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Alliance divided on interim proposal

President Chandrika resigns

In new twist in the increasingly complex situation, the Presidential Secretariat announced on 4 August 2004 that Sri Lankan President Chandrika Kumaratunge resigned from her position as chairperson of the ruling United People's Freedom Alliance (UPFA). National Security minister Ratnasiri Wickremanayake was later selected as chairperson of the alliance.

Although the reason given for the resignation was pressure of work, analysts say it is the result of the growing tension between the two alliance members - Sri Lanka Freedom Party (SLFP) led by President Chandrika and the People's Liberation Front (JVP) headed by Somawansa Amarasinghe. Since elections on 2 April, the two parties have clashed over several issues.

CWC offers a hand

The ruling UPFA has been struggling since April elections to establish a majority in the Sri Lankan Parliament. The minority parties have been reluctant to join the government, mainly because of the presence of the JVP. But on 3 September 2004, the Hill Country political party, the Ceylon Workers Congress (CWC), offered support to the UPFA. If President Chandrika accepts this offer, the UPFA will have a majority (with the eight CWC seats the UPFA will have 115 seats in the 225-member legislature) and will be able to push through legislation, and the 2005 budget scheduled to be tabled in Parliament in November 2004.

The CWC mainly represents the tea and rubber plantation workers, majority of whom are Tamils. CWC leader Arumugan Thondaman claims that he offered unconditional support to enable President Chandrika to recommence the peace process. Analysts say that the presence of a minority party such as the CWC is likely to heighten tension within the UPFA. The CWC has already indicated that it will fully support talks on the Interim Self-Governing Authority (ISGA) proposals of the Liberation Tigers of Tamil Eelam (LTTE).

Colombo newspaper *Sunday Leader* accuses Mr Thondaman of corruption in a \$7 million deal with an Indian company to supply a computer system for Sri Lanka's National Water Supply and Drainage Board, when he was minister in the previous government. It also alleges that he offered 'unconditional support' to the UPFA in

order to cover up the corruption and attempted to bring pressure to prevent the news being published.

JVP mount pressure on President

The LTTE have continued to insist that peace talks can be held only on the their proposals for an ISGA for the north-east region. The Tigers have also indicated that the ISGA should be institutionalised before negotiations can begin on a permanent solution. Chairman of the Government Peace Secretariat Jayantha Dhanapala said on a visit to Jaffna on 9 August that the government was preparing a new interim proposal similar to the ISGA proposals. This was quickly condemned by the JVP saying that no such plan had been discussed within the UPFA.

Norwegian Deputy Foreign Minister Vidar Helgesen met LTTE political leader SP Thamilselvan on 26 July. Thereafter he held discussions with the President in Colombo. After the meeting with Mr Helgesen on 27 July, the Presidential Secretariat announced that President Chandrika was prepared to recommence peace negotiations on an interim authority within the framework of a united Sri Lanka. This was a considerable shift from her earlier position that parallel talks should be held on the ISGA and a permanent solution to the conflict. But, the very next day, JVP's Propaganda Secretary Wimal Weerawansa condemned President Chandrika's offer at a public meeting in Kegalle, indicating that the JVP would be prepared to quit the government if peace talks were held on the ISGA. Following a meeting of its Politburo on the same day, reports say, that the JVP have launched a public campaign against the ISGA proposals. In their campaign, the JVP would also target foreign diplomatic missions.

Due to JVP pressure, President Chandrika was forced to retract her offer at a meeting of the UPFA Executive Committee on 2 August. SLFP General Secretary Maithiripala Sirisena announced on 4 August that there was no change in the government position that negotiations on a permanent solution should be held parallel to talks on the ISGA. The President's resignation as chairperson of the UPFA came on the same day. President Chandrika resigned apparently in order to take her own decisions regarding peace negotiations without interference. But Colombo University Professor Jayadeva Uyangoda says that many in the SLFP, including ministers and MPs, appear to be reluctant to take a position on peace negotiations that would not agree with the JVP's stand.

The opposition UNF had indicated on 29 July that it was prepared to offer unconditional support to the President Chandrika to revive peace talks and discussions on the ISGA. But government ministers rejected the offer. The UNF spokesperson GL Peiris accused the government of cavalier attitude towards the peace process and inconsistent positions.

LTTE blame government

The LTTE accuse the government of sheltering Tiger dissident Col. Karuna and providing military support for his cadre to carry out attacks against the Tigers in the eastern region. Observers believe it is unlikely that the LTTE would enter peace talks until it can ensure that Col. Karuna does not pose a military or political challenge.

LTTE Advisor Anton Balasingham met Norwegian special envoy Erik Solheim and Norway's ambassador to Sri Lanka Hans Brattskar, in London on 31 August. According to press reports, he declared that the ceasefire agreement was in deep crisis and that peace talks cannot resume unless the government takes effective action to end attacks on LTTE members.

Violence in the east

Violence between the LTTE and the Karuna faction has escalated. The bodies of Balasundaram Sritharan and Thillaiambalam Sunthararasan were found at Iluppadihanai junction on 8 July. The Batticaloa-Amparai political wing of the LTTE claimed responsibility for the executions saying that they were traitors. The head of the LTTE political division in Batticaloa, Senathirajah, died on 13 July in Batticaloa hospital. He had been shot and wounded by suspected Karuna group members on 5 July.

Kanapathipillai Mahendran or *Satchi Master* and Sarawanamuthu Shanthakumar were shot dead inside the Batticaloa prison on 15 July. A third prisoner was seriously wounded. Prisoner Mahendran Puvitharan, who is alleged to have carried out the shooting, climbed the prison roof and threatened to commit suicide, but later surrendered to the police. Earlier, the LTTE had alleged that *Satchi Master* functioned as a spokesperson for the Karuna faction, from within the prison under the name *Maran*, and had been provided mobile telephones and other facilities for the purpose by military intelligence.

A Karuna faction member died in an ambush by the LTTE near Punanai, on 14 July. Two others were injured. Senior member of the Eelam People's Democratic Party (EPDP) and chairman of Alaiyadyvembu Pradeshiya Sabha (regional council) Velautham Ravindran was killed in Akkaraipatru on 21 July. LTTE cadre Seenithamby Mahalingam was shot dead in Vaharai on 23 July. The following day, Tamil Rehabilitation Organisation (TRO) worker Sithamparapillai Dhushyanthan, was killed in Pandiruppu. The TRO is said to be linked to the LTTE. Karuna faction cadre Sivanayakam Pushpakumar was shot dead in Welikande on 30 July.

Five people, including a Police constable, were injured in a grenade attack on the EPDP office in Valaichenai on 3 August. On the same day, former LTTE member Kiruparatnam Vimalathiran, was shot dead in Mavadivembu. Suspected LTTE gunman shot dead an EPDP's senior leader Athmalingam Ramani in Trincomale town on 10 August. On the same day, alleged Karuna faction cadre Seenithamby Yogarasan was killed in Kaluvanchikudy. Co-operative store manager Sivarajah Sivaseelan died in an attack in Kiran on 11 August. Two more people were shot dead in Kiran on 12 August. Senior LTTE member Selvarajah Jegatheeswaran or *Bawa* and Nagalingam Jeevarajah were killed in an ambush by suspected Karuna faction cadre at Kayankerni on 20 August, while riding a motorcycle.

A gunman entered Magistrates Court in Akkaraipatru on 24 August and shot dead Karuna faction cadre Perinpam Jeyakumar, as he appeared before the Magistrate. He had been arrested in May for possession of weapons. A court officer and a prison officer were wounded.

EPDP leader Douglas Devananda met EU representatives in Colombo in late August and expressed concern over the killings and the difficulties faced by political parties in carrying out political work in the north-east. The EPDP say that 114 of its members, including senior officers, have been killed by the LTTE since the ceasefire agreement of February 2002.

Amparai Special Task Force Commander Nimal Liyanage said in late August that 20 members of the LTTE's *Pistol Group* from the Vanni have entered district to carry out selective assassinations. As a result of the deteriorating situation, security was tightened. According to eastern Deputy Inspector General of Police Neville Wijesinghe, more checkpoints have been established and security force patrols increased in Batticaloa and Amparai districts with effect from 25 August.

Attacks on security forces

A soldier was injured in a grenade attack in Mankerni on 21 August. On the same day, the police Eagle Camp in Amparai came under machine gun fire. A grenade was also thrown at the camp, but there were no casualties.

According reports, unidentified gunmen opened fire on an Army patrol at Kayankerni in Batticaloa District on 23 August injuring a soldier. The police say the LTTE was behind the attack. Policeman GL Jayaratne was shot dead in Kalmunai town in Amparai District on 25 August.

Public Security, Law and Order minister Ratnasiri Wickremanayake urged the LTTE on 25 August to stop killings in the north-east. He warned that there was a limit to patience and the government may be compelled to make a hard decision. The Army's Batticaloa Commander Brigadier Vajira Gunawardena warned in late August that LTTE movements into Army -controlled areas in the Batticaloa would be blocked if attacks on security personnel in the district continued. Brig. Gunawardena called on the Sri Lanka Monitoring Mission (SLMM) to intervene and demand the LTTE to put an immediate stop to such attacks.

The SLMM says that under its mandate, it is only tasked with monitoring of ceasefire violations and had no authority to investigate killings. The international ceasefire monitoring body continued in its attempts to bring the LTTE and the Army in the east together for discussion on the ceasefire violations.

Colombo assassinations

The LTTE is suspected to have carried out attacks on opponents in Colombo, particularly targeting members of the Karuna faction. On 25 July, the bodies of eight persons were found in a house in Athurugiriya near Colombo. It appeared that they had all been shot at close range while they slept. According to reports, seven victims, including *Castro*, belonged to the Karuna faction and the eighth person, Neil Dhammika, was a military intelligence officer. A Defence Ministry statement on the same day denied that any of them worked for military intelligence.

Kandiah Yogarajah, also known as *PLOTE Mohan*, was assassinated in Colombo's Bambalapitiya suburb on 31 July. A former member of the Tamil militant group People's Liberation Organisation of Tamil Eelam, *PLOTE Mohan* had worked for military intelligence for the last 14 years and is said to have had links with Col. Karuna. Journalist and senior leader of EPDP Balanadarajah Iyer, or *Sinna Bala* was shot dead on 16 August in Colombo's Wellawatte suburb. The police have accused the LTTE of these killings.

Security guard R Kugananthan was shot dead by gunmen inside Aravinda Yoga Centre in Wellawatte on 23 August. According to press reports, Mr Kugananthan, who was previously an LTTE member, had served as a military intelligence officer for some time. Tissaweerasingham Dhushyanthan, another senior military intelligence officer, was killed by gunmen on 28 August at his home in Colombo.

EU mission to the Vanni

A European Union delegation comprising British High Commissioner Stephen Evans, Netherlands ambassador Susan Blankhart and the European Commission Charge d'Affairs representative Wouter Wilton met LTTE political leader SP Thamilchelvan on 16 August in the northern Vanni. A press release says that the delegation emphasized the need to respect human rights and pointed out that killing political opponents is a breach of fundamental human rights. The EU further noted that respect for good governance, pluralism, human rights and democracy were necessary for the LTTE to obtain recognition as a political player in Sri Lanka. They also expressed concern about the political killings and said that the July suicide attack and the killing of opponents in Colombo and the brutal killings in Jaffna and in the east have shocked Sri Lanka and the international community.

The EU also expressed concern over the acceleration by the LTTE of child recruitment in the recent months and pointed out that these killings, abductions and child recruitment are not conducive to an atmosphere in which peace negotiations can be restarted. The EU delegation reiterated that the peace process and the development process are mutually reinforcing and inter-linked and urged the LTTE to continue to work towards the restart of substantive talks.

According to the *Sunday Leader*, Mr Thamilchelvan had denied LTTE involvement in the killings and had told the delegation that all as the killings took place within government-controlled areas, it was the responsibility of the government to maintain law and order in these areas. Mr Thamilchelvan further said that the government was attempting to put the blame on the LTTE in order to shift attention of the international community from the divisions within the UPFA and the inability of the government to recommence the peace talks.

Concern of international agencies

Amnesty International and Human Rights Watch also expressed serious concern, in a statement on 26 July 2004, over killings in the east since Col. Karuna broke away from the LTTE. They said the executions of two people at Iluppadichenai junction on 8 July and the call by the LTTE on all Tamils to identify these two victims as 'traitors' have served to further intimidate the local population. The statement points out that

the killings are occurring at the same time as the establishment of the new North-East Secretariat on Human Rights (NESHOR) by the LTTE.¹ Human Rights Watch says that the LTTE must show by direct example, rather than words alone, that its stated commitment to human rights is more than window dressing. The agencies have called on the LTTE to abide by the stated commitment to respect human rights and minimum humanitarian standards as contained in Article 3 common to the four Geneva Conventions, prohibiting violence to life and person, the taking of hostages and summary executions of those not actively engaged in the conflict.

Child recruitment

In a press statement on 7 July, Amnesty International said that the LTTE was increasingly turning to threats and violence in the recruitment drive for child soldiers. According to Amnesty, the Tigers assaulted family members who attempted to intervene and also set fire to a house in July. In some cases the victims needed medical treatment. Amnesty urged the LTTE to stick to its commitment to stop recruiting children and the use of child soldiers and end violence and intimidating tactics immediately.

In early September, UNICEF said that the LTTE released 449 children in the first half of this year, but continued to recruit child soldiers, despite repeated pledges to stop the practice. The number of verified cases of child recruitment in 2004 has reached 330. Many of the children have been forcibly abducted in public places. UNICEF's representative in Sri Lanka Ted Chaiban warned that steps taken to release and rehabilitate child fighters were at risk if progress in the peace process remains elusive.

Search and arrest

In the wake of the killings in the east and in Colombo, Inspector General of Police (IGP) Indra de Silva and Army Commander Lt. Gen. Shantha Kotegoda met on 16 July and decided to triple the current security measures and take a number of new steps in all parts of the island including Colombo. These will include cordon and search operations and street checks. The Army and the police will jointly conduct the operations.

A Tamil youth was arrested in the Colombo suburb of Modera in mid-July. The police say that he had a cyanide capsule with him at the time of the arrest. Policemen entered a lodge in Pettah suburb in Colombo on the night of 27 July. They checked the identity cards and attacked a resident injuring him. Two Tamil youths were arrested in Kandy on 16 August. The police allege that they attempted to spy on the movements of the President Chandrika who attended a ceremony in the hill capital. They were later released.

Batticaloa residents Christopher Jeyakumar and Reginald Silva were taken into custody by the Colombo's Criminal Investigation Department in mid-August.

¹ The Action Committee of NESHOR, is headed by Fr Karunaratnam. It consists of eight other members including Tamil National Alliance (TNA) MP Joseph Pararajasingham. The LTTE say that NESHOR has been established to monitor human rights violations in the north-east and to implement actions to strengthen human rights in the region.

Relatives say that their whereabouts are unknown. According to reports, a number of other Tamils have been arrested. They include several members of the Karuna faction who fled the east to Colombo and other areas of southern Sri Lanka seeking safety.

Detention

In Sri Lanka, at least 40 Tamils are still held in detention under the Prevention of Terrorism Act (PTA). Hundreds in detention under the PTA were released after the February 2002 ceasefire agreement between the Sri Lankan government and the LTTE. Article 2.12 of the agreement provides as follows:

"The Parties agree that search operations and arrests under the Prevention of Terrorism Act shall not take place. Arrests shall be conducted under due process of law in accordance with the Criminal Procedure Code."

But human rights agencies are concerned that the draconian legislation continues to be in force and Sri Lanka has defied the United Nations' ruling that the PTA should be amended or repealed. Colombo agencies Centre for Human Rights and Development (CHRD) and the Centre for Policy Alternatives (CPA) launched a campaign on 19 July for the repeal of the PTA.

The UN Human Rights Committee (HRC), ruling in August 2004 on a petition by Batticaloa resident Nallararatnam Singarasa, declared that the Sri Lankan State is in breach of the International Covenant on Civil and Political Rights (ICCPR).² Mr Singarasa was arrested in July 1993 and tortured in Kommathurai Army camp in Batticaloa District and later at the police Counter Subversive Unit. His thumbprint was forcibly obtained on a written confession. The High Court sentenced him under the PTA to 50 years imprisonment, solely on the confession evidence, which was later reduced by the Court of Appeal to 35 years. An appeal to the Supreme Court was denied.

The HRC concluded that the Sri Lankan State denied him equality before courts, a fair trial by relying solely on confession evidence and the right to judicial review without delay. By placing the burden of proof that his confession was made under duress on him, the State also violated his rights to presumption of innocence and freedom from torture. The HRC called on the Sri Lankan State to provide Mr Singarasa with effective and appropriate remedy, including release or retrial and compensation. The Committee also noted that the State is under treaty obligation to avoid similar violations in the future and should ensure that the impugned sections of the PTA are made compatible with the ICCPR.

Disappearances

In a statement on 31 August, Amnesty International welcomed the decision of the HRC in relation to the disappearance of Trincomalee resident Thevarajah Sarma, who was arrested in June 1990.³ His father Jegatheeswara Sarma sent 39 letters and other

² Eighty-first session of the UN Human Rights Committee - Communication No. 1033/2001: Sri Lanka. 23/08/2004 - CCPR/C/81/D/1033/2001

³ Seventy-eighth session of the UN Human Rights Committee - Communication No. 950/2000: Sri Lanka. 31/07/2003 - CCPR/C/78/950/2000

requests to Sri Lankan authorities, including the Army, the national Human Rights Commission, the Attorney General, several ministries, the Sri Lankan President and the Presidential Commission of Inquiry. But he had not been given any further information as to the whereabouts of his son.

The HRC concluded that the Sri Lankan State was responsible for Mr Thevarajah's disappearance. There was no legal basis for his arrest and his continued and arbitrary detention is a gross violation of his right to liberty and security of person. Noting the anguish and stress caused to his family by the disappearance and the continuing uncertainty concerning his whereabouts, the HRC declared that the family members were victims of violation of article 7 of the ICCPR.⁴ The HRC has called on the Sri Lankan State to conduct a thorough and effective investigation into the disappearance of Mr Thevarajah, release him immediately if he is alive and pay adequate compensation to the family. The Committee also reminded that the State is under obligation to expedite current criminal proceedings and ensure prompt trial of all persons responsible for the abduction of Mr Thevarajah and bring to justice any other person implicated in the disappearance.

Four Presidential Commissions of Inquiry into Disappearances investigated 37,662 cases of disappearance, which took place after 1 January 1988, and found evidence in 21,215 cases that the disappearance took place in State custody. According to Amnesty International, of around 4,000 suspected individual perpetrators identified, about 500 have been indicted, but have resulted only in very few convictions in the courts. Further, very few of the 12,297 cases of disappearance raised by the UN Working Group on Enforced or Involuntary Disappearances have been clarified by the Sri Lankan government.

Torture

Allegations of torture continued to be made in Sri Lanka and the Asian Human Rights Commission (AHRC) has highlighted a number of cases.

Appo Gamini died in hospital after he was brutally assaulted at the Kuruwita prison in Ratnapura District when he was detained from 14 to 23 July. Roshan Jayaweera was severely beaten at the Wariyapola Police Station in Kurunegala District on 15 July. Lionel Weerasinghe was arrested on allegations of theft and brutally tortured at the Yatawatta police station in Matale District on 16 and 17 July. The police allegedly inserted needles into his fingers and toes and repeatedly assaulted him. AHRC says that despite complaints, no proper investigations have been carried out by the National Police Commission (NPC) or the Human Rights Commission of Sri Lanka.

Plantation workers Balakrishnan Sivapalan, Muniyandi Selvakumar and Anthonysamy Anandakumar of Ukuwela in Matale District suffered torture at the Matale police station on 22 July. They were arrested after refusing to work at the site where a policeman attached to the Matale police station was building a house. They were later admitted to the hospital.

⁴ Article 7 of the ICCPR provides that 'no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment'.

The Supreme Court awarded Rs 1 million (\$9,700) on 26 July to the family of Lal Meddagoda who died of torture at the Negombo Prison in November 2002. The court found that the prison officers failed to prevent torture by subordinate officers and were themselves responsible for infringement of the right not to be tortured. The AHRC has urged the Attorney General to respect the judgement of the Supreme Court and take immediate action to prosecute the perpetrators.

Pradeep Kumara 14, Lakmal Chathuranga, 15, were arrested by police on 7 August and taken to the Ambalangoda police station in Galle District on allegations of theft. Although the law provides that minors should be accompanied by parents when taken into custody, they were taken without the parents. They were stripped, blindfolded and assaulted with wooden poles. The police also demanded Rs 3,000 (\$30) from the parents for their release. The children were admitted to hospital after they were released. Following an enquiry in early August, the Human rights Commission of Sri Lanka said that S Gajendran suffered torture when he was detained at the Jaffna police station on 17 March 2004.

Anti-conversion Bill

Parliament Speaker WJM Lakkubandara disclosed on 17 August the decision of the Supreme Court on the Prohibition of Forcible Conversion of Religion Bill. This Bill had been presented in Parliament by the political party Jathika Hela Urumaya (JHU), which is composed of Buddhist monks. Twenty two petitions were filed in the Supreme Court challenging the Bill. JHU and other Buddhist organisations have been complaining that the Christian Church was involved in conversion of Buddhists and Hindus to Christianity. In recent years, there has been a rise in the number of attacks on Christian churches.

The Bill proposed five-year imprisonment and a fine of Rs 150,000 for anyone found guilty of using force, allurement or fraudulent means to convert a person to another religion. The Bill also proposed seven-year imprisonment and a fine of Rs 500,000 for a person found guilty of converting a minor, the disabled, employees of an organisation, inmates of hospitals, prisons, rehabilitation centres and refugee camps and members of the armed forces.

The Supreme Court determined that the provisions of the Bill violated the constitutional rights of freedom of thought, conscience and religion, equality and equal protection of the law. The Court declared that the Bill in its present form needed a two-thirds majority in Parliament and approval by the people in a national referendum.

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