

Sri Lanka Project Briefing 25 October 2004



This briefing is further to the briefings published in November and December 2003, February, April and May, July and September 2004, which are available on the Refugee Council website at www.refugeecouncil.org.uk.

New stage for the old drama

President Chandrika forms advisory council

Sri Lankan President and leader of the ruling United People's Freedom Alliance (UPFA), Chandrika Kumaratunge, inaugurated the National Advisory Council on Peace and Reconciliation (NACPR) in Colombo on 4 October 2004. The government has presented the NACPR as a mechanism for peace, resuming peace talks and for wider consultation with the people, but important parties such as the main opposition United National Front (UNF), Tamil National Alliance (TNA) and the Jathika Hela Urumaya (JHU) have refused to participate in the new forum and boycotted the inaugural ceremony. But the UPFA had the support of the Hill Country political party, the Ceylon Workers Congress (CWC), which joined the government in September and accepted a position in the Cabinet.

In her address, the President claimed that the government was committed to persuading the Liberation Tigers of Tamil Eelam (LTTE) to return to the negotiating table. She assured that any undertaking by the government would be implemented within a united Sri Lanka, guaranteeing sovereignty of the state and security of the nation and its peoples.

Purpose of the forum

The President also set out the purposes of NACPR:

NACPR will serve as a forum for,

- 1) consultation between the government and the citizenry, through elected representatives, religious leaders and civil society leaders;
- 2) keeping the country informed of the progress of the negotiating process and measures for ethnic reconciliation and reconstruction and development of the north-east;
- 3) its members to inform the government of their views and concerns regarding the peace process and to suggest approaches to move the peace process forward;
- 4) every one of the varied communities that constitute the Sri Lankan nation and interested groups that may be invited;

5) dialogue and advice to the government on measures for national reconciliation, unity and ethnic harmony.

Separate processes

The President indicated that negotiations with the LTTE and consultations with the public through the NACPR would be separate processes and will not depend on each other. She underscored the importance of consensus in southern Sri Lanka on a solution to the ethnic conflict and pointed to LTTE's assertion, on numerous occasions, that without consensus between the two major political forces in southern Sri Lanka, no effective solution to the Tamil people's problems could be implemented.

She also said that the government recognized that a new pluralist, multiethnic and multicultural state must be built based on the cultural, religious and social identity of the majority Sinhala people, who constitute around 75% of the population, as much as the two smaller communities, the Tamils and the Muslims, and the tiny Malays and Burghers, who constitute the rest of country.

The government accepted the concept of setting up an Interim Administration for the north-east, she said, whilst a permanent solution is negotiated and implemented.¹ But she demanded a commitment from the LTTE that the Interim Administration as well as the final solution would be based on the Oslo Declaration, signed by the government and the Tigers.² The government believes in alternatives to the monolithic unitary state and was looking at a form of power-sharing with a high level of democratic participation in decision making, law making and governance by regional authorities or the devolved units, she claimed. The President's speech hinted that the government may publish its own proposals on an interim administration.

LTTE reject NACPR

In response to the establishment of the NACPR, LTTE's political leader SP Thamichelvan hit hard, describing it as a time-wasting tactic. He referred to a string of committees and panels appointed in the past by successive governments, which did not serve any useful purpose or solve any problem. The LTTE head of the Jaffna political division C. Ilamparithy said that NACPR is an attempt to delay peace talks and prepare for war. He also blamed the government of trying to build an international safety-net against the Tamils.

The President held discussions with UNF leader Ranil Wickremasinghe on 9 September regarding the intention to establish the NACPR. In a letter to the President in late September, Mr Wickremasinghe said that a national advisory body such as the

¹ Under LTTE proposals, an Interim Self-Governing Authority (ISGA) will control administrative and financial functions, including taxation with powers to borrow internally and externally, receive aid directly and engage in internal and external trade, control land, natural resources in the north-east, marine and off-shore resources of adjacent seas and have power over law and order.

² 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.

NACPR would be useful only after the government and the LTTE resume peace talks and make progress towards a final agreement. He urged the President to commence peace talks on the basis of the LTTE's Interim Self-Governing Authority (ISGA) proposal and pledged that the UNF would participate in the NACPR when progress is made in negotiations.

TNA and SLMC boycott NACPR

The TNA decided at a meeting on 22 September not to take part in the NACPR. Conveying the decision in a letter, TNA leader R Sampanthan urged the President to implement the assurances given to the TNA on 10 June. The TNA maintains that the President agreed, at a meeting on 10 June, to commence peace talks on the LTTE's ISGA proposals without linking it to parallel negotiations on core issues for a solution to the conflict. The TNA launched a three-day awareness campaign on 16 October in Trincomalee to gather support for the ISGA proposals. The Sri Lanka Muslim Congress (SLMC) failed in attempts to meet the President before the inauguration of the NACPR for clarification and later announced that they would not participate in the inaugural meeting. SLMC leader Rauf Hakeem, however, says that his party has not fully rejected the NACPR. According to him, the SLMC needs to know about the role of the NACPR, its structure, its activities and its impact on peace efforts, before a decision is taken on participation.

New proposals on interim administration

On 14 October, Cabinet spokesperson and Aviation minister Mangala Samaraweera announced that the government had prepared its own proposals on an interim administration for the north-east. Government officers also said that peace talks could begin in November 2004 based on these proposals. Mr Thamichelvan expressed shock at the revelation of Mr Samaraweera and denied that there was any agreement or plan to resume peace talks in November. He reiterated the LTTE demand relating to the ISGA and accused the government of confusing signals. UNF's Rajitha Senaratane accused the government of trying to placate the People's Liberation Front (JVP). The JVP is part of the governing coalition and has expressed opposition to talks based on the LTTE proposals.

TNA position criticized

Some observers have criticized the TNA for refusing to participate in the NACPR, when the President has made it clear that the main purpose of the forum is to bring about consensus in southern Sri Lanka. She has also said that the NACPR deliberations and the talks with the LTTE would be separate. The TNA has indicated that it wants to improve relations with the Sinhalese people, and in furtherance of this policy, held a meeting with the *Mahanayake* (Buddhist high priest) of the Malwatte Chapter, Siddhartha Sri Sumangala Thero, on 11 October. The observers say that by refusing to participate, the TNA has lost a golden opportunity to gain support in the south for the ISGA and the position of the Tamils.

These observers are also critical of the LTTE. The Tigers have demanded equality of treatment in the peace process, but are not willing to give the same benefit to the

government. Since the ceasefire, the LTTE have rejected two government proposals, but maintain that the government has no right to reject their proposal.

But some Tamil analysts reject these criticisms and point to the long-standing demand of successive governments that LTTE must submit its own proposals. Now that the LTTE have submitted their proposals, it is only right that these proposals should be discussed. They recall Mr Thamilselvan's statement that proposals for changes in the ISGA document may be taken up when peace talks resume. They also point to the delaying tactics of the Sinhalese politicians in order to avoid recognizing the legitimate rights of the Tamils and the many occasions in the past 50 years when Sinhalese leaders have breached agreements reached with the Tamil leaders.

Norway's attempts at peace

Norway's special envoy Erik Solheim visited Sri Lanka on 15 September. Speaking to NGOs in Jaffna on the same day, Mr Solheim emphasized the need to begin peace talks and urged both parties to end ceasefire violations. He said that the international community is determined that a permanent solution to the Sri Lankan problem is found. The President, Mr Thamilselvan and SLMC leader Rauf Hakeem were among the people Mr Solheim held discussions. Reports said that the Norwegian envoy would press for an end to LTTE killings and the support provided by the Army to Tamil militant groups opposed to the LTTE. At a press conference on 17 September, Mr Solheim denied that Norway acted partially and said that there was no truth in the propaganda in southern Sri Lanka that Norway supported the LTTE.

Reports say that Japan's special peace envoy Yasushi Akashi will visit Sri Lanka on 27 October to continue talks with the government and the LTTE.

LTTE visit Europe

An LTTE delegation led by Mr Thamilselvan began a four-week European visit on 28 September. Tiger chief of police P Nadesan and head of the judicial system S Pararajasingham were also in the delegation. The delegation visited Switzerland, Netherlands, Belgium, Norway, Sweden, Finland and Germany and met government officers and international agencies.

The visit was said to be to study federal constitutions, and to explain LTTE's position on the peace process to Western governments. According to observers, the LTTE delegation also had requested Western governments for reconstruction aid to be provided directly to them in view of the delay in the peace process. Sources say that the Western governments have made it clear to the LTTE that they would not be able to provide aid to a non-state entity. They reaffirmed the Tokyo Declaration, which links aid to parallel and substantive progress in the peace process, and have urged the LTTE to enter into peace talks with the government. The same conditions also apply to the Sri Lankan government. Sources also say that these Western governments have not accepted LTTE's claim that they are not responsible for the killings of members of opposition groups in Sri Lanka. They have called on the Tigers to immediately end the killings.

Tension in Trincomalee

The LTTE arrested two Sinhalese Home Guards - Sarath Bandara and Chandana Piyasiri - in September, alleging that they entered Tiger territory with weapons, near Thiriyai in Trincomalee District. The LTTE said that they would be released only when ten Tigers held by the police in Batticaloa District are released. The LTTE cadres were arrested a year ago on charges of possessing dangerous weapons. Ethnic tension heightened as the Sinhalese people in Trincomalee led by the North-East Sinhala Association (NESAs) staged several demonstrations demanding the release of the Home Guards. There were also threats to blockade the district. Following an order by the Court of Appeal in Colombo, the ten Tigers were released on bail by the Batticaloa Magistrate Court on 14 October. The LTTE released the Home Guards on 16 October.

Former MP assassinated

Former MP for Batticaloa, Kingsly Rasanayagam was shot dead near a cemetery in Batticaloa town on 19 October. Mr Rasanayagam, who was said to be a friend of Tiger dissident Col. Karuna, was elected as MP in April 2004, but resigned later due to alleged pressure from the LTTE. The killings in the east and other areas have continued causing fear and tension. The LTTE replaced Col. Ramesh with Col. Banu in September as Eastern commander. According to Colombo Tamil newspaper *Virakesari*, LTTE's *Jeyanthan Brigade* is involved in search operations in eastern jungles to flush out members of the Karuna faction. Other reports say that many former Tiger members who do not want to be in any faction still remain in the jungles. They fear that they will be forcibly recruited or killed.

LTTE member *Jude* was shot dead near the bus station at Akkaraiapatru in Amparai District on 9 October. Reports say that the assailant was killed by the police Special Task Force (STF) while attempting to escape. He has been identified as *Vithuhan* of the Karuna faction. Eelam People's Democratic Party (EPDP) member Thambithurai Sivakumaran was shot dead at Puttalam on 18 September. The following day, EPDP supporters placed his body in front of the Norwegian embassy demanding Norway to take suitable action to end the killings. The demonstrators also burned effigies of LTTE leaders V Prabhakaran and Thamilchelvan.

Col. Karuna's brother Vinayagamoorthy Sivanesathurai or *Reji* was killed in an LTTE ambush in the eastern jungles of Thoppigala 22 September. According to reports, several others were killed or wounded. The LTTE had earlier alleged that *Reji* commanded a paramilitary group named *Tamil National Army* and was involved with the Sri Lankan Army in attacks against Tiger cadre. S Rajadurai was killed by gunmen at Mannampitiya in Polonnaruwa District on the same day. According to press reports, Mr Rajadurai was a member of the LTTE and later worked as an Army intelligence officer.

EPDP's Central Committee member Somasundaram Varnakulasingam was assassinated near his home in the Colombo suburb of Wellawatte on 23 September. LTTE is suspected to be behind the killing. EPDP demonstrators placed his body also in front of the Norwegian embassy on 27 September. On the same day, Manipai

resident Valli Sundaram, 66, was shot dead at Inuvil in Jaffna. He belonged to the Varadar faction of the Eelam People's Revolutionary Liberation Front (EPRLF).

Shelling in Batticaloa

Kanapathy Kalipillai, 45, was killed when a shell hit her house at Ilupadichchenai in Batticaloa District on 28 September. Uthayachelvi Thavendran was seriously injured and admitted to hospital. Reports say that an LTTE camp lies near the house and the shell may have been aimed at the camp. Batticaloa MP S Jeyanandamurthy has blamed the Tamil groups working with the Army for the attack.

Muslim teachers Seyaddu Mohamed and Udayar Kuthoos were killed by gunmen at Welikanda in Polonnaruwa District on 5 October. Police believe that the victims may have had links with the Karuna faction. The following day, Dharmalingam Sathiyaseelan was shot dead in the same area. According to the police, since April 2004, 15 people suspected of links with Karuna have been killed in Polonnaruwa District.

Attack on Tiger camp

LTTE say that they killed two people, when an armed group attempted to launch an assault on their military camp at Pullumalai in Batticaloa District on 7 October. The Tigers have accused the Army of helping a Tamil group to attack the camp. The Army have denied the allegation. The Sri Lanka Monitoring Mission (SLMM) has initiated an investigation into the incident. Former Tiger cadre Sinnavan Maheswaran, who allegedly worked with military intelligence was wounded on 17 October in a grenade on 17 October. He died later in hospital. The Tigers are suspected to be behind this attack. LTTE supporter Kathirgamathamby Ganeshamurthy died in a gun attack at Iyankerni in Batticaloa District on 19 October. The Karuna faction is under suspicion for this killing. The next day, a youth was shot dead at Anbuvalipuram in Trincomalee District.

Infiltration in the south

According to Deputy Defence minister Ratnasiri Wickremanayake, the Defence Ministry has launched an operation to identify LTTE cadres who have infiltrated southern Sri Lanka and traders and others helping the infiltrators. New Inspector General of Police Chandra Fernando said in early October that action would be taken to protect members of Tamil groups and Tamil intelligence officers.

The LTTE and the Army met in Vavunativu in Batticaloa District on 22 September in the presence of the SLMM chief Trond Furuhovde. Tiger political leader for Batticaloa-Amparai, I. Kousalyan and Army's Brigadier Vajira Gunawardena participated in the meeting. The meetings remained suspended for the last three months following the rise of violence in the east after the LTTE split in March 2004. After the meeting Mr Kousalyan said that the LTTE's officers would be able to continue political work without disruption in Army-controlled areas. Both sides have agreed to meet twice a month.

Karuna forms party

Press reports say that LTTE dissident Karuna (Vinayagamoorthy Muraleetharan) has established a new political party, which has been named "Tamil Eeela People's Liberation Tigers". The new party is said to have applied to the Department of Elections on 12 October for registration as a recognized Sri Lankan political party. The Department has declined to confirm whether an application has been received. Government minister Mangala Samaraweera has welcomed the new party.

Assault on human rights officer

The representative of the Sri Lanka Human Rights Commission (HRC) Ruwan Chandrasekera and an UN volunteer were assaulted by police officers at the Jaffna police station on 27 September. An Assistant Superintendent of Police had been present during the incident. Mr Chandrasekera went to the police station to investigate a complaint that detainee Ratnasingham Chandramohan was being assaulted by the police officers. The HRC has demanded the Inspector General of Police for an investigation into the incident. In an identity parade on 13 October, two policemen were identified as the attackers. They were arrested and later released on bail by the Jaffna Magistrate.

Mannar resident and Electricity Board worker Ganesh Jeyabalasingham was arrested by police in Vavuniya town on 4 August. The police say that he was released on the same day. But he has not returned home.

Identity cards compulsory for elections

The Elections (Special Provisions) Act, which makes it compulsory to produce a National Identity Card (NIC) at the time of voting in an election, was passed by Parliament on 7 October. TNA MPs abstained from voting, pointing out that the NIC has been used by the security forces to persecute the Tamils. Some view the NIC issue as part of a government plan to deny voting rights to a section of the Tamils. Several amendments suggested by minority parties were accepted. These parties opposed the Bill initially, pointing out that nearly 3 million people are without NICs, most of who are Tamils, and would be effectively disenfranchised if any election was held in the next few months.

A large number of people, particularly the Hill Country Tamils, have not been issued NICs by the Department for the Registration of Persons. Many others lost their NICs in the war, violence or during displacement. On many occasions, the security forces have deliberately destroyed NICs of Tamils in order to arrest and detain them.

The law will become effective only after 7 October 2005 and after NICs are issued to all persons who are eligible to vote. A person who does not have an NIC, may produce his/her photograph certified by the *Grama Sevaka* (Village Headman) or the Estate Superintendent of the tea or rubber estate where the person is resident, in order to cast the vote in an election. In addition, the photograph should be certified by the Divisional Secretary. The photograph also can be certified by any person who is authorised by the Election Commission. Provisions have been made for the Election

Commission and the Commissioner for the Registration of Persons to certify that the issue of NICs to all eligible voters has been completed.

Press reports say that the government allocated Rs. 368 million (\$3.56 million) on 20 October for issuing NICs to an estimated 2.8 million people within a year and that 15,000 NICs will be issued per day.

**Sri Lanka Project
International Section
Refugee Council
240-250 Ferndale Road
London SW9 8BB**

**Tel: 020 7820 3100
Fax: 020 7840 4388
e-mail: slproject@refugeecouncil.org.uk**