

AN UNJUST WAR AGAINST TAMILS

A MEMORANDUM SUBMITTED BY L.T.T.E
TO THE U.N. CONFERENCE ON HUMAN RIGHTS.
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AGAINST TAMILS”**



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LIBERATION TIGERS OF TAMIL EELAM**

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Dear Delegates,

Six months have elapsed since India signed the so-called 'peace' Accord with Jayewardene's regime to end the ethnic strife in the Island. The Accord, which was acclaimed by both India and Sri Lanka as a monumental historical achievement in bringing about peace and ethnic reconciliation to the Tamil Issue, has miserably failed in its spirit and its objectives. Contrary to everybody's expectations, the Indo-Sri Lankan Accord has brought war violence, death and destruction.

It is a tragic paradox that it is the oppressed people of Tamil Eelam for whom the Accord pledged, to bring peace and justice, suffered immensely with a massive loss of life. What deeply shook the innocent Tamils was that India, who relentlessly championed their legitimate cause, whom they regarded as their guardian and saviour has turned to be their oppressor. The Indian peace keeping force (IPKF), which was sent to Tamil homeland to protect the Tamil people, to maintain peace and to ensure ethnic harmony, has assumed itself as an army of invasion fighting a bloody war against the Liberation Tigers of Tamil Eelam (LTTE), the vanguard movement of the Eelam Tamils which spear-headed an armed resistance campaign for more than ten years to defend the Tamil people against state repression and terror. A part from the incalculable damage done to Tamil life and pr-

operty, the Indian military action has further complicated the complex problem and destroyed all hopes of an early settlement of the Issue.

What went wrong with the Accord? Why is that the pledges given to the Tamils by the Indian Prime Minister that the Accord would bring them full-regional autonomy with sufficient devolution of powers for self-rule could not be fulfilled? Why did the Government of India, which has been mediating over the issue for several years for a peaceful negotiated political settlement and was vehemently critical of Sri Lanka's attempt to resolve the problem by military means, launched a ruthless war in callous disregard to civilian life and property seriously violating all norms of human rights? What prompted India to resort to the extreme measure of armed confrontation against a popular liberation organisation to whom she has been providing sanctuary, moral and material assistance, whom she recognised as the dominant political movement of the Tamils? These are some of the pertinent questions raised by those who are genuinely concerned about the present predicament of the people of Tamil Eelam.

The critics of the Indo-Sri Lankan Accord would agree that one of the serious mistakes made by the Government of India was the extra-ordinary hurry and haste in which the Accord was signed without eliciting popular discussion and consent both from the Tamil and Sinhalese communities. This gave rise to suspicion, fear and opposition to the Accord among the wider sections of the popular masses in Sri Lanka. The Indian Government which has been mediating on the ethnic problem

for years with painstaking tolerance and patience suddenly rushed through the Accord as a miraculous breakthrough to the Tamil issue without giving any credence to the wishes and aspirations of the people who are directly affected by the Agreement. Apart from the President and some of his cabinet colleagues the Accord stands opposed by prominent ministers of the ruling party including the Prime Minister, the main opposition parties and the powerful Buddhist sangha and the Sinhala extremist organisations. The Sinhalese fear that the Accord has infringed upon the sovereignty of the country. The Tamil community too is seriously disappointed since the Provincial council proposals envisaged in the Accord fall short of their political aspirations.

The Prime Minister of India Mr. Rajiv Gandhi, on several occasions, has assured the Tamils that the Accord would bring them full regional autonomy short of an independent state. But in practice this has not taken place. The two enactments passed in Sri Lankan Parliament recently - the Provincial Councils Bill and the 13th Amendment to the Constitution - do not contain necessary provisions to fulfil the basic political demands of the Tamils. Firstly, the crucial question of merger of the Northern and Eastern Provinces into a single regional unit is not yet resolved to the satisfaction of the Tamils. There is no constitutional guarantee for the merger of these Tamil Provinces apart from the verbal assurance given by President Jayewardene. Secondly, the powers devolved to the Provincial councils are extremely limited. The Councils have not been given adequate powers on crucial subjects like Land, Agriculture, Fisheries, Education, Employment etc, which are reserved for the centre. Furthermore, the President and the Parliament are vested with extra-ordinary Powers over and above the legislative and executive authority of the Provincial

Councils. A presidential proclamation or an ordinary legislation in Parliament could dissolve the Provincial councils. Therefore, contrary to Indian Prime Minister's assurances, the devolution package granted to the Tamils is an empty shell devoid of any political authority. India too agrees that the Provincial framework fails to meet Tamil aspirations but has expressed hope that Sri Lankan President would grant more concessions in the course of time. The Tamils do not have such hopes. They feel cheated and betrayed.

The Government of India has to be blamed for this sorry state of affairs. India, which took the active mediatory role on behalf of the Tamils should have pressured Sri Lanka and secured adequate constitutional guarantees for Tamil rights and sufficient powers of autonomy for Tamil provinces. What disillusioned the Tamils was that India instead of persuading Jayewardene to carry-out his obligations and commitments in the Accord, launched a sudden, unexpected war against the LTTE to disarm the organisation by force. This hasty decision on the part of India further complicated the situation and contributed to the consolidation of Jayewardene's intransigence. The decision to launch a full-fledged war against the LTTE in the background of a peace initiative. When the moral obligation on the part of India was to seek the smooth implementation of the Accord was a grave and serious mistake. What prompted the Indian policy makers to make this controversial decision with its disastrous consequences still remains a mystery. It can only be attributed to the superficial and myopic vision of the Indian Leadership to a very complicated historical problem.

The arguments advanced by India that LTTE's reluctance to accept the Accord unconditionally and its refusal to surrender the arms are the factors that compelled India to resort to military action are unconvincing and untenable. These vague generalisations cannot justify the massive military onslaught with a heavy toll of civilian casualties against a war-torn population who fervently hoped that India would bring them peace and solace.

LTTE's stand on the Indo-Sri Lankan Accord and on the issue of surrendering the arms have been explicitly stated in our several letters to the Indian Prime Minister and in our official statements and documents. The LTTE did not oppose the Accord nor it refused to surrender the arms. We have serious reservations on the Accord particularly on the provincial Council proposals set-out in the Agreement to resolve the ethnic problem. We are of the opinion that these proposals have serious limitations and fall short of Tamil aspirations. But we are aware that there are other aspects of the Accord that deal with India's strategic interests. Our organisation fully recognises India's pre-eminent role in South Asia and respects her geo-political sensitivities and strategic compulsions. The LTTE also supports India's policy of declaring the Indian ocean as a zone of peace and her opposition to the penetration of international forces of subversion in the region. Therefore we support the aspects of the Accord which deals with India's bilateral relations with Sri Lanka and her regional policies. In our letters to the Indian Prime Minister we pledged to cooperate with India in the implementation of the Accord if it promotes the interests and protects Tamil lives. This is our position in so far as the Accord is concerned. We were under the impression that India

fully appreciated our position. Though the LTTE was not a party to the Accord nor was it consulted in the framing of the Agreement, we pledged to cooperate with India with the objective of avoiding any conflict with Indian interests.

In so far as the arms issue is concerned the LTTE never refused to surrender its arms. During his lengthy discussions with the Indian Prime Minister Mr. Rajiv Gandhi in July last year, the LTTE leader Mr. V. Prabhakaran pledged to surrender the arms in stages following certain assurances given by the Indian leader. Accordingly the LTTE surrendered a substantial portion of its arms to the IPKF. The rest of the weapons were to be surrendered once an Interim Government is formed with a majority role for the LTTE. The LTTE's pledge to hand over the remaining weapons and the LTTE's role in the proposed Interim Administration are clearly stated in a written Agreement entered between the Government of India and the LTTE on the 28th Sept. 1987.

The crucial question that can be posed now is why did the Government of India choose to wage a disastrous war against the LTTE when our organisation pledged to cooperate with the implementation of the Accord and has been surrendering the arms according to modalities worked-out with India. Any rational thinking person will not accept India's contention that a war was necessary to disarm the LTTE and to implement the Accord. Everybody will agree that the war is counter-productive hence it brought heavy casualties on both sides, caused untold sufferings to ordinary citizens and obstructed the implementation of the Accord.

The war against the LTTE was unwarranted, unjust and unwise. By opting for such ruthless and highhanded action India fell a prey to the shrewd and cunning manipulations of Jayawardene's regime. Sri Lankan diplomacy from the inception was aimed at creating a conflict between India and LTTE. Sri Lanka manipulated the events in such a devious manner that India was finally caught in to that diplomatic trap and was compelled to do Sri Lanka's dirty job of liquidating the Tamil freedom fighters.

It should be noted that following the signing of the Accord, the Sri Lankan Government has neither carried out her obligations nor co-operated with India to implement it. On the contrary, Sri Lanka took certain measures that seriously violated the terms of the Accord.

Though a General Amnesty was proclaimed by the Sri Lankan president for political and other prisoners held in custody under the Prevention of terrorism Act and other Emergency Laws, Sri Lanka did not release all the political prisoners. Sri Lanka also failed to carry-out her obligations of withdrawing Emergency regulations in the Northern and Eastern Provinces and disarming the Home Guards.

What angered the Tamils most was that Sri Lanka, immediately following the signing of the Accord, launched a massive programme of colonising the Tamil areas with Sinhalese settlers under the cover of rehabilitation and re-settlement. Thousands of new Sinhalese settlers were brought to Trincomalee, Mullaitivu and Vavuniya areas and settled in Tamil villages. These villages were deserted by Tamil peasants who were up-rooted from their traditional lands by racial violence and state terrorism. To further provoke the Tamil, Sri Lanka started opening

up police stations in Tamil areas with sinhala personnel. Alarmed over these developments we registered our protest with India but no action was taken.

One of the assurances given by the Indian Prime Minister was the formation of an interim government with LTTE playing a dominant role. It was also assured to us that the problem of re-settlement and rehabilitation of Tamil refugees and the formation of a Tamil police force would be the responsibility of the Interim Administration. But neither Sri Lanka nor India took any concrete steps to form the Interim Government. There was a calculated delay in this matter and Sri Lanka continued with her colonisation programme and started inducting a sinhalese police administrative machinery in the North.

What was more disturbing at that time was the arrival of armed Tamil groups from South India who with the patronage of the IPKF, established bases in the North and East and started harrasing the LTTE as well as the public. We were rather shocked and surprised why the Government of India choose to arm these groups and despatched them to Tamil areas at a sensitive time when peace process was introduced and disarming of the LTTE was taking place. This is one of the reasons that led to our disenchantment with Indian policy on the Tamil issue.

Because of these negative developments, the LTTE launched a fast-unto-death campaign spearheaded by our political wing leader Mr. Thileepan seeking redress to our grievances. The campaign soon expanded into a mass non-violent movement with the active participation of the popular masses. At the initial stages the

Indian Government ridiculed the non-violent campaign of the LTTE but soon realised that it was turning into a massive national up-rising with mounting anti-Indian feelings. The Indian High Commissioner Mr. Dixit rushed to Jaffna to listen to our grievances on the 9th day of the fasting when Thileepan was reaching the brink of death. Mr. Dixit offered vague assurances which failed to meet our demands. The fast continued and Thileepan died. It is after Thileepan's death and when the mass agitation took a serious turn into a national out-cry. Mr. Dixit came with proposals to set-up an interim administration. If the Government of India had acted without delay Thileepan's life would have been saved.

The proposed interim administration soon ran into serious difficulty when President Jayewardene announced the list of names contrary to the order of preference suggested by the LTTE. Sri Lanka demanded from us a list of names for the chief Administrator as well as the members of the council. The list was given in the order of preference giving larger representation to the people of the Eastern Province. Jayewardene deliberately changed names and rejected LTTE's nominees for the Eastern Province. This gave rise to a controversy and Jayewardene refused to appoint LTTE's nominee for the chief administration. Finally, the proposed Interim Government was dropped. Sri Lanka Government deliberately sabotaged it and blamed the LTTE for its 'intransigence'. The Government of India supported Sri Lanka's stand. Once again, the Tamils were betrayed

It was during this time, a tragic incident occurred with far reaching consequences which further added to the estrangement of relations between India and the

LTTE. It was the incident in which two LTTE regional commanders and ten senior members were compelled to commit suicide in the custody of the IPKF. Though these LTTE leaders were arrested by the Sri Lankan Navy on the coastal waters of Point Pedro, they were kept in the protective custody of the IPKF at Palaly camp. Sri Lanka demanded that these LTTE men should be taken to Colombo for 'interrogation'. But the Government of India gave us assurance they would be released soon. The arrested Tiger leaders had already warned both Sri Lanka and India that they would swallow cyanide capsules and kill themselves rather than facing torture and possibly death in the hands of Sri Lankan security forces. We argued with the Government of India that the arrest of these LTTE leaders constitutes a serious violation of the Accord since LTTE men were given General Amnesty. We also insisted that the protection of the lives of our members was the responsibility of the IPKF which assumed the role of avoiding conflicts between Sri Lankan Security force and Tamil guerillas. We also warned India of a possible outburst of violence if LTTE men were massacred. Our plea to secure the release of our leaders was a minor concession we demanded from both India and Sri Lanka who have just entered into a major agreement to resolve the ethnic conflict. But Jayewardene was very obstinate. The Indian high commissioner Mr. Dixit, who held lengthy discussions with Sri Lankan President failed in his diplomatic endeavour. The result was a great tragedy. The massacre of twelve prominent LTTE men, who were great heroes of the Tamil liberation war, out-raged the Tamil sentiments. Pulendran, the regional commander of Trincomalee and Kumarappa, the former regional commander of Batticaloa, were highly respected leaders in the Eastern Province who spearheaded a courageous

resistance campaign against Sri Lankan security forces in defence of the people. The tragic circumstances in which they were killed angered the Tamil population and there was widespread violence and racial clashes in the Eastern Province which resulted in the death of several Sinhalese civilians. Ignoring the out-raged sentiments of an angry people and the provocative circumstances which led to the out-break of spontaneous mass violence, both Sri Lanka and India accused the Tigers of masterminding racial conflict. What followed was a top level conference in Colombo between India and Sri Lanka in which a series of tough measures, including military action against the LTTE were decided upon.

While the LTTE and the people of Tamil Eelam were mourning over their dead heroes the Government of India mobilised its peace keeping force for a bloody war against the Tamils. Neither the Tamil people nor the LTTE anticipated, even in their wildest dreams, a war with India. For the Tamils India was their protector, guardian and saviour and the presence of the Indian troops was looked upon as an instrument of peace and love. For the LTTE, India was their promoter, a friendly power who provided sanctuary and armed assistance, an ally who respected its role in the liberation war and recognised its political importance. Therefore, the Indian decision to launch a war against the LTTE shook the Tamil nation by surprise and anguish.

What horrified the Tamil people was the brutal and ruthless manner the Indian troops conducted the military campaign in callous disregard to human life and property. The war was a nightmare. To break-through the LTTE's stiff resistance and to capture Jaffna town, which took

nearly two weeks, the Indian troops used all its available fire-power in a most ruthless manner in the densely populated areas of the peninsula. The most deadly weaponry that caused heavy casualties among the civilian population was the mortar and artillery shells. From all the military camps mortar and artillery shells were rained on the people from every direction for 24 hours a day continuously for weeks. There was no escape. People were killed everywhere. The civilians who took shelter in temples, schools, and even refugee camps were not spared. Dead bodies were littered everywhere. The injured bled to death. Yet the Indian army kept on shelling irrespective of the mass killing of civilians. Bombers and helicopter gunships continued pounding civilian targets adding to the death and devastation. When the Indian troops advanced interior they brought havoc. Innocent civilians, including women and children were massacred in a most barbaric manner. Houses were destroyed, temples desecrated, and shops looted. The worst crime committed by the Indian troops was the rape of Tamil women. Hundreds of Tamil women were raped brutally and most of them were done to death after sexual violence. This brutality deeply wounded the sentiments of the people and the hate for the Indian army became widespread. The IPKF received the motto as the **Innocent People's killing Force**. Among the most brutal massacres committed by the IPKF was the mass killing at the Jaffna General Hospital. The Indian troops stormed in to the hospital and killed in cold blood over a hundred sick and injured people. Four doctors were senselessly slaughtered and several nurses raped and murdered. In this ruthless military campaign one thousand four hundred innocent Tamil civilians were killed and several thousands injured. Colossal damage was done to Tamil property.

The Indian Government's thesis that the LTTE fighter used women and children as human shields were baseless lies. The IPKF propaganda that old women were armed with pistols, children carried handgrenades, and young girls hid their sub-machine guns under their skirts were nothing but fabricated tales concocted to justify the unacceptable rate of civilian casualties. The truth is that the Indian army intelligence miscalculated the LTTE's strength, fire-power and its fierce determination to resist. When pressurised by Delhi policy makers to do a quick job, the IPKF thrust in using maximum fire power in total disregard to civilian casualties. Apart from the casualties inflicted, the IPKF brought extreme hardships to the civilian population. The electricity was cut-off purposely for more than two months, which plunged the entire Jaffna peninsula into darkness and paralysed all industrial works. Water supply too was cut-off. IPKF banned public and private transport putting a halt to food and medical supplies reaching the Peninsula from southern Sri Lanka. There was a ban on fishing. Such harsh measures drove the civilian population to the brink of the socio-economic life of the people. The other unpopular measure that brought immense suffering to the civilian population was the round the clock curfew imposed on the peninsula which lasted for more than two months. Even today, after three-and-a half months of the declaration of war, dusk-to-dawn curfew continues.

The inhuman brutalities and other cruel crimes committed on our people by the Indian troops could not be brought to notice of the world community because of the total black-out of news by India. International media was prevented from entering the 'war'zone. The occasional press notes released by the LTTE was branded 'as

malicious distortion of truth. On the first day of the war itself the Jaffna local newspapers were forcefully silenced. The Indian troops stormed into these newspaper offices, arrested the Journalists and blasted the printing machinery with explosives. The Tamils were shocked beyond belief to see India, which claims to be the guardian of democratic liberties, had adopted this high-handed method to muzzle the local media which functioned as the only voice of our people. Having suppressed the local press, and blocked the international media, the Government of India effectively utilised the state controlled media to put fabricated stories about the war and to malign the LTTE. We pleaded with India to send a team of observers from Amnesty International and international commission of Jurists to investigate the violations of human rights and extra Judicial killings but our request was turned down.

Today, after six months of the signing of the Accord the war continues with its violence and destruction of life. The Indian claim that peace and normalcy are returning to Tamil areas is far from truth. The conditions of war prevails and human suffering continues. The IPKF and LTTE guerillas are engaged in violent confrontations. Cordon-off operations, house-to-house searches, search and destroy missions, mass identification parades, arrest, detention and torture of Tamil youth continues unabated by the IPKF. The deployment of several thousand troops has turned the Jaffna Peninsula into a massive military encampment. There are military sentry posts in every junction and main roads, where vigorous check-in systems operate. There is no freedom of public mobility. The Tamil areas are placed under a rigid military administration. This situation cannot be categorised as normalcy.

The Government of India assumes that the time is ripe for the induction of a political process and polls in Tamil areas. But the Tamils feel that this artificial normalcy achieved by military occupation and domination is not the congenial atmosphere for democratic political practice.

The LTTE has been pleading with the Government of India, since the beginning of the war, to call-off the military offensive operation to declare a ceasefire to initiate a dialogue to bring about peace and normalcy. The LTTE asks for a status-quo-ante, the return of the Indian troops to pre-offensive position and the re-activation of the 28th September agreement which allows the formation of an interim Government. The Government of India has rejected out-right LTTE's suggestions and demands total surrender and unconditional acceptance of the Accord.

The Indian position is unfair-unjust and undemocratic. This intransigent attitude will prolong the conflict and perpetuate the agony of our people.

It is the Tamil people who have the liberty to decide their own political destiny. The Government of India has no right to super-impose a political framework which the Tamil opinion feels totally inadequate and falls short of their legitimate political aspirations. But if the Government of India attempts to do so it will amount to a grave injustice done to our people.

We call upon this forum to give urgent and serious consideration to the predicament of our people, and urge the Government of India to abandon its militaristic approach and initiate negotiations with the LTTE to find a peaceful negotiated settlement to the Tamil issue.

**POLITICAL COMMITTEE
LIBERATION TIGERS OF TAMIL EELAM**