

Sri Lanka: 1999 Country Reports on Human Rights Practices

by U.S. Department of State

Im folgenden veröffentlichen wir im Wortlaut Auszüge aus dem jüngsten "Country Report" des U.S. Department of State:

(..) For the past 16 years the Government has fought LTTE, an insurgent organization fighting for a separate state in the north and east for the country's Tamil minority. The conflict has claimed approximately 60,000 lives. In a failed attempt to open a land-based supply route to Jaffna in 1997 and 1998, 5,000 combatants on both sides were killed and tens of thousands of persons were displaced from their homes. During the year, government forces gained territory in the north and west of the island through a series of offensives. In November the LTTE counterattacked and successfully pushed back the government forces to new defensive lines, recapturing most of the territory that the Government had seized over the past 2 years. It is estimated that more than a thousand combatants were killed on both sides. The Government, through the Ministry of Defense, controls all security forces. The 60,000-member police force is responsible for internal security in most areas of the country and also has been used in military operations against the LTTE. The 120,000-member army (which includes the Army Volunteer Force), the 17,000-member navy, and the 18,500-member air force bear principal responsibility for conducting operations against the LTTE insurgents. The Police Paramilitary Special Task Force (STF) also battles the LTTE. The more than 15,000-member Home Guards, an armed force drawn from local communities and responsible to the police, provides security for Muslim and Sinhalese village communities in or near the war zone. The Government also arms and directs various Tamil militias opposed to the LTTE, although at times these groups act independently of government authority. During the year, some members of the security forces committed serious human rights abuses. Sri Lanka is a low-income country with

a market economy based on the export of textiles, tea, rubber, coconuts, and gems, and on earnings from tourism and repatriated earnings of citizens employed abroad. The gross domestic product per capita is approximately \$850. The economy's growth rate was 4.7 percent in 1998 and growth for 1999 was expected to be less than 4.0 percent due to declining strength in the garment industry and a contraction in the market for export of tea. In 1997 the Government intensified efforts to promote economic reform and liberalization, including privatizing some government enterprises and promoting foreign investment and trade. These steps continued during the year. The Government generally respected the human rights of its citizens in areas not affected by the insurgency; however, the ongoing war with the LTTE continued to be accompanied by serious human rights abuses by the security forces. Security forces committed numerous extrajudicial killings, and almost certainly killed prisoners captured on the battlefield. In addition up to 15 individuals disappeared from security force custody in Vavuniya and in the east. In the past, persons also have disappeared or have been killed after last being seen near the army's forward defense lines in the north, areas civilians are ordered by the military to avoid. The circumstances of such disappearances and killings were unclear, and with the many military offensives and forward defense line changes throughout the year, the risk to civilians remained high. Torture remained a serious problem, and prison conditions remained poor. Arbitrary arrests -including short-term mass arrests and detentions -continued, often accompanied by failure of the security forces to comply with the protective provisions of the Emergency Regulations (ER). Impunity for those responsible for human rights abuses also remained a serious problem. Little progress was made in resolving cases of extrajudicial killing or disappearance. In most cases, there was no investigation or prosecution at all, giving the appearance

of impunity for those responsible for human rights violations. No arrests were made in connection with the disappearance and presumed killing of at least 350 civilians whom the security forces suspected were members or sympathizers of the LTTE in Jaffna in 1996 and 1997. The Government infringed on citizens' privacy rights and restricted freedom of the press. The Government continued to engage in censorship of domestic newspaper reporting and foreign television broadcasts on military and security operations during the year. On occasion security forces harassed journalists. On one occasion government forces assaulted journalists and forcibly dispersed a march by the leading opposition party. There were some restrictions on freedom of movement, especially from Vavuniya to the south and Colombo. Violence and discrimination against women, child prostitution, child labor, and discrimination against the disabled continued to be problems. There is some discrimination and occasional violence against religious minorities and widespread ethnic discrimination against Tamils. Trafficking in women and children for the purpose of forced prostitution occurs. In positive developments, the Government took steps to control abuses. The national Human Rights Commission (HRC) continued its operations in 11 offices around the nation; however, human rights observers believed the HRC was not pursuing its mandate aggressively due to poor leadership. In 1998 the Government also established a cabinet - level committee initially known as the Anti-Harassment Committee and later renamed the Committee to Inquire into Undue Arrest and Harassment (CIUAH). The CIUAH has a mandate to investigate complaints associated with alleged harassment and arrests and other security force actions. Human rights groups state that the committee is somewhat effective; however, critics believe that the committee's services have not been

advertised widely and question its continued viability. In July 1998, one of the six soldiers convicted in the Krishanthi Kumaraswamy murder and rape case claimed that he knew where the bodies of up to 400 Tamils killed by security forces in 1996 had been buried. In part as a result of international pressure and prodding by the HRC, the Government agreed to open an investigation. During the year, two exhumation investigations recovered 15 bodies. At year's end, the Government was continuing its investigation and had not yet sought criminal indictments against any security force personnel in relation to the killings.

There was no attempt, as in the past, to use the ER to cover up security force misdeeds. Through its rulings, the judiciary continued to exhibit its independence and uphold individual civil rights. Security forces continued to take effective measures to limit civilian casualties during military operations; however, the air force bombed a civilian village near the north of Puthukudiyiruppu (PTK) on September 15, killing 22 persons, and in November at least 37 civilians were killed in fighting at the Madhu Church during an exchange of shelling between SLA and LTTE troops. The Government captured and took prisoner more than 90 LTTE cadres throughout the year. The Government also continued to provide relief to those displaced by the conflict even though many were still in areas under LTTE control such as the Vanni area. However, government restrictions on medical supplies and a significant reduction in food rations contributed to poor health conditions for civilians in the Vanni area. In 1997 three regional commissions published a report that documented that more than 16,000 persons had disappeared over the period from 1988 to 1994 after having been removed forcibly by security forces (including paramilitary organizations) and antigovernment elements, primarily the leftist Janatha Vimukthi Peramuna (JVP). Following publication of this report, the Government began submitting cases of alleged human rights abuses to the Attorney General's office for review and possible prosecution of those involved. The Attorney General referred over 290 indictments to the courts, action reportedly had been filed against 489 security force personnel, and 25 cases were moving through the court system by year's end. A fourth

commission was established in May 1998 to investigate the 10,000 cases of disappearance that the first 3 commissions could not investigate before their mandates expired. The report was scheduled for release on October 29; however, by the end of year, the commission had not completed its investigation or released its final report. There are several former Tamil insurgent organizations that now are aligned with the Government. These progovernment Tamil militants, who are armed and at times directed by the security forces, sometimes committed extrajudicial killings and were responsible for disappearances, torture, detentions, extortion, and forced conscription in Vavuniya and the east. The military wing of the People's Liberation Organization of Tamil Eelam (PLOTE) committed many such abuses. Both PLOTE and the Tamil Eelam Liberation Organization (TELO) effectively were disarmed by the Government in Vavuniya after a May 15 shootout between the groups in Colombo. The LTTE continued to attack civilians. The LTTE regularly committed extrajudicial killings, including killing prisoners taken on the battlefields, and also was responsible for disappearances, torture, arbitrary arrest, detentions, and extortion. After a period of relative calm at the beginning of the year, the LTTE began a long series of attacks, killing close to 100 civilians, including moderate Tamil politician Dr. Neelan Tiruchelvam. In the north, at least 14 persons found guilty of offenses by the LTTE's self-described courts were killed by public execution and their bodies tied to lamp posts or otherwise left for public display. Through a campaign of killing and intimidation, the LTTE continued to undermine the work of the local government bodies in Jaffna whose members were elected in free and fair elections in January 1998. In addition the LTTE warned Tamil politicians in the east to discontinue their political activities during part of the year; however, they later lifted their ban on such activity.

The LTTE continued to control large sections of the north and east of the country through authoritarian military rule. It denied those under its authority the right to change their government, infringed on their privacy rights, forcibly recruited children, routinely violated their civil liberties, operated an unfair court system, restricted freedom

of movement, and severely discriminated against ethnic and religious minorities.

Respect for Human Rights Section 1 Respect for the Integrity of the Person, Including Freedom From: a. Political and Other Extrajudicial Killing

Police, home guards, and army personnel committed extrajudicial killings in many places, including the eastern province, and army personnel also were responsible for killing a number of persons in the Vavuniya area and in Jaffna in the north. In July Ida Carmelita, a young Tamil girl, allegedly was kidnaped, gang raped, and killed in the Mannar area by five soldiers. At year's end, the case still was being investigated. In September an air force bombing of Puthukkudiyiruppu in the north killed over 20 civilians and wounded 40 others (see Section 1.g.). Security forces killed at least two other persons in Vavuniya. At least three killings occurred in the Batticaloa area, associated with operations against the LTTE insurgents. In November at least 37 civilians were killed in fighting at the Madhu Church during an exchange of shelling between SLA and LTTE troops (see Section 1.g.). About 3,000 internally displaced persons (IDP's) sought shelter at the church a few days earlier as the fighting between the LTTE and government forces escalated. The circumstances of the shelling remain unclear; however both the government security forces and the LTTE knew that civilians were inside the church. At least one person died in police custody in Kandy after being arrested for suspected terrorist activity (see Section 1.c.). The exact number of extrajudicial killings was impossible to ascertain due to frequent censorship of news relating to military or police operations and to lack of regular access to the north and east where the war between the Government and the LTTE insurgents is being waged.

In some cases extrajudicial killings were reprisals against civilians for LTTE attacks in which members of the security forces or civilians were killed or injured. In most cases, the security forces claimed that the victims were members of the LTTE, but human rights monitors believe otherwise. In Thampalakamam in February 1998, police and home guards allegedly massacred eight Tamil

civilians, including three children, possibly in reprisal for the LTTE bombing of the Temple of the Tooth 1 week earlier. Some 31 police officers and 10 home guards were arrested in connection with the case. Twenty-one of these individuals were charged, 4 with murder and 17 with unlawful assembly. The other 20 were released after the Attorney General determined that there was insufficient evidence against them. The cases were scheduled to be heard during the year; however, they had not begun by year's end. The perpetrators of most extrajudicial killings were not arrested by year's end.

Impunity remains a serious problem. Since April 1995 at least 761 persons have been killed extrajudicially by the security forces or have disappeared after being taken into security force custody and are presumed dead. With the exception of the six security force personnel convicted in the 1996 killing of Krishanthi Kumaraswamy, no member of the security forces has been convicted for any of these crimes. In the vast majority of cases where military personnel may have committed human rights violations, the Government has not identified those responsible and brought them to justice. In August 1998, the Government reimposed a state of emergency nationwide. There was no evidence that the Government was using the ER, as in previous years, to conceal extrajudicial killings or disappearances. Nevertheless, crucial safeguards built into the ER and the legislation establishing the HRC often were ignored by the security forces - especially those provisions requiring receipts to be issued for arrests and ordering the security forces to notify the HRC of any arrest within 48 hours. Although security force personnel can be fined or jailed for failure to comply with the ER, none were known to have been punished during the year.

The 1997 death of Reverend Arulpalan was not investigated during the year. In December 1997, three Tamil prisoners were hacked to death in prison by Sinhalese prisoners at Kalutara prison. Prison staff and army personnel at the prison allegedly failed to take measures to protect the detainees even as the attack occurred. At year's end nobody had been charged. In 1998 6 persons were found guilty and sentenced to death and 2 persons were acquitted in the case of the 16 police and army personnel who were arrested for the rape and murder of

Krishanthi Kumaraaswamy, the murder of 2 of her family members, and the rape and murder of another individual. At his sentencing in the Kumaraswamy case, one of those convicted, former Lance Corporal Somaratne Rajapakse, claimed that he had knowledge of mass graves at Chemmani in Jaffna where the bodies of up to 400 persons killed by security forces in 1996 had been buried. On July 22, 1998, the Ministry of Defense (MOD) issued a statement indicating that the police criminal investigation department had been directed to examine the allegation. In August 1998, the MOD stated that a forensic expert, a government analyst, and police detectives would visit the site. The HRC also was involved in investigating the claim and asked for United Nations forensic assistance. The Government was slow to move on the case; however, due to international pressure the process again was put in motion early in the year. On January 7, the Attorney General filed a request in the Jaffna magistrate's court to order exhumations of the Chemmani site. In March a team of Government investigators visited the site and collected preliminary soil samples. On June 16, Rajapakse identified one site; excavations witnessed by international observers yielded the skeletal remains of two persons. The two victims were provisionally identified as two young men who had disappeared in 1996 (see Section 1.b.). In August and September, 5 persons convicted in the Kumaraswamy case identified a total of 16 sites where they said they had buried between 120 and 140 bodies on the orders of their superiors. Exhumations, again observed by international experts, resumed on August 30. During this phase of exhumations, an additional 13 bodies were uncovered. On December 6, the Government submitted its forensic report to a magistrate in Jaffna; the report stated that 10 of the remains, including one skeleton that was bound and blindfolded, showed signs of physical assault and murder. The cause of death was not determined for the remaining bodies; however, the report stated that physical assault and murder could not be ruled out. By year's end, 13 of the bodies had not been identified. Rajapakse and others convicted in the Kumaraswamy case also disclosed the names of the 20 security force personnel, including 2 former policemen, who allegedly were

responsible for the killings in the Chemmani case. On September 21, the Attorney General announced that the Government would attempt to confirm the identity of those who reportedly were involved in the killings; however, by year's end the investigation was ongoing and no arrests were ordered. The case against 8 soldiers and 1 reserve police constable arrested in February 1996 in the massacre of 24 Tamil villagers in Kumarapuram came to trial in September 1997. In November 1998, six of the soldiers were charged with murder and the case was scheduled for trial during the year; however, no action was taken by year's end. The other two accused security force agents were released due to lack of evidence. At year's end, the Attorney General had not made a recommendation concerning prosecution in the case of the six police officers who were accused of killing a Tamil textile merchant whose charred body was found in 1996. The case of the 22 STF members who were arrested on suspicion of murdering 23 Tamil youths in 1995 was scheduled to be heard in March; however, the prosecution did not appear. At a resumption of the proceedings in December the judge asked the case to be assigned to another court, and a new hearing is scheduled for February 2000. The PA Government came to power in 1994 and promised to bring to justice the perpetrators of extrajudicial killings from previous years. In 1994 it began prosecutions in several extrajudicial murders allegedly committed by members of the security forces. The trial of 21 soldiers accused of massacring 35 Tamil civilians in 1992 in the village of Mailanthani in Batticaloa district was transferred to the Colombo High Court in 1996. The trial is scheduled to begin in May 2000. There were no developments in the government investigations into the mass graves at Sooriyakanda, which contain an estimated 300 bodies, or the grave at Ankumbura, which is thought to contain the bodies of 36 people killed by the police in 1989. There were also no developments in the Nikaweratiya army camp incident in which soldiers allegedly killed 20 youths in 1989 during the period of the JVP uprising. In 1996 a presidential commission was established to investigate alleged torture and murder during the 1988-89 JVP uprising at a government - run detention center at the Batalanda housing estate

near Colombo. In August 1998, five senior police officials were placed on compulsory leave for their involvement in the case, but they reportedly had been returned to duty in December of that year. In a final judgment, the trial court found the accused not guilty and closed the case.

Former insurgent Tamil militant groups now aligned with the Government committed extrajudicial killings in the eastern province and in the Vavuniya area in the north. The military wing of PLOTE and the Razeek group were responsible for killing a number of persons. The security forces arm and use these militias and a number of other Tamil militant organizations to provide information, to help identify LTTE insurgents, and, in some cases, to fight in military operations against the insurgents. The exact size of these militias is impossible to ascertain, but they probably total fewer than 2,000 persons. Although the army in some instances took steps to convert Tamil militia groups into regular army units, military oversight of these groups is generally inadequate. These groups frequently operated beyond government control. Complaints about their activities continued, especially in transit camps for IDP's in Vavuniya. The militias gain access to these camps through a variety of means, including bribery and threats. It was impossible to determine the number of victims because of the secrecy with which these groups operated. Those killed by these militants probably included both LTTE operatives and civilians who failed to comply with extortion demands. In May the Government forbade these groups from carrying arms in public and from stockpiling weapons, but this prohibition has generally not been effective. The September killing of the PLOTE military wing leader led to a reduced number of complaints against the group. During provincial council elections in January, members of the country's two main political parties committed over 800 acts of violence. At least two persons were killed as a result of this violence (see Section 3).

On September 7, unknown assailants shot and killed controversial journalist Rohana Kumara, editor of the Sinhala-language newspaper Satana (see Section 2.a.). Allegations of government involvement were not substantiated. On November 2, unknown assailants shot and killed Ramesh Nadarajah, a

Tamil Member of Parliament for the Eelam People's Democratic Party (EPDP) and the editor of a weekly Tamil-language newspaper. No individual or group claimed responsibility for this attack by year's end; however, some persons speculated that the perpetrators targeted Nadarajah either because of his affiliation with the Government or in an attempt to suppress freedom of expression (see Section 2.a.). On November 14, a grenade exploded close to a political rally held by the opposition United National Party (UNP) prior to the December presidential elections (see Section 3). One person was killed in the attack and about 35 others were injured. No one claimed responsibility for the incident. The LTTE continued to commit extrajudicial killings, including both targeted attacks and bombings (see Sections 1.c. and 1.g.). On March 9, a bomb planted by an LTTE insurgent exploded on a bus in Colombo, killing 1 person and wounding more than a dozen others.

In April an LTTE bomb exploded on a bus in Kandy, killing 2 persons and wounding 15 others. On July 14, a bomb planted by LTTE insurgents in Batticaloa killed 2 civilians and wounded as many as 29 others. On July 26, LTTE insurgents opened fire on the Ranga hotel in Vavuniya, killing two security force members and three civilians. On July 29, a suicide bomber killed moderate Tamil parliamentarian Dr. Neelan Tiruchelvam in Colombo. Tiruchelvam also was the founder of the International Center for Ethnic Studies and the Law and Society Trust, a human rights research and advocacy organization. Tiruchelvam reportedly had angered the LTTE by supporting an alternative to a separate Tamil state. On August 11, the LTTE detonated Claymore mines in Batticaloa, killing 9 police agents and injuring 30. On September 2, the LTTE allegedly killed the vice president of PLOTE and two other persons in a Claymore mine bombing. On September 18, members of the LTTE killed more than 50 civilians, including women and children, with machetes close to Amparai. This attack allegedly was in retaliation for the airforce bombing of PTK on September 15 (see Section 1.g.).

On September 27, an explosion attributed to the LTTE killed 1 person and wounded 31 on a bus in Badulla. On December 18, an LTTE suicide

bomber attempted to assassinate President Kumaratunga at a rally 3 days before the presidential elections. The bomb injured slightly the President, Justice Minister Peiris, and many other persons, and killed the perpetrator and 13 other persons, including a deputy inspector general of police for Colombo (see Sections 1.g. and 3).

On December 18, an insurgent affiliated with the LTTE allegedly also bombed a rally of the UNP, killing 11 and injuring 43 (see Section 3). The LTTE also targeted progovernment Tamil groups. For example, on May 29, an LTTE suicide bomber targeted Ganesh Kumar, leader of the Razeek group; Kumar was killed and nine civilians were injured (see Section 1.g.). The LTTE also committed a number of "lamp post" killings.

At least 14 persons found guilty of offenses by the LTTE's self-described courts were killed by the LTTE in public executions and their bodies tied to lamp posts or otherwise left for public display. The LTTE has attacked government installations, killing and wounding civilians, and the LTTE sometimes also kills its own injured troops to avoid their capture (see Section 1.g.). In July 1997, the Attorney General determined that there was insufficient evidence to charge anyone in the October 1994 suicide bombing that killed the UNP presidential candidate Gamini Dissanayake and 58 other persons, although the LTTE generally is believed to be responsible. No further investigations were continuing. On March 26, municipal workers uncovered a pit near the Durraipa Stadium in Jaffna that contained the skeletal remains of several persons. Forensic evidence suggested that these remains were about 10 years old. This discovery potentially implicated the Indian Peacekeeping Force (IPKF), which occupied Jaffna at the time. Critics contrasted the prompt investigation of the Durraipa stadium graves with the slow investigation of the Chemmani mass graves.

b. Disappearance

Disappearances at the hands of the security forces continued in the north and east. During the year, there were no reports of disappearances in Colombo, Trincomalee, or Jaffna. At least 15 disappearances involved cases where individuals were last known to be in

security force custody in Vavuniya and Batticaloa. In October three Tamils were taken by the home guards and later were found decapitated. As with extrajudicial killings, the exact number of disappearances was impossible to ascertain due to censorship of news about security force operations and infrequent access to the north and east. Those who disappeared in 1999 and in previous years are presumed dead. The commander of the army and the Inspector General of police both have criticized the disappearances and stated that the perpetrators would be called to account. Nonetheless, there have been very few security force personnel prosecutions to date.

Three regional commissions were set up in November 1994 to inquire into disappearances that occurred from 1988-94, most of which occurred during the 1988-89 period of the JVP uprising. The commission found that 16,742 persons disappeared after having been removed involuntarily from their homes, in most cases by security forces. In other cases, antigovernment elements - in particular the leftist JVP - were determined to be responsible for the disappearances. The Attorney General's office has opened over 900 files and referred over 290 indictments to the appropriate courts involving 489 members of the security forces on abduction and murder charges. The courts had initiated proceedings in at least 25 of those cases by year's end. In December a police officer was sentenced to 5 years' imprisonment for an abduction carried out in Hanbantota in the late 1980's.

In May 1998, a fourth commission was established to look into approximately 10,000 cases of disappearance that the initial 3 commissions had been unable to investigate before their mandates expired. The commission is not to investigate cases of disappearance, which occurred after 1994, but is to focus only on cases that were not completed by the first three commissions. Human rights observers have criticized the Government for not extending the mandate of this commission to include cases of disappearance that occurred since the Kumaratunga Government took office in 1994. The commission is charged with facilitating payment of monetary compensation to the families of persons who disappeared, as well as forwarding cases to the Attorney General for possible prosecution. The commission

submitted an interim report to President Kumaratunga in December. By year's end, the commission had not published its final report.

The trial of 9 suspects, including an army brigadier general, in the disappearance of 32 youths from the southern town of Embilipitiya in 1989 and 1990 concluded. Seven of the nine accused (excluding the brigadier) were found guilty and sentenced in February to 10 years' imprisonment. There were no developments in the Vantharamulle case, in which army troops allegedly abducted 158 Tamils from a refugee camp in the Batticaloa district in 1990. Observers maintain that there is credible evidence identifying the alleged perpetrators. Proceedings began early in the year against an army major and former subinspector of police in the case of 31 youths who allegedly disappeared following their arrests in Divulapitiya in 1989. The army major died after being charged in magistrate court, and the case against the former police officer is scheduled to continue in March 2000. Progovernment Tamil militias also were responsible for disappearances. These militias detain persons at various locations that serve, in effect, as undeclared detention centers. Human rights observers believe that the PLOTE was a major offender in the case of disappearances. However, the HRC has no mandate or authority to enforce respect for human rights among these militia groups. When the HRC office director for Vavuniya complained about PLOTE activity, he received death threats. He eventually departed the country. It was impossible to determine the exact number of victims because of the secrecy with which these groups operated. The Government has taken no clear steps to stop these militants' actions, although tighter restrictions on these groups' rights to bear arms were implemented following a May 15 shootout between PLOTE and TELO supporters near a popular shopping center in downtown Colombo. The LTTE was responsible for an undetermined number of civilian disappearances in the north and east of the island during the year. Although the LTTE has denied taking any prisoners from several of its battles, it is known to be holding 12 civilian crew members of vessels it has hijacked since 1995, along with 15 security force personnel. The LTTE has not notified the International Committee of the Red Cross (ICRC) of

any new security forces prisoners since 1994.

c. Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Despite legal prohibitions, the security forces and police continue to torture and mistreat persons in police custody and prisons. At least one person died in police custody during the year as a result of beatings received after he was arrested for suspected terrorist activity (see Section 1.a.).

The Convention Against Torture Act (CATA) made torture a punishable offense. Under the CATA, torture is defined as a specific crime, the High Court has jurisdiction over violations, and criminal conviction carries a 7-year minimum sentence. However, according to a June Amnesty International (AI) report, the CATA does not implement several provisions in the UN Convention; this resulted in torture being prohibited under specific circumstances and allowed under others. The Government has not yet developed effective regulations under the new legislation to prosecute and punish military and police personnel responsible for torture; however, it has ceased paying fines incurred by security force personnel guilty of the offense. Security force personnel have been fined under civil law for engaging in torture; however, they have not yet been prosecuted under criminal law. Members of the security forces continued to torture and mistreat detainees and other prisoners, both male and female, particularly during interrogation. Several children reportedly have been subjected to torture in detention during the past several years. Most torture victims were Tamils suspected of being LTTE insurgents or collaborators; however, there also have been sporadic reports of the use of torture against suspected criminals.

Methods of torture included electric shock, beatings (especially on the soles of the feet), suspension by the wrists or feet in contorted positions, burning, and near drownings. In other cases, victims are forced to remain in unnatural positions for extended periods, or have bags laced with insecticide, chili powder or gasoline placed over their heads. Detainees have reported broken bones and other serious injuries as a result of their mistreatment. There were no

reports of rape in detention.

Under fundamental rights provisions in the Constitution, torture victims may file civil suit for compensation in the High Court. The Court has granted awards ranging from \$200 (14,200 rupees) to \$2,500 (182,500 rupees). However, most cases take 2 years or more to move through the courts. Despite the existence of this law, torture continues to be committed with relative impunity, and no one has ever been convicted under the CATA for torture. During the year, charges were filed under CATA against fewer than a dozen police officers.

Progovernment Tamil militants in the east and north, directly responsible to the security forces, also engaged in torture. The PLOTE in Vavuniya has drawn the most criticism for routinely torturing its opponents. Security forces have done little to stop this practice. On July 15, presidential security and police personnel injured 30 members of the UNP opposition party with batons and tear gas at a protest against the Government's failure to fulfill campaign pledges (see Section 2.b.). Security forces also allegedly assaulted 12 journalists and photographers and confiscated their cameras at this protest (see Section 2.a.).

During provincial council elections in January, members of the 2 main political parties participated in over 800 violent incidents, ranging from defacement of campaign posters to assault. This violence resulted in scores of injuries and 2 deaths (see Sections 1.a. and 3). On November 14, an explosion at a UNP political rally killed 1 person and injured about 35 others. No one claimed responsibility for the attack (see Sections 1.a. and 3).

The LTTE reportedly used torture on a routine basis. Security force prisoners released by the LTTE said that they occasionally had been subjected to torture, including being hung upside down and beaten, having pins inserted under their fingernails, and being burned by hot rods.

The LTTE was responsible for a number of bomb attacks during the year, which killed and injured dozens of civilians (see Sections 1.a and 1.g.). In September the LTTE attacked a Chinese merchant ship, which had strayed to within about 7 miles of the coast. None of the crew was hurt in the attack, and the ship was rescued and escorted to Trincomalee Harbor by the navy (see Section 1.g.).

Prison conditions generally are poor and do not meet minimum international standards because of overcrowding and lack of sanitary facilities. An increase in detentions associated with the war with the LTTE caused a significant deterioration in already poor standards in short-term detention centers as well as in undeclared detention centers run by progovernment Tamil groups such as the PLOTE (see Section 1.d.). The Government permitted representatives from the ICRC to visit approximately 250 places of detention. The HRC also made over 1,400 visits to police stations and detention facilities during the year (see Section 1.d.).

Conditions also are poor in detention facilities operated by the LTTE. Some former prisoners reported being handcuffed and shackled during much of their captivity. The LTTE permitted the ICRC to visit only a few detainees (see Section 1.d.).

d. Arbitrary Arrest, Detention, or Exile

Arbitrary arrest and detention are problems. Under ordinary law, authorities must inform an arrested person of the reason for arrest and bring that person before a magistrate within 24 hours. In practice, persons detained generally appear before a magistrate within a few days of arrest. The magistrate may authorize bail or order continued pretrial detention for up to 3 months or longer. Under the ER and the Prevention of Terrorism Act (PTA), security forces may detain suspects for extended periods of time without court approval. The ER, in force periodically since 1979 and reactivated in August 1998, allows pretrial detention for a maximum of four consecutive 3-month periods. A magistrate must order further detention. Detainees may challenge their detention and sue the Government for violating their civil rights in the Supreme Court.

In spite of the Government's announcements that it would close all secret detention centers, there were continued reports that the security forces held persons for short amounts of time in smaller camps for interrogation before transferring them to declared places of detention. This allegedly occurred on the Jaffna peninsula, in Vavuniya, and in the east (see Section 1.c.).

Large-scale arrests of Tamils continued during the year; these arrests were

particularly prevalent after LTTE bombings. The Government detained more than 1,970 persons under the ER and the PTA during the year, a slightly higher number than in 1998. Many of these detainees were arrested during operations against the LTTE. The majority of those arrested were released after periods lasting several days to several months; however, the total number of prisoners held under the ER and the PTA was consistently close to 2,000. Hundreds of Tamils who were arrested under the PTA were being held without bail awaiting trial; some of these persons have been held for up to 5 years. According to the Attorney General, there are almost 1,000 cases under the PTA or ER before the high courts.

Arrests and detentions by the police took place in violation of the legal safeguards built into the ER and other legislation, particularly regarding requirements that receipts be issued and that the HRC be notified of any arrest within 48 hours. Those arrested by the army generally were turned over to the police within 24 hours as required under the ER. The HRC has a legal mandate to visit those arrested, and police officials generally respected this mandate; however, due to censorship and infrequent access to the area, it was unclear what was happening in the north and east.

Security forces continued to conduct large-scale detentions and arrests of young Tamils, both male and female, on suspicion of being members or sympathizers of the LTTE. Major sweeps and arrests occurred in Colombo, in the east and on the Jaffna peninsula. Hundreds of Tamils at a time were picked up during police actions. Most were released after identity checks lasting several hours to several days. The Government justified the arrests on security grounds, but many Tamils claimed that the arrests were a form of harassment. In addition those arrested, most of whom were innocent of any wrongdoing, sometimes were detained in prisons together with hardened criminals. Security forces also caused other problems for Tamils. Tamils complained that they were verbally abused and held for extended periods of time at the security checkpoints that have been set up throughout Colombo. In July 1998, the President established the CIUAH. The committee, which includes senior opposition party and Tamil representatives, was tasked to look into complaints stemming from arrests and

other security force actions and take remedial action as necessary. The committee set up a telephone hot line and received and investigated more than 100 complaints during the year.

Opinions on the effectiveness of the CIUAH are mixed. Some human rights observers believe that the work of the committee acted as a deterrent to random arrests and helped to alleviate some of the problems encountered by detainees and their families. However, some critics claim that, following an initial rash of publicity, the committee's services have not been widely advertised. For example, the fax number for the committee is not in the Colombo telephone directory. Those wishing to contact the CIUAH usually are referred through human rights lawyers or find it by word of mouth. Finally, many Tamils believe that the CIUAH does little to deter police agents from stopping them more frequently at security forces checkpoints in the capital.

The HRC continued to investigate the legality of detention in cases referred to it by the Supreme Court and private citizens. Although the HRC legally is constituted to exercise oversight over arrests and detentions by the security forces and to undertake visits to prisons, members of the security forces sometimes breached the regulations and failed to cooperate with the HRC. The Government continued to give the ICRC unhindered access to approximately 250 detention centers, police stations, and army camps throughout the country that were recognized officially as places of detention. This played an important role in enabling the ICRC to monitor the human rights practices of the security forces. The HRC, through its 10 regional offices, also visited places of detention; however, human rights observers believed that due to inadequate leadership and a failure of the HRC to give long term contracts to many of its workers, the organization was not pursuing its mandate (see Section 4). The PLOTE continued to run places of illegal detention in Vavuniya. The LTTE continued to detain civilians, often holding them for ransom. For example, in September the LTTE held three businessmen for a ransom of \$550,000 (40 million rupees). There continued to be unconfirmed reports that the LTTE was holding in custody more than 2,000 civilians in the northern part of the island. Those held included 12

civilian crew members of 3 vessels hijacked by the LTTE since 1995. The LTTE did not permit the ICRC or any other humanitarian organization to visit its detainees aside from these crew members and 15 security force personnel.

The Government does not practice forced exile. There are no legal provisions allowing or prohibiting its use.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government respects these provisions in practice. The President appoints judges to the Supreme Court, the courts of appeal, and the high courts. A judicial service commission, composed of the chief justice and two Supreme Court judges, appoints, transfers, and dismisses lower court judges. Judges serve until mandatory retirement age, which is 65 for the Supreme Court and 62 for judges on other courts. Judges can be removed for reasons of misbehavior or physical or mental incapacity, but only after a legal investigation followed by joint action of the President and the Parliament. In criminal cases, defendants are tried in public by juries. They are informed of the charges and evidence against them, may be represented by the counsel of their choice, and have the right to appeal. The Government provides counsel for indigent persons tried on criminal charges in the high courts and the courts of appeal but not in other cases. Private legal aid organizations assist some defendants. In addition, the Ministry of Justice has created five community legal aid centers to assist those who cannot afford representation and to serve as educational resources for local communities. There are no jury trials in cases brought under the PTA. Confessions, which are inadmissible in criminal proceedings, are allowed in PTA cases. Most convictions under the PTA rely heavily on them. Defendants bear the burden of proof to demonstrate that their confessions were obtained by coercion. Defendants in PTA cases have the right to appeal. Although over 1,000 cases under the PTA and the ER were before the courts, no cases came to trial during the year. Most court proceedings are conducted in English or Sinhala, which, due to a shortage of court-appointed interpreters,

has restricted the ability of Tamil-speaking defendants to get a fair hearing. Few judges speak Tamil. The ER was published only recently in Tamil, and there are no law reports and few legal textbooks in Tamil.

In Jaffna LTTE threats to court officials disrupted normal court operations. The courts were operating on only a limited basis by year's end.

The LTTE has its own self-described court system, composed of young judges with little or no legal training. The courts operate without codified or defined legal authority and essentially operate as agents of the LTTE rather than as an independent judiciary. The courts reportedly impose severe punishments, including execution. During the course of the year, the LTTE committed several "lamp post" killings in which the bodies of those executed were left for public display (see Section 1.a.).

The Government claims that all persons held under the ER and the PTA are suspected members of the LTTE and, therefore, legitimate security threats. There is insufficient information to verify this claim and to determine whether these detainees or members of the now legal JVP, who were detained in similar fashion in past years, were political prisoners. Between 200 and 300 of those previously detained-mostly JVP members-have been convicted under criminal law and remain incarcerated. In many cases, human rights monitors question the legitimacy of the criminal charges brought against these persons. The LTTE also holds a number of political prisoners. The number is impossible to determine because of the secretive nature of the organization. The LTTE refuses to allow the ICRC access to these prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Government generally respects many of the constitutional protections of individual privacy and the sanctity of the family and home; however, it infringes on these rights in some areas. The police obtain proper warrants for arrests and searches conducted under ordinary law; however, the security forces are not required to obtain warrants for searches conducted under either the ER or the PTA. The Secretary of Defense is responsible for providing oversight for

such searches. There is no judicial review or other means of redress for alleged illegal searches under the ER. Some Tamils complained that their homes were searched as a means of general harassment by the security forces. The Government is believed to monitor telephone conversations and correspondence on a selective basis. The security forces routinely open mail destined for the LTTE-controlled areas and seize contraband. The Government censors international television broadcasts received in the country that cover military operations (see Section 2.a).

Progovernment Tamil militant groups, nominally operating under government control, use forced conscription. There are credible reports that Tamil youth in the east in particular have been forced to join these groups under threats to themselves and their families. The LTTE routinely invades the privacy of citizens, maintaining an effective network of informants. There are credible reports the LTTE has warned Muslims displaced from the Mannar area (approximately 55,000 persons) not to return to their homes until the conflict is over. The LTTE also forcibly recruits children (see Section 6.c.).

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts

Hostilities between the Government and the LTTE continued throughout the year. After failing to open a land-based supply route to Jaffna during 1997-98, the SLA launched Operation Rana Gosa in March. In a series of offensives between March and September the SLA gained territory in the north and west of the island. However, in November the LTTE counterattacked and successfully pushed back government forces to new defensive lines, and recaptured most of the territory the SLA had gained since 1997. The President replaced several officials in the military, and imposed a ban on press coverage of the war following the Government's losses to the LTTE (see Section 2.a.). It is estimated that more than 1,000 combatants on both sides were killed.

Over 340,000 persons, principally in the Vanni region, remain displaced by the past several years of fighting. In the past, the Government often has publicized aspects of its planned operations to allow civilians time to

vacate the probable areas to be affected. However, the military was more secretive during the year and did not give public warnings before the commencement of its advances. At least 36 persons were killed by security forces during the year. Despite the use of unmanned aerial vehicles to assess targets before attacks, bombings and artillery fire against LTTE installations have killed civilians working at those installations or living nearby. On September 15, the air force dropped 3 bombs on a village near PTK in the Vanni, killing 22 persons (see Section 1.a.). Human rights observers, including the ICRC and AI, alleged that those killed were civilians. Government officials acknowledged that 22 men, women, and children were killed by the air force bomb; however, they alleged that the airforce targeted an LTTE training camp, and at first did not admit the possibility that civilians were killed in error. The Government later acknowledged quietly that the attack was an accident.

In November at least 37 civilians were killed in fighting at the Madhu Church during an exchange of shelling between SLA and LTTE troops (see Section 1.a.).

The security forces continued to receive instruction in international humanitarian law as part of their training courses (see Section 4). According to the military, the army also has established human rights cells in each division and human rights offices in each brigade and battalion. Civilian casualties in the north and east battle zone remained relatively low during the year. The armed forces operate under written rules of engagement that severely restrict the shelling, bombardment, or other use of firepower against civilian-occupied areas such as villages. Although incidents occurred where the rules apparently were breached or waived, these were isolated cases. In some cases, poor targeting by the armed forces resulted in civilian casualties from artillery fire and bombs. The security forces use aerial observation for selecting targets for shelling and bombing. They also attempt to locate the source of incoming mortar fire before responding; however, inaccurate mortar and artillery fire killed civilians.

The Government continued to provide food relief to displaced and other needy citizens, including those living in areas controlled by the LTTE. However, the

Government decided to cut significantly food rations to the north in 1998. Food also is distributed by the Commissioner General for Essential Services (CGES) and the Multi-Purpose Cooperative Societies (MCPS). Food rations are delivered by the Government to the Vanni area through a checkpoint whose location was moved twice as a result of changes in the battlefield situation. This checkpoint is controlled on one side by the security forces and on the other by the LTTE. The border into the territory controlled by the LTTE ("uncleared area"; in Government parlance) was closed a total of five times during the year, including a long period of closure from late June until early August (see Section 2.d.). These closures were related directly to the armed conflict. As a result, the distribution of food to the north was erratic during the year. Nongovernmental organization (NGO) representatives expressed concern that these interruptions had an impact on food reserves in the Vanni area and may have led to worsened nutrition there. The Government maintained a long list of prohibited "war-related" medical items, such as sutures, plaster of paris, intravenous liquid supplies, bandages, and some drugs. NGO's and other groups that sought to take these items to LTTE-controlled areas in the Vanni region needed permission from local officials as well as from the MOD. Delays were common and approval sometimes was denied, due to fear that supplies would fall into the hands of the LTTE. As a result, many medical items in the Vanni region were in short supply. This shortfall contributed to an already serious deterioration in the quality and quantity of medical care furnished to the civilian population. Government restrictions on the transport of items such as cement, batteries, and currency into the LTTE-controlled areas also had a negative impact on the relief work of NGO's in those areas. The Ministry of Defense reported that during the course of the year, over 35 LTTE insurgents turned themselves in and over 400 either surrendered on the battlefield or were arrested in security sweeps, with many of those arrested subsequently sent to rehabilitation centers. The ICRC continued to visit approximately 150 former LTTE members now in government rehabilitation camps who had surrendered during the previous 2 years. Given the scale of hostilities and the

large number of LTTE casualties, observers found the number of prisoners taken under battlefield conditions to be extremely low; many LTTE fighters apparently were killed rather than taken prisoner. Observers believed that on the government side, an unwritten "take-no-prisoners" policy generally remained in effect. However, various other factors may have limited the number of prisoners taken, such as the LTTE's efforts to remove wounded fighters from the battlefield, the proclivity of its fighters to choose suicide over capture, and the LTTE's occasional practice of killing its own badly wounded fighters (see Section 1.a.). No army or other security forces personnel were prosecuted or disciplined for executing prisoners.

The Government refused to permit relief organizations to provide medical attention to wounded LTTE fighters, although it has offered to treat any LTTE wounded entrusted to Government care. During the course of the year, there were verifiable instances of wounded LTTE cadres surrendering to the Government and receiving appropriate medical care.

The LTTE admits that it kills security forces personnel rather than take them prisoner. Eyewitness accounts confirm that the LTTE has executed wounded soldiers on the battlefield. The LTTE admits to holding only 15 security forces prisoners, all of whom were captured in 1993 and 1994. The LTTE is believed to have killed most of the police officers and security force personnel it has captured in recent years. However, the LTTE released two army deserters who surrendered to it in 1998. In November the LTTE handed over 11 SLA members who were captured during the year to the ICRC.

The LTTE uses excessive force in the war. During the course of the year, the LTTE attempted to assassinate the President, killed a Member of Parliament, killed other noncombatants, and engaged in hostage taking, hijackings and bombing of civilian targets.

On December 18, an LTTE suicide bomber attempted to assassinate President Kumaratunga; the bomb injured the President and Justice Minister Peiris and killed 14 persons, including the perpetrator (see Sections 1.a. and 3). That same day the LTTE allegedly bombed a UNP rally, killing 11 civilians (see Section 1.a.).

On September 18, LTTE insurgents massacred more than 50 Sinhalese men, women, and children in Gonagala, allegedly in retaliation for the air force bombing of PTK (see Section 1.a.).

A number of suicide bombings, Claymore mine attacks and "pistol gang" shootings occurred during the year, killing and injuring dozens of civilians (see Sections 1.a. and 1.c.).

In September the LTTE attacked a Chinese merchant ship, which had strayed to within about 7 miles of the coast. None of the crew was hurt in the attack, and the ship was rescued and escorted to Trincomalee Harbor by the navy (see Section 1.c.).

The LTTE has been accused in the past of using church and temple compounds, where civilians are instructed by the Government to congregate in the event of hostilities, as shields for the storage of munitions; however, there were no reports that this occurred during the year. Reports that the LTTE was using children on the battlefield were verified when 25 LTTE fighters surrendered en masse in September 1998. At least one of those who surrendered was 13 years old; most of the others were between 15 and 17.

The LTTE expropriates food, fuel, and other items meant for IDP's, thus exacerbating the plight of such persons in LTTE-controlled areas. Malnutrition remained a problem in LTTE-controlled and other parts of the Vanni region. Experts have reported an increase in anemia and a lower birth rate, both indications of lower levels of nutrition. Nutrition levels were generally below the national average, and there were confirmed cases of malnutrition, including hundreds of cases of malnourished children. Malnutrition resulted from several factors, including food shortages, poverty, and conflict-related dislocations.

Section 2 Respect for Civil Liberties, Including: a. Freedom of Speech and Press

The Constitution provides for freedom of speech and expression; however, the Government restricts these rights in practice, often using national security grounds permitted by law. During the year, the Government limited the access of domestic and foreign media to information, and continued to censor

news relating to the military and security situation. In June 1998, the Government imposed direct censorship on all domestic and foreign media reports relating to ongoing or possible future military and other security operations. Although enforcement was lax at the beginning of the year, the Government reissued its censorship order in November after the military suffered setbacks in the field. Even when no specific government censorship is exercised, private television stations impose their own, informal censorship on international television news rebroadcast in the country, with almost all references to Sri Lanka removed. Despite earlier campaign promises to divest itself of its media holdings, the Government controls the country's largest newspaper chain, two major television stations, and the Sri Lanka Broadcasting Corporation (a radio station). However, there are a variety of independent, privately owned newspapers, journals and radio and television stations, most of which freely criticize the Government and its policies. However, some journalists practiced self-censorship due to fear of intimidation. There is also one privately owned newspaper published in Jaffna. There are no political restrictions on the establishment of new media entries. The Government still has failed to reform the press law and privatize government-owned media as promised during the 1994 election campaign. In 1997 the Government presented a draft broadcasting reform bill in Parliament, but there was considerable opposition from members of the media, and the Supreme Court subsequently ruled that the bill was inconsistent with the Constitution. Revisions subsequently proposed by a blue-ribbon panel have yet to be implemented. A highly-touted national media policy proposed by the Government in 1994 and again during the year was criticized as irrelevant by senior editors.

On March 14, a journalist for an independent Sinhala-language newspaper, was abducted from his home and assaulted, allegedly by a brigadier in the army. Army officials placed the brigadier under open arrest pending a full police inquiry; the case was still pending at year's end.

On July 15, members of the presidential security division attacked journalists who were covering an opposition party rally in the vicinity of the President's

residence. The perpetrators injured protesters, including journalists and photographers and confiscated cameras. Involvement by the presidential security division was at first denied, then later confirmed by the media minister (see Sections 1.c. and 2.b.).

In August the offices of the only Tamil-language daily newspaper in the north of the country were attacked, allegedly by a progovernment Tamil paramilitary group accused by the newspaper of extortion and bullying tactics in and around Jaffna.

A journalist who regularly reports on defense matters, including corruption in military procurements, was attacked in his home by armed men in February 1998. He and his family were threatened at gunpoint before the attackers fled. The Government criticized the attack and subsequently arrested and indicted two air force personnel in the case, including the bodyguard of a former commander of the air force. A formal indictment was handed down early in the year against the accused and the case was due for trial in November; however, the trial was postponed until May 2000.

On September 7, unknown assailants shot and killed Rohana Kumara, editor of the Sinhala-language newspaper Satana. The newspaper was critical of leading figures in the ruling coalition (see Section 1.a.). Allegations of government involvement in the attack were not substantiated.

On November 2, unknown assailants shot and killed Ramesh Nadarajah, a Tamil Member of Parliament for the EPDP and the editor of a weekly Tamil-language newspaper (see Section 1.a.). The editor of a leading national newspaper who was found guilty of defaming the president in 1997 since has appealed the verdict. After many postponements the appeal is scheduled for early 2000. Another defamation case filed by the President in 1995 and three others filed in 1997 - all against editors of major newspapers, either critical of the Government or proopposition - still were pending and unresolved. These cases were viewed by journalists as frivolous and intended only to intimidate and harass the media.

The Sri Lanka Tamil Media Alliance was formed during the year to protect the interests of Tamil journalists, who allege that they are subject to harassment and intimidation by Tamil paramilitary groups and Sri Lankan security forces. Regional Tamil correspondents working

in the war zones have complained of arbitrary arrest and detention and difficulty in obtaining press accreditation cards. In August the Sri Lanka Tamil Media Alliance filed the first-ever fundamental rights test case on behalf of an ethnic Tamil reporter on the staff of the government owned and controlled Tamil language daily.

Both foreign and national journalists are allowed to go to the conflict areas; however, they must receive advance permission from the Ministry of Defense. The Foreign Ministry also must approve visits to conflict areas by foreign journalists. Bureaucratic delays in processing requests have been reduced but still prevail. The Government occasionally arranges for groups of journalists to visit Jaffna and the vicinity of the front lines on tightly organized briefing tours. However, after censorship was imposed in June 1998, the Government became the only source of most news about security and defense matters that could be disseminated to the public legally.

The LTTE does not tolerate freedom of expression. It tightly restricts the print and broadcast media in areas under its control. In the past, the LTTE has killed those reporting and publishing on human rights.

The Government generally respects academic freedom.

The LTTE does not respect academic freedom and has repressed and killed intellectuals who criticize it, most notably the moderate and widely-respected Tamil politician and academic, Dr. Neelan Tiruchelvam, who was killed by a suicide bomber on July 29 (see Section 1.a.). The LTTE severely repressed members of a human rights organization, the University Teachers for Human Rights, which formerly was based on the Jaffna peninsula; most former members of this group have been killed.

b. Freedom of Peaceful Assembly and Association

The law provides for freedom of assembly, and the Government respects this right in practice. Although the PTA may restrict this freedom, the Government did not use the act for that purpose during the year. The Government generally granted permits for demonstrations, including those by opposition parties and minority groups. Nonetheless, both the main opposition

UNP and the PA Government continued to accuse each other of political thuggery and hooliganism, complaining that supporters of the opposing party disrupted rallies and other political events.

During the year several incidents of violence occurred at political rallies held by the PA and the opposition UNP, including an attempted assassination of the President (see Sections 1.a. and 3). On July 15, government security forces injured several journalists and other demonstrators at a UNP rally near the presidential palace (see Sections 1.c. and 2.a.). The law provides for freedom of association, and the Government respects this right in practice. Although the PTA may restrict this right, the Government did not use the act for that during the year.

The LTTE does not allow freedom of association in the areas it controls. On the Jaffna peninsula, the LTTE occasionally has posted in public places the names of those Tamil civilians whose association with security forces and other Government entities it seeks to prevent. The LTTE has killed Tamil civilians who have cooperated with the security forces in establishing a civil administration in Jaffna under a political leadership elected freely and fairly in January 1998.

c. Freedom of Religion

The Constitution gives Buddhism a foremost position, but it also provides for the right of members of other faiths to practice their religions freely, and the Government respects this right in practice. Despite the special status afforded by the Constitution to Buddhism, major religious festivals of all faiths are celebrated as public holidays.

Foreign clergy may work in Sri Lanka, but for more than 30 years the Government has prohibited the entry of new foreign Jesuit clergy. In 1962 the Government reached an agreement with the Catholic Church that new foreign clergy would not be permitted to enter the country on a permanent basis. As foreign clergy retired, Sri Lankans would replace them. It permitted those already in the country to remain. However, the Jesuits want their clergy to be replaced by foreign members of their order as they retire. The local Catholic Church hierarchy does not support the Jesuits in the dispute and is not lobbying

the Government to change the agreement. Most religious workers in the country, including most Christian clergy, are Sri Lankan in origin. Some evangelical Christians, who constitute less than 1 percent of the population, have expressed concern that their efforts at proselytizing often are met with hostility and harassment by the local Buddhist clergy and others opposed to their work (see Section 5). They sometimes complain that the Government tacitly condones such harassment; however, there is no evidence to support this claim. In 1997 the Assemblies of God Church filed a fundamental rights case with the Supreme Court after the local village council in Gampaha had tried to block the construction of a church on the grounds that it would interfere with Buddhism. The Supreme Court ruled that the construction of the church could proceed. The construction of the new church was nearing completion at year's end. However, in May two bombs exploded in the hall of the church; no one was injured but the structure was damaged slightly (see Section 5). The LTTE has discriminated against Muslims in the past. In 1990 it evicted some 46,000 thousand Muslims from areas under its control in the north. The LTTE also has expropriated Muslim homes, lands, and businesses, and threatened Muslim families with death if they attempted to return to areas under LTTE control.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution grants every citizen "freedom of movement and of choosing his residence" and "freedom to return to Sri Lanka" and the Government generally respects the right to domestic and foreign travel; however, the war with the LTTE prompted the Government to impose more stringent checks on travelers from the north and the east and on movement in Colombo, particularly after dark. Tamils must obtain police passes in order to move freely in the north and east and frequently are harassed at checkpoints around the country (see Section 1.c.). These security measures have the effect of restricting the movement of Tamils, especially young males. Prior to the government military offensive on the

Jaffna peninsula in 1995 and 1996, an estimated 600,000 citizens had been displaced by the insurgency. Most lived in camps financed by the Government and NGO's. The Jaffna offensive, in addition to the military advance in Kilinochchi in the Vanni region in July 1996, resulted in the displacement of hundreds of thousands of persons in LTTE-controlled areas of the Vanni region; some of these persons were being displaced for a second or third time. Some of the displaced persons lived with friends or relatives, or in "welfare centers"; in schools, religious institutions and other public buildings. Many others lived in makeshift shelters or camped out under trees. The Government continued to supply them with food, medicine and other essential supplies. The military offensive in the Vanni region that began in May 1997 and continued until the end of 1998 displaced an additional 70,000 persons. However, well over 100,000 persons have left the LTTE-controlled parts of the Vanni region since 1996, and this has helped to relieve the situation. Most of these displaced persons have returned to their homes on the Jaffna peninsula. The movement of persons in Jaffna is regulated strictly by military checkpoints throughout the city, although the military has reduced the number of checkpoints there compared with 1997. For Tamils, travel from Jaffna to other parts of the country is extremely difficult, due in part to security restrictions imposed by the security forces and in part by the limited availability of transportation to the south.

From October 1996 until the end of 1999, over 150,000 persons are estimated to have moved out of LTTE-controlled regions through Vavuniya and other transit points in government-controlled regions. Of these, over 100,000 persons were repatriated to or otherwise reached Jaffna and other Tamil-majority areas. Many had left the Vanni region with the intention of proceeding south; they opted for other destinations only after learning that they would have to remain in transit camps until security clearances for southward travel were obtained. Obtaining a clearance can take between 2 and 4 months in some cases, and some human rights groups alleged that the procedures were arbitrary and unreasonably strict. Clearance procedures were applied to everyone, including the elderly and the

very young. While the Government had a legitimate interest in identifying LTTE infiltrators, it also appeared reluctant to allow displaced Tamils to travel to Colombo where they might contribute to unemployment and other social problems. About 14,000 of these displaced persons continue to live in substandard conditions in camps in Vavuniya and Mannar. Many of these persons hope to return to their homes in the areas of conflict once the fighting stops.

Prior to 1996, the LTTE severely restricted the movement of Tamils under its control, often levying a large "exit tax" on persons who sought to travel to areas under government control and requiring travelers to leave all their property in escrow. In addition, it usually would grant permission to only one family member to travel at a time. However, following the Government capture of Jaffna the LTTE began to allow persons to move more freely into government-controlled areas, although it occasionally disrupted the flow of persons exiting the Vanni region through the checkpoint. In November most of the residents of Vavuniya evacuated the town due to LTTE threats that it was planning to shell the town as part of its counterattack against the Government. A week later, the LTTE withdrew its threat and most of the town's residents returned. The LTTE also disrupted the movement of IDP's from Trincomalee and Mannar to Jaffna by hijacking or attacking civilian shipping in the north. The LTTE also disrupted civilian air traffic to Jaffna; in August 1998 it began warning civilians and humanitarian workers not to use civilian flights servicing the peninsula. Humanitarian groups estimate that there are more than 200,000 IDP's in LTTE-controlled areas (see Section 1.g.). Several thousand Tamils fled LTTE-controlled areas to Tamil Nadu in southern India in 1998. An estimated 64,000 Tamil refugees live in camps there, having left Sri Lanka at various times throughout the period of the conflict. Another 100,000 refugees are believed to have been integrated into Tamil society in southern India. The Government cooperates with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The issue of the provision of first asylum did not arise during the year. The Government does not permit the entry of

refugees into the country or grant first asylum, nor does it aid those who manage to enter to seek permanent residence elsewhere. The law does not include provisions for granting refugee/asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. There were no instances of forcible repatriation of persons to a country where they feared persecution.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens have the constitutional right to change their government through periodic multiparty elections based on universal adult suffrage. (...) In November President Kumaratunga called for presidential elections to be held on December 21 even though her 6-year term was not set to expire until November 2000. The preelection period was marked by violence. On November 14, a grenade exploded in the vicinity of a UNP rally featuring opposition leader and presidential candidate, Ranil Wickremesinghe. One youth was killed in the blast and about 35 persons were injured (see Sections 1.a. and 1.c.). On November 29, the main UNP headquarters were attacked by 25 armed persons who threatened security staff, tore down posters, and broke windows. On December 18, an LTTE suicide bomber attempted to assassinate President Kumaratunga at a rally 3 days before the presidential elections. The bomb injured the President, Justice Minister Peiris, and many others, and killed 13 bystanders (see Sections 1.a. and 1.c.).

On December 18, the LTTE allegedly also bombed a rally of the UNP, killing 11 civilians (see Section 1.a.). There also were allegations that the ruling PA party took measures to undermine free and fair elections. On November 12, President Kumaratunga appointed an acting election commissioner. There were allegations that this appointment was politically motivated, although he permitted local election monitors and some international observers to participate in elections. On November 6, after a series of military setbacks in the war with the LTTE, the Government implemented a strict censorship policy regarding reporting of

military or security news (see Section 2.a.). Opposition figures criticized this policy for curtailing freedom of expression, and alleged that it was implemented to cover up the recent military setbacks prior to the elections. On December 21, President Kumaratunga was reelected with 51 percent of the vote. There were credible accounts of voting irregularities in several locations around the country. At least six persons were killed on December 21 in election-related violence. By year's end, local observers had not issued reports on the elections; however, they expressed concern about whether the vote was free and fair. A team of international observers stated that, despite some irregularities, they were satisfied with the conduct of the elections. None of the opposition candidates challenged the election results.

Elections for seven of the country's nine provincial councils took place during the year. In January elections were held in the northwest ('Wayamba') province; the ruling PA won 28 seats, the UNP won 19 seats, and the JVP won 3 seats. This election was marked by violence and accusations of electoral fraud. The Center for Monitoring Election Violence (CMEV) reported more than 800 instances of violence, including 2 cases of murder and 11 cases of attempted murder, as well as a large number of assaults and cases of intimidation (see Sections 1.a. and 1.c.). In response to sharp criticism about the way that the vote was conducted, the President appointed a commission staffed by two retired judges to evaluate allegations of electoral fraud. Although they agreed that the poll was flawed, no new election was called. In February the President also created a bipartisan monitoring committee (which she chaired) to ensure that the remaining provincial council elections were "free and fair". Although there was some criticism following the five provincial council elections held in April and the southern province election held in June, reported incidents of violence were far fewer than in January. The ruling PA party narrowly won elections in the April provincial council elections, claiming 120 of 263 seats. The UNP took 112 seats and the JVP won 15. In the June southern provincial elections, the PA gained 27 seats, the UNP won 21, and the JVP won 7. In January 1998, the Government held local government elections in Jaffna for

the first time in over a decade. Although turnout for the elections was relatively low due in part to threats from the LTTE and in part to outdated electoral register, observers believed that the elections were free and fair. Voters elected 239 representatives from 5 Tamil political parties to serve on 17 local councils. The Commissioner of Elections recognizes 34 parties; however, only 10 parties actually hold seats in the 225-member Parliament. The two most influential parties, the Sri Lanka Freedom Party (the principal component party of the governing PA coalition) and the UNP, generally draw their support from the majority Sinhalese community. Historically, these two parties have alternated in power.

Although there are no legal impediments to the participation of women in politics or government, the social mores in some communities limit women's activities outside the home, and they are underrepresented. Nonetheless, in August 1994, voters elected a Parliament that chose a female prime minister for the third time in the country's history. In November 1994, a woman was elected President for the first time; she was reelected in December for a second term. Eleven women hold seats in the Parliament. In addition to the Prime Minister, the Minister for Women's Affairs and the Minister of Social Services, a number of deputy ministers are women. There are 27 Tamil and 20 Muslim Members of Parliament. The LTTE refuses to allow elections in areas under its control. Through a campaign of murder and intimidation, it effectively undermined the functioning of local government bodies in Jaffna, whose members were elected in January 1998. This campaign included the murder of 2 of Jaffna's mayors and death threats against members of the 17 local councils. Throughout the period of the conflict, the LTTE has killed popularly elected politicians, including those elected by Tamils in areas the LTTE claims to be part of a Tamil homeland. During the summer, the LTTE told politicians in the east to suspend their political activities and stay away from their constituencies; however, this ban was lifted by year's end. (...)

(der Report wurde am 25. Februar 2000 veröffentlicht)

Ethnic Conflict in Sri Lanka

Developments and Trends 1999-2000

Report by the 'Movement for Interracial Justice and Equality' (MIRJE)

Im folgenden veröffentlichten wir im Wortlaut Auszüge aus dem Jahresbericht des 'Movement for Interracial Justice and Equality' (MIRJE), Colombo.

1999 was a year of disappointment in relation to peace in Sri Lanka. The enthusiasm that prevailed in the 1994-1996 period, during the first years of the PA government, weakened. The government's proposals for Constitutional reform remained confined to paper, with the Parliamentary Select Committee locked into a stalemate on key issues regarding the devolution of power. There were no new peace initiatives from any side, and the polarisation between various political groupings assumed extreme proportions. Perhaps the main reason for this political disarray was the fact that 1999 was an election year in Sri Lanka. Elections were held for seven Provincial Councils in January, April and June; Presidential Elections were held in December. In the Wayamba (North-Western) Provincial Council election, held on 29th January 1999, the PA emerged victorious, but at the cost of utilizing an unprecedented degree of corruption and violence. From then onwards the main political discussion in the country has centred around the issue of political violence. The inability of the government and all opposition forces to ensure adherence to principles of good governance has led to a deterioration of democratic principles and humanist

values that has fatal repercussions for the country. The independence of the judiciary, media freedom and the freedom of dissent and commitment to the need for free and fair elections are among key issues that have come up during this time. Some sections of the government engaged in a constant battle with civil society groups and leaders, with some outright attacks on the peace constituency and on the forces of civil society. A hate campaign was launched against sections of the mass media that were viewed as being critical of the government. A strong propaganda campaign was launched against the broad network of organizations that were active at the national level in lobbying for free and fair elections, and steps were taken to curtail their activism with regard to election monitoring. A vital part of this aggressive political trend has been the strengthening of the militaristic tendency within the People's Alliance government. Particularly during the election campaigns, the promotion of war replaced any initiatives for peace. The government made a promise that it would establish peace in the country after a victory in the war, and winning the war and defeating the LTTE became the principal political agenda. The government-controlled media became the tragic articulation of these new developments, adopting a style which increased the fear of the L.T.T.E. and mistrust of the Tamil community as a whole among the Sinhala population. The privately-owned media too was largely pro-war and extremely vociferous in their criticism of the peace lobby. The day to day lives of the Tamil population remained insecure in every part of the country, and cases of harassment, torture and disappearance

continued to be reported from the north and east. The war had its own fall-out on the civilian population, and the internally displaced of the north and east continued to suffer the consequences of gross neglect by the authorities. Bus bombings and suicide-bombing attacks heightened inter-ethnic tensions, and create a situation in which the Tamil population as a whole come under suspicion.

In the run-up to the victory of the PA in 1994, civil society activism for peace and democracy was welcomed by those who are now in power, and in fact much of the democratic agenda of the present government was formulated through a process of positive inter-action and consultation. However, the situation has changed and in the years since 1997, there has been a growing distancing between the PA and civil society organisations. This has meant that in the recent past we can observe the voice and influence of the militant anti-Tamil forces within the extremist Sinhala nationalist groupings being increasingly reflected in the military agenda of the PA government.

The Presidential Election campaign at the end of 1999 was the climax of these developments. The two bomb attacks on the eve of the elections in which the President herself was injured and over 20 persons killed sent shock-waves throughout the country. The political campaign of PA leader, President Chandrika Kumaratunga, was transformed into a war cry to save the country from the LTTE. The only way to achieve peace was seen to be the defeat of the LTTE and its leader, Mr. Prabhakaran.

President Kumaratunga also promised that she would bring in constitutional reforms within a period of one year and

vowed to bring peace through this measure. After winning the elections and being sworn in as President for a second term, Mrs. Kumaratunga launched two decisive initiatives to honour her promise of peace. One was the compilation of the proposals for constitutional amendments based on principles of devolution of power. The second was the opening of the way for negotiations by naming the Norway Government as a third party facilitator. In response to these moves, the Leader of the Opposition and UNP leader Mr. Ranil Wickremasinghe stated that if the Government considers its proposals for Constitutional reform as the only way to a peaceful resolution of the ethnic conflict, they would critically support the acceptance of such a change in the Parliament. This accommodating position of the UNP is the most important development in recent politics in Sri Lanka, even though it is quite clear that the UNP does not believe that these proposals will be successful in achieving peace. In spite of these small and for the most part rhetorical moves towards a bi-partisan approach, in practical terms both parties have not shown a stable commitment to this approach, and have been unable to avoid petty sniping at each other either. The LTTE, for its part, also continues to show no desire to participate meaningfully in any process towards peace. Rather, it continues with its attacks on civilians, and is increasingly marginalized in the international arena due to its intransigence.

By the beginning of the year 2000 it appears that both the government and the LTTE are preparing for a major military confrontation. On both sides, one sees all the signs of building up the fighting forces and getting armed, rather than of building up trust.

On the one hand, one hears the rhetoric of peace. On the other hand one sees the preparation for war. In spite of this gloomy scenario, at MIRJE we do not think the situation is unchangeable. We issue this report as a contribution to further our own understanding of the complexity of the situation in our country, and to share our views on these matters with our colleagues and friends. Without such an understanding it is not possible for the peace constituency to comprehend the challenge that lies before us, especially the possible pitfalls. MIRJE invites you to a continuing dialogue on the prevailing situation so that we may act collectively to change it.

Political Settlement and Peace Negotiations

Throughout the year 1999 the political dialogue on the need for a negotiated settlement of the ethnic conflict continued at varying degrees of

intensity. While several civil society groups took the lead in campaigning for a process of dialogue and consensus-building in this regard, others including significant sections of the Buddhist Sangha continued to oppose any moves for peace and negotiation with the LTTE. The positions held by the different political parties and the developments that had taken place in these positions of political parties are briefly discussed below.

Peoples Alliance Government

In general the attention of the Government in the year of 1999 was on elections. From the Wayamba Provincial Council elections held on January 25, 1999 to the Presidential Elections on December 21, 1999 the main emphasis of the PA election campaign was on convincing the people of its ability to achieve a military victory and use this to win elections.

The promise given to end the war in one year was repeatedly mentioned. The Sinhala people were shown that the aim of the political 'package' or proposals for Constitutional reform put forward by the Government was to separate the Tamil people from the LTTE. The basis of this strategy was that a political settlement could not succeed unless LTTE leader Prabhakaran was defeated personally and the LTTE defeated as an organization, decisively, at both the military and political level. Therefore, according to the PA's argument it was useless to put forward political solutions without a military victory. This was the justification for the 'war for peace'. This was also the main reason for not bringing the proposals for Constitutional reforms before Parliament during the year 1999. The PA considered the political package as a strategy or tool to be used to isolate and defeat LTTE rather than as a part of the process to achieve peace.

The Minister for Constitutional Affairs Prof. G. L. Peiris stated at the middle of the year that it was useless to bring up the proposals for Constitutional reform without being sure of getting it approved within the Parliament or outside it after the elections. A Central Committee Resolution from the Lanka Sama Samaja Party (LSSP), a partner of the PA Government, in August 1999 requested the Government to bring the constitutional Reforms before Parliament. Although the LSSP threatened to resign from the government if this was not done, up to March 2000, this did not take place. An Equal Opportunities Bill was proposed by the PA with the aim of resolving some issues related to the rights of women and of members of minority communities. However, due to opposition from within the ranks of the

PA itself, the Bill that was to be presented to Parliament in September 1999 had to be withdrawn.

The attitude of the PA to any form of external intervention in the peace process remained extremely ambivalent. In December 1999, President Kumaratunge said, in an interview with BBC TV, that she had obtained the assistance of two external mediators to initiate discussions with the LTTE. A month before this, the LTTE had issued a statement saying that the Government had attempted to propose secret negotiations with them, using three external mediators and that the LTTE had rejected these attempts. The mediators mentioned by the President were the Secretary of the Commonwealth and the Government of Norway. However, on September 28, 1999, Foreign Minister Kadiragarnar made a public statement in New York saying that the conflict in Sri Lanka was purely an internal problem and therefore any external third party mediation was not necessary.

The policy of the PA Government was that the minimum basis to begin discussions with the LTTE was that the LTTE should give up its demand for a separate state and it should agree on a specified time frame. Since 1999 was an election year there were no positive dialogue between the two main Sinhala-dominated political parties, the PA and the United National Party (UNP), which could lead to a bi-partisan approach towards a resolution of the ethnic issue. In fact, throughout the year the opportunities and space for such a bi-partisan approach was reduced by the growing tension and polarisation between the PA and the UNP and by the increase in political violence that became a common feature in the elections held during 1999.

There was an exchange of letters between President Chandrika Kumaratunga and Opposition leader Ranil Wickramasinghe regarding a bi-partisan approach in October 1999. At the Presidential elections at the end of the year, the PA entered into electoral alliances with a range of its former opponents from the ranks of the militaristic forces of extreme Sinhala-Buddhist nationalism, including Susil Moonesinghe, the candidate put forward the ultra-nationalist forces, MEP leader Dinesh Gunawardana and the current pioneer ideologue of Sinhala - Buddhist extremism, Professor Nalin De Silva. Their support for Mrs. Kumaratunge's campaign proved to be a decisive factor in her victory. Their support for Mrs. Kumaratunge was based on their perception of her as the only national leader who had the capacity to push the LTTE to a military defeat. She also played the role of the strong leader against the LTTE by setting her

Presidential elections campaign on a "Sinhala war cry" footing. A Presidential Policy Statement said: "The main challenge we are facing today as we prepare ourselves to enter the new century is to prevent the efforts to divide the country."

On December 18, 1999, two bombs exploded at the last public meetings of the Presidential election campaign. A woman suicide bomber blew herself up in the immediate vicinity of President Kumaratunge. She herself was badly injured, and lost sight in one eye. The other bomb went off at a UNP rally in Ja Ela, a suburb of Colombo. Over 40 people died in both explosions. Following this attack, the PA's position on a military victory was further strengthened. In her address to the nation shortly after the explosion, she promised that after being re-elected President she would defeat the LTTE and punish all those in the North and South who are supporting the LTTE. She also said that the Tamil people in Sri Lanka had to now decide whether they would help the LTTE any longer or not.

United National Party

The main opposition party the UNP continuously avoided expressing any concrete ideas about the ethnic problem. The UNP position was based on two views that seemed to contradict each other. The first was that they would only accept a Constitution that was premised on the existence of unitary state. This was the position that was taken by then Prime Minister Premadasa in 1987 when the Indo - Lanka Peace accord was signed. The second view was that since the LTTE enjoys wide support among the Tamil people, no solution that ignored the LTTE would be useful. This refuted the consideration of the LTTE and the Tamil people as two separate groups. The UNP approach was to negotiate a long-term temporary cease-fire with the LTTE without waiting until a process of negotiations had been concluded to end the fighting. The UNP policy seemed to aim at winning the support of the Sinhala extremist forces by assuming the position that a solution to the ethnic problem should be within a framework of a unitary state, and at winning the support of the minority communities by stating that a non-military approach should be adopted towards the LTTE. This dualistic attitude and position was adopted by the UNP throughout the various election campaigns of 1999. During the Presidential campaign, UNP candidate Wickremasinghe stated: "I will begin discussions with the LTTE. If necessary I will obtain the assistance of a third party. I will take steps to de-escalate the war. I will not bring in Constitutional amendments until

practical solutions are reached that could be agreed upon by all sections of society. I will appoint an interim council for the North and Eastern Provinces. The UNP stated that it would grant the leadership of this Interim Council to the LTTE. However, it avoided going into details about this Council. During the election campaign the UNP adopted a 'tolerant' approach towards the LTTE. Although the UNP promised to minimize the hardships suffered by Tamil people living outside the Eastern and Northern Provinces through instituting a number of administrative and defense arrangements, the party opposed the Bill on Equal Opportunities introduced by the Government in December 1999. Further, the UNP adopted an attitude of delaying its responses regarding the PA's proposals for Constitutional reform at the level of the Parliamentary Select Committee and elsewhere.

Janatha Vimukthi Peramuna (JVP)

The JVP has now acquired a stable position in the political arena within the framework of representative democracy in Sri Lanka and has become the undisputed leader among the left political parties. The JVP devoted its main attention to the Provincial Council and Presidential elections during 1999. It did not make a serious effort to win over the ethnic minority communities. Although it entered into an alliance with the Nava Sama Samaja Party (NSSP), which is a party that accepts the right of self-determination of the Tamil people, it succeeded to hold on to its former policies regarding the ethnic issue. The JVP named the war as genocide and demanded an immediate stop to the war. However, it did not present any practical proposals as to how to achieve this. According to the JVP, the Government's package of political settlements is a trap which will divide the country. Providing relief for the daily problems faced by the Tamil people in the Northern and Eastern Provinces was seen as simply "patch-work" and not worthwhile. The embargo on sending food and medicine to the Vanni area was rejected by the JVP on the basis that it did not bring about a solution to the war. The JVP in fact demonstrated an attitude of indifference regarding the protection of human rights of the Tamil people living outside the North and the East. According to JVP General Secretary, Tilvin Silva, what we have in the country is not an ethnic conflict but a national problem created as a result of the failure to build a Sri Lankan nation. The JVP accepts Sri Lanka as a multi-ethnic state but does not regard the hill country Tamil people as a separate ethnic entity. Further, the JVP stated in

its Presidential campaign that a political solution is necessary to solve the national question in Sri Lanka. However they remain committed to the belief that whatever form of devolution of power is carried out under the capitalist system, it will not be a solution to the problem and could in fact lead to the separation of the country. According to the JVP the Tamil people of Sri Lanka should be granted self-government in some areas based on the acceptance of their right to self-determination only under a socialist regime within which democracy has been established.

Tamil Political Parties

In general, almost all Tamil political parties feel that the political 'package' of the PA was insufficient. Their common agreement was on a Federal system of Government. At the beginning of 1999, Former chief Minister of the North-East Provincial Council Mr. Varadarajah Perumal wrote a detailed document in order to complete the Government's proposals. The essence of his proposals was a Federal state. However, both Varadarajah Perumal as well as Douglas Devananda, leader of EPDP agreed to accept the Provincial Councils system set up by the 13th Amendment to the Constitution as a first step towards devolution of power. There were possibilities that PLOTE too would adopt this position. The TULF repeatedly showed that it would not be willing to join in a Provincial Councils system which did not obtain the participation of LTTE. Members of TELO held a similar position.

Liberal Party

Although the Liberal Party is a very small party numerically, it has succeeded in enriching the political discussion in Sri Lanka, and has been responsible for key contributions to the debates on devolution of power. The Liberal Party has always maintained that the devolution of power is a critical part of the process of seeking a resolution to the ethnic problem. In early 1999 the Liberal Party presented a detailed set of amendments to the PA proposals for Constitutional reform. This document, named "A Declaration for the 21st Century" had made proposals that would grant executive powers to the Provincial Councils. It proposed to remove the list of intermediary subjects for devolution and to declare Sri Lanka as a secular state. Although this was not as detailed as the alternative Draft constitution for a Federal state presented in 1995 by MIRJE, this document presented new proposals for simple devolution of power. Unfortunately, these proposals did not generate sufficient discussion within our society.

Liberation Tigers of Tamil Eelam (LTTE)

The LTTE presented its ideas for a political settlement on several occasions in 1999 too. It stated that the four basic proposals put forward in the Thimpu discussions between the Government of Sri Lanka and the Tamil political parties (TULF, EPRLF, TELO, PLOTE) in 1985 should constitute the basis for any negotiations. These proposals, which had been rejected by the Sinhala political parties were:

- The Tamil people of Sri Lanka should be recognised as a nation;
- The right of self-determination of the Tamil people should be accepted;
- The Northern and Eastern Provinces should be recognized as the traditional Homelands of the Tamil people;
- The citizenship rights of the Tamil plantation workers should be recognized.

(...)

Ethnic mistrust and Polarization. Sinhala-Buddhist Nationalism

Parallel to the "Sinhala Veera Vidahana" (SVV), the nationalist movement of Sinhala traders and small businessmen that was expanding throughout the year 1998 there was another militaristic Sinhala-Buddhist nationalist movement that emerged at the beginning of 1999. This organization that was said to have been formed in March 1998 is the "National Movement Against Terrorism." (NMAT). On January 10, 1999, the NMAT issued a national plan to defeat terrorism named "The way to defeat the Tigers". According to this, the cause of the war was the savagery of the terrorism of the Tigers'. It proposed that to win the war for the Sinhalese, a mass national war consciousness should be built. The entire nation should be prepared for war. All nationalist political parties and organizations must form a joint front. All cultural and educational activities should be geared to contribute to the war effort. The ban on the LTTE should be intensified, and legal action should be taken against all those who support it. All such people should be issued with special Identity Cards. If children join the LTTE, action should be taken to hold the parents responsible for such an act.

According to the proposals of the NMAT the government should call a halt to all peace projects launch a propaganda campaign in support of the war. Although the situation did not change dramatically, the Sudu Nelum (White Lotus) Movement which had been the main peace project of the government ground to a halt, and the government media became partners in

the war effort. Seminars on this militaristic plan were organized in different places in the country throughout the year, and there was active collaboration between the SVV and the NMAT. This collaboration provided the Sinhala-Buddhist nationalist movement with an organizational network that could go into immediate action. According to the National Plan of the Sinhala Veera Vidahana which was adopted in July 1999, the Sinhala community is the decisive ethnic group in Sri Lanka. All other communities are ethnic groups living in the country of the Sinhalese. The name of Sri Lanka should be "Sinhala", the language of the state should be only Sinhala and Buddhism should be the state religion. The leadership of the country should only go to a person with traditional Sinhala heritage. In addition to the SVV and the NMT, a considerable number of organizations which have the stated objective of establishing Sinhala Buddhist hegemony have emerged. "Sinhala National Front" which was launched on April 22, 1999 is one such organization. A considerable number of members of the Buddhist clergy who were leaders of the Buddhist Nationalist Movement were among the convenors of this organization. The Jathika Sangha Sabhawa (National Bhikku Council) which showed renewed activism is another. The SVV and the NMAT could maintain an ideological hegemony over all these organizations and efforts. These extremist groups were engaged in a constant conflict throughout the year against Mr. Saumyamurthi Thondaman and the plantation workers' union, the Ceylon Workers' Congress (CWC) led by him. Their campaign was focused against the Tamil people of the hill country. On February 12, these groups carried out a poster campaign with racist overtones throughout the hill country, in relation to a conflict that arose between a doctor in Dickoya Hospital and a political leader of the CWC. The posters attempted to give a coloring of Sinhala-Tamil conflict to an incident that had its roots in a conflict between a person with political power and a government worker. On April 30, a public clash took place in Nuwara Eliya between the CWC and members of the SVV over the CWC May Day rally which was due to be held on May 1. The SVV had put up anti-LTTE posters and claimed that the poster advertising the CWC May Day rally had been put up over their posters. This clash developed to such an extent that groups of Tamil plantation workers who attended the May Day rally were attacked with stones and clubs on their way home from the meeting. CWC leader Thondaman made a strong verbal attack against this assault. Although a serious conflict was avoided a very tense situation was created in the plantation

regions. This situation was brought before the President by Mr. Thondaman. The extremist groups carried out a campaign against him island wide, including a poster campaign that lasted for several months. These groups also carried out a strong propaganda campaign against Tamil people living in Colombo, focusing on the theme 'Stop Tamil expansionism in Colombo'. Posters cried out that Tamil people had systematically bought land in Colombo spending millions. The climax of this campaign was a march organized by SVV to the official residence of the President, Temple Trees in Colombo 3, on June 2. As they returned, the marchers turned on the main office of the CWC which is located in the same part of Colombo. They chased away the security officials there, took down the flag of the CWC, burned it and put up the SVV flag in its place. Although the CWC organised a protest against this act of violence, in collaboration with other Tamil political parties on June 10, the Police prohibited this protest. In July 1999, these same forces obstructed the activities of Sadhu Jana Vandanava, a team of civilian singers for peace who were touring the country, in Nuwara Eliya and other places. The strong verbal attacks launched against peace efforts by these groups also denigrated the proposals made by the Business community, who proposed a settlement through negotiations with the LTTE. In a statement issued in September 1999, they said that this section of the business community should be considered "traitors" of the nation. They were extremely critical of Mr. Lalith Kotelawala, a leading businessman who was an initiator of this peace effort and threatened to launch a boycott of the goods and services of the Ceylinco group of companies which he heads. These forces also rallied against the Equal Opportunities Bill, basing themselves on racist arguments, and mobilised school children involved in street protests against the Bill. This campaign also resorted to anti-Muslim slogans. During the same month, the massacre of Sinhala civilians in the Amparai District by the LTTE created a space for these forces to expand their hate campaign. On September 22, the SVV, the NMAT, the National Bikkhu Council, the National Integration Movement and the Y.M.B.A. conducted a joint public seminar in Borella. These forces have engaged in regular poster campaigns over the year, with Prabhakaran, Thondaman and Ashroff as their special targets. In addition, they promoted recruitment into the military and consistently attacked all initiatives for peace. The SVV spread its organizational structure internationally, through a web-site, and is now making efforts to spread its influence among

Sinhala expatriate communities in all countries.

At the end of 1999, the NMAT published a document entitled "Penetrating the Tigers". This attempted to further popularize the views of the organisation and carry forward its arguments against the Tamils. It also proposed that the conflict could be resolved through war itself. In addition to these two main political movements within the Sinhala nationalist arena, the religious movement promoted by the Ven. Gangodawila Soma Thero became one of the strongest movements against the Muslims in the recent times. He became the most popular preacher in the electronic media in Sri Lanka and succeeded in instilling a sense of fear and insecurity among Muslims throughout the country on the basis that the religious and cultural life of the Muslim people and their political activism is aimed at pushing the Sinhala people to a secondary position. In early part 1999, the Ven. Soma obtained some support from the government. In May 1999 he was given an opportunity to preach to the soldiers in Jaffna for two hours on the Wesak Poya day, the highest Buddhist religious festival. Soma Thero also preached to the soldiers in the North-East war region in several towns, focusing on the fact that it was completely in accordance with Buddhist precepts to fight a war to protect the heritage of the Sinhala Buddhist people. The final report of the Sinhala Commission was issued on June 2, 1999 and it carried a set of ideas opposing a broad devolution of power. Since the Sinhala-Buddhist nationalist movement had by then gone beyond the Sinhala Commission, this report went into the dustbin of history before its time. Another important process that emerged was the transfer not only of the organisational leadership of the Sinhala-Buddhist nationalist movement, but also of its ideological hegemony from one generation to another, from the traditionalists to more radical militant groups. In place of Prof. Nalin De Silva and Gunadasa Amarasekara who had held the ideological leadership of these forces for quite a while, Champika Ranawaka who leads the NMAT emerged as leader. Ven. Gangodawila Soma Thero emerged pushing out Ven. Madulawe Sobhita Thero. Throughout 1999, conflicts surfaced within these groups as well. For example, Prof. Nalin De Silva publicly named the NMAT as a 'terrorist movement' and said that its strategies and tactics were close to fascism. During the Presidential elections at the end of the year the old generation of nationalists openly supported Chandrika Kumaratunge. Their present approach seems to be to spread their ideology through the mainstream political parties.

SVV and NMAT are now working towards building their own Sinhala-Buddhist political movement to fight against these forces.

Ethnic Role of the Media

There was only an intensification of the ethnic polarization and divisions in the Sri Lankan media during the year 1999. In general the media with an ownership dominated by one or the other of the main ethnic communities reflected a bias in favour of that particular community in their news, features and presentation of analysis. The government remains the largest media operator in the country, and as it moved almost completely towards a military solution, these media institutions, print and electronic, became part of the propaganda machine for a war strategy. The President becoming the target of a LTTE suicide bomber further sharpened this militaristic mode. This tendency and a biased media policy - except in the case of two or three weekend newspapers is creating an environment of intense ethnic polarization between the Sinhala speaking and Tamil speaking communities in Sri Lanka. The Sinhala newspapers printed in Colombo, the capital, aim purely at the Sinhala people and the Tamil news papers aim at the Tamil spoken people only. Since the community leaders, professionals, social activists and people in general in Sri Lanka do not have the ability of speaking the languages of other ethnic groups and reading them, the understanding of what the others speak and read is lacking. This ignorance, which is partly responsible for the ethnic-based polarization is reaching a frightening level. There are many examples of the ways in which the ethnic-based media in Sri Lanka reacts and responds differently to the same piece of news or information. A statement made by Foreign Minister Kadirgamar in Washington saying that there was no need for third party mediation on the ethnic issue in Sri Lanka was praised in the Sinhala media, while the Tamil newspapers wrote editorials that were critical of his statement. The Tamil papers wrote for three full days about the labour leader of plantations Mr. S. Thondaman who died at the end of the year while for the Sinhala newspapers it was only another news item. The Victory of BJP at the Indian General Elections was headline news in Tamil papers while the Sinhala papers gave it only a very little attention. The Sinhala and Tamil newspapers also responded very differently to incidents and situations such as the assassination of Tamil Congress leader Kumar Ponnambalam, the food and medicine scarcities in Vanni, sexual abuse by the military in

North and East, the land acquisition in Palali, the attack on Madhu church and many other issues. These biased media approaches have become a key factor that creates a collective consciousness of mutual mistrust and fear among each of the communities - Sinhala and Tamil. The policy of the Sinhala-owned media is to use the government and government defense forces as their main sources of information in reporting at the war and related information. The papers with Tamil ownership use the LTTE and Tamil society as their main sources of information. The Sinhala media gave wide publicity to the accusation that the CWC MP Yogarajan, who is also a mediator in the human rights problems affecting the Tamil people in Colombo, had forcibly got six members of the LTTE released from custody. One of the Sinhala papers said that these suspects could have been possible suicide bombers. The Sinhala papers quoted the military and the police as their sources for this information. The Tamil newspapers quoting Mr. Yogarajan and various Tamil people as their sources, and blamed the army for the incident. The Committee appointed to investigate this matter concluded that Mr. Yogarajan had represented the rights of Tamil people, that the news was incorrect and that the military had committed a mistake. However, portraying Mr. Yogarajan as a Tiger leader continued. The news reports continually refer to all Tamil people taken in for questioning on suspicion as LTTE supporters in a way that continually reinforces the fears of the Sinhalese. According to the style of reporting, those members of the security forces who are killed on the battlefield are 'war heroes', 'those who sacrifice their lives', while LTTE militants are simply "killed". The Sinhala media also does not carry sufficient news or articles regarding the day-to-day problems and long standing political issues that the Tamil community finds important. The Tamil newspapers report on these issues regularly and consistently. One of the main challenges facing us as we speak of a process of democratization in Sri Lanka is that of raising the standard of Sri Lankan media to a level that it becomes a media culture that reflects and respects the multi-ethnic and multi-religious basis of our society. It is essential to introduce to media culture in Sri Lanka an attitude and activism that helps to build mutual understanding and trust as the foundation necessary for peace and unity among the ethnic groups in this country. Unfortunately, even the efforts made to create a 'free media' have not gone beyond the debates on media freedom between the Government and those who oppose it. The fact is that in general social movements in Sri Lanka do not have a sufficiently broad

vision regarding media freedom.

War and Militarization Vision of war.

During 1999, both the government of Sri Lanka and the LTTE maintained their own interpretations of the conflict. According to the Government of Sri Lanka, the war aims to liberate the Tamil people from the fascist, murderous Tigers and to save the Sinhala and the Muslim people. According to the LTTE, the war is a liberation struggle to liberate themselves from the Sinhala-Buddhist domination and to establish an independent state for the Tamil people. The objective of the LTTE is to drive away the Sinhala military that has invaded the home lands of the Tamil people. The military leaders of the government state that they have completed 'winning' 90% of the war and are not very far away from defeating the LTTE in the war. The LTTE stated that they would free Jaffna before the emergence of the third millennium. On November 27, 1999, in his speech for Heroes' Day, LTTE leader Prabhakaran declared that his forces could drive the Sinhala forces out of the Eelam homelands.

It is not clear to what extent these interpretations of the war are accepted by the majority of the Sinhala, Tamil and Muslim communities. However it is obvious that there are certain professionals, media leaders and groups of people on both sides who believe in a military victory. Expressions of support for such views are sadly increasing.

Reality of the war

The reality of the war as experienced by the people of Sri Lanka is in total contradiction to the above statements. The war shifted between continuously between the two sides in terms of victories and defeats. Even after very large military defeats both the government and the LTTE showed that they were capable of launching massive military attacks. This situation which had prevailed over the past years, remained true during the year 1999 too. The year began with Operation "Rivibala" launched by Sri Lankan security forces in the Vanni. This was seen as a follow-up to the "Jayasikuru" mobilisation that was suspended in September 1998. Operation "Ranagosa 1" operation was launched starting on March 6, 1999 and followed in rapid succession by Operations 'Ranagosa' 2, 3, 4 and 5, which saw government troops begin to move from Vavuniya to Mannar on March 19, May 9, June 10 and June 12 respectively. The aim of these Operations were to continue the process begun in 1997 to 'liberate' the road from Vavuniya to Jaffna and

surrounding areas. Troops succeeded in capturing the Vavuniya - Mannar Road and later the area around Madhu Church. By the end of Operation 'Ranagosa' 5, 1800 square kilometers of land had been captured by government troops. The LTTE did not launch any serious resistance to these military operations except to Ranagosa 5. Government and military leaders described Ranagosa as a serious defeat of the LTTE. Former Commander of the Air Force Air Marshal Harry Gunatilleke however made the accusation that almost all these military operations were aimed at winning over Sinhala voters at the Provincial Council elections. In 1999 there were additional mobilizations launched in the Eastern Province named "Chanda Maruthaya" and "Seda Pahara". By these the prevailing balance of power between the two warring parties was maintained, and neither the government nor the LTTE suffered many serious losses or victories.

The LTTE, which had limited its operations only to tactical guerrilla attacks throughout the year, launched Operation Oyatha Ellaihal 3 in November. In one week, the LTTE successfully pushed back 20,000 government troops to their previous positions and regained 1500 square kilometers of the territory lost during the Jayasikuru operation. The gains made over a period of 18 months at a cost of Rs. 145 million a day and about 2000 soldiers' lives were lost in a matter of days. This led to a serious demoralization within the military and thousands of soldiers rebelled against the orders of their superiors. Many abandoned their arms and uniforms, and deserted. This was the most serious rebellion within the security forces since the outset of the conflict. By the end of the year there were 25,000 deserters; about 20,000 of them were from the army. Deserters are prohibited from entering into any other employment and it is a punishable offense to employ them.

The LTTE also inflicted considerable loss of arms, ammunition and equipment on the government forces. In July, they exploded a passenger ship leased by the government in Trincomalee harbor. In December, they shot and destroyed an attack helicopter of 1 M - 24 type that belonged to the Air Force. During the Oyatha Ellaihal 3 operation the LTTE captured a number of missiles and communication kits in addition to ordinary weapons.

On September 13, 1999 the government called for international tenders to purchase laser operated bombs and electronic military circuit. This shows that the government has decided to obtain ultra modern and very expensive war equipment for the Air Force and the

Navy. However, the shortage of personnel remained a major problem. Recruiting campaigns that were carried out at massive scale with very attractive salaries, privileges and medals were not effective. In April 1999 a publicity campaign was launched about recruiting 3000 Tamil women soldiers to the military; dates and places of recruitment in Jaffna, Mannar, Vavuniya, Batticaloa and Colombo were also announced. Not a single Tamil woman turned up. Subsequently throughout August 1999 recruitment was carried out in 260 places. The requirements were: age between 18-28; height 5 feet and 2 inches; unmarried; educated up to grade 8; willing to serve in the north and east. They were offered a salary of nearly RS. 10,000 monthly. Even in a situation where 1/3 of the population live below the poverty line it was not possible to attract the total number of recruits required. As measures of attracting youth, the military opened recruiting centers inside the Boy Scouts' Jamboree and school students were allowed to enter the 50th Anniversary celebrations of the Sri Lanka army free of charge. The Ministry of Defense took steps to launch a propaganda campaign to recruit 15,000 soldiers at the beginning of 2000.

The military has been plagued by reports on corruption within the ranks, which have for the most part been exposures by Defense correspondents in the weekend newspapers. These reports were not denied either by the government or by military spokespersons. The reports implicated servicemen in all ranks, from top to bottom. For example, in November 1999 it was reported that three officers who were accused of stealing Rs. 900 lakhs of the salaries of soldiers had suddenly disappeared. Although information was published that high-level government officials and children of politicians including Cabinet Ministers were involved in government contracts for arms supplies, this could not be substantiated due to difficulties in obtaining information. However it was clear to all that there was a handful of individuals who had become super-rich through arms deals and who maintained close links with those in power. The LTTE carried out its strategy of eliminating the leadership of other Tamil political parties. During 1999, the LTTE killed 5 representatives of Jaffna District council of the EPDP during 1999. They were Rajadorai Karavetti, Nadaraja Sivarasa, P.Kandasamy, Poobalasingham and Thurairajah. The LTTE also carried out a very systematic campaign against PLOTE and succeeded in completely destroying the PLOTE military wing by the end of 1999. PLOTE Jaffna leader Chandra Mohan was assassinated on January 25, Vavuniya leader Arumugam Udaya

Kumar on June 8 and PLOTE military wing leader Manikkadasan and several others at their office in Vavuniya on September 2. After the death of Manikkadasan, who was military leader of PLOTE for over 10 years, PLOTE leader Siddharthan Dharmalingam dissolved its military wing.

Another "victory" of the LTTE was the killing of Muthalingam Ganeshakumar alias Razik who left the military wing of the EPRLF and collaborated with the security forces. He had built up a parallel military group in Batticaloa that had gained notoriety for their practices. The LTTE used a suicide bomber to kill him. In commemoration of 'Black July', the anti-Tamil riots of 1983, in July 1999 the LTTE assassinated TULF MP Dr. Neelan Tiruchelvam. He had maintained close links with President Kumaratunge and her government. Here too the LTTE used a suicide bomber. Tiruchelvam's killing led to serious criticism of the LTTE at the international level. This was because he was not only a mere politician but also a pioneer of the human rights movement at national and international level. Tiruchelvam's death did not appear to have made a serious impact on the Tamil people in Sri Lanka. The assassination of lawyer Kumar Ponnambalam in Colombo on January 4, 2000 by a as yet unidentified gunman evoked a completely different response from the Tamil community. Ponnambalam had been a strong opponent of the government and had openly praised the LTTE. As a lawyer, he had also defended Tamils taken into custody on suspicion of for various violations. Tiruchelvam was the 6th TULF MP killed by the LTTE. In addition over the years the LTTE has assassinated several other middle level politicians linked to the TULF such as Mrs. Sarojini Yogesvaran, Mayor of Jaffna and Pon Sivapalan, also Mayor of Jaffna.

Attacks on civilians as a part of the war was to be seen in 1999 too. On September 12 1999, 22 ordinary Tamil people were killed at the Pudukuduiruppu market in Mullativu District as a result of bombing by the Sri Lanka Air Force. 5 days later, the LTTE attacked 3 villages in the Amparai District including Gonagala and hacked to death 48 ordinary Sinhala villagers. As a result of shelling after the capture of Madhu Church in Operation Ranagosa 5, 38 Tamil refugees were killed and 57 were injured. Both sides accused each other about this attack. Although the Bishop of Mannar Rt. Rev. Rayappu Joseph had earlier requested the removal of security forces from the church premises, the government had not agreed. By the end of the year there were about 10,000 refugees in the area of Mannar and an estimated 350,000 persons internally displaced throughout

the Vanni Districts.

On Dec. 18 LTTE bomb attacks at the two last rallies of the Prresidential election campaign resulted in the deaths of 32 people. Among those killed were the former second in command of the Sri Lanka Army, General 'Lucky' Algama. The President who was the direct target of one of the suicide bombs was not killed, but left permanently blind in one eye. During 1999, 140 people were killed as a result of military attacks on civilian targets.

The fact that individual assassination was the main tactic of the LTTE was repeatedly proved in 1999. The attempt to kill the President was the climax of this strategy. If the LTTE had succeeded in killing her it was quite possible that it could have started a chain reaction of violence that would have taken the whole country to complete anarchy. Perhaps an occasion that would have been the biggest tragedy in the history of Sri Lanka was prevented as result of her life being saved.

The LTTE has announced that during the past 17 years 14,355 of their fighters had died, 160 Black Tigers among them. During the period between 1994 to 1999, 9558 LTTE fighters were killed. According to the statements of the military forces, 10,688 soldiers have died in the years of the war, excluding the 'missing in action' soldiers. During the period of 1994 to 1999, 6261 soldiers were killed. 300 media statements were issued by the government military information centre in 1999. According to these statements, the number of LTTEers killed by the government military forces was 3932. According to the same statements, the number of government military soldiers who were dead were 719. This shows the misinformation campaign carried by the government on battle front.

Militarisation

Militarisation of life in the North and East continued during the year as result of both parties adopting the approach of a military solution as their main emphasis.

In March 1999 the Tamil political parties accused the government of making arrangements to build a Sinhala military settlement around Palali camp in Jaffna by acquiring a land area of 485 hectares (over 10,000 sq. miles) of land. This acquisition had been announced in the Gazette notification no. 1083/9 dated 6.8.98. This step was later postponed due to the opposition expressed by the Tamil political parties and the forces for peace.

On March 23 the elections due in 30 local government institutions in the Northern and Eastern Provinces were postponed saying that they could not be held under the prevailing war situation.

Among them were 1 Municipal Council, 3 Urban Councils and 26 Pradeshiya Sabha (Regional Councils). They were brought under the administration of each Divisional Secretariat.

In April TELO, EPRLF, PLOTE, EPDP and TULF protested against setting up new Sinhala settlements in Trincomalee District and demanded from the government that this process of establishing settlements in these areas be stopped immediately. They accused the government of setting up large-scale Sinhala settlements in areas where Tamil people have lived traditionally. These political parties also jointly protested against the conducting of activities in Jaffna police stations in Sinhala.

In April 1999, the military took steps to issue special army permits (ID cards) to all residents in Mannar as is already done in Vavuniya. Although the regular hardships and obstacles that the Tamil people in Vanni were facing as a result of this system of special passes was pointed out, the government did not take any steps to introduce a more convenient system. No one took an interest in going in for legal action on fundamental rights on this issue. It was reported that at the end of January 2000 that the government is expecting to introduce the same special identity card system to the people who live in the Batticaloa District.

Until the last quarter of 1999 the people in Vanni area did not receive an adequate supply of food, medical and educational facilities. The Tamil political parties, religious leaders in the North and East and national-level human rights organizations repeatedly called for a change in this situation. All access roads from Vavuniya to the interior of Vanni had been closed due to the conflict. The lack of transport prevented adequate supplies of food and medicine into the Vanni. There was a stand-off between the LTTE and the government about the opening of the roads and under these conditions the people in the Vanni faced a serious situation of shortage of food and medicine. According to reports of international relief organizations many patients in the hospitals of Vanni died due to the absence of primary medical care. There were a number of agitations in the Vanni during May and June by the people demanding food and medicine from the government. A report produced by the University Teachers for Human Rights - Jaffna published incidents of parents killing their new born children and of entire families taking poison and killing themselves. According to this report too a considerable number of patients in Vanni hospitals died due to absence of medicine. This report stated that health and educational services in Vanni had completely broken down.

According to government statistics 162,400 people in Vanni had been

displaced and were living as refugees. But according to the Government Agents of Mulativu and Killinochchi Districts out of 376,300 people who lived in LTTE-controlled areas 297,600 had been displaced by the conflict. The government challenged the figures in these reports and transferred the two officials to Colombo in July. The number of people displaced from time to time during the year as a result of Operation Ranagosa is 50,000. In Jaffna District too there are nearly one hundred thousand people who are unable to go back to their homes in certain parts of Jaffna and who hence live as displaced persons. By the end of the year there were 10,000 people living in the refugees camps situated in the government controlled areas in Vavuniya.

By a special Gazette Notification no: 1108/22 dated December 2, 1999 five heads of armed forces were appointed as officers in charge of civil administration in Mannar, Vavuniya, Trincomalee, Batticalo and Ampara. They were assigned the tasks of resettlement of those displaced in the above districts, providing them with necessary food, maintaining sufficient stocks of food and their proper distribution and regular maintenance of water, electricity, medicine and transport services. All the offices appointed were Sinhalese. Due to this action the power of Tamil GA's in the area, was curtailed.

There were a number of cases of rape of women, and murders carried out by members of the Defense forces in North - Eastern Provinces during 1996. The case of rape and murder of Ida Hamilta by soldiers in Mannar on July 11 obtained publicity in and outside Sri Lanka. A human rights organization stated that there were reports of 45 cases of rape carried out by government soldiers in North and East from 1996. At the end of the year a resident of Jaffna the mother of one child, Saradambal was also raped and murdered.

The LTTE took steps in April to prepare the entire Tamil population in Vanni area for war. It was made compulsory for all adults living in this area to undergo military training by the LTTE. All students in classes above grade 8, male and female, had to undergo one hour of physical exercises every day. Later it was necessary to undergo five weeks of military training. Male and female teachers also had to have this military training after school hours. The UTHR stated that the LTTE should have an intake of 2000 fighters per year, in order to maintain their military power. Tamil male and female youth detained at Kalutara prison for a long time without indictment went on hunger strikes and protest actions five times during the year 1999. 843 persons are thus kept in

custody while only 43 were convicted prisoners. The main demand of these detainees was that they should either be produced before courts and charged, or released. Violent suppression of these protest actions and violent protests by the detainees were regular, and several deaths of prisoners have been the result. The government did not take any steps to resolve this issue. In the most recent example, on January 7, 2000, prison officers assaulted and killed 3 such detainees. 44 detainees were injured in an attempt to suppress the protest. Since 1983, 75 Tamil prisoners have been killed inside the government prisons. On the whole the militarization of the North and East in particular and the whole of Tamil society in general as a result of the war increased in all respects. The war determined almost every aspect of the day-to-day life of the Tamil people. This resulted in the further isolation of the Tamil community into their own social political and cultural domain, and affirmed their separation - real and metaphorical - from the rest of Sri Lanka. Due to biased reporting by the mainstream media, the Sinhala community became more and more insensitive to the burning problems of Tamil people. (...)

Probabilities and challenges Culture of political violence

The year 2000 will also be an election year in Sri Lanka, with Parliamentary elections due any time after August when the term of the present Parliament expires. The President has also declared 2000 as the year of achieving peace. The main items on the PA agenda will be the winning of elections, bringing an end to the war, and the establishing of peace through Constitutional reforms.

There is already an intense contradiction emerging between the objective of building a democratic society where human rights are protected through Constitutional reforms and the objective of winning General Elections. The government failed to conduct the last four elections held during 1999 in a free and fair manner. Throughout the year it was seen that political violence and corruption in voting were utilized at all elections. The misuse of state media and government resources was also quite blatant. The election culture of both the PA and the UNP is entirely anti-democratic. Political violence, suppression of media freedom, and attacks on media institutions and media personnel who are not subservient to the government seems to have become the accepted policy and practice of Sri Lankan political culture.

The issue of political violence will become the test of Governments genuine commitment to new Constitutional reforms. Both main opposition party, the

United National Party, and the third biggest party, the Janatha Vimukthi Peramuna (JVP) have expressed their strong opposition to the anti-democratic policies and trends of the government at the very beginning of 2000. Especially the JVP made an appeal to thousands of civil society organizations to work towards defeating these anti-democratic trends. The organizations of media persons and artists have come forward to condemn the political violence that has been unleashed against them as cultural workers. The violent context created by the war spreads far beyond the North and East to the entire island. The responsibility of reversing this situation lies with the government. Building a peaceful political environment will undoubtedly be a decisive step in validating the new Constitutional reforms. If the PA bases its strategy for winning general elections on political violence and misuse of state resources the political environment thus created will not be suitable for achieving peace. Therefore in the period ahead it would be of crucial importance to convert the dialogue on the bipartisan approach, third party mediation and Constitutional reforms to a discussion for complete elimination of political violence that has been taking root within the country.

(Der Bericht der Organisation wurde im März 2000 veröffentlicht)