Sub-Committee to commence work in connection with relevant political matters. The parties agreed that access to expertise on political matters will be important in order for them to enter into negotiations on issues central to the peace process," he said further.

The sub-committee will be headed by Balasingham and the Sri Lankan government chief negotiator, Prof. G. L. Peiris - who is also Constitutional Affairs Minister.

Acknowledging that the LTTE had insisted on an interim administrative set up for the Tamil areas, Balasingham told the press confer-

ence "at the same time we are also concerned with taking up core issues as early as possible."

"We have appointed a political affairs committee whose objective is to explore various models and systems of government. We need to seek the advice of international experts and resource persons on how various governments at various times have resolved ethnic conflicts - temporarily, as well as permanently," he said.

"We have to study those aspects and we have to spend quite a lot of time in exploring these aspects and making visits to different countries and consulting and interacting with scholars and we working on the core issues."

"We will not be bogged down to any particular set of framework as such. So once this sub committee on rehabilitation is established, we will straightway enter into a process of engaging ourselves with core issues," he added.

"It does not mean that we are going to abandon the idea of an interim set up. If we feel that an interim set up is crucial, then we will definitely look into that framework," Balasingham said.

Following on, Prof. G. L. Peiris said: "I think there is nothing sacred about any particular model. The first thing is to deal with the humanitarian and development oriented issues."

"Then as we proceed to address the political and constitutional issues, as Balasingham said, there is no need to feel constricted and tied down to any particular model," Peiris said.

"It all depends on the circumstances.

We can borrow from different systems, we can contemplate a combination of elements drawn from different models and, as we engage in that task, we may or may not work through an interim arrangement," he said.

"If we think that an interim arrangement is going help us in our ultimate objectives, certainly then we will make use of that mechanism, drawing from the experience of other countries," Peiris said.

"But there are other situations where it has been possible to plunge directly into elements of the final solution. If we feel able to do that without any impediments, there is no reason we why should not consider that modality," he said.

"So there is flexibility with regards to the modalities for achieving our objectives. Our objectives are clear. In order to make final decisions with regards to this matter we will engage in the kind of research and reflection that we both believe to be necessary to resolve this matter at the political level," Peiris said.

Asked what models the LTTE was looking at, Balasingham said: "We will be looking at systems and models of self government particularly confined to the theoretical discourse of self-determination - internal self-determination."

"We will focus our attention on how ethnic conflicts have been resolved by accommodating the problems of national minorities in certain systems of government," he said.

"So we will be particularly looking at federal and confederal models. Further than that I do not want to discuss the matter at this stage," he said.

Prof. Peiris said: "I think we should

not be slaves to labels. We will not work in terms of compartments or strait jackets. We will look at models that can give us guidance in resolving these difficult issues."

"We will look at this whole range of solutions which have worked out in different countries, always adapting those solutions to suit the special circumstances of our own coun-

try. We must have the creativity and the elasticity to do that," he said.

"At the same time we believe that we don't need to reinvent the wheel. We can derive considerable profit and advantage from the experience of others. That is the spirit in which we propose to approach the work of the political sub-committee," he said.

Karuna assures full freedom in Northeast

The LTTE senior Commander Colonel V. Muralitharan alias Karuna said no one in Tamil Eelam territory should fear that they would be eliminated from the territory. People of Tamil Eelam have equal right to live in peace and dignity with full of freedom regardless of religious or linguistic differences. He assured that Tamil-speaking Hindu, Muslim and Christian faiths could continue on their agricultural activities free from any obstruction.

Last week during his stay in Thailand to take part in the second meeting of the first round of peace talks with Sri Lankan government LTTE's Eastern Commander Colonel Karuna said his forces will protect the interest of the peoples living in the region. Some movements with the collaboration of some media are giving top priority to minor issues in the East in order to scuttle the peace talks between Tamils and Sinhalese.

He said in case if anyone faces any

problems, immediate steps will be taken to solve them. Also the people of the region have equal rights. No one should occupy other's property or no one should disturb the normalcy of others. Also it's important to organize workshops in order to let the people of the religious faiths to exchange good relationships.

Colonel Karuna said Tamils occupying lands owned by Muslims or Muslims occupying lands of Tamils should evacuate such premises immediately. These lands should also be handed over to the proper owners. This procedure will be implemented as from the present harvesting season.

He said some unscrupulous elements are bent on creating troubles between Tamils and Muslims. This cannot be allowed. These elements are trying to use the peace talks as a platform for their political activities.

EelamNation

About human emancipation – the message that comes in a bottle

By Rajpal Abeynayake

The cultural icons of both the Tamil people of the North and the East, and the Sinhalese people in the other parts of the country are things that have little to do with Tamilness or Sinhala-ness. Coca-Cola is a large cultural icon that bridges the North South divide.

Generally, the icons are all established through the imperatives of commerce. In Tamil Nadu the cultural icons may not very wholesome – they may emanate from the milieu of the South Indian cinema. But even so these icons are home-grown. The icons of the Sinhala and Tamil people are increasingly seen to be ones that are imposed from across the seas.

As far as the Sri Lankan Muslims are concerned, they seem to enjoy channeling these icons to the Sinhala and Tamil people in Sri Lanka through the conduits of commerce, while they themselves, try as much as possible to preserve their own Islamic cultural identity.

On recent visit to Jaffna, I noticed how pervasive the Coca-Cola identikit has become in the former war-torn city. But the attitude in the North is the same as the atti-

The Sri Lanka war in the main was not a war of identities, but it was a war of economic imperatives. It will be insane to go through the entire genesis of the conflict here again, but suffice to say that most of the literature that at least I have read on the conflict points to the fact that all the perceived injustices of the Tamil people had to do with the perceived taking away of the power to make economic decisions.

tude in the South is. If there is a war, it ain't going to be against Coca-Cola.

Moreover, the Tamil psyche is business psyche in the main, whereas the Sinhala psyche is generally not tuned to the imperatives of commerce. This should be borne out of the fact that most of the business enterprises in the Colombo wholesale trade are run by Tamil entrepreneurs.

But, as the *Melbourne Age* says, there are both the positives and the negatives which are coming out of the Sri Lankan peace process, and perhaps one ought to discern the positives and the negatives that are coming out of the commercial ethos that is envelop-

ing the North of the country.

It may be sad to see that both the Sinhala and the Tamil psyche are subversive to the larger influences of globalization that are engulfing us thorough the conduits of commerce. But, if Coca-Cola can offset a long and ruinous war, on the other hand, nobody will mind making Coca-Cola the most potent godhead.

It may of course raise questions as to what the Sinhalese and the Tamil people were fighting about, if the end result was only to apotheosize the Coca-Cola culture. But the answer to that too may not be that difficult to come by.

The Sri Lanka war in the main

was not a war of identities, but it was a war of economic imperatives. It will be insane to go through the entire genesis of the conflict here again, but suffice to say that most of the literature that at least I have read on the conflict points to the fact that all the perceived injustices of the Tamil people had to do with the perceived taking away of the power to make economic decisions.

But as long as fierce pride in their own national identities are concerned, the Sinhalese and the Tamils may not have any, but this is not all that demoralizing, as this is essentially the situation that obtains in countries of South East Asia for instance, the so-called Asian Tigers. All else is subsumed by the godhead of commerce.

Some may even say the entire modus operandi by which the South and the North have sought to settle the conflict smacks of a diminished concern for preserving local identities. The fact that Norway has been brought in as a powerful third party that is an arbiter in the conflict, may only be fitting, if the two principal actors are not really worried about the external factors that impinge on the conflict's resolution.

It may be a rather insensitive way

of putting it, but all along, it may have been a question of whether there is more Coca-Cola flowing in Colombo than there was in the North? After all Coca-Cola Colonization as cultural fable is not something that is undocumented. C. A. Chandraprema documented the Southern aspect of it in his book *Kola pata samajaya*.

The one thing about Coca-Cola is that there is no way in which it can be indigenised. One can see multi national banks of the likes of HSBC engaged in a desperate attempt to indigenise their brands by carrying out localized advertising campaigns, of course with limited success. But, the brand leader of Coca-Cola, and there is no indigenising Coca-Cola, and all that goes with it, even in Jaffna where everything foreign is taken and given a local twist.

To that extent it seems rather ironic that the emergent Jaffna elite (no guessing who they are) are rather perturbed about pervasive influences of South Indian film culture, and not about the pervasive effects of globalization. Maybe Tamil films are a formidable fetter in the route to globalized enlightenment?

Amnesty slams CBK, others for disappearances

Amnesty International said in 1997 that as many as 600 people who "disappeared" in the Jaffna peninsula after the Sri Lankan Army moved into the area in 1996, "died under torture or been deliberately killed." A soldier involved in the crimes alleged that Chemmani was where bodies of those disappeared were clandestinely buried. However, the Chemmani mass grave investigation has become a victim of the judicial limbo common in Sri Lanka when powerful interests are implicated. Ethnic politics and the fallout of an active war have also contributed to the lack of forward movement in the case.

Sri Lanka's current ambassador to Pakistan, Rohan Daluwatte, her ambassador to Australia, Janaka Perera, the Governor General of the Northeast Province and President Kumaratunge all had 'command authority' over those responsible for the disappearance and killing of Tamil civilians in Jaffna.

The prosecution of the Chemmani crimes cannot move forward because the Ministry of Defense (MoD) must authorize funding for the bodies of the exhumed victims to be sent overseas for analysis. The CID complains that it has no access to the bodies. Since many levels of the Ministry and the armed forces it supervises could themselves be implicated in these crimes, it is unlikely that MoD will actively cooperate in the case.

In addition, the Government Analyst, the Attorney General and the Criminal Investigation Department must all present reports or opinions to the Chief Magistrate about the case, which they have no incentive to accomplish. Further the Magistrate has not yet threatened any consequences for inaction.

After the Sri Lankan armed forces captured the Jaffna Peninsula from the Liberation Tigers of Tamil Eelam in early 1996 over 600 young people disappeared. The disappearances were particularly heavy after the attempt on the life of a visiting government minister and the fall of the army camp at Mullaitivu in July, 1996 and only came to a halt under heavy international pressure by Amnesty International and others. What exactly had become of those who had disappeared remained a mystery, however. In the sustained effort to portray Jaffna as returning to 'normal' under army occupation, there was little space for delving into the matter further by the police, the courts or any other body.

The disappearances would have been forgotten if not for the grieving parents, who had formed the Guardians of Disappeared Persons Association and the Jaffna Mothers' Front, and by the few who follow human rights abuses in the Northeast.

The conviction of Corporal Rajapakse and 5 others in the rape and murder of Krishanthi Kumaraswamy was a positive devel-



opment in the case. On Sept. 7, 1996, at the height of the disappearances in Jaffna, Krishanthi Kumaraswamy, a 17 year old schoolgirl, disappeared while passing through the checkpoint set up at Chemmani. When she did not return home, her mother, brother and a neighbor went to the checkpoint to inquire after her and also disappeared.

Their bodies were uncovered later in shallow graves near the checkpoint. The only remaining member of the family, Krishanthi's sister, began legal proceedings in Colombo with the help of Kumar Ponnambalam (killed in January, 2000, complicity of high level members of PA government suspected), Joseph Pararajasingam, MP, the Virakesari newspaper and relatives abroad. President Kumaratunge de-

cidated to showcase this trial as the return of justice to Jaffna, but Corporal Rajapakse's chagrin at being the scapegoat made this tactic backfire.

The dramatic Colombo courtroom speech by Col. Rajapakse after his conviction in 1998 for the rape and murder of Krishanthi Kumaraswamy also helped to keep the atrocities of Chemmani in international spotlight. In the presence of Amnesty representatives, other foreign NGOs and news organizations Rajapakse asserted that 300-400 people had been buried in Chemmani salt flats, that he knew where many burials of the murdered youth were, and that he had participated in the burials of many on the orders of his superiors in the military.

In the summer of 1999, under the observation of international forensic experts, Corporal Rajapakse was able to identify the sites where 15 skeletons were found. Of these, two have been identified by relatives. It is unclear why the international experts did not analyse the remains discovered, but finding an appropriate and neutral laboratory and funds to pay for the analysis has been one of the excuses for delay in subsequent legal action.

It is remarkable that Rajapakse managed to identify sites containing human remains because the site had been under military control throughout the entire period and there were reports of smoke and activity by earthmoving machinery from around the checkpoint.

The court case resulting from the discovery of human remains at Chemmani was initially held in Jaffna, but was moved to Colombo in June, 2000, shortly after 5 Sinhalese members of the security forces were arrested on suspicion. Almost all cases in which soldiers are accused of abusing civilians in the Northeast are moved to Colombo, because the soldiers either 'fear for their safety' or are concerned about a 'fair' trial.

Colombo has been almost completely inaccessible to witnesses from the Northeast and is so close to Sri Lanka's power center that there is little incentive to move on 'inconvenient' cases. As expected, little action has been taken since the case was moved to Colombo.

Strengthening of the judiciary to deal with abuses against civilians, regardless of their race and political affiliations is one of the requirements for good governance. If those with command authority over atrocities against Tamil civilians are decorated and promoted, the military will continue to be viewed an agent of repression rather than as a protector of the citizens of the island. Until the impunity enjoyed by the military is checked and the ubiquitous presence of military in NorthEast is removed, Tamil people cannot lead normal life free of fear and will see the government as paying only lipservice to democracy and human rights.

Assess ecological damage before resettling IDPs

Resettlement is top on the Tamil side's agenda at the peace talks. From the southeastern coast to the northern part of Jaffna, there are refugees clamouring to go back to their homes and lands.

Incidentally, the fact that they had to languish in shelters for long years until the LTTE militarily compelled the Sri Lankan government to sign a ceasefire and took up their cause in itself speaks sufficiently for the state of the island's ethnic divide. Today it is the LTTE, and not the government that claims them as its own citizens, that wants to use its leverage at the talks to get them a good deal.

But good intentions and responsibility apart, what is the resettlement that everyone is talking about here? - assuming that it is eventually possible, with the progress of the talks, for Internally Displaced Persons to go back to their villages and towns now occupied by the army and start life anew there.

Many current discussions and

strategies about resettling IDPs in the northeast tend to centre on helping people repair or rebuild their homes and cultivate their lands. We also see that in resettlements that are taking place in several parts of the northeast such as Kilinochchi, Trincomalee and the Thenmaradchi Division of Jaffna, the focus is on clearing the undergrowth, repairing houses and such work.

The problem is that displacement in almost all parts of the northeast has been over a decade. The areas from which Tamils were driven out have been total war zones for more than 10 years - 12 to be exact in the case of places in the east, Mannar, Vavuniya and the north-western sector of Jaffna.

The exigencies of war have completely or mostly destroyed all infrastructures in these places. Here, it is not merely a question of rebuilding roads, bridges, reservoirs, schools and hospitals. One has to see whether the environment in these areas is able to support the kind and societies and economies

it once supported.

The Northeastern Herald drew attention to how the seawater is seeping into thousands of acres of once fertile lands.

There are many places in the east where the priorities of the Sri Lankan armed forces have virtually destroyed the ecologies that sustained economies and a way of life there before they drove out the people. For example, take Mylanthanai, which lies off the main road from Valaichenai to Polannaruwa. The people fled the village after the army massacred women and children there in 1992. And ever since they have been languishing in dilapidated refugee shelters near Valaichenai.

If they go back now, they cannot cultivate or fish. The area surrounding the village has been completely stripped of all vegetation by the army. Even roots were raked out of the soil to prevent the seasonal sprouting. The place has virtually been transformed into a desert. Springs have dried up. Rain-

fall is unpredictable. The heat and dust that overwhelm the area during the dry season now can spread epidemics the resettlers may not be able to withstand.

The same can be said about the vast acreages of the Kanjikudichcha Aaru region on the southeastern coast. After twelve years of decay and systematic destruction wrought by the whims of the STF, the ecology in the area is too feeble to sustain the settlements which once prospered in its cradle.

We can rebuild homes, schools, roads and dispensaries to help families returning to their lands. But can anyone prevent the resettled communities from inevitable decay, in a war-ravaged ecology that's no longer capable of sustaining the same level of agricultural activity?

What type of resettlement strategy should we adopt in such situations?

Recently at a discussion on the matter, a scientist suggested that

there should be an effort, parallel to resettlement, to start suitable industries in the target zone. For example, it is not enough to merely give resettling farmers assistance to rebuild homes and to buy implements and other inputs.

There should be plans to simultaneously start rice milling centres and milk processing and packaging plants. Stimulating economic activity in this way would protect the community from the vicissitudes of a damaged ecology and provide incentives for resettlers to stay on and expand.

It is therefore important to first study the impact of 12 years of environmental destruction in areas where IDPs intend to resettle. We should also assess the degree to which the ecology of a target area can sustain the resettled community at the same level of economic and social efficiency that existed before the people were driven out by the military.

Accused make statements from dock in massacre case

All eighteen accused soldiers of the Sri Lanka Army (SLA) Tuesday made statements from the dock in the Colombo High Court (HC) in the Mylanthanai massacre case denying their involvement in the crime. The case is being heard daily from 2nd October before a Sinhala speaking Jury at the request of the accused, who are also Sinhalese.

When the inquiry resumed Tuesday before the High Court Judge Mr.S.Sriskandarajah, the Judge asked the defence whether the accused wanted to give evidence from the witness box or to make statement from the dock. The Judge added that the accused would not be subjected to cross-examination if they preferred to make statement from the dock. If the accused desired to give evidence from the witness box then they are liable for cross examination, the Judge pointed out.

The defence counsel informed court that the accused preferred to make statements from the dock thus avoiding cross-examination by the prosecution and by the Attorney-at-Laws for the aggrieved parties.

In their statements, the accused denied that they were involved in the killing of civilians on the day of incidents. The accused said on the day of incident they heard sounds of gun fire from the direction of Mylanthanai. They said that su-

periors had warned them to be prepared to counter any attacks by the LTTE and that they never ventured outside the camp on the day of the incident. Denying all charges against them, the accused said they have been falsely implicated in the case.

The prosecution closed its case on Friday last week. The prosecution will start addressing the Jury Wednesday followed by the defence. The Jury is expected to give their verdict after the Judge addresses them, court sources said. The trial is expected to come to an end next week.

Since the start of the trial all the accused who were earlier on bail were kept in remand on the orders of the High Court Judge.

The accused have been indicted by the Attorney General on eighty-nine counts including the murder of thirty-five Tamil civilians and causing injuries to twenty others at Mylanthanai a village in the *Batticaloa* district on August 9, 1992. This massacre took place following the killing of Major General Hector Hobbekaduwa and seven other senior high-ranking military officials in a landmine attack at Jaffna on August 9 the same year.

President Counsel Daya Perera is appearing for the accused. With the prosecution Attorney-at-Law K.S.Ratnavelu and S.Shanmugalingam are representing the relatives of those killed and the injured.

'No time frame for talks'

Whilst hailing the success of the second round of talks between the Sri Lankan government and the Liberation Tigers in Thailand last week as "exceeding expectations," Norwegian facilitators echoed the views of both sides' chief negotiators in saying the peace process could not be time bound.

The consensus, stated as both sides prepare to examine a longer term political settlement, is a rebuttal of President Chandrika Kumaratunga's insistence the talks should be wrapped up within a fixed period, a stance reiterated last month by one of her key advisors, former Foreign Minister Lakshman Kadirgamar.

Responding to questions by reporters at the press conference wrapping up the second round of direct talks in Thailand Sunday, Norwegian Deputy Foreign Minister Vidar Helgesen said the "parties have exceeded expectations" with regards the success of the talks.

"[But] I think it is important to call for patience and to repeatedly state that this is going to take time. The parties in Sri Lanka are now looking ahead towards peace and the prospects look good," he said.

"In a number of peace processes over the last decade, if one tries to look back, one will see they all took time, even though they all looked good -

and some of them derailed as well," Mr. Helgesen cautioned, citing the Middle East, Northern Ireland and the Balkans.

"I think we need to be clear that parties need to do thorough work. They need to really go down to the details. There is a need to address issues step by step, to not escape or put off tricky issues but actually go through them. But that will take time," he said.

"So whether or not it will take one or two or three or four or seven or ten years to reach a final settlement, as long as it moves forward, that is the important thing," Mr. Helgesen said.

The Liberation Tigers' chief negotiator, Mr. Anton Balasingham pointed out that "the ethnic conflict in Sri Lanka is a very complex and intractable problem. We have been engaged in a violent and brutal war for the last 20 years. One shouldn't expect a quick solution to a very complex issue with a very long and complex history."

"It will be difficult for us to give a timeframe for peace negotiations. It will be imprudent on my part to spell out a particular timeframe for a solution," he said.

"But at the same time both parties are seriously and sincerely committed to peace and we will make every endeavour to see a final and

permanent settlement is reached without much delay," Mr. Balasingham said.

The Sri Lankan government chief negotiator, Prof. G. L. Peiris observed: "We are engaging in that process of assessment and evaluation at every point. That is how we propose to proceed. So obviously it is going to take some time."

"I really agree with Mr. Balasingham that given the history and complexity of this matter it would be naive to expect very rapid progress in weeks or months," Mr. Peiris said. "But at every stage we will have tangible results achieved, something under our belts."

In the wake of the landmark first round of talks in Sittahip, Thailand, President Chandrika Kumaratunga's advisor, Mr. Lakshman Kadirgamar was critical of the step-by-step approach followed by the Norwegian peace process.

"We see no justification for protracted talks. After all, the problem is not a new one. Surely both parties must have identified the fundamentals relating to their stand by now," he said.

"What is the use of maintaining a ceasefire for even five years if we can't work out a solution," Mr. Kadirgamar asked at the time.

Has the thaw started? A note on artistes and writers meet in Jaffna

By Professor Karthigesu Sivathamby

It looks as though the polarisation and solidification that was characteristic of the Sinhala and Tamil positions during the ethnic conflict is beginning to thaw and at least from the point of view of the Tamils, spearheaded by the LTTE there is now the beginning of a determined attempt to explain to the Sinhalese, if possible in their own terms, the difficulties Sri Lankan Tamils face. Perhaps, the politics of 'talks' has a cause and effect relationship to this.

The theme at the conference-seminar held at the Veerasingham Hall, Jaffna was Towards the Horizons of Humanity: The Eelam Tamils' Struggle for the Rights - the role of art literature and media. *The manner in which it was phrased in Tamil made clear the point that the Tamils' struggle, which had been considered a war was and really is a struggle to get their rights as a group with human dignity.*

The grievance therefore is that when the political demand for rights as equal citizens was made, the response was one of oppression that took away the human dignity of the Tamils. Formulating the Tamil problem as a search for the retrieval of their human dignity raises a question of political chronology. When did the state respond to Tamils' demands become an oppressive denial of their existence as human beings?

Looking back at the Tamil problem we see an interesting evolution. The Tamil demands in political terms is traced to the 1920s. Neither the activities of the Jaffna Youth Congress (JYC) nor the post Youth Congress politics had to face a Sinhala opposition. The imperial state too did not bother to react. In fact there was Sinhala-Tamil amity in the JYC demands.

It is really with independence that the problem of defining the status of the Tamils in this country starts. Be it the 50-50 demand or the citizenship acts, which denied the plantation Tamils their franchise it is clear the problem of defining the role of the Tamils within the Sri Lankan polity had started. Eight years after independence, with the promulgation of Sinhala as the only official language - a democratic action in itself - the problem of the language rights of the non-Sinhala speaking citizens was left wide open.

And with the inevitable protest increasing, slowly but

This column wishes to highlight those omissions and inadequacies, which have led to neglect and an alienation of Tamils in Sri Lanka. The writer is not for creating further divisions, but earnestly hopes to heal those already there

The flames that went up, in the words of Cheran, a poet who marks the beginning of a new literary sensibility, "had written their message on the clouds". He was castigating the onlookers and the bystanders. "With arms folded behind your backs, for whom are you waiting?" he asks the Tamil youth

surely the trend of using the security forces to quell these, was developed. The Satyagraha of 1961 was a major point in this escalation and by early 1970s the deploying of security forces against democratic Tamils protests has become a part of standard state response.

Early seventies mark a turning, if not a maturation point. In 1972 the legal position of the Tamil as constituting a distinct part this country's polity was undermined. To add to that there were administrative measures barring entry to Tamil youth to national professional life.

The reigning ideology on the Tamil side was without doubt drawn from, the DMK politics of Tamil Nadu, emphasising the cultural heritage of the Tamils. The increasing role of the security forces and the beginnings of youth movement become intertwined. The more the latter surfaced the more the severity with which they were oppressed. It is at this time that the word Tamil assumes a political connotation for every Sri Lankan Tamil, irrespective of caste and regional differences.

It is equally interesting to observe retrospectively that the concept of liberation, a concept associated with anti-colonial and anti-imperialist struggles in other parts of the world, came to be used within the nomenclature of all Tamil political parties in the Northeast, the Federal Party along with the All Ceylon Tamil Congress, metamorphosed into the Tamil United 'Liberation' Front - thanks to M. Thiruchelvam who insisted at the time on the prefix 'Liberation'. All Tamil militant group which came thereafter used the word Liberation.

Sri Lankan Tamil Literature with a very active role in opposing social oppression

among Tamils, especially in the late fifties and sixties now began to speak of the more comprehensive oppression by the state. The dividing line comes in 1981. Within an interval of five to six hours, the DDC elections were rigged and the Jaffna Public Library was burnt. The flames that went up, in the words of Cheran, a poet who marks the beginning of a new literary sensibility, "had written their message on the clouds". He was castigating the onlookers and the bystanders. "With arms folded behind your backs, for whom are you waiting?" he asks the Tamil youth.

Religio-nationalisms, which were very essential during colonial times to resist deculturation and assimilation, have in post-colonial situations tended to destroy the very fabric that they had once saved. It is important to review our history in these terms too for our post-colonial history show that we have not been able to get out of our colonial imaginations. Not only that we had to pay a very high human cost

A new literary idiom was born. Almost 23 years later, the poetry that has been written, the short stories that have been penned, the paintings that have been done, the plays that have been staged and the music composed reveal the human agony that underpinned the suffering of the Tamils, irrespective of age, religion and region. It is a well-known fact of art

and literary history that chauvinistic movement do not produce either endearing or enduring literature. Hitler and Mussolini with all their might could not produce a Goethe or a Dante. The translations of the creative writings of this period now show to the world how intense the suffering was. 'Lute Song and Lament' (edited by Chelva Kanaganayagam Canada 2001) brings out the human pathos of Tamil life in this period of oppression. A recent Kannada translation of some of these poems was received with unbelievable rapture in Bangalore.

It's a pity that most of these writings have not been translated into Sinhala. But some like M. A. Nuhuman's 'Tears of the Buddha' (on seeing the burning of the Jaffna library), the short fiction of Ranjakumar, Uma Varatharajan and Thirukkivil Kaviyuvan demand a separate analysis of how they bring out in unforgettable, moving and artistically powerful images of the ravages of war and the sufferings of men, women, youth and children.

The meeting at Veerasingham Hall dealt with these creative efforts with the unhidden call to view them as a part of the struggle Tamil people had to undertake to live as human beings. This literature has never faltered in its stand for humanism. Writings critical of certain actions by certain groups are also part of this heritage. One

Cheran.

Puthuvai Rathinathurai has brought out the condition of human life, especially the lack and the loss of it, not only in poems but also in tape recorded hit songs. The theatre of Kulanthai Shanmugalingam and K. Sithamparanathan transformed Tamil theatre. It is a pity that their major plays have not been shown in Colombo yet. Sarachchandra and Dhamma Jagoda would have been the happiest persons to see how what they inspired in the fifties had gained a logical fruition. The paintings of Sanathanan today decorate the houses and offices of at least some of those who jeered at what was happening in Jaffna in the eighties and nineties.

It was the aim of the conference that this creative agony of the Tamils be understood properly.

While on this, it would be useful to think more deeply into the transformations of some of the ideological structures we had created during the days of colonialism and how in the post-colonial situation we turned, robot-like, threatening the very essence of our existence. Religio-nationalisms, which were very essential during colonial times to resist deculturation and assimilation, have in post-colonial situations tended to destroy the very fabric that they had once saved. It is important to review our history in these terms too for our post-colonial history show that we have not been able to get out of our colonial imaginations. Not only that we had to pay a very high human cost.

The response of the Sinhala artistes and writers at the conference was stupendous. Having walked through the ruins and the debris of the war and read in translation some of the post 1981 writings, they called for a human understanding of the Tamil problem at the level of the Sinhala people. The war, as all wars do has taken many twists and turns.

The motivation being mobilisation of the larger support. But after the war there must be a time for rethinking and reconsideration of why and how the war had been fought and how best not to repeat it.

This was the message of the conference. Personally I feel that there is now some space for reopening the closed gates and to start thinking seriously at Sinhala and Tamil levels to live together, respecting each other and wanting each other.

should not fail to mention here the literary response of the eastern province Muslims to some of the problems they faced during this period. In fact Solaikili, the Muslim poet who brought out the dilemma and turmoil of the Muslim in surrealistic language, is as important in the post 1981 Tamil literary history as Shanmugam Sivalingam and

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Core or periphery?

Tamils have been lulled into state of complacency through the ceasefire agreement. This does not augur well for the future. The suffering and trauma they underwent both in the northeast and elsewhere has compelled them to look upon mere suspension of a state of belligerence as a settlement of the outstanding issue.

Elsewhere in this newspaper, we have highlighted the deplorable conditions attending the recruitment of Tamil paramedics to the Ministry of Health (MoH). The number of nurses recruited to the northeast over the past 10 years averages a mind-boggling 11 per year. What is more, the Treasury has placed obstacles in the recruitment of midwives, citing the MoH's all-island cadre as being full, while the war-torn northeast is woefully lacking in their services. The allocation for the northeast was surreptitiously filled by recruiting excess midwives to the south.

In the previous weeks the *Northeastern Herald* has highlighted the step-motherly treatment given to Tamil publications from Sri Lanka by not including them in bibliographies of Sri Lankan writing, as they should have been, forcing Tamil expatriates to take up this task as a labour of love. We have also highlighted the issue of the gross distortion of historical detail in school textbooks, thereby giving a totally wrong picture of the makings of this country's past.

These are but three of a multitude of areas where polarisation of attitudes and ideas have taken place from about the time this country gained independence, which got exacerbated over the two decades of armed conflict.

With the second round of talks between the government and the LTTE coming to an end, contentious matters seem to be getting identified as those that need immediate attention and others that need not be tackled with the same promptitude, but are going to be addressed all the same.

Matters such as rehabilitation, reconstruction, landmines and the funds required to implement them belong to the former and we are inclined to believe the political, military and economic architecture that will give character to the Sri Lankan state will form the latter.

Where do matters like an equitable policy for the recruitment of health workers, a national library that works on the basis that Sri Lanka is a multicultural society, or National Institute of Education that draws up curricula divorcing itself from looking at history through blinkers, fit into this scheme of things?

As the host of other issues awaiting resolution these seem unable to fall into either category. And though the negotiating parties might look far into the future for a durable solution, these issues that bedevilled inter-ethnic relations, leading to war, continue get under Tamils' skin.

There is nothing to prevent these matters from being addressed and discussed at departmental and ministerial levels where policy-making takes place, perhaps by utilising the mechanism adopted by the government and LTTE of committees comprising equal number of representatives of the different communities, while drawing from resources from outside as well.

Only if these issues are addressed seriously will the peace process have a meaning for the Tamils that is more than a mere absence of war, and be seen as a genuine move to bring all nationalities into this country's mainstream.

UNF, LTTE study conspiracy scenarios

By Seralaathan

The LTTE is slowly but surely taking the winds out of the sails of the People's Alliance, the JVP and assorted academics, editorialists, columnists and analysts who have been critical of the ceasefire agreement and the peace talks. All their thoughts are ultimately derived from the deeply embedded belief that Prabhakaran is a compulsive war maker.

They expected the Tigers to fight the Muslims in the east. They expected the Tigers to exacerbate the natural friction between the civilians and the armed forces in the potential flash points of the northeast. They hoped that the LTTE would indulge in a killing spree against ex-Tamil militant groups working with the armed forces and that the Tigers cannot hold their war horses for long after August 2001. The intellectual fellow travellers of the PA and associates of ex-foreign minister Lakshman Kadirgamar such as the UTHR presume that the LTTE would make unreasonable and embarrassing demands on the United National Front government.

And above all they believed that the indefinitely postpone the discussion on 'core' issues. The President and Kadirgamar kept harping on the importance of taking up the 'core' issues on a parallel track - so much so that they appear not to have hedged their bets in this case.

Most of them, like the UTHR, are making their respective cases quite laboriously.

None of their fond hopes, expectations, beliefs and downright presumptions has proved right.

But we continue to hear their refrain, though it appears that it has begun to sound increasingly hollow even to otherwise patriotic Sinhalese.

This why we say that second sessions of the first round of talks has virtually taken the wind out of the sails of everyone who expected, assumed, believed that the peace talks between the Tigers and the UNF would flounder in due course.

Yet we still have some who are clutching to straws such as the shooting incident in Kanjirankudah to make their case.

Everyone whom we have referred to here, from the UTHR to Sihala Urumaya are obviously arguing against and decrying the ceasefire agreement and its consequences in order to push their respective agendas.

The UNF has placed all its bets on the 'successful continuation' of the peace talks. Therefore any strategy by anyone who wants to bring down the UNF government has to inevitably be designed to also confound or scuttle the peace talks. In any Parliamentary democracy the opposition has a natural compulsion's to topple the incumbent. The means for achieving this in a democracy are not always and necessarily according to generally accepted democratic norms.

If the negotiations succeed then the UNF would be more powerful, the economy would boom; there would be more jobs, more rural profit,

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greater investor confidence etc.. The JVP would have fewer disgruntled youth to recruit, the PA will have to reckon with a more formidable UNF if the talks fare well.

Therefore, it is politically necessary for the PA and the JVP and any other local or foreign force that want to bring down the UNF government to see that its peace dealings with the Tigers do not bear fruit. If it wants to be back in the saddle, the PA has no option but to sink the peace boat. The positive noises it may make about the talks can mean little given this political exigency.

If this is the case, what are the means available to those who want to undermine or scuttle the peace process with a view to bringing the UNF down? The following scenarios should be considered in this connection. Scenario 1: Carefully orchestrated incidents spark off clashes between the Muslims and Tamils in Muttur, Batticaloa and Amparai. The LTTE gets involved on the side of the Tamils. UTHR and anti-Hakeem Muslim intellectuals publish reports with compelling 'facts' to incriminate the LTTE. The SLMC demands that the UNF government should take firm action against the Tigers.

Scenario 2: Unidentified armed groups attack Sinhala villages on the border. Pro-PA media propagandists and pro-PA, pro-JVP elements in the armed forces blame the LTTE. Again compelling 'facts' are produced and publicised. The UNF's credibility suffers, Sinhala public support for its peace strategy declines irredeemably - before investigations can reveal 'the hidden hand' behind the attacks. Scenario 3: Unidentified gunmen kill a prominent LTTE leader. Tigers are made to believe that deep penetration groups of the army are involved. UNF action to set the record straight is tardy. Tigers start mistrusting UNF, stop sending high level representatives for talks. Scenario 4: Armed forces fire on a LTTE procession/rally. LTTE activists and civilians killed. Angry local LTTEers shoot back. Incident escalates. UTHR and pro-PA media propagandists launch a campaign to convince Sinhalese that LTTE provoked the whole incident. Sinhala public support for UNF's peace effort suffers.

Three things give credence to such scenarios. A grenade that was lobbed by a Muslim group in the eastern

town's busy bazaar sparked off the Valaichenai conflagration in June. Tamils allege that the group is linked to a Muslim PA politician in the district. A person called 'Support Naseer', arrested in Eravur by the Police for stoning a vehicle during the Valaichenai troubles was working with the army intelligence. The military in Batticaloa later said that he was no more with them. The group of SLMC MPs in Amparai who are opposing Hakeem now issued statements calculated to fan the Valaichenai conflagration further. Pro-PA lobbyists in the press, including the ex-British military intelligence officer, worked overtime to prove that the LTTE was attacking Muslims.

Later, a section of the SLMC opposed to Hakeem spread a rumour that the LTTE had ordered Muslims to quit Mannar immediately. Persons connected to the dissident group in the party were handing out the story to the international media days after the Mosque leaders and the local LTTE had called the bluff.

And most recently, the staged abduction of an EPDP activist's brother and the manner in Hakeem's Bette noir in the SLMC, Athaullah, handled the crisis that developed in Akkaraipattu make the motives of the SLMC dissidents suspect. Why were Athaullah's men were involved in attempts to create a clash between Muslims and Tamils? Why didn't he restrain them?

These lend further credence to the scenarios we have outlined here.

The LTTE, obviously, is not unaware of such possibilities. Hence it has mapped out a strategy to neutralise the environments necessary for anyone to put such scenarios into action. Karuna has stated that rapprochement with the Muslims is top priority for him in the east. He, according to journalists who had a wide-ranging discussion with him in Thailand, has already begun stabilising work in the east.

Dr. Balasingham has clearly stated in an interview with Sunday Leader that the Tigers are not insisting that the army withdraw from the high security zones or, for that matter, even from numerous isolated camps in various parts of the northeast. (The UTHR/PA calculation in this regard rests on the silly assumption that, "protests by Tamils people demanding the army leave their homes, schools, temples, churches and public thoroughfares were, and are, deliberately instigated by the LTTE to push the Sri Lankan armed forces out of strategic camps")

However, it is not clear as to what the UNF has done about PA/JVP strategies to undermine the public confidence in the talks. Is it studying the possibilities available to its opponents to virtually sink the peace process?

It is ironic that today the LTTE is shouldering the burden of keeping the peace process on track, guarding it patiently against elements in the south and the east that are bent on plunging the country into chaos again for their narrow gain.

Positions, policies in Tamil politics: analysis of the recent past

By V. T. Thamilaran

"For a nation to be free, it is sufficient that she wills it" -de Lafayette on the French Revolution.

If someone looks back at the political history of Sri Lanka he or she would find that the leadership of Tamils never attempted to negotiate with the Sinhala government on the basis of the people's Will. It is true that leaders in the calibre of Sir. Pon Ramanathan to Mr. Amirthalingham had wanted to engage in talks with Sinhala leaders with the idea of sharing powers between the two major ethnic groups of this country. All these attempts proved futile and the situation went from bad to worse at the end of every negotiation, which finally culminated in the all out war for the rights of the people.

Hard-liners from the majority community say that the demands of the Tamils can't be satisfied, as they (the Tamils) keep demanding more and more powers. But the Tamils would say that there has ever been a sincere attempt on the part of the Sinhalese leaders to settle the crisis amicably.

Who is telling what? And which is the correct position? For a third party who wants to study the underpinnings of the calamity of this country must have access to credible materials to analyse the situation from a neutral position.

For this purpose I would like to cite the writings of two prominent 'political intellectuals' of the country.

One, a highly respected academic who had the closest connections with the hierarchy of the government echelons from time to time, was an optimist and genuinely believed that it was possible for Tamils and Sinhalese to co-exist. The other person, who belongs to a peculiar breed of politicians, has retired from politics after half a century of active engagement. From the beginning, he was equally pessimistic about the prospects of co-existence and warned the Tamils to get ready to go their own way.

When this columnist met Prof. A.J. Wilson in his last days in December 1998 in Toronto he was a much disappointed and piqued person. Repenting for what he had believed and done, he said that he had learnt the lesson. His advice was that the Tamil academics and professionals should not let themselves be lured into by promises, sweet talk and false vanity liberally dispensed by their Sinhala counterparts and Sinhala leaders. According to him this is what spoiled Sir. Pon Ramanathan, G.G.Ponnambalam, Thiruchelvam and to a certain extent Thanthai Selva (S. J. V Selvanayagam) and Amirthalingham.

This columnist is personally aware that on many occasions Prof. Wilson was consulted by many Tamil leaders on the future course of action at critical junctures. Two such critical periods were the time the Sri Lankan state wanted to adopt its own Republican Constitution in 1972 and 1978.

The person who had consulted and in fact confronted Prof. Wilson was none other than the politician referred to above, V. Navaratnam, former Member of Parliament for Kayts. A historian turned lawyer, Nava, who was well versed in history and political science, had an active practice in Hulftsdorp in those days.

When Chelva was encouraged to launch a new political party after he broke away from the Tamil Congress, Nava advised him to get ready to proclaim a State and negotiate for a federal union. The advice was well taken by Chelva who entrusted to him the task of drafting the constitution for the new party with the assistance of C. Vanniasingham and Dr. Naganathan. He and Dr. E. M. V. Naganathan served as the first Joint General Secretaries of the newly born Federal Party in December 1949.

Known for his acute political predictions and utmost honesty, Nava, unlike many of his colleagues couldn't remain a passive member within the FP. Contrary to the initial reception and acclaim that he got, Nava was later much feared and hated by those who wanted to reach the top in the FP in double quick time. Those who were sincere to the ideals of the FP, including Chelva, always stood by Nava and appreciated his dedicated contribution to the Tamil nation.

At that time Nava advocated that Tamil leaders should be prepared to relinquish any honorary post in the Ceylonese government and, if the need were to arise, should resign In Toto from Parliament and establish their own constituent assembly.

He was totally opposed to the idea of holding any ministerial post in the government. This was due to his firm belief in the principle that the Tamils had never agreed to surrender their sovereignty and become part of the State of Ceylon.

Until the mid-60s, Nava's influence within the FP couldn't be ignored. And whatever he planned was put into practice, although dissenting murmurs were heard in some quarters.

Those who joined the FP in their youth by now had become mature politicians.

Instead of setting precedents on sacrifice and sincerity to the goals, these new leaders portrayed and held out that Tamil politics was all about how one could become a Member of Parliament by merely making fiery speeches from the party platform and hailing Thanthai Chelva.

In other words, the Colombo based leadership of the FP wanted a lieutenant within the party and Amirthalingham was groomed as an ideal candidate. A few like Nava were terribly disturbed by the turn of events and tried their best to convince Chelva of what was going on. But it was of no avail. The outcome was the FP's decision to join the 'National Government' of the UNP and the Colombo leadership achieved what it had wanted to.

Although this tendency had started to erode the image and future of the party, senior leaders like Nava couldn't do anything to prevent the decline. There were two reasons for the hapless situation.

By the late 60s, the Chelva had become physically infirm and he had to act according to whatever M. Thiruchelvam Q.C. and Amirthalingham told him. Amir even acted as the voice of Chelva. Although he had some leadership qualities, Amir was intolerant of opposite views within the FP. No contrary views ever reached Chelva and what he was forced to hear was only the rosy part of the FP's activities. The fatal error committed by the leaders of the FP was that they couldn't realize that the revered leader was being misled by his trusted confidants on the path of no return.

In other words, the Colombo based leadership of the FP wanted a lieutenant within the party and Amirthalingham was groomed as an ideal candidate. A few like Nava were terribly disturbed by the turn of events and tried their best to convince Chelva of what was going on. But it was of no avail. The outcome was the FP's decision to join the 'National Government' of the UNP and the Colombo leadership achieved what it had wanted to.

The crack was unbridgeable and ardent supporters of the original goal of self-determination were either expelled or resigned from the FP.

By expelling Nava and Senator Manickam of Batticaloa from the FP, the hierarchy was happy that it was the end of a headache. His loyalty and personal attachment to Thanthai didn't permit him to leave the Party on his own. However, by

the end of 60s he had reached the end of the tether. The brain that was useful in drafting the Constitution of the FP, the B-C Pact, the Dudley -Chelva Pact, and in organising the 1961 Satyagraha, brilliantly planning the release of the Tami Arasu Postal Stamp Campaign, and assisted the leader in almost every negotiation with the majoritarian government without pawning the Tamil cause suddenly became useless for the FP and was mercilessly shown the door.

He was accused of violating the party discipline in voting against the Srimavo-Sastri Pact and the Registration of Persons Resident in Ceylon Bill in 1968- both of which the FP decided support in Parliament. Nava voted against these two Bills according to his conscience.

He was left with no option other than forming his own party, Tamilar Suyadchi Kazhakam (TSK). It was an acid test but he came out with glory. Those who were wedded to principled politics for Tamils' cause joined Nava.

It included those forerunners in the Tamil Clerical Service Union Mr. S. Kodeeswaran, S. Sivagnanasundranm, S. Pathmanathan and P. Surendran. The followers of Nava strongly believed that the only solution was to set up a separate state for the Tamils in the Northeast of Ceylon.

In the General Elections of 1970 all candidates of the TSK were defeated by the FP. But Nava met Prof. Wilson and relentlessly argued for setting up a Tamil Constituent assembly. But the academic in the latter couldn't come to terms with the political foresight of Nava. Later events proved that the Professor's reading of Tamil politics at the time was destined to become merely academic.

For Nava, 1972 was a lost opportunity. The Sinhala nation, according to him, exercised its sovereignty at the time to form a constituent assembly to enact a new constitution. The Tamils in his view never intended to surrender their sovereign power to the Sinhala nation. Hence they too should have exercised their sovereignty to form their own constituent assembly on the basis of the popular mandate at the elections, he said. Then the Sinhala nation would have unleashed its armed forces to stop the Tamils from exercising their rights as a sovereign people. Selva would have become a Mandela. Then it would have been the case of one nation oppressing the other rather than the majority oppressing a minority in a pluralist society. Therefore, according to him, any attempt at a solution would have had to ultimately recognise the equal sovereignty of both nations.

It was an irony that in 1977 the TULF contested the General Elections borrowing what Nava put before the Tamil People in 1970 and won all the electorates it contested. Prof. Wilson again got a chance to rethink of his position in advising the TULF and the UNP government led by J.R. Jayawardene in 1977.

Nava confronted and pointed out to him the incongruity and inconsistency of the leader of the TULF holding the Office of Leader of Opposition after being elected with a mandate for a separate state. But Prof. Wilson still believed in finding a solution to the Tamil problem within the Sri Lankan state through negotiations.

By this time, the small number disgruntled Tamil youth had begun seeking Nava's advice. He saw the writing on the wall and pitied the TULF. Even at the moment of leaving for Canada, despite of his feeble and frail physical condition, Nava was very firm in his conviction that Tamil Parliamentarians would push the history back by another 20-30 years in continuing to hold talks with the Sri Lankan government.

No wonder today, from his Montreal residence, Nava must be definitely smiling to hear that the LTTE talking to the Sri Lankan government as an equal, with armed forces to back the Tamil side. To be fair by Prof. Wilson, he had at least the courage to confess that he was wrong and Nava was correct in reading the politics of Sri Lanka.

(The political and legal implications of the Srimavo-Sastri Pact and the Registration of Persons of Resident of Ceylon will be discussed in detail later).

Another look at the court ruling against Prabha

By Jude L. Fernando

The High Court's order to arrest and impose a 200-year jail sentence on LTTE leader V. Prabhakaran is symptomatic of a legal system that in many ways contributed to the evolution of ethnic violence/terrorism in Sri Lanka. Meanwhile, the reactions by some members of the PA to the ruling are despicable acts of opportunism, political immaturity and desperation to topple the government irrespective of its implication for the peace process.

One might argue the PA is simply asking the government to implement the court ruling. The implication is that judicial processes and timing of court rulings are apolitical and politically neutral. This raises a number of issues. First, to what extent have the practices of judicial systems and court rulings in the recent past been politically neutral? Second, in reality, how neutral, objective and apolitical is the law and legal proceedings? Third, if these are not typical of the legal system, then what criteria should we use to evaluate the present court ruling and its potential political uses?

Since 1977, executive politicians assumed control over the appointments and discipline of judges. Thereafter, judges were intimidated, dismissed, removed and assaulted when their decisions contradicted the interests of the political authorities.

The acts of terror committed by the mainstream political parties, the JVP and LTTE and many other interest groups rarely received equal treatment under law. The government did not act for three days during the 1983 riots, planned and executed with the help of the political authorities. Those responsible for the burning of the Jaffna public library, (one that contained some of the most valuable historical material) and thousands of innocent deaths during the JVP uprising were not brought to justice. The PA's concern for torture and violence during UNP times vanished from its political agenda as it consolidated its power.

Current intellectual developments in critical legal theory and legal anthropology have radically changed the ways in which we understand law and power – to be more precise, the relationship between legal and political processes. Law is never neutral, similar to "what is personal is political." It is naïve to believe that legal power as a naturalizing, neutralizing and non-coercive force enjoying autonomy from the social context within which it operates. The legal formalist arguments about law as a logical and internally coherent system, in which correct legal decisions are deduced, are based on a false separation of

legal judgments from political and social factors.

British historian, E.P. Thomson identified two crucial aspects of the social reality of law. First, law governs through paradoxical forms and practices, which curbs certain injustices and produce new ones. Second, ideologies and practices embedded in the legal processes reproduce hierarchies "even as they constitute new social groups and categories that in turn, transform law's meaning and application." Legal systems define, shape, transform, naturalize and neutralize social identities/hierarchies/divisions along the lines of gender, class, citizenship, caste, majority and minority, and structure the views and practices of those who embody and encounter them. Consequently, the makers and guardians of law fashion a "social reality" to which the governed must acquiesce and rearrange the ways in which the power and privilege are organized and distributed in society. Law is not simply a practice or process, but an important means of communication and social engineering.

The colonial regimes through simultaneous, often paradoxical, "invention," classification and codification of traditional legal systems and through the imposition of the alien legal systems on their colonies, altered in dramatic ways the lives of indigenous populations. Their legal interventions were represented in the language of universal justice and prosperity. Feminist's scholars have shown how legal systems are embedded in and buttress patriarchy in areas of domestic violence, private property, abortion and the sex-trade. International laws relating to patent rights underpin the ideology of neoclassical economics that legitimizes the inequalities of a capitalist system which has led to colonization of natural resources and indigenous knowledge systems of the third world, through bio-piracy and a widening gap between the rich and the poor.

Within the context of capitalism, legal protection of private property rights is nothing but a type of theft masquerading as natural rights, freedom and instrument of economic efficiency. In reality, private property rights are means through which relationships between people and their natural environment are governed according to interests of highly oppressive capitalist system

The worldwide diffusion of the model of the nation-state and endowing the states with the monopoly right to use of force are ideological interventions by the colonial powers. Since then, the continuing legal intervention in classifying of people as citizens, foreigners, natives, aliens, visas and passports are particular arrangements of political and economic power relationships between social groups and between nations. The subordinate group's resort to violence is

The present court ruling against the LTTE leader, particularly its timing, is symptomatic of a legal system that partly legitimized a political system that led to the historical evolution of Tamil militancy

a reaction to violence used against them by legal system that imprisons them within such oppressive relationships.

The constitutions of nation-states, even when they are expressed in the language of freedom, equality and progress, are deeply entrenched in oppressive social hierarchies. While protected by the legal system, the constitution and national symbols in their present forms in Sri Lanka are evidence of how the local elites invented and manipulated history, cultural and religion. Law is an instrument of domination of the nation-state, and the experience of domination by people varies how social relations are structured and legitimized by the legal system. The present court ruling against the LTTE leader, particularly its timing, is symptomatic of a legal system that partly legitimized a political system that led to the historical evolution of Tamil militancy.

In this context, the resort to violence by the LTTE and JVP (when it was slightly more Marxist than now), should be understood as forms of resistance against the legal system that sanitized and legitimized the state's use of the right to self-determination and economic development to deny equal political and economic rights to its citizens, respectively.

The opposition's response to the Court ruling should be viewed as an attempt to maintain a structure of domination: hence manipulation of the political consciousness of the masses. They buttress the type of political consciousness and popular fears regarding the outcomes of negotiations that are likely to sabotage the peace process.

The symbolic meaning and language of law, and time and timing of court rulings are crucial to understanding the political implications of legal proceedings. The term "terrorism" and "counter-terrorism" are extremely ambiguous in their meaning. The implications of these terms have become more complex and dangerous to the world community today than during the Cold war. The term counter-terrorism has little to do with terrorism's impact on civilian life and property nor concern for universal norms and values of justice, peace or equality, but the particularistic interests of those who control economic and political power. The language of anti-terrorism supports claims of neoliberal capitalism as the only viable economic model and political instability caused by terrorism as the main

obstacle its progress. Moreover, far more than language of anti-communism, the language of anti-terrorism appeals to majority of world's citizens who have deep-seated respect for the sanctity of human life, but do not question one's economics and social status.

Nation states, depending on their location in the hierarchy of the international state system, continue to enjoy a monopoly of power to use any means to curb terrorism, as well as to encourage and materially support them when they are useful to the state power.

Today, the rise of anti-western ideologies, particularly, have become politically powerful in the Islamic countries and anti-Islamic ideologies in the West should be seen as partially sustained by the ideological underpinnings of the legal systems in their respective countries. The United Nations can do very little to make the states accountable to universal declarations about peace and security, as it does not have the luxury of the simplifications of the Cold War.

Next the economists and accountants, many lawyers find extremely difficult to reconcile their professional training with how they think and act about social issues in socially responsible ways. Many with a reputation as advocates of justice have not shown courage even to mount legal challenges against those in the legal system by religiously defending their views about the ethnic crisis, history and identity of the nation that are no different to those of the so chauvinists. The NGOs involved in human rights and good governance pay less emphasis on how formal equalities guaranteed in the domain of politics, but undermined by the inequalities in the economic domain. In practice, law and its practitioners are salves or strange-bedfellows of dominant ideologies and power that underpins the injustices and inequalities of the society.

In these respects, we could view practice of law as performance (often taking the form of comedy) and courts of law as "theater." As Lazarus-Black and Susan Hirsh noted, "courts as theater" draws the attention of "the audience and the actors, to silences within and between the dialogues, to the nakedness as well as costumes, to scene designers and stage tools such sets and props."

The metaphor of court as theater illustrates how the law rather than being neutral, shapes the social, eco-

omic and political processes less dramatically but more pervasively. Because the performance in theater demonstrates the procedures of a dominant order that regulates social life as well as resistance against it. In today's context, courts ruling on terrorism (and its political use) should be viewed as one episode of the drama of nationalism/state formation and capitalism that has very little to do with peace, justice and equality.

My arguments are not intended to dismiss the law as irrelevant or sanitize terrorism. Nor do I accept the rather counter-productive claims by the cultural relativists that law is relative and it is always manipulated by the dominate power structures, and therefore, there is no place for any universal legal system. In fact, laws driven by cultural relativism can be far more oppressive than those driven by universalistic ideals and values of human rights because the former can be exploited by many to obscure and continue with many local forms of injustice in their respective communities. Today we need more universal laws that guarantee broad-based political and economic equalities and to protect the civilians against violence by those who manipulate political, economic and religious ideologies to serve their selfish interests.

Nor do I justify the use of terror by the LTTE against the Sinhalese or against its own community in the same way I condemn the use of state terror and its compliance with the use of terror gains against the Tamil minority since independence. I also do not claim the ills of the past can be used as an excuse to legitimize the use of terror in conflict resolution in the present. My arguments are predicated on my interests in maintaining the virtues of pacifism in conflict resolution and achieving social justice in relation to the present status of the peace negotiations.

Hence the public response to the court ruling should take into consideration four factors. 1) Historically, it is extremely difficult to have 'innocent parties' in an ethnic crisis and the use of the term terror is somewhat meaningless. 2) The legal system is partly responsible for the historical reasons that led to Tamil militancy. 3) To use the legal system to sabotage the peace process when two contending parties involved in negotiations is nothing but opportunistic chauvinism. 4) The current compromises made by the LTTE and the government should be viewed as asking forgiveness for the crimes they committed against each other's community. It is forgiveness and humility not revenge, pride and opportunism that create conditions for sustainable peace.

Northeast doctors ask for more devolution in health

By J. S. Tissainayagam

After almost 20 years of an interrupted conflict, specialists, experts and professionals are taking the opportunity afforded by the ceasefire agreement to rehabilitate the delivery of services the government is obliged to provide people of the northeast, but which it has systematically and deliberately refrained from undertaking, citing the war as an excuse.

That restoring health services to even a degree of normalcy in the northeast depends on well-trained and dedicated medical staff agreeing to serve in those areas is a sentiment worn threadbare by repetition. But that government policy, selfish interests of the Government Medical Officers' Association (GMOA) and other southern-based trade unions also have ample input into this dismal state of affairs, is not so widely known.

"The function of training medical cadre by the Central Government in the name of maintaining a unified system is causing grave damage to the delivery of health services in the northeast," lamented Dr. N. Sivarajah, who heads the Department of Community Medicine at the University of Jaffna.

Dr. C. S. Nachinarkinian, health specialist, North East Community Restoration and Development Project (NECORD) goes even further. "According to the 13th Amendment to the Constitution, health is a devolved subject except for training. But today, even recruitment and selection of staff are controlled by the Centre," he complained.

Centralisation has led to inordinate delays in the recruitment of staff, the utter unsuitability of the personnel recruited, and increasing irrelevance of staff recruitment policies for the functions they have to undertake in the northeast.

According to Sivarajah, as much as the dearth of doctors in the northeast – there are 42 vacancies for consultants that amounts an 82% shortage and 91 vacancies for medical officers amounting to a 23% shortage – there are shortages in the various categories of paramedical staff too, including family health workers (midwives), assistant medical officers (AMOs), medical laboratory technicians (MLTs), pharmacists and physiotherapists. And the government and the trade unions' hands are clearly seen in this deplorable state of affairs.

There are 508 vacancies for midwives in the northeast, which amounts to 44% of the total cadre. The number however actually belies their importance for the delivery of medical care in the pe-

ripheral, war-torn areas, and the unsavoury practices associated with their recruitment.

Midwives are important in the discharge of what is known as 'total care' at the grassroots levels in a country where the ratio of doctors to patients is high. They are integral to local level immunisation programmes, for maternal and child health care, as well as disseminating awareness on preventing common ailments such as pneumonia, diarrhoea or malaria. The grassroots nature of their work requires an intimate knowledge of their localities, the residents and conditions.

"It is imperative that midwives are trained locally in the milieu and culture of their villages," stressed Sivarajah.

The government recently introduced new regulations under which all midwives have to have A/levels in bioscience with at least one credit.

"Those who apply for a course in midwifery are from the lower end of society – either lower-middle or the working classes – or from the rural areas. So it is impossible to recruit people with rural or grassroots connections because teaching science at the A/levels in the northeast is confined to the towns and to the more prestigious schools," explained Sivarajah.

He said the devastation caused by war did not allow well-equipped laboratories required for the teaching of the sciences to function anywhere except the towns and those who benefited from such an education preferred white-collar jobs than serving in a remote village as a midwife.

The sheer impracticality of the government's scheme is unfolding right now. The Northeastern Provincial Council (NEPC) advertised for midwives for the northeast with a closing date of Tuesday, 5th November. Up to last Friday there were only 18 Tamil-speakers from 490 applicants.

Both Sivarajah and Nachinarkinian agree the localised nature of the midwives' function makes it imperative they are recruited and trained locally. "The matter should be decentralised to even smaller units than the provinces. It could be to a district level with government agent empowered to conduct interviews and do the recruitment," Sivarajah said.

They also believe very strongly selection criteria should be lowered if the health system in the northeast is to benefit from midwives. Sivarajah said though midwives with a background the sciences were preferable to those without it, in the final analysis it did not matter. He said curricula up to the O/levels equipped prospective midwives with sufficient knowledge of anatomy and physiology needed for

The Treasury has indicated though 500 to 600 midwives may be needed for the northeast, only 200 can be employed. The reason for this is the cadre allocation for the northeast has been filled with midwives who are employed in the south. In other words, the government has filled vacancies for midwives to be employed in the northeast by recruiting midwives to other parts of the country and is now denying the northeast its rightful share by placing a ceiling on 200

the job. A sound general education was what was important.

"We have to be weaned from over-reliance on paper qualifications. In fact I have trained people without A/levels in the sciences as midwives. They do not administer injections to adhere to regulations, but most of their work involves visiting homes and registering mothers for clinic appointments etc., for which you do not need any formal qualifications in the sciences," said the Jaffna University don.

Nachinarkinian said if the government insisted, midwives with lower entrance criteria need not even be known as midwives, but as 'assistant midwives' or something else.

Medical sources wishing to remain anonymous said one of the reasons for the government not agreeing to lower criteria for the selection of midwives was fear of the trade union of midwives, who would feel the privileges they enjoyed would begin to erode if the criteria were lowered. But up to now they have remained complacent.

There are two training centres for midwives at present – in Jaffna and Batticaloa – which at full strength could train around 150 midwives a year. Even with this output it will take a minimum of another four years to fill existing vacancies that hover around 500. "With retirement and transfers taking place at the present rate, it more likely to require much more," Nachinarkinian said.

With this in mind, the Asian Development Bank (ADB) agreed to fund a course for midwives to be selected for the northeast on a lower criterion than they are elsewhere in the island. They were to be trained by NECORD. But the idea is yet to be implemented due to sinister doings of the government.

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wives to be employed in the northeast by recruiting midwives to other parts of the country and is now denying the northeast its rightful share by placing a ceiling on 200.

Nachinarkinian says the government gets around such problems by maintaining that health services are an all-island service.

"This is a clear instance of discrimination, but if you ask the ministry of health, it complains of a dearth of Tamils applying to enter the government medical services. How can you join when the government imposes restrictions in recruitment?" asked Sivarajah.

While the recruitment of midwives faces these challenges, the condition of AMOs is hardly better. AMOs, fall into the category of second level medical personnel working in peripheral areas. As of now, 113 vacancies for AMOs exist in the northeast, amounting to a 43% shortage.

Sivarajah says AMOs remain vital in conflict areas where services of doctors are hard to come by. The training of a modern doctor presupposes his having access to equipment such as laboratory facilities, ECG monitors etc. and specialised paramedical staff like physiotherapists.

"The advantage in an AMO is that he does not need such sophisticated equipment to conduct tests. On the other hand, 90% of the time ritual tests prescribed by doctors are unnecessary. Even if they are, AMOs do them with less equipment and fuss," he said.

Sivarajah said though there were instances of wrong diagnoses, they were not of a scale that required rethinking the strategy of using AMOs for the delivery of services in conflict areas. He believed AMOs were integral to the recovery phase of the rehabilitation exercise going on in the northeast right now, though he did not see it as a permanent solution to the health needs in that area.

"The GNMOA is unhappy about integrating AMOs into the system due to their own reasons. It is ap-

plying pressure on the ministry against training AMOs," Sivarajah said.

Medical laboratory technicians (MLTs), who are also paramedics, have their own problems serving in the northeast. The core issue here is that most MLTs in service are either employed after retirement or on extension.

Training courses for newly recruited MLTs were earlier held in Colombo and conducted in English for both Sinhala and Tamil recruits. Since MLTs from both communities were poor in English, they requested translations in the vernacular. However, due to either incompetence or cussedness, lecturers were willing to teach in Sinhala but not in Tamil. Unable to comprehend lectures, Tamil MLTs were compelled to leave.

To circumvent this problem Sivarajah and the Jaffna University's faculty of medicine began a fee-levying course awarding a diploma in medical laboratory technology. Once the MLTs pass out however, they have to be trained under their seniors as in most other professions.

"Though the Ministry of Health has ordered the MLTs in service to train the new hands they do not cooperate. I believe they are under pressure from the trade union of MLTs of the Department of Health, from doing so," said Sivarajah.

This is attributed to the older cadres not possessing any formal qualifications and worried the young recruits would push them out. "I think they feel the youngsters are a threat," agreed Nachinarkinian.

Both Sivarajah and Nachinarkinian come out strongly against centralisation taking place in the government health services. They both referred to Colombo processing applications for recruiting paramedical staff in the northeast as unnecessary. "Government has to allow Jaffna University to advertise for students and get them for training. Education has to be decentralised," Sivarajah insisted.

He said if the government believed universities were inefficient such institutions should not have been set up. "Centralisation does not allow for the aspirations of the periphery to come out," he said.

Sivarajah said if institutions were to be designed to incorporate input from both the government and the LTTE, they had to recognise the importance of training high quality medical personnel. If there is to be such integration, training programmes could avail themselves of the excellent paramedical staff the LTTE had trained to improve standards of medical care in the northeast.

US intervention for oil in Columbia grows

By Bill Vann

Colombian assault troops and police backed by tanks and helicopter gunships laid siege Wednesday to an impoverished neighborhood in Medellín, the South American nation's second largest city.

The operation, the biggest counterinsurgency campaign to be waged in a crowded urban area in recent years, was launched on the direct order of Colombia's new right-wing president, Alvaro Uribe.

At least 14 people were killed in the first day of fighting, including a 16-year-old boy. Scores were wounded, most of them old people, women and children.

Medellín's mayor, Luis Pérez, said Uribe had instructed the army to continue the operation until it secures full control of the district, known as Comuna 13, which is home to some 130,000 of Medellín's 2.5 million people. General Mario Montoya, the army commander in the Medellín area, said that his forces intended to carry out house-to-house searches in a hunt for weapons.

The military assault was preceded by violent attacks by right-wing paramilitary units that work in close collaboration with the army. Both the military and the rightist paramilitaries are attempting to wrest control of the area from a militia known as the Armed Command of the People, which is affiliated to Colombia's second-largest guerrilla movement, the National Liberation Army.

The Colombian office of the United Nations High Commissioner on Human Rights expressed its "deep concern" over the clashes.

Many residents of the neighborhood said that the army assault had forced them to take cover in their homes, preventing them from going to work, while some 6,000 students were kept out of schools and health clinics in the area were shut down. High-powered bullets in some cases found their victims after crashing through the windows and walls of homes.

Wounded civilians who streamed into the health clinic in the San Javier neighborhood recounted how a helicopter gunship flew over and began firing its machine-gun into the crowded residential area.

"We're under fire from machine-guns," one distraught woman told the local media. "The bullets come out of the helicopters and fall onto our roofs. It is terrifying. This is like Vietnam."

This escalation of military repression coincides with a marked increase in the US intervention in Colombia's 38-year-old civil war. Washington revealed earlier this month that US Army Special

Forces units are being deployed in the country this month for the purpose of training a new Colombian special forces commando battalion dedicated to fighting the armed guerrilla organizations.

Last week, the Bush administration gave official authorization for the Colombian government to use military aid granted under Plan Colombia—whose ostensible purpose was to combat coca cultivation and the export of cocaine—for counterinsurgency operations against the guerrillas. This would include the use of US-supplied Black Hawk helicopters and other equipment.

Congress also recently authorized the Pentagon to begin training two Colombian army brigades that will be assigned permanently to protect the Cano-Limon pipeline, which carries oil that is being pumped out of fields in northern Colombia by Los Angeles-based Occidental Petroleum.

Special Forces units have begun arriving in the country to train the 5th and 18th Brigades of the Colombian Army to guard the pipeline. Both brigades have been charged by human rights groups with abuses against the civilian population and with working closely with the paramilitary death squads.

Colombia is one of Latin America's poorest nations. The United Nations Food and Agriculture Organization issued a recent report indicating that fully 11 million Colombians, or approximately one in three, live in poverty. Even the government has recognized that the roots of the country's endemic political violence is widespread misery and the vast gulf between rich and poor.

For US corporate interests, however, Colombia's strategic importance is linked to oil. While the country's known oil reserves amount to 2.6 billion barrels, only about 20 percent of its potential oil fields have been explored. Even now, Colombia is producing roughly the equivalent amount of petroleum that Kuwait supplied on the eve of the last Persian Gulf War. Together with neighboring Venezuela and Ecuador, it supplies the US market with more oil than all of the Persian Gulf producers combined.

Washington's growing military role in Colombia is aimed essentially at assuring access to this oil, and repressing not only the armed guerrilla movements, but any popular opposition to US corporate domination of the country's natural resources. Occidental Petroleum, Amoco, the ill-fated Enron Corporation—which owned Centragas, a 357-mile natural gas distribution system in northern Colombia—and several other energy firms have jointly lobbied Congress and the administration for increased military aid and involvement in Colombia.

Meanwhile, Amnesty International released a report based on its own investigations as well as those of the United Nations and the Organization of American States warning that President Uribe's "security policies will only serve to entrench the cycle of violence affecting the whole of Colombia."

The report noted that since 1985, more than 60,000 have been killed, four out of five of them civilians, and most of them victims of massacres by right-wing paramilitaries. Last year alone, more than 4,000 civilians were killed in political violence, the human rights group said, and the toll for 2002 is likely to be higher. Those displaced by the conflict, tortured or "disappeared" number in the hundreds of thousands.

Presenting the report at a Madrid press conference, Marcelo Pollack, an investigator for Amnesty International, said that evidence gathered by the human rights group as well as other agencies had demonstrated that "the link between the armed forces and the paramilitaries is an institutional relationship."

The report states: "As the Colombian armed forces have faced mounting international condemnation for human rights violations in recent years they have resorted increasingly to the use of paramilitary auxiliaries to implement the 'dirty war' tactics. The security forces can no longer depend on traditional judicial mechanisms of impunity. International and national attention is increasingly focused on the urgent need to dismantle these mechanisms which have until now guaranteed that members of the armed forces would, in all but the most exceptional cases, escape investigation or appropriate sanction. To circumvent these pressures, those responsible

for designing and implementing the 'dirty war' can continue their strategy without fear of prosecution by devolving these tasks to paramilitary forces."

This report further exposes the fraud of legislation passed by the US Congress making the Colombian government's observance of human rights standards a prerequisite for the release of military aid. The act demands effective action to sever ties between the Colombian army and the paramilitaries. Last month, the State Department once again "certified" Colombia's compliance with the act, clearing the way for the release of another \$70 million in training, arms and munitions. Amnesty International also condemned the government's attempt to create a network of civilian informers that would recruit up to one million Colombians to aid the military in counterinsurgency operations. The Army claims it has already signed up 40,000. This initiative, the human rights group warned, will "inevitably further fuel the spiral of political violence." The creation of similar civilian units in the province of Antioquia, when Uribe was governor, gave rise to death squads that in many cases became the forerunners of the present paramilitary units.

The report provides a detailed account of the reign of terror implemented by the Colombian army and its paramilitary allies in San Vicente del Caguán, one of five municipalities that made up the demilitarized zone that was controlled by the Revolutionary Armed Forces of Colombia, or FARC.

After talks between the government and the guerrillas were broken off last February, the town, which served as the guerrilla

organization's headquarters, was retaken by the military in an operation that included an aerial bombardment that inflicted heavy civilian casualties.

According to the human rights group, the military has branded the district's civilian population as guerrilla collaborators, subjecting them to a relentless campaign of harassment. This has included the arbitrary searches of workers' and peasants' homes, accompanied by the destruction and theft of property and the burning of some residences. The military has also arrested many people without charges, refusing to inform relatives that they are under detention or why they have been taken.

Residents of the area also recounted incidents in which those detained have been physically tortured to force them to identify members of the FARC or their collaborators from photo albums carried by military interrogators. One young unemployed man told Amnesty International that soldiers had wrapped a wet towel around his head, blocking his nose and mouth, and then poured water on it, asphyxiating him. When he continued to deny that he was a guerrilla, they went on to other methods.

"So they burned me with a cigarette in the neck," he said. "They asked me how long I had been with the guerrillas and I said I wasn't a guerrilla, so they burned my arms and feet with the cigarette [...] They threw me to the ground and stamped on my face, feet and arms and began to cut my feet and stomach with a machete. They grabbed my testicles and placed the edge of the machete on them [...] I then felt a blow to my head and passed out." (WSWS)

"It's a dirty, lying profession."

It was a rare moment of truth-telling for a Toronto telemarketer whose tricks of the trade are hardball sales, half-truths and outright lies to cheat people around the world.

Bold, brash and slick, this telemarketer is not uncommon in the business. The fact he's ripping off poor families and ailing seniors, most of them in the United States, doesn't keep him awake at night.

This phone fraudster would sleep a lot less soundly if he thought there was a good chance his activities might land him in jail or net him a stiff fine.

Sadly, that's not the case as revealed in a series of stories by Star reporters Christian Cotroneo and Robert Cribb.

They took readers inside a burgeoning business this city and this country could do without — international phone fraud. And they revealed how weak penalties have allowed these shady operations to take root.

Many telemarketers run legitimate

operations. But this series, which appeared over the weekend, was about the ones who don't.

They work the phones from nondescript offices across Toronto, calling into the heart of America to pitch their crooked schemes. In this case, it was convincing people to pay \$249 (U.S.) for a major credit card which they never get.

These activities have sparked thousands of complaints to U.S. law enforcement officials who are stymied in their ability to act across the border.

Sure, people need to show more sense than to reveal their personal financial information to a stranger over the phone.

But being naïve or clueless doesn't excuse a crime. The fact the victims are often people who can least afford to lose some money is all the more reason to go after these disreputable telemarketers.

It's not that police officers aren't trying. Since February, 2000, a team in-

volving Canadian and American authorities has shut down 42 deceptive telemarketing operations in Toronto.

But hard work like this often goes for naught when the cases get to court and the marketers walk away with only a slap on the wrist.

These operations are giving us all a black eye. As Nadine Holmes, one victim from Detroit, said, "Somebody should put a stop to it. 'I feel cheated and upset that the government would let them keep doing this to people,' she added.

To do that requires giving the police the resources they need to go after these long distance cheats. Lawmakers should look at whether existing laws are adequate. Judges should use stiff sentences to send the clear message that these deceptive telemarketers won't be tolerated in Canada. It's time authorities disconnected these disreputable telemarketers for good.

(The Toronto Star)

Fear engulfs public in Kalnattiyakulam

By T. Sittampalam

On 22nd October this year, Avarampillai Lucia Natchathiram (42), did something she had done many times in the past. Between half-past-five and six in the evening she went to herd goats, which had been sent out to graze in a nearby pasture. The pasture was about half-a-mile from her home at Kalnattiyakulam in the Vavuniya district.

But something unwonted was to happen that evening. She did not return home. A frantic search was mounted. "We continued searching till past midnight, but found nothing," said Nesam, one of the nine siblings in Lucia's family.

The next morning they found her – a corpse, half hidden by the undergrowth in a shrub jungle near the tank. The medical report was terse. She had been raped by more than one male and strangled to death.

Her death was not an isolated incident. It was the third in the series of mysterious killings in the past eight months near the village of Kalnattiyakulam.

On 1st November around 10.30 in the morning, a march of protest from Sivan temple at Kovilkulam, in the outskirts of Vavuniya town, wound its way to the *katcheri*. There was something appealing in the simple dignity with which the protestors – mostly women and children and a few men – bore themselves as they marched.

Not a word was spoken, nor cry of defiance heard. As if to symbolise both the non-violent intention of the protest and to condemn the world's indifference to expedite the investigation into the brutal incident, the marchers wore black gags around their mouths.

Banners were held aloft proclaiming, "We will protect our women," "Are women there as playthings?" What was surprising but strangely appropriate, were children clad in school uniform in the serried ranks of the procession.

At the end of the column were a bunch of men dressed in t-shirts and slacks who intermingled with other youth. "They are police intelligence. This is the latest gimmick of the police – to mount a surveillance by mingling with the crowd," said a source.

The protestors handed over a petition to Additional Government Agent S. Ragunathanpillai at the *katcheri*. "We vehemently condemn this act and demand an impartial investigation be carried out and assurances given that such acts of barbarity will not be repeated," said T. V. Tiruppathy (Tiruppathy Master) of the PLOTE speaking on the occasion, before handing over the petition.

If Tiruppathy Master's reference



Protestors in front of Vavuniya *katcheri* Pic. by S. Kanagaravi

to the organisation behind the protest were mild, the female head of the rural development society of Kalnattiyakulam (RDS) made the event an obvious rabble-rousing exercise by speaking openly in favour of the PLOTE.

"The forum for the protest should have been different. The protest deteriorated into an election rally for the PLOTE," said a member of Vavuniya's Consortium of NGOs.

Originally, the Consortium was expected to play an important role in the protest, and its Women in Development Committee had mooted the idea of the black gags. Slogans were coined and the petition printed with the Consortium's blessings. The organisation even agreed to append its name to the list of sponsors.

The day before the protest however, the PLOTE sent word wanting to see the petition, ostensibly to read it. The Consortium realised that under the garb of reading, PLOTE was about to embark on a naked exercise of political propaganda. The Consortium pulled out of the organising committee and its name, consequently, does not appear on the petition.

The other two bodies remaining in the organising committee and whose names do appear at the bottom of the petition – the Kalnattiyakulam Sports Club and the Kalnattiyakulam RDS – found their endeavours neatly hijacked by Tiruppathy Master who presented the petition more or less as

PLOTE initiated.

"There is no doubt that protest against this outrage was absolutely vital. But the moment the protest became politically motivated, the Consortium was not interested," said the member of the Consortium.

But the more important factor was the identification of the perpetrators. All those who spoke at the protest march were categorical the perpetrators were from the army camp nearby. A. (Selvam) Adaikalanathan, MP (TNA-Vavuniya District) in a letter to the minister of defence states, "Self as well as the public of Vavuniya believe without any doubt that this brutal barbarism was the act of some heartless army personnel of the Eerapperiyakulam camp."

Another reason for the Consortium to refrain from supporting the protest march was because the perpetrators could not be correctly identified. "Though the people of the village say the army was involved, we do not know who actually did it. The Consortium wanted to say 'unidentified perpetrators,' but since the other organisations were determined to name them, the Consortium decided not to push it too much," the member of the Consortium said.

This incident, which reads like an open-and-shut case of military brutality no different from a number of others that have occurred in the north-east, takes an unexpected twist with the discovery of a letter, the authen-

ticity of which is being investigated by the police.

The letter was sent to Lucia, apparently by the deceased's niece now living in Denmark, around May this year threatening to kill her. It appeared the niece had had a love affair with a young man who had not met Lucia's approval. What is more, the brother of the young lady and another had been assaulted recently, a fact mentioned in the missive. Lucia's niece had come to Sri Lanka recently; in fact the letter was written after the visit.

Human Rights Commission (HRC), Vavuniya is in possession of the letter and the police investigating the matter have not ruled out a family feud as the cause of the killing.

"We do not know the authenticity of the letter. It is usual to attribute various motives for a killing by putting the blame on the victim. Even in the case of the two women raped in Uppukulam, Mannar, the perpetrators tried to maintain the women were of easy virtue as an excuse," said a human rights activist.

The existence of a possible motive other than straightforward rape and murder seems characteristic of the tangled web of deceit and intrigue that surrounds the village of Kalnattiyakulam, its important personalities, and of course the PLOTE.

During their addresses before the *katcheri* there was at least one speaker who hinted the rape and murder of

Lucia was not an isolated incident. In the past eight months at least three other mysterious incidents involving violence and intimidation occurred at this and the adjacent villages.

On 13th March this year, around 9:30 a.m. Ragulendran Sasipriya (11) of Murugan Oor, the village neighbouring Kalnattiyakulam, had gone for drama rehearsals to the house of a well-known resident of the village N. Yogarasa. Yogarasa was a teacher in the village and one of its more prominent citizens.

Sasipriya never came home.

When the cry was raised she had gone missing, a number of villagers mounted a search for the missing girl. Among them was her brother, Logathileeban. On 14th March he too went missing.

"Our family has a running feud with that of Yogarasa's. Our village is divided into the new residents like us who came as IDPs and the old residents like Yogarasa," said S. Ragulendran, father of Sasipriya and Yogathileeban.

He said Yogarasa's family wielded enormous influence and power in the area being one of the older families. The family was a large one and their dominance in the school, temple and other institutions built for the common weal was well known. What was also well known was that Yogarasa and his extended

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Under the Arch of Tamil Eelam: Visitors from the south frolicking under a cutout in Mankulam Pic by Buddhika Weerasinghe

Fear engulfs...

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family brooked no rivals. "Ragulndran was one of the few people in the village who stood up for justice and fair play. This naturally brought him into conflict with Yogarasa," said Ragulndran's friend who spoke on the condition of anonymity.

As the days went by, a rumour was spread the LTTE had abducted Logathileeban. However, as mysteriously as he had disappeared, Logathileeban was to reappear 45 days later, claiming to have fled from captivity. Remarkably, he surfaced not in Vavuniya but in Chenkaladi, Batticaloa. He claimed to have walked to Valaichenai, come to Dambulla and worked for two days to save money to return to Vavuniya.

The LTTE, to clear its name, made a public display of its non-involvement by formally handing over the boy to the HRC and the Sri Lanka Monitoring Mission.

Logathileeban declared that he was taken to a house in Chenkaladi where

he had seen Cholan, a member of the PLOTE, walking around armed. What is important to note here is though a charge were filed against the abduction investigations are proceeding at a snail's pace, if going on at all.

Meanwhile, on 1st October this year a decomposed body was discovered – in fact hardly more than skeletal remains – at Murugan Oor. By its side were Sasipriya's clothes. There is however a couple of interesting observations the villagers who have turned private eyes make of this 'discovery.'

"If she had been abducted, she would have struggled. At least her hair-band would have come loose. But her hair-band was intact," Ragulndran said.

It is also claimed the clothes were not dirty nor was there evidence of bloodstains on them, facts that would go well with violent death. What is more, a resi-

dent of the village discovered the body close to the spot where the villagers had originally thought she might have died. Curiously, though it was hardly 50 meters from his home, there was no odour or anything to indicate decomposition. What is more, Thirunavukarasu, a relative of Yogarasa, had discovered the body.

"All this makes me feel the story of the skeletal remains being my daughter's is fabricated. It's a red herring," said Ragulndran.

There was an inquiry to which Yogarasa had to present himself, nothing more. The skeletal remains have been taken to Peradeniya Hospital for forensic examination and will be taken up for inquiry on 2nd December.

In May this year, another unexplained murder took place. A body was discovered in Mylankulam, which is close to Kalnattiyakulam. The victim, known as Nitthi Master, was allegedly murdered. He was

a member of the PLOTE. The body was fished out of the tank. However, but for the magistrate declaring it was a premeditated killing, investigations are stagnating.

These three incidents mark but a fraction of the nether world of intrigue, intimidation and murder that haunt Kalnattiyakulam, Murugan Oor and Mylankulam. And this microcosm is very probably replicated in many areas adjacent to Vavuniya town.

These villages are strongholds of the PLOTE and its dominance there is very obvious. It should also be noted that PLOTE is not alone in this reign of terror and even other ex-militant groups have inculcated a culture of violence and brutality in the areas they have dominated which tends to perpetuate because very little comes into the public domain.

Since these are areas where the LTTE's writ does not officially run, the law and order authorities of the

Sri Lanka government police them. It should not be forgotten PLOTE remains 'officially unarmed' and has forged close links with the police and military after acting as an auxiliary to the Sri Lanka forces for more than a decade.

But the public of Kalnattiyakulam is frightened. School attendance has been miserably poor. The place where Lucia's body was discovered is girt by jungle. The villagers live in fear that the jungle's mysterious recesses might afford a happy hunting ground for more adventurers like those who raped and killed her.

The HRC has spoken to the school principal, the *grama seveka* and the police to explore the possibilities of strengthening security by installing a police post there. There is to be a meeting on 16th November to see what action needs to be taken.