

## 11 Tigers die in naval attack

Eleven *Sea Tigers* were killed when the Sri Lankan Navy attacked and sunk a ship belonging to the Liberation Tigers of Tamil Eelam (LTTE) on 10 March, off the coast of Mullaitivu District.

The Navy say they had credible information that a ship carrying warlike material approached the Mullaitivu coast, with the objective of unloading weapons. The Navy claim that warning shots were fired over the Tiger ship, but received fire from the vessel which damaged the naval boat and injured some sailors. Thereafter the LTTE ship was sunk.

According to the LTTE, their ship was a merchant vessel operated by an independent shipping company, which financially supported the LTTE. The Tigers claim that the vessel carrying diesel was sailing in international waters when it was intercepted. The Sri Lankan government accused the LTTE of breaching the ceasefire by carrying arms, and the UN Convention on the Law of the Sea by failing to fly a flag of any state and displaying any name on the ship. The LTTE blamed the government of violating the ceasefire and the Convention by launching an attack on a commercial vessel in international waters.

The Sri Lanka Monitoring Mission (SLMM) criticized both the Navy and the LTTE in a report on 16 March. The international body tasked with monitoring ceasefire violations says that both parties had enough time to inform the SLMM to prevent escalation. The SLMM has refrained from apportioning blame on the ground that it is unable to verify the various claims made by the two sides. The SLMM, however, urged them to work out a safety mechanism that would apply in similar circumstances.

A day after the incident, all political officers of the LTTE in the north-east were summoned to the Tiger headquarters in Kilinochchi, leading to fears that the peace process may come to an end. Despite LTTE media spokesman Daya Master's assurance that they were in Kilinochchi for discussions with LTTE's

*Both the Sri Lankan Navy and the LTTE had enough time to inform SLMM to take action before the situation escalated and actual confrontation took place.*

*Sri Lanka Monitoring Mission (SLMM)*

*16 March 2003*

chief negotiator Anton Balasingham, speculation was rife that the Tigers were making preparations for war. Mr Balasingham, who participated in the opening ceremony of a *Tamil Eelam Court* in Kilinochchi, said that the LTTE were committed to peace, but warned ominously that the death of the Tigers would have far-reaching implications in the peace process.

He pointed an accusing finger at President Chandrika Kumaratunge and alleged that sections of the Sri Lankan Navy were under her influence rather than under the control of the government. Some senior leaders of the opposition People's Alliance have claimed that the order to sink the Tiger ship was given by President Chandrika.

Relief was apparent in Sri Lanka when the sixth sessions of the peace talks were took place as scheduled at Hakone in Japan from 18 to 21 March. Both parties acknowledged the growing concern over clashes at sea and undertook to enforce better compliance with the ceasefire agreement. They also agreed to strengthen the mandate of the SLMM, to undertake preventive measures to avoid serious incidents at sea and on land. A meeting of senior naval and political representatives will be convened within three weeks to draw up effective arrangements for the operation of naval units.

Both parties seem to realize the need

to begin talks on substantive issues underlying the conflict and for the protection of human rights. It was announced that a complete plan of the political framework, giving effect to the principle of federalism in a final settlement to the Sri Lankan conflict, would be discussed at the next sessions of the peace talks.

The parties asked international expert Ian Martin to develop three aspects of the proposed roadmap on human rights for adoption at the seventh sessions: (1) Drafting a Declaration on Human Rights and Humanitarian Principles, which would reflect aspects of fundamental standards, pending their full entrenchment in the eventual constitutional arrangements. (2) Planning human rights training for government officers and LTTE cadre, including training by UNICEF on the rights of the child, UNHCR on the rights of internally displaced people and refugees and ICRC on humanitarian law, coordinated by the Office of the UN High Commissioner for Human Rights. (3) Suggesting proposals for strengthening the Sri Lankan Human Rights Commission for effective monitoring throughout the country.

The fragile situation was further tested when a Chinese trawler was sunk off Chundikulam in the eastern coast of Jaffna District on 22 March. Of the 26 sailors on board, only nine were saved. Survivors say that their vessel was attacked by eight boats. The Navy and the LTTE blame each other.

These developments have put enormous strain on the Sri Lankan government. While Prime Minister Ranil Wickremasinghe struggled to keep the peace process alive, President Chandrika continued to exert pressure on the government. Presidential spokesman Harim Peiris said on 2 April that the peace process will continue even if there is a change of government. The President insists that participation in the peace process must be widened and has demanded her representative to be included in the talks.



**Jaffna Peninsula**

# Basic needs

REPORTS say that the internally displaced people (IDP) in camps in the the Jaffna peninsula continue to suffer without basic facilities. There are more than 8,000 refugees in 72 camps in north-eastern Vadamaratchy and western Valikamam. In addition, a government survey says there are 25,773 widows in the peninsula, including 3,368 in southern Thenmaratchy. The widows are between the ages of 16 and 50 and many are without any income.

Shelters in the camps are dilapidated and lack water or sanitary facilities. Residents of some camps walk several miles in search of drinking water. The government secretariat says that 'needs assessments' from *Pradeshiya Sabhas* (regional councils) for repair of shelters have not been received. IDPs want to return to their home areas, but these lie in military high security zones (HSZ).

In March, the Jaffna NGO consortium sent a letter to all foreign diplomatic missions in Colombo highlighting that the conditions of the people, after a year of ceasefire, have not improved. The problems relating to health, education, employment, transport, agriculture, fishing and HSZs remain. Prime Minister Ranil Wickremasinghe, on a visit to India, said that the LTTE was justified in insisting that the people of the north-east have not reaped the benefits of peace.

The North-East Fishermen Union began repairing a sea food processing plant in Jaffna town at a cost of Rs 2.1 million, but the Army have ordered the

Union to suspend repairs alleging security reasons. People say that in some areas the Army is continuing to fell palmyrah and coconut trees despite a strict order by Defence Secretary Austin Fernando, and are extending military camps.

The perimeter of the Army camp in Ariyalai, three miles east of Jaffna town, has been extended, affecting some 1,000 fishermen. Local NGOs have cabled the Prime Minister, protesting against the construction of a new Army camp in an important area of Jaffna town. They say that a library, two schools, a church and a temple are in the vicinity and the camp would affect normal life in the area. The Jaffna Catholic Bishop has also expressed his opposition to the camp.

In mid-March, the Navy vacated the *Pradeshiya Sabha* building on Neduntivu Island, west of Jaffna peninsula. The occupation of the building for the past three months had disrupted the work of the council. The Navy's move followed the visit of Economic Reform minister Milinda Moragoda to the island and discussions with local people. The people say, however, the number of Navy personnel on the island has increased.

NGOs have also expressed concern over complaints of discrimination in government payments to resettling IDPs. Those arriving from the Vanni mainland have priority over IDPs in Jaffna. Displaced people who returned from the Vanni, even a day before 22 February 2002, the date of the ceasefire agreement, are denied any resettlement assistance.

**Deserters**

Army deserter Ajith Gunaratne injured six policemen and 11 civilians in a grenade attack at Ratnapura on 17 March. Police say he is responsible for several murders. Army spokesman Sanath Karunaratne said in early March, 60,500 have deserted from the three armed services, including 51,400 from the Army. Some 8,000 soldiers deserted since the ceasefire.

**Murder**

Two youths walked into an Urban Council on 24 March and shot dead chairman Gamini Dickson. The suspected political assassination took place in Hikkaduwa, 55 miles south of Colombo.

**Breach**

The Supreme Court declared on 25 March that Elections Commissioner Dayananda Dissanayake and Army Commander Lionel Balagalla violated rights by preventing 60,000 people in LTTE-held areas from voting in the 2001 general elections. The court ordered government to pay Rs 100,000 each to three petitioners from Batticaloa and Commander Balagalla to personally pay Rs 90,000 (\$945).

**Aid**

On 2 April, the World Bank announced \$800 million assistance to Sri Lanka in the form of grants and interest-free loans over the next four years. Two days later, the European Commission granted Euro 6 million assistance to internally displaced people.

**The Vanni**

## Indian and Sri Lankan fishermen clash in Mannar

SEVENTEEN Indian fishermen were injured in a clash with Sri Lankan fishermen, near Pesalai on Mannar Island on 3 March. They were admitted to Mannar hospital. The Sri Lankans captured 118 Indian fishermen and 23 boats and handed them over to the police, accusing them of entering Sri Lankan territorial waters. The Mannar court released 80 Indians on 5 March, but remanded the others.

In Mannar, fishing was restricted for many years by Emergency regulations and the Sri Lankan security forces. Since the ceasefire there has been some freedom and fishermen were recently allowed night fishing. They say that their livelihoods are affected by Indian encroachment and accuse the Indian fish-

ermen of damaging boats and nets. Over 2,500 fishermen took part in a demonstration in Mannar District on 10 March, against incursions by Indian fishermen. The demonstrators handed a petition to Mannar Government Agent V Visvalingam, to be sent to Prime Minister Ranil Wickremasinghe.

Mr Visvalingam advised them against antagonizing the Indian fishermen, saying that the 60,000 Sri Lankans remaining in refugee camps in the southern Indian state of Tamil Nadu may come to harm. The Indian Navy arrested 19 Sinhalese fishermen on 16 March for entering Indian territorial waters. They were detained in a jail in Madurai. Four days later, 15 of them were released.

In Vavuniya District, 35 families in Sithamparapuram and Poonthottam refugee camps were sent to Jaffna in buses on 12 March. According to Rehabilitation Director Ms Ketheeswaran 1,800 people have returned to Jaffna, Kilinochchi and Mullaitivu districts from Vavuniya camps since the ceasefire of February 2002.

The refugees say they are returning even though their houses have been destroyed. They are hoping to live temporarily with friends or relatives and appeal for government assistance. In Kilinochchi District, of the 15,500 families resettled, only 1,880 have received the government resettlement assistance of Rs 15,000 (\$158).



Batticaloa, Amparai and Trincomalee

## Resettlement

PEOPLE in the east complain that the security forces are not allowing resettlement in some areas. Villagers who went to resettle in Mylanthanai in early March were turned away by the military. Mylanthanai people were displaced in 1990 and again after a massacre by the security forces in August 1992. They had taken refuge in Valaichenai refugee camp. Recently, an international agency had helped the displaced people to clear Mylanthanai and other villages and had also supplied tents and other materials for resettlement.

Military officers say that people can resettle in Vadamunai and Uthuchenai, north-west of Mylanthanai, which are under the control of the LTTE.

According to the Army, resettlement cannot be allowed in Mylanthanai as the area is held partly by the LTTE and partly by the Army. Because of this reason, they claim that security of the people cannot be guaranteed. Press reports say that UNHCR officers are continuing to make representations to the Army.

A Muslim delegation led by local MP Basheer Segudawood met LTTE leaders, including Ramesh, in the presence of the SLMM on 27 March at Vavunativu. Muslim-owned lands under the control of LTTE was the main subject of discussion. The Tigers agreed to allow Muslims to cultivate their lands in LTTE-held areas of Batticaloa District from the next cultivation season.

A *hartal* (general strike) was observed in Trincomalee District on 14 March and in Batticaloa and Amparai districts on 17 March, as a protest against the sinking of an LTTE ship off Mullaitivu on 10 March. Many shops, government offices and schools were closed. Despite this support, complaints of child recruitment by the LTTE continued. Eravur police say Kitnapillai Gopalan was abducted by the Tigers for refusing to allow his son to join the militant movement.

Incidents of confrontation between the security forces and the LTTE were also causing concern. In Trincomalee District, tension heightened on 11 March, after 200 Tigers were denied entry by police into Morawewa area at midnight from Thambalakamam. The LTTE cadre were armed. Under the ceasefire agreement, LTTE members are not allowed to enter Army-controlled areas with arms or in uniform. Army officers rushed to the scene and after discussion, the Tigers agreed to return to their area.

In early March, the Trincomalee magistrate declared the deaths of S Konalingam, K Sasitharan and student Anthony Mayuran as homicides. The three were killed during a demonstration against the shooting of seven Tamils in Batticaloa District by the police Special Task Force in October last year. Witnesses accuse the police of throwing a grenade and shooting into the crowd of protesters. The court ordered an identification parade to find the policemen responsible for the deaths.

### Torture

## Acquiescence

IN an important decision on 4 April in the struggle against torture, the Sri Lankan Supreme Court awarded compensation of Rs 800,000 (\$8,420) and medical costs for illegal detention and torture. The highest court in the island said that the number of credible complaints of torture and cruel, inhuman and degrading treatment whilst in police custody shows no decline. In June 2002, Gerald Perera had suffered severe torture endangering life, at the police station in Wattala, four miles north of Colombo. The court held that failure to provide him prompt medical attention amounted to cruel and inhuman treatment. The officer in charge of the police station was also found guilty, although he did not participate, on the ground that torture occurred with his knowledge and acquiescence. The court ruled that the Inspector General of Police was also liable in cases of torture by his subordinates. The duty imposed by Article 4 (d) of the Constitution, to respect, secure and advance fundamental rights, including freedom from torture, extends to all organs of government, and the head of the police can claim no exemption. At least, he may make arrangements for surprise visits by specially appointed police officers or representatives of the Sri Lankan Human Rights Commission to report on the treatment and conditions of prisoners. The court viewed prolonged failure to give effective directions designed to prevent torture and to ensure proper investigations, as justifying the inference of acquiescence and condonation. Human rights agencies have urged dismissal of the police officers involved and have called on the Attorney-General (AG) to prosecute them under the Torture Act. Since the Act was introduced in 1994, no one has been convicted of the crime of torture, although the AG claims to have filed cases against some offenders.

### Jaffna

TAMIL groups EPDP, EPRLF and EROS met Norwegian Deputy Foreign minister Vidar Helgeson on 15 March to protest against the continuing attacks on their cadre, particularly in the east. The groups accused the government of failing to act on human rights violations by the LTTE. They want Norway to take up the issue in the current peace talks.

They say that nine of their cadre held by the LTTE should also be considered in the exchange of prisoners between the Tigers and the government. Many members of the groups, including PLOTE and TELO, have been attacked since the ceasefire in February 2002. The groups have submitted a list of the victims to human rights expert Ian Martin.

## Militant victims

Batticaloa resident Ramanathan Ragupathy was shot dead in Mt Lavinia, south of Colombo, on 18 March, by two people on a motorcycle. Former member of TELO, Seenithamby Ranjan, 27, was killed on 2 April at Arayampathy in Batticaloa District, by a man on a motorcycle. Mr Ranjan contested the 2000 general elections on behalf of TELO and had been working with Army intelligence.

Retaliatory attacks on LTTE supporters have also been reported. Velupillai Kathirgamathamby and his wife Nagaletchumy were injured in a grenade attack on their house in Batticaloa town on 30 March. They are said to be LTTE supporters and police say Tiger cadre visited them often.



## Human Rights

Panic as police demand registration of Tamils in Colombo

**Despair in detention**

AS conditions of the Tamil detainees on hungerstrike in Kalutara prison deteriorated, other Tamil detainees held under the Prevention of Terrorism Act (PTA) in Negombo and Anuradhapura prisons joined the fast. On 1 March, 61 detainees in Kalutara began the hunger strike and by mid-March, 24 of them were in a serious condition. The detainees demanded transfer to prisons in home districts and cases to be heard in local courts.

Those fasting included 63 year-old Veerasamy Yoganathan, who is a father of six children. He says he was arrested in February 1996 in Avissawella and has been produced more than 80 times in court. A confession had been obtained from him by the police under severe torture. Mr Yoganathan says that he prefers death to the prolonged agony.

The fast ended on 15 March after Tamil Congress MP A Vinayagamurthy and N Kandasamy of the Centre for Human Rights and Development persuaded the detainees that the Attorney-

General's Department had assured action for their transfer. On 17 March, lawyers from the AG's Department visited Kalutara prison to compile details of the detainees for a review of their cases. Chief Justice Sarath N Silva instructed expeditious disposal of PTA cases and ordered the special High Court in Kalutara prison to function till 8.00pm for the purpose.

There was panic among Tamils in Colombo in early March, when police in some areas visited houses, shops, hotels and hostels issuing forms for police registration. The regulations requiring police registration became void in June 2001 with the lapse of Emergency rule. The police headquarters denied issuing any instruction for registration.

But later, Colombo Deputy Inspector General Bodhi Liyanage admitted that forms had been issued. He said that Tamils need not register, if they did want to. Inspector General TE Anandarajah says that new checkpoints in Colombo

have been established for security and assured that they will not be permanent.

Jaffna resident Mylvaganam Muralidaran, detained for more than three years after his arrest in Colombo, was released by the Colombo High Court on 17 March. He was accused of providing information to a LTTE hit squad on the movements of Tamil MP and academic Neelan Tiruchelvam, who was killed in the capital by a suicide bomber in July 1999. The court rejected the confession evidence, which had been obtained under torture from Mr Muralidaran.

There have been calls for the strengthening of the Sri Lankan Human Rights Commission (HRC) to prevent torture and other human rights violations. But reports say that the HRC is unable to maintain ten of its regional offices because of lack of funds. Last year, the HRC's budget was slashed by Rs 9 million. This year the Treasury has allocated only Rs 1.6 million although the HRC had requested Rs 40 million (\$420,000).

## Judiciary

**Chief Justice Sarath Silva accused of injustice**

THE UN Special Rapporteur on the Independence of Judges and Lawyers, Dato Param Cumaraswamy, severely criticized the Sri Lankan Supreme Court in February, saying that Sri Lankan teacher Michael Fernando, 'who came to seek justice, was served with injustice'. Mr Fernando, had filed an application in the Supreme Court for violation of human rights, citing Chief Justice Sarath N Silva and two other judges as the respondents. They had heard an earlier fundamental rights application by him.

According to the Rapporteur, in violation of the rule of natural justice which says that 'no one can be his/her own judge', the Chief Justice appointed himself to the panel which heard the second fundamental rights application. In addition, the court also sentenced Mr Fernando to a year's imprisonment for contempt of court.

The Asian Human Rights Commission (AHRC) says that in sentencing Mr Fernando, the Chief Justice and the other two judges have also breached Sri Lanka's obligations under the International Covenant on Civil and

Political Rights. Mr Fernando had been denied a fair hearing, a charge sheet stating the offence and possible punishment, legal advice, sufficient time to prepare his case or reasons for the judgment. Mr Fernando has suffered severe torture in prison since the sentencing.

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) 7840 4388  
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

There have been a number of complaints against the Chief Justice's conduct in the past. A 2002 book titled *The unfinished struggle* by Victor Ivan has exposed extensive misconduct and abuse of authority by Mr Sarath Silva when he was Attorney-General and as Chief Justice. According to the AHRC, there have been no official denial of the allegations made in the book, nor has the author been subjected to legal action.

In August 2001, the International Bar Association (IBA) concluded that there was 'an overwhelming need for an independent credible judicial system' in Sri Lanka. It detailed instances of lack of accountability, breach of natural justice and potential for undue interference and pointed that institutions which should be protecting the rule of law, including the President, government and the Chief Justice, were acting to undermine it.

The IBA said judges had been removed by the Chief Justice without enquiry and in June 2001, a parliamentary opposition impeachment motion to remove him was restrained by the Supreme Court which he heads.