

SLMC quit government

President Chandrika Kumaratunge sacked Sri Lanka Muslim Congress (SLMC) leader and Trade minister Rauf Hakeem from the Cabinet on 20 June, sparking a political crisis in the island that is already bleeding by war and violence. The ruling People's Alliance (PA) has accused Mr Hakeem of signing a memorandum of understanding with the main opposition United National Party (UNP), which covers future electoral arrangements and issues of governance. The SLMC leader denies that an agreement has been signed.

When Mr Hakeem joined the government in October 2000, he issued a 100-day ultimatum for the establishment of four independent commissions on police, judiciary, public administration and elections. Since then he has made other demands, including the creation of a new Muslim-dominated district in the Kalmunai area of Eastern Province. Mr Hakeem had also made allegations of vote rigging at the general elections in October 2000 and claimed that he regretted to be part of a government that had no moral right to govern.

President Chandrika asserts that dismissal of Mr Hakeem was for violation of collective Cabinet responsibility and was in no way against the Muslim community. But Muslim observers say that the community, which remains bitter that no action has been taken against Rural Industrial Development minister Maheepala Herath over the Mawanelle violence, feels let down. The restoration of diplomatic ties between Sri Lanka and Israel on 15 May, may also be a cause for concern for the Muslims.

Mr Hakeem announced that he was leaving the government. In a surprise move, his rival and National Unity Alliance (NUA) leader Ferial Ashraff made public that she was resigning her position as Eastern Development minister. NUA was established by former SLMC leader MHM Ashraff as a national party, in order to avert accusations of parochialism. At the general elections in October 2000, seven SLMC members

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entered Parliament by contesting on the PA ticket. Three others were NUA candidates and another became an MP on the National List.

Mr Hakeem joined the ranks of the opposition in Parliament on 21 June with the six SLMC members, but said that they would function as an independent group. Mrs Ashraff and the three NUA MPs remain with the government. The relationship between the SLMC and NUA is said to be determined by an agreement, but as to whether Mr Hakeem or Mrs Ashraff is the real leader of NUA may have to be decided by the courts.

The PA government lost its narrow majority in Parliament when the SLMC left. The government will not be able to obtain parliamentary approval for legislation and for continuing the state of Emergency. In late June, the UNP and the People's Liberation Front (JVP) decided to vote against the extension of Emergency. The government now has 109 seats in Parliament against the combined opposition's 116.

The government's problems deepened when 97 MPs belonging to the UNP and Tamil parties, TULF, TELO and ACTC, tabled a no-confidence motion in Parliament on 22 June. These parties were hopeful of receiving support from the JVP, which has ten MPs. But the JVP announced after a Central Committee meeting on 24 June, that a decision

would be taken only after the parliamentary debate on the issue.

Reports say opinion is divided in the Central Committee. The JVP has indicated that its decision would depend on the government's position on its demand for five independent commissions, including one for the media. However, observers believe that in the light of severe criticism levelled by the JVP against the government on handling of the economy and the north-east war, it is doubtful that any support would be forthcoming.

Tamil United Liberation Front (TULF) leader V Anandasangari says that his party has "verbal assurance" of concessions when UNP gains power. The UNP is said to have promised the lifting of the economic blockade of the north-east and a proper role for Norwegian facilitation in the peace process. Tamil observers have criticized the TULF, which in the past has been misled by verbal assurances of major political parties.

The government is plagued by divisions within. Observers believe that several government MPs, including some ministers, may support the no-confidence motion. On 13 June, the General Secretary of the PA coalition's main constituent, the Sri Lanka Freedom Party, SB Dissanayake, who is also Rural Development minister, urged the formation of a national government, which will include members of the opposition. Such a government would have no need to depend on the support of the minority parties. Mr Dissanayake, who was regarded as a close counsellor to President Kumaratunge, is increasingly strident in his criticism and has become an irritant to the President.

Although the UNP called the attempt to form a national government, a trick to avoid the no-confidence motion, reports say negotiations between the PA and UNP are underway. There is unlikely to be any agreement, as it is alleged that the UNP had masterminded the fracture in the government. Sri Lanka seems to be heading for political turmoil which may in turn exacerbate the ethnic conflict.

THE NORTH-EAST

Air attack in Jaffna

IN a statement issued on 2 July, the LTTE warned that the peace process will be irreparably damaged if the government continued with its intense aerial and artillery bombardment of Tiger positions in northern Sri Lanka.

The Sri Lankan Airforce attacked LTTE positions at Nagarkovil in the Jaffna peninsula and Pooneryn on the mainland, on 30 June and 1 July. The government claim that the LTTE are making preparations to regain Jaffna and the airstrikes were aimed at pre-empting Tiger attacks.

India and the United States expressed disappointment over the development. The US said in a statement: "We respect the right of any nation to defend its territorial integrity, but it is also true that violence begets violence". Observers say that the two nations may be concerned that the airstrikes will provide an opportunity for the LTTE to launch an all out offensive to capture Jaffna.

A group of journalists who visited Jaffna in late June say that the people and organisations in the peninsula had urged negotiations between the government and the LTTE. Local civic organisations had argued for a political solution based on the proposition of "self-rule in the north-east and shared rule in the centre". The journalists say this calls for fully-fledged autonomy along the US or Swiss lines for the north-east region and for 60:40 power-sharing mechanism for the minority communities at the centre.

The Army shot dead two young men near a temple at Nallur in Jaffna town on 22 June. According to the military, they were LTTE members. Reports say soldiers arrested five civilians, including Selvarajah Kamalaruban, on 24 June during a search operation in Vadamaratchy. They were taken to a camp and severely beaten and were later admitted to the Manthikai hospital. Seven soldiers were killed in a landmine attack on 25 June at Madduvil, 15 miles east of Jaffna town.

In Mannar District on the mainland, according to the Citizen's Committee, Arumugam Thevarajah has disappeared after he went to a military office on 18 June to obtain a residence permit. He had arrived in Mannar three days earlier from the LTTE-controlled Vanni region. According relatives, Student S Kumanan, 15, is missing since 13 June.

In mid June, security forces arrested 16 Indian fishermen off Mannar Island. They were remanded by the Mannar court until 4 July. The military say large number of Indian fishermen illegally enter Sri Lankan territorial waters and the Tigers, posing as fishermen, use the opportunity to transport fuel and weapons to the northern coast.

Six security force personnel died in an LTTE ambush at Gomarankadawela, 14 miles north-west of Trincomalee on 1 June. The *Sea Tigers* and the Navy clashed off the coast of Sampur on 22 June. The LTTE claim that they captured a naval vessel.

Concern

Widespread concern has been expressed over the appointment of Maj. Gen. Janaka Perera as High Commissioner to Australia in June. Mr Perera is accused of involvement in thousands of killings and torture of Sinhalese as well as Tamils, constituting crimes against humanity. In the same month, Australia decided to continue to lock up asylum seekers in remote outback camps despite a parliamentary committee finding that conditions in the camps are appalling.

Spying

French agency Reporters Sans Frontieres (RSF) protested in late June over allegations of spying for the LTTE, published in three government newspapers, against journalists T Sivaram and Vasantharajah. RSF called for an end to intimidation.

Ombudsman

President Chandrika appointed former Court of Appeal Judge Dr Ranjith Bandara Ranarajah as Parliamentary Ombudsman on 1 June. The Ombudsman will investigate infringement of citizen's rights by public officers and institutions.

Denied

Catholic Bishops Rayappu Joseph and Malcom Ranjit denied that they had said that the government wanted a military solution to the ethnic issue, during a visit to London in June. The Bishops stressed that their aim is to end the terrible bloodletting.

PLOTE responsible for disappearances

IN early July, Amnesty International urged the Sri Lankan government to investigate disappearances in northern Vavuniya District. Amnesty alleges that Tamil group, People's Liberation Organisation of Tamil Eelam (PLOTE) is responsible for many disappearances.

PLOTE is paid and armed by the government and fights alongside the Army. PLOTE and other Tamil groups play an active role in trying to identify LTTE members among thousands of internally displaced people. Amnesty says the paramilitary groups are not accountable to any authority. Security forces persistently allow members of armed Tamil groups to carry out search operations and screen civilians. This practice often led to a

range of human rights violations, including illegal arrest, prolonged detention, torture, disappearance and extra-judicial executions. Some people who were arrested by the Army's Intelligence Unit have been held at PLOTE camps.

Karuppiyah Sunthararajah, 18, and Sivarasa Sasikumar, who went to the PLOTE camp, *Malai Maligai*, in Rambaikulam, on 9 June have disappeared. Amnesty says many of the disappeared are suspected to have been tortured to death in secret places of detention. After the new Emergency regulations in May 2000, detainees can be held in unauthorized places of detention.

Amnesty International has accused PLOTE of recruiting children. Fifteen

children trained at the group's *Lucky House* camp have been transferred to an unknown PLOTE camp. Amnesty has called on the Sri Lankan President to urgently bring all Tamil armed groups under proper command and control systems and ensure that all places of detention are officially recognised and designated as such.

Marambaikulam resident Selvarajah Tharmarajah is missing since 9 June and Balasubramaniam Logeswary disappeared on 18 June. Karuppiyah Selvarajah was shot dead by unidentified gunmen on Mannar-Vavuniya road on 6 June and his sister was wounded. Further west in Mannar, two youths were abducted by unidentified gunmen on 24 June.

■ 26 June - UN International Day in Support of Victims of Torture

HRC failure

THE Sri Lankan Human Rights Commission (HRC) has been accused of failing to use its powers under the law to eradicate torture and of being slow to make a significant impact on the human rights situation in the island. Amnesty International says that the HRC lacks transparency. Although established in 1996, none of its annual reports, which by law should be submitted yearly to Parliament, have been made public.

HRC officers visit places of detention, but Amnesty has questioned whether such infrequent visits can act as an effective deterrent against torture. In relation to remedying incidents of torture, the HRC has not made any recommendation for compensation to the victims or rec-

ommended any action to be initiated against perpetrators.

Amnesty says the powers of the HRC to receive and investigate reports of torture have been rarely used. Many people, including detainees who were tortured in custody and subsequently complained to the HRC have not received any response. Although the Torture Act was enacted in 1994, no one has been so far convicted for the crime of torture.

In a 26 June report titled *Sri Lanka's torture shame*, the BBC refers to the five year-old boy who was tortured and murdered, along with seven others, by soldiers at Mirusuvil in Jaffna. The bodies were buried in a mass grave in December 2000. The 14 soldiers arrested have yet

to be put on trial and the case has been transferred out of the Jaffna peninsula, making it difficult for witnesses to travel to give evidence.

Colombo lawyers say that in 99% of the cases of Tamils detained by the Terrorist Investigation Division (TID) or the Criminal Investigation Division (CID), a confession is extracted under torture. The written confessions are often in the Sinhala language, which many Tamils do not understand.

Reports say that P Sivanesan suffered severe torture at the police Special Task Force (STF) camp at Ilanthaimoddai in Mannar in June. S Benedict of Annfield Estate in Dickoya in the Hill Country, arrested in June 1998, was tortured by the police Counter Subversive Unit (CSU) in Kandy. He was handed over to the Special Investigation Division (SID) in Colombo in June 1999. His head was covered with a plastic bag dipped in petrol and he was repeatedly beaten. He was burned with cigarettes and was suffocated by immersion in water.

The Asian Human Rights Commission (AHRC) says Thebuwana police arrested Sujeewa Priyadarshana on 15 January and assaulted him mercilessly. He died in police custody on 30 January. Jagath Kumara who was arrested by Payagala police in June 2000 suffered torture and died in Colombo's Welikada prison eight days later. Ajith Bandara was arrested by Keselwatte police on 2 May and tortured in custody. AHRC says he has had no response to his complaint to the HRC.

Police abuse

A month after the government declared 22 May as Human Rights Day, police are accused of committing gang rape on a Tamil woman at a checkpoint in Maradana suburb of Sri Lanka's capital Colombo. Velu Harshadevi, from Badulla in the Hill Country, is a widow and has two children aged six and four. While she was returning from work at 11pm on 24 June, policemen at the checkpoint had obtained her address after examining her national identity card. Three security personnel had arrived at Ms Harshadevi's lodging at 3am and taken her away for questioning. She was forcibly taken to the checkpoint and gang raped.

Three police suspects were arrested on 25 June and the following day, three soldiers belonging to Operation Command Colombo (OCC) were taken into custody. The OCC is tasked with the security of the capital. Human rights NGOs say that the Prevention of Terrorism Act and Emergency regulations granting wide powers to the security forces are the main cause for human rights violations being committed with impunity. In May, Amnesty International said that security force personnel were getting away with rape and called on the authorities to launch proper investigations.

Meanwhile, the Bindunuwewa Commission, chaired by Court of Appeal judge PHK Kulatilleke, began hearing evidence on 16 June, a day after the judge visited the scene of the crime. The Commission was appointed to investigate the massacre of 27 Tamil detainees in a rehabilitation centre at Bindunuwewa in Badulla District in October 2000. In the court case relating to the incident, 31 civilians and ten policemen face charges of murder and attempted murder. According to press reports, Attorney General KC Kamalasabaysan has recommended a trial-at-bar for the case, without a jury.

Village under fire

MUSLIM civilian MK Subahir was killed and 15 others were wounded when the Army shelled Kavathaimunai, 20 miles north of Batticaloa on 5 June. Ten houses were damaged. Batticaloa MP Ali Sahir Moulana condemned the attack as a deliberate attack by the security forces.

The shelling is said to have been in retaliation for an LTTE assault on a military camp in the area, which killed six soldiers. The attack came after a police commando raid on a Tiger jungle base, a day earlier. Reports say the commandos killed 16 Tigers and destroyed the base.

After a policeman was killed in a LTTE attack in Thambiluvil on 2 June, shelling by the Special Task Force wounded Sakuntala Uthayakumar, 12.

Soldiers searched the Eastern University at Vantharumoolai on 14 June, following a clash between the Army and the Tigers. On the same day, LTTE intelligence wing's Ramanan was killed by a landmine in the area while riding a motor cycle. The Tigers say the Army's *Deep Penetration Unit* was responsible.

The LTTE abducted four civilians at Oddamavady near Valaichenai on 1 June for ransom. They are workers in a prawn farm and a rice mill. The LTTE's *Pistol Group* shot dead a policeman in Eravur town on 7 June. The police Counter Subversive Unit (CSU) arrested a number of people in Batticaloa District during June, including Wilfred Thayakumar of Chenkalady.

Judicial system contributes to human rights abuses

Judiciary against Parliament

IN an unprecedented ruling, the Sri Lankan Supreme Court issued two orders on 6 June, restraining the Speaker of Parliament, Anura Bandaranaike, from appointing a parliamentary select committee to investigate charges of misconduct against the Chief Justice Sarath N. Silva, until it hears two fundamental rights applications on 3 September.

These applications contend that only a judicial enquiry on misconduct will be fair and the accuser, the prosecutor and the judge cannot be the same body - Parliament. The opposition impeachment motion against the Chief Justice, signed by 77 MPs, was tabled on 7 June. It contains 14 charges, including obstruction of justice and abuse of power.

Under Article 107 of the constitution, a judge of the Supreme Court can be removed only by an order of the President, made after an address of Parliament, supported by the majority of MPs, on the ground of proved misbehaviour or incapacity. On 20 June, Mr

Bandaranaike ruled that the Supreme Court has no jurisdiction to restrain the Speaker from exercising powers under parliamentary Standing Orders.

In three other fundamental rights applications on the same day, the Supreme Court ruled that it had no powers to remove the Chief Justice. The Court confirmed that the Chief Justice can only be removed by Parliament. Three journalists, including Victor Ivan, had filed the applications.

The Court said that the applicants had not alleged that Mr Silva was guilty of abusing their fundamental rights. They had accused President Chandrika of violating their rights by appointing Mr Silva. The President is granted immunity by the constitution from being summoned before a court of law.

Opposition parties blamed Supreme Court judges Shirani Bandaranayake and PRP Perera of issuing contradictory orders. The two judges were part of the Bench which said on 20 June that only

Parliament had the power to remove the Chief Justice. They were also in the Bench that issued orders on 6 June to restrain the Speaker from considering the motion to impeach the Chief Justice.

President Chandrika's appointment of Ms Bandaranayake, an academic, and Mr Silva, who was Attorney General, over the heads of senior judges, created controversy. It is alleged that these measures were an attempt to overcome difficulties in the adoption of a new constitution.

The Asian Human rights Commission (AHRC) says that crisis in the judiciary is contributing to human rights abuses and denying remedy to victims. The inability of the components of the judicial system - the police, the prosecution and the judicial branches - to effectively enforce the law, has resulted in a loss of faith. The AHRC says that the power of Parliament to investigate the Chief Justice provides an opportunity to ensure that the justice system functions within a democratic framework of governance.

Sri Lankan government cuts Solheim

FOLLOWING the visit of Norwegian Foreign minister Thorbjorn Jagland to the island on 7 June, the Sri Lankan government announced that Norway would participate in the peace process at a "higher level". This effectively means that the role of Erik Solheim in the peace process has been downgraded. The LTTE were infuriated by the new development and blamed Norway of breaching protocol by making a bilateral decision with the Sri Lankan government, whereas a facilitating process involves tripartite relationship.

Erik Solheim was appointed by the Norwegian government in March 2000 as facilitator. Since then he has met the various players in the conflict. Observers say that his commitment and understanding of the complex issues are assets in peacemaking. Mr Solheim was successful in meeting LTTE leader V Prabhakaran in the Vanni on 1 November, which paved the way for progress in the peace process. The Tigers agreed not to launch any attack in southern Sri Lanka. Mr Solheim won an important concession when the LTTE

declared a unilateral ceasefire in December 2000. The Tigers ended the ceasefire in April, after the government not only failed to reciprocate but also launched military operations in the north.

The success of the Norwegian facilitator

in extracting concessions from the LTTE seems to have surprised the government and he began to be viewed with suspicion. Prime minister Ratnasiri Wickremarajasinghe criticised him vehemently and indicated that he should withdraw. The government was enraged that Mr Solheim had presented the LTTE in positive light at a meeting with US Congressmen in Washington.

In May, the LTTE denied Foreign minister Lakshman Kadirgamar's claims that an agreement had been reached between the Tigers and the government on peace talks, although some progress had been made. Mr Solheim confirmed LTTE's position in a press interview on 11 May, considerably embarrassing Mr Kadirgamar. This was the last straw for the Sri Lankan Foreign minister.

Although Erik Solheim will continue in the four-member Norwegian peace team, it is unlikely that he will be a major player in the peace process. Observers say that it may be difficult in the future to find someone who would command the confidence of the LTTE, which means that peace is the loser.

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