

Shadow over Berlin talks

The Sri Lankan government and the Liberation Tigers of Tamil Eelam (LTTE) agreed at the fifth sessions of the peace talks in Berlin on 7 and 8 February, to hold further discussions, with the involvement of the Sri Lanka Monitoring Mission (SLMM), to work out effective safeguards to prevent clashes between the Navy and LTTE's naval wing, the *Sea Tigers*.

An incident on 7 February in which three *Sea Tiger* cadre committed suicide near Delft Island, west of the Jaffna peninsula, by exploding their vessel, prompted urgent discussions on diffusing tension. Widespread concern has been expressed on the increasing number of confrontations between the Sri Lankan Navy and the *Sea Tigers*, which, if allowed to continue, may destabilize the peace process.

The parties also requested Ian Martin who participated in the sessions to prepare a roadmap on human rights for consideration at the sixth session of the peace talks in March. Mr Martin is a former Secretary General of Amnesty International and currently a vice president of the International Centre for Transnational Justice.

On 4 March, the LTTE and UNICEF signed an agreement on an Action Plan for children affected by the armed conflict in the north-east. This would include vocational training and psychosocial care. The Tigers agreed to end recruitment of children. An Accelerated Resettlement Programme for Jaffna (ARP) is in progress. Seven District Needs Assessment Panels comprising representatives of the government, the LTTE and UNHCR have completed preliminary needs assessments.

Despite positive developments, some problems continued to persist. LTTE's Col. Karuna claimed that 35,000 houses in the north and another 500 in the east were within high security zones (HSZ) under the control of the Army. While assuring that the Tigers were committed to peace, he insisted that the military must vacate the homes of civilians in

Increasing number of incidents at sea involving the Sri Lankan Navy and the LTTE's Sea Tiger wing may destabilize the peace process.

terms of the ceasefire agreement. Although the Army had earlier agreed to vacate Keerimalai and Maviddapuram areas in Jaffna, following commander Sarath Fonseka's report in December, the plan was shelved. Lt. Col. Fonseka says withdrawal from HSZs, without LTTE decommissioning, would be a threat to national security.

Two days before the talks, the Norwegian Foreign Ministry announced that Dr Astrid N. Heiberg, Professor of Psychiatry at the University of Oslo, would be an advisor to the Subcommittee on Gender Issues. On 28 February, the World Bank and the Subcommittee on Immediate Humanitarian and Rehabilitation Needs (SIHRN) signed a Letter in Intent on the functioning of the North-East Reconstruction Fund (NERF).

While mutual cooperation sustained the peace process, President Chandrika Kumaratunge continued to blow hot and cold. At the Independence Day celebrations on 4 February in Colombo, she praised Prime Minister Ranil Wickremasinghe's government for taking the peace process forward. But in later public meetings, she launched attacks on the government, accusing ministers GL Peiris and Milinda Moragoda of dancing to the tune of the LTTE and deceiving the Sri Lankan people as well as the international community.

Despite an aggressive campaign, the no-confidence motion of the opposition parties against Defence Minister Tilak Marapone, on ground that law and order had deteriorated, was defeated by 40 votes in Parliament on 18 February. Tamil parties TELO and EPDP, who are supporters of the opposition People's Alliance, voted against the motion.

Over 10,000 people participated in a demonstration against the peace process on 20 February by the opposition People's Liberation Front (JVP) in Colombo. Police fired tear gas when JVP members attempted to march on *Temple Trees*, the Prime Minister's residence in Kollupitiya suburb. The following day, parliamentary proceedings were disrupted when JVP MPs carrying placards protested within the chamber.

On the first anniversary of the ceasefire agreement on 22 February, the north-east region came to a standstill by a *hartal* (general strike). People say that the ceasefire agreement has not been fully implemented, food, health and shelter problems remain and human rights violations continue. Although progress has been made in peace talks, human rights and the substantive issues underlying the conflict are yet to be discussed.

Sri Lankan writer Jehan Perera points to four challenges that still lie ahead: 1) As the readiness to utilize war as a means of attaining political objectives has not been totally discredited, there must be a shift from the mentality of war to that of peace. 2) Achieving bipartisan approach to the ethnic conflict has been a long-standing need and the government must find a way to win over the mainstream opposition to the peace process. 3) The mainstream society must change its mindset from Colombo-centric to regional-based thinking to pave way for a change from the unitary constitution to a federal one. 4) The LTTE must change its militaristic approach to power and progress towards democracy by embarking upon re-education of its cadre so that they do not order the people about and impose their views upon them.

Jaffna Peninsula

Sea Tigers commit suicide

THREE *Sea Tigers* committed suicide by blasting their trawler on 7 February near Delft Island, west of the Jaffna peninsula. The vessel had been intercepted by the Sri Lankan Navy the previous day and the SLMM invited to assist.

After the LTTE and the Sri Lankan government agreed, two ceasefire monitors conducted an inspection of the trawler and found arms and ammunition in a secret compartment. While the trawler was being towed towards the shore, the LTTE cadre are said to have received a radio message from the LTTE headquarters. According to the SLMM, following the message, the monitors observed fire at the back of the trawler and jumped into the sea. The trawler then exploded killing the Tigers.

The tense situation in Jaffna worsened following another incident on 12 February in Manipai, five miles north of Jaffna town. A fight ensued when soldiers attempted to remove the belts worn by eight LTTE women cadre, alleging that they were part of the Tiger uniform. The LTTE claimed they were civilian belts. Articles 1.12 and 1.13 of the ceasefire agreement permit Tiger members into military-held zones to visit family and for political work, 'unarmed and in plain clothes'.

Some 200 people gathered at the place and began throwing stones at the camps of the Army and the Tamil group Eelam People's Democratic Party (EPDP). An EPDP cadre was wounded. The Army and police deployed a riot squad and

attacked the civilians. Journalists S Sivapalan of *Thinakkural* (Daily Voice) and S Manoharan of *Namathu Eelanadu* (Our Eelam Nation) were also assaulted and their cameras smashed. SLMM members who witnessed the attacks, ruled that both the Army and the LTTE had violated the ceasefire agreement. The SLMM urged the government forces and LTTE cadre to show restraint. The ceasefire monitors have stressed the urgent need for a modern, well-trained police force to bring about normalcy in government-controlled areas.

EPDP member and Kopai *Pradeshiya Sabha* (regional council) President Poothan Gunasingham was shot and injured on 12 February. A policeman was wounded when the EPDP office in Chavakachcheri, 12 miles east of Jaffna town, was fired on by unidentified persons. The following day, the EPDP office in Point Pedro, on the north-east coast of Jaffna came under grenade attack. The EPDP say the LTTE are behind these attacks, which are an attempt to eliminate opposition members before any democratic election in the north-east.

The Tigers arrested policeman Ananda Wijedasa when he entered their area in Muhamalai. He was produced before a *Tamil Eelam Court* in Kilinochchi on 21 February and remanded till 14 March. The next day, the Navy attacked seven fishermen off Neduntivu Island, west of Jaffna peninsula, and threw them into the sea. Two people were seriously wounded.

Casualties

Reports say that in the 19-year war in Sri Lanka, 17,423 security personnel and 17,648 LTTE cadre were killed. According to the ICRC, another 3,736 security personnel have been categorized as missing in action. A February letter to the Sri Lankan Prime Minister from the Jaffna humanitarian agencies says 82,000 civilians were killed.

Indictment

The *Dalada Maligawa* attack case began before the Kandy High Court on 20 February. Four Tamils are accused of involvement in the suicide attack on the Buddhist temple in January 1998, killing 13 civilians. The LTTE, which was suspected to be behind the bombing, was proscribed in the same month under Emergency Regulations.

Arrest

Police say they arrested 46 Sri Lankans in Tangalle in Hambantota District on 12 February as they prepared to board a vessel to travel illegally to Italy. Each of them had paid Rs 500,000 (\$5,140) to an employment agent.

Compensation

On 14 February, Labour minister Mahinda Samarasinghe began distributing compensation to Sri Lankans who lost their jobs or were injured in Kuwait during the Gulf War in 1989/90. The UN Compensation Commission has provided Rs 480 million (\$5 million) for 1,760 Sri Lankan applicants. Currently, more than 180,000 Sri Lankans work in Kuwait.

The North

Agencies urge increase in compensation to IDPs

THE Muslim Rights Organisation's MIM Mohideen told a seminar on 10 February in Colombo on IDPs that Muslims had left behind property worth \$110 million when evicted from the northern province in May 1991 by the LTTE. He urged that the property in the hands of the Tigers should be returned to the rightful owners and compensation paid for losses.

Seminar participants stressed that the compensation currently paid to IDPs was inadequate for any meaningful resettlement. Colombo-based Centre for Policy Alternatives said that most IDPs had lost all means of livelihood and compensation should be increased from the current Rs 65,000 to Rs 200,000 (\$2060), in addition to assistance to resume occupations.

Seminar participants also urged the Army and the LTTE to allow IDPs more freedom of movement in the north-east to enable them to identify their lands.

Passengers continue to face long delays at LTTE checkpoints to enter the Vanni. Vavuniya businessmen made representations to Vanni Army commander Susil Chandrapala on 12 February on restrictions faced in their trades. Lorries with commodities to southern Sri Lanka are checked at Eeratperiyakulam Army camp between 9am and 8pm. Maj. Gen. Chandrapala assured that the checkpoint would be open for 24 hours a day. The commander said that resettlement of IDPs had been allowed in 33 villages in high security zones (HSZ) of Vavuniya.

Pakiyanathan Mohanakanthan, 15, arrested by the Army at Iranai Ilupaikulam for entering the HSZ was produced before the Vavuniya magistrate on 24 February and remanded. He told the court that he was looking for firewood and had not realised that he had entered a HSZ.

In Mannar District, Madona Mark, 29, of Vankalai, who had left LTTE recently, was abducted in a van on 15 February. More than 70 home-owners in six villages in Mannar complain that their houses are occupied by the Army since 1990 and rent arrears have reached as Rs 3 million. The Navy detained 33 refugees from Tamil Nadu arriving in boats to Mannar on 21 February.

Trincomalee, Batticaloa and Amparai

Trinco arrests

TENSION heightened after two women LTTE cadre Navani and Suganthi were arrested by the police at Sambaltivu, four miles north of Trincomalee town, on 14 February. A *hartal* (general strike) was launched on 17 February in the district, but ended by mid-day after the women were released on bail by a court.

On 23 February, Navy personnel attempted to arrest seven Tigers at Kallampathai and in turn were surrounded by a LTTE unit. SLMM members rushed to the scene and prevented clashes. Five days later, talks were held between the government and the LTTE regarding six LTTE cadre arrested by the Navy in December at sea near Trincomalee. LTTE's Col. Karuna,

Defence Secretary Austin Fernando and the new head of SLMM, Maj. Gen. Tryggve Tellefsen participated in the meeting at Vavunativu in Batticaloa District. The Tigers are accused of smuggling weapons. The issue was not resolved and the LTTE have insisted that their cadre must be freed if they are to consider releasing a soldier and a policeman in their custody.

In Batticaloa District, over 150 families who were displaced in 1990 from Eravur are unable to resettle because their homes are occupied by the security forces. They have been asked to vacate the refugee camps and dry food rations given to them have been stopped because each family was paid Rs 4,000 nine years

ago. Because of this reason, they are also not included in the resettlement list prepared by the Batticaloa government secretariat. Local observers say that they are likely to be excluded in the plans that are being drawn for resettlement. The IDPs staged a protest in Eravur demanding the return of their houses and food assistance until they are able to occupy their homes.

A number of villages in Batticaloa District have been destroyed. One such village in Miravodai in Valaichenai area. Around 450 families in the village fled the area following fighting between the Army and the LTTE in 1990. The Army established a camp which included a number of houses in the village. Over 250 houses were demolished and the two temples in the village were damaged.

Villagers say at least ten people who returned to the village in the late 1990s disappeared. They suspect that they were murdered by the Home Guards who were involved in military operations with the Army. Around 75 families have now returned and are attempting to rebuild their lives. Others who have taken refuge in areas such as Valaichenai and Vinayagapuram say that they would return only if the Army camp is removed and their security is guaranteed.

In mid-February, people staged a demonstration in Batticaloa against new security force camps. Police Special Task Force (STF) camps are being established at Vinayagapuram in Batticaloa District and Thirukkivil and Sagamam in Amparai District.

The North-East

Landmines

LANDMINES and unexploded ordnance continue to pose a serious threat to people in north-east Sri Lanka. Subramaniam Baheerathan, 24, was wounded by a landmine at Chavakachcheri in Jaffna in early February. Estimates of the number of landmines in the north-east vary from one million to three million.

Landmines are also a threat to humanitarian workers and as a result reconstruction work is likely to be affected. The UN is attempting to build information on the location of landmines, but sources say there is little cooperation from the armed forces. The UN reported in February that, since the ceasefire 26 civilians have died and a further 100 people have been injured. Since 1996 nearly 1,000 civilians have been killed or injured. Around 25% of the casualties have been children hurt by unexplored ordnance. Half the injuries or deaths have occurred in the Jaffna peninsula. The casualties are expected to increase as internally displaced people (IDP) return to their home areas which are heavily mined. Over the

years, many IDPs have been killed or wounded while attempting to clear their lands. British agency Halo Trust, which is currently involved in clearing landmines in the peninsula say that they have removed and destroyed 3,000 landmines and 450 other explosives since June 2002. According to the agency, it will take four years to make Jaffna safe from landmines.

The LTTE's Humanitarian Demining Bureau (HDB) say more than five years are needed to clear the Vanni of the estimated 1.5 million landmines in 1,570 sq km. HDB is said to have so far removed 96,500 landmines and 72,000 other devices in the Vanni. Seventeen paddy fields along the A9 Vavuniya-Jaffna road have been identified as containing landmines. Reports say that this will affect the repair of the road.

Jaffna

Library politics

THE opening of the Jaffna library scheduled for 14 February has been postponed indefinitely. The library was burned on 1 June 1981, with 95,000 books. The burning, in which government ministers were involved, was described by eminent bibliographer HAI Goonetilleke as the 'most dastardly episode of vandalism'. Reconstruction began in 1994. Rs 120 million (\$1.2 million) has been spent and Rs 25 million is needed for completion.

The political significance of re-opening the library was recognized by Mayor Sellan Kandaian, who decided to schedule it for 14 February as the Jaffna Municipal Council would stand dissolved on 17 February. Two days before the opening, the Mayor was told by two

LTTE members from the Vanni to cancel the ceremony. That night, a gang tied up the security officers and robbed all the keys to the library. The next day, LTTE's Jaffna political leader C Ilamparithy met Mayor Kandaian and urged him to postpone the opening. The Council then decided to postpone, but the Mayor and all the councillors resigned in protest.

Observers say that the LTTE is displeased that the Jaffna Municipal Council had maintained its independence despite extreme pressure from them, including the assassination of two Mayors - Sarojini Yogeswaran and P Sivapalan. In 2002, the Council adopted a unanimous resolution condemning the arbitrary taxes imposed on the people by the LTTE.

Human Rights

Sustained local and international pressure needed for human rights promotion

Detainee demand

SIXTY ONE Tamil detainees under the Prevention of Terrorism Act (PTA) in Kalutara prison began a hunger strike on 1 March demanding their release. According to reports, several of them have not been charged and many allege that confessions had been obtained from them by security forces under torture.

Detainee Krishnapillai Selvaranjan began a hunger strike a month earlier but ended the fast after promises that his concerns will be considered. The prisoners are demanding visits from Economic Reform minister Milinda Moragoda and Mannar Bishop Rayappu Joseph, who on an earlier visit pledged to have their cases expedited.

The detainees also request transfer to prisons in their home districts in the north-east and want their cases also to be moved to local courts. These demands come amidst continuing allegations of sexual abuse of Tamil women detained under the PTA in Welikada prison in Colombo, by jail guards.

The prisoners say their cases are delayed despite the establishment of a special court to handle PTA cases. PTA cases have been transferred to the special court, but are often postponed because the judge is also presiding over the high profile Udathalawinne case in which former Deputy Defence minister Anuruddha Ratwatte and his sons are accused of involvement in the murder of ten Muslim people in December 2001.

The situation of a detainee from Batticaloa District demonstrates the problem. The case was filed in December 1998 and postponed on several occasions. It was taken up for hearing before the special high court in November 2002. It has been postponed on three occasions and the next hearing is on 11 March. Meanwhile, accusations have been made that monies sent by expatriate Tamils to help the detainees in their cases have not been utilized for the purpose. Sources say that some lawyers and Sri Lankan politicians are involved in the racket.

The issue of PTA detainees has been taken up at the peace talks. Both parties have asked international expert Ian Martin to draft a set of human rights standards designed to help direct further progress towards a negotiated settlement. But human rights observers say that the government and the LTTE are not keen on working out details of a human rights framework. These observers believe that sustained pressure from civil society and the international community is needed for real progress.

US activist Alan Keenan says that protection of witnesses and complainants is central to any system of human rights monitoring. This has been a problem for anyone seeking to challenge the impunity with which those in power - whether security forces or militants - are able to commit human rights abuses. He advocates the formation of a committee of Sri Lankans and internationals who would commit themselves to speaking out regularly and strongly on human rights issues.

Refugees in India

Nallayan Declaration on return of refugees

REFUGEE and development agencies attending a workshop at the Nallayan Research Centre in Tamil Nadu on 22 and 23 February, issued a declaration on the return of Sri Lankan refugees in India. The workshop was arranged by the Organisation for Eelam Refugees Rehabilitation (OfERR).

The Nallayan Declaration notes that child conscription and coercive taxation continues in north-east Sri Lanka. Almost all of the 502 ceasefire violations by the LTTE and 54 violations by the security forces recorded by the ceasefire monitors upto December 2002, were directed against civilians.

The Declaration records several principles that must be upheld in considering the return of refugees to the island. Lasting peace is a prerequisite and there must be agreement between the two parties for resolution of the conflict, and the restoration of democracy and the rule of law in the north-east. The peace talks must be broadened and made more transparent to enable Sri Lankan citizens to participate in the determination of their own destiny.

The agreement between the parties must guarantee human rights to all Sri Lankans, particularly Plantation Tamils, including the right to citizenship, property, franchise and self-determination. It must also guarantee the safety and security of returning refugees and their social

and material well-being. Refugees themselves must be involved in the negotiating and return processes for this end.

Returns must be voluntary, upholding international standards of safety and dignity, and underwritten by an accord between India and Sri Lanka. Transfer of refugees from camps in India to camps in Sri Lanka would impede peace. Therefore returns should take place only when refugees can go to home areas.

Landmines should be fully cleared and internally displaced people resettled before refugee returns. The agreement must commit to speedy reintegration through recognition of documents acquired in exile, such as refugee identity cards, certificates of births, marriages and deaths as well as qualifications acquired outside Sri Lanka.

The Nallayan Declaration says that the agreement must contain a commitment to restorative justice. Refugees who have lost property, relatives and livelihood must be compensated. Provision should also be made for a Truth Commission that promotes a healing process in all segments of society.

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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