

## Secession and autonomy

In a crucial statement during the first round of peace talks in Thailand in mid-September, the chief negotiator for the Liberation Tigers of Tamil Eelam (LTTE), Anton Balasingham, declared that the Tigers' concept of a homeland and of self-determination was that defined within the constructs of the Sri Lankan state, consistent with current UN thinking, rather than of a separate state.

Mr Balasingham said that the Tigers were willing to settle for a political solution within a unified Sri Lanka, but warned that if Tamils are not granted substantial autonomy, then they would be compelled to take up arms for political independence and statehood. He assured that the LTTE would not use an interim administration in the north-east as a stepping-stone to separation.

Although the LTTE has been making similar statements since 1996, observers believe that the announcement during peace talks is significant. They say that the declaration removes a major obstacle for smooth negotiations and more support for peace may now be forthcoming from the Sinhalese community. This will also make life easier for the Sri Lankan government, which, for its part, has removed the ban on the Tigers.

The three-day peace talks commenced on 16 September at Sattahip naval base, 80 miles south of Bangkok, amidst heavy security. A number of issues, including landmines and reconstruction were discussed. Both parties agreed to appoint a Joint Committee on High Security Zones and a Joint Task Force for Humanitarian and Reconstruction Activities (JTF). The JTF will initially concentrate on removal of landmines and resettlement of internally displaced people. The next round of talks will take place in Thailand from 31 October to 3 November.

After the peace conference, the Sri Lankan government and the LTTE jointly urged the international community to provide aid for reconstruction of the north-east region. The World Bank representative in Colombo expressed the view that the joint appeal may encourage a

*President Kumaratunge, soon after her election eight years ago, committed her government to a negotiated peace. It is the endeavour of our government to consolidate and build on positive elements of previous attempts and to learn from mistakes of the past.*

G L Peiris

Sri Lankan Minister of Constitutional Affairs  
Thailand, 16 September 2002

positive response from governments and international financial institutions.

As Norwegian special envoy Erik Solheim left to brief the Indian government on developments in Thailand, Sri Lankan Prime Minister Ranil Wickremasinghe, addressing the 57th session of the UN General Assembly on 18 September, also called for international assistance, stressing that economic development of the island was vital in healing the wounds of war. Sri Lanka says \$500 million is needed in the next five years for post-war reconstruction.

The parties agreed to continue expanding confidence-building measures. The LTTE's peace secretariat was opened in Kilinochchi in September to co-ordinate peace activities. Norwegian ambassador Jon Westborg discussed strengthening of the secretariat during a meeting with LTTE's SP Thamilselvan on 25 September. The government has set up a peace secretariat in Colombo.

In another unexpected development, the Army provided protection to 285 LTTE cadre visiting the Vanni from the Eastern Province on 24 September. After several weeks of delay, the government and the LTTE exchanged prisoners of war on 28 September at Omanthai, seven miles north of Vavuniya. Seven soldiers and 11 Tigers were freed in the presence of Defence Secretary Ostin Fernando and LTTE's northern commander Deepan.

Despite the apparent success of the peace talks, there was no pause in opposition pressure on the government. The opposition People's Liberation Front (JVP) and the Buddhist Bikkhu Front demonstrated in Colombo Fort suburb on 3 September, opposing peace talks with the LTTE and accusing the government of treason. The ruling United National Front (UNF) organised its own rally on 9 September in the capital to demonstrate to the international community, the eagerness of the people for peace. Opposition People's Alliance (PA) leader President Chandrika Kumaratunge's demand in early September that her representative should also participate in the peace talks in Thailand, had been rejected by the government.

On 20 September, Justice minister WJM Lakkubandara tabled the 19th Amendment to the Constitution in Parliament. The Amendment seeks to remove the power of the President to dissolve Parliament after one year from the date of a general election. Presidential spokesman Harim Peiris says that the President wishes political cohabitation to solve the conflict and accuses the government of deepening the crisis by introducing the Amendment.

President Chandrika wants the LTTE disarmed before the formation of any interim administration for the north-east region. She is also insisting that peace talks must go beyond post-war reconstruction to issues aimed at resolving the conflict. Referring to these issues, Colombo journal *Pravada* says: "The LTTE's vision and strategy for regional autonomy presupposes linking their quasi-state to the Sri Lankan state. In that sense, disarming of the LTTE, or decommissioning of their weapons or dissolving their fighting units might not be negotiable issues. As much as the LTTE has become flexible, by retreating from the project of a separate state, the government will have to be equally flexible to keep the doors of Sri Lanka's state open for the regional autonomous entity that is represented by the LTTE".



## Jaffna Peninsula

# Navy attack on fishermen

THE Sri Lankan Navy attacked seven Jaffna fishermen near Chirutivu Island, north-east of Mandaitivu Island, on 3 September. The fishermen say Navy personnel damaged their nets and robbed them of fish worth Rs 15,000 (\$155).

In September, the checkpoints in front of Army camps, set up in 1995, were being removed. Defence Minister Tilak Marapane told Parliament on 10 September that 124 military camps in public buildings in the north-east had been removed within 160 days from the signing of the ceasefire agreement.

Mr Marapane claims that camps are being rebuilt beyond 300 metres from the buildings earlier occupied, for security reasons. Local people oppose construction of military camps near or in populated areas, particularly near schools. According to the minister, there are currently 686 military camps in the north-east. Sixty one of them are in public buildings with 6,200 soldiers.

The Army allowed Hartley College and Methodist Girls School in Point Pedro to open on 9 September. The schools were closed following a demonstration a week earlier, demanding easy access to the schools and removal of the Army headquarters. Defence Secretary Ostin Fernando says that the headquarters lies in a high security zone and anyone entering the area, other than students and teachers, must undergo security checks. Hartley College principal M Sripathy was attacked by unidentified persons on the night of 24 September.

The Army also permitted opening of the road from Chavakachcheri to Kachchai, three miles east, on 15 September. This road was closed to the public for the past six years. The Army has warned civilians that both sides of the road are heavily mined. The LTTE have requested the Army to also open the Point Pedro-Nagarkovil road, further north-east, to facilitate resettlement.

The Gurnagar Fishermen Union has urged the Army to permit deep sea fishing in the south-west. The Union says that a large number of displaced fishermen have returned from the Vanni and more are expected. This is causing considerable difficulty to fisher families. Reports say deep sea fishing has been allowed in north-eastern Vadammaratchy.

Jaffna health authorities issued a warning after 11 people were admitted to the Jaffna hospital with cholera in early September and one of them died. Reports say that in Pachchilaipalli area, north of Elephant Pass, some 850 families resettled have no health facilities. The hospital at Palai was damaged in the war and the people have to go to Chavakachcheri or Jaffna hospital for treatment. There are also no postal services in the area.

In September, students and teachers of Nagarkovil Maha Vidyalayam school commemorated the death of students seven years ago. On 22 September 1995, the Sri Lankan Airforce bombed the school killing 34 children and wounding 150. The Sri Lankan government denied that the school was bombed.

## Died

Tamil party EPRLF's former MP Emmanuel Silva, 42, was burned to death in his house in Vavuniya on 15 September. The police have launched an investigation. Mr Silva was MP for Vavuniya from 1989 to 1994.

## Elections

Elections Commissioner Dayananda Dissanayake announced in mid-September that elections for all local government bodies in Jaffna, Mannar, Vavuniya, Batticaloa, Trincomalee and Amparai districts will be held on 25 June 2003.

## Protest

Thousands of people, including Buddhist monks, participated in a demonstration organised by the Ceylon Workers Congress (CWC) in Talawakelle on 29 September against Upper Kotmale Hydro-Power Project. CWC says that there are no proper plans for the resettlement of tea workers who would be displaced and protection of the environment. The Cabinet approved the Project on 21 August.

## Appointment

TE Anandarajah was appointed Inspector General of Police on 3 October after weeks of delay, following a complaint by rival claimant deputy Inspector General Kottagadeniya and several organisations to the Constitutional Council. The government blames President Chandrika for the delay in the appointment of the Secretary General of Parliament.

## The Vanni

# Supreme Court declares pass system illegal

IN early September, the Supreme Court declared that the military pass system which was in force in Vavuniya violated the provisions of the Constitution relating to freedom of movement. Anyone entering, leaving or living in Vavuniya were forced to obtain a permit. The system ended with the signing of the ceasefire agreement. The legal action had been brought by Peter Vadivel, a resident of the Sithamparapuram refugee camp in Vavuniya. The court awarded Rs 30,000 (\$310) compensation to Mr Vadivel.

Residents in Mankulam say that the local hospital was completely destroyed by the Army in *Operation Jayasikurui*. They have to travel further north to Mallavi or Kilinochchi hospital for treat-

ment. Mullaitivu Government Agent Imelda Sugumar says that Rs 150 million (\$1.6 million) is needed to repair damage by the military to Mullaitivu hospital.

According to government officers, by end of August, 8,690 families were resettled in Kilinochchi District. But only 400 families have received rehabilitation assistance. The problems of resettled families were exacerbated by drought that hit the Vanni region. Some 3,750 families displaced from other districts have left Kilinochchi, including 3,600 families to Jaffna. There are still 90,400 internally displaced people in the district, including 67,200 from other districts.

According to District Planning Director K Vijayaletchumy, there are

currently 15,000 people in Vavuniya refugee camps and some 4,000 want to go to Jaffna. In September, 350 Jaffna residents returned home. The drought in the Vanni has caused water shortages in the refugee camps.

Police have arrested 11 people in southern Sri Lanka, in connection with the murder of three people in the Vanni region of Thatchanamaruthamadu. It is alleged that they were taken to the Vanni in a van from the south and killed. LTTE's *Tamil Eelam Police* chief Nadesan has demanded that the 11 suspects should be handed over to them. He says that the offence was committed in Tiger territory and *Tamil Eelam Courts* have jurisdiction to hear the case.



## Amparai, Batticaloa and Trincomalee

# STF assault

A scheme under World Bank's North-East Irrigated Agriculture Project (NIAP) in Sagamam village in Amparai District was halted after the police Special Task Force (STF) assaulted seven construction workers on 11 September. The STF also allegedly fired on the workers, but no one was injured. The workers have complained to the Sri Lankan Monitoring Mission (SLMM).

Police arrested 21 people in Amparai and Batticaloa districts between January and June and 13 are still missing. Local organisations have complained to the ICRC. On 2 October, Sritharan Mehala was shot dead by unidentified persons at her home in Thirukovil, 16 miles south-east of Amparai town.

In September, the identification parades relating to the Central Camp incident in 1997 were completed. In this incident on 23 September 1997, police and Home Guards murdered five Tamil civilians and burned 66 houses on Fourth Colony village in Amparai's Central Camp area. Over 100 policemen were involved in 52 identification parades and three were identified by the villagers. Lawyers say many policemen and Home Guards involved in the attack did not appear in the identification parades.

In Batticaloa District, the Army carried out a house-to-house search in Mankerni, eight miles north-west of Valaichenai on 15 September. In a similar operation on an earlier occasion, the

villagers were photographed and ordered not to allow outsiders into the village. The people are extremely concerned that such operations are continuing although a ceasefire is in force.

The road in front of Mylambaveli Army camp on Batticaloa-Trincomalee A15 highway was opened to the public on 7 September, after seven years. The military checkpoints in Valaichenai and Murakottanchenai on the road have already been removed.

Over 5,000 people staged a demonstration on 10 September, demanding full opening of the Valaichenai-Colombo road. Part of the road near Valaichenai police station remained closed to the public for several years. Some people smashed and burned the police checkpoint. Later, police agreed to keep the road open between 6am and 10pm.

In September, Batticaloa people observed the 12th anniversary of the several massacres. Black flags were flown over shops and houses. The Army took 158 people from the refugee camp at Vantharumoolai on 5 September 1990 into custody. They all disappeared. Four days later, the Army shot dead 117 people at Sathurukondan. No enquiry has been conducted into these incidents.

In Trincomalee District, the LTTE took into custody seven soldiers who entered Tiger territory. They are alleged to have had fire arms in breach of the ceasefire agreement. The LTTE is demanding the release of two cadre arrested by police a week earlier.

## Internally displaced people

## Priorities

PRIME MINISTER'S secretary Bradman Weerakoon disclosed the priorities for the Sri Lankan government, when he addressed the 53rd session of UNHCR's Executive Committee on 1 October. Mr Weerakoon indicated that the immediate humanitarian needs relate to internally displaced people (IDP), among them a high proportion of women and children, and female headed families, now seeking to re-establish their productive lives. Their resettlement involves a wide spectrum of needs - demining of lands; provision of basic equipment for farming and fishing; restoration of community support, primary schools and healthcare; and even legal help to establish ownership over homesteads left abandoned for several years. According to Mr Weerakoon, up to the end of August, 180,000 IDPs have voluntarily left their present habitations seeking resettlement. Some 733,000 are yet displaced, another 66,000 are in camps in India and 700,000 form a substantial diaspora of migrants in other countries.

At peace talks in Thailand, the government and the LTTE agreed that the most important priorities were stepping up humanitarian mine action and accelerating resettlement and rehabilitation of IDPs. Mr Weerakoon said that the overall relief and rehabilitation effort calls for not only physical structures such as irrigation systems, community buildings, industrial units and road networks, but also for human resources to be restored to build back sorely needed institutional capacities. Once peace is achieved Sri Lanka expects the economy to boom and large-scale infrastructure development, which would lead towards the return of Sri Lankans abroad either by their own choice or through voluntary return programmes, said Mr Weerakoon. In the near term, Sri Lanka intends to make arrangements for the return refugees in India.

## Puttalam and Mannar

REPORTS say that Muslim refugees in camps in Puttalam, Anuradhapura and Kurunegala districts have not been provided dry food rations since March. The refugees received rice, sugar, lentils and cooking oil under a project by the World Food Programme. In February, each family was given Rs 1,260 (\$13) worth food.

In Mannar District, hundreds of people demonstrated at Murunkan, demanding the government to expedite irrigation, health and transport projects. Irrigation tanks are damaged and cultivation cannot be carried out in 2,000 acres of rice land. According to reports, Irrigation Ministry has allocated Rs 22 million (\$228,800) to the region, under World Bank's North-East Irrigated Agriculture Project.

## Food rations

Over 100 Indian fishermen were taken into custody by local fishermen on 18 September near Pesalai on Mannar Island. Sri Lankan fishermen have complained for a long time that their livelihood was affected by encroaching Indian fishermen into the island's territorial waters. They allege that their fishing nets are often damaged by the Indians.

Since the authorities failed to take any action, the fishermen had taken the law into their own hands and refused to hand over the arrested fishermen to the police. The Indians were released after an officer from the Indian High Commission in Colombo assured that the issue will be discussed with the Tamil Nadu and Indian governments.



## Human Rights

## Tamil prisoners in Kalutara and Welikada resume hunger strike

# Systematic torture by Police

THE Asian Human Rights Commission (AHRC) says in a 3 October report titled *Torture committed by police in Sri Lanka* that the tacit encouragement by higher authorities, the Attorney General's inaction to prosecute perpetrators and the absence of an established policy to compensate victims have all contributed to inordinate escalation in acts of torture. The report includes 22 case studies of extreme torture in police stations.

Nandini Herat was arrested on 8 March by police in Wariapola, 55 miles north-east of Colombo in Kurunegala District, and subjected to sexual torture. Five police officers charged with the torture still remain in their positions. Despite a warning by the magistrate, Ms Herat's father was threatened and her lawyers were intimidated.

The World Organisation Against Torture (OMCT) has stated that it is gravely concerned over torture in Sri Lanka which it considers to be systematic as defined by the UN Committee

Against Torture. AHRC has called on UN agencies to oversee an effective implementation of the Convention Against Torture and insist, as a matter of policy, on measures to eliminate torture and to reform the law enforcement agencies in Sri Lanka.

Batticaloa resident Sathasivam Rathikala was arrested under the Prevention of Terrorism Act (PTA) in November 2000, while working in Polonnaruwa District hospital. She was tortured and gang raped by police. Despite her plea, the police did not inform her family about the arrest and detention. In September, Batticaloa government Judicial Medical officer (JMO) submitted a report to the Supreme Court saying that she had become mentally disturbed because of torture in custody.

The Batticaloa High Court released Subramaniam Govindarajah in early September after the state withdrew the confession evidence. Mr Govindarajah had been arrested in May 2000 and the

only evidence against him was the confession extracted from him in custody. Sinnathamby Muthulingam, arrested in December 1997, and Thiruchelvam Itheeswaran, arrested in May 1997, were also released by the High Court after withdrawal of the confession evidence.

Twelve Tamil women held in Colombo's Welikada prison and 139 prisoners in Kalutara prison, began a hunger strike on 1 October. The prisoners ended a fast in July after Tamil politicians assured that they would discuss the issue with the government. As no apparent action was being taken, the prisoners resumed their hunger strike.

The detainees demanded a meeting with Economic Reform minister Milinda Moragoda, who is regarded as a confidant of Prime Minister Ranil Wickremasinghe. Apart from legal problems in releasing PTA detainees, sources in Colombo say that the Attorney General KC Kamalasabeysan has difficulties that are of a political nature.

### Report by European Commission

## Effective equality to all nations and communities

AN August 2002 report of a European Commission conflict assessment mission to Sri Lanka says that the development of a highly centralised, unitary Sinhala-Buddhist state and the corresponding suppression of the national democratic rights and aspirations of the Tamil people gave birth to the armed struggle for a separate Tamil state. It is this hegemonic state and system of political representation that has to be addressed and reformed in order to provide effective equality to all nations and communities.

A series of constitutional and legislative changes fatally marginalised the Tamil community, the report argues, and led to the adoption of the Vaddukottai resolution in 1976 by all major Tamil political organisations. This declared in favour of a separate Tamil state and the Tamil people voted overwhelmingly in favour of a such a separate state in 1977. The demand for a separate state is enshrined in the 1985 Thimpu principles, which call for the recognition of Tamils as a distinct nationality, the right to self-determination and a Tamil homeland.

The report further asserts that the lack

of bi-partisan commitment by the political establishment represented by the two major parties, the UNP (United National Party) and the SLFP (Sri Lanka Freedom Party) has been the single-most important obstacle in achieving a negotiated political settlement.

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.

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](mailto:slproject@refugeecouncil.org.uk)  
Internet: [www.gn.apc.org/brcslproject](http://www.gn.apc.org/brcslproject)

The Refugee Council:  
Tel: (020) 7820 3000; Fax: (020) 7582 9929  
E-mail: [info@refugeecouncil.org.uk](mailto:info@refugeecouncil.org.uk)  
Internet: [www.refugeecouncil.org.uk](http://www.refugeecouncil.org.uk)  
Charity No. 1014576  
Company No. 2727514  
ISSN 0955-5943

The report adds that international donors have an important part to play in the peace process, both in supporting and monitoring developments. There is, however, criticism that donors are too heavily influenced by their relationship with a few Colombo-based elites.

International assistance has to be delivered with sensitivity to the prejudice among a cross section of the Sinhalese in the south that the Tamils in the north have had a privileged status during and after the colonial era. There is also a prejudice among the Tamils that although the Sinhalese have systematically marginalised and inflicted pain on them, donors have been too generous towards the government with development aid.

The report has raised the issue of safeguarding human rights and providing protection to returning internally displaced persons and refugees. It has suggested a project for monitoring the human rights situation of returnees and the local population, collecting information on human rights violations and related protection issues and human rights training to a wide range of stakeholders.