

# Tamil Information

NEWS BULLETIN OF  
THE TAMIL INFORMATION CENTRE



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JANUARY 1993

No. 18

## Tamils Fear UNHCR Involvement in Sri Lanka will Lead to *Refoulement*

AMONG those seeking asylum, particularly in Europe and North America, there are persons who are not in need of international protection and who are becoming an increasing burden on the receiving countries, says UNHCR in a letter to the Tamil Information Centre. UNHCR adds that it is 'seriously concerned about the consequences of this development for those who should be considered as refugees' and in this context has recently agreed to examine the possibility of becoming involved in "passive monitoring" of refugees returned to Colombo.

Most of the Sri Lankan Tamil refugees in other countries have not been granted refugee status. In Britain only 100 persons of over 17,000 Tamil applicants have been granted full UN Convention status. UNHCR, has decided, that the other Tamil applicants do not need protection. Tamils would like to ask UNHCR, as to why most of these applicants have been granted Exceptional Leave to Remain, if they do not need protection? According to UNHCR in order to protect the 100 people granted asylum, all other Tamils should be returned.

It appears that UNHCR is not concerned about protection, but, about the refugees 'becoming an increasing burden on the receiving countries'. The Western countries are paying UNHCR millions of dollars to relieve this "burden".

UNHCR says it is not promoting voluntary repatriation from other countries to Sri Lanka. However, UNHCR is involved in forced repatriation from India and its recommendation in June 1992 that rejected asylum seekers could be sent to the South and Central areas of Sri

Lanka has, without any doubt enabled Western governments to consider returning the refugees. We clearly see a common intention and a common plan to return Tamil asylum-seekers regardless of the conditions in Sri Lanka.

In the June 1992 circular to regional offices, UNHCR says 'the situation in Sri Lanka is marked by continued and protracted civil war and the absence, in the opinion of all observers, of any realistic expectations for a political settlement'. In the same circular UNHCR admits lacking adequate monitoring capacity. Thereafter it adds, rejected asylum seekers could be expected to return in safety and dignity. How could anyone return to a country in safety where there is continued and protracted civil war. Returned Tamils could expect only arrest, detention, torture and disappearance.

R. Baskaran who was returned from France in mid-January 1993 was produced before the Nagambo magistrate who fixed bail at Rs. 105,000. The whereabouts of the 13 Tamil asylum-seekers returned from Greece and arrested by police at the Colombo Airport are still not known.

Gnanapragasam Joy Anand who was returned from India was arrested by the Army at the UNHCR-run Pesalai refugee camp on Mannar Island on 13 April 1992 and is currently held at the Colombo Magazine prison. A Tamil woman deported from Denmark was arrested in August 1992. Although she was released by the Court, the police protested against her release accusing her of LTTE-links.

K. Mahendran, another refugee returnee from India was arrested at his home in Dehiwela, Colombo on

21 November 1992 along with six others.

On 10 November 1990 the Army entered the UNHCR-run Pesalai refugee camp and arrested 18 Tamils. They were held in the Thallady Army camp for five months and forced to work from 8.00 am to 12.30 pm every day. They were transferred to the Colombo Magazine prison on 21 April 1991 and then again to the Kalutara prison on 17 November 1991.

On 27 January 1993 a student named Mary Matilda was shot while having her meals inside the Pesalai camp at 10.00 pm. No clear information is available as to who fired the shot.

Persecution of Tamils in Sri Lanka continues. Over 2,500 Tamils were massacred in July 1983. On 2 January 1993, the Sri Lankan Navy killed over 65 Tamils in the Jaffna lagoon at Kilali. According to Amnesty International, large numbers of Tamils have been tortured and thousands have disappeared. The Batticaloa Peace Committee gave a list of 4,368 disappearances to the visiting Danish delegation on 21 January 1993 and has called for international pressure on the Sri Lankan government to protect Tamil youths. Many thousand of Tamils are languishing in prisons and army camps without being produced before the courts. Four hundred and eighty three Tamil youths who are held for the past two and half years in the Kalutara prison have begun a fast unto death. These are the circumstances into which Tamil refugees will be delivered with the blessings of UNHCR.

UNHCR says that it refrained from actively becoming involved in the Indian repatriation programme until

UNHCR could directly verify that refugees were returning voluntarily and in the full knowledge of the situation to which they were going back. In fact the UNHCR wrote in May 1992 to the Indian Prime Minister expressing concern over the "unstable security situation in Sri Lanka" and India's refusal to grant access to refugee camps.

But within two months UNHCR became involved in the programme while the situation had deteriorated, with the Sri Lankan government announcing a military solution and the launching of number of military operations with intensified aerial bombardment. UNHCR has still not been granted access to the camps and interviews only 50% of the returnees at the point of departure. UNHCR has no opportunity to see Tamil Nadu government officials often visiting camps and forcing refugees to leave and in some instances physically dragging them into buses. The ban on NGOs in camps continues to remain in force.

UNHCR has issued only general notices in camps in Tamil Nadu and appears to believe that through listening to the radio and reading Indian newspapers refugees are fully aware of the situation in their home areas. No such details are given to refugees by the radio or the newspapers. NGOs in Tamil Nadu say that the Sri Lankan government has prevented all communications and movement of letters to and from Jaffna. The refugees may not know details such as the rampage on 22 January 1993 by the Sri Lankan army at Pesalai on the Mannar Island, burning of houses and the shooting of two refugees inside the UNHCR-run Pesalai refugee camp. The refugees may also not know the severity of the government economic blockade of Northern Sri Lanka, as a result of which 1,000 children died in 1992.

Camp conditions in Tamil Nadu have been allowed to deteriorate to force refugees to leave. The Commissioner of Rehabilitation has informed NGOs that they will not be permitted to attend to repairs and provide assistance to refugees. Vocational training given by NGOs has been stopped and NGOs were ordered to vacate accommodation provided for training purposes. By a

Tamil Nadu government order all new admissions for refugee children to schools and colleges have been stopped.

UNHCR admits that ten returned refugees are currently being held by the security forces in Trincomalee. There is no doubt all those ten Tamils would have been tortured severely. UNHCR also admits that it has made a number of demarches with the authorities. Could this be referred to as "return with safety and dignity"

TIC has also received reports recently that Tamil youths among refugees returned from India to government-controlled areas in Mannar District have forcibly been recruited for military service by the Tamil armed groups aligned to the government.

This is not the first time the UNHCR has struck down the Tamils. In 1987 UNHCR became involved in a Tamil repatriation programme from India without any presence in Tamil Nadu. Between July 1987 and April 1989 thousands of Tamil civilians had been massacred by the Indian Peace Keeping Force. Amnesty International reported arbitrary arrests, torture, rape and disappearances. And, UNHCR referred to this as the 'phase of reconstruction and rehabilitation'. UNHCR was involved in the programme without any opportunity to determine the voluntary nature of the returns, against its own stated policy.

The 1987 repatriation programme was criticised by Tamils and international NGOs and as expected failed miserably for the reason that UNHCR had relegated its protection function. Tamils have no doubt that the current programme too will fail and the Tamil refugees who have been thrown about by Sri Lanka, India and the UNHCR will once again be exposed to danger, from the Sri Lankan government as in June 1990. Tamils believe that the community will only be safe after a durable solution to the Sri Lankan national problem.

TIC also learns that the LTTE in discussions with UNHCR in Jaffna in December 1992 has expressed opposition to the return of Tamil refugees from Europe and North America without first a solution being

reached in Sri Lanka.

UNHCR says Colombo and the South are safe for refugees to return. There have been large number of arrests in Colombo and the South over the years, particularly after LTTE attacks. Many of them are still held in detention without being brought before a court. Reports indicate that the LTTE has infiltrated Colombo and is certain to continue to target military installations and personnel. The attacks on the JOC and the killing of Defence Minister Ranjan Wijeratne and Navy Commander Clancy Fernando were allegedly carried out by the LTTE and are said to indicate a Tiger determination to target the South if pressured in the North-East.

UNHCR being an intergovernmental organisation works primarily with governments. In Sri Lanka, there are a number of Tamil armed groups and the relationship between these groups has been complex and fighting among them has led to a large number of deaths. A significant number of Tamil youths who were involved in the different militant groups have sought asylum in Europe and other countries. Many among them have informed TIC that they have genuine fear to return as they would become targets of the Sri Lankan government as well as the other armed groups. What guarantee can UNHCR give to protect such persons if they are returned to Sri Lanka?

UNHCR believed for a long period that the Open Relief Centre for refugees at Madhu was a neutral zone accepted by government forces and the LTTE. In a recent meeting with UNHCR officials in Jaffna the LTTE has made it clear that Madhu was never declared a neutral zone. This indicates UNHCR's lack of understanding of the situation or control of events in Sri Lanka, which Tamils believe will affect the safety of refugees.

UNHCR has invited the Tamil Information Centre to attend the UNHCR-NGO meeting in Geneva on 11 February. TIC will participate in the meeting to register its concern over UNHCR's involvement in repatriation of Tamil refugees in the current situation in Sri Lanka.

## LEGALISED ENCROACHMENT

MP's K.Premachandran, K.Navaratnam, Rajakukaneswaran, A.Emmanuel Silva and Prins Casinader in a telegram to the President have called for an immediate stop to arrangements being made to issue title deeds to encroachers on lands belonging to Hindu temples and the State in the Trincomalee District. Lands earmarked are in residential areas of Uppuveli and the rest belong to temples in Muthur and Thampalakamam areas. The proposed measure has sought to assist Sinhalese encroachers who took advantage of displacement of Tamils in these areas due to the civil war. It is also an attempt to divide the contiguity of the North-East in addition to changing the ethnic ratio in the locality.

## EPIDEMIC THREAT

Two Hundred and Six refugees from the Galkanda estate, Badulla District occupying the regional office of the estate managing company are without basic amenities for the last several months. Appeals to the estate management and Red Cross have brought no response. Infectious diseases have spread among the inmates and trade union officials have appealed for urgent action to avert an epidemic. The refugees had to leave their dwellings due to a geological depression in the area and have not been offered alternate accommodation.

## MEDICAL FACILITIES

The lack of medical services in the Mannar District to meet needs of refugee returnee arrivals from India was brought up in detail at the conference held in the Mannar secretariat which was attended by a delegation of visiting UNCHR officials. The need for further UNCHR assistance for those engaging in fishing and assistance to find at least temporary sheds as shelter were highlighted. The officials also visited the hospital and refugee camps at Talaimannar.

## TIC ACCESSION LIST

A selection of documents received by TIC in January 1993

SHR 2050 Ann, Belinda Steen Varieties of the Tamil Refugee Experience in Denmark and England Copenhagen: The Danish Centre for Human Rights; 1993 XIV; 236p <b>DESCRIPTORS: Refugees/ Sri Lankan Tamil/ Denmark/ United Kingdom/ Culture/ Politics/ History</b>	Jaffna: St.Joseph's Catholic Press; 1970 315p <b>DESCRIPTORS: Education</b>
OHR 2038 Refugees and the New Europe London: British Refugee Council; 1992 8p <b>DESCRIPTORS: Refugees/ Europe</b>	OHR 188 UNHCR EXCOM in Abstracts: A bibliographic description of documentation issued in the context of UNHCR's governing bodies and major international refugee conferences 1951-1990 Geneva: Centre for Documentation on Refugees; October 1990 140p <b>DESCRIPTORS: UNHCR/ Bibliography/ Refugees</b>
SGN 174 Peter Schalk (ed) Lanka Sweden: Uppsala University; December 1990 No.5, 429p <b>DESCRIPTORS: Buddhism/ Hinduism/ Hindu Temples/ Culture/ Jaffna/ Christianity/ Ethnic Conflict/ Peace/ Sri Lanka/ Plantation Workers/ Refugees/ Sri Lankan Tamil</b>	PB Vayal: a Tamil Periodical Batticaloa (Sri Lanka): Vayal; January 1993 70p <b>DESCRIPTORS: Tamil/ Literature</b>
OHR186 Equality: Refugee Families Newham: Race Equality Section; January 1993 56p <b>DESCRIPTORS: Refugees/ Ethiopia/ Somalia/ Sri Lanka/ Asylum/ Welfare/ Newham</b>	SHR2088 UNHCR UNHCR Special Programme of limited assistance to returnees in Sri Lanka: Information Note III Sri Lanka: UNHCR; November 1989 21p <b>DESCRIPTORS: Refugees/ Sri Lankan Tamil/ Repatriation/ UNHCR/ Tamil Homeland/ Relief</b>
SGN255 Paramothayan, K Perspective in Education (Edited by A J Canagaratna)	OHR:190 UNHCR Overview of UNHCR Activities; Report for 1991-1992 Geneva: UNHCR; 27 August 1992 13p <b>DESCRIPTORS: UNHCR/ Relief / Refugees</b>

# JANUARY DIARY

## JANUARY 1

**WRIT PETITION:** A Petition was filed in the Court of Appeal by the mother of the Rajamanikkam Rajendran aged 21 that he be brought before court for trial. He was arrested according to the petition on 16 November 1990 at the Pesalai refugee camp Mannar District and is now held at Kalutara jail. Court fixed 12 January for the respondents to answer.

## JANUARY 2

**GREAT EXPECTATIONS:** In an address to the nation on the occasion marking four years of his assumption of office President Premadasa expressed his eager anticipation of the report of the Select Committee on the ethnic problem. Urgent resolution of the North East problem by peaceful means depended on the recommendations of the Select Committee, the President further added.

## JANUARY 3

**TAMILS DISCRIMINATED:** President of the Agricultural Workers Congress R.M.Krishnaswamy in a statement called on the government to stop discriminating against the upcountry Tamils in admissions to the Sri Pada College of higher education. This institution built with foreign assistance specifically to benefit the upcountry Tamils is being denied to some of them according to this statement.

## JANUARY 4

**KILALI CROSSING:** Passengers used boats to cross the lagoon after a break for two days following the massacre of unarmed civilian passengers by sailors of the Sri Lankan Navy. The boat service resumed with LTTE providing armed escort to meet any naval threats.

## JANUARY 5

**INJURING BY MINE:** Sub-Inspector Jayasekera of the Kayts Police Station in Jaffna district lost a leg due to a pressure mine being activated near the Kayts hospital.

## JANUARY 6

**NINE KILLED:** Aerial bombings

carried out by the Sri Lanka Air Force planes at 11 a.m. in the Sithankerni area in the Jaffna district claimed the lives of nine civilians while another thirteen were injured. Ten residences too were damaged in this attack.

## JANUARY 7

**LAGOON- SECURITY ZONE:** A Presidential decree declared the Jaffna lagoon a prohibited zone thus making it unlawful for anyone other than those permitted by the Naval Commander either to ply a boat or fish. This route is the one used by the Tamils to reach or leave the peninsula. JOC spokesman Brigadier Angamma told reporters that anyone violating the decree would be dealt with. He claimed that the LTTE made a fortune from the passengers crossing the lagoon.

## JANUARY 8

**REPIA:** Refugee welfare centres at Thandikulam, Veppankulam and Asikulam were visited by REPIA officials in the company of UNHCR's Field representative Mr. David who handed over plastic buckets, aluminium cooking utensils and sleeping mats to the inmates there.

## JANUARY 9

**STARVING REFUGEES:** Batticaloa MP Prins Casinader protested to the Ministry of Rehabilitation over the denial of dry rations for 3 months to the refugees at Eruvil, Mahiloor, Kurumanveli and Mahiloormunai in the Batticaloa District. The MP said the refugees were starving as a result of denial of rations.

## JANUARY 10

**PEACE MISSION:** A Peace delegation led by Colombo Bishop Kenneth Fernando visited the refugee camp at Chulipuram in the Jaffna District.

**HISTORIC MEETING:** The Christian Peace Mission to the North comprising Rev. Rienze Perera, Jaffna's Catholic Bishop Thomas Savundaranayagam, Rev. Fr. Emmanuel, Rev. Fr. Jebanesan, Rev. Fr. Ambalavanar and led by Anglican

Bishop of Colombo Rev. Kenneth Fernando held talks in Jaffna from 7pm to 9pm with LTTE leader V Prabhakaran.

## JANUARY 11

**CAPTIVITY ENDS:** Peace delegation to the North led by Bishop Kenneth Fernando made a significant progress when the LTTE handed over Police Sergeant Bandara and Police driver Edward in Jaffna. The two men were among 41 police personnel taken into captivity in June 1990 at Oddusuddan in the Kilinochchi District.

**PROTEST IN CANADA:** Over 100 Tamil students held a protest opposite Sri Lankan High Commission in Ottawa, Canada against High Commissioner Asoka Weerasinghe's statement that Tamils applying for asylum in Canada are giving false information to obtain permanent Immigration status in Canada and that many of them are Tigers.

## JANUARY 12

**LTTE ATTACK:** JOC reported the loss of two soldiers in an attack by the LTTE in the Wilgampehara area, Trincomalee District.

## JANUARY 13

**POLICE CASUALTIES:** Six policemen and a helper attached to the refugee camp at Ellappar Maruthankulam, in Vavuniya District were killed by unidentified men who opened fire on them around 8pm.

## JANUARY 14

**REUNION:** The Police Sergeant and Police driver released by the LTTE arrived at Ratmalana in the company of Bishop of Colombo Kenneth Fernando. Police driver Perera's brother Palitha was also on the flight from Palaly. Reporters were not allowed to speak to the men released. But Palitha spoke of no ill treatment during the 2 year captivity. The IGP announced the promotion of the two men to the ranks of Sub-Inspector and Sergeant respectively.

**ATTACK ON SECURITY POST:** LTTE carried out a surprise attack on a Security Post killing seven soldiers

# JANUARY DIARY

in the government controlled area in Vavuniya.

JANUARY 15

## JOC IN ANURADHAPURA:

Minister Ranil Wickremasinghe speaking to reporters disclosed that the JOC would function at Anuradhapura and the shift was to facilitate the North-East war effort. The release of the two policemen achieved by the Christian delegation to Jaffna was welcomed by the Minister who was doubtful on the propriety of the delegation's crossing of the Jaffna lagoon through Kilali. —

JANUARY 16

**RELIEF SUSPENDED:** Dry rations issued to refugees from the MPCs at Kannankudah and Chenkaladi in Batticaloa District were suspended on orders from the security forces. Irregularities in the relief supplies had been reported to the forces and this consequent action is inconveniencing the refugees.

JANUARY 17

**INTRUDER KILLED:** Security sources say guards at the Tellippalai east, Jaffna District fired at men approaching the post killing one. A T.81 rifle was recovered from the dead body of this intruder.

JANUARY 18

## SOLDIER CASUALTIES:

Fourteen soldiers were killed in the Weli Oya area, Mullaitivu District when a road patrol came under LTTE attack. Five others suffered injury. JOC reported the capture of the body of a LTTE member killed in the confrontation.

JANUARY 19

**WELI OYA DEBACLE:** In a second attack within two days by the LTTE, 3 soldiers and 4 national guards were killed in Weli Oya, Mullaitivu District. A senior military official lamented that lack of men was hampering military efforts to curb LTTE activity in this district.

JANUARY 20

**JOC GETS BUSES:** Five

passenger buses were handed over to the JOC by the Defence Ministry at a function at Anuradhapura.

JANUARY 21

**ICRC MEDIATION:** Minister Ranil Wickremasinghe announced in Parliament that ICRC assistance had been sought to open the Elephant Pass route to the Jaffna Peninsula. He also claimed that the Government had agreed to promise that no offensives would be conducted against the LTTE through this route. Referring to the Kilali lagoon crossings he denied that the forces had killed civilians.

JANUARY 22

**REFUGEE CAMP:** Pesalai refugee camp in Mannar District was the scene of an attack where two Policemen were killed by gunfire. A civilian died in the cross fire and Police blamed the LTTE for this incident.

**SHOPS SET ALIGHT:** Troops set ablaze shops in Pesalai, Mannar District after two Policemen on patrol were killed between Pesalai and Thullukkudiyiruppu. Five civilians were injured in gunfire which lasted for several hours. Two refugees from the Pesalai camp too sustained injuries and one of them was brought to Colombo for emergency treatment.

JANUARY 23

**CHILD DEATHS:** 905 children under the age of twelve died as a result of diarrhoea and malaria between May and November in the Jaffna, Mullaitivu and Kilinochchi Districts according to a report published in Jaffna.

JANUARY 24

**OPERATION MOONLIGHT:** Security forces launched a search

operation in the Komari, Kanjikudichaaru areas in the Eastern province aimed at flushing out the LTTE from their hideouts. A member of the Commando unit and two LTTE men were reported killed in this operation.

JANUARY 25

**BOAT CAPSIZES:** A boat carrying 110 passengers between Muthur and

Trincomalee went under in midsea reportedly due to overcrowding and bad weather. Search was on for 53 missing passengers after 17 bodies were recovered.

JANUARY 26

**33,000 DWELLINGS DAMAGED:** The District Housing Authority, Batticaloa District reported the damage to 33,000 dwellings due to the violence and on-going conflict within this district.

JANUARY 27

**DEPORTED:** Hainz Lakpested, a Swiss national was arrested by the security forces in Anuradhapura for being in possession of a letter from a LTTE member. He was due for deportation.

JANUARY 28

**UNHCR TALKS:** Presidential Advisor Bradman Weerakoon reported that the government was engaged in talks with UNHCR officials to open the Sanguppiddy-Pooneryn route to the Jaffna Peninsula for civilian traffic.

JANUARY 29

**HALT TO BOMBING:** Jaffna MP K.Navaratnam in an urgent plea to the President Premadasa has called for the immediate suspension of aerial bombings in an effort to reach a political solution to the ethnic problem.

JANUARY 30

**HUMAN RIGHTS:** Washington based congressional Human Rights Foundation has taken up the serious violations of human rights in Sri Lanka with the British and Canadian Parliamentary Human Rights Committees.

JANUARY 31

**ANOTHER CURFEW:** An indefinite curfew was declared in the Vavuniya, Mullaitivu and Mannar Districts. Forces were engaged in a push for control of more areas following the imposition of the curfew. Helicopters and attack air craft were giving air support to ground troops.

## Prime Minister Denies Massacre by the Navy

Over sixty-five Tamil civilians crossing the Jaffna lagoon near Kilali in seven boats were massacred by the Sri Lankan navy on 2 January. As the naval vessels drew near the boats, the passengers raised their hands and told the navy personnel that they were civilians. Ignoring their pleas, the naval personnel blinded the passengers by flashing search lights on them and started firing.

A man who escaped the firing and reached Colombo said that after the firing, three of the boats including the one he was on were towed away by the navy. His boat broke away owing to strong winds and drifted ashore. Of the 18 persons in his boat, only he and another escaped the carnage.

Among the dead were A.Dharmarajah, an officer from the Education Department, T. Nalini, a teacher and her mother, Gopalapillai, a hotelier and Selladurai, a Mannar Courts employee. Twenty five bodies were recovered with the help of the Red Cross. Further search for bodies was hampered by helicopters firing in the area.

The Joint Operations Command spokesman, Brigadier Angamana told reporters on 7 January that no civilian was killed at Kilali but that those attempting to cross the lagoon would be punished. Prime Minister D.B.Wijetunge speaking in Parliament on 14 January also denied that civilians were killed at Kilali and that there was only a clash between the Navy and the LTTE.

Jaffna MP Joseph Pararajasingham had demanded the appointment of a Commission of Enquiry in respect of the incident. This was turned down by the government. This action contrasts sharply with the appointments of Commissions of Enquiry into the boat accident at Trincomalee in January and the attack on journalists in Colombo.

The Nava Sama Samaja Party (NSSP) has condemned the killings and has called on all democratic and

humanitarian organisations to bring pressure on the government to save the people of the North from starvation.

Over 30 civilians have been killed in other naval attacks in the recent past. The government has banned the people from using the Jaffna lagoon crossing either way from the peninsula to the South and urged the use of the Elephant Pass road instead. The LTTE prohibits the use of this road as the opportunity would be used by the army to rush troops and equipment into the peninsula.

The Roman Catholic Bishop of Mannar Rev. Gnananandan and Bishop Rev. Ambalavaner of Jaffna had in separate petitions to President Premadasa appealed for the opening of the Pooneryn-Kerativu causeway for civilian traffic considering the hardships entailed by the people of the North. The LTTE is agreeable to the opening of this route provided the army camp at Pooneryn is removed.

Owing to the economic blockade of the North, people are forced to move out and return to the peninsula to bring food and other essential items. Social events too compel people to make the hazardous crossing. The government's aim in prohibiting the crossing is to ensure that the economic blockade bites hard on the people of the North. Following the Kilali massacre the prices of food and essential items in the North have soared.

### PROTEST DEMONSTRATION

At Kilinochchi over 8000 people participated in a protest march to focus attention on efforts at reaching a solution to the ethnic problem, ending the government's economic blockade of the North and safe passage to the North. An appeal listing the sufferings of the public was submitted to the Government Agent, Kilinochchi to be sent to the President.

## The Danish Prime Minister resigns over Tamil Refugee Issue

The Danish Prime Minister Poul Schluter resigned on 14 January after an inquiry exposed he was involved in delaying visas to family members of Tamil refugees, thus contravening Danish law. Immediate families of refugees in Denmark have the legal right to join them.

The policy of delaying visa applications from relatives of Tamil refugees by the Justice Minister Erik Ninn-Hansen in 1987 was revealed by the Danish press and the government appointed a one-man Commission of Enquiry. The press also reported the death in Sri Lanka of a young Tamil woman who was unable to join her husband as a result of such policy. The main issue for inquiry was whether Prime Minister Schluter knew of the policy and was involved in a cover-up thus misleading Danish Parliament. The 6000 page report of the Commission heavily criticised the Prime Minister and he was forced to resign.

In January over 100 Danish Tamil refugees staged a hunger strike to prevent the deportation of a Tamil to Sri Lanka. The Danish government froze all decisions on asylum and sent a three-member delegation to Sri Lanka to assess the situation.

### HABEAS CORPUS APPLICATION

A habeas corpus application for custody of Alahapodi Balasingham aged 32 from Navatkudah, Batticaloa District held in custody since 21 December 1991 without trial or charges has been filed in the Court of Appeal by the father of the detainee.

# Kittu's Killing Calls for Independent Inquiry to Prevent Repetition

LTTE Central Committee Member and confidant of LTTE leader V. Prabaharan Sathasivam Krishnakumar, known as Kittu, died on 15 January along with nine other Tiger members, in a cargo vessel that exploded off the eastern coast of South India. The ship's captain and eight others jumped into the sea before the explosion and were arrested by Indian police. It is alleged that the vessel was carrying large quantities of arms, including anti-aircraft guns. Several conflicting versions of the circumstances relating to the death of Kittu have surfaced.

Information was received in London on 13 January that the vessel *M V Abad* carrying Kittu and others was intercepted by two Indian naval frigates on the same day in international waters 290 miles east of Hambantota in Sri Lanka and 440 miles south east of South India (Latitude 6; Longitude 85 50'). Information continued to be received till 15 January that the naval frigates were forcibly escorting *Abad* towards India.

Peacemakers in Europe who were aware of Kittu's mission were quick to contact appropriate Indian authorities. They received assurance that Kittu will not be harmed. LTTE spokesman Anton Balasingham has also stated that India was aware of Kittu's mission and had assured support and expressed desire to provide safe-conduct.

Sections of the Sri Lankan media said the vessel carrying Kittu came from Singapore. Others said that it arrived from a port in the middle-east. One newspaper claimed that New Delhi had tipped off Sri Lanka of an impending arms shipment, more than six weeks earlier and that Indian naval frigates had spotted *Abad* on 13 January and had tailed it for three whole days. Indian reporters said that Kittu flew from the west to a South Asian capital and *Abad* was intercepted in international waters. Some reports also say that Kittu was taken away by persons within the LTTE.

The statement of Indian coast guard Chief Vice Admiral Kailas Kori is quite different. He said that having come to know that a vessel was moving unusually near Kodikarai it was surrounded at 50 nautical miles from Madras by naval and coast guard vessels. He also said that when surrounded some persons in the ship jumped into the sea and others exploded the ship.

The LTTE say Kittu travelled to Jaffna with a peace plan backed by several European countries. There is no doubt that while Kittu was in Britain and Switzerland, peacemakers wishing to be involved in the peace process were in contact with Kittu. When Kittu left Britain pre-empting a deportation order by the British Home Office, Switzerland offered him refuge, in the hope, it is believed, to accelerate the peace process through him, which would eventually lead to the return of the refugees.

People who have associated with Kittu for many years say he pioneered development projects in the north and for that purpose established the Rehabilitation Organisation of Tamil Eelam (ROOT). Kittu's aim was economic self sufficiency in the Tamil Homeland and with his guidance ROOT held in London a conference on economic development in 1990. It is said that diversification in food production and improvement in farming methods has helped greatly in the current economic blockade of the north by the Sri Lankan government. Associates say that Kittu encouraged people's participation and was admired as a true and committed leader who had enormous ability and perseverance and enjoyed the confidence of the Tamil people in the North-East.

Kittu was accused of being responsible for the attack on the Tamil Eelam Liberation organisation (TELO) in 1986 which caused deep wounds and widespread concern among the Tamil community. Kittu later realised that the attack on TELO was an unforgivable blunder. He accepted that it was the greatest error

made by the LTTE and sincerely regretted the course of action. The TELO killings caused resentment all round and earned him a large number of enemies.

People who were closely associated with Kittu strongly believe that if he had returned to Jaffna and met LTTE leader Prabhakaran, he would have brought about radical changes in the attitude of the LTTE to important issues which would have enhanced the status of the LTTE.

Tamils and non-Tamils who had the opportunity to become acquainted with him, have commended his grasp and understanding of the international politics and the struggles in other parts of the world. They also say that he was an intellect with a deep understanding and a great breadth of vision. His death is a great loss for the Tamil-speaking people and the peace process they say. Even some of Kittu's foes are shocked by the manner of his death and have condemned the Indian authorities for their callous action.

Kittu was always studying different models for a peaceful solution to the Sri Lankan problem and had even suggested certain models to leader Prabhakaran. While in Britain Kittu also corresponded with the Sri Lankan government on peace initiatives.

It is a matter for grave concern for the Tamil people that India, which is the largest democracy and a powerful political force is unable to face the international community and speak out the truth as to why Kittu was killed particularly when he was involved in the peace process. Does not India want peace in Sri Lanka? In this context we are reminded of the veiled threat made by the Indian High Commissioner to the Sri Lankan government last year that peace negotiations with LTTE would be considered as a hostile act.

There is no clear information relating to events that led to the death of Kittu and others and the reports released from India are contradictory.

Tamils believe it is important to know the truth as to the actual events and the reasons for Kittu's death through an impartial inquiry. Such an inquiry will perhaps, reveal also the hidden agendas of various governments and individuals. If such an inquiry is not held, the perpetrators will go free and it is certain that such events will be repeated.

### GCE Preparatory Examination in the North

The Tamil Eelam Educational Promotion Forum has conducted an examination for students in the north as preparation for the GCE (Ordinary Level) Examination. The examination which would also assist students and the schools to decide the subjects to be studied in the GCE (Advanced Level) classes, was attended by 16,794 students from Jaffna, Kilinochchi, Vavuniya and Mannar.

In the North-East GCE examinations are not conducted by the government regularly and results are always received late. Holding of examinations depends on the plans of the army, military operations and the whims of officials in the Colombo Education Department. The airforce has, on several occasions, bombed schools and attack on educational institutions has greatly affected and demoralised the students in the Tamil Homeland. For these reasons, the Forum had decided to hold the examination to assist and encourage the students.

### UPPSALA PUBLICATION

Department for History of Religions at Uppsala University in Sweden has published a series of books titled LANKA which carry an indepth study of the Lankan Culture. Nos.1 to 3 are in the Swedish Language while nos.4 onwards are in English. The latest is no.7 for December '92. LANKA could be ordered by payment to Swedish postal account pg 4270230-8 or by cheque in favour of P. Schalk-LANKA at the address: LANKA, Tradgaedsgatan 18, 75309 Uppsala, Sweden.

### APPRECIATION

Mohammed Muthurajah who hailed from Chavakachcheri died at the age of 72 in Puttalam was known for his oratory from TULF stages. The Janab as he was known to the public was a good link between the Muslims and others in the North. Crowds gathered to hear the Janab imitating the speech styles of the political heavy weights of his time. As the respected trustee of the Mohideen Jummah Moaque in Chavakachcheri, Mohammed Muthurajah was a leader in social work in the area. Leaving his favourite domain due to the painful incidents over 2 hours Janab took residence in Puttalam and vowed to return to the Tamil Land as its true son. His last wish could not be realised and the Tamil Speaking People have lost a true champion of Muslim interests.

### DUTUGEMUNU CONCEPT

At a function held at Nupe in the Matara District to mark the opening of a garment factory by the President, Deputy Speaker Gamini Fonseka explained that the word federalism was anathema to many including Buddhist monks. He said that King Dutugemunu had in fact practised federalism and if the word federalism was not acceptable it could be termed the Dutugemunu concept of government to remove any imaginary fears.

### RETURNEES IN CAMPS

Refugee returnees in the UNHCR camp Mannar complained to the visiting delegation of UNCHR officials, 2nd Secretary of the Danish embassy, New Delhi and Canadian High Commissioner that they were unable to resettle in their homes and what is more that they could not engage in fishing, their livelihood inspite of the tremendous potential available.

### ASYLUM BILL IN THE HOUSE OF LORDS

The Government has not conceded much on the Asylum and Immigration Appeals Bill, which has completed its Committee stage and the third reading in the House of Commons and is now due to be examined by the House of Lords.

The law will remove existing housing rights of asylum-seekers under the Homeless Persons Act 1977. If the Bill is passed local authorities will not be required to house asylum-seekers or their dependants if they are satisfied that they are "reasonably" housed.

In the opinion of refugee community organisations and refugee agencies and others this could well mean that asylum-seekers will have to sleep rough to establish they are not reasonably housed. They have argued that this violates the UN Refugee Convention which the Bill purports to follow.

The most important concession is on the 48-hour restriction of the right to appeal. This will now affect only those people in detention at a port or airport whose cases have been specifically certified by the Home Secretary as manifestly unfounded.

The government has made a minor concession relating to finger printing of children. Now an independent adult must be present if a child is under the age of 16.

The Bill has, for the first time, defined "exceptional leave to remain", which has previously been regarded as a sort of temporary asylum. It will cover people who "although they would not face personal persecution if returned... would face demonstrable hardship".

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