

## Security and humanitarian needs

The Sri Lankan government and the Liberation Tigers of Tamil Eelam (LTTE) agreed at the fourth session of the peace talks in Nakhon Pathom, Thailand from 6 to 9 January, that the military high security zones (HSZ) in the north-east involve major humanitarian and security concerns for both parties. The HSZs around military bases and in strategic locations, cover more than 18% of the Jaffna peninsula. The Tigers want refugees resettled in the HSZs, but the Army say the zones are vital to the security of Sri Lanka and the LTTE must disarm before resettlement can begin.

The recognition of a balanced approach on security and humanitarian needs, had the effect of reducing tension, but no agreement was reached on reviving the Sub-Committee on De-escalation and Normalization (SDN). In December, The LTTE refused to participate in the SDN, after Jaffna Army commander Sarath Fonseka demanded the LTTE to disarm. The government invited former Indian Army officer Satish Nambiar in late January to study the problem of HSZs. He is also said to conclude that decommissioning of heavy weapons by the LTTE must precede resettlement.

At the peace talks, both parties confirmed the Sub-Committee on Immediate Humanitarian and Rehabilitation Needs (SIHRN) as the prime decision making body on needs in the north-east. They welcomed the establishment of the North-East Reconstruction Fund (NERF) and the decision of SIHRN to select the World Bank as the custodian of the Fund. The Bank's Vice President Meiko Nishimizu held discussions with the government and LTTE in mid-January.

Decisions at the talks included the preparation of a schedule on human rights by international expert Ian Martin, for discussion at the next talks. The ICRC will help in an independent verification mechanism for persons missing in action and disappearances. The government and the LTTE will also meet monthly to discuss ceasefire violations.

*An unrealistic normalization programme in the name of progress and development should not be allowed to come into force at the expense of security, as this could undermine the building of permanent peace.*

*Teitur Torkelsson*

*Sri Lanka Monitoring Mission (SLMM)*

Over 10,000 people took part in a demonstration on 8 January in Colombo by the opposition People's Liberation Front (JVP). The JVP is currently engaged in negotiations with the main opposition People's Alliance (PA) on an agreement for future cooperation against the ruling United National Front (UNF).

PA leader President Chandrika Kumaratunge claimed in early January that the negotiations between the two opposition parties were not aimed at disrupting the peace process. She called for the recognition of PA's peace proposals of 1997 as the basis for a political solution to the Sri Lankan conflict. The LTTE and most other Tamil parties rejected these proposals on the basis that they were inadequate and failed to recognise the Tamil right to self-determination and the north-east Tamil homeland.

The President also demanded that the LTTE should decommission and disband the *Black Tiger* suicide unit. Rejecting her call, LTTE's Anton Balasingham declared that disarmament would be suicidal for the LTTE and until a permanent solution is achieved, Tiger military power will remain intact. In late January, Prime Minister Ranil Wickremasinghe put an end to the debate on disarmament when he conceded that the issue cannot be discussed until permanent peace.

President Chandrika continued to blame the government for failing to keep

her informed of developments in the peace negotiations and warned that she had the power to sack the Prime Minister and the Cabinet. After 5 December, she also has the authority to dissolve Parliament. The President and her party, the PA, have also been engaged in a vilification campaign against the Norwegian peace facilitators.

President Chandrika and Prime Minister Ranil met on 21 January to discuss the HSZs. The President urged Ranil to take action to prevent human rights violations by the LTTE in north-east Sri Lanka, particularly child recruitment, abductions and extortion. The President also stressed the need to strengthen relations between government and opposition. Press reports say that the government may consider including a representative of the President in the peace talks.

Sources say that these apparent attempts at cooperation are misleading. The UNF and the PA are undermining each other at every opportunity and in the circumstances cohabitation between them is almost impossible. The two parties have already initiated campaigns at district level in the expectation of a general election in the near future.

Japan's peace envoy Yasushi Akashi said at a press conference in Colombo on 18 January that he had consultations with Indian leaders, including Prime Minister Atal Behari Vajpayee, to explain the role of Japan in Sri Lanka. A former Under-Secretary General of the United Nations, Mr Akashi was appointed by the Japanese Cabinet in October last year as a special representative to contribute towards peace-building, rehabilitation and reconstruction in Sri Lanka.

Mr Akashi said that India is anxious that a solution to the Sri Lankan conflict should not affect the regional power's security concerns in the Indian Ocean. Press reports suggest that India is worried over increasing involvement of other nations in Sri Lanka and has indicated that Japan can assist in rehabilitation and reconstruction, but may not become a fourth party in the peace negotiations.



**Jaffna Peninsula**

# Returning to Jaffna

REPORTS say that 26,378 families from 62 *Grama Sevaka* (Village Headman) divisions are unable to resettle as a result of the military high security zones (HSZ) in the Jaffna peninsula. This includes nearly 19,000 families from the western Valikamam. Although 16,785 families have been resettled in southern Thenmaratchy region, only 800 families have received government assistance of Rs 15,000. Government secretariats have not received funds from Colombo.

Some 25,000 families, which have returned from the Vanni on the mainland continue to suffer in poverty. Heads of families are unemployed and many are unable to begin any occupation, particularly those who were earlier involved in fishing or farming, because of lack of capital and other reasons such as landmines and HSZs. According to reports, 12,000 farmers in Valikamam North and southern Thenmaratchy are affected.

Government officers are providing resettlement assistance only to those who received food aid in the Vanni. Poor families which were supported by friends or relatives in Vanni or Colombo are not entitled to assistance. People complain that officers are also rejecting applications of those who had lost their National Identity Cards during displacement.

Shelter remains a major problem. According to Jaffna MP Mavai Senathirajah, no tangible steps have been taken to repair 97,000 houses in Jaffna, damaged or destroyed in the 19-year war or to pay compensation. Reports also say

that people have no access to 157 temples in Valikamam North alone.

In mid-January, the military allowed resettlement near Army camps at Meesalai in southern Thenmaratchy, and agreed to open a road to facilitate resettlement. Observers say that in some areas the Army is declaring new HSZs in the vicinity of military bases, in a deliberate attempt to prevent resettlement.

The three-member committee on disappearances headed by Devanesan Nesaiah, appointed by the Human Rights Commission (HRC), began its sessions at Chavakachcheri on 9 January. The HRC has received 232 complaints relating to disappearances between 1996 and 1998, but Mr Nesaiah says that enquiries will be conducted initially only on 59.

Although landmines are being cleared, concerns continue. S Ponnambalam was wounded in early January by a landmine while clearing his garden in Chavakachcheri. In 2001, 79 people were seriously injured in Jaffna by landmines and 63 were wounded in 2002.

Jaffna people expressed fear after the Army began collecting details of all residents above the age of 12, in early January. Army officers have not given reasons for the compilation. The military also imposed new restrictions on those travelling by boat to Neduntivu Island, west of Jaffna. The Navy attacked fishermen in the Palk Strait on 25 January demanding them to hand over their catch. Four fishermen, including A Rajendran, were wounded and admitted to hospital.

**Refused**

The Colombo High Court denied bail on 23 January to former Deputy Defence minister Anuruddha Ratwatte, his two sons and 12 others. They are accused of the murder of ten Muslims during elections in December 2001.

**Petition**

The Sri Lanka Campaign Against Landmines handed a petition signed by two million people to the UN at the Asia Pacific Landmine Monitors Conference in Colombo on 27 January, urging the government and LTTE to sign the Ottawa Treaty on landmines.

**Children**

Head of UNICEF, Carol Bellamy visited Sri Lanka in January for talks with the government and LTTE. UNICEF say 900,000 children were affected in the north-east and 35,000 of the 60,000 killed in the conflict were children.

**IDPs**

According to Colombo newspaper *Sunday Times*, the Eastern Sinhala Organisation has urged President Chandrika Kumaratunge to assist in resettling 136,000 Sinhalese people displaced from the north-east.

**Impartial**

In a 6 January letter to President Chandrika, Norwegian Prime Minister Kjell Bondevik said his country had always acted impartially. The President has accused Norway of providing radio equipment to the LTTE and has denounced ambassador Jon Westborg.

**The Vanni**

## Education and health in Vanni region

THE lack of teachers has adversely affected education in the Vanni, according to observers. The situation is becoming worse, as displaced teachers from Jaffna continue to return home since the ceasefire agreement. Some 1,550 teachers are needed in the Kilinochchi education zone, but currently there are only 845. Similar problems have affected other Vanni districts. MP Selvam Adakalanathan says that no action has been taken to appoint new teachers, despite numerous representations to the government in the last three years.

In northern Vavuniya, 3,400 families were resettled up to the end of December. Local government officers say that resettlement is becoming

increasingly difficult without adequate trained personnel. The Army have announced that resettlement will be allowed in high security zones in the six villages at Omanthai, after international agencies certify that all landmines have been cleared. But NGOs say that the Army is refusing to release maps of landmine locations, although a request has been made through the UNDP.

The military has also indicated that only those whose names appear as residents in the 1990 voters list will be allowed to resettle. Over 500 people were permitted to visit the Omanthai Varasithi Vinayagar Hindu temple on 15 January, the Tamil *Thaipongal* festival day.

Health continues to remain a concern

in the Vanni. The Mullaitivu hospital, which was damaged in the war, is currently functioning in Puthukudyiruppu, ten miles north-west of Mullaitivu town. But a first aid section has been opened in Mullaitivu, to assist resettlers. In December, the hospital treated over 6,200 people, including 900 for malaria and 400 for diarrhoea.

Police Special Task Force (STF) officers are accused of attempting to rape a pregnant woman at Ganeshapuram in Vavuniya and attacking her husband Kitnapillai Karunakaran. Some people have fled in fear and have asked for security from the SLMM. The Vavuniya magistrate has ordered an identification parade to find the offenders.



**Batticaloa and Amparai**

# Murder in Batticaloa

MUSLIM auto-rickshaw driver MJM Hussain, 68, was brutally murdered in Batticaloa District in early January. His body was found on 5 January in a Tamil area near Oddamavady. Muslim residents of Oddamavady and Valaichenai staged a *hartal* (general strike) on 7 January. Shops, schools and government offices were closed. Some people blame the LTTE for the murder. The Tigers have denied involvement and say that the victim's body had been placed in a Tamil area in a deliberate attempt to drive a wedge between Tamil and Muslim communities to destabilize the peace process.

The Muslims of the area have submitted a letter to the Army, urging immediate action to protect their community. On

the day of the *hartal*, a grenade was hurled at the home of pro-LTTE TamilNet journalist S Jeyanandamurthy in Valaichenai. Reports say that he had earlier received a number of death threats from militant Muslim groups.

Muslim traders in Amparai District complain that letters demanding money have been distributed by the LTTE. Muslim MP MI Anwar discussed the extortion attempt with the SLMM at a meeting in Sammanthurai on 22 January. The SLMM has undertaken to raise the issue with the LTTE.

Although the LTTE have released many child recruits and have handed over a number of children who wanted to join them to the SLMM or to parents,

complaints of new recruitment continued to persist. The police say that two girls who were abducted by the LTTE on 26 January in Valaichenai were rescued. On the same day, Economic Reform minister Milinda Moragoda and Defence Secretary Austin Fernando visited Batticaloa to make enquiries about child recruitment and attacks on members of other Tamil groups.

Army intelligence officer S Pulendrarajah, who went missing in December has still not been found. A number of other Tamils who worked with the Army and members of opposition groups are missing and some have been murdered. The Tamil groups blame the LTTE, but the Tigers have rejected the accusation.

The LTTE refused to attend a conference arranged by the SLMM on 10 January, to bring about unity among the Tamil groups. The Tigers say that there is no need to talk to the other groups and called on those Tamils working with the Army to leave and join them in their political work. The LTTE have steadfastly maintained that they are the sole representatives of the Tamil people.

According to press reports, Vinayagamurthy Thayapathy, 17, was hacked to death at Arumugathan Kudiyiruppu on 19 January. Her mother says that she was a LTTE member. On 2 January, Ahamed Ramees, 30, was shot dead at a police checkpoint in Kattankudy. Policeman Ibrahim Hamsa has been arrested.

**IDPs and Refugees**

## Legal problems

A January report on property issues affecting internally displaced persons (IDP) says that a number of Sri Lankan laws relating to property rights must be amended to assist returning refugees. Prescription laws provide for ownership of property, if an occupier can establish uninterrupted possession for a period of ten years. A returning IDP may not be able to claim ownership of land where another person has occupied the land for ten years. Even those who occupy the property as tenants or lessees may be able to claim ownership by prescription, if they can establish that the nature of the occupation changed at a particular point in time. Returning IDPs may also find that persons are asserting new ancillary property rights, such as access to roads and water wells, which were not in existence before displacement. A common problem is the loss of documents to establish title to land, because of displacement or destruction of homes and other buildings. In some areas, the Land Registry offices and their registers have been destroyed.

Fences and walls marking boundaries may have been destroyed in conflict areas and lands encroached by other persons. In the case of a large number of deaths and disappearances, death certificates have not been issued. Successors may find it difficult to institute testamentary proceedings without death certificates.

Returning IDPs and refugees may also find that the LTTE have introduced new laws, including a *Tamil Eelam Penal Code* and have amended provisions of *Thesavalamai*, the customary law applicable to Tamils of the Northern Province. The LTTE have also established their own system of courts in areas under control. The report says that new mechanisms and specialized bodies are needed to handle disputes regarding property rights.

**Trincomalee**

## Ownership deeds

ACCORDING to reports, the Army is demanding deeds and other documents from IDPs to establish ownership of land, for resettlement in some areas of Trincomalee District. People from villages such as Thiriyai on the eastern coast, lost all their documents when they were displaced. They say that the Army has no authority and the responsibility to check ownership lies with *Pradeshiya Sabhas* (Regional Councils).

Fishermen in Trincomalee District continue to suffer as a result of Army restrictions on fishing. Following the ceasefire in February 2002, some restrictions were removed, but others remain. Eight fishermen were fined Rs 2,000 (\$21) each on 23 January by the

Trincomalee magistrate for fishing in areas declared by the military as high security zones.

There are 29,000 fishermen in 110 villages in the district. Of the 5,000 fishermen who fled to India in the 1990s, some 3,000 have returned, but most have not been able to continue their occupation. Many have lost their fishing equipment and boats in the violence. Only 15% of the 1,600 boats are now in use.

A tenement in the Allesthottam refugee camp was burned by unidentified persons on 12 January. Resident J Nadarajah managed to escape with his wife and children. But their meagre possessions were destroyed. The police have launched an investigation.



## Human Rights

## Tamil detainees write to UN Secretary General Kofi Annan

# Repeal of PTA

SPEAKING in Parliament on 10 January on a resolution demanding the repeal of the Prevention of Terrorism Act (PTA), Defence minister Tilak Marapone claimed that the time is not ripe for change in the legislation. The resolution was moved by Tamil Congress MP, Appathurai Vinayagamurthy. Mr Marapone pledged that the PTA would be removed at the appropriate time.

The PTA has been condemned as a draconian legislation and declared by the International Commission of Jurists as 'a blot on the statute book of any civilized nation'. Several UN bodies, including the Human Rights Committee have demanded the government to repeal the Act or bring it in line with international standards. Many of the thousands of Tamils arrested under the PTA have suffered torture and many others have disappeared. Observers say that the Sri Lankan government would like to retain the legislation for future use, in the event the peace talks collapse.

Over 1,170 prisoners were released on 13 January under a presidential amnesty. But none of them were PTA detainees. The Attorney General's Department says less than 100 are held under the PTA. In a letter to the UN Secretary General Kofi Annan in January, Tamil detainees in Kalutara prison allege that confessions of LTTE links had been extracted from them under torture.

They also say that some detainees are in custody for more than ten years under the PTA or Emergency regulations and that some were murdered by prison officers after they began hunger strikes to draw attention to their plight. The detainees accuse the Tamil parliamentarians of failing to help them.

The Colombo High Court released 23 suspects in the Bindunuwewa massacre case on 21 January, because of lack of evidence. The trial-at-bar, without a jury, against 18 other suspects will proceed. Twenty seven Tamils were killed in a mob attack on the Bindunuwewa rehabil-

itation centre in October 2000, in the Hill Country. Immediately after the massacre, Amnesty International called for a comprehensive review of the PTA.

The trial relating to the Mirusuvil massacre was scheduled to begin in January in Colombo. According to the Human Rights Commission's Jaffna officer Ruwan Chandrasekara, the main witness in the case fears for his safety in the capital and has requested transfer of the case to Jaffna. Five soldiers are accused of killing eight Tamils at Mirusuvil in Jaffna. Their bodies were found in a grave in December 2000.

Press reports say that in January, the southern Mother's Front applied to courts for an order for DNA tests to identify the remains of 540 soldiers killed in LTTE's military operation *Oyatha Alaigal III* (Unceasing Waves) in November 1999. The Tigers say they burned bodies of soldiers killed in action, after the PA government refused to accept them and listed the soldiers as 'missing in action'.

## Refugees in India

## Need to ensure physical, legal and material safety

AT a meeting of local and international agencies on 14 January, arranged by UNHCR, to discuss the return of Sri Lankan refugees in Tamil Nadu, the need to create conditions conducive to safe and dignified voluntary repatriation in an organized manner was stressed. Participants agreed to give priority to create conditions of physical, legal and material safety. UNHCR will continue to hold meetings with Indian and Sri Lankan governments and other international organisations on the subject of voluntary repatriation facilitated by them.

The participants noted that there remains a need to improve conditions of physical security through addressing human rights concerns, incidents of violence against civilians and reducing risks from landmines. They also stressed the need to improve conditions of legal security through independent judicial and policing systems, simplification of immigration procedures, citizenship and issue of identity cards, and through adequate laws for property restitution. The participants pointed at the need for material security through restoration of basic ser-

vices where Sri Lankan refugees originated, such as health and education, potable water and sanitation and means of livelihood and employment.

A week earlier, the Sri Lankan government and the LTTE agreed at the peace talks in Thailand, on an Action

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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Plan for an Accelerated Resettlement Programme for Jaffna District and set deadlines for the first phase of the Plan. Identification of available resources from appropriate funds will be completed by 20 January and a plan to release premises presently used by the security forces to original owners or intended purposes will be submitted by 31 January. The preliminary physical assessment in Jaffna will be completed by 7 February and formulation of project recommendations and identification of potential implementing agencies by 14 February.

The Sub-Committee on Immediate Humanitarian and Rehabilitation Needs (SIHRN) held its third meeting in Kilinochchi on 15 and 16 January. SIHRN identified a number of urgent needs, including construction of ice plants in the north-east, skill and capacity development, improvement of the Mullaitivu hospital and irrigation projects in Trincomalee, Vavuniya and Batticaloa districts. SIHRN also agreed on guidelines for selection of projects and the need for special attention on resettlement of Muslim IDPs.