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Attacks and arrests of Jaffna University students over November 2012 *maveerar* day



Jaffna University Student protestors attacked in November 2012

The right to commemorate the war dead

Since early 1990's, Eelam Tamil people have been commemorating the *maaveerar* day on 27 November to remember the war dead combatants of their war for the establishment of Tamil Eelam. That three decades long war ended in 2009 with the destruction of the Tamil Eelam de-facto state. That end war has now become an internationalised event repeatedly debated in the United Nations Human Rights Council and many other international forums. Yet, nearly four years after that end war, the Lankan military is continuing its extensive presence in Tamil Eelam. It continues to brutally suppress the people's desire to commemorate the *maaveerar* day. When the students of the Jaffna University commemorated the November 2012 *maaveerar* day, the military entered the university premises and student residences and attacked the participants. It also arrested some of the student leaders.

Following the student arrests, leading human rights groups of the world issued reports on the arrests and warned of possible torture of the students¹. They made no comment on the right of the Eelam Tamils to commemorate their *maaveerar* day. The incident and its handling by the leading human rights groups is an example of the divide between individual and collective human rights. The leading human rights groups of the world emphasize the individual rights and more or less neglect collective rights. The right to commemorate a people's war dead is a collective human right.

¹Amnesty International: UA 347/12 Index: ASA 37/005/2013, ASA 37/015/2012, ASA 37/002/2013
Human Rights Watch: <http://www.hrw.org/news/2012/12/20/sri-lanka-free-or-charge-detained-students>

Professor Žižek in an article titled, “Against human rights”², deals with this over emphasis on individual human rights. In the opening paragraph of the article Professor Žižek states three basic assumptions on which contemporary appeals to human rights rest. One of it being, “that an appeal to human rights may form the basis for a defence against the ‘excess of power’”. This captures the present situation in Tamil Eelam well. Tamil Eelam today is a crucible of ‘excess of power’ - Lankan President with unchecked executive power, the very heavy presence of his military in Tamil Eelam and the Prevention of Terrorism Act still in place almost four years after the defeat of the LTTE. The leading human rights groups are hoping to deal with this situation of ‘excess of power’ only through appeals to individual rights. Indeed their mandates restrict them from dealing with it in any other way.

This excess of power to deny the collective right to commemorate their war dead leads to innumerable individual and collective human rights violations which include: Lankan military’s entry without permission into the university premises and student residences; unprovoked attacks on the students by the military; threatening students who were injured in the attacks while they were in hospital beds for treatment; hospital staff forced to tolerate the conduct of the military in the patient wards; arrests of students who took part in the commemoration without charges or papers given to family; arbitrary detention of students in the so called rehabilitation camps; attack of the peaceful student protest the next day; attack on the reporters who went to report the protest and the list probably is a lot longer than this.

Satkunaraja Paramanathan, a Tamil from Jaffna commented on the military’s attempts to disrupt the commemoration on the *maaveerar* day over the years, “*Every year, days before the maaveerar day the military presence near universities will be increased. The military checking and other harassments by the military will be stepped up. The maaveerar flame will be lighted in many places despite all of this military harassment. Long after those who lighted the flame without the knowledge of the military had left, random passers by would be attacked by the military. In 2012 the threats by the military had increased many folds because a Hindu religious day for lighting a flame coincided with the maaveerar day. Yet the flame was lit in most homes in Vanni.*”

Satkunaraja’s comment reflects the basic human reaction of one denied his collective right by an ‘excess of power’. A basic human emotional reaction to the denial of a collective right that the individual human rights approach of the leading human rights groups are unable to confront.

² Against human rights, Slavoj Žižek, <http://libcom.org/library/against-human-rights-zizek>

Chronology of the 2012 maaveerar day events at Jaffna University

On the night before the *maaveerar* day of 27 November posters commemorating the war dead combatant were posted all around the university premises. The next day, *maaveerar* day, the Lankan military visited every ex-LTTE member's house and ordered them to report to the military camp.

On 27 November the students were preparing to commemorate the day when around 75 uniformed Lankan military personnel and around 50 military intelligence wing personnel in civil clothes gained forced entry to the male and female student hostels and damaged property and threatened the students.

Uthyan reporter, Premkumar, who came around to collect news reports on this was also attacked by the military.

Next day on 28 November students gathered at the university complex for a peaceful protest to the attacks the previous day. Armed Lankan military and police attacked the protesting students. Journalists who came to report were also attacked even after they identified themselves as journalists. Their equipment were taken away and all photos and other information the journalists had collected were erased from their equipment. The vehicle belonging to Tamil Member of parliament, Saravanapavan, who came to the spot, was damaged.

On the incident, Jaffna University Science Teachers Association said in a letter³, *"The demonstration on the following day, 28th, was a protest against the previous day's incident, carrying slogans that were well within the norms of democratic protest. If the students had been allowed to walk the short distance from the main entrance on Ramanathan Road and re-enter by the Science Faculty entrance nothing untoward would have happened. Rather than calm the situation matters were made worse by the Police physically attacking the students."*

Students injured in the attack were admitted to the hospital. Within minutes the Lankan military intelligence personnel arrived and began threatening and harassing the injured students in their hospital bed. The military were able to do this even outside the visiting hours of the hospital. None of the hospital staff were able to take action against the military threatening the injured students. Unable to face the continuous harassment by the military the injured students left the hospital without receiving treatment for their injuries. One student commented with tears in his eyes, *"Not only we were attacked to the extent of being injured we had to leave the hospital without being treated. All because we are Tamils"*.

On 28 Nov, on both sides of Ramanathan Road, the main road leading to Jaffna University, road blocks were setup by the military and the police. More than fifty masked military and police personnel were stationed there. The students and staff were continuously threatened directly and through phone both inside and outside the university by the Lankan military.

On 29 Nov, the office of the Lankan military affiliated group, Sri-TELO, which was set up near the university only a week earlier came under a so called a petrol bomb "attack". On accusation of being responsible for this "attack" four university students were arrested under

³ Letter sent by Jaffna University Science Teachers Association to the Government of Sri Lanka dated 7 December 2012

the PTA and detained in Vavuniya on 31 Nov. The police also began a search for many other present and past student activists of Jaffna university.

Quoting again from the Jaffna University Science Teachers Association letter, *“The same night a petrol bomb exploded at the Sri-TELO camp behind the University causing no physical harm to anyone. Security around the university, including by several agents in mufti, had been very tight and we find it puzzling that the perpetrators got away scot-free. Even more remarkable is that the Kopay Police were able to come up with names of four persons to arrest over the incident, which evidently no one had given them.*

We are confident that these students had nothing to do with bomb throwing. Two were arrested at their homes before the night was out and two were handed over by the University authorities the following day. They were all detained under the PTA and taken to Vavuniya.”

On 2 December the university students started boycott of the classes. On 5 December the Vice Chancellor of the university and some of the lecturers were permitted to meet the arrested students. On the same day one of the arrested students was released by the Terrorism Investigation Department.

Four days later another arrest drama was enacted to the shock of the entire people of Jaffna. Quoting from the Jaffna University Science Teachers Association again, *“On the morning of 6th December, the university administration was given, by a man who claimed to be from the TID, a list containing names of ten persons to be produced at the Jaffna Police Station, without any intimation of the reasons or the charges against them. The news shocked the university community and parents were distraught. One sickly mother of a student handed over to the Police by the University was so upset with the University’s helplessness that she threatened to take poison.*

A study of the list convinced us that all these students were wanted only because they were well known as prominent in student activities or were victims of police assault on 28th November, whose pictures featured in news reports on the internet.

The practice of the University authorities ‘handing over’ students gives rise to some questions and we are not sure of the legal situation. At the same time we realise that parents sometimes wish for the university to be involved out of fear that otherwise something dire might happen. What does concern us however is that, while complying with police requests to hand over students the University authorities fail to question the police as to the reasons and to seek speedy resolution. The situation is so bad that even lawyers are mostly afraid to represent students and ask them to seek help from the University.”

The next day eight of the ten students in the list surrendered to the Terrorism Investigation Department. Three days later seven of them were released and four were sent to Welikande detention centre for the so called “rehabilitation”. ***Note that under the uniquely Sri Lankan law, peaceful Tamil protest is illegal while arbitrary detention of the protesters is legal.***

No official arrest document was given to the families of the arrested students or their lawyers. The arrested students were not produced before any magistrate courts. On 3 December, parents of the students were told that the students will be released after producing them before the magistrate courts. The lawyers of the arrested students and the university

administration were also told that the charge sheet against the arrested students will be issued. None of this happened.

From 14 Dec till 19 Dec female university students were regularly called for interrogation. According statements by civil society leaders that appeared in the Jaffna media, over the period of one month since 27 Nov, 50 random arrests were made in Jaffna and two persons were abducted. Only in late January 2013 two of the four students sent to Welikande were released after two months of detention and the other two students were released from detention in Feb 2013. Names of the fourteen students taken into custody appeared widely in the media at the time of arrest.

Even today, two military posts and several police check points remain on Ramanathan road. University staff and students are randomly registered and only then they are permitted to enter the university.

Support for the students

On 3 Dec Eastern university students protested against the arrest of the Jaffna university students.

On 30 December the University Teachers Association held a meeting to draw attention of the arrest and detention of the students. A resolution was made at this meeting that in the future the university teachers will also commemorate the *maaveerar* day and the Mullivaikaal day.

The president of the Federation of all University Students Association, Sanjeeva Bandara, had announced that all the universities will protest against the arrest of the students.

When NESOHR asked the Jaffna university student representatives what they would like NESOHR to tell the world about their situation they put forward the following request:

Question from the students

Tamil students were ordered by the northern province governor, a retired Sri Lankan military official, to be away from classes in order to attend the May 18th remembrance day at Palaly military camp for the war dead Sri Lankan soldiers. The students were ordered to offer lotus flowers to the Sri Lankan military there.

If Tamil students were ordered to pay homage to the Sri Lankan soldiers, why cannot the same Tamil students pay homage to their blood and flesh who laid down their lives for the Tamil people.

Appeals from the students

- Conditions must be maintained for the students continue their education in peace and with freedom.
- Conditions must be created for the human rights defenders to carry out their work peacefully and independently.
- The 1988 UN General Assembly Resolution 43/173, “*Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment*” must be respected.