

Peace on the brink

The Sri Lankan peace process is heading for trouble, as the proscription of the Liberation Tigers of Tamil Eelam (LTTE) develops into the most contentious issue since the Norwegian government became involved in shuttle diplomacy in January 2000.

India outlawed the Tigers in May 1992 and the US included them in the terrorist list in October 1997. Sri Lankan governments resisted the call for a ban, on the ground that it may affect any chance of peace. But LTTE's attack on the Buddhist holy site *Dalada Maligawa* in Kandy in January 1998 removed all opposition and a ban was imposed.

Since assuming office in 1994, the Sri Lankan Foreign minister Lakshman Kadirgamar has led an international campaign for a ban on the Tigers. The proscription of the LTTE by Britain in March 2001 under the Terrorism Act 2000 was the pinnacle of Mr Kadirgamar's success.

Norwegian special negotiator Erik Solheim met Tiger political leader Thamichelvan at Mallavi in the Vanni on 17 May. Mr Thamichelvan reiterated the three LTTE 'essential pre-requisites' that should be satisfied before peace talks could begin - 1) lifting the economic blockade of the north-east 2) agreement on an indefinite ceasefire 3) removal of the ban on the LTTE.

The LTTE say that they would not enter negotiations as a banned organisation. They insist that the government should recognise their status as the legitimate representatives of the Sri Lankan Tamil people and their position as 'co-partners in constructive engagement' in the negotiations. Any agreement with an illegal organisation will not be valid and peace negotiations would be an exercise in futility, the Tigers say.

Observers say that the LTTE are encouraged by the unity that is apparent within the Tamil community since the British ban. Many organisations in and outside Sri Lanka have urged the government to remove the ban to facilitate peace talks with the LTTE.

The government's ban on the LTTE is no longer relevant, when it is hoping to negotiate with them in a spirit of equality.

National Peace Council

The convoy of Mr Thamichelvan, travelling to Mallavi to meet Mr Solheim, came under landmine attack at Kokkavil, eight miles south of Kilinochchi, inside LTTE-controlled territory, on 17 May. A Tiger died and another was wounded. The LTTE blame a *deep penetration unit* of the Army and accuse the government of attempting to destabilise the peace process.

Newspaper reports in mid-May said that a high level government committee was examining the removal of the ban on the LTTE. But in late May, the government announced that the ban would not be lifted saying that Tiger 'pre-requisites' were not acceptable. The government say that the issues raised by the LTTE could be discussed at the peace talks.

According to reports, most members of the Sri Lankan Cabinet are against the removal of the ban. Ironically, Mr Kadirgamar, along with Constitutional Affairs minister GL Peiris, is said to support the lifting of the proscription. Observers say that the reluctance to remove the ban may stem from the government's inability to overcome the hard-line elements within and offer substantial devolution to Tamil areas.

Earlier in the month, the LTTE denied Mr Kadirgamar's claims that some kind of agreement had been reached on several issues between the government and the Tigers. The LTTE say that progress has been made in negotiations on the

Norwegian-proposed Memorandum of Understanding (MOU). The MOU contains proposals for progressive measures by both sides to create conditions for peace talks. In an interview to *Reuters* on 11 May, Erik Solheim also said that there was consensus in some areas but confirmed that an agreement had not been reached. Sources say that the Sri Lankan government is under pressure from a powerful nation to abandon the MOU.

The government's problems have deepened. In early May, key ally Sri Lanka Muslim Congress (SLMC) warned that it may have to review its support for the government. The ruling People's Alliance (PA) has no overall majority in Parliament and depends on minority parties, SLMC and the EPDP.

The relations between the government and the SLMC have soured following mob attacks on Muslims in Mawanella in early May. The SLMC say the attacks were premeditated, to strike at the economic base of the Muslim community, and wants effective action against those responsible. The party has demanded special security measures for Muslims and compensation for victims. The government is accused of attempting to drive a wedge between the two leaders of the SLMC, Rauf Hakeem and Ferial Ashraff.

On 22 May, the opposition United National Party (UNP) and the People's Liberation Front (JVP) tabled a no-confidence motion in Parliament against Rural Industrial Development minister Maheepala Herath who is alleged to have been behind the Mawanella violence. The UNP has also threatened a no-confidence motion against the government for failing to fulfil pledges on the economy and ethnic conflict.

A third motion to impeach the Chief Justice Sarath N. Silva for obstruction of justice and abuse of power is also before Parliament. Colombo lawyers say that the Chief Justice, who was appointed by President Chandrika Kumaratunge over the heads of senior judges, is increasingly refusing to hear fundamental rights applications relating to torture.

THE VANNI

Detention in Vavuniya

VAVUNIYA magistrate M Ilanchelian instructed local security force commanders in early May to end the practice of detention in unauthorized places. Emergency regulations provide that suspects could only be held in authorized detention centres. Allegations continue to be made that people are detained in camps of the Tamil paramilitary groups.

The magistrate also reminded the commanders that a list of detainees should be sent to the court every 14 days. The regulations require the security forces to issue arrest receipts to relatives and inform the Human Rights Commission (HRC) within 48 hours of arrest, which are rarely followed.

The magistrate visited the Vavuniya detention centres on 24 May. After it was revealed that nine of the 35 detainees had been arrested at Sithamparapuram and Poonthottam refugee camps, he urged the police to give priority to their cases. Eighteen people are in the custody of the police Special Investigation Division, including 59 year-old Sinnathamby Baskaran. HRC officer S Ravindran said in late May that the whereabouts of 15 people arrested by security forces in Vavuniya in the first 15 days of May were unknown.

In the Vanni, the government economic blockade continues to cause problems. Mullaitivu District has not received malathion insecticide needed for malarial prevention. District Medical Officer Dr Jayakularajah says that malaria is on the

increase as a result. Rabies injections are not available in hospitals in the district and reports say patients are expected to travel to Vavuniya for treatment.

Over 2,000 people are stranded at Pandivirichchan, five miles north-east of Pramanalankulam, the civilian crossing point near Mannar-Vavuniya road. Civilians can enter Vavuniya from the Vanni twice a week and only 1,400 people are permitted. Others have wait at Pandivirichchan until they are allowed. Reports say the people are suffering without adequate food or shelter.

Following the withdrawal of the ceasefire in April, the LTTE launched a number of attacks in the Vanni, including Mannar. A soldier was killed and three were wounded in an attack on 10 May at Veli Oya in Mullaitivu District. In three attacks on 18 May, 13 security personnel were killed and 23 were wounded. In Mannar District, the Tigers launched an attack on the Army at Talaimannar on Mannar Island, three days earlier, killing two soldiers. A soldier died in a Tiger attack at Uyilankulam, eight miles south-east of Mannar town on 23 May.

The Navy turned back over 200 fishermen who went fishing in Mannar sea on 16 May, after only a few minutes at sea. They had all been checked before taking their boats to sea. The Navy has not given any reason. Reports say that as a result of restrictions on fishing for many years, fisher families in Mannar suffer extreme poverty.

Evidence

The Attorney General's Department informed the CIUAH in late May that there will be no prosecution relating to the Sarathambal rape and murder case, as the police report contains no evidence on the offenders. Navy personnel are accused of gang-rape and murder of Punkudutivu Island resident S Sarathambal in December 1999.

Torture

The Supreme Court awarded compensation of Rs 150,000 (\$2,000) on 29 May to HB Sriyawathie in a fundamental rights case. She had been tortured by police in Mirihana, while she was pregnant.

Severed

The Asian Human Rights Commission says that a finger of Ovitigala resident Vijitha Dissanayake was cut off by Kodituwakku, the officer-in-charge of the Matugama police station in Kalutara District.

Censorship

The government lifted censorship of military news on local and foreign media on 30 May. The censorship was imposed in June 1998. The ban on journalists into the north-east war zone, however, remains.

Bomb

The office of the Sinhala weekly *Ravaya* was bombed on 23 May. Editor Victor Ivan says that the bombing is a warning for continuing to criticize the government.

Jayalalitha returns to power in Tamil Nadu

THE coalition led by AIADMK won a landslide victory at elections in the southern Indian state of Tamil Nadu on 10 May, securing 196 of the 234 seats in the Legislative Assembly. The DMK alliance led by Chief Minister M Karunanidhi was routed. It was able to gain only 36 seats.

The nomination papers of AIADMK leader J Jayalalitha were rejected on the basis that she had been convicted in two corruption cases. She has appealed against the conviction but there are several other cases pending against her. Despite the conviction and non-election, Tamil Nadu Governor Fatima Beevi accepted her as the state's Chief Minister on 14 May. Ms Jayalalitha must be elect-

ed to the Legislative Assembly within the next six months in order to retain her position as Chief Minister.

Immediately after the elections, an AIADMK spokesman declared that the new Tamil Nadu government would support measures to gain the legitimate rights of the Sri Lankan Tamil people, but said that the assassination of Rajiv Gandhi in 1991 and the subsequent ban of the LTTE in India, made it difficult for rapprochement with the Tigers.

Delivering the government policy address in the Legislative Assembly on 25 May, Governor Beevi, announced that Tamil Nadu will pressure the Indian central government to reclaim Kachchaitivu Island. The tiny island, lying nine miles

south-west of Delft Island near Jaffna was declared belonging to Sri Lanka under an agreement in the 1970s. The declaration follows allegations of continuing attacks on Tamil Nadu fishermen by the Sri Lankan Navy. Thirty nine Tamil Nadu fishermen were arrested by the Navy in May for allegedly straying into Sri Lankan territorial waters. A number of Sri Lankan fishermen have also been taken into custody by Indian coastguard.

Fisheries minister Mahinda Rajapakse emphasized that the question of 'handing back Kachchaitivu' to India does not arise because the issue is covered by international treaty. The problems involving fishermen should be solved by negotiations, Mr Rajapakse says.

■ Two Muslims killed in Batticaloa

Trinco landmine

TWENTY Navy personnel were killed and 25 were wounded in a LTTE landmine attack on a military convoy, on Trincomalee-Habarane road near Thambalakamam on 23 May. The Tigers attacked a naval checkpoint on the same day at Thuvarankadu, killing a soldier.

After end of the unilateral ceasefire in April, the LTTE launched a number of assaults on Army positions in the east. In an attack on Pachchanur police post, south of Muthur, a policeman and a civilian were killed on 14 May. Three soldiers died and two were wounded in an attack at 25 mile post between Aluthoya and Galpotte the next day.

The Army arrested two Tamils visiting Muthur on 3 May for shopping. The

Navy say two other youths who were arrested, committed suicide by taking cyanide. Four days later, the Navy shelled Challi, injuring three civilians.

In Batticaloa District, after an attempt to penetrate LTTE-held Karaveddy in Manmunai on 15 May, the Army shelled the area, wounding M Balasundaram who was working in his field and ten year-old student P Sivakaran. Mandur Mariambal temple priest P Kovindapillai was killed by an Army shell in mid-May. The Army shot dead civilian Y Kesavarajah who went into the jungle in Mathurankernikulam to pick firewood on 22 May. Three others are missing.

The Army say the LTTE's *Pistol Group*, which carries out selective assas-

inations has infiltrated Army-controlled areas. The *Pistol Group* killed at least six security personnel, including two members of a Tamil paramilitary group, in May. After a LTTE sniper seriously wounded a soldier near Kiran bridge on 11 May, soldiers ran amok attacking civilians in the area.

Three Muslim fishermen abducted for ransom by the LTTE were released on 12 May after 18 days. On 15 May, Oddamavady residents Mohamed Latiff and Mohamed Sharif were shot dead near Navalady Army camp. The Army has accused the LTTE. The Tigers have denied any involvement.

Over 5,000 teachers from various parts of the island, led by the Ceylon Tamil Teachers Association, staged a demonstration in Batticaloa on 25 May. Reports say that this was the largest protest in Batticaloa in the last ten years. Their demands were, among others, the removal of the ban on the LTTE in Sri Lanka, US and Britain, peace talks with Norwegian assistance and the recognition of the Tamil right to self-determination.

In Amparai District, two police Special Task Force (STF) members were killed in an LTTE ambush at Thamaraiikulam on 5 May. The STF fired shells indiscriminately killing civilian M Chandrakumar. After the LTTE launched an attack at Thirukovil, the STF banned farmers working in their fields in Thamaraiikulam and Kanjikudichcharu. Over 21,000 acres of rice land and 16,000 farm animals are affected.

State duty

THE Sri Lankan government introduced Emergency regulations at mid-night on 10 May banning demonstrations and processions for a week. The action followed a demonstration on the same day in Maradana against alleged government failure to arrest Muslims involved in attacks on shops belonging to Sinhalese people in Mawanella, where a large number of shops and houses were damaged or destroyed in violence in early May. The police used tear gas to disperse the demonstration in Maradana, which had been organised by a group calling itself *We Sinhala*. The Sinhalese people and traders did not respond to calls by the *We Sinhala* movement for an island-wide *hartal* (general strike).

Reports say that policemen who failed in their duty at Mawanella will be transferred, but offenders with political patronage are unlikely to be brought to book. Since the Mawanella incident, tension has spread to other parts of the island. A *hartal* was observed in Muslim-dominated areas in the eastern province on 6 May.

As President Chandrika ordered reconstruction of mosques and Buddha statues damaged in Mawanella, eight shops belonging to Muslims and Sinhalese were set alight in Muthur, Trincomalee.

Sri Lankan journal *Pravada* says the government's inaction to bring to justice perpetrators of communal violence has been one of the most distressing political tendencies in Sri Lanka. If the state fails in its duty to protect the minorities, militant majoritarian groups are likely to use violence, terror and intimidation against minority communities. In early May, Livestock Development minister Arumugan Thondaman urged the President to provide protection to Tamil workers on Cecilton estate in Balangoda, following threat of violence after a Sinhalese man was found dead on the estate.

DISPLACED people demonstrated in Jaffna town in mid-May against the ban on entry into southern Thenmaratchy, which is now under Army control. The government Media Centre says 89 people were arrested for entering their home areas in Kaithady, Nunavil and Chavakachcheri. Northern Rehabilitation minister Douglas Devananda has pledged to obtain Army clearance to enter the area, within 40 days.

On 26 May, Valvettithurai fishermen staged a protest demanding the lifting of restrictions on fishing. The fishermen say that fishing is totally banned in some places off the coast of Vadamaratchy. Local people on the Jaffna islands told visiting Colombo journalists in late May

that fishing was allowed only between 4am and 6pm and the restriction was adversely affecting their lives.

Reports say that the number of people receiving government food aid will be reduced by 50% from May. In April, 116,000 received food aid in the peninsula. People who have a source of income, such as vehicles, small businesses and houses that can be let, will not be entitled to assistance.

A Muslim delegation met Jaffna's senior state officer, Government Agent (GA) K Shanmuganathan in early May, demanding protection, after alleged robbery and attacks on Muslim residents. The Muslims also urged action to eject people occupying their houses.

Restrictions

Families separated by prolonged detention

Torture in detention

The chairman of the Committee of Inquiry into Undue Arrest and Harassment (CIUAH), Justice minister Batty Weerakoon demanded a list of detainees in rehabilitation centres from the Defence Ministry within three weeks, indicating the reasons for detention. The demand follows complaints that many Tamil youths are held in rehabilitation centres without any reason.

The Emergency regulations (ER) empower the Defence Secretary to send a detainee under the regulations or the Prevention of Terrorism Act (PTA) to a rehabilitation centre under a Rehabilitation Order (ER20). ER also provide that members of the LTTE who surrender to the Sri Lankan authorities must be sent for rehabilitation.

According to Amnesty International, it is possible that people originally detained for preventive or investigative reasons to find themselves subject to lengthy Rehabilitation Orders. Amnesty says a peculiar provision in the regulations requires that people who surrender because of fear of attack by terrorists be detained for rehabilitation themselves. ER20 violates international standards, which require that arrested persons should be promptly be brought before a judge and be entitled to trial within a reasonable time or to release. In early May, the CIUAH examined the case of Batticaloa resident P Thamilvanan. His mother says that he escaped from the LTTE and is held in a rehabilitation centre at Thellipalai in the Jaffna peninsula for the last nine months.

CIUAH also directed the Attorney General (AG) to release S Piraisoody, who was arrested in Trincomalee in March 1996 and is held at Kalutara prison. Several cases were filed against him, all on the basis of a confession made in custody. The confession was rejected by the High Court. The AG has failed to withdraw the cases or take action for his release. Reports say that following the intervention of the CIUAH, 20 of the 46 Tamils held without trial in Badulla prison were released in mid-May. MP P Chandrasekaran says that the AG agreed before the CIUAH to release Tamil detainee S Napoleon, but has failed to take any action.

In a May letter to President Chandrika, Colombo's Maha Kalliamman

Those in security force detention are frequently tortured or disappear while in custody. Many of the disappeared are suspected to have been tortured to death in secret places of detention.

Amnesty International
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temple priest Ragupathy Sharma says his wife who is a psychiatric patient and he are held without charge or trial for the last 15 months. Both were arrested in February 2000. Their children who are 6 and 8 years old have been sent to an orphanage in Batticaloa.

Mr Ragupathy alleges he suffered severe torture at the hands of the police. Being a Hindu priest, he is a vegetarian, but the police had forced him to eat meat. His head was covered with a plastic bag dipped in petrol. He was given electric shocks and his private organs were crushed. He was forced sign a confession, which was in the Sinhala language. In a letter to President Chandrika, The All Ceylon Hindu Congress say that the security forces continue to harass Hindu priests. On the night of 15 May,

Colombo's Slave Island suburb Sivasubramaniam temple priests Shanmugananda Sharma and Ramachandra Sharma were taken into custody at their residence.

In a fundamental rights application to the Supreme Court, father of two children Subramaniam Kannan alleges that he was arrested at the Poonthottam refugee camp in Vavuniya in June 2000 and severely tortured at the 211 Brigade Army camp. He says he was hung naked by the legs and repeatedly beaten. He became unconscious because of electric shocks. He was handed over to the police Counter Subversive Unit (CSU), who continued to torture him for another 15 days. His head was covered with a plastic bag dipped in petrol and barbed wire was inserted into his rectum. He was also forced sign a confession in the Sinhala language which he does not understand.

Vanni MP Selvam Adaikalanathan says that N Mangayarkarasy was detained when she went to see her brother in Anuradhapura prison on 12 May. Her brother N Maheswararajah was arrested in Vavuniya in October last year. Ms Maheswary has been separated from her three year-old child.

In late May, six Hill Country Tamils held in Kalutara prison, 25 miles south of Colombo, threatened to commit suicide if their cases were not heard. They are in detention since 1998 and their cases are dragging on for months without any reason. They say that Hill Country political parties promised effective action, but have abandoned them.

Jaffna resident Jeyakumary Ravichandran has informed the Human Rights Commission that her husband who went to Colombo on 12 April to make arrangements to go abroad is missing. He stayed in a lodge in the capital. But on 13 May, Ms Jeyakumary received a cable informing that he is held at Matara prison, 62 miles southeast of Colombo. When enquiries were made on 17 May, the prison authorities said that Mr Ravichandran had been released the previous day. He has not returned to Colombo or his home in Jaffna.

Amnesty International says shop worker Murugesu Anandarasa, who went to a military post in Vavuniya on 23 April to renew his residence pass, has disappeared.

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. The Sri Lanka Monitor for a particular month may contain information relating to events of previous months or the early part of the following month.

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