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**STUDENTS FOR HUMAN RIGHTS**

SRI LANKA

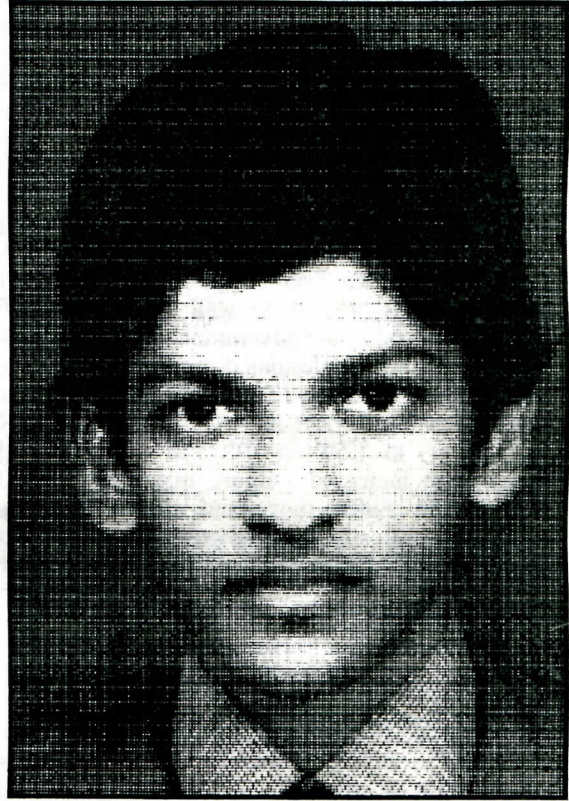


## Where is Gayan?

On the 9th December 1989 at a time between 4 and 7.30pm, Gayan was abducted by the Sri Lankan "security forces". He became one of the 100,000 people who disappeared in Sri Lanka in 1989.

Gayan, whose real name was Gamunu Yasus Seneviratne, was the secretary of the organisation **Students for Human Rights (SHR)**. He was 26 years old and a third year physical science student at Kelaniya University. On the day that he was abducted he was carrying with him some photos and reports describing the killings, which he was going to hand over to a friend at 7.30pm so that his friend could get them safely out of the country. This was the time when hundreds of bodies were displayed daily, burnt on the streets, as a warning to people not to even think of opposing the fascist regime. SHR under extremely difficult conditions collected information about this slaughter.

Gayan was abducted soon after the "Paris Aid Group" meeting was held. Gayan had organised to get a dossier to the yearly meeting of the western donor nations, with the plea "No money to kill us please". The dossier documented the slaughter that was going at that time with photographs and statistics giving the horific details.



It is of crucial importance to the UNP (United National Party) regime in power in Sri Lanka to receive the financial aid that is given yearly by the "Paris Aid Group". The amount is so high that it is sufficient to cover the massive military expenditure that the regime needs to maintain its war drive.

In spite of the fact that the 1989 Paris Aid Group meeting decided to increase the amount of aid to US \$ 785 million, the Sri Lankan president Premadasa was furious that this dossier was able to get to the hands of the delegates in Paris.

It was very likely that Gayan was being held because the government armed forces knew of his involvement in SHR and the production of the dossier. The consequence of this would be torture to attempt to extract information of his colleagues and then execution.

This is what Lord Taylor of Gryfe said in the House of Lords in Britain about Gayan's disappearance.

"When I was there I was interested in the case of a young man who had just disappeared. .... I went to David Gladstone (the British High Commissioner in Sri Lanka) to ask him to make representations. The Swedish Embassy also made representations, and I stated that I would raise the matter with the Foreign Secretary on my return. Mr. Gladstone was summoned to the Foreign Office in Sri Lanka and was asked, "What is all the trouble you are making about this chap? We will make sure that he is returned". But like so many others who caught in that conflict, he was never been seen since." (House of Lords - Official Report, Vol. 525 - No. 31 / 23 January 1991)

Mr. David Gladstone himself was expelled from Sri Lanka in June 1991 because the Premadasa regime did not like his concern for human rights.

## Students for Human Rights

Students for Human Rights was formed in mid 1988 as a result of the rapid intensification of the Human Rights violations in the south of the island during that period. The catalyst for our formation was the incident in Tangalle, where two students of the Tangalle College, Wasantha Weerasinghe (aged 20) and Prassanna Wanigasinghe (aged 22) were abducted, tortured and killed by the Special Task Force of the Sri Lankan Police.

### The student movement

Students for Human Rights came out of the large and vibrant students movement in the 'south' of the island. The student movement in Sri Lanka is strongly connected to the mass of the poor people of the island due to the fact that majority of the students come from very poor backgrounds. The "Inter University Student Federation"(IUSF) was instrumental in launching Students for Human Rights. The 1977 student protests against the cutting of the rice rations by the UNP government is an example of the political connection between the students and the people. 23 university students were expelled by the government because of this protest. As well as cutting the free rice rations to the poor, the government, as part of its attack on social spending, undermined dramatically spending on universities and schools. The expenditure on education fell from 5% of the budget in 1977 (the year the UNP came into power) to 1.5% in 1985. In contrast in 1985 the government increased military expenditures by US \$72 million. The student movement was put in a position of having to politically fight the government's attacks on the people as well as its attacks on the students themselves.

### UNP government

The election of the UNP government in 1977 marks an important point for those concerned with human and democratic rights. Although the government in power before the SLFP (Sri Lanka Freedom Party), certainly did contribute to the ills of the country, the relentless attack on every democratic right by the UNP government after 1977 brought about the terrible situation in the island today.

### Executive presidency

In February 4th 1978, the prime minister J R Jayewardene, undemocratically transferred the power from the parliament to an "Executive Presidency". Up till then the political leadership of the country had rested on the Prime Minister who had to be accountable to the parliament for his or her action. J R Jayewardene put into force a new constitution giving massive autocratic powers to the president, openly boasting that the only thing that this constitution could not do is to make a man into a woman and a woman into a man.

The executive presidency meant the vesting of executive powers of the state on a single individual - the President - who is conferred absolute immunity in regard to his official or private capacity by the constitution. This constitution which was introduced in 1978, was completely unknown to the people in Sri Lanka and was introduced without the consent of the people.

## Dictatorship

Two incidents in 1980, the sacking of 130,000 workers because of their participation in the general strike and the removal of the civic rights of the SLFP leader and former Prime Minister Mrs. Sirima Bandaranaike, are sufficient to demonstrate that the regime in power in Sri Lanka was a dictatorship.

With the workers movement suffering a massive defeat and opposition parties gagged it was left to the students movement to organise some opposition to the government. In 1982 the government introduced the "white paper" on education which was an important step towards the privatisation of the up-till then free education system and the introduction of various measures which gave advantage to the more wealthy students. The student movement now united under the "Inter University Student Federation" organised a massive nation-wide opposition and succeeded in forcing the government to withdraw the white paper.

### The vote against voting

In 1982 the self-imposed president J.R. Jayewardene decided to have a presidential election. He did so without dissolving parliament and using all the executive powers to "win" the election. Now the general election was due to be held in 1983. To avoid this the president held a bogus referendum which simply extended the period of power for the UNP government by six years! Apart from the fact that election commissioner reported widespread malpractice, the referendum was in effect a vote against voting. The general atmosphere generated by the president was expressed very well by incident regarding the letters of resignation. The president J.R. Jayewardene demanded that all the UNP MPs sign an undated letter of resignation and hand it to him! Apart from one (M.D.H Jayewardene MP for Kaduwela) all the UNP MPs did as the president ordered!

### War against the Tamil people

In 1947, colonialist Britain handed over power to the Sinhala elite, who were represented by the UNP (United National Party) and later also the SLFP (Sri Lanka Freedom Party). In the crumbling dependent economy which was left by the British, both these parties sensed that the secret to obtaining and keeping power was the British divide and rule policy. So they whipped up anti-Tamil racism for opportunistic political ends and as a result Sinhala chauvinism became a powerful political force. Anti-Tamil riots took place in 1956, 1958, 1961, 1974, 1977, 1979, 1981 and 1983.

The "Gandhian - Sathyagraha" peaceful protests by Tamil people for equal rights were met with the armed force of the state. The intensifying racial discrimination and the use of armed force on protest against it led to the emergence of the Tamil separatist movement and the armed opposition, which continues to this day.

In June 1990, the Sri Lankan regime started non-stop aerial bombardment of the north and east. In just over one year more than 10,000 people have been killed and 1.2 million people have been made homeless. Hospitals, schools and most other essential services have been destroyed by this attack on the people. The murderous RDF (Rapid Deployment Force), STF and all the rest of the fighting units are employed against the Tamil people. The way that the armed force is increased it is very clear that the Premadasa regime is only interested in a military solution.

### '83 racist riots

On the 24th July 1983 the vicious anti-Tamil riots started in Colombo which brought Sri Lanka to the TV screens of the world. During the period of one week 2000 Tamil people were killed. Many more were injured and wide-scale looting and burning of property belonging to the Tamil people took place. On the 30th of July, using the emergency regulations, the government banned the JVP (People's Liberation Front), CP (Communist Party) and the NSSP (New Socialist Party). It was clear that the anti-Tamil riots were used as a pretext to ban these organisations.

It is well recognised that the anti-Tamil riots were initiated by a section of the UNP government - the UNP cabinet minister Cyril Mathew playing a leading part. The attempt to implicate the JVP, CP, and the NSSP in the shameful riots of 1983 was a breathtaking attempt at deception by the UNP government. It is so outrageous and unbelievably that we think that it was primarily an attempt to mislead the international press, so that the people who were really responsible for the riots, a faction in the UNP government, may be able to escape international attention. It is also well known that it was precisely the organisations that were banned who did most to protect the Tamil people from attack. The ban on the JVP was never lifted - this forced it to go underground.

### Intensification of the terror in the 'south'

After July 1983, as the government's war against the Tamil people in the north escalated, the state terror in the south intensified. In 1983 the elected student bodies (councils) were banned and a police post was set up inside the Paradeniya campus! As a result of the police post and the opposition to it two students lost their lives. By 1987, things had got worse. The regime banned the Mayday demonstration and when people assembled in a Buddhist temple despite the ban, the police shot and killed two people in the temple premises. One was a university student and the other was a worker.

### Indo-Lanka accord

Typically president Jayewardene put into motion the signing of the Indo-Lanka Accord without any regard to the wishes of the people. Demonstrations that were held against the accord was met with armed force. Unarmed demonstrators were shot at and 145 were killed in Colombo.

With the arrival of the IPKF in the North and East of the island, the responsibility of suppressing the Tamil militants was given over to the IPKF and the full strength of the Sri Lankan Army was brought to South. New special forces like the NAR (National Armed Rescue), NAF (National Auxiliary Force), CSD (Counter Subversive Division -Police), IOT (Police), Commando 2 (Army), RDF 2 (Army) which like its older counterparts did not fail to commit its share of atrocities, were created to quell the opposition in the South. Numerous vigilante death squads like PRRA, Green Tigers and Black Cats also sprang up and continued to unleash its own terror, with the obvious approval of the state. The full force of the Emergency Regulations and the PTA which had earlier been used against the Tamil people in the North was brought to the south. The PTA and the indemnity bill was amended to further increase its power. (see "licence to kill" box)

### Killing fields in the south

It was clear that the vast majority of the people in the island were against the Indian troops. Whether it was Tamil people from the north or Sinhala people from the

#### The licence to kill

The legal powers at the disposal of the regime in Sri Lanka are so wide-ranging that many international lawyers organisations have characterised it as having the "licence to kill".

Emergency Regulations cover all kinds of political activities. Many of the regulations adopted under the Public Security Ordinance concern supervision, search, arrest and detention (eg. Regulations 16,17,18,19,20). These regulations are very wide scope and are capable of being used to hold people in detention for long periods. They have been so used, and some of the held under them have been held incommunicado without access to either lawyers or relatives. Such detention amount to a breach of Article 9 and 14 of The International Covenant on Civil and Political Rights.

#### Regulation 55 FF, provides:

(1) It shall be lawful for any police officer of a rank not below that of Assistant Superintendent of Police or any other Officer or person authorised by him in that behalf, to take all such measures as may be necessary for the taking possession of and the burial or cremation of any dead body, and to determine in his discretion the person who may be permitted to be present at any assembly for the purpose of or in connection with any such burial or cremation; and any person who is present at any such assembly without the permission of such authorised person or who obstructs such officer or authorised person in the exercise of the powers herein before conferred shall be guilty of an offence.

(2) It shall not be necessary for any officer or person taking measures relating to the possession and burial or cremation, of a dead body under this regulation to comply with the other provision of these regulations and any other written law relating to the inquest of death or to burial or cremation.

Under the Prevention of Terrorism Act (PTA) which is part of the of the permanent law in the country, those 'connected with or concerned in or reasonably suspected or being connected with or concerned in any unlawful activity' become, without any further justification, subject to the exercise of very wide powers. 'Unlawful activity' is a concept which receives an extremely wide definition and embraces comparatively minor offence. It permits arrests, without warrant, of PTA suspects, search of premises and vehicles, seizure of documents, the taking of person 'to any place' for interrogation, the taking of measures for identification, and the restriction of these persons' movements and activities. (Section 6,7,11) - The Act brings within its ambit even actions committed before its enactment, although at the time that the acts were committed they may not have contravened any law then in existence (Section 31).

Section 9 provides that suspects under the Act may be detained 'in such place and subject to such conditions as may be determined by the Minister', and that detainees may be held without trial for successive periods of months up to a maximum of 18 months. Detainees are often held not in ordinary prisons, but in army camps and sometimes in police stations. Even when charged and awaiting trial, and during trial, the Secretary to the Minister may order the detainee to be held in any place and subject to any conditions he directs. (Section 15A)

The Act provides for prison terms which range from 5 to 20 years, and life time imprisonment, for accused persons who convicted. There is no requirement that detainees be brought before a magistrate upon detention.

Finally, Section 26 provides, 'No suit, prosecution or other proceeding, civil or criminal, shall lie against any officer or person for any act or thing in good faith done or purported to be done in pursuance or supposed pursuance of any order made or direction given under this Act'. In fact the "Indemnity Bill" went further than this!

The 55FF was removed in February 1991 by President Premadasa, but this has no practical effect since the extent of the reign of terror which has been imposed on the people has successfully destroyed any basis for a legal safeguards or defence. During the 1988-89 period 9 lawyers had been killed by government sponsored death squads for filing action on behalf of relatives of the disappeared. 32 lawyers have fled the country. So really it has reached the stage where the 55FF is not necessary.

In any case as Amnesty International puts it in their 1991 report "...However the remaining Emergency Regulations still enabled security forces to dispose of bodies secretly and extra-judicial executions continued...."

south, the majority were clear that the Indian Peace Keeping Force (IPKF) being on the island was everything to do with India's regional interests and nothing to do with peace.

During this period tens of thousands of people from all walks of life disappeared, were made to suffer in torture chambers, were summarily executed and burnt in public. Killings were carried out in the rate of 200 per day - other than in north and the east.

The power was handed over from Jayewardene to Premadasa, and the so called elections that took place were a sham.

As the British Lord Avebury put it,

"The Premadasa election victory in 1988 was also of dubious validity, marred as it was by widespread violence and intimidation, as was the parliamentary election of 1989 at which I was present. There were dozens of political murders including those of nine opposition candidates and many officials. The turnout in both elections was sharply down, particularly in areas of traditional opposition support...." (House of Lords - official report volume 525-No:31/23 Jan. 1981)

After the arrival of Premadasa the killings by the Sri Lankan "Security Forces" increased dramatically. As the British newspaper 'The Guardian' reported on 25.01.1990, "A whole generation, perhaps 6,000 in the Galle district alone, has been eliminated, with every family suffering someone who has been picked up, beaten up or killed. .... they were naked, in many cases headless, and most were burning on piles of tyres"

In the meantime more than 5000 people -mainly Tamils - suffered violent death at the hands of the 'Indian Peace Keeping Force'.

The students movement to which the political leadership was given by the IUSF played a very important role in mobilising against the presence of the IPKF in the island and against the dictatorial UNP regime.

The protest against the IPKF was brutally put down by the Premadasa regime. Over 450 university students, over 5000 school students and over 100,000 people were killed by the armed forces - this is not taking into account the north and the east.

As we said at the beginning our organisation SHR formed specifically to oppose the human rights violation taking place in the island. For this purpose we assisted in organising citizens committees, university students' parents associations and most recently the Mothers Front. The founder of SHR who was also the president of the IUSF, Nimal Balasooriya, a 2nd year Engineering student from the University of Moratuva was killed on 8th May 1988 by the government death squads.

### **Students for Human Rights call for:**

- 1) Stop the aerial bombing in the north and the east
- 2) Abolish the executive presidency and stop the killings taking place in the south.
- 3) Release all political prisoners.
- 4) Abolish the Emergency Regulations, the PTA and the Indemnity Bill.

### **International Solidarity**

We call on all those concerned with human rights internationally to put pressure to stop the financial aid to

### **Political prisoners**

There are 25,000 political prisoners who are held under the PTA and the Emergency Regulations. (this means that it is not necessary to charge them). Most of them are there as JVP suspects. However they are not treated as political prisoners. The physical conditions for the prisoners are extremely bad. Many of the prisoners have had to undergo severe torture. The prison authorities go to extreme lengths to try to provoke clashes inside the prisons, regularly trying to use criminal elements to start fights against the political prisoners. The prison officers then "intervene" to unmercilessly beat, and sometimes kill political prisoners.

At this moment the government is charging some of the political prisoners expecting that there will not be lawyers who will appear on their behalf.

Sri Lanka. This is the practical way that you can help the people who are at the receiving end of the attacks.

We feel that calling financial aid given to the government of Sri Lanka 'development aid' is a sick joke. To think that a regime that will go to the extent of killing more than 100,000 people during the past three years in the 'south' of the Island and is willing to conduct aerial bombardment against the Tamil people in the north and east of the island, so that it can cling on to power, is to be trusted with the task of improving the conditions of the majority of the poor people in the island is simply outrageous. A regime at war with the people cannot develop the material conditions of the people.

The militarisation after the UNP government came into power has grown enormously. In 1983, the armed forces constituted 12,000 people. In 1987 this had increased to 70,000. The regime says that it will increase this to a 100,000. This is apart from the police force which has also been turned into a vicious armed machine. The military expenditure for the 1990 budget has been increased by 50% from US \$ 267 million to US \$ 383 million. At the same time the aid package increased from US \$ 785 million in 1989 to US \$ 1000 million in 1990.

It is true that several countries participating in the 'Paris Aid Group' have made strong appeals to the government of Sri Lanka to stop the abuse of human rights. But as long as the amount of aid increases this amounts to nothing. Every year as the aid package inevitably increases the regime makes optimum political mileage out of it. Wide publicity is given to the fact that the most powerful countries in the world are willing to financially back the regime.

### **We urge you to support our work!**

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Donations will be much appreciated:

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