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# Army cannot hold private property outside Zone

By a Staff Correspondent

There is no legal basis for the military to hold private property in places outside 'restricted areas,' which makes the holding of private property in the so-called high security zone (HSZ) in the northeast illegal, informed sources told the Northeastern Herald.

The military has been holding areas demarcated as HSZ in various parts of the northeast not allowing the resettlement of IDPs. The matter came up for discussion during the second round of talks in Thailand between the government and the LTTE in October.

Various regulations made under the PTA and emergency have been used to restrict access and to hold private property, but specific regulations authorizing the holding of private property lapsed with the state of emergency not renewed by parliament before the general elections last year.

According to Emergency (Miscellaneous Provisions and Powers) Regulations No. 1 of 3<sup>rd</sup> May 2000, which essentially is the resurrection of the emergency regulations of 1989, a competent authority could requisition any article in Sri Lanka or owned by a person in Sri Lanka in the interests of national security.

The regulations go on to state that when the competent authority requisitions property (other than

land) under these regulations, the authority may deal with or authorize dealing with the property in the interests of national security "and may hold, sell or otherwise dispose of the property as if the competent authority were the owner thereof..."

"Since the emergency is no longer in force, the security forces have no authority to take over and use any private property," said V.S. Ganeshalingam, a human rights lawyer, at the Home for Human Rights (HHR).

Legal experts claim that with emergency lapsing last year, provisions were introduced through the PTA to impose restrictions of movement in certain areas of the northeast and which is now being used illegally to hold private property, on the basis they were high security zones.

The PTA (High Security Zones) Regulations No. 3 of 2001 only deals with the 'Colombo High Security Zone' and the restrictions of movement within it. Therefore, it has no relevance to the so-called HSZ established in the northeast.

However, Regulation No.1 of 2002 made under the PTA states the 'restricted areas' shall comprise those areas along the coastline of the administrative districts of Trincomalee, Mullaitivu, Jaffna, Mannar and the adjacent territorial sea. The schedule attached to the Regulation depicts the areas mentioned above.

Any one who enters these areas without due permission will be con-

sidered as an offender and be dealt with accordingly and the military is entitled to use any means that appears to necessary to stop such persons from entering into these areas. The violators of the regulation are prescribed various punishments under these regulations.

Though it is lawful for the public to get access to any areas not

listed under category of 'restricted areas,' all the administrative districts of the country have been declared as 'security areas' under Section 2 (3) (ii) of the PTA making the retention of unauthorized arms, offensive weapons, explosives and ammunition in these areas a terrorist offence.

However this does not permit the

security forces to legally occupy private buildings and premises outside 'restricted areas' or to acquire possession of them, say legal experts.

"Even though under the law unauthorized occupants could be ejected, nobody has resorted to legal remedies so far," said Ganeshalingam

## Tamil broadcasts given step-motherly treatment

For the first time since its establishment in the 1950s (as Radio Ceylon), the Sri Lanka Broadcasting Corporation's Tamil national service has been without a head for the past two months and the marketing manager of the Sinhala service is substituting for him, informed sources told the Northeastern Herald.

The former director left the service in September and the substituting officer has no knowledge of Tamil. There are no moves to appoint a permanent officer either, creating fears this ad hoc arrangement might continue.

This comes in the wake of other obstacles put in the way of the Tamil national service after the UNF government assumed power such as a three hour 45 minute cut

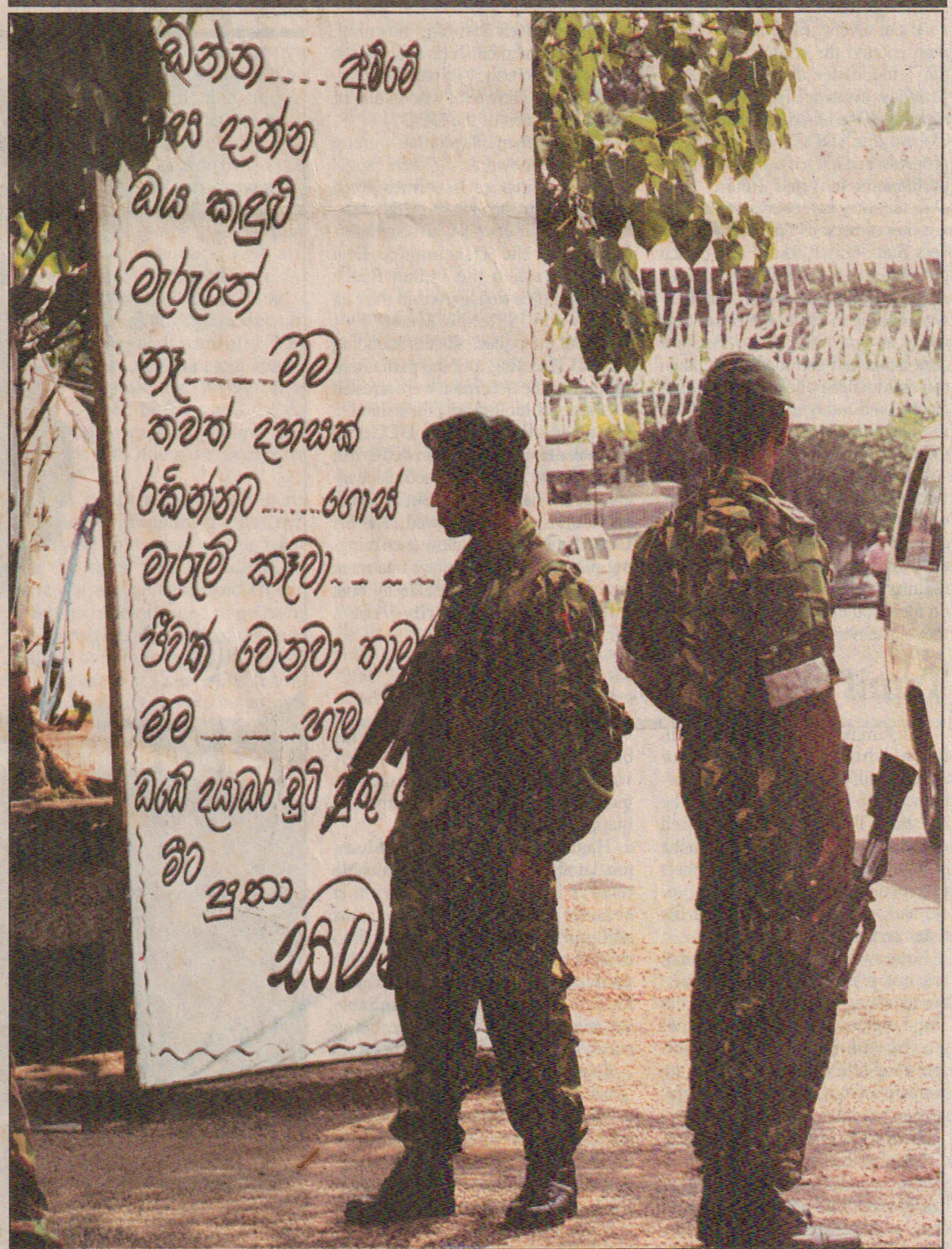
in the programme's broadcasting time, which insiders say makes it impossible for worthwhile programmes to be broadcast by the service.

The correspondent cut in the Sinhala service is only half an hour.

Currently, the Tamil national service broadcasts for two-and-a-half hours in the morning (5.00 a.m. - 7.30 a.m.) and five-and-a-half hours in the evening (5.00 p.m. - 10.30 p.m.). Of this, one hour in the mornings is devoted to discussing current events. In the evenings around 40 minutes is taken by the evening news and announcements, the BBC programme is half-an-hour and the Muslim programme, one hour.

"It is impossible to broadcast

Cont. on page 2



The ugly face of university ragging: cutout at Wijerama junction, entrance to Sri Jaywardenepura University Pic. by Buddhika Weerasinghe



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## Trinco Muslim fishermen complain of attack

About seventy five Muslim fishermen entered the conference hall of the Trincomalee district secretariat Monday evening, interrupting the meeting of the District Co-ordinating Committee (DCC) which was in progress, and lodged complaint to the parliamentarians and security officials that they had been assaulted by a group of persons backed by members State armed forces and police personnel in civil uniform, sources said. The fishermen said that they were fishing in Trincomalee sea Saturday around noon when the incident happened and they were taken to Trincomalee police station and released on Sunday morning after being kept in custody throughout the night.

When the fishermen entered the well of the conference hall, members of the Sri Lanka Army, Police, Navy and Air Force were present. All officials were taken aback when they saw the angry fishermen showing injuries on their bodies, which they claimed they sustained during the attack on

them in midsea Saturday morning. They removed their shirts to show the injuries at the request of parliamentarian Mr.K.M.Thowfeek who is one of the co-chairmen of the DCC

The fishermen alleged that a group of persons known as "Korea gang," were all Sinhalese fishermen from Samudragama, an unauthorized settlement where Sinhalese who sought refuge inside the Trincomalee Fort Frederick when the Indian Peace Keeping Force first arrived in the east port town in 1987, now live.

One of the police officers attending the DCC meeting told the parliamentarians that the fishermen were arrested for using prohibited nets for fishing.

Mr.Thowfeek told the DCC that Sinhalese fishermen are allowed to fish in prohibited zones in Trincomalee including the harbour area. But Muslims and Tamils are not allowed. The Sri Lanka Navy does not allow even bringing patients for emergency treatment from Muttur to Trincomalee by boat through their security zone, Mr.Thowfeek charged.

## Tamil broadcasts... *Cont. from page 1*

programmes of classical music in full, which takes about one hour, nor serious half-hour dramatic performances. Discussions are out of the question. The only way the Tamil national service is different from the commercial service is that it plays recorded Carnatic music, both vocal and instrumental," an irate listener complained.

Natheswara recitals, also popular, are not played due to restricted broadcasting hours. Further, the Tamil regional services are also neglected with no permanent Tamil-speaking officer appointed for the northern service, while the upcountry service has been suspended.

Broadcasts in the Tamil commercial service has no language supervision. In an ad hoc arrangement, it has been placed under the deputy director general, finance and marketing (who happens to be a Tamil). A senior announcer, who is also the head of the Muslim service, super-

vises the non-commercial side of the broadcasting. Since the Muslim service was established for Islamic religious broadcasts, the appointment is inappropriate.

There is also accusation that wanton damage is being done to valuable records in the SLBC's library that boasts of one of the richest collections of Tamil broadcasting material, fit to even rival India's AIR. There is also inadequate space to store Tamil records in the library and reliable sources say old records are being erased to create space.

There are also no political discussions in Tamil unlike the 'Subrathry' programme in Sinhala, which goes against the government's philosophy of opening up the SLBC for productive and relevant broadcasting, complained SLBC insiders.

Inside sources complained though Media Minister Imtiaz Bakeer Markar is a Tamil-speaker no steps have been taken by him to remedy the situation.

# Fresh-water crisis looms over Jaffna

Jaffna is running out of drinking water because its underground fresh water sources are getting polluted rapidly, said a German expert in the northern town Tuesday. Mr. H. Karft, the German expert, spoke about the drinking water crisis that Jaffna will have to face if adequate measures are not taken to arrest pollution of the underground water sources of the peninsula at the regional office of the GTZ, a German NGO.

The Commissioner of the Jaffna Municipal Council and the Medical Officer of Health for the northern district were among those who were present on Tuesday for the discussion with Mr. Karft.

The German expert said that seepage from the significantly large amount of exploded and unexploded ordnance, ammuni-

tion, land mines, explosives etc., that have accumulated in the Jaffna soil over the years is polluting underground water sources in the peninsula. Indiscriminate burial or decay of bodies near water sources has also contributed their share to the contamination, according to him.

In some areas a thin film of oil is found on fresh drinking water in wells due to careless disposal of waste oil and fuel. Fresh water sources near the Jaffna town are being rapidly polluted due to indiscriminate garbage dumping practices of the Jaffna Hospital and Municipal Council, he said.

Garbage and refuse from the thousand bed Jaffna Teaching Hospital is dumped near the old CeyNor building in Gurunagar, a coastal suburb of the northern town. The Jaffna Municipal Council too dumps garbage here, lead-

ing to severe pollution of fresh water sources below the surface in the environs of this densely populated suburb, Mr. Karft said.

He said he had observed a significant rise in the ammonium and nitrogen content in the soil in recent times in the Tinnevely area largely due to dumping and decay of agricultural wastes. Both are potent polluters of underground fresh water sources.

A fresh water stream in the island of Delft is turning saline because it is flowing into the sea without proper diversion to collect and utilise its water, he observed.

The problem of Jaffna's dwindling fresh water sources should be addressed within 10-12 years before rapid commercialisation starts to impede the effort in order to avert the crisis, according to him.



*The salute of a friend: a colleague of dead university student Samantha offers prayers by the grave-site  
Pic by Buddhika Weerasinghe*



# Welcome to the land down under — better run, better take cover

By Rajpal Abeynayake

Why can't a 'Muslim conflict' anywhere in the world end in the way in which a conflict anywhere else in the world would end? Why can't 'Muslim' conflicts be negotiated the way in which the conflict in Sri Lanka is being resolved, or the conflict in East Timor was resolved?

This was a question that was raised recently by a Muslim scholar writing for newspaper in Pakistan. But other Muslim scholars elsewhere, notably in Australia were raising issues about how Muslims are being treated today in Australia for instance, after the Bali incident.

Says one that the Muslims in Australia are being 'judged guilty by association' — because they have not said anything against what happened in Bali.

Australia is reacting in the same manner — more or less — in which the Americans reacted in the US after 9/11.

The Australians are reacting ab-

solutely irrationally. This is a serious indictment on the judgment of the political elite of this nation. The reaction to 9/11 by the American political elite was also a serious judgment on the rationality of the political elite of that nation.

This sort of irrationality makes it difficult for the elite club of nations that's defined as 'the politically-liberal Western democracies' to intervene with any credibility on issues dealing with political or human rights issues in the so-called less developed world.

That may be a vast subject altogether, to be considered on a different occasion, but what is interesting is how the political institutions have broken down in Australia, and how the primitive reaction of Muslim-bashing has come to the fore, just because there was an attack in Bali (...a virulent attack) by Muslim extremists on Australian citizens.

The same writer who made this point about 'guilt by association' says that 'just because there were attacks by the Tamil Tigers in Colombo, the world did not ostracize

*The Australians or the Americans did not do the 'identifying' when it concerned LTTE attacks in Sri Lanka for simple reason that these attacks really did not concern them in any way.*

the Hindus on the reasoning that they did not do anything overt to condemn these attacks." (Melbourne Age.)

It is a laugh that it has come to a point where the Australian polity has to be lectured to in this way — in order that a measure of sanity may prevail within the confines of that polity. It is also important to note however that the Muslims were instantly identified with the attacks in Bali and with the attacks in New York on 9/11, even though there was nobody who identified the Hindus with attacks by the LTTE — just because the majority of the Tamil Tigers were Hindu Tamils. That's definitely a sharp contrast.

It seems to be that the psyche that associates Islam as a religion with attacks such as Bali or 9/11 is a par-

ticularly un-subtle one. It is, for one, a psyche that is paranoid and therefore totally and absolutely irrational.

The Australians or the Americans did not do the 'identifying' when it concerned LTTE attacks in Sri Lanka for simple reason that these attacks really did not concern them in any way. But, if these attacks had in fact taken place for some reason in Sydney or California, it would have been quite unsurprising to have had a reaction in which the attacks would have indeed be associated with the Hindus.

It is also striking that all of the literature that is coming out in Australia, which at least shows that Muslim-bashing is futile, is in fact coming from the educated Muslim classes. One example is the author of the article referred to herein, who

is a barrister.

On the contrary, the masses in Sri Lanka for example were sensitized enough to know that the Hindus were not guilty by association — or were in no way involved in any attacks that took place in the name of the LTTE. 1983 was a pogrom that was organised by a certain ring of thugs in one political party. The issue here is not a comparison between the relative intellectual strengths of the collective Australian psyche, and the collective Sri Lankan psyche. Even that may be relevant in a different context.

It is that there is irrationality everywhere, and that violence begets its own convoluted logic. Fighting this logic becomes the major part of the battle against all the havoc that is caused by the violence. No society, however sophisticated it may be in its veneer, is immune to this fallout. The Muslims in Australia, barristers included, are learning this the hard way — even though through no fault of their own. (Article title with apologies to 'Men at Work'.)

## Muslims conflicts beyond solution?

By Jamal Ahmad Khashoggi

It is relatively easy for an Arab writer, safely ensconced in his office in Jeddah or Beirut, to criticize the Chechens for abducting civilians and putting their lives in danger as they did in Moscow recently even if it was for the noble cause of putting an end to the savage war Russia has been waging in Chechnya. He can say, quite truthfully, that terrorism benefits no one, and even accuse the Chechens of agreeing to become pawns in a conspiracy calculated to undermine the "spirited" Russian opposition to a US attack on Iraq.

Yet if our fictional writer were living amid the squalor and destruction of Grozny, fearing for his life every minute of the day and night, he would undoubtedly say something different.

It is also simple for Human Rights Watch to classify Palestinian suicide attacks against Israeli soldiers and civilians as crimes against humanity. In fact, increasing numbers of Arabs and Muslims also wish such attacks would cease, and share HRW's opinion that they target the innocent.

Yet these opinions would be different had all these people had the experience of returning from the Gaza cemetery after burying three children, a woman, and an elderly man, some of whom bled to death the previous night after an Israeli soldier (just arrived from Brooklyn or Ukraine) prevented them from being taken to hospital. The injustices visited upon the Chechens and

the Palestinians are enough to drive them insane. These two peoples have not only been suffering from occupation and oppression, but also from the indifference of the international community. Worse, they are sometimes treated as if they are the criminals.

I am certain that Chechens don't enjoy kidnapping people in a theater that is supposed to be a place where people enjoy themselves, rather than be shot and gassed to death. Similarly, Palestinians don't want to kill Israelis savoring a pizza on a night out even if the pizza parlor in question was built on land stolen from them had the horrific injustices visited upon them not robbed them of their ability to distinguish right from wrong.

If the Palestinians and Chechens had just a little bit of hope left, they would not have found refuge in extremism.

This is not an attempt to condone acts of terrorism that do not agree with man's ability to rise above injustice; it is rather a description of a reality that cannot be changed unless the Palestinians and Chechens are given hope that there is another way out. The crimes of occupation and oppression are condoned by those who support them (like the United States), and those who actively practice them (like Israel and Russia). Russian President Vladimir Putin tried to portray himself to his people as the victor of the theater massacre. Yet he cannot guarantee that similar massacres will not take place so long as there are angry and desperate Chechens for whom life and death have come to mean the

same thing.

The American official who told a Russian newspaper that the theater kidnapping was a "well-planned operation designed to sow confusion" and linked it to the attacks in Bali and Yemen did not reassure ordinary Russians with these naive assertions. In fact, at the time, the official in question did not even know the identity of the kidnappers.

Nor were those Arab commentators who spoke of a conspiracy to undermine Russia's "brave" position vis-à-vis Iraq any smarter than the American official. All, it seems, were prepared to exploit the Chechens' misery for their own purposes.

The Chechens have enough suffering, misery and injustice of their own. They don't have time to think of Al-Qaeda, Iraq, or anything else. The fact that they launched such a major operation in the center of Moscow was a message to the world that no "war on terror" will ever succeed anywhere if the root causes of terror are not addressed.

The Americans must admit that the policy of double standards they employ in dealing with the world's Muslims has resulted in intractable problems. Whereas problems such as those of East Timor and Sri Lanka have been solved or are on their way to a solution, only conflicts involving Muslims seem intractable.

Why should conflicts involving Muslims remain the only ones beyond solution? The use by the Americans of theatrical terms such as "no negotiations with terrorists" and "we shall not reward terrorism" is only designed

to encourage and excuse occupation and oppression. Had the British heeded this American counsel, they would still be fighting a terrorist war in Northern Ireland.

Those languishing under occupation, oppression and violence won't stop fighting just because they have their backs to the wall. On the contrary, they will find new and innovative ways to express their anger and to exercise their right to resist. Some of these ways might violate the laws promulgated by the victors and the so-called "civilized" world. Yet it is superfluous of a writer sitting safely in Jeddah or New York, assured of the safety of himself and his family, to tell the Chechens how they should fight their war. The Chechens, surveying their burned-out country and seeing the Russian Army driven no doubt by revenge indiscriminately bomb it to oblivion undoubtedly have other ideas.

The Chechens could not have forgotten how Stalin ordered them all to be deported to Siberia in 1944, and how hundreds of thousands of their people well killed. The proud and independent Chechen people could not but remember all this when they considered how to respond to the Russians who, having secured a green light from the Americans post-Sept. 11, proceeded to teach their wayward Muslim subjects a lesson. The Americans, by the way, gave similar green lights to Israel's Ariel Sharon and to India's Atal Bihari Vajpayee to deal with "their" respective Muslims.

The US never even tried to implement international law and UN resolutions in Palestine and Kashmir. The

only thing Washington did was try to contain both crises in the hope that the Israeli and Indian armies might succeed in breaking the will of the Palestinians and Kashmiris. Only then would the US intervene to impose solutions favored by its clients on the two vanquished peoples.

Russia is a great power, and consequently, the US has never intervened directly in the Chechen question since the war in Chechnya broke out with a vicious Russian offensive in 1994, two years after the Chechens in a free and democratic referendum chose independence.

As it did during the Bosnia and Kosovo wars, the West reacted slowly to the atrocities then taking place in Chechnya. Despite the fact that human rights organizations recorded numerous Russian violations in Chechnya, the West only protested meekly from afar. Post-Sept. 11, even these protests faded. The tragedy of Chechnya will not end anytime soon, and neither will the terrorism that has become the way the weak respond to state terrorism. Putin will seek to exploit international condemnation of the Moscow theater siege to contain and degrade what he calls "Chechen terror," most probably adding the title "Islamic" as President George W. Bush did after Sept. 11.

The US is unlikely to do anything to stop Russian intervention in Chechnya, since it has not regained its own composure after Sept. 11. Yet it is odd that the Europeans are doing nothing, especially since Chechnya is in their own backyard.

(The Daily Star)



# Confronting the prospects for peace in Sri Lanka

**S**ocial Dimensions, a study circle for issues of social concern, has produced an interesting and insightful report analyzing "the political, economic and diplomatic aspects relating to the recent cessation of the ethnic war in Sri Lanka with special reference to the situation in the northeast". The study, conducted extensively by field researchers in the war torn northeast, was directed and supervised by Prof. Sivathamby. It is a valuable primary source for statistics on the Internally Displaced Persons in the northeast. It offers a very interesting analysis of the Muslim question and the position of the Sinhalese living in the northeast. The project was funded by the Swedish International development Agency (SIDA)

The *Northeastern Herald* reproduces the following interesting excerpts from the report.

## "The Role of the Sinhala Media

As it stands today the television channels are not far behind the print medium in discussing the ethnic problem. But here we are only dealing with the Sinhala print medium and that to particularly the influential dailies Dinamina, Divayina and Lankadeepa.

Of these Dinamina is a Lake House publication and comes under state control. Divayina belongs to Upali group and this perhaps the most vocal of the pro Sinhala opinion on the ethnic issue. Lankadeepa published by the Vijaya group to presence the Sinhala opinion but is considered more open than Divayina.

It should also be admitted the Sinhala dailies are no more the sole controllers of public opinion among the Sinhalese. There have arisen a very influential alternative press like Ravaya, which try to present a balanced view. The mainstream Sinhala dailies reflect and promote the Sinhala view point and in an analysis like this it is the views found in the mainstream dailies that is presented here.

The Sinhala dailies by and large take the following positions:

- The LTTE is a terrorist organization and is bent on dividing up the country
- In all the talks held earlier it was the LTTE that broke up the peace talks
- LTTE as an organization cannot be believed
- Even during the so called no war period LTTE had been creating lot of disturbances
- The LTTE using this period of no war for its purchasing arms and is preparing it self for

attacks.

f) LTTE runs a government of its own, employs a police service, runs judiciary of its own and is involved in extortion of money from the residents.

g) LTTE should not be taken as the sole representative of the Sri Lankan Tamils

At this point it is useful to be aware of the position taken by the JVP on this question of the talks with the LTTE. There position is quite crucial because it cannot be denied that they have some acceptance at the level of the Sinhala youth. In fact the JVP controls all the university students organizations in the south. They take up the position that the LTTE are separatist and terrorists. It is of the view, that Tamil problem was created by the colonialist rulers and that a genuine socialist policy would solve the problem and as mentioned earlier they view the interest and the intervention of the Western states as part of the capitalist imperatives of the U.S.

If one goes through the political vocabulary in Sinhala that virtually dominates the discussions relating to solving of Tamil problem there are two Sinhala terms of crucial significance. They are

- Ekkiya (being one, therefore unitary) and
- Eksath (united).

These terms have wide implications. 'Ekkiya' does not encourage any substantial power to the Tamil regions. In fact it doesn't accept the concept of a Tamil region at all. The term 'Eksath' implies unity in diversity and thus a federal state could come under Eksath Sri Lanka. The main stream Sinhala opinion has been for in Ekkiya option. Organizations of the Sanga, the PA, Sinhala Urumaya and the JVP all are keen on Ekkiya.

## The Amparai Tamils

A reversal of the grievances of the Batticaloa district Muslims while question of the quantum of rights the non Sinhalese are going to enjoy in Sinhalese areas and Sinhalese are going to have in the North and East (These in the opinion of these writers demand more sobriety and compulsory far sightedness in those who are charged with the responsibility of resolving the conflict) is bound to be very very sensitive and even explosive, there is another spot of much less sensitivity which however demands urgent attentions to avoid worsening.

The problem relates to the Tamils of the Amparai district who have as much fears of Muslim domination on one hand Sinhala domination is other as the Muslims of the Batticaloa district have towards the Tamils of the area - the same allegations, same fears and perhaps

same type of response. The presence of the Special Task Force (STF) makes this complex problem worse confounded.

The Tamils of Amparai live as minority groups in the Muslim electoral districts and in the Sinhalese predominant areas. The estimated Tamil population is about 76,000 out of whom about 61000 are voters.

The complaint of the Amparai Tamils is that they are exploited by the Muslims, tormented by the STF and harassed by the Sinhalese.

Of the three cornered suffering they rate the STF and the Muslims as the worst. The special task force is neither the police nor Army but a contingent given the responsibility to keep the people in permanent fear. According to informants the regular police and the army have better interactions with the people. The STF with the Israeli training are very inhuman in their dealings. The inability of these people to catch the sympathetic eyes and ears of any influences of Sinhala politicians, have made them to abuse their powers. Villagers complained that masons and carpenters are taken to the places of officials to build houses for them and trees are transported from these areas. The villagers complained that there has been extensive burning down of jungles. The recent Kanchirankuda incident (09th of October 2002) in which the STF had set to opened fire on villagers is an example of how there responding of the MOU which has taken all their powers.

But the grievances against the Muslims are more deep seated. These Tamils complain that lands belonging to absentee Tamil land lords are being taken away for development of the Muslim areas, the land taken over for the Oluvil harbour development. They also alleged that lands belonging to hindu temples have been taken away by the Muslims and because these Tamils do not poses any political authority they have been unable to even to report these actions. They say that officialdom is persuaded to assist their land takeovers. The Amparai Tamils living especially in the Muslim areas are mainly depended on Muslims for their purchases. They say they are the mercy of Muslim traders. They also charge the officials with official discriminations. Occasional Muslim attacks on Tamils have led to Tamil villagers leaving their places and going into other areas. The fear they have for the Muslims is such that they feel at home with P. Dayaratne a Minister of the UNF government. Earlier during the PA rule they claim that the EPDP helped them to resist Muslim intrusion. But misdemeanours of

EPDP rank and file they claim, have distance them from the EPDP. These Tamils want their rights to be safe guarded and their properties secure. Till now they have been finding it difficult to get an MP for themselves, this time they have been able to elect one, but they are dissatisfied that nothing much is done by him.

They also complain about the problems of temples as in the case of Ukandai Murugan temple. They want administrative support to keep their property intact.

The complains of the Amparai Tamils high lights the fact that even handed justice should be available to all to maintain their identities.

## Women and war

It is true that in the MOU because of its very character namely the focus only on the cessation of war and related activities there is no scope to show the concern women deserve.

This is a complicated problem and it could be argued that various aspects of women's sufferings will receive attention and the efforts will be taken to redress their grievances. In this report we wish to raise the question of women especially to highlight to factors very briefly. One is in relation to the suffering they have had. Second the other is in relation to the type of actions that will be needed to tackle this question meaningfully. In the North east women have been directly subjected to the following human rights violations, which no civilized society could ever forget.

- Especially young women widowed by the actions of the security forces. Those actions include mass killing of youth, abduction and killing of Tamil young men. This is rough estimate of 45,000 largely young women widowed by the actions of the security forces.

- Collective rape and murder of women (some of these have not been brought out fully) quite often actions of collective rape for the example the one at Kokatticholai never brought out fully. Instances of individual women subjected to cases of collective raping are too many. The tragic fates of Pushparani, Parameswari and her sister of Mattuvil, kodigamam, Baleswari of Kondavil, Krishanthi of Chavakachchery, Rajini Velayuthapillai of urumpirai, Koneswari of Ampara and Sarathambal of Pungudutivu are well known.

- Sexual abuse and violence on female children. It is not possible to get statistical data about this type of violation but, women's organization have recorded many incidents of such violence. One well-known incident is that of

10years old Renuka Selvarajah of Pathameni, Atchuveli.

- Custodial rape and torture (that is rape on women who were in custody). This has been a wide spread feature but, not always successfully highlighted of prove. The few of the known cases are those of Vijilkala and Navamaniin in Mannar and Laxmipillai from Trincomalee.

- Subjecting women to rape and to indignities like undressing them in public. Events of this category had taken place at sentry points. Tamil women were subjected to grave injustice. The well-publicized incident was that of the Tamil women raped at Maradana, and a girl undressed at Borella.

Under this heading we should include the question in a manner which women suspects are held in detentions at the Welikade Prison under the PTA act. Many of them were taken in to custody when they were pregnant. The children were born while in custody and some children are now has old as 3 to 4 years. There is a great lethargy in the handling of their cases. These violations arising at state level should not detract our attention from what is happening in the war torn society.

The question can be put more pointedly, how are we going to relate the traditional modes of behavior romanticized in our culture to the present situation in which women have been trust not just the headship of families, but also where they have played a substantial role in the military struggles.

We are in fact witnessing the emergence of a new women who demands equality in all aspects of life ranging from life partnership is to property rights.

This might demand a fresh look at some of the aspects of the Thesavalama law-governing inhabitants of Jaffna. In which the equality of rights of a wife where a wife dose not always have equal rights.

This should mean that we ensure placement of appointment women in all committees that deal with national and community lives. It also implies equal share jobs and job opportunities. More basic would be their right to education, which is not at all observed. It is hoped that those responsible for the remaking of the Sri Lankan Tamil society will be aware of their responsibilities in this regard.

Excerpts from the concluding chapter:

"From the Tamil point of view, important points have been made are:

Cont. on page 11



# Poised on the verge of another takeoff

By T. Sittampalam

Though little known, the birth of the Jaffna municipal library, mooted in 1934, coincided with the public-book movement that flourished in most parts of the then civilised world. This movement was boosted by the appearance of cheap editions such as paperbacks around the mid-1930s, which by reducing the cost of publication made books more popular and revolutionised book reading.

Earlier, public libraries were few and book collections were either the private libraries of the wealthy, or belonged to institutions that had a tradition of preserving learning such as the universities or the Church.

"Books even in the early 20<sup>th</sup> century were more ornamental than for actual reading. They indicated more than mere wealth. Since books were rarely imported, they had to be acquired from the countries they were published from; therefore books indicated the influence a collector had where such books were published," said N. Selvarajah, bibliographer and librarian.

In other words, they were collectors' items like curios and museum pieces, which account for private libraries of that time even having books with their pages uncut. This is also the reason for the material lavished on books that were bound in calf, written on vellum and decorated in gilt.

*Selvarajah, now domiciled in Britain, was in Sri Lanka a fortnight ago in connection with the launch of the first volume of Noolthettam, an annotated bibliography of 1000 Sri Lankan Tamil books. While he was here, he also visited the Jaffna library to give his expert opinion on outstanding matters as that institution prepares to serve the public in an enhanced capacity, shortly.*

Selvarajah's association with libraries began at Chunnakam Ramanathan College in the 1970s. After a stint of running the Jaffna District Sarvodaya's library, he became the librarian at the Evelyn Rutnam Institute in Jaffna and later at the International Centre for Ethnic Studies (ICES) in Colombo. He went on to found the Aiyoththi Library Services and was in charge of two of its publications dealing with library science and bibliography.

To K. M. Chellappah is attributed the credit of pioneering the public library movement in Jaffna. Earlier, there was in existence a library dating back to 1840 that were an elite preserve subscribed to by lawyers, educationists and professionals. Therefore, the 1930s was



a time when books were gradually ceasing to be the preserve of an educated establishment and becoming accessible to the less privileged.

The seeds for the library were from endowments of private individuals. These include Ananda K. Coomaraswamy's collection of 800 books, C. Vanniyasingham who contributed 600 books, Isaac Thambiah (850 books) and S. Kadiravelupillai (600 books).

The library had perambulatory beginnings, shifting from place to place as the collection outgrew the size of the building where it was on display, till in the mid-1950s the Jaffna Municipal Council came up with the idea of constructing a permanent building to house this treasure of knowledge. Government assistance was sought and obtained. Two Indian nationals, S. R. Renganathan and Narasimha Rao, were involved in the designing and on the location of the building. The library was designed in three stages. It had three stories and two wings.

"The collection of funds began in the mid-1960s. The funding came mostly from the local public and municipal council," Selvarajah said.

The American Centre library was in Jaffna at that time and there were moves to transfer it to Kandy. "One of the achievements of the Jaffna library was that it managed to prevent the transfer and absorbed the books and staff of the Centre," Selvarajah said.

The development of the library was stagnating at the first level when it went up in flames on 1<sup>st</sup> June 1981.

"The library however managed to reopen by 1984 - a fact that does not get much exposure," says Selvarajah.

The reopening was due to the efforts of the Jaffna Mayor Visvanathan. But they were not bear-

dividends. The building was taller than the rest and its peculiar architecture made it stand out from the other buildings. Being within range of the army's artillery, it was to take a battering, forcing the authorities to close it soon afterwards.

Ironically, the library was to resume its perambulatory existence - at one time even as part of the municipal council's offices. Since it was difficult to contain the entirety of the collection in one place, it was dispersed to six branches, including at Nallur, Chundikuli and Chavakachcheri, though inter-branch loans were possible. The exigencies of the war however compelled the library to restrict its services within the municipal limits of Jaffna. This was how it was functioning in around 1985 and its essential features remain the same even now.

"The library with its partly completed buildings was not as famous while it was standing as it was when it was burnt down. It then assumed significance because of political reasons," Selvarajah claimed.

This act of infamy and destruction was to earn the library and the Tamils enormous sympathy and goodwill. In fact the private local and foreign contributions were so generous that authorities contemplated even starting the second stage of the library project even though it was vulnerable to artillery shelling.

The PA for its own insidious political propaganda played down the enormous international support the library was able to attract from the Tamil Diaspora and other donors. "It tried to show the place was neglected and the standards of education were dropping due to the destruction of the library," said Selvarajah.

It was in this context the PA, under the leadership of former Minister Mangala Samaraweera, was to

launch the 'book and brick' campaign through the Sudu Nelun programme ostensibly to resurrect the library through funding from the then government and contributions from the south.

"The PA tried to show the library was idling from 1981 and that it (PA) was giving the Jaffna people a library after 15 years," he said.

The restoration of the library was therefore, primarily, a political venture. That is also why no attempts were made in the past 22 years since the library was burnt in 1981, to come up with a definitive solution on its renovation and future functioning.

The municipal authorities complain there is very little coordination between the government and the municipal council, which is responsible for the building programme. What is more, they claim ignorance as to how much has been spent in total under the Jaffna Library Building Fund, because the municipal commissioner and mayor are kept in the dark.

"The lack of coordination might also create difficulties as to who will formally declare the library open, when the time comes for it to happen," said Selvarajah.

The present municipal council is scheduled to relinquish office soon and wanted to hold the opening ceremonies in December this year. However December is premature, said Selvarajah stating April next year seemed more realistic.

The renovations retain the original structure, though its gleaming white outer walls have been changed to cream. What is more important is that the second stage of the library will be complete before opening. On the ground floor one wing will be devoted to children's books, while the other for periodicals. The second floor will house the reference section, the lending section and the au-

ditorium.

The renovation does not stop with the erection of the buildings alone. The library will be computerised utilising the UNESCO-approved CDS-ISIS system of cataloguing. There will also be 20 Internet connections for reference use.

Though all these appear progressive and state-of-the-art, there is a worrying factor - costs. Already the overheads amount to Rs.100,000 per month. "Once the library starts functioning the costs will probably be 10 times more," said Selvarajah, basing his prediction on the statistics furnished by V. S. Thanabalasingham, the librarian.

These funds have to be found by the municipal council, which it obviously is unequipped to do. Selvarajah says that no viable alternative sources of revenue have been explored either.

The other problem is qualified staff. At present there are six at the central library that will be grossly inadequate when the institution starts functioning. A conservative estimate puts the requirement at 52, which will be difficult in finding. When the 22 computers are installed there have to be IT-literate staff to operate them. As of now there is not even one with adequate IT training to handle the job.

Though a possible avenue out is to hire temporary staff from other libraries, training new personnel is imperative in the long-term interests of the institution. All this requires additional funding.

"These problems have to be resolved before the library begins functioning," said Selvarajah, soberly.

Selvarajah is quite sure that no impediments will be put in the way of new books coming into the library's collection. The Pieter Keuneman collection was donated to the library recently. The library's importance was not confined to Jaffna alone. It was a resource for the entire Tamil-speaking world and could be used by Tamils from all over.

The Jaffna library is also to be a depository of Tamil books written by Tamils of Sri Lanka. These will not only include books written in Sri Lanka, but immigrant and Diasporic writings as well. This is because no national library catering primarily to Tamil bibliography is available in this country. Since the national library in Colombo devotes itself almost exclusively to output in Sinhala, the Jaffna library could be the Jaffna branch of the national library for Tamil writing, Selvarajah said.

"The library can lend its services to the Tamil nation provided the name Jaffna library does not change," said Selvarajah emphatically.



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## Report reveals more than mere facts

The committee to investigate the Kanchrankudah incident where eight persons lost their life and a score was injured, handed over its report to the Minister for the Interior John Amararatunga last Friday.

Though its findings are yet to be made public, the report's contents may be construed by the answers given by the chairman of the committee at a press conference later that day, and by reading the dissenting report authored by the committee's sole Tamil representative.

According to the dissenting report of Samithamby Vivekanathan, the committee chaired by Air Vice Marshall Harry Gunatilleke (Rtd.) and retired judge Oliver Weerasena had ignored the evidence placed before them by the members of the public on who the STF opened fire, preferring to adhere only to the statements made by the STF and the SLMM.

In its conclusions the majority report states the STF had no option but to open fire, a fact the dissenting member vehemently denies. He says that not only were no basic riot control measures used, but that evidence was deliberately distorted by the STF to create an impression the mob had forced its way behind the camp's barricades compelling the STF to open fire.

The sharply polarised opinions will only be resolved when judicial proceeding now going on, eventually conclude. But suffice it to say the reports in the Tamil media and the sections of the English media tally well Vivekanadan's version that the STF had used excessive force to quell the riot.

The investigating committee's report however brings out certain unsavoury facets of Sri Lankan society, which, in the ultimate sense, go deeper than the report of the Kanchirankudah incident itself.

That the main and dissenting reports should be polarised along ethnic lines is too obvious to bear repetition. But it shows how profound the enmity between the two communities is, which even a government-appointed committee is unable to ford. Let us face it: either the authors of the majority report or the writer of the dissenting report is lying. And lying to either deliberately shield or expose the STF and ultimately the government. The question is who?

The split also shows that despite all the goodwill shown by the government and the LTTE to rise above petty differences in the larger interests of the two communities they by and large represent, such myopia remains among (some) members of officially-appointed committees, which are expected to be constituted by persons of integrity and moral worth.

Third, it is also indicative that when there is a degree of ethnic balance in an investigation committee constituted in times of peace such as now, dissenting reports are submitted. In the past, committees have been appointed either without members of all ethnic communities, or where the Sinhala members so outnumbered the others, the minority members might not have had the courage to dissent openly.

While we wait for the law to take its course, we should ponder the deep fissures ethnic passions and rivalry have bred in our society. And let us be certain of one matter: unless such wounds are healed, no amount of ceasefire agreements or negotiations will suffice to bring about true peace.

## The LTTE's law and order machinery: drawing the line

By D. Sivaram (Taraki)

The fundamental issues of the peace process are coming to the fore with the passing of each day of the longest period of peace the island has seen since 1983.

The talks began with the full knowledge of the whole Sinhala polity that the Liberation Tigers control large tracts of territory in the northeast.

Even those Sinhalese who may have been unaware of the nature of this fact before the opening of the A9 would have seen at first hand that the LTTE controls and administers most of the Vanni region north of Vavuniya and the southern parts of the peninsula.

The US led coalition that is backing Norway in facilitating the peace talks are also well aware of this reality.

It now appears that not only the President, the opposition and all and sundry critics of the peace talks but the Norwegians and the backers too are not pleased with the LTTE doing whatever it wants to do within areas in the northeast that are under its control and recognised as such by the ceasefire agreement.

Here we are referring to the Norwegian Ambassador's remark that the LTTE's opening of police stations in the east could create difficulties for the UNF government and that it could pose a considerable threat to the peace process.

The SLMC leader Rauf Hakeem also has raised serious concerns about the matter.

At the bottom of all this lies the apparent unease in the minds of all Sinhala and Muslims and now the Norwegians about the future of the parallel state structures built by the LTTE on its side of the current line of control that divides Sri Lanka.

The Norwegian ambassador, the UNF government, President Chandrika Kumaratunga, the opposition and all and sundry who are griping or scolding the LTTE for opening police stations and, in the coming weeks, law courts in the east have completely or conveniently forgotten the fundamental fact on which the ceasefire agreement stands.

Everyone, including the extremist Sinhala Urumaya welcomes peace.

The peace they all accept as indispensable is not possible without the ceasefire agreement, whatever their criticisms are about its contents.

The ceasefire is not possible if the line of control is not recognised and accepted.

The Sri Lankan government fought the latter phase of Eelam War I and Eelam Wars II and III because it refused to accept the areas of control established by the leading Tamil militant groups and later by the LTTE.

The seven years of the PA's costly military program against the Tigers, the Riviresa, Sathjeya, Jaya Sikurui, Rana Gosha, Rivi Bala, Agni Kheela and connected operations in the

*Therefore by accepting the line of control the Sri Lankan state also necessarily accepts the fact that it has no say over the law and order on the other side of the line of control.*

north, were all pursued with the strategic objective of erasing the line of control.

Therefore the ceasefire had to necessarily be based on the recognition of the line of control. There is no sophistry in this world that is good enough to argue round this fact. The moment you deny this fact (before reaching a mutually acceptable final settlement) you have declared war.

So all those across the political spectrum who say they are for peace in Sri Lanka's current context are automatically accepting the line of control.

If peace is thus inevitably and necessarily predicated on accepting the line of control in the northeast, then it means that the writ of the law and order machinery of the Sri Lankan state does not run beyond its pale.

Therefore by accepting the line of control the Sri Lankan state also necessarily accepts the fact that it has no say over the law and order on the other side of the line of control.

Holding the line of control hence entails the LTTE to set up its own law and order machinery - a police, judiciary and a prison system.

All the objections raised by Sinhala nationalists, the Norwegian Ambassador and SLMC leader Rauf Hakeem against the LTTE's law and order system in areas under its control are, in the final analysis, a challenge to the line of control.

If they are want the LTTE to stop expanding its law and order machinery in areas held by it then they are repudiating the line of control, little realising their position means war to regain those territories and establishing the writ of the government there.

Given this fundamental reality of the peace that prevails in Sri Lanka today, griping and complaining about what the Liberation Tigers are doing on their side of the line of control will only pile up a thousand compelling but untenable reasons among the Sinhala people for breaking the ceasefire.

There are only four practical possibilities regarding the state structures the LTTE has established within the line of control.

1. The LTTE dismantles them voluntarily out of sheer deference to the concerns of the Sinhala polity, the SLMC, Norway and the US led group of western countries that are backing the peace

process.

2. The Tigers agree in principle to a plan worked out mutually in the coming rounds of talks to incorporate these structures into the Sri Lankan state 'remodelled' in accordance with the settlement reached upon at the end of the negotiations and approved by a two third majority in Parliament and the people at a national referendum.

3. The Sri Lankan state goes to war again to militarily dismantle these structures by bringing all the LTTE held regions in the northeast under its control.

4. The Sri Lankan state solicits and obtains the aid of either India or the US led group of countries backing the negotiations to bash the LTTE into abject submission.

The LTTE for its part has stated in no uncertain terms that the reality of its ground forces, naval forces, Police and administrative and judicial systems has to be taken into account in any negotiated settlement to the conflict.

Dr. Balasingham has said that these structures would be in place until the final solution envisages how these could be incorporated into the federal or confederate state for the Tamils in the northeast.

The LTTE says it will stick to the peace track despite the legal obstacle thrown on it by the 200-year sentence on Pirpaharan. The Sea Tigers promised Wednesday not to do anything that could rock the peace boat.

The Tigers gave up the demand for an Interim Administrative Council, they gave up the demand for the Joint Task Force, and quite certainly they are not pushing for the immediate resettlement of those people driven out Valikamam North division.

And above all the LTTE has stated clearly that it is willing to give up the demand for a separate state and consider a reasonable alternative within Sri Lanka.

It has readily agreed, contrary to what all its detractors believed, to take up core issues for discussion. It has also readily accepted the Muslim question with all its complexities.

In fact the UNF government has been singularly successful in getting the LTTE to water down its position to quite an unprecedented level.

As the memory of the horrible war gets clouded with the passage of time, a tendency is on the rise to push for more compromises from the LTTE.

The opinion of many of those who currently pontificate on the peace process is driven by an inveterate hatred of the LTTE than by common sense. Hence they want the LTTE to ultimately deliver the pound of flesh.

They know not that their demands require that the line of control be negated. And there the line would be drawn.



# PTA and rule of law

V.T. Thamilmaran

*Yet it may be asked how a man can be at once free and forced to conform to wills which are not his own. How can the opposing minority be both free and subject to laws to which they have not consented? -Jean Rousseau, The Social Contract, Book IV, Ch.2*

Citing its own two judgments, the Supreme Court proudly stated in its decision on the 18th and 19th Amendments last month that 'the rule of law' is the basis of the Constitution of Sri Lanka. In fact, Article 1 of the Constitution declares that Sri Lanka is, inter alia, a Democratic Republic. Article 3 further strengthens the democratic character of the State as it says that the sovereignty is in the people and is inalienable.

All is well, but a pertinent question remains as to the definition of the people referred to in the Constitution. It is rather unfortunate that judicial activism in this country in the direction of promoting pluralism is relatively too slow and at times not up to the mark by any yardstick of pluralist democracies. In this context, the failure on the part of the Supreme Court and its predecessors to make use of the opportunities that they had in interpreting the real meaning of the term 'people' on earlier occasions has seriously undermined the cherished principle of 'rule of law', which the Court today proudly proclaims that it upholds.

Adherence to the principle of 'rule of law' can't operate in a vacuum without taking into consideration the nature of the society for which the 'rule' is finally meant. Hence, any constitution is, in its substance and spirit, expected to be reflective of the nature of that society. The plural nature of a society inevitably demands that interpretation of all laws in a democracy shall always be subject to the diverse and sensitive interests of the different groups that make up that society. Therefore it is the fundamental task of the constitution to provide for such interpretation.

Being the supreme law of the land, to what extent does the Constitution of Sri Lanka reflect the real nature of the Sri Lankan society? Do the terms 'democracy', 'sovereignty' and 'people' as found in the Constitution have any meaning when it comes to certain sections of Sri Lankan society?

A case in point is the Prevention of Terrorism (Temporary Provisions) Act, No. 48 of 1979. The draconian piece of legislation was passed in Parliament without giving proper opportunity not only to the public but also to the parliamentarians to debate it. The damage it has caused is irreparable. It succeeded in totally alienating a section of the community - the Tamils. Why do I say so? What happened to the prin-

ciple of 'rule of law' and other celebrated norms of democracy?

The reference to 'rule of law' in the Preamble to the Act sounds like 'killing a person for giving him life'.

The Act, which fails to define either terrorism or even terrorist offence is nothing but, in the words of late Maithripala Senanayake M.P., the "permanent extension of emergency throughout the country".

However, when it was sent to the Supreme Court for testing its constitutionality, the Court was asked to only rule on whether the PTA bill needed a referendum before it could be adopted as law by Parliament.

The Court answered in the negative.

The elementary principle of criminal law demands that an offence should be clearly defined by a statute. If not there would arise the possibility that any person could be arrested and detained at the pure discretion of the arresting authority. In this context the arresting authority virtually becomes the lawgiver. This is a complete reversal of the rule of law.

Arresting a person is an executive action. Therefore under the PTA the executive action also becomes legislative action when it concerns the definition of the offence.

Also, the offence of terrorism should have been clearly defined by Parliament. It was not the case in Sri Lanka with the PTA.

The judges of the Supreme Court were very comfortable in allowing the PTA bill to be passed without being submitted before the people at a referendum.

The obnoxious Act, in spite of being condemned by international human rights lawyers, has been made use of by successive governments for consolidating themselves in power.

No one seemed to worry about the fact that perpetuating legislative oppression would one-day lead to an attack on the very root of the legislative authority of the state itself.

This is exactly what happened in Sri Lanka by keeping the PTA in the statutory book for nearly a quarter of a century.

Has anything been done to arrest the situation at least in this eleventh hour?

The events that are taking place after the lapse of the Emergency in July last year have proved that the fear entertained by Maithripala Senanayaka M.P., was perfectly correct.

In effect, the state of emergency (under the guise of PTA) is in operation throughout of the country and it avoids legislative or judicial scrutiny necessitated in the name of democracy.

In typical Sri Lankan style democracy, some of the regulations proclaimed under the Emergency Regulations of 2000 have been reintroduced by invoking section 27 of the PTA.

What happens to the so-called

*I am not sure, how many of these have been already approved by Parliament and how voting pattern on them was. However, the most disturbing aspect is that new offences can be created under these regulations and the minister can arbitrarily decide what areas should be considered as 'restricted areas' for the purpose of the Act.*

foundation of the Constitution, i.e., the cardinal principle of 'rule of law'?

Under the Sri Lankan legal system, the emergency regulations proclaimed by the President of the Republic can supersede all laws except the provisions of the Constitution.

However, because of the process involved in proclaiming them, the Supreme Court can exercise its constitutional jurisdiction to test the constitutionality of those regulations.

But, remember that the PTA, since it has already become legislation, can't be subjected to any sort of judicial scrutiny according to Article 80 of the constitution.

The undemocratic nature of the PTA is more evident in section 27. This section authorizes the Minister of Defence to make regulations for the purpose of carrying out or giving effect to the principles and provisions of the Act.

But no one knows what the (sacred) principles of the Act are? Doesn't it mean curbing violence or perpetuating state violence? The answer can be found in the light of what we have witnessed since the adoption of the Act.

According to Section 27(2), every regulation made thus shall be published in the Gazette and come into operation on the date of such publication.

These regulations get their force of law on being brought before Parliament and approved by it. But, Section 27(3) of the PTA gives a free hand to the Minister by simply saying that these regulations shall be brought before Parliament as soon convenient after their publication in the Gazette.

As no time limit is prescribed here, no one knows when it would be brought before Parliament for approval.

As such, it is up to the minister to decide when such regulation is to be presented before Parliament for its approval. If he/she thinks that it is convenient for him/her to delay it for years, no one can question the delay in bringing it before Parliament. But it wouldn't end

there either.

What will happen if Parliament refuses to approve those regulations when they are brought before it after a considerable period of time?

The answer is clear in section 27 (3). Those regulations would be considered as having no force of law from the date of such disapproval and whatever previously was done there under wouldn't be affected by such disapproval.

The end result would be that the minister could make any regulations that he/she thinks fit without any concern over the possibility of them being approved by Parliament.

This provision makes the executive action of the minister to virtually become a legislative measure. It is so because the interpretation clause of the Constitution says that "written law" includes regulations as well.

As written law, a regulation of this nature could override even the fundamental rights provisions of the Constitution according to Article 16.

Nevertheless, we are still made to believe that 'rule of law' is the basis of our Constitution and that the Constitution is a democratic one.

But the apathy on the part of the Sinhalese is due to their confidence that this draconian law is nothing to do with them and it deals with only terrorists.

Under this section of the PTA, the Minister of Defence, so far, has made nearly 13 regulations. These deal with, inter alia, setting up of high security zones, proscribing and de-proscribing the LTTE, demarcating cleared and un-cleared areas, banning certain items from being taken to the Northeast, appointing the Commissioner General for Rehabilitation, and finally, calling out the armed forces on active service.

Out of the 13, 11 were made last year when the President was the Minister of Defence.

The remaining two made this year are to rename the Prohibited Zones as Restricted Areas, and to de-proscribe the LTTE.

I am not sure, how many of these have been already approved by Parliament and how voting pattern on them was. However, the most disturbing aspect is that new offences can be created under these regulations and the minister can arbitrarily decide what areas should be considered as 'restricted areas' for the purpose of the Act.

Regulation No.1 of 2002 made under the Act says that the 'restricted areas' shall comprise the areas along the coast-line of the administrative districts of Trincomalee, Mullaitivu, Jaffna, Mannar and the adjacent Territorial Sea. The schedule attached to the Regulation depicts the areas mentioned above.

Any one who enters these areas without due permission would be considered an offender and be dealt with accordingly. The armed forces are entitled to use any means that appears to them necessary to stop such person from entering these areas. The violator of the regulation shall, on conviction be liable to 1-3 months rigorous imprisonment and to a fine of not less than two hundred thousand rupees.

According to last year's regulation the punishment prescribed was 3 months to 5 years rigorous imprisonment and five hundred thousand rupees fine. Some of the more serious offences listed in the Penal Code of Sri Lanka do not entail such high amounts of fine.

Accordingly, it is lawful for the public to get access to any areas not listed under category of 'restricted areas'.

However, all the administrative districts of the country have been declared as 'security areas' under section 2 (3) (ii) of the PTA and thereby keeping any unauthorized arms, offensive weapons, explosives and ammunition in these areas would become a terrorist offence.

It is clear from the above brief description that there is no legal basis for the armed forces to occupy any private building or premises outside the 'restricted areas' or to acquire possession of them. It is true that in practice people in the Northeast do not want to stay close to camps and other security installations. But it doesn't mean that they have given up the ownership of those properties.

By setting up security installations in public places and private buildings, a situation is created in which the public will be forced to vacate their own properties and abandon their vocation. They would finally end up in refugee camps. It is a sort of psychological war waged against civilians in civil wars. For the displaced people, talk of ceasefire and restoring normalcy would remain mere rhetoric unless meaningful steps are taken to give effect to the 'rule of law' in its real sense.



# Amirthalingam and general elections, 1952-1989

By Sachi Sri Kantha

This feature on the ex-TULF leader and the Federal Party stalwart A. Amirthalingam was written at the special request of Dr. A. Baheerathan, his second son, to felicitate Amirthalingam's 75th birthday, which fell on 26<sup>th</sup> August 2002. Baheerathan was a student of mine for an year at the Faculty of Medicine, University of Peradeniya in 1979. On the Internet, Amirthalingam has merely become a statistic in the columns and commentaries of LTTE's adversaries in Sri Lanka and India. In reality, these hypocrites would never even dream of supporting the ideals for which Amirthalingam lived for. Thus, I present this review on Amirthalingam's stature among the Eelam Tamils, to fill the lacking numbers and statistics in the current electronic database.

One readable English biography has appeared on Appapillai Amirthalingam, the Federal Party (FP) and Tamil United Liberation Front (TULF) leader, in 1996. T. Sabaratnam, the journalist from the Lake House Newspapers Group in Colombo, authored it. Though content-wise it has merits, glaring omissions of this biography relate to meagre details on Amirthalingam's record in the general elections held in post-independent Ceylon. If not for these general elections, Amirthalingam wouldn't have blossomed into a political leader for Eelam Tamils. Thus, in this brief review, I have assembled the essential statistical information relating to voter preference on Amirthalingam and how Amirthalingam fared in the general elections he faced.

Between 1952 and 1989, Amirthalingam faced the voters under two party labels; first as a Federal Party candidate in Vaddukoddai and subsequently as a TULF candidate in Kankesanthurai and later in Batticaloa. Seven elections, held between 1952 and 1977, can be termed as 'clean' elections. Amirthalingam was a winner in five of the seven elections he faced. He lost in 1952 and 1970. The election of 1989, in comparison to the previous ones, was a 'crooked' election, and Amirthalingam lost in Batticaloa. In chronological order, I provide a review on Amirthalingam's performance in each of the election he faced.

## 1952 General Election: Vaddukoddai electorate

Amirthalingam was a 24 year-old youth representing the newly minted FP. He had two opponents who belonged to an earlier generation than him; K. Kanagaratnam (1892-1952), the sitting Tamil Congress MP, who served as the Parliamentary Secretary to the Minister of Education in the first D. S. Senanayaka cabinet. V. Veerasingham (1892-1964) was a principal of Manipay Hindu College and promoter of the cooperative movement in Jaffna, contesting as an Independent. A third opponent, A. Vaidialingam (1915-1988) represented the CP, who later became the principal of Urumpirai Hindu College. In a contest involving six candidates, Amirthalingam came third in the voters' preference receiving 19 percent of the votes polled in the Vaddukoddai constituency. The victor was Veerasingham, who received only 24 percent of the votes polled.

Total electorate:	34,135
Total votes polled:	23,737
Percent polled:	72.47
Spoilt votes:	495
Majority by the winner:	425
V.Veerasingham	(Independent): 5,687
K.Kanagaratnam	(TC): 5,261
A.Amirthalingam	(FP): 4,500
T.Rudra	(Independent): 3,033
C.Ragunathan	(Independent): 2,467
A.Vaidialingam	(CP): 2,294

## 1956 General Election: Vaddukoddai electorate

Amirthalingam was aged 28 when the 1956 General Election rolled in. He was involved in a direct contest with A.Vaidialingam of CP, and he received 57 percent of the total votes polled with a majority of 4,087 votes and was elected for the first time to the parliament, in his second attempt.

Total electorate:	35,927
Total votes polled:	26,148
Percent polled:	72.78

Spoilt Votes:	361
Majority by the winner:	4,087
A.Amirthalingam (FP):	14,937
A.Vaidialingam (CP):	10,850

## 1960 March General Election: Vaddukoddai electorate

Amirthalingam was 32 in March 1960. At this election, as a sitting MP, he faced four opponents, three of whom represented TC, LSSP and CP. He received 53 percent of the total votes polled with a majority of 7,910 votes and was elected for the second time to the parliament.

Total electorate:	28,955
Total votes polled:	21,822
Percent polled:	75.37
Spoilt Votes:	289
Majority by the winner:	7,910
A.Amirthalingam (FP):	11,524
S.Suntharasivam (LSSP):	3,614
A.Vaidialingam (CP):	3,180
M.P.Sangarapillai (TC):	2,955
C.S.Ratnasabapathy (Independent):	260

## 1960 July General Election: Vaddukoddai electorate

The 1960 July General Election saw a repeat of the 1956 General Election, with Amirthalingam facing A. Vaidialingam (CP) in a direct contest for the second time. This time he received 71 percent of the votes polled, with a majority of 8,248 votes and became a third time winner.

Total electorate:	25,955
Total votes polled:	18,935
Percent polled:	65.39
Spoilt Votes:	265
Majority by the winner:	8,248
A.Amirthalingam (FP):	13,454
A.Vaidialingam (CP):	5,206

## 1965 General Election: Vaddukoddai electorate

Amirthalingam was 38 years when he faced the voters for the fifth time. A.Vaidialingam (CP) had given up contesting against Amirthalingam. This was a four-cornered contest, and Amirthalingam again won convincingly by receiving 60 percent of the total votes polled, with a majority of 11,139 votes. This is the highest majority he received at Vaddukoddai. His nemesis in the 1970 General Election, contested this election as an Independent and received 4,082 votes.

Total electorate:	36,935
Total votes polled:	25,790
Percent polled:	69.83
Spoilt Votes:	290
Majority by the winner:	11,139
A.Amirthalingam (FP):	15,498
K.Subramaniam (TC):	4,359
A.Thiyagarajah (Independent):	4,082
I.R.Ariaratnam (CP):	1,561

## 1970 General Election: Vaddukoddai electorate

Amirthalingam had reached 43 years when he faced the voters for the sixth time. A surprise was in store, which many Eelam Tamils did not anticipate. Amirthalingam was defeated for the second time in Vaddukoddai, by a slender majority of 725 votes, in a direct contest against A.Thiyagarajah (TC). This loss was a shocker and analysts for this result attributed quite a number of reasons. Some opined that Amirthalingam had too much *thalaikanam* (bloated head) and the voters merely wanted to teach him a lesson by reducing his 'majority' - but they didn't anticipate that he would lose the election. Others explained the result as a marginal shift due to a strong preference of Karainagar voting segment for their 'local man', Thiyagarajah, who had served as a principal of Karainagar Hindu College. This was the last time Amirthalingam faced the voters from Vaddukoddai electorate.

Total electorate:	35,812
Total votes polled:	28,174
Percent polled:	78.67
Spoilt votes:	181
Majority by the winner:	725

A.Thiyagarajah (TC):	14,359
A.Amirthalingam (FP):	13,634

## 1977 General Election: Kankesanthurai electorate

In 1977, Amirthalingam had reached 49 and was one month shy of 50 years. He also had become one of the co-leaders of the newly formed TULF party, following the death of his mentor S. J. V. Chelvanayakam in April 1977. Thus, he chose to contest the election from Kankesanthurai, represented by Chelvanayakam for a long time. He faced the voters for the seventh time, and for the fourth time it was a direct contest with an opponent. Amirthalingam received 85 percent of the votes polled, with a majority of 25,833 votes.

Total electorate:	43,907
Total votes polled:	36,695
Percent polled:	83.57
Spoilt votes:	218
Majority by the winner:	25,833
A.Amirthalingam (TULF):	31,155
S.Sridharan (Independent):	5,322

## 1989 General Election: Batticaloa constituency

Amirthalingam had reached 61 years. This election was held under the proportional representation system, different from the previous elections. Thus, the votes obtained by Amirthalingam cannot be compared with that of the previous elections. It would be like comparing apples with oranges. Also, the elections held in the northeast province was heavily 'rigged' by the then prevailing Indian Peace Keeping Forces. Thus, I would not consider the results of this election as a fair one. Amirthalingam lost in this election. His loss could be attributed to more than one factor. First, the self-exile in Madras (post July 1983-88) which led to an impression among the Tamils that the TULF leaders had deserted their responsibility by not living among them in Eelam. Secondly, generational switch to the belief that parliamentary democracy alone would not provide any panacea to the suffering of Tamils in Eelam. Thirdly, increase in violent canvassing by the puppet candidates which was a new-born factor in the 1989 general election. Fourth, the deceptive propaganda by his opponents that 'since he cannot win in Jaffna region, Amirthalingam has landed in Batticaloa'.

Before I wind up this review, I wish to record a bizarre resurrection of Amirthalingam's name in the political debate involving Eelam Tamils. The Sinhalese politicians, analysts and journalists living in Colombo who blamed Amirthalingam for everything which went 'wrong' in Sri Lanka since 1977, had converted him into a 'darling'. For them, a dead Amirthalingam seems to be more useful than a living Amirthalingam. The political game of blaming Amirthalingam was initiated by the then President J. R. Jayewardene, though his Cabinet minister Cyril Mathew, as a vociferous demagogue, excelled in it. Strangely, Amirthalingam who was castigated as a 'traitor' to the Sri Lankan nation while he was living, came to receive honourable mention after 1989, as a worthy leader with whom Sinhalese could talk and do business. I believe that Amirthalingam's name is being abused by many who wouldn't yield an iota to the causes for which the TULF leader struggled for decades in his professional career as a politician.

In the internet world, Amirthalingam has become just one statistic as a victim of LTTE assassination. Nothing more is included or analyzed on what Amirthalingam fought for in the portals of Sri Lankan parliament between 1956 and 1983, with an intermittent break from 1970 to 1976. Even the Tamil scribes and the Intelligence analysts of India who fed on emotionally wounded Amirthalingam for access and information between 1983 and 1989 continue to use his name unabashedly in sanctimonious tones without contributing their muscle to the ideals for which Amirthalingam perspired for four decades. This is a pity.

In brief, Amirthalingam wanted the Tamil speaking people in Sri Lanka to live with equal rights and dignity. This was his sincere platform. That's why he was transformed into a leader by the Eelam Tamils. Those who short-circuit Amirthalingam's platform by suggesting half-baked solutions and preaching the 'worth' of such half-baked solutions for Eelam Tamils do nothing but disservice to his memory.

(Ilankai Tamil Sangam, USA)



# Hand of capitalism behind global spread of AIDS

By Jude L. Fernando

For many years to come, endless media replays of two aircraft piloted by criminal fanatics crashing into the World Trade Center towers in New York will be beamed into people's minds.

Understandably, the public will continue to mourn the deaths of innocent people and extend their support for spending billions of dollars to combat global terrorism. Such commitment, however, has not been extended to the global pandemic of AIDS, which Nelson Mandela calls a "war against humanity."

Forty million people are living with HIV, the virus that causes AIDS worldwide, with five million new cases and three million deaths reported last year (2001). Over 70% (26 million) of the AIDS victims are in Africa where one in five adults is infected with the virus. Life expectancy for adults has dropped below 45, and 6,000 die daily. At this rate, sooner or later the entire African continent may simply be a bare land, once again wide open for new settlers.

Every day in India, 3,500 people become HIV positive. By 2005, there will be 35 million people in India who are HIV positive. The total projected AIDS victims are greater than all the combatants who died in World War I and II and in the Korean, Vietnam and Gulf wars.

Sri Lanka too is not immune to the threat of AIDS

AIDS is not simply a disease, but a social, economic and political crisis that touches intimately upon our ideas of sexuality, social responsibility, individual privacy, health, and the prospect of living our normal life spans. It is also about the denial of fundamental human rights.

The reasons for AIDS are widely misunderstood, misconstrued and exploited by many for selfish economic and political gains. Brian Murphy has challenged the so-called "newness" of the AIDS virus as a way of explaining how the deadliness of the disease was augmented by politics, which in turn has obscured the social, economic and cultural factors that shaped our ideas about the disease.

The connotations embodied in media representations of AIDS are quite extraneous to the virus itself and more to do with unresolved fears about sexuality, race, ethnicity and class relations prevalent in society.

Initially, when AIDS drew the attention of the US intelligence services, it was construed as a threat to national security. In the 1980s, the genesis of AIDS was attributed to groups already marginalized and stigmatized in society. It was called a 'plague' or portrayed as a 'gay plague' spread

by drug addicts, and God's punishment for their sins.

The target then shifted to colored minorities, and subsequently AIDS became a 'black plague' of Africa. Although it is now politically incorrect to use such moralistic, racist and homophobic representations as they are based on prejudice and fear, they continue to impact negatively on public attitudes towards AIDS and its prevention.

Today, AIDS is widely represented as a result of underdevelopment and backward social and cultural attributes internal to the third world countries. Bob Herbert quotes Andrew Natsios, an official of the US Agency for International Development (USAID) that it made no sense for US drug companies to make drugs freely or cheaply available to combat AIDS in Africa, "because Africans don't know what western time is. You have to take these (AIDS) drugs a certain number of hours each day, or they don't work. Many people in Africa have never seen a clock or a watch their entire lives. And if you say, one o'clock in the afternoon, they do not know what you are talking about. They know morning, they know noon, they know evening, they know the darkness at night."

The implication is the poor are less human and somehow unworthy of receiving western treatment. The unequal distribution of the costs and benefits of development between developing and developed countries continue to be ignored.

Such representations of AIDS are in remarkable ways similar to those used by the colonizers to describe the colonized. With AIDS, as with colonialism, such representations heighten the paranoia of criminalizing people of color and social and sexual minorities. It legitimizes self-congratulation, defensiveness and the moral superiority assumed by Anglo-Saxon communities. It is racism in its purest form.

When the link between racism, AIDS, and poverty were to become a major topic at the World Conference Against Racism (WCAR) the US, UK and the rest of the European Union threatened to scuttle proceedings if reparations and the legacy of colonialism were allowed to remain on the agenda.

Much of the current thinking of AIDS ignores several important issues. Why is the HIV-transmission rate higher in the developing countries and among the poor? Why is it that HIV-infected people in the rich countries live almost their entire life span compared to those in poor countries? Is it simple coincidence that the hyperinflation of the HIV/AIDS transmission rate worldwide began with the demise of the welfare state and rise of neo-liberal capitalism?

Critical epidemiologists have dismissed the norm that the disease can be eradicated by merely treating the 'primary transmitter.' It is a myth to

*Why is it that HIV-infected people in the rich countries live almost their entire life span compared to those in poor countries? Is it simple coincidence that the hyperinflation of the HIV/AIDS transmission rate worldwide began with the demise of the welfare state and rise of neo-liberal capitalism?*

believe that in most parts of the world the majority of people have only a single lifetime sex partner. Rural areas are neither isolated nor unchanging, and the chance that any one partner will be free of HIV infection decreases progressively. Besides, the use of condoms is prevented by a variety of political, social and cultural factors.

Third world countries refuse to acknowledge reasons internal to their cultures for AIDS and simply blame the west for the disease and misuse funds allocated for its prevention.

The World Bank-led structural adjustment and stabilization policies are directly responsible for the transition of the AIDS epidemic to a pandemic. These reforms have increased disparities in wealth and power and changed behavioral standards in both rural and urban areas.

Soaring unemployment, civilian displacement caused by civil war and military occupation, trading sex for food as survival and mass migration in search for jobs set the stage for sex with multiple partners and led to the ever more widespread dissemination of HIV. Africa provides a candid example of the link between the denial of political freedoms and economic inequalities with the AIDS crisis.

The pharmaceutical industry is worried about their profits. Their profitability is predicated on privatization of the healthcare industry worldwide and destruction of those industries that are capable of producing cheap drugs. TNCs are at war against those who jeopardize their profits by letting poor countries produce drugs at low cost by sharing knowledge and technology.

Such fears are buttressed by the crises within healthcare systems in developed countries as for example increasing demands for affordable medicine by millions of Americans denied of access to basic health care. These companies have therefore begun to exploit the international copyright laws to maintain their grip on the manufacture, distribution and pricing of AIDS drugs such as AZT, to protect their profits.

In response to years of protests, six major drug companies - Merck, Hoffmann-La Roche, Bristol-Myers Squibb, Glaxo, Pfizer, and Boehringer agreed to reduce the price of AIDS drugs supplied to poor countries. But six months later nothing was done. It was only marginally implemented in three Africa countries.

Companies often reduce the prices of generic drugs just before they are withdrawn from the market to pave the way for more advanced the profitable products. Such temporary price reductions are also used as a means of destroying local industries that can produce drugs cheaply. In many African countries, the minimum wage is less than \$1 a day and the solution lay in producing affordable generic versions of the AIDS/HIV drugs.

Ironically, AIDS activists are often funded by grants from pharmaceutical companies that have profited mightily off people with AIDS. For example, the Washington DC-based National Association of People with AIDS receives funding from Merck, Glaxo, Roche, Bristol-Myers Squibb, Alza Pharmaceuticals, and Optima Nutrition.

With the notable exception of AIDS Action, most of the AIDS activist groups took a back seat when drug companies successfully lobbied Congress to prevent legislation that would have dramatically lowered what health-care organizations pay for AIDS drugs. The drug companies have not only co-opted the AIDS activists, but is has become impossible to "distinguish them from the companies' policy and outreach departments."

Brazil stripped TNCs of their patent rights and threatened to start producing AIDS drugs unless prices dropped by at least 40 percent. Brazil's intellectual property laws state that patents can be stripped in the case of a national emergency or price gouging. Between 1997-1999, the Brazilian government's actions reduced AIDS-related hospitalization costs by some US\$422 millions. While India has also successfully resisted the multinational pharmaceutical companies, many countries are unable to follow suit unless they provide the evidence of an emergency medical crisis acceptable to the WTO.

The gap between political rhetoric and action has continued to widen as pharmaceutical companies increase their control over political processes. President George Bush announced a three-year, \$500 million HIV/AIDS initiative. Former President Bill Clinton urged the U.S. government to increase spending by nearly \$2 billion, which he compared to the cost of "less than two months of the Afghan war," or three percent of the requested budget increases for homeland security.

However, Laurie Garret, author of *Betrayal of trust, the collapse of global public health*, noted that so far only Italy has deposited funds in the Global Fund for AIDS managed by the World Bank. The US\$200 million is significantly less than the target goal of US\$7 to \$10 billion. After Sept. 11, 2001, US Congress said that it had to lower its pledge to the Fund from US\$750 million to about US\$120 million in order to combat bio-terrorism.

The Clinton administration, following the example of the World Bank and IMF, pledged \$1 billion dollars to combat AIDS in Africa, on the condition African governments bought drugs from American companies, which was projecting one \$1 billion dollars in profits that year. Many countries opted out of the scheme due to past experience in South Africa where debt was used as a means of forcing the government to reduce expenditure on public health.

Incidentally, in 1997-98, the four pharmaceutical TNCs cited above gave \$276,850 in soft and hard money to Democratic Party committees. Gore's chief domestic policy adviser, David Beier, was previously the top in-house lobbyist for Genentech, a pharmaceutical TNC. AIDS inevitably boils down to an issue of private vs. public health. The industry is anxious about elected representatives making too many pledges to improve public health and demands better insurance coverage for employees instead.

The AIDS crisis demonstrates a tyrannical aspect of capitalism and the moral bankruptcy of its protagonists. Capitalism not only intensifies the spread of the disease, but has also used the epidemic as a political tool to privatize healthcare and push neo-liberal economic reforms worldwide, despite the overwhelming evidence from social welfare democracies such as Cuba and the Scandinavian countries on successfully halting the progress of AIDS. In Cuba AIDS transmission rate is 0.02 percent, one of the lowest in the world. But it is politically incorrect to cite Cuba as a development model!

Finally, current efforts in ending the civil war in Sri Lanka is an important step toward preventing the spread of AIDS because displaced people and the military's presence in population concentrations such as Anuradhapura, are shown to be major factors helping the spread of sexually transmitted diseases.

Unfortunately, we are not making much progress in eradicating poverty and improving public health care. Sooner or later the country will realize that the current mindless privatization process as the number one enemy of AIDS.



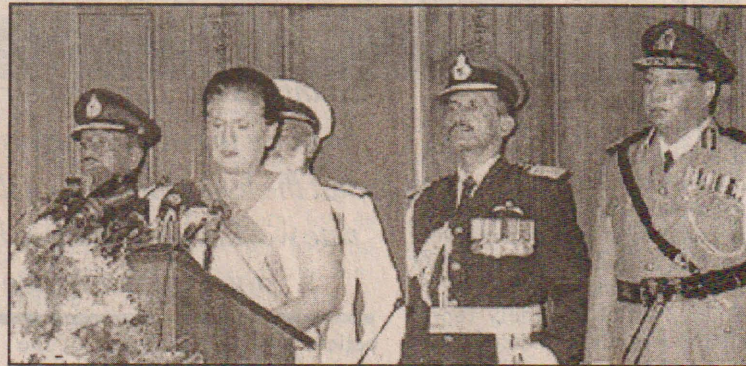
# Kumaratunga epitomises Sinhala chauvinism

As the United National Front government struggles to revive Sri Lanka's beleaguered economy and improve the living standards of the island's residents, it continues to face procedural obstructions raised repeatedly by President Chandrika Kumaratunga. As Prime Minister Ranil Wickremesinghe reluctantly admitted this week, her hostility and control of the military is also "tying up" the Norwegian peace process.

Also this week, President Kumaratunga celebrated her eighth year in office. Her speech at the occasion was predictably glib, extolling the supposed virtues of her now former People's Alliance (PA) regime. She said her coming to power in 1994 was a

triumph of the desire of Sri Lanka's peoples "for a good and decent government that would ensure the return of humane values, honesty and integrity and efficiency." She is quite right. By the same token, the rejection of the PA by the same peoples last December is a reflection of their subsequent and deep disillusionment. Kumaratunga has presided over the most tragic chapter in Sri Lanka's history: tens of thousands of lives have been sacrificed in her personal quest for Sinhala hegemony over the other peoples. The economy was readily sacrificed in the interest of crushing Tamil aspirations. But it was Sri Lanka's peoples who paid the price.

Finally her financially and morally bankrupt administration collapsed late last year despite the un-



principled coalitions she sought to forge and the same desire for peace that brought the PA to power in 1994 swept the UNF to the helm. As all Sri Lankans know, Kumaratunga can celebrate another anniversary this year simply because there hasn't been a Presidential

election recently and won't be till 2005. That the Parliamentary government shunned her self-congratulatory event is indicative not only of the rift at the heart of the Sri Lankan state, but popular sentiment in the island.

Kumaratunga's pious musings on

ethnic reconciliation this week are the height of hypocrisy. Ethnic polarisation became complete and entrenched under her intolerant governance. Lip service to liberal norms initially co-opted international support for her military solution to the ethnic question, but she now stands exposed for the racist militarist she is. As Sri Lanka struggles on to the slow path to peace, any efforts to promote peace amongst the island's peoples are undeniably welcome. But Kumaratunga represents the very antithesis of communal harmony. And as long as she remains in the powerful Presidency, peace will remain hostage to her whim and ethnic reconciliation an impossibility.

(Editorial, Tamil Guardian)

# Answering the call of duty

By Nicolaas van Rijn (Staff Reporter)

"Personal courage comes in many forms. But surely, putting one's life on the line to report and ferret out the truth must rank among its highest forms." — Toronto Star publisher John Honderich

On a day when we pause to remember the dead of wars and conflicts dating back almost a century, a handful of (The Toronto) Star correspondents and photographers — the modern-day war chroniclers — don't have to think back far to summon their own memories.

And some, like The Star's Kathleen Kenna, grievously wounded earlier this year when a hand grenade was tossed into her car in eastern Afghanistan, don't need to think at all — they live daily with the scars, seen and unseen, of bearing witness to wars, declared or not, around the world.

Chechnya. Bosnia. Yugoslavia. Kosovo. Rwanda. Afghanistan. Iraq. Israel. Vietnam. These, and more, are the familiar datelines from a world of danger most of us know only from afar. But the back roads and byways of these cauldrons of conflict are as familiar as the Eaton Centre and the Gardiner Expressway to a select group of Star writers and photographers, including Olivia Ward, Linda Diebel, Bernard Weil, Mitch Potter, Bill Schiller, Sandro Contenta, Martin Regg Cohn and Rosie DiManno.

"We go because the world needs to know what's happening in places like that," observes Weil, a photographer who was in the car with Kenna and who narrowly escaped being blown apart himself.

And sending them, says Star publisher John Honderich, is no easy decision.

"Sending a Star correspondent into a war zone is one of the most profound decisions a publisher or editor must make," Honderich says. "I understand the imperative to get the news. However, ultimately, top management is — and must be — held responsible if anything goes wrong, and this is a responsibility I take very seriously."

Veteran war writer, *Sunday Times* correspondent Marie Colvin — she was nearly killed and lost the sight in one eye while covering Sri Lanka's Tamil Tigers — agrees the job, however dangerous, is an important one that needs doing.

"My job is to bear witness," Colvin said recently. "It has always seemed to me that what I write about is humanity in *extremis*, pushed to the unendurable, and that it is important to tell people what really happens in wars — declared and undeclared." It's a job they didn't always expect to do.

"Despite my best efforts to stay out of trouble, over the past eight years I've found myself covering conflicts in Algeria, Sudan, Lebanon, Palestine, Kashmir, Sri Lanka and East Timor," notes Cohn, The Star's Asia bureau chief.

But, unlike the combatants and civilians, foreign journalists know — God willing — that there's an end to the horror.

"For all the risks that we face," Cohn notes, "I'm always aware that our exposure is, usually, time-limited. One day we'll be driving out or taking a flight home. The combatants continue fighting to the death; civilians and refugees remain in the line of fire — and can pay with their lives."

"On several occasions the local journalists, translators and drivers with whom I've worked became casualties, long after I'd left," Cohn said.

For some the work, however miserable, is the realization of a life's

ambition — or a childhood dream.

"Forgive the cliché, but we are truly witnessing history out here," says Potter, The Star's Middle East bureau chief. "I wanted it since I was a little kid delivering The Star."

Still, Potter agrees, ducking bullets isn't a career goal for most journalists.

"Look, you would have to have a screw loose to actually aspire to war correspondence and, clearly, several people out here do have a screw loose.

"The vast majority of us, however," he adds, "would love nothing better than for the bang-bang to cease immediately. We signed on as foreign correspondents and war, unfortunately, is part of the package."

In a sense, it's the price he — and other foreign correspondents — pays for a front-row seat at history's cutting edge.

Potter, who got kicked out of Afghanistan after his reporting ruffled the feathers on the American military eagle, sees his current posting in the Middle East as "the journalistic challenge of a lifetime, searching for truth in a seemingly intractable conflict that transcends the lines of race, religion, history, socio-economics and global geopolitics."

Schiller, who during his posting to South Africa covered the release of Nelson Mandela, says he was humbled by writing about men and women willing to give everything — including their lives — for a better world.

"I never aspired to do this, it had nothing to do with the poetry and magic I had always associated with journalism," notes Schiller, now The Star's foreign editor. "I grew into it, gradually, starting out as The Star's correspondent in South Africa in the days under apartheid, being constantly exposed to people — normal

people — who woke up every morning ready to die for what they believed in.

"They touched and inspired me and gave me a modest measure of courage, which would never in a million years equal theirs.

"But it made me realize that what we do is important and makes a difference."

Making a difference is a constant theme for these men and women. They're paid to make a difference by writing and photographing what they see and uncover, but they often make an immediate difference by reaching out a friendly hand.

For global gadabout DiManno, it's always been about people.

"In Afghanistan, I spent way too much of The Star's money taking children to the doctor," she recalls. "After returning from Gulu, Uganda," where she covered a vicious border war, "The Star collected thousands of dollars in reader donations — and much more in donated goods — that were sent to an organization in Uganda that worked with child soldiers, kids who'd been kidnapped and forced to fight, sometimes to kill members of their own families."

Diebel, who has just returned from years abroad — most recently as The Star's Latin America bureau chief — recalls when she was instrumental in obtaining medical attention for a little boy horribly maimed as fighting raged in the southern Mexican state of Chiapas.

"He was unable to use his right arm because of his wounds," Diebel recalls. But, because of her stories, "a group of Toronto residents put together a fund to get him medical treatment."

"And last year, in 2001, a little Colombian boy who had spent two years in captivity after being kidnapped by rebels arrived in Toronto

with his mother and three aunts, as a result of The Star's stories."

Diebel, who has covered the horrors of Haiti, remembers how students in a Toronto classroom pitched in after reading one of her pieces.

"Teachers got their primary school students together to raise money for a Haitian centre to help 'restaveks.' These are child slaves in Haiti, and 'slave' is an appropriate term since they are sold by their families to city people who use them as labourers," Diebel said. "They can be as young as 5.

"The Toronto kids bought the centre such urgently needed things as a refrigerator."

Sometimes the help is a simple gesture. Here's Potter.

"I don't think anybody at The Star knows this, but Bernie (Weil) and I bought a gas-powered generator in Afghanistan. With no reliable juice in Kandahar, it was the only way to send stories and pix. On our way out we spent a morning at several refugee camps on the border and decided on the Red Crescent Society, which stands alone as an agency with low overhead and high efficiency.

"It was inundated with new refugees as a result of drought, the U.S. air strikes and Pashtun fears of violent backlash in the north.

"We gave them the genny," Potter recalls. "I'll never forget the look on the camp staff's face. For them, an unexpected source of power."

But, ever practical, Potter and Weil knew their "genny" might be just the thing to one day help out a hapless colleague.

After all, Potter noted, the generator could even "serve as a power source for visiting photographers to recharge and transmit to the world the story of the refugees."



# “Mullikulam would be a city if not for the war”

By J. S. Tissainayagam

Our guide was Emmanuel Cruz. He seemed in his late 40s, but people age fast in the face of privation that he, and others like him have had to endure for over a decade. His sunken cheeks and yellow eyes spoke of malnutrition, but there was evidence of power in the wiry wrists and gnarled fingers that emerged from under the unbuttoned cuffs.

We picked him up from Silavathurai, a little village by the coast, 40 km southwest of Mannar in the Musali division. Scattered roundabout were houses bearing every mark of having been built for the internally displaced.

“We were displaced in 1992 and fled to India. From there we came to Pesalai and lived awhile in the camp. Then in 1997 we were relocated at Silavathurai,” he said in a hoarse voice, which failed to articulate the vowels sufficiently.

Cruz is a native of Mullikulam, also a hamlet in the Musali division on the Marichukatty-Puttalam road at northern extremities of the Wilpattu jungles. On the border of the Puttalam and Mannar districts, it is equidistant from both towns (57km). It held a well-known PLOTE base in earlier times.

In 1992, 123 families from Mullikulam dispersed when they heard the army was approaching from the sea in an operation launched from Kalpitiya. Most of them went in the clothes on their back. While Cruz and some others took boat to India, many sought refuge in Thaalvaadu, Mannar and Pesalai.

Today, despite the wretched

*The greatest impediment to recommencing a settled way of life is the jungle's tide that has taken over when humans abandoned the village for safer climes. “Farming is impossible this year. We have to clear the jungle,” said Thomas*

conditions in Mullikulam, around 35 – 40 registered families and another 30 unregistered ones have gone back to start life once again. Cruz is one among the many in Silavathurai who is planning to return.

Circumstances of the displaced in Silavathurai do not appear too bad to the outsider. Though there was continuous harassment from the army and police for the refugees from Mullikulam because of an LTTE presence in the neighbourhood, things changed after the Ceasefire Agreement.

The displaced children from Mullikulam go to school in Silavathurai and Mannar. What was a Muslim school in Silavathurai was transformed into a Tamil school because the Muslims were displaced from Mannar in 1990 during the general exodus of that community from the north at that time.

The IDPs have been given assistance for income generation from fishing or farming, which are their dominant ways of earning a livelihood. The same seemed to be true for refugees in the other areas too.

I asked Cruz if conditions were tolerable why he wanted to return to Mullikulam.

He paused for a moment before saying: “My wife died of brain fe-

ver and I have four children to look after, but the life of a refugee is not for me,” and added as almost an after thought, “but the re-settlers in Mullikulam have problems too.”

But there is more to it than self-respect and pride. The Muslims of Silavathurai are returning to take back their homes and re-establish themselves in fishing and cultivation, forcing the outsiders to move back to Mullikulam.

Our way took us along the coast though at no point was the sea visible through the thick, luscious undergrowth on either side, glistening from the recent rains and threatening to encroach onto the road that had deteriorated into a channel of mud through which our vehicle ploughed manfully. The jungle known as Kondatchi kaadu, which extends into Wilpattu, is home to deer, buffalo and the elephant and hunting iguana is a common and lucrative source of income.

“This is not a good time to re-settle in Mullikulam; the bus service is yet to resume on this route and the rains will not allow repairs,” someone cautioned Cruz.

But he is determined to go back.

You can hear the purr of the river Kallaru over the stones long before you come to it. The only reconstruction of any sizable magnitude

is the bridge that spans it. It was yet incomplete and the humps of naked concrete and metal waited reinforcement. But the vehicle was able to cross. The river, though not in spate, had been reinvigorated by the rain and chattered past in muddy swirls.

Passing Marichchukatty we come upon an isolated settlement in the midst of the jungle. It is Mullikulam. It was the same pathetic sight, highlighted so frequently in the media that it fails to move – a few houses, hardly better than hovels that disgorge their occupants the moment a vehicle drives past – women in threadbare clothes and swarms of half-naked children.

S. Thomas (50) has had what can be described as a nomadic existence for the past decade. He came to resettle in Mullikulam only in September from Neelamaduru after sojourns as a refugee in India, Pesalai and Silavathurai. He had found his house in Mullikulam damaged beyond repair.

“We were given 7000 rupees as start-up funds – to put up the hut and so on. But the money we need to put up permanent homes are yet to given,” he said fingering the towel on his shoulder and looking a little lost. He hoped the government would be generous with the funding when it did decide to give it.

As of now, relief given by the government for resettlement that extends up to Rs.1, 200 for a family of five is in the form of dry rations such as rice, flour, sugar and dhal. Kerosene is also part of the relief but the villagers sell it to pro-



A. (Selvam) Adaikalanathan MP  
(TNA-Vanni District)

cure vitally needed cash to fulfil requirements other than those given the form of dry rations for the household. They use firewood that is found in abundance in the jungle for cooking and lighting purposes.

There is no evidence of landmines with the army having had little use of the village after occupying it. In that sense it is ready for resettlement.

There are no land disputes in the village over property because all the families have returned to their own lands and not grabbed what is their neighbours'. Certain families do not possess land in the village such as those who married during the years they were displaced. These are the unregistered families who have been given temporary residence on the beach.

“No one visits this remote village. Only the UNHCR gave us a few provisions – a bucket, mat and

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## Confronting...

Cont. from page 4

A. That LTTE will not be interested in a separate state, if its demands for equality of the rights of Sri Lankan Tamils is accepted. This has injected a new sense of trust and more than that some expectations.

B. What has taken place at the second round of talks regarding the formation of a sub committee to look into the question of rehabilitation. More importantly it has decided to form a political committee to go in to the questions of issues that would come up for discussion.

C. As has already been mentioned the bureaucracy has been a restraining factor. The government should find ways and means to make it a credible in-

stitution in the minds of the Tamil people. Also efforts should be made to create an air of good will and trust in the higher institutions of the country. The response of the Tamil youth at the Kalutara prison deserves notice. One of the inmates of the Kalutara prison has told some visiting layers that they expected the MOU to bring in relief to them. They say that they no longer believe so. They feel that even if the PTA has been suspended for certain activities like arrest and search some of its main features yet remain with equal force. They were referring to the question of the admission of statement made under duress are to be taken as confessions and admission of guilt. It is not mainly a

question of just a few people who are any way under custody. But the question is really relating to their parents, relatives who want the children to be released. Those people are not going to be convinced of genuineness of these moves. Like wise we have also to take in to count the anxiety of the part of the parents and the relatives of the soldiers who alleged to be in LTTE custody.

So the first task towards a permanent peace is to create an environment of good will and understanding that would enable a free and frank discussion of the issues involved in arriving at a permanent peace.

It is absolutely important that these discussions are done and or

made available to the people in their own languages Sinhala and Tamil. This point needs repetitions. The Sinhalese people should be told the suffering the Tamils have undergone of what they are deprived of and what they want in Sri Lanka.

The decisions for negotiation for peace through talks dose not imply talks only at a particular level and in a particular language only. The Sinhalese person male or female should know the sufferings and their aspirations of the Tamils and every Tamil and Muslim should know the fears of the Sinhalese. It is true that the press is not doing its part properly. But that should not deter the Tamils.

It is at this point one should go

in to the question of mobilizing the forces for peace among the various communities. The task should be to bring to gather those who are committed and devoted to peace. This is not that easier task in this country today because we see a growth of NGO's that speak from their lips and not from their hearts and NGO's which are keen on adding to their funds.

This bringing together of genuine peace lobby should be on the basis of a free and frank discussion. The country has started moving towards that direction and let not cheap politics put asunder what the future of this country so urgently and sorely needs the peace.”





The landmined area at Pooneryn

Pic. by Buddhika Weerasinghe

## Mullikulam... *Cont. from page 11*

a mosquito net. A few families were given a hurricane lamp," Thomas said.

RDF is UNHCR's implementing partner said the villagers, but the hand of Sarvodaya is very well seen in the fibreglass water tanks inscribed with the organisation's name.

Walking down the haphazard lanes you come to the Catholic church, perhaps the only building from the previous existence of these villagers in this place, still standing. But it has been severely damaged – by neglect more than by war. On its dilapidated veranda the villagers gather to relate their woes.

The Roman Catholic Tamil Mixed School stands witness to the devastation that holds this hamlet in its vice-like grip. "We had classes up to the G.C.E O/level. Today we do not have either buildings nor the teachers," lamented S. Babul, a fisherman.

He echoed Emmanuel Cruz that all school going children were either in Silavathurai or Mannar. "We did not want to disrupt the education of the older children so we have only brought the toddlers and those who do not attend school," he said.

The school had comprised three buildings for holding classes, and staff quarters. Today, trees and shrubs grow from within its walls. V. Visvalingam, district secretary,

Mannar, has promised to renovate the school and provide the required staff.

There had been a move by education authorities in the area to postpone renovating the Tamil school at Mullikulam and transferring the Tamil students to Muslim schools in Marichchukatti and other areas. The villagers believe that this is a subtle move to deny resources to their village and assimilate their children into a different culture.

"We have resisted these move and will continue to do so," said Francis Vaas, a senior citizen and spokesperson of Mullikulam village.

The greatest impediment to recommencing a settled way of life is the jungle's tide that has taken over when humans abandoned the village for safer climes. "Farming is impossible this year. We have to clear the jungle," said Thomas.

With the rains, not only has the undergrowth thickened, but also the insects of the wild make jungle clearing an impossible task. Therefore the assistance of a bulldozer is needed. The villagers had been told one was available, but it needed to be given specific instructions to do the jungle clearing at

Mullikulam.

"I am sure five days of hard work is all we need to clear the area," said Vaas to A. (Selvam) Adaikalanathan MP, (TNA – Vavuniya District) who was meeting constituents there. Adaikalanathan promised to expedite the process.

Vaas said the villagers who had come on a reconnaissance mission a few months before had slept in the church. "We saw elephants crashing through the church's compound, but with increasing human presence their visits have been less," he said.

The elephant menace is however not going to be eradicated easily. With the rain there is very little reason for them to go looking for water. It might be a different story when the unforgiving heat of the dry zone returns by March.

The crops are both rain-fed and irrigated. The irrigation channels from Kallaru come through a system of six tanks, which are in a state of disrepair. The canal-bourn water system is more or less in good order up to Marichchukatti, but does not go beyond.

There is only a single shop in the area, run by the widow of a man killed by the army. However, supplies to the boutique tend to be irregular because it has to come by boat.

The villagers also lamented the lack of a hospital in the area, the AMO long since having abandoned practice. "Even if there is snake-bite we have to rush the patient to Murungan or Mannar," said Babul, adding, luckily such emergencies were few.

The villagers do not ply a single trade throughout the year. Unlike in more hierarchical societies, the villagers here engage in fishing in certain times of the year and in cultivation when the season is appropriate for it.

The sense of community appeared strong too, with the villagers well known to each other and having ties of marriage to cement that relationship. The entire village gathered as one and constantly referred matters to each other for confirmation or information, while relating their problems. However, first impressions could be deceptive.

"Like other communities coming back to reclaim their own areas, we too should go back to our lands and villages and hold them," said Adaikalanathan in a short address to the assembly.

From the village a sandy track goes to the seashore. About 30 families live by the beach in similar makeshift hovels. They are not registered to resettle in the village and do not own land there. Others

are there temporarily: "Our land is in the thick jungle, we are here till it is cleared after which we will settle there," said Prema Cruz (40)

Against the setting sun were six staves planted in the sand. They were in memory of six residents of Mullikulam who were brought by the army from the village, killed and burnt on that spot in December 1983.

Kuthiramalai, famous in history, can be seen to the south. Boats were drawn up on the beach. The fishermen hire-purchased the boats that cost Rs.40,000 each. The outboard motor is separate. "We hire these out from *mudalalis* in Mannar and repay him with our catch," said Manoharan Vaas (40).

The catch is sent via boat to Kalpitiya and Colombo. Prices are determined in Colombo. If the day's catch is small the fisherman keeps the money; if it is substantial, part of it goes to the *mudalali* to settle dues.

What is tragic is that the villagers of Mullikulam were unused to poverty, unlike those we see in the urban ghettos. Cruel fate and war-hungry governments drove them to it. "This village was very prosperous. It would have been a city, if not for the war," says Francis Vaas.