

**IFT calls upon the International Community
to Respond Meaningfully to Sri Lanka's Message of Terror**

4 November 2006

On 29 October 2006, Sri Lanka's delegation to the Norwegian sponsored Peace Talks in Geneva solemnly pledged the Sri Lanka Government's commitment to the 2002 Ceasefire Agreement and promised not to launch any military offensives. The Statement by the Norwegian Facilitator on 29 October stated -

“The consultations took place in Geneva on 28-29 October 2006 following requests by the Government of Sri Lanka and the LTTE to meet to discuss humanitarian issues and political questions. At the Co-chair meeting in Brussels on 12 September, the Tokyo co-chairs (EU, Japan, USA and Norway) encouraged the parties to meet for consultations... Both parties reiterated their commitment to the ceasefire agreement and promised not to launch any military offensives. The international community has repeatedly expressed that it expects the parties to show restraint and fulfil these commitments....”

On 2 November 2006, scarcely three days after Sri Lanka's pledge in Geneva that it will not launch any military offensive, the Sri Lankan air force launched an attack on the town of Killinochchi which lies in the area of control of the LTTE within lines of control recognised by the 2002 Ceasefire Agreement.

Around 2:30 p.m. Sri Lanka Air Force (SLAF) Kfir jets dropped 16 bombs within 500 meters east of the newly built Killinochchi General Hospital at Anandapuram. The bombs hit a house, within 500 meters east of the hospital. Five members of a family were killed while one was seriously wounded. The victims were identified as Murugesu Markandu, 62, his brother Murugesu Shanmugarathinam, 56, and sister Rathinam Sarawathy, 59. Two sons of Mr. Shanmugarathinam, S. Sasi, 20, and S. Krishanth, 18, both studying GCE A/L, were also killed and their house was fully destroyed. Only survivors of the family were the mother, a teacher, and her daughter, both of whom were at school during the attack.

Around 500 patients warded in the Killinochchi General Hospital, including mothers with new born babies in their hands and severely wounded patients from earlier SLAF bombings, were forced to leave the hospital premises. The explosion shock shattered hospital window-glasses and fans fell down while the patients were having lunch in their beds.

Following the attack, the Political Head of the Liberation Tigers, S. P. Thamilchelvan who led the LTTE delegation to the Peace Talks in Geneva and who had just returned to Killinochchi from the Geneva Talks, stated on 2 November 2006 -

"The Government of Sri Lanka (GoSL) that had promised to halt the military offensives at the negotiation table, in front of the international Community in Geneva, has sent a message of terror within 24 hours of LTTE delegation's return to Killinochchi by conducting a gruesome aerial attack, killing an innocent family and terrorising the patients at the General Hospital premises in Killinochchi. The international community was witness to the GoSL

delegation's expressed commitment to ceasing violence and halting all offensives in order to create and sustain a conducive environment for the peace process. This is certainly not the way forward in creating and sustaining the kind of atmosphere needed for the talks. The international community should have no reservation in condemning this war crime."

The aerial bombardment of Killinochchi

- is a flagrant breach by Sri Lanka of a solemn pledge given at the Geneva Talks on 29 October that it will uphold the Ceasefire and that it will refrain from launching any military offensive;

- is a clear violation by Sri Lanka of Clause 1.2(b) in the February 2002 Ceasefire Agreement which clause reads "Neither Party shall engage in any offensive military operation. This requires the total cessation of all military action and includes, but is not limited to, such acts as...Aerial bombardment."; and

- is a flagrant violation by Sri Lanka of the humanitarian laws of armed conflict, and is a war crime in that it was a bombardment of a known civilian population centre in the proximity of a hospital

The International Federation of Tamils calls upon the international Community to condemn Sri Lanka's aerial bombardment of Killinochchi town and in this way help to secure justice and peace in the island of Sri Lanka.

The need to condemn is urgent and immediate – not only because the aerial bombardment of Killinochchi comes so soon after the pledges given in Geneva but also because it is the latest of a series of aerial bombardments of Tamil Eelam by Sri Lanka including the aerial attack on Vallipunam, which killed 61 school children on 14 August 2006. A failure by the international community to condemn with alacrity the Killinochchi bombardment will have the predictable consequence that Sri Lanka will be encouraged to believe that it may, with impunity, continue to violate solemn pledges given at internationally sponsored Peace Talks, continue to breach solemn undertakings given in an internationally recognised cease fire agreement, continue to brazenly violate international humanitarian law and continue to assert a freedom to commit war crimes.

The ugly political reality is that during the past several months, the forces under the command of Sri Lanka President Rajapakse have in the shadow of a ceasefire, raped Tamil women, murdered Tamil Parliamentarians, Tamil journalists, executed Tamil students with impunity, arbitrarily arrested and detained Tamil civilians, abducted Tamil refugee workers, orchestrated attacks on Tamil civilians and Tamil shops, bombed Tamil civilian population centres and displaced thousands of Tamils from their homes.

The continued failure by the international community to condemn Sri Lanka's actions will lead more and more Tamil people in many lands, to question whether the international community is asleep or whether it is simply pretending to be asleep and that explanations for the silence of the international community may have to sought in the strategic interests of the international community in the Indian Ocean Region -

and in particular the impact that the success of the struggle of the people of Tamil Eelam to be free from alien Sinhala rule may have on the uneasy balance of power reflected in the two geopolitical triangles juxtaposing on the Indian Ocean's political background: U.S.- India - China relations and China - Pakistan - India relations.

The failure of the Tokyo Co-Chairs (EU, Japan, Norway and the US) ambassadors in Sri Lanka (in their Press Statement of 3 November 2006) to condemn and hold Sri Lanka accountable for the Killinochchi bombing appears to reflect the strategic interests of the Co-Chairs rather than a willingness to apply international humanitarian standards to the actions of Sri Lanka President Rajapakse and the armed forces under his command. The search for a form of words by the Co-Chairs in their Press Statement makes for awkward reading –

“The Tokyo Co-Chair (EU, Japan, Norway and the US) ambassadors in Sri Lanka express their deep regret over the bombing of a house in Killinochchi on 2 November 2006 that resulted in the death of five civilians. The explosion also damaged the Killinochchi District Hospital and caused patients to flee. The Co-Chairs expect both the Government of Sri Lanka and the LTTE to refrain from military action. This latest attack comes at a delicate time when both sides should seek to build confidence and compromise to ensure further rounds of talks can soon be agreed, and an escalation of the conflict can be avoided.”

It is not altogether clear to the International Federation of Tamils as to whom the expression of deep regret is addressed. The Co-Chairs do not name Sri Lanka as being responsible for the bombing. Nor do they say that Sri Lanka's attack on Killinochchi was a gross violation of international humanitarian standards. The Co-Chairs who were quick to name the LTTE and condemn it for the attack on a Sri Lankan military convoy in Habarana on 16 October 2006, as a 'terrorist' attack, refuse to categorise the Sri Lanka attack on a civilian population centre in Killinochchi in the proximity of a Hospital as a war crime.

The Co-Chairs fail to identify the civilians killed as Tamil civilians. The Co-Chairs fail to state that the Sri Lanka attack was a breach of the pledge given by Sri Lanka in Geneva, (a mere three days earlier) to refrain from launching military offensives. The Co-Chairs fail to state that Sri Lanka's action was a breach of the 2002 ceasefire Agreement. The Co-Chairs fail to point out that military action taken on the alleged ground that there was 'intelligence' that the other side was preparing to attack was nonetheless an offensive action in breach of the Ceasefire Agreement. The Co-Chairs fail to point out that any other interpretation of the Ceasefire Agreement would have the result that all offensive actions are defensive actions and will render the provisions of the Ceasefire Agreement farcical. And the failure of the Co-Chairs to state that the attack on Killinochchi was an offensive action in breach of the Ceasefire will encourage Sri Lanka to continue such attacks with impunity.

And, finally, the Co-Chairs having failed to name Sri Lanka and hold it accountable, then go on to “expect both the Government of Sri Lanka and the LTTE to refrain from military action.” The message sought to be conveyed by the Co-Chairs is clear.

“We will not condemn Sri Lanka's message of terror in Killinochchi, but if the LTTE responds to Sri Lanka's continuing aerial bombardment of Tamil

civil population centres, then we will condemn the LTTE for taking military action and categorise such action as ‘terrorism’”.

The International Federation of Tamils expresses its deep regret at this approach of the Co-Chairs and at the continued failure of the Co-Chairs to condemn Sri Lanka for its continuing violations of international humanitarian standards – a continued failure which has encouraged Sri Lanka to kill hundreds of Tamil civilians for no reason other than that they were Tamils.

Having said that, the International Federation of Tamils would urge the international community to recognise that turning a blind eye to the gross and consistent violations of humanitarian law by the Sinhala Sri Lanka government will not lead to a peaceful resolution of the conflict in the island of Sri Lanka. History teaches that struggles for freedom have an enduring appeal. We believe that the way forward is for the international community to recognise that the struggle of the people of Tamil Eelam to be free from alien Sinhala rule is but a step in the growth of a larger unity and that the Tamil people do understand that in the end national freedom can only be secured by a voluntary pooling of sovereignties, in a regional, and ultimately in a world context. Whilst calling on the international community to condemn, unreservedly and without delay, Sri Lanka’s war crime in Killinochchi, the International Federation of Tamils would also commend to the attention of the international community the words of US Congressman Brad Sherman on 1 September 2000

"....The United States has an opportunity make Sri Lanka a model and help it to evolve, by negotiating, two autonomous democratic political structures within a system acceptable to both parties, where ethnic communities can coexist peacefully on the Island. The US should be firm in its message to the government and the opposition, that if negotiations are not forthcoming immediately, they should be prepared to conduct a referendum of the Tamil people in Sri Lanka. This can be done with the assistance of the United Nations similar to the referendum in East Timor. Thus, in the absence of a negotiated settlement, the Tamil people could determine whether they want a confederation or a separate state as endorsed by the Tamil people in the last democratic elections held in 1977 in the north and east of Sri Lanka...."