

Memory and Reactions of Solidarity to a Horrendous Genocide

May 18, 2009 - May 18, 2014

Five years ago, May 18, 2009 marked the close of one of the most terrifying episodes of genocide in recent history, events that were tolerated by the international community that remained silent. As the Sri Lankan government fulfilled its objective of exterminating a massive group of Tamil civilians, it presented rhetoric in the media to the effect that this was the elimination of a "terrorist group" known as the "Liberation Tigers of Tamil Eelam".

During two sessions, the Permanent Peoples' Tribunal thoroughly examined this massacre. The first was held in Dublin, Ireland from January 14 to 16, 2010, and another was held in Bremen, Germany from December 7 to 10, 2013. In the second session, the Tribunal reviewed numerous documents, heard the testimony of numerous witnesses, and concluded that the bloody acts committed between October, 2008 and May, 2009 in northeast Sri Lanka were episodes (perhaps only the most brutal episodes) of a genocidal process that began nearly 60 years ago and continues to the present day whose goal is the destruction of the Tamil nation in its entirety.

A brief summary of the process, according to the Tribunal's findings, is as follows:

The island in southern India former called Ceylon has been home to two ethnic groups that have shared a common history since at least 500 BC. When the island became a Portuguese colony in 1505 it was divided into three kingdoms. The kingdom of Jaffna, made up of the Tamil ethnic group, occupied the North, East and Northwest coasts, while two kingdoms of ethnic Sinhalese populations were located the Central, South and Southwest territories. In 1505 the Portuguese conquered the Sinhalese kingdoms, whose capitals were in Kotte and Colombo, and the kingdom of Jaffna in 1618. Between 1658 and 1796 Holland occupied and ruled the territories previously conquered by the Portuguese, all of which became colonies of the British Crown in 1802.

While Portugal and the Netherlands maintained separate governments in Tamil and Sinhalese areas, the British unified the territories of the three kingdoms in 1833 into the single colonial state of Ceylon. Under British rule Tamils began to be considered a minority within the colony. A Legislative Council created by the British allowed for the broad representation of the communes. Constitutional reforms in 1910 and 1920 gave rise to competition between Sinhalese and Tamils for representation in the legislature. However the Constitution of 1931 granted universal suffrage to adults but eliminated representation previously granted to the communes. The Tamils opposed this measure, as it favored the Sinhalese ethnic majority. When Ceylon was preparing for independence and the 1945 Constitution, Tamil parliamentary leader G. Ponnampalam proposed equal representation for Tamils and Sinhalese (50% each), but this was rejected by the British and Sinhalese. Thus in 1948, when Ceylon became independent and the British withdrew, power was left in the hands of the Sinhalese majority who showed, in subsequent years, their eagerness to assert ethnic interests that disfavored Tamils, who began to be considered to be "invaders from southern India". Meanwhile a Sinhalese -Buddhist nationalism had developed, fed intensively during the British colonization by ideological procedures later assimilated by the Sinhalese population.

In 1956 the official status of the Tamil language was revoked by a decree that established Sinhala as the nation's one official language. The Tamils held a protest when their language was officially abolished – a peaceful protest inspired by Gandhi's philosophy of nonviolent action – and it was met by a brutal onslaught on 5 June 1956 that left 150 people dead. The Northeast Secretariat On Human Rights (hereafter NESOHR) documented¹ 115 massacres committed against the Tamil population between 1956 and 2008 some of which left hundreds and even thousands dead and used extremely cruel methods.

By as early as 1940 the Sinhalese authorities had begun to extensively confiscate Tamil lands, in which they built Sinhalese settlements and Buddhist temples. It was established that areas where the bells of Buddhist temples could be heard belonged to the Sinhalese. Policies designed to exterminate the Tamil then began to be installed. Workers in regions that did not have a Tamil majority were progressively harassed and forced to take refuge in the Northeast, where attacks were encouraged by state security forces, paramilitary groups, and a population generally indoctrinated to accommodate the deep Sinhala hatred for the Tamil ethnic group.

A new Sinhalese -Buddhist constitution was introduced in 1972, which established Sinhala as the official language and Buddhism as the state religion. Ceylon was also renamed Sri Lanka. This constitution completely ignored Tamil ancestral lands and the rights of the Tamil-Nadu, who had been brought from South India to work in colonial tea and coffee plantations. At this time the military was 99% Sinhalese.

In 1976, after 28 years of peaceful attempts and failed negotiations to convince institutions to recognise the rights of the Tamil nation, Tamils made the decision to fight for their right to self-determination. On May 5, 1976 a group of Tamils began an armed insurgency and formed the resistance movement known as the Liberation Tigers of Tamil Eelam (LTTE). The North and East Tamil territories were subsequently militarized and subjected to continuous massacres, attacks, destruction and confiscations. So-called "pogroms" – devastating assaults perpetrated by angry crowds simultaneously in areas with predominantly Tamil population – were common, revealing a tendency that sought to exterminate the Tamil population. In a pogrom that occurred on June 1, 1981 the Jaffna Library (an invaluable center for Tamil culture) was burnt along with 97,000 volumes. Military forces and a number of public ministers participated in this crime. In the pogrom known as "Black July" (1983) more than 3,000 Tamils were killed, while more than 100,000 lost their homes and were forced to take refuge in ancestral territories. Between 1983 and 1987, 44 massacres left more than 2,000 Tamils dead. Intense persecution continued; 47 massacres left 2230 victims dead between 1990 to 1995. These events were accompanied by arbitrary arrests at military checkpoints where members of the Tamil population often went missing or were raped. Military forces, known paramilitary groups and civilian thugs were almost never punished for these crimes, revealing a clear official policy favoring the extermination of the Tamils. As a result the Tamil population took refuge in its ancestral regions to the north and east, where the rebel group LTTE progressively attained civilian backing, given that it was people's only protection against the cruelty of the state. As of the 1990s the LTTE had formed a de facto civil administration, a system of laws, a police force, an army and a navy.

¹ NESOHR, Massacres of Tamils 1956-2008, Manitham Publishers, Tamilnadu, India, ISBN No. 978-81-909737-0-0

On February 22, 2002, thanks to mediation provided by the Norwegian Government, and with the support of Germany and other European countries, a ceasefire agreement was signed between the LTTE and the Sri Lankan government. This peace process opened possibilities for a peaceful and political solution to the conflict and allowed opened the door for feasible solutions that might reform the federal government. On December 26, 2004 a tsunami devastated Sri Lanka leaving thousands of people dead and countless homes destroyed; at this juncture the LTTE set aside ethnic differences and provided aid to all victims without discrimination. They efficiently coordinated the delivery of care to many of the devastated areas and were praised by many international media as a result. Nonetheless, a lack of real commitment to the peace process on the part of the international community, as well as interference by the governments of Britain and the United States (which obstructed negotiations and promoted a military solution) caused the negotiations to fail. Meanwhile Mahinda Rajapaksa (elected president in November 2005) used his presidential campaign to foster hatred for the Tamils and unify the Sinhalese around the refusal to consider the self-determination of the Tamil nation. Following a gradual increase in hostilities, the Sri Lankan government unilaterally ended the ceasefire agreement on January 2, 2008.

Between 2006 and 2008 the state reactivated its persecution of Tamils, drawing on the military and making widespread use of tactics such as extrajudicial executions, forced disappearance, sexual abuse, massive forced displacement, torture, indiscriminate bombings and various other forms of terror. The military action taken by the Sri Lankan state, supported by the governments of Britain and the United States through military training, arms transfers and military aid, caused the Tamil population to retreat to the northern Vanni region. Densely populated areas, such as Jaffna, experienced rigorous military control. It was required that families have photographs of family members on hand to be provided to the military, which would improperly enter private homes at all hours of the night; those who could not provide photographs were taken away in white vehicles and never seen again. Between 2006 and 2008 NESOHR recorded 800 extrajudicial killings and 600 forced disappearances; half the population of Jaffna sought asylum in other countries.

In 2008 the Sri Lankan Government prepared a final genocidal attack, one that was not intended to be witnessed. It expelled anyone monitoring the peace process from the Vanni region, including all journalists, United Nations agencies, and international (and even national) humanitarian organizations. Justifying its actions by claiming to target the LTTE's last strongholds, it attacked huge amounts of Tamil civilians who had been gradually taking refuge in the area controlled by the insurgent group. These areas were subjected to conditions that made survival all but impossible such as radical increases in the cost of fuel, the obstruction of hospitals' access to doctors and medical supplies, restrictions on school supplies, and the blockade of the entry of food – a situation exacerbated by farmers' abandonment of their fields as a result of the bombings. Bending to international pressure, the government established the first "no fire zone" in January, 2009 to which many civilians fled but were bombed nevertheless, leaving huge numbers of dead and wounded. Later two other such areas were established, only also to be bombed. Steadily increasing numbers of wounded victims (in March, 2009 alone the Red Cross evacuated 3806 people with serious injuries) turned hospitals into the last refuge. But they too were bombed. Divers sources have reported that over 30 attacks on hospitals took place. Because communication was blocked, one doctor's email account became the only source of information in late April and early May, 2009. The UN estimates that 7000 people were executed and 14,000 wounded in April, 2009 and, as attacks continued to increase in May, 1,000 people were calculated to have died every a day until May 18th at

which point the area is considered to have been completely ravaged. Everything points to a strategy of extermination at the hands of the government in this “final offensive against a terrorist group”, which in reality was the most intense chapter of a genocide intended to destroy a national group that sought to exercise its right to self-determination.

The Sri Lankan government’s own data indicates that of the 429,059 Tamils who were accounted for in Vanni according to an October 2008 census, only 282 380 remained by May 2009 at the conclusion of the military campaign. This means that 146,679 had disappeared. UN reports estimate that 70,000 people were killed in the attack. Due to the lack of witnesses the fates of many thousands of people, left in the hands of the military, remain uncertain. There are rumors of concentration camps where people were taken under the cloak of disinformation, confined, and subjected to executions, sexual torture, and other indignities. A documentary by an English journalist shows some of these scenes as filmed by soldiers themselves and analyzed by competent doctors with forensic expertise. In Bremen the Jury heard the accounts of doctors who had remained in the area until the very end and people who escaped amid the final calamity.

The Jury has considered the exact terms of the international Convention on Genocide, adopted by the United Nations in 1948, as well as the positions of its chief editor, jurist Raphael Lemkin, for whom the essence of genocide consists of the “*destruction of the national identity of an oppressed group and the imposition of the national identity of the oppressor*”. It is clear to the Jury, having reviewed numerous documents, testimonies and well-supported studies, that the military onslaught carried out by the Sri Lanka government, which used a wave of terror to push the Tamil population up against the sea from 2008 to May 2009, represents only one of the most heinous and reprehensible episodes of a genocidal process that began decades ago and is whose objective is to totally destroy the national identity of the Tamil population, ignoring its rights.

As of May, 2009 the Northern and Eastern regions of Tamil have been heavily militarized and enormous structural changes imposed, such as large-scale land acquisition by state oppressors and colonization by the Sinhalese population. The destruction of what remains of the Tamil cultural heritage has been exacerbated by the imposition of a Sinhala Buddhist identity. Populations are pushed towards areas controlled by the military where arbitrary arrests, extrajudicial executions, forced disappearances, sexual assault, displacement, violations of freedom of expression and suffocating surveillance are a day to day reality. The Secretary of Defense has recognized the progressive expansion of the Sinhalese army since 2009. Nine divisions have become 20; 44 brigades are now 71; 149 battalions have grown to 284. Colonization of Tamil territories is carried out by force and in the shadow of terror. The occupation of Tamil territories by Sinhalese population is encouraged. Buddhist temples are built amidst non-Buddhist populations. Tamil men are arrested arbitrarily while Sinhalese soldiers rape and impregnate their wives.

The Jury was profoundly baffled by the resolution adopted by the United Nations Human Rights Council on May 27, 2009, only days after these barbaric genocidal episodes occurred. The measure is clearly based on misinformation (articulated perhaps under strong political pressure) and ultimately accepts and welcomes the reports provided by the Sri Lankan government. It ignores genocidal tendencies, excessive crimes against humanity and war crimes that were committed throughout recent years.

The genocidal process in Sri Lanka must be stopped; the crimes committed there must be investigated and prosecuted impartially and independently; the rights of the Tamil nation must be restored, respected and protected. If this does not occur, the credibility of the

many principles and treaties built by the international community over the course of several centuries will be destroyed.

I invite all organizations, groups, and people sensitive to the destruction of human dignity to present these demands to the Embassies of Sri Lanka in countries throughout the world, the Secretary General of the UN, the United Nations Human Rights Council, the International Criminal Court, and foreign ministries of their respective nations.

In solidarity,

Javier Giraldo Moreno , S. J.

Member of the Jury at TPP Sessions on Sri Lanka in Bremen, Germany, December, 2013.