

Solidarity for 17th Amendment

In an unprecedented move, the MPs of the ruling People's Alliance (PA) and the main opposition United National Party (UNP) joined to approve the 17th Amendment to the Constitution in the Sri Lankan Parliament on 24 September.

The 17th Amendment provides for a ten-member Constitutional Council. The Speaker of Parliament, the Prime Minister (PM) and the Leader of the Opposition would become members of the Council by virtue of their positions. The PM and the Opposition Leader will jointly appoint five members, three of whom would be from ethnic minority communities, in consultation with the MPs of minority community parties. Another would be appointed in consultation with the MPs of the other opposition parties. The last member would be a nominee of the President.

The 17th Amendment also provides for the appointment of independent commissions on Elections, Police, Judiciary and Public Administration. The Constitutional Council recommends the members for the four commissions, which would have the legal basis for functioning without interference from the executive.

The Sri Lanka Muslim Congress (SLMC) and the People's Liberation Front (JVP) also voted for the Amendment. The Tamil United Liberation Front (TULF) abstained, severely criticizing the major parties for failing to show such unity in solving the main problem facing the island - the 18 year-long ethnic war.

In terms of the August PA-JVP agreement, the new slimline Cabinet of 20 members was appointed by President Chandrika on 14 September. A day earlier, four ministers - GL Peiris, Mahinda Wijesekera, SB Disanayake and Jeyaraj Fernandopulle - said in a letter of resignation to the President that they were not agreeable to be in the new Cabinet.

The four ministers had openly criticized President Chandrika's political decisions and even before the letter of resignation it was widely believed that

Diverting limited resources to the war effort is depriving people of basic necessities as well as preventing the country from allocating resources for desperately needed infrastructure.

Sri Lanka First Campaign

they would not be re-appointed to the Cabinet. In their letter, the ministers said they were concerned about the relegation of peace efforts by the JVP-PA agreement. GL Peiris is particularly bitter about the provision that excludes devolution or any other peace proposal for one year. He has lobbied for power sharing since 1994 and was the architect of the PA government's devolution proposals.

The Sri Lankan business community is increasingly worried about the state of the economy and the government's pact with the Marxist JVP agreeing to shelve some of the economic reforms. The developments after the attacks in the US on 11 September have made them even more nervous. Emirates Airways, which owns 40% of SriLankan Airlines and Gulf Air announced suspension of air services to Colombo from 18 September, after war-risk insurance rose by 300% following the Twin Tower attack. This is in addition to the increase in insurance following the LTTE attack on Katunayake airport on 24 July.

In August, the business community led by Lalith Kotelawala launched a citizen's peace movement. A human chain protest, called "Sri Lanka First" was held on 19 September. Hundreds of thousands of people joined hands in southern Sri Lanka and in some districts of the war-torn north-east, to demand an end to the war and beginning of peace talks. The

Sinhalese nationalist Sihala Urumaya was involved in a counter demonstration on the same day in Colombo in support of war with the LTTE.

Senior LTTE leader Vaithialingam Sornalingam or *Shanker* was killed by a claymore mine near Oddusuddan in Mullaitivu District on 26 September. *Mr Shanker* was involved in peace discussions with the Norwegian delegation in the Vanni in November 2000. Several LTTE leaders have come under attack in recent months and the Tigers blame a *Deep Penetration Unit* of the Army. The military have denied involvement.

The killing took place on the death anniversary of LTTE leader Thileepan who died after a protest fast demanding the withdrawal of the Indian Peace Keeping Force (IPKF) from Sri Lanka in 1987. A Tiger statement says that the attack on *Mr Shanker* and the date chosen for it highlights the government's determination to seek a military solution.

The LTTE declared that 'prospects for peace talks through Norwegian facilitation, stalled earlier through Colombo's efforts to sideline Mr Solheim, have been further set-back by the killing of this senior LTTE cadre'. The ominous tone of the statement has worried peace activists.

Colombo observers say the Sri Lankan government is disappointed that the US government has expressly excluded the LTTE in the current war against terrorism. The spokesman for the US embassy in Colombo, Stephen Holgate said that the LTTE cannot be compared to the Middle East groups because unlike the latter the LTTE has specific political demands and wanted to negotiate. Mr Holgate also said that there would be no change in the US policy of calling on the Sri Lankan government to enter into peace talks with the Tigers.

The LTTE, however, would remain on the US list of Foreign Terrorist Organisations. On 5 October, US Secretary of State Collin Powell extended the ban on the LTTE for another two years. The Tigers were included in the list in October 1997.

JAFNA

World Bank concern

A World Bank team visiting the north in early September, expressed dissatisfaction over the implementation of projects it funds in Jaffna. The Bank has funded a number of projects in the north-east. The Sri Lankan Army is in control of the Jaffna peninsula since 1995.

The team expressed concern over the plight of the civilian population and the difficulties of students in the peninsula. There are only 862 teachers for 126,650 students. Schools have inadequate furniture and there is a lack of school equipment and school books. The Jaffna university is also facing shortage of experienced lecturers and equipment.

The World Bank team says that Jaffna hospitals suffer from shortage of medicines, medical equipment and doctors, particularly specialists. Basic needs are lacking in refugee camps. There is no security for young women. Fishermen have been badly affected by security force restrictions on fishing. Local people in Jaffna's Neduntivu Island, are banned from fishing, but Indian fishermen freely operate in the area.

The World Bank team also said that the roles of 1,500 youths recruited by the Northern Development Ministry and 440 officers of the government poverty alleviation programme *Samurthi* were unclear. The Bank declared that a land route must be opened to the Jaffna peninsula, if the problems of ordinary people are to be solved. The Sri Lankan Army has failed in its attempts to open a land

route to Jaffna through the region controlled by the LTTE in the Vanni.

In early September, the World Bank announced that it will fund a landmine clearance programmes in the northern war zone. According to the Bank, landmine casualties in Sri Lanka are the third highest in the world after Cambodia and Afghanistan. Six members of a family travelling in an auto-rickshaw were killed at Kaddaipirai in Jaffna by a landmine on 24 September. The driver died later in the Jaffna hospital.

Human remains were discovered near the Jaffna hospital in early September. Jaffna magistrate RT Vignarajah inspected the remains on 12 September and ordered examination by forensic experts from Colombo. Over 600 Tamils disappeared after the Army capture of Jaffna in 1995. Three police investigations have not revealed the fate of the disappeared. A fourth police team is currently making enquiries from relatives in Jaffna.

Sixteen skeletal remains were discovered in Chemmani in 1999, following information provided by soldier Somaratne Rajapakse, who had been sentenced to death in the Krishanthi Kumarasamy rape and murder case. He said that he was involved in the disposal of bodies of civilians murdered by the military. The police say DNA tests on the remains have not been completed. Local people are concerned over delays in the investigation and have expressed suspicion of an intended cover-up.

Asylum seekers

Two ships with 116 Sri Lankans were detained at Yemen in early September. All were returned and they were taken into custody by police on arrival in Sri Lanka on 29 September.

Authorities say that 24 Sri Lankans who illegally entered Australia in boats in April would be returned. The decision follows the conviction in September of nine people accused of smuggling them into the country.

Twenty six Sri Lankan asylum seekers, suffering from severe dehydration and effects of breathing fumes, were found in the back of a van at Dover. A German woman suspected of smuggling them into Britain was arrested.

Negombo police say they arrested in mid-September the captain of a ship which was scheduled to take 123 Sri Lankans illegally to Italy. A Sri Lankan millionaire was detained.

Ceasefire

Following the request of UNICEF, the LTTE and the Sri Lankan government agreed to observe a ceasefire on 21-22 September and 19-20 October for vaccination of children in the north-east against polio. UNICEF hopes to eradicate the disease by the year 2005.

Banned

The Army imposed a ban on fishing in the north-east Vadammaratchy area of Jaffna from 1 September. Reports say 4,000 fisher families face starvation.

Children die of disease in the Vanni

REPORTS say that the areas between Pooneryn and Mannar in northern Vanni are severely affected by drought. There is an acute shortage of drinking water. In early September, 17 children were admitted to Mulangavil hospital in Kilinochchi District, suffering from diarrhoea. A two year-old child from Valaipadu in Pooneryn, died of the disease. A nine month-old child died in Muthayankaddu in Mullaitivu District on 11 September.

A number of children have also been admitted to Mallavi hospital. According to the Health Department, 12,660 people were treated at Mallavi hospital in August, including 248 for diarrhoea and 808 for malaria. But the hospitals in the Vanni have been seriously affected by

government restrictions on medicines and medical equipment. Medicines for the third quarter of the year 2001 have not been received from Colombo. According to reports, there is a shortage of medicines for blood pressure, asthma, rabies and diabetes.

Kilinochchi Health services Director Sivamohan says that the Defence Ministry has cut 12 medicines recommended by the Health Ministry for supply to the Vanni by 75%. Vitamin B has been reduced from 1.5 million tablets to 250,000 and Vitamin C from 750,000 tablets to 30,000.

The Air Force continued to bomb coastal areas of Mullaitivu District. Government Agent N Suntharan says that

in bombing raids on Pokkanai and Palampasi in late September, the Airforce killed three civilians, including 49 year-old R Sritharan. Several houses and fishing boats were damaged.

In Vavuniya District, reports of disappearances continue. The Human Rights Commission has received complaints that five youths, including 14 year-old Chandrakumar Thanalechumy from the Poonthottam refugee camp in Vavuniya, have gone missing.

Further west in Mannar District, a 19 year-old youth was shot dead by the Army on 11 September in Murunkan. The LTTE attacked a police post on Mannar-Vavuniya road on 29 September injuring a policeman and a civilian.

■ LTTE threat to capture Batticaloa town

Civilians shot

THE Army shot dead fisherman Sinnavan Siri while he was fishing in the Batticaloa lagoon at Murakkottanchenai on 1 September. The body of Vantharumoolai resident Konalingam Arutchelvan, 15, was found nine days later at Vannathiaru with gunshot wounds. His sister informed the Human Rights Commission that he was arrested by the Army five days earlier. Following an LTTE grenade attack on an Army convoy on 23 September at Kiran, north of Batticaloa town, soldiers shot and injured three civilians including 40 year-old Selvam Poomani.

At seminars in the east in September, the LTTE declared that recruitment has been intensified in order to capture

Batticaloa town. The Tigers said in leaflets issued in the district in mid-September that attacks were imminent and advised the people to move away from Sri Lankan military camps. Reports also say that the elite *Jeyanthan Brigade* led by *Karuna*, has arrived in the east from the Vanni. Some observers believe that LTTE's preparations in the east are diversionary tactics and the real target is the Jaffna peninsula.

In early September, the LTTE imposed a ban on crossing Valaiyiravu bridge and Manmunaithurai, denying access to Tiger-controlled areas west of the Batticaloa lagoon. The people were forced to travel through Ambilanthurai, Chenkalady, Karuthapalam and

Paddiruppu bridge at huge expense and great difficulty.

Following the LTTE threat, the security force launched counter measures. Cordon and search operations were intensified and a number of arrests were made. The Army issued orders totally banning fishing in rivers and the lagoon in the Kalkudah area, north of Batticaloa town, between 6pm and 6am, from 24 September. Fishermen have been ordered to register with the Army and obtain a certificate of proof. The Army say fishermen contravening these orders will be arrested, their boats confiscated and a permanent ban on fishing imposed.

Police say the LTTE abducted four Muslim businessmen from Eravur for ransom on 18 September. Mohamed Lafer and Mohamed Siyam were released ten days later. Batticaloa MP Ali Sahir Moulana says eight Muslim civilians abducted by the Tigers have not been released. According to him, vehicles and hundreds of farm animal belonging to Muslims have been taken away.

Three policemen were seriously wounded by a letter bomb at the Kalmunai police station on 26 September. Following the attack, two post office workers were arrested, but were released later.

In Trincomalee District, the ICRC office in Muthur was temporarily closed after a bomb attack on 6 September. The ICRC assured that medical services to LTTE-controlled areas will continue despite the attack.

Recruitment fear

ACCORDING to reports, parents in Batticaloa District are worried over the intense recruitment drive of the LTTE. Some are reluctant to allow children to school and others are making arrangements to send them abroad. Posters calling on Tamil youths to join the Tigers appeared in Batticaloa town in early September. The LTTE have also begun a campaign to recruit 'one person from each household'. Following complaints, a citizens delegation led by Catholic Bishop Kingsley Swampillai met LTTE's deputy leader *Karikalan* on 25 September in LTTE-controlled Paduvankarai area. *Mr Karikalan* told the delegation that the LTTE had only requested one person from each household for military service and there was no forcible recruitment. He said that the LTTE will not be able to maintain the discipline and the mental strength needed for a liberation organisation with cadre recruited by force. *Mr Karikalan* claimed that some parents had handed over their children to Parent Committees formed in villages. But he admitted that some families had fled to other areas in Batticaloa.

In an appeal to the LTTE, Amnesty International says whether the recruitment is forced or not, children have no role to play in war and children must be returned to their families. Many families were coerced with threats into letting their children to be recruited and other families who refused were forced to leave their homes. Amnesty further says children as young as 14 have been recruited. In May 1998, the LTTE pledged to the UN that they would not use children under the age of 18 in combat and would not recruit any one under 17. Amnesty also accused Tamil group PLOTE of recruiting children as young as 12. PLOTE operates under the direct command and control of the Sri Lankan security forces.

THE Indian Supreme Court ruled on 21 September that criminal convictions disqualified J Jayalalitha from holding the office of Tamil Nadu Chief Minister. When Ms Jayalalitha was Chief Minister during the period 1991-1996, she is alleged to have purchased lands belonging to the Tamil Nadu Small Industries Corporation (TANSI), thereby using her position for unfair gain.

She was sentenced to three years imprisonment by a Chennai court. Ms Jayalalitha has appealed against the decision. The conviction disqualified her from contesting the state elections on 10 May. But she was sworn in as Chief Minister after her AIADMK party won a landslide victory in the elections.

Disqualified

Some lawyers filed petitions in the Supreme Court on the ground that a person disqualified to contest elections is not entitled to become Chief Minister. The Supreme Court agreed that her appointment was unconstitutional and rejected the argument that the people's verdict at the state elections superseded legal provisions.

The Court also said that a person sentenced to imprisonment for more than two years would not be entitled to hold public office. Jayalalitha confidant O Panneerchelvam of the AIADMK was nominated as new Chief Minister on 22 September. Mr Panneerchelvam has declared that the state government will be guided by Ms Jayalalitha.

Rape of Hill Country Tamil women *Detention without trial*

IN a letter to President Chandrika in mid-September, Hill Country MP P Chandrasekaran demanded the appointment of a commission of enquiry into illegal arrests of Tamils and prolonged detention without trial. According to the ICRC, there are some 2,700 Tamils in detention under the Prevention of Terrorism Act (PTA).

Mr Chandrasekaran says that in many cases, police officers are misusing powers under the PTA for their own benefit, such as bribery. In Maskeliya, the police arrested a number of Tamil youths accusing them of possessing explosives, whereas they had only animal feed at their homes. In early September, the Western Provincial Council adopted a resolution urging the government to take effective measures to file action against those in detention or release them.

In August, the UN Committee on the Elimination of Racial Discrimination expressed concern over restrictions placed on civil and political rights under

the PTA and Emergency regulations and its allegedly discriminate application with regard to the Tamils. Murugesu Valliammai, 70, has complained to the Sri Lankan Human Rights Commission (HRC) that her son M Mathiyalagan, who was arrested on 21 June 1990 in Batticaloa's Karaitivu refugee camp by the police Special Task Force, is currently held at Mullegama Army camp.

On 1 September, 18 young Tamils were taken into custody at Thillaiyady in Puttalam District. Fourteen Tamil men and women were arrested in Galle town on 29 September in a cordon and search operation. The security forces searched Kotahena, Pettah, Maradana and Slave Island suburbs in Colombo on the same day and rounded up 52 Tamils. Thirty three were detained.

Police say they found a suicide kit and a bomb in the capital's Vihara Mahadevi Park on 29 September. Seven Tamil youths, including N T Kumaran, were arrested by police in this connection.

The police arrested five Sinhalese in Bambalapitiya suburb in mid-September who had posed as officers of the Criminal Investigation Department (CID) using forged identity cards. Police say they had been robbing Tamil people arriving in Colombo from the north-east.

Hill Country Tamils have expressed fear over the rape of young women. In the last two months at least three women have been raped and murdered. Umadevi of Imbulpitiya Estate in Nawalapitiya was abducted, raped and killed on 12 September. Thousands of plantation workers in Nawalapitiya staged a strike on 28 September protesting against inaction by the police.

Sixteen year-old Tamil student Sita was abducted by two men on 12 September and raped. The Asian Human Rights Commission says that when the case was heard on 28 September, the police appeared to support the perpetrators and failed to inform the court that she was a student from a poor family.

Sea Tigers injure Pride of the South

THE LTTE's naval wing the *Sea Tigers* launched an attack on the ship *Pride of the South*, on 16 September, 26 miles north-east of Point Pedro in Jaffna. At the time of the attack the ship was carrying 1,310 security personnel. In the fighting that ensued 21 sailors were killed and 62 security personnel were wounded. Ten Tigers died in the assault. But *Black Tiger* suicide cadre failed in their attempts to sink the ship.

The Navy has imposed a blockade between Tiger-held Chalai and Alampil in *Operation Varuna Kirana* (Coloured Rays) launched on 25 May to prevent arms smuggling. The *Sea Tigers* and the Navy clashed again on 23 September, 35 miles north-east of Mullaitivu. The Navy say four *Sea Tiger* boats were sunk.

On 22 September, the LTTE's *Voice of the Tigers* radio urged the people of Jaffna to avoid travel in government ships such as *Lanka Muditha* and use only vessels arranged by the ICRC or UNHCR or ships escorted by these international agencies. The LTTE has also issued leaflets in Trincomalee advising passengers to use only vessels flying the

ICRC flag. The Tigers accuse the government of using civilians as human shields. They say that on 16 September the *Pride of the South* carrying soldiers travelled close to the passenger ship *Lanka Muditha*, thus endangering the lives of the people.

THE SRI LANKA MONITOR is part of an information service set-up by the British Refugee Council to keep Sri Lankan refugees in Britain, Europe and elsewhere, informed about the current situation in their home areas. The Sri Lanka Monitor for a particular month may contain information relating to events of previous months or the early part of the following month.

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Colombo newspaper *Sunday Times* columnist Iqbal Athas says *Lanka Muditha* is also used for transporting troops. He revealed that the Essential Services Commissioner (ESC) has been given the responsibility of chartering ships that carry troops to Jaffna. The responsibility was transferred to the ESC after Navy personnel were found to be involved in corruption.

Reports say the cargo ship *Pride of the South* had been chartered by the ESC. At the time of the attack, the ship was also carrying 2,500 tonnes of rice for Jaffna. The ESC was appointed under Emergency regulations to execute and co-ordinate all activities relating to the maintenance of essential services.

In Trincomalee, over 4,000 people are registered with the regional secretariat to travel to Jaffna. Another 7,000 are waiting in Jaffna to go to southern areas for purposes such as medical treatment. But the *Lanka Muditha* left Trincomalee with only 500 passengers on 16 September. Observers believe that *Sea Tiger* attempt to break the naval blockade will make civilian travel more and more difficult.