

# TAMIL Voice

NEWSLETTER OF THE ILANKAI THAMIL SANGAM

SUMMER

1994

## LETTER WRITING CAMPAIGN

The Sangam participated in a nationwide letter writing campaign on behalf of the Tamils of Eelam, in April '94. The campaign was organized by the US Committee for Peace in the Island of Sri Lanka, a New Jersey based group of American lawyers.

A brochure was prepared with tear-out post cards addressed to President Clinton and the Hon. Lee Hamilton, Chairman of the Foreign Relations Committee of the US Congress.

The brochure gives a brief history of the civil war in Sri Lanka, and the recent escalation that has resulted in increasing violations of human rights of the Tamil people in that island. It describes the aerial bombardments and the shelling of the civilians, the aerial attacks on the travelers crossing Kilali lagoon, and the widespread arrests and disappearances of Tamils in the Sinhala areas. It also depicts the persistent rejections of peace initiatives by the Sri Lanka government. The post cards urge the President and the Congress to use the leverage western nations have in the form of foreign aid to stop the loss of innocent human lives and to secure the right of the Tamil speaking people to freely determine their political status.

The enthusiasm shown by the volunteers who undertook to collect signatures, and the response of the American public, have been phenomenal.

Fifteen thousand of the 20,000 brochures printed have so far been distributed. If any of the readers are interested in receiving these please contact the President of the Sangam at (914) 565 6895. We can only mail packets in multiples of 20 brochures each.

## Fashion Show

The Fund-raiser Fashion Show held on May 14, was a splendid success. About 250 people attended this well organized event, held at the Salaam Temple auditorium in Livingston, NJ. The level of talent displayed by the models, and the perfect ambiance created by the organizers, made us all proud to belong to the Sangam.

The event began with a cocktail hour followed by the fashion show. Fourteen female and two male models selected from our community, displayed the dazzling Indian outfits and western dresses. Renuka Srinivasan, who trained the models, and the models themselves, should be congratulated for the professionalism exhibited. Renuka, who has organized fashion shows in London, was so delighted by the performance of our youth that, she said, "I was truly impressed by the efforts put in by the models."

Nira Ketheecharan, the MC for the evening, kept the audience in full attention with her vibrant and loquacious introduction of the models and their finery. The apparel for the event were specially imported from India. The western dresses were provided by Ultra Pink, a brand name manufacturer, who provided

Continued on Page 4

***Land of Our Birth, We pledge to thee  
Our love and toil in years to be.***

***- Rudyard Kipling***

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## The Sangam Committee

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## TAMIL

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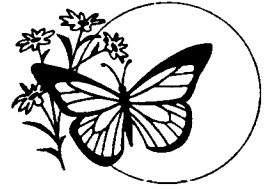
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# Editorial



## Res Ipsa Loquitur

**The Sri Lankan propaganda machinery is hard at work.**

**It is sweating and laboring, against all odds, to prove the Sri Lankan state to be "peace lovers." At the same time, it is also struggling to depict the LTTE as diehard extremists, averse to the harmony and peace in that island.**

**Vast sums are expended in this asinine, but sterile endeavor. Sterile and fruitless nonetheless - as evident from the increasing worldwide condemnation of the Sri Lankan state. Amnesty has published 3 reports this year alone, in addition to its numerous calls for action. Individual and groups of NGOs and observers have issued stinging reports about Sri Lanka's human rights record, and many have called for a resolution based on the Tamil Right to Self Determination. Foreign nations are becoming increasingly vocal. And, as a final insult, the Aid to Sri Lanka Consortium meeting has been postponed indefinitely.**

**Regardless, Cabinet Ministers are sent around the world to tell the western states that their government is working for peace, and that the LTTE is the only obstacle. Valuable resources are expended in this wasteful, vituperative and, of course a very futile exercise, to slander the LTTE as inflexible radicals, who would settle for nothing less than a separate Eelam.**

**They have to work hard on this one, because the facts are just the reverse. One doesn't have to go too far back to look at the evidence.**

**We have listed in the next page a few of the many LTTE pleas for peace talks, and their willingness to compromise.**

**We have also listed the Sri Lankan government's rejections, not only of the LTTE overtures, but also some of the numerous third party offers for peace.**

**We don't need to elaborate or embellish - the evidence against the Sri Lankan state is staggering.**

**Res Ipsa Loquitur (The Thing Speaks for Itself.)**

## LTTE's Record

**July 1990: *Voice of Tigers'* editorial:** "If Premadasa government is genuinely interested in meeting the legitimate political aspirations of the Tamil people it should be prepared to scrap the unitary constitution... Reciprocally, the LTTE is willing to consider any alternative framework which recognizes the right to self determination of the Tamil speaking people, provides for genuine autonomy and proper constitutional safeguards."

**September 1990: Anton Balasingham in an interview with the *Sunday* (of India):** "If Sri Lanka is prepared to offer substantial regional autonomy to our people then we are prepared to accept it."

**December 1990: Kittu in an interview with *The Hindu* on alternatives to Eelam:** "It depends on how far the Sri Lankan government is prepared to concede the Tamil demands and allow them to live as equal citizens with the Sinhalese."

**January 1991: Yogi in an interview with Thomas Abraham:** "We are fighting for a separate state... But if the government can come forward with a proposal that can meet our aspirations we will consider it."

**March 1991: Kittu quoted in *The Hindu*:** "LTTE does not oppose the contention of the government that the Tamil problem should be solved within a united Sri Lanka, but it will be meaningless to do so under a unitary constitution."

**June 1991: Thilagar speaking to reporters in Germany:** "The LTTE calls upon the government to enter into open and unconditional talks."

**August 1991: Kittu in an interview with *Melbourne Community Radio*:** "If we recognize that in Sri Lanka there are two nations, then we can talk about how these two nations may live together."

**Yogi in an interview with Ralph Leigh:** "They can't have a solution under a unitary constitution. If they propose regional autonomy for the Tamils, accepting the Tamil right to self determination, then we will consider it."

**September 1991: Prabakaran in an interview with Christopher Morris (BBC):** "It is up to the Sinhalese people and the Sinhalese politicians to determine whether we can live in this island as one people. As far as we are concerned the Sinhalese people should first of all recognize the very basis of the Tamil question. In other words, the Tamil homeland, the Tamil nationality, and the right of our people to self determination. If these basic principles are recognized, then there is a possibility for unity between the Tamil and Sinhalese people."

**February 1994: Dr. A.T. Ariyaratne, Sarvodaya leader after his visit to Jaffna:** "The LTTE genuinely desires peace."

**The Catholic and Anglican Bishops after their visit to Jaffna:** "LTTE has called for peace talks in Jaffna."

## Sri Lanka government's Record

The Sri Lankan government is yet to come up with a proposal for peace.

In addition, for the past 10 years a number of intermediaries, like the governments of Canada, Norway, and Australia, and variety of other organizations such as The World Council of Churches, Quaker Movement, the Carter Center, etc., have offered their services, all of which had been rejected by the Government of Sri Lanka.

It is noteworthy that, the LTTE accepted every one of these offers.

Below are some of the more recent ones.

**May 1992:** Canadian Human Rights Mission calls for immediate internationally monitored cease fire and negotiations. Offer rejected by Sri Lanka government.

**August 1993:** Four Nobel laureates propose a peace formula. Sri Lanka government rejects it.

**November 1993:** Max Berger, a Canadian Barrister writes to President Wijetunge on behalf of Canadian Parliamentarians offering mediation. Offer rejected.

**December 1993:** Prime Minister Ranil Wickremasinghe rules out direct talks with LTTE, and states LTTE "must lay down their weapons" (an euphemism for surrender) and "they must participate in the all party conference."

**February 1994:** Norwegian government requests Arne Fjoertoft of the Wroldview International to act as an intermediary. Government silent on this, but the AFP government Telex a few days later states, "Senior bureaucrats say that the Government's reluctance to start peace dialogue stems from the fear that any concession to minorities would be unpopular with the majority Sinhalese community, especially in an election year."

**March 1994:** Minister Thondaman invited to visit Canada to discuss Canadian mediation by Max Burger, Maria Minna MP, Bill Graham MP, Tim Murphy MMP, Tony Roprect MMP and John Sola MMP.

President Wijetunge tells Minister Thondaman, "Foreign mediators are not needed in the northeast."

**March 1994:** President Wijetunge refuses permission for the Speaker Hon. M.H. Mohamed to visit Jaffna. Offer by Mr. Mohamed to resign his post as Speaker of the Sri Lanka Parliament, and go as a private citizen, also rejected.

**June 1994:** US Ambassador, Teresita Schaffer, personally seeks permission from the Prime Minister Ranil Wickremasinghe and the Sri Lankan foreign Office, for an Embassy official to visit the LTTE leadership in Jaffna. Permission denied. []

## Sangam News

### COMMITTEE MEETING

A Committee meeting of the Ilankai Tamil Sangam was held at the Vijayanathan residence in New Jersey, with the President Dr. Jeyalingam at the chair. The meeting commenced at 3 p.m., with minutes of the previous meeting, which was proposed and seconded by Dr. Satchi and Mr. Christopher respectively.

The President then outlined the current status of the postcard campaign. Fifteen thousand of the brochures were distributed. The committee discussed the follow up activities to be pursued. Among activities proposed were an information package to be mailed to policy makers and important organizations, and an appointment with the State Dept. officials.

The status of the Refugee Relief Fund was then discussed. Requests from recipient organizations were taken for consideration. An orphanage in Batticaloa, Mangayatkarsi Illam, was allocated funds. Two other requests from HOPE Nugegoda and Jaffna Mothers Front were deferred until further information is available about their relief activities.

The Fashion show held in May received high praise and appreciation from all members. Dr. & Mrs. Satchi and Mr. & Mrs. Sriharan were thanked for their splendid organizational skills and dedication.

Other topics discussed included the membership drive, AGM, cultural event sponsorships and participation at the forthcoming annual convention of the Federation of Tamil Sangams of North America.

The meeting adjourned with a vote of thanks to the hosts. Mr. & Mrs. Vijayanathan.

### Fashion Show (Continued from P 1)

complimentary garments to the models.

After the show a lavish dinner was served, organized by Srihari Satchi and Tammy Sriharan, and prepared by a number of volunteers. Soon, the skillful DJ had most of the guests on the dance floor. By the time

## The European Parliament Resolution & The Harlots of SL Media

**A resolution adopted by one of the committees of the European Parliament has been given wide publicity by the Sri Lankan media and by the Bulletins of the Sri Lanka embassies all over the world.**

The reason - it contains a few paragraphs criticizing the LTTE and a recommendation to the member states to curtail LTTE activities in their countries.

**But the Sinhala media, which has become masters of selective journalism, has conveniently omitted the numerous references in the resolution to the Sri Lanka government's dreadful human rights record.**

The motion for the resolution refers to items such as, "the security forces have been guilty of grave and large scale violations of human rights," and also

contains numerous appeals to the SL government to "bring to justice those responsible for grave abuses...", "...to put into force legislation to protect human rights...", "end the practice of repeated arrests of people...", etc.

There was no mention of these in the Sri Lankan media.

The Sri Lankan propaganda machinery also forgot (conveniently, of course) to mention that it was not the European Parliament that passed this resolution, but one of its committees (the Committee on Foreign Affairs & Security).

This resolution has come under considerable criticism by several MEPs and other committees of the European Parliament. **Christine Oddy, Member of the European Parliament had this to say:**

"Subsequent to my visit to Sri Lanka and writing my report, the Committee on Foreign Affairs presented a report... It is unfortunate that the report was rushed through... It was only by pressure of 23 signatories that enabled a **debate to be held on a Friday morning when most MEPs had already left Strasbourg.**"

Her Memo went on, "It is also unfortunate that the Committee on Foreign Affairs and Security did not refer the report to South Asia Delegation for an opinion. The report is somewhat flawed, because it lacks a balanced approach. **A more considered and thorough examination could have removed the lack of balance from the report and inserted a more critical analysis of the Government's record.**"

### Sri Lanka Courts Tamil Expatriates

There is something strange happening (fishy is the right word) all over the world. Tamil expatriates living in western countries are receiving calls from the Sri Lankan Ambassadors. The caller would say, "the Ambassador would like to have dinner with you. Would next Monday evening be alright?"

We wonder why? These same embassies used to call us traitors for innocuous activities such as having a meeting to discuss the plight of Tamils in Sri Lanka or writing to newspapers about what their government was doing to the Tamils, etc. They also used to exclude us from embassy functions and events.

Now, we can have a private dinner with the Ambassador!

### X'Mas Cards

**The Tamil Refugee Relief Organization of California has produced Christmas cards for this year. The card portrays a Tamil Refugee, and the greetings are in English and Tamil. These tastefully prepared and meaningful cards are available for sale at \$ 18/ 20 cards. Proceeds are used to aid the Tamil refugees. The cards are available at TRRO, 43847 North Heaton Avenue, Lancaster, CA 93534.**

**Tel: 805-945-8882**

## A MEMORABLE TRIP TO JAFFNA

I started my journey to the North on the 12th of April 1994 taking the Yal Devi at 6.00 a.m. from the Fort Railway Station. The train was fully packed with over 2,000 people, many of whom were going to Jaffna to celebrate the Hindu New Year. I got into a second class sleeperette and found it in a terrible condition; the sanitary facilities in the toilets were appalling, the toilet doors would not shut at all. At 12.30 p.m. the train reached the last station Thandikulam, the next station to Vavuniya. At the station Rev. Albert Jebanayagam met me and the first thing he did was to commit us into the hands of the Lord, that he would be with us all in our journeys. We walked half a mile to the Army check point and found that over 1,000 people who had arrived the previous night were still waiting to be cleared by the Army who were taking their own sweet time. I noticed that there were two queues; one for the ladies and one for the men. I observed that all the luggage was thoroughly searched and only items permitted by the Army were allowed to be taken to Jaffna: the rest was confiscated. In the piles of confiscated goods I saw bottles of Brandy, soap, candles, aluminum ware and chocolates. This was about 2.00 O'clock in the afternoon and the scorching sun was beating upon us with all its ferocity, and it was unbearable. After having walked this stretch of 1 1/2 miles, we were now at the LTTE Centre Point where passes are issued to those wishing to proceed to Jaffna. Even here there were two queues; one for the women and one for the men. All our luggage was opened and checked.

As we approached the Tiger Camp I was told that since I was from abroad, I would have to go to a different check point. Here I was entertained to a nice cup of tea. I asked the young Tiger cadet who could not have been above 22 years of age, as to why others were not given a cup of tea too. He replied, "Sir, look after yourself; don't worry about the others, we are there to look after them; this place is full of Tiger soldiers." This young boy wished me a peaceful journey to Jaffna. Now armed with the Passes issued by the Tigers I was ready to proceed to Jaffna. I was also told that I had to obtain a pass for my re-entry into Colombo.

At this point we got into a bus which was fully loaded and proceeded to the nearest town which was about eight miles away, in order to hire a car or catch a bus to Kelali from which we were to take a boat to complete our journey. We managed to hire a car which started on petrol and then ran on Kerosene. This was an old EN series Morris

Oxford. The journey cost us Rs. 3,500. The journey itself was pretty awful as the roads were in very poor condition, not having had any maintenance for a very long time. It took us 4 1/2 hours to do this journey of 58 miles. We stopped at Omanthai for a short break and then proceeded on our journey and reached Kelali Town at about 7.00 p.m. We were able to eat something and rest for a while before starting off again. At this point we booked our boat journey, and proceeded towards a queue to get into the tractor trailer. There were over 40 passengers and they all had to sit on the floor of the trailer and this journey took about 20 minutes. This was a hectic experience and I saw mothers with little children in the trailer. When I was looking for a toilet, Rev. Jebanayagam pointed me towards the bushes and said that the same applied to the ladies as well. I was quite intrigued to see written in bold letters, on two separate Palmyrah trees the words MALES and FEMALES. We then proceeded towards the seashore where we saw long queues, all waiting for a place in the boats. Each boat was permitted to carry 15 people and their luggage. Since the sea bed was dry due to the low tide, all the men were asked to push the boat into the water - Elephant Pass Lagoon - and then given clearance to cross into Jaffna at a place called Alaiady Fishery Coast of Palaly. We landed at about 11.30 p.m. and had to push the boat onto dry land. I was so happy and exhilarated to realise that I was in Jaffna, my mother soil. We walked for about half a mile through the sand and then hired a car for Rs. 3,000 to take us to Jaffna town. It took us 3 1/2 hours to do 28 miles and I got to my sister's home at 2.30 a.m. I was so happy and amidst tears flowing down my cheeks, I thanked the Lord for having brought me safely.

During my ten day stay in Jaffna I visited the Rehabilitation Centre where people who had lost their limbs were being looked after by the Tigers. I also visited the Ashram at Maruthanamadam where 80 displaced families from Myliddy were taken care of by Sam Annan. I saw that the Ashram gave a free meal daily to all of the people. I gathered that the LTTE were making a contribution towards the upkeep of these families in the form of unemployment benefits.

The widely held belief amongst many that the Tigers are terrorists is totally wrong, as I found them to be very caring and helpful to the needy ones. I also visited the theological College at Chunnakam where Mr. Rajan Thiyagarah, the Principal, was helping the displaced families. I must also place on record my deep appreciation to Rev. Albert

Jebanayagam and his group at Canaan International Fellowship at Irupalai. Most of the places I remembered as a boy whilst in Jaffna were all razed to the ground and the place looks like a wilderness.

After having spent 10 days in Jaffna I was now planning my return trip to Colombo and called at the Tiger Administration Office. I hired a three wheeler for Rs.1,500 to go to Alaiady Palaly, Fisher Coast. The journey took 4 hours and I reached there at 2.30 p.m. Now I had to stay in the queue and I was allocated to boat number 33. 216 boats sailed that night each carrying 15 passengers. We had to wait till it was nightfall under coconut trees before we could proceed, but at about 5.30 p.m. I saw an Air Force helicopter hovering above us and the whole crowd was panic stricken and wailing thinking that we were going to be bombed. They all started praying to their Gods. At about 6.00 p.m. the Tiger commander wanted all to line up according to their boat numbers, and once this was done we all had to sit on the sand in straight lines making it easy and orderly to get into our boats. At about 8.00 p.m. we started getting into our boats; the same procedure had to be repeated, in that we had to push these boats from dry land into the sea. We reached Kelali at about 11.00 p.m. to get into the tractor trailers to get us to Kelali Town and from there we had to hire a taxi to get us to Vavuniya. At this point we were advised to sleep for a couple of hours as the drivers had to have a break. At about 8.00 a.m. we reached the Tiger check point where we had to return our passes and made our way through No Man's Land. After this we all had to go to the EPDP Check point, where a Tamil paper called the Tamil Murasu was sold to us for Rs. 5.00 and then we proceeded to the Army check point where all our bags were examined and we were given clearance. We were able to buy cool drinks at this place and it was so refreshing. In Vavuniya we had to get a pass from Brown & Co. managed by the Vavuniya Police Authority and over 1,500 people got their passes to proceed to Colombo. An inspector on duty very kindly called me to a side and issued my pass, and hence I did not have to queue up. We were now able to catch the Yal Devi; only people from 19 boats caught the train; the others were left behind as they were standing in queues. We arrived at the Fort Railway Station at about 8.30 p.m.

In conclusion, my sincere prayer is that all these problems will come to a peaceful settlement very soon and covet the prayers of all who read this report.

*George Swarajah*

6 *A Point of View***IT'S TERRORISM, STUPID**

Said the President, sapiently.

**H**is pronouncement that there is no ethnic problem but only terrorism, has been seized upon almost universally as the most crucial discovery of recent times. It is regarded as a discovery that heralds the achievement of an early and complete solution. And the solution is the crushing and complete extermination of the LTTE. When that is achieved in the near future the *Pax Sinhalica* will prevail from sea to shining sea, from Point Pedro to Dondra Head, from Colombo to Batticaloa.

Simplification has many virtues and should be assiduously pursued especially in complex situations. It should strengthen, not weaken, our grasp of reality. The reality in which we find ourselves, burying our dead, tending our wounded and expending Rs. 71 million per day on warfare is one of unending and un-endable conflict. We may call the entire exercise our response to terrorism but descriptive virtuosity does not end the problem or make it go away.

In a war both sides aim for victory; there is nothing novel in that. For 10 years now both sides have sought military victory without success. There have been even longer lasting conflicts of this kind in which the antagonists have applied to each other more vituperative labels than "terrorist". In the British Isles the fight of the Irish guerrillas for independent state lasted for hundreds of years until it was ended in 1922 by the division of the then United Kingdom into two independent, sovereign states - The Irish Free State (now the Republic of Ireland) and the United Kingdom of Great Britain and Northern Ireland. In Northern Ireland nationalist guerrillas (the IRA) have waged, and are still waging, war on the British army in Northern Ireland to expel it from that territory so that it could be separated from the British state and united with the Republic of Ireland. That war is now in the 26th year despite the government's forces outnumbering the guerrillas 110 to 1.

The name we apply to the enemy matters naught to the final outcome. What is important is clear understanding of the nature of the enemy and, consequently, the nature of the war itself. These are factors that will determine the eventual result.

The President seeks to portray the enemy, the LTTE, as terrorists who attack the Tamil people, the Sinhala people and the Sri Lanka army. He suggests that the LTTE has no support among the Tamil people whom it has subjugated to its terror. He asserts the Sri Lanka army is in the north-east to deliver Tamil citizens of Sri Lanka living there from the LTTE's terror. Tamil people living outside the area controlled by the LTTE are our allies against the LTTE, even though we seize and incarcerate quite a few of them in Colombo on suspicion of being LTTE agents or sympathisers. Not only do Tamils and Sinhalese live side by side in amity in the Sinhala provinces but some Tamil groups fight alongside the Sri Lanka army against the LTTE. There is therefore no ethnic problem - only LTTE terrorism, which will be stamped out by the co-operation of all law-abiding citizens irrespective of their ethnic origin. Though not explicitly stated it is implied that with so little Tamil support the LTTE will collapse from its own internal weakness, aided by a determined effort by Sri Lanka army. It is in this euphoric mood that he has promised to end the war in 3 or 4 months time and hold a referendum in the eastern province in February '94 and local government elections thereafter.

The present is the third incumbent of the post. Neither of his predecessors departed from reality in quite this way. **Some day it will, perhaps, be known how Mr. Wijetunga got himself unhinged to this degree. He seems to forget that in 1977, long before LTTE achieved its present dominance in Tamil affairs, the Tamil people of the north-east voted overwhelmingly at the general election of that year for a party, the TULF, which had as the first point of its election manifesto, the undertaking to secure a separate, independent, sovereign state in the Tamil homeland, the north-east province. That event is the great watershed of post colonial history on the island. Our (Sinhala) opposition to that decision of the great majority of the Tamil people produced the LTTE which is pledged to implementing that decision by the only means left available to them, the use of force.**

The persistence of Tamil nationalism is very evident today - from within the present cabinet of ministers (the CWC) right through the entire spectrum of Tamil opin-

ion - on the question of the de-merger of the north-east province. No Tamil political party will have it. There is an unshakable ethnic solidarity on that. Contrariwise, the ethnic solidarity of the Sinhala political parties in favor of de-merger is equally monolithic. The ethnic harmony that the President perceives is only a figment of his imagination.

It is dangerously misleading. It misleads him into believing the war against the armed protagonist of Tamil nationalism can be won, when the world's history is replete with examples that an armed nationalist guerrilla war cannot be won by a conventional army and that the state attempting to maintain the status quo will have to give way in the long run.

The last President was realist enough to say openly, at the beginning of his talks with the LTTE in 1989, that there is no means by which the LTTE could be disarmed. The Indian army had failed to do so despite having captured Jaffna within a fortnight of the outbreak of hostilities with the LTTE. The two books written by Indian generals who fought the LTTE give some inkling of the problem. It is earnestly to be hoped that the present President has read these two books from cover to cover. **If he has, he has obviously dismissed them in the belief that the Sri Lanka army is vastly superior to the Indian army, its failure to capture Jaffna in over 3 years of fighting notwithstanding. Having regard to the current experience of the British army in the Northern Ireland he probably regards the Sri Lankan army as well. If these indeed are his judgments on the matter, most informed and thinking people are bound to have great difficulty accepting them. They are unlikely to do him much good as commander-in-chief of the armed forces, and still less to the forces themselves.**

**The plight of the Sinhala people today is too dire for the President to worsen matters by drawing such a red herring across the trail. The LTTE has been for the last 10 years, and for the foreseeable future, will continue to be a permanent feature of the political landscape of the island. The search for peace for the Sinhala people must begin with a firm grasp of the ineluctable reality.**

*Adrian Wijemanne.*

Jan '94

# People in the News



## College Admissions

*Ravindran Kathirithamby - Johns Hopkins University*  
*Suresh Koneswaran - Manipal Medical College, Mysore*  
*Cherubini Mithrathasan - Rennselaer-Albany Medical School*  
*Mirna Mohanraj - Johns Hopkins University*  
*Brintha Gowri Ramachandran - Boston University*  
*Niroshini Satchi - Mt. Holyoke College*  
*Mylan Satchi - Colgate University*  
*Sai Sriskandarajah - Columbia University*

## Graduations

*Ahilan Arulanantham - George Town University*  
*David Chinniah - UCLA*  
*Timothy Chinniah - Swathmore College*  
*Dinesh Jeshuran - Lehigh University*  
*Suresh Koneswaran - Wheaton College*  
*Geetha Moorthy - Haverford College*  
*Praveena Nallainathan - Cornell University*  
*Thusha Nathan - Loyola Marymount University*  
*Saravana Sarvendra - University of Chicago*  
*Kishore Sivaloganathan - George Washington University*  
*Agnes P. Thambynayagam - University of Houston*  
*Niranjan Thiagarajah - Pomona College*

## Congratulations

Detach and Mail

## Births

**Asvin Viknesh:** Mr. & Mrs. Sivapalan of Ozone Park, NY, were blessed with a son on May 23.

## Weddings:

**Sumangala and Griri:** Sumangala Kailasapathy was married to Griri Yogarathnam on June 4, at the New England Hindu Temple (MA)

## A Promotion

Kanthan Rajaratnam was promoted from the position of Division Marketing Research Manager to the position of Associate Director of the Marketing Research Division at General Foods.

## OBITUARY

**Rasaretnam Sabapathy:** beloved wife of the late Sam Sabapathy (First Mayor of Jaffna), mother of Dr. Nalayini Sriskandarajah (US), Vinothini Amarasekera (Sri Lanka), Malini Karunanathan (UK), Dr. Premala Isweran (UK), Kanageswary Chandrakumar (UK) and Raji Kanagadevan (UK), mother-in-law of Dr. R.K. Sriskandarajah, Dr. S. Amarasekera, Dr. M.S. Isweran, Dr. M. Chandrakumar, and M. Kanagadevan expired on an Air Lanka flight en route to London, on 3.26.94. The funeral took place in London.

The family requested donations to the Sangam Scholarship Fund, in lieu of flowers. The following donated:

Mr. & Mrs. Druchunas  
 Mr. & Mrs. Futyma  
 Mr. & Mrs. Lunn  
 Mr. & Mrs. Sriharan  
 Mr. & Mrs. Strakele  
 Galleria Travel

### ILANKAI TAMIL SANGAM MEMBERSHIP APPLICATION FORM

Family: \$ 25.00 Single: 15.00 Student: \$ 10.00

Name: \_\_\_\_\_

Occupation: \_\_\_\_\_

Spouse: \_\_\_\_\_

Occupation: \_\_\_\_\_

Names & Years of Birth of Children

1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

4. \_\_\_\_\_

Make Checks Payable to Ilankai Tamil Sangam and Mail to  
 P.S. Sriharan  
 Ilankai Tamil Sangam  
 Presidential Center  
 293 Eisenhower Parkway, Suite 230, Livingston, NJ 07039

## A UN Report

**The following is a written statement of the Humanitarian Law Project, distributed by the Economic and Social Council of the United Nations.**

International Educational Development notes Commission resolution 1987/61 of 12 March 1987, in which the Commission called upon the Government of Sri Lanka to "pursue a negotiated political solution (to the conflict) based on principles of respect for human rights and fundamental freedoms." The Commission's call for negotiated political solution to the conflict was repeated in a statement of the Chairman of the Commission on Human Rights made on 27 Feb. 1992...

2. The conflict addressed in that resolution and statement is **the conflict between the Tamil people, the original inhabitants of the north and east of the island of Ceylon, and the Sinhala controlled government of what is now called Sri Lanka. Prior to colonization by the British, there were separate Tamil and Sinhala states. The Tamil people, primarily Christian and Hindu, speak their own language and have their own traditions and customs. The Sinhala people are primarily Buddhist and their traditions and customs reflect that heritage. With the forced unitary rule,**

first as a result of colonization and then under the post-colonial Sinhala majority rule, the Tamil people were increasingly threatened. In the late 1970s, after nearly 30 years of attempted peaceful resolution to many points of profound differences, the Tamil people began forming armed defence forces. **At present, Tamil forces are consolidated in the Liberation Tigers of Tamil Eelam (LTTE), which continued to defend Tamil areas in a war against the Sinhala government's armed forces, "home guards" and other armed entities.**

3. The Commission's Working Group on Enforced or Involuntary Disappearances also discussed the possibility of a political resolution to the conflict..

4. But there has been no negotiated settlement. **The current Government even rejected mediation offer made in September 1993 by Noble laureates.**

5. It has now been more than 10 years since the rampage of violence against the Tamil people produced 100,000 refugees in a matter of weeks and resulted in the first resolution on Sri Lanka in a United

Nations Human Rights body - resolution 1983/16 of 5 September 1993 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities. It has been more than 40 years since the Government of Sri Lanka embarked on anti-Tamil policies that led both to the communal violence of 1983 and to the continuation of the conflict between the Tamil people and the Sri Lankan Government - now controlled almost exclusively by Sinhala power blocs. Regarding the policy of relocation of Sinhala people into traditional Tamil areas, one senior official (a Sinhala) regretted his role publicly:

*"My role was that of executor. We moved in a large group of land-hungry peasants (Sinhala) into the Batticaloa and Polonnaruwa districts... We were seeking to have in Batticaloa zone a mass of persons opposed to a separate State." (Statement of H. Gunaratne, The Sri Lanka Sunday Times, 26 August 1990.)*

6. The pervasively Sinhala nature of the Government has even clouded the

Over

Detach & Mail

### ILANKAI TAMIL SANGAM REFUGEE RELIEF FUND

**I am appreciative of the efforts of the Ilankai Tamil Sangam, USA, to  
Aid the Refugees of War In Eelam**

I wish to join this humanitarian work, and I hereby donate/pledge the following towards the  
Ilankai Tamil Sangam Refugee Relief Fund

\$ 25  \$ 50  \$ 100  \$ 500  \$ 1000  Other \_\_\_\_\_

I wish to help on a regular basis, and I pledge the following to be paid in Monthly/Quarterly/Biannually/Yearly  
(Please Circle Applicable Frequency)

\$ 15  \$ 25  \$ 50  \$ 75  \$ 100  Other \_\_\_\_\_

**Make Your (Tax Deductible) Donation to  
Ilankai Tamil Sangam Refugee Relief Fund  
42 Susan Drive, Newburgh, NY 12550**



UN Report... Contd. from P. 8

judgment of the Commission's Working Group, which in its 1993 report cited above characterised Sri Lanka as "professedly peace-loving nation, guided in large part by the pacifist teaching of Buddhism. Sri Lanka is not Buddhist - the Sinhala people are. The Tamil people are Hindu and Christian. The Moors of Ceylon are Muslim. The clear misstatement of the nature of the people of Sri Lanka by Working Group illustrates the failure of so many to recognize the vestiges of colonialism still rampant on the island of Ceylon. The Working Group saw and understood Sri Lanka as Sinhala, defining Sri Lanka and "traditional Sri Lanka society" as Sinhala - perhaps not even aware of the pervasive power of this majority over others on the island or with any comprehension of this dominance as a cause of the profound conflict between the Tamil people and the Sinhala regime.

7. In the recent months, the Sri Lankan Air Force has intensified aerial bombardment of the Tamil homeland, attacking temples, churches, hospital and public offices, in direct violation of the Geneva Conventions and customary humanitarian law. Due to the large number of

recent attacks on Tamil civilians, on 17 November, Bishop D.J. Ambalavanar, Bishop Thomas Saundranayagam and Nallai Thiru Sampandar Atheenam issued the following joint statement:

*"These events are not just sporadic occurrences but have been repeated so often in the past that we cannot but conclude it part of a State policy against the Tamils. A close statistical study of the air raids carried out by the Sri Lankan Air Force in the north will show that the victims of the raids have almost always been innocent helpless civilians. When this is the case how could anyone avoid concluding that this is organized State terrorism?"*

8. Since that time, bombings have continued. On 28 December, Alampil village was bombed. On 30 December, the centre of Chavakachcheri town - its market, Drieberg College and CSI Church - was attacked. This attack, similar in gravity to that recently carried out against Sarajevo, resulted in the death of the vicar's wife, numerous other civilians and severe damage of the market, the church and vicarage and the college. As of 7 January, Thavady village, Kumilamunai village, the school

at Atchuvely Maha Vidyalyam, Thondamanaru, Navandil, Udupidy, Valvettiturai, Puttur and Avarangai villages were also subjected to aerial bombing.

9. **International Educational Development regrets the continuing attacks on Tamil civilians, their schools, hospitals and markets and their cultural heritage.** In the interest of peace on the island of Ceylon, the Commission must demand an immediate cessation of all bombing in the Tamil homelands and lifting of the economic blockage imposed by the Sri Lankan Government on the north of the island. The blockade is causing untold hardship for Tamil civilians. The commission must urge the Government of Sri Lanka and the LTTE to take immediate steps to bring about a cease-fire. **Finally, the Commission must insist that the Sri Lankan Government and the Liberation Tigers of Tamil Eelam to agree to international mediation. Such mediation should respect the integrity of the Tamil homeland (Tamil Eelam) in the north and east of the island and should recognize the right of the Tamil people to freely determine their political status.**

### **Report of the London NGO Forum On Sri Lanka**

The following are excerpts from a Report by the London based NGO Forum on Sri Lanka

A growing tide of international criticism in the late 1980s over Sri Lanka's human rights records caused President Premadasa's regime to institute a variety of palliative measures. A Presidential commission on Disappearances was established in January 1991 and a Human Rights Task Force in August 1991.

In the last two years Western diplomatic mission in Colombo have presented Sri Lanka's human rights record as considerably improved. They cite the substantial fall in extra-judicial killings and disappearances with the end of the JVP insurrection around May 1990. In three years, between 40,000 and 60,000 people were killed by pro-government death squads.

Western governments however, have made little comment on the absence of accountability and the continuing impunity in the

aftermath. The disappearances commission has no retroactive mandate to investigate cases before its inception in January 1991. **Almost no member of the security force has been charged with associated crimes during this period even where substantial evidence exists, as in the case of 45 school-boys murdered in Embilipitiya in October 1989.** The Sri Lankan government has consistently refused to make reparations to thousands of those who have lost relatives, denying death certificates and compensations.

**As the JVP conflict ended, a new phase of the war with the separatist Liberation Tigers of Tamil Eelam in the north-east of the island began in June 1990.** The same pattern of civilian reprisal and impunity has prevailed in the last three years. **Where substantive evidence exists of Army involvement in civilian massacres as in**

**Kokkaddicholai in June 1991 where over 150 people died, the state has appointed a Presidential Commission of Enquiry which has no power to bring the guilty to justice and whose lengthy proceedings and weak recommendations have not inspired confidence.**

In the words of one leading human rights observer, "It is still difficult for Sri Lankan citizens to claim their rights have been violated by the state... If they succeed in getting charges filed against members of the security forces, it is by no means certain that the latter will be arrested; if arrested then tried; or if tried then convicted. Even in the very rare cases where security forces are found guilty, their sentences are often not enforced."

Continued on Page 15

## Eelam News

### **Thesavalamai Law Amended**

The Thesavalamai Law instituted in 1704, by the then Dutch Governor Simmons, has been amended by the Tamil Eelam Justice Division. The new law went into effect on Dec. 1, 1993.

Some of the changes instituted gives effect to the long felt need to provide equal rights to women.

Section 19 of the new law states that married women are independent like men. They could now dispose of their property without the consent of their husbands. Previously women, once married, could not dispose of their property (by sale, donation or mortgage) without the written consent of the husband. The new law applies also to woman's share of the property acquired during the marriage (Thedia Thetam).

Section 21 of the new law also grants women the right to sue, without being joined by her husband, as previously required.

### **Bank Of Tamil Eelam**

Tamil Eelam National Bank was launched in Jaffna on May 22nd. Anton Balasingham, speaking at the opening ceremony, stated that this was the first step towards building a Tamil Eelam national economy. He also stated that the liberated territory now has its own army, police force and a judicial system.

### **TEEDOR Projects**

Tamil Eelam Economic Development Organisation (TEEDOR) has been very active with its development projects.

From its nursery in Mullaitivu cadju plants were distributed free and 2000 coconut palms were sold to people who wanted to grow them in their own properties. 80 fishermen in Mullaitivu were loaned fishing nets worth Rs. 277,000. The loans are repayable in 20 monthly installments.

A veterinary center is being run at Kumilamunai in the Manal Aru area.

Several Village Production Committees under TEEDOR have started projects in various parts of Eelam. Projects under this scheme include, a 2 acre farm in Killinochchi growing Sesame; poultry farms in Ramavil, Kodikamam, Alvai and Karanavai; and a fruit processing center in Meesalai.

### **Sixth District Court**

The 6th Tamil Eelam District court was opened in Puthukudiyirrupu in the Mullaitivu District. Mr. Para, Head of the Administration of Justice Division, presided over the event.

### **Police Station in Mankulam**

A ceremonial opening of a new Tamil Eelam Police Station in Mankulam was held on Jan 9. It was opened by Mr. Ravi, the special commander for Vanni. Also present were Mr. P. Nadesan, Head of the Tamil Eelam Police, and Mr. Para, Head of the Administration of Justice.

### **The Elections**

The hoopla about the expected LTTE attacks on the elections in the eastern part of the northeast province turned out to be a non event. The government claimed victory for its ability to have conducted this election. But reports, both from within the area as well as from Colombo indicate this election to be a big farce.

Five of the candidates ran away, claiming that they were forced to sign nomination papers. 9 other prominent persons from Vergal, Mutur and Trinco Districts were arrested by the army for refusing to sign nomination papers. The army and the police then went around threatening the population with reprisals if they did not vote. Leaflets urging people to vote for the UNP were distributed from police stations and the army command posts. SLMC leader, Mr. Ashraff, stated that the election was "a nightmare." He said the police "threatened the voters including the women if they worked for the SLMC they would be killed."

The commissioner of elections stated that there will be no foreign observers as "none of the parties requested it". A few NGOs had representatives in the area and have reported on the elections. The Peace Brigades International report stated, "When we went to Batticaloa it was with the aim of finding a niche for our work during the elections. However, we found that there was no place for international observers who could legitimize an election that the majority of the people don't want... **Fear within the community is prevalent. There is fear that there will be harassment of people who do not vote, fear of harassment if people vote for 'the wrong party,' fear that the LTTE will try to disrupt the election, fear that the army will retaliate if the UNP lose.**"

Rev. Harry Miller, the American Jesuit Priest who lives in Batticaloa said,

"I keep telling people this election is a joke, but nobody is laughing."

### **A Quote**

"Tamils must set up a separate state militarily"

- Kumar Ponnambalam

*Island International (Jun 8, '94)*

## International News

### **AI Reports**

The Amnesty International has issued four reports on the human rights situation in Sri Lanka.

1. Balancing Human Rights and Security: Abuse of Arrest and Detention Powers (ASA 37/1/10/94)
2. New Emergency Regulations (ASA 37/4/94)
3. An Assessment of Human Rights Concerns (ASA/37/1/93)
4. Summary of Human Rights Concerns (ASA 37/09/94)

### **NGO Forum on Impunity in Sri Lanka**

In a stinging report, the London based NGO Forum on Sri Lanka, castigated the Sri Lanka government for the impunity with which its security forces and killer squads operate.

It said, "Almost no member of the security force has been charged with associated crimes ... even where substantial evidence exists, as in the case of 45 schoolboys murdered in Embilipitiya in October 1989...Western governments however, have made little comment on the absence of accountability and the continuing impunity in the aftermath."

It concluded, "Contrary to the perception of Western diplomatic missions there has been little qualitative improvement in Sri Lanka's human rights accountability in the last three years."

### **Suicide Attempt**

V. Tissaiveerasingham, 36, an asylum seeker in Sweden attempted suicide on Mar. 3, by setting himself on fire. He had been told by the Swedish authorities that his permission to stay in Sweden would end on Mar. 14. He was admitted to the teaching hospital in Uppsala, with 63% burns. Tissaiveerasingham is from Mullaitivu.

The International Federation of Tamils in a press release dated Mar. 3, said, "The action of this Tamil asylum seeker in Sweden in preferring death, even by fire, to forced deportation to Sri Lanka shows in stark terms the oppressive ground reality in Colombo and other areas controlled by the Sri Lanka government."

### **Peter Schalk's Crusade**

Prof. Peter Schalk of the Uppsala University, Sweden, launched a high profile campaign against the Swedish government's moves to repatriate Tamil refugees. He has written several letters to the minister and other government officials, and the media. He has also sent an E mail appeal via Internet, requesting support for a letter writing campaign. The Sangam wrote to the Swedish government and received a reply.

### **Karunanidhi Praises The Tigers**

In a statement issued in Tamil Nadu, DMK leader Mr. Karunanidhi has praised the LTTE for its governance of Eelam. He said, "We understand the Liberation Tigers have established a government for Tamil Eelam and running it extremely well. This has made us extremely happy. In spite of our differences with the Tigers, we have to say that we are delighted with their achievement"

### **Protest Fast for Eelam Refugees**

A protest fast was held in Madras on April 30, to protest the involuntary repatriation of refugees from India. More than 20 organizations participated in this day long fast held under the leadership of Kavignar Sethuraman. Prominent participants included Justice Ramakrishnan, R. Gandhi (an Attorney), T.N. Gopan, and Aru Gopalan,

### **A UN Appointment**

Radhika Coomaraswamy, of Eelam origin, has been appointed as the new UN investigator into violence against women. Radhika, a human rights activist, is currently the director of the International Center for Ethnic Studies in Colombo. She holds a Columbia University Law degree and a postgraduate degree from Harvard Law School.

### **Sri Lanka News**

#### **US Diplomat Denied Access**

The US Embassy, which sought permission to send one of its officials to visit with the LTTE, was told to lay off. Teresita Schaffer, the US Ambassador, sought this permission from the Sri Lankan Prime Minister and the foreign office, and was told that foreign missions are not permitted to meet with the LTTE.

#### **Human Rights Report - 1993**

The Law & Society Trust has published a report on the state of human rights (1993) in Sri Lanka. The following are excerpts.

"Sri Lanka is a party to several international human rights instruments - the covenants on civil and political rights and the one on Economic, social and Cultural Rights... Despite this in a number of instances national legislation contravenes the requirements of these obligations. In other instances national laws themselves may be adequate but their implementation is not. Hence rights theoretically protected remain rights on paper only."

"The Constitution and the criminal law provide essential safeguards.... However, provisions enacted under emergency legislation take away these protections. Emergency regulations authorises the executive to deprive the people of their

liberty.. The ease with which detainees can disappear or with which they can be subject to torture as well as the ease with which people can be arbitrarily arrested is in direct proportion to the extent to which the safeguards are whittled away by other provisions."

"Continuing into 1993 thousands of people have been arbitrarily arrested (in Colombo alone 15,000 Tamil youths were arrested on the basis of their ethnic origin - almost 3500 being arrested in October). Some detainees were held incommunicado, without access to lawyers and relatives. Although new emergency regulations promulgated in June 1993 made secret detention illegal, reliable reports indicate that people continue to be held in undisclosed places of detention and that torture commonly continues.."

"The main concern here is that accountability is not being laid at the feet of those who actually carry out the violations, with the consequence that they feel they can, and they do, continue to act with impunity."

The report also alludes to the human rights situation in the LTTE held areas, but without hard facts. It states, "Also considered are human rights abuses perpetrated by the LTTE, since it controls parts of the north of the country and is the body with power over the lives of the people living in these areas... during 1993 the government and the LTTE continued to pursue a military solution to the conflict. Those who are dying on the battlefield increasingly are younger and newer recruits. Civilians continue to lose their lives both as a consequence of indiscriminate bombing by government forces and as a consequence of a high concentration of civilians in some of the areas where the LTTE has a military presence (!) It is particularly difficult to report accurately on the conditions under which people in these areas live due to the dearth of available statistics."

#### **Premadasa's Daughter Demands Probe**

Dulanjalee, daughter of the late President Premadasa, in a letter dated May 12th, addressed to D.B. Wijetunge has demanded a full scale probe into the assassination of her father. She has refused to accept the theory that the LTTE killed her father and has raised doubts about many issues surrounding the death.

#### **Army Blocks Mohamed's Visit to Jaffna**

Speaker M.H. Mohamed's scheduled visit to Jaffna was blocked by the security council. Earlier D.B. Wijetunge had approved Mr. Mohamed's request to visit Jaffna, but later rescinded it. Disappointed by this censorship the Speaker had offered to resign from the

parliament and go there as an ordinary citizen. Wijetunge refused permission for this also.

In an interview with the Island International, he described how some professors in Australia had arranged for this meeting with the LTTE. Asked whether he was scared to go to Jaffna he said, "No. I can trust them. I know Anton Balasingham. I even met Prabakaran... I hear that they had made all arrangements to give me a grand reception had I been able to go there."

#### **Sarvodaya Leader Says LTTE wants Peace**

Sarvodaya leader A.T. Ariyaratne, on his return from a visit to Jaffna in February, stated that the LTTE "genuinely desires peace."

#### **SL President Pardons Convicted Murderers**

D.B. Wijetunge issued a presidential pardon to two convicted murderers. Shelton Nimal Peiris and W.M.B Jayadeva were sentenced to 3 years' rigorous imprisonment for attempted culpable homicide. After conviction these persons failed to appear in court for the sentencing. The high court of Kurunegala issued more than 4 open warrants for their arrest, but the police failed to arrest them, even though these men were seen publicly. The court then wrote to the IGP, and before the IGP could take action a Presidential pardon was issued, under Article 34(1) of the Sri Lanka constitution.

Justice, Sri Lanka style!

#### **Minister of Information Upset.**

Tyrone Fernando, Minister of Information and Broadcasting is upset with the international media. Addressing an award ceremony in Nugegoda, the Minister lambasted the international media for, what he called a 'conspiracy' to tarnish the name of Sri Lanka. He said the Time magazine had compared Sri Lanka to countries such as Rwanda and Bosnia and has likened Sri Lankans to Barbarians.

#### **US News Rally in DC Protests Indian PM**

US Tamils participated in a large rally held in front of the White House during the visit of the Indian PM, Mr. Narasimha Rao, on 5.19.94. The World Tamil Coordinating Committee, which organized this, also issued an appeal to the US President to help stop the forcible repatriation of refugees from India and to stop the Indian hindrance to international mediation in the conflict in Sri Lanka.

## EELAM WAR II

### How it Started!

By Oor Kuruwi

*The Government of Sri Lanka has been continuously waging a propaganda war, feeding the international media with misinformation through Government communiqués and news items published in the government controlled press. It has, to some extent, succeeded in convincing many, including some Eelam expatriates, that the smooth sailing dialogue with the LTTE was broken by the LTTE, without reason or warning, and that they cannot be trusted.*

*Given below are excerpts from an article by Yogi, one of the LTTE delegates at the talks, published in "Kalathil," describing the events that led to Eelam War II.*

**T**he article adduces mutual distrust between Sinhalese and Tamils, failure to carry out agreements, continued colonization, activities of some Muslims, excesses by the armed forces, police and home-guards as the reasons for the resumption of the war.

It states that these matters were brought to the notice of the government continuously during the talks.

The following were agreements reached during the talks -

1. Acceptance of the Provincial council system as an interim measure, dissolution of the existing council, LTTE participating in elections for a new council, and discussing a permanent solution with the winners at the elections.
2. Repeal of the sixth amendment
3. Appointing only Tamil speaking persons to man police stations in the Northeast Province, except in areas where Sinhalese live. No new police stations to be opened till a sufficient number of Tamil speaking policemen were recruited.
4. A complete freeze on colonisation
5. Cessation of all army operations.

The existing Provincial Council was not dissolved till Eelam War II started. This was, despite the council passing a resolution that as from March, 1990, it will function as a Constituent Assembly of the State of Tamil Eelam.

The Sixth Amendment was not withdrawn. The Minister of Parliamentary Affairs, contrary to the agreement reached, announced in Parliament on April 6, 1990 that the 6th Amendment will not be repealed. It is noteworthy that all Tamil parties had wanted this with-

drawal, and had the government wanted to, they would have (with the Tamil votes) had the required two thirds majority to do so.

Colonisation was not stopped. On the contrary, a large number of Sinhalese were brought to the Northeast under the guise of re-settling refugees who had left earlier. This matter was brought to the personal attention of the President, but no action was taken.

The following is a list of other of agreements breached -

1. Expansion of the naval base at Karainagar, condemned even by the EPRLF Provisional Government. (*Veerakesari* July 27, 1989)
2. Sending of additional troops to army camps at seven locations in the east (*Veerakesari* Feb. 20, 1990)
3. Attempt to re-open the police station at Chavakkacheri on Feb. 1, 1990. Stopped by the LTTE (*Island* Feb. 3, 1990)
4. Sending of additional troops to army camps at seven locations in the East (*Veerakesari* Feb. 20, 1990)
5. Second Lt. Tharan of the LTTE arrested and humiliated at Amparai on Feb. 22, 1990, following which he committed suicide with his cyanide capsule.
6. a. New army camp opened at Kalamadu between Batticaloa and Kalkudah  
b. Expansion of airport at Batticaloa  
c. Firing over the heads of LTTE cadres who were removing the road blocks set up between Batticaloa & Kalmunai on March 31, 1991 (all the three incidents reported in *Eela Natham* Apr. 8, 1990)

7. Molesting of women by police,
  - a. on April 13 & 15 at Batticaloa,
  - b. on April 16 at Point Pedro.

Following these incidents there were confrontations between the police and the LTTE.

8. Flying of helicopter gun-ships over Tharmapuram, Visvadamu and Jaffna Town on May 17, 1990 (*Eela Natham* May 18, 1990)

9. Sending additional troops to Elephant Pass on May 19, Monkey Bridge on May 29, and Jaffna Fort on May 28 (*Eela Natham* May 21, 29, and June 1, 1990.)

10. Cordon & Search operations of residences at Pavatkulam (*Eela Natham* June 3, 1990)

11. Sinhala Policemen armed with heavier assault weapons sent as replacements for the errant policemen who took part in molestation and the confrontations. When it was pointed out that this was contrary to agreement, the government took the position that there weren't sufficient Tamil speaking policemen (claiming the number available as only 486.) No reason was given as to why the available Tamils (486) were not utilized, or as to why the police force in the Northeast was beefed up.

In conformity with the agreement, the LTTE was engaged in recruiting personnel for the police force. A list of over 3,000 names was given to the government, but none were contacted even for an interview.

12. Agreement reached regarding appointment of a Tamil GA for Trincomalee and a Muslim for Amparai district was not implemented.

## Eelam War II.. (Contd.)

### 13. Muslim Homeguards Created.

During the IPKF presence there was a co-operation between Tamils and Muslims. The LTTE did not participate in the Indian sponsored elections, but they covertly supported Sri Lanka Muslim Congress. When the IPKF forces started withdrawing, the government did not like the support LTTE enjoyed among the Muslims. Thus, Muslim home-guards were formed (supported by the government and the SLMC). These groups called themselves the "Jihad", and engaged in acts aimed at breaking the unity between the Tamils and Muslims. Muslims cadres of the LTTE were killed in Batticaloa (Jan. 1, 1990) and Sainthamanthurai, (May 21, 1990.)

The President took this opportunity to spread falsehoods that Muslims were opposed to any solution to the Tamil problem and that SLMC would not support the withdrawal of the sixth amendment. He quoted views expressed by opposition parties and newspaper opinion writers.

### 14. Efforts Made to Weaken the LTTE.

The government was fully aware that the problem can be solved only by talking to the LTTE, since at that time the other militant groups were working in collusion with the Indian government. But, the government, which felt that the LTTE had been weakened by its struggle with IPKF, thought it could make the LTTE amenable to their will. Thus, it decided to reduce the importance given to the LTTE by talking to the other militant groups.

After assuring itself that IPKF will stop operations as of Sep. 20, 1989, and will commence its withdrawal on Oct. 15, 1989, the government announced on Sep. 8 that it will appoint an All Party Conference as of Sep. 13, to resolve the various problems confronting the country. It insisted that the LTTE participate in it. The LTTE, realising the sinister motives behind these moves, agreed, but only to be observers.

The government then announced a Peace Committee, purportedly to prevent fighting amongst the Tamil militant groups after the withdrawal of the IPKF. This committee was, however, not limited to the Tamil militants (the only ones concerned), but was made up of 54

persons, 3 each from 18 parties. The LTTE which was responsible at tremendous sacrifice for the withdrawal of the IPKF, were allowed only 3 representatives. The LTTE refused to participate.

Meanwhile, at a press conference on Feb. 22, 1990, the Defense Minister Wijeratne announced that the armed forces will forcibly remove arms from all as from March 1, 1990, including those in the North East, and that the government would inform the LTTE of this officially. At that time the government was arresting and killing those possessing arms in the South. This was a forewarning of what was to come. The government felt that the LTTE, having been weakened by its war with the IPKF would easily surrender. The government, no doubt, also knew that this would lead to another war, which it thought it could win.

While the government was talking to the LTTE openly and carrying on the drama of an All Party Conference, it was also talking secretly with the EPRLF and other militant groups.

According to information received by the LTTE, the State Defense Minister, who was talking to the EPRLF, was planning how to use them against the LTTE. The LTTE complained to the President about this, but no action was taken.

On May 15, 1990 the government started open talks with the EPRLF. Following this, LTTE withdrew from its observer position at the All Party Conference.

Instead of using the window of opportunity, afforded by the withdrawal of the IPKF, the prevalent peace in the northeast, and the open line of communications with the LTTE, to solve the national problem, the government focussed its effort at re-establishing its authority in the Northeast. It succeeded in destroying the unity between the Tamils and Muslims, continued the colonisation, and thought that, as in the past, it could deceive the Tamils by talking with them with no intention in solving the problem.

This article deals with only some of the problems which led to Eelam War II. It was certainly not due to a small incident at the Batticaloa police station as the government wants everyone to believe.

## Where do you think the following incidents took place?

# Rwanda?

On the night of May 25, one of the most heinous crimes... was carried out... Almost simultaneously the thugs struck remorselessly.. labourers in sugar cane plantations fled when they saw the enemy approaching and hid in the sugar cane bushes... The goondas wasted no time. They set the sugar cane alight... As they came screaming, men, women and children were cut down with home made swords, grass cutting knives... or pulped under heavy clubs...

One woman in sheer terror embraced her two children and jumped into a well. The rioters were enjoying themselves thoroughly. They ripped open the belly of a woman eight months pregnant, and left her to bleed to death...

Correct Answer-

*Sri Lanka!*  
(Of Course)

The quote is from the Chapter "Polonnaruwa Aflame", in the book *Emergency '58*, by Tarzie Vittachi.

# Your Finances

## ADVANTAGES AND DISADVANTAGES OF JOINT OWNERSHIP OF PROPERTY

By J.M. Rajaratnam

In looking at the question of advantages and disadvantages of joint ownership of property, one must bear in mind that different states in the US have different rules in this regard. Expatriates who are not too familiar with these must make it a point to study the rules of their state of residence and the state in which the property is located, particularly when they move from one state to another. The comments in this article apply in general to most states.

In most states, neither husband nor wife has an interest in the other's property (irrespective of how it was acquired) and profits therefrom during their lifetimes, except that neither can be excluded from the other's dwelling. Where each spouse has separate property one is not responsible for the debts of one's spouse. Similarly, one is not liable for the spouse's civil wrongs to third parties.

In community property states, viz. AZ, CA, ID, LA, NM, NV, TX, WA and WI, all earnings and fruits thereof constitute joint or community property. The widow's right to use her husband's real property acquired by him during their marriage (even if sold by him, unless she joined in the conveyance) is called the "right of dower." The similar right in the case of the widower is called the "right of curtesy." It is usually a life interest in one-third of the property subject to the rights. The governing law for this statutory right is that of the State where the property is located. These rights have been abolished in many states and replaced by community property law in some.

Other statutory rights are those of the surviving spouse to part of the deceased spouse's separate estate and community property. If there is no will, state laws which are applicable differ in the portion due to the survivor. These rights may even confer to the survivor a right to a minimum share when a will bequeaths a lesser share. If a spouse wants the surviving spouse to have a deceased spouse's property, joint ownership of such property avoids unnecessary expense, bother and delay associated with probate courts.

It is also necessary to understand the meaning of real property and personal property in order to know the impact of the rules.

Real property is land and things permanently on land, such as building, walls, trees, etc. or fastened permanently to such things.

Personal property refers to moveable things and may be a) tangible e.g. vehicles, furniture, pictures, carpets, jewelry, equipment, livestock etc. or b) intangible, which include rights to bonds, stocks, bank accounts, contracts, debts, patents and other documents.

Multiple ownership may be anyone of the following three types:

a) tenancy in common: Unless another form is specified, courts will assume that this form is intended. Each tenant (co-owner) has the right to sell, assign or convey his share. If a tenant dies, his share will go to his heirs.

b) joint tenancy, with rights to survivorship: it is a common form of joint ownership and is created by using apt terminology in the conveying instrument, e.g. to "A & B as Joint tenants" would suffice, but "to A & B as joint tenants, to hold as joint tenants, and not as tenants in common, and to the survivor of them" would be better.

The chief feature is that, at the death of one, the survivor (s), not the deceased's heirs receives the deceased's shares. Where there are more than two tenants, the joint tenancy continues until ownership goes to the last joint tenant. Though a joint tenant can convey his interest to anyone, he cannot will his interest.

c) tenancy in the entirety, is a joint tenancy between husband and wife. Right of survivorship exists, but neither can alone dispose of his or her interest to a third party. An absolute divorce alters the ownership to a tenancy in common with no right of survivorship.

Some states do not recognize tenancy in the entirety, but some of them as an alternative provide a "homestead exemption." Under this, husband and wife can declare their principal family dwelling as a "homestead", protecting it from seizure by creditors. The value of the home that can be a homestead is usually limited. In some states a home held in joint tenancy, see "b" above, can be homesteaded.

Some states discourage joint tenancy, but even where legislated against, it is understood that it may be still created by suitable wording as mentioned earlier in "b".

When owners want to change an existing deed to a more desirable form of tenancy, some states may require that the deed be first transferred to a third party who transfers back in the desired form. In order to avoid later revisions and additional costs, it is best to arrange for the desired type of tenancy when the property is bought.

If a person wants to retain any property right he or she had before marriage that would be changed by marriage, a prenuptial contract must be signed before marriage. This will apply only to the specifics of the contract and cannot be changed after marriage.

One of the disadvantages of joint ownership is

that except for homestead rights or property held by the entirety, a judgment against either spouse may be satisfied out of the debtor's interest in the joint property. Property transferred to a third party or homestead before the date of the action on which the judgment is based cannot be levied against; property transferred afterwards may be. A judgment against joint tenancy property will terminate such tenancy and cause any remainder to become common tenancy property.

Where either spouse's activities are likely to result in court proceedings or other financial hazards, property meant for the protection of the spouse should not be held jointly.

Now let us look at various types of property and the implications of joint ownership.

Real property - In most states, a home or other real property is best held in tenancy by the entirety, as homestead, or joint tenancy to ensure that the survivor will inherit it.

Personal Property - Holders of personal property in joint tenancy with the right of survivorship can save the survivors much in costs of administration of the estate. A spouse can create and add to the joint tenancy with the other spouse without any concern about gift tax.

a) stock certificates and bonds - these can be registered as A & B, as joint tenants, with right of survivorship not as tenants in common:

b) bank, brokerage and savings and loan accounts: - These may also be held in joint tenancy with rights of survivorship, permitting the survivor to withdraw needed funds and write checks. In contrast, if held in one name, upon the holder's death, these will be frozen until the executor or other personal representative of the deceased is authorized to operate on them, usually several months later.

c) Automobiles etc. for which a registered title is required may also be held jointly.

d) Safe-deposit boxes - Special considerations should be taken into account when deciding in whose name (s) these should be held. They can be held in both names; in one name with the other as deputy; or in either name with no deputy. The most advantageous one would depend on the law of the state.

When held in both names, some states require that upon death of either, the box be sealed until the state inheritance department has listed the contents and gives authority to the bank to deliver the contents to the survivor. They may not release even items clearly marked as joint tenancy until adequate assurance is made for possible inheritance tax payment. If the property clearly belongs to the deceased alone, the bank will release probably only to the executor or

## ADVANTAGES AND DISADVANTAGES OF JOINT OWNERSHIP ....

administer of the estate. Banks normally scan the local paper for announcements of death.

When held in one name with the other tenant as deputy, if either dies, the box is similarly sealed until the tax authority inspects and releases.

When held in one's name without a deputy, obviously the box remains accessible to that person even if the spouse dies. However, if the bank is informed by any person that the property of the deceased was in the box, the box may be sealed again, pending an inquiry and possibly a separation of such property.

When a spouse keeps personal property in the other spouse's box, such property should be segregated in a sealed envelope or container and labeled as to contents and ownership to make it easier for establishing ownership.

The procedure followed after death of a box holder differ among states and it will be in your interest to check with the bank. One danger of joint tenancy with survivorship in a safe deposit box is that the contents becomes the property of the survivor even though the will of the deceased (or the rules for distribution of the intestate property) provides for another distribution.

It must be remembered that property belonging to a deceased which passes to another on his death is subject to estate or inheritance tax, irrespective of the type of ownership. Incidence of estate tax should be another consideration in deciding the type of ownership. A unified credit of \$192,800 is given against gift tax and estate tax payable on a person's death, effectively exempting the first \$600,000 of taxable gifts and net value of the estate. ALL assets passing

on the death of a spouse to the surviving spouse are free of estate tax. This is known as the unlimited marital deduction. (Please note that in order to avail of this concession, the surviving spouse should be a citizen of the US. Ways of overcoming the disadvantages of non-citizens will be discussed in a subsequent article. ) However, when the second spouse dies, his or her taxable estate in excess of \$600,000 will be subject to estate tax. By using a "bypass trust" couples can reduce this tax by taking advantage of the \$600,000 exemption available at the time of the first death. Since estate tax rates are high, even if the assets in the trust do not appreciate, the savings in tax could be anywhere up to \$330,000. Any income or appreciation of the trust assets will also be exempt from the second spouse's estate taxes provided it is retained in the trust rather than distributed. Thus, the potential tax savings are substantial.

It is important to note that these trusts CAN NOT be funded with joint property or property that is designated to pass to a beneficiary other than the "by pass trusts." Thus, in arranging the trust, a couple may have to divide up their joint property and re-title their assets so that each person's assets is at least \$600,000.

It is easy to think that this does not affect you, but if you sit down and calculate the possible value of your estate at the time of your death several years hence, and take into account appreciated value of your real property, you will soon find out that you would be in a higher bracket than you think.

## Letters

Dear Friend,

Thank you for writing and sharing your concern about human rights. The promotion of democracy and human rights serves as cornerstones of my administration's foreign policy. We seek to help ensure that citizens of all countries benefit from the kinds of personal freedoms that Americans so greatly value.

I appreciate your interest.

Sincerely

*Bill Clinton*

Dear Dr. Jeyalingam,

Thank you for your letter. I apologise for taking so long to reply. I am enclosing for your information 3 reports recently issued by Amnesty International of Sri Lanka. You will note that on page 4 of the summary of concerns reports the bombing raids on the Jaffna peninsula are described.

Sincerely

*James McDonald*

Amnesty International USA.

Dear N. Jeyalingam,

Thank you for your letter requesting our help in moving towards a peaceful resolution of the problems that have divided and torn the peoples of Sri Lanka for so long. I wanted to share your letter with members of our cross-community planning group before responding. Both I and members of the group felt very keenly the sense of urgency your letter conveys regarding the immediate dangers of new momentum for military solutions. We share and support your conviction that the solution has to be a political one.

To follow up further, I would like to suggest that we meet soon, to explore ways to make our shared concerns most effective...

All the best,

*Jack Patterson*

American Friends Service Committee.

Dear N. Jeyalingam,

Thank you for your letter to the Minister of Culture Birgit Friggebo. The Minister has asked me to answer your letter.

The Swedish Government is well aware of the complicated situation in Sri Lanka. In Sweden asylum applications are examined by the Swedish Immigration Board. In case the authorities are not completely sure that the applicant is under no risk of persecution if returned he or she will not be sent back. Those expelled are those who are deemed not to risk any persecution and who do not have strong humanitarian reasons to stay in Sweden.

Yours faithfully

*Daniel Anderson*

Sweden

## Report of the NGO Forum ...

Continued from Page 9

The recent report of the Human Rights Task Force (HART) (August 1992-93) illustrates this continuing trend of virtual impunity. More than 2351 people disappeared in Army controlled north-east areas during the period of whom HART has traced only 113 in official custody

Where compelling evidence against military personnel is cited in HART's report, involving earlier incidents such as 158 refugees disappeared by the Army from Vantharamoolai camp, Batticaloa, in September 1990, it is clear that authorities have refused to act on it.

While Hart's Chairman, former High Court judge JFA Soza, is highly respected, his officers are routinely refused admission to detention camps or kept waiting while unofficial detainees are temporarily removed.

Contrary to the perception of Western diplomatic missions there has been little qualitative improvement in Sri Lanka's human rights accountability in the last three years... Hundreds of civilians in the north-east have been killed in Sri Lankan air and naval attacks by soldiers, often deliberately targeted in reprisal for LTTE actions. Over 2,000 have disappeared in military custody in the last year. This cannot be presented as an index of "improvement" particularly in the light of a wider climate of impunity.

Recent developments in Colombo provide further cause for concern. Human rights NGOs fear death squads are again active. Over 8,000 Tamils have been arrested on suspicion in Colombo since Premadasa's assassination. Between 1,000 and 2,000 remain in custody. Over 20 Tamils in the city, taken away at night by uniformed men are feared dead.

## Inside

c *A Memorable Trip to Jaffna* - By George Devarajah

c **IT'S TERRORISM, STUPID.** Said the President, Sapiently.  
- By Adrian Wijemanne

c "Mediation should respect the integrity of the Tamil homeland (Tamil Eelam) in the northeast of the island and should recognize the right of the Tamil people to freely determine their political status"  
- A UN Report By International Educational Development

c *Thesavalamai Law changed in Eelam*

c *Rwanda or Sri Lanka* - A simple quiz.

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