

Holland to deport Tamils

The governments of Sri Lanka and the Netherlands signed an agreement on 10 September for the forcible repatriation of rejected asylum-seekers deepening insecurity among 350,000 Tamil refugees across the world.

Some 350 asylum-seekers will be returned to Sri Lanka in the next twelve months and the pact is due for review in September next year. Sri Lankan authorities have agreed to issue identity documents to refugees who do not have any travel papers.

The agreement for the return of Sri Lankan asylum-seekers is the second in Europe. Under a January 1994 pact between the Swiss and the Sri Lankan governments 696 rejected refugees have been repatriated in the last 33 months.

In the first eight months of 1997 Netherlands received 14,145 refugees, an increase of 28% compared to 1996, some 1,300 of them from Sri Lanka. A plane carrying 173 Sri Lankan refugees arrived in Amsterdam's Schipol airport in February from the Turkmenistan capital of Ashkhabad causing a furore and allegations of abuse of the asylum system.

Over 15,000 Sri Lankans have sought refuge in the Netherlands since 1984. The Dutch Foreign Affairs minister has concluded that the situation in Colombo is safe for Tamils and quoting international refugee agency UNHCR, claims that those repatriated from other European nations in 1996 and 1997 have had no problem in the Sri Lankan capital.

Refugees are concerned that other European nations may follow suit. Introduction of stricter asylum laws and procedures continue and less than 5% of Sri Lankans are granted UN Convention refugee status in European countries. Several nations, including Denmark and Norway, are deporting Sri Lankans even without formal agreements.

The Danish police have listed 154 Tamils who are in hiding after Denmark began deportations late last year. Sweden introduced a new type of air ticket visa in

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September for citizens of twelve countries, including Sri Lanka.

UNHCR declares in a March Information Note that orderly and safe return of rejected asylum-seekers to their country of origin could safeguard the principle of asylum for those who genuinely need protection. UNHCR further says that rejected asylum-seekers are not singled out at Colombo airport or later and people are treated fairly and humanely during Army security checks.

Human rights agencies say that Colombo conditions for Tamils have hardly changed since the British Refugee Council mission in December last year and its report in February. The situation remains precarious for Tamils with the continuing LTTE threat to the capital. President Chandrika Kumaratunge herself said in August that she was aware of innocent Tamils being detained by security forces for ransom. London-based human rights agency Amnesty International, during its August visit, uncovered evidence of widespread torture, including in Colombo.

Observers say UNHCR's position is prompted by considerations other than the real situation in Colombo. They point to a recently leaked December 1993

internal UNHCR memo from the agency's Sri Lankan Resident Representative to its Geneva headquarters acknowledging that the security situation for Tamils in Colombo had been deteriorating as evidenced by increased arrests.

The memo advises against freezing UNHCR guidelines, which permit Western governments to repatriate Sri Lankan asylum-seekers, on the grounds that frozen guidelines would be difficult to reinstate. Freezing the guidelines would upset the Sri Lankan authorities and in order to reinstate the guidelines the burden of proof that the situation had improved would fall on UNHCR.

The recommendation to continue the guidelines had been taken, according to the memo, on the request of the then Sri Lankan Presidential Advisor Bradman Weerakoon who had pointed out that the human rights implications of a UNHCR statement would far outweigh the consequences of deportations. The memo also says that political implications vis a vis the Sri Lankan government of any UNHCR statement need to be carefully weighed, particularly since it would be used in courts in asylum countries.

Meanwhile in mid-September the Sri Lankan Airforce uncovered a LTTE plot to blow up Ratmalana airbase, south of Colombo. Five Tigers were arrested and arms were recovered from a Ratmalana house. Police say three special teams are scouring the capital for a 14-member *Black Tiger* suicide squad assigned to assassinate Deputy Defence minister Anurudha Ratwatte.

Pettah Tamil businessman Gopalapillai, suspected of involvement in the airport plot, was arrested and police damaged his Wellawatte house using bulldozers. Tamil MP P Joseph says the security forces have acted in a similar highhanded and illegal manner twice before. Last year after Moses Nelson and his family members were detained for alleged LTTE links, the police demolished their home in Wellawatte.

JAFNA

March for the missing

OVER a thousand people, including members of government allies PLOTE, TELO and EPRLF demonstrated in Jaffna town on 28 September demanding information on over 700 youths disappeared since the Army capture of the peninsula in early 1996.

The Defence Ministry's Board of Investigation has conducted enquiries on four occasions at Palaly airbase since January but only 369 of the 680 people invited to give evidence have attended. According to Amnesty International 39 more people disappeared in Jaffna this year. The fate of ten people arrested in Valikamam and Vadamaratchy in August remains unknown.

Activists say human rights continue to be violated by both sides in Jaffna. Jaffna Army Commander PA Karunatilke claims that relations between soldiers and the people has improved. The sixteen checkpoints between Point Pedro and Jaffna town have been reduced to two.

A soldier was arrested for attempted rape on six year-old Palanthi at Pathaimeni in Atchuvelli on 2 September. Maj.Gen. Karunatilke told visiting journalists in early September that those making charges must realise the situation of soldiers who are stationed in Jaffna for long periods and that Jaffna is a better than United States where 16 women are raped every minute.

The Defence Ministry says a man was shot dead by the LTTE in early September in Alvai North. The Tigers

have targeted alleged Army collaborators. Government party SLFP's Jaffna organiser Dharmalingam, 57, was shot dead at Columbuturai on 3 October. Army officers believe that there are around 500 Tigers in the peninsula mainly in Vadamaratchy.

Four *Sea Tiger* boats were sunk on 5 September off Vetrilaikemi south-east of the peninsula. Two Tigers hidden in a house in Mallakam were shot dead on 17 September after they killed a soldier with a grenade. Two more LTTE died in clashes on Punkudutivu Island west of Jaffna peninsula.

According to Tamil party EPRLF over 30,000 families are prohibited from entry into their home areas of Kankesanthurai and Maviddapuram in Valikamam lying next to the Palaly airbase. Many houses in these areas have been demolished by the military.

Northern Region Transport Board's K Sockalingam says only 36 buses are in service whereas over 100 buses are needed. The Jaffna NGO consortium says 2,000 shops, 500 school buildings, 200 temples and churches and 500 private sector buildings are damaged and has urged the government to seek international assistance. The Dutch ambassador concedes that major projects are impossible as full peace in Jaffna has not been achieved. Britain will assist micro-projects through NGOs and cooperative unions, British High Commissioner David Tatham says.

Jaffna Muslims

A 23-member Muslim team arrived in Jaffna on 3 September to assess whether the current situation would allow the return of Muslims driven out of the peninsula by a LTTE ultimatum in October 1990.

Violations

The Sri Lankan government and the LTTE accused each other of violating an agreement for ceasefire on 5 and 6 September to facilitate a UNICEF sponsored polio immunisation programme.

Commission report

The September interim report of the unofficial Sinhala Commission to enquire into Sinhalese grievances, condemns the government devolution proposals as being detrimental to the interests of the Sinhalese majority.

Referendums

Tamil parties have expressed opposition to a late September cabinet decision to hold separate referendums in Batticaloa and Trincomalee to decide whether to merge with the northern province, insisting that the northern and eastern provinces should remain as one unit for the purpose of devolution.

Acquisition

The Planters' Association of Ceylon said in early September that government agencies are acquiring tea and rubber estate lands in breach of agreement between the 23 plantation companies and the government.

from the Vanni front

A wave of fear swept Kilinochchi District after the body of Church of South India priest Rev Innasi Arulpalan, 47, was found in Puthumurippu on 9 September. Rev Arulpalan who was involved in rehabilitation work, had been arrested by the Army on 25 September when he visited a church farm.

As fighting in the Vanni intensifies, the civilian population, including 380,000 Jaffna refugees, remain at risk. Three civilians were killed by Army shells in Ramanathapuram and Mankulam on 9 September. Six more civilians died in LTTE-Army clashes north-east of Puliyanakulam five days later. Mullaitivu Government Agent

Tharmakulasingham says civilians are displaced due to heavy shelling.

The Army, continuing *Operation Jayasikurui* (Certain Victory) for the fourth month, to open a land route to Jaffna, attempted to encircle Puliyanakulam which the LTTE holds. Heavy fighting took place at Puthur Nagathambiran, two miles north-west of Puliyanakulam and at Kanagarayankulam, seven miles south-east of Mankulam.

Press reports say the Army suffered many casualties in a rain of LTTE artillery shells believed to be from the arms ship which disappeared near Madagascar in July. Observers believe that the beginning of monsoon will ham-

per Army's progress and the battle for the Vanni is far from over. The LTTE attacked the Kalyanapura Army camp in Veli Oya region in Mullaitivu District on 8 September killing seven civilians.

Further south in Vavuniya, many among the 12,000 Tamils detained in 14 camps who want to go to Colombo or other southern areas are malnourished and have contracted disease. The application to go south must now be supported by a permanent resident permit holder in Vavuniya. Police insist that the person supporting the application must be another Tamil. People are allowed only four hours outside the camps during the day and are unable to work.

■ *The war with no rules in the east*

Amparai atrocity

OVER 50 policemen and Home Guards descended on the Fourth Colony village in Amparai District on 23 September, shooting and burning houses. When the carnage was over, six Tamil civilians lay dead and 66 houses had been set ablaze. Over 1390 people fled to nearby villages.

The September attack is the seventh on the village since 1990 and some residents believe it was in retaliation for the killing of three security personnel at Wijithapura 18 hours earlier, allegedly by the LTTE. Others say that it was the continuation of the attempt at ethnic cleansing. Some 1,200 Tamil families and hundreds of local government employees have been driven out of Amparai District.

Deputy Defence minister A Ratwatte pledged stern action, but no policeman was present at the magisterial enquiry on 30 September. Two days earlier, over 1,500 Sinhalese demonstrated before the Amparai secretariat against the transfer of the policemen involved and the withdrawal of Home Guards' arms. They say that without armed Home Guards they would be easy targets of the LTTE.

In Batticaloa District, 52 boats worth Rs 5.2 million (\$104,000) belonging to Muslims of Kattankudy and Palukamam were burned by an armed gang on 5 September. Local people say the atrocity was committed by Tamil group TELO which had failed at extortion from Muslim fishermen at Palukamam.

TELO member V Vithyatharan and another person were shot and injured by the Tigers at Navatkudah, south of Batticaloa, on 9 September. The Defence Ministry says the LTTE shot dead three Sinhalese farmers on 17 September at Ruvanpitiya in Polonnaruwa District.

Some 50,000 Batticaloa people demonstrated on 15 September against military attacks and economic blockade of LTTE areas. The Defence Ministry announced in September that the 21 August ban on NGOs into Tiger-controlled areas north and west of Batticaloa will continue until the completion of *Operation Jayasikurui* in the Vanni.

Most hospitals in the Tiger-held Vaharai, north of Batticaloa town are closed. Earlier, ICRC and French Medical agency Medecins Sans Frontieres (MSF) were permitted into these areas once a week. Batticaloa MP Ali Sahir says the restrictions on pain killers has led patients to consume alcohol instead. Two children died of diarrhoea on 19 September in Thihilivattai.

Thihilivattai Village Headman S Dharmalingam and cooperative union officer P Prabhakaran disappeared after the Army arrested them on 16 September. Mr Dharmalingam is the fifth Village Headman to be arrested. Death squads are still active in Batticaloa. The decapitated body of Koralankerni resident S Sinnathurai was found in a well in mid-September. Kalkudah resident K Thillainayagam's body was recovered from a shallow grave in late September.

cosmetics

AS the November Sri Lanka Paris Aid Group meeting draws closer, there is hectic activity in government circles to present a fair face of Sri Lanka. The power of Parliament to punish journalists for breach of parliamentary privileges of MPs was removed by an amendment to the Parliament (Powers and Privileges) Act and a Parliamentary Select Committee was appointed to study media law reforms. In late September Sri Lanka finally ratified the Optional Protocol to the International Covenant on Civil and Political Rights which will enable individual victims of violations of any of the rights under the Covenant to make complaints to the Human Rights Committee. The three commissions appointed in November 1994 to probe disappearances after January 1988, submitted reports to the President on 3 September. The commissions recorded evidence in 16,750 cases out of 19,079 complaints. The Presidential secretariat announced the following day that the reports will be made public and identified offenders prosecuted.

Complaints which the three commissions were not able to enquire will be investigated by a new commission. The procedure for prosecution is yet to be announced and there is grave doubt that security force members responsible for disappearances will be brought to book while the war continues.

Amnesty International says that government intentions on prosecutions are of paramount importance to reinforce the rule of law in Sri Lanka and break through the lingering climate of impunity among security forces. The Jaffna University Teachers for Human Rights (UTHR) has condemned the government as showing singular lack of conviction and for foot dragging in the cases of the Bolgoda Lake murders, the Kumarapuram massacre and a number of other cases of rape and murder brought against security forces.

Tigers target shipping

AS the ICRC announced that the North Korean merchant vessel *Morang Bong* captured by the LTTE in July had been released and towed to Trincomalee harbour, the Tigers seized Chinese-owned vessel *MV Cordialite* off Pulmoddai in Trincomalee District.

Sea Tigers boarded the ship carrying 27,000 tons of ilmanite mineral destined for Rotterdam, on 9 September. In the clash that followed with soldiers on board, the ship was badly damaged. Six soldiers and four civilians were killed and 19 including five of the 32-member crew are missing. The LTTE has pledged to continue attacks at sea.

The security forces launched *Operation Hard Punch* on 10 September

in Upparu south of Koddiiyar Bay where LTTE activity is said to be increasing. As the Army searched Vannathikulam, the LTTE shot dead a Home Guard in Kinniya on 26 September. The Navy detained three Muslim traders in late September accusing them of supplying explosives to the Tigers.

Over 90 fishermen were arrested by the Navy on 29 September off Muthur. In Trincomalee over 5,800 families in 102 villages depend on fishing. Since 1990, over 800 boats have been destroyed. A ban on night fishing and other military restrictions have drastically reduced their income. In the last five years, fish production has fallen from 12,300 tons a year to less than 8,000 tons.

Colombo arrests and allegations mount

Black Tiger alert

SECURITY FORCES in Colombo were put on red alert on 19 September following intelligence reports that a 14-member *Black Tiger* suicide squad had infiltrated Colombo seeking high profile targets. As search operations were launched in the capital, security for ministers and prominent politicians was doubled.

Police say five *Black Tigers*, including *Athavan* and *Athilan* were arrested. Kochchikade suburb was surrounded on 17 September and several Tamils were detained. Pettah commercial district was searched on 23 September and many people were paraded before *thalayattis* or masked informers. Nugegoda police took into custody seven Tamil youths working in the Colombo port, in late September.

Allegations of illegal arrest and torture in Colombo and the south continues. Kandasamy Lingeswaran, arrested on 3 September 1993 remains in custody for the last four years without charge or trial. Mr Lingeswaran suffered torture at an Army camp and the Crimes Detection

Bureau (CDB). Mohamed Basheer was neither informed of the reasons nor a receipt issued when he was arrested in Kalpitty in October last year. He alleges he was brutally tortured and burned after he refused to massage the legs of a police officer and locked in a pig sty.

Colombo Chief Magistrate has ordered a medical examination of G Sivarajah, 22, who was arrested in a Pettah lodge last November and suffered torture for three months at the hands of the CDB. Selvarajah Ravindran who was arrested on 8 February in Trincomalee is currently in custody at Kalutara prison and has not been informed of the reasons for his arrest as required by Emergency regulations.

Yatheesh Sinniah, taken into custody on 13 August says in a fundamental rights application to the Supreme Court that he was detained at the notorious Fourth Floor of the police headquarters and severely tortured. The Supreme Court hearing a fundamental rights appli-

cation filed by former Jaffna GA S Pathmanathan ordered the Attorney General in mid-September to explain reasons for his arrest. Mr Pathmanathan who was detained on 28 August on allegations of providing funds to the LTTE while in office, says police attempted to obtain a confession from him forcibly.

Former Tamil Senator Neethirajah's house at Kotahena suburb in Colombo was robbed on 24 September by a five-member armed gang which gained entry by posing as criminal investigation officers. Police have arrested a serving Airforce member and an Army deserter. Mrs Thilagavathy Neethirajah died of shock during the robbery.

A bomb exploded in the Tamil party EPDP's Colombo office on 11 September killing party administrative officer Thambirajah Vadivelu. Colombo's Chief Magistrate has ordered the police to carry out investigations as the death of Mr Vadivelu occurred in suspicious circumstances.

Mannar under siege

FOLLOWING a landmine attack at Eluthur in Mannar District on 4 October, the Army shot dead M Yoganathan, 42, and K Yogarajah, 27, and wounded two young women. The dead civilians had arrived in Mannar from Mullaitivu to receive money sent by relatives abroad.

Security in Talaimannar was intensified in late September after three civilians were detained for several hours by LTTE cadre. Tigers have continued to infiltrate the island and the Mannar mainland captured by the Army in February in *Operation Edibala*. The LTTE shot dead a policeman at the Mannar bus stand on 18 September.

Reports say government officers are unable to visit village areas in Mannar District to carry out their duties following the hijacking of a number of state vehicles allegedly by the LTTE. In mid-September the vehicles used by Mannar and Nanattan Assistant Government Agents were hijacked in Mannar town.

The refugee ship service from Mannar to Jaffna, suspended in late September because of safety fears was resumed later. The ship *Tharaki* carries 290

refugees to Kankesanthurai three times a week. Around 600 refugees who arrived from Pesalai on 26 September returned disappointed when an additional ship promised was not available. Around

2,500 refugees were awaiting in Mannar in early September to travel to Jaffna. Another 100 refugees arrived from Trincomalee as ship services from the eastern port remained suspended following LTTE attacks on ships.

Over 90 refugees from the western coast of Sri Lanka arrived in Dhanushkodi and Rameswaram in Tamil Nadu in early October. NGOs say some 100 people are arriving in boats every month in the southern Indian state. There are currently 75,000 Sri Lankan Tamil refugees in Tamil Nadu camps.

The Jain Commission which for the last three years probed conspiracies behind the assassination of former Indian Prime Minister Rajiv Gandhi submitted its report to Home Minister Indrajit Gupta on 28 August. Former Indian Prime Minister Narasimha Rao and Tamil Nadu Chief Minister M Karunanidhi have given evidence before the commission. The court case relating to the Rajiv murder begun in January 1994, in which LTTE leader V Prabhakaran is an accused, is expected to be completed by the end of the year.

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

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