

## Sri Lanka Project Briefing

### 1 April 2004



This briefing is further to the briefings published in November and December 2003 and, February 2004, which are available on the Refugee Council website at [www.refugeecouncil.org.uk](http://www.refugeecouncil.org.uk).

## LTTE in disarray near vital elections

### Eastern commander breaks away

The rift in the Liberation Tigers of Tamil Eelam (LTTE), revealed on 4 March 2004, has introduced a new element in the complex situation in Sri Lanka and may have an impact on general elections scheduled for 2 April 2004 and the peace process. The revelation by LTTE's eastern commander Vinayagamurthy Muraleetharan, known as Col. Karuna Amman, to the Sri Lanka Monitoring Mission (SLMM), came as a surprise to most people. But observers say simmering tension over several issues had blighted relationship between him and other Tiger leaders.

Col. Karuna joined the LTTE in 1984 and became Batticaloa commander in 1987. He commanded the Tiger forces against the Sri Lankan Army's Operation *Jayasikuru* (Certain Victory), launched in May 1997 to open a land route to Jaffna through the Tiger-held Vanni region. The Army suffered heavy losses and was forced to end the operation which lasted for 19 months. He is also reputed to have formed the elite *Jeyanthan Brigade* in the east and is said to be in control of more than 5,000 Tiger cadre. Col. Karuna's writ apparently runs in the Batticaloa and Amparai districts, but Trincomalee district, which was formerly headed by Col. Pathuman, is now under new LTTE command.

### Tamil homeland

Tamil observers say that the current problems between the northern and the eastern forces of the LTTE would be detrimental to the Tamil struggle for human and political rights. The permanent merger of the Northern and Eastern provinces has been a major demand of the Tamils in furtherance of the struggle for self-determination and recognition of a Tamil homeland.<sup>1</sup> The Tamils have continually accused successive Sri Lankan governments of implementing Sinhalese settlement programmes in the north-east, particularly in Mullaitivu and Trincomalee districts, in an attempt to divide the two regions and end the homeland claim. Under the Indo-Sri Lanka Agreement of July 1987, the two provinces were temporarily merged and referendum on permanent merger was proposed. At the third session of the peace talks at Oslo in December 2002, the LTTE and the United National Front government agreed to explore a solution founded on internal self-determination in areas of

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<sup>1</sup> The Northern Province comprises Jaffna, Kilinochchi, Mullaitivu, Mannar and Vavuniya districts and the Eastern Province is made up of Trincomalee, Batticaloa and Amparai districts.

historical habitation of the Tamil-speaking peoples. The 'areas of historical habitation' in fact referred to the Northern and Eastern provinces. But the election manifesto of the United People's Freedom Alliance (UPFA), released on 11 March, says that the alliance rejects the concept of a homeland confined to a particular nationality.<sup>2</sup>

### **Karuna's grievances**

In a letter to LTTE leader V Prabhakaran on 5 March, Col. Karuna has accused the northern leadership of treating the eastern cadre as second class and failing to grant them the rightful place in the various sections of the LTTE. He has pointed out that of the 4,550 eastern cadre who died fighting the 20-year war, 2,248 perished in northern districts. He alleges discrimination in the implementation of rehabilitation and development programmes in the east. He also accuses Prabhakaran of intending to resume the war with the Sri Lankan government and demanding 1,000 more fighters from the east to be deployed in the north. The Tiger leaders in the Vanni have denied that cadre are discriminated on regional basis and point to Karuna's own rise within the LTTE.

Col. Karuna has prevented LTTE's Tigers Organisation of Security Intelligence Service (TOSIS) headed by Pottu Amman from functioning in Batticaloa and Amparai. Reports say that some northern students studying in the Eastern University and some traders from Jaffna with shops in Batticaloa town were also driven out within a few days of the dispute. Some observers say that TOSIS functioned independently in the east and had the additional task of spying on Col. Karuna himself. TOSIS is said to have carried out a number of assassinations in the east, angering Karuna. He is also said to be infuriated with LTTE's political chief, SP Thamichelvan, for appointing northern officers to high positions in the east and with Tiger police chief Nadesan for investigations into crime and financial irregularities allegedly committed by Col. Karuna and his associates. Some of these associates have been produced before the *Thamileelam Courts* and imprisoned. Observers also say that Col. Karuna reportedly refused to attend inquiries over these allegations in Kilinochchi. Reports also say that the shooting and injuring of Acting Dean of the Agriculture Faculty in the Eastern University, Dr T Thiruchelvam is linked to the power struggle within the LTTE in the east.

### **New commander**

LTTE's political leader SP Thamichelvan assured SLMM chief Tronde Furuhovde that the split was temporary, when they met in Kilinochchi on 4 March. A press release purported to be from the LTTE's Batticaloa-Amparai political division claimed that there was no rift and the eastern region will function under the leadership of Prabhakaran and the guidance of eastern commander Col. Karuna. But on 6 March, the LTTE announced that Col. Karuna had been expelled and Special Commander Ramesh appointed in his place. Initially Ramesh was unable to go into Batticaloa, but reports say that he has now entered the district.

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<sup>2</sup> The Sri Lanka Freedom Party (SLFP), which is the main constituent of President Chandrika Kumaratunge's Peoples Alliance (PA) and the nationalist People's Liberation Front (JVP) signed an agreement of co-operation on 20 January 2004, forming the United People's Freedom Alliance (UPFA). Prime Minister Ranil Wickremasinghe leads the UNF.

Meanwhile, Karuna has announced that he seeks separate political and administrative structures and self-determination for the Tamil people of the east. He says he does not recognize the current ceasefire agreement and is prepared to enter into a separate ceasefire agreement with the government. A statement by the LTTE on 25 March, accuses Karuna of immoral conduct, fraudulent financial transactions and arbitrary assassinations and alleges that Karuna precipitated the present crisis in order to avoid an inquiry and disciplinary action. The statement proclaims Karuna as a traitor and warns that Tiger cadre who support him would also be regarded as traitors to the Tamil cause.

### **External forces**

In mid-March, LTTE's eastern political leader Karikalan, who is currently in Kilinochchi, pointed to the United States as the external force behind Karuna's attempt to split the LTTE. The US embassy in Colombo has rejected the allegation. LTTE supporters also say that Indian intelligence agency the Research and Analysis Wing (RAW) was responsible for the rift in an attempt to reduce the strength of the Tigers and split the Tamil homeland. According to the Indian press, RAW officers have denied any involvement.

The attempt by a Batticaloa delegation to the Tiger heartland of Kilinochchi led by Bishop Kingsley Swampillai, to resolve the dispute has failed. There appears to be no room now for reconciliation between the two sides. The LTTE, throughout its history, has not tolerated dissent and during the period of war, internal differences remained suppressed. Observers say that in peacetime, these differences are bound to re-emerge and there is more yet to come. Whether the LTTE intends to transform itself into a democratic organisation acceptable to the international community would be apparent in handling of this situation. Observers have little doubt that the issue will end in bloodshed.

It was claimed that LTTE's active support for the Tamil National Alliance (TNA) would ensure that the latter gains more than twenty seats in Parliament in the 2 April 2004 elections and TNA would be the deciding factor in case neither of the two major political parties gain an overall majority in Parliament. Such eventuality would have certainly strengthened the hands of the Tigers at the peace negotiating table. Some observers believe that the split in the LTTE on a regional basis may affect the election results.

### **General elections**

A week of nominations for general elections ended on 24 February. Election campaign concluded at mid-night on 30 March and no public meetings should be held for one week from this date. On election day, voting will begin at 7.00am and end at 4.00pm. According to the Elections Commissioner, results may begin to be released at 3.00am on 3 April.<sup>3</sup> A record number of 6,024 candidates, belonging to 24 political parties and 192 independent groups, have registered to contest, 1,081 more than the 2001 elections. The number of registered voters has increased from 12.42 million in

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<sup>3</sup> Sri Lanka Time - GMT + 6; UK Summer Time + 5

2001 to 12.89 million. The election will be on 'proportional representation' and the candidates will contest for 196 seats in Parliament and 29 will be nominated from 'National Lists' submitted by the parties. The Elections Commissioner says 10,690 polling stations have been established. He has appointed 150,000 election officers and has summoned 64,000 police officers for duty on election-day.

In terms of a decision of the Supreme Court, the Election Commissioner has the power to cancel election at a particular polling station and arrange re-election within a week if election violations take place.

### **Election observers**

In an unprecedented move, the Election Commissioner has given official accreditation to the People's Action for Free and Fair Elections (PAFFREL) and the Centre for Monitoring Election Violence (CMEV) for monitoring elections. Authorized members of these NGOs would be allowed to enter polling stations and observe the voting procedure. PAFFREL will employ 20,000 local election monitors and around 100 foreign observers. International Non-violent Peace Force, the Commonwealth and the European Union have sent observers. At a press conference on 11 March, the head of the 70-member EU observer mission John Cushnahan condemned the failure of the Sri Lankan state to appoint an independent election commission, as recommended by the EU after the previous two general elections. Mr Cushnahan called for free and fair elections and said that the EU observers would pay particular attention to abuse of state resources, election violence, unequal access to the media, problems with voter registration and lack of access to certain polling stations. The Sri Lankan Human Rights Commission has set up its own mechanism for monitoring.

### **Voting in the north-east**

According to the Elections Commissioner, cluster polling stations will be established in Army-controlled areas near LTTE-held zones. LTTE's request to set-up polling booths in their areas has been turned down in view of the difficulties involved in monitoring, despite Tiger offer to pull back forward defence lines by 1,000 metres and allow armed policemen into LTTE areas to guard polling stations. For voters from Tiger areas, there will be polling stations in Muhamalai in Jaffna, Omanthai in Vavuniya and Uyilankulam in Mannar. In Batticaloa District, cluster polling stations will be set-up in several places, including Mankerni, Valaichenai, Chenkalady, Paddiruppu and Mandur. Voters can enter Army areas with voter registration cards or national identity cards. Army officers have said that voters will not be delayed at military checkpoints, provided they do not carry bags or other belongings.

Observers still believe that many of some 250,000 voters in LTTE areas will be unable to vote within the nine hours provided for voting, mainly because of the distances voters must travel and the restrictions that may be imposed by the military. According to Vavuniya Government Agent K Ganesh, more than 100 buses would be provided for voters in Tiger-held areas to travel to polling stations in Vavuniya. There will also be bus and boat services for voters in Batticaloa.

Internally displaced people were advised by the Elections Department to register as voters in areas where they currently live. But because of the short time provided, many have not been able to register and will not vote at this election.

### **Buddhist monks in election**

Some 280 Buddhist monks would be contesting the elections on 2 April on behalf of the newly established Jathika Hela Urumaya (JHU) (National Sinhala Heritage). JHU is said to be the renamed Sihala Urumaya (SU) (Sinhala Heritage) party, which fared badly in the 2001 elections and lost its only parliamentary seat. Analysts say that the JVP's Sinhala nationalist slogans had upstaged the SU, which based its campaigns on Sinhala-Buddhist nationalism. They say that the SU has successfully tapped into an emerging power base by changing its name and recruiting Buddhist monks.

Almost all of the 280 monks belong to the Amarapura and Ramanna sects of the Buddhist Order and are supported by their chief priests. The *Mahanayake Theros* (chief priests) of the Asgiriya and Malwatte sects, however, have condemned the decision of the Buddhist monks to contest the elections stressing that direct political involvement is incompatible with their role in the spiritual guidance of the people.

This is the first time that such a large number of Buddhist clergy has entered elections. In the last election, Buddhist monk Ven Baddegama Samitha became an MP, contesting on the People's Alliance (PA) ticket in Galle District. The monks say that their aim is the establishment of a righteous nation without corruption and they oppose a federal solution to the ethnic conflict or devolution of power to the Tamil regions. The two major parties, particularly the UPFA, are very concerned that the Buddhist monks may take substantial number of votes away from their candidates.

### **Election violence**

PAFFREL says compared to past elections, there is remarkable reduction in violence in the pre-election period. However, a large number of violent incidents have been observed in the run-up to the elections.

Up to 30 March, the CMEV recorded 1,485 violent incidents, including murder, grievous hurt, assault and intimidation. The CMEV has expressed concern over the violence in the north-east. Assailants in the incidents have not been apprehended by the police or the LTTE which have authority in these areas. Instead the TNA, supported by the LTTE, has made it almost impossible for other Tamil parties and groups to campaign in Army-controlled areas. These parties and groups also cannot enter LTTE areas for campaigning. TULF President V Anandasangaree's independent group, which has defied the LTTE, has particularly been targeted for attacks and intimidation. The CMEV says that the election campaign in the north-east has "turned out to be fraught with violence and flagrant disregard for the democratic rights of citizens" and that "free and fair election is extremely doubtful".

UNF candidate Sinnathamby Sundarampillai, 66, was shot and seriously wounded on 28 February at Kattankudy in Batticaloa District. On 1 March, persons alleged to be LTTE gunmen entered Batticaloa hospital where he was receiving treatment and shot him dead. He had earlier received threats asking him to withdraw from the elections.

Ponniah Yogendran, involved in election campaign for a candidate of the Eelam People's Democratic Party (EPDP), was also killed on the same day in Valaichenai. EPDP candidate Thurairajah Lal and two others were wounded in a grenade attack at Kalmunai in Amparai District on 4 March.

UNF Minister and candidate Ravi Karunanayake and JVP leader and UPFA candidate Wimal Weerawansa accused each other regarding a raid on the UNP's office in Kotte near Colombo on 11 March. Each alleged that the other was responsible for attacks on supporters. A number of allegations of assault on and intimidation of UPFA supporters in Nuwara Eliya District has been made against UNF minister and candidate SB Dissanayake. Supporters of the local UNF candidate Janaka Pradeep Soysa, entered the house of UPFA supporter Edmund Silva in Puttalam District on 16 March and attacked him with clubs. On the same day, fighting between UNF supporters and supporters of the UPFA led by Mahindananda Aluthgamage broke out in Kurunduwatta in Gampola District and vehicles were damaged. Police found weapons with both parties.

S Kaldeen's body was found with head injuries in Veeramunai in Amparai District on 17 March. He was a Sri Lanka Muslim Congress (SLMC) supporter and worked in the office of SLMC candidate MIM Mansoor. The SLMC alleges that he had been threatened by UPFA supporters and has accused the police of inaction.

Colombo UNF candidate and former Hindu Affairs minister T Maheswaran was shot and seriously injured on 27 March in the capital's Ginthupitiya suburb. EPDP's National List candidate K Sankaran escaped an assassination attempt in the Colombo suburb of Wellawatte. On the same day, Batticaloa Government Agent I. Mounagurusamy was shot while returning home after attending to election arrangements in Batticaloa. He was taken by helicopter to Colombo in a serious condition for treatment. TNA candidate Joseph Pararajasingham has been forced to stop campaigning and confine himself to his house after threats from the Karuna faction and an ultimatum to leave the district, for supporting LTTE's northern leadership. Mr Pararajasingham has requested protection from the police.

TNA candidate Rajan Sathiyamoorthy and supporter S Kanagasabai were shot dead on 30 March in Batticaloa. The Karuna faction has accused the LTTE, but the Tigers have denied any involvement. Sources say that although the TNA had accepted leadership of the LTTE, since Karuna's rise, Mr Sathiyamoorthy had been involved in supporting Karuna's cause emphasizing the importance of an independent eastern region without the control of the LTTE. Following the killing of Mr Sathiyamoorthy,

Jaffna residents have been ordered by the Karuna group to leave Batticaloa and hundreds of people, including traders, doctors and government officers, have fled the area. The Karuna group has denied issuing the order. People have expressed fear that there may be more bloodletting and the Army presence in the district has been strengthened. In a joint statement on 1 April, the resident representatives of UNDP, UNHCR, UNICEF and WFP expressed concern over displacement of northern Tamils and called for an end to incitement to violence and threats in Batticaloa District.

## Competent Authority for media

The state media has come under severe criticism in the run-up to the elections for acting partially in favour of the UPFA, while the UPFA has accused the UNF of controlling the private media. In November 2003, President Chandrika took over the media ministry from the UNF government. She also replaced the heads of Sri Lanka Broadcasting Corporation (SLBC) (radio) and Sri Lanka Rupawahini Corporation (SLRC) (TV) and the government-controlled Lake House Newspapers, with her own supporters. After dissolving Parliament on 7 February 2004, she appointed her advisor Lakshman Kadirgamar as Minister of Information and Daily Communication and DM Jayaratne as Minister for Mass Communication.

According to the Centre for Policy Alternatives (CPA), which analysed the print media between 17 February and 5 March, of the total space allocated to favourable coverage, the state media had allocated 93% and 7% to the UPFA and UNF respectively, while the private media allocated 49% and 51% to the UPFA and UNF. As regards unfavourable coverage, the state media allocated 6% and 94% respectively to UPFA and UNF, while the private media allocated 59% and 41% to the UPFA and UNF. The electronic media has also been accused of bias.

In mid-February, Election Commissioner Dayananda Dissanayake claimed that he was powerless to prevent the misuse of the state media, because a parliamentary law had not been enacted to enable him to use the powers granted to him under the 17th Amendment to the Sri Lankan constitution. It was later pointed out to him that the Competent Authority (Powers and Action) Act No 3 of 2002 would enable him to appoint a Competent Authority to monitor the media. After repeated complaints of misuse of the state media, the Election Commissioner acted on 29 March, just a day before the election campaign ended, appointing WD Lakshman Perera as Competent Authority to monitor the SLBC and SLRC, and the Independent Television Network (ITN) (which is also state-controlled), until the elections are concluded. The Commissioner also issued guidelines for these institutions.

All three agencies filed action in the Supreme Court seeking an interim order to suspend the operation of the Competent Authority and the guidelines, alleging violation of the freedom of expression. On 31 March, the Court refused to issue any such interim relief, but directed that the Competent Authority to carry out his duties in consultation with the Attorney General (AG). The Court also said that the state electronic media agencies should obtain permission from the AG before releasing any programme that is politically controversial.

French media agency Reporters Sans Frontieres (RSF) says it has recorded a number of physical attacks and threats against journalists in the run-up to the elections. On 2 March, JHU members attacked the crew of Young Asia Television in Kandy and damaged their equipment. A grenade attack on the house of Asian Broadcasting Corporation's (ABC) managing director Raynor Silva, on 28 March injured a guard. In February, Mr Kadirgamar cancelled the TV licence of ABC, which led to a legal challenge. RSF has also recorded political interference in public and private media and incitement to hatred in the media.

## **Election manifesto**

In its election manifesto, the UNF pledges to resume peace talks as soon as possible after the election, with the participation of the Muslim community with its own representation, and achieve a political settlement to the ethnic problem in accordance with the principles set out in the Oslo Declaration and Tokyo Declaration.<sup>4</sup> UNF also promises to seek to establish an interim administration for the North and East, based on community oriented development, as a step towards the formulation and implementation of a permanent political solution to the ethnic problem. The UNF wants a stronger mandate from the people to take forward its plans.

According to its manifesto, UPFA is committed to a negotiated settlement to the ethnic conflict, which would be found through a dialogue with the LTTE and other relevant groups and communities, ensuring that the unity, sovereignty and territorial integrity of Sri Lanka are safeguarded. The UPFA is requesting people's mandate to introduce a new constitution, which will abolish the executive presidential system of government. The UPFA has also pledged that the foremost place given to Buddhism will be preserved, while assuring to adherents of all religions the rights guaranteed under the present constitution. The UNF says two versions of the manifesto had been published by the UPFA for different audiences with differences relating to economic policy and talks with the LTTE. The TNA has severely criticized the UPFA manifesto and says that it does not provide a strategy to satisfy the aspirations of the Tamil people and has fails to mention the proposals of the LTTE for an interim administration for the north-east.

The TNA manifesto accepts the LTTE as the sole, legitimate and authentic representatives of the Tamils people and says that the ethnic problem should be solved on the basis of Tamil self-determination, Tamil homeland and Tamil identity as a distinct nation. The manifesto warns that if the government rejects the legitimate aspirations of the Tamil people and if state oppression continues then the establishment of an independent Tamil nation would become a reality.

## **Peace process**

The Norwegian special envoy Erik Solheim arrived in Sri Lanka on 8 March and held discussions with the President, Prime Minister and the LTTE. Although he expressed optimism, there are grave doubts about the peace process. If UNF wins the election, it may not be able to take forward the peace process and introduce constitutional reforms, with a hostile President still in power.

If the UPFA succeeds, it will be saddled with the JVP which is opposed to federalism, devolution and even negotiations with the LTTE. The division within the LTTE is also likely to have impact in the peace process. The delay in the peace process will cause delay in international assistance and directly affect economic recovery and the

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<sup>4</sup> In December 2002 in Oslo, the parties agreed to explore a solution founded on the principle of internal self-determination in areas of historical habitation of the Tamil-speaking peoples, based on a federal structure within a united Sri Lanka. At the March 2003 peace sessions in Tokyo, proposals were made for strengthening human rights, including a declaration of human rights and humanitarian principles, which would reflect fundamental human rights and humanitarian standards, and strengthening the national Human Rights Commission.



rehabilitation and resettlement of some 500,000 IDPs. At the root of the problem lies the power struggle between the two major political parties, without the cooperation of which, the peace process is doomed. Observers say that the international community has not concentrated on this issue and has so far failed to bring sufficient pressure on these parties to enter into a sustainable bipartisan agreement.

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