



Sri Lanka situation

1. Peace talks

1.1 The LTTE announced on 21 April 2003 that they would not be participating in the peace talks scheduled to take place in Thailand from 29 April to 2 May.

The reasons stated by the LTTE were,

- i) Exclusion of the LTTE from a critical aid conference held in Washington on 14 April sponsored by the US.
- ii) Non-implementation of the ceasefire agreement, particularly provisions on military occupation of people's home and public buildings in the north-east.
- iii) Continuing hardship of thousands of Tamil IDPs.
- iv) Distortion and marginalization of conditions of poverty of the Tamils in the north-east in government macro-economic policies and strategies.

1.2 The LTTE also refused to participate in the aid conference on 9-10 June in Tokyo and demanded the establishment of an interim administrative structure under their control with 'powers of decision-making and delivery of the tasks of rebuilding the war-damaged economy and restoring normalcy' in the north-east. The LTTE rejected government's initial proposals on grounds that they failed to provide clear definitions of the powers and functions of the decision-making bodies. The government has made further proposals. President Chandrika Kumaratunge has criticized the proposals and there are grave doubts whether she will accept an interim administration in the north-east controlled by the LTTE.

Because of LTTE's absence at the aid conference, the Norwegian diplomats involved in peace facilitation also decided not to attend the conference. (Foreign Minister Jan Petersen, Deputy Foreign Minister Vidar Helgeson and special advisor Erik Solheim)

1.3 Peace talks remain suspended. The work of the three sub-committees on peace, resettlement/security and rehabilitation/reconstruction has come to a standstill. The problem has not been resolved despite direct talks between LTTE leader V Prabhakaran and diplomats from Norway, Japan and the EU. Press reports say that talks may take place in Paris in September 2003. But talks are possible only if agreement is reached on the interim administration proposals.

2. Political issues

2.1 The President has continued to attack and take measures against the government and has threatened to sack the Cabinet and dissolve Parliament. She has accused the government of granting too many concessions to the LTTE. On 5 December 2002, she gained the power under the constitution to dissolve Parliament. The Sri Lanka Freedom Party (SLFP), which is the main constituent of the main opposition People's Alliance (PA), is currently negotiating an agreement with the left-wing hard-line People's Liberation Front (JVP) to oppose the government.

2.2 The JVP has carried out many demonstrations against the ceasefire agreement and the peace process. The President recently took over the Development Lotteries Board from the control of Milinda Moragoda, an important minister in the government. She has accused the government of sending different versions of the 'interim administration proposals' to her and the LTTE. In early August, the President blocked a government legislation to grant lands to 900,000 poor families, alleging that the law is an attempt to erode her constitutional authority.

2.3 Constitutional changes incorporating any peace agreement would require a two-thirds majority in Parliament. The government has a wafer-thin majority in Parliament and cannot introduce constitutional changes without the support of the opposition, which is extremely unlikely.

3. Preparation for war

3.1 While talking peace, both parties are strengthening their armed forces. Both the Army and the LTTE have established several new military bases in the north-east. The Army announced on 10 August, for the first time since the ceasefire, that recruitment of 4,000 new soldiers would begin on 18 August. The LTTE are said to have recruited 15,000 cadres since the ceasefire. The LTTE have also been bringing arms into Mullaitivu District. *Sea Tiger* boats were intercepted by the Navy several times and on one occasion the SLMM found weapons on board. Defence minister Tilak Marapane and Navy commander Daya Sandagiri visited Israel in August 2003 to buy heavy weaponry.

4. Clashes

4.1 There have been a number of clashes between the security forces and the LTTE, particularly at sea, which threaten to destabilise the peace process. President Kumaratunge who is commander-in-chief of the armed forces seems to be fully in control of the Navy. On 14 June, the Sri Lankan Navy sunk a LTTE ship. The LTTE say that the 12 crew members have been taken into custody, which the Navy has denied. The President received immediate information of the incident, but the Defence Minister was not aware until very much later.

4.2 A major dispute is brewing between the Army and the LTTE over a Tiger base at Kurangupanchan in Trincomalee District. The military alleges that the LTTE had recently constructed the camp in an Army-controlled area, which is a violation of the ceasefire agreement. The LTTE say that the camp has been in existence for several

years. The LTTE have refused to abide by the order of the Sri Lanka Monitoring Mission (SLMM), to dismantle the camp.

5. Human rights

5.1 Human rights problems in Sri Lanka continue to cause concern. The mandate of the Sri Lanka Monitoring Mission (SLMM) is inadequate. Other institutions such as the Human Rights Commission (HRC) are weak and are unable to guarantee the needed protection.

5.2 The security forces have resumed cordon and search operations in some areas of the north-east. House-to-house search operations have been conducted in Trincomalee District. Some people were arrested in June and taken to the Port police station, but released after recording statements. In Batticaloa District, white vans, hallmark of security force death squads, have reappeared. Arrests are carried out by intelligence services from Colombo, who arrive in white vans. The whereabouts of ten arrested people are not known. The Batticaloa police have not been informed about these arrests. Earlier, under the PTA and Emergency regulations, security forces were required to give arrest receipts to relatives. On 12 June 2003, Batticaloa MP Joseph Pararajasingham raised this issue when he met Prime Minister Ranil Wickremasinghe. On 18 June, S Nanthakumar was abducted by persons in a white van at Madathady in Trincomalee District.

5.3 In Batticaloa District, checking of passengers to and from LTTE areas, was resumed by security forces in mid-June. As was the case before the ceasefire, people must get off the buses and walk a certain distance and undergo thorough checks, before resuming their journey.

5.4 The police Special Task Force (STF) attacked civilians injuring two, after they lost at a sports meet at Kaluvanchikudy in Batticaloa District on 27 April. The STF injured eight Tamil youths at Mandur in the same District on 12 June, after they refused to carry out the work ordered.

5.5 In its 2003 annual report (events in 2002) Amnesty International said that at the end of 2002, 65 Tamil political prisoners were held for long periods without charge or trial under the Prevention of Terrorism Act (PTA). Lack of accountability for human rights violations including "disappearances" and torture remained a serious concern. Amnesty also said that torture, including rape, in police custody continued to be reported frequently and there was little progress in many cases involving members of the security forces suspected of grave human rights violations.

5.6 The Sri Lankan Supreme Court said on 4 April 2003 that complaints of torture and degrading treatment whilst in police custody shows no decline. The court declared that the duty imposed by the constitution to secure and advance human rights, including freedom from torture, extends to all organs of government. The court viewed prolonged failure to give effective directions designed to prevent torture and to ensure proper investigation as justifying the inference of acquiescence and condonation. In Sri Lanka no one has been convicted for the crime of torture although a law against torture exists since 1994.

5.7 The security forces have killed a number of civilians since the ceasefire agreement was signed on 22 February 2002. On 17 May, soldiers entered several houses in Jaffna, attacked the people and caused damage. They are also accused of attempting to rape two women.

5.8 In a statement on 7 August 2003, Amnesty International says that 'members of Tamil political parties are being gunned down and the available evidence points to the Tamil Tigers'. Amnesty alleges that the LTTE are taking advantage of the ceasefire to murder political opponents. A Human Rights Watch report of the same date titled *Sri Lanka: Political killings during the ceasefire*, says that 'the LTTE's new political offices have become useful points from which to co-ordinate surveillance, recruitment, and extortion and, when necessary, the assault, abduction, and assassination of rivals'. Most refugees in other countries are from LTTE-held areas of the north-east or from Army-controlled areas where the Tigers have been allowed to open offices under the ceasefire agreement.

5.9 While Amnesty says that the systematic campaign by the LTTE to silence opposition voices, 'seriously threatens to undermine moves towards establishing a just system of governance', the Human Rights Watch report points out that the LTTE campaign 'constitutes both a violation of the ceasefire and systematic human rights abuse'. There is no system to investigate these abuses. The human rights agencies have called on the Norwegian government and the SLMM to publicly acknowledge and condemn the violations and take measures for serious investigations.

5.10 The LTTE are suspected of assassinating more than 30 Tamils belonging to Tamil parties opposed to the LTTE or the government intelligence services. Former members of other groups have also been targeted. On 6 June, former Eelam People's Democratic Party (EPDP) member Sinniah Samuel and his two year-old daughter were killed in a grenade attack in Batticaloa. Two Tamils in the intelligence services have been killed in Colombo. Tamil Eelam Liberation Organisation (TELO) member K Ramanan was shot dead on 15 June in Batticaloa town. On 9 June, S Kirubarajah, a member of the Eelam People's Revolutionary Liberation Front (EPRLF) was gunned down in Trincomalee. Senior member of EPRLF Thambirajah Subathiran was assassinated in Jaffna on 14 June 2003. A Tamil informant was shot dead on 9 August at Akkaraipatru in Amparai District. He was a former member of EPRLF.

5.11 A statement of former US ambassador in Colombo Ashley Wills sums up the violations of the LTTE: "Assassinations of opponents, intimidation of Muslims, taxation without representation, aggressive Sea Tiger behaviour and continued child recruitment do not build trust in the LTTE's intentions."

5.12 Offices of groups opposed to the LTTE have also come under grenade attacks. These groups complain that several of their members have been abducted by the LTTE and are being held in a military base.

5.13 This has resulted in attacks on LTTE members and supporters. LTTE's office in Batticaloa came under grenade attack on 16 May. LTTE member P Koneswaran was killed in Batticaloa on 22 May. The Tigers blame the EPDP for the murder.

6. Child recruitment

6.1 Despite an agreement with the UN Representative on Children and Armed Conflict in May 1998, the LTTE continued to recruit children. In the last one year, The LTTE have released some of the child recruits. But there is no proper information about 300 child recruits recorded by the Human Rights Commission. There are accusations that the LTTE continues to recruit children even after signing an agreement with the UNICEF in March 2003.

7. Freedom of movement

Around 92,000 people are unable to resettle in their own homes because of military high security zones (HSZ). Jaffna civilians have made more than 200 complaints to the Sri Lankan Human Rights Commission (HRC) regarding this human rights violation. The HRC has asked for explanations from the Army, but no action has been taken. Legal experts say that the HSZs have no legal basis. There are fears that new regulations may be introduced under the PTA to give legal sanction to the HSZs.

The Army has established new checkpoints in Jaffna and in the east. Checks on civilians are carried out in the manner before the ceasefire. Permits are needed to enter LTTE areas and this causes long delays for civilians at the checkpoints. Each person visiting the Vanni or travelling through the Vanni must pay Rs 1,000 (£6). Foreign passport holders of Sri Lankan Tamil origin must appear for an enquiry at Puliyaankulam and sign a form containing his/her personal particulars.

8. Illegal taxation

8.1 The LTTE has also introduced an arbitrary taxation system in the areas it controls and on goods brought from outside the areas. Food and medicines are also taxed. In effect, people must pay double tax - LTTE's and the government's.

9. Landmines

9.1 Each month several people continue to be injured by landmines. Since 1996, nearly 1,000 civilians have been killed or injured, 25% of whom have been children. The UN reported in February 2003 that landmines and unexploded ordnance killed 26 civilians and injured 100 others since a cease-fire came into force. The majority of those hurt are adult males - breadwinners for their families. Landmine Action says the number of injuries is likely to rise as more of Sri Lanka's IDPs move home into areas that have not yet been cleared.

9.2 The Army has provided a map of landmines in Kilinochchi District (one of 8 districts in the north-east war zone) to the Jaffna Government Secretariat. Some 990 areas in the district have been laid with landmines. The military has not provided maps for other districts.

10. The internally displaced people

10.1 Internally displaced people returning to home areas find themselves in extremely difficult situations, without shelter, adequate food, medical, sanitary or

educational facilities and are facing threats to physical security posed by landmines, conscription and military personnel on both sides. Infrastructure development has hardly begun. Many refugees are unable to return to their home areas because of the existence of military high security zones. There is discrimination in the provision of government assistance to IDPs and in some areas they have not received any assistance. The LTTE has said that the work of the Sub-Committee on Immediate Humanitarian Rehabilitation Needs (SIHRN) has failed to function effectively and no progress has been made to alleviate the suffering of thousands of IDPs. Even the work done by the SIHRN has now come to a standstill.

10.2 The Sri Lankan government's announced priority is the rehabilitation of the IDPs and the objective for the near term is to make arrangements for the return of refugees from India. The government has clearly stated that once peace is achieved, Sri Lanka expects the economy to boom and large-scale infrastructure development, which would lead towards the return of Sri Lankans abroad either by their own choice or through voluntary return programmes.

10.3 According to the Jaffna government secretariat, in Valikamam North, only 8,838 people belonging to 416 families have been allowed to resettle. This leaves some 92,000 people who have not been allowed to resettle. In some areas, where resettlement takes place, the Army has extended the perimeters of camps to include such areas, thereby preventing resettlement. The Human Rights Commission demanded an explanation from the Army.

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1) In Batticaloa District, white vans, hallmark of security force death squads have reappeared. The arrests are carried out by intelligence services from Colombo who arrive in white vans, without any information to the relatives. Their whereabouts are not known. Those arrested (around 10 people) may have been taken to Colombo. The Batticaloa police are not informed about these arrests. Even under the PTA and ER arrest receipts were given. On 12 June 2003, Batticaloa MP Joseph Pararajasingham raised this issue when he met Prime Minister Ranil Wickremasinghe.

On 18 June, S Nanthakumar was abducted by persons in a white van at Madathady in Trincomalee District.

In Batticaloa District, checking of passengers into LTTE areas was resumed by security forces in mid-June. As was the case before the ceasefire, people must get off the buses and walk a certain distance and undergo thorough checks, before resuming their journey. The STF attacked and injured eight Tamil youths at Mandur in Batticaloa District on 12 June, after they refused to carry out the work ordered.

EPDP member Ponniah Ramachandran was shot dead in Kallady, Batticaloa District on 15 June at 10am. A grenade was thrown on an adjoining house three people including 12 year-old Jilomi Yoganathan were injured. Ramachandran was a nominee for the local government elections.

In Jaffna, the security forces have begun search of people on the streets and in buses and in Trinco house to house searches are being carried out. Huge search operation were carried out immediately after the killing of Thambirajah Subathiran on 14 June. Within hours, people were stopped on streets and body-searched. NICs were demanded. New camps and checkpoints were established. At Sulipuram, the Army attempted to search a Tiger cadre and when people present opposed, they opened fire injuring nine civilians. The following day, the Army surrounded a LTTE office in Valakamparai, fired in the air and attempted the search the place alleging that the LTTE had abducted an opposition member. Later, search was carried out in the presence of the SLMM, but nothing was found. Incidents like this are creating tension in the north-east.

2) Razik Group member Kathirgamathamby Navasooriyam was shot dead in Batticaloa on 19 May. LTTE's Thimilaitivu political officer, Sathiyaraj was arrested on 5 June in connection with the murder. In retaliation the LTTE took into custody two police officers - AGN Senadhera and DS Nihal on 10 June. Sathiyaraj has been remanded till 3 July.

Sources say that LTTE's intelligence chief Pottu Amman has issued an order for the assassination of all members of government's Long-Range Reconnaissance Patrols (LRP) of the Directorate of Military Intelligence (DMI). The LRP succeeded in killing LTTE members before the ceasefire, including Col. Shanker (V Sornalingam) on 26 September 2001. LTTE supporters allege that Pottu Amman's order came after it was discovered that

a deputy of the LTTE commander Col. Banu was working for the Indian intelligence service Research and Analysis Wing (RAW), and was involved in a plot to assassinate Tiger leader V Prabhakaran.

3) A recent statement of US ambassador in Colombo Ashley Wills sums up the violations of the LTTE: "Assassinations of opponents, intimidation of Muslims, taxation without representation, aggressive Sea Tiger behaviour and continued child recruitment do not build trust in the LTTE's intentions."

4) According to the Jaffna government secretariat, in Valikamam North, only 8,838 people belonging to 416 families have been allowed to resettle. This leaves some 92,000 people who have not been allowed to resettle. In some areas, where resettlement takes place, the Army has extended the perimeters of camps to include such areas, thereby preventing resettlement. The Human Rights Commission has in fact demanded an explanation from the Army.

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