

TAMIL INFORMATION CENTRE

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Your reference :

Our reference : PM:CB/SWDN/93/1

Mr Carl Bildt
The Prime Minister
Sweden

11 October 1993

Dear Hon. Prime Minister,

Repatriation of Tamil Asylum seekers

We deeply regret that the Swedish government has removed two Tamils to Sri Lanka refusing their application for asylum and there are now 18 others detained and they are to be removed to Sri Lanka. We understand that removal of Tamils to Sri Lanka was based on the view that the Sri Lankan authorities are now in a position to provide effective protection to Tamils in the cleared regions and in other areas such as Colombo and hill country.

We also learn that the Swedish authorities are of the view that widespread human rights abuses have sharply declined and that the Sri Lankan Government have taken measures to protect the human rights of all its citizens.

Though it is correct to say that the Sri Lankan government have taken measures to protect the human rights of all its citizens as a result of pressure from international human rights organisations and donor governments, it is not correct to say at this stage that the Sri Lankan authorities are able to provide effective protection to all its citizens.

Based on our experience and first hand knowledge, and on the information that we receive daily, we are aware that the government is not able to achieve much to substantiate the view that it is willing to and able to provide effective protection to all its citizens.





One only has to consider the inability to provide effective protection for its own President to see that this conclusion is at variance with the facts. When one then considers the activities of those authorities following such incidents as the assassination of President Premadasa, in the indiscriminate rounding up of young Tamils, then it may be clearly seen that there is no willingness to provide protection to all parts of the community.

We now proceed to analyse the situation in more depth.

- 1.0. Sri Lanka has been governed under a state of emergency for more than twenty years and it continues to remain so even now. The review of Emergency comes up for discussion on a monthly basis in Parliament and it is always passed by a comfortable majority. Under the Emergency, state authorities are granted wide powers of arrest and detention, the acquisition of property, restriction of rights of assembly, association and publication.
- 2.0. The continuing conflict has also led to the rapid militarisation of Sri Lankan society with the inevitable consequences of growing violence.
- 3.0. In the North and the East of the island the situation is one of war. In such circumstances it is irrelevant to talk in terms of the government being "able and willing" to provide protection.
- 4.0. The North is under the control of the Liberation Tigers of Tamil Eelam. The government troops do not have any control in the North, but launch frequent military offensives, which have resulted in the death of large number of civilians. These are also documented by Amnesty International and other human rights organisations. Additionally the civilian population gets caught up in the crossfire between government troops and the Tigers. Furthermore the government troops make use of frequent aerial bombardments and shelling from their camps and from ships offshore, the effects of which are indiscriminate, resulting again in the death of civilians and destruction of property.
- 5.0. In the East the government only has any control over the urban areas. From their bases the troops will patrol the countryside in search of L.T.T.E. camps. Again civilians get caught up in the crossfire. Army also carries out search operations arresting hundreds of Tamils, many of



whom never return. Since June 1990 alone over 5,000 Tamils have disappeared in Batticaloa after being detained by the army.

- 6.0. Since independence in 1948 there has been state aided settlement of Sinhalese in the North and East. The Tigers have sought to drive out these settlers. Following attacks, the military frequently makes revenge attacks on Tamil villages killing civilians. The villagers usually flee to refugee camps. Recent reports received by the Tamil Information Centre indicate that there are around one million people, 90% of them Tamils, internally displaced.
- 7.0. In all the circumstances it is not appropriate to say that the government can exercise any sort of effective control in the North and the East of the island. The government decided in September 1993 to postpone local elections in the East, scheduled for October 1993, after advise by the military high command and Members of Parliament that the situation was not conducive to hold elections.
- 8.0. Indeed the treatment of and conditions of the civilian population is to be deplored. In particular, following the passing of the Emergency regulations under the public Security Ordinance in August 1991, 48 essential items including fuel, medicine and fertilisers are banned from being transported into the North. Only a fraction of the food requirement of the population is allowed. A copy of the regulation together with a report entitled "Sri Lanka: Economic Blockade" published by the Tamil information Centre which deals with the effects of the economic blockade has been sent to you under separate cover.
- 9.0. Many Tamils have fled the North and the East to seek refuge in Colombo or the Hill country. This is because many have links with these parts of the country through relatives and friends. The fact that so many have sought refuge in these areas has meant that the government, and even the U.N.H.C.R., have said that these parts of Sri Lanka are therefore safe for Tamils. However, this is quite simply not true. There is a clear pattern, dating back to independence, that whenever there is communal violence in Sri Lanka the Tamils living in these areas have been targeted, often as a response to violence elsewhere.
- 10.0. Recent examples of this phenomenon are the assassination of Navy Commander Vice Admiral Clancy Fernando, Northern Commander Major General Kobbekaduwa, the opposition M.P.



Lalith Athulathmudali and President Premadasa. When Navy Commander Vice Admiral Clancy Fernando was killed on 16th November 1992 by a suicide bomber in Colombo, over 3,000 Tamils were arrested in the city. After Northern Commander Major General Kobbekaduwa and five other Senior military Commanders were killed by a landmine on Kayts Island near Jaffna in the North, 35 Tamils were slaughtered at Mahilanthanai village in the east by soldiers. The opposition MP. Lalith Athulathmudali was killed in April 1993, and President Premadasa was killed on 1st May 1993. After these two incidents thousands of Tamils were rounded-up in Colombo, the Hill Country and the South. In mid-August, 35 young Tamil women were arrested and interrogated. Over 1,000 Tamils were rounded-up in mid night operations a week later and 150 were detained for further questioning. Arrests continue and reports received by the TIC say at least 100 Tamils are arrested daily.

Similarly large number of Tamils were arrested following the death of 23 people when a car laden with explosives was driven into headquarters of the Joint Operations Command in Colombo in June 1991 by a suicide bomber.

- 11.0. The round-ups appear to be indiscriminate and without foundation. Young Tamils appear to be picked up for no other reason than that they are young Tamils. They are ill-treated in detention. There are disappearances and deaths. A number of Tamils have been arrested in the Hill Country and other areas in the south. In August four Tamil students and a teacher were arrested by police and Hill Country M.P and Vice President of the Ceylon Workers Congress (C.W.C) Warned of dire consequences. The C.W.C also says that there have been number of disappearances in the Hill Country. The C.W.C is part of the present government and its leader S.Thondaman is a Minister who has also taken up the question of arbitrary arrests. It is perhaps the completely arbitrary nature of the round-ups that means that they are so feared by the Tamils in Sri Lanka; anything could happen to them at any time. It is certainly not right to say that Tamils are protected by the government authorities simply because they are in Colombo, the Hill Country or the South: they remain at risk in these areas.
- 12.0. The continuing fear of L.T.T.E. infiltration in Colombo and the South, in particular the fear of active units of suicide bombers, will ensure that the round-ups continue. Furthermore there are bound to be repercussions in the South and Colombo if there is a large scale push by



government forces in the North which seems likely in the near future.

13.0. On 27 February 1991 State Defence Minister Ranjan Wijeratne announced a military operation in Madhu in Mannar District. Leaflets were dropped instructing refugees in the area to go into Army-controlled camps. This was a step that Mr Wijeratne took to remove the Tamil refugees from Madhu. Madhu refugee camp run by the UNHCR is one of the largest refugee camp and it is alleged to be located in a strategic military point causing inconvenience to the military to mount operations against the L.T.T.E. On 2 March 1991 Mr. Wijeratne was assassinated by a suicide bomber in Colombo.

14.0. The Sri Lankan government set up the Human Rights Task Force (HRTF) in August 1991 to monitor the observance of fundamental rights of detainees taken into custody under Emergency Regulations or the Prevention of Terrorism Act; the maintenance of a register of detainees was one of the primary tasks assigned to this body. In its twenty six months of existence, HRTF has been unable yet to compile a complete list of either the detainees or the places of detention. Thus, it has been unable to fulfil the primary function for which it has been set up. In its preliminary report of August 1992, the Human Rights Task Force also had admitted a particular practice of the security forces which they named "mobile detention" in which detainees are continually transferred from place to place in order to prevent detection.

The report by the Canada - Asia Working Group submitted to the UN Human Rights Commission in February-March 1993 also state clearly the inability of the state mechanism HRTF to provide effective monitoring. The report also claims that over the past few years, the government has instituted a number of promising human rights measurers. However, these have been insufficient to address the human rights concerns which have continued to be evident throughout 1992. It goes on further and say " the efforts of the government human rights bodies have been limited in their efficacy and have failed completely to remedy the root causes of the situation which gives rise to human rights violations.

15.0. In September 1993, the Police conducted many search operations in the Hill Country, particularly in urban areas. In operations in Gampola, Badulla, Kandy, and Pussellawa only Tamil-owned houses and shops were searched and a number of Tamils have been arrested.



- 16.0. On 11 September 1993 around 30 Tamils on their early morning walk were arrested by police on the Wellawatte beach in Colombo. First the police inquired whether they were Tamils and then made their arrests. This clearly shows that the Tamil community had been targeted.
- 17.0. On 27 September 1993, the police surrounded the Mutuwal refugee camp in Colombo and arrested 97 Tamils. No reasons were given for the arrest.
- 18.0. It may be argued that the International Committee of the Red Cross has been allowed into Sri Lanka. However, again its work is limited to relief and visiting prisoners. But they have access only to prisoners detained in prisons. But have no access to those held in police stations and Army camps.
- 19.0. Nonetheless the ICRC has been accused by M.Ps of supporting the guerrillas and terrorists on the island. U.N.H.C.R has been come under attack by MPs. Accordingly, whenever these organisation make any complaints or criticisms it is possible for these to be easily dismissed on the ground that there is complicity with the terrorists.
- 20.0. This sort of behaviour on the part of the government and MPs towards critics is not uncommon: a former British High Commissioner David Gladstone was accused of interfering in local elections. Mr. Gladstone had been a persistent critic of Sri Lankan's human rights record. He was pronounced persona non grata and later asked to leave the country.
- 21.0. Amnesty International too has been allowed into Sri Lanka. However it has had no access to the North of the island. According to Amnesty International, 30 of the 32 recommendations of Amnesty International were accepted by the Sri Lankan government but these recommendations have not been implemented.
- 22.0. Thus it is clear that the limited presence of any of these organisations has not led to any improvement in the discipline and accountability of the security forces. In fact there are reasons for concern over the standards of discipline further degenerating.
- 23.0. The human rights situation in Sri Lanka has been a matter of grave concern to the members of the UN Commission on Human Rights. The 49th Session of the Commission held in February-March 1993 also referred to the serious concern of the commission over the human rights situation in Sri



Lanka, having acknowledged the measures taken by the government to monitor reports of disappearances and other human rights violations. In regard to the ongoing ethnic conflict, the Commission urged the Sri Lankan government "to continue to pursue a negotiated political solution with all parties, based on principles of respect for human rights and fundamental freedoms leading to a durable peace in the north and east of the country. The Commission went on further to say that despite its expression of concern, and its urging and pleadings to the Sri Lankan government has failed to establish a situation in which there is "full protection of human rights", or full respect for universally accepted rules of humanitarian law and the government has failed to take any concrete steps " to pursue a negotiated political solution with all parties", and the armed conflict in the north and east of the country continues unabated.

- 24.0. In response to the statement by Chair of the UN Commission on Human Rights, Mr Tilak Marapana, leader of the Sri Lankan delegation agreed on 11 March 1993 that as long as the conflict continues, it would create conditions in which the risk of human rights abuses can increase. This is a fair statement by Mr Tilak Marapana and is shared by the Tamil community.
- 25.0. Around 14,000 soldiers have deserted the army. At the same time, however, there is evidence of a build up of troops and equipment. This has meant that the lower age limit and qualifications required by recruits have been reduced. This inevitably means indiscipline among soldiers will increase. In August 10,000 were recruited to the Army.

As mentioned above there have been many deserters. Some of these have retained their arms. They have been involved in robbery and murder and number of them have been arrested while committing crime. Arms also find their way into the hands of the L.T.T.E. There are also fears of links between the deserters and the J.V.P. or People Liberation Front, the Sinhalese Marxist organisation proscribed by the government. None of these suggests a disciplined force of men.

- 26.0. Furthermore there is division amongst the forces themselves. It is difficult to say who commands any particular part of the security forces because of internal power struggles. In the recent past only two people have been able to exercise effective control over all the armed



forces: President Jayewardene, and more recently President Premadasa. However, since President Premadasa's death it is not possible to say that the government has full control over the military.

- 27.0. Military personnel have recently been lobbying religious leaders and opposition M.P.s to obtain support for an onslaught on the northern province. This sort of behaviour further suggests that the government has no effective control over its military commanders.
- 28.0. Deputy Inspector General of Police (IGP) P. Udagampola was responsible for the deaths of hundreds of Sinhalese youths during the J.V.P insurgency in the 1989-1990 period. When he was IGP in Kandy almost every day youths were killed and thrown into streets to instill fear in others. After President Premadasa gained power, the IGP said that top government politicians were involved in death squads and he would expose them. He went into hiding when the police attempted to arrest him and then fled the country. He returned to Sri Lanka in June 1993. He was not arrested on arrival, but the case against him was withdrawn when he publicly announced that he would not expose any government politician. He was appointed by the government as Deputy Chairman of the Colombo Ports Authority in August 1993.
- 29.0. We would like to give you some idea of the problems faced by UNHCR. The Background Briefing entitled UNHCR and Tamils would give you the latest development and the inability of the U.N.H.C.R to monitor the returns. Indeed there have been number of arrests and killings within U.N.H.C.R refugee camps. In these circumstances any support from U.N.H.C.R for repatriation seems not to be appropriate.
- 30.0. The government is clearly not interested in a political solution. The Parliamentary Select Committee appointed to find a solution to the ethnic problem, has recommended by a majority decision, Tamil members voting against, to divide the North - East Province. This has in effect aggravated the problem and all the Tamil parties including the CWC which is part of the government, have left the Select Committee. Government Ministers have often declared that a military solution will be sought and President Wijetunge says that there is no ethnic problem in Sri Lanka. Opposition leader Srimavo Bandarnaike has demanded that the whole country be put on a war footing. Further the government has consistently rejected mediation by other governments and by the United Nations and maintains that



the conflict is an internal one and external intervention is not necessary. The military build up and the rejection of mediation only show that the government is interested in a military solution.

31.0. In all the circumstances we hope that it has been adequately demonstrated that the opinion of the Swedish authorities that the Sri Lankan authorities are willing and able to provide effective protection is wrong. Young Tamils face considerable risks in Sri Lanka wherever they may be on the island. Often the risk comes from the very authorities that Swedish authorities seem to think are protecting them.

We therefore wish to appeal to you to reconsider your decision to remove any Tamil asylum seekers to Sri Lanka until a lasting solution is achieved.

Thanking you,

Yours sincerely,

V Varadakumar
Director

CC: Mr. Birget Arigebo, Immigration Board Minister.
Mr. John Fiseherstrom, General Director of Aoreign Department
Prof. Peter Schalk, Uppsala University
Mr. Murugathas