

# PLIGHT OF THE PEOPLE

**BACKGROUND TO HUMANITARIAN ISSUES IN SRI LANKA**



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# PLIGHT OF THE PEOPLE: BACKGROUND TO HUMANITARIAN ISSUES IN SRI LANKA

The Government of Sri Lanka has implemented a genocidal strategy through the following:

1. Indiscriminate Attacks & Disregard for Humanitarian Laws
2. Institutionalized Genocide
3. Food and Medicine as Weapons of War
4. Arbitrary Arrests
5. State Responsibility for Enforced Disappearances
6. Extrajudicial Killings
7. Blanket Media Censorship of War and Attack on Freedom of Expression
8. Killing of Aid Workers & Expulsion from the Northern Province
9. Assassinations of Democratically Elected Tamil Parliamentarians
10. Usage of Cluster Munitions
11. Torture
12. Internally Displaced Persons
13. Children and Military Aggression
14. Sri Lanka – A Woman's Nightmare
15. Culture of Impunity
16. Failure of the International community to prevail on behalf of justice

We attempt to outline some of these issues here.



# INDISCRIMINATE ATTACKS & DISREGARD FOR HUMANITARIAN LAWS

In this note, we want to highlight Sri Lanka's abysmal human rights record and disregard for humanitarian laws. Particularly, we want to establish that these are neither due to accidents nor isolated incidents, but the pattern of gross human rights abuses are ingrained, institutionalized and perpetrated systematically by Sri Lankan Security Forces on Tamil civilians. This section also deserves a special consideration, as it underscores the worst possible crimes by the state. Everything else follows.

The following incidents give the world a glimpse of the scorched-earth offensive the Government of Sri Lanka has unleashed on its own people in the name of fighting terrorism.

A case in point is that (according to International Herald Tribune) between January 20 and 22, 2009 alone, nearly 100 Tamil civilians have been killed by aerial bombardment and artillery barrage of the Sri Lankan Security Forces on a hospital and other sites within a government declared a safe zone.

*"In an effort to coax civilians to leave, the government dropped leaflets throughout the region Wednesday announcing the establishment of a "safe zone" on the edge of rebel-held territory that it would not attack. But an hour after the leaflets were dropped, two shells hit a makeshift hospital in a school in Vallipunam, a village inside the "safe zone," said Kandasamy Tharmakulasingham, a health official. No one was wounded in that attack, he said. On Thursday morning, the hospital and a nearby village were hit again in an attack so devastating that health officials had difficulty counting the bodies because many of them were dismembered, he said."*



[AP/ International Herald Tribune, Jan 22, 2009,  
<http://www.ihf.com/articles/2009/01/22/asia/lanka.3-413778.php>].

That this is not an isolated incident. On January 18th 2008, a barrage of indiscriminate artillery shelling by Sri Lankan Security Forces killed 18 civilians and wounded more than 42. On January 26, 2009, more than 300 Tamil civilians were killed in an indiscriminate artillery attack by Sri Lankan Security Forces on a village in the Northern district of Mullaitivu. In this brutal attack, another 1000 were seriously injured (Source: TamilNet.com, January 26, 09).

On August 14, 2006 - 67 schoolgirls and 7 teachers were killed by SLA aerial bombing at a children's home in Mullaitivu – A Government minister acknowledging it argued saying that there is nothing wrong in killing future child soldiers (Brigadier Athula Jayawardana as was reported in The Independent.co.uk). Countless incidents, like these continue and Tamil civilians continue to pay the ultimate price of Sri Lanka's indiscriminate bombings. Sri Lankan defense officials boast of having carried out over 700 air sorties in 2008, in the Tamil homeland. The number of sorties may have already exceeded those numbers in 2009. The relentless waves of indiscriminate attacks by the Government of Sri Lanka has killed and maimed hundreds of Tamil civilians.

Human Rights Watch Report, "War on the Displaced", 2009, states:

***"during a three-week period from January 20 to February 13, 2009, independent observers in the Vanni collected information on 5,150 civilian casualties—1,123 deaths and 4,027 injuries—from the current fighting. This number was derived from a compilation of reports that recorded individual casualties, the date and place of the attack, and the nature of the attack. Newly obtained information places total civilian casualties at 7,000, with 2,000 deaths."***

[HRW (2009). War on the Displaced. Human Rights Watch Report. Feb 2009. Rpt #: 1-56432-443-5. <http://www.hrw.org>]

Karen Parker, JD, in a statement to a U.S. Subcommittee , February 24, 2009 writes: "It is clear that hospitals, safety zones and civilian locales have been targeted and the number of casualties indicate blatant disregard for humanitarian law standards.[6] In



defending military actions against hospitals, Defense Secretary Gotabaya Rajapakse was filmed stating:

*‘No hospitals should operate outside the safety zone . . . everything beyond the safety zone is a legitimate target.’ This is an egregious misstatement of the humanitarian law. In addition to targeting hospitals outside the safety zone, **there is also reliable evidence that the government’s forces continue to target hospitals, schools and civilian dwellings inside the safety zones and in other undefended civilian areas that may not be attacked under humanitarian law.***





# INSTITUTIONALIZED GENOCIDE

Sri Lanka ranked **number one Human Rights Violator** in South Asia according to the South Asia Human Rights Index 2008 conducted by Asian Centre for Human Rights in 2008 (ACHR, 2009). This finding was based on 2007 performance: even before the latest war begun.

ACHR (2009). South Asia Human Rights Index 2008. Asian Center for Human Rights, <http://www.achrweb.org/reports/SAARC-2008.pdf>

Sri Lanka has also been:

- Listed among the **top eight "red alert" countries**, by independent panels of experts organized by the New York based Genocide Prevention Project.
- **Voted off the United Nations Human Rights Council** in 2008.
- Listed second, only to Iraq, in disappearances by *United Nations Working Group on Enforced or Involuntary Disappearances*

Human Rights Watch Report titled "Recurring Nightmare: State Responsibility for Disappearances and Abductions in Sri Lanka", 2008 states:

*"Sri Lanka [is] among the countries with the highest number of new cases [of disappearance] in the world. The victims are primarily young ethnic Tamil men who 'disappear'—often after being picked up by government security forces in the country's embattled north and east, but also in the capital Colombo."*

A Law and Society Trust submission to the Presidential Commission of Inquiry in August 2007, states:

*"As with killings, Tamils suffered disproportionately from abductions – 64.6%, compared with 3% Sinhalese and 3% Muslims. Men represented nearly 98% of all missing persons."- Mass graves of Tamil families have been discovered in territories occupied formally by the Sri Lankan security forces. "*

One can only summarize for record the earlier (prior to 1983) abuses and systematic discrimination against Tamils by the Government of Sri Lanka



in education, employment and language (Sinhala-Only Act of 1956). Various forms of violence and terror tactics were used by the Security Forces to suppress democratic, non-violent resistance to the state's oppression including beating up of a member of parliament during a non-violent protest. Nine people were killed during violent action taken by the police at the fourth World Tamil research Conference. Irreplaceable manuscripts and over 90,000 books were destroyed when the Jaffna Public library was burnt. Thousands were butchered during Anti-Tamil riots at which many members of the police and security forces turned a blind. ("Sri Lanka: A Bitter Harvest" By Elizabeth Nissan - An International MRG report. 96/1 ").



# MASS GRAVES

On an average, about 600 people disappear from Sri Lanka in military custody. It is conceivable that a significant proportions end up in mass graves.

Several mass graves have been found in areas once occupied by the Sri Lankan military and paramilitary forces. Most notable (those that made the news) among them include:

- Mass grave at Mirusuvil
- Mass grave at Chemmani
- Mass grave at Sooriyakanda
- Duraiappa stadium mass grave

Mirusuvil massacre happened on 20 December, 2000 when eight internally displaced refugees returning to inspect their property were arrested on 19 December 2000 in a village named Mirusuvil close to Jaffna. They were subsequently murdered allegedly by Sri Lankan Army soldiers and buried in a mass grave, about 16 miles east of Jaffna town. The murders came to light because one of the arrested, Ponnuthurai Maheswaran allegedly escaped from Army custody with serious injuries and informed relatives. After much international pressure, eventually the Sri Lankan government relented and charged five Sri Lankan Army soldiers with illegal arrests, torture, murder and burial of their dead bodies in a mass grave. The government agreed to try the arrested army officers without a jury. The case was pending in 2007, and never heard of afterwards.

In 1998, allegations of mass graves at Chemmani were made by a Sri Lankan soldier on trial for rape and murder. He claimed hundreds of people who disappeared from the Jaffna peninsula were killed and buried in mass graves near the village of Chemmani after it was retaken by Government troops from the LTTE in 1995-1996. There are reports about 300 - 400 buried bodies there.





Excavations with international observers in 1999 found 15 bodies, two of which were identified as men who had disappeared in 1996. Charges were laid against seven military personnel. However, nine years later, the investigation has made no progress and remains open (Price, Susannah 29 April 1999). "South Asia Outrage over Sri Lankan 'mass grave'". BBC. [http://news.bbc.co.uk/2/hi/south\\_asia/331824.stm](http://news.bbc.co.uk/2/hi/south_asia/331824.stm)

The Sooriyakanda mass grave is the burial ground of murdered school children from Embilipitiya Maha Vidyalaya (Embilipitiya High School) found in 1994 in Sri Lanka. These school children were killed and buried as part of the counter insurgency in Sri Lanka. It was alleged that over 300 buried bodies were in this burial ground. The Sri Lankan government last reported in 1996 to have conducted a forensic analysis of the burial ground uncovering an unspecified number of bodies. Local media, NGO groups and the US State Department stated they were not satisfied with the investigations. Duraiappa stadium mass grave (also spelled Duraiyappah or Thuraiappa) was unearthed during the excavations of Duraiappah Sports Stadium in the embattled northern city of Jaffna, Sri Lanka. The mass grave was unearthed in stages between April 4 and 10 of 1999, during a period of relative peace.

There is a pattern in all these cases. Typically, once the government takes over the case under international pressure, the evidence is usually lost or becomes murky, and the case remains pending. So far, no official or members of the armed forces have been punished for their excesses in the Tamil region, with the exception of a case in regards the rape and murder of Krishanthi Kumaraswamy and the murder of her family member. The story was too publicized to bury.



# FOOD AND MEDICINE AS WEAPONS OF WAR

The Government of Sri Lanka has refused and expelled international and local NGOs and has denied local aid workers access to the displaced Tamil civilians living in the Vanni region. Over 300,000 Tamil civilians have been forcefully uprooted from their homes and now live under trees, in schools, churches, temples and temporary displacement camps in conditions appalling by any standard. Furthermore, the Tamil IDPs continue to face indiscriminate bombings embargo on all essential items, including food, medicine, fuel, and clothes, strictly enforced by the Government of Sri Lanka. Recently, John Campbell, from the World Food Programme (WFP), compared the conditions in Northern Sri Lanka to that of Somalia. Furthermore, Amnesty International and Human Rights Watch have all denounced the Government of Sri Lanka for blocking food to the displaced people.

Due to the embargo, there is an acute shortage of medicines in the Vanni region, which has led to hundreds of deaths that would have been otherwise prevented. People maimed and injured by indiscriminate bombings and claymore mine attacks simply cannot be treated due to the shortage of medicines.

Yet, the United Nations has been giving mild responses. This deafening silence is adding to the Tamils' misery and we would like to kindly point out that your inaction is also another contributing factor to this genocide.



# ARBITRARY ARRESTS

The notorious Prevention of Terrorism Act continues to be used as an excuse to arbitrarily arrest Tamil citizens. Since the Government of Sri Lanka's withdrawal from ceasefire agreement on January 2nd 2008, a staggering 4772 have been arbitrarily arrested under the Prevention of Terrorism Act and many of these people have been disappeared.

*"As the conflict intensifies and government forces are implicated in a longer list of abuses, from arbitrary arrests and 'disappearances' to war crimes, the government has displayed a clear unwillingness to hold accountable those responsible for serious violations of international human rights and humanitarian law."*

*"Return to War: Human Rights under Siege," Human Rights Watch Report, August 2007.*

*"Although individual cases of killings and disappearances are reported almost daily in the media, no official Sri Lankan body has produced public reports of killings and disappearances."*

- Written statement submitted by Asian Forum for Human Rights and Development (FORUM-ASIA), a non-governmental organization in special consultative status, to the UN Human Rights Council, February 24, 2008



# STATE RESPONSIBILITY FOR ENFORCED DISAPPEARANCES

*“The Working Group is gravely concerned at the increase in reported cases of recent enforced disappearances in the country. . . . The Sri Lankan Army and the Criminal Investigation Department were allegedly responsible for a large number of these cases.”*

--“Report of the Working Group on Enforced or Involuntary Disappearances” January 10, 2008. (UN Document: A/HRC/7/2)

*“[T]he Government is not taking effective steps to bring rising numbers of disappearances under control. The path to achieving justice for the victims and their families is reportedly long and arduous, with delays and interferences by high officials in investigations and inquiries, as well as threats to witnesses and family members.”*

--“Report of the Working Group on Enforced or Involuntary Disappearances” January 10, 2008. (UN Document: A/HRC/7/2)

*“[T]here has yet to be an adequate investigation or credible public accounting for the vast majority of [abductions and disappearances].”*

-Address by Ms. Louise Arbour UN High commissioner for Human Rights on the occasion of the resumed 6th session of the human Rights council” December 11, 2007.

*“Sri Lanka [is] among the countries with the highest number of new cases in the world. The victims are primarily young ethnic Tamil men who ‘disappear’—often after being picked up by government security forces in the country’s embattled north and east, but also in the capital Colombo.”*

“Recurring Nightmare: State Responsibility for “Disappearances” and Abductions in Sri Lanka” Human Rights Watch Report, March 2008.



# EXTRAJUDICIAL KILLINGS

*“Police and military investigations into the killing of Tamils [and] deaths in custody have too often been poorly handled and remarkably few convictions have resulted. . . . from November 2004 to October 2005 the police [fatally] shot at least 22 criminal suspects after taking them into custody. . . . in one of these cases had an internal police inquiry been opened.”*

– Report of U.N. Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, Philip Alston on his mission to Sri Lanka from 28 November to 6 December 2005” March 27, 2006. (UN Document: E/CN.4/2006/53/Add.5)

*“[D]uring 2006, witnesses in Mutur identified to the Magistrate most of the perpetrators of more than 20 incidents of murder and abduction. The Police in Mutur arrested no one.”*

– “Can the East be Won through Human Culling?” University Teachers for Human Rights (Jaffna), Special report No 26, August 3, 2007.

*“[T] the army – assisted by pro-government Tamil paramilitaries – is also engaged in a deliberate policy of extrajudicial killings and abductions of Tamils considered part of LTTE’s civilian support network. Targeted assassinations have been particularly frequent in Jaffna and parts of the east, often victimising civilians with no connection to the LTTE.”*

– “Sri Lanka’s Human Rights Crisis” International Crisis Group Report, June 14, 2007.



# BLANKET MEDIA CENSORSHIP OF WAR AND ATTACK ON FREEDOM OF EXPRESSION

“The Government of Sri Lanka has conducted a cynical campaign to prevent all independent public coverage of its military operations and the plight of civilians caught up in the war. While decrying LTTE abuses, Government of Sri Lanka has kept out the media and human rights organizations that could report on them—and on government abuses. It has kept displaced persons who could describe the artillery bombardments locked up in camps and hospitals. It has traded the well-being of tens of thousands of Sri Lankan citizens for protection from international scrutiny. With civilian casualties mounting, it has sought to bury its abuses”

(HRW, 2009).

Furthermore state enforced censorship, intimidation and threats to freedom of expression have flourished. The killing of journalists and media assistants has become common in Sri Lanka. Tens of journalists and media assistants have been killed in cold blood for disagreeing with the government on various issues. Sri Lanka is currently ranked 165 on the press freedom list of Reporters Without Border, which is the lowest of any democratic state and makes Sri Lanka one of the most dangerous places for the media. Pakistan, Afghanistan, Iraq, and Palestinian territories are considered safer places for the media compared to Sri Lanka. ([http://www.rsf.org/article.php3?id\\_article=29031](http://www.rsf.org/article.php3?id_article=29031) )

Journalists, like J.S. Tissainayagam, that condemn the government for its poor human rights record have been branded “terrorists” and are currently languishing in prisons. Even in the past six weeks, journalist Lasantha Wickrematunga of the Sunday Leader has been killed while





Upali Tennakoon and his wife were stabbed for being critical of the government. ([http://www.rsf.org/article.php3?id\\_article=30048](http://www.rsf.org/article.php3?id_article=30048).)

The latest causality appears to be Nadesapillai Vithyatharan, the editor of the Tamil daily newspaper Sudar Oli. "Carried out without a warrant, this arrest was a violation of the rule of law," Reporters Without Borders said. The International Press Freedom Mission and Reporters Without Borders, among others, condemned a "culture of impunity and indifference" over killings and attacks on journalists in Sri Lanka. Since the beginning of the New Year, both the killing of a senior editor and the attack on the facilities of a popular independent TV channel have led to a total paralysis of the media community. ([http://www.rsf.org/article.php3?id\\_article=30048](http://www.rsf.org/article.php3?id_article=30048).)

If this is the case of journalists working from Colombo, those in Jaffna fair far worse a fate. In Jaffna, which is under the tight grip of the Sri Lankan Security Forces, journalists have been the victims of murders, threats, kidnappings and censorship. At least seven media workers have been killed since May 2006.

Reporters without Borders initiated an inquiry in an attempt to shed light on the motives behind the murders and several other serious attacks made against some Sri Lankan journalists. The organization has asserted that members of, or individuals with close ties to, the Presidential Security Division, are implicated in these crimes. ([http://www.rsf.org/article.php3?id\\_article=9646](http://www.rsf.org/article.php3?id_article=9646))

*"[J]ournalists and media workers in Sri Lanka are daily confronting grave threats to the safety of themselves and their families. . . . the failure of Sri Lanka's security personnel to act to prevent threats and attacks on journalists and media workers and to bring those responsible to account indicates that the State has relinquished its role as keeper of the peace."*

Open letter to President Mahinda Rajapaksa from a coalition of international press freedom and human rights organizations. April 11, 2008.

*"Journalists, editors, and publishers are now regular targets of intimidation and violent attacks by various groups. Since January 2006 at least seven have been murdered."*



*Numerous other journalists have been abducted, physically attacked, threatened or forced into exile.”*

- “The war on the media”, The Sunday Leader, 22 April 2007.

*“In April 2007 Defence Secretary Gotabhaya Rajapakse is alleged to have threatened the editor of the independent newspaper The Daily Mirror after it published articles seen as critical of TMVP activities. Rajapakse is reported to have said the stories had angered the Karuna faction and could provoke a violent response, in which case the editor should not expect any security from the government. The Emergency Regulations have been used to detain journalists and newspaper operators.”*

--“Sri Lanka’s Human Rights Crisis,” ICG report June 2007. . . based on “The war on the media”, The Sunday Leader, 22 April 2007.

*“[S]enior members of Sri Lanka’s Government and security personnel have made inflammatory comments condemning journalists as traitors, implicitly allowing for the incitement of violence against journalists and media institutions. . . . Government Minister Mervyn Silva is allegedly linked to continuing threats and attacks against people who witnessed or reported on an incident at the office of the Sri Lanka Rupavahini Corporation (SLRC) in late December.”*

– Open letter to President Mahinda Rajapaksa from a coalition of international press freedom and human rights organizations. April 11, 2008.

*“Eleven Sri Lankan journalists and other media practitioners have been killed by various parties to the conflict since August 2005. To date, no one has been convicted for any of the killings. Tamil journalists work under severe threat from both the LTTE and government forces.”*

--“Return to War: Human Rights under Siege,” Human Rights Watch Report, August 2007.

*“Tamil journalists, especially in the north and east, have been frequently subject to intimidation and harassment by the security forces and armed groups. Since the beginning of 2006 over two dozen Tamil media workers have been abducted, threatened, assaulted or killed.”*

--“Return to War: Human Rights under Siege,” Human Rights Watch Report, August 2007.



# KILLING OF AID WORKERS & EXPULSION FROM THE NORTHERN PROVINCE

According to the Asian Human Rights Commission, since 2006, at least 57 Humanitarian Workers have been disappeared after being abducted by Sri Lanka Military operatives

- [www.ahrchk.net/ua/mainfile.php/2006/2565](http://www.ahrchk.net/ua/mainfile.php/2006/2565)

On August 4th 2006, 17 ACF aid workers were shot execution style in the town of Muttur, located in the North East of Sri Lanka. This slaughter accounts for the most dramatic crime ever committed against a non-governmental organization. Shortly after, three investigation proceedings were launched in Sri Lanka and none of them resulted in providing a conclusive report, due to the Government of Sri Lanka's lack of co-operation with the investigations.

A call for an international investigation to one of the most gruesome killing of aid workers in the world have been ridiculed by the Government of Sri Lankan. The aid group and the Sri Lanka Monitoring Mission (SLMM) have blamed the government for the massacre. In addition to these large scale massacre of aid workers, local NGOs workers serving in the Tamil areas are routinely targeted by the security forces.

*"[W]e have uncovered information that reveals that the 17 aid workers were killed by at least one member of the Muslim Home Guard (Jehangir) and two police constables (Susantha and Nilantha) in the presence of the Sri Lankan Naval Special Forces. . . . The Police are more involved in perverting the evidence and silencing witnesses than in any real investigation."*

- "Unfinished Business of the Five Students and ACF Cases– A Time to call the Bluff" Report by the University Teachers for Human Rights (Jaffna) Sri Lanka UTHR(J) April 1, 2008



*“Since 2006, numerous people engaged in humanitarian work have been killed and subjected to enforced disappearances. Many more individuals and organizations have been subjected to threats and attacks. Restrictions have been created which make it difficult or, in some cases, impossible to access civilians needing protection and assistance. . . . While some incidents such as the killing of 17 ACF staff in August 2006 in Mutur received public attention, many incidents received hardly any coverage in local and international media. . . . there has not been a single prosecution or conviction in any of the incidents.”*

— “Under Fire: Persons in Humanitarian Service” A Preliminary Report from the Law and Society Trust of Sri Lanka on Killings and Disappearances of Persons in Humanitarian Service in Sri Lanka, March 7, 2008.

Incidentally no one has been arrested let alone prosecuted for these atrocious crimes.

An International advisory panel instituted to investigate the disappearances has said that the investigations have *“fallen far short of the transparency and compliance with basic international norms and standards pertaining to investigations and inquiries”*.

## RESTRICTIONS ON HUMANITARIAN WORKERS AND AGENCIES

On September 05, 2008, Sri Lanka's Secretary to the Ministry of Defence, Public Security, Law and Order expelled all local and International Non-Government Agencies as he felt that "UN and other aid agencies being in the Vanni now is unfavourable to us at this time."

Since then all International and local NGO representatives have left the Vanni mainland. These aid agencies were the only lifeline to hundreds of thousands of civilians in these areas and facilitated food, shelter and sanitation supplies and provided immediate medical assistance and other essential services.



*“Apart from the direct military conflict, we would expect that many, many will die or be in extreme circumstances if humanitarian workers are not able to access this area.”*

*Paul O'Callaghan of the Australian Council for International Development*



# ASSASSINATIONS OF DEMOCRATICALLY ELECTED TAMIL PARLIAMENTARIANS

Successive Sri Lankan governments, since independence, have targeted the democratically elected representatives of the Tamil people. Under the rule of Mahinda Rajapakse, Tamil parliamentarians have been targeted and silenced. Since Rajapakse assumed power, four Tamil parliamentarians have been brutally assassinated:

Tamil National Alliance (TNA) parliamentarian, Joseph Pararajasingham, 70, was shot and killed by two gunmen suspected to belong to a paramilitary group operated by Sri Lankan Government in the St. Mary's Cathedral in Batticaloa town while he was attending the Christmas Eve mass on 24th December 2005.

Tamil National Alliance (TNA) parliamentarian for Jaffna District, Nadarajah Raviraj, 44, was shot and killed in Colombo on November 10th 2006, around 8:30am by a paramilitary group suspected to be operated by the Sri Lankan Government.

Tamil National Alliance (TNA) parliamentarian of Jaffna District, Kiddinan Sivanesan, 50, was killed on March 6th 2008 in a Claymore attack carried out by the Sri Lanka Army Deep Penetration Unit on A-9 road. He was killed 30 minutes after he crossed into Vanni through Omanthai/Puliyamkulam entry/exit point.

United National Party (UNP) parliamentarian, Thiyagarajah Maheswaran, was assassinated by a gunshot on January 1, 2008 while worshipping at a Hindu temple with his family. The assassination was carried out by paramilitary groups suspected to be operated by the Sri Lankan government.





# USAGE OF CLUSTER MUNITIONS

On December 3rd 2008, governments across the world gathered in Oslo to sign the most significant dis-armament and humanitarian treaty of the decade. The Convention on Cluster Munitions now makes it illegal to, produce, transfer and stockpile cluster munitions. As the civilized world was gearing up to ban the use, production, transfer and stockpiling of cluster munitions, Sri Lanka was headed in another direction. The Sri Lanka Air Force (SLAF) in its indiscriminate bombing campaigns has been emboldened by the silence of the international community and therefore has unleashed the now banned cluster bombs on the civilian population. The SLAF has utilized cluster bombs against Tamil civilian settlements at least 4 times since January 2008, resulting in the death of several civilians and destruction to property and domestic animals.

Despite employing cluster bombs several occasions on civilians, the Government of Sri Lanka has denied it has capability for using cluster bombs. Now a recent report in a Pakistan daily exposes that Sri Lanka has purchased cluster bombs:

*“In a July 2008 interview with Pakistan's Dawn newspaper, Major General Mohammad Farooq, Director General of the Defense Export Promotion Organization, claimed that Pakistan's defense exports have tripled to around USD 300 million .... He said exports to South Asian, Middle Eastern and African countries had increased significantly. It has been reported that Sri Lanka has purchased cluster bombs, deep penetration bombs and rockets and UAVs from Pakistan”.*

Pakistan Daily, (March 03, 2009) <http://www.daily.pk/local/other-local/9606-pakistans-defense-private-sector-emerges-with-indigenous-uav-technology.html>



# TORTURE

According to Asian Center for Human Rights, “torture forms an integral part of lawless law enforcement in Sri Lanka. Impunity further institutionalizes torture. Attempts to establish accountability are sabotaged”.

*“The Special Rapporteur was shocked at the brutality of some of the torture measures applied to persons suspected of being LTTE members, such as burnings with soldering irons and suspension by thumbs.”*

--“Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak,” February 26, 2008. (UN Document: A/HRC/7/3/Add.6)

*“[T]orture is widely practised in Sri Lanka. . . . torture has become a routine practice in the context of counter-terrorism operations, both by the police and the armed forces.”*

--“Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak,” February 26, 2008. (UN Document: A/HRC/7/3/Add.6)

*“There is a nationwide pattern of custodial torture in Sri . . . . The vast majority of custodial deaths in Sri Lanka are caused not by rogue police but by ordinary officers taking part in an established routine.”*

--“Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston, on his mission to Sri Lanka from November 28 to December 6, 2005. (UN Document: E/CN.4/2006/53/Add.5)

*“[C]ontinued well-documented allegations of widespread torture and ill-treatment as well as disappearances, mainly committed by the State’s police forces . . . . are not investigated promptly and impartially by the State party’s competent authorities.”*

--“Conclusions and recommendations of the Committee against Torture” December 15, 2005. (UN Document: CAT/C/LKA/CO/2)



# INTERNALLY DISPLACED PERSONS

As a result of the recent military aggression by the Government of Sri Lanka, aid agencies estimate that more than 300,000 innocent Tamil civilians are internally displaced in the Vanni region of Northern Sri Lanka. Several leading aid agencies and international non-governmental organizations have described the developing situation as a “humanitarian nightmare”. There are thousands of Tamil civilians, young and old, who are living under trees, churches, temples and temporary displacement camps in appalling and disturbing living conditions by any standards. Daily artillery and aerial attacks on the displaced people have aggravated the serious condition of Tamil IDPs.

However, when government captures the territory, these internally displaced people are segregated and put through what is described as “concentration camp” for indefinite periods, as the government goes about weeding the camps for any potential rebels.

*“Violence, coercion and intimidation from the State were constant companions of the refugees from the time they reached the government-controlled area. . . . ordered to get into buses without notice, they were beaten by the security forces, parted from children who were at school, and told that if they remained their huts would be bombed or if caught on the road in Batticaloa with a Trincomalee ID, they face an uncertain future.”*

– “Can the East be Won through Human Culling?” University Teachers for Human Rights (Jaffna), Special report No 26, August 3, 2007.

*“Sri Lanka [is] among the countries with the worst displacement situations around the world. . . . On May 14, 2007, the military began to resettle some 90,000 internally displaced people in Batticaloa District to their home villages. With their houses and crops looted they have had to face tough food and livelihood challenges. International aid organizations as well as United Nations bodies have voiced concern about the government forcing IDPs to return to areas ravaged by fighting. Pressuring displaced persons to return to their homes conflicts with UN-recognized principles and is*



*contradictory to the Sri Lankan government's repeated promises not to enforce resettlement."*

– Written Statement submitted by the Society for Threatened Peoples to the U.N. Human Rights Council, February 20, 2008. (UN Document: A.HRC/7/NGO/54)



# CHILDREN AND MILITARY AGGRESSION

The most vulnerable part of any society is its children. In Sri Lanka, Tamil children continue to suffer due to Sri Lanka's military campaign. Sri Lanka's military campaign has killed hundreds of children and many more have been orphaned. In addition, the genocidal war has also hampered the education of Tamil children. More than 61,000 Tamil children have been uprooted from their homes with no access to schools as are affected by the slow genocide. Over 500 schools have stopped operating due to the conflict. They are malnourished and are living under constant fear. Furthermore, the Government of Sri Lanka's blockade of the affected areas means that school supplies do not reach these children as well. Sri Lanka is denying the right of children to education, in violation of international conventions.

*"We have clear evidence that children are being caught in the crossfire, and that children are being injured and killed," Unicef Regional Director for South Asia, Daniel Toole, said. "It is crucial that safe areas, schools and medical facilities are protected and considered zones of peace, in all circumstances.*

*"Children are bearing the brunt of a conflict which is not theirs. We are gravely concerned for the tens of thousands of children who are trapped in a fast shrinking area of intense conflict."*

*But Sri Lanka's defence secretary, Gotabaya Rajapakse, said the numbers were exaggerated and aid agencies were panicking."*

- BBC, 30 January 2009, [http://news.bbc.co.uk/2/hi/south\\_asia/7861812.stm](http://news.bbc.co.uk/2/hi/south_asia/7861812.stm)



# SRI LANKA – A WOMEN’S NIGHTMARE

Sri Lanka’s military assault on the Tamil homeland has made millions of Tamils refugees, of whom 80 percent are women and children. It has been reported by the United Nations Development Fund for Women that there were more than 40,000 women war widows who are mostly impoverished and economically vulnerable.

Body checks performed at security checkpoints by Sri Lankan male security personnel where Tamil women end up disappearing, being sexually violated, embarrassed or publicly stripped. On March 3, 2009, Washington Post, in an article *Privacy Goes Public in Sri Lanka*, reported:

*“The passengers quietly exited the bus and stood behind the razor wire, identification cards in hand. The men split off into one line. A far smaller number of women went into a separate row, some cradling sleeping babies.*

*But it was the women's line that took twice as long to navigate. That's because female officers rummaged through women's purses and bags before moving on to their breasts, even feeling the insides of their bras for explosives.*

*They didn't stop there. They patted down their groins and occasionally looked inside their underwear. Pregnant women routinely had their swollen bellies squeezed or prodded, just to make sure.”*

<http://www.washingtonpost.com/wp-dyn/content/article/2009/03/02/AR2009030202399.html>

Recently, Sri Lankan army videotaped their men violating and stripping bodies of fallen female LTTE fighters in contravention of articles 16 and





17 of First Geneva Convention which outlines the respectful treatment of dead bodies in the battlefield. Given the videos, the perpetrators can be easily prosecuted if the government wills, however no action is being taken.

Violence against women is continued amidst a culture of systemic impunity.

*"On average, a Tamil woman is raped by members of the Sri Lankan security forces every two weeks. The real number is inevitably higher since many cases are unreported. Every two months a Tamil woman is gang-raped and murdered by the Sri Lankan security forces." [NGO, Women Against Rape](#)*

*"The Sri Lankan security forces are using systematic rape and murder of Tamil women to subjugate the Tamil population... Impunity continues to reign as rape is used as a weapon of war in Sri Lanka." [Asian Human Rights Commission](#)*

*"Sri Lankan soldiers have raped both women and young girls on a massive scale, and often with impunity, since reporting often leads to reprisals against the victims and their families..." [World Organisation against Torture](#)*

Very recently, on March 3, 2009 it was reported that "Sri Lankan Special Task Force (STF) commandos who had sexually assaulted a 14-year-old Tamil girl Sunday in Vellaave'li police division, again went to the girl's house Monday between 8:00 p.m and 9:00 p.m where they assaulted her father first and then severely tortured her mother before killing and dumping her body in the well as punishment for complaining against the STF with Batticaloa police for raping her daughter. The father was held bound while the commandos beat the mother to death, the neighbors said."

- <http://tamilnet.com/art.html?catid=13&artid=28585>

This unchecked and continued violence against women has resulted in Sri Lanka being ranked the **3rd worst violator of women's rights** according to South Asia Human Rights Violators Index 2008.



# CULTURE OF IMPUNITY

*“[T]ake the missing [persons] list. Some have gone on their honeymoon without the knowledge of their household is considered missing. Parents have lodged complaints that their children have disappeared but in fact, we have found, they have gone abroad.... These disappearance lists are all figures. One needs to deeply probe into each and every disappearance. I do not say we have no incidents of disappearances and human rights violations, but I must categorically state that the government is not involved at all.”*

—Sri Lankan President Mahinda Rajapaksa, in an interview to Asian Tribune, October 4, 2007.

*“in the context of the armed conflict and of the emergency measures taken against terrorism, the weakness of the rule of law and prevalence of impunity is alarming”*

—“Press statement by the High Commissioner for Human Rights, Louise Arbour, on conclusion of her visit to Sri Lanka,” October 13, 2007.

*“[C]ontinued well-documented allegations of widespread torture and ill-treatment as well as disappearances, mainly committed by the State’s police forces . . . are not investigated promptly and impartially by the State party’s competent authorities.”*

—“Conclusions and recommendations of the Committee against Torture” December 15, 2005. (UN Document: CAT/C/LKA/CO/2)

*“[I]t is an enduring scandal that there have been virtually no convictions of government officials for killing Tamils, and many Tamils doubt that the rule of law will protect their lives.”*

—“The interim report on the worldwide situation in regard to extrajudicial, summary or arbitrary executions submitted by Philip Alston, Special Rapporteur” September 5, 2006. (UN Document: A/61/311)

*“The criminal justice system — police investigations, prosecutions, and trials — has utterly failed to provide accountability. Indeed, it is an enduring scandal that convictions of government officials for killing Tamils are virtually non-existent. . . . The time has*



*come for the establishment of a full-fledged international human rights monitoring mission.”*

- “Statement by the Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston, to the UN Human Rights Council” September 19, 2006.

*“[T]here is a growing culture of impunity for perpetrators of enforced disappearance . . . with delays and interferences by high officials in investigations and inquiries, as well as threats to witnesses and family members.”*

- “Report of the Working Group on Enforced or Involuntary Disappearances” January 10, 2008. (UN Document: A/HRC/7/2)

*“There has been no evidence to date that any measures have been instituted by, the police or the security forces to secure the release of the children abducted, recruited and used by the TMVP/Karuna faction despite clear knowledge of the same by the police or the security forces.”*

- “Report of the Secretary General on Children and Armed Conflict in Sri Lanka” December 21, 2007. (UN Document: S/2007/758)

*“The failure to effectively prosecute government violence is a deeply-felt problem in Sri Lanka. The paucity of cases in which a government official - such as a soldier or police officer - has been convicted for the killing of a Tamil is an example. Few of my interlocutors could name any such case.”*

- “Report of the Special Rapporteur, Philip Alston on his mission to Sri Lanka from 28 November to 6 December 2005” March 27, 2006. (UN Document: E/CN.4/2006/53/Add.5)

*“[W]e have uncovered information that reveals that the 17 aid workers were killed by at least one member of the Muslim Home Guard (Jehangir) and two police constables (Susantha and Nilantha) in the presence of the Sri Lankan Naval Special Forces. . . . The Police are more involved in perverting the evidence and silencing witnesses than in any real investigation.”*

- “Unfinished Business of the Five Students and ACF Cases– A Time to call the Bluff” Report by the University Teachers for Human Rights (Jaffna) Sri Lanka UTHR(J) April 1, 2008



*“The country has learnt to be comfortable with grave crimes going unpunished one after another, with the certainty that even graver ones would follow. The answer to the question why Sri Lanka is steeped in recurrent gross crimes, especially against the minorities, that go unchecked is not far to seek. . . . For years the State has gone on denying, obfuscating, abusing detractors, intimidating or killing witnesses and making matters progressively worse.”*

- “Unfinished Business of the Five Students and ACF Cases– A Time to call the Bluff” Report by the University Teachers for Human Rights (Jaffna) Sri Lanka UTHR(J) April 1, 2008

*“Many of the killings and disappearances, particularly around Colombo and Jaffna, have occurred in high security zones with heavy military presence; in Jaffna, many of these violations have occurred during military-imposed curfew times. In such cases, the involvement or complicity of security forces seems unavoidable.”*

-Written statement submitted by Asian Forum for Human Rights and Development (FORUM-ASIA), a non-governmental organization in special consultative status, to the UN Human Rights Council, February 24, 2008.

*“The police are accused not only of a failure to act, but of active obstruction of justice in order to cover up the role of government forces in right violations”*

- “Sri Lanka’s Human Rights Crisis” International Crisis Group Report, June 2007.

*“There is no doubt that TMVP forces are operating openly, extensively, and illegally in the Eastern province and in Colombo and that elements in the government are either facilitating their work or refusing to prevent it.”*

- “Sri Lanka’s Human Rights Crisis” International Crisis Group Report, June 2007.

Sri Lankan naval vessels have also carried out a spate of attacks on Indian fishermen from the state of Tamil Nadu. Early this year, the state governments in Tamil Nadu have reported that Sri Lankan navy might be responsible for about 800 deaths and many more arrests over the 30 years. Fortunately for Sri Lankan navy, government in New Delhi is an ally of Sri Lankan Government. If not killed in the initial encounter, the Indian fishermen are released after negotiations with New Delhi. However, incidents such as these underscore the impunity with which the armed



forces in Sri Lanka could behave. If they can afford to take this risk with foreign nationals, one can only imagine what they would be capable of in their own land where their jurisdiction alone applies.



# FAILURE OF THE INTERNATIONAL COMMUNITY AND OUR FERVENT APPEAL

Any one of the carnages mentioned earlier is enough to leave one dumbfounded. Yet, the Government of Sri Lanka continues to engage in a vicious human and cultural genocide with disregard to all human rights and humanitarian rights conventions and agreements that it is signatory to, and violates all international norms and practices with regards to civilians. Instead of reigning in on Sri Lanka, the international community, including UN, has been soft-pedaling.

Sri Lanka's genocidal war is also directly or indirectly assisted by several world nations. Sri Lanka receives about \$1 Billion from Iran, \$900 million from Japan, \$600 million from China, and \$250 million from India, per year. European Union's GSP+ tariff benefits on trade alone annually amounts to more than \$1 billion.

In addition to the financial assistance, countries such as Iran, China, Pakistan, India, amongst others continue to supply weapons including internationally banned cluster munitions, multi-barrel rocket launchers and other weapons capable of causing massive destruction.

In the mean time, millions of people from across the world have been protesting the genocide of Tamils and have been calling on International establishments such as United Nations to bring an immediate end to the conflict. It is a shame that their voices have not been heeded.

CanadianHART urges an immediate end to the war and calls for an immediate internationally monitored ceasefire aimed at resolving this conflict in a peaceful manner. CanadianHART would also like to strongly emphasize the need for ensuring immediate assistance to the Tamils in the war zone.



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### ***Some Additional General Links***

[http://www.tehelka.com/story\\_main41.asp?filename=Ne070209tamils\\_in.asp](http://www.tehelka.com/story_main41.asp?filename=Ne070209tamils_in.asp)

<http://www.hrw.org/effectiveHRC/SriLanka/noncooperation.html>

[http://www.disappearances.org/news/mainfile.php/frep\\_sl\\_ai/](http://www.disappearances.org/news/mainfile.php/frep_sl_ai/)

[http://www.newsweekly.com.au/articles/2008oct25\\_t.html](http://www.newsweekly.com.au/articles/2008oct25_t.html)

<http://www.achrweb.org/Review/2009/225-09.html>

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