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Situation Report

Obstacles for Peace and Reconciliation

The present President of Sri Lanka and the government came to power with the promise of good governance and finding an acceptable solution to the unresolved issues of the Tamils. The Tamils in the North and East voted for this President overwhelmingly on the 8th of Jan., 2015 with lot of hope. Even after one year and nine months the expectations of the people are not fulfilled. The basic issues which need immediate attention remain unattended substantially. The progress made so far is too little to attend to the grievances of the people in the North and East.

The following are some of the issues which need to be attended if peace and reconciliation are our goals.

1. Lands of the people not returned

Though some lands belonging to the people are released for the people for resettlement, still bulk of the lands are not released. The coastal area around Myliddy and some of the fertile red soil lands of the people have not been released. Myliddy fishing-harbour and the surrounding coastal belt used to be the area where 40% of the total fish in Sri Lanka used to be caught in those days. In a press release which appeared in the dailies on 13.9.2016, Mr. Mahes Senanayake the Comm. North asserted that not even an inch of the 4419 acres of land occupied by the army in the Valikammam North will be released. This statement and similar statements by the military spokesmen give an impression that there is a military rule parallel to the civilian rule. In other areas in the North in Kilinochchi and Mullaithivu districts also more than 15,000-20,000 acres of lands of the civilians are occupied by the Security Forces and still there are attempts to survey new lands to be taken over. The promises to release lands at Paravipanchan and Keppapulavu have not been respected.

When the people of these lands especially in the Jaffna Peninsula who had been living there for several generations were given only 24 hours to leave, we find it strange to understand that the Security Forces are taking years to leave these areas and they still ask for time.

“நீதியால் விளைவான என்றும்முள அமைதியும் நம்பிக்கையும்.” எசா. 32:17

“Justice will bring about peace.” Is 32:17

2. Political prisoners not released

Still there are about 125 political prisoners in different jails mostly in the South. Many of them are being kept there for 15 to 20 years. Some are sentenced. Cases of good number of them have not been taken over. The confessions taken from them are under duress. These unfortunate prisoners stage protests and go on hunger-strike from time to time. Every time some politicians intervene and promises are given to expedite their cases and even time limits are given and then everything remain on hold and they are forgotten.

In earlier occasions when there were insurrections by the JVP in the South, hundreds of them were detained and later on under general amnesty, were released.

Four years have passed since the killing of two political prisoners Mr. Nimalaruban from Vavuniya and Mr. Dilruckshan from Passayoor, Jaffna. These two and a number of political prisoners in Vanuniya jail were protesting against their transfer to the jails in the South due to safety reasons. They were beaten up by the security guards and other prisoners at Anuradhapura and later in Colombo where they succumbed to their injuries. Up to now no compensation has been given to them and no death certificates were also issued. Their families which depended on them live in abject poverty.

3. Lack of accountability for missing persons

There are 4 categories here.

- i. Those who surrendered during the final stages of the war and since then disappeared. These people were either LTTEers or those who had close links with them. There are eyewitness-accounts to show that these people were put in special buses and taken to some undisclosed destination by the Security Forces.
- ii. Those who were arrested by the Security Forces from their homes and detention centres with the promise that they will be released after questioning.
- iii. Those who were handed over to the Security Forces for questioning and since then never returned.
- iv. White van abductions – The people still live in fear of these white van abductions which are still taking place. White van abductions of rehabilitated former LTTEers and arrests of family members of the former LTTEers for questioning in Colombo are still taking place. Hence the rehabilitated former LTTEers and their family members live in fear. Eg. Mr Gangatharan an LTTE Colonel was killed in the final stages of the war. His wife is living in Kilinochchi with her two children. She used to be questioned earlier with regard to getting funds from abroad etc. Now she has been asked to come to Colombo on 15.9.2016 for investigation by the TID. She says that due to this continuous harassment she and her children may be forced to commit suicide as the last resort.

About 15,000 people are unaccounted for so far. Many of these cases were reported in the 'Paranagama Commission' of inquiry. In some cases those who gave evidence were able to identify the Security Officers who arrested their family members. Two Catholic Priests belonging to the Diocese of Jaffna are also among disappeared viz. Fr. Jim Brown (40 yrs.)

disappeared in 2006. He was last sighted in front of a Security check-post at Pannai causeway in Jaffna; the next one is Fr. Francis Joseph (77yrs) who was seen by many people on May 17th 2009 when he was taken in a bus by the Security Forces.

4. Office of Missing Persons (OMP)

The government's plan to set up an office for missing persons (OMP) has been welcomed by many. Though it is a positive development we have serious apprehensions as to whether it will deliver the goods to the affected people and the near and dear ones of the missing persons. It is said that it will not be anything beyond being a fact finding mechanism and it has no other power. Repeated promises have been made by the President and the responsible Ministers that none of the Security Forces will be affected in any way by this OMP.

We understand that this office will be in Colombo and many leading and influential people are also insisting that it should be in Colombo. The reality is that most of the missing people are from the North and East. We are aware of the difficulties of the family members of the political prisoners who go to the South to meet their loved ones in the prisons. Hence we feel that this office be set up somewhere in the North and a branch with all the facilities to receive the complaints, in the East.

5. PTA still in force

Even 6 years after the end of the war, the draconian PTA (Prevention of Terrorism Act) is still in force and still people are arrested and detained indefinitely under this law. Though there are repeated promises by the government that they will repeal it or at least replace it with another law, nothing has happened so far. Many countries and Human Rights' groups, both local and international have been asking the government to repeal PTA as a forerunner for peace and reconciliation.

6. No right to remember the dead

For five years after the war the people in the North were strictly forbidden to remember the dead or to have any prayer service for those who died in the war. Last year and this year, the people were able to have some services in some common places but due to the heavy presence of intelligence men, the people were afraid to participate in these services.

7. No adequate arrangement to look after the victims of war

In the 104 schools in the Kilinochchi district alone there are 585 children who do not have both parents. The number of children who do not have either father or mother is still higher. In the same district there are 444 children with special needs. There are also about 900-1000 children with shell-pieces and shrapnel pieces in their body. They need medical treatment. Only a small percentage of these people are taken care of not only in Kilinochchi district but in all the other districts in the North and East.

8. Poisonous injections issues causing concern

One of the latest issues is about the 12,000 former LTTEers who went through rehabilitation programme and released to rejoin their families. Of these, so far 107 have died

prematurely due to some reason or other. Many of these youngsters complain of aches and pains, and inability to do any hard work as before. Hence suspicions arose as to whether some unauthorised medicine or injections were given to them. It is true that no judgment can be arrived at without a thorough investigation and medical examination by experts. The Northern Provincial Council which has taken up the issue seriously and these former LTTEers have been asked to go to different hospitals in the North to subject themselves to series of medical tests. Few days back when a group of these rehabilitated LTTEers went to the Kilinochchi hospital for such examination, they found that a heavy presence of intelligence men around and most of these unfortunate men left the place immediately. It is felt that the remains of any poisonous body can be identified only by high quality expertise which may not be available locally. That is why the Tamil Lawyers Association has asked that international expertise be sought. A definite answer has to be found without losing much time because these young men and women are now finding it difficult to find partners for marriage. The parents who were willing to give their children in marriage to these former LTTEers are now hesitating to do so.

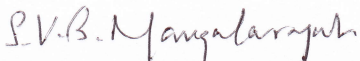
9. Failure of local investigation

We urge an investigation into alleged war-crimes such as usage of unauthorised weapons, bombing civilian targets, mass-killings etc., with the participation of international judges. So far all the local investigations with regard to some of the important and widely publicised killings by the Security Forces have failed. Eg. Killing of five youngsters in Trincomallee in 2006, killing of 15 'Action Fame' aid workers at Muthur, murder of about 27 civilians at Kumarapuram 20 years ago even after identifying the culprits.

10. Erecting of the statues of Buddha in sensitive areas

We find the erection of Buddha statues and stupas disturbing, especially in areas where there are no Buddhists. These are done with the help and support of the Security Forces and some of these are in or by the close to the Hindu temples. The erection of a huge Buddha statue (67') at Nagadeepa (Nainathievu) almost at the landing place in the island where there a famous historical Hindu temple; the statue and a stupa of Buddha at Kokkilai in a private land; erection of a Buddha statue at the site of a Hindu temple in the Iranaimadu tank region etc. are all disturbing the religions sentiments of the majority of the people.

Words and promises need to be substantiated with adequate actions to build up peace and reconciliation and to find a solution to the long-standing problems of the people in the North and the East.


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