

The majority of Sri Lanka's 'disappeared' are Tamils

Sri Lankan military bogged down in northern offensives against LTTE



Despite a massive superiority in numbers and firepower, Sri Lankan troops are struggling to make headway against strong Tamil Tiger resistance in the northern battlefronts. Despite determined efforts for almost a year, there has been little ground gained and retained and casualties are rising, prompting a fresh recruitment drive for 15,000 more troops. Photo Lakruwan Wanniarachchi/AFP/Getty Images is no assurance that the LITE

Amid numerous reports of small victories and LTTE casualties - all undoubtedly exaggerated - the military has failed to gain a great deal of ground.

Sarath Kumara WSWS

THE euphoria in the Sri Lankan government and military over the prospects of a quick victory over the Liberation Tigers of Tamil Eelam (LTTE) is beginning to fade

While the security forces reg-ularly report the killing of LTTE members, little progress appears to have been made in seizing the LTTE's major northern strongholds in the Kilinochchi and Mullaithivu districts.

Open warfare erupted in July 2006 when President Mahinda Rajapakse ordered the army to capture the LTTE-held area of Mavilaru in open breach of the 2002 ceasefire agreement.

In the space of a year, the military quickly overran the remaining LTTE bases in the East and turned its attention to the LTTE's northern territory. Last July, the Rajapakse government celebrated the victory in the East with jingoistic speeches and a parade through the capital of Colombo. In January, Rajapakse finally

dropped the pretence of adhering to the ceasefire. The decision to pull out of the truce was accompanied by a series of statements declaring that the LTTE would be defeated militarily by the end of the year.

On December 30, Army Commander, Lieutenant General Sarath Fonseka, bragged to the Sunday Observer that "the LTTE could not prevent losing their remaining 3,000 cadres and there

Leader V. Prabhakaran would survive for the next six months"

Fonseka, who is expected to retire in December, told foreign journalists on January 11 that he would not hand the war to next army chief. Government leaders enthusiastically repeated the statement, even declaring that Prabhakaran would be captured and sent to India for trial over the murder of former Indian Prime Minister Rajiv Gandhi by a LTTE suicide bomber.

A month later, however, the military high command is not so confident. On February 10, Fonseka explained in Irida Lakbima that he was not committed to a deadline for winning the war.

"They [the LTTE] are an organised force with a lot of experience... I don't conduct the war looking at deadlines and time-frames." Expressing a degree of frustration, he added: "Can a war that has been going on for more than 25 years be completed by March? But, what I say is-give us a chance."

On February 23, military spokesman Brigadier Udaya Nanayakkara echoed the army commander's comments. As reported by Agence France Presse, he declared that the military was "winning the war...but we have never said that we will finish them off. We have never set deadlines.'

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LTTE ending use of child soldiers, says US

UNICEF: 'a significant reduction in child recruitment'

TamilNet

THE Liberation Tigers of Tamil Eelam (LTTE) "is eliminating the recruitment and use of child soldiers," the US State Department said this week in its annual human rights report. The LTTE had not complied

The LTTE had not complied with its promise to end the practice by end of 2007, but its policy of recruiting one person from each family targeted those 18 years or older, the report said.

Sri Lankan government forces were complicit in conscripting children for the TMVP (Karuna Group), "which used coercion, extortion, rape, and murder to force children and adults to join their ranks," the report said.

The text of the ^îChild Soldiers' section of the State Department's Country Report on Human Rights for Sri Lanka follows:

"Both the LTTE and the Karuna group (also known as TMVP, or Pillaiyan group) used minors in battle. The Karuna group and the LTTE also continued to recruit child soldiers forcibly, while intimidating and using violence against civilians.

"The LTTE instituted a "one family, one fighter" policy, forcing each family to provide at least one member, including children, to the LTTE. By year's end most sources indicated that the "one family, one fighter" policy targeted those 18 years or older. The UN Children's Fund (UNICEF) noted a significant reduction in reported child recruitment by the LTTE. While the trend indicated that the LTTE was eliminating the recruitment and use of child soldiers, it had not complied with the promise to end the use of all minors by year's end. UNICEF reported that the LTTE forcibly recruited (or rerecruited) 160 children during the year with an average age of 16 years. At year's end 205 children remained in LTTE custody, including 1,224 who were recruited as children

The Karuna Group 'used coercion, extortion, rape, and murder to force children and adults to join their ranks' - State Dept. Human Rights 2007 Report on Sri Lanka

but were over 18 at year's end.

"According to UN sources, there was limited progress during the year in the release of children recruited by both groups. A UNICEF supported action plan sought to rehabilitate former LTTE child soldiers through release and reintegration. Under this program there were to be three UNICEF-supported transit centers. Two of the transit centers, in Batticaloa and Trincomalee, never opened because of a lack of releases by the LTTE. By mid-year the LTTE no longer controlled these areas. UNICEF supported the establishment of a transit center in Kilinochchi for child recruits released by the LTTE, which remained open, but UNICEF noted that its use was limited and declining.

"The Karuna group continued to recruit children, some forcibly after abduction. Karuna cadres used coercion, extortion, rape, and murder to force children and adults to join their ranks. Karuna operatives often bribed parents to allow their children to join the Karuna group, and punished parents or children if they resisted.

ents or children if they resisted. 'Unlike the LTTE, UNICEF statistics indicated that child recruitment by the pro-government Karuna group did not dec-line. The UN Special Rapporteur (UNSR) on Children and Armed Conflict reported and cited evidence that government forces were at times complicit in the recruitment of children. During the year, UNICEF reported that the Karuna group recruited and rerecruited children for use as child soldiers, especially in Batticaloa district for a total of 251. This was more than in 2006, although the rate of recruitment was down from its peak in late 2005. Some previously recruited child soldiers reached 18 years of age while continuing to serve in the Karuna group. UNICEF figures show that at the end of the year, 160 children were still serving in the Karuna forces, and 69 who were recruited as children were now over age 18."



Bogged down ...

Continued from p1

Military operations in the North were always going to be more difficult than in the East, where the LTTE had been seriously weakened by a devastating split in its ranks in 2004.

The course of the war is difficult to follow in detail. The only sources of information are the security forces and the LTTE, which both distort reports to suit their own propaganda.

The army allows no correspondents into the war zones. The Colombo media functions under the threat of censorship and physical violence. Anyone publishing negative reports on the military is quickly branded a traitor.

The military's basic strategy appears to be one of attrition-the use of superior firepower, including air strikes and artillery bombardments, to sow panic among the population, wear down the LTTE's defences and kill its fighters. The high command is only too well aware of the failure of previous broad scale offensives.

In 2000, the LTTE inflicted a devastating series of defeats on the army, capturing its key strategic base at Elephant Pass, in a sharp counteroffensive against an overextended military operation.

In the North, the military is seeking to slowly advance on the LTTE strongholds from all sidesfrom Mannar in the west, Vavuniya in the south, Welioya in the east and Muhamalai in the north. While there have been numerous reports of small victories and LTTE casualties - all undoubtedly exaggerated - the military has failed to gain a great deal of ground.

The Mannar operations started last July. The army captured the fishing village of Silavathurai last year and has since seized several other areas but the gains remain small. The main aim in present operations is to secure the Madhu area then Viduthalaithivu. The area is crucial to the LTTE's main supply routes from the neighbouring southern Indian state of Tamil Nadu.

Recent fighting has taken place around the Madhu church area, including Admapan and Pandivirichchan, in preparation for a push on Viduthalaithivu. The Sunday Times reported last weekend that the military had announced the capture of the Pandivirichchaan area. The pro-LTTE Tamilnet reported the recapture of the area on the evening of the same day.

On Sunday, the LTTE claimed to have repelled the military's advance from Palaikushi. This week, the defence ministry claimed the army had penetrated deeper into LTTE-held area in Mannar. Whatever the true figures and territory gained or lost, the fighting is obviously heavy. On the Welioya front, the

On the Welioya front, the results are similarly inconclusive. The military reported that it gained control of some areas previously in "no-man's land" under the ceasefire arrangements. The aerial bombardment of LTTE-held areas continues unabated.

Another sign of the military's difficulties is its turn to India for assistance. General Fonseka undertook a six-day tour to India last week "to further strengthen the military ties".

He met India's defence minister, A.K. Anthony, as well as top military and civilian officials in a bid to obtain weapons and light aircraft. However, Fonseka is unlikely to get all that he wants from India, which to date has provided limited assistance and training. While wanting to prevent an LTTE victory, New Delhi is concerned that the ongoing war will inflame opposition in Tamil Nadu.

The Sri Lankan military is under pressure from Rajapakse to deliver a quick victory. His government, an unstable coalition of 13 parties, confronts growing popular discontent over the economic impact of the war, which is helping to fuel inflation and undermine living standards.

Rajapakse needs success stories to boost his chauvinist appeals and to dispel fears in ruling circles of an inconclusive and protracted war that will inevitably fuel an economic and political crisis.

Speaking on Sunday at a rally in Ratnapura organised by his Sri Lanka Freedom Party (SLFP), Rajapakse declared that the government would carry out "liberation operations" against the LTTE until "every inch of land is captured and the last terrorist is completely destroyed". He insisted it was the "bounden duty" of people to support the war.

The government is not conducting a war for "liberation" or against "terrorism" but to maintain the economic and political dominance of the country's Sinhala Buddhist elite

For six decades, Colombo governments have whipped up communal politics to divide working people and prop up their rule. Rajapakse's decision to plunge the country back to war was bound up with his government's inability to deal with growing unrest over declining living standards.

The return to war has only compounded the economic burdens on working people. The military has purchased new weapons and boosted its strength to 150,000, recruiting 34,000 last year. Another 15,000 are to be recruited this year.

Along with rising oil prices, military expenditure is a major factor fuelling inflation. The annualised inflation rate hit 24 percent in February. Rajapakse has responded to any opposition, including strikes and protests, by demonising critics as "pro-LTTE". These social and political ten-

These social and political tensions will inevitably sharpen if the military operations against the LTTE slow, or if the army suffers reverses. That accounts for the shrill tone of Rajapakse's speech at Ratnapura-it is a sign of growing desperation.

NEWS 'Disappearances' by Sri Lankan security forces is a national crisis

Tamils are the majority of victims

An international human rights monitoring mission is 'urgently needed' says Human Rights Watch

THE Sri Lankan government is responsible for widespread abductions and "disappearances" that are a national crisis, Human Rights Watch said in a new report released today. Human Rights Watch urged the government to reveal the whereabouts of the "disappeared," immediately end the practice, and hold the perpetrators accountable.

Since major fighting between the government and the Liber-ation Tigers of Tamil Eelam (LTTE) resumed in 2006, Sri Lankan security forces and progovernment armed groups have "disappeared" or abducted hundreds of individuals, many of whom are feared dead.

The 241-page report, "Recurring Nightmare: State Responsibility for 'Disappearances' and Abductions in Sri Lanka," documents 99 of the several hundred cases reported, and examines the Sri Lankan government's response, which to date has been grossly inadequate. According to the United Nations Working Group on Enforced and Involuntary Disappearances, in 2006 and 2007 Sri Lanka recorded the highest number of new cases of "disappearances" in the world. "President Mahinda Rajapa-

ksa, once a rights advocate, has now led his government to become one of the world's worst perpetrators of enforced disap-pearances," said Elaine Pearson, deputy Asia director at Human Rights Watch. "The end of the ceasefire means this crisis will continue until the government starts taking serious measures."

Under international law, a state commits an enforced disappearance when it takes a person into custody and denies holding them or disclosing their whereabouts. "Disappeared" persons

neighbors came out to help, but

they pushed them away. His wife

was crying and shouting, and they

hit her with a gun butt. She was

nine months pregnant. They were

accusing Thiyagarajah of having

bombs in the house, and forced

him to dig the ground around the

house. They searched the house,

turning everything upside down,

but didn't find anything. They

beat him so badly that he couldn't

walk - they had to carry him

stuffed it into his mouth. The A relative of Thiyagarajah

are commonly subjected to torture or extrajudicial execution, and cause family members continued suffering. An enforced disappearance is a continuing rights violation - it is ongoing until the fate or whereabouts of the person becomes known.

The vast majority of cases documented by Human Rights Watch indicate the involvement of government security forces army, navy, or police. In some cases, relatives of the "disappear-ed" identified specific military units that had detained their relatives and army camps where they had been taken. In other cases, they described uniformed policemen, especially members of the Criminal Investigation Department (CID), taking their relatives into custody before they "disappeared."

Vairamuththu Varatharasan, a 40-year-old truck driver and father of five, was abducted from his home in Colombo on January 7, 2007, and has not been seen since. His wife told Human Rights Watch:

"A group of about 20 men some in police uniforms, some in civilian clothes surrounded the house. One policeman came inside and asked for our identity card. I went into one of the rooms to get the identity card. By the time I came out of the room, my husband was not there; neither was the policeman. I ran out and spotted a van parked in a dark place on the road. I ran to the road, but by the time I got there, the van started and left.'

Most of the victims are ethnic Tamils, although Muslims and Sinhalese have also been targeted. In many cases, the security forces "disappeared" individuals

Saran (25), "disappeared" on the

night of February 20, 2007, from

saw Pathinather and Anton being

interrogated by the military. The

military held them at gunpoint.

Then the military put them into the Powell [vehicle], and also

loaded their bicycles into their

vehicle. The villagers could not

see much because the army

ordered them to disperse, and

"The villagers told me they

East Puttur, Jaffna.

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"THEY started beating Thiyagar-ajah. They took his T-shirt off and away. They took him away on a motorcycle." now they are too afraid to talk to anybody about what they saw."

A relative of Anton Prabana nth (21), "disappeared" on February 17, 2007 together with Pathinather Prasanna (24), from Jaffna.

'When we got to the [Kodikamam] army camp, I saw my nephew's bicycle parked there. It was parked near the camp, in the military-controlled area. When we asked the soldiers, they denied arresting them, and when I said we had seen the bike, they got very angry, and started yelling, 'Who told you to go and look

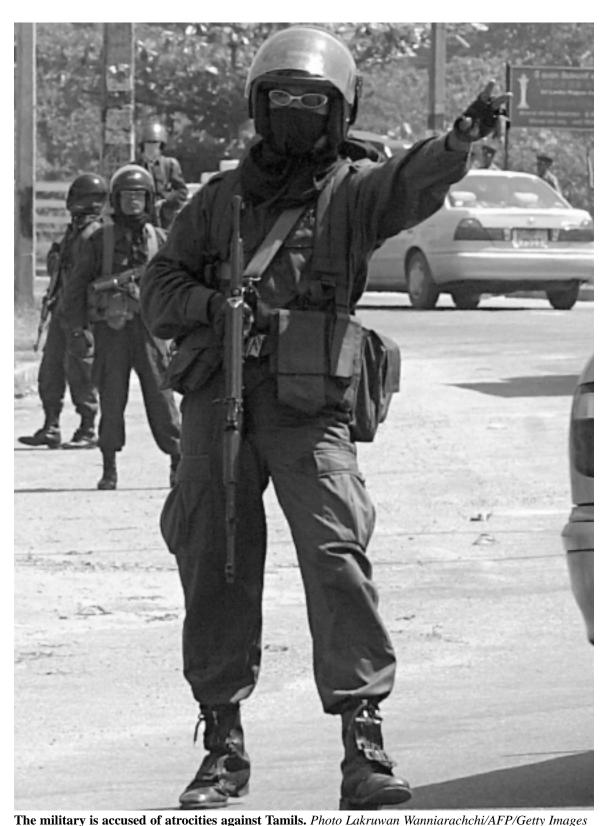
there?! We'll shoot you if you ever approach this place again!' door, in uniforms. They were We asked the GS [local civilian armed. Another man was dressed official] and the police to get the bike back, but they couldn't. Eventually, the commander in the camp returned the bike to us. He said that the people who had arrested our men were no longer there, so we should just take the bike and go."

A relative of Thavaruban Kanapathipillai (26), "disappeared" on August 16, 2006, together with Shangar Santhivarseharam (30) from Kachai, Jaffna.

"Two people came to our in an army T-shirt and jeans. I asked where they were taking my husband. The person in civilian clothes showed me a pistol. I asked where they were taking him again and he showed the pistol again, and then they took him out. I ran after them, and they had two vans, white and blue.'

The wife of 26-year0old Ramakrishnan Rajkumar, "disappeared" on August 23, 2006, from Colombo.

Testimonies from victims of abuse





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Sri Lanka Army Chief Lt. Gen. Sarath Fonseka, who conducted on a six-day official visit to India last week, said both the countries enjoyed a sound military relationship according to reports in the Indian media. "Militarily we have very good relationships for long time and we hope to continue relationships that we are having right now. We are very happy with that," he told reporters after inspecting a Guard of Honour at the Indian Defence Ministry headquarters. "The relations between both countries are good at the political level but need to be increased at the military level," he said having met his Indian counterpart Gen. Deepak Kapoor (above). Since several countries have withheld aid to Sri Lanka because of its abusive human rights record, Fonseka has turned to New Delhi to procure "light helicopters, combat vehicles and other infantry systems to arm its troops with modern weaponry" according to reports in the Indian media. *Photo SLA*

LTTE slams Indian help for Sri Lanka's genocide

THE Liberation Tigers this wee condemned the 'State welcome' extended by India to the Sri Lanka Army Chief Lt. Gen. Sarath Fonseka as well as the statements issued by Indian military chiefs in this context.

"The Indian State must take the responsibility for the ethnic genocide of the Tamils that will be carried out by the Sinhala military, re-invigorated by such moves of the Indian State," the LTTE said.

"We wishes to point out to the Indian state that by this historic blunder, it will continue to subject the Eelam Tamils to misery and put them in the dangerous situation of having to face ethnic genocide on a massive scale."

cide on a massive scale." The view expressed by the Indian military chiefs, that "India wants to ensure that the Sri Lankan Army maintains its upperhand over the LTTE", just illustrates the efforts of the Indian State to prop up the Sinhala war machine, the LTTE said.

The Indian move of "propping up the politically-militarily-economically weakened SriLankan State has upset Eelam Tamils,"

"We did not leave the ceasefire agreement and we did not start the war. We are only undertaking a defensive war against the war of ethnic genocide of the Sri Lankan State."

Lankan State." "We still have not abandoned the Norway sponsored peace efforts and we are ready to take part in such efforts."

The full text of the LTTE statement follows: Is the Indian State attempting yet another historic blunder?

The State welcome given by the Indian State to the Sri Lanka military chief Lt. Gen. Sarath Fonseka, who is heading the Sri Lankan State's war of ethnic genocide against the Eelam Tamils, has deeply hurt them.

Liberation Tigers of Tamil Eelam strongly condemns the Indian State action of extending a State welcome to the military chief of the Sinhala State which has unilaterally abrogated the ceasefire agreement and has launched widespread military offensives in the Tamil homeland.

The Sri Lankan State is facing many warnings and condemnations for its attempt to seek a military solution and for its enormous human rights violations.

Despite this, the Sinhala State ignores these warnings and condemnations and continues with its abductions, killings, and arrests of Tamils.

The Sinhala State, keen to cover up this truth, is blaming the freedom movement of the Tamils, the LTTE, for the continuation of the war and is seeking assistance from the world for its war of ethnic genocide.

Many of the European countries, understanding this hidden motive of the Sinhala State, have halted all assistance that could support the ethnic genocide of the Tamils.

The Indian State also knows this truth. Yet, while pronouncing that a solution to the Tamil problem must be found through peaceful means, it is giving encouragement to the military approach of the Sinhala State. This can only lead to the intensification of the genocide of the Tamils.

LTTE wishes to point out to the Indian State that by this historic blunder it will continue to subject the Eelam Tamils to misery and put them in the dangerous situation of having to face ethnic genocide on a massive scale.

On behalf of the Eelam Tamils, LTTE kindly requests the Tamils of Tamil Nadu to understand this anti-Tamil move of the Indian State and express their condemnation.

We did not leave the ceasefire agreement and we did not start the war. We are only undertaking a defensive war against the war of ethnic genocide of the Sri Lankan State. We still have not abandoned the Norway sponsored peace efforts and we are ready to take part in such efforts.

In this context, the Indian State's move of propping up the politically-militarily-economically weakened SriLankan State has upset Eelam Tamils.

The view expressed by the Indian military chiefs, "India wants to ensure that the Sri Lankan Army maintains its upperhand over the LTTE", just illustrates the efforts of the Indian State to prop up the Sinhala war machine.

The Indian State must take the responsibility for the ethnic genocide of the Tamils that will be carried out by the Sinhala military re-invigorated by such moves of the Indian State.

TAMIL GUARDIAN Wednesday March 12, 2008

NEWS

Sri Lanka turns to China and India, away from West

Chinese aid grew last year to nearly one billion US dollars, eclipsing Sri Lanka's longtime biggest donor, Japan. India's aid reached \$500 million.

Somini Sengupta

The New York Times

FOR 25 years, the dirty little war on this island in the Indian Ocean has stretched its octopus arms across the world. The ethnic Tamil diaspora has provided vital funding for separatist rebels; remittances from Sri Lankan workers abroad have propped up the economy; the government has relied on foreign assistance to battle the insurgency.

Today, a shifting world order is bearing new fruits for Sri Lanka.

Most notably, China's quiet assertion in India's backyard has put Sri Lanka's government in a position not only to play China off against India, but also to ignore complaints from outside Asia about human rights violations in the war.

The timing is propitious. The government jettisoned a five-year cease-fire this year, and is now banking on a military vic-

tory over the Liberation Tigers of Tamil Eelam. In so doing, it has faced a barrage of criticism over human

rage of criticism over human rights abuses and has lost defense aid from the United States and some other sources.

And, in recent months, government officials have increasingly cozied up to countries that tend to say little to nothing on things like abductions and assaults on press freedom.

Sri Lanka's foreign secretary, Palitha Kohona, put it plainly when he said that Sri Lanka's "traditional donors," namely, the United States, Canada and the European Union, had "receded into a very distant corner," to be replaced by countries in the East. He gave three reasons:

The new donors are neighbors; they are rich; and they conduct themselves differently. "Asians don't go around teaching each other how to behave," he said.

"There are ways we deal with each other - perhaps a quiet chat, but not wagging the finger."

At the same time, according to

Mr. Kohona, Chinese assistance has grown fivefold in the last year to nearly \$1 billion, eclipsing Sri Lanka's longtime biggest donor, Japan.

The Chinese are building a highway, developing two power plants and putting up a new port in the hometown of the president of Sri Lanka, Mahinda Rajapaksa. Sri Lanka also buys a lot of weapons from China and China's

ally Pakistan. Chinese diplomacy in South Asia, grounded as it is in a policy

of "harmony" and deep pockets, is of obvious concern to India. So are the sentiments of

Tamils at home. Overt support from India for

the Sri Lankan counterinsurgency program can be explosive among India's Tamils.

But coming down hard on the government here could push Sri Lanka deeper into China's embrace.

"There is little choice," said Ashok Kumar Mehta, a retired general who was a leader of an Indian peacekeeping force in Sri Lanka nearly 20 years ago. "India's policy is virtually hands off."

Mr. Kohona, the Sri Lankan foreign secretary, noted that India's contributions had also grown, to nearly \$500 million this year.

India is building a coal-fired power plant and Indian companies have been invited to build technology parks and invest in telecommunications.

New Delhi, like Washington, has shut the tap on direct military support, but it can still help with crucial intelligence, particularly in intercepting weapons smuggled by sea.

The picture in Sri Lanka is emblematic of a major shift from 20 years ago, when India was the only power center in the region. Now come China's artful moves

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India has long been a supplier of arms to Sri Lanka's military including the Navy's largest warships

India planting agents in Northeastern councils - JVP

IANS

INDIA is planning to plant agents of its intelligence agency in the provincial councils to be set up in the Tamil-speaking northeast of Sri Lanka, the Janatha Vimukthi Peramuna (JVP), an ultra nationalist political party, has alleged.

Anura Kumara Dissanayaka, a JVP parliament member, told the weekly Lakbimanews Sunday that by forcing the Mahinda Rajapaksa government to fully implement the devolution package, contained in the controversial 13th amendment of Sri Lanka's constitution, New Delhi was hoping to plant agents of the Research and Analysis Wing (RAW) in the provincial councils, which would be established in the Tamil-speaking northeast.

"India is trying to establish an economic monopoly here (in Sri Lanka), and they now need to have their representatives in Sri Lankan politics and obtain some political control too," he said. "We identified the 13th

"We identified the 13th amendment as conforming to an Indian political agenda. The Indians were attempting to include RAW intelligence members in the northern and eastern provincial councils by this process," he told the weekly.

The governments in the Sri Lankan northeast would be a proxy for India, Dissanayaka alleged. He interpreted Indian President Pratibha Patil's statement that there was no military solution to the Sri Lankan ethnic conflict as a bid on the part of New Delhi to thwart Sri Lanka's successful military operations against the Tamil Tigers in the north.

What India was doing was a repetition of what it did in 1987, when it stopped the Sri Lankan army from defeating the LTTE, Dissanayaka asserted.

'India has swallowed a large chunk of the Sri Lankan economy'

India had then intervened militarily, and forced Sri Lanka to sign an accord under which power was devolved to a Tamilspeaking northeastern provincial council. Amidst street protests, the Sri Lankan constitution was amended (13th amendment) to enable this move, he pointed out.

Dissanayaka said any kind of devolution was 'totally against the Mahinda Chintanaya agenda' or President Mahinda Rajapaksa's 2005 election manifesto.

The JVP MP alleged that India had 'swallowed a large chunk' of the Sri Lankan economy. India already owned 33 percent of the Sri Lankan petroleum market, he said. "The agreement to build a coal-powered plant in Sampor by India is shrouded in mystery. Former Indian high commissioner Nirupama Rao told us that India would generate and distribute electricity and issue bills for the rate of consumption.

"We demand that the government should make public the agreement regarding the terms and conditions of the construction of the (power) plant," Dissanayaka said.

He alleged that the Indian high commissioner in Colombo had mediated the recent meeting between President Rajapaksa and opposition leader Ranil Wickremesinghe, where the president sought and obtained Wickremesinghe's support for the full implementation of the 13th amendment.

"India is planning to control the Sri Lankan government in order to perpetuate Indian control over the Sri Lankan economy," Dissanayaka maintained.

The JVP, which has 38 members in the Sri Lankan parliament of 225, holds the balance of power.

The United Peoples' Freedom Alliance (UPFA) coalition government led by Rajapaksa's Sri Lanka Freedom Party (SLFP) depends on the JVP for survival.

The government cannot get any financial bill or financial measure passed by parliament without the JVP's support or abstention.



EDITORIAL & OPINION

TAMIL GUARDIAN

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Same, Same

Why should the Tamils expect a change in international conduct?

In the past few weeks Sri Lanka has come in for considerable criticism for the widespread human rights abuses by its security forces. Human Rights Watch published a detailed attack on the campaign of 'disappearances' being conducted against the Tamils (mainly). The United States State Department published its 2007 Country report slamming the government of President Mahinda Rajapakse for a range of ongoing abuses. The international panel observing Sri Lanka's 'investigations' into a select handful of extra-judicial killings stormed off, protesting obstruction by the government.

However, as always, this cacophony isn't going to amount to much because there will almost certainly be precious little by way of action. Yes, some countries have 'cut' aid to Sri Lanka - meaning they've stopped aid for now. Firstly, these states do intend to resume their aid at some less embarrassing moment in future. Secondly, they know that the shortfall will be more than made up by Japan and the new donors such as China.

When the Serbian military attacked Kosovo in the late nineties and drove 230,000 Albanians from their homes, the international community howled 'ethnic cleansing' and launched military action to force it out of the province. Yet when the Sri Lankan military launched a similar onslaught in 2006 against the Tamils of the Eastern Province, displacing almost 300,000, there was only silence - save the denunciations of the Liberation Tigers. Indeed, as soon as the Sinhala military announced the 'liberation' of the East in mid-2007, the democracies of the West announced their readiness to support Rajapakse's 'War of Development'.

We raise these points for two reasons; firstly to put the present international criticism in perspective and, secondly, to point out the futility of expecting the international community to respond to our suffering. To begin with, the present pressure on Sri Lanka to abandon the military option and pursue a political solution has more to do with the fierce Tamil Tiger resistance the US-trained military is struggling to overcome in the northern battlefronts. Whilst there is precious little 'independent' information from the warzones, one point is becoming increasingly clear: the military is unable to take and keep much ground. The offensives in Jaffna, Mannar and Manal Aru are bogged down. This is why various international

actors are now fretting.

The strident criticism of late therefore has more to do with Sri Lanka's defiance of international advice than any genuine concern for Tamil suffering. After all, how is the present different to the past two decades? Remember the 'Chemmani mass graves'? In 1996 alone the Kumaratunga regime presided over the 'disappearance' of at least 600 Tamils in Jaffna. Yet, has the international community, which now makes much of 'responsibility to protect', ever taken this up, even during the halcyon days of the peace process? When the Sri Lankan military displaced hundreds of thousands of Tamils during Kumaratunga's 'War for Peace', did the international community pressure the state to stop? When the Tamil towns of Kilinochchi, Paranthan, Mankulam and Chavacachcheri were blasted into the ground, did any international actor protest, let alone act?

The Sri Lankan conflict is an 'international issue' when it comes to containing and destroying the LTTE but an 'internal matter' (i.e. for the Sinhala state) when it comes to establishing a just solution. For six decades, the international community has dealt with a fiction: Sri Lanka the liberal democracy under attack from a violent Tamil insurgency. Under this logic, the problem is the Tamils, not the state. It is the demand for independence that is the problem, not the structural (discrimination, exclusion, persecution) and physical violence (military offensives, embargos on food and medicine) that the Tamils are being subjected to by the state.

The point here is the futility of Tamils appealing to the international order on the basis of their 'reasonableness'. In short, the international community is not interested in our problems; there's money to be made and geopolitical interests to be pursued. Over the past two years, numerous Tamil actors have taken up the plight of their people with the international community, especially the Western states. Yet there has been no substantive effort to crack down on the Sri Lankan state. This is not to say such efforts should be abandoned.; indeed, in the spirit of hope with which these are taken up, they must be followed through to their end. Rather, it is to ask why is that in response to all this lobbying, instead of taking up the Tamils' demands with the Sri Lankan state, the international community instead continues to insist, as it always has done, that it is up to the *state* to offer *us* a solution?

Remember the TULF's 1977 manifesto? It was titled 'One Question: Freedom or Servitude?'

Why has Sri Lanka's conflict proven impossible to 'resolve'?

J. T. Janani Tamil Guardian

SINCE the early seventies there has only been one issue at the core of the Tamil people's politics: freedom from Sinhala domination and state repression. And the only reason Tamil MPs are in Sri Lanka's Sinhala dominated parliament is to protest against this domination and repression.

And that is why they regularly die at the hands of state-backed assassins. That is also why the international community, which remains strong military and economic backers of the Sinhala state remain silent.

The European Union, for example, is Sri Lanka's largest trading partner and continues to grant it favourable trade status. The United States has continued to provide military assistance to Sri Lanka which is considered part of the pro-US alliance dominating the waters of the Indian Ocean.

Meanwhile India's aid contributions to Sri Lanka have also grown, to nearly \$500m this year: India is building a coalfired power plant and Indian companies have been invited to build technology parks and invest in telecommunications.

In the pursuit of their geopolitical and commercial interests, the international community will readily sacrifice the interests of the Tamils.

Which is why the statebacked murders of so many Tamil parliamentarians draws silence or at best a condemnatory press note. There isn't the slightest possibility of any international action.

The assassination last week of yet another Tamil National Alliance MP by Sri Lanka Army commandos, serves to remind us, yet again, that there is no purpose appealing to the goodwill of the international community.

Incidentally, this was not the first time Mr Sivanesan had been targeted by the Sri Lankan government. And he is, of course, not the only parliamentarian who spoke out for his people to pay with his life.

Joseph Pararajasingham was shot dead in church at Christmas Mass in 2005 and his replacement candidate V. Vigneswaran was shot dead with days of being announced in 2006; in early 2005, former TNA MP and member of the North East Secretariat of Human Rights (NESOHR) Chandra Nehru was killed, in late 2006 TNA MP N. Raviraj was killed in the heart of Colombo.

Even before them, Kumar Ponnambalam, leader of the All Ceylon Tamil Congress (ACTC) - now a constituent of the TNA was assassinated in 2000.

Quite apart from the MPs, so many Tamil party workers, candidates and supporters have been targeted and killed with impunity by the security forces or allied paramilitaries.

Then there are the abductions of and death threats to the relatives of MPs during crucial parliamentary votes, assaults on the parliamentarians and their staff and the numerous other abuses. In all these the hand of the state is barely disguised.

At present, almost all members of the TNA live under a standing death threat. And for only one reason: their party's unswerving support for Tamil self-determination and freedom, in continuation of a now decades long long political tradition of upholding the democratic mandate of the Tamil people for the independent sovereign state of Tamil Eelam.

Because India, Japan and the Western democracies believe their economic and commercial interests will not be well served by a free Tamil Eelam, they maintain a stoic silence over the murders of pro-Eelam Tamil members of parliament. The Tamil people should be

The Tamil people should be under no illusion that the silence of the international community is

OPINION



tacit approval. Yes, occasionally there are condemnations and demands for 'investigations', or an 'end to the climate of impunity', etc.

These are all for show. To be precise they are show for us, the Tamils. That they give a damn, that they sympathise with us. A day later, it's business as usual. And I mean business.

Since the island's formal independence from Britain, every Tamil political party has protested the disastrous political structure that the Colonials left for us. There have been Tamil boycotts of Sri Lankan elections since as far back as the 1950s.

But perhaps the clearest mission statement was first made in 1975 by S.J.V. Chelvanayakam, leader of the Tamil United Liberation Front (TULF). After winning by-elections in February that year, he said:

"I wish to announce to my people and to the country that I consider the verdict at this election as a mandate that the Tamil Eelam nation should exercise the sovereignty already vested in the Tamil people and become free."

In the following general elections of 1977, the election manifesto of the main Tamil political party, the Tamil United Liberation Front began simply: "One Question: Freedom or Servitude?"

Whatever the international community's analysts may assert, this has been the core political question for the Tamil electorate for the last thirty years. That is why they ever elect representatives - to deliver them from Sinhala domination.

The question for the Tamils is not which group of Sinhalese should rule over them, but that of their political freedom.

When western governments protested the Tamil boycott of the last presidential elections, they missed the point entirely, blinded as they were by the interests they had vested in the other Sinhala nationalist in the race, Ranil Wickremesinghe.

Sri Lanka's elections ultimately have no relevance in themselves to the Tamil people because the representatives they elect cannot, in any case, give voice to their aspirations as Chelvanayagam and the aptly named TULF could in the seventies.

The 1977 election manifesto of the main Tamil political party, the Tamil United Liberation Front had this to say in conclusion on the single question

of freedom or servitude: '[In] conclusion, The Tamil Nation is at a turning point in its history. The unity we have achieved has made the Sinhalese imperialists take a fresh look at the situation. In this background, as a first step towards the realisation of the freedom of the Nation, the unanimous verdict of the Tamil-speaking people is indispensable. Hence we appeal to you to set aside your passions for, or prejudices against, individual candidates, to forget differences of region, caste or religion and, with the one and the only determination of making the Tamil Nation master of its Destiny

"VOTE For the Tamil United Liberation Front; For the emancipation of the

Tamil Nation; For the Freedom of Tamil

Eelam" And how our people voted! The flocked to the TULF, delivering an endorsement of Eelam that echoes to this day.

And for that vote they paid in blood. Amid ensuing anti Tamil riots, The Times of London carried a statement by prominent British political figures warning: "a tragedy is taking place in Sri Lanka: the political conflict following upon the recent elections is turning into a racial massacre." The murder of Tamil democ-

racy had begun.

Servitude or Freedom? The systematically organised and, hence, genocidal anti-Tamil pogrom of 1983 was the most determined attempt by the Sinhala leadership to intimidate the Tamil people into abandoning their goal of Eelam.

When that failed, just one month after the Black July pogrom, the government of President J.R. Jayawardene (the uncle, incidentally, of present UNP leader Ranil Wickremasinghe) enacted the Sixth Amendment to the Sri Lankan constitution; it made illegal by severe penalty even to advocate an independent state.

The hapless TULF was forced to resign from Parliament rather than repudiate their election manifesto.

As one report at the time put it:"The 6th Amendment to the Sri Lanka Constitution, compelled the TULF to forfeit its seats in Parliament - compelled, because a party which had won its seats by declaring that there was no alternative but 'to proclaim with the stamp of finality and fortitude that we alone shall rule over our land our forefathers ruled', could not have clung to its Parliamentary seats by taking an oath against the division of the country, without losing all credibility."

But even this failed to silence the Tamils' sentiments: the militants emerged to take the goal forward, not by the futile Parliamentary politics that had failed for four decades, but rather, to liberate the Tamil homeland and people by armed struggle against Sri Lanka.

As a reminder here, the Tamil demand for Eelam was not because the Tamils thought they were a jolly fine lot. Rather, it was because the Sinhalese and their leaders, through the state, threatened them politically, economically, demographically, and ultimately, physically.

And when the chance returned to electorally give vent to their sentiments, the Tamils demanded an end to Sinhala domination yet again: in 2001 and 2004, the Tamil National Alliance (TNA) emerged to once again articulate the core principles of the Tamil people: nation, homeland, self-determination.

Lest there be any doubt as to what the Tamils voted enmasse for, here are the words of the TNA's manifesto:

"Accepting LTTE's leadership as the national leadership of the Tamil Eelam Tamils and the Liberation Tigers as the sole and authentic representatives of the Tamil people, let us devote our full cooperation for the ideals of the Liberation Tigers' struggle with honesty and steadfastness

"Let us endeavor determinedly, collectively as one group, one nation, one country, transcending race and religious differences, under the leadership of the LTTE for a life of liberty, honor and justice for the Tamil people.

"We emphasize that if the Tamil nation's requests are continued to be rejected, rightful political solution denied and armed aggression and oppressive rule return, based on the doctrine of self-determination, it is an inevitable reality that Tamil sovereignty and independence will be established in the Tamil homeland.

"We implore our people to identify the selfish, opportunistic packs and gangs that operate in our midst as the enemies and as the tools of the majoritarian chauvinist Sinhala forces against the Tamil nation which seeks an honorable and peaceful life and reject them totally and completely in the upcoming elections.

"Let us work side by side with the LTTE, who are fighting for the protection and autonomous life of the Tamil speaking people, for the political initiatives under their leadership.

"We are sending a clarion call to the Tamil speaking people to unite under one flag and give overwhelming support to the TNA which is contesting (the elections) under the ILANKAI TAMIL ARASU KATCHI'S symbol of house, so as to emphasize the aims of the people of the Tamil Nation, to proclaim again the political resolve of our people, to strengthen further the Tamil nation and to win the political rights of the Tamil speaking people."

And, temporarily freed under the Norwegian peace process, from the intimidation of the Sinhala state, once again the Tamil people voted in droves, delivering 22 TNA MPs to Parliament in 2004.

And for this resounding vote every representative of the TNA lives under a standing death threat from the Sinhala state.

What of the international community to whom the Tamil people endorsed these individuals to speak on their behalf? Note how the leading members of the international community first refuse to speak to the militants (denouncing them as terrorists not worth listening to) and then also refuse to listen to those elected representatives who articulate our unpalatable demand of Eelam?

We and our freedom struggle is constantly lectured to. We are told our violent resistance will not do - though it is quite all right for the state to use any amount of violence against us!

They denounce the LTTE and our elected representatives who stand by are collective demand of Tamil Eelam as 'extremists'.

Then they hail the Sri Lankan state - which has never punished a single person for political violence against the Tamils - as a 'vibrant democracy'

At one stage they were telling us that denouncing the state was not the best way; apparently, to quote senior US official, Nicholas Burns, international actors would prefer to 'have a chat among friends' on the subject of human rights, rather than outright condemnation.

The Western liberal democracies, Britain included, tell us, laughably, that they support the unitary state of Sri Lanka because they support 'democracy'.

Well supporting 'democracy' when it suits your political interests and ignoring the murder of elected Tamil leaders when it does not, is not quite democracy.

Accepting the result when the people vote in ways that are favourable to your commercial and political interests but rejecting or simply ignoring the outcome when they do not is not democracy either.

The Western democracies tell us, in an astonishing piece of circular logic that the Tamils do not have an acceptable leadership and this is an impediment to our political aspirations.

In other words, the international community will ignore our chosen leaders for ones they prefer to deal with; ignore our political demands and instead seek to implement ones they prefer; ignore our stated grievances and take up the ones they assert we 'really' have with the state.

Is it any wonder, this conflict has proven impossible to 'resolve'?

By their acquiescent silence when Tamil MPs who articulate the Eelam demand are killed, these governments are cynical accomplices to murder.

By their continuing refusal to acknowledge the Tamil people's standing mandate for the free state of Tamil Eelam, these governments are also cynical accomplices to the murder of democracy.

The Tamil people have a long history of participating in elections. But it is no wonder we have got nowhere. It is therefore time for us to recognise what the international community really means by 'democracy'. Because the question we face as a nation under oppression is still the same: Freedom or Servitude?

TAMIL GUARDIAN Wednesday March 12, 2008

ANOTHER TNA MPASSASSINATED

Sri Lankan commandos kill TNA MP in ambush

JAFFNA District Tamil National Alliance (TNA) parliamentarian, K. Sivanesan, was killed in a Claymore attack on his vehicle carried out by a Deep Penetration Unit of the Sri Lanka Army lying in ambush along the A9 highway in Tamil Tiger controlled Vanni.

His driver was also killed in the attack in which the DPU soldiers exploded four Claymore mines in a row, Tamileelam Police officials said.

Mr. Sivanesan's driver, Perivannan Maheswararajah. 27. a father of one, from Cheddiku'lam, Vavuniyaa, was killed on the spot.

The MP succumbed to his injuries while being rushed to Maangkulam hospital. He leaves behind his wife and four children, 2 sons and 2 daughters.

An 11-year-old boy from Kugnchukku'lam, Arulnaathan Lujithnathan, cycling on the road was also injured.

Mr. Sivanesan, born on 21 January, 1957, was General Manager of Northern Region Palm Development CO-OP society's Uni-Cluster, between 1996 and 2004, before being elected to Sri Lanka Parliament.

The only country to condemn the assassination was peace facilitator Norway.

Mr. Sivanesan had been part of a TNA delegation that visited Oslo last December to protest the Sri Lankan government's persecution of the Tamil people.

In London a group of Parliamentarians from all of Britain's main political parties Tuesday condemned the assassination and urged their government to rein in Sri Lanka's hardline regime.

The Liberation Tigers conferred their highest civilian award on Mr. Sivanesan, the title of Maamanithar.

The leader of the Liberation Tigers, Velupillai Pirapaharan, paid his respects to the slain on Saturday. Senior LTTE leaders, including Intelligence Chief Poddu Ammaan, Political Head B. Nadesan and the Head of Division Thamizheanthi accompanied Mr. SLA. Pirapaharan and also garlanded the casket.

Remembering Mr. Sivanesan's longstanding contribution to eradicating poverty in the Tamil areas through co-operative efforts, the Head of the LTTE Political Wing, Mr. B Nadesan, said the MP had always lived alongside the people.

"When people are displaced, he was also displaced; when civilians were getting bombed by the Sri Lankan military, he was there to help them.

"He believed in empowering people through the cooperative structures at the grassroots. He believed wholeheartedly in the liberation of the Tamil home-

"Although he never trusted that the parliamentary politics in the South would lead to the liberation of the Tamils, but worked to expose the failings of the system itself. When Tamils were deprived of political voice, he visited foreign countries to convey the plight of his people and served as the people's voice," Nadesan said

Mr. Sivanesan is the latest of several outspoken Tamil parliamentarians murdered by Sri Lankan commandos or Ármybacked paramilitaries.

Speaking in Oslo last December, he told reporters: "we are being looked upon in the Sri Lankan parliament as if we were representing a people of another country.'

Extracts of the official TNA statement follow:

"Mr. Sivanesan was elected to parliament from Jaffna district in 2004 general elections. He had shifted his family from Karaveddi, Jaffna to Mallaavi due to the closure of the A9 highway. He also faced threat to his life and him while residing in Karaveddi.

"Sivanesan participated in the debate in parliament on March 5 and voted against the motion extending the state of emergency for another month. Later, he left for Mallaavi where his family has been residing in his vehicle. He met his death on his way to Mallaavi. He had miraculously escaped a claymore explosion during the middle of last year in the same site targeting his vehicle.

"It is believed that the claymore attack targeting Mr. Sivanesan had been carried out by the Deep Penetration Unit of the Sri Lanka Army. Such attacks had been carried earlier in Vanni by the Deep Penetration Unit of the

"The TNA points out at this juncture that its parliamentarians Joseph Pararajasingham in Batticaloa. N.Raviraj in Colombo, former parliamentarians Chandra Nehru (Ampaa'rai), Sivamaharasa (Jaffna) and a candidate. Vigneswaran (Trincomalee) and several heads of local authorities in the North and East had also been killed in a planned way.

"The TNA stresses at this uncture that no force could stop Famils voicing and fighting for the freedom of their community by killing its democratically elected representatives and subjecting them to intimidation and death threats.

"Mr. Sivanesan worked hard for the emancipation of the Tamil people, against social injustice and for the development of cooperative movement. He won the hearts of Tamils by his unwavering stand on the freedom struggle by his deed and speech. He dedicated himself from the young age for the liberation of his people.

"The death of Mr.Sivanesan is an irreparable loss to the Tamil community. His sacrifice would not go unrewarded. It would contribute to the liberation of the Tamil nation.

"We expresses our deepest condolences to his wife and children and the supporters." Murdering democracy, p6





LTTE confers highest award

VELUPILLAI Pirapaharan, the leader of the Liberation Tigers of Tamileelam (LTTE) posthumously conferred the title of Maamanithar (Great human being), the highest national civilian honour of the LTTE, to K. Sivanesan.

lows:

unique individual who functioned



MP. The LTTE has awarded Mr. Sivanesan its highest civilian award; TNA MPs K. Sivanesan (middle), S. Jeyananthamoorthy (right) shaking hands with Norwegian Special Envoy Jon Hanssen-Bauer in Oslo last December; Mr. Sivanesan's vehicle was struck by four fragmentation (claymore) mines to ensure he did not survive. The driver of the vehicle was killed instantly, the MP died on way to hospital; the spot on the A9 highway few miles inside LTTE-controlled territory where Sri Lankan commandos ambushed the MP. Photos TamilNet

"A great human being who deeply loved the Tamil people and the Tamil nation was destroyed by the Sinhala State. This planned, brutal assassination is the latest cruelty in the ongoing ethnic genocide of the Tamils. This vicious killing in the Vanni land is another illustration of the Sinhala State terrorism.

selflessly, honestly, and with courage. He is simple, courteous and loving. He is a sincere politician who possessed high ideals. He labored tirelessly for the advancement and welfare of the workers.

"Freedom of the Tamils and The text of the LTTE state- the liberation of the Tamil homeland are his life goals. He yearned for a free and honorable life for the Tamil people in their land without the torments that have afflicted them. He longed to see free Tamil Eelam. To achieve these goals he accepted our movement, its political aim, the struggle we have launched and served dedicatedly.

"He took up the responsibility of representing the people of "Mr. Kiddinan Sivanesan is a Jaffna and roamed the world seeking justice for the Tamils. He

raised awareness among our people and gathered their support. He exposed the atrocities of the Sinhala state and it's occupying military to the world. He was courageous even in the midst of repeated harassments and threats of the Sinhala military. His service for the liberation through his hard work and exemplary skills are immeasurable.

"Honoring Mr. Kiddinan Sivanesan's love for the freedom and his people, I am proud to posthumously award him the supreme title of "Mamanithar". Death never destroys the great souls who lived their life for truth. They will live for ever in nation's soul as heroes of our history.

"The yearning of the Tigers is the homeland of Tamil Eelam"

Diaspora groups demand world takes action over **MP's slaying**

TAMIL Diaspora organisations condemned the killing of Tamil parliamentarian K. Sivanesan Thursday in a fragmentation mine attack blamed on Sri Lankan commandos and called for international action against the Colombo government.

Pointing out that Mr. Sivanesan is the latest Tamil MP to be murdered by suspected Army-backed paramilitaries or members of the security forces in recent years, expatriate organisations from Australia, Canada and Britain called for the Sri Lankan government to be held accountable and for international sanctions to be imposed.

"Mr. Sivanesan has become one among the many Tamil MPs assassinated for voicing the plight of Tamil people to the world," the Tamil Canadian Congress (CTC) said Friday. "The Sri Lankan government

must be held accountable for these killings, disappearances and other serious human rights abuses occurring under its nose and in many cases with its complicity."

"We look to the Canadian government to provide leadership in the international community to pressure Sri Lanka to conform to international human rights standards," the CTC said.

"We have heard countless stories of abductions, disappearances, and killings by agents of the Sri Lankan government," said David Poopalapillai, national spokesperson for CTC. "Sri Lanka has turned into a lawless state and the situation will only get worse now that the ceasefire agreement has been broken by the Sri Lankan government and peace monitors have left," he said.

"The Canadian government should consider the recommenda-tion from the HRW report and impose trade and aid restrictions on the Sri Lankan government if its human rights record does not improve," CTC said.

The British Tamil Forum meanwhile said "along with rest of the Tamil community members we denounce the assassination of MP Sivanesan by Sri Lankan government forces.

"The [security forces] are terrorising the famil community b targeting those people who are at the front seeking a peaceful settlement for the ethnic strife," the BTF, which represents a coalition of 88 Tamil community organisations in the UK, said.

"In condemning this atrocious action, we yearn for the wellmeaning Governments of other countries and the United Nations to take note of this Government's terrorism which continues unabated." BTF said.

The BTF pointed out that the much vaunted International Independent Group of Eminent Persons (IIGEP) which was to oversee Sri Lanka's investigations into human rights abuses, "are leaving the country without achieving anything after more than two years because of non cooperation by the Government."

Saying, "We, the Tamil Diaspora, mourn the death of another son of our soil," another London-based organisation, the North East Tamil Association (NETA), urged the international community "to act decisively to stop the Sri Lankan state terror-

"The Sri Lankan government is not going to respond to the kind of toothless statements, empty utterances of concerns or hollow condemnations, from individual countries and multilateral organisations.

"We therefore urge the British and the international community to intervene urgently, by imposing trade sanctions against Sri Lanka and by suspending all foreign aids to Sri Lanka with immediate effect," NETA said.

"Mr Sivanesan is the latest victim in a long list of Tamil intellectuals who had chosen to counter Sinhala state aggression through democratic means, at the behest of the international community, and have paid the ultimate sacrifice for it," the Tamil Youth Organisation (TYO) said in a statement in UK.

"Tamil MPs who have been democratically elected by the Tamils to voice their concerns in parliament have been brutally silenced, so what chance do ordinary Tamils have against the Sri Lankan state?"

"We would like to ask the International Community what hope the Tamils can place on the democratic process in Sri Lanka?" the TYO, a Diasporawide network of youth groups, asked.

The Australian Federation of Tamil Associations (AFTA) also condemned the assassination in a press statement titled "Sri Lanka kills another Tamil parliamentarian with impunity.

the Rudd Labor Government what diplomatic action it intends taking to pressure the Sri Lankan State to comply with international norms and negotiate with the Liberation Tigers, a just political solution to the ethnic conflict in Sri Lanka," AFTA said.

Apart from Norway, which condemned the assassination of Mr. Sivanesan, there has been no reaction by the international community to the slaying.

'The Tamil homeland fantasy'

Sri Lanka's ambassador to the United States dismissed the Tamils' claim to self-rule.

Bernard Goonetilleke

Washington Times

THE conflict in Sri Lanka is inextricably linked with the demand for secession, deceptively designed to wrench the sympathy of the international community. Last month, the Liberation Tigers of Tamil Eelam (LTTE), urged the United Nations to recognize "Tamil sovereignty" and end the conflict in Sri Lanka.

The international community must be told that, beneath a plausible veneer, the demand for a separate state for Tamils of Sri Lanka is rooted in fiction. There never was at any time in Sri Lankan history "a traditional Tamil homeland" in the north and east of Sri Lanka, as claimed by the LTTE.

Lanka, as claimed by the LTTE. If historically, the LTTE demand for a separate state is a downright fabrication, what is the case they can make to justify a separate state? The claim of discrimination is made in relation to language, standardization in education, justice, etc., for Tamils.

Standardization or statistical weighting was designed to help disadvantaged students from rural districts irrespective of their race and was never designed to discriminate against Tamils. Such positive discrimination exists in other countries too, to grant relief to the underprivileged.

Thus, rural Tamils along with others, benefited from standardization, which is not what the Tigers would have you believe. Consequently, the urban students, with access to better educational facilities, were disadvantaged through standardization, among whom were Sinhalese and Tamils.

Sinhala and Tamil are official languages today and English is a link language. One cannot fault the administration, which came to office in 1956 with an election pledge to make Sinhala, spoken by nearly 70 percent of the population, the official language. The mistake, one can argue, was not to have the foresight to recognize Tamil as an official language as well. Remember, in 1950, the Indian Constitution declared Hindi the official language of the union and think of the ethnic diversity of India.

If anyone says that Tamils cannot seek justice through courts, it is a downright fabrication. Take the landmark Supreme Court judgment in June 2007 on eviction of Tamil lodgers from Colombo. Many are the examples in which Tamils have vindicated their rights guaranteed under the constitution. True, the majority of today's Sinhala community comprising 74.5 percent, is Buddhist. However, the multiethnic, multireligious tapestry of Sri Lankan society, older than 2,500 years, has been enriched by the threads of racial amity and tolerance. The Sinhalese, Tamils, Muslims, Burghers, Malays and others share a strong sense of harmony unique to Sri Lanka.

Furthermore, even though the LTTE is attempting to establish a mono-ethnic separate state for about 12 percent of "Sri Lankan Tamils" in the north and east, ("Indian Tamils" comprising 4.6 percent of the population are part of our democratic fabric), more than half of that population now lives in safety and peace among the Sinhalese and other communities in the south. If Tamils are being discriminated against as alleged, why would they prefer to live among the Sinhalese than under the LTTE?

Last month, an FBI announcement said "No, it's not al Qaeda or Hezbollah or even Hamas.... The Tamil Tigers are among the most dangerous and deadly extremists in the world."

No one knows this claim better than Sri Lankans, Tamils included, which is why the government is continuing military operations against Tigers, to free the people and wrest the land away from this terrorist group. President Mahinda Rajapaksa has consistently said the answer to the conflict will be a negotiated political solution that is fair to all communities. The dilemma is with whom is he going to negotiate? Can it be the LTTE, "the most dangerous and deadly extremists in the world," for the seventh time since 1985?

Sri Lanka is one of the oldest democracies in South Asia, and despite the relentless onslaught of terror unleashed by Tigers, democracy still survives in our island. While the United States pursues new horizons to nurture democracy, it needs to be alert to the antidemocratic forces that stalk vulnerable democracies like Sri Lanka.

Sri Lanka has no Pledge of Allegiance to its flag. If it had one, it would be no different than that of the United States: "One nation indivisible, with liberty and justice for all." The United States needs to afford Sri Lanka the strength to remain "one nation indivisible."

And the Tamil response ...

Dr. K. Anparasu

DESPITE the biblical injunction not to answer fools, an exception can be made for you, Mr. Ambassador.

You may deny it for all you are worth, the Tamils of Sri Lanka comprise a nation. There is ample evidence to show that the Tamils have lived in the island for centuries. The Tamils have preserved a language, religion and culture with which they are identified. It is a fact of history that there are two nations in the island - the Tamils and the Sinhalese.

Prime Minister SWRD Bandaranaike, has to bear the brunt for the deterioration of relations between the two peoples. His attempt to ram the Sinhala language down the throats of the Tamil people evoked the strongest resentment. This has a direct impact on the integrity of the island and its bifurcation.

The collapse of law and order begins with him. He is the progenitor of the series of anti- Tamil riots and pogroms which started with his infamous Sinhala Only Act of 1956. The riots of 1956, 1958, 1961, 1974, 1977, 1979, 1981, 1983, resulted in the destruction of Tamil lives and property.

Can you think of another South Asian country with a record like this? Can you blame the Tamil people for their urge to be free of the Sinhala yoke at any cost?

The Bandaranaikes are the initiators of the state policies which precipitated and aggravated the island conflict. Language, anti-Tamil riots, colonization of Tamil lands, unleashing the military and the police on unarmed citizens and standardization of marks. Standardization is the euphemism for adding points to Sinhalese examination grades.

You are the only person in living memory to justify this evil. That Tamil students benefited from standardization is a blatant lie. Standardization is a nefarious education policy loaded against the Tamils.

The so-called father of the nation, D.S. Senanayaike, Sri Lanka's first Prime Minister is the worst culprit. He disenfranchised a sizeable section of the Tamil people and started his policy of settling Sinhala colonists in Tamil lands calling it dry zone development.

There is no let up, colonization is still going on with military patronage. Colonization is a wedge in Sinhala hands for parceling Tamils into isolated villages for eventual annihilation.

You talk of Sri Lanka as a democracy. It is an ethnocracy fast descending into a theocracy. Sinhala Buddhist priests hold

the whip handle and of recent date they have set foot in the Parliament also. The constitution of 1978 has given expression to Sinhala Buddhist fundamentalism by giving the "foremost place to Buddhism". What is more the priests and the all Sinhala military are busy installing Buddha statues in the Tamil and Muslim lands of the North and the East.

What type of democracy is this? What permeates the Sinhala consciousness is the pervasive belief that the Buddha bequeathed Sri Lanka exclusively to the Sinhalese people as their home and the home of Buddhism. This belief is set out clearly in Chapter 6 of the Mahavamsa.

We will come to the business of official languages. Tamil is an official language in name only. The 13th Amendment to the constitution adopted in 1987 declared Tamil as the other official language. The Amendment itself is as dead as the Dodo though some attempts are made to revitalize it.

Twenty years after Tamil was so enshrined the constitution guarantee of language parity is not implemented. In government offices, hospitals, police stations, and courts of law Tamil language has no official status. In government administered institutions from the highest to the lowest levels including Parliament down to the local councils including the grass root Grama Sevaka level Tamil is observed in the breach.

Can you digest this instance of a callous disregard of the Tamil people's language rights? Nuwara Eliya district with an 80% Tamil population has the largest concentration of Tamils outside the North-East.

It does not have a single Tamil Administrative officer. The posts f District Secretary, Additional District Secretary, Assistant District Secretary are held by Sinhalese. All five Regional Secretaries and their assistants are also Sinhalese.

It is the same with Hatton, Diekoya and Talawakelle where a large concentration of Tamils are found. Even the electoral lists on the basis of which parliamentary elections are held in these districts are in Sinhala only.

Mr. Ambassador you have a big faith in the Sri Lankan judiciary. The Tamils have lost that faith long ago. The Sri Lanka Judiciary is part and parcel of the Sinhala monolith. If it grants justice to the Tamils occasionally it is a deviation.

The landmark case of the eviction of Tamil lodgers in Colombo is a rare instance where the Supreme Court has driven to mete out justice because the international community was appalled at this violation of human rights.

When the Tamils of Muthur East filed a judicial application in the same court for the restoration of their lands seized by the Sinhala military, what did this institution do? They refused to entertain this application on the grounds "that it is an emotional issue". It is clear that the Supreme Court is on the side of the military. The courts show a marked reluctance to decide against the military or the police.

Have you heard of the Bindinuwewa rehabilitation centre massacre of October 25, 2000? More than 27 young Tamil detainees of this centre were killed by Sinhala thugs ably assisted by the Sinhala police. 41 persons were charged with murder. Gradually all had been released by the courts on the grounds of lack of evidence. The last 4 accused were released by the Supreme Court on 27 May 2005 on the same grounds of lack of evidence.

The Sri Lankan system of justice gives immunity to offenders in police or military uniform. This has occurred umpteen times with an occasional deviation from the norm.

You say that Tamils are living in safety and peace among the Sinhalese. That is a cliché handed out by the government propaganda machine. Those who can afford it have fled the country and that applies to Muslims and even affluent Sinhalese.

Do you know that an extortion gang is operating in Colombo with the blessings of the triumvirate led by the President himself? Have you heard about the death squads roaming the streets in socalled white motor vans for abducting innocent Tamils? The abductions, disappearances and unsolved murder rate in the city is a crying shame.

The Tamils of Colombo have no choice, if they get the chance they will sell their property and seek safety in distant lands.

Sri Lankan is a basket case. It is a failed state. It is Sinhala mob rule and every facet of life is dominated by ethnicity.

The underlying root of the conflict in Sri Lanka is the Tamil perception that they had been denied their rightful place right from the days of independence. The Tamil struggle for self-determination boils down to egalitarianism, justice, honour, democracy, pluralism, human rights and dignity.

You may wonder why separatism refuses to die in Sri Lanka. The Sinhalese refuse to let it, they want to subdue the Tamils militarily. Accommodation is not in their books. There is no conscious effort to remove Tamil insecurity and to demonstrate that they are equal citizens. The Sinhala state continues to alienate the Tamils by bombing and shelling them and carrying out a deliberate scorching earth policy.

Look Mr. Ambassador you have your Sinhala army, police and government machinery. We have our Tamil apparatus too. The lines are drawn and the twain shall never meet.

TAMIL GUARDIAN Wednesday March 12, 2008

<u>NEWS</u>

Experts quit in disgust at Sri Lanka's conduct

SRI LANKA was hit by scathing criticism over its human rights record last week, with its government fingered over hundreds of "disappearances" and an influential international panel of observers storming off the island.

A team of top foreign judicial and forensic experts said it was quitting the war-torn nation because Colombo had failed to seriously investigate a string of high-profile cases including the massacre of aid workers.

The International Independent Group of Eminent Persons (IIGEP), comprising experts from Australia, Britain, Canada, India, Japan, France, The Netherlands, and the United States as well as the European Union and UN High Commissioner for Human Rights, said a government probe into abuses did not meet even basic minimum standards.

"There has been and continues to be a lack of political and institutional will to investigate and inquire into the cases before the (government) commission," the IIGEP said in a statement.

The panel was created two years ago by President Mahinda Rajapaksa to oversee the government's official investigation into 16 cases involving abuses in the war between government troops and Tamil Tigers.

The existence of the group has helped the government allay international concern over the killings, abductions and forcible disappearances plaguing the country and its resignation will almost certainly increase calls for the creation of a UN human rights monitoring group, AP reported.

The international panel has repeatedly accused the government commission of moving slowly, failing to protect witnesses and operating without transparency. It has also accused the attorney general's office, which functions as the commission's legal counsel, of "serious conflicts of interest."

In a harshly worded statement Thursday, the 11-member panel said its suggestions had been ignored or rejected. Government correspondence with the group was "characterized by a lack of respect and civility," and officials accused the panel of exceeding its mandate and interfering with Sri Lanka's sovereignty, the statement said.

In a written response to the panel's resignation letter, Attorney General C.R. De Silva accused the group of working against Sri Lanka's interests.

"What the eminent persons appear to be interested in is to ensure an international condemnation of Sri Lanka through the expression of certain views prejudicial to the interests of Sri Lanka based on certain untested hypothesis and distorted facts and circumstances," he said.

He also denied the panel had the right to disband itself, and said Rajapaksa would simply appoint new foreign experts to the group "who are likely to work according to the mandate of the (panel) and in constructive partnership with the commission of inquiry."

In their statement, the international group harshly criticized the conduct of the government's probe, saying it has "fallen far short of the transparency and compliance with basic international norms and standards pertaining to investigations and inquiries."

"There is a climate of threat, direct and indirect, to the lives of anyone who might identify persons responsible for human rights violations, including those who are likely to have been committed by the security forces," it said.

The move is a major blow to the image of the island's government, which pulled out of a truce with Tamil Tigers in January and is locked into an escalating battle with them across the north.

In addition, a report from New York-based Human Rights Watch (HRW) - entitled "Recurring Nightmare: State Responsibility for 'Disappearances' and Abductions in Sri Lanka" - added weight to calls for tough international monitoring.

The watchdog said United Nations rights monitoring was desperately needed following more than 1,500 cases of abductions in the past two years.

Most of the victims were ethnic minority Tamils from the island's restive north and east, Human Rights Watch said, describing the situation as a "national crisis."

HRW's deputy Asia director Elaine Pearson said President Rajapakse, "once a rights advocate, has now led his government to become one of the world's worst perpetrators of enforced disappearances."

There was no direct reaction from the government, which has consistently and furiously reject-



Relatives of Sri Lanka's 'disappeared' pictured at a vigil opposite the UN building in Colombo last year

'Disappearances' of Tamils ...

Continued from p3

because of their alleged affiliation with the LTTE. Clergy, educators, humanitarian aid workers, and journalists also were targeted not only to remove them from the civil sphere, but also to warn others to avoid such activities.

Pro-government Tamil armed groups are also implicated in the abductions and "disappearances" - specifically the Karuna group and the Eelam People's Democratic Party (EPDP) - acting either independently or in conjunction with the security forces.

The number of abductions perpetrated by the LTTE is comparatively low since targeted killings, rather than abductions, appear to be the LTTE's primary tactic. The LTTE has also been responsible for numerous other egregious abuses, including bombings against civilians, political assassinations, forced child recruitment, and the systematic repression of basic civil and political rights in areas under their control.

In the face of the crisis, the government of Sri Lanka has demonstrated an utter lack of resolve to investigate and prosecute those responsible. Not a single member of the security forces has been brought to justice for involvement in "disappearances" or abductions. Human Rights Watch said that Sri Lanka's emergency laws, which grant the security forces sweeping powers to arbitrarily arrest and detain people without being held to account, have facilitated enforced disappearances.

"So long as soldiers and pol-

ice can commit 'disappearances' with impunity, this horrific crime will continue," said Pearson.

The Rajapaksa government has set up an array of special bodies tasked with monitoring and investigating "disappearances" and other human rights violations. None have yielded results.

Human Rights Watch said this failure is unsurprising given that, at the highest levels, the Sri Lankan government continues to downplay the problem, denying the scale of the crisis and that its own security forces are involved.

"The government's mechanisms to address 'disappearances' will remain impotent so long as the president and top officials fail to send a clear signal to the security forces that these abuses will not be tolerated," said Pearson.

Sri Lanka's key international partners and the UN bodies, including the Office of the High Commissioner for Human Rights, have raised serious concerns about the alarming number of "disappearances" and prevailing impunity. They have expressed growing support for the establishment of a UN human rights monitoring mission to investigate and report on abuses by government forces and the LTTE throughout the country.

Human Rights Watch deplored the Sri Lankan government's opposition to an international monitoring mission, given that such initiatives have proven effective elsewhere in dealing with "disappearances."

With sufficient mandate and resources, the monitoring mission could achieve what the government and various national mechanisms have failed to do: establish the location of detainees through unimpeded visits to the detention facilities; request information regarding specific cases from all sides to the conflict; assist national law enforcement agencies and human rights mechanisms in investigating the cases and communicating with the families; and maintain credible records of reported cases.

"The Sri Lankan government's rejection of a UN monitoring mission reflects badly on its commitment to human rights," said Pearson. "While the government dawdles, many Sri Lankans will continue to pay the price."

Human Rights Watch called on the government of Sri Lanka to:

- Take immediate measures to end the practice of enforced disappearances, vigorously investigate all cases reported, and bring the perpetrators to account; and

- Cooperate with the UN Office of the High Commissioner for Human Rights to establish and deploy an international monitoring team to report on violations of international human rights and humanitarian law by all parties to the conflict;

the conflict; Human Rights Watch also called on Sri Lanka's international partners, in particular India and Japan, to make further military and other non-humanitarian assistance to Sri Lanka contingent on government efforts to halt the practice of "disappearances," and to end impunity, including its acceptance of an international monitoring mission.

FEATURES

What Liberation?

Based on field trip between 10 and 14 December 2007, the author continues to query the much heralded liberation of the East in this the third of a three part series.

Bhumi Ground Views

THE author identified four dominant themes that seriously impact on the sustainability of resettlement in the Batticaloa district the lack of consultation & clarity, the lack of preparedness & planning, the restriction of access &

mobility and the protection con-cerns of the displaced and resettled communities. Having looked at the first three themes in the first part of this article and started to look at the fourth theme (published in the last issues), the author now continues on other aspects of the

Resettlement concerns

fourth theme.

It is evident that the government is completely unprepared and under resourced to meet the daunting task of sustaining the returns and ensuring the longterm stability of communities affected by conflict. The government at the field level is very dependent on agencies to assist with the returnees' shelter requirements, along with food, supplementary goods, livelihood assistance etc and most assistance given (especially in West Batticaloa) is largely donor-funded. Food security, livelihood stability, permanent shelter and security is in urgent need and should have been in place before the displaced were returned to the 'liberated' areas. There have been several plans presented in the forums in Colombo, but it appears as if the government has not backed it up with the required resources on time to translate them into action. People are left to fend for themselves with little government assistance and some NGO assistance which is inconsistent across areas.

Other than the protection concerns [discussed in the previous part of this series], several other issues plague the resettlement process. In brief -

Livelihood Vulnerability

In Vaharai, long-term livelihood stability is a pressing concern. Communities rely heavily on the surrounding jungle areas for their economic survival. But this proves difficult - people are scared to move about alone and most jungle areas have restricted access. Farmers who have received seed paddy by agencies have either received it too late (and have missed the cultivating season) or are denied access to their paddy fields and now rely on subsistence farming as a means of survival.

The military has now banned all women under 20 from prawn farming. In one village, women have been asked to bring Rs. 100, a princely sum for many in the area, for a photo ID for prawn fishing - or else they will be denied fishing permits. Further-more, areas previously known for good catches of fish now fall as 'restricted areas'. In Arthuvaai at least a hundred to 150 families are completely dependent on fishing for their livelihoods but due to a navy checkpoint access is restricted. Even when permits are granted - the arbitrary way it is administered and the infeasible timing makes it a struggle for the fishermen. The general uncertainty of a fisherman's livelihood is further compounded by such measures.

The recent spate of resettlements in Batticaloa West took place on the 20th of November just short of the paddy cultivating season. This also means that even small-scale cultivation or subsistence farming is impossible and this is made worse by the rains. As a result, income generating activities is at the standstill. Families that stored paddy before their displacement have returned to find it looted and cattle and livestock have all gone missing. Those who worked as labourers in paddy fields cannot return due to restricted access. The widespread shortage of rice in the district is taking its toll on the newly resettled - food is scarce and the general sentiment is that the situ-

ation is going to get much worse. Of the 375 families resettled in Kittul, at least half rely on fishing as a means of survival. Local shop owners have supplied them with nets on condition that they sell their fish to them at a fixed price making it even harder for the families to make ends meet. Fixing the price of fish and even implementing a tax on fish is a frequent occurrence in Batticaloa West. There have also been repeated reports of the STF 'borrowing' the families' motorbike or bicvcle. Given the wide expanse of area and the need for people to now travel great distances to work/find work, this is severely delaying and hampering any

means of income generation. The sentiment among agencies is that livelihood assistance will have to continue for at least another 8 months or so - a daunting task given the increasing donor reluctance to fund conflictprone areas. But it is clear that the security situation is not conducive for livelihood sustainability which means that the resettled have no choice but to wait. Livelihood restoration in the district is more than mere infusion of capital and resources - it requires stability, mobility and certainty.

Housing needs

In Batticaloa West, the people were resettled before making any assessment or preparation for shelter. Most of their original shelters had been damaged, vandalised and looted. As a result when people were sent back a majority of them had to move into tents and temporary shelters. Their original houses of clay and Cajan have either fallen into disrepair due to the rains, or have been looted. The frequent rains have caused delays in construction work on transitional and permanent shelters.

UN and international agencies, who were not allowed to go in until recently, now are scampering to cover the communities' immediate shelter needs (Cajan roofing, pipes, tents and ropes) on Government's last minute request. But long housing needs and household necessities (like saucepans and other utensils) are still in dire need. The government has recently started to distribute Cajan roofing (as distribution was on the 12th of December) which is a positive sign.

In Vaaharai, where again people went back to looted and damaged houses (the damage due to shelling and artillery attack was heavy here) the situation has improved with the different agencies stepping into provide transitional shelters. The quality is mixed. While some meet the minimum standards, others are too fragile.

In some parts of the district under the government's housing scheme, the North-East Housing Program Reconstruction (NEHRP), one scheme permits the newly resettled to receive grants in three instalments. The first two instalments of Rs. 50,000 and 60,000 have been paid and construction work has been completed up to a certain level. However, despite repeated requests for the third instalment, families have not yet received it. Complaints have been made to both the DS and the police but nothing has been done about it.

Despite a shortage of houses in the East, the government has been resettling people, using tent cities

Under another scheme of the same program, the government has pledged to supply the building materials and bear the cost of labour. According to community members, the timber (coconut) and the tiles given are of very pure quality. The DS has promised to follow up on this but to date, no action has been taken.

In Vatavandi, a scheme of houses was handed over by the government to beneficiaries in a much-publicised ceremony. What has not been publicised however was that many of these houses are incomplete. Some houses have incomplete roofing, flooring and some even lack toilets, doors and windows. Again, complaints have been made repeatedly only to be met with excuses by the relevant government agents.

Sustainable returns and livelihood stability remains only a hope in Batticaloa West. People are far from settling into stability. In areas of Cenkaladi and Marapalaam returnees still live in schools and community buildings which have been damaged due to the conflict.

Food security

The food situation in Vaharai is worsening. Families have been living on rations for over a year now and although these rations fulfil their calorie requirements, they by no way fulfil their nutritional requirements. . The Government initially is supposed to have promised 6 months of rations. But soon after resettlement in April 2007, the people only received rations for two weeks.

After prolonged gaps, some agencies stepped into fill the breach. The rice shortages have resulted in increased prices. The inability of fishermen to seek out their living has also resulted in exorbitant prices of fish. A coconut is Rs. 35 (as of December 2008); a kilo of rice is Rs. 80. Due to access restrictions, the rain and late cultivation, families struggle to make a living and the Rs 600 (which ends in January) a month given by SLRC is clearly not enough to survive with dignity.

According to the WFP-Government rationing system, resettled communities must be given 6 months worth of rations. However, given the shortage of rice in this country, the returnees in West Batticaloa have been given been compensated with wheat flour instead. The distribution mechanism is very erratic and leaves large gaps. 70% of the resettled villages are not receiving complimentary food and only 30% are receiving complimentary food. The timing of the return has meant that the communities have not been able to fully capitalise on the cultivation season. Thousands of families have missed out on the season and hence the region as a whole is entering into a situation of food scarcity.

Despite the much-publicised claims of liberating the East, stability in Batticaloa is a long-way away. As armed political parties fight for control, civilians are once again caught up in the ensuing political turmoil. The displaced and resettled suffer in the name of 'security' and it will be a long while before they begin to lead their lives with some degree of normalcy. The culture of impunity has widened and the sense of lawlessness palpable as violence, disappearances, roundups and armed cadres are a way of life in the District. The issues discussed in this paper need to be advocated on - at international, national and district levels.



Canada's amended Security Certificate regime criticised

THE Canadian Parliament's Bill C-3 came into force February 22, amending the Immigration and Refugee Protection Act 2000, just one day before a Supreme Court deadline expired.

The 2000 Act enabled the Government to detain and deport non-nationals it deemed inadmissible. Bill C-3 is in response to Supreme Court criticism that the security certificate regime was unconstitutional because it deprived concerned individuals of the opportunity to defend themselves because evidence cited for the government's decision to detain or deport could be withheld from the individuals, their legal representatives and the public under terms of national security.

There are five North African and Arab men and one Sri Lankan Tamil currently under the (old) IRPA legislation.

The new Act incorporates a 'Special Advocate' role for lawyers selected by the government, similar to the scheme in the United Kingdom. The Special Advocates may see classified information and cross-examine witnesses on whose testimony ministers could issue security certificates against individuals.

However, leading barristers, including former Government Counsel on the Maher Arar Inquiry, Mr Paul Carvalluzzo, have stated the Government hasn't done enough with its revised legislation to adequately protect the Charter Rights of those facing deportation under the security certificate process.

Whilst Special Advocates may have as much contact with the detainees and their legal team before seeing the secret information, afterwards, when critics say such contact is most crucial to challenging the Government's contentions, the Special Advocates may only communicate in writing with the person concerned and then only with the permission of the Court and subjecting their letter to vetting by the Government.

Mr Carvalluzzo believes the Bill fails to give Special Advocates sufficient leeway to meet with the accused after having seen the government's secret evidence. "Someone who is subject to deportation and possibly torture in another country should have access to as much information as possible to defend their liberty," he says.

At a minimum the accused individual should be allowed to discuss the case in confidence with the Special Advocate, whom the Government has already vetted, so as to be able adequately defend the case.

Moreover, whilst the process of Special Advocates seeking permission for contact and their letters being vetted is ostensibly to prevent sensitive information being leaked, the logic fails, critics say, on two points.

Firstly, the Special Advocates themselves have already been vetted and, indeed, selected by the government itself and are thus presumably held to be responsible and competent persons.

Secondly, the process of Special Advocates submitting their communications with the accused person for government vetting will inevitably undermine their relationship with the accused who will not be able to discuse their case in confidence. It also provides the Government's legal team with advanced warning of the accused person's proposed line of argument.

Some civil liberties activists say the Canadian government's reaction to the Supreme Court ruling last February that aspects of the IRPA were unconstitutional has been tardy. The Supreme Court gave the government a full year to amend the IRPA. The individuals concerned were still, however, subject to the Act.

However, it was eight months later - just four months before the deadline - that the amendment was tabled. Bill C-3 spent seven days in the House of Commons and passed through the liberaldominated Canadian Senate with only two days of debate and a single day of committee hearings.

The bill passed the lower house by a 196-71 vote, with most Liberals supporting the Conservative government while the NDP and Bloc Québécois were opposed. At the Commons committee stage, MPs heard on five occasions from Public Safety Minister, Stockwell Day or one of his staff and from two of the men under the security certificate regime.

US must rethink its narrow focus on terrorism -Richard Armitage

TamilNet

FORMER deputy secretary of state Richard L. Armitage this week urged sweeping changes to current U.S. foreign policy, arguing that the superpower needs to replace its almost exclusive focus on fighting terrorism with a broader agenda. "If your foreign policy is just organized around the global war on terror, you're missing the bet. I think a new paradigm will emerge. I don't know what it will be, but in the interim we need to engage with friends and frankly engage with our enemies. Actually, it might be more important to engage with our enemies," he told The Washington Diplomat journal.

"We've been exporting our fear and anger after 9/11, rather than the more traditional export of hope and optimism and opportunity," he said in an interview with The Washington Diplomat.

"As I see it, the United States was twice victimized by 9/11-first by the attackers, but then we victimized ourselves by losing our national confidence and optimism and seeing the world only through the lens of terrorism."

"Fighting terrorism is an important challenge, but it should not be the only part of our foreign policy," he argued. "The United States has to be involved across the full breadth of our foreign policy tool box and not so heavily weighed toward the military as we are now," he said. "Since 9/11, we've been so focused on the prosecution of the war on terror we've forgotten we have so many more tools. Perhaps the most useful is the power of our ideas."

"I'm not sure I can tell you what the central organizing premise of our foreign policy should be, but I think it's possible to have the wrong organizing premise," Mr. Armitage said.

"If your foreign policy is just organized around the global war on terror, you're missing the bet. I think a new paradigm will emerge. I don't know what it will be, but in the interim we need to engage with friends and frankly engage with our enemies. Actually, it might be more important to engage with our enemies," he added. "There is no doubt the US is always the big dog in the room, but we don't need to say it. When we're asked our opinion, we can give it. It carries enormous weight. But we have to carry ourselves in an appropriate way. The next president has to set a new tone, not of arrogance and swagger, but of humility and confidence in our

pre-eminence as a force for good," he said.

"Most Americans don't want to see their country as an object of ridicule. They want the United States to be humble, but great, in the conduct of American foreign policy."

Mr. Armitage has held senior positions in the Pentagon and State Department and is considered one of the America's most experienced and savvy foreign policy practitioners.

He was prominently involved with the U.S. role within the Norwegian-led peace process from 2002. As part of his visits to Sri Lanka, Mr. Armitage travelled to the war-ravaged Jaffna peninsula, comparing the devastation he saw there to what he had witnessed during his service in the Vietnam war. A harsh critic of the LTTE, he nonetheless welcomed the LTTE's submission of its proposals for an Interim Self-Governing Authority (ISGA) noting: "the LTTE's proposal is the first time I've seen such a comprehensive delineation of the aspirations of the LTTE, and in this regard I think it's significant."

However, Mr. Armitage drew the ire of Sinhala nationalists, including the Janata Vimukthi Peramuna (JVP), which associated his role with an "American imperialist plot to divide the island and destabilize India."

Now a trustee at the Center for Strategic and International Studies (CSIS), Mr. Armitage recently co-chaired a task force under the auspices of CSIS on US foreign policy. Working with Harvard University political scientist Joseph Nye, their report, "Smart Power," was released several months ago and has been praised on Capitol Hill and by international affairs experts.

Mr. Armitage said he hopes the report can help the country move out of its hunkered-down, post-9/11 military mindset and regain confidence, idealism and strength.

"Joe Nye is regarded as Mr. Soft Power and I spent eight years at the Pentagon so maybe I'm a little harder power," Mr. Armitage said. "But we both felt the need for a smarter power-melding soft and hard power for a more effective instrument of foreign policy."

US influence has clearly deteriorated around the world, Mr. Armitage said, citing the nation's current reputation as an arrogant and rejectionist power and growing questions about America's competence, as evidenced by the debacle after Hurricane Katrina and the poor planning for Iraq.

***** CRIME

- ***** IMMIGRATION & NATIONALITY
- ***** FAMILY(DIVORCE/CHILDRENACT)
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Britain to get tough with Sri Lanka

BRITAIN will be pressing Sri Lanka's hardline government for greater access for senior UN officials and would join European allies in taking a stronger position against Colombo over human rights abuses.

In a meeting with Tamil Diaspora representatives at the British Foreign Office on February 25, Foreign Minister Lord Malloch-Brown said he would personally be attending the UN Human Rights Council meeting in Geneva to press the point.

At the UN a few days later Lord Malloch-Brown strongly criticized the Colombo regime, saying "international concern had not made an impact [on it]".

Saying Britain accepted Sri Lanka "facing considerable terrorist threat", the minister told the UNHRC: "The international community condemned terrorism, but countering terrorism required respect for human rights."

In response, Sri Lanka's Human Rights Minister Mahinda Samarasinghe slammed Britain's criticism, saying "it was difficult for some countries to let go of their colonial possessions."

"Sri Lanka was proud of its records for combating terrorism, while minimizing harm to civilians," Mr. Samarasinghe said, adding his country did not need to be told that countering terrorism required full respect for human rights.

"Sri Lanka was strengthening democracy and pluralism in a manner that had proved difficult in the past," he asserted.

Speaking at a meeting with expatriate Tamils at the British Foreign Office on Feb 25, Lord Malloch-Brown said the government of President Rajapakse had "made political process secondary to military process."

The British Tamil Forum (BTF), a Diaspora advocacy group which attended the meeting, quoted Lord Malloch-Brown as saying that there are two key issues with regards to Sri Lanka's conduct: prosecution of war and failure to enter into serious negotiation, and human rights issues.

"I have told the [Sri Lankan] President, Foreign Minister and visiting delegation that we do not find the political process credible or serious. We feel that we really sought to push for a political negotiation as a way forward. There is no military solution to this problem," Lord Malloch-Brown said.

"We are going to go on pushing hard to put the political negotiation back on track," he said adding this will not be done from a bilateral position but by working closely with Europe, UN and the Commonwealth.

The UK will be demanding and pressing hard for wider access by Sir John Holmes, UN Under-Secretary-General for Humanitarian Affairs and Ms. Radhika Coomaraswamy, UN Special Representative of the Secretary-General for Children and Armed Conflict, he said.

The UK will also demand that all recommendations made by Louise Arbour, Head of UN High Commissioner for Human Rights and Ms. Coomarasamy be implemented in full.

The purpose of the meeting called on Monday by the FCO was to engage with the Tamil



Lord Malloch-Brown

Diaspora and understand their perspective to the conflict in Sri Lanka, the BTF statement said.

It was attended by Parliamentarians from Britain's three major parties and members from the House of Lords heard views were made by different Diaspora representatives.

Tamil National Alliance (TNA) Parliamentarian Gajan Ponnambalam was also present and spoke as part of the Tamil community.

Britain will support political solution with major devolution of power to the Tamil areas, Lord Malloch-Brown said, adding that Britain could not support independence for Tamils.

The BTF argued that UK and the rest of the international community "must explicitly make their support for Sri Lanka unity and territorial integrity conditional on the Tamil people collectively being satisfied with the state's sharing of power and its governance."

"Tamils safety and political future can only be guaranteed if the Sri Lankan state is restrained by international law," the BTF told the meeting, adding that the international community must, on this basis, support the Tamils' claim for independence, just as it had supported the Kosovars'.

"At independence in 1948 Sri Lankan State was entrusted with all minorities' rights," BTF spoksman Suren Surendiran told the meeting. "They have abused the trust against Tamils, human rights, free speech, pluralism and denounce the demand for statehood."

He pointed out that in the 1977 elections, long before the armed conflict began, the overwhelming majority of Tamils voted for an Independent State as the only way to escape state repression.

TNA MP Ponnambalam noted that "even though I am an elected member of parliament I cannot espouse the wishes of the vast majority [of the Tamil] due to the 6th amendment of the Sri Lankan constitution [which outlaws advocacy of independence]."

Mr. Ponnambalam reiterated the position adopted by the TNA when it met Lord Malloch-Brown last summer, arguing that UK should make its development assistance conditional on human rights, progress in the political negotiations and implementation of the ceasefire agreement.

The UK should seriously consider trade and travel bans on Sri Lanka and the international community must take up the position that if the right to internal self determination of the Tamil people is denied any further, the right to external self determination of the Tamil people will have to be inevitably recognised, he said.

Whilst Lord Naseby, an advocate of the Sri Lankan government's stance had denounced the BTF and its views, sources at the meeting said.

However the organisation had been praised by Parliamentarians and the Foreign Minister had also welcomed their engagement with the British government.

"It is extremely important and absolutely correct for you as British citizens to organise and demand sympathy and support for your objectives from your local MPs. This is how the British democracy works," Lord Malloch-Brown was quoted as telling the meeting.

"I wish the Sri Lankan democracy also worked that way. I want to register that point." Noting that "the British

Noting that "the British Tamils Forum has been labeled 'terrorists' and there had been some smear campaigns," he observed: "I can draw parallel to my own experience. I have lived in the US for 21 years. My wife is Irish American. We have been in the same position as you are. How do we support the change that we want in Northern Ireland while making sure that one doesn't actually support violent acts against the British or the British Army?"

"There is always a case for freedom struggle and self determination," the British Foreign Minister said.

Army-backed paramilitaries win polls

THE Army-backed paramilitary group, the Tamil Makkal Viduthalai Pulikal party (TMVP), has won a landslide victory in the

has won a landslide victory in the first elections to be held in eastern Sri Lanka for more than 10 years. The TMVP or Karuna Group, set up by renegade Tamil Tiger leader, Karuna, won every local council in and around Batticaloa city, officials said. Human rights groups and opposition politicians say that a climate of violence and chaos has tainted the election and have

tainted the election and have accused the TMVP of waging a campaign of violence ahead of

the voting. Much of the violence has been blamed on the TMVP, who have been accused of demanding protection money from businessmen and routinely killing people. Rasiah Thurairatnam, who ran

as an independent candidate in Batticaloa, told the AFP news agency that people "voted out of fear" for the TMVP. He alleged serious irregulari-ties by the TMVP at many polling ctations.

stations. "This is a victory for violence,

and it will elicit serious repercus-sions from the people," he said. "I see this as a license for extortion and child abduction."

and child abduction." The main opposition UNP and the Tamil National Alliance (TNA), a coalition of the four largest Tamil parties, boycotted the election for control of eight local government bodies and Batticaloa municipal council. "The elections are conducted in an atmosphere of terror, intim-

in an atmosphere of terror, intim-idation, displacement, disappear-ances, non-participation of main-stream Tamil political parties and the persecution of media," Batticaloa District TNA MP, S.

Batticaloa District TNA MP, S. Jeyanandamoorthy told reporters. "The TNA is totally boy-cotting these polls. Had our party fielded candidates, they would have been brutally murdered by the paramilitary groups." "The Sri Lanka government is conducting these elections as a prelude for permanent separation of East from the North; to institu-tionalise the forcibly altered eth-

tionalise the forcibly altered eth-nic composition of the East; to legitimise its genocidal agenda to the outside world and to get foreign funds for the oppression of Tamils in the name of their development.'

The Batticaloa election has The Batticatoa election has ignored the people's rights com-pletely," UNP leader Ranil Wickremesinghe said. He described it as an election through which the Government has handed over the East to a ter-

rorist group after taking it over from another terrorist group, he added, referring to the TMVP and the LTTE respectively. "This is nothing but State ter-rorism," Mr. Wickremesinghe coid

said. The TMVP helped Sri Lankan government forces force the LTTE out of the region last year.

In the elections in Batticaloa town, the TMVP ran under the banner of the ruling alliance of President Mahinda Rajapakse.

Rights groups and diplomats have questioned the government's decision to endorse the TMVP, which the United States this week said "used coercion, extortion, rape, and murder to force children and adults to join their ranks,."

The local elections are seen as

a dry run for a wider provincial vote in the north and east -- the government's blueprint for devo-lution in minority Tamil areas it says will go hand-in-hand with its push to crush the Tamil Tigers militarily.

The government, itself increasingly isolated over its human rights record as a 25-year civil war escalates, gave the armed faction free rein in the east-

ern Batticaloa district for months as the military battled the rebels. President Rajapaksa's admin-istration has long refused to disarm the TMVP, arguing it could not find anyone carrying guns to disarm -- despite the fact resi-dents and aid workers could until

a few months ago. The TMVP reportedly 'won' more than 70% of the vote on Monday. The lection commis-sioner said overall voter turnout was more than 60 percent.

TMVP personnel were active-ly engaged in transporting voters to the booths and were also seen visiting households checking civilians' participation in the elec-tion, reports said.

At most of the voting booths, Police was strictly checking identity cards between 7:00 a.m. and 9:30 a.m. However, the checking

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9:30 a.m. However, the checking was relaxed later. A number males who turned out to vote at Kalkudaa were drunk, according to eyewitness reports. The TMVP's founder, Karuna, was sentenced to nine months in prison by a UK court in January, on charges of identity fraud. Reports say that nominally he still leads the party, although it is reported to be divided as to whether he should continue. The TMVP president, who goes by the nom de guerre of Pillaiyan, told reporters that his group still has guns for security. "In Batticaloa, not only

"In Batticaloa, not only TMVP, many other armed groups

are also there. Some of the Muslims also have arms," said Kingsley Rodrigo, chairman of the People's Alliance for Free and Eair Elections, the island's main Fair Elections, the island's main election monitoring body.

"They have been keeping the arms with them. So I am not going to say this election is a free and fair one."

Sri Lanka turns away from West...

Continued from p5 in India's backyard.

As C. Raja Mohan, an international relations professor at Nanyang Technological University in Singapore, points out, China has started building a circle of road-and-port connections in India's neighboring countries, and it has begun to eye a role in the Indian Ocean, as its thirst for natural resources makes it more important to secure the sea lanes.

That offers countries like Sri Lanka ample opportunities.

"Now the smaller countries have increasingly turned to China to influence India's strategic interests, and thus silence it on human rights issues," said Meenakshi Ganguly, South Asia researcher for Human Rights Watch.

She cited Burma, where, in the 1990s, India pressed for democracy and watched the military junta sidle up to Beijing. 'Now India is concerned about China's role in Sri Lanka because of control over the Indian Ocean," she said.

Iran is the latest entrant. Late last year came the promise of a whopping \$1.6 billion line of credit, primarily to help Sri Lanka buy Iranian oil.

Washington still counts. Sri Lanka is sore at losing American military aid and development assistance. The United States has also irritated the government by pressing for United Nations human rights monitors after the visit last October of the United Nations High Commissioner for Human Rights, Louise Arbour. She said at the end of her visit that "the weakness of the rule of law and prevalence of impunity is

alarming."

That infuriated the government. Sri Lanka's mission in Geneva sent out acerbic opinion pieces published in Sri Lankan newspapers. One, an editorial in the pro-government newspaper,

The Island, declared that "those U.N. knights in shining armor tilting at windmills in small countries should be told that the protection of human rights is next to impossible during a fiercely fought war."

Still, criticism over human rights continues to dog Sri Lanka. Last Thursday, Human Rights Watch blamed the government for

a pattern of disappearances.

The same day, an international Group of Eminent Persons that the government had invited to monitor Sri Lankan investigations into human rights violations said it was leaving; it cited "a lack of political and institutional will."

The attorney general's office responded by saying that the government would reconstitute the panel with "an alternate group of eminent persons."

But however free Sri Lanka feels to dismiss Western concerns about human rights, there are still long-range costs it may find itself confronting one day. The real Achilles' heel for the government is looming economic trouble, as its war chest expands and inflation reaches double digits.

And in that, the world matters. For its failure to ratify certain international conventions, Sri Lanka already risks losing trade preferences with the European Union at the end of this year. And, however much China has risen in importance, Europe remains this country's largest trading partner.

Experts quit in disgust ...

Continued from p11

ed calls to allow foreign rights monitors to set up shop in Sri Lanka.

However, Sri Lanka's minister for human rights, Mahinda Samarasinghe, said Colombo was an example to other nations battling "terrorism." "We are proud of our record in

dealing with terrorism, whilst minimising harm to civilians,' Samarasinghe was quoted as saying in Geneva, where he is attending a meeting of the UN Human Rights Council.

We hope that... when dealing with terrorism in other countries,

our circumspection in this regard should be emulated," he was quoted as saying.

Sri Lanka has in the past accused international diplomats raising rights concerns as "terrorists" and supporters of the Tamil Tigers, who are leading a drawn out campaign for independence for the island's Tamils.

Since fighting between the government and the Liberation Tigers of Tamil Eelam (LTTE) escalated in 2006, Human Rights Watch said the military and progovernment armed groups had abducted and killed hundreds.

In 2006 and 2007, the UN Working Group on Enforced and Involuntary Disappearances recorded more new "disappearance" cases from Sri Lanka than from any other country in the world, the report said.

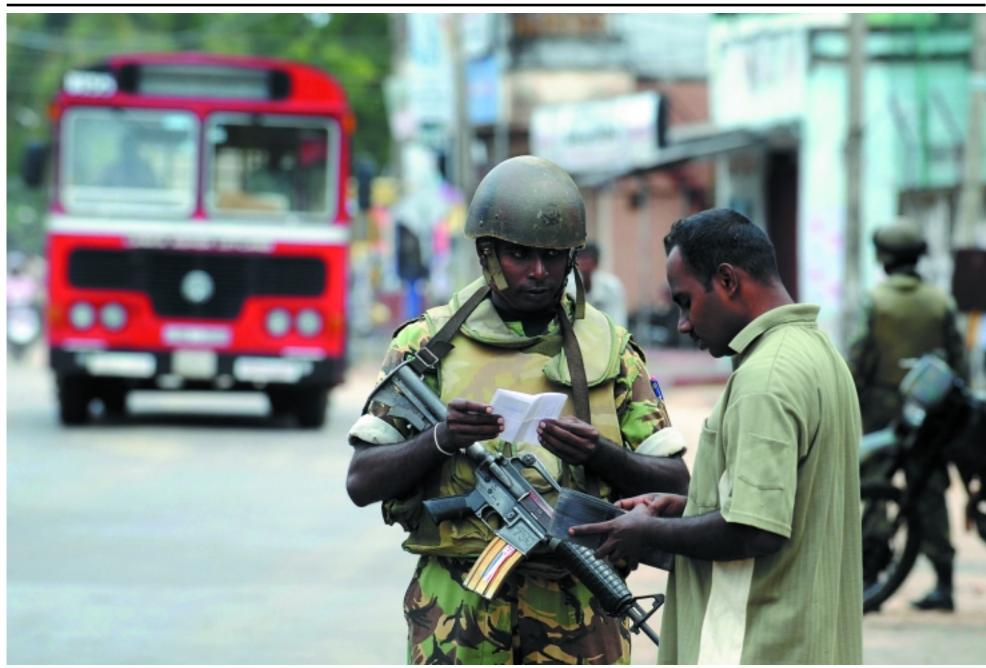
"Disappeared" persons are commonly subjected to torture or extra-judicial execution, HRW said, adding that the vast majority of cases it documented indicated involvement of security forces.

In many cases, the group said, security forces made individuals "disappear" because of their alleged links with the LTTE.

Clergy, teachers, humanitarian aid workers, and journalists also were targeted, the report alleged. 'Disappearances' p3

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A Sri Lankan Special Task Force (STF) soldier checks Tamil civilians at a checkpoint in Batticaloa. The government poured nearly 6,500 security personnel into the coastal district of Batticaloa, ahead of the vote on March 10 to elect 101 politicians to administer local authorities. Unsurprisingly, the Army-backed paramilitary group, the TMVP, swept the elections. Report p13. *Photo Lakruwan Wanniarachchi/AFP/Getty Images*



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