

Paper 3

Presentation on Women and Children; Human Rights Situation in the Tamil Homeland

by Ms. Deirdre McConnell

I would like to start by thanking the organizers of this conference for asking me to speak. I gladly agreed as this is a subject dear to my heart, but soon after, I began to tremble with nervousness as I realized the eminence of those addressing and attending this conference.

Seeing for myself parts of the war zone in the island of Sri Lanka was a life-challenging and life-changing experience. I have talked to others who have visited war zones and there has been a similarity in our experiences though in different parts of the world. Certain images, certain people's faces and life stories remain etched in one's memory, and come back again and again, as if to question, What are we doing, in the here and now to help change the situation for them?

One of my most vivid memories is of visiting the survivors of a massacre by the Sri Lankan army in the East of the island. The community had been displaced three times, by the armed forces of the government. We all stood in the sandy ground of the refugee camp. The villagers gathered in respectful silence as life stories were told. The poignancy of meeting the eyes of the sole child survivor of a large extended family, with a scar running from his ear round his neck

to his other shoulder, telling of the hacking army knife that nearly killed him, has remained in my memory ever since. A woman in the same village had come rushing up to me raising her skirt to show me the scars on her inner thighs and legs, scars which bore witness to the horror of that particular attack. Men, women and children had been separated into different houses in the village and the army had come and hacked most of the people to death with machetes. The look in her eyes too, will never leave me. This massacre along with many others, has now become part of the history of the suffering of the Tamil people.

These and many more images demand for the horror I felt at this human suffering to be transformed into action for change, for peace, for justice. Truth, it is said, is the first casualty in war. This could never be truer than in the case of Sri Lanka, due to the strict imposed censorship, as I have experienced over ten years of human rights work. Massacre after massacre is ignored. It is the faces of these real live people I met who give me the energy to continue when sometimes things feel very bleak and when one asks if the world's deafening silence will ever end. I sponta-

neously said to people I met on these visits, that I would do what I could when I returned home to Britain, and that I would not forget them. I try to live up to my promise, conscious also as a British person of Britain's colonial past and its share of responsibility for the conflict.

It is a pleasure and an honor to speak here, to share with people who are genuinely and thoughtfully concerned about the situation on the island of Sri Lanka, who thirst in many different ways from the perspectives of different roles and jobs, for a real peace, a peace which means not just absence of war, but a peace where fulfillment, dignity and respect for all human life reigns.

In the time available I obviously cannot give a comprehensive study of all statistical evidence of human rights violations against Tamil women and children. Unfortunately, there are too many. But I will aim to address the subject through certain cases and an overview of the situation.

Firstly, I will look at the inter-connectedness of the situation facing children and women. Secondly, I will touch on the issue of Right to Life and the context and environment in which the human rights violations of women and children need to be understood. My third point will be looking at rape as a weapon of war and gender-related violence, and my fourth, aspects of human rights violations against children, serious contraventions of the Convention on the Rights of the Child to which Sri Lanka is a signatory. Lastly, I will amongst my final comments, touch on Article 2 of the Convention on Genocide which is pertinent to this situation.

The interconnectedness of the human rights of women and children. Women are the givers of birth to the next generation, and children are themselves the future generation of any group or society. Children require physical and emo-

tional security and the basics in the hierarchy of needs: food, shelter, clothing, in order to survive and thrive. They are sensitive to what happens to themselves, their parents, their friends, their families, as indeed we all are. They are sensitive to place, to atmosphere, to events, to how life is ordered and managed. The well-being and health of children depends to a large extent on the well-being and health of mothers, of the women around them and in turn of course, on society as a whole.

There are about 19,100 widows in the Jaffna Peninsula and most are distressed by difficulties they face providing for their families. There is no programme to assist them. Recent statistics gathered by a fact finding committee in Trincomalee state that there are 6,000 war widows living in the Trincomalee district alone. In the East there are more than 8,500 widows in total, 70% of whom are between 18 and 21 years old. Their situation is often desperate and if their husbands were the sole breadwinners they are now driven to extreme poverty. Women as sole carers for their children are under enormous pressure, simply to survive and help their children survive. The situation is difficult to exaggerate.

Displaced people are amongst the very vulnerable. When I spoke to Aid agency project officers working with displaced children in the North East they said that since there were so many thousands of displaced children, it was unrealistic to talk of carrying out direct work with the children. Amongst a million displaced people in the Vanni north, over 75,000 are children under the age of five. Instead of direct work with children, their projects involved working with mothers. If the mothers could cope the children stood a better chance of surviving. Although good theory, in practice it is not possible to ensure the well-being of the mothers. The restrictions

imposed by the government food and medicine embargo have rendered the situation impossible. Deaths of mothers and children have been occurring and continue to occur, from starvation, malnutrition and disease. Food and medicine are being used as a weapon of war by the Sri Lankan government, against the civilian population, contrary to humanitarian law in armed conflict.

This brings me to my second point – that we are considering a situation in which the most basic of human rights is in question, the Right to Life itself. This can never be subject to derogation by a state, wartime or not. The government of Sri Lanka is a party to the Geneva Conventions and is therefore bound by Common Article 3 which prohibits murder, torture and cruel treatment of anyone not taking part in hostilities.

If there exists in a state, an over-riding ideology of racism towards a people, a specific section of the population, and if the law enforcers and those in authority are in agreement with that racist ideology, and indeed furthermore are members of the group propagating that ideology then the situation is very grave in terms of human rights for the group at the receiving end of the racism, including women and children. If the situation is, on top of this, one of armed conflict, where an occupying army is ruling a people and have in effect license to kill, because Emergency Regulations permit them to do so, the Right to Life itself cannot be guaranteed. If those responsible for enforcing the law themselves, do, in fact, deny this right by killing, encouraged by impunity, there is a desperate situation.

The existence of such a situation in the Tamil homelands of the island known as Sri Lanka has been verified by various reports including that of the UN Special rapporteur on Extra-judicial killings who writes that impunity is causing a

spiraling of violence against the Tamils, and who points out that the Sri Lankan army is 99% Sinhalese, speaking a different language, and coming from a different culture to the Tamils. In March this year, at the UN Human Rights Commission under the Agenda item on Racism it was asserted by NGOs in consultative status with the UN that the war of the Sri Lankan government is clearly not only against the military forces of the Tamil people, it is against the Tamil people as a race.

It is in this context that human rights violations against Tamil women and children have to be understood. In other words it is first and foremost because they are Tamils that they are suffering.

My third point is regarding gender-related violence. Jaffna is a town with many checkpoints. Sexual harassment at checkpoints, molesting, and touching women as they pass is all aimed to humiliate and demean and to give a constant and powerful signal of the control and domination of the army, a sign of who the master is, who must be obeyed. It is at these checkpoints that many of the notorious “disappearances” occur. In March the UN Working Group on Enforced or Involuntary Disappearances stated that Sri Lanka has the second highest number of disappearances in the world. The strictly imposed curfew also brings immense difficulties. There are women who have died due to the imposed curfew, not reaching hospital during labour.

The most heinous gender-related violence is rape. On an individual level, rape is a brutal violation of the most intimate parts of a women’s body. It causes devastating physical harm and mental trauma as anyone supporting women who have suffered rape knows. The UN Special Rapporteur on violence against Women describes rape in war-time as “the ultimate humiliation of

the male enemy". Mass rapes have been prosecuted as a crime against humanity in International Criminal Tribunals, and this has been welcomed world-wide as progress by women's groups campaigning against state-rape.

When rape is used as it is in the island of Sri Lanka, as a weapon of war, it is not an isolated attack on an individual woman, but an attack on the community, on the people collectively. It is part of a strategy to subjugate, humiliate a people, to force them to accept an imposed regime, in a war of domination. It is an assault on core values of a community and is intended to shatter the bonds of the community, as neighbors or family members may no longer be able to face one another. It is a form of biological attack on women, and can result in pregnancies of the perpetrator's race, which amounts to biological destruction, an indicator of the genocidal aspect of Sri Lanka's war. Women have alleged that Sri Lankan soldiers have said whilst raping them, "You will give birth to a Sinhala lion not a Tamil Tiger." Rape as a weapon of war is intended to convey terror and horror to further intimidate men and women alike. Women who have complained to the authorities have even been visited soon after and raped again by the same soldiers.

As a consequence of all these accumulated incidents, Tamil women experience fear in the face of the Sri Lankan army. The rapes continue and contribute to the psychological aspects of the Sri Lankan military campaign against the Tamil people. Women in fear of their own life, and knowing that impunity continues, cannot protect their children from the horrors of disappearances, torture, arbitrary arrest and summary execution. A husband is powerless to protect his wife, indeed, may be forced to witness the brutal raping of his wife. Children too, have been subjected to such degrading and inhumane treat-

ment as in the case of Koneswary.

In reality each woman tries to come to terms with her experience in the best way she can. For some the unbearable nature of the shame, though they are guilty of nothing themselves, induces mental anguish culminating in them killing themselves. One woman, Sivasothy Krishnapillai was attempting to kill herself, after being raped by three Special Task Force men but was found by her husband and survived.

Fortunately, because of the strength of the Tamil community, and the fact that Tamil women are active and participate equally with men in the all aspects of the life of the community in the Tamil homelands, many women feel supported and not rejected by the community. After all, the community understands the nature of the oppression of the Sri Lankan army because its other members too, the men have also experienced its oppressive methods in other forms. The community as a whole shares and understands the suffering of the individual. These women, who have the support, are now speaking out with immense courage about what really happened to them. This is a difficult and painful task, it involves reliving and re-experiencing the pain, yet it is usually psychologically more healthy than burying or denying the pain locked inside. The struggle for dignity and for life itself includes naming and confronting the unbearable truth. It is these women who help us try to really understand what is going on, as the full extent of the horror is revealed through their personal witness and life stories.

For some women there is no survival at all. There have been many many cases of gang-rape and murder of Tamil women by Sri Lankan military. The details of their callous and brutal murders are unbearable. Two cases are well known internationally. Krishanthi Kumaraswamy, "dis-

appeared" on her way home from school, was gang-raped and killed by Sri Lankan army soldiers in Jaffna. Her mother, brother and neighbor who went to the army to enquire her whereabouts were killed too. Mugugespillai Koneswary, from Batticaloa in the East was raped and murdered by a grenade being thrust into her vagina to destroy any evidence of rape. Many more never reached international human rights organizations headlines. One such case was of 24 year old Ranjani raped and killed by soldiers from the Kondavil army camp in Jaffna, on her way to see relatives to say goodbye before she was to leave to go to Canada where she was to have been married.

Researching the situation of deaths of Tamil women and children has been, and is, a sickening and unpleasant task but is one that has had to be done, and has to be continued to be done. The horrifying conclusion that one reaches is that Tamil lives appear to be disposable, that systematically Right to Life itself is denied. The vast majority of deaths are covered up, the families pleas ignored, the message repeatedly given, in a myriad ways, is that the army will have its way, as it likes. There is no justice for Tamil people. The parents and relatives of the disappeared have now formed an association, they enquire their children's whereabouts from the Defense Ministry, the Human Rights Commission and the President herself but still get no answers.

The few highly publicized cases which have been investigated and where charges have been made against human rights violators, are carried out precisely in a calculated way to present the government in a good light, to pull the wool over the eyes of the international community, and to avoid international scrutiny of the systematic nature of the violence perpetrated. With crocodile tears, the isolated individual's rights become the

focus of attention, after death, while the collective human rights violations of the living remain ignored, unchallenged and the perpetrators go unpunished. Amnesty International has said that "The way in which the few investigations were selected suggests that the predominant reason is the publicity created at the time."

Violence against Tamil women has a long history in the Tamil homelands. But they have not remained passive in the face of this violence. In fact many became actively involved in defending the Tamil community by joining the Liberation army, the Liberation Tigers of Tamil Eelam (LTTE) and by taking major roles in the Tamil administration during the period of the de facto state 1990-95, in the Jaffna Peninsula.

An incident in July 1995 when over a hundred Tamil women fighters were killed in battle shows the depths to which Sri Lanka is capable of descending. The women's bodies were stripped and mutilated and film coverage was broadcast on Sri Lanka national TV in an obscene pornographic triumphalism which defies description. This is war propaganda of the most abhorrent, using the abuse of Tamil women's bodies to whip up hatred, racism, vilification and demonisation of the Tamil community. Such a hate campaign has been heading the terrorisation of the whole population of Tamil people, indisputedly seen as "other" by the Sri Lankan government and military forces. Only a small section of the community escape persecution, those who are prepared to collude with the very government forces that are causing violence to their own community.

Where the women are so violated and abused, where the civilian female population is subject to the horror of war-rape, how can the children be provided with what they deserve and have a right to, a nurturing stability and a secure home life? In some cases children have lost both par-

ents. A fact-finding Committee reported on 25 October last year that in Trincomalee District alone more than 5,000 children have been orphaned and 18,000 lost either parent as a direct consequence of the war.

This brings me to my fourth point. Every one of the articles in the Convention on the Rights of the Child is contravened by the Sri Lankan government, with regard to Tamil children. All children have the right to food, health-care and education. They also have the inherent Right to Life itself. In the Vanni as stated earlier there is slow killing of children through the food and medicine embargo and the resultant starvation and disease.

The abuse of one child is one child too many. The situation we are considering in the Tamil homelands is one of multiple abuses. Over the last six months alone there have been 21 documented cases of summary execution of Tamil children by the Sri Lankan government's security and armed forces. 11 have been shot dead, 1 killed by a grenade and 1 died from torture. 8 have been killed by Sri Lankan Air Force bombings or land-mines. Children have a right under international humanitarian law to be protected from torture, arbitrary detention, rape and summary execution, yet the government of Sri Lanka's armed and security forces show an ethnic and cultural contempt for the lives of young Tamils and children. The following are cases in point.

In the early evening of August 21st 1998 two sisters, Kokularajani (9 yrs) and Anurajani (10 yrs), were walking home from a church service, near Karuvankerney. They were stopped by Sri Lanka soldiers and questioned. Later they were told to go and the soldiers shot them from behind. Kokularajani died later in hospital. The post-mortem was death as a re-

sult of murder. On 7 December 1998, A group of Sri Lankan Army soldiers came to G. Innasimuththu's house, located near the Kanmani Catholic Church, Kilaly, near Jaffna. They ordered Mr. Innasimuththu to come out and those in the house to move into a room. The lamp was knocked out and the soldiers opened fire killing a three month old infant, his brother (15 yrs) and injuring Amirtharani (35 yrs) and Amirthanathan Theepan (4 yrs). Sinnarasa Vinodhini (16 yrs), miraculously escaped death. Giving evidence to the HRC on 10 December she said "On the day of the incident three soldiers entered our house. One of the soldiers asked us to get into one of the rooms. He placed the gun on our heads, threatened to kill us if we made any noise, and asked for our names. He then put the lamp out and emptied the bullets on us."

Massacres where children have been amongst the death toll include: Mylanthailai, Kumarapuram, Nachchikuda, and Thampalakamam amongst many others. The bombing of Nagercoil school massacred school in a school, killing 25 children instantaneously.

The teachers union in Karathuraippattu, Kilinochchi District stated in October 98 that 70 schools in the Vanni region had either been closed down or destroyed due to the Sri Lankan Army's military operation. 15,000 children were unable to attend school as a result, they stated. Lack of buildings, sanitation, furniture and infrastructure contribute to difficulties, as do the lack of electricity, the restrictions on kerosene, school supplies, stationary and teaching aids. The Sri Lankan government's blockade on essential items to the Vanni is the cause of this.

In the areas under control of the Sri Lankan army there are problems for teachers and students. On October 22 Sri Lankan army troops rounded up and searched a school in Jaffna. The

soldiers screened all the students and checked the premises. Those children who had no national identity cards were asked to report to Kokkuvil for questioning. On November 12 Sri Lankan Army soldiers cordoned off and searched the Teachers training school in Kopai, Jaffna. Soldiers interrogated more than 100 teachers for five and a half hours, during which they used masked spotters. Such intrusion by the military into the environment of schools and colleges is highly unacceptable.

Other abuse of children by the Sri Lankan government's armed forces include forced labour particularly in the East, and as human shields.

For those who have witnessed at first hand the experience of the North-East and for those who have lived there or who have family and relatives there it is constantly frustrating that these crimes against humanity are not vociferously and publicly condemned by powerful international bodies. Also a cause of intense frustration, disappointment and anger, is the strict media ban imposed by the Sri Lankan government which prevents frequent and informed press coverage, necessary to generate and stimulate widespread public interest, concern and debate around the real issues.

I draw on the writing of Raphael Lemkin.¹ It was he who coined the term genocide in 1944. His work was born of his horror at the killing of one and half million Armenians, and the killing of 6 million Jewish people in the holocaust. Only two of his Jewish family of seventy survived. In his writing he remembers asking his mother, as a child, "Why did they not call the police?" The answer as we know, is that the police themselves

¹Lemkin, Raphael (1944). *Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government, Proposals for Redress*, Carnegie Endowment for International Peace. Washington, D.C.

were part of the authorities which allowed and orchestrated the persecution. Genocide is either a conscious deliberate policy of a state or is tolerated by a state.

One of the conditions for genocide to exist, indeed flourish is the guarantee of silence on the part of outsiders and onlookers, the assurance of non-interference by other states. If a state has this assurance it can go ahead, and make its excuses in all sorts of international fora and repeatedly declare its promises of its will to change, paying lip-service to human rights concerns but never really meaning it in a genuine and authentic way. It is a showcase device in order to continue to avoid the scrutiny of the outside world. The state will of course use demeaning and vilifying terms to discredit those whom it is killing in order to justify its.

The UN General Assembly passed the Convention on the Prevention and Punishment of Genocide in 1948. This stipulated, in Article 2, the meaning of genocide to be acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group. Acts are named such as: (a) Killing members of the group. (b) causing serious bodily or mental harm to members of the group. (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part.

I think that an analysis of the situation in Sri Lanka reveals that genocide is already occurring. Further genocide must be prevented.

The lives of thousands of Tamil women and children are at stake, even as we gather. The suffering they are undergoing, the pain and ill-treatment must stop. We all have a duty and a responsibility to bring to the attention of the international community both the root causes of the situation and the present-day gross

and systematic human rights violations. There does seem to be considerable inconsistency and injustice in the fact that there is widespread awareness of the large numbers of displacements within and from Kosovo and the human rights violations in that region, that discussions take place in almost every household and on almost every lip, that governments have acted and reacted; whereas the situation in Sri Lanka remains largely ignored, despite the greater figure of one million displaced, and the longer list of mass graves and atrocities. We can, together, create a more informed debate on the situation, – if we have the will.

The World Conference on Racism, likely to be held in America in 2001 is an opportunity for the Tamil community and others to raise this important issue in an international forum where racism and its roots, and ensuing human rights violations, will be the focus of attention.

As well as raising awareness of the human rights situation, I also believe that we should question the giving of multilateral aid through the Paris aid Group of the World Bank and IMF, which is financially and morally supporting the Sri Lankan government in its war against the Tamils.

I close by remembering what a woman replied, when asked a question in a group run by an NGO in the North East. The group was called together by an aid agency working specifically with children, to focus on the needs of the women, on what the women wanted most for themselves and for their children. The aid workers were thinking in terms of food, clothing and shelter. One woman said, "If you are really asking us what we want, please stop those government bomber jets now!" All the women cried yes! They had said what they deeply longed and yearned for. But they knew that aid agencies are powerless

to raise their voice on such a matter. They can make no comment, it is not within their mandate. If they do, they will be asked to leave, to get out of the island, for being "discourteous." This was the accusation leveled at the International Committee of the Red Cross, by the Sri Lankan government, after the ICRC denounced the bombing of Navaly church in July 1995.

It is the request of the women that we take a position in stopping this onslaught on the Tamil people. It is our obligation to respect their request, for the sake of the children and the whole Tamil community – in fact for the sake of all the communities on the island. We who are outside must surely listen to their voices and take action. We are not at risk. We can and must speak the Truth in whatever ways we can, through organizing, collating information, raising awareness – when we know what is happening. We must act as responsible and concerned members of the international community. State violence ignored is state violence encouraged.

Let us remember the dream of the women for themselves and the children. Can we help it become a reality? Can we do something now? What step will we take today?

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