

Conducive climate for talks

Peace hopes in Sri Lanka were given a huge boost when the Liberation Tigers of Tamil Eelam (LTTE) and the government made separate announcements in December disclosing their intention to cease hostilities. The Tiger notification of a month-long ceasefire came on 19 December, the day of the first sessions of the 12th Sri Lankan Parliament. Two days later, while Australia included the LTTE in a list of terrorist organizations, the Sri Lankan government declared that it would also observe a cessation of hostilities from mid-night on Christmas eve.

The government's declaration triggered a series of ministerial measures to create a climate conducive for a permanent ceasefire and peace negotiations. Prime Minister Ranil Wickremasinghe had already met Government Agents from the north to determine the extent of needs of the population, particularly in the Vanni region. The people in northern districts have suffered immensely as a result of the economic blockade imposed by previous regimes.

On 21 December, Rehabilitation minister Jayalath Jayawardena gave instructions to keep the checkpoint at Pramanalankulam in northern Sri Lanka open five days a week, to facilitate civilian crossing between LTTE-controlled Vanni and Army-held Vavuniya. People were earlier allowed to use the crossing point only three days a week.

Mr Jayawardena said that the number of food lorries crossing Pramanalankulam into the Vanni will be immediately increased from 22 to 30 a day. Internal Security minister John Amararatne issued orders on the same day for the removal of all the military checkpoints in Colombo. This was a welcome relief to the people of Colombo, particularly the Tamils, who have suffered harassment at the checkpoints.

Mr Wickremasinghe arrived in India on 22 December on a three-day visit, for talks with Indian leaders. Prime Minister Atal Bihari Vajpayee assured Mr Wickremasinghe that India would play

The United National Front (UNF) government's peace process would safeguard the territorial integrity of Sri Lanka, while recognizing the rights and aspirations of all its citizens.

Prime Minister Ranil Wickremasinghe

its role in helping the peace process. A joint statement after discussions on bilateral ties says that India has reiterated its commitment to the sovereignty and territorial integrity of Sri Lanka.

Mr Wickremasinghe contacted Norwegian Prime Minister Kjell Magne Bondevik on 27 December to request assistance in peace efforts. Norway's Foreign Minister Jan Petersen indicated the following day that his country will resume its role as peace facilitator. Norway became involved in the process in January 2000, but was sidelined after former Foreign Minister Lakshman Kadirgamar accused the nation's special envoy Erik Solheim of bias.

Mr Wickremasinghe also announced, in late December, the establishment of a secretariat headed by veteran diplomat Bernard Tilakaratna to promote the peace process. A committee including Constitutional Affairs minister GL Peiris and Economic Reform minister Milinda Moragoda, has also been appointed to consider plans for peace negotiations.

Press reports say that the committee may use the Thimpu principles as a base for proposals to be tabled at negotiations. The Thimpu principles, put forward by moderate as well as militant Tamil groups in 1985, demand the recognition of the Tamils as a distinct nation, a Tamil homeland in north-east Sri Lanka and the Tamil right to self-determination.

Even after the ceasefire came into force on 24 December, the security forces continued search operations in the north-east. Army spokesman Sanath Karunaratne says that operations would continue, but assures that there will be no air strikes. According to Defence minister Tilak Marapane, the government has no intention now to disarm Tamil groups such as the Eelam People's Democratic Party (EPDP). But in Colombo, members of the groups would be required to obtain permission to retain weapons for personal safety. The EPDP is an ally of the People's Alliance (PA) which was defeated in the general election.

There is already tension between PA leader President Chandrika Kumaratunge and United National Front (UNF) leader Mr Wickremasinghe. The President enjoys wide powers and is the head of state, the executive and the government. She is also the head of the Cabinet. She is the Commander-in-Chief of the armed forces and has the power to declare war and peace. Mr Wickremasinghe would have little room for manoeuvre in the face of such power and may find it difficult to implement decisions without the President's assent.

Some UNF MPs suggest that the party may be considering an impeachment motion in Parliament against the President. But the parliamentary procedure under the Constitution for the removal of the President by impeachment is difficult and requires an enquiry by the Supreme Court followed by a two-thirds majority in the legislature.

The Constitution allows the President to dissolve Parliament after the lapse of one year from a general election. She used this option to dissolve the legislature in October. The President may wait for the opportunity to dissolve Parliament again after an year. The casualty in such a war in government would be the peace process. The power struggle between the two main parties has been one of the reasons for the escalation of the conflict. People are not yet convinced that it would be any different this time.

THE VANNI

The Mannar agony

MANNAR Bishop Rayappu Joseph told new Hindu Affairs minister Thiyagarajah Maheswaran in late December that human rights violations by security forces, such as illegal arrests and torture were continuing in the district. The freedom of movement of the people was extremely restricted.

The Bishop says that the Army and police are responsible for over 60 incidents of torture each month. Unidentified groups have been allowed to operate and are behind several murders in the district. A man was shot dead on 24 December, while sleeping at his home in Keeri. His wife was shot and injured.

On the same day, after the LTTE shot dead a policeman in Pallimunai, security forces ran amok in the area assaulting civilians. Tamil group EPRLF say that women and children came under indiscriminate attack. The security forces also fired into houses and shops. Forty six people were detained and released later. Further west in Vavuniya, six people, including two women, have disappeared after arrest by security forces, according to the Human Rights Commission. On 12 December, P Chandran, 19, and G Theivendran, 21, went missing.

After movement of LTTE cadres were spotted, the Army shelled Omanthai, north of Vavuniya town, on 11 December. Two days later, LTTE's *Pistol Group* shot dead a policeman at Katkuli. Landmines continue to cause concern in the Vanni, despite the removal

of thousands of mines by LTTE's clearance units. Paranthan resident S Mahesan was killed by a landmine while working in his garden on 12 December.

Shortage of medicines continue to affect hospitals in the Vanni. Reports from Kilinochchi District say that some medicines sent from Colombo for the fourth quarter of 2001, were found spoiled and unfit for use. At Mulliyavalai in Mullaitivu District, an eight month-old child died of diarrhoea in late December. Two children from the same area were admitted to hospital with the disease.

Torrential rains in the Vanni brought misery, particularly to the thousands of displaced people in the region with inadequate shelter. In Kilinochchi, three tanks, including Iranaimadukulam, overflowed and flooded the area. According to the Government Agent I Iyadurai some 5,000 families have taken refuge in schools and temples. Paddy fields are inundated and there is concern that rice production will be affected.

In late December, Rehabilitation minister Jayalath Jayawardena ordered the dispatch of ten lorry-loads of food for the flood victims. He expressed concern that Tamil groups PLOTE, TELO and the two factions of EPRLF were continuing to impose illegal taxes on lorries into the Vanni, thereby increasing the total cost of each lorry-load to Rs 31,000 (\$330). In early January, the Army ordered the Tamil groups to refrain from imposing taxes and carrying weapons in public.

Protest

Over 5,000 people demonstrated in Ukuwela on 11 December against the massacre of ten Muslims at Madawela near Kandy on election day. The murder suspects Lohan and Chanuka, the sons of former Deputy Defence minister Anuruddha Ratwatte, are absconding.

Monk MP

A Buddhist monk was elected to Parliament for the first time in Sri Lanka. Dr Baddegama Samitha Thero became People's Alliance MP in December contesting in Galle District. Only nine women were elected to the 225-member legislature.

Injured

Journalist D Sivaram who writes under the pen name *Taraki* and editor of eastern Tamil journal *Thinakathir* (Daily Ray) were attacked by a group on 26 December and seriously wounded. Police arrested three suspects.

Arrest

Negombo police say they arrested 25 people who were preparing to go to Italy in mid-December in a ship. Each person is said to have paid Rs 250,000 (\$2,680) to an agent.

Return

Somawansa Amarasinghe, the People's Liberation Front (JVP) leader, left for London before election results. He lived in exile in Britain since the late 1980s, but returned to Sri Lanka for election campaign on the invitation of PA leader Chandrika Kumaratunge.

Responsibility for Jaffna deaths

THE Guardian Association for Persons Arrested and Disappeared (GAPAD) continued its protests during December. The GAPAD had submitted the names of 265 persons disappeared in Jaffna in 1996, to the Government Agent (GA). The GA says in a recent letter that 167 people have been confirmed dead. GAPAD has demanded information on who was responsible for their deaths and on the fate of the other 98 persons.

Reports say that although checkpoints in Colombo have been removed, the number has increased in Jaffna and search operations have been intensified. All restrictions on fishing continue, despite the new government's announcement that some have been removed.

The fuel shortage also continues and prices remain high. Although the supply of 12,000 litres of kerosene to each cooperative stores has been recommended by senior military officers, local Army officers have reduced it to less than 4,000 litres. Prices of essential commodities, such as rice and wheat flour have risen many times the prices in Colombo. A shortage of wheat flour has affected bread supply in the peninsula.

Heavy rains in mid-December flooded some refugee camps in southern Thenmaratchy and north-eastern Vadammaratchy areas of Jaffna. Over 1,500 refugees in camps at Nagarkovil, Chavakachcheri and Palai were forced to seek shelter in school buildings.

Reports say that following the rains, malaria and typhoid are on the increase. According to the Jaffna Health Department, injections for typhoid and malathion insecticide for malarial prevention are in short supply. Hospitals are finding it extremely difficult to perform diagnostic tests because of an acute shortage of chemicals.

In a clash on 9 December between the LTTE and the Army at Eluthumadduval, ten miles east of Chavakachcheri, a soldier was killed and four were wounded. The Army arrested four people at Puthur in Jaffna town in mid-December, suspected of LTTE links, including Palmyrah Development Board officer K Muruganandam.

■ LTTE avenge Jeevan's death

Muslims killed in custody

AS Muslims ended Ramazan, Mohamed Nazeer, 36, and Hasan Mansoor, 26, were killed in police custody, in Amparai District, reports say. The brothers were arrested by the police Special Task Force (STF) at their home in Nintavur, 12 miles north-east of Amparai town, on 15 December. Their bullet riddled bodies were handed over to the Sammanthurai hospital the following day.

People in Nintavur and Sammanthurai demonstrated on 17 December. The STF fired on the demonstrators in Sammanthurai wounding 45 people. They also smashed over 100 bicycles and motorcycles. Relatives reject the claim of the STF that the two Muslims were killed by the LTTE during a confrontation on

the night of 15 December. They point out that none of the STF personnel had been injured in the alleged clash and none of the STF vehicles were damaged. The STF also attempted to force the father of the dead men to sign a statement admitting that they were Tiger members.

Further north in Batticaloa District, the people say that the STF have provided support to the National Auxiliary Force (NAF) to commit atrocities. The NAF in Batticaloa comprises former members of Tamil militant groups. Local people say more than 20 complaints have been made against the NAF to the police but no action has been taken. This issue has been brought to the notice of the Human Rights Commission (HRC). In

addition, the HRC has also received 146 complaints of arrest by security forces in the district. In December, 61 of them were still being held in Army camps and nine people had disappeared.

Reports say that seven Tigers were killed in an Army ambush on 6 December at Vahaneri, on Batticaloa-Colombo road. LTTE's Batticaloa-Amparai Deputy leader *Jeevan* was among the dead. Over 300 LTTE cadre assaulted Valaichenai police station on the night of 11 December, said to be in revenge for *Jeevan's* death. The Tigers launched simultaneous attacks on the offices of the Assistant Superintendent of Police and a telecommunication building.

Seven policemen, including a Sub-Inspector were killed and 11 were wounded. A telecommunication officer also died in the attack. The LTTE is reported to have removed a large quantity of arms. Following the attack, the police shelled Mavadichenai and Karuvakerni areas, damaging houses and injuring civilians.

On 12 December, suspected Tiger members threw a grenade on a check-point in Paddiruppu, 16 miles south of Batticaloa town, injuring two policemen. The attack took place when police were checking people arriving from the LTTE-controlled areas west of the Batticaloa lagoon. On 1 January, soldiers and police in Batticaloa fired their weapons for several hours to welcome the New Year. UD Arasakone and Thavarajah Alagurani of Kallady were injured in the shooting.

Risk of torture

THE Supreme Court of Canada declared in the case of Sri Lankan Tamil Manickavasagam Suresh in early January that Canadian law and international norms reject deportation to a country where torture is prevalent. The Canadian government sought to deport Mr Suresh to Sri Lanka on national security grounds saying that he raised funds for the LTTE, an organisation engaged in terrorism. He was the head of the World Tamil Movement in Canada, which is alleged to be linked to the Tigers. Mr Suresh was recognized as a refugee in April 1991 under the UN Convention on Refugees. He was detained in 1995. The Supreme Court concluded that Mr Suresh had made a *prima facie* case showing a substantial risk of torture if deported to Sri Lanka. The Court accepted Amnesty International's view that torture in Sri Lanka is widespread, particularly against persons suspected of membership in the LTTE. In December, Amnesty also pointed out that there are frequent reports of arbitrary arrests, torture, disappearances and extra-judicial executions. The Supreme Court said that the Refugee Convention, on its face, does not categorically reject deportations to torture, but it should not be used to deny rights guaranteed to everyone by other legal instruments. Refugees should be provided written reasons for the decision of the Minister and an opportunity to challenge the Minister's case, including the value of assurances of foreign governments that the deportee will not face torture. International law generally rejects removal to torture even where national security interests are at stake. The court noted that the House of Lords had rejected torture as a legitimate tool in combating terrorism and protecting national security. The Court ordered that Mr Suresh is entitled to a new deportation hearing.

Trinco death

THE Army shot dead Paramanathan Ravindrarajah at Vilankulam in Trincomalee District on 20 December. He had gone into the jungle to collect firewood along with Sinnathurai Rasathurai and Gnanasekaram Nithiyanandan. The two friends were brutally beaten by soldiers. They were admitted to Trincomalee hospital. Local MP R Sampanthan has called on police authorities to hold an impartial investigation into the death of Mr Ravindrarajah.

Reports say that continued indiscriminate shelling by security forces in southern areas of Muthur has affected farming and fishing. On 27 November, shelling on Maruthanagar killed Murugesu Kavitha. Sampur areas came under

intense shell attack on 1 December. Student of Sampur Maha Vidyalayam, Perinpanathan Sivanathan, 14, was killed. Anantharasa Thatchayani of Sampukali suffered serious injuries. Six houses were damaged. According to reports, over 60 shells were fired on houses and paddy fields with crops. The people say that the continued shelling also prevented the injured being taken to the Muthur hospital.

At same time of the assault on Valaichenai police station in Batticaloa, Palathoppur Army camp, south of Muthur came under LTTE attack on 11 December. Three soldiers were killed and 12 were wounded. Reports say six LTTE cadre also died in the attack.

Attorney General's Department inactive on detention **MPs visit Kalutara prison**

Following a visit to Kalutara prison, 25 miles south of Colombo, in late December, Tamil MPs say that many Tamils are detained under the PTA for several years. The ICRC confirms that there are some 1,700 detainees under the Prevention of Terrorism Act (PTA) throughout the island. The MPs point out that there are several reasons for the delay of their cases. Many detainees have not been indicted by the Attorney General's Department (AGD).

Where cases have been filed, courts often postpone cases for long periods. Among the reasons for postponement is the absence of witnesses. Where cases are before courts in the north-east, detainees are sometimes not taken for court hearings for alleged security reasons. According to the MPs, there are also a number of detainees who have no access to legal assistance. The lack of Tamil police officers and translators is another reason for the delay.

Sixty year-old Batticaloa resident V Loganathan is in detention from February 1996. Jaffna resident and father of six children, Kandiah Karunakaran was arrested in February 1998. His case is before the court in Anuradhapura, 125 miles north-east of Kalutara, and has been postponed eight times because of the absence of witnesses. Kilinochchi resident Sellathamby Thatchanamurthy, 58, is held since March 1996. Trincomalee resident Muthusamy Dharmalingam, 57, was arrested in February 1998, but is still in detention, despite an order by the AGD for his release in September 2001.

The Hindu priest of Modera Kalliamman temple in Colombo, Ragupathy Sarma, was arrested in February 2000 and is currently in Kalutara. His wife is detained at Welikada prison in Colombo. Kandy Selva Vinayagar temple priest Kothandathas says he suffered severe torture after his arrest in August 1999. A number of Tamils from the Hill Country are also in detention in Kalutara. Thandan Rasalingam of Passara in Badulla District is in detention since his arrest in September 1999. Three youths from Ramboda in Nuwara Eliya District, including Balakrishnan Suresh are in prison from March 2000.

Lawyers blame the AGD for the pro-

"I cannot understand why a 60 year-old man is detained under the Prevention of Terrorism Act."

New Justice minister
WJM Lokubandara

longed detention. The Sri Lankan Human Rights Commission (HRC) has no authority to give directions to the AGD. A separate unit in the AGD was set-up to handle cases under the Emergency regulations and the PTA. But this unit has been neglected, lacks proper personnel and has failed to address the problems faced by detainees.

Cases are often delayed because police officers fail to attend, sometimes for several hearings. According to observers, the courts are not strict and tend to grant postponement rather than reprimanding the police officers for contempt of court. Critics say that in the case of arrests, many of which are illegal, the AGD accepts the statements of police officers without any evidence. In December, the AGD apologised to the Supreme Court for the harassment of Colombo Tamil computer businessman Moses Krishanthan. He was arrested by

police, accused of spying for the LTTE, without any evidence, and forced to sign a confession in the Sinhalese language under threat of torture.

Observers also point out that the requirement of travel passes and the order to civilians in the north-east to obtain Army identity cards have no legal basis. They say that the AGD has not taken any action in this regard but is more interested in representing police officers accused of violating the rights of the people. The AGD claims that charges have been brought against human rights offenders among security forces. But the fact remains that no one has been convicted for the crime of torture since the Torture Act was enacted in 1994.

In a fundamental rights application to the Supreme Court, Jaffna resident Thangarasa Krishanthan, 19, says he suffered torture at the hands of the security forces. The police arrested him at Kirillapone suburb in Colombo on 8 August 2000. He was not given any reason for the arrest and his relatives were not provided an arrest receipt. His eyes were covered and he was hung by the toes. He was beaten with batons and wires and burned with cigarettes. His head was smashed against a table. He was accused of LTTE links.

Gopalapillai Jegatheeswaran from the Vanni was arrested in July 2001 by the police Counter Subversive Unit (CSU) in Vavuniya District, while waiting for a bus. He was not informed of the reasons. His head was repeatedly immersed in water. He was beaten and his head was covered with a plastic bag dipped in petrol. He was forced to sign a confession in Sinhalese, under torture.

Justice minister Lokubandara has indicated that the Committee of Inquiry into Undue Arrest and Harassment (CIUAH) would not be re-appointed. CIUAH was appointed by President Chandrika in July 1998 after complaints of security force harassment of the Tamil community in southern Sri Lanka. The CIUAH was headed by the Justice minister. The position of the members of the HRC has also become uncertain. Under the 17th Amendment to the Constitution, approved by Parliament in September, members of the HRC must be appointed by the Constitutional Council. This body is yet to be constituted.

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