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18.10.2013

To:

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External development cannot substitute the settling of the basic unresolved issues of the people in the North and East

Your Excellency,

Greetings to your Excellency from the Commission for Justice and Peace of the Catholic Diocese of Jaffna. I saw in the Catholic Messenger of Sri Lanka dated 22nd September 2013 a news item that on behalf of the Sri Lankan Government, the Deputy Minister of Fisheries and Aquatic Resources Development, Mr. Sarath Kumara Gunaratna handed over to your Excellency a Report of the development activities carried out in the Northern and Eastern Provinces of Sri Lanka.

It is a fact that since the end of the war four years ago a lot of development activities going on with the aid of a number of donor countries. Thus we can see carpet-roads, railway lines, bridges, a number of houses, new and modernised buildings for hospitals, schools and other public utility buildings etc., coming up. In spite of all these developments we along with the people in the North and East have been reiterating right from the beginning that our priority is something else. We want the hitherto unresolved issues to be addressed and settled.

We want the Government to come forward with a solution or proposal package to settle the festering ethnic problem. Prior to this the Government will have to show some substantial and genuine positive signs by resolving the basic unresolved issues. The following are some of the main issues to be addressed:

1. Accountability for the human rights violations especially during the final stages of the war in 2009

We want the Government to give accountability for the killing of thousands of innocent civilians in the final stages of the war. There are clear evidences from the witnesses who were in the scene of usage of cluster-bombs and even the use of chemical weapons prohibited by international law. Requests for an impartial investigation into these allegations have been repeatedly turned down by the Sri Lankan Government.

நீதியால் விளைவான என்றுமுள அளமதியும் நம்பிக்கையும்."எசா. 32:17

"Justice will bring about peace." Is 32:17

There is no trace of the thousands of people alleged to have had some links with the LTTE and surrendered to the Sri Lankan security forces with white flags in front of thousands of people. There are many eye-witnesses who have seen eighty-year old Fr. Francis Joseph who belongs to the Diocese of Jaffna organizing the surrendering operation. Both during the final stages of the war and later on in the camps thousands of people were handed over by their family members were taken for questioning by the security forces and disappeared since then. Thousands of people taken by white-van for questioning and then unheard of afterwards. There were still many others who have disappeared especially after 2006 when the war escalated including Fr. Jim Brown and his lay-helper who were last sighted in front of the army-sentry-point at Allaipiddy where a number of civilians were killed by the security forces.

It is true that due to mounting pressure from the international community and the forthcoming Commonwealth Conference in Sri Lanka, a Presidential Commission has been appointed to look into the disappearances. There is lot of scepticism as it has been asserted by the responsible authorities that this Commission will have nothing to do with the 'white-van' kidnappings. The Citizens' Committee of Mannar under the leadership of Rev. Fr. E. Sebamalai has taken the initiative to gather the data of the disappearances. Within four days details have been collected of 1800 people who have disappeared. The affected people especially in Kilinochchi and Mullaitivu districts are afraid to turn up as in all the centers where information is gathered there were people who claim to be from the Government Intelligence coming and taking photographs of people who are there. They also are involved in gathering information about the people who are organising this procedure. This had happened earlier also when a lot of people turned up to voice their grievances in the presence of the LLRC Commission.

The case of the five students who were tortured and killed by the STF seven years ago has been taken up due to international pressure. All this time the Government had been trying to protect the culprits. With the resumption of the case the 13 STF men were arrested and remanded. Few days ago they have been granted bail. We have serious doubts as to whether this case will continue till the end. We also doubt whether the case of the shooting and killing of the 15 '*Action Fame*' aid workers at point blank range by the security forces in 2006 at Muthur in the Trincomallee district will be taken up seriously.

1. Forced take-over of civilians' lands

In view of the recently concluded Provincial Council elections some of the lands and property (houses) belonging to the civilians in this North have been handed over to the original owners with much publicity. Still 90-95% of the lands forcefully occupied have not been handed over. It is to be noted that 6,381 acres of land in the Valikamam North (the extent of the entire Valikamam north is 15,206 acres) where there are 24 G.S. divisions is still under the high-security zone. More than 100,000 people who were there are still in the welfare-centers and in the houses of their relatives and friends elsewhere in the Jaffna peninsula and outside. Some have even gone out of the country sometimes risking their lives undertaking dangerous journeys. The majority of the people who were there are Hindus. For the Catholic Church there were three parishes each with many sub-stations and the Church has altogether 55 pieces of lands with deeds where there were Churches, Convents, cemeteries and a number of institutions. The interior part of this occupied land is one of the most fertile red-soil regions of the Jaffna peninsula and at the moment the security forces are making use of this land for farming and even sell the products outside. The coastal area region here used to be

one of the best coasts of Sri Lanka for fishing. Besides, the coastal belt here is noted for its salubrious nature. Earlier some government departments had their circuit-bungalows here for their high-officials who used to come here for holiday and rest. The Catholic Church also had homes for elderly priests and nuns. Now it is observed that the coastal belt here is dotted with newly built houses and bungalows for the high officials in the security forces for their rest and holidays. Hotels are also being built for VIPs. Factories are being built and already a yogurt factory has been built. The hope of the people who were driven out some 25 years ago, to be resettled in their houses and lands is being thwarted.

Elsewhere in Jaffna, Mannar and Mullaitivu we can observe lands and paddy-fields of the civilians have been and are being taken over. Two weeks ago paddy-fields of the people and a land belonging to the Church have been taken over by the Navy at Kilaly to expand their Naval base. In the district of Mullaitivu at Keppapulavu where the original inhabitants were to be resettled, their lands have already been taken over to make room for a new army camp and the people were asked to settle down somewhere else. In the same district at Kokkuthoduvai and in the neighbourhood where the recently resettled people went to restart their agricultural activities in their paddy fields, to their dismay they were sent back by the security forces as their paddy fields had already been divided and given to the Sinhalese families in the neighbouring villages.

In the district of Mannar at Mullikulam a Catholic Village where the people had been living for many generations had been asked to vacate their houses more than two decades ago. When they were leaving they were told that they will be able to come back in a few days time and hence they need not take all their belongings. Their houses are now occupied by the naval personnel and their families. The people of Mullikulam are allowed to settle down some 2 k.m away from their original village and the Church. The original inhabitants are allowed to come to the Church for the religious services only. The Parish Priest has been allowed to occupy the parish house. At Siruthoppu in the island of Mannar the land belonging to the Catholic Church has been taken over by the Navy to expand their camp. All these acquisitions have been done arbitrarily.

2. Coercive Population Control

On 31st of August, 2013 women in three coastal area villages in the Kilinochchi district (Valaipadu, Veravil and Kiranchi) were subjected to coercive population control. A substantial number of people in these villages are Catholics. On August 31st over 20 nurses and midwives came from Kilinochchi and went from door to door in these three villages and asked all the young mothers to come to the Veravil district hospital with their children under 5 years. They were transported by ambulances. They had been told to come with the clinic card to weigh their children under 5 years. Upon arrival the doctor and nurses used coercive language and manipulated medical information to convince the women to take Progesteron-only subdermal implants (POSD's) a long-term hormonal birth control inserted under the skin of the women's upper arm. When the women expressed their unwillingness to receive it they were told that in that case they will not be given any other treatment in the hospital in future. They were also threatened that if they refused to comply their husbands would be brought to the hospital so that the procedure could be performed on them. After hearing this a lot of women were compelled to accept. We are having serious doubts about the motive behind this kind of state policies and this may be a method of controlling the population this side. Besides as Catholics we are strongly opposed to this kind of methods of birth control.

3. The Plight of the Political Prisoners

The condition of thousands of Tamil political prisoners including women who are languishing in prisons some for more than 15 years is pathetic. Among other cases there was a case of an elderly woman (69 years old) named Kathaye who was jailed for having given food to some LTTE cadres. She was in jail for 19 years. She died in prison in July this year. During the last few years she was suffering from cancer in the spine and she also had developed bed-sores. It had been pointed out on several occasions that proper medical care was not given to her. In spite of hunger-strikes recommendations and promises for special courts for speed-trials, no action has been taken to release them. Some of them are elderly and sickly.

These prisoners are also very vulnerable as we have noticed on several occasions starting from 1983 where dozens of these prisoners were massacred in the prison itself. Last year we saw an attack on political prisoners at Vavuniya. These prisoners had protested against the transfer of one of their companions to another prison in the South which used to be notorious for the lack of safety for the Tamil prisoners. As a sign of protest they held some of the prison-guards hostage. These prisoners did not have any arms with them. To end the hostage issue disproportionate use of force including the use of fire-arms was used by a joint operation by the jail-guards and the STF injuring almost all the prisoners. Then the prisoners were transported to Anuradhapura and eventually to Colombo where they were attacked by the jail-guards. In these attacks two young political prisoners Diluckson and Nimalaruban were killed and a number of them were injured. Sustaining serious injuries and in a coma state in the hospital they were still fastened the bed with chains! The Bishop of Mannar, Rt. Rev. Dr. Rayappu Joseph was denied permission when he wanted to see them. There was no fair inquiry for the whole episode. No justice is meted out to these unfortunate youngsters so far. In the recent verdict a few days ago given by the Supreme Court for a case filed by the parents of Nimalaruban, seeking justice for the torture and killing of their son by the prison guards, it was stated that such a treatment to the prisoners are justified in an operation against terrorism. It is a clear travesty of justice as Nimalaruban was only a suspect and a case against him could not be framed at the time of attack on him. Even when he was injured no proper medical attention was given to him.

4. Lack of safety for women and girls

Due to the heavy military presence and their unrestrained movements especially in the Vanni region the families with no male support and families with young girls live in constant fear. Of many reported cases we mention only the latest ones. In July 2013 at Pooneryn in Kilinochchi district a 38 year old married woman with 3 children had gone to the backyard of her house to gather palmyra leaves. There she was sexually abused by somebody in military uniform who had his face covered. Due to heavy bleeding this woman was admitted in the Kilinochchi hospital. An incident of similar nature took place some two years back in Kilinochchi and the people in the neighbourhood caught the soldier involved red-handed and a case was also filed. The progress in the case seems to be very slow. A few months ago at Nedunkerny, also in Vanni a school-girl was abused and after persistent protests of the villagers the soldier involved was handed over to the police for further action. These types of incidents are not rare.

A recent survey done in the North by an international organisation safeguarding minority rights has come out with the finding that the heavy military presence in the North is one of the reasons of the increase in the cases of abuse of women.

5. Findings of human-remains

Few months prior to the Provincial Council Election in the North, the security forces vacated some houses and lands in the Jaffna Peninsula belonging to the civilians. When the owners started to clear these places they came across human-remains and skeletons in some pits and unused wells. Eg. At Pallappai in Vadamadachi the house owners found the remains of 17 bodies. In the same manner the people found human skeletal remains at Allaipiddy and Mathagal. It is noted that in Allaipiddy in 2006 there was a fight between the security forces and the militants and a number of villagers were killed after the militants had left. It was at the entrance junction at Allaipiddy where Fr. Jimbrown and his lay-helper were sighted last before they 'disappeared'. There is a strong suspicion that such remains could be of the people who had 'disappeared'. A proper inquiry and investigation will be able to bring out the truths.

6. State sponsored settlements of the Sinhalese in the North and East

It is a historical and undeniable fact that the Northern and Eastern parts of the Country had been the traditional home-lands of the Tamils for several centuries before the Colonial periods. North had its own Tamil-kingdom and there were Tamil Chieftains in the East also. For the sake of easy administration the British, (the last of the Colonial powers) unified the whole country and gave independence in 1948. After the independence we can observe large scale state-sponsored colonisations especially in the Amparai and Trincomallee districts, substantially transforming the demographic pattern. Now this large scale state sponsored colonisations are underway in the Northern province as we can see in the 6381 acre high-security-zone at Valikamam North and then at Navatkuli, Mullaitivu, Nedunkerny, Madhu Road, Musali and Mullikulam. The Government holds that the traditional-Tamil-homeland in the North and East is a myth and they want to erase it with such state sponsored colonisations. We are not against the Sinhalese coming to the North and East and buying land and settling down as it happened earlier and as the Tamils in the North and East do elsewhere in the island especially in the Western Province. The state sponsored settlement program with the motive of reducing the percentage of Tamils in the North and East will not in any way help the national reconciliation process.

7. Proliferation of Buddha statues and viharas in the North and East

Before the war ended four years ago there were just a handful of places in the North and East where there were Buddha statues and viharas. Within the last few years there is an increase in the number of large Buddha statues and viharas and extension of existing viharas. Most of these are put up along the A-9 main-road by the side of army camps. Because of the heavy military presence we can see that in some place ancient Hindu temples had to give way to the new Buddhist viharas. As all these take place under the patronage of the security forces the civilian population is not able to do anything.

8. Provincial Council Election – Election Violence

After a gap of more than 25 years the Government was forced to have the Provincial Council election in the North due to pressure from the donor countries. All kinds of malpractices employed by the Government to win the election or at least to get a substantial member of seats for the Government party or for the parties aligned to the Government. The security forces openly worked for the party of the Government using all possible tactics including pasting the campaign-posters of the government party, distributing gift-packets and even intimidation. The Governor

himself participated in the Government party election campaign meetings. The Tamil National Alliance (TNA) candidates were harassed, their houses were attacked, personal details of them were gathered etc. Two days before the election one of the leading women candidate's residence was attacked at midnight by about 100 armed men who came in several vehicles. In this attack more than ten of the party workers were injured. One member of the Election Monitoring Committee who had come there hearing the news of such attack was also beaten up. This attack was carried out to instill fear in the voters to make them not turn up for voting. On the day of election a bogus newspaper in the name of the popular daily was distributed a little before the genuine newspaper was issued. It carried a frontline news that TNA is withdrawing from the election and the leading woman candidate of the TNA whose house was attacked the previous day had crossed over to the Government party etc. Notwithstanding all these the TNA got an overwhelming victory in the election. The violence continued even after the election. The leading TNA supporters and those who had worked for the TNA have been targeted. Their houses were attacked, their vehicles were set on fire and a number of them have been physically attacked and eventually hospitalized. There was also an instance of throwing grenades at a group of youngsters who had worked for the TNA in the election. Only the security forces and the parties aligned to the government have access to fire-arms and grenades. All these cause fear among the people giving them the message that they should have supported the government party.

9. Muzzling the media in the North

Since the present Government came to office there had been a number of attacks on media men and some have even been killed in their office and some have been injured. Last year some distributors of dailies from the North were targeted, their vehicles were damaged and the papers burnt. The regional office of one of the dailies from the North was set on fire at Kilinochchi. So far no culprits have been brought to book. All these take place in spite of heavy military presence and the attackers are able to elude their vigilant watches. Any newspaper critical of the actions of the Government is given the strong message that it cannot survive.

The Sri Lankan Government has to show some positive signs to the people in the North and East by addressing these issues to win the hearts of the people. The people have overwhelmingly shown that external development is not a substitute for justice, peace and reconciliation.

We wish and pray that your Excellency use your good offices to convince those concerned to bring about justice and peace in our country.

May God bless you.

Yours devotedly,

S.V.B. Mangalarajah
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