

# TAMIL GUARDIAN

No. 407    ISSN 1369-2208    WEDNESDAY OCTOBER 14, 2009

*free fortnightly*

Still no release for hundreds of thousands in camps

DETAILS INSIDE





## NEWS

# Displaced between military and monsoon - AI

A QUARTER of a million Sri Lankans being held in de facto detention camps are facing a humanitarian disaster as monsoon rains threaten to flood camps, said Amnesty International in a press release.

For months, the Sri Lankan government authorities have failed to deliver basic services to camps set up in the Vavuniya District in the north-east that were created following conflict in the area, the human rights group said.

These camps remain overcrowded and lack basic sanitation facilities. As a result, during heavy rains in September, rivers of water cascaded through tents and forced camp residents to wade through overflowing sewage, the release noted.

"People living in these camps are desperate to leave," said Amnesty International's Sri Lanka expert, Yolanda Foster, who is in contact with relatives of some camp residents. "The government must ensure that the displaced are treated with dignity."

A recent escapee from Chettikulam camp reported to Amnesty International that some women had been forced to give birth in front of strangers without privacy.

"Medical staff are only available in the camps 9 to 5," the escapee said. "People start waiting in line for medical assistance from early morning...how can you expect a lady who is pregnant to stand in a line for hours? If the war has ended, why doesn't the government let these people out?"

"The provision of protection, assistance and return is not an act of charity but a basic right," said Foster.

"They have a right to protection and must be consulted on whether they wish to return to their homes or resettle."

Since the war ended in May 2009, thousands of people detained in camps have been subjected to 'screening' processes by the security forces, the release notes.

While screenings are said to ensure that detainees are not members of the Liberation Tigers, the processes should follow proper procedures and not be used as an excuse for collective punishment, Amnesty said.

Approximately 10,000 detainees that have been determined ex-LTTE combatants are held in separate detention facilities.

Amnesty has previously raised concerns about the lack of independent monitoring and lack

of accountability for these screening processes.

Despite the government's widely publicized accounts of detainee releases, Amnesty has received reports that many were merely transferred to other camps in the area where they may be subjected to rescreening by local authorities.

Amnesty has also received reports that the military is blocking release attempts by the civilian administration, it said.

The Sri Lankan government must involve the displaced themselves in plans for return or resettlement, Amnesty said.

Authorities must also facilitate the assistance of independent humanitarian organizations in this regard, in order to effectively deal with the humanitarian disaster the camps are facing.

"Freedom of movement is now critical," said Foster. "The international community and the government of Sri Lanka can no longer ignore the voices of camp detainees to be allowed to leave."

According to government figures, the fighting between the Sri Lankan Army and the Liberation Tigers of Tamil Eelam displaced over 409,000 people, the Amnesty report said. At least 280,000 were displaced from areas previously under LTTE control.

The displaced people, including at least 50,000 children, are being accommodated in 41 camps spread over four districts. The majority of the displaced are in Vavuniya District where Manik Farm is the biggest camp.

When United Nations Secretary General Ban Ki-moon visited some of the camps in May, he said: "I have travelled around the world and visited similar places, but this is by far the most appalling scene I have seen."

While some progress had been made on providing basic needs, much still needs to be done on the right to health, food, water, family reunion and access to relatives.

Amnesty International continues to call on the government of Sri Lanka to end restrictions on liberty and freedom of movement; ensure that camps are of a truly civilian nature and administered by civilian authorities, rather than under military supervision; and give immediate and full access to national and international organizations and observers, including aid agencies, in order to monitor the situation and provide a safeguard against human rights violations.



**Drainage systems in the camps across Vavuniya have already proved insufficient during 3 days of rain in August. The monsoons are expected to be much worse, but there are no plans to shut down the camps**

## Camps not ready for monsoons - HRW

THE lives of hundreds of thousands of Tamils held in internment camps are in "serious danger" from the imminent rainy season and a looming threat of disease, a human rights group has warned.

Nearly 300,000 Tamils were forced into the military-run camps after the final months of the government's war with the Liberation Tigers of Tamil Eelam (LTTE) earlier this year.

With monsoon season approaching, New York-based Human Rights Watch (HRW) has called on the Sri Lankan government to immediately release the refugees.

It warned that already poor conditions in the camps were deteriorating, and heavy rains could flood the overcrowded and low-lying areas.

"With all these people penned up unnecessarily in terrible conditions, the situation in these camps is getting tense and ugly," Brad Adams, HRW's Asia director, told Al Jazeera.

"If they aren't out of there before the monsoons hit, their lives and health will be in serious danger."

HRW called on donors such as Japan, the US, and the EU to step up pressure on Sri Lanka over the issue, echoing an earlier call by Amnesty International, which also urged the government to clear the camps.

But a Sri Lankan official rejected the claim. Rajiva Wijesinha, a spokesman for the government, told Al Jazeera that the camps were "ready to face the monsoon".

The government says it is detaining Tamils in the camps so that they can be screened to weed out former Tamil Tiger fighters.

It had promised to release and relocate 80 per cent of them by the end of the year, but nearly five months after the war ended, around 255,000 remain held in the camps.

Rains in mid-August caused serious flooding, destroying tents and other shelter, making cooking impossible for many, and causing roads to collapse, preventing the delivery of crucial aid such as drinking water.

Water also flooded latrine pits, causing raw sewage to flow among the tents. Since then, conditions have further deteriorated, HRW said.

Speaking to Al Jazeera, Rajiva Wijesinha, the secretary of the Sri Lanka's ministry of disaster management and human rights, admitted there had been problems with toilets and drainage and floods in August.

But he blamed the UN for the situation, accusing its agencies of not fulfilling promises to upgrade or repair facilities and doing "very shoddy" work in the camps.

Wijesinha said that there was a need for what he called "decongestion" of the camps, adding: "We have asked for assistance on sending people away to some of the districts they had originally come from, and we believe this is going on reasonably well ... perhaps much better than Human Rights Watch understands."

He repeated the government's position that it is trying to release the detained Tamils, but said the process had been slow because they need to be screened for rebel ties, and their villages in the former battle zone remain heavily mined.

Responding to Wijesinha's assertions, Anna Neistat, a senior

researcher with HRW, told Al Jazeera she did not think there was "any reason to believe that the camps are ready" to cope with the onset of the monsoon.

"The Sri Lankan government has been saying so many different things over the last month, including, for example, that people will be released, people will be resettled, that the conditions are up to international standards, none of that has so far proven to be true," she said.

According to the UN, by the end of September the government continued to hold 255,551 displaced persons in the military-run camps and hospitals, the majority of them in a large complex of camps called Menik Farm.

Rights groups say the screening of refugees is an excuse for keeping thousands of Tamils detained.

Sri Lanka says more than 22,000 people have been resettled from the camps, and it hopes to send everyone home by the end of January. According to the UN however, the government had released fewer than 15,000 as of September 28.

HRW said on several occasions the government had claimed that it had allowed thousands detained in Menik Farm to return home, only to transfer them to other camps or so-called temporary "way stations".

"While the government has the right to screen the displaced persons for security reasons, the process has turned into a ruse to hold as many Tamils for as long as possible in the camps," Asia Director Brad Adams said.

"The government's untruthful statements and promises should not fool anybody anymore."

## NEWS

# ‘There will be loss of life’ – UK

THE “freedom of movement is critical if a humanitarian crisis is to be averted”, warned Mike Foster, British Minister for International Development, as he concluded a two-day tour of IDP camps in Northern Sri Lanka.

He gave a stark warning regarding the forthcoming monsoon saying that “the tents are basically disintegrating.”

“Disease, if it takes hold, is going to spread rapidly. Without doubt there will a loss of life.”

The British minister also “made clear that UK funding could not support people simply being transferred from existing ‘closed’ camps – which detain civilians for long periods of time – to new closed camps,” said a statement by the UK Foreign and Commonwealth Office.

“Freedom of movement has to be allowed now,” it said.

Heavy rain in September saw severe flooding, as water ran through tents and camp IDPs had to wade through overflowing sewage. With the October monsoon rapidly approaching, dozens of international organisations have expressed their concerns regarding the ability of the camps to cope with the downpours.

Britain confirmed that it was holding more than £4.8 million in aid money “ready to provide further support to help the Sri Lankan Government meet its welcome commitment to release the majority of civilians from the camps before the end of the year”.

The BBC was also allowed access into the camps with Mr



British Minister Mike Foster visited the camps with a media crew and saw for himself the conditions in which the Tamil civilians live

Foster, where they managed to speak to some of the refugees being forcibly detained there.

On seeing a foreign reporter enter the camp, many women flocked to the vehicle to tell their story, press reports said. One told of how she was displaced 15

times in 3 years and was now sharing a tent with 24 people, the BBC reported. “There is no water to drink. There is no water to bathe. We are going to die here,” pleaded another camp inmate.

Foster announced that the UK would no longer provide funding

to the camps after the monsoon, unless for “life-saving emergency interventions”.

“Our view is that those camps should not be permanent, should be a temporary fixture, and if we continue to fund day-to-day relief work then there is no incentive for

the government to allow people to leave,” Foster said.

“There really is no reason why they can’t return. If the gates are opened up, they can be the judge of whether it’s safe or not to go home,” continued Foster. “That should be a choice for them.”

## No more funding for camps - UK

BRITAIN has announced that it will withdraw all but emergency funding for camps in Sri Lanka.

The news comes after the British Minister for International Development, Mike Foster, visited the detention camps in Northern Sri Lanka, and criticised the way they were run.

More than 280,000 Tamil civilians are held in about six camps across northern Sri Lanka. They were all displaced by the last stages of the war, and despite numerous promises to release at least 80% within 6 months, the Sri Lankan government has made little efforts to do so. Even the few thousand who have been released are sent on to other camps, and not to their homes, according to reports from the island.

\$195 million has already been donated by foreign countries, almost all of which has been spent by the Government on the camps. However, they still need a further \$225 million in order to run them, a sum which they cannot afford without any international assistance, press reports said.

“This has always been one of

the few effective tools that Western countries could use to influence the Government’s conduct in the latter stages of the war and its aftermath,” said Jeremy Page, South Asia correspondent for the Times.

“The question that needs to be asked — if only to avoid crises such as this one — is why it took so long to use it.”

Initially, as the Sri Lankan Government proposed setting up the camps in February, the Department for International Development (DfID) in Britain released a statement saying, “There is no UK government money going into the camps”, whilst also commenting “prolonging the displacement of this vulnerable group of people is not in anyone’s interests”.

This position rapidly changed though, as the entire Vanni population was herded into these camps. The British Government then began to provide millions of pounds in funding through the UN and NGO’s, raised through British tax payers money.

DfID still refuses to use the terms “detention centres” of

“concentration camps”, as alleged by many other activists and politicians, instead referring to them as “camps where civilians are detained”.

Now, the UK has announced that once the monsoon is over, it will fund only “life-saving emergency interventions”.

“That’s increasingly going to be the attitude not just of us, but of other donors as well,” Minister Mike Foster reportedly said.

“We are drawing up a fresh appeal to meet our running costs next year that will include funds for livelihood support and resettlement projects,” Minister of Disaster Management Mahinda Samarasinghe told a meeting attended by representatives of the Sri Lankan government, various UN agencies, the Red Cross and diplomatic officials in the capital Colombo.

The Minister reiterated that he hoped to raise “much, much more than the \$225 million raised this year”.

More than 250,000 Tamil civilians remain trapped in these camps, as the October monsoon rapidly approaches.

## US: Tamils should move freely

THE United States of America called upon Sri Lanka to allow displaced Tamil stuck in camps to be able to move freely. A statement by the US State Department “emphasized the importance of the government allowing freedom of movement for IDPs”.

“The U.S. has stressed to the government that to achieve a lasting peace, it must promote justice and political reconciliation for all parties and dialogue with all parties, including Tamils inside and outside Sri Lanka, on new mechanisms for devolving power,” said a statement from the US State Department.

This follows Assistant Secretary of State for South and Central Asian Affairs Robert Blake meeting with “16 Sri Lankan-American community representatives”, in order to discuss the political and humanitarian situation in Sri Lanka at the headquarters of the State Department.

The “Sri Lankan-American” delegates that met with Blake were a group that were specially prepared and selected by the Sri

Lankan Embassy in the US. Most of the group consisted of leading Sinhalese figures from the community.

The embassy also enlisted the services of renowned Washington-based public lobbying firm, Patton Boggs, in order to prepare the group for this meeting.

“The United States has provided over \$56 million in humanitarian assistance in 2009, including \$6.6 million in demining assistance,” but that “much remains to be done,” Blake also noted.

Blake also “underscored the importance of political reconciliation” while recommending that “Sri Lankan Americans seek opportunities to channel their resources and expertise toward supporting national reconciliation”.

“The government must also seek to improve human rights and accountability,” he said.

By specifically mentioning “Tamils inside and outside Sri Lanka”, the US indicated that it believes the Tamil diaspora play a crucial part in bringing about peace to the island, said analysts.



## NEWS

# A view framed by barbed wire

The Economist

KANCHANA asks to go by a false name, but seems self-assured for a teenager. And no wonder. Her experience of Sri Lanka's civil war, which ended in May after a seaside slaughter of the leaders of the Liberation Tigers of Tamil Eelam (LTTE) would put years on anyone.

For five years she was marooned in the Tigers' northern fief. Kanchana and her sister had left their village in Thampalagama, an area in the east more loosely controlled by the LTTE, for a holiday with a brother living there. But their travel passes were lost and without these the Tigers let no children of fighting age leave them. In 2007, as the army advanced, the Tigers recruited her brother and sister.

The advancing troops reached Kanchana last April. All belonged to Sri Lanka's Sinhalese majority. Yet they did not rape her as she had been led to expect. Instead they shared their thin rations with her. But then came three-and-a-half months interned in Vavuniya. Over 260,000 Tamil refugees were crammed into 16 camps there, with poor food, overflowing toilets and, last month, flooding in which at least five drowned. One sibling was imprisoned among 11,000 former Tiger cadres. The other is probably dead.

A cousin of Kanchana's, his wife and three children were killed, with about 20 others, when an army shell hit their makeshift bunker. That was the main cause of the civilian slaughter, though the Tigers also killed refugees, both in crossfire and deliberately, to stop them escaping. Her best friend, of the same age, and really called Kanchana, was killed after the LTTE gave her a gun and sent her to the front.

Now back in her village in Thampalagama, the surviving "Kanchana" was among the first refugees to be released, in August. With them the truth of the bloody end to Sri Lanka's 26-year war, which the government of President Mahinda Rajapaksa has tried to hide by bullying journalists and reporting "zero civilian casualties", is coming out—at an awkward moment. The government faces human-rights probes from both America and the European Union. The EU's, to inform a decision on whether to reissue a valuable trade concession to Sri Lanka, said human-rights violations made it ineligible.

Kanchana and her local women friends could have added testimony. Sitting together in a small red-tiled shack, one says her 25-year-old son has disappeared, like hundreds of Tamil youths in the past three years. Only the word of a local Hindu astrologer gives hope he is alive. Another's nephew was imprisoned and tortured for a month by pro-government



**Even for the Tamils who get out from behind the barbed wire confines of the Vavuniya camps, life is limited by the realities of post war Sri Lanka, including missing loved ones and no access to resources**

thugs. He is now crippled. A third sent her 21-year-old son for his safety to Colombo. He has been in prison there for nearly two years without charge. Since the government ordered the International Committee of the Red Cross to quit eastern Sri Lanka in July, the women say they have had no one to petition for their sons. "Who will listen to our grief? Who will bring back our children?"

Evidence of reconciliation between Tamils and the Sinhalese-dominated government, which the president has promised, is hard to find. The government is trying to recruit more Tamil policemen. But such measures look paltry against an internment policy that the EU's report calls a "novel form of unacknowledged detention". The government justifies it by citing two reasonable fears: that surviving Tigers will regroup, and that mined areas of

the north are unsafe for locals to return to. Yet the government has made only creeping efforts to identify those it could safely release—perhaps a majority of those detained. Such failings suggest that it sees them all as potential enemies.

Under pressure from Western governments, which pay for most of the camps' food, Mr Rajapaksa promised that 70-80% would be freed by the year's end. That was three months ago. Some 20,000 have since been let out, by the government's perhaps ambitious estimate. Most were the old, the sick or pregnant women, or Hindu priests and stray easterners like Kanchana. Indeed, she was lucky: some who returned to the east later have been detained in ill-prepared schools and temples.

Monsoon rains are expected this month to flood around 25% of Vavuniya's main camps, so 100,000 of the 220,000 people

there need shifting. The government says 67,000 can go to their home areas in the east and to other places outside the LTTE's heartland, like Jaffna and Mannar—even if they may be redetained there. And it plans to release around 30,000 of the disabled, sick and pregnant and their dependants to host families. But there is no immediate prospect of returns to the Tigers' strongholds of Kilinochchi and Mullaitivu. Mr Rajapaksa's target may therefore be unfeasible. With local and foreign aid groups already reluctant to support the new makeshift camps, arguments loom.

Encouraged by the government, thousands of Sinhalese are meanwhile flocking to the east to reclaim land from which the LTTE chased them or their parents. This risks causing conflict with Tamils and Muslims now farming the land—and reinforces the Tamil belief that the govern-

ment means to "Sinhalese" the north and east.

In Irakandy, a short drive from Trincomalee, 1,050 Sinhalese, representing over 350 families, have gathered to reclaim land from which 80 families were driven in 1985. Many of those now living on it have documents supporting claims to have bought the leaseholds to the land. Yet the incomers, under army protection in a nearby community centre, are confident that their ancestral lands and more will be given to them. Priyantha Malvanga, a well-dressed businessman from Colombo, says he and six siblings are all staking claims, his father having been driven from a nearby one-acre farm in 1985. "All of us need some land."

This is worrying. So long as Tamils feel abused by a racist Sinhalese state, the conflict may resume. Economic development of their shattered regions, which the government is planning, is unlikely to change that. Hence the government's continued war-footing—but this is in turn also reinforcing Tamil grievances.

Foreign criticism is not going to make the government change. It gets little bilateral support from Western countries, instead relying on those unfazed by its abuses, such as Iran, which last month renewed a four-month, interest-free oil credit. Indeed, criticism helps rally Sinhalese nationalists against the government's new big foe, Western imperialists. On the EU trade privileges, a letter-writer to the Daily Mirror newspaper warns Western countries that they will suffer "just like in Iraq and Afghanistan" for offending Sri Lanka.

Nor is Sri Lanka's democracy likely to come to Tamils' aid, despite general elections due by next May and a presidential poll expected shortly before it. Mr Rajapaksa has recently tried to mend fences with Tamil opposition politicians. But he looks poised for a thumping victory even without Tamil support.

## Accelerate resettlement says UNDP

SRI LANKA, which won its war, has a responsibility by its people to win the peace by accelerating the resettlement process of the displaced, UNDP Director for Asia and the Pacific, Ajay Chhibber told the Daily Mirror newspaper.

"While we understand the government's concern to have proper logistics in place before the IDPs return to their places of origin, we have conveyed to the government that an undue delay in the process will go to undermine the faith the IDPs and the international community have on the government" the UNDP Regional Director was quoted as

saying.

"We sincerely hope that Sri Lanka will respect the commitment it made to its people and the international community" he reportedly said, adding that the UNDP has set aside a big budget to help the returnees once the government sends them to their places of origin.

Chhibber said he expressed the UNDP concerns to Foreign Minister Rohitha Bogollagama when he met the latter recently in New York. He added that a swift yet well co-ordinated resettlement programme will help the government to win the confidence of the displaced population, which he

said would benefit the government immensely in the long run.

Meanwhile, a call has gone out in Jaffna for urgent food donations to support the displaced who have been moved from the internment camps in Vavuniya to camps in the Jaffna islets.

Jaffna Government Agent, K. Ganesh, extended the urgent call to local and international non-governmental organizations in Jaffna to provide food for the displaced taken to the islets of Jaffna and detained in Sri Lanka Navy special camps.

The dry food rations given to the displaced by the World Food Programme (WFP) are insuffi-

cient to meet their needs as they do not get any extra food from the government, the GA said at an urgent meeting with the representatives of NGOs in Jaffna Secretariat.

Altogether 7,742 Internally Displaced Persons (IDPs) have been transferred from Vavuniya camps to the islets of Jaffna. They are mainly detained in SLN special camps in Vealanai, Oorkaavatturai, Neduntheevu and Kaarainakar while some of them are held in the abandoned houses and some staying with their relatives.

The IDPs had fled their homes in the islets in 1990 due to Sri Lanka Army offensives.



## NEWS

# Colombo bereft of excuses on internees – Crisis Group

TamilNet

ANDREW Strohlein, International Crisis Group's Communications Director, during his testimony to the European Parliament Subcommittee on Human Rights on the situation in Sri Lanka Thursday, noted the poor and deteriorating conditions in the internment camps where more than 264,000 Tamils are being held by Colombo.

"The worst kind of duplicity was seen just a few weeks ago, when the [Sri Lanka] government announced it had released 10,000 displaced persons. In fact, we know at least 3,300 people had been moved from an internment camp to another detention facility," he said.

"Sri Lankan government has run out of excuses for continuing to keep these hundreds of thousands of innocent people prisoner," he added.

## Full text of his testimony:

Thank you, Madam Chair, for offering Crisis Group the opportunity to present our assessment of the situation in Sri Lanka today.

Since the end of the war and the defeat of the terrorist Tamil Tigers, the government of Sri Lanka has been imprisoning without charge over a quarter of a million ethnic Tamils displaced by the conflict. The state has locked them in internment camps in the north of the country. The camps are surrounded by barbed wire, and as an incident just this past weekend in Vavuniya demonstrates, the Sri Lankan army will shoot at anyone who tries to escape.

Such restrictions on freedom in the absence of due process are a violation of both national and international law.

Conditions in the camps are poor and deteriorating. They are overcrowded, with medical facilities, access to clean water and sanitation all woefully inadequate. These conditions are expected to worsen dramatically with the onset of monsoon season. The military is preventing humanitarian organisations, including the UN and International Committee of the Red Cross (ICRC), from undertaking effective monitoring and protection in the camps.

The government has made numerous promises to release those held in the main camps, but these are little more than attempts to deliberately mislead the international community. Very little has come of any of Colombo's pledges. The worst kind of duplicity was seen just a few weeks ago, when the government announced it had released 10,000



**Over 250,000 Tamil civilians continue to be held in camps in Vavuniya with no freedom of movement, poor sanitation and in crowded conditions. Sri Lanka has run out of excuses for continuing to hold them, after all the international aid that has poured in for screening.**

displaced persons. In fact, we know at least 3,300 people had been moved from an internment camp to another detention facility. (UNHCR press release, 29 September 2009)

Here are the numbers as we understand them today (as of 15 September, UNHCR with government figures). Of the estimated 289,000 internally displaced Tamils at the end of the war, some 10,000 are held in detention centres on suspicion of having links to the Tamil Tigers, about 5,000 have managed to buy their way out of the camps by paying off the right people, and only 6,000 have been resettled. Those in the main camps in the north number about 264,000.

The ICRC has not been able to visit the main camps in the north since July, and they have never been able to visit those in detention facilities who are accused of working with or for the Tigers.

The government claims two reasons for continuing to imprison over a quarter of a million internally displaced persons (IDPs), but neither argument holds up. First, they say demining must occur before people can be allowed back, but this is nonsense, as tens of thousands could be released immediately to live with host families now living in towns and villages free of mines.

Second, the government claims to be conducting a screening process to weed out Tamil Tigers from the 264,000 in the internment camps. But no one can tell you how this process is pro-

ceeding. The government itself will not say how many people have already been through the screening process, the ICRC has not been able to monitor any screening at all, and when you ask people in the camps themselves, no one seems to know much about any such process. In any case, if the government has been conducting a screening process for four months now, why hasn't it been releasing those people who have passed the test?

We see the government is now promising "day passes" in one limited area (Mannar but not Vavuniya nor Trincomalee, where the bulk of the IDPs are) so IDPs can leave the camp, but we have yet to see this working in practice. It seems a strange idea in any case: if these people are allowed to go out for the day, then they surely have passed the screening process, so why aren't they allowed out all the time?

The fact is, all talk of release dates and resettlement schedules is nonsense. As the UN Secretary-General's Representative on the Human Rights of Internally Displaced Persons, Walter Kaelin, made clear on Tuesday, saying:

"It is imperative to immediately take all measures necessary to decongest the overcrowded camps in Northern Sri Lanka with their difficult and risky living conditions. The IDPs should be allowed to leave these camps voluntarily and in freedom, safety and dignity to their homes. If this is not possible in the near future, the displaced must be allowed to

stay with host families or in open transit sites. This is particularly important as the monsoon season is approaching."

Also on Tuesday, UN Secretary-General Ban Ki-Moon himself warned of the dangers of Sri Lanka's current policy, noting that the government risked creating "bitterness" if it failed to rapidly resettle Tamil refugees. Indeed, the harsh conditions in the camps are already sparking unrest, as we saw in Vavuniya at the weekend. But also in the longer term, the government's policy of imprisoning so many Tamil citizens without cause is only sowing the seeds of discontent that will grow into Sri Lanka's next violent conflict.

These are precisely the warnings the International Crisis Group has been giving and exactly the solutions we've been calling for months, and we are glad to see them accepted and supported at the very highest international levels. There is now no credible international voice saying anything else, and the Sri Lankan government has run out of excuses for continuing to keep these hundreds of thousands of innocent people prisoner.

The European Union and its member states have limited direct influence over the government of Sri Lanka, but working with our international partners, there are steps to take. The EU and its member states should:

1) speak publicly, clearly and often about the need for the displaced to have freedom of move-

ment immediately.

2) officially demand access to the camps for all humanitarian agencies and the media.

3) work to ensure that any disarmament, demobilisation and rehabilitation/reintegration (DDR) programs are ONLY conducted with ICRC involvement and a clear legal framework. (Currently, the UK Department for International Development, DFID, and the International Organization for Migration, IOM, are funding DDR projects in which the ICRC plays no part, and no legal regime governs the process.)

4) press the UN to put a binding time limit on its phased assistance to the camps. These should not become long-term facilities.

5) oppose further disbursement of the International Monetary Fund (IMF) loan due later this month until the government of Sri Lanka meets the commitments on resettlement it made in its July Letter of Intent a letter to the IMF (sent by the Sri Lankan Ministry of Finance and Planning to the IMF on 16 July 2009), which included a pledge to resettle 70-80% of IDPs by the end of this year (Point 10).

In general, no donors should fund any substantial development work until there is a clear plan, with cross-ethnic consultation and some restoration of democratic rights. We must ensure international monies are not used to fund unfair and destabilising political arrangements that set the stage for the island's next violent ethnic conflict.



## EDITORIAL AND OPINION

## TAMIL GUARDIAN

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WEDNESDAY OCTOBER 14, 2009 No. 407

## Natural Order

## Why Sri Lanka ignores international outrage over the camps

Even as the monsoons loom, and despite widespread international alarm and concern, Sri Lanka continues to keep hundreds of thousands of Tamils penned behind barbed wire in militarised tent camps. Since May, when the Colombo government declared victory over the Liberation Tigers, the entire population of the Vanni has been locked up thus. Despite the manifest outrage of international human rights groups like HRW and Amnesty International, relief agencies and several Western states, Sri Lanka defiantly continues to brutalise the detainees. This month the Sinhala state has reduced water supplies, causing untold suffering amid the heat.

Whilst various international actors attempt to goad, cajole and compel Sri Lanka to let the civilians go, few have examined the reasons for their incarceration. As far as the Tamils are concerned, it is obvious: this is the latest manifestation of the Sinhala state racism. Colombo is not only punishing the Tamils for their past defiance of Sinhala rule, it is, like the sovereigns whose rule preceded the pastoral states that emerged in Europe since the seventeenth century, also seeking to impose its authority by instilling terror.

The state will fail in both. There was never a time when the legitimacy of Sinhala domination would be acceptable to the island's Tamils. Indeed, as scholarship of Sri Lanka has rigorously laid out, it is the Sinhala state's manifestly chauvinistic violent efforts - in which international actors, including Western states have been implicated, if not complicit - to institutionalise a racial hierarchy that have led to the compaction of the Eelam Tamil identity. At what point - if ever - did it become concerning to international actors that the state military was mono-ethnic? As one American military historian has noted, the policy of an all-Sinhala army has been in place since 1962. At the same time it is worth noting how Britain and other Western states have been involved in 'Security-Sector-Reform' and military training for at least two decades.

Secondly, state terror will not permanently cow the Tamils. The destruction of the LTTE's conventional fighting capability has paused the island's protracted war. It has almost certainly not ended it. If the Black July pogrom in 1983 could not cow the Tamils, then neither will the mass slaughter of 2009 or the continued brutality against our people. Along with several measured international voices, this newspaper has consistently argued that Sinhala

oppression will beget Tamil resistance. Tamil faith in West-led liberal internationalism will foreclose space for militancy. For now.

In the meantime, it is worth recalling that the misery President Mahinda Rajapakse is today inflicting on the Tamils is merely a continuation of the suffering visited on them by a series of Sinhala regimes before his (something those pinning their hopes in 'regime change' should bear in mind). As the Sri Lankan scholar Neil De Votta has rigorously laid out, even by the seventies Sri Lanka had regressed into an ethnocracy bent on Tamil subjugation. When the Norwegian-led international peace intervention began in 2001, over eight hundred thousand Tamils had been internally displaced whilst hundreds of thousands more had fled abroad.

The present focus on the Vavuniya camps and Sri Lankan state inaction, whilst entirely justified given the acute suffering and the imminent catastrophe of flooding, has meanwhile obscured the country's complete disintegration into an acutely polarised ethnic blocs. This is not a problem in Sinhala terms, provided minority anger does not turn into challenges to the natural and rightful hierarchy between them and the majority. In short, the reason all ongoing international efforts to get Sri Lanka to treat the island's inhabitants as equals have failed is because the majoritarian logic embedded in the state - and exemplified by the military - simply does not hold all peoples as equal.

This week, Britain, whilst setting out a catalogue of problems that are clearly linked to the Sri Lankan state's active policies, announced it will continue "engagement" with the ethnocracy. Almost certainly, this policy of appeasement, which has been tried and failed repeatedly before, will fail again. Whilst the rhetoric of liberalism - exemplified most recently in Colombo's soliciting of international funding for 'rehabilitation of ex-combatants' - will continue to be deployed, in short order it will be clear that none of the 'post-war' transformations expected of Sri Lanka will be undertaken. As two eminent scholars, Deborah Winslow and Michael Woost argued, even by 2004, Sri Lanka was not a place where war was taking place, rather the country was war itself: "not a stop-gap, but a new social formation." Merely tinkering with it - "engagement" - will change absolutely nothing.

## Road to stability in Afghanistan runs through Pakistan, India

Joshua Gross

Christian Science Monitor

THE devastating terrorist attack on the Indian Embassy in Kabul last week signals a new sense of urgency to the Obama administration's deliberations over Gen. Stanley McChrystal's assessment of the war in Afghanistan.

Here's what Washington needs to understand: The road to stability in Afghanistan runs through Islamabad and New Delhi.

To diminish the mistrust and hostility that destabilizes Pakistan, India, and Afghanistan, the US needs to take a holistic regional approach.

Most important, the president should commit the United States to a gradual troop surge.

The leaked McChrystal report has been criticized for omitting an exit strategy, but what unnerves skeptical lawmakers reassures American allies in the region.

A surge will send a strong political message and prevent hedging by ordinary Afghans - not to mention the Pakistani and Indian security establishment - who are trying to gauge American resolve. As Kurt Volker, former US permanent representative to NATO, said: "If they think that the United States is packing up, they won't bet their lives on opposing extremists."

A phased troop buildup will signal our long-term commitment to stability in the region. With such assurances, Pakistan's security sector will be empowered to act more boldly in purging extremist elements from their midst.

Pakistani commentators rightly point out that much of the conflict across the border is fueled by disgust with the Afghan government, rebellion against foreign occupation, extreme Pashtun nationalism, and tribal dynamics. But they are reluctant to confront the reality that havens in their own country provide Taliban fighters with weapons, training, and the protection of Pakistan's intelligence service.

The US must focus on pressuring Pakistan to shut down these havens. Even the most dangerous elements of Pakistan's government will be more circumspect when they realize that the 60,000 plus US troops in their backyard aren't going anywhere.

We cannot stabilize Afghanistan without addressing the insecurities of the Pakistani military elite. That said, a harder line on Pakistan will only be effective if it is accompanied by reciprocal pressure on India.

Recent efforts to pilot a non-proliferation resolution in the UN

Security Council might have ruffled feathers in New Delhi, but they calmed the generals in Islamabad. The administration should take the extra step of insisting that the US military contractors looking to cash in on the \$100 billion modernization of the Indian military pack up and come home. Massive sales of US military technology to India could upset the region's fragile balance of power.

For years, Pakistan has asked Afghanistan to accept the Durand Line as the border between the two countries. Afghan ambiguity on the issue has bred Pakistani contempt. The US can use its leverage in Kabul to push the Afghan and Pakistani governments to jointly establish and secure their border.

These monumental diplomatic tasks can only be accomplished within the framework of formalized negotiations. It is notoriously difficult to get Indian, Afghan, and Pakistani decision makers in the same room, let alone mediate their profound and existential grievances. The US has been hesitant to take on this challenge in the past, but a sustained troop presence in the region will give these negotiations a sense of permanence that previous appeals lacked.

In order to lay the framework for an official summit between the leaders of the three countries, the US should empower Special Representative Richard Holbrooke by expanding his mandate to encompass India. All concerns should be open for discussion, including Pakistani support of jihadi groups in Kashmir and alleged Indian and Afghan cooperation in arming Baloch separatists in Pakistan. Everyone at the table must agree to swallow a bitter pill.

American public support for the war is lagging. Americans are justly dismayed by the prospect that more blood and treasure will be spent to prop up a government that won an election through deceit and coercion. Afghan President Hamid Karzai's image has been permanently tarnished. But Afghanistan is bigger than one man.

Now more than ever it is essential for President Obama to stand with Afghanistan. If Democratic support is not forthcoming, he should court congressional Republicans.

American credibility and regional stability are at stake.

Joshua Gross is a master's candidate at the Fletcher School of Law and Diplomacy at Tufts University. (Edited for space)



## OPINION

# Behind the Sri Lankan bloodbath

Colombo's victory over the Tamils shows India's power on the wane.

**Brahma Chellaney**

THOUSANDS of noncombatants, according to the United Nations, were killed in the final phase of the Sri Lankan war this year as government forces overran the Tamil Tiger guerrillas. Nearly five months after Colombo's stunning military triumph, the peace dividend remains elusive, with President Mahinda Rajapaksa setting out - in the name of "eternal vigilance" - to expand by 50% an already-large military. Little effort has been made to reach out to the Tamil minority and begin a process of national reconciliation.

China, clearly, was the decisive factor in ending the war through its generous supply of offensive weapons and its munificent aid. It even got its ally Pakistan to actively assist Rajapaksa in his war strategy. Today, China is the key factor in providing Colombo the diplomatic cover against the institution of a U.N. investigation into possible war crimes, or the appointment of a U.N. special envoy on Sri Lanka. In return for such support, Beijing has been able to make strategic inroads into a critically located country in India's backyard.

Unlike China's assistance, India's role has received little international attention. But India, too, contributed to the Sri Lankan bloodbath through its military aid, except that it has ended up, strangely, with its leverage undermined.

For years, India had pursued a hands-off approach toward Sri Lanka in response to two developments - a disastrous 1987-1990 peacekeeping operation there; and the 1991 assassination of former Prime Minister Rajiv Gandhi by a member of the Tamil Tigers. But having been outmaneuvered by China's success in extending strategic reach to Sri Lanka in recent years, New Delhi got sucked into providing major assistance to Colombo, lest it lose further ground in Sri Lanka.

From opening an unlimited line of military credit for Sri Lanka to extending critical naval and intelligence assistance, India provided sustained war support despite a deteriorating humanitarian situation there. A "major turning point" in the war, as Sri Lankan navy chief Admiral Wasantha Karannagoda acknowledged, came when the rebels' supply ships were eliminated, one by one, with input from Indian naval intelligence, cutting off all supplies to the rebel-held areas. That in turn allowed the Sri Lankan ground forces to make rapid advances and unravel the de facto state the Tigers had established in the island nation's north and east.

Sri Lanka, for its part, practiced adroit but duplicitous diplomacy: It assured India it would approach other arms suppliers only if New Delhi couldn't provide a particular weapon system it needed. Yet it quietly began buying arms from China and Pakistan without even letting India know. In doing so, Colombo mocked Indian appeals that it rely for its legitimate defense needs on India, the main regional power. It was only by turning to India's adversaries for weapons, training and other aid that Colombo pulled off a startling military triumph. In any event, Colombo was emboldened by the fact that the more it chipped away at India's traditional role, the more New Delhi seemed willing to pander to its needs.

Indeed, Rajapaksa deftly played the China, India and Pakistan cards to maximize gains. After key Tamil Tiger leaders had been killed in the fighting, Rajapaksa - to New Delhi's mortification - thanked China, India and Pakistan in the same breath for Sri Lanka's victory.

Today, India stands more marginalized than ever in Sri Lanka. Its natural constituency - the Tamils - feels not only betrayed, but also looks at India as a colluder in the bloodbath. India already had alienated the Sinhalese majority in the 1980s, when it first armed the Tamil Tigers and then sought to disarm them through an ill-starred peacekeeping foray that left almost three times as many Indian troops dead as the 1999 Kargil War with Pakistan.

India's waning leverage over Sri Lanka is manifest from the way it now has to jostle for influence there with arch-rivals China and Pakistan. Hambantota - the billion-dollar port Beijing is building in Sri Lanka's southeast - symbolizes the Chinese strategic challenge to India from the oceans.

Even as some 280,000 displaced Tamils - equivalent to the population of Belfast - continue to be held incommunicado in barbed-wire camps, India has been unable to persuade Colombo to set them free, with incidents being reported of security forces opening fire on those seeking to escape from the appalling conditions. One of the few persons allowed to visit some of these camps was U.N. Secretary-General Ban Ki-moon, who said after his tour in May: "I have traveled around the world and visited similar places, but these are by far the most appalling scenes I have seen ..." Prime Minister Manmohan Singh said recently that India has conveyed its "con-



cerns in no uncertain terms to Sri Lanka on various occasions, stressing the need for them to focus on resettling and rehabilitating the displaced Tamil population at the earliest." But India seems unable to make a difference even with messages delivered in "no uncertain terms."

The story of the loss of India's preeminent role in Sri Lanka actually begins in 1987, when New Delhi made an abrupt U-turn in policy and demanded that the Tigers lay down their arms. Their refusal to bow to the diktat was viewed as treachery, and the Indian army was ordered to rout them.

Since then, Sri Lanka has served as a reminder of how India's foreign policy is driven not by resolute, long-term goals, but by a meandering approach influenced by the personal caprice of those in power. The 1987 policy reversal occurred after then Sri Lankan President J.R. Jayewardene - a wily old fox - sold neophyte Prime Minister Rajiv Gandhi the line that an "Eelam," or Tamil homeland, in Sri Lanka would be a dangerous precursor to a Greater Eelam uniting Tamils on both sides of the Palk Straits. In buying that myth, Gandhi did not consider a simple truth: If Bangladesh's 1971 creation did not provoke an Indian Bengali nationalist demand for a Greater Bangladesh, why would an Eelam lead to a Greater Eelam?

Actually, the Tamils in India and Sri Lanka have pursued divergent identities since the fall of the Pandyan kingdom in the 14th century. While the Eelam struggle is rooted in the treatment of Tamils as second-class citizens in Sri Lanka - where affirmative action has been instituted for the majority Sinhalese and a mono-ethnic national identity sought to be shaped - the Tamils in India

face no discrimination and have been fully integrated into the national mainstream.

Another personality driven shift in India's Sri Lanka policy came after the 2004 change of government in New Delhi, when the desire to avenge Gandhi's assassination trumped strategic considerations, with the hands-off approach being abandoned. That handily meshed with the hawkish agenda of Rajapaksa, who began chasing the military option soon after coming to power in 2005. "It is their duty to help us in this stage," Rajapaksa said about India. And Indian help came liberally.

In fact, such has been the unstinting Indian support that even after the crushing of the Tamil Tigers, India went out of the way to castigate the U.N. high commissioner for human rights, Navi Pillay, in June for shining a spotlight on the deplorable human-rights situation in Sri Lanka, including the continuing internment of internally displaced Tamils. India accused Pillay - a distinguished South African judge of Indian descent who has sought an independent international investigation into alleged war crimes committed by all sides in Sri Lanka - of going beyond her brief, saying "the independence of the high commissioner cannot be presumed to exceed that of the U.N. secretary-general."

The costs of lending such support have been high. New Delhi today is groping to bring direction to its Sri Lanka policy by defining its objectives more coherently, even as it struggles to respond to the Chinese strategy to build maritime choke points in the Indian Ocean region. Indeed, India has ceded strategic space in its regional backyard in such a manner that Bhutan now remains its sole pocket of influence. In Sri

Lanka, India has allowed itself to become a marginal player despite its geostrategic advantage and trade and investment clout.

More fundamentally, the pernicious myth Jayewardene planted in Gandhi's mind triggered a chain of events still exacting costs on Indian security and interests. In fact, nothing better illustrates the fallacy Jayewardene sold Gandhi than the absence of a Tamil backlash in India to the killings of thousands of countless Tamil civilians in Sri Lanka this year, and to the continued incarceration in tent camps of 280,000 Tamil refugees, including 80,000 children. In fact, even as the Sri Lankan war reached a gory culmination, India's Tamil Nadu state voted in national elections for the United Progressive Alliance (UPA) led by Gandhi's widow, Sonia Gandhi, although that governing coalition had shied away from raising its voice over the Sri Lankan slaughter.

Today, the upsurge of Sinhalese chauvinism flows from the fact that the Sri Lankan military accomplished a task whose pursuit forced the mightier Indian army to make an ignominious exit 19 years ago. Consequently, Colombo is going to be even less inclined than before to listen to New Delhi. Indeed, the manner in which Colombo played the China and Pakistan cards in recent years to outsmart India is likely to remain an enduring feature of Sri Lankan diplomacy, making Sri Lanka a potential springboard for anti-India maneuvers.

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## NEWS



The Sri Lankan Army marked the 60th anniversary of its formation with a large party, even as Tamil civilians continue to suffer in military controlled camps





## NEWS

# America responds to protests over Clinton rape remark

THE United States has responded after Sri Lanka protested over the US Secretary of State including Sri Lanka in a list of countries where rape is used as a weapon of war.

"Now, reading the headlines, one might think that the use of rape as a tactic of war only happens occasionally, or in a few places, like the Democratic Republic of the Congo or Sudan," Hillary Clinton said, addressing a session of the U.N. Security Council that was looking at rape in war.

"That would be bad enough, but the reality is much worse. We've seen rape used as a tactic of war before in Bosnia, Burma, Sri Lanka, and elsewhere," Clinton said.

"In too many countries and in too many cases, the perpetrators of this violence are not punished, and so this impunity encourages further attacks," the US Secretary of State added.

Sri Lanka responded when its prime minister went on live radio to say that Clinton has apparently forgotten the Monica Lewinsky affair and should tend to her own backyard before alleging that women are being maltreated in other countries.

Premier Ratnasiri Wickrematunge fielded a number of questions on a SLBC program, including one to which he responded that Ms. Clinton should put "her house in order without trying to live in a glass house and pelt stones at others," reported the Sunday Times.

The Prime Minister's office later issued a statement based on Mr. Wickrematunge's comments to SLBC. However, the references about Monica Lewinsky were left out. It only said that Ms. Clinton should put her house in order.

Sri Lanka also lodged a 'note of protest' with the U.S. Embassy in Colombo, complaining about Clinton's suggestion that Sri Lankan security forces used rape as a weapon of war.

"We vehemently reject and condemn the irresponsible statement made by US State Secretary Hillary Clinton," the country's defense spokesman was quoted as saying in the state run Daily News.

The United States responded by lodging a "strong protest" to Sri Lanka over the remarks by the Prime Minister on state radio.

Sri Lanka's Ambassador Jaliya Wickremasuriya, was summoned to the Department of State to be told of the US Government's displeasure.

Robert Blake, Assistant Secre-



**We've seen rape used as a tactic of war in Bosnia, Burma, Sri Lanka and elsewhere Hillary Clinton told the UN Security Council**

tary, South and Central Asian Affairs, had expressed "great concern" over the remarks and wanted to know whether this was the official position of the Government of Sri Lanka.

The United States also responded to the protests from Sri Lanka in a letter addressed to Sri Lanka's Minister of Foreign Affairs Rohitha Bogollagama from the State Department.

It clarified that "numerous cases of rape and sexual violence in Sri Lanka, particularly acts committed against women held in detention by the government" had been detailed over the years by the US government and international human rights groups.

However, the letter signed by Melanne Verveer, ambassador at large for global women's issues at the State Department said that "in the most recent phase of the conflict, from 2006 to 2009 ... we have not received reports that rape and sexual abuse were used as tools of war, as they clearly have in other conflict area around the world."

"We hope that this clarification puts the issue in its proper context," the letter said, adding

that Washington remains concerned about extrajudicial killings, disappearances and detainee abuse in Sri Lanka.

"Secretary Clinton believes that Sri Lanka must focus to the future and move forward on the promotion of peace and the protection of human rights," the letter said.

Clinton had been speaking during a UN resolution calling for an end to sexual violence in armed conflict. She was also speaking on the last day of the US's turn at the rotating presidency of the 15-member body.

"The physical and emotional damage to individual women and their families from these attacks cannot be quantified nor can the toll on their societies," she said.

"The dehumanizing nature of sexual violence doesn't just harm a single individual or a single family or even a single village or a single group. It shreds the fabric that weaves us together as human beings. It endangers families and communities, erodes social and political stability, and undermines economic progress. We need to understand that it holds all of us back."



**The question is whether the SLFP can get a two thirds majority**

## Polls before April

SRI LANKA will hold both presidential and parliamentary elections before April 2010, state radio has announced.

The presidential poll, which was due by November 2011, will now be held before April 2010, the Sri Lanka Broadcasting Corporation said. It did not give an exact date.

The holding of the presidential poll nearly two years ahead of schedule reflects the government's popularity, reported the BBC.

A government minister was also quoted as saying that parliamentary elections, which were due shortly after the legislature ends its term on April 2, would also be brought forward and held with the presidential poll.

The dates will be announced during a meeting of the ruling Sri Lanka Freedom Party on November 15, reported the state-run Sri Lanka Broadcasting Corporation, citing Media Minister Lakshman Yapa Abeywardena.

Sri Lankan President Mahinda Rajapaksa will seek a second term, having declared victory over the Liberation Tigers of Tamil Eelam in May.

Earlier, government sources had told Reuters the president could call early polls by January, hoping to lock in a second six-year term with his popularity peaking after his government defeated the Tamil Tigers in May.

Those sources had said a parliamentary election would follow in March. The reports were then unclear whether Rajapaksa would call both elections together, a possibility that has also been raised.

Rajapaksa, who is hugely popular among the Sinhalese majority, is likely to score a clear victory, reported the BBC.

The opposition is weak and the president is hoping for a two-thirds majority which would enable him to change the constitution, possibly making provision for more than two successive presidential terms, the BBC report said.

Rajapaksa has already said that he will wait until after the vote to introduce political reforms aimed, for instance, at addressing Tamil grievances.

But critics said that while

ministers and the President regularly speak of the need for reconciliation, they are vague about concrete plans for reconciliation and about the nuts and bolts of reforms - for instance, the powers that might be held by Tamil-majority areas.

Officials from the president's United People's Freedom Alliance said they were keen to call an election to take advantage of support from the majority Sinhalese after victory against the Tamil Tigers. Rajapaksa has resisted calls for war-crimes investigations into his military policy and, with support from China and Russia, managed to stave off a United Nations Security Council debate on the issue.

The UN has said that up to 7,000 civilians may have perished in the first few months of this year when security forces escalated their offensive against the remnants of the Liberation Tigers of Tamil Eelam. Other reports placed the number killed at 20,000.

The move comes three days after the coalition of Rajapaksa scored its eighth clear victory in provincial polls.

The president's party secured 68 percent of the vote at the recent Southern provincial council elections, slightly lower than expected.

"The party is quite comfortable with the 68 percent support, but it is better to have an early election to renew our mandate," a senior ruling party official said, declining to be named.

He said the president has been meeting with local party workers this week to map out electoral strategy.

Dayan Jayatilleka, recently sacked as Sri Lanka's ambassador to the UN in Geneva, writes in a new article that "there is no informed discussion about the nature of the post-war order".

Analysts have said Rajapaksa's popularity could fade if anticipated economic benefits from peace fail to materialise. There is already public grumbling over the high cost of living, reports say.

According to the constitution, the earliest Rajapaksa can call a presidential poll is when he completes his fourth year at the helm in November.



## NEWS

# Fonseka's legal perils

TamilNet

AS Major General Sarath Fonseka's military and political stars in Sri Lanka show signs of decline, the General may have to soon decide whether to stay in Sri Lanka and suffer ignominy under the Rajapakse brothers, or to use the lottery-won US Green Card, and seek safety with his children in the US. But safety in US may spell judicial danger.

Without the cover of sovereign immunity, which had protected Fonseka's alleged war-crimes until now, the General will be exposed to answer charges, in the US Federal Courts, against his conduct of war in Sri Lanka.

Both criminal and civil actions against Maj.Gen. Fonseka are likely in the US, and Colombo's resources, including legal help from US lobby-firms under Sri Lanka's payroll, will unlikely be available to him, legal sources in Washington said.

"Slow decline of Fonseka's stature in Sri Lanka is quite clear to the public, and many are bewildered at the treatment given to the General, especially after his contributions to the military victory against a formidable foe," a political analyst in Colombo told TamilNet.

Confusion prevails "whether former Army Commander Sarath Fonseka had accepted his new appointment as Secretary to the Ministry of Sports," adding, "even Sports Minister Gamini Lokuge expressing his lack of knowledge on the issue," Sunday Leader said today.

"Fonseka is reported to have told close confidantes that he will not accept any position which was likely to be an insult to his stature. He had said it was better that he leaves the country in dignity rather than accept positions which discredit his standing," the paper further said.

On July 14th Maj. Gen. Fonseka was moved from Commander of the Army, to the largely ceremonial post of Chief of Defence Staff (CDS).

Meanwhile, here in the US, Attorney General and his prosecutorial staff possess enviable discretionary powers in criminal prosecution of foreign defendants in the U.S. However, Tamils Against Genocide (TAG), a Washington D.C based pressure group, said the model indictment against Gotabaya Rajapakse and Sarath Fonseka, TAG submitted to the Justice Department in January, is under review.

"If and when the U.S. foreign policy interests converge to bring prosecution against Sri Lanka officials responsible for the alleged war-crimes, the Justice Department will begin a grand jury investigation," TAG officials said.

According to TAG, possible crimes Maj.Gen. Fonseka will be charged under a criminal indictment are likely to be:



**The future is uncertain for Maj. Gen. Sarath Fonseka with a potential war crimes trial in the US and few friends in Sri Lanka**

■ Charge of genocide, as recognized by Article 2 of the 1949 Geneva Convention, punishable under section 1091 of title 18, United States Code.

■ Charge of torture, a violation of the laws or customs of war, as recognized by Article 3(1)(a) of the Geneva Conventions, punishable under subsection (d)(1)(A) of section 2441 of title 18, United States Code, punishable under subsection (a) of section 2340A of title 18, United States Code.

■ Charge of murder, a violation of the laws or customs of war, as recognized by Article 3(1)(a) of the Geneva Conventions, punishable under subsection (d)(1)(D) of section 2441 of title 18, United States Code.

TAG officials pointed out that while the existing indictment document covered the crimes until January 2009, crimes allegedly committed between February and May 18th 2009 will also be added as a superseding indictment.

Evidence collection based on Satellite imagery, and independent verification of the Channel-4 broadcast extra-judicial execution video, will further add to the evidence pool for indictment, TAG officials said.

For civil charges the situation is different, as individual victims, whether a US citizen or not, can use the US Federal court to file compensation for compensatory and punitive damages, according to TAG.

"US Courts can exercise jurisdiction for the crime of torture,

war-crimes, and crimes against humanity for tort action. TVPA (Torture Victims Protection Act) applies only to U.S Citizens committing crime outside the U.S, and therefore, this act will only apply to defendants such as Gotabaya Rajapakse.

"Being a resident-alien without the cover of sovereign immunity, Maj.Gen. Fonseka's crimes can be prosecuted under the ATCA (Alien Tort Claims Act) for which there are illuminating precedents in US Courts," TAG official added.

ATCA permits foreign nationals to seek relief in Federal court for actions that violate the "law of nations" or a U.S. treaty. U.S. courts have interpreted violations of the "law of nations" under the ATCA to include crimes against humanity, war crimes, genocide, torture, rape, and summary execution.

With the international climate turning against Colombo in its disregard for human rights of the more than 280,000 Tamils civilians incarcerated in military supervised internment camps, rights organizations are urging the international community to take stern action against Rajapakse Government.

"With evidence of alleged war-crimes slowly seeping past Colombo's harshly imposed blackout, many former officials stand exposed to prosecution in countries where courts exercise universal jurisdiction for war-crimes," TAG officials said.

# Sri Lanka military budget raised

THE Sri Lankan parliament has approved an additional 20% budget for the country's military for the remainder of this year, reported the BBC.

The government argued the cash boost was essential despite the end of the long-running war in May because the security forces still need strengthening.

It was pushing for an additional \$300m to be added to the military budget – on top of the record \$1.6bn already allocated this year.

The extra revenue is said to be for funding the armed forces' fuel and medical supplies and provide compensation for those who were injured or died. All three armed services wings will benefit, the government claimed.

The money was approved by parliament which also extended by a further month the country's state of emergency, nearly five months after the end of the war, reported the BBC.

When an opposition politician, speaking in parliament, asked why the extra military budget was needed given the end of the conflict, the government

pointed to the need to prevent any resurgence of the Liberation Tigers and the need to maintain the heavy fortifications.

There are plans to set up two major new military bases in areas captured from the Tigers and to increase military surveillance of the north which will last long after the planned resettlement of Tamil displaced people currently interned in camps, BBC reported.

The country is plastered with posters glorifying the armed forces, most of them in the majority Sinhalese language whose speakers constitute the vast bulk of the military.

Meanwhile, the Sri Lanka Army celebrated its 60th anniversary in early October.

"[T]he renowned 'Defenders of the Nation' which has triumphantly accomplished a record multiplicity of tasks in its sixty years of survival as a distinguished and admirable force to reckon with, marked its 60th Anniversary cum Army Day (Oct 10th) during a colourful parade and other important features," reported the defence.lk website.

# SLA explosive expert arrested for van bomb

A SRI LANKA Army (SLA) soldier and explosive expert attached to Minneriya camp in Polonnaruwa was arrested by Kurunegala Police Friday, October 2, in connection with the school van bomb blast the previous Friday that killed a 11 year old girl student and injured 11 others including school children and the driver.

The soldier, a neighbour of the van owner, is suspected for making the bomb by smuggling C4 explosives from the military installation.

Erandika Dissanayake, aged 11, succumbed to her injuries and 11 others, including school children, were wounded following a bomb blast in Uduwalpola area in Kurunegala.

The blast is reported to have occurred when the driver started the vehicle with the children inside a garage. The wounded including the driver were rushed to Kurunegala hospital.

Carefree violence is becoming a social phenomenon in southern Sri Lanka as a consequence of an attitude arising from the war that didn't care for human rights, journalistic circles in Colombo commented.

Meanwhile, Sri Lanka has formally discharged nearly 25,000 Sri Lankan military personnel, who deserted its forces at the height of the war, AFP reported, citing officials.

The discharged include

20,000 from the army and 5000 from the navy and air force.

According to military sources, the idea of getting the deserters off the books was to make way for fresh recruits.

Thousands of deserters who had been jailed were freed in recent months and those who were discharged will not be court martialled.

During the war SL government was wooing the deserters to come back and fight.

Deserters and discharged of a military, orientated not to observe human rights, have become a serious social problem in southern Sri Lanka, social-work circles in the island said.

The Guardian reported that almost ten percent of the prisoners in UK are ex-soldiers and there is a 30 percent increase of them in the prison population in the last five years.

An estimated 20,000 ex-soldiers are in the criminal justice system of UK and 8500 are behind the bars.

The number is more than double the total British deployment in Afghanistan, The Guardian said.

A survey found most of them having chronic alcohol or drug problems and half of them suffering from post-traumatic stress disorder or depression. Most conviction cases are connected to violent offences, particularly domestic violence.



## NEWS

# 'Sri Lanka's stand not helpful' - EU Ambassador

WITH news emerging that Sri Lanka may still be able to hold on to the GSP+ concessions, EU Ambassador to Sri Lanka Bernard Savage warned that there are still issues to be overcome.

"I reiterate my position that Sri Lanka's stand of non-cooperation is not going to be helpful," said Savage, following an increasing sense of confidence in Sri Lanka, that they may retain the GSP+ benefits.

"It is likely to be extended with a negative recommendation," Reuters reported earlier, quoting a diplomat briefed on the EU's internal discussions.

"There would then be some targets for Sri Lanka to meet," the anonymous source also added.

Sri Lanka has twice refused to co-operate with the EU, whilst they were investigating the possibility of withdrawing the programme from the island.

When the EU tried to send a team to investigate allegations of human rights abuses in 2008, Sri Lanka refused to allow them entry into the country.

Colombo also refused to respond to a damning 130-page report by the EU detailing human rights abuses, which indicated a possible cancellation of the concession.

Sri Lanka's Ambassador to EU and Belgium Ravinatha Ariyasinghe told the EU Parliament that "the government had not accepted the process of GSP+ investigation and a request for EU experts to visit Sri Lanka as a matter of principle, as it was felt inappropriate and unnecessary and the Government was not willing to compromise on its sovereignty."

"The process of obtaining the concessions is well known to the Lankan government," commented Mr Savage, adding "we wish Sri Lanka very well" in its bid to obtain the GSP+ concession.

There has been increased pressure on the EU to cease the GSP+ scheme to Sri Lanka.

The Economist criticised Sri Lanka's participation in the concession scheme in the 3rd of September edition, whilst the Times newspaper also published a damning letter on their website.

The letter severely criticised the Sri Lankan Government stating that "it would be a flagrant abuse of the GSP Plus facility if the commission were to extend it under these conditions."

It was signed by former director of the Catholic Overseas

Development Charity (CAFOD) Julian Filochowski, Professor of Peace Studies at Coventry University Andrew Rigby, Senior Vice President of the Salzburg Global Seminar, former Director of Communications in the Executive Office of the UN and former lead writer for the Financial Times Edward Mortimer, former Secretary of State for International Development and current MP for Birmingham Ladywood Clare Short, and MP for Leeds West John Battle.

US group Tamils Against Genocide (TAG) also submitted a letter to the Chairperson of Human Rights Sub-commission of the European Union, calling for the EU to terminate the concession.

The letter was supported by documents from Prof. Francis Boyle of the Illinois College of Law, the model indictment for genocide against Major Gen. Fonseka and Sri Lanka's Defence Secretary Gotabhaya Rajapakse, and court documents filed against IMF loan to Sri Lanka.

"If the EU were to continue its preferential tariff arrangement for Sri Lanka, it would be actively facilitating and supporting Sri Lanka in its crimes, and funding the forced detention of civilians, the expansion of the oppressive security apparatus, and the ethnic cleansing of traditional Tamil areas," stated TAG's letter.

Following these reports, the Sri Lankan Government has been working at full steam in order to try and secure the concession.

"The government is working on a National Action Plan to develop human rights and guarantee the rights of all Sri Lankans. This is in its draft stages," Mahinda Samarasinghe, Minister of Disaster Management & Human Rights said.

"The Action Plan will facilitate Sri Lanka's commitments to secure (EU) GSP Plus (trade concessions) and other international commitments," continued Samarasinghe.

Opposition UNP MP Lakshman Kiriella alleged that the Rajapakse administration had even sent a delegation of religious leaders to the EU in order to try and plead for the concession to continue.

"The Government had boasted publicly that it would secure the concession without a problem but is secretly making a valiant effort to get it," he added.



**Sri Lanka's textiles industry has many large factories, but work is also farmed out to poor women in rural areas who work in appalling conditions and get little reward for their efforts.**

President Mahinda Rajapakse recently appointed a team of four ministers to try and win over the EU and removed S Rannugge from his post as secretary in Sri Lanka's Export Development and International Trade Ministry.

Rannugge had earlier commented that it was "very unlikely" that Sri Lanka would be able to keep the GSP+ concessions.

The Sunday Times reported that the Rajapakse administration would be willing to offer a subsidy to international garment buyers if GSP+ was lost.

"We will provide the difference between the earlier price and the new price. That means if a buyer has to pay an extra Rs 10 per piece, we will reimburse this amount," the newspaper quoted

one official as saying.

Sri Lanka's textile industry netted a record \$3.47 billion from EU markets last year, making it the country's top source of foreign exchange.

The EU is set to pass the final report on Sri Lanka and the GSP+ tariff to the Commissioners on October 15th. It will then be voted upon.

## Sri Lanka suppresses IMF agreement documents

THE Sri Lankan Government has refused to release documents detailing the underlying basis of the IMF loan to Sri Lanka, but has started to comply with those terms. The USD2.6 billion standby loan to Sri Lanka was granted earlier this year.

The Government released the memorandum of economic policies and technical memorandum of understanding, yet the staff report was not released.

This is the report that provides details of the reasoning and rationale behind granting the IMF loan, insiders said.

IMF mission Chief Brian Aitken told reporters in Colombo that "publishing that report is the prerogative of the government".

"You have to direct that question to the government, because it is their decision to publish. It is not our decision."

The IMF's annual country report on Sri Lanka from last year has also been suppressed, contrasting with that of countries such as Pakistan, where the Pakistani Government have released all documents.

The reports can actually be obtained by representatives of foreign governments that form the executive board of the multilateral lender. But they are not

available to the public, without authority from the Government.

After the first loan instalment of \$322.2 million was paid in July, the second is awaiting approval from the IMF executive board.

Meanwhile, Sri Lanka is beginning to comply with the terms of the IMF loan, press reports said, even as they reiterated the Sri Lankan government's claims earlier this year that there were no conditions.

In return for the IMF loan, Sri Lanka agreed to reduce its budget deficit to 5 percent of gross domestic product by 2011, from 7 percent this year, and maintain flexibility in the exchange rate in order to build foreign reserves to cover 3 1/2 months of imports and bolster the economy.

The Central Bank of Sri Lanka issued an official statement on October 8 stating that "the key targets and structural benchmarks as agreed with the IMF at the end of September 2009 were comfortably achieved by Sri Lanka."

The statement went on to reassure the public that "This follows the successful achievement of the targets set for July 2009 as well."

The Sunday Times newspaper questioned what the targets "agreed with the IMF" were, cit-

ing an earlier comment by the government that there were no conditions on the IMF loan.

Separately Sri Lanka's central bank kept its benchmark interest rate unchanged at a three-year low, failing to follow through on a suggestion that rates could be cut.

Governor Nivard Cabraal had said the central bank has room to cut interest rates if inflation remains "persistently low" but there was no cut in rates.

"With inflation low, the central bank can afford to cut rates," said Danushka Samarasinghe, research manager at Asia Securities Ltd. in Colombo.

Consumer prices will probably climb between 3 percent and 5 percent this year, and inflation may accelerate to between 5 percent and 6 percent in 2010, Cabraal said October 6.

The International Monetary Fund said on Sept. 22 it's "cautiously positive" on the island nation's prospects as it reviews the economy for the release of a second payment in its \$2.6 billion loan package to Sri Lanka.

The outlook on Sri Lanka's long-term foreign and local currency issuer default ratings was revised to stable from negative at Fitch Ratings on October 9. Fitch affirmed the country at B+.



## FEATURE

# ‘My life in Menik farm IDP camp -

*A personal narrative by an inmate who spent 5 months in Menik Farm camp.*

## Introduction

A quarter million people, who have been on the run from artillery fire for more than a year, are now restricted by barbed wire inside an area less than one kilometre square. A comparison with the size of some heavily populated cities (Table) gives some idea of the congestion that is made even more acute by restricting the freedom of movement of the inmates. The scenario has drawn the attention of United Nations, Amnesty International, Human Rights Watch, governments of many leading countries and several other local and international NGOs, as well as all the major media.

The scenario has continued for over six months and there is no end in sight despite pressures applied on and promises made by the Sri Lankan Government. The account below adds to the existing descriptions of the camp conditions and is based entirely on my first hand experience as an inmate in the zone-3 camp (Figure) for more than four months.

## Administration

The administration of each camp named zone-0 to zone-5 is conducted by one sub office inside each zone. These sub offices in theory comes under the Assistant Government Agent Division (AGA) of Cheddikulam-Vavuniya. Each sub office has a “figure head”, a Tamil, who used to be the head of an AGA division in Vanni prior to displacement and as a rule these “figure heads” are not interned inside the camp. Scores of staff, all of them Tamils, who worked under these heads in Vanni, who are presently interned inside the camps, staff the zone sub offices and live in fear and are eager to get out just like any of the other inmates.

Above each of these “zone figure heads” are another head who are all Sinhalese and are employees of the Ministry of Resettlement. The military units that support these “Sinhalese civil servant heads” work in close association with them. The Tamils inmates, “the Tamil figure head” and all other interned staff, take orders from the military.

Once when I was in the sub-office a convoy arrived with the Minister of Resettlement and several personnel with video cameras. While the minister took photographs standing in front of the sub office we, the inmates, were chased out. Then a van with video cameras drove by and started throwing bread and some “sam-



Many elderly civilians continue to be interred in the Sri Lankan military run camps, with no access to medical aid and insufficient food

bol” at the inmates crowded behind the office.

The inmates rushed competing for the bread while the amused cameramen were videoing. Observing the scene it seemed to me that these video shots will be screened on the state television that night with the news of the minister’s visit to the camp for the pleasure of the Sinhala viewers. Inmates on many occasions have told me of seeing similar scenes being videoed.

## Military

“When we risked our lives to escape from the war zone we viewed the Sri Lankan army as our saviours. Just three months later we hate them and see them as “masters”- a 40 year old male inmate.

Gun and stick (long baton rods) wielding military control the inmates at all times. I have not witnessed the guns being used on inmates though I have heard guns being fired on many occasions. The sticks on the other hand were used regularly reminding me of the way black slaves were beaten in the “Roots” television drama. Being treated worse than animals is a very accurate description. The following incident is typical.

A medical employee inmate was regularly carrying some

refrigerated medicines from one OPD clinic to another inside the same camp. The employee used a short cut through the tents instead of using the longer gravel road. One military duo attempted to stop the employee suspecting that he is a seller of some goods. Such sellers are treated like criminals as described later. When this employee in question failed to stop because he never suspected that the target of the military order to stop was him. The angered military duo drove their motorbike through the narrow space between the tents; brining down clothes that were hanging on strings stretched cross the tents; and endangering young children playing in that space.

They reached the employee, stopped and got off the motorbike and walked angrily towards the employee shouting something in Sinhalese. The Tamil employee who does not understand Sinhalese kept repeating “hospital.. hospital”, which is a word most of the people in world would understand. (Indeed 95 percent of the inmates all of whom are Tamils do not understand Sinhalese where as 99 percent of the military all of whom are Sinhalese do not know Tamil and give their orders as “masters” in Sinhalese which the “slaves” do not understand.)

The enraged military man

kicked the employee on his face and stomach several times with his boots while the employee kept repeating “hospital.. hospital”. It was only after the military man was too tired to deliver any more kicks that he stopped to look at what was in the box that the employee was carrying. Several of us witnessed this in close quarters frozen in fear. When the scene cleared I asked one senior government employee inmate if this misconduct by the military ought to be reported. I was told that if I attempt anything like that I will “disappear”.

I have on many occasions taken the trek on the gravel road from one end of the zone-3 camp to its sub-office. This gravel road also separates zone-3 and zone-2 camps. It is therefore an area where the master-slave scenario is played out frequently when the inmates of one camp attempt to go to the other through the barbed wire to meet family members and friends. Anyone caught while attempting to cross are beaten brutally and the degree of brutality became worse as the inmates appeared undeterred by the military brutality.

In reality, the people were desperate to see and help family members and friends in the adjacent camp who have arrived at different times from the war zone and have lost close relatives in the

war. Military brutality in such circumstance was ineffective. Though some procedure was instituted to let a limited number of people to crossover to the other camp for the day, this was ineffective and people continued to defy the military and breach the barbed wire behind its back.

## Living area

It was obvious when we arrived in the camp that even the basics like water, toilets and tent were not in place to hold the people they are detaining. Many of us drank the water that were not meant for drinking and ended up with diarrhoea almost immediately after arrival. One could go on about the conditions at the start. There were improvements as time went by but only in comparison to what was there to start with.

The tent was unbearably hot once the sun came out but there were hardly any shade to take shelter from the sun; the place was like a desert with crowded tents. Within two months the tarpaulin material used for the tents were shredded to pieces by the strong winds that started in June. For more than a month we lived in shredded tents with no privacy at all until they were replaced. The wind during June/July was extreme and it was like living permanently in a sandstorm.



## FEATURE

## between March 2009 and July 2009'



The sand gets everywhere, resulting in very unsanitary conditions in the camps, even before the rains

Everyone was covered with sand that will come raining down every few minutes. There were a couple of heavy downpours soon after we arrived in the camp. Some of the camps in the lower lying areas were flooded. The wind that came with the downpours lifted the roofs of some of the tents. Fear of the monsoon rains was often expressed by the inmates during conversation. I had left the camp before the August heavy rains.

The toilets are only less than five meters from my tent and the smell was strong when the emptying of the toilet pits is not carried out in time which is always the case. When there is water shortage, which is frequent, concern about how one is going to use the toilet becomes the most serious problem of the day, surpassing the problems of food, health and other major issues. Queues for toilets are common in the morning but is usually not so during the day.

Each camp is divided in units of around 300 tents, averaging 2000 inmates, with most units having an enclosed bathing space for 20 people, one for males and one for females. The spacing of this bathing area is such that the water running off the bathing of one person runs into the basin containing the bathing water of the person next to them. Majority of the inmates therefore prefer to bath in the open though lacking in privacy.

I have never seen flies and mosquitoes in such numbers in my life. While eating, one hand is fully occupied with chasing the flies; a practice that children will not adopt thus consuming food contaminated by flies that come straight from the toilets very nearby. Inmates attempted with no success to keep the flies out of

their tent by cutting the mosquito nets given to them and draping it around the tent. A few weeks later when mosquitoes were on the rise inmates did not have enough nets to sleep at night. Once the sun sets, one can literally sense dust falling on the face while sitting inside the tent which is in fact the swarms of mosquitoes flying around.

The camp sites are zigzagged with open canals that take away the dirty water. This is the best breeding area for the mosquitoes and the water in the canal is always covered with a thick layer of mosquitoes lying low during the daytime ready for swamping once the sun sets. These canals are always more than a meter wide and there are never adequate cross over points to walk over. Older people and young children frequently fall into these dirty canal water while jumping across it.

### Retailers

The very first commercial event in the camp after our arrival was the bank. First came the state run banks, with loud announcements of caring for the people. This was quickly followed by other private banks. Banking advertisements were the most prolific in the camp and everyone knew that they were all competing for the savings of the war refugees now interned in terrible conditions.

The trucks of items for sale were first brought in by the Multi-Purpose-Cooperative Societies (MPCS). The struggle people went through to buy small quantities of sugar and tea were stories in their own right. The reason is the huge number of people dying to have a hot cup of tea and the tiny amounts that were brought in

for sale. This situation lasted for a few months before more trucks of items for sale and more retail outlets were installed.

Other sellers came along and curiously all of these sellers were Sinhalese except for an odd Muslim seller. A large supermarket style building was erected by "Sathosa" chain to sell mostly expensive items. Ice-cream and Soda outlets were erected. Vegetable and fruit sellers came in substantive numbers. The camp inmates attempted to buy some of these items and resell it with a small profit in order to generate some income for themselves.

This was banned by the military and thus was the basis for the frequent cruelty of the military against inmates. There were regular incidents where the military will scatter the wares of these inmate sellers and beat them severely.

The inmates came to understand this as a deliberate effort to stop inmates making money whereas selected Sinhalese sellers were given all rights to sell what they like at the price they chose. There was always a market for these wares because the camp inmates included regular salaried people like teachers, health workers, administrative staff etc.

Most of the items brought in for sale were those that could be sold with big profit like ice-cream, soda, and biscuits.

Basic needs, such as sun hats for children were not sold. Anyone who visited the camp could see very young children roaming around without a hat, one cause for the frequent illness suffered by the children. It was a profit driven retailing with no concern for the people and the inmates understood this clearly.

I was once in the zone-3 camp office when some UNHCR staff

were talking to the senior Tamil staff in the office. This was at the time when zone-3 camp was moving from large scale cooking to family level cooking. WFP had started providing the basic dry items (rice, white flour, lentils, sugar and vegetable oil). The UNHCR staff inquired the Tamil officers about vegetables and they were told that Tamil officers have been instructed by the Vavuniya District Secretariat that no vegetables are to be given to inmates. This remained the case until I left the camp. The people with regular salaries could afford to buy the vegetables which were very expensive and the others, the majority just survived with the dry rations.

Majority of the children including infants did not have milk (powder) except an occasional packet handed out by some charity. Once a father of a seven month old baby came begging for some sugar to put in the plain tea (black tea) to be given to his seven month old baby because the mother did not have enough breast milk and the baby was hungry. Plain tea had become the regular diet for this baby.

The remnants of trees that were chopped to clear the forest to set up the camp were initially used by the inmates for firewood. This quickly ran out once self cooking was begun with WFP dry rations. No axes were given to the inmates to chop the wood and people could be seen going around pleading a few who had bought an axe for loan of the axe. People were forced to go to edge of camp to collect firewood and were often beaten up by mindless military personnel. Collecting firewood also thus became synonym with military brutality.

### Health service

Each zone has two or three OPD clinics of varying sizes. Most of the doctors attending the clinics are non-Tamil speakers. Most of them are Sinhalese and sometimes Indian doctors are in attendance too; necessitating an interpreter. Skilled interpreters are rare and anyone with a minimum knowledge of Sinhala is recruited from the inmates. Older women not wishing to use the young male unskilled interpreter have approached me to explain their reproductive system related illness to the doctor in English.

The queues are very long and the doctors work at break neck speed. I have seen a doctor writing a prescription to a 12 year old boy without finding out what is wrong with the boy.

The medicines that are dispensed are arranged in a table and the total list of medicines consists of around 30 different medicines. The medicine dispensers too work with breakneck speed in dispensing them.

Once an educated mother told me that she visited the doctor for

treatment for her baby as well as for herself. The medicine dispensers mixed up the medicines and gave the baby what should have been given to the mother. Since the mother had some awareness of the medications she spotted it. Most mothers in the camp who do not have such awareness would have given the adult medicine to the baby. God only knows how many babies, children and even adults died due such medical negligence. Who is there in the camp to watch, monitor and investigate? Deaths are just that, deaths and no investigations are done as to the cause of it.

Patients often queue up for doctors for hours even before the doctors arrive from outside. No one in the OPD clinic will know when the doctors are likely to arrive. One just waits around taking one's chances. For all this the level of sickness among inmates is far higher than among the population at large and it is obvious.

Take the eight tent group where I was staying. Five of the tents out of the eight had children under 10. One child died; one became seriously ill and taken away to Vavuniya hospital and all the other children had frequent fever, vomiting and diarrhoea. The children were wasting away and it was visibly obvious. Some of the children had persistent skin disease despite several visits to the doctors and treatment.

Four of the children contracted Hepatitis A and the parents were told by the doctors to just take good care of them and give lots of fruits because the hospitals had no medicine.

Fruits were very expensive in the camp. There is a native treatment for Hepatitis A involving a plant named "Keelkainelli" in Tamil. Even to get this plant was a struggle because it meant someone has to bring it from outside and handover to the inmates at the meeting spot as described later.

People young and old suddenly dying after a few days of fever is a common occurrence. All of us were left puzzled as to the cause and no one gave any explanation. All of us without exception have suffered diarrhoea at least once and most of us many times.

I used to keep telling myself during the stay in the camp how lucky I was that I do not have any young children under my care. The unhygienic living, especially the play area and the continuous illness is an ordeal for the young mothers. Even thinking about the condition of newborns and their mothers who are sent back to the camp conditions soon after birth is an ordeal. Perhaps the most telling scenes of the camp conditions and the health service can be found by visiting the OPD clinics and observing young mothers with very sick babies waiting for long time in queues with tears trickling down their face.

*Continued on p15*



## NEWS

# Tissainayagam: A travesty of justice?

**Michael Hardy**  
The Sunday Leader

SEVENTEEN months after being arrested, and almost three years after writing two articles the government claims were meant to incite "communal disharmony," journalist J.S. Tissainayagam was sentenced to 20 years of rigorous imprisonment on August 30 by the Colombo High Court.

Tissainayagam's conviction drew worldwide condemnation, with Amnesty International declaring him a "prisoner of conscience," and Reporters Without Borders calling the sentence "shameful." Almost overnight, Tissainayagam became a symbol of government repression and a martyr for freedom of the press. To many observers, Tissainayagam's treatment cemented Sri Lanka's reputation as a totalitarian state in the making.

How did Tissainayagam go from being a humble columnist for The Sunday Times to being mentioned by American President Barack Obama as an "emblematic example" of persecuted journalists?

The story began in February of 2008, when he wrote an article about child recruitment for The Sunday Times. Soon afterward, Terrorism Investigation Department (TID) officers were dispatched to arrest Tissainayagam's publisher, N. Jasikaran, and his wife Valamarthi. When Tissainayagam inquired about Jasikaran's whereabouts on March 8, he too was arrested, along with the staff of his website, OutreachSL.com. (The staff members were later released).

The only problem was that the TID had neither a detention order nor anything to charge Tissainayagam with. Fortunately for the government, a search of Tissainayagam's house turned up about 50 back issues of Northeastern Monthly, a now-defunct magazine with a small circulation that Tissainayagam then edited. Although they couldn't read English, as was revealed during Tissainayagam's trial, the TID officers confiscated these magazines, and the TID later used them as a convenient pretext for Tissainayagam's arrest and prosecution.

Tissainayagam's imprisonment was a travesty of justice from beginning to end. When he was finally allowed to see a lawyer, two weeks after first being arrested, he could only do so in the presence of the Officer in Charge (OIC) of the TID. The same condition held for meetings with his wife; Tissainayagam has never met his wife in private since his arrest. Since he never received an explanation for his imprisonment, Tissainayagam quickly filed a Fundamental Rights peti-

tion challenging his incarceration.

On March 27, 2008, during Tissainayagam's first court hearing, the state counsel said they didn't have the detention order in their possession, so High Court Judge Deepali Wijesundara ordered it to be produced. Later that afternoon, the order was delivered to Tissainayagam, backdated to March 7th. Strangely enough, the detention order was signed by Wijesundara's sister. Although this is not technically illegal, the defense could have asked the judge to recuse herself from the case given this incident's strong appearance of impropriety. (Wijesundara's sister was later promoted to the High Court.)

On May 8, 2008, Tissainayagam's lawyers finally received the OIC affidavit and a copy of Tissainayagam's statement translated into Sinhalese. Crucially, however, the state withheld Tissainayagam's original statement, which he wrote in Tamil. The defense would only get a look at the original confession during the cross-examination of the superintendent of police, who witnessed Tissainayagam writing it. According to the Emergency Regulations of 2005, detainees must be produced before court every 30 days to ensure that they haven't been tortured, but the state disregarded this law time and again for Tissainayagam.

On May 12, 23, and 26 of 2008 Tissainayagam was scheduled to be produced at the Magistrates Court, but mysteriously failed to turn up. He was finally produced on the 27th, when the TID legal officer told the court that he needed more time to investigate. The magistrate ordered Tissainayagam to be produced on June 6, after his 90th day of detention.

Unsurprisingly, the state was unable to produce him on that day either, managing to delay his court appearance until June 13.

Ultimately, Tissainayagam would have to wait for over five months before he was charged, under the Prevention of Terrorism Act (PTA), for inciting racial violence and communal disharmony by writing two editorials in 2006 for Northeastern Monthly. The first article, published in July 2006, criticized the government for failing to protect the northeastern Tamils, who Tissainayagam argued were being forced to seek protection from the LTTE.

The second article, published in December of the same year, accused the army of deliberately bombing and starving Tamil civilians in Vaharai in an attempt to clear the area for military operations. In a statement to the court,

Tissainayagam defended his writings: "I was and am still an advocate against terrorism," he said. "I have criticized terrorism in whatever form...my objective was to generate non violent means of resolving the conflict."

The indictment consisted of three charges: (1) that Tissainayagam printed and distributed the Northeastern Monthly with the intention to "cause the commission of acts of violence or racial or communal disharmony and bring the government into disrepute"; (2) that Tissainayagam wrote the two above-mentioned articles, excerpts from which were reproduced in the indictment; and (3) that to fund the Northeastern Monthly, Tissainayagam collected money "for the purpose of terrorism."

The state claimed during the trial that Tissainayagam had confessed to accepting funding from the LTTE. Tissainayagam has always maintained that the "confession" was dictated to him and that he was forced to sign it under threat of torture. He believed the TID's threats because he had heard his publisher, Jasikaran, being tortured in a nearby room. (Jasikaran recently testified about his torture during his own trial, which is ongoing.)

Despite the dubious circumstances surrounding Tissainayagam's "confession," Judge Wijesundara ruled on December 5, 2008 that it was given voluntarily. The defense chose not to challenge this ruling, not knowing what was in Tissainayagam's original statement.

When the defense finally got a look at the original document, during cross-examination of the superintendent of police, it quickly became apparent that the statement had been doctored. In the statement, Tissainayagam admits that LTTE officials contacted him three times in 2006 to offer money to the Northeastern Monthly, but that each time he had refused. "However," he wrote in Tamil, "I later discovered that Rs. 100,000 had been deposited in my bank account from an anonymous donor."

But where Tissainayagam had written that he said "no" to the LTTE for the third time, his words had been crossed out and replaced with "I said yes," making it sound like he had accepted the LTTE's money. The change to the statement was made in a different colour of ink and in different handwriting than the original statement. Unlike the many other changes to the statement, Tissainayagam had not signed in the margin to approve this alteration.

As the defense pointed out, after the alteration the statement no longer made sense. Why would Tissainayagam, after admitting he had agreed to receive the money, then be surprised to find it



**Held without charge for 17 months, Tissainayagam is now serving a 20 year sentence for writing two articles nearly three years ago**

in his account? Why use the word "however," which implies that he had turned down the offer?

When the defense brought these irregularities to Wijesundara's attention, she said that she had already ruled the statement voluntary, and therefore couldn't throw it out.

She also disputed the defense's claim that the document was altered. This decision paved the way for Tissainayagam's ultimate conviction. As Wijesundara notes in her judgement, "once the confession is voluntary, the accused could be convicted on the confession alone."

In his statement to the court,

Tissainayagam said that he grew up in Colombo with friends from every ethnic group, and that throughout his career as a journalist and human rights activist he has "always agitated for justice for the oppressed."

He concluded his statement by saying that by writing the two controversial articles he "never intended to cause violence or communal disharmony and no such thing ever occurred as a result of those articles."

The whole world, with the obvious exception of the Colombo High Court, now stands with Tissainayagam in agreement and solidarity.

## Wife accepts Mackler award

RONNATE Tissainayagam, wife of Sri Lanka jailed journalist, Jayaprakash Tissainayagam, accepted the Peter Mackler Award for courageous and ethical journalism, named for a 30-year veteran of Agence France-Presse who died last year, at a ceremony at the National Press Club Friday, AFP reported.

Tissainayagam was honored by the US branch of Paris-based media rights group Reporters Without Borders and Global Media Forum, a company founded by Mackler to train journalists and non-profit organizations to use the media as a tool for social change, AFP report added.

"For the last 20 years my husband has endeavoured to pursue the goals that Mr. Mackler believed in as a journalist," AFP quoted Tissainayagam's wife as saying. "Like Peter, my husband was never too busy to encourage those who wanted to learn to write and has helped many in journalism,"

she said. "Today my husband is continuing to teach me courage and grace in difficult times."

"For him, no matter what the circumstances are, there is no excuse for unkindness," AFP quoted Ronnate Tissainayagam as saying. "No matter what the circumstance, fellow human beings must be treated with dignity."

On World Press Freedom day, President Obama cited Tissainayagam's case as an example of what can happen to journalists who displease governments intolerant of criticism.

The Boston Globe, in an editorial, called it an irony that Tissainayagam was thrown into prison for his writings that the Sri Lanka Government said have "creat[ed] communal disharmony" when "280,000 Tamil civilians displaced by the government's victorious war ... are currently suffering and dying in flooded, ill-provided camps" which is a real cause of disharmony."



## FEATURE

# ‘My life in Menik farm IDP camp’ ...

*continued from p13*

## Family separation

Family separation caused by many factors is yet another ordeal that runs through the community. Contacting family living elsewhere also became an ordeal because most people have lost the addresses and phone numbers during the escape.

Until after May, the camp postal service was non-existent and the camp phone service that permitted a three-minute call required standing in queues for two days; most of the time without success. Possessing a mobile phone was a crime and remained a crime until the time I left the camp. For a short period during July the military was even confiscating radios because of the rumour that the Voice of Tiger radio service had restarted.

Hundreds of injured people were taken by ICRC ship throughout the war period from Vanni. Often an adult family member and sometimes young children who had no other care giver left in Vanni accompanied the injured. The injured person and the accompanying family members were separated within a day or two of arrival and the family members were taken to the camps while the injured was sent away to some hospital.

I have known family after family desperately trying without much assistance from any authorities to locate the injured family member who could have been transferred to any number of the hospitals. Many a tearful months were spent by these families not knowing anything about the fate of their injured family member. Reunion of the injured with the family in many cases took place purely by the efforts of the family with next to no help from the authorities.

The war conditions and the eventual escape from the war zone separated families. Often while escaping part of the family would cross over while the others failed to cross over. Again many families wrote dozens of letters and made many tearful trips to the sub-office trying to locate the missing members. The success often came by sheer luck and not through any set procedure. It was chaos all around.

The most heartbreaking scenes prior to June was when bus loads of refugees were just arriving in the camps. People in the camps would run behind these buses hoping to catch a glimpse of a missing relative. If someone in the bus waves at them, there would be endless speculation on to whom the wave was directed and who that person was. These were all signs of longing that the family members who were not already in the camp had survived and made it across.

It is these people suffering intense anxieties about friends and families who were brutally

stopped by the military from entering adjacent camps to check-out if the missing loved one has arrived there.

The number of times inmates were brutally beaten when caught attempting to cross is countless. The camps were full of stories on how even women were beaten up. Walking down the gravel road that separates zone-2 and zone-3 one can see the barbed wire being breached at several places where the determined people have made spaces to crossover. The military would at gunpoint gather young men to mend these breached places and the people kept breaching them again and again.

Once I saw an old man just squatting on the zone-3 side of the gravel road watching through the barbed wire the goings on in zone-2. A military person walking past called the old man on to the road and started beating him. It was clear to me that the beating on this occasion was purely for sadistic pleasure. I have seen a few more instances of sadistic actions by the military. The beating of the hospital worker described earlier also was of this category.

The military also separated families by taking away people suspected of LTTE membership at Omanthai where all refugees were first recorded. Trying to locate the whereabouts of such members was the most traumatic. In many cases families did not even know if the member had perished in Vanni or were taken away by the military. ICRC played a part in giving information to the families whenever it managed to find out the whereabouts of the missing person. If the names are not in ICRC list then locating such cases is impossible. Many families were still searching for members in this category when I left.

If there was any doubt that the Menik Farm camps are anything other than prisons the procedure in place for outside visitors to meet inmates will clear away any doubt. Each zone has a space allocated where outsiders must come to seek face to face meeting with inmates. There were times when they were barred from bringing anything to be given to the inmates. This was relaxed later. The visitor gives a piece of paper to the personnel manning the place with the names of the inmates they wish to meet. This will be announced in the public announcement system.

Mind you, not every tent is within the audible limits of this announcement system. By the time the inmate hears the announcement and takes the long trek to the meeting place anything from one to two hours would have passed. Across a divide separated by barbed wires the inmates and visitors must identify and signal to each other that they will enter the meeting area on the next turn. A fixed number of



inmates (around 50 in zone-3) are permitted into the meeting area at a time and their corresponding visitors are also then permitted in.

The actual meeting area is divided by iron sheets up to the chest and above it are wooden grills similar to what one would find in a prison. The visitors and inmates can talk through this grill and also exchange items over the grill. One is permitted only around 20 minutes maximum to talk because there will be hundreds more waiting. Even within this short time one is often interrupted by the military demanding the national identity card of the visitor and details about the relationship to the inmate. The waiting area for the zone-3 visitors has no shade and they will be waiting in the burning sun for hours.

## Deaths

If an inmate dies in a hospital outside camp to which the inmate was transferred earlier, there is a small chance he or she will get something resembling a funeral. Of course there must be a relative who is a permanent resident of Vavuniya who is willing to hold the funeral in their home. If this is the scenario then only three relatives from inside the camp are permitted to leave the camp to attend the funeral.

A police person is sent with them and the very next day this police person must ensure that the inmates are back in camp. A three and a half year old boy died near my tent and his aunts who brought him up were not allowed to even go and see the dead body of the boy. Any death within the camp has no chance of a funeral. The body is just removed by the military and nothing is heard of after that.

Even in death families have no privacy to mourn. While people close to the deceased mourned onlookers would gather around because it all had to be done in the

open space.

Once there were rumours of three to six bodies of young women floating in the river adjacent to the camp. There were speculations as to the reasons for the presence of these bodies. There were rumours of white-van abductions within the camp. There were also stories of a young man disappearing while going to collect water.

We were not treated like people with intelligence who deserve to find out what is going on. There were only rumours based on such facts and no way of finding out anything else.

There were these people whom the camp inmates called ‘CIDs’. They were apparently senior LTTE members who had been taken away and then “released” into the camp to be with their families. Their job is to spot LTTE members and LTTE Police members who have not reported to the military.

One such CID man was living close to my tent. I have seen him interrogating other men suspected of close liaison with LTTE. This CID man has apparently said that he is doing this after he was beaten severely until he agreed to do this task. We also heard another well known female LTTE member coming in Sri Lankan military uniform to the camps and identifying LTTE members in the camp.

## What we talked about

Until end of May, till the last of the displaced arrived, most people talked a lot about who were killed since they had left. Stories of entire families being killed were common in the conversations of the inmates. Especially when extended families or people from the same locality met for the first time since getting out of the war zone, they had numerous stories to share about the fate of the unfortunate relatives and villagers.

How best to trace missing relatives was always part of this topic of conversation. Descriptions of the experience of crossing over from the war zone were the ones described in minute details by those who had displaced in March. While crossing over people faced intense fears of being shot at either by the military or by the LTTE. Families often got separated when they were fired at. Wealthier people hired boats to cross over. One mother lost all of her four children when her boat was fired at by the military suspecting it to be an LTTE boat.

Those who arrived in May described the experience of the last few days of the war in great detail. Many said that during the last few days they never walked erect due to fear of being hit by shelling. When making the move to exit the area they said that they had to walk over dead bodies.

Other topics included the amount of money they had wasted in transporting their possessions as they displaced again and again in Vanni. The loss of their entire possessions was acutely felt and discussed over and over again.

When feeling a little less tense the inmates never tire of describing their yard and all the trees and vegetables that would be growing in their yard. The soothing shades of large mango and jack trees in their yard were frequently remembered and contrasted with the lack of shade from the scorching sun in the camp.

The going on in the camp itself also dominated the conversation of inmates who were living near each other. The most common topic is the fights among inmates that always took place at the water collection queues. These fights indicative of the tension caused by competition for the limited availability of water created a very bad atmosphere among the inmates who were otherwise very amicable and helpful to each other.



# MASS PROTEST RALLY

Calling to:

- ▶ **UNLOCK THE CAMPS: End 150 days detention**
- ▶ **International Independent Probe into WAR CRIMES**
- ▶ **Ban Ki-Moon: CHARGED WITH INACTION**

**17**  
**OCT**



**Starts:** Embankment, Saturday 17.10.09 at 12.00 noon

**Nearest Stations :** Embankment \ Temple

**Ends:** Hyde Park

**Ban Ki-Moon failed his moral duty**

" Mr Ban denied that the UN had leaked grim civilian casualty figures..."

- The Economist, 11 Jun 09

" He barely raised his voice about civilian casualties in Sri Lanka..."

- Newsweek, 22 Sep 09



**BTF**

**Tamils pay the price:**

- ▶ Over 20,000 killed in final onslaught
- ▶ Over 280,000, incl. over 50,000 children, locked up against their will



**TYO**

For further information please contact:

**020 8808 0465**

