



# THULASI



*The Kingston-upon-Thames Borough Council has accepted the name proposed by the Tamil Information Centre for its office building. The name is 'Thulasi', the same as this newsletter. The road on which the office is situated has also been given a new name after representations to the Council by the TIC. Earlier, this road was known by the same name as Clifton Road which it joins near the Norbiton Dragon pub. The new name of the road is Bridge End Close. Although the TIC suggested 'Freedom Way', the Council is of the opinion that Bridge End Close is appropriate.*

*The TIC has published five reports since the tsunami in Sri Lanka, which provide comprehensive information on the disaster and initiatives by the authorities and local and international agencies. The reports underscore the need to improve or augment initiatives and to apply resources effectively. The problems from corruption and the lack of a joint mechanism have also been dealt with. The reports have been extensively used by community-based organisations in many countries to highlight the problems of victims, lobby governments and raise funds. They have also been useful to government agencies such as the Department for International Development in the UK and international agencies.*

## Joint Mechanism Essential for Public Confidence

The Tamil Information Centre (TIC) is concerned over developments relating to the joint mechanism between the Sri Lankan government and the Liberation Tigers of Tamil Eelam (LTTE) for the provision of relief to the people affected by the tsunami in the north-east of the island. Most people affected by the disaster in the north-east have not received sufficient assistance to begin their economic and livelihood activities. Land allocation policies have not been resolved to enable the construction of permanent housing. The entire tsunami relief and reconstruction process has been turned into an exercise in political manoeuvring and tactics.

The TIC is particularly worried about the actions of the Supreme Court. The Court acknowledged that if the joint mechanism is not implemented forthwith, urgent humanitarian assistance could not be granted to people in the six north-east districts, who continue to suffer untold hardship. The Court also admitted that it is incumbent on the Court to take legal steps to ensure that the people would not suffer undue hardship.

In view of these statements, a positive decision, which takes the sufferings of the tsunami victims into consideration, was expected when the case was heard on 21 November 2005. But inexplicably, the court suspended the enquiry indefinitely and in addition granted an indefinite injunction against the provisions of the Post-Tsunami Operational Management System (P-TOMS). Many people, within and outside Sri Lanka, have expressed their suspicion to the TIC that this change is due to political intervention or some devious political deal.

Sri Lanka boasts of an independent judiciary, and it is true that important judgments have been delivered by judges. But the Tamils continue to suffer by politically motivated decisions of courts. The judiciary failed to grant remedy to the Hill Country Tamils and allowed them to suffer without citizenship and voting rights for more than 50 years. The judiciary also failed to protect the Tamils against political abuse and legislation which were clearly aimed at denying their rights. The judiciary has further failed to protect the Tamils against physical abuses such as torture, injury and extra-judicial executions.

The TIC has received many complaints from individual Tamils, particularly in cases under the

Prevention of Terrorism Act (PTA) and the Emergency Regulations, that they have been remanded or convicted and imprisoned without any evidence. The decision on the joint mechanism is the latest blow to the Tamils in a series of assaults by the judiciary since independence.

The TIC believes that a joint mechanism is essential not only for efficient delivery of tsunami assistance but also for public confidence and durable peace.

The TIC has urged international community to,

- call for a joint mechanism that brings hope to the affected people in the provision of assistance to the population of the north-east and engage the Sri Lankan government and the LTTE to resume negotiations on the establishment of a joint mechanism, recognizing the issues of concern raised regarding the joint mechanism;
- become more proactive in conflict resolution and constantly engage both sides to resume peace talks to find a permanent solution to the conflict;
- champion the cause of human rights and human security in Sri Lanka;
- resolve the current inconsistencies and lack of co-ordination between the EU Commission and the Council in order to improve EU policy on tsunami disaster, human rights, development and peace in Sri Lanka.

The TIC has called upon the expatriate Tamil community to campaign on the issue and urge their representatives in legislatures in their countries to,

- call for a joint mechanism to ensure equitable aid distribution and encourage the Sri Lankan government and the LTTE to resume talks on the mechanism without delay;
- urge Her Majesty's Government and other governments to become proactive in conflict resolution and constantly engage both sides to resume peace talks;
- champion the cause of human rights and human security in Sri Lanka;
- call for resolution of inconsistencies and lack of co-ordination between the EU Commission and the Council to improve EU policy on tsunami disaster, human rights, development and peace in Sri Lanka.

[For details see Action Briefing of 16 January 2006 [www.project-tsunami.org](http://www.project-tsunami.org)]

# International Criminal Court and Child Soldiers

## International law

The TIC says in a briefing that developments in international law and the emphasis of the international community on child soldiers are of concern to the Tamil people.

## UN report on child soldiers

Targeted measures suggested by the UN Secretary General in his February 2005 report against those recruiting children into armed forces include travel restrictions on leaders and their exclusion from any governance structures and amnesty provisions, arms embargos, ban on military assistance and restriction on the flow of financial assistance. The report accuses the Liberation Tigers of Tamil Eelam (LTTE) of continuing to recruit children. In a letter to the Secretary General's Special Representative for Children and Armed Conflict, Olara Otunnu in early 2005, the LTTE expressed readiness to enter into dialogue using the framework of a monitoring mechanism suggested by the UN. Mr Otunnu welcomed the LTTE message but called upon the leadership to embark immediately on tangible actions to end the use of children as soldiers. The European Union (EU) told the UN Security Council in February 2005, that a pilot project will be implemented in Sri Lanka for a Plan of Action regarding child soldiers.

## The Rome Statute

The Rome Statute of the International Criminal Court (ICC) came into force on 1 July 2001. A State party or the UN Security Council may refer crimes to the Prosecutor. The Court has jurisdiction over crimes as well as attempt, abetment or inducement of a crime. Official capacity, such as head of State, MP or government official, will not exempt anyone from criminal responsibility. Crimes within ICC's jurisdiction will not be subject to any law that limits the time within which a criminal charge may be brought. A military commander or person effectively acting as a military commander is also criminally responsible for crimes committed by forces under his or her command. The Statute provides that orders to commit genocide or crimes against humanity are manifestly unlawful. The Court may sentence a person to imprisonment up to a maximum of 30 years or life imprisonment.

The Rome Statute provides the following definitions for crimes:

## Genocide

"Genocide" is defined as any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

(a) *Killing members of the group;*  
(b) *Causing serious bodily or mental harm to members of the group;*  
(c) *Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;* (d) *Imposing measures intended to prevent births within the group;* (e) *Forcibly transferring children of the group to another group.*

## Crimes against humanity

In the Statute, "Crimes against humanity" means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:

(a) *Murder;* (b) *Extermination;*  
(c) *Enslavement;* (d) *Deportation or forcible transfer of population;*  
(e) *Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;* (f) *Torture;* (g) *Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity;* (h) *Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender, or other grounds that are universally recognized as impermissible under international law* (i) *Enforced disappearance of persons;* (j) *The crime of apartheid;* (k) *Other inhumane acts of a similar character.*

## War crimes

The definition of "War Crimes" includes serious violations of the law and custom applicable in armed conflict not of an international character. The Sri Lankan conflict has been recognized as an armed conflict not of an international character. The definition also includes 'conscripting or enlisting children under the age of fifteen years into armed forces or groups or using them to participate actively in hostilities'

## Financing of terrorism

The UN's International Convention for the Suppression of the Financing of Terrorism entered into force on 10 January 2002. It states that a person commits a crime if he/she provides or collects funds unlawfully with the

intention of using for terrorist activities as defined in international treaties or any other act intended to cause death or serious bodily harm to a civilian or other person not taking active part in hostilities in an armed conflict situation, when the purpose of the act is to intimidate the population, or to compel a government or an international organization to do or abstain from doing any act. The Sri Lankan Parliament passed the Convention on the Suppression of Terrorist Financing Act on 7 July 2005. The Act is intended to prevent flow of funds and illicit arms and facilitate prosecution or extradition of people suspected of financing terrorism.

## Need for action

The international community has given overwhelming support to the Oslo Declaration of December 2002 which states that the 'parties agreed to explore a solution founded on the principle of internal self-determination in areas of historical habitation of the Tamil-speaking peoples, based on a federal structure within a united Sri Lanka'. But the community has insisted that human rights protection should be part of the whole process of peace talks. It appears that recognition of important principles such as self-determination may depend on the Tamil community's ability to protect and promote human rights.

The international community has accused the LTTE of child recruitment and other crimes which are defined in international law, and has demonstrated that it could take action when necessary. An example would be EU's announcement on 26 September 2005. In the wake of the assassination of the Sri Lankan Foreign Minister Lakshman Kadirgamar, the EU declared that the pursuit of political goals by the use of violence would only serve to damage the LTTE's standing and credibility as a negotiating partner. The EU imposed a ban on LTTE delegations visiting member states in Europe and has threatened to list the LTTE as a terrorist organization.

In the light of the seriousness of the accusations against the LTTE, the TIC believes that they will have a damaging impact on the Tamil struggle for international legitimacy, justice and self-determination. The TIC has urged the LTTE to study these developments in international law seriously and without delay and take appropriate measures.

## Joseph Pararajasingham Slain TIC deplores violence by all sides and calls for an end to killings

*The TIC records with great sadness the death of Joseph Pararajasingham, MP for Batticaloa District. He was assassinated on 25 December 2005 while attending church. Mr Pararajasingham was a long-time friend of the TIC and helped us in many ways to publicize internationally the human rights violations and discrimination against the Tamil community. Following his killing, the TIC issued the following press release:*

The Tamil Information Centre (TIC) strongly condemns the escalating political killings in Sri Lanka, which may plunge the country into the abyss of war and chaos. It is deplorable that people of all walks of life are targeted, including members of parliament, journalists, writers, academics, human rights defenders, social and community workers, NGO staff, lawyers, students, women, educators, priests and members of political parties, progressive organizations and trade unions. With them die their dreams, idealism, commitment, courage, youth, love and hope. A part of us perishes with them and the hopes and dreams of communities and the nation they represent are shattered.

The TIC is outraged by the brutal and diabolical killing of Batticaloa Member of Parliament Joseph Pararajasingham. With the killing of Mr Pararajasingham, we have once again witnessed the tragedy of a crime motivated by hate and ignorance, striking at the very heart of democracy and freedom.

Mr Pararajasingham was closely associated with the TIC since 1985, assisting TIC in the vital task of documentation and has been involved in human rights advocacy initiatives. The TIC and the Tamil community have lost a strong defender of human rights of the Tamil people. His loss will be felt by many at the TIC and in the human rights community.

The TIC has been increasingly concerned over the widespread and morally reprehensible harassment, intimidation and senseless violence against civilians. The prevalence of armed gangs has contributed to an increasing culture of gun violence in Sri Lanka. Our concern has deepened in the last few months, as the targeting of civilians by all parties with impunity is regarded callously as insignificant or inevitable. Whether it is the Sri Lankan government, the LTTE, or any other militias or paramilitary groups or factions, any party involved in such actions, it is delusional to imagine that such acts would in any way contribute to the cause or for a better society. Nothing can justify these terrible acts of violence and their actions have no place in any struggle for justice.

Such acts show the grave danger to democratic traditions and it is clear that there is an urgent need for all communities to unite irrespective of ethnicity, religion and political opinion.

We call upon the members of the Tamil, Sinhala and Muslim communities of Sri Lanka to stand together against intolerance, prejudice, violence, bigotry and crime and impunity and categorically affirm that “*such acts are wrong and unacceptable and we will no longer tolerate such actions*”.

The Tamil Information Centre also calls on the Sri Lankan government and the LTTE to spell out the specific measures they will implement to protect the people who speak out about human rights abuses and express political dissent in the island. Only the government and the LTTE can curb abuses committed by their agents and by armed gangs in the regions under their control.

In this moment of immense sadness, our thoughts are with Mrs Sugunam Pararajasingham and the other innocent worshipers who sustained injuries in the attack and their families which have been subjected to the trauma.

## Centre for Community Development: Village Regeneration Programme

The Centre for Community Development (CCD-UK) and the Tamil Information Centre (TIC), in collaboration with people's organisations and social movements in north-east Sri Lanka, have launched an initiative to provide relief to tsunami victims, to assert human rights and to work towards rebuilding their lives. Livelihood rebuilding will also recognise the needs and seek ways to support individuals and families with special needs.

Some of the remote areas affected by the armed conflict and now by the tsunami have not only lost self-sustainability, but also the capacity to receive, distribute and effectively use aid. This will be the first phase of the CCD's effort to bring normalcy and sustainable living conditions. It will pay attention to women's and gender issues and disability-sensitive issues.

The rebuilding will ensure that issues and concerns of communities prior to the disaster are also addressed to stimulate development in the surrounding areas and enhance ethnic harmony in the region. It will throughout adopt a participatory approach to identify problems, their causes and solutions in designing and implementing the programme. This initiative will complement the international, national and regional efforts that are currently underway in the north-east region.

### Principles

The main focus of this initiative is to encourage and assist institutionalising systems of local village governance, capacity building of local groups, resource mobilisation, making local groups and bodies more representative, mainstreaming their activities towards greater efficiency and equity and enhancing civic engagement for improved transparency in decision-making and accountability in implementation. The initiative will involve the villagers in all phases so that they are an integral part of the regeneration of their villages. Self-reliance will be encouraged, as community-owned projects have a better chance of success.

The tsunami of the 26 December 2004 ravaged the landscape of Sri Lanka, from the northern tip to the west coast area of Puttalam. The most affected areas are in the northeast. The CCD has selected four villages in the north-east and work has already been initiated. Local CCD staff, have held meetings to identify problems and needs with active participation of the villagers.

The local organisations will implement the action plan in the villages. However, regional or national action plans by other organisations, departments and coordinating bodies may overlap with CCD's plan for a particular village. In such cases, the CCD will collaborate to complement each other's efforts. Action will be taken to avoid duplication or waste of resources.

### Action Plan

Based on initial assessments by local organisations, short-term relief and support action plans were drawn up in the following areas:

Basic Living Necessities - Supply of essential food and basic materials, along with healthcare needs, in camps and/or homes.

Rehabilitation of Children - Ensure children are cared for in terms of schooling, nutrition and trauma counselling.

Health - Ensure basic health needs to prevent spread of diseases and address aspects of mental health support.

Sanitation - Take action to improve sanitation in the villages and improve basic facilities.

Good Village Governance - Ensure that basic facilities and services resume and operate in the village and the village is empowered.

# CCD medical aid in the north-east

Centre for Community Development (CCD) member Dr S Ratneswaren and Imperial College medical student Ms Anenta Ratneswaren went to Sri Lanka to hold medical clinics in the north-east in early December 2004 and were able to provide immediate assistance to victims after the tsunami devastated the coastal areas.

The main aim of the visit was to explore and establish methods and systems of collecting, recording and storing patient records. A model patient record form was adopted, translated into Tamil and produced for use at the clinics. In addition, CCD provided a prototype for a computerised patient records database program. The goal is to carry out clinics in identified regions, and include patients' information in the database.

A clinic was set up in Naranthanai on the island of Kayts in Jaffna District. People from the villages visited the clinic for check-up and health queries. In Jaffna town, as a base for clinics was not available, home visits were undertaken to see patients who found it difficult to access the Kayts base. Dr Ratneswaren also purchased medicines at local pharmacies for distribution to patients.

CCD's partner agency, the Kilinochchi Association for the Rehabilitation of the Disabled (KAROD) organised an open clinic in Palai. KAROD has a team of volunteers responsible for identifying the physically and mentally disabled in the entire Kilinochchi District and provides support and advice to them and their families. KAROD identified patients who needed treatment and informed them of the details of the clinic. The team consisted of Dr Ratneswaren, Anenta, KAROD staff and Miss B Vasagar, a student volunteer from Georgetown University in the US. In addition to treatment, the team provided registration forms and gave importance to the concept of systematic maintenance of patient records.

Dr Ratneswaren and Anenta arrived in Kallady, Batticaloa on 25 December and the tsunami struck the following day. They saw the people of the village rushing towards the hotel seeking safety. Many of them lost their relatives to the waves. Anenta spent the day with Thadaham, a local community organisation based in Kiran and a partner of the CCD. She assisted with clothes distribution at refugee camps in Valaichenai, Puthukudyiruppu, Mylankarachi and Navaladi Junction.

Both returned to Colombo on 29 December to gather drug supplies for Batticaloa. A comprehensive list of drugs currently available and prescribed in Sri Lanka was obtained from the State Pharmaceuticals Corporation. Drugs to meet those health needs assessed earlier were purchased from several pharmacies. In addition to the basic drugs, a large amount of baby and infant milk food from City Medicals, Colombo and other needs such as toothbrushes, toothpaste and feeding bottles were collected and distributed in Batticaloa.

In the district, Dr Ratneswaren worked in cooperation with Professor Rudra at the Batticaloa Hospital and the Batticaloa branch of the Sri Lanka Red Cross. He also liaised with representatives of Oxfam, ICRC and UNDP. Following the visit He made the following recommendations:

- Develop practical and detailed guidelines that can be adapted in setting-up open clinics in disaster situations.
- Develop practical and detailed guidelines for organising mobile clinics conducted under 'normal' conditions.
- Establish the notion of patient confidentiality and respect for privacy among all healthcare workers and ensure that all consultations are carried out accordingly.
- Continue to work with local organisations, while encouraging international and government agencies to liaise with those working at grass-roots level.



**Patients in Kilinochchi waiting treatment**



**Dr Ratneswaren treating patients in Kilinochchi**

## TIC Note on Good Practice Relating to Voluntary Returns

On behalf of the community organizations involved in refugee and asylum work, the TIC submitted a Note on Good Practice Relating to Refugee Returns in 2005 to the European Council on Refugees and Exiles (ECRE), to be included in an online European Good Practice Guide. The TIC pointed out that unless issues relating to involuntary returns are considered and the concerns addressed, it would be difficult for community organizations to contribute effectively to any debate on voluntary returns. The note included concerns on human rights and the peace process and issues which force refugees to make a decision to return to their countries of origin. The TIC emphasized the need to establish a procedure for monitoring of returning refugees and regular consultations between government authorities and community organizations on asylum issues and voluntary returns. The TIC note followed a meeting of community organizations and a European Conference in Brussels in which members of community organizations from across Europe participated.

# Awards for TIC associates

## Rajes Acca given Best Novel Award

Rajeswari Balasubramaniam (Rajes Bala), an associate of the TIC, received the Best Novel Award for the novel *Nalaya Manithargal* (Morrow's Men) from the Tiruppur Tamil Sangam in Tamil Nadu, India, on 19 December 2004. Rajeswari has written many books on different subjects, particularly on health and medicine, and has directed short films. Her novels include *Thames Nathikkaraivile* (On the banks of the Thames), *Vasantham Vanthu Poivittathu* (Spring gained and lost) and *Pani Peiyum Irvukal* (Nights of dew). She also published short story collections such as *Ammah Endroru Penn* (A woman named mother) and *Araikurai Adimaikal* (Incomplete slaves).

Rajes joined the health promotion service in East London and the City Health Authority in 1993. She work tirelessly for the promotion of health and was an energetic advocate of women's rights. While working for the Primary Healthcare Trust (PCT), she received high praise from the Public Health Directorate for developing innovative health promotion resources, including videos and posters on food poisoning and promotion pack on weaning. She retired from the PCT in February 2004.

Rajes has led or worked with a number of community organisations in the UK, including the Tamil Women's League and the Tamil Refugee Action Group. She continues her work with communities and women's rights.



Rajes Bala



Councillor Paul

## Paul Awarded for Taking a Stand

Newham Borough councillor Paul Sathianesan was named a local hero in December 2004. He was one of 100 people around the UK recognised for tackling anti-social behaviour and working to create safer communities. Paul received a Home Office Together Taking a Stand Award, presented in partnership with the charity Crime Concern and the Co-op for commitment and bravery in acting against vandals, thugs and nuisance neighbours.

He was selected as part of a national competition across England and Wales and received his award from Home Office Minister Hazel Blears and BBC TV Crimewatch presenter Fiona Bruce during an awards ceremony at the Mermaid Theatre in Blackfriars. In November 2002, Paul was awarded an Honorary Fellowship by the University of East London for his work with refugees internationally and in East London.

Paul has worked with the TIC for many years on a number of matters, including refugee issues and youth violence. As local councillor he participates in many activities, chairing the Eastham Community Forum and participating in the events of various community voluntary organizations. Paul is passionate about tackling serious problems in the lives of young people and has organised meetings with young people, community leaders and the police.

## Iyal Virudhu Lifetime Achievement Award for Iyer

Pathmanaba Iyer was given a Lifetime Achievement Award known in Tamil as *Iyal Virudhu* by the Tamil Literary Garden and the Centre for South Asian Studies of the University of Toronto at a ceremony on 12 June 2005 in Toronto. The award includes a plaque and a cash prize of \$1,500 (Canadian). Iyer was awarded for his invaluable contribution to the promotion of Tamil literature for more than three decades.

From the late 1950s Iyer began an exchange programme of literary magazines, contributing to a dynamic cultural intercourse between the Tamil Nadu and Sri Lanka. While continuing this, Iyer recognized the importance of publishing and took a keen interest in publishing in Tamil Nadu the literary works of Sri Lankan Tamil writers.

The cultural genocide in Sri Lanka culminated in the burning of the Jaffna public library in 1981 sending shock waves through the Tamil community.



Iyer receiving award

This incident which resulted in the destruction of irreplaceable manuscripts forming part of the history of the Tamils, wrenched the literary heart of Iyer and set him on a determined course for the re-establishment of the library.

Iyer also patiently built a worldwide network and continued his publication work. He established contacts with many organizations,

community as well as publishing houses. Because of his untiring effort hundreds of books have been published, including through *Vasagar Vattam* in the 1960s, *Kiriya* in the 1970s, *Thamiliyal* in the 1980s and *Tamils Welfare Society* in the 1990s.

Since his arrival in the UK in the 1990s, he has been a source of inspiration for the Tamil diaspora and has continued networking and publishing work. Iyer is a prominent person in the annual meeting of the Tamil writers and has been the mainstay in the publication of literary collections.

Iyer has participated enthusiastically in the Development Forum set-up by the TIC for the promotion of the arts. The TIC has assisted in the publication of literary works by writers and without Iyer, TIC would find it extremely difficult to carry out this work effectively.

# Freedom mixed with blood is not freedom

At a joint meeting of the Iraqi Women's League (IWL) and the Tamil Women Development Forum (TWDF) on 19 December 2004, Souad Aljazairy of the IWL declared that democracy mixed with blood is not democracy and freedom mixed with blood is not freedom. Souad heads the Iraqi Women's League in the UK. Souad is also a well known writer on women and children issues, a journalist who continues to write to Arabic newspapers and a TV documentary producer.

She said that although women share a greater burden of the consequences of conflicts such as war and other situations, they remain unequal, they are more oppressed than men and are not given the opportunity to share their views. IWL members find that problems for women are common everywhere. In social life Iraqi women have many problems, and as politics in many instances cannot be separated from social concerns, Iraqi women become involved in politics.

IWL was established in 1952 in Iraq by Ms Adulemi, who was the first woman politician and the first woman minister. Branches were established in the northern and southern parts of Iraq, including for Kurdish women in 1958. Saddam Hussain took away all the rights of groups and individuals who were perceived to be against his regime. As a result, IWL began working underground from 1979. There were 1.5 million members in the IWL in Iraq at the time and it was becoming increasingly difficult to contact the members. Members began meeting in small groups at homes to avoid attracting attention. Souad worked as a journalist in a newspaper called *Taric Alzad* (The way of the people) and she maintained contact with the

members through the newspaper. But in 1978, Saddam Hussain closed the newspaper down and began arresting the workers. The newspaper staff fled the country to neighbouring states.

The main objects of the IWL now are

- Creation of awareness, particularly among young and prominent people.
- In-country assistance, such as provision of computers and sewing machines, establishment of centres for single women and widows.

The IWL conducts cultural programmes to bring the richness of civilization to other parts of the world. It encourages non-political women to join and to help people in Iraq. The IWL is a bridge between the people in Iraq and Iraqis living outside. Many children are born in other countries and it is important to make links between them and the children within Iraq. IWL conducts children festivals, exhibitions and competitions for children which encourage knowledge about Iraq. These methods are welcome by parents and children and help them enormously.

Earlier, Vasumathy welcomed the participants and introduced the TWDF. She said the TWDF was established in June 1995 with a vision to provide a platform for the Tamil speaking women to voice their views, share their experiences and address common problems affecting them. TWDF is committed to providing an opportunity for Tamil speaking women to raise consciousness, promote human rights and seek solidarity with other women's groups locally and internationally.



## Champion of the cause of the poor – TIC's tribute to Pope John Paul II

The TIC sent out the following message on the death of Pope John Paul:

“With the death of Pope John Paul II on 2 April 2005, the world has lost a champion of the causes of the poor, powerless and oppressed people. He advocated relentlessly for the rights of ordinary people and his message stressed their empowerment. People's movements in some countries were sustained by his inspiration, contributing to historic change of the political landscape of a continent. He was a champion of social justice and freedom, he stood against materialism and selfishness and preached love and forgiveness. His skills and dynamism and his travels around the world to 129 countries effectively brought his message closer to the ordinary person, particularly the down-trodden people of the Developing World.

He gained the respect of people of various cultures and other faiths. He insisted on the observance of not only religious freedoms but also the other freedoms to which the human person is entitled.

The visit of Pope John Paul to Sri Lanka on 20 January 1994 will be fondly remembered. The Sri Lankan government and the LTTE agreed a 14-day ceasefire in honour of the pontiff and thousands attended the open-air mass on Galle Face Green, despite attempts by some people to create a controversy. Over 2,600 people from Jaffna braved the danger of crossing the war zone to attend the mass in Colombo. He brought hope to the people who suffered for long years as a result of the war, by preaching the message of peace.

The Tamil Information Centre joins millions of others who sincerely hope that the teachings of Pope John Paul, particularly the empowerment of ordinary people, would be respected and followed.”

## TIC writes to Bill Clinton

In view of the lack of progress in the joint mechanism for tsunami relief, the TIC wrote in December 2005 to UN Special Envoy for Tsunami Recovery, former US President Bill Clinton.

In the letter, the TIC thanked Mr Clinton for visiting Sri Lanka again to review reconstruction efforts in tsunami affected areas and said that his visit brought much consolation to the people living in northeast Sri Lanka.

The TIC expressed concern that the joint mechanism between the Sri Lankan government and the LTTE for the provision of relief to the people affected by the tsunami in the north-east of the island has been put on hold. The Sri Lankan Supreme Court made it clear in June 2005 that a Post-Tsunami Operational Management Structure (P-TOMS) is important and even went to the extent of using its inherent jurisdiction to consider measures to convert a situation of illegality to one of legality to allow the structure to function. But after the new President was elected in November, the court has inexplicably granted an indefinite injunction against the P-TOMS and has postponed the enquiry indefinitely. This, the TIC said, will not only have an adverse impact on the tsunami affected people in the north-east, but also remove the opportunity of creating goodwill and trust between the parties which would eventually lead to peace talks.

The TIC said that it is also concerned over the lack of people's participation, transparency and accountability in the provision of tsunami assistance in the government-controlled as well as LTTE-held areas. Human rights are violated in both areas and violations occur even in welfare centres for tsunami victims, where women and children are particularly vulnerable. The civil society lacks the freedom, in many areas of the north-east, to engage in normal activities that would help the victims of the tsunami, as well as those suffering human rights.

The TIC expressed the opinion that Mr Clinton is well placed to take up these issues further with both parties, so that efforts are made to achieve permanent peace through cooperation in providing assistance to the people affected by the tsunami.

## Tsunami Information Project

The TIC launched the Tsunami Information Project in November 2005 to keep partners, the international community and the general public informed of the developments since the tsunami disaster in Sri Lanka on 26 December 2004, in particular the north-east region of Sri Lanka.

The Project will provide information on the situation in the tsunami affected areas, particularly in Amparai, Batticaloa, Trincomalee, Mullaitivu, Kilinochchi and Jaffna districts, taking into account the needs of diverse groups. The Project will pay particular attention to the villages in these districts which have been selected for the Village Regeneration Programme of the Centre for Community Development (CCD).

The project will also help to mobilize expatriate support and resources for relief, reconstruction and development of the tsunami affected areas in the north-east of Sri Lanka. Assistance in developing good practice in the proposed voluntary return programmes of Western governments will also be an objective of the project.

The Project published the Sri Lanka Tsunami Situation Report No. 5 in November 2005, and a Tamil version of the report was released in January 2006. An Action Briefing titled *Joint Mechanism for Tsunami Aid: Functional mechanism essential for tsunami aid, reconstruction and durable peace* was published in January 2006.

The Project has also begun an international campaign called 'Project Tsunami' to highlight the issues relating to the tsunami joint mechanism and to encourage the support of people around the world. The following website has been launched for this purpose:

[www.project-tsunami.org](http://www.project-tsunami.org)

The Situation Report, the Action Briefing and other documents are available on the website. Please see the website for details about the campaign and how you can participate.

## Expatriate assistance for CCD programmes

The TIC is encouraging members of the expatriate community to visit the villages in Sri Lanka where the CCD has initiated regeneration programmes. They could see the programmes for themselves, make a direct link with affected people and provide assistance. British expatriates Mr and Mrs Sivarajah visited the villages in eastern Sri Lanka and provided medicines, relief materials and sewing machines.



Mr Sivarajah presenting sewing machine



Mrs Sivarajah giving a demonstration

# Weapon for consolidation of power

Terrorism legislation is increasingly becoming a weapon in the armoury of governments for control of the population and consolidation of power, says the TIC in an article. The Prevention of Terrorism Act (PTA) of 1979 in Sri Lanka, continues in force despite condemnation by the United Nations. The PTA is harsher than terrorism legislation in many other democratic countries. In Britain, since the 9/11 attacks in New York in 2001 the Labour government has introduced a series of laws thereby acquiring more powers.

## **Terrorism Act 2000**

A suspected terrorist may be arrested under UK's Terrorism Act 2000 without a warrant and detained for 48 hours without giving any reason. The person must be released after 48 hours if no application is made for extension. [Under normal law, an arrested person can be detained only for 36 hours]. The police may apply to a Magistrate's Court, within the 48 hours, for further detention and extension may be granted only up to seven days.

The Act also provides that the person arrested would be entitled to name a friend or relative, who should be informed of the place of detention. The arrested person may also consult a solicitor. These rights may be delayed, but only for 48 hours and only on reasonable grounds. The reasons for the delay must be recorded.

## **Anti-terrorism, Crime and Security Act**

This Act came into force on 14 December 2001 and empowered the Secretary of State to declare that a non-British citizen is a terrorist and is a risk to national security. The suspected person may be deported or detained. Such person can be detained indefinitely without being charged with or tried for any criminal offence.

## **House of Lords Decision**

The detention powers under the Anti-terrorism, Crime and Security Act were challenged and in December 2004, the House of Lords held that it is wrong to single foreigners out for detention without trial. The Lords ruled that detention powers under the Act 2001 are incompatible with rights under the European Convention on Human Rights.

## **Prevention of Terrorism Act (UK)**

Following the House of Lords decision, the UK government introduced the Prevention of Terrorism Act in March 2005, which empowers the Secretary of State to make 12-month control orders, with permission from the High Court, against persons

suspected of terrorism and restrict them in respect of work, association and place of residence and prohibit entry to specified places. These provisions are applicable to British nationals as well as foreigners.

## **Terrorism Bill**

In October 2005, the British government introduced the Terrorism Bill in Parliament. This followed the terrorist attacks in London on 7 July. By the proposed law, the government sought to allow police to detain terrorist suspects for up to 90 days without charge. The House of Commons rejected this particular proposal on 9 November by 322 votes to 291 and supported the extension of the detention time limit from the current 14 days under the Criminal Justice Act to 28 days.

## **Court intervention and consultation**

The UK terrorism legislation has come under severe criticism. But the UK laws provide some safeguards such as judicial oversight. The Judiciary has ensured safety by declaring some laws incompatible with international law. Parliament has shown that it cannot be dominated and has rejected provisions that are manifestly draconian.

The safeguards under the UK Terrorism laws are not available under the Sri Lankan PTA. A person may be arrested without a warrant under the PTA and can be detained for 72 hours. But during this period of 72 hours, the Defence Minister has the power to issue a detention order and detain the person for three months and such order may be extended up to 18 months. The Minister's order is final and cannot be called into question in any court.

A person can be held for 18 months without being produced before a court. In fact, many Tamils have been held in custody for 18 months under the PTA and thereafter for many months or years under Emergency regulations. Under normal law, a person arrested without warrant must be produced before a magistrate within 24 hours.

The Sri Lankan PTA was declared an urgent Bill and rushed through Parliament without any public debate. The Constitution itself provides that no court can enquire into, pronounce upon or in any manner call into question, the validity of an Act of Parliament on any ground whatsoever. The Constitution

also provides that a law that is inconsistent with the Constitution may be enacted by Parliament majority if it is approved by a two-thirds majority.

## **Concerns of the community**

The TIC has highlighted the concerns of the Tamil community. Violations are committed by all sides and the ceasefire has not put an end to these abuses. Cordon and search operations and arbitrary arrests by the security forces continue. Some 40 people are held under the PTA for several years.

A huge number of people from the north-east and the Hill Country suffered torture by security forces, facilitated by the PTA, but charges have been brought only in respect of few cases. The Sri Lankan Human Rights Commission (SLHRC) says torture by police is systematic and widespread.

In the case of disappearances, four Presidential Commissions enquired into 37,662 complaints of disappearance which took place between January 1988 and December 1995 and found evidence of disappearance in 21,115 cases. No further action has been taken although the commissions have recorded the names of the security force personnel responsible for the disappearances.

## **Human rights institutions**

International human rights advisor Ian Martin called for a thorough review of PTA cases and compensation to victims of abuses. He noted that a clear policy of remedying past injustices would go a long way in curtailment of future abuses. But the action taken by the government is insignificant, thus encouraging impunity.

The Sri Lankan human rights agencies lack the necessary power to provide protection and adequate remedy. The Supreme Court has no power to punish offenders. The SLHRC is also weak and the Act establishing the SLHRC needs amending to strengthen it and give it credibility and effective powers. The TIC has received information that the Commission is troubled by internal bickering, affecting work and that some officers lack the commitment and integrity needed for such an important institution. There are also concerns over the suitability of members appointed to the Commission and there is a need for greater scrutiny to ensure integrity and independence.