

HUMAN
RIGHTS

- Freedom of thought and expressions
- Everyone is equal before law
- No arbitrary arrest without due process of law
- Right to self determination and the right to ethnic minorities to enjoy their own culture, language, and religion.

INSIDE
THIS ISSUE:

Truth Commission	2
Soldiers or Hooligans	2
Medecins Sans Frontieres	2
International Observers	3
Chamber of Death	3
Lessons Unlearned	3
Human Rights	4

Tamils and Presidential Commissions - Sri Lanka

USTPAC BULLETIN

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“God Save the Tamils”

In 1970, Mr. S. J. V. Chelvanayagam, a Tamil Political leader made a profound statement: “It is only God who can save the Tamils.” Forty years later, the desperation remains the same.

Tamils have gone through many tragedies in the past forty years. Every government of Sri Lanka, always dominated by the majority community, has appointed Commissions of Inquiry to prevent human rights violations. The 1977 Sansoni Commission was to identify the perpetrators of violence that resulted in more than 500 deaths (only Tamils) and damage to property (90% Tamil owned) and to recommend measures that would prevent the recurrence of such violence. Forty years later, the Lessons Learnt and Reconciliation Com-

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Concentration camps –2009

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even though 40,000-70,000 Tamil civilians were killed in 2009. At least six Commissions have been appointed during the inter-

vening period to inquire into human rights violations against the Tamils. These Commissions not once blamed the government. If ever the government had a suspicion that a report would implicate government entities, the report was shelved. The published reports either were neutral or even implicated the victims; the government’s goal was to forestall criticism of human rights violations by domestic/world organizations. This pamphlet summarizes the outcome of some of the Commissions.

For a detailed report please visit <http://www.ustpac.org/Articles/SriLankasTrackRecordAndTheWarCrimes.pdf>

Political Commission—1977

According to a jurist, “I never thought I will be chairing a Political Commission” were the words of Commissioner Sansoni. Between August 13, 1977 and September 15, 1977, Tamils were attacked all over Sri Lanka. For example, Tamil passengers arriving by train at Anuradhapura

were forced to disembark, then assaulted, and killed.

The Commission heard credible testimony from Sinhalese employees of the Railway Department that the Police were involved in the violence. However, the Commission disregarded the evidence and exonerated the

Police stating that there had only been unruly behavior. Commissioner Sansoni, former Chief Justice of the Supreme Court, Sri Lanka, even admitted uncorroborated confessions on the pretext that it was a Commission and not a court of law.

Black July — Presidential Truth Commission



Colombo Burns
July 1983

Eighteen years after the anti Tamil pogrom of July 1983, in which as many as three thousand Tamils were killed and most businesses belonging to the Tamils were destroyed, President Kumaratunga appointed the 2001 Presidential Truth Commission on Ethnic Violence with a mandate similar to previous commissions and similar language on prevention of human rights violations, provide compensation, and promotion of national unity.

There is good reason to suppose that the commission was set up to head off punitive trade measures against Sri Lanka that the European Union was considering because of human rights abuses. Another reason was to blame the political party UNP which was in power during the pogrom. Following the 1983 pogrom hundreds of thousands of Tamils emigrated, which brought the issue to the attention of their host countries.

The Commission never inquired into one of the most heinous crimes, the killing of nearly fifty Tamil political prisoners in Welikade prison. It was not similar to the South African Truth Commission even though the name implies such a similarity.

The report did not have any impact on accountability or on providing relief to aggrieved parties.

“Extra judicial killings and rape by the armed forces cannot be investigated by a Military Tribunal”

Disciplined Soldiers or Hooligans

On June 12, 1991, a land mine exploded in Kokkaddicholai, Batticaloa, under an army vehicle. Two soldiers died, and another soldier was injured. In retaliation for the death of their colleagues, the army went on a rampage, killing an estimated 123 Tamil civilians in the neighborhood and raping six women.

Although seventeen soldiers

and an officer were investigated, the Presidential Commission appointed to inquire the incident, refused to blame any single soldier. Also, contrary to international law, the Commission recommended that soldiers be tried under military law for extra judicial killings and rape. It did not recommend the prosecution of any soldier, and none were punished.



Kokkaddicholai
Memorial

Medecins Sans Frontieres (MSF)

The non governmental organization of Physicians without Borders (MSF) had been working in the North and East of Sri Lanka for more than a decade providing medical services to the indigent and the injured, mostly Tamils.

On May 3, 1991, their vehicle was fired upon by a Sri Lankan Air Force helicopter gunship while travelling with permission from Joint Operations Command. Several passengers were injured.

The Commission appointed on May 9, 1991, was to inquire into the circumstances and

ascertain whether or not the firing was intentional or accidental. Contrary to witness testimony and contrary to radio logs of communications, the Commission concluded that the firing was accidental.

Sri Lanka



International Observers Dilemma



Funeral of one of the Five Students, Trincomalee, 2006

In 2006, the President of Sri Lanka appointed a Commission to inquire and investigate sixteen serious cases of violence. He also invited international experts to observe and recommend measures to com-

ply with acceptable norms for such a Commission.

The Commission was slow, chose its cases to suit political needs, and was able to take up only five cases. The two important cases taken by the Commission were the shooting of five students by the armed forces in Trincomalee and the assassination of seventeen workers of Action Contra la Faim (ACF), a French Non Governmen-

tal Organization, in Muttur.

Witnesses were intimidated and there was no witness protection. The Attorney General's office played conflicting roles: on the one hand, investigating the perpetrators (Army) of human rights violations and on the other hand, defending them as a government entity.

The International Observers terminated their mission because the Commission did not meet international standards. Several of the Commissioners resigned before the Commission had achieved anything.

“The Commission does not meet international standards and the Attorney General’s role is questionable.”

Rehabilitation or Chamber of Death

Bindunuwewa Rehabilitation Center, close to Kandy, housed Tamil youth who were alleged to have been former rebels belonging to the LTTE. On October 24, 2001, a large number of civilians, all of them Sinhalese residents living in the vicinity and incited by the prison guards, attacked the camp, set fire to the buildings, and assaulted the detainees killing twenty-eight Tamil

youth between the ages of 14-23 and seriously injuring fourteen others.

The Commission was to inquire into the administration of the facility and to identify those responsible for the violence. The Commission report, although not published, faulted the Senior Police Officers for not taking adequate measures to prevent the incident and the

junior officers for willfully attacking the center residents.

The hostile Supreme Court threw out the conviction of the only police officer found guilty of the incidence. None of the Senior Police Officers were indicted.

Lessons “Unlearned” Commission

During Sep. 2008-May 2009, there was an exodus of civilians in the Vanni area who were moving to safe places to avoid bombing and shelling. On May 19, 2009, the Sri Lanka army commandeered 300,000 Tamil civilians into Nazi type concentration camps. Thousands of them, alleged to have been LTTE fighters, were moved to undisclosed locations. An unknown number who surrendered to the

army were executed.

The violations of humanitarian laws and the acts of war crimes forced the United Nations to appoint an International Panel to Inquire into the alleged war crimes and violations of humanitarian laws.

The Sri Lanka government opposed the appointment of this panel and created its own Commission, LLRC, whose investigations are

ongoing.

The Commission's mandate neither included the investigation of human rights violations nor included the investigation of alleged war crimes. The Chairman's neutrality is questionable; not everyone was able to testify; witnesses were photographed by the armed forces; and there was minimal publicity about the proceedings in places where there were victims of persecution.



Exodus of Tamil civilians

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Lending voice to the voiceless.

MISSION

- (a) Use democratic/non violent/lawful methods to achieve a lasting political solution to the conflict between the Sinhalese and the Tamils in Sri Lanka.
- (b) Assist the Tamils in Sri Lanka to exercise their rights
- (c) Assist the humanitarian, cultural, economic, and educational needs of the people of North-East Sri Lanka.
- (d) Act as a voice to the oppressed everywhere

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Violations of Human Rights - Sri Lanka

In 1948, the United Nations recognized the following important rights: equality before the law; no arbitrary arrest; freedom of conscience, and religion; and freedom of thought and expressions. Later 132 countries, including Sri Lanka also signed the 1996 International Covenant on Civil and Political Rights (ICCPR) and the optional Protocol which recognized additional rights: the right to self determination and the right to ethnic, religious, or linguistic minorities to enjoy their own culture, to profess and practice their own religion, and to use their own language.

The International Criminal Court established in 2002 has jurisdiction of the following crimes which violate the dignity and the basic human rights of the world's citizens: the crime of genocide; crimes against humanity;

war crimes; and the crime of aggression.

Genocide means killing, causing bodily or mental harm, forcibly transferring children from one group to another with the intent of destroying in whole or part of their national, ethnical, racial, or religious identity.



**A hospital in the War Zone 2009—
Sri Lanka**

Crimes against humanity includes, among others, a wide spread attack on civilian population causing murder, deportation, rape, and enforced disappearances. Intentionally attacking a civilian population which is not a party to the conflict, attacking installations such as hospitals which are protected by International conventions, and committing outrages on personal dignity, specially degrading treatment, are some acts which constitute **war crimes**.

All these are crimes committed by the government of Sri Lanka against its own citizens, most of them against Tamils, during the past three decades. When will the world leaders act to bring the perpetrators of such crimes before a court of law?