

Police, Service Commanders, Secretaries to the relevant Ministries, Retired Judges of the Appellate and High Courts Chairman of Human Rights Commission, the Civil Society and the Media charged with the task of ensuring immediate action on all ethnic related violence. The national Committee must ensure that there is no cover-up of prosecutions;

12. Truth Commissions be appointed mandating to cover ethnic violence during the post-1984 period and to compensate all victims of ethnic violence and to achieve national unity and ethnic reconciliation. ■

COMMUNAL VIOLENCE JULY 1983

Statement by the Civil Rights Movement made in July 1983

The shock and horror of recent events when many Sri Lankans were hunted out, assaulted, killed, their homes and possessions destroyed, and places of business burnt, for no other reason than that they belonged to the Tamil community, permeate our lives today and will continue to do so for a long time to come. CRM expresses grief and concern at the suffering which so many have undergone. The breakdown of law and order on certain days when armed mobs roamed the city entering houses in search of Tamils, stopping cars and forcibly extracting petrol with which to set alight buildings, and commandeering vehicles, imperilled the safety and shook to the core citizens of all communities.

Background

An analysis of the recent disturbances and their background will take time; it will necessarily have to take into account the deterioration of relations between the Sinhala and Tamil ethnic groups to the point where it exploded in violence of a hitherto unprecedented degree. In recent years violence has been used by extremist elements on both sides. Such elements, among the Sinhalese, have, several times since 1958, resorted to generalised violence against the Tamil community resulting in great loss of life and property. Extremist elements among the Tamil people have, since the 1970s, resorted to various acts of violence primarily against the security forces and state institutions and property.

The present government has made certain attempts to meet the demands of the Tamil people. Tamil was declared a national language in the Constitution of 1978. Development Councils were established in 1980 with the avowed intention of devolving power in certain areas of activity to the district level. However, it was unfortunate that for one reason or another none of these measures were effectively implemented.

In this context, the hands of those who maintained that the aspirations of the Tamil people could be achieved only by violence were strengthened and acts of violence escalated. The state, then, armed itself with extraordinary powers in the form of the Prevention of Terrorism Act and set out to repress the violence by military force. Since the political and other causes for the growth of violence remained unsolved the efforts of the state to stamp it out were unsuccessful; in fact, it is probable that even more Tamil people

were embittered as a result of retaliation by some elements in the army and other security forces against the civilian population.

CRM has on numerous occasions drawn the attention of the government and the country to this deteriorating situation.

The continued existence of a violent separatist movement has contributed to an increasing state of irritation in the Sinhala community; encouraged by anti-Tamil racist propagandas which has been freely disseminated, it began to see the Tamil desire for self-determination as a threat to itself and to the country. The fact that violence has been used to meet criticism and political dissent in the country as a whole, including the Sinhala areas may well have encouraged the belief among certain sections of the population that the ethnic problem could be dealt with in a similar manner. However, CRM does not propose, at this stage, to embark on a comprehensive analysis of the reasons for this present outbreak of violence, which might to some extent explain but certainly not justify it.

CRM's Concerns

CRM will concentrate on some specific human rights issues – issues which relate directly to the responsibility of the state in protecting the basic rights of all persons within its territory without discrimination on the grounds of religion, race or political opinion.

(A) The massacre in the Welikada Prison

CRM is outraged at the massacre of the 53 Tamil prisoners and detainees who had been held at the Welikada Prison under the Prevention of Terrorism Act; in two separate incidents, the first on 25 July 1983, and the other two days later. It cannot be emphasised too strongly that the safety of persons in the custody of the State is a paramount responsibility of any government.

In the first incident, about 300 to 400 armed prisoners had allegedly broken out of their cells and attacked 35 Tamil detainees with iron bars and knives, killing them. The failure of the state in particular of the prison administration, to ensure safety of the prisoners and to quell the riot is aggravated by the second massacre in which 18

Tamil detainees were battered to death reportedly by other prisoners in a second prison riot. These 53 detainees included a few convicted of offences some others against whom charges were pending, and several against whom no charges had been levelled at all, but were being detained under the Prevention of Terrorism Act on suspicion or on alleged grounds of national security. At the magisterial inquiries into both incidents the deaths were held to be cases of homicide; the magistrate directed the police to make further inquiries as the prison officials who testified said they were unable to identify any of the persons responsible for the killings and to report the facts to Court producing before it any suspects.

CRM urges the government to expedite the police investigations of the 53 killings; in view of the larger issues involved. CRM urges the government also to order a comprehensive inquiry into these two alleged prison riots.

(B) Allegations of army retaliation against the civilian population in the North and of participation of elements in the army in the disturbances in the South

Allegations have been made of retaliation by the security forces against civilian persons and property both in the North and the East in the recent disturbances. A government spokesman has reportedly admitted the killing of 20 civilians by troops "on the rampage. In the Jaffna peninsula shortly after the ambush in which 13 soldiers were killed. CRM understands that no inquests were held in respect of these 20 deaths, the usual legal requirement being suspended under a recent emergency regulation.

In the Trincomalee district, according to an official report 130 sailors broke camp and caused extensive damage to houses and business establishments, including arson and were also responsible for one death and several persons receiving minor injuries.

These incidents need to be investigated immediately and the offenders brought to book.

Allegations have also been made of complicity by sections of the security forces in some of the unlawful activities of the recent weeks in Colombo district and elsewhere. It has now been officially admitted that this was so in the early days of the disturbances and that there had been reluctance on the part of some service personnel "to restrict the activities of the wrongdoers." Both sets of incidents now admitted tend to undermine public confidence in the integrity and reliability of the armed services in the maintenance of law and order.

CRM has always been conscious of the problems of law and order faced by the government in the North and does not deny the responsibility of the government to bring to book those responsible for violence against the state, including the killing of police and army personnel and civilians. It is equally conscious of the frustrations that may be felt by security forces called upon to face the results of unresolved problems that have their basis in the

political sphere. CRM, however, as any civil liberties organization must necessarily do, stresses that it is precisely at times when the security forces are faced with such difficulties and provocations that a government has a special responsibility to see that its forces act with discipline, that they do not retaliate against the civilian population, that even suspected "terrorists" are death with according to law and are not tortured or killed in custody, and that members of the minority community in other parts of the country are promptly and effectively protected against senseless and vicious "retaliatory" acts.

(C) Encouragement to lawlessness – the use of violence to solve political problems

CRM stresses that in assessing the reasons behind the recent holocaust, the alarming trend in recent years of a rapid erosion of respect for the law and for the rights of persons, often manifested in a resort to violence, should be seriously considered. An atmosphere has been created wherein persons who believe they have political protection feel they can break the law with impunity. As the government controlled newspaper the Daily News stated in its editorial of 20 August 1983: "We have seen men enjoying positions of responsibility conniving with hoodlums and rowdies in some cases actively inciting violence... The law, to be respected, must be enforced without fear or favour. There are people, probably, who fancy that they have the wit to flirt with thugs and thuggery, take what they want out of them, as one might of people of easy virtue, and then maintain a firm hand over them. To be so deluded is to ignore the lessons of history."

This phenomenon was certainly not unknown under previous governments – for instance, the earlier instances of post-election violence, the then ruling party's resort to thuggery at the Dedigama by-election in September 1973, and the Attanagalla events of May 1974. However, after 1977, it has assumed increasing proportions and a new dimension.

CRM lists in the annexure to this statement some examples which, taken in their totality, form a frightening picture and are a grim augury for the future.

In some instances, government responsibility is clear (for instance the promotion on two occasions of police officers found by the Supreme Court to have violated fundamental rights, and the disregard by the ruling party of the flagrant breaches of the law during the December 1982 referendum); in other instances, the complicity of the government or of elements within the ruling party must remain a matter of inference or conjecture. Such complicity is often given credibility in the public eye by allegations of police failure to intervene or to bring the miscreants to book. The history of such acts of unchecked thuggery has led to a general belief that the law can be broken with impunity if one is on the right side. The possibility cannot be discounted that the mobs which assaulted and killed Tamils in the days following July 23rd, burnt their homes

and possessions and places of business, and terrorised the general public in many places and the looters who followed in their wake, may well have been encouraged by the knowledge that many earlier instances of law-breaking have gone unpunished.

The above-cited editorial makes a similar point: "It is a known truth that people who have used devious methods to discredit the law and its institutions, staged massive attacks on men and houses under cover of curfew. Either we admit to these facts and correct them, or we will deceive ourselves again until there is another breakdown of law and order."

(D) Proscription of political parties and banning of newspapers

The government has alleged complicity, at least in some part of the events, of certain left parties, has taken the extreme step of proscribing them, is holding a number of their leaders in detention incommunicado without access to relatives or lawyers, has banned opposition papers and sealed presses (including the Dinakara press of the Sri Lanka Freedom Party against which it has NOT alleged any complicity, and has also suggested the involvement of an (unnamed) foreign power. However, the government itself did not feel it necessary to make a prompt public condemnation of the anti-Tamil riots and appeal for the maintenance of law and order and for protection for the Tamil community a circumstance which CRM finds extremely puzzling.

CRM at this stage makes no comment on the government's allegations or on the justifiability of the banning of the three

opposition parties, just as it made no comment at the time on the credibility of the alleged "Naxalite plot" which in November 1982 was given as the reason for extending the life of Parliament by means of a Referendum.

CRM does, however, point out that the steps taken are extreme: that banning political parties without revealing the reasons to the public is a very serious matter, which practice could lead in the future to a one-party state being created by emergency regulations; that no person should be detained a day longer than strictly required by the exigencies of the situation, and that detainees should be permitted access to relatives and lawyers and to proper and effective review of their detention by an impartial advisory board. In a situation of stringent censorship under the emergency providing for the pre-censorship of material for publication as well as imposing penalties of unauthorised publications or publications detrimental to national security, the banning of newspapers and sealing of presses appears excessive. The censorship powers appear more than sufficient to meet the needs of national security.

Conclusion

In view of the constitutional ban on the promotion of separatism, by word or deed, it is perhaps ever more urgent and necessary to enact legislation to prevent the public utterance or publication of material likely to incite hatred against the Tamil minority. ■

SECRETARY

NEVER AGAIN!

An Appeal to begin a process of reconciliation and healing!

Twenty years ago, on July 24th 1983, Sri Lanka experienced an outbreak of unprecedented and catastrophic violence against the Tamil people, which changed the entire destiny of our country. The scale of violence perpetrated against helpless people, the loss of lives and property, but above all the psychological harm it has done to victims and our society as a whole have been incalculable. The blatant violation of the rule of law and the killing of Tamil prisoners in custody in the Welikada prison on 25th and 27th of July reduced society to a state of lawlessness and brutality. The events of that period, remembered as 1983 Black July, created deep divisions of fear and insecurity amongst all peoples of the country. Black July generated a mass exodus from the country. It helped to nurture Tamil militancy, swell the ranks of Tamil militants and produce violent reprisals. These events have had many ramifications to date. It was the beginning of the civil war. It resulted in inhuman and brutal types of violence which engulfed our entire country and in which innocent Tamils, Muslims and Sinhalese, women, children and men underwent immense suffering time and again during the last twenty years. The perpetrators of the violence of July 1983 have gone unpunished.

The long silence and inaction of successive Governments are a shameful revelation of the state's unwillingness or incapacity to maintain the rule of law. After a lapse of 18 years, the Truth Commission was appointed by the last government to inquire into the violence during this period including the events of Black July. The report it has recently issued uncovers the criminal complicity and involvement of the various political actors and segments of society in the events of this period and acknowledges that a grave crime has been committed against a people. It is a belated acknowledgement. But shorn of any partisan recriminations, it can still mark the first step towards reconciliation and healing.

We should as a people and as distinct communities, have the resolve to say NEVER AGAIN!

All leaders of this country especially the President and the Prime Minister should apologize for the wrongs that have been committed. Such a public apology will go a long way in healing the deep wounds, fears and insecurity that continue to afflict our people. It will also set in motion a process of reconciliation and healing among the peoples of all three communities. We urge that the Government apportion due compensation to all affected directly by the violence of '83 July riots as a token of acceptance of responsibility.

We call upon the people of all communities in all parts of the country to set aside a few moments of silent remembrance and mourning on the 27th of July, recalling in particular those who suffered in Black July and also making it the occasion to remember all the innocent victims of the brutal civil conflict of the last twenty years.

National Anti-War Front
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