

JULY 1983

In July 2001, President Chandrika Kumaratunga appointed the Presidential Truth Commission on Ethnic Violence (1981-1984). The Commission's report was published in September 2002. The following are excerpts of the Report, dealing with violence in July 1983.

Ten days of widespread of violence

107. From Monday 25th July, for ten days, widespread violence directed against the Tamils sent Tamil men, women and children nowhere to go except the refugee camps and the homes of kind Sinhala and Muslim neighbours. It is necessary to emphasise the difficulties of giving a complete picture of these events, firstly because no official records of any investigations are available; secondly, almost all reports were censored at that time from publication and thirdly most of the victims are still living outside the country – some in south India, most of the others in Western countries. We have restricted these records to those who made representations, almost all of which were verified by a competent team of Investigators appointed by the Commission and to the accounts of those who were able to give oral testimony before the Commission. We are in no position sitting as we do, nearly 19 years after these events of July 1983 to give even a reasonably complete picture of the events of 1983.

108. The violations of human rights directed against the Tamils were unquestionably the worst in Sri Lanka's modern history. Killings, tortures and harassment of unarmed Tamils went hand in glove with the more widespread destruction and damage to Tamil homes, businesses and industries. Over 75,000 Tamils in Colombo alone and nearly a 100,000 in all, were temporarily located in nearly 27 refugee camps. Refugees in large numbers were sent to the North by ships since the government had failed to stop the violence which raged over a period of 10 days.

109. The government acknowledged a death toll of nearly 350 in all, but Tamils claimed the number of deaths to be over a thousand. We have no basis to report on the number of deaths or the extent of damage to properties, with any degree of accuracy, for reasons referred to elsewhere in this Report.

110. Amongst the more prominent of the events of July 1983 were the killing of 51 Tamils in the North of 24th July by army personnel, the destruction of 175 Tamil houses, with one death and a dozen injured in Trincomalee on 25th July by Navy personnel, the killing of 35 Tamil prisoners by fellow prisoners at Welikada Jail Colombo on 25th July, followed by the killing of a further 18 Tamil prisoners at the same prison on 27th July. We have dealt with the killings inside the Welikada Jail elsewhere. (Vide paragraphs 152 onwards).

No appeal to stop violence

111. We have faulted the then government, in several places of this report for both acts of omissions and commissions, in the run up to

the events that resulted in the communal conflagration of July 1983. But more importantly, the government was guilty of gross negligence in failing to appeal to the people for restraint, peace and calm on July 25th, 26th and until the evening of July 27th. There was not a single leader of Cabinet rank to at least appeal to the law-breakers to stop violence apart from the government's failing to perform its fundamental obligations to protect the life and property of its citizens, even by recourse to force. There were witnesses who testified that this was due to the complicity of a section of the government in 'teaching the Tamils a lesson,' for the terrorism in the North.

112. The Government appears to have awakened to its responsibilities only on the evening of 27th July – the third consecutive day of extensive violence, perhaps following the call from the Prime Minister of India Mrs. Indira Gandhi to the Sri Lankan president, informing him that she thought it fit for her Foreign Minister Mr. Narasimha Rao to personally visit Sri Lanka the following day, to get a first hand assessment of troubles in Sri Lanka, which he did the following day.

President's speech with no apologies

113. The Cabinet which met the same night of 27th July 1983, was appraised of the Indian Foreign Minister's visit. It was only on the evening of 28th July 1983 that President Jayawardena made a televised speech to the Nation and appealed to the people 'to lay down their arms.' The 'Dawasa' a Sinhala daily of 29th July 1983, reported in banner headlines, the President's speech as follows:

“Sinhala Abhilashaya itu karami)
Rata dekata kadannata ida nothem) in Sinhala

“I will fulfil Sinhala aspirations.
I will not allow the country to be divided.”

114. In the President's speech there was no message to the victims and no apologies. The President however acknowledged the Government's failure to solve the Tamil problem as promised in the 1977 manifesto of his party. In the President's Speech there was a message that the government understands the feelings of those who created trouble. Shortly thereafter on 20th July, Minister of State Mr. Anandatissa de Alwis blamed the JVP, the Communist Party and Dr. Wickremabahu Karunaratne's NSSP as being behind the violence, alleging the existence of 2nd Naxalite plot. But, there was no evidence of any left complicity in the events of July 1983 and the allegation was soon given up, without a single prosecution but only after the detention of large numbers of left leaders and activists.

115. If the Indian Prime Minister's despatch of her Foreign Minister to Colombo did give a surprise to the Sri Lanka government, it did not appear to have softened President Jayawardena's tough stand on the question of Tamil terrorism. Going by the text of the headline given by the 'Dawasa' daily, 'Sinhala aspirations will be fulfilled and the country will not be allowed to be divided' – "Sinhala Abhilashaya itu karami. – Rata Dekata kadannata ida nodemi" It would appear that four days of intense violence against innocent Tamils in the country did not bring about any remorse or regret upon the President to convey the apology of a nation to the plight of a section of its people, even as a large number of well meaning Sinhala neighbours protected the Tamils. Indeed, the Dawasa lead story of the President's televised address to the Nation itself would have given the trouble-makers encouragement and comfort that the head of the State was truly with them, if there had been any doubt about it. The attacks on Tamils continued for five more days, even after the Head of state addressed the Nation. Sad to record that the 'Dawasa' as well as most of the other media failed to douse the flames by reflecting on the horrors suffered by the innocent Tamils, in their hour of need. To give prominence to 'Sinhala aspirations' at a delicate time when the innocent women and children would have doubtless given the message that the media too was united with the political leadership and the hoodlums in 'teaching lessons.' We need add, only that, the nation was at its lowest ebb with a total breakdown of its moral responsibilities.

Separatism and the Sixth Amendment to the constitution

116. When the need of the hour was to appease the Tamil people and their leaders, notwithstanding the terrorism at that time of an insignificant number of Tamils, the parliament of President Jayawardena however moved swiftly on 4th August, 1983 to enact the Sixth Amendment to the Constitution after a single day's debate. The Sixth Amendment was to disavow Separatism, but the new result of the amendment was to compel the 16 TULF MPs to vacate their seats in Parliament and to throw the political leadership of the Tamils into the 'Tiger's lap.' The amendment further reinforced the belief that there was 'no remorse nor regret' for the events that had occurred.

The Report concludes with the following recommendations:

1. the President and the Prime Minister must give leadership to a new era of ethnic reconciliation and national unity;
2. the support and participation of the people of the country in the towns and the villages must be obtained and sustained by the country's leaders for the above purpose;
3. legislation similar to the South African, Promotion of National Unity and Reconciliation act No. 32 of 1995 be enacted to establish the legal framework for sustaining the process of ethnic reconciliation and to provide for the

elimination of all forms of racism and ethnic related discriminations:

4. the leadership, support and cooperation of religious leaders, the civil society, the media, the schools the police and the armed forces be ensured in the process of reconciliation and national unity;
5. the national unity and ethnic amity be fostered with due regard and recognition for pluralism and diversity;
6. the establishment of a just and fair governance that will eliminate all forms of racism and discrimination be promoted with perpetrators of discrimination losing the right to hold any public office for specified periods of time;
7. the media be made to recognize that sections from amongst them did contribute to the sustenance of ethnic misgivings and that they have a major responsibility to support and promote national unity and ethnic reconciliation with due regard for pluralism and diversity advertising on media which fail to promote ethnic reconciliation must be discouraged by the State as well as the private sector;
8. the government must pay; full compensation to the victims (or their dependents) on the basis of the Commission's Recommendations by publicly recognizing the trauma and sufferings the victims had to endure and as a warning to the perpetrators that economic destruction will be fully compensated; and strongly recommend that the government includes legal interest on the determined compensation as from 1983 till payment in full;
9. an Investigation Division of officers with police powers functioning entirely under the direction of the Human Rights Commission to apprehend and prosecute persons holding public office acting in violation of fundamental rights with particular reference to ethnic related discriminations be established with adequate legal powers;
10. the Human Rights Commission, in all cases on its own or upon complaints of unsatisfactory investigations by Police relating to ethnic violations or issues must take over and conduct investigations through its Investigations Division and ensure appropriate action;
11. the perpetrators of ethnic violence whether they be members of the public the police, the armed forces or the public service be prosecuted whenever any ethnic violence occurs in the future. The government must on the occurrence of any ethnic violence in the future forthwith appoint a high level National Committee reflecting as far as possible an equivalent number of persons of all ethnic groups and comprising the Attorney-General, Inspector General of

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