



The monthly newsletter of the Tamil Information Centre is named after the Thulasi, a perennial plant. The Botanical name of the aromatic herb is *Ocimum Sanctum*. Thulasi is also known as Holy Basil or Sacred Indian Basil. The plant is indigenous to India and southern Asia. The Basil spread from its native India through Asia to Egypt 4,000 years ago and from there it spread to Rome and Europe. The plant plays an important role in the cultural heritage of the Tamils and is traditionally revered as a synonym for beauty, purity and prosperity and is a symbol of fidelity.

The Thulasi plant is used for culinary purposes in many parts of the world. It has many medicinal properties and is used in the South Asian Ayurvedic medicine.

The juice of the leaves is used in treatment of bronchitis and gastric disorders. It is used as a blood purifier, a remedy for skin diseases and as antidote for poisons.

Chewing Thulasi leaves is said to cure a headache and it is believed that the juice of Thulasi leaves, mixed with a little honey is good for health. It is also used for enhancing beauty of the skin and to protect the complexion.

The essential oil of Thulasi is used as a key ingredient in soap, perfume and shampoo. In South Asia, in the past, temples served as rest-houses for travellers. The plant was grown outside temples because of its unique property of curbing thirst. A couple of leaves under the tongue and the weary traveller would feel less thirsty.

Tamil Information Centre

August 2004

## TIC legal action to protect Tamil rights

A legal challenge by the Tamil Information Centre (TIC) against two Authorisations issued in April 2001 under the Race Relations Act has benefited Tamils all over the world including British passport holders.

The Race Relations Act outlaws discrimination on grounds of colour, race, nationality or ethnic or national origin in public functions, such as law enforcement by police, immigration or Home Office officials. But it contains an exclusionary section (Section 19D), which permits the Home Minister to authorise discrimination on grounds of nationality or ethnic or national origin in carrying out immigration and nationality functions. The Secretary of State for the Home Department exercised his powers under this section in April 2001 and issued two Authorisations.

The First Authorisation permitted discrimination against unnamed nationalities. It said that if there is statistical evidence showing a pattern or trend of breach of immigration laws of a particular nationality or if there is intelligence information which suggests that a significant number of persons of that nationality have breached or will attempt to breach the immigration laws, then, immigration officers may discriminate against a member of that nationality. The officers could subject a person from the group to a more rigorous examination or detain him/her.

The Authorisation also permitted immigration officers to decline to give the person notice of grant or refusal of leave to enter the UK before arrival or impose a condition or restriction on the person's leave to enter the UK. If the person is outside and wishes to travel to the UK, the immigration officer or the Secretary of State may, by reason of the person's national or ethnic origin, refuse to leave to enter the UK.

The First Authorisation further said that the Secretary of State may give priority to asylum applications from persons of a nationality or ethnic origin, if there are a significant number of claims from persons of that group which are unfounded. The Second Authorisation listed seven groups of people (Tamils, Kurds, Pontic Greeks, Roma, Somalis, Albanians, Afghans). It allowed immigration officers to discriminate a person from the group seeking entry into the UK. The officers could subject a person from the group to a more rigorous examination than other persons in the

same circumstances or detain him/her pending examination. The Authorisation also permitted immigration officers to decline to give the person notice of grant or refusal of leave to enter the UK before arrival and impose conditions or restriction on the person's leave to enter the UK. If the person is outside and wishes to travel to the UK, the immigration officer or the Secretary of State may refuse leave to enter the UK.

These permitted serious discrimination on grounds of nationality and may have been used in any circumstance. It appeared that the courts had to accept that discrimination against the nationality is authorised, if there is evidence of any pattern of abuse by persons sharing that nationality, however irrelevant or minor the abuse. The British authorities could have discriminated against any Tamil holding citizenship of any country, including British nationals. Implementation of the rules would have affected every Tamil intending to visit Britain or Tamil British nationals returning to Britain.

The TIC, with the assistance of Messrs Winstanley-Burgess Solicitors, Simon Cox and Robin Allen QC launched a challenge in the High Court, pointing out that discrimination of the Tamils under the above provisions was illegal. The Race Relations Act permits the Minister to authorise discrimination only on grounds of nationality or ethnic origin. It does not allow authorisation of discrimination on grounds of race or colour. The TIC's argument was that Tamils fall into the category of 'race' by reason of cultural distinction, shared common ancestry and common physique differing from other South Asians.

A day before the hearing, the Home Office withdrew the Second Authorisation. The High Court quashed the main provisions of the First Authorisation and the Home Office was forced to withdraw this as well. The TIC was granted costs in relation to the judicial review of both authorisations. The Court also refused permission to the Home Office to appeal against the decision.

Mr Justice Forbes held that the licence to discriminate, such as that envisaged by the Race Relations Act, can be expected to be subject to strict control and that Parliament has made it clear by express terms that the necessary control is to be by the democratic process, namely by every essential aspect of the power being clearly exercised personally by the Minister who is accountable to Parliament and not by immigration officials.

# Tamil Information Centre

# Profile

Tamil Information Centre (TIC) was born out of the need of the Tamil people of Sri Lanka to struggle for human rights and self-determination. It is an independent community-based organization established to empower the Tamil people to improve the quality of life through access to knowledge, information and a range of services, programmes and projects. The aim of the TIC is to create a united, cohesive society without persecution, in which every individual is respected, cared for and human rights are fostered, protected and promoted.

The TIC is a focal point for information on all aspects of the life of the Tamil-speaking people of Sri Lanka and has become part of the international communication network at the service of humanitarian and human rights organizations worldwide. Through its network of contacts, the TIC assists victims of human rights violations, mobilizes public opinion and brings pressure to end violations. The TIC liaises with a variety of agencies and individuals to achieve its objectives. These range from grass-roots bodies struggling to find solutions to particular problems to organizations involved in welfare, peace, refugee protection, rehabilitation, development and human rights at local or international level.

TIC has helped to promote and protect human rights, peace and development and culture of the Tamil people of Sri Lanka for over 20 years. TIC's objective reporting and authoritative reports produced by the TIC on human rights,

conditions of refugees, asylum seekers and internally displaced people are important sources of information that has increased awareness and understanding of the Tamil problem among the international community. The Centre's Documentation Unit with a unique collection of over 20,000 documents has become a major resource for researchers, campaigners, practitioners and the media.

While the TIC's community development programme involving women, elders, refugees and social, cultural and human rights workers retains its characteristic as an institution devoted to ensuring greatest possible impact in the community in all aspects of life of the Tamil community, the primary beneficiaries of the organization are internally displaced people, political prisoners and their families, people who have lost their bread-winners, torture victims, women, children, the elderly, refugees and asylum seekers.

The TIC has launched a major programme to promote people's participation in grass-roots initiatives in the Tamil areas of Sri Lanka to revitalize civil institutions to realize a progressive civil rights agenda that will encourage and promote mutual respect, foster friendly and peaceful relations among the different communities and re-establish community networks. The TIC will continue to engage in promoting social action activities on a broad range of civil rights issues.

## **Tamil Information Centre**

The TIC was established in 1981 and has a strong pedigree – associated with a group of strong grass-roots organisations that formed the most important and essential part in the promotion of human rights, relief, rehabilitation and development in the Tamil homeland in Sri Lanka. These were Gandhiyam Society (1977-83), Tamil Refugees Rehabilitation Organisation (1977), the Central British Fund for Tamil Refugees Rehabilitation (1978-88) and New Era Publishers (1982-84) which published the *Saturday Review*. The TIC also established branches in Tamil Nadu to assist Tamil refugees – TIC Madurai (1984-87) and Tamil Information and Research Unit (1983-87).

## **Centre for Human Rights and Development**

CHRD was established by the TIC in 1997 in Sri Lanka, involving human rights lawyers and activists. It has represented relatives of victims in massacre cases involving Sri Lankan security forces, including killing of Tamil civilians in Mylanthanai (Batticalao) on 9 August 1992 and the massacre of Tamil civilians at Thambalagaman (Trincomalee) on 1 February 1998. In addition, it is involved in capacity building and human rights awareness in the north-east and plantation areas.

## **Tamil Women Development Forum**

TIC is committed to achieving gender equality, and set up the Tamil Women Development Forum (TWDF) in 1995. TWDF helps to provide opportunities for the women in the UK and those in the north-east and plantations to develop strategies, share ideas, build skills and provide the necessary support to advance gender equality and social justice.

## **Muslim Women's Rights and Development Organisation**

MWRD was established by TIC in March 2003 at Eravur. This initiative places the displaced Muslim Women at the core of its work in Batticaloa District, both as participants in training and project development initiatives to help build community cohesion. MWRD has set-up a sewing training centre, nursery and a library.



# India's support for peace essential

The need to lobby India for support to solve the Sri Lankan conflict was stressed by Tamil National Alliance (TNA) member and MP, Suresh Premachandran at a meeting arranged by the TIC. The meeting took place at the TIC offices in Kingston-upon-Thames, London, on 31 July 2004 and Mr Premachandran addressed the gathering on the Peace Process in Sri Lanka.

Mr Premachandran said that except PLOTE and EPDP, all other north-east Tamil groups have come together to form the TNA and contest elections. The 22 TNA MPs work collectively and speak in one voice. He noted that although there are opportunities to persuade PLOTE and EPDP to join the Alliance, the fact that they have become part of the Sri Lankan government, particularly the EPDP, is a stumbling block, as they are not in a position to support the Tamil cause or articulate Tamil grievances. The Tamils continue to remain weak as a result of such Tamil parties remaining in the fold of the government.

He expressed the opinion that both the government and the LTTE were not in a position to resume the war. But after the change in government following elections in April 2004, the situation has deteriorated and tension has developed between the government and the LTTE. The recent events following Karuna's split has caused further strain on the relationship as the government is using Karuna against the LTTE.

At a meeting with TNA recently, President Chandrika Kumaratunge had indicated that she had decided to agree to talks on the Interim Self-Governing Authority (ISGA) proposals and would not be demanding talks on substantial political issues at this stage. The TNA members were pleased at the President's change of heart and informed the LTTE of the new development. But the next day the Presidential Secretariat issued a statement saying that the President, at the meeting with TNA representatives, had urged them that it was important to discuss substantial political issues parallel to the talks on the ISGA proposals. This change took place within six hours and clearly indicates that it is not possible to place our trust in the President. Her unpredictable and untrustworthy behaviour is a major drawback for the peace process, he said.

Mr Premachandran pointed out that since the April 2004 election of the new government, violence including killings has increased. After the government began using Karuna, there has been a dramatic rise in human rights abuses. This situation is expected to continue as long as the government uses Karuna in an attempt to weaken the LTTE. The government's strategy appears to be to weaken the LTTE militarily using Karuna and weaken them politically by delaying the peace process and refusing to hold talks on the ISGA.

While pursuing this strategy, the government is also keen to sign a defence treaty with India. This would allow the government to deny proper peace talks and destabilise the entire peace process,

which would prove a disaster for the Tamil community. At present the LTTE is able to engage the Sri Lankan government from a position of strength. But a defence treaty between India and Sri Lanka would also weaken the bargaining power of the LTTE. Mr Premachandran stressed that the expatriate Tamil community has a major role to play in lobbying and persuading India to rethink the defence pact.

Mr Premachandran continued to stress that it is extremely important to win over India. The Tamils cannot overlook India and expect a just solution. Other countries, including Norway and the United States, will not ignore India in pursuing resolution of the conflict in Sri Lanka. The Norwegian negotiators have continued to receive advice from India whenever visiting Sri Lanka for talks, and have ensured to brief India after discussions in Sri Lanka. Sri Lanka too rushes to India for any help. These are clear indications of the importance of India, as a regional power, in the Sri Lankan conflict. He further emphasized the need for the Sri Lankan Tamils to understand Indian's security, economic and other interests in the region. The Tamils cannot expect India to overlook these interests when dealing with Sri Lankan issues. He urged the Tamils to consider and capitalize on Indian Foreign Minister Natwar Singh's recent statement that India would support a federal solution to the conflict in Sri Lanka. Unlike other countries, in view of long relationship, India has a moral responsibility to become involved.

He said that the following three matters needed urgent action:

1. Lobby to persuade India to delay signing the defence treaty with Sri Lanka.
2. Increase international pressure on Sri Lanka to begin the peace process.
3. Engage India in a dialogue to ensure support for the Tamil cause.

Mr Premachandran responded to several questions from the audience.

He viewed the new relationship of the EPRLF and other members of the TNA with the LTTE as a positive development. It is important to realise that enemies of the past have at least recognised the importance of meeting and talking. He also said that TNA members, in discussions with the LTTE representatives spoke openly on all matters without any hesitation and often offered advice on important issues. This was a huge step forward. However, there was need for further improvements in the relationship, which he said would come with time, with greater understanding and as confidence develops on both sides. He said that he is surprised with the actions of some people who only criticised the LTTE for their actions but ignored the many abuses and efforts to undermine the LTTE by the government and the military. This cannot be justified and the real motives of such persons are in question, Mr Premachandran said.



Meeting with Prof. Sivathamby



Tamil Women Development Forum



Poetry Reading

# TIC programmes

## New premises

The TIC's long cherished goal of securing a permanent office premises finally came true in early May 2004 and an opening day event was held on 4 July 2004. Designed by Mr Christopher, a Tamil architect and well-wisher of the TIC, the premises provides a strong sense of achievement – a sense of place and identity. The premises is located at Studio 2, Sutherland House, Clifton Road, Norbiton, Kingston Upon Thames KT2 6PZ. The proposed interior design work with features and characteristics will provide educational opportunity for the next generation of Tamil speaking children living in the UK and Europe and the wider community to learn about traditional Tamil culture and the Tamil people.

## Detainees release

TIC has been involved in researching and campaigning on the release of Tamil refugees detained in India for many years. Up to June 2003, TIC assisted 17 persons to obtain release orders, travel documents from Sri Lankan authorities and flight tickets to Sri Lanka. Human rights organisations and lawyers in Tamil Nadu assisted the TIC in these arrangements. The released detainees were met at Katunayake air-port and helped to rejoin family members in Vanni, Mannar, Trincomalee and Jaffna. This was arranged by the Colombo-based Centre for Human Rights and Development (CHRD).

## Cataract operations

TIC continued to provide support to the Cataract Project at the Vavuniya Base Hospital organised by the CHRD, by lobbying for funds and enlisting doctors to visit Sri Lanka to perform surgery on patients with the assistance of Impact Foundation in London. A large number have benefited from the Project.

## Health conference

TIC spent considerable amount of time in preparatory work to organise the Second International Health Conference scheduled for June 2003 in Trincomalee, Sri Lanka. The two-day conference was planned to bring together people involved in health promotion in the north-east Tamil homeland and Plantations at the grassroots level, including health professionals, key decision makers, international donors, NGOs, health educators, researchers and the media. The focus was to be on health systems development, environment, health and sustainable development and health education and training. The conference was indefinitely postponed after the collapse of the peace talks in April 2003.

## Women conference

A successful conference was organised by the TWDF on 25 August 2002 and a report was published in November. The Conference offered the opportunity to review the status of Tamil and Muslim women in Sri Lanka, in particular those living in the north-east Tamil homeland and the Plantations and helped to renew the commitment of the participants and the community to promote action for equality, development and peace in Sri Lanka.

## Child-to Child

With the assistance of the TWDF, TIC developed a project entitled 'Child-to-Child' to empower Tamil speaking children, particularly children living in war-torn areas in Sri Lanka and the Plantations and those living in the UK, to establish links and to create friendship among them. Two meetings on 22 February and 28 June 2003 were organised by the children. A large number of parents also participated in the meetings.

# TWDF urges elimination of disparity

The Tamil Women Development Forum (TWDF) submitted a note in March 2003 to the Sub-Committee on Gender Issues appointed jointly by the Sri Lankan government and the LTTE. Among other issues, TWDF urged the Committee to look into the following issues:

- Support for widows and female-headed households in education, training, credit and employment.
- Reintegration into civil society, of women political prisoners and women combatants.
- Effective healthcare system to include information and advice on nutrition, hygiene, preventative care against diseases, contraception and pregnancy.
- Care and support for women affected by stress and trauma and for women abused.
- Incest is a growing concern. Laws on incest and rape need to be strengthened.
- Problems relating to Muslim women and Plantation Tamil women must be addressed.
- Problems of women in unskilled work abroad, particularly housemaids in the Middle East.
- Extension of constitutional provisions forbidding discrimination against women in the private sector.
- Participation of women in decision-making in civil, political, economic, social and cultural life.

# Refugee returns in safety and dignity

In a memorandum to the Home Affairs Committee of the British Parliament in October 2002, the TIC called for humane and compassionate considerations in the removal of asylum seekers to their countries of origin. The memorandum was quoted in a number of places in the report of the Committee.

## Inhumane methods

Sri Lankan refugees on temporary admission have been detained and removed to Sri Lanka. In the case of detention or removal, very often, notice is not given to the legal representatives. Asylum seekers have been returned while their appeal rights are pending.

## Monitoring in country of origin

Asylum seekers should be returned in safety and dignity. The TIC is aware of a number of incidents in which returning asylum seekers have been subjected to threats, assault, extortion and detention by the Sri Lankan police and intelligence services. UNHCR must be involved in monitoring returns.

## Compassionate factors

The Home Office should consider family connections when deciding on removals, such as, allowing adults and children who have lived in the UK for long period to continue to stay. Children who have lived in the UK for many years would be psychologically affected and their education disrupted. Residence permits should be given to those who are receiving medical treatment, particularly psychological treatment. The position of the elderly should also be considered on compassionate grounds.

## Incentives

A financial package may be made available for those who wish to return. In addition, a programme of vocational training would be most useful to returnees.