Billion-rupee eco-tourism hotel project in Delft Island falls apart

Delft Island: Where wild ponies and donkeys roam

Ruins of the Dutch Fort on the island
## INSIDE THIS ISSUE:

### EDITORIAL 03

**YAHAPALANAYA (GOOD GOVERNANCE)**
- RTI Bill becomes law in a rare display of unanimity 05
- US commends SL on passage of OMP Bill
- Civil society organisations come out strongly against the Govt.
- President gets tough for a clean Sri Lanka 06
- Yahapalana Performance
- "No Division of the Country but Devolution of Power” 07
- FIAT JUSTITIA
- Triangle of conflicts in Tamil Politics 08
- Tamil Question: Is It Between The Leaders Or The People? 09
- Excerpts from an interview with JVP Western Provincial Councilor Attorney-at-Law Sunil Watagala
- Government’s first year political achievements and economic disappointments 10
- Protection from enforced disappearance 11
- In respect of missing persons

### TRUTH & RECONCILIATION

- **- THE OMP** 12
  - Armed forces will be betrayed through OMP Bill: MR 13
  - Government advances OMP Bill after Vat debacle 14
  - A New Chapter Or Another Empty Promise? 15
  - Cheers in Colombo, apathy in Jaffna 16
- Establishment Of Missing Persons Office Opens Wider Probe

- **TRANSITIONAL JUSTICE** 17
  - Transitional Justice : where are the champions ?
  - Government Urged To Repeal PTA 18
  - Reconciliation process should include all stakeholders: Ganesan
  - Comments on VAT - Value Added Tax

### SITUATION IN THE NORTH & EAST

- Billion-rupee eco-tourism hotel project in Delft Island falls apart 19
- Students involved must be punished - JHU
- Extremism foiled but not permanently 20
- This isn’t a question of tit-for tat - C.V.Wigneswaran
- Leading A Life Of Poverty In Keerimalai 21
- The 'Mysterious Deaths' Must Be Probed and Put to Rest

### INTERNATIONAL SCENE

- Killing of aid workers: HRW says no action taken 23
- Ban Ki-moon meets President Maithripala Sirisena

### BLACK JULY - 1983

- The Bloodbath that flamed lasting hatred 24

### HUMAN RIGHTS

- Sri Lanka’s rights situation improved but challenges remain:U.K Report 26

### UNIT REPORT

### STAFF INFORMATION

*Edited by Leela Isaac*  
*Layout designed by Hashini Rajaratna*  
*Cover Page Picture - The Sunday Times - 10/07/2016*
EDITORIAL

Sri Lanka’s unsolved ethnic Problem

The ethnic conflict has been with us almost for 70 years since our independence in 1948. Various attempts were made to resolve the conflict through political settlements like the Bandaranaike – Chelvanayagam Pact and the Dudley Chelvanayagam Pact but these attempts failed, due to severe opposition from rival politicians who incited hatred and violence among the masses, leading to racial riots. If the two major political party leaders had in the interest of the country convinced the people that power sharing with the minority was essential for peace and stability, we may have avoided the 30 year ‘bloody civil war’. But the majority of politicians were opportunists who in their power struggle used the Mahavamsa legends and myths to promote themselves, claiming superiority over the minorities. Even the Left parties that could boast of the most liberal and rational leaders like N. M. Perera and Clovin R. De Silva couldn’t resist the temptation of using slogans like ‘Dudleyge Bade Masala Wade’ (In Dudley’s stomach Masala Wade) when they opposed the D-C Pact. Today the war on terror is over but the conflict that led to the war remains unresolved.

Almost all Sri Lankan political leaders in the South today, with the exception of Chandrika Bandaranaike Kumaratunga (CBK) have not had the courage to speak openly and convincingly of the need for devolving power to the North and East. Some may admit it in private discussions, but when they speak on public platforms during election campaigns they refrain from saying it for the fear of losing votes. They believe the Sinhala people do not want to devolve power to the minorities because they do not accept them as equals. But is it really so? Is it the average citizen in the South who is opposing sharing of power with the minority communities or is it the same power struggle among politicians craving for power and perks, using the people as mere pawns? If they believe that people are against power sharing it is their duty to educate the public stressing the need for the devolution of power in order to prevent another civil war. As long as the minorities remain disgruntled there’s always the danger of another ‘Prabaharan’ emerging from the North and a ‘Dutugemunu’ from the South.

During the 1994 - election campaign CBK openly spoke of the need for devolving power to the minorities. If elected she promised to bring about a permanent solution to the ethnic conflict based on power sharing. She spoke so fearlessly and convincingly and it was not a mere election gimmick to win votes. When at an election rally in the South she had said that political power must be devolved to all communities so that minorities too enjoy the same rights and privileges as the Sinhalese, some of her own supporters had warned her ‘Madam, don’t say such things, we will lose votes’ but during that election the Sinhala people proved that they were not against devolving power to the minorities. PA (People’s Alliance) won that election with a huge majority and CBK herself won by 63% of the votes.

The Devolution Package that was presented in August 1995, if implemented may have saved us 30 years of suffering. Its objective was to end the ethnic conflict: “To redefine the constitutional foundation of a plural society within a united and sovereign republic of Sri Lanka based on the following principles;

1. Promoting a vision of Sri Lanka where all communities can live in safety and security and their human dignity is valued and equality of treatment is an accepted form of public life.
2. Ensuring that all communities be given the space to express their distinct identity and promote that identity including their own culture, practice their religion and nurture and promote their own language including the right to transact business with the state in their own language.

There were to be 9 Regional Councils that would do all the planning at the regional level and manage all regional matters. All powers were listed under two categories. Regional and Reserved (Government). Defence, national security, foreign affairs, finance and many more remained with the central government. This Package was drafted by some of our best constitutional lawyers like Neelan Thiruchelvam and G. L. Peiris. The then Foreign Minister Lakshman Kadirgamar felt it was the last chance to resolve the conflict. But unfortunately for Sri Lanka in the parliament of 2000 even some of the ministers and MPs did not support their President. The extremists, among them many Buddhist

(Continued on page 4)
monks and the JVP did not support the Package. Mahinda Rajapaksa who was then a Senior Cabinet Minister opposed the Bill, joining the extremists, and when the Bill was withdrawn for the lack of a 2/3 majority (it needed 10 more votes) he jubilantly informed his supporters that ‘the problem was solved’. The crowds hailed him as the “Hero of the South”. The TNA did not support the Bill due to pressure from the LTTE that demanded a separate state. The UNP which supported it during all the discussions withdrew its support at the last moment because the President had ‘sneaked in’ a clause which allowed her to come back as the executive Prime Minister for the next five years. This angered the UNP that was waiting to capture power. Even though they knew the Package itself would be beneficial to the country, they opposed it in their own interest. Again it was a power struggle among politicians. Although people had voted in favour of devolution, their representatives in parliament opposed it even going to the extent of burning the document within the House itself! Ironically when Mahinda Rajapaksa brought in the 18th Amendment making himself president not just for 5 years but for life, no member of parliament had the courage to oppose it or burn it. Even the leader of the opposition walked out with his team lacking the courage to vote against it.

At present the situation in the North and East too is not helping the government to bring about a solution through a new constitution based on power sharing. Jaffna society is still a caste ridden one. Jaffna Tamils seem to consider themselves superior to those living in the Vanni, Eastern province and the plantations. They forget that until all Tamil speaking people unite and demand equal rights no Sri Lankan Government will take them seriously. And before the people unite their leaders must unite. There seems to be a power struggle among the northern politicians too. In spite of all the suffering their people have one through in the last 30 years or more, these politicians don’t seem to be helping the people to rebuild their lives. Why isn’t it possible for the Tamil leaders like Sampanthan, Sumanthiran, Wigneswaran, Suresh Premachandran, Gajendra Kumar and Senadhiraja, to put a side their petty quarrels and work together towards peace and reconciliation? creating splits in the TNA which is still the most popular party and organizing anti government protest like ‘Eluga Thamil’ (Rise Tamils) which is really a manifestation of the infighting within the TNA, will only irritate and anger the people in the South. This will in turn jeopardize the efforts of the government working towards reconciliation.

What is equally damaging is planting Bo Trees and erecting Buddha Statues in Tamil villages where there are no Buddhists. Politicians responsible for such foolish acts should be reined in. As minister Rajitha Senaratna rightly pointed out; this has only negated the reconciliation efforts of the government. In addition sections of the media have quoted the Chief Minister’s speech out of context and compared him to the LTTE leader Prabhaharan and the Islamic fundamentalists – the Taliban! One of them has referred to ‘the true grotesque nature of his innermost soul’ and his ‘diabolic mind and demonic strategy’. These are harsh words and will certainly not help reconciliation. After all most of the demands made by the chief minister are reasonable, except for a few that are unrealistic. What he has really said is that ‘illegal setting of Buddha statues on private temple land or private land’ should be stopped, because whether one likes it or not the Tamils see the Buddha statue as a symbol of Sinhala dominance and authority. it is of course not correct. For the Buddha himself was not a Sinhalese and he did not want any statues erected or worshiped. And yet with the brand of ‘Sinhala Buddhism’ that is being practiced in Sri Lanka the Tamils perceive it as such and it is their perception that matters.

For the first time in our political history we now have two leaders from the two majority parties leading the country. President Sirisena and Prime Minister Wickramasinghe are not, one hopes political opportunists like most others. They are both convinced of the need for devolving power to the minorities. With their conviction and with the help of CBK they should be able to convince the larger majority. But if these two leaders too put their Parties before the country, with an eye on their vote banks, it is a bleak future we would face. The same old caravan would carry on, but this time with a difference. The barking dogs may be warned but not punished or vanished!

Leela Isaac
Civil society organisations come out strongly against the Govt.

Concerns highlighted at a public seminar titled, ‘Is this the Good Governance we hoped for’

Civil society organisations which supported the candidacy of Maithripala Sirisena at the last Presidential Election, this week issued a strong warning to the Government that it was taking a path leading the country away from the ideals that inspired the ‘political revolution’ of January 8, 2015.

Their concerns were highlighted in no uncertain terms at a packed public seminar titled, ‘Is this the Good Governance we hoped for on January 8?’ at the Public Library Auditorium last Tuesday. The seminar was organised by the ‘National Movement for a Just Society’ and the Purawesi Balaya organisation.

Addressing the seminar, Chairman of the National Movement for a Just Society, Prof. Sarath Wijesuriya said, civil society organisations were flashing a ‘Red Light’ to the Government, warning it was not respecting the views of the people.

He reminded both the President and the Prime Minister of their public pledge to abolish the Executive Presidency, at the funeral of this movement’s founder, the late Ven. Maduluwawe Sobitha Thera, “but this does not seem to be on the Government’s agenda now,” he stressed.

“We would like to tell the Government they have no moral right to work according to any agenda other than one set by the people.”

“We need to learn one thing from Mahinda Rajapaksa- that is, power is not eternal. Power is like a dew drop. Don’t become emboldened by it,” he further warned.

Former President of the Federation of University Teachers’ Associations (FUTA) Dr. Nirmal Ranjith Dewasiri said there was a widening gulf between the current rulers and those who heavily invested in the political transformation of January 8.

He added, the Government could not keep on harping on about a Rajapaksa resurgence to scare the public. “That time has passed.”

By Sandun Jayawardana
- The Sunday Times -

RTI Bill becomes law in a rare display of unanimity

Political parties across the divide displayed a rare show of unity this week by unanimously approving the long awaited Right to Information (RTI) Bill, a landmark law which would go a long way to make the government more accountable to the citizens of the country.

The RTI law, under discussion since 2003, was passed after a two-day debate on Thursday and Friday, with the majority of lawmakers agreeing that the Bill was a step in the right direction, even though some had reservations about some of its provisions.

By Chandani Kirinde - Lobby Correspondent
- The Sunday Times -

US commends SL on passage of OMP Bill

The US said today the passage of the Bill to set up an Office of Missing Persons (OMP) by the Sri Lankan Government was an historic step towards achieving reconciliation. While congratulating Sri Lanka for passing the Bill, Assistant Secretary of State for Democracy, Human Rights and Labor Tom Malinowski, in a twitter message, said the move was remarkable in the pursuit of justice, reconciliation and accountability for all.

Meanwhile, US Assistant Secretary of State for South and Central Asian Affairs Nisha Desai Biswal tweeted saying the Passage of the OMP Bill was a huge stride forward for Sri Lanka in advancing truth and reconciliation. US Ambassador in Sri Lanka, Atul Keshap said the passage of the Bill was an historic milestone in the path toward meaningful national reconciliation for all in Sri Lanka.

-Daily Mirror- 13/08/2016
President gets tough for a clean Sri Lanka

In what could turn out to be a landmark speech made in Matara last Friday, President Maithripala Sirisena publicly pledged he would not cover up or tolerate any act of bribery, corruption, nepotism or other vices by Ministers, MPs or other top officials of the National Unity Government. This would be in line with the new government’s vision of restoring a clean, selfless, sacrificial and people-serving politics in Sri Lanka.

He made the pledge at the first joint meeting held by the United National Party (UNP) and the Sri Lanka Freedom Party (SLFP) to mark the first anniversary of their decision to form a National Unity or Consensus Government for the first time in Sri Lanka since independence in 1948. The President’s speech was broadcast live to millions of people, while the State television and radio gave repeat broadcasts over the weekend. It was widely regarded as President Sirisena’s most powerful and toughest speech since he was elected to office in the people’s Silent Revolution on January 08 last year.

While sharing the National Government’s vision and goals, we also hope the President will put his pledges into action and deal with anyone found to be involved in bribery, corruption, fraud or the waste of public money. Over the weekend, the Voice Against Corruption movement said it would go to the Financial Crimes Investigation Division (FCID) to file bribery or corruption allegations against five high-ranking members of the present Government.

While expediting legal action against the former regime’s alleged plunderers, we hope the President would take tough action against Ministers, MPs, other politicians and officials against whom substantial evidence is found. The President also reiterated he was the Chief Servant Leader of the people. We hope he insists that Ministers, MPs and public officials also should change their attitude and become sincere servants of the people, while giving what they have to the country instead of trying to grab from it.

-Yahapalana Performance

CIMOGG has already said that the President (MS), "who gave the welfare of Sri Lanka first priority at the beginning of his incumbency, has now relegated it to a lower status and promoted his party to the No. 1 position in his list of prime concerns". Regrettably, there is no change to be seen here.

We have previously asked the government to tell the people of Sri Lanka what has become of the huge stock of gold and foreign currencies accumulated by the LTTE, not to mention the bank accounts, ships, properties etc which were under the guardianship of “KP”. The present government would be no less culpable than the previous one if it continues to hide the truth regarding these vast secret assets. We may be forgiven for speculating whether a new set of robbers has persuaded the old set of robbers to share the spoils. Is that why no action is being taken against KP?

The admission by Minister Lakshman Kiriella that he has given employment to about 65 of his supporters, with the glorified title of "consultants" to supervise road building, about which most of them obviously know little or nothing, is quite shocking. He has justified his nepotism or bribery, whichever might be the more appropriate term, by saying that the previous government gave far more jobs without benefit of cadre openings, minimum qualification requirements and competitive selection. Does Kiriella need to be taught that two wrongs do not make a right? The nation has to be grateful to the JVP for the yeomen service it is rendering by exposing this and every other kind of irregularity.

Excerpts from an article by Dr A. C. Visvalingam

President, CIMOGG
email: acvisva@gmail.com


"There is no act of treachery or meanness of which a political party is not capable; for in politics there is no honour".

- Benjamin Disraeli
“No Division of the Country but Devolution of Power”

In a historic first official visit Down South to Matara, Opposition Leader and Tamil National Alliance MP R. Sampanthan talks about the connection between Buddhism and Hinduism and the importance of Sinhala-Tamil unity. Following are excerpts from the speech he delivered at the passing out ceremony of vocationally trained youth of the Sammadhi Community Development Foundation started by UNP MP Buddhika Pathirana.

The insurgency in the South has come to an end and once the rebel leaders are currently playing major roles in Parliament. The Northern insurrections have also been brought to an end after almost three decades. Now we are trying to find a permanent solution for the people in the North and East.

Parliamentarian Buddika Pathirana pointed out that unfortunately, there had not been a Constitution in this country framed with the consent of all the people. We are now endeavouring to frame within the consent of all. This Constitution is going to be framed one with the framework of a united, undivided and indivisible Sri Lanka. An indivisible country that cannot ever be divided. I convey that message to you as the Democratically-elected Leader of the Tamil People.

We do not want this country to be divided. But the people want power to be devolved within the regions. The power that is required to maintain the unity and territorial integrity of the country, Defence, the Army, Navy and the Air Force will be under the control of the Central Government. Foreign Affairs Currency and Finance, Immigration and Emigration to be under the central government. These powers need to be kept at the Centre to ensure the unity and the indivisibility of the country.

The slogan is “No division of country but devolution of power”. Through this, people would be in a position to exercise power in their respective areas. There would be much more effective and participatory democracy. Your leaders elected at the local level would be in a position to exercise those powers on your behalf.

Consequently, you would be able to obtain more effective and much quicker service. So now for the first time we are trying to frame a Constitution to keep Sri Lanka as a united, single, and undivided country and enable it to develop through a national consensus of all the people.

The Parliamentary Steering Committee comprises of all political parties such as UNP, SLFP, JVP, JHU, ex-President Mahinda Rajapaksa’s Joint Opposition and the TNA. We are discussing and it is time to evolve a Constitution that is acceptable to all citizens.

This is the first time a serious effort is being made to evolve a Constitution, based on the consensus of all the political parties and people. If we bring about the Constitution in this country, there would be major changes in the next ten years, the country would be on par with Singapore and Switzerland.

- Daily Mirror - 01/09/2016

FIAT JUSTITIA

After President Maithripala Sirisena and the National Government assumed office last year with the pledge to bring to justice those responsible for political killings or abductions, fraud or corruption -- Colombo’s High Court yesterday gave the first major verdict in one such case. By a 2 to 1 majority verdict, a three-judge bench of the Colombo High Court after a trial-at-bar sentenced to death the former controversial parliamentarian Duminda Silva and four others for the murder of former Presidential advisor Bharatha Lakshman Premachandra during the Local Government Elections on October 8, 2011. After more than five years of apparently politically-influenced delays and other mysterious happenings at the investigation and prosecution levels, this headline hitting case was finally taken up on October 12 last year by a bench comprising Shiran Gunaratne (President), Pathmini N. Ranawaka and M.C.B.S. Morais. Two judges found the five suspects guilty and sentenced them to death while the Bench’s President acquitted them.

In another important court case yesterday, the Mt. Lavinia Magistrate’s Court granted approval to exhume the body of well-known editor and investigative journalist Lasantha Wickramatunge who had been shot dead within a high security zone at Attidiya on January 8. The exhumation was requested by the Criminal Investigation (Continued on page 8)
Department and will take place on September 27 in the presence of the Magistrate. The order follows the arrest of a military intelligence sergeant in July this year and claims that the postmortem examination conducted in January 2009 was suspicious.

These two cases and the steady progress in the case involving the killing of national rugby star Wasim Thajudeen are clear indications that judicial independence has to a large degree being restored after the enactment of the 19th Amendment, the setting up of the Constitutional Council, the independent Judicial Services Commission and the independent Police Commission.

If further evidence was needed, it came last month when the Supreme Court ruled that the manner in which the government increased VAT rates on wholesale and retail items was illegal. The national government responded gracefully and said it would introduce a new bill sometime this month to right the wrong.

-Editorial
-Daily Mirror - 09/09/2016

Triangle of conflicts in Tamil Politics

Despite local agitations and international pressure, the Rajapaksa presidency shelved its own LLRC recommendations with continued military dominance in the North-East. The Southern urban Sinhala middle class would not have enjoyed the luxury of defeating Rajapaksa with their belated calls against mega corruption unless the Tamil and Muslim N-E population had not decided to rid themselves of Rajapaksa by then.

What the North-East wanted was not merely the social space that the Colombo middle class was happy with.

They wanted answers to their pressing concerns. Even the LLRC knew these grievances should be effectively answered. However, no serious attention has been given to these questions by the Sirisena-Wickramasinghe government. All Tamil issues have been bundled into one single resolution, co-sponsored at the last UNHRC Sessions in Geneva. The manner in which the government went about honouring this OISL Resolution has not won the confidence of the North-East nor the trust necessary to effectively implement the four mechanisms promised to ensure the much-promised reconciliation.

Though the Sinhala activists of the Colombo middle class who led anti-corruption campaigns promised a return to democracy, what they didn’t understand was that a trust deficit had begun to grow within the North-East Tamil polity not soon after Rajapaksa was voted out.

The fear in the Sinhala anti-Rajapaksa camp in taking up the North-East issues while thinking it would rob them of required Sinhala votes was a reason for this mistrust and lack of confidence. Thus, it established that the Yahapalanaya government was for the Sinhala urban middle class. It wouldn’t even address the rural Sinhala voters, who were left with nothing but poverty and alienation from the Colombo-centred economic development that the urban middle class was so ready to settle into.

Meanwhile, this coalition government keeps promising immunity to the military on account of them being “war heroes”.

PM Wickremesinghe and his government work directly in the North-East and Chandrika Kumaratunge’s ONUR funded by foreign donors go about spending money on unsolicited livelihood projects, further centralising and controlling Northern life from Colombo, when more devolved power for the North-East is what has to be worked out.

For the N-E, the purpose of voting Rajapaksa out was thus completely lost. This brings into the spotlight the role of the TNA leadership, which is very much in question among the ordinary Tamil people.

By Kusal Perea
-Daily Mirror - 29/08/2016

“Human behavior flows from three main sources: desire, emotion, and knowledge”.
- Plato
An extract from Vishwamithra’s article

**Tamil Question: Is It Between The Leaders Or The People?**

Let us not constrain ourselves to the arguments and debates bandied about by so-called pundits. Most of these self-proclaimed pundits, University academics, professionals and leadership groups usually are almost always wrong or late in understanding the real reasons behind a knotty issue that has been irking our nation- Sri Lankan nation- for quite a long time. A long, long time indeed. The Tamil Question and its multiple facets, ranging from Tamil homeland, discrimination at all levels of civil life, independence of movement, assembly and speech to University entrance anomalies, are all deeply rooted in a fundamental premise of being treated as second-class citizens in a country whose Constitution enshrines clauses and chapters upholding and protecting all minorities as equal before the law.

Whether any Sinhalese agrees or not, the writer, a Sinhalese Buddhist, most unequivocally writes and affirms that it is beyond any shadow of doubt or suspicion that the notion of that mal-treatment of our minorities is a fact. The inbred thinking of the majority Sinhalese is fundamentally flawed. That flaw is shared by all majority communities of the human family. In the context of nation states and racial demarcations, it has been observed that power of the majority almost always prevails.

Absence of mutual empathy on the part of both communities is an undeniable fact. If it is so, one would see how difficult it is to bring these two communities together to the same table to arrive at a middle ground where both communities can co-exist and argue and debate as co-equal partners. Doggedly holding on to one’s unsustainable position would not bring any results, results that would harness some resolutions aimed at peaceful co-existence of the two communities. In this effort, how far has each set of leaders travelled? The answer is hardly any. Starting from the aborted Thimpu Talks in the Nineteen Eighties, the leaders of the two parties have failed to travel to the middle ground. Compromise sounds terrible in the context of negotiation. Its inherently negative connotation retards the advance of any party that is willing to travel towards the middle ground. It makes the traveler look weak and spineless in the eyes of his or her followers.

---

Excerpts from an interview with Janatha Vimukthi Peramuna (JVP) Western Provincial Councilor Attorney-at-Law Sunil Watagala

Q: The government came into power promising to eradicate corruption and to promote clean politics. Do you see this happening?

A: Compare the first year of the former regime with this Yaha Palanaya, and you will see this government is way ahead of frauds, corruptions and so on. So, they have now cast aside the promises they made prior to the elections. They have now taken the same path the Rajapaksas have been following. This government came into power highlighting the family corruption, but with their initial 100 day agenda itself, the coal fraud took place. The Central Bank governor says that there was a fraud of Rs. 1,803 million; the Auditor General says the tender could have been given to a lower bidder, instead of awarding the coal tender to a higher bidder that resulted in this massive loss to the country. The country’s most respected people made these allegations. This government is no better than the previous one; it is perhaps even worse.

(Continued on page 10)
Q: What is the reason for the increase in crimes now?

A: There is a huge increase in financial crimes. The investigations into 18 files have already been completed and are ready to be handed over to the Attorney General. Why are they delaying it? So many files are at the FCID. They do not take any action on these files. This government too is holding onto these files, just to use them to manipulate their opponents. These petty political games will jeopardise the country’s future.

Even President Sirisena said in Hambantota that he possesses certain politicians’ secrets and their frauds. Rajapaksa also said the same thing and manipulated the politicians. This bullying should stop.

This is why we called for a separate court to hear the money laundering cases. However, the Justice Minister Wijeyadasa Rajapakshe said that it was contradictory to our Constitution. But their manifesto boasts a separate court. How come they did not realise then that it would go against the Constitution? They lied to cheat people just to fill their pockets.

They are reluctant to establish a separate court because the process will then be quickened. Then it will not only affect the former regime ministers, but it will also affect many who are in this government. The delay in justice is jeopardising the people’s sovereignty.

Interviewed by Thushari Nathaniel
-The Sunday Leader - 18/09/2016

Government’s first year political achievements and economic disappointments

Assessments of the new government that came to power a little over a year ago have been mostly those of disappointment and disillusionment. However a balanced assessment of the first year’s performance is that there have been considerable improvements in political freedoms and governance, but inadequate achievements on the economic front. The disappointment of its economic performance is quite widespread.

Reasons
Several underlying reasons account for this dissatisfaction. Those who supported and worked to overthrow the previous regime had high expectations. The actual achievements fall far short of these. Internal contradictions within the coalition and the split faction of the UPFA calling themselves the joint opposition have tempered the government’s reform policies. Their continuous opposition has been a severe distraction.

The government’s policies have to be implemented within a conspiratorial political scaffold. Despite these limitations there have been significant achievements in the democratization of the country and the achievement of the rule of law. Yet many of the government’s actions fall far short of the laudable ideals of President Maithripala Sirisena’s statements and expectations generated by the political change.

Confusion and uncertainty
In contrast to the political achievements, there is considerable disappointment, confusion and uncertainty as to where the economy is heading. The persistence with bad economic policies, prevarication in the adoption of needed economic policies, the gulf between economic statements and actual policies, inability to implement policies and an inability to take bold decisions needed to resolve the economic crisis, have been reasons for the disillusionment with the government’s economic policies and doubts about its ability to steer the country from her current multidimensional economic crises.

Political freedoms
A quantum leap in democratic governance is the main achievement of the unity government. There is no fear of abductions; there is freedom of expression; there is liberty to protest; and above all there is law and order and the rule of law. These are substantial achievements of a government that came into power though the people’s ballot and not by a violent overthrow of the government. This is not to deny
inadequacies, limitations and violations of some principles of good governance. But the return to democratic freedoms is indisputable.

There are instances of nepotism, bad appointments to public office, suspicion of corruption, inept administration and delays in the administration of justice. Despite these and other limitations there is a huge difference in freedom and law and order in the country now in comparison to what prevailed during the last regime. The government is no longer meting out arbitrary punishments, there are no missing persons and for most part the rule of law prevails.

By Nimal Sanderatne
-The Sunday Times - 28/08/2016

Protection from enforced disappearance

Provisions as a Sri Lankan law

The United Nations Human Rights Council (UNHRC) has been informed by the Sri Lankan Government that it is drafting fresh legislation to incorporate the provisions of the Convention for the Protection of All Persons from Enforced Disappearances as a law of the country.

Sri Lanka’s Permanent Representative to the UN, Ravinath P. Ariyasinghe is reported to have included this matter in his country statement to the UN.

The legislation will be presented in Parliament after Cabinet approval.

The Government has undertaken legislative and policy measures to translate into action the promises it made to the Sri Lankan people despite the many challenges being posed by some extremist elements.

These extremists are attempting to scuttle the Government’s sincere efforts to ensure that the right of all Sri Lankans are prompted and protected and the recurrence of the violence that tore this country apart will be a thing of the past.

The convention ratified by Sri Lanka in May this year states that under no circumstance should anyone fall victim to enforced disappearance.

UN Working Group on enforced and Involuntary Disappearance visited Sri Lanka in November last year.

-Daily Mirror- 17/09/2016

In respect of missing persons

Govt. to issue certificates of absence

Consequent on the passing of the Office of Missing Persons Bill into law, the government yesterday enacted another piece of legislation providing for the issuance of certificates of absence in respect of missing persons.

The government with the backing of the Tamil National Alliance (TNA) took steps to enact the Registration of Deaths (Amendment) Bill in this regard.

Making his observations during the debate, Foreign Affairs Minster Mangala Samaraweera said this was yet another landmark legislation in the process of reconciliation.

He said those who went missing due to the conflict and civil unrest would be covered under the provisions of the new law. Besides this, such certificates would also be issued in respect of the victims of enforced disappearances and soldiers missing in action.

In the absence of a death certificate, the relatives of such missing persons could use this document for legal requirements such as marriage and property rights and for the benefit of dependants.

A certificate of absence is issued in the event that the death of a missing person cannot be established under evidence used in ordinary circumstances.

The minister said the dark era in which persons went missing could be confined to the pages of history with the enactment of this Bill. Also, he said, such eras would not be repeated.

-Daily Mirror - 26/08/2016
Armed forces will be betrayed through OMP Bill: MR

Former President Mahinda Rajapaksa said on 20th July the Office of Missing Persons (OMP) Bill has many provisions designed to persecute armed forces personnel. Issuing a statement, he said if the draft legislation becomes a law, every Member of Parliament who votes for it will be held responsible by the people for betraying the country and the armed forces.

"In the midst of all the political and economic chaos in the country, the government has placed before parliament draft legislation to set up an OMP. This is one of several institutions to be established ‘to deal with the past’ in terms of the UNHRC resolution that the Yahapalana government co-sponsored with the Western powers in September last year," he said.

"The Office of Missing Persons Bill has many provisions designed to persecute our armed forces and I wish to highlight some of them as follows.

1. The Office of Missing Persons will not be a part of Sri Lanka's State law enforcement and justice system, but an independent body incorporated by parliament which gives its members the power to function outside the normal rules and regulations that guide state institutions.

2. Even though it is described as an ‘office’ the proposed OMP will be a tribunal for all practical purposes which can examine witnesses, issue summons and hold hearings. Its officers can enter without warrant, at any time of day or night, any police station, prison or military installation and seize any document or object they require for investigations. Anyone who fails or refuses to cooperate with the OMP may be punished for contempt of court.

3. The seven ‘members’ of the OMP are to have experience in fact finding and expertise in human rights law and international humanitarian law which means that the appointees will for the most part be representatives of Western funded NGOs or those who have worked with Western sponsored international war crimes tribunals.

4. According to Section 21 of the draft legislation, the OMP will have the power to receive funding directly from any foreign source.

5. The OMP, acting on its own, can enter into agreements with foreign persons or organisations concerning its work.

6. The ‘members’ of the OMP can establish units and divisions and delegate their powers and functions to those entities. They can also appoint and dismiss staff and consultants. It is not specified in the draft law that the members of the OMP have to be Sri Lankans.

7. Complaints can be received not only from relations and friends of missing persons but from any interested party both local and foreign.

8. Government bodies at all levels including the armed forces and intelligence services are mandatorily required to render fullest assistance to the OMP and the provisions of the Official Secrets Act will not apply to the proposed institution.

9. According to Section 12 (c) (iii) the OMP can admit as evidence any statement or material disregarding the criteria laid down in the Evidence Ordinance.

10. The provisions of the Right to Information Act will not apply to the work of the OMP. No court, not even the Supreme Court can order any officer of the OMP to submit to courts any material communicated to him in confidence.

The foregoing makes it clear that this Office of Missing Persons is meant to be an integral part of the judicial mechanism to deal with allegations of war crimes that the government has undertaken to establish. If this draft legislation becomes law, every Member of Parliament who votes for it will be held responsible by the people for betraying the country and the armed forces," Mr. Rajapaksa said.

-Daily Mirror - 21/07/2016

“Democracy arises out of the notion that those who are equal in any respect are equal in all respects; because men are equally free, they claim to be absolutely equal”.

- Aristotle
Government advances OMP Bill after Vat debacle

"The present government, by co-sponsoring the resolution, has accepted the concept of ‘universal jurisdiction’. The evidence gathered by the OMP can come from anonymous sources. Evidence Ordinance has no application. Nor will the provisions of the Right to Information Bill apply. The result will be total confusion and uncertainty. This is Sri Lanka’s own resolution; its contents are unbelievable. The operating paragraph one of the resolution ‘notes with appreciation the report submitted on Sri Lanka by the Office of the High Commissioner for Human Rights and calls for the implementation of that report. This report says that there is reasonable ground to believe that SL armed forces were responsible for the large scale massacre of civilians, disappearances of large number of persons, rape. other sexual offences and the deliberate starvation of the people. Incredibly, this is the report which the government of Sri Lanka notes with appreciation and requires to be implemented. Whatever be said now by the government, paragraph 6 of the resolution commits the government of Sri Lanka to a judicial mechanism which includes foreign judges,” former External Affairs Minister Prof. G.L. Peiris once said in an interview with the Daily Mirror. He was speaking on behalf of the Joint Opposition.

Foreign Affairs Minister Mangala Samaraweera, responding to critics said, "The Office of Missing Persons will not be a part of Sri Lanka’s law enforcement and justice system, but an independent body incorporated by Parliament which gives its members the power to function outside the normal rules and regulations that guide state institutions."

The bill outlines four main functions for the OMP: (i) searching and tracing of missing persons, (ii) clarifying the circumstances in which such persons went missing and their fate, (iii) making recommendations to relevant authorities in order to reduce incidence of missing and disappeared persons, (iv) identifying proper avenues of redress. As such, it is not a law-enforcement or judicial agency but a truth-seeking investigative agency, created by Parliament, like the Bribery Commission and Human Rights Commission which responded to specific needs in society.

The salient features of the legislation include:

- The findings of the OMP shall not give rise to any criminal or civil liability.
- Like in the other independent commissions, the OMP’s seven members will be selected by the Constitutional Council.
- The members of the OMP and the officers and staff of the OMP, shall be deemed to be “public servants” for the purposes of the Penal Code, the Bribery Act and the Evidence Ordinance.
- The salaries of OMP members will be determined by Parliament and will be charged on the Consolidated Fund.
- The OMP must be audited by the Auditor General in terms of Article 154 of the Constitution
- The OMP must submit annual reports to Parliament, and those reports will be made public.

“Even though it is described as an ‘office’ the proposed OMP will be a tribunal for all practical purposes which can examine witnesses, issue summons and hold hearings. Its officers can enter without warrant, at any time of day or night, any police station, prison or military installation and seize any document or object they require for investigations. Anyone who fails or refuses to cooperate with the OMP may be punished for contempt of court.”

The Office of Missing Persons is a truth-seeking investigative agency. It does not make judgements on disputes. In fact, the legislation states that “the findings of the OMP shall not give rise to any criminal or civil liability.” Its primary function is to establish whether a missing person is dead or alive and, if they are dead, discover when, how and where they died.

-Daily Mirror - 11/08/2016

“Progress is impossible without change, and those who cannot change their minds cannot change anything”.

-George Bernard Shaw
A New Chapter Or Another Empty Promise?

What is the OMP?
The OMP is an independent office with seven members appointed by the President on the recommendation of the Constitutional Council. The members of the OMP are meant to be independent individuals with expertise on human rights, international humanitarian law, humanitarian issues, fact finding among other areas. There is also a fixed term of three years and limitation of two terms per member. The office will be headquartered in Colombo with the option of having field offices.

Many victims have been vocal that the OMP must have field presence which will facilitate access for them to engage with it.

The OMP has the mandate to trace, search and investigate into complaints brought before them on cases of both the missing and disappearances. Thus, a crucial and basic point that must be raised at the outset is that the OMP is a truth seeking body, a permanent entity that victims can engage with in the search for answers. Due to its permanent nature, there is no fear of whether the mandate will be renewed or not, as faced by many commissions.

A missing person is broadly categorised in the legislation as those affected by the conflict in the North and East of Sri Lanka, its aftermath or a person classified as 'missing in action', or affected by political unrest or civil disturbances or as a case of enforced disappearance as defined in the International Convention for the Protection of All Persons from Enforced Disappearances.

The broad categorisation ensures that both cases of enforced disappearances and missing persons are included but the downside of this is the fear of overwhelming the OMP with a large number of complaints.

For those who maybe unaware, the right to truth is a basic fundamental right of victims and one championed by successive Sri Lankan governments. One assumes the rationale to appoint numerous past commissions was meant to unearth answers, although many who went before such commissions are still waiting for answers.

How is the OMP different to past initiatives?
Sri Lanka has had a long list of state driven investigations including numerous commission of inquiry. Several have solely been on enforced disappearances and/or missing persons. Thousands of victims have gone before these numerous initiatives, recounting past events and abuses. Many have done this multiple times, going from one investigation to another, repeating experiences to multiple persons and entities. Several times I witnessed families going before recent commissions such as the Lessons Learnt and Reconciliation Commission (LLRC) and the Paranagama Commission, to speak about their disappeared and missing loved ones and plead for answers. In many instances their dignity was robbed. For most, their questions remained unanswered. Such experiences involved complex emotions of hope, frustration, anger, fatigue, anticipation, disappointment and much more. For many, state initiatives by successive governments have failed and there is no trust another commission will make a difference.

All of the above beg the question why the OMP will be different to past initiatives?
Firstly, it is not an investigation with a limited time span but a permanent body that is meant to have the necessary resources and expertise to investigate cases of disappearances and missing. It is established by an Act of Parliament with specific powers to investigate and is an improvement on the structurally flawed commissions appointed previously. The OMP has no restrictions in terms of time period or geographic area and can look at all cases of disappearances and missing.

Anyone can go before the OMP to give information or make a complaint. OMP can share information with victims, without waiting for others to take action. OMP can work with other government entities to ensure victims are provided reparations and steps are taken to prevent recurrence of violence.

The OMP’s protection powers can ensure security issues are addressed and victims do not face reprisals for engaging with the OMP. Similarly, information provided in confidence to the OMP will be protected and witnesses do not need to fear reprisals for sharing such information.

These are welcome measures as it provides the OMP with resources, expertise and (Continued on page 15)
independence to work in a credible manner without the fear of interference and ensuring a victim centered approach is taken. It is now critical that the Government and others raise awareness of what the OMP is, provide it with required resources and expertise and ensure the victims are able to trust it as a credible mechanism to investigate and provide them with answers.

Why is the OMP important now?
Successive government have attempted and failed to provide answers to a significant number of people from across Sri Lanka on the whereabouts of their missing loved ones. Investigations, inquiries, committees and commissions over the years have all failed in this basic task of finding answers.

Despite the lack of confidence with such initiatives, thousands continue to engage with the hope that the next initiative may provide answers. Failures with past initiatives and structural flaws are the very reasons for a new entity with the necessary powers to investigate and find answers.

Sri Lankans have been promised ambitious reforms. A new constitution is in the offing as well as reforms addressing reconciliation and development.

The reforms hold the promise of a new Sri Lanka, an exciting time for many Sri Lankans. Despite this, a significant number across Sri Lanka do not know what happened to their loved ones. For these families, the promise of a new constitution and infrastructure are hollow. For them, the fundamental right to know, a right many of us take for granted, is still an illusion.

The OMP provides a chance to correct these wrongs. This is the time to go beyond the rhetoric and to establish a mechanism that can finally, after years of failed attempts, provide answers to the thousands still searching for their loved ones. It is also finally an opportunity to say Nunca Mas (Never Again).

- The Sunday Leader – 28/08/2016

An extract from Kishali Pinto Jayawardene’s article

Cheers in Colombo, apathy in Jaffna

The contradiction was clear if not absurd. Even at the very moment in time that I was being sent unsolicited messages by Colombo’s non-governmental ‘twitterati’ delighting in self-congratulatory chest-thumping over the turbulent passing of the Office of Missing Persons (OMP) Bill, that euphoria was distinctly missing in the Northern peninsula, among the very people for whom this piece of legislation was (primarily) intended.

Failure to draw in core constituencies of victims

Let us be clear about this. The fate of the South’s ‘disappeared’ during the state brutalities of the eighties had not been the motivating factor for this Government’s headlong rush into ‘solutions’ despite the colorful intertwining of state excesses against the Sinhalese during the eighties to justify the effort. Rather, it was the plight of the ‘disappeared’ in the North and the East which was the central international pressure point necessitating this mad scramble by the coalition Government and its allies, including the North’s Tamil National Alliance (TNA).

Logically therefore, the constituencies left to struggle in the face of continuing state surveillance and apathy in the former war theatre should have been directly drawn into Sri Lanka’s much trumpeted exercise of ‘transitional justice.’ But that is not the case, if we leave aside the familiar spectacle of the North’s political representatives claiming to ‘speak for the people.’ And the anger thereof is searing.

So as the cheers resounded in Colombo’s glitzy lounges, it was a different story in Jaffna with fury counter balanced by disinterest if not apathy. ‘What will this body give us?’ questioned two agitated mothers whose struggle for their ‘disappeared’ children involved going despairingly from one governmental agency to another. One mother brandished a newspaper article with a photograph of a line of hopeless faces along the security perimeter of an army camp post 2009 and wailed ‘that is my child but when I go to that camp and ask where she is, they only tell me that she was never there.’ ‘Will this Office give me answers for what happened to my child and will it give me justice when I am asked to go before it and cry all over again?’ she persisted.

(Continued on page 16)
(Continued from page 15)

**Acknowledging the irony**

It is ironic that those throwing themselves into Colombo’s (well funded) ‘transitional justice’ fray look down their noses when called to account if a greater participatory model should not have been used when addressing the grief of Sri Lanka’s ‘disappeared.’ The sight of a ‘consultation task force’ issuing an interim report on suggestions made by affected communities in regard to the OMP Bill even as the Bill was passed during those very same days is just one of the many perplexingly obvious examples of that irony.

---

**An extract from Easwaran Rutnam’s article**

**Establishment Of Missing Persons Office Opens Wider Probe**

In a brief guide explaining the Bill, the CPA notes that the OMP will have a broad mandate and the primary mandate appears to be that of searching for and tracing missing persons and identifying appropriate mechanisms for the same, and of clarifying the circumstances in which such persons went missing.

Other aspects of the OMP mandate include making recommendations to relevant authorities to address the incidence of missing persons, protecting the interests of missing persons and their relatives, identifying avenues of redress available to missing persons and their relatives and informing them of same, and collating data related to missing persons from previous processes carried out by other entities and establishing a centralised database. Unlike previous mechanisms, the mandate of the OMP covers all missing persons regardless of the time period during which such person became a missing person.

The Office for National Unity and Reconciliation (ONUR) headed by former President Chandrika Kumaratunga said that to fulfill the need of the families to know the fate and whereabouts of their loved ones and to investigate each case, a mechanism has been put in place by the government which will see the establishment of an independent Office of Missing Persons expected to be completed by the end of this month. To facilitate access to services and benefits offered by the State to the families of the missing persons in the absence of a Death Certificate, a mechanism to issue a “Certificate of Absence” has already been approved by cabinet.

ONUR believes that this legal and administrative remedy will benefit the families of the missing persons with their economic needs while dealing with the ambiguity of the status of their loved ones in the interim. ONUR, in consultation with practitioners, experts and relevant authorities, has set up a Psychosocial Support Task Force which will introduce a range of services to address the Psychosocial needs of the families of missing persons and others who suffer from post conflict trauma as part of the healing process. Implementation of the Action Plan has commenced.

---

**Transitional Justice**

**An extract from Dr. Paikiasothy Saravanamuttu’s article**

**Transitional Justice : where are the champions ?**

Transitional justice and accountability in particular will always be controversial not least because it is susceptible in the public eye to the highly charged accusation of turning war heroes into war criminals. The government needs to make the point again and again that this is not the case and that investigations, prosecutions and convictions where warranted and with due process, will salvage the reputation of the armed forces as an institution and lay the matter to rest both nationally and internationally. The failure of the government to do this will only cede the space to its detractors to harp on the “negatives” of transitional justice rather than its positive and constructive contribution to reconciliation and unity.

Moreover, there is more to transitional justice than the accountability mechanism. Transitional justice conventionally rests on the four pillars of truth, accountability, reparations and guarantees of
Government Urged To Repeal PTA

Grave concerns have been expressed to the Consultation Task Force on Reconciliation Mechanisms about on-going human rights violations in the North and East, including allegations of abductions and incidents of intimidation of victims and human rights defenders.

CTF, headed by Manouri Muttetuwegama, says the continuation of these incidents is a matter of serious concern, having a detrimental impact on the credibility of the Transitional Justice process.

The Consultation Task Force on Reconciliation Mechanisms has been obtaining submissions from the public in the North and East and most submissions call on the government to demonstrate its commitment to the stated goals of reconciliation, truth, accountability, justice and non-recurrence. It is strongly and repeatedly stated in the submissions that the government must repeal the Prevention of Terrorism Act (PTA) and must introduce legislation, to give effect to the International Convention for the Protection of All Persons from Enforced Disappearance, including the criminalisation of enforced disappearances, in addition to ensuring arrest and detention take place in accordance with the Presidential Directives issued in June 2016.

The CTF for its part has raised concerns about the impact of harassment and intimidation, and from the outset provided written instructions to the military and police to ensure that no such incidents relating to the consultations would take place and adversely impact these consultations. Fear continues to be a factor impacting consultations, including when family members are asked questions on options for justice at public meetings, as they believe that their missing family members are being held in custody and will be at risk if the family speaks out.

An overwhelming number of submissions received by the CTF articulate the need to punish perpetrators and to hold them accountable. They submit that this is the only way to ensure non-recurrence of these incidents. This was seen as particularly important for the State, as it is answerable to its citizens. It is also recommended that non-state actors responsible for disappearances are held accountable; for example, former LTTE leaders who are still alive.

*The Sunday Leader* - 17/08/2016
Reconciliation process should include all stakeholders: Ganesan

Minister for National Co-Existence, Dialogue and Official Languages Mano Ganesan yesterday said his colleague Minister of Foreign Affairs Managala Samaraweera, had somewhat failed to take into consideration, the concerns of leading civil society activities in Sri Lanka, who are linked to the co-existence mandate of his ministry, coming under the secretariat for national and international voluntary organizations, when devising a reconciliation mechanism for the country.

Minister Ganesan said in a statement that the direct participation for the international prosecutors of and judges in the local judicial process is the most controversial point in this mechanism. I trust our government would decide on the level of participation in time. “The local mechanism with the four pillared strategy of truth, justice, reparations and non-recurrence would finally take shape after taking into the consideration the viewpoints of all stakeholders as stated by the foreign minister,” he said.

“I must also confess that as the leader of the Sri Lankan delegates to Geneva, Minister Samaraweera somewhat failed to take on board some of the concerns of leading civil society activists here in Colombo, who are linked to the co-existence mandate of my ministry under the secretariat for national and international voluntary organizations. This is due to a confused atmosphere prevailing in the consultative and coordination process. The foreign ministry seems to have unknowingly hijacked the whole process and taken it away from the Prime Minister’s office.”

- Daily Mirror - 01/07/2016

Comments on VAT - Value Added Tax

The current government can launch any amount of propaganda blitzes about the necessity of the VAT bill; it can scream to high heavens declaring that the VAT increases will not affect ordinary people. But people will feel the pinch, when they make a purchase, take a call or channel a doctor.

And they will begin to lose hope, as they did between 2011 and 2013. This government can make its share of mistake and survive. But if it repeats the mistakes of the Rajapaksas as well, the future will be like the past we escaped from in January 2015.

Take two steps forward and one step back, you can still head to the future. Take one step forward and two steps back, the past will be the unavoidable destination.

By Tisaranee Gunasekara  
-Sunday Island - 18/09/2016

The VAT Bill was placed before Cabinet for approval. Earlier the Supreme Court blocked the attempt to legalize the VAT increase since the appropriate procedure had not been followed in the effort. Prime Minister Ranil Wickremesinghe making a statement in Parliament on the failed VAT Bill said:

“The legislature should not let the judiciary usurp its powers and...We would not sack the Chief Justice or bring an impeachment against him because the Court did not give us a favourable ruling”.

Concerning his deep understanding and insight of parliamentary procedure, practice and constitutional process, it is rather puzzling that he displayed ignorance of essential principles of how ‘separation of powers’ as established in the Constitution was applied.

By K.K.S.Perera  
-Daily Mirror - 20/09/2016

Dasa Raja Dharma

The Buddha taught the leaders to follow the ten royal ethics in the Kutadanda Sutta in Digha Nikaya which are as follows: Liberality, generosity, charity (dana), morality (sila), loyal service (parichchaga), honesty (ajjava), kindness, gentleness (majjava), non attachment – mainly to power (thapas), non-hatred (akkhoda), non-violence, non political victimisation (avihimsacha), and non-opposition to people’s will (avirodha). When these virtues are translated to world politics today, and domestic politics, it is easy to comprehend that the varied administrations are responsible for the human problems and sufferings engulfing the nations.
Billion-rupee eco-tourism hotel project in Delft Island falls apart

A billion-rupee project to erect an eco-tourism hotel on remote Delft Island in the North has been vetoed by the Prime Minister’s office even after developers spent four years finishing paperwork.

Proposed by a local company called Palk Bay Resorts Ltd, the venture was backed by the Northern Provincial Council and the Board of Investment. But the Prime Minister recently decided it should be shifted elsewhere, BOI sources said this week. Therefore, the developers — who had taken four years to complete tedious approvals — have now been told to find a different location for the project.

“We spent several years travelling up and down, dealing with government departments, ministries, meeting the Chief Minister and BOI officials,” said Bernard Goonetilkeke."

The project was pushed by the previous regime through the Ministry of Investment Promotion. However, it became victim to a Government and policy change, illustrating the risks companies face in considering Sri Lanka as a venue to park their monies. The developer’s experience also provides insight into the multitudinous steps that must be followed to jumpstart a private venture, particularly if State-owned land is involved.

-The Sunday Times - 10/07/2016

Conflict at Jaffna University
Students involved must be punished - JHU

Minister Patali Champika Ranawaka stressed the need for the government to take stern action against the Jaffna University students who attacked the Science Faculty students just like it enforced the law on the Kelaniya University students charged with ragging the new entrants. He said that any bid to create another Prabhakaran era should be nipped in the bud.

The Minister told the Jathika Hela Urumaya Party (JHU) Puttlam District Convention held at the Sudasuna Conference Hall in Chilaw that it was a waste of public funds to maintain a university which attempted to promote racism. “The incident at the Jaffna University which is a matter of serious concern should not be belittled as a clash between two factions. Thousands of Tamil Students are attending universities in the South without any fear or suspicion clearly indicating that the incident at the Jaffna University has not been sparked off by the students but it us very likely to have been the result of conspiracy being hatched by mischievous elements attempting to create a fascist rule in the North. They are attempting to blame the security forces in a bid to achieve their objectives. It is the responsibility of Chief Minister Wigneswaran to investigate this situation impartially. No form of racism should be allowed in any of the universities whether in the North or the South. Several countries in Europe and in the South East Asian region are facing the threat of terrorism.

-Daily Mirror - 20/07/2016

"The hottest place in Hell is reserved for those who remain neutral in times of great moral conflict”.

-Martin Luther King, Jr.
Extremism foiled but not permanently

Unlike during the communal riots in the past, very few groups tried to rouse the communal feelings of Sinhalese and Tamils following the clash between the Tamil and the Sinhalese students in Jaffna University that took place on last Saturday.

In the South it was former President Mahinda Rajapaksa and his right-hand man National Freedom Front leader Wimal Weerawansa who seemed to be attempting to take political mileage from the incident by stirring feelings among Sinhalese while Eelam People’s Revolutionary Liberation Front (EPRLF) leader and former Parliamentarian Suresh Premachandran did the same in the North. Needless to say, the incident was serious. But what Rajapaksa and Weerawansa seemed to have attempted to do was to blow it up further and create fears among Sinhalese that the Maithri- Ranil government had allowed the LTTE to raise its ugly head again.

Tamil National Alliance (TNA) parliamentarian M.A.Sumanthiran had pointed out to journalists on Tuesday at a function in Jaffna the need to accommodate cultural items of “others.” In fact it would help create understanding among communities.

All cultural items of a community might not be acceptable to another. For instance, a belly dance might not be received by a Muslim audience. But there cannot be a reason for the Jaffna University to reject a Sinhalese cultural item such as the beautiful traditional Kandyan dance, especially when there are Sinhalese students as well in the university.

The TNA’s stand on this is commendable. Apart from the remarks made by Sumanthiran his party had issued a statement following the clash, stressing that the multi-ethnic character of the university should not be disturbed. Also the party had invited the Sinhalese students back to the university to continue their education while calling on the Tamil students to welcome them. This seems to have had an impact on the Tamil students of the university. When three ministers who had visited the university on Tuesday to look into the problem met the representatives of university students, the latter had reportedly called on the authorities to open the university soon for them to continue their educational activities, while giving an assurance that there would not be a recurrence of violence at the university.

All in all, extremism has failed to take its toll this time after the initial unfortunate incidents. However, it cannot be an assurance for the future, as the student union, Vice Chancellor and the Higher Education Minister had said that there had been ‘an outside involvement in the clash between the student factions’.

-Daily Mirror - 22/07/2016

Excerpts from an interview with C. V. Wigneswaran

This isn’t a question of tit-for tat - C.V.Wigneswaran

Q : The recent clash which occurred at the Jaffna university has given rise to renewed discourse among the Sinhala and Tamil polity. What, as Chief Minister, are your views on it?

Firstly, it’s very unfortunate that we have given too much political importance to a matter between two groups of students. You must realize that just a few months ago, there was a clash between two groups of Sinhalese students. There are one set of students who are trying to bring about a more nationalist attitude among the student hood- a sort of parochial get together. Since there were some students against it, there was some sort of a clash between these two groups of Sinhalese students.

This occurred some months ago. So there is definitely a group who wants to propagate a sort of anti-Tamil attitude among the Sinhalese students. They would want the students to clash with the Tamil students so that they could tell the world everything negative about the Tamils. That they are tigers and so on. With regard to this incident, it had been agreed upon the previous day that there was no issue with Kandyan dancing being brought in, but to let it be one of the items on the stage. Hitherto what has been done was that the procession carried traditional Tamil cultural dance. But somebody had decided to bring in

(Continued on page 21)
the Kandyan dance in between that which resulted in the issue. The students had called for the President of
the entire Jaffna Students Union, Sasitharan, to help solve the problem, and he had been assaulted. Poor
fellow, I don’t think he had anything to do with this and was brought there in order to bring about a settle-
ment. Now I also find, that as soon as Sasitharan was taken to the Police, a new Facebook account was
opened in his name sprouting separatist, pro LTTE rhetoric.

Now he had his own account for a long time, and this new account has been opened by someone
else. The idea seems to be to show that the Tigers are still active and this incident was done to drive out
the Sinhalese student, which is not true. That is why in the recent message I gave with the Opposition
leader- I said that this must not be looked at through an individualistic prism. You have to look at the prob-
lem in its entirety. The matter of political power, the issues of war crimes not being looked into, children
being brought to the North from the South etc. In some places 60% of the children are from the South in
these universities. So there are other matters that have to be looked into and taken into consideration and
a full fledged solution must be brought about. That is one aspect. The second aspect is, if we go to a Uni-
versity in the South and say we want our cultural music to be brought in, do you think the students there
would allow it? You don’t do that type of thing.

But here you are trying to force that sort of thing because you have the power of the Army behind
you. There is connection between the Army and some of the Sinhalese students, which is not good at all.
That is why we are calling for a full fledged inquiry into these issues. At the moment the University has
come to a decision to reopen the faculties which seems to be going on smoothly, but the underlying causes
must be looked into. There are various people with ulterior motives, who want to show that the Tigers
(LTTE) are still active here, and therefore justify that the Army presence is a must.

By Hafeel Farisz With Indika Sri Aravinda & Sumathi Thangarasa
-Daily Mirror - 28/07/2016

An extract from Ashanthi Warunasuriya’s article

Leading A Life Of Poverty In Keerimalai

We were at the Pillar Thelvaidei welfare Center in Keeramalai. The center, which comes un-
der the purview of the defense ministry, is main-
tained by the Security Forces Headquarters in
Jaffna.

72 year old Sinawan has been living in this village for over 26 years. “We do not like the Army
to remain in our lands. We need them back to culti-
vate. Most of the villagers who have lost their land
have now been compelled to engage in various other professions such as masonry, fishing and
even doing odd jobs. Most of our villagers are living a in poverty. Many don’t have any means of in-
come.”He said.

When asked why they do not prefer to go
to “army built” houses, he said “We are asking
the government to give us our original lands back”
Land issue is still a burning problem in the North. It
can even be seen in the most remote places in the
peninsula.

At present there are 971 families living in
31 welfare camps situated in the Jaffna peninsula.
Over 3 generations of people have been living in
these camps. But luckily, the newest generation
have not heard the sound of a land mine or seen
the shape of a Kafir jet. The sense of freedom in
the air itself cannot be described by words.

The Pillayar Thelippalei welfare camp is
situated in a 50 acre land. Those who are living in
these camps are living with the hope that one day
they would be given their lands back.

Unfortunately , most women in the village
are confined to the household. If the authorities
could provide them with avenues of self employ-
ment, these women would be able to support their
families. Previously, the people who were living in
the camp had been given dry rations. Even though
many NGOs and politicians had come to this place
previously the numbers have withered away, resi-
dents say.

Around 3335 people belonging to 971 fami-
lies are currently living in this welfare camp. While
they were complaining to us about their troubles,
Jaffna Army commander Major General Mahesh
Senanayake says that they are planning to reduce
the number of IDP camps to zero by next year.

By -The Sunday Leader - 11/09/2016
The 'Mysterious Deaths' Must Be Probed and Put to Rest

The Tamil community especially in the North appears to be agitated about reports of the "mysterious deaths" of former cadres of the Liberation Tigers of Tamil Eelam (LTTE) who had undergone rehabilitation under the supervision of the army after the end of the war. Some Tamil politicians have attributed these deaths to some kind of treatment given to former LTTE cadres during their rehabilitation.

Already the Northern Provincial Council (NPC) has adopted a motion initiated by its Chief Minister C.V. Wigneswaran on August 9 calling upon the government to release all medical records pertaining to the EX-LTTE cadres maintained during their incarceration or rehabilitation and to seek international medical assistance to ascertain the causes of the deaths and to facilitate inquiries and provide medical assistance to the surviving cadres. three days after the motion was passed in the NPC the Provincial Health Minister P. Sathyalingam had convened a meeting of medical specialists at his ministry where it had been decided to conduct medical examinations on randomly selected 50 former rebel carders who had undergone rehabilitation from each of the five districts in the Northern Province.

In fact the allegation does not seem to have a strong foundation, in spite of the Tamil media being obsessed with various types of news and feature articles strongly suggesting that there is an issue. the whole issue has been created following a statement made by a former guerrilla that he had been administered an injection during his rehabilitation after which he was so physically weak that he could not carry even ten kilos. This followed another claim by Northern provincial councillor Thurairasa Ravikaran that 107 former LTTE cadres who had undergone rehabilitation had died under mysterious circumstances.

---

Killing of aid workers: HRW says no action taken

Sri Lankan authorities have not brought to justice those responsible for the slaying of 17 aid workers a decade ago this week, Human Right Watch (HRW) said yesterday.

On August 4, 2006, gunmen murdered local staff members from the Paris-based Action Contre La Faim (Action Against Hunger, ACF) at their compound in the town of Muttur, in eastern Trincomalee district.

The special court being set up by the government of President Maithripala Sirisena should ensure that the ACF killings and other wartime atrocities are fully and fairly tried with significant foreign involvement, and all those culpable brought to account, regardless of rank or position, Human Rights Watch said.

"The failure to provide justice for the ACF massacre is Exhibit A in the breakdown of accountability for serious crimes during Sri Lanka’s civil war," said James Ross, legal and policy director at Human Rights Watch. "The mishandling of the ACF case shows why a war crimes court needs international involvement to shield it from political pressures."

The killings of the ACF workers – 16 ethnic Tamils, including four women, and one Muslim – occurred after several days of fighting between government forces and the separatist Liberation Tigers of Tamil Eelam (LTTE) for control of Muttur.

The nongovernmental University Teachers for Human Rights (Jaffna) published detailed findings on the Muttur killings based on accounts from witnesses and weapons analysis that implicate government security forces present in the area.

The government has at times backtracked on its commitment to a judicial mechanism for investigating war crimes and other serious rights abuses by both government forces and the LTTE. The October 2015 resolution specifically calls for the participation of foreign judges, prosecutors, investigators, and defense lawyers, which is crucial to ensure that legal proceedings are protected from local pressures and have the independence that a purely domestic process would lack.

"The government should honor its international pledge and move forward with a tribunal with foreign judges and other international participation," Ross said. "The families of the 17 ACF aid workers and other victims need full confidence in the court to bring about genuine justice."

---

The Tamil community especially in the North appears to be agitated about reports of the "mysterious deaths" of former cadres of the Liberation Tigers of Tamil Eelam (LTTE) who had undergone rehabilitation under the supervision of the army after the end of the war. Some Tamil politicians have attributed these deaths to some kind of treatment given to former LTTE cadres during their rehabilitation.

Already the Northern Provincial Council (NPC) has adopted a motion initiated by its Chief Minister C.V. Wigneswaran on August 9 calling upon the government to release all medical records pertaining to the EX-LTTE cadres maintained during their incarceration or rehabilitation and to seek international medical assistance to ascertain the causes of the deaths and to facilitate inquiries and provide medical assistance to the surviving cadres. three days after the motion was passed in the NPC the Provincial Health Minister P. Sathyalingam had convened a meeting of medical specialists at his ministry where it had been decided to conduct medical examinations on randomly selected 50 former rebel carders who had undergone rehabilitation from each of the five districts in the Northern Province.

In fact the allegation does not seem to have a strong foundation, in spite of the Tamil media being obsessed with various types of news and feature articles strongly suggesting that there is an issue. the whole issue has been created following a statement made by a former guerrilla that he had been administered an injection during his rehabilitation after which he was so physically weak that he could not carry even ten kilos. This followed another claim by Northern provincial councillor Thurairasa Ravikaran that 107 former LTTE cadres who had undergone rehabilitation had died under mysterious circumstances.

---

Killing of aid workers: HRW says no action taken

Sri Lankan authorities have not brought to justice those responsible for the slaying of 17 aid workers a decade ago this week, Human Right Watch (HRW) said yesterday.

On August 4, 2006, gunmen murdered local staff members from the Paris-based Action Contre La Faim (Action Against Hunger, ACF) at their compound in the town of Muttur, in eastern Trincomalee district.

The special court being set up by the government of President Maithripala Sirisena should ensure that the ACF killings and other wartime atrocities are fully and fairly tried with significant foreign involvement, and all those culpable brought to account, regardless of rank or position, Human Rights Watch said.

"The failure to provide justice for the ACF massacre is Exhibit A in the breakdown of accountability for serious crimes during Sri Lanka’s civil war," said James Ross, legal and policy director at Human Rights Watch. "The mishandling of the ACF case shows why a war crimes court needs international involvement to shield it from political pressures."

The killings of the ACF workers – 16 ethnic Tamils, including four women, and one Muslim – occurred after several days of fighting between government forces and the separatist Liberation Tigers of Tamil Eelam (LTTE) for control of Muttur.

The nongovernmental University Teachers for Human Rights (Jaffna) published detailed findings on the Muttur killings based on accounts from witnesses and weapons analysis that implicate government security forces present in the area.

The government has at times backtracked on its commitment to a judicial mechanism for investigating war crimes and other serious rights abuses by both government forces and the LTTE. The October 2015 resolution specifically calls for the participation of foreign judges, prosecutors, investigators, and defense lawyers, which is crucial to ensure that legal proceedings are protected from local pressures and have the independence that a purely domestic process would lack.

"The government should honor its international pledge and move forward with a tribunal with foreign judges and other international participation," Ross said. "The families of the 17 ACF aid workers and other victims need full confidence in the court to bring about genuine justice."

---

The Tamil community especially in the North appears to be agitated about reports of the "mysterious deaths" of former cadres of the Liberation Tigers of Tamil Eelam (LTTE) who had undergone rehabilitation under the supervision of the army after the end of the war. Some Tamil politicians have attributed these deaths to some kind of treatment given to former LTTE cadres during their rehabilitation.

Already the Northern Provincial Council (NPC) has adopted a motion initiated by its Chief Minister C.V. Wigneswaran on August 9 calling upon the government to release all medical records pertaining to the EX-LTTE cadres maintained during their incarceration or rehabilitation and to seek international medical assistance to ascertain the causes of the deaths and to facilitate inquiries and provide medical assistance to the surviving cadres. three days after the motion was passed in the NPC the Provincial Health Minister P. Sathyalingam had convened a meeting of medical specialists at his ministry where it had been decided to conduct medical examinations on randomly selected 50 former rebel carders who had undergone rehabilitation from each of the five districts in the Northern Province.

In fact the allegation does not seem to have a strong foundation, in spite of the Tamil media being obsessed with various types of news and feature articles strongly suggesting that there is an issue. the whole issue has been created following a statement made by a former guerrilla that he had been administered an injection during his rehabilitation after which he was so physically weak that he could not carry even ten kilos. This followed another claim by Northern provincial councillor Thurairasa Ravikaran that 107 former LTTE cadres who had undergone rehabilitation had died under mysterious circumstances.

---

Killing of aid workers: HRW says no action taken

Sri Lankan authorities have not brought to justice those responsible for the slaying of 17 aid workers a decade ago this week, Human Right Watch (HRW) said yesterday.

On August 4, 2006, gunmen murdered local staff members from the Paris-based Action Contre La Faim (Action Against Hunger, ACF) at their compound in the town of Muttur, in eastern Trincomalee district.

The special court being set up by the government of President Maithripala Sirisena should ensure that the ACF killings and other wartime atrocities are fully and fairly tried with significant foreign involvement, and all those culpable brought to account, regardless of rank or position, Human Rights Watch said.

"The failure to provide justice for the ACF massacre is Exhibit A in the breakdown of accountability for serious crimes during Sri Lanka’s civil war," said James Ross, legal and policy director at Human Rights Watch. "The mishandling of the ACF case shows why a war crimes court needs international involvement to shield it from political pressures."

The killings of the ACF workers – 16 ethnic Tamils, including four women, and one Muslim – occurred after several days of fighting between government forces and the separatist Liberation Tigers of Tamil Eelam (LTTE) for control of Muttur.

The nongovernmental University Teachers for Human Rights (Jaffna) published detailed findings on the Muttur killings based on accounts from witnesses and weapons analysis that implicate government security forces present in the area.

The government has at times backtracked on its commitment to a judicial mechanism for investigating war crimes and other serious rights abuses by both government forces and the LTTE. The October 2015 resolution specifically calls for the participation of foreign judges, prosecutors, investigators, and defense lawyers, which is crucial to ensure that legal proceedings are protected from local pressures and have the independence that a purely domestic process would lack.

"The government should honor its international pledge and move forward with a tribunal with foreign judges and other international participation," Ross said. "The families of the 17 ACF aid workers and other victims need full confidence in the court to bring about genuine justice."
Visiting United Nations Secretary General Ban Ki-moon said the United Nations failed in its duty "particularly during the last stages of the conflict".

"It has been rather difficult sometimes, even for me to talk with the government and the leadership. There was a gap between the expectations of the international community and the level of government help. Even though I think we are not fully there the level of gap can be reduced as soon as possible," he said.

"Since my last visit in 2009, there has been great progress. I welcome the initiative that the president and premier have undertaken to promote good governance. I visited Jaffna and saw an enormous contrast with my experience back in 2009. Great progress has been made in elevating the problems associated with mass displacement" he said.

He however asserted the need of expediting the process of reconciliation stating that the "victims cant wait for ever".

"Reconciliation will not be accomplished overnight. It is a complex process which needs continuous nurturing. I welcome the establishment of the office of missing persons and the process of constitutional amendment. These are positive steps but more needs to be done. The victims cant wait forever. They deserve credible transparent and solid transitional justice mechanism" he said.

President Maitripala Sirisena said today he had told visiting UN Secretary General (UNSG) Ban Ki-moon to give him time to move slowly as the country had come out of a long conflict.

He said Mr. Ban was appreciative of the efforts taken by the government to restore democracy, media freedom, establish independent commissions and the moves to bring about reconciliation and added that Mr. Ban had assured that the UN would provide Sri Lanka with whatever assistance was necessary in this regard.

The President said that releasing of land to the displaced persons living in camps was moving steadily and was confident that the process could be completed in another three months. He said there were problems with regard to surveying of land and that had caused some of the delays.

The President said he told Mr. Ban that when he visits the North some of the people there would tell him that the Government had not done anything and needs to expedite matters. He said he told the UNSG that he needed time to move slowly as the country had come out of a long-drawn conflict. The President said Mr. Ban did not tell him to do such and such a thing within such and such a time and that his smile conveyed much appreciation of the work that the Government was carrying out.

To a question asked by the media about some of the protests that had taken place on the release of lands in certain places in the North, the President said he had actually expected more protests and fasts in the North to coincide with the visit of Mr. Ban. However, he said that though there were reasons behind the protests there were also certain extremist groups and persons who stir things up.

By Hafeel Farisz and Nabeela Hussain
-Daily mirror - 03/09/2016

-Daily Mirror - 26/07/2016
This Is How The Events Unfolded During Those Fateful Few Days...

At 1 o’clock in the morning of July 24, the army rounded up hundreds of Tamils in Trincomalee, Mannar, and Vavuniya in the Northeast who had fled the anti-Tamil riots of 1977 and 1981. These Tamils were forcibly taken and left without possessions in the central hills.

Before the riots broke out in Colombo, the army in Jaffna went on rampage killing 51 innocent Tamil civilians. In Trincomalee, similar violence broke out as members of the Navy randomly shot at Tamil civilians and burnt down their properties.

In the same evening in Colombo, the State funeral was being organized for the 13 soldiers killed by the LTTE soldiers. Thousands of people arrived at the cemetery but they did not see any corpses. After waiting several hours, many objected the burial taking place in the cemetery and demanded the bodies to be returned to the next of kin. As the large crowd began to leave the grave, a new group of people (identified as government gangs) gathered at the Borella junction and raised anti-Tamil cries. As the anti-government cry subsided and anti-Tamil shouting became dominant, arson and murdering of Tamils broke out.

After the midnight lull, mobs were led by people with voter registration lists in hand burned Tamil homes, looted and destroyed Tamil businesses. All traffic was searched, and any Tamils were found killed, maimed, or burned alive. Cyril Matthew, Minister of Industries, was witnessed directly pinpointing shops to be burned down.

Many policemen were deployed throughout the city; however, they tacitly stood and watched on. Witnesses recall lorry loads of armed troops leisurely waving to looters who waved greetings back. The then President declared curfew late in the afternoon only after the worst was over. However, the violence continued unabated. Tens of thousands of homeless Tamils sought refuge at schools and places of worship.

In Welikada prison, 35 Tamil political prisoners who were awaiting trial under the Prevention of Terrorism Act were massacred by Sinhalese prisoners and jail guards using spikes, clubs and iron rods.

The violence spread rapidly throughout the country, engulfing towns – Gampaha, Kalutara, Kandy, Matale, Nuwara Eliya, and Trincomalee. One town was completely wiped out – the Indian Tamil town of Kandapola, near Nuwara Eliya.

The next day, the government imposed a strict censorship of media reports on the anti-Tamil violence. Word spread of Sri Lanka’s state of disorder as eye witness accounts and photographs taken by returning tourists illustrated the scale of violence. They described how Tamil motorists were dragged out of their vehicles and hacked to pieces while others were drenched with petrol and set alight in full view of the security forces. The International Airport in Colombo was closed.

On the next day, 17 more prisoners at Welikada Prison were hacked to death just two days after the prison massacre. The surviving 36 prisoners were transferred to other prisons. Rioting continued and the curfew was extended. Witnesses of the violence reported that charred corpses of Tamil victims lined the streets of Colombo, some mutilated with X’s.

On July 28, President J. R. Jayewardene addressed the nation for the first time since the anti-Tamil pogroms, only to fan the flames of anti-Tamil sentiments by stating that anyone who advocated for separatism would lose all their “civic rights”. He stated, “….the time has now come to accede to the clamour and natural request of the Sinhala people to prevent the country from being divided.” Vigilantes set up make-shift roadblocks in villages across the island, searched cars and buses for Tamil passengers. In one incident, a Sinhalese mob burnt to death about 20 Tamils on a minibus as European tourists look on in horror.

(Continued on page 25)
The day after, Tamils in Colombo began evacuating by cargo ship to the Northern city of Jaffna. Hundreds more internally displaced persons waited anxiously for the next cargo ship to transport them to Jaffna.

Finally after a week, violence began to dissipate. There was an extreme food shortage in Colombo and across the island as a result of the week long violence.

The riots that broke out between July 23 and July 30 in 1983 eventually converted in to a bloody civil war. It was dragged on for over 30 years. Even after the end of war in 2009, it is still problematic as to whether there is real harmony between Sinhalese and Tamils. Nearly a decade after the war, we have still failed to create co-existence between the North and the South.

The present Yahapalana Government has continuously promoted a mechanism to set up reconciliation. However, most of its plans are still confined to paper work. But as human beings, we all have an obligation to take the first step towards reconciliation in order to prevent such evil from taking place ever again. Only then this country would be a safe place for our future generations to cherish.

How The World Saw Black July ....

**London’s Daily Telegraph (July 26)** wrote:

“Motorists were dragged from their cars to be stoned and beaten with sticks. Others were cut down with knives and axes. Mobs of Sinhala youth rampaged through the streets, ransacking homes, shops and offices, looting them and setting them ablaze, as they sought out members of the Tamil ethnic minority. A mob attacked a Tamil cyclist riding near Colombo’s eye hospital. The cyclist was hauled from his bike, drenched with petrol and set alight. As he ran screaming down the street, the mob set on him again and hacked him down with jungle knives.”

**In his book, The Tragedy of Sri Lanka, William McGowan wrote:**

“While travelling on a bus when a mob laid siege to it, passengers watched as a small boy was hacked ‘to limb-less death.’ The bus driver was ordered to give up a Tamil. He pointed out a woman who was desperately trying to erase the mark on her forehead – called a kumkum – as the thugs bore down on her. The woman’s belly was ripped open with a broken bottle and she was immolated as people clapped and danced.

In another incident, two sisters, one eighteen and one eleven, were decapitated and raped, the latter ‘until there was nothing left to violate and no volunteers could come forward,’ after which she was burned. While all this was going on, a line of Buddhist monks appeared, arms flailing, their voices raised in a delirium of exhortation, summoning the Sinhalese to put all Tamils to death.”

**The London Daily Express (29 July) wrote:**

“Mrs. Eli Skarstein, back home in Stavanger, Norway, told how she and her 15 year old daughter, Kristen witnessed one massacre. ‘A mini bus full of Tamils were forced to stop in front of us in Colombo’, she said. A Sinhalese mob poured petrol over the bus and set it on fire. They blocked the car door and prevented the Tamils from leaving the vehicle. ‘Hundreds of spectators watched as about 20 Tamils were burnt to death.’ Mrs. Skarstein added: ‘We can’t believe the official casualty figures. Hundreds, maybe thousands, must have been killed already. The police force (which is 95% Sinhalese) did nothing to stop the mobs. There was no mercy. Women, children and old people were slaughtered. Police did nothing to stop the genocide.’

The Times of London (5 August) reported:

“...Army personnel actively encouraged arson and the looting of Tamil business establishments and homes in Colombo”, and how “absolutely no action was taken to apprehend or prevent the criminal elements involved in these activities. In many instances army personnel participated in the looting of shops.”

**The Economist (6 August) wrote:**

“...But for days the soldiers and policemen were not overwhelmed; they were un-engaged or, in some cases, apparently abetting the attackers. Numerous eye witnesses attest that soldiers and policemen stood by while Colombo burned..”
Paul Sieghart of the International Commission of Jurists stated in Sri Lanka: "A Mounting Tragedy of Errors, two months after the riots, that "Clearly this (July 1983 attack) was no spontaneous upsurge of communal hatred among the Sinhala people – nor was it as has been suggested in some quarters, a popular response to the killing of 13 soldiers in an ambush the previous day by Tamil Tigers, which was not even reported in the newspapers until the riots began. It was a series of deliberate acts, executed in accordance with a concerted plan, conceived and organized well in advance."

By Ashanthi Warunasuriya
The Sunday Leader - 24/07/2016

Human Rights

Sri Lanka’s rights situation improved but challenges remain: U.K Report

Sri Lanka’s human rights situation continued to improve during the first half of this year with reconciliation efforts made by the administration but challenges still remain, according to a UK government report. “The past 6 months have seen an improved environment for civil society and human rights defenders. Challenges remain particularly in the north and the east,” the British Foreign Office’s Human Rights Priority Country Update report has said.

“The government announced further land releases in January and June and there have been signs the military have started to disengage from civilian life,” it noted.

The UK commended as positive steps the passing of the Right to Information Bill, the progress made in high profile cases of murder and disappearances, the ratification of international convention to protect people from enforced disappearances, declaration endorsing commitment to end sexual violence in conflict and hosting the visits by UN Rapporteurs on torture and independence of judiciary.

The report states that the new Constitution making process was a good opportunity for Sri Lanka to introduce improved human rights protections.

“The UK continued to urge Sri Lanka to repeal the Prevention of Terrorism Act and replace it with legislation that meets international standards,” the report said.

Reconciliation efforts have been on in the country since the end of the civil war in 2009. According to the UN figures, up to 40,000 Tamil civilians were killed by security forces during the previous Mahinda Rajapaksa’s regime that brought an end to the nearly three decades-long war with the defeat of the LTTE in 2009.

-Daily mirror - 25/07/2016

Where The Mind Is Without Fear

Where the mind is without fear and the head is held high
Where knowledge is free
Where the world has not been broken up into fragments
By narrow domestic walls
Where words come out from the depth of truth
Where tireless striving stretches its arms towards perfection
Where the clear stream of reason has not lost its way
Into the dreary desert sand of dead habit
Where the mind is led forward by thee
Into ever-widening thought and action
Into that heaven of freedom, my Father, let my country awake

-Rabindranath Tagore-
Collaborative Initiative for Methsevana

A state owned detention centre for women under Vagrant Ordinance, IHR has been providing legal aid and humanitarian assistance since 2000.

IHR and CHA will partner Brandix in assisting the Women’s Half Way Home – Methsevana. Staff from the three institutions toured the facility, met with the Director of Methsevena and his staff and discussed urgent needs of the inmates and the centre. The initiative will look at repairing damaged buildings; improved facilities for children of the inmates, enhancement of vocational training staff and teachers for the inmates, Possibility of providing cut pieces of fabrics for sewing and preparing carpets, Monthly remuneration for sewing teacher, Teacher for general education (basic English and Sinhala), Counseling & combined six month training/exposure in counseling, sewing and general basic education.

Currently there are 180 inmates of which majority are mentally affected. This also includes 9 children below 5 years. Three women are employed at the Ministry of Social Services. We take this opportunity to thank Brandix for their support of this initiative. Chairman attended a meeting at Ministry of Social Services on 20th with regard to the Vagrance Ordinance and the following are the developments.

1. Vagrange ordinance to be repealed.
2. A new Social care policy to be developed including for those homeless or unaccompanied.
3. Brothels Ordinance to be revised.

Victims of Civil Strife-Disappearances and Commissions of Inquiry

The Chairman of IHR complained to the Sri Lanka Human Rights Commission to take action against past disappearances.

The 1994 Commissions of Inquiry into Involuntary Removals and Disappearances (Central, North Western, North Central and Uva Provinces/Northern and Eastern Provinces/ Western Province, Southern Province and the Sabaragamuwa Province) appointed on November 30, 1994 reported in September 1997. These three Commissions investigated a total of 27,526 complaints out of which 16,800 cases were established to amount to enforced disappearances.

Out of 8,739 cases, 1,296 cases concerned the involuntary removal of children aged below 19 years. Another 2,451 were from the 20-24 age groups. Thus 3,747 (43 percent) of disappearances reported to the Commission were of persons aged 24 and below; 63% of those who disappeared were below the age of 30. Women were also intensely victimized. We requested from Sri Lanka Human Rights Commission to take necessary legal action against the responsible personnel using the powers of the Sri Lanka Human Rights Commission.

Calling applications for the Diploma in Human Rights

The programme is an interactive course that explores the concept of human rights, discusses the ‘rights’ dimension of global and local events and trends, and builds a community of individuals to participate in making a change.

For whom

Students, teachers, doctors, lawyers, public sector, private sector, religious sector, NGO personnel, media personnel, youth leaders, service personnel, persons interested in human rights and current affairs.

Delivered by

A panel of human rights academics, activists and professionals working with government, non-governmental and academic institutions

Commencement : March 2017
Course Duration : 08 months
(Sessions every Saturdays from 9.00 am to 1.00 pm) The lectures will be conducted in Colombo
Course fee : Rs.20,000/-
Registration fee : Rs. 250/-

Members who are interested please visit our website for application forms or contact :
Tel. Nos : 0112081382
Website : www.ihrsrilanka.org
Institute of Human Rights
01, Gower Street, Colombo 05
<table>
<thead>
<tr>
<th><strong>Chairman</strong></th>
<th>Jeevan Thiagarajah</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Board of Directors</strong></td>
<td></td>
</tr>
<tr>
<td>Chairman</td>
<td></td>
</tr>
<tr>
<td>Michelle Gunaratne</td>
<td></td>
</tr>
<tr>
<td>Leela Isaac</td>
<td></td>
</tr>
<tr>
<td>Tahirih Q Ayn</td>
<td></td>
</tr>
<tr>
<td>H.G. Dharmadasa</td>
<td></td>
</tr>
<tr>
<td>Legal Unit</td>
<td></td>
</tr>
<tr>
<td>Legal Officer</td>
<td></td>
</tr>
<tr>
<td>V.S. Niranchan</td>
<td><a href="mailto:legal@ihrsrlanka.org">legal@ihrsrlanka.org</a></td>
</tr>
<tr>
<td>Senior Coordinator</td>
<td>K Premaseeli</td>
</tr>
<tr>
<td><strong>Education Unit</strong></td>
<td></td>
</tr>
<tr>
<td>Grants &amp; Education Manager</td>
<td></td>
</tr>
<tr>
<td>Menaka Shanmughalingam</td>
<td><a href="mailto:edu@ihrsrlanka.org">edu@ihrsrlanka.org</a></td>
</tr>
<tr>
<td>Priyanthi Gamage</td>
<td><a href="mailto:educoord@ihrsrlanka.org">educoord@ihrsrlanka.org</a></td>
</tr>
<tr>
<td>Hashini Mahesha Rajaratna</td>
<td><a href="mailto:sindip@ihrsrlanka.org">sindip@ihrsrlanka.org</a></td>
</tr>
<tr>
<td><strong>Rehabilitation Unit</strong></td>
<td></td>
</tr>
<tr>
<td>Consultant</td>
<td><a href="mailto:tahirih.ayn@gmail.com">tahirih.ayn@gmail.com</a></td>
</tr>
<tr>
<td>Coordinator</td>
<td>Hashini Mahesha Rajaratna</td>
</tr>
<tr>
<td><strong>Administration / Finance Unit</strong></td>
<td></td>
</tr>
<tr>
<td>Finance Officer</td>
<td><a href="mailto:admin@ihrsrlanka.org">admin@ihrsrlanka.org</a></td>
</tr>
<tr>
<td>Accounts Assistant</td>
<td><a href="mailto:fin@ihrsrlanka.org">fin@ihrsrlanka.org</a></td>
</tr>
<tr>
<td>Senior Office Assistant / Driver</td>
<td></td>
</tr>
<tr>
<td>M Kannadasan</td>
<td></td>
</tr>
<tr>
<td>V P Chandima Padmasiri</td>
<td></td>
</tr>
<tr>
<td><strong>Jaffna Branch</strong></td>
<td></td>
</tr>
<tr>
<td>Legal Consultant</td>
<td>A. S. Athputharajah</td>
</tr>
<tr>
<td>Supervisor</td>
<td>T. Sanmuhanaaathan</td>
</tr>
</tbody>
</table>

**Head Office**

01, Gower Street, Colombo 05

**Branch Office**

Jaffna
Urelu East, Chunanagam

**Website**

www.ihrsrlanka.org