

## INDICTMENT AGAINST SRI LANKA

# Black July 1983: the Charge is Genocide

### Sri Lanka's Week of Shame an eyewitness account

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For the second time in my life (the first was during the 1958 communal riots), I had to undergo the indignities associated with being a Tamil in Sri Lanka. This time, it was under the Dharmista (Righteousness) government of Junius Richard Jayewardene.

Although communal violence has been frequent in Sri Lanka, it had previously always been contained. But not so, this time. It was a horrifying nightmare – looting, burning, murder on an unimaginable scale. Colombo resembles a bombed city in places – charred and blackened, roofless gaping buildings where prosperous houses, shops and factories once stood. What is dreadful to realise is that the whole operation was planned and carried out with virtually military precision. Tamil and Indian houses, shops and factories had quite clearly been marked out earlier. And although everything took place so quickly and over such a large area, giving the idea of spontaneity, everywhere the pattern was the same. As the BBC is reported to have said: 'The idea seems to have been to destroy the economic base of the Tamils.' It was an attempt at genocide.

Someone seemed to have planned the whole thing and waited only for an opportunity. And the opportunity came on the night of 23 July, at about 11.30 pm, when the so-called terrorists of the North, carrying on an armed struggle for a separate state of Eelam for the Tamils, ambushed and killed thirteen soldiers who were all Sinhalese (the Sri Lankan army is almost entirely Sinhalese). This sparked the fuse.

The army had shot and killed two 'terrorists' in the North a week earlier. The Tigers, as the Tamil militant youth call themselves, had been planning a retaliation. They had lured the army out several times on false information. Then, on 23 July 'information' about the whereabouts of some 'terrorists' was fed to the army. Ignoring an order not to go on night patrol, armed soldiers went out in two vehicles. They were easily ambushed. A detonator, which had recently been stolen from the Kankesanturai cement factory, was used to blow up the vehicles. When the soldiers got out, they were shot down from all sides. Thirteen died on the spot, two were wounded.

## Sunday

Colombo received the news on Sunday, the 24th. By evening, crowds had gathered at Colombo's main cemetery where, apparently, the government had made an attempt to bury the bodies. Nobody knows why the government decided on this step, instead of returning the bodies to the areas from which the soldiers came. It seems to have had some confused idea of reaping political capital by rousing hatred among the Sinhalese against the 'terrorists'. In any event, a crowd of thousands surrounded the President's house at Ward Place (not his official residence) and demanded the bodies. The crowd was tear-gassed. But the government retreated. That night, a section of this crowd started the communal violence by setting fire to Tamil houses at the Borella end of Rosmead Place (near the cemetery).

By seven in the evening, I received the news of the attack on the army. All Tamils started phoning each other – expecting the worst, but hoping for the best: At about 1 o'clock, on the morning of Monday, the 25th, I was woken by a telephone call from a Sinhalese friend telling me that Tamil houses in Rosmead Place were burning. It was the start of a nightmare that was to last for days.



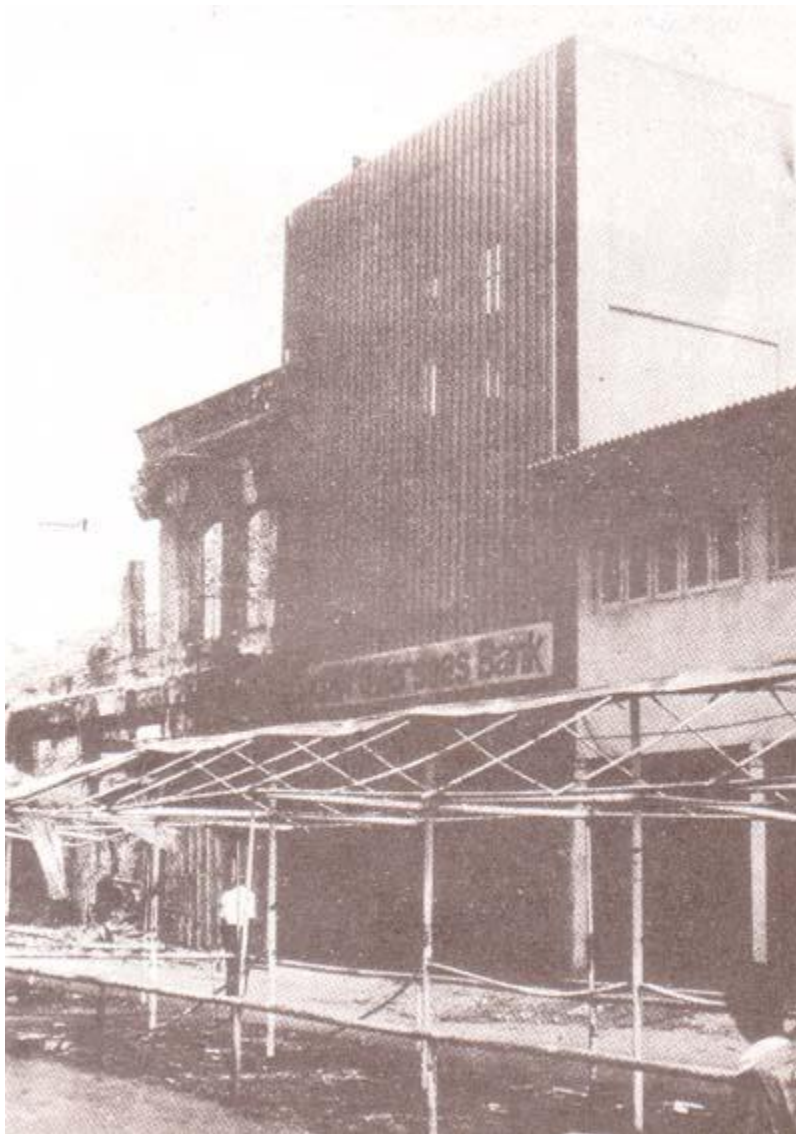
Burnt Shell of World Bank aided Cyntex Mill in Ratmalana

## Monday

The morning newspapers, despite press censorship, published in headlines a statement from the Defence Minister announcing not merely the killing of the thirteen soldiers but also that their funeral, with full state honours, would be held that morning. This was nothing but sheer provocation. Thousands gathered near the cemetery and began looting and burning in every direction. Within hours, Colombo was caught up in the worst holocaust it had ever experienced. Tamil shops and houses were singled out and looted and burnt, while many Tamils were murdered – 500 in the first two days it was estimated. More than 500 cars and lorries were burnt and their wreckage left on the roads. Liquor shops owned by Tamils and Indians were looted and the mobs got drunk. The Indian-owned chain of liquor shops – Victoria Stores – were all looted.

There is no doubt that someone had identified the Tamil houses, shops and factories earlier. Seventeen industrial complexes belonging to some of the leading Tamil and Indian industrialists were razed to the ground, including those of the multi-millionaire and firm supporter of the ruling party, A.Y. Gnanam (the only capitalist in Sri Lanka to whom the World Bank offered a loan), and the influential Maharaja Organisation.

The Indian-owned textile mills of Hidramani Ltd, which used a labour force of 4,000 in the suburbs of Colombo, were gutted. So was K.G. Industries Ltd, Hentleys Garments, one of the biggest garment exporters, and several other large textile and garment manufacturing establishments geared for export. The Indian Overseas Bank and the Bank of Oman were set on fire.



Indian Overseas Bank in Colombo Burnt

Several cinemas owned by Tamils were destroyed. The list is endless. The suburb of Wellawatte, where the largest concentration of Tamils had lived, resembled a bombed town. It will have to be re-built. Probably the worst affected area was the Pettah, the commercial centre of Colombo, where Tamil and Indian traders played a dominant role. Hardly a single Tamil or Indian establishment was left standing.

A most distressing aspect of the vandalism was the burning and the destruction of the houses and dispensaries of eminent Tamil doctors – some with over a quarter of a century of service in Sinhala areas. Tamils form a good proportion of Sri Lanka's medical profession. More than one doctor is rumoured to have been killed in Colombo and in other cities.

While all this was happening, the police and the armed forces were more conspicuous by their absence. They either looked the other way or joined in the looting. The army was the worst offender. Several onlookers have reported that army men travelling in lorries waved merrily to the looters, who waved back. No action whatsoever was taken to disperse the mobs. Not even tear-gas was used. The criminal gangs gained in confidence.

During the day, as more and more reports came of increasing violence, I debated whether to move to a safer place with my family. We were living near the heart of the city. But I put off the decision, hoping against hope that the situation would improve, although we had been watching smoke spiraling from burnt houses half a mile away. By this time, about three other Tamil refugees with two small children had taken shelter in our house. Their houses had been attacked. To make matters worse, the telephone failed. Not just my telephone, but all adjacent telephones. We were effectively cut off. By about five in the evening, smoke erupted from two houses which were burning scarcely a hundred yards away. We could not delay any more. Eight adults and three children all vaulted over the high back wall of our house and took shelter at the Muslim house behind ours. Huddled together in the back verandah – lest we be spotted – we lived through a nightmare which I would not care to have repeated.

Tuesday

As soon as dawn broke, we returned to our home and, on our way, saw the charred remains of the two burnt Tamil houses. Again, the debate as to whether we should leave for safer places. By ten in the morning, Sinhalese friends came by car and we decided to move. Our family split up to go to two different houses. I went with a nephew to a Sinhala friend's house in Ratmalana, a suburb where several factories and houses had also been burnt. I had to keep a low profile in my friend's house so that people would not see that he was harbouring Tamils.

While it is true that the Tamils will never forget or forgive the chauvinistic and, criminal elements from among the Sinhalese who wrought havoc on the properties and the persons of the Tamils, it is equally true that they salute those brave and good-hearted Sinhalese who sheltered a large number of Tamils at great risk to themselves. It was with one of them that I sheltered.

We were still under the curfew imposed the previous day. In fact, the friends who took us away in their

cars had to have curfew passes from the police. But the fact that a curfew had been imposed was no safeguard – the looters and communal gangs were now confident that the police and the armed forces would not act against them. By now, it was being openly whispered that the government, to all intents and purposes, had lost control of the armed forces. Only the navy, which alone had not suffered casualties from the terrorists, was supposed to be reliable. In fact, when the Prime Minister toured Colombo to see the damages for himself, he was escorted by the Naval Commander.

Wednesday

As Wednesday dawned, there were still sporadic incidents. The curfew was lifted at dawn to enable people to buy necessary provisions. But food shortages had hit the country – not for lack of stocks, but because the distribution system had broken down. The sacking of 3rd Cross Street and 4th Cross Street at Pettah, the business centre of Colombo, meant that the wholesale trade in rice, which was dominated by Indians, had been disturbed. Most of the grocery shops and retail outlets in and around Colombo were in the hands of the Indians or Tamils. Their destruction meant immediate shortages of foodstuffs. Although basic essentials were available in small quantities, many things, like cigarettes, became unobtainable. Queues formed for rice and bread and sugar.

By mid-day, I heard the horrible news about the murder of thirty-five Tamil detainees inside Welikade prison. It was a terrific shock that jolted everyone – Tamil and Sinhalese. Looting and burning by unidentifiable gangs, who then disappear, is one thing. But the killing in cold blood of prisoners, who had been committed to prison by courts of law and whose safety was the responsibility of the prison authorities, is quite another. Very few believed the story that these killings were the result of a prison riot. How did the other prisoners get out of their cells? Where did they get their weapons? And, most important, who put these Island Reconvicted Criminals next to the detainees and in the same building? And when?

And even if one overlooked the first killings, how to explain the killing of a further seventeen Tamil detainees on the following day? What were the prison authorities doing for twenty-four hours? Why didn't they send the Tamil detainees to a safer place? This coldly calculated murder of Tamil prisoners, held in custody inside a prison, will be an eternal blot on the Sri Lankan government that nothing can wipe out. An army officer who had visited the prison morgue told me that the detainees must have been attacked with clubs and knives. Kuttimani had been badly slashed. Among the second batch of murdered Tamil detainees was Dr Rajasunderam, the respected leader of the Gandhiyam movement, based in Vavuniya, which had done yeoman service in resettling refugees of Indian origin from the plantations who had fled an earlier communal conflict.

My Sinhalese friend with whom I was staying was visibly moved by this outrage within the prison. He quoted the following stanza from W.H. Auden, written on the occasion of the death of Yeats:

Intellectual disgrace  
Stares from every human face  
And the tears of pity lie  
Locked and frozen in each eye.

He told me that his tears were not locked and, as I watched, they fell from his eyes.

Thursday

Rumours were flying fast about the possibility of an Indian invasion – even that Indian troops had already landed in Jaffna. This was, of course, a response to the three-hour debate on the Sri Lankan situation in the Indian parliament and to the telephone conversation that Indian Prime Minister Indira Gandhi had with President Jayewardene, in the course of which she asked him to receive Indian Foreign Minister Narasimha Rao, whom she was sending to Sri Lanka on a fact-finding mission.

Sporadic incidents continued and the food shortage worsened. Another Sinhalese friend brought me some rice and flour. It was reported that seven suspects allegedly carrying small arms and bombs in a bid to destroy Fort station, Colombo's main railway centre, were shot and killed.

In the late evening the President made a much delayed speech on TV – everyone wondered why he had not addressed the nation earlier. What a sorry performance! There was no condemnation of the communal violence that had taken place; not even a mention of the killing of the Tamils or of the murders inside the prison. His speech was a justification of the violence by the Sinhala mobs and a virtual invitation for more. He said that the actions of the Sinhalese were a reaction to the Tamil demand for separation. He spoke not as the President of Sri Lanka, but as a Sinhala president. In the course of his speech, he announced that legislation would be brought to ban all parties and movements advocating separation, and that severe penalties, including loss of civic rights and the right to practise their professions, would be imposed on members of such parties.

I went to bed that night with the feeling that Tamils in Sri Lanka were not mere step-children but abandoned children. All India Radio announced that Indian Foreign Minister Narasimha Rao would be coming to Sri Lanka the next day.

Friday

My daughter and son-in-law had gone home the previous day and reported that the area around our home was relatively quiet. But I could not find transport to get back home the same day. Petrol, by now, was scarce. However, after breakfast, a friend picked me up and drove me home. And, of course, the sorry sight of burnt shops and houses all along the way. Queues everywhere. My telephone was working, but failed again within an hour or so of my returning. Just before noon, we heard the rumour that there was renewed trouble and that the streets were full of people – running and looting.

What had happened was this: at Gas Work's Street, in the Pettah, someone had thrown a bomb from the top of a building at some soldiers. The soldiers had fired back and killed two people – both Sinhalese. A soldier had mistakenly shot himself. The rumour then spread that the northern terrorists had landed in Colombo and were attacking the army. Within minutes, the roads were choked with people – some fleeing from the terrorists and others preparing to fight them. For a few moments the roles were reversed, and the Sinhalese were fleeing from the alleged Tamil Tigers. In the rush, several Tamils were killed. One of

them was cremated where he fell on the road. Apparently, according to all subsequent reports, the violence that took place in the streets on Friday was pretty serious. The curfew was imposed at 2pm, and continued during the entire weekend.

The state radio had openly to discount the rumour before calm was restored. Earlier, other rumours had been used to create tension and chaos: that Palaly airport in Jaffna had been captured by the Tigers; that the military hospital in Jaffna had been attacked; that the Buddhist High Priest of the Nagadipa (an island off Jaffna) Vihara had been killed (it was found that he was alive and well in his village temple in the South where he had gone on personal business); that foreign troops (meaning Indian) had landed in the North; and that the army had suffered severe casualties in the North and (according to some reports) had withdrawn to Vavuniya. All these rumours were officially discounted over the radio by a government spokesman.

For the first time, the army shot and killed some looters – fifteen according to radio reports. If such stern action had been taken by the government on the very first day the trouble started, it could have been nipped in the bud.

The Indian Foreign Minister arrived by special plane and had talks with the President, the Prime Minister and a few cabinet ministers. He also flew by helicopter to Kandy, the hill capital, and met with officials of the Indian High Commission. He is reported to have offered any type of help that Sri Lanka needed, particularly foodstuffs and medical supplies. It seems also to have been agreed that India would send a ship to transport people of Indian origin from the refugee camps to Jaffna in the North. This was reported by All India Radio.

By now, nearly ten refugee camps had been set up in Colombo to house those Tamils who had been rendered homeless. The figures rose from 20,000 to 50,000 within days, and then reached 79,000. Conditions in the camps were horrible, almost primitive. The Ratmalana airport hangar, which was got ready to house 800 refugees, accommodated 8,000. According to an inmate, there was hardly standing space. There were over 2,000 infants and 500 elderly people, with only one doctor to serve them. Water was scarce and food was inadequate. Similar camps had also been set up in Kandy, Matale, Badulla, etc., where serious incidents had also taken place. Several service organisations were volunteering to look after the refugees.

In the evening, the Prime Minister spoke on TV and radio. For the first time, it became clear that the government was attempting to shift the blame for the communal violence on to those opposed to the government. The Prime Minister, without naming any party or organisation, said that this was an attempt to topple the government by forces that were defeated at the presidential elections and at the referendum and who were jealous at the economic growth the country was making under his government (sic!). .

Saturday

The curfew that had been imposed on Friday afternoon was extended to Saturday and Sunday. It was announced on the radio that 600 looters had been arrested, and that those guilty of looting or murder would be punished with death or life imprisonment. Punishment for selling, buying or retaining stolen

property would be imprisonment for ten to twenty years. The radio report also discounted a rumour that Sinhala peasants in the up-country were getting ready to attack plantation workers of Indian origin and vice versa.

The Minister for State, Ananda Tissa de Alwis, came on TV and radio to suggest that what had happened was not just a Sinhala/Tamil communal clash but a deep-seated plan to overthrow the government. He also accused an unnamed big power as having master-minded the operation which, he claimed, had been well planned. For the first time, it was suggested that certain political parties who had secret connections with the northern terrorists were behind the violence. Still no names were mentioned.

But the identity of these parties was soon revealed when the radio announced that the Peoples Liberation Front (JVP), the Nava Sama Samaja Party (NSSP) and the Communist Party (CPSL) were behind the riots and were proscribed for the duration of the emergency, and that severe penalties, including death or life imprisonment and loss of civic rights, would be imposed on those having contact with the proscribed parties or failing to report them.

To any intelligent political observer in Sri Lanka this accusation must seem ridiculous. The NSSP and the CPSL had never taken up communal political attitudes, except for a short time in 1964, after the fall of the first coalition government of Mrs Bandaranaike. The JVP had been openly anti-Indian Tamil during its 1971 insurrection, but had dropped that stance since and not revived it. There is no doubt that the CPSL and the JVP, which both had close ties with the Soviet Union, were brought in to lend credence to the theory that the Soviet Union and certain Eastern European countries had master-minded the communal violence.

But most of those who witnessed the scenes of looting and arson recognised the gangs as being UNP elements with particular allegiance to two prominent cabinet ministers – one of whom had been revealed as the force behind the communal violence that took place a month previously at the eastern sea port of Trincomalee. The employees of certain corporations under the ministers and the members of the pro-UNP trade union of which one minister is president seem to have played a major role in these riots.

It is also significant that a virulently anti-Tamil book in Sinhala, entitled Protect the Buddhist Religion, by Minister Cyril Mathew, had been circulating for some time. It was distributed free of cost. Besides, if the government wants people to believe that the nationwide disturbances that took place were due to the JVP, the NSSP and the CPSL, then these parties must indeed be powerful parties!

It is also easily forgotten that the provocation to violence was offered by the government itself, when it announced the funeral of the thirteen dead soldiers at Kanatte for the morning of the 25th. It was the crowd of thousands that gathered there that set on foot the communal violence.

Sunday

All India Radio announced that the Indian Foreign Minister had returned to New Delhi and reported to Indira Gandhi that the situation in Sri Lanka had not been brought under control, and that the conditions in the refugee camps were not satisfactory. It also announced that India was willing to send security



forces to Sri Lanka to bring the situation under control, if requested.

I heard that on Tuesday, two Tamils about to leave Sri Lanka by Air Lanka were shot dead by air force guards as they walked to the plane. This incident was witnessed by a Swiss passenger on the same plane.

The Indian radio had been announcing protests and demonstrations all over Tamil Nadu. There had been demonstrations in Bombay and several in Delhi, opposite the Ceylon High Commission, in which MPs of several parties had taken part. M.G. Ramachandran, chief minister of Tamil Nadu, led an all-party delegation from Tamil Nadu to New Delhi to voice concern about events in Sri Lanka to the Indian Prime Minister.

In the evening Minister Gamini Dissanayake went on TV and the radio to repeat the previous day's arguments of his cabinet colleague.

During the day, I spent my time telephoning my Tamil relations and friends. Only in two or three cases did I get an answer. As for the rest, the people had either left for safer places or were in the refugee camps. One of my brothers lived in an area which had escaped the communal flames, but my youngest brother had been assaulted by a mob and robbed of Rs. 900/= – his house was saved from the flames by his Sinhala landlord. My son-in-law's mother and elder brother's family had a tough time in an up-country town and ended up in the refugee camp. Their newly built house had been burnt down. Several of my cousins had their houses burnt.

Monday

Several of my Sinhala comrades called to inquire about my safety. I was touched. Some of them brought foodstuffs, like rice, flour, sugar, biscuits, etc. The generosity of the kind-hearted Sinhala friends became apparent. It was almost as if they wanted to atone for the guilt of the rest.

I received a call from Trincomalee from a friend who told me that, following the incidents at Colombo, there was a fresh outburst of communal violence which left most Tamils homeless. They had taken shelter either at Nilaveli or Muttur. From Jaffna I received a telephone call telling me that there had been no incidents – contrary to the wild rumours that there had been heavy fighting between the army and the terrorists.

I learnt the sad news that, in the small up-country town of Matale, the number of refugees had swelled to 8,000. Among them were my son-in-law's mother and his elder brother's family. Incidents seemed to have taken place at plantation towns like Badulla, Nuwara Eliya and Deniyaya, although no details were available. The refugees in Kandy had swelled to over 12,000. At the University of Peradeniya alone, there were 8,000 refugees.

Reports came in from South India about acts of self-immolation by Tamils in protest against the violence on Tamils in Sri Lanka. There were also reports of a petition by about seventeen MPs from the British House of Commons to the Prime Minister calling for the cancellation of the October visit to the UK of President Jayewardene, 'the Butcher from Sri Lanka'. A 2,000-strong demonstration was also reported in

London in protest against communal violence on Sri Lankan Tamils. A petrol bomb had also been thrown at the Ceylon High Commissioner's residence in London.

Meanwhile, TV stations in the USA, Europe and even the Middle East were showing pictures of Sri Lanka in flames. Apparently, foreigners in Sri Lanka at the time of the outbreak of the violence had not been prevented from taking photographs and filming the scenes of looting and arson. This led to anxious calls from all over the world. Meanwhile, many foreigners — having had a bitter taste of paradise — were leaving in droves and were clogging every available plane out of Sri Lanka. The tourist industry, which had become the second biggest earner of foreign exchange (next to tea), had taken a serious beating, from which it is doubtful it could recover.

Tuesday

Today saw a further procession of Sinhala friends to our home — to bring whatever foodstuffs they could lay their hands on. By noon, we were over-stocked! Things were reported to be returning to normal. The curfew was relaxed and people went out to buy whatever foodstuffs they could.

All over Tamil Nadu in South India, a complete one-day general strike and hartal was observed to protest against the violence on the Tamils in Sri Lanka. It was joined by central government employees in the state. For the first time, a strike took place with the support of the central government, the state government and all political parties of Tamil Nadu. Hunger fasts, meetings and demonstrations took place all over, while in many cities effigies of President Jayewardene were burnt.

Indian Foreign Minister Narasimha Rao reported to both houses of the Indian parliament on his recent visit to Sri Lanka and the discussions he had with the leaders of the Sri Lankan government. He told parliament that there was some substance in press reports that Sri Lanka has appealed to foreign powers for assistance. But he said that it was mischievous to state that this assistance was called for against India. The Sri Lankan High Commissioner in New Delhi had issued a statement denying the news. The Sri Lankan government also expelled an American correspondent of UPI who had sent out the news.

With the restoration of relative calm, the question arose of the future of Tamils in the South of Sri Lanka. Some of the refugees from the camps were already on their way home to Jaffna by ship. More ships were being got ready. India, too, was sending three ships to transport refugees from South to North. What about their future? Could they return to their business, their professions, their employment? Many had had their homes destroyed. There was no place to which they could go. Could they live among the Sinhalese again? What could they do? They could not all go back to Jaffna because there was no economy to support all of them. It is a good guess that most professionals — the doctors, engineers and accountants — would seek jobs abroad. It was already reported that Canada and Australia would ease entry restrictions for Sri Lankan Tamil professionals. All who could would leave Sri Lanka. What about the others who form the majority? Only the future can tell. If one must live, one must live with dignity. Otherwise, life is worthless.

The radio reported that although thirty-one people from the proscribed parties were on the list to be arrested, only eighteen had been detained. The rest had gone underground. Among the latter were the main leaders of the JVP and the NSSP. Severe penalties were announced for anyone harbouring them or

failing to report their presence.

Wednesday

Bread supply to our doorstep resumed. It was a sign of return to normal. Offices had reopened. But no Tamils reported for work.

The government announced the convening of parliament for Thursday to discuss the sixth amendment to the constitution, by which all parties advocating separation would be banned and severe penalties imposed on members. Concretely, this meant that the Tamil United Liberation Front (TULF), with seventeen seats in parliament (its leader is the leader of the opposition), would be banned. This was basically a stupid move because it meant the government would have no one to talk to.

In the evening, the radio announced a speech by the President to his cabinet. In it, he came out with the fantastic story that, when he had called the first round table conference of political parties for 20 July, he had intended to discuss a solution of the Tamil problem, including granting greater powers to the Development Councils, the withdrawal of the Prevention of Terrorism Act, a general amnesty to all those arrested under it (anyway, only a few have been left not murdered) and the withdrawal of the army from the North. But, he moaned, all parties had boycotted the talks and thus prevented him from discussing his proposals for the solution of the problem.

There could be no greater political lie! It brings into question the political honesty of the President. He seems to forget that six years have passed since his government came to power and that, during this long period, he has done nothing (despite election promises) to bring about a settlement of the Tamil problem except more and more repression. He also seems conveniently to ignore his own interview with the Daily Telegraph a couple of weeks ago wherein he had said that he did not care for the opinion of the people of Jaffna and that the conference was only to discuss the question of the suppression of terrorism in the North. Obviously the President had to resort to these blatant falsehoods in order to defend himself against international condemnation.

SriLanka's image in the world had sunk low indeed! A Sinhalese specialist doctor returning from London a few days ago had said that he was ashamed to call himself a Sinhalese when he was abroad. The radio also announced that the Constitutional Court, consisting of judges of the Supreme Court, had ruled today that the sixth amendment (barring two sections) was not inconsistent with the constitution. It will undoubtedly be passed in parliament tomorrow. It is unlikely that the TULF will attend. If prisoners can be murdered, anything can happen to MPs.