



## North East Secretariat On Human Rights

Report Released on the Eve of Completing  
One Year of Operation

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## 1. NESOHR one year on



*"Tamil people by virtue of having been subject to state oppression and made to lead a refugee life for decades are the most appropriate and deserving people to institutionalise a human rights mechanism of their own",*

Tamilchelvan, leader of LTTE political wing.

NESOHR was launched on July 9<sup>th</sup> 2004 in Karadippokku in Kilnochchi in its own new building. NESOHR is the natural evolution of the citizen committees that operated during the war period when all public services that took care of people's welfare had broken down.

NESOHR set itself three main goals. To protect and promote human rights by receiving and resolving complaints with assistance from internal and international human rights institutions. Second, to educate people in the Northeast about human rights by acting as a source of human rights information, and creating awareness about human rights. Third, to provide expert advice on any questions regarding human rights matters.

One year on, it is time to evaluate NESOHR's performance against the goals it has set for itself.

## **2. NESOHR's structure**

NESOHR is run by a committee that is elected according to its charter. The founding committee that is currently serving is made up of members who were active in the citizen committees of past. A brief description of the composition of the committee is given below.

**Chairperson Rev Fr M X Karunaratnam** also works as NESOHR representative for the Jaffna district. Along with this post he is a parish priest in the Catholic Jaffna Diocese and he is the head of the diocese's Education Commission. Fr Karunaratnam was the President of the NGO Consortium in Kilinochchi from 1999-2002, and head of the Vanni Citizens Committee.

**Secretary Dr. N Malathy** works in the NESOHR office in Kilinochchi. She is an IT specialist and has been a human rights activist for several years.

**Vice Chairperson Mr. K Sivapalan** also serves as NESOHR representative for Trincomalee. He is an Attorney-at-Law and an active human rights campaigner who has served in citizens committees of Trincomalee district in the field of legal aid for many years

**Treasurer Mr P Gajendrakumar** is also NESOHR representative for Colombo. He is a lawyer and a member of parliament and has been active in protecting human rights of people in Sri Lanka.

**Member Dr. K. Sivapalan** is the dean of the Jaffna Medical Faculty. He has served in the citizens committees in the past.

**Member Mr. T. Mahasivam** is a long term trade unionist and is active in the teachers trade union.

**Member Ms. Sri Arulanantham** is a senior librarian at University of Jaffna and has been women's rights campaigner for a long time.

**Member Mr. Joseph Pararajasingam** is NESOHR's representative for Batticaloa. He has campaigned for the rights of Tamil people for the last three decades. He is also a member of parliament.

**Member Mr. S. Achuthan** is the principal of the law college in Kilinochchi and acts as the legal advisor for NESOHR.

The committee meets at least once in two months but often more frequently than that. Major policy decisions are made at these meetings. Chairperson is also in constant touch with the committee to discuss more urgent matters.

Three officers of NESOHR work full time at the Kilinochchi office, receiving, recording and resolving complaints. Presently they are, Mr. P K Mathias, a retired assistant government agent, Mr. Tharson, and Ms. Shiyamala

Initial funding to launch NESOHR was provided by well wishers of NESOHR. NESOHR hopes to attract more funding from international funding bodies.

### 3. Co-operation of local authorities



Releasing Underage Youth from the LTTE

Soon after NESOHR was launched it set about developing its relationship with the LTTE law enforcement authorities and formalized the processes through which NESOHR will raise human rights violations within these organizations. The first step in this process was the assurance given by the political wing of the LTTE to give its of full cooperation.

Within one month of launching, the chairperson of NESOHR met with the chief of Tamil Eelam police Mr. Nadeson about the modalities for working together to resolve human rights violations. Following decisions were made and they have been invaluable in resolving some cases received by NESOHR. These are, the police will grant access to NESOHR officials to visit prisoners and persons in custody and interview them in private. NESOHR can refer to a police station when a case requires such an action. NESOHR will also conduct seminars on human rights to the police officers.

NESOHR also met with the Tamil Eelam judiciary to facilitate free legal aid to those who cannot afford legal representation.

## 4. Mode of operation

NESOHR has had a lot of success in informing the people of Northeast that it is available for assistance on human rights issues. NESOHR is able to achieve this through prompt resolution of complaints, frequent presence in the local newspapers through press releases and reports about its work.

### International Human Rights Day - 2004



Late Chandra Nehru former NESOHR member speaking and Panel Discussion

Internal wars are not fought by two armed forces. The aim of modern internal wars is to destroy communities by indiscriminate bombing, disappearances, rape, and occupation. This was the kind of war that the Sri Lankan government waged against the Tamil people in the Northeast of Sri Lanka. The resulting destruction has left the people with minimal infrastructure and support services. NESOHR as a human rights organization therefore attracts many people with human rights issues.

There have been many instances when distressed people even after recording their formal complaint with NESOHR officers would spend whole days sitting in NESOHR's waiting room



accepting NESOHR's hospitality and the friendship of its busy staff who would stop to talk to them in between their work schedules.

Visitors to NESOHR have often noted this too. Some have said that NESOHR is also acting like a free legal service. Others have said that it is also acting like a Citizens Advice Bureau. The former chief justice of Norway, Mr. Carsten Smith, who visited NESOHR in June 2005, expressed his appreciation of this open door policy.

At the end of June 2005 NESOHR has received 257 complaints of human rights violation. NESOHR was able to successfully resolve 87 of these. Complaints of human rights violations received by NESOHR include those against the State armed forces, State administration and the LTTE. The nature of the complaints range from disappearances; extra judicial killings; land rights violations due to displacement, high security zones; to underage youth joining LTTE.

NESOHR has made a policy decision to celebrate the international human rights day on December 10<sup>th</sup> and use it as a platform to raise human rights awareness among the people. This day was celebrated in 2004 with much success. A key event on that day was a panel discussion about human rights that attracted active participation from the public.

The CIDA (Canadian International Aid Agency) visiting NESOHR commented that NESOHR is a very unique organization because it fulfils the role of a national human rights commission in bringing parties together to resolve human rights issues and it also acts like a traditional human rights NGO doing advocacy for the human rights of Tamil people that is violated by the Sri Lankan security forces.

## 5. Tsunami counselling coordination



Norwegian Ambassador in meeting with counsellors

A coordinated response to provide psychosocial support to the survivors of the tsunami was initiated by CHC (Centre for Health Care). The first meeting to launch this effort was held on January 2005 a week after the tsunami disaster. NESOHR chairperson Fr Karunaratnam was nominated to coordinate this effort. Sixty-five practising counsellors from 5 different organizations that were already providing counselling services attended the first meeting.

At the follow up meeting held at the NESOHR office in Killinochchi in January 2005 counsellors gathered to share their experiences and learn from it. It was noted that training should be given to everyone who is working with the survivors. The third meeting took also place in January at UNICEF office in Killinochchi. Norwegian Ambassador, Hans Bratskar came to the meeting in February at the NESOHR office to discuss the counselling services for tsunami survivors.

NESOHR continues to coordinate the counselling services and through this is able to closely monitor tsunami rehabilitation and reconstruction work.

## **6. NESOHR's Overseas visits**

### **Visit to Geneva in October 2004**

In September 2004 NESOHR was invited by the Swiss Government to meet members of the UN Human Rights Commission and other UN human rights bodies in Geneva. NESOHR accepted the invitation and most of the committee members visited Geneva in October 2004 and met many international human rights experts over a period of four days.

Many issues relating to NESOHR was extensively discussed during these four days. There were discussions, about the draft of the NESOHR charter, on the merits of a North East Human Rights Commission (NECOHR) and about the human rights situation in the past and present, about identifying real issues and presenting factual information, about filtering genuine human rights violations from ordinary civil and criminal situations, about record keeping, funding-accounting-auditing, and lobbying at local and international levels. Discussion was also held about setting up International Coordinating Committees, its formation, membership and terms of reference.

Many human rights experts addressed the group on these issues. They included Karen Parker, human rights lawyer, Ian Martin, the former Secretary General of Amnesty International, and special envoy to monitor Human rights dimension in Sri Lanka, Pascale Baeriswyl, head of section on human rights policy of the Swiss government, and Prof Fleiner.

Several NGOs such as International Commission of Jurists, International Service for Human Rights, Association for the

Prevention of Torture, Human Rights Watch, and Amnesty International met the members on one afternoon.

### **Chairperson's Visit to USA and Canada in November 2004**

Chairperson of NESOHR visited the United States from November 14th to 17th and Canada from November 18th to 24th. In USA, he gave the keynote address to the Ilankai Tamil Sangam-USA's Annual General Meeting (AGM) in New Jersey. Following this he met many people in the United States, in New York, New Jersey and Washington DC, concerned with human rights in Sri Lanka.

Following is the list of some of the people chairperson met in USA.

In New York he met with

- Mr. Goro Onojima from the office of UN High Commissioner for Human Rights,
- Mr. Bart Vrolijk from the office of the UN Special Representative for Children in Armed Conflict,
- Ms. Jo Becker, Child Rights Advocate from Human Rights Watch and
- Mr. Ian Martin from the International Centre for Transitional Justice.

In Washington, DC he met

- Ms. Marinela Dado, Sri Lanka Country Officer for the World Bank,

- Mr. Jamie McCormick, staff for South Asia at the House of Representatives International Relations Committee,
- Ms. Teresita Schaffer, head of the South Asia Program of the Centre for Strategic and International Studies,
- Ms. Mona Duvay of Amnesty International USA, and
- Mr. Joseph Brennig, the Sri Lanka Desk Officer at the US Department of State.

Chairperson also met many people in Canada who were interested in the human rights situation in Sri Lanka. Following is the list of some of the people he met in Canada.

- Ms. Maria Minna MP, President, Canada Sri Lanka Parliamentary Group and Former Minister for International Co-operation,
- Prof. Bill Skidmore, Chair of the Human Rights Studies at Carleton University,
- Mr. Glen Hodgins, Head of South Asia Division (PSA) - Ministry of Foreign Affairs of Canada,
- Ms. Pamela Moore, Human Rights Officer - Ministry of Foreign Affairs and
- Mr. David Kilgour MP, Chair of the Sub-Committee on Human Rights of the Committee on Foreign Affairs, and Vice-chair of the Canada-U.S. Inter-parliamentary Group.

## **NESOHR at UN Human Rights Commission 61<sup>st</sup> Hearing**

NESOHR's vice-chairperson Mr. K Sivapalan and member Mr. Mahasivam visited Geneva during the 61<sup>st</sup> UN human rights commission hearing in March-April of 2005. They met many UN officials during the visit. Following is a list of some key people they met.

- Special Rapporteur on Rights to Education, Mr. Vermor Munoz Villalobos,
- Special Representative of the Secretary-General on Human Rights of Internally Displaced people, Dr. Walter Kalin,
- Special Representative of the Secretary-General on the situation of Human Rights Defenders, Ms Hina Jilani,
- Officer in charge of the Asian Desk at UNHCR, Mr. Ayman Gharaibeh,
- Associate Human Rights Officer of the High Commissioner for Human Rights, Ms. Aida Nejad and
- Special Rapporteur to Adequate Housing, Mr. Miloon Kothari.



Netherlands Ambassador Ms. Susan Balkahart meeting NESOHR Chairperson in Jaffna

## **7. Foreign delegate visits**

Many international delegates and delegates from south Sri Lanka visited NESOHR at its Kilinochchi office during its first year of operation to discuss about the human rights issues in the Northeast and NESOHR's activities. These visits include,

- Norwegian Ambassador, Hans Bratskar visit in August 2004,
- Netherlands Ambassador, Ms. Susan Balnkahart visit in August 2004.
- A delegation from south Sri Lanka led by Dr. Kumar Rupesinghe in August 2004,
- A delegation of Buddhist monks from south Sri Lanka in September 2004,
- Canadian High Commissioner Valerie Raymond's visit NESOHR in September 2004,
- Rory Mongoven UN Country representative -Human Rights advisor visited in March 2005.
- Joy William of CIDA (Canadian International Development Agency) in March 2005 and another delegation with Jonathon Wheatcroft in May 2005.
- Regular visits by the SLMM Kilinochchi representatives.
- Funoni Raboli (Third secretary, South African High Commission, New Delhi) in May 2005.
- Asma Jahangir (UN Special Rapporteur on religious freedom) in May 2005
- Isabel Bermijn of ICRC Protection Unit, Colombo.
- Carsten Smith, Former chief justice of Norway, June 2005
- Jo Becker of HRW in June 2005

## **8. Investigations in progress**

The enormous number of serious human rights violations in Sri Lanka against the people over a period of 50 years since independence from the British colonial rulers remains undocumented. This is a daunting task for the people of Northeast in general and for NESOHR in particular. Yet NESOHR is determined to attempt this for two reasons. Public acknowledgment of violations is in itself a form of justice to the people affected. Secondly it can be used as the basis for compensation.

NESOHR has collected more than 2000 affidavits from people who were seriously affected. Parallel to this process of collating violations NESOHR has also selected some particularly inhumane violations for detailed documentation. One such incident is the disappearance of 67 young men between August 1990 and September 1990 from Mandaitivu, Allaipiddy, and Mankumban in the islands of Jaffna.

NESOHR will release a detailed study of this incident looking at many different aspects. The means by which families have coped with the disappearance and their success and failures; the persistence of the families even after 15 years to use every possible avenue to seek answers; and the hopes and stories that they circulate among themselves to keep alive the hope that their son is still alive somewhere will be documented. The various institutional attempts both international as well as governmental and their timing to find answers will also reveal some hidden motives.

NESOHR was able to observe two opposing reactions of people towards this effort. One group would question the purpose of this exercise implying its futility while the other expresses deep appreciation for this effort.



## **9. NESOHR perspective on human rights**

A qualitative change in the conception of people that fellow human beings everywhere on this globe are equal occurred with the Universal Declaration Human Rights by the United Nations in 1948. Additional human rights instruments formulated within the UN system since then have strengthened the international human rights framework. These human rights instruments identify two broad categories of human rights, individual human rights and collective human rights. In particular the convention on political and civil rights deal with individual rights where as the convention on economic social and cultural rights deal with collective rights.

NESOHR in its extensive discussions with people from all walks of life has found that people from affluent communities tended to emphasise individual rights where as people from poor communities tended to emphasise collective rights. This should not be surprising. Collective rights is about distribution of power thus it is the people from poor communities, those without power, who earnestly seek to assert this right. Is it possible then that one reason for the increasing levels of human rights violations around the globe in spite of the extensive UN efforts to strengthen the human rights protection mechanisms is due to insufficient attention given to collective rights?

In spite of repeated utterances within the human rights discourse about the indivisibility and interdependence of all human rights almost all of the human rights discourse at the international level is about individual rights. In a way it is understandable that most human rights bodies seek to focus on individual rights because they are easier to define precisely and seek redress. NESOHR believes that this difficulty should not

be allowed to deter the human rights organizations from developing the human rights framework to address matters related to collective rights. There are some on going efforts in this area within the UN human rights institutions. For example, consideration of the right to water, decision to appoint a Special Rapporteur on Transnational Corporations and to bring in reporting procedures about violations of Economic Social and Cultural Rights to the Committee on Economic Social and Cultural Rights are some of these efforts.

Organizations like NESOHR that is guided by the international human rights instruments and situated among the people who have been subjected to massive human rights violations have a unique role to play in this context. International human rights bodies through close cooperation with organizations like NESOHR will be able to deepen their understanding about this issue.



Ms Jo Becker of Human Rights Watch in Discussion with NESOHR Chairperson



