

TIC Briefing Note on Tamil people in Sri Lanka:

Situation update

Internally Displaced People

Sri Lankan military operation *Jayasikurui* involving 40,000 troops, launched on 13 May to open a land-route from Vavuniya to Jaffna is nearing twelve months and has created over 90,000 newly displaced people, adding to the 300,000 Internally Displaced People (IDPs) who were already in the Vanni making a total of 390,000 in late April 1998. The Sri Lankan government however, is adamant that there are only 297,300 IDPs in the region, although international agencies have confirmed the figure of 390,000. The report of a three-member committee appointed in October 1996 to determine the number of IDPs in the region remains unpublished.

The present Jaffna population is said to be around 470,000. The number continues to increase with the return of displaced people from the Vanni as the military operations are intensified in Vanni and due to the impact of the blockade of essential needs such as food, fuel and medicine to the region. The government is also using civilian relief as a weapon of war to subjugate the population and for population movements.

A study conducted by Colombo-based Marga Institute says that the internally displaced people have risen from 524,000 in 1994 to over 1 million in 1996 [of whom the majority is Tamils]. In August 1997 the number of refugees were 785,000 of which 75,000 were under the age of five.

Reports reaching the Tamil Information Centre from Vanni suggest that there is extreme suffering of the people in the region. Scarcity of food has led to malnourishment and prices remain high. Makeshift shelters provided for refugees have been destroyed by monsoon floods and a large number suffer from malaria and diarrhoea. The government continues to impose an economic embargo on Tamil areas, subjecting the people to severe hardship. Cultivation in 66,000 acres of land in Kilinochchi District has been disrupted and restriction on fuel, fertiliser and farming implements have further affected agriculture. The government agents and local NGOs in the Vanni region have raised concern repeatedly about the impact of food and medical restrictions by the military. Their concerns have been continually disregarded by the government.

There are also complaints that a large number of families who returned to Jaffna after the military take over have not been provided resettlement assistance.

Over 12,000 people from the Vanni held in government camps in Vavuniya continue to suffer insanitary and crowded conditions. Most of them have been denied permission by the security forces to travel to Colombo or other southern areas. A further 10,000 people who wish to travel to Jaffna or southern Sri Lanka are trapped in Mannar by restrictions imposed in February 1998.

Tamil Refugees

There are over half a million Tamil refugees in Europe and North America and 150,000 in Tamil Nadu in India. The sheer numbers have led to Tamils becoming one of the most visible and controversial refugee communities in the world today without any attempt being made at understanding their problems in the national and international context. Tamils have also become UNHCR's "guinea-pigs" in its attempt to promote repatriation while relegating its refugee protection mandate.

The security forces have also destroyed a number of cultural centres. Tamil programmes on state television and radio have been drastically cut down and often Tamil programmes are cancelled without notice.

Costs of war

The war has wider socio-political consequences. The heightening of security, intense military operations and the state of emergency have severely restricted the Tamil people in the enjoyment of their rights, and continue to violate the privacy of their homes, normal life and development.

The estimated number of Tamil deaths due to the war is 60,000 which includes a significant number of women, children and the elderly. A very large percentage of this number of Tamils have died in indiscriminate shelling, aerial bombing, massacres and retaliatory attacks by the military.

According to the government Northern Province Reconstruction and Rehabilitation Authority (NPRRA), the registered death of civilians as a result of war in the Northern Province between 1990 and 1997 is 8,554 and 2,620 have been disabled. The local NGOs, however, say that the number of deaths in the region is over 10,000 and over 4,000 have been disabled. According to the Marga Institute the annual cost of welfare for the refugees is around Rs 3 billion. Repair of damage to different sectors such as agriculture and housing would cost around Rs 60 billion. The Jaffna NGO consortium says despite an order by the Parliament no assistance has been given for repair of homes in Jaffna where over 80,000 houses are damaged or destroyed.

LTTE actions

The international community has concern over human rights violations committed by the LTTE. The LTTE is accused of killing unarmed civilians, torture and disappearances. The recent attack on Dalada Maligawa, the Buddhist temple in Kandy prior to the Independence Day was strongly condemned by the human rights community worldwide.

The LTTE however, has made public that they do not have a policy of attacking civilians. Reports received by the TIC indicate that since the establishment of a defacto state in the north-east, the LTTE has taken efforts to improve its human rights record.

The equation of LTTE's violations to the government abuses is unrealistic and even in a count, the human rights violations of the government and the security forces as recorded by international human rights agencies are on a massive scale spread over a number of years with intent of genocide as opposed to the LTTE's.

However, international recognition of the LTTE as the main party to the conflict is lacking. The other Tamil parties recognise the LTTE as one of the two main parties to the conflict and publicly stated their position. The Tamil United Liberation Front (TULF) in a recent statement has declared that it is vital to recognise the LTTE as a main party. International recognition would not only place the LTTE in responsible position, with all the attendant consequences, but also have the effect of pushing the LTTE to take a serious view of human rights in order to consolidate and make effective use of such international recognition. International recognition would undoubtedly bring to fore positive features of the debate and contribute towards a peaceful solution in Sri Lanka.

The Special Rapporteur for the UN Commission on Human Rights has acknowledged in his report dated 12 March 1998 that torture is used by the armed forces to obtain information and to intimidate the population. He also acknowledges in his report that it is common for the security forces to arrest people without a warrant, subject them to interrogation and take them to the judge days later, after forcing them to sign a statement of good treatment. The Supreme Court has declared that Emergency regulations relating to arrests are often breached by the security forces and state officers including the Defence Secretary.

Attacks on Tamil prisoners are also a matter of concern to the community. In July 1983, 53 Tamil political prisoners were massacred in the Colombo maximum-security Welikede prison. In February 1996, over 100 prison officers attacked Tamils in the capital's Magazine prison injuring many detainees. No investigation has been carried out into these and a number of other incidents. On 12 December 1997 Two Tamil detainees and a Muslim inmate were hacked to death by Sinhalese prisoners at Kalutara prison.

There are also many reports that the Sri Lankan security forces are effectively using "home guards", mostly Sinhalese and Muslim civilians trained and armed by the police as auxiliary forces, and armed Tamil groups who are opposed to the LTTE, to undermine the Tamil struggle and to eliminate the LTTE supporters or people opposed to the government and its actions. The dreaded "white vans", the hallmark of death squads linked to security forces and pro-government Tamil groups, have re-emerged in the East causing grave concern in the region.

The present PA Government, since gaining power has appointed over 60 committees and commissions. These have neither stopped nor reduced human rights abuses against Tamils.

Impunity

There have been a number of massacres of Tamils by security forces and Home Guards, particularly in Amparai District. On 1 February 1998, eight Tamils were taken to a police post in Trincomalee and murdered. The cases in respect of some of the Tamil murders are either dragged or have been abandoned. The Bolgoda lake case in which 22 policemen were charged with the murder of over 30 Tamils in custody at the Colombo Special Task Force (STF) head quarters have been abandoned. The Supreme Court has ruled in a number of applications that the security forces carried out torture. The Supreme Court has also declared a number of detentions illegal. The government has taken no steps to bring those responsible for torture, extra-judicial executions and illegal detentions and breach of Emergency regulations to book. Fines imposed on security officers are paid by the state.

Destruction of Cultural identity

International humanitarian law prohibits the targeting of cultural monuments and places of worships. . The North-East Hindu Priests Association has recently accused the Sri Lankan government for marginalising Hindus from national life. The Sri Lankan national flag only carries a Buddhist symbol and the 1972 constitution has made Buddhism the country's national religion. The 1978 Constitution imposed an obligation on the state to protect Buddhism and Buddhist clergy. The devolution proposals say that the government must consult the Buddhist High Council on religious issues. The Association also says that over 1,800 Hindu temples have been destroyed or damaged and the security forces often desecrate Hindu temples without concern for the religious sentiments of the Tamils. It further accuses that the temples are also being used as army living quarters and military checkpoints. Hindu icons have been plundered by the army and the Hindu priests are intimidated and harassed at army checkpoints. Recently a number of Hindu priests have been taken into custody.

Hill country Tamils

Hill country Tamils continue to suffer the effects of denial of citizenship and franchise rights in 1948 and 1949. There is no substantial change in their living and working conditions. Sri Lanka's independence has not conferred a share in the growing national wealth on the Tamil workers, nor has formal sovereignty brought them full political participation. Successive Sri Lankan governments have been hand-in-glove with plantation interests in exploiting plantation labour in various ways. Legislation has suppressed wages and crucial social facilities and has forced repatriation on workers under agreements without their participation. Sri Lanka has again become world's largest tea exporter due to shortage in supplies from Kenya, Bangla Desh and Indonesia and demand from former Soviet Union nations. But the workers continue to be paid low wages and suffer discrimination in health, education, employment and all other aspects of national life. Over 200,000 jobs have been lost in the plantation industry after private companies took over estates in 1993.

Tamils in the plantations are also subjected to intimidation, harassment and threats by the security forces. There are reports of arrests and torture by the police. There are a number of Hill country Tamils in custody who suffer prolonged detention.

Arrests, detention, torture and disappearances

There are continuing reports of arbitrary arrests, detention, torture and ill-treatment of Tamil detainees. Mass arrests of Tamils are continuing in Colombo. According to reports received by the TIC, over 10,000 arrests have been made in March and April 1998 in Colombo suburbs of Maradana, Kotahena, Pettah, Modera, Fort, Wellawatte and in Mount Lavana and Dehiwala. Although most of them were released within 72 hours, because of the nature of round-ups, it is not possible to determine how many are further detained. The police officers earn large amounts of money in detaining Tamils. Colombo Tamil residents have complained that police are photographing them during night search operations and Tamil women are humiliated and degraded when they are photographed in their night dresses. . It is estimated that 1,700 Tamils are in custody and many for long periods without trial. There are over 450 Tamils in custody for over two years, some over four years. Over 100 Tamils disappeared from security force custody in 1997. Amnesty International has recorded over 600 disappearances in Jaffna in 1996, highest in the world during that year. There have been number of rapes by the security forces in Jaffna and Batticaloa and some women were murdered after being raped. In Batticaloa after rape a woman was killed by exploding a grenade inserted into her vagina.

Ninety nine percent of the members of the security forces in Sri Lanka are Sinhalese and they do not speak Tamil. The Tamil population in Sri Lanka is treated by the security forces with suspicion and is subjected to all forms of abuses. The entire life of the Tamil people in the island is controlled by the military apparatus and laws restricting freedoms. The right to life of the Tamils is totally disregarded by the state and the military.

Torture in custody is a major concern for the Tamils. New evidence from recently released prisoners and persons taken for questioning in round-ups suggest that torture is rife throughout the country and anybody suspected of arriving from the north-east is at risk. Methods of torture include electric shock, beatings, suspension by wrists or feet, burnings and near drownings. Victims are forced to remain for extended periods with bags laced with chillie, petrol or insecticide over their heads. Some have impaired eye sight as a result. Detainees have reported broken bones and other serious injuries as a result of mistreatment. Torture is institutionalised and Tamils arrested suffer various methods of torture.

As the military operations intensify, the number of Tamils fleeing Sri Lanka is rising steadily. The number of Tamils fleeing to India has also seen a sharp increase during the last six months despite arrests and killings while crossing the Palk strait.

Health and Food

Young weeping mothers with sick children in their arms is a common sight in the Vanni region. Reports received by the TIC suggest that it is the Tamil children, elderly and the women who bear the scars of the war.

London-based NGO Christian Aid, after visiting Vanni recently, said "As attention focuses on Prince Charles's safety in Sri Lanka during the 50th independence celebrations, healthcare situation in the Vanni has reached critical proportions with alarming health and severe malnutrition problems among refugees".

In Mullaitivu District, 339,000 of the 727,000 people attending hospital in 1997 were treated for malaria, doctors often guessing from symptoms as facilities for blood tests are minimal. Some people have contracted malaria several times leading to lack of immunity, brain haemorrhage and an outbreak of tuberculosis. Incidence of septicaemia, typhoid and diarrhoea have also increased and there is an acute shortage of vital drugs particularly anti-biotic and pain-killers. Medicines received in the Vanni are often old or declared ineffective and no more in general use. In Puthukudyiruppu alone 33 people died of malaria and diarrhoea in December and January 1998. A recent survey of 16,700 children under five years of age reveals that 71% are malnourished and 33% suffers severe malnutrition. Children also have developed night blindness through lack of vitamin A and need constant supervision. In May 1997 the government ordered the arbitrary reduction of the people receiving food aid in the Vanni from 420,000 to 185,000. Only a third of the food and fuel requirements of the population in the Vanni are currently being provided.

The Sri Lankan government has not complied with a UN request for an interim report on the children of the north-east where 75,000 displaced children are under the age of five. The interim report was demanded after Sri Lanka's five-year report to the Committee on the Rights of the Child failed to include the situation of children in the north-east. Further, the 106-page report of the Sri Lankan government to the UN Committee on Economic, Social and Cultural Rights in November 1997 is silent on the malnourishment and malnutrition in Tamil Districts. Furthermore, a government survey on nutrition in 1997 excluded the north-east and supplementary child feeding programmes have not reached north-east in the last two years.

Reports from Tamil areas suggest that the military operations are conducted in such a manner targeting civilians in an effort to establish authority and control through fear. It also aims to disrupt the fabric of grass roots social control, economic and cultural relations. The impact on the mental health of the population, particularly the elderly and children is severe. The natural extended nuclear family support and care is no longer available. The trauma of war has caused considerable problems in children. There are reports that even infants are affected by war trauma, particularly if separated from parents or if parents themselves are psychologically disturbed. Increasing number of children are born and continue to grow-up in war knowing no other world. Their personality development is permanently distorted and deformed due to their experience of violence and this is a serious concern of the Tamil community, as it will have an impact on future generations. Social workers in the north-east report that they are unable to cope with the massive extent of psychological disorders.

Arms trade

The Sri Lankan government buys arms from a number of countries including China. The Sri Lankan national paper *Sunday Times* says that following the US ban on the LTTE in October 1997, Washington has approved combat-related equipment to Sri Lanka including \$11 million mobile fire-finding radar. The newspaper also says a UK firm would supply 18,455 combat body armour at a cost of \$4.1 million.

The government Peace Proposal and International mediation

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

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

The government released its devolution proposals on 3 August 1995 after the talks with the LTTE broke down. A revised watered-down version was placed before the new Parliamentary Select Committee in January 1996 in the form of a draft Amendment Bill referred to as the "legal text". An analysis of the two devolution proposals show that there is no genuine intention on the part of the government to devolve power to the regions and the government has in fact been insincere from the beginning through to the talks with the LTTE. The proposal also has not been offered to the LTTE which is the main party in the conflict. The other Tamil parties were extremely concerned and have not accepted the proposals. Senior Buddhist and many Sinhalese politicians have declared their oppositions to the proposals. The peace package has failed to take account of the grievances of the Tamil people and has the aim of disintegrating the traditional Tamil homeland and to reinforce the idea that Sri Lanka is a Sinhala-Buddhist state. It is also felt by many that it has been deliberately designed for campaign purposes of the Sri Lankan government to convince the international community that the government is magnanimous and that the Tamils are unreasonable. The devolution proposals have now become a dead letter. Government intention has been made clear by declarations of government members including the Foreign Minister on their visits abroad, that the Tamils have no problem in Sri Lanka and that the island is facing only a terrorist problem.

The LTTE has agreed for talks with the government, without any pre-conditions and with third party mediation. Several Western governments have indicated their willingness to become either mediators or facilitators. India still remains silent. A six member German Parliamentary delegation visiting Sri Lanka in February 1998 said that attempts must be made to bring back the LTTE to the negotiation table. Norway and Britain have made similar gestures.

The government decided to proscribe the LTTE on 27 January 1998. The LTTE was first banned in 1978 by the Proscription of the Liberation Tigers and Similar Organisations Act which was repealed in 1979 by the Prevention of Terrorism Act.

20 April 1998

Tamil Information Centre