

# **University Teachers for Human Rights (Jaffna), Sri Lanka**

**Date of Release: 17<sup>th</sup> August 2005**

## **Impunity in the Name of Peace:**

### **Norway's Appeasement Strategy Claims Another Victim**

The killing on 12<sup>th</sup> August of Lakshman Kadirgamar, Sri Lanka's Foreign Minister and the government's most senior Tamil officeholder has brought to the world's attention one of many heinous acts carried out by the LTTE over the years. Will the international community once again make rhetorical statements of condemnation and yet close its eyes to the other daily acts of violence that have for so long engulfed our community?

Lakshman Kadirgamar was a respected figure in the Southern polity, one of the few who understood and opposed the fascist nature of the LTTE and voiced his criticism worldwide. There can be no illusions about who killed him, or why. But Southern politics has long been dominated by illusions, unattainable shortcuts and untrammelled opportunism. Upcoming elections and the associated deal making currently in the air, work to Sri Lanka's detriment and to the LTTE's gain.

A perverted culture also prevails among a section of the expatriate Tamil community that celebrates this type of killing. The attitudes expressed in the many websites which promote hatred and narrow ideology in the name nationalism need to be checked if the Tamil community is going to regain its humanity. And while the LTTE-dominated Tamil media gloats over Kadirgamar's murder, the climate of impunity in Sri Lanka and the Police atrophied by the non-investigation of hundreds of killings of Tamils will leave room for mischief and manipulation. There can be no civilisation, democracy, peace or dignity of citizens without competent law enforcement.

### **Norway's Role**

Since the beginning UTHR(J) has expressed concern over major flaws in the peace process that reward impunity, encourage the LTTE to violate the Cease-fire Agreement (CFA) and provide no meaningful checks on abuse.

We have also consistently raised questions about Norway's positioning, which has often been both politically charged and extremely soft on human rights. Norway began the peace process in 2002 by quite openly sidelining President Kumaratunge in favour of her long-time political adversary, Prime Minister Ranil Wickremasinghe. It showed its readiness to further interfere politically when it threatened to withdraw from the peace process over the President's takeover of ministries dealing with security in November 2003.

At the same time, Norway has virtually ignored the LTTE's political killings and its scandalous conscription of children. The Norwegian government even facilitated LTTE efforts to strengthen its worldwide propaganda network (and thus its control over Tamil

populations) by for example, helping them to acquire transmitting equipment. Norway has facilitated travel abroad for so-called LTTE fact-finding missions, including coaxing European representatives to meet them. Norwegian lobbying of the international community has encouraged tacit support for the LTTE's methods, and diluted or obstructed many initiatives aimed at holding it to account.

It is time for Norway to reassess its role in the process and have the courage to admit that they made wrong assessments of the ground realities and to openly declare that it is not only the CFA that needs reappraisal, but also that the SLMM is not an adequate mechanism for the task at hand.

### **Fantasies and Bankruptcy**

Several NGOs in the South have sought comfort in “politically correctness,” projecting themselves as peacemakers by embracing conflict resolution strategies endorsed by Norway that have little applicability to the Sri Lankan reality. The daily killings and promotion by default of terror politics in the Tamil community have been treated as minor irritations to an otherwise excellent peace process. The LTTE's suicidal ideology and its effect on the Tamil community has been almost completely ignored, while any token commitment by the LTTE to democracy has been welcomed as a statement of good faith in a bid to perpetuate the status quo. In this perverted social analysis, fascistic actions are treated as mere illiberal tendencies. Contrarily, when Southern groups voiced anti-NGO rhetoric, they were called fascists without any reservation.

This attitude of the peacemakers and erstwhile progressives has out of bankruptcy identified Tamil rights with appeasement of the LTTE. It reflects a continuing disregard for the risks taken by members of the Tamil community struggling against the LTTE's ruthless bid for asserting total control while demanding a political solution ensuring dignity and fair play. More ironically, the peacemakers have conceded the moral high ground of defending the basic human rights of Tamils and their children to Sinhalese supremacist elements, who long stood against a decent political settlement.

The UNP played a particularly callous game in this regard, flirting with Sinhalese chauvinism to obstruct a political settlement, while at the same time promising the LTTE a fiefdom to attain power. Combined with the utter passivity of the present government, it allowed the LTTE to entrench its killer squads all over the country and to play Russian roulette with the peace process.

The ‘Sri Lanka experts’ in global capitals, whose attitudes reflect the growing contempt for democracy in their own countries, came to respect principally the LTTE's stunning capacity for violence, which it held together by constantly attacking the humanity of its people. Its mafia-like network, which it wove to continually upgrade its destructive power under the very noses of Western governments, is allowed to go unchecked. Indeed, it was virtually rewarded with sole representation of the Tamil community.

The ISGA or P-toms, both a formal expression of appeasement, looked appropriate against the South being unable to present a cohesive political challenge to the LTTE. Demands for human rights protection and democratic space for alternative voices were treated as efforts to inhibit the peace process. It was in fact, this lack of clarity and direction in all sections of the Sinhalese polity and the failure to perceive the consequences that pushed Norway into its disproportionately influential role.

Elite Southern NGOs and members of the international community appear to be waiting for the UNP to come to power once again, to promote the ISGA as the means to achieve peace, a strategy that promises rewards for everyone but the ordinary Tamil people; their predicament is apparently of no concern. .

Even in this climate, individuals and small networks of committed individuals in Sri Lanka and abroad, joined isolated organisations such as UTHR(J) in exposing the continued child conscription and political killings, and lobbied for tangible initiatives to address them. The conscription of children was so rampant and open that even UNICEF, which supported engagement with LTTE to resolve it, was finally forced to come out openly and critically against the LTTE's behaviour. However, the present initiatives in the Security Council to check child recruitment may not have any real impact on the LTTE if the leading nations, especially Norway, determine that they should be ineffective so that their discredited peace strategy would have a further lease of life.

### **The Cost of Self-serving Illusions**

Lakshman Kadirgamar's murder was one of many and bears a resemblance to those that preceded it. Just hours before his assassination, SLBC journalist Relangi Selvarajah and her husband were shot and killed in their travel agency office in the Bambalapitya neighbourhood of Colombo. Relangi Selvarajah had produced a radio programme that was critical of the LTTE. They leave behind an eighteen-month-old infant born after many years of childlessness.

Subathiran of the EPRLF, who was important to the revival of democracy among Tamils as Kadirgamar was to Sri Lanka, was killed on 14<sup>th</sup> June 2003. The SLMM guardians played the role of the proverbial three respectively blind, deaf and dumb monkeys, who dismiss political killings as mere criminal acts unconnected with the peace process. It is further ironical that ignoring the LTTE's use of a sniper from a nearby tall building to assassinate Subathiran, who was exercising, may have served to encourage its use as the modus operandi against Kadirgamar in similar circumstances.

The Police's failure to investigate Subathiran's killing despite the evidence against Easwaran (then Nallur LTTE Commissar) being available immediately, also created the climate for the same Easwaran to play a leading role in abducting and killing Jaffna SP Charles Wijewardene following the accidental shooting by an SL Army soldier in Inuvil on 5<sup>th</sup> August 2005.

In the face of mounting internal dissension and resistance from the people, the LTTE's typical moves are to provoke reprisals and a return to war. This time the absence of reprisals against civilians, which the LTTE hoped for, threw the focus on the LTTE's miscreants and placed it in a crisis. Its provocations became more desperate.

Along with the lethargy in seeking a political settlement, the illusion persists that the LTTE respects Sinhalese who act with friendliness and goodwill, provided they ignore the LTTE's treatment of its fellow Tamils. On the contrary it has contempt for them and when it wants to provoke, they are the first targets. When the LTTE wanted to provoke war with the Indian Army in October 1987, the first victims were Chairman Jayamanne of the Cement Corporation and several journalists who had come from the South in a spirit of goodwill. Soosai then cruelly killed two very friendly and helpful Sinhalese policemen in Valvettithurai. When the LTTE wanted a return to war in 1990, it killed hundreds of security personnel who

were hobnobbing with it during the appeasement that preceded it. In a land of illusions and shortcuts leaders do not want to understand.

Dealing with the LTTE to prevent a recurrence of war is important. But there can never be a surrender of human rights and basic functions and responsibilities that give dignity to a State. Equally there should be no illusions about the nature of the LTTE, for which there is absolutely no excuse. The LTTE's recent behaviour has been precipitated by the Karuna split in 2004 and the failure of Norway's stratagems on Prabhakaran's behalf. (Norway pronounced that it was an internal affair, but did not threaten to withdraw from facilitation citing a lack of clarity about who held power in the North-East. It was such an alleged lack of clarity about the South that Norway offered as the pretext for withdrawing from facilitation in November 2003.)

Kadirgamar joins an unending line of Tamils, all distinguished in their chosen spheres and victims of LTTE killer squads, who defied the advance of fascism and worked for a dawn when there would be peace with dignity for all. Among them were Subathiran, Cheliyan Perinpanayagam, Neelan Thiruchelvam, Thangathurai and many others known and not so well known. In the absence of the Sinhalese polity and leadership challenging the LTTE by coming forward with a political settlement that addresses Tamil aspirations, all such Tamils were facing marginalisation, of which they were painfully aware, and life itself would have become more painful than death.

The Sinhalese polity has a choice. It could shower empty words of praise on these Tamils and go on as before, or get its act together and seek dignity and justice for all. If it chooses the former, appeasement with its illusions is the only course open. If the latter, it is time to examine Norway's role and show that we are capable of deciding our own future. Then the demands below will be appropriate:

- Effective steps should be taken at the international level to take the LTTE to task according to the full force of international law for its crimes against humanity, and in particular the continuing perpetration of political killings and child conscription.
- Those who support and promote the LTTE's ideology in the Diaspora should be challenged for their promotion of hatred and suicidal politics.
- The political parties in the South should unilaterally work towards a political solution that addresses minority aspirations, given the LTTE's refusal to negotiate, as evident from the assassination of Lakshman Kadirgamar.
- The international community should pressure the LTTE to resume negotiations based on principles expressed in the Tokyo Declaration, with the protection of human rights, independent participation of a Muslim delegation in talks, a permanent political solution and de-militarisation.
- There should be zero tolerance for child recruitment. The LTTE should be required to release all children who have been recruited.
- The Government should immediately take the initiative to ratify the Rome Statute of the ICC.