

## Reform Bill under fire

**A**midst widespread opposition, Justice minister GL Peiris tabled the Bill for a new constitution, incorporating the People's Alliance (PA) government's devolution proposals, in Parliament on 3 August. Inaugurating the debate on the Bill, President Chandrika Kumaratunge announced that the new constitution will be sent to the Liberation Tigers of Tamil Eelam (LTTE) after it becomes law. The President pleaded for the adoption of the constitution saying that the effective way to end the war is to draw the Tamil people away from the LTTE by granting their legitimate rights.

There was chaos in Parliament as many opposition United National Party (UNP) MPs denounced government haste in introducing the Bill in Parliament, while some others tore or burned copies of the Bill. The UNP and the PA held 18 meetings over four months and in June it was indicated that an agreement had been reached. But on 25 July, the UNP announced in Parliament that it would not support the government to adopt a new constitution.

The UNP insisted that there should be consensus among all parties, including the LTTE, before the Bill for the new constitution is tabled in Parliament. The opposition party seems particularly concerned about the interim provisions which allow Ms Chandrika to continue as President for another six years enjoying her current wide powers, as well as those of the Prime Minister, under the proposed Westminster model of government. The UNP wants the executive presidency model to end as soon as the new constitution is adopted.

A two-thirds majority in Parliament (150 of the 225 members) is needed for the adoption of a new constitution. In addition, approval in a national referen-

dum is required for the amendment of entrenched provisions in the current Constitution such as Article 2 which states that "The Republic of Sri Lanka is a Unitary State".

The government has only 111 MPs. Minority parties, the Eelam People's Democratic Party (EPDP) led by Douglas Devananda, Hill Country's Ceylon Workers Congress (CWC) and Rehabilitation minister MHM Ashraff's Sri Lanka Muslim Congress (SLMC), which have 24 MPs are expected to support the government. But a serious internal problem in the CWC has split the party and the government can count on the support of only three MPs including its leader Arumugam Thondaman.

Last year, five UNP MPs led by Sarath Amunugama pledged their support to the PA. In July, UNP's former Finance minister Ronnie de Mel joined government ranks. But more cross overs anticipated by the government have not happened, despite the offer, according to reports, of \$60,000 to each MP joining the PA. It is also reported that ten MPs, who were suspected might take up the offer, were dispatched by the UNP to Singapore on holiday. Some PA MPs were confined to a hotel in Colombo to prevent them jumping to the UNP. Despite the desperate measures, observers believe, the government would not be able to obtain the required two-thirds majority before the current Parliament lapses on 24 August.

The government also faces opposition from other quarters. Influential Buddhist highpriests, the *Mahanayake Theras* have expressed their opposition to the new constitution. As a Buddhist monk launched a fast unto death protest in Colombo, The *Mahanayakes* of Asgiriya and Malwatte sects wrote to MPs on 30

July urging them

rites of MPs who vote for the Bill. The new political party Sihala Urumaya (Sinhalese Rights), led by UNP dissident Tilak Karunaratne, along with other hardline groups, National Movement Against Terrorism (NMAT) and Weeravidhana, has launched a campaign against constitutional reform. These parties believe that devolution of power to the north-east region would be a stepping stone to secession. They demand the retention of the unitary state, supremacy of the Sinhalese majority and the maintenance of Sri Lanka as a Buddhist state. They also vehemently oppose Norwegian role in the peace process and are suspected to be involved in the recent bomb attacks on Norway's embassy in Colombo and the office of Norwegian NGO, Redd Barna.

The Tamil political parties have already stated that the proposals fall short of Tamil aspirations and insist that the basis for any solution to the Sri Lankan conflict should be the 1985 Thimpu principles, which demand the recognition of the Tamil right to self determination, the north-east Tamil homeland and that Sri Lankan Tamils constitute a nation.

The Tamil United Liberation Front (TULF) decided on 23 July that there will be no compromise on three issues: 1) North-east must remain as one unit for the purpose of devolution; 2) Sri Lanka cannot remain a unitary state; 3) Control of all land within a region must be with the elected regional council. The government is disappointed over the rejection of the proposals by the TULF which seemed amenable to accepting the 1997 draft constitution with certain changes.

According to P Sarawanamuttu of Colombo-based NGO, the Centre for Policy Alternatives, the constitution Bill, although an advance on the current Constitution, does not contain many of the important provisions relating to devolution included in the 1997 draft. Writing in Colombo newspaper *Weekend Express*, Izeth Hussain says Tamils, whether extremist or moderate, want a unit in which they can be fully autonomous, and above all, a unit in which they can feel secure.

**Reports say that Indian fishermen abducted Sri Lankan refugee Pathmanathan Kumudini, 19, of Kilinochchi District, from a sand bar in the Palk Strait on 6 July. Sixteen others stranded on the same sand bar were later taken to Rameswaram in the southern Indian state of Tamil Nadu by the Indian Navy. The body of Ms Kumudini was found, near Arichalmunai on the Tamil Nadu coast on 8 July. According to Indian authorities, three fishermen have been arrested.**

July urging them not to vote for the constitution Bill. There were also threats that no Buddhist monk will be allowed to perform the funeral



THE VANINI

# Red Cross concern

LACK of medicines resulted in the death of 20 year-old P Chandralogini of Akkarayankulam in Kilinochchi hospital in July. Despite repeated appeals by international agencies, the Sri Lankan government has failed to ensure that adequate humanitarian aid reaches the internally displaced and other people in northern Vanni region.

The military continues to deny permission for sufficient food and medicines to be taken into the area. In July, the Army refused to allow an ambulance presented by UNICEF into the Vanni. Although the Defence Ministry has granted permission for three ambulances to Vanni hospitals, the Army has blocked the delivery of the vehicles.

Following a visit to the Vanni in early July, Sri Lankan Red Cross Secretary Bulathsinhala says that his agency is unable to provide adequate assistance to the refugees. The Red Cross has written to the Health minister about shortage of medicines, but has received no reply.

Press reports say that 30% of the 300 people brought for further treatment to Vavuniya from the Vanni suffer from malnutrition. V Kandasamy, 55, and V Sellathurai of Skandapuram died on the way, while being transported from Kilinochchi hospital to the Vavuniya hospital in mid-July. In early July four people, including five year-old S Pamishan, injured in shell attacks in Jaffna's Thenmaratchy, were admitted to Kilinochchi hospital.

In Vavuniya District, there is increasing concern over the rise in human rights violations. Speaking in Parliament in early July, Vanni MP P Adaikalanathan called for urgent action to end abductions and murders in the district.

According to the Sri Lankan Human Rights Commission (HRC) 303 people were arrested by security forces between January and June and the whereabouts of 17 people are still unknown, which includes Goodshed camp refugee B Thavarajah. In early July, the police Counter Subversive Unit arrested three refugees at Poonthottam refugee camp.

Five soldiers were killed and four others were injured in a LTTE landmine attack on 11 July at Thalikulam, nine miles west of Vavuniya town on Mannar road near Poovarasankulam. The security forces accused the Tigers of breaching an agreement to treat the area as a demilitarised zone. Food to the Vanni is sent through Pramanalankulam, just north of Poovarasankulam. The security forces ran amok in Thalikulam attacking people and seriously wounding four civilians. Soldiers also burned two shops and three houses. A Kantharasa suffered burns when his house was set alight. A number of people were taken into custody.

The LTTE injured three policemen in a grenade attack on 18 July at Pattakkadu. Reports allege that two days later, Tiger cadre burned a public bus in Pandarikulam, after ordering the passengers to get off.

## Airforce killing

Sri Lankan Airforce planes bombed the fishing village of Chundikulam in Mullaitivu District on 22 July, killing four civilians, including Jaffna refugee Sellathurai Prabhakar. Two others were seriously injured and fishermen shelters were damaged.

## Journalists accused

French media agency, Reporters Sans Frontieres (RSF) protested to Media minister Mangala Samaraweera on 27 July, against the vilification of four journalists by *Jana Ravaya*. In an article on 18 July, pro-government journal *Jana Ravaya* accuses Irida Peramuna editor Saman Wanigarachchi, *Sunday Leader* correspondent Roy Denish, *Daily Mirror* columnist P Sivaram and BBC Sinhala Service reporter P Seevagan of giving military information to the LTTE.

## Death in prison

Press reports say Wattala resident and Colombo Welikade prison detainee S Jeyarajah died in hospital 28 July, after sustaining injuries in an attack inside the prison.

## Tiger islands

Following a Sri Lankan delegation to Thailand led by Defence Secretary Chandrananda de Silva in July, the two countries agreed to exchange information on the LTTE. Sri Lanka has maintained that the Tigers are using Phuket and other islands on the western coast of Thailand as bases for arms smuggling operations.

# Student killed by the Army

JAFFNA Hindu College student Somasundaram Sanjeevan was shot dead by the Army on 13 July at Kokkuvil, two miles north of Jaffna town. All Jaffna schools were closed on 17 July, the day of the funeral, as a mark of protest. College principal Sri Kumaran met Jaffna civil administrator, Brigadier Gamini Jayasundara and demanded an investigation. Although an enquiry was promised, sources say that no one has been arrested.

Jaffna civilians are concerned over the impunity that security forces enjoy. No action appears to have been taken over the killing of another student, Gunaratnam Vinojan in May. Reports

allege that two soldiers from a military camp at Alvai in north-eastern Vadamaratchy area raped a student on 14 July. In a letter to President Chandrika, TULF's Mavai Senathirajah has urged an impartial enquiry into the incident.

According to reports, the whereabouts of R Gunaratnam, arrested in late June, are unknown. The HRC says 15 people were arrested in June and in early July three people, including Navarajah Banumathy, 41, were detained.

The Army attempted to advance east, from positions in Jaffna town through Ariyalai, on 10 July. Nineteen soldiers were reported killed and another 94 wounded in clashes and the troops

returned to original positions. The Tigers claim only eight cadre died.

Diseases are spreading in refugee camps. Local NGOs have urged international agencies to help thousands of displaced people living with friends or relatives. Over 70% of medicines to private pharmacies have not been received following Defence Ministry restrictions. NGOs say hospitals face shortages and the restrictions will worsen the situation.

Agricultural Commissioner's office says the fighting is preventing cultivation of 17,000 acres of land in Thenmaratchy. According to Jaffna farmers, 25% of the 22,500 acres cultivated in other areas has been affected by severe drought.



## ■ Pilgrims arrested in Kataragama

# Eastern torment

QUARRY worker Parasuraman Ramanathan, 32, was shot dead by the Army at Mavadiyembu in Batticaloa District on 5 July. Soldiers allege that he was an LTTE member and attempted to throw a grenade at them.

The Army arrested six Tamils working in rice fields in Sinnawathai on Amparai-Batticaloa border, on 6 July, including P Jeyendran, 19. No receipts relating to the arrests were issued to relatives. The ICRC says that it received 131 complaints between January and June regarding people who went missing in Batticaloa and Amparai districts. The whereabouts of 18 people are still unknown. On 15 July, three Tamil youths from Karaitivu went missing. The

Special Task Force denied arresting them. But later, the HRC announced that they were in STF custody.

A Vijayanandan, 20 and Thurairajah Kumar, 19, disappeared at a military checkpoint near Kalmunai two days later. On 18 July, Education Department's S Akilendran and Technical College lecturer S Thangarajah were taken into custody by a team from the police Counter Subversive Unit in Kandy. Reports say their arrest followed information provided by two LTTE suspects in custody.

LTTE's *Pistol Group* shot dead two policemen at the Kaluvanchikudi bus station on 10 July. A day earlier, police killed S Ketheeswaran and K Jusudasan in Batticaloa town. Police allege that they

were involved in the murder of former local councillor K Navaratnarasa in June. Mr Jesudasan belonged to Tamil group and government ally, EPDP, but the police allege he had links with the Tigers. Two soldiers were killed and eight others were wounded in a Tiger landmine attack on 29 July near Welikanda. On 3 August, seven soldiers were wounded in another mine attack at Vavunativu.

In early July, 300 Tamil pilgrims from the east to the holy city of Kataragama, 90 miles south-west of Batticaloa town, were taken into custody near Yala Sanctuary. They were released after EPDP intervened. Forty Tamils were rounded-up in Kataragama in late July and six were detained.

In Trincomalee District, the LTTE assaulted an Army camp on Anuradhapura road on 10 July. A Buddhist temple near the camp also came under attack. Two Home Guards were killed and five others, including a Buddhist priest, were wounded. The following day the *Pistol Group* shot dead police sergeant Bandara in Trincomalee town. Seven soldiers were injured in a landmine attack near Muthur, south of Trincomalee town, on 18 July.

Local people say Muthur Kalaimagal Hindu College student N Vimalaswaran who was arrested by the Army on 11 June, suffered torture and admitted to the hospital twice. Other students began a boycott of classes on 4 July demanding his release.

## Facilitating abuse

FOLLOWING the new Emergency regulations of 3 May, Amnesty International has expressed concern in a July report titled *Sri Lanka: New Emergency Regulations*, that the Sri Lankan authorities have reduced the limited safeguards against the abuse of detainees contained in the previous regulations. The continued applicability of the 1997 Presidential Directives, which required issue of arrest receipts and report to the Human Rights Commission (HRC) within 48 hours of arrest, is unclear. The changes in regulations in May further erode protection against human rights abuses and facilitate disappearances and violations of non-derogable rights such as the right to life and the right not to be tortured.

Previously, persons suspected of having committed an offence and arrested under Emergency regulation 18 could be held for 60 days for investigation in the north-east and up to 21 days in the rest of the country. Now, prisoners island-wide can be held for up to 90 days in police cus-

tody without charge, but a court can extend detention for a further six months on a police application which the judge has no discretion to refuse. As regulation 18 provides for arrest by 'any person authorized by the President', the possibility arises of untrained unidentifiable people making arrests and acting outside the normal chains of command and accountability.

According to Amnesty, the notorious provision which allowed security forces to dispose of dead bodies in secret was in force from 3 May up to 6 May when the government announced that the provision had been rescinded. On 3 May, Thangiah Sivapooranam, 45, of Wattala was taken away by people who identified themselves as officers of the Criminal Investigation Department. His body was found the following day at Kadawatte, with three other bodies.

EIGHT refugees, including three children, are missing after Indian fishermen pushed them from a boat into the sea, near Pesalai on Mannar Island, on 18 July. Four other women who managed to swim ashore were arrested by Sri Lankan police. The police say that if they can swim such a distance they must have been trained by the LTTE.

The refugees, who were fleeing to India, were taken in a boat by Sri Lankan fishermen, after each person paid Rs 7,000 (\$90), and transferred at sea to an Indian fishing boat. Survivors say the Indian fishermen brought them back saying that they feared the Indian Navy, and pushed them into the sea far from the shore of Mannar Island.

## Missing

Despite the hazards Sri Lankan refugees continue to arrive in Tamil Nadu. Agencies working in the Vanni say refugees are fleeing because of government restrictions on food and medicines. Further, continued shelling of LTTE-controlled areas of Mantai in northern Mannar District, from military camps further south at Thallady and Murunkan has caused displacement of people who resettled in the region.

The Tigers launched an attack on an Army unit at Periyanaivatkulam in Mantai on 16 July killing two soldiers. Six days earlier, unidentified persons forced Selvanayagam Suresh to leave his home at Uppukulam late in the night and shot him dead.



# New regulations encourage secret detention and torture

## MEPs censure government

**A**fter a visit to Sri Lanka in mid-July, European members of Parliament Robert Evans and Richard Howitt told the BBC that the island's government has not done enough to protect civilians caught up in the war with the LTTE and is covering up a major humanitarian crisis.

The government implemented an oppressive press censorship policy and is not allowing essential supplies, including baby food and medicine, to be distributed in LTTE-held areas. The plight of displaced people in conflict areas was as bad as the sufferings of civilians in Sierra Leone and Chechniya, the MEPs say.

In a radio interview, Robert Evans also referred to arrests of Tamils in Colombo. Human rights agencies recorded over 225 arrests in July throughout the island, including the capital. Nine Tamil youths were taken into custody in Pettah suburb on 12 July. Police allege that they did not have national identity cards or proof of police registration.

Police detained nine Hill Country Tamils, including three women, in Polgahawela in mid-July. On 15 July, three Tamil youths from Jaffna were arrested during a search operation in Peliyagoda, north of Colombo. Police say they failed to establish their identity.

Amnesty International says under the new Emergency regulations of 3 May, it is no longer a legal requirement that a list of places of detention be published, increasing the risk of secret detention, torture and disappearance. Under the new regulations, preventive detention can be in 'such place as may be authorized by the Inspector General of Police' which could include prisons, military custody, police stations or any other place.

The previous regulations had provisions for the Defence Secretary to notify the existence and the addresses of places of detention to the magistrate of the area and for officers in charge of any place of detention to furnish to the magistrate, once every 14 days, a list of all persons detained and for the magistrate to display the list on the court's notice board. It also contained provisions for the magistrate to visit the places of detention at least once a month and for every detainee to be produced before the magistrate. The regulations of 3 May have done away with all these important safeguards.

*Amnesty International says that an increase in torture, disappearances and deaths in custody have been reported since the introduction of new Emergency regulations in May.*

Under new regulation 16, the Defence Secretary may order restrictions on people, including on employment, communication and movement. A person can be confined to his residence. The regulation sets no time limit for the period for such an order, which implies that it can last indefinitely. The regulation does not provide for judicial or administrative scrutiny of the order.

Regulation 17 says that a preventive detention order for a period up to a year by the Defence Secretary 'shall not be called in question in any court on any ground whatsoever'. Amnesty points out that this is an attempt to deny detainees their constitutional right to petition the Supreme Court regarding violations of fundamental rights not to be arbitrarily arrested and detained. There would be no checks on the basis of the Secretary's decisions to issue preventive detention

orders or on abuse of the procedure.

Earlier, regulation 17 provided that the Defence Secretary should be 'satisfied upon the material presented to him or upon such further additional material called for by him', that it was necessary to detain a person to prevent him from committing an offence. The Supreme Court in 1997 had ruled that this provision meant that the Defence Secretary must make a 'reasonable, objective and independent decision'. Under the new regulation 17, the Secretary needs only to be 'of opinion' that it is necessary to issue a preventive detention order and has no requirement that he should be able to justify his opinion with reference to any actual evidence.

The new regulation 17 also removes the right of representation to an administrative advisory committee from detainees whom the Defence Secretary certifies as suspected members of a proscribed organisation. There is no redress for persons who believe that they have been wrongfully detained.

There is also no requirement for full details on detention to be provided to the detainee who makes representations to the advisory committee. Nor is there any requirement for information, on the grounds of detention, to be given to a detainee who does not make representations to the advisory committee or who has been prohibited from doing so because he/she is deemed to be a member of a proscribed organisation.

In July, the Supreme Court ordered the government to pay Rs 100,000 (\$1,280) compensation to Tamil traders M Sathananthan and V Jeyaranjith for illegal arrest and detention. They were arrested in August 1998, after cargo ship *Princess Kash*, carrying goods to Jaffna, was sunk by the Sri Lankan Airforce when the LTTE boarded the vessel south-east of Mullaitivu town. The security forces alleged that the two traders and the captain of *Princess Kash* were in league with the Tigers.

The Court of Appeal heard a habeas corpus application in July relating to S Nimalarajah, who disappeared following arrest at a military checkpoint in October 1990. The Army later denied his arrest. The court ordered the Sri Lankan state to pay Rs 30,000 (\$385) as compensation to his mother S Nesammah.

THE SRI LANKA MONITOR is part of an information 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 Refugee Council, 3 Bondway, London SW8 1SJ. Tel: (020) 7820 3100; Fax: (020) 7820 3107. E-mail: slproject@refugeecouncil.org.uk. Internet: www.gn.apc.org/brcslproject

The Refugee Council:  
Tel: (020) 7820 3000; Fax: (020) 7582 9929  
E-mail: info@refugeecouncil.org.uk  
Internet: www.refugeecouncil.org.uk  
Charity No. 1014576  
Company No. 2727514

ISSN 0955-5943

Printed by: Imedia Print, 76-89 Alscot Road  
London SE1 3AW