



தமிழீழ விடுதலைப் புலிகள்
Liberation Tigers of Tamil Eelam

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Where to from here for the Rajapakse government?

The signing of the Ceasefire agreement (CFA) between the government of Sri Lanka and the Liberation Tigers of Tamil Eelam was a monumental effort achieved with the hard work of, the facilitators and the two parties to the conflict. It came into force after more than two decades of conflict in which all communities in this island paid a huge price. Tamil people paid the biggest price in terms of lives lost, displacement, properties destroyed, and economic devastation. The CFA achievement ought to have been valued, abided, and protected for these reasons. If the CFA had been implemented as intended the peace efforts would have progressed a great deal, providing peace dividends to all communities in the island.

The Boxing Day tsunami on December 2004, provided additional opportunities for the parties to the conflict to work together. Indeed the tsunami gave hope that the peace efforts will be enhanced as a result of the cooperation needed for the humanitarian work to assist the tsunami affected people. The PTOMS (Post Tsunami Operational Management Structure) agreement was signed in June 2005, paving the way for the two parties to co-operate. It was hailed by many world leaders including the UN Secretary General, Kofi Annan. Unfortunately, like all past agreements made between the Tamil and Sinhala representatives over the past several decades, this agreement was abrogated citing the law as the scapegoat. The extremist political parties in the Sinhala polity filed a case against it and acceding to the demand of the extremists Sinhala parties, the Sri Lankan courts placed an order to temporarily suspend the implementation of the PTOMS.

President Mahinda Rajapake, elected with support from the same extremist elements in the Sinhala polity that filed the case against the PTOMS, permanently dismissed the PTOMS agreement, and ensured it never came alive again. The people worst affected by the abrogation of the PTOMS are the same Tamil people who have been the worst affected in the decades of Sri Lankan military atrocities. Understandably the abrogation of the PTOMS had a profound effect on the Tamil people about the CFA and the intention of the Sinhala government. Events that followed proved to the Tamils that their apprehensions were well founded.



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Since President Rajapakse's election, the murders of Tamil civilians, children and community leaders inclusive, occurred at a far greater a pace. Yet, the two parties to the conflict met in Geneva in February 2006. A key agreement reached there was to disarm the paramilitary groups that are armed, supported and protected by the Sri Lankan military. The Sri Lankan government and its military later refused to abide by this agreement.

The murders and disappearance of Tamils have continued even after the Geneva talks in February. The international human rights community as well as the Co-Chairs, the international community overseeing the Sri Lankan peace process, began sending repeated warnings. In May 2006, the Co-Chairs to the Sri Lankan peace process, in their statement referred to the "*failure to implement the commitments made at their meeting in Geneva in February 2006*"

By mid September 2006, 940 civilian, of whom 64 are under the age 16, were murdered by the forces of President Rajapakse's regime. These forces that carried out the murders include the publicly recognized security forces of the Sri Lankan government and other groups armed, supported and protected by the official security forces.

Perhaps the best known massacre of civilians by the security forces is the murder of 17 employees of the French aid organization, Action Against Hunger.

Community leaders

Among those killed by these forces are several leaders of the Tamil community: member of parliament and long term human rights activist Joseph Pararajasingam was murdered during Xmas mass inside a church in the middle of Batticaloa town; Vigneswaran a Tamil community leader elected by the party to replace murdered Pararajasingam was also murdered in Trincomalee; Sivamaharaja, former member of parliament and manager of the Tamil daily NamathuEelanadu, was murdered in Jaffna; catholic priest of Allaipiddy in Jaffna, Fr Jim Brown, who was eye witness to the Sri Lankan military massacre of 37 civilians in Allaipiddy was abducted and disappeared.



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Children

The murders of, two children shot dead while they were asleep in Allaipiddy, two children shot and hung in Vankalai, and many more killed by bombing and shelling tell only part of the story. One baby died in the mother's womb during Sri Lankan military shelling. Children have died in Kilinochchi hospital because they could not be taken by ambulance to Vavuniya hospital due to the closure of the border by the Sri Lankan military. Children have died in Jaffna due to denial of medical treatment because of month long curfew in Jaffna. The bombing of the school camp in Senchholai killed 51 school girls.

Mavilaru sluice gate episode

Another recent episode, Mavilaru sluice gate episode, demonstrates the respect shown by the Sri Lankan government to the CFA. The government of President Rajapakse turned a simple civilian protest, of closing the gate and thus calling for attention to their plight, into a military offensive. Even while the Sri Lanka Monitoring Mission (SLMM) was negotiating the reopening of the sluice gate, Rajapakse's armed forces carried out their military offensive, killing 40 civilians including five children. The Head of the SLMM who went to the Mavilaru sluice gate to reopen it was also forced to take cover as the military began shelling the area.

Human rights groups appeal

On 18 August, Amnesty International in statement said,

“Amnesty International is concerned by the extent and seriousness of the violations reported, the lack of adequate protection for civilians, and restrictions on access to the worst affected areas.”



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AI also listed some of the high profile massacres including the following,

- On 3 August, at least 17 civilians, including children, were killed and 80 injured when four schools in Muttur were hit by shelling, according to reports.
- Late on the night of 8 August, a roadside bomb reportedly hit an ambulance killing five people – a medical doctor, his wife, two nurses and the driver of the ambulance.
- On 10 August, renewed aerial bombardment by the Sri Lankan air force of LTTE-controlled areas in Trincomalee district reportedly resulted in a number of civilian casualties.
- On 13 August, rockets and artillery shells reportedly hit the St. Philip Mary Church and surrounding homes in Allaipiddy on Kayts islet, just off the northwestern coast of the Jaffna Peninsula, killing at least 15 civilians and wounding 54.

On 13 September, Asian Human Rights Commission (AHRC), in statement on the large number of recent disappearances in Jaffna said,

“the suspicion of the family members is that such occurrences are done either directly by the military or with its approval. Such complicity will not come as a surprise to anyone who is aware of the extent of the disappearances that have taken place in Sri Lanka in recent decades. The reports of the Commissions appointed to investigate these earlier disappearances place the responsibility squarely on the shoulders of the state agencies.”

Sri Lankan government under pressure

Under heavy pressure from the international human rights community and the Co-Chairs, President Rajapakse announced his readiness to accept an international body to investigate human rights violations. It is worth being reminded of such pressures brought on the Sri Lankan government in the past and its fate.

The Chemmani mass grave received a lot of international attention and international forensic experts were allowed to dig some bodies. Amnesty International had its own observers during this digging. What is its' fate today?



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The killing of 28 Tamils detained at Bindinuwewa in 2001 also created an uproar. Five security personnel were convicted in the first trial with ample evidence. Even at this stage there was criticism that some senior security personnel were allowed to go free. Yet, on appeal, even the five who were found guilty were released citing lack of evidence as the reason.

President Rajapakse's readiness to accept international investigations is only a tactic used to deflect criticism. The regime knows very well that in due course everyone will slowly forget and allow the government to ignore the violations as it has been allowed to do for decades.

AHRC in its statement also said,

“Within Sri Lanka at the moment there is no government authority with the capacity to efficiently investigate the disappearances like the one in the case mentioned above. The HRCSL may record some facts of such disappearances but it does not have the capacity to investigate them in any manner that could be called a credible, criminal investigation. The assurance of some state authorities to the effect that if soldiers are found to be guilty of such acts they would be punished is a mere rhetorical gesture in the face of heavy criticism from local and international sources. There is no state machinery to give credibility to such assurances.”

As the Mavilaru sluice gate episode demonstrates, in spite of all indications that it could be resolved without any loss of life, the President went ahead with a military “solution” which had other intentions.

All attempts by the LTTE to value, abide by and protect the CFA have been undermined by the military option pursued by the Rajapakse regime. This path taken by the regime has even undermined the hard work of the SLMM.

It is clear that President Rajapakse is under the influence and control of the extremist elements in the Sinhala polity and his armed forces. These influences are bent on pursuing a military option. All of President's utterances of peace talks and the All party conference are only smoke screens to deflect criticism for his militaristic approach.