

# The Sri Lanka Monitor

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## The Pooneryn impasse

OPTIMISM in Colombo over peace talks is dissipating after the third round of negotiations between the Sri Lankan government and the Liberation Tigers of Tamil Eelam (LTTE) on 14 January ended in deadlock.

The main sticking point seems to be the opening of a safe passage between the Jaffna peninsula and the mainland. The LTTE is demanding the removal of the Pooneryn Army camp, currently at Kavutharimunai on the Kalmunai promontory eight miles north-west of Pooneryn town. The Tigers are also adamant that the northern population's immediate needs, such as food, shelter and rehabilitation must be satisfied before political negotiations could begin.

The Army believes that the removal of military installations or the blockade of the Jaffna peninsula would tantamount to discontinuing the war against the LTTE. If the talks fail and fighting resumes, the Army would be at a disadvantage.

Following a meeting of the Sri Lankan security council on 17 January the government proposed the withdrawal of the Pooneryn camp by 800 metres further north-west. The Pooneryn area is strategically vital to the Tigers, providing easy access to the Vanni jungles and the east. The importance attached to Pooneryn led to the LTTE attack on the camp in November 1993 killing over 1,000 soldiers. In the beginning of February after consultation with military commanders President Chandrika Kumaranatunge informed LTTE leader V Prabhakaran that the government was agreeable to shift the camp by 1000 metres. Reports say the Tigers are unhappy.

■ *An inquiry is underway after explosives were found in the "Temple Trees", the official Colombo residence of the Prime Minister, now occupied by President Chandrika Kumaranatunge. Two Army commandos have been arrested. Although the explosives were found on 19 December, reports say the President was informed only in mid-January. In an interview to the British TV on 20 January Chandrika, quoting intelligence sources, said she was in danger of being assassinated despite a ceasefire with the Tamil Tigers. A suspected LTTE spy Jeevaratnam was arrested in Horagolla while photographing the tomb of her father and former Prime Minister SWRD Bandaranaike. Chandrika also says she faces danger from within.*

The President also agreed to relax the fishing ban in the north in the face of opposition from senior naval officers. The Navy fears that *Sea Tigers* will disguise their vessels as fishing boats to launch attacks. The Navy has lost several vessels in the last few months. Fishing has been permitted in the north, except in some areas, up to two miles from the shore between 5am and 5pm. The Tigers insist on the removal of all restrictions on fishing, including night fishing.

Tamil observers say the government prefers to enter into political negotiations while the military blockade of the peninsula continues, to sustain Army interests and to maintain the pressure on the LTTE. Although it was agreed at the third round that the ban on the remaining 22 items would be lifted, the ban continues on ten items due to Army pressure, it is alleged.

Analysts say the government would not be able to initiate political change by merely talking to the Tigers. The new Parliamentary Select Committee on the Constitution is currently examining over 500 representations. Justice minister GL Peiris, who released the first working draft on the new constitution on 23 January says that the outcome of the peace talks with the LTTE will be incorporated in constitutional changes in July giving importance to devolution. In late January he urged the LTTE to submit proposals to the Select Committee. LTTE leader V Prabhakaran has already stated that the LTTE would consider any government proposal for Tamil self-rule which takes into account the current level of the liberation struggle.

The Justice minister's draft provides for a parliamentary cabinet system headed by a Prime Minister replacing the executive presidency. Fundamental rights will be strengthened by the inclusion of the rights

to life, ownership of property and privacy. The Public Services Commission will be made independent.

The manner in which the People's Alliance government proposes to bring about constitutional changes is still unclear. The repeal of the constitution requires approval by a two-thirds majority in Parliament and a referendum. It is now doubtful whether the opposition United National Party (UNP) would support the government in Parliament. The government believes that on the strength of the massive majority at the presidential elections in November, it has the moral authority to introduce a new constitution. But whether it has the legal authority remains to be seen. The issue may have to be decided in a court. The LTTE say that the people of the north-east will continue to suffer during the protracted debates in Parliament and the legal battles and therefore it is necessary to solve their immediate problems before political negotiations.

By January's end ceasefire monitoring committees led by foreign representatives were still waiting to visit Jaffna to meet the Tigers. Both parties have accused each other of ceasefire violations. But reports indicate that LTTE and Army commanders are communicating directly to solve problems arising in local areas. Reports say the LTTE has disarmed its 3,000-strong Home Guard unit fearing ceasefire violations by the Home Guards. The ceasefire imposed on the parties by the visit of Pope John Paul, is holding.

The Pope's open-air mass on 21 January in Colombo attended by over 300,000 people passed off well despite the boycott of the Buddhist high priests the Mahanayake Theros. In his message the Pope urged Sri Lankans to consider the concerns which unite religious believers, rather than things that divide them.

The Pope's message seems to have receded with his plane. Although the ceasefire will continue the date of the next round of negotiations has not been announced and doubts over the talks are growing every day.

## THE NORTH

## Rebuilding Jaffna

A four-member team led by civil engineer AN Gunasingham held discussions on 21 January with Jaffna secretariat officials on the reconstruction of the north. The secretariat has submitted a provisional plan which would cost Rs 47 billion (\$920 million). But the government had earlier announced that Rs 39 billion (\$780 million) will be allocated.

A Task Force headed by Public Administration minister Ratnasiri Wickremanayake will implement reconstruction. Jaffna Government Agent (GA) K Ponnambalam says records of damage and needs of the displaced will be made public.

EPDP leader Douglas Devananda was appointed Chairman of the Jaffna and Kilinochchi Districts Development Committee in early January. In a letter to Mr Devananda, President Kumaranatunge has urged the committee to identify the development needs of the districts.

The Power and Energy Ministry is reported to have begun work on restoration of electricity to the north. Newspaper reports say a high power transmitter line from Vavuniya to Kilinochchi will be installed.

The Rehabilitation Ministry will arrange to supply fertilisers to Jaffna, where people complain that farming has been disrupted. Each family currently receives five litres of kerosene for cultivation needs, which farmers say is insufficient.

Problems in the north continue despite the economic blockade being relaxed. People say only a limited amount of rice and wheat flour are issued at low prices and if they want more they must pay more. Fuel and batteries remain expensive and milk food is in short supply. Traders say

only 12 to 15 lorries are allowed north daily at Thandikulam checkpoint in Vavuniya. The Army still confiscates items which are now allowed into the north. The Attorney General has filed cases against 18 people for smuggling batteries and medicine across Thandikulam when the ban was in force. The Jaffna secretariat has submitted a list of food requirements for 1995 to the government. The peninsula needs more than 108,000 tonnes of food each month.

According to Mullaitivu GA I Dharmakulasingham lorry owners have refused to transport food from Colombo because the government pay is low and drivers face severe harassment at the Eeratperiyakulam Army camp. As a result the people of Mullaitivu are facing starvation, says the GA.

Since the relaxation of fishing restrictions, fish is available in plenty in the north and prices have fallen, reports say. But fishermen continue to face problems. Six fishermen were arrested by the Navy off Point Pedro in early January for fishing after 5pm. Fisherman Nimalan, 24, was killed on 15 January when the ship *Habarana* plying between Kankasanturai and Point Pedro rammed into his boat in darkness.

Shortage of medicine and medical equipment in northern hospitals continues. The ICRC has been urged to resume the suspended boat service to Colombo to take patients for treatment.

In the north the LTTE and the Army seem to be taking precautions to avoid ceasefire violations. But on 9 January a grenade was thrown on an Army patrol at Veli Oya in Mullaitivu District.

### Resignation

Member of the peace negotiations team and Media Ministry Secretary Lionel Fernando resigned from the government on 9 January. Mr Fernando has been accused by the Tigers of discrimination in the appointment of teachers when he was Governor of the North-East Province. Former Deputy Parliament Speaker and actor Gamini Fonseka was appointed new North-East Governor on 13 January.

### Arrested

BBC correspondents George Arney and Frederick Scott were arrested on 15 January for desecrating a Buddhist temple in Dickwela. Charges against them were dropped after written apologies to the chief priest of the temple.

### Visit

Bangla Desh Prime Minister Mrs Khaleda Zia arrived in Sri Lanka on 25 January on a two-day official visit. Madam Zia, who is also the current chairperson of the South Asian Association for Regional Cooperation (SAARC) held talks on bilateral and other issues.

### Appointed

Colombo University Political Science Professor Bertram Bastiampillai assumed office as the new Ombudsman on 26 January. Following an amendment to the law in December 1994 giving direct access to the Ombudsman, over 300 complaints were received from the public. Earlier, complaints against public officers were required to go through the MP, the Speaker and the Parliamentary Petitions Committee.

## Feud in Mannar

TRADER and prominent Tiger supporter R Balachandran was shot dead at his home in Mannar town on 18 January. Tamil militant group PLOTE is suspected for the killing. Over 40 PLOTE members have been in Mannar for several years fighting the LTTE on the side of the Army.

The LTTE say the killing is a serious ceasefire violation and has demanded an inquiry. In late January, the Mannar Army Commander ordered PLOTE members to surrender their weapons. PLOTE leader and Vanni MP D Sitharthan believes that PLOTE cadre will be increasingly targeted by the

Tigers and has requested protection from the government.

In early January Mr Sitharthan wrote to Defence Secretary Hamilton Wanasinghe complaining that the Army at Kalpitty in the Puttalam District was not allowing many items into Mannar despite the lifting of the ban. All essential goods, including food is currently ferried to the Army-controlled Mannar Island from Kalpitty.

Fishermen complain that they are suffering even after the lifting of the fishing ban, because of the lack of facilities to transport fish to Colombo and other southern areas for sale.

In late January a boat and two engines were robbed on Mannar Island. People say that in recent weeks a number of houses have been robbed by an armed gang. At Kattukarankudiyiruppu in Talaimannar a house was burned in early January. The owner of the house had been recently resettled. The first batch of the 6,000 refugees to be returned this year from south India are expected to arrive in Mannar in early March.

SLMC MP IM Iliyas told Parliament on 17 January that two Muslim fishermen were shot dead at Puttalam by an armed gang from Vavuniya. Reports say PLOTE carried out the killing.

## ■ The Army and the Tigers prepare for war

# Epidemic in Batticaloa

BATTICALOA DISTRICT Health Services Director S Kumaravelpillai urged the government on 25 January to declare the area an "encephalitis zone" after 15 people died of the disease Japanese encephalitis. Forty three others, including ten from Amparai, are receiving treatment at the Batticaloa hospital. TULF MP P Selvarasa rushed to meet Health Minister AHM Fowsie to request urgent assistance.

Mr Kumaravelpillai says the lack of preventive spraying in the district and infected pork were the main causes for the rapid spread of the disease. Four persons were arrested by police on 26 January for illegal sale of pork.

Following Army instructions, petrol stations in Batticaloa are refusing to sell

each farmer more than 15 litres. Farmers say it is impossible to continue cultivation without sufficient fuel for tractors. They also complain that soldiers at checkpoints are dumping the rice on the road. Following TULF MP Thurairajasingham's representation farmers can now transport rice from fields to their homes without a permit. However they must continue to carry the identity cards issued by the Army.

The ceasefire agreement between the LTTE and the government has resulted in many new problems. Reports say the Army and the Tigers are strengthening their camps. The LTTE is alleged to have begun a vigorous recruitment drive and the Army is said to be ordering shop owners to supply cement for bunkers.

In mid-January LTTE's deputy political leader *Karikalan* demanded the removal of Army checkpoints at Mankerni and Kirimichchai on the Batticaloa-Valaichenai road. *Mr Karikalan* met Army officers in a Vaharai church and requested the removal of restrictions on food to the area. LTTE has also demanded the release of arms seized by police on 23 January in the Kalkudah area.

The Army wants a new Tiger camp between Tharavikulam and Koravil in Valaichenai removed. PLOTE vice president N Manickathanan in a letter to Deputy Defence minister Anuruddha Ratwatte says armed LTTE cadre are roaming in the east violating the ceasefire. A man was hacked to death in Mullaivattavan on 24 January on allegations that he was a Special Task Force spy. PLOTE and TELO have asked for more weapons from the government for their protection. In a circular letter to all government departments in late January Batticaloa military coordinator Brigadier Fonseka says officers should not take any instructions from the LTTE.

According to the District Rehabilitation Director K Navaratnam 4,117 families were resettled in Batticaloa in 1994. The remaining 6,865 families will be resettled in 1995. However the Batticaloa secretariat says resettlement has been delayed because the Army has withheld permission. Furthermore 350 houses in the district are occupied by soldiers. Some houses have been converted to military camps.

# Pope and Buddhism

**CONTROVERSY** over the reference to Buddhism in Pope John Paul's book *Crossing the threshold of hope* rocked Sri Lanka even before he stepped on the soil of the island. Remarks in the book infuriated Buddhist leaders who demanded an apology. The Buddhist clergy boycotted an audience for heads of religious organisations despite the Pope reiterating his esteem for Buddhism. The disagreement spilled into the streets. A Catholic church was damaged in Seeduwa on 9 January. The following day attempts were made to burn a Buddhist temple. Over 300,000 people attended the Pope's open mass on Galle Face in Colombo. Although a large number of Catholics were expected from Jaffna, only 2,600 arrived. Jaffna visitors said that cooperation from the LTTE and the Army made their journey easy.

Buddhists and Catholics were united elsewhere - in the protest against government decision to allow the construction of the Voice of America (VOA) relay station at Iranawila, following a new agreement on 19 January between Sri Lanka and the United States. The agreement which came two weeks before Foreign minister Lakshman Kadirgamar's visit to Washington guarantees fishing and religious rights in the area. The station will be restricted to the present extent of 409 acres.

During the general election campaign last year the People's Alliance promised to abrogate the US-Sri Lanka agreement. The construction of the VOA station at Rs 2.8 billion (\$60 million), was suspended in October last year after police shot dead a demonstrator. The site was attacked and damaged by protestors on 31 January.

The All Religious Solidarity Alliance has pledged to continue protests predicting that the VOA station will bring cultural and political pollution to the Asian region.

## Prisoners

THE five-member committee led by former Supreme Court Judge JFA Soza into detentions under the Prevention of Terrorism Act and Emergency regulations has recommended the release of 181 prisoners. The committee which probed the cases of 632 persons submitted its report to Justice minister GL Peiris on 9 January. Cases would be filed against the others. The committee found that some persons were detained in camps for over five years.

In the Batticaloa prison 94 detainees began a fast on 8 January demanding their release. Fifteen women had been held for over a year and a number of detainees had been tortured. The fast ended after 25 prisoners were released following the Soza committee report which has recommended the release of

47 prisoners from the Batticaloa prison.

In mid-January the Court of Appeal ordered seven security force officers to pay Rs 100,000 (\$2,000) as costs to the families of seven persons who had disappeared while in custody in 1988 and 1989. The Presidential Commission of Enquiry into disappearances in the north-east has received over 500 petitions. Two other commissions are probing disappearances in other provinces.

Newspaper reports in mid-January said that 36 policemen and soldiers in LTTE custody in Jaffna would begin a fast for their release. The government negotiating team led by Presidential Secretary K Balapatabendi was allowed to meet them on 14 January. There is no information about the large number of Tamils and Muslims held by the Tigers.

## NGOs fear refugee returns may disturb peace process

# Norway prepares to deport Tamils

A number of Tamil asylum-seekers in Norway have slipped underground or taken refuge in churches, after 60 Tamils received letters from the Norwegian Justice Ministry ordering them to leave the country.

Reports say around 300 Tamil asylum-seekers may be deported from Norway, most of whom are from conflict areas in Sri Lanka. Several NGOs including Amnesty International have protested. Norwegian development agency FORUT says human rights violations such as arbitrary arrests continue in Sri Lanka and return of Tamils is premature.

Since a ceasefire was announced in early January, a number of Western governments are looking to return rejected applicants among the 200,000 Tamil asylum-seekers across Europe.

At least three refugees were returned to Sri Lanka from Denmark in January. In late January a woman asylum-seeker was escorted by Danish police to Colombo. According to reports 75 Tamils may be sent back, but the Sri

Lankan embassy in Copenhagen has refused to cooperate with Danish authorities in issuing travel documents. Danish Refugee Council Secretary General Arné Piel Christensen has appealed to the Danish government to avoid large-scale returns of Tamils fearing it may upset the fragile peace process.

In early January Rotterdam police announced the capture of five Dutch ring leaders of a gang smuggling Tamil refugees into Netherlands from Russia. The gang had charged each refugee \$5,000. European governments increasingly believe that sections of refugees like the Tamils have created criminal networks dealing in arms and drugs to finance the liberation struggle in Sri Lanka.

Almost 40,000 Tamils have sought asylum in Switzerland. Under a bilateral agreement in January 1994 between Swiss and Sri Lankan governments, 76 rejected refugees were returned up to the end of 1994. Krishnamurthy from Jaffna says despite having a valid visa up to

April 1995, he was locked in a dark room for 36 hours by the Swiss police without food, before being taken handcuffed to the airport and put on a plane to Sri Lanka in January. Another Tamil S Muralidaran told Colombo newspaper *Virakesari* that he was brutally assaulted by eight Swiss policemen in a Zurich prison when he refused to return and locked up without food for two days.

In Britain, since the 1993 Asylum Act the rate of rejection of asylum applications has increased to 80% whereas it was 16% before. The increasing number of refusals is a clear indication of the hardening attitude of European governments.

International refugee agency UNHCR says in a 3 January statement that no immediate solution to the conflict is in sight and advocates bilateral agreements for large-scale returns of rejected asylum-seekers. UNHCR has modified its 1993 position statement and implies that refugees may now be sent to any part of the island.

## Trial in trouble

THE Rajiv Gandhi murder case has been plagued by delays and a variety of other problems.

The Special Investigation Team (SIT) has refused to hand over documents and records of the murder trial to the Jain Commission investigating conspiracies behind the assassination. Since Jain Commission proceedings are held in public, SIT fears that witnesses currently giving evidence *in camera* before the Special Court conducting the murder trial in Madras, will be exposed. The name of a person used in the Commission proceedings, later appeared in newspapers and the witness has refused to appear before the Special Court fearing reprisals.

According to reports, Athirai, an accused Sri Lankan woman in the case, says that certain Congress (I) members were involved in the conspiracy and One Eyed Jack *Sivarasan*, suspected of masterminding the Rajiv assassination, had received instructions from a Congress (I) man in New Delhi. Her application for investigation has been turned down by the Madras High Court on the ground that these allegations have been already probed by SIT and the Central Bureau of Intelligence.

The Tamil Nadu government is holding discussions with New Delhi to return 1,500 Tamil militant group members, including 140 LTTE cadre, arrested after the Gandhi killing and held in special camps in Madras and Trichy. Eighteen Tigers injured in fighting in Sri Lanka are in hospitals and some of them want to

join relatives in the West. Tamil Nadu government officers say the current ceasefire in Sri Lanka will enable LTTE members to return to their home areas.

The Sri Lankan government meanwhile has denied reports that four Sri Lankans were handed over to Indian authorities. A Foreign Ministry statement on 10 January says summons by the Madras Special Court have been issued to Sri Lankan witnesses and they will not be forced to go to India.

A report by the Displaced Tamils Welfare Conference released in Tamil Nadu says Sri Lankan Tamil refugees in special camps are being harassed by the police. A number of refugees have been jailed on false allegations. Women who reject the advances of police guards have also been imprisoned on trumped up charges. According to the report a Head Constable was shot dead because of disputes over a refugee woman.

Refugees in special camps are locked in cells most of the time and it is feared that many are on the verge of psychological collapse. Some have even attempted suicide. These camps have no medical facilities. The refugees are not provided newspapers or radios and remain completely cut off from the world.

THE SRI LANKA MONITOR is part of an information processing service set up by the British Refugee Council to keep Sri Lankan refugees in Britain, Europe and elsewhere, informed about the current situation in their home areas.

If you have any information you wish to share, or any enquiries you wish to make regarding developments in Sri Lanka, contact

The Sri Lanka Project  
The British Refugee Council  
3/9 Bondway  
London SW8 1SJ  
Tel: (071) 582 6922  
Fax: (071) 582 9929

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