

18<sup>th</sup> February 2013

To: The President and all members of the UN Human Rights Council

**Call for a strong and action oriented resolution on Sri Lanka at the 22<sup>nd</sup> session of the UN Human Rights Council**

As a group of concerned Christian clergy living and serving in North and East of Sri Lanka, we are writing to appeal for a strong and action oriented resolution in relation to accountability, reconciliation and human rights in Sri Lanka, which will go beyond the resolution adopted at the 19<sup>th</sup> session of the Council.

As noted by the High Commissioner for Human Rights in her report to the Council, what we have seen since the rather weak resolution adopted at the 19<sup>th</sup> session of the Council is a total lack of political will on the part of the government to implement recommendations therein, such as the call for investigations into allegations of international law during the final stages of the conflict and cooperation with the UN Special Procedures, as evident by the lack of response to requests for country visits by 8 thematic UN Special Procedures for a number of years.

We had also witnessed continuing ignorance and violations of the key LLRC recommendations, related to political solution to the ethnic conflict, release of political prisoners, appointment of a Commissioner to look into disappearances, reparations, release of land occupied illegally by the military, restrictions on media, commemorating those dead and disappeared, use of both national languages etc. In the last year, those criticising and challenging the government in peaceful ways including by engagement with the UN, have been assaulted, questioned, arrested, threatened, discredited and intimidated by government ministers, officials, military and police. Victims include some of us and fellow clergy who are not signing this letter due to fear of reprisals.

We feel that the killing and disappearance of tens of thousands of Tamil people and actions that are suppressing the Tamil people and community, our culture, religions, language, land in a systematic way before, during and after the war, appears to be done with an intent to destroy us in whole or part, and thus, it is imperative that the international community addresses this seriously even at this late stage. We fear that at the pace these oppressive methods are carried out after the war, our identity as a people will be destroyed in the near future. Hence there is an exigency to arrive at a political solution which acknowledges the internal self-determination of the Tamil People.

While we have focussed on issues confronting the Tamil people, particularly in the North and East, we also remain deeply concerned about increasing authoritarianism all over Sri Lanka, such as the recent attacks against Muslims, killing of 27 Sinhalese prisoners in November last year, lack of investigation into discovery of skeletal remains in Matale of those suspected to have been tortured and killed, threats, attacks and intimidations of journalists, human rights defenders, student leaders, trade unionists and religious clergy who criticize the government. We remain in solidarity with victims, their families and those who struggle for justice. The most recent impeachment of the Chief Justice bypassing Court decisions and due process, attacks and threats on judges and lawyers, as well as inaction of statutory bodies such as the Police, National Human

Rights Commission and Attorney General's Department reinforces our long held view that justice for Tamils through domestic processes is not realistic, despite our own engagement with several such bodies in good faith.

We are attaching a letter written by the Catholic Bishop of Mannar to the President in August 2012 and a letter to the Catholic Bishops Conference by the Justice and Peace Commission of Jaffna Diocese in January 2013, giving details of our concerns and also serve as examples of the numerous unsuccessful domestic efforts we have undertaken.

We are convinced that the root cause of these problems is a lack of political will, than the capacity. Hence, it is our firm conviction that technical assistance from the UN in the form of training, advice, financial and material support will not suffice, and may even serve as red herring if not accompanied by more substantive investigative, monitoring and reporting role.

Thus, we appeal for a strong and action oriented resolution, which will:

1. Note the lack of progress on human rights and reconciliation since the last year's resolution, the continuing repression of minorities and those with dissenting views and unwillingness of the Sri Lankan government to address allegations of past violations
2. Establish an international and independent commission of inquiry to look into allegations of violations of international law by all sides during the war, with a proper witness protection mechanism and including with specific reference to findings and recommendations of the UN Secretary General's Panel of Experts report
3. Appoint a Special Representative / Rapporteur on Sri Lanka with a broad mandate to address the past and on-going violations and assist and advice the government on future reconciliation initiatives
4. Identify a team of thematic UN Special Procedures to visit Sri Lanka considering pending requests for visits
5. Set up an accountability mechanism for UN officials implicated in the failure of the UN's protection mandate in relation to last stages of war in Sri Lanka as identified in the UN's own Internal Review
6. Welcome the report of the UN High Commissioner for Human Rights to the 22<sup>nd</sup> session of the Council and request her to report back to the Council's 25<sup>th</sup> session her observations on progress of the above and recommendations.

Thank you.

Sincerely yours,

1. Most Rev. Dr. Rayappu Joseph, Bishop of Mannar
2. Rev. Fr. S.V.B. Mangalaraja. President, Justice and Peace Commission, Jaffna
3. Rev. Fr. M.V.E. Ravichandran, Director, Laity council, Jaffna
4. Rev. I.D. Dixon, Anglican Church, Nallur
5. Rev. Sujithar Sivanayagam, Methodist Church, Trincomalee
6. Rev. N. Pirabhakaran, Anglican Church, Trincomalee
7. Rev. Sr. Immaculate Joseph H.C.
8. Rev. Bro. Lawrence Leon, Mannar

9. Rev. Fr. Jeyabalan Croos, Vankalai, Mannar
10. Rev. Fr. Gerard Rosairo, Colombo
11. Rev. Fr. Elil Rajendram SJ, Trincomalee
12. Rev. Fr. V. Yogeswaran SJ, Trincomalee
13. Rev. Fr. C. P. Rajendram SJ, Trincomalee
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15. Rev. Sr. M. Boneventine H.F
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17. Rev. Sr. Nirmala H.F.
18. Rev. Sr. Grace H.F.
19. Rev. Sr. M. Pushpam Gnanapragasam H. F.
20. Rev. Sr. Thayanayagi H.F.
21. Rev. Fr. Siluvairajah Arul Sutharsan O.M.I.
22. Rev. Fr. S. M. Sebastian O.M.I.
23. Rev. Fr. S. A. Sebastian Ravel O.M.I.
24. Rev. Fr. C. S. Croos O.M.I.
25. Rev. Fr. S. Anpurasa O.M.I
26. Rev. Fr. A. Celestine O.M.I
27. Rev. Fr. Peter Arulnathan O.M.I.
28. Rev. Sr. M. Elizebeth H. F.
29. Rev. Sr. Glory H.F.
30. Rev. Sr. Mary Yvone Simeon H.F.
31. Rev. Sr. Salami Sosai H.F.
32. Rev. Sr. Delicia H. F.
33. Rev. Sr. Cypirian Varapragasam H.F.
34. Rev. Sr. Justina kanapathi H.F.
35. Rev. Sr. Shamini Sebastampillai H.F.
36. Rev. Sr. Jothinayaki H.F.
37. Rev. Sr. Sybil Theresa H. F.
38. Rev. Sr. Vasantha H.F.
39. Rev. Sr. Josephine Rajani H.F.
40. Rev. Sr. Dunstan Pathinathar H.F.
41. Rev. Fr. T. Navaratnam, Vavuniya
42. Rev. Fr. F. J. Gnanaraj Croos, Thoddaveli
43. Rev. Fr. Gnanathicam, Vanchiankulam
44. Rev. Fr. A. Rayappu, Mannar
45. Rev. Fr. S. Mariathan Leon
46. Rev. Fr. Francis Assisi, Omanthai
47. Rev. Fr. A. J. Muralitharan, Mannar
48. Rev. Sr. Anitta Antony H.F.
49. Rev. Sr. M. James A.C.
50. Rev. Sr. M. Gnanatharshi A.C
51. Rev. Sr. M. Parames A.C.
52. Rev. Sr. M. Arulini A.C.
53. Rev. Sr. Sumithira RGS

54. Rev. Sr. Jesy RGS
55. Rev. Sr. Nijanthini RGS
56. Rev. Sr. Anthonipillai Mary Rita H.C.
57. Rev. Sr. Judith Rayappu H.C.
58. Rev. Sr. Jeyaseeli H.C.
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83. Rev. Fr. J.C. Paul Rohan, S.F.X.S. Jaffna
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91. Rev. Sr. Helen Lambert, Vavuniya
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21<sup>st</sup> August 2012

His Excellency Mahinda Rajapakse  
President,  
Democratic Socialist Republic of Sri Lanka  
Temple Trees  
Colombo

Your Excellency,

**Reconciliation, human rights and humanitarian concerns in the Mannar Diocese**

**(Mannar and Vavuniya districts)**

People in the Mannar diocese have been expecting better life in many aspects since the end of the war and there are expectations of a reconciliation process leading towards sustainable peace with justice.

As Church leaders, we have been trying to work with other religious leaders, civil society, government officials, military officials etc. to address key problems facing the people in order to achieve a sustainable peace and reconciliation.

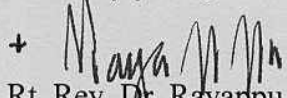
It is in this spirit that together with other civil groups in Mannar, I took the lead to request the LLRC to hold hearings in Mannar, to which they responded positively. The Diocese of Mannar made a detailed presentation to the LLRC, attaching annexes with additional and specific information and presenting specific recommendations.

However, more than 8 months after the LLRC report, we continue to face serious human rights and humanitarian problems and these are making our journey towards sustainable peace and reconciliation more difficult.

Hence, I'm writing to bring some such areas of concern to Your Excellency, in the hope that Your Excellency will take the needed action. Many of these are similar to the concerns and suggestions that were presented to the LLRC in January 2011.

I look forward to a favorable and speedy response and also offer my prayers and cooperation in resolving these matters.

Sincerely yours,

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Rt. Rev. Dr. Rayappu Joseph  
Bishop of Mannar



## **Reconciliation, human rights and humanitarian concerns in the Mannar Diocese**

### **(Mannar and Vavuniya districts)**

- 1. The Tamil national question, nationhood, provincial elections:** In the long term, we yearn for a resolution to the ethnic conflict through power sharing that recognizes the nationhood of Tamil people within the framework of one country. In principle, we support elections, but are wary that Provincial Council elections for the East and also the North is likely to be tense and fall far short of our expectation, particularly if the focus is on the 13<sup>th</sup> amendment and the North and East continue to be separated.

#### ***Suggestions:***

- *Given that the 13<sup>th</sup> amendment has been part of the constitution for 25 years, it must be implemented in full at least now, with land and police powers to the provinces*
  - *Nationhood of Tamil people, internal self determination, traditional habitation of the North and East and the recognition of the North and East as a single unit must form the basis of any political solution*
  - *A broad dialogue process must be initiated towards a political solution to the ethnic conflict, involving the Tamil National Alliance, with space for other Tamil groups such as academics, professionals, religious leaders etc. to participate.*
- 2. Enforced Disappearances:** Despite complaints to the Police, National Human Rights Commission, LLRC and appeals to government officials and various politicians, most families of disappeared people have not received any news about the fate or whereabouts of their loved ones. Thousands of cases of enforced disappearance are known to have taken place during the war. Although the numbers may have reduced now, we are alarmed to see cases of enforced disappearance continuing to take place throughout the country including in the North. Some families have complained of coercion to accept death certificates and others have reported the refusal of the Police to accept complaints and threats when they were submitting complaints.

#### ***Suggestions:***

- *Government must ensure that there must be no disappearances*
- *As per the LLRC's recommendation, appoint a Special Commissioner to deal with individual cases and the overall problem. The Commissioner should be independent from the government and seen as independent to families of disappeared, opposition politicians and civil society. He / she should be adequately resourced and provided a mandate for independent work*
- *Amongst the matters to be looked into should be the 146,679 people unaccounted during the last phase of the war, about which we have submitted documentary evidence to the LLRC*
- *Police must accept all complaints made and deal with them in accordance to law*
- *Families of disappeared persons should not be compelled to accept death certificates and the acceptance of a death certificate should not result in closure of investigations and accountability process*

- *Extend an invitation to the UN Working Group on Enforced and Involuntary Disappearances to visit Sri Lanka and obtain their assistance and advice*
- *Ratify the International Convention against Enforced Disappearances as an indicator of the Government's commitment against enforced disappearances*
- *Ratify the Optional Protocol to the International Convention against Torture as part of increasing safety nets against torture*

**3. Political prisoners:** A large number of political prisoners have been detained for years without charge. Those who have been charged are forced to remain in detention while their cases drag on for several years. In Mannar District, people continue to be arrested and detained under the Prevention of Terrorism Act (PTA) even in 2012. Most families have been economically impoverished as many of those detained are bread winners. Detainees are forced to live in overcrowded cells without basic facilities including proper sanitation. There is a constant threat of violence by prison guards and other inmates. Failure to separate political prisoners from members of the criminal underworld and drug addicts adds to the tension and increases the threat of violence against political prisoners. In the most recent incident, on 29 June, two young men were killed and several injured when Tamil political prisoners were brutally attacked inside the Vavuniya Remand Prison.

***Suggestions:***

- *Release all detainees being held without charge.*
- *Charges in cases where there is substantial evidence, must be filed within a year and for those already in detention for several years, by end of 2012*
- *Consider amnesty for those who have been convicted*
- *Publish a list of detainees*
- *Ensure that political prisoners are separated at all times from the other prisoners*
- *Provide assistance and opportunities for families, friends to visit and meet detainees in a humane manner and do away with the requirement to obtain certificates from Government officials and Police before such visits*
- *Lawyers should be able to visit detainees on designated days and times without prior permission and detainees should be able to communicate with lawyers in confidence without the presence of prison and police officers*
- *Detainees from North and those with cases in Courts in the North should be detained in prisons in the North and transferring them to other places such as Boosa, Colombo, Kandy etc. should only be done if there are specific needs.*
- *Where such transfer takes place, ensure that the next-of-kin or family of the prisoner is informed about the transfer ahead of time and that the prisoner and the family are given reasons for the transfer.*
- *Arrests under the Prevention of Terrorism Act (PTA) should not continue as a practice except when there is clear evidence and grounds for suspicion about involvement in acts of terrorism*

**4. Extrajudicial killings:** Thousands of people have been killed extra judicially during the last phase of the war as well as three decades of war. Some have been killed in targeted



individual killings while others have been massacred in large numbers during the three decade war such as in Murunkan, Pesalei etc. In most cases there has been no attempt to provide justice and accountability to families of the victims and affected communities.

***Suggestions:***

- *All individual cases and massacres must be investigated by an independent body and those responsible identified and held accountable*
- *Amnesty measures can also be considered after truth is established and responsibility is accepted*
- *The procedure to issue death certificates should be simplified and transparent and the cause of death should not be altered due to political reasons*
- *Compensation should be paid in an equitable manner to all families of survivors in a speedy manner irrespective of who the victim or perpetrator is or their ethnicity or religion*
- *Death certificates and compensation should not take away the rights of families to seek justice and accountability*

- 5. Respect for the dead, justice for those killed and disappeared and support for families:** Since the end of the war, the military has increasingly interfered in religious and cultural rituals for those killed and disappeared including threats and intimidation against organizers of such events including Catholic Priests. Some families are not even allowed to keep photos of their loved ones killed during the war. Cemeteries of Tamil militants have been destroyed and bulldozed. The military and police even attempt to interfere in the conduct of funerals. Recently, in Nellukulam in the Vavuniya district, the government tried to interfere in funeral arrangements for a political prisoner killed and there was heavy police and military presence at the funeral. Family members and friends were complaining that this heavy police and military made them extremely uneasy and made it difficult for them to observe funeral rites in peace.

***Suggestions:***

- *Families must be allowed to keep photos of their loved ones killed during the war*
- *Religious and cultural rituals for the dead including funerals must take place free of all interference by military and police.*
- *Cemeteries of dead militants should not be desecrated by building of new structures, cultivation etc.*

- 6. Ex-detainees and those deported after seeking asylum:** Persons released from detention / rehabilitation live in fear, due to continuing restrictions and threats, intimidation, re-arrest, questioning and surveillance, by military, police and intelligence officials. People deported from other countries also face similar problems. The legal basis for restrictions against ex-detainees has not been clarified. The practice of requesting or even threatening ex-detainees to work for the Police or Military, especially as informants has created additional tensions in communities.

***Suggestions:***

- *Those who have been released from detention and rehabilitation must be allowed to live normal lives as ordinary citizens, without being subjected to surveillance, restrictions, questioning and other forms of harassment and discrimination*
- *They should also not be re-arrested unless there is substantial evidence of new offences committed*
- *Restrictions should not be placed on ex-detainees at whim and fancy of Police or Military officials and if any restrictions are to be placed, they should be done in full accordance to relevant laws and these laws should be clarified*
- *Military and Police should refrain from asking ex-detainees to act as informants*
- *They should be offered livelihood opportunities to rebuild their lives and that of their families*
- *Civil Society groups including religious groups and NGOs should be encouraged by the government to work with these people for better integration into society*

**7. Freedom of Assembly, Association and Expression:** Despite the end of the war, fundamental rights and freedoms continue to be severely restricted. In Mannar, in July police attempted to prevent a rally organized by Catholic priests, by obtaining a judicial order. Local and international NGOs, civil society groups and human rights defenders continue to face restrictions and obstacles in their efforts to help and empower the people in the North.

***Suggestions:***

- *The constitutionally guaranteed rights and freedoms should not be restricted and people in the North should not be subjected to additional restrictions without any legal basis*
- *Assistance of local and international NGOs to war affected people should be recognized and welcomed and they should be supported to expand their assistance. NGOs should not be looked at with suspicion and any allegations of criminality by a NGO or NGO staff must be investigated according to due legal procedures*
- *The legality of the Presidential Task Force (PTF) should be clarified, specifying the legal framework under which it is operating*

**8. Assistance for disabled and trauma counseling:** Thousands of people have been injured during the war and many have suffered permanent disability. Many have received assistance such as wheel chairs, prosthesis etc., but some have not received adequate medical attention and assistance. Almost all people in the North have witnessed and experienced the agony of war and continue to suffer from trauma which is largely untreated.

***Suggestions:***

- *Based on a needs assessment, all those who need medical care must be provided with the same.*
- *Assistance towards alternative livelihoods must be provided for those whose injuries make it impossible for them to engage in their traditional livelihoods*

- *Professional and independent counseling services must be made available to all those who need it and there must be no restrictions on NGOs and religious bodies with the required professional expertise to provide such services*

**9. Political interference:** There have been several attempts by Mr. Rishard Bathiudeen, Minister for Industries and Commerce, to influence the judiciary and civil administration in Mannar. Recently, key appointments of government officers in Mannar were made on the basis of affiliation to the Government Minister, resulting in majority of appointments being given to members of the Muslim community, when Tamils are the majority in Mannar. In July 2012, the Mannar Magistrate reported that he was threatened by the same Minister, to change his judgment in a case before his Court. The Mannar court house was attacked by a large mob the following day.

***Suggestions:***

- *Ministers, politicians and military should never interfere, influence or threaten the civil administration or the judiciary.*
- *There should be no political interference in appointments to Government offices in areas including education, health and agriculture.*
- *All civil servants must be professional civil servants and no politicians or military officials should be appointed as Governors or to civil positions*
- *Electoral lists must be updated to ensure that those who are still displaced can vote, while ensuring that no one can vote twice through dual registration*

**10. Land issues:** State and private land continues to be occupied by the military. Mullikulam village in the Mannar District is a prime example, where the Navy continues to prevent unrestricted access and resettlement in the village over 3 years since the end of the war. In Pallimunai, Police have refused to hand over land and houses they had taken over in (year). In Sannar in Manthai West Division, displaced persons who had been resettled promising land permits are yet to receive land.

***Suggestions:***

- *All land occupied by the military should be released to legal and customary inhabitants.*
- *If there is land required for military purposes, the military should acquire land following due legal procedures, irrespective of whether it is state or private land*
- *The land allocation to the military should be kept to a minimum, with priority given to private citizens, public purposes, cultivation etc.*
- *Priority must be given to make state land available for charitable and welfare activities*
- *There must be an independent mechanism to deal with many land issues and land related conflicts.*
- *All returnees including landless persons must be allocated land with clear title and assured housing and livelihood without any distinction based on political affiliation*

- *The state must not sponsor or permit state land to be allocated towards relocating communities from the South to the North, which will result in changes to the demography of the Districts and creates an electoral imbalance (It should be noted that we have no objection at all for persons from any community owning and acquiring private land or those who had been displaced during the war returning to re-claim their legitimate and historical lands)*

**11. IDP resettlement:** Many of the IDPs from formerly LTTE controlled areas in Mannar and Vavuniya districts have been allowed to go back to their villages. But after more than 30 months, majority have received very little assistance towards housing, livelihood and other basic needs from the government and are dependent on NGOs, Churches and other well wishers. Most families continue to live under the 12 sheets that were distributed as 6 month provisions at the start of resettlement. In June this year, the people in Mullikulam who have been continuously refused the right to return to their village by the Navy, were left with no choice but to settle at the border outside their village, with no assistance from the Government.

***Suggestions:***

- *Government should allocate a substantial amount from the national budget towards assistance for IDPs, especially for housing, instead of increasing military expenditure*
- *Immediate needs of IDPs must be met prior to resettlement*
- *Beneficiaries should be identified based on needs assessments and those who had not received assistance or received relatively little assistance should be prioritized over those who had already received assistance*
- *Military officials should not play a role in identifying beneficiaries and politicians should also not exert undue influence. When politicians are consulted, representatives of all the political parties representing the area should be consulted*
- *A minimum of Rs. 750,000 should be spent to build a new permanent house and donors willing to spend more should be allowed to do so.*
- *NGOs should be allowed to work with IDPs without restrictions*
- *Special assistance must be given to IDPs deprived of their breadwinners during the war, including income generation projects and education for children of such families.*
- *The Government should undertake a survey of a the total number of houses built to date with costs against the total requirement of houses including data on houses that are totally destroyed and extensively damaged.*
- *The Government should set out an action plan for meeting the total housing requirement for IDPs displaced during the war.*

**12. Fishing:** The pass system continues to operate for fishing in North although the same restriction is not applied in the South. Traditional fishing rights and livelihood are further restricted by military and political interference. In Vidathalthivu, the military forcibly occupied the traditional fishing wadiya denying local fisherman access. Recently, in

Thevanpidy, a Minister tried to coerce local fisheries officials to issue fishing permits to fishermen outside Mannar causing tension among the local fishing community.

**Suggestions:**

- *Traditional fishing rights of all communities must be respected and they must be guaranteed all the rights to fish as they had been before the war.*
- *Passes must not be issued permitting fisherman from outside Mannar to fish in these areas, especially to benefit from sea cucumber, crabs, prawns, cuttlefish etc.*
- *When there are tensions, civil authorities and the judiciary should be allowed to settle the issues without interference of politicians and military*
- *The regulatory system for fishing in whole of Sri Lanka must be same, without extra restrictions being imposed on Northern fishermen*

**13. Cultural domination:** Buddhist statues and temples continue to be built in these areas where no Buddhists live. The Sinhalese language continues to be used by Government officials and at state functions in predominantly Tamil speaking districts.

**Suggestions:**

- *Tamil language must be used in all official correspondence and communication in government offices, including police stations*
- *No new Buddhist statues should be erected in public places where the population is Hindu, Christian and Islam*

**14. Military interference in economy:** Opportunities for development of the local economy continues to be hampered by restaurants run by the Army. The Navy also runs a lucrative boat service for tourists to Mannar, preventing the Local Government officials or local businessmen from engaging in such activities. During the Madu church feast this year, there were several requests by the military to have shops and restaurants inside the church compound and there were also reports of a story run by the Army selling liquor immediately outside the church precinct.

**Suggestions:**

- *The military must close down all economic activities and allow local people and local government bodies to run such initiatives*



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Rt.Rev.Dr Thomas Savundaranayagam  
Bishop of Jaffna

Secretary  
Mr.A.Santhiapillai

10.01.2013

The President & Members  
Catholic Bishops' Conference of Sri Lanka  
Sri Lanka

Your Excellencies,

May God bless you. We are happy that you have come once again to the North and visit certain places to find out the situation here and see for yourselves the real difficulties and anxieties of the people here. We would take to bring to your kind notice certain facts which may not be visible during a short visit.

### General Situation

Three and a half years have passed since the 30 year war ended. As the people in the North who had to bear the brunt of the war especially during the final stages of the war we hoped that the situation would improve and in fact we were promised that a solution would be found for the ethnic problem and that there would be a peaceful future. Unfortunately the Government is paying more attention to the annual 'Victory Day' celebrations and ignoring a genuine pursuit for peace and reconciliation.

The developments during these three and a half years indicate that no serious effort is made to bring about peace with justice. The actions of the Government and the Security Forces so far are only alienating the people and making them lose confidence in a peaceful and just Sri Lanka.

There is no doubt that externally a lot of development works are undertaken with international assistance such as laying carpet-roads, railway-tracks, putting up new buildings for hospitals, schools etc. and launching a number of development projects. A visitor here now will get an impression that the North is developing fast after a long period of stagnation due to the war. But such a face-lift to the entire North is not a substitute for finding a just solution to the festering ethnic problem.

Many issues which need to be attended still remain unresolved and the day to day developments do not in any way help to bring about peace and reconciliation.

There are some long-standing issues for which no effort has been made to resolve since the end of the war as well as some recent developments which have contributed to the deterioration of the general situation.

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





# யாழ் கத்தோலிக்க மறைமாவட்ட நீதி சமாதான ஆணைக்குழு Commission For Justice & Peace of The Catholic Diocese of Jaffna

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## Some long-standing issues:

### Occupation of lands by the security forces

- The Security Forces still occupy large portions of civilians' lands and they continue to acquire new lands also. Still there are 24 G.S. divisions in the Valikaamam region under army occupation. Most of these lands are red-soiled and arable. Thousands of families displaced from here are still living in welfare-centres and in the homes of their friends and relatives. Further civilian lands are being occupied by the Security Forces in Jaffna Peninsula and in Wannai. In some places the original inhabitants have been told that their lands will not be returned to them and that they will have to settle down in areas indicated by the Security Forces. Eg. Keppapulavu people in the Mullaitivu district.

### Allocation of the lands in the North to the Southerners

- Besides this, lands belonging to the civilians, unoccupied so far and the vacant state-owned lands are identified and these are being allocated freely to settle the families of soldiers and others from the South. We are not against individuals from anywhere in Sri Lanka buying lands in the North and settling down. What we object and note with suspicion is the state-sponsored and funded settlement of families from the South in the vacant lands in the North when there are many landless families in the North.

### The plight of the political prisoners

- The plight of the political-prisoners continues. Hundreds of political-prisoners are still in detention with no cases filed against them for years. Eg. One woman named Thirumakal is in detention for more than 18 years and so far she has been produced in the courts more than 429 times till end of July 2012 and she is still there. The safety and security of those in detention is a major cause of concern. Last year two youngsters Nirmalaruban and Dilruckson were tortured and eventually died of the wounds caused by the torture while many other were injured.

One lady Muththusamy Kathaye (68) from Badulla was arrested in 1994 in Chenkkaladdy in Batticaloa for having links with the LTTE and detained. She died on 6.01.2013 in the Welikkada prison due to lack of proper medical care. She was suffering from cancer and she had severe bed-sores when she died. Such incidents are not rare occurrences. After a spate of hunger-strikes and protests by political prisoners in Welikkada a promise was made by the relevant authorities to establish



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special speed-courts to expedite the hearing of such cases. So far very little action seems to have taken place.

### Accountability

- The Government has still to come to terms with the huge number of civilian casualties especially during the final stages of the war. Initially the position of the government was that there was zero civilian causality in this 'war for peace' or the humanitarian operation. The Bishop of Mannar Rt. Rev. Dr. Rayappu Joseph in his testimony before the LLRC said that about 146,000 people were still unaccounted for and he based his argument on the statistics provided by the Government sources. LLRC in its report admits that there were civilian casualties and later on the UN Commissions also admitted that a substantial number of civilians also died in the shelling and bombings.

The fate of some of the people (including some LTTE members) who had surrendered to the army and taken away in buses is not yet known. There were some who gave evidence in front of the LLRC that they had seen Fr. Francis Joseph (81) the former Rector of St. Patrick's College, Jaffna and many others surrendering with white flags and their whereabouts are still not known.

Accountability for the large number of civilian casualties and the disappearance of the surrendeers are very essential for a genuine reconciliation.

### Recent developments

- Remembering the dear ones is a basic fundamental duty everybody wishes to fulfil. The people in the North have been denied this basic right especially during the past three and a half years since the war was over. During the earlier four-year ceasefire period the Tamils were not obstructed from doing so and the war-cemeteries of the LTTE were allowed to be maintained. Since the end of the war all these war-cemeteries in the North have been bulldozed and defaced. In these places permanent army-camps, play-grounds etc for them have come up. The people are forbidden to light lamps, candles, to ring bells and to have any memorial service in their respective places of worship to remember the dead during the war. Even the normal liturgical services on such days are not allowed to be conducted freely.

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In this background a peaceful commemoration of the war victims on the 27th. of November, 2012 by the Jaffna University students was prevented by the Security Forces by force and then a peaceful demonstration of the students to protest against the use of force by the army on the following day was forcefully put down by the Security Forces during which several students were injured.

In the following days four of the students who were arrested were taken to the South for 'rehabilitation'. Along with them 45 others from the Jaffna peninsula during the following days were arrested and sent for questioning and 'rehabilitation'. Some of them had already been 'rehabilitated' and the others were accused of having had some contacts with the LTTE earlier.

In the midst of this, statements have been made by responsible authorities in the Security Forces that hundreds of others (a Sinhala newspaper Lakbima says about 1000) are under surveillance and they also will eventually be arrested and sent for 'rehabilitation'. All these developments have sent shock-waves among the people in the North and they live in fear.

- The recent recruitment of about 100 young girls in the Wannu region has caused a lot of concern among the general public as there was no transparency in the whole procedure. The promise given to the girls and their parents was that they will be given some training in computer-programming and given some office work. They were promised that they will get a minimum salary of 30,000 Rs. per month and it was very attractive for them.

When they went in they felt that things were different. Some of them had the courage to leave immediately and some of them fell sick and had to be hospitalised. The rest were not happy with the whole procedure, but opted to stay on. Of late as a kind of diversion they were taken to Trincomalee for an excursion and now they have been taken to Colombo for a week of sight- seeing tour etc.

In connection with hospitalization of some of these girls a Tamil doctor attached to the Base hospital at Anuradhapura, Dr. Shivasankar who tried to help a girl of this group who was admitted in the hospital to return home has been arrested under PTA. and he is still in detention. The real reason of his arrest, the interrogation details and the failure to produce him in the courts with substantiated accusations etc. remain a mystery

- The serious attempts to appoint the uniformed soldiers to teach Sinhala in the schools in Wannu have caused alarm. There is a severe shortage of teachers in the



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Wanni schools for English, Maths, Science and even the mother-tongue, Tamil and filling up these vacancies is the priority and any such work has to be done by the Department of Education. Though this plan is not carried out now there is a fear that it may be resumed at a later stage. This is a phenomenon, pointing to the fact that the Security Forces are seriously trying to have a hold in all the civil departments.

- During the past few weeks the Parish Priests in the R.C. Churches in the Wanni area have been approached by the Security Forces in the respective areas and were asked to submit their 'year plan' for 2013 consisting of all the functions and liturgical celebrations, feasts etc. to be celebrated throughout the year.
- The schools also have been asked not to have any special function however small, without the explicit permission of the Security Forces. The Security Forces take it for granted that they can take the school-children anywhere for functions they consider important even at the expense of postponing the semester examinations leave alone the regular classes.
- Even after three and a half years after the end of the war the Security Forces have failed to build up a good relationship with the general public. The attitude of the 'victor and the vanquished' is still very noticeable. About ten days ago at Paranthan in the A-9 road the two traffic policemen stationed there had tried to stop a speeding mo-bike to have a routine check. The mo-bike stopped a few yards ahead of them and policemen started attacking the two youngsters for not stopping the mo-bike in front of them. The beating they received was so bad that they had to be admitted in the hospital at Kilinochchi. In the meantime the situation there became tense as number of people started to gather there. The O.I.C. of the Kilinochchi Police Station had to come and pacify the crowd. Such high-handed attitude of the law-enforcing personnel is not rare in the North and this will in no way help to bring about peace and reconciliation.

### Conclusion

- The above mentioned developments among other things are only some symptoms which indicate that the civilian administration in all important State Departments is only nominal. The military seems to be having the say in every sector.





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- The external face-lift to the North especially in the city of Jaffna and other main towns does not indicate that the people generally are enjoying real peace without any fear.
- It looks as if the entire North is kept in a state of 'enforced rehabilitation'.
- We would like to urge the members of the CBCSL to use their good offices to give pressure to the Government authorities to manifest by their actions that they are sincerely interested in peace and reconciliation. Unfortunately the actions so far are not in the right direction. For this the people in the North should be allowed to be directly under civil administration as in the rest of the country. The Government must show that they are serious about peace and reconciliation by certain actions of owning up accountability in certain burning issues. Some examples would be, bringing to books the real culprits of the killing of the five students in Trincomallee and again the massacre of the 17 aid-workers of the ACTION FAIM in Muthur in 2006.
- Systematic state-funded colonization of the Sinhalese of the South is changing the demography of the Tamil areas so that in course of time the Tamil community will become a minority in their homeland.
- If the present situation continues we fear that it will be paving the way for another cycle of violence. The country cannot afford to pay such a heavy price as in the past.

We wish and pray that the CBCSL will do something substantial to build up a peaceful nation based on justice.

Thanking you

Yours sincerely

*S.V.B. Mangalarajah*

Fr. S.V.B. Mangalarajah

President

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