

## Thailand talks in September

A political intrigue took centre stage in Colombo, the long-awaited peace announcement came from Oslo on 23 August. Norwegian negotiator Erik Solheim disclosed that peace talks between the Sri Lankan government and the Liberation Tigers of Tamil Eelam (LTTE) would begin on 16 September in Thailand. The two parties will meet for a three-day initial discussion at Sattahip naval base, 80 miles south of Bangkok.

The government's team will comprise ministers GL Peiris and Milinda Moragoda and the Peace Secretariat chief Bernard Gunatilleke. Minister and Sri Lanka Muslim Congress (SLMC) leader Rauf Hakeem will also be included. The Tigers have nominated advisor Anton Balasingham, his wife Adele, Jay Maheswaran, said to be an expert on post-war reconstruction issues, and V Rudrakumaran, a lawyer from the US. Anton Balasingham and Rauf Hakeem met in London on 3 September for preliminary discussions on the question of the status of Muslims in the north-east.

On 4 September, the government met the LTTE's main demand - the lifting of the ban on the militant group. The ban was imposed in January 1997 under Emergency regulations and continued after July 2000 under the Prevention of Terrorism Act (PTA). The chief opponent to the government decision was President Chandrika Kumaratunge, who demanded that the Tigers should renounce their objective of establishing a separate Tamil state within Sri Lanka before proscription is removed.

But under the PTA, it is the Defence minister Tilak Marapane who makes and unmakes regulations, and the President was powerless to intervene. The government introduced the regulations two days before the scheduled date for the removal, thus denying opportunity for the opposition parties, including President Chandrika's People's Alliance (PA) and the People's Liberation Front (JVP), to launch an effective campaign. The President says that the LTTE has

*Almost 75% of the Jaffna people believe that peace will be achieved. They want Norway to continue peace efforts but oppose any Indian involvement.*

*Centre for Policy Alternatives  
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established an illegal police force, its own banks and courts. She vehemently opposes any plan that would hand over the interim administration of the north-east region to the Tigers.

Government members are worried that the President would use her powers to dissolve Parliament after 5 December. Under Article 70 of the Constitution, she can to dissolve Parliament at the end of one year following a general election. In early August, Constitutional minister GL Peiris reiterated government's intention to introduce the 19th Amendment to the Constitution, which will allow the President to dissolve only with the approval of the legislature itself.

The minister is confident that a number of PA MPs would vote with the government to achieve the two-thirds majority needed for the Amendment. At least three senior members of the PA, including former Transport minister AHM Fowsie, have expressed support. The government was strengthened when a no-confidence motion on 21 August, tabled in Parliament by the PA and the JVP, against Home Affairs minister John Amaratunge, was defeated by 35 votes.

On 7 August, PA stalwart Lakshman Kadirgamar met Prime Minister Ranil Wickremasinghe in an effort to reduce tension and improve chances of cohabitation. US, Canadian and Australian diplomats met government and opposition

members in August to urge them to put aside political differences and take the peace process forward. US Deputy Secretary of State Richard Armitage, on a visit to Sri Lanka in late August, expressed support for a peaceful solution that maintains Sri Lanka's sovereignty and territorial integrity.

In a statement on TV on 9 August, President Chandrika promised that she would not dissolve Parliament unless the government loses its majority or in case of imminent danger to the unity of the nation. She repeated her position in a letter to the Speaker of Parliament in mid-August. Government members are not impressed by the President's promises. They say that she cannot be trusted as long as she retains the power to dissolve Parliament. Tamil MPs told a visiting seven-member British parliamentary delegation in late August that it would be difficult to solve the Sri Lankan conflict as long as the power struggle between government and opposition continued.

In contrast to confrontation in the south, a friendly atmosphere prevailed in encounters between the government and the LTTE. The head of the government's Peace Secretariat in Colombo, Bernard Gunatilleke, met LTTE's political leader SP Thamilselvan on 23 August to discuss development projects in the Vanni. Three days later, a four-member government team arrived in the north for consultation with the Tigers on development issues. The A9 Vavuniya-Jaffna road will be repaired with assistance from the Asian Development Bank, but according to reports, the LTTE wants the responsibility of carrying out the work.

However, the exchange of prisoners between the two sides scheduled for 31 August was postponed. The LTTE have requested the release of 19 of their members, now held in Colombo's Magazine prison. There are legal difficulties in releasing some of them. The Attorney General's Department says that some have already been convicted and indictment has been served against others. Court orders are needed for their release.



**Jaffna Peninsula**

# Navy attack civilians

SIX Navy personnel attacked the people in a toddy tavern at Naranthanai on Kayts Island, west of Jaffna, on 16 August, injuring seven civilians. Sixty year-old V Rajaratnam was thrown into a water-well but was saved by other villagers. The Navy is also accused of attacking Tiger members who have been allowed under the ceasefire agreement to establish political offices in the north-east.

The Eelam People's Democratic Party (EPDP), who were earlier in control of the islands, say that LTTE supporters assaulted two of their members at Naranthanai on 1 September and wounded them. LTTE supporters are also said to have attacked a regional council office in north-eastern Vadammaratchy.

The Navy arrested 75 fishermen near Kayts on 7 August. They were released after seven hours following the intervention of the Sri Lanka Monitoring Mission (SLMM), which monitors ceasefire violations. Regulations introduced under the PTA in May 2002 prohibit fishing near military bases. Fishermen say a number of other restrictions on fishing remain.

In August, LTTE's Col. Deepan accused the Army of extending frontlines at Muhamalai, six miles east of Chavakachcheri and constructing new defence structures. He also says that the Army has advanced into LTTE territory in Kilali and Nagarkovil. These issues were discussed at a meeting between LTTE leaders and Jaffna military co-ordinator Sarath Fonseka on 10 August.

Thousands of people demonstrated

before the regional council office on 7 August, demanding resettlement in the southern Thenmaratchy region, in areas such as Eluthumadduval, east of Chavakachcheri. The Army has declared many areas in Eluthumadduval, western Valikamam region and the Jaffna islands as 'high security zones'.

Areas around military camps enclosing many civilian buildings also remain zones of high security, including hospitals and schools. Resettlement in these zones have not been permitted. A number of roads are also closed to the public. As a result of these restrictions, displaced people are not able to return home.

Hundreds of people protested on 10 August, demanding the opening of several roads in Jaffna town. Local people say they are not allowed into these areas, but tourists from southern Sri Lanka are permitted. On 2 September, over 2,000 people smashed through a blockade which denied access to Hartley College and Methodist Girls School at Point Pedro in Vadammaratchy. The Army fired tear gas and assaulted journalists. Two students and four soldiers were injured.

The Army ordered the schools to be closed and warned that anyone coming near the blockade will be shot. Around 40 families residing within the area have not been allowed to leave and denied access. People of the area have reported the problem to the Human Rights Commission. Defence minister Tilak Marapane says that the security zones will remain closed to the public.

**Rampage**

Thugs attacked people attending a trade fair in Trincomalee town on 21 August, injuring 27 civilians, 13 of them seriously. Several vehicles were damaged. The thugs also attacked Tamil and Muslim shops. The police arrested 16 Sinhalese and two Tamils.

**Wages**

Following industrial action led by the Ceylon Workers Congress (CWC), the daily wage of the tea worker was increased from Rs 121 to Rs 147, which includes a price supplement (PS) of Rs 14 and incentive bonus of Rs 12 for 75% attendance. Rubber workers will receive Rs 131 including PS of Rs 22.

**Found**

Acting on a court order, the police found Rs 40 million worth certificates of deposit in the personal lockers of former Deputy Defence minister Anuruddha Ratwatte and his wife Ramani Ratwatte, in a private bank in Colombo's Kollupitiya suburb. A number of relatives of the Ratwattes are also under investigation.

**Arrest**

The government of the southern Indian state of Tamil Nadu ordered the arrest of MDMK party's leader Vaiko and eight others in early August under India's terrorism laws. Tamil Nadu Chief Minister J Jayalalitha has accused them of campaigning in support of the LTTE at a meeting in Thirumangalam. The Tigers remain a banned terrorist organisation in India since May 1992.

**The Vanni**

## Maheswaran criticizes Jayawardena on rehabilitation

HINDU Culture minister T Maheswaran accused Rehabilitation minister Jayalath Jayawardena in August, of failing to act in the best interests of the people of the north-east. He says that Mr Jayawardena is only keen on holding meetings and ceremonies and has not taken tangible measures for refugee rehabilitation.

While internal conflicts in government surfaced, the LTTE's political leader SP Thamilselvan and MPs belonging to the Tamil National Alliance (TNA) met on 3 August at Kilinochchi and agreed to cooperate in all activities in the north-east. They also decided to bring more pressure on the government to carry out measures that should have been implemented within 160 days of the ceasefire

agreement. One of them is the withdrawal of the security forces from occupied land and buildings. Reports say that in Vavuniya District, over 1,300 acres of land in the town and the suburbs are under Army occupation.

Movement within the Vanni is strictly controlled by the Tigers. People entering the LTTE-controlled Vanni are all expected to provide details about vehicles and passengers. Some traders complain that the LTTE has imposed a 'voluntary contribution' in addition to taxes on commodities. According to reports, the Human Rights Commission (HRC) has received over 300 complaints of child recruitment by the Tigers in Vavuniya and Jaffna. The people say that

they have also brought this to the notice of the SLMM. But no action has been taken in most of the cases.

Local NGOs say despite a ceasefire being in force for six months, northern hospitals continue to be affected by shortages of medicines and medical equipment and disease prevention activities have hardly begun. The Kilinochchi hospital treated 9,250 people in July, 270 of them for malaria. The LTTE say that petroleum supply to the Vanni has been interrupted. The Army returned fuel trucks to Anuradhapura alleging lack of security in the Vanni. Since then, permit to supply fuel has been issued to a private trader in Vavuniya. The fuel prices in the Vanni have risen as a result.



## Batticaloa, Amparai and Trincomalee

# Refugees denied food

SOME 40,000 refugees in Batticaloa, Amparai and Trincomalee districts have not received dry rations for the past two months. According to press reports, the delay is because the government has not provided funds to the Essential Services Commissioner.

People say that payments under the government's poverty alleviation programme *Samurthi* have also been cut by 25% in Army-controlled areas. Nearly 5,000 families will not receive any assistance in the future. Despite the ceasefire, the *Samurthi* programme has not been extended to LTTE-held areas.

Over 5,000 people participated in a demonstration in Batticaloa town on 16 August against Navy's attacks on fisher-

men and restrictions on fishing. The fishermen are also demanding the return of the fishing boats and equipment confiscated by the Navy. The protesters handed over a petition to the additional Government Agent (GA) V Shanmugam.

Civilian protests against military restrictions continued throughout August in Batticaloa District. People say that the Army is occupying a number of public buildings, including the Town Hall and the public library, even though the security forces were required to vacate all buildings within 160 days from the signing of the ceasefire agreement. Some schools are unable to function even after the Army had left the buildings, either because of restrictions imposed on the

freedom of movement or the Army is camped just outside the school.

The Kommathurai main road in Valaichenai was opened on 22 August. The road had been closed to the public for the past 12 years and the Army camp in the area includes schools, houses and temples. The road will be opened only between 6am and 7pm. A demonstration on 12 August demanding the opening of the Thirukonamadu A15 main road in front of the Murakottanchenai Army camp was abandoned after Army officers promised to keep the road open between 6am and 6pm. The road had also been closed for the past 12 years.

The new atmosphere following the ceasefire agreement has hardly changed old rivalries. On 14 August, *Varathan Group* members allegedly attacked LTTE cadre at their political office in Arayampathy, injuring two of them. The *Varathan Group* is a breakaway unit from the political party TELO and currently operating under Army control. The *Varathan Group* has also threatened civilians who have contact with the LTTE office. The police have arrested three members of the group.

Unidentified persons attacked the office of the journal *Thinakathir* (Daily Ray) in Batticaloa town on 9 August. The editor and staff were assaulted and blindfolded. The assailants also burned documents and furniture and robbed computer equipment. The office lies in a military high security zone and has come under attack on several occasions.

## Internally displaced people

## Resettlement

ASSISTANT High Commissioner for Refugees Kamel Morjane said in mid-August that 103,000 internally displaced people (IDP) have returned to their home areas since the signing of the ceasefire agreement in February this year. Mr Morjane was on a visit to the island to assess the situation for resettlement.

UNHCR estimates the number of IDPs in Sri Lanka at 800,000. But other agencies such as the Norwegian Refugee Council say the number may be over one million. Mr Morjane says that UNHCR is keen to ensure that resettlement takes place in an atmosphere of safety and dignity and will not encourage any forcible resettlement of refugees or IDPs. UNHCR will not become party to the use of resettlement to change the population for political reasons. According to UNHCR, the government is spending Rs 60,000 for the resettlement of a family of five members. Mr Morjane emphasized that some 500,000 landmines in the north-east must be removed if the pace of resettlement is to be accelerated. He further says that on assessment of the current rate of mine clearance, it may take another ten years for the removal of most mines and to ensure the safety of the IDPs. He expressed concern that agriculture has been adversely affected by landmines.

Ponnambalam Satheeskumar was seriously injured by a mine at Kunjukulam in the Vanni while working in his field in August. M Dansika, 8, was killed by a bomb in Viswamadu on 24 August. It also seriously injured V Mangaleswary, 3, and V Akila, 4. The displaced family had returned to Viswamadu to repair their house. On the same day, a 13 year-old boy was injured by an explosive at Chavakachcheri in Jaffna. In Kerudavil, Velupillai Vinasithamby, 71, was wounded by a landmine when he went to clear his field.

## Northern and Eastern Provinces

### Sea travel

SOME 150 LTTE members received an emotional welcome from relatives when they arrived in boats at Vaharai in the Eastern Province from Mullaitivu in the Northern Province. The Tigers want the right to travel by sea to facilitate home visits. But President Chandrika and the Navy have accused the LTTE of arms smuggling in the eastern sea.

After several months of negotiations, agreement was reached in mid-August. The Tigers will travel by sea only between 6am and 6pm with a 48-hour notice to the SLMM. The boats will fly the SLMM flag and an SLMM officer will accompany the LTTE cadre. The Tigers can take communication equipment but may not carry weapons.

President Chandrika has also expressed concern over the closure of military camps in the east. In a letter to Defence minister Tilak Marapane, she has demanded details of the camps closed, alleging that national security and the safety of NGOs working in the east have been compromised.

In mid-August, the SLMM said that 740 complaints of ceasefire violations against the LTTE and 576 against the government have been received since February. The main complaints against the LTTE are child recruitment, abduction and harassment. The security forces are accused of preventing free movement, imposing restrictions on fishing and harassment of civilians.



**Colombo and the south**

## Court declares police torture as barbaric, savage and inhuman *Vijitha awarded compensation*

IN a fundamental rights case in late August, the Supreme Court ordered Rs 250,000 (\$2,600) compensation to torture victim Yogalingam Vijitha. Jaffna resident Ms Vijitha suffered severe torture, including rape, while she was held at the Negombo police station in June 2000. She was forced to sign a confession under torture. The judges described the torture as barbaric, savage and inhuman.

While ordering three police officers, including Inspector Saman Karunaratne, to personally pay Rs 150,000 of the compensation, the court directed the Attorney General (AG) to file action against the offenders. Despite a law against torture being in force since 1994, no one has been convicted of the offence.

Earlier in the month, the Supreme Court ordered the release of Anthonipillai Napoleon, who had been detained since 1996. No information had been given to relatives and after a six-year search, his mother A Rajeswary found him in Kalutara prison. Reports

say that Mr Napoleon has lost his memory as result of torture in custody and is unable to recognize his mother.

According to reports, crimes, including abductions and contract killings, are on the increase in Colombo. The Army said in early August that over 500 T56 rifles are missing from its headquarters. Around 100 rifles were later recovered by Ragala police in the Hill Country. Officers suspect that they were removed by deserters and may have fallen into the hands of criminals. Some 33,000 Army deserters are still at large. The Police Department says that some 350 serving policemen are also involved in crime.

Colombo Municipal Councillor S Faleel, 43, was shot dead near his house in Hulftsdorf suburb on 14 August. Tamil MP Selvam Adaikalanathan says that five Tamils have been murdered in the area and has informed Home Affairs minister John Amaraturunge. The minister has appointed a new police team to tackle increasing crime in the capital.

Following a bomb explosion, Batticaloa resident and mother of three young children, Ponniah Pushpalatha, was arrested by police on 9 July. The police failed to provide any information to the relatives. Following a complaint, the Human Rights Commission found her in a prison in Polonnaruwa District.

TULF MP N Raviraj says that 300 Tamil political prisoners have been released in the past six months. In December 2001, the ICRC said that there were 1,700 detainees under the Prevention of Terrorism Act (PTA). The High Court in Jaffna released seven Tamil detainees on 23 August, after the AG's Department withdrew 21 cases filed against them.

The LTTE is also said to be holding a large number prisoners. V Nanayakkara of the Association of Families of Servicemen Missing in Action has urged the government and the LTTE to include the issue of detention in the agenda for the peace talks in Thailand.

**Prevention of Terrorism Act**

## Campaign to demand repeal of PTA

COLOMBO human rights agencies say that they are preparing to carry out a campaign to persuade the Sri Lankan government to repeal or amend the Prevention of Terrorism Act (PTA). The draconian legislation was introduced in 1979 as a temporary measure, but has continued to be in force.

Thousand of Tamils have been arrested over the years under the Act and many have suffered torture. Observers say that politicians, in connivance with the security forces, have used the law to eliminate rivals. The Colombo-based Home for Human Rights points out in its journal *Beyond the wall* that the PTA contravenes fair trial norms under the International Covenant on Civil and Political Rights (ICCPR). Sri Lanka ratified the Covenant in June 1980.

The PTA allows arrests without warrant and permits detention without the person being produced before a court, initially for 72 hours, and thereafter on an administrative order made by the Defence minister up to 18 months, which could be followed by detention till the conclusion of the trial. Although the law

says that the person may be released during trial with the consent of the Attorney General, it does not provide for any mechanism to secure such consent. Therefore the court has been deprived of right to enquire into the validity or reasonableness of the detention.

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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There is no legal requirement to inform the reasons for arrest or provide a copy of the detention order. A person may be held under the PTA on suspicion and need not be charged with an offence. Many Tamils arrested under the Act have been released after several months or even several years, without any charge.

The lawfulness of a detention order by the minister under the Act cannot be challenged in a court. Further, under Section 8, a police officer can compel a magistrate to record the statement of an arrested person. Where indictment has been served, the court cannot order bail. The Act also takes away the power of the judge to impose suspended sentences and consider mitigating circumstances.

Under the Act, a person is triable without a preliminary enquiry and without a jury. Although confessions to the police are inadmissible as evidence in court under normal law, under the PTA confessions are admissible. Against the concept of the presumption of innocence, the Act places the burden of proving that the confession was obtained under duress, on the accused.