

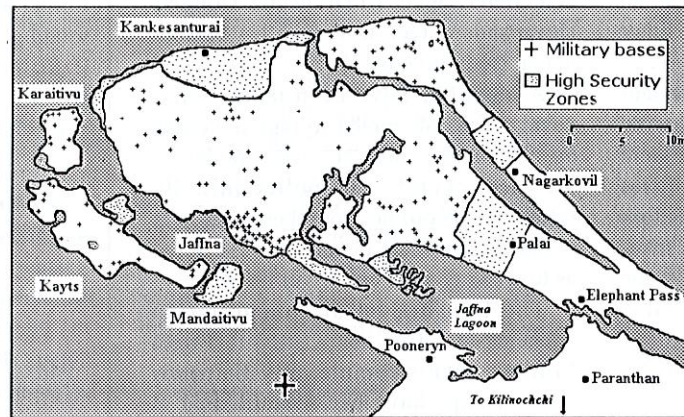
Army demand Tiger disarmament

THE work of the Sub-Committee on De-escalation and Normalization (SDN) came to a standstill in December, after Jaffna Army commander Sarath Fonseka demanded the Liberation Tigers of Tamil Eelam (LTTE) to lay down arms before resettlement can begin in military high security zones (HSZ). The demand is contained in a detailed report submitted by him to the international ceasefire monitoring body - the Sri Lanka Monitoring Mission (SLMM).

Rejecting the Army report, Tiger political leader SP Thamilselvan pointed out that the ceasefire agreement of February 2002 does not envisage de-commissioning and accused Commander Fonseka of attempting to disrupt the peace process. LTTE's chief negotiator Anton Balasingham says that disarming is not a negotiable issue. He warned that the Army position is not only a disruption of the SDN but also an impediment to the Sub-Committee on Immediate Humanitarian and Rehabilitation Needs (SIHRN). The LTTE proposes to take up the issues of resettlement and de-escalation at the next round of peace talks, scheduled to begin in Thailand on 6 January.

Commander Fonseka denies that he intends to disrupt peace. He says that the report was submitted after taking the security of the Sri Lankan state into full consideration. His report asserts that while humanitarian issues are important and resettlement will contribute to a favourable political climate for the LTTE in the north-east, the adjustments to the HSZs should not create political turmoil in southern Sri Lanka.

The report adds that in the present circumstances, where the Sri Lankan forces do not have superiority over LTTE's military capability, it is not advisable to take risks until security force capability is superior to that of the Tigers. The report



also speaks of the possibility of LTTE taking cover behind resettled civilians in HSZs and moving long-range weapons into the zones.

Commander Fonseka insists that security can be relaxed only in stages, in proportion to the disarming of LTTE cadre and de-commissioning of long-range weapons. He also proposes counter-insurgency operations, search operations, restrictions on visitors to resettled areas, restrictions outside and within HSZs and the involvement of the SLMM in checking LTTE arms and safehouses.

Mr Balasingham accused the head of SLMM, Trond Furuhoide of increasingly making a stand that favours the Army position. The rebuke came after Maj. Gen. Furuhoide noted that balance of power is the basis of the ceasefire agreement and dismantling of HSZs and handing over land for cultivation will reduce both security and combat potential of the government forces.

The LTTE said HSZs are operating in densely populated areas with the motive of using civilians as human shields. The Tigers assured that they are not demanding withdrawal of troops but relocation of military bases away from the population. The LTTE claim that their cadre are fully disarmed in Army-held areas and therefore cannot pose any serious threat to the military or disturb the balance of power. According to reports, there are 18 HSZs in Jaffna peninsula alone covering 160 sq.km. or 18% of the total landmass,

driving out 130,000 people. The LTTE say nearly 30,000 houses, 300 schools, 25 roads, 40 industries and more than 42,000 acres of cultivable land are within the zones. Senior state officer, Jaffna Government Agent S Pathmanathan has refuted Army claims that 50,000 houses remain vacant outside the HSZs and can be used.

Whether Maj. Gen. Fonseka submitted the report with the concurrence of the government is unclear. But opposition People's Alliance (PA) leader President Chandrika Kumaratunge, who is also the commander-in-chief of the armed forces, is reported to have directed the security forces not to concede strategic ground.

In December, the government came under attack after it was revealed that Norway had supplied powerful radio equipment to the LTTE. Over 100 Buddhist monks demonstrated in front of Norway embassy in Colombo on 23 December, demanding the removal of ambassador Jon Westborg and burned Norwegian flags. PA parliamentarian Sarath Amunugama says that India is concerned that LTTE radio, *Voice of the Tigers*, will now be able to reach listeners in the southern Indian state of Tamil Nadu. Indian Foreign Secretary Kanwar Sibal, who visited Sri Lanka in late December, did not meet Tiger ally, the Tamil National Alliance (TNA), but held discussions with EPDP, EPRLF and EROS, the Tamil groups that are opposed to the LTTE.

US ambassador Ashley Wills plunged the Sri Lankan government into further problems. He told the press on 20 December that the US may seek the use of Sri Lankan territory to refuel warships and aircraft in the event of war with Iraq. With a large Muslim population, an official request from the US may place Sri Lanka in a difficult position. Observers say that India is observing these developments with growing apprehension.

Jaffna Peninsula

Army injure nine

AS NGOs in Colombo observed Human Rights Day on 10 December, nine people were injured in Army shooting at Nelliady, three miles south of Point Pedro in Jaffna. Soldiers fired on demonstrators who were demanding the removal of the Tamil group EPDP from Neduntivu Island for violation of human rights. They also allegedly attacked other civilians in Nelliady town.

A man was dragged out of his restaurant and shot. Several people, including cooperative director K Visvanathan were injured. Soldiers also smashed vehicles and arrested 17 people, five of whom were wounded. They were allowed medical attention only after an order by the local magistrate. Reports say that S Ilavalakan is missing after the incident. Police Inspector General Anandarajah has ordered an investigation.

The police attacked protestors at Neduntivu on 19 December. Eighteen people were injured and admitted to hospital. There were several protests in December demanding the removal of the EPDP. Demonstrations in front of the Jaffna government secretariat continued for several days, disrupting work.

On 5 December, the EPDP office in Manipai was attacked and damaged. A *hartal* was observed throughout Jaffna on 12 December. Shops and government offices were closed. A petrol bomb was hurled at the EPDP office in Mallakam on the same day. Shots were fired at the EPDP head office on Stanley Road in Jaffna town on 25 December.

The SLMM say that they have no power to ask EPDP to withdraw from Jaffna and others have observed that as a registered political party, EPDP has the right to open offices anywhere in the island. At a meeting in Colombo chaired by Prime Minister Ranil Wickremasinghe, EPDP leader Douglas Devananda agreed to reduce his personnel on Neduntivu by 50%.

Allegations have been made that a naval officer attempted to rape a woman on Neduntivu, while she was praying in the local church. The police initially refused to record her complaint, but later relented. The local people express doubt as to whether an enquiry will be held.

The Consortium of Humanitarian agencies in Jaffna has written to Prime Minister Ranil complaining that new Army camps have been established at Nunavil, Mirusuvil and Kaithady, affecting freedom of movement. In Valikamam North on the western region of the peninsula, resettlement has been allowed in only 15 of the 45 *Grama Sevaka* (Village Headman) divisions.

Northern fishermen associations say that fishing is not allowed from Thondamanaru to Senthankulam in north-eastern Vadammaratchy, from Columbuturai to Ariyalai South and from Navatkuli to Elephant Pass in southern Thenmaratchy. Fishing restrictions are also in place in some areas of western Valikamam region. Fishermen in Karaitivu say that they are being continually harassed by the Navy.

Killing

Accusations have been made that on 31 December, a naval vessel deliberately rammed a fishing boat near Foul Point, seven miles south-east of Trincomalee town, killing Yahub Jawad. Another man was injured. The Navy denies the allegation.

Torture

Vishaka Weerasinghe, daughter of former MP Nanda Ellawela, was found guilty of torturing Nirosha Ramalingam, 10, including burning with a hot knife. Ms Weerasinghe was sent to prison for three years.

Committee

Reports say that the LTTE appointed a five-member committee in December to revive its political wing, the People's Front of Liberation Tigers (PFLT). The PFLT remains a registered political party in Sri Lanka.

Arrest

The LTTE arrested Sri Lankan soldier Nimal Kumara on 24 December, alleging he entered Tiger territory in Manal Aru in Mullaitivu District. A *Tamil Eelam Court* has ordered him to be remanded till 10 March.

Displaced

In Batticaloa, Amparai and Trincomalee districts, over 23,900 internally displaced families are in camps or with friends or relatives. Estimates say Rs 2.1 billion (\$22 million) is needed for resettlement.

The Vanni

Returning displaced families face misery

REPORTS say that resettled internally displaced families in the Vanni are not receiving sufficient assistance from the Sri Lankan government. According to UNHCR over 220,000 of the estimated 800,000 refugees in the whole of the north-east have returned voluntarily to their home areas.

More than 11,500 families have resettled in Kilinochchi District, but only 1,800 have received financial assistance. Kilinochchi Government Agent T Rasanayagam says Colombo has paid only Rs 29 million of Rs 175.9 million (\$1.8 million) requested by his office. According to Mr Rasanayagam, there is less enthusiasm for resettlement because of delays in rehabilitation payments.

At the meeting of the Sub-Committee on Immediate Humanitarian and Rehabilitation Needs on 15 December, committee chief Bernard Gunatilleke said that an office will be set-up in Kilinochchi and rehabilitation projects will begin as soon as identified. But shortage of trained personnel will be a major challenge. The North-East Education Ministry says 950 schools are damaged in the eight districts of the region. According to the Ministry, Rs 2.4 billion (\$25 million) is needed for repair, furniture, water and sanitary facilities.

Torrential rains in late December affected 11,000 families in Kilinochchi, and 2,800 were forced to take refuge in schools and houses of relatives. More

than 170 houses collapsed. The World Food Programme provided dry food rations. Local officers say over Rs 2 million is needed for relief, but the government has provided only Rs 600,000.

Thirty six Indian fishermen were detained by local fishermen on 31 December near Pallikudah in Pooneryn, on allegations that they entered Sri Lankan territorial waters and damaged fishing nets. Nine boats were also taken. Reports say that the captured fishermen have been handed over to the GA.

In Vavuniya District, Sivalaxumy Sivasubramaniam, 23, went missing on 29 December, when she went for a wedding. Her body was later found in the jungle in Pulitharitha Puliyanakulam.

The Tamil groups

Secret war

THE ceasefire agreement in February this year rekindled hope that a lasting peace was possible in Sri Lanka. But a secret war between the LTTE and rival Tamil militant groups is causing grave concern and fear among the population in the north-east. Observers say that the war is extending to southern Sri Lanka, particularly to the capital Colombo.

The body of Porativu Regional Councillor Poopalapillai Alaguthurai, 35, was found in Batticaloa lagoon at Mandur on 22 December. A complaint was made by fellow councillors to the Sri Lanka Monitoring Mission (SLMM) that he had been abducted six days earlier. The injuries on his body indicate that he had suffered severe torture.

His wife says that he was forcibly taken by two well known LTTE members - Mylwaganam Paramanathan and Ramiah Rajan. Mr Alaguthurai was a member of Tamil group EPRLF (Varathar Faction), which is known for its opposition to the Tigers. He had been repeatedly asked by the LTTE to resign from the council (*Pradeshiya Sabha*).

EPDP say that their Batticaloa party organiser Sellathurai Thangarajah, former councillor Nagarajah Nesarajah and Kandiah Gnanasekaram have been abducted by the LTTE. Tamil groups EPDP, EPRLF and PLOTE have complained to the SLMM that the LTTE had abducted nine of their members. Their whereabouts are not known, but these

groups believe that they are detained in a Tiger camp at Tharavai. This includes Arumugam Soundararajah, abducted on 3 July and Savarimuthu Mathivathanam taken on 11 December. LTTE's eastern political leader Kausalyan has denied responsibility for the abductions.

The office of the Tamil Rehabilitation Organisation (TRO) on Mahilady Road in Batticaloa town came under grenade attack on 12 December. The TRO, which is said to have been established by the LTTE, opened its office in Batticaloa town following the ceasefire agreement in February 2002.

Parents have complained to the police that Thangathurai Gayathri, 18, was abducted on 23 December. Three unidentified persons had taken her by force at night from her house in Vantharumoolai. Seenithamby Uthayakumar was shot and wounded at Arayampathy, three miles south of Batticaloa, in late December.

The LTTE office at Kallady was surrounded by soldiers on 3 January, after Army intelligence officer S Pulendrarajah disappeared. Following negotiations between senior military and Tiger officers, soldiers were allowed to enter without weapons and search the premises. But the officer was not found.

According to complaints received by the Human Rights Commission, there is no information about 42 people in Batticaloa and four in Amparai disappeared in 2002. In the past, thousands of people disappeared in both districts, after arrest by the security forces.

Health in the North-East

Disease kills 27

TWENTY SEVEN people died of a mysterious illness in Jaffna peninsula in December. More than 2,000 people were admitted to hospitals for treatment. Deaths were also reported in other parts of the island giving rise to fears of an epidemic. A three-member team from Colombo's Health Services Ministry, led by Dr L Silva visited Jaffna on 31 December to assess the situation. The new threat is a challenge to the health services in north-east Sri Lanka, which have suffered in the past years by the economic blockade imposed by successive Sri Lankan governments in order to bring pressure on the LTTE. Dr N Sivarajah of Jaffna University's Department of Community Medicine says that despite the peace process, health services have not improved and often patients have to wait long periods for treatment. Several hospitals are closed or functioning intermittently. The Moolai hospital in Jaffna peninsula was built with British assistance, but is unable to function because of lack of furniture and equipment. There is an acute shortage of health staff, including doctors. Many hospitals have no specialists. Some 82% vacancies exist for consultant doctors and 23% for medical officers. There are 525 vacancies for nurses, which represents nearly 50% of the total number of nurses needed in the north-east. Some hospitals are expected to serve large areas because of lack of personnel or damage to other hospitals. Poor sanitary facilities are leading to spread of water and food borne diseases. Disease prevention has not improved sufficiently and there is an urgent need for prevention and other training. Around 600 midwives are needed, but Dr Sivarajah says that government is prepared to recruit only 200 and has also introduced new regulations requiring higher qualifications for recruitment of midwives.

SLMC crisis

Hakeem restored

THE leadership struggle in the Sri Lanka Muslim Congress (SLMC) is likely to split the party further, leading to more uncertainty in the fragile political situation in Sri Lanka. Leader of the party Rauf Hakeem, who hurried from Norway on 3 December to save his position, accused dissident ALM Athaullah of attempting to disrupt the peace process and topple the government.

He alleged that he was unable to present the 'Muslim case' at the peace talks as a result of the crisis in the party. But other sources say that the LTTE regard Mr Hakeem only as a member of the government delegation and are reluctant to accept him as a legitimate representative of the Muslim community.

The Colombo District Court, after a full hearing on 5 December, removed its interim order restraining Mr Hakeem acting as leader of the SLMC. On 13 December, the Court of Appeal rejected an application against this decision by the Athaullah faction. Six days later, Mr Hakeem issued a week's ultimatum to the dissidents to re-join the party under his command or face dismissal.

But Mr Athaullah was defiant and his faction held its own delegates conference at Akkaraipatru in Batticaloa District on 25 December. Six people were wounded in a clash, three days later, between the two factions, when Hakeem supporters were making arrangements for a meeting in Attalaichenai.

Asylum seekers

Sri Lankan asylum seekers returned to Colombo from Egypt

Death in capital

BATTICALOA resident Ganeshamurthy Thilakaraj, 30, was shot dead at Bambalapitiya suburb in Colombo on 11 December. He had been living in a lodge on Fareed Place for the past six months. He was shot when he came out of the lodge to answer a telephone call. A day earlier, two men had arrived in the lodge enquiring whether any residents of Batticaloa lived there. Observers believe that the shooting relates to Tamil militant group rivalry and have predicted more bloodshed in the capital.

Six days later, 24 Tamils and Muslims, including five members of one family, died when fire engulfed a building in Pettah suburb. Fourteen others were injured. Although it appeared to be an accident, local people suspect arson. Prime Minister Ranil directed the Inspector General of Police (IGP) to investigate. The IGP has appointed two police teams.

In early December, the police Criminal Investigation Department (CID)

arrested a Colombo businessman for involvement in illegal human trafficking. He is said to have sent 500 Sri Lankans to Italy. A few days later, the police took a naval officer and 12 sailors into custody. They had received Rs 700,000 (\$7,290) to allow boats to take people to Italy from the west coast of the island.

On 7 December, 30 people waiting to leave for Italy, were arrested in Chilaw, 45 miles north of Colombo. Five days later, 167 asylum seekers, returned from Egypt, arrived in the capital. They had been taken into custody by Egyptian authorities while en route to Italy. Each person had paid Rs 200,000 to an agent. All were interrogated by the CID.

In 2001, 555 Sri Lankans applied for asylum in Italy and the number increased to 1,354 in 2002. From 2000 to 2002, asylum applications from Sri Lankans in industrialized countries declined by 38%, from 16,380 to 10,150. Reports say that 38 asylum seekers, including 26 Sri Lankans, held by Australian authorities

in a detention centre on Christmas Island, 1,600 miles north-west of Perth, rioted on 6 December and burned parts of the building. The authorities claim that the rioting began after detainees were told that their applications for asylum had been rejected. The Sri Lankans had arrived in boats on Cocos Island in October and December last year.

Australia has come under international criticism for inhumane treatment of asylum seekers. More than 1,170 refugees are in detention in several centres on the mainland and camps in Nauru and Papua New Guinea. There have also been rioting in other centres. An Australian Parliamentary Committee was critical of the detention centres, citing human rights abuses. The Committee made 20 recommendations in June. In December, Canberra announced that it had made improvements to the detention centres, with access to gymnasiums, satellite television and education courses. The rejected refugees are expected to be deported.

Hill Country Tamils

Representation at peace talks

OBSERVERS have expressed concern that no attempt has been made to include a representative of the Hill Country Tamils in the ongoing peace talks between the Sri Lankan government and the LTTE. The two major organisations in the Hill Country are the Ceylon Workers Congress (CWC) led by Arumugan Thondaman and the Up-Country People's Front (UPF) headed by Periyasamy Chandrasekaran. Thondaman and Chandrasekaran are ministers in the government. CWC and UPF have claimed that they can solve the problems of the Hill Country Tamils and there is no need for discussions elsewhere.

The main problem that the Hill Country Tamils have faced for the past five decades is statelessness. More than a million Plantation Tamils were deprived of citizenship by the Citizenship Act, introduced soon after independence in 1948. Several laws and agreements between Sri Lanka and India since then have not solved the question of statelessness. Hill Country organisations say that the children and grandchildren of those who applied for Indian citizenship under

the Indo-Ceylon Agreement of 1964 (Sirimavo-Shastri Pact) do not wish to go to India. These people and those whose applications to the Indian High Commission had not been considered, effectively remain stateless. According to these organisations, the stateless persons

could be any number between 300,000 and 500,000. The situation of children born in wedlock between citizens and stateless persons or citizens of other countries complicates the issue further.

The Sri Lankan Constitution, while saying that no distinction shall be made between citizens by descent and citizens by registration, perpetuates the distinction, by granting constitutional status to discriminatory provisions of the Citizenship Act. Under these provisions, citizens by registration have certain disabilities. For example, a citizen by registration will lose citizenship if she/he resides outside Sri Lanka for a consecutive period of five years. This provision does not apply to citizens by descent.

Since replacement of the present constitution is contemplated as an outcome of the peace talks to accommodate a federal solution, observers say that statelessness and other issues affecting the Hill Country Tamils must be discussed before any constitutional change. For this purpose, they stress that representatives of the Plantation Tamils must take part in the peace talks.

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
Internet: www.gn.apc.org/brcslproject

The Refugee Council:
Tel: (020) 7820 3000; Fax: (020) 7582 9929
E-mail: info@refugeecouncil.org.uk
Internet: www.refugeecouncil.org.uk
Charity No. 1014576
Company No. 2727514

ISSN 0955-5943