

Special Edition



BEYOND THE WALL

July - December 2006



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BEYOND THE WALL

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The views expressed in the articles in this volume are those of their authors and do not necessarily reflect the views of the editorial board.

Beyond The Wall welcomes contributions from those involved or interested in human rights. The subject matter is restricted to news, views and academic papers on human rights issues. In addition to papers and articles, we will welcome critical comments and letters to the editorial board.

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I. F. Xavier

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Home for Human Rights,

14, Pentreve Gardens,
Colombo 3, Sri Lanka

EDITORIAL

State Responsibility

By Francis Xavier

Under domestic law as well as international law States are duty bound to take action against violations of human rights within their territories. It is also a recognised fact that States have a positive obligation to prevent the violations of human rights of its citizens.

Currently Sri Lanka has become a place where human rights are being violated on a massive scale and with impunity. In fact, the situation is worsening by the day and the country seems to have returned to the terror era of the late eighties and early nineties. Extra judicial killings have reached its zenith; the phenomenon of disappearances is skyrocketing; The plethora of arbitrary arrests in all parts of Sri Lanka, particularly in the NorthEast, Colombo and plantation areas keep increasing at an alarming rate.

There is complete stoppage of food items being transported to the Jaffna peninsula via land routes as a result of which more than 500,000 people are deprived of essential items of food. They are also forbidden to fish along the seacoast or in deep sea in the Northern Province. The people of Jaffna are slowly starving to death.

Also, due to the non-availability of petrol, diesel oil and kerosene the agricultural production is at a standstill. Transportation is completely crippled. The people are in dire straits while their right to life and liberty is being transgressed with impunity by a heartless state. Thousands of people are fleeing as refugees. There is mass dislocation of people and thousands have been forced to become internally displaced.

The Sri Lankan government is unable and unwilling to protect a section of the civilian population against extreme violence and has failed to take positive action against all

these violations. The threat of the state in permitting and committing atrocities is very serious and credible. Under the principles of international Human Rights Law other states have a positive duty to take action in the face of violations of core fundamental rights of individuals. Law concerning state Law of State Responsibility is concerned

with the imputation of acts to States in the context of International Law. Question of State Responsibility may evolve around whether acts of organs of the state can be imputed to the state.

Responsibility to protect means that no state can shield itself under the concept of sovereignty while it is instrumental and it actively participates in the annihilation of individuals, groups of people, another community or a nation and inflicts widespread harm to a section of its population. Responsibility to protect also infers that other countries cannot turn a blind eye on the atrocities committed on part of its population.

In the face of systematic violations actual or threatened the duty to act and duty to protect require the denunciation and all other possible measures to hold the offending state accountable.

The UN Secretary General, Kofi Annan in an opening statement on a thematic debate on state responsibility in the Security Council on July 12, 2005 had stated categorically that if a state is unable and unwilling to protect its citizen against extreme violence, member States should recognize that there is collective responsibility of all states to take action.

Therefore, regarding the situation in Sri Lanka, the time has urgently come for the Security Council and General Assembly of the United Nations to take account of the serious failings of the State and come to the aid of a desperate section of its people.

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against all these violations.*

*The threat of the state in
permitting and committing
atrocities is very serious and
credible. Rights are denied.*

The Singarasa case: A Brief Comment

By R.K.W. Goonesekere

The recent judgment of the Supreme Court seeking to invalidate Sri Lanka's accession to the Optional Protocol to the ICCPR has led to questions as to how this judgment came to be given. Yes, there was a case, and as Senior Counsel, I would like to explain the circumstances in which it came before the Supreme Court.

An application was made to the Supreme Court in 2005 for the exercise of the Court's inherent power of revision of a conviction and sentence in 1995. This was after the views of the United Nations Human Rights Committee had been conveyed to the State, that Singarasa should be released or retried as his right to a fair trial had been breached. Singarasa had petitioned the UN Human Rights Committee by virtue of the right given to him by an international agreement or treaty entered into by the Sri Lankan State, namely the Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR).

The Supreme Court constituted a Divisional Bench of five judges to hear the application, and it became known as the 'Singarasa Case'.

The legality or constitutionality of Sri Lanka's accession to the Optional Protocol to the ICCPR did not arise in this case, was not raised by Court and was never argued. Indeed the time given to make oral submissions was limited and an application on behalf of the petitioner for a further date of hearing was ignored. The Supreme Court could have in passing the judgment raised the question of the treaty ratification process and left it to be decided in a suitable case, after hearing the

Attorney-General on behalf of the executive Head of State and the Minister of Foreign Affairs, who takes the initiative and is responsible for registering the instrument of ratification or accession in the UN.

Singarasa's application to Court was not an application to enforce or implement the views expressed by the Human Rights Committee (HRC) of the UN on an individual's communication in terms of the Protocol. It is a matter of common knowledge that the views of the HRC are not decisions binding on national courts. All that Singarasa did was to ask for a revision and review of the decisions of the Supreme Court and other courts given earlier. This is possible in our law. The views expressed by the HRC were relied on solely to seek to persuade the Court to take a fresh look at the facts and the law in Singarasa's case.

The Supreme Court was invited to reconsider the conviction and sentence of 50 years imprisonment (reduced in appeal to 35 years) in the light of the HRC's views as to the requirements of a fair trial, which is a right guaranteed in our Constitution. Unfortunately the Supreme Court has seen it only as an attempt to substitute for the decisions of our courts the views of the HRC and, without looking at the facts or the law on confessions to the police, pronounced on the constitutionality of the State's accession to the Optional

Protocol in 1997. This also explains why the Court said the application was misconceived and without any legal base.

There could be no misunderstanding in the minds of Judges that the petitioner's substantive case was that there

Nowhere in our Constitution is it said that the Supreme Court is Supreme; it is but another court exercising the judicial power of the People who are Sovereign. It is the People's right to say that the Supreme Court's pronouncement taking away a valuable right conferred on the People was per incuriam and in excess of the Court's jurisdiction. A treaty solemnly entered into by the State in the exercise of the executive power and in terms of international law as reflected in the Vienna Convention on Treaties is not, it is submitted with respect, subject to judicial review.

had been a grave miscarriage of justice in his conviction, and a number of reasons were given in the petition which were totally independent of the views of the HRC. There is no reference in the judgment to these other arguments and they have not been considered. As stated above, time was not given for full argument even though judgment was delivered after many months.

In its views communicated to the State the HRC of the UN had recommended that the Prevention of Terrorism Act (PTA) provision, which cast on the accused the burden of proving that a confession made to the police was not voluntary, should be amended. Singarasa had been convicted, after the confession was held admissible, for not leading any evidence to show that the alleged attacks on Army camps (which formed the basis of the charges) had not taken place or that he was not involved in them. It was a golden opportunity for the Supreme Court to have emerged as the true guarantor of the rights and freedoms of people by including in a judgment-even a judgment refusing the application- a recommendation to this effect.

Singarasa was a Tamil youth of 19 or 20 who had no schooling and spoke only Tamil. His conviction was solely on the basis of a confession which was denied by him at his trial. The evidence was that he made the confession in Tamil to a police officer who understood Tamil but could not write Tamil; his confession was translated into Sinhala and written down by the same police officer. At the end of Singarasa's statement the police officer read out to Singarasa in Tamil what he had written in Sinhala before taking his thumb impression on the record. This was all done in the presence of a senior police officer to whom a confession under the emergency regulations or the PTA had to be made. This officer understood only a little Tamil and the translation

into Sinhala was also for his benefit. The Supreme Court could also have commended on the undesirability of a procedure that permitted a police officer to record a statement confessing to committing serious crimes, in Sinhala, when it was made in Tamil. Had the Supreme Court done only this we would have been disappointed but satisfied that the cry for justice by Singarasa, sentenced to prison for 35 years, had been heard. It is responses like this that have made the Supreme Court of India the highly respected body it is.

Nowhere in our Constitution is it said that the Supreme Court is Supreme; it is but another court exercising the judicial power of the People who are Sovereign. It is the People's right to say that the Supreme Court's pronouncement taking away a valuable right conferred on the People was per incuriam and in excess of the Court's jurisdiction. A treaty solemnly entered into by the State in the exercise of the executive power and in terms of international law as reflected in the Vienna Convention on Treaties is not, it is submitted with respect, subject to judicial review. There is a procedure in the Protocol for a State Party to denounce the Protocol, but until this is done, the Protocol is in force in the country. It must not be forgotten that Sri Lanka's accession to the Optional Protocol of the International Covenant of Civil and Political Rights was one of the major accomplishments of the late Lakshman Kadirgamar during his distinguished career as Foreign Minister. Both Bench and Bar, at the unveiling of his portrait at the Law Library, paid tribute to Kadirgamar's eminence as a lawyer and to his outstanding contribution to the country as Foreign Minister.

Courtesy of The Sunday Times, October 22, 2006 (22/10/2006)

“The government has not considered it necessary.....”

In the previous pages of this magazine, the comment by R. K. W. Goonesekera the Senior Counsel for the Singarasa Case was printed. For the benefit our readers we are publishing the petition submitted on behalf of Nallaratnam Singarasa to the Supreme Court of Sri Lanka on the 16th of August 2006.

The petition was submitted for the revision or review of the judgement and order given in 2000, pursuant to the findings of the UN Human Rights Committee.

We also publish the written submissions of the petitioner and the respondent state. Finally we publish the judgement that the Supreme Court delivered on 15th of September 2006. The judgment says, “the government has not considered it necessary to make any amendment to the provisions in the Constitution as to fundamental rights and the measure for their enforcement as contained in the Constitution, presumably on the basis that these provisions are an adequate compliance with the requirements Article 2 referred to above, [ICCPR].”

**IN THE SUPREME COURT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF SRI LANKA**

In the matter of an application for revision
and/or review of the Judgment and order to
SC (Spl) L.A. No. 182/99 dated 28.01.2000
and pursuant to the findings of the Human
Rights Committee set up under the
International Covenant on Civil and Political
Rights in Communication No. 1033 of 2001
made under the Optional protocol thereto

SC No.(SPL) LA No. 182/99
CA No. 208/95
HC Colombo No. 6825/94

Nallaratnam Singarasa
Presently serving a term of imprisonment at
The Kalutara Prisons

PETITIONER

Vs.

Hon. Attorney General
Attorney General's Department
Colombo 12

RESPONDENT

TO: HIS LORDSHIP THE CHIEF JUSTICE AND THE OTHER
HONOURABLE JUDGES OF THE SUPREME COURT OF THE
DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA

On this 16th day of August 2005

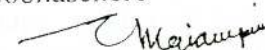
I file herewith my appointment, the Petition, the Affidavit and the
Document marked P1 – P3 (f) bound in 3 volume together with relevant number
of copies and move that the same be accepted and filed of record.

A copy of the Petition, Affidavit and the documents marked P1 – P3 (f)
have been tendered by hand to the Attorney General.

I further move that Your Lordship's Court be pleased to call this
application on the 19, 20 or 21st day of September 2005 to enable me to support
this application

Counsel appearing for the Petitioner:

Mr. R.K.W. Goonasekere


Attorney at Law
for the Petitioner

IN THE SUPREME COURT OF THE DEMOCRATIC SOCIALIST
REPUBLIC OF SRI LANKA

In the matter of an application for revision
and/or review of the judgment and order
in SC (Spl) L.A. No. 182/99 dated 28.1.2000
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the Optional Protocol thereto

SC (Spl) L.A. No. 182/99
CA Appeal No. 208/95
H.C. Colombo Case No. 6825/94

Nallarathnam Singarasa
presently serving a term of imprisonment at the
Kalutara Prison

PETITIONER

vs

Attorney General
Attorney General's Department
Colombo 12

RESPONDENT

May it please Your Lordships

On this 15th day of August 2005

The Petition of the Petitioner appearing by his registered attorney Eugene Mariampillai
respectfully states as follows

- 1) The Petitioner is a citizen of Sri Lanka and was a resident of Karavaddi, Navatkudah, Batticaloa. The Petitioner had no schooling and was not able to read or write in any language at the time of his arrest. Since the time he can remember he used to work as a cowherd and a casual labourer and was supporting his parents, his brothers and sisters.

- 2) On 16 July 1993 while the Petitioner was sleeping at home he was arrested by Sri Lankan security forces and brought to Komanthurai Army Camp. There were about 150 other Tamil youth who had been arrested in a 'round up' operation by the security forces and brought to the Camp at the same time. At the Camp the Petitioner was hung on a mango tree and assaulted by soldiers. On the same day evening the Petitioner was handed over to the Counter Subversive Unit of the Batticaloa police and detained under a detention order made under the Prevention of Terrorism Act (PTA) Section 9 (1). The Petitioner was subjected to assaults, threats and abuse by the police while in custody.
- 3) In or about August 1993 the Petitioner was produced before a Magistrate and remanded back to custody of the Batticaloa police.
- 4) On 30 September 1993 PC Hashim of the Batticaloa police got the Petitioner to put his thumb impression on several typed pages in Sinhala after getting particulars of Petitioner and his family. On 11 December 1993 the Petitioner was taken to ASP Herath's office where allegedly a confessionary statement was made to the ASP and recorded by PC Hashim.
- 5) On 2 September 1994 the Attorney General filed indictment against Petitioner on five counts and indictment was served on 30 September 1994 (P2(a) annexed).
- 6) The first count was under Regulation 23 (a) of the Emergency (Miscellaneous Provisions and Powers) Regulations No 1 of 1989 having conspired by unlawful means to overthrow the Government with several other persons and persons unknown. The remaining four counts were under the PTA Section 2 (2) (ii) read with 2 (1) (e) of having attacked four army camps at Jaffna Fort, Palaly, Kankesanthurai and Elephant Pass with a view to achieving the objective set out in count 1.
- 7) The trial commenced in the High Court of Colombo before Honourable High Court Judge Shiranee Tilakawardena on 30 September 1994. The Petitioner pleaded not guilty to all five counts. When ASP Herath was called to give evidence for the prosecution objection was taken by the Petitioner's Counsel to the admissibility of the confession on the ground that it was not voluntary. At the *voir dire* inquiry that followed the ASP and PC Hashim testified to their version of what took place when the Petitioner was brought before ASP on 11 December 1993. The Petitioner was called as a witness and denied the version given by the police witnesses. The Petitioner maintained that apart from giving personal details of himself and his family to the ASP he made no statement relating to his involvement with the LTTE or attacks on Army Camps. He further stated that PC Hashim who was doing the translation from Tamil to Sinhala was also typing while looking at a paper taken from a file. The *voir dire* inquiry proceedings are annexed marked P1(a).
- 8) In assessing the evidence at the *voir dire* inquiry the learned High Court Judge found an inconsistency in the replies given by the Petitioner when questioned as to the time

the Petitioner was in the ASP's office when the typing of the statement was being done. Only for this reason and totally ignoring the entirety of the Petitioner's testimony or the nature of the burden resting on him, evidence of the police witnesses was accepted and the confession was admitted in evidence as voluntarily made by the Petitioner. The voir dire order is annexed marked **P1(b)**.

- 9) At the resumed trial the prosecution witnesses were the same ASP and PC Hashim. The Petitioner gave evidence and denied the charges.
- 10) By her judgment delivered on 29 September 1995 the learned High Court Judge referred to the charges and the evidence given by the police witnesses including the confession. The judgment concluded "although the forthright and unhesitating evidence of this Police officer was subject to a test of probability and a test of consistency per se, no damage has been done to it. As such, I conclude that the evidence of this witness to be the truth." The Petitioner was found guilty on all five counts and on 4 October 1995 was sentenced to 10 years rigorous imprisonment for each count, sentences to run consecutively. The judgment of the High Court marked **P1(c)** and the order marked **P1(d)** are annexed.
- 11) On appeal the Court of Appeal (Justices Jayasuriya and Kulatilake) accepted that the prosecution case rested solely on the confession, and rejected the contention that there should be corroboration of the facts in the confession by independent evidence. Applying the test of "testimonial trustworthiness and credibility" the Court held the Petitioner's confession to the ASP was voluntary and that it was properly recorded. The medical evidence that the Petitioner had been assaulted after arrest and his evidence that the statement produced as his confession was not made by him was dismissed without examining the circumstances. The Court was again influenced by the alleged inconsistency in Petitioner's evidence as to the time he spent in the ASP's office. On 6 July 1999 the Appeal was dismissed and conviction reaffirmed but the sentence was reduced to seven years on each count. The judgment and order of the Court of Appeal is marked **P2(e)** and annexed.
- 12) The Petitioner's application for special leave to appeal to the Supreme Court was refused with no reasons given on 28 January 2000. The Supreme Court order is annexed marked **P2(g)**.
- 13) THE PETITIONER ON 21 NOVEMBER 2001 SUBMITTED A COMMUNICATION TO THE UN COMMITTEE ON HUMAN RIGHTS (HRC) established by Article 28 of the International Covenant of Civil and Political Rights (ICCPR). Such communications are provided for under the Optional Protocol to the said Covenant. Sri Lanka had acceded to the International Covenant on Civil and Political Rights on 11 June 1980 (entry into force on 11 September 1980) and to its Optional Protocol on 3 October 1997 (entry into force on 3 January 1998). The State joined issue with the Petitioner at the Human Rights Committee, and the HRC after considering all the material placed before it by the Petitioner and the State found the following violations:

- (a) That both the evidentiary provisions of the PTA which have been relied upon to convict the Petitioner, and the factual circumstances surrounding his alleged confession, negate the provisions of the ICCPR relating to fair trial.
- (b) The Petitioner's right to a review of the High Court decision without delay (Art. 14.3(c) and 14.5 of the International Covenant) was violated.
- (c) That the burden of proving whether a confession was not voluntary was on the accused by PTA Section 16 and even if the threshold of proof is placed very low and "a mere possibility of involuntariness would suffice to sway a court in favour of the accused" (as stated by the Government) there had been a willingness of the Courts at all stages to dismiss complaints of torture and ill treatment. This was a violation of Article 14.2 and 14.3(g) of the Covenant (which relate to the presumption of innocence and the guarantee not be compelled to testify against oneself or to confess guilt).
- (d) That PTA Section 16 violated Art. 14.2 and 14.3(g) of the Covenant (referred to above).

The aforesaid findings of the UN Human Rights Committee are annexed marked **P3(d)**.

The relevant parts of Article 14 of the Covenant are reproduced below for convenience of reference

14.2 "Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law."

14.3(g) "Not to be compelled to testify against himself or to confess guilt."

- 14) The Human Rights Committee in a concluding comment said "In accordance with Article 2, para 3(a), of the Covenant, the State party is under an obligation to provide the author (i.e. the Petitioner) with an effective and appropriate remedy, including release or retrial and compensation. The State party is under an obligation to avoid similar violations in the future and should ensure that the impugned sections of the PTA are made compatible with the provisions of the Covenant." The HRC also wished to receive from the state, within 90 days, information about the measures taken to give effect to its views (**P3(d)** above).
- 15) The Government of Sri Lanka thereafter, in its response to the Human Rights Committee dated 2 February 2005, stated that it has declined to do anything on the ground that "the State does not have the legal authority to execute the decision of the Human Rights Committee to release the convict or grant retrial." (Annexed marked

P3(e)).

- 16) The Petitioner submits that this response is an inaccurate representation of the State's obligations under the ICCPR. The ICCPR obliges the State to provide "an effective remedy" for violations of the rights guaranteed by the Covenant (Article 2(3)(a)). The executive branch of the state may not point to the fact that an act incompatible with the Covenant was carried out by another branch of government as a means of seeking to relieve the State Party from responsibility (General Comment 31 of the Human Rights Committee and Article 27 of the Vienna Convention on the Law of Treaties). General Comment 31 is annexed (P3(f)); for convenience the relevant extract is reproduced below

4. "The obligations of the Covenant in general and article 2 in particular are binding on every state party as a whole. **All branches of government (executive, legislative and judicial), and other public or governmental authorities, at what ever level – national, regional or local – are in a position to engage the responsibility of the State Party.** The executive branch that usually represents the State Party internationally, including before the Committee, may not point to the fact that an action incompatible with the provisions of the Covenant was carried out by another branch of government as a means of seeking to relieve the State Party from responsibility for the action and consequent incompatibility. This understanding flows directly from the principle contained in article 27 of the Vienna Convention on the Law of the Treaties, according to which the State Party 'may not invoke the provisions of its internal law as justification for its failure to perform the treaty'. Although article 2 paragraph 2 allows States Parties to give effect to Covenant rights in accordance with domestic constitutional processes, the same principle operates so as to prevent States Parties from invoking provisions of the constitutional law or other aspects of domestic law to justify a failure to perform or give effect to obligations under the treaty." (emphasis added)

- 17) When therefore the HRC forwarded its views to the State, Article 2(3) of the ICCPR requires the State to give an effective remedy for the findings of violation. The individual claiming such remedy is also given the right, inter alia, to a judicial remedy from a local court and its enforcement. For convenience of reference Article 2(3) of the ICCPR is reproduced below.

Each State Party to the present Covenant undertakes:

- (a) **To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;**

- (b) **To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy;**
 - (c) **To ensure that the competent authorities shall enforce such remedies when granted.**
- 18) The said response of the State to the UN Human Rights Committee has also incorrectly alleged that the Petitioner had been charged and convicted of the murder of innocent civilians including Buddhist monks. At no stage during the trial of the Petitioner has there transpired any such charge or evidence or even suggestion, the case being entirely confined to an allegation of conspiracy to overthrow the government by unlawful means and attacks on army camps.
- 19) The Petitioner respectfully states that the State's response frustrates the legitimate expectation of the Petitioner that the Government, by acceding to the Optional Protocol, would consider itself bound to give effect to the views of the Human Rights Committee.
- 20) In the exercise of the above mentioned rights of the Petitioner, the Petitioner humbly begs that Your Lordships' Court be pleased to exercise its inherent powers of revision and/or review and set aside the Petitioner's conviction and sentence, make order for his immediate release and award of suitable compensation.
- 21) AS A SECOND GROUND the Petitioner respectfully submits that the facts and law have been erroneously applied to secure his conviction resulting in a grave miscarriage of justice. In all the extraordinary circumstances of the case and in all humility the Petitioner begs that Your Lordships' Court be pleased to exercise its inherent powers of revision and/or review and set aside the Petitioner's conviction and sentence for the following reasons:
 - a) The Court of Appeal and Supreme Court's affirmation of the judgment of the High Court despite the lack of any evidence beyond an alleged extra-judicial confession in circumstances that violated human rights was manifestly unfair and amounted to a denial of justice.
 - b) The failure to consider the denial of access to an independent interpreter at the recording of the purported confession.
 - c) The two police witnesses testified at the trial only as to the making of the alleged confession. They admitted that they had no knowledge of the attacks on the army camps, and that no investigation had been undertaken to ascertain the truthfulness of the alleged confession. The second test for the acceptance of the confession

namely that it is “true and trustworthy” is wrongly claimed by the Court of Appeal to have the high authority of Soertsz J in King vs Ranhamy 42 NLR 221. Even if such tests can be said to be recognised in our law, the Court of Appeal has radically altered it by adding that it can be satisfied by “the presumption and guarantee of testimonial trustworthiness and truth”. This is particularly unjustifiable where a confession is retracted at the trial and no evidence other than the alleged confession was placed before the trial court to establish the charges.

- d) The basic procedural guarantees that have been broadly recognised on the national and international level as necessary to safeguard the voluntariness and reliability of a confession were discarded in this case, rendering the confession on its face unreliable.
- e) The Court of Appeal neither considered nor remedied the decision of the High Court to shift the burden of proof on to the accused to prove his innocence. PTA Section 16 makes the confession to the police in certain circumstances admissible, but this in no way alters the burden of proof resting on the prosecution to prove guilt beyond reasonable doubt.
- f) The burden of proof has been made by the High Court and Court of Appeal to depend entirely on the credibility of the accused’s testimony. If the burden on an accused to have a PTA confession rejected is to show a mere possibility of involuntariness the evidence in this case has amply done so. Unfortunately in this connection undue importance has been given to the alleged inconsistency as to the time the Petitioner says he was in the ASP’s office.
- g) All the evidence was interpreted against the Petitioner. The benefit of the doubt was not given to the Petitioner although PC Hashim was involved in recording both statements.
- h) This was not an appropriate case for the Court of Appeal to say that the evidence should be weighed and not counted having regard to the relative position of the two parties.
- i) The trial court’s complete failure to consider other exculpatory evidence in preference to reliance on one piece of questionable inculpatory evidence in the form of a “confession” is indicative of its lack of impartiality.
- j) The failure by the Court of Appeal to treat the Petitioner as innocent until proven guilty when it said “...in the course of the evidence [the accused] did not impugn or assail aforesaid presumption and guarantee of testimonial trustworthiness and truth of the contents of the confession. He has omitted in his evidence to state facts refuting conspiracy to act together on their part to commit the imputed illegal acts nor stated that he has never attacked the army camps. In these circumstances the learned High Court Judge was correct in her adjudication as regards the truth and veracity of the contents of the confession.” The Court of Appeal has erred in

not taking into account the Petitioner's denial of involvement in conspiracy. The Court of Appeal erred seriously when it said that the Petitioner had failed in his evidence to deny taking part in the attacks on the Army Camps. The Court also failed to take into account the prosecution's failure to cross-examine the Petitioner.

- k) The Petitioner's right to a fair trial was breached by the Court's failure to take into consideration the following exculpatory evidence:
- (i) medical evidence that the Petitioner was subjected to assault while in custody before recording the confession;
 - (ii) lack of effective and independent translation of the nature and content of the document which the Petitioner was asked to "sign" and which was later presented in evidence as his confession;
 - (iii) the making of the alleged confession at a time when the Petitioner was denied access to a lawyer, having had no access to a lawyer for five months at the time when the alleged confession was made.
- 22) AS A THIRD GROUND FOR SEEKING YOUR LORDSHIPS' INDULGENCE to set aside the Petitioner's conviction and sentence by way of revision or review the Petitioner states that Emergency Regulation 60 of the Emergency (Miscellaneous Provisions and Powers) Regulations No 1 of 1989 which was the basis for Petitioner's conviction on count 1 of the indictment was ultra vires Articles 13(3) and 13(5) of the Constitution, null and void. For this reason the conviction on count 1 was bad in law. Since counts 2 to 5 were linked to a finding of guilt on count 1 Petitioner could not have been found guilty of counts 2 to 5 as well. The convictions on counts 2 to 5 are also bad in law.
- 23) Following from paragraph 22 above the Petitioner states that count 1 being bad in law the convictions and sentences on counts 2 to 5 are bad in law for misjoinder of charges by virtue of section 174 of the Code of Criminal Procedure Act No.15 of 1979.
- 24) FROM 1993 THE PETITIONER HAS SPENT HIS LIFE in police custody and detention, remand prison and a prison for convicted criminals. Since the age of 20 years up to now, when he is 32 years of age, for the best part of a young man's life, the Petitioner has been deprived of his liberty and he stands to remain so. He was convicted of serious crimes solely because the Courts regrettably preferred to believe two police officers who said the Petitioner had confessed to the crimes of his own free will and without prompting.
- 25) The Petitioner states that a copy of the Petition has been forwarded to the Honourable Attorney General.

- 26) The Petitioner states that he has not previously invoked the jurisdiction of this Court by way of revision in respect of this matter.

WHEREFORE the Petitioner prays that Your Lordships' Court be pleased to

- a) permit the Petitioner to support this application;
- b) issue notice on the Hon. Attorney General;
- c) make order granting the Petitioner leave to proceed with the application for revision/review;
- d) set aside the conviction and sentence imposed on the Petitioner by the High Court on 29 September 95 and 4 October 95, respectively;
- e) set aside the judgment and order of the Court of Appeal dated 6 July 99;
- f) set aside the order of the Supreme Court dated 28 January 2000;
- g) make order for the release of the Petitioner;
- h) make order for the granting of compensation in a suitable amount;
- i) make order for costs; and
- j) grant such other and further relief as to Your Lordships' Court shall seem meet.



Attorney at Law for the Petitioner

settled by

Saliya Edirisinghe

V.S. Ganesalingam

Suriya Wickremasinghe

R.K.W. Goonesekere

Attorneys-at-law



9 PAGES plus annexes

Written submissions of counsel for the
Petitioner Nallaratnam Singarasa
in SC (Spl) L.A.No.182/99

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Written submissions pages 1 – 9

ANNEXES

Annex A Summary of biodata of members of the Human Rights Committee who participated in the *Singarasa* case

Annex B Regulations 50 and 60 of the Emergency (Miscellaneous Provisions and Powers) Regulations No 1 of 1989

Annex C Minister for Immigration v. Teoh [1995] 3 LRC 1

Written Submissions on behalf of the Petitioner in SC (Spl) L.A. No. 182/99

- 1) It is important to understand why the UN Human Rights Committee (HRC) found that in convicting Singarasa the state had violated the obligations it had undertaken when ratifying the International Covenant on Civil and Political Rights (ICCPR). Singarasa's convictions in the first instance carried a sentence of 50 years rigorous imprisonment later reduced to 35 years.
- 2) The Committee's views communicated to the state stated that Singarasa had been denied a fair trial as mandated by ICCPR Article 14(1). (Fair trial is also a fundamental right in our Constitution, Article 13 (3)). This fair trial guarantee has been judicially interpreted by our courts in *Wijepala v. The Attorney General* [2001] 1 Sri L.R. 46 to include "anything and everything necessary for a fair trial." (p. 49).
- 3) The HRC found that the sole basis of the conviction was an alleged confession typed in Sinhala when whatever statement the accused made orally would have been in Tamil. The HRC pointed out that the alleged confession "took place in the sole presence of the two investigating officers – the Assistant Superintendent of Police and the Police Constable, the latter typed the statement and provided interpretation between Tamil and Sinhalese." This alone was sufficient for the Committee to say that the element of a fair trial was denied. The Committee in its views did not specify why particular care in the interrogation and interpretation was necessary on the special facts of this case, namely that the accused was an illiterate youth who spoke only Tamil, or, important, that under our law there could be a conviction without other evidence. But although unspoken these factors could not have been far from their minds.
- 4) The Committee made no comment on the PTA law on confessions except that it was a violation to place on the accused the burden of proving that a confession was not made voluntarily. The accused had complained of a severe assault after arrest. The Committee ruled that Article 14(3)(g) of the ICCPR meant that it was for the *prosecution* to prove the confession was voluntary

and that there could be no shifting of the burden, even by placing a low standard of proof, on the accused. PTA section 16 therefore was in violation of Article 14(3)(g) of the Covenant. There was also a finding that the shifting of the burden resulted in a violation of Article 14(2) of the Covenant, namely that an accused is presumed to be innocent.

- 5) The reference by the Committee to "a confession obtained in such circumstances" could only refer to a doubt as to the genuineness of the statement even before the question of whether it was voluntary could be considered. If a man says, as the accused did, that he had no idea what was recorded but he was forced to put his mark (thumb impression) to it, it is not just a case of a statement obtained by threat, promise or inducement; it is not his statement at all.
- 6) During the course of the hearing of this application some confusion arose regarding exhaustion of domestic remedies. The position on this is as follows. The Optional Protocol provides that individuals who claim their rights have been violated and who have exhausted all domestic remedies may submit written communications to the Committee -- Article 2. The requirement of exhaustion of domestic remedies is a matter for the Human Rights Committee to determine when deciding to exercise its jurisdiction. This was in fact gone into in the present case. The State argued that domestic remedies had not been exhausted, and the HRC did not agree with this contention. *Vide in general* the part of the HRC's views headed **Consideration of Admissibility**, and in particular paras 6.4 and 6.5. The Committee having ruled on admissibility, which is a matter pertaining only to its own practice and rules of procedure, this issue is not now of any relevance to the Supreme Court when considering the Committee's views.
- 7) In view of the unfortunate doubts suggested by Deputy Solicitor General Kodagoda on the quality of the members comprising the Human Rights Committee we are submitting a summary of the qualifications and background of those who participated in the Singarasa case Annex "A". (data from the UN website <http://www.ohchr.org/english/bodies/hrc/members.htm>). Without

doubt the views expressed by them in the *Singarasa* case are entitled to great respect.

- 8) Having disapproved of his conviction the Human Rights Committee is asking the state *inter alia* to release Singarasa who has now been in continuous custody for over 12 years, or to order a retrial. The alternative of retrial can only be on the basis that PTA Section 16 is amended so as to be in keeping with the ICCPR as recommended by the Committee. This is unlikely to take place in the near future and release would be the just solution along with compensation. It would also be the legitimate expectation of any citizen who has been enabled by the state to petition a grievance to the HRC, that the state would follow the recommendations of the Committee after due inquiry where the state is given ample opportunity to present its case. The doctrine of legitimate expectation as a substantive right giving rise to a remedy has been recognized by our courts in *Dayarathna and Others v. Minister of Health and Indigenous Medicine and Others* [1999] 1 Sri L.R. 393; *Sirimal and Others v. Board of Directors of the Co-operative Wholesale Establishment and Others* [2003] 2 Sri L.R. 23; *Dr. M.N. Sri Skandarajah v. V.C. Abeygunawardena, Secretary, Ministry of Health & Indigenous Medicine and Others*, S.C.(FR) Application No. 490/2000, S.C. Minutes 25.10.2004.

In the case *Minister for Immigration v. Teoh* [1995] 3 LRC 1 (Law Reports of the Commonwealth) the High Court of Australia recognised that the doctrine of legitimate expectation can be relied upon to ask for a right provided by an international covenant which Australia had ratified – in this instance the Convention on the Rights of the Child. This report is reproduced as Annex “B”.

- 9) What should the state’s reaction be to the Committee’s views? It is a request to the state to do something, not to do nothing. The state in its response has not refused but has stated that it is unable to give effect to the Committee’s recommendations because a judicial order has interposed. In its response the state has also incorrectly claimed that the petitioner, who has only ever been charged in connection with attacks on army camps, had been convicted of “murder of innocent civilians including Buddhist monks”.

- 10) The ICCPR is a treaty and it is a basic tenet of the law of treaties, now reaffirmed in the Vienna Convention on the Law of Treaties, that a state party "may not invoke the provisions of its internal law as justification for its failure to perform a treaty" (Article 27). It is for this reason that the Human Rights Committee has said that "the executive branch that usually represents the State Party internationally, including before the Committee, may not point to the fact that an action incompatible with the provision of the Covenant was carried out by another branch of government as a means of seeking to release the State Party from responsibility for the action and consequent incompatibility." This is from para 4 of General Comment 31 of the Human Rights Committee.
- 11) The ICCPR and the Protocol, both ratified by Sri Lanka, must be read together. The Protocol sets out the procedure for the HRC to entertain an individual grievance, while Article 2 of the ICCPR indicates the appropriate remedy that the state is obliged to take if it is found that there is merit in the complaint. Article 2 is clear that the state in ratifying the Covenant has undertaken to give an "effective remedy" and this is explained further by requiring the state to ensure that the aggrieved party's right to the remedy is determined by "competent judicial, administrative or legislative authorities... and to develop the possibility of judicial remedy." It is respectfully submitted that it is not the legislature alone that can provide the remedy. The judiciary can act in the interests of the citizen by developing judicial remedy.
- 12) It is in that expectation that the application has been made to Your Lordships' Court. General Comments to the ICCPR are made by the HRC under Article 40(4) of the Covenant and are recognised as part of the jurisprudence of the Human Rights Committee. General Comment 31 of the HRC at para 4 says clearly "The obligations of the Covenant in general and article 2 in particular are binding on every State Party as a whole. All branches of government (executive legislative and judicial), and other public or governmental authorities, at whatever level – national, regional or local -- are in a position to engage the responsibility of the State Party." The appeal to the Supreme Court for a remedy is for this reason, bearing in mind that the court is the only Court

having a human rights jurisdiction and is regularly engaged in promoting and protecting human rights.

- 13) We are not asking the Court to substitute for the decision of a local court the views of the Human Rights Committee, but in the exercise of its inherent jurisdiction to review the conviction of Singarasa in the light of the observations of a body of experts. The Court's respect for standards and principles set in international instruments is demonstrated in many judgments. These include: *Mediwake and Others v. Dayananda Dissanayake, Commissioner of Elections and Others* [2001] 1 Sri L.R. 177; *Centre for Policy Alternatives (Guarantee) Limited and Another v. Dayananda Dissanayake, Commissioner of Elections and Others* [2003] 1 Sri L.R. 277; *Farwin v. Wijeyasiri, Commissioner of Examinations and Others* [2004] 1 Sri L.R. 99; *Nadeeka Hewage and Others v. University Grants Commission of Sri Lanka and Others*, SC Application No. 627/2002 (FR), SC Minutes 8.8.2003; *Warnakulasooriya Merina Ratnaseeli Fernando v. D.M. Jayaratne and Others* SC (FR) Application No. 528/2000, SC Minutes 27.9.2001; *A.H. Wickramatunga and Others v. H.R. de Silva, Chief Valuer, Department of Valuation and Others* SC Application No. 551/98 (FR), SC Minutes 31.8.2001. More recently, the Solicitor-General addressing the UN Committee on the Torture Convention (CAT) on November 11 2005 (as reported by the Asian Human Rights Commission 6 December 2005) affirmed the position that "the Courts of our country are bound to give expression to international covenants where Sri Lanka is a party, when called upon to interpret any statute." He added that "Sri Lanka has always been mindful of its obligations and respected secured and advanced human rights to its society." The Foreign Minister articulated the same views recently in Parliament. He said:

"My Ministry attaches great importance and priority to the promotion and protection of human rights in all our international endeavours. I am pleased to inform this House that Sri Lanka has continued to play a very positive and proactive role in promoting human rights. We will continue to follow this practice through co-operation at various international human rights fora."

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- 14) By this application the Supreme Court is given the opportunity, while noting the views of the Human Rights Committee on the conviction of Singarasa, to re-examine, in the interests of justice, the conviction under our law, including the PTA. There are two reasons for making this respectful request –
- (i) Even if the burden of proving that the confession was not voluntary shifted to the accused, the presumption of innocence was not shaken. This presumption was a cardinal principle of our criminal law well before it was elevated to the level of a constitutional right. When the facts relating to the recording of the confession, the evidence given by the accused at the *voire dire* inquiry and the trial, the paucity of the prosecution evidence, are all taken together, the reasonable conclusion is that the accused had discharged that burden. He did not have to prove beyond reasonable doubt or even by a balance of probability that section 24 of the Evidence Ordinance applied. The prosecution had failed to establish his guilt beyond reasonable doubt because an accused is entitled to rely on the presumption of innocence. The trial judge was impressed only by the manner in which the police officers gave evidence and dismissed out of hand the evidence given by the accused and his lowly background.
 - (ii) Assuming that the ‘confession’ was voluntary and is admissible in evidence, still its value has to be tested, especially when it is retracted on oath by the accused, and there is no other prosecution evidence. The tests are truth and reliability. Voluntariness of a confession does not ensure a conviction because a court must be satisfied that it is also true and reliable. There was no evidence to support the truth of the facts related in the confession, namely that attacks on the army camps specified had in fact taken place. But both the trial judge and the Court of Appeal accepted the truth of these facts, giving only the reason that no man would admit to facts against his interest unless they were true. The other recognised test of reliability of the confession *was not considered at all*.
- 15) This is in marked contrast to a later Supreme Court decision where the relevant facts are similar. Shortly after *Singarasa* the court of Appeal in

Theivendran affirmed the conviction of an LTTE suspect citing the authority of *Singarasa* on the law. This was a case where the only evidence was that of an alleged confession, and there was no independent evidence that the attacks on army persons on which the charges were based had in fact taken place. On appeal the Supreme Court set aside the conviction. The judgment of the Court of Appeal in *Singarasa*, which is specially referred to in the judgment of Ameer Ismail J, must be considered as having been disapproved. It is submitted that the 1000 PTA indictments admitted by the Attorney General in his response to the HRC's views as having been withdrawn, and the 338 persons who were in detention having been discharged, were all due to the realisation that after *Theivendran* there was no possibility of obtaining a conviction.

- 16) In any event the conviction on charge 1 is on an entirely different footing, and cannot stand as it clearly contravenes the provisions of our law. This was a charge not under the PTA, but under the emergency regulations, which cannot override the provisions of the constitution. The conviction may therefore be considered as made *per incuriam*. This first charge, which dealt with conspiracy to overthrow the lawfully constituted government of Sri Lanka, was a charge under emergency regulations, i.e. regulation 23(a) of the Emergency (Miscellaneous Provisions and Powers) Regulations No. 1 of 1989.
- 17) Here again the only evidence against the Petitioner was an alleged confession, which had been taken under the provisions of regulation 50 of the emergency regulations. Regulation 60 of the emergency regulations placed the burden of proving that the confession was not voluntary on the Petitioner, in violation of his constitutional rights to the presumption of innocence and fair trial guaranteed by Articles 13(5) and 13(3) of the constitution, respectively. The relevant portions of the emergency regulations are annexed marked "C".
- 18) Article 155(2) of the constitution prohibits emergency regulations from overriding the provisions of the constitution and therefore emergency regulation

60 could not have placed the burden on the Petitioner to prove that the confession was not voluntary.

- 19) If Your Lordships' Court were to quash the conviction and sentence on the first charge, an appropriate alteration may be made of the sentences on the other charges which, once the element of conspiracy to overthrow the government is removed, only amount to simple mischief. An alteration for the sentences to run concurrently instead of consecutively would serve the end result of the release of Singarasa, now aged 32, who has spent over twelve years of his life in custody.
- 20) In the world order of today we cannot talk of state sovereignty as we did before. The changes that were brought about after World War II require re-thinking not only of the relationship of state and state but also of state and state including its inhabitants. Experts have in recent years considered what happens to the notion of sovereignty when a state of its own volition subscribes to overarching principles outside national laws, primarily intended for the benefit of the people and the country. They have highlighted that doctrines of international law on dualist or monist theories cannot claim to be unaffected. The law of treaties now reaffirmed in the Vienna Convention says that when a state ratifies a covenant or treaty there is a contract, and *pacta sunt servanda*. We can say therefore that the concept of sovereignty is qualified, because we regularly go before international tribunals to plead compliance. Or we can say that by ratification the State has recognized that the only true sovereignty is sovereignty of the people. The court has a unique opportunity to enunciate such principles in this case, relying on the recognition of the sovereignty of the people as the lodestar of our Constitution, as reflected in the Preamble and in the substantive provisions.
- 21) There are examples of the attitude of our courts to obligations undertaken by the state in international agreements. An illustration is how the court reacted when the UN Stockholm Declaration and the UN Rio de Janeiro Declaration were cited to support an argument

“ [they] are not legally binding in the way in which an Act of our Parliament would be. It may be regarded merely as ‘soft law’. Nevertheless, as a Member of the United Nations, they could hardly be ignored by Sri Lanka. Moreover, they would, in my view, be binding if they have been either expressly enacted or become a part of the domestic law by adoption by the superior Courts of record and by the Supreme Court in particular, in their decisions.”

SC Application No. 884/99 (F.R.) *Tikiri Banda Bulankulama v Secretary, Ministry of Industrial Development* S.C. Minutes 2 June 2000 (Eppawela case) per Amerasinghe J at page 22.

- 22) The Supreme Court in the referring to the provisions of Article 9 of the International Covenant on Civil and Political Rights and to its Optional Protocol to which Sri Lanka is a party stated

“A person deprived of personal liberty has a right of access to the judiciary, and that right is now internationally entrenched, to the extent that a detainee who is denied that right may even complain to the Human Rights Committee.

Should this Court have regard to the provisions of the Covenant? I think it must. Article 27(15) requires the State to “endeavour to foster respect for international law and treaty obligations in dealings among nations”. That implies that the State must likewise respect international law and treaty obligations in its dealings with its own citizens, particularly when their liberty is involved. The State must afford to them the benefit of the safeguards which international law recognises.”

Weerawansa v. The Attorney-General and Others [2000] 1 Sri L.R. 387, page 409.

Sgd E. Maricampillai

Attorney at Law for the Petitioner

25 January 2006

settled by

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— Mendurup

**IN THE SUPREME COURT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF SRI LANKA**

In the matter of an application for revision and / or review of the Judgement and order in SC (Spl.) L.A. No. 182/99 dated 28.01.2000 and pursuant to the findings of the Human Rights Committee set up under the International Covenant on Civil and Political Rights in Communication No. 1033 of 2001 made under the Optional Protocol thereto.

SC (Spl.) L.A. No. 182/99
CA Appeal No. 208/95
HC Colombo Case No. 6825/94

Nallararatnam Singarasa

Petitioner

Vs.

Attorney General

Respondent

Written Submissions of the Respondent

May it please Your Lordship the Honourable Chief Justice and the other Honourable Lordships the Judges of the Supreme Court.

1. It is respectfully submitted that, it is common ground that,

- (a) on 2nd September 1994, the Attorney General indicted the Petitioner in the High Court of Colombo for having committed an offence under the Emergency Regulations promulgated under the Public Security Ordinance and four offences under the Prevention of Terrorism (Temporary Provisions) Act,
- (b) after a full trial, on 29th September 1995, the Petitioner was found guilty and convicted by the High Court for having committed all offences in the indictment and on 4th October 1995 was sentenced to serve 10 years imprisonment per each offence and for the terms of imprisonment to run consecutively,
- (c) the Petitioner appealed to the Court of Appeal against the said conviction and sentence, alleging certain specific grounds of appeal,

(d) after a full appeals hearing, on 6th July 1999, the Court of Appeal dismissed the appeal against the conviction but reduced the term of imprisonment to 7 years imprisonment per each charge, (e) the Petitioner sought from the Supreme Court, Special Leave to Appeal against the Judgment of the Court of Appeal alleging certain specific grounds of appeal, &
(f) after a full hearing on 28th January 2000, the Supreme Court refused the grant of Special Leave to Appeal and dismissed the application.

2. It is submitted that, in the present application [which bears the application number of the afore-mentioned Special Leave to Appeal Application referred to in paragraph (e) above], it is sought by the Petitioner to have the Judgment of the Supreme Court referred to in paragraph (f) above, the judgment of the Court of Appeal referred to in paragraph (d) above and the Order of the High Court referred to in paragraph (b) above **revised and / or reviewed**.

3. It is respectfully submitted that, the jurisdiction of the Supreme Court is statutorily laid down in the Constitution. The Supreme Court may exercise jurisdiction only to the extent it has been empowered by the Constitution and only in the manner prescribed by written law. Such written law includes the Constitution itself and the Supreme Court Rules. It is most respectfully submitted that, the Supreme Court does not have the jurisdiction to quash (after revision or review) any of the orders / judgments referred to in paragraph 2 above due to absence of jurisdiction.

4. It is respectfully submitted that, after a matter has been finally disposed of by the Supreme Court either by refusal to grant special leave to appeal or by the delivery of a judgment upon considering an appeal, for all purposes the matter becomes finally adjudicated upon, and not even the Supreme Court itself could revise or review the said matter. It is submitted that when the Supreme Court has decided a matter, the matter is at an end and there is no occasion for other judges to be called upon to review or revise the matter. The Supreme Court is a creature of the Constitution and its powers are statutory. The Supreme Court has no jurisdiction conferred by the Constitution or by any other law to rehear, review or vary its own previous decisions. However, in addition to instances where the court corrects mere clerical mistakes or errors arising in a judgment or order occasioned from an accidental slip or omission, there is one exception where the Supreme Court may fundamentally re-open proceedings and consider adjudication of the dispute afresh. If it could be established that, the previous order or judgment of the Supreme Court had been made *per incuriam*, the Supreme Court would be empowered to quash the relevant previous

order or judgment made by itself, rehear the matter and pronounce a new order or judgment. This is an inherent power vested in the Supreme Court. In this regard, the attention of Your Lordships is respectfully drawn to the views expressed by the Supreme Court in **Jeyaraj Fernandopulle Vs. Premachandra De Silva and others** 1996 (1) SLR 70.

5. A consideration of principles laid down in a series of judgments including **Billimoria v. Minister of Lands** [1978-79-80] SLR 10, **Huddersfield Police Authority v. Watson** [1947] 2 All E.R. 708, **Morrelle Ltd., v. Wakeling** (1955) 2 W.L.R. 673 @ 686, **Young v. Bristol Aeroplane Co. Ltd.** (1944) 2 All E.R. 293, **Broome v. Cassell & Co. Ltd.** (1971) 2 All E.R. 187, **Ramanadan Chettiar v. Wickremaratchchi and Others** (1978-79) 2 SLR 395, **Ganeshanantham v. Vivienne Goonewardene and three others** (1984) 1 SLR 319, and **Daya Weththasinghe v. Mala Ranawaka** (1989) 1 SLR 86, reveals that judgments or orders made under the following circumstances may be deemed judgments or orders delivered *per incuriam* :

- (a) In circumstances where a binding statute or case has not been brought to the attention of the court and the decision has been given in ignorance or forgetfulness of that statute or decision.
- (b) In ignorance of a previous decision of that same court.
- (c) In circumstances where a long standing rule of the common law has been disregarded because the Court did not have the benefit of a full argument, before it rejected the said rule of common law.
- (d) By manifest mistake or oversight.

In the instant matter, the Petitioner has not established before Your Lordships Court that the order of the Supreme Court dated 28th January 2000 refusing the grant of Special Leave to Appeal had been made under any of the above mentioned circumstances, and that therefore the said judgment is *per incuriam*. In the circumstances, it is most respectfully submitted that, Your Lordships Court does not have jurisdiction to revise or review the said order of dismissal of the Special Leave to Appeal Application, and hence this application has to be necessarily dismissed. Accordingly, the Respondent respectfully submits that Your Lordships Court be pleased to dismiss the instant application.

6. Some time after the dismissal of the Special Leave to Appeal Application, on 21st November 2001 the Petitioner acting under an entitlement he possessed from the 1st Optional Protocol of the International Covenant on Civil and Political Rights (ICCPR) presented a Communication [P3(a)] to the Human Rights Committee (established under Article 28 of the ICCPR and functioning in Geneva, Switzerland)

seeking redress. The Petitioner claimed in the said Communication that, rights he was entitled to enjoy under Article 14, Article 7 read with paragraph 3 of Article 2 & Article 26 read with paragraph 1 of Article 2 of the ICCPR had been violated by subjecting him to the judicial process referred to in the above-mentioned paragraphs and by the relevant judicial orders / judgments. It may be noted that, notwithstanding the availability of domestic legal processes to challenge the infringement of such rights as those enshrined in the said Articles of the ICCPR, the Petitioner chose not to seek redress through such domestic legal processes, and instead elected to seek redress through the Human Rights Committee.

The State objected to both the admissibility of the said Communication and to the merits. [P3(b) & P3(c)] After entertaining the said Communication of the Petitioner and the said written responses of the State, the Human Rights Committee (which did not in the instant matter comprise solely of persons with expertise in the settlement of disputes through adjudication) without engaging in a judicious adjudicatory process of the matters in dispute, expressed its 'views' [P3(d)]. In paragraphs 7.6 of the said 'views' the Human Rights Committee has held that, *'in accordance with article 2 paragraph 3(a) of the Covenant, the State party is under an obligation to provide the author with effective and appropriate remedy, including release or retrial and compensation'*. The State responded [P3(e)] to these views informing the Human Rights Committee that it did not have the legal authority to execute a decision of the Human Rights Committee to release the convict (Petitioner) or to grant re-trial.

7. It is submitted that, a consideration of the instant application reveals that the object of the Petitioner in making the instant application is to cause the Supreme Court to give effect to the 'views' of the Human Rights Committee, i.e. to cause the release of the Petitioner. It is respectfully submitted that, the Supreme Court could cause the release of the Petitioner only if it (a) vacates the order of the Supreme Court dated 28th January 2000, (b) grants the Petitioner Special Leave to Appeal against the judgment of the Court of Appeal dated 6th July 1999 and (c) after consideration of the substantive appeal vacates the judgment of the Court of Appeal dated 6th July 1999 and acquits the Petitioner (Accused – Appellant). It is respectfully submitted that, due to the reasons set out in paragraphs 3, 4 & 5 above, Your Lordships be pleased to refrain from adopting such a course of action, as the Supreme Court does not have jurisdiction in the instant matter to adopt and proceed with such a course of action and make such order(s).

8. In paragraph 13 of the Written Submissions of the Petitioner, it has been stated that *'we are not asking the Court to substitute for the decision*

of a local court the views of the Human Rights Committee, but in the exercise of its inherent jurisdiction to review the conviction of Singarasa in the light of the observations of a body of experts'. Again in paragraph 14 it has been stated that 'by this application the Supreme Court is given the opportunity, while noting the views of the Human Rights Committee on the conviction of Singarasa, to re-examine, in the interests of justice, the conviction under our law'. Therefore, it is evident that, what the Petitioner is overtly seeking to do is to invite Your Lordships Court to 're-open' the proceedings in issue and to review the entire judicial process pertaining to the Petitioner in the light of the views expressed by the Human Rights Committee. As stated above, due to the reasons stated in paragraphs 3, 4 & 5, it is respectfully submitted that, the Supreme Court does not have jurisdiction in the instant application to engage in a course of action as suggested and prayed for by the Petitioner.

9. It is further submitted that, though not specifically stated in the written submission of the Petitioner, what the Petitioner is covertly and subtly seeking to do, is to influence the Supreme Court with the aid of the 'views' of the Human Rights Committee and thereby seek the - reopening of the matter. This is manifest by the contents of the written submissions of the Petitioner, wherein alleged obligations cast on the State (including the judicial branch of the State) by the ICCPR to give effect to the 'views' of the Human Rights Committee, have been cited. Though not specifically averred, what the Petitioner thereby implies is that, by virtue of the obligations cast on the State it is now obligatory on the part of the Supreme Court (the judicial branch of the State) to give effect to the views of the Human Rights Committee. It is respectfully submitted that, such attempt is both unconstitutional and unlawful. It tantamounts to an interference with the independence of the judiciary.

10. It is submitted that, exerting such influence amounts to an infringement of the sovereignty of the people. Article 3 of the Constitution provides that, *in the Republic of Sri Lanka sovereignty is in the People and is inalienable*. Further, article 4 of the Constitution provides that, *the judicial power of the people (judicial power component of sovereignty) shall be exercised by Parliament through courts, tribunals and institutions created and established or recognized by the Constitution, or created and established by law*. In the circumstances, all courts of law including the Supreme Court may exercise jurisdiction only to the extent and only in the manner prescribed by laws of Parliament. As previously submitted, laws of Parliament do not provide for or empower the Supreme Court to 're-open' the instant matter, which has already been finally disposed of by the Supreme Court. The basis upon which the Petitioner has invited the Supreme Court to revise / review the instant matter, is on the footing that the Human Rights Committee has expressed its 'views' on the

IN THE SUPREME COURT OF THE DEMOCRATIC SOCIALIST REPUBLIC OF
SRI LANKA

S.C. Spl(LA) No. 182/99

C.A. Appeal No. 208/95

H.C. Colombo 6825/94

Nallarathnam Singarasa

Presently serving a term of imprisonment

Kalutara

Petitioner

Vs

The Hon. Attorney General

Attorney General's Department

Colombo 12

Respondent

BEFORE : Sarath N Silva,

Nihal Jayasinghe

N.K. Udalagama

N.E. Dissanayake

Gamini Amaratunga

Chief Justice

Judge of the Supreme Court

Judge of the Supreme Court

Judge of the Supreme Court

Judge of the Supreme Court

COUNSEL R.K.W. Goonesekera with Savithri Goonesekera, Suriya Wickremasinghe,
V.S. Ganeshalingam, and Saliya Edirisinghe intd by E. Mariampillai, for
the Petitioner.

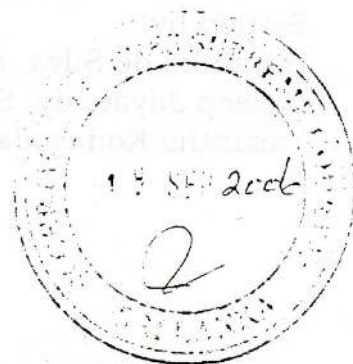
Yasantha Kodagoda, D.S.G with Harshika de Silva S.C. for the Attorney
General

ARGUED ON: 5.12.2005

WRITTEN SUBMISSIONS : Petitioner – 25.1.2006

Respondents – 24.2.2006

DECIDED ON : 15.09.2006



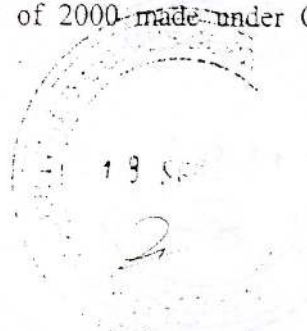
Sarath N Silva. C.J.,

The Petitioner was indicted for trial before the High Court on five charges that he, between 1.5.90 and 31.12.1991 at Jaffna, Kankasanthurai and Elephant Pass together with Asokan, Palraj, Sornam, Pottu Amman, Dinesh, Susikumar and others unknown to the prosecution, conspired to overthrow the lawfully elected Government by means other than lawful and in order to accomplish the said conspiracy attacked the Army camps in Jaffna Fort, Palaly and in Kankasanthurai.

The charges were under the Emergency Regulations and the Prevention of Terrorism (Temporary Provisions) Act No. 48 of 1979, as amended.

After trial the High Court convicted the Petitioner on all five charges and sentenced him to terms of 10 years R.I., on each to run consecutively. The Petitioner appealed from the said conviction and sentence to the Court of Appeal. The appeal was argued on 23.6.1999 and 6.7.1999, and written submissions were tendered. Upon a consideration of the matters raised in the appeal the Court of Appeal dismissed the Petitioner's appeal on 6.7.1999, subject to a reduction of sentence on each charge to 7 years R.I to run consecutively. The Petitioner sought Special Leave to Appeal from the judgment of the Court of Appeal and a Bench of this Court comprising of Mark Fernando, J., Wadugodapitiya, J., and Wijetunga J., having considered the submissions of counsel refused special leave to appeal on 28.1.2000.

The Petitioner has filed this application on 16.8.2005 for revision and/or review of the judgment of this Court delivered on 28.1.2000, and to set aside the conviction and sentence imposed by the High Court and affirmed by the Court of Appeal respectively. The application is made on the basis of and pursuant to the findings of the Human Rights Committee at Geneva established under the International Covenant on Civil and Political Rights, in Communication No. 1033 of 2000 made under Optional Protocol to the Covenant.



It is appropriate at this stage to refer to the International Covenant on Civil and Political Rights (the Covenant) adopted by the General Assembly of the United Nations on 16.12.1966, to which Sri Lanka acceded on 11.6.1980. The Covenant contains certain rights as laid down in the Universal Declaration of Human Rights on which the fundamental rights contained in Articles 10 to 14 of the Constitution are based. Article 2 of the Covenant states as follows :

1. *"Each party to the present Covenant undertakes to respect and ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status;*
2. *Where not already provided for by existing legislative or other measures, each State Party to the present Covenant undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such laws or other measures as may be necessary to give effect to the rights recognized in the present Covenant."*

Thus it is seen that the Covenant is based on the premise of legislative or other measures being taken by each State Party *"in accordance with its constitutional processes to give effect to the rights recognized in the..... Covenant"*. In Sri Lanka fundamental rights have been guaranteed in the Constitution of 1972 and in the present Constitution and enforced by this Court, even prior to ratification of the Covenant in 1980. The Government has not considered it necessary to make any amendment to the provisions in the Constitution as to fundamental rights and the measures for their enforcement as contained in the Constitution, presumably on the basis that these provisions are an adequate compliance with the requirements Article 2 of the Covenant referred to above.



The general premise of the Covenant as noted above is that individuals within the territory of a State Party would derive the benefit and the guarantee of rights as contained therein through the medium of the legal and constitutional processes that are adopted within such State Party. This premise of the Covenant is in keeping with the framework of our Constitution to which reference would be made presently, which is based on the perspective of municipal law and international law being two distinct systems or the *dualist* theory as generally described. The classic distinction of the two theories characterized as *monist* and *dualist* is that in terms of the *monist* theory international law and municipal law constitute a single legal system. Therefore the generally recognized rules of international law constitute an integral part of the municipal law and produce direct legal effect without any further law being enacted within a country. According to the *dualist* theory international law and municipal law are two separate and independent legal systems, one national and the other international. The latter, being international law regulates relations between States based on customary law and treaty law. Whereas the former, national law, attributes rights and duties to individuals and legal persons deriving its force from the national Constitution.

The constitutional premise of the United Kingdom (U.K) adheres to the *dualist* theory. This was brought into sharp focus when UK together with Denmark and Ireland signed the Treaty of Accession to be a party of the European Community in 1972. Since membership of the Community presupposes a *monist* approach, which entails direct and immediate internal effect of "Community treaties" without the necessity of their transformation into municipal law, the U.K. Parliament enacted the European Communities Act in 1972.

Section 2 of the Act which in effect converts UK to a *monist* system in the area of European Community Law reads as follows :

"All such rights, powers, liabilities, obligations and restrictions from time to time created or arising by or under the Treaties, and all such remedies and procedures from time to time provided for by under the Treaties, as in accordance with the Treaties are without further enactment to be given legal effect or used in the

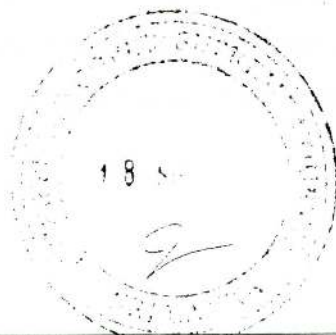
United Kingdom shall be recognized and available in law, and be enforced, allowed and followed accordingly; and the expression "enforceable Community right" and similar expressions shall be read as referring to one to which this subsection applies."

The Preliminary Note in Halsbury's Statutes exemplifies the distinction between a *dualist* and *monist* constitutional premise in relation to the contents of sections 1 and 2 of the European Communities Act 1972 as follows :

"Sections 1,2 determine the position of Community treaties in the British legal system. It was necessary to do so because, following the "dualist theory", international treaties to which the United Kingdom is a party bind merely the Crown qua state but have to be implemented by statute in order to have internal effect. The membership of the community presupposes a "monist" approach which entails direct and immediate internal effect of treaties without the necessity of their transformation into municipal law. By virtue of S 2(1) the pre-accession Community treaties, became part of the United Kingdom Law. Post-accession treaties, on the other hand, become as they stand effective by virtue of Orders in Council when approved by resolution of each House of Parliament(S.1(3))"
(Halsbury's Statutes – Fourth Ed.Vol. 17 p 32).

Thus 'community rights' become effective in the U.K through the medium of the 1972 Act and other municipal legislation but the continued adherence to the *dualist* theory in the U.K is clearly seen in the following dictum of Lord Denning :

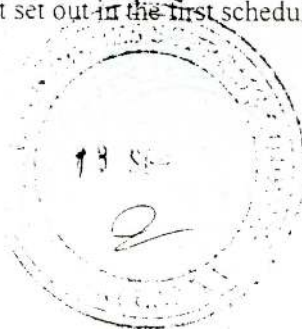
"Thus far I have assumed that our Parliament, whenever it passes legislation, intends to fulfil its obligations under the Treaty. If the time should come when our Parliament deliberately passes an Act – with the intention of repudiating the Treaty or any provision in it – or intentionally of acting inconsistently with it – and says so in express terms – then I should have thought that it would be the duty of our courts to follow the statute....." (*Macarthys vs Smith*) (1979) 3 All ER 325 at 328.



In this background I would refer to the relevant provisions of our Constitution. Articles 3 and 4 of the Constitution are as follows :

3. *"In the Republic of Sri Lanka sovereignty is in the People and is inalienable. Sovereignty includes, the powers of government, fundamental rights and the franchise"*
- "The sovereignty of the People shall be exercised and enjoyed in the following manner :*
- (a) the legislative power of the People shall be exercised, by Parliament, consisting of elected representatives of the People and by the People at a Referendum;*
 - (b) the executive power of the People, including the defence of Sri Lanka, shall be exercised by the President of the Republic elected by the People;*
 - (c) the judicial power of the People shall be exercised by Parliament through courts, tribunals and institutions created and established, or recognized, by the Constitution, or created and established by law, except in regard to matters relating to the privileges, immunities and powers of Parliament and of its Members, wherein the judicial power of the People may be exercised directly by Parliament according to law,*
 - (d) the fundamental rights which are by the Constitution declared and recognized shall be respected, secured and advanced by all the organs of government, and shall not be abridged, restricted or denied save in the manner and to the extent hereinafter provided; and*
 - (e) the franchise shall be exercisable at the election of the President of the Republic and of the Members of Parliament, and at every Referendum by every citizen who has attained the age of eighteen years, and who, being qualified to be an elector as hereinafter provided, has his name entered in the register of electors;*

Article 5 lays down that the territory of the Republic of Sri Lanka shall consist of twenty-five administrative district set out in the first schedule and its territorial waters.



It is seen from these Articles forming its effective framework that our Constitution is cast in a classic Republican mould where Sovereignty within and in respect of the territory constituting one country, is reposed in the People. Sovereignty includes legislative, executive and judicial power, exercised by the respective organs of government for and in trust for the People. There is a functional separation in the exercise of power derived from the Sovereignty of the People by the three organs of government, the executive, legislative and the judiciary. The organs of government do not have a plenary power that transcends the Constitution and the exercise of power is circumscribed by the Constitution and written law that derive its authority therefrom. This is a departure from the monarchical form of government such as the UK based on plenary power and omnipotence.

For instance, the dicta of Megarry V-C that -

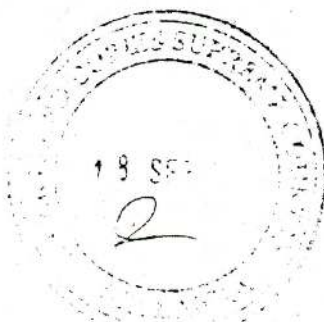
".....it is a fundamental principle of the English Constitution that Parliament is supreme. As a matter of law the courts of England recognize Parliament as being omnipotent in all save the power to destroy its own omnipotence." (Manuel vs A.G (1982 3 AER 786 at 795),

would not apply to the Parliament of Sri Lanka which exercises legislative power derived from the People whose sovereignty is inalienable as laid down in Article 4(a) referred above.

The same applies to the exercise of executive power. There could be no plenary executive power that pertain to the Crown as in the U.K and the executive power of the President is derived from the People as laid down in Article 4(b). Hence the statement in Halsbury's Statute cited to above that -

".....international treaties to which the United Kingdom is a party bind merely the Crown qua state but have to be implemented by statute in order to have internal effect;"

has to be modified in its application to Sri Lanka to interpose the essential element of constitutionality and should read as follows ;



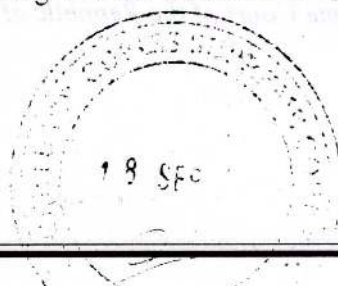
"international treaties entered into by the President and the Government of Sri Lanka as permitted by and consistent with the Constitution and written law would bind the Republic qua state but have to be implemented by statute enacted under the Constitution to have internal effect".

This limitation on the power of the executive to bind the Republic qua state is contained in Article 33 which lays down the powers and functions of the President. The relevant provision being Article 33(f) reads as follows :

"to do all such acts and things, not being inconsistent with the provisions of the Constitution or written law as by international law, custom or usage he is required or authorized to do."

Thus, the President, as Head of State is empowered to represent Sri Lanka and under Customary International Law enter into a treaty or accede to a Covenant, the contents of which is not inconsistent with the Constitution or written law. The limitation interposes the principle of legality being the primary meaning of the Rule of Law, "that everything must be done according to law. (Administrative Law by Wade and Forsyth - 9th Ed. Page 20).

In this background, I would examine the submissions that have been made. Counsel for the Petitioner contended that Sri Lanka acceded to Covenant (as referred to above) on 11.6.1980 and to its Optional Protocol on 3.10.1997. The Petitioner produced the Declaration made by Sri Lanka upon accession to the Optional Protocol which would be reproduced later. The Petitioner contends that pursuant to this Declaration he addressed a communication to the Human Rights Committee at Geneva alleging that the conviction and sentence entered and imposed by the High Court, affirmed by the Court of Appeal and the dismissal of his appeal by this Court is a violation of his rights set forth in the Covenant. That, the Committee came to a finding forwarded to the Government, that the conviction and sentence imposed "disclose violations of Article 14 paragraphs 1, 2, 3 and paragraph 14(g) read together with Article 2 paragraphs 3 and 7 of the Covenant. The Committee came to a further finding that Sri Lanka as a "State party is under an



obligation to provide the Petitioner with an effective and appropriate remedy, including release or retrial and compensation."

I pause at this point to note only two matters that require attention. They are :

- i) the alternative remedies specified by the Committee cannot be comprehended in the context of our court procedure. A release and compensation (to be sought in a separate civil action) predicate a baseless mala fide prosecution whereas a retrial is ordered when there is sufficient evidence but the conviction is flawed by a serious procedural illegality. The High Court convicted the Petitioner on the basis of his confession after a full *voir dire* inquiry as to its voluntariness. If the confession is adequate to base a conviction, a retrial (as contemplated by the Committee) would be a superfluous re-enactment of the same process.
- ii) The Petitioner has been convicted with having conspired with others to overthrow the lawfully elected Government of Sri Lanka and for that purpose attacked several, Army camps. The offences are directly linked to the Sovereignty of the People of Sri Lanka and the Committee at Geneva, not linked with the Sovereignty of the People has purported to set aside the orders made at all three levels of Courts that exercise the judicial power of the People of Sri Lanka.

The objection of the Deputy Solicitor General to the application is based on the matter stated at (ii) above. He submitted that judicial power forms part of the Sovereignty of the People and could be exercised in terms of Article 4(c) of the Constitution, cited above, only by Courts, Tribunals or institutions established or recognized by the Constitution or by law. This basic premise is elaborated in Article 105(1) which reads as follows :

"Subject to the provisions of the Constitution, the institutions for the administration of justice which protect, vindicate and enforce the rights of the People shall be -

- a) *the Supreme Court of the Republic of Sri Lanka,*

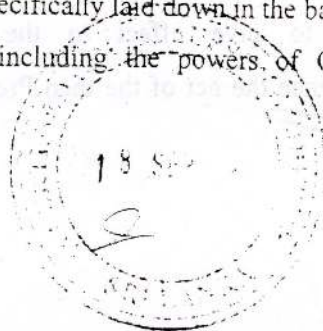
- b) *the Court of Appeal of the Republic of Sri Lanka,*
- c) *the High Court of the Republic of Sri Lanka and such other Courts of First Instance, tribunals or such institutions as Parliament may from time to time ordain and establish*

The resulting position is that the Petitioner cannot seek to "vindicate and enforce" his rights through the Human Rights Committee at Geneva, which is not reposed with judicial power under our Constitution. A fortiori, it is submitted that this Court being "the highest and final Superior Court of record in the Republic" in terms of Article 118 of the Constitution cannot set aside or vary its order as pleaded by the Petitioner on the basis of the findings of the Human Rights Committee in Geneva which is not reposed with any judicial power under or in terms of the Constitution.

On the other hand Counsel for the Petitioner contended that Sri Lanka acceded to the Optional Protocol in 1997 and made the Declaration cited above and the Petitioner invoked the jurisdiction of the Committee at Geneva in the exercise of the rights granted by the Declaration. Therefore he has a legitimate expectation that the findings of the Committee will be enforced by Court. In the alternative it was submitted that this Court should recognize the findings and direct the release of the Petitioner from custody.

The respective arguments of Counsel run virtually on parallel tracks, one based on legitimate expectation and the other on unconstitutionality. They converge at the basic issues as to the legal effect of the accession to the Covenant in 1980, the accession to the Optional Protocol and the Declaration made in 1997. These issues have to be necessarily considered in the framework of our Constitution which adheres to the *dualist* theory as revealed in the preceding analysis, the sovereignty of the People of Sri Lanka and the limitation of the power of the President as contained in Article 4(1) read with Article 33(f) in the discharge of functions for the Republic under customary international law.

The President is not the repository of plenary executive power as in the case of the Crown in the U.K. As it is specifically laid down in the basic Article 3 cited above the plenary power in all spheres including the powers of Government constitutes the



inalienable Sovereignty of the People. The President exercises the executive power of the People and is empowered to act for the Republic under Customary International Law and enter into treaties and accede to international covenants. However, in the light of the specific limitation in Article 33(f) cited above such acts cannot be inconsistent with the provisions of the Constitution or written law. This limitation is imposed since the President is not the repository of the legislative power of the People which power in terms of Article 4(a) exercised by Parliament and by the People at a Referendum. Therefore when the President in terms of customary international law acts for the Republic and enters into a treaty or accedes to a covenant the content of which is not inconsistent with the Constitution or the written law, the act of the President will bind the Republic qua State. But, such a treaty or a covenant has to be implemented by the exercise of legislative power by Parliament and where found to be necessary by the People at a Referendum to have internal effect and attribute rights and duties to individuals. This is in keeping with the *dualist* theory which underpins our Constitution as reasoned out in the preceding analysis.

On the other hand, where the President enters into a treaty or accedes to a Covenant the content of which is "inconsistent with the provisions of the Constitution or written law" it would be a transgression of the limitation in Article 33(f) cited above and *ultra vires*. Such act of the President would not bind the Republic qua state. This conclusion is drawn not merely in reference to the *dualist* theory referred to above but in reference to the exercise of governmental power and the limitations thereto in the context of Sovereignty as laid down in Articles 3, 4 and of 33(f) of the Constitution.

In this background I would now revert to the accession to the Covenant 1980 and the Optional Protocol in 1997.

As noted in the preceding analysis, the Covenant is based on the premise of legislative or other measures being taken by each State Party "accordance with its constitutional processes..... to give effect to the rights recognized in theCovenant" (Article 2). Hence the act of the then President in 1980 in acceding to

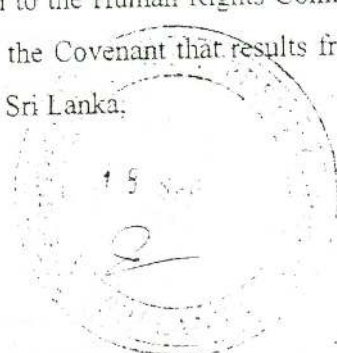
the Covenant is not per se inconsistent with the provisions of the Constitution or written law of Sri Lanka. The accession to the Covenant binds the Republic qua state. But, no legislative or other measures were taken to give effect to the rights recognized in the Convention as envisaged in Article 2. Hence the Covenant does not have internal effect and the rights under the Covenant are not rights under the law of Sri Lanka.

It appears from the material pleaded by the Petitioner that in 1997 the then President as Head of State and of Government acceded to the Optional Protocol and made a Declaration as follows :

"The Government of the Democratic Socialist Republic of Sri Lanka pursuant to Article (1) of the Optional Protocol recognizes the competence of the Human Rights Committee to receive and consider communications from individuals subject to the jurisdiction of the Democratic Socialist Republic of Sri Lanka, who claim to be victims of a violation of any of the rights set forth in the Covenant which results either from acts, omissions, developments or events occurring after the date on which the Protocol entered into force for the Democratic Socialist Republic of Sri Lanka or from a decision relating to acts, omissions, developments or events after that date. The Democratic Socialist Republic of Sri Lanka also proceeds on the understanding that the Committee shall not consider any communication from individuals unless it has ascertained that the same matter is not being examined or has not been examined under another procedure of international investigation or settlement."

There are three basic components of legal significance in this Declaration relevant to the matters at issue -viz:

- i) A conferment of the rights set forth in Covenant on an individual subject to jurisdiction of the Republic;
- ii) A conferment of a right on an individual within the jurisdiction of the Republic to address a communication to the Human Rights Committee in respect of any violation of a right in the Covenant that results from acts, omissions, developments or events in Sri Lanka.



- iii) A recognition of the power of the Human Rights Committee to receive and consider such a communication of alleged violations of rights under the Covenant.

Components 1 and 2 amount to a conferment of Public Law rights. It is therefore a purported exercise of legislative power which comes within the realm of Parliament and the People at a Referendum as laid in Article 4(c) of the Constitution cited above. Article 76(1) of the Constitution reads as follows :

"(1) Parliament shall not abdicate or in any manner alienate its legislative power, and shall not set up any authority with any legislative power;

(2) It shall not be a contravention of the provisions of paragraph (1) of this Article for Parliament to make, in any law relating to public security, provision empowering the President to make emergency regulations in accordance with such law."

Therefore the only instance in which the Parliament could even by law empower the President to exercise legislative power is restricted to the making of regulations under the law relating to Public Security. It has not submitted the President had any authority from Parliament, post or prior to make the declaration cited above. Therefore, components 1 and 2 of the Declaration are inconsistent with the provisions of Article 3 read with Article 4(c) read with Article 75 (which lays down the law making power) of the Constitution.

Component 3 is a purported conferment of a judicial power on the Human Rights Committee at Geneva "to vindicate a Public Law right of an individual within the Republic in respect of acts that take place within the Republic is inconsistent with the provisions of Article 3 read with 4(c) and 105(1) of the Constitution.

Therefore the accession to the Optional Protocol in 1997 by the then President and Declaration made under Article 1, is inconsistent with the provisions of the Constitution specified above and is in excess of the power of the President as contained



in Article 33(f) of the Constitution. The accession and declaration does not bind the Republic qua state and has no legal effect within the Republic.

I wish to add that the purported accession to the Optional Protocol in 1997 is inconsistent with Article 2 of the Covenant which requires a State Party to "take the necessary steps in accordance with its constitutional processes to adopt such laws or other measures as may be necessary to give effect to the rights recognized in the Covenant." I cited the European Communities Act 1972 of the U.K as an instance in point where steps were taken to give effect to a treaty obligation before the treaty came into force. No such steps were taken to give statutory effect to the rights in the Covenant. Without taking such measures, in 1997 the Optional Protocol was acceded to purporting to give a remedy through the Human Rights Committee in respect of the violation of rights that have not been enacted to the law of Sri Lanka. The maxim *ubi Jus ibi Remedium* postulates a right being given in respect of which there is a remedy. No remedy is conceivable in law without a right.

In these circumstances the Petitioner cannot plead a legitimate expectation to have the findings of the Human Rights Committee enforced or given effect to by an order of this Court.

It is seen that the Government of Sri Lanka has in its response to the Human Rights Committee (produced by the Petitioner with his papers) set out the correct legal position in this respect, which reads as follows :

"The Constitution of Sri Lanka and the prevailing legal regime do not provide for release or retrial of a convicted person after his conviction is affirmed by the highest appellate Court, the Supreme Court of Sri Lanka. Therefore, the State does not have the legal authority to execute the decision of the Human Rights Committee to release the convict or grant a re-trial. The Government of Sri Lanka cannot be expected to act in any manner which is contrary to the Constitution of Sri Lanka."



If the provisions of the Constitution were adhered to the then President as Head of Government could not have acceded to the Optional Protocol in 1997 and made the Declaration referred to above. The upshot of the resultant incongruity is a plea of helplessness on the part of the Government revealed in the response to the Human Rights Committee cited above, which does not reflect well on the Republic of Sri Lanka.

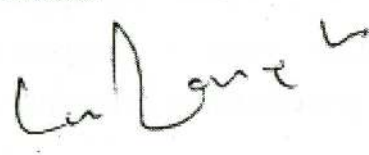
For the reasons stated above I hold that the Petitioner's application is misconceived and without any legal base.

The application is accordingly dismissed.


Chief Justice.

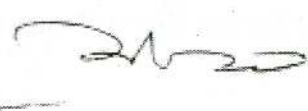
Jayasinghe J.,

I agree.


Judge of the Supreme Court

Udalagama J.,

I agree.


Judge of the Supreme Court

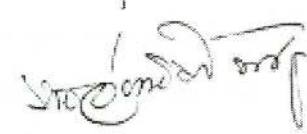
Dissanayake J.,

I agree.


Judge of the Supreme Court

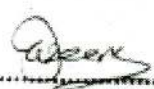
Amaratunga J.,

I agree.


Judge of the Supreme Court.



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Sri Lankan Ruling Undermines UN Complaints Mechanism

Statement by Interights

In a regrettable ruling handed down on 15 September 2006 the Sri Lankan Supreme Court has struck a blow against those human rights victims in Sri Lanka expecting to obtain redress through the UN Human Rights Committee (HRC) for breaches of the International Covenant on Civil and Political Rights (ICCPR). The Supreme Court held that the Sri Lankan state's accession to the Optional Protocol to the ICCPR – which allows individuals to complain directly to the HRC having exhausted domestic remedies – was unconstitutional. This is despite the fact that the complaints mechanism under the Optional Protocol to the ICCPR has been in force in Sri Lanka for nearly a decade,¹ and that by ratifying the ICCPR² the State has undertaken to ensure respect for those rights protected by it.

The judgment was in a response to a case brought by Nallaratnam Singarasa who is currently serving a 35 year sentence for alleged offences under the emergency regulations and the Prevention of Terrorism Act (PTA). Mr. Singarasa had earlier taken his case to the HRC, which held that his conviction – which was based solely on a confession under a law where the burden was placed on the accused instead of the state to prove that it was extracted under duress and was not voluntary – breached his right to a fair trial under Article 14(3)(g) of the ICCPR.³ In his petition to the Supreme Court, Mr Singarasa requested the Court to revise its earlier decision taking into consideration the views of HRC that his conviction violated his right to a fair trial.

The Supreme Court did not do this. Instead it held that Sri Lanka's accession to the Optional Protocol was invalid because it was inconsistent with the constitution. According to the Court, Mr. Singarasa's HRC case was unfounded because he had sought a remedy that had not been enacted in the law of Sri Lanka. This is despite the fact that the right to a fair trial – together with most ICCPR rights – is enshrined in the country's Constitution. The Court's conclusion is all the more remarkable given the fact that the validity of the accession to the Optional

Protocol was not raised in this case. In so holding, the judgment completely ignores the basic customary international law principle of *pacta sunt servanda* enshrined in Article 26⁴ of the Vienna Convention on the Law of Treaties (the Vienna Convention) that every treaty is binding on states parties and must be performed by them in good faith. It also disregards those rules of international law governing how binding treaties are entered into,

reflected in Article 7⁵ of the Vienna Convention. It is therefore clear that, despite the Supreme Court's judgment, the Sri Lankan state remains fully bound by its obligations under the Optional Protocol.

The Supreme Court's decision is as surprising as it is disappointing given that Article 27(15) of Sri Lanka's own Constitution requires the state to "endeavour to foster respect for international law and treaty obligations in dealings among nations". This obligation was expressly recognised by the Court in a previous ruling when it was held to imply that "the State must likewise respect international law and treaty obligations in its dealings with its own citizens, particularly when their liberty is involved. The State must afford to them the benefit of the safeguards which international law recognizes."⁶

The decision not only fails Mr Singarasa, who has already spent 12 years in prison, but also places itself in conflict with basic principles of international law. As the HRC has made clear in its General Comment 31⁷

General Comment No. 31

Nature of the General Legal Obligation Imposed on States Parties to the Covenant para 4 CCPR/C/21/Rev.1/Add.13 the obligations accepted by state parties under the ICCPR bind them and all branches of government – executive, legislative and judicial – as a whole and that, in line with Article 27 of the Vienna Convention, states may not invoke internal law provisions as justifications for failure to perform these duties. It is imperative for the future of effective human rights protection and the rule of law that states take their international obligations seriously and

The Court's conclusion is all the more remarkable given the fact that the validity of the accession to the Optional Protocol was not raised in this case. In so holding, the judgment completely ignores the basic customary international law principle of pacta sunt servanda enshrined in Article 26 of the Vienna Convention on the Law of Treaties (the Vienna Convention) that every treaty is binding on states parties and must be performed by them in good faith

ensure that they comply with treaty monitoring body decisions.

Notes :

INTERIGHTS provided assistance to Mr Singarasa's representative, Mr Ganesalingam of Home for Human Rights, Colombo, Sri Lanka, in preparing the original communication to the HRC and to Mr Ganesalingam and the Civil Rights Movement, Colombo, Sri Lanka in petitioning the Supreme Court.

For further information or queries please contact Iain Byrne, Senior Lawyer, Commonwealth Programme (ibyrne@interights.org; 44 207 843 0483)

(Endnotes)

¹ Sri Lanka signed the Optional Protocol on 3 October 1997.

² Sri Lanka ratified the ICCPR on 11 September 1980.

³ The Committee held that the wording in Article 14(3)(g) that no one shall

'be compelled to testify against himself or confess guilt

' must be understood in terms of the absence of any direct or indirect physical or psychological coercion from the investigating authorities and implicit in the principle is that the prosecution must prove that the confession was made without duress.

⁴ Article 26 provides that "

Every treaty in force is binding upon the parties to it and must be performed by them in good faith.

⁵ Article 7 provides :

'Full powers : (1) A person is considered as representing a State for the purpose of adopting or authenticating the text of a treaty or for the purpose of expressing the Consent of the State to be bound by a treaty if: (a) He produces appropriate full powers; or (b) It appears from the practice of the States concerned or from other circumstances that their intention was to consider that person as representing the State for such purposes and to dispense with full powers. (2) In virtue of their functions and

without having to produce full powers, the following are considered as representing their State: (a) Heads of State, Heads of Government and Ministers for Foreign Affairs, for the purpose of performing all acts relating to the conclusion of a treaty....

⁶ See *Weerawansa v. Attorney General and Others* (June 2000)

Regina Mariyanayagam: A Quiet Worker

By : Eugene Marampillai

In French there is a saying, "To part is to die a little". The corollary of this saying is "To die is to part forever". When Regina passed away a few months back, on June 18, she parted from us forever and the void that had been created by her parting will remain with us for a very long time. But her memory will live on among those of us who have known her, especially among the staff members of Home for Human Rights.

Regina was born on April 12, 1942 in Naranthanai, a village in the Kayts Island near Jaffna Town. Her parents were Paul Saverimuthu and Cecilia Paul. She had six siblings. One of her sisters is Rev. Sister Priscilla, who is now engaged in social work in the Batticaloa District. Like Sr. Priscilla, Regina too wanted to be of service to others and she found ample opportunity for this passion of hers at Home for Human Rights.

She was the legal secretary at our organisation and one of her duties was to be in constant contact with our busy lawyers and remind them about upcoming cases. This task she carried out with remarkable efficiency. There is little doubt that the efficiency and diligence with which she went about her job was motivated by a deep-seated desire to assist those persons who were incarcerated and depended on the lawyers for some relief.

One of the seven charitable works according to the Catholic faith is to visit prisoners. She could not visit prisoners. For usually one has to be either a lawyer or a relative to visit prisoners. But Regina being a true Catholic contributed in her own way by assisting the lawyers who could help the prisoners.

She was also a member of the Holy Family Associates, a religious association that engaged in social work. Her desire to spread the word of the Lord through service to others

was apparent in this too. Then again I remember how when she came to office early morning, she would spend some time in silent prayer. She was always so quiet. Even when she conversed with another person, her voice was soft; almost as if she did not want to disturb others.

I, as a lawyer working at Home for Human Rights dearly miss her dutiful reminders to me about my upcoming cases. In fact, soon after her death I missed a case, as she was not there to give me that faithful reminder. So, until another person is trained for the task, a lacuna has been created.

I joined HHR in April 1994. I remember on April 10, 1994 Regina's mother died. Soon after a Requiem Mass was held for the repose of her soul in the Jesuit chapel at Clifford Place, Colombo. Similarly a Requiem Mass was held for Regina about 2 months after her death in the same chapel. But this time, the mass was celebrated by Fr. Yogeswaran, who had been a staff member of HHR and is presently stationed in Trincomalee. Fr. Yogeswaran in his homely said, "Life is not a question to be answered; but a mystery to be pondered"—a very appropriate statement, to me; for we are still unable to come to terms with the untimely death of Regina. We all know that she died due to an accidental fire when she was near a gas cooker. But why her life should end in this manner, we are unable to fathom.

After the Mass for Regina, former colleagues and companions of Regina gathered together at the HHR office in celebration of her life. Lunch was served. We shared with each other the memories of the wonderful qualities of Regina. I found myself wondering whether she was smiling at us from the heavens knowing that we all loved and appreciated her.

May her soul rest in peace.

Sri Lanka Civil Society calls for International Monitoring Body on Human Rights

As the second session of the UN Human Rights Council moves into its final phase, we the undersigned civil society organizations and individuals dedicated to principles of human rights, peace and democracy in Sri Lanka, await an outcome that will reaffirm the call of the High Commissioner for Human Rights, the Special Rapporteur on Extra-Judicial, Summary and Arbitrary Executions, as well as of international, regional and national human rights organizations for international human rights monitoring of the situation in Sri Lanka.

In the two weeks since the Council began its sessions, the situation in Sri Lanka has continued to deteriorate. 207,000 persons continue to be displaced throughout the north and east as a result of recent violence. Some IDP's face pressure to return to their places of origin, sometimes with the use of coercive measures. In Kinniya, in the east, on September 26, the Police entered a school where some IDP's were seeking shelter and cut off the power supply.

Access to many areas of the north and east continues to be denied to many international and national agencies. With the prevailing security situation and the restrictions imposed on humanitarian actors, many international actors are severely constrained and some have even suspended their operations in certain parts of the north and east.

Killings and abductions continue throughout the north and east, as well as in Colombo. In Colombo alone, 17 Tamil businessmen have been abducted in the past few months. The massacre of ten

Muslims in Pottuvil, also in the east, on September 18 led to heightened tensions and to the withdrawal of the Special Task Force of the Police from the area. The inability of existing institutions and mechanisms, including the National Human Rights Commission, to investigate the large numbers of killings, abductions and disappearances is coupled with a long history of impunity which in turn intensifies high levels of insecurity in the minds of victims and survivors, who are potential witnesses. Neither the many different Commissions appointed to look into incidents of assassination or violence nor ongoing judicial processes have been able to offer protection or justice for victims of human rights abuse.

The Supreme Court judgment of September 15 saying that Sri Lanka cannot be bound by the Optional Protocol to the ICCPR without going through a long process of Constitutional amendment and referendum has sent waves of concern throughout our community. We fear that this may be a first step by the state towards abdicating from all obligations under international law.

It is in this context that we reiterate our call for an independent and international human rights presence in Sri Lanka.

We feel that only an independent Commission of Inquiry consisting of figures of international repute in the field of human rights will generate confidence in such a mechanism and

extend some guarantees of impartiality and confidentiality to all those who will have the courage to testify before the Commission.

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Such a Commission would engage in both inquiry and investigation regarding human rights violations in the entire country over a specified period of time. It would document incidents and situations in a manner that could assist judicial proceedings of a subsequent date. The exercise of judicial powers would be retained by local authorities, thus rendering it consistent with the Constitution of Sri Lanka. The process of the Commission would complement existing structures in ensuring that human rights violations are investigated and perpetrators held accountable.

A national Commission of Inquiry, which is being proposed by the government, even though it has a panel of eminent international observers, will not bring the LTTE fully on board and we fear, allow the LTTE to avoid confronting the consequences of the human rights violations that it commits.

An independent international Commission will be, we believe, the best structure to draw in the full range of alleged perpetrators from the state and the LTTE, as well as other actors who have committed acts of human rights abuse. Its work would also enhance the sovereignty of the people of Sri Lanka in terms of the country's Constitution which includes fundamental rights and freedoms which all organs of the government have an obligation to protect and to advance.

The process of holding an independent international Commission of Inquiry which is seen to be unbiased and which has the strong endorsement of the international human rights community may well be a strong confidence-building measure in terms of the peace-building process as well. It can only strengthen the rule of law, fair and effective governance and better ensure human rights and human security for all the people of Sri Lanka.

In addition, we call for the Office of the High Commissioner for Human Rights (OHCHR) to establish a formal presence in Sri Lanka and work towards developing a Memorandum of Understanding with the government of Sri Lanka that will allow for a sustained and field-based presence of the OHCHR in Sri Lanka. The multiple roles of such a presence would enhance

civilian protection and strengthen accountability through processes of consistent and active verification, investigation and documentation of human rights abuses together with public and systematic reporting to an independent body and would ensure a long-term commitment to the prevention of human rights violations in Sri Lanka.

We also hope that this session of the Council will ensure that there are arrangements made for the on-going monitoring of the situation in Sri Lanka as well as for a report back during the third session of the Council in November.

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people of Sri Lanka.*

Signatories:

Al-Muslimath Association of War
Affected Women
Caring Hand
Centre for Human Rights and
Development
Centre for Policy Alternatives
Citizen's Committee for Forcibly
Evicted Northern Muslims,
Puttalam
Human Care
Foundation International Centre for
Ethnic Studies, Colombo
International Movement Against
All Forms of Discrimination and
Racism
INFORM Islamic Women's
Association for Research and
Empowerment Law and Society
Trust
Muslim Action Front Muslim
Council of Sri Lanka
Muslim Forum for Social
Development
Muslim Information Centre
Muslim People's Front
Muslim Women's Research and
Action Forum
National Peace Council
People's Movement for Good

Governance

Sri Lanka Islamic Student Movement
Sri Lanka Jamathe Islmaiya
Women's Development Organisation, Jaffna
Women and Media Collective
Women's Education and Research Centre

Viluthu

29th September 2006.

Pannal Oya: Denial of Equal Rights to Water

By K.N. Tharmalingam

"Those who govern a country must exercise their power not on behalf of any particular interest, but on behalf of the State as a whole, in such a way to benefit the entire population of the country," warned the Greek philosopher, Plato in 4th Century BC.

But from what I have seen and suffered, I have oft wondered whether our omnipotent rulers after Independence have ever used their subtle, charming, and refined sensibilities in governance—in the manner Plato desired. Instead, what I have found by and large is that political power has seldom been used wisely on behalf of the State; it has only been used for selfish and particular interest—as opposed to the interests of the entire population.

The story of the Gal Oya Scheme is one such example where power was abused to benefit one favoured section of the people, as opposed to the welfare of all the people. The tragedies that occurred at Gal Oya arose from favoritism and discriminations. That is, discrimination against the Tamil people on the grounds of race, religion and language.

It was in March 1950 that Parliament—in terms of sections 6 and 7 of The Gal Oya Development Board Act—proceeded to define the Area of Authority of the GODB (Gal Oya Development Board). And the whole basin of the Gal Oya river beginning from its source—west of Bibile to the sea, together with the adjoining areas extending from Andella Oya in the North to Komari in South, was identified as the area that would derive benefit from the Gal Oya Project.

A Board comprising of H.J. Huxham, (Chairman), R.L. Brier, J. A. Amaratunga and W.J.A. Van Langenberg were appointed. The late Dudley Senanayake (Minister of Agriculture and Lands) as the minister in charge of the Gal Oya Project issued a set of tasks for the newly created

Gal Oya Board and urged that these tasks be expeditiously executed.

Some of the tasks so directed were:

1. "To provide water for the cultivation of the maximum acreage of land within the area of authority of the Board through a network of channel systems—whereby water is made available to the farthest geographical limit to which it can be carried with the best economic advantage.

2. "To regulate water in the Gal Oya Reservoir as to reduce the danger of flooding within the Area of Authority.

3. "To carry out a programme of peasant colonization.

4. "To encourage the growth of co-operative, agriculture and industrial undertakings among the peasant colonizations.

5. "To organize a system of planned cultivation of the most suitable crops within the area of operation.

6. "To provide electricity for both domestic and industrial use and to promote the use of hydro-electric power in the development of cottage industries. And,

7. "To direct all activities to improve the economic conditions of the inhabitants within the Area of Authority."

But, it was found that the activities were directed from the Ministry and the

Board was afforded little power to act independently. Apart from executing the assignments issued to the Board, it was found that the Board miserably failed to serve the purposes for which it was established. Consequently, the task, 'to carry water to the farthest geographical limits towards the southern parts' was never realized, and the people in the southern portion of the Area of Authority who lost the benefits of the Gal Oya Scheme were mainly Tamils.

Thus the Tamil people in the south were excluded from the benefits of the Scheme. They were deprived of gainful

Thus the Tamil people in the south were excluded from the benefits of the Scheme [Pannal Oya]. They were deprived of gainful employment, income and their livelihoods. Their civil and economic rights were violated. The deprivation of their means of subsistence in the southern parts of the Gal Oya basin is seen as the most damaging violation of human rights committed with impunity by politicians directing the affairs of the Gal Oya Development Board.

employment, income and their livelihoods. Their civil and economic rights were violated. The deprivation of their means of subsistence in the southern parts of the Gal Oya basin is seen as the most damaging violation of human rights committed with impunity by politicians directing the affairs of the Gal Oya Development Board.

The first blow to the Tamils was the decision to extend the Northern limits of the Gal Oya Development Board to include Attiya Manmunai Aru and the Navakiri Aru areas together with some portions of an area under the Pulugananwa tank.

The extension of the Area of Authority of the Gal Oya Development Board northwards to include 163 square miles was intended to establish eight new Sinhala villages with settlers drawn from the Districts of Badulla, Hambanthota, Kurunagale, Kalutara, and Kegalle. And this, when landless peasants in the District were hopefully awaiting the day they would derive the benefits of the Gal Oya Scheme. It seemed that the Tamils of the area were relegated to second class citizen status and discriminated.

The following statistics, extracted from the census reports reveal the meteoric rise in the Sinhala population in the District.

Table 1, shows the ethnic groups in Batticaloa, from the Census Report. The table 2 shows the population of

Ampara District which was created in 1961.

When it was evident that the southern limits of the Gal Oya basin would be deprived of water for cultivation, Engineer Abraham, an Indian Consultant based in Amparai proceeded to carry out preliminary work to assist the unfortunate peasants in the region with alternative sources of water. He identified four locations to construct reservoirs, three locations being Pallang Oya, Ekal Oya and Namal Oya for the Sinhalese and Panel Oya for the Tamils.

Of the four the Panel Oya was to be the largest and the least expensive. Preliminary Reports and Plan No.102 issued by the chief planning officer, Gal Oya on December 4, 1954 was approved and work on the three reservoirs, Pallang Oya, Panel Oya and Ekal Oya were started. The Report approving the three reservoirs contained the information in table 3

As observed from above, the cost of providing irrigation through Panel Oya was comparatively low, i.e. as little as Rs.88 per acre as compared with Rs. 111/ acre for Pallang Oya. However, the Panel Oya estimated to cost Rs. 4,300,000 for providing water to 5600 acres was stopped and the Pallang Oya estimated at Rs. 5,000,000 to benefit 2,200 acres was persuaded. This amounts to clear evidence of a policy of discrimination that was exercised against the Tamil people and also exposed the lack of wisdom and the evil intents of those in power.

Table -1

Year	Sinhalese	%	Tamils	%	Muslims	%	Others	%
1911	5771	3.75	83948	54.51	60695	39.43	3529	2.29
1946	11850	5.83	102262	50.33	85805	42.23	3267	1.61

Table -2

Year	Sinhalese	%	Tamils	%	Muslims	%	Others	%
1963	63160	29.34	50.480	23.83	98270	46.39	910	0.42
1981	146371	37.64	79725	20.50	161481	41.53	2000	0.31

Table -3

Item	Pallang Oya	Ekal Oya	Panel Oya
Catchment Area (Sq Mls)	41.0	11.7	44.6
Capacity (Ac.Ft)	45000	13000	49000
Bund Top Level Ft.MSL	246.0	222.0	117.0
Max. Spillway	11200	3500	12600
Spillway Height Ft.	4	6	7
Irrigable Area (Acres)	2,200	1,500	5,600
Approximate Costs Rs	5,000,000	2,500,000	4,300,000
Cost Per Acre Rs.	111	192	88

The Killing Fields of Sri Lanka

For the past several years, Home for Human Rights has been publishing Monthly News Briefs containing incidents reported in local mainstream newspapers regarding human rights violations, mainly in the North and East. In this issue, Beyond the Wall brings you excerpts from several News Briefs—to highlight the horrendous violence that imbues the daily lives and the psyche of peoples in this region.

March 2006

- Four held in connection with death of EPDP member: After anonymous information was received by the Vavuniya Magistrate's Court regarding the body of Kandasamy Marimuthu recovered at Koolankulam, four persons were arrested. The suspects were remanded by the acting Magistrate M. Sittampalam until the 10th. The deceased was a member of the EPDP group. Police investigations were continuing. — *Veerakesari, Mar. 1*
- Abduction of 23-year-old: On Tuesday (28) around 5.30 p.m. four unidentified men on motorbikes had abducted a 23-year-old, A. Dineswaram from Kiliveddy in Trincomalee. The abducted man's father informed the army about the abduction. Identities of the abductors or the motive for the abduction were not known. The incident was referred to the SLMM. — *Daily News, Mar. 3*
- Five LTTE members arrested: The LTTE has complained to the SLMM that five of its members were arrested while travelling within LTTE-controlled areas. It was claimed they were arrested by the armed forces. — *Thinakkural, Sunday Leader, Mar. 3*
- Tigers killed at sentry point: The LTTE yesterday charged that an armed group killed two of their cadres at a sentry point in Vananthivu in the Batticaloa District. LTTE's Batticaloa political head, Daya Mohan was quoted in TamilNet as alleging that the armed group retreated to the Sri Lankan army camp in the area after the attack, a charge the military denied. — *Sunday Times, Sunday Leader, Veerakesari, Mar. 5*
- Muslim youth shot dead: A Muslim youth was shot dead yesterday at about 6 p.m. by unidentified persons at Ooddumavadi, Valaichenai. The person was identified as one Mohamed Navas, 22, from Second Division Ooddumavadi. — *Thinakkural, Veerakesari, Mar. 6*
- Two youths arrested with dangerous goods, then released on bail: Two Tamil youths who allegedly attempted to smuggle dangerous goods used for suicidal attacks were arrested and later released on bail of Rs 100,000. The items had been confiscated. — *Veerakesari, Mar. 6*
- SLMM condemns attack on Tiger checkpoint: The outgoing SLMM head, Hagrup Haukland yesterday condemned Saturday's attack on an LTTE checkpoint. Mr. Haukland did not identify the perpetrators. Military sources claimed the attackers were renegade LTTE cadres, under the command of Karuna, the former Ampara-Batticaloa LTTE commander. — *The Island, Veerakesari, Thinakkural, Mar. 6*
- Hand grenade attack kills home guard: A hand grenade was thrown into the house of a home guard in Welikanda, Polonnaruwa around 9.30 p.m. The attack killed the home guard and injured his wife. The attack was carried out by unidentified people. — *Sudaroli, Mar. 7*
- Two LTTE child recruits surrender : Two children abducted and trained by the LTTE for its military activities surrendered to the Navy in Mutur. The two children, Puvanesan Vinogaran (15) and Chandrakumar (17) were residents of Mawadichenai and Pichampattu in the Trincomalee District — *Daily News, The Island, Mar. 9*
- Muslim businessman shot dead in Eravur: A Muslim man was shot and killed at Eravur by unidentified gunmen. M. Jaffar, 45, was shot near the people's market while he was returning after closing his business establishment. It was believed the gunmen belonged to one of the armed groups. — *Thinakkural, Veerakesari, Sudaroli, Mar. 8*
- Eight persons arrested in boat off Kachchathivu: The navy arrested 8 persons in two dingy boats on Thursday at 3.30 p.m. off the coastal area of Kachchathivu. The navy claimed they had taken into custody, two compasses five detonators and eight gelignite sticks, which were in the boats. The persons arrested were Tamils. — *Thinakkural, Sudaroli, Mar. 8*
- Bakery owner assaulted: Army men who rounded up a bakery in Mylankadu, Eallalai had severely assaulted the bakery owner. The incident occurred on the 8th. The owner had complained to the Jaffna, Human Rights Commission that about 400 army men masked in black

cloth were involved in this attack. He also said, they forced his signature to a document written in Sinhala language.

— *Veerakesari, Mar. 9*

- Paramilitary behind civilian killing: A young man was shot dead in a bus on the Eravur-Batticaloa route around 11 a.m. According to eyewitnesses, the assailant belonged to the paramilitary Karuna group working from the Palpody camp of the Special Task Force (STF). Two other civilians were also injured in the shooting, the TamilNet said. Police confirmed the incident, but dismissed claims that the assassins were attached to govt. security forces. — *The Island, Veerakesari, Sudaroli, Mar. 10*
- STF claims it is not responsible for Palpody killing: The STF had said that the report under the heading “Paramilitary behind civilian killing” (The Island, 10) viz. that a Karuna cadre attached to the Palpody STF camp was responsible for the killing of a civilian, was incorrect. Apparently there was no STF camp in Palpody nor did the area come under the STF’s purview. The STF also said, that it had no connection with any breakaway groups operating in the East. — *The Island, Mar. 11*
- Shooting incident in Kinniya: A youth was injured as a result of a shooting incident in Kinniya in Trincomalee. The injured youth was one Suthkaran from Sivapuram in Seruwila. The SLMM visited the place of the incident. — *Sudaroli, Mar. 11*
- A youth cut with a knife Thavarajah Vimalachchanthiran a young man from Elalai, Jaffna was injured when he was attacked by unidentified persons. The gang had escaped after seeing army personnel coming on their normal checkup duties. — *Thinakkural, Mar. 11*
- Jaffna University students harassed by the army: It was reported that students travelling to the Jaffna University from the Wanni, were abused by officers of the intelligent unit and army personnel — under the guise of investigation. These final year students and expressed much concern over the incident. — *Veerakesari, Mar. 12*
- Teenagers who fled LTTE deny weapons training: Two teenagers who fled an LTTE training facility at Sampoor in Trincomalee early last week, denied prior claims of receiving weapons training. Their escape is the first since the government-LTTE agreement reached in Geneva in February. The LTTE, now on a UN list of shame for child recruitment, pledged to cease underage recruitment. Monitoring Mission spokesperson, Helen Olafsdottir said the SLMM interviewed the escapees in Trincomalee. They categorically denied claims that they were trained to handle weapons, she said. — *Sunday Island, Mar. 12*
- Paramilitary cadres abduct two schoolboys: It is alleged that paramilitary cadres who came in a white van on Kalkudas road in Valaichchenai abducted two schoolboys around 5.30 p.m. on Monday (13). The boys, Suthaharan Kulojan (15) and Jeyarajah Krisha (13) were students of Valaichchenai Hindu collage and were cycling when they were abducted. — *Thinakkural, Mar. 14*
- LTTE kidnapping spree continues: It is alleged that despite assurances given by the LTTE, its abduction spree continues. The latest abduction had been reported from the Valaichchenai town, on Monday (13) evening when a suspected group of LTTEers in a white van had abducted two schoolchildren who were returning after a private tuition class. — *The Island, Mar. 15*
- Two youths abducted in Batticaloa : Two youths were abducted by armed cadres in a white van on Monday. Another two youths were kidnapped from Urani in Batticaloa around 6 p.m. — *Thinakkural, Mar. 15*
- Three youths abducted in Vavuniya: Unidentified armed men abducted three youths, two Muslims and one Tamil, on Thursday around 1 a.m. in Paddanisor area in Vavuniya. Affdul Latiff Mohamed Sarfan (23), Mohamed Kadeepa Mohamed Razil (26) and Sevam Putheeswaran (16) were working at a poultry farm when they were abducted. — *Veerakesari, Sudaroli, Thinakkural, The Island, Mar. 15*
- Abducted students released: Valaichchenai Hindu collage students, Jeyarajah Krishanth and Suthakaran Kulojan abducted on Monday were released by their captors around 1.30 p.m. but within 10 minutes of their return, the Valaichchenai police visited the students’ homes and took them in for questioning, sources said. — *Veerakesari, Thinakkural, The Island, Mar. 16*
- Protests against student abductions: A massive hartal was observed at Valaichchenai Hindu Collage demanding the release of the students who were abducted by paramilitary cadres two days ago. — *Veerakesari, Sudaroli, Thinakkural, Mar. 16*
- Vavuniya businesses targeted in grenade attack: An unknown group of men hurled hand grenades at business establishments in Vavuniya town Thursday night escalating fear and tension among the Vavuniya trading community, which has become the target of several incidents of threats and grenade attacks recently. — *Veerakesari, Mar. 18*
- Six farm labourers abducted in Batticaloa: Six workers

harvesting paddy in Akuranai in the Batticaloa District were abducted by unknown armed men. These abductions and threats are causing fear and tension among the Tamil people and slowly leading to an all-out war, the LTTE said. Details of the abducted persons as registered with the SLMM are:

1. Sellathanby Kangeswaran (14);
2. Sivalingam Vanieswaran (17);
3. Selleththurai Rameswaran (21);
4. S. Rameswaran (18);
5. K. Illaiyarajah (22);
6. S. Thangarajah (16). — *Veerakesari, Mar. 19*

- Press Tigers to stop killing our members: PLOTE: The Peoples Liberation Organization of Tamil Eelam (PLOTE), which has been named as a paramilitary group by the LTTE at the Geneva talks, has urged the international community to put pressure on the LTTE to stop killing members of its political party. The LTTE has classed PLOTE with other groups such as the EPDP the Karuna faction and the Jihad group. PLOTE has requested the Sri Lanka government to take measures to stop the Tigers from attacking its members. — *Sunday Times, Mar. 19*

- LTTE abducts two teens: The Valaichchenai police are investigating the abductions of two teenagers allegedly by the LTTE on March 12 around 4.30 p.m. this is following a complaint by the mother of one of the boys. According to S. Thavamani three armed LTTE men had abducted her son Seenithambi Thangarajah 16 and Sinnayah Rameshwaran 18, a defence ministry release said. The incident was reported to the SLMM. — *Daily News, The Island, Veerakesari, Mar. 20*

- Thinakkural journalist arrested: Soldiers arrested a journalist working for the Tamil daily, Thinakkural for photographing the front portal of the administrative office of the Jaffna jail located on main street, Jaffna. The SLA soldiers apparently refused to accept press credentials of Kandasamy Iruthayabavan and took him into the army camp for interrogation. He was released two hours later, sources said. — *The Island, Thinakkural, Mar. 20*

- Unidentified body found on riverside in Batticaloa: The body of a young man was found with gunshot injuries behind Manresa Training Centre 4 km west of Batticaloa town. — *Thinakkural, Veerakesari, Mar. 21*

- SLN attacks Muttur east coastal villages : A Dvora and two water jets of the Sri Lanka Navy have been firing towards the coastal villages of Sampoor Soodaikuda and Koonithivu in the LTTE held Muttur east in the Trincomalee District from around 11 a.m. on Monday — *Thinakkural, Mar. 21*

- Father of four shot dead in Eravur : Unidentified gunmen shot and killed a Tamil man with a T-56 assault rifle at Iyankerny in Eravur, Batticaloa around 9.30 p.m. The police said the dead man was identified as Siththiravel Selvam (36), a father of four. — *Veerakesari, Thinakkural, Sudaroli, Mar. 22*

- Fleeing youth seeks ICRC protection: A 19-year-old youth sought protection at the ICRC office at the entry/exit point at Muhamalai, Jaffna. The teenager claimed he had fled an LTTE training facility in Pallai with another same-aged boy, but the LTTE had shot the other boy, military spokesman Brig. Prasad Samarasinghe said. — *The Island, Mar. 23*

- Troops, LTTE in firefight: Troops exchanged fire with LTTE terrorists at Manalkadu about 32 Km northeast of Jaffna on Wednesday afternoon. Military spokesman, Brig. Prasad Samarasinghe said troops opened fire after LTTE cadres fired at them. He also said, troops had recovered one T-56 assault rifle. A cordon and search operation was launched in the area to track down the attackers. One person was taken into custody. — *The Island, Mar. 23*

- Arrested with 20 gelignite sticks: The navy seized 20 gelignite sticks when a patrol boat intercepted and searched a suspected trawler at sea between Point Pedro and Mullaitivu, on Monday (21). Five suspects who were on the craft were arrested. Navy sources said the five men are believed to be LTTE cadres in the guise of fishermen. — *The Island, Thinakkural, Sudaroli, Mar. 23*

- SLA troops threaten students: Sri Lanka army troops threatened students at the Jaffna technical collage where celebrations marking Annai Poopathy's anniversary were taking place. The soldiers, who arrived at the technical college premises at 4 p.m. Wednesday, demanded that the students take down the Tamil Eelam flag, which the students had hoisted as part of the celebrations. Tension prevailed for more than an hour while the students refused to comply with army demands. — *Thinakkural, Mar. 23*

- Businessman, conductor shot dead in Vavuniya: Unknown gunmen riding a motorbike shot and killed N Gunaratnam, a prominent businessman in Vavuniya and his bus conductor Jude Anthony Perera — in Vavuniya around 8.45 p.m. Vavuniya traders have been receiving death threats and extortion demands from paramilitary cadres during the last two months. — *Thinakkural, Veerakesari, Mar. 23*

- LTTE men fire towards troops: Troops on duty at a location about 300 metres northeast of Mahindapura in Trincomalee have been fired at by the LTTE on March 26 around 3 p.m. Accordingly, 5 to 10 small arm rounds were fired by the LTTE cadres from the uncleared areas of Poonagar. However no casualties or damage was reported due to the incident, which was reported to the SLMM. — *Daily News, Sunday Observer, Mar. 27.*
 - Minister Mithripala's personal secy shot dead in Polonnaruwa: The personal secretary to Mithripala Sirisena, Minister of Agriculture, Environment Irrigation and Mahaweli Development was shot dead by an unknown gunman at 10.20 p.m. at Arangawila in the Polonnaruwa District. — *Veerakesari, Mar. 29*
- Soldiers, paramilitary, round up Valaichchenai villages : More than 150 army soldiers and paramilitary cadres rounded up five villages in Valaichchenai. Paramilitary cadres summoned the people to Pechiyamman temple grounds and held a meeting where members of the Karuna group warned the people against supporting the LTTE. — *Veerakesari, Sudaroli, Mar. 29*
- Body with cut injuries found in well: A severely beaten body with cut injuries of a middle-aged male was recovered from a well at a housing scheme, the Kalawanchikkudy police said. The body was identified as that of Thambirajah Thangarajah (55), a father of three children. — *Veerakesari, Thinakkural, Mar. 29*
 - LTTE political office burnt: THE Arayaampopathi political office of the LTTE in the army controlled area of Kaththankudy, Batticaloa was set on fire by unidentified persons who had damage and robbed things inside the office. The SLMM in Batticaloa was notified. — *Veerakesari, Mar. 31*
2. Incidents from the rest of the country related to the NE conflict
- Three arrested by police in Hatton: Three Tamils persons were arrested by the police in Hatton. Earlier, one person was arrested for possessing high explosive substances. In the course of investigation two more persons were arrested. — *Veerakesari, Mar. 2*
 - Two Tamils arrested at Katunayake: The police arrested two Tamils at the Katunayake Airport. When custom officers examined the luggage of these two persons who arrived from Switzerland, they had allegedly found more than 25 magnet torchlights, pen-like cameras and other contraband hidden in a computer. — *Sudaroli, Mar. 4.*
 - Re Muthalif murder case: Colombo Additional Magistrate, Gihan Pilapitiya issued notice on the Superintendent of the Welikada remand prison to appear in court on March 27 to explain to court why he did not comply with a court order to produce **Athularalalage** Karunaratne alias Anura Desapriya, a suspect in the murder of Lt. Col. T.N. Muthalif, former chief of army intelligence. Earlier the Magistrate had directed the Welikada Remand Prison Superintendent to produce Mr. Desapriya to record a statement in connection with Col. Muthalif's murder but the suspect was not produced in court. — *Daily News, Mar. 17*
3. General – some excerpts
- Lankan released after 5 years: A US court ordered the government on Friday to release a Sri Lankan who has been imprisoned for five years after he attempted to enter America seeking asylum from alleged torture in his home country. Ahilan Nadarajah, 25, a Tamil, alleged that he was tortured by government troops at his home in the Jaffna because he was suspected of being a member of the LTTE. — *Thinakkural, Veerakesari, Sunday Observer, Mar. 19.*
 - No immediate permission for fishing: No permission can be granted immediately for fishing. Similarly, it was not possible to remove army officers patrolling the street. This was the opinion expressed by Major General Chandrasiri, commanding officer of the Jaffna District. — *Sudaroli, Mar. 1*
 - Army-Karuna conspiracy to break Geneva talks: A conspiracy by the army and its ancillary force to disturb peace talks to be held in Geneva on 22 has come to public. This was to be achieved by attacking the main leaders of the LTTE, as revealed by Arumugam Vigneswaran of Santhaveli, Korakalvimadu, a youth who escaped from the Karuna group. — *Veerakesari, Sudaroli, Mar. 1*
 - Army officers punished for close links with LTTE: The Army headquarters have taken legal action against two of its officers for having close connection with the LTTE. A Major accused of this offence has been sent on compulsory leave and his place filled by another officer. At the same time a Captain was subjected to intensive interrogation by the military Police. — *Thinakkural, Mar. 1*
 - Military action in Jaffna cannot be restricted – Commanding officer: Jaffna commanding officer, Major General G.A. Chandrasiri has informed that military action in Jaffna would continue and cannot be restricted. He made this observation when meeting with a delegation consisting of Jaffna Secretariat officials, humanitarian organizations and human rights organizations at the Palaly army camp to discuss ways and means of bringing normally in Jaffna. — *Veerakesari, Mar. 2*

- HRC happy over progress in Jaffna: Human Rights Commission officials in Jaffna have commended the security forces and the police for the remarkable progress on the interaction between security forces personnel and civilians in Jaffna during recent days. — *Daily News, Mar. 3*
- Jaffna schools to protest interference of army in civil administration: The students of all schools in the Jaffna District are preparing to boycott schools and stage a protest on Monday against the interference in the civil Administration by the Jaffna Army Commander. — *Sudaroli, Mar. 4*
- Students agitate against army's interference in Jaffna : Jaffna students staged a demonstration by burning an effigy of the army commanding officer last Saturday in protest against the interference in civil administration by army personnel. This protest was against the commanding officer, Major General Chandrasiri for his interference in the field of education in the Jaffna District. — *Veerakesari, Mar. 5, Sudaroli, Mar. 6*
- Six Tamil refugees reached Tamil Nadu: Six Sri Lankan Tamil refugees have reached Tamil Nadu on March 4. A driver of the EPRLF is also included in this number. From January 12 to date a total number of 506 Tamil refugees have gone to Tamil Nadu. — *Veerakesari Mar. 6*
- Forces prevent functioning of fish market : Security Forces have been preventing the functioning of the fish market near the shores of Kalkovalam. The Forces have erected a new camp at the place. As a result, the fish market had to be relocated. — *Veerakesari, Mar. 12*
- Fishing restrictions relaxed: Restrictions imposed on fishing, following two major attacks on the navy in the northern and eastern seas in December and January, have been partially relaxed. "This was done on a presidential directive," a senior military official said. President Mahinda Rajapakse last week called for a report from navy headquarters after representations were made to him against crippling restrictions. — *Sunday Island, Sunday Times, Thinakkural, Mar. 12*
- Re child soldiers' weapons training claim: Navy headquarters are ready to assist the Nordic truce monitoring mission and UNICEF to authenticate the first statement attributed to two teenagers who fled an LTTE training facility at Sampoor, Trincomalee last Tuesday. The boys subsequently denied prior claims of receiving weapons training. Navy headquarters said that video evidence was available to prove the boys received weapons training. "One of them expertly handled a T-56 assault rifle a navy official said. "We have no doubt they were ordered to deny their first statement or face the consequences. We hope UNICEF and the truce monitors accept our assistance". He said. — *The Island, Mar. 13*
- UNICEF child recruitment figures understated - military: Although UNICEF has revealed an official figure of 1358 as being the number of children recruited by the LTTE for their military purposes since January 2006, the real number exceeds that number many fold, military source said yesterday. It was said that the number of child soldiers that were used by the LTTE was much larger than what the world may know from official figures. — *Daily News, Mar. 13*
- Our reports were based on complaints by parents – UNICEF: The United Nations Children's Fund yesterday confirmed that their reports on child recruitment for military purposes by the LTTE were accurate and they were based on complaints made by parents whose children have been taken away by force by the LTTE for combat training. UNICEF's communication officer, Junko Mitani told the Daily News that UNICEF is currently faced with some 1358 child recruitment cases by the LTTE. "The figures have been compiled since 2001" she said. — *Daily News, Mar. 14*
- UNICEF shocked over SLA's misreport: Junko Mitani, spokesperson for UNICEF in Sri Lanka said UNICEF is shocked to learn the figures of child recruitment as quoted by the army. Junko Mitani said the military had quoted figures well above 1,358 since January alone but the numbers were lower as only 25 cases were reported in January and that February figures are yet to be released. — *Thinakkural, Mar. 16*
- Stop sending Tamil asylum seekers to Sri Lanka : Action group of Tamil Asylum Seekers (AGTAS) in UK is organizing a protest rally against the British government's move to report rejected asylum seekers. The rally is to be held on Sunday between 12.00 p.m. to 3.00 p.m. at Trafalgar square in London. — *Sudaroli, Mar. 17*
- SLA lifts fishing ban in Vadamaradchi : The Sri Lanka army in Jaffna told the Vadamaradchi-North fisheries society representative that the SLA is lifting its 3-month-old fishing ban along Valvettithurai, Athiokovilady Thondamanaru and Kerudavil areas. — *Thinakkural, Mar. 24*
- Hartal paralyzes Trincomalee town : Normal life was disrupted in Trincomalee Town on Friday due to a general shut down (hartal) in response to the Trincomalee District "Pongu Tamil Forum" call demanding the government to lift its ban on fishing in the northeast coast and to

implement the Geneva agreement reached between the Govt. and the LTTE. — *Thinakkural, Mar. 24; Veerakesari, Sudaroli, Mar. 25*

- Navy re-imposes prohibited zone : The Sri Lanka navy yesterday said it was closing the island's territorial waters from the Jaffna peninsula to Kuthiramalai point with immediate effect. The navy release said the navy has introduced a prohibited zone from Sangaman Kanda to Puttalam, northern bound and around Jaffna peninsula up to a distance of 12 nautical miles from land to the international maritime boundary between Indian and Sri Lanka. This will be with immediate effect for all vessels above 3 tons and 28 feet in length and also capable of sustaining at sea for more than one day. — *The Island, Veerakesari, Daily News, Mar. 28*

April 2006

- Two home guards released: The two home guards arrested by the LTTE on March 14 on their way to Serunuwara have been released last week and they were handed over to their relatives at Kataiparichan. They are residents of Muttur. — *Daily News, April 4*
- Wife writes to SLMM re husband's arrest by police: Telani Parameswaran, wife of an accountant attached to the Ministry of Health has written to the Trincomalee office of the SLMM regarding the arrest of her husband by police for alleged possession of a hand grenade. She alleged the incident was planned by people who were against her husband. She said, the grenade was not found in the possession of her husband. She has requested the SLMM to help her husband who is in remand. — *Daily News, April 4*
- Two A/L students nabbed with 9mm pistol: Two teenage school boys, suspected to be from the LTTE pistol group were arrested with a Chinese 9mm pistol, from Selvanayagampuram in Anuradhapura, around 8.00 p.m. Mahendran Dineshwaran 19, and M. Raveendran 18, were recruited to the LTTE as pistol men trained to commit criminal acts on the order of the LTTE hierarchy, police said. Police nabbed the teenagers after a tip off. — *Daily News, April 4*
- Increase in LTTE child recruitment: There is a marked increase in the recruitment of children in the East for combat training presumably by the LTTE, according to Helen Olafsdottir, spokesperson of the SLMM. Ms. Olafsdottir said this on being asked by the Daily News if there was a drop in child recruitment campaigns propelled by the LTTE following the Geneva talks. She also said, "These incidents still remain open for inquiry. There is no ruling that the LTTE had recruited child soldiers so as to be charged with violation of the CFA for the recruitments". — *Daily News, April 6*
- UTHR (J) says LTTE staged TRO abduction drama: The University Teachers for Human Rights (Jaffna) has alleged that the LTTE has faked the alleged abduction of seven Tamil Rehabilitation Organisation (TRO) personnel at Welikanda on the Batticaloa-Polonnaruwa border in two separate incidents on January 29 and 30 of this year. The UTHR (J) in special report No. 20 released on April 2 titled "Terrorism, Counter-terrorism and challenges to Human Rights Advocacy" has cited sources close to family members of one abducted person as saying that the LTTE told them not to worry, as the missing persons were safe with the LTTE. — *Daily News, April 7*
- Families of abducted TRO staff to meet Colombo press: The Tamil Rehabilitation Organization and families of the seven abducted humanitarian workers say there is no progress during the past weeks regarding the abduction of the TRO members. — *Thinakkural, Sudaroli, Veerakesari, April 7*
- Govt. condemns Vigneswaran killing: The government vehemently condemned yesterday's brutal killing of Vanniyasingam Vigneswaran, President of the Trincomalee District Tamil People's Forum. On the directive of the President, IGP, Chandra Fernando, accompanied by a DIG of Police flew to Trincomalee to visit the scene of the crime. The IGP said a special police team would interrogate eyewitnesses. The President has ordered the IGP to expedite investigations and bring the culprits to book irrespective of their status — *The Island, Daily News, April 8*
- Vigneswaran, the President of Tamil People's Forum shot dead: Mr. Vanniyasingam Vigneswaran, President of the Trincomalee District Tamil People's Forum was shot dead Friday around 9.30 a.m. by an unidentified person when he was about to enter the main branch of the Bank of Ceylon located along Inner Harbour Road. At the time of death, he was 51 and a father of 3 children. — *Thinakkural, Sudaroli, Veerakesari, April 8*
- Explosion injures 4 SLN personnel in Mannar: Four Sri Lankan navy personnel were injured in an explosion while they were burning refuse at the Mannar navy camp around 5.30 p.m. sources in Mannar said. — *Thinakkural, April 8*
- Two Muslim home guards shot dead in Welikanda: Two

Muslim home guards, P. Adambava, and B. Taibuk were shot dead by two unidentified armed men on a motor cycle, around 7.30 a.m. at Kadduvanvila, Welikanda. — *Thinakkural, Veerakesari, Sudaroli, April 8*

- LTTE cadre killed: An LTTE cadre, Lt. Arulanandam was killed by artillery fire from the Sri Lanka army in Mankerny, Trincomalee. This was revealed to the SLMM by LTTE political head, S. Elilan — *Thinakkural, April 8*

- 7 including 5 soldiers killed in blast: While the LTTE blamed yesterday's claymore mine explosion, which killed seven persons including five soldiers in Mirusuvil, Jaffna on a 'Peoples Force', the SLMM said that it has never seen the operations of such a Force. The SLMM's media spokesperson, Helen Olafsdottir told The Island that it was too early to draw any conclusions on yesterday's attack but they have yet to witness a Peoples Force in Jaffna. — *The Island, April 11*

- Claymore attack kills 5 soldiers, 2 humanitarian workers: Five army soldiers travelling in a truck and two Tamil humanitarian workers belonging to the Human Development Centre were killed when a claymore mine hoisted to a lamppost exploded at Mirusuvil – northeast of Chavakachcheri. The HUDEC staff killed in the explosion was identified as Pathmanathan Sanmugaratnam, 55 and Selvendra Piratheepkumar 29. — *Veerakesari, April 11*

- Eleven SLN troopers killed in claymore attack in Trincomalee: Eleven Sri Lanka navy troopers were killed in a claymore attack that targeted a navy convoy in Thambalagamam, according to military sources in Colombo. Two British nationals wounded, when the navy bus hit their vehicle, were admitted to hospital. — *Veerakesari, Thinakkural, Sudaroli, April 12*

- 19 killed, 45 wounded, 20 shops burnt in Trincomalee: The death toll in the Trincomalee Town violence has risen to 19 with more than 45 wounded. Around 15 persons with serious wounds were being treated at the Trincomalee hospital. Around 20 Tamil and 2 Muslim shops have also been burnt down allegedly by the army and navy. Widespread attacks on Tamils were also reported after an explosion in the town around 4.30 p.m. while looting allegedly by the police, continued. — *Thinakkural, Sudaroli, Veerakesari, April 13*

- Two policemen killed in claymore attack: Two policemen were killed and two others injured when their jeep hit a

claymore mine fixed to a tree at the fifteenth mile post near Kumburupiddy about 30 km north of Trincomalee Town police sources said. — *Veerakesari, April 13*

- Kayts youth killed: A 26-year-old youth working as a minibs driver was found dead at his mother's house in Kayts. Thambu Gopalasingam was alone in his house when the incident happened. The body was found with severe assault and gunshot wounds. — *Thinakkural, April 13*

- 5 SLA soldiers killed, 10 wounded in Vavuniya claymore attack: Five soldiers were killed and 10 wounded in a claymore attack on an army vehicle in front of Joseph camp in Vavuniya. The army bus was carrying soldiers from Pampaimadhu. The claymore was fixed to a two-wheel tractor parked on the roadside at Moondumurippu in Vavuniya. — *Sudaroli, April 17*

- Bus timekeeper shot in Vavuniya Town : Unidentified gunmen shot and wounded J.W. Danasiri a timekeeper employed at the Vavuniya private bus services union at 8.50 a.m. on Sunday. The incident took place in the heart of the Town where security was beefed up following the claymore attack on Saturday. — *Sudaroli, April 17*

- Five wounded in claymore attack in Batticaloa: Two air force personnel, an officer's wife and her daughter were wounded when a vehicle convoy was hit by a claymore mine Monday at 12.30 p.m. at Korakallimadhu in Kiran. — *Thinakkural, April 18*

- Young boy succumbs to injuries A 14-year-old schoolboy, Atputharajah Sureakumar who was standing outside his house in Chavakachcheri succumbed to injuries caused by a claymore mine explosion. Two other civilians, Krishnan Thiruchelvam (30) and Sivapalan Thileepan (35) died in the incident. — *Thinakkural, Veerakesari, April 18*

- Another Thenmaradchi trader shot and killed: Four gunmen riding two motorbikes entered an electrical shop located on the A9 road at Meesalai in Thenmaradchi and gunned down Ramalingam Sakilan (30), the owner of the shop. — *Thinakkural, Veerakesari, April 18*

- Youths shot and injured by gunmen: Unidentified attackers in a white van shot two youths at Karuvakerni school in the Batticaloa Town on Monday around 9.45 a.m. Kanapathippillai Koneswaran (24) and Gunapal Suresh (24) were standing near the school talking with friends when they were shot. — *Thinakkural, Veerakesari, April 18*

- Santhiriveli youth shot dead: Mr. Easan (24) from

Santhiriveli was shot dead inside his home by unknown gunmen around 2.30 p.m. on Monday. Local residents had witnessed the gunmen arriving in a car. — *Thinakkural, April 18*

- Five civilians shot and killed in Puttur East: Five Tamil civilians were shot and killed Tuesday night close to the 51-1 division army camp located at Vathara Vattai in Jaffna. The civilian killed was identified as Kandasamy Gowribalan, 32, a Municipal Council official, Balasubramaniam Kannadasan 27, an auto driver, Sellappa Kamaladasan 25, an electrical mechanic, Mahadevan Hishorkumar 20, a farmer, and Thangarajah Raveenthiran 27. The bodies were found in a paddy field. SLMM officials visited the murder site. — *Veerakesari, Thinakkural, April 20*
- Jaffna trader shot dead: Two gunmen riding motorbikes shot and killed a shop owner at Kondavil junction in Jaffna around 7.30 p.m. on Wednesday. The gunmen asked the owner to come out of the shop, opened fire at the victim and fled. The victim was Ambikaipalan Thambapillai (38). — *Veerakesari, April 20*
- Two bodies found in Vavuniya: Two bodies with severe cut wounds and gunshot injuries were found on Thursday morning in the Kuttinagar area, in Maharambaikula, Vavuniya. Their faces were covered with black cloth and they were gagged with duct tape. The identities of the killers and the victims are not yet known. — *Veerakesari, Thinakkural, April 21*
- A fish trader shot dead: Two unknown gunmen shot dead a fish trader who ran a fish market in Sulipuram Navalady. The gunmen arrived on a motorbike, requested the trader to come out of the building, shot him and escaped. The victim was Talavasi Mavachandran 35, from Vembady, Chulipuram. — *Veerakesari, Sudaroli, Thinakkural, April 21*
- Rights body reports 62 deaths, disappearances in northeast: The Northeast Secretariat on Human Rights in a report released has listed details of 62 killings and disappearances of Tamil civilians by the security forces and collaborating paramilitaries in the northeast during the last seven weeks as follows: Trincomalee-21, Jaffna-17, Batticaloa-12, Vavuniya-8, Mannar-4; NESOHR also said that small business owners, because of their visibility, have turned out to be the main targets. — *Sudaroli, April 22*
- Two civilians killed in Mannar claymore attack: Two Tamil civilians were killed in LTTE controlled area in the Mannar District on Saturday afternoon. They were killed when their motorbike hit a claymore mine. They were travelling from Pandivirichchan to Andankulam, their work site where they were employed as masons. — *Sudaroli, April 24*
- Two three-wheel drivers shot dead in Nelliady: Unidentified gunmen on a motorbike shot dead two three-wheel owners at the central bus stand in Nelliady, Vadamadachy. Subramaniam Vaseekaran alias Kannan one of the two killed was the President of the Three-Wheel Owners Union — Vadamadachy branch. He was 28 years and a father of two. Ratnam Rasintham, 23, who was standing by the side of Kannan was also killed. — *Sudaroli, April 24*
- Vavuniya trader shot dead: Unidentified gunman shot and killed a shop owner at Veppankulam on Saturday at 8.15 p.m. The victim, Satgunarajah Rajapattman, 31 was the owner of the Madhu Matha Kalanchiyam shop. — *Sudaroli, April 24*
- Sinhala village attacked in Morawewa, 6 killed: Six persons were killed when a group of gangsters attacked a suburb in Komarankadavala Village in Trincomalee. The gang had set fire to a paddy harvest and attacked people in the village. — *Veerakesari, Sudaroli, April 24*
- Two youths killed in Batticaloa: Army troops gunned down a youth and another was reported killed in a blast that took place around 7.30 a.m. on Monday. This occurred after soldiers detected a claymore mine on Thivu Road, in Vantharu Moolai. Army sources however claimed that the youths were attackers. They say, they have recovered a claymore mine, 200 metres of wire, and a grenade from the victims. — *Veerakesari, Thinakkural, Sudaroli, April 25*
- Gunmen kill education office employee in Valaichchenai: Paramilitary gunmen who entered the education office in Valaichchenai shot and killed Kanakarathnam Lingeswaran (30) a clerk from Vaharai education office around 10.45 a.m. the gunmen who shot the victim with handguns were covering their faces with their helmets. Another official A. Nagalingam (53) was wounded in the incident. — *Thinakkural, Veerakesari, April 25*
- Soldiers open fire at civilian bus, 2 killed: Army soldiers opened fire on a minibus killing its two civilians at Kanakapuliady junction Monday around 8.45 p.m. Residents who heard the gunfire and screaming from the vehicle said though the inmates of the bus were killed their bodies and other traces of the incident were removed from the site. — *Thinakkural, April 25*

- **A-9 checkpoint closed at Omanthai, hundreds stranded:** *The Sudden unannounced closure of the army checkpoint on the A-9 Highway at Omanthai from Tuesday 3.30 p.m. has caused severe hardships to people who were en route from Jaffna to the South or vice versa.* -- **Veerakesari, Thinakkural, April 26**
- **Three civilians killed, 8 wounded in K-fir strike:** Three civilians including a Muslim Moulavi and his wife were killed and eight others were injured when K-fir jets bombed a Muslim village in the government controlled Mutur Town. The Moulavi who was killed by the air strike was identified as Zeinudeen. — **Veerakesari, Thinakkural, Sudaroli, April 26**
- **Home guards massacre 3 Tamils, abduct 2:** Three Tamil civilians were hacked to death and two children were abducted by Sinhala home guards at Thanganagar in Seruvila. The dead were identified as Rasiah Sivalingam, (40) Krishnapillai Jeevarajah (40) and Velupillai Pathmanathan (28). The names of the abducted children are Yoganathan Alagendran, (17) and Mylvaganam Mohanasingam, (9). — **Veerakesari, Thinakkural, April 27**
- **Senthilnathan shot and killed in Vavuniya:** S.K. Senthilnathan, a trader and a senior member of the Vavuniya, All Ceylon Congress was shot by paramilitary gunman around 11.00 a.m. on Wednesday. He succumbed to his injuries at the Vavuniya hospital. Mr. Senthilnathan was a popular trader and was to contest the local elections to be held in Vavuniya. — **Veerakesari, April 27**
- **13 bodies of civilians recovered from Mutur East:** Initial reports from Mutur East in the Trincomalee District said at least 13 bodies of Tamil civilians including men, women and children were recovered from the area subsequent to air strikes by K-fir jets and artillery attacks by the army and navy. More casualties are expected from the attack, an NGO source said. — **Thinakkural, Veerakesari, April 27**
- **Five security forces personnel killed in claymore attacks:** The LTTE carried out three claymore mine attacks on Security Forces yesterday in Kayts and Mannar killing three soldiers, two sailors and injuring five security forces personnel, military sources said yesterday. The LTTE detonated a claymore mine targeting soldiers at Naravilukulam in Mannar around 4.30 p.m. killing three soldiers and injuring three, military spokesman, Brig. Prasad Samarasinghe said. The injured soldiers were admitted to the Anuradhapura Hospital. The LTTE carried out a claymore attack on a navy motor bicycle around 10 a.m. killing two sailors in Kayts. An armored car plying on the Mannar-Vavuniya Road also came under an LTTE claymore attack at Uyilankulam injuring two STF personnel. — **Daily News, Virakesari, April 28**
- **Auto driver shot dead in Kayts:** An auto rickshaw driver, Suresh Fernando, (35) was found shot dead Friday morning in Kayts near St Joseph's church and the rural Bank. — **Veerakesari, April 29**
- **Young man shot dead in Mannar:** Unidentified men shot dead a Tamil civilian Friday Morning around 7 a.m. at Kallian Kadhu village near the Mannar-Madawachchiya Road. The victim, Mr. Gunaratnam (35) was a father of three children. The assassins fled on a motorbike after the shooting. — **Veerakesari, Thinakkural, April 29**
- **Two youths killed, violence escalates in Batticaloa:** Two unidentified gunmen on a motorbike shot and killed two Tamil youths on Friday morning around 8.15 p.m. near Kinnayadi. One of the victims, Vinayakam Kamalan was a father of two sons and the other victim Selvan Prapu was only recently married. — **Veerakesari, Thinakkural, April 29**
- **Police sergeant shot dead:** A Vavuniya police sergeant who was manning a roadblock was shot dead last night by Tiger rebels. Police said Sergeant Karuna Wickrama had stopped two persons on a bicycle for a routine check when one pulled out a gun and shot him before fleeing. — **The Sunday Times, April 30**

May 2006

- **Tigers attack Karuna camp, 20 killed 9 injured:** 20 paramilitary operatives of Karuna's group were killed in an attack launched by the LTTE on paramilitary camps in govt.-controlled Kasankulam near Welikanda. LTTE commandos seized arms and ammunition at the paramilitary camp. The attack was launched around 12.30 a.m. on Sunday. — **Veerakesari Thinakkural, Sudaroli, May 1**
- **Bus conductor shot dead in Jaffna:** A private bus conductor was shot dead at Power House Road in Jaffna Town, about 100 metres from the army camp around 11.30 a.m. Sunday. The dead man was identified as M. Jeyapragash 25, of Colombuthurai. — **Veerakesari, May 1**
- **Missing TRO vehicles at Karuna camp:** Two vehicles used by the TRO humanitarian workers allegedly abducted by paramilitary cadres were spotted at the paramilitary camp. — **Sudaroli, May 1**
- **Two sailors injured in claymore attack :** Two navy

personnel have been seriously injured in a claymore attack near Allaipitty in Kayts. The incident occurred at 6.45 p.m. on Sunday. The injured sailors were airlifted to Palaly Military Hospital and later transferred to the General hospital, security sources said. — *Veerakesari, May 1*

- Seven youths arrest from Pesalai: Seven Tamil youths from the Pesalai refugee camp located along the Thalaimannar-Mannar Road were taken into custody by the navy in a cordon and search operation. After interrogation at the Pesalai police post, the youths were handed over to the Thalaimannar police for further inquiries. — *Thinakkural, May 1*
- Woman shot dead in Velanai: A 29-year-old woman, E. Bothini was shot and killed by unknown gunman at the bus stand in the Jaffna Islet of Velanai on Sunday evening about 6 p.m. — *Thinakkural, May 1*
- Decapitated body recovered in Vavuniya: Yesterday a decapitated head of a youth was recovered by the police at Rajadurai Street, along the Kurumankadu-Mannar Road in Vavuniya. The decapitated head found wrapped in a plastic bag and thrown on the side of the road was identified by relatives as that of a 24-year old apple seller named Laser Thanasekar, who had been missing since Friday. Meanwhile, the headless body was found along the Vavuniya-Mannar Road near the Paddaikadu pond in Paddanachi, Pulliyankulam. — *Veerakesari, Sudaroli, Thinakkural, May 1*
- Four infants killed in attack — UNICEF: The UN organisation looking after the welfare of children (UNICEF) announced that 4 infants died and 24 infants critically injured during the attack carried out in Tamil inhabited areas by the security forces. Members of UNICEF-Trincomalee conducted a survey of the affected areas in Trincomalee District inclusive of two damaged schools. Four children between 2-16 were killed and 16 civilians lost their lives. Twenty-four children are critically injured. — *Veerakesari, May 1*
- Tamil youth shot dead at Vellaveli: A Tamil youth was shot dead by unidentified person at Vellaveli on the Batticaloa-Kalmunai Road. The person killed was identified as one Sellathurai Asokan. — *Veerakesari, May 1*
- Four Tamil youths hacked to death in Trinco: Four bodies of Tamil youth were recovered in the jungle areas of Vilankulam, Trincomalee. Sword-cut injuries were found on the bodies one, which was said to belong to a saloon worker. — *Sudaroli, May 1*
- Allaipitty man shot by navy: Navy in Allaipitty, Kayts killed a 74-year-old civilian at his home at 8 p.m. on Sunday. Rasamany Sanagarapillai was with his wife when the navy men entered his house and shot him at close range. His wife was also injured in the gunfire. The incident follows a claymore attack on a navy foot patrol that injured two sailors. — *Veerakesari, Thinakkural, Sudaroli, May 2*
- Explosion kills 5, injures 5 in Trincomalee: A sailor and four civilians were killed in an explosion in Trincomalee Town around 9.45 a.m. on Monday. Three navy personnel and two civilians were wounded in the explosion, which occurred at Vidyalayam Road, police said and added that the blast was caused by a claymore mine fixed to a bicycle, parked on the roadside. The civilians killed in the blast were identified as Praba, a three-wheeler driver, Chithra Thurainayakam (46) and her two children Vanitha and Thulasidasan. — *Veerakesari, Thinakkural, Sudaroli, May 2*
- Soldiers on paramilitary rescue mission killed: The LTTE commando unit that returned to the LTTE forward defense line on Sunday after attacking 3 camps of the Karuna group in Welikanda has claimed that 5 army personnel including a Captain who took part in a paramilitary rescue operation were killed in confrontation with the LTTE. The Captain killed was identified, as Lloyd Fernando and the soldiers as Upul, Jayakody, Tissanayake and Anura, TamilNet said. — *Thinakkural, May 2*
- Eighth auto rickshaw driver shot dead in Jaffna: Armed men on a motorbike shot and killed a young auto rickshaw driver in Kodikamam in the Thenmaradchi Division in Jaffna on Tuesday around 10.30 a.m. The victim, Selvaratnam Mathiseelan (22) is the 8th auto driver to be gunned down in Jaffna. The killing took place near the Kodikamam fish market. — *Veerakesari, Thinakkural, May 3*
- Two traders shot in Jaffna, one dead : Armed men on a motorbike entered a hairdressing saloon near Thirunelvealy Junction and shot a trader from a nearby public market and the saloon owner. The trader succumbed to his injuries at the Jaffna Hospital. Vallipuram Suganthan 34, was the saloon owner while Arumugarajah Theivendran 54, was the trader killed. — *Veerakesari, Thinakkural, May 3*
- Uthayan office attacked, 2 killed: Five paramilitary gunmen who entered the main office of the Jaffna Daily, Uthayan on Tuesday night opened fire on the editorial staff killing at least two staffers including the marketing manager and wounding two. According to initial reports, at least 40 gunshots were heard, residents said. The marketing manager, Bastian George Sagayathas (Suresh) 37, and Rajaratnam Ranjith, 25 were killed. S.

Uthayakumar and N. Thayakaran the two injured staffers were rushed to Jaffna Hospital. — *The Island, Veerakesari, Thinakkural, Sudaroli, May 3*

- Female farmer killed, 2 wounded by army: A group of soldiers, who penetrated into LTTE-controlled Madhu division, shot and killed a 50-year-old woman farmer. A 60-year-old man and another 50-year-old woman were also wounded in the incident that took place at Chinnavalayankattu in the Mannar District on Tuesday around 4.00 p.m. The woman farmer Sivagnasuntharam Kalarani was killed on the spot. V Jayalatchumi and U. Veerappan were rushed to hospital. The farmers were returning from their paddy fields with rice straw bundles when the soldiers shot them. — *Veerakesari, Thinakkural, Sudaroli, May 3*
- Decomposed body found: The Vellaveli police has recovered the decomposing body of a male found buried near the riverside in the colonized area of Sankarpuram. — *Veerakesari May 3*
- Dead bodies of 3 youths recovered: Three dead bodies with gunshot injuries, with hand and legs tied and mouth gagged were recovered yesterday at Sooduvenhapulavu in Vavuniya. One body was identified by relatives as that of auto driver, R Nagesh. The Magistrate, M. Elancheliyan has ordered that the other two bodies be photographed and the photographs handed over to the ICRC. — *Veerakesari, Thinakkural, May 4*
- Suspects in Uthayan killings released on bail : Four students and two traders arrested by the Sri Lanka security forces on Tuesday as suspects in the Uthayan killings and produced before Jaffna courts were released on bail by Jaffna Additional Magistrate, Srinithi Nanthasekaram. They had been bailed out after being subjected to an identification parade in the presence of the Magistrate, sources from Jaffna said. — *Veerakesari, Thinakkural, Sudaroli, May 4*
- Innocent student charged in Uthayan killings : Amid propaganda by the Sri Lanka Defence Ministry and the security forces that they have arrested four suspects in the killing at the Uthayan office, civil society members registered complaints with the Jaffna Human Rights Commission that the four arrested are innocent student from the east who were temporarily living in Jaffna to complete their A/L examination. The four students had been attending tuition classes at the popular new science hall, a privately-run educational institution in Jaffna, sources said. The arrested students are:
 1. Kanapathippillai Vaheesan (20) from Trincomalee
 2. Arul Krishnath (20) from Trincomalee
 3. Yoganathan Thushan Thajith (20) from Vetharanyam

4. Mohanadas Anushakaran (20) from Kottaikallaru — *Veerakesari, Thinakkural, Sudaroli, May 4*

- Seven innocent youths killed in Vadamaradchi, Jaffna : Army soldiers opened fire and attacked with rocket-propelled grenade (RPG) launchers two three wheelers killing 7 youth inside. The incident occurred near an army intelligence camp in Navindil, 300 metres from Neliyady Junction in Vadamaradchi, Jaffna around 2.15 p.m. on Thursday. The victims were on their way to attend a birthday party when they were attacked by the army in retaliation to a grenade attack that took place behind the army camp where 3 army personnel including an officer were wounded. Sri Lankan defence sources claimed that the youths who were killed when attackers lobbed grenades into a nearby EPDP camp. The seven victims from Rajakramam Karavetty were identified as
 1. Selvarajah Suman, 22
 2. Velupillai Vimalan, 21
 3. Nagaratnam Naguleswaran, 18
 4. Palachchandran Krishnathasan, 17
 5. Thamocharapillai Sharmilan, 17
 6. Nasvaratna rajah Nasanna, 17
 7. Subramaniyam Subash, 19

— *Veerakesari, Thinakkural, Sudaroli, May 5*

- Motorbikes, bicycles prohibited to enter port city: Alleging security reasons, the Trincomalee police has prohibited motorcycles and bicycles entering the port city with immediate effect. Police have allocated places to park motorcycles and bicycles. Police said the prohibition would be in force until further notice. — *Veerakesari, Thinakkural, Sudaroli, May 5*
- Two killed in claymore mine attack : Two home guards were killed and four injured on Thursday around 8.55 a.m. when a chain of claymore mines exploded near them in Vavuniya. — *Veerakesari, Thinakkural, Sudaroli, May 5*
- 5 civilians wounded in retaliation fire : Five civilians were rushed to the Vavuniya Hospital with gunshot wounds when Sri Lanka troops opened fire in retaliation to a grenade attack in Vavuniya Town. Several policemen had been injured in the grenade attack and transferred to the Anuradhapura Hospital with serious wounds. — *Veerakesari, Thinakkural, Sudaroli, May 5*
- Three bodies identified: The three bodies found on Wednesday morning at Pavatikulam in Cheddikulam, Vavuniya have been identified by relatives as that of auto driver R Nagesh from Pampaimadu, S. Jebanesan from Periyakomarasankulam and N. Sivalingam from Madupalampiti. — *Thinakkural, May 5*

- Father enlists daughter with LTTE: A father voluntarily enlisted his daughter with the LTTE at Rathinapuram in Kilinochchi. Velu Chinniah, a permanent resident of this area, joined his daughter, C. Chithra into the LTTE movement in the presence of LTTE's area propaganda leader, Athavan. — *Veerakesari, May 5*
 - 6 injured in claymore attack in Vavuniya: Three policemen, and three civilians including an 8-year-old girl were injured on Friday around 1.20 p.m. at Station Road, Vairavapuliyanikulam in Vavuniya in a claymore explosion targeting the vehicle taking lunch to police cadres, Vavuniya police said. Deivendram Kesavi 8, S. Sivakumaran and Thangarasah Selvarajah were the injured civilians. — *Thinakkural, Veerakesari, May 6*
 - Navy sinks boat off Kalpitiya: A boat that came under gunfire from a Sri Lanka navy vessel in the seas off Kalpitiya between the Kathiramalai shore and Vathalankundru islet, took fire and sank according to police sources in Puttalam. The incident took place around 9.20 a.m. on Friday. Military sources in Colombo said the navy attack had destroyed an LTTE boat in the Kalpitiya lagoon. Three LTTE cadres were in the boat destroyed by the Navy, according to military sources. — *Thinakkural, Veerakesari, May 6*
 - Army ransacks LTTE's Jaffna political offices: Army personnel damaged the building, which functioned as the political office of the LTTE at Kokuvil, Jaffna in the early hours of Saturday according to civilians in the area. Another building used by female members of the LTTE's political wing at Kokuvil East was also damaged, residents said. Large numbers of troops were deployed in Kokuvil from midnight till 3.30 a.m. on Saturday. — *Veerakesari, May 7; Thinakkural, May 8*
 - 8 civilians feared killed in Thenmaradchi: Villagers who went searching for 8 missing youths in Manthuvil East in Thenmaradchi, Jaffna found blood traces, pieces of clothing, 3 identity cards and at least 6 empty cases of bullets. Earlier, 8 young men who went to Seerani Kelakkai temple in Manthuvil East off Chavakachcheri were reported missing. A general secretary of the temple trustee board, and four students were among the victims who are feared dead. Now fear has gripped the entire Kelakkai Village. Names of those feared dead and reported missing are: (1) Rasanayagampillai Sivananthamoorthy, 32, (2) Ramachandran Rajkumar, 22 (3) Vaikundavasam Vaikundan, 17, (4) Markandu Pushpakandan, 18, (5) Kandasamy Parimelalagan, 21, (6) Ponnambalam Parthiban, 17, Selvaratnam Sivanantham, 21, and (8) Ratnam Dayaruban, 21. — *Thinakkural, Veerakesari May 8*
 - Army shells Vavunathivu: Army mounted artillery and mortar attacks on LTTE-controlled Vavunathivu in Batticaloa, and surrounding areas from 6 a.m. on Sunday morning for about 30 minutes. Later, Vavunathivu residents were seen moving out of several residential areas. — *Thinakkural, May 8*
 - Youth shot dead in Thirunelvely: Unknown gunmen shot dead a youth in Thirunelvely, Jaffna at 5.30 p.m. on Sunday. The youth from Neerveli, Karanthanai was walking along the Palaly Road towards Thirunelvely junction when he was shot at close range by the gunmen, who escaped from the scene. — *Veerakesari, May 8*
 - 12 policemen injured in Batticaloa hand grenade attack: 12 police cadres including a policewoman and two civilians were seriously injured in a hand grenade attack by unidentified men riding a motorbike on Sunday around 7.30 p.m. in front of the Batticaloa police. — *Thinakkural, May 8*
 - Two youths reported missing: Two youths who travelled to Jaffna Town from Point Pedro to buy provisions have been reported missing, according to complaints made by their relatives to the Jaffna, Human Rights Commission office. The youths were Navaratnam Sasikumar, 23 of Katkoyalam in Point Pedro and Subramaniam Krishnakumar, 23, of Kudathanai in Vadamaradchi. — *Thinakkural, May 8*
- Two women arrested in Mannar: On Sunday at 12.30 p.m. two women were arrested by navy personnel at Eluthoor in Mannar. The navy said the two suspects were arrested for having connections with the LTTE. — *Thinakkural, May 9*
- Body with knife wounds found in Eravur: The dead body of fisherman Sinnamuthu Sivalingam (43) from Kaluvankerny in Batticaloa was recovered with knife cuts, the Eravur police said. Complaints at the Eravur Police had been made that the murdered fisherman, a father of four children, had not returned from his fishing since Friday, added police. — *Thinakkural, May 9*
 - 7-month old baby dies due to A9 closure: A 7-month old baby who suffered from heart ailment and was unable to be transported for specialized treatment to the Jaffna Hospital due to the closure of the A-9 Road, died. A Kilinochchi Hospital medical officer, Dr. Ananthan said that due to the closure of checkpoints at Omanthai and Muhamalai without prior notice, the child could not be taken either to the Jaffna Teaching Hospital or to the Jaffna Hospital. — *Thinakkural, May 9*
 - 6 people arrested in Chankanai: Six civilians were arrested

at Chankanai in Jaffna by security forces. No reasons for the arrests were disclosed. — *Veerakesari, May 10*

- Tortured body found in Eravur

The Eravur police recovered a dead body at the Pattaikkadu area along the Punnaikuda Street in Eravur. The person, Thambimuthu Sivalingam aged 40, was said to have been tortured and killed. — *Sudaroli, May 10*

- Claymore attack in Jaffna islet, 2 sailors wounded: Two Sri Lankan navy troopers were seriously wounded in a claymore attack in the Jaffna Islet of Velanai on Wednesday at 9.10 a.m., military sources said. — *Veerakesari, Thinakkural, Sudaroli, May 10*

- Students travelling abroad reported missing: A Jaffna student on his way abroad was reported missing together with his driver and the vehicle after reaching the Sri Lanka army checkpoint at Omanthai on May 6. The disappearance had taken place around 2.30 p.m., according to his parents who complained to the authorities and Human Rights bodies in Vavuniya. — *Veerakesari, May 10*

- Gunmen abduct Point Pedro traders: Unidentified gunmen who came in a white van abducted two traders in Point Pedro Town, amidst the high security zone around 5.30 p.m. on Tuesday. Sources said the men were abducted when they were getting ready to go home after closing their shops. One was identified as Gopi, 25 who owns a hairdressing saloon. — *Veerakesari, Thinakkural, Sudaroli, May 10*

- Two forest workers found dead: Two civilian employees of the Forestry Resources Protection Unit attached to the civil administration in Vanni were found shot dead at Panikkankulam Jungle in Mankulam. The employees who went to the jungle were reported missing on May 5. The decomposed bodies had bullet wounds and police found four empty cases from the location. The victims were identified as Weerakody Somarasa, 60 from Thiruvaiyaru in Kilinochchi and Thopilan Periyasamy 58, from Kilinochchi. — *Veerakesari, Thinakkural, May 10*

- 3 arrested for murder of married person: The Eravur Police have arrested 3 persons in connection with the murder of a married man that took place in the jungles of Punnaikuda in Eravur. The arrested persons were Karthie Mathavan, Krishnapillai Nathan and Parasuraman Velambikai who are residents of Karuvankerny in the Eravur Police Division. The suspects were produced before the Batticaloa Magistrate N.M. Noordeen and remanded for 14 days. — *Veerakesari, May 11*

- Navy uses bicycles to avoid claymore mines: Navy personnel who return from leave are instructed to use

bicycles for their journey to their camps. It is reported that they travel 'double' and fully armed on the bicycles to the Sunny Village navel camp. — *Thinakkural, May 11*

- Singer killed in front of 'Chattanathar' temple: An old and devoted singer was killed in front of the Chattanathar Temple when he got caught in the firing of security forces, after a hand grenade was thrown at the forces. The dead person, Muthuvelu Kalidas aged 75 was riding a bicycle at that time. — *Thinakkural, Veerakesari, May 12*

- Wife of slain LTTE member abducted in white van: The wife of a former LTTE member, who was shot and killed in Thambiluvil, Thirukovil by an armed group, was abducted yesterday at Kurumanveli in Batticaloa. Ms. Vijayalakshmi aged 27, was on her way to court when she was taken away in a white van. — *Thinakkural, May 12*

- Home guard shot dead in Padaviya: On Wednesday morning a home guard from Vevelkanda in Padaviya was shot dead and his gun taken away by unidentified persons. The home guard V.Wijeyaratne aged 52, was a resident of the area. — *Thinakkural, May 12*

- Youth shot by unknown group dies at Colombo: Seenithamby Yogeswaran of Panichankerny, shot by the Karuna group on Tuesday around 10.30 a.m. near Kayankerny army camp, succumbed to his injuries at the Colombo Hospital. Mr. Yogeswaran was transferred from the Batticaloa Hospital to Colombo Hospital Tuesday, his relatives said. — *Thinakkural, May 12*

- Two navy vessels destroyed: Two navy Dvora fast attack crafts were destroyed near Vettalaikerni in a battle with Sea Tigers. At least 20 sailors including officers were killed in the clash. — *Thinakkural, May 12*

- Two students reported missing in Mannar: Mothers of two students lodged separate complaints with the Mannar Citizen Committee about the disappearance of their sons. Johnson Thangarajah (13) a student did not return from school on April 14. Anthony Sureshkumar (17) of Panankattaikottu in Mannar left home on April 24 morning and did not return thereafter, sources said. Mannar Citizen Committee has forwarded these complaints to the Human Rights Commission of Sri Lanka and the SLMM in Mannar for necessary action. — *Thinakkural, May 12*

- Tamil youth shot dead in Mutur: On Thursday morning (11) Mr. Surendiran alias Surya (22), owner of a hairdressing saloon was shot dead by unidentified armed persons who came on a motorcycle. He died on

the spot inside his saloon with injuries to the head and chest. — *Veerakesari*, May 12

- Terrorists target ship carrying 700 troops: The government last night emphasized immediate need for international action against the Tigers after they blew up a fast attack craft providing cover to a vessel carrying over 700 security forces personnel to KKS navy base. Despite losing one of the escort vessels (P-418) the navy fought back preventing a direct Sea Tiger attack on MV Pearl Cruiser. The navy acknowledged the attack was undoubtedly the biggest since the Oslo-arranged Ceasefire Agreement (CFA) came into operation in February 2002. The entire crew comprising 2 officers and 15 sailors were reported missing. — *The Island, Daily News*, May 12
- Hairdresser shot dead in Atchuveli: Two gunmen on a motorbike shot and killed Mr. Kandiah Sivagnanam, 45, owner of a hairdressing saloon at Thambalai junction in Atchuveli North, Valigamam East on Friday morning around 8 a.m. He was opening the saloon when he was shot. — *Thinakkural, Veerakesari*, May 13
- Dvora attack: seven bodies found: Seven bodies of the 18 crew members of the Dvora P-418 which sank after an LTTE attack off Vettalaikerny on Thursday, were found yesterday. The army media unit said that 7 bodies were found and one has been identified as that of sailor A.M.A.N Bandara. — *Thinakkural, Daily News*, May 13
- Elilan alleges Jihad nexus in killing Muttur Tamil youths: LTTE, Trincomalee District political head, S. Elilan on Friday complained to the SLMM that government troops in connivance with an armed Muslim Jihad group were killing Tamil youths in Muttur to create a rift between Tamil and Muslim Communities currently living in the area in harmony. — *Thinakkural, Veerakesari*, May 13
- Six Jaffna youths abducted by army: Army soldiers abducted 6 youths, all below 25 years on Thursday afternoon around 5.30 p.m. from a restaurant at Kalatty junction near Jaffna University. The youths, 2 from Point Pedro and 4 from Jaffna Town, were standing in front of the restaurant when they were rounded up by the soldiers who came on motorbikes. — *Thinakkural, Veerakesari*, May 13
- Body of disappeared youth found in Karainagar: The body of Thasan Santhakumar 26, a fisherman from Karainagar in Jaffna was recovered from a fresh grave found in the vicinity of the navy camp in Karainagar. Mr. Santhakumar went missing on Wednesday and was last seen riding his bike, relatives said. Kayts police recovered the body and handed it to the Jaffna Teaching Hospital for postmortem examinations. — *Thinakkural, Veerakesari*, May 13
- Infant and little child among 8 killed by navy: Navy troopers from Mandaitivu navy camp surrounded a civilian house in Allaipiddy in Mandaitivu Islet around 8.30 p.m. on Saturday and opened fire killing 8 civilians, including a 4-month-old baby, a 4-year-old boy and their parents on the spot. Three other persons with serious wounds were rushed to Jaffna Hospital. — *Thinakkural, Veerakesari*, May 14
- Father, daughter shot and injured in Kayts: Two civilians from Mankumban, 5th District in Kayts were seriously injured when 4 identified gunmen entered their house scaling the perimeter wall, and fired indiscriminately inside the house on Friday at 11.45 p.m. police sources said. P. Sundaralingam 54, and his daughter S. Jeyaranee 29, suffered serious gunshot wounds. — *Thinakkural*, May 14
- TNA MP's office burnt: TNA Parliamentarian S. Gajendran's office at the Thinnaively Junction on Palaly Road was set on fire by an unidentified group yesterday. The two-storey building also housed the international Tamil students union. No casualties were reported as the attack was carried out in the early hours of Saturday morning. TNA Parliamentarian N. Raviraj confirmed the attack. — *Sunday Leader, Veerakesari*, May 14
- 4 shot dead, shops set on fire : Four people including 3 of the same family were shot and killed by armed men at Puliyanakoodal, Kayts in the Jaffna Peninsula. The victims were 62-year-old M. Shanmugalingam, his wife Parameswary, and son S. Kantharupam (29). Following the killings their telecommunication centre as well as many other shops were set on fire. As a result great fear and confusion were created in the minds of the people. In another incident, a tea boutique owner, Ratnam Senthoooran of Vangalavadi Junction was killed. — *Veerakesari, Sudaroli, Thinakkural*, May 15
- 3 youths killed in different incidents in Jaffna: Three youths were shot and killed in Jaffna Pathameni, Aavarangal, and Kopay areas. Last Sunday at 7.30 a.m. a youth named Pasuvalingam Kandeepan (26) was shot dead by a motor cyclist at the Atchuveli Sannathy Kovil Street. In another incident a youth named E. Surendiran was also shot and killed at about

8 a.m. on the Jaffna-Point Pedro Road. — *Veerakesari, May 15*

- Two more Tamil youths shot dead in Mutur: Two Tamil youths travelling in a two-wheel tractor were shot dead by unidentified armed men at Periyapalam, in Mutur Town, around 10 a.m. on Sunday. The victims were identified as S. Balachandran of Puliyadichenai, and Ramanathan Sekar from Manalchenai. — *Veerakesari, May 15*
- Two traders feared killed in Puthur, Jaffna: A restaurant owner and a grocery shop owner at Nilavarai, located in Valikamam sector of Jaffna District were feared killed on Sunday night near a tourist site in the Navakiri village. Blood traces and scattered remains of flesh were found inside the shop and restaurant. Villagers fear that the traders were killed and their bodies were removed from the spot. The missing persons were Thiyagarajah Kirupakaran 27, and Jeyaratnam Jeyakanthan, 25. — *Thinakkural, Sudaroli, May 15*
- Paramilitary cadres shot : Unidentified gunmen who entered the Batticaloa Hospital at 4.30 p.m. on Monday shot two paramilitary Karuna group cadres. Keethaponkalan Selvakumar, 22 was shot dead while Sureshkumar, 24 was wounded. — *Thinakkural, May 15*
- Grenade explosion kills Tamil woman in Thambalakamam: Jeyakumar Sakthikumar 31, of Thambalakamam was killed early morning when unidentified persons lobbed a grenade into her house located at Kovillady near the historic Aathi Koneswaram temple, Thambalakamam police said. — *Thinakkural, May 18*
- Youth shot in Jaffna: An unidentified gunman shot dead Selvasabesh Srithas 35, a displaced resident from Elavalai on Wednesday morning, around 8.45 a.m. near the Jaffna central bus stand. — *Thinakkural, May 18*
- TNA candidate shot dead: TNA candidate M. Kamalan and his bodyguard were shot dead by unidentified gunmen yesterday. Mr. Kamalan was to contest tomorrow's election to Navannindaveli Pradeshiya Sabha in the Ampara District. They were shot near colony junction in the central camp police station area by two gunmen who fled after the shooting, police said. — *The Island, Sudaroli, Veerakesari, May 19*
- Two bodies found in Katankudy: Katankudy police on information received from the public recovered two dead bodies on Friday at the edge of Navalkadu Lake. One body had gunshot wounds and the other had

assault injuries. — *Veerakesari, May 20*

- Kayts civilians fleeing to LTTE areas: More than 1500 civilians living in the Allaipiddy area of the Kayts Island where 13 civilians were massacred last Saturday fled to Jaffna yesterday and were moving into LTTE-controlled Wanni saying there was no security for them in their villages. The families carrying their belongings arrived at Gurunagar and were moving into temporary sheds. The exodus from the area came after the security forces informed the Kayts Magistrate Jeyaram Trotsky that they were not in a position to provide additional security to the villages due to lack of human resources. — *Sunday Times, May 21*
- LTTE senior commander assassinated: An LTTE senior commander in the East and military wing deputy head, Commander Ramanan of Batticaloa was assassinated by army sniper fire at the Vavunativu forward defence line on Sunday around 5.30 p.m. — *Thinakkural, Sudaroli, May 22*
- Decomposed body with gunshot wounds : Valaichchenai police recovered a body of a male in a semi-decomposed state with gunshot wounds at Pandimadu in Valaichchenai police division. The dead man's uncle identified the body as belonging to Mahalingam Vijayakumar, a textile trader from Tamil Nadu police added. — *Sudaroli, May 22; Veerakesari, May 23*
- Two men shot dead in Jaffna: A young man was shot dead by unidentified men in Kopay North in Jaffna around 9 a.m. on Monday. He is yet to be identified, police said. In a separate incident soldiers shot and killed a young man at Vidathalpalai near Muhamalai around 5 p.m. on Sunday. He was identified as Arunachalam Suresh Gunapalan, 42, a father of three. — *Thinakkural, Veerakesari, Sudaroli, May 23*
- Youth shot dead in Batticaloa: Two unidentified gunmen on a motorbike shot and killed Ignatius Wesman Bartlet, 20 of Kallady Dutchbar in Batticaloa on Monday noon at Gnanasooriyam Square in Batticaloa Town. — *Thinakkural, Veerakesari, Sudaroli, May 23*
- 10-year-old shot dead: Unidentified gunmen shot dead Selvarajah Sathiyar 10, a student of Valaichchenai Hindu College. — *Veerakesari, May 23*
- Tamil civilian shot and killed in Kalmunai: Two gunmen on motorbike shot and killed a motor mechanic on Tuesday around 7 p.m. at Manalchenai, a village in Kalmunai. The victim, Rajalingam

Rajamoorthy 32, was a father of a child. — *Thinakkural, May 24*

- Son taking coffin to father's funeral arrested: Thavithu Konson 27, of Iranaitivu, Pooneryn was arrested by army on Wednesday at a checkpoint in the, Mannar District, when he was transporting a coffin for the funeral of his father who died on Tuesday. — *Thinakkural, May 25.*
- Ambush kills LTTE member at Madhu: A member of the LTTE was killed and a civilian driver was seriously injured when army soldiers who had advanced into LTTE areas, set off a mine targeting a tractor that was transporting food to LTTE's forward defense lines in Madhu. The civilian driver was identifies as Sellathurai Vijayapalan, 22. — *Thinakkural, May 26.*
- Army detains 3 youths in Karaveddy: The army arrested three youths who were waiting at a bus stop at Puraporukki in Karaveddy during a search operation on Thursday. Army authorities in Jaffna said troops launched a search operation in the area after they recovered a claymore mine on the Jaffna-Point Pedro main road on Thursday. — *Thinakkural, May 26*
- Soldiers gun down two youths in Jaffna: Army soldiers shot and killed two youths riding a motorbike at Aadiyapatham junction, around 12.20 p.m. on Friday. Army sources in Jaffna claimed that their troopers shot at attackers who were fleeing after firing at a police post. The victims were not identified. — *Thinakkural, Veerakesari, Sudaroli May 27*
- Karuna members killed, 2 captured: A counter ambush commando unit of the LTTE killed 3 Karuna group paramilitary cadres and captured two cadres alive on Friday morning around 7.30 a.m. — *Sudaroli, Thinakkural, May 27*
- Trader shot dead in Neervely: Unidentified gunmen shot and killed L. Yasotharan 35, a trader in front of his shop located in Neervely on Friday evening around 5 p.m. — *Thinakkural, Virakesari, Sudaroli, May 27*
- Tamil man shot dead in Akkaraipattu: Two gunmen shot and killed a Tamil man in Akkaraipattu, around 10.10 p.m. on Friday. The victim, Narayananpillai Kanakasooriyan 29, a resident of Kolaavil, Akkaraipattu was a father of one child. — *Thinakkural, May 27*
- Assassinated in Batticaloa: Ratnam Ratnarajah 48, Deputy Project Director of the world bank assisted North East Irrigated Agriculture Project (NEIAP), was shot and killed by paramilitaries near his residence in army-controlled Kalviyankadu North at 2.15 p.m. — *Veerakesari, Sudaroli, May 27*
- Tamil man abducted in Mutur: Mathavarajah Sathanathan 26, of Mutur East was abducted Saturday morning around 9.00 a.m. by a group of unidentified persons in a white van. He was waiting at the Mutur jetty to travel to Trincomalee Town with his wife, when he was abducted. — *Veerakesari, May 28*
- Local election candidate shot dead in Jaffna: A local election candidate, Mathar Sellathurai, 75 representing the TNA in Atchuvely was shot and killed by gunmen around 9.00 p.m. on Friday at his residence. — *Thinakkural, Veerakesari, May 28*
- Trader shot dead in Ariyalai: Two motorbike riding gunmen shot and killed a video rental shop owner on Ponnambalam Road in Ariyalai around 7.45 p.m. The victim, Puvanendran Bolder Mayooraan was 27 years old. — *Veerakesari, Thinakkural May 28*
- Trader shot dead in Vaddukodai: The owner of a communications centre located in Moolai Road in Vaddukodai, Valikamam, was shot dead and his friend seriously injured at 4.30 p.m. on Sunday. Pooranam Sabanesan, 26, was killed on the spot and his friend Thehilarajah 26, was wounded in the attack. — *Veerakesari Thinakkural May 29*
- HRC official threatened with death: Death threats have been issued to the Jaffna Human Rights Commission coordinator, Rohitha Priyadharshana. He has received the threats through several anonymous letters. A live pistol bullet had also been sent to him in a cover with a threat of death. Police said Mr. Priyadharsana began receiving the threats after he started investigating into a number of murders committed in the Jaffna District recently. — *The Island, Veerakesari, May 30*
- Two Araly fisherman found murdered: Two fishermen who went fishing in the Araly west seas near Valigamam were found murdered and their bodies recovered from shrubbery close to the Araly coast. The victims are Nadarajah Naguleswaran 28, a father of five children and Nagarajah Selvarajah 31, a father of 6 children. — *Veerakesari Thinakkural, Sudaroli, May 30*
- Two civilians shot and killed: Two civilians were killed in Jaffna District on Monday in the continuing violence that has gripped the Peninsula. In Eilalai North Subramaniam Thevarajah 30, was killed by unknown gunmen while in Navanthurai M. Jesudas 45, was shot

dead by unknown persons in front of St. Anthony's Church.

— *Veerakesari, Thinakkural, May 30*

- Civilian killed in claymore attack: Army troopers who penetrated 4 kms into the LTTE-controlled Vilathikulam area, exploded a claymore mine killing a civilian identified as Subramaniam Jeyarooban, 24. — *Sudaroli, May 30*
- 12 civilians killed in Welikanda: Unknown attackers who entered the Sinhala settlement village, Rantharathenna in Omadiyamadu shot and cut to death 12 civilians. — *Veerakesari, Thinakkural, May 31*
- Youth shot dead : Masked gunmen shot dead Thangarajah Rajanikanth 26, a labourer who had left the LTTE several years ago. He was killed within the Valaichchenai police division. — *Veerakesari, Thinakkural, May 31*
- 2. Incidents from the rest of the country relating to the NE conflict
- Army cordon and search in Wattala: Army and police cordoned off and searched the Wattala area on Monday between 5.30 a.m. and 12.30p.m. They arrested 43 persons, including 10 females. — *Veerakesari, Thinakkural, May 2*
- Many suicide bombers infiltrated Colombo: Officers from the Criminal Investigation Department have revealed that many suicide bombers have infiltrated into Colombo city and they had collected details of 8 such persons. — *Thinakkural, May*
- General Fonseka moved to military hospital: Fast recuperating army commander, Lt. Gen. Sarath Fonseka who miraculously survived the woman suicide bomber's attack on his car 11 days ago was transferred to the military hospital after his stay at the intensive care unit at Colombo National Hospital, a media release from the army headquarters said. Gen. Fonseka who has now regained full consciousness suffered injuries to his abdominal area and needs a short period of rest and relaxation as advised by medical experts. — *Sunday Observer, Sunday Island, May 7*
- Suicide bomber's eye fluid to be tested : In a final attempt to determine whether the female suicide bomber who targeted the army chief was pregnant, the office of the Judicial Medical Officer is planning to consult reputed laboratories overseas, using a sample of her eye fluid. The JMO's office had decided to test samples of eye fluid rather than blood samples as there was a delay in obtaining a court order to conduct the necessary tests with the courts being closed over the

weekend, said JMO, Dr. L.B.L. De Alwis. — *Sunday Times, May 7*

- Tamil businessman and driver abducted: A Tamil businessman and his driver were abducted by some unidentified persons in Kotahena. A complaint was lodged at the Kotahena Police station. The abducted businessman is the owner of a jewellery shop in Chetty Street. — *Veerakesari, May 9*
- Female Tiger suspect arrested and remanded: A Woman who was arrested in Colombo as a member of the Tiger movement was remanded until the 15th of this month. The remand order was made by the Colombo Chief Magistrate, Sarojini Kusala Weerawardena. The arrested woman Ambika Renkaraj is of Grandpass and the arrest was made near the residence of Minister Rohitha Bogollagama. — *Sudaroli, May 10*
- Armed training and 2000 guns to inhabitants of border areas: The police are giving armed training to the villagers living in the border areas of Anuradhapura. On instructions of the Defence Ministry, IGP, Chandra Fernando has directed DIG Ananda Hettiarachchi to oversee the training. All those who are undergoing training are given a special allowance and a shotgun by the Police. — *Thinakkural, May 11*
- NGO employee with suspected LTTE links arrested: An NGO employee who was taken into custody by a security force intelligence unit for alleged links with the LTTE was produced before Colombo Chief Magistrate, Sarojini Kusala Weerawardene yesterday and remanded till May 26. The suspect Ponnuthurai Jayandan a native of Chavakachcheri had in the course of his duties acted as a guide to foreign personnel of the NGO situated at Jawatte Road. — *The Island, May 19*
- 8 feared dead in Wilpattu park blast: Seven local visitors and a wildlife guard were feared killed when their vehicle was hit by an explosion yesterday inside the Wilpattu National park, wildlife chief, Dayananda Kariyawasam said. The locals had come to the park on Friday and booked the circuit Bungalow at Kokmote for two days. They had set off on a sightseeing tour around 9 a.m. yesterday. The explosion believed to be triggered by a landmine, reportedly occurred shortly thereafter. The family caught in the explosion was from Rosmead place, Colombo 7. — *Veerakesari, Sunday Times, May 28*
- 3. General – some excerpts
 - 3 Tamils reach Tamil Nadu as refugees: Three Tamils from Mannar have gone to Rameshwaram as refugees. They were Sunthararajan (36), Kuveni (19) and Sasikala

(20). — *Veerakesari May 4*

- Hundreds arrested in Chennai : The Chennai police have arrested hundreds of persons who tried to stage a protest against the violence, attacks and army repression that has been let loose against the Tamils. The hartal was conducted on the request of supporters of the Tamil Liberation Coordinating Committee. — *Veerakesari, Thinakkural, May 4*
- TNA MP'S launch sit in protest in front of parliament: TNA parliamentarians on Tuesday walked out from Parliament and launched a sit in protest condemning the extra judicial killing of Tamil civilians in the NorthEast. They demanded that the government of Sri Lanka stop all killings of Tamil civilians carried out by its troops and paramilitary cadres and also to disarm the paramilitary groups. — *Veerakesari, Thinakkural, May 5; Sudaroli, May 10*
- Army imposed curfew in Jaffna : The Defence Ministry has imposed a curfew in the Jaffna District from 12 midnight Sunday to 4 p.m. Monday. Army soldiers are using loudspeakers to inform residents near Kalikai Junction and surrounding areas about the curfew. — *Veerakesari, Thinakkural, Sudaroli, May 8*
- 3-day hartal in Trinco : A three-day hartal is to take place in Trinco to condemn killings and attacks on civilians in the NorthEast. This hartal was organised by the 'Pongu Thamil Movement' of Trinco. — *Veerakesari, May 10*
- Protest condemning army atrocities cripples Jaffna: All government institutions, shops, schools and other institution remained closed in the Jaffna Peninsula on Tuesday in response to the call made by Jaffna district consortium of public organisations to stage a mass 'Refrain from Duty' protest condemning the atrocities of the government and its armed forces and paramilitaries in the form of abductions, assassinations, harassment and restrictions in the Jaffna Peninsula, said sources from Jaffna. — *Veerakesari, May 11*
- Manthuvil families protest in front of army base: Hundreds of families from Manthuvil region gathered in front of the army 52-4 Brigade headquarters located on the Point Pedro-Kodikamam Road in Varani on Wednesday morning, protesting against the disappearance and alleged army killing of eight youths from the area. — *Veerakesari, May 11*
- Army involved in murder of Tamils: The SLMM believes that the Sri Lankan army is connected with the killings of Tamils in the North and East. Jonny Saninenn, head of the Monitoring Mission of the Vavuniya Branch reported that as a reprisal to LTTE attacks on the army, Tamil people are being disappeared and killed and there was strong evidence that sections of the army were involved. — *Thinakkural, Veerakesari, May 12*
- LTTE begins combat training for village children: The LTTE has begun training all children over 14 years in armed combat and survival. They have set-up training camps in all villages for this purpose. The training is confined to two one-hour sessions per day and would continue for a period of two months. The training includes physical, first aid, weapons handling and security surveillance. Armed senior LTTE cadres are engaged in training novices. — *The Island, May 19*
- EU agrees in principle to ban LTTE: The European Union has agreed in principle to list Sri Lanka's Liberation Tigers of Tamil Eelam as a 'terrorist group', EU diplomats told AFP in Brussels yesterday. A formal decision on the listing "could come extremely quickly perhaps as early as next week one EU diplomat said in Brussels. Another said it would come "before June". — *Thinakkural, Daily News, May 20*
- EU ban won't affect SLMM activities: An imminent European Union ban on the LTTE will not defer ceasefire monitoring operations, senior officials and diplomats said yesterday, despite three among the Scandinavian mission being members of the EU — Finland, Denmark, and Sweden. They were among the last of the EU states to be convinced about the necessity to list the LTTE as a terrorist group. — *Sunday Times, May 21*
- India extends ban on LTTE: The Indian Central Government is of the opinion that the LTTE continues to pose a threat to and is detrimental to, the sovereignty and territorial integrity of India, a Ministry of Home Affairs Gazette notification announcing the extension of the ban on the LTTE said. — *Daily News, May 27*
- Colombo imposes embargo on north: Sri Lankan defense authorities, on Friday, banned the transportation of cement and steel to the North. Government agents in Jaffna and Vavuniya have been informed of the decision. More than 20 lorries loaded with cement have been stopped at the Omanthai checkpoint on Friday and are being held pending instructions from the Defence Ministry. — *Veerakesari, Sudaroli, May 27*

