



**STRUCTURAL GENOCIDE  
&  
ETHNIC CLEANSING  
OF  
TAMILS IN SRI LANKA**

— An Indictment ---

**Thamizh Makkal Kootani (TMK)  
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15 January 2024.  
(Thai Pongal Day)

His Excellency António Guterres,  
The Secretary General,  
United Nations Organisation,  
New York.

Your Excellency!

**Appeal Letter to the International Community on behalf of the  
Beleaguered Tamil People in Sri Lanka, to Help Liberate us from the  
Continuing Subjugation by the State Under the 'Unitary Constitution'.**

On behalf of the Tamil People in Sri Lanka, we would like to appeal to your Excellency and through you to the member states of the UN to help liberate us from the continuing subjugation by the State under the **Unitary Constitution and Ethnocratic Rule** in this country. This Unitary Constitution, a legacy from the departing British Colonial Rulers, legitimised majority rule in this country and had thus enabled the political leaders of the **permanent majority Sinhalese in seven of the nine provinces in the country, to use the ethnocratic State power** at their disposal to ill treat and terrorise the Tamils who are a majority in their two provinces, through large scale structural genocide against the Tamils and systematic elimination of the Tamils from this country with the ulterior sinister motive of converting the entire country into a **Sinhalese only Buddhist country**.

This process of ethnic cleansing through structural genocide against the Tamils in Sri Lanka is being perpetrated despite the historical fact that the Tamils had their own Jaffna Kingdom in this Island until the arrival of the foreigners and that the Tamils are a People who constitute a Nation by all canons of internationally accepted criteria. The Tamil language has been spoken in this Island from over 3000 years (Vide Professor K.Indrapala's Book - The Evolution of an Ethnic Identity – The Tamils of Sri Lanka circa 300 BCE to circa 1200 CE).

Historically, the British took over from Dutch Colonial Rulers the maritime kingdoms of Kotte and Jaffna in 1802 and the land locked independent Kandyan Sinhalese Kingdom in 1815 and continued to rule them separately **until 1833 when they integrated the three kingdoms into a single unified country called Ceylon** (The name "Ceylon" is said to be a derivative from the Portuguese name that was in vogue).

Regrettably, the British Colonial Government during their rule had made certain administrative and legal changes that progressively damaged the distinctive ethnic identity and sovereignty of the Tamil People in this Island. Eventually, when the British Colonial Rulers granted independence to this country on the basis of the inappropriate Unitary Constitution, under ethnocracy, they relegated the Tamil Nation who are a majority in their homeland in the North & East of the Island to the **status of a minority** in the conglomerate entirety of the integrated country.

Earlier in May 1943, when the British Government issued a declaration of intention to transfer more powers to the Ceylonese, the Sinhalese leader Mr. D. S. Senanayake, as leader of the State Council with the help of Mr. Oliver E. Goonetilleke and Sir Ivor Jennings prepared a draft constitutional proposal based on a unitary form of government and surreptitiously sent it to London

without consulting the Tamils and other minorities. When the Tamils protested saying that the draft was not divulged to them before sending, the British Government acceded to their request and appointed the Soulbury Commission to take into consideration the views of the Tamils and other minorities.

**However, there is enough evidence to prove that the Soulbury Commission was tricked by Mr. D. S. Senanayake and Mr. Oliver Goonetilleke and that through subterfuge got the British Government to accept their Unitary Constitution proposal. The Soulbury Commissioners during their deliberations comprehensively dismissed the proposals of the Tamils and other minorities while recommending their decision to their Government, utterly failing to fulfil the main purpose for which the Commission was created. Consequently, Tamils are continuing to pay a very heavy price for the lack of integrity on the part of the Commission.**

**Without convening a Constituent Assembly, the Unitary Constitution was passed in the State Council under dubious circumstances when Mr. D. S. Senanayake gave the assurance to the Tamils on the floor of the State Council that no harm would befall the Tamils by their joining the Ceylonese polity under the Unitary Constitution and that they had taken every possible precaution to safeguard the interests of the Tamils and other minorities. Tamils accepted the invitation in good faith trusting the assurance given by Mr. Senanayake.**

**This was how the Tamils were deceitfully tricked and yoked under the Unitary Constitution by Mr. D. S. Senanayake, thanks to the Soulbury Commission.**

The adoption of the Unitary Constitution despite the claim of the Kandyan Sinhalese for a Federal Constitution and the claim of the Tamils for a 50-50 formula was the final knock-out blow to the

Tamils and other ethnic groups that doomed them into subjection under the ethnocratic misrule of the Sinhalese in this country.

During the British decolonisation process in Asia, the Indian sub continent had to be partitioned amidst serious rioting and mass inter communal violence. On a later date, in ethnically divided Malaya amidst Chinese communist insurrection, a Federal Constitution was granted and the first government of the newly independent Malay Federation was formed. Since then these countries are progressing peacefully and steadily.

Whereas, in the case of multi-ethnic Ceylon, the transition was rather peaceful as the Tamils at that time did not put sufficient pressure on the British Government and agitate demanding the restoration of their Jaffna kingdom or at least to have demanded a Federal Constitution to the country that was created by the integration of the three former kingdoms, by the British.

The British Government failed to sufficiently take into consideration the heterogeneous ethnic composition of the integrated country and its history when they gave independence on the basis of the undemocratic Unitary Constitution in haste, despite being aware of the racial prejudices of the Sinhalese leaders which was clearly demonstrated when they formed the Pan Sinhala Government without even a single Tamil member in it, as early as in 1936 itself.

In hindsight, it is clear, that the introduction of the Unitary Constitution was the single most damaging mistake of the British Colonial Government that seriously undermined the political status of the Tamils and the genesis that made it possible for the Sinhalese politicians to indulge in unfettered racial politics against the Tamils and commit genocide and war crimes against us with impunity, borne out of their ethnocratic mindset.

**In actual fact, by giving a Unitary Constitution to this multi ethnic country what the British bestowed to Ceylon was an Ethnocracy and not Democracy, empowering the dominant Sinhalese ethnic group to ruthlessly impose their parochial will on the Tamils and other ethnic groups in this country.**

We have tried all possible attempts at conflict resolution for over seventy five years and are convinced that the Sinhalese political leaders are not at all amenable for an equitable political resolution of the dispute. They want to continue to keep the ill gotten Unitary Constitution by hook or by crook to keep the Tamils under their subjection. They are not even prepared to implement the already existing 13th amendment to the Constitution which was introduced in terms of the Indo - Sri Lanka Accord and which gives some powers though very meagre, to all the Provincial Councils in the country including the Tamil North and East. It is due to their intransigence; avarice and narrow mindedness borne out of their ethnocratic mindset that the Sinhalese are refusing to give up the inappropriate Unitary Constitution and are continuing to ill treat and eliminate the Tamils from this country. Many have left for Canada and other foreign climes.

During the 30 year armed confrontation, by resorting to the extreme measure of mustering military help from many disparate countries who were strange bed-fellows, the successive Governments committed mass scale killing of Tamils to suppress the armed liberation struggle waged on behalf of the Tamils. The Sinhalese have demonstrated that they will not hesitate to exterminate the Tamils rather than give up the Unitary Constitution that unfairly empowered them with absolute State power and robbed the Tamils of their political rights.

**It has to be realised that by adopting a Confederal Constitution, the rights of both the Tamils and Sinhalese and other**



**minority communities in the country can be ensured within the Sri Lankan polity under a Democratic set up and that the country can progress peacefully as a United Nation of Sinhalese speaking and Tamil speaking people if only the Sinhalese are reasonable enough to respect and recognise the Tamil peoples' inalienable political rights which remains immorally transgressed by them.**

Therefore, in our present desperate situation, we feel that the only option available to us for survival under the circumstances is to appeal for the help of the UN member countries and particularly to the UK, India, US, Canada, Norway, Japan and the twenty two countries that voted in favour of the resolution at the 47<sup>th</sup> meeting of UNHRC held on 23<sup>rd</sup> March 2021 in Geneva, to initiate the necessary arrangements through the UN to accomplish the following two courses of actions simultaneously:

- 1. Accountability & Justice Process.**
- 2. UN Sponsored Referendum / Plebiscite.**

We explain these here under:

### **1. Accountability & Justice Process**

We are seeking International justice for the grave crimes against humanity committed in killing many hundreds of thousands of defenceless Tamil civilians by the concerned political and military leaders of this country, particularly towards the end of the war in **Mullivaykkal** in early 2009 and to start this process **we are seeking independent international investigations into the crimes committed.**

Also, a number of high profile targeted murders of journalists and political leaders have taken place. There were bombings in Churches and hotels during the Easter Sunday where 269 innocent worshippers and foreign tourists were killed and many

more wounded in the year 2019. All these murders and other war crimes are remaining without proper legal proceedings being instituted against the culprits. Since then plenty of prima facie evidence have emerged revealing the suspected complicity of high level intelligence officers of the State and high level political leaders in these incidents and yet no action has been initiated to take legal action against them. It has become abundantly clear that only a proper international involvement can bring justice to the victims in this lawless murderous country.

We call upon the competent organs of the United Nations to recognise the fact that genocide and war crimes against the Tamils and numerous other murders were in fact committed by the Sri Lankan State during the war period using its armed forces and to take such action under the Charter of the United Nations as they consider appropriate for the commission of acts of genocide and the other acts enumerated particularly in Article III.

It is a basic tenet of justice that an accused person cannot be the judge to adjudicate on a charge against himself and it is also an internationally well known fact that the Sri Lankan State has shown its unwillingness to take legal action against those who committed crimes against humanity on the Tamils and had even pardoned convicted Sri Lankan soldiers facing execution of death sentences. Therefore, the appropriate court to adjudicate on these crimes against humanity and deliver justice is mainly the **International Criminal Court (ICC)**.

In addition to plenty of conclusive eye witness and photographic evidence being available to convict the perpetrators of all the serious crimes committed against the Tamils, there are preliminary investigations already conducted by reputed international organisations including the UN where prima facie evidence had been reported.

## **2. UN Sponsored Referendum / Plebiscite.**

Two of the main objectives for which the United Nations Organisation was given the mandate when it was established in 1945 were to develop friendly relations among nations on principles of equal rights and self- determination and to recognize the fundamental rights of all people.

Therefore, we would like to appeal to the conscience of the international community to seek their urgent understanding and assistance to help arrange a UN sponsored referendum / plebiscite to enable the indigenous Ceylon Tamil Nation, both those living within the country and those who were driven out of the country, to exercise their inalienable legitimate right of Self-Determination.

In particular, we would like to make a special appeal to the members of the Security Council of the United Nations Organisation to objectively consider our appeal and asses the dire situation of the Tamils in Sri Lanka which will reveal that acceding to our request is in the best interests of the whole country.

Since the genocidal oppression is getting accelerated to an unbearable level, urgent action by the international community is solicited.

In order to convince the international community and more particularly the members of the UN Security Council of the dire predicament of the Tamils in this country; the extreme seriousness of the sufferings inflicted on us and the absolute need for the international community to fulfil their international obligation to come to the rescue of their fellow human beings facing genocidal repression in Sri Lanka, we are attaching hereunder a report stating our case in some detail.

Appealing for help from the International community, is a crucial decision of the Tamils necessitated by force of circumstances similar to the landmark Vaddukkotai resolution taken by the Tamil leaders in 1976 to establish a separate Tamil State. Also, the main Tamil political party – TULF, obtained a mandate from the Tamil People at the 1977 Parliamentary election in terms of the Vaddukkotai resolution by stating in their election manifesto “*for the restoration and reconstruction of the free, sovereign, secular, socialist state of Tamil Eelam based on the Right of Self-Determination inherent to every nation*”.

We shall be grateful if you would kindly accede to our request to initiate an Accountability & Justice Process and arrange to hold a UN sponsored Referendum/Plebiscite.

Yours sincerely

Signed on behalf of the subjugated Tamil People in Sri Lanka by:

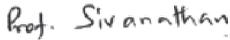


**Justice C. V. Wigneswaran M. P.**

Retired Judge of the Supreme Court of Sri Lanka

Former Chief Minister, Northern Provincial Council, Jaffna

Secretary General, Thamizh Makkal Kootani



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General Treasurer, Thamizh Makkal Kootani

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*Mr. Kugathas*

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Senior Central Committee Member, Thamizh Makkal Kootani

Former Member of Predesiya Sabha, Vadamaradchi South

Social Activist

Justice of the Peace

## Justice C.V.Wigneswaran's message



Indigenous Sri Lankan Tamils remain a subjugated human entity even today in the Country of their birth.

The Sri Lankan State is no doubt paying for all the sins committed so far against the Tamils in the form of pogroms and riots and cruel discrimination. The Country is today at the brink of bankruptcy. No doubt the International Community is doing its best to pull the chestnuts out of the fire for Sri Lanka.

His Excellency Mr. Ranil Wickremasinghe, the President of the Sri Lankan Republic, is well aware of the dangers of leaving a victim community with connections to their diaspora to remain discriminated against for long.

This book lays down the truth behind the structural genocide and ethnic cleansing of the Tamils of Sri Lanka, committed so far by successive Sinhala dominated ethnocratic Governments in Sri Lanka.

The purpose of this publication as I see it is two fold - Education and Endeavour. The author educates the International Community, the majority Sinhalese and even the Tamil speaking communities of what happened in the recent past; who was responsible for the perpetration of structural violence against the Tamil people and how they accomplished it and so on.

The endeavours are to accomplish an Accountability and Justice process, to obtain an UN sponsored Referendum or Plebiscite to enable the indigenous Sri Lanka Tamils both living within and abroad on account of their forcible ejection from the Country of their birth to exercise their legitimate right of internal self determination and to convince the International Community of their international obligations to come to the aid of the Tamils of Sri Lanka facing genocidal repression in Sri Lanka.

The Author has been a valiant espouser of our Community's rights and possesses the wherewithal to undertake such a difficult task. I wish him success in all his ventures!

***Justice C. V. Wigneswaran***

Member of Parliament, Jaffna District,  
Former Chief Minister, Northern Province,  
Retired Supreme Court Judge  
Sri Lanka



## **Author's Preface**

### **Sabaratnam Selvendra**

I embarked on writing the sad recent political history of the Sri Lankan Tamils over a year ago at the request of Justice C. V. Wigneswaran M. P. and former Chief Minister of the Northern Provincial Council, with a view to presenting our case formally to the UN member countries seeking their help to get a UN sponsored Referendum conducted to enable the Tamils to exercise our Right of Self-Determination. This is because we are convinced that it is no longer possible to reach a negotiated settlement with the Sinhalese leaders to regain our political rights that remain usurped by the Sinhalese.

The entire world is aware of the continuing gross violations of human rights of the Tamil People by the Sri Lankan State during the past seventy five years. During these years, having gained control over the Ethnocratic State under the Unitary Constitution, successive Sinhala Governments through a series of legislative and administrative acts, ranging from disenfranchisement of a section of the Tamil community and discriminatory standardisation of University admissions, to discriminatory language and employment policies and State sponsored colonisation of the homeland of the Tamil People sought to establish their oppressive rule over the Tamil People and to destroy the Tamils as a Nation in this country.

Tamil Peoples' peaceful resistance to these tyrannical measures was met with large scale State sponsored violence directed to terrorise and intimidate the Tamil People into submission. It was this course of conduct by the Sri Lankan State which triggered the armed resistance by the Tamil youth. Under the guise of fighting the armed Tamil militants the State indulged in massive scale killing of Tamil civilians culminating in the Mullivaykal genocidal killings

of Tamil civilians. Having suppressed the armed resistance in early 2009, the State is continuing its oppression of the Tamil people unabated necessitating further urgent action by the Tamils to regain our rights. The Tamils' North and East of the country continue to be occupied by the Sinhala military in large numbers even fourteen years since the end of the war in 2009.

Having exhausted all other options at conflict resolution, the only option available to us now is to seek a UN sponsored referendum/plebiscite with the support of the international community. Therefore, in order to present our case to the international community I have prepared some relevant information in this write up for their consideration.

In compiling this indictment, setting out the case of the Tamils, I have based my theme on the following five key parameters:

- 1) Historically, Tamils in this country are a People who constitute a Nation and are therefore entitled to our inalienable Right of Self-Determination.
- 2) An Ethnocratic Unitary Constitution was obtained from British Colonial Rulers by trickery by the Sinhalese leaders Mr. D. S. Senanayake and Mr. Oliver Goonetilleke thereby subjugating the Tamils under their overlordship. Lord Soulbury who was the Chairman of the Soulbury Commission that recommended to the British Government the imposition of the Unitary Constitution expressed his regret later for having recommended to his Government the imposition of the unfair Unitary Constitution to Ceylon. (Vide pages 23 and 24 hereunder)
- 3) The Sinhalese leaders continuously abused their hold on this Ethnocratic State under the Unitary Constitution to indulge in structural genocide and ethnic cleansing of the Tamils in an

inhuman brutal manner with a view to converting the entire country into a Sinhalese only Buddhist country.

- 4) We are convinced that it is no longer possible to reach a negotiated settlement with the Sinhalese leaders since they have aborted all our attempts at negotiated settlement including the Norway facilitated international attempt at resolution. Even now, the Sinhalese extremists are severely provoking and intimidating the Tamils inciting anti-Tamil riots and the State is not doing enough to arrest this situation or to promote racial harmony.
- 5) The only option available to the Tamils to regain our political rights and live safely in this Island is to get sufficient international support to arrange a UN sponsored Referendum/Plebiscite. We are also convinced that the resolution of the ethnic problem will not only save the Tamils but will also save the entire country from ruin which has loomed large already.

Concerted effort has to be taken by all Tamils and particularly by the diaspora Tamils living in so many countries to urgently bring our plight and this indictment booklet to the attention of the Governments of their respective countries to seek their support to get a UN sponsored referendum conducted.

In compiling this publication I was greatly assisted and guided by my following colleagues:

**Professor K. T. Ganeshalingam Ph.D**, (Head of the Department of Political Science, University of Jaffna, Sri Lanka) is a recognised authority in the field of political science and international affairs. I have known him for some time and I have consulted him regularly on this assignment and obtained his guidance.

**Enginer M. Thillainathan B. Sc. (Eng), MIE (SL)**, Chartered Engineer, my long time friend, committed to Appropriate Technology, has a large collection of books in his library at his home. I was able to read many useful books from his library. Thillainathan helped me to rearrange the facts in chronological order.

**Professor V.P.Sivanathan**, former head of the Economics Department of the University of Jaffna and the Deputy Leader of the Tamil Makkal Kootany, with his experience and understanding of the Tamils' problem in this country, has been of help to me in many ways in the writing of this publication.

I am grateful to **Justice C. V. Wigneswaran, M. P, Leader of the Thamizh Makkal Kootani**, for having read this entire write up in great detail and for having given me valuable suggestions which were all incorporated. In our discussions I realised that he has a vast knowledge and clear understanding of the history of Tamils in this country and was articulating them in their correct perspective. Though new to politics he seems to have a good grasp of the principles and intricacies involved in politics.

I am also thankful to **Mr. K. Rajathurai**, Senior Committee member, Thamizh Makkal Kootani and former Private Secretary to the Chief Minister, Northern Provincial Council for all the valuable help he rendered in the preparation of this publication and in the accomplishment of the whole project itself.

I am grateful to all the above named gentlemen for the tremendous support and encouragement they gave me in the accomplishment of my assignment.

In order to enlighten Sinhalese speaking people as well as the Tamil speaking people in this country of the true gravity of the ethnic problem in this country it is intended to release Tamil and Sinhalese translations of this book shortly.

I hope and pray that our endeavour will bring about the desired result which will certainly be a win-win situation for the Tamil speaking people as well as the Sinhalese speaking people in this country.

***S. Selvendra B. Sc. (Madras); FCA Sri Lanka***

Chartered Accountant

Former Chairman; Urban Council, Valvettiturai

Sri Lanka

6 September 2023

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# Chapter – 1

## Introduction

In February 1948, the British Colonial Government granted independence to Ceylon on the basis of a 'Unitary Constitution' thereby introducing ethnocracy instead of democracy to this multi-ethnic country. The Sinhalese people being the perpetual numerical majority in seven of the nine provinces in this integrated country, gained control over the State. Their political leaders blatantly and vehemently indulged in anti-Tamil racial politics and started abusing their hold over the State to persecute the Tamil People who although a numerical minority in the country as a whole are a majority in their home land in North and East. The persecution of the Tamils was carried out on a planned basis and with an ulterior motive to convert the entire Island into a Sinhalese only Buddhist country.

As the oppression became unbearable, the Tamil leaders having realised that the Tamils are not safe in this country as long as the Unitary Constitution is in place, started making their claim for a constitutional reform to introduce a Federal Constitution under democracy instead of the Unitary Constitution under ethnocracy. Thirty years of continuous political attempts to resolve the impasse having failed there had been a further nearly thirty years of armed liberation attempt waged by Tamil youth which was also silenced at great loss of lives and assets to the Tamils.

In the following chapters we are stating our case in some detail to justify our request to the international community to help arrange a UN sponsored referendum to enable the indigenous Sri Lankan Tamils to exercise our right of self-determination. **(Vide Article 1 of the International Covenant on Civil and Political Rights)**

In this chapter, we are giving here under brief descriptions of the international pronouncements about the internationally recognised grave crimes which are being unleashed on the Tamils in this country:

### **1.1. Crimes against Humanity**

Crimes against Humanity are certain acts that are purposefully committed as part of a widespread or systematic policy, directed against civilians, in times of war or peace. They differ from war crimes because they are not isolated acts committed by individual soldiers, but are acts committed in furtherance of a state policy.

It has been stated that the notion of 'crimes against humanity' has evolved under international customary law and through the jurisdictions of international courts such as the International Criminal Court, the International Criminal Tribunal for the former Yugoslavia and the International Criminal Tribunal for Rwanda. Many States have also criminalized crimes against humanity in their domestic law; others are yet to do so.

Crimes against humanity have not yet been codified in a dedicated treaty of international law, unlike genocide and war crimes, although there are efforts to do so. Despite this, the prohibition of crimes against humanity, similar to the prohibition of genocide, has been considered a peremptory norm of international law, from which no derogation is permitted and which is applicable to all States.

The 1998 Rome Statute establishing the International Criminal Court (Rome Statute) is the document that reflects the latest consensus among the international community on this matter. It is also the treaty that offers the most extensive list of specific acts that may constitute the crime.

## **Rome Statute of the International Criminal Court**

### **Article 7 - Crimes against Humanity**

For the purpose of this 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 collectively on political, racial, national, ethnic, cultural, religious and genderwise grounds as defined in paragraph 3, or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court; (i) Enforced disappearance of persons; (j) The crime of apartheid; (k) Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.

The United Nations has been primarily responsible for the prosecution of crimes against humanity since it was chartered in 1948. Unfortunately Sri Lanka is not a signatory to the Rome Statute. Probably Sri Lanka deliberately withheld from signing.

### **1.2. Ethnic cleansing**

Although the term ethnic cleansing has no legal definition under international criminal law, it constitutes a crime against humanity and may also fall under the Genocide Convention. Ethnic cleansing is the systematic planned removal or extermination of

ethnic, racial and/or religious groups from a given area, often with the intent of making a region ethnically homogeneous. It involves the use of force aimed at coercing the victim group to flee, such as pogroms, riots, mass murders, rape, arbitrary arrests and unduly prolonged detentions like under the draconian Prevention of Terrorism Act in the case of Sri Lanka, enforced disappearances and property destruction.

The Final Report of the Commission of Experts established pursuant to Security Council Resolution 780 defined ethnic cleansing as “a purposeful policy designed by one ethnic or religious group to remove by violent and terror-inspiring means the civilian population of another ethnic or religious group from certain geographic areas”. In its previous, first interim report it noted, “based on the many reports describing the policy and practices conducted in the former Yugoslavia, [that] 'ethnic cleansing' has been carried out by means of murder, torture, arbitrary arrest and detention, extra-judicial executions, rape and sexual assaults, confinement of civilian population in ghetto areas, forcible removal, displacement and deportation of civilian population, deliberate military attacks or threats of attacks on civilians and civilian areas, and wanton destruction of property. Those practices constitute crimes against humanity and can be attributed to specific war crimes.”

The official United Nations definition of ethnic cleansing is “rendering an area ethnically homogeneous by using force or intimidation to remove from a given area persons of another ethnic or religious group”.

Ethnic cleansing is usually accompanied by efforts to remove physical and cultural evidence of the targeted group in the territory through the destruction of homes, social centres, farms, and infrastructure, as well as through the desecration of monuments, cemeteries, and places of worship.

### **1.3. Genocide**

Genocide was first recognised as a crime under international law in 1946 by the United Nations General Assembly. It was codified as an independent crime in the 1948 Convention on the Prevention and Punishment of the Crime of Genocide (the Genocide Convention). United Nations Genocide Convention defined genocide as any of five “acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group.” These five acts were: killing members of the group, causing them serious bodily or mental harm, imposing living conditions intended to destroy the group, preventing births, and forcibly transferring children out of the group. Victims are targeted because of their real or perceived membership of a group, not randomly.

The Genocide Convention has been ratified by 149 States (as of January 2018). The International Court of Justice (ICJ) has repeatedly stated that the Convention embodies principles that are part of general customary international law. This means that whether or not States have ratified the Genocide Convention, they are all bound as a matter of law by the principle that genocide is a crime prohibited under international law. The ICJ has also stated that the prohibition of genocide is a peremptory norm of international law (or *ius cogens*) and consequently, no derogation from it is allowed. Israel Professor Yiftachel has identified such States as ethnocratic.

In Sri Lanka, the serious nature of genocide committed is that it is committed by a group (Sinhalese) who control the State and abuses its hold on the power of the State for the promotion and execution of the crime of genocide as an unwritten pre-planned policy of the State resulting in the deaths of a substantial portion of the other group (the Tamils) who are victimized.



UN Security Council Resolution 1674, adopted by the United Nations Security Council on 28 April 2006, “reaffirms the provisions of paragraphs 138 and 139 of the 2005 World Summit Outcome Document regarding the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity”. The resolution committed the council to action to protect civilians in armed conflict.

In 2008 the UN Security Council adopted resolution 1820, which noted that “rape and other forms of sexual violence can constitute war crimes, crimes against humanity or a constitutive act with respect to genocide”.

The International Criminal Tribunal for the former Yugoslavia and Rwanda (ICTR) & (ICTY) have also held that rape and sexual violence may also constitute an act of genocide by causing both physical and mental harm.

It has to be borne in mind that Genocide is a denial of the right to existence of entire human groups, as homicide is the denial of the right to live of individual human beings; such denial of the right of existence shocks the conscience of mankind, results in great losses to humanity in the form of cultural and other contributions represented by these human groups, and is contrary to moral law and the spirit and aims of the United Nations.

## **Structural Genocide**

While Genocide is the attempt to annihilate an ethnic (“racial”), or national group in its entirety, so that this group, its history and its social constructs no longer exist, structural genocide or institutionalized racism against indigenous ethnic groups create a chain of incidents, making indigenous marginalization not a thing of history but an enduring reality. It ignores indigenous Sovereignty and Self-Determination entitlement.

Continuing to carry out systematic Genocide in a preplanned manner with the intent to dehumanise and destroy the subjugated Tamil People by the dominant Sinhalese ethnic group in Sri Lanka is what we are calling Structural Genocide.

#### **1.4. War Crimes.**

A war crime is an act that constitutes a serious violation of the laws of war that gives rise to individual criminal responsibility. Examples of war crimes include: Intentionally killing civilians or prisoners, torturing, killing those who surrender, destroying civilian property, taking hostages, enforced disappearances, bombing hospitals, raping, pillaging and seriously violating the principles of distinction; proportionality and military necessity.

Following the end of World War II, major developments in the law occurred. Numerous trials of Axis war criminals established the Nuremberg principles, such as the notion that war crimes constituted crimes defined by international law. In the late 20th century and early 21st century, following the creation of international courts, additional categories of war crimes applicable to armed conflicts other than those between states, such as civil wars, were defined.

#### **Geneva Conventions**

The Geneva Conventions are four related treaties adopted and continuously expanded from 1864 to 1949 that represent a legal basis and framework for the conduct of war under international law. Every single member state of the United Nations has currently ratified the conventions, which are universally accepted as customary international law, applicable to every situation of armed conflict in the world.

Instances of crimes of structural genocide, ethnic cleansing, military massacres and war crimes committed by the Sri Lankan

state on the Tamils in this country are described in the chapters that follow and particularly in chapter 6.

### **1.5. The International Criminal Court [ICC].**

The International Criminal Court (ICC) investigates and where warranted, tries persons charged with the gravest crimes of concern to the international community such as genocide, war crimes and crimes against humanity. Governed by an international treaty called the Rome Statute, the ICC is the world's first permanent International Criminal Court.

Done at Rome on 17 July 1998, in force since 1 July 2002, under United Nations, Treaty Series, vol. 2187, No. 38544, the Court participates in a global fight to end impunity, and through international criminal justice, the Court aims to hold those responsible accountable for their crimes and thereby helps prevent these crimes from happening again.

Justice is a key prerequisite for durable peace. International justice can contribute to long-term peace & stability in post-conflict societies. These elements are essential for building a future free of violence.

In the context of the prevailing situation in Sri Lanka the services of the ICC are urgently needed and is absolutely imperative, to establish international justice in this country.

### **1.6. Right to Self-Determination of a People**

The right to self-determination of a people is recognized under international and regional instruments. The Declaration of Principles of International Law Concerning Friendly Relations and Co-operation among States was adopted by the United Nations General Assembly in 1970. Furthermore, the scope and content of the right to self-determination have been elaborately explained by the United Nations Human Rights Committee.

**The right to self-determination can be said to be a fundamental right which is necessary for the enjoyment of other human rights and fundamental freedoms which include their civil, political, economic, social and cultural rights.**

Self-determination denotes the legal right of people to decide their own destiny in the international order. Self-determination is a core principle of international law, arising from customary international law, but also recognized as a general principle of law, and enshrined in a number of international treaties.

The right to self-determination refers to the right of an individual to determine his own destiny. The right allows people to choose their own political status and to determine their own form of economic, cultural and social development. Exercise of this right can result in a variety of different outcomes ranging from political independence to full integration within a state. The importance of the right lies in the right of people to make a choice. Nevertheless, the right to self-determination is a right that is recognized in international law as a right of the process belonging to people and not to states or governments.

**During World War I, U.S. President Woodrow Wilson promoted the concept of “self-determination,” meaning that a nation—a group of people with similar political ambitions—can seek to create its own independent government or state.**

The right of a people to self-determination is a cardinal principle in modern international law (commonly regarded as a jus cogens rule), binding, as such, on the United Nations as authoritative interpretation of the Charter's norms. **It states that people, based on respect for the principle of equal rights and fair equality of opportunity, have the right to freely choose their**

**sovereignty and international political status with no interference.**

During and after World War I, the principle was encouraged by both Soviet Premier Vladimir Lenin and United States President Woodrow Wilson. Having announced his Fourteen Points on 8 January 1918, on 11 February 1918 **Wilson stated: “National aspirations must be respected; people may now be dominated and governed only by their own consent. 'Self-determination' is not a mere phrase; it is an imperative principle of action.”**

## Chapter – 2

### A brief historical background

Historically, two nations, namely the Tamil Nation and the Sinhalese Nation have existed in the Island of Ceylon from the time the Sinhala language came into being in the 6<sup>th</sup> and 7<sup>th</sup> century A. D. There were three kingdoms, that of the maritime Kotte kingdom of the Sinhalese; the maritime Jaffna kingdom of the Tamils and the hill country Kandyan Sinhalese Kingdom. The Jaffna kingdom consisted of the Northern; Eastern and the North Western regions of the Island.

Because of fundamental differences of language, religion, culture, social customs and traditional ways of life, these two races polarized into two distinct People, each gravitating in its own distinct territory, with the Tamils mainly in the North, East and North Western parts of the Island and the Sinhalese in the rest of the Island. These territories constituted the separate Tamil and Sinhala homelands in the Island with separate kingdoms of the Tamils and Sinhalese respectively and the peripheral chieftainships like those in the Tamil Wannu region.

When the Portuguese arrived, the Jaffna kingdom was in existence as a fully-fledged monarchy.

In Appendix B we are reproducing the assertions by Justice C. V. Wigneswaran M. P, wherein he is quoting evidence to show that the original inhabitants of this Island were Tamil speaking and that the Tamil language has been in existence in this island for over 3000 years continuously and that the Sinhalese language is quite a recent one.

The predatory colonial rule over the Island commenced with the arrival of the Portuguese to the Island in 1505 for purpose of trade. They imposed their rule over the kingdom of Kotte in 1556. It was only in 1619 that they conquered the then powerful Tamil kingdom of Jaffna. The Portuguese rule lasted until about 1656 when the Dutch intrusions started. Colombo fell to the Dutch in 1656. The Portuguese soldiers in Jaffna Fort surrendered to the Dutch on the 24 June 1658.

The Dutch codified the customary law of the Tamils – Thesavalamai, a legal administrative system that had been in practice in the Jaffna kingdom. The Roman Dutch Law introduced by the Dutch in the maritime areas was continued to be adopted as the Common Law of the whole Island under the British rule. This is very instructive and undoubtedly a testimony to the fact that no system of law that existed prior to the Roman Dutch Law could adequately cover the whole Island, proving again that the Island of Ceylon consisted of different Peoples and their kingdoms, each with its own legal traditions as well.

The British took over from the Dutch under the Amiens Treaty declaring the territory as a Crown Colony in 1802. With the capture of the Kandyan kingdom in 1815, all the three kingdoms in the Island came under British colonial rule.

## **2.1. Erosion of Tamil's ethnic identity and Sovereignty under British Colonial rule.**

While the Portuguese and the Dutch did not do anything to disturb the separate ethnic identities and their administrative structures of the Tamils and Sinhalese under their respective administrations, certain measures taken by the colonial British rulers gravely undermined the nationality of the Tamil people and eventually humiliated them to come under the subjugation of the Sinhalese hegemonistic rule. After having integrated the three

kingdoms into a single country called "Ceylon" in 1833, the following further detrimental steps hurting the Tamils were implemented by the British colonial rulers:

**a. Centralised system of administration for the entire Island**

*'In the 1820s the British Colonial Government decided to institute a commission to inquire into the administration of Ceylon and consequently proclaimed a Royal Commission on 18 January 1828 appointing Major Colebrooke as Commissioner. Colebrooke arrived in Ceylon on 11 April 1829. He was joined by Charles Hay Cameron, a Judicial Commissioner on 30 April 1830'*

Gunasingam, 2008, p. 226)

They found the Island divided into three distinct administrative units. In terms of their political and administrative reforms recommended in 1833 the **entire Island came under a single unified centralised system of administration** under the British Crown administered by a British Governor and a British Civil Service, responsible through the Secretary of State for Colonies and the Colonial Office to the Parliament of the United Kingdom. **The North East region which had been the traditional homeland of the Tamils was stripped of its unique administrative structure for the first time in its history and lost its distinctiveness in 1833.** Apparently the centralised administrative arrangement was brought in for the administrative convenience of the rulers in far away Britain.

British records including the comprehensively researched report of H. Cleghorn confirm that a Tamil homeland existed in the Northern and Eastern regions of the Island at the beginning of the British rule with its own distinctive administration.



**The British colonial government had failed to realise that by centralising the administration of the three separate former kingdoms under their rule they had obliterated the Tamil Nation's separate identity.**

**b. Evolution of Legislative Council**

The administrative arrangement of the Island was under the absolute control of the British Governor, assisted by the British Officials. The Legislative Council was empowered to appoint unofficial members. However, the officials continued to be in the majority. For the first time the principle of electing Members to the Legislative Council was introduced by the crew – McCallum Reforms of 1910 followed by the Manning Reforms (1920) and the Manning Devonshire Reforms of 1924:

In 1920, once again the Legislative Council was re constituted. Accordingly, the Council consisted of 37 Members of them 14 were officials and 23 were un-officials. Sixteen of the un-officials were to be elected on a limited territorial basis. The other seven were nominated by the Governor. On the occasion the franchise was extended further than in 1910. However, the right to vote was granted only to a small fraction of the population. The right to vote depended on education and wealth.

**c. The Donoughmore Commission Recommendations**

*A Commission headed by Lord Donoughmore arrived in Ceylon on 13 November 1927. In terms of their recommendation and the consequent adoption of the Donoughmore Constitution the hitherto adopted communal representation was abolished and territorial representation introduced, universal suffrage was established and the principle of majority rule resolutely adhered to.*

This resulted in the Tamil representation being reduced from the pre 1931 ratio of 1 Ceylon Tamil to 2 Sinhalese under communal representation to a ratio of nearly 1 to 5 in favour of the Sinhalese. The 1:2 ratios gave sufficient weight to the Tamils. Changing that ratio drastically without constitutionally safeguarding the interests of the affected Tamils undermined the political status of the Tamils in this multi-ethnic integrated country. The limited system of suffrage hitherto granted only to educated elite was replaced with Universal Adult Franchise giving all above 21 years of age the right to vote, without any guarantee of minority rights or Bill of Rights. Tamil leaders vehemently opposed this move.

In addition, the Legislative, Executive Councils which came into existence with the introduction of Colebrook political reform were scrapped and a new system known as the State Council was introduced to carry out Legislative and Executive affairs.

The Donoughmore Constitution was adopted by the Legislative Council in 1931 by a slim majority of 2 votes the voting being 19 and 17. All Tamil representatives except one voted against the adoption of this Constitution.

**In fact, it was this Donoughmore Commission recommendations that paved the way for the launching of the ultra nationalistic Sinhalese hegemonistic oppressive rule against the Tamils in the country completely shutting the door on the Tamils, belittling and exposing them without any constitutional protection for them.**

#### **d. Permanent loss of Puttalam region to the Tamils**

*“Puttalam region in the North-West of Sri Lanka, which had been a traditional homeland of Tamils, began to lose its identity as a Tamil traditional homeland from the seventeenth century due to the domination by western powers, commercial enterprises and*

*the settlement of Sinhalese and Muslims in large numbers in this region.*

*Thriving trade and large scale coconut plantations in this area drew the Muslims to join the Sinhalese settlers.*

*This situation unavoidably transformed the Puttalam region, which was a traditional homeland of the Tamils, into a Sinhalese and Muslim area. ... the Tamils permanently lost the Puttalam region.”*

- (Gunasingam-p372/373)

## **2.2. Scheme of Sinhalese political leaders to capture State power under “Unitary Constitution”**

Since early 1920s, sensing impending independence from the British Colonial rule, unsuspected by anyone, the Sinhalese political leaders **were stealthily scheming and plotting an elaborate plan, to capture State power over the entire integrated multi-ethnic country, exclusively to themselves under a Unitary Constitution.** Sinhalese being the perpetual numerical majority in their seven provinces, they planned to use their numerical strength to subjugate the unsuspecting docile Tamils without any power to them over the State, under the Unitary Constitution to achieve their ulterior motive.

The Sinhalese politicians gave vent to their sinister plan and did open the Pandora's Box, with disastrous consequences for the Tamils and for the entire country.

## **2.3. Events leading to the Introduction of Unitary Constitution**

When India was waging their non-violent liberation struggle to gain independence, Tamil leaders in Sri Lanka joined hands with the Indian leaders against the British colonial rule, whereas, the

Sinhalese leaders cooperated with the British colonial administrators and won their friendship and praise, particularly during the World War ii years. Towards the end of the war in 1943, when the British colonial Government issued a declaration of intention to transfer more powers to the Ceylonese, true to their plan, the Sinhalese leaders, D. S. Senanayake and Oliver E. Goonetilleke, with the help of their constitutional expert Sir Ivor Jennings, prepared their own draft constitution and rushed it to the British colonial Government without divulging it to the Tamils or other minorities or even to the State Council.

When the Tamils and other minorities protested to the British authorities saying that they were not consulted in drafting the constitution, the British Colonial Government was fair enough to accept their claim and stated that:

*“The British Government felt that, before submitting their proposals, the ministers ought to have taken the minorities into consultation and endeavoured to produce an agreed draft for consideration.” As this had not been done the British government felt bound to give the minorities their say by sending out a constitutional commission. It went ahead with this plan and appointed a commission consisting of Lord Soulbury (as chairman), Sir Frederick Rees and Frederick Burrows (later knighted). It began its work in Ceylon in December 1944.*

- (Jeffries 1969, p 71 – 72).

## **2.4. Soulbury Commissioners in Ceylon**

Mr. D. S. Senanayake and Mr. Oliver Goonetillke who expected that those in the colonial office in London, because of their close personal friendship with them, would accept their draft without heeding the request of the Tamils felt very disappointed and were furious when the Soulbury Commission was appointed.

However, they rallied and planned a new strategy to deal with the new situation and decided to befriend the commissioners and achieve their objective by enticing the commissioners to accept their Unitary Constitution proposal. Accordingly, when Mr. Oliver E. Goonetillake was in London before the Commissioners arrived in Ceylon, through the Secretary of State, Mr. Oliver Stanley, Mr. Oliver Goonetilleke arranged a meeting as advised by Mr. D. S. Senanayake and met Lord Soulbury and succeeded in befriending him to such an extent that Lord Soulbury exclaimed to him “*what is wrong with the Ministers draft*” and Oliver Goonetillake asserted that there was nothing wrong, which Lord Soulbury obviously accepted. (Jeffries and Hulugalle) Thus, even before the Soulbury Commission started work on their assignment, the Senanayake-Goonetillake duo had succeeded in influencing and swaying the Chairman of the Commission to support their view point.

When the Soulbury Commissioners arrived in Ceylon on 22nd December, 1944, Mr. D. S. Senanayake unfurled his sinister plan and announced his **official boycott of the Commission**. This was a drama staged by Mr. D. S. Senanayakke to lull the people that he was against the commission whereas he was close enough with the commissioners to entice the Commissioners to grant the unitary constitution. Also, Mr. Senanayakke did not want too many proposals submitted which might upset his plan to manoeuvre to obtain a unitary constitution and more particularly because S. W. R. D. Bandaranayake at this time was advocating a federal arrangement and therefore he had to be denied any opportunity to submit a proposal by the official boycott.

## **2.5. Subjugation of Tamils under the “Unitary Constitution”**

In spite of the official boycott, Mr. D. S. Senanayake and Sir Oliver Goonetillake accompanied the Commissioners wherever

they went and had lengthy discussions about their proposal with them and lavishly entertained the commissioners and looked after them. The following further evidence proves the extent to which the Sinhalese leaders went to unduly influence the Soulbury commissioners and to win them over to grant the unitary constitution to the country:

*"The Soulbury Commission arrived in Ceylon on December 22, 1944. On Christmas Day, Sir Oliver entertained them at his house, no other guests being invited. On New Year's Eve, he took them to a gala dance at the Galle Face Hotel...."* (Jeffries, 1969, p.75)

*".... Thereafter Goonetilleke made it his business to see that the commissioners were given the best possible time during their stay in Ceylon, which lasted until April 1945. He accompanied them on most of their visits to different parts of the country and used the civil-defense organisation to arrange transport and other facilities for them. The ARP personnel were mobilised in order to ensure a welcoming crowd for the commission wherever it went. One of the commissioners, the late Sir Frederick Rees, wrote afterwards that 'the rather subtle methods adopted by Sir Oliver Goonetilleke were much more obvious than he himself realised'. I suspect that he realized it well enough and could not care less. **The point was that this was a campaign to win the hearts of the Commissioners and the campaign succeeded.**"* (Jeffries, 1969, p. 75-76)

Sir Oliver developed a long lasting intimate friendship with the Secretary of the Commission, Miss Phyllis M. Miller.

*"The foundations of a lasting friendship were laid. After his retirement from Ceylon in 1962, Miss Miller helped him in his business affairs in London and in February 1968 they were married".* (Jeffries, 1969, p.76)

The Kandyan Sinhalese submitted their proposal for a Federal form of Government and the Tamil leader Mr. G. G. Ponnambalam submitted a '*balanced representation*' the so called fifty-fifty (50-50) proposal, while some individual members from Jaffna submitted proposals for a federal form of Government.

All the proposals other than Mr. Senanayake's proposal were rejected by the Commissioners who were under the sway of Mr. D. S. Senanayake and Sir Oliver Goonetillake and went on to accept Mr. D. S. Senanayake's proposal which was for a unitary form of Government.

*“The fact that the new constitution was called the Soulbury Constitution”* stated Ivor Jennings, (the Constitutional advisor of Mr. Senanayake) *“had led those who have not read the documents to infer that it was produced by the Soulbury Commission. The fact is that it was produced by Mr. Senanayake. All the essential provisions of the Minister's draft were embodied in the Soulbury Constitution and the only addition made by the Soulbury Commission was the Senate”*. (Hulugalle, 2014, p.177)

Incidentally, in independent Ceylon, the Sinhalese leaders used their numerical strength to **abolish the Senate** on 2 October 1971 while the Soulbury Constitution itself was in operation, by the eighth amendment to the Soulbury Constitution. Earlier, the 1947 United Kingdom-Ceylon Defence Agreement also was terminated in 1957. Also, Ceylon which was granted independence as the Dominion of Ceylon within the British Empire and British Commonwealth continued as such for the next 24 years until May 22, 1972 when it became a Republic under the Republican Constitution of Sri Lanka on 22 May 1972, thus severing these close ties that existed with Great Britain, making the position of the Tamils pathetic and precarious.

While proposing the motion to adopt the Unitary Constitution in the State Council, this was what Mr. D. S. Senanayake stated, to entice the Tamils to join the Ceylonese polity:

*".... We devised a scheme which gave weightage to the minorities; we deliberately protected them against discriminatory legislation; we vested important powers in the Governor General because, we thought that the minorities would regard him as impartial; we decided upon an independent Public Service Commission so as to give an assurance that there should be no communalism in the public service. All these have been accepted by the Soulbury Commission and quoted by them as devices to protect the minorities."*

*"The accusation of Sinhalese domination has thus been shown to be false. I hope that the verdict will be accepted by all sections of the community and that we can now go forward with the trust and mutual confidence upon which the welfare of this Island depends. I do not normally speak as a Sinhalese and I do not think that the Leader of the Council ought to think of himself as a Sinhalese representative: but for once I should like to speak as a Sinhalese and to assert with all the force at my command that the interests of one community are the interests of all. We are one of another, whatever our race or creed....." (Hulugalle, 2014, p. 182)*

Thus, D. S. Senanayake's covert guile succeeded and he did achieve the Unitary Constitution under an ethnocratic set up for the integrated country. **This unitary constitution legitimised majority ethnocratic rule entrenching supremacy of majority rights and relegating Tamils to an inferior status in the country. This crucial victory for them enabled the Sinhalese leaders to gain control over the State and start abusing the State power at their disposal to open the floodgates of oppression and reign of terror against the defenceless Tamils, as was covertly envisaged by Mr. Senanayake.** In actual fact,



for the bedevilled Tamils, the perpetual majority Sinhalese rule under the Unitary Constitution turned out to be a **tyrannical rule of the majority Sinhalese, manifestly subjecting the numeral minority Tamils without any democratic rights what so ever to defend and protect themselves from the inhuman Structural Genocide and Ethnic Cleansing.**

## **2.6. Britain's obligation to make amends for entrapping the Tamils under the Unitary Constitution and ethnocracy.**

The grievance of the Tamils is that the British Government should have displayed the propriety to have taken history into consideration and returned the Jaffna kingdom back to the Tamils when they granted independence to this integrated country. In the alternative, while introducing Britain's Westminster model of Parliamentary system, they should have granted a federal constitution under a democratic set up instead of the unitary constitution under the ethnocratic rule, in order to spare the Tamils from Sinhalese majority domination. Tamils feel aggrieved that Great Britain was inconsiderate and unfair to the Tamils in granting independence on the basis of the Unitary Constitution exposing us to suffer never ending genocidal killings and all forms of crimes against humanity at the hands of the oppressive Sinhalese leaders and thereby had caused great harm to the Tamils.

The indomitable Tamils' relentless struggle to free us from the stranglehold of the Unitary Constitution unfairly imposed on us is still ongoing and the goal is yet to be achieved.

The British people who are renowned for their fairplay and attachment to democratic traditions and their Government can play a big role to help free us from the Unitary Constitution and the ethnocratic rule by initiating a UN sponsored Referendum

and mobilising international support for this move, thereby helping the Tamils from extermination by the Sinhalese Leaders.

## **2.7. Lack of any Constitutional Safeguards to the Tamils**

The Soulbury Constitution which gave dominion status to Ceylon lacked **any Constitutional safeguards to the Tamils and other minorities** except a clause prohibiting enactment of legislation discriminating minorities. The Sinhalese rulers contemptuously never complied with this provision. Later, when the Sinhalese jettisoned the Soulbury Constitution unconstitutionally, **even this meagre constitutional protection to the Tamils and other minorities was not contained in their indigenous Constitutions, exposing the Tamils to unfettered persecutions. The ethnocentric arrangement with the unitary constitution in place permitted the oppressive Sinhalese politicians to indulge in the persecution of Tamils according to their whims and fancies.**

During the 329 years of European colonial rule, there had not been even a single attempt which prompted the Tamils to flee the country. Much to their dismay, instead of being able to enjoy the long-awaited freedom from foreign colonial rule, the entrapped Tamils had to inevitably pass on to the most horrendous, uncivilised, brutal misrule of the Sinhalese.

## **2.8. Belated Realisation of Lord Soulbury**

Lord Soulbury conceded later in 1963, that the Commission's recommendation was based only on cursory knowledge of the age-old antagonism between the two communities and we quote from the 'Foreword' he had written to the book "CEYLON A DIVIDED NATION" by B. H. FARMER (London Institute of Race Relations – Oxford University Press – 1963):

*"A Commission, of which I had the honour to be the Chairman, was appointed by the British Government in 1944, to examine and discuss proposals for the constitutional reform of Ceylon. It did not take long to discover that the relations of minorities to majorities and particularly of the Tamil minority in the northern and eastern provinces to the Sinhalese majority further south, were in the words of the Commission's report 'the most difficult of the many problems involved'. **The Commission had of course a cursory knowledge of the age-long antagonism between these two communities**, but might have been less hopeful of a solution had Mr. Farmer's book been available to underline the deplorable effect of centuries of troubled history upon the Ceylonese of today. The Commission devoted a substantial portion of its report to this minority question and stated that it was satisfied that the Government of Ceylon was fully aware that the contentment of the minorities was essential not only to their own well-being but to the well-being of the island as a whole. And to quote the Commission's report: 'If it were otherwise, no safeguard that we could devise would in the long run be of much avail.' Recent years have shown that this observation was only too true."*

(B. H. Farmer, 1963, Foreword)

In our opinion, the fundamental mistake made by the Commission was to have considered the Tamils as 'minorities' instead of the true situation that they are a People constituting a Nation, and are a majority in the Northern and Eastern provinces, the territory of their former kingdom.

## **2.9. Ceylon at Independence**

At the time of independence from British colonial rule in February 1948, Ceylon was a promising model of a multi-cultural, multi-racial, multi-lingual and multi religious entity. Ceylon then, was a very peaceful, prosperous and contended

country enjoying tremendous initial advantage at independence, with a skilled population with high literary standard; high standard health facilities and well-developed infrastructure as well as a sound agricultural industry together with a healthy foreign exchange reserve. So much so, the Singapore Prime Minister Lee Kwan Yew, on a visit to Ceylon soon after independence expressed his wishes to develop his country to Ceylonese standard. A role model indeed.

**Unfortunately for this country, while nature has been very generous to this exceptionally beautiful, bountiful and civilised country with remarkably amiable Sinhalese speaking and Tamil speaking people, living in harmony, with mutual respect and friendship for each other for generations, the unkind selfish Sinhalese politicians had other dreadful evil intentions. Instead of advancing development and prosperity for all Sri Lankans in a peaceful atmosphere the Sinhalese rulers took the country down the disastrous path of discord, death, destruction and ruin.**

## **2.10. Further tightening of the illegitimate Constitutional Control over the Tamils**

In order to defraud the Tamils of even the meagre Constitutional safeguard that was provided under Section 29 in the 'Soulbury Constitution' and the characteristics of the conditional Ceylonese polity, three Sinhalese political parties acting in coalition connived to scrap the Dominion polity and replace it with an altogether different Republican constitution. To achieve this motive the Sinhala coalition called for a mandate from the people in the General Election of 1970. The seven Sinhala provinces gave a positive response while the **Tamil voters of the Northern and Eastern Provinces summarily rejected the call for the mandate.**

In the course of the deliberations Tamil leaders met the Prime Minister and other Sinhalese leaders and urged them to include the Tamils' rights and to enact a federal constitution. As the request of the Tamils was rejected, the Tamil MP's opposed the new constitution.

Under Prime Minister Srimavo Bandaranayake a new constitution was adopted and enacted by the constituent assembly of the people of Sri Lanka on 22nd May 1972. Although it states people of Sri Lanka **the Tamil people did not approve the new constitution.**

The Tamil leader S. J. V. Chelvanayagam decided to demonstrate the Tamil people's opposition to the new unitary constitution by resigning his parliamentary seat and forcing a by-election and he made a statement in parliament on 3rd of October 1972 in this regard. He won the by-election with a huge majority of over 75% of the votes polled.

**Thus, the opposition of the Tamil people to the new unitary constitution was emphatically recorded by the sample peoples' verdict.**

The involvement of the leftist leader Colvin R. De Silva of “*one language two countries two languages one country*” Parliamentary speech fame, in drafting of this Constitution was a bitter disappointment to many Tamils who until then were under the impression that the LSSP party was above communal politics. It dawned upon the Tamils that all Sinhala parties and almost all Sinhalese politicians, despite occasional pretensions of fair play by some of them, are inherently anti-Tamil, narrow minded selfish racists who don't care about the adverse impact to the country by such anti-Tamil politics.

So too, in 1978 Mr. J. R. Jayawardene brought a new Constitution without even asking for a mandate, introducing the Executive

Presidency, heaping enormous powers on one individual. His party polled only 17.3% of the votes in the Tamils dominated Northern and Eastern provinces.

## **2.11. Lack of Legitimacy**

It will thus be seen that the so-called Republic of Sri Lanka created in 1972 and again with a new constitution in 1978, had no legal validity to encompass the Northern & Eastern Provinces since, as stipulated in the Soulbury Constitution; the change that adversely affected the Tamils was not approved by the Tamils. The alleged territorial jurisdiction and sovereignty for the whole Island claimed by the Sri Lankan Government are constructed on a false and illegitimate premise. This was blatant aggression and subjugation of the Tamils and illegal occupation of the Tamils' homeland by the Sinhalese controlled ethnocratic State, against the will of the Tamil people.

These two successive Constitutions which declared Sri Lanka a Sovereign and Independent Republic totally ignored the presence of Tamils in the country.

**They repealed the minority safety clause of the Soulbury Constitution, declared Sri Lanka as a Unitary State, made Sinhala the official language and attributed prime place to Buddhism. It is this short sighted Ethno-centric Constitution that doomed the country to misery, mayhem and economic ruin.**

These Constitutions lacked legitimacy due to their non-consensual approach and also as a Constitution unilaterally imposed by a political party which had a majority in the Parliament without the endorsement of opposition parties and representatives of Tamils in its formulation. The proposals of the Tamils were totally ignored and rejected in the process of drafting the Constitution by the Sinhalese dominated Constituent Assembly.

The lack of legitimacy mentioned here above was in addition to the lack of legitimacy arising from the breach of contract by the Sinhalese in defying Section 29 of the Soulbury Constitution on the basis of which independence to the country was granted by the British colonial rulers.

It is obvious that for a successful democracy in deeply divided ethnic societies like Sri Lanka they must incorporate anti-majoritarian measures like federalism or bicameral legislature to prevent the domination of one group over the other.

Such measures were alien to the Sri Lankan Constitution and thus question the legitimacy and authenticity of democracy itself in Sri Lanka inevitably leading to the conclusion that what is in Sri Lanka is not Democracy but clearly Ethnocracy.

## **2.12. Conflict of Identities**

The conflict in Sri Lanka is a product of identity discrimination of Tamils. Identity is a fundamental human need and it is discrimination based on such identities that inevitably causes ethnic conflicts.

According to the 2012 statistics, Sri Lanka consists of 74.9% of Sinhalese, 11.2% of Sri Lankan Tamils, 4.2% of hill country Tamils, 9.2% of Moors (Tamil speaking Muslims), and less than 1% of Burghers, Malays and others.

The Governments of Sri Lanka have failed to create a 'national identity' common to all the groups, an essential requirement for the unity of a State. The lack of an effective nationalist movement during Independence might have been one of the main reasons for the absence of a common national identity. Unlike other countries, Sri Lanka did not get independence through struggle.

If Sri Lanka had gained independence like India, Pakistan or Bangladesh through struggle, it would have at least managed to generate a 'National identity' through which it could have held the different ethnic groups united up to some extent. The Constitutions, instead of creating a common identity, were structured favouring Sinhalese majoritarianism.

This might have made the Sinhalese politicians with their cavalier attitude to politics to casually confuse Sri Lankan nationalism with Sinhalese nationalism and also influenced them to consider the legitimate voices of Tamils as 'anti-national'. Consequently, the Tamils were not considered as a part of their 'national identity' and this exclusion inevitably promoted the progress of 'Tamil Nationalism'. This Tamil Nationalism in recent times have been identified as Terrorism against the State!

### **2.13. Misrule of the Sinhalese**

The People of this country follow one or other of the four great religions of the world: Buddhism, Islam, Christianity and Hinduism. Instead of promoting mutual respect for each others religion and encourage people to follow the teachings of their religion, the Sinhalese politicians started discrimination and oppression in the name of religion, language, race, caste etc. The inevitable result of this misrule has been the never ending killings of Tamil people and the continuing hate campaigns ruining the whole country in this process. The continuing attempt of the state to forcibly deny the Tamils their right to worship in their temples and their attempt to convert long standing Hindu Temples into Buddhist Temples is very disconcerting and deplorable.

### **2.14. Political campaign of the Tamils to win their rights**

Initially, for over thirty years, the indomitable Tamils were demanding their political rights through various peaceful political actions under the leadership of their political leader the



late Mr. S. J. V. Chelvanayagam. **Tamils proclaimed their right to political autonomy and desire for Federal union with the Sinhalese.** A number of peace initiatives were taken by the Tamils and all of them failed due to the intransigence of the Sinhalese politicians who adamantly clung on to the unsuitable ethnocratic Unitary Constitution that they deceitfully grabbed thanks to the Soulbury Commission.



Even agreements reached with the Sinhalese leaders such as the **Bandaranaiyake – Chelvanayagam pact of July 1957** and **Dudley Senanayake – Chelvanayagam pact of March 1965** were abruptly and unilaterally aborted by the Sinhala leaders soon after the agreements were entered into allegedly due to opposition shown by small groups of Sinhala fanatics including Buddhist monks. These are only two of the numerous negotiations carried out, all of which ended up in failure after failure.

### **Vaddukoddai Resolution**

Frustrated by the negative attitude of the Sinhalese politicians, the resolute Tamil political leadership passed the landmark Vaddukoddai Resolution of 1976 to establish a separate state for the Tamils. The resolution was adopted by the Tamil United Liberation Front (TULF) under the leadership of the late Mr. S. J. V. Chelvanayagam on 14<sup>th</sup> May 1976 in Pannakam near Vaddukoddai. In fact, this was a clear and inevitable expression of the Tamils that they had come to the end of the tether in their attempt to reach a negotiated settlement.

### **Tamil Peoples' Mandate of 1977**

Again, the TULF sought and obtained a mandate **from the Tamils in the Northern and Eastern Provinces at the General**

**Election of 1977 “for the restoration and reconstruction of the free, sovereign, secular, socialist state of Tamil Eelam based on the right of self-determination inherent to every nation”.**

The TULF demand for sepeation prompted the Sri Lankan Government to pass the [\*6th Amendment\*](#) to the Constitution, which made it mandatory for all Members of Parliament to take an oath of allegiance to the unitary constitution of Sri Lanka. The TULF refused to take the oath and resigned their Parliamentary seats. This was a blatant denial of the legitimate right of the Tamils to freely express of their wish.

**2.15. Armed Struggle to liberate the Tamils**

When all the peaceful political attempts of the Tamils to achieve a Federal Constitution through negotiations failed, the Tamil youth took up to arms and started their armed liberation struggle to combat state terrorism and to establish a separate state for the Tamils – Tamil Eelam.

The armed struggle went on for nearly thirty years under the leadership of Mr. Veluppillai Prabaharan of the Liberation Tigers of Tamil Eelam – LTTE, with the overwhelming sustenance and support of the Tamil people. There were a few other liberation organisations also that were waging the liberation struggle in their own way. The endorsement received by LTTE from the people was so great that young boys and girls from many families both from the Northern Province and Eastern Province joined the armed liberation movement, ready to sacrifice their very lives for the cause of the honour and rights of the Tamils. The LTTE brought large areas of land in the North and East under their control and imposed their rule for a number of years and had de facto control of Tamil territory.

The armed liberation struggle of the Liberation Tigers of Tamil Eelam was brought to an end in May 2009 by using excessive indiscriminate force by the Sri Lankan government with the active military support and participation of many countries including India, in a ruthless manner, killing and injuring over one hundred thousand Tamil civilians and committing grave war crimes and crimes against humanity.

Thus, the armed liberation attempt of the Tamils youth also failed to regain the rights of the Tamils and ameliorate the status of the Tamils.

## **Chapter 3**

### **Oppressive Sinhala rule against the Tamils under the “Unitary Constitution”**

Having succeeded in getting the 'Unitary Constitution' adopted and thereby usurping the political rights of the Tamils and making them powerless under the ethnocratic rule in this country, all the Sinhalese politicians started publicly professing openly and shamelessly anti-Tamil vituperative Communal political rhetoric, ostensibly as a policy to achieve their ultimate goal of a Sinhala only Buddhist country, but more so as a ploy to gain selfish personal political advantage for themselves.

The Sinhalese being the permanent numerical majority in their seven provinces of this ethnocratic State, at every election one of the two main Sinhalese parties would gain control over the State, stirring anti-Tamil communal bravado and both parties when in power abused the State power at their disposal to persecute the powerless Tamils deliberately and on a planned basis and as an “unwritten State policy” wholeheartedly blessed and patronized by their Buddhist high priests.

The tragic drama staged by all Sinhala politicians is that the party in power pretends to give some concession to the Tamils by having all party conferences and party leaders meetings. But when it comes to voting in Parliament, all Sinhalese Parliamentarians gang up to deny the Tamils any benefits.

While we have listed some of the many serious race riots and other military massacres and war crimes committed on the Tamils by successive Sinhalese governments in Chapter 6, we are listing here under some of the instances of political oppressions against the Tamils that reveal the cruel nature of the Sinhalese rule.

### **3.1. Disenfranchising Plantation Tamils**

The Sinhalese leaders' first act of oppression against the Tamils soon after gaining independence was the tabling of the “Indian Citizenship Bill” in the second session of Parliament itself on 4 August 1948 and together with the Ceylon Citizenship Act of 1949 the plantation Tamils were deprived of their citizenship rights and as a result of an amendment to the Ceylon Parliamentary Elections Order-in-Council they were deprived of their voting rights.

Tamil workers were brought to Ceylon from South India from the middle of the nineteenth century by the British planters to work in their rubber, coffee and tea plantations. Tea cultivation required tending throughout the year and provided work continuously and therefore these workers chose permanent residency preserving their own separate identity and culture and have now completed over 200 years of residential stay in this country. Consequently, they acquired Ceylon citizenship and voting rights. There were no restrictions on their travel to Ceylon from India during the British rule. According to the 1946 census report the total Indian Tamil population was 780,589.

At the 1947 general elections, 12 Sri Lankan Tamil representatives and 7 Indian origin Tamil representatives were elected. These representatives were in the House when Ceylon was granted independence in 1948. Yet, the Citizenship Acts were passed denying them their citizenship soon after independence.

After keeping these Tamils stateless for so long it was only in 1964 that negotiations were held between Sri Lanka and India under the leadership of Prime Minister Sirimavo Bandaranaike of Sri Lanka and Prime Minister Lal Bahadur Shastri of India to resolve the issue of the Plantation Tamils rendered stateless by the Sinhalese leaders. Eventually, both countries agreed to a

pact. The central part of the pact signed on 30th October 1964 was the granting of Ceylonese citizenship to 300,000 of the Indian origin population in Sri Lanka, while 525,000 would be repatriated to India. It was agreed that the citizenship of the remaining 150,000 Indian residents of Ceylon would be negotiated at a later date. The problem of statelessness among Indian Tamils in Sri Lanka was finally resolved in 2003, with the Grant of Citizenship to those of Indian origin who had lived in Sri Lanka since the Sirima–Shastri Pact was signed in October 1964.

### **3.2. Adoption of Lion Flag as National Flag**

The Sinhala Lion Flag was made the National Flag despite opposition from the Tamils. The Tamil political leaders argued for the representation of the three main communities in Ceylon, the Sinhalese, Tamils and the Muslims to be incorporated in the Sri Lanka National Flag.

The Sinhalese political leaders were adamant and established their wish and dominance, despite the many justifiable reasons pointed out by the Tamil representatives. The Sinhalese political leaders, especially D. S. Senanayake and J. R. Jayawardene maintained and expressed their intense zeal for Sinhala dominance and majority strength. This was a classic instance of the Sinhalese political leaders' unwillingness to step out of their narrow confines of their Sinhala ultra-nationalistic obsession to grant justifiable demands placed by the Tamils and other minorities.

Mr. C. Suntharalingam, who was a Minister in the first cabinet of Mr. D. S. Senanayake vacated his seat in Parliament in protest and forced a bye-election in his constituency of Vavuniya. He was re-elected uncontested. Yet, this victory failed to win the hearts and minds of the adamant Cabinet and Parliament.

### **3.3. The National Anthem**

The National Anthem also fails to recognise the plural nature of the society unlike the Indian National Anthem which caters to all the peoples in India.

These can be seen as the first chapter in the long history of the Sinhalese politicians' intransigence in not allowing the Tamils to enjoy their democratic and legitimate rights. Singing the Tamil version of the National Anthem at official functions is not permitted by the Sinhalese leaders, even in the Tamil region.

### **3.4. Sinhala Only Act of 1956**

In the 1956 general elections, Mr. S. W. R. D. Bandaranayake with the support of many members of the Buddhist clergy started canvassing for his election, promising to make Sinhala the only official language of the country within 24 hours, if he became the Prime Minister.

Stirring anti-Tamil racial hatred to a high pitch, Mr. Bandaranaike won the elections and became the Prime Minister and started accelerating oppressive anti-Tamil measures. In June 1956 with the opposition UNP also supporting, Sinhala was made the only official Language of the country through an Act of Parliament, despite the fact that the Act was *ultra vires* the Constitution, ignoring Tamil's claim to make Tamil also as an official language. Mr. Bandaranaike himself became a victim of the unruly situation that he unleashed and was shot and killed by a Buddhist monk.

It is relevant to remember that in the case filed by a member of the Tamil Trade Union challenging the validity of the Sinhala Only Act- the Kodeswaran case – the judgement of the original court held that the Sinhala only Act was *ultra vires* the Constitution.

With the sudden adoption of Sinhala as the only official language of the country, the Tamil public were severely inconvenienced in their official dealings with the Government. Tamils aspiring to enter the Government service became handicapped and Government jobs were virtually closed to them. The normal promotion prospects for Tamils in Government Service also declined drastically due to lack of proficiency in the official language.

### **3.5. Public Service Commission (PSC) abolished to facilitate political appointments.**

When Ceylon gained independence, the first Public Service Commission that was established by the Ceylon (Constitution) Order in Council of 15th May 1946 was in existence. The Public Service Commission was vested with the executive powers of appointment, promotion, transfer, disciplinary control and dismissal of public officers.

With the adoption of the first Republican Constitution in 1972 the Public Service Commission which was hitherto in existence for 26 years was abolished and the authoritative power over the public service was vested in the Cabinet of Ministers. This move paved the way for political appointments to be made in the public service and invariably this led to an influx of appointments of less competent Sinhalese appointees into the public service. Consequently, the excellence that existed in the public service started deteriorating drastically. This was a typical example of how the Sinhalese politicians mismanaged the country.

The second Republican Constitution of 1978 re-established the Public Service Commission and it functioned only as the Appellate Authority. Since then, the Public Service Commission has undergone changes. However, it has not been possible to restore the reputation that the public service enjoyed earlier and to keep it free from political appointments.



### **3.6. Language-wise standardisation for university admissions – A serious blow to Tamil students**

A serious blow was delivered to the Tamil students in another racial discrimination by the government in 1970.

*“A new system called standardisation was introduced in 1970 by the United Front Government in relation to university admissions. A Tamil student, according to this new system had to secure a higher aggregate of marks in the entrance examination to qualify for admission”*

- (Gunasingam, 2008, p.519)

This resulted in drastic reduction of Tamil students gaining admissions to universities and other institutions for higher studies and this racial move denying the Tamil students of equal opportunities to pursue their higher education created serious discontent among the Tamil student population. This denial of equal opportunities to pursue their higher studies prompted many youth to join the armed liberation movement to fight for their rights.

### **3.7. Abolishing of appeals to Privy Council**

The Privy Council in a case (Ranasinghe vs. Bribery Commissioner) had held that Article 29 of the Soulbury Constitution was an entrenched clause and rendered the Constitution and not the Parliament, sovereign. This ruling together with the assurances given by D. S. Senanayake to the Tamils in the State Council, support beyond a shadow of doubt that the polity of the Dominion of Ceylon was a conditional polity. Any transgression without the consent of the Tamils would be unconstitutional and will not bind the Tamils.

Being alarmed by the ruling of the Privy Council in the Ranasinghe Vs. the Bribery Commissioner case and by the failure of the defence in another subsequent case (Kodeswaran

Vs. Attorney General), the Government pre-empted the role of the Privy Council in the Island's judiciary by resorting to the passage of a bill in an overwhelmingly Sinhala Parliament, abolishing all appeals to the Privy Council and incorporated the impugned Sinhala Only Official Language Act in their 1972 Constitution.

This showed that the Government will resort to anything, including tampering with the institutions of justice to deny even the basic legal rights to the Tamils.

### **3.8. Economic Neglect of Tamil Region**

The Sinhalese rulers have always been starving the Tamil homeland in the North and East of the country of infrastructural development. The Trincomalee and Kankesanthurai harbours if properly developed and utilised would have contributed in a big way to the economic advancement of the whole country. These and other harbours in North & East which were in active use until early 1950s were progressively closed down and the traffic shifted to the south of the country. Presently all the imports are being done in the over congested Colombo or in Galle harbours and the people in the North and East have to bear the additional cost of transporting these goods to their region. Similarly, the airports in the North and East were not developed to their true potential. Even in the transport of goods and passengers, while huge investments have been made in the construction of modern network of roads and expressways in the Sinhalese areas in the south of the country the Tamil areas are deliberately deprived of satisfactory roads. The Tamil passengers and transporters are severely handicapped as it takes more than nine hours to travel by road from the capital city of Colombo to Jaffna, passing through every town and village on the way, a distance of mere four hundred kilo meters. The roads within the North and East themselves are in an appalling state of disrepair and the glaring

example of this state of disrepair is the Pt.Pedro-Ponnalai road passing through Valvettiturai.

The heavily congested Jaffna peninsula is facing acute shortage of water with the underground water reserves gradually drying up. The surplus river waters flowing from the hill country, after irrigating many areas in the south through major irrigation schemes constructed with huge capital expenditure are emptying themselves into the Indian Ocean. No attempt is being made to divert some of this surplus water going waste, to the Jaffna peninsula. Also, none of the many heavily populated towns and cities in the North and East has been provided with the necessary sewerage facilities exposing the Tamil population to severe health hazard.

The fishing industry in the North and East is being given a step – motherly treatment. The Tamil fishermen undergo serious difficulties to safeguard their vessels during seasonal monsoon winds and heavy rains. Even basic anchorage facilities have not been provided to them. Again, all state assistance is being given to encourage the Sinhalese fishermen to switch over to modern fishing methods with foreign technical assistance while the Tamil fishermen are allowed to struggle and languish with old and outdated net fishing. The situation is such that the Sinhalese fishermen own over 2,500 multi day deep sea fishing vessels and they have been given all assistance to export their catch of tuna fish to European countries and they are the ones who use even the few fishing harbours in Tamil areas such as the one in Myliddy. There are hardly any multi-day boats with the Tamils. This has naturally led to complaints by the Tamil fishermen that the few fishing harbours in the Tamil region are meant to cater to the needs of the Sinhalese fishermen who carry on their fishing off the Tamil areas as well with security provided to them by the Sri Lankan Navy.

Hardly any investments have been made by the State to set up industries in the Tamil areas thereby depriving the people of these areas of any employment opportunities. Even those industries that existed prior to the armed conflict and got destroyed during the war are remaining in ruined state without any attempt being made by the State to revive them. There were many instances where initiatives taken by private individuals to set up industries in the Tamil areas were impeded and blocked by State officials. Even the efforts taken by the Chief Minister of the Northern Provincial Council to establish a Chief Minister's Fund to attract Foreign Direct Investment to promote investments and spur the economy of the region were thwarted by the Central Government by not giving the necessary approval.

### **3.9. Economic Sabotage**

The governments in power adopt an antagonistic attitude towards the Tamil farmers. The Tamil farmers cultivate a variety of vegetables and during their harvesting time the government imports these products from India thereby depressing their prices and thus depriving the Tamil farmers from obtaining reasonable profits for their toil.

### **3.10. Economic Embargo**

Embargos and Sanctions are designed to reduce the amount of resources available to the targeted opponent and have the potential to be an effective tool for bringing the opponent in a civil conflict to the negotiating table. Thus, there is reason to believe that sanctions can shorten the duration of civil conflicts. However, it is an accepted fact that once parties in a conflict have moved to the use of violence to settle their dispute, it is hard for sanctions to influence the outcome.

In the Sri Lankan context, it was very obvious that the sanctions were arbitrarily imposed against the Tamils while full scale war

was going on, as a collective punishment to the Tamils without any strategic objective for resorting to impose sanctions. All Tamils in the North and East were starved of food, medicine, electricity, petrol, diesel and kerosene oil and other essential items, thus crippling their very livelihood and continued existence and were made to undergo severe hardship . It was through their sheer ingenuity and improvisation that the Tamils managed to survive. Fishermen were shot and killed by the Sri Lankan Navy if found fishing anywhere in the sea. Despite the risk of getting killed, fishermen did coastal fishing and brought sufficient protein rich fish to enable the people to avoid not only starvation but even malnutrition. Despite the intermittent firing of shells from the numerous army camps, farmers used to work on their farms to have sufficient yields to feed the people inspite of some of them getting killed by artillery fire.

From a long term point of view, the single most important cause of the economic and social decline in Northern and Eastern Provinces was the economic embargo imposed by the Sri Lankan government between 1990 and 2001. The extent of the economic devastation and poverty of the conflict region due to the economic repression has been unbearable to the people.

### **3.11. Prevention of Terrorism Act (PTA)**

The Prevention of Terrorism Act of 1978 was first enacted as a temporary law in 1979 under J. R. Jayewardene Presidency, and then made permanent in 1982. It provides the police with broad powers to search, arrest, and detain suspects. It was under this law that many serious crimes against humanity were perpetrated by State officials on the Tamils, with impunity. The Act did not define acts of terrorism. This law was used by the State to commit many serious crimes against the Tamils. Any form of agitation against State's indiscretions against the Tamils earned the Tamils the nomenclature of Terrorists.

On the 13th of July 1979, President J. R. Jayawardene commissioned Mr. Tissa Weeretunga of the Sri Lankan Army to flush out “terrorism” in all its forms before the 31st December 1979. On the same night three youths were arrested in Jaffna by the police at mid-night. The dead bodies of two of them were found on the following morning by the Allaipiddy road side near the Pannai causeway. Both bodies showed bullet marks and other signs of torture. The body of the third person was never recovered. This was clearly violence unleashed by Presidential fiat. Since then numerous human rights violations have been committed on Tamils under the provisions of this draconian law.

It was during this time that the Tamil militancy was gaining ground and President J. R. Jayawardene adopted many undemocratic measures to curb the militancy without realising that his empowering the police and the army to indulge in uncontrolled use of excessive force against the Tamil youth without the restraining legal safeguards was in fact spurring the youth to arm themselves to defend themselves.

Even after fourteen years since the end of the fighting, the PTA is still in force despite international criticism of the law and is being used to arrest and hold people without charge or trial for months and even years at a stretch. Many PTA detainees have been tortured in custody, and others have been among those forcibly disappeared. Those released have suffered psychologically as well as physically. It is pertinent to note that confession made to Police Officers is not acceptable as evidence under our Law of Evidence. But the PTA accepted such evidence and convicted Tamil persons purely on their confessions made to Police Officers only.

### **3.12. Persecution of Tamils**

As we have already mentioned, once the Sinhalese political leaders gained control over the State under the Unitary

Constitution, they started implementing their long-term goal of using State power to persecute and marginalize the Tamils and make them feel unwanted in this country by harassing them in numerous ways and coercing them to flee the country, as was done to the Burger community after independence.

It was not only the Sinhala politicians in power and their armed forces who were indulging in the genocide of the Tamils. This abominable practice seeped down to many administrative officers in the public service. We quote an example here under from the book written by Neville Jayaweera, Government Agent of Jaffna from 1963 to 1966:

*"One of those citadels of power was the person of N. Q. Dias, the Permanent Secretary to the Ministry of Defence and External Affairs in the 1960s. .... more than any contemporary politician, it was Dias who, working behind the scenes and in the interstices, shaped the ethnic conflict in its early years."*

*"On my appointment as the new GA of Jaffna, in August, 1963, at a preliminary briefing, Prime Minister Mrs. Bandaranaike's Permanent Secretary Mr. N. Q. Dias instructed me to force "**confrontations**" upon the Tamil parties at every turn possible and to establish the government's "**absolute ascendancy over them in every crisis**"* (Jayaweera, 2014, p 31)

### **3.13. Ethnic Cleansing**

To achieve their sinister goal, the Sinhalese leaders started making elaborate plans to implement ethnic cleansing of Tamils from the outset, initially through state aided colonisation of the Tamil homeland with the Sinhalese, and followed it up with discriminations; pogroms; persecution of the Tamils and committed whatever possible crimes against humanity on Tamils, to terrorise and drive the Tamils away from the country as

refugees to other countries and make those Tamils remaining here, an insignificant minority in their own homeland.

### **Ethnic cleansing of Tamils from Sinhala South**

Initially, the Tamils living in the Sinhala South towns and villages were driven away to North and East through State assisted riots against the Tamils by killing many of them and destroying their properties commencing with the riots of 1956 and 1958.

The riots of 1977 and particularly the massive scale riots of 1983 all over the Sinhalese areas including the capital city of Colombo really affected and deeply upset all the Tamils. Thus the Sinhala South was cleansed of the Tamils to a major extent.

### **Uprooting of Tamils from their own Homeland**

Having cleansed the Sinhala South of the Tamils, the widespread uprooting of the Tamils from their very own homes and villages and towns in their own homeland was begun since 1983 with the setting up of numerous army camps in Tamil homeland and commencement of military operations. The indiscriminate bombings and shelling and the numerous military massacres in many Tamil villages and towns in the Tamil homeland killed many civilians in their homes and terrorised them to such an extent that people en masse started fleeing to neighbouring India and far away countries, many of them perishing on the way due to the dangerous journeys they undertook.

## **3.14. Remembrance of Martyrs and Civilian Victims Prevented**

All the liberation struggle martyrs and civilian victims are venerated and remembered by the Tamils to this day despite indecent attempts by the Government and its military to ban and deter these functions. The Government goes to great lengths, obtaining court orders to prohibit such remembrance functions



and intimidating the Tamil people with heavy army presence to disrupt the people at remembrance sites. Thus, Tamils are denied even their right to mourn and venerate their departed sons and daughters.

The ridiculous extent to which the SL Government goes to disrupt



these events can be realised from the way it disrupts the Annai Poopathy commemoration. Annai Poopathy was an ordinary humble Tamil civilian from Batticaloa. In order to impress upon the Indian Government the hardship needlessly imposed on the Tamils by their military actions and urging them to stop the military confrontation with the LTTE, she

started a fast unto death on 19th March 1988 at Mahmaangam Pillayar Temple in Batticaloa. Due to the indifference of the Indian Government she was allowed to continue her fast without taking any food and she attained martyrdom exactly one month later on 19th April 1988.

### **3.15. Tamil Quislings and Fifth Column**

The Sinhalese Political leaders, as part of their Tamil cleansing operations, from the inception, started cultivating and grooming a strong and dedicated team of Tamil quislings and fifth column to do their biddings and undermine the Tamils from within the Tamil community itself. They succeeded in this programme to such an extent that both in the political field as well as in armed operations these quislings were operating at a prominent level blatantly, with Government backing and protection.

Since the war ended some of these quislings have been rewarded with ministerial positions and high party positions by the

Rajapakse brothers, adding insult to injury to the vanquished Tamils. Again, flaunting these Tamil quislings and imputing that this is Tamil representation in the cabinet, clearly shows the reprehensible depths to which morality in politics in this country has descended. This also shows the contempt with which the Tamils in this country are being treated by the Sinhalese politicians.

### **3.16. Sowing discord between Tamils and Muslims**

In order to wean the Tamil speaking Muslim community away from the Tamils and to keep these two numerical minority communities disunited and at loggerheads, the Governments in power have done everything possible to achieve this divide and rule policy of theirs to keep both these communities weak and ineffective.

When the Sinhalese State was carrying on its military operations and massacres against the Tamils, the crafty Sinhalese leaders were shrewd enough to set many Muslims against the Tamils giving military training to many of them and using them to assist the Government forces against the Tamils in their military massacres and for spying on Tamils. Particularly in the Eastern Province, many youths of this ethnic group were recruited as home guards and were in the Government's pay.

Once the Government vanquished the Tamil liberation movement, the Sinhalese leaders have started oppressing this minority ethnic community to debilitate them too. It was some of these paramilitary men trained by the Government who carried out those big scale terrorist attacks on churches and tourist hotels in and around Colombo and in Batticaloa during the Easter Sunday prayers in 2019, killing and wounding hundreds of innocent worshippers and foreign tourists!

### **3.17. The double-edged sword**

Tragically, what the Sinhalese failed to take into account was that in the process of ill-treating the Tamils and destroying their assets and their livelihood and as a result of it, they would invariably ruin the country itself. Strangely, even now they are blissfully carrying on their anti Tamil rhetoric and Sinhalisation of the Tamil region at a hectic pace without giving serious consideration to address the grievances of the Tamils and thereby to save the country itself from ruin.

## **Chapter – 4**

# **Ethnic Cleansing of Tamils through Land Grabs of the Tamil Homeland**

The eagerness of the Sinhalese leaders to destroy the integrity of the homeland of the Tamils and thereby render the Tamils a minority in their own homeland became an obsession to them long before independence. In the biography of D. S. Senanayake by H. A. J. Hulugalle, it had been stated how, long before independence, D. S. Senanayake obtained the model of Jewish settlements planted in traditional Palestine territory in order to deprive the latter of their homeland.

### **Main Motive for the Land Grabs**

The motive for this obsession to grab Tamil's land was obviously two fold. The Sinhalese leaders wanted to change the demography of the Tamil homeland in favour of the Sinhalese and make the Tamils a minority everywhere in their own homeland without any place of refuge for them in this Island and also fragment and break the contiguity and integrity of the Tamil homeland. The second and equally vicious motive of theirs was to devalue the assertion of the Tamils that they are a Nation staking claim for their clearly identifiable homeland of historical habitation so that the Sinhalese can continue to keep the Tamils subjugated with their Unitary Constitution under ethnocratic rule and thereby deny the Tamils of their political rights and continue to obliterate them as a Nation. These are both components of their sadistic ethnic cleansing intentions abusing their authoritarian hold over the Ethnocratic State under the Unitary Constitution.

### **Use of Government Departments for land grabbing**

To implement their nefarious aim of land grabbing, the Sinhala Governments have been using various Government departments such as the Archaeology Department, Survey Department, Forest Department, Mahaveli Development Board, Land Commissioner Department etc with protection given by the Sinhala Army and Police.

### **Presidential Task Force for Archaeological Heritage Management**

In June 2020 President Gotabaya Rajapakse appointed a 11 member all-Sinhalese high powered Presidential Task Force for Archaeological Heritage Management in Eastern Sri Lanka to conduct archaeological site surveys in Eastern Province and recommend preservation measures.

The Task Force was to be chaired by Defence Ministry Secretary Major General (Rtd.) Kamal Gunaratne. The members of the Presidential Task Force included two members of the Buddhist clergy also.

No members from either the Tamil or Muslim community were named to the Task Force, even though they collectively make up over 70% of the Eastern Province's population.

Knowing the ethnic cleansing intentions of the Sinhalese leaders, the Tamils are very apprehensive that this is another attempt at converting Tamil lands into Sinhala Buddhist lands.

### **Tamil Buddhists**

It has to be pointed that Buddhism was received into this Island by the Tamils at a time when the Sinhala language had still not been born. It took almost thousand years for the Sinhalese language to be born mixing Pali to Tamil. There is conclusive evidence to

prove this point. Many Tamils had followed the Buddhist religion and there is conclusive evidence to prove this historical fact. Therefore, the sinister attempt of the Sinhalese to unearth these remnants of Tamil Buddhist relics and to claim that these are proof of Sinhalese Buddhist lands is wrong and malicious.

### **Intimidation by Sri Lankan Police**

Another disconcerting development in recent times is the intimidation and harassment by the Sri Lankan Police of the Tamil political leaders and their supporters who are in the forefront of demonstrations protesting against the remorseless construction of Buddhist viharas in Tamil areas where there are no Buddhists. In these incidents the police have been behaving in a high handed manner without following proper legal procedures to frighten and scare away the Tamils. It was the ubiquitous Terrorism Investigating Department (TID) police officials in civies who were interfering with the political meetings and then arresting the political leaders and their supporters, accusing them of preventing the police from performing their duties!

### **Buddhist Monks in the forefront**

Buddhist monks are deployed to be in the forefront of operations to remove Hindu idols and place Buddhist statues in Hindu Temples. Even Court orders are contemptuously defied by these Sinhalese marauders. In this country the Buddhist priests, right from the Mahanayakes openly endorse the oppression of the Tamils by the State. The high priests exert undue influence on the political leadership in a patronizing manner and intervene in matters of State policy. The ostentatious manner in which the political leaders pay obeisance to their Buddhist priests even in matters hurting the Tamils is a sad reflection on their observation of their noble religion. The involvement of the Buddhist priests in influencing politics in this country has been a major contributory factor for the racial disharmony in this country.

## **The Modus Operandi**

Ethnic cleansing of Tamils through land grabbing of their homeland is being carried out by the State in the following manner:

- (1) Colonisation of Tamil Homeland with Sinhalese**
- (2) Terrorising and expelling Tamils of entire Tamil villages by Military Means**
- (3) Destruction of Hindu Temples and construction of Buddhist Temples all over the Tamil heartland, and by**
- (4) Establishing High Security Zones around the numerous military camps all over The Tamil Homeland.**

### **4.1 State Sponsored Colonisation of Tamil Homeland with Sinhalese**

Don Stephen Senanayake held the post of Minister of Agriculture and Lands in the State Council in the Pan Sinhala Ministry appointed to assist the British colonial administration before independence and later when he became the Prime Minister after independence, he appointed his son Dudley Senanayake to the same post to ensure continuity of his settlement policy.

At the outset, D. S. Senanayake was the main master mind and architect of major Sinhala colonization schemes under the guise of Agricultural development, settling Sinhalese people in large numbers from the South of the country in traditional Tamil homeland to overwhelm the Tamils and make them minorities in their own homeland. In addition to distributing State owned land, infrastructure facilities including irrigation systems and road networks were also provided by the State at huge capital cost. Buddhist Temples were constructed and the settlers were provided with security by the police and the army. Thus, Tamil lands are being converted into Sinhalese towns and villages in a planned and systematic manner.

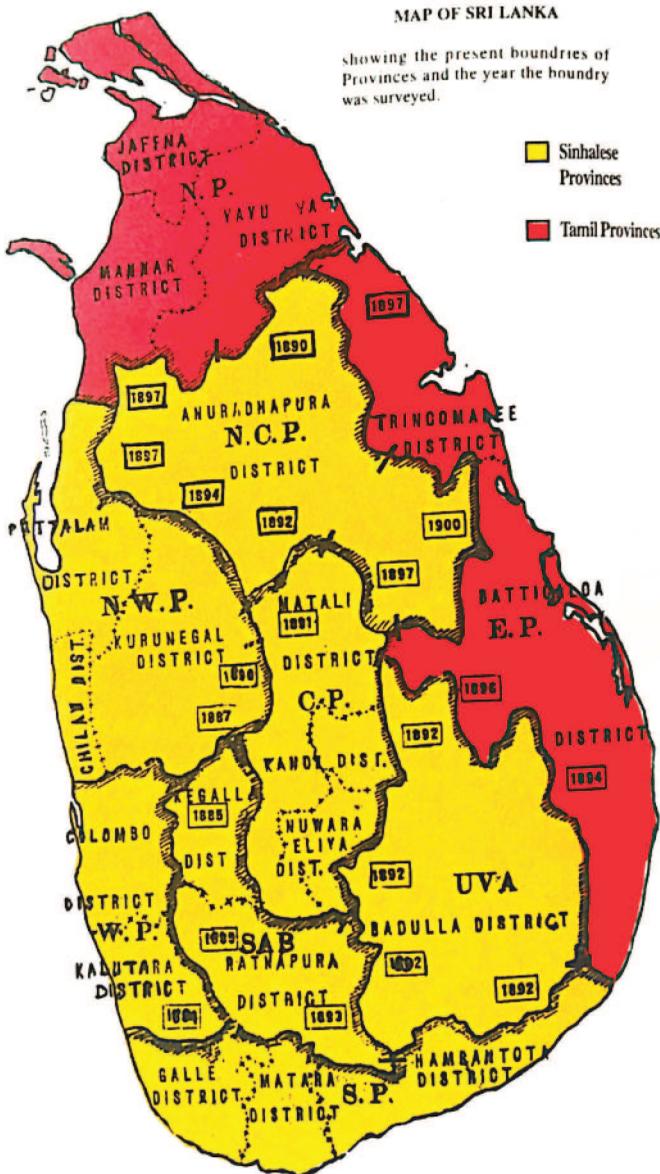


PLATE V The boundaries of the nine provinces and the year when the survey of the boundary was completed. (Based on the Map from *Land Maps and Surveys*, R.L. Brohier.)



The ominous land grabbing that was launched in the Eastern Province with the bifurcation of the Batticaloa District to populate the newly created Amparai District overwhelmingly with Sinhalese settlers in the early 1950s was continued into the Trincomalee district in the Eastern Province as well and into the other Districts of the Northern Province as well.

The Land Development Ordinance of 1935 and Crown Land Ordinance of 1947 defined the system of permits and grants to regulate individual's access to State land and provided a legal mechanism to implement colonization.

### **Sinhala ultra nationalist motive**

The Sinhala ultra nationalist motive underlying the colonisation schemes became apparent when Senanayake was addressing a crowd of settlers in Padaviya settlement. This was what he was quoted as having stated:

*“Today you are brought here and given a plot of land. You have been uprooted from your village. You are like a piece of driftwood in the ocean; but remember that one day the whole country will look up to you. The final battle for the Sinhala people will be fought on the plains of Padaviya. You are men and women who will carry this island's destiny on your shoulders. Those who are attempting to divide this country will have to reckon with you. The country may forget you for a few years, but one day very soon they will look up to you as the last bastion of the Sinhala.”*

These sentiments expressed by Mr. Senanayake clearly shows that he very well knew that the colonisation schemes that he was carrying out were bound to hurt the Tamils so badly that they would be left with no options but to take up arms at some time in the future to defend their territory.

Despite the cleverly hidden anti-Tamil rhetoric in his speech, he could not conceal the intention of the Sinhala ruling class to drive the Tamils out while providing a glimpse into strategic thinking that governed the entire colonisation drive. It was also clear that Senanayake was determined to carry on with colonisation scheme on a massive scale so as to terribly weaken and demolish the Tamils as a Nation and make the Sinhalese impregnable.

The Tamil leadership realised the impending danger of colonisation as a calculated policy of confiscating the traditional homeland of the Tamils and change the demography of the region in favour of the Sinhalese. While submitting their proposals for the constitutional reforms to the Soulbury Commission, the Tamil leaders pointed out the preferential treatment meted out to the new Sinhala settlers in the Eastern Province and marginalising the native Tamil population who had been living in the area.

The rising number of Sinhala colonisation in the predominantly Tamil East compelled the Tamil Federal Party to move a resolution during their Fourth Annual Convention held in August, 1956 stating that “the colonisation policy pursued by successive Governments since 1947 of planting Sinhalese population in the traditional homeland of the Tamil speaking people is calculated to overwhelm and crush the Tamil speaking people in their own national areas” and called for “immediate cessation of colonising the traditionally Tamil speaking areas with Sinhalese people.”

### **Sinhala settlers indoctrinated with anti-Tamil sentiments**

The planned settlements were also used to whip up the ultra Sinhala nationalist sentiments as it was interpreted as a move to regain their alleged ancient Sinhala glory. But the newly arrived Sinhala settlers were already indoctrinated with anti-Tamil sentiments which dominated the political discourse behind the colonisation schemes. Therefore, it didn't come as a surprise when these settlers actively participated in rape, massacres and other forms of

violence against the Tamils when the first anti Tamil riots broke out in June 1956 killing over 150 Tamil civilians. But it was just the starting point. Since then, the participation of Sinhala settlers in anti Tamil violence became a permanent feature particularly against the Tamils in the Eastern Province and elsewhere in the country.

The geographical locations for prioritising colonisation schemes were tactically chosen to lay a wedge between strategically crucial areas interlinking the Tamil homeland between Amparai, Batticola, Trincomalee in the East and the Wannu region in the North.

Every time a Tamil village was taken up for colonisation with Sinhalese, the Tamil names of the places were changed into a directly translated Sinhalese names and the village renamed accordingly.

#### ***4.1.1. Tamils in the Eastern Province***

**So far, Tamils in the Eastern Province are the worst affected by the State sponsored colonisation of Tamils' land with Sinhalese. They have lost two-third of their land mass to Sinhalese** and have been reduced to a numerical minority from 75.65% in 1827 to 41.90 % in 1981. Today, the figure must be much less. More importantly, the geographical contiguity of North and East has been severed. This was a deliberate strategic move to weaken the demand for a re-merger of the North and East that would constitute a single politico-economic entity as it existed prior to the bifurcation of the Jaffna kingdom into the Northern and Eastern provinces by the colonial British Government.

According to the 1921 census, the Sinhalese were 3% of the population in the Trincomalee District and 4.5% in the combined Batticaloa and Ampara District. The Sinhalese were less than 4% in the whole of Eastern Province.

The following tabulation shows the population details in the three administrative districts of the Eastern Province vide 2012 census:

<b>District</b>		<b>DS Divisions</b>	<b>GN Divisions</b>	<b>Total Area (km<sup>2</sup>)</b>	<b>Population (2012 Census)</b>					
					<b>Sri Lankan Tamils</b>	<b>Sri Lankan Moors</b>	<b>Sinhalese</b>	<b>Indian Tamils</b>	<b>Others</b>	<b>Total</b>
<u>Amparai</u>		20	507	4,415	112,750 17.39%	282,484 43.59%	251,018 38.73%	165	1,640	<b>648,057</b>
					381,285 72.60%	133,844 25.48%	6,127 1.16%	1,015	2,871	<b>525,142</b>
<u>Trincomalee</u>		11	230	2,727	115,549 30.55%	152,854 40.41%	101,991 26.97%	6,531	1,257	<b>378,182</b>
					<b>609,584</b>	<b>569,182</b>	<b>359,136</b>	<b>7,711</b>	<b>5,768</b>	<b>1,551,381</b>
<b>Total</b>		<b>45</b>	<b>1,085</b>	<b>9,996</b>						

#### ***4.1.1 (a) Batticaloa District***

The Batticaloa District suffered a major dismemberment in 1961 when it was bifurcated into two districts with the creation of the new Amparai district, loosing a major landmass of 1,775 sq. miles to the new Amparai district and the truncated Batticaloa district remaining with only 1,048 sq. miles. This new district was carved out of the Southern part of Batticaloa District for intensive Sinhalese colonisation and the new district of Amparai has since then been administered as a Sinhala District. Thus, a major portion of the Tamil Batticaloa District was detached to form a Sinhala majority District.

All the Batticaloa Tamils who found themselves in the new Amparai District underwent the terrible trauma of having to deal with the Sinhalese administrative officers and to live in the midst of the hostile colonised Sinhalese whose numbers were ever increasing with repeated influx through colonisations. These Tamils lost the safety of living in the Tamil dominated Batticaloa District and became minorities in the new district as time went on and were subjected to violent attacks and many of them got murdered during the many race riots against the Tamils.

An entirely new electorate called Amparai (now called Digamadulla) was also created for the Sinhalese colonists on the recommendation of the Delimitation Commission.

**Population of Batticaloa District by ethnic groups 1921 to 2012.**

Year	Tamilis		Moors		Sinhalese		Others		Total No.
	No.	%	No.	%	No.	%	No.	%	
	1921 Census	84,665	53.35%	63,146	39.79%	7,243	4.56%	3,655	
1946 Census	102,264	50.33%	85,805	42.23%	11,850	5.83%	3,267	1.61%	203,186
1953 Census	130,381	48.20%	106,706	39.45%	31,174	11.52%	2,232	0.83%	270,493
1963 Census (After bifurcation)	141,110	71.93%	46,038	23.47%	6,715	3.42%	2,326	1.19%	196,189
1971 Census	181,527	70.71%	60,889	23.72%	11,548	4.50%	2,757	1.07%	256,721
1981 Census	237,787	71.98%	78,829	23.86%	11,255	3.41%	2,462	0.75%	330,333
2012 Census	382,300	72.80%	133,844	25.49%	6,127	1.17%	2,871	0.55%	525,142

### ***Gal Oya Colonization Scheme***

The first major colonisation scheme was in the [Gal Oya Valley](#) in the [Batticaloa District](#) in 1952. Gal Oya originally called the Paddippalai Aru in Tamil in the Batticaloa district in the East is a 108 km (67 mi) long river, in South East Sri Lanka. It begins in the hills east of Badulla and flows northeast, emptying into the Indian Ocean, south of Kalmunai.

The river was dammed in 1948 as part of the Gal Oya scheme. The dam created the largest reservoir in Sri Lanka, at Bintenne.

The Gal Oya project resulted in the formation of the 100,000 acre Gal Oya basin. In addition to downstream irrigation, water from the reservoir is also used to power the Inginiyagala Power Station, a hydroelectric power station located immediately downstream of the dam.

Gal Oya Development Board spent a staggering US 67.2 million dollars to build the infrastructure and settle the Sinhalese colonists. Gal Oya scheme covered 120,000 acres and a total of 40 colonies were established each consisting of 150 families. A single family was given 3 acres of paddy land and 2 acres of highland with a dwelling house.

The River Valley Development Board, the successor to the Gal Oya Board, without any notice or compensation to the Tamil/Muslim cultivators who held LDO Permits in Kantalai, handed over the whole area to the Sugar Corporation. The land taken over from the Tamils/ Muslims proved a dismal failure for sugar cultivation. Later the Government settled Sinhalese brought from the South instead of giving the land back to the Tamils/Muslims who had earlier developed these lands on LDO Permits.

The Sri Lanka Sugar Corporation at Ingurana, the tile factory under the Ministry of Industries at Irrakkamam and the River Valley Development Board took over the fertile paddy fields of the Tamils/Muslims without any regard to the provisions of the law relating to acquisition of land. These lands were colonised with the Sinhalese in Trincomalee District.

The Sinhalese population in the undivided Batticaloa district in 1911 was only 4702. In 1921 it was 7, 243. But after the Gal Oya scheme was launched the Sinhalese population began to rise by leaps and bounds.

#### ***4.1.1 (b). Trincomalee District***

The Trincomalee town because of its strategic location, historical and religious significance to the Tamils, has been desired by Tamils to be the capital city of our homeland of the combined Northern & Eastern Provinces. During the short duration of the functioning of the Provincial Council of the Combined North East from 1989 to 2006, Trincomalee functioned as its capital. The natural harbour in Trincomalee is a world renowned harbour and adds to the importance of this town.

During the sixties and seventies many Sinhalese villages sprouted in and around Trincomalee town. Srimapura, Abayapura, Mihintapura, Pattispura were some of the Sinhalese villages thus created, often after driving the Tamils away. In 1984 Tamils living in China Bay and Kavathikuda were uprooted and Sinhalese took their places with the help of the Armed Forces. So too the Tamil people from Thennamarawadi, Koddiyara region were chased away by the Army. The Tamils' land at places like Thennamarawadi was forcibly appropriated and is being cultivated by the Sinhalese people from Pathavisiripura.



During the decade from 1953 to 1963 there were a number of State sponsored Sinhalese colonisations in the Trincomalle District such as in Kantalai, Seruvila, Kalmatiyawa, Mullipothanai etc. During the next decade colonisations took place at Pathavisiripura, Pankulam (Morawewa), Periyavilankulam (Mahadivulwewa). Also, the migrant fishermen from the South stayed permanently in the district at places like Sagarapura.

The people of Sampoor who got displaced during the disturbances were prevented from returning to their homes as this region was stated to have been reserved for an electricity generation project. So too, the people of Thennamaravaadi could not resettle in their land as their land had been appropriated by the Sinhalese people of Pathavisiripura. All attempts to reposses their lands have not succeeded yet. Trincomalee District has not seen a Tamil Government Agent since independence in 1948. District Land Officers posts are also filled by Sinhalese to ensure smooth implementation and accelerated colonization.

**Population of Trincomalee District by ethnic group 1921 to 2012**

Year Total	Tamils		Muslims		Sinhalese		others		
	Nos.	%	Nos.	%	Nos.	%	Nos.	%	
1921	18,580	54.47	12,846	37.66	1,501	4.40	1,185	3.47	34,112
1946	33,795	44.51	23,219	30.58	11,608	15.29	7,306	9.12	75,928
1953	37,517	44.71	28,616	34.10	15,296	18.23	2,488	2.96	83,917
1963	54,452	39.30	40,775	29.43	39,925	28.82	3,401	2.45	138,553
1971	71,749	38.11	59,924	31.83	54,744	29.18	1,825	0.97	188,242
1981	93,132	36.39	75,039	29.32	85,503	33.41	2,274	0.89	255,948
2012	122,080	32.29	152,859	40.40	101,991	26.97	1,252	0.30	378,182

**Source:** Department of Census and Statistics, Sri Lanka (web).

It can be seen that the Tamils who represented 54.47 per cent of the Population in Trincomalee in 1921 are only 32.29 per cent in 2012 and are continuing to dwindle. Whereas, the Sinhalese population had galloped to 33.41 per cent during this period from being only 4.40 per cent in 1921.

***Allai Kantalai Colonisation Scheme***

The next colonisation scheme was at Kanthalai (Kantale) tank where Sinhalese from outside of the Trincomalee District were settled in the then Tamil dominant village of Kanthalai (Kantale), 39 km south-west of the Trincomalee town. 77% of settlers were Sinhalese and the rest were Tamils and Muslims. Even these Tamils and Muslims were subsequently chased away during the ethnic riots.

Another colonisation scheme was at the areas surrounding the [Kantale Tank](#), 25 km south of Trincomalee town. 65% of settlers were Sinhalese and the rest were Muslims.

**Pathavik Kulam colonisation**

This colonisation scheme was extended to Tamil speaking areas of [Anuradhapura District](#) where another scheme was started at Pathavik Kulam ([Padaviya Tank](#)), 65 km north-east of

[Anuradhapura](#) town. Parts of this scheme lay in Trincomalee District but were administered by the Sinhalese majority [Anuradhapura District](#) Land Development Department.

***Muthali Kulam (Morawewa tank) colonisation***

In 1961 a colonisation scheme was started at Muthali Kulam (Morawewa tank), 24 km west of the Trincomalee town. Here again, this was for Sinhalese colonisation.

It had been reported that when the [Indian Peace Keeping Forces](#) were withdrawn in 1990, Tamils' homes in the suburbs of Trincomalee were occupied by Sinhalese settlers. Tens of thousands of Sinhalese were reported to have been brought in by the advancing Government Forces and made to occupy local villages and lands, denying resettlement to its original Tamil inhabitants who had earlier fled to the jungles due to the murder of Tamil civilians at the hands of the Sri Lankan Army.

***Periya Vilankulam (Mahadiulwewa) tank,***

In the 1980s, funded by aid received from the European Community, a colonisation scheme was started at Periya Vilankulam (Mahadiulwewa) tank, 30 km north-west of Trincomalee town.

***4.1.1. (c) Amparai District***

The land area and the population numbers of the Amparai District are the largest of the three districts in the Eastern Province. This district enjoys extensive irrigation facilities receiving plenty of water from both Galoya and Mahavali schemes and paddy is cultivated extensively. Although 63% of the people of this district are Tamil speaking Tamils and Muslims and 13 of the 20 DS divisions are overwhelmingly Tamil speaking due recognition had not been given to the Tamil language by the Sinhalese administration. It is for this reason that the Tamil speaking people

of Amparai have been demanding a separate District for this region though unsuccessfully.

In 1961, when the new Amparai District was created the Tamil speaking population of Tamils and Muslims jointly represented more than 70% of the District's population but still for the benefit of the Sinhalese the Kachcheri was located in Amparai town and administered in Sinhalese.

Through large scale colonisation schemes under the Galoya and Mahaveli C development schemes large number of Sinhalese were brought into this district and settled. The following table shows the ethnic composition of the District:

**Population of Amparai District by ethnic group 1953 to 2012**

Year	Population Nos.	Muslims %	Tamils %	Sinhalese %	Others %
1953	135,000	60.00	32.20	7.50	0.3
1963	211,820	46.60	23.80	29.30	0.3
1971	272,780	45.90	23.40	30.40	0.3
1981	388,786	41.60	20.40	37.80	0.3
2001	589,344	41.60	18.80	39.30	0.3
2012	649,402	43.40	17.40	38.90	0.3

It can be noticed that while the Tamils population declined from 32.20% in 1953 to only 17.40% of the total population in 2012 the Sinhalese population swelled from only 7.50% in 1953 to a staggering 38.90% in 2012. This was due to the massive scale Sinhalese colonisation in this former Batticaloa District before bifurcation (vide 4.1.1 (a) above).

#### ***4.1.2 Tamils in the Northern Province***

Compared to the Eastern Province there is heavy concentration of Tamils in the Northern Province as we shall show the population figures here under:

The Northern Province is divided into five [administrative districts](#), 33 [Divisional Secretary's Divisions](#) (DS Divisions) and 912 [Grama Niladhari](#) Divisions (GN Divisions).

<u>District</u>	<u>DS Divisions</u>	<u>GN Divisions</u>	<u>Total Area (km<sup>2</sup>)<sup>(1)</sup></u>	<b>Population (2012 Census)</b>					<u>Total</u>
				<u>Sri Lankan Tamil</u>	<u>Sri Lankan Moors</u>	<u>Sinhalese</u>	<u>Indian Tamil</u>	<u>Other</u>	
<u>Jaffna</u>	15	435	1,025	577,246 98.94%	2,139 0.37%	3,366 0.58%	499 0.08%	128 0.02%	<b>583,378</b>
<u>Kilinochchi</u>	4	95	1,279	109,528 97.03%	678 0.60%	962 0.85%	1,682 1.49%	25 0.02%	<b>112,875</b>
<u>Mannar</u>	5	153	1,996	80,568 81.34%	16,087 16.24%	1,961 1.98%	394 0.39%	41 0.04%	<b>99,051</b>
<u>Mullaitivu</u>	6	136	2,617	79,081 86.00%	1,760 1.91%	8,851 9.62%	2,182 2.37%	73 0.080	<b>91,947</b>
<u>Vavuniya</u>	4	102	1,967	141,269 82.36%	11,700 6.82%	17,191 10.02	1,292 0.75%	59 0.03%	<b>171,511</b>

#### ***4.1.2 (a) Jaffna District***

The main concentration of Tamils in Jaffna District live within the Jaffna Peninsula with a heavy preponderance of famous Temples and Churches, colleges and libraries and places of historical importance. The Jaffna peninsula is considered to be the cultural capital of the Tamils. Because of the high population, land is scarce and is in heavy demand for their living and their livelihood farming activities. Yet, the avaricious Sinhalese rulers with their evil intentions are going berserk in planting Sinhalese settlements in the midst of the heavily populated Jaffna District like at Navatkuli and constructing huge Buddhist structures with the help of the security provided by the Army in a number of places, abusing their hold on the State machinery.

#### ***Navatkuli - Sinhalese settlement in Tamil dominated Jaffna District***

Supported by the Sri Lankan government, Sinhala nationalist outfits and Buddhist monks from Colombo, including a group of 60 Sinhalese families from South Sri Lanka have settled in Navatkuli in the Tamil-majority Jaffna district.

The Tamils opposed Sinhalese settlements in the North on the grounds that they were politically motivated colonization programs meant to capture Tamil lands in the heart of Jaffna peninsula to plant Sinhalese. Initially, 60 Sinhalese families from various parts of South Lanka were brought in buses and housed temporarily at the disused railway station at Navatkuli, near Jaffna town. As the migrants had been promised Land and houses by the Government, 135 other families also made a beeline to Navatkuli. It must be remembered that most of the Tamils who occupied the Southern areas in Ceylon at the time of Independence were driven away during the several pogroms and riots staged against the Tamils to drive them out of Majority Sinhala areas. The second stage

in this process has been the housing of these migrants in predominantly Tamil areas. Third stage was land grabbing from the Tamil areas.

### ***Buddhist Stupa (Pagoda) built in Jaffna Peninsula***

Despite vehement opposition from local authorities and the Tamil people, foundation stone was laid to build a Buddhist Stupa in the forced Sinhalese settlement at Navatkuli near Jaffna town in May 2017.

This massive military sponsored Stupa was opened in March 2023 with religious ceremonies and attended by a large crowd of Sinhalese people and Buddhist monks brought from the south of the country and attended by many army personnel headed by Gen. Shavendra Silva.

This is another example of using religion to sow discord between the Tamils and Sinhalese and asserting the supremacy of the Sinhalese to hurt the Tamils.

Since the fall of the LTTE several settlement programmes have been initiated by the government that extends into the Northern Province.

### ***4.1.2 (b) Mannar District***

Several fishing colonies were built in the Mannar district and Muslim settlements were built in lands previously owned by Tamils who fled to India during the war.

The people from Kondachchikuda, Musali division of Mannar District, were forced to flee the area in 2007 to escape intense fighting. When they returned in 2009, they found that their huts had been destroyed and they were not allowed to return to their lands which were being occupied by both the SLA and SLN.

“The DS office has told us that 1500 families from the South will be settled here. The approximately 500 acres of land being cleared is our lands. We are being made to lose our inheritance,” they said.

The approximately 10,000 acres in Cheddikulam, that comprised the Menik Farm internal displacement camp (2009-2012), is now under military control. Twenty residents of this area, who have deeds that were given to them during the time of the British, have been evicted by the military, as they require the people's lands to expand their military camp.

#### ***4.1.1. (c) Mullaitivu District***

In the Northern Province, the Mullaitivu District which is the largest of all the five districts in land area and which is the Tamil agricultural and forested heartland of the Northern Province is being targeted for a massive landgrab starting with the Manal Aru (Weli Oya) colonisation scheme while continuing to grab lands in the other districts as well. Having been rendered numerical minorities in the Eastern Province through Sinhalese colonisations, Tamils face the alarming spectre that if they allow the land grabs to continue to overwhelm them in the Northern Province unchecked, that will be tantamount to having lost our statehood and our very existence as a People in this country for ever. Even our secure existence as minorities in this country will be threatened by the majority community. **It is in this dire situation that we are appealing to the international community to come to our rescue.**

Initially, Tamil farmers were settled in the Mullaitivu District with a few irrigation schemes having been started. However, the vulture like Sinhalese politicians started eying the Mullaitivu lands and started preparing plans to grab the Mullaitivu lands for the Sinhalese and destroy the Tamil identity of the Mullaitivu district.



The Mullaitivu District was the final theatre of the war from January to May 2009. People in this area have suffered multiple displacements and witnessed the worst of the fighting, particularly during the final phase. They were also the last to be released from the detention camps.

### **Manal Aru ([Weli Oya](#)) Scheme**

The massive Manal Aru ([Weli Oya](#)) scheme was really intended to break the back bone of the Tamil homeland and severely maul and dismember the Tamil homeland and convert it into a Sinhalese region with large scale colonisation. This was due to the use of the national ethnic ratio in selecting the settlers instead of districtwise population ratio. This procedure was against international law principles which give priority to the district population. This project covered the three Tamil districts of [Mullaitivu](#), Trincomalee, [Vavuniya](#) and Anuradhapura. Sinhalese people are being settled in lands that were in many places formerly populated by ethnic Tamils, giving land, money to build homes and security provided by the [Special Task Force](#). Although the scheme covered the three Tamil districts, administration was handled by the Anuradhapura district, which constituted a Sinhalese majority district.

It has been reported that Tamils were being ethnically cleansed in a hectic manner in the Mullaitivu district, and that this was being supplemented with the construction of Buddhist stupas and [Sinhalisation](#) of names of streets and places.

Manal Aru was the name of the area for over 2000 years. It was recently renamed Weli Oya in Sinhalese and the Government is trying to convey the impression that the original name of the area was Weli Oya and the Tamil name Manal aru is a recent one. It appears that the government is planning to give Sinhala names to many Tamil villages and impute that they are Sinhalese villages from ancient times.

Already, approximately 4000 registered Sinhala families have been settled in Manal Aru (Weli Oya), and there are plans to expand the 8 GS divisions to 20 by including Tamil villages.

### **Kokkuthuduwai**

Around 250-300 Tamil families from Kokkuthuduwai (Mullaitivu District) who were initially displaced from their lands in 1984 and were unable to return until 2012, are currently being denied permission to cultivate their paddy land on the grounds that they lack the proper title documentation. These families left their homes in 1984, to escape fighting between government forces and the LTTE. Since then they have been unable to return to their lands and eventually dispersed to other areas in Mullaitivu and Jaffna. They were finally held in the Menik Farm camp and were only able to return home in 2012. In 1990 when they were permitted to visit their lands in Munderayankulam (Janakapuram), they found that Sinhalese farmers had settled there and were cultivating their lands. “Before we were evicted in the 80's we built houses and planted coconut trees in our lands, but now we can't return to our homes,” said the villagers. Following their release from Menik Farm, residents returned to their land but were prevented from accessing their cultivation lands.

### **Karunatankerny**

Villagers of Karunatankerny (Mullaitivu District) share a similar story where a group of 20 Tamil farmers from their village who attempted to cultivate in their original lands, were turned away by the Mahaweli Development authorities, stating that their permits were no longer valid.

### **Accelerated Mahaweli Programme'**

In the 1977 parliamentary election, following their massive electoral victory the UNP announced a process of economic

liberalization and a six year development plan, instead of the 30 year plan which was proposed in the 60s. Though it was said that Mahaweli waters were being diverted to the North, no water from the Mahaweli has so far , even in 2024, has been taken to the North and Engineers say that Mahaweli water will never be diverted to the North owing to the topography of the land

With massive foreign funding the UNP government began the processes of the 'Accelerated Mahaweli Programme' which was based on water resources of Mahaweli River (the longest river in the country).

Four major dams were built, and around 390,000 acres of land were to be settled by around 140,000 families. According to official figures the state's six year plan was initially to settle around 700 000 individuals in the region. Mahaweli Master Plan identified 13 Systems in the Dry Zone to be developed as massive new settlements.

The ethnic composition of the settlers was almost exclusively Sinhalese with forced evictions of Tamils in many places. Apart from bringing in the Sinhala peasants and undesirable elements, under the Mahaweli scheme there was deliberate policy of forcibly chasing away the Tamil people who used to live in the areas that were designated as new settlements.

In 1988, 3364 Sinhalese families had been settled under Mahaweli System 'L'. It is reported that more than 13,000 Tamil families were evicted during the creation of the greater Mahaweli 'L' system. In December 2010, just over an year after the end of the armed conflict, the Director General of the Mahaweli Authority declared that under the Mahaweli Ganga Development Project 2,500 of these families had already been resettled and a total of 25,000 families would be settled in areas including Nedunkerny and Kebitigollawa, also of the Mahaweli 'L' system.

#### ***4.1.2. (d). Vavuniya District***

Vavuniya is the gateway to the Tamil Northern Province from the South of the country and the main high way the A-9 Kandy Jaffna road runs through Vavuniya. From early days pockets of the Vavuniya district particularly the border areas were encroached by Sinhalese settlers. Also, because of the influx of Sinhalese under the Paavatkulam (Padavia) colonization scheme, the government created a new Sinhalese AGA's division called Vavunia South by bifurcating the then existing Vavunia into two divisions.

#### **Paavatkulam Colonization Scheme**

The Paavatkulam Colonization Scheme was introduced in Vavunia District in 1956. At the beginning 595 Tamil families and 453 Sinhalese families were settled under this scheme. However, the Tamil families were later chased away and it is now a 100% Sinhalese colony.

#### **Rampaveddi Settlement**

In February, 2013 a settlement was created in **Rampaveddi** bordering the minor tank area of **Horowapothana** and a new settlement of approximately 2500 ethnic Sinhala families (about 6000 people) from the South were settled in the village of **Kokkachaankulam** and the Hindu temple in the village was **demolished and replaced with a Buddhist Stupa** and divided into new settlement villages renamed in Sinhala such as, **Bogaswewa 1 & 2, Namalgama, Nandimithragama, Selalihinigama** etc., located in the Vavuniya North DS division. The new settlement was inaugurated by Namal Rajapaksa, Member of Parliament and President Mahinda Rajapaksa's eldest son, a few Buddhist monks and facilitated by the military. This 3000 acre settlement is now unofficially referred to as "Namalgama". New Buddhist statues were constructed and a

Hindu Temple for Lord Vinayaka was demolished, without a trace.

## **Barathipuram Eviction**

Tamils in **Barathipuram** were evicted and a Muslim settlement was created in the area due to the large economic opportunities provided by an apparels factory that was built there.

## **Clearing jungle by the Military**

From December 2012 onwards, the military has been involved in clearing jungle lands in **Vavuniya South** and erecting small huts/sheds for new Sinhalese settlers, and providing other basic needs such as drinking water, food, jungle access routes, transportation and elephant fencing.

The villagers were also provided with 300 bicycles, mosquito nets and fishing nets for inland fishermen, and more than 1000 coconut plants.

Many wooden homes have been built to accommodate the Buddhist people being resettled in the area, by Sri Lanka Archaeology Department officials, Forest Department officials and hundreds of other workers.

This area has been marked as the border between the North-Central Province and the Northern Province. The ancient villages in the Vavuniya District of the Northern Province such as **Kachchal Samalankulam, Muthalikkulam, Ootrukulam** and **Kokachankulam** are located near this border.

## **Madukanda Settlement**

Madukanda was the first area to see large-scale settlement near Vavuniya and this has since expanded to surrounding areas such as Attambagaskada and Mamadu. Rapid Sinhala settlements and aggressive deforestation have taken place in the area since 2009.

This expansion project has been accelerated and entered the borders of the North-Central Province and spread across the Province. The settlements filled a part of the Province completely and in 2014, entered the final border of the Northern Province, Vavuniya North. Until mid-2019 it spread to Vedivaittakallu in North Vavuniya. A well-planned new Sinhala settlement spanning from North Anuradhapura to the Southern part of Vavuniya North has been established.

These areas fall within the Mahaweli 'L' zone – which was the name given by the Sri Lanka Mahaweli Authority to approve Sinhala settlements on Tamil lands across the North-East districts; including Mullaitivu, Trincomalee and Vavuniya with security provided by the Sri Lankan Special Task Force.

During the time of displacement, the area was occupied by the Sri Lankan military and over the past two years, the Sri Lankan Forest Department has prevented Tamil landowners from access to their own land while allowing hundreds of Sinhala settlers to use Tamil land for agriculture and building wooden huts as accommodation. The expansion of Sinhala settlers into these Tamil areas has been supported by numerous benefactors, including international philanthropists and the Sri Lankan government. The financial aid has been sent to 'protect existing Buddhist ruins' with Buddhist monks being supported and entrusted with setting up new temples and buildings and offered accommodation on the Tamils-owned land.

The ruins in these areas belong to the Tamils when many Tamils were Buddhists at a time when the Sinhala language was not born. Presently the Sinhalese are identifying Buddhist remains during the time of Tamil Buddhists as Sinhala areas and are trying to get a foothold in the Tamil areas deceitfully. (Vide Sinhala Book by Professor Sunil Ariyaratne under the heading Demala Baudaya)

## **Kokachankulam and Kachchal Samalankulam**

There were reports that about 400 Sinhalese families were being resettled in the Tamil village of **Kokachankulam** – which has now been renamed into the Sinhala name Bogaswewa.

Local Tamils have expressed concern and outrage after an area previously known as **Kachchal Samalankulam** in Vavuniya has become 'Sinhalesed' and has had its name changed to **Sapumalgaskada** and a signboard labelled 'Sapumalgaskada Archaeological Site' has been put up in the area.

## **Ootrukkulam**

A Buddha statue was erected hurriedly in the dense forests of Ootrukkulam of Vavuniya North Division of Vavuniya District and efforts are being made to establish a Sinhalese settlement in the area surrounding it. The Department of Agrarian Services, Department of Archeology, and Forest Department of the Central Government are providing full support to this scheme. Ministry of Agriculture of Anuradhapura District is conducting programmes in a place that falls under Vavuniya District.

## **Proposed Sugar Cane Plantation in Vavuniya**

The Government's latest proposal to lease out 72,000 acres of land in Vavuniya for sugar cane plantation and another 500 acres for a sugar factory to a Thailand based company of Chinese origin has come as shocking news to the Tamils. Shocking because, a similar proposal that came up for consideration of the Northern Provincial Council was rejected by the Council for a number of valid reasons and the primary reason for the rejection was due to the non availability of sufficient water resources in the proposed area for sugar cane cultivation which needs plenty of water. Tamils are reminded of the Kantalai fiasco where Tamils were uprooted from their lands for sugar cane cultivation and when the

land was found to be unsuitable for sugar cane cultivation instead of returning the lands to the former owners, Sinhalese people from far away places were brought in and settled on the land.

It is clear that the sugar cane proposal is a sinister ruse to colonise the land in the Vavuniya District with Sinhalese and convert the Tamil Vavuniya District into a Sinhalese majority District.

## **4.2 Terrorising and expelling Tamils of entire Tamil villages by Military means**

Since the military operations intensified since 1983, Tamils were killed en masse and terrorised and chased away from their homes and villages and Sinhalese people settled in their villages by the Sri Lankan armed forces.

In chapter 6.2.2 while describing some of the massacres inflicted on the Tamils, we have highlighted many incidents of forcible evictions by the Sri Lankan Army.

In Batticaloa district forcible evictions of Tamils from more than 24 villages have been reported and includes the villages of Mayilanthanai, Puluddumaanodai, Thaanthaamalai, Sinnavaththai, Vaakarai, Thoanithaaddamadu, Thiyaavaddavaan, Oamadiyaamadu, Kannapuram 35th colony, Valaiyiravu, Saththurukkondaan, Vellaamaichcheanai, Pullumalai, Vadamunai, Kokkaddichoalai, Makizhadiththeevu, and other villages including Veeramunai, Thangkavealaayuthapuram, Karavaahu, Thiraaykkeani, Udumpankulam in Ampaarai district.

### ***4.2.1 Mahaweli Authority Act under accelerated Mahaweli Programme***

To legalize Sinhala colonization the State devised an administrative unit to control, regulate and utilize the land and water which were designated under the Mahaweli Project. In 1979 the Mahaweli Authority Act No.23 was passed, which



declared that the land within the designated area of the Mahaweli project was declared property of the State and the MASL Director General was empowered to determine use of the land. This mechanism enabled the Minister of Mahaweli to alienate land from Tamils and Muslims and to settle Sinhala colonists.

#### ***4.2.2 Military cracked down on Tamil rehabilitation process***

As a result of the anti-Tamil pogroms of 1977 and 1981 in the hill country Tea Plantation areas, a substantial amount of Plantation Tamils were driven out of their homes and land in southern, central and eastern Sri Lanka. To accommodate the tens of thousands of refugees, Tamils of North and East organized some form of rehabilitation. Some leading Tamil social activists took the lead in forming an NGO which became known as the Gandhiyam Movement which got involved in settling 80,000 Tamil victims from the central highlands, in areas within Vauvuniya district in the North.

During the Mahaweli scheme the military cracked down on the Tamil rehabilitation process brutalizing the resettled Tamils which resulted in the coerced expulsion of Tamils from the area.

The then Minister for National Security Lalith Athulathumudali was notorious for his involvement in the militarization and colonization of the Mahaweli region exclusively with Sinhalese. He was said to have been responsible for deploying military raids to drive away Tamils living in the areas designated for colonization. He was also responsible for the systematic arming of Sinhala settlers and “illegal” colonizers as vigilantes and home guards.

### ***4.2.3 Commercial Farms of Tamils overrun by Sinhalese***

By 1985 it was reported that Tamils living in the ancient Tamil village of Thennamaravady in the Trincomalee district had also been driven out. The agricultural lands were either held by Tamil villagers or leased to Tamil individuals or business establishments. There were 16 commercial farms in the areas holding 1000 acres each and run by Tamils such as the Navalar Farm, Kent Farm, Dollar Farm, Ceylon Theatres Farm, Railway Group Farm and Postmaster Group Farm. Many of the Plantation Tamils affected by the 1977 anti Tamil pogroms in the central highland were settled in the Kent and Dollar farms. The deliberate and coordinated attacks on the Tamil villages and settlers began in the aftermath of the 1983 pogrom. On September 1st 1983, led by a Buddhist Monk and facilitated by the Mahaweli Authority of Sri Lanka (MASL) five thousand Sinhalese were transported into the Batticaloa district. The Sinhala colonists later increased to forty thousand. They proceeded to the areas designated for System B system (Madu Oya) and forcefully drove away local Tamil and Muslim Villagers who were settled in the Vadamunai area.

In May 1984, alleging the Tamils were terrorists the Superintendent of Police in Vavuniya Arthur Herath raided and drove away the residents of Kent and Dollar Farms. Subsequently Sinhala ex-convicts and prisoners were settled there and armed. In December 1984 the Sri Lankan army arrived attacking and announcing that several villages were to vacate within 24 hours. Entire villages in the region such as Kokkilai, Kokkuthuduvai, Karnaddu kerni and Koddai Keri amongst others were ordered to vacate within a day's time.

### **4.3 Destruction of Hindu Temples and Construction of Buddhist Temples all over the Tamil Heartland.**

Since May 2009, with an ulterior motive to stake their claim for the Tamils' land by showing that the Tamil homeland has been a Sinhala Buddhist land earlier, the Government started destroying Hindu Temples and constructing Buddha statues under the guise of re-establishing ancient Buddhist shrines involving the Archaeology Department.

This was being done in an aggressive manner particularly in the Tamil heartland of Trincomalee and Mullaitivu districts and now extended to the Northern Province as well despite vehement opposition of the Tamil residents of such areas and by their political leaders.

Since the end of the war in May 2009, instead of reforming the Constitution to concede the Tamils' political rights and bring about reconciliation and normalcy in this country, the senseless Sinhalese politicians are behaving irrationally and are indulging in constructing numerous prominent Buddhist temples in Tamil heartland using their military for their protection and to intimidate and insult the Tamils.

Worse still is their indulgence in destroying long standing Hindu Temples and installing Buddha statues in such holy worshipping places of the Hindu Tamils. The State is using the Archaeology Department, Survey Department, the Police and the Army and many members of the Buddhist clergy in these nefarious activities abusing their hold on the State.

*A dangerous situation is being created in the country by some irresponsible Buddhist priests and ultra Sinhalese fanatics by provoking anti Tamil racial feelings among the Sinhalese masses*

*endangering the prevailing inter racial amity in the country based on this Tamil Buddhist sites issue. The Governments failure to curb these anti Tamil activities in the bud can cause great harm to the country which is already struggling to cope with the economic disaster.*

### **4.3.1 Kurunthur Malai Aathi Sivan Temple**

This is a place of worship of Tamil Buddhists in ancient times and over the years as most Tamils started embracing the Hindu religion this became a Hindu Temple and for many years this site has remained a Hindu Temple of the Tamils who occupied all the lands around this Temple which is in the Tamil dominated Northern Province. A few decades ago this place was gazetted as a place of Archaeological importance.

The Sinhalese Politicians in their anxiety to populate Sinhalese in Tamil lands started claiming this place as a Sinhala Buddhist



Archaeological site. They started intimidating the Tamils and through thuggery removed the Hindu idols from this Temple and

placed a Buddha Statue and started laying the foundations to build a Buddha Vihara.

There was a tense situation recently in Mullaitivu after locals were angered by police inaction against the attempt to build a Buddhist vihara by a group of Sinhala people, including Buddhist monks. The group were caught by locals and handed over to Oddusuddan police. Despite a pledge to ensure that the suspects would be produced before court, the police later released the monks.

It had been stated that despite an agreement having been reached with the Mullaitivu Magistrate's Court, the Department of Archaeology along with State Minister Vithura Wickramanayaka, removed some Hindu idols at the Kurunthur Malai Athi Sivan Temple and installed a Buddhist statue.

The case AR/673/18 related to Kurundurmalai, was taken up in the Mullaitivu Magistrate's Court in the presence of Magistrate R.Saravananaraja. In violation of two orders already issued by the court prohibiting any construction work, the construction of the Buddhist temple in Kurundurmalai was continued vigorously in contempt of the court orders. The construction work of the Buddhist temple is said to be nearing completion now.

This illegal construction of the Buddha Vihara despite a court order prohibiting such construction is a glaring example that even the courts of law cannot enforce law and order that favours the Tamils in the Tamil region and that the Sinhalese politicians and the Bhikkus openly defy and disrespect the courts to grab Tamil lands.

This Problem was brought to the notice of the President of the country Ranil Wickremasinghe in June 2023 by the Tamil National Alliance party leaders at their meeting with the

President. The President cunningly managed to placate the Tamil leaders and also the international community by conceding that this site belonged to the Tamil Buddhists, an acceptance by a Sinhalese leader of the fact that Tamil Buddhists did exist in this Island. But then he foxed the Tamils and the international community by declaring the very next day that 300 acres around this Temple were to be State land thereby denying the Tamils who cultivated the lands around the Temple the right to use the lands, paving the way for Sinhalese colonisation of the region in the future. This is how the Tamils are continued to be robbed of their lands by the Sinhalese rulers.

Recently Magistrate R. Saravanaraja paid an official visit to the site with his officials. In the course of his discussions with his officials Admiral Sarath Weerasekera M. P who was there at the scene had tried to express his views about the construction. The Magistrate did not permit his interference in the official court field proceedings and the M.P left the scene. Back in Colombo, Sarath Weerasekera M.P. in Parliament had referred to the said incident in a derogatory manner casting racial aspersions to demean the Magistrate. Such irresponsible behaviour of a Sinhalese Parliamentarian and a former senior Navy Officer depicts the deplorable mentality of the Sinhalese politicians who keep on inciting racial and religious disharmony.

All this caused the fleeing of Magistrate R. Saravanarajah from the country after resigning his judicial office.

#### ***4.3.2 Neeraaviyadi Pillayar Temple in Mullaitheevu***

The Neeraviyady Pillayar Temple at Chemmalai Mullaitivu is an ancient Hindu temple which has existed for several centuries.

In 2013, a Sinhala Buddhist monk from Maradana, Colombo, with the help of the Sri Lankan army had set up a hut on the temple's

land and had taken up residence there. Soon, the monk started construction of a large Buddha statue directly encroaching the Pillaiyaar Kovil.



A gazette notification soon followed, declaring the land as archaeological premises, allowing the monk to begin setting up a Buddhist vihara, ignoring the fierce opposition of locals campaigning to preserve the Hindu temple. Despite protests from the local population a large Buddha statue had been installed with parapet walls constructed for the premises. Locals point out that there are no Buddhists residing in the area for a Vihara to serve.

The Tamil language sign indicating the Hindu temple had also been destroyed and replaced with a Sinhala sign. The people living in this area are exclusively Tamil people mostly Hindus.

This Buddhist Monk died in Colombo some time ago and his body was taken to Mullaitivu to be cremated within the premises of the said Neeraviyady Pillayar Temple.

This matter was brought to the notice of the Court at Mullaitivu and an order was made by Court on the 22nd September 2019, prohibiting the corpse of the Buddhist Monk being cremated within the Temple premises.

On 23rd of September, after due inquiry a further order was made by the Court prohibiting the corpse to be cremated within the premises of the Temple. In terms of the Court order the cremation was to take place at an alternate site nearby.

Despite the said Court order the corpse was cremated in close proximity to the “Theerthakerni”/Tank in the Temple premises desecrating the Holy water. Hindus do not even enter a Hindu Temple and its premises for at least a month after the death of their next of kin.

The Police were present at the site and instead of assisting to implement the order of the Court, they were seen to be facilitating the actions of the persons who were attempting to cremate the corpse of the Monk within the temple premises in contravention of the court order.

The above incident typifies the contemptuous manner in which even legal protection given by Courts are denied to the Tamils with impunity. The purpose of the continued presence of the





Military in the North and East in such large numbers could be gauged from these incidents. Would such high-handed action by normal Sinhalese from the South been possible if the Military were not stationed in the North and East?

#### ***4.3.3 Vedukkunari Aathilingeswarar Temple, Nedunkerni***

Adhilingeswarar temple is situated on Vedukunari hill in Nedungeni area of Vavunia district. Efforts are being made to convert this longstanding Hindu Temple called the Vedukunarialai Adilingeswarar Temple into a Buddhist archaeological site by some Sinhalese with State backing.

It has been revealed that the said area has been registered as a Buddhist temple declaring that it belongs to the Buddhist Sinhalese.

It is in this background that all the idols in the Adilingeswarar temple have been damaged and the Shiva lingam placed on the top of the hill had been removed and thrown into the nearby bush and the other temple idols were either stolen or damaged.

The villagers have complained that the Department of Antiquities and Nedungeni Police had created various obstacles to the Hindu devotees to worship at Vedukunari Hill.

Local residents including political and religious leaders, gathered outside the Vavuniya North Divisional Secretariat with placards questioning the Archaeology Department's intentions in attempting to bring the Olumadu – Vedukkunari Malai Athi Sivan temple under its control.

#### ***4.3.4 Vedi Arasan Fortresses in Neduntheevu***

The locals of Neduntheevu, Delft have complained about the heightened illegal occupation efforts by Buddhist monks and the

Archaeology Department - in particular the encroachment of the Vedi Arasan fortress in the Neduntheevu area.

The Department and the Buddhist monks not only surveyed the area, but also filmed the fortress and its surrounding environment with a drone camera.

These actions have raised doubts as to whether it is being attempted to portray Vedi Arasan fortress as a Buddhist symbol and increasing fears of an imminent colonisation process in Neduntheevu by the Sinhalese. It is also feared that a Buddhist shrine would be erected in Neduntheevu in an attempt to further 'Sinhalese' the Tamil homeland. This reflects a growing trend of colonisation and occupation across the Tamil homeland by Sinhalese with the support of the Sri Lankan State and active assistance by the military.

#### ***4.3.5 Malayadi Pillaiyar Temple in Muthur, Trincomalee***

A Buddhist temple is being constructed around the land that belongs to the Malayadi Pillaiyar Temple, in Muttur, Trincomalee, with the assistance of the Sri Lankan army and Naval forces.

In December 2021, a group of Buddhist monks placed and consecrated a Buddha statue surreptitiously at night. The following day, locals in the vicinity of the Pillaiyar temple protested against the consecration of the statue, which led to the Muttur Police removing the statue on the very same day of the protest.

Despite the ongoing protests, another Buddha statue was once again erected in the vicinity of the Pillaiyar temple, with the assistance of the Army, Navy, and the Police. Following this incident, the construction of a Buddhist temple atop one of the surrounding mountains began. Construction has been conducted day and night by the Army and the Navy.

Additionally, lands surrounding the Pillaiyar temple that belongs to the Muslim and Tamil community have also been occupied for the use of the Buddhist temple with the assistance of the Survey Department. Locals continue to protest the construction of the Buddhist temple.

The Malaiyadi Pillaiyar Temple has been a site of worship for Hindus living around the area, and also is frequently used by the public that travel through the Trincomalee - Batticaloa highway.

#### ***4.3.6 Thaiyiddy, Myliddy in Vali North***

The occupying Sri Lankan military is nearing completion of a structure which seems to be a Buddhist temple at a privately owned land in Thaiyiddy, Vali North, a location which the Sri Lankan army has been occupying for the last 28 years.

During a coordinating committee meeting, the Vali-North Pradeshiya Sabha (the local elected authority) opposed the construction of the Buddhist structure and consequently did not give permission to continue with the project.

A litigation challenge is pending in court, challenging the legality of the construction. Nonetheless, Army Commander Shavendra Silva visited the construction site and laid the foundation stone for the Buddhist temple two years ago. Now, in the face of severe opposition from Tamils and their political leaders for building a prominent 100ft high dagoba that has been built without obtaining normal legal approval in the Tamil heartland and consecration performed, the Army Commander is justifying the project stating that it is for Army use. This is another glaring example and attempt of the Sinhalese rulers' covert agenda to portray the Tamils homeland as a Sinhala Buddhist region. All areas of Tamil Buddhists' residences centuries ago, are being portrayed as Sinhala Buddhist areas. The Sinhala language was not even born

at the time Tamil Buddhists lived in these areas. The Sinhala language came into being only in the 6<sup>th</sup> and 7<sup>th</sup> Centuries AD.

#### **4.4 Establishing High Security Zones around the numerous Military Camps all over the Tamil Homeland.**

To coordinate military assistance during colonization efforts, the government institutionalized the Joint Security Service Operation (JOSSOP) and based it in Vavuniya. The JOSSOP was in fact a military command delegated with power to oversee security and allied affairs in the Tamil districts of Vavuniya, Mannar, Mullaitivu and Trincomalee. Jaffna has a separate command.

As a result of this, much overt methods were employed instead of covert operations concealed as developmental projects. Hence, to avail of armed protection, the reliance on military designated High Security Zones (HSZ) was seen as the best option to acquire vast tracts of land belonging to the Tamils. Throughout the 1980s and 1990s, the advancement of the militarization of the North-East was characterized by the central role of the armed forces in bolstering land alienation from the Tamils and implementing Sinhala colonization.

But by 80s, the State became more and more dependent on its military might to occupy Tamil lands and the coordination between the Government Ministries and the Armed Forces became an institutionalized practice. This was commonly used under the Mahaweli project. Manal Aru was cleared of its Tamil villages and converted into a military garrison town with army cantonments, auxiliary forces and armed settlers and named Weli Oya. The Mahaweli plan was followed by a Government devised strategy of declaring vast areas as military High Security Zones (HSZ) to facilitate the military acquisition of Tamil land.

The HSZ dispossessed the original owners of their land and water resources denying all civilian access to their lands. Those “trespassing” could be subjected to detention, fines or even shot at.

The first HSZ was deployed in Jaffna district, in which the area known as Valikamam HSZ is the largest.

The special Gazette notification issued on 08.06.1999 under Article 5 of the Land Acquisition Act declared that the government would acquire a further 217,365 hectares for the Valikamam HSZ. On the very day the army arrived with bulldozers razing houses to the ground and displacing those who were still remaining. The practice of establishing and running the HSZ has continued throughout the Tamil homeland even today, over 14 years since the official end of the war. It has since the 1990s constituted the government's prime mode of land alienation in the Tamil Homeland. The Tamils rendered as IDP' in 1990 due to the Valikamam HSZ are still denied access to their lands despite over 2000 cases filed in the courts.

## **Chapter – 5**

### **Civilian Trauma during and after the Armed Struggle Era**

When all the entreats and non-violent agitations of the Tamils for a Federal Constitution were rebuffed with repeated violence against the Tamils by the intolerant Sinhalese leaders through periodical pogroms to cow them down, encouraged by the 1976 Vaddukkoddai resolution of the Tamil political leadership to establish a separate State for the Tamils and based on the Tamil people's mandate given at the 1977 General Election to establish a Tamil State by exercising their right of Self-Determination, Tamil youth took up to arms. They started their armed liberation struggle to combat State terrorism and to regain Tamils' political rights by re-establishing their former separate Tamil State. Undoubtedly, the massive scale genocidal killing of Tamils during the State assisted riots of July 1983 against the Tamils must have been a major contributory factor for propelling the launching of the armed liberation struggle by the Tamil youth. Some of the many hardships and privation inflicted on the Tamils by the State during this period are mentioned in this chapter.

#### **5.1. Internally Displaced People (IDPs)**

During the course of the nearly thirty years of prolonged military operations and war of attrition of Tamils in the North and East, a number of Sri Lankan army camps proliferated at a hectic pace in the midst of the civilian dwellings. Large extents of lands were thus appropriated by the military, encompassing a number of entire villages in some instances to set up army camps. This resulted in large number of Tamil families getting uprooted from their homes and becoming Internally Displaced People (IDPs). Tragically, the environs of lands taken over, up to the motor shell range became no man's lands and uninhabitable.

Adequate alternate arrangements were not made by the State to properly rehabilitate these unfortunate IDPs. Some of these people managed to reach many foreign countries as refugees undergoing severe hardships. Many of them have been continuing to languish under pathetic conditions internally. Now, more than fourteen years after the war has ended, large extents of lands are still under army control. In many instances, the army is trying to grab more lands around their camps to set up settlements to accommodate their families and to build Buddhist Temples, thereby keeping the affected Tamils eternally displaced.

## **5.2. Unexploded Ordnance (UXO)**

The war has left large extents of lands in the Northern and Eastern provinces heavily contaminated by mines and unexploded ordnance (UXO). This became a major impediment to the civilians during war time and since the war ended for resettlement of hundreds of thousands of IDPS. These lands represented residential properties, agricultural & forested lands on which all these IDPS were dependant for their livelihood; food, firewood and building materials. And these mines had a devastating impact on them. There were a number of instances where people lost their limbs or their lives. It was the benevolent financial and technical assistance given by countries like Canada, UK and the USA for the mine clearing programme that helped many languishing forlorn Tamils to get resettled gradually, after prolonged periods of unsettled miserable lives as IDPs.

## **5.3. Intermittent Artillery attacks on civilians**

From their numerous camps all over the Tamil homeland the hostile Sri Lankan Army used to fire mortar and artillery shells intermittently into civilian dwelling areas. Similarly, the Sri Lankan Air Force as well as their Navy have been frequently dropping bombs and firing rockets and shells on civilians at random. As a result, civilians were living in constant state of fear

of being killed by these bombs through out day and night. In fact, many civilians got killed and many others got wounded by these attacks. Although many people had dug under ground shelters in their compounds and in public places to escape from these cowardly attacks, people had to lead their lives in a state of constant fear of sudden death due to these shelling and bombings by the Sri Lankan armed forces.

#### **5.4. International Peace Efforts abused by the Sinhalese leaders to cheat the Tamils**

There had been instances when genuine and dedicated attempts were made by the international community to rescue the Tamils in this country from Sinhalese oppression and resolve the ethnic dispute and rescue the country itself. In all these cases, the Sinhalese leaders succeeded in making use of such attempts to their own advantage and then scuttling these efforts very cunningly to cheat the Tamils. In chapter 8, we are describing the sincere efforts made by some countries and how they were abused by the Sinhalese leaders to their advantage and to weaken the Tamil liberation struggle.

#### **5.5. Enforced Disappearances in Sri Lanka**

According to Article 2 of the International Convention for the Protection of all Persons from Enforced Disappearance, “enforced disappearance” is the arrest, detention, abduction, or any other form of deprivation of liberty by the State, followed by a refusal to acknowledge the deprivation of liberty or whereabouts of the disappeared person, which places such a person outside the protection of the law.

Enforced disappearance is frequently used as a strategy to spread terror within society and is criminalised under Article 7 of the Rome Statute as a crime against humanity. Under international law and standards, allegations of enforced disappearances and



extrajudicial killings must be investigated, promptly, thoroughly and impartially. Those responsible must be brought to justice in fair trials, and the victims and their families are entitled to effective remedy and reparation.

Human rights groups such as Amnesty International, Human Rights Watch and Asian Human Rights Commission have documented many of the disappearances and have attributed them to the Sri Lankan security forces and pro-government paramilitary groups.

It is alleged that Sri Lanka has the second highest number of enforced disappearances in the world, with an alleged backlog of between 60,000 and 100,000 disappearances since the late 1980s. Between 2005 and 2015, thousands of Tamils, were forcibly made to disappear in State custody. This took place particularly during the time when Gotabaya Rajapakse, was Defence Secretary and his brother, Mahinda Rajapakse, was President.

The callous attitude of the Sri Lankan Government in not properly addressing the crime of 'Enforced Disappearances in Sri Lanka' and its own complicity in the perpetration of these crimes shows the need for the International Criminal Court (ICC) to step in and fulfil its responsibility to deliver international justice to the victims.

## **5.6. Families of the disappeared demand International Investigation**

Families of the disappeared have been publicly demanding to know the whereabouts of their missing next of kin.

Recently the families of the disappeared marked over 2500 days of protest and have persisted in demanding an international investigation into the whereabouts of their loved ones who were

handed over to the military in the presence of witnesses. Many surrendered to the military or were arrested by them. Over one hundred parents of the disappeared have died since the protests began without knowing the fate of their loved ones. Numerous activist and rights organisations have appealed to the international community and to the UNHRC to refer Sri Lanka to the International Criminal Court (ICC).

In January 2020, President Gotabaya Rajapakse, who was elected to office in November 2019, made an irresponsible statement that “missing persons are actually dead”, without providing any basis for this broad-brush conclusion which was condemned by victim groups, and families of the disappeared. The Sri Lankan government has an obligation to provide truth regarding the enforced disappearances, as outlined in the International Convention on Disappearances, which states that in the case of every victim of enforced disappearance their families have the right to know the truth regarding the circumstances of the enforced disappearance, the progress made and results of the investigation and the fate of the disappeared person.

The seriousness of the situation in Sri Lanka is that many of those who disappeared were in fact handed over to the State security forces by the next of kin and it is the State that is the culprit and is trying to cover up its criminal deed.

The continuing discovery of mass graves in Army held and vacated areas suggest that most of the missing persons were murdered by the Army and buried in mass graves.

### **5.7. White van Abductions**

There had been a resurgence of abductions in 2005 after the failure of Norwegian mediated peace process. A notable feature in the abductions was the use of white vans without number

plates. White van abductions were a part of life in Jaffna and the abductions were carried out with impunity even during curfew hours.

Several youths were also abducted in Colombo by white vans in 2008. The families of the victims accused the then Navy Commander Wasantha Karannagoda and Defence Secretary Gotabhaya Rajapakse for being responsible for the abductions.

### **5.8. Torture of Tamil Political Prisoners**

Tens of thousands of Tamils suspected of even non military links with the LTTE were arrested arbitrarily for flimsy reasons and detained in prisons, detention camps and police custody under the Prevention of Terrorism Act.

Torture and inhumane degrading treatment have come to characterize Sri Lanka's prisons. As far back as 1983, the International Commission of Jurists concluded that torture in Sri Lanka was an 'almost universal practice' carried out on a "systematic basis".

Some of these detainees, after many years of detention have been found to be not guilty by courts and released. All these detainees have been subjected to cruel inhuman torture while in detention and they were made to lose many years of their young lives in detention prisons for no fault of theirs but due to the cruel misdeeds of the State. However, no compensation has been paid by the State for wrongly subjecting innocent persons unfairly for long periods of detention and causing irreparable mental and physical damage to them through severe torture and for the loss of many years of their lives in prison.

## 5.9. Mass Graves

A number of mass graves were discovered accidentally in many army-controlled and vacated areas in the Tamil homeland revealing large scale arbitrary arrests, inhuman torture and cruel murder and burying their bodies in mass graves of a large number of Tamils by the Sri Lankan armed forces. Many bodies of women and children were among those killed and buried. Many of the remains showed clear signs of having been tortured, mangled and mutilated.

The frequent manner in which these mass graves are being continued to be discovered accidentally all over the Tamil homeland; the large scale of these graves and the large number of Tamils, young and old, who have thus been tortured and killed clearly shows that these inhuman criminal acts were not stray incidents committed by a few demented soldiers.

**It has become absolutely clear that these grave crimes were committed according to the military's pre-planned agenda in terms of the Government policy to carry out mass murder of defenceless Tamil civilians in this cruel barbaric manner. These are incontrovertible conclusive evidence of genocide of Tamils by the Sinhalese controlled Ethnocratic murderous State.**

After the recent discovery of a mass grave at Kokuthoduwai in the Mullaitivu district by the drainage workers which is being excavated under the supervision of the courts, Tamil people have started fearing that most of the missing people must have been killed and buried in mass graves and that is the reason why the Government is not revealing their whereabouts. Also, it is feared that there will be many more mass graves in many of the army camps in the Tamil homeland and particularly under the Buddhist stupas that are being built in the Tamil heartland.

The following are some of the mass graves unearthed:

## **Mass grave near Thiruketheeswaram Temple in Mannar**

In 2013, excavators found 230 skeletons including that of 21 children at a location near the famous Thiruketheeswaram Hindu Temple in Mannar district. There were signs of torture of the dead in this mass grave, highlighting the Island's record of cruel appalling human rights violations against the Tamils.

Hundreds of people from the region went missing during the decades-long conflict between Sri Lankan security forces and Tamil Tiger rebels.

Mannar town and surrounding areas remained mostly under army control during the ethnic war.

Many people were taken into custody during the conflict and thousands disappeared.

## **Mass grave discovered under the grounds of Sathosa building in Mannar**

In July 2018 hundreds of human skeletons were discovered under the grounds of the Sathosa building at the centre of the Mannar town.

The skeletal remains included children, women and elderly with signs of torture among the 266 exhumed skeletal remains, according to rights activists who witnessed the excavations at the locality.



A court ordered detailed excavations at a site - a former co-operative depot near the main bus terminus - after human remains were found by

workers digging foundations for a new building.

## **Chemmani Mass Graves**

In July 1998, Sri Lankan Army Lance Corporal Somaratne Rajapakse, facing a death sentence for the rape and murder of student Krishanti Kumaraswamy and her family, made allegations about the existence of mass graves in Jaffna containing the bodies of those who had disappeared from the peninsula in previous years. Rajapakse and his co-defendants gave the names of 20 security force personnel allegedly responsible for the killings.

The Sri Lankan Ministry of Defense opened an investigation and the Human Rights Commission of Sri Lanka asked for United Nations assistance. In June 1999, Rajapakse identified a site where the bodies of two young men who had disappeared in 1996 were exhumed. Additional sites identified by Rajapakse's co-defendants yielded 13 more bodies. The excavations were witnessed by international observers.

In December, a government team of investigators reported that 10 of the remains, including one skeleton that was bound and blindfolded, showed evidence of assault and murder. The cause of death was not determined for the remaining bodies.

Identification of the bodies continued into 2000, and in March, warrants were issued for the arrest of seven military personnel. All of the suspects were released on bail. In January 2006, police from the Central Investigation Division said that they were awaiting instructions from the Attorney General to conclude the investigation begun six years earlier. A Colombo magistrate called the delay “unacceptable” but nothing happened thereafter.

## **Mirusuvil mass graves**

Mirusuvil mass grave refers to the massacre and subsequent burial of eight Sri Lankan Tamil civilians on 20 December 2000.

The Mirusuvil massacre happened when some internally displaced refugees returning to inspect their property were taken into custody by Army men on 19 December 2000 in a village named Mirusuvil close to Jaffna. Eight of them were murdered by army men and buried in a mass grave.

According to the evidence of District Medical Officer, Dr. C. Kathirvetpillai, their throats had been slashed. The dead included three teenagers and five-year-old Vilvarajah Prasath. The murders came to light because one of the arrested, Ponnuthurai Maheswaran escaped from Army custody with serious injuries and informed relatives.

### **Duraiappa Stadium Mass Grave**

Renovation of the Duraiappa stadium in Jaffna, which was damaged and neglected during the course of the various phases of the Sri Lankan civil war, began in 1999. It exposed one of the many secret mass graves created during the period of the Sri Lankan Army occupation of the Tamil regions.

As workers dug the foundations for new changing rooms at the stadium, their spades struck bones. 25 skeletons, including those of two children, were unearthed. When 6 oil drums were pulled back to reveal a pit a few feet across, horrified villagers clutching the identity cards of their missing sons and husbands came forward to witness the heap of skulls and broken bones crushed into hardened clay 3 feet below the turf.

Paramanathan Selvarajah was one of the witnesses to the unearthing of the mass graves. He was quoted as looking for his son, Pirapakaran, who disappeared in July 1996, age 24, after being taken into custody by the Sri Lankan army as he rode home past a checkpoint in Jaffna. "I saw his bike lying behind an army bunker and heard him crying inside," he said. "We never saw him again."

The above are only the few cases that were accidentally discovered. Taking into account the number of Tamils forcibly made to disappear, there are bound to be many more mass graves that may never be discovered.

However, these are clear evidence of atrocious mass murders of Tamil civilians committed by the Sri Lankan State armed forces. These are palpably grave crimes against humanity committed by the State with impunity which requires international investigation to identify and punish the perpetrators.

### **5.10. Murder of Journalists**

Many Tamil journalists were abducted and made to disappear or killed over the last few decades in the line of their duty. Many of these cases have not seen the perpetrators brought to justice as it is believed that it was the people who wielded power in this country who were responsible for these crimes.

Over 100 journalists have been killed or have disappeared since 1981 and an “innumerable number have been subjected to grave repression”, stated the former Sri Lankan MP Karu Jayasuriya.

Speaking at an event organised by the National Movement for Social Justice (NMSJ), the former speaker made the remarks to commemorate media personnel who have been killed or forcibly disappeared in Sri Lanka.

### **Murder of Mylvaganam Nimalarajan**

On 19 October 2000, Mylvaganam Nimalarajan, aged 38, a well-known journalist and father of three, was shot dead in his own home in Jaffna through the window of his room. Before the assailants left, they threw two grenades which seriously injured his mother, Lily Mylvaganam, who was 58 at the time, and his nephew, Prasanna Jegathas, who was 11. His father, Sangarapillai



Mylvaganam, 66, was also attacked with a long knife and suffered injuries. Nimalarajan's three children, all under the age of five, were asleep in the bedroom and were unharmed. The killing took place during curfew hours in a high security zone of Jaffna which was under the control of the Sri Lankan Government forces at the time.

It is widely suspected that a Tamil armed group which was an ally of the Government had been involved in the journalist's murder. The then President Chandrika Kumaratunga ordered an investigation into Nimalarajan's assassination. However, Nimalarajan's case remains unresolved.

## **Murder of “Taraki” Sivaram**

**Taraki Sivaram or Dharmeratnam Sivaram**



Taraki Sivaram or Dharmeratnam Sivaram was a popular English medium journalist of Sri Lanka who was a Tamil. He was kidnapped by four men in a white van on 28 April 2005, in front of the Bambalapitya police station. His body was found the next day near the Parliament of Sri Lanka. He had been beaten and shot in the head

Taraki's articles reflected his personal style combined with accurate and inside information, explaining military, political, strategic and tactical aspects of all sides in Sri Lanka's complex conflict.

After his death was reported, governments such as Japan, and international organizations such as Reporters without Borders and UNESCO officials publicly condemned his murder and requested the Government of Sri Lanka to investigate the murder which was never done.

### **Murder of Aiyathurai Nadesan**

Aiyathurai Nadesan, a prominent and veteran Sri Lankan Tamil journalist was shot dead on 31 May 2004 on his way to work in eastern Sri Lankan town of Batticaloa by gunmen belonging to an armed paramilitary group.

### **Murder of Nilakshan Sahadevan**

Nilakshan, a 22-year-old journalism student and editor of the student-run Chaalaram magazine, was shot and killed by suspected Sri Lankan military intelligence personnel on 1st August, 2007 at his home on the outskirts of Jaffna. The 4 a.m. shooting occurred during curfew hours in an area heavily guarded by the Sri Lankan military, according to the Colombo-based Free Media Movement. The journalist died within hours of being taken to the Jaffna General Hospital for treatment of his injuries.

No investigation was ever opened into her son's death, said his mother Selvarani; the family only received a medical report. Selvarani believes she knows the identity of her son's killers, but never pursued the case.

“There was no opportunity for an investigation, where would we go? The people that did this were there,” said the retired school teacher, “My family would be killed if we reported it . . . We lived a threatened life.”

### **Murder of Isaipriya**



LTTE news presenter Isaipriya was stated to have been captured alive, executed on 18th May 2009 and her body desecrated:

The visuals of twenty-seven-year-old Isaipriya, sitting half-naked in a swamp in northern Sri Lanka, after having surrendered before four Sinhalese soldiers had shocked the world. Photographs obtained and released by Britain's Channel 4 show had shown the 27-year-old LTTE member wrapped in a white sheet, lying in a ditch with her arms tied behind her. In another video, she was seen dead, the channel had said that she had been sexually assaulted.

### **Lasantha Manilal Wickrematunge**

He was a Sri Lankan journalist, politician and human rights activist.

The San Francisco-based Centre for Justice and Accountability filed the complaint on behalf of Ahimsa Wickrematunge, the daughter of Lasantha Wickrematunge. He was allegedly killed by a military-linked hit squad while driving to work on January 8, 2009.

Murder case of Lasantha Wickramatunge the Editor of Sunday Leader has been moving at a snail's pace in Sri Lanka and the authorities have so far failed to find out who's behind his assassination.

### **Murder of Richard de Zoysa**



Richard Manik de Zoysa was a well-known Sri Lankan journalist, author, human rights activist and actor, who was abducted and murdered on 18 February 1990. His murder caused widespread outrage inside the country, and was widely believed to have been carried out by a death squad linked to elements within the government.

Richard Manik de Zoysa was born in Colombo on 18th March 1958 to parents belonging to mixed ethnicity. Richard's father Lucien de Zoysa comes from the majority Sinhalese and his mother Dr. Manorani Sarawanamuttu comes from minority Tamil population in Sri Lanka.

Richard lived with his mother in Colombo Welikadawatta. In the midnight of February 17, 1990, an armed group broke into their home, and forcibly removed de Zoysa and drove off without explanation while his mother protested.

### **5.11. Murder of Tamil Political leaders**

The high profile targeted murders of prominent, popular Tamil political leaders by the agents of the State is another cruel facet of the draconian structural genocide agenda of the Sinhalese leaders against the Tamils. As we have described here under, most of these murders were committed in Churches and Temples during auspicious days in the presence of many devotees and in public roads so as to drive fear into the minds of the Tamil people and terrorise them. By the planned decimation of the Tamil leadership, the oppressors must have been hoping to cow down the Tamil politicians from vociferously airing and articulating the Tamils' rights and frighten them to become subservient and toe the Sinhalese leaders' agenda through fear, like the Tamil quislings and thereby render the Tamils leaderless.

Some of those leaders murdered were as follows:

- M. Aalalasunderam : Former TULF Kopay MP. Killed on 2nd Sept, 1985
- V. Dharmalingam: TULF MP for Manipay. Killed on 2nd September 1985
- M. Sivanandasunderam 21st October 1988
- A. Amirthalingam: Leader of Opposition in Parliament &

- TULF. Killed on 13th July 1989
- V. Yogeswaran : TULF MP for Jaffna. Killed on 13th July 1989
- A. Thangathurai July 5th 1997
- Dr. Neelan Thiruchchelvam : Appointed MP. Killed on 29th July 1999
- Kumar Ponnambalam killed on 5th January 2000
- A. Chandranehru; TULF MP for Amparai District. Killed on 7th February 2005
- Joseph Pararajasingham, TULF MP for Batticaloa district: Killed on 25th December 2005
- Nadarajah Raviraj, TNA MP for Jaffna District killed on 10<sup>th</sup> November 2006
- Sivamaharaja Sinnaththambi , Former TULF MP for Jaffna District was killed on 21<sup>st</sup> August 2006
- T. Maheswaran : UNP MP for Colombo District. Killed on 1st January 2008
- K. Sivanesan TNA MP for Jaffna District killed on 6<sup>th</sup> March 2008

We are describing some of these murders here under:

### **Murder of Kumar Ponnambalam**

Gaasinather Gangaser Ponnambalam was a Sri Lankan Tamil lawyer and politician and leader of the All Ceylon Tamil Congress. He was a presidential candidate in 1982. He was shot dead on 5<sup>th</sup> January 2000 in Colombo in an assassination blamed on President Chandrika Kumaratunga.

### **Murder of Joseph Pararajasingham MP**

Joseph Pararajasingham was a Sri Lankan Tamil civil servant, journalist, businessman and politician. He was Member of Parliament for Batticaloa District from 1990 to 2004 and a National List Member of Parliament from 2004 to 2005.

Pararajasingham and his wife Sugunum attended the midnight mass at St. Mary's Cathedral, Batticaloa being given by Bishop Kingsley Swampillai on 25th December 2005.

A group of men in military clothing were said to have arrived at the nearby St. Anthony's Church and changed into civilian dress. They entered St. Mary's Cathedral through a side entrance at the front of the cathedral. It was around 1.10am on Christmas Day and Pararajasingham was receiving Holy Communion from the Bishop. The group of men started moving towards the altar. As Pararajasingham returned to his pew, the men started firing, causing the congregation, including the Bishop to dive to the floor. Pararajasingham was killed on the spot and seven others, including Sugunam, were injured. The gunmen exited from the cathedral down the aisle, firing their guns into the air.

All the evidence and eye witness accounts of this murder suggests Government's complicity along with that of the armed group that was doing these crimes at its bidding in Eastern Sri Lanka.

The entire surrounding area was teeming with security personnel when this incident happened. However, after the shooting, when worshippers left the Cathedral the area was deserted - there were no security personnel.

Following the defeat of Rajapaksa at the presidential election in January 2015, the new Government announced that it would re-investigate several unsolved high-profile assassinations, including that of Pararajasingham, which occurred during Rajapaksa's nine-year reign. Two TMVP paramilitaries, Pradeep Master (Edwin Silva Krishnanandaraja) and Gajan Maamaa (Rangasami Kanaganayagam), were arrested by the Criminal Investigation Department (CID) on 8 October 2015 in connection with Pararajasingham's assassination. Pillayan (S. Chandrakanthan),

leader of the TMVP, was also arrested by the CID, on 11 October 2015, in connection with the assassination.

After a prolonged detention Pillayan was released and rehabilitated with ministerial position. This incident clearly exemplifies the blatant manner in which the Sinhala leaders use their Tamil goons to kill Tamil leaders and then protect these murderers from the long arm of the law and display the defiance even to release those in prison to go scot-free and shamelessly reward them with ministerial positions in a despicable manner. Many such murders of Tamil MPs were carried out in this way displaying the high-handed manner in which they carry out the genocide of Tamils defying and disregarding the laws of the land.

### **Murder of Nadarajah Raviraj MP**

Nadarajah Raviraj MP was ambushed after leaving his home in Colombo on 10th November 2006 while driving to work. Two men held up the traffic before opening fire and fleeing on a motorcycle. Nadarajah Raviraj, 44, and his bodyguard were killed. Those who ordered or carried out his killing have never been punished.

The attack took place near a Security Force base on a stretch of road between police checkpoints. Along with other Parliamentarians he had set up the Civilian Monitoring Committee, which alleged the Government was responsible for abductions, enforced disappearances and unlawful killings. The day before he was killed, Raviraj and other TNA Parliamentarians took part in a demonstration in front of the UN offices in Colombo to protest against the killing of Tamil civilians by the military in the East and the increasing abductions and extrajudicial killings.

## **Murder of Sinnathamby Sivamaharajah MP**

On the night of 20 August 2006, at around 7.20pm, Sivamaharajah was shot dead at his temporary home in Tellippalai, which was located 300 meters inside the Valikamam North High Security zone, during curfew hours.

Sinnathamby Sivamaharajah was a Sri Lankan Tamil newspaper publisher, politician and Member of Parliament.

Sivamaharajah was managing director of Namathu Eelanadu, a Tamil language newspaper considered to be supportive of Sri Lankan Tamil nationalism. The paper's office in Jaffna was raided by the Sri Lanka Army on 15 December 2005 and its staff interrogated prior to his murder in August 2006.

## **Murder of T. Maheswaran MP**

Colombo District United National Party (UNP) Member of Parliament T Maheswaran was shot dead at the famous Ponambalavaneswarar Hindu Temple in the Capital Colombo, during New Year prayers on 1st of January 2008.

Sri Lanka's parliamentarians from the ruling coalition and the opposition accused the Government of being responsible for killing Tamil MP, T Maheswaran. Opposition and UNP leader, Ranil Wickramasinghe, said the Government put pressure on MP Maheswaran and others to vote for the budget proposals.

“As a result (of voting against) his security as well as that of Mano Ganeshan and some other members were withdrawn,” he told journalists in Delhi, India. The late MP was to “expose” the involvement of “key people” of the killings in Jaffna, the opposition leader said. “The government has to take full responsibility for the killing of this MP,” Ranil Wickramasinghe said.



The UNP said the Slain legislator had planned to reveal the widespread human rights violations in Jaffna. “He was planning to make a special statement in Parliament on abductions and killings in Jaffna on 08 January,” UNP General Secretary Tissa Attanayake said.

At least six people a day were abducted by pro-Government paramilitary groups, T Maheswaran has told media a day before the killing. Pointing the finger at the Government, UNP parliamentarians Johnston Fernando and Dayasiri Jayasekara said his plan to reveal Jaffna situation has led to his murder.

### **Murder of Jaffna TNA MP Sivanesan**

Jaffna District Tamil National Alliance parliamentarian, K. Sivanesan, was killed in a Claymore attack allegedly carried out by the Sri Lanka Army Deep Penetration Unit on A-9 road, 30 minutes after he crossed into Vanni through Oamanthai / Puliyamkulam entry point on Thursday 6<sup>th</sup> March 2008. The Claymore attack took place between Puliyamkulam and Maankulam around 1:20 p.m., according to reports. The MP's vehicle was targeted when he was returning to his residence in Mallaavi, after attending the parliamentary sessions in Colombo. His driver was also killed in the attack. The DPU attackers have exploded four Claymore mines in a row.

### **5.12. Taking advantage of changed international order to brand LTTE as a Terrorist organisation**

The Sri Lankan leaders took advantage of the changed international situation since the 11th September 2001 terrorist attack on the twin towers in New York City to brand LTTE as a terrorist organisation and thereby debilitate them. They managed to get many countries to ban the LTTE as a terrorist organisation.

### **5.13. Disregarding International Advice**

As the military operations of the Government were getting intensified in early January 2009, the UN officials and other International Humanitarian Agencies were cautioning the Government to observe international norms to protect the civilians, their human rights entitlements and Principle of Proportionality and the selection of military targets. All their cautioning fell on deaf ears of a ruthless racist regime that carried on with their reckless attacks against the Tamils indiscriminately, killing hundreds of thousands of Tamil civilians thereby committing war crimes with impunity.

### **5.14. Heavy military expenditure for waging the war against the Tamils**

The Sri Lankan Governments have been voting unduly large amounts of funds for the military budgets to wage war against the Tamils without even considering their affordability. They never seriously attempted to resolve the ethnic problem by peaceful methods and avoid wasteful expenditure.

In the budget for 2023 the Ministry of Defence was allocated 410 billion rupees, with the army getting 209 billion rupees, Navy 75 billion rupees and Air Force 66 billion rupees and a multi-task force started by President Gotabaya Rajapaksa getting 9.8 billion rupees. The Ministry of Public Security was allocated 129 billion rupees with 116 billion going to the Police. In comparison, Ministry of Health was allocated only 322 billion rupees and the Ministry of Education was allocated 232 billion rupees only. Such heavy expenditure on the military even after the war was over has been the major contributory factor to the bankruptcy the country now faces.

### **5.15. Conducting war on borrowed funds**

The successive Sri Lankan Governments in their ruthless avarice to eliminate the Tamils from this country were waging their war against us by going beyond their means and borrowing huge foreign loans without considering the consequences of such actions.

The Sri Lankan debt for 2019 was \$ 56,341,952,150 a 6.04% increase from 2018 and now it appears to have exceeded 80 billion dollars.

### **5.16. Participation of Military men in civil affairs**

As a result of expanding the military to grow out of proportion, the politicians have created a Frankenstein monster and a force that has to be kept appeased to keep them in check. This predicament of the political leadership is apparent from the numerous senior administrative positions given to members of the defence forces in the executive branch of the country and in the Diplomatic missions all over the world.

### **5.17. A failed State**

It is tragic that the Sinhalese political leaders have failed to realise that the root cause for the economic disaster the country is facing at present is their intolerant destructive policy that is being adopted against the Tamils and that there is no salvation until and unless they correct their mistake.

## **Chapter – 6**

# **Genocidal Pogroms, Military Massacres, Sexual Violence on Tamil Women, Military Operations and War Crimes**

The persecution of Tamils in this country was gradually accelerated since independence in 1948 by every Sinhalese national political party in power. All possible crimes against humanity listed and recognised in international law were intentionally and in a pre-planned manner committed on Tamils with vehemence and on a massive scale by every successive Sri Lankan Ethnocratic Government resulting in the deaths of hundreds of thousands of Tamils; destruction of their assets and propelling the exodus of Tamils from the country. In fact, the political marginalisation of Tamils in this country by the Sinhalese politicians was begun much earlier since 1919/1920s when Sinhalese leaders deceived the Tamil leader Sir Ponnambalam Arunachalm and obtained Tamils' support for Universal Adult Franchise promising certain political concessions to the Tamil leader and later cheated him and snubbed him.

The relentless brutal violence against the Tamils in Sri Lanka was perpetrated by the State by various methods, including:

- 6.1 Genocidal Pogroms against the Tamils.**
- 6.2 Genocidal Military Massacres on Tamils.**
- 6.3 Sexual violence against Tamil women including Gang Rape and the murder of Krishanthi Kumarasamy by the S L Defence Forces**
- 6.4 Military Operations of the Sri Lankan Defence Forces causing havoc to the Tamils**
- 6.5 War Crimes Committed during the inhuman Wanni War: 2006-2009**

We are listing and describing some of the atrocities inflicted on the Tamils based on information available in the public domain and also based on the book published by North East Secretariat on Human Rights (NESOHR). According to 'NESHOR' their staff had documented many instances of genocidal massacres by personally visiting the scene of the incident and collecting information from witnesses to individual massacres.

In fact, the actual number of harrowing gruesome incidents causing deaths and injuries to the Tamils is many times more than the number of incidents mentioned in this book and can be fully documented in an authentic manner if a properly constituted Independent International investigation is launched. It is relevant to mention here that the Sri Lankan State had never attempted to officially ascertain the details of deaths or injuries and also the damage to assets caused to the Tamils in this country. An application made to the then Prime Minister Ranil Wickramasinghe for needs assessment in respect of the Northern and Eastern Provinces was dragged on and dragged on and nothing came out of it.

### **6.1. Genocidal Pogroms against the Tamils.**

These outbursts of periodical mob attacks against the Tamils were carried out all over the Sinhalese dominated areas in the country including in the capital city of Colombo and were instigated, condoned and assisted by the Governments in power. During such killing spree and arson attacks carried on for days at a stretch, the State deliberately refrained from taking any action to stop the attacks or to give protection to the Tamils. These riots were not spontaneous flare ups but well planned State orchestrated attacks against the Tamils with an ulterior motive and agenda. None of the rioters were ever taken to task by the State. (Vide 'Emergency '58' by Tarzie Vitachchi)

The scale and ferocity of the mass attacks against the defenceless Tamils and the complicity of the Governments in power in the genocide of the Tamils by assisting the attackers shocked the aggrieved Tamils. It made them realise the gravity of the mistake made by the Tamil leaders in acquiescing with the imposition of the Unitary Constitution under Sinhala ethnocracy at the time of independence and repent for the mistake made. Tamils now realise that they have no future in this country as long as the Unitary Constitution is in place that permits the tyrannical misrule of the Sinhalese. It was no wonder that support for the Tamil militancy gained momentum after the 1983 riots against the Tamils.

## 6.1.1 List of Genocidal Pogroms against the Tamils

No	Attack	Date	Location	Deaths
1.	Riots of 1956	11-16 June, 1956	Colombo, Galoya	Many
2.	Inginiyagala riots	1956	Inginiyagala	150
3.	Emergency '58	May-June	In all Sinhalese areas	over 500
4.	IATR's Tamil Conference	10 Jan. 1974	Jaffna	9
5.	1977 post elections riots	August 1977	In all Sinhala areas	over 300 and exodus of many Tamils
6.	1981 Arson attack in Jaffna & burning of public library	1st June 1981	Jaffna	Many
7.	1981 Burning of Hartley College library & rioting	June 1981	Point Pedro	25
8.	1983 Black July pogrom	July 1983	All Sinhalese areas including Colombo	over 3,000 and exodus of many Tamils

## **6.1.2 Brief descriptions of the Pogroms:**

### ***i. Riots of 1956***

*(Many killed & injured & assets of Tamils destroyed & women raped by Sinhalese rioters)*

The first of many outbreaks of mob violence against the Tamils occurred in 1956 when Sinhala was made the only official language of the country despite the fact the Tamils are an overwhelming majority in the Northern and Eastern provinces and that they are a separate Nation in this country. As a mark of protest against the imposition of Sinhala only as the official language of the country, the Tamil Members of Parliament performed a peaceful 'Satyagraha' opposite the Parliament building at the Gale face green under the leadership of the Tamil leader, the late Mr. S. J. V. Chelvanayagam on the 5th of June 1956. They were merely seated, not even shouting slogans. But a group of Sinhalese rioters attacked the satyagrahis who did not retaliate, badly injuring many of them. A junior minister of the government of the day was seen amongst the unruly mob.

Not satisfied with having attacked the satyagrahis, mob's attention turned to Tamil pedestrians, shop keepers and office workers and they were set upon. While all this mayhem was taking place opposite the Parliament building in the heart of the administrative capital of Colombo, the Government did not care to take any action to curb and restrain the trouble makers. It was clear that the Government deliberately allowed the mob to continue their attacks against the satyagrahees. In fact, Premier Bandaranayake's inflammatory speech in Parliament unfairly blaming the Tamils goaded the mob to greater fury and hooliganism.



## ***ii. 1956 Inginiyagala Riots***

*(Over 150 Tamils were killed & many were injured by Sinhalese rioters)*

When the riots started in Colombo and spread to the Eastern province, Tamils who were working in the Inginiyagala sugar cane farm, under Galloya scheme were targeted and over 150 Tamils were killed by Sinhala settlers. Dead and wounded were thrown in to the fire set up by Sinhala settlers using sugar cane in the farm.

Even the Chairman of the Galoya Development Board at that time who happened to be a Tamil, had to take refuge for his own safety.

We quote from a book written by the Chairman's son, Ajit Kanagasundram first published in 2018:

*“Eighty-five Tamil staff and families with infants, including two pregnant women, sought refuge at the Amparai Rest House which was surrounded by a mob of 500 Sinhala workers. My father and mother were there as well and did their best to keep everyone calm. For two days they endured the siege with little food but on the third day the water and electricity were cut. The workers had already broken into the dynamite stores. The 25-year-old Tamil Sub-Inspector of Police Pathmanathan in charge of six Sinhala policemen told my father he had to have the necessary authority to open fire or he could not guarantee the safety of the women and children. My father, who was vested with the authority, had previously told him that under no circumstances was he to shoot, finally gave him permission. My father told my mother to tie her 'thali' around her waist and be prepared to run as the mob surged forward. Sub Inspector Pathmanathan gave the order to shoot and three rioters dropped dead and as if by magic, the mob disappeared.” (Ajit, 2018, p73-74)*

***iii. Emergency '58: Government instigated mass scale mob attacks against Tamils***

*(Over 300 Tamils were killed, many women raped, many hundreds wounded, over 10,000 lost their homes and became refugees due to Sinhalese mob attacks & rioting)*

In 1958, there was another pogrom of much greater magnitude. Tamils all over the Island except the North and East were subjected to gruesome murder, assault and rape on a large scale. Their properties were looted and destroyed; even Hindu Temples were not spared.

The riots lasted from 22 May until 29 May 1958 although sporadic violence continued even after the declaration of emergency on 27 May 1958.

It all started when the Sinhalese showed intolerance to the peaceful protest to the Sinhala only Act, by the Tamil Federal Party who staged a satyagraha campaign (nonviolent resistance) opposite the Parliament building at the Galle face green. As a follow up to this expression of protest the Federal party leaders at their party conference in Trincomalee in 1957 gave a one year ultimatum to the Government to restore the language rights of the Tamils and to devolve political powers to their homeland.

This legitimate demand of the Tamil leaders was manipulated by the Sinhalese politicians to create an environment of increased communal tensions and lawlessness. Alarmed by the deteriorating security situation Prime Minister Bandaranaike entered into negotiations with the Federal Party which resulted in the Bandaranaike-Chelvanayagam pact of 1957, which would have made Tamil the administrative language in the Tamil-speaking North and East regions. But soon afterwards Mr. Bandaranayake unilaterally abrogated the pact under pressure from some Sinhala extremists and some Buddhist monks. The

United National Party organised a 'March to Kandy', led by its leader JR Jayawardene against the pact. During this period the UNP party paper 'Siyarata' also indulged in severe anti-Tamil vituperative propaganda.

The Sinhala Only policy led to the introduction of the Sinhala sri character on the license plates of motor vehicles. This was an unnecessary provocation to the Tamils. In response, the Federal Party initiated the anti-Sri campaign which involved smearing tar upon the 'sri' characters on the vehicle number plates in North and East. This led to a wave of reprisal smearing of tar of Tamil offices, shops & houses in the south by Sinhalese gangs. The anti-Sri campaign also became popular among Tamil youths in the hill country. Sporadic incidents of violence started flaring up in Bogowantalawa, Kahawata, Hatton and many other places.

On 14th of April, there were communal tensions in Trincomalee. Soon after, Buddhist organizations began calling for the boycotting of Tamils in Sinhalese areas. In Welimada, the electorate of the ultranationalist K. M. P. Rajaratne, a rally on April 24 resulted in several attacks on Tamil shops. Additionally, in Sinhalese areas, racist pamphlets were sent to government Departments and members of the public threatening violence against non-Sinhalese Buddhists if they did not go to the North and East.

In the mean time the Federal Party was making arrangements to hold its Vavuniya district conference from 24th to 26th of June 1958. The delegates to this conference from Batticaloa and Amparai were waylaid at Hinguragoda in the Pollanaruwa district by Sinhalese mob and attacked. During this period there were some incidents in Batticaloa where the Mayor of Nuwara Eliya, a Sinhalese, was murdered for private reasons. The Prime Minister made much publicity to this incident igniting large scale violence in the country against the Tamils.

Deadly mob violence against Tamil civilians all over the Sinhalese regions escalated with the tacit support of the Government and went on from 24th May for a number of days.

### ***Spread of Violence***

Violence against Tamils also took place in areas like Kurunegala, Dambulla, Galewela, and Panadura. Sinhalese gangs began beating Tamils in Colombo and several of its suburbs. Tamil shops were looted and burnt. That evening, Prime Minister Bandaranaike made an appeal to the nation calling for peace. However, he implied that Tamils had initiated the riots by only mentioning the killings in the Batticaloa District of some Sinhalese, as a cause for communal violence.

Bandaranaike's appeal ended up triggering far more severe anti-Tamil violence and exacerbated the already troubled situation. What had been mostly limited to arson, looting, and assault now included murder and rape. In Kantale, Sinhalese rioters stopped buses that were entering the city and killed anyone who was unable to recite a Buddhist verse, including Sinhalese Christians.

### ***Burning alive of Hindu Priest***

In Panadura, a rumour was circulated that Tamils had murdered a female teacher in Batticaloa. Upon hearing this rumour, a Sinhalese gang tried to burn down the Hindu Kovil and damaged the Temple. They pulled out a Bramin Priest and burnt him alive. Subsequent investigations showed that there was no female teacher from Panadura stationed in Batticaloa. Gangs roamed Colombo, looking for people who might be Tamil. People who could not read a Sinhala newspaper (which included some Sinhalese who were educated in English) were beaten or killed.

### ***Looting and Burning of Tamil Homes***

Across the country, arson, rape, pillage and murder took place on a large scale. Though the state police eventually helped to quell

the riots, they were accused of being initially inactive and even fanning the riots in several places.

### ***Raping of Tamil Women***

There were also several incidents of Tamil women being raped by Sinhalese mobs. One account of rape recounted by Vittachi describes a Tamil officer who became mentally unstable as a result of being unable to defend his wife and daughter from sexual assault:

“Another Tamil officer working in the same Government department was not so fortunate. The thugs stormed into his house and assaulted his wife and grown-up daughter in the presence of his little child. His mind cracked under the shock.”

### ***Island wide Violence***

The Federal Party and Jatika Vimukti Peramuna were both banned. The Federal Party members were later arrested. Nearly 12,000 Tamil refugees had fled to camps near Colombo. The government secretly commissioned six European ships to transport most of them to Jaffna in early June.

As the first full-scale race riot in Ceylon since independence, the events of 1958 shattered the trust the communities had in one another and led to further polarisation. A major cleansing of Tamils from Sinhalese-majority areas had occurred. Thus, the path to the Sri Lankan Civil War was clear. Velupillai Prabhakaran, a small boy at the time of the riots, said later that his political views as an adult were shaped by the events of 1958.

The famous book, “Emergency '58”, by Tarzi Vittachi records the events of this pogrom. The book also explores into the manifestation of Sinhalese nationalism in the form of anti-Tamil movement as a result of closely coordinated action of politicians, Buddhist monks, and rural Sinhalese.

No enquiries were instituted nor investigations undertaken to apprehend any of the wrong doers and no compensations were paid to the victims.

***iv. IATR Conference deaths - 1974***

*(International Association of Tamil Research Conference – Police action caused the deaths of 9 persons and injuries to many others)*

In 1974 an exclusive cultural and educational research convention of World Tamil Scholars was held in Jaffna. It was held from 3rd to 10th January 1974 despite enormous pressure from the Sri Lankan Government to prevent the program being held.

Large number of Tamils attended this conference every day of the conference. On the final day while Professor Naina Mohamed from India was delivering his lecture, policemen led by Asst. Supdt of Police Chandrasekera attacked the gathering with tear gas, bombs, batons and rifle butts. It was reported that due to police firing, an electric cable snapped resulting in nine deaths and injuries to many others from electrocution among the audience. The Government took no action to enquire into the incident or to take action against the wrong doers. On the contrary Srimavo Bandaranayake's government promoted the police officer. The Government's indifference annoyed the Tamil community.

***v. Post-Election Riots - 1977***

*(Death toll over 1500 and many hundreds injured in addition to colossal property damage caused by Police & Sinhalese rioters)*

Mr. J. R. Jayawardene leading the UNP won the general election in July 1977 with a 5/6 majority winning 140 seats out of a total of 168 seats in Parliament and became Prime Minister. The Tamil

United Liberation Front won 18 of the 24 seats they contested and the SLFP won only 8 seats from throughout the Country they contested. The Tamil voters endorsed the mandate for the establishment of a separate Tamil State as sought by the TULF.

Soon after the elections a carnival took place in St. Patrick's College grounds in Jaffna. Some policemen who came to the carnival in civil dress got involved in an altercation with some people at the carnival grounds. They returned to their station and came back with the full police force fully armed with lethal weapons and started attacking the civilians causing injuries and deaths to many people. They went on to burn many shops in Jaffna town.

The Sinhalese students studying in the Jaffna University were, for their own safety sent back to their homes in the south of the country by the university management. These students when they reached the Anuradapura railway station started spreading false stories alleging that the Sinhalese people in Jaffna were being attacked and killed by the Tamils. There upon Sinhalese mob gathered at the station and attacked the Tamil passengers. The Tamil passengers in the train that came from Colombo were also attacked and harmed.

Soon a communal violence against the Tamils was let loose all over the Sinhalese areas in the country. Tamils all over the country except the North and East were attacked and subjected to murder and mayhem and their properties were looted and burnt. Even Tamil doctors and other medical staff who worked in hospitals in Sinhalese rural areas and provided medical services to the villagers were attacked by locals and made to flee.

The riot started on August 12, 1977, within less than a month of the new government taking office.

There were over 75,000 refugees including Indian Tamil plantation workers. No action was taken by the Government to control the atrocities against the Tamils or to pay compensation to those affected. Instead President Jayawardene displayed his demented racial bias by stating that it is the choice of the Tamil people whether they want war or peace. The peace that Jayawardene expected was that the Tamils should remain as second class citizens without demanding their inalienable political rights.

The President appointed the Sansoni Commission to enquire into the incidents and the Commission pointed out the irresponsible behaviour of the police and the politicians' irresponsible speeches and rumours as the causes. Although the Commission put the death toll of the Tamils at around 300 other reliable sources put the death toll over 1500 and many hundreds injured in addition to colossal property damage.

***vi. Arson attack in Jaffna and burning of the Public Library - 1981***

*(Many Tamils were killed and injured and extensive damage caused to property in Jaffna town & burning of Public Library by rampaging Police and Sinhalese thugs brought to Jaffna from the South by Government Ministers)*

The Government in an attempt to placate the Tamils, proposed to create District Development Councils and elections for such councils were scheduled to take place in July 1981. There was opposition to this sham outfit among the Tamil people and particularly among the Tamil youth. This was the time of rising militancy and there were some instances of sporadic violence.

The Government of J. R. Jayawardene sent two senior Ministers – Mahaveli Development Minister Gamini Dissanayake and Industries Minister Cyril Mathew to Jaffna allegedly to oversee the elections. Along with these ministers a large number of specially trained police and army personnel were noticeably present in Jaffna. In addition, it had been reported that a large number of Sinhalese thugs were brought to Jaffna in state owned buses and accommodated at the



Duraiyappa stadium creating a tense situation in Jaffna. Thus, pre-planned arrangements were made by the Government to intimidate the Tamil people and ruthlessly impose the Government's will on the Tamils.

On Sunday, May 31, 1981, the Tamil United Liberation Front (TULF), held an election rally at the Nachimar temple premises in Vannarpannai, Jaffna. Some unknown persons fired shots and a Sinhalese policeman was killed. The identity of who killed him is still unknown. It could have been a provocative act to precipitate what was to follow. A large number of Sinhalese policemen thereupon rushed to the venue and started indulging in an orgy of violence. They set fire to the Temple. People inside and outside the Temple were mercilessly attacked. The Temple chariot and other holy idols were set on fire. Then they ran amok and started setting fire to the houses and shops all over Jaffna town. More than six statues of Tamil stalwarts of a bye gone era at various places in Jaffna town were demolished. Even the memorial structures erected in memory of the Tamil cultural event tragedy were destroyed by these enraged policemen. Jaffna M.P Mr. V. Yogeswaran's house and office were burnt down completely. The office and machinery of the Eelanaadu, a local Tamil newspaper, were also badly damaged and burnt. The mayhem lasted for three days.

## **Burning of Jaffna Public Library**



Damaged dome with holes made by shelling



*Jaffna Public Library being rebuilt, with partly burned right-wing. At the front is a statue of [Saraswati](#), the Hindu goddess of learning.*

The Jaffna Public library was built in many stages starting from 1933, from a modest beginning as a private collection. Soon, with the help of local citizens, it became a full-fledged library. The library also became a repository of archival material written in palm leaf manuscripts. With original copies of regionally important historic documents and newspapers that were published many years ago in the Jaffna peninsula, it thus became a place of historic and symbolic importance to all Sri Lankans.

The first major wing of the library was opened in 1959 by then Jaffna Mayor Alfred Duraiappah. The architect of the Indo-Saracenic style building was S. Narasimhan from Madras, India. Prominent Indian Librarian S. R. Ranganathan served as an advisor to ensure that the library was built to international standards. The library became the pride of the local people as even researchers from India and other countries began to use it for their research purposes.

On the night of June 1, 1981 according to many eyewitnesses, police and government-sponsored thugs set fire to the Jaffna public library and destroyed it completely. Over 97,000 volumes of books along with numerous culturally important and irreplaceable manuscripts were destroyed.

The biased national newspapers did not report the incident. In subsequent parliamentary debates some majority Sinhalese members told minority parliamentarians that if Tamils were unhappy in Sri Lanka, they should leave for their 'homeland' in India. A direct quote from a United National Party member was that "If there is discrimination in this land which is not their (Tamil) homeland, then why try to stay here. Why not go back home (India) where there would be no discrimination. There are your kovils and Gods. There you have your culture, education, universities, etc. There you are masters of your own fate" - Mr.

W. J. M. Loku Bandara, MP in Sri Lanka's Parliament, July 1981. Of all the destruction in Jaffna city, it was the destruction of the Jaffna Public Library that caused the most distress to the people of Jaffna. The attack was seen as an assault on the aspirations of the Tamils, the value of learning and traditions of academic achievement.

***President Ranasinghe Premadasa***

In 1991 the then President of Sri Lanka, Ranasinghe Premadasa, publicly proclaimed that during the District Development Council elections in 1981, some of their party members took many people from other parts of the country to the North, created havoc and disrupted the conduct of elections in the North.

*“It is this same group of people who are causing trouble now also. If you wish to find out who burnt the priceless collection of books at the Jaffna Library, you have only to look at the faces of those opposing us.”*

He was accusing his political opponents within his UNP party, Lalith Athulathmudali and Gamini Dissanayake, who had just brought an impeachment motion against him, as directly involved in the burning of the library in 1981.

In 2006 the President of Sri Lanka Mahinda Rajapakse was quoted as saying,

"The UNP is responsible for mass-scale riots and massacres against the Tamils in 1983, vote-rigging in the Northern Development Council elections and [the] burning of the Jaffna library".

He concluded in that speech that as a cumulative effect of all these atrocities, the peaceful voice of the Tamils is now drowned in the echo of the gun; referring to the rebel LTTE's militancy.

In any event there is evidence that the burning of the Jaffna Public Library was an inside job of the Government in power.

***Prime Minister Ranil Wickremesinghe***

In 2016, Prime Minister Ranil Wickremesinghe as the leader of the United National Party apologized for the burning of the library which happened during a UNP government. He was interrupted by the shouting of Joint Opposition MPs for which he stated:

*“The Jaffna Library was burnt during the time of our government. We regret it. We apologize for it. Do you also apologize for the wrongs you committed?”*

In 1982, one year after the initial destruction, there was a community sponsored Jaffna Public Library Week and thousands of books were collected. Repairs on parts of the building were in progress when the Black July pogrom-induced civil conflict began in 1983. By 1984, the library was fully renovated; however, the library was again damaged by bullets and bombs. The military forces were stationed in the Jaffna Fort close to the Public Library. As the fighting intensified in 1985, after an attack on a nearby police station by Tamil rebels, soldiers entered the partially restored building and set off bombs that shredded thousands of books yet again. The library was abandoned with its shell and bullet-pocked walls, blackened with the smoke of burnt books. The Public Library was rebuilt only in recent times.

Cultural genocide involves the eradication and destruction of cultural artefacts, such as books, artworks, and structures, as well as the suppression of cultural activities that do not conform to the destroyer's notion of what is appropriate.

### ***vii. Burning of Hartley College library and Rioting***

The burning of the Jaffna Public Library was a glaring example of the book burning trait of the Sri Lankan Army. It was very apparent that the Sri Lankan Army has a habit of burning books. They are so averse to books that they burn books as much as they kill Tamils.

Tamils are fond of reading that in most of their homes there will be cupboards full of books. There have been numerous instances of Army men unnecessarily burning books in private homes as well as burning of libraries in schools and towns. Burning of the Hartley College library in Pt. Pedro is a glaring example of the book burning habit of the Sri Lankan Army with an ulterior motive, the motive being cultural genocide. But there appears to be another reason. The soldiers lack proper education and they are only conversant in Sinhala.

### ***viii. 1983 Black July Pogrom***

(Over 3,000 Tamils were killed, 52 Tamil political remand prisoners were killed in maximum security prison, many injured, over 18,000 houses, commercial establishments, and large factories and many other assets of the Tamils were burnt & destroyed by Sinhalese rioters with State patronage all over the Sinhalese areas including the capital city of Colombo)

The July 1983 pogrom was a catastrophic disaster for the Tamils in this country. The State, whose primary responsibility is to provide safety and security for every citizen, not only forsook its duty to safeguard the Tamils but deliberately condoned and encouraged the burning alive of vehicle loads of Tamils. All their properties, business and industrial establishments were all burnt down by Sinhalese thugs. The security men stood by and allowed the mayhem to continue for a number of days at a stretch and in many cases they joined the rioters in committing the atrocities.

This was blatant genocide of the Tamils and we describe some of the incidents here under-

On 23 July 1983 at around 11:30 pm, Liberation Tigers of Tamil Eelam (LTTE) ambushed a military patrol in Thirunelveli, near Jaffna town in northern Sri Lanka. In the ambush and the ensuing clash, one officer and twelve soldiers were said to have been killed.

### **Turning the peoples' anger against the Government into anger against the Tamils**

In Colombo, a decision was made by the Government to hold the funerals, with full military honours, at Kanatte Cemetery, Colombo's main burial ground. The President, the Prime Minister, and the rest of the cabinet were to attend the funeral, which was to take place at 5 pm on 24 July. This arrangement went against the standard procedure of handing over fallen soldiers to their families for burial in their villages.

Preparations were made for the funeral, but by 5 pm the bodies hadn't arrived in Colombo. The soldiers' families wanted the bodies handed over to them to be buried according to their traditional rites. In the meantime, tensions were growing at Colombo General Cemetery because of the delay. A large crowd, including around 3,000 people from the Wanathamulla slum, started gathering at the cemetery, angered by news of the ambush. The Government's attempts to have a state funeral instead of handing over the bodies to their families reached the ears of these people. The crowd was getting agitated and restive. The delay in the arrival of the bodies further infuriated the crowd and initially their anger palpably turned against the Government.

Violence broke out between the crowd and police, and the riot squad was summoned. The riot squad then fired tear gas at the

crowd and baton-charged them before handing control of the situation over to the Army. The President then decided to cancel the military funeral and hand the bodies over to the families. The crowd at the cemetery was informed of the President's decision at around 10 pm. The mishandling of this sad event by the government had infuriated the concerned people and they left the cemetery in a restive mood.

A section of the crowd marched up D. S. Senanayake Mawatha to Borella, where they destroyed Tamil-owned Nagalingam Stores. The mob, which by that time numbered around 10,000 attacked, looted, and set fire to any building near Borella Junction that had a Tamil connection, including Borella Flats and the Tamil Union Cricket and Athletic Club. Houses belonging to Tamils in the neighbourhood were targeted and soon the riot started spreading rapidly to all over Colombo and other areas.

The intensity of the riots escalated alarmingly and the President ordered a curfew in Colombo from 6 pm. The President's Ministers were seen that morning in various parts of Colombo directing their thugs to attack Tamils and their properties.

On Monday, 25<sup>th</sup> July by 10 am, the rioting had spread to the slums around the city of Colombo. Mobs armed with kitchen knives and petrol bombs freely roamed the streets, attacking and killing Tamils. Wellawatte and Dehiwala which contained the largest number of Tamils in Colombo were the next target of the mob. Homes and shops were attacked, looted, and destroyed. The residence of the Indian High Commissioner was also attacked and ransacked. By lunchtime, virtually the entire city was on fire. The riots extended to include Gampaha District, spreading as far as Negombo. In Kalutara, the TKVS Stores was set on fire. The owner jumped out of an upstairs window, but the mob threw him back into the fire.

### ***Voter Registration used to identify Tamils***

The rioters were using voter registration lists to target Tamils. As President Jayewardene would later admit in a statement,

*“a pattern of organization and planning has been noticed in the rioting and looting that took place.”*

There was indeed evidence of a preplanned attempt at rioting and looting because Buddhist Priests were seen carrying voters lists and prodding thugs to attack houses with Tamil names in the list.

The mob attacked the industrial area of Ratmalana, which contained a number of Tamil-owned factories. The mob ended the day by setting fire to Tilly's Beach Hotel in Mount Lavinia.

### ***Welikada Prison Massacre***

One of the worst incidents of brutal killings took place at the maximum security Welikada Prison on 25 July. Thirty five Tamil political remand prisoners, most of them detained under the Prevention of Terrorism Act, were killed by Sinhalese prisoners using knives and clubs. Survivors claimed that prison officers supplied their keys and weapons to the Sinhalese prisoners.

The Tamil Political remand prisoners murdered included many Tamil social service activists who were not involved in any armed attacks against the state such as Dr. Rajasegaram, the leader of the Gandiyam movement. Leading members of the TELO organisation such as Kuttymany, Thangathurai and Jegan were among the dead.

In terms of the draconian Prevention of Terrorism Act, the bodies of the prison massacre victims were disposed of without any post mortems or legal inquiries.



Following the murders at Welikada prison on 25 July, Tamil prisoners had been moved from the Chapel Ward to the Youth Offenders Building. On the evening of 27 July, Sinhalese prisoners with the help of the prison guards, armed themselves with axes and knives, and attacked those remaining Tamil political prisoners once again in a wild orgy of violence, killing and gouging out the eyes of some prisoners. Seventeen Tamil prisoners were killed in a gruesome manner. In all, 52 political prisoners in remand were killed at the Welikada prison with the connivance of the prison guards.

Two Tamil prisoners and a third prisoner were killed during a riot at Jaffna prison on the same day.

### ***Kottiya (Tiger) Coming Friday Violence***

Again, on the Friday the 29th July, following false rumours that the Tigers had come to Colombo there was another spurt of violence against the Tamils. Many Tamils were burnt alive and killed on this day of widespread violence.

The total estimates of casualties vary. While the government initially stated just 250 Tamils were killed, various NGOs and international agencies estimated that nearly 3,000 people, believed to be Sri Lankan Tamils or Hill Country Tamils, were killed in the riots.

### **The Times of London Report:**

The Times of London reported on 5 August that “...Army personnel actively encouraged arson and the looting of Tamil business establishments and homes in Colombo”, and that “absolutely no action was taken to apprehend or prevent the criminal elements involved in these activities. In many instances army personnel participated in the looting of shops.”

***The London Daily Express (29 July) wrote:***

Mrs Eli Skarstein, back home in Stavanger, Norway, told how she and her 15-year-old daughter, Kristen witnessed one massacre.

*'A mini bus full of Tamils was forced to stop in front of us in Colombo', she said. A Sinhalese mob poured petrol over the bus and set it on fire. They blocked the car door and prevented the Tamils from leaving the vehicle. 'Hundreds of spectators watched as about 20 Tamils were burnt to death.' Mrs. Skarstein added: 'We can't believe the official casualty figures. Hundreds, maybe thousands, must have been killed already. The police force (which is 95% Sinhalese) did nothing to stop the mobs. There was no mercy. Women, children and old people were slaughtered. Police did nothing to stop the genocide.'*

Mobs armed with petrol were seen stopping passing motorists at critical street junctions. After ascertaining the ethnic identity of the drivers and passengers, they set alight the vehicles, with the drivers and passengers trapped inside. Mobs were also seen stopping buses to identify Tamil passengers, who were subsequently knifed, clubbed to death, or burnt alive. One Norwegian tourist saw a mob set fire to a minibus with about 20 people inside, killing them all. According to eyewitness testimony of a victim who survived the riots, Thugs were pouring petrol on vehicles full of Tamils and they were burnt alive to death. Large scale looting, murder and rape of Tamil girls and women were continuing to take place for so many days at a stretch and the State did not care to take any action to put a stop to the massive scale crimes that were being committed.

More than 18,000 houses and numerous commercial establishments and large factories and other valuable assets of the Tamils were destroyed. The assets of the Tamils destroyed included imported items such as motor vehicles and other domestic appliances such as fridges, cookers, electrical appliances and factory

machinery. The total value of these imported items destroyed alone would have totalled many millions in foreign exchange.

### *Writer's experience*

The author of this write up was living with his wife in the upper floor of a house down Rajasinghe Road in Wellawatte. We observed a tense situation and heavy smoke at a distance on the 24th night. Throughout the day on the 25th we could see fire and dense smoke all over Colombo. We were hoping that the Government would declare curfew and bring the situation under control. No such action was taken. Instead a large crowd of rioters including some security men in uniform and our postal peon started advancing down our lane by afternoon and started attacking and burning the houses. We took refuge in our Muslim neighbour's house which was spared.

When the rioters left our lane after destroying all the Tamil houses we went back to our house and found that the mob had removed all the valuables and heaped all the furniture, our dress and books in the centre of the house and set fire which had resulted in burning the roof of the house itself. My car in the ground floor also had been completely burnt. With only the dress we were wearing we went back to our home in Jaffna with the greatest difficulty after about a week. I was leading a quiet and active life as a respected professional in Colombo. Entering my house and destroying all my valued possessions by an unruly mob with State patronage was an unacceptable violation of my right to peaceful living and this incident drastically changed my life thereafter. What wrong had we committed to undergo such brutality except that we had Tamil names? Does not the term "Genocide" fit our experience?

### ***Blaming the Tamils & Passing of the 6th Amendment to the Constitution***

President J. R. Jayawadene, soon after the riots, instead of consoling the badly wounded Tamil people, publicly blamed the Tamils for the happenings and justified the actions of the Sinhalese rioters and hurriedly passed the 6th Amendment to the Constitution whereby the Tamil political leaders had to take an oath of allegiance to the Unitary Constitution which the Tamils were demanding should be replaced by a Federal Constitution. This is another example of the Sinhalese leaders' denial of the Tamils' basic rights.

**Passing of the 6<sup>th</sup> Amendment to the Constitution is another glaring example of the Sinhalese leaders' habit of using the legislative assembly to pass laws and amend the Constitution itself to deny even the fundamental rights of the Tamils. This reiterates the view point of the Tamils that the Unitary Constitution in place has facilitated the mass scale killing of defenceless Tamil civilians under the ethnocratic vengeful rule of the Sinhalese.**

In an interview with the Daily Telegraph of 11 July 1983, about two weeks prior to the riots, Jayewardene expressed his prejudice against the Tamils as follows:

*“I am not worried about the opinion of the Jaffna (Tamil) people now. Now we cannot think of them. Not about their lives or of their opinion about us. The more you put pressure in the North, the happier the Sinhala people will be here... really, if I starve the Tamils, Sinhala people will be happy....”*

This was a reflection of the true nature of all Sinhalese politicians and their ethnic cleansing intentions.

Justice Manicavasagar, retired Supreme Court Judge, who was a class mate and friend of J.R.Jayewardene from their Royal Primary days and a neighbour at Ward Place, Colombo once said “Dickie was jealous of the Tamils. We beat him in all spheres at College”.

### ***Brain Drain***

Tamils in the capital city of Colombo represented mainly professionals, industrialists, business men, students and civil servants. All of a sudden, they found themselves utterly humiliated and their lives completely shattered with many of their family members killed and all of them shorn of all their valuable possessions by Government assisted lawbreakers. This was too serious a situation to be taken for granted and move on with life as usual. Naturally, this riot and murders triggered the mass scale brain drain from this country and large number of professionals and educated Tamils started migrating from this country with their families enriching their country of refuge in America, U.K., Canada, India, and European countries, Australia, New Zealand and many other countries. Such brain drain was to be a contributory factor to the financial bankruptcy which this Country faced later.

## **6.2 Genocidal Military Massacres on Tamils**

Since 1983, the State that was initially carrying out structural genocide of the Tamils through pogroms against the Tamils in the Sinhalese areas in the country, switched over to direct military massacres of Tamils in their own homeland in the North and East of the country. After establishing numerous military camps all over the Tamil region, brutal random military massacres on Tamil civilians were carried out by the State defence forces at an alarming rate in each and every Tamil town and village and in their very own homes of the Tamils. The Sri Lankan Army also used large-scale frequent and widespread shelling from its

numerous military camps throughout the North and East into civilian dwelling areas causing large number of civilian deaths, injuries and destruction and thereby terrorizing the people and severely disrupting their normal lives.

### **6.2.1 List of Genocidal Military Massacres of Tamils.**

We give here under a list of some of the military massacres carried out by the Sri Lankan Defence forces against the Tamils:

1.	Massacre of residents of Thinneveli, Jaffna	July 1983	<u>Deaths</u> / <u>Page ref.</u> 51
2.	Sambalhattam massacre in Vavuniya	1984	69
3.	Medawachchi-Rambawe massacre	1984	15
4.	Kumulamunai executions in Mullaitivu	1984	7
5.	Chunnakam Police Station massacre	1984	20
6.	Chunnakam market massacre	1984	9
7.	Point Pedro massacre	1984	16
8.	Cheddikulam massacre	1984	52
9.	Othiyamalai massacre in Mullaitivu	1984	32
10.	Mannar massacre	1984	220
11.	Kokkilai	1984	131
12.	Manal Aru massacre	1984	many
13.	Kiliveddy murders in Trincomalee district	1984	40
14.	Attack on Selva Sannithy Murugan Temple, Thondamanaru	1985	Many. The expensive Ther (Chariot) was set fire to and completely destroyed.
15.	Thiriyai massacre in Trincomalee district	1985	16
16.	Puthukudiyiruppu Iyankovil massacre	1985	24
17.	Valvettiturai & Polikandy massacre	1985	Circa 50
18.	Carpet bombing of Valvettiturai	1991	Circa 50
19.	Mulliyawalai massacre on the Vavuniya Mullaitivu highway	1985	17

20.	Waddakkandal Massacre in the Mannar district	1985	52
21.	Kumudini Boat Massacre, Delft	1985	40
22.	Vayaloor massacre	1985	50
23.	Natpiddymunai murders in the Amparai district	1985	23
24.	Nilaveli murders in the Trincomalee district	1985	30
25.	Pirathanaru massacre in Mullaitivu	1985	Many
26.	Kanthalai murders in Trincomalee	1985	6
27.	Muthur Kadatkarachenai murders in trincomalee	1985	Circa 100
28.	Vankalai murders in Mannar	1985	Many
29.	Eeddimuriinjaan massacre on the Padaviya road in Vavuniya North	1986	20
30.	Artillery attack on Aananthapuram village in Kilinochchi district	1986	5
31.	Kanthalai murders in Trincomalee	1986	Circa 50
32.	Periyapullumalai murders on Chengaladi Mahaoya road	1986	Circa 1000
33.	Kilinochchi Railway Station murders	1986	12
34.	Akkaraipattu/Udumbankulam massacre	1986	133
35.	Mandaithivu sea massacre	1986	33
36.	Seruvil murders in Trincomalee	1986	22
37.	Thambalakamam murders in Trincomalee	1986	25
38.	Farmers in Paranthan killed	1986	7
39.	Peruveli refugee camp murders	1986	50

40.	Thanduwan murders on Vavuniya Mullaitivu road	1986	17
41.	Adamban murders in Mannar district	1986	Many
42.	Periyapandivirichchan murders in Mannar dist.	1986	4
43.	Kokkaddichchola murders in Batticaloa district	1987	Circa 250
44.	Paddiththal murders in Trincomalee district	1987	17
45.	Thoni-thadaamadu murders in Batticaloa district	1987	13
46.	Veeramunai murders in Amparai district	1990	150
47.	Sammanthurai murders in Amparai district	1990	37
48.	Serviyarpuram murders in Amparai district	1990	Many
49.	Mandaitivu killings	1990	90
50.	Siththandi murders in Batticaloa district	<del>1990</del>	2
51.	Paranthan junction murders	1990	14
52.	Poththuvil murders in Amparai district	1990	132
53.	Thirai kerni murders bordering Oluvil village in the Eastern Province	1990	90
54.	Thuraineelavanai murders, Amparai dist.	1990	60
55.	Eravur Hospital murders	1990	10
56.	Koraveli, Eechayadithievu murders in Batticaloa district	1990	15
57.	Saththurukkondan murders in Batticaloa district	1990	205
58.	Kalmunai massacre	1990	Circa 1000



59.	Nelliyadi market bombing	1990	16
60.	Nelliyadi massacre	1990	7
61.	Eastern University massacre	1990	412
62.	Oddusuddan murders	1990	12
63.	Puthukkudiyiruppu junction killing	1990	25
64.	Vaddakkachchi paddy store bombing, Kilinochchi district	1991	12
65.	Vantharumoolai murders, Batticaloa district	1991	10
66.	Kokkaddichchola murders, Batticaloa district	1991	166
67.	Pullumalai murders on Chengaladi Maha Oya road	1986-1991	69
68.	Kinniyady murders in Batticaloa district	1991	13
69.	Uriththirapuram Koolavady junction air attack in Kilinochchi district	1991	11
70.	Karappolai muththukkal killings in Pollanaruwa district	1992	Circa 100
71.	Artillery attack on Vatrappalai Amman Temple in Mullaitivu district	1992	15
72.	Tellippalai Thurgai Amman Temple bombings	1992	10
73.	Mylanthai, Punnanai murders in Batticaloa district	1992	Circa 50
74.	Maaththalan murders in Mullaitivu district	1992	20
75.	Chavakachcheri, Sangaththanai air attack	1993	30
76.	Kokuvil Temple murders	1993	3

77.	Gurunagar Church killings	1993	13
78.	Jaffna lagoon (Kilali) massacre	1993	Circa 100
79.	Murder of Chundikulam fishermen in Kilinochchi district	1994	10
80.	Navaly Church bombing	1995	147
81.	Nagar Kovil School bombing	1995	71
82.	Kumarapuram massacre in Trincomalee district	1996	24
83.	Naachchikuda murders in Kilinochchi district	1996	20
84.	Bombing of Thambirai market area in Kilinochchi district	1996	7
85.	Mallavi bombings in Mullaitivu district	1996	10
86.	Vavunikkulam murders in Mullaitivu district	1996	6
87.	Ariel attack on Konavil village in Kilinochchi district	1996	5
88.	Second attack on the Church, Mallawi	1997	12
89.	Panankaddy murders in Kilinochchi district	1997	4
90.	Mullivaykkal killings in Mullaitivu district	1997	9
91.	Artillery attack on Mankulam	1997	7
92.	Tambalakamam murders in Trincomalee district	1998	8
93.	Suthanthirapuram murders in Mullaitivu district	1998	30
94.	Visvamadu murders in Mullaitivu district	1998	6

95.	Manthuvil murders in Mullaitivu district	1999	22
96.	Air attack on Paalinagar in Mullaitivu district	1999	6
97.	Shell attack on Madhu Church refugees in Mannar district	1999	40
98.	Puthukudiyiruppu bombing	1999	21
99.	Bindunuwewa Rehabilitation Centre murders	2000	28
100.	Mirusuvil murders	2000	8
101.	Vankalai massacre in Mannar district	2000	4
102.	Vaharai bombing	2006	45
103.	Allaipiddy massacre in Kayts	2006	13
104.	Madhu School bus bombing in Mannar district	2006	17
105.	Abduction and enforced disappearance from Colombo	2008	11
106.	Trincomalee massacre of students	2006	7
107.	Trincomalee massacre of NGO workers	2006	17
108.	Chencholai bombings in Vallipuram in the Mullaitivu district	2006	61

## 6.2.2 Brief descriptions of the individual massacres:

We give hereunder brief details of individual massacres

### *1. 1983: Massacre of residents of Thirunelveli, Jaffna* (51 Tamil civilians were killed)

In retaliation to the ambush of an Army vehicle where some soldiers were killed, instead of searching and fighting the armed LTTE, truckloads of Sri Lankan soldiers left the Palaly camp, smashing all the shops on the way to Thirunelveli. 51 Tamil civilians living in the vicinity of the incident at Thirunelveli were shot and killed in their homes by the rampaging Army.

## **2. 1984: Sambalhattam massacre**

(69 Tamil men, women and children were shot and killed by SL Army)

Sambalhattam village is situated about 3 KM from Vavuniya on the Vavuniya Mannar Road. Just before the Thimbu Talks were held in India, there was a massacre of Tamil civilians in Sambalhattam. An eye witness to this massacre described this incident as follows:

After attending a wedding ceremony, about 70 Tamil civilians were returning in a private bus. At Pambaimadu the Sri Lankan Army stopped the bus and led all the occupants to the nearby teak plantation at Tekawatte. About 15 women and children were taken away and all the remaining men were shot and killed. The soldiers individually inspected each and every body to ensure that nobody escaped death and fired again and again at those who were still alive. However, one person who fainted as the shooting started and who got smeared with blood of others was presumed dead by the soldiers and so he escaped death. After the soldiers left the scene, he went to the neighbouring village and told people there as to what had happened. The fate of the women and children taken away by the Army was not known.

## **3. 1984: Medawachchi – Rambawe Massacre**

*(15 bus passengers were killed and 31 injured due to Army firing)*

Medawachchi town is situated in Anuradapura district on the A9 Kandy Jaffna road about 30 K. M. from Vavuniya which is the main border town to the Tamil Northern province. Medawachchi is inhabited mainly by the Sinhalese people and by some Muslims. A-9 is the main road used by the Tamils to travel from the Sinhala south to the Tamil North.

Racial animosity and the tense situation continued to prevail in 1984 also, after the race riots against the Tamils of July 1983 and

there were incidents of sporadic violence in this area as in other Sinhalese areas in the country.

During the 1st week of September 1984 a passenger bus travelling towards Vavuniya was directed to go along the Mannar road by the Army at the junction. Then the Army fired at the bus killing 15 Tamils including the driver and 31 other Tamils were injured.

#### **4. 1984: Kumulamunai summary executions**

*(7 persons were killed by Sri Lankan Army)*

Kumulamunai village is situated in the Mullaitivu district Karaithuraipattu DS division. Farming was the main occupation of the people. The people were often harassed by the frequent cordon and search operations of the Army.

As frequently done the village was cordoned by the Army on the 1st of October 1984 and two members of the same family were taken into custody. Again on the 29th of November 1984, many people of the village were initially taken into custody but the Army released everyone except four brothers of the two brothers taken into custody earlier.

Although the spouses of the brothers taken into custody pleaded with the army for their release, on 14th February 1985 the army informed the family that the brothers were summarily executed and killed on 2nd December 1984. In this incident Mr. Ponnambalam of the village lost his 6 sons and their wives were made widows. Another person was also killed in this incident.

#### **5. 1984: Chunnakam Police Station massacre**

*(20 detained youth were bombed and killed in captivity by Sri Lankan Police)*

The Chunnakam Police station massacre refers to the killing of 20 ethnic Tamil civilians by the Sri Lankan Police, at Chunnakam, a

suburb of Jaffna in 1984. This was among the first of the series of massacres of Tamil civilians by the Sri Lankan State Forces, since the outbreak of the Sri Lankan ethnic War.

On 8 January 1984, the State Police placed a time bomb in the Chunnakam Police station where at least 19 Tamil youth were held under the POTA and left the building. When the bomb exploded, all of them inside were killed. One man who attempted to rescue his friends inside also lost his life.

### **6. 1984: Chunnakam market massacre**

*(9 killed and nearly 100 injured due to Sri Lankan Army firing)*

The Chunnakam market massacre was a massacre of Sri Lankan Tamil civilians by the Sri Lankan military in Chunnakam in 1984. This was the second such massacre carried out in the town, during the same year.

On 28 March 1984, personnel belonging to the Sri Lankan military arrived at the market and the town's bus stop in tanks and jeeps and opened fire at the crowd in both these places. Eight civilians were shot dead, and over 50 were injured. The military then proceeded to set fire to the market and burnt down all of the shops in the market square.

The military then left the location, and drove through Mallakam and Tellipalai along the Kankesanturai road. Here, they started firing at everyone, who came within their sight. At least one civilian was killed, and female students in Tellipalai, who were returning home from school after completing their examinations, were assaulted. Consequently, 26 students were injured. And another 20 civilians belonging to these two villages were also injured.

### **7. 1984: Point Pedro massacre**

*(16 Tamil civilians were killed, Hartley College library and laboratory were burnt & destroyed by Sri Lankan Police)*

The Point Pedro massacre refers to the massacre of Tamil civilians by the Sri Lankan Police in Point Pedro, a town in Northern Province, Sri Lanka. The police violence resulted in the deaths of at least 16 Tamils. The Hartley College library was also burnt down along with its laboratory reminiscent of the Burning of Jaffna Public Library on an earlier date.

### **8. 1984: Cheddikulam massacre**

*(52 Tamil civilians were hacked to death by the Sri Lankan Army)*

The Cheddikulam massacre was a massacre of Sri Lankan Tamil civilians in the village of Cheddikulam, located on the border of the Vavuniya and Mannar districts by the Sri Lankan Army.

On December 2, 1984, the Sri Lankan military imposed a curfew throughout Cheddikulam and the adjoining villages and towns. The military began cordoning off the village at 5.30 a.m. Most of its inhabitants were still asleep, when armed personnel entered the village and took away the males of the village for 'inquiries'. 52 men were bundled into military vehicles, and taken to the Anuradhapura District and reportedly hacked to death in a Sinhalese village near Medawachchiya.

Following this incident people fled to Vanni, Madhu and India. Among the 52 people killed were my younger brother, my brother-in-law and two more people in our family, stated one witness.

***Another resident by name Mayilvahanam stated:***

On that day many of us ran into the forest and escaped. My home was completely destroyed by the Sri Lankan Army.

## **9. 1984: Othiyamalai Massacre**

(More than 32 men were cut & chopped and killed by the Sri Lankan Army)

Othiyamalai village is situated in the Mullaitivu district, in the Oddusuddan D. S. Division adjoining Nedunkerni village. Following the Sinhalese settlements in Kent and Dollar farms (See note below) the Government was attempting to expel the Tamils by military means and colonise this long standing Tamil village of Othiyamalai and its environs with Sinhalese and particularly with Island Reconvicted Criminals and other undesirables.

After declaring a curfew from 29th November 1984 until 2nd December 1984, army men from Padaviya camp encircled Othiyamalai village on the 1st of December. When the people woke up early in the morning they found these uniformed army men in their village. More than 30 men were rounded up by the army and taken to the village development office building. When people entered the building after the army left, they found 27 of these men cut and chopped and killed. The dead included both young and old. There were a number of eye witness evidence to these gruesome murders by the Army and the identities of the dead are available. After this incident many people fled to the Mullaitivu area.

A further five men were missing and are believed to have been murdered at a later date. The massacre of 32 Tamils in Othiyamalai, Mullaitivu by the Sri Lankan army in 1984 is remembered even today with a new memorial unveiled at the site.

(Note: The Kent and Dollar farms were located near Manal Aru Divisional Secretariat in the Tamil district of Mullaitivu. Manal Aru was of immense importance since it was situated on the border of three districts Mullaitivu, Trincomalee and Anuradhapura



and more importantly was the sole gateway between the North and the Eastern parts of the island where the Tamil community was the majority.

Realising its strategic importance and in a bid to quell the rising threat of Tamil Nationalism, Manal Aru was renamed as Weli Oya (Sinhalese translation of the Tamil name) and an attempt was sought to colonise the area, with Sinhalese.

In November 1984, Sinhalese convicts were settled in the Kent and Dollar farms after the Tamil civilians living there were evicted by the Sri Lankan Army. The settlement of Sinhala prisoners was used to further harass Tamils into leaving the area. Tamil families were asked to vacate their homes and farmlands within 48 hours. Simultaneously land given to fourteen Tamil entrepreneurs, including the Kent and Dollar Farms on 99 years lease, were cancelled by the government.)

### **10. 1984: Mannar massacre**

(More than 220 people were killed by the Sri Lankan Army)

On December 4, 1984, Sri Lankan Army jeeps hit a land mine, when one soldier was killed and eleven others were wounded. In retaliation, about thirty soldiers went on a rampage, attacking public buildings and civilians in and around Mannar.

The soldiers attacked the central hospital; stopped vehicles and shot and killed the occupants; shot 15 employees of the post office by lining them up and shooting them, killing eight; opened fire on peasants in fields; and attacked a convent, stripping the nuns of watches, gold crucifixes and chains. Another group of soldiers stopped a bus and shot all the male passengers. A bus travelling in the opposite direction was also stopped and twenty of its passengers were shot dead. Off the main road, an army jeep drove into the village of Parappankadal. The soldiers fired

indiscriminately, killing 12 people including a mother nursing her infant child. The child survived but three of its toes were blown away by the bullet that killed its mother. Murunkan was another village affected by the rampage.

In all more than 200 people were killed; another 20 were missing, mostly young male Tamils taken to army camps. It took three days to transport all the bodies.

### ***Investigations***

The then Sri Lankan President J.R. Jayawardene instituted a Presidential Commission to investigate the incident. Although many locals were reluctant to give evidence, Mary Bastian, a Roman Catholic priest, participated in the investigation.

Rev Jeyarajasingham, a Methodist priest, was another Human Rights' Activist who appeared on behalf of the local people. He was also the local contact for the Sri Lankan government appointed presidential committee to investigate Human Rights violations in the Mannar district. Rev. Jeyarajasingham was shot dead on December 13, 1984, when he was travelling in his vehicle. Later his body was burnt along with his vehicle. Rev Fr Mary Bastian collected the remains of victims including Rev Jeyarajasingham and handed them to the Jeevothayam Methodist Centre. Rev Fr Mary Bastian was himself killed on January 6, 1985, allegedly by the military.

### **11. 1984: Kokkilai massacres**

*(131 civilians were killed by the Sri Lankan Army)*

On 15th December 1984 a large number of Sri Lankan military men entered the coastal villages of Kokkilai, Kokkuthoduwai, Karunaddukerni, Nayaru, Kumulamunai, Alampil and the people were ordered to vacate immediately. The military then began shooting at people indiscriminately, in the process destroying

their property. 131 civilians were killed including men, women and children. The attacks resulted in widespread displacement of more than 2000 Tamil families from their villages.

## **12. 1984: Manal Aru massacres**

*(Many killed by the Sri Lankan Army)*

The Manal Aru massacres of 1984 refers to a series of massacres of Sri Lankan Tamil civilians by the Sri Lankan military across numerous traditional Tamil villages in the Manal Aru region which spans across the Mullaitivu and Trincomalee districts. The motive behind the massacres was to use the state military to drive out the local Tamil population from their villages and colonise these villages with Sinhalese.

Army officers had sent messages to village elders' threatening them of an impending attack on their villages and warning them to leave. They also used harassment - theft, assault, kidnapping and rape. The harassment was followed by direct onslaught.

Over the period from 1 December 1984 till 15 December 1984 the area surrounding the region that connects Mullaithivu to Trincomalee saw three well planned massacres, property destruction and forced eviction of Tamils from this region by the Sri Lankan military.

### ***Massacres***

On 03.12.1984, Sri Lankan military rounded up Manal Aru area and fired randomly at the civilians. Civilians from Manal Aru were chased away by the Sri Lankan military and their houses were set on fire. Many civilians were killed including women and children. Hundreds of families were displaced from these areas. Sinhalese were settled in these villages thereafter.

### *Amaravayal*

Amaravayal is an ancient Tamil village in the north of Trincomalee district. It lies close to Padaviya. The village was neglected by the state and its inhabitants were harassed by Sinhala colonists who wanted to grab their farmland. People of the village received a message that, unless they left the village immediately, they would be attacked by the Sinhalese.

Soon the people gathered the few movables they possessed in cloth bundles and ran into the surrounding jungle. They waited there the whole of the night. They first heard gunshots from the direction of the village. Then they saw flames jump up. With burning hearts, they walked towards Mullaitivu and joined refugee camps.

### *Thenamarawadi*

In December 1984, Soldiers and Sinhalese mobs invaded the village of Thenamarawadi with a variety of weapons, knives, axes, crowbars, clubs and guns. About 200 families lived in Thenaimarawadi at that time. They fled into the forest. The soldiers and the mob set fire to the huts and destroyed everything they could lay their hands on. The soldiers and the mob returned again the next day. They searched the forest for Tamils. They caught a few Tamils and shot them dead. Youths were lined up and shot. Many women were raped.

On the third day, 4 December, residents of Thenaimarawadi began their journey to safety; they walked through the forest for four days and reached Mulliyavalai in the Mullaitivu district. They built temporary sheds and stayed there. They named their new settlement Ponnagar meaning Golden Town.

### **13. 1985: Kiliveddy Murders**

*(Over 40 killed, many wounded and over 125 houses were burnt by the Sri Lankan Army)*

Kiliveddy village is situated in the Trincomalee district Muthur Divisional Secretary region. Kiliveddy village was targeted to expel the Tamils to facilitate Sinhala settlements. As part of this programme this Tamil village was brought into the Seruvela electorate in 1977. Continuously the people of this village were intimidated by Sinhalese thugs and Sinhalese politicians to scare them away from the village.

On the 1st of January 1985, at about 2 P. M. a group of Army men together with many Sinhalese thugs entered this village and started burning houses and killing people. Ten people including 4 women were murdered by the intruders and more than 125 houses were burnt down. After committing these atrocities when the gang retreated they took away another 8 men and 5 women. All these 8 men were killed and these women were raped and then killed.

Mr. Kanagasabai, a coroner of this area who knew many people of the area and who hid himself in hay heap during this turmoil was able to identify many thugs who participated in this rowdyism as men from the neighbouring village of Dehiwatte. M. P. Of the area Mr. Thangathurai had mentioned about this incident in an interview he gave to Daily Mirror paper.

#### ***Attack on passenger bus***

On the following day, a passenger bus from Trincomalee to Jaffna was attacked by a crowd killing 13 passengers and wounding 9 more. Identities of all the victims are known.

### ***Terrorising the Tamil villages***

During this time many Tamil villages in the region such as Maenkamam, Kanguveli, Paddiththal, Palaththadichchenai, Arrippu, Poonagar, Peruveli, Paarathipuram, Lingapuram, Eechilampattu, Karungalmunai, Maavadichchenai, Muththuchchenai, Valaiththoddam were repeatedly attacked, houses burnt and people were killed.

### **14. 1985: Desecration of Thondamanaru Selva Sannithy Murugan Temple**

The Palaly Army and Air Force main camp in the Jaffna Peninsula occupied a very large area that extended up to the Thondamanar lagoon in the east. During the late 1980s it became impossible for the Murugan devotees to visit the Temple on the other side of the lagoon occupied by civilians as the military men shot at and killed many devotees. As it was not possible to go and remove the dead bodies due to the gunfire, they were allowed to rot and perish.

The hostile army that was indulging in the sporadic killing of Tamil civilians, one night stealthily crossed over to the Temple side and did considerable damage to the temple. They set fire to the newly built large Temple Chariot and reduced it to ashes. They blasted the huge temple bell that was mounted on a tall structure that was a unique landmark in the whole of Sri Lanka. The soldiers even removed all the holy Vels that were placed in the Sanctum sanctorum for which daily poojas were performed and were venerated for so many decades by millions of worshippers over the years. Later, it was learnt that most of those involved in the desecration of the temple had met with horrible deaths and one of them going mad, which was no consolation to the Tamils.

## **15. 1985: Thiriyai Massacres**

*(More than 16 people were killed & many injured by the Sri Lankan Army who chased out the entire villagers and destroyed agricultural equipments, paddy stock & other assets)*

Thiriyai is a traditional Tamil village in the Trincomalee district. On the 6th of June 1985, early in the morning a helicopter gunship flew very low across the village firing its gun. People knew and feared that they were in for some serious trouble. Shortly afterwards, as feared by the people, a large group of Army men arrived and warned the people to run away from the village before they start firing at them. People feared for their lives and fled from their village. Thereafter the Army indulged in an act of arson and burnt more than 700 houses of the people; more than 400 houses in Thiriyai and 300 houses in the village of Kallampatrai. In addition to the loss of their houses, people lost all their wealth such as their agricultural machinery and equipments and paddy stock and all their belongings.

Of the people who got displaced some fled to Trincomalee and some of the others were staying at the Thiriyai school building. On the 8th of August 1985 a group of Army men arrived at the school and fired at the people killing 10 of them instantly. The dead included the retired Grama Sevaka of the village Mr. K. Narayanapillai, Thiriyai M. P. C. S. Chairman Mr. K. Thurainayagam, the secretary of the refugee organisation Mr. K. Ekamparam and the school principal Mr. P. Mahatheva.

### ***Attack on bus passengers***

Again, on the 14th of August 1985 Sinhalese mob dragged 6 Tamil passengers from a public transport bus and hacked them to death.

## **16. 1985: Puthukudiyiruppu Iyankovil massacres**

*(24 civilians killed by Sri Lankan Army)*

On 21st April 1985 there was an army cordon of the area and many people were taken into custody and detained near the petrol shed in the town. Some government servants among those detained were identified and released. In the evening by 3 P.M all the remaining people were loaded on to trucks and driven towards Oddusuddan. 24 of those taken were lined up in the jungle and fired upon and killed. Out of the group of people taken, Ramanathan and Thurairatnam survived with gunshot wounds and Sebastiampillai and Nadanasabapathy escaped unhurt. The next day all the dead bodies were removed by the army to the rear side of the Oddusuddan police station and burnt under a heap of tyres.

## **17. 1985: Valvettiturai and Polikandy Massacre**

*(More than 50 youth were shot at close range and killed by Sri Lankan Army and many more were injured)*

On the 11th of May 1985 beginning from late in the night, a large number of Sri Lankan army men arrived in a number of naval vessels and began landing stealthily in the beach near the army camp at Valvettiturai. While the people of Valvettiturai were fast asleep unaware of the military operation in progress, the military men started encircling and cordoning off the entire Valvettiturai region including neighbouring village of Polikandy. At dawn on the 12th, when it was still dark, an LTTE cadre came walking nonchalantly towards Valvettiturai along the Uddupiddy-Valvettiturai road unaware of the presence of the military cordon. Suddenly he saw a group of army men at close range so close to him that it was not possible for him to retreat and escape. So, he flung a couple of hand grenades at them and as he did not have a chance to escape instead of being captured alive, he bit his cyanide capsule and attained martyrdom.



Ten soldiers and a senior officer were said to have been killed in that incident. This incident prompted the army men to go berserk and on a rampage. Soldiers entered a number of houses and dragged the bewildered youth and beat many of them mercilessly. A few unfortunate youth were shot and killed. Tamil civilians were arbitrarily rounded up. Many young men were forcibly dragged from their homes despite the wailing and pleading of the womenfolk. They were taken to Polikandy beach road and one group of 24 youth were ordered and herded to go inside the town library at Polikandy and then the library was packed with explosives and blown up by the Sri Lankan army killing all of them. Another batch of 12 young men with their hands tied behind their body were asked to kneel down facing the wall in the nearby women dress changing hall at the sacred holy bathing site near the sea and all of them were shot in the back of their heads and killed. In sporadic shooting in the area on this day 34 other civilians were shot and killed. In all 70 people were killed due to State Terrorism by the SL Army in this region on that day, with utter impunity.

This deliberate inhuman killing of innocent defenceless men by the army is still lamented by the many affected families who can testify to the truth of these killings. They had no way of seeking justice for the killings or seeking compensation as the murders were committed by Army men who enjoyed patronage and impunity under the racist state who evidently only condone and encourage such brutalities. Isn't this a blatant crime against humanity?

### **18. 1991 Carpet Bombing of Valvettiturai**

*(More than 50 people killed and many injured and the entire village, including houses, Temples, schools and public buildings reduced to rubble by continuous carpet bombing by Sri Lanka Air Force for four days)*

As the Air force started their carpet bombing of the Town without adequate prior warning, people could not leave the town in time, and they had a horrible time fleeing from the town amidst the inferno of falling bombs, huge fires caused by the continuous dropping of numerous barrel bombs amidst the fallen human beings dying and the dead. The main attack weapons were four Avro planes dropping what was called barrel bombs – large size barrels filled with incendiary explosives and filth, in addition to helicopters firing. The barrels on impact on the ground exploded causing huge flames that burn the surrounding area of impact. When the planes finish offloading the bombs on a trip, they go back to Palaly air base a few minutes flying time away, replenish the deadly stock of barrel bombs and return to continue their evil deed. Valvettiturai being LTTE leader V. Prabaharan's home town, this was the way the Sinhalese oppressors decided to give the town and its people a collective punishment!

Extensive damage was inflicted on the town destroying many houses, Temples, Schools and other public buildings and killing and wounding many people during their four days of continuous bombing of the town. The Writer of this article was in this town when the Carpet bombing commenced.

### **19. 1985: Mulliyawalai Massacres**

*(17 people were taken into custody by the Army and cut & killed and their bodies mutilated)*

The Mulliyawalai village is situated on the Vavuniya Mullaitivu highway. On 16th January 1985, a day of religious significance to the Hindus after Thai Pongal day, the Sri Lankan Army stationed at Mullaitivu cordoned the village from 4 A. M. During their operation the Army took into custody 17 persons including a 7month pregnant woman and another woman who had 3 children and burnt and destroyed their houses.

After about half an hour of the army taking away the arrested people the relatives heard sound of gun fire. The people started fearing that the 17 people taken into custody had been shot and killed. Soon the convoy of Army vehicles started moving towards Mullaitivu and the people anxiously watched these vehicles looking for the arrested people and they were not to be seen. There was one vehicle without personnel but loaded with some equipment and apparently the dead bodies were in that vehicle but could not be seen.

The next day since the arrested people did not return home, their relatives along with Justice of Peace of the area Mr. Thiyagaraja went to the Army camp to enquire. The relatives were shocked and traumatized to see the dead bodies' of their relatives strewn about the place naked and badly mutilated. Both legs of the pregnant lady had been severed. Her belly had been badly damaged. Even in the bodies of the others the legs and hands had been chopped off and there were clear signs of torture on the bodies. The scene was unbearable and it is unimaginable that humans could do such terrible cruelties to fellow humans.

The Army stated that the relatives could take the bodies away only if they can sign a letter stating that all the dead were members of the LTTE. When the relatives refused to sign such a letter they burnt the bodies themselves.

## **20. 1985: Waddakkandal Massacre of Civilians**

*(52 civilians were killed and over 40 injured by State Terror attack)*

This agricultural village is situated in Mannar district alongside Kaddukaraikulam tank. On the 30th of January 1985 by 5 A. M. over 200 Army men from the Tallady Army camp had arrived at the village and by dawn they started entering each and every house and cut and chopped and fired at every one at sight. Many

women were raped. SL helicopters were also firing into the village. Later they entered the village school and shot and killed 18 people including the Principal, Vice Principal and teachers. This State terrorism went on until 2 P.M. It was only after the attackers left the village that the people were able to despatch all the injured to the hospital. In all 52 people were killed and over 40 were injured.

## **21. 1985: Kumudini Boat Massacre**

*(Over 40 killed and many injured)*

The Kumudini boat massacre happened on 15 May 1985 when at least 23 Sri Lankan Tamil men, women and children on a ferry boat named Kumudini sailing from the island of Delft to the island of Nainathivu were hacked to death by Sri Lankan Navy personnel.

Eyewitness accounts were documented by Amnesty International. The government owned ferry boat named Kumudini plying between number of islets in the Northern Province was boarded with passengers at about 7.45 a.m. After it had moved from the island of Delft towards the island of Nainativu, it was ordered to stop by some men who came in a fibre glass boat. About six men boarded Kumudini while about two remained in the fibre glass boat which they tied on to Kumudini. The men who boarded Kumudini had rifles and all of them were dressed variously in blue pants or shorts and T-shirts as worn by the Sri Lankan navy personnel.

All the passengers and crew were ordered to enter the forepart of the boat and ordered below deck. All the passengers were also made to shout out their names, status, locality and where bound to and then they were ordered to come out one at a time. One man pointing out a gun shouted out such an order in broken Tamil. The others in the fore section did not know what was happening to

each person who was led away in this manner owing to the noise created by the forced shouting of passengers.

When an eyewitness approached the upper deck, he saw blood all over and the cut pieces of human bodies. At this juncture the eyewitness shouted and refused to move.

“I was then hit on the head and I fell. I felt that I was dragged and cut on my head by some kind of a hatchet. I received further injuries on my stomach and legs and fell between the boards of the bottom of the boat. I pretended to be dead and lay there. I felt further bodies falling over mine and the cries of distress of men and women.”

About 45 minutes after the attack on the eyewitness the fibre glass boat left the ferry boat.

Villagers reported to local Human Rights groups such as UTHR that special knives used by local toddy tappers to tap toddy were used by the perpetrators to kill the passengers.

### *Casualties*

Although various estimates put the death toll anywhere from 36 to 48, Amnesty International has names of only 23 persons killed in this incident.

Amnesty International identified and recorded the eyewitness accounts of the survivors and wrote a detailed report to the government asking it to take appropriate action against the perpetrators which was totally ignored.

## **22. 1985: Vayaloor Massacres**

*(Nearly 50 men were cut and shot by the Army)*

This undeveloped village consisted of poor farmers who got settled from Thirukkovil in the Amparai district. On the 24th of August 1985 the Sri Lankan Army who cordoned off this village entered each and every house and arrested about 50 males over 18 years of age and headed towards Kumarankulam through the jungle path. The wives and children of these men followed them pleading for the release of their husbands. The Army men chased these women away.

To the utter distress of the families, only a few men returned. Most of those men taken by the Army were cut and shot and killed. Bodies of these men were found strewn all over the village of Kumarankulam village.

## **23. 1985: Natpiddymunai murders**

*(23 youth killed by the Army)*

This village is situated in the Amparai district 3 K. M. from Kalmunai town. On 10th September 1985 morning, Special Task Force men stationed in Kalmunai advanced towards Natpittimunai taking into custody all the youth on the way. In Natpiddymunai they destroyed the dwellings of the people and arrested some more youths and took all of them to their camp. They killed 23 youths taken by them and buried all of them in the same pit.

## **24. 1985: Nilaveli Massacres**

*(30 people shot & killed by the Army)*

Nilaveli village which is in the Trincomalee district, Kuchchaveli D. S. Division lies about 10 K. M. from Trincomalee. After the race riots of 1983 against the Tamils, there were still people in the refugee camp in the village. On 16th September 1985 the Sri Lankan Army entered the refugee camp dragged out 30 people and shot all of them dead. The identities of all those killed are available.

## **25. 1985: PIRAMATHANARU MASSACRES**

*(A number of youth were killed by the Army)*

On the 2nd of October 1985 from very early in the morning a helicopter gunship was flying overhead encircling the region firing all the time. Three airforce planes were also flying in the air space. A large number of Army men were brought to the region in helicopters to a place between the village and the neighbouring jungle. The troops began encircling the village and they started entering each and every house to carry out search of the houses and taking away the youth. Some white skinned foreigners were also seen along with the Army. Later it was rumoured that they were Keenie Meenie mercenaries.

The people faced serious hardship. One Mrs. Thuraiasa Sarathathevi narrated her misfortune as follows:” When the army entered our house my husband was not at home. Only I and my 21 years old younger brother were at home. They made us stand on our knees and searched our home. They tied my brother's hands behind his back. We saw a tall white foreigner also with the Army. The army men kicked my brother with their boots and beat him many times. Then they started accusing my brother as an LTTE member. I pleaded with them stating that my brother had no connection with the LTTE and not to harm him. Despite my pleadings they dragged him into a helicopter and flew away. People said that they saw a body being thrown from a helicopter. We searched the jungle for about a week and found his decomposed body after about a week. Many houses in our village including my house were burnt and many people were killed that day”.

## **26. 1985: KANTALAI MURDERS**

*(6 members of a family were killed and 2 girls raped by the Army)*

On 9th November 1985 a group of Army men entered the house of one Mr. Mylvaganam who was living near the Pillaiyar Temple and took away all the six occupants of the house forcibly. Later

their dead bodies were found on the Allai road with visible signs that they were tortured. The post mortem conducted on the bodies revealed that the two daughters of Mr. Mylvaganam had been raped by many.

### **27. 1985: Muthur Kadatkarai chenai murders**

*(Over 100 civilians killed, many injured and over 100 houses were burnt by the State Defence Forces)*

On the 8th 9th and 10th of November 1985 there was a joint operation of the Army, Navy and Air force where they carried out an indiscriminate killing of the people and destruction of their properties in this village. Displaced people who congregated at Temples were badly assaulted by the advancing army men. Many people who remained in their homes were shot and killed and burnt in their own homes. About 70 people who stayed in the Temples were taken away by the Army and they never returned. In this joint operation more than 100 houses were burnt, many were killed and many more got injured.

### **28. 1986: Vankalai: Murdering priest in the Church**

*(A priest and 6 of his men and an unknown number of others were killed by the Army)*

Vankalai is a coastal village in Nanaddan DS Division, Mannar. On 6th January 1986 the Army cordoned the village and from midnight until the following morning until 10 AM the army operation continued and intermittent gunfire was heard.

A group of army men headed towards the church where Rev. Fr. Mary Bastian was staying. As Fr. Bastian came out of the Church raising his arms the soldiers fired at him and Fr. Bastian fell dead along with two others who were standing beside him. People in the Church compound ran for cover and hid in the church and a few of them also got shot and killed. The soldiers dragged Fr. Bastian's body to the Church entrance and took photographs. The



soldiers were seen singing and dancing around Fr. Bastian's body. The soldiers handed over all dead bodies except Fr. Bastian's body to the Mannar Government hospital.

### **29. 1986: Eeddimurinjaan massacres**

*(More than 20 people were killed & many houses of the people were burnt by the Army)*

This village is situated in Vavuniya north on the road to Pathaviya and farming was the main occupation of the people of this village. The Tamils who lived in the neighbouring villages were chased away by the Sri Lankan Army and Sinhalese convicted criminals were released and settled in these villages with state assistance in 1980s. These settlers kept on harassing the Tamils and stealing their livestock and farm produce of those Eeddimurinjaan Tamils. On the 19th of March 1986 at about 4.30 P. M. the Army arrived at the village in large numbers in armoured vehicles together with the Sinhalese settlers and started shooting and killing the people and burning their properties after looting their valuables. The following day the Army entered the neighbouring village of Nedunkerni and killed many people including women and children. An Army helicopter was providing support to these intruders and firing at people. In these incidents more than 20 people were killed and many houses were destroyed. Due to helicopter firing many houses caught fire and the entire village was filled with smoke.

### **30. 1986: Artillery attack on Aananthapuram village**

*(All 5 children sleeping with their mother were killed by artillery fire from the Army Camp)*

This village is situated in Kilinochchi district. During 1985 and 1986 the Sri Lankan Army was setting up many of their camps in many populated villages and artillery shells were fired intermittantly into the dwelling areas from these camps causing death and destruction and thereby terrorising the people. On the

4th of June 1986 artillery fire was directed towards Aananthapuram village from one of the Army camps in the Kilinochchi region and a couple of shells fell on the house of Mr. Ramaiya Periyapillai. Four of his five children who were sleeping with their mother died instantly. The fifth child who was badly injured was taken to the Akkarayan hospital but he too died. The mother who was badly injured survived after treatment. Many of the terrorised people of the village fled the village to escape from the deadly terror of the state Armed forces.

### **31. 1986: Kanthalai murders**

*(More than 50 passengers of two buses were killed and many injured at Army check point)*

On the 4th and 5th of June 1986 the personnel of the Sri Lankan Air Force camp at the 4th mile post together with their armed men stopped a bus plying on the public road, identified the Tamil passengers and attacked them. Many Tamils were killed in this attack, many escaped with injuries and many others were made to disappear. Again on the 5th June also they attacked over 25 Tamil passengers in a bus plying between Vavuniya and Trincomalee and set alight the bus itself. Burnt bodies of more than 10 people including a little girl and a baby were recovered. In these two days more than 50 Tamils were killed and over 35 Tamils were made to disappear. Their whereabouts are not known.

### **32. 1986: Periyapullumalai murders**

*(Over 100 killed many raped & property destroyed by the Army)*

This village which lies in the Chengaladi -Maha Oya road, has been suffering and bearing the brunt of repeated genocidal attacks by the Sinhalese Army sent by the racist Sinhalese Governments since 1985. A Hindu priest was killed by the Army earlier. On 20th May 1980, the Army burnt more than 100 houses in the village and took away 25 youth and these youth never returned. It came to light that they all were killed in a village called Kodduwamadu.

Again in 1986 the Army launched an attack on the people of the village when 18 youths were lined up and shot and killed. One Mr. Muthaiah and about 50 people were arrested and made to disappear. In many instances entire families were shot and killed. One Mr. Nagalingam Rajaratnam, his 8 month old child and wife were killed. In the case of Peter Luxmi except a child all in the family members were killed. It is alleged that some women taken into custody had been raped and killed.

### **33. 1986: Kilinochchi Railway Station murders**

*(12 passengers were shot to death at the station by the Army)*

On the 25th of January 1986 at around noon the Army men from the Kilinochchi camp came near the Railway station and were hiding behind the huge trees in that area. At about the same time the Colombo bound train from Jaffna came into the station and passengers were getting into the train. Suddenly the Army men who were hiding behind the trees started firing at the passengers. The shocked passengers were running for cover. In this senseless massacre 12 people including 4 women and 2 children were killed instantly. In this incident Mr. Chinnaiyan Nallaiya who lost his wife and son and who was himself injured stated as follows:

*“I am a farmer and my wife was a teacher and we have 4 children. Because of the insecure situation in Kilinochchi we shifted to Akkarayan. Since my wife got a transfer to Anuradapura we came to the station. Since the Army started firing from close range and as there was no place to take cover, many people got killed and I lost my wife and son”.*

### **34. 1986: Akkaraipattu / (Udumbankulam) massacre**

*(133 Farm workers were cut and shot and killed and many wounded by Army savagery)*

Every year during the harvesting season in February, the entire families of hundreds of farmer families of Udumbankulam

village near the town of Akkaraipattu used to go to their paddy fields and temporarily live there until the harvesting is over and return to their homes with their harvested paddy. As usual in 1986 also they were busy engaged in their harvesting activity.

On the 19th of February 1986, the army men from the Kondaivettuvan army camp arrived in armoured vehicles and started encircling the farmers at work. After blindfolding and tying the hands of the farmers behind their backs, the army men let loose an orgy of violence against these innocent farm workers stabbing and shooting them dead. Many of the dead were burnt with the harvested paddy. By the time these cruel army men left more than 133 workers were dead. Many remained wounded. Two days later members of the Citizens Committee led by Rev. Fr. Chandra Fernando visited the scene and arranged for disposal of the half burnt bodies.

### **35. 1986: Mandaithivu sea massacre**

*(33 Fishermen were savagely killed by the Navy)*

Mandaitivu is an islet situated off the Jaffna peninsula and is connected to the city of Jaffna by means of a causeway.

On 10 June 1986, Sri Lankan Navy personnel clad in black clothes approached a group of fishermen who were at sea fishing. The fishermen raised their hands to show they were unarmed civilians. The Navy however began to attack the fishermen destroying their boats and nets. All of the fishermen were tortured and brutally murdered. The eyes of some fishermen were pierced out. Stomachs of some fishermen were cut open. In all 32 fishermen from Gurunagar and one from Mandaitivu village were killed by the Navy. The only fisherman Mr. Semon Mariyathas (41) who escaped death in the massacre is still alive. The fishermen who were massacred were aged between 13 and 62. According to the medical evidence led at the inquest, all the

fishermen had died of multiple injuries to various parts of the anatomy due to machine gunfire and cut wounds.

### **36. 1986: Seruvil murders**

*(20 men killed and 2 injured by the Army & armed group)*

On 12 June 1986 a group of about 20 men including two village elders and a couple of Government officials were transporting relief materials and food to a refugee camp in Seruvil from Eechilampatrai. On the way they were attacked by an armed group operating with the Army resulting in the death of 20 men and 2 men survived with severe injuries.

### **37. 1986: Thambalakamam murders**

*(25 civilians killed by SL Army)*

On 20th June 1986 the Sri Lankan army and Air Force personnel attacked the inhabitants of Tambalakamam village in the Trincomalee district and the terror stricken people fled from their village. More than 25 people who got displaced took shelter in a rice mill in the village of Potkeni. The Sri Lankan Army that came there arrested all of them and took them to Ulpanthai village and shot and killed all of them at a location called Samunai Aaru.

### **38. 1986: Murder of Farmers in Paranthan**

*(7 Farmers killed by SL Army)*

Paranthan was a place that suffered badly due to the frequent army operations and artillery fire from the Elephant Pass camp.

On 28th June 1986 a group of Army personnel from the Elephant Pass camp advanced towards Paranthan early in the morning. In the paddy fields alongside the main road seven farmers were watering their crop. Without any reason the Army men attacked the farmers tied them together and killed them and left. Later in the day other farmers who came to the scene at about 3.30 P.M. noticed the bodies, and informed the next of kin of those killed, who removed the bodies to be cremated.

### **39. 1986: Peruveli refugee camp murders**

*(More than 50 killed & about the same number injured and many women raped & property destroyed by SL Army)*

The village of Mallikaithivu in Trincomalee district is on the road from Koddiyapuram to Batticaloa. Peruveli village is about a kilometer from the Mallikaithivu junction and is a Tamil village and borders the Sinhalese villages of Dehiwatte and Neelapola. Sadly, the Sinhalese people in these villages jointly with the Army and their armed groups indulged in the killing of Tamils and terrorising them with the intent of chasing them away from their village to grab their lands.

Due to the frequent military harassment since 1985, many people fearing to live alone in their houses were living in a refugee camp set up in the school building in the village along with some displaced people. On 15th July 1986 the Army, Police, the armed groups operating with the Army and the rowdys from the neighbouring Sinhalese villages jointly rounded up the refugee camp very early in the morning. At dawn they entered the refugee camp and started firing at the refugees killing many of them. The shocked people were fleeing in all directions and many of them got killed by those armed men waiting in ambush. In all, more than 50 people got killed and about the same number got injured including many women and children. It was reported that many women got raped by these beastly men. These armed men set fire to many dwellings of the people and there were instances of unbelievable cruelties being inflicted where men were forcibly thrown into raging fire where they got burnt to death.

It was when all these atrocities came to an end by 1 P.M. that outsiders were able to gain access to the area and send the injured to the hospital and dispose of the bodies of those killed. As the dead bodies were too many it was only possible to give a mass burial under the circumstances.

#### **40. 1986: Thanduwan murders**

*(17 Bus passengers killed and 13 others wounded due to firing from helicopter)*

Thanduwan village lies on the Vavuniya Mullaitivu road about 4 K. M. from Nedunkerni and inhabited mainly by Tamil farmers. For all their requirements people go to the Nedunkerni town.

On 17th July 1986 as usual people from various villages on the way from Mullaitivu to Nedunkerni got into a CTB bus to attend to their personal work. On that particular day Nedunkerni was cordoned off by the Sri Lankan Army and a search operation was in progress. A helicopter was also giving aerial support to the ground forces. As it was not possible to go beyond the village of Thanduwan, the bus driver decided to go back to Mullaitivu and turned his bus with the remaining people and started driving towards Mullaitivu. Just then the helicopter gunship followed the bus and started firing on it and launching rocket attack. In this attack 17 passengers and the driver of the bus got killed and 13 other passengers got wounded.

#### **41. 1986: Adampan murders**

*(Many killed violently and many others injured by the SL Army)*

Adampan village is in Mannar district and is mainly inhabited by farmers. Since this village is in close proximity to the Army camp at Thalladi, Adampan village used to be subjected to frequent artillery attacks when people used to get killed and injured and thus the people used to live in constant fear of these artillery attacks.

On 12th October 1986 a group of Army men left the Thallady camp by about 4 A.M and came via Thirukketheeswaram and Malikaiththidal to Thamaraikkulam. There they shot and killed two married youngsters named Thyagu and Gopalu and dumped their bodies in a nearby well. From there they came to Adampan

and set fire to many shops and shot and killed many people. Some were beaten to death. The killing was so gruesome that it had not been possible to identify the dead.

#### **42. 1986: Periyapandivirichchan murders**

*(Father & daughter cut to death by the SL Army. Another daughter & another person survived with injuries.)*

This village is situated in the Mannar district, Madhu D. S. Division. On 15th October 1986 as usual the farmer Mr. Rasanayagam was working in his paddy field. His two daughters who returned from school had their lunch and brought the lunch to their father. The three of them and the neighbouring farmer, 72 years old Joseph Francis gathered in the farm hut for a while.

Just then a group of Army men approached the farm from the jungle area firing at random. Then they came into the hut and beat Rasanayagam mercilessly. Then with a knife they stabbed and cut the young girl in a gruesome manner. They cut Joseph Francis also into pieces. In this attack Rasanayagam and one of the girls survived with injuries. The other girl died while being taken to the Madhu hospital. Joseph Francis died on the spot.

#### **43. 1987: Kokkaddichcholai murders**

*(Over 250 people were killed brutally by the Army and many more injured.)*

This village is situated in the Batticaloa district of Eastern province. On 28th January 1987 a major military operation was commenced by the Sri Lankan Army. Army units from the camps in Kondaivedduwan, Kaluwanchikudi, Vellaweli and Kallady advanced towards Kokkaddichcholai in armoured vehicles with helicopter support and started attacking the people at random as if they were waging a war against the common Tamil people of the village.



There was a large prawn farm in Mahiladiththivu funded with American assistance where over 150 poor labourers were working for their livelihood. The brutal Sinhala Army in a heartless act of brutality cut and chopped all these defenceless workers and fired at them and killed all of them and threw their bodies into the prawn farm and the water became red with the blood of these poor workers. The Army indulged in another inhuman act where another 24 men who took refuge in a rice mill were also shot and killed by the demented Army. Over 200 people of all ages were killed and many more injured on this day in this village.

At Ambilanthurai, a neighbouring village also the Army killed another 45 persons and the mayhem continued for 3 consecutive days.

#### **44. 1987: Paddiththidal murders**

*(Over 17 worshipers killed by the SL Army and many wounded)*

This village is situated in the Trincomalee district ten K. M. from Muthur. In early 1987 there were sporadic incidents of Army violence against the people and then there was an incident where the Army got attacked by the rebels. Fearing reprisal attacks against the people by the Army, most people of the village fled the village. As anticipated the enraged Army men arrived at the village and found a few people at prayers. The Army attacked them killing all of them including children. 17 people of the same family got killed on that day. Only Mr.Konan Ulaganathan survived to tell the horror incident.

#### **45. 1987: Thoni-thadaamadu murders**

*(13 killed and many others wounded by the SL Army)*

This village is situated in the Vakarai AGA division of Batticaloa district. On 25th May 1987 the Sri Lankan Army came into the village firing at random. Again the Army men came to the village

on the 27th, entered the people's homes dragged the people out and shot and killed many. In this incident 13 persons were killed and many others were wounded.

## **1987 to 1990: Period when the Indian Army was present**

### **46. 1990: Veeramunai Massacres**

*(Over 150 people were killed, many wounded and 8 girls raped by the SL Army)*

We list here-under the numerous massacres carried out by the Sri Lankan Army on the civilians in the Veeramunai region. This village is situated in the Amparai district west of Karaitivu and is inhabited by Tamils.

#### ***20th June 1990***

On 20th June 1990 the Sri Lankan Army cordoned the village and entered every house and instructed the occupants to gather at the Pillaiyar Temple. The Army terrorised the people by shooting indiscriminately and killing some people. They burnt some houses particularly those who remained in their houses without going to the Pillaiyar temple as instructed. Over 1000 people had gathered at the Temple. At about 2 PM the Army instructed all those above 15 years of age to go to the street behind the Temple. Of those who gathered accordingly, 69 youth were taken away to the Marjen School by the Army despite pleadings by their kith and kin. Later it came to light that 50 of these youth were taken to the forest around Sammanthurai and burnt alive and killed.

#### ***29th June 1990***

The Sri Lankan Army visited the Pillaiyar Temple once again on the 29th of June and took away some more youth to the Army camp and they never returned. Scared by these incidents the people fled from there to Karaitivu Central School.

### ***3rd July 1990***

Tragedy followed these people even to Karaitivu when the Army visited there and took away 11 youth to the Army camp and they were never returned by the Army.

### ***5th July 1990***

On this day the Special Task Force Commando Policemen came to the Karaitivu Central School and took away 13 youth to the Army Camp. Later, all these 13 youth after being tortured, were burnt to death by putting tyres over them and pouring Kerosine oil and setting fire.

### ***10th July 1990***

On this day Army men cordoned the Veeramunai refugee camp and took away 15 youth to their Army camp. These unfortunate youth were also tortured and burnt to death with tyres soaked with kerosene oil.

### ***16th July 1990***

On this day some women went from the Veeramunai refugee camp to inspect their homes. At the Malwatte Army check point eight young girls from this group of women were detained, raped and then burnt to death by these demons of human beings.

### ***26th July 1990***

On this day the Army men once again cordoned the Veeramunai refugee camp and took away 32 youth. 23 of these were students. None of the 32 youth ever returned.

### ***29th July 1990***

On this day 8 School teachers who were travelling in this region with members of their families were taken into custody by the Army. They were never released by the Army.

### ***1st August 1990***

On this day 18 civilians, including 1 child and 4 women were taken into custody by the Army while they were going along Chavalikadai Street towards Navithanveli. All these people were attacked with sharp weapons like knife, sword and cut into pieces and burnt.

### ***12th August 1990***

On this day the armed Muslim group that was operating with the Army went into the refugee camp with sharp weapons and attacked the unarmed refugees killing 10 of the refugees. Many were injured. Included in the dead was the Temple trustee Thampimuthu Sinnathurai, two children and three women.

It was reported that when some of the injured were taken to Sammanthurai Hospital the hospital did not attend to them. So they were taken to Ampara hospital. Out of the 7 persons admitted there, three were forcibly abducted by the Army.

During the month of July and August, the Army destroyed thousands of residential houses in the region and terrorised the people by killing many of them.

### **47. 1990: Sammanthurai murders**

*(37 Tamils were killed & many wounded by Muslim Home Guards)*

This village is in Amparai district inhabited by Tamils in Muslim neighbourhood. The famous and ancient Kannahai Amman Temple and Kali kovil are in this village. On 10th of June 1990, the Muslim armed group that operates with the Army, along with the Army, attacked the Tamils in this village resulting in the deaths of 37 Tamils and injuries to many others.

#### **48. 1990: Serviyarpuram murders**

*(Many killed & wounded & homes destroyed by Muslim Home guards)*

This village in the Amparai district was occupied mainly by Tamil aborigines called Kuravar. On the 7th of August 1990 a large group of armed Muslims backed by the Army entered the village and indulged in an arson attack burning the dwelling places of the people. They beat and tortured men, women and children killing and wounding many people. Temples, school buildings and society buildings were all demolished and destroyed. Many of the wounded had to be hospitalised. The alleged reason for the attack on this village was said to be that some men of the village sympathised with the LTTE.

#### **49. 1990: Enforced disappearances in Mandaitivu**

*(Over 90 killed and many injured by SL Army)*

Mandaitivu is situated south of Jaffna town in the Velanai D. S. Division and had a population of over 1200 families. On 24th August 1990 the Army men from Kayts headed towards Mandaitivu and notified the people through leaflets dropped from helicopters to gather at Temples and churches for their safety. Accordingly people gathered at Mankumban St. Anthonys Church and at Allaipitty Philip Nariyar Church.

On the 24<sup>th</sup>, the Army arrested those between 15 years and 40 years at Mankumban and on the 25th they arrested the same age group at Allaipitty. At Mandaitivu they arrested 28 persons and at Allaipitty they arrested 32 persons and at Mankumban 10 persons. Those arrested included two and three brothers respectively. Later on 23rd September 1990 the Army men together with the armed group operating with them took away 18 students from Mankumban School. All those taken into custody in August and September by the Army never returned.

## **50. 1990: Siththandi murders**

*(Over 275 killed by SL Army)*

This village is situated about 40 K.M. North of Batticaloa and the famous Hindu Murugan temple is in this village. On 20th July 1990 the Army cordoned this village and instructed everyone to gather at the Murugan Temple. 80 people who gathered at the Temple were blind folded and their hands tied behind their backs and the Army took them away to the border of the village and shot and killed all of them.

Again in the same month 57 youth were taken into custody by the Army and in the same manner blind folded and hands tied behind their backs were shot and killed and their bodies burnt.

Once again on the 20th and 27th August 1990 the Army carried out terror attacks on the village murdering 137 youth. The village continued to face similar atrocities intermittently for a long time.

## **51. 1990: Paranthan junction murders**

*(14 civilians killed & many wounded by the SL Army)*

Paranthan because of its close proximity to the Elephant Pass Army camp complex was subjected to intermittent shelling over a long period since early 1980s and the people were living under constant fear of shell attack. Often, the Army came into the village and terrorised the people.

On 24th July 1990 Army men from the Elephant Pass camp were transported in helicopters and they started advancing towards Paranthan. As usual they indulged in killing people in their homes and in paddy fields and burning their houses. On this day, 14 civilians were killed and many were wounded by the Sri Lankan Army.

## **52. 1990: Poththuvil murders**

*(132 persons were arrested, taken to the Army camp and cut and chopped and thrown into burning fire and killed by the SL Army)*

On 15th June 1990 the Muslim armed group operating with the Army together with the Army started attacking the village killing and injuring many people. People had to flee the town looking for safety. The Army and government officials publicly invited the displaced people to return to their village. Accordingly the people started returning by end of July 1990 to find their village in ruins. As a result many of them had to stay in the refugee camp set up in the Methodist Maha Vidyalaya building. Soon they started resuming their livelihood activities.

Suddenly one day the Army arrested 132 of the youth at their work places and took them first to the Army camp and from there to another place and with their hands and legs bound, threw them into burning fire and killed all of them. The identities of those thus killed are available and these gruesome murders took place on 2nd August 1990.

## **53. 1990: Thiraai Kerni murders**

*(More than 90 Tamils were killed & many injured and dwelling places destroyed by Muslim Crowd & the Army)*

In 1954 one Mr. Tharmaratnam donated his coconut estate to settle about 350 families and this settlement was named Thiraai Kerni which was bordering Oluvil village on the East and Paalamunai on the South.

On 5th August 1990 a Muslim resident of Thiraai Kerni got killed mysteriously in the forest adjoining the village and the next day a large crowd of Muslims armed with deadly weapons and supported by the Sri Lankan Army attacked the Tamils in the village. They even entered the Hindu Temple where some people had taken refuge. By the time they ended their attacks more than

90 Tamils had been killed and many injured. All the dwelling places in the village had been burnt down.

**54. 1990: Thuraineelavanai murders**

*(More than 60 civilians killed & many injured by SL Army attack)*

This village is in Amparai district Kalmunai AGA division. On 12th August 1990 morning Army men from the camps in Neelavanai and Kallar converged on the Thuraineelavanai village and started firing at random resulting in the murder of more than 60 civilians. Many others were badly injured.

**55. 1990: Eravur Hospital murders**

*(More than 10 patients killed by Muslim crowd & Army)*

On 11th August 1990 the Army cordoned the villages of Chengalady, Kiran and some adjoining areas. More than 10 people who were injured due to army firing on that day were admitted to the Eravur Government hospital and were receiving treatment. The next day around midnight the armed Muslim men along with some Army men entered the hospital and attacked those men receiving treatment with knives and swords and killed them.

**56. 1990: Koraveli, Eechayadithievu murders**

*(15 killed & over 25 injured by SL Army & their accomplices)*

These villages are situated in the Batticaloa district. On the 14th of August 1990 around noon Army men from the camps in Chengalady and Kallady together with armed Sinhalese and Muslim men cordoned these villages and indulged in shooting at people at random. In these shootings 15 civilians got killed and over 25 were badly injured.

**57. 1990 Saththrukkondan murders**

*(In all 205 men, women & children were forcibly taken into custody and killed. Out of this number 85 women were raped &*



*killed. 68 of the children arrested were also killed by the SL Army.)*

This village is situated 2 K. M. North of Batticaloa town. As the armed confrontations escalated a large Army camp was set up in this village in the early 1990s. Perturbed by the setting up of the Army camp in their village the people got displaced and stayed in refugee camps set up in temples and school buildings. However, since the Army invited these people to come back to their homes, the people apprehensively returned.

However, the Army arrested all those who returned and of those who were arrested 85 of them were women. It was later learnt that these women were kept as sex slaves by the Army men in the camp, tortured and killed. 68 of the children arrested by the army were also tortured and killed. In all 205 Tamils were tortured and killed by the Army. Kandasamy Krishnakumar aged 21 was the only survivor with injuries.

### **58) 1990: Kalmunai massacre**

*(Over 1,000 killed & many wounded due to series of mass killings by the SL Army)*

The Kalmunai massacre refers to a series of mass killings that occurred in June 1990 in Kalmunai, a Municipality within the Ampara District of Sri Lanka's Eastern Province. The massacre of civilians was allegedly carried out by the Sri Lankan Army in retaliation for an earlier shooting of Sri Lankan police officers.

#### ***Civilians massacred***

After the LTTE killed some police officers on 11 June 1990, the town of Kalmunai was allegedly subjected to intense shelling by the Army. As a result, the LTTE withdrew from the town. Subsequently, once the Army had occupied the town, the massacre of civilians began on 20 June 1990. One account claimed that Sri Lankan Army personnel took position at

Kalmunai Rest House junction where Tamil civilians were allegedly kidnapped. The abducted were then burned behind the shops of Muslim businessmen. While the exact death toll is disputed, a member of Sri Lanka's parliament stated that more than 160 people were killed. However, the UTHR said that the number of people who died or disappeared was in excess 1,000 and alleged that over 250 were killed. It further stated that this massacre was the “largest bout of slaughter a single town in the island had witnessed in such a short time”.

### ***Later attacks***

On 27 June 1990, 75 people were allegedly rounded by the Sri Lankan Army and burnt to death. Further, 27 headless bodies were found washed ashore in Kalmunai beach. In all, it is alleged that over 700 people were killed in June.

### **59. 1990: Nellyady Market Bombing**

*(16 killed & 24 badly injured due to Bomber attack)*

Nellyady is a small town in the Vadamadachi region of Jaffna district. The Nellyady market served the 25,000 families living in this area.

On 29.08.1990, two bombers and an Avro belonging to the Sri Lankan military dropped bombs on this market at 9.30 am when the market was busy with people. 16 civilians including women and children were killed by this bombing and 24 people were badly injured.

### **60. Nellyady Massacre of May 4, 2006**

*(7 youth in 2 three wheelers were shot and killed at Army checkpoint)*

“Raja Kiramam,” a small settlement in the suburb of Nellyady Town, is populated with people who are daily wage-earners. On Thursday, May 4, 2006 at 1:00pm, seven young people of the Raja Kiramam village were on their way to their friend's birthday

celebration taking some soft drinks and some food in two three-wheelers. The eye-witnesses said, “It was raining heavily. These two three-wheelers were stopped and checked by the Sri Lankan security forces and the passengers were asked for their identity. Then the Army let them proceed on with their journey. No sooner had they left than there were several gun-shots and an R.P.G attack on their vehicles.” All the seven youth died on the spot.

### **61. 1990: Eastern University massacres**

Eastern University massacres (also known as Vantharumoolai Campus massacres) refer to two separate incidents of arrest and subsequent mass murder of a number of Tamils who sought refuge at the University premises, by the Sri Lankan Army.

#### ***23rd and 24th of May 1990***

(226 Youth were killed)

The first massacre occurred on the 23rd of May 1990 when 58 young males were taken away by the Army and killed and again on the 24th of the same month when 168 civilians were taken away and killed by the Army.

#### ***5th and 23rd of Sept 1990***

(48 People and another 138 people were shot & killed)

There were a number of massacres and disappearances of civilians attributed to the Sri Lankan government forces and government-allied paramilitary groups during 1990s.

#### ***The incident***

According to a local human rights organisation, the University Teachers for Human Rights(UTHR), as the Sri Lankan Army personnel from the Valaichchenai Camp went into the villages of Vantharumoolai, Sungankerny and Karuvakkerny for search and destroy mission, people from these villages ran into the Eastern University campus at Vantharumoolai thinking that they will be

relatively safe there. The lecturers at the Campus provided protection for them and hoisted a white flag in front of the University. One eyewitness account, as recorded by UTHR, reports:

*“As soon as the Army went into the villages of Kondayankerny, Sungankerny and Karuvakkerny they started shooting and hacking the people to death. Wherever they killed people, they lost no time in burying the bodies. The soldiers were equipped with a Bulldozer which made it very easy to bury the bodies. In those three villages – they arrested forty-eight (48) people and took them to Valaichchenai main road. There they shot dead all 48 people and buried their bodies in the compound of a private land”*

According to the evidence, nearly 45,000 people had taken refuge since May 1990 following the outbreak of violence at a refugee camp in the vicinity of the said University. The refugee camp was administered by Professor Mano Sabaratnam, Dr Thangamuthu Jayasinghan, and Mr. Velupody Sivalingam. It was supported by a Non-Governmental organization during this period.

***The witness further stated that:***

*“In seven days, the (Eastern University) Campus was full of fifty-five thousand - 55,000 - refugees. On 5 September 1990 by about 9 o'clock in the morning, soldiers from Kommathurai Army camp, along with personnel from some other Army camps, arrived in a government owned bus and entered the premises of the Eastern University. The Army walked into the Campus ignoring our white flag. Some Tamil (paramilitary operatives) and Muslim home guards collaborating with the Army also came with the Army. As soon as they entered the Campus they asked us as to who were staying there. We told them the people from Valaichchenai and Arumugathan colony were there. While he was talking to us, two empty buses came to the Campus.*

*This was followed by an announcement using an amplifier fitted to a white coloured Van asking the refugees to form into three different queues; people aged 12 to 25 in the first row, people aged 26 to 40 in the second row, and persons over 40 years of age in the third row. People in the three queues were asked to pass through a point where five people clad in masks and army uniforms were seated in chairs along with seven Muslims, standing behind the masked people.*

*Whenever the people in the masks gave a signal, people in the queues were taken away to a side. When this operation was completed, 158 people were pulled out from the queues. All were ordered to get into the two buses. All the parents and family members started pleading and screaming. But they were all taken to an unknown destination. We prepared the names and addresses of all 138 people who were taken by the Army. Later we went to all the Army camps and inquired about the whereabouts of the 138 people. But the Army said that they were not aware of those people.”*

Those people never returned.

### **Government investigation**

President Chandrika Kumaratunga appointed a three member-Presidential Commission of Inquiry into Involuntary Removal or Disappearances of Persons in the Northern and Eastern Provinces. The Chairman of the Commission was Justice Krishnapillai Palakidner. The other two Commissioners were Mr. L. W. R. R. Widyaratne and Dr. W. N. Wilson. The Commission released its final report in September 1997. According to the Commission's report, the arrests from the Vantarumoolai Eastern University refugee camp was the biggest group arrest of this district. The arrests took place on September 5 and September 23, 1990. 158 people were arrested on the first day, while 16 others were taken into custody on the second day. A list containing the

names of 158 people reported as missing was produced before this Commission and 83 witnesses testified to the disappearances of 92 people out of the 158 reported above. Evidence was also given regarding 10 of the 16 people who disappeared during the subsequent arrest.

The incident and the related massacres of civilians has become an annual event of remembrance in Batticaloa.

### **62. 1990: Oddusuddan murders**

*(12 people killed in air attack)*

Oddusuddan village is the main administrative center of the Oddusuddan D. S. Division. The people of the village lived mainly around the famous Sivan Temple in the village. On 27th November 1990 Sri Lankan Air Force planes fired rockets and dropped bombs in the densely populated residential area around the Sivan Temple. In this attack 12 people lost their lives, their bodies being blown to pieces and many others were badly injured.

### **63. 1991: Puthukkudiyiruppu Junction killings**

*(More than 25 killed & many wounded in Aerial attack)*

In 1991 there were about 1500 people staying in the refugee camp managed in the Subramaniya Vidyalaya School building. On 20th January 1991 evening at about 5. 30 P. M. two bomber planes belonging to the Sri Lankan Air Force thrice dropped bombs in the junction area. When the bombing raids were over the people of the area and some humanitarian aid workers went to the scene of bombing and searched through the night and despatched over 50 injured people to the Puthukkudiyiruppu Government Hospital and some of those seriously injured were despatched direct to Jaffna General Hospital. Three of those thus despatched died on the way to the hospital. 20 dead bodies were recovered. People were crying and wailing and the scene was very pathetic. Again when the people searched the area in the morning they discovered

5 more dead bodies. One pregnant mother who survived this bombing gave birth to a child with nervous ailment and walking disability.

#### **64. 1991: Vaddakkachchi paddy store bombing**

*(9 killed & 3 injured in Aerial attack)*

This village is situated in Kilinochchi district. In the paddy store area only 5 families were living. On 28th February 1991 at about 7.30 in the morning when the people were having their break fast and getting ready to go to work two Sri Lankan Air Force bombers flew over the village and dropped three bombs; two of which fell in the paddy fields but one bomb fell on the dwelling houses instantly killing 9 persons. 3 others who were injured were admitted to the Kilinochchi Government hospital.

#### **65. 1991: Vantharumoolai murders**

*(10 civilians killed by the Army)*

On the 9th of June 1991 Army men who came out of the Maavadivembo and Vantharumoolai Army camps were attacking people in the streets. At Vantharumoolai 1st Cross Street the Army cut with sword 4 people until they were dead. After that they shot and killed 6 persons in Karuvankerny. In all the Army killed 10 Tamil civilians on that day.

#### **66. 1991: Kokkaddichcholai murders**

*(166 killed & many wounded by SL Army)*

After the disaster suffered by the people of Kokkaddichchilai at the hands of the Army on 28th January 1987, the people were getting back to some peaceful living when disaster struck them again on the 12th June 1991.

On this day Army men from the camps in Ambilanthurai and Kallady came in armoured vehicles and cordoned the villages of Kokkaddichcholai, Arasadyththievu and Mahiladyththievu and

started firing at people indiscriminately. As many as 166 people got killed and many were wounded.

This was the helpless situation in which Tamils in this country were living and getting killed without any basic legal protection for their lives. Even in death they were not entitled to a decent burial but their mutilated half burnt bodies were burnt on heaps of tyres or hay stacks by the roadside.

### **67. 1986 – 1990: Pullumalai murders**

*(18 youth shot dead & 51 made to disappear by SL Army)*

Pullumalai village is on the Chenkalady Maha Oya road in the Eastern Province and has been suffering in numerous ways since the war started escalating. A Hindu Priest was killed by the Army in the 1980s. On 20th May 1986 the Army and its armed group cordoned the village and burnt down more than 100 houses and took into custody 25 youth and took them along with them and at a place called Koduwamadu they shot and killed all of them.

On 8th November 1986 Army men from the Camp in the village together with men from the Maha Oya Camp cordoned the village and indulged in an orgy of violence. 18 youth were made to stand in a row and shot point blank killing all of them. 51 others were taken into custody and made to disappear. In many instances entire families were shot and killed. One Mr. Nagalingam Rajeratnam, his wife and 4 children including his 8 month old child were killed. Some small children were booted to death by the Army men. In Peter Luxmy's house every one in the family except a small child were killed. There were instances of rape during this pandemonium.

### **68. 1991: Kinniyady murders**

*(13 civilians killed by SL Army)*

This village is situated about 4.5 km west of Valaichchenai in the Batticaloa district. On 12th July 1991 the Army men from



Kumberumunai and Valaichenai Camps cordoned the village and were firing their guns in all directions. They arrested 13 civilians, brutally killed them and left the village.

### **69. 1991: Uriththirapuram Koolavady junction Air attack**

(11 killed & 2 survived with injuries in air attack)

Uriththirapuram village is situated in the Kilinochchi district and farming was the main occupation of the people. Koolavady bazaar is the main shopping area in the region where the market, shops and Government department offices are situated and so many people come to this area to attend to their needs. On 4th February 1991, while the Sinhalese people were celebrating their independence day a gloomy atmosphere prevailed in the Tamil area. Suddenly two bomber planes appeared in the sky over Uriththirapuram and kept circling for about 5 minutes. The crowd that was busy marketing at Koolavady bazaar ran to take cover and some people went under a culvert. Just then one of the four bombs dropped by the bomber planes fell near the culvert and exploded. 11 Tamils who took cover under the culvert died instantly and two survived with injuries in this deliberate and cowardly bombing of Tamil civilians.

### **70. 1992: Karappolai Muththukkal killings**

*(Over 100 people were killed by SL Army & Muslim armed group)*

These villages are in Pollanaruwa district and are border villages of Batticaloa. On 29th April 1992 around midnight the Army and the Muslim armed group entered the villages and entered the houses of the people who were in deep sleep after a hard day's work and hacked many of them to death. Over 100 people including women and children and entire families were brutally murdered in this genocidal attack.

## **71. 1992: Artillery attack on Vatrappalai Kannahai Amman Temple**

*(15 killed & over 60 injured in artillery attack from SL Army camp aimed at Temple)*

In the Northern Province Vatrappalai Kannahai Amman Temple in the Mullaitivu district is very famous among Hindus throughout the country. Every year during the full moon day during the month of May a large number of devotees from all over the country used to gather at the Temple for the Pongal Festival. Although the number of devotees coming to the Temple had dwindled since the military operations started, still the ceremony was conducted with devotees from many places in the Northern Province.

On 18th May 1992 around noon while the Pongal ceremony was taking place, the Mullaitivu Army who were aware of the Pongal Ceremony taking place, deliberately fired artillery shells directed towards the Temple. Ten devotees got killed on the spot and another 5 died while being taken to the hospital. Around 60 devotees got badly injured. This is typical of the genocidal intention of the Sinhalese Government in getting the military to target Tamil civilians and their places of worship.

## **72. 1992: Tellippalai Thurgai Amman Temple bombings**

*(10 people were killed & many wounded in Air attack)*

The famous Thurgai Amman Temple in Valikamam attracts many devotees to the Temple from all over the country. When the Government started expanding the nearby joint Army Air Force base at Palaly in a big way, they were capturing territory by force firing artillery and mortar shells into the adjoining villages and the air force planes and helicopters firing at random to chase away the residents. Residents from all the neighbouring villages of Vasavilan, Kurumbasiddy, Thaiyiddy, Myliddy numbering over a thousand families not only lost their dwelling places and became internally displaced people (IDPs) but also lost their livelihood

from farming and fishing. Many families not knowing where to go initially sought refuge at the Tellipalai Thurgai Amman Temple and thus a refugee camp came into being at the Temple premises.

At around noon on the 30th of May 1992 two Avro planes dropped more than 5 bombs severely damaging the Kopuram of the Temple, Pongal Mandapam, Vasantha Mandapam and some houses in the neighbourhood. 5 people lost their lives including two persons of the same family. More than ten people were badly injured.

Again during the annual festival in 1993 when the sapparam festival was in progress and when many people were attending the festival artillery shells were fired at the temple from the Palaly military base camp while at the same time air force planes were also attacking. In these attacks a devotee died and a girl from the orphanage and some occupants of adjoining house also died bringing the death total to five. Many others were injured.

### **73. 1992: Mylanthai, Punnalai murders**

(More than 50 killed & many wounded in SL Army attack)

These are border villages in Batticaloa and suffer frequent military harassments. On 9th August 1992 these villages were cordoned by the Sri Lankan Army and the people were attacked with various deadly weapons. More than fifty people were killed and many more were injured.

### **74. 1993: Maaththalan murders**

*(20 civilians killed & more than 40 injured due to rocket attack from Air Force planes)*

This village is situated in the Mullaitivu district alongside the sea coast and the residents of this village are mainly fishermen. Puthukkudiyiruppu situated 4 K. M from this village was the

nearest town. Since the armed confrontation started since 1980s the Government simply banned fishing without making proper alternate arrangements for their livelihood. Through sheer necessity, these traditional fishermen go out fishing for much shorter durations taking much risk. Because, if any Navy boat happens to pass by they shoot and kill these fishermen and there were many such incidents where these fishermen got shot and killed or wounded.

The people of the area built a recreation building near the Maaththalan junction and there was a large gathering to attend the opening ceremony of the building on 18th September 1993 at about 3.45 in the evening. At around 4 P.M. a helicopter was seen passing by. Apparently on the information given by the helicopter crew about the presence of large number of people, Sri Lankan Air Force bomber planes appeared above the location and fired more than 10 rockets at the building badly damaging the new building. The deadly rocket attack instantly killed 20 civilians and wounded more than 40 others. The injured were taken to the Puthukkudiyiruppu Government Hospital. This was another instance of the genocidal killing of Tamils by the Sinhalese Government of Sri Lanka with impunity.

#### **75. 1993: Chavakachcheri, Sangaththanai air attack**

(30 people died and many were injured when bombs dropped from Air Force plane fell near an open trench)

Sangaththanai lies about 500 meters east of the Kandy road in Chavakachcheri. Since early 1990s the defence forces started bombing the civilian areas indiscriminately and killing civilians. Through fear of death some people started fleeing from their village and some even fled to India and other countries. Since it is not possible for everyone to desert their village people started taking precautionary measures and constructing safty bunkers and cutting trenches in their homes and in public places.

There was a timber depot by the name 'Uthayan' in a public place in the village where a large trench to accommodate many people was cut. On 28th September 1993 two bomber planes were circling over the Chavakachcheri sky and the scared people were running to take cover. Over 35 people dived into the trench at Uthayan Timber Depot. Of the many bombs dropped one fell on the trench at the timber depot and 30 people died instantly and their half buried bodies had to be dug out. Many were injured.

The endless genocidal killings of the Tamils by the racist Sinhala forces took its toll in Snkaththanai, Chavakachchri too.

#### **76. 1993: Kokuvil Temple murders**

*(3 devotees were killed & 5 injured due to Air Force attack)*

One of the ancient Amman Temples; Kadpulaththu Manonmani Amman Temple is situated in the Nanthavil area of Kokuvil. It is said that this Amman Temple is in existence for more than 250 years.

In this temple area the Indian Army in 1988 and again the Sri Lankan Army in 1993 indulged in murdering many devotees. Again on 29th September 1993 at around 11 A. M. the Sri Lankan Air Force planes dropped bombs on the Temple knowing very well that their target was a Hindu Temple of the Tamils. Three women devotees died in this incident and five were injured.

#### **77. 1993: Gurunagar Church killings**

*(13 Devotees died & more than 25 injured by Ariel attack)*

Gurunagar is situated about 3.5 K. M. south of Jaffna town along the sea coast. Construction of a new church was commenced in 1861 and completed in 1881. On 13th November 1993, when devotees were praying in the Church the Air Force carried out a bombing raid resulting in the death of 13 worshippers and more than 25 worshippers were injured.

## **78. 1993: Jaffna Lagoon (Kilali) Massacre**

*(100 boat passengers were fired upon & killed by the Navy)*

In the early 1990s Tamil civilians stopped using the main road passing through Elephant Pass as there was a large military camp at the isthmus of Elephant Pass and that there was an ongoing war between the LTTE and the state military forces. The land connection between the mainland and the Jaffna peninsula is separated by the Jaffna lagoon (also known as Kilaly lagoon). Therefore, the only way for people living in the Jaffna Peninsula and those living in the mainland to travel between the two places was to go by boat at night without being easily spotted by the Air Force planes and helicopters. Even that was risky as helicopters used to fire at these boats and many people were getting killed and injured.

### ***Media Reports:***

Roughly 15 civilians who were trying to cross the lagoon had been killed by the Navy and helicopter fire, which prompted boat operators to refuse to travel the route. There were stranded 800 people on both sides of the lagoon without food and shelter. Eventually, the boat operators relented and began ferrying between the peninsula and the mainland on January 2.

The Jaffna lagoon massacre or Kilaly massacre occurred on January 2, 1993, when a Sri Lankan Navy Motor Gun Boat and a number of smaller speed boats intercepted a number of boats transporting people between the south and north shores of the Jaffna Lagoon and attacked them under the glare of a spot light. The estimated number of deaths range from thirty-five (35) to one hundred (100). However, only fourteen (14) bodies were recovered. It was reported that other victims of this massacre were burnt along with their boats.

### ***The attack***

On January 2, 1993, Saturday night passengers were seen leaving in batches of 15 to 20 in each boat at regular intervals. The first

four boats from Kilaly in the rebel LTTE occupied north shore reached the mainland to the south without incident. A naval gun boat fitted with cannon was in the lagoon at the time.

From a distance, the gun-boat opened fire on these passenger boats and continued to fire for up to half an hour. The gun-boat did not receive return fire at any stage. The passenger boats were boarded by Sri Lankan Navy men who came in other smaller boats.

### *Eye Witness account*

According to the testimony of survivor K. Sellathurai, between 7pm and 8pm, personnel from a navy boat appeared by the side of the passenger boats and ordered them to stop. A spotlight was aimed on the people on the boats. Shots were then fired at all those on board. After the attack, the boats were taken under tow. However, one of the four boats broke loose and was left drifting, and eventually ran aground on the mainland. On board were four survivors and nine dead bodies; some of them had stab wounds.

According to another eyewitness, Navy sailors, after killing the boat occupants, went on to rob the dead of valuables. There were also five boats with dead and injured that were said to have been taken by the navy. According to local reports, of the five boats towed away, the bodies of the dead were placed in one boat, which was set on fire. It is believed that all those injured in the five towed boats were killed by Navy personnel, and their corpses set aflame. Many of the dead also had gaping wounds, which suggests that cannons, not small arms, were used. Many of the bodies that were recovered were badly mutilated.

### *Casualty estimation*

The Virakesari, a local Tamil daily newspaper published from Colombo, Sri Lanka, reported on January 5 that 14 bodies were recovered and brought to the Killinochchi hospital. Among the

recovered bodies, six were women. Amnesty International, in a 1994 report, estimated that hundreds of civilians were killed while trying to cross the Kilaly lagoon.

### **79. 1994: Murder of Chundikulam fishermen**

*(10 Fishermen got killed by Navy fire)*

In Kilinochchi District Kandavalai D, S. Division is situated Chundikulam, a sea side fishing village. On 18th February 1994 the fishermen of the village were at sea fishing. At about 5.15 early in the morning a Dora fast attack vessel of the Navy appeared in the area where the fishermen were fishing and started firing at them. Some fishermen jumped into the sea from their kattumarams and started swimming towards the shore. Others cut off their nets and started moving fast in their boats, The Navy kept on firing at them. The women folk in their homes heard the commotion; realising what was happening, started wailing and crying.

10 fishermen got killed in the attack. Only 3 bodies were recovered that day. The other bodies were washed ashore the next day. Scared by this attack the fishermen of the village stopped going for fishing. This type of senseless killing of the Tamils deprived them of their livelihood and without proper livelihood support arrangements by the Government the people were reduced to a state of poverty.

### **80. 1995: Navaly Church Bombing**

*(147 people were killed and many more injured when SL bombers bombed the Church full of displaced people)*

The Navaly Church bombing was the 1995 bombing of the Church of Saint Peter and Saint Paul in Navali near Jaffna town by the Sri Lankan Air Force during their military operation "Operation Leap Forward". The church was full of people who got displaced from their homes in the area of military operation



and were on the move away from the area where fighting was taking place. It is estimated that at least 147 civilians, who had taken refuge inside the church, died as a result of the bombing. The victims included men, women and children.

### ***Background***

This incident occurred when the Sri Lankan military were on the offensive to retake the Jaffna peninsula and carried out a particular military operation at a place at least 10 kilo-meters far away from Navali Church. There was intense random artillery shelling from the numerous army camps in the Jaffna Peninsula and military planes and helicopters were carrying out sporadic bombings in the Jaffna peninsula. The fear-stricken people from near the area where the military operation was taking place were moving away towards Jaffna town looking for safe places and were converging in temples and churches. In addition, the military had also distributed leaflets requesting the civilians to take shelter at places of worship. In this incidence, hundreds of displaced war weary civilians had taken refuge in the Navali church very close to Jaffna town thinking they were safe from the bombings.

### ***Incident***

The Church of St. Peter and Paul in Navaly in Jaffna peninsula were bombed by a Sri Lankan military aircraft, without any provocation, on the afternoon of 9 July 1995.

The church was well away from any fighting area and this was a clear case of deliberate bombing of a civilian target and a glaring example of a war crime committed by the Sri Lankan Air Force.

### ***Initial reports***

The news of the incident was first broken by the International Committee of the Red Cross, which at the time was the only aid agency working in the Tamil areas. The ICRC helped evacuate many of the wounded by ambulance to the Jaffna Teaching Hospital.

Immediate casualties were given as 65 killed and over 150 injured, including men, women and children. Eventually this figure rose to 147 killed, as many succumbed to their injuries. 13 babies died in their mother's arms. Rescue workers reported torn limbs and pieces of human flesh strewn all over the area.

The writer of this article was riding his motor bike along the Chemmany cremation ground road the following day and casually noticed an unusually large heap of what appeared to be fire wood which he thought was firewood for burning those who died due to the church bombing. When he slowed his bike and looked again his body shivered for a moment when he realized that the huge heap was not firewood but were really dead human bodies with many legs and arms protruding in different directions from the heap!

### *Aftermath*

The Sri Lankan government initially denied any knowledge of the bombing. The Commander of the Sri Lankan Air Force stated they exploded LTTE ammunition trucks or underground ammunition storage and that the deaths of the civilians were caused by secondary explosions of underground LTTE ammunition dumps. However, in a later report, the ICRC head in Sri Lanka, Marco Altherr, said that it was indeed bombs that had fallen on the area; he further included eyewitness accounts from civilians in the area, including a priest from another church in the vicinity that also supported this claim. Eventually the government agreed to investigate the incident.

#### Government investigation

On 11 July, Sri Lankan President Chandrika Kumaratunge released a statement that expressed “sorrow at the loss of lives” and ordered the investigation of the bombing. On 18 July, the military confirmed that the church was badly damaged but said

that they could not confirm the origin of the bombs that destroyed it. In 2020, Kumaratunga admitted that it was an air force bombing, albeit a mistake, and claimed that she criticized the air force for it at the time.

### **81. 1995: Nager Kovil School bombing**

*(71 Tamil civilians including 25 teen age school children were killed & over 200 others were injured due to targeted bombings by SL military planes)*

The bombing of the Nagar Kovil Maha Vidyalayam school in Jaffna, happened at 12.50 p.m. on 22 September 1995 during the school's lunch break when several of the school children were gathered under a shade tree in the school compound. 25 school going children were among 40 Tamil civilians killed on the spot. Twelve were six and seven-year-olds. Nearly 200 others were injured, most of them students in the same school. Elsewhere in the area, 15 other civilians were also killed in the course of the same bombing raids. The scene of the attack was visited by the International Red Cross. Pieces of human flesh were strewn around the area making identification impossible.

### **The total death toll increased to 71.**

Earlier, on the same day, Pucara bombers targeted Manalkadu and Katkoyalam in the Vadamardchi area killing six persons. A small Catholic church was also damaged in the bombing. In another incident in the early hours of the same day, intense shelling from the Palaly army camp killed seven members of the same family including four children of varying ages. The shelling began at 3.00 a.m. and continued until 7.00 a.m.

Medicines Sans Frontiers reported on 23 September that of 117 injured Tamil civilians admitted to hospital during the offensive on Thursday and Friday more than half had died from their wounds.

### ***Australian Foreign Ministry***

In a letter of October 6, 1995, the Australian government expressed concern about “tragic incidents where non-combatant Tamil civilians have been killed in military exchanges,” mentioning “the reported deaths of 44 school children when a school was allegedly bombed the village of Nagarkovil on September 22.

Two surgeons from French medical agency Medecins Sans Frontierers (MSF) worked through the night at Point Pedro's Manthikai hospital carrying out 22 amputations, four cases of both legs. Ten of the amputees were under 12.

The Director-General of UNESCO Fredrico Mayor condemned the Nagerkoil bombing by low flying Pucara aircraft:

*“I condemn in the strongest terms this attack on a school where innocent children were killed. Whatever the political situation in a country nothing justifies attacks on educational institutions.”*

In Australia, Mr. Ted Grace, a member of the Australian Parliament and Chairman of the Caucus Committee on Foreign Affairs, Defence & Trade called for public condemnation of Sri Lanka in a speech in the Australian Parliament on 27 September. Speaking on the wanton massacre of school children, he said:

*“Our Government which is deeply committed to upholding human rights should publicly condemn such crimes committed against humanity and should be alarmed at the Sri Lankan Government's determination to carry out such acts with impunity.”*

### **82. 1996: Kumarapuram massacre**

*(24 civilians were killed and 28 wounded and a girl raped by Sri Lankan security Forces)*

Kumarapuram massacre also known as 1996 Trincomalee

massacre or 1996 Killiveddy massacre refers to the murder of 24 Sri Lankan Tamil civilians, allegedly by the Sri Lankan security forces on February 11, 1996. The victims included 13 women and 9 children below the age of 12. Further 28 civilians were severely wounded as well. The event took place in a village called Kumarapuram, located in the eastern district of Trincomalee. It was a mass murder of civilians. The then-government arrested a number of soldiers and home guards who carried out the massacre. A court case was started in 2004. On 27 July 2016 the court acquitted six former army Corporals who were accused over the massacre.

### ***The Massacre***

According to one witness, a group of soldiers, some of whom were drunk, gathered at Dehiwatte junction and then proceeded towards Kumarapuram, shouting “death to the Tamils”. The villagers of Kumarapuram had taken refuge inside their houses. The soldiers broke open the houses and aimed their guns at the people hiding inside. One woman recounted how she pleaded with them not to shoot but to no avail. In her house, seven people were killed, including a six-year-old child.

### ***Rapes and murder***

Among the victims was 17-year-old Arumaithurai Tharmaletchumi. She was dragged from a boutique in the village and taken to the milk collection centre where she was raped by a number of soldiers before being shot. Antony Joseph, a 14-year-old boy, who tried to stop the soldiers from dragging her away, was shot. There were reports of one more rape and murder as well. In total two girls were raped and murdered during the massacre. It was reported that there were a number of injuries in their bodies revealing that they were bitten badly by those human vampires who raped them.

### ***Government Investigation***

The trial of the Kumarapuram massacre has been pending at the Trincomalee High Court. All the accused have been released on bail.

### **83. 1996: Naachchikuda murders**

(20 Tamil civilians were killed, 62 injured & many houses destroyed due to helicopter fire)

Naachchikuda is a fishing village situated in Pooneryn in the Kilinochchi district. On 16th March 1996 early in the morning when people were still sleeping M. I. 24 helicopter gunships started firing at the houses in the village. Fishermen at sea were also fired upon. This resulted in the death of 20 Tamil civilians and serious injuries to more than 62 others. Hundreds of fishermen's dwelling places were burnt and destroyed. All those injured were taken to the Mulangavil, Kilinochchi and Jaffna Government Hospitals.

### **84. 1996: Bombing of Thambirai market area**

*(7 civilians killed & 7 injured due to bombing by SL Air Force planes)*

Thambirai village is situated in Pooneryn in the Kilinochchi district and the people's main occupation was farming. In 1996 there were frequent military operations in the kilinochchi district. On the 17th May 1996 two Kibir bombers were circling above in the sky over Pooneryn Thambirai region. The scared people in the market area were running here and there to take cover and some people were running into a cluster of Palmeirah palm trees. The bombers were dropping a number of bombs and some of them fell into the palmeira groove also. 5 civilians who were hiding in the palmeirah groof got killed and 9 got injured. Two of the injured later died in the hospital.

### **85. 1996: Mallavi bombings**

*(10 Tamil civilians killed & over 15 injured due to bombing by SL bombers)*

Mallavi village is situated in Mullaitivu district west of the Jaffna Kandy road about 15 K. M. from the Mankulam junction. In 1996 a considerable number of people who got displaced from Jaffna and Kilinochchi were living around the junction area in Mallawi.

On 24th July 1996 at about 11.15 in the morning the Sri Lankan Air Force Kibir bombers carried out a bombing raid in the junction area killing 10 Tamil civilians and injuring over 15 others. The injured lost their limbs and were so badly injured that they had to lead miserable lives there after.

### **86. 1996: Vavunikkulam murders, (again on 15th August)**

*(6 people killed & more than a dozen injured due to bombing by SL Air Force)*

Vavunikkulam village is in the south western part of Mullaitivu district bordering jungle area with the large Vavunikkulam tank irrigating vast extents of farmland below the tank. Because of the targeted killing of Tamil civilians in the populated areas with genocidal intention by the Sri Lankan defense forces many people from places such as Jaffna and Kilinochchi, looking for relative safety, had moved into this remote area, setting up temporary shelters.

On 26th September 1996 at about 2.30 P. M. the Sri Lankan Air Force planes dropped bombs on civilians instantly killing more than 6 people and badly injuring more than a dozen others. There were no military targets around the area and this bombing was a clear case of intentional genocidal attack on Tamils as was being systematically done all over the Tamil areas.

### **87. 1996: Aerial attack on Konavil village**

*(5 killed & many wounded by SL Air Force bombing)*

Konavil village is situated in the Kilinochchi district Karrachi D. S. Division and agriculture is the main occupation of the people. The people of the village were undergoing terrible sufferings due to getting displaced a number of times because of the frequent military operations in the region.

On 27th September 1996 morning by about 11.30 two Kibir bombers bombed the Gandhi village junction in Konavil killing three bystanders and wounding many others. Two of those injured later died in the hospital.

### **88. 1997: Second attack – on the Church**

*(12 civilians killed & 19 injured due to artillery fire)*

In August 1997 the Defence forces launched their 'Jeyasikkuru' military operation advancing from Omanthai along the Kandy Jaffna road as its main axis. The long range artillery shells fired all around the region damaged the Vavunikkulam region also. Bomber planes were also flying over Vavanikkulam. The terrorised people sought refuge in Temples and churches.

On 15th August 1997 at around 9 in the morning two Kibir bombers bombed the Church bustling with civilian refugees. 11 civilians died instantly and 16 others were badly injured and the Church building was also badly damaged. The injured were taken to the Mallawi Government hospital about 4 K. M. away and one of the injured died on the way to the hospital.

Again, on the same day by about 11 A. M. the bombers returned and bombed the Church injuring 8 persons one of whom died later in the hospital.

### **89. 1997: Panankaddy murders**

*(4 Refugees murdered by the Army at a sentry point)*

Panankaddy is a small village in the Killinochchi district. The



villagers' main occupation was farming and cattle breeding. In 1996 the Sri Lankan Army advanced from their Elephant Pass military base on an Army operation code named 'Sathyeya' to capture Kilinochchi town. As the Army Columns advanced they were firing motor shells and artillery shells intensively all around the path of their advance. The air Force was also giving the Army their support with their Helicopters and Bomber planes bombing a wider area all over the Kilinochchi district.

Noticing the intense military activities the terror stricken people in the wider area started abandoning their homes and moving away to distant places for safety. Most of the people reached Vaddakkachchi village and some of them stayed with their relatives and some others stayed in public buildings and others constructed temporary huts and stayed therein. When the intense bombings subsided some people decided to visit their homes and retrieve their clothes and left behind food items and also to bring their cattle. These people on their way home were arrested at the Army sentry point at Pannankaddy 3rd Channel near the Pillaiyar Temple.

The arrested people were blindfolded with their hands tied behind their backs and were badly beaten up. The brutal army men did not show any mercies when the captives pleaded for mercy, stating that they are civilians who came to take things from their own houses. They even pleaded with the Army men to allow them to go back. The heartless Army men took all the captives to a nearby house of one Mr. Rasathurai and beat them to death and buried four dead bodies in the toilet pit in the house.

Three years later in the year 2000 when it became safe for the people to get back to their houses people went back and started cleaning their houses. It was then the people discovered 4 skeletal remains with hands tied behind their backs and with blood stained

clothes from the toilet pit of Mr. Rasathurai's house. The identities of 3 persons were established from their clothes and the identity of the 4th skeleton that of a young boy was never established.

### **90. 1997: Mullivaykkal killings**

*(Killing of 9 fishermen & injuring 10 others while they were engaged in coastal fishing by the SL Air Force)*

Mullivaykkal village is situated in Mullaitivu district about 5 K. M. from Mullaitivu on the Paranthan road. In 1997 considerable number of people from Jaffna and more particularly from Vadamradci east, because of the intensified military operations there migrated from their own villages and settled down along the coastal villages of Mullaitivu. and in Mullivaykkal and were engaged in fishing for their livelihood.

On 13th May 1997 early in the morning some of the fishermen were engaged in coastal fishing where fishermen lay their fishing net tied to a long rope in the coastal sea and from both ends of the rope many of the fishermen, standing on the beach pull the net to the beach and catch fish. This is a legitimate fishing activity carried on for generations in these beaches. From any distance it can be seen that this is a fishing activity and nothing to do with the militants.

On this day Kibir bombers of the Sri Lankan Air force dropped bombs on this group of fishermen engaged in the coastal fishing instantly killing 9 fishermen and injuring 10 others including 3 workers engaged in road repairs nearby. Clearly this was an intentional genocidal attack where they were not only killing the Tamils but were also deterring the Tamils from engaging in their livelihood activities making many families to suffer economically.

### **91. 1997: Artillery attack on Mankulam**

*(7 civilians killed & many injured due to Artillery fire)*

Mankulam was not a heavily populated town. However, due to population shifting from more dangerous Army activity areas like Jaffna & Vadamarachchi the population in Mankulam swelled.

On 8th June 1997 artillery shells were fired from the Puliyanakulam Army camp continuously for about half an hour from 1.30 P. M towards Mankulam resulting in the deaths of 7 civilians and injuries to many others.

Indranee who lost both her children in this attack stated as follows: 'Due to the disturbed conditions we did not have regular income as we depended only on my husband's wage earnings which was not enough for our meals. My children's school fees had to be paid. So I also started going for work. On the day of the incident noticing the heavy bombings I rushed backhome to see one child already dead due to the bombing and the other child badly injured. My husband and I, we rushed the injured child to hospital where she succumbed to her injuries. Without both my children now I am leading a miserable life.'

### **92. 1998: Thambalakamam murders**

*(8 civilians including 4 students were killed by the Army)*

Thambalakamam village is situated about 12 K. M. from Trincomalee town and there was a Sri Lankan Army camp in neighbouring Barathipuram. On 1st February 1998, Soldiers from this camp detained 8 passers by for no conceivable reason other than them being Tamils, shot and killed all of them. Four of the dead were students.

### **93. 1998: Suthanthirapuram murders**

*(Over 30 killed, over 50 injured & over 100 houses destroyed due to intense artillery fire)*

This village is situated in the Mullaitivu district, Puththukkudiyiruppu D. S. Division. The original population of this village got swelled with the influx of many people who got displaced from many areas in the Mullaitivu and Tricomalee districts due to army terror.

On 10th June 1998, from 9 in the morning until 11.30, artillery attack was launched on this village from the Army camps situated in Elephant Pass and Ampahamam. Air Force planes also joined in the attack and bombed the village. As this attack was launched unexpectedly and on a ferocious scale the entire population had a horrible time in fleeing from the village. The entire village was engulfed in smoke and the dead bodies were scattered all over the place. It was only when the attack came to an end that the agonised people were able to return and arrange to despatch the injured to the hospital.

This dastardly attack on the people of the village resulted in the killing of over 30 people and serious injuries to over 50 others. Colossal damage was inflicted on the village with the total destruction of over 100 houses, many of their agricultural vehicles and equipments and even their plantations were destroyed.

#### **94. 1998: Visvamadhu murders**

*(6 civilians including students got killed & over 10 others were injured due to artillery fire)*

This village is situated in the Mullaitivu district Puththukkudiyiruppu D. S. Division, on the Paranthan Mullaitivu main road.

There were many Army camps around this area. As a matter of habit artillery and motor shells are fired periodically without any provocation into the surrounding areas, invariably killing and injuring many Tamils. Once the firing starts it goes on for ten or

fifteen minutes at a time and people take cover in trenches and bunkers in many places. People had no choice but to live and die or flee from their homes to other countries.

On 25th November 1998 at about 2 P. M. when students were going back to school after lunch, all of a sudden shells were fired into the Visvamadu region from the Elephant Pass camp. In this random shell attack 6 civilians including students got killed and over 10 others got injured.

### **95. 1999: Manthuvil murders**

*(22 killed & many injured due to bomber attack)*

This village is situated in Mullaitivu district adjoining Putukkudiyiruppu village. The junction area in Manthuvil used to be a busy place with people from all adjoining areas congregating there for shopping, marketing and to attend to their other needs.

On 15th September 1999 at the peak marketing time of around 10.30 when the junction area was crowded with people, bomber planes suddenly arrived and dropped many bombs. 12 civilians, including buyers, vendors, children and the elders got killed instantaneously with their bodies blown to bits and scattered all over the place. Over 40 people were injured and taken to the Puthukkudiyiruppu Government hospital where 10 of them died on the same day.

It was very obvious from the many instances of massacres by the Sri Lankan forces that they choose the place and time for their attack where they could kill the maximum number of Tamils.

### **96. 1999: Air attack on Paalinagar**

*(6 civilians were killed & 8 were injured due to Bomber attack)*

This village is situated in the Mullaitivu district Maanthai east D. S. Division adjoining Vavunikkulam. Agriculture is the main

occupation of the people. Many people from areas such as Jaffna, Kilinochchi, Nedunkerni, Oddusuddan and Mankulam, because of the threat to their lives due to Army attacks in their towns and villages moved over to relative safety in Paalinagar. Because of the increased population the bazaar area used to be filled with people.

On 3rd November 1999 around 11.30 in the morning Air Force bombers started bombing the bazaar area. Not satisfied with bombing the people in the bazaar they targeted the people fleeing from the bombing also. 6 civilians got killed and another 8 people got badly injured.

Here again the target was clearly defenceless Tamil civilians and not any military target.

### ***97. 1999: Shell attack on Madhu Church refugees***

*(40 people were killed and more than 50 injured due to tank fire on the Church)*

A large number of refugees from many places were residing in the Shrine of Our Lady of Madhu Church compound for considerable length of time. On 20th November 1999 an armoured column of Sri Lankan Army was advancing towards the Madhu Church via Palampiddy Sinnapandyvirudchan villages and the surrounding jungle area firing their guns all around. Therefore, the people of these villages also took refuge in the Church compound. At about 9.45 that night the advancing army fired three shells from their tanks directed towards the Church. One of these shells landed right on the church shrine instantly killing 31 people of all ages including children and injuring more than 60 others. Of those injured and taken to the Vavuniya District Hospital 9 succumbed to their injuries and died.

## **98. 1999: Puthukkudiyiruppu bombing**

*(21 persons including school children were killed & many injured due to Air Force bombing)*

The Puthukkudiyiruppu bombing was an aerial attack carried out against Sri Lankan Tamil civilians by the Sri Lankan Air Force on September 15, 1999 killing over 21 including schoolchildren and women as well as inflicting serious injuries upon many more.

The Puthukkudiyiruppu market and many houses and buildings nearby were destroyed in the SLAF bombing, as per NGO sources Human flesh was strewn all over the market area.

### ***Reactions***

#### ***a. Red Cross***

The International Committee of the Red Cross (ICRC) condemned the bombing.

#### ***b. Amnesty International***

The bombing raised serious criticisms from the Amnesty International which in a statement expressing concern over the bombing, said at least 21 refugees in a crowded market place were killed.

The organization also questioned the Sri Lankan military's adherence to the fundamental rules of the Humanitarian law which include the prohibition of direct attacks on civilians.

## **99. 2000: Bindunuwewa Rehabilitation Center Murders**

*(28 detainees in a rehabilitation centre were killed & 14 were injured by armed thugs with the help of the guards of the centre)*

Bindunuwewa detention / rehabilitation centre was one of 3 such centres maintained by the Government where suspected members of the LTTE were kept in confined detention for more than a year heavily guarded by armed security men.

On 25th October 2000 night while 60 security men were guarding this centre a large group of Sinhalese thugs entered this centre without any resistance, obviously with the connivance of the security personnel and attacked the defenceless detainees with deadly weapons. 28 of the detainees were brutally killed and 14 survived with severe injuries.

It came to light that the security personnel guarding the centre did nothing to prevent the massacre but shot dead one of the detainee who tried to flee to escape from the attack!

A Presidential Commission of Enquiries and the Human Rights Commission made enquiries into this incident one after another. A Judicial enquiry was also commenced. But no one was indicted for the brutal offence for murdering unarmed detainees under the custody of Government security men.

As in the case of the murder of Tamil political remand prisoners in the maximum security Welikada prison during the riots of 1983, here also, Tamils in a rehabilitation centre guarded by Government security personnel were allowed to be murdered with impunity.

### **100. 2000: Mirusuvil Massacre**

*(Also mentioned under mass graves - 8 civilians murdered & 1 injured by Army men)*

Mirusuvil massacre refers to the massacre and subsequent mass burial of eight Sri Lankan Tamil civilians on 20 December 2000 by some Sri Lankan Army soldiers.

The Mirusuvil massacre happened when eight internally displaced people returning to inspect their own property within Army controlled area were brutally murdered by soldiers and buried in mass graves.



According to the evidence of District Medical Officer, Dr. C. Kathirvetpillai, their throats had been slashed. The dead included three teenagers and a five-year-old Vilvarajah Prasath. The murders came to light because one of the detained, Ponnuthurai Maheswaran allegedly escaped from Army custody with serious injuries and informed relatives. Eventually the Sri Lankan government charged five Sri Lankan Army soldiers with illegal arrests, torture, murder and burial of their dead bodies in a mass grave.

### ***Death Sentence***

Initially 14 Soldiers were taken into custody and later nine of them were acquitted from all charges. But later Attorney General had filed charges against 5 soldiers in connection with this case. After about 13 years of the case, the first accused army Staff Sergeant Sunil Ratnayake was found guilty for the murder of eight civilians in Mirusuvil, Jaffna and was sentenced to death by the Colombo High Court on 25 June 2015. He was found guilty of 15 offences. However, four other soldiers were acquitted as there was insufficient evidence to link them to the murders.

### ***Pardon***

On 26 March 2020 Ratnanayake was granted a full Presidential pardon which was condemned by human rights groups and the Tamil National Alliance. Former Army Commander Sarath Fonseka also criticised the decision claiming that the military should never show mercy to soldiers who committed murder.

### **101. 2006: Vankalai massacre**

*(Family of 4 members tortured, raped and killed by SL army men)*

The Vankalai massacre was a massacre of a family of four Sri Lankan Tamils at the hands of the Sri Lankan military personnel from the village of Vankalai in Mannar District, on June 8, 2006. The victims were tortured and the mother was gang raped before her murder.

### ***Background***

Some former residents returned to the area following the 2002 ceasefire between the LTTE and the government. Among them was the Martin family – carpenter Moorthy Martin, 27-year-old Mary Madeleine (known as Chitra), formerly a teacher with the Jesuit Refugee Service in Tamil Nadu, and their nine-year-old daughter Lakshika and seven-year-old son Dilakshan – who returned to Vankalai from South India.

### ***Incident***

The Martin family lived in the Thomaspuri ward of Vankalai, named after Cardinal Thomas Cooray. According to local residents, security forces visited several houses in the area on the morning of June 8, 2006, including Martins' home.

At night, when residents of Thomaspuri and neighbouring Bastipuri gathered at Our Lady of St. Anne's Church for safe refuge, as had become customary following shelling of the area by security forces at the start of June, the four members of the Martin family were absent. When relatives and neighbours checked on the house the following morning, they found the family dead.

The bodies of the victims had been mutilated and bore signs of torture, carrying wounds inflicted by carpenter's tools and “heavier and sharper weapons like knives or bayonets”. All four had been hacked and stabbed, those of Moorthy Martin and the two children had been hung with ropes, and that of Mary Martin showed signs of having been sexually assaulted.

The Requiem Mass for the family, held on June 10 at St. Anne's Church in Vankalai, was attended by around five thousand people and was headed by Joseph Rayappu, the Bishop of Mannar.

## **102. 2006: Vaharai bombing**

*(45 civilians killed & over 100 injured due to Artillery fire)*

The Vaharai bombing occurred on November 7, 2006 when artillery shells fired by the Army landed on a school where Sri Lankan Tamil refugees displaced by the current phase of the Sri Lankan civil war had taken shelter. Around 45 civilians were killed. Over 100 were injured and admitted to the local hospitals. The incident occurred at around 11.35 a.m close to Kathiraveli, a coastal village in Vaharai peninsula of the Batticaloa district in eastern Sri Lanka.

### ***Reactions***

The Chief Minister of the Indian state of Tamil Nadu, M. Karunanidhi, deplored the incident and pondered “how long it could tolerate the Sri Lankan Army's atrocities against Tamils there.” United Nations- The United Nations strongly condemned the attack and considered it an “indiscriminate use of force” on civilians.

The US State Department strongly condemned the incident and exhorted the

*“Sri Lankan Government to adopt corrective measures to prevent civilian casualties that also take into account instances where civilians may be used as 'human shields' in the future,”*

and expected *“an immediate, independent investigation into the November 8 incidents and bring the responsible parties to justice.”*

International Committee of the Red Cross - A spokesman said they evacuated 74 wounded from a hospital in the rebel-held area to a government-controlled area.

The Humanitarian Law Project in a letter to the United Nations High Commissioner severely condemned the actions of the Sri Lankan Army and considered the artillery attack on the Vaharai refugee camp a “war crime”.

### **103. 2006: Allaipiddy Massacre**

*(13 Tamils killed by the Army)*

The Allaipiddy massacre refers to the May 13, 2006 killing of 13 Tamil civilians in separate incidents in three villages in the islet of Kayts in northern Sri Lanka

The massacre took place on the night of May 13, 2006 in the villages of Allaipiddy, Puliyanhoodal, and Vangalady. In all three incidents, Sri Lankan Navy entered the homes and opened fire on the residents. The deadliest incident took place in Allaipiddy, where nine people, including two children, died. Three more were killed in Puliyanhoodal and one in Vangalady. Several people were wounded.

### **104. 2008: Madhu school bus bombing**

*(17 killed including 11 school children & 14 injured due to bombing of a school bus by the SL Army)*

The Madhu School bus bombing was the bombing of a school bus carried out on January 29, 2008 in Mannar. The bombing killed 17, including 11 school children, and injured at least 14 more people.

On January 2, the government of Sri Lanka officially pulled out of the cease fire signed in 2002. On 29 January 2008 a bus carrying civilians was hit by a claymore mine that resulted in the death of 17 civilians including 11 school children and injuring 14 more people. This incident took place in the town of Mannar. Tamil Net reported that the civilian bus was hit by a claymore that was triggered by Sri Lankan Army's deep penetration unit. It further claimed that the victims were students and teachers returning from a sporting event.

### **105. 2008/2009: Abduction & enforced disappearance of eleven Youth from Colombo**

In Colombo, six international school students and five university students totalling eleven of them were abducted from Kotahena

and Dehiwela areas with the view to extort money from their parents during the period of 2008 - 2009.

During subsequent investigations and revelations made in the courts, it came to light that this was an organised crime perpetrated by some very senior officers in the Navy for the purpose of extorting ransom.

It also came to light that the Defence Secretary Gotabaya Rajapakse was in the know of these criminal activities of the Navy men and was fully aware of the rogue elements in Sri Lanka Navy (SLN) that had led to the abduction and disappearance but had not taken any action whatsoever to rein in those indulging in criminal activities with impunity in the armed forces.

A number of Navy officers were arrested and produced in courts in this regard and remanded. One such person so arrested, one Hettiarachchi was also said to have been wanted in connection with the 2006 slaying of Tamil National Alliance Parliamentarian Nadarajah Raviraj.

The abducted youth were said to have been detained at secret underground torture cell at Gunsides, Trincomalee Navy Camp before they were all murdered.

The agonised parents went through a painful period for years attending court sittings and hoping upon hope that they could see their children soon. Every parent had a terrible sad story to tell. We give here under the sorrowful sentiments expressed by one mother.

Jennifer Weerasinghe, mother of Dilan, one of the 11 young men who went missing in the infamous '11-youth abduction case', took to Facebook accusing the government's incompetence in serving them justice to ensure their safety while colluding with the culprits.

In her strongly moving Facebook post, Jennifer said that since the justice system of this country has failed her and many parents like her who have lost their children, they are only left with the hope that one day these culprits will face the wrath of nature.

*“The tears in these eyes waiting for justice for my son who went missing among the 11 boys have still not dried out. I waited for justice through the courts, still waiting for justice to be served on us. We silently observed the dramas that were performed by the politicians who colluded with these culprits under the guise of war heroes. Watched with heavy hearts, we watched how they continued to enjoy their lives with their children. We watched people blinded with patriotism who refused to acknowledge the crimes committed by them and continued to praise them as war heroes. We watched all who tried to use our sorrow for their benefit. We also saw the few who, with the greatest difficulty and amidst threats, tried hard to bring justice to our children. I have watched mothers and fathers weeping in their hearts every day for the past decade, just like me unable to bear the loss of our children. We silently watched all this with agony in our hearts. Even after all of this if there is no law in the country that can punish these criminals we will continue to watch until nature and karma takes its course.”*

### **106. 2006: Trincomalee massacre of students**

(5 School students taken into custody were shot & killed in execution style & 2 wounded by SL Army)

On the evening of January 2, 2006, amid New Year's celebrations at Trincomalee beach, Sri Lankan security forces had briefly detained five Tamil high school students and then shot and killed them, at point-blank range, and seriously wounded two others.

The report of the local coroner stated that they were killed by gunshot wounds in execution style. A Human Rights agency

known as UTHR accused that a local Police Superintendent as the mastermind of the operation to kill the students.

The only witness who came forward to testify became the target of threats to his safety. Dr. Manoharan, the father of one of the victims, has been threatened by some elements of the Sri Lankan security forces. Human Rights Watch has called on the government to provide adequate protection for the doctor.

According to RSF, a minority Tamil journalist Subramaniam Sugirdharajan who took pictures of the slain students that proved that they died of gunshot injuries and not by an explosion of a grenade as claimed by local military authorities was shot dead by unknown gunmen suspected to be paramilitary men.

In 2006, 12 Special Task Force police officers were arrested in connection with the killings, but they were soon released for lack of evidence. In July 2013, the men were rearrested but then released three months later because no proceedings had been opened against them.

The Sri Lankan authorities have once again proven their inability and unwillingness to obtain justice for the murders of the five young people and the resulting cover up despite the considerable evidence available.

In 2006, Dr. Kasippillai Manoharan, whose 20-year-old son, Rajihar, was among the five youths killed, testified at the government inquest. He described a phone call from his son, who said that he was surrounded by security forces. After Dr. Manoharan rushed to the nearby beachfront, soldiers stopped him, but he said he heard people shouting for help in Tamil, and then gunshots. For months afterwards, there were death threats against him and his family, and they eventually fled to the UK,

where they received asylum. He later provided video testimony to a Presidential Commission and said that after the shootings a senior government official had offered him a house in Colombo and private school education for his remaining children, if he kept quiet.

In February 2018, the then-UN High Commissioner for Human Rights, Zeid Ra'ad Al Hussein, told the UN Human Rights Council that the Trinco Five killings were among those that highlighted impunity for serious human rights violations. The High Commissioner's report stated:

"The failure to show major progress in these emblematic cases strengthens the argument for the establishment of a specialized court to deal with the most serious crimes committed by State actors... staffed by specialized personnel and supported by international practitioners."

A consensus resolution on transitional justice for Sri Lanka, adopted by the Human Rights Council in October 2015, calls for an accountability mechanism involving international judges, prosecutors, and investigators. Little progress has been made on this or other elements of the resolution.

### **107. 2006: Trincomalee massacre of NGO workers**

(17 employees of French NGO shot at close range & killed by SL Army)

The 2006 Trincomalee Massacre of NGO Workers, also known as the Muttur Massacre, took place on August 4 or 5, 2006, when 17 employees of the French INGO Action Against Hunger (known internationally as Action Contre la Faim, or ACF) were shot at close range and killed by the Sri Lankan Security forces in the city of Muttur, Sri Lanka, close to Trincomalee. The victims included sixteen Sri Lankan Tamils and one Sri Lankan Muslim.



The bodies were discovered after the town of Muttur had come under the control of the government forces. There was fierce fighting between government forces and rebel LTTE forces the previous week prior to the discovery of the bodies.

Action against Hunger, the non-governmental organization (NGO) for whom the victims worked, termed it a war crime.

On April 1, 2008, the University Teachers for Human Rights (UTHR), which is run by former teachers at the University of Jaffna—known to be openly critical both of the LTTE and the Government of Sri Lanka—released their “Special Report #30”, which exclusively deals with the massacre of ACF staff. UTHR names one member of the Sri Lankan Home Guard—now the Civil Defence Force—and two Police Constables based in the Muthur Police Station as perpetrators, and adds that several Sri Lanka Navy Special Forces were part of the group that entered the ACF compound and remained passive as the ACF staff were murdered and that some police higher ups were also party to these murders.

Four of the fifteen massacred at the residence were women workers, according to reports.

### **108. 1993: Chencholai bombing**

*(61 Teen age girl students attending a seminar were bombed & killed by SL Air Force planes & 155 were wounded)*

Chencholai bombing took place on August 14, 2006 when the Sri Lankan Air Force bombed a training camp attended by school girls killing 61 girls aged 16 to 18. The LTTE, UNICEF, SLMM, UTHR and all who witnessed this bombing said those in the compound were not LTTE cadres.



### **School girls killed in the incident**

It is believed that four Israeli built Kfir bombers piloted by Ukrainian pilots were involved in the bombing.

In the Sancholai complex in Vallipunam in the Mullaithivu district hundreds of female students in the age group of 17-20 were gathered on 10 August 2006 for a weeklong training in leadership and first aid which was intended for preparing the students for leadership in their school and community during the ongoing war.

On 14 August 2006 around 7.30am, Sri Lankan Air Force carried out extensive bombing. 52 students and two staff were killed. 130 students were seriously injured. Many more received minor injuries. Three of the injured girls lost one leg and another girl lost an eye.

### ***Incident and reactions***

The Tamil Nadu state assembly in India passed a resolution describing the Chencholai orphanage bombing as 'uncivilized, barbaric, inhumane and atrocious'.

The human rights organisation UTHR reported that the training course had been organized as a first aid class and that these children were not Child Soldiers.

United Nations spokeswoman Orla Clinton said that students had been killed in the attack and they seem to have been students between 16 and 18, A-level students, from the Kilinochichi and Mullaittivu areas, who were on a two-day training course.

Tamil National Alliance condemned the airstrike: “This attack is not merely atrocious and inhuman - it clearly has a genocidal intent. It is yet another instance of brazen State terrorism,

### ***UNICEF***

UNICEF staff from a nearby office immediately visited the compound to assess the situation and to provide fuel and supplies for the hospital as well as counselling support for the injured students and the bereaved families. Ann M. Veneman, UNICEF Executive Director, stated that “These children are innocent victims of violence”

## **6.3 Sexual violence against Tamil women and the Gang Rape and Murder of Krishanthi Kumarasamy by the Sri Lankan Defence Forces Personnel**

Krishanti Kumarasamy, an 18year old student of Chundikuli Girls School, Jaffna was gang raped and murdered on Sept. 7, 1996 by Sri Lankan soldiers manning a checkpoint at Kaithady, near Jaffna City.

People who saw her being detained at the check point informed her mother. So her mother, Rasammah, her younger brother Pranavan aged 16 and a neighbour of theirs Kirupakaran aged 35 who got married only 6 months earlier went and enquired at the check point. All three of them were also murdered and buried in shallow graves in the army compound.

Krishanti was studying GCE Advanced Level, after passing the Ordinary Level exam with seven distinctions. Her mother was the Principal of Kaithady Maha Vidyalayam. Her father had died in 1984. Her elder sister Prashanthi was studying in Colombo. Pranavan her younger brother was student of St. Johns College Jaffna and had sat for his G.C.E (O/L) exams.

Amnesty International issued an Urgent Action Appeal (UA 222/96) on 20th September for her.

According to press reports, the bodies of the four were found 45 days later in shallow graves within the army base. A rope was found tied round the neck of Rasammah's corpse. Kirupakaran too appeared to have been strangled in the same manner. The bodies of Krishanti and her brother Pranavan were cut in several places and haphazardly wrapped in black coloured sheets.

Amnesty International and other human rights organizations like Women for Peace launched a sustained campaign to pressure the Sri Lankan government to arrest and prosecute the soldiers. Consequently, as a result of the legal proceedings carried out, six soldiers who were directly involved in the raping were found guilty of the offence and sentenced to death by the court.

In the court case about her rape and murder one of the accused informed the Court about an alleged mass grave known as Chemmani mass graves that was investigated and 15 bodies were found.

This kind of atrocities was quite rampant in the Tamil areas occupied by the Sri Lankan Army. This is not an isolated incident. The reason for lack of publicity is the unofficial ban that prevailed on independent reporters and human rights organizations from visiting these areas.

Only an independent international investigation can reveal the full scale and details of the sexual violence committed on Tamil women. Under the headings Pogroms & Military Massacres in chapter 6 we have mentioned a number of instances of rape and murder.

These incidents reveal the type of freedom enjoyed by the soldiers to arbitrarily arrest any Tamil and rape, torture and murder and bury the bodies inside the camps obviously with the support of army superiors. This also shows the utter helplessness of the Tamils to defend themselves.

## **6.4 Military operations of the Sri Lankan Defence Forces in Tamil areas causing havoc to the Tamils**

### **6.4.1 List of some of the major military operations.**

Vadamarachchi Operation (Operation Liberation) 26 May 1987 – June 1987	To capture the Vadamarachchi region in Jaffna District	
<b>Cease Fire 29 July 1987 – October 1987</b>		
<b>Indian intervention October 1987 – 24 March 1990</b>		

Operation Sea Breeze Sept. 1990	To break the siege & reinforce the SL camp in Mullaitivu	
Operation Thrividha Balaya 13 Sept. 1990	To break the siege at Jaffna Fort	
Operation Balavegaya 1 & 2 (a.k.a. Operation Power Force)  14 July 1991 – 9 August 1991	To open Vettilaikerni corridor to Elephant Pass	
Operation Yal Devi	October 1993	

Operation Sath Jaya July to Sept. 1996	To recapture the town of Kilinochchi	
<b>Cease Fire - 9 January 1995 – 19 April 1995</b>		
Operation Riviresa or Battle of Jaffna 17 October 1995 – 5 December 1995	To capture Jaffna city and the rest of the Peninsula	
Operation Jayasikuru I 13 May 1997 – 1999	To clear the land route to Kilinochchi from Vavuniya	
Thandikulam – Omanthai offensive 10 – 25 June 1997	To control the towns of Thandikulam & Omanthai	
Battle of Kilinochchi (1st) (Operation Unceasing Waves II)  27 September 1998 – 29 September 1998	To control the town of Kilinochchi,	
Operation Rana Gosa 4 March 1999	To capture territory held by LTTE in the Jaffna Peninsula	

Battle for the A-9 highway 27 March 2000 – 20 April 2000	To control A-9 Highway in Kilinochchi District	
Battle of Elephant Pass (2nd) 9th January 2009	To consolidate the region	
<b>Cease Fire December 2001 – 26 July 2006</b>		
Battle of Point Pedro May 2006 - June 2007	Naval battle off Point Pedro, Jaffna District	
Battle of Jaffna 11 August 2006 and 29 October 2006	For control of Jaffna Peninsula	
Battle of Sampur 28 August 2006 to 4 September 2006	To retake LTTE camps in Sampoor, Kattaiparichchan & Thoppur areas	
Battle of Thoppigala 25 April 2007 – 11 July 2007	To retake the peak from LTTE, Batticaloa District	
Battle of Kilinochchi (2nd) 23 November 2008 – 2 January 2009	Control of Kilinochchi town	
Battle of Mullaitivu (2nd) 2 January 2009 – 25 January 2009	Control of the town of Mullaitivu	
Battle of Elephant Pass (3rd) 9 January 2009	Control of Elephant Pass region	
Battle of Chalai 2 February 2009 – 6 February 2009	To capture Chalai, Mullaitivu District	
Battle of Puthukkudiyirippu Jan. to April 2009	To capture Puthukkudiyirippu, Mullaitivu District	
Final Battle of the Sri Lankan Civil War Until 19th May 2009	Puthukkudiyirippu, Mullaitivu District	

## 6.4.2 Brief description of some of the operations

### *1. Operation Liberation*

Operation Liberation also known as the Vadamarachchi Operation was the military offensive carried out by the Sri Lankan Armed Forces commencing from 26th May and continuing into June 1987 to recapture the territory of Vadamarachchi in the Jaffna peninsula from the LTTE (Tamil Tigers). The armed forces from the main Palaly military complex started advancing eastward and the operation involved a large number of troops, supported by ground-attack aircraft, bombers, helicopter gunships and naval gun boats firing from the sea. The offensive operations were suspended when the Indian government dropped food supplies over Jaffna in Operation Poomalai on June 4, 1987, which prompted the Sri Lankan government to accept the Indo-Sri Lankan Accord.

Due to the intense random bombing and shelling from the commencement of the military operation, all the people from the towns and villages from the western region of Vadamarachchi had to suddenly flee from their homes and rush eastward and got displaced for many days without shelter, food or drinking water. As the military offensive progressed the entire residents of Vadamarachchi were badly affected with many civilians getting killed and injured due to the shelling and firing of the advancing army, roaming in the streets and converging at Temples and churches for respite. ***In one incident on the 29th May 1987 about 3 artillery shells fell on the Muthumari Amman Temple in Alvai Vervilanthai which was over crowded with refugees and 40 people got killed and over 20 got injured in this single incident.***

Once the Army gained control of the region, they did two things mainly that badly affected the people adversely. First, they started rounding up all youth and taking them initially to Army camps in



the region and then transporting them by cargo ships to Boosa Detention Centre in the South of the Country. Over 2500 youths were kept as prisoners at Boosa for long periods for screening and their parents had a harrowing time, travelling all the way to Boosa to get them released. These youngsters were subjected to cruel treatment and traumatised at their young age which certainly would have left an impression that they were unnecessarily punished by the State because they were Tamils.

The second thing they did was to indulge in widespread looting of many valuable items and traditional antiques from the houses devoid of its occupants who had fled from the area. Many people saw for themselves the loot being transported by armed military men in Army vehicles to Army camps. These were loaded into Navy ships and transported to the military men's homes in the south of the Country. It was clear that the Government acquiesced in the official looting as a reward to the army men.

### ***2. Operation Sea Breeze***

Operation Sea Breeze was a combined military operation launched by the Sri Lanka Armed Forces in Mullaitivu. It was the first amphibious operation launched by the Sri Lankan military. The operation was carried out to break the siege and reinforce the Sri Lanka Army camp in Mullaitivu. The area controlled by the camp was extended.

### ***3. Operation Yal Devi***

The Sri Lankan Army's grandiosely codenamed 'Operation Yal Devi' (named after the express train from Colombo to Jaffna) was stopped in its tracks by determined resistance from the Liberation Tigers after four days of heavy fighting in late September/early October 1993.

The Sri Lankan offensive was launched at dawn on 28 September

and was accompanied by indiscriminate bombing of civilian population centres in the Jaffna peninsula. Over 100 civilians were reported killed in the Operation. Troops began advancing from Elephant Pass northwards towards Iyakachchi and northwest towards Pallai accompanied by indiscriminate bombing and shelling of populated areas. Supersonic planes bombed Kilali, Allippalai, Sangathanai, Mattuvil, Chavakachcheri, Pallai, Kokkavil, Eluthumatuval and Nanthavil. The Jaffna peninsula was shelled from military bases in Mandaitivu, Palaly, Mathagal and Karainagar and from naval vessels. On 28 September 20 civilians were buried alive at Sangathanai in Chavakachcheri when a bunker collapsed due to air force bombing. Seven others were rescued and admitted to the Chavakachcheri hospital. The Nanthavil Amman temple in Kokkavil was extensively damaged by bombs and four elderly civilians were killed. Seventeen students attending classes in the adjoining social welfare centre were injured.

Day one met with little or no resistance from the LTTE. From the second day onwards the Army encountered stiff resistance and suffered unexpected major setback and suffered heavy casualties. Colonel Sarath Fonseka who was advancing with an infantry column from Pooneryn towards Chavakachcheri faced an ambush and got wounded.

From day two onwards helicopters were flying continuously between the battle area and Palaly military base ferrying wounded and dead soldiers. Even these helicopters were firing rockets at civilians on their way. In one such incident at Valvettiturai rockets were fired from a helicopter at civilians including school children near the junction on the main road killing many and injuring many others. One little girl who lost her right arm from her shoulder is now a grown up lady working as a staff member at Valvettiturai Urban Council.

#### ***4. Operation Riviresa***

Operation Riviresa (Operation Sunrays), was a combined military operation launched by the Sri Lankan Armed Forces in Jaffna. Starting on 17 October 1995, the primary objective of the operation was the capture of the city of Jaffna and rest of the



Jaffna peninsula from the Liberation Tigers of Tamil Eelam. From late July, the Sri Lankan armed forces began a continuous artillery and air bombardment to soften up the Valikaamam region. Virtually the entire population of over half a million people started the long walk towards safety in Wanni, taking only what they could carry.

On 22 September 1995, a primary school in the city was bombed by the Sri Lankan Air Force, killing dozens of Tamil civilians.

After two weeks the Sri Lankan army succeeded, in capturing key towns including Atchuveli, Avarankal and Puttur, inflicting heavy casualties to civilians.

The assault on Jaffna town itself, codenamed 'Operation Riviresa' (Sun Ray), began on October 17. Heavy fighting raged at several locations.

On the morning of 2 December 1995, following an intense 50-day battle, troops of the 53 Division entered Jaffna city.

The major damage done to the Jaffna region in addition to the destruction caused by the bombing was the felling of a huge

number of Palmyra palm trees by the Army for setting up their fortifications around their numerous camps. They senselessly denuded Jaffna of their wealth of palm trees and caused great harm to its ecological balance.

### ***5. Operation Jayasikuru I***

Operation Jayasikuru I (Certain Victory in Sinhala)- The primary objective of this operation was to clear a land route to the government-held Jaffna peninsula (which had no land supply routes) through territory held by the Liberation Tigers of Tamil Eelam, by linking the government-held towns of Vavuniya and Kilinochchi. . Initially, the Sri Lankan military experienced success by forcing the LTTE out of Killinochchi, capturing large areas, however, the LTTE managed to launch an effective counter-attack which reversed some gains made by the government forces. After failing to achieve the original objective, the government called off the operation.

### ***6. Operation Sath Jaya***

Operation Sath Jaya (Sinhalese: Operation True Victory) was the military offensive carried out by the Sri Lankan Armed Forces in July to September 1996 to recapture the town of Kilinochchi from the LTTE.

During the operation, as usual, there was heavy aerial bombing as well as mortar and artillery shelling of the entire surrounding region where many civilians got killed and many others got injured in addition to destruction of property. In one instance, in the village of old Vaddakkachchi which was far away from the military operational area two bombers encircled the sky and first dropped a bomb in the Kandawalai—Velikkandal region and then dropped 5 bombs over old Vaddakkachchi village into the compound of one Mr.Arunasalam Velayutham and the surrounding area. Two people in the compound of the house, Mr.

Velayutham's daughter in the house, two workers and a neighbour, altogether 6 people got killed and 5 people got injured and were admitted to Tharmapuram hospital. In this incident Mr.Velayautham's house got completely demolished, two tractors and their stores also got destroyed.

### ***7. Operation Rana Gosha***

Operation Rana Gosha, (battle cry in Sinhala), was an operation launched on 4 March 1999. The Operation resulted in the Sri Lankan Army re-capturing 535 square kilometres of territory previously occupied by the LTTE.

The displaced people in the area who had taken shelter under trees and in the open, suffered, as there were heavy rains in the area during the operation.

The SLA summoned all villagers of Vilaathikkulam and Palaya Kallu Potta Idam, that were captured by Operation Rana Gosha, to the Vilathikkulam school to be screened.

All persons between age 14 and 28 were separated and herded to another location for further screening and a number of them were taken into custody. .

### ***8. Operation Thrividha Balaya***

Operation Thrividha Balaya was a combined military operation, launched in September 1990 by the Sri Lankan Military in Jaffna. The Operation was carried out to break the siege of the Sri Lanka Army garrison at the old Dutch Jaffna Fort in Jaffna.

### ***9. Battle Tanks in operation***

A squadron of T 56 Battle Tanks were used for the first time in a seven day operation code named SATHBALA in Mullaitivu - Alampil area in 1992 increasing the firepower of the Army. In

late May 1992 the entire Regiment moved to Jaffna peninsula for Operation BALAWEGAYA II. The operation went on for over ten days with tanks providing increased fire power.

The Tank regiment took part in many operations including the operations to strengthen the Palaly defences code-named KICK OFF, SHAKE UP, SAFE PASSAGE, THUNDER STRIKE and LEAP FORWARD. Thereafter the Tanks were in use in all army operations and particularly in Riviresa operation that was launched on 17 October 1995 and continued for 45 days with intense fighting

## **6.5 War Crimes committed during Wannu War**

After nearly thirty years of internecine armed confrontation with the LTTE and not less than six rounds of aborted peace talks, the Sri Lankan Government opted to perpetuate the illegal Sinhala ethnocentric rule over the Tamils under the Unitary Constitution by military means. They decided to continue their military aggression on a big scale spending all the country's resources and in addition borrowing heavily beyond its capacity to repay, not in the least concerned about the serious consequences that such borrowing would entail.

Having considerably strengthened their armed forces and at the same time having weakened the LTTE by destroying their ships bringing in ammunition replenishments with the technological information about the movement of LTTE ships supplied to them by some powerful countries, the Sri Lankan Government readied itself for the final war. With the military assistance, connivance and active participation of a number of unduly selfish countries who did not take moral values into consideration, Sri Lanka launched their final "fight to a finish war without witnesses" knowing fully well, that militarily the LTTE was no match for its armed forces in a conventional war. The Government was not in

the least bothered that by its massive military push the GOSL was risking the lives of hundreds of thousands of Tamil civilians' trapped in the war zone because they were all Tamils.

### ***Fighting in the Eastern Province***

The final push in the war against the LTTE can be considered to have begun at Mavilaru in the Eastern Province. The war started in the Eastern province of Sri Lanka on July 21, 2006, when the LTTE cut off the water supply to the rice fields in the Mavilaru area in the eastern Trincomalee district. This resulted in the first large-scale fighting since the signing of the ceasefire agreement. The sluice gates were reopened on August 8. The SLMM claimed that they managed to persuade the LTTE to lift the waterway blockade. The government forces launched fresh attacks on LTTE positions around the reservoir despite SLMMs attempts to prevent resumption of hostilities.

Eventually, following heavy fighting with the rebels, government troops gained full control of the Mavil Aru reservoir on August 15.

The Government did not stop with gaining control of Mavilaru. They continued with many military operations in the Eastern Province such as Battle of Muthur & Sampur; Battle of Vakara; Battle of Amparai, Kanchikudiyaaru & Battle of Thoppigala (Baron's cap).

The government claimed total control of the Eastern Province after capturing Thoppigala (Baron's cap) on July 11, 2007 following nearly a year of fighting in the Tamil towns and villages causing great hardship, dislocation, death and destruction to the people of these areas.

### ***Sri Lanka pulls out of ceasefire***

On January 2, 2008, the Sri Lankan Government unilaterally decided to formally withdraw from the ceasefire agreement with the LTTE, which was entered into on 22nd February 2002.

Accordingly, the Status of Mission Agreement (SOMA) on the Establishment and the Management of the Sri Lanka Monitoring Mission (SLMM) dated 18th March 2002 between the Royal Norwegian Government and the Government of the Democratic Socialist Republic of Sri Lanka also stood terminated with effect from 16th January 2008.

Donor countries such as the United States, Canada, and Norway had shown deep regrets on this decision by the Sri Lankan government. Neighbouring India had also shown its dismay of Sri Lanka's abrogation of the ceasefire.



## 6.5.1 The advance of the Army into the Wannu region

The advance of the Army into the Wannu region for their final military push took about 15 months in the following date order:

December 2007:	The Army moved into Uyilankulam, Parappakandal and Thampanai in the Mannar district.
May, 9, 2008 :	The SLA advanced rapidly from Uyilankulam area, capturing the village of Adampan, in Mannar.
June 30, 2008 :	Rice Bowl' area in Murungan was captured.
July 20, 2008 :	Vidattaltivu and Iluppaikkadavai were captured.
August 2, 2008 :	Vellankulam the LTTE's last stronghold in Mannar District fell to the advancing SLA troops, completing the eight-month effort to recapture the district.
Sept. 2, 2008 :	The Army followed this up by taking control of Mallavi. From Mannar, the Army had entered Kilinochchi District.
Oct. 17, 2008 :	The SLA troops cut off the Mannar-Pooneryn A32 highway north of Nachchikuda, the remaining Sea Tiger stronghold.
Nov. 13, 2008 :	The SLA continued their advance towards Pooneryn and captured Kiranchchi, Palavi, Veravil, Valaipadu and Devil's Point.
Nov. 15, 2008 :	On November 15, the Army troops entered Pooneryn. Simultaneously, they captured Mankulam and the surrounding area on November 17.
Jan. 1, 2009 :	SLA troops captured Paranthan. With Kilinochchi captured on January 2, the entire Jaffna peninsula came under the SLA by January 14.
Jan. 25 2009 :	SLA troops captured Mullaivitivu.
Feb. 5 2009 :	The last Sea Tiger base in Chalai was the next to be captured on February 5
April 5, 2009 :	The Battle of Aanandapuram, which was considered as the "defining moment" of the 26-year war, was fought on April 5. SLA soldiers numbering over 50,000 from five divisions were said to have participated in the battle encircling the LTTE cadres and the civilians inside a small littoral strip of territory located between the Paranthan-Mullaivitivu A35 highway, Nanthikadal and Chalai Lagoons on one side and the Indian Ocean on the other side.
April 21, 2009 :	The LTTE and the civilians were said to have been pushed into the no-fire zone set up for civilians. On April 21, the Sri Lankan troops launched a major assault, into the no-fire zone.

It can be seen that from December 2007 onwards, as the Army started advancing from Uyilankulam area, the civilian population of each village in the path of Army's advance had to abandon their cosy homes and keep moving away northwards beyond their artillery range. The people were fleeing with whatever meagre valuables they could carry. Continuously for over 15 months they had to trek from village-to-village across the entire breadth of the country from Mannar in the west to Mullaitivu in the east of the country.

The first five months of 2009 brought immense and unprecedented pain to the Sri Lankan Tamils and to their many relatives outside the country who looked on and received daily reports of death and injury and misery. Their efforts, and the efforts of concerned people all over the world to bring a humanitarian pause to the war to limit the loss of life, ultimately failed. They failed due to the inhuman intransigence and reckless disposition of the Sri Lankan government who did not care about the civilians. They knew very well that hundreds of thousands of Tamil civilians remained trapped in the war zone and had to be evacuated on humanitarian grounds but the GOSL displayed a merciless brutish attitude.

There was a feeling of helplessness and horror felt by all those concerned people and the health and humanitarian workers as the warnings of a humanitarian catastrophe pointed out by UN agencies and other involved organisations fell largely on deaf ears.

These displaced people were without proper shelter, food or even pure drinking water. Many of them died due to shell fire, fatigue, illness and due to lack of proper medical facilities. All the war weary Wannai People and those who fled from the Jaffna Peninsula to escape from the military operations there and got caught in Wannai, were undergoing terrible suffering for months in the open. All these civilians were gradually driven into the small stretch of

land demarcated as safe haven along with the militants. One can easily imagine the carnage and mayhem that would have happened when the Sri Lankan forces unleashed their hellish bombing barrage in that over crowded small area with scant respect for human lives.

### **6.5.2 Brief Descriptions of some of the Battles**

We describe here under a few of the battles waged by the advancing Sri Lankan Army with the support of their Air Force and Naval support as they advanced. The Government forces had the advantage of their superior numerical strength as well as unlimited stock of munitions which they used recklessly defying international rules of war on the horrified defenseless Tamils.

#### ***The battle for Kilinochchi***

Fierce fighting continued for weeks as the Sri Lankan Army pressed its attack on the northern town of Kilinochchi, the administrative headquarters of the Liberation Tigers of Tamil Eelam (LTTE), in the Wanni region during the months of November and December 2008. Hundreds of people were dead and wounded as at least four Army divisions were flung into the battle.

The military claimed to have killed 120 LTTE rebels for the loss of 25 soldiers and to have captured LTTE defensive positions to the west and northwest of Kilinochchi and the village of Choikenkulam.

Speaking at a military ceremony, President Rajapakse bluntly declared that “neither chemical weapons, air attacks, suicide bombers, disastrous monsoon rains nor major floods can stop the military offensive”. The government turned down an appeal by church leaders for a temporary truce over the Christmas/New Year period.

After Kilinochchi was captured, several foreign governments urged both parties to seek a political solution but the GOSL did not show any interest.

### ***Battle of Aanandapuram***

The Battle of Aanandapuram was a land battle fought between the Sri Lankan Military, 58 Division, 53 Division and Task Force 8 and the Liberation Tigers of Tamil Eelam (LTTE) for the control of the last stronghold held by the LTTE. This battle was a part of the Northern Theater of Eelam War. The battle was fought in the Aanandapuram area of Puthukkudiyirippu AGA division.

### ***Battle of Mullaitivu (2009)***

2nd – 25th January 2009: The Battle of Mullaitivu was a land battle fought between the Sri Lankan Military and the Liberation Tigers of Tamil Eelam (LTTE) for the control of the town of Mullaitivu in the Northern Theatre of Eelam War. The town of Mullaitivu was the last stronghold of the LTTE.

The Sri Lanka Air Force had been attacking LTTE positions in and around Mullaitivu for several days before the ground troops claimed to have entered it.

### ***The Battle of Puthukkudiyirippu***

The Battle of Puthukkudiyirippu was an armed confrontation for the control over the AGA division of Puthukkudiyirippu fought from the first months of 2009 till



**Hundreds of thousands of Tamils ended up trapped in a tiny strip of land at Mullivaikkal**

the end of April 2009. Puthukkudiyirippu was the final LTTE base held by the LTTE during the Northern Theatre of Eelam War.

### **6.5.3 Genocidal mass scale murder of Tamil Civilians cornered at *Government declared 'safe zone' in Mullivaikkal***

The Sri Lankan Army through its numerous military operations over a number of months in Wannai forced the hundreds of thousands of Tamil people trapped in the war zone into a small strip of land at Mullivaikkal. On January 21, the Sri Lankan armed forces unilaterally declared a 35-square-kilometer “safe zone” for civilians north of the A35 road between the Udayarkattu junction and the Manjal Palam (Yellow Bridge) in Mullativu district. The Sri Lankan Air Force dropped leaflets instructing the civilians to move into the safe zone as soon as possible.

During the next few days, several thousand people gathered in a large playground located just north of the A35 road in the safe zone. The playground also functioned as a food distribution centre for the Government Agent (GA) and international organizations.

**After trapping all the people within the Safe Zone the Sri Lankan armed forces, instead of ensuring their safety, started their targeted bombardment on the people crowded in this strip of land from land, air and the sea. The furious attack was obviously a deliberate inhuman massacre and mass genocidal killing of tens of thousands of Tamils trapped in this location, subjecting the people to unimaginable suffering. Those accused of complicity in these genocidal mass murders of a section of its own people by the State are clearly identified as the President of the country, his Defence Secretary and many identifiable Army personnel.**

**There were public accusations by knowledgeable persons that the orders to kill the civilians were personally given by the Defence Secretary Gotabaya Rajapakse on the advice of the President Mahinda Rajapakse to his field commanders such as Gen. Shavendra Silva and Gen. Kamal Gooneratne who carried out these illegal orders in turn ordering their subordinate soldiers.**

After World War II realising the urgent necessity to have an organisation where all world leaders can gather at one forum and discuss matters so as to prevent future wars taking place between countries, the United Nations Organisation was established. Maybe, genocide of weaker nations by dominant nations within ethnocratic states was not envisaged at that time.

**However, the UN is mandated to develop friendly relations among nations on principles of equal rights and self-determination and to recognise the fundamental rights of all people. Therefore, only an international inquiry by the International Criminal Court can establish the truth and deliver international justice for the victims who suffered due to these serious war crimes committed with impunity, abusing the power of the perpetrator's positions.**

Many of the civilian deaths reported during the final months occurred within the “safe zone.” Several people located in or around the GA food distribution centre told the media that, despite the Army declaration of a safe zone in the area, the area was subjected to heavy shelling from SLA positions in the period January 22-29, which killed and injured many hundreds of thousands of Tamil people.

*According to the UN*, as many as 40,000, or even 70,000, to those that point to as many as 147,000 people were killed and unaccounted for based on figures from district-level government officials at the time and Mannar Bishop Rev. Rayappu Joseph.

***During the attack government forces heavily shelled the area, including hospitals thereby depriving those badly injured of any medical help.*** The UN Panel Report describes how from as early as 6 February 2009, the SLA continuously shelled within the area, from all directions. ***It is estimated that there were between 300,000 to 350,000 civilians in that small area.*** The SLA assault employed aerial bombardment, long-range artillery, howitzers and MBRLs as well as small mortars, RPGs, banned incendiary bombs and small arms fire, some of it fired from a close range. MBRLs when using unguided rockets are area saturation weapons and when used in densely populated areas, are indiscriminate with potential to cause large numbers of casualties. ***Prohibited chemical weapons were also said to have been used.***

Statements by senior officials indicating that civilians who do not leave LTTE-controlled areas are subject to attack are indicative of their intent to commit war crimes.

We give here under some first-hand reports of international organisations and that of the media and that of individuals, of the misery heaped on the Tamils trapped in this area:

### ***Eye witness Accounts***

Two people described the horror of the shelling of the safe zone. One shell that struck inside the playground early in the morning on January 24 killed seven civilians and injured 15. They further stated,

*“One mortar shell came in within ten meters of our location. We heard the screeching sound of the fins before it struck the ground. The shrapnel tore through the tents and temporary shelters just behind our bunker. The mangled body of a young woman landed in the entrance of our bunker. She had been decapitated by the*

*blast. I had never seen such a horrible scene before. I couldn't quite comprehend what I had just witnessed. There was a huge amount of screaming immediately after the impact. The surviving members of the families were in a severe state of shock and were running in all directions”.*

*“There were lots of people in bits and pieces lying around. My gut reaction was that I don't want to see this, but I felt that I had to. A woman was lying on her back with two infants, one of which apparently survived. A baby was hanging in the tree under which the family had sheltered. Another baby, decapitated, had been flung into the wire fence surrounding the playground. Lying face down next to the woman was her husband. When he was turned over, he had horrendous injuries to his face and head. Within three or four meters lay the bodies of two other families. One of the men was severed in half. I think one other was as well, but by this stage I'd had enough. I really didn't want to see any more. One of the mothers had shrapnel injuries to the head and her brains had spilled out on the ground”.*

Another eye witness, “Suresh S.” (not his real name), recalled the same attack as follows,

*“We were sleeping in our bunker when shells started falling. It was around 2:45 in the morning. A shell landed about 25 meters from our bunker and killed several people. I saw pieces of a young woman hanging in a nearby tree. During our stay there we heard shelling non-stop. Around nine in the morning the next day, we again heard heavy shelling. Fragments were hitting the bunker so we could not go out. We therefore did not see where the shells fell”.*

A source counted 30 killed and 56 injured in and around the playground in little more than 24 hours on January 23 and 24.



A relief worker recounted the information that she received from her colleagues in the safe zone:

*“From the evening of January 22 there was non-stop shelling until January 29. Our colleagues sent sms-messages saying that they were seeing eight to 22 people killed every day. That was only what they saw.”*

#### **6.5.4 Deliberate attacks on civilians**

There were accounts from witnesses in the NFZ of soldiers throwing grenades into several civilian bunkers packed with people.

Some civilians also reported seeing Army trucks running over injured people lying on the road. Later in the day, the SLA brought in earth-moving equipment to bury the bodies that had been lying in the open. Civilians reported seeing among the corpses injured people who were asking for help, and believed that the SLA did not always attempt to separate the injured and the dying from those who had died.

Many witnesses described scenes of devastation, with hundreds of bodies of people killed by shelling scattered across areas within the NFZs. Entire families had been killed as bombs landed in bunkers they were sheltering in. Witnesses talked of having to leave dead family members behind as they were further displaced by the shelling. Many witnesses were profoundly traumatized by their experiences and memories of the shelling and the devastation they witnessed.

The dead were strewn everywhere; the wounded lay along the roadsides, begging for help from those still able to walk, but often not receiving it. The smell of the dead and dying was overwhelming.

Several witnesses spoke of women being taken away “towards the jungle” by soldiers, allegedly for sexual abuse, as they crossed over into Government-controlled territory. Some said that they then heard screaming. One witness, for example, described a female cadre being taken behind a sentry post by two soldiers, and was visibly distraught and crying when brought back some 20 minutes later. In another case, the source recounted seeing soldiers dragging young women into the bushes and hearing screams. He said that he could also hear gunshots coming from the area. Another witness stated that she heard four or five “voices of girls screaming in the bushes” and calling to be saved as she approached a sentry point.”

### **6.5.5 Attacks on Hospitals**



**Victims of a shelling attack in Pokkanai wait for medical assistance. © 2009**



During the fighting in 2009, the few hospitals that were in LTTE-controlled areas repeatedly came under artillery attack. This had added immeasurably to the suffering of people who had sought help in medical facilities, already horribly overcrowded and dangerously short of medical personnel, equipment, and supplies.

“Premkumar P.” described the Puthukkudiyiruppu hospital attack as follows,

There were many wounded at the Hospital, -children, young people, elderly, all kinds of people. Many people had no legs or arms. One person's body was completely burnt. There were injured people everywhere. There weren't enough beds so people were lying on the floor, just on mats. Many of the wounded were from **the safe zone**.

Patients, medical staff, aid workers, and other witnesses have given information about at least 30 attacks on permanent and makeshift hospitals in the combat area since December 2008. One of the deadliest attack is said to have taken place on May 2, when artillery shells struck Mullaivaikal hospital in the government-declared “no-fire zone,” killing 68 persons and wounding 87.

Hospital staff have increasingly been compelled to leave permanent hospitals to set up makeshift hospitals in LTTE-controlled areas. Several independent sources informed that each

time a hospital was established in a new location, the doctors transmitted GPS coordinates of the facility to the Sri Lankan government to ensure that the facility would be protected from military attack. Medical staff said that, on several occasions, attacks occurred soon after the coordinates had been transmitted. An aid worker described an aerial attack on Valayanmadam hospital in the no-fire zone on April 2:

*“I was in the hospital. Right after 12:30 p.m., I noticed a Sri Lanka military drone conducting reconnaissance above the hospital. The people in the hospital suspected that an attack was imminent, so they lay down on the ground. Shortly thereafter, we heard a loud explosion in the air, followed by several smaller explosions on the ground. One of the explosions took place only a couple of meters from me. One of the doctors, who was lying just next to me, was killed by a shrapnel piece that hit him in the head. Four or five people were killed and more than 30 were wounded in the attack.”*

A medical worker stated that when the Putumattalan hospital came under heavy shelling around midnight on April 20, he immediately sought cover in a bunker. He described what he saw after he left the shelter early in the morning:

*“The roof of the building was destroyed and tiles had fallen into the room. The operations ward had disappeared completely. There were eight dead bodies in Ward 5, and five dead bodies in the admission ward, all of them patients who had been admitted with injuries from previous attacks. Injured people were still coming to the hospital, but the medical staff was not able to provide any medical treatment. I have no idea how many dead and injured there were in total. I just counted 13 dead bodies in two of the five wards before I left.”*

Witness accounts suggested that there were no LTTE positions anywhere near the hospitals.

### ***6.5.6 Shooting dead of those who surrendered displaying White Flags***



***Nadesan & Pulidevan***

The White Flag incident was the massacre of surrendering leaders of the Liberation Tigers of Tamil Eelam (LTTE) and their families by the Sri Lankan Army on 18 May 2009 in Mullivaikal, Sri Lanka.

Hundreds of LTTE cadres, their families and many other Tamils civilians who surrendered to the Sri Lankan military were shot dead. Numerous others who were handed over to the security forces by family members have been forcibly made to disappear and the Government is not willing to state what happened to each and every one of them.

The LTTE's Political Wing leader, Balasingham Nadesan and Pulidevan agreed to surrender and contacted the United Nations, the governments of Norway, United Kingdom, United States and the International Committee of the Red Cross. They were given

assurance by Mahinda Rajapaksa, the President of Sri Lanka, and told to surrender at a particular place by Basil Rajapakse. LTTE's request for a third-party witness to oversee the surrender was not granted by the Sri Lankan Government.

The Tamil Tiger political leaders managed to negotiate surrender on the last day of the war. "Agreeing to", as Nadesan told British journalist Marie Colvin, "abide by the result of any referendum" and pleading for a ceasefire, the LTTE sent desperate messages through every channel they could think of – the United Nations, the Red Cross, European diplomats and intermediaries, Tamil parliament member Rohan Chandra Nehru, and The Sunday Times reporter, Colvin. It was all a desperate attempt to save the lives of an estimated 300 fighters and their families. The Sri Lankan President, Mahinda Rajapaksa was aware of the negotiated surrender. On May 17, 2009 Marie Colvin received a call from Nadesan asking that she relay to the United Nations that, "they [The LTTE] would lay down their arms, they wanted a guarantee of safety from the U.S. or Great Britain, and an assurance the Sri Lankan Government would agree to a political process that would guarantee the rights of the Tamil minority." According to Colvin, she established contact with Vijay Nambiar, Chief of Staff to Secretary-General Ban Ki-moon and relayed the LTTE's conditions for surrender, which he in turn agreed to relay to the Government.

By the night of May 17, the LTTE had no more political demands but requested Nambiar to be present to guarantee their safety in surrender. Nambiar told Colvin that he had been assured by Sri Lankan President Mahinda Rajapaksa of the surrendering combatants' safety, all they had to do was "hoist a white flag high". Nambiar told her that the President's assurance was enough and that his presence was unnecessary. At 1:06 AM on May 18, 2009, Nadesan made his final call to Tamil MP

Chandrakanth Chandranehru saying they were walking towards the Sri Lankan military 58th Division and, “I will hoist the white flag as high as I can.” According to witnesses, Nadesan's Sinhalese wife was among the front of the surrender party.

Hours later, the Sri Lankan Army announced that Nadesan, Pulidevan, and the LTTE members accompanying them had been killed. That evening they displayed their bodies. The Sri Lankan Government has given various contradicting explanations of the deaths – from denying the surrender to claiming that those surrendering were shot by their supporters in the back.

**Here again, General Sarath Fonseka, the commander of the Sri Lankan Army at the time had claimed that it was the Defense Secretary Gotabhaya Rajapaksa who gave direct orders to Gen. Shavendra Silva, Commander of the 58 Division, bypassing the Army Commander, to finish off all the surrendering LTTE members and their families. Many witnesses have come forward to say that the Sri Lankan Army killed the surrendering LTTE members.**

Among the Army units that the UN implicated in the worst atrocities towards the war's end were those commanded by the current Army Chief, General Shavendra Silva, and the Defence Secretary, General. Kamal Gunaratne. The perpetrators of the war crimes and those accused of enforced disappearances, to evade investigations and prosecutions to date, have been permitted to continue in public life, and have been rewarded with high positions in the Government.

The “White Flag Incident” was heavily featured in a UN report which not only upheld the credibility of war crimes allegations against the Sri Lankan government and led to demands for the launch of a full-scale investigation.

**Mahinda, Basil, Gota and Kohona were aware of the envisaged surrender – OISL Report.**

### ***6.5.7 Executions of those held in Army Custody***

Pictures have surfaced of Balachandran Prabhakaran, the 12-year-old son of LTTE leader, Velupillai Prabhakaran, alive, unharmed and in custody of the military. A photo taken a few hours later shows the boy's dead body shot in the chest five times.

***Prabaharan Balachandran was captured alive and brutally shot dead by the Sri Lankan Army***



British film-maker Callum Macrae says the photographs of Balachandran Prabhakaran - which show the young boy first alert and unharmed and in the custody of soldiers but then dead, shot five times in the chest - rules out the government's assertion that Balachandran was killed in crossfire.

“His death was deliberate and calculated. This is a proof, beyond reasonable doubt, of the execution of a child - not a battlefield death,” said Mr Macrae. “The pictures fill in chilling details on the circumstances of his murder - and leave the Sri Lankan Government with yet more questions to answer.”



*K.V.Balakumaran and his son were executed*



Sooriyathepan Balakumaran and KV Balakumaran photographed under the custody of occupying SL Army on 17 May 2009

K.V.Balakumaran, one of the founders and the leader of the Eelam Revolutionary Organisation of Students (EROS) formed in mid-1970s became a senior member of the Liberation Tigers of Tamil Eelam (LTTE) after the EROS joined the LTTE in 1990.

A writer, literary critic and orator, Mr Balakumaran was also one of the main political mentors in the cause of Eezham Tamils.

Mr Balakumaran sustained injuries, below his elbow, in a shell attack while visiting the displaced people at the makeshift hospital at Udaiyaar-kaddu MV school on 26 January 2009.

Balakumaran's daughter, Mahilini, who was 17-years-old at that time sustained injuries on 19 April and his wife, Inthira had to leave Vanni in an ICRC boat accompanying the wounded daughter to Pulmoaddai for medical treatment. It was the last time the family saw Balakumaran and his son Sooriyathepan.

According to eyewitness reports, Balakumaran and his 18-year-old son, walked into SL Army controlled territory at Vadduvaikal in Mullaitheevu on 17 May, the final day of the genocidal war in 2009, and they were never seen again.

### **6.5.8 Detainees made to disappear**

Many cadres and leaders of the Liberation Tigers of Tamil Eelam (LTTE) who surrendered to the forces at the end of the civil war in 2009 were still missing, a Government panel looking into the war was told in Jaffna.

Amongst the other emblematic cases are those of LTTE leader Colonel Ramesh who was filmed in Sri Lankan Army custody, being interrogated by soldiers. Later photographs show he was shot dead as well as Tamil TV presenter Isaipriya.

*“My husband Yogi, Puthuvai Ratnadurai (in charge of the LTTE's fine arts division) Lawrence Thilakar (in charge of the LTTE's European division), Baby Subramanian and some others surrendered to the military at Vattuvahal on May 18, 2009...and they were all taken away in a bus. We have not heard from them since then,”*

Jayavathi was quoted by the newspaper as having told the LLRC. Here is a list of some of those LTTE cadres who allegedly surrendered to the armed forces on 17/18 May, 2009 but their whereabouts are not known since then.

K.V. Balakumar and his son Sooriyatheepan, V. Ilankumaran (alias Baby Subramanian) Head of the Thamil Eelam Education Department. His wife Vettrichchelvi and daughter Arivumathy.

Yogaratnam Yogi in charge of 'Institute for Conflict Research' in Vanni, Poet Puthuvai Ratnadurai, Coordinator of LTTE Arts and

Cultural Department, K. Paappa, Coordinator LTTE Sports Department, Rajah (Chempiyan) Assistant Coordinator LTTE Sports Department and his 3 children, Ilanthirayan, LTTE Military spokesman, Veerathevan, Coordinator LTTE Bank

S.Thangkan, Political Wing Deputy Chief, Aruna, Tamil Eela Education Department, S. Naren, Asst. Executive Head of TRO, Kuddy, Head of the LTTE Transport Department, Piriyan, Head of Administrative Service Department and his family, V. Poovannan, Head of the Administrative Service Division of the LTTE, Thangaiah, Administrative Service Department, Malaravan, Administrative Service Department, Pakirathan, Administrative Service Department, Reha, Head of LTTE Medical Division, Selvarajah, Commander Manal Aru Head Quarters, Bhaskaran, Commander Manal Aru Head Quarters, Major Kumaran, Prabha, Batticaloa District Commander

Rupan, Coordinator of Supplies, Holster Babu, Coordinator of Business activities, Ilamparithy, Executive Head of Political Wing, Elilan, Head of Trincomalee Political Wing, Vijitharan, Executive Secretary, Political Wing, Major Veeman, Sakthy, Coordinator Forestry Division and his family, E.Ravi, Charge of Houses, Sanjai, Mulliyavalai Divisional Political Wing Coordinator

Para Ratha, Coordinator Justice Department, Kumaravel, Coordinator Air Force Security, Chithrankan Malathy, Commander Manal Aru District, Suhi, Commander, Arunan, Major Sea Tigers, Manoj – Medical Department, Lawrance, Finance Department, Lawrance Thilakar, Coordinator TRO Planning Department, Karikalan, former Commander, Eastern Province and Thillak former head of political wing Trincomalee. The above list is by no means complete. On May 31, 2009,

Government Information Department sources, reported that some top Tiger leaders under the custody of the military were going through series of serious investigation by the security forces.

*“Former Eastern Province political wing leader and subsequently in charge of the economic division Karikalan, former spokesman of the LTTE Yogaratnam Yogi, former EROS MP turned advisor to the LTTE V. Balakumaran, a former spokesman of the LTTE Lawrence Thilakar, former Deputy political section leader Thangkan, former head of the political section for Jaffna district Ilamparithi, former Trincomalee political wing leader Elilan, former head of the LTTE Sports Department Paappa, former head of the administrative division of the LTTE Puvannan and deputy international head Gnanam are in custody,” it said.*

### ***Sri Lankan Minister's statement***

A senior Sri Lankan Minister wittingly or otherwise had confirmed that some of the top Tamil Tiger leaders, including V. Balakumar and Yogaratnam Yogi, who had surrendered to the Government troops during the final days of the war in May 2009, have been killed while in protected military custody.

Former Minister of Rehabilitation and Prisons Reforms, Dew Gunasekera who undertook a visit to the North in July, 2010 and met groups of war widows, told a Colombo-based newspaper on record that among the 'widows' whom he had met in Jaffna were wives of Balakumar and Yogaratnam Yogi.

The Minister's statement indirectly confirms that some of the top leaders of the Tamil Tiger rebels have been killed while in military custody by the Government of President Mahinda Rajapaksa, which is already facing international war crime charges for allegedly executing top unarmed Tiger leaders who surrendered with white flags.

It is not known whether Balakumar, Yogi and others were killed in an execution-style murder or tortured to death.

### ***Evidence before LLRC***

The wives of Elilan and Ilanthirayan gave evidence before the LLRC claiming that they saw their husbands entering an army bus along with Rev. Fr. Francis Joseph, but have never heard of them since.

A photo of the dead body of Thillak, the former political head of Trincomalee and a senior member of the LTTE, shows burned skin of his chest and other marks indicating that he had been tortured and killed.

### ***LLRC in Batticaloa***

The question now is how long countries like US, EU, UK and Canada will tolerate Sri Lanka's nose thumping? So far, the government has failed to investigate war crimes and crimes against humanity committed by the armed forces. There must be a limit to tolerance.

## **6.5.9 British Channel 4 Documentary**

### ***No Fire Zone: - In the Killing Fields of Sri Lanka***

The Killing Fields of Sri Lanka is an investigative documentary about the final weeks of the Sri Lankan Civil War. The documentary covers the period from September 2008 until the end of the war in 2009 in which thousands of Tamil people were killed by shelling and extrajudicial executions by the Sri Lankan Army.

This feature documentary tells the story of the final awful months of the 30-year-long Sri Lankan war. This sometimes harrowing story is told by the people who lived through the war - and through some of the most dramatic and disturbing video evidence ever seen.

No Fire Zone was directed by the Nobel Peace Prize nominee Callum Macrae. It has already won many awards.

### ***Film***

In November 2014 the Musician M.I.A described No Fire Zone as “***the only film that gives me faith in journalism. It's not only the most important account of what happened to the Tamils, it's actually become part of the fabric of their history.***”

The former British Prime Minister David Cameron was quoted as saying that “No fire Zone is one of the most chilling documentaries that I have watched”

### ***Updated Versions***

In November 2014 the producers released an updated version of the film containing new evidence, including footage showing the capture, alive, of the LTTE TV presenter Isaipriya. Previously the Sri Lankan government had claimed she had died in battle.

### ***Interview with Tamil Doctor***

This update also included an interview with one of the Tamil doctors who had been trapped in the No Fire Zone. During the war the doctors told the world of the terrible conditions in the no Fire Zone, but after the war they were arrested and held by the Sri Lankan Criminal Investigation Department. While in captivity they were forced to appear at a stage managed Government Press conference denying everything they said from the war zone. In this interview - a longer version of which appeared on Channel 4 news in the UK - the most senior of the doctors revealed that he and the other doctors had been forced by Sri Lankan military intelligence to change their story - and confirmed that what they had said from the war zone was indeed accurate.

**The No Fire Zone documentary is a direct and conclusive evidence of war crimes, summary execution, torture and sexual violence perpetrated by the Sri Lankan Army against the Tamils.**

## Chapter – 7

### Continuing Ethnic Cleansing of Tamils since the War ended

The Tamil People who endured the gruelling war for nearly three decades culminating in the Mullivaikal mass killing of Tamils were not given any respite when the war came to an end in May 2009. The repressive Sinhala rulers continued persecuting the Tamils remorselessly with their long term agenda, in numerous ways. Even to attend to the urgent immediate humanitarian needs there was no serious attempt by the State to rehabilitate the war weary, war scarred people many of whom were either badly injured, disabled or had lost one or more family members during the war. Instead, Tamils were subjected to further harassment some of which we describe here under:

#### 7.1. War weary civilians interned in Detention camps

The final stages of the war in May 2009 created nearly 300,000 *internally displaced persons* (IDPs). The Government, in violation of international law, had compelled virtually all the civilians displaced when the fighting came to an end, to remain in detention camps, euphemistically called “welfare centers” against the will of the people. Sri Lanka's policy of confining the displaced people to heavily guarded detention camps, together with the unsatisfactory conditions inside the camps and the slow progress of resettlement attracted much concern and criticism from inside and outside *Sri Lanka*. On May 15, for example, Walter Kälin, the UN Secretary-General's representative on internally displaced persons, said: “Prolonged internment of such persons would not only amount to arbitrary detention but it also aggravates the humanitarian situation needlessly.”

The United Nations reported that as of July 17, 2009, the government was detaining 281,621 people in 30 military-guarded camps in the four northern districts of Vavuniya, Mannar, Jaffna, and Trincomalee. Camp residents were allowed to leave only for emergency medical care, and then frequently only with military escort. The situation of camp residents was aggravated by unsatisfactory living conditions in the camps. Many were overcrowded, some holding twice the number recommended by the UN High Commissioner for Refugees. According to the UN, there was a shortage of latrines and access to water was inconsistent, causing hygiene problems. In June alone, health officials recorded more than 8,000 cases of diarrhea, as well as hundreds of cases of hepatitis, dysentery, and chickenpox.

Numerous reports indicated that camp residents were getting increasingly frustrated with the inadequate food, overcrowding, and inability to visit relatives even in adjacent camps or elsewhere. In late June, they held at least two protests in the camps, which were dispersed by the security forces.

The military had reportedly removed several thousand camp residents for alleged membership or support of the LTTE, and transferred them to rehabilitation centers for LTTE fighters or to Colombo, the capital, for further interrogation. In many cases, the authorities had failed to inform relatives remaining in the camps about the fate and whereabouts of those removed, raising concerns of possible ill-treatment or enforced disappearance.

The Government had effectively sealed off the detention camps from outside scrutiny. Human rights organizations, journalists, and other independent observers were not allowed inside, and humanitarian organizations with access have been forced to sign a statement that they will not disclose information about the conditions in the camps without Government permission. On



several occasions, the Government expelled foreign journalists and aid workers who had collected and publicized information about camp conditions, or did not renew their visas.

In response to domestic and international criticism, President Mahinda Rajapaksa had tried to justify the detention policy by claiming that anyone in the camps could be a security threat. The Government had sought to play down the situation, insisting that the displaced civilians will be quickly resettled. The Government had not provided any concrete resettlement plans and the detained persons did not receive any information about when they might be allowed to return home. The resettlement process was completed and camps were officially closed only on 25 September 2012 after keeping the people detained for more than three long years. However, the final batch of IDPs consisting of 110 families was relocated in Kepapilavu in [Mullaitivu District](#) away from their original homes.

### **Internally Displaced People allowed languishing**

A number of Tamils who were rendered “internally displaced people”(IDPs) without any means of livelihood and with their properties under Army occupation were allowed to languish without returning their properties and without adequate solace from the Government.

### **No attempt is being made to release the Political Prisoners**

No sincere attempt is being made to release the large number of Tamil political prisoners who are kept in remand prisons for many years under the Prevention of Terrorism Act for flimsy suspected offences while many Sinhalese convicted criminals in the death row prisons are being released under Presidential pardons.

At the end of the war many Tamils in the war zone surrendered to the Army and in fact many of them were handed over to the Army

by their next of kin and all of them were herded into State buses and taken away by the Army. Now, so many years after the end of the war the Government is still not even divulging their whereabouts despite the persistent demand by their relatives to hand them back or at least state what had happened to them. It appears that the Army has murdered all of them at the urging of the Government and the Government has shirked its responsibility to account for those taken into custody by its Army and are displaying impunity and contempt to civilised behaviour and is immorally and illegally protecting those obvious murderers in the Army.

### **Promoting Drug addiction among the Tamil Youth**

In addition to the many Army camps in the Tamil homeland, several TID (Terrorism Investigating Department) officials are deployed to spy on the Tamils under the guise of preventing the resurgence of militancy. Despite the presence of the large number of security personnel, anti-social activities such as thefts, rowdy behaviour amongst the youth, promoting drug addiction amongst the youth and particularly among school children are disturbing the peaceful living of the Tamil People and are causing great harm to the Tamils. Such large scale anti-social activities have become disconcertingly rampant in Tamil areas suggesting that there is a hidden treacherous enemy hand which is inciting these activities in a deliberate despicable manner.

At a meeting held under the chairmanship of then Minister John Amaratunge in Colombo on Drug Abuse, the then Chief Minister of Northern Province, Justice C.V.Wigneswaran, posed the question 'How come when the North and East were under the control of the LTTE, admittedly, the North and East were devoid absolutely of the Drug Menace while when we have the Army, Navy, Air Force and the Police in large numbers in the North and East now, there is such heavy increase in the Drug Trade?' The Minister remained silent.

Living in this country has been made so miserable for the Tamils that the tragic spectre of Tamils trying to flee the country risking their lives is happening at an alarming rate.

## **7.2. Desecration & Destruction of War Cemeteries & other Monuments of the LTTE**

Soon after gaining control of territory in the North and East, one of the first priorities of the Sri Lankan Army had been their undue hasty action of desecration and destruction of the martyrs' cemeteries of the LTTE called 'Maveerar Thuyilum Illam' meaning 'Heroes' place of eternal rest.' By indulging in such uncivilised behaviour, the Sinhalese have denied the members of the martyr's family and others from visiting the burial sites and paying their homage and reverence to their departed loved ones. There were about 27 Heroes' cemeteries scattered throughout the North-East. The Sri Lankan military had ploughed the ground of these cemeteries and have built Army camps over some of them, trampling and desecrating their graves.

Kopay and Ellaankulam Heroes' cemeteries of the LTTE in Jaffna are now the sites of military camps, making them completely inaccessible to the local people. The desecration of the cemeteries is compounded by the fact that rubble from the graves has been used to construct the roads leading to some of these military camps and remains of headstones and cenotaphs in many places are remaining scattered and in abandoned heaps.

Apparently, the Sinhalese have also been indulging in their wishful thinking that by destroying these monuments they can erase the martial history of the Tamils from their collective memories and deter them from agitating for their political rights.

### **Destruction of LTTE monuments at Valvettiturai**

In addition to desecrating and destroying all the Heroes' cemeteries, the Sri Lankan Army has destroyed a number of

LTTE monuments such as the impressive monument and statues at Theeruvil Park, Valvettiturai built in memory of Kumarappa, Pulendran and ten of their colleagues who died in one incident and Kittu and his colleagues who died in another incident. Both these incidents are of much war time historical significance and milestones that impacted adversely to the Tamils in their struggle for liberation.

### **Destruction of Prabakaran's ancestral home in Valvettiturai**

LTTE leader Mr. Velupillai Prabakaran's ancestral home is in Valvettiturai. When the War came to an end in May 2009, encouraged by the Government, bus loads of Sinhalese villagers from the South used to visit Jaffna for sightseeing and they all made it a point to visit Valvettiturai to see Prabakaran's house. Soon it became apparent to the security men that the Sinhalese people were paying their reverence to Prabakaran and words of praise were written all over the walls of his house in Sinhalese. Promptly the security men demolished the entire house and removed even the stones, leaving only the bare land.

The present ridiculous situation is that for every remembrance event large numbers of soldiers stand guard all along the many roads leading to his house to scare away people from going to his house to pay their respects!

### **7.3. Destruction of Memorials constructed by Tamil civilians in memory of the war victims**

The following are some of the many war victims' memorials built by the public that were destroyed by the Sri Lankan forces:

#### **Mullivaikkal war memorial vandalised**

A memorial plaque erected for Tamils killed in Sri Lanka's civil war, along with monuments erected earlier, were found vandalised in May 2021 in the Mullaitivu district, according to the committee organising the remembrance event.

Accusing the Army of destroying the war memorials of Tamils, the Mullivaikkal war remembrance committee voiced concern over the “continuing attack” on Tamils' right to commemorate their dead loved ones.

### **Demolition of Mullivaikkaal monument at University of Jaffna premises**

On the 8th of January 2021, despite the students' protest, the occupying SL military and the police started bulldozing the statue of the Mullivaaykkaal



Tamil genocide monument within the premises of the University of

Jaffna. The Tamil people and their leaders who rushed to the site to protest were blocked at the university entrance. The Sinhala military and police personnel used abusive language against the protesters, the students said. The destruction had taken place a day after Indian External Affairs Minister S Jaishankar wrapped up his three-day visit to Colombo.

Initially the SL Minister for Higher Education, University Grants Commission and the Secretariat of the former SL President were attempting to stop the monument's construction at that time.

As the students proceeded with the erection of the statue, the then Vice-Chancellor of the University, Professor R. Vigneswaran was 'punished' by the SL State by transferring him.

#### **7.4. Constructing Sri Lankan victory monuments in Tamil Homeland**

The S L State has constructed a number of their own victory monuments across the Tamil North-East, instead of constructing them in their own homeland and amongst the Sinhalese themselves. These 'Victory Monuments' were opened with lot of pomp and pageantry and attended by the President, Defence Secretary and other top brass of the defence forces.

These are painful and traumatizing constant reminders to the Tamils as to how cruelly they were vanquished in the war and that they are a subjugated people and reminding the horrors they faced during the war. These monuments have been placed at many main roads conspicuously like in Elephant Pass, Kilinochchi and Mullaitivu, flaunting their victory, to hurt the Tamils and are deliberate show pieces of their primitive offensive triumphalism, insulting the Tamils.

Throughout the year bus-loads of Sinhalese villagers are transported to the Tamil regions on state-sponsored tours to view these victory monuments in the midst of the Tamils and the battle tanks and other heavy armaments captured from the LTTE. There are accommodation and meal facilities at the many Army camps for these Sinhalese State guests and some of the sites even house gift shops, with souvenirs for sale. The conspicuous manner in which this war memorial tourism is being promoted by the Sinhalese politicians in power appears to be to deliberately irk and humiliate the Tamils and to gain political popularity among the Sinhalese villagers by showing themselves as war heroes.

#### **7.5. Commemoration by Tamils banned**

The Sri Lankan Government, which has declared 19 May as Victory Day, celebrates the day with military parades. The day is

also a commemoration for dead military personnel who are treated as “war heroes”. On the contrary, the Government has virtually banned Tamils from commemorating their war dead. In the run up to 18 May and during Maveerar remembrance week in November, security is tightened in the Tamil dominated Northern and Eastern provinces and the military prevent any public commemoration being held.

The security forces have stated that Tamils may commemorate dead LTTE members in private but there have been reports of the military entering homes to prevent private commemoration. Despite the security restrictions Tamils in Sri Lanka hold events on 18 May which they call Mullivaikkal Remembrance Day, and during Maveerar's week in November, to commemorate their dead heroes. However, public commemorations are dealt with harshly by the Sri Lankan security forces. There have been instances where Tamil political leaders have been arrested for observing Remembrance Days.

### **7.6. Appointing unsuitable Sinhala officials to head administrative positions in the Tamil North and East to enforce Sinhalese supremacy & strangle hold.**

There are a number of senior Tamil officers with proven capability working in Government service in the Northern and Eastern provinces. Yet, for political reasons, the Government appoints only Sinhalese officers to many senior positions in Tamil areas overlooking the senior Tamil officers. Many of these Sinhalese officers can't communicate with the local Tamil people. Their knowledge of the English language is also poor.

This is nothing but blatant display of Sinhalese overlordship over the subjugated Tamils.

## **7.7. Psychological operations of Sri Lankan Army in Tamil areas**

Sri Lanka Army has been making use of Psy. Ops. to rope in Tamil children in poor villages and brainwash them. After rendering many Tamils to a state of abject poverty through their military operations and murdering hundreds of thousands of Tamils and taking over their lands now they are trying to show off as if they are benevolent friends and saviours of the Tamils by distributing relief packets and school items instead of vacating the Tamil areas to facilitate the appropriate civil authorities to carry on rehabilitation work.



## **Chapter – 8**

### **Abortive International efforts to achieve durable peace in this country**

The well-intentioned efforts, mainly by India, Norway, U.S, Japan, Canada, U.K and a few other countries and by International Organisations such as the UNO and its agencies such as the UNHRC, the European Union, and some International celebrities to genuinely and meaningfully assist this country to help resolve the protracted ethnic problem in this country have been foolishly and deceitfully scuttled by the racist Sinhalese leadership. Some of these genuine efforts of the members of the International Community are described in this chapter.

The entire world knows how the Sinhalese leadership intimidated the UN officials and other humanitarian workers to fail in their bounden duties and forsake the desolate Tamils in distress, despite the pleadings of the Tamils entrapped in the war zone not to leave and meekly vacate the Wannii region, just before the final military onslaught, leaving the Sri Lankan military to conduct their savage war without international witnesses. An embarrassed UN had to accept their failure subsequently and it was the long-suffering Tamils who had to bear the consequent brunt of their folly.

India, Norway and a few other countries and some international institutions such as the UN have taken enormous efforts to bring about a peaceful settlement to the ethnic problem that has been bleeding this country in general and the Tamils in particular. The UNHR Council has passed resolution after resolution to promote reconciliation, accountability and Human Rights in Sri Lanka to ensure full enjoyment of all Human Rights and fundamental freedoms in a peaceful atmosphere to its entire population. The

perverse Sinhalese leaders have spurned and defied all these efforts and are continuing to persist with their vicious ethnic cleansing of the Tamils from this country and continue with their brutal ethnocratic rule.

We record our grateful thanks to all these countries and institutions and seek their continued support to help rescue us from the dreadful situation that we are in and to regain our political rights.

### **8.1. India**

India has always been rushing to help delinquent Sri Lanka out of its problems, maintaining good neighbourly relations. We list here under some such help rendered by India:

#### ***July '83 Riots***

When the vicious July 1983 race riots against the Tamils were allowed to continue for days at a stretch unchecked by the Government which in many instances was aiding and abetting the killing of Tamils when many Tamils all over the Sinhalese areas were getting murdered, burnt alive and their properties set on fire, it was the benevolent intervention of Prime Minister Indira Gandhi that saved the Tamils from further harm by her restraining influence exerted on the Government of Sri Lanka. She spoke to President J. R. Jayawardene over the phone and sent her Foreign Minister Mr. P. V. Narasimha Rao the following day itself and took many initiatives to rehabilitate the affected Tamil people. This was followed by her Foreign Secretary Mr. G. Parthasarathy, making a number of trips to Sri Lanka in this regard. **Mrs. Gandhi correctly grasped the genocidal intention of the Sri Lankan Government and had no hesitation in openly stating in Lok Saba that what happened in Sri Lanka was Genocide of Tamils.**

### ***Thimphu Talks***

In July–August 1985, the Indian Government organized peace talks in Thimphu, Bhutan aimed at bringing an end to the Sri Lankan civil war between Sri Lankan Tamil militant groups and the Government of Sri Lanka. The declaration made by the Tamil delegation at Thimphu, in response to a Government proposal, has come to be known as the Thimphu Declaration or Thimphu principles. The Thimphu Declaration were a set of four cardinal demands put forward by the Sri Lankan Tamil delegation at the peace talks in Thimphu.

The Sri Lankan government delegation consisted of Hector Jayawardene (President J. R. Jayewardene's brother and a lawyer himself), three lawyers, and another attorney. The Tamil delegation consisted of representatives from the Eelam People's Revolutionary Liberation Front (EPRLF), Eelam Revolutionary Organisation of Students (EROS), Liberation Tigers of Tamil Eelam (LTTE), People's Liberation Organisation of Tamil Eelam (PLOTE), Tamil Eelam Liberation Organisation (TELO) and Tamil United Liberation Front (TULF).

The Sri Lankan Government delegation proposed draft legislation for devolution of some powers but this was rejected by the Tamil delegation. On 13 July the Tamil delegation responded, issuing the Thimphu Declaration with four key demands.

### ***Thimphu Declaration Stated:***

*“It is our considered view that any meaningful solution to the Tamil National question must be based on the following four cardinal principles:*

- \* Recognition of the Tamils of Sri Lanka as a Nation*
- \* Recognition of the existence of an identified homeland for the Tamils of Sri Lanka*

- \* *Recognition of the right of self-determination of the Tamil Nation*
- \* *Recognition of the right to citizenship and the fundamental rights of all Tamils of Sri Lanka.*

*Different countries have fashioned different systems of governments to ensure these principles. We have demanded and struggled for an independent Tamil state as the answer to this problem arising out of the denial of these basic rights of our people. The proposals put forward by the Sri Lankan government delegation as their solution to this problem is totally unacceptable. Therefore, we have rejected them as stated by us in our statement of the 12th of July 1985. However, in view of our earnest desire for peace, we are prepared to give consideration to any set of proposals, in keeping with the above-mentioned principles, that the Sri Lankan Government may place before us.”*

The Sri Lankan Government rejected all but the last principle stating that they violated Sri Lanka's sovereignty.

As a result, the peace talks collapsed on 18 August 1985.

### **Indo-Sri Lanka Accord & the 13th Amendment to the Constitution**

The other major initiative taken by India was to have taken steps to get the Sri Lankan Government to agree and enact the 13th Amendment to the Constitution under the Indo-Sri Lanka accord of July 1987 creating the Provincial Councils. Among the salient points of the agreement were devolution of some powers to the Provincial Councils, merger (subject to later referendum) of the Northern and Eastern provinces recognising them as the traditional region of historical habitation of the Tamils (in their homeland) and also expressing the intent to preserve the multi

ethnic, multi lingual and multi religious nature of the society of Sri Lanka and also, official status for the Tamil language.

### **13<sup>th</sup> Amendment – An interim compromise measure**

It is tragic that the Sinhalese leaders in their anti-Tamil obsession had failed to appreciate the proposal put forward by India in recommending the Provincial Council arrangement which under the circumstances can be construed as an over optimistic interim compromise measure. The arrangement fell far short of the expectation of the Tamils to replace the unacceptable ethnocratic Unitary Constitution with a Federal Constitution under democracy to regain our political rights. May be, if only the Sinhalese leaders had relented from their ruinous anti-Tamil racial politics and given the North East Provincial Council a chance to function in the spirit in which the arrangement was introduced, it would have been a real confidence building exercise that would have surmounted many obstacles to racial harmony and may possibly have proved its real worth in progressively generating mutual trust and goodwill and all round acceptance of a Federal Constitution eventually. Characteristically, the Sinhalese leaders, due to their ethnocratic mindset have recklessly wrecked this opportunity. It is sad that the beleaguered 13<sup>th</sup> Amendment stands debilitated and defunct, shorn of its intended long term catalytic usefulness.

The leader of the LTTE Mr. Velupillai Prabaharan made one of his rare appearances before the Tamil public at the Suthumalai Amman Temple Veethi on the 4<sup>th</sup> of August 1987 and made his famous Suthumalai declaration. Because of its historic relevance in this context, we quote his full speech here under:

## VELUPILLAI PIRABAHARAN

### On the Indo Sri Lanka Accord

- at Suthumalai Amman Temple Grounds, 4 August 1987



"My Beloved and Esteemed People of Tamil Eelam, Today, a turning point of immense significance has taken place in the history of our struggle. This turn of events occurred so suddenly that it stunned us as if it has happened beyond our powers. We have to wait and see whether the consequences of this turn of events will be favourable to us or not.



You are aware that [this Agreement](#), concluded suddenly in haste between India and Sri Lanka, without consulting us as the representatives of our people, is being implemented with expedition and urgency. I was not aware of this Agreement until I

reached Delhi. Having convinced me that the Indian Prime Minister desired to meet me, I was taken to Delhi in a hurry. The Agreement was shown to us when we reached Delhi. There are a lot of flaws and defects in the Agreement. We doubt whether the Agreement will bring a permanent settlement to the problems of our people. Therefore, we explained to the Government of India in clear terms, that we cannot accept this Agreement. But the Indian government was firmly determined to implement the Agreement whether we opposed or not.

We are not surprised over the position of the Indian government. The Agreement is not primarily concerned about the Tamil question. It is essentially a bi-lateral Agreement concerned with Indo-Sri Lanka relations. [There are obligations in the Agreement that binds Sri Lanka to India's geo-strategic sphere of influence.](#) It prevents the penetration into Sri Lanka of external subversive forces inimical to Indian interests. It is for this reason India showed extraordinary interest in the Agreement. At the same time, this Agreement contains elements that determine the political destiny of the Eelam Tamils. That is why we are strongly opposed to the Agreement since it was concluded without taking into consideration our views and the opinion of our people. But our protests are meaningless. When a mighty super-power has determined to decide the political destiny of our people it is beyond our ability to do anything.

The Agreement directly affects the political projects of our liberation organisation; it affects the mode of our struggle; it attempts to put an end to our armed struggle. The mode of our heroic struggle, fought for the last 15 years and built on the blood and sacrifice of our fighters, is to be dismantled in a few days' time. This, we cannot digest. This Agreement suddenly disarms us, without providing adequate time, without getting the consent of our fighters, without offering guarantees for the safety and security of our people. Therefore, we refused to lay down arms.

It was in these circumstances the Indian Prime Minister Rajiv Gandhi, invited me for a discussion. I spoke to him frankly about our problems. I confided to the Indian Prime Minister that I do not repose the slightest trust in the Sinhala racist state nor do I believe that the Sinhalese will implement the Agreement. I spoke to him about the issue of security of our people and the guarantees for their safety. The Indian Prime Minister has given me certain pledges. He has offered to guarantee the security of our people. I trust his sincerity. I have faith in his assurances. We trust that the Government of India will not allow the Sinhala racist state to resume genocidal violence against our people. It is because of this trust we have decided to lay down our weapons to the Indian Peace Keeping Force.

I need not elaborate here the immense sacrifices we have made for the protection of our people. Our people are fully aware of the nature and character of our deep devotion and commitment to the cause. The weapons that we took up and deployed for your safety and protection, for your liberation, for your emancipation, we now entrust to the Indian government. From the very moment we handover our weapons we hand over the responsibility of protecting our people to India.

In receiving our weapons from us - the only means of protection for the Eelam Tamils - the Indian government takes over from us the tremendous responsibility of protecting our people. The handing over of arms signifies the handing over, or rather the transfer of this responsibility. Were we not to hand over our weapons we would be placed in a perilous situation of clashing with the Indian army. We do not want that. We love India. We love the people of India. We are not prepared to deploy our arms against Indian soldiers. The soldiers of the Indian army are taking the responsibility of safeguarding and protecting us against our enemy. I wish to emphasise that by virtue of our handing over our



weapons, the Indian government should assume full responsibility for the life and security of every one of the Eelam Tamils.

My beloved people! we have no alternative other than to co-operate with this Indian endeavour. Let us offer them this opportunity. However, I do not think that this Agreement will bring a permanent solution to the Tamil question. The time is not far off when the monster of Sinhala racism will devour this Agreement.

I have an unshakable faith that only an independent state of Tamil Eelam will provide a permanent solution to the problem of the Tamil Eelam people. Let me make it absolutely clear to you that I will continue to struggle for the cause of Tamil Eelam. The forms and modes of struggle may change but the goal of our struggle will never change. If our cause is to triumph we should have the whole - hearted support of our people. Circumstances might arise for our liberation organisation to participate in the interim government, or in the election for the sake of promoting the interests of our people. But I wish to declare, firmly, that under no circumstances and at any point in time will I ever contest the elections or accept the office of Chief Minister.”

### **Sri Lanka's Lack of Wisdom and Political Will**

As prophesied by Prabakaran, the Sri Lankan Government had demonstrated its total lack of political enlightenment and political will to permit the Provincial Councils to function the way they were intended to function. The Colombo Government started to stifle the functioning of the Councils, never conceded the important police powers and land powers stipulated in the agreement; stripped the Council's powers one by one and eventually had stopped the functioning of the Council altogether by not holding elections for over five years since the expiry of the term of the last Council.

The ridiculous attitude of the Sinhalese politicians in opposing the implementation of the 13<sup>th</sup> Amendment, reneging on their contractual obligation under the Indo-Sri Lanka international agreement and procrastinating is rather incomprehensible and can only be attributed to the exclusive ethnocentric Sinhala only Buddhist country agenda of the Sinhalese politicians.

The undue fuss about the police powers is unnecessary because the provincial police cannot be a threat to national security under any circumstances. The indigenous police personnel who will hail from the province itself, will help in law enforcement more effectively than those brought from far away provinces and protect the people of the province from law breakers and drug dealers in the province and effectively ensure the people's safety. Although administered by the province the centre has sufficient in-built controls over the provincial police. In the case of land, the ownership of all State land remains with the centre and only the usage power is given to the province so as to regulate land use and optimise productivity.

It is a pity that the Sinhalese intelligentsia are keeping aloof without making any attempt to explain to the Sinhalese people the true situation and educate them that the implementation of the 13<sup>th</sup> Amendment will really benefit the country. Instead, the Sinhalese extremists are allowed centre stage to muddle the situation and instigate the Sinhalese people to oppose the implementation of the 13<sup>th</sup> Amendment. This is due to their haughty mentality to keep the Tamils under repression.

To make matters worse, President Ranil Wickremasinghe himself is not taking decisive action to implement the 13<sup>th</sup> Amendment which is in the Constitution of the country, using his executive powers. Instead, he wants Parliament to approve the implementation of this amendment knowing fully well that Parliamentary

approval had already been obtained many years ago. Also, every one knows that the present Parliament will not approve this amendment. It is therefore clear that the President himself is averse to implement the Act. He appears to be so naive as to think that by putting the blame on the Parliament for non-implimentation he can continue to hoodwink India, the other party to this international agreement.

**The unwillingness of the Sinhalese politicians to allow even the Provincial Councils to function is yet again sufficient proof that the Sinhalese politicians will never agree to restore the political rights of the Tamils and that the international community should be convinced of the vital importance of holding a UN sponsored referendum to enable the Tamils to regain their political rights from the obstinate Sinhalese.**

### **Tamils' conviction vindicated**

The stubborn continuing offensive actions of the Sinhalese against the Tamils ignoring peace opportunities had vindicated the Tamil's conviction that the Tamils will never be allowed to live peacefully as long as the Unitary Constitution is in place in this country and that the Provincial Council arrangement is not workable at all with the Sinhalese stricken with acute anti-Tamil mania. The Sinhalese leaders must realise the value of India's help not only in their bailing out the country financially from economic disaster but also to value their gentle advice for achieving peace that can remove the root cause for the economic ruin of the country, taking into account the colossal wasteful money spent on keeping the Tamils subjugated against their will.

### **India's role in the Wannu War**

To the utter dismay of the Tamils, during the Wannu war, India aligned herself with the Sri Lankan Government with military support and active participation in the intensive war where hundreds of thousands of Tamils were brutally killed. (It was the

Congress party at the Centre and the DMK party in Tamil Nadu coalition that committed their country to militarily support the reckless aggressor against the Tamil underdogs).

We are constrained to state, that this vengeful and hostile stand of India against the distraught Tamils, to appease the Sinhalese had resulted in mutual disaster for both India and the Tamils. Their stance had encouraged the Sinhalese in their continued non-stop oppressive activities against the Tamils and also, characteristically, to align themselves unduly closely with India's adversaries such as China and Pakistan to the detriment of India's interests in a very disconcerting manner to the extent of almost becoming China's vassal state in India's southern border.

### **Tamil Nadu Assembly resolves for UN referendum on separate Eelam**

In a historic move, the Tamil Nadu State Assembly on Wednesday 27<sup>th</sup> March 2013 unanimously passed a resolution for bringing in arrangements at the level of the UN Security Council to conduct a referendum among the Tamils in the Island as well as in the diaspora on the question of Separate Eelam. In addition, the resolution passed at the Tamil Nadu Assembly demanded the Government of India to stop calling Sri Lanka a friendly country. The resolution also included the earlier demands i.e., Independent International Investigations on Genocide and War Crimes as well as imposition of economic sanctions on Sri Lanka. The resolution, unanimously passed, was moved by Tamil Nadu Chief Minister Ms Jayalalithaa.

### **Tamils' appeal to India**

It is hoped that India, whose leaders are reputed to be men and women of extra-ordinary high calibre and devoted to moral values, will soon realise their mistake made in weakening the Tamils and review their stand vis-a-vis the Sri Lankan Tamils and Sri Lanka itself, and revert back to a rational stand to usher in

peace and tranquillity to this troubled region which is in its immediate neighbourhood. After all India signed the bilateral agreement with Sri Lanka on behalf of the Tamils vis- a- vis their future. While we presume that India must have had their own reasons for militarily supporting the belligerent Sinhala State, adopting a meaningful stand will certainly bring about immense benefits to all – Tamils, Sinhalese and to India.

Tamils are appealing to India to persuade Sri Lanka to honour its contractual obligation and urgently implement the 13<sup>th</sup> Amendment to the Constitution in its entirety and hold election to the Provincial Councils mainly to enable us to stall the hectic Sinhalisation of Tamils' land to some extent until we succeed in removing the unitary constitution.

It has become abundantly clear that the Sinhalese are not willing to reconcile with the Tamils and stop their Sinhalisation of Tamils' land or to give up the Unitary Constitution, nor in the least concerned about the damage beyond redemption their actions will cause to the country. It is for this pragmatic reason that the Tamils are appealing for a referendum, to save us and save the entire country from ruin.

**Under the circumstances, we would like to appeal to the Indian leaders to actively support our endeavour to arrange a UN sponsored referendum which we feel is the only way out for the Tamils to free ourselves from the imminent danger of getting exterminated by the ill intentioned genocidal rule of the Sinhalese under the Unitary Constitution. India's support to our endeavour is vital for our efforts to succeed and to bring about peace in this country and in this region and will surely result in saving the entire country from ruin and from being a financial burden and botheration to India.**

**We are conscious and are grateful that from the time Madam Prime Minister Indira Gandhi rushed to help the Tamils in this country in July 1983, India has consistently tried to help the oppressed Tamils in numerous ways except for its aberration in the Wannai war. India's help now is absolutely necessary to achieve a Confederal Constitution and democracy to this country.**

## **8.2 Norway**

On the invitation of the Sri Lankan Government and the Liberation Tigers of Tamil Eelam (LTTE), Norway played the role of a neutral facilitator in the negotiations between the parties to the conflict in Sri Lanka from 1999 to 2008.

Erik Solheim (former Norwegian Development Minister and Special Envoy to Sri Lanka) and Vidar Helgesen (former Norwegian Deputy Foreign Minister, then, Minister for Europe) played key roles in this endeavour.

Norway helped broker a ceasefire agreement between the parties in 2002, which opened the way for six rounds of peace talks. Norway led the Nordic Sri Lanka Monitoring Mission (SLMM) that monitored the implementation of the agreement until the Sri Lankan Government officially withdrew from the agreement in April 2008.

Discussions on the core political issues reached a rapid climax with the third round of talks in Oslo. Canadian experts on federalism provided inputs for the discussion and **both parties agreed to 'explore a solution founded on the principle of internal self-determination in areas of historical habitation of the Tamil-speaking people, based on a federal structure within a united Sri Lanka'**. This commitment was highlighted in the press statement released after the talks.

Norway's involvement contributed to several intermediate achievements, including the Ceasefire Agreement, the Oslo meeting in which both sides expressed a commitment to explore a federal solution, and the signing of a joint mechanism for post-tsunami aid. The ceasefire in particular had positive impacts on the ground situation, but in the end all these accomplishments proved to be ephemeral due to the intransigence of the Sinhalese leaders.

Like in every other attempt at negotiated settlement, this golden opportunity was also ditched by the Sinhalese leaders when in April 2008, the Sri Lankan government asked Norway to step back from the peace process.

We are hopeful that Norway, with its vast experience gained during the aborted peace process under their facilitation, will continue to be interested in finding opportunities to solve the Sri Lankan ethnic problem.

### **8.3 Japan**

Japan was officially invited in 2002 by the GoSL to support the government's peace bid with the Tamil Tigers, which the LTTE also looked forward to.

Japan's active involvement came after the Ceasefire Agreement (CFA) of February 2002. After the peace process began, Japan became one of the most active members among the international community and had demonstrated a keen interest in establishing peace in the Island.

The Japanese Government, in October 2002, appointed Mr. Yasushi Akashi as their representative. Mr. Akashi made more than 19 visits to the Island and had made efforts to negotiate with both the conflicting parties. He had also urged them to take a constructive approach towards direct talks.

Japan has been maintaining very good relationship with Sri Lanka for a very long time and has been assisting this country in a big way in its development activities. We trust that Japan will use its good offices to urge the Sri Lankan leaders to concede the political rights of the Tamils and thereby create the necessary atmosphere to advance the country industrially.

#### **8.4 United States of America**

At the June 2003 Tokyo Donors' Conference on Sri Lanka, the United States pledged \$54 million, including \$40.4 million of USAID funding. Following the 2004 *tsunami*, the United States provided \$135 million in relief and reconstruction assistance.

In May 2015, U.S. Secretary of State John Kerry visited Sri Lanka for an official tour. US Counsellor of the State Department Thomas Shannon visited Sri Lanka in December 2015 where the first U.S.– Sri Lanka partnership dialogue to improve Governance, Development Cooperation and People-to-People ties; Economic Cooperation; Security Cooperation and International and Regional Affairs were announced. The U.S. offered assistance to help Sri Lanka become an economic and strategic hub in the Indian Ocean region.

In February 2020, the U.S. State Department banned Sri Lanka's Army Chief Shavendra Silva from entering the United States for alleged human rights violations during the final phase of the Sri Lankan Civil War.

On 27 October 2020, U.S. Secretary of State Mike Pompeo visited Sri Lanka as part of a tour through several Asian countries. He denounced the Chinese Communist Party as a “predator” and said that the U.S. instead came as a “friend” after meeting with Sri Lankan President Gotabaya Rajapaksa and Foreign Minister Dinesh Gunawardane.



We are grateful to the United States of America for its continued understanding that is being shown to the Tamils and their efforts to help resolve our problem. We seek America's continued support to resolve the intractable ethnic problem in this country.

## **8.5 Canada**

The Canadian Government continues to support efforts to rid the country of landmines in villages ravaged by years of Sri Lankan civil war.

The Canadian Government provided CAD\$850,000 in 2015-2016 to non-governmental organization Mines Advisory Group (MAG) to keep thousands of men, women and children safe from the mines and unexploded bombs that continue to litter the land for many years after the end of the country's long conflict.

It has been stated that during 2015, MAG removed 8,776 landmines and unexploded bombs in Sri Lanka. In addition, more than 25 million square metres of land has been released in 2015.

Canada has assisted this country and the Tamils in particular, in many meaningful ways since the 'Colombo Plan' days. Tamils are grateful to the Prime Minister Hon. Justin Trudeau and other Canadian leaders for recognising the fact that the Tamils suffered genocide at the hands of the Sinhalese State and for showing great understanding and giving assistance to the Tamils. In our situation, remaining like orphans, without the committed support of even a single country in the world, facing annihilation and desperately trying to bring to the notice of UN member countries our plight, we are hoping that Canada will sponsor us to champion our cause to the international community to free us from bondage through a UN sponsored referendum. In reality, Canada is truly a beckon of hope to all the Sri Lankan Tamils and we look forward to their continued understanding and support.

## **8.6 European Parliament**

The European Parliament sent a strong message to Sri Lanka's government that its growing human rights violations is not acceptable and may jeopardize bilateral and trade relations.

The European Parliament also denounced the Sri Lankan Government's obstruction of efforts to secure accountability for widespread human rights abuses during the country's decades-long civil war. The resolution noted with concern that several current and former military commanders implicated in serious abuses have been appointed to senior Government positions.

## **8.7 United Nations / UNHCR**

The United Nations Human Rights Council had devoted considerable amount of time and effort and had adopted resolution after resolution for promoting reconciliation, accountability and human rights in Sri Lanka for so many years while the unwilling Sri Lanka continues to defy the efforts of the UN.

We list hereunder some of the steps taken by UNHRC:

**May 23, 2009** – The Government of Sri Lanka and the U.N. Secretary-General issued a joint communiqué in which the Government made a number of pledges toward “relief, rehabilitation, resettlement and reconciliation.” (Please refer appendix A to read the full statement.)

**June 2010** – Then-U.N. Secretary-General Ban Ki-Moon formed a Panel of Experts with a mandate to advise him on accountability options for the human rights violations committed “during the final stages” of the civil war in Sri Lanka. The panel composed of Marzuki Darusman (former Prosecutor General of Indonesia), Yasmin Sooka (a South African human rights lawyer), and Steven Ratner (a U.S. law professor).

**April 2011** – The Panel of Experts presents its final report, which concludes that the Government and the LTTE committed war crimes and crimes against humanity and that **both sides conducted military operations “with flagrant disregard for the protection, rights, welfare, and lives of civilians and failed to respect the norms of international law.”** The report also offered **criticism of the U.N., indicating that agencies failed in their mandate to protect civilians, under-reported Governmental violations, and suppressed reporting efforts by people in the field.**

**September 13, 2011** – The Government of Sri Lanka does not respond to the report. The Secretary-General forwards the report to the President of the Human Rights Council and the Office of the High Commissioner for Human Rights.

The Council at its nineteenth session (A/HRC/19/2), by Chap. I, reaffirmed that States must ensure that any measure taken to combat terrorism complies with their obligations under international law, in particular international human rights, refugee and humanitarian law, as applicable,

**April 2012** – The U.N. Secretary-General convenes an Internal Review Panel to investigate U.N. actions during the Sri Lankan civil war, particularly regarding the faulty implementation of its humanitarian and protection mandates.

**November 2012** – The U.N. Internal Review Panel releases the so-called **Petrie report, named after its chair, Charles Petrie. It criticizes the U.N. for not doing more to protect civilians and for concealing the full scope of the risk and harm to the civilian population.**

**August 2013 – U.N. High Commissioner for Human Rights Navi Pillay visits Sri Lanka to discuss these issues. In her post-trip remarks, she noted that the level of human rights violations in the country remains critically high. The Sri Lankan government still shows no real will to account for past crimes, combined with new attacks on those calling for accountability.**

She requested the Office of the High Commissioner to continue to assess progress on the implementation of its recommendations and other relevant processes related to reconciliation, accountability and human rights, and to present an oral update to the Human Rights Council at its thirty-second session, and a comprehensive report followed by discussion on the implementation of the present resolution at its thirty-fourth session;

**March 2014 – With Resolution 25/1, the HRC authorizes a comprehensive investigation into crimes committed in Sri Lanka between February 2002 (the signing of the ceasefire agreement) and 2011 (the presentation of the LLRC report). In so doing, the Council laments the lack of progress on earlier recommendations and expresses continued concerns about sectarian violence, attacks on journalists, and retaliation against individuals who engage with U.N. human rights mechanisms.**

**July 2014 – The HRC launches the OHCHR Investigation in Sri Lanka (OISL) under the leadership of Martti Ahtisaari, former president of Finland; Dame Silvia Cartwright, former High Court Judge of New Zealand; and Asma Jahangir, former president of the Human Rights Commission of Pakistan.**

**September 2015 – OSIL releases an extensive report, which systematically documents extrajudicial killings, enforced disappearances, gender-based violence, and forced recruitment (including children) into armed conflict during the relevant**

**period, as well as the main obstacles to accountability. The government's response was non-committal. Then-High Commissioner Prince Zeid, Ra'ad Zeid Al Hussein urges the creation of a hybrid court given “the repeated failure of successive domestic initiatives”.**

**October 2015** – The HRC, with the United States as President of the Council, releases Resolution 30/1, in which Sri Lanka joins. The resolution calls for a domestic accountability mechanism with some international involvement, including potentially international judges, as well as a range of other transitional justice approaches.

**March 2017** – The HRC passes Resolution 34/1 by consensus, which requests the High Commissioner to continue to assess progress on the implementation of its recommendations and to provide a further update. This follows on the heels of a further visit to Sri Lanka by the High Commissioner and the U.N. Secretary-General, as well as a number of U.N. special procedures mandate holders.

**May 2019** – **The U.N. special advisers on prevention of genocide (Adama Dieng) and the responsibility to protect (Karen Smith) issue a joint statement expressing alarm at growing acts of violence on the basis of religion and particularly attacks against Muslim and Christian communities. They conclude:**

Sri Lanka has a pluralistic society. To be a Sri Lankan is to be a Buddhist, to be Hindu, to be a Muslim, to be a Christian. All these communities are entitled to their identity, to freely exercise their religion and to live in peace and security in Sri Lanka, as recognized by the country's Constitution. We call on all Sri Lankans to respect one another.

## **Human Rights Council Fortieth session**

**25 February–22 March 2019** Agenda item 2

Resolution was adopted

Requests the Office of the High Commissioner and relevant special procedure mandate holders, in consultation with and with the concurrence of the Government of Sri Lanka, to continue to strengthen their advice and technical assistance on the promotion and protection of human rights and truth, justice, reconciliation and accountability in Sri Lanka;

Requests the Office of the High Commissioner to continue to assess progress on the implementation of its recommendations and other relevant processes relating to reconciliation, accountability and human rights in Sri Lanka, and to present a written update to the Human Rights Council at its forty-third session, and a comprehensive report, to be followed by a discussion on the implementation of Council resolution 30/1, at its forty-sixth session.

**February 2020 – The Government of Sri Lanka informs the HRC that it was withdrawing co-sponsorship of Resolutions 30/1, 34/1, and 40/1, expressing its intention to pursue instead an “inclusive, domestically designed and executed reconciliation and accountability process.”**

**January 2021 – High Commissioner Michelle Bachelet releases her report on Sri Lanka, which is highly critical of the continued impunity, backsliding on human rights and transitional justice, increased militarization, the intimidation of civil society, and the re-emergence of ethno-nationalist rhetoric. The High Commissioner also calls for the International Criminal Court to investigate the commission of international crimes during the civil war and the entrenched impunity, noting:**

**Domestic initiatives for accountability and reconciliation have repeatedly failed to produce results, more deeply entrenching impunity, and exacerbating victims' distrust in the system.**

*We expect the ICC to honour the request of High Commissioner Bachelet and take necessary steps without delay in this regard.*

The fact that Sri Lanka purposely refrained from signing the Rome Statute should not bar the ICC taking steps in this regard.

We expect the ICC to honour the request of High Commissioner Bachelet and take necessary steps without delay in this regard due to following-

Resolution adopted by the Human Rights Council on 23 March 2021: 46/1. Promoting reconciliation, accountability and human rights in Sri Lanka (A/HRC/RES/46/1)

The Human Rights Council held its Forty-sixth session between 22 February to 24 March 2021. Welcomes the oral update presented by the United Nations High Commissioner for Human Rights to the Human Rights Council at its forty-third session and the report of Office of the United Nations High Commissioner for Human Rights presented to the Council at its forty-sixth session;

**47th meeting - 23 March 2021**

Adopted by a recorded vote of 22 to 11, with 14 abstentions. The voting was as follows:

In favour:

Argentina, Armenia, Austria, Bahamas, Brazil, Bulgaria, Côte d'Ivoire,

Czechia, Denmark, Fiji, France, Germany, Italy, Malawi, Marshall Islands, Mexico, Netherlands, Poland, Republic of Korea, Ukraine, United Kingdom of Great Britain and Northern Ireland and Uruguay

Against:

Bangladesh, Bolivia (Plurinational State of), China, Cuba, Eritrea, Pakistan, Philippines, Russian Federation, Somalia, Uzbekistan and Venezuela (Bolivarian Republic of)

Abstaining:

Bahrain, Burkina Faso, Cameroon, Gabon, India, Indonesia, Japan, Libya, Mauritania, Namibia, Nepal, Senegal, Sudan and Togo]

**September 2021:** UN High Commissioner for Human Rights Michelle Bachelets submitted her oral update on the human rights situation in Sri Lanka at the 48th session of the UN Human Rights Council in Geneva on 13 September 2021

**October 2022:** A resolution on Sri Lanka was passed by the UN Human Rights Council (UNHRC) on 7th October 2022 with 20 members voting for, 7 against and 20 abstentions.

**Japan and India were among the countries that abstained from voting. However, there was a welcome relief in the stand taken by India. This was the first time that India went beyond asking for the full implementation of the 13th Amendment to the Constitution and urged Sri Lanka to resolve the ethnic problem in the country.**

The resolution was presented to the Council by the United Kingdom on behalf of the Core Group on Sri Lanka-

Albania, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, Germany, Greece, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malawi, Malta, Montenegro, Netherlands, New Zealand, North Macedonia, Norway, Portugal, Romania, Slovakia, Slovenia, Sweden, Switzerland, United Kingdom of Great Britain and Northern



Ireland and United States of America have signed the draft resolution.

It is clear from the resolutions of the Human Rights Council the enormous amount of effort being taken by the Council to Promote reconciliation, accountability and human rights in Sri Lanka. It is also evident that the GOSL is procrastinating deliberately to avoid compliance.

We are grateful to all the UN High Commissioners for Human Rights and the countries that supported the resolution who were responsible for passing resolution pointing out the actions to be taken by the Sri Lankan Government.

**19<sup>th</sup> June 2023**

**Oral update on Sri Lanka at the 53rd session of the Human Rights Council**

**Statement by Nada Al-Nashif  
United Nations Deputy High Commissioner for Human Rights**

"Mr. Vice President,  
Excellencies,  
Colleagues,

The oral update, which I am honoured to present today, highlights some key developments and trends from our close monitoring of the situation in Sri Lanka, ahead of the full written update that will be presented to the Council at its 54th session. Sri Lanka has also been reviewed recently through the Universal Periodic Review and by the Human Rights Committee.

The economic crisis continues to have a severe impact on the rights and well-being of many Sri Lankans. Discussions with creditors are underway, and although this year the International

Monetary Fund approved a financial support package, which is an important first step, it is crucial to ensure that the burden of reforms does not further compound inequalities. Robust safety nets and social protection measures are needed to shelter the most vulnerable from the negative spill overs of economic restructuring. It is also vital to address the underlying factors of the crisis, including corruption, which was a loud and essential demand of the protests in 2022.

The protest movement loudly expressed society's aspirations for better governance and an inclusive vision of Sri Lanka. Twelve months on, the full potential for the historic transformation that would address long-standing challenges has yet to be realized. Our Office urges the Government and political parties in Sri Lanka to use this opportunity for democratic renewal, deeper institutional reforms and to advance accountability and reconciliation as well as the promotion and the protection of human rights. This would be particularly appropriate in a year that marks the 75th anniversary of both Sri Lanka's independence and the Universal Declaration of Human Rights.

We encourage the dialogue the President has initiated with Tamil political parties and welcome his promise to stop land acquisition for archaeological, forestry or security purposes - an increasing source of local conflict and tension. Plans for more inclusive memorialization and other forms of dealing with the past have been announced. The Supreme Court has issued an important order for compensation to be paid to the victims of the 2019 Easter Sunday attacks. However, these intentions need to materialize into new laws, policies and practices that will make good on these promises and bring about tangible changes.

Similarly, anticipated are the Constitutional Council's new appointments to the Human Rights Commission of Sri Lanka - an

important test of the independence and effectiveness of this critical national institution.

Mr. Vice President,

The announcement of plans for a Truth Commission or similar reconciliation mechanisms requires attention. Sri Lanka has witnessed too many ad hoc commissions in the past that failed to ensure accountability. **The Office of Missing Persons has not achieved the results that provide satisfaction to victims.** What is needed is a coherent plan that connects the different elements of truth, redress, memorialization, accountability and creates the right enabling environment for a successful and sustainable transitional justice process.

**Accountability remains the fundamental gap in attempts to deal with the past. As long as impunity prevails, Sri Lanka will achieve neither genuine reconciliation nor sustainable peace.**

I am pleased to report that the project team established in our Office to advance accountability has continued to make progress pursuant to resolution 51/1. It is in the process of providing concrete support to several jurisdictions who have ongoing criminal justice investigations. It is conducting proactive investigation work on key cases and collecting, consolidating and analysing information and evidence from a variety of UN and other sources, which is preserved in a repository so as to be used for future accountability initiatives. Victims remain at the heart of this work, including through our active engagement with victim organisations and civil society more broadly.

**Fundamentally, it is and remains the responsibility of the Sri Lankan authorities to directly acknowledge past violations and undertake credible investigations and prosecutions, alongside other accountability measures. However, as long as**

**this “accountability deficit” remains, the international community can – and should - play complementary roles. Means to do so include use of accepted principles of universal and extraterritorial jurisdiction to investigate and prosecute alleged perpetrators, and support to the relevant accountability processes in third States, as well as fair application of targeted sanctions against credibly alleged perpetrators.**

The past months have unfortunately witnessed the old reflex of using draconian laws to curtail opposition and control civic space, with a heavy-handed approach to protests far too often, including the arrest of protest leaders and forceful crowd control measures, as well as the persistent use of the military in police functions.

Recent arrests over statements made during comedy performances and of a Member of Parliament engaged in protests exemplified this concern. In March 2023, the Human Rights Committee expressed deep concern about the misuse of the Covenant on Civil and Political Rights Act against journalists, human rights defenders and other civil society actors.

The Government has committed to replacing the *Prevention of Terrorism Act* with legislation that adheres to international standards, but the new “Anti-terrorism” Bill gazetted in March contained sweeping provisions that would limit freedom of expression, peaceful assembly and even labour rights. Following strong pushback from civil society, the draft bill has been recalled for additional consultations.

**I encourage the Government to repeal the *Prevention of Terrorism Act*, and in the meantime to implement fully a strict moratorium on its use, considering that the ordinary criminal code and other ancillary laws already provide adequate tools for law enforcement.**

Mr. President,

The Office stands ready to provide support to the Government and people of Sri Lanka in order to advance reconciliation, accountability and human rights for all.'

## **8.8 Observations made by international celebrities**

### **Navaneethem “Navi” Pillay**

A South African jurist who served as the United Nations High Commissioner for Human Rights from 1st September 2008 to 2014 and she has also served as a judge of the International Criminal Court and President of the International Criminal Tribunal for Rwanda.

**At an interview to the press Navi Pillay had stated that the Sri Lankan Government has made clear it has no serious intention of pursuing accountability for alleged war crimes and crimes against humanity during the country's civil war that ended in 2009, and that as a result, the U.N. Human Rights Council must act. Successive high commissioners have made increasingly strong statements calling for a comprehensive process of accountability, she said, based on successive U.N. reports outlining what she described as “credible evidence that the Sri Lankan state itself committed international crimes.”**

**“It is time for the HRC to make a drastic departure from its customary complacency over the failures of the Sri Lankan Government and hold it to account,” Pillay had stated.**

### **Navi Pillay explains 'human rights' limitations in Geneva on Tamil genocide**

Navi Pillay appeared as a keynote speaker at a Zoom conference titled **“Loss of the Tamil Homeland,”** in March 2021, which was convened by Justice C.V. Wigneswaran.

During her speech she mentioned that the manifestation of a “pre-existing strategy” using archaeology and historic preservation as guises for political or religious agendas has been observed by the UN Special Rapporteurs visiting Sri Lanka in recent years. Today's international law has not provided universal human right to land. However, SL State's violations of the land rights of “marginalised communities” could be addressed under the normative framework of international law, said Dr Navanetham Pillay.

*Question 1: Why did the OHCHR Investigation on Sri Lanka (OISL) avoid looking into the crime of genocide under your administration?*

Dr Navanetham Pillay: “Only a Court of law having heard all the evidence can decide whether genocide was committed. The crucial element of the crime of genocide is — the prosecution has to prove an intention to destroy from the policy, the plans and the actions. This is why human rights activists don't use the word loosely; Lawyers and judges don't either; Journalists do. Let me assure you that crimes against humanity are equally as serious as genocide. **So, I hope someday that what happened in Sri Lanka and is still happening will be tested in a criminal jurisdiction - whether it is the International Criminal Court, a Hybrid Court or a Special Tribunal, which will hear the evidence to make that decision.**”

*Question 2: Do you feel that time has come for UN mechanisms to look into the allegation of genocide, and if so, what is the proper mechanism (UNHRC or UN General Assembly) where Tamils should take this forward?*

Dr Navanetham Pillay: “The Human Rights Council has limited mandate. It is a subsidiary body of the UN General Assembly, and its mandate is human rights. So, the Human Rights Council

cannot refer a matter to the International Criminal Court. **The only body that can do so is the Security Council. They have already done so in respect of Darfur in Sudan and Libya.** So, this precedent, where there is enough cause and pressure particularly from civil society and from states that support you on your call for justice – if you can get that level of support— then **Security Council is the only alternative** [inaudible].”

*Question 3: If you are still not convinced that there is a “clear case of genocide” of Tamils in Sri Lanka, what are the grounds that make you believe so?*

Dr Navanetham Pillay: “Only a court can make that decision after hearing all the evidence. I have no position on this. I hear people, and I follow some of the evidence. But, it is only a Court that can determine whether there has been a genocide or not.”

In the meantime, another question posed by an attendee focused on the issue that **the International Community aided the Sri Lankan Government tremendously during the war. The same IC failed to convince the SL government towards genuine reconciliation after the end of the war.** Dr Pillay replied: “Specific research must be done to expose that level of support of certain powerful countries in the world who manufacture weapons and so on [inaudible].

The online webinar, convened by Jaffna District TMTK Parliamentarian and former Northern Provincial Council Chief Minister Justice C.V. Wigneswaran, also saw the attendance of ITAK Parliamentarian and former Opposition Leader R. Sampanthan of the TNA as a special guest.

The topic of the online symposium was “Loss of the Tamil Homeland: Identifying issues and Creating Strategies to Preserve Tamil Land”.

David Matas CM, the senior legal counsel of B'nai Brith Canada attended the conference as the keynote speaker along with Dr Pillay. Cherie Blair CBE QC, a British barrister, lecturer and writer married to Tony Blair, who was the British Prime Minister when the genocidal onslaught was carried out against Eelam Tamils by the SL State, was also scheduled to address the conference, but couldn't make it.

The conference also accommodated an array of Tamil and non-Tamil academics and younger generation activists in separate panels throughout the day.

### **International accountability**

Responding a question posed on domestic commissions investigating war crimes, Pillay highlighted that;

**“Twelve years on from the end of the war, the Sri Lankan Government has failed to make any meaningful progress towards accountability for international crimes, reparation for victims, or accountability for disappearances and land dispossessions”.**

Pillay notes that in 2009 that she had originally recommended the HRC independent international inquiry and highlighted the examples of former Yugoslavia and Rwanda as well as the Central African Republic.

**She also commented on the pardoning of Sri Lankan war criminal Sunil Ratnayake, who was sentenced to death for the murder of eight civilians including a 5-year-old child in 2000, noting the pardon was in “willful defiance of international law against impunity”.**



## **President Obama's reference in his memoir to “Slaughter in Sri Lanka”**

In his 2020 memoir 'A Promised Land', President Obama wrote: “Even after the Cold War, divisions within the Security Council continued to hamstring the U.N.'s ability to tackle problems. Its member states lacked either the means or the collective will to reconstruct failing states like Somalia, or **prevent ethnic slaughter in places like Sri Lanka.**”

## **Zeid condemns persistent disinformation designed to discredit UN investigation on Sri Lanka**

GENEVA (7 November 2014) – UN High Commissioner for Human Rights Zeid Ra'ad Al Hussein criticized the continuing attacks by the Sri Lankan Government on the integrity of the UN Human Rights Office's ongoing investigation into alleged grave human rights violations and abuses in Sri Lanka, and condemned the intimidation of human rights defenders and individuals who may wish to cooperate with the investigation.

## **Yasmin Sooka**

Ms Yasmin Sooka is a leading human rights lawyer, activist and an international expert in the field of transitional justice, gender and international criminal law. She has extensive experience in the defence of human rights and justice. Ms Sooka is the Director of the International Truth and Justice Project, Sri Lanka (ITJP).

The antagonistic attitude of some Sri Lankan authorities against Ms Sooka in retaliation for her legitimate activities in defence of human rights and victims in Sri Lanka are regrettable and is typical of the habitual stance of Sri Lanka against the human rights community.

In July 2010, Sooka was appointed to the three-member Panel of Experts advising the Secretary General on accountability for war crimes committed during the final stages of the war in Sri Lanka.

The report was published in May 2011. She published two additional reports on Sri Lanka in 2014. She is the co-author of “The Unfinished War: Torture and Sexual Violence in Sri Lanka: 2009-2014” with the Bar Human Rights Committee of England and Wales and the International Truth and Justice Project, Sri Lanka. Sooka is also the co-author of an interactive report, “Five Years On: The White Flag Incident 2009-2014”, with the International Truth and Justice Project, Sri Lanka.

On Tamil Genocide remembrance day (18th of May 2022), the International Truth and Justice Project (ITJP) issued a press release expressing solidarity with the Tamil People campaigning for justice.

The press release made reference to a recent publication in which they drew attention to Sri Lankan President Gotabaya Rajapaksa's involvement in the mass disappearances during his time as military commander in the Matale district in 1989. The statement made reference to the infamous white van abductions and the torture of victims.

## Chapter – 9

### The Way Forward

It is now nearly fifteen years since the war ended and yet the Sinhalese rulers have not shown any inclination to reform the Constitution to accommodate the political rights of the Tamils. Instead, they are continuing with their ethnocratic Sinhala Buddhist oppressive rule unabated and are indulging in anti Tamil rhetoric openly and even in Parliament and have expedited the construction of Buddhist viharas all over the Tamil heartland where no Buddhists live, to an unacceptable level. The Sinhalese politicians are also misleading the Sinhalese public by spreading the falsity that the country belongs only to the Sinhalese and are spreading this falsehood over and over again to instil in them the wrong notion that the entire country is theirs and that the Tamils were immigrants from around tenth century A. D.

#### **9.1. The present chaotic situation in the North East**

The insecure and chaotic situation prevailing now in Tamil areas with unruly gangsters with swords, the prevalence of drug menace, the land grabs and the spying by TIDs, arrests under PTA on flimsy grounds and the high handed intimidating excesses by the police like in the case of the arrest of the Tamil Parliamentarian, Gajendrakumar Ponnambalam, make many people to fondly reminisce the orderly life they had despite the bombings and sudden deaths at the hands of the belligerent Sinhala State during LTTE administration war years.

#### **9.2. Basis for settlement**

It has to be pointed out that under a **Unitary Constitution**, the Regional or Provincial Council is a legal creation of the Central Government. Thus, it leaves room for the Centre to tamper with

the powers of the Regional or Provincial Council at the whims and fancies of the Centre.

Under a **Federal Constitution** each unit of Government has autonomous constitutional existence. In **Confederal Systems** the Central Government is a legal creation of the independent Constituent Units.

To achieve durable peace in this country, the Constitution, the primary law of the country, should not leave any room for the racially oppressive Sinhalese to interfere with the rights of the Tamils under the failed ethnocratic set up and the Unitary Constitution.

Also, mere Federalism is no longer a solution to the Tamils' problem with the Sinhalese. Federalism will be unbalanced under the present circumstances as to be unworkable. It would be dominated by the overwhelming political importance, wealth and population of the Sinhalese. Any attempt to correct this imbalance by dividing the country into more than two provincial units is also not workable as all these provinces except the North and East provinces will be majority Sinhalese provinces.

More importantly, the concentration of enormous power in one man, the Executive President, is so massive and so risky to the entire country, that Federalism can only be one of Decentralised Unitary Government and will not lead to a stable Government.

This is the reason why we insist, that the safety of the Tamils can be ensured only under a Confederal Constitution and that if the Executive Presidential system is abolished and the Cabinet form of Executive responsible to Parliament is introduced once again, then, we will be satisfied with a Federal Constitution.

Therefore, it is absolutely necessary for having a Confederal Constitution with sufficient safety clauses in it to protect the numerically weak Tamils, to achieve an enduring settlement to the ethnic problem in this country. This has to be properly understood by all concerned with the welfare of this country. As of now, any solution other than a Confederal arrangement, full as it is of points of dispute between the two communities, will be a recipe for instability rather than stability.

Submission by Justice C.V.Wigneswaran at the experts committee meeting on 07th April 2021 at 9AM in the committee Room at BMICH is Given Appendix D.

### **9.3. Concept of Federalism misinformed to the Sinhalese public**

The Sinhalese politicians had never made a sincere attempt to consider the concept of federalism as a political solution and instead had created a phobia amongst the gullible Sinhalese masses against the concept of “Federalism”, advancing untenable silly interpretations for “Federalism”, forestalling any possibility of a negotiated political settlement. Propagating and indulging in communalism and arousing the base feelings of the Sinhalese masses against the Tamils was found to be a short route to capture power at elections by the Sinhalese politicians.

### **9.4. Tamil Genocide Resolution of 2015 passed by the Northern Provincial Council**

**The Tamil genocide resolution of 2015 was passed unanimously by the Northern Provincial Council on 10th February 2015 seeking an UN inquiry to investigate the genocide of the Tamil People in Sri Lanka seeking direct appropriate measures at the International Criminal Court.**

The resolution which was proposed and tabled by the Chief Minister of the Northern Province, Justice [C. V. Wigneswaran](#), was passed unanimously in the council. Tabled the motion, Justice Wigneswaran said "**this historically important resolution**" will help the Tamils take forward their struggle effectively and internationally.

The members of the Council termed the [case of genocide of Tamils](#) unique as it had spanned over several decades and is still continuing, and was perpetuated by several successive regimes before intensifying into a no-holds-barred war for nearly three decades and culminating in the mass atrocities of 2009. Hence the Council stressed the vitality of international intervention both to combat Sri Lanka's institutionalized impunity and also promote human rights while underlining the values of peace, justice and self-determination for Tamils.

### **9.5. Responsibility of the countries that participated in the Norwegian facilitated Peace talks**

President Chandrika Kumaratunge invited Norway in January 2000 to become involved in negotiating a peace settlement between the Sri Lankan Government and the Liberation Tigers of Tamil Eelam (LTTE). The Norwegian Government appointed parliamentarian Erik Solheim as a special peace envoy. The co-chairs to the peace process were the EU, Japan, Norway and the US. In addition many others such as European bilateral countries, UN Agencies, Development Banks and Regional actors gave their full support for the success of this endeavour.

Many billions of Dollars were promised by some co-chair countries for the war damaged North and East of the country to encourage the parties to reach a settlement. Meaningful arrangements such as the SIHRN: Sub Committee on Immediate Humanitarian & Rehabilitation Needs in North and East and P-Toms: the Post-Tsunami operational Management Structure were proposed.

The Norwegian facilitated peace talk was an excellent example of many leading countries' benevolence and their sincere efforts to help Sri Lanka out of its troubles. But, because of the obsessive racial bias of the Sinhalese rulers, a golden opportunity to reach a negotiated settlement and steer the country on a rapid development path was terribly missed when the Sri Lankan Government unilaterally terminated the peace talks and opted for a military approach to deny the Tamils of their rights.

We would like to express our gratitude and appreciation to all those countries for their great, noble effort.

It is really tragic that the co-chairs to the peace talks decided to shirk their responsibility and meekly leave without holding Sri Lanka to fulfil its responsibility to continue the Peace talks to finality to which the country was committed when they started the peace talks. As a result, these countries had let loose the belligerent Sri Lankan State to go berserk and indulge in an orgy of inhuman killing of hundreds of thousands of defenceless Tamils using all the dangerous weapons they amassed legally from many countries and illegally from North Korea as confessed by Minister Basil Rajapakse. This was really acquiescence in the immoral breach of contract by the Sri Lankan State and in effect, letting down the Tamils very badly.

It is obvious that the Sri Lankan Government was not sincere in participating in the peace talks from the start. It was cunningly using the peace talk time borrowed to strengthen its defence forces and lull and weaken the LTTE. Thus, the Government was deliberately taking all the countries involved in the peace talks and the LTTE for a ride in a wild goose chase. According to plan, the Government ditched the peace talks when it was ready to launch its military attack. The countries that participated in the peace talks remain exposed to criticism that **by submissively**

**accepting the unilateral decision of the Sri Lankan Government to terminate the peace talks, they have unfairly let down the Tamils in the lurch and that they had in effect facilitated the belligerent Sri Lankan State in its bestial violence against the Tamils.**

**Unilaterally aborting such a high profile attempt at negotiated settlement with international facilitation is yet again a conclusive proof that vindicates our stand that the Sinhalese will never agree for a negotiated equitable settlement for the ethnic problem and that the only way out is to arrange a UN sponsored referendum conducted with the support of UN member countries.**

*We would like to remind the co-chair countries that they have a particular moral responsibility to help the wounded devastated Tamils and save the country itself from further deprivation by helping to arrange a UN sponsored referendum. Please realise that there is no other way to save this country.*

## **9.6. Responsibility of the Countries that militarily assisted Sri Lanka in its genocidal war against the Tamils**

The international community knows very well that it was only after exhausting all peaceful political attempts at conflict resolution for over 30 years that the Tamil youth in sheer desperation started the armed liberation struggle to win the political rights of the Tamils and save them from Sinhalese domination and decimation.

Despite knowing the true situation, some countries; the entire world knows who they are and how each of them assisted Sri Lanka in its war against the LTTE and in effect against the entire Tamils living in this country, consciously becoming partners in committing the crimes committed by Sri Lanka against humanity and war crimes on the Tamils. There is no way these countries can



justify their actions on moral grounds and obviously they have so acted purely for rapacious selfish reasons or were settling personal scores and found themselves in the company of mercenaries employed by Sri Lanka.

Each and every one of these countries must realise that since they have helped Sri Lanka to destroy the armed liberation movement that was fighting to win the political rights of the Tamils, invariably they have taken it upon themselves the total responsibility to help win the rights of the Tamils.

All these countries are aware that there are international forums like the UNO and its agencies to promote world peace and to get miscreant countries to fall in line and behave. Now, all these countries have an obligation to make amends by lending their good offices to initiate and support a UN sponsored referendum to enable the Tamils to exercise our right of self-determination.

### **9.7. Seeking International Justice**

In August 2022, there had been a mass people's protest in Colombo where the President of the country, Gotabaya Rajapakse was compelled to flee the country in disgrace and resign his post. The protestors demanded a comprehensive system change in the country from the existing political system that ruined the country economically and socially. The protestors and particularly the Sinhalese youth among them were demanding that constitutional arrangements be made, among other things, to promote racial harmony in the country. But the way the Sinhalese politicians are conducting themselves since the mass expression of the people's will, clearly shows that they have failed to recognise the message of the people and the urgent need for change and are deceitfully trying to continue to perpetuate the status quo ante.

The writer of this text accompanied the former Northern Provincial Council Chief Minister and leader of the Tamil Makkal Kootany, Justice C. V. Wigneswaran M. P. for a meeting with the President Ranil Wickramasinghe on 10th of August 2022 at the President's request. The Prime Minister Mr. Dinesh Gunawardane was also present at the meeting. At the meeting the President was describing to us how he proposed to strengthen the central Government administration under the leadership of the Governors in the Provinces with the participation of the elected M. P.s as advisors and said nothing about activating the North Eastern Provincial Councils. It was disconcertingly clear that he had no intention of taking any measures for the resolution of the pressing ethnic problem in this country. Even when pointed out about the need to implement the 13th Amendment to the Constitution which was intended to give some measure of autonomy to the Tamils, the President only said that we can discuss this matter.

Although President Ranil Wickremasinghe keeps saying in public that he will solve the ethnic problem and ridiculously sets deadlines and conducts all party meetings, it is abundantly clear that he has no real intention of solving the problem at all and his insincerity is all too apparent. For that matter, no Sinhalese leader has the determination, vision and the guts to bring about an equitable settlement.

Therefore, the only avenue available to the Tamils to obtain justice is to seek international support for UN intervention.

## **9.8. Seeking International Support**

The obstinate attitude and the distorted perception of the ethnic problem by the Sinhalese leaders in the country was reflected in a statement made by the former President in an interview he gave to Headlines Today, television channel from India. Gotabaya Rajapaksa, former President of Sri Lanka (former Defence

Secretary) and brother of former Prime Minister (former President) Mahinda Rajapaksa, when he dismissed “the political solution talk”, asserting, among other things, that it was “simply irrelevant” because “we have ended this terrorism” in Sri Lanka. This is the typical mentality of all Sinhalese politicians. In other words, the Tamils' agitation for their legitimate rights was looked upon as terrorism.

**Further to the appeal letter dated 18-01-2021 (shown in Appendix C) sent to Her Excellency Michelle Bachelet by the elected representatives of the Tamils, we are now appealing to the Office of the Prosecutor who is the independent organ of the ICC, to conduct preliminary examinations, investigations and to bring the perpetrators of crimes against humanity on Tamils in Sri Lanka, before the ICC and also we are appealing to the UN Secretary General for the UN to conduct a referendum under its auspices.**

### **9.9. Basis for requesting Referendum**

Our request to hold a UN sponsored referendum to enable the Tamils to exercise our right of Self-Determination is based on the following justification:

Historically, Tamils had their own Jaffna kingdom encompassing the Northern, Eastern and North-Western regions of the Island until the British integrated the three kingdoms comprising the Tamil Kingdom and the other two Sinhala Kingdoms in the Island into a single country in 1833.

“Tamils are a People who constitute a Nation. In as much as it is the inalienable right of every nation to enjoy full political freedom without which its spiritual, cultural, and moral stature must degenerate and in as much as the Tamil people in Sri Lanka constitute a Nation distinct from the Sinhalese by every

fundamental test of Nationhood, firstly that of a historical past in this Island, secondly by the fact of our being a linguistic entity entirely different from that of the Sinhalese with an unsurpassed classical heritage and a modern development of language which makes Tamil fully adequate for all present day needs and finally, by reason of our territorial habitation of definite areas which constitute the Tamil homeland.” (Kathiravelpillai, S. 1974, pp7)

It was the last colonial ruler Britain, who integrated the three kingdoms in the Island, those of Kandy, Kotte and Jaffna, into a single entity and centralised the three separate administrations. Britain handed back the rule, not to the respective inheritors of the former kingdoms but as an integrated country called Ceylon under a Unitary Constitution under parliamentary ethnocracy for this multi-ethnic country which resulted in the Tamils losing their political rights.

Apprehensively, the Tamils were obliged to accept the arrangement in good faith. But, the Sinhalese leaders soon started abusing their hold on the State to oppress the Tamils.

When all the peaceful attempts made by the Tamil leaders to regain our political rights were rebuffed with violence by the Sinhalese, the Tamil political leaders passed the Vaddukkodai Resolution in 1976 to establish a separate state for the Tamils.

In the 1977 general elections the Tamil political leaders sought and obtained an overwhelming mandate from the Tamil people to establish a separate state for the Tamils as was resolved at the Vaddukkodai Resolution.

For nearly 30 years, based on the mandate given by the Tamil people to establish a separate Tamil state, many Tamil youth, under the leadership of LTTE leader V. Prabaharan waged an

armed liberation struggle to establish a separate state for the Tamils. This armed struggle was brought to an end in an inhuman manner, committing crimes against humanity and war crimes, with the active participation of a number of countries, using excessive force, in May, 2009.

The Sri Lankan State has no legitimacy to rule the Tamil North and East provinces of the country because the Soulbury Constitution on the basis of which Britain granted independence to this country in February 1948, stipulated in Section 29 that no laws shall be enacted that affects the interests of the minorities, without their consent. The Soulbury Constitution itself was abolished and the 1972 Constitution enacted without the protective safety provision for the Tamils of Section 29, despite the opposition of the Tamils who demanded a Federal Constitution. Therefore, the post 1972 constitution regimes in this country are usurper illegitimate regimes that continue their stranglehold of the Tamils without any legitimacy at all by sheer brute force and military occupation, without any democratic credentials.

The Norwegian facilitated peace talk held with the participation of many benevolent countries where both the Sri Lankan Government and the LTTE committed themselves to work towards achieving a federal settlement, was unfairly, abruptly and unilaterally terminated by the GOSL to start the military push, to the severe detriment of the Tamils. All efforts made by these countries over many sessions to bring about a peaceful resolution of the ethnic problem in this country were ruined without any consideration for the consequences of their action.

The entire world knows the cruel and grave crimes against humanity that are being committed on the Tamils since the termination of the peace accord with no arrangement in place to protect the Tamils.

Now, Tamils desperately need international support to free ourselves from bondage. What the Tamils are demanding is a matter of our inalienable rights and not something to be obtained by pleading from the usurper Sinhalese to be given at their sufferance. The Sinhalese did usurp our rights at the time of independence by stealthily getting the Unitary Constitution adopted to this multi-ethnic, integrated country, where the Tamils, although fewer in numbers, are a People who constitute a Nation and are entitled to their right of Self-Determination.

Tamils, as a Nation without a State, under the clutches of the oppressive Sinhalese rule, are unable to take our case to the International Court of Justice (ICJ) or any other international forum to seek justice and liberate ourselves from the oppressive enslavement that we are suffering, as there is no such international arrangement to deal with a unique case such as ours, since we lack recognition as a State. The only avenue available to us now, is to appeal to the UN member countries to get a UN sponsored referendum arranged for which there are precedents.

The recent spurt in the construction of many Buddhist Viharas in the Tamil populated lands where there are no Buddhists living and the incident at Kurunthur Aathi Sivan Temple hill on the 15<sup>th</sup> of July 2023 where Hindus were observing a pongal ceremony after obtaining Court's permission that was disturbed by Buddhist Bhikkus and hooligans brought from the Sinhalese areas and worst of all the **holy Pooja items were booted by a Sinhalese policeman**, shows the deteriorating race relations in the country and the urgent need to conduct the UN sponsored referendum to free the Tamils from bondage under the Unitary Constitution. While we are endeavouring to achieve a confederal constitution to this country, we are also conscious of the necessity to make satisfactory legal arrangements to **establish an autonomous Tamil speaking Muslim administration Unit in the North East State and a Tamil speaking Upcountry Tamil administration Unit in the hill country.**

## **Chapter 10**

### **Conclusion**

When the Sinhalese kingdoms and the Tamil kingdom came under foreign rule whatever antagonism that might have existed between these two nations became restrained and dormant. The English language became the link language connecting the linguistically different nations. The antagonism re-emerged in early 20th century when the British Colonial rulers started loosening their administrative grip and involving the locals in administration. Without the protective shield of their own kingdom the Tamils found themselves exposed to Sinhalese oppressive machinations in the integrated single entity that included both the Sinhalese speaking and the Tamil speaking people under a Sinhala ethnocentric set up. While the Sinhala speaking formed the majority in the southern provinces the Tamils constituted the majority in the North and East. They do even now.

It was only recently that the international community took serious notice of the dreadful happenings in Sri Lanka and started urging the country to correct its mistakes and unruly behaviour and bring about Reconciliation, Accountability and Human Rights in Sri Lanka.

Here again, it can be noticed that the Governments in power have displayed no real zeal for complying with the UNHRC resolutions or the repeated urging of India, the United States of America and Canada to bring about peace to the country but have been scheming to circumvent and cheat the international community. Cheating the Tamils have been their trait displayed for over one hundred years.

We are apprehensive that the present much publicised flaunting by the President of the country, Hon. Ranil Wickramasinghe, that he will implement the 13th Amendment in full and wrongly alleging that it will be the solution to the Tamil's political demand, before the 75th Independence Day on 4th February 2023 and repeatedly setting new deadlines is symbolic of his diversionary and dilatory tactics. These are yet again dramas to hoodwink the international community and more particularly the donor western countries, lull the Sinhalese masses and cheat the much cheated Tamils. Alarming, this also appears to be the ruse intended to ignite the threat of race riots against the Tamils once again in this country for the sadistic intentions of scheming politicians in power and to intimidate and cow down the Tamils into a state of fear and submission and to keep them quiet under duress.

Over the last few weeks since the President started asserting that he will resolve the ethnic problem before his stipulated deadlines, he himself has started diluting his stand and making contradictory statements and procrastinating. His deadlines have come and gone and nothing tangible had been achieved by him but intentionally or otherwise he has stirred up the hornets' nest and let loose the extremist Sinhalese politicians to come to the fore against even the implementation of the 13th Amendment to the Constitution which of course is not a permanent settlement for the Tamils. Even the Buddhist priests staged a mass demonstration and burnt a copy of the 13th Amendment to the Constitution and wrote a letter to the President against the implementation of the 13th Amendment.

While the President is stating that he wants to solve the ethnic problem in the country within a specified time limit the Sinhalese politicians have started their anti-Tamil rhetoric once again by openly and irresponsibly stating that they will not agree to concede a Federal Constitution. Field Marshall Sarath Fonseka



M. P was quoted as having arrogantly asked the Tamils to go to the U.K and stay there if they are unhappy with the Unitary Constitution!

These vituperative utterances and the attempts by some misguided Bhikkus and hooligans to create religious confrontations reinforce our conviction that the Sinhalese politicians will never agree to give up the Unitary Constitution that robbed us of our rights. It will be naive of us to expect the Sinhalese leaders to change their disposition displayed for over one hundred years and agree to equitable settlement through negotiations.

Therefore, in stating our case in some detail, we are endeavouring to convince the International community and particularly the British Government that the only way out of the debilitating impasse in Sri Lanka is to hold a UN sponsored plebiscite among the indigenous Tamils to enable us to exercise our right of Self-Determination to regain our political rights misappropriated by the Sinhalese leaders at the time Britain granted independence to this country under ethnocracy and the unitary constitution.

Needless to state there had been precedents to such arrangements in the past. Between 23<sup>rd</sup> and 25<sup>th</sup> April 1993 nearly 1 million voters in Eritrea cast ballots to become "sovereign and independent" of Ethiopia. This vote was the result of thirty years of war by Eritreans during their War of Independence. The result was a vote for independence by 99.83% of the voters with a 98.50% turnout.

Similarly East Timor formerly governed by Indonesia, held a referendum on 30 August 1999, in which voters were to choose either to become a Special Autonomous Region within Indonesia, or for independence. 78.5% of voters opted for independence.

Please accede to our request urgently and save the Tamils in this country and save the whole country itself from ruin and fulfil your international obligation to rescue fellow humans from extermination, by supporting and arranging a UN sponsored Accountability & Justice Process and an UN Sponsored Referendum/Plebiscite.

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## Appendix

### **Appendix A - UN Secretary General's visit to Sri Lanka and the joint statement issued by Ban Ki Moon and Mahinda Rajapakse**

On 23<sup>rd</sup> May 2009, soon after the war came to an end on 19<sup>th</sup> May 2009, UN Secretary-General Ban Ki-moon paid a visit to Sri Lanka.

At the conclusion of his visit, a joint statement by the Government of Sri Lanka and the United Nations was issued on 23 May 2009:

#### **Joint Statement by Ban Ki Moon & Mahinda Rajapakse**

*“At the invitation of Mahinda Rajapaksa, President of Sri Lanka, the Secretary-General of the United Nations, Ban Ki-moon, paid a visit to Sri Lanka. During the course of his visit, he held talks with the President, Foreign Minister as well as other senior leaders of Sri Lanka. During his stay, he also consulted other relevant stakeholders, members of international humanitarian agencies and civil society. The Secretary-General visited the internally displaced persons (IDP) sites at Vavuniya and overflew the conflict area, near Mullaitivu that was the scene of the conflict. President Rajapaksa welcomed the Secretary-General as the highest dignitary to visit Sri Lanka in the post-conflict phase. This was a reflection of the close cooperation between Sri Lanka and the United Nations as well as Sri Lanka's commitment to work with the United Nations in the future. President Rajapaksa and Secretary-General Ban Ki-moon agreed that following the end of operations against the Liberation Tigers of Tamil Eelam (LTTE), Sri Lanka had entered a new post-conflict beginning. In this context, the Government of Sri Lanka faced many immediate and long-term challenges relating to issues of relief, rehabilitation, resettlement and reconciliation. While*

*addressing these critical issues, it was agreed that the new situation offered opportunities for long-term development of the north and for re-establishing democratic institutions and electoral politics after 2 ½ decades. The Government expressed its commitment to ensure the economic and political empowerment of the people of the north through its programmes. President Rajapaksa and the Secretary-General agreed that addressing the aspirations and grievances of all communities and working towards a lasting political solution was fundamental to ensuring long-term socio-economic development. The Secretary-General welcomed the assurance of the President of Sri Lanka contained in his statement in Parliament on 19 May 2009 that a national solution acceptable to all sections of people will be evolved. President Rajapaksa expressed his firm resolve to proceed with the implementation of the 13th Amendment, as well as to begin a broader dialogue with all parties, including the Tamil parties in the new circumstances, to further enhance this process and to bring about lasting peace and development in Sri Lanka. President Rajapaksa and Secretary-General Ban Ki-moon discussed a series of areas in which the United Nations will assist the ongoing efforts of the Government of Sri Lanka in addressing the future challenges and opportunities. With regard to IDPs, the United Nations will continue to provide humanitarian assistance to the IDPs now in Vavuniya and Jaffna. The Government will continue to provide access to humanitarian agencies. The Government will expedite the necessary basic and civil infrastructure as well as means of livelihood necessary for the IDPs to resume their normal lives at the earliest. The Secretary-General welcomed the announcement by the Government expressing its intention to dismantle the welfare villages at the earliest, as outlined in the Plan to resettle the bulk of IDPs and call for its early implementation. The Government seeks the cooperation of the international community in mine clearing, which is an essential prerequisite to expediting the early*

*return of IDPs. The Secretary-General called for donor assistance towards the Common Humanitarian Action Plan (CHAP) jointly launched by the Government of Sri Lanka and the United Nations, which supports the relief, shelter and humanitarian needs of those in IDP sites. President Rajapaksa and the Secretary-General recognized the large number of former child soldiers forcibly recruited by the LTTE as an important issue in the post-conflict context. President Rajapaksa reiterated his firm policy of zero tolerance in relation to child recruitment. In cooperation with the United Nations Children's Fund (UNICEF), child-friendly procedures have been established for their "release and surrender" and rehabilitation in Protective Accommodation Centres. The objective of the rehabilitation process presently underway is to reintegrate former child soldiers into society as productive citizens. The Secretary-General expressed satisfaction on the progress already made by the Government in cooperation with UNICEF and encouraged Sri Lanka to adopt similar policies and procedures relating to former child soldiers in the north. President Rajapaksa informed the Secretary-General regarding ongoing initiatives relating to rehabilitation and reintegration of ex-combatants. In addition to the ongoing work by the Office of the Commissioner General for Rehabilitation, a National Framework for the Integration of Ex-combatants into Civilian Life is under preparation, with the assistance of the United Nations and other international organizations. Sri Lanka reiterated its strongest commitment to the promotion and protection of human rights, in keeping with international human rights standards and Sri Lanka's international obligations. The Secretary-general underlined the importance of an accountability process for addressing violations of international humanitarian and human rights law. The Government will take measures to address those grievances." Ministry of Foreign Affairs Colombo 23 May 2009.*

More than thirteen years have passed since the above-mentioned commitments were announced and all of them remain unfulfilled. This shows how Sri Lankan leaders cheat the international community and carry on with their ruinous ethnic cleansing activities and other crimes against humanity against the Tamils right as per the UN Charter.

## **Appendix B**

### **Statement by Justice C. V. Wigneswaran quoting evidence to show that the original inhabitants of this Island were Tamils**

**Question for the Week answered (30.11.2021)  
by Justice C.V.Wigneswaran, M.P**

Question: -Recently in Parliament the words “Tamil Homeland” & “Tamil National Leader Prabakaran” were used and objected to by the Government Members who wanted those words to be expunged from the Hansard. The Chairman of that time Hon'Mr.Velukumar MP had promised to bring the matter to the notice of the Speaker. He did not make any decision on the objections raised. Do you not think this Country is a Sinhala Country and that a Terrorist Leader who killed so many innocents must not have his name mentioned as a National Hero?

Response: - No. I do not think so.

Firstly, this Country is not a Sinhala Country. It is a Sinhala Majority Country. But in the North and East the majority of people are Tamil Speaking. Before 1833 when the British united the Country for administrative purposes there was a Jaffna Kingdom in the North and the Chiefs in the East who were Tamils paid tithes to the Kandyan King. As you know the last King of Kandy was a Tamil and signed the 1815 Agreement with the British in Tamil. So did some of the Kandyan Chiefs.

By no stretch of imagination could you call this Country a Sinhala or Sinhala Buddhist Country. It consists of areas which are majority Sinhala speaking and majority Tamil speaking. The original inhabitants of this Country 3000 years ago were Tamil speaking. There was no Sinhala language born then. Therefore no Sinhalese existed then. The Sinhala Language is a mixture of



mainly Tamil and Pali. Some Sanskrit words went into Sinhala language through the Tamil Language.

The first grammar of the Sinhalese the “SidathSangaraya” was written in the 13<sup>th</sup> Century AD just eight centuries ago. If the Sinhala language had come into being 3000 years ago why did it take 1700 years for its grammar to be born?

The Sinhala people have been fed with wrong history based on Mahawansa. When Mahawansa was written there was no Sinhala Language born then. That is why it was written in Pali. The Attakatta too was written in Pali. There are no evidence of any Sinhala inscriptions before 5<sup>th</sup> Century AD. Mahawansa was written for the glorification of Buddhism as the Author Mahanama himself says at the end of every stanza.

During the past 73 years the Sinhala Politicians and the Sinhalese intelligentsia have resorted to the gimmick of giving a distorted picture of Sinhalese Language and Sinhala History.

Officially the Tamil names of places in the North and East of the Island were translated into Sinhala language during the second half of last Century only. For example Manal Aru which was for Centuries referred to as Manal Aru (in Tamil) was translated to Weli Oya (Manal-Weli-Sand / Aru- Oya-River), post Independence. After sometime, since the translations were done, Buddhist priests and others have started referring to the Tamil areas and the Tamil place names in the North and East by the Sinhala translated names saying that the Original names of those places in the North East were in the Sinhala Language and that those Sinhala names were translated into Tamil after the Chola Conquest in the 10<sup>th</sup> Century AD. If the Sinhala language came into being in the 5<sup>th</sup> or 6<sup>th</sup> Century AD how could there have been Sinhala names of Tamil places 2000 years ago?

There is no evidence of any of those Sinhala names existing in the North and East prior to the translations of recent times. How they resorted to such deception, was, by connecting Buddhism to the Sinhalese and say wherever Buddhist remains exist those were originally occupied by Sinhalese.

This is an absolute falsehood. Professor Sunil Ariaratne has written a Book in Sinhalese a few years ago by the name of Demala Baudhayo (Tamil Buddhists). He accepts that Tamils at a stage in our history were Buddhists. That was a time when the Sinhalese language had not come into existence. Hence, there were no Sinhalese when the Demala Baudahayo existed.

How the Sinhalese racial historians and scheming Buddhist priests manage to refer to the existence of Sinhalese prior to 5<sup>th</sup> and 6<sup>th</sup> Centuries AD is by referring to words in Pali which later got into Sinhala to make the Sinhalese Language. Those words were not Sinhala words but Pali words. Since in later times those words from Pali got into the new language to make the Sinhala Language, these historians refer to the existence of the Sinhala language then, by identifying the Pali words in inscriptions and other sources which were not Sinhala words but Pali words because they only later came into the Sinhalese Language.

Their argument that Sinhala language existed for over 3000 years is like saying I existed when my grand father (who died long before I was born) existed because I came from my grand father! There is every plausibility to refer to Sri Lanka as a Tamil Hindu Country. The Saivaite Tamils were the original inhabitants of this Island. The Shivalingas at Naguleswaram at Keerimalai(North), Munneswaram in Chilaw(West), Koneswaram in Trincomalee(East) and Thondeswaram in Dondra(South) protected the Country from pre historic times. The Sinhalese descended from the original Tamil inhabitants who adopted a new language called

Sinhala language around 5<sup>th</sup> or 6<sup>th</sup> Century AD. Their language is a mixture of Tamil, Pali and other dialects.

No proper historian now believes there was an Aryan invasion of the Country. The Westerners misunderstood our history. The word Aryan did not refer to a race. So the Sinhalese cannot refer to themselves as the Aryan Race. They were local Dravidians who adopted a new language in course of time around 1500 years ago. That the Sinhalese and the Tamils belong to a common origin is proved by DNA Tests conducted recently.

In Chennai today a new language is in the offing. May be in 25 to 50 years it would be identified as Tamilish because the new language is a mixture of Tamil and English!

On the other hand North and East of Sri Lanka is Tamil Homeland. (for over 3000 years) This has been accepted by the Sri Lankan Government in the 1987 Indo Sri Lanka Accord. I need not explain at length about this matter.

Now to come to Tamil National Leader Prabhakaran.

If Prabhakaran was a Terrorist so too Keppetipola who fought the British must be considered a Terrorist. But why are the Sinhalese building Roads in his name and naming Buildings in his name and calling him a Hero? It is the British who considered Keppetipola a Traitor and an enemy. The Sinhalese still call him a Hero and a leader among the Sinhalese.

Tamils of the North and East do not call Prabhakaran a terrorist and an enemy. They call him their Saviour and National Leader. The truth is that. When the Sinhalese brought the 'Sinhala Only Act in 1956', it was an act of betrayal of the Tamils. They foisted the Language of the majority of the Seven Provinces(Sinhala) on the majority of the Two Provinces(Tamils). The Sinhalese started

the violence. They ill treated Tamil leaders in 1956 and threw them into the Beira Lake. The Sinhala Politicians unleashed violence on the Tamils in 1958 and got the Sinhalese to rape Tamil women, kill Tamils including infants and burn properties owned by the Tamils in Colombo and other areas in the Island. Madame Sirima sent her relative Colonel Udugama in 1961 to quell the “Uprising” in the North. When Tamils in the North and East demonstrated against the unreasonable Sinhala Only Act and other discriminatory laws passed against the Tamils, their activities were referred to as an “Uprising”. The discriminatory law that broke the back of the Camel was the Higher Education Standardization scheme with regard to University Entrants. It was only after this, the Tamil youth took up to arms. Having taken up to arms, they kept the Sinhala Armed forces at bay for nearly 30 years. This is something the Tamils are proud about concerning their Youth.

Finally it was the participation of 22 other countries infavour of the Sri Lankan Army that brought an end to Prabhakaran and the LTTE. What is wrong in the Tamils calling Prabhakaran a Leader of the Tamil Nation? They are not calling him a Leader of the Sinhala South! How could Sinhala MPs ask for the expunging of Prabhakaran's name from the Hansard?

In any event who decides whether a person is Terrorist or not? Any independent, international, professional Inquiring Panel would no doubt refer to the Sri Lankan Forces as Terrorists. They did not protect the Tamils as the Government claimed. They destroyed the Tamils, their properties and their cultural remains. It was they who burnt the Jaffna Public Library which was the best in South East Asia at that time with 95000 Books including rare manuscripts.

Innocent Tamils were killed by Prabhakaran the Sinhalese say as if they are so concerned about Tamils' lives. Many a Sinhala Leader killed those Sinhalese whom they considered traitors and enemies during the JVP riots and during the War. If proper independent International inquiries are held the culprits would be known. Many of their killings were foisted on the LTTE and its Leader. While I do not condone any form of violence by any one, picking out one person out of a Country full of political killers and picturing him as a Terrorist leaving out the others, amused me.

Just as killers like Keppetipola among the Sinhalese are now called Leaders and Heroes, those Tamils who fought the Sinhalese and their acolytes among the Tamils, could no doubt be called Heroes considering their ultimate purpose to free Tamils from Sinhala hegemony. Keppetipola wanted emancipation of his people. So did Prabhakaran. There was nothing wrong in remembering the martyrs and heroes among the Tamils on a suitable day. Tamils have fixed the week starting from 21<sup>st</sup> of November and ending on 27<sup>th</sup> as Martyrs'Week.

*Justice C.V.Wigneswaran  
Member of Parliament  
Jaffna District*

## Appendix C

# Tamil Leaders letter to Her Excellency Michelle Bachelet

18.01.2021

Her Excellency Michelle Bachelet,  
The High Commissioner for Human Rights  
Palais Wilson  
52 rue des Pâquis  
CH-1201 Geneva, Switzerland.

Dear High Commissioner Bachelet,

**Appeal from the Tamil People to Refer Sri Lanka to the International Criminal Court (ICC) and to establish an International Independent Investigative Mechanism for Sri Lanka and to conduct a Referendum**

On behalf of the Tamil speaking people of the North-East of Sri Lanka, we the undersigned elected representatives of the Tamil people and representatives of the Tamil political parties and civil society organisations jointly appeal to you to take appropriate steps to meet the request we make below to ensure lasting peace, co-existence and human rights in Sri Lanka.

**Background:**

According to the March 2011 Report of the UN Secretary General's Panel of Experts on Accountability in Sri Lanka it stated that there were credible allegations that war crimes and crimes against humanity were committed during the final stages of the armed conflict between the Government of Sri Lanka and the Liberation Tigers of Tamil Eelam, and there could have been as many as 40,000 Tamil civilian deaths.

According to the November 2012 Report of the UN Secretary-General's Internal Review Panel on UN Action in Sri Lanka, over 70,000 people were unaccounted for during the final phase of the war in 2009. Several were killed when Sri Lankan forces repeatedly bombed and shelled an area designated by the Government as No Fire Zones (Safe zones). Even hospitals and food distribution centers were bombed. Several also died of starvation and bled to death due to lack of medical treatment.

International Truth and Justice Project (ITJP) in February 2017 handed over details to UN of Sri Lankan Military run "Rape Camps", where Tamil women were being held as "sex slaves." According to UK Foreign and Commonwealth Office report in April 2013, there are over 90,000 Tamil war widows in Sri Lanka.

Thousands of Tamils disappeared including babies and children. UN Working Group on Enforced Disappearances stated that the second highest number of enforced disappearance cases in the world is from Sri Lanka.

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### Successive Sri Lankan Governments failed to implement UNHRC Resolutions

Sri Lanka under the previous Government co-sponsored the UNHRC Resolution 30/1 titled "Promoting reconciliation, accountability and Human rights in Sri Lanka" at the UNHRC session in Geneva in September 2015 and again in March 2017 co-sponsored another Resolution 34/1, obtaining a 2 year time extension to implement the Resolution 30/1. Sri Lanka also co-sponsored a Resolution 40/1 and obtained additional two year extension (total four years of extension apart from two years initially given) to implement the Resolution,

Previous Government not only failed to take any meaningful steps to implement the Resolution that it co-sponsored, on the contrary the President, Prime Minister and senior members of the Government have repeatedly and categorically stated that they will not implement the UNHRC Resolution.

The current Government went one step further and officially withdrew from the co-sponsorship of the Resolutions 30/1, 34/1 and 40/1 and walked away from the UNHRC accountability process.

Furthermore, as a snub to UNHRC, the only Sinhala soldier who was ever punished and sentenced to death for killing civilians including children was pardoned by the current President. Also several senior military officials who were credibly accused of committing war crimes have been given promotions and treated as "war heroes". Many of them now occupy high governmental civil posts.

### Conclusion:

Since successive Governments have not only failed to implement UNHRC Resolutions and the current Government has completely withdrawn from UNHRC process for Accountability, giving any more additional time to the Sri Lankan Government will not only entrench impunity, it will also embolden Sri Lankan Government to intensify its crackdown against Tamil people with its huge military presence in Tamil areas and its draconian laws.

### Request:

- a) Refer Sri Lanka to the International Criminal Court (ICC) or to a specially created International Criminal Tribunal for Sri Lanka including a specific request to determine the crime of genocide against the Tamil people in their traditional homeland in the North and East of Sri Lanka and prosecute those responsible for the genocidal crimes in addition to those found responsible in the already established findings of war crimes and crimes against humanity in the 2011 Report of the Secretary-General's Panel of Experts on Accountability in Sri Lanka, the 2012 Report of the UN Secretary-General's Internal Review Panel on UN Action in Sri Lanka and the 2015 Report of the OHCHR Investigation on Sri Lanka (OISL).

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- b) Establish an International Independent Investigative Mechanism (IIIM) for Sri Lanka with a specific mandate and Terms of Reference (ToR) to determine genocide, the crime of all crimes, being committed in Sri Lanka. The ToR should also request the investigators to assess the status of the Tamil people as a protected group and to determine whether the Sri Lankan state apparatus possessed the requisite intent for the protracted genocide being committed throughout the last seven decades, covering the periods before, during and after the armed conflict. The ToR should also include the crimes against humanity and war crimes that have been already established in the various UN findings. The IIIM should be able to assert, consolidate, preserve and analyse all the crimes mentioned above, and prepare files to facilitate and expedite fair and independent criminal proceedings according to the international law standards in international courts or tribunals that have or may in the future have jurisdiction over these crimes. Upgrading the UNHRC process, preferably under the Agenda Item 4, since the co-sponsored process under Agenda Item 2 has not expressly included the crime of genocide and the co-sponsored process has failed to deliver on the commitments made with regard to already established UN findings. We have no faith in any internal mechanism through the Sri Lankan justice system. We reject such a mechanism again outright on this occasion.
- c) Conduct an Internationally organised and monitored Referendum in the North and East of Sri Lanka to find a permanent political solution to the longstanding Tamil national question, which contributed to the repeated cycle of violence against the Tamil people since 1958 amounting to protracted genocide including the crimes against humanity and war crimes. We are convinced that only a solution incorporating the democratic mandate of the people's aspirations would positively attain sustainable peace in the island and establish stability in the region.

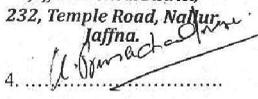
Thank you.

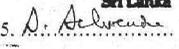
Sincerely

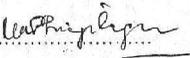
1.   
 G. VIGNESHWARAN M.P.,  
 Member of Parliament  
 Jaffna Electoral District,  
 232, Temple Road, Nallur,  
 Jaffna.

2.   
 N. SRIKANTHA  
 Attorney - at - Law  
 Leader  
 Tamil National Party (T.N.P.)  
 Former Member of Parliament  
 Sri Lanka

3.   
 V. P. SIVANATHAN  
 Retd. Professor of Jaffna University  
 Treasurer  
 Tamilish Makkal Kootani (TMK)

4.   
 J. PREMACHANDRAN  
 Leader  
 Eelam People's Revolutionary  
 Liberation Front (E.P.R.L.F.)  
 Former Member of Parliament  
 Sri Lanka

5.   
 S. SELVENDRA, B.Sc.(Madras), F.C.A.  
 Chartered Accountant  
 Member of  
 Valvettilurai Urban Council

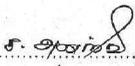
6.   
 M. K. SHIVAJI LINGAM  
 Secretary General  
 Tamil National Party (T.N.P.)  
 Former Member of Parliament

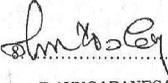
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7.   
Mrs. Ananthi Sasitharan  
Secretary General  
Eezha Thamezhar Suyadchi Kazhakam  
Former Minister of Women's Affairs  
Social Services and Co-operative  
Northern Provincial Council

  
P. AYNAGARANESAN  
President  
Tamil National Green Organization  
09 - Arasady Road, Kantharmadam, Jaffna

9.   
K. Arintha  
Propaganda Secretary  
Thamizh Makkal Tesiya Kootani  
No.116/4 Thirunelvely North,  
Thirunelvely.

10. 

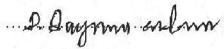
11. 

12. 

**Mrs. M. Arulnesan**  
Retd. Asst. Director of Education  
Jaffna Zone

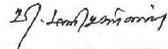
K. Karunanantharasa, J.P.U.M.,  
Chairman,  
Urban Council,  
Valvettithurai.

**A. Gnanendran-J.P.U.M**  
Vice Chairman  
Urban Council  
Valvettithurai

13.   
**P. SIVAGNANASUNDARAM**  
Justice of the Peace  
Member of  
Valvettithurai Urban Council

14. 

MR. T. KASENDRAN, BSc  
Propaganda Secretary  
Eezha Thamezhar Suyadchi Kazhakam

  
V. Manivannan  
Mayor  
Municipal Council  
Jaffna

Copy to:

1. His Excellency António Guterres, Secretary General of the United Nations
2. UNHRC Member Countries

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## **Appendix D**

### **Submissions by Justice C.V.Wigneswaran at the Experts Committee meeting on 07.04.2021 at 9.A.M in the Committee Room at BMICH**

Let me first thank the Expert Committee for giving us this opportunity to discuss our recommendations and find out the Expert Committee expectations.

Firstly we would like to ask the Hon.Members of the Expert Committee as to why a new Constitution has become necessary. We have had the 1972 Constitution and the 1978 Constitution with innumerable Amendments. If there is a need for the Executive to be made stronger the Twentieth Amendment has achieved that to a great extent. If so why a new Constitution? If it is to bring amendments to the Election laws we could achieve that through an Act. Why change the Constitution?

(Await their reaction)

Having understood the point of view of the members of the Expert Committee let me point out that none of the three constitutions so far enacted have succeeded in bringing about reconciliation, peace and prosperity to this Country of ours.

On the other hand the Indian Constitution which was drafted around the time of Independence by a Constituent Assembly under the chairmanship of Hon. Ambedkar has withstood many challenges for the past 70 or more years. India remains still a united country because its States enjoy equal and wholesome rights.

In Sri Lanka may be in the course of drafting our constitution we failed to examine our past, observe the present and provide for the future.

The Sri Lankan constitutions up to date may have so far been drafted from an exclusive stand point and that is why they have failed.

We believe the new constitution if indeed it is going to be drafted in earnest should be inclusive in nature and not exclusive. A Unitary Constitution is exclusive in nature. It would not take the peripheral areas into consideration and provide for their rights. Centralisation is its goal. This is why all our Unitary Constitutions have failed so far.

The Unitary Constitutions have permitted the numerical majority, the Sinhalese, to usurp the political rights of the Tamil speaking of the North and East and keep them subjugated and continued to oppress them in an inhuman manner - all in the name of democracy. Thus a Constitution cannot be drawn up exclusively to benefit a single community.

If the numerical majority of such community is the justification for the Unitary Constitutions so far, we must not forget that the Tamil speaking people are the majority in the North and East even today continuously from pre- Buddhistic times. They had kingdoms of their own prior to the British amalgamating the different units of the Island for administrative purposes.

Therefore the rights of a determinable group of people living within identifiable boundaries need to be taken into consideration when drafting a Constitution for all times.

Unless rights of such groups of people are accommodated in such Constitutions they would be forced to appeal to outside forces for help and it would be futile to complain about external interference.

The present Unitary Constitution has proved to be a colossal disaster to the country and should be abandoned at the earliest. Tocqueville, the French Political Scientist (1805 - 1859) said “a decision which bases its claim to rule upon numbers and not upon rightness or excellence abandons rationality” We cannot to be irrational in our Constitution making.

As Sri Lankans, we feel that the Unitary Constitutions have permitted the Sinhalese leaders to ruin the country by indulging in obstinate oppressive partisan Sinhalese hegemony over the Tamils and in the process utterly wasted the country's wealth and retarded its economic progress. To-day the country has been reduced to a pathetic perilous state of being unable to repay its borrowings. Import controls and import substitution has intensified after heightened monetary instability coming from debt monetisation.

The damage done to the Country under a Unitary Constitution has been catastrophic. So much so, to-day the Country is unable to repay the loans obtained from China and has started giving away many assets of the country to China possibly under duress and appears to be dancing to the dictates of China antagonising the entire free world. As a consequence it has lost its independent non-aligned status in the international fora.

People of the Country must realise that the situation is really serious and it is the Unitary Constitution that permitted the mismanagement of the country under the pretext of achieving Sinhalese supremacy at the expense of the Tamils. For all the wrongs done by the South the North and East too have to pay.

We have a right to live prudently and rationally in our areas undisturbed by others.

It may not be out of place here to say that out of over 850 Departments and Ministries in the entire Island including the Prime Minister's Office, it was our Chief Minister's Office in the Northern Provincial Council which was placed first for proper financial management in 2016 when I was Chief Minister, Northern Province.

History has constituted Sri Lanka as a multi-ethnic, multi-religious, multi linguistic society with the Sinhalese speaking People and Tamil speaking People as the two distinct divisions having had their own separate kingdoms in the past. In Constitution making, it is therefore up to the majority Sinhalese People, primarily as a matter of morality but equally as a matter of expediency and of prudence, to find the formula for honourably integrating all communities into a coherent unit so that all those other communities who lack the advantage of numbers are given a status and dignity equal to its own and never let them feel marginalised or disadvantaged because they are fewer in number or because they are different in culture or beliefs.

This can be achieved only under a Federal Constitution as has been successfully demonstrated in many countries such as the United States of America, the Swiss Confederation, Canada, Russia and many more countries.

In our proposal submitted we have stated that we oppose the Executive Presidency. If a Cabinet of Ministers under a Prime Minister becomes the executive arm of the Government, then a Federal Constitution will be an adequate arrangement. If the Executive Presidency is continued, then a Confederal Constitution is necessary to deal with the situation because, with the immense power wielded by the Executive President, Federalism can only lead to a Decentralised Unitary Government and will not lead to a stable Government. Any solution other than

a Confederal arrangement, will be a recipe for instability rather than stability and economic backwardness rather than progress.

Communal tensions under a Unitary Constitution could lead to economic retardness. We would like to appeal to the Commission to use its good offices to urge His Excellency the President and his Government to negotiate with the Tamil leaders to achieve a Confederal Constitution on the basis of the Constitutional Proposals submitted by our Party.

## **2. OTHER SALIENT FEATURES IN OUR PROPOSAL**

Taking the historical past of the country into consideration, we have proposed that there should be four States in the country i.e. the three former kingdoms of Kotte, Kandy and Jaffna and the fourth being the greater Colombo Capital City State. The Sri Lankan confederation shall be a union of these four states.

Suggestion has been made to give autonomous rule for the Muslims and the Hill country Tamils in the regions where they are a majority. We have included many details in our submissions including in respect of allocation of land and police powers to the State Governments. We shall be pleased to explain our proposal fully now if necessary.

**Justice C.V.Wigneswaran M.P.**

