

STF kill seven civilians

Three Tamils die in Trincomalee grenade attack

The police Special Task Force (STF) fired on demonstrators, killing seven Tamil civilians and injuring 13 others, at Kanchirankudah in Amparai District on 9 October. Among the dead were four students, including 15 year-old Sathees Kumar.

The most serious incident since the ceasefire agreement between the Sri Lankan government and the Liberation Tigers of Tamil Eelam (LTTE) in February, was triggered by an STF attack on Mathavan Visvanathan, the Tiger leader for Pottuvil area, and two others, at a checkpoint near the police camp in Kanchirankudah. All three were admitted to Thirukovil hospital.

Some 1,000 people gathered near the camp to protest against the assault on the LTTE leader. The STF claim that the crowd began attacking the camp and they were forced to open fire. Local people who were present at the demonstration say that they were fired upon by STF members arriving in a lorry from the direction of Thandiyady.

The STF camp commander accused the LTTE of involvement in the demonstration. But the Sri Lanka Monitoring Mission (SLMM), after preliminary enquiries, has concluded that Tiger members were not present. However, accusations that the Tigers were behind mobilising the protesters persisted.

Following the shooting, people began burning tyres in Kalmunai, Akkaraipatru and Thirukovil towns, in an effort to block the roads. A *hartal* (general strike) was staged in Batticaloa and Amparai districts for the next two days, which spread to the rest of north-east region on 13 October. Shops and schools were closed and traffic came to a standstill.

Four simultaneous enquiries were launched into the shooting incident. As the SLMM, which is mandated under the ceasefire agreement to monitor ceasefire violations, carried on with its investigation, Defence minister Tilak Marapane announced a committee of enquiry headed by former Airforce commander Harry

Destructive elements against a peaceful solution are ready to sacrifice the lives of innocent people to achieve their goals.

Trond Furuhovde

Head of Sri Lanka Monitoring Mission

17 October 2002

Gunatilleke. Retired judge Oliver Weerasena and LTTE's nominee S Vivekanandan are included in the committee, which commenced sessions on 21 October. A team from the Sri Lankan Human Rights Commission (HRC), led by commissioner Sarath Cooray, began recording evidence four days earlier. The judicial enquiry into the deaths was conducted by the local Magistrate's Court.

Local trader K Subramaniam's two shops in Kanchirankudah were burned on the night of 29 October, after he blamed the STF in a TV interview. Eastern Tamils are demanding the removal of the STF camp. They say the STF has carried out a number of massacres of Tamil civilians in the east and successive governments have failed to take appropriate action against the perpetrators thus encouraging impunity.

Further north in Trincomalee District, three Tamils, including Christy Mayuran were killed in a grenade attack on 11 October and over 50 others were wounded in ethnic violence. In mid-September, the Army detained LTTE cadres Mathavan Vasanthan and Kanthasamy Ramasamy, accusing them of carrying dangerous weapons. On 25 September, the Tigers took six soldiers into custody, alleging that they entered the LTTE territory of Kumburupiddy with arms.

The LTTE demanded the release of their cadre saying that the Army had

arrested 22 Tigers since February, acting against the spirit of the ceasefire agreement. The SLMM was unable to intervene because the two LTTE cadres had been charged in court. But SLMM's chief Trond Furuhovde met Army and LTTE officers to diffuse tension and bring about a settlement.

The relatives of the six soldiers began a protest fast in Trincomalee town on 4 October and some Sinhalese people burned tyres on streets disrupting traffic. As tension mounted, shops and schools were closed. The Court of Appeal released the two Tigers on a Rs 50,000 bail on 8 October. The following day the LTTE freed the soldiers.

The tension caused by the arrest drama led to violence on 11 October, as Tamils in Trincomalee began a protest over the STF killings in Kanchirankudah. The people say that the security forces attacked them in the streets in Thirukadalur, Anbuvalipuram and Linganagar. An ambulance carrying patients to Trincomalee hospital was attacked at Anuradhapura junction and the driver was beaten up.

According to Trincomalee MP R Sampanthan, the Home Guards were responsible for the grenade attack which killed the three Tamils. The police imposed a curfew from 11 am and Maj. Gen. Anton Wijendra rushed to the district for enquiries. As violence subsided, Prime Minister Ranil Wickremasinghe assured Tamil MPs on 22 October in Colombo that a special police team will be appointed for investigations.

Trond Furuhovde noted that the eastern incidents demonstrate how fragile and sensitive the situation is at this stage of the peace process. He urged the Army and the STF to avoid using unnecessary force and show flexibility in cooperation with the LTTE. He called on the Navy and the *Sea Tigers* to avoid unnecessary provocation. Maj. Gen. Furuhovde also urged the LTTE to take responsibility, demonstrate care for their people and respect democratic values.

Vanni and Jaffna

Rape and murder in Vavuniya

REPORTS say that Tamil girl Avunampillai Lucia was abducted, raped and murdered on 22 October at Kalnatinakulam in Vavuniya District. Hundreds of people demonstrated in Vavuniya on 1 November, demanding apprehension of the perpetrators and submitted a petition to the Human Rights Commission. They say that the police are not taking any action.

In another protest two weeks earlier, students demanded the Army to vacate a culture centre in Kudiyiruppu. Local people also staged a demonstration near Vavuniya government secretariat on 25 October, urging the implementation of the ceasefire agreement of 22 February, which requires vacation of buildings occupied by the military within 160 days, to facilitate resettlement.

As thousands of displaced people return to resettle, local officers are struggling without funds. Mullaitivu Government Agent (GA) Imelda Sugumar has requested Colombo to provide Rs 14 million (\$145,000) for basic needs, self-employment and shelter. Huge funds are also needed for reconstruction of government offices, schools and hospitals.

Following a petition from displaced people, the Prime Minister's office has written to the GA, requesting details of Tamils who wish to resettle in Manal Aru (Veli Oya), a division of Mullaitivu District. Tamils in several villages of Manal Aru area were driven out by the Army in 1984 and 1990.

In Jaffna, recent surveys show that 11,130 houses in southern Thenmaratchy area have been destroyed and another 7,000 damaged. Estimates made before the destruction of Thenmaratchy by the Army in September 2000 said that 120,000 buildings, including 80,000 houses had been damaged in the whole of the peninsula. Local NGOs say shelter demands are increasing, but no proper housing programme is in place.

The Jaffna people also protested the military occupation of public and private buildings. At a conference on 29 October, Army officers said resettlement was not possible in most parts of Nagarkovil and fishing will not be allowed near the area. On 30 October, demonstrators marched from Mallakam to Thellipalai demanding resettlement and handed a petition to the SLMM. Refugees are expected to vacate houses as owners return from the Vanni, while their homes are occupied by the military.

Landmines continue to affect resettlement in Jaffna. Between January and September, two people were killed by landmines and 50 were wounded. Sivalingam Sivakaran, 24, suffered serious injuries in early October, while collecting firewood in Thunnalai.

The office of the Tamil group EPDP on Neduntivu Island was attacked on 6 October. Office equipment was burned. The EPDP, which currently supports the opposition People's Alliance (PA), says that the LTTE were behind the attack and prevented police intervention.

Returned

UNHCR says 213,000 internal refugees have returned to their home areas since February 2002, but there are no proper facilities, such as shelter. According to Mannar Government Agent V Visvalingam, some 260 refugees have returned from India by boats.

Indictment

The Attorney General's Department filed indictment against five soldiers in Colombo High Court on 18 October, in connection with the murder of eight Tamils at Mirusuvil in Jaffna on 19 December 2000.

Abduction

In an October letter to Defence Minister Tilak Marapane, President Chandrika Kumaratunge urged intervention for release of 29 Muslims from LTTE custody. She says that the Tigers abducted them between 1989 and 1991.

Released

In October, the Colombo High Court released five Tamils, accused in the murder of Trincomalee MP P Thangathurai, after the state withdrew the case because of insufficient evidence. Mr Thangathurai was assassinated on 5 July 1997, *Black Tiger Day*.

Desertion

New Inspector General of Police TE Anantharajah says that special police units will be set-up to apprehend 45,000 Army and 1,000 Navy deserters. The police estimate that around 50% of the deserters are involved in crime.

Detention under the PTA

Tamil detainees seek Milinda's intervention

SOME 140 Tamil detainees in Kalutara prison, and 40 women in Colombo's Welikada prison began a hunger strike on 1 October, demanding a general amnesty for all prisoners under the Prevention of Terrorism Act (PTA). Four days later, 28 Tamils in Batticaloa prison also joined the protest. Several detainees became ill. According to the ICRC, 10% of the 16,000 prisoners in Sri Lanka, relate to the north-east war. The ICRC reminded both parties to the conflict that international humanitarian law requires release of prisoners when war ends.

Mannar Bishop Rayappu Joseph visited Kalutara prison on 6 October. The following day, Lands minister Rajitha Senaratne and Hindu Culture minister T

Maheswaran attempted to persuade the prisoners to end their fast. They refused and demanded to see Economic Reform minister Milinda Moragoda. The hunger strike was called off, after Mr Moragoda visited Kalutara on 9 October. Since his visit, some detainees have been released.

Ilayaperumal Vaddakachchi, who disappeared in 1989, during presence of the Indian Peace Keeping Force in north-east Sri Lanka, was found in Kalutara prison in October. The discovery followed an investigation by the Human Rights Commission. In some such cases death certificates have already been issued.

There is concern over government's contradictory positions. Rehabilitation minister Jayalath Jayawardena assured

on 14 October that PTA prisoners not yet charged would be released. But on 16 October, the Attorney General served indictment against Murugesu Velu, who was arrested in Batticaloa in December 2000. According to sources, Attorney General KC Kamalasekera has indicated that he will not be persuaded to take politically motivated decisions on release of detainees under the PTA.

On 16 October, the Supreme Court overturned the decision of the High Court sentencing N Thevendran to seven years imprisonment, which had been confirmed by the Court of Appeal. The Supreme Court said that the conviction was based only on a confession without any corroborating evidence.

Amparai, Batticaloa and Trincomalee

Abduction

FEAR and tension heightened in the east in mid-October, after allegations were made that a Muslim youth had been abducted by the LTTE. It was alleged that the Tigers forced Abdul Wajeed, the brother of EPDP officer SM Asmin, into a van at Akkaraipatru in Amparai District on 15 October.

As the news spread, a *hartal* (general strike) was launched throughout the district and Muslim youths began burning tyres on roads to disrupt traffic. Both Tamils and Muslims came under attack by stone throwing crowds. The police imposed a curfew from 11.30am on 16 October. Mr Wajeed was found at his home on 18 October and it turned out that he was never abducted. The police

arrested him and the local magistrate ordered him to be remanded in custody. Allegations have been made that powerful political parties were behind the deception, in an effort to create chaos and destabilise the peace process.

Army restrictions in the east continue. The Bakiella-Amparai road was opened on 5 October after 12 years. But eight roads within Batticaloa town remain closed to the public for security reasons. People say that this is causing congestion. The military has announced that there will be no restrictions on fishing in Batticaloa District. But fishermen in Kayankerni and Vaddavan say that the Army is not allowing them to fish either in the sea or the Batticaloa lagoon.

According to reports, courts established by the LTTE, west of the Batticaloa lagoon, now hear 40 cases a day, four days a week. The courts take up family disputes, including applications for divorce and disputes relating to transactions and land. Village-level development committees have been set-up to enforce decisions of courts.

Although the LTTE has declared that there will be no child or forcible recruitment, complaints continue to persist. Reports say Sivakumaran Kathirananthan took refuge in Kumburumoolai Army camp on 3 October to escape recruitment. P Chandrakala, 16, lodged a complaint at Urani police station that LTTE women cadre attempted to abduct her on 6 October. Sri Lanka Monitoring Mission (SLMM) chief Trond Furuhoode says that the LTTE were allowing underage combatants to return home, but more needs to be done.

In Trincomalee District, the security forces say that they intercepted a *Sea Tiger* boat on 1 November with communication equipment and claymore (remote-controlled) mines, off Thoppur. Under the ceasefire agreement of 22 February, the parties are prohibited from moving munitions and military equipment into areas controlled by the other party. The Trincomalee magistrate ordered the six Tigers in the boat to be held in custody. The SLMM said that arms transport is a serious breach of the ceasefire pact and called on the LTTE to strictly abide by the agreement.

CAT report to UN General Assembly

Systematic torture

AMNESTY INTERNATIONAL declared on 1 November that it would be seeking clarification from the UN Committee Against Torture (CAT) about its unclear findings that "although a disturbing number of cases of torture and ill-treatment...are taking place, mainly in connection with the armed conflict, its practice is not systematic". CAT investigations into torture in Sri Lanka began following a petition by the British Refugee Council in June 1998 on behalf of five UK NGOs, under Article 20 of the UN Convention Against Torture. Amnesty says that CAT's conclusion is at odds with its own assessment that reports of torture are high, instructions to police and security forces not to commit torture are not always obeyed, and investigations are not satisfactory. Other human rights agencies note that CAT's findings are not in conformity with its definition of 'systematic torture'. The definition says torture is considered systematic when it is "habitual,

widespread and deliberate in at least a considerable part of the territory of the country" and when the existence of torture "may indicate a discrepancy between policy as determined by the centre and its implementation by the local administration". CAT has acknowledged that "torture is frequently resorted to" and that instructions "are not always obeyed, and there was no appropriate follow-up to ensure compliance". The Asian Human Rights Commission says police torture continues although a ceasefire is in force. Community organisations point out that the Sri Lankan government itself has admitted that systematic torture is occurring and that CAT members who went to Sri Lanka in August 2000 did not visit the north-east war zone. They also refused the offer of local NGOs to take them to secret places of detention where torture was taking place.

Colombo

Ethnic violence

MOHAMED JUNAID, 50, was killed and ten others were injured in clashes between Muslim and Sinhalese communities in Colombo's Maligawatte suburb on 30 October. A large number of shops and houses were damaged and vehicles on roads were burned.

Muslims allege that police shot dead Mr Junaid and wounded three others. A curfew was imposed in the area from 2pm. The police have also been accused of allowing the destruction of Muslim homes before taking action. As violence continued, police extended the curfew to Grandpass, Dematagoda, Kotahena and Modera suburbs, from 2pm on 31 October to 6am on 1 November. Some 3,000 soldiers were deployed in the area.

The problem arose when, in August, Muslims planned to extend a religious school, established in Maligawatte in 1999. After Buddhist monks from the nearby Bodhirajaramaya temple alleged that the extension would infringe Buddhist rights, a court rejected police claims that there would be breach of law and order. The court ordered in favour of the extension.

As Buddhist and Muslim leaders appealed for calm, Interior minister John Amaratunge appointed a four-member committee of enquiry headed by the Mayor of Colombo. Parliamentary Affairs minister AHM Azwer says that the Sinhala extremist organisation Weeravidhana was behind the violence.

Thailand peace talks

Supreme Court strikes down constitutional amendments

Sub-Committees

In the second round of peace talks held in Bangkok, Thailand, between 31 October and 3 November, the Sri Lankan government and the LTTE agreed to appoint a sub-committee on Political Issues, signalling that negotiations are entering a new and difficult phase. The committee headed by Constitutional Affairs minister GL Peiris and Tiger advisor Anton Balasingham will include Sri Lanka Muslim Congress (SLMC) leader Rauf Hakeem. It is expected to study models of devolution.

An eight-member sub-committee on Immediate Humanitarian Needs in the North-East will be headed by LTTE's SP Thamichelvan and government nominee Bernard Goonetilleke. This committee has the responsibility of identifying needs, implementing agencies and allocating funds for projects. The committee is expected to involve local communities, local labour and local institutions.

Funding for the committee will be the subject of an international conference on aid in Oslo on 25 November, arranged by the Norwegian government. The conference is aimed at mobilizing financial support for immediate needs, particularly resettlement of internal refugees, rehabilitation of women and children and provision of livelihood for people affected by war in the north-east region.

The sub-committee on De-escalation and Normalization, led by Defence Secretary Austin Fernando and LTTE's Eastern commander Karuna, will examine ways and means of ensuring resettlement, return of private property and resumption of economic activity, while accommodating the security concerns of both parties. This committee was appointed in light of problems caused by occupation of buildings by the military and high security zones which are inaccessible to the public.

Agreement was also reached that Mr Hakeem and Col. Karuna will work together to improve relations between Tamils and Muslims, in accordance with the agreement signed on 13 April by Mr Hakeem and LTTE leader V Prabhakaran. The Tigers had been earlier demanding the establishment of an interim administration for the north-east region. President Kumaratunge opposes any administration under LTTE control, before an agreement on political issues

It is the ultimate aim of the LTTE to join the democratic mainstream. We will allow other political groups and parties to participate in the democratic process.

Anton Balasingham
LTTE Advisor
Thailand, 3 November 2002

aimed at solving to the conflict. Further, the SLMC has been insisting that the decision on their demand for a separate unit of devolution in the Eastern Province should be finalised before establishment of any interim administration. There may also be legal and constitutional impediments to the setting up of such an administration. In light of these difficulties, the LTTE's decision to drop the demand has been welcome.

After the peace talks, referring to the concerns of human rights agencies, Mr Peiris said that the government and the LTTE subscribe to the principle of application of human rights standards. Mr Balasingham announced that international human rights expert Ian Martin will participate in future sessions of the peace talks. Mr Martin is a former secretary general of Amnesty International and currently the Vice President of the International Centre for Transnational

Justice. The role of Mr Martin in the peace talks, however, is unclear.

In Thailand, Norwegian Deputy Foreign minister Vidar Helgesen described the talks as constructive and expressed delight that the outcome exceeded expectations. But in Sri Lanka, serious problems arose in October, which may affect the peace process. On the first day of peace talks, the Colombo High Court sentenced Mr Prabhakaran to 200 years imprisonment for involvement in the Colombo Central Bank bombing in January 1996. The suicide assault killed 76 people. The court also ordered confiscation of assets and issued a warrant for his arrest. He was tried in absence.

Mr Peiris assured that the peace process will not be affected and said that the court decision demonstrated the independence of the judiciary. Tamil observers argue that the timing of the court decision is a clear indication that the judiciary is not independent. Mr Balasingham says that the LTTE would consider past violence as acts of war in the armed struggle against the state and points out that the Sri Lankan government has also committed acts which can be characterized as war crimes.

Responding to suggestions for a blanket amnesty, the NGO-led National Peace Council (NPC) says such action will effectively whitewash over crimes of the past, further perpetuating a culture of impunity, currently expressed by institutionalised political violence, torture in custody and systematic cover-up of crimes by law-enforcement officers. The NPC advocates country-wide discussions on the issue and establishment of mechanisms for the recognition of war crimes.

In October, the Sri Lankan Supreme Court struck down two constitutional amendments initiated by the government. The Court rejected the 18th Amendment which exempted Constitutional Council members from the fundamental rights provisions of the Constitution. The court also declared that the conscience vote clause of the 19th Amendment is illegal and the provisions for reducing powers of the President relating to dissolution of Parliament need a two-thirds majority in the legislature and approval by the people in a national referendum. Observers say that the government's failure has strengthened the hand of the President.

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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