

The tragic journey of a displaced Tamil family in Sri Lanka

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On June 24, Sri Lanka's Supreme Court held a second hearing in a case challenging the violation of the basic legal rights of Tamil civilians interned in military-controlled camps in the island's north. The case has been filed on behalf of five members of the same family who were separated in detention.

The government of President Mahinda Rajapakse has incarcerated almost 300,000 Tamils who faced intense army shelling and fled the fighting in the final phase of the war against the separatist Liberation Tigers of Tamil Eelam (LTTE). The government and the military assert that the camps are relief centres or welfare villages. In reality, they are detention centres guarded by soldiers and surrounded by barbed and razor wire. The detainees cannot leave the camps and even movement within the camps is restricted.

The applicants are Manikarajah Sivapakiam, her daughter Jeyarani Surendranathan, son-in-law Ponnusamy Surendranathan and the Surendranathans' two daughters, Sopika and Nesana. The respondents include the Inspector General of Police, the commander of the security forces in Jaffna and the military coordinator of internally displaced persons in the Vanni region.

The petition argues that the detentions are illegal and in breach of fundamental rights guaranteed by the country's constitution: article 13(2) on freedom from unlawful detention and article 14(1) on freedom of movement and the right to choose one's place of residence within Sri Lanka. The petitioners' attorney-at-law, Gowrishankari Tavarajah, argued that the appellants are not "displaced persons" as they have houses, properties and relatives to which to return, an argument that is valid for nearly all the detainees.

At the June 24 hearing, the court said that the "interim relief" granted at the previous session, transferring Sopika to the Saivaprakasha Scholl camp where her parents are incarcerated, had been carried out. The petitioners' lawyer called for Sopika, who is in need of medical attention, to be permitted to move out of the camp to attend a private medical clinic. However the

fundamental issue, the legality of the detention, is yet to be argued, and it is doubtful whether this will be addressed even at the next hearing on July 2.

Another fundamental rights case, filed by Pakiasothy Saravanamuttu, executive director of the Centre of Policy Alternative, a Colombo think tank, has been postponed until July 10. In both cases, the government has opposed the challenges to the legality of the camps.

In an interview with the WSW, Annapakiam Chidambarapillai, the sister of Manikarajah Sivapakiam, recounted the experience of her aged sister's family, who were forced to flee the military's advance in eastern Vanni earlier this year.

The fundamental rights petition is regarding my sister, her husband and their daughter's family. They were forced out by the military advance and their son Kishore, 12, was killed by military fire on April 9. My sister and her two daughters are still in a detention camp.

Kishore's bladder was pieced by shrapnel when the Sri Lankan army was shelling Putumattalan. He died after suffering a whole day in horrible pain, without medical treatment. Sopika was severely injured in the leg and is still to be treated properly.

On February 9, LTTE cadres beat up a large group trying to enter the government-controlled Vishvamadu, and drove them toward Putumattalan. My sister Sivapakiam, her husband and one granddaughter Sopika and grandson Kishore were in that group. The grandfather, my sister's husband, is still suffering from a swelling in his shoulder caused by the beating.

Our family is from Nelliady in the Jaffna district. My sister got married to Kathiragamu Manikkarajah, the son of a village officer in Kilinochchi district, and came to live with him. When the ceasefire agreement was in operation [from 2002] I used to visit them at New Year. I loved the three children very much. I can't cope with the brutal death that Kishore had to suffer. He

was such a tender boy.

After April 2006 I could not visit them. However last December my sister began to call me. She told me that the army was getting close to Kilinochchi. Tens of thousands of refugees were gathering in the area. Hundreds were crowding into my sister's compound. Some were severely wounded. We heard that a number had been killed. Hasty funerals were organised.

This family had no faith in the LTTE. The LTTE had harmed the people. They extorted our money and appropriated our land for their purposes. What is worse, there was no freedom of thought. We even feared to talk privately. If somebody said something critical of them and they came to know about it, they would come and warn the person, "You come to our office and discuss your problems. You can't talk in private." But nobody dared to go before them and criticise them. They would get arrested or killed.

On January 5, my sister called me and said, "It is not safe here at Puliampokkanai. Shells are falling close by. People were getting injured and killed." She said the family were going to Vishvadamu, 20 kilometres away, where they had a house.

The little I know from then is what I gathered from my relatives. The area was full of displaced and destitute people. It was a virtual exodus. The road was overflowing. There were tens of thousands fleeing for their lives. More and more wounded people were being carried or hobbled along.

There were no proper medical facilities. The International Red Cross (ICRC) provided some, but there was only one hospital shed, which was always being shifted with the crowd. It was full of wounded. Only four doctors and a few other nurses and medical personnel were there.

The military was advancing and shells were falling. After three days, the family had to shift to the Suthanthirapuram Hindu Temple. Now they had no house. My sister called me on February 7. After that we lost all telephone contact.

After the army captured Vishvadamu, my relatives decided on February 9 to flee into the army-controlled area. This was a hazardous thing, facing incoming shells from the military and possible LTTE reprisals. It was known that the LTTE used force to prevent people from escaping. They had heard of cases where the LTTE even resorted to shooting people to prevent them from escaping. The family wanted to hedge against the risk by splitting into two groups. It was thought that in the event of a disaster, at least some of them would be saved.

The grandparents and Kishore and Sopika were to leave after midnight. The daughter Jeyarani and her husband Ponnusamy

and Nesana were to leave in the same direction two hours later. They had to walk about 10 kilometres before they could get into the army-controlled area.

However the first group quickly ran into LTTE cadres who beat them up and drove them back toward Putumattalan. There the grandparents and Sopika and Kishore registered their names with the ICRC [International Committee of the Red Cross] to be transported out of the area. Dr Varatharajah at the make-shift hospital made arrangements with the ICRC for the grandfather to be evacuated because he was a kidney patient.

When Kishore was killed, his grandmother and young sister had to carry out his funeral. After a few days more at Putumattalan, the grandmother and Sopika paid 150,000 rupees [about \$US1,350] to a boatman and joined a group that crossed the lagoon to Chavakachcheri [on Jaffna Peninsula], where the army detained them and put them in the Kodikamam camp.

On February 10, the other group rested for the night at a bunker to avoid the shelling and the LTTE cadres who were prowling around. They managed to enter the military-controlled area during a lull in the shelling. The military seized them and transported them to the camp at the Saivaprakasha School in Vavuniya.

Above all, I want to know why the government is doing this. Why is the government holding nearly 300,000 Tamil people in camps without any judicial or constitutional justification? The immense majority are totally innocent. The government itself used to argue that the LTTE was not the sole representative of the Tamil people of Sri Lanka. Now by keeping Tamil people under detention the government is giving back-handed support to the LTTE's position that they were the sole representative.



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