


# REFUSING SANCTUARY:

*Ethical Ambiguities in Refugee  
Determination and Repatriation  
of Tamil Refugees*



“Everyone has the  
**right to** seek and to  
enjoy in other  
countries **asylum**  
from Persecution”

Article 14  
Universal Declaration of Human Rights

**Tamil Information Centre**

**January 1999**

## REFUSING SANCTUARY:

Ethical Ambiguities in Refugee Determination and  
Repatriation of Tamil Refugees

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This report attempts to redress the imbalance and respond to the justification of Western governments for repatriation of Tamil asylum seekers based on the claim that the government of Sri Lanka has taken serious steps to address abuse of human rights by the security forces, that there are adequate "improvements" in the human rights situation and that the Sri Lankan government has taken measures to protect the human rights of all its citizens.

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# **Refusing Sanctuary: Ethical Ambiguities in Refugee Determination and Repatriation of Tamil Refugees**

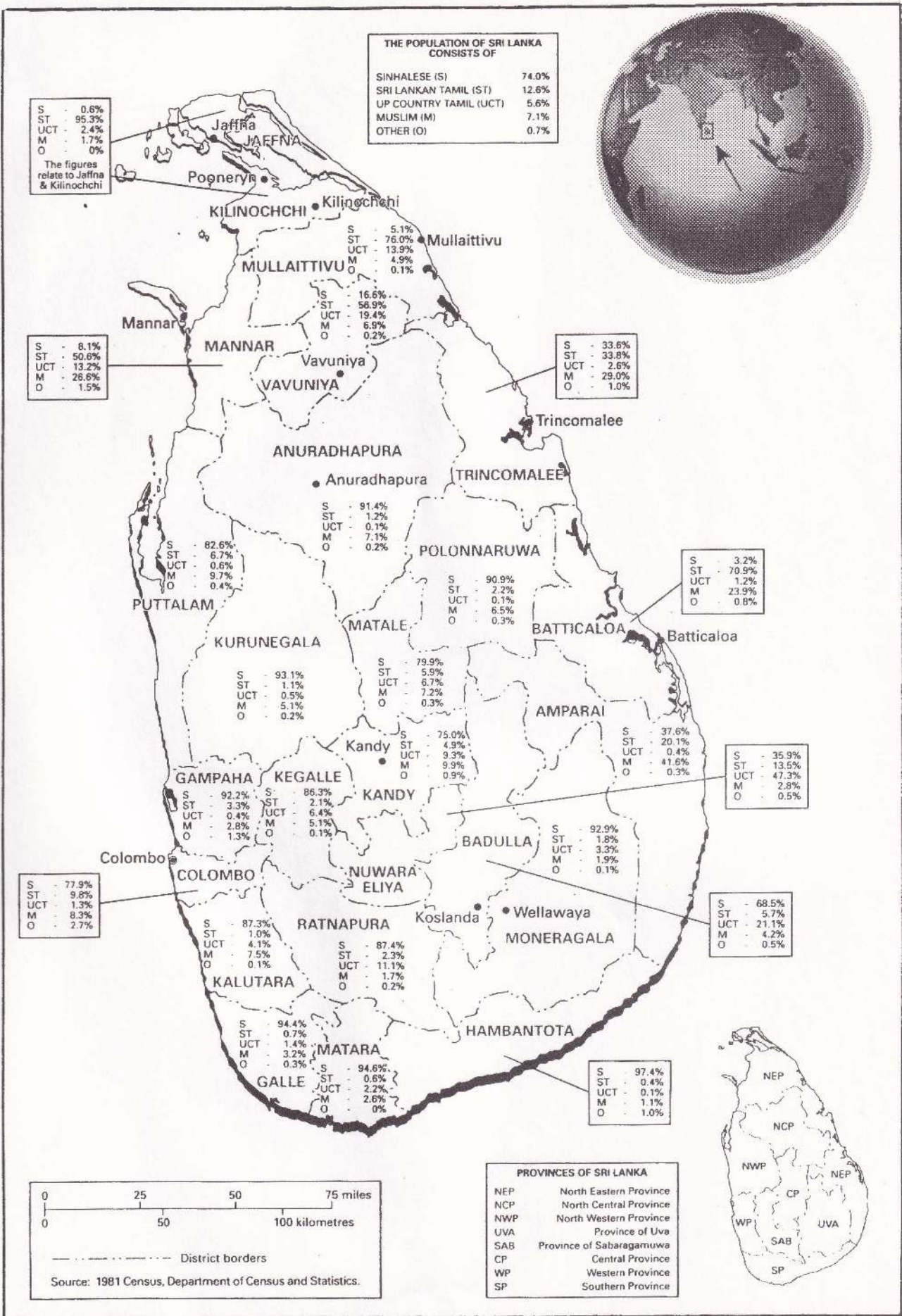
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# Tamil Refugees Refugee Determination and Rehabilitation of Refusing Sanctuary: Ethical Ambiguities in

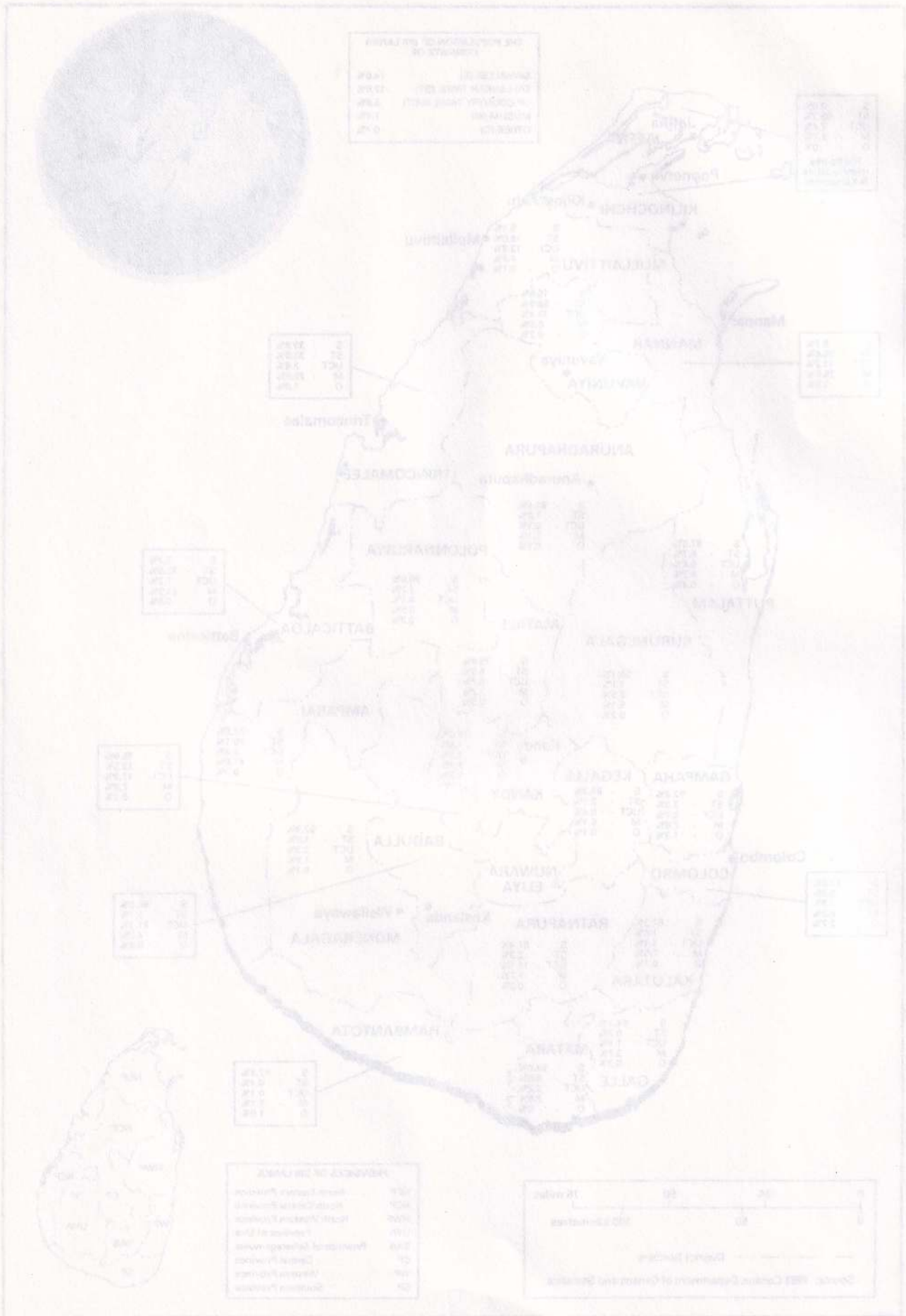
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**MAP - SRI LANKA: PROVINCES, DISTRICTS AND POPULATION DISTRIBUTION**

# MAP - SRI LANKA: PROVINCES, DISTRICTS AND POPULATION DISTRIBUTION



# Refusing Sanctuary: Ethical Ambiguities in Refugee Determination and Repatriation of Tamil Refugees

## 1. Introduction

Involuntary repatriation is on the cards for Tamil asylum seekers in Europe and other industrialised countries. In recent years, there is a growing tendency to summarily dismiss Tamil asylum seekers as “not credible” and their fears as “unfounded” or “exaggerated” resulting in inordinate number of unfair determinations. This, together with the Sri Lankan government’s refusal to end the war and find a political solution to the conflict in the island is causing acute anxiety among refugee community organisations and refugee agencies. The refugee community organisations are extremely concerned over the introduction of different measures by different Western countries, which have the effect, if not the aim, of denying those fleeing persecution the opportunity to seek asylum.

In the Western spiritual tradition, the true process of discernment requires that we “know ourselves”, that is, know our biases and search for and articulate the ethical principles on which we make our decisions. There will always be conflicts of interest or conflicting claims. But one has to be fair, proper and professional. In the context of refugees, there needs to be an understanding of the causes of displacement, the rights of asylum seekers, the responsibilities of host countries and the issues of protection of refugees. Any repatriation programme must be based on a just screening and effective determination process. Those at risk should have the freedom to choose whether to return to the country of origin or extend their stay or to resettle. Accurate information relating to the country of origin must be provided and protection and monitoring of returnees must be assured together with material and psychological support which ensures full respect for their human dignity.

A further issue of concern is that while many Western countries introduce restrictive measures to prevent asylum seekers from reaching their borders, alleging that they are bogus or economic refugees, thereby undermining the international community’s obligations for the protection of refugees, they continue to encourage repressive regimes by providing funds and military equipment which are used for internal repression resulting in people fleeing from their homelands. Britain has recently acknowledged that it has granted 67 licences to the British firms to supply military equipment to Sri Lanka. [1] Britain has also recently supplied heavy equipment including M10 medium-lift hovercrafts specially designed for the Sri Lankan navy. [2] The continuing and renewed arms trade, military services and torture weapons to Sri Lanka by some of the Western and industrialised countries also contributes to the perpetuation of the conflict, thereby providing the means for persecution and acts of genocide of the Tamils. Meanwhile, the escalation of the armed conflict also provides the background for human rights abuses by the other armed groups. This kind of trade also fails to offer any meaningful solution to the continuing conflict as the concerned governments fail to use the arms trade as a leverage to demand compliance with international human rights standards. It should be noted that the Sri Lankan government was accused of using public foreign aid for military purposes in 1993 by the World Bank’s South Asia Director Paul Isenman, and the government was told to mobilise funds for defence internally by means of a Defence levy. In 1992, the defence expenditure was Rs 16 billion and the defence levy was raised from 1% to 3%. In 1999 however, the budgeted expenditure for defence has increased to Rs 47 billion and the levy has increased to 5.5%.

Decisions made to detain or repatriate Tamil asylum seekers seem to reflect the changing attitude of the Western governments towards refugees. This is also seen in so-called the “modernising” exercises in immigration control procedures, increasing coordination among European countries on their asylum procedures and the recommendations of the United Nations High Commissioner for Refugees (UNHCR). The Sri Lankan government also appears to have convinced many Western governments that those who arrive in the West as refugees are not genuine. It is alleged that they are “fake refugees” and have come only to raise money to finance the guerrilla war in the country.

Country assessment reports produced by some of the Western governments for the purpose of evaluating the human rights status of Sri Lanka and for the purpose of asylum determination process also contribute largely to the increasing number of refusals in asylum claims of Tamil refugees. It appears that these assessment reports underplay the gravity of the human rights crisis in Sri Lanka, and are meant to create an unduly favorable impression of the Sri Lankan government’s human rights performance and its ability and willingness to provide adequate protection for Tamil people and to those who return from exile. They hide information such as that Sri Lanka ranks second highest in the world in its total number of recorded “disappearances”, as the UN Working Group on Enforced or Involuntary Disappearances notes in its 1995 report. Readers of these assessment reports also would not be aware that, even with the human rights initiatives taken by the Sri Lankan government, Sri Lanka ranked second highest in the world, for its number of “Disappearances” recorded during 1995. The reports also hide information that there has been only one conviction in a trial-at-bar case of the well publicised rape and murder which is in appeal, killings of members of the Tamil community by the security forces and their agents still occurring unabated in the island, the continuing and serious impact of the economic and medical embargo on the Tamil areas, in particular on the Internally Displaced People in Vanni and the worst form of media censorship on foreign and local media. Inaccuracies and omissions will not contribute to a fair determination process. The human dimension is strikingly inadequate and ignored in the refugee determination process.

In response to the British Council’s report titled “*Protection Denied: Sri Lankan Tamils, the Home Office and the forgotten civil war*”, published in February 1977 following a mission to Sri Lanka in December 1996, Nick Ashbury of the British High Commission in Colombo had the following to say in March 1997:

“ The central assertion of the British Refugee Council paper is that it is unsafe for the Tamil Political Asylum Seekers to return to Colombo and Sri Lanka. We reject the assertion and believe that our current view that Political Asylum seekers would be able to return safely to Sri Lanka is correct.

“ Overall, the British Council Refugee Report fails to acknowledge that the government are taking genuine steps to promote respect for human rights in Sri Lanka. Much is made of the rape and murder of Krishanthi Kumaraswamy in September 1996 (an offence not much different to the recent rape and murder of a Danish tour operator in Cyprus by British soldiers) and the killing of 24 civilians in Kumarapuram (February 1996). No where is it mentioned that, in each case, over ten members of the security forces have been arrested, charged and currently awaiting trial. Liz Boudreault (ICRC)’s statement on page 14 that “in almost all cases... the soldiers responsible for [rape, murder, etc] had been prosecuted” shows the Government’s commitment to tackling the problem of human rights abuse.

“ Finally, a few obvious corrections (more available on request!). The majority (at least



two-thirds) of those who fled Jaffna are now back in Government controlled territory (page 11, final para), and it is clearly possible for civilians to leave "LTTE-controlled" areas. Tenmaradchi is part of the Jaffna peninsula (page 12, final para). I cannot think of any areas of Sri Lanka where "rape is routine" (page 13, para 4). The report fails to mention that there is also a flourishing Tamil press in Colombo (page 21, para 3). Those accused of the "Bolgoda Lake" killings are on bail (and on active service), but the case against them will continue. The Swiss Embassy here deny that they have ever "unofficially suspended" their repatriation of Asylum seekers (page 25, final para): the only recent suspension was for two weeks around Christmas 1994 following a bomb explosion in Colombo area. They also report that they have no knowledge of the incident of torture described in the British Refugee Council Report.

" Executive Summary:

Tiret 1. Misses the point that human rights situation as a whole has vastly improved since the early 1990s. GOSL has acknowledged the difficulty of dealing with the "bad apples" in the security forces. GOSL taking action against the accused in the Kumarapuram and Krishanthi Kumaraswamy cases.

"Tiret 2: True. LTTE also exaggerate GOSL's behaviour for their own propaganda purposes.

"Tiret 3: On the contrary, the Government has been largely successful, despite the worrying number of "disappearances" Jaffna (compare today to the tens of thousands who "disappeared" during the crushing of the JVP insurgency). HRTF, despite its faults, has played a valuable role in the protection of detainees.

"Tiret 4: There is clearly an internal flight alternative. Our visa section sees many applicants who have come to Colombo from the North. Furthermore, the vast majority of the 1,000 or so inadequately documented passengers ("INADPAX") who arrived in the UK in 1995 were able to leave the North of Sri Lanka and travel to Colombo's Bandaranaike International Airport. The use of the word "persecution" is pejorative and inflammatory (as well as being untrue).

"Tiret: 5: For UNHCR not us. But, interestingly, the UNHCR paper agrees with much of what we believe, and disagrees with the British Refugee Council. UNHCR are on the ground in Sri Lanka, as is the British High Commission: the British Refugee Council are not.

"Tiret 10: HMG is doing so, not for reasons of asylum seekers, but to benefit all the people of Sri Lanka. HMG's offer to mediate between the LTTE and the GOSL if both sides request it stands. HMG can encourage and help where it can, but it is impossible for a third country to impose a solution on what is an internal affair. But would the end of war in Sri Lanka really make a difference? Mr Rodgers and Mr Hardwick of the British Refugee Council told our visa officers that they understood a large number of political asylum claims were economically motivated: this will not be affected by an end to the ethnic conflict. While the United Kingdom appears unable or unwilling to remove failed applicants, economic migrants will continue to be attracted to it." [3]

This report attempts to redress the imbalance and respond to the justification of Western governments for repatriation of Tamil asylum seekers based on the claim that the government of Sri Lanka has taken serious steps to address abuse of human rights by the security forces, that there are adequate "improvements" in the human rights situation and that the Sri Lankan government has taken measures to protect the human rights of all its citizens.

## 2. Country Profile

Sri Lanka is composed of several ethnic and religious communities. The two largest are the Sinhalese majority, forming 74% of a total population of roughly 18 million, and the Sri Lankan Tamils, numbering about 2 million or 12 % of the total population.[4]

Of more importance to the current conflict is the historical location and current geographic distribution of the communities.

The Sri Lankan Tamils established and lived in a separate kingdom in the northern [Jaffna] region for 407 years until the Portuguese ended their independent reign in 1621.[5] The Tamils have also historically constituted the majority of the population in the Eastern region, which is now part of the claimed homeland of Tamil Eelam. The background to the current conflict was the British decision, following a proposal by the Colebrook-Cameron Commission in 1833, to bring together the two separate, ancient, and disparate communities of Sinhalese and Tamils into a single colonial unit.[6] The distinct identity of the two nationalities has been recognised by the earlier colonial rulers, the Portuguese and the Dutch.

The Hill Country Tamils, who make up about 5% of the total population, were brought to the then Ceylon by British colonialists from 1825 onwards to work on the coffee, and later tea plantations. They live mainly in the central highlands of the Central, Uva and Sabragamuwa Provinces.

The Sinhalese have been living predominantly in the south and the west of the country. Since independence in 1948, government planned colonisation or settlement schemes have resulted in demographic changes in the Tamil majority northern and eastern areas affecting Tamil representation in elected bodies, including the Parliament.[5] Moreover, through social mobility, members of all communities have come to live in all parts of the country although the main South-west- Northeast divide between Sinhalese and Tamils still remains intact.

Another large minority group is the Muslims who arrived in Sri Lanka as merchants and seafarers mainly from the Thirteenth Century. The Muslims constitute 7% of the current population, are Tamil speaking and have their largest communities in the East around Trincomalee and Batticaloa.[7] They are distinguished by their religion.

There are other, small communities living in Sri Lanka, particularly the indigenous Veddas, whose survival is threatened by their small number and the encroachment of the majority, which makes it difficult for this community to retain their ancient lands and distinct identity in Sri Lanka.[8]

A further important factor in the ethnic conflict is religious affiliation which is mainly, but not exclusively along ethnic lines. The Sinhalese are predominantly Buddhist, whereas the Tamils

are predominantly Hindu. However, both communities have considerable number of Christians among them as a legacy of the colonial period.[9]

The ethnic conflict between “the” Sinhalese and “the” Tamils is characterised by the struggle for power in a post-colonial country that has been unified through colonisation rather than through mutual agreement of the concerned communities. Major themes of the conflict are political unity versus federalism, territorial unity versus communal homelands, and language, religion and culture in the context of communal identity and socio-economic advantages for one group to the detriment of the other. Whereas Sinhalese politicians and others frequently maintain that Sri Lanka is one state in which the Sinhalese constitute the majority and consequently are entitled to enjoy a dominant position in all aspects of national life, the Tamils perceive themselves as a distinct nation and equal partners within Sri Lanka entitled to communal integrity and equal rights.[10]

In February 1948, Britain granted independence to Ceylon [now Sri Lanka] and power was transferred to the United National Party (UNP) government, dominated by the Sinhalese elite. This government proceeded to render stateless more than a million plantation Tamils by enacting the Citizenship Act (1948). An amendment to the Parliamentary Elections (Order in Council) (1949), immediately thereafter, removed the franchise rights of these Tamils.[11]

In 1956, the Official Language Act made the Sinhala language as the only official language, resulting in severe disadvantages for Tamils in education, public employment and communication with government agencies.[12] A series of government orders in the 1970s introduced Standardisation in education under which Tamil students for University admissions had to score higher marks than their Sinhala-speaking counterparts, and many who would have gained entrance under the previous system based on merit were denied University education altogether.[13] The 1972 Constitution removed section 29 of the earlier Soulbury Constitution which provided safeguard to the minorities. This Constitution gave constitutional status to the Sinhala language as the only official language and made Buddhism as the state religion. It also introduced the concept of unitary state thereby ending discussions on forms of devolution of power. The 1978 Constitution retains all the discriminatory provisions, which are entrenched requiring a two-thirds majority in Parliament and approval at a national referendum, including provisions which recognise most Hill Country Tamils only as second class citizens. Governments have unilaterally abrogated agreements between governments and Tamil leaders for some form of devolution of power.[14]

Tamil representatives, i.e. politicians of the Federal Party until 1970, the Tamil United Liberation Front (TULF) thereafter, and currently the LTTE (Liberation Tigers of Tamil Eelam), as well as Tamil- Non Governmental Organisations (NGOs) and individual authors, consider pro-Sinhalese policies as being biased and anti-Tamil and have brought forward charges of discrimination and of instigation and complicity in acts of genocide against successive governments after Sri Lanka's independence.

Both, intermittently ruling parties, the United National Party - in power during the years 1948-1956, 1965-1970 and 1977-1994 - and the Sri Lanka Freedom Party- in power, either alone or in coalition, from 1956-1965, 1970-1977 and since 1994 until the time of writing as the People's Alliance - have adopted a number of pro-Sinhalese policies that are antagonistic in nature and resulted in a deep division of the country along ethnic lines. The resolution of the TULF at its convention in 1976 summarised the Tamil perception of Sinhalese policies by stating that the

Tamil nation had been deprived of its territory, language, citizenship, economic life, opportunities of employment and education. Since then, large-scale anti-Tamil riots, repressive laws and warfare in the name of fighting Tamil terrorism, resulting in thousands of deaths, devastation and a Tamil mass exodus, have added another dimension to Tamil charges: the destruction of a people, referred to as genocide.[10]

At least 65,000 Tamil civilians, which includes a significant number of women, children and elderly, have been killed and many more injured since 1956 by Sinhalese mobs and by members of the security forces. The killings have taken place in the form of massacres, indiscriminate shelling and aerial bombardment, arbitrary and extrajudicial killings as well as "disappearances." Since the beginning of the war, the nature and extent of the killings and acts causing harm, such as torture and inhuman treatment, rape and prolonged incommunicado detention, have changed dramatically.

### 3. The Economy

According to the Central Bank Governor, A S Jayawardena, a slowing world economy, revenue shortfalls and higher defence spending is expected to push Sri Lanka's fiscal deficit above target and drag growth lower.[15] There is said to be a fundamental fiscal weakness arising from Sri Lankan government commitment to expenditure which cannot be curtailed, particularly defence expenditure.[16] The average growth rate for 1995-98 is around 5.2%, is well below the targeted growth rate of 8%, and is also below the average growth rate of 5.5% for 1990-93. The lack of investment is the main reason for the low growth rate. The Average annual investment for 1995-97 was 24.8% of GDP. It has declined from 27% in 1994 to 24.4% in 1997. Economists say investment ratio of 40% of GDP is needed to sustain a growth rate of 8 to 10%.[17]

Private investment has been slow to make up for reduction in public investment. The government has no funds for capital expenditure. S P Tao, the Chairman of Overseas Reality (Ceylon) Ltd which owns the World's Trade Centre in Colombo, emphasised in November 1998 that the security situation in Sri Lanka must improve before it can attract more capital investment.[17]

The business community in Sri Lanka is extremely worried about the continuing war, the increasing war expenditure and the consequent damage to the economy. In September 1998, the Sri Lankan Parliament approved additional Rs 12.2 billion (\$187 million) making the 1998 total defence expenditure as Rs 57.2 billion (\$880 million). The direct war expenditure of government and the LTTE from 1983 is estimated at Rs 335 billion (\$5.2 billion)[18]

Economic opportunities associated with the war are said to be increasing and the war economy is flourishing. This will inevitably lead to further militarisation with further relegation of opportunities for peace. In the circumstances the country's biggest industry groups, including the influential Ceylon Chamber of Commerce, the National Chamber of Commerce, the Ceylon National Chamber of Industries and the Federation of Chambers of Commerce and Industry in Sri Lanka, said in a joint statement on 14 October 1998 that despite the opening of Sri Lanka's economy 20 years ago, the country had not achieved the desired level of sustained economic progress and made an unprecedented declaration that the achievement of a lasting solution to the conflict will henceforth be their primary task. The statement by business leaders said, "Unemployment, lack of infrastructure amongst a host of other problems, foremost of which is the ethnic problem remain unresolved to the detriment of the country. Sri Lanka's economy has shown signs of a slow-down in recent months mainly due to an escalating defence budget and a global downturn that has hit certain sectors hard." [19]

## 4. Presidential System of Government [20]

The President is the head of State elected by the people for a term of six years. The President of Sri Lanka has enormous powers. The President appoints the ministers, the judges of the Supreme Court, the Court of Appeal and the High Courts, heads of armed forces and police, the Attorney General, Secretaries to all ministries, the Auditor-General, the Ombudsman and the Commissioner of Elections. The President need not consult any person or body in making appointments to these vital positions. The President also appoints provincial governors. Except in the year following a parliamentary election, the President has the power to dissolve the parliament at any time. The President can declare Emergency and introduce Emergency Regulations which can override any law and curtail fundamental rights. The President enjoys impunity from prosecution relating to anything done in official or private capacity and can be removed once elected only by a difficult process of impeachment.

The judiciary and the parliament are extremely weak under the current system. The power to issue Emergency regulations without checks, also erodes the powers of the judiciary, and in instances removes the power of courts under normal law. The President is not answerable to parliament and because his/her powers to appoint judges and immunity, the judiciary has been undermined. The previous three Presidents wielded the powers as they wished without any regard for the judiciary or parliament or for democratic principles. It was under the Presidential system, corruption and abuse of power flooded the country drowning social and democratic institutions. It was under the Presidential system death squads were allowed to roam the streets and the security forces were given a free hand to bomb the Northeast Tamil areas and leading to the death and disappearances of over 120,000 Tamil and Sinhalese civilians. It was under the Presidential system that rural poverty, internal displacement unemployment, and widening of income disparity became marked in the absence of equity and social justice in the formulation of economic programme. It is under Presidential system that the wounds of the ethnic conflict have been allowed to fester, consuming the entire body politick of the nation.

It is under this Presidential system that civilian targets are continuing to be shelled and bombed resulting in the death of many Tamils and destruction of their property. It is under President Chandrika's Presidency that largest number of Tamils suffered harassment, threat to life and subjected to arrest, detention, torture and disappearances. It was under President Chandrika's rule that Jaffna peninsula was captured causing massive displacement and immense misery to the Tamils. After the capture of the Jaffna town, it was her minister who raised the Lion Flag in the town, and presented her with a plaque announcing that "Yapana Pattuna" had been taken. These events, unheard of in any true democratic nation, have humiliated and extremely hurt the Tamil population, as many other actions carried out by the government and the military in the name of democracy and protection of sovereignty.

## 5. Current Human Rights Situation

### 5.1 Violation of Human Rights and Humanitarian Law

In the conduct of the conflict the warring parties continue to violate the most fundamental norms set by international human rights and humanitarian law.

Despite Sri Lanka's claim to being a democracy, the government has often interfered with the media, particularly where the war is concerned, government control has been prevalent. Journalists have consistently been forbidden from entering conflict zones and armed attacks on journalists went on without any investigations.[21] On 5 June 1998, the Sri Lankan government imposed, full, strict censorship of all reports relating to the war being fought in the Tamil homeland. Local and international coverage of the war is prohibited, as is any reporting by the media of the actions of police and military officials. All reports, photographs, and videotapes must pass a military Censor, Army General Jaliya Nammuni. The censorship indicates the lack of respect for the basic freedoms of speech and information and weakens the government and security forces' accountability in Sri Lanka. The military censor was replaced by a civilian only in November after local and international protests. President Chandrika appointed Arya Rubasinghe, Director of the government Information Department, as the new civilian censor. Political observers interpret the appointment as "signalling an attempt to placate critics ahead of next month's local elections".

Freedom of expression remains, in itself, a major human rights issue in Sri Lanka, said the NGO Forum on Sri Lanka which consisted of over 100 international non-governmental agencies in its Memorandum to the United Nations Commission on Human Rights, Fifty-Fourth Session, 1998. Furthermore, restrictions on the reporting of war, human rights and humanitarian issues, on elections and political and economic protests, acts as a major barrier in efforts to monitor Sri Lanka's observance of the full range of human rights. Defamation laws continued to be invoked to fine and imprison journalists, alleges the Forum.[21]

"International human rights law makes clear that certain fundamental rights - in particular the right to life and the right not to be tortured - must be upheld by governments at all times and in all circumstances. Killings by members of the armed opposition can never provide justification for government forces to deliberately kill defenceless people. Nor can they satisfy the enforced "disappearances" or torture of prisoners in the custody of government forces". Under Article 4 of the International Covenant on Civil and Political Rights, to which the Government of Sri Lanka acceded in 1980, there can be no derogations from the duty to uphold the right to life and the right to freedom from torture in any circumstances, even "in time of public emergency which threatens the life of the nation". The manner in which the warring parties conduct themselves has led to allegations that they are in gross violation of their obligations.

In the last fifteen years a number of NGOs have urged the UN to take urgent measures to end communal massacres and the genocidal situation existing in Sri Lanka. The statements of NGOs underscore the abysmal depth of the turmoil in Sri Lanka calling for immediate international intervention.

### **5.1.1. Violations by armed Tamil groups**

It is generally believed that Tamil groups EPDP, ERPRLF, PLOTE and TELO have given up arms and have joined the democratic mainstream politics. Though, it is true that these groups joined the mainstream politics in order to ensure the rights of the Tamil people, they continue to retain their arms even in Colombo and have been provided arms by the government which have been used against civilians. Members of some of these groups operate with the military in the fight against the LTTE and act as agents of the security forces. These groups are accused of gross human rights violations and continue to cause concerns. There are reports that Police and military personnel heavily use members of these groups as "masked" men in identity parades in Colombo and other government controlled areas to identify LTTE suspects. Amnesty Interna-

tional said in September 1998 that PLOTE and TELO maintain unauthorised prison camps in Vavuniya.[23] The army allows these groups to carry out search operations and screen civilians which often lead to illegal arrests, prolonged detention and torture, disappearances and extra-judicial executions.

### 5.1.2. Violation by the LTTE

The LTTE has also been accused of gross violations of human rights by a number of human rights organisations. The members of LTTE have killed Sinhalese and Muslim civilians and tortured and killed prisoners. They have abducted people for ransom and executed others accused of being “informants” to the security forces. The LTTE also was accused of bomb attacks in southern areas causing the death of many civilians. At a meeting between the representatives of the LTTE and Amnesty International in London in June 1996, the LTTE representatives have stated that it was not a policy of the LTTE to kill civilians, and the LTTE was urged to ensure that in any military action all necessary steps are taken to protect the safety of civilians.

In October 1990, the LTTE drove out over 50,000 Muslims from the Northern Province. These Muslims are subjected to severe hardship in refugee camps in Puttalam and Anuradhapura. The LTTE is further accused of recruiting children for combat purposes.

On 24 February 1988, the LTTE made a deposition to the UN Commission on Human Rights, undertaking to observe humanitarian law in terms of the Geneva Conventions.[24] In May 1998, in a meeting with UN Secretary General’s Special Representative on Children and Armed Conflict, Olaru Otunnu, LTTE representatives undertook to observe the provisions of the UN Convention on the Rights of the Child and refrain from recruiting children or engaging them in combat.

## 5.2. Arrest, detention and torture

There are continuing reports of arbitrary arrests, detention, torture and ill treatment of Tamil detainees, since the outbreak of war in 1990. Mass arrests of Tamils are continuing in Colombo and other southern areas. Tamils walking in the streets, at bus stands, work places, in buses and students at schools have been arrested and detained. There are no minimum standards to govern conditions of detention for those held under the Emergency Regulations. There are complaints of ill-treatment, lack of facilities and medical care for detainees. There is widespread incidence of extortion of detainees and their families which the President of Sri Lanka Chandrika Kumaratunge says she is aware. There are also numerous arrests of Tamils in areas controlled by the government forces on accusation that they have failed to give information regarding the Liberation Tigers of Tamil Eelam (LTTE). Such charges can be effectively used to convict a person, particularly those who travel from the LTTE-controlled areas. “Masked informants” have been often used by the security forces during search operations.

Ninety nine percent of the security forces in Sri Lanka belong to the majority Sinhalese community and do not speak Tamil. The Tamil population in Sri Lanka is treated by the security forces with suspicion and is subjected to all forms of abuse. The entire life of the Tamil people in the island is controlled by the military apparatus and laws restricting their freedoms. The state and the military disregard the right to life of the Tamils. Large-scale human rights violations by the members of the security forces, Sinhalese and Muslim homeguards and other Tamil paramilitary groups operating with the military and the LTTE continue to take place in the areas of armed conflict.

Torture in custody continues to remain a major problem. National and international human rights organisations welcome the accession by the Sri Lankan government to the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment, but are concerned that the government has not made adequate steps to ensure the implementation of the Convention despite enactment of a law to prevent torture. Amnesty International said in its report that it has documented torture in custody of the CID, CDB, STF and navy and several cases of rape by members of the security forces. According to Amnesty, many women are reluctant to give testimony about their treatment by the security forces and believe that the testimonies obtained represent only a fraction of a widespread pattern of human rights violation.[25] The US State Department in its 1997 human rights report has illustrated the methods of torture practised by the security forces. The State Department alleges that detainees have reported broken bones and other serious injuries as a result of mistreatment.[26] The most frequent forms of torture described to the Tamil Information Centre by former detainees include various kinds of beating: punching, slapping (Telephone method - slapping across the ears), kicking, blows with plastic pipes filled with concrete, iron-rods, gun butts and trunchcons. The other forms of torture include:

- Hanging by the thumbs of feet and tortured by means of “sumarino”, by “dry” and “wet” methods: in the former, a plastic bag is placed over the head of the detainee and tied around the neck (chilli or pepper powder is sometimes introduced into the nose); in the latter, the head is lowered into containers of (usually polluted) water. Such practice is continued to the point of suffocation, and asphyxiation is possible.
- “Dharma Chakra”: the prisoner’s hands and feet are tied together and a pole is passed between the tied limbs and the body. The ends of the poles are placed on the edges of two tables, and the prisoner is rotated and beaten all over the body.
- Beating the genitals, and thrusting of bottles or other objects into female genitals.
- Pulling out pubic hair with pliers.
- Forcing young boys to repeated masturbation.
- Hanging by the feet and beating, hanging by the feet for many hours.
- Pushing pins down finger nails, inserting spikes into the body, burning with lighted cigarettes all parts of the body including the tongue, slitting the skin and pouring salt water.
- Keeping without food for many days and giving salt water to drink or giving rice mixed with small stones.
- Keeping with handcuffs throughout the night, not allowing to sleep through out the night by flashing powerful light on the face, keeping in the nude for many days, forcing to kneel down on hot sand or gravel for many hours, forcing to swim in sand in the nude.
- If detainee faints after severe assault, reviving him by pouring water and then begin assaulting again.



- Forcing to drink urine and water from the commode.
- Stripping naked and repeatedly giving shocks with high voltage current on the shoulders, armpits and inside the legs.

Ms Malone of the US Asia Pacific Centre who had recently visited Sri Lanka on a fact-finding mission shared her experiences in the conflict areas controlled by the government, at the Roundtable on Human Rights Development in Sri Lanka organised by the Congressional Human Rights Caucus on 11 December 1998 (in Room 2238 of Rayburn House Office Building in Washington D.C.) In Sri Lanka, she says that she had interviewed people including doctors, in the government-controlled areas and confirmed that in the East, torture is widely practised by the Sri Lankan armed forces. The main methods of torture included immersing the head in water (Wet Submarine method), covering the head with polythene bags (Dry Submarine method), hanging the detainees by a finger or toe, and beating with iron rods. The effect of torture on the two victims that she interviewed, were deafness caused by inserting a pencil into the ear and dislocated knees by beating with an iron rod.

During her presentation, Ms Malone stated that Tamil children living near army camps are forced to work for the army. Ms Malone also stated that the members of the Human Rights Commission (HRC) were ineffective because the people had no trust in them. The people testify before the HRC but no justice is done in relation to their complaints. She stated that as a result, a culture of impunity prevails within the Sri Lankan forces.

The Sri Lankan Supreme Court has declared that the security forces and state officers including the Defense Secretary often breach Emergency regulations relating to arrests.[27] Deaths in custody are often dismissed as suicide.

Addressing the meeting of the Medico-Legal Society of Sri Lanka on 9 November 1996, Supreme Court Judge P Ramanathan said that the Court has made a number of judicial pronouncements against the use of torture and inhuman treatment by law enforcement officers but regardless, torture in police stations continued unabated.[28] The police force has concentrated power of recording statements, investigations and prosecution and tends to take short cuts by assaults and torture.

According to Mr Baere Walv Ndiave Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions who visited Sri Lanka from 24 August to 5 September 1997, torture was reportedly used by the armed forces with two principal aims: to obtain information on insurgent groups and to intimidate the population. Torture, inflicted at the place of detention, in remote places in rural areas or on military and police premises, reportedly precedes the taking of a decision as to whether the detainee was released or put at the disposal of the competent judicial authority. It seems to be a common practice that members of the armed forces and security forces arrest persons without a warrant, subject them to sign a statement of good treatment. All these circumstances, together with the fact that the detainees are kept incommunicado, increase the risk of torture, said Mr N'diaye. [29]

### **5.3. Extra-judicial and Arbitrary Killings, Disappearances and Custodial Deaths**

Arbitrary killings and reprisal attacks on civilians are common in the Tamil areas. Government forces often respond with counter-violence, characterised by unmitigated repression and brutal-

ity. Civilians have been compelled by the Sri Lankan army to act as human shields to detect landmines. Tamil civilian passengers have been forced to travel with soldiers in ships and air-flights, putting them in extreme danger. Complaints about such conduct have been made in the Sri Lankan Parliament by Tamil MPs. Persons suspected of LTTE links have been shot dead and in several cases burned alive. Many bodies found floating in the waterways and lakes near and within Colombo were identified as those of Tamils. Police investigations revealed that they had been murdered in the Colombo Special Task Force headquarters. But the case was dismissed because the accused and the Attorney General failed to appear in court. The court described the conduct of the Attorney General as "obstruction of justice".[27] Military Death squads continue to operate in the country. They go about in unmarked vehicles, abducting or summarily executing anyone suspected of LTTE connections.

The government appointed a five-member Committee headed by Bandula Kulatunga which probed allegations of "disappearances" of over 700 people in Jaffna after the army capture of the peninsula in early 1996 and in 25 cases, identified those responsible for disappearances. Amnesty International recorded over 600 disappearances in Jaffna in 1996, highest in the world during that year. Amnesty International, in its November 1997 report, also has accused the government of failing to protect people under its jurisdiction.[30] There have been number of rapes by the security forces in Jaffna and Batticaloa and some women were murdered after being raped.

Lance Corporal Somaratne Rajapakse, an accused in the Krishanthi Kumarasamy rape and murder case, revealed to the Colombo High Court on 3 July 1998 that he knows the location of mass graves at Chemmani, Jaffna District where 400 bodies of Tamils killed in custody were buried and blamed his superior officers for disappearances. Amnesty International along with other international human rights organisations has called upon the Sri Lankan government to authorise a parallel investigation by the Criminal Investigation Department and the Human Rights Commission in Sri Lanka into the mass graves, with the assistance of international forensic experts. The UN High Commissioner for Human Rights has also offered assistance to investigate the gravesite. The government has chosen to delay the probe and has not responded to the request by Amnesty to guarantee the safety of foreign investigators.[31] Local organisations and people say that the government's delay in the probe facilitates destruction of evidences of mass graves. The consortium of local humanitarian agencies wrote to the President Chandrika in October alleging that the bodies from the graves were being removed and burned. The parents and families of the "disappeared" in the Jaffna Peninsula organised continuous vigil in front of the office of the Human Rights Commission (HRC) in Jaffna to call on the government to expedite the investigation of the site. The protesters and the local human rights activists accused the Human Rights Commission for using the military to drive them away from peaceful protest and vigil expressing their frustration of the government dragging its feet to begin investigations.

Human rights organisations also raised fears for the safety of Somaratna Rajapakse following an attack on him by prison guards on 23 August 1998. The attack on Rajapakse had resulted following his refusal to sign a written statement ordered by guards, reportedly on the orders of a Minister, to the effect that he had been emotionally disturbed at the time he made the statement to the High Court about the Chemmani mass graves and that it had been untrue.[32]

Serious concerns for the safety of Subramaniam Tharmakulasingam, 22 and Kathirgamathamby, 23, arrested on 23 January 1998 and for the safety of Ponnampalam Thavarajah, 40 and Arumugam Mylvaganam, 35, who have not been seen since their arrest on 5 February 1998 by the Security forces in the north-east, were raised by human rights organisations including

Amnesty International. Inquiries by the local offices of the Human Rights Commission and the International Committee of the Red Cross in addition to appeals made on their behalf to the President of Sri Lanka by Tamil Members of Parliament have failed to reveal the whereabouts or their fate.

On 23 October 1998, the army at the military check-post at Nallur in Jaffna arrested Rajaratnam Udayakumar, 42. His dead body was handed over to the hospital on 27 October. The Jaffna Medical Officer had refused to examine the body as he suspected foulplay by the army. The body was then flown to Colombo and the Medical Officer at the Colombo General Hospital had issued a certificate stating the cause of death as suicide by hanging. Human rights agencies in Jaffna and Colombo have strongly protested and called for an independent inquiry. Another Jaffna resident died in custody in September 1998 and the military said he had committed suicide.

Several Internally Displaced Tamils were reported missing in the government controlled Vavuniya District, during October, November and December 1998. Amnesty International raised its concern about Pakiyaratnam Yogeswaran, 16, Subramaniam Atpudarasa, 17, Selvarasa Tamilchelvam, 16, Mylvaganam Jayaseelan, 23, Lakshman Ketheeswaran, 22, Nadarasa Rajaratnam, 30, Veeraiyah Udayakumar Danushan, 17, who went missing between 10 October and 21 December 1998 in Vavuniya District. The "Disappearances" have been attributed to the army and members of the People's Liberation Organisation of Tamil Eelam (PLOTE), who are opposed to the Liberation Tigers of Tamil Eelam (LTTE). Amnesty International also has revealed, following its visit to Vavuniya in September 1998 that they had found evidence of severe torture at two unauthorised places of detention run by members of PLOTE at Kovilkulam and Rambaikulam in the government controlled area.

Use of unauthorised places of detention is also a concern to the human rights community. The government has announced introduction of measures to safeguard the welfare of detainees, in particular, the requirement that detainees should only be held in officially gazetted places of detention. Detention in unauthorised places is a specific offence under Emergency Regulations. Amnesty International has accused the government of failing to take any decisive action to enforce these safeguards. The UN Special Rapporteur Bacre Waly N'diyae cast his opinion in his March 1998 report that the question of extra-judicial and arbitrary executions in Sri Lanka as "serious". [29] The actions of the Sri Lankan security forces and its paramilitary groups are in contravention of the Geneva Conventions relating to non-internal armed conflicts.

## **5.4. Rape of Tamil women**

Incidents of rape is endemic in the army occupied areas of the Tamil homeland in the northeast. Reported rape cases and sexual harassment by security personnel escalated in 1997, say human rights observers. A large number of rapes were not reported because they were denied or the victims did not wish them to be published. The reasons for this are the sense of shame, cultural sensitivity, fear of humiliation and the fear of ostracization. Annexure (1) lists the reported cases of rape during the last three years recorded by the Sri Lankan NGO, The Centre Human Dignity.

## **5.5. Impunity: A major international concern**

Impunity for those responsible for human rights violations remains a major concern. Human rights agencies and the US State Department have classified impunity as a serious problem in Sri

Lanka. The relatives of tens of thousands of people who were killed or disappeared over the last 18 years in the entire country are still awaiting justice. There have been a number of massacres of Tamils by security forces and Home Guards since 1990 that have been documented by international human rights organisations. UN Special rapporteur Mr N'diyae also has stressed in his report to the Commission on Human Rights resolution 1997/61 that impunity is an obstacle to democratic development and peace negotiations, and makes reconciliation difficult.[29] The culture of impunity has led to arbitrary killings and has contributed to the uncontrollable spiraling of violence. The US State Department's human rights report for 1997 observes that the lack of progress in some cases and investigation or prosecution in others has given the impression of immunity for those responsible for human rights abuses. The cases in respect of some of the Tamil murders are either dragged or have been abandoned. The International Commission of Jurist's (ICJ) Centre for the Independence of Judges and Lawyers (CIJL) says that a culture of impunity has developed, with perpetrators of grave violations of human rights being convicted of minor offences, or, in most cases, none at all.[33]

The Bolgoda Lake case in which 22 para-military Special Task Force members policemen were charged with the murder of 22 young Tamils in custody at the Colombo Special Task Force (STF) headquarters has been abandoned and perpetrators have resumed police duties. The report also indicates that the Sri Lankan security forces unlawfully killed thousands of Sinhalese and Tamils since 1983 and have gone unpunished for the crimes. At the time of investigation not a single member of the security forces had been convicted of murder in any case arising out of misconduct of the forces. This had led to a culture of impunity, says the report. Since the investigation of CIJL, there has been only one conviction, in September 1996, when the Colombo High Court found the six security force members guilty of rape, murder and "disappearances" in the well-publicised human rights cases. The case is now in appeal. The judgement that was referred to as the "Landmark Judgement" was welcomed by many international organisations. The Tamil Information Centre in its press release, "Sri Lanka: A Step forward for the protection of Human Rights" issued on 4 July 1998 acknowledged the Colombo High Court's decision to punish the perpetrators as a positive step forward towards putting an end to "disappearances", and said further that, it is only when the existing indemnity legislation, the Prevention of Terrorism Act (PTA) and Emergency Regulations (ERs) are repealed and the obstacles to prosecution are removed entirely, one can be proud of a major victory for all peoples of Sri Lanka and the international community.

The Supreme Court has ruled in a number of applications that the security forces carried out torture. The Supreme Court has also declared a number of detentions illegal. The government has taken no steps to bring those responsible for torture, extra-judicial executions and illegal detentions and breach of Emergency regulations to book. Fines imposed on security officers are paid by the state. Members of security forces who were convicted of rape and murders have been granted bail and posted to other parts of the country and they do not attend courts or further investigation. Human rights organisations welcome the Colombo High Court Judgement in the well-publicised human rights case of the 18-year old school girl Krishanthi Kumarasamy, which has shown greater sensitivity and assertiveness. The High Court found the security force members guilty of rape, murder and "disappearance" of Krishanthi Kumarasamy, her mother, 16-year-old brother and a neighbor on 7 September 1996 and sentenced five soldiers to death. However, in hundreds of other cases of extra-judicial executions, rape, torture and disappearances, no action has been taken.

## 6. Government's commitment to Human Rights

The dismissive attitude of the Sri Lankan government in many instances towards reports of human rights organisations of acknowledged credibility, media censorship, restrictions on the NGOs and journalists to visit the affected areas and the many examples of the government's hostility to those who are concerned with the human rights situation in the country reveal its callous disregard for basic human rights.

Given the fact that many pieces of anti-democratic and draconian legislation such as the Emergency Regulations and the Prevention of Terrorism Act which permit the indiscriminate arrest and detention of persons for undetermined periods remain in place, the framework within which many violations of the rights of detainees will continue to exist.

Angry reaction by Tamil Parliamentarians and international aid workers over the government policy of using civilians as a human shield for transporting troops and military materials to and from the war zone demonstrate the scant regard to international law and the savage attitude of the Sri Lankan government towards the Tamil people.

An angered international aid worker is reported to have said that the government's policy of lumping soldiers and civilians in one category for transport was an "invitation" to the LTTE to attack and "when civilians die in such attacks the government calculates its stands to gain because it can then score a couple of propaganda points over the LTTE".

The situation of the conflict in Sri Lanka and the many violations of the democratic rights of the people of Sri Lanka are matters that have been placed before the UN Human Rights Commission in successive years. The recent discovery of the mass graves in Chemmani in the North also has major implications for the human rights record of the country, given the history of large scale disappearances which remain unsolved up to the present.

The UN Special rapporteur Mr Ndiaye, in his March 1998 report said that "impunity enjoyed by human rights violators in Sri Lanka is very pervasive. The judiciary is competent to deal with cases involving security forces personnel accused of human rights violations. The justice system can be tough and effective in prosecuting and punishing disciplinary offences involving manifest disobedience of orders. However, it has proved itself equally effective in guaranteeing impunity for violations of the ordinary criminal law in respect of acts (murder, torture, kidnapping) committed in the line of duty. Thus Sri Lanka fails to fulfil its obligations under international law to carry out exhaustive and impartial investigations with a view to identifying those responsible, bringing them to justice and punishing them. Although in a number of cases, tribunals have granted compensation to victims, or their families, for damages suffered at the hands of state agents, the tribunals conducting criminal proceedings against the same agent do not find grounds for their conviction. This strongly suggests the lack of institutional willingness to hold the authors of human rights violations responsible."

Hill country Tamils continue to suffer the effects of denial of citizenship and franchise rights in 1948 and 1949. There is no substantial change in their living and working conditions. Legislation has suppressed wages and crucial social facilities and has forced repatriation on workers under agreements. The workers are paid low wages and suffer discrimination in health, education, employment and all other aspects of national life. Over 200,000 jobs have been lost in the plantation industry after private companies took over estates in 1993.

The Sri Lankan government also has failed to implement essential recommendations of the UN Working Group on Disappearances on structural, institutional and policy issues that encourage continuing disappearances. Since the present PA government came to power in 1994, over 755 disappearances have been reported, including 100 in 1997. Amnesty International recorded over 600 disappearances in Jaffna in 1996, highest in the world during that year.

Amnesty International further says, "The leader of the PA, Chandrika Bandaranaike Kumaratunga, was sworn in as President after winning presidential elections in November 1994. The new government pledged to improve the human rights situation in the country and to investigate past incidents of human rights violations. In late 1994, it set up three Presidential Commissions to investigate past human rights violations, including thousands of "disappearances", since 1 January 1988. The government said it would bring to justice the perpetrators of these violations. It also announced its intention to strengthen the constitutional protection of human rights. In addition, in 1997, it ratified the Optional Protocol to the International Covenant on Civil and Political Rights and established a permanent national Human Rights Commission (HRC) with a mandate to investigate human rights violations, including "disappearances".

"Despite these measures taken in relation to past "disappearances" and the institution building measures as described above, "disappearances" continued to be reported at high levels." [34]

The 20-member independent Citizens' Commission on Border villages appointed in September 1998 drawn from educationalists and human rights workers in its recent news conference in Colombo accused the government of violating the basic rights of Sri Lankan's (Tamils) living in villages bordering the strife-torn north-eastern province. "These people have no basic rights, no basic facilities, no water, no sanitation. Schools and hospitals have been made into police stations", Leela Isaac, co-chair of the Commission told the news conference. The Commission investigated for over three months and interviewed 192 people and obtained nearly 1,000 written submissions from people in eight districts bordering the war-torn North-Eastern Province. The evidence shows that militarisation had led to serve human rights violations. According to the Commission members, soldiers in conflict zones sexually harass women. Armed men intimidate women. Young women were often made false promises of marriage by soldiers and were made use of for sex. In many places civilian life is totally subjugated by military conditions of the state and other armed parties. Language rights are ignored. People are forced to work for the military without pay, clearing the jungle and building bunkers. [35]

International humanitarian law prohibits the targeting of cultural monuments and places of worship. The Northeast Hindu Priests Association has accused the Sri Lankan government for marginalising Hindus from national life. Over 1,800 Hindu temples have been destroyed or damaged and the security forces often desecrate Hindu temples without concern for the religious sentiments of the Tamils. [36] Many temples are being used as army living quarters and military checkpoints. The army has plundered Hindu icons and Hindu priests are intimidated and harassed at army checkpoints. A number of Hindu priests have been taken into custody. The security forces have also destroyed a number of cultural centres. In September 1998 an international Hindu delegation met President Chandrika and complained about the plight of the Hindus. Sinhala-Buddhist racism against Tamil people continues to remain a key feature fostered by the Buddhist clergy and supported by successive governments. It is based on the myth that (a) the Sinhalese were the first to populate Sri Lanka and Tamils were invaders bent on destroying Sinhalese culture, (b) the Sinhalese are the guardians of Buddhism which is threatened by Hindu encroachment, (c) the Sinhalese are a minority in their own country because of South India which is referred to as the real homeland of the Tamil people whereas the Sinhalese have no-

where else to go to and (d) the Sinhalese were seriously disadvantaged by colonial policies which unduly favored Tamil people. These arguments have repeatedly been brought forward by politicians in various contexts in order to justify discriminatory and repressive policies against Tamils and to deny the Tamil people's right to live in Sri Lanka by declaring India as their true homeland and to deny them equality of treatment with reference to their allegedly advantageous status.

At a public meeting held in Mirigama on 19 July 1998, President Chandrika issued a bloodcurdling challenge to the Tamil people: "If the Tigers want peace they would get peace, if they want war they would get war". Twenty years ago, on 18 August 1977 and during the 1977 pogrom against the Tamils, Prime Minister JR Jayewardene, leader of the United National Party (UNP) rose to his feet in Parliament and issued a similar challenge to the Tamils: "if you want to fight, let there be a fight; if it is peace, let there be peace". Recently, as in the first week of September 1998, the President Chandrika and Deputy Leader of the Sri Lankan Freedom Party (SLFP) supplemented the July 19 challenge with the denial of the national rights of the Tamil people in a live interview to two South African TV channels during her visit to Durban. She relegated Tamils to an inferior political status in relation to the Sinhalese by denouncing the Tamils as "not the original people of the country". Such callous and inflammatory comments by the Sri Lankan President asserting that only the Sinhalese are the "son of the soil" were broadcast in the state owned Rupavahini television news round.

## 6.1. Commissions and Committees

The present government has appointed over 60 Commissions and Committees, many in relation to human rights. Continuing human rights violations in a large-scale could only indicate that these bodies are ineffective. The appointment of Commissions by the President, against whose government accusations are made, has been criticised by the UN Human Rights Committee as contrary to the principles of fairness.

Human rights NGOs earlier complained that the Human Rights Task Force (HRTF) had failed to carry out its duty imposed by Emergency regulations. The HRTF was wound on 30 June 1998 amidst concerns raised by many human rights organisations, including Amnesty International, the way in which the decision was taken to close the monitoring body. It should be noted that the establishment of the Human Rights Task Force is often cited by the British Home Office as an example of an improving human rights situation in their standard refusal letters. The Human Rights Commission (HRC) which replaced HRTF has also failed to live up to expectations. The appointment of the Commissions to the HRC has been criticised as political rather than based on experience and commitment to human rights. Human Rights NGO, MIRJE said in April 1998: "Notwithstanding the Presidential directives on arrest and detention and mechanisms such as the Human Rights Commission and the recently established Anti-harassment Task Force, ordinary civilians continue to be arrested by persons in civilian cloths. The families are not informed as to their whereabouts, nor is any receipt issued to record their arrest. They are held incommunicado and subject to all forms of harassment and ill-treatment".

The three disappearance Commissions appointed in 1994 submitted their reports in September 1997 after recording evidence in 16,750 cases of disappearances. Up to now, no procedure has been announced by the government to bring those responsible to book and the reports remain unpublished. Another Commission on Disappearance was appointed in May 1998, to replace the three Commissions. However, the government has shown no indication to prosecute offenders.

## 7. The State of Emergency and its Impact on the Tamil People

Sri Lanka has been governed under a state of Emergency with short interludes since March 1971 and the Emergency rule continues. Emergency Regulations (ER), among other things authorise detention of persons and override existing laws. They do not prescribe any minimum standards for the conditions in which detainees are kept. Neither the existence of an emergency nor an emergency regulation nor an order, rule or direction made under such a regulation may be called in question in any court. Emergency Regulation 18 provides for any police officer or any member of the armed forces to detain or arrest any person without warrant. The arrests by members of the armed forces outside Northeast are required to be brought to the notice of the Superintendent of Police or the commanding officer of the area. This provision is regularly breached. There is no publicity given for the Emergency Regulations except in the government gazette, which has only a very limited circulation. Additions and amendments are constantly made to the regulations, but the public and often even parliamentarians, are unaware of any such changes.

The CIJL says that preventive detention under Emergency regulations is a draconian power and a greater degree of judicial control is needed than is provided by Emergency Regulations, in accordance with the UN Basic Principles on the Independence of the Judiciary. Many cases under Emergency regulations and the Prevention of Terrorism Act have been filed on the basis of confessions made in police detention. Under normal law [i.e. the Evidence Ordinance] confessions made to police officers cannot be used as substantive evidence. But the rules of evidence are inapplicable in cases under Emergency regulations and the Prevention of Terrorism Act, and confessions to the police are admissible as substantive evidence. In many cases against Tamils, it is the only evidence made available. CIJL further says that confessions to police officers are suspect because of widespread use of torture and admissibility of confessions encourages the use of torture and that confessions obtained in police custody cannot be regarded as reliable.[33]

### 7.1. Residency Restrictions in Colombo

All Tamils irrespective of whether they live in Colombo (permanently reside in Colombo) or have come for a short visit from abroad or arrive from other areas of the island are required to register with the police. They are required to carry the police registration papers at all times. Those who do not possess the police registration paper could be arrested and detained. For a deportee, the police registration serves as a temporary permit during the stay in Colombo. The period of stay permitted for the deportee is always shown in the registration papers.

The holders of police registration papers are required to renew them periodically at police stations. The renewal period varies from area to area and there are no set guidelines for granting of registration papers or renewal. However, if the person wishes to move to a different part of Colombo, the person is required to de-register at his area police station before he/she is accepted at the new police station as a new entrant to the area and issued with a registration paper.

Under Emergency Regulation 20A of the Emergency (Miscellaneous Provisions and Powers) Regulations No. 4 of 1994 (inserted into the Emergency regulations on 21 September 1995) everyone in Colombo must be registered with the police. Every householder must provide the district police station with the names of every family member, tenant, guest or servant in his/her household. These householders' lists identify Tamil households and individual Tamils to the authorities. Household registration is the responsibility of the householder, not of individual



residents. But in practice, individual Tamils are required to register and the provisions are vigorously enforced only in respect of Tamils. Providing accommodation or residence to any person suspected of LTTE is a punishable offence.

There is no central registration process. Each police station has a ledger in which the registrant's information is entered and a receipt is provided to prove registration, but each station keeps its own records. The system is not computerised and police stations normally do not share information. Someone who is registered in one district of Colombo and detained in another can spend several days waiting to be cleared, and one released can be re-arrested at another checkpoint. Such a system makes it very easy for the police to arbitrarily detain someone.

Particular problems are faced by visitors coming to Colombo on short visits lasting 2 to 3 days and in particular by patients coming for emergencies. Patients are often accompanied by one or two others. Patients complain that it takes half a day or sometimes even longer to take photographs for the purpose of registration. They also complain about delays at the police stations. A Colombo based Social worker recounted the problem of the short-stay visitors to Colombo as follows: "When they go to a police station to register in the mornings, on several occasions it was found that the Officer in Charge (OIC) had gone out and others are unaware at what time the OIC would return. They are often asked to come back in the afternoon. And, when they return in the afternoon, they are told that the OIC would not be available that day and ask them to come the next day. Even, if the people explain and show their medical conditions, the policemen do not care. Sometimes, it takes several days before the person can meet the OIC. Language is a problem at the police stations. Most police officers do not speak Tamil. There is also general reluctance by the relatives and friends to accompany visitors to police stations due to fear of harassment. In many police stations registration forms are not available. The police officers often give the person one form and ask him/her to go and obtain photocopies and return the original. There are also complaints that the applicants were asked to go and purchase files. There is no one to complain or seek help. These people have to submit themselves to all these harassments and humiliations for the very reason that they are Tamils."

## 7.2. Search, Arrest and Detention

The National Identity Card (NIC) is the standard identification document. But someone without an NIC may be able to pass by showing a passport. A person with an NIC showing a Colombo address will generally pass more easily than someone whose NIC shows an address from Tamil areas in the northeast.

The key issue at checkpoints and in other forms of security checks is verification of identity. The person most at risk of being detained is someone recently arrived from the Northeast who was born there, from abroad, is not registered in Colombo, has no NIC, no place to stay, no job etc. But, Tamils with identity cards also have been arrested at checkpoints. Foreign Tamil citizens with foreign passports have also been detained, but the risk decrease as each variable is removed from the mix.

Periodic round-ups and cordon-and-search operations are another form of security measures conducted by the security forces. Masked informants are often used during cordon-and-search operations. Such operations are often carried out in areas with high concentrations of Tamils, such as neighborhoods with Tamil hostels and lodges.

A new police rule introduced on 1 April 1998 requires those staying in lodges to complete a form

with a photograph certified by the Grama Sevaka (Village Headman) of the area, in addition to police registration. The lodge owner will retain a copy of the form.

### 7.3. Judicial Process

Most of those held for questioning during search operations are released, some are detained, and of these a smaller number are served detention orders. But, because of the nature of round-ups, it is not possible to determine how many are further detained. The length of detention varies from several hours, days to weeks. The police are obliged to issue a receipt in accordance with Presidential Directives under Emergency Regulations when a person is arrested or taken for further questioning or detained and that the relatives should be informed of the arrest within 24 hours stating the reasons for arrest. This will also help to prevent the re-arrest of someone who has been detained and cleared. But the police usually do not comply with these requirements and no action has been taken against the police for breach of the Emergency regulations. The Supreme Court ordered the release in late July 1998 of Periyathamby Arumugam, 73, held at Fourth Floor of the police headquarters which is well known for torture of detainees. He was neither informed of the reasons for his arrest nor produced before a court. Mr Thavayoganathan, a resident of Matale in the hill country, was released on 18 July 1998 after two years in detention at Kalutara prison and was arrested again on the same day while returning home.

Full information on detention and transfer of prisoners is not provided to the Human Rights Commission and the local magistrates. There is also the problem of illegal detentions which is a far more serious issue. Continuing detention in secret places, especially in Jaffna, Vavuniya and Colombo in contravention of the law is a serious failure of safeguards. Those arrested are subjected to harassment and some have complained of assault. There are others who have been subjected to severe torture. In a fundamental rights application, Markandu Maheswaran says that he was assaulted after his arrest in Colombo by the Terrorist Investigation Division (TID) on 22 June 1998 and forced to sign a confession in the Sinhalese language which he does not understand. In a similar fundamental rights case in October 1996, the Supreme Court awarded Rs 100,000 compensation to Ratnasabapathy Mohandas, a Tamil trader who was detained and tortured by the security forces. The Crime Detention Bureau (CDB) arrested Mr Mohandas in March 1996 and held him incommunicado for three months. He was neither informed of the reasons for the arrest nor a receipt issued to relatives acknowledging detention as required by law. He was hung by his legs and tortured. His eyesight was affected after his head was covered with a plastic bag dipped in petrol. A confession had been obtained from him against his will, written in the Sinhala language, which he does not understand. The police had filed several cases against him based on the confession. There are numerous reports that confessions are obtained in the Sinhala language and used against the accused for convictions. Hundreds of Tamils have been convicted strictly on the basis of "confession evidence". As pointed out earlier, "confession evidence" contributes to high risk of torture and disappearances. Colombo-based human rights organisations say that Tamil women detainees in Welikade prison have been sexually abused.

The Supreme Court and the Court of Appeal are based in Colombo. Branches of a Provincial High Court may sit in more than one place in the Province. There are High Courts in each province. However, the High Courts do not function properly in the Northeastern Tamil province. There is a High Court in Vavuniya, in the North, but no High Courts in Jaffna or Mannar. In the eastern Tamil regions, only one Court serves both Trincomalee and Batticaloa.

Sinhala is the official language of the court, whereas Tamil is the language of administration in

the Northeast Tamil areas. There are numerous complaints that charges are filed in Sinhala language only and those involved are not fully aware of the charges and do not understand the proceedings. The proceedings of the Supreme Court and the Court of Appeal are conducted in English. Many lawyers advise their clients to plead guilty to avoid lengthy court procedures and shorter prison terms. According to the lawyers, this would also reduce expenditure for the clients.

There are lawyers who are specialists in dealing with cases under the ER and the PTA. Lawyers are generally reluctant to represent Tamils arrested and refuse to go to police stations fearing intimidation and reprisals by the security establishment. The conference between the client and the legal representatives are often carried out in the presence of the police staff and the clients are obstructed from freely discussing their cases. There are serious problems in the use of the Tamil language in the courts. The right to the services of interpreters is not observed. Only few judges can understand Tamil. There is no up-to-date publication of legislation and Emergency Regulations in Tamil. There are also no Law reports in Tamil.

Notwithstanding the existence of Presidential Directives on arrest and detention and the establishment of Human Rights Commission and the Committee of Inquiry into Undue Arrest and Detention (CIUAD) formerly known as the Anti-harassment Task Force (AHTF), arrest of Tamil civilians by police and persons in plain clothes continue. The detainees' families are not informed as to their whereabouts, nor is any receipt issued to record their arrest. Many of them are held incommunicado and subject to all forms of harassment and ill treatment. CIUAD member and Member of Parliament, MH Zuahir acknowledged in August 1998 that police arbitrarily arrest Tamils in Colombo and thereafter look for reasons to detain them.[37] Human Rights lawyer A Vinayagamoorthy, says he has filed over 10,000 fundamental rights applications relating to arrest and detention of Tamils and only in less than 10 cases the accused were determined by the courts as LTTE members.

The Supreme Court, in a number of cases, has also awarded compensation for torture in custody. The Supreme Court can only award compensation and has no power to punish the offenders in cases on violation of human rights. The compensation is paid by the state. In July 1997, it was reported that in the previous 30 months, 860 complaints were made against police for breach of fundamental rights, including torture, and the Police Department paid Rs. 6.6 million (\$ 132,000) as compensation following court orders. In 158 cases, the Attorney General's Department failed to appear in court.[27] There is also widespread incidence of extortion of detainees and their families.

The Sri Lankan press in July 1998 reported that many Hill Country Tamils are also detained in police stations at Badulla, Bandarawela, Kandy, Nuwara Eliya and Ragala. Most of them were arrested for not possessing NICs. Trade unions in the plantation, say over 50% of the Hill Country Tamils have not been issued NICs and exposed to the danger of arrest and detention.

It is estimated that 1,700 Tamils are in custody including in Kalutara and Colombo Welikada prisons, and many for long periods without trial. There are over 450 Tamils in custody for over two years, some over four years. In addition, several hundreds others are detained in unacknowledged police stations and military camps. While theoretically there are legal provisions to refer the matter to the courts by way of habeas corpus applications, in practice, as pointed out by TULF Members of Parliament giving evidence before the Sri Lankan Human Rights Commission on 9 April 1998, fundamental rights of Tamils in Colombo are being violated with impunity and arrests take place, in many instances, despite possessing all the necessary documents, solely on the basis of ethnicity. Round-ups and arrests of Tamils also continue in large numbers during military operations in the northeast.

Mrs Nadarajasundaram Maheswary, her son Ketheeswaran, 11, and niece Rasanayakam Tharshini, 9, were arrested by the Mt. Lavinia Police on 25 April 1997 and detained until 14 August 1998. On 9 February 1998 the two children were removed by the police saying that they are taking the children to be produced before the Juvenile Courts. The Mt. Lavinia Police have denied access and information about the whereabouts of these children. On 14 August 1998, Mrs Maheswary was taken to Welikade prison. Human rights activists have complained to the CIAUD about the incident and have accused the Mt. Lavinia Police of harassment of Tamils in the area.

There have also been a number of killings in prisons. In July 1983, 53 Tamil political prisoners were massacred in the maximum security Welikade prison in Colombo. No enquiry has been conducted into the killings upto date despite repeated demands by human rights organisations including Amnesty International. On 12 December 1997, three Tamil detainees, Muthulingam Dharmalingam, Shanmugarajah Sivanesan and H G Khan were hacked to death in front of Ward D in Kalutara prison by a group of Sinhalese criminal prisoners. Upto now those responsible have not been identified and punished. On 5 October 1998, 119 Tamil detainees held in Anuradhapura prison were transferred following the discovery of a plot by Army deserters held in the same prison to murder them. All of them were held under Emergency and the Prevention of Terrorism Act (PTA).

Tamil MP Joseph Pararajasingham, speaking in Parliament in April 1998, highlighted the widespread police involvement in bribery in the arrest of Tamils. Corrupt police officers earn large sums of money by detaining Tamils. Nir Pararajasingham also said that Tamils arriving from other countries at the Colombo airport were treated differently, and harassed and that he was aware of detention of Tamil youths from abroad on the unsubstantiated allegation that they were involved in raising funds for the LTTE. President Chandrika Kumaratunge said in October 1998 that she is aware that some police officers demand as much as Rs 25,000 from Tamil detainees for release from custody. There are no government reception or integration centres or regeneration refugee programmes, which often lead to harassment, arrests and ill treatment of Tamils, removed involuntarily from abroad.

## 8. The Role of UNHCR in Sri Lanka

The Office of the United Nations High Commissioner for Refugees' (UNHCR) involvement in the repatriation of Tamil asylum seekers to Sri Lanka is a controversy which continues to cause serious concern to many refugee agencies involved in refugee protection work. They have argued that UNHCR's actions have been detrimental to refugees rather than affording international protection and tend to evade many real and difficult issues pertaining to refugee protection. [38] The US Committee for Refugees (USCR) which has been monitoring and reporting on the situation of Sri Lankan refugees, asylum seekers and internally displaced in Sri Lanka since 1985, in its January 1994 report titled "*People Want Peace*": *Repatriation and Reintegration in War-torn Sri Lanka*", has warned UNHCR to keep clearly in mind its own assessment that conditions are not suitable for repatriation, and avoid any actions that would appear to encourage return.

Given UNHCR's public image, it is assumed that the position taken by the UNHCR or in its name would be caring and carefully considered. But the role and position taken by the UNHCR in recent years in providing international protection to those who flee from persecution appear to have changed that perception and has contributed to the belief that this is not the case any more

and that there is a serious lack of sensitivity and accountability in its role and actions of the staff. There are serious charges against the UNHCR about the secrecy and lack of accountability. There is also growing scepticism about the viability of the UNHCR and its ability to cope with the growing refugee crisis.

UNHCR's Position Papers on Sri Lanka are contrary to the real situation in Sri Lanka as confirmed by many international human rights monitors. Guidelines in UNHCR Position Papers are repeated year after year although situation changes rapidly in Sri Lanka. Western governments continue to use these Position Papers to reject asylum applications.

UNHCR issued a guideline statement to its regional offices in January 1996 declaring that 'the Tamil population by reason of their origin alone do not face any serious problem in Colombo and other areas of governmental control, although many Tamils perceive the frequent ID checking, round-up, temporary detention and house searching as discriminatory harassment'. UNHCR has also maintained that the human rights situation in Sri Lanka has improved.[39]

UNHCR's misrepresentations of facts has shocked many Tamils and agencies, but has come as no surprise to those who have followed the UN agency's motive and strategy in Sri Lanka. According to its Statutes, protection of refugees is UNHCR's main task. But over the years, in the efforts to finding new solutions to the growing global refugee crisis, the UNHCR mandate has been reinterpreted and applied in such a manner as to relegate this primary function.

UNHCR divided Sri Lanka into four zones in June 1992 circular guideline to its regional offices:

- 1) Areas not generally affected by the armed conflict, eg. Colombo, Kandy, Anuradhapura, that is south and centre of the country;
- 2) Areas under Sri Lanka government control but where situation is not back to normal and sporadic skirmishes still occur, eg. Mannar Island;
- 3) Areas affected by armed conflict and only partly controlled by the government of Sri Lanka, eg. Trincomalee, Batticaloa, Amparai;
- 4) Areas essentially under LTTE control, eg. Jaffna and parts of Vanni.[40]

UNHCR recommended that rejected asylum seekers in other countries, from south and central parts of the country could be returned in safety and dignity and the repatriation of those from the other areas should only be contemplated on a case-by-case basis.

After a fact-finding mission to Sri Lanka in March 1994 the Swiss Refugee agency, Organisation Suisse D'Aide Aux Refugees (OSAR) said in a report titled "*The Time is not yet ripe*":

"..... the relief agencies are opposed to any repatriation of Tamil asylum seekers to Sri Lanka. In view of the human rights situation and the security position, not to mention the political and social conditions prevailing in Sri Lanka, we cannot understand why Switzerland should wish to return Tamils to this country at this particular time.

"If, in spite of the human rights violations confirmed by all sides, Switzerland still intends to repatriate Tamil asylum-seekers for internal political reasons and on ground of deterrence, the relief agencies expect the position to remain publicly transparent."

These protests did not deter the UNHCR from making further statements encouraging refugee returns in its Position Papers. In February 1995, while peace talks were taking place between the

LTTE and the Sri Lankan government, UNHCR issued a statement admitting that there was no immediate solution to the conflict in sight and the situation still remain fragile but indicated that it would have no objections for mandatory returns. UNHCR also modified its 1993 position and implied that refugees may return to any part of the island and was willing to provide passive monitoring in bilateral repatriation agreements between Sri Lanka and other countries. "Passive monitoring" means that if any returned refugee falls into difficulty, UNHCR would merely inform the Sri Lankan authorities and the embassy of the country from where he/she was returned, but would have no responsibility of its own.[38]

When the 1996 statement was made by UNHCR, it had already been established that thousands of Tamils had been arrested, many tortured and a significant increase observed in the number of people disappeared.

The refugee community organisations and agencies increasingly complain that the UNHCR Position Papers are made for political reasons as an internal memo dated 1 December 1993 shows. Following are excerpts from the memo:

"The situation in Sri Lanka displays high propensity for change. However ..... understanding these rapid changes is not always easy in distant capitals with respect to a country which receives remarkably low media coverage. As a case in point recent incidents have in no way affected a booming tourist season. Hence, the criticism could be leveled by those who are far away... that UNHCR is reacting to the first incident..."

"While freezing the guidelines is relatively easy, reinstating them might be more difficult. In particular the burden of proof that the situation has significantly changed so as to warrant the reactivation of the guidelines will be on UNHCR. Today's NGO acclaim might also turn into tomorrow's vilification."

The political implications vis a vis GSL (Government of Sri Lanka) of any UNHCR statement made or issued at this stage need to be carefully weighed... such a statement is likely to be given wide publicity by NGOs and the human rights dimension of signaling a red light should not be discounted."

"I have... tested the ground with Bradman Weerakoon (Advisor to the Sri Lankan President) as to how GSL might react. He was indeed concerned and indicated that the human rights implications of a statement will far out weigh the consequences regarding deportations." [41]

The last Position Paper (referred to as the Information Note) was issued by the UNHCR in March 1997 which is still being used by Western governments to reject asylum applications. Despite repeated requests from refugee agencies the Position Paper has not been withdrawn or modified. In a letter to the British Refugee Council dated 25 February 1998, UNHCR says that the primary purpose of the Information Note is to make public UNHCR's position on the return of rejected asylum seekers as well as developments in Sri Lanka pertinent to return.[42] Despite this public declaration of this primary purpose, UNHCR has allowed the Information Note to be used for refugee determination, although it is not intended for such purpose.

UNHCR also says that its 1997 Background Paper on Sri Lanka is one source of information among many others produced by highly specialised, committed organisations and individuals. According to the UNHCR, its Background Paper is one of a series of documents prepared by the

UNHCR's Centre for Documentation on Refugees on the basis of publicly available human rights information.[42] But UNHCR is well aware that its statements are used as the main source for refugee determination and other sources are used by governments selectively and the recommendations of these sources are not considered at all.

UNHCR further says that in the absence of a formal repatriation agreement like in the case of Switzerland and Sri Lanka, UNHCR does not play an official role in respect of return of failed asylum-seekers on a 'good offices' basis.[42] Several countries including Netherlands, Denmark, Germany, France and Norway are returning Tamil refugees based on the statements of the UNHCR as to the conditions in Sri Lanka. As pointed out earlier, UNHCR or the Sri Lankan government or the repatriating government has not established any mechanism for the protection of those returned. Arrest and torture of those returned have been reported.[42]

UNHCR also admits that its main reason for being in Sri Lanka is not monitoring of returned asylum seekers or monitoring of the human rights situation, but protection and assistance of internally displaced people.[42] Despite this admittance, UNHCR has upto date not modified its March 1997 Information which continues to be used by governments to reject asylum applications.

## 8.1 Arrest of Deportees

Three Western countries Switzerland, Holland, and Denmark have signed agreement with the government of Sri Lanka for the removal of rejected asylum seekers. Germany and Norway are also deporting Tamil asylum seekers. According to the figures from the Dutch Justice Ministry, 26 rejected Tamil asylum seekers have been removed to Sri Lanka. Switzerland has reported over 700. Recent reports received by the Tamil Information Centre indicate that Denmark has temporarily suspended removal of rejected asylum seekers from 16 December 1998. Meanwhile, the report of the Danish delegation who visited Sri Lanka in November 1998 is expected to be out in the second week of January 1999. The Danish delegation includes a representative from the Danish Refugee Council and two members from the Danish Directorate for Foreigners.

According to Tamil Information Centre sources in Colombo, there are few Tamils removed from Denmark are still held in detention centres. Reasons for their arrest are not known. According to refugees deported from Denmark, they were issued with 2 to 3 day- temporary permits by the authorities at the Colombo airport for identity purposes in Colombo until they find accommodation in the city. They were expected to find accommodation and register with the police before the expiry of the temporary permit. According to them, the police officers at the Police station would know from the air-port permit that the person had come from abroad and the harassment begins.

All deportees arriving in Colombo airport are detained for questioning by the CID. CID checks are carried out in addition to the normal immigration checks. The questions by the CID are to elicit information on the length of stay abroad and their activities. The CID officers are generally of the view that all Tamils abroad make financial contributions to the LTTE or are involved in raising funds for the LTTE. Any person who supports a proscribed organisation is guilty of a punishable offence and on conviction is liable to imprisonment for a period not less than seven years or not exceeding fifteen years. The LTTE was banned by Sri Lanka under Emergency Regulations in January 1998.

There are numerous accusations by the returnees that they do not understand the questions and

the officers are harsh and brutal. Many deportees have alleged that they had to bribe their way through to exit from the airport.

Reports also indicate that police and plain clothed security officers have harassed Tamils arriving at Colombo airport. After immigration checks, the security officers demand to see their travel documents and inquire about the money that they have on them. On, many occasions they have demanded bribes. Relatives and friends who come to meet the arriving passengers are also subjected to harsh questioning and threats. Most of the victims fear to lodge any complaints against the officers to the CIAUD. However, some have complained but there are no reports of any action being taken against these officers upto date.

The Sri Lanka Working Group Netherlands (SLWN) which sent a fact-finding mission to Sri Lanka in September 1998 says that the situation in which deportees in Sri Lanka find themselves is hopeless. The SLWN who met with a number of organisations in Sri Lanka had interviewed 12 deportees from the West including three from Netherlands.[43]

According to their investigations, the Dutch embassy in Colombo is not being able to stop a deportee from their country being arrested during his/her stay in Colombo. The authorities do not notify the Embassy whether a deportee from Netherlands is arrested or detained. The Deportees are given the telephone number of the embassy to call in case of any difficulty on their return, but according to detainees, contacting the embassy is not possible. SLWN reports that in two incidents, the Dutch embassy was notified of arrests of two deportees from Netherlands residing in a boarding house in Colombo, by the human rights organisation MIRJE. A Dutch representative visited the detainees but failed to secure their release or to obtain information from police of the reason for the arrest. These two deportees were subsequently released following payment of bribes by the owner of the boarding house. SLWN also say that one of them was again arrested on 15 July in a private lodge by plain clothes policemen and detained. He is still in custody and upto date no official charges have been brought against him.

Ampalavanar Kuruparan from Velanai in Jaffna District sought refuge in Germany in November 1991. He was deported to Sri Lanka on 2 September 1998. Mr Kuruparan was first arrested by the CID on arrival at Colombo Airport. He was produced at the Negombo Magistrate Court, Negombo on 4 September 1998, and released on bail. On 10 September 1998 he was released from the bail after paying Rs 10,000 as fine. On 17 September 1998, Kuruparan went with his brother Nalliah Srimayan to the Kollupitiya Police Station for registering his name with the police. The police arrested him and his brother and both were remanded in Colombo Magazine Prison.

David Jesudasan, a Danish Tamil, who came to visit his parents to Sri Lanka after 16 years following the Danish government's declaration that conditions in Sri Lanka had improved, was arrested on 14 October 1997 in a Kotahena lodge while awaiting security clearance and an air ticket to travel to Jaffna.

Ramesh Suresh is a Sri Lankan Tamil from Karaweddy West in Jaffna District who sought political asylum in Sweden. His application for asylum was refused and Suresh moved to Denmark to seek refuge. The Danish authorities, however, found out that he had come from Sweden and removed Suresh back to Sweden. The Swedish authorities issued an Emergency Identity Document and deported Suresh to Sri Lanka.[44] On arrival at the Colombo airport on 30 March 1994, Suresh was detained for interview and was released. Suresh was again arrested by the security forces on 1 June 1995 in Colombo. His mother and relatives both within Sri Lanka and



from abroad were desperate to locate the whereabouts of Suresh and the reasons for his arrest. On 11 February 1997, Suresh's brother living in Germany was notified by the ICRC that the Superintendent of Police, CID Asoka Wijetilleka has confirmed to them that Ratnam Suresh was one of them identified killed in the "Bolgoda Lake" killings.[45]

One hundred and seventy eight Tamils and twelve others deported from Senegal in Africa were taken into custody when they arrive on 25 February 1998 at the Colombo airport. One hundred and fifty eight of them were released on bail on 17 March under the Prevention of Terrorism Act and others were detained. One of the returnees, Thambirajah Kamalanathan returned to Colombo after visiting Jaffna, to appear for the court hearing. He was detained and brutally tortured, says Amnesty International.

Thirteen Sri Lankans returned by Russian authorities from Moscow were arrested at the Colombo airport in mid-August 1998. Press reports say the Negombo magistrate determined their bail at Rs 3.5 million.

Muthuthamby Vanitha a woman originally from Meesalai, Chavakadcheri in Jaffna, deported from France was arrested from her lodge by the Kotahena Police in Colombo on 19 November 1998. According to her mother and legal representative, no reasons have so far been given for the arrest of Vanitha and she was subjected to severe torture by the police. The mother has made an urgent appeal to the CIUAD to intervene and stop the torture and bring her daughter to the courts if she has done anything wrong.

## 9. Internally Displaced People and Refugees

Sri Lankan military operation Jayasikurui involving 40,000 troops, launched on 13 May 1997 to open a land-route from Vavuniya to Jaffna has created over 90,000 newly displaced people, adding to the 300,000 Internally Displaced People (IDPs) already in the Vanni (Districts of Mullaitivu, Vavuniya, Kilinochchi and Mannar) making a total of 390,000 in late April 1998. In early December, this has increased to around 457,000 due to continuing military offensive in the region. Following the fighting between the Sri Lankan army and the LTTE that took place on 3 December 1998 around Oddusuddan in the Northern Vanni region, around 12,000 civilians had fled to the town of Puthukkudiyiruppu.[46]

The war has caused the flight of over half a million Tamil refugees to Europe and North America and 170,000 to Tamil Nadu in India. According to UNHCR nearly 9,460 Sri Lankan's have applied for asylum in Germany (3,990), Netherlands (1,500), United Kingdom (1,830) and Switzerland (2,140) during 1997.[47] As restrictions and the military operations intensify, the numbers of Tamils fleeing Sri Lanka continue to rise. The number of Tamils fleeing to India has increased sharply during the last six months despite arrests and killings by the Sri Lankan Navy while crossing the Palk Strait. Over 125 refugees landed in the southern coast of India in October 1998. Another 48 refugees including women and children were arrested by the Sri Lankan Navy and returned to Mannar.

The British Home Office figures on asylum application from Sri Lanka since 1983 shown in Annexure (2) illustrate the correlation between the different stages of conflict in Sri Lanka and the surge in asylum applications, most of whom are Tamils. The British Refugee Council report *Protection Denied* published in February 1997 ascribe to rise in 1985 figure of 2306 asylum applications in the UK to the restrictions and other barriers placed on all Sri Lankan nationals.[48] It also should be noted that during 1984 to 1987 there has been a rise in extrajudicial

killings of Tamils in several parts of the Tamil homeland and military operations resulting in substantial number internally displaced and others fleeing the country. The number of applications, however, could be seen as dropping with the signing of the Indo-Sri Lanka accord in July 1987. It is appropriate to mention here that during this time several refugees who were on Exceptional Leave to Remain and others on full Convention Status voluntarily returned to Sri Lanka hoping that normalcy had returned and a permanent peace had been achieved. The returnees include three volunteers working at the Tamil Information Centre namely, K Kandasamy and Fr James Pathinathan who had been granted full refugee status and Fr Bernard Iruthayam who was on ELR. Mr Kandasamy who was a prominent human rights lawyer was subsequently killed by the Tamil group EROS in June 1998. The sudden increase in the number of applications in 1990 and 1991 was due to fighting between the LTTE and the Indian Peace Keeping Force (IPKF) in which several thousand Tamils and hundreds of combatants were killed and a massive number of people were made homeless and displaced and others fled abroad.

The fall of applications in 1991 could be attributed to the increase in number of internally displaced and others fleeing to Tamil Nadu in India, following the resumption of hostilities between the Sri Lankan government Security forces and the LTTE. Further drop in the number of applications 1992 is attributed to several factors which include effective restriction imposed on freedom of movement of people within the northeast and in particular exit from the north, increasing number of internally displaced and threat of deportation of asylum seekers and restrictive asylum policies in the UK. The rising trend from 1996 is seen as a result of growing intensity of the military conflict, the Sri Lankan government's persistence on the "War for peace" policy in dealing with the legitimate rights of the Tamil people, loss of hope in the early settlement of the conflict, difficulties in fleeing to India and the restrictive policies and practices of the other Western countries.

The present Jaffna population is around 470,000. The number continues to increase with the return of displaced people from the Vanni as the military operations intensify in Vanni and due to the impact of the blockade of basic needs such as food, fuel and medicine to the region. Mannar Government Agent SM Croos, reported in May 1998 that around 4,000 people arrive from the Vanni each month and over 3,000 are housed in refugee camps on Mannar Island, waiting to go to Jaffna or southern Sri Lanka. In July 1998 the number of people entering Mannar Island was around 75 per day. Over 12,000 people from the Vanni held in government camps in Vavuniya District continue to suffer insanitary and crowded conditions. Some remain in the camps for over two years. Most have been denied permission to travel to Colombo or other southern areas allegedly for security reasons. They are given only a 4-hour permit to go out of the camp to attend to their matters. Movement to and from Vavuniya is regulated by variety of entry permits of varying duration by the military.

Some 5,500 people are still living in 56 refugee camps in the Jaffna District unable to return to their homes. In a letter to President Chandrika, Jaffna NGOs have urged the appointment of an independent body to assess the current rehabilitation programmes in Jaffna saying that rehabilitation programmes in the last two years have failed to solve fundamental problems such as food, health and employment. Hospitals in Jaffna are unable to provide even the minimum service, because of shortage of medical staff, medicines, equipment, lack of ambulances and laboratory facilities and lack of facilities for storage of blood. At military check points harassment of people has increased. Movement of people has been severely restricted. According to Jaffna's Education Department, 90% of all school buildings need repairs. An independent survey indicates that over 104,300 buildings in the Jaffna peninsula were damaged by the war, including 13,000 business centres. Some 60% of employable people remain unemployed and 30% of the population lives

on one meal a day. Grass-root participation in planning and development has been restricted to the local voluntary groups and NGOs. NGOs say that fear is the driving force behind the internal flight. Since June 1990, an estimated 100,000 people, mostly from northern Jaffna and less from the east, have abandoned their homes and taken refuge in Colombo and adjoining areas. Besides the continuing air raids, shelling and military encounters that take place almost daily in the northeast, the causes of the exodus of people from their homelands have also been the harsh living conditions with scarcity of food and other essential supplies and the disruption of normal civilian life.

Reports say that military operations are conducted in such a manner, targeting of civilians, in an effort to establish authority and control through fear. It has caused disruption to the fabric of grass roots social control, economic and cultural relations. The impact of war on the mental health of the population, particularly the elderly and children is severe. The natural extended nuclear family support and care is no longer available. The trauma of war has caused considerable problems for children. Social workers in the northeast report that they are unable to cope with the massive extent of psychological disorders. In the last six years, over 1,800 civilians have lost their limbs by landmines in Jaffna, 1,440 of whom are below 30 years of age.

According to Colombo-based Marga Institute, the internally displaced people rose from 524,000 in 1994 to over 1 million in 1996, of whom the majority was Tamils. In August 1997, the number of refugees was 785,000 of which 75,000 were under the age of five. During the visit of Olara Otunnu, the UN Secretary General's Special Representative on Children and Armed Conflict, to Vanni on 7 May, NGOs indicated that around 930,000 children in the north-east were affected by the war, including 180,000 in the LTTE-held territory and 490,000 in contested areas. An estimated 220,000 children are displaced in the northeast and another 16,000 live in refugee camps in Puttalam District. NGOs say, a number of factors, including food shortage and health problems, have increased child mortality and morbidity, particularly in the Vanni District. Around 10,000 children in Vanni have no educational facilities.

## 10. Government's Policies on Food, Medicine and Medical supplies

The main problem confronting the Internally Displaced People (IDPs) is the distribution of essential food items. Clause 18 of the Guiding Principles on International Displacement of UDHR demands the authorities to provide four basic necessities for the displaced people. They are - essential food and clean drinking water; basic shelter and housing; appropriate clothing; and essential medical services and sanitation.

There are several serious allegations and significant recognition of failures of the government of Sri Lanka and its officers and agents to provide adequate and available food and medicine to the Tamil population in the northeast and to deny potable water. It is particularly egregious and a serious human rights violation for the government to use food or medicine and medical supplies as a political or military weapon affecting victims of war. There is extreme suffering of the people in the Vanni region. Scarcity of food has led to malnourishment and prices remain high. Makeshift shelters provided for refugees have been destroyed by monsoon floods and a large number suffer from malaria and diarrhoea. The government continues to impose an economic embargo on Tamil areas. Cultivation in 66,000 acres of land in Kilinochchi District has been disrupted and restriction on fuel, fertiliser and farming implements has further affected agriculture.

The government has imposed restrictions on the NGOs providing humanitarian relief. The ICRC's capacity to perform its humanitarian functions has been severely curtailed by the widespread and intensive nature of the military conflict between the LTTE and government forces.

Food aid was again slashed to displaced people in the northeast from 1 July 1998 amidst strong protest by humanitarian NGOs. Although, it was announced that food aid will be slashed by 40% in Jaffna, 20% in Kilinochchi and Mullaitivu districts and 15% in Mannar and Vavuniya Districts, in the Vanni as whole a 57% cut has been imposed. The Jaffna Government Agent announced that the government's decision to cut food aid would create major difficulties. According to NGOs this would cause further death due to starvation and malnutrition. The Mannar Government Agent was ordered to reduce the number of families receiving assistance from 16,200 to 14,200 from 1 July. The government prohibited the Government Agents in the North from providing food aid to the 60,000 people in the Vanni displaced from Jaffna following *Sunray II* military operation in April 1996. In May 1997, the number of people receiving food aid was arbitrarily reduced from 420,000 to 185,000. In November 1998, President Chandrika said she accepted refugee figures given by the military and rejected those submitted by the Government Agents. According to S Sundaram, Additional District Secretary of Mullaitivu District, the government has cut down medical allocations to Mullaitivu by one third. Mr Nadarajah, the coordinator of the Kilinochchi Government Agent's office says, "There is a shortage of medicine and people are suffering from diseases such as Malaria and diarrhoea. Although the monsoon is coming, we have not got shelter material from the government to improve the conditions of the refugee camps". Mr Hedorn, the ICRC representative in Sri Lanka having acknowledged the problems confronting the IDPs, commented on the immediate requirements of the displaced by saying, "The government should improve the food, shelter and medical infrastructure, paying special emphasis on improving medical facilities as the monsoons are expected soon"

In August 1998, several hundred Tamil refugees surrounded the offices of the United Nations High Commissioner for Refugees (UNHCR) demanding that normal food supplies be restored. The displaced Tamils have informed the UN representatives that they would not allow their offices to remain open if the food situation was not rectified. The acting head of the UNHCR in Sri Lanka Bo Schack is reported to have said that UNHCR was not responsible for the food supply to the north and that he had discussed the issue with the Sri Lankan government prior to the demonstrations but the government would not change its policy.

## 11. Healthcare

"Healthcare situation in the Vanni has reached critical proportions with alarming health and malnutrition problems among refugees", said the representative of Christian Aid, the London-based international NGO, after visiting Sri Lanka in February 1998.[49] A number of international NGOs have expressed their concerns over the plight of the displaced population in Sri Lanka.

At its 25th Session, held in May 1998, the UN Committee that monitors the implementation of the International Covenant of Economic, Social and Cultural Rights, to which Sri Lanka is a party examined the initial report of Sri Lanka and declared that "the Committee expresses its grave concern regarding the situation of an estimated 800,000 displaced persons, many of whom have been living in temporary shelters for the past 15 years, because of the armed conflict, and who lack basic sanitation, education, food, clothing and health care.... The Committee is alarmed

by the results of an independent survey estimating the incidence of undernourishment of women and children living in these shelters to be as high as seventy percent.....” [50]

In Mullaitivu District, 339,000 of the 727,000 people attending hospital in 1997 were treated for malaria. Some people have contracted malaria several times leading to lack of immunity, brain hemorrhage and an outbreak of tuberculosis. Incidence of septicemia, typhoid and diarrhoea has also increased and there is an acute shortage of vital drugs particularly anti-biotic and painkillers. In Puthukudyiruppu alone 33 people died of malaria and diarrhoea in December 1997 and January 1998. Government officers themselves say that the Health Ministry has failed to supply certain types of essential medicines to the district even after approval by the Defense Ministry. Only a third of the food and fuel requirements of the population in the Vanni are currently being provided. Several deaths have been caused by cholera in Tamil areas. In July 1998 two cases of death due to cholera were reported in Mannar District. Around 60 people in the Madhu camp have contracted cholera. Over 90 people, including some from Erukkalampiddi refugee camp, were admitted to Mannar hospital. From 10 October 1998, the Uyilankulam military checkpoint on Mannar-Cheddikulam road, which is the only entrance to South from Northern Vanni region was closed down after cholera was reported in Mannar. A recent survey of 16,700 children under five years of age reveals that 71% are malnourished and 33% suffer severe malnutrition. [51] Children also have developed night blindness through lack of Vitamin A and need constant supervision.

The Sri Lankan government has not complied with a UN request for an interim report on the children of the northeast where 75,000 displaced children are under the age of five. The 106-page report of the Sri Lankan government to the UN Committee on Economic, Social and Cultural Rights in November 1997 is silent on the malnourishment and malnutrition in Tamil areas. Furthermore, the government survey on nutrition in 1997 has excluded the northeast and supplementary child feeding programmes have not reached northeast in the last two years.

The restriction on fishing continues and most fishing families are subjected to severe hardship without any income. Due to lack of investment and facilities to market the produce 75% of agricultural activities have come to a standstill. There is no programme to assist the 19,100 widows in the Jaffna peninsula and most of them are distressed by difficulties they face in providing for their families.

## **12. The government's commitment to Peace and International mediation**

The Tamil people in Sri Lanka in their long attempt to achieve equality and latterly self-determination since independence have encountered only broken promises, shelving of pacts and abrogation of written agreements. The UNP in its 17 year rule since 1977, sought only to buy time through an All Party Conference, a Political Parties Conference and a Parliamentary Select Committee, to strengthen Sri Lankan military capability.

The ruling People's Alliance came to power on a peace platform promising to solve the national conflict. They began peace talks with the LTTE which came to an end in April 1995, each one blaming the other for the breakdown of talks.

The government released its devolution proposals on 3 August 1995 after the talks with the LTTE broke down. A revised watered-down version was placed before the new Parliamentary Select Committee in January 1996 in the form of a draft Amendment Bill referred to as the “legal text”. An analysis of the two devolution proposals show that there is no genuine intention on the part of the government to devolve power to the regions and the government has in fact been insincere from the beginning through to the talks with the LTTE. The proposal also has not been offered to the LTTE which is one of the main parties in the conflict. The other Tamil parties are extremely concerned and have not accepted the proposals fully. Senior Buddhist and many Sinhalese politicians have declared their oppositions to the proposals. The peace package has failed to take account of the grievances of the Tamil people and has the aim of disintegrating the traditional Tamil homeland and to reinforce the idea that Sri Lanka is a Sinhala-Buddhist state.[52]

The Sri Lankan government has rejected a number of offers of mediation.[53] The government continues with its military operations against the Tamil people and it proscribed the LTTE on 27 January 1998, thus blocking the doors to peace. Government representatives continue to insist that there is no ethnic problem. The LTTE has agreed for talks with the government, without any pre-conditions and with third-party mediation. Several Western governments have indicated their willingness to become either mediators or facilitators. A six-member German Parliamentary delegation visiting Sri Lanka in February 1998 said that attempts must be made to bring the LTTE back to the negotiation table. Norway and Britain have made similar gestures.

Attempts have been made by the British government representatives and peace organisations in Sri Lanka for a bipartisan approach to peace by the ruling People’s Alliance government and the opposition UNP. Cooperation between the government and the opposition is sine qua non for peace in Sri Lanka, in view of the political history since independence in 1948, either party opposing peace initiatives for mere electoral or other political advantage without any regard for national unity and lasting peace. So far there has been no progress and the government and the opposition are continuing their hostilities. On 26 November 1998, LTTE leader Prabhakaran issued a statement declaring the readiness of the LTTE to begin a process of negotiations for peace.[54] The statement was welcomed by many governments and NGOs. But the Sri Lankan government has not responded to the call.

The seven-member delegation headed by Ebrahim Ebrahim, Chairman of the South African Portfolio Committee on Foreign Affairs ending a weeklong visit on 15 December 1998 offered its services as “facilitators”, but no response was received from the government. However there is growing speculation that South African President Nelson Mandela’s offer of mediation would be considered seriously by the Sri Lankan President.

In the opening speech at the Roundtable on Human Rights Developments in Sri Lanka organised by the Congressional Human Rights Caucus on 11 December 1998 in Washington D.C., Mr Hans Hogrefe the Chair of the meeting and Legislative Assistant to Representative Tom Lantos, Office and Director of the US Congressional Human Rights Caucus stated that the Sri Lankan government did not accept various offers for international mediation and the peace initiative presented by the current Sri Lankan Government has stalled in parliament.

Meanwhile, President Kumaratunge, during her recent visit to India is reported to have told the reporters in New Delhi that the LTTE must accept “certain conditions” to resume the peace process. She also has said that “we have had many offers for facilitation or mediation from a number of countries and several international organisations. We will decide when the time comes”. [55]

### 13. CHRONOLOGY OF EVENTS

- 1505: Portuguese occupy Sinhalese low country areas.
- 1621: Portuguese conquer and occupy the Tamil Jaffna Kingdom.
- 1656: Dutch occupy Sinhalese low country and Tamil areas.
- 1795: British take over Maritime Provinces from the Dutch.
- 1802: British crown colony established over Sinhalese low country and Tamil areas.
- 1815: Sinhalese Kandyan Kingdom ceded to the British.
- 1823: First Tamil Plantation workers brought by the British from India.
- 1885: Tamil Leader Sir Ponnambalam Ramanathan calls for increased representation for Tamils.
- 1915: Sinhalese-Muslim riots.
- 1931: Granting of limited self-government, and the establishment of a Board of Ministers under the Donoughmore Constitution. Jaffna Youth Congress resolves to seek complete independence for Ceylon.
- 1833: Under recommendations of the Colebrook-Cameron Commission, Tamil and Sinhalese provinces are united for administrative convenience.
- 1944: State Council of Ceylon passes a resolution recognising Sinhala and Tamil as the official languages. The Soulbury Commission to formulate a new constitution arrives in the country from the UK. Mr G G Ponnambalam, founder member of the Tamil Congress demands the commission for balanced representation, which is rejected.
- 1945: State Council appoints a Select Committee to look into the recognition of Sinhala and Tamil as official languages.
- 1946: The Select Committee reports on transition from English to Sinhala and Tamil as official languages.
- 1947: D S Senanayake, the leader of the State Council, urges the Tamils and other minorities to accept the Solbury Constitution granting independence to Ceylon, promising that the Tamil and other minorities need not fear at the hands of the majority Sinhalese in a free Lanka and no harm would befall them.
- 1948: British grant independence and power is transferred to the United National Party government dominated by Sinhalese elite, which proceeds to render more than a million Plantation Tamils stateless by the Citizenship Act.
- 1949: Formation of the Federal Party (FP) led by SJV Chelvanayagam, resolves to

work unceasingly for the achievement of a Tamil state within a federal framework of a united Ceylon, as the way to ensure that the Tamil speaking people in Ceylon live with honour and self-respect. An amendment to the election laws disenfranchises the million Plantation Tamils rendered stateless in 1948.

1950: The Majority Sinhala government embarks on developing river basins in the traditional Tamil Homeland of the Northeast and settled Sinhalese from the south. The Federal Party established in 1949 to promote the Tamil interest held its first convention and declared its intention to campaign for regional autonomy for Tamils living in the Northeast.

1951: The Federal Party (FP) holds its first convention, and declares its intention to campaign for regional autonomy for Sri Lankan Tamils living in the North and East. S.W.R.D. Bandaranaike forms the Sri Lanka Freedom Party (SLFP) after breaking away from the United National Party (UNP)

1953: Sir John Kotalawela, the Prime Minister, declares intention to amend the constitution giving "parity of status" to Sinhala and Tamil as official languages.

1955: The SLFP announces its language policy as Sinhala with "reasonable use of Tamil". "Sinhala-only" enthusiasts hold protests and demonstrations. The Lanka Sama Samaja Party (LSSP) holds a meeting at the Colombo Town Hall advocating the retention of equal status for Sinhalese and Tamils. The meeting is attacked by Sinhalese nationalists opposing this move.

1956: Sinhala is proclaimed as the official language of Ceylon by the Official Language Act, reducing Tamil to an inferior status. Beginning, 5 June 1956, over 150 people are killed in Colombo, Gal Oya and Amparai, the regions in the East under a new irrigation and resettlement scheme. They are attacked by members of the Eksath Bhikkhu Peramuna. (a Buddhist group) and supporters of Sinhala-only after 300 Tamils stage a satyagraha (peaceful protest) against the introduction of the Sinhala-only Bill in Parliament. The violence spreads throughout Colombo and the East without the Police interfering, explaining that they had been ordered not to take any action.

1957: Prime Minister, S.W.R.D. Bandaranaike and FP leader, S J V Chelvanayakam reach an agreement ("B-C" pact) on a comprehensive federal solution. The plan postulates wide-ranging devolution of power to the Tamil-majority region in the North and East. J R Jayewardene of the UNP marches to Kandy against the "B-C" Pact". The Prime Minister, following protests unilaterally abrogates the Pact by the Buddhist clergy. FP launches a campaign of civil disobedience in response; the state reacts with violence: police and military forces are sent to Jaffna to put down the agitation.

1958: A second anti-Tamil violence beginning on 23 May 1958, results in an estimated death toll of 1,000 Tamil people. The acts of violence are committed by Sinhalese mobs and particularly severe in Colombo, Batticaloa, Polonnaruwa, Badulla, Kurunegala, Panadura, Galle and Matara. They are sparked off by a



radio announcement during heightened tension that a Sinhalese had been killed by Tamils, and attacks on members of the Tamil Federal Party planning a satyagraha against the abandoning of the Bandaranaike-Chelvanayakam Pact.

The rioting takes the form of stopping trains and buses and killing and injuring Tamil passengers, burning Tamil houses with people inside, raping of Tamil women and looting of Tamil property. The attacks continue for four days without the police interfering or declaring a state of emergency by the then Prime Minister S.W.R.D. Bandaranaike. On 27 May 1958, a state of emergency is proclaimed and the army called in to restore order; a task that included arresting and detaining about 150 Tamils, including the ten MPs of the Federal Party.

1959: Prime Minister S.W.R.D. Bandaranaike is assassinated by a Buddhist monk named Somarama Thero.

1960: Switch-over of administration to "Sinhala only"; The Throne Speech by the Governor General assures steps to elevate Buddhism, as the state religion. FP calls for a peaceful protest in the NorthEast.

1961: Federal Party stages satyagraha (non-violent agitation) in Tamil areas. Muslims and in some place Sinhalese participate; FP inaugurates the Tamil postal service in Jaffna. security forces unleash violence on Satyagrahis. Sixty-eight Tamils including 15 FP MPs are arrested and detained. One person is killed and several others injured when troops open fire on the protesters.

1964: Indo-Ceylon Agreement (Sirima-Shastri Pact) signed in October 1964, between Indian and Sri Lanka governments to divide the Plantation Tamils between the two countries without consultation with them or their representatives.

1965: Senanayake-Chelvanayakam pact signed. The pact substitutes district councils for the regional councils of the "B-C" pact. The government again unilaterally abrogates the pact.

1966: Government introduces "reasonable use of Tamil". Violence breaks out and Opposition parties call for strikes. Demonstrators, led by Buddhist monks, march from the outskirts of Colombo to the Parliament in spite of a ban on meetings and processions. The regulations on the reasonable use of Tamil are never put into effect.

1968: District Council Bill published, but later abandoned by the government.

1969: Federal Party withdraws its support to the government.

1970: SLFP-Left Coalition government under Srimavo Bandaranaike formed. The newly elected government cancels all University admissions (after students had received their notices for admission) and imposes a new system of standardisation in education under which Tamil students are required to achieve higher marks than Sinhalese students.

- 1971: The Janatha Vimukthi Peramuna's (JVP, the Sinhalese youth movement of leftist ideology) rebellion against the government. Thousands of Sinhalese youths are killed by the military. Emergency declared and continues for six years.
- 1972: Ceylon becomes a Republic of Sri Lanka. The Republican Constitution removes the constitutional protection accorded to national minorities; Buddhism is made the State religion and Sri Lanka is declared a unitary state. The constitution creates the conditions for the political alienation of Tamils. The Tamil New Tigers (TNT) is formed in the Jaffna Peninsula by Tamil youths to safeguard Tamil rights; Federal Party (FP), Tamil Congress and Hill country's Ceylon Workers Congress (CWC) declare the formation of the Tamil United Front (TUF) in the face of continued discrimination and oppression.
- 1973: The government introduces a system of district quotas for University entrance in addition to standardisation, which deprives more Tamil students of university education.
- 1974: Police raid and attacks participants of the Fourth International Tamil conference on Tamil Research in Jaffna. Nine Tamils die in the ensuing stampede and electricution. Government refuses to appoint a commission to inquire into the incident.
- 1975: Company-owned plantations are nationalised under the Land Reform Law and Tamil workers are subjected to discriminatory treatment and violence and suffer difficulties under government management. Amnesty International visits Sri Lanka and meets Tamil detainees held without trial under Emergency Regulations for two and a half years.
- 1976: Formation of the Tamil United Liberation Front (TULF) with the objective to establish a separate State of Tamil Eelam based on the right to self-determination, being the only way to safeguard the very existence of the Tamil Nation. TNT is renamed and reorganised as Liberation Tigers of Tamil Eelam (LTTE) headed by Velupillai Prabhakaran.
- 1977: General election returns UNP led by Mr J R Jayewardene with a massive majority. TULF contests the parliamentary election obtaining a popular mandate for the establishment of a separate Tamil state in the Northeast and emerges as the main opposition party, and its leader A Amirthalingam becomes the Leader of the Opposition. Anti-Tamil riots erupt in Sinhalese-majority areas and over 450 Tamils are killed.

Sinhalese mobs go on the rampage, killing Tamil men, women and children, burning houses and looting property. The Hill Country Tamils on the plantation estates are also targeted and attacked. The Sansoni Commission set up on 9 November 1977 to investigate the violence, its origin and handling, finds in its report that the police had in a number of cases assaulted Tamils and had been present when Sinhalese law breakers attacked Tamils without making an effort to intervene. No action is taken against the culprits and instead, in 1982, the UNP government passes the Indemnity Act, "with a view to restrict legal proceedings against Ministers, Deputy Ministers, or any person holding office in the government in any capacity, whether naval, military, police or civil, in respect of acts done during the period 1 August, 1977 to 31 August, 1977".

1978: J R Jayewardene becomes the first Executive President of Sri Lanka with the adoption of the Second Republican Constitution. R. Premadasa is appointed Prime Minister; Tamils establish guerrilla-training camps in the jungles of the North. The LTTE and other militant groups are banned under legislation.

1979: President J R Jayewardene orders the northern military commander to eradicate terrorism within six months; government enacts the Prevention of Terrorism Act; Emergency declared in Tamil areas; military occupies Jaffna District. Hundreds of Tamil youths are rounded up and tortured in torture camps and many are murdered by the police/army; even the Commander's residence is used as a torture centre.

The Civil Rights Movement of Sri Lanka states on 1st August 1979, that it "is gravely concerned at the allegations that several persons have died after being taken into custody by the police after the declaration of emergency in the North last month"

1980: Sri Lanka becomes signatory to the International Covenant on Social, Economic and Cultural Rights and the International Covenant on Civil and Political Rights.

1981: Further anti-Tamil riots; military repression and violence against Tamils continue in the north, as negotiations between the government and TULF leaders fail to make headway. The party office of TULF and the house of the Jaffna MP are burned by police. Jaffna public library with its 90,000 volumes and rare documents is also burned by the police under the direction of government ministers. Sinhalese youths attack 43 plantation estates; many Tamils are killed and over 40,000 Tamils are made refugees.

Organised gangs assisted by the security forces carry out the attacks, consisting in assaulting, burning, raping and looting. A joint statement issued by the Movement for Inter-Racial Justice and Equality (MIRJE), signed by opposition parties, trade unions and civil rights organisations, states: "There is good reason to suspect that persons in powerful positions have been behind the instigation, organisation and planning of this campaign of violence."

1982: World Eelam Tamil Conference held in New York. J R Jayewardene manipulates to extend the life of Parliament to six years; Jayewardene is re-elected President.

1983: The worst anti-Tamil Pogrom in Colombo and other Sinhalese areas in July. On 25 July, 35 Tamil political prisoners are murdered in Welikade prison, a maximum-security prison in Colombo. They are murdered by Sinhalese prisoners, according to eyewitness reports, prison warders open the doors and take active part in the attacks.

On 27 July, another 18 Tamil political prisoners are murdered in the same prison under similar circumstances. A magisterial enquiry conducted immediately after the massacre returns a verdict of homicide. However, no person responsible for the killings is identified and the case is closed. The government

rejects demands by international human rights organisations to hold independent judicial investigations into the prison massacres.

Despite repeated calls by Amnesty International, the International Commission of Jurists and the Civil Rights Movement of Sri Lanka, neither a public, independent, impartial enquiry into the incidents, in particular concerning government involvement and participation of security forces in the killings is carried out nor the perpetrators punished under the criminal law.

Tamils in the South flee to their homeland in the North. Over 3,000 Tamils are killed. Over 150,000 become refugees. Hundreds of Tamils flee to neighbouring India and the West. The Indian government speaks out in support of the Tamils. The LTTE and other guerrilla organisations set up training camps on Indian soil. Thousands of radicalised youths join the guerrilla movements. The TULF leadership, seen as ineffectual, begins to fade into political oblivion. Emergency Regulations empower security forces to shoot, kill and dispose of dead bodies without inquest or post-mortem. The government passes the Sixth Amendment to the Constitution requiring an oath of allegiance to Sri Lanka and denouncement of separatism. Tamil MP's refuse to take the oath and lose their seats in Parliament.

1984: The government summons an All-Party Conference (APC) and places the District Development Councils proposal. In a calculated attempt to defeat the objective of devolution, the proposals link devolution to a second chamber, the majority of members of which would be appointed by the President. Tamils reject the proposals.

More than 400 Tamil civilians were arbitrarily killed or extrajudicially executed by members of the security forces. Throughout August, several people are killed and injured by Sri Lankan navy shelling of coastal towns in Polikandy, Point Pedro and Valvettiturai in the Jaffna peninsula; attacks also wipe out whole settlements and leave thousands of Tamil refugees. On 11 August, 16 Tamils are killed when six men wearing khaki trousers armed with sub-machine guns stop a private coach on the route between Colombo and Jaffna, and call out all male passengers, lining them up and shoot them. On 2 December, members of the security forces randomly kill at least 27 Tamils in the area of Cheddikulam and Chemamadu in the Vanni area in retaliation for massacres committed by Tamil Tigers on Kent and Dollar Farms. Moreover, around 100 Tamils are arrested in the nearby villages and killed in the Iratperiyakulam Army Camp near Vavuniya. The government denies an inquiry into the incident and the charges outright. Two days later, the army launch a massive attack on civilians in Mannar in the Northwest coast, killing an estimated 90 Tamils. During the whole year, 10,600 Tamils are taken into custody. Widespread torture is used by the army and the Special Task Force resulting in several deaths in custody.

1985: Tamil and Government representatives meet in Thimpu, the capital of Bhutan under Indian auspices, during a three-month cease-fire. Tamil demand based on the recognition of the fundamental right of self-determination is rejected at the outset by the government. The security forces massacre Tamils in

Vavuniya and Trincomalee while the Thimpu talks are in progress. Tamils withdraw from the negotiations.

Four hundred and twelve Tamil civilians are killed by security forces, according to sworn statements by individuals received by Amnesty International, alleging arbitrary killing. The total number of extrajudicial killings and disappearances is estimated to be over 3,000. On 9 May, 75 Tamil civilians are shot and blown up with explosives after being herded into a building by soldiers in and around the Jaffna coastal town of Valvettiturai in retaliation for the killing of an Army Major by Tamil guerrillas. On 15 May, 48 Tamil passengers on a ferry boat off the western coast of Jaffna peninsula, are killed by Navy personnel, being stabbed one by one. On 17 May, an estimated 60 young Tamils are killed in Thambiluvil by members of the Special Task Force in reprisal for a previous Tamil attack on Sinhalese civilians. The government denies this incident and brings charges against the chairman of the Kalmunai Citizen's Committee, who had taken the complaints to the local police, alleging he spread false rumours. He is acquitted of all charges by the High Court of Colombo in July 1986 but government officials repeatedly deny the incident despite contrary evidence. On 31 May, 37 young Tamil men are taken into custody and shot dead after a security force rampage in Thanganagar, Kiliveddy in Trincomalee in the course of which they loot and set fire to property. On 16 August, an estimated 200 Tamil people are killed in an Army rampage in Vavuniya, looting and shooting indiscriminately. On 18 September, 46 Tamil refugees are killed in an operation by the security forces in which 12 armoured vehicles, 6 tanks, 2 helicopters and gunboats take part, allegedly aimed against Tamil guerrillas. Large-scale arrests resulting in 1,200 Tamils being detained at the end of the year and torture of Tamils continued to be routine. Several cases of rape are reported, such as the rape of four Tamil women by the army on 5 December, and the rape and subsequent murder of two Tamil women on 25 December by Home Guards.

1986: State repression and violence intensify in the Tamil Homeland; all-out war between the Sri Lankan state and the Tamils. LTTE emerges dominant among Tamil guerrilla groups, and takes effective control of Jaffna peninsula and other northern areas as state authority gradually collapses. Thousands of people, especially Tamils, die as the fighting takes on an increasingly brutal dimension. Hundreds of thousands of Tamils become refugees. Over 130,000 Tamil refugees flee to India and over 75,000 to the West and other countries. The government convenes a Political Parties Conference (PPC) to discuss the new proposals for the establishment of Provincial Councils. The TULF refuses to participate as the proposals do not satisfy the aspirations of the Tamils; LTTE leader V Prabakaran who is flown to Bangalore for discussions with Indian government officials, expresses interest only in the establishment of a separate Tamil state of Eelam and the armed struggle as the means of achieving it.

On 19 January, the Special Task Force in Iruthayapuram shot 24 Tamil civilians during a search operation. Twelve Tamil civilians are shot dead and several others injured as soldiers indiscriminately fire at an estimated 75 passengers waiting to board a train at the Kilinochchi railway station in northern Sri Lanka. On 19 February, 60 Tamil farm workers are deliberately shot dead by

members of the police, the army and the Home Guards who subsequently loot premises in a nearby village in the eastern Amparai District. The government claims that all the dead are terrorists and a Committee of Inquiry conducts an unpublished investigation.

On 20 March, 16 Tamil villagers are killed when troops carry out a cordon and search operation at Nedunkerny in Vavuniya District and burn houses, loot shops and shoot at people indiscriminately. On 17 May, 28 young men are taken into custody and shot dead by the Special Task Force, which the government denies. On 13 July, 50 Tamil civilians and on 16 July, 44 Tamil refugees are killed as the army and security forces respectively shoot them during operations. In October and November, several military operations against Tamil civilians are carried out. On 11 November, at least 20 people are killed and a further 21 disappear when security forces rampage through a village in the eastern Batticaloa District. Three Tamil women are raped and killed. More than 2,500 Tamils are held in detention and reports of torture were widespread.

### **1984-1997**

This period has been marked by intense warfare between government forces and the LTTE, only interrupted by intermittent cease-fires, which has resulted in many thousands, combatants and civilians, being killed.

The security forces consist of the police force responsible for internal security, the army, navy and air force, and the police paramilitary Special Task Force (STF), of which the latter four primarily conduct the war against the LTTE. The Tamil groups namely, PLOTE, TELO, EPRLF and EPDP opposed to the LTTE, are armed by the government and act largely under its authority. Sinhalese and Muslim Home Guards are armed by the government and operate in the North and East, predominantly in areas that have been colonised by Sinhalese civilians.

### **1984-1987**

Thousands of Tamil civilians, in particular young males, but also women and children, are killed by various government forces during this period. The killings take the form of extrajudicial executions, arbitrary killings in the form of massacres and disappearances. Amnesty International accounts for approximately 700 unresolved cases of disappearance between 1984 and 1987. Arbitrary arrest, prolonged incommunicado detention and torture of Tamils are systematic and widespread, in particular by the army, acting under the shield of the Prevention of Terrorism Act and various Emergency Regulations. Rape becomes part of the torture practice, but also occurs in numerous cases in the course of village raids and army massacres. The violation of fundamental rights results in a considerable number of displaced persons, primarily within Sri Lanka. The government, throughout this period backs atrocities committed by the security forces by means of outright denial or failure to prosecute and punish the perpetrators.

### **1987-1990**

The Indian Peace Keeping Force (IPKF) takes control of the North and East under the Indo-Sri Lanka agreement signed on 29 July 1987, lasting from August 1987

until March 1990. The IPKF and the LTTE are held responsible for serious human rights violations in this period although some cases of disappearances in Sri Lankan army custody in the Northeast are also reported. During these years, the security forces are engaged in suppressing the Sinhalese-based Janatha Vimukthi Peramuna (People's Liberation Front- JVP), insurgency, resulting in an estimated number of 20-60,000 persons killed or disappeared in the south between 1987 and 1990.

1987: Sri Lankan security forces launch 'Operation Liberation' in Jaffna imposing an economic blockade in the North. Symbolic gesture by India in sending food and medicine by sea and the air-drops by the Indian Air Force over Jaffna results in calling off of the military offensive; Indo-Sri Lanka agreement is signed without any consultation with the Tamils, although the agreement incorporates provisions affecting Tamils; New Delhi sends troops into the Tamil Homeland as a 'peace-keeping' mission to disarm the LTTE, and to implement the provisions of the agreement; LTTE refuses to give up its struggle for full Tamil statehood and rejects the Indian contention that the 'Indo-Sri Lanka accord' represents a final, definitive redressal of Tamil grievances and engages Indian troops in war.

Over 150 Tamil civilians are killed on January 28, 1987, at Kokkaddichcholai, during a military operation by members of the Special Task Force who attack with helicopter gunships and armoured cars. Charges of systematic killing of young male Tamils by the security forces are also made in connection with the offensive in Vadamaratchi in the Jaffna Peninsula in May and June 1987, which result in massive human suffering and a refugee crisis.

1988: Hundreds of combatants die on both sides in the fighting between the IPKF and the LTTE. The Tamil civilian population is subjected to atrocities by the IPKF and its Tamil collaborators. The JVP builds up its political and military forces in the south. Elections to the Northeast Provincial Council are completed and the Eelam People Revolutionary Liberation Front (EPRLF) and Eelam National Democratic Liberation Front (ENDLF) coalition obtains a majority in the Council. The TULF protests over the Sri Lankan government's continuing policy of state-aided Sinhalese colonisation of the North and East. Parliament enacts a law granting citizenship to all stateless persons of Indian origin born in Sri Lanka before 1 January 1964 amidst protests of Sinhala Buddhist monks and students in Kandy. Sri Lanka invites UNHCR to discuss relief and rehabilitation work. Local NGOs raised concerns over welfare of refugees returning from India and the role of UNHCR in monitoring refugee safety. UNHCR is urged to monitor whether refugees are returned without coercion. Outbreak of cholera and other communicable diseases, acute shortage of medicines and other medical supplies including health personnel in the Jaffna peninsula and a complete breakdown of communications are reported; Mothers Front in Batticaloa begins a fast unto-death campaign for peace. Tamil-Muslim tensions rise.

1989: R. Premadasa becomes the President of Sri Lanka. Tens of thousands of Sinhalese youths are massacred or 'disappear' in the Sinhalese areas as the Sri Lankan government cracks down on the JVP. President Premadasa invites the LTTE and JVP for unconditional talks. Several rounds of discussions are held

between LTTE delegates and the government. President Premadasa requests the IPKF to leave by 29 July. In the general elections, UNP sweeps to power. European voluntary agencies voice concern over UNHCR's Sri Lankan policy. Violence flares up again in the Hill Country.

#### 1990-1994

Several thousand Tamils, predominantly civilians, are killed after the resumption of the conflict in the north and east in June 1990. Huge numbers of disappearances, exceeding 10,000 cases, are reported and evidenced by burned and mutilated bodies dumped in rivers or lakes or disposed of otherwise. Extra-judicial executions and arbitrary killings as well as deaths resulting from systematic torture occur on a large scale and form an integral part of the anti-insurgency operations of the security forces. A large number of Tamils, particularly young males, are arbitrarily arrested, held in prolonged incommunicado detention and subjected to torture. Numerous cases of rape are reported, among them gang rape by groups of soldiers. The constant deterioration of the situation in terms of personal safety, compounded by the hardships caused by the economic blockade imposed in 1991, result in great numbers of displaced persons, fleeing within the region or abroad. Although two independent commissions of Inquiry, one investigating an army massacre of June 1991 and the other investigating disappearances after the date of its creation, are established, no prosecutions resulting in convictions concerning these or other cases are carried out.

1990: Northeast Provincial Council collapses after the Chief Minister declares Unilateral Declaration of Independence (UDI) of Tamil Eelam, and its members flee to India. Indian troops quit Sri Lanka ahead of schedule. The truce between the government and the Tigers breaks down and war begins. Hundreds of thousands of Tamils become internally displaced or flee the country. Sri Lanka threatens to expel 80,000 Plantation Tamils granted Indian citizenship. Muslims are massacred in the East by the LTTE. LTTE expels over 50,000 Muslims from the North.

More than 5,000 Tamil people are estimated killed or disappeared in the second half of the year. Victims of extra-judicial executions are reportedly shot, bayoneted, stabbed, hacked or beaten to death and even burned alive. The killings occur on the ground as well as result in attacks from the air. In June alone, hundreds of civilians are shot or stabbed to death by the army or police personnel in several incidents, particularly in the Batticaloa district, and 165 civilians are killed in the second half of June as a result of indiscriminate air bombardment and shelling on residential and non-military targets, such as refugee camps, hospitals and schools. On 9 October, 12 civilians are killed at the Jaffna market when helicopters fire at them. Disappearances occur on a massive scale. On 2 August 1990, 150 men are taken from the Pottuvil refugee camp, only 30 of whom are subsequently released. Although the police and the Special Task Force deny the detention, local people see smoke rising from the police station, fuelling suspicion that the prisoners might have been killed and burned. In another incident, 158 Tamils are taken into custody by security forces from the Vantharumoolai refugee camp in the Batticaloa district on 5 September, and disappear. Despite contrary evidence, the Ministry of Defence stated on 17 October that only 31 persons were arrested and released within 24 hours. Torture is widespread and over a thousand Tamils are held under the PTA and ERs throughout the year.



1991: In August 1991, the government imposes an economic embargo on the North and bans 42 items including medicines, fertilisers, chemicals and fuel under the Emergency (Restrictions on Transport of Articles) Regulations No. 1 of 1991. The Sri Lankan army imposes its own ban on several essential items to the Tamil people which results in thousands of deaths. Civilian areas are regularly bombed from the air and shelled from military camps and the sea, causing enormous destruction and hundreds of deaths. The aim of the government is to subjugate the Tamils by force and the economic blockade is viewed as an essential component of its strategy.

More than a thousand Tamils are killed throughout the year. By September 1991, several hundred cases of disappearances and extra-judicial executions are reported and the UN Working Group on Enforced or Involuntary Disappearances reports that over 1,000 cases of disappearances occurred in 1991. It also attributed a series of killings to death squads, which given the circumstances, could only have operated with the acquiescence of the government forces. Between 13 January and 4 April, at least 30 civilians are killed in Jaffna district as a result of bombing raids by the Sri Lankan Air Force. On 30 March, police officers go on the rampage in Iruthayapuram, burning shops and hacking to death 11 Tamil farmers. On the night of 12 June, more than 185 people are killed by members of the army near Kokkodichchoi in a deliberate retaliatory attack during which Tamil villagers are massacred and houses set on fire. Tamils are systematically tortured and dozens of people reportedly die as a result. In the Northeast 1,080 Tamil detainees are held at the end of the year.

1992: Hundreds of Tamil civilians are killed in several attacks by the security forces, members of TELO and Muslim Home Guards. A family of eight Tamil villagers are killed by a group of army personnel accompanied by members of TELO on 14 April in their home at Mandur, Batticaloa. Thirty-nine Tamils were killed in a massacre committed by the Army in April in Mailanthanai. Eighty Tamil civilians are shot and hacked to death by Muslim Home Guards and other security force personnel on 29 April in Karapola, Polonnaruwa District. On 31 May, six Tamil refugees are killed and over 125 injured, when the Sri Lankan air force mounts an attack on the Sri Durga Devi Temple in Tellippalai, employing bomber aircraft and throwing grenades from a helicopter and barrel bombs from an airplane. In October, 10 Tamil civilians are extra-judicially executed by soldiers at Vellaveli, Batticaloa District. Scores of disappearances in military custody are reported, in particular in the Batticaloa District. Over a thousand Tamils are being held under ERs or the PTA and routinely subjected to torture by members of government security forces. Moreover, hundreds of Tamils are periodically arrested and screened for connections with the LTTE, resulting in a staggering figure of 13,414 arrests in Colombo alone. In June 1992, the number of widows as a result of civilian deaths in the Jaffna District alone is around 6,000. India proscribes the LTTE in May 1992.

1993: President Premadasa and opposition politician (and former UNP National Security Minister) Lalith Athulathmudali are assassinated. LTTE leader V Prabhakaran calls for unconditional talks with the government, with a commitment to examine any federal proposal. President Wijetunga rejects the call and declares that the Sri Lankan conflict is the result of a 'terrorist problem', and

that no ethnic/national question exists. The President also categorically rejects a merger of the country's north and eastern provinces (a minimum demand shared by all Tamil representatives) and reiterates his predecessor's often-stated commitment to a 'military solution' to the conflict.

Over 100 Tamil civilians are killed by the security forces throughout the year. Scores of civilians are killed, some apparently victims of extra-judicial executions, as they attempt to cross the Kilali lagoon from the Jaffna peninsula to the mainland. In some cases, navy personnel board boats and deliberately kill civilian passengers who offer no resistance. In February, 16 Tamils disappear after being arrested by the army at Vannathi Aru, Batticaloa District. On 13 November, 10 civilians die and around 30 are injured when two Air Force jets bomb St James' church in the centre of Jaffna town. In Colombo, 22,950 Tamils are arrested under the ERS and PTA in the entire calendar year. Over 2,000 Tamils are detained under the ERs and the PTA, 464 of whom are held for 32 months without trial. Torture continues to be reported, particularly in the Northeast.

1994: At least 10 Tamil civilians are killed by security forces in the Jaffna peninsula and at least 10 disappear in the east. An estimated 700 detainees are held under Emergency Regulations or the PTA at the end of the year after several thousands had been released throughout the second half of the year. There are several cases of torture of Tamils reported by human rights agencies. The reports also indicate 60 killings by shooting, bombing and shelling, 125 injuries, destruction of 136 houses and shops and a rape.

On 12 January, the government of Switzerland and Sri Lanka sign an agreement for the repatriation of rejected Tamil asylum seekers amidst protests by Tamil refugees, concerned international refugee agencies and human rights organisations. Amnesty International reports that Tamils are targeted as an ethnic group, especially in Colombo. UN Human Rights Commission at its 50th Sessions in Geneva is urged by the NGOs to examine continuing human rights violations in Sri Lanka and to appoint a Special Rapporteur to monitor the country's future performance.

General elections are held and the People's Alliance (PA) led by Chandrika Kumaratunge, daughter of the Prime Minister Srimavo Bandaranaike, wins the elections by a narrow majority with a mandate to begin talks with the LTTE and establish peace in the island.

#### 1995-1997

Several thousand Tamil civilians are killed since the resumption of the war in May 1995. Despite the stated commitment to human rights of the new government under President Chandrika Kumaratunge, the pattern of warfare by means of extra-judicial killings, massacres and disappearances emerges again. Tamils are deliberately killed by government forces and groups operating with its consent. In the year 1996 alone, around 650 Tamils disappear. There is a dramatic increase in the use of torture and Amnesty International has documented numerous cases of rape by the security forces. Scores of Tamils, in some instances at least 1,000 people are arbitrarily arrested and detained, in some cases for

several years, under the Prevention of Terrorism Act and Emergency Regulations. The capture of Jaffna by the army, the launching of an intensified war campaign, and the re-imposition of the economic blockade results in starvation, increase in diseases and massive displacement, estimates of the numbers of displaced persons being as high as 825,000. Despite several government measures to prevent human rights violations by security forces, the temporarily imposed censorship on events in the North and East, the remaining in force of the Prevention of Terrorism Act and Emergency Regulations, the lack of adherence of members of the security forces to national and international human rights standards, and the apparent lack of government control over sections of the security forces and other groups continue to provide a ready context for grave violations of the fundamental rights of the Tamil people.

1995: The army captures Jaffna town in November 1995. Due to press censorship, it is not known how many people died in the course of that military operation which began in July. There are increasingly large numbers of allegations of extra-judicial and arbitrary executions, resulting from incidents involving aerial bombardment by the Sri Lankan Air Force, naval strafing and shelling from military bases and indiscriminate firing by armed forces personnel which continue to cause numerous civilian casualties, including the bombing of a church compound at Navaly on 9 July, which kills 65 civilians and injurs more than 150. An estimated 40 Tamil civilians are extra-judicially executed in the east. Fifty-five Tamils disappear after being arrested by members of the security forces. The bodies of at least 31 people abducted in Colombo are found in lakes and rivers in the vicinity. An official investigation of the killings finds that the victims were held prisoner, tortured and then killed by strangulation or drowning. Twenty-two policemen arrested in connection with the murders are later granted bail and returned to active service. The case is abandoned later. Six hundred Tamils are detained at the end of the year, many of whom are subjected to torture. Several cases of rape are reported throughout the year, among them the gang-rape of three women by soldiers in the Batticaloa district in January and the rape of Lakshmi Pillai at her home in Trincomalee by two army informants in front of her two sons. Moreover, Tamils complain about search operations and arrests in Colombo and in the Hill Country as well as about repeated harassment and incidents of robbery by police officers.

1996: Due to censorship of news relating to military or police operations, and lack of access to the north and east, the exact number of persons who were killed throughout the year is impossible to ascertain. On 11 February, in a deliberate attack on civilians by the army in Kumarapuram, 24 Tamils, including 13 women, one of whom was also raped, and seven children, are killed and 25 wounded. A military court finds 14 soldiers guilty of the killings who are subsequently charged by the Attorney General with murder and attempted murder. By the end of the year, they had not come to trial before the High Court. In a statement on 11 April 1997, Amnesty International says that 648 people are reported disappeared in northern Sri Lanka and remarks that the fact that such high number of disappearances can occur in one year despite government's claim that it is addressing the problem, is outrageous. In December alone, more than 15 dead bodies of persons who had been previously arrested by the army are found, among them the corpses of three school girls still wearing their uniforms floating in the sea. At the end of the year 1,500 Tamils are

held in detention under the ERs and PTA. In November, a Supreme Court judge states publicly that torture continues unabated in police stations in spite of a number of judicial pronouncements against its use. It is used by security forces and includes methods such as electric shocks, beatings all over the body, especially the soles and genitals, often with plastic pipes, iron rods and truncheons, suspension by the wrists or feet in contorted positions, burning, near drowning, mainly by submersion in polluted water, placing of insecticide, chilli powder, or gasoline-soaked bags over the head, and forced positions, resulting in broken bones and other serious injuries. On 7 September, student Krishanthi Kumarasamy disappears in Jaffna. Her body is later found in a shallow grave, together with the bodies of her mother, brother and a neighbour who had been searching for her. She is gang-raped by nine soldiers before being killed after being detained at a checkpoint. The accused soldiers are brought before the magistrate's court in Colombo and charged with rape and murder. In November, Five police and army personnel are arrested for the rape and murder of Rajini Velayuthapillai in Jaffna. Continuing harassment of women, including abduction and rape, at army checkpoints, in particular in the Jaffna district, are reported. One hundred and fifty cases of rape committed by soldiers are documented in 1996 alone.

**1997:** In the first half of the year, extrajudicial executions, arbitrary killings and disappearances continue to occur on a large scale. At least 16 Tamil civilians are killed by army or navy personnel in various incidents on the Jaffna peninsula between January and May. In March alone, 10 Tamils are killed in the army-controlled towns of Vavuniya and Batticaloa which indicate death squads active in the area. According to Kilinochchi government secretariat records released in December 1997, 73 civilians who went into Army controlled areas from LTTE held territory, between July 1996 and May 1997 to inspect their houses go missing. There is a startling increase in gang-rape, involuntary disappearances in the Northeast and in Colombo and in cases of extra-judicial executions. Moreover, 1,700 Tamil youth are held in detention in March. Gang rape is committed in several cases, the worst of which results in the death of Amparai resident Murugeasapillai Koneswari who is killed by a grenade inserted into her vagina.

The US State Department's human rights report for 1997 classifies impunity as a serious problem in Sri Lanka. The report says that torture by security forces is another serious problem. Methods of torture included electric shock, beatings, suspension by wrists or feet, burnings, suspension by wrists or feet, burnings and drownings. Victims are forced to remain for extended periods with bags laced with chillie, petrol or insecticide over their heads. Detainees report broken bones and other serious injuries as a result of mistreatment.

## 1998

**JANUARY:** Extensions on one-day permits issued on entry into Vavuniya is reduced from one week to three days by a police rule on 19 January. The same day police introduce another rule restricting the time for refugees in camps to visit the town to four hours. Over 12,000 people continue to be detained in government camps in Vavuniya who want to travel to southern areas, for more than a year.

The Sri Lankan Human Rights Commission announces receipt of 634 complaints relating to arrest and detention. Over 1,100 Tamil detainees are held in detention in Colombo prisons. Restrictions are introduced on visits to detainees under PTA and ER. Visits are restricted to one a week to a person nominated by the prisoner and the visitor is required to obtain a letter from the police where he resides stating that there were no objections. The Civil Rights Movement says this procedure violates international standards.

**FEBRUARY:**

Six Tamil civilians including two students attending a house warming party at Pokkuruni in Thambalakamam, in Trincomalee District and two other villagers are massacred by Police and Home Guards on 1 February. As people demonstrate against the massacre, Kantalai police pressures the witnesses to sign statements claiming that those killed were LTTE cadre. Batticaloa MP Joseph Pararajasingham writes to President Chandrika that some 15 Tamils arrested by the army or Home Guards at Weligahakandiya in Polonnaruwa District have disappeared.

Issue of Police permits to travel from Mannar to southern areas, including Colombo are delayed. Most passengers to the south with permits are turned back at Cheddikulam check-point on the Mannar-Medawachchiya road. Others spend many hours at the checkpoint while ID papers are checked and passengers filmed on video.

The police close down three Kotahena lodges in Colombo, evicting 600 Tamils from the Northeast Tamil areas. A Tamil, Joubert Gnanamuthu is arrested at checkpoint is detained without food or water for many hours before producing in courts. The police take away his identity card and give it to a lawyer who insists on representing him for Rs. 1,500. Over 100 lawyers sign a petition for the release of Tamil human rights lawyer S Selvaganapalan and accuse the police for arresting him despite producing his identity card.

Amnesty International says in its February report that although the Sri Lankan government has taken a number of measures, it has failed to implement essential recommendations of the UN Working Group on Disappearances on structural, institutional and policy issues that encourage continuing disappearances. Amnesty International had urges the Sri Lankan government to tackle the root causes, such as, the lingering sense of impunity among security forces and the sweeping powers of Emergency regulations and the Prevention of Terrorism Act allowing incommunicado detention for long periods.

**MARCH:**

The Human Rights NGO Peace Brigades International (PBI) is forced to close its offices in Sri Lanka by the government. The government rushes through a controversial amendment to the Voluntary Social Services Act which would enable the government to control independent associations and NGOs, during the absence of the main opposition United National Party (UNP) staging a boycott of the legislature on 3 March accusing the government of abusing democratic rights and unleashing violence against

opponents. Koenraad van Brabant in his paper titled "The co-ordination of humanitarian action: the case of Sri Lanka" says that the single most important impediment to effective humanitarian coordination is the Sri Lankan government and more particularly, the military, retaining the final authority and keeping humanitarian agencies outside their mechanism. Local NGOs however believe that the relegation of NGOs in Sri Lanka and denial of free access to NGOs and media are aimed at manipulating information about conditions in the war zone which will help facilitate return of asylum-seekers from Western countries.

On 5 March refugees in Pesalai camp on Mannar Island carry out a protest fast demanding to be sent to Jaffna. Around 4,200 refugees in Pesalai and Erukkalampiddi camps and another 2,000 living with friends and relatives are stuck without transport for more than a year. Only 500 permits a day are issued to enter Mannar at Uyilankukulam where thousands of people queue up daily.

Batticaloa MP Joseph Pararajasingam announces that 13,000 people have disappeared in the Eastern Province since 1990, over 8,000 women widowed and 6,000 children orphaned.

Thirty-two persons are killed and over 250 injured in a bomb explosion at Maradana, suburb of Colombo when a suspected LTTE mini-bus meets with an accident with a jeep during a police chase on 16 March. Several Tamil arrests are made at different locations throughout on Colombo.

Fourty three Tamil asylum-seekers returned from Russia are arrested on 10 March at a Colombo checkpoint. They are released following the intervention of Jaffna MP Douglas Devananda. Manickam Rajan, an asylum seeker returned from Holland in February is arrested in a lodge in Kollupitiya, suburb of Colombo on 21 March. Appeals made by Dutch Embassy officer in Colombo who visited the police station to secure the release of Mr Rajan are ignored. Another deportee from the Netherlands, Edirmanasingham Jeyavel is also detained on 21 March by the Colombo police.

**APRIL:** Search operations and arbitrary detention of Tamils purely on the basis that they are Tamils continues. NGOs estimate that over 10,000 Tamils were rounded up in March and early April in the Colombo suburbs Maradana, Kotahena, Pettah, Modera, Fort, Wellawatte and in Mount Lavinia and Dehiwala. On 31 March alone some 2,000 Tamils including, over 500 women, are arrested in Kotahena, Pettah and Kochchikade. Although most arrested are released within 72 hours, the nature of the round-ups are such that human rights agencies are unable to determine how many are detained. TULF MP R Sampanthan tells Parliament that Emergency Regulations requiring issue of receipts and information to relatives about the place of detention are never followed.

The report of the five member Presidential Commission established in November 1996 to probe disappearances in the North to President Kumaratunge on April 22 indicates that the Commission dealt with 768 complaints. Inquiries apparently reveal that 16 persons died after being taken into custody and

25 persons identified as responsible for these disappearances and reported to the Inspector General of Police (IGP).

**MAY:** Dr C Pathmamanoharan, a Tamil Dutch national from the University of Utrecht and his Dutch wife on a visit to Sri Lanka, are harassed and finger-printed when they go to register with the Welikada police on 20 May. Dr Pathmamanoharan reports that he was unable to contact the Dutch Embassy on the special telephone number given to him by the Dutch government to make contact in case of emergencies. Dutch journalists who try to reach the embassy on the same number also fail in their attempts.

Thirty-eight Tamils are arrested at Kataragama on 18 May by police and army. Over 1,000 Tamil houses are also subjected to intensive search by the police and army in Kandy on the same day.

**JUNE:** The Sri Lankan government imposes censorship on 5 June under Emergency regulations, for the third time since September 1995, prohibiting foreign and local media from publishing information on military operations, deployment of troops or use of equipment, including aircraft or naval vessels. Publication of statements on the official conduct of performance of the security forces are also disallowed. The US-based Committee to Protect Journalists announces that the government censorship is incompatible with democratic governance and urges the government to allow the Sri Lankan people access to free and unbiased information on the conflict. Journalists or independent observers are prohibited into the northeastern war zone and the conditions of the civilians remain unreported outside Sri Lanka.

Detention of Tamils in southern Sri Lanka continues. A new intelligence agency named Terrorist Investigation Department is established to support the security establishments. The security forces search the Peliyagoda area, west of Colombo and arrest a number of people. Further fifty people are arrested in Pettah suburb on 17 June and over 100 Tamils are rounded up in Ratnapura on 20 June. Human rights agencies announce that an illegal detention centre has been set-up at Malalasekera Mawatha in Colombo.

The Supreme Court awards compensation to T Rajani arrested by police on 26 November and tortured in custody. In a fundamental rights application, Christopher Solomon alleges that following his arrest in Kandy on 17 April, he was assaulted by police and forced to sign a confession.

The report and recommendations of the UN Human Rights Commission's Special Rapporteur on Summary and Arbitrary Executions, Baore Waly N'diyae, on Sri Lanka is brought for debate in the Parliament. No commitment is made by the state to implement any recommendation.

**JULY:** Forty-five Tamil refugees, including five children fleeing from persecution drown when an overcrowded boat sinks near Rameswaram in the Southern Indian coast.

Security forces introduce new rules for those arriving from the Vanni. Only

three-day stay is permitted for those coming from Vanni into Vavuniya. People who wish to stay longer are required to obtain special permits from the security forces.

PLOTE member and Vanni Member of Parliament S Shanmuganathan, his three year-old son and three others are killed in Vavuniya District on 15 July.

In the run-up to the SAARC summit on 29 July 1998 in Colombo, thousands of Tamils are taken into custody by the security forces in Colombo, Dehiwala, Mt.Lavinia, Panadura, Ratmalana and Moratuwa. Most of them, however, are released, but some detained further.

Two Tamil journalists are arrested by the terrorist Investigation Department. S Srigajan of Virakesari is arrested on 16 July in the Virakesari Office in Colombo and freelance journalists P Manikavasagam who reports for Virakesari, BBC World Service and Reuters is arrested on 20 July in Vavuniya.

**AUGUST:** Allegations of discrimination against the Tamil women prisoners by Woman's Minister Hema Ratnayake during her visit to the Women's Section of the Remand Prison in Colombo is highlighted by the journalists who accompany the Minister on her visit to the Prison.

Six civilians are killed by the security forces in Uyilankulam and Katpalli areas. Military officers claim that soldiers mistook them for the LTTE in the night. On 4 August, R Nithiyandasivam and K Kulasingam are murdered at Eluthur and the army denies any involvement.

T Mathusoothanan a columnist for the Tamil weekly newspaper Sarinigar published by the human rights agency MIRJE in Colombo is arrested on 26 August. Sri Lankan Free media movement reports that the security forces breached Presidential Directives on arrests which require that information should be given to the relatives immediately. The journalist is traced to a police station after 17 hours. Over 75 Tamil youths are arrested in Wattala near capital Colombo on the night of 14 August and 25 are detained.

The Australian Council for Overseas Aid (ACFOA) urges the security forces and the LTTE to abide by international law and calls on Sri Lanka to permit access to the war zone. ACFOA also urges the Australian government not to expose the country to the real risk of refoulement against obligations under the UN Convention on Refugees.

On 10 August, masked men drag Innasie Francis, a fisherman, out of his home at Karuveppankerni in Batticaloa District and shoot him dead on the road. According to social workers, the victim's nephew was a member of the LTTE and Razik Group aligned to the military is responsible for the murder. On 7 August, R Rasaratnam and his wife Nageswary are shot dead in their house.

On 11 August Liyoni William, a 65 year old carpenter, is shot dead in Valaichenai. Local residents in Batticaloa say that several murders remain uninvestigated. Security forces however, allege that the LTTE's Pistol group



carried out these murders. Reports indicate that the Terrorist Investigation Department (TDI) increasingly uses masked men during round-ups and people are arrested.

Police indiscriminately arrest 22 Tamils including two students from tea estates in Nuwara Eliya District following a bomb explosion on the railway track near Rozella and detain them for ten days in the Kandy prison.

**SEPTEMBER:**

Thirteen people including Jaffna town military commander Brigadier Susantha Mendis, Jaffna SSP Chandra Perera and Mayor of Jaffna Pon Sivapalan are killed in a suspected LTTE bomb attack in Jaffna town on 11 September. On 24 September over 5,000 people from Chankanai and nearby areas are ordered by the military to assemble at Kalayadi American Mission school and questioned and some of them are detained.

On 23 September, the Sri Lankan Parliament approves an additional Rs 12.2 billion (\$187 million) for defence making the 1998 total defence expenditure Rs 57.2 billion (\$880 million).

The UN High Commissioner for Human Rights, Mary Robinson in a letter to Sri Lanka's Human Rights Commission reminds the offer of assistance in the investigation of mass graves at Chmmani in Jaffna. According to reports, two foreign forensic experts have been identified for the purpose. The failure of the government and the government appointed Human Rights Commission to provide a positive response raises suspicions and lead demonstrations in Jaffna. The Jaffna-based Guardian Association for Persons Arrested and Disappeared expresses fears that the destruction of evidence of the mass graves is in progress.

Over 400 "Line rooms" of the Tamil plantation workers were set alight on 9 September 1998 by Sinhala mobs in Alupola, and three other estates in the Ratnapura District following a private dispute. The families were forced to flee into jungles for safety. Over 1000 estate workers were rendered homeless.

**OCTOBER:**

Tamil MP Neelan Thiruchelvam urges the Sri Lanka Human Rights Commission to hold an enquiry into the death of Ramakutty Thiyagarajah, a 52 years-old farmer from Batticaloa. He is taken into custody on 14 October by the police Special Task Force and subjected to severe torture. He is thrown out of the Komari military camp and dies at home on the same day.

The high-priest of Jaffna Selvachannathy Hindu temple missing from 16 October and is found detained in Kankesanthurai military base on 29 October.

Batticaloa MP Joseph Pararajasingham writes to the President Chandrika demanding an investigation following the discovery of

the body of Iyathurai Inbarajah in a shallow grave at Kalmadu in Valaichenai. He went missing after reporting to the army at almadu army camp.

On 23 October, Rasanayagam Uthayakumar, 42, is arrested by the army at the Nallur checkpoint. His dead body is given to the Jaffna hospital after five days by the army saying he committed suicide.

On 17 October, a 16 year-old student from Vaddukkottai is raped by navy personnel at her home, after beating-up the parents.

**NOVEMBER:** Six Tamil detainees brought to Colombo by army and detained at Kalutura Prison go on hunger strike on 27 November protesting their long detention without trail. They call for their release if there are no charges against them. Seven hundred and fifty nine Tamil detainees are held in Kalutura Prison on suspicion, of whom only 43 persons are identified as either LTTE members or having links with LTTE.

On 27 November 1998, LTTE Leader V Pirabakaran in his speech to mark the annual Great Heroes Day declares that the LTTE is prepared for a negotiated political settlement with a third party mediation. Tamil parties, political organisations, human rights organisations, religious organisations peace organisations, trade unions, Students organisations, Local and International non-governmental organisations and representatives of various international governments welcome the speech by LTTE leader Pirabakaran and urge the government to accept the offer. No response come from the government.

LTTE announces that since 27 November 1982 to 20 November 1998, 13,230 members died fighting the Sri Lankan security forces.

On 25 November, four people including a child are killed and 10 severely injured in indiscriminate shelling by the army from Elephant Pass military camp onto the villages of Visvamadu, Kuppadi and Bharathipuram in Vanni.

**DECEMBER:** The Military launches a fresh offensive on 2 December 1998 on Oddisuddan in Mannar District. Over 12,000 people, many of them internally displaced and refugees who returned from India and resettled in the region are uprooted again and flee the area.

The Sri Lankan Police in Akkaraippattu order Tamil villagers mainly, farmers of Aleemsenai, Addanchenai in Amparai District to vacate their villages after the discovery of a Buddha statue in the area. The Divisional Secretary of the area denies any knowledge of the police order. Police arrest five people for pleading to allow them to remain in the farm until the season is over.

Sri Lankan airforce bombs the Nallathanithoduvai fishing village in Vadamaratchi in the Jaffna District on 2 December killing six civilians and seriously wounding three.

## INCIDENTS OF RAPE UNDER AREAS OF ARMY OCCUPATION - 1996-1998

DATE	NAME AND AGE	PLACE	PERPETRATORS	NATURE OF INCIDENT
11/2/96	Thanaludsumi, 17	Kumarapuram, Tricomalee	Security forces	Raped and killed
7/3/96	Not known, 45	Thiyavedduwa	Security forces	Gang raped after attacking the husband
29/4/96	Not known	Navatkuli, Jaffna	Army	Raped after killing the husband
1/5/96	Pushpamalar, 22	Kachahai, Jaffna	Security forces	Killed after rape. Dead bodies of husband and wife found in the fields
11/5/96	Not known	Kodikamam, Jaffna	Security forces	Husband & Wife were killed after gang rape
12/5/96	6 Women	Batticaloa	Security forces	Gang raped
19/5/96	Sriranjani, 18			
	Puvaneswari, 36 and			
	Rajeswari, 38	Sarasalai, Jaffna	Security forces	All three died after sustaining injuries during rape
19/5/96	Not known	Columbuthurai, Jaffna	Security forces	Abducted and raped
17/6/96	Puvaneshwary, 36 and her sister	Manthuvil, Jaffna	Army	Both gang raped after killing the male members of the family
00/07/96	Not known	Manthuvil, Jaffna	Security forces	Raped
7/9/96	G Krishanthi, 18	Kaithady, Jaffna	Army	Gang raped and killed. Her mother, brother & neighbour were also killed
8/9/96	Vasuki	Jaffna	Security forces	Attempted rape. Saved by neighbours
10/9/96	Not known, 55 yrs	Thirunelveli, Jaffna	Army	Raped by Soldiers
30/9/96	V Rajini, 22	Urumpirai North, Jaffna	Army	Gang raped and killed
00/10/96	Ludsumipillai	Tricomalee	Security forces	Gang raped in front of her two children
9/10/96	K Paleswary, 22	Kerudavil, Jaffna	Security forces	After the rape her father was killed
00/11/96	Not known	Vavuniya	Security forces	Gang raped by eight soldiers and killed
12/11/96	S Thenuga, 10	Achevely, Jaffna	Security forces	Gang raped
31/12/96	Not known, 30 yrs	Mandoor, Batticaloa	Special Task Force	Gang raped
17/5/97	M Koneswary	Amparai	Police	After gang rape grenade inserted into her vagina and blasted
19/5/97	Kirupadevi, 37	Madduvil North, Jaffna	Army	Raped after chasing away the father and two children
9/6/97	S Thavamani (Mother)			
	P Jeyanthi (Daughter) and			
	Another Woman	Batticaloa	Security forces	Gang raped

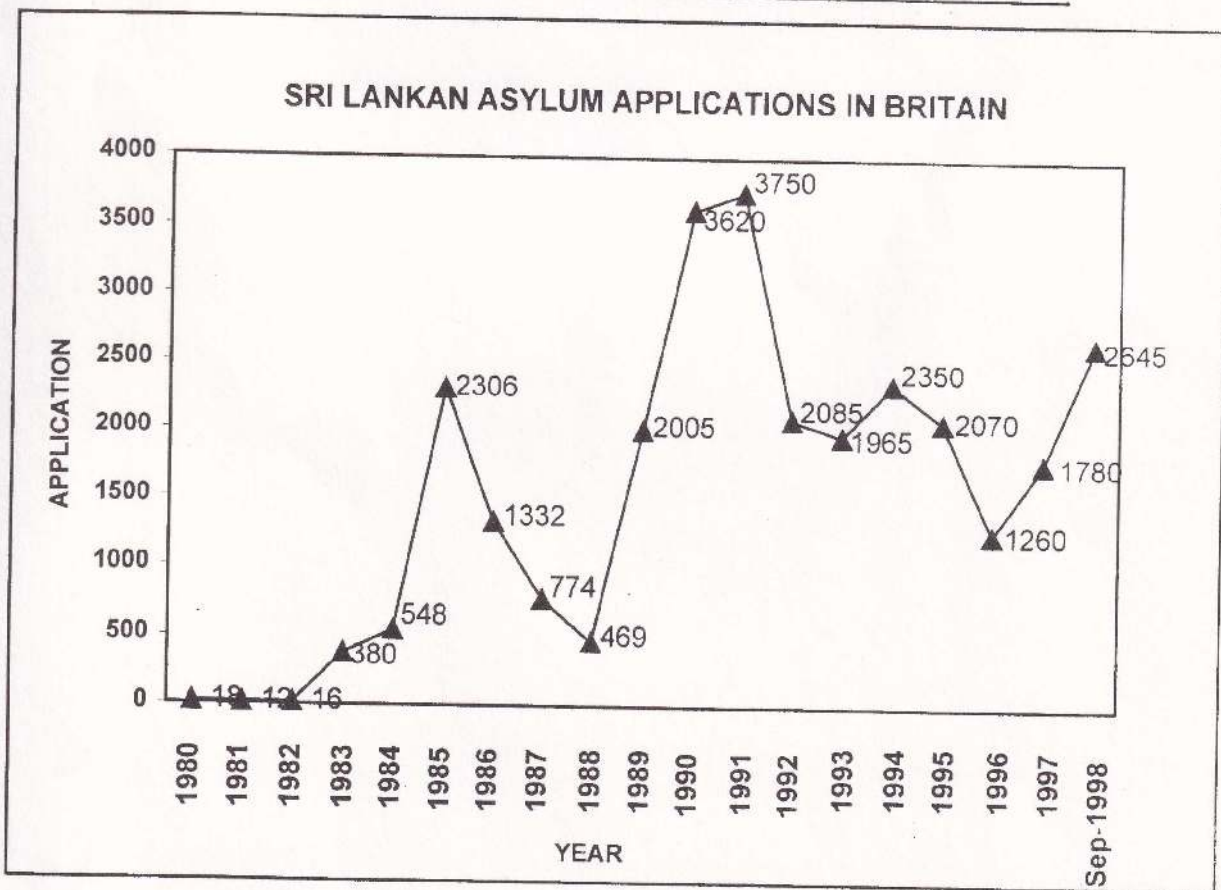
DATE	NAME AND AGE	PLACE	PERPETRATORS	NATURE OF INCIDENT
Jul-97	Vijayarani, 17	Arali, Jaffna	Army	Gang raped
12/7/97	K Chandrakala, 20	Alvai, Jaffna	Army	Gang raped
17/7/97	A Student of 17	Araly South, Jaffna	Security forces	Raped
5/9/97	Balanthi	Atchuveli, Jaffna	Army	Gang raped (Treated in Jaffna General Hospital)
5/10/97	S Pakkiyam, 37	Mavadi Vembu, Batticaloa	Security forces	Raped
16/10/97	Thankanayaki, 49	Amparai	Police and Home guards	killed after gang rape
19/10/97	S Rajini, 19	Valaichenai Harbour, Batticaloa	Forces	Gang raped
27/10/97	Savarimetalai, 31	Sorikkalmunai	Special Task Force	Raped and Killed
28/10/97	Not known, 40 yrs	Manthikai, Jaffna	Army	Raped
6/11/97	Shiyamala	Palai, Jaffna	Army	Raped
23/12/97	Not Known	Nayanmarkaddu, Jaffna	Army	Attempted to commit suicide after rape
25/12/97	K Amutha	Vidathativu, Mannar	Police	Raped
15/3/98	Not known	Thirunelveli, Jaffna	Police	Pregnant woman raped.
16/3/98	S Selvarani, 28	Mecsalai, Jaffna	Army	Gang raped
17/3/98	S Thavamani (mother) and V Vasantha (daughter)	Batticaloa	Army	Gang raped by four soldiers
15/4/98	P Ajanthana, 17	Ariyalai, Jaffna	Police	Raped (Treated at hospital)
5/7/98	A 36 year old Mentaly-ill	Nochchikulam, Trincomalee	Security forces	Raped
22/6/98	K Rahini, 23	Panichchankerni, Trincomalee	Security forces	Raped. Now displaced
1/7/98	N Pavani, 48	Thirunelveli, Jaffna	Army	Gang raped and killed

Source:

Forum for Human Dignity  
Colombo, Sri Lanka  
November 1998

## SRI LANKAN ASYLUM SEEKERS IN BRITAIN

Year	APP	CS	ELR	REJ	PEN
1980	18	0	1	9	NA
1981	12	2	0	7	NA
1982	16	0	2	27	NA
1983	380	0	13	31	NA
1984	548	2	31	100	NA
1985	2306	19	967	19	NA
1986	1332	4	1913	6	NA
1987	774	10	963	62	NA
1988	469	9	304	50	NA
1989	2005	5	975	35	1411
1990	3620	23	562	8	NA
1991	3750	10	705	20	NA
1992	2085	40	4265	435	4460
1993	1965	10	2420	260	2000
1994	2350	10	105	955	3185
1995	2070	20	95	1225	3705
1996	1260	5	25	1585	3445
1997	1780	55	15	1710	NA
1998(September)	2645	50	5	1425	4160
	29385	274	13366	7969	

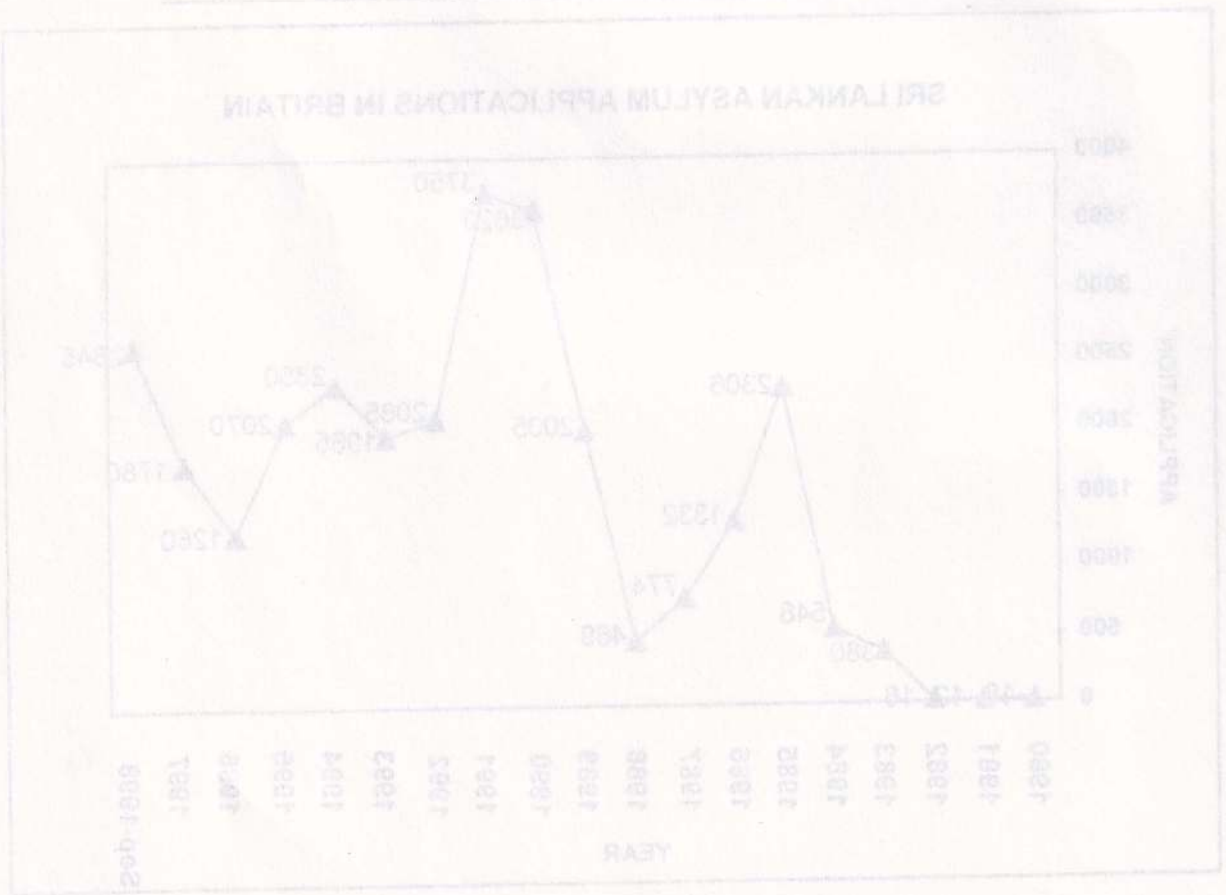


APP = Applications      CS = Convention Status      ELR = Exceptional Leave to Remain  
 PEN = Pending          NA = Not Available

Source: Prepared from Home Office Statistics by Sri Lanka Project : The Refugee Council (UK)

SRI LANKAN ASYLUM SEEKERS IN BRITAIN

Year	APP	CM	ELR	REL	PERM
1980	18	0	1	1	NA
1981	12	2	0	7	NA
1982	18	0	0	27	NA
1983	380	0	13	31	NA
1984	548	2	31	100	NA
1985	2306	10	807	19	NA
1986	1332	4	1913	0	NA
1987	774	10	883	82	NA
1988	489	9	304	50	NA
1989	2002	8	672	32	NA
1990	2020	23	981	9	NA
1991	2720	18	108	20	NA
1992	2085	30	4282	432	1480
1993	1968	10	2420	260	2000
1994	2380	10	708	802	2182
1995	2070	20	98	1222	2702
1996	1280	2	22	1584	2422
1997	1780	80	12	770	NA
1998 (Estimated)	2840	20	2	1422	4160
<b>Total</b>	<b>22124</b>	<b>274</b>	<b>12388</b>	<b>7889</b>	



APP = Applications  
 CM = Conversion Status  
 ELR = Exceptional Leave to Remain  
 PERM = Permanent  
 NA = Not Available

Source: Prepared from Home Office Statistics by Sri Lanka Project, The Refugee Council (UK)

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## MY HOME

This home  
is no more mine.  
I am told so.  
They repeated  
their lacerating words.  
Their rancorous eyes  
confirmed:  
This home  
is no more mine.

I too feel now  
the truth  
in what they said.

Tomorrow  
I may be nothing.  
And I am not quite sure  
of my today.

I must go only to my home.  
I must.

### *A Jesurasa*

A poem from Tamil Eelam Literature  
TIC, September 1996



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## TAMIL INFORMATION CENTRE

The Tamil Information Centre (TIC) was established in 1981 to provide information concerning all aspects of Tamil life and culture. The TIC also facilitates and encourages participation of people involved with human rights and humanitarian issues in Sri Lanka and provides facilities for the general public to be in touch with developments affecting the Tamil people of Sri Lanka and new emerging issues. It promotes public understanding of human rights issues through information and educational programmes. The Centre's Documentation Unit is a major resource for researchers, practitioners and the media. The TIC is committed to human rights and community development and dedicated to the cause of understanding and cooperation between the different communities in Sri Lanka.