

Fragile Peace

in the island of Sri Lanka

- The Situation Report 2005 -

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1. INTRODUCTION

- 1.1 The Cease Fire Agreement (CFA) between the Government of Sri Lanka (GoSL) and the Liberation Tigers of Tamil Eelam (LTTE) has held and as a consequence there have been no direct military confrontations during the last three years. However, negotiations (which was suspended in May 2003) to explore political solutions that can permanently end the armed conflict are yet to recommence and the violation of human rights have continued unabated.
- 1.2 In October 2003, the LTTE submitted a proposal for an Interim Self Governing Authority (ISGA). This was to enable rehabilitation and reconstruction tasks to be carried out during the interim period while negotiations would take place for a durable solution, separately.
- 1.3 Although the then GoSL under Mr.Ranil Wikramasinghe, indicated its preparedness to recommence talks based on the ISGA, the present regime (a coalition of President Kumaratunga's Sri-Lanka Freedom Party (SLFP), Jathika Vimukthi Peramuna (JVP) and other minor parties has refused to recommence talks based on the LTTE proposal for an ISGA. Instead, the GoSL's position is that any interim arrangement must be

linked to a final solution. The GoSL is also of the view that the final solution and an interim arrangement should be negotiated at the same time within a prescribed time frame. (*See statement issued the GoSL dated 03 march 2005*)

1.4 Meanwhile, there have been no concerted attempts to address the immediate humanitarian needs of the people affected by the two decade old war nor measures taken to bring political resolve to the conflict. (*See attached time line*)

1.5 By the end of 2004, the peace process backed by the international community had come to a standstill frustrating the Tamil people and prompting the leader of the LTTE to describe the situation as 'living in a void'. In his address on 27th November 2004, the LTTE leader invited the GoSL to recommence the peace process by saying:

“..... We cannot continue to be entrapped in a political void without an interim solution or a permanent settlement, without a stable peace and without peace of mind. ...We cannot continue to live in the darkness of political uncertainty, without freedom, without emancipation, without any prospects for the future. There are limits to patience and expectations. We have now reached that limit... We urge the government to resume the peace negotiations without conditions, based on our proposal for an Interim Self- Governing Authority.....”

(*See address by LTTE leader on 27 Nov.2004*)

1.6 The tireless attempts by the Norwegian facilitators to bridge the gap between parties is yet to succeed despite several high level meetings of the Norwegian facilitators (including Norway's Foreign Minister) with the leaders of both sides.

1.7 The TNA which contested the General Elections, placed before the Tamil people, the ISGA as their manifesto. In this the TNA emphatically reiterated that:

- i. the LTTE were the sole representatives of the Tamil people;
- ii. The new government should implement the ISGA in toto immediately as a mandate from the Tamil people,
- iii. The government should resume peace negotiations with the LTTE whom the Tamil people recognise as their legitimate representatives, without delay to find a political solution based on self determination.

1.7 JVP which is in main coalition with the President's SLFP in the current Government is vehemently opposed to a negotiated political solution and subscribes to a chauvinistic ideology based on the premise that the entire Island belongs to the Sinhalese nation. The JVP claims that it had reached an agreement with the SLFP prior to the General Elections in April 2004 and if elected, the SLFP-JVP coalition government was not to pursue any negotiations with the LTTE. Given the SLFP's well

publicised opposition to the CFA and the peace process prior to the elections, this claim by the JVP appears to have some credence.

- 1.8 On 15.12.2004, representatives of the co chairs of Tokyo donor conference met with the SriLankan President and then released a statement requesting her to condemn the attitude of JVP and rein it in (*"Express concern over JVP action"*).
- 1.9 The extra judicial killing of LTTE's political activists, Tamil mainstream journalists and TamilAcademics continue to be a serious threat to the Cease Fire. More than 80 LTTE political activists were killed in 2004. The Sri Lankan military is widely regarded to be behind these massacres as most of the killings have been carried out in Government controlled areas in close proximity to Sri Lankan army camps. The LTTE has warned that these killings continue to be a major impediment to the peace process. At the same time, the LTTE is also pointing out at incidents in which, when face to face confrontations take place between the LTTE and the infiltrating paramilitaries, the latter are also getting killed. Japan's special Ambassador Mr. Yasushi Akashi and the Sri Lanka Monitoring Mission (SLMM) monitoring the cease-fire have concurred by referring to its **poisonous effect** on the peace process.
- 1.10 On 7th February 2005, Mr Kausalyan, the head of LTTE's Batticaloa-Amparai political division along with four others was killed at a place between the Sri Lankan Military complexes at Welikanda and Punani by men dressed in Sri Lankan army uniforms. This has been roundly condemned by the international community including the UN Secretary General Mr Koffi Annan. Amongst those killed was Mr. Chandra Nehru, a Human rights activist and a former parliamentarian. The others killed were all unarmed members of the LTTE engaged in tsunami related rehabilitation work.
- 1.11 The GoSL's objections to visits by International dignitaries to the North East of the Island to assess the extent of the damage caused by the tsunami have exacerbated tensions between the GoSL and the Tamil people who have strongly criticised the GoSL for objecting to the visit by the UN Secretary General to North East , calling it a 'historical blunder'.
- 1.12 The Sri Lankan military is in the process of modernising and enhancing its capabilities through recruitment, training and increased spending on military hardware. GoSL has signed agreements for the purchase of military equipment with China, India, Pakistan, USA and Iran. On 10th January 2005, a team of high ranking military officers were in Iran for the purpose of purchasing military hardware. During the last 3 years, GoSL has spent more than Rs150 billion on procurements for the military. Several new divisions have come into force. This includes the specially trained Long Range Reconnaissance Platoon

(LRRP). There are strong indications that the GoSL is preparing for war and elimination of LTTE leaders during the Cease Fire period.

- 1.13 There is also mounting evidence of increase in the activities of paramilitary groups working in tandem with the Sri Lankan army. A new paramilitary unit called the “Karuna group” has now come into the fore presumably led by a former commander of the LTTE, operating from Sri Lankan army camps or in camps located nearby. Several attacks have been carried out by these paramilitary forces in recent times.
- 1.14 The Emergency Regulations (ER) and Prevention of Terrorism Act (PTA) were suspended when CFA was signed. But ER has now been reactivated under the pretext of Tsunami management.

2. POST TSUNAMI SITUATION IN NE OF SL

- 2.1 The tsunami that struck the Island of Sri Lanka on 26th December 2004 devastated the coastal regions. The North East Coast of the Island was the worst hit. More than 800 km of the North East Coast was laid waste within minutes. The death and destruction caused by tsunami was unprecedented. Within minutes of the tsunami striking the coast, several thousand lives were lost, thousands were wounded and the infrastructure was decimated. 800,000 people were almost instantly rendered homeless as many whose homes were destroyed and others driven by fear fled the tsunami affected coastal regions. The majority of those killed were women and children. Several thousands remain unaccounted for. Public buildings, hospitals, schools, roads and fields have been destroyed. The entire coastal fishery infrastructure has been decimated. Individuals and local organisations rushed to treat the wounded, bury the dead, feed and clothe the survivors. Many found refuge in schools, universities, and with friends or relatives.
- 2.2 The Island of Sri Lanka has a coastline of about 1,900 km of which more than 1,000 km are within the North East. More than 80% of the population in the North East is engaged in agriculture, fisheries and livestock related industries. More than 60% of the population in the affected areas live along the coast. The Coastline is made of 41 DS divisions. The coastal community in the East (Trincomalee, Batticaloa and Amparai districts) is made of 58% Tamils, 39% Muslims and 3% Sinhalese. The coastal community in the affected districts in the North is almost entirely Tamil.
- 2.3 During the two decades of war, the coastal community was badly disadvantaged by the restrictions placed on fishing. This was compounded by widespread destruction of production assets, including boats, fishing gear and boat engines. Serious damage to supporting infrastructure such as harbours, boatyards, net production facilities, ice plants, fuel supply stations and fishermen’s houses further hamper the recovery of the fishing sector. It was estimated that almost 90% of the fleet and fishing gear was destroyed in certain areas during the war. As a direct consequence fishermen from the North East were restricted to

coastal and off-shore fishing. However, during the 3 years of the Cease-Fire the fishing community had begun to rebuild its life. But the tsunami has reversed this trend by once again destroying the entire coastal fisheries infrastructure. The loss is total in that it had destroyed everything owned by the fishing community including people's homes and all fishing equipment. The damage to boats and gear alone as a result of the tsunami is estimated at Rs 3,823 million or USD 38 million.

2.4 The tsunami has caused considerable damage to agricultural areas in the coast. In some areas the sea has eroded into well over 2 kilometres, inland. Apart from the resultant loss of extant crops, this will adversely impair cultivation over several seasons.

2.5 The displacement and death toll of the community in the North East as a direct result of the tsunami includes 17,324 deaths, 7,158 injured, 5,370 missing and 344,813 displaced.

Some of those affected are likely to return to their damaged but repairable homes in the foreseeable future, while others will remain in the welfare centres and with friends until permanent housing is found for them.

Many of those displaced were former IDPs who had returned from welfare centres during the cease-fire. Several others now displaced are those who had arrived from welfare centres in India during the cease-fire.

In many instances, only a few members of the family have survived the tsunami. In other cases entire extended families have been totally or partially wiped out. The long term impact of this on communities dependant on extended family support in times of crisis is bound to be quite severe.

The majority of the deaths have been that of women and children. This has resulted in an unprecedented increase in the number of widowers. Some of these widowers are left with dependent children who need to be cared for causing a further complication as many men do not possess child rearing skills.

2.6 Of the 76,439 houses that were damaged by the tsunami in the North East, 53,439 were damaged beyond repair while 23,000 could be salvaged at cost.

The damaged houses range from basic homes costing about Rs.200,000 to luxury homes valued well above Rs 3,000,000. Many homes in the East valued well above Rs1,500,000 have been completely destroyed.

2.7 Health infrastructures have suffered heavily in the tsunami affected areas. Loss of buildings and equipment as well as health personnel

presents a crisis both in terms of human resources and infrastructure losses. Significant losses have occurred to dispensaries, hospitals and primary healthcare centres. Hospitals on the coast in Karaitheevu and NintHAVoor have been totally damaged. Such destroyed hospitals were ill equipped earlier due to the 20 year old war.

The tsunami has brought about a crisis in health care both in terms of challenges to the health system and to the long term health of a significant proportion of the population of the North east. There were 28 Health Institutions in the NE, damaged by the Tsunami, including hospitals, dispensaries and primary health centres.

- 2.8 The tsunami has damaged 358 buildings in 144 schools in the North East coast. The damage is not confined to buildings but also to furniture, fittings and laboratories.
- 2.9 There have been some repairs and rebuilding of roads since the CFA but the improvement has not been significant. The tsunami has devastated the remnants of the coastal road network and washed away several causeways and bridges. There is no doubt that, had the road network been better, lives could have been saved in the aftermath of the tsunami.
- 2.10 The widespread damage caused by the tsunami has disrupted activity in general and has significantly reduced the livelihood opportunities for all employment sectors. It is estimated that around 15,000 jobs are affected in the North East as a result of the tsunami. This excludes the fisheries sector that has been totally destroyed.

In relation to other employment sectors- agricultural and micro/small/medium business activities- did play a vital role in the livelihood of a number of people. In some of the agricultural areas there is either no work or the field is not suitable for cultivation. Furthermore, numerous Micro, Small and Medium Enterprises (MSME) have either disappeared or lost their customer base, exacerbating an already deteriorated situation. There is no access to capital to restart lost businesses. The absence of agricultural work and lack of day-labour opportunities have dramatically increased unemployment. All these factors hinder peoples' efforts to recover from the disaster.

As such a comprehensive multi sectoral approach is required to see beyond employment and develop the capabilities in the society.

- 2.11 Ground water contamination is a major concern in the densely populated coastal regions. The tsunami has further damaged the water source, salinising the wells and soil in the coastal regions of the North East.
- 2.12 Several public buildings including markets, bus stations, government staff quarters and government offices located in the coastal regions

have been affected by the tsunami. Many of those buildings were already in a dilapidated condition as a result of the 20 year war.

- 2.13 The GoSL has quite deliberately neglected to address the needs of the North Eastern Coast devastated by tsunami. All assistance to date has been largely provided by International Non Governmental Organisations and the Tamil Rehabilitation Organisation (TRO). Although Government Agents in the North East have helped the LTTE and the TRO in their rehabilitation efforts, there has been little help from the Government in terms of finance.
- 2.14 The neglect of the North East is also due to the centralized administration with its inherent regional bias which had over the years systematically marginalized the North East region in respect to development and post disaster reconstruction.
- 2.15 In view of the above, the LTTE has sought to develop a joint mechanism with the GoSL to ensure that all funds allocated from international donors and national sources are appropriately apportioned to all affected people living in the North East coast hit by the tsunami.
- 2.16 There is considerable opposition within the GoSL for such a mechanism.
- 2.17 Meanwhile more than 355,000 people affected by tsunami have joined the ranks of people categorised as IDPs- Internally Displaced Persons (IDPs).

3. THE POLITICAL DEVELOPMENT

- 3.1 The Cease-Fire Agreement reached between the GoSL (led by Prime Minister Ranil Wickramasinghe) and the LTTE based on the Memorandum of Understanding (MOU) of 22nd February 2002 was welcomed by the international community. India, the US, Britain and Japan were among the first to express support for this Norwegian facilitated Cease-Fire. **(International community hails permanent ceasefire.**
- 3.2 A discordant note was struck when President Kumaratunga expressed shock and dismay in her denouncement of the Cease-Fire Agreement, that very day. The press release stated that "*President Chandrika Kumaratunga has expressed her deep concerns to the Prime Minister on the MoU signed between the Prime Minister and the LTTE*" **(Kumaratunga expresses 'shock and dismay' over truce signing).**
- 3.3 Despite the President's opposition to the agreement, the GoSL and the LTTE continued to observe the cease-fire and engage in six rounds of talks. In May 2003, the LTTE withdrew from these talks when it

realised that there was little action being pursued by the GoSL to implement the mechanism (which had been agreed with the LTTE during the talks) to improve the living conditions of the people in the North East. Despite this, the cease-fire held. The international community's support and encouragement was an important factor in maintaining the cease-fire.

3.4 In October 2003, the LTTE submitted a proposal for an Interim Administration for the North East. The proposal drafted with the help and advice of a panel of Tamil legal experts (including a former Attorney –General of Sri Lanka) was designed to restore normalcy to the North East while negotiations for an enduring solution continued to be in progress. The GoSL agreed to recommence talks on the basis of these proposals.

3.5 President Kumaratunga responded to this positive development and the possibility of a resumption of negotiations by using her presidential powers to sack three key ministers. She followed this up by dismissing the Government in February 2004 and calling for fresh general elections in April 2004. The Ministry of Defence during this interim period came directly under the President. As a consequence, the relationship between the armed forces and the LTTE deteriorated.

3.6 It was during this time that the LTTE's Eastern Commander Karuna defied the LTTE High Command's instructions to assist with a disciplinary investigation against him and attempted to revolt against the High Command.

The Sri Lankan Government's defence ministry was widely suspected to have provided the 'Karuna Faction' with logistical and moral support. The Sri Lankan Armed Forces (SLAF) chief, General Balagalle was quoted singing praise of Karuna. Despite this provocation, the LTTE showed remarkable restraint in maintaining the cease-fire.

3.7 The President's party contested the General Elections held in April 2004, in coalition with the JVP, a party whose chauvinistic ideology is based on the premise that the entire Island belongs to the Sinhalese nation.

3.8 At the same General elections, the Tamil National Alliance which contested the elections seeking a mandate from the Tamil people to endorse the LTTE's proposal for an Interim Self Governing Authority as the basis for negotiations with the Sri Lankan Government, won conclusively being elected in 22 out of the 24 seats contested.

3.9 It was only after the election results were announced that the LTTE decided to act in respect of the so-called 'rebellion' by its former Eastern Commander. The operation mounted by the LTTE to remove Karuna was such that there was little blood shed. Karuna escaped to the South with the help of the SLAF. There is evidence of assistance

provided to Karuna by politicians belonging to the Government and the opposition.

- 3.10 Ever since Karuna's defection, the spectre of political killings had begun to haunt the East with several people being killed in the East. Most of these killings have taken place in the vicinity of Sri Lankan Army camps and within SLAF Controlled areas of the East. These killings have in turn provoked retaliatory attacks in the East and in the South. In addition, there are also reportings of internecine killings within Para-Military groups.
- 3.13 There was hope that the GoSL would rise above politics in dealing with the consequences of the tsunami. But these hopes were short lived as the GoSL much to the dismay of the Tamil people and the international community concentrated all its resources and funds in the South and deliberately neglected the North East.
- 3.14 Politically and diplomatically the GoSL seems to project contradicting programmes. The Foreign Ministry of Sri-Lanka took a unilateral positions and refused to accept LTTE in a partnership role. This created a strong suspicion and scepticism among the Tamil people and the LTTE.
- 3.15 It appears that GoSL has embarked on a course designed to provoke the LTTE and resume the war.

4. CIVIL AND POLITICAL RIGHTS

- 4.1 The CFA has resulted in a significant reduction in the violation of human rights.
- 4.2. The suspension of the Prevention of Terrorism Act (PTA) immediately following the CFA has ended arrests under this draconian law . However, 38 Tamil political prisoners detained under the PTA still continue to languish in prisons.
- 4.3. The release of a Tamil detainee held under PTA after 15 years when it was proved that he was completely innocent of the crime that he was charged with has demonstrated the PTA's potential to cause horrendous harm. The man who was accused of participating in an attack on an army camp at Karaitivu during which it was claimed by the prosecution 500 army personnel were killed, was found to be innocent when it transpired that there was no army camp at Karaitivu and no attack against the army had ever taken place!
- 4.4. The cases in regard to 'disappearances' are yet to be heard as the Attorney General is yet to take decisions on these cases. Nor has any head way been made to-date by the Presidential Commission appointed to investigate the disappearances.

- 4.5. Meanwhile, Sri Lanka remains the 2nd country in the world with the highest number of unaccounted cases of disappearances. The parents of 600 or more youths who were reported as having disappeared in 1996 in the wake of the Sri Lankan Government's occupation of the Jaffna Peninsula by Amnesty International are still awaiting to hear from the Sri Lankan armed forces about the whereabouts of their children.
- 4.6 The deaths of Tamil Sr.Journalist Mr.Nadesan and human rights activist Mr.Chandra Neru in the eastern region are indications of serious threat to the right to freedom of expression and role of human rights defenders. Reporter sans frontier (RSF) released statement after statement on this issue of threat.
- 4.7 The case of notorious Mohan, alias PLOTE Mohan is related with the question of impunity in Sri Lanka. Till his death in June 2004, the GoSL refused to accept his role in SL armed forces. He was accused in killing of hundreds of people in the eastern region. A commission of Sri Lanka identified him as a culprit in several massacres. International human rights organisations and UN reports too identified him. After his death the GoSL recognised his role in SLAF to avoid military backlash.

5. ECONOMIC AND SOCIAL RIGHTS

- 5.1 The Tamil people continue to be denied the opportunity to freely pursue their economic, cultural and social life despite the CFA having ended the fighting.
- 5.2 The destruction caused by the 20 year long war and the sufferings caused by economic embargo imposed in June,1990 until the Cease Fire came into force in February 2002, are yet to be addressed.
- 5.3 When the CFA was signed in February 2002, the hope for an enduring peace loomed large. However at that time the cessation of hostilities and its immediate aftermath alone seemed good enough reasons to welcome the cease-fire. To the people of the Northeast, it meant the likelihood of the economic embargo being lifted and an end to constant bombardments.
- 5.4 There has been little change in the situation despite the CFA, in the absence of an effective mechanism to deliver the much needed rehabilitation and reconstruction tasks.
- 5.5 While the South continues to enjoy the truce and pursue its political (albeit turbulent), cultural and economic life unhindered, the situation in the North East is far from satisfactory. Although the lifting of the economic blockade and an end to the shelling has provided relief, the improvement in the material conditions is negligible.

- 5.6 The state of the material condition in the North East is encapsulated in the grim findings of the Report titled **“Sri Lanka: Assessment of Needs in the Conflict Affected Areas (Districts of Jaffna, Killinochchi, Mullaitivu, Mannar, Vavuniya, Trincomalee, Batticaloa and Ampara)”** (Prepared with the support of Asian Development Bank, United Nations and the World Bank) for submission to the Tokyo Conference in May 2003.
- 5.7 Given below are extracts from this report which provide an accurate picture of the situation as at May 2003 and has since changed little:

General Situation

- *“It is estimated that some 65,000 people have been killed, and several times that, may have been disabled. The armed conflict created over 800,000 internally displaced persons from the North East, Overall; at least a quarter of a million families have been uprooted, many experiencing several displacements. In addition, there are significant number of displaced people outside Sri Lanka. While the whole population of Sri Lanka suffered from the consequences of the war, the North East has borne the brunt of the conflict.*

Health

- *The two-decade long conflict has pushed the health sector in the North East to the brink of collapse.*

Education

- All aspects of the education system - pre-school, primary, secondary, tertiary and technical-vocational¹⁷ - are severely damaged in the North East.

Shelter

- It is estimated that nearly 326,700 houses are damaged partly or totally in the North East, nearly 58% of the damaged units remain totally uninhabitable, and about half of these are in Jaffna and Batticaloa districts alone.

Infrastructure

- The infrastructure of the North East is greatly debilitated due to the armed conflict and needs significant rehabilitation, reconstruction and development.
- The total demand for power in the North East is about 110MW. Households currently electrified in the North is 22%, and in the East 40%, as against a national average of 56%.
- The situation of water and sanitation at primary schools and health facilities in the North East is precarious.
- In the North East the conflict has seriously affected rural families and has resulted in levels of poverty not seen hitherto in Sri Lanka.
- Twenty years of war has severely affected the livelihood capabilities of many families and communities in the North East. In the diminished economy of the North East, unemployment and underemployment further reduce individuals' and families' incomes, even to no income at all.

- 5.8 There was hope that SIHRN (Sub Committee on Immediate Humanitarian & Rehabilitation Needs in the North East) which was established through negotiations between the Sri Lankan Government and the LTTE to provide 'immediate humanitarian relief' would deliver the much-needed relief. But, it was soon evident that SIHRN was dysfunctional mainly due to the Sri Lankan Government's failure to honour its commitments.

- 5.9 It was at this juncture that the LTTE decided to stay away from the Tokyo Donor Conference having realised the futility of proceeding to Tokyo while there was just no mechanism to deliver much needed funds to provide relief, rehabilitation or reconstruction, even though the donor countries had pledged the 1.95 billion US dollars envisaged for the North East by the Multilateral Donor Agencies.
- 5.10 The LTTE's subsequent proposal for an Interim Self-Governing Authority with sufficient powers to channel funds towards relief, rehabilitation, and reconstruction and development projects was meant to address this weakness and take the peace process forward. This too has now proved to be unacceptable to the GoSL now under a President whose opposition to the ISGA was articulated during the General Elections in April 2004 and the main coalition partner's relentless opposition to any interim arrangement is also well known.
- 5.11 The high security zone of Sri Lankan armed forces in the North East is occupying 40 percentage of agricultural land, preventing millions of farmers resuming their economic life. Similarly SL navy is preventing considerable portions of fishing beds from fishing. It has seriously impeded the economic opportunities of the North East fishermen.

6. EXTRA-JUDICIAL KILLINGS

Meanwhile, the situation has further deteriorated with the killings in the East by paramilitary, operating in tandem with the Sri Lankan army.

- 6.1 The alarming increase in the number of extra-judicial killings in the year of 2004 poses a serious threat to the Cease Fire Agreement entered on the 22nd of February 2002 between the Government of Sri Lanka (GoSL) and the Liberation Tigers of Tamil Eelam (LTTE).
- 6.2 Those killed to date include over 80 members of the LTTE by the paramilitary operatives. These include prominent civilians, an academic, a senior journalist Mr.Nadesan, human rights activist and an ex-parliamentarian Mr.Chandra Nehru.
- 6.3 The most heinous of the atrocities was the slaying of 4 disabled members of the LTTE while they were unprotected and asleep in a farmhouse, on 24.04.2004
- 6.4 Tamil paramilitary forces operating directly under the Sri Lankan military command are responsible for these extra judicial killings.
- 6.5 The GoSL has dismissed these charges and attributed the killings to the former commander of the LTTE implying that Karuna who defected in March 2004 is acting on his own. An analysis of events and examination of the available evidence suggest that these killings are part of a strategy by the GoSL to destabilise the East.
- 6.6 The Sri Lankan Government's military intelligence divisions are widely suspected to have provided the 'Karuna Faction' with logistical support. The Sri Lankan Armed Forces (SLAF) Chief, General Balagalle was quoted singing praises of Karuna (interview to rediff.com).

6.7 Ever since Karuna's defection to south of Sri Lanka in April 2004, the spectre of extra judicial killings had begun to haunt the East with several people being killed in the area. Most of these killings have taken place in the vicinity of Sri Lankan Army camps and within SLAF Controlled areas of the East. These killings have in turn provoked retaliatory attacks in the East and in the South. In addition, there are also talks of internecine killings within Para Military groups.

6.8 There is, mounting evidence of the role being played by GoSL and SLAF in these killings.

These include:

- There was an SLAF's direct involvement in securing the release of 10 paramilitary men (all close associates of Karuna) arrested in Polannaruwa by the Hingurakgoda police on 05.07.2004. This armed gang was released on the very day of the arrest, as a result of SLAF's direct intervention.
- The evidence provided by a group of women fighters who had returned to the LTTE (after having fled with Karuna, earlier) of the role played by the SLAF in using Karuna to mount attacks.
- The public admission by a Government Minister of 'some elements' within the SLAF harbouring Karuna on 24.06.2005, in an interview to BBC.
- Sri Lanka's tourism minister and brother of President Chandrika Kumaratunga, Mr. Anura Bandaranaike escorting Karuna, to Singapore accompanied by two Special Task Force (STF) personnel.
- The public admission by the leader of the paramilitary group, EPDP, now a cabinet Minister in the Kumaratunge Government on direct links with 'Karuna'.
- The SLAF's role in airlifting a well-known paramilitary operative, Mohan to the East and facilitating a meeting between Mohan and Karuna. (Mohan was subsequently killed in the South by gunmen)
- The statement made by Rauf Hakeem, a former Minister confirming the presence of Karuna and his followers in the Sri Lankan Army controlled areas in the East.

6.9 The CFA entered between the GoSL and the LTTE included Clause 1.8 which Called for disarming of the paramilitary groups. According to this clause:

"Tamil paramilitary groups shall be disarmed by the GoSL by D-day + 30 days at the latest. The GoSL shall offer to integrate individuals in these units under the command and disciplinary structure of the GoSL armed forces for service away from the Northern and Eastern Province."

The purpose of the clause was to ensure that those who had collaborated with the Sri Lankan regime were kept away from the region where their presence could easily be used to reignite tension. This clause was included in the CFA in order to prevent such action being pursued. Instead what is taking place now is a redoubled effort to arm and strengthen the paramilitary forces. Today, these paramilitary forces that ought to have been disbanded are working in tandem with the Sri Lankan armed forces. Sri Lankan Army commanders have admitted that paramilitary groups do work with them. According to the Sinhala owned Sunday Leader of 31st October 2004, ".... The Army Commander confirmed that these groups (Razik Group, the PLOTE Mohan Group, EPDP, PLOTE, EPRLF - Varathan Wing, Varathan Group, Saba Group and TELO) did work with government forces, but have subsequently been enlisted as soldiers"

There is, however, an implicit admission that these groups are working in the East. According to the Sunday Leader ".... the "current position" of the Razik group is that it is operating as a paramilitary outfit directly under the Sri Lanka Army....."

Sunday Leader then goes on to say that the PLOTE Mohan Group (another paramilitary group) has been identified by the LTTE as operating directly under the Directorate of Military Intelligence (DMI) from four different bases in Batticaloa. Members of this group are known to openly carry weapons and that they constitute part of the Army's Long Range Reconnaissance Patrol (LRRP) and are called 'Deep Penetration Commandoes'.

- 6.10 It is very clear that the LTTE is committed to the Cease-Fire Agreement and has taken strenuous efforts to maintain the Cease-Fire even under severe provocation.

LTTE 's commitments

- Refusal to be drawn into breaching the cease-fire when much to LTTE's dismay it became obvious that GoSL had sought to covertly back the LTTE's renegade commander.
- Demonstrating remarkable restraint in 'removing' Karuna by holding off until and after the General Elections, held in April 2004.

- 6.11 Even in the face of killings of its members by the paramilitary operatives, which had begun in the wake of Karuna's defection, the LTTE claimed that it has continued to be measured in its response by:

- Intensifying the patrol.

- Submitting all evidence pointing to the role by SLAF to the Sri Lanka Monitoring Missions (SLMM).
- Cooperating with the Sri Lankan Police force in disarming the paramilitary operatives by passing information (The arrest of 10 paramilitary operatives in Polonnaruwa mentioned above was one such instance)

6.12 The LTTE and the Tamil people are only too aware that the Cease Fire Agreement came into existence because the Sri Lankan Government realised that the military balance was no longer in its favour. The actions now being pursued are designed to weaken the LTTE in the East and as such are unlikely to be left unchallenged by the LTTE.

7. CONCLUSION

7.1 The people of the North East are yet to experience any significant improvement in their lives destroyed by the war despite end to the fighting.

7.2 The GoSL has refused to accede to the demand by the people of the North East for an Interim Self Governing Authority capable of providing relief, rehabilitation and reconstruction to address the devastation caused by the twenty year long war.

7.3 The GoSL has shown its unwillingness to rise above politics even when the disaster caused by the tsunami was of such a magnitude that the entire world community has been moved to provide the survivors with aid.

7.4 The joint mechanism sought by the LTTE to ensure equitable distribution of funds expected to be provided by the international community to help the survivors of tsunami is yet to materialize.

7.6 Instead, the GoSL is engaged in increasing the military's fighting capabilities through recruitment, training and increased spending on military hardware.

7.5 GoSL's role in the extra judicial killings of the Tamil journalists and academics and members of the LTTE appears to be designed to provoke the LTTE into resuming the war.

“.. if the Sinhala chauvinistic ruling elites continue to deny the rights of our people and oppose reconciliation and if the conditions of oppression continue we have no alternative other than to secede and form an independent state invoking the right to self-determination of our people...”

- The policy statement of LTTE Leader Mr.V.Pirabakaran , 27 Nov. 2003-

Annex 1

TIME LINE

21 Dec. 2000: As a gesture of goodwill, LTTE unilaterally declares a month-long ceasefire effective Christmas Eve, December 24th.

23 Dec. 2000: President Chandrika Kumaratunga's PA Government rejects LTTE ceasefire and says further gestures of goodwill are unnecessary. Government further asserts that military offensives against LTTE will continue.

24 Jan 2001: LTTE extends unilateral ceasefire and calls on the international community to persuade Sri Lanka to reciprocate favorably and start negotiations.

26 Jan. 2001: PA Government rejects ceasefire and launches military offensives against LTTE positions.

22 Feb. 2001: LTTE extends unilateral ceasefire by another month and calls on the international community again to persuade the Sri Lanka government to reciprocate favorably to its goodwill gesture

22 Mar. 2001: LTTE extends unilateral ceasefire until April 24th and warns that they would resume armed operations if government refuses to reciprocate the ceasefire and continues its military operations against the LTTE.

23 April 2001: After observing four months of its unilaterally declared ceasefire, and trice extending it, LTTE calls off the ceasefire. LTTE says its decision was a "consequence of the hard-line, intransigent attitude of the Sri Lankan government which has refused to reciprocate positively" to its peace gesture and simultaneously intensified military operations against the LTTE.

24 April 2001: Within hours of the ceasefire's end, Sri Lankan forces launch a massive military campaign called Operation "Agni Keela" ("Fireball").

25 April 2001: Sri Lankan President Chandrika Kumaratunga vows to continue war. "I stress here we will not deviate from our mission of militarily attacking the Tigers," she declared.

01 Dec. 2001: General elections are held. New UNP government comes to power disposing of Kumaratunga's PA regime.

19 Dec. 2001: LTTE unilaterally declares a month-long ceasefire to be effective December 24th.

21 Dec. 2001: New UNP Government reciprocates ceasefire offer by LTTE

27 Dec.2001: New Sri Lankan Prime Minister officially requests Norway to resume its facilitator role.

22 Feb.2002: The Cease-Fire Agreement (CFA) is signed between GoSL and LTTE.

4 Sept.2002: Ban against LTTE in Sri Lanka under prevention of terrorism act (PTA) is removed.

16-18 Sept. 2002: The first session of direct peace talks held in Thailand.

Decisions from 1st session:

- 1. Accelerating resettlement and rehabilitation of internally displaced people and humanitarian mine action*
- 2. Joint committee on high security zone and joint task forces for humanitarian and reconstruction activities will be appointed*

31 Oct- 3 Nov. 2002: The second session of peace talks held in Thailand.

Decisions from 2nd session:

3 sub committees were appointed instead of joint committees proposed in 1st session (sub committee on political issues/ Sub committee on humanitarian and rehabilitation needs (SIHRN)/Sub committee on De-escalation and normalization)

25 Nov.2002: Sri Lanka Aid Conference held in Oslo. GoSL and LTTE jointly participated in this conference. Representatives from 37 countries and international donor agencies were present.

2-5 Dec.2003: 3rd session of peace talks held in Oslo, Norway

Decisions from 3rd session:

- 1. 6 de- escalation measures were agreed*
- 2. Parties agreed to explore a solution based on internal self-determination principles*

6- 9 Jan.2003: 4th session of peace talks held in Thailand

Decisions from 4th session:

- 1. Parties recognized that high security zone involves major humanitarian concern*
- 2. Agreed on an action programme for resettlement*

7-8 Feb.2003: 5th session of peace talks held in Berlin, Germany

Decisions from 5th session:

- 1. Requested Mr. Ian Martin to prepare a road map on human rights*
- 2. Formulated LTTE-UNICEF joint action plan for children affected by the armed conflict*

18-21 Mar. 2003: 6th session at Japan

Decisions from 6th session:

1. *To enforce better compliance with the CFA*
2. *To strengthen the capacity of the SLMM*

21 April 2003: LTTE temporarily suspends its participation in the peace talks citing non-implementation of agreements reached in the 6 round of talks

31 Oct.2003: LTTE submits its ISGA proposals to the GoSL and urges GoSL to recommence the talks

01 Nov. 2003: The GoSL agrees to restart the peace talks on the basis of LTTE proposal

04 Nov.2003: President Kumaratunga seizes control of 3 key ministries including defense and internal security ministries

07 Feb.2004: President Kumaratunga dissolves parliament and calls for snap election in April.

02 April 2004: General Elections in Sri Lanka. Tamils overwhelmingly vote for TNA. A collation of Sinhala hardliner political parties forms a minority government in Colombo.

26 Dec. 2004 : Tsunami strikes devastating coastlines across the North, East and South of Sri Lanka The North and East are the worst affected regions.

Annex 2

WE CANNOT CONTINUE TO BE ENTRAPPED IN A POLITICAL VACUUM...

LTTE Leader Mr. V. Pirapaharan's Hero's Day address to nation, 27.11.2004

'...Today we are faced with a critical and complex situation, unprecedented in the history of our liberation struggle. We are living in a political void, without war, without a stable peace, without the conditions of normalcy, without an interim or permanent solution to the ethnic conflict. Our liberation struggle will be seriously undermined if this political vacuum continues indefinitely...

'... We were not satisfied with the three successive draft proposals on an interim set-up submitted by Ranil's government. The draft frameworks lacked adequate administrative authority and they were unacceptable to us. Ultimately, we decided to formulate our own set of proposals. We discussed with our people at different levels and consulted political experts, legal specialists and constitutional scholars in the Tamil Diapsora and finalized our proposals for an Interim Self-Governing Authority. This is an original and pragmatic framework embodying necessary structures and mechanisms to address the urgent existential problems of our people. The proposed framework is invested with substantial authority to effectively and expeditiously undertake all tasks of resettlement, rehabilitation, reconstruction and development in the Tamil homeland. We submitted this proposal to establish an Interim Self-Governing Authority to Ranil Wickremesinghe's government on the 1 November last year and also released it to the media for public debate...

'..Some international governments welcomed our proposal, because it was the first time the Liberation Tigers had clearly and explicitly spelt out their political ideas in writing. Ranil Wickremesinghe's government did not reject our proposal for an Interim Self-Governing Authority to deal with the rehabilitation of the war affected people and to reconstruct the war devastated Tamil nation. His government viewed our proposals as different from their drafts, yet it agreed to resume peace talks on that basis, whereas the Sri Lankan Freedom Party outrightly condemned our interim administrative framework as the foundation for a separate Tamil state. As the leader of the Sri Lanka Freedom Party and as the President, Chandrika Kumaratunga went a step further by taking punitive action that plunged the southern polity into a crisis. Ranil Wickremesinghe's regime was suddenly and seriously destabilised when President Kumaratunga took over three key Ministries,

including Defence. Eventually, following the dissolution of Parliament by the President, Ranil's government collapsed...

'...While the verdict of the general election helped to reinforce Sinhala-Buddhist hegemonism in the Sinhala south, Tamil nationalism arose as a unified collective force in the northeastern Tamil homeland. The political ideals of our liberation organisation received the overwhelming support of the Tamil people...

'..Though there was a change of government in southern Sri Lanka and chauvinistic forces were able to gain political power, we continued to observe ceasefire and wanted to promote the peace process. We informed the Freedom Alliance government of Chandrika Kumaratunga, through the Norwegian facilitators, that we were prepared to resume peace talks based on our proposal to set-up an Interim Self-Governing Authority. It was at that time confusion and policy differences emerged within the ruling coalition...

'..Politically, the most powerful partner in the Alliance, the JVP, vehemently opposed granting political rights or devolution of power to the Tamil people. It has severely criticised the Norwegian government, which plays the role of facilitator...

'...There are important reasons as to why we are insisting on the formation of an interim administrative set-up as early as possible. As a consequence of a brutal and protracted war our people are facing urgent existential needs and immense humanitarian problems. Hundreds of thousands of displaced Tamils continue to languish in refugee camps in appalling conditions. In the meantime, the donor governments have pledged a massive aid package for the relief and rehabilitation of the war affected people. Therefore, it is of critical necessity that an interim administrative mechanism should be instituted with adequate powers to undertake the task of providing relief and rehabilitation to the suffering Tamil population and to reconstruct the war devastated Tamil homeland....

'..Though we have entered into a ceasefire agreement and observed peace for three years and participated in the peace talks for six months, our people have not yet received any peace dividends. The intolerable burden of the day-to-day life problems is suffocating our people. Our people are desperately anticipating relief and resolutions to their urgent existential problems. For these reasons we want the immediate resumption of peace talks, based on our proposal, so that an interim administrative authority can be established as early as possible to address the grievances of our people. If some elements of our proposals are deemed problematic or controversial, these issues can be resolved through discussions at the negotiating table. Once the interim administrative authority is institutionalised and becomes functional we are prepared to engage in negotiations for a permanent settlement to the ethnic problem. That is our position...

'..It will be meaningful to talk about a permanent settlement if the Sinhala political organisations have a clear, coherent policy, a proper insight and a consensus approach towards the Tamil national question. If not, there is no

meaning in engaging in talks about a permanent solution. There is division, discord, confusion and contradiction within the Sinhala political leadership on the Tamil issue. Having realized the truth that the Sinhala political leadership will not be able to offer a reasonable permanent solution to our people, we submitted an interim solution. We expressed our desire to resume negotiations, based on our proposals for an interim mechanism, to provide relief to our people's urgent existential needs. But the government of Kumaratunga is deliberately impeding the peace efforts by insisting that talks should be about a permanent settlement. Having covered up the serious policy differences and internal contradictions behind the curtain of a loose political alliance, President Kumaratunga is accusing the Tamil Tigers of intransigence. We are confident that the international community will soon be able to see the real face of Chandrika, who is acting with a deceptive mask of peace...

'..We cannot continue to be entrapped in a political vacuum without an interim solution or a permanent settlement, without a stable peace and without peace of mind. The Sinhala nation neither assimilates and integrates our people to live in co-existence nor does it allow our people to secede and lead a separate existence. We cannot continue to live in the darkness of political uncertainty, without freedom, without emancipation, without any prospects for the future. There are borderlines to patience and expectations. We have now reached the borderline. At this critical moment we wish to make an urgent appeal to the Sri Lanka government. We urge the government to resume the peace negotiations without conditions, based on our proposal for an Interim Self-Governing Authority. If the Government of Sri Lanka rejects our urgent appeal and adopts delaying tactics, perpetuating the suffering of our people, we have no alternative other than to advance the freedom struggle of our nation. We call upon the concerned international governments to understand our predicament and prevail upon the Sri Lanka government to resume peace talks based on our fair and reasonable stand...'

Annex 3

Sri Lanka Government statement INTERIM AUTHORITY WITHIN CONTEXT OF PERMANENT SETTLEMENT

Media Release
03 March 2005

There has been some confusion with regard to the reasons for the failure to resume talks with the LTTE last year. The Government wishes to clarify this issue with regard to efforts to draw up an agenda for the resumption of peace talks prior to the devastation wrought by the tsunami in December. The Government has always expressed its willingness to begin talks immediately. It has emphasized the importance of direct negotiations as a means of building confidence, maintaining the ceasefire and improving the climate for a durable solution to the ethnic conflict. Unfortunately, the LTTE did not share this view and insisted on opening negotiations on the basis of a single agenda item and based solely on the specific LTTE proposals of the Interim Self Governing Authority. The Government has never agreed to this.

During efforts to evolve an agenda for peace talks, the Government has agreed to the concept of setting up an Interim Authority within the context of negotiating a permanent settlement to the ethnic conflict, on the basis that an Interim Authority will be useful in a transitional period from a situation of conflict to one of democracy. Agreeing to negotiate an Interim Authority in such a context is very different from opening negotiation solely on the basis of the LTTE demand of the Interim Self Governing Authority, which prevents the re-opening of direct negotiations.

This view has been articulated in previous statements excerpted below.

Her Excellency the President's speech at the inaugural meeting of the National Advisory Council for Peace and Reconciliation (NACPR) on 4th October 2004 where she said:

"The Government's position has been that we accept the concept of setting up an Interim Administration in the interim period whilst a permanent solution is negotiated and implemented. But we require commitment from the LTTE that the Interim Administration as well as the final solution would be based on the Oslo Declaration."

The GOSL Press Release of 1st December 2004 in response to the LTTE leader's statement of November 2004:
'A call ... from the LTTE now for the resumption of negotiations without conditions, while setting conditions itself by insisting unilaterally on a single agenda item is scarcely conducive to good faith negotiations. The Government of Sri Lanka has conveyed publicly, and through the kind facilitation of the Royal Norwegian Government, its readiness to discuss the establishment of an Interim Authority to meet the urgent humanitarian and development needs of the people of the North and East as a priority, while exploring a permanent settlement along the lines of the document signed and accepted by the Government and the LTTE in Oslo on December 5, 2002.'
S. D. Piyadasa
Director of Government Information

Annex 4

MASSIVE RISE IN SRI LANKAN FIREPOWER AMID PEACE

Sri Lanka's armed forces substantially expanded their offensive capability after the ceasefire agreement with the Liberation Tigers was signed in February 2002, a book published by a senior United States military analyst says. The Sri Lanka Air Force (SLAF) has doubled its manpower and acquired twenty new aircraft, while the Army (SLA) has tripled its tanks and doubled its artillery firepower.

In a book titled "[Sri Lanka's military: The Search For A Mission](#)" published this year, Brian Blodgett, a career United States Army intelligence officer and an adjunct professor with the American Military, examines the historical evolution of Colombo's armed forces.

"While peace negotiations were occurring, the SLA increased its armour, APCs (armoured personnel carriers) and artillery," Blodgett says. "The SLAF bought 10 Mi-35s [export versions of the Mi-24 helicopter gunship] and 10 transports," he says. The SLAF has thereby "increased its attack helicopters to 24." The army nearly doubled its artillery, from 97 in 2001 to 187 in 2002," Blodgett writes. "The army increased its APCs by approximately 70 percent, from 158 to 204." Furthermore, in 2001, shortly before signing the present ceasefire agreement with the LTTE in February, the Sri Lanka Army (SLA) purchased 40 new battle tanks in addition to the 25 (of which at least 18 were then operational) that it possessed. "The air force remained at 10,000 airmen until 2002 when it nearly doubled its size to 19,300 airmen," Blodgett says. "The air force continues to have high recruitment since the majority of airmen never face combat." "In 2002, the SLA's [official] strength increased dramatically ... from 95,000 to approximately 118,000 soldiers," Blodgett says. However, "it was impossible to determine the [SLA's] exact strength due to the large number of desertions," he adds. "Recruitment to the SLA is extremely difficult [and retention] is poor," Blodgett says, adding that some of the increased strength was due to returning deserters.

Sri Lanka's Navy, which began a major expansion shortly before the ceasefire, continued after negotiations began. "In 2001, the SLN increased its manpower by 80 percent to 18,000 sailors. By

2003, the navy had approximately 20,600 sailors,” Blodgett says. Unlike the Army, the Navy “did not have any problems recruiting or retaining sailors” in this period, he adds. The naval expansion came because in 2000, the Sri Lanka government “decided the Navy needed to be the first line of defence against the LTTE.” The government believes “if the navy could stop the flow of weapons and ammunition to the LTTE, the army could defeat them,” Blodgett says.

Meanwhile, “after losing Elephant Pass to the LTTE [in 2000] and having its subsequent [Agnie Khiela] offensive [in 2001] stopped after only 72 hours, the SLA decided that it needed additional firepower to defeat the LTTE,” Blodgett says. Perhaps in response to SLA officers’ arguments that “jets are unnecessary because they are too fast and come from too far,” the SLAF may be shifting its doctrine in favour of rotary wing instead of fixed wing close support, he says. But “due to a dearth of pilots and limited training establishments [in Sri Lanka], most of the trainees are undergoing advanced flight training in India, Pakistan and Bangladesh.” As a consequence of the purchase of new equipment, “the SLA appears to be prepared to carry on the war against the LTTE,” he feels. But despite the military’s expansions, Blodgett feels Sri Lanka is underprepared to engage the LTTE.

The current ceasefire has “forced troops back to their barracks where they are losing their edge. Deserting is rampant throughout infantry units [which form] the largest percentage of SLA troops,” he feels. “The emergence of a more heavily armed LTTE at the start of this decade caught the SLA by surprise (once again) and it is likely that the LTTE is continuing with its training and equipping,” he adds. “[The present military] remains incapable of protecting the island from internal threat and is unprepared and ill-equipped for an external threat,” he says. “The emergence of a more heavily armed LTTE with dedicated soldiers fighting for a clear objective proved that the military forces had met their match,” Blodgett argues. “[The army’s] forces are incapable of defeating the LTTE with either conventional or unconventional tactics,” he says further. By contrast, “the military of the 1980s proved it could fight an unconventional war, and by wantonly killing anyone it perceived a threat, it could win a war,” Blodgett says, in reference to the crushing of the Janatha Vimukthi Perumana insurgency. (Aug.2004. source Tamilnet news service)

“Disaster Relief” used to bolster Colombo’s air-transport capability

Sri Lanka has asked the USA to speed shipment of parts required to return one C-130K to flight and to review a 2004 request to obtain at least one additional aircraft from excess US stocks, Flight International, a UK based magazine covering aerospace industry news, in its Defence column of the February 1st 2005 issue, quoted Sri Lanka Air Force (SLAF) commander Donald Perera as saying. SLAF’s two C-130Ks have been grounded for the last two months according to the report. The magazine also confirmed that the US government sources are working to supply Sri Lanka with significant amount of spares and two new engines as quickly as possible. Noting that funds for at least one more helicopter could be made available this year, the magazine said that at least three more aircraft are required to bolster Sri Lanka’s 14-strong Bell 212 fleet, with the company’s Model 412 the most likely solution. The magazine further noted that the SLAF has asked the Sri Lankan government to fund the purchase of additional transport helicopters, including Bell 412s and Mil Mi-17s, as part of a new five-year budget plan. Bell Aerospace has been trying to sell Sri Lanka more 412s since it delivered its last of four VIP aircraft in 1999, the magazine said. (Source: Flight international and Tamilnet)

Annex 5

TAMIL NATIONAL ALLIANCE (TNA)

Election Manifesto, 2004

..... For these reason the TNA expects the Sinhala nation also to play its part in the productive and healthy resumption of the disrupted political settlement efforts. Based on this the TNA puts forward the following resolutions:

Find a political solution to the Tamil national problem based on the acceptance of the fundamental proposals regarding (Tamil Nation's) Tamil homeland, Tamil Nation, Tamils' right to self-government (autonomy).

The TNA has clear and definitive position on the political solution of the Tamil national problem in regard to the Muslims. Because of the fact the Muslims have Tamil as their Mother tongue like the Tamils and on the recognition that they have lived in amity amongst the Tamil in the Tamil homeland, the TNA has decided that any solution to the Tamil national problem must incorporate matters and features that reassure the distinctiveness, security, culture and economy of the Muslims. In this manner, in the ISGA proposals and features relating to the Muslims have been made manifest. That the Muslim community has the right to be a party in determining the part to be played by them in ISGA committee has been made clear by the LTTE. Moreover, LTTE has made known that the members appointed by the NorthEast Muslim community will take their place in the ISGA committee. The TNA is confident that the Muslim brothers will join with the Tamils in this front to erect a common future.

The Sinhala nation should accept in toto the ideas developed in the ISGA document put forward by the LTTE which contains excellent proposals in regard to rebuilding the Tamil country devastated and Tamil lives ravaged in the twenty-year long war, to solve the day to day problems encountered by the Tamil people and to establish normalcy in the lives of the Tamil people, centered on their welfare, respecting human rights and conforming to the rule of law, and proceed to hold talks with the LTTE and set up the ISGA committee.

The high security zones and armed forces camps which are located in areas populated by Tamils disregarding their welfare, priority given to strategic interest of warfare, should be removed and arrangements made for the Tamil people to return and settle in their places of residence.

The armed forces' interdiction and oppression imposed must be lifted comprehensively to enable the Tamil people to carry on the activities needed for their livelihood and to move freely in their homeland.

The international community, instead of waiting until the Tamil nation's ethnic problem is permanently solved, should step forward and directly assist in the pressing humanitarian needs and economic development schemes and improve the economic life of the Tamil nation.

The political prisoners unreasonably held in jail for years should all be released forthwith.

An international judicial inquiry should be conducted to deliver justice to our people and to the relatives who are burdened with the unbearable sorrow of not knowing the fate of those innocents who disappeared

after having been arrested by the armed forces and police in our homeland.

All the provisions of the cease-fire agreements must be completely fulfilled and peace and normalcy should prevail in our homeland.

The LTTE has for the past two years put up with the violent, surly behavior of the armed forces without impairing the conditions for peace and observing the cease-fire and acting steadfastly and firmly towards the path of peace. Hence, the international community should create the environment by removing the restrictions put in place by certain countries on the LTTE, the authentic sole representatives of the Tamil people, so that they could, with authority, dignity and with equal status conduct talks with the government of Sri Lanka.

- Accepting LTTE's leadership as the national leadership of the Tamil Eelam Tamils and the Liberation Tigers as the sole and authentic representatives of the Tamil people, let us devote our full cooperation for the ideals of the Liberation Tigers' struggle with honesty and steadfastness.
- Let us endeavor determinedly, collectively as one group, one nation, one country, transcending race and religious differences, under the leadership of the LTTE for a life of liberty, honor and justice for the Tamil people.
- Let us work side by side with the LTTE, who are fighting for the protection and autonomous life of the Tamil speaking people, for the political initiatives under their leadership.
- We emphasize that if the Tamil nation's requests are continued to be rejected, rightful political solution denied and armed aggression and oppressive rule return, based on the doctrine of self-determination, it is an inevitable reality that Tamil sovereignty and independence will be established in the Tamil homeland.
- We implore our people to identify the selfish, opportunistic packs and gangs that operate in our midst as the enemies and as the tools of the majoritarian chauvinist Sinhala forces against the Tamil nation which seeks an honorable and peaceful life and reject them totally and completely in the upcoming elections.
- We are sending a clarion call to the Tamil speaking people to unite under one flag and give overwhelming support to the TNA which is contesting (the elections) under the ILANKAI TAMIL ARASU KATCHI'S symbol of house, so as to emphasize the aims of the people of the Tamil Nation, to proclaim again the political resolve of our people, to strengthen further the Tamil nation and to win the political rights of the Tamil speaking people.

PARLIAMENTARY ELECTION IN THE NORTH-EAST, 2004

(A special report prepared by International Federation of Tamils on 31, June 2004)

The parliamentary election held in Sri Lanka on the 4th of April, 2004, is significant, as it ensured, after a lapse of over two decades, a basic human and political right to the Tamil citizens, allowing them the right of franchise to choose their own representatives. As a result, the voters in the North and East participated with great enthusiasm this time.

THE ELECTIONS IN THE NORTH-EAST

The people of the North-East have had to live in war and state oppressive situations for a long period of time. According to the reports of the UNHCR, about 600,000 people of the North-east are still displaced; about one million people have fled to India and other countries.

In the North-East, areas recovered by the LTTE after a prolonged war, are being administered separately by them.

In the North-East, four political parties aligned together, formed the Tamil National Alliance (TNA) and contested the election. The paramilitary groups such as the EDDP and PLOTE, contested the election as registered political parties. They were financed and supported by the Intelligence Division of the Sri Lankan armed forces and the Defence Ministry contrary to the ceasefire agreement signed in 2002, in which it was stipulated that the Tamil paramilitary groups should be disarmed or integrated into the Sri Lankan armed forces and treated as such.

ELECTION PROCESS IN THE NORTH EAST

There were not any reliable official complaints made to the authorities by any candidate, in any part of the North-East. However, complaints against the Sri Lankan navy were lodged in the island district of Jaffna peninsula, where the TNA made charges against the navy, which they complained, was refusing to let the TNA conduct its publicity drive. The navy denied the charges. Although the LTTE did not ban any candidate from entering their areas, the pseudo political party candidates were unable to enter those areas to canvass vote as the ceasefire agreement prohibited armed forces from escorting them there.

As a result of the violent and intimidating incidents in the districts of Batticaloa and Ampara, the vote canvassing drive in favour of Joseph Pararajasingham, the main TNA candidate, had to be suspended.

The TNA candidates went freely to all nooks and corners of the North-East to canvass vote. The vehicles of the armed forces, while on their duty rounds, were observed to be distributing anonymous leaflets attacking the TNA candidates.

The Tamil paramilitary political parties made full use of the state media institutions, taken over by the President from Ranil Wickremasinghe's government.

CLUSTER BOOTHS AND VOTING RIGHTS

Major parts of the North-east are under the control of the LTTE and 150,000 registered voters are residing in these areas. During the past, voting right was denied to those living in LTTE areas. The position of the government was that the people should vote in polling booths organised near army control/occupied areas closer to LTTE administrative areas. With their determination to exercise their democratic right, thousands of voters, undertook hazardous journey and slept overnight in open fields near the polling booths.

THE ROLE OF THE LTTE

The LTTE made public its willingness to let polling booths be organised in their areas and elections conducted under the auspices of the international election monitoring commission.

Once the final decision of the government to conduct polling only in government controlled areas was announced, the LTTE provided all assistance to voters in their areas to participate in the exercise and to the monitoring commission to conduct its supervisory activities in the LTTE areas.

In the meantime, the commotion created by Karuna, former LTTE commander for Batticaloa-Ampara district, tended to tarnish the image of the LTTE. Even during this period of tension, for fear that the democratic activity be jeopardised, the LTTE kept its cool and postponed its disciplinary action against recalcitrant Karuna, until after the elections.

THE ROLE OF THE SRI LANKAN ARMED FORCES

There was an over-abundant concentration of Sri Lankan armed forces in Jaffna, Mannar, Vavuniya, Trincomalee, Batticaloa and Ampara districts and they commenced their military activities in places where civilian population was dense.

The armed forces provided protection to candidates from EPDP and some other groups other than the TNA. State armed forces were involved in conducting or assisting in election campaigns of the pseudo political parties, distributing leaflets, assaulting TNA candidates and their supporters.

The paramilitary groups made use of vehicles of the state armed forces, for their election propaganda activities. There were complaints made against the navy for intimidating the TNA candidates when the latter ventured to canvass votes in the islands off mainland peninsula.

A number of army intelligence involvement in Karuna related incidents in Batticaloa-Ampara districts has come to light, now. Mangala Samaraweera, minister for information, has publicly expressed regrets at this (BBC report 24.06.04).

THE ROLE OF THE STATE MEDIA IN THE NORTH-EAST ELECTION

Under the election regulations, the state media should not patronise any political party campaign. Sri Lankan government provided radio facilities to EPDP and Ananthasangaree groups to conduct election publicity drives. TBC, a radio station based in London, conducting an anti LTTE and anti TNA drive got slots on the state radio channels. This breach of election regulations was allowed to go unbridled.

VIOLENCE IN THE EAST

Violence was unleashed against the TNA and the supporters of LTTE. Murders were also committed. A university professor was murdered. So was a news correspondent. Both murders were attributed to be committed by Karuna and his cohorts.

It was very clear that the violent incidents, which took place in Batticaloa-Ampara districts, were orchestrated against the LTTE. It is our candid opinion that the LTTE, while being victim of a malicious propaganda, should not be blamed for the chaos. If

at all, the movement should be commended for exercising patience and postponing punitive action against the recalcitrant group, in order to accommodate a smooth democratic exercise.

ELECTION DAY, APRIL, 2004 NORTH-EAST

The general election held on the 4th of April, could be considered a landmark in the recent history of the Tamils in the North-East. To a nation long oppressed and denied the democratic right to choose its own political destiny, the election was an inspirational outlet. Voters, including very old people, landmine victims and victims of war, on crutches and artificial limbs, made their way to cluster booths from very distant villages in the LTTE controlled areas, braved the night in open fields and exercised their democratic right the following morning.

VIOLENCE ON THE ELECTION DAY

In the North-East, although noticeable violence was recorded, it should be noted that it was during the general election period. An environment of violence prevailed in Batticaloa-Amparai districts. Escalation of this environment to other parts of North-East, should be attributed to the unruly behaviour of the paramilitary pseudo political groups contesting in the election.

In Batticaloa-Ampara areas, there were five political murders and displacement of thousands of people as per records.

In Jaffna, two university students were severely assaulted by members of some paramilitary political parties. The victims were admitted to hospital. Violent incidents took place outside Padhmini Sithamparanathan's residence. Padhmini was the female candidate of the TNA.

According to the CVMC, distribution of the total blame for election-violence, taken on an island-wide scale, on the major players, was as follows:

PARTY

INCIDENTS

MINOR

MAJOR

1. Chandrika Kumaratunge's ruling alliance	29%	25%
2. Ranil Wickremasinghe's UNP alliance	52%	15%
3. LTTE	1%	2%

One of the most notable violent incidents during the election period, took place in Batticaloa-Ampara area. There, thousands of voters, were chased out of their homes by Karuna and his cohorts. This displacement was widely condemned by many international agencies including UNHCR. It is beyond doubt that the state armed forces were involved in the Karuna Affair and were supportive of the paramilitary groups. Mangala Samaraweera, Minister for media and Information has admitted this on a number of occasions.

ELECTION RESULTS

<u>District</u>	<u>total no.Votes for TNA</u>	<u>TNApercentag</u>
Jaffna	257,320	90.6%
Vanni	90,835	64.71%

Trincomalee	68,955
37.72%	
Batticaloa	161,011
66.71%	
Amparai	55,533
19.13%	

CONCLUSION

1. Parliamentary elections, which were conducted in the North-East, were comparatively fair, just and free.
2. The objections placed by the paramilitary pseudo political parties should be considered to impute improper political motives, lacking in noble democratic aspirations and treated as such.
3. The parties and groups contesting in the election should be vetted for their democratic adherences before granting them a political status. Paramilitary pseudo political party such as EPDP has by its conduct proved its unworthiness.
4. In future, arrangements must be made for proper registration of voters, maintenance of proper voters' list and proper distribution of polling cards before the elections.
5. Under the ceasefire agreement there are two de facto areas of control recognised in the North-East, one under the state and the other, under the LTTE. Official recognition as separate areas of administration should also be made in their case, and polling booths provided in both areas
6. We consider the verdict of the people in the concluded election as decisive.

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