

## Power struggle blocks peace

The peace process in Sri Lanka entered a new phase of uncertainty after President Chandrika Kumaratunge dissolved Parliament on 7 February, more than three years ahead of schedule. Since the United National Front (UNF) defeated her party, the People's Alliance (PA), in parliamentary elections in December 2001, she had been threatening to exercise her constitutional authority to end the term of Parliament. Nominations were set for the week beginning 17 February and general elections for 2 April.

The dissolution of Parliament was widely expected after the President took control of Defence, Interior and Media ministries in November last year, within four days of the publication of proposals for an interim administration in the north-east by the Liberation Tigers of Tamil Eelam (LTTE). She also took control of the state radio, television and newspapers. Her action in February followed a pact between PA constituent, the Sri Lanka Freedom Party (SLFP) and the Marxist People's Liberation Front (JVP). The agreement of 20 January, led to the formation of the United People's Freedom Alliance (UPFA).

There is grave concern that the alliance may spell doom for peace in the island. The agreement criticized the peace initiatives of Prime Minister Ranil Wickremasinghe, as a process threatening the sovereignty and territorial integrity of Sri Lanka. The pact says that both the SLFP and the JVP agree to enter into dialogue with the LTTE and all relevant groups and communities. The LTTE have continued to insist that negotiations should be held only with them and described the UPFA as a threat to peace.

The JVP have also expressed opposition to Norway, which has played a mediatory role since January 2000. After the ceasefire agreement between the Sri Lankan government and the LTTE in February 2002, the Norwegians have also headed the Sri Lanka Monitoring Mission (SLMM), tasked with monitoring ceasefire violations. The tussle for

*The LTTE have decided to campaign for the Tamil National Alliance. We feel that the general election is a unique opportunity for the Tamil-speaking people to express their political aspirations.*

S Eilán

LTTE's political division, Vavuniya

power between the President and Prime Minister resulted in Norway suspending participation in peace efforts in November last year until clarity is established about political authority to ensure continuation of the ceasefire and resumption of peace talks. The UPFA said that if it formed the government in the April elections, the role of Norway would be reviewed. The LTTE, however, is unlikely to change its position that Norway should continue its role without change.

Before dissolution of Parliament, Prime Minister Wickremasinghe relinquished responsibility regarding the ceasefire and announced in early February that the President should take charge of the peace process. He reiterated that he could not take the peace process forward unless the Defence Ministry and other relevant institutions were placed under his full control.

As concern over the fate of the peace process grew, President Chandrika told *Reuters* in late March that she is committed to peace talks with the LTTE if the UPFA won the elections. In an interview to the Colombo Tamil newspaper *Virakesari* on 20 March, she suggested that initial talks could explore the peace proposals submitted by the PA government in 1997 and 2000, but indicated that she was not averse to discussing the LTTE proposals of October 2003. The Tiger proposals envisage an Interim Self-

Governing Authority (ISGA) for the north-east region with extensive powers over land, law and order, administration, finance and taxation.

The LTTE has always urged the people of the north-east to boycott local or national elections on ground that participation in elections under a unitary constitution would undermine the Tamil claim for self-determination. In a significant development, the LTTE announced on 17 February that it would support the Tamil National Alliance (TNA), a coalition of four Tamil parties, at the general elections. The LTTE ensured that several of their supporters were included in the election candidates list of the TNA.

Unity among the Tamil groups has been welcomed, but many Tamils fear that the aim of the LTTE is to strengthen control over other parties and consolidate its grip on the population of the north-east. They also point out that the MPs of the TNA will have no independence in Parliament as they would be expected to toe the LTTE line.

Events in the east in early March indicated cracks in the LTTE. Eastern commander V Muraleetharan or Col. Karuna accused the northern LTTE leadership of discrimination and ignoring the east in development programmes. Col. Karuna controls thousands of cadre and is in a position to split the LTTE and cast doubts over legitimacy of the Tamil demand for the permanent merger of the Northern and Eastern provinces and recognition of a Tamil homeland. The LTTE sacked Col. Karuna on 6 March accusing him of immoral conduct and fraudulent financial transactions.

The division in the LTTE has introduced further complications in the peace process. Observers say that elements within the the UPFA and the Army may urge the President to strengthen Col. Karuna, as a weapon to deal with the LTTE in the future. The confidence brought about by the peace talks has been eroded by subsequent events and the future of Sri Lanka remains uncertain as it was before the ceasefire agreement.



**Jaffna**

# Homes urgently needed

THE lack of adequate shelter is increasingly becoming a major concern in Jaffna. According to a World Bank survey in May 2003, 326,700 houses were damaged or destroyed in the war in north-east Sri Lanka and nearly 58% of the damaged units are totally inhabitable.

In Jaffna alone more than 80,000 houses were affected. The Jaffna government secretariat says 47,000 houses need to be constructed immediately in the peninsula to accommodate internally displaced persons seeking resettlement. NGOs have pledged to reconstruct 7,500 houses. Local people say government programmes are inadequate to solve the problem of shelter. Many houses are still occupied by security forces and a large number lie within military high security zones (HSZ).

A number of other problems also continue to affect the population. Fishermen complained to the SLMM that the Army banned fishing in Thondamanaru lagoon in the Jaffna district, from 22 February. The Army has not given any reason for the ban. The lagoon lies near the HSZ which includes the Palaly airport. Many fishermen in Vadamaratchi area were affected by the ban. The ban was lifted only after the SLMM and the Sri Lankan Human Rights Commission (HRC) made representations to the Army.

Indian fishermen are accused of attacking S Selvarajah, S Selvamohan and K Sivananthan, on 23 February, while fishing at sea north of Jaffna. S Selvarajah went missing following the

attack and his body was later found. In late March, fisherman Michaelpillai Jeyasingham was killed when his boat was rammed by a naval vessel.

There is concern over rising crime in Jaffna. At a meeting of *Grama Sevakas* (Village Headmen) in late March, Additional Magistrate S Nanthasekaran said that more crimes were committed in Jaffna than any other part of Sri Lanka. The crimes include murder, robbery, rape and theft. The body of a Karainagar resident was found on 10 January at Madduvil in southern Thenmaratchy. The HRC has received a complaint that Ilavalai trader C Kamalasuthan, 25, is missing since 17 February.

Jewellery owner S Ratheeskumar was seriously wounded by masked gunmen on Dutch road in Chavakachcheri on 21 February. S Thuvarahan, 15, was also seriously injured in the attack. According to the police, the gunmen escaped with Jewellery worth Rs 10 million (\$101,000). Gurunagar resident V Sivaloganathan was killed on 23 February by an explosive device near Ariyalai, east of Jaffna town. A. Prasanna and S. Johnson suffered serious injuries.

The Landmine Clearance Co-ordinating Committee in the Jaffna government secretariat has identified 100 areas for clearance in 2004. The Committee says 6,900 landmines and 5,100 other explosive devices were cleared in 376,000 sq metres in 2003. In the Jaffna District, 54 people, including 14 students, were injured by landmines last year.

**Doctors strike**

Government doctors began strike action on 11 March alleging anomalies in wage differentials between doctors and other medical staff. Following a meeting with the Government Medical Officers Association (GMOA) on 19 March, Finance minister KN Choksy assured that the Wage Review Committee would consider the issue. The strike ended on the same day.

**Labour standards**

In a report released on 3 March, the International Confederation of Free Trade Unions (ICFTU) notes that despite government claim that core labour standards are respected, serious violations are widespread in Sri Lanka. Based on government claims, the EU had agreed tariff cuts in 2004. ICFTU says quality of employment for women has deteriorated. They suffer discrimination and face sexual harassment, especially in the private sector. Child labour is prevalent and some rural children are tied to debt bondage.

**Foreign aid**

Economic Intelligence Unit of the *Economist* says that foreign aid utilization in Sri Lanka improved in 2003, with aid flowing to housing, plantation development, energy, transport, irrigation and resettlement. But political uncertainty has jeopardised future aid flows, particularly the \$4.5 billion aid pledged at the Tokyo conference in June 2003. Aid donors express serious concern over the ability to utilize aid while instability continues.

**The Vanni**

## Arrangements for Vanni voters

TAMIL political parties urged proper arrangements for some 250,000 voters in LTTE-held areas, particularly in the Vanni, to participate in the April elections. The Elections Commissioner ruled out polling stations in Tiger areas. The LTTE urged the Commissioner to establish polling booths in neutral zones between Army and Tiger areas.

Meanwhile, political groups such as the Eelam People's Democratic Party (EPDP) led by Douglas Devananda called on the LTTE to end intimidation and allow all political parties into their areas for election campaigning. Only the TNA has been permitted campaigning in LTTE territory. In late March, the Commissioner announced that polling

stations cannot be set-up in neutral zones because of landmine threats, but assured that cluster stations would be established in Army-controlled areas.

Enthusiasm for elections did not curb human rights violations. Unidentified gunmen shot dead B Ajanthan at Pattannichchoor in Vavuniya District on 4 January. The police revealed in January that the bodies of V Fernando, 24, and T Dhushyanthan, 18, were found near Pambaimadu, five miles north-west of Vavuniya. They had been handcuffed and shot in the heads.

Shelters in a part of the Poonthottam refugee camp in Vavuniya were gutted by fire on 28 February. There were 5,000 refugees in the camp at the time of the

fire. A child was injured and over 480 people lost their meagre possessions. Local NGOs and international agencies provided immediate relief.

Tamil observers have welcomed British High Commissioner Stephen Evans' participation in the opening ceremony of a new office of the Tamil Rehabilitation Organisation (TRO) in LTTE-controlled Kilinochchi on 9 March. The TRO has been the dominant group involved in rehabilitation in LTTE controlled areas during the war. TRO became a registered charity in Britain in 1992 but was later accused of acting as a Tiger front and taken over by Charity Commissioners in May 2002. The LTTE is banned in Britain since March 2001.



## Batticaloa and Amparai

# Violence in the east

HUNDREDS of people from the Northern Province residing in Batticaloa and Amparai districts left the areas in March after rumours of an order by Col. Karuna. The LTTE dissident denied he ordered them to leave, but in some areas, his supporters were seen forcing northern businessmen to close their businesses.

Those who left included northern students, businessmen, doctors and other professionals. UN agencies, including UNHCR deplored the use of threats and said that violence puts everyone's future at risk. The agencies called on all parties to respect the rights of people to live without fear or persecution.

The *Tamil Eelam Courts* in LTTE areas were closed in early March, after

the Tiger leadership summoned the judges and court staff to the Vanni. All cases pending before the courts were postponed. On 11 March, Karuna supporters seized and set fire to 5,000 copies of the Colombo Tamil newspapers *Thinakkural* and *Virakesari* for publishing articles critical of Karuna's actions.

The two districts have been racked by election and other violence. UNF candidate S Sundarampillai, 66, was shot and injured at Kathankudy in Batticaloa District on 28 February. He was shot dead on 1 March, while he lay in the Batticaloa hospital, by suspected LTTE gunmen. EPDP's election campaigner P Yogendran was killed on the same day in Valaichenai. SLMC supporter S

Kaldeen's body was found at Veeramunai in Amparai District on 17 March. Over 25 civilians were injured in clashes involving SLMC and UPFA supporters at Kalkudah on 17 March. SLMC's Amir Ali says most injuries were caused by the Army. He accused the Army of supporting the UPFA.

Batticaloa Government Agent I Mounagurusamy was shot and injured on 27 March. TNA candidate Rajan Sathiyamoorthy, who openly supported Col. Karuna, was shot dead on 30 March in Batticaloa. TNA candidate Joseph Pararajasingham who had declared his support for the LTTE, was forced to confine himself to his home after receiving death threats from the Karuna faction.

There is concern over pressures on the Eastern University, situated in Vantharumoolai. University Vice Chancellor MS Mookiah resigned his post on 28 January. Observers say this followed continuing attempts by the LTTE to involve the university in political activities. Two unidentified gunmen shot Agriculture Faculty's Acting Dean T Thiruchelvam at his Kallady home on 23 March. He was seriously wounded.

In February, the Army issued an order prohibiting farmers from transporting more than 50 bags of rice at a time into Batticaloa town from LTTE-controlled areas across Vavunativu Bridge. Farmers must pay a tax to the LTTE at the bridge. As a result of the order, farmers have been forced to make several trips and pay the LTTE tax each time.

## Torture and Extra-judicial Executions

## Profound threat

THE Asian Legal Resource Centre (ALRC) says in a 26 March report titled *Endemic torture and the collapse of policing in Sri Lanka* that despite recommendations for change by UN bodies, including the Human Rights Committee, torture in police stations in the island continues to be endemic. The report describes 31 cases of torture or killing by police belonging to 29 police stations, involving 46 victims. In one case, a detainee suffering from tuberculosis was forced to spit into the mouth of another detainee Tissa Kumara at the police station in Welipenne in Kalutara District. ALRC emphasizes that the police force is in no position to protect the rule of law and citizens' rights; on the contrary, it is a profound threat to the security of both. Although the Torture Act of 1994 prescribes mandatory seven-year sentence for torture, there is undue hesitation on the part of the judiciary about applying the law. According to the World Organisation Against Torture (OMCT), Dehiwatte Jayathilaka, 45, was arrested on 9 March and suffered

severe torture at the Mahawela police station. He had complained of body pain when his son visited him. The following day, Mr Jayathilaka's body was found in front of a neighbour's house.

According to the Asian Human Rights Commission (AHRC), an average of one person was shot dead by police every ten days in the first 70 days of 2004. All victims were civilians and the situations were not life-threatening to take such drastic action. Student Suranga Sampath, 17, died in police shooting while attending a musical show in Gampola on 10 January. Sanath Yasaratne, 22, died after he was shot in the streets by police at Badureliya in Kalutara District on 22 February. Ranjith Leelarathne was killed by police on 10 March at a police post in Anuradhapura.

## Muslims

MUSLIM observers continue to express concern over Tiger political leader SP Thamilselvan's statement that the agreement between the LTTE and the Sri Lanka Muslim Congress (SLMC) in April 2002, has no more validity. The agreement provided for a joint committee to facilitate the return of 100,000 Muslims evicted by the LTTE from the north on October 1990 and guarantees of security for them in the province.

The Tigers have resisted the demand of Muslim parties, including the SLMC, for a separate Muslim delegation to the peace talks. Mr Thamilselvan says that the LTTE are negotiating with the Sri Lankan state on the basis of strategic military parity that was achieved by waging

## Agreement abrogated

war for 25 years. The Muslim leadership, on the other hand, he alleges, has always chosen to be an integral part of governments in power in Colombo and therefore has no right to demand separate representation at the peace talks.

SLMC leader Rauf Hakeem criticized the LTTE stand and indicated that his party is currently discussing its own proposals for an interim administration in the north-east. Meanwhile, the Council of Muslims in Sri Lanka (CMS) has called for a referendum in the Eastern Province to decide whether it should be merged permanently with the Northern Province. CMS says the temporary merger of the two provinces has resulted in Tamil domination of the Muslims.



## Internally Displaced Persons

# Security threat for refugees

THE co-chairs of the June 2003 Tokyo aid conference met again in Washington on 17 February and recognized the urgent need for assistance in war-torn areas and throughout Sri Lanka. They urged donors to continue humanitarian assistance to all needy areas. The co-chairs - European Union, Japan, Norway and the US - also expressed concern over the breakdown of efforts to persuade the President and the Prime Minister to cooperate in finding a solution to the Sri Lankan conflict.

Local NGOs are anxious over the decision of several international agencies to reduce programmes and staff in Jaffna, probably a result of donor insistence on the link between flow of foreign aid and progress in the peace process. According to the Colombo-based Consortium of Humanitarian Agencies, the German Technical Assistance (GTZ) and Save the Children have reduced projects while some NGOs are planning to close down.

The Jaffna NGO consortium complained to the Norwegian ambassador Hans Brattskar in early March that the basic needs and aspirations of the people have not been satisfied despite the expenditure of Rs 3 billion (\$30 million) under two programmes assisted by the World Bank and the Asian Development Bank - North-East Community Restoration and Development (NECORD); North-East Irrigated Agriculture Project (NEIAP).

The Rehabilitation Ministry has spent millions of rupees to prepare needs assessments, but the consortium alleges that there has been failure to involve the people in formulating plans and identifying real needs. Women organisations are worried over increasing problems of women and children which they say are not adequately addressed.

UNHCR said on 13 February that Sri Lanka's snap parliamentary elections could seriously slow efforts to resettle refugees. Head of UNHCR's Executive Committee Jean-Marc Boulgaris believes that the uncertainty that comes with the elections will dilute the international community's commitment to invest in Sri Lanka, adversely impacting on the IDPs.

According to UNHCR, 356,000 of the 800,000 IDPs have returned to home areas since the ceasefire. Of the 396,000 receiving government assistance, some 94,100 are in refugee camps and many

others live with friends or relatives. Some 65,000 refugees remain in camps in the southern Indian state of Tamil Nadu. More than 5,950 persons have returned from India on their own and 860 with UNHCR assistance. UNHCR spokesman John Breusch says conditions are not conducive in Sri Lanka for organised mass return of refugees from India.

Refugees International confirms the position of UNHCR. Refugees are eager to return to Sri Lanka, but they are concerned that the conflict has not been resolved. According to the Geneva-based Global IDP Project of the Norwegian Refugee Council, many in the returning population face threats to safety, dispossession of property, landlessness and lack of basic infrastructure and services.

IDPs are troubled over the selection process for resettlement and the selected locations. They are worried about security when resettlement is offered near military camps or in areas where different communities live. Following a mission to the east, the Sri Lankan Human Rights Commission (HRC) urged that selection of locations must be done with greater

sensitivity and consultation with necessary security arrangements.

There are complaints of discrimination in selection. In some cases, former residents of the areas where resettlement takes place, have not been selected for assistance. The HRC says that it has not been able to obtain the selection criteria from government officers and has called for greater transparency.

Under NECORD, IDPs are encouraged to return to villages and begin rebuilding. Only after clear signs of resettlement, a family would be paid Rs 25,000. Rs 75,000 is paid to TRO which acts as the implementing agency for constructing a house. As part of the assistance, the family will also be provided dry food rations for six months.

The HRC emphasizes that assistance must be reasonable and the requirement of 'resettlement first and assistance later' should be reviewed. HRC recommends that facilities such as water supply, health, sanitation and education should be in place before resettlement and given the high rates of malnutrition, dry rations should continue for at least a year.

## Freedom of Religion

## Church under attack

ACCORDING to the US State Department's 25 February *Sri Lanka Country Report on Human Rights Practices*, there were reports of assault on Protestant and Catholic churches by Buddhist mobs in 2003, often led by extremist Buddhist monks. Buddhist groups accuse the churches of religious conversions. Police were reluctant to pursue Buddhist monk agitators out of deference for their position. The Sri Lankan Constitution accords a foremost position for Buddhism, but allows freedom for other faiths. Reports say that in February, the Human Rights Commission appointed senior lawyer Raja Gunasekara to investigate the attacks. Between January 2003 and January 2004, 136 Christian places of worship were attacked. On 15 January 2004, a mob attacked St Michael's Catholic church near Homagama, 14 miles south-east of Colombo. Firebombs damaged the Anuradhapura office of the Christian humanitarian agency World Vision on 8 February. After stern instructions from President Chandrika, the police arrested a 12-member gang, behind the attacks on 30 churches in Homagama and surrounding areas. The Christian church is also accused of involvement in the death of Buddhist monk Gangodawila Soma Thero, who died of heart attack in Moscow in December last year. He was an outspoken critic of religious conversions. Following a meeting with a delegation of Buddhist monks, President Chandrika appointed a three-member Presidential Commission in mid-March to investigate his death and submit a report within three months. The Commission is headed by retired Supreme Court judge Punniyadasa Edirisuriya.



## Colombo and South

## Child Soldiers

## Colombo death

BUSINESSMAN Daniel Sathasivam was shot dead in the Colombo suburb of Dehiwala on 17 January while working in a communication centre. He was a member of Tamil group TELO and is said to have received a number of threats over the telephone. The LTTE seem to continue to target rival group members outside the north-east region.

Former LTTE cadre and military intelligence operative Mathiyanayagam was shot dead in Passara in the Hill Country on 3 January by a suspected Tiger hit team. Tamil group EPDP member Kandiah Shankaran narrowly escaped from gunshots on 27 March while travelling in Colombo's Wellawatte suburb. The LTTE is suspected to be behind the attack. UNF candidate Thiyagarajah Maheswaran was shot and injured by unidentified persons while campaigning in the Kotahena suburb on 27 March.

On 3 February, the Supreme Court dismissed the appeal of three former soldiers and a policeman sentenced to death by the Colombo High Court in the Krishanthi Kumarasamy murder case. Ms Kumarasamy, an 18 year-old student, was raped and murdered by soldiers at a checkpoint in Jaffna District in September 1996.

According to the Attorney General (AG), four suspects, including Police Inspector M Suraweera, in the case relating to the rape of S Sivamany Veerakone and Vijikala Nandakumar, would be indicted. The women suffered torture and rape at the police Special Investigation Unit (SIU) in Mannar in March 2001. The decision of the AG follows a fundamental rights application by Ms Sivamany to the Supreme Court demanding Rs 1 million as compensation and to file legal action against the suspects.

## UN deplore child recruitment

UNICEF urged the LTTE in a report released on 22 January to release all child soldiers and end recruitment of children. At a meeting with the UN Representative on Children and Armed Conflict, Olara Otunnu in May 1998, the LTTE undertook to observe provisions of the UN Convention on the Rights of the Child and refrain from recruiting children or engaging them in fighting.

The UN agency says that the Tigers recruited 709 children in 2003. The recruitment continued despite international criticism and an agreement between UNICEF and LTTE in March 2003. An Action Plan under the agreement provides for a mechanism administered by UNICEF to monitor the rights of children affected by war in the north-east, a mechanism for release and reintegration of underage recruits and children seeking recruitment. It also provides for education of vulnerable children and provision of essential healthcare and nutrition services and psychosocial care.

The agreement says that the monitoring and implementation of the Action Plan will be undertaken by LTTE's Tamil Rehabilitation Organisation (TRO) and the government Department of Probation and Childcare Services (DPCS). A transit centre for the reception and rehabilitation of children released by the LTTE was opened in October 2003 in Tiger-controlled Kilinochchi.

In 2003, the Tigers released only 202 child recruits. The HRC, SLMM and UNICEF have received a huge number of complaints from parents or relatives. Observers have expressed concern over the lack of efficient coordination between these agencies. According to UNICEF, the LTTE conscripted 1,722 children after the February 2002 ceasefire agreement and put 1,252 of them through intense military training. The LTTE said in a statement on 24 January that a three-

member committee was studying the UNICEF report and claimed that only 10% of the people listed by the UN agency had birth certificates and that 384 were above the age of 18.

The SLMM has drawn the conclusion after investigation that only 10% of the recruitments are reported. According to the HRC, a number of children have also been abducted. The LTTE have claimed that the children join voluntarily and have sometimes produced written statements by the children. The HRC points out that under international law, the issue of voluntariness is irrelevant and children cannot be recruited into armed forces with or without their consent.

The HRC refers to the abduction of children in a school at Valaichenai in Batticaloa District on 4 and 5 October 2003. This happened a day before a project supported by UNICEF and Voluntary Services Overseas (VSO) was launched in the north-east aimed at improving the care for children currently living in children's homes as well as children at risk. Parents held a demonstration in Valaichenai town on 6 October in which children and teachers from other schools participated. The children were released after four families complained to the SLMM. HRC says that the homes of principals, teachers and parents who took part in the protest were vandalized and some of them physically assaulted.

Tiger Vavuniya political leader S Elilan says the criticism of the LTTE exposes the double standards of the international community. He accuses governments and international agencies of inaction when a large number of children were killed in deliberate bomb attacks by the Sri Lankan security forces and the death of hundreds of children as a result of the economic blockade imposed on Tamil areas of the north-east by successive Sri Lankan governments.

The following are available with the Sri Lanka Project or on the Refugee Council website [www.refugeecouncil.org.uk](http://www.refugeecouncil.org.uk):

## 1) Monthly briefings on the situation in Sri Lanka

## 2) Reports

Protection denied: Sri Lankan Tamils, the Home Office and the forgotten civil war - February 1997

Sri Lankan refugees in the Indian state of Tamil Nadu - August 1999

Sri Lanka: Human rights and return of refugees - December 2001

Sri Lanka: Return to uncertainty - July 2002

Sri Lanka: Internally displaced persons and safe returns - September 2003

## 3) Timeline

Sri Lanka: Peace talks and related events - Timeline - April 2003



## Human Rights Commission Mission

# Breakdown of the rule of law

Though the ceasefire agreement of 22 February 2002 has withstood the test of time, many groups in the east are of the view that Article 2 of the agreement, which prohibits assassinations, abductions and hostile acts against the civilian population, was often observed in the breach. This observation is made in a report by the Sri Lankan Human Rights Commission (HRC), following a fact-finding mission to Batticaloa and Amparai districts in the Eastern Province in December 2003.

LTTE's chief negotiator Anton Balasingham has said that the Tigers recognize the Muslims living in the north-east as brothers, but the relationship between the Tamil and Muslim communities has deteriorated since the ceasefire. The HRC says the large number of complaints of violence against Muslims after the ceasefire agreement point to a serious crisis that will be hard to resolve. There have been grenade attacks, abductions, firing into buildings and crowds, using the sword, robbery, arson, intimidation, abductions and harassment. Many perpetrators have been identified by victims as members of the LTTE.

Muslims have not been allowed to work in their lands which lie in LTTE-controlled areas. According to the Muslim Rights Organisation, 490 locations and more than 100,000 acres of paddy (rice) land in 490 locations lie in LTTE territory and 30,000 Muslim families are affected. Some militant groups, such as *Osama Group*, *Muthur Jetty Group* and *Knox Group*, have been established in the east to defend the Muslim community. These consist of few members and are incapable of asserting their dominance and imposing their will on the whole community. The HRC, however, says it is aware of violence by these groups against Tamil civilians.

There has been a decline in allegations of human rights abuses by the security forces. However, some violations have continued. The police Special Task Force (STF) is accused of attacking civilians on at least two occasions since April 2003. The closure of roads by the Army at 6.00pm creates major hardship for the people. Many schools and government buildings are occupied by security forces.

*The fact that a community has its interests backed by the power of the gun, greatly changes regional dynamics and has major implications for any future framework of security envisioned by the peace process.*

Human Rights Commission of Sri Lanka

Some people say their homes lie within military high security zones (HSZ) and are inaccessible. Since the legal validity of HSZs has been questioned, the HRC has taken up the issue with the Army commander. HRC says it has pointed out that though the government reserves the right to take over private buildings in relation to matters of security, it has the duty to pay adequate compensation or find alternative accommodation.

According to the HRC, the major complaint against the security forces is that they are not able to provide effective security for members of the public. Impunity for every type of crime and the breakdown in the rule of law is the most pressing problem. The police claim that

they find it difficult to solve crimes because witnesses do not come forward and if the perpetrator is from an LTTE area, there is nothing they could do to apprehend the person. They are not permitted to enter Tiger-held territory. In the vast majority of the cases, there is little investigation, prosecution or punishment. HRC indicates that impunity among security forces continues and raises the question whether the government is in breach of international human rights obligations in allowing impunity and breakdown of the rule of law.

There were 38 killings in the two districts up to September 2003, which relatives of victims attribute to the LTTE. No one has been convicted for these crimes, which are also violations of the ceasefire. The victims were members of Tamil political groups or Tamils working with the security forces. The HRC also received complaints of child abduction or recruitment.

The HRC expressed concern over taxation by the LTTE. Farmers are expected to pay Rs 500-1,000 per acre for every season, Rs 50 to transport paddy (rice) and Rs 10,000-15,000 a month for use of tractors during harvest seasons. Workers on agricultural land must pay Rs 25 a month. These rates differ in different areas. Fishermen must pay a tax on the fish catch and businessmen are taxed on commodities transported and on profit. The LTTE also demands contributions from people for events such as the *Great Heroes Week* in November.

The HRC has made a number of recommendations. It says that no national or regional human rights entity will be able to effectively monitor and implement human rights standards in the north-east as no organisation or individual enjoys wide authority or legitimacy. A human rights agreement, such as the Declaration on Human Rights and Humanitarian Principles envisaged in the peace talks, between the parties is an urgent need. A monitoring mechanism, including an independent investigating body, involving substantial international assistance is also essential. The HRC points out that the right to life is a paramount right and has called on the LTTE to end all killings that are extra-judicial.

THE SRI LANKA MONITOR is part of an information service set-up by the British Refugee Council to keep Sri Lankan refugees and others in Britain, Europe and elsewhere, informed about the current situation in the island.

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Charity No. 1014576  
Company No. 2727514

ISSN 0955-5943