

# Sri Lanka: Situation Report

Recent weeks have seen a series of strikes by the LTTE in widely separate locations of the North-Eastern Province. In their battle against the Security Forces over one hundred soldiers including many officers have been killed during February alone. According to military sources the army had destroyed a number of Tiger bases in the North-East and killed an unknown number of LTTE cadres. The Tigers have made surprise attacks on the army forward defence lines in Mannar and on the army camp in Mullaitivu using rocket propelled grenades, mortars and small fire arms. In the Mullaitivu attack, the Tigers killed eleven soldiers including an officer and wounded another fifteen. Further, an Army foot patrol was ambushed at Julipanchical in Batticaloa; 15 soldiers were killed by the LTTE in an ambush of an army patrol between Unnichchi and Aithymale in the Batticaloa district. The LTTE also moved into a predominantly Sinhala area and attacked a police post at the Nagalaha junction at Bibile in the Monaragala District.

## The East

The army too carried out raids in the East. 'Operation Razor' was launched after the LTTE exploded a bicycle bomb in Kathankudy. A number of LTTE bases were claimed to have been destroyed by the army in a major offensive, code named 'Operation Eastern Cut-Off', in the Thoppigala jungles; the Security Forces using five battalions backed by air and naval cover destroyed over 14 camps, some of which had been recently abandoned. However few Tigers were apprehended, the major losses being large stocks of food, military equipment and infrastructure. A lieutenant and 17 soldiers were killed in a battle to capture the headquarter of the LTTE Batticaloa leader Karuna who is reported to have been defended by about 300 cadres. A number of LTTE bases in the Trincomalee district were also attacked by the Security Forces and three camps reportedly destroyed. A curfew was imposed on the Districts of Mannar, Mullaitivu and Vavuniya as the Security Forces launched operation 'Vanni Wickrema III' in the last week of February. Three thousand troops backed by armour and air support advanced from Vavuniya to take control of LTTE held territories around Poornawasakulam 15 miles from Vavuniya on the road to Mannar. The forces were also able to take control of Talaimannar.

Continuous hit and run attacks by the LTTE in the East meant that the army was yet not in control of this area. It also meant that the LTTE was using a strategy meant to draw the Security Forces out in widely separate locations, thereby reducing their ability to concentrate on a single target.

In another development, two top ranking army teams visited the Jaffna peninsula and General Hamilton Wanasinghe chaired a high powered security conference at Minneriya.

Towards the end of February there was much speculation that a 30 day military operation for the capture of Jaffna involving 50.000 troops was imminent. It is reported that newly purchased military hardware is being tested in the battle at Vavuniya and that new troops are being put through short intensive training programmes. In the meanwhile the Government Agent of Jaffna, Mr. K. Manikavasagar, was in Colombo and appealed to President Premadasa to reconsider plans for an offensive since it could have severe repercussions on the civilian population in Jaffna.

## Factionalism in the LTTE

There are speculations regarding factionalism within the LTTE; one indication is said to be the bomb explosions at the Jaffna General Hospital and the Ashok Hotel in Jaffna town in which one person is believed to have been killed and 12 injured. The explosion occurred at the ambulatory clinic building in the premises of the Jaffna Teaching Hospital. It was also reported that LTTE firing squads were in the North-East to execute deserting cadres. 22 LTTE cadres are reported to have surrendered to the 'Tamil Eelam Liberation Organisation' (TELO, which is working with the Government and the Army) at Chenkaladi in the Batticaloa region.

## Negotiation

In the meanwhile the LTTE was also obviously making a push for negotiations. A group of religious personalities visiting Jaffna were told that the LTTE was willing to accept a peace initiative based on Mr. Thondaman's proposal (see 'Südasien', 1-2/92). The same message was given to a volunteer organisation from Norway that visited Jaffna and had discussions with the LTTE leadership. A delegation from the 'Quaker Peace and Services'

visiting Jaffna was told that the LTTE was willing to meet a delegation of the Parliamentary Select Committee on the ethnic issue.

Journalists from two major newspaper groups in Sri Lanka also visited the peninsula accepting an open invitation issued by the LTTE to the press in the South of the country.

With rising speculation that a military offensive into Jaffna was imminent, the LTTE has called for massive preparation to face the "biggest battle yet". Mobilisation of manpower from among the community, the setting up of volunteer corps in every village, the preparation of bunkers, the saving of dry food rations, etc. is said to be taking place. In particular the LTTE has begun to recruit more young people as fighters.

## Situation in the South

Sri Lanka celebrated 44 years of Independence on the 4th of February. A low key ceremony was held at Independence Square. President Premadasa made a short speech emphasising development, growth, poverty alleviation and the building of democracy. He made particular reference to the extent that external assistance brought external pressure to bear on the internal affairs of the country.

Security was tightened in Colombo following reports that an LTTE hit squad was to arrive in the city to destroy major military installations and key military and political personalities. Following the information of LTTE infiltration all persons taking temporary refuge in the Western Province in places other than the refugee camps have been asked to furnish proof of identity to the nearest police station; house owners who have leased or let premises owned by them to outsiders have also been requested to furnish information on their tenants to the nearest police station. The vagueness of this directive has caused problems for many civilians.

## Aid and Human Rights

The US State Department released its 1991 Human Rights Report lauding the efforts taken by the Government of Sri Lanka to reduce human rights violations in the country. The report which is widely believed to have influenced the Foreign Affairs and Foreign Relations Committee of the US Congress prior to the aid group meeting in Paris has noted that the number of incidents of human rights abuses was markedly reduced

from 1990. The Government was also at pains to brief the diplomatic community in Colombo of the measures it has taken to better its human rights record.

Soon after Prime Minister D.B. Wijetunge led a six member delegation to the aid group meeting in Paris. A total of US \$ 825 million was pledged by the aid-consortium, with the IMF, World Bank, Asian Development Bank, Japan and the USA being the major contributors. Following soon after, the UNDP approved a US \$ 61 million grant for technical and development assistance to Sri Lanka. A high powered IMF team also visited the country in mid February to monitor the many conditions laid down by lending agencies for continuing assistance to Sri Lanka.

### Human Rights Commission Geneva

The 48. session of the Commission of Human Rights had before it the report submitted by the UN Working Group on Enforced or Involuntary Disappearance (see: 'Südasiens', 1-2/92, see also statements in this issue published after this report). In his submission before the UN Commission, the Sri Lankan representative, Mr. Jayaweera, commented on the recommendations made by the report of the UN Working Group on Enforced or Involuntary Disappearances on Sri Lanka noting that the Sri Lankan Government had already set in place some of the mechanisms for safeguarding human rights recommended by

Amnesty International. However independent observers at the Commission pointed out that those mechanisms and institutions which permit the occurrence of disappearance, arbitrary arrest, detention and torture continue to exist together with the State of Emergency and the Prevention of Terrorism Act which makes a mockery of the due process of law or any other safeguards which are subjugated to them. Human Rights organisations point out in particular cases of detainees who continue to be detained in spite of the Police recommending their release, cases of people being detained at Police Stations, at Detention Camps or held in remand custody without trial for long periods, detainees who were released and re-arrested or being pursued by armed persons, persons acquitted by Courts who continue being detained by the authorities. Organisations also point out, that the situation in many Detention Camps is appalling. This situation has recently led to many revolts and uprisings in such camps. In early November last year the inmates of the Punani Camp went on hunger strike on several demands. Some of which were adequate food and water. It was revealed that there was a severe water scarcity in the Camp and the inmates had to drink muddy water for several days. As the camp is situated in the Eastern-most boundary in the Polonnaruwa area and the villiges surrounding the camp are under constant threat by Tamil militants

the inmates of the camp demanded proper and adequate security. As a result of the uprising in Punani the authorities decided to transfer all the detainees to various other Detention Camps. The uprising in the Punani Camp was followed by a hunger strike by the inmates of the Boossa Detention Camp (which is the largest Detention Camp). After the incidents in Boossa, there was a hunger strike by the inmates of Pelawatte Detention Camp. In the third week of February 1992 inmates of the Thelawala Detention Camp protested against an attempt to transfer them to other Detention Camps. The Police used force to break the protest, which resulted in injuries being caused to nearly 40 inmates (see also box).

Bradman Weerakoon - advisor of President Premadasa - who attended the Commission during its final session also made a statement before it that the Sri Lankan Government had decided to invite the Working Group on Enforced or Involuntary Disappearances to visit Sri Lanka again in the cause of 1992 to evaluate the progress of the implementation of the recommendations made by it. In an important move, the Chairman of the UN Commission made a consensus statement requesting the working group's report on its follow up visit to Sri Lanka to be available for consideration at the next session of the Human Rights Commission to be held in 1993.

Excerpts of a Memorandum to his Lordship the Chief Justice of Sri Lanka by the 'Lawyers for Human Rights and Development', Colombo, 20th of February 1992

"We, the Lawyers for Human Rights and Development, wish to draw Your Lordships attention to the following matters which have a bearing on the administration of justice in Sri Lanka... Earlier prisoners and suspects were held only in regular prisons. Even at that time when the number of people held in prisons were small, there was a practice of judges visiting prisons regularly... Such visits had the salutary effect of improving the conditions of the prisons and above all enabling the prisoners to voice their grievances and bring them to the attention of the visiting judges.

Today the situation is radically different and far more serious. In addition to the large number of prisoners held both in regular and remand prisons, there are more than 5.000 detainees held in various Detention Camps and police cells all over the island. There are a large number of detainees held in police cells for months, even in some cases for years without inquiry. We have come across several cases, where unmarried young girls were detained in police cells for more than one year. There are numerous allegations of detainees held in police cells being assaulted, tortured or treated inhumanly by some police officers. Unlike those held in prisons, the detainees held in police cells have to live in constant fear of being assaulted at least during the first 3-4 weeks of their detention, particularly before their statements are recorded. During our visits to police stations and Detention Camps we have seen that at some of these places, detainees are held under appalling, sub human conditions in stinking, over crowded and dingy cells without proper ventilation.

Under the Emergency (Miscellaneous provisions and powers) Regulations No. 1 of 1989 published in Gazzette Extra-Ordinary No. 563/7 of June 29, 1989 there was a requirement that detainees held in detention under Regulation 19(1) should be produced before a magistrate before the expiry of 30 days of such detention. In a number of applications the Supreme court held that this was an imperative requirement of law and that non production before the Magistrate within 30 days is an infringement of the detainees Fundamental rights. As Your Lordship is aware Regulation 19(1) has since been amended by Gazzette Extra-Ordinary No. 589/5 dated 18th December 1989...

We would also like to bring to Your Lordships attention some instances of serious miscarriage of justice and violations of human rights arising from misapplication of, and, in some instances, of non-compliance with the law by the Magistrates...

In the first week of November 1991, 2000-3000 poor people were arrested by various police stations in Colombo and sent to Rehabilitation Camps on the orders of Magistrates under the Vagrants Ordinance (during that period the conference of the 'South Asian Association for Regional Cooperation', SAARC, was scheduled to take place in Colombo, the editor). In our investigations we found that the vast majority of these people do not fall within the category of vagrants or beggars as defined under the Vagrants Ordinance or the Houses of Detention Ordinance. Most of them were poor people who had been ekking out a living by doing various odd jobs. There were among them Sweep ticket sellers, cobblers, umbrella repairers, and peddlers selling king coconuts, fruits and vegetables. There were even ordinary citizens waiting at the bus halts for public transport who were rounded up in this exercise. There were even a large number of school children...

The police have now made it a habit to round up people whom they consider suspicious during festive occasions and get them remanded. Quite often the police abuse these powers and if proper judicial scrutiny is not exercised, this will lead to undue human suffering..."