

**MONITORING FACTORS AFFECTING THE
SRI LANKAN PEACE PROCESS**

CLUSTER REPORT

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CENTRE FOR POLICY ALTERNATIVES

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METHODOLOGY

The Centre for Policy Alternatives (CPA) has conducted the project “Monitoring the Factors Affecting the Peace Process” since 2005. The output of this project is a series of Quarterly Reports. This is the fourth of such reports.

It should be noted that this Quarterly Report covers the months of November, December and January.

Having identified a number of key **factors** that impact the peace process, they have been monitored observing change or stasis through a range of **indicators**. These indicators suggest **trends** for each factor. The factors have been grouped into a series of **clusters** which reflect critical dimensions of the peace process. The trends will suggest the level of change in each cluster and in sum will indicate how the peace process and its environment have been strengthened or weakened.

This **Synthesis Report** will highlight the trends that emerge from the monitoring process and analyse them within the context of their respective clusters and between the clusters. This report is drawn from the more comprehensive **Cluster Report** which examines the various trends, factors and indicators in greater detail.

I. NEGOTIATIONS AND PEACE TALKS CLUSTER

1.1 Context

In the previous Quarterly Report (August-October 2005) it was noted that the decision by the LTTE to engage in negotiations dealing with the CFA, be it a review of the CFA itself or of its implementation, contrary to its earlier opposition, had created new opportunities for the continued engagement of the parties and for the progress of the peace process.

However, as noted in the report, the Government of Sri Lanka (GoSL) and the Liberation Tigers of Tamil Eelam (LTTE) were focusing on the “review” of the CFA from divergent positions, with the LTTE focussed on Article 1.8 of the CFA¹ – the paramilitary question and the Karuna Group in particular and GoSL adopting a broader approach with particular reference to Article 2.1 dealing with “human rights.” In addition, the GoSL also looked at amending the CFA while the LTTE stuck to a position of implementing and reviewing the CFA. The Norwegian facilitators also expressed their lack of enthusiasm for any amendment to the CFA.²

A key trend identified in the report was that the GoSL was adopting a dual strategy of campaigning for international sanctions on the LTTE, while seeking to strengthen the CFA, the Peace Process and its own position within the process. This was discernible particularly in the aftermath of the assassination of Foreign Minister Lakshman Kadirgamar where the LTTE was identified by the Government as the perpetrator. Yet another trend identified during the 3rd Quarter was that the LTTE was stepping up its efforts to force the Government out of the status quo of “no peace talks” and “no war” and to maintain the former’s strategic balance in the peace process. The report also noted a trend relating to the International Community which was beginning to shift emphasis from a general policy of “Constructive Engagement” with the LTTE to “Constructive Sanctions” against it. Here again the Kadirgamar assassination acted as a catalyst for a change in policy. The assassination posed a critical dilemma for the international community’s involvement in the Sri Lankan Peace Process and called into question the international community’s role and leverage.

Over the last quarter there was increasing “disenchantment” on the part of the GoSL with Norway’s Role as facilitator/mediator, with increasing uncertainties and serious challenges. The uncertainty was further reinforced by a pre-election agreement between the Presidential candidate Mahinda Rajapakse and the JVP which sought to “reconsider” Norway’s role “given [its] unprecedented bias and partiality” as both the facilitator and chair of the monitoring mission.³

Hence, while this last quarter produced a series of challenges that called into question some of the fundamentals of the current peace process it also offered a window of opportunity to strengthen the ceasefire and even revive the peace process.

1.2. Factors, Indicators and Trends

Given that the GoSL and LTTE delegations did not meet for direct negotiations, the key development over the last quarter was on talks about talks, specifically on the CFA and its implementation. While a number of other aspects were covered in these talks-about-talks the dominant focus appeared to be the venue for talks. There were other related issues: the scope of talks (whether it should be a review of the implementation of the CFA, the ceasefire agreement itself or even whether it should be about substantive final and interim status issues), the urgent need to end the killings and violence, Norway's role as facilitator and chair of the monitoring mission; and the role of the international community within the current peace process etc. Through tracing this main concern of talks on the CFA a dominant trend emerges that of a **Consensus between the GoSL and the LTTE on a venue for talks and the CFA as the sole agenda for talks, with continuing differences as regards emphasis**. There are additional trends which will be examined and which shed light on the shifts or stasis in the parties' positions and that of the international community.

Developments relating to "talks about talks" and the recommencement of negotiations with the LTTE during this quarter can be directly linked to political developments as well as to the security situation. In particular, the outcome of the Presidential Elections (See Political Environment Cluster) as well as the deterioration of the prevailing "No War, No Peace" situation into an "undeclared war" by the LTTE and an intensification of "proxy war" by the State (See Security Cluster) have a direct bearing on the Key Trends during this quarter. In addition, the role of the International Community in prevailing on the two parties to hasten the recommencement of direct talks was another key determinant.

Trend 1: Consensus between the GoSL and the LTTE on a venue for talks and the CFA as the sole agenda for talks, with continuing differences as regards emphasis

In the wake of the Presidential Elections of November 17th 2005 which saw the election of President Mahinda Rajapakse, on a platform challenging the framework of the existing peace process, and the LTTE's policy of an enforced boycott of the elections in the North East seemed to suggest that the peace process, and the issue of negotiations on the CFA would become further complicated. The need for talks dealing with the CFA between the GoSL and the LTTE had already been agreed upon,

in principle, prior to the election, by the then Government of President Chandrika Bandaranaike Kumaratunge and the LTTE. While there was some contention between the parties on the semantics and scope of the exercise – as to whether it was a review of the CFA or of the implementation of the CFA - there was some acceptance that the talks would be on the latter. As noted in the previous report, the issue of the venue, however, proved particularly problematic with the GoSL offering locations such as no man's land and the Bandaranaike International Airport while the LTTE suggesting Killinochchi or Oslo. The LTTE then withdrew from talks on talks suggesting a delay in negotiations until a new government was in place.

Agreeing to meet seemed to be more difficult following the establishment of the new Government because it did not seek continuity with the stance taken by the previous administration. It challenged some of the fundamentals of the peace process such as the role of Norway, federalism as a model for the final settlement, the need for a Southern consensus before reaching an agreement with the LTTE and the validity of the CFA. Hence, it retreated from the position of consensus adopted by the previous GoSL by demanding a review of the CFA itself while maintaining the previous administration's stand regarding venue. The LTTE for its part stuck to its demand of talks in Oslo and on the need for full implementation of the CFA, and a review of the implementation of the CFA if necessary.

The period from the end of November 2005 to the last week of January 2006 was an intense period in the 'no war, no peace' situation with a dramatic escalation in violence in the North-East, a flurry of international mediation visits to address the growing crisis, and efforts by the parties to assert their demands while testing the limits of the other side and simultaneously voicing interest in a consensus for a venue for talks. The issue of the scope of talks was addressed prior to that of location with the Government coming closer to the LTTE's position. The GoSL initially took a dual position of arguing for a review of the cease fire agreement itself, with a possibility of even amending it, and that the negotiations should not necessarily be limited to the CFA but adopt a broader agenda, thus serving as a part of the peace talks process. The LTTE maintained its previous position of a review of the implementation of the CFA only and that the talks must be explicitly about the CFA, not on any of the other substantive issues. As noted by the SLMM there was a clear problem in trying to amend the CFA: "The LTTE only said it is ready to discuss the implementation of the CFA and not amend it. Both the government and the LTTE will have to concur if the agreement is to be amended".⁴ Faced with the LTTE obduracy it relented on both counts agreeing to focus on the CFA only and grudgingly agreed by mid-December that talks would focus on the existing agreement and

its implementation without dropping the option of amending/adding to the CFA in order to strengthen implementation.

The government went beyond the position of the previous administration which had stuck only to locations within Sri Lanka to an Asian city, South Africa and later to non-EU European states, while the LTTE stuck to Oslo and then offered as an option a European city. Norwegian Minister and Special Envoy Eric Solheim visited Sri Lanka from January 23-26 to mediate between the two parties, meeting President Mahinda Rajapakse and LTTE leader Velupillai Pirabhakaran, in what was widely seen as a last ditch effort. From this visit emerged a consensus on the venue - Geneva, Switzerland. Interestingly the parties decided merely to agree that the talks would be *just* on the CFA and its implementation rather than debate on whether the agreement itself would be open to re-negotiation.

President Rajapakse announced that talks on “strengthening the effective implementation of the ceasefire agreement” would commence within three weeks in Geneva. He further welcomed the LTTE’s decision to accept the Government’s offer and expressed the hope that the attacks on the Security Forces would cease immediately.⁵ LTTE Chief Negotiator Anton Balasingham announced in London that the LTTE decided to break the deadlock in the talks and accept the President’s compromise to meet in Geneva despite the prevailing volatile situation in the North and East.⁶

As to how this consensus emerged and whether it resulted from a shift in the positions of both parties are critical issues to examine. From analysing the parties’ approach over the last quarter two sub-trends emerge which are discussed below.

Sub-Trend 1: A perceived hawkish Government increasingly adopting a more flexible and pragmatic approach

The shift in the GoSL’s position on the issue of the venue is seemingly part of a much larger trend where the GoSL’s stance on a number of other related and critical issues also evolved. While in terms of election platform rhetoric, ideological underpinnings and early policy positions the Mahinda Rajapakse administration seemed hawkish, the Rajapakse administration also demonstrated, from the outset, a pragmatic flexibility in trying to define its agenda in the peace process while trying to re-design the peace process.

The President’s Address to the Colombo-based Heads of Missions and Diplomats on 28 November 2005 is particularly revealing in this regard. Reiterating his invitation to LTTE leader Velupillai Prabhakaran for talks he also called for a broad framework for the negotiations to resume

“immediately on reviewing the operation of the ceasefire, whilst we prepare ourselves for eventual substantive talks leading to a lasting solution – these processes can work in parallel, and not necessarily sequentially.” He further added, “I reaffirm my Government’s commitment to continue the ceasefire” and called for the LTTE to comply with the ceasefire especially those provisions relating to observance of human rights, such as refraining from the recruitment of child soldiers, political killings, abductions, and other illegal activities.”⁷ It may be noted that the above commitment were to the “ceasefire” and not the ceasefire “agreement”, which was made explicit in the First Policy Statement by President Rajapakse before Parliament on 25th November where he stated that his Government stands committed to amending the ceasefire agreement (CFA). It may also be noted that this ambiguity was to dog future negotiations.

The Government attempted to establish its own agenda for resuming peace talks while also showing flexibility. With regards to the scope of talks for instance, as illustrated in the above quote the President stated his willingness to focus on the CFA or on more substantive issues and that both could proceed in parallel.⁸ This flexibility to talk on either⁹ was seemingly based on a desire to move the entire peace process forward to address final issues rather than being hampered with devising solutions for interim issues. By mid-December the GoSL demonstrated its willingness to compromise on the scope of talks with the Foreign Minister Mangala Samaraweera during his Indian visit stating that that talks should aim at on the “full implementation” of the CFA, while the Joint Statement “emphasized the continued commitment of the government to the maintenance of the Ceasefire and the desire for a **review** of its operations, so that **implementation** of the agreement can be made more effective”. This was indeed an interesting use of language to make a compromise in the debate between review and implementation.”¹⁰ This was further reinforced by President Rajapakse in his meeting with the ambassadors of the Co-Chairs in early January where he expressed concern of the LTTE’s “callous disregard” for the CFA and noted that “the Government stands ready to commence talks on strengthening the effective implementation of the ceasefire agreement at the earliest.”¹¹ In addition, in the Joint Statement issued by the GoSL and India following President Rajapakse’s state visit to New Delhi, it was noted that “both sides emphasized the need for the strict observance of the ceasefire and immediate resumption of talks aimed at strengthening the ceasefire.”¹²

With regards to the venue the Government seemingly stepped down from a hardened position through a series of successive offers. Initially the GoSL pushed for a location in Sri Lanka in the initial weeks but then relented agreeing to talks in an Asian venue. As if to demonstrate his flexibility the President voiced his preference for an Asian venue expressed willingness to consider Oslo,¹³ but

within a couple of days rejected Oslo.¹⁴ This position of rejecting Oslo solidified¹⁵ and instead the GoSL put forward a series of options over January including South Africa, Iceland and Switzerland.¹⁶ In preparation for the scheduled visit by Erik Solheim, the Government was reported to have listed five countries to choose from as a common venue for the talks, which did not include Norway.¹⁷

As noted in our previous Quarterly Report, “The issue of location thus became the central issue of disagreement, thwarting negotiations, as each party saw it as a critical tool in gaining strategic leverage over the other vis-à-vis the international community.” For the GoSL the issue regarding venue was intrinsically linked to the Government’s efforts to continue to keep the LTTE isolated from the international community. In particular the GoSL sought to keep the LTTE from Europe which is seen as more sympathetic to the LTTE and is home to some of the larger Tamil diaspora communities. Holding talks in Sri Lanka, an Asian venue or any non-European city was a key driving force. As the LTTE’s intransigence and willingness to use higher levels of violence became increasingly clear the GoSL was essentially forced to agree to a European location, although a non-EU one at that.¹⁸

Another issue on which the GoSL relented was of that of the international community’s access to the LTTE in the Wanni. President Rajapakse maintained the policy adopted by the previous administration in the wake of the Kadirgamar Assassination that only the Norwegians would play the role of facilitator between the GoSL and LTTE, hence there was no need for additional international actors to visit Killinochchi. Exceptions had been made by the previous Government for certain personalities, particularly involved in human rights such as Ian Martin, Human Rights Advisor to the Sri Lankan Peace Process and Irene Khan head of Amnesty International, while the key multilateral representatives in Sri Lanka for instance had been refused access. The Rajapakse Government continued the restrictions with some exceptions as seen with Philip Alston, UN Commission on Human Rights’ Special Rapporteur on Extra-Judicial, Summary or Arbitrary Execution who was allowed to visit the Wanni.¹⁹ As such Japan’s Special Envoy Yasushi Akashi who made a crisis trip to Sri Lanka in the wake increasing violence, and tried to mediate a venue between the two parties was prevented visiting Killinochchi by the Government.²⁰ This was despite the fact that the GoSL had accepted the offer Akashi had made of Tokyo as a possible venue for talks. Over the following weeks the GoSL would not only allow international actors to go to Killinochchi but it even made a request for the representatives of the Co-Chairs to go to the Vanni and talk to the LTTE. While calling on the international community to press the LTTE “as much as possible, as hard as possible” Foreign Minister Samaraweera insisted that it was “not because of any weakness but because we are a

government committed to a negotiated settlement to this problem and we do not think that war is an option.”²¹

There was also an interesting shift in emphasis in the GoSLs concerns over international involvement. The Mahinda Chinthanaya spoke of the need to involve new actors, and more Asian states in particular. The first diplomatic visits organized by the new administration were meetings with the Indian Government by the Sri Lankan Foreign Minister followed by a State Visit by President Rajapakse. Symbolically, when the Co-Chairs requested an urgent meeting with the President he deferred requesting more time and then met the Co-Chair representatives in a larger gathering along with other representatives of the diplomatic community.²² With the growing violence, however the administration increasingly turned to its old peace process support system, the Donor Co-Chairs, and tried to encourage them to take a more proactive role, with a particular emphasis on the US. The Co-Chairs were seen as particularly useful to take strong messages to the LTTE. As one commentator noted there was a re-focussing of its foreign policy by the Rajapakse’s administration:

This Sunday’s call for the international community by the Government, to condemn the LTTE violence, after the claymore mine attack in Kondavil, is the first indication of the real expectations of the new regime has on the global community. True that in the policy statement, as well as the address to the diplomatic community, the new President emphasized his keenness to cultivate ties especially with global players. But there is a difference between what one says at a ceremonial speech and in a moment of vulnerability.²³

The GoSL’s acceptance of Norway as facilitator also can be seen as a volte face. The Mahinda Chinthanaya and election platform rhetoric spoke of reviewing Norway’s role as facilitator. This position was officially taken up by the new administration and made evident by the complete absence of reference to Norway, in President Rajapakse’s First Policy Statement before Parliament. Further, Eric Solheim who had in fact announced his intention to fly to Sri Lanka immediately after the elections results in order to revive the efforts at talks on the CFA in light of the situation on the ground, had to delay his visit planned for late November/ early December since no official announcement was made by the GoSL regarding the continuation of Norway’s role.²⁴

There was significant speculation that the new Government was seeking to offset Norway’s role by encouraging India to play a greater role. Foreign Minister Samaraweera’s visit to India barely a week after the creation of the new Government was widely viewed in some quarters as a failed effort by

the GoSL to offset Norway's involvement by encouraging India to play a more proactive role. India resisted the efforts by the Sri Lankan Government to join the Donor Co-Chairs.²⁵ The Rajapakse administration's efforts at securing India's support for its various positions on issues such as devolution/unitary state and Norway did not succeed. Other expected outcomes such as the Indo-Sri Lankan Defence Pact that had been in the pipeline did not materialize.

The invitation to Norway to continue as facilitator was not issued until the first week of December and the modalities were discussed subsequently at a meeting between the foreign ministers of Sri Lanka and Norway in Hong Kong during the World Trade Organization Conference in mid-December.²⁶ The modalities of Norway continuing its role as facilitation proved problematic with reports that Norway had presented certain conditions to the GoSL²⁷ and the GoSL claiming that no state had a right to impose conditions on a sovereign country.²⁸ Norway and Solheim, nevertheless took up their respective roles of facilitator and special envoy.²⁹

In fact, there were indications, quite early on, that Norway would continue its role. Despite the tirade against Norway's role by the allies of President Rajapakse (i.e. JVP and JHU) during the Presidential Election Campaign, one of the first indications that Norway's role as facilitator would not be raised was the stand taken by JVP leader Somawansa Amerasinghe at a media briefing on November 24, 2005. He said that JVP was not opposed to Norway's role in the peace process, but that it opposed their "unnecessary interference in the country's affairs". He added that it was up to the President to decide on Norway's role, thereby, giving him a free hand.³⁰

The GoSL continued with trying to change the nature of Norway's involvement, in particular in trying to replace Solheim as special envoy and replacing Norway as Co-Chair of the SLMM with another country. With regards to the first issue the GoSL sought to gain more involvement by the Norwegian Foreign Ministry and thus seek a replacement for Solheim. In principle it was agreed that Solheim would be replaced, given his new responsibilities as a Development Minister, but that he would function as special envoy in the interim period. In fact in the whole process of talks about talks Solheim was to emerge as the saviour of the peace process, much to the discomfort of those who had vilified him, in particular the JVP-JHU allies of President Rajapakse.³¹ However, the new Government's opposition to Norway's dual role as facilitator and head of the SLMM was raised by President Rajapakse in his meeting with Norwegian Ambassador Bratskar on 7th December where he requested Norway to continue with the facilitator role, but indicated his Government's concern about Norway's dual role. However, at the request of Ambassador Brattskar the Government issued

a statement inviting Norway to continue as facilitator.³² Rajapakse also raised this concern with Akashi and spoke of the need to get more countries particularly from Asia involved in the SLMM.³³

The decision to go to Geneva was presented as a success because it both prevented a slide to war, at least in the short term and demonstrated the GoSL's ability to be deliver. On the other hand, the Government was spared the torment of going for talks under duress, when the LTTE ceased the spate of claymore mine explosions and grenade attacks following the resolution of the venue issue. The GoSL was also congratulated by the International Community for having exercised restraint in the face of LTTE provocations. (See Security Cluster). The President pointed to the fact that it was his administration that was able to get the LTTE to the negotiating table after four years of no direct negotiations.³⁴ In trying to explain why these compromises were made there are two main possible explanations.

At one level it would seem that from the very outset the Government was not ideologically driven but was flexible and pragmatic. The announcement in early 2006 that Presidential Secretary Lalith Weeratunga would go to Killinochchi to talk directly to the LTTE seemed to be such a measure.³⁵ Similarly the President announced that a key focus of the new Reconstruction and Development Authority (RADA) would be to devise ways of working with the LTTE, so as to take on some of the tasks that would have been administered by Post-Tsunami Operational Management Structure (P-TOMS). The President, as Prabhakaran noted, is "considered a realist committed to pragmatic politics." The President also seen has also expressed a keenness to move ahead on the peace process without being held hostage to ideological positions.

It is also possible that the compromises were born out less of a strategic plan but in response to the seemingly unstoppable crisis of violence. As Foreign Minister Mangala Samaraweera stated in an interview while on his visit to the US "I don't think any self respecting government in the world would dare to be flexible as much as we have been...now I think it is on the part of the LTTE to show the world that they are for peace and democracy and they must prove not only by words but by deeds as well."³⁶ Faced with LTTE obduracy the GoSL seemingly had little choice but to relent. With regards to the LTTE's refusal to amend the CFA for instance has been repeatedly put on record not least when Anton Balasingham while addressing the LTTE's Mahaveera Meeting in London, warned that any move by the GoSL to unilaterally amend the CFA without its consent would effectively nullify the CFA and amount to a declaration of war.³⁷ As a quote by a non- identified security official, responding to the Co-Chairs visit to Killinochchi commented "we have rewarded terrorism again" would suggest the GoSL was forced to give in.

Thus, the compromises made by the GoSL were made from a position of vulnerability with limited or no options as the LTTE's campaign of violence ensured that it would gain the strategic advantage over the GoSL in the peace process.

Sub-Trend 2: The LTTE puts hard line positions on hold for strategic gains

Having taken a tactical decision to agree to talks regarding the implementation of the CFA following the assassination of Lakshman Kadirgamar (See Third Quarterly Cluster Report on Negotiations) the LTTE began to focus on securing the venue of its choice. Oslo was the LTTE's sole choice outside of the Wanni that it initially put forward and that it stuck to, until mid-January when it conceded that an alternative European capital would suffice.

Responding to the new Government the LTTE seemed to offer it time and space to resume the peace talks. The Mahaveerar Speech by LTTE V. Pirabhakaran offered. This was reinforced by Political Wing Leader S.P, Thamilselvam in his meeting with SLMM head Hargrup Haukland on December 1st as the latter said "they [the LTTE] need some time to settle down before they embark on the peace process."³⁸ The upsurge in violence that followed soon after this statement, less than a week later seemed, however to indicate otherwise.

With the GoSL calling into question some of the other aspects of the current peace process the LTTE attempted to voice its support for the status quo. With regards to the continuing role of Norway as facilitator, the LTTE reiterated its support for Norway so that even its choice of venue – Oslo was presented as means of expressing confidence in the facilitator. Following the LTTE's rejection of Tokyo, Thamilselvam stated that "as the peace process is being facilitated and monitored by Norway, we feel Norway would be the best fit venue."³⁹ Even when responding to the option of Tokyo as a possible venue the LTTE reiterated the need for Norwegian facilitation to convey the message.⁴⁰

The LTTE asserted a single position on the scope of the talks. As stated repeatedly by S.P. Thamilselvam, there was no need to review the ceasefire agreement as it was comprehensive and all-encompassing, but instead what was needed was the proper implementation of the agreement. ⁴¹ Dealing with the Karuna Issue in particular was paramount in the LTTE's effort.⁴² If at all any talks on the CFA, the LTTE stated, should be reviewing the implementation of the CFA.

As noted earlier, the LTTE seemingly stuck obstinately to Oslo as the only possible venue from the

previous quarter. Towards the end of December 2005, however the LTTE began to concede that it was willing to look beyond Oslo to any other European city.⁴³ When a delegation of Catholic Bishops visited Thamilselvam on January 1 he indicated to them that he would be willing to go for talks in Europe,⁴⁴ South Africa was also discussed as a possible option at a meeting between the LTTE and a delegation of Christian religious leaders in early January⁴⁵ Media reports to the contrary suggesting that the LTTE would only agree to Oslo for the first round and would consider other locations for the following rounds, continued to appear as other possible venues were mooted.⁴⁶ Yet, the LTTE continued to stand by its position that the venue should be Oslo and backed its stand by sending out signals that if the venue of their choice was not agreed upon, following the scheduled visit to Sri Lanka by the Norwegian Special Envoy Erik Solheim in the third week of January, then “we will hit and get what we want”.⁴⁷ Thus, the LTTE’s discussion of other venues such as South Africa could have been merely a tool for demonstrating flexibility. In the lead up to the visit the tension increased with media reports suggesting that if these talks failed the situation on the ground would deteriorate⁴⁸ and that the LTTE would even call off the CFA.⁴⁹ Eventually, Geneva was agreed upon following the visit by Eric Solheim.

In shifting from its position of Oslo as the only possible venue the LTTE had to make a concession. Nonetheless, in settling for Geneva it gained many of the strategic advantages it sought out of Oslo. The “perceived” compromise on the part of the LTTE was in fact a strategic move and gave LTTE that access to Europe that it desperately wanted in order to neutralise and roll back the travel-related sanctions imposed on them by the EU following the assassination of Lakshman Kadirgamar and breakthrough the GoSL’s efforts at preventing the LTTE accessing key actors in the international community. Hence, in venues suggested by the GoSL, such as Tokyo, the LTTE saw a continuation of the GoSL’s efforts in trying to “isolate the LTTE from contacts with Western Countries.”⁵⁰ Although Switzerland was not a member of EU, the selection of a country in the European theatre was undoubtedly a “victory” for the LTTE. The shutting off of the Wanni was also reversed to a certain extent

Trend 2: The International Community’s hesitation in dealing with the two parties giving way to active involvement in getting the peace process back on track, including the re-affirmation of the existing framework for the Sri Lankan Peace Process

By the end of November the position of the international community, particularly the Western States, faced serious questions as to the nature of its role in the Sri Lankan Peace Process. On one hand, the LTTE seemed to challenge both the peace process and the international community with the assassination of Foreign Minister Kadirgamar which had a far-reaching impact in the

international community's self assessment of its role. The election of a perceived hawkish government that seemed interested in re-designing the peace process including international community involvement also challenged the international community's assumptions of its place in the peace process. The escalation of violence and the interest of the GoSL in encouraging more international involvement, however played an important role in reversing the emerging detachment of the international community. The Donor-Co Chairs not only sought to become more involved but also used its leverage to pressure the parties to compromise the positions they were trying to maintain.

With regards to the GoSL the international community initially tried to put pressure to re-invite Norway into the peace process. The Donor Co-Chairs, continued to bestow full confidence on Norway's role as the facilitator. In the Joint Statement issued on December 19, 2005 from Brussels the Co-Chairs welcomed "the Sri Lankan government's confirmation of its confidence to the Norwegian facilitation, as well as that of the LTTE". It is also interesting to note that the Joint Statement of the Co-Chairs noted the presence of a representative of the Government of India during the deliberations.

The role of India during this period is particularly interesting. The Rajapakse seemed particularly interested in securing a greater Indian involvement in the peace process. According to media reports India proved unwilling to give into the Government's appeals and instead seemed to align itself with the general position adopted by the other main international actors such as the Donor Co-Chairs. For instance with regards to federalism India was explicit from the outset that it would not adapt to the government's efforts in talking about devolution and the unitary state as opposed to federalism and a united state. The Joint Press Statement of December 1 during the visit of Foreign Minister Samaraweera to India read "India supports the process of seeking a negotiated settlement acceptable to all sections of Sri Lankan society within the framework of a *united* [emphasis added] Sri Lankan and consistent with democracy, pluralism and respect for human rights."⁵¹ Furthermore, after the President's State Visit the Official Spokesperson in Foreign Ministry, Navtej Saran stated that "It is pertinent to note that nowhere does India blame only the LTTE for the ceasefire violations but makes a generalized statement which covers both parties."⁵² India also supported Norway continuing as facilitator. It seems that India would want Norway to continue as a facilitator as opposed to any "big" power involvement as the facilitator. Nonetheless, India also tried to influence Norway's behaviour, reportedly warning Solheim during his visit in early December that Norway should not be seen as acting as a midwife in establishing a dictatorship in the North East.⁵³

With the escalation of violence the international community became increasingly active, particularly in trying to push the parties to come agreement on a venue. Throughout this period the SLMM continued making repeated visits trying to encourage both talks relating to the CFA at a high level while urging local level talks between military officials from both sides. Japan's Special Envoy Akashi was the first major international representative to visit Sri Lanka on an urgent mission after President Rajapakse assumed office, urging the parties to talk. As the killings continued to mount the international community became more activated with the Norwegian Special Envoy Solheim visiting Balasingham in London for talks on December 20th. While trying to deny any Norwegian or international community interest in the venue for talks he put on record the growing anxiety: "What is important to us [Norway] is that the GoSL and the LTTE meet as soon as possible to discuss the CFA and the recent tragic and dangerous developments. There is no time to lose."⁵⁴ The international community sought to emphasize the need to meet and to not get caught up in a struggle for control over the venue. This issue of the venue was taken up by the Donor Co-Chairs in their high-level meeting in Brussels and in their statement of December 19, 2005, the offer by Japan was welcomed.⁵⁵ The international community also seemingly increased the level of engagement over the current quarter. Heads of Mission representing the Co-Chairs, with the exception of the US, made a trip to Killinochchi on December 24th at the behest of the GoSL to impress upon the LTTE the need to stop the violence and begin talks.

The international community also sought to make use of its leverage to encourage a change in the two sides' position. The Co-Chairs in their statement following the meeting on December 19th were critical of both sides but particularly of the LTTE. The Co-Chair statement condemned the LTTE's enforced boycott during the Presidential election and called on the LTTE to "put an immediate end to their ongoing campaign of violence" and urged the LTTE to demonstrate their commitment to the CFA. They also warned that "Failure to demonstrate a willingness to change would not be without serious consequences." The Co-Chairs criticized the Government for not disarming the paramilitaries and called for a political solution based on a "united Sri Lanka" formula. The Co-Chairs thus seemingly sent an unambiguous political message to both sides.

While a number of international actors played significant roles in condemning the violence and putting pressure on the parties to move to talks. The increase in the level of violence seemed to confirm existing fears that the policy of constructive engagement in dealing with the LTTE was clearly not working.⁵⁶ Some of the key international actors attempted to compel the LTTE to stop its campaign of violence. The discussion of the EU banning the LTTE continued in this quarter especially in light of violence while the LTTE's status as a terrorist organization also became an issue

in Canada, home to one of the larger Tamil diaspora populations.⁵⁷ In other countries such as Australia, UK and the US fund-raising activities of the Tamil diaspora came under increasing scrutiny.⁵⁸ The US Government played a very distinct role over this quarter to influence the LTTE. The US Government through a series of strategic statements sought to deter the LTTE from a return to war and possibly a further escalation of violence. The US Ambassador Jeffrey Lunstead at a business forum on January 10th stated that if the LTTE returns to war the Sri Lankan military would be “stronger, more determined and capable” implicitly suggesting American military assistance.⁵⁹ US Under Secretary of State Nicholas Burns visited Sri Lanka, interestingly coinciding with Solheim’s visit to Sri Lanka to try mediate a venue. Burns reiterated the American position on the use of violence by the LTTE and also repeated the sentiments expressed by Ambassador Lunstead stating that the US Government was prepared to give Sri Lanka military assistance if the need arose.⁶⁰ While it is difficult to ascertain how important a role the US Government’s message played in bringing about the consensus it came at a critical time. As the state newspaper, The Daily News put it “The Agreement, worked out by Norwegian peace broker Erik Solheim, has become possible thanks to the unambiguous message sent out to the LTTE by the US and the restraint shown” by the Sri Lankan president.⁶¹

II. POLITICAL ENVIRONMENT CLUSTER

2.1. Context

The previous Quarter (Aug-Oct, 2005) witnessed significant political developments, particularly the Presidential Election campaign with the trend towards the rejection of the current framework of the peace process with the desire to re-design it, the increasing appeal of the need for a Southern political consensus on the Peace Process in the face of a 'Sinhala' backlash and the polarization of the electorate on Majority/Minority lines, and the continuing maneuvers by the LTTE to galvanize the Tamil civilians behind its objectives and an Increasingly hostile international environment for the LTTE.

The present Quarter (i.e. Nov'2005-Jan'2006) is particularly important in view of the regime change, following the Presidential Elections of November 17, 2005, and the markedly different approaches to the peace process as articulated during the election campaign as well as enunciated in the Policy Statement of the newly-elected President Rajapakse after the elections. Further the decision by the LTTE to boycott the elections,⁶² backed by force and coercion, worked to the advantage of the Mahinda Rajapakse, while ensuring the disenfranchisement of a significant section of the Tamil electorate who were ironically more inclined to vote for Ranil Wickremesinghe.⁶³

In any event, the Presidential Elections of November 17 resulted in Mahinda Rajapakse being elected President. We now look more closely at some of the trends in the Political Environment that have a direct bearing on factors affecting the peace process.

2.2 Factors, Trends and Indicators

2.2.1 Emerging Success of an inclusive and multi-partial approach by President Mahinda Rajapakse to the peace process, despite challenges of sustaining a Government

The election of a President perceived to be more hawkish and who campaigned on an election platform that challenges some of the fundamentals of the current peace process seemed to suggest that the administration would seek to re-define the stance of the Government to the peace process, with serious implications for the peace process, the Southern polity's acceptance of compromises seen to be required for peace etc. Yet, as expressed in the President's statements, the new administration sought to demonstrate its commitment to the peace process while drawing attention to the gaps in the process, thereby projecting the image of a more hard nosed negotiator.

In his First Policy Statement before parliament on November 25, 2005, the newly elected President Rajapakse pledged to give “highest priority to launch a new peace process to usher in a lasting peace through a political solution to the country’s national question” and said that his Government “was ready to have direct talks with the Liberation Tigers of Tamil Eelam”. He further said that “the political solution to a lasting peace should be based on a consensus reached through discussions among all parties linked to the problem” and pledged to start and “*an open and transparent peace process*”. While stating that the “failure of the United Front Government’s peace efforts was the result of the peace talks being confined only to the Government and the LTTE”, he also pledged to replace “an unsuccessful bipartisan approach” with a “new peace process in which all parties involved in the crisis can participate” maimed at reaching a “broad consensus within a definite time frame”.

In this regard President Rajapakse commenced multi-party consultations initially with bilateral meetings with JHU, JVP, UNP, TNA, PLOTE and EPRLF. According to reports the JHU had indicated its interest in seeking to study models of devolution of power within a unitary state, which was a departure from its earlier position that devolution of power is an anathema. It was also reported that the JHU had taken a flexible position on Norway’s role and left it to President Rajapakse to decide on Norway’s future role, while reserving its right to continue to take a critical position on Norway’s role. Likewise, it was reported that the JVP had expressed no serious objections to Norway continuing with its facilitatory role, inspite of their earlier stance.⁶⁴ Hence, it appeared that President Rajapakse had succeeded in reining in the JVP and the JHU, at least for the time being.

Another closely observed development was the possibility of an understanding between the President and the UNP Leader, Ranil Wickremasinghe, hence their meeting on December 15th was seen to be a critical step in creating any possible consensus. Wickremasinghe had presented the need for a bipartisan approach in his election manifesto. In the wake of the presidential elections, however a consensus was put on hold as the UNP and SLFP engaged in a battle of statements which did not augur well for a bipartisan approach to the peace process between the two main parties.⁶⁵ Following the December 15th meeting between President Rajapakse and UNP leader Ranil Wickremesinghe, with their respective delegations, a understanding was reached with the UNP pledging to help the SLFP resolve the ethnic question.⁶⁶

Following the bilateral meetings, President Rajapakse convened the first All Party Meeting on January 9, 2006 aimed at “forging a common consensus among all political parties in the South as a prelude to commence a direct dialogue with the LTTE for arriving at a lasting solution”.⁶⁷ A second meeting

followed on 19th January, 2006. According to media release from the Presidential Secretariat, the President told representatives that his Government would take all possible measures to resume peace talks immediately and told the delegates that he would consult and exchange views with all political parties and others at every step of the peace process.

The Political Party leaders and delegates who attended the All Party Conference also unanimously decided that peace talks should resume without further delay. They also emphasized that the unanimous decision reached by them at the conference should be announced as a 'common agreement' of the meeting. It was significant that the UNP delegation was led by Ranil Wickremesinghe and that there were delegates from CWC and SLMC who were not present at the first meeting.⁶⁸ As to why these two parties were excluded from the first set of meetings is not clear and may have resulted out of a confusion in the Government's strategy as to whether the consensus it sought was an All-Party Conference, A Southern Consensus or a Sinhala Consensus. That these two parties were added on suggested that the Government is more pragmatic and is learning by trial and error, rather fulfilling a well thought out strategic and tactical program.

While trying to move ahead with this multi-partiality approach the government also attempted to strengthen its position in parliament. This latter need involved trying to encourage a range of political parties join government and members of other political parties to cross-over. The Government commandeered a majority in parliament with 132 seats including those of the JVP and JHU who agreed to support the government from the outside. Discussion of holding a general election gave way to one on local government elections with the intention of wresting control from the UNP but the PA-JVP were unable to come to an agreement to contest under one symbol due to the percentage of seats demanded by the JVP.⁶⁹ The Government seemed to be able to maintain the JVP's support through consultation but there were some moments of contention such as over the size of the cabinet or on continuing Norwegian facilitation.⁷⁰

The President faced a critical challenge as to making pragmatic choices and compromises in the peace process while maintaining the support and cooperation of the JVP and JHU for the Government and the All-Party Conference. Within this quarter the President seemed to pull it off and was able to take some strategic moves in putting the peace process back on track while maintaining his constituency and allies. As a commentator stated "Neither the JVP nor the JHU, which beat the war drums against the LTTE in the past have been urging the government into confrontation with the LTTE... indeed, the reversal of policy of the new government headed by President Rajapakse and his nationalist allies is quite remarkable, given their election time rhetoric."⁷¹

Faced with the Government's compromise on venue the JHU did criticize the decision and publicly opposed it but did not attempt to take any further steps such as threaten to leave the Government or march on the streets, playing the role of a more passive opponent.

Despite the Government's efforts to reach out to the UNP to create a consensus it also sought to encourage MPs to cross over. Media reports noted that 10 MPs were likely to crossover but also they also noted that the JVP was opposed to some of the MPs such as G.L. Pieris moving into the Government.⁷² Two MPs did cross over and were appointed ministers.⁷³ This move, particularly given the timing of the All Party Conference the day before the appointments, resulted in the UNP declaring that it would re-think its unconditional support to the Government to get negotiations back on track.⁷⁴ It needs to be noted that this took place against a backdrop of a power struggle within the UNP with efforts within the party to reform the party structure and replace Wickremasinghe as party leader.

The developments during the quarter under review clearly indicated that President Rajapakse was serious in implementing his pledge committing his Government to a "new" approach based on multilateralism and inclusiveness, at least as far as the "southern" political formations were concerned. This was despite the constant and continuing reminders and taunts from the UNP, in their regular media briefings, to the Rajapakse Government and its JVP-JHU allies of their earlier stance critical of the CFA and Norway's role.⁷⁵

2.2.2 Increasing efforts by the LTTE aimed at popular mobilization for political and armed struggle

'People's groups' have become increasingly active in the violence in the North East. While in previous reports the existence of such groups, particularly in Jaffna, was noted, they tended to make political statements and demands and also served as a means of popular mobilization. These groups included those that were issue based and others that had a more strategic intent. A number of people's groups in Jaffna demanded a dismantling of the security measures in place impeding their day-to-day existence and the return to normalization: the Jaffna District Fishermen's Co-operative wanted unimpeded access to the sea, the Valikamam North Displaced People's Association called for a return of their lands and the Jaffna District Tamil Students' Organization along with the Jaffna District Campus Student Union and the International Students' Association all asked for a dismantling of bunkers near schools. Some groups made threats demanding an immediate evacuation by the security forces vacate the Peninsula and called for armed action if the armed forces refused to heed their requests, such as the High Security Residents Liberation Force who wanted "an armed

campaign until all military personnel vacate the High Security Zones;⁷⁶ Makkal Padai (People's Force) who called on the security forces to leave the peninsula altogether⁷⁷ or the Ellalan Force who called on the army to leave or risk facing their own weapons.⁷⁸ Given the mimicry in some of the violence the murder of the TNA MP Joseph Pararajasingham was claimed by the Senan Padai, which many see as a cover for the Karuna Group. Some of the above groups are also seen as LTTE front organizations operating on the LTTE's instructions and directly under their control.

While the real identity of these shadowy groups was contested, Makkal Padai met SLMM on December 16th at the SLMM Jaffna Office where it told the SLMM that it would increase attacks unless the armed forces stop harassment of people including the rounding up operations and arrests, and presented the SLMM with a letter with its demands and claiming that it had 250 trained armed cadres, signed by 50 people.⁷⁹ A group called the Tamil Resurgence Force claimed responsibility for the attacks in Jaffna and Mannar⁸⁰ it also called for hartals in the North East to demand the removal of troops or security barriers.⁸¹ One group called the Pongi Elum Makkal Padai (Upsuring People's Front) claimed responsibility for the attack on the Sri Lanakn Navy on December 23 and said it had carried out the attack in response to the rape and murder of a Tamil woman in the North.⁸²

Faced with violence carried out by these shadowy groups and the LTTE's assertion that it was the people of Jaffna who were carrying out the violence, the SLMM asked the LTTE to name who the "people" were: "Since they are so sure that people had carried out these killings we asked them to identify them to the mission."⁸³ In a subsequent statement the SLMM was to state that it found this explanation "unacceptable" and expressed concern at the LTTE's "indifference to these attacks." The SLMM also called on the Government to take responsibility for armed groups functioning within government-controlled areas and to disarm them.⁸⁴

Faced with a significant rise in reported abuses of Tamil civilians by the armed forces and paramilitary groups there were significant efforts by Tamil political groups, local organizations and concerned groups to highlight the issue. One of the more prominent attempts was by the Tamil National Alliance (TNA) members of parliament who commenced a campaign of disrupting parliamentary proceedings from December 17th. Initially the protest was against alleged unprovoked attacks on Jaffna University students by the armed forces but intended to highlight a series of cases.⁸⁵ The leader of the TNA, R.Sampanthan said in parliament that the decision to disrupt parliamentary proceedings was to lodge their protest against, "the brutal suppression of the Tamil peoples' right to protest against shameful and despicable sexual assault and murder of an innocent vulnerable girl".⁸⁶ The TNA were joined in its protests by other Tamil political groups like CWC, UPF and WPF. (Also

See Security Cluster). They vowed to continue disrupting parliament until the President took steps to address the human security crisis.

2.2.3 Emerging Grand Tamil National Alliance between Up-country and North-East Tamil Political Parties gives way

In the background of a meeting between the leader Ceylon Workers Congress(CWC) Arumugam Thandaman and Head of LTTE's Political Wing S.P.Thamiselvan on December 17 in Kilinochchi, the stage was set for an alliance between the Tamil National Alliance representing the Tamil People of the North-East and widely recognized as the “proxies” of the LTTE and the political parties representing the Up-country Tamils, including the Western Province People's Front(WPPF) led by Mano Ganesan. Briefing the media after the meeting, S.P. Thamiselvan said that “it was a constructive meeting on the current political situation and the common strategy that had to be adopted by the Tamil political leaders in taking forward the Tamil national problem”.⁸⁷

This alliance took form against the backdrop of government efforts to encourage crossovers by individual MPs and also to appeal directly to the CWC voter base.⁸⁸ In the second week of December there were media reports indicating that 4 CWC MPs were likely to cross over and join the Government, and that there was even a possibility that Thondaman would join bringing the party with him.⁸⁹ The police search of the CWC leader's Kotagala Bungalow on December 12th increased tension between the party and the government.⁹⁰ In addition to accusing the Government of trying to split his party, Thonadman also accused the Government of withdrawing his security.⁹¹

A number of analysts pointed to the alliance between the CWC and the TNA more as a response to the perceived efforts by the Government to undermine the CWC party than as a keen interest on the part of the CWC.⁹² As one commentator noted “It is nothing but political amateurism that led the CWC to the Wanni... the truth remains that it is nothing but reckless maneuvering of the UPFA government that drove the CWC leader the LTTE way.”⁹³ India was to reportedly play a decisive role in arranging a meeting between the President and the CWC leader on December 19th at India House and mediating a settlement. Thus, India may have prevented the alliance between the CWC and TNA developing much farther, at least in the immediate future.⁹⁴ The CWC did meet with the TNA on the 19th agreeing to form a 4-person committee to explore the structure for a Tamil Party alliance which would also include the UPF and WPF, but on the 20th it was involved in negotiations with the Government regarding extending support to the Government after Local Government Elections.⁹⁵ Hence the CWC did continue to make symbolic gestures such as Thondaman attending final rites for TNA MP Pararajasigham in Killinochchi but there were significant indications such as the UPF

Leader stating that the needs of the two groups of Tamil was different and statements questioning the viability of such an alliance in the immediate future.⁹⁶

2.2.4 Muslim Community in the North East: Increasing insecurity and continuing exclusion from the Peace Process intensifying fears and demands for alternatives to existing security measures

As noted in the previous Quarterly Report, the North-Eastern Muslim Polity gained a critical space, in the run-up to Presidential elections, to articulate their needs and aspirations and to ensure that they gained leverage with an incoming Government. The SLMC, the dominant Muslim party, allied with UNP-Presidential Candidate Ranil Wickremasinghe and campaigned for a candidate who had taken on board a number of critical Muslim demands, including a separate delegation. NUA and other Muslim political parties campaigned for UPFA Presidential candidate Rajapakse appealing to the electorate to vote for a strong candidate who would take a tough stand in the peace process.

While Rajapakse secured a majority at the national level, Wickremasinghe scored a victory in the North East including among Muslim voters. The Muslim majority electorates such as Muthur, Kalmunai, Samanthurai, Pottuvil⁹⁷ or where the Muslims are a significant minority, particularly given the LTTE's boycott of the elections and the restrictions on Tamil voters, Batticaloa, Kalkudah and Trincomalee,⁹⁸ were all won by Wickremasinghe. The SLMC, thus claimed it as a victory, stating that it gave the party a "major boost" and that it was able to consolidate its position as the main Muslim party.⁹⁹ Areas where NUA had won the Muslim vote in the election of 2004 under the UPFA symbol were claimed by SLMC, particularly Batticaloa and Kalmunai where the UPFA vote dropped.¹⁰⁰ In other areas that had been identified as potential trouble spots in the SLMC's pre-election consultations did go to Wickremasinghe but with a much smaller victory margin and with the SLMC 'losing' a significant number of votes, such as in Muthur where it lost more than one third of the votes it polled in 2004.¹⁰¹ While the Wickremasinghe defeat has at one level weakened the Muslim position given his agreement to implement key Muslim demands for the peace process, the Rajapakse Presidency seemed to afford certain advantages. Offers of holding a multi-party consultation on the peace process and taking a tougher line with the LTTE may serve to consolidate the 'Muslim position' and ensure Muslim representation in the drawing up of a new framework for the peace process.

A critical development in the lead-up to elections and that carried through were the increasing attacks on Muslims in the East. Over November there were a number of killings with at least 25 Muslims reported to have been killed from November to December.¹⁰² While within each case there were a

number of possible motives and culprits including in some cases fellow Muslims, in sum it created a feeling of insecurity within the community, feeding on existing fears and tensions. The attack on the Akkaraipattu Grand Mosque on November 18th which led to the death of 6 worshippers raised serious questions as to the security of Muslims in the current situations and within the peace process. The key Muslim political actors all condemned the attack and appealed for calm,¹⁰³ and President Rajapakse too condemned the attack.¹⁰⁴ For both the local Muslim and Tamil communities, however day-to-day existence was made increasingly difficult as families fled vulnerable areas in the aftermath, daily interactions including business transactions and cultivation of land that lay in the other communities' areas ceased or was severely curtailed. The Akkaraipattu killings were illustrative of the wider security crisis in the East that the Muslims also found themselves in. While the LTTE denied responsibility for the killings, they claimed that they had evidence that the Karuna Group was responsible for the attack and presented two Karuna Cadres who had turned themselves in to the LTTE as key witnesses who claimed that the Karuna Group was working with the local Muslim M.P. The identity of the assailants is still contested, but the murkiness around the attack and the nature of the attack created new tensions, including leading to hartals in a number of towns in the East. Another incident in Thoppur on December 3rd where a Muslim was attacked also had far-reaching effects leading to a number of killings and counter-killings, and the flight of a number of families who fled their homes for refuge in schools.

This fundamental insecurity felt by the community has increased demands for security measures to better protect the Muslim Community in the North-East. There have been renewed calls for Muslim youth to join the army for instance and even demands that a separate Muslim battalion be established which seems unlikely to be agreed to by the Government.¹⁰⁵ In addition, there have been calls for strengthening the Home Guards,¹⁰⁶ which has been more successful with the state recruiting and training Muslim Youth in Trincomalee District for instance. The manner in which this measure was implemented did not meet the demands of the local communities from Muttur, Thopur and Kuchchaveli who protested as the recruited youth would not be stationed at their local villages. Furthermore the LTTE protested and asked the Mosque Committee to take action to prevent youth joining,¹⁰⁷ thereby intensifying the climate of fear and intimidation.

There are increasing fears, however that in this climate of insecurity and alienation that Muslims are developing "alternative means of security."¹⁰⁸ From within the community for instance there are repeated calls for the need to increase the self-defence capacity of the community, while a small minority demand "a liberation movement for the oppressed community."¹⁰⁹ This is against a backdrop of intense speculation that Muslim Armed Groups are functioning in the East; a charge

which has been made by the LTTE, among others, but which has yet not be substantiated. For instance, the LTTE asserted in a meeting with Muttur Muslim Religious Leaders on January 28th that such an armed group exists and that it was responsible for the killing of two Tamils. The police claimed that there was no real “concrete proof” in this case.¹¹⁰ While there are reports of Muslim having access to weapons and being involved in violence, it is highly questionable whether there are ‘armed groups’ with formalized structures, and a network allowing for mobilization and arming. Instead, it seems that there exists a climate for the emergence of such an armed group with some of the features listed above, given the high level of insecurity and feeling of political marginalization.

The exclusion of Muslims from the Peace Process has seemingly continued with the new administration. The President for instance rejected the idea of a separate Muslim delegation at a meeting with the SLMC leader on January 17th. The President argued that if the Muslims were to get a delegation, a separate delegation would also have to be established for the Sinhalese.¹¹¹ He also refused to accord the Muslims any special status like that accorded to the TNA who would not be a part of the All-Party Conference so had a separate meeting with the President in order to consult and inform them about that process. In the articulation of Muslim demands there have been repeated appeals for greater involvement of the Muslim Community in the peace process, arguing that the continuing exclusion will, as the Muslim Council asserted, “certainly deny them [the Muslims] basic rights and will alienate them from being active participants in the peace process”¹¹²

The Muslim polity has tried to highlight its needs and aspirations and sought the international community’s assistance to take up their cause. This quarter saw continuing interest by the international community as evidenced by the meeting between visiting international dignitaries, including Japanese Sepcial Envoy Akashi, EU Deputy General for External Relations, Hene Jouan Jean and Norwegian Special Envoy, Eric Solheim, and the SLMC leader.¹¹³ Through these meetings and independently the Muslim political leadership has tried to represent their interests, particularly the inclusion of Muslim in the peace process, including the talks to review the CFA, and put forward a number of proposals such as to review of CFA and the SLMM.¹¹⁴ The political leadership has also tried to get these delegates to gain assurances from both sides to assure the security of the Muslim community.¹¹⁵ The efforts at gaining a right of representation at the talks on the CFA in Geneva seemed to have failed with the LTTE in particular arguing that talks on the CFA can only take place between the two parties militarily involved in the conflict, despite Muslim representation that the community has been adversely affected by both the conflict and CFA. ¹¹⁶ Thus, it is quite clear that one-on-one negotiations, independently with the Government and in particular LTTE, is required to represent Muslim interest and reverse the process of exclusion, and thereby create confidence within

the community. Simultaneously measures to improve the security of Muslims be it through initiatives at the local level to improve relations between the Muslim Community and the Tamil community and LTTE, and at a macro-level as a part of civilian protection in general are also urgently required.

III. SECURITY CLUSTER

3.1 Context

The cycle of violence and the deterioration of the human security situation continued and intensified over the last three quarters. As the killings and attacks mounted it became increasingly apparent that the current 'No War, No Peace' situation and the underlying CFA were under threat and that a slide into war had become more probable. The previous quarterly report spoke of "Rising violence leads to renewed efforts to strengthen security and military control, intensifying the security dilemma" where both parties had stepped up re-militarization through intensified recruitment, surveillance activities, security and police presence and search operations. The report also noted a farther trend in "A continuing escalation in the Proxy War with increasingly high profile targets while killings remain at a constant high, further undermining human security." The proxy war seemed to intensify and become more complicated: with more military actors becoming involved; almost daily killings claiming a wide spectrum of victims including civilians seemingly far removed from the political machinations of the various political actors; a qualitative shift in the profile of targets particularly the assassination of Foreign Minister Lakshman Kadirigamar, the most high profile victim in the current peace process; increased attacks on the police and army; with the human security situation in the North East being dire with civilians facing the threats of violence in various forms including killings, abductions and intimidation. Faced with this crisis in law and order and in human security it seemed that there was increased pressure from the ground and from the international community for the parties to address the crisis through direct negotiations on the CFA. Using the crisis as an opportunity the parties, in principle agreed to talks.

3.2 Factors, Trends and Indicators

In this report three factors have been monitored and analysed, with developments and trends resulting in a change in focus in each section. The military build up section which looked largely at remilitarization, be it rearmament and recruitment also examines how the parties have attempted to consolidate their military control and the impact of such efforts. The military confrontations section has been expanded to analyze the interlink between the politico-military aspects of the proxy war and the human security consequences of the killings and violence. The Human Security Section looks at other human rights violations including abductions and intimidation.

3.2.1 Military Build Up: Increased remilitarization as a means of demonstrating readiness to return to war

Over this quarter both sides seemingly stepped up their efforts at remilitarization as if to demonstrate

their readiness for a return to direct armed conflict. As to what extent these efforts were meant to be public exercises for the benefit of their own constituencies or their peace partner/enemy to demonstrate their war capacity and/or a means of preparing for war is debatable. Nevertheless, it seems that in this quarter there was a significant stepping up from the previous quarters which had seen efforts such as increased foreign military assistance and relationships with the Sri Lankan Armed Forces; recruitment and training by the LTTE; increased surveillance etc. Within this quarter there were a number of significant measures including the appointment of hardliners by the new administration in senior security positions, training programs by both the armed forces and the LTTE and increased surveillance. While some of the measures were adopted later on in the Quarter and as a response to the violence on the ground, it had the effect of intensifying the security dilemma and possibly prompted the opposing party to step up its own remilitarization program.

In addition to appointing his brother Retired Lieutenant Gothabaya Rajapakse as Defence Secretary the President Mahinda Rajapakse made a series of new appointments which strengthened its hard line position. For instance the Army Commander Shantha Kottegoda who was perceived as being more willing to engage with the LTTE was replaced by Major General Sarath Fonseka. The President also appointed hardliners such as Major General Janaka Perera as Senior Defence Advisor and DIG H.N.B.G. Kottakadeniya as Deputy Defence Secretary. While the appointments, along with reports in the media that the President had decided to form a war cabinet,¹¹⁷ may have been intended to send out a signal to the LTTE that the Security Forces are preparing for war¹¹⁸ it was unclear as to how much space the Government would provide these new appointees to implement change. It is an open question as to whether the changes in armed force behaviour towards Tamil civilians is a reflection of the change in the situation on the ground and or that the appointments may have also had an impact on policy and the situation on ground. For instance, there is anecdotal evidence that the STF personnel reportedly involved in the killing of the five students in January 2006 were moved to Trincomalee on the orders of the DIG Kottakadeniya without the approval of his higher officers.¹¹⁹ Following his appointment, the new Army Commander Fonseka, however, took the critical step of calling for field level talks between the military and the LTTE, a measure that is seen as critical to restore calm at the local level.¹²⁰ Interestingly, the government and military made statements re-affirming the division between the political (read peace process) and military, as if to clarify responsibilities.¹²¹ Significantly the Government also increased the defence allocation in the budget from an already high figure of Rs 63 billion to Rs97 billion. This inevitably raised fears that the Government was investing in a remilitarization program.¹²²

The Government also continued with efforts at improving military cooperation and relations particularly with India. As noted in previous quarterly reports a India-Sri Lankan Defence Pact had been proposed but by December the Indian Government indicated that while cooperation and assistance would continue it would not sign up to such a pact in the immediate context.¹²³ This may have been due more to the Indian domestic politics than a reflection of the two countries' strategic interests in cooperation. Over this quarterly a number of significant visits and exercises. For instance Vice Admiral Suresh Metha, Chief of Eastern Naval Command of the Indian Navy visited Sri Lanka in December and was followed by joint naval exercises involving Sri Lankan and Indian Naval vessels.¹²⁴ As if to indicate the strength in relations the Indian Air Force Chief S.P. Tyagi visited Sri Lanka for a 5-day visit late January.¹²⁵

Faced with an increased level of violence the Government took additional security measures, strengthening the process of remilitarization. One basic measure adopted was to increase the number of armed personnel in critical areas. For instance following a claymore mine attack on January 4th more troops were sent to Jaffna.¹²⁶ Three special CID units were also set up for the North East in mid-December in order to deal with the killings of both security personnel and civilians.¹²⁷ In addition, the armed forces tried to increase control and presence through establishing more sentry points, checkpoints and barricades especially in the North-East, but in the South as well. The Government also attempted to increase manpower, and announced plans to train 600 new Home Guards from the Sinhala and Muslim Community.¹²⁸

As a response to the mounting violence and as a measure to prevent further violence, the state intensified cordon and search operations. Such operations had become more common in the North East, especially in the East over the last year, particularly following an attack. Within this quarter the Government conducted large scale and intensive cordon and search operations particularly in the North East and Colombo. As stated by Assistant Defence Secretary Kotakadeniya, given the prevailing security situation there was a need for "Every nook and cranny in the city should be searched and Colombo's vulnerability to terrorist attacks eliminated."¹²⁹ In a series of cordon and search operations code named 'Strangers in the Night' starting December 18th whole areas were cordoned off and homes, lodges and other establishments were searched, individuals were arrested until further investigation. These operations were presented not just as anti-terrorist but as a crackdown on crime, in particular drugs, illegal alcohol and prostitution. Figures presented to the media suggested that all ethnic communities were caught in the security net and taken into police custody. Nevertheless, there was a targeting of Tamil areas such as in 'Stranger Night Operation III' carried out by the security forces and police in Welawatte, Bambalapitya, Maradana, Kotahena,

Grandpass and Muttuwal, which also happen to be home to large Tamil populations, between December 30- 31 over 930 arrested including 105 Tamil women (how many men). Most were released within a few hours and 53 kept in custody of whom 35 were arrested on various charges.¹³⁰ In addition to Colombo, other towns in the South such as Negombo, Gampaha, Puttalam, Hatton, Passara etc were also searched and arrests made.¹³¹ Among those arrested were a number of Tamil suspects whom the police claimed lacked proper papers and/or could not adequately explain what they were doing in the South. These operations were received criticism for their heavy handedness. One article in the Sunday Island, for instance, quoted that estimates of the number arrested in the hill country alone “run into tens of thousands.”¹³² The President also did publicly acknowledge that there had been excesses.¹³³

The LTTE also stepped up remilitarization efforts. One clear indicator was increased military training for civilians. This was a development noted in the previous quarterly where civilians were trained by the LTTE in areas controlled by them. There were reports that training was given to civilians both in Government-controlled areas such as for the university students staying at the hostel in Eastern University in late November¹³⁴ and in LTTE-controlled areas for civilians near Thalaiadi, a few kilometers of Elephant Pass.¹³⁵ Given the existing climate there were even reports of LTTE recruiters seeking volunteers from the Up-Country Tamil Community and from the Sinhalese Community in other parts of the country.¹³⁶ In addition, there were official reports of the graduation of new combatants such as the 125 new Sea Tigers who graduated in late January.¹³⁷ While there were reports of the LTTE receiving new arms shipments it is unclear how successful the LTTE has been. In one case the Navy apprehend an Indian vessel with 60,000 detonators off the Sri Lankan coast.¹³⁸ The LTTE also stepped up its international fund-raising on the premise that the armed struggle would need to be resumed. A recent Human Rights Watch Report documents there was a significant drive at fund raising especially late 2005 and early 2006 among diaspora communities in Canada, the UK, Switzerland and Germany, with individuals compelled and intimidated to donate funds for the “final war.”¹³⁹ The French newspaper, Le Figaro stated that according to French intelligence 1,000 members of the LTTE were calling for revolutionary tax and that it could have raised as much as 100 million Euros.¹⁴⁰

3.2.2 A state of undeclared war: Violence increasing to an all time high in the peace process (and rapidly halted)

In the last quarterly report it was noted that “Taking an extreme perspective, the intensification of the killings campaign and attacks on military targets of all sides would suggest that all that really stops

this violence from being characterized as war is that the parties have not made an official declaration of war and that the operations are covert and not large scale which are seen as essential components of war in Sri Lanka.” Most of the indicators pointed to in the last quarter seemed to intensify: the almost-daily rate of killings, an increased targeting of military targets, more military actors becoming involved in the violence, while other indicators such as the spread of violence from the East to other parts of country were less marked, but with a deepening of violence across the North East, particularly in Jaffna. Yet, it beyond an accumulation of these indicators it also seems that there has been a qualitative shift in the violence simply in the scale of violence. Hence, when the SLMM at the height of violence, on January 18th, rhetorically asked the question “Is there a ceasefire?,”¹⁴¹ it did not necessarily seem an exaggeration as the parties actions’ and the violence had pushed the ‘no war, no peace’ situation to its very limits. According to one analyst, Sumanasiri Liyanage the ‘no war no peace’ situation has already transformed into a low intensity conflict and since December a second metamorphosis took place where the situation was “gradually making way for a high intensity conflict.”¹⁴² That there is an upsurge in violence was self-evident during this quarter and seemingly there was a qualitative, and not just quantitative shift, in the violence as the military actors on the ground attempted to strengthen their position on the ground, be it for political consolidation, peace talks or for war.

If rhetoric was anything to go by these were repeated statements that both sides had reached the limits of restraint and that they had no option other than to engage in acts of ‘self defence’ while also posturing their military preparedness. In terms of rhetoric both sides made reference of the need to defend themselves and that their restraint had reached its end. The LTTE Eastern Leader Bhanu stated the LTTE’s willingness to use air power in addition to the Sea Tigers and Black Tigers in the armed struggle that was to come while claiming that 25,000 civilians in Batticaloa had received weapons training.¹⁴³ The TNA, for instance pointed to developments on the ground such as the construction of new security checkpoints and camps, and also to statements made by the military such as Security Forces Commander Daya Sandagiri who is reported to have said that war will begin soon.¹⁴⁴

In tracing the pattern of violence over the last quarterly period it becomes apparent that while there was a heightened state of violence in November, over December and January the proxy war intensified, with some days seeing double digits in terms of the number of attacks. Just in terms of the number across this quarterly the figures for reported deaths is staggering: November 46, December 118 and January 158.

Compared to the previous months, killings in November intensified especially in the backdrop of the Presidential Elections held on November 17th, almost double the average monthly rate for the previous three months. While the patterns of violence remained somewhat similar to the previous months at least in the type of targets, there were attacks on particular groups – in particular anti-LTTE Tamil groups and Muslims. Attacks on EPDP members and sympathisers and party officers intensified in the run up to elections. This was in the context of an LTTE inspired boycott where front organisations and student organizations were the first points of communication of this boycott before it was publicly announced by the LTTE and TNA a few days prior to elections. On election day itself groups of youth intimidated and prevented voters from exercising their rights with the LTTE not taking action in areas it controlled to prevent protestors burning tires across the main roads for instance. The LTTE was condemned for enforcing a boycott with the EU Monitoring Mission in particular taking a very critical stand.¹⁴⁵ In mid-November there was also a spate of attacks on Muslims in the East, culminating with a grenade attack on worshippers at the Grand Mosque in Akkaraipattu in which 5 people were killed. The LTTE claimed that the Karuna Group was responsible for that particular attack and that the group was seeking to drive a wedge between the LTTE and the Muslims. October 2005 marked the 15th anniversary of the Katthankudi and Eravur Mosque Massacres for which the LTTE was seen to be the prime suspect. In this year one person was also shot at the Akkaraipattu Grand Mosque so the attack in 2005 rekindled past memories and exacerbated existing insecurities, not just between the LTTE and the Muslim Community at a political level but also between Tamils and Muslims at the local level.

The possibility of a de-escalation of violence was raised by LTTE Leader V. Pirabhakaran's speech on November 27th where he noted that President Rajapakse was seen as a pragmatic person and gave him space and time to devise ways forward. This declaration that the LTTE would give the new Government some time was reiterated in a subsequent meeting between the SLMM Head Hagrup Haukland and Thanilselvam. In under a week there was an attack on an army convoy carrying food in Chavakachcheri and the first claymore mine attack was carried out against the armed forces in Jaffna both claiming casualties. Those attacks set off an upsurge in the number and increased the scale of the violence.

A distinct development over this quarter has been the increase in and the nature of attacks on the armed forces and the police. That the security forces had become a target was noted in the previous two quarters but within this quarter there was sharp increase. In November 1 member of the security forces and 3 policemen were killed, a pattern which had become common over 2005. Over December and January there was a massive increase in the number of security personnel and police

who were killed with 48 armed force personnel and 4 policemen killed in December and 48 armed personnel and 8 policemen in January. The use of claymore mines against army and navy vehicles became a key feature of the violence. In about 5 major attacks using claymore mines up to 48 service personnel were killed. The LTTE denied its responsibility for some of these incidents and put the blame on “the people.” The LTTE did admit that it had trained and armed these groups, thereby claiming some responsibility for these groups. In addition, there were daily and in some cases multiple incidents on one day where patrols, sentry points, camps and police stations came under attack with personnel being shot at, having grenades lobbed at them, knifed etc.

Claymore Attacks on the Security Forces

Over this quarter there have been increased attacks on members of the armed forces and the police. The use of claymore mines against convoys and patrols has led to multiple deaths in individual incidents.

December 4 – Six soldiers from the Gajaba Regiment killed at Kondavil, Jaffna when the tractor they were travelling in hit two claymore mines.

December 6 - Seven soldiers killed when a convoy was returning to Army base 51-2 Division was hit by a claymore mine

December 23 - Thirteen Navy Personnel were killed following a claymore mine attack in Pessalai, Mannar when a convoy travelling from Mannar to Thalaimannar.

December 27 - Eleven soldiers were killed at Puloly, Point Pedro, Jaffna when a claymore mine Exploded

January 12 - Nine sailors and one home guard officer killed at Chettikulam, on Medawachchiya-Mannar Road when a navy bus hit a claymore mine.

January 14 - Two sailors killed at Saravanai Junction, Kayts, Jaffna in a claymore mine explosion

January 17 - Two soldiers killed in claymore mine attack in Thenmaradchi, Jaffna

January 19 - Three policemen (and one civilian) killed in claymore explosion in Thandaweli, Batticaloa

January 19 - Three sailors and one policeman killed in claymore attack at Anurdhapura Junction, Trincomalee

January 23 - Three soldiers killed in a claymore mine explosion when an army patrol was travelling from Urani to Batticaloa

In addition to these incidents of claymore mine attacks, there was continuation from the last quarters in other forms of violence against security force personnel and policemen in grenade attacks, shootings, stabbings etc. throughout the North and East with a particular concentration Jaffna. For instance over a 4 day period 17 soldiers were killed and 27 injured in 18 incidents in mid December.

“Most of the attacks consisted of handbombs and grenades being thrown and gunfire being directed at targets with a combination of both in some instances.”¹⁴⁶ There were also attacks on the Navy at sea with casualties for the Navy: three sailors were killed off Mannar on December 22 and twelve sailors were killed in an attack against a dovra craft in the seas off Trincomalee on January 7.

While the LTTE denied direct responsibility its associations, both the Government and the international community responded as if the LTTE was responsible for it. The government’s stance to the attack is illustrated by the statement made on December 6th in response to the claymore attack of that day:

The LTTE is engaged in a stealth war against Sri Lankan Security Forces using the cover of the ceasefire agreement. It is clear that the LTTE which participated in peace talks with successive government for the past three and a half years has not transformed from its terrorist tendencies. The strategy is to provoke a confrontation with the security forces, as a responsible Government we will act with restraint.

This mystery over who is carrying out this “stealth war” has further complicated the violence and the response to the violence. Various groups have emerged claiming responsibility for the violence against the security forces, including Makkal Padai (People’s Front), Pongi Elum Makkal Padai (Upsurging People’s Front), Tamil Resurgence Force, Ellalan Force. A group called the Tamil Resurgence Force claimed responsibility for the attacks in Jaffna and Mannar¹⁴⁷ it also called for hartals in the North East to demand the removal of troops or security barriers.¹⁴⁸ One group called the Pongi Elum Makkal Padai (Upsurging People’s Front) claimed responsibility for the attack on the Sri Lankan Navy on December 23 and said it had carried out the attack in response to the rape and murder of a Tamil woman in the North.¹⁴⁹

The identity and autonomy of these groups is contested as these groups are seen as front organisations of the LTTE while the LTTE has insisted that these are civilian groups. Faced with violence carried out by these shadowy groups and the LTTE’s assertion that it was the people of Jaffna who were carrying out the violence, the SLMM asked the LTTE to name who the “people” were: “Since they are so sure that people had carried out these killings we asked them to identify them to the mission.”¹⁵⁰ In a subsequent statement the SLMM was to state that it found this explanation “unacceptable” and expressed concern at the LTTE’s “indifference to these attacks.”¹⁵¹ The LTTE has stated that it has trained and armed civilians in these groups, thereby suggesting it has the capacity to control these groups. For some commentators and actors the relationship is unambiguous “The violence is scattered and sporadic but continues with regularity... though the

LTTE claims to have had no hand in this violent spree it is well known that the Tigers are backing this so called people's war. They are providing centralized authority, guidance, moral and logistical support etc. to those engaged in these attacks."¹⁵²

Many have referred to the violence in Jaffna as a "Palestinian style intifadah." At one level, many analysts agree that in the type of violence it might bear some resemblance to an intifadah type struggle. Furthermore, the struggle has its roots in popular causes that resonate with the general population, be it the elimination of High Security Zones or security force harassment of and violence against civilians.¹⁵³ Others contest that it is a popular struggle rather they assert that it is a mobilized segment of Tamil youth along with LTTE activists who are the driving force and base of this struggle. While these groups may not have dislodged the security forces from the peninsula they have nonetheless demonstrated an ability to hit hard and bring life in the peninsula to a standstill.

It seems that this upsurge in violence is part of a larger strategic decision by the LTTE to resort to an armed struggle, however limited or short-term. As to whether this was part of a mobilization for war or as a means of strengthening its hand at the negotiating table is up for debate. Its direct impact has been to put pressure on the military and the Government and may have even used violence in order to alter the dynamics of the peace process with a Government seemingly interested in altering the framework of the peace process and an international community hostile to the movement as evidenced by the EU travel restriction.

The confusion over who is carrying out the violence and particularly given that 'civilians' or combatants using civilian cover have been involved in the violence has meant that in responding to attacks or the threat of attacks, the armed forces have taken strong measures against civilians including significant human rights abuses. The confusion over the status of who is a combatant and who is a civilian even after an incident has proved to be a critical issue in this quarter. For instance in an incident in Jaffna on December 24 when a grenade was thrown at Jaffna Fort at 6pm the army retaliated leading to the death of 5 'civilians.' According to the army 5 LTTE cadres who had taken part in the attack were killed including one female cadre who was wanted in connection with the murder of a Hindu priest.¹⁵⁴ The LTTE insisted that the victims were civilians including Krishan Nimalleswaran 31, a security guard at Jaffna Central College and Balasingham Chandrakananathan 24, a bicycle repair man. The army identified the other 3 and implied that as their bodies were taken to LTTE controlled areas there was admission of their LTTE identity.¹⁵⁵ Thus there is a significant level of confusion on the ground and the parties are also willing to use this confusion to their own

advantage: the LTTE to launch attack using a human shield and the Security Forces to target and intimidate civilians.

The security forces have sought to describe the violence they have engaged in as more self-defence than pre-emptive. Thus the shooting of civilians near checkpoints following a grenade attack or the killing of a possible assailant have been the more common reasons for fatalities by the armed forces. Yet, given the confusion over who is a civilian and a combatant the violence has resulted in civilian not just getting caught in the crossfire but also being the target. As the incident in Trincomalee on January 3rd where 5 youth were killed, apparently in cold blood it appears that the security forces may not be necessarily avoiding targeting civilians in certain situations (See box below). In other instances it seems the armed forces may not be “merely” acting in self defence but may also be engaging in acts of retaliatory violence.

Incidents of Violence by the Security Force Against Civilians

Trincomalee Town: On the evening of January 3rd 5 youth were killed by Dock Yard Road in Trincomalee Town. Shanmugarajah Gajendra, Logitharajah Rohan, Thagathurai Sivanantha, Yogarajah Hemachandra and Manoharan Rajihar were all A’level qualified students who had gathered on Beach Road in an area known as a favourite for those wishing to relax in the evening. It is an area with a high level of security given its proximity to a number of key security facilities and prominent institutions in the vicinity. Initial reports from the Ministry of Defence following the incident stated that youth had died due to a grenade explosion and that the youth had been in possession of a grenade.¹⁵⁶ The post-mortem carried out by the Judicial Medical Officer, however revealed that the five youth had died due to gun shot wounds. The funerals of the youth took place in a climate of fear and anger with significant political repercussions in Trincomalee and the North East.

As to what really happened and the exact circumstances that led to the death of the five youth are been disputed. The MOD’s claim that the youth had died in an explosion when the grenade they had been handling went off has been contested and disproved. Eyewitness accounts noted that the grenade explosion took place when a three wheeler passed by the youth and a grenade was thrown at them. Some, such as the LTTE Political Wing Trincomalee District Leader Elillan alleged that the three wheeler managed to speed away despite the security barricades indicating security force complicity in the initial attack. Following the explosion, eye witness accounts state that a vehicle arrived and bundled the youth in. The injured youth were reportedly assaulted and forced to lie on

the ground. They were then shot in the head.¹⁵⁷ The initial account that the youth had died to a grenade explosion has been discounted. The verdict of the Magistrate was that the youth had died due to gun shot wounds to the head.

The mounting evidence seemed to suggest that the security forces were responsible for the killings. The Defence Ministry announced that it would be conducting a full scale inquiry and the President also called for a full report from the IGP Chandra Fernando.¹⁵⁸ As accounts and rumours of the incident mounted there were repeated claims that the youth had been taken away from the scene of the explosion and shot dead by STF personnel who had reportedly been moved to Trincomalee under the direct orders of Presidential Defence Advisor Kottakadeniya, reportedly without the approval of his superior, Defence Advisor, G. Rajapakse.¹⁵⁹ The results of the probes have yet to be publicly released and the killers have yet to be positively identified. The STF personnel under investigation are under custody until the investigation is completed.

In addition to the dastardly manner in which the youth were killed, there were claims that the parents of the youth were called and threatened by phone and that the police had refused to hand over the bodies unless the parents signed accepting that their children were members of the LTTE.¹⁶⁰ The latter claim was dismissed by other reports which stated that the bodies were handed over to the TNA MP K. Thurairatnasingham.¹⁶¹ The investigations undertaken by the various state agencies have yet to reveal who are the culprits.

Pessalai, Mannar: On December 23rd a claymore mine attack on naval convoy traveling past Pessalai led to the death of 13 navy personnel. In response the navy rounded up the residents who were trying to flee the scene of the attack, as they tried to escape the shooting that followed the mine explosion. The rounded up civilians were subject to abuse by the Navy personnel according reports of the incident with approximately 12 being hospitalized and 12 placed in detention. According to a report by NESHOR 42 men were subject to beatings while the women were humiliated by the sailors.¹⁶² Most of the residents then fled the village to the nearby Vettrimatha Church. Many of the residents of this housing project are IDPs from LTTE-controlled areas who have been living since the early 1990s. When they returned to their houses two days later they found three houses and one shop were burnt.

Nine of them men were detained but were released on the 24th. Four people were reported as missing- a couple Emmanuel (43) and Anthoniamma (43) Cruz and their neighbours - a mother and

son (3), Theresa Suganthi and Dilakshan Cruz. The Navy reportedly did not allow the residents to return back to their homes on the 24th but permitted the AGA and three other persons to search for the missing four. They found a burnt hut with charred human remains.

As it stands the investigation still continues and the results of the forensic examination of the remains that is being carried out by the Karapitya Hospital had still not been released. The implications of this incident are huge. With regards to the incident it reflects on the professional conduct and the discipline of the security forces. It also reflects on state responsibility in providing justice to victims of state violence and ensuring that appropriate action is taken against those who committed this gross act. The incidents against the civilians took place in a context of an attack and in a climate of violence against the armed forces, such as the attack on the navy on the 22nd and thus the navy personnel were under tremendous tension and stress, yet this does not deflect the culpability of those responsible. This incident generated significant levels of fear and may have also contributed to the flight of a number of families from Mannar to India as refugees.¹⁶³ It raises critical questions regarding the security of civilians and the capacity of the state to protect them and to uphold justice.

There was added speculation as to whether the Security Forces' Deep Penetration Units had been re-activated. For instance the killing of LTTE Political Wing Leader Jayanthan and another cadre, Vinotharan Thevarasa in LTTE controlled areas of Chinnavalaiyankattu on January 3rd in a claymore mine was attributed by some, including the LTTE to the DPU.¹⁶⁴ Other attacks in LTTE-controlled areas such as on January 6th in Trincomalee where two LTTE cadres were killed and in Adampam on January 27th where no reports were made of casualties were also seen as the work of the DPU.¹⁶⁵

In the last quarter it was noted that the violence was becoming murkier with a number of military actors engaged in violence and intimidation. As stated by the SLMM, responding to the question of who was responsible for this violence that there "are powers definitely working in the northeast at the moment who do not want peace."¹⁶⁶ In addition to the 'people's groups' the various other political and military actors also became increasingly more active. The Karuna Group seemingly stepped up its use of violence including an attack on the LTTE camp in Kanchikuichchiaru on December 6 where reportedly 5 LTTE cadres were killed¹⁶⁷ and an ambush of LTTE cadres which reportedly led to the death of 10 cadres including the Wadumunai intelligence chief Kapilan.¹⁶⁸ The assassination of TNA MP Joseph Pararajasingham was seen to be the work of the Karuna Group. Mimicking developments in the North a front organization, the Sennan Padai claimed responsibility.¹⁶⁹ In addition to the violence reportedly carried out by the Karuna Group there is

mounting evidence that the Karuna Group is active in Government-controlled areas. Over this quarter there were claims that new camps had been constructed in the largely Sinhala areas of Pannanlgana-Manthattuna area in Ampara District increasing fears and insecurity in the area among its residents.¹⁷⁰ The LTTE presented new evidence to demonstrate the relationship between the Karuna Group and the Government and the Security Forces. At a press conference in Karadiyanaru, LTTE-controlled Batticaloa the LTTE presented two former Karuna Cadres who gave detailed information on the operational structure of the Group, the camps they were operating from and the Government ministers involved.¹⁷¹ They also claimed they were involved in an attack on the LTTE prior to their surrender where a top associate of Karuna, Iniyabarathy alais Barathy was killed.¹⁷² Bharathy, however appeared to be alive as he subsequently gave an interview to the Asia Tribune detailing the attack and that 5 LTTE cadres were killed.¹⁷³ The LTTE demanded disarmament of the paramilitaries, a call which was also made by the SLMM and the international community¹⁷⁴

Over the previous quarter it was noted that other Tamil political parties and paramilitary groups that had been coming under attack with their cadres being killed and attacked were increasingly turning to violence. Reports from Jaffna for instance indicated that the EPDP was engaging in violence. The killers of three female family members – 2 sisters and their mother in Manipay, Jaffna on January 16th were reported to have links with the EPDP. Intelligence army operatives were also alleged to have been involved. As to why this family was targeted, a number of newspapers highlighted that one of the sisters, Bojan Renuka acted in a teledrama on the LTTE channel, Nitharsanam.¹⁷⁵ The killers, like in many of the other killings remain at large. December saw the killing of the 35th EPDP member to be killed since the signing of the CFA.¹⁷⁶ PLOTE also faced a number of abductions and killings in December.¹⁷⁷

It seems that just as the LTTE and the Peoples Forces seemed to step up their violence so did the state and its allies, thereby creating a more intense cycle of violence. The violence in this quarter seemed to be more costly for the security forces than the LTTE, especially if one is to look at the casualties. Given the nature of the violence with increasing activation of civilian groups or armed groups using civilian cover the armed forces were in a more vulnerable position. It can be argued that the state through the use of the armed forces and the assistance of other military actors including paramilitaries and other armed groups was able to put significant pressure on the infrastructure and support structure of the LTTE and the other armed groups, thereby providing the state with some strategic balance. One analyst commenting on the role of the armed forces noted that

Security forces have been instructed to act tough, they have been told they could Retaliate when they are attacked. And the continuing cordon and search operations

in Jaffna and the East are indicative that the security forces have launched a limited counter insurgent operation in order to flush out LTTE cadres in the peninsula and seize weapons.¹⁷⁸

However, the Tamil civilian in the North had to face the brunt of it and experienced in this quarter one of the most sustained periods of insecurity in the North during this peace process. (See following trend for more detail)

An indicator to the level to which the security situation has deteriorated has been is the restrictions in the operations of the SLMM as its security has come under threat. Over the peace process, particularly in 2005 the SLMM had to face instances where civilians or military actors turned hostile to it making it difficult for it to act. Yet, over the last quarter the attacks on the SLMM reached such a level that it had to suspend or limit operations in a number of its operational areas which marked a precedent. The attack included the explosion in the SLMM parking lot in Batticaloa¹⁷⁹ and the attempts by university students to forcibly enter the SLMM office.¹⁸⁰ In the wake of the latter attack the SLMM suspended its operation in Jaffna on December 22nd and temporarily suspended its operations in Trincomalee in mid-January before resuming partial operations.¹⁸¹ The SLMM increasingly acknowledged that it was working in an “ad hoc” manner.¹⁸²

Following the agreement of Geneva as venue for talks on January 25th there was a sharp drop in violence. In the preceding days there were more than three killings daily. Following the announcement of talks the overall security climate seemed to shift. There were still killings and abductions particularly in Batticaloa including the killing of LTTE official Major Kapilan and the abduction of ten TRO staff members. Despite these and other incidents in terms of sheer number of incidents the figures dropped dramatically across the North East. The President met with the IGP and the TRI-Services chiefs on how to stop the killings and violence in order to create an environment conducive to talks and also issued an order to the armed services and police chief to crack down on any move by any party to hamper the peace process after the Government received information that sabotage of the process was possible.¹⁸³ Karuna also declared a unilateral ceasefire so as to facilitate talks in response to the announcement of talks. This was, however after he had launched an attack on the LTTE near Welikanda which had led to the death of ten LTTE cadres¹⁸⁴ and declared a few days prior to this he had declared that he would use suicide attacks against the LTTE in Batticaloa.¹⁸⁵

3.2.2 Civilians becoming the focus of retributive violence, cover for violence and the victims of the undeclared war

The human security situation in the North-East has become increasingly dire as civilians are not just caught in the crossfire but have become the targets of violence. As noted in the previous two trends the measures be they defensive or offensive by the armed forces has resulted in Tamil civilians in particular being subject to harassment, abductions, abuse, and killings. In terms of human rights abuses there are cases over this quarter that seemed to suggest a return to the worst practices of the war years. In particular the practice of retaliatory violence against civilians by the security forces became a significant development over this quarter. Over the last 1990s the security forces became increasingly restrained following ambushes, trying to avoid practices more common during the 1980s where mine attacks were often followed by retaliatory violence against Tamil civilians. Particular incidents during the last quarter seemed to suggest there was a danger that, if unchecked, the security forces would slide into such a practice. The incidents in Trincomalee and Mannar highlighted above have generated a significant level of concern on a number of fronts: the involvement of the armed forces in acts of gross human rights abuse, the breakdown of law and order in a culture of impunity, the lack of protection for civilians. As a commentator noted “The appearance of masked gunmen at various corners of Jaffna keeping surveillance is a reminder to us of the gruesome past and calls for the immediate withdrawal of such measures.”¹⁸⁶ The rape and murder of woman, Elaiyathamby Dharmini in Punguduthivu whose body was found in a well on the 17th created more fear, with the navy being the prime suspect. The shock over the circumstances of her death generated street protests and was also used as justification by ‘popular fronts’ to launch attacks. Responding to the overall situation TNA MPs allege that Jaffna is under state terror.¹⁸⁷ The SLMM too pointed to the “harassment takes the form of harsh treatment of the Tamil population in relation to the attacks.”¹⁸⁸

Civilians increasingly found themselves caught in the middle of the violence. For instance in attacks on the security forces civilians are sometimes the victims of the grenade attacks or claymore mine explosions and civilians are also victims when the security forces fire back. The victims of violence were not restricted to security force, police personnel or Tamils but also included Sinhalese and Muslim civilians. For instance 25 Muslims were killed between November and January largely in incidents where they were directly targeted. The previous report noted that in some killing the motives were unclear especially given the confusion of the victim’s political identity. The Karuna-LTTE internecine struggle continued to claim its victims, with complete confusion in some cases as to whether the victims supported one faction or the other. In another incident two women Thuraiyasa Yogeswari (24) and Thuraiyash Chanrani (17) were killed outside their home in Eravur Vandaramullai on December 8th. Yogeswari’s two-year old daughter was injured in the attack. Some

newspaper claimed that the two women's husbands were associated with Karuna hence they had been killed by the LTTE. The two women were the sisters of the one of the Karuna cadres who turned himself into the LTTE so it seemed that this was an act of the Karuna Group. The LTTE conferring on them the title of Tamil National Patriots seemed to substantiate the case. In the inquiry however the husband of one of the victim's claimed that he had his brother-in-law calling out to his wife and it was then that she stepped out and was shot dead.¹⁸⁹ The violence seems to have sunk to new levels as evidence by the killings in holy places – the killing of six at Akkaraipattu Grand Mosque during early morning prayers and the assassination of TNA MP Joseph Pararajasingham during Christmas Eve Mass. As noted above in the Punguduthivu rape and murder case and the killing of two women in Eravur, women have also increasingly become the target of violence and abuse seemingly by most of the major military actors. T.P.W. Leenayathi, an 18-year old girl was killed on December 23 when she tried to prevent 4 suspected LTTE cadres from abducting her 17 and 19 year old cousins from being conscripted.

The Impact of Violence on a Community

On November 18th a grenade was lobbed into the Grand Mosque in Akkaraipattu during early morning prayers. Six people were killed and some thirty people were injured in the attack. While many in the Muslim community suspected the LTTE, the LTTE claimed that the Karuna Faction was responsible and presented two ex-Karuna faction cadres who backed up the claim. Those who believe it is the LTTE cite that the killings were meant as revenge killings for two LTTE cadres who were killed and whose bodies were found in the Muslim part of Akkaraipattu.

The violence had severe repercussion not just for relations between the local Muslim community and the LTTE but also with the local Tamil community of Akkaraipattu. In immediate aftermath of the killing a mob coalesced at the site of the attack and marched towards the Tamil section of town demanding revenge. STF and police presence proved crucial in calming the situation down but could not prevent Tamils from fleeing the 'border areas' of largely Muslim Akkaraipattu. While there were some efforts by the SLMM, police, local MPs at mediation the Muslim Community leaders and the LTTE did not meet. Relations between the two communities were strained and individuals were unwilling to cross the boundary to do trade and other livelihood activities, let alone social interactions. Muslims could not access their farming land in Tamil areas and Tamil masons and farmers could not provide their services in more Muslim areas. Over time the tension decreased so that people could return to their homes and day-to-day life.

Yet, over the successive weeks there were new incidents of violence. On January 9th a Tamil maize grower, Rutnam Karunakaran was seriously injured while selling his produce near Piscal Junction, a mainly Muslim area of Akkaraipattu. Once again the gunmen were “unidentified.” Given that the attack was in a Muslim part of the town suspicion has fallen on the Muslim Community. That this murder could be a part of the killings of the LTTE-Karuna conflict has not been ruled out. On January 16th two youth, Chandranathan Sasikumar aged 23 and Gopalkrishnan Suresh aged 16 were shot in Akkaraipattu. The two were identified by the media as being LTTE cadres or supporters. A hartal was called to protest the killings and two Muslims who defied the hartal were attacked. Ahmed lebbe Abdul Bahher was beaten to death and Nahuthamby Athambaba Lebbe was injured. Fears of possible retaliation reportedly led to Tamil residents of Akkaraipattu fleeing once more. The cycle of violence in the East thus has trapped a number of communities in a climate of insecurity, tension and bloodshed that has to be urgently addressed.

As one military actor or the other attempt to intimidate and coerce civilians to adopt a certain policy, these same civilians are put under additional pressure and threat of violence from an opposing actor. For instance the LTTE approached a number of youth to join up to 15 day military training programs in Batticaloa and Trincomalee. The youth realize that if they do so they will face increased harassment from the armed forces and police as word gets round of their absence. With regards to taxation and intimidation, recent reports indicate that the Karuna Group has stepped up taxation, indicating to businessmen bank accounts where the money should be transferred. Karuna’s tax comes on top of the LTTE’s tax and it is this double taxation that is proving particularly problematic for civilians.

In addition, the day-to-day existence of communities has been severely affected. As a result of the violence some communities have been displaced building on fears that the war was about to start. A number of families fled Government-controlled Jaffna to the Wanni. According to the army only 90 families fled, most of them Mahaveera and on instruction of the LTTE. The LTTE insisted that many more had fled with at least 485 families fleeing to the Wanni by early January.¹⁹⁰ As one article put it “the exodus begins,” suggesting that the massive displacement seen in 1995 was imminent.¹⁹¹ Tamils in other areas also fled to LTTE-controlled areas such as Sampur and Vakara. The Muslims were also affected by the renewed violence: in Thoppur over 700 Muslim are reported to have fled. Following the assault and killing of one LTTE cadre on December 13th the Muslims of Parathipuram and Jinnah Nagar are reported to have fled to two schools in Kiliveddy. In addition to these large displacements there have smaller and more short-term displacements following particular acts/periods of violence where people flee from vulnerable areas until the period of high tension

immediately after an attack eases off. The economic and social lives of many communities in the North-East have been affected by the violence, hartals and increased restrictions.¹⁹² For instance the Navy imposed restrictions on fishing with a temporary ban in the Eastern Seas in early January in the wake of an attack on a naval craft thereby putting on hold the only livelihood for whole communities.¹⁹³

Given the scale of the violence it needs to be noted this quarter also saw increasing difficulties in ensuring that there adequate information on the human rights situation. It seems that while NGOs, concerned citizens and groups, HRC, NESHOR, SLMM, various political actors be they the military, the LTTE or EPDP and the media try to maintain at least a count of killings some incidents may not get captured. For instance in November there was an article stating that up to four Sinhala men from Serunuwara were abducted in separate incidents and their bodies were found days later. In at least one of the incidents the LTTE was reported as having abducted the individual, in the rest the LTTE is the prime suspect.¹⁹⁴ Over December and January there were also claims that individuals were being disappeared. For instance in Jaffna there were claims of individuals being taken into custody without a chit being issued by the arresting officer as per the Emergency Regulations. On December 24th for instance three youths were arrested from different parts of Jaffna and their parents alleged that they were missing.¹⁹⁵ A number of key institutions such as NESHOR and individuals like the UN Human Rights Advisor Rory McGovern also voiced concern about the spate of disappearances. Citing the incidents of disappearances and the incidents Amnesty International urged the government to institute independent and impartial inquiries into these killings.¹⁹⁶

In addition to killings, attacks on individuals and child recruitment abductions of adults has also continues to be a problem. Sinnathamby Ganeshalingham alias Farook, a senior PLOTE leader was abducted in Vavuniya, allegedly by 10 LTTE cadres on November 12th leading to a protest by 200 people demanding that the SLMM take action.¹⁹⁷ In the last week of January there were two incidents in which 10 TRO staff in all, were abducted. In the first incident on January 30th 5 staff members who are accountants were abducted near Welikanda.¹⁹⁸ In the second incident on January 31st 4 members of the Pre-School Development Education Centre (PSDEC) associated with TRO and their driver were abducted.¹⁹⁹ Three of the abductees were released by early February but the well being of the rest is in question. Paramilitary groups were seen to be the key suspects but the Government has raised issues of discrepancies and irregularities in the abduction.²⁰⁰ Child recruitment continued to be an issue in this quarter and was highlighted by a visit by Irene Khan, Director, Amnesty International who raised the issue with LTTE political wing leader, Thamilselvam, a charge which he denied.²⁰¹ Figures of recruitment according to UNICEF suggest

that since July figures have dropped but over this quarter there has been a small increase: 25 in November, 28 in December and 36 in January.²⁰²

In summing up the current situation in the North East, Philip Alston, Special Rapporteur for Extra-Judicial Killings stated that the overall efficiency of the policing system, the ambiguity of the role of the military, Karuna and the LTTE were all contributing towards creating a 'zone of impunity,' which in turn was resulting in major human rights violations.²⁰³ With regards to the state, President Rajapakse vowed on the December 21st to take disciplinary action against any security personnel found guilty of irresponsible action.²⁰⁴ As to how this will be implemented as a policy is yet to be seen, particularly in incidents where agents of the state are viewed as the prime suspects or where allegedly there was complicity and assisting the killers, as alleged in the Pararajasingham case. There is an expectation that the Geneva Talks will encourage the parties to avoid and limit the use of violence, and that civilian issues and concerns will be taken up, including the proposal for an independent watchdog to monitor human rights.

IV. CONSTITUTIONAL & LEGAL CLUSTER

4.1 Context

The previous quarter witnessed an apparent increase in the politicization of the Supreme Court, evidenced by its handling of several cases which have had significant implications on the socio-political environment related to the peace process. Most notably, the Supreme Court ruling in the presidential election case, calling for elections to be held in November 2005, set off a chain of events including the establishment of the of the current administration under the new President Mahinda Rajapakse, with a more hardline stand on the peace process. The recent track record of the Supreme Court in highly politically charged cases foretold a predisposition on the part of the Court to interject itself in the peace process in a politicized and partisan manner.

4.2 Factors, Trends and Indicators

By comparison to the previous quarter, the present quarterly period has been relatively uneventful in terms of concrete constitutional and legal developments impacting the peace process. Nonetheless, the issue of the Supreme Court's impartiality and independence remains in focus in this quarter as the Court revisited a number of cases monitored and discussed through the previous quarterly periods, and took up a few new cases. Additional trends included increasing efforts by the Government to rein in independent institutions and to delay adopting more human rights friendly positions.

4.2.1 The Supreme Court continuing to be a factor in the Political Environment

The Supreme Court finally concluded the fundamental rights case concerning the constitutionality of the **P-TOMS** by indefinitely suspending the implementation of the proposed arrangement in the wake of the new change in government. As stated in the previous Quarterly Report, the Supreme Court had initially issued a temporary stay order on certain key operational provisions of the P-TOMS pending a final determination on the constitutionality of those provisions. Subsequently, the Supreme Court postponed the final hearing on the P-TOMS case until after the presidential election. Finally, on November 21, 2005, when the case was revisited, the Supreme Court determined that, since the new government intended to enforce the new National Disaster Management Council Act, the P-TOMS would be redundant.²⁰⁵ Accordingly, the Supreme Court indefinitely extended the injunction against the P-TOMS. Coupled with opposition to P-TOMS voiced by the new Government, this ruling would suggest that the P-TOMS, at least in its present form, is officially non-operational. It will remain to be monitored, however, whether and how the implementation of the new National Disaster Management Act would incorporate issues that were meant to be dealt with by P-TOMS.

Similarly, the Supreme Court conducted another hearing in the **Helping Hambantota** Case, involving President Rajapakse's fundamental rights petition against the CID investigation of alleged fraudulent transfers of tsunami funds into his private bank account, during this quarter. When the case returned before the Supreme Court in January 2006, the Deputy Solicitor General announced to the Court that no further investigation would be necessary in light of the fact that the President's counsel had submitted to the Attorney General certain bank statements which apparently sufficiently detailed the allocation of the funds in question.²⁰⁶ While admonishing the respondent parties for conducting an improper and mala fide investigation, the Supreme Court reserved final judgment on the fundamental rights claim until a later date.²⁰⁷ Thus, while the investigation into the President's dealings has come to a conclusion, the fundamental rights case by the President against the investigation remains pending. Questions remain as to the degree to which political expediency influenced the issuance of the initial stay order on the investigation as well as the ultimate retraction of the investigation.

The outcome in the **Udathalawinne Massacre** Case raises concerns once again surrounding the impartiality and independence of the Sri Lankan judiciary. A high court trial-at-bar on January 20, 2006 convicted five Sri Lanka Army soldiers while acquitting the former Deputy Defense Minister Anurudha Ratwatte and his two sons, along with eight other soldiers, in the Udathalawinne case. The case stemmed from election-related violence and malpractices occurring during the day of general elections on December 5, 2001 in Udathalawinne in Kandy district. Former Defense Minister Ratwatte, his sons and thirteen soldiers were indicted on seventy two counts of election violence, grabbing ballot boxes and ballot papers, conspiracy to commit murder and the murder of ten Muslim youths on the general election day in 2001. The high court acquitted all but five of the accused, including the former Minister and his sons, citing serious defects in the indictments as well as a lack of evidence.²⁰⁸ Yet, according to news reports, over one hundred witnesses, including several army commanders, brigadiers and colonels of the Sri Lankan army, testified on behalf of the prosecution.²⁰⁹ In the face of this apparent overwhelming witness testimony, the verdict absolving all but five members of the military once again suggests the ability of high-ranking and influential government officials to act with impunity. The ruling raises profound questions regarding the credibility of the Sri Lankan judicial system to provide justice and to restore the confidence of minorities in the state through acting impartially.

The Supreme Court cleared the way for the current presidential administration to pare down certain expenditure allocations itemized for the office of former President Kumaratunga when the Court

reviewed the constitutionality of the government **Appropriation Bill** in November 2005.²¹⁰ As the Supreme Court has sole and exclusive jurisdiction to review the constitutionality of any proposed legislation, the Appropriation Bill, in which an amount of approximately twenty-nine million rupees had been allocated for the office of the former President, was submitted to the Supreme Court to assess its constitutionality.²¹¹ While acknowledging that the allocation of resources was generally a matter of government policy, the Supreme Court ruled against the bill and went further criticizing the bill as “having the effect of undermining the judiciary of this country at its highest level.”²¹² This essentially provided President Rajapakse a legal argument to trim the allocation and to cancel some of the previous President’s cheques.²¹³ These political machinations once again raise questions as to the politicization of the sitting Supreme Court.

4.2.2 The future and autonomy of independent governance-oversight institutions increasingly under threat

The **17th Amendment** mandates the creation of several independent commissions vested with various oversight functions vital to the governance of the country. Foremost among these is the Constitutional Council, which is vested with the responsibility of approving appointments to the Supreme Court, the Court of Appeal and the Judicial Services Commission, and of recommending appointments for the other independent commissions established under the 17th Amendment, most notably the Elections Commission, National Police Commission, the Human Rights Commission and the Public Services Commission which are meant to ensure the impartiality and accountability in these particular fields. The previous Constitutional Council’s three year term expired in March 2005 and it has yet to be re-constituted. Similarly, the National Police Commission and the Public Services Commission expired in 2005 and have yet to be reconstituted, as their respective appointments are contingent on the recommendations of the Constitutional Council.

In effect, then, the failure to re-constitute the Constitutional Council has had the domino effect of delaying the constitution of the other important independent commissions mandated under the 17th Amendment to the Constitution. While there are a number of cited reasons for this delay it is also possible that it may be a result of a political consensus among key political actors that the Constitutional Council and the related commissions are not favourable to their political interests. The Centre for Policy Alternatives recently filed a writ petition before the Court of Appeal requesting the court to order the Sri Lankan Government to re-constitute the Constitutional Council as per the provisions of the 17th Amendment of the Constitution.²¹⁴

The new Government while delaying the implementation of the 17th Amendment by preventing the constitution of the Constitutional Council and the other independent commissions appears to be taking further measures to ensure these commissions are frustrated. The Cabinet on December 14, 2005 decided to indefinitely postpone the constitution of these respective commissions, instead deciding to vest the functions of the Public Services Commission in the Cabinet itself and the authority of the National Police Commission solely in the Inspector General of Police. It is speculated that the Government intends to try and amend the 17th Amendment itself in order to diminish the independent nature of the commissions vis-à-vis the government, particularly with respect to the National Police Commission and the Public Services Commission.²¹⁵ The implication of this development does not bode well from the standpoint of governance in Sri Lanka, particularly with regards to fairness and accountability.

The announcement by the elections commissioner on or about January 22, 2006 that **Local Government Elections** are to be held in April 2006 raised serious questions regarding the independence of the elections commissioner. The elections commissioner announced that the upcoming local government elections will be conducted based on the 2004 voter register despite mounting evidence that there were a significant number of voters, over 300,000 according to the UNP and PAFFREL being effectively disenfranchised.²¹⁶ There was increased speculation that this decision to proceed was politically motivated. In an additional move the Government, apparently intends to postpone the elections in the north and east, given the security situation there, while carrying the election forward in the rest of the country.²¹⁷

The UNP and PAFFREL have both filed separate petitions before the Court of Appeals concerning the conduct of the upcoming local government elections scheduled for April 2006.²¹⁸ The UNP filed a petition on January 26, 2006 seeking the Court of Appeals to order the election commissioner to conduct the election based on the 2005 voter register given that the 2004 voter register had already caused the disenfranchisement of over ninety four thousand eligible voters whose names were removed or left off of the voter list during the November 2005 presidential election, and that to conduct the upcoming local election based on that same list would cause the disenfranchisement of over three hundred thousand eligible voters. The PAFFREL petition filed on January 30, 2006 similarly requested the Court of Appeals to order the postponement of the local elections until the discrepancies in the voter register could be rectified and the situation in the northeast improved, so as not to disenfranchise several thousand eligible voters. The elections commissioner, apparently under direct instructions from President Rajapakse, has announced that the upcoming local government elections will be conducted based on the 2004 voter register.²¹⁹

4.2.3 Lack of initiative on the part of Government and Parliament to protect human rights through legislation

The **Emergency Regulations** that went into effect nationwide immediately after the assassination of Foreign Minister Kadirgamar have been further extended on a monthly basis and was last extended, as of January 19, 2006. The regulations were re-imposed in light of the deteriorating security situation. The regulations have raised and will continue to raise concerns surrounding their discriminatory impact inasmuch as they give the police and state security apparatus expansive powers of search, arrest, detention, and seizure of property, while simultaneously suspending various concomitant due procedural safeguards designed to protect individual rights and liberties. The re-introduction of particular provisions such as the disposal of bodies without public notification in the current set of Emergency Regulations is particularly troubling as these particular provisions had been removed from the previous set of regulations on May 3, 2000.²²⁰ The regulations relating to the disposal of bodies of persons who died while in police custody raise the potential for uncontrolled discretion by the DIG to cremate dead bodies and thereby destroy potentially important medical evidence before a proper inquest proceeding can be completed. This would be particularly problematic in cases of alleged torture of the deceased while in custody. The continued enforcement of the Emergency Regulations will continue to place a strain on public sentiment among the community at the receiving end – the Tamils. It is foreseeable, also, that the emergency regulations will continue to be renewed and extended unaltered by the Parliament indefinitely.

UN Human Rights Committee Cases

The UN Human Rights Committee (UNHRC) recently issued two separate opinions holding the Sri Lankan State in breach of various human rights guaranteed under the International Covenant on Civil and Political Rights (ICCPR).²²¹ In the case of Sister Immaculate Joseph and 80 Teaching Sisters of the Holy Cross of the Third Order of Saint Francis in Menzingen of Sri Lanka (“the Menzingen case”), UNHRC found that the Supreme Court’s denial of the Order’s application for incorporation was an arbitrary restriction and as such found the state was in breach of the ICCPR and required the Sri Lankan State to provide an effective remedy to the Order.²²² To date, the Sri Lankan State has taken no action to effectuate the UNHRC ruling.

Similarly, in the Singarasa case, a Tamil suspected LTTE member was arrested in 1993 and sentenced in 2000 to thirty-five years imprisonment under the Prevention of Terrorism Act (PTA), in spite of substantial evidence that the confession upon which the court solely relied in its ruling was coerced

through physical and psychological torture. The UNHRC found that the circumstances of the case and court proceedings amounted to a series of violations under the ICCPR.²²³ When the case was brought before the Supreme Court of Sri Lanka seeking to effectuate the ruling of the UNHRC, the Court reserved final judgment on the matter pending further submissions by the parties on the applicability of international law in Sri Lanka, and has taken no further action to date. Based on the previous practice by the court when faced with such problematic cases and the apparent direction in which the Court was leaning during the hearing, it is foreseeable that the Court will ultimately deflect responsibility to the executive and legislative branches.²²⁴ The effective implementation and remedy by the Sri Lankan State of both UNHRC rulings would be an encouraging sign towards the advancement of human rights in the country.

V. ECONOMIC CLUSTER

5.1 Context

The final quarter of 2005 saw critical developments which have plunged the country into uncertainty with potentially severe economic consequences. The Presidential election results, the presentation of two budgets within the space of a month and the upsurge in violence, with the spectre of a return of war in particular, have had significant impacts on the economy. However, macro-economic stability has been maintained ensuring that the annual growth rate remains relatively high, despite being lower than the pre-tsunami projection. All statistical data in Section 1 is derived from the Central Bank of Sri Lanka²²⁵ and hence much of the data and analysis will be on the third quarterly period, July-September, using more current information where available. Section 2 is derived from secondary sources and collected in the field in the North and East region by the Point Pedro Institute of Development (PPID).

5.2 Factors, Trends and Indicators

5.2.1 Macro Economy of Sri Lanka: Continuing growth

The **Gross Domestic Product** (GDP) for the third quarter was the highest quarterly growth rate for the past five years at 6.4% in real terms. This growth was propelled by the services (7.5%), industrial (6.9%), and the agricultural (2%) sectors. Agriculture recorded positive growth for the first time since the second quarter 2004.²²⁶ Despite the drop in the fisheries sub-sector, the agricultural sector was boosted by favourable weather conditions and record paddy harvests. Tea and coconut production both increased while rubber production marginally dropped.²²⁷

Industrial growth also was lower than the previous quarter (7.8%) but higher than the corresponding quarter in 2004 (6.1%). The construction sub-sector was the major contributor.²²⁸ Private sector industrial production rose over October and November and was higher than the comparative months in 2004, while public sector industrial production index in this quarter dropped and rose again and was lower than in the same period in 2004.²²⁹ The industrial production indices are expected to further rise in December 2005, which is not yet available. Industrial exports, in value terms, were on the rise from the third quarter 2005 (USD 1,323 million) and should continue to see growth due to strong demands from importing countries,²³⁰ despite the phasing out of the Multi Fibre Agreement (MFA) on December 31, 2004 which has resulted in the closure of 15 garment factories in 2005 with the total loss in direct employment of 3,000.²³¹

However, services sector growth was marginally lower than the previous quarter (7.7%) and similar to the corresponding quarter in 2004. In the services sector, trade (both wholesale and retail), transportation, communication, and the financial sector were the major contributing sub-sectors to growth during the last quarter.²³² The construction sector was booming primarily, though not exclusively, because of reconstruction of tsunami-affected buildings, dwellings, etc. while the tourism service sector also picked up with the on set of the peak tourist season.

The official measure of **inflation** used by the GoSL is based on the Colombo Consumer Price Index (CCPI) while this report primarily uses the Sri Lanka Consumer Price Index (SLCPI), which has a wider coverage in terms of geography and will soon become the official measure.²³³ The cost of living continued to recede during the final quarter of 2005 as well. Both the point-to-point rate of inflation²³⁴ and the annual average rate of inflation have been on the decline throughout the final quarter of 2005. The point-to-point inflation dropped by nearly half to 3.6% at the end of the fourth quarter in 2005,²³⁵ and the annual average inflation dropped by 3 percentage points to 10.6% at the end of the fourth quarter 2005.²³⁶ The drop in point-to-point inflation between the end of the fourth quarter 2004 and that of 2005 was dramatic; declining from 16.8% to 3.6%. However, the annual average inflation was on the rise between the end of fourth quarters 2004 and of 2005, increasing from almost 8% in the former to 10.6% in the latter.

The rise in inflation compared to the last quarter of 2004 was due to escalating world oil prices and rising domestic food prices. The declining inflation during the final quarter 2005, compared to the previous quarter, was due to declining domestic food prices as a result of the end of the drought and the consequent bumper harvest, particularly paddy. However, the CCPI, in contrast to the SLCPI, shows a more than 50% rise in inflation from 7.6% at the end of 2004 to 11.6% in 2005. In terms of the CCPI point-to-point change in the rate of inflation was 8.0%.

Interest Rates continued to rise during the final quarter of 2005. Both the weighted-average prime lending rate and the 12-months Treasury bill rates increased over the fourth quarter of 2005²³⁷ and at the end of this quarter were higher than those of the corresponding period in 2004.²³⁸ The repo and reverse repo rates²³⁹ also were on the rise, with higher rates than the preceding quarter as well as the corresponding quarter of 2004.²⁴⁰ Despite the rising nominal interest rates throughout 2005, the real interest rates have been negative because the inflation rate has been consistently higher than the interest rates throughout 2005.

In **International Trade** the month of December and the last quarterly period saw the highest figures ever recorded in Sri Lanka: December 2005 posted a record USD 625 million worth of exports while the last quarter saw export value of USD 1,733 million. The total import value increased between the third and fourth quarters but only marginally, USD 5 million.²⁴¹ The trade deficit of USD (-) 642 million in the fourth quarter 2005 was 3% lower than the preceding quarter (USD -665 million), and negligibly lower than the corresponding quarter of 2004 (USD -645 million). Despite the rising world oil price and imports for tsunami reconstruction work the total trade deficit in year 2005 was only 14% higher than the trade deficit of year 2004, thanks to rising exports as a result of increase in demand. In defiance of the widely anticipated gloomy outlook for exports during 2005, with the phasing out of the MFA, the total exports during year 2005 was 10% higher in real terms in comparison to total exports during the year 2004.

The **Balance-of-Payments** situation remained positive with the gross official foreign exchange reserves continuing to surge to USD 2,735 million at the end of the fourth quarter 2005. This was a 13% rise compared end of the third quarter 2005 (USD 2,429 million). Furthermore, the end of fourth quarter 2005 gross official reserve was 25% greater than the corresponding point in time in 2004 (USD 2,196 million), and was adequate for almost 4 months' official imports. In terms of key foreign revenue comparative, to the corresponding periods in 2004, net private remittances in November 2005 was 26% higher²⁴² while foreign exchange earnings dropped significantly in the last quarter of 2005, and in the year 2005 as well.²⁴³

In spite of the rise in trade deficit (primarily as a result of surging world oil price) and drop in tourism earnings in 2005 the gross official foreign exchange reserve rose substantially because of the moratorium on debt repayments for one year (which is roughly worth USD 500 million), tsunami aid received, and increase in net private remittances. The gross official reserve at the end of 2005 was adequate for 5 months worth of official imports.

Compared to all other economic indicators **Capital Market** performance indicators were the least positive during the last quarter of 2005. Performance indicators, such as the All Share Price Index (ASPI) and the Milanka Price Index (MPI), were on the rise until October, and then started to decline in November and December 2005. This was due to politico military developments during the last two months of 2005. The market responded to the election of a relatively less market-friendly President with the ASPI dropping to 2,270 points in the last week of November after it peaked at 2,526 points in the last week of October. With the escalation in violence and spectre of a return to war, it continued to decline to 1,887 points in the last week of December. Similarly, the MPI and the

average daily turnover in the Colombo Stock Exchange (CSE) dropped during the last week of November and declined further over December.²⁴⁴

Nevertheless, the ASPI, MPI, and the average daily turnover in the CSE during the last weeks of every month of the final quarter of 2005 were higher than that recorded in the corresponding period in 2004. This was primarily due to the negative real interest rates on savings prevalent in the market, which made investments in the stock market a lucrative alternative.

With regards to **Post-Tsunami Relief, Rehabilitation, and Reconstruction**, according to the Central Bank, until end of December 2005 the government, non-governmental organisations, and others received a total sum of LKR 25.5 billion (approx USD 255 million) as private foreign and local donations via the formal banking channels for tsunami relief and rehabilitation, which includes LKR 3.3 billion (approx USD 33 million) received by the government through the state banks and the Central Bank. On the first anniversary of the tsunami the government declared that less than 5,000 permanent homes have been rebuilt for the affected families out of the total requirement of nearly 50,000, amounting to only 10% of the total housing requirement.²⁴⁵ The relaxation of the buffer zone which was a primary cause for slow progress has been relaxed which should encourage more construction.

In two unprecedented moves, the **Budget** 2006 was presented in Parliament on November 08th, just 10 days prior to the Presidential elections, and was abrogated by the new President who presented a new Budget on December 08 2005 to facilitate the incorporation of his election promises. Although the overall total public expenditure for 2006 has increased by only LKR 2 billion to LKR 570 billion²⁴⁶ there are adjustments in some of the individual ministerial allocations with a 30% rise compared to the earmarked public expenditure for 2005. While the underlying economic ideology of the current government favours higher public expenditures and higher taxation, it is unlikely that higher tax revenue collection as proposed in the budget would be realised.

5.2.2 Economy of the North and East:

The outlook for the North and East Province during the final quarter of 2005 was ominous. The polarizing nature of the election campaigns and the enforced boycott of the Presidential elections by the LTTE, coupled with the violence on the ground led to an increase in tensions and fears over this quarter. December saw a climax in tension and violence including claymore mine attacks, grenade explosions and killings, and a general abuse of human rights that has made life in the North East increasing difficult. In addition to the security restrictions imposed primarily by the armed forces that

have made movement increasingly difficult especially for groups like fishermen, the LTTE and civilian groups, Tamil, Muslim and Sinhala, have all staged strikes, boycotts, and protests throughout the North and East bringing civilian life to standstill. As a consequence of these negative politico-military developments the economic situation also began to deteriorate as many markets, shops, schools, universities, offices, etc, were closed or opened only for a very short period. The prices of essential commodities started to increase, particularly in Jaffna, due to growing violence, lack of transport to markets, shortages in supplies from Colombo and other parts of the country, and hoarding by traders.

There is a general dampening of the **Business Climate**, particularly in the Jaffna peninsula, since early-December. During this period, throughout the North East businesses and offices closed by early evening and public transport often came to a halt by around 6 p.m. The Northern Regional Transport Board in the peninsula reported significant drop in revenue (by 60%) during December 2005 and January 2006.²⁴⁷

The deterioration in the security situation has led to significant **displacement** with a considerable number of families from the government-controlled areas in Jaffna, Mannar, and Trincomalee moving to LTTE-controlled areas in December 2005 and January 2006. Other affected people fled by fishing boats to India via the Palk Strait. There have also been reports that the LTTE has demanded that certain groups of people evacuate to the Wanni. According to the author's estimation a total of between 20,000-30,000 people may have moved to LTTE-controlled areas in the North and East or India. Another 5,000 people, largely educated and skilled, have migrated to Colombo from the North, particularly from Jaffna. In addition to having to face the trauma of displacement, these communities have also had to deal with the severe economic implications of displacement with the loss of manpower impacting local economies and of livelihoods on affected families.

There has been a **Loss of Livelihoods** with fisher persons, construction workers, transport workers, and retail service providers being the worst affected due to an increase in the frequency and intensity of the violence in the North and East, particularly in Jaffna. Fishing restrictions were re-imposed on all coastal waters of the North East, with a virtual ban on night-time fishing by the navy which has resulted in drastic livelihood losses of fisher families.

Most of the construction work in the North came to a standstill due to the resumption of hostilities. Many public works undertaken with donor funds were suspended. This included landmine clearing in the peninsula as well. However, landmine clearing appears to have resumed in February 2006.

Homeowners are not beginning reconstruction of their war-affected dwellings because of the deteriorating security situation and uncertain future. There is also a shortage of sand for building work in the peninsula as the coastal areas in the Vadamarachchi East, where usually sand is taken, is the frontline between the armed forces and the LTTE. Because of the construction meltdown thousands of masons, carpenters, and manual labourers have lost their livelihood in the peninsula.

The **Cost of Living** in the North and East generally increased with a rise in prices of commodities during the fourth quarter of 2005 throughout the North and East, but particularly so in Jaffna.²⁴⁸ For instance, the price of rice increased by 10%,²⁴⁹ wheat flour by 7%,²⁵⁰ coconut by 25%,²⁵¹ chillies by 164%,²⁵² and gold by over 10%.²⁵³ However, cement price rose only by 3% because of suspension of construction works (see Table 2.3).²⁵⁴ In Jaffna, between October and December, food costs rose by 32% (see Table 2.3 sub-total). The high price increases were a result of the escalation of violence in December.

Colombo appears to have the lowest total cost of the basket of goods as shown in Tables 1.1-1.3. This is because all but one (rice) is imported, and therefore costlier in the outstations. Second lowest cost of living was in Vavuniya. Jaffna was the costliest place in terms of the basket of goods as in Tables 1.1-1.3 followed by Ampara and then Batticaloa. The increase in total price of the selected basket of commodities²⁵⁵ (as in Tables 2.1-2.4) in Batticaloa was not as high as in Ampara, Jaffna, or Vavuniya during the fourth quarter 2005. Besides, the difference in total price of the selected basket of commodities²⁵⁶ between Jaffna and Vavuniya were growing steeper during the fourth quarter 2005 (see diagrams). It needs to be noted that a lot of the commodities in Tables 2.1-2.4 are locally produced.. As a consequence of the general rise in prices, and at times shortages, public eating-places hiked the prices of food and beverage²⁵⁷ thereby negatively affecting the daily wage earners.

Taxation by the LTTE has been a significant factor in shaping the North-Eastern economy over the CFA period. In every wholesale/retail agricultural market in the Jaffna peninsula the LTTE has deployed its tax collectors to levy tax on vendors.²⁵⁸ The LTTE hiked the rate of tax on agricultural produce in local markets in the Jaffna peninsula in November 2005 which led to mass protest by vegetable sellers and the shutting of certain markets such as Point Pedro and Manipay which were shut for over a week by mid-November.²⁵⁹ Eventually, the LTTE relented and dropped its tax hike and the markets reopened by late-November.

In addition to taxing all goods flowing through the A 9 highway to the Vanni and Jaffna, the LTTE periodically has attempted to seek compulsory donations from big companies supplying goods. It is

reported that in January the LTTE sought one million rupees lump sum donation from the multinational company Unilevers, which supplies toiletries, health care products, etc to the peninsula. Since the company refused to pay up Unilevers was prevented from supplying goods to retailers in the Vanni and Jaffna, resulting in a shortage of Uniliver products in the North, particularly Jaffna.

Tsunami recovery activities, particularly building of permanent houses for the displaced, were taking place very slowly in the North, but a bit better than in the East. The GoSL has disbursed LKR 270 million until September 2005 to medium scale enterprises affected by the tsunami. Out of this total it is claimed by a government minister that 41% was given to entrepreneurs in the North and East²⁶⁰.

5.3 Conclusion

The first nine months of 2005 recorded 5.5% growth; marginally lower than the corresponding period in 2004 (5.8%). Yet, as most of the economic indicators suggest in the fourth quarter of 2005 economic performance was stronger than in the corresponding quarter of 2004. The annual GDP growth for 2005 is expected to be around 5.5%, lower than the 6% growth of 2004. This conforms to the expectation in the aftermath of the tsunami, though the original forecast for 2005 prior to the tsunami was around 6%. Negative impacts of the tsunami on fisheries, tourism, and micro and small industries sub-sectors were substantially compensated by the positive impacts on the construction and services sub-sectors propelled by foreign aid & remittances flows, and rising demand for Sri Lanka's exports. In addition, the phasing out of the MFA which as expected led to losses in the export garments sub-sector, but exports in fact increased in real terms in 2005.

The Sri Lankan economy is poised for a bright outlook in 2006 on the proviso that the current ceasefire holds. Due to more than adequate rainfall and favourable weather condition agricultural production is expected to improve with higher hydropower generation. Further, industrial production is expected to get a fillip as a result of increasing demand for manufactured products from abroad, a rise in demand for utilities locally, and a continuing construction boom. Moreover, the services sector is set to continue the high growth momentum with tsunami reconstruction work and revival of the tourism sector. The North and East provincial economy was facing a significant crisis with the upsurge in violence. Continued growth and stability in the North and East in particular and the country as a whole is intrinsically linked to the political situation, and in particular that the ceasefire holds.

VI. RELIEF, REHABILITATION AND RECONSTRUCTION

6.1 Context

In this current quarter the one year anniversary of the Tsunami is commemorated, allowing for some reflection on the successes and failures of the tsunami recovery program. In a hard hitting report published in January 2006, Governments of tsunami affected countries are accused of violating the rights of the people by way of discrimination in aid distribution, forced relocation, arbitrary arrests and inadequate housing and violence.²⁶¹ Sri Lanka has experienced some of these problems and despite some of the significant improvements tsunami affected communities are still yet to see some of their basic needs such as permanent housing addressed. Similarly, there has been slow progress in rehabilitation and resettlement efforts targeted towards conflict affected persons. This quarter also witnessed heavy flooding in certain areas in the North East; displacing many people in Jaffna, Killinochchi, Mullativu and Trincomalee²⁶² and further delaying rehabilitation and reconstruction work.

The slow rate of progress has only dampened enthusiasm and reduced willingness to continue to earmark funds for projects that seem to be further delayed. With other large scale disasters interest and additional international assistance in the tsunami recovery has waned.²⁶³ Further, the escalating violence in the North East has hampered and slowed reconstruction efforts, and created new challenges.²⁶⁴ Therefore, reconstruction and development initiatives face continuing restrictions and added challenges and may need to be planned within existing projects and programmes.

6.2 Conditions and Assistance: Slow Progress in Permanent Housing

With regard to shelter, as revealed in the report of the previous quarter, a majority of the people have been provided with transitional shelters.²⁶⁵ However, by the end of November 2005 there were people who were yet living in tents. For example, in Trincomalee, there were 504 people still living in tents by the 29th of November 2005.²⁶⁶ The experience of some tsunami affected persons in Tirukovil Division who have been in welfare camps for nearly a year and have only now returned to their original lands,²⁶⁷ is by no means unique.²⁶⁸

Permanent housing is one, if not the most, urgent requirements for the tsunami affected and an area that has proved particularly problematic in the tsunami recovery program. By the time of the first

anniversary of the tsunami only 2733 houses of the required 33,038 units had been constructed under the Donor Built Housing Project.²⁶⁹ Disparity between regions and districts has been a critical problem identified in a number of reports including previous Quarterly Reports. This is self evident particularly with regards to the construction of permanent housing under the donor driven program for the tsunami affected in the South compared to those in the North East. For example-

District	Total houses damaged within buffer zone	No. of units MOU signed	No. of houses handed over to beneficiaries
Ampara	7236	4025	75
Batticaloa	1458	3782	72
Galle	2213	3857	720
Hambantota	3107	3769	1366

Source- Construction Status-Donor Built Housing Projects- THRU 31st January 2006

In dealing with the housing issue there have been two main programmes –donor driven and home owner driven with the latter seeming to be speedier, as the case of Batticaloa would suggest.²⁷⁰ The availability of land has been a key factor delaying construction. Families affected by the tsunami in Jaffna district have complained to the Government Agent of neglecting to provide them with permanent housing highlighting that some 298 families have not even been provided with relocation land for reconstruction, more than a year after the disaster.²⁷¹ Therefore, the general situation is that more than a year after the tsunami, people are still living in transitional shelters and given the rate of construction it is most likely to remain thus for a long time yet.²⁷²

A number of reasons could be attributed to this. However, the World Bank Country Director Peter Harrold observed that, that the buffer zones (200 meters in the North East and 100 meters in the South) initially imposed by the government was the “biggest reason for differential progress”. He further noted that, progress in Ampara in the East, was especially “much slower than elsewhere” and in contrast there was “more rapid progress in the South”.²⁷³ A critical difficulty has been identifying and acquiring habitable land outside of the 200m buffer zone. There has been much criticism leveled against the creation of a buffer zone including the lack of transparency, the differential treatment towards local communities versus big developers.²⁷⁴ The move by the government to revise the regulations of the buffer zone has thus been received by much relief by local communities, donors, local government officials and implementing agencies alike.²⁷⁵

A weakness in the rehabilitation and reconstruction process that has been highlighted before is the lack of consultations that took place in the planning process and the levels of information available to the affected people. This has been highlighted as a key problem in all tsunami affected countries.²⁷⁶ The report further highlights the problems concerning identifying land for housing.²⁷⁷ One area where the lack of consultation is in identifying land for housing without reflecting ground realities or people's needs or aspirations. For instance, in several cases very little consideration was given to the distance to the housing site from the nearest town. Another consequence of the lack of consultation has been the process of marginalization of women in the rehabilitation and reconstruction process.²⁷⁸ In addition there has been a clear problem with the provision of information, with certain communities for instance having received very little information on possible sites, timescales or the nature of the proposed house.²⁷⁹

Reports reveal that in some areas people are unhappy with their present conditions of accommodation, particularly during the continuous torrential rains in December.²⁸⁰ Those who were worst affected by the flooding, were forced to leave their shelters and seek temporary accommodation with friends and relatives,²⁸¹ particular in areas prone to flooding like Batticaloa and Galle.²⁸² Furthermore, people have lamented that faced by these conditions their children have become more vulnerable to diseases and other health hazards²⁸³ and led individual and social problems.²⁸⁴ Therefore, permanent housing is one of the topmost urgent requirements of the people.

Similarly infrastructure in several places is yet to be restored, be it the school in Tirukovil²⁸⁵ or the hospital in Thambiluvil, still not repaired.²⁸⁶ Such slow progress in addressing reconstruction in the affected areas highlights the lethargy by the stakeholders, including the Government and I/NGOs, in addressing issues such as infrastructure development.

The condition of the tsunami affected people at present is that, the people are no longer beneficiaries of the weekly government rations. A monthly installment of 2500 rupees per family of three and 5000 rupees per family of more than three was promised by the government²⁸⁷ for a period of 6 months. However, reports claims that more than a year after the disaster, the families concerned had received only 4 of the monthly installments by 25th November 2005. Furthermore, although the next installment was promised by the end of December, by January it had not yet been disbursed.²⁸⁸

With regard to livelihoods a number of donor agencies have assisted the tsunami affected people in different areas by providing fishing boats, fishing nets, outboard motors, sewing machines etc. Furthermore, organisations such as the Save the Children have provided financial support for income

generation projects and the UNDP under their capacity development programme have provided assistance to community based organisations in different areas.²⁸⁹ However, the flipside of providing livelihood assistance has been that the over distribution of some items has distorted the possibility of making a living on a business. For example, in one area in Ampara, sewing machines had been distributed to every woman thus, hampering the chances of anyone making a living of it.²⁹⁰ While this may be the case in some areas, in other areas people have not received any livelihood assistance.²⁹¹ Thus, there are cases of unemployment among tsunami affected leading to individuals problems.²⁹² In some areas in the North, fishing has been affected due to severe damage to coral reefs by the tsunami waves and the debris. Therefore, those fishermen without outboard motors, who cannot go far into the sea, are particularly affected.²⁹³

Due to the slow progress in reconstruction, there is growing frustration among the tsunami affected communities. Farmers in Manalchenai, in the Pottuvil Division have complained to the Human Rights Commission on allegations of not receiving adequate assistance and claim that assistance was not received as a result of race and religion.²⁹⁴ They claim not to have received any financial assistance such as the Rs.5,000 grant nor a transitional shelter.²⁹⁵ Frustration and insecurity among tsunami affected communities was also highlighted in study conducted by Research Consultancy Bureau on behalf of Sarvodaya which interviewed community leaders representing tsunami affected communities in the South and East.²⁹⁶ The report states that frustration stems from the poverty faced by the people after the tsunami.

Although tsunami affected people are yet experiencing difficulties after more than a year since the disaster, in comparison, the plight of the conflict displaced communities remain dire. For example, in a camp in Vavuniya, ten people share one room in temporary accommodation which they have been occupying for over a decade. In addition, one well and one toilet are shared by hundreds of people in this camp.²⁹⁷ According to another report, the standard of the shelters given to conflict affected are substandard compared to those rapidly constructed for the tsunami affected.²⁹⁸ Furthermore, a report by Refugees International declares that “the stark contrast between the meager funds available for the conflict-affected displaced and the generous outpouring of funds to assist survivors of the tsunami is unjust”.²⁹⁹ Therefore, there is fear that the disparity between the two groups, especially as since the conflict displaced are mostly from the Tamil community, and could exacerbate intra-ethnic grievances.³⁰⁰

Several initiatives are currently underway in providing shelter to the conflict affected, including some relatively large scale projects by the North East Housing Reconstruction Programme (NEHRP)³⁰¹

and World Bank Are ³⁰² Further, several new initiatives on resettlement and rehabilitation have been introduced since the new Government has taken office (see Governance section). Under the Jana Saviya programme, each displaced person is to receive Rs. 150,000³⁰³ and every family is to receive Rs.150,000 for housing construction.³⁰⁴ A sum of Rs. 400 million has been allocated in the budget for assistance to the displaced and the Government plan to resettle IDPs is to span for four years.³⁰⁵ Though a few initiatives have commenced to address the needs of the conflict affected, much more needs to be done to ensure that there is no discrimination in providing assistance to the affected communities.

6.3 The Escalation of Violence in the North East and its Impact: Increasing challenges to sustaining post-conflict and post-tsunami reconstruction and recovery in the North East

Violence during the current peace process has hampered relief and reconstruction efforts in the North East but the sharp spike in violence over the last quarter has had a significant impact in threatening assistance schemes, restricting the ability of communities to conduct their day-to-day and livelihood activities, and creating new displacements. The escalation of violence in the North East in the recent weeks has resulted in high numbers of people being displaced. In some areas people from vulnerable areas have left their homes and sought refuge in leaving their homes and moving to community buildings such as schools and religious institutions, or moved out of the area altogether. In December and January there were a number of reports of Tamils moving into areas controlled by the LTTE. A number of people left Government-controlled Jaffna Peninsula and moved to LTTE controlled areas: upto 200 families left on 22nd of January 2006 alone.³⁰⁶ In Trincomalee, Tamil villagers in government controlled areas of Muttur and Seruvila moved to LTTE controlled areas due to security concerns.³⁰⁷ Fear of violence and reported intimidation and harassment by military forces have resulted in such movement.

Attacks on and the killing of civilians in Mannar and Trincomalee reportedly by the security forces has demonstrated the vulnerability of Tamil communities. The LTTE too has created fear among the people, hampering the resettlement efforts such as in Kondachchi and Karadikuli villages in Musali Division in Manna where the LTTE has reportedly refused resettlement of Muslim returnees.³⁰⁸

The last quarter also witnessed many Sri Lankans fleeing to Southern India as a result of the escalating violence in the North. There are reports of approximately 150 Sri Lankans having fled to South India,³⁰⁹ many traveling by boat to get across. Majority of the refugees are from Mannar

District as a direct result of the deteriorating security situation.³¹⁰ Such crossings are dangerous as the boats that are used are unsafe. In contrast, the numbers of facilitated return of refugees have also dropped last year. In 2005, 271 families returned to Sri Lanka, comprising of 939 individuals³¹¹ compared to 879 families returning in 2004, comprising of 3081 individuals. The decrease in numbers of facilitated refugee returnees could be due to numerous reasons, though similar to the increasing numbers of people leaving for India, the deteriorating security situation could play a large role in it. At present both UNHCR and IOM have suspended facilitated return of Sri Lankan refugees residing in South India due to the prevailing security situation.

The increasing number of people moving to areas perceived as safe areas including LTTE controlled areas, community buildings and refugee camps in South India, is a clear sign of the growing tension in the North East. Though the rising numbers of IDPs and refugees is a clear indicator of the rising hostilities, as well as the insecurity faced by the people, it is also clear that there is an emerging humanitarian crisis. As previously stated, there are fears that providing food may be hampered as a direct result of the hostilities. A similar impact will be felt in other areas such as health care and other social services. It is to be seen whether the Government and other actors are ready to provide humanitarian assistance for the increasing number of IDPs.

Another critical impact of the escalating violence is the restriction or fear of movement by various ethnic groups due to fear of attack by or restrictions imposed by armed groups. For example, In Ampara District, Tamils fear of traveling from Akkaraipattu to Kalmunai through Addalaichchenai as a result of threats of armed attack by Muslim extremists. Similarly, Muslims fear traveling from Akkaraipattu to Pottuvil through the Urani jungle are as a result of possible attack by armed Tamil groups.³¹² Restriction on deep sea fishing and night fishing by the Navy has also created impediments among the fishing community in Mannar leading to fears of starvation and endangering livelihoods.³¹³ In Jaffna, the Navy imposed similar restrictions by way of banning the use of fishing jetties, small harbours in the Jaffna peninsula and in Jaffna islets during the night.³¹⁴ Further, the escalating violence has delayed harvesting in Akkaraipattu where reports state that both Tamil and Muslim farmers are worried over losses due to this delay.³¹⁵ While the tense situation can impact cultivation and food distribution, nature too has had adverse impacts on production. Reports state that 15,000 acres of land in Pottuvil is without sufficient rain water and can be detrimental to cultivation.³¹⁶

With the escalation of violence in the North East, there is a possibility of assistance given to IDPs either being delayed or even stopping completely. News reports have stated that the World Food

Programme (WFP) which provides food for an estimated 900,000 IDPs amounting to more than 2,500 metric tones of food a month, may pull out of the North East if the security of their staff is at issue.³¹⁷ This could lead to approximately 900,000 and more not having adequate food and nutrition.³¹⁸

The month of January witnessed an increasing number of threats and attacks against humanitarian workers. For example, two national workers from the Danish Demining Unit disappeared in the North and their whereabouts are unknown. Most recently, ten TRO staff were abducted by unknown persons in two separate incidents in Batticalore. Through two have returned, it is unknown as to the safety and wellbeing of the others. Such action has created concern for the safety of humanitarian workers and could result in negatively affecting relief, rehabilitation and reconstruction effort.³¹⁹ Though several quarters have raised grave concern over the abduction of the TRO workers,³²⁰ the Government has raised issues of discrepancies and irregularities in the abduction.³²¹ Such sentiments can further alienate organization working in the North East as they may feel their safety is not given adequate attention.

With the increasing tension and fear of human security, there is a threat of resettlement programmes being delayed, with reconstruction plans being adversely affected. Such delays will be a set back in the long term development of the country. A fear is that with fear of war breaking out, many of the donors may not be willing to fund reconstruction initiatives. Although the Minister for Resettlement is confident that war will not break out, he admits that in the case of war breaking out the situation applying to IDPs will be dire.³²² Further, as stated in previous issues, the reconstruction initiatives were very slow in conflict affected areas such as Mannar, Puttalam and Vavuniya, compared with the speed at which tsunami reconstruction took place. Frustration felt by the conflict affected people at slow delivery of assistance will be further heightened with the present situation.

6.4 Governance and Coordination: Signs of continuity in delays and duplication in the tsunami recovery program

With the swearing in of the new President and Government, several changes took place in areas of resettlement and reconstruction. Two new ministries have been set up to handle relief, rehabilitation and reconstruction efforts. They are the Ministry of Resettlement and the Ministry of Nation Building. The functions and powers of the former Ministry of Relief, Rehabilitation and Reconciliation have been divided between these two ministries.³²³

The Ministry of Nation Building, headed by President Mahinda Rajapakse is to formulate and implement policies and programmes related to rehabilitation, reconstruction and development concerning both the conflict and tsunami.³²⁴ From the powers and functions stated, it seems that the Ministry of Nation Building is concentrating on initiatives focusing on reconstruction and development, with a long term outlook. The Reconstruction and Development Authority (RADA), Secretariat of Immediate Humanitarian and Rehabilitation Needs in the North and East (SIHRAN), Resettlement and Rehabilitation Authority of the North (RRAN) and Office of the Commissioner General for Co-ordination Relief, Rehabilitation and Reconciliation are to be housed under the Ministry of Nation Building. A positive aspect is that the Ministry will deal with policies; programmes and projects affecting both the conflict and tsunami, thereby ensuring that there is coherent strategy in place which it is hoped will treat both conflict and tsunami affected equally.

The Ministry of Resettlement, headed by Minister Rishad Badurdeen, is to implement plans and programmes for resettlement and rehabilitation of conflict affected IDPs and refugees, provide essential services to IDPs and coordinate with the Ministry of Nation Building, donors and other actors in resettlement activities.³²⁵ Though the gazette clearly states the mandate of the Ministry, there seems to be uncertainty in the functions and powers of the Ministry with worries that the Ministry may duplicate functions of the Ministry of Nation Building. As a result little planning has taken place to assist the affected persons and ministry officials are awaiting directives from the cabinet.³²⁶ Unlike the Ministry of Nation Building, the Ministry of Resettlement is mandated only to look at conflict affected persons.

The Reconstruction and Development Agency (RADA) is yet another new structure that came about after the elections. RADA will be replacing TAFREN, TAFOR, THRU, TAP and REPPIA.³²⁷ Unlike the previous task forces which were set up as a result of the tsunami, RADA will also look into conflict related issues. Similar to the Ministry of Nation Building, there will be one structure focusing on both conflict and tsunami issues, and thereby it is hoped will address issues such as equality in aid distribution, house allocation etc. There have been reports that a bill to transform RADA into an Authority is underway³²⁸ though no such bill has yet been made public nor presented in Parliament.

As highlighted in previous issues, there are many existing structures which deal with relief, rehabilitation and reconstruction efforts. Though the three new structures are replacing and amalgamating existing structures, previous experiences have shown that duplication and bureaucracy is inherent in the system and is a fundamental flaw which has hampered in an efficient, effective

response. Therefore, while setting up structures, the Government should learn from past experiences and create structures that compliment existing structures and ensure that the structures, the most recent and the existing, do not duplicate work.

Previous issues highlighted the issue of the Buffer Zone, introduced by the Government as an immediate result of the tsunami and resulting demarcating the coastal areas according to 100/200meter rule. After much debate the Government has done away with the buffer zone guidelines. A circular dated 27th December 2004 by the Coast Conservation Department (CCD) addressed to the District Secretaries in Trincomalee, Mannar, Mullativu, Batticaloa and Jaffna states that due to the scarcity of lands outside the Buffer Zone, the Coast Conservation Advisory Committee was requested to reduce the set back areas. As a result approval was given to revert back to the set back zones specified in the Coastal Zone Management Plan (CZMP) 1997. The set back areas range from 35meters to 125 meters depending on the area.

The change in policy has complicated the housing situation. As discussed in previous issues, the two schemes- the donor driven housing scheme and the owner driven housing scheme were initiated on the premise that the buffer zone would be implemented. By reverting to the CZMP 1997, the housing schemes are in question. RADA officials stated that the donor driven programme will continue with beneficiaries being given the option of living in the donor driven house and keeping ownership of the land situated in the buffer zone.³²⁹ The second option is that the beneficiary returns the donor driven house back to the Government, ceding ownership rights and any future claims and returns to live in the land in the buffer zone. An obstacle in assessing the need for donor driven housing after the relaxation of the buffer zone rules is the lack of any studies to ascertain how many people will be returning to their own land within the previous buffer zone. Such a study will assist the government and donors to finalise how many houses are still needed under the two schemes.

The November 05-January 06 quarter witnessed several key indicators in the relief, rehabilitation and reconstruction cluster. Several new initiatives and structures were introduced with the change of government, but it is not evident how the new developments would impact the existing system and whether it would have a positive impact on RRR activities. What is evident is that this quarter witnessed rising hostilities and violence in the North East, and thereby increasing IDP and refugee movement. Humanitarian issues have been raised such as safety of civilians and aid workers, shelter and food sustainability, with no long term plans and answers being presented. The increase in violence may adversely affect rehabilitation and reconstruction efforts, further impacting the living conditions and safety of civilians.

VII. PUBLIC PERCEPTIONS AND ATTITUDES CLUSTER

7.1 Rationale

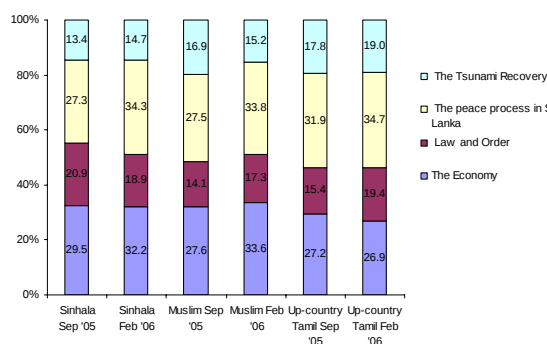
This section examines the trends in public opinion regarding issues related to the peace process. The analyses herein are primarily based on the Peace Confidence Index (PCI), an island-wide household survey conducted amongst approximately 1800 individuals using a semi-structured questionnaire during the period from February 17th to March 3rd 2006. It is important to note that this particular wave of PCI have excluded the North and East from its sample due to the level of violence in the months before. Thus given that a substantial population among the Tamil and Muslim community has not been included, the focus of this section will therefore be with regards to the Sinhala Community. Any direct comparisons of the current survey with previous PCI surveys are therefore problematical but they have been used as a baseline.

7.2 Overview of Public Opinion Related to the Peace Process: Increasing support for the peace process in the Sinhala Community

A key finding of this current survey is that support for the peace process seems to have further increased. At a national level, support for a negotiated settlement and for the Government and LTTE to continue to adhere to the CFA have both increased. It is particularly noteworthy that among the Sinhalese Community there have been significant changes with regards to a drop in those who disagree that the LTTE is committed to the peace process and also an increase in those who believe the GoSL is committed to the peace process. It is important to note that in responding specifically to the Geneva Talks of February 2006 a majority of Sinhala respondents (55.8%) felt that only the Government was sincere in its participation. Support for a permanent negotiated settlement seems to have increased at the expense of support for a return to war and for maintaining the status quo. It is striking that in responding to all three questions on the SLMM the Sinhalese community showed increased levels of support with a rise in levels in those who thought that the SLMM is essential, that it is impartial and that it is effective in its monitoring. While Sinhala opposition to Norway's chairing of the SLMM has been constantly played up and is reflected in the findings as a majority of Sinhalese do not think the SLMM is impartial but they are divided as to whether Norway should continue to be chair.

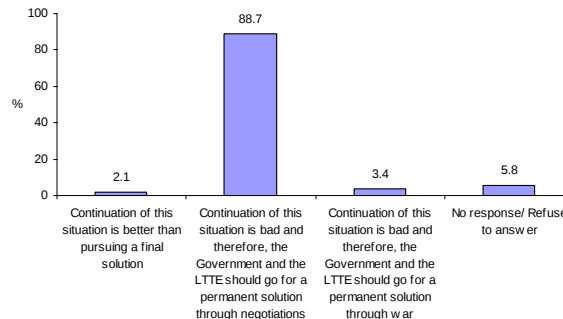
Important Issues: When asked to rate four national issues according to their degree of importance, the peace process (34.9%) was rated the highest followed by the economy (31.5%), law and order (18.6%) and the tsunami recovery (15%). From an ethnic perspective, the Sinhala community gives high priority to the peace process (34.3%) followed by the economy (32.2%) and law and order (18.9%). The Muslim community has a mixed opinion (The economy-33.6%, Law and Order- 17.3%, Peace Process- 33.8%, Tsunami recovery- 15.2%). The Up-Country Tamil community gives high priority to the peace process (34.7%) followed by the economy (26.9%) and law and order (19.4%). When compared with the September '05 PCI findings, the degree of importance given to the peace process has gone up amongst the Sinhala (Sep-27.3%,Feb- 34.3%) , Muslim (Sep-27.5%,Feb- 33.8%) and Up-Country Tamil (Sep-31.9%,Feb- 34.7%) communities (Ref: 1).

Ref 1: Changes of Opinion in Sinhala, Muslim and Up-Country Tamil communities



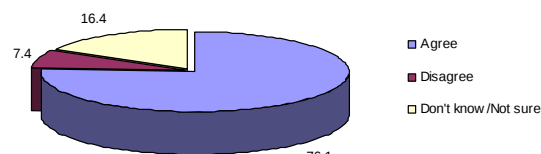
Support for a Negotiated Settlement: Out of the total population 88.7% of Sri Lankans believe that the Government and the LTTE should go for a permanent solution through negotiations (**Ref: 2**). As the ethnic perspective reveals, a majority of Sinhala (91.6%) , Muslim (84.7%) and Up-Country Tamil (90.6%) communities support the idea of a permanent peace settlement through negotiations. When compared to the September '05 PCI findings, the percentage of those who agree among the Sinhala community (September '05- 84.9%, February- 91.6%) have gone up while amongst the Muslim community (September '05- 96.1%, February '06- 84.7%) the percentage of those who agree for a permanent settlement through negotiations have significantly gone down.

Ref 2: Support for a Negotiated Settlement



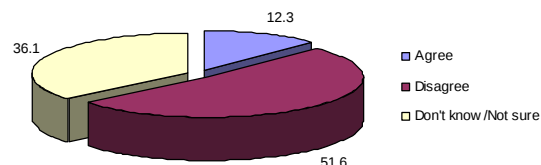
Commitment of Parties to the Peace Process: When asked about the Government's commitment to the peace process, 76.1% agree that the Government is committed to find peace through talks (**Ref: 3**). According to the ethnic perspective, a majority of Sinhala (79%), Muslim (62.1%) and Up-Country Tamil (49.2%) communities agree that the Government is committed to find peace through talks. In comparison to the PCI findings September '05, the percentage of those who agree have significantly gone up amongst Sinhala, Muslim and Up-Country Tamil communities (September- Sinhala: 52.8%, Muslim: 49%, Up-Country Tamil: 38.2%). A majority of Sri Lankans (63.8%) agree that the government is capable in finding peace through talks. The ethnic perspective reveals that a majority of Sinhala (65%), Muslim (64.2%) and Up-Country Tamil (46.8%) communities agree that the Government is capable of finding peace through talks. In comparison to the September '05 PCI findings, the ones who agree amongst the Sinhala (Sep- 52.8%, Feb-65%), Muslim (Sep- 49%, Feb-64.2%) and Up-Country Tamil(Sep- 38.2%, Feb-46.8%) communities have significantly increased.

Ref 3: I think the Government is committed to find peace through talks



When asked about the LTTE's commitment to find peace through talks, a majority of Sri Lankans (51.6%) disagree with this opinion (**Ref: 4**). As the ethnic breakdown shows, a majority of Sinhala community (56.1%) disagree that the LTTE is committed to find peace through talks. Strikingly though, there has been a 16 point drop since September 2005 (72.8%). Further, the percentage of Sinhala community who agree that the LTTE is committed to find peace through talks has increased

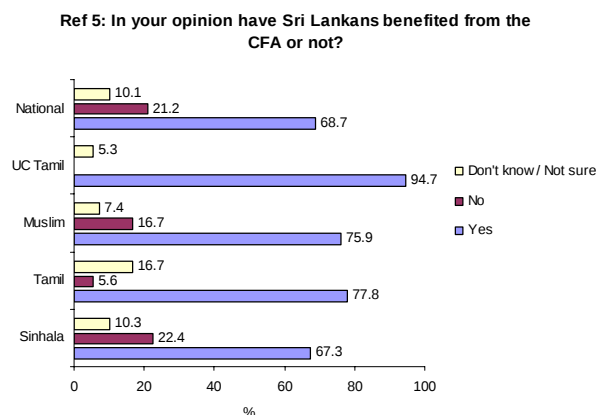
Ref 4: I think the LTTE is committed to find peace through talks



by 4.2% since September 2005. A majority of Muslim (40.9%) and Up-Country Tamil communities (63.5%) agree that the LTTE is committed to find peace through talks. When compared to the September 2005 PCI findings, the percentage of those who agree amongst the Up-country Tamil community (September -48%, February- 63.5 %) has significantly gone up, and given that the Muslims of the North East have not been included a comparison with September may not be reflective of the community as a whole. It is noteworthy that a higher percentage amongst the Sinhala (36.6%), Muslim (34.8%) and Up-Country Tamil (28.6%) communities do not know or are not sure of an answer.

Sri Lankans seem to have a mixed opinion with regard to the LTTE's capability to find peace through talks (Agree- 27.9%, Disagree- 32.9%, Don't know/Not sure- 39.3%). From an ethnic perspective, a majority of Muslim (41.8%) and Up-Country Tamil (59.3%) communities agree that the LTTE is capable of finding peace through talks. A majority of the Sinhala community (40.1%) do not know or are not sure of an answer. When compared to the September '05 PCI findings, a majority of Sinhala (Disagree: Sep- 37.7%) community disagree with the statement. Amongst the Muslim community the ones who agree (Sep-38.4%, Feb-41.8%) and don't know/not sure (Sep-26.3%, Feb-32.8%) have gone up while the ones who disagree (Sep-35.4%, Feb-25.4%) have gone down. Amongst the Up-Country Tamil community the ones who agree (Sep-43.2%, Feb-59.3%) and disagree (Sep-5.4%, Feb-8.5%) have gone up while the ones who don't know or not sure (Sep-51.4%, Feb-32.2%) of answer have gone down.

Ceasefire Agreement (CFA): Of the people who are aware of the CFA, 86.5% believe that the Government and the LTTE should continue to adhere to the CFA in its current form. As the ethnic perspective reveal, a majority of Sinhala (85.2%), Muslim (98.2%) and Up-Country Tamil (97.6%) communities support this stance. Likewise, a majority of Sri Lankans (68.7%) believe that the CFA has brought many benefits to the ordinary citizen. According to the ethnic perspective, a majority of Sinhala (67.3%), Muslim (75.9%) and Up-Country Tamil (94.7%) communities support this stance. **(Ref: 5).** In comparison with the September 2005 PCI findings, the percentage who support the argument have significantly gone up amongst the Sinhala Community (September-57.2%). However, the percentage among the Up-Country Tamil community who support has marginally dropped since September 2005, well within the margin of error (September-95.2%, February-94.7%). Of the people who believe the CFA has benefited the ordinary citizen, 38.7% believe that the ending of killing is the most significant benefit of the CFA. While 20.7% believe that freedom of movement is the most important benefit, another 16% believe ending of destruction is the most important benefit of the CFA.



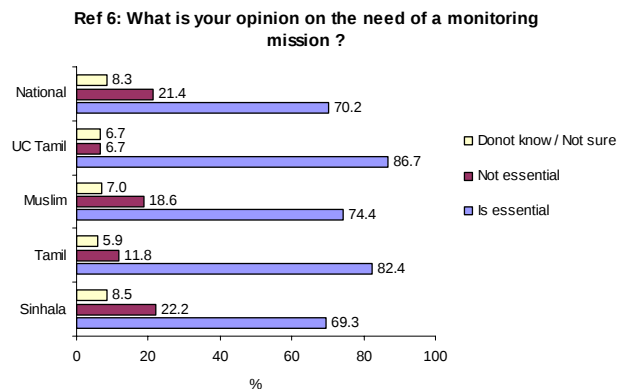
Of the people who say that the CFA has not benefited the ordinary citizens, a majority (43.4%) cite the LTTE strengthening itself in government controlled areas as the main reason. Whilst another 22.8% cite that human rights violation including child conscriptions, extortion, and political killings are the main reasons, 16.2% cite Norway becoming partial to the LTTE as the main reason. According to the ethnic breakdown, a majority of Sinhala community (41.3%) cite the LTTE strengthening itself in government controlled areas as the main reason. A majority of Up-Country Tamil community (75%) cite SLMM's inability to monitor various armed group retaliations on both

parties as the main reason. A majority of Muslim community (46.2%) cites that human rights violation including child conscriptions, extortion, and political killings are the main reason.

When asked about their satisfaction in the Government's commitment to the CFA, a majority of Sri Lankans (84%) seems to be satisfied. Amongst the ethnic groups a majority of Sinhala (90.1%), Muslim (86.3%) and Up-country Tamil (65.3%) communities are satisfied with the Government's commitment to the CFA. When compared to the September '05 PCI findings, there is a significant increase in the satisfaction of Sinhala (Sep-55.8%), Muslim (Sep-66.6%) and Up-Country Tamil (Sep-57.1%) communities.

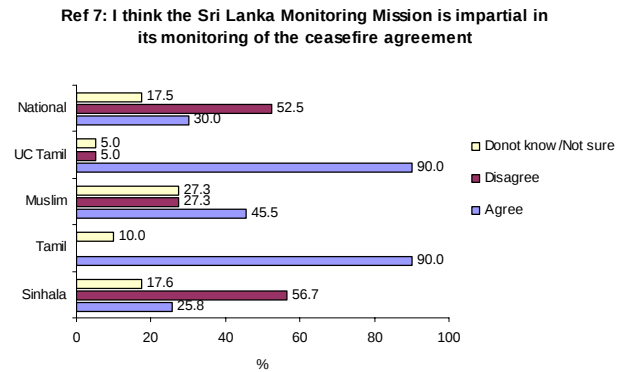
When asked about their satisfaction in LTTE's commitment to the CFA, a majority of Sri Lankans (67.9%) seems dissatisfied. Amongst the ethnic groups a majority of Sinhala (86.6%) community are dissatisfied. A majority of Muslim (66%) and Up-Country Tamil (83.3%) communities are satisfied with the LTTE commitment to the CFA. When compared to the September '05 PCI findings, the satisfaction of the Sinhala community have gone up by 11.5% since September '05. The satisfaction amongst the Muslim (September- 21.9%, February- 66%) and Up-Country Tamil (September- 66.7%, February- 83.3%) communities have significantly increased since September '05.

Sri Lanka Monitoring Mission (SLMM): It is striking that in responding to all three questions on the SLMM the Sinhalese community showed increased levels of support with a rise in levels in those who thought that the SLMM is essential, that it is impartial and that it is effective in its monitoring. Of the people who are aware of the involvement of foreign monitors, a majority (70.2%) thinks it is essential to have a monitoring mission. As the ethnic breakdown reveals, a majority of Sinhala (69.3%), Muslim (74.4%) and Up-Country Tamil (86.7%) communities believe that it is essential to have a monitoring mission for the CFA to succeed (**Ref: 6**). However when compared to the September 2005 PCI findings, the percentage of Sinhala community (September-58.8%, February-69.3%) who agree have significantly gone up. The percentages of Muslim (September- 77.5%, February-74.4%) and Up-Country Tamil (September-93.5%, February-86.7%) communities have gone down.

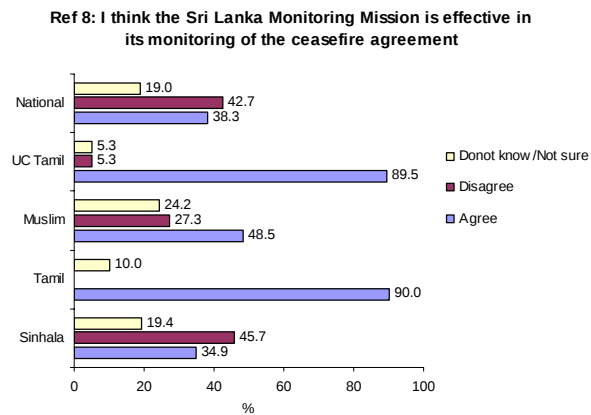


While the issue of Norway chairing the SLMM has been highly politicized and the SLMM Chair has recently been turned over to Sweden. Sri Lankans have a mixed opinion when deciding who should chair the monitoring mission (Norway- 28%, some other country - 35%, don't know/ not sure- 37%). From an ethnic perspective, a majority of Muslim (55.3%) and Up-Country Tamil (54.1%) communities believe that Norway should continue to chair the SLMM. However the Sinhala community has a mixed opinion in this regard (Norway- 24.9%, some other country- 38%, don't know/ not sure- 37.1%).

A majority of Sri Lankans (52.5%) disagree that the SLMM is impartial in its monitoring of the ceasefire agreement. From an ethnic perspective, a majority of Sinhala community (56.7%) disagree that the SLMM is impartial in its monitoring of CFA. However according to the September '05 PCI findings, the percentage of Sinhala community who disagree has gone down in February 2006 (September- 60.2%, February- 56.7%). A majority of Muslim (45.5%) and Up-Country Tamil (90%) communities agree that the SLMM is impartial in its monitoring of CFA. **(Ref: 7)** This is a significant increase of opinion since September 2005 (Sep: Muslim-31.9%, and Up-Country Tamil -54.3%).



A majority of Sri Lankans (42.7%) disagree that the SLMM is effective in its monitoring of the ceasefire agreement. From an ethnic perspective, a majority of the Sinhala community (45.7%) disagree that the SLMM is effective in its monitoring of the ceasefire agreement. However, this is a decrease of opinion in comparison to the September '05 PCI findings (Sinhala Disagree – 57%). A majority of Muslim (48.5%) and Up-Country Tamil (89.5%) communities agree that the SLMM is effective in its monitoring of the ceasefire agreement. **(Ref: 8)** This is a significant increase of opinion when compared to the September '05 PCI findings (Muslim- 32.4%, Up-Country Tamil- 39.1%).



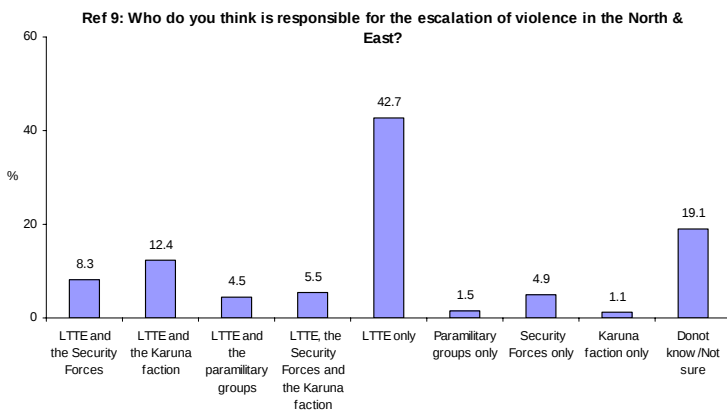
Foreign Involvement: A majority of Sri Lankans (53.7%) believe that an international third party as a facilitator to the negotiations is essential and will have a positive impact. A majority of Sinhala (52.8%), Muslim (64.2%) and Up-Country Tamil (56.7%) communities support this argument.

When asked about the level of satisfaction with the Norwegian Government facilitating the peace negotiations, Sri Lankans have a mixed opinion (Very satisfied-8.8%, Somewhat satisfied- 35.8%, Not satisfied at all- 31.7%, don't know/ not sure- 23.7%). From an ethnic perspective a majority of the Muslim (43.9%) community are somewhat satisfied with the Norwegian Government facilitating the peace negotiations. When compared to the September '05 PCI findings, one who are somewhat satisfied amongst the Muslim community (Sep-49.4%, Feb-43.9%) have gone down while the ones who are very satisfied (Sep-13.6%, Feb-21.2%) have gone up. The Sinhala (Very satisfied-6.4%, Somewhat satisfied- 35.8%, Not satisfied at all- 34.5%, don't know/ not sure- 23.4%) and Up-Country Tamil (Very satisfied-34.4%, Somewhat satisfied- 26.6%, Not satisfied at all- 4.7%, don't know/ not sure- 34.4%) communities have a mixed opinion. Nevertheless when compared to the

September '05 PCI findings, the ones who are very satisfied (Sep- 4%, Feb- 6.5%) and somewhat satisfied (Sep- 22.2%, Feb- 35.8%) amongst the Sinhala community have gone up while the ones who are not satisfied at all (Sep- 47.3%, Feb- 34.5%) have gone down. Amongst the Up-Country Tamil community the ones who are very satisfied (Sep-40.7%, Feb-34.4%) and somewhat satisfied (Sep-50.8%, Feb-26.6%) have significantly gone down.

Asked as to whether they approve or disapprove of Norway continuing to facilitate the peace process, Sri Lankans have a mixed opinion (Approve-27.8%, Neither approve nor disapprove- 34.9%, Disapprove- 37.3%). A majority of the Sri Lankans (44.2%) think that India is the most suitable country that should play the role of facilitator in the peace process. According to the ethnic breakdown, a majority of Sinhala (42.7%), Muslim (70%) and Up-Country Tamil (53.7%) communities think India is the most suitable country to play the role of facilitator. When asked about their opinion of the need for India's involvement in the Sri Lankan peace process, a majority of Sri Lankans (43.3%) think that it is essential and will have a positive impact. The ethnic perspective shows that a majority of Sinhala (41.7%), Muslim (70.1%) and Up-Country Tamil (50%) communities think that it is essential and will have a positive impact.

Escalation of Violence after the Presidential elections: Since December 2005, violence has significantly escalated in the North and East. Therefore people were asked who they think is responsible for the escalation of violence. In response, a majority of Sri Lankans (42.7%) say that it is the LTTE who is responsible for the escalation of violence. While 19.1% either don't know/ not sure of an answer, 12.4% say LTTE and the Karuna faction is responsible for the escalation of violence (Ref: 9). The ethnic perspective shows that a majority of Sinhala community (47.4%) believe that the LTTE is responsible for the escalation of violence. However, a majority of Muslim (53.8%) and Up-Country Tamil (54.1%) communities don't know/ not sure of an answer.



Geneva Talks: Of the people who are aware of the talks held in Geneva on the 22nd & 23rd February 2006, 72.8% of Sri Lankans believe that it will have a positive impact on the peace process. Similarly a majority of Sri Lankans (51.8%) believe that these talks will bring some form of consensus between the Government and the LTTE. According to the ethnic breakdown, a majority of Sinhala (51.8%), Muslim (51.1%) and Up-Country Tamil (57.1%) communities believe that these talks will bring some form of consensus between the Government and the LTTE.

A majority of Sri Lankans (51.6%) think that of the two parties only the Government is sincere in its participation at the talks in Geneva in February 2006. This opinion is shared by only the Sinhala community (55.8%). A majority of Muslim (71.1%) and Up-Country Tamil (51.7%) communities believe that both parties are sincere in taking part in the talk. A majority of Sri Lankans (65.3%) say the Sri Lankan government participates in the Geneva talks because of its commitment to the peace process. However a majority of Sri Lankans believe that the LTTE is participating in the Geneva talks due to international pressure.

VIII. MEDIA CLUSTER

8.1 Context

During the third quarter, the media focus at the beginning was mainly on Norway's value-addition to the peace process, later giving way to the killing of the Foreign Minister, Lakshman Kadirgamar and the coverage of the elections/ campaigns. The media in the fourth quarter continues to reflect the people's concerns and the general political aghast at the unknown future in electing a supposedly Sinhala-Chauvinist president with strong southern roots/allegiances and strange bedfellows. Much of the flavour of the media post election reflects the anticipation/apprehension of the peoples of this country in terms of the president's future interaction with the LTTE and his implementation of the *Mahinda Chinthanaya*. This report looks at this relationship between the president and the LTTE and Norway's role in the peace process in terms of the media's reflection and perhaps prompting of the peoples' passions. It also examines reaction and actions of the media in reporting on key incidents of the fourth quarter - such as Prabhakaran's heroes day speech (27th November), the intensification of the tensions in the north-east including the killing (which rose in number and frequency), the consistent attacks on the army/navy, the president's trip to India, Eric Solheim's visit and final declaration of the venue/date of the 'peace' talks - which provide an indication of the general direction and intentions/allegiances of the media institutions in Sri Lanka (within and without its divisions of language, publishing house and their status as a private or state paper).

8.2 Trend: Increasingly unambiguous bias shown by media

8.2.1 The Killing of 5 youth - Trincomalee

The killing of five youth in Trincomalee, be it a gross act of military misconduct or an accident/cover-up attempt by the military, is one of the most interesting incidents within the quarter, as the details surrounding the deaths and its presentation/interpretation within the media crystallizes the extent to which various media in Sri Lanka are willing go in proving their allegiances/promoting views to which they subscribe. This incident unveils the prejudice in the media, the blatant choosing of sides and the willingness by all types and languages of media to leave the realm of political correctness/conflict sensitive reporting. This is seen primarily in the Sinhala media's support to the government and or nationalist causes, and the Tamil media's overwhelming support towards the LTTE interests braving the atmosphere of heightened security issues and editorial constraint for Tamil journalists. The English media waited until the president demanded an investigation into the event to comment actively on the event. The only exception is the Sunday Leader which supported the reporting of the Tamil media, indicating either concurrence or an attempt to discredit the government because of personal conflicts between the editor of the Leader and the President³³⁰.

For example, the English media is very cautious in presenting the story except as a statement of fact. These are also not 'headline' stories as in the Tamil media. Daily news (3/1) runs a headline story of an electrician being killed in Batticaloa allegedly by the LTTE with a two-paragraph insert that sites "5 killed when a grenade they were carrying exploded prematurely"³³¹. They go on to site a number of other incidents during the course of the next few days³³², without focusing on the 5 deaths as with the Sinhala and Tamil media (in one way or another).

The Tamil media maintains the 'innocence' of the students from the very first reports on the incident. It also claims a military attack and calls the government's bluff on the 'grenade explosion' version of the story, based on the SL Army denials in Trincomalee at the incident itself (even before some Sinhala and English media carried the story). Sudor Oli states on the front page (4/1) that SLMM confirms LTTE's claim that 5 students have been brutally killed as a blatant violation of the CFA, including a statement that one of the students have been 'shot in the ears'. An editorial in the same paper states that in violating the CFA (thus claiming that this is a military 'attack'), it clearly shows that Mahinda's government is still taking a hard-line stand and that if this kind of provocation

continues it will open the gates of war³³³. Veerakesari (5/1) mentions the tensions and heartbreak of the Tamil people because of these incidents and the fear created as a result. It states the government is responsible for securing peace by not provoking a war with such acts, implying that the government statement or angle on the story is blatantly false³³⁴. Veerakesari (4/1) reflects the general tone of the rest of the Tamil media by claiming that the government is ultimately responsible for these acts of terror against the Tamil people within military controlled areas (implying both knowledge and covert acts of state-sponsored terror)³³⁵.

The Sinhala media initially supports the stand that these were ‘tigers’, and their grenade exploded en route to an attack on the SL Army. Divaina and Lankadeepa (3/1) states 6 youth killed while trying to throw grenades at the army camp. It sites the death as ‘accidental’. The Tamil media increasingly and urgently focuses on the attack and highlights the possibility that this was an attack (mistaken or not) by the military on five innocent, unarmed students repeatedly. But the Sinhala media (and the English medium state daily), except for the initial statement of fact articles briefly reporting on the incident, presents a slew of other events and LTTE attacks against military and other assorted incidents such as hartals over the next few days³³⁶. On the 4/1 this is the same case on the front pages of Lankadeepa, Lakkima and Divaina where there is no mention of the 5 students and their attacks. (6/1) Divaina and Lankadeepa focus on stories of Tigers attacking and killing a shopkeeper in Batticaloa, attacks in Manner³³⁷. This almost seems like an attempt to draw attention away from the stance reflected in the Tamil media of the importance of the incident, yet maintain the sense of heightened tension in the country³³⁸. The Sinhala media focuses on the aftermath of the five students’ deaths, by mentioning the Hartal’s without mentioning the incident or the details of the investigations into their deaths (Divaina, Lankadeepa (5/1), states that there is a hartal crippling the city of Trincomalee with only a passing mention of the cause).

Apart from the actual deaths of the students the insistence of the Tamil media that this incident needs to be delved into carries on in its focus on the Funeral procession of the 5 youth, which is vastly different to the attention paid to it by the Sinhala and English media. This is another example of how this very polarized style of reporting is taken to new heights by all three-language groups in the fourth quarter. Divaina reflects the general tone of the Sinhala media (5/1) by phrasing the headline and twisting the story to read “Amidst destruction of army camps, the five students are buried”. The attention is first drawn to the destruction and chaos created by the Tamil mourners on Government property, attacks on soldiers rather than the five students or the suspicious circumstances, possible culpability of the government in their deaths. The Island (5/1) echoes this by adding that these mourners were ‘forced’³³⁹, which even implies that the LTTE is using the incident to create chaos.

The most interesting ‘diversion’ created in the Sinhala and English media is in the resurgence of the LTTE child conscription issue, possibly to balance the Tamil media/LTTE (complaints to SLMM) outrage at the deaths of the five ‘innocent’ students at the hands of the SL army. For example, Daily News (4/1) editorial focuses on the 5 youth but twists the story to make a case for LTTE’s conscription of children as an atrocity which leads to this kind of accident because of growing mistrust against civilians. Lankadeepa (5/1) condemns the act of 5 youth being killed, but states that blame must ultimately fall on those that put weapons in children’s hands (possibly assuming their guilt in carrying hand grenades that exploded and thus the link to LTTE)³⁴⁰. Divaina (6/1) becomes the champion of all things pure by claiming that regardless of caste, creed and race children should be protected. It adds that it is a crime against humanity when children become pawns in war (in response to the deaths of the five students as the possibility that this could in fact be an act of the military begins to take shape). Therefore it states that recruitment and child conscription must be addressed by all, including the international community.

In the same vein, Veerakesari, carries an interesting article (8/1) that features pictures of the five coffins along with a headline quoting a mother of one of the boys that reads 'if I had known that this would happen I would have made him a warrior'. A comment added to this statement says that dying as a LTTE cadre at least immortalizes the dead, and in the killing of innocence, the child does not even have this honour/glory. It adds that the government falsifies information/facts and attacks the psychological well being of the Tamil community by such attacks. This kind of statement could be more than an indication of the rage of the Tamil people³⁴¹. There is no mention of forced conscription in the article.

The issue of the killed youth also raises questions of security for the country in the English and Sinhala media but clearly this is not the angle of questions related to security seen in the Tamil media. It focuses more on the security situation of the Tamils in government controlled areas and in the South. The Daily Mirror (5/1) asks questions regarding LTTE targeting Tamil politicians systematically and its random acts of violence as an attempt to thin military presence in the North, citing Lakshman Kadirgamar's death. This is clearly antithetical to the Tamil media's presentation of the security concerns of the Tamil people, as the responsibility of the government, a part of which lies in a sustainable peace achieved only through a just solution for the Tamil people (as echoed in the Heroes Day speech).

The movement towards a more nationalistic Sinhala media in general as seen in the omissions, delays and spins given to the incident is taken further when a formally moderate Lankadeepa supports 'damage-control' for the President. The President acknowledging that there maybe more to the incident than the initial explanation of the SL Army by ordering an investigation of the event is spun to play-up his patience and his commitment to peace³⁴². Lankadeepa (9/1) highlights this 'admirable' act of the president amidst such provocation by the LTTE throughout the country, where his honour is seen in his patience/ commitment to justice. This ends with a plea to the international community to help immediately in bringing peace to Sri Lanka, possibly implying that the government is doing everything in its power to be honourable and seek a just solution.

Thus the reporting of this incident is one of clearest instances where the division in reporting, the alliances and allegiances of the media institutions/language is clearly seen. This is an interesting, if not surprising, open defense of the government by the English and Sinhala media while there is obvious bias and an attempt to work too hard to balance out the one-sidedness of the English and Sinhala media by the Tamil media.

Media environment

The Free Media Movement speaks on behalf of journalists, media institutions and on the right to free speech through press releases. The press releases in the fourth quarter, presents (both in frequency of incidents and type) a picture of the environment in which the Sri Lankan media in general were functioning during this period. It highlights the tensions, the emerging fears for the safety of journalists, both in terms of the security situation and in terms of the physical and political threats/constraints within which the media functioned during the period. This also indicates the political pressures faced by those who do not conform to the direction of public opinion preferred by the Government or the LTTE. Below is a timeline and list of some events amongst the others that were of note and indicative of the general media atmosphere of the quarter.

- December 17: Condemns Thinakural reporter arrested and remanded overnight on suspicion, despite having a press card
- December 19: Condemns Sri Lankan Army soldiers assaults three journalists (from Thinakural, Thinakran (govt. daily) and Navam Eealanadu) while covering protests in the North

- January 1: Condemns threats against owners of media houses, journalists, editors as threats to freedom
- January 4: Condemns alleged conspiracy to assassinate the MTV-MBC chairperson
- January 12: Condemns threats against Tamil journalists in the North, searching of the media offices of Sudor Oli without reason by the SL army and (most importantly) Mahinda Rajapakse threatening Lasantha
- January 29: Condemns the killing of Tamil journalist working for the pro-LTTE paper Sudoe Oli by unidentified persons and the treatment of Tamil journalists and their offices as LTTE suspects by sporadic searches and arrests

8.2.2 The attack on the SL Navy Dvora Craft- Trincomalee

In comparison to the incident of the 5 youth being killed in Trincomalee on the 3rd of January, the attack on the Naval vessel, a Dvora craft, in the Trincomalee harbour creates the exact opposite reaction (and action) by the various media. The Sinhala and English media, pounce on the incident, highlighting it, reiterating and enforcing the themes of the quarter: questioning the integrity of the LTTE, the possibility of returning to war (Eelam War IV), the restraint of the government, and the preparation for war, possibility and necessity of peace talks. The Tamil media addresses the issue primarily as statement of fact articles and does not prolong its focus on the issue, as does the Sinhala/English media.

Thiankaran (8/1), the government Tamil daily carries a statement of fact article in the front page stating that a navy boat was attacked. In comparison the other Tamil language media, the state daily carries the story with a headline that does not mention an attack by the LTTE (“navy boat explodes, 13 missing, 2 rescued”). The article also sites that there are claims of a sea-tiger attack but there is no evidence to prove this. Veerakesari 8/1 states that there are allegations that the LTTE have attacked a navy boat but claims that the LTTE have denied this³⁴³.

Lankadeepa (9/1) carries a front-page article that claims the attack on the boat signals war³⁴⁴. The editorial Lankadeepa (9/1) raises the issue of the 13 dead sailors as a violation and ineffectiveness of the CFA. It questions if this is revenge for the 5 students, which lends to the possible conclusion by the readership that there is a real low-impact war going on in Sri Lanka. Divaina (9/1) takes a tougher stand on the situation by stating that the international community should condemn this kind of ‘disgusting act’. Notable absentees in the race towards predicting an impending war are the State dailies Thinakaran, Daily news and Dinamina. It is interesting that such vehemence was not seen when 5 youth were killed, even if it were an accident³⁴⁵.

In comparison, the way the funerals of the 5 youth were depicted as opposed to the way the 13 sailors were depicted, is directly opposite in terms of Sinhala and Tamil media. The Tamil media on this occasion remains silent, while the Sinhala papers carry daily feature stories on each of the sailors, with a picture, a human-interest story, caption and a dedication to their memory. For example, Lankadeepa (13/1 onwards) carries a series of features on each sailor with captions such as “he said he will be back in a week on leave: bereaved mother”, along with a picture of the soldier in full uniform and the crying family members by his coffin³⁴⁶. However, it is also significant that the Tamil media does not touch upon the subject of the funerals of the 13 sailors in detail. There is also a sense of anger, outrage and a need for mobilisation in response to the 5 students in the Tamil media, which is not seen in the Sinhala media in response to the 13 sailors.

The style of reporting the incident of the Dvora explosion and the choices made by the various media on how much attention is paid to story as well as the manipulation of the story is yet another important incident that clearly reflects the behaviour of the Sri Lankan media in response to issues of

ethnicity, violations of the CFA and the PP. There is a distinct choosing of sides, overplaying of issues (tensions, ethnic prejudices, and pleas to the international community) from the Sinhala media and Tamil media than in any other quarter. It is a definite separation from conflict sensitive reporting that was attempted much more in the previous quarters to an identification with and promotion of a specific ideology.

8.2.3 The State Visit of the President to India

The visit of the president to India is a matter of great importance. The Daily News (28/11), the state daily signifies the importance and the anticipated results of this meeting by claiming that “the president begins a landmark visit”. The context within which Mahinda makes this visit is that it is the first important foreign visit he makes, to Sri Lanka’s closet neighbour and ‘ally’. This is therefore an important step in appeasing Mahinda’s bedfellows (JVP, JHU) who in the event of a resumption of a political solution to the ethnic problem would prefer an Asian mediator to the involvement of Norway³⁴⁷. There is a sense of desperation in Mahinda’s visit to India, especially following the atmosphere of urgency created around and after the Heroes day speech of Prabhakaran (27th November 2005), which gave the president a clear mandate and timeframe to act³⁴⁸. The general assumption as advocated by the Sinhala chauvinist media is that the LTTE believes that no government in the South can deliver a solution to address the grievances of the Tamil people³⁴⁹.

It is also of note that this visit is a test of India’s role in the Sri Lankan peace process as the media (especially Sinhala media). The Sinhala media presents a monitory analysis of the turning tide of Tamil Nadu, and the gradual strengthening of favour towards the LTTE in the last few years, after the rift caused in the suicide attack and death of Rajiv Gandhi. Tamil Nadu is of utmost importance to India and the central government will act only within the boundaries that will not damage their relationship with Tamil Nadu (Lakbima 8/1). The article reiterates the analysis that Tamil Nadu’s growing sympathy towards the LTTE is dangerous for the vision/hopes of the Sri Lankan Government³⁵⁰.

Further, it is interesting to note how Mahinda’s return to Sri Lanka is treated. Divaina and the Island (traditionally nationalist) focuses on the Sri Lanka/India trade agreements, while the Lankadeepa also picks up on the Mahinda’s ‘bundle’ of economic benefits to Sri Lanka (08/01). Thus the return trip, in reality, which can be seen as a failure because India did not offer the anticipated political support (as a mediator) or excessive military support to indicate favour towards the Sri Lankan government (over the LTTE), is treated instead like a success. However, unlike the Sinhala media, which couch this disappointment in economic benefits and agreement of the visit as a victory for Mahinda, the Tamil media focus on the real purpose of the visit and its failure.

Veerakesari (8/01) clearly indicates that the trip to India was a failure for the president, as he got no tangible political support. It adds further that this is a greater defeat because Norway in promoting Solheim (who the Sri Lankan government tried to reject) as Minister of International Development which cements his involvement in the process. It adds that this exacerbates Sri Lanka’s situation, who is also now without the guidance and direction of Kadirgamar whose policies were clear and favourable to the international community. This type of article, which is an example of the general tone of the Tamil media implies the overall failure of the visit as Sri Lanka neither has a clear policy, nor charismatic leadership, nor vision. It is firmly stuck within the political nightmare of Norway, the CFA and the PP with the LTTE having the upper hand.

A visible trend is the polarisation of the media in the growing distance and difference between the language media, more so than the other quarters. This is seen in terms of the media houses and the general demarcation of boundaries between the language media. For example, the way the visit to India is depicted in the media (state and private) is played in opposition between Sinhala and Tamil

media. It is also interesting to note that the commitment to peace is uneasily juxtaposed with the possibility and military preparedness of both parties in an approximation of cold war strategy.

8.2.4 The visit of Eric Solheim and the setting for peace-talks

The ultimatum given in the Heroes day speech and Mahinda's urgent visit to India lends comparison to the reporting on the visit of Eric Solheim (and Nicholas Burns) to Sri Lanka to secure venue and date for the resumption of PP. Solheim's visit and his role in securing the date and venue for the peace-talks is painted in a light that shows that it is indeed a victory for the new government to bring the LTTE to the table within such a short time. Solheim's role is essentially downplayed. For example, the event is reported in the Sinhala media as 'the LTTE agrees to the government's proposal'. The English media gives Solheim more reference, as does the Tamil. The visit of Balasinhham is given much more privilege in the Tamil media as an important part of the resumption of talks. It gets much less in the Sinhala paper except for front-page pictures and statement of fact headlines.

The manner in which media reports on the statements by Nicholas Burns is also indicative of positions held by the various media. The Sinhala media sees it as an American condemnation of the LTTE, and as support to the SL Government. As such, the issue of child soldiers is brought back to the surface, as is the connection/similarities and differences between Al-Qaeda and the LTTE. The gradual increase in frequency of references to the LTTE as 'terrorists' and to acts of terrorism in relation to this new found 'ally' in Sinhala and English media is noteworthy.

Burns' statement is highlighted in Lankadeepa (27/1) as "the duty for peace and the onus is on the tigers" in a pro-government spin³⁵¹. By focusing and captioning the responsibility for war or peace on the LTTE, it can be inferred that the Sinhala media will behave similarly (in terms of bias and support) if the situation in the country deteriorates³⁵². This kind of specific focus on the LTTE as a terrorist group and the responsibility for the success and failure of the peace talks lies in the renouncing of acts of terror/laying down arms is very interesting. This is because it clearly contradicts and brings to focus the fact that the Sinhala media has rarely given credence to continuous LTTE claims that the government has been supporting the Karuna faction and other militant groups in carrying out intelligence operations against the tigers. In comparison their constant plea to the international community and to the government for the proper implementation of the CFA (which means disarming the other militant groups and stopping planned attacks) is a favourite theme of the Tamil media.

Along with these periodic references to the Government as a scion of peace and a seeker of an 'honourable peace'/solution to the ethnic problem, there is an adverse picture created of the LTTE as a terrorist/ ruthless/ untrustworthy group. This has been a trend throughout the year, but this tendency really comes into focus with the each consequent incident in January. Accusations of mistrust against the LTTE are placed along with these articles to highlight the 'possible' tension in the country and a situation that sensationalizes the entire haggle over the date and venue of the PP³⁵³. There is an interesting dynamic here. While painting the Government in dove white, the media also questions and reassures the people about the military strength and the capacity of the government to 'protect of the nation' and its interests.

At the point of the India visit, the interpretation given to the appointment of Sarath Fonseka as the Army commander (2/12) is indicative of the 'preparedness of Sri Lanka' and its determination not to be duped by the LTTE. The Daily Mirror and Lankadeepa focus on this illustrious army career and his reputation as "one of the best battlefield commanders of Sri Lanka, especially in the north also adds to the illusion that both sides are preparing for war. It may also indicate the government's need reflected by the Sinhala media to give the impression that the Sri Lankan forces are strong and ready

in the possibility of war. However, around the time of the Geneva talks being decided or leading upto the 'hopeful' period, For example in reframing the 'preparation for war' into a more palpable 'protection of the CFA and keeping up with military support angle, even the appointment of Sarath Fonseka is reframed. He is not shown as committed to an honourable peace (where his battlefield excellence is not mentioned at all) Dinamina (27/1).

Along with the reframing of the 'quest for peace' type of implication, there are stories placed periodically that assure the people that talks on CFA and its implementation does not mean the country is not able to provide protection for the CFA with military backing, or that it is weakness of the government ("do not take my patience for weakness!" (Divaina 27/1)³⁵⁴.

Another interesting spin given to the Geneva talks is that it is a victory for the Government. Dinamina (26/1) has a front page article of Mangala claiming that bringing the LTTE to the table in 2 months after becoming president, with the constraints that the government has faced, is a great feat. The lead story announces "the LTTE has agreed to the president's proposal", focusing on the president, while the Lankadeepa (26/1) states in its lead, the Tigers agree to the government's proposal³⁵⁵.

To increase the credibility of the Government in 'this victory', other stories are connected and presented in tandem. For example, the all-party conference and the internal problems of the UNP, UNP's failure to bring a lasting solution and UNP's eventual support to Mahinda is highlighted (Lankadeepa 26/1 feature article). Another example of this is Dinamina (19/1) where the urgency and necessity of peace talks is impressed upon the people through a picture of the possibility of war. The article states that LTTE's desire to plunge back into war can only be thwarted by a consensus in the South in order to push for peace talks, and for this Mahinda's all-party conference is important. This kind of 'necessity' and urgency is pushed deeper by the reference to Kofi Annan's request that the LTTE should stop their sporadic attacks and come for peace talks (after the supposed attack on the SLMM office in Trinco). The same incident and statement are quoted in the English daily Island differently as saying the Kofi Annan did not name attackers but urged 'both' parties to come to the table.

In general the trends here is a sudden increase in optimism (as a possible reflection of the mood of the people) in the South which is being spun in favour of the government, which overrides the earlier anxiety about the lack of clear policy, failure of the India visit and anxiety surrounding Norway's intervention.

ENDNOTES

NEGOTIATIONS CLUSTER

¹ Article 1.8 “Tamil paramilitary groups shall be disarmed by the GOSL by D-day + 30 days at the latest. The GOSL shall offer to integrate individuals in these units under the command and disciplinary structure of the GOSL armed forces for service away from the Northern and Eastern Province.”

² Vidar Helgessen clarifying the Norwegian position after meeting the LTTE in Killinochchi on August 5 stated “In our view, there is need for both sides to take a long hard look at not amending the ceasefire agreement.”

³ “reconsider whether Norway should be allowed to engage in those activities further.... as it is axiomatic that Norway has shown unprecedented bias and partiality towards the LTTE in her role as a facilitator in the negotiation process... and in the monitoring mission of the Ceasefire Agreement.” WHERE IS THIUS QUOTED FROM

⁴ Helen Olafsdottir, SLMM spokesperson following the meeting between the SLMM head Hagrup Haukland and LTTE political head S.P.Thamilselvan in Kilinochchi on December 1, 2005 Daily Mirror, “LTTE ready for talks with Govt.”, December 2, 2005,

⁵ Daily News (Lead), “Government welcomes LTTE’s response: Talks in Geneva”, January 26, 2006.

⁶ Daily Mirror (Lead), “Tigers ready for talks in Geneva”, January 26, 2006.

⁷ Widely reported in all print and electronic media.

⁸ Island, “President reiterates invitation to LTTE for direct talks,” November 29 2005, p.1

⁹ Nimal Siripala De Silva as the Government Spokesperson stated that the Government was willing to talk to the LTTE either on the CFA or on the substance of the peace process (Daily Mirror, Yohan Perera, “Government throws open doors for Talks,” December 17 2005, page 1)

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¹¹ All print media reports of 10th January and Government Communique of 9th January, 2005.

¹² Daily News, “Financial and Technical help from India to rebuild N-E”, December 31, 2005

¹³ Daily Mirror, Poorna Rodrigo, “President not rigid on venue,” December 21 2005, page 1

¹⁴ Daily Mirror, “President rejects Oslo Venue for talks,” December 22 2005, page 4

¹⁵ the President repeatedly stated his opposition to going to Oslo and stated this when he met with a TNA delegation on Janaru 7th “No way will I go to Oslo.” (Sunday Leader, “President softens stance on Oslo Venue, January 8 2005, page 1)

¹⁶ The President

¹⁷ The State-owned Sunday Observer reported that, “President Mahinda Rajapakse has told editors of mainstream media that the two parties could choose one among these preferences, but has ruled out Oslo as a possible venue”. See Sunday Observer (Lead), “Top on Solheim’s agenda: Venue for Talks”, January 22, 2006.

¹⁸ following the decision to hold talks in Geneva foreign Minister Samaraweera drew attention to the fact that Switzerland was “outside the European Union.” (Daily News, “Mangala commends international community,” January 26, page 1)

¹⁹ Alston visited Sri Lanka from December 3rd to 9th and visited Colombo, Killinochchi, Batticaloa and Ampara

²⁰ While some newspaper and commentators tried to present Akashi not visiting Killinochchi as being the result of Japan’s change in policy towards the LTTE after the Kadirigamar Assassination (see Shamindra Fernando’s article Sunday Island, “Akashi won’t go to Killinochchi, December 11 2005, page 1), Akashi cited the GoSL objections to him visiting Killinochchi as the reason (Island, Harischandra Fernando, “Akashi offers Japan as venue for talks,” December 12 2005, page 1)

²¹ Sunday Times, “LTTE ‘a brutal terror machine’: Mangala,” January 8 2006, page 3

²² Sunday Leader, “Co-chairs seek meeting with Mahinda,” November 27, p.1

²³ Daily Mirror, Champika Liyanaarachchi, “Govt. pushes for EU ban on LTTE,” December 7 2005, page 8

²⁴ Daily Mirror, “Solheim to come to Sri Lanka to revive peace process,” November 21, p.4; Daily Mirror, “Solheim visit put off,” November 28, p.1

²⁵ Sunday Times, “Negotiating Norway: The Rajapakse Way,” December 12 2005, page 10; Sunday Leader, “India wants President to strike deal with UNP,” January 1 2006, page 1

²⁶ The GoSL was supposed to announce the continuation of Norway’s role as facilitator at a meeting with the Donor Co-Chairs on December 5th but delayed doing so citing the upcoming budget. (Sunday Leader, “Norway to continue as facilitator,” December 4, page 1) Following a meeting between the Norwegian Ambassador Hans Brattskar and Presidential Secretary Lalith Weeratunga and then another meeting between Foreign Ministers Mangala Samaraweera and Gahr Store in Hong Kong during the World Trade Organization Conference Norway agreed to continue brokering the Sri Lankan Peace Process (Daily Mirror, Facilitators, SLMM hold talks with Govt. December 13 2005, page 1; Daily Mirror, “Norway says it will remain Lankan peacemaker but on its own terms,” December 16 2005, page 1). Negotiations were to continue on the exact modalities of Norwegian facilitation, in particular the role of Eric Solheim (Daily Mirror, Easwaran Rutnam, “Norway to hold talks with Govt. and LTTE for new framework,” January 2, page 1).

²⁷ In an interview to AFP following the meeting with Foreign Minister Samaraweera in Bangkok on December 15, 2005, Store said, “I have also underlined...the framework and the ground rules that have to apply if we are going to be able to play this kind of role”. It is this that the media referred to as “conditions” and which had irked the Government.

²⁸ Citing reports that Norway would only resume facilitation under certain conditions, the President had told the Japanese peace envoy that no facilitator could impose conditions on Sri Lanka which is a sovereign country. The reference is from the second lead of the Daily News, “Monitors and facilitators must not be from the same country – President”, December 10, 2005 and therefore should be seen as an inspired leak by the Government explaining its position.

²⁹ In order to assuage the sentiments of the GoSL and in view of exaggerated media reports, Erik Solheim in an exclusive interview given to the Daily Mirror, said “I will take this opportunity to stress that Norway has never presented conditions to either of the two parties. This statement is taken out of proportion. It is however necessary to have confidential talks with the parties to build a framework on how to advance the process (Daily Mirror, “Norway to hold talks with Govt. and LTTE for new framework”, January 2, 2006).

³⁰ The Island, “JVP not against Norway, leaves decision to President”, 25th November, 2005.

³¹ The Sunday Times Political Column titled, “Solheim: Sinner becomes Saint” captures the Solheim’s personal triumph.

³² Sunday Times, “Negotiating Norway: The Rajapakse way”, December 11, 2005.

³³ Further, at the meeting with Japanese peace envoy Yashushi Akashi, President Rajapakse had stressed that there should be two separate entities to facilitate the peace process and to monitor the Ceasefire and told the envoy that he would welcome monitors from Japan, South Asia and other Scandinavian countries to monitor the CFA.

³⁴ This statement may not be entirely accurate given the direct negotiations between the two peace secretariats in the aftermath of the tsunami to negotiate a joint mechanism for tsunami recovery. Nevertheless, it does acknowledge the fact that it will be the first high level talks since the suspension of the LTTE’s participation in peace talks since March 2003. (President’s statement carried in Daily News, “Swarn Wijekoon, “Govt. confident of solution at Geneva talks – President,” January 27 2005, page 1)

³⁵ This proposal, however did not seemingly move any further as the LTTE noted that no official request had been made (Daily Mirror, Poorna Rodrigo, “Weeratunga may visit Killinochchi,” January 4 2005, page 1) so it is possible that this was more a symbolic gesture aimed at impressing the international community and possibly the LTTE rather than a substantial move.

³⁶ Associated Press interview carried in Daily News, “International Help Urgently Needed” January 7, page 3

³⁷ Amending CFA unilaterally will nullify deal, says LTTE, easwaran rutnam, d/m, 29/11, p.2

³⁸ Hagrup Haukland quoted in the Sunday Observer, Ranga Jayasuriya, “Shooting down media hype,” December 12, p.11

³⁹ Sunday Leader, “Norway best venue for talks – LTTE,” December 18, page 2

⁴⁰ . The Media spokesman for the LTTE, Daya Master noted that Akashi's message was delivered by the media and that "any suggestions should be made through Norway." (Daily Mirror, "LTTE undecided on Japan's offer," December 14, page 1)

⁴¹ Thamilselvan at a media briefing following the meeting between Norwegian Ambassador Brattskar and LTTE Political Head Thamilselvan, Thamilselvan (Daily Mirror, "Oslo wants to know stand of JVP and JHU", December 10, 2005).

For instance in his meeting with Amnesty International head, Irene Khan on November 3rd in Killinochchi Thamilselvan noted that there was no need to revise or review, just to implement the CFA. (Daily Mirror, Easwaran Rutnam, "no need to revise or review, just implement CFA: LTTE," December 5, page 1)

⁴² Daily Mirror, Easwaran Rutnam, "LTTE urges Govt. to stop 'delaying tactics,' January 3, page 4

⁴³ LTTE calls for talks in Oslo or any other European capital says the Sunday Island despite its headline of "Talks in Oslo or No Talks," (December 25, page 1). When a delegation of Catholic Bishops visited Thamilselvan

⁴⁴ Sunday Island, "Mahinda's catch 22 over talks," January 1, page 11

⁴⁵ Daily Mirror, Easwaran Rutnam, "South Africa emerging as alternative for talks," January 10 2005, page 1

⁴⁶ Sunday Leader, "Tigers say no to South Africa," January 11 2005, page 1

⁴⁷ The warning was issued by "a top LTTE leader" according to the Sunday Leader (Lead), "LTTE set for war after Jan 23", January 22, 2006.

⁴⁸ Daily Mirror, "Disaster if Solheim-Praba talks fail, warns LTTE," January 19 2005, page 1

⁴⁹ Sunday Leader, "LTTE set for war after January 23," January 22 2005, page 1

⁵⁰ S.P, Thamilselvan interview at Killinochchi on December 17th (Sunday Island, "LTTE insists on Oslo, talks only on 'effective implementation' of CFA, December 18, page 2

⁵¹ Island, Venkat Narayan, "India backs new Government's peace efforts, wants enduring solution," December 1

⁵² Sunday Leader, "Mahinda's catch 22 over talks," January 1 2006, page 1

⁵³ Norwegian Minister and Peace facilitator Erik Solheim met Indian Foreign Secretary Shyam Saran on December 2 and exchanged notes on the evolving situation in Sri Lanka. According to veteran Indian journalist and Sri Lanka "watcher" Venkatnarayan, Solheim had expressed unhappiness over Norway being made scapegoat for setbacks or slow progress in the peace process, while the Indian Foreign Secretary had impressed on Solheim that it was in Norway's interest that Norway should not be seen as a midwife in establishing a dictatorship in the island's northern and eastern parts (Sunday Island, "Norway no scapegoat for peace process setbacks", December 4, 2005.)

⁵⁴ Sunday Leader, "Mahinda's catch 22 over talks," January 1 2005, page 11

⁵⁵ Daily News, "Japan ready to host CFA talks", December, 12, 2005, The Island, "Akashi offers Japan as venue for talks", December 12, 2005 and Daily Mirror, "Govt. agrees for talks with LTTE abroad", December 12, 2005).

⁵⁶ Island, "Co-chairs against appeasing LTTE," December 28 2005, page 12

⁵⁷ Sunday Times, Neville de Silva, "EU fiddling while Lanka is burning" December 11 2005, page 3 ;Island, "Canada's Tories to make it hot for Tigers," January 19 2006, page 1

⁵⁸ Sunday Times, Neville de Silva, Neville de Silva, "Two more Tamil charities under scrutiny in Britain," January 15 2006, page 4; Sunday Times, "US FBI officials here on Tiger probe," January 15 2006, page 1

⁵⁹ Daily Mirror, Poorna Rodrigo, "US gives tough warning to LTTE," January 11 2005, page 1

⁶⁰ Daily Mirror, Easwaran Rutnam, "US remains tough with LTTE," January 24 2006, page 1; Daily Mirror, "US reiterates support for peace search," January 25 2006, page 3

⁶¹ Daily News, "US pressure has made LTTE agree to peace talks," January 28 2005, page 3

Political Cluster

⁶² The decision of the LTTE was officially conveyed through its proxies the TNA following the meeting in Killinochchi between LTTE's Political wing leader S.P.Thamilselvan and TNA MPS on 10th November, 2005. Following the meeting, R.Sampanthan told the media that the TNA and LTTE have decided not to support either one of the candidates and that the "Tamil people do not have reason to be concerned with the presidential election. But we will not place any restrictions on the people should they decide to vote on

their own free will". Daily Mirror, Free Choice for Tamil people: Agreement reached after LTTE-TNA talks", Nov 11, 2005.

⁶³ Interestingly on 7th November, the Tamil daily Uthayan known for its sympathies for the LTTE and often used by the LTTE to articulate its opinion unofficially came out with an editorial stating that, "already, Ranil Wickremesinghe, during his time as Prime Minister, turned western super powers, including the USA and the regional super power India against the Tamils. Tamils harbour bitterness against him for creating an international network against Tamils. Tamils are fearful that, Ranil who did this when he was a Prime Minister without the executive powers of a President, could do worse once he captures the Presidency with the full executive power that goes with it".

⁶⁴ Sunday Observer, "Consensus building takes centre stage", December 18, 2005.

⁶⁵ At a media briefing on 12th December, the defeated Presidential candidate and leader of the UNP, Ranil Wickremesinghe accused the Mahinda Rajapakse Government and its allies the JVP and the JHU of being responsible for the spate of claymore mines attacks and political killings. In response, the General Secretary of SLFP Maithripala Sirisena, accused Ranil Wickremesinghe of engaging in a "political gamble" instead of responding positively to President Rajapakse, who "has openly sought the support of the opposition to resume the peace process.". The letter also accused Ranil of ignoring an international and national consensus that "the main opposition party, the Muslim parties and all concerned should participate in the future negotiations with the LTTE"

The Island, "Don't make damning comments, SLFP tells Ranil", 14th December, 2005; Daily Mirror, "SLFP repudiates Ranil's statement regarding LTTE murders", December 15, 2005.

⁶⁶ According to reports, President Rajapakse reminded Ranil Wickremesinghe of his election campaign that he would reach out to the SLFP to resolve the ethnic question and sought his cooperation. According to UNP sources, the main objective of the meeting was to reach a "Southern consensus" and that the President and the Opposition leader had agreed that there should be a permanent political solution to the North-East crisis. The UNP had on its part reminded the President it was the position of the party throughout that it was in favour of a political solution based on federalism. The UNP also pointed out that it was the responsibility of the UPFA Government to sort out differences of opinion among the coalition partners. More importantly, a consensus was reached at the meeting that the final solution to be arrived at was not an impediment to the resumption of talks.

Daily Mirror, "UNP pledges full support for talks with LTTE", 16th December, 2005.

⁶⁷ Government Media Release. Those attending included representatives from the UNP (Mahinda Samarasinghe, Chief Opposition Whip), Dinesh Gunawardene (MEP), Tissa Vitharana (LSSP), Douglas Devananda (EPDP), Chandrasekharan (UPF), Ferial Ashraff (NUA) etc.

⁶⁸ Daily News, "Party leaders decide: Resume talks soon", Jan 20, 2006.

⁶⁹ Sunday Leader, "JVP opposed general election," December 4 2005, page 1; Daily Mirror, Ajantha Kumara Agalakada, "Pro-govt. parties to contest LLG polls – SLFP Secy." December 19 2005, page 4

⁷⁰ Sunday Leader, "President looks to UNP for support as Norway makes Govt. east humble pie," December 18 2005, page 11

⁷¹ Jehan Perera in his column, Daily Mirror, "Govt. and LTTE grope their way to peace, January 20 2006, page 8)

⁷² Sunday Times, Santhush Fernando, "Ten UNP MPs on crossover list," January 22 2006, page 1; Island, Shamindra Fernando, "JVP torpedoes GL's move," January 28 2006, page 1

⁷³ Daily Mirror, Ravi Ladduwahetty, "Two UNP MPs sworn in as minister – more to crossover," January 26 2006, page 1

⁷⁴ Daily Mirror, Kelum Bandara, "UNP support for peace process in balance," January 26 2006, page 1

⁷⁵ For instance, the media report, "UNP wants President to abrogate CFA or start peace talks", The Morning Leader, January 4, 2006 is a case in point.

⁷⁶ Sunday Times, "Jaffna on power keg as LTTE steps up violence," December 11 2005, page 11

⁷⁷ Daily Mirror, S.S. Selvanayagam, "Mystery parcel thrown by youth warns troops in Jaffna," January 4 2006, page 3

⁷⁸ Morning Leader, Arthur Wamanan, "Army asked to vacate North," November 23 2005, page 1

⁷⁹ Sunday Times, "Makkal Padai: The Rise of a New Militia," December 18 2005, page 11; Sunday Leader, " 'Tamil Resurgence Force' wants army to quit Jaffna," December 18 2005, page 2)

⁸⁰ Sunday Leader, Amantha Perera, "Violence greets 2006," January 1 2006, page 16

⁸¹ The Tamil Resurgence Force called for a hartal on December 9th demanding the withdrawal of armed forces in Jaffna, Batticaloa and Trincomalee and on the 4th for the removal of new sentry points. (Sunday Times, "Jaffna on power keg as LTTE steps up violence, December 11 2005, page 11; Sunday Leader, Amantha Perera, "Violence rattles the North and East," January 8 2006, page 14)

⁸² Sunday Times, "LTTE setting stage for Eelam War IV, December 25 2005, page 11

⁸³ Hellen Olafsdottir, SLMM Spokesperson, in Daily News, Champika Weerasinghe, "SLMM urges LTTE to name 'people' behind attacks," January 7 2006, page 1

⁸⁴ SLMM statement on January 13th following an attack on the Armed Forces in Chettikulam. (Daily News, "SLMM urges steps to rebuild confidence," January 14 2006, page 1

⁸⁵ According to Tamil sources the clashes left more than 15 injured, including the Vice Chancellor of the Jaffna University Prof K.Mohandas and 4 journalists.

⁸⁶ The reference was to the discovery of the body of a young woman in Pungudithieevu, Jaffna with signs of rape and murder, in the vicinity of a naval camp. Daily Mirror, "TNA alleges state terror in jaffna, parliament sittings suspended", December 21, 2005.

⁸⁷ Sunday Island (Lead), "Indian Tamils look at united front outside N-E, seeks LTTE nod", December 18, 2005.

⁸⁸ The government attempted to encourage individual crossovers by MPs like Vadivel Suresh from Badulla who joined the Government on December 14th and to develop Up-Country Tamil areas without the cooperation of the CWC. (See Daily Mirror, Champika Liyanaarachchi, "Thondaman going the LTTE way: who is to be blamed?")

⁸⁹ Sunday Leader, "Four CWC MPs to join government," December 11 2005, page 1

⁹⁰ Daily Mirror, Uditha Jayasinghe, "CWC accuses Government of provoking a split," December 13 2005, page 1

⁹¹ Daily Mirror, Easwaran Rutnam, "India intervenes, President meets Thondaman for talks," December 12 2005, page 1

⁹² See Champika Liyanaarachchi and Uditha Jayasinghe in Daily Mirror, Uditha Jayasinghe, "CWC accuses Government of provoking a split," December 13 2005, page 1

⁹³ See Daily Mirror, Champika Liyanaarachchi, "Thondaman going the LTTE way: who is to be blamed?"

⁹⁴ CWC leader Thondaman even agreed to go to India with the President on his state visit. (Daily Mirror, "Thondaman to go with President to India" December 21 2005, page 1; Daily Mirror, Easwaran Rutnam, "India intervenes, President meets Thondaman for talks," December 12 2005, page 1)

⁹⁵ Daily Mirror, Easwaran Rutnam, "India intervenes, President meets Thondaman for talks," December 20 2005, page 1

⁹⁶ Western People's Front Leader and MP Mano Ganeshan stated that unity among Tamil parties is still a distant dream and that he had "some doubts of the honesty of certain Tamil political leaders who are propagating this idea of a grand Tamil National Alliance." (Island, R. Satyapalan, "Unity among Tamil Parties impossible," January 20 2006, page 3; Weekend Standard, Muz Mushtaq, "Broad Tamil Alliance proving to be a flop," January 14 2006, page 2)

⁹⁷ While these areas are Muslim majority areas and the Wickremasinghe win was claimed as a victory by the SLMC it is not clear as to what degree the Tamil minority vote played in giving Wickremasinghe a significant victory margin. In Samanthurai where Wickremasinghe received a 3,000+ victory margin over Rajapakse the SLMC claimed victory even though it is not clear that NUA lost significant votes. The joint SLMC and UNP vote (17,688 + 1,664 = 19,352) in the 2004 election is slightly higher than the UPFA and EPDP joint vote (19,117 + 178 = 19,295). It can be assumed that the 8,976 vote received for ITAK in April 2004 gave the two candidates an additional 7,000 + votes.

⁹⁸ Given the LTTE and ITAK call on the Tamil people to boycott to the elections of 2005 and the enforcement of this boycott by the LTTE led to a significant proportion of the Tamil people not exercising their voting rights. The effectiveness of the boycott is demonstrated in the drop in voter turnout. For instance in Kalkudah while the number of electors increased from 86,626 in the 2004 election to 91,410 in 2005, the percentage of those who polled dropped from 86.17% to 44.71% while valid votes decreased from 70,783 to 40,396.

Given that Kalkudah is a Tamil majority area, with ITAK

⁹⁹ SLMC General Secretary, Hassan Ali, in an interview to The Sunday Leader. He further stated that “We have proved that we are now the commanding party and the leaders of the Muslim community.” (The Sunday Leader, “SLMC – winner in the east,” November 20 2005, page ???)

¹⁰⁰ In the Batticaloa electorate Rajapakse polled 15,798 whereas the UPFA polled 22,716 in 2004, with the EPDP polling 1,099. Wickremasinghe polled 65,401 where the SLMC had polled 19,612 and the UNP 3,819. Since there is clear gap in the figures polled for Wickreasinghe based on the accumulated votes of the UNP and SLMC in 2004 it can be assumed that the Muslims did contribute to him winning the electorate. It should also be noted, however that there is an additional 30,000 votes for which must have been the Tamil vote who voted in spite the boycott called by the LTTE.

In Kalmunai the UPFA polled 9,189 and the EPDP 253 whereas Rajapakse polled just 8,951.

Wickremasinghe received 26,316 whereas the SLMC won 21,978 and the UNP 971. It can be assumed that the Tamil vote also contributed substantially to Wickremasinghe and that Rajapakse too might have gained a number of votes on account of the Karuna’s support for him and the EPDP.

¹⁰¹ Wickremasinghe polled 29,061 versus Rajapakse’s 18,817 in Muttur. The SLMC polled 45,523 votes in the April 2004 election whereas the UPFA polled 1,854.

¹⁰² **November 2** Chenmanadi a Muslim shot dead at his home, H.M. Buhari

November 12 2 Muslims Killed (Mohamed Munas and Athambava Mohammed Lebbe) and 4 other injured in claymore mine explosion at Kirimichchai, Vakarai.

November 16 Natpittimunai 1 Muslim killed, Ahamed Lebbe Thaheer and another injured

November 17 Muslim religious leader Manlavi Nafir shot dead in Kalmunai by suspected LTTE cadres on Presidential Elections polling day. Police also report several incidents of bomb explosions to scare away people from voting.

November 18 Akkaraipattu 6 Muslims killed and a farther 31 were injured when a grenade thrown into Grand Mosque during early morning prayers.

November 18 Eravur 2 Muslims killed reportedly by Muslims

November 20 Valaichchenai a Muslim couple, Meerasaivu Ahamed Lebbe and Fawziya Lebbaitamby killed.

December 2 Kathankudy Divisional Secretary, A.L.M. Faleel shot and injured, allegedly by LTTE.

December 3 In Thopur 3 Muslims and 2 Tamils killed. A Muslim, Haja Mohideen was injured by two unidentified gunmen, believed to be the LTTE. In an apparent revenge attack two Tamils were killed on the 3rd and three Muslims were killed on the 4th.

December 6 Marathumunai 2 Muslims, Nizwan and Rizwan, were killed

¹⁰³ Daily Mirror, “SLMC appeals to all Muslims to be calm and vigilant,” December 12 2005, page 2 While pointing to “orchestrated attempts” aiming at disrupting the relations between the Tamil and Muslim the SLMC accused the LTTE to “desist from acts of violence aimed at Muslims and Muslim interests and to actively engage in activities that would promote amity, peace and communal harmony.

¹⁰⁴ In responding to further incidents of violence President Rajapakse appointed MNA Leader Hafiz Nazeer Ahmed who visited Eravur and then met Defence Secretary Gothabaya Rajapakse and IGP Chandra Fernando, (Island, Tom Whipple and Easwaran Ratnam, “Hartal in the East,” December 10 2005, page 3)

¹⁰⁵ Daily Mirror, December 9 2005, page 1

¹⁰⁶ Hassan Ali, General Secretary of SLMC in Ampara quoted in The Morning Leader, “Muslims want auxiliary force to protect villages,” January 11 2006, page 5

¹⁰⁷ Weekend Standard, “LTTE protests against Muslim home guards,” January 14 2006, page 1

¹⁰⁸ Daily Mirror, Jeevani Pereira, “Protest Northeast Muslims: MULF,” December 16, page 2

¹⁰⁹ For instance M.H. Cegu Issadeen, the Deputy Minister for Media and Highways made a public demand for a liberation movement (Island, “Now a liberation movement for the oppressed Muslims,” December 21 2005, page 3)

¹¹⁰ Island, Shamindra Fernando, “Tigers want Muslims before monitors,” January 30 2006, page 1

¹¹¹ President Rajapakse was reported to have said that if he conceded a separate delegation for Muslims he would have to grant one for Sinhalese as well (Daily Mirror, “No to separate Muslim delegation,” January 19 2006, page 1). He also refused to confer any special status to the Muslims by meeting them separately like the TNA (Daily Mirror, “A dead end peace process and a President all at sea,” January 22 2006, page 11)

¹¹² The Muslim Council is an umbrella organization of some 58 Muslim Organizations that also expressed its disappointment in the President's decision to reject a separate delegation (Daily Mirror, "Muslim Council wants Muslim delegation to be included in peace talks between Govt. and LTTE, January 26 2006, page 3)

¹¹³ Daily Mirror, "Hakeem wants review of SLMM," December 9 2005, page 1; Rauf Hakeem and other senior figures in the SLMC met members of the European Union (Daily Mirror, "Muslims facing major threat: Hakeem," December 16 2005, page 3; Daily News, "Hakeem meets Solheim," January 25 2006, page 4)

¹¹⁴ Rauf Hakeem quoted in Daily Mirror, "Hakeem wants review of SLMM," December 9 2005, page 1

¹¹⁵ "Hakeem wants review of SLMM," December 9 2005, page 1

¹¹⁶ The SLMC stated "The Muslim representation in the talks had apparently been denied because these talks will focus on implementing the CFA. It appears the facilitators had forgotten the Muslim people are a part and parcel of the North-East." (Daily News, Chamika Weerasinghe, "SLMC raps SLMM," January 31 2006, page 3)

Security Cluster

¹¹⁷ Sunday Leader, "Mahinda plans war cabinet," January 22 2006, page 1

¹¹⁸ DIG Kottakadeniya for instance gave an interview to the Sunday Leader demanding that the Government should take back lands that the LTTE had illegally acquired. He also stated that this may lead to war and further added that "There would be human sacrifices. But it cannot be helped during a war situation." (Sunday Leader, Govt. must take back lands from the LTTE says Kottakadeniya," January 1 2005, page 1)

¹¹⁹ A team of 24 STF commandos were deployed in Trincomalee under the direction of retired DIG Kottakadeniya when Gauthabaya Rajapakse was in India. Kottakadeniya claimed he had acted with the Defense Secretary's approval while the Defence Secretary declined to comment (Sunday Times, Iqbal Athas "War on Corruption: Don't shut out media," January 8 2006, page 11; Sunday Times, "Kottakadeniya says he acted with Defense Secretary's Approval," January 15 2006, page 11)

¹²⁰ Daily Mirror, "Army Chief wants talks with LTTE," December 7 2005, page 1

¹²¹ For instance at a joint news conference by the Army, Navy, Air Force and the Police Chief on December 9 2005 they stated "as the protectors of the nation we will give our every support to the Government to continue with the current peace process" and that "the military is taking every precaution to contain such incidents with the utmost patience but at the same time are taking necessary steps to ensure and the security of the people" (Daily Mirror, Sunil Jayasiri, "Security Forces won't retaliate," December 12 2005, page 1)

¹²² As the TNA M.P. M.K. Eelivendran pointed out in parliament "How can you prepare for war and talk peace?" (Daily Mirror, Kelum Bandara and Yohan Perera, "Increased defence allocation irks TNA," December 13 2005, page 3)

¹²³ Daily Mirror, "India says no defence pact with Sri Lanka," January 7 2006, page 1

¹²⁴ Island, "Indian Eastern Naval Chief Here," December 12 2005, page 1; Daily News, "Indo-Lanka Naval Joint Exercises," December 15 2005, page 3)

¹²⁵ He visited Sri Lanka for 5 days from January 30th (Island, Indian Air Force Chief due today," January 31 2006, page 1)

¹²⁶ Daily Mirror, Sunil Jayasiri, "More troops rushed to Jaffna," December 6 2005, page 1

¹²⁷ Daily Mirror, "Three special CID units in North and East set up," December 12 2005, page 4

¹²⁸ Sunday Leader, D.B.S. Jeyaraj, "Trinco worried as ceasefire monitors cease functioning," January 22 2006, page 16; Daily Mirror, "More homeguards to contain Trinco flashpoint," January 12 2006, page 1

¹²⁹ Daily Mirror, Kurulu Kariyakarawana, "Kottakadeniya says Tigers in City," January 19 2006, page 1

¹³⁰ Sunday Leader, "Over 900 people arrested in search operations," January 1 2006, page 2; Daily News, Sarath Malasekera, "Five hardcore LTTErs nabbed," January 2 2006, page 1; Daily Mirror, Senaka De Silva, "Several detained after massive search," January 2 2006, page 1)

¹³¹ Sunday Leader, "30 Tamil youth arrested in Puttalam," January 8 2006, page 2; Daily Mirror, Senaka De Silva, "Cordoned, searched and caught," January 9 2006, page 2; Morning Leader, "Operation Strangers Night and the Estrangement of Tamils," January 11 2006, page 9; Thinakural, "Huge round up at Hatton, more than sixty arrested," January 23 2006, page 1

¹³² Sunday Island, Defence Correspondent, "Police blundering in tea estates plays into LTTE's hands," January 22 2006, page 11

- ¹³³ The President acknowledged this at a meeting with the TNA on January 7th (Morning Leader, "Operation Strangers Night and the Estrangement of Tamils," January 11 2006, page 9)
- ¹³⁴ According to a news paper report it was stated that students in the Eastern University hostel were targeted. (Island, "... and Eastern Undergrads are ordered to train as Tigers," December 14 2005, page 2)
- ¹³⁵ Sunday Observer, Bull's Eye, "Tigers eye Jaffna City," January 8 2006, page 11.
- There was also claims that civilians had been ordered to participate in a special three-day armed training program and that up to 40,000 could have been trained (Dinasena Rathugamage, "Tigers summon civilians for arms training," December 14 2005, page 2)
- In addition, it was claimed the 2,000 civilians in Killinochchi underwent training (Sunday Leader, Artuhur Wamanan, "Riding with the Sea Tigers," January 22 2006, page 15)
- ¹³⁶ There have reports of the presence of LTTE cadres in Up-Country areas attempting to recruit. One such account was of an recruiting agent in Badulla who was paid Rs 15,000 for every youth he provided for the LTTE and who was said to have supplied the LTTE with 100 such youth. (Daily Mirror, Senaka De Silva, "Suspected LTTE recruited agent arrested," January 30 2006, page 4)
- ¹³⁷ Daily Mirror, "New recruits bolster Sea Tiger cadre," January 31 2006, page 4
- ¹³⁸ The Navy apprehended the trawler on January 26th off Katchchativu Island (Daily Mirror, Sunil Jayasiri, "Indian Ship detained by Navy: Detonators for Tigers?" January 27 2006, page 1; Island, Norman Paliawadana, "Navy arrests Indians with LTTE detonators," January 27 2006, page 1)
- ¹³⁹ Human Rights Watch, "Funding the 'Final War,' LTTE Intimidation and Extortion in the Tamil Diaspora, Volume 18, No 1
- ¹⁴⁰ The article in Le Figaro was quoted in a AFP Report that was reproduced in the Island (Island, Tigers target Lankans in France – report," December 3 2005, page 1)
- ¹⁴¹ Daily Mirror, Poorna Rodrigo, "SLMM: Is there a ceasefire now?" January 19 2006, page 1
- ¹⁴² Daily Mirror, Sumanasirir Liyanage, "The second metamorphosis," January 14 2006, page 1
- ¹⁴³ Morning Leader, Arthur Wammanan, "LTTE vows to use air power in war," January 11 2006, page 1
- ¹⁴⁴ Daily Mirror, "Government provoking war: Tamil National Alliance," December 14 2005, page 4
- ¹⁴⁵ Quotation
- ¹⁴⁶ Sunday Times, Iqbal Athas, qbal Athas, "LTTE setting stage for Eelam War IV," December 25 2005, page 11
- ¹⁴⁷ Sunday Leader, Amantha Perera, "Violence greets 2006," January 1 2006, page 16
- ¹⁴⁸ The Tamil Resurgence Force called for a hartal n December 9th demanding the withdrawal of armed forces in Jaffna, Batticaloa and Trincomalee and on the 4th for the removal of new sentry points. (Sunday Times, "Jaffna on power keg as LTTE steps up violence, December 11 2005, page 11; Sunday Leader, Amantha Perera, "Violence rattles the North and East," January 8 2006, page 14)
- ¹⁴⁹ Sunday Times, "LTTE setting stage for Eelam War IV, December 25 2005, page 11
- ¹⁵⁰ Hellen Olafsdottir, SLMM Spokesperson, in Daily News, Champika Weerasinghe, "SLMM urges LTTE to name 'people' behind attacks," January 7 2006, page 1
- ¹⁵¹ SLMM statement on January 13th following an attack on the Armed Forces in Chettikulam. (Daily News, "SLMM urges steps to rebuild confidence," January 14 2006, page 1
- ¹⁵² Sunday Leader, D.B.S. Jeyraraj, "Civilians suffer as security situation changes in Jaffna," January 8 2006, page 8
- ¹⁵³ Sunday Leader, D.B.S. Jeyaraj, "Palmyrah land gets taste of Palestinian style Intifada," December 11 2005, page 16
- ¹⁵⁴ Army Spokesman to Sunday Leader, see Sunday Leader, Amanthe Perera, "Violence greets 2006," January 1 2006, page 14
- ¹⁵⁵ Sunday Leader, Amanthe Perera, "Violence greets 2006," January 1 2006, page 14
- ¹⁵⁶ Sunday Times, Iqbal Athas, "War on corruption: Don't shit out media," January 8 2006, page 11
- ¹⁵⁷ See Sunday Leader, D.B.S. Jeyaraj, "Terrible truth of the Trincomalee Tragedy," January 15 2006, page 17; Tamilnet, "Trincomalee in shock over killing of students," January 3 2006
- ¹⁵⁸ Daily Mirror, "Amadoru Amarajeewa, "Protests and tension in Trinco over deaths of five students," January 4 2006, page 1
- ¹⁵⁹ Sunday Times, Iqbal Athas "War on Corruption: Don't shut out media," January 8 2006, page 11; Sunday Times, "Kotakadeniya says he acted with Defense Secretary's Approval," January 15 2006, page 11
- ¹⁶⁰ Sunday Leader, D.B.S. Jeyaraj, "Terrible truth of the Trincomalee Tragedy," January 15 2006, page 17

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- ¹⁶¹ Tamilnet, "trinco Students' Funeral to be held Thursday", January 3 2006
- ¹⁶² North East Secretariat on Human Rights, "Destruction on life, property and community in Pessali on December 23rd 2005," January 14 2005
- ¹⁶³ The description of Pessalai is based on interviews conducted over the phone with individuals from Pessali and NGO personnel working in Mannar; reports made by Colombo based NGOs on the incident and NESOR's Report of the Incident ("Destruction on life, property and community in Pessali on December 23rd 2005," January 14 2005)
- ¹⁶⁴ Daily Mirror, "Top LTTE leader killed in blast," January 4 2006, page 1; Tamilnet, "SLA's Deep Penetration Unit responsible for claymore attack," January 4 2006
- ¹⁶⁵ Tamilnet, "Two LTTE cadres die in SLA's claymore attack in Trincomalee," January 7 2006
- ¹⁶⁶ Sunday Times, "SLMM sees 'other forces,'" December 25 2005, page 3
- ¹⁶⁷ Daily Mirror, "Top Karuna Cadre Killed," December 7 2005, page 3
- ¹⁶⁸ Daily Mirror, "Whither the Geneva Convention?" January 27 2006, page 4
- ¹⁶⁹ The Asian Tribune, "Senan Padai claims responsibility for killing of Joseph Pararajasingham," December 27 2005, www.asiantribune.com
- ¹⁷⁰ Sunday Leader, Suranimala, "President and LTTE get set to talk while preparing for eventual war," December 4 2005, page 11
- ¹⁷¹ The two cadres Thuraisingham alias Puhalthanthan and Samithamby Arunkumar alias Gnanatheepan alleged that the three minister Douglas Devananda, A.L.M. Athaullah and Maithripala Sirisena had met the Karuna Geoups and had links with them. According to these two the main LTTE camps were in Thiruchenai and Thirukonamadu. They also alleged that Karuna was operating from India. (Morning Leader, "Three ministers accused of complicity with Karuna cadres," December 14 2005, page 1)
- ¹⁷²
- ¹⁷³
- ¹⁷⁴ Daily Mirror, "Disarm paramilitary groups: SLMM," November 6 2005, page 2
- ¹⁷⁵ Daily Mirror, Senaka de Silva, "Maaveerar family shot dead," January 17 2006, page 1; Tamilnet, "Three women members of Maaveera family shot dead in Manipay," January 16 2006
- ¹⁷⁶ Michael Collin, alias Murali, 25 of Trincomalee was shot dead at Alles Garden Refugee Camp, Uppuveli (Island, "LTTE kills another EPDPer," December 13 2005, page 10)
- ¹⁷⁷ PLOTE Vavuniya political wing leader Thirupan Master alias Veerappan Thirupan was shot in Eravur on December 26 (Island, Dinasena Rathugamage, "Tigers gun down PLOTE leader," December 27 2005, page 1)
- ¹⁷⁸ Sunday Observer, Ranga Jayasuriya, "Exploiting the truce," January 08, p.11
- ¹⁷⁹ Daily Mirror, "Bomb won't drive out SLMM from Batticaloa," January 17 2006, page 3
- ¹⁸⁰ The SLMM stated that the efforts by the university students to break in as "This could not be called a peaceful demonstration. It was a very dangerous thing." (Sunday Island, "Truce monitors stop working in Jaffna citing insecurity," December 25 2005, page 4)
- ¹⁸¹ While the SLMM temporarily suspended its activities in Trincomalee it resumed its naval monitoring within a few days with the Navy offering protection and then subsequently re-established operations. (Daily Mirror, SLMM temporarily pulls out of Trinco," January 18 2006, page 1; Daily News, Champika Weerasinghe, "SLMM Sea Monitoring to continue in Trinco," January 19 2006, page 1 ;Daily Mirror, Easwaran Rutnam, "SLMM resumes partial operations in Trincomalee," January 21 2006, page 1;
- ¹⁸² Daily Mirror, Poorna Rodrigo, "SLMM: Is there a ceasefire now?" January 19 2006, page 1
- ¹⁸³ Island, Franklin R. Satyapalan, "Presidential pow wow on ending violence," January 28 2006, page 3; Daily Mirror, "Crackdown on war-mongers," January 28 2005, page 1
- ¹⁸⁴ Daily Mirror, "Whiter the Geneva Convention?" January 27 2006, page 4
- ¹⁸⁵ Daily Mirror, Easwaran Rutnam, "Karuna Faction declares ceasefire with LTTE" January 31 2005, page 1
- ¹⁸⁶ Sunday Times, "LTTE setting stage for Eelam War IV, December 25 2005, page 11?????
- ¹⁸⁷ Daily Mirror, Gihan de Chickera and Kelum Bandara, "TNA alleges state terror in Jaffna," December 21 2005, page 1
- ¹⁸⁸ Daily Mirror, "SLMM urges steps to rebuild confidence," January 14 2006, page 1
- ¹⁸⁹ Daily Mirror, Srinath Prasanna Jayasuriya, "Prabha-Karuna rift takes sisters' lives," December 9 2005, page 4; Daily Mirror, "Ex-cadres allege three ministers supported Karuna faction," December 14 2005, page 3

¹⁹⁰ Daily Mirror, Dharisha Bastians and Easwaran Rutnam, “Hundreds flee army held areas,” January 5 2006, page 1, Sunday Leader, Arthur Wamanan, “The exodus begins,” January 8 2006, page 14; Daily News, Chamikara Weerasinghe, “Suspicion raised over disappearance of LTTE martyrs’ families,” January 5 2006, page 1; Island, Vavuniya Correspondent, Dinasena Rathugamage, “LTTE sympathizers flee Jaffna,” January 4 2006, page 2

¹⁹¹ Sunday Leader, Arthur Wamanan, “The exodus begins,” January 8 2006, page 14

¹⁹² for instance S. Ilampirathi, Jaffna Political Wing Leader issued a “decree” calling on all government departments and institutions to close, while S.P Thamilchelvam had a meeting with Senior Government Officials and called on them to close their offices from December 26th until further notice and a organization called the Jaffna Trade Association called on all government offices bar health and postal facilities to close. (Morning Leader, Government offices in Jaffna closed indefinitely, December 28 2005, page 2)

¹⁹³ Island, Norman Palihawadana, “Navy bans night fishing in Eastern Seas,” January 9 2006, page 1

¹⁹⁴ Island, Harischandra Gunaratna, “Tigers prey on Serunuwara peasants,” November 24 2005, page 3

¹⁹⁵ “ Three youths arrested on Saturday in different areas in Jaffna by the Sri Lanka Army soliders, Murugathas Theeparooban, 19, from Kaithady East, Nunaval, Jeyapalaratnam Prasanth, 19, from Katpakapillayar Road, Uduvil and Joseph Sutharan, 48, from Sandilippay have not returned home after being arrested by the SLA soliders and are missing, parents of the youths reported. A student from [Kokkuvil](#) East, Thevakumar Ramanan, has also been reported missing since December 17, his parents said.” (Tamilnet, “Seven persons missing in Jaffna,” December 27 2005)

¹⁹⁶ Island, “AI appeals to all parties to halt violence,” January 13 2006, page 5

¹⁹⁷ Island, R. Satyapalan, “PLOTE condemns abduction of member,” December 13 2005, page 1; Daily Mirror, “Protestors call for SLMM action,” December 14 2005, page 5

¹⁹⁸ Tamilnet, “Paramilitaries abduct 5 TRO staff Welikanda,” January 30 2006

¹⁹⁹ Tamilnet, “Another five TRO staff reported missing,” January 31 2006

²⁰⁰ Minister Mangala Samaraweera at the weekly cabinet briefing, Daily News 3rd February 2006

²⁰¹ Daily News, Ananth Palakidnar, “Halt political violence,” December 5 2005, page 1

²⁰² UNICEF Figures, Released March 2006

²⁰³ Daily Mirror, Dharisha Bastians, “LTTE should condemn attacks: denials only,” December 8 2005, page 3

²⁰⁴ Daily Mirror, Kelum Bandara, “Stop harassing civilians: Mahinda tells military,” December 22 2005, page 1

Legal Cluster

²⁰⁵ “P-TOMS redundant under proposed new Act – H.L.”, by Wasantha Ramanayake, Daily News, November 21, 2005; “SL Supreme Court suspends P-TOMS inquiry”, Tamilnet, November 21, 2005, available at <http://www.tamilnet.com>.

²⁰⁶ “No further probe into Helping H’tota necessary – DSG”, by Chitra Weeraratne, The Island, January 18, 2006.

²⁰⁷ “Court reserves order in ‘Helping Hambantota’ rights petition”, by S.S. Selvanayagam, Daily Mirror, January 30, 2006.

²⁰⁸ “Ratwattes acquitted, five army men get death sentence”, Daily Mirror, January 21, 2006;

“Udathalawinna multiple murder case – Ratwatte, sons free, death for 5 soldiers”, The Island, January 21, 2006.

²⁰⁹ “Ratwatte, sons released, 5 sentenced to death in Udathalawinne case”, Tamilnet, January 20, 2006, available at <http://www.tamilnet.com>.

²¹⁰ “Mahinda now cancels CBK’s controversial cheques”, The Sunday Times, January 11, 2006;

“Chandrika’s allocation slashed”, by Chandani Kirinde, The Sunday Times, January 18, 2006.

²¹¹ Under Article 120 of the Sri Lanka Constitution

²¹² The Supreme Court noted that, while the office of the previous former President DB Wijetunga only received Rs. 7 million, and all of the judges of the Supreme Court collectively only received Rs. 29 million, the current Appropriation Bill attempted to allocate Rs. 29 million to the office of the outgoing President Kumaratunga alone. Although the Court did not formally issue a judgment that the bill was unconstitutional, the Court’s criticism seemed to be that this gross discrepancy in the appropriation of expenditure costs was inconsistent with the Constitution. “Mahinda now cancels CBK’s controversial

cheques”, The Sunday Times, January 11, 2006; “Chandrika’s allocation slashed”, The Sunday Times, January 18, 2006.

²¹³ The government subsequently reduced the recurrent expenditure allocation by roughly ten million rupees, down to approximately fifteen million rupees. Under this same backdrop, President Rajapakse on January 10, 2006 cancelled payment of cheques in the amount of approximately six hundred million rupees written in favor of the former President’s “Presidential Cultural and Sports Centres Trust”.

²¹⁴ Respondents to the petition included the Prime Minister, Leader of the Opposition, Speaker of the Parliament, Secretary to the President, Attorney-General, Inspector General of Police, Advisor to the Ministry of Defence, as well as several Members of Parliament representing various parties. The basis of the petition was that, as a constitutional lynchpin of governance, the failure to constitute the Constitutional Council would result in a breakdown of constitutional governance and will have the domino effect on the constitutional validity of numerous other independent commissions which require the approval or recommendation of the Constitutional Council.

²¹⁵ This information comes from first-hand accounts related to the Director of the Legal and Constitutional Unit, CPA, from well-placed political contacts.

²¹⁶ The figures of alleged disenfranchised voters represent youths who have turned eighteen since 2004 and therefore will not be accounted for on the register, as well as the tsunami- and war-displaced who will not be in a position to participate in the election. See “PAFFREL files Court action to stop local elections”, TamilNet, January 31, 2006; “Legal action against local authority polls”, The Sunday Leader, January 29, 2006.

²¹⁷ “Legal action against local authority polls”, The Sunday Leader, January 29, 2006.

²¹⁸ “Holding local elections to face legal action”, Tamilnet, January 27, 2006; “Legal action against local authority polls”, The Sunday Leader, January 29, 2006.

²¹⁹ See “Legal action against local authority polls”, The Sunday Leader, January 29, 2006, in which it is reported that “[t]he President had strictly told the [Elections] Commissioner he should conduct the elections according to the 2004 voter register.”

²²⁰ Regulation 56 of the Emergency (Miscellaneous Provisions and Powers) Regulations No.1 of 2005 published in Gazette Extraordinary 1405/14 of 13 August 2005 states: “(1) The Magistrate shall, upon receipt of the report of the facts by the Inspector-General of Police, or the Deputy Inspector-General of Police as the case may be under regulation 55; (a) direct the Government Medical Officer to forthwith hold a post-mortem examination of such body and may direct that the dead body if it has already been buried, be disinterred; and (b) make an order that at the conclusion of the post-mortem examination that the dead body be handed over to the Deputy Inspector-General of Police for disposal. (2) The Deputy Inspector-General of Police to whom the body is handed over the dead body [sic] to any relations who may claim the dead body, subject to such conditions or restrictions as he may deem necessary in the interest of national security of [sic] for the maintenance or preservation of public order; Provided, however, that the Deputy Inspector-General of Police may in the interest of national security or for the maintenance or preservation of public order, authorize the taking possession of and effecting the burial or cremation of the dead body in accordance with such steps as he may deem necessary in the circumstances.”

²²¹ Sri Lanka is party to the ICCPR as well as the Optional Protocol to the ICCPR, by adopting the latter of which Sri Lanka recognizes the competence of the UNHRC to determine whether or not there has been a violation of the ICCPR.

²²² The Teaching Sisters of the Holy Cross of the Third Order of Saint Francis in Menzingen of Sri Lanka had applied for and been denied incorporation in Sri Lanka by the Supreme Court on the basis that incorporation of the Order would facilitate the coerced religious conversion of vulnerable groups in Sri Lanka, in violation of Articles 9 and 10 of the Sri Lankan Constitution guaranteeing the foremost place to Buddhism as well as the freedom to choose one’s religion, respectively. The UNHRC found that the Supreme Court’s determination was an arbitrary restriction on the Order’s right to freedom of religious practice and to freedom of expression, as well as the right to be free from discrimination on the basis of one’s religious beliefs, as protected under the ICCPR. As such, the UNHRC declared the Sri Lankan State to be in breach of the ICCPR and required the Sri Lankan State to provide an effective remedy to the Order in accordance with the UNHRC’s findings.

Views of the Human Rights Committee under article 5, paragraph 4, of the Optional Protocol to the International Covenant on Civil and Political Rights, Communication No. 1249/2004, CCPR/C/85/D/1249/2004, 31 October 2005.

²²³ These included the right to a fair trial, the right to freedom from torture, the right to equal treatment before the courts, the right to be tried without undue delay and the right not to be compelled to testify against oneself or confess one's own guilt, as guaranteed under the ICCPR.

Views of the Human Rights Committee under article 5, paragraph 4, of the Optional Protocol to the International Covenant on Civil and Political Rights, Communication No. 1033/2001, CCPR/C/81/D/1033/2001, 23 August 2004.

²²⁴ It did so under the view that the Supreme Court of Sri Lanka only has authority to apply the existing domestic laws of the country and that the proper course of remedy to effectuate the ruling of the UNHRC would be through legislative enactment by the Parliament.

Economic Cluster

Table 1.1
Commodity Prices
October 2005

Commodity	Ampara	Batticaloa	Jaffna	Vavuniya	Colombo
Rice Rs/kg	27	29	35	30	42
Wheat flour Rs/kg	33	35	30	29	28
Mysore dhal Rs/kg	77	79	81	78	80
Sugar Rs/kg	44	43	46	42	42
Milk powder Rs/400g	165	164	155	156	150
Bread Rs/450g	18	17	23	17	18
LP gas Rs/12.5 kg	850	900	1,050	850	793
Kerosene Rs/litre	31	31	34	31	30
Diesel Rs/litre	51	51	55	50	48
Petrol Rs/litre	81	81	91	80	79
Cement Rs/bag	565	560	594	550	530
Gold Rs/gram	1,563	1,550	1,573	1,435	1,450
TOTAL	3,505	3,540	3,767	3,348	3,290

Table 1.2
Commodity Prices
November 2005

Commodity	Ampara	Batticaloa	Jaffna	Vavuniya	Colombo
Rice Rs/kg	30	29	36	30	46
Wheat flour Rs/kg	34	35	30	29	32
Mysore dhal Rs/kg	79	81	81	76	76
Sugar Rs/kg	44	43	48	42	48
Milk powder Rs/400g	165	165	155	154	154
Bread Rs/450g	18	17	23	17	18
LP gas Rs/12.5 kg	890	914	1,060	865	793
Kerosene Rs/litre	31	31	34	31	31
Diesel Rs/litre	51	50	54	50	50
Petrol Rs/litre	81	81	90	80	80
Cement Rs/bag	567	560	608	550	530
Gold Rs/gram	1,615	1,589	1,683	1,510	1,550

TOTAL	3,605	3,595	3,902	3,434	3,408
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Table 1.3
Commodity Prices
December 2005

Commodity	Ampara	Batticaloa	Jaffna	Vavuniya	Colombo
Rice Rs/kg	33	30	40	32	48
Wheat flour Rs/kg	32	34	32	29	32
Mysore dhal Rs/kg	80	80	80	75	76
Sugar Rs/kg	44	44	48	43	48
Milk powder Rs/400g	165	165	159	154	154
Bread Rs/450g	18	17	23	17	18
LP gas Rs/12.5 kg	950	950	1,115	910	830
Kerosene Rs/litre	31	31	34	31	31
Diesel Rs/litre	51	50	54	50	50
Petrol Rs/litre	81	80	91	81	80
Cement Rs/bag	567	560	630	550	520
Gold Rs/gram	1,673	1,625	1,738	1,605	1,650
TOTAL	3,725	3,666	4,044	3,577	3,537

Table 2.1
Commodity Prices in Ampara
March - December 2005

Commodity	Mar	Apr	May	June	July	Aug	Sep	Oct	Nov	Dec
Rice Rs/kg	28	30	28	26	33	26	26	27	30	33
Wheat flour Rs/kg	-	-	29	26	28	31	33	33	34	32
Mysore dhal Rs/kg	63	61	61	58	63	75	75	77	79	80
Sugar Rs/kg	43	43	41	41	42	43	44	44	44	44
Milk powder Rs/400g	148	150	156	163	162	165	165	165	165	165
Coconut Rs	26	23	25	26	22	19	19	20	22	25
Potato Rs/kg	76	74	77	86	85	72	64	79	93	96
Onions Rs/kg	49	52	61	65	60	54	62	78	84	84
Chillies Rs/kg	65	50	51	74	77	54	68	84	96	90
Cabbage Rs/kg	52	57	47	47	45	45	50	50	54	60
Carrot Rs/kg	67	50	71	71	74	34	55	51	64	80
Aubergine (Brinjal)	37	46	42	42	43	49	46	50	54	63
Pumpkin Rs/kg	13	16	17	17	17	19	19	20	26	35
Drumstick Rs/kg	42.5	53	69	81	88	74	60	76	95	120
Coconut oil Rs/litre	-	-	70	70	84	77	70	76	80	80
Bread Rs/450g	-	18	18	18	17	18	18	18	18	18
SUB TOTAL		723	863	911	940	855	874	948	1,038	1,105
LP gas Rs/12.5 kg	848	860	876	890	900	925	850	850	890	950
Kerosene Rs/litre	26	27	28	30	31	31	31	31	31	31
Diesel Rs/litre	43	43	44	48	51	51	51	51	51	51
Petrol Rs/litre	69	69	71	77	81	81	81	81	81	81
Cement Rs/bag	596	590	549	543	550	565	565	565	567	567
Gold Rs/gram	-	1,425	1,425	1,410	1,633	1,475	1,563	1,563	1,615	1,673
TOTAL		3,737	3,856	3,909	4,186	3,983	4,015	4,089	4,273	4,458

Table 2.2
Commodity Prices in Batticaloa
April – December 2005

Commodity	Apr	May	Jun	July	Aug	Sept	Oct	Nov	Dec
Rice Rs/kg	29	28	-	31	26	27	29	29	30
Wheat flour Rs/kg	-	31	-	29	33	34	35	35	34
Mysore dhal Rs/kg	60	61	-	63	78	77	79	81	80
Sugar Rs/kg	45	41	-	40	42	43	43	43	44
Milk powder Rs/400g	150	156	-	162	160	161	164	165	165
Coconut Rs	24	26	-	17	16	16	17	19	19
Potato Rs/kg	90	77	-	81	77	72	88	90	90
Onions Rs/kg	62	62	-	49	48	68	96	103	76
Chillies Rs/kg	70	51	-	47	34	66	104	120	104
Cabbage Rs/kg	72	47	-	40	50	44	56	61	66
Carrot Rs/kg	70	71	-	75	48	40	50	63	60
Aubergine (Brinjal)	78	42	-	32	30	52	60	60	72
Pumpkin Rs/kg	16	16	-	14	18	18	18	19	19
Drumstick Rs/kg	52	69	-	78	60	60	60	89	100
Coconut oil Rs/litre	71	70	-	80	70	74	77	79	79
Bread Rs/450g	18	17	-	16	18	17	17	17	17
SUB TOTAL	907	865	-	854	808	869	993	1,073	1,055
LP gas Rs/12.5 kg	860	876	-	884	900	900	900	914	950
Kerosene Rs/litre	27	28	-	31	31	31	31	31	31
Diesel Rs/litre	43	44	-	51	51	51	51	50	50
Petrol Rs/litre	69	71	-	81	81	81	81	81	80
Cement Rs/bag	590	549	-	540	565	500	560	560	560
Gold Rs/gram	1,450	1,480	-	1,625	1,450	1,550	1,550	1,589	1,625
TOTAL	3,946	3,913	-	4,066	3,886	3,982	4,166	4,298	4,351

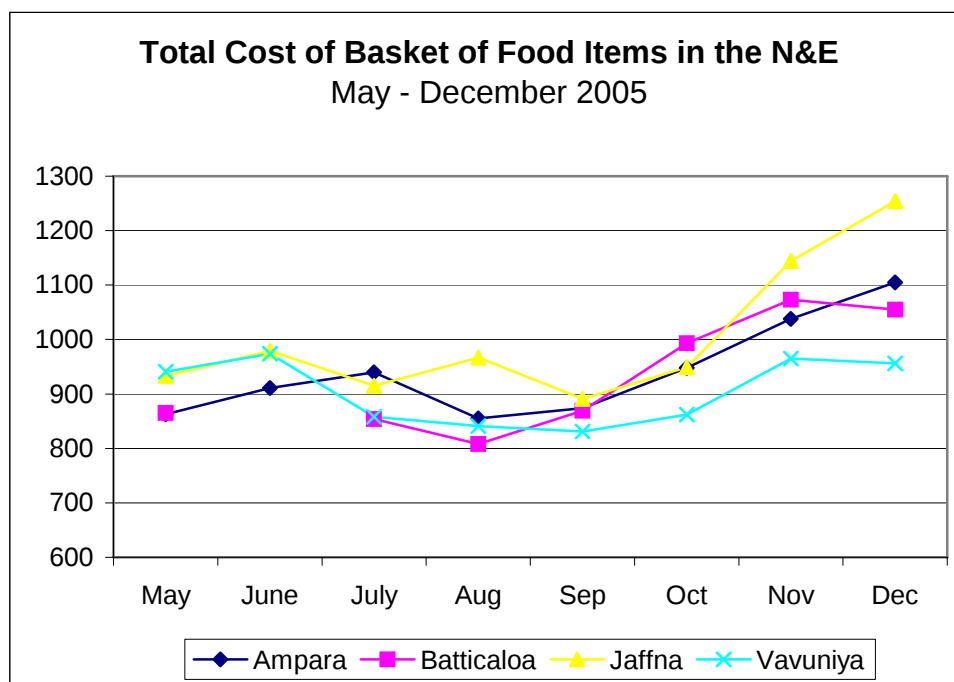
Table 2.3
Commodity Prices in Jaffna
May – December 2005

Commodity	May	June	July	Aug	Sept	Oct	Nov	Dec
Rice Rs/kg	36	32	32	34	33	35	36	40
Wheat flour Rs/kg	30	28	28	30	30	30	30	32
Mysore dhal Rs/kg	80	80	78	83	81	81	81	80
Sugar Rs/kg	46	44	44	45	46	46	48	48
Milk powder Rs/400g	142	140	141	156	154	155	155	159
Coconut Rs	16.5	16	15	15	16	15	17.5	20
Potato Rs/kg	90	81	88	87	75	80	88	108
Onions Rs/kg	50	55	55	43	45	58	74	92
Chillies Rs/kg	55	87	69	53	62	72	171	190
Cabbage Rs/kg	50	64	61	54	52	55	59	66
Carrot Rs/kg	55	49	59	51	45	46	56.5	51
Aubergine (Brinjal)	60	39	29	37	38	50	73	60
Pumpkin Rs/kg	22.5	28	32	32	24	25	35	40
Drumstick Rs/kg	90	132	91	129	72	68	91.5	135

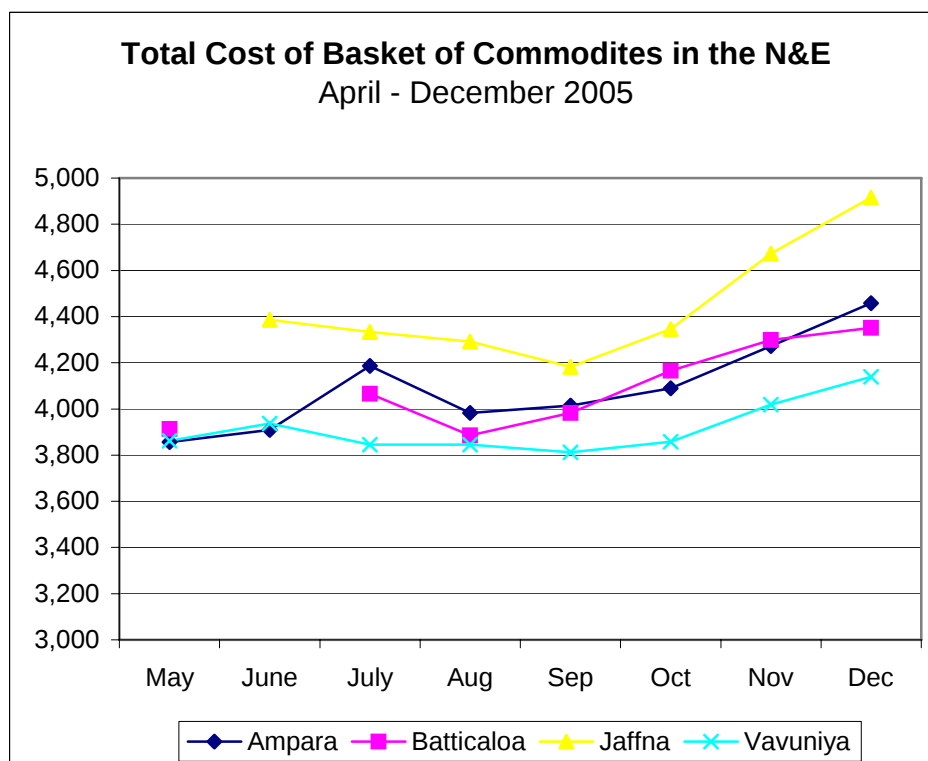
Coconut oil Rs/litre	90	84	74	97	95	110	105	110
Bread Rs/450g	20	20	19	21	23	23	23	23
SUB TOTAL	933	979	915	967	891	949	1,144	1,254
LP gas Rs/12.5 kg	1,150	1,138	1,183	1,083	1,039	1,050	1,060	1,115
Kerosene Rs/litre	30	33	34	34	34	34	34	34
Diesel Rs/litre	47.5	55.5	56	54	55	55	54	54
Petrol Rs/litre	80	90	90	91	93	91	90	91
Cement Rs/bag	590	590	540	590	590	594	608	630
Gold Rs/gram	-	1,500	1,516	1,473	1,480	1,573	1,683	1,738
TOTAL		4,386	4,334	4,292	4,182	4,346	4,673	4,916

Table 2.4
Commodity Prices in Vavuniya
May – December 2005

Commodity	May	June	July	Aug	Sept	Oct	Nov	Dec
Rice Rs/kg	28	30	31	31	29	30	30	32
Wheat flour Rs/kg	33	33	29	27	29	29	29	29
Mysore dhal Rs/kg	70	70	71	75	75	78	76	75
Sugar Rs/kg	40	40	40	42	41	42	42	43
Milk powder Rs/400g	140	140	148	158	158	156	154	154
Coconut Rs	17	16	16	16	17	17	17	18
Potato Rs/kg	76	80	80	74	65	63	80	79
Onions Rs/kg	64	61	44	47	49	52	58	71
Chillies Rs/kg	49	74	68	60	75	85	125	109
Cabbage Rs/kg	55	55	46	43	44	48	63	57
Carrot Rs/kg	78	79	76	63	60	56	80	103
Aubergine (Brinjal)	36	39	32	30	30	37	39	53
Pumpkin Rs/kg	38	30	26	25	28	29	35	36
Drumstick Rs/kg	119	130	54	53	35	40	40	N.A
Coconut oil Rs/litre	80	80	80	80	79	83	80	80
Bread Rs/450g	18	17	17	17	17	17	17	17
SUB TOTAL	941	974	858	841	831	862	965	956
LP gas Rs/12.5 kg	835	844	845	869	850	850	865	910
Kerosene Rs/litre	30	31	31	31	31	31	31	31
Diesel Rs/litre	44	50	50	50	50	50	50	50
Petrol Rs/litre	76	80	80	80	80	80	80	81
Cement Rs/bag	511	525	533	546	550	550	550	550
Gold Rs/gram	1,425	1,433	1,449	1,429	1,420	1,435	1,478	1,561
TOTAL	3,862	3,937	3,846	3,846	3,812	3,858	4,019	4,139



Note: Does not include LP Gas, Kerosene, Diesel, Petrol, Cement and Gold prices in Tables 2.1-2.4.



Note: Corresponds to Tables 2.1-2.4.

²²⁵ http://www.centralbanklanka.org/socio_econ_ind.html

²²⁶ Major agricultural crops in Sri Lanka are paddy, tea, rubber, and coconut

²²⁷ Tea production during the last quarter of 2005 was 75.5 million kgs, which was marginally higher than the preceding quarter (73.5) and third quarter 2004 (71 million kgs). Tea auction price in real terms rose in October (USD 1.95 per kg) and November (USD 1.91 per kg) 2005 compared to the previous seven months. Auction price in December is still not available. Nevertheless, October and November 2005 tea auction prices were lower than the corresponding months in 2004 (USD 2.23 per kg & USD 2.02 per kg respectively). Tea auction price in December 2005 is expected to be higher than that in December 2004 (USD 1.71 per kg).

Similarly, coconut output during the third quarter 2005 (695 million nuts) was substantially higher than the previous quarter (617 million nuts) and the corresponding quarter in 2004 (671 million nuts). Further, coconut output in the final quarter of 2005 was 636 million nuts, which was 13% higher than the corresponding quarter in 2004 (563 million nuts).

Rubber production marginally declined during the fourth quarter 2005 to 26 million kilograms compared to the previous quarter (26.3 million kgs) and the second quarter 2005 (27.5 million kgs). However, third and fourth quarter 2005 rubber productions were higher than the corresponding quarters of 2004 (22 and 20 million kgs respectively).

²²⁸ The industrial sector includes manufacturing, construction, mining & quarrying, and utilities such as water and electricity.

²²⁹ The private sector industrial production index rose in October (149 points) and November (157 points) 2005 compared to the previous months in 2005. The public sector industrial production indices in October and November 2005 were higher than in the corresponding months in 2004 (142 and 151 points respectively). Public sector industrial production index dropped in October 2005 to 84 points (from 90 points in September 2005) but increased in November 2005 to 93 points. However, the public sector industrial production indices in October and November 2005 were lower than in the corresponding months in 2004 (94 and 98 points respectively).

²³⁰ Industrial exports in October increased to USD 473 million (which was the highest monthly figure in the past few years) but declined to USD 396 million in November (which was lower than the monthly average between June and October 2005). December figure is not available yet. While October 2005 industrial exports were higher than that of October 2004 (USD 432 million) the industrial exports in November 2005 were lower than that of November 2004 (USD 428 million).

²³¹ Sunday Observer, 18-12-2005: 41.

²³² The services sector comprises trade (wholesale/retail/imports/exports), transport (road/shipping/air), communications, financial services, public services, private educational and health services, tourism (hotels & restaurants), etc.

²³³ The GoSL has still not adopted the SLCPI as the official measure of inflation because of the time lag taken to compute the same. Nevertheless, this time lag is expected to be bridged shortly, and would become the official measure of inflation.

²³⁴ Point-to-point inflation rate is the change in the SLCPI of a particular month in comparison to the SLCPI of the same month in the previous year.

²³⁵ In comparison to 5.9% at the end of the third quarter 2005

²³⁶ From 13.5% at the end of the third quarter 2005.

²³⁷ The weighted-average prime-lending rate, which closed at 11.76% during the last week of September 2005, increased to 12.24% during the last week of December 2005. 12-months Treasury bill rate, which was 9.80% at the close of the third quarter, increased to 10.37% at the close of the fourth quarter.

²³⁸ The weighted-average prime-lending rate was 12.24% at the end of the fourth quarter of 2005, two percentages higher than that the corresponding period in 2004 (10.23%). Similarly, 12-months Treasury bill rates at the end of fourth quarter 2005 were 10.37%, almost three percentages higher than that at end of fourth quarter 2004 (7.65%).

²³⁹ The repo rate is the interest rate at which commercial banks and primary dealers can invest their surplus funds in treasury bills and bonds held by the Central Bank. The reverse repo rate is the interest rate at

which commercial banks and primary dealers can obtain funds from the Central Bank against the collateral of treasury bills and bonds.

²⁴⁰ The repo rate increased by 0.25 percentage points from 8.50% at the end of the third quarter 2005 to 8.75% at the end of the fourth quarter 2005. Likewise, the reverse repo rate also increased by 0.25 percentage points from 10.00% at the end of the third quarter 2005 to 10.25% at the end of the fourth quarter 2005. The repo rate at the end of fourth quarter 2005 (8.75%) was 1.25 percentage points higher than at the end of fourth quarter 2004 (7.50%). Likewise, the reverse repo rate of 10.25% at the end of fourth quarter 2005 was 1.25 percentage points higher than 9.00% at the end of fourth quarter 2004.

²⁴¹ Total import value during the fourth quarter (USD 2,375 million) was only marginally higher than the third quarter (USD 2,370 million), but 5% higher than the fourth quarter 2004 (USD 2,260 million).

²⁴² Net private remittances until November 2005 has recorded USD 1,534 million, which was 26% higher than USD 1,215 million recorded in the corresponding period in 2004.

December figure is still not available.

²⁴³ Foreign exchange earnings from tourism dropped significantly in the last quarter of 2005 (compared to the corresponding quarter in 2004) and on yearly basis as well. Tourism receipts increased by almost 50% to USD 85 million in the fourth quarter 2005 compared to the previous quarter. Nonetheless, the total tourism earnings during 2005 was only USD 328 million compared to USD 401 million earnings during 2004, denoting an 18% drop.

²⁴⁴ The MPI declined to 2,899 points during the last week of November from the peak of 3,338 point during the last week of October. It further dropped to 2,436 points in the last week of December 2005. In the same fashion, the average daily turnover in the Colombo Stock Exchange (CSE) declined to LKR 341 million during the last week of November (from LKR 574 million during the last week of October) and further to LKR 217 million in the last week of December 2005.

²⁴⁵ Most of the permanent housing construction thus far has been in the Southern Province, particularly in the Hambantota district, which is the home district of the incumbent President of Sri Lanka.

²⁴⁶ This total excludes debt repayments.

²⁴⁷ *Virakesari*, 06-02-2006: 19.

²⁴⁸ For the purpose of this report essential commodity prices were collected regularly in Kalmunai (Ampara district), Batticaloa town (Batticaloa district), Jaffna town & Point Pedro town (Jaffna district), and Vavuniya town (Vavuniya district). Twice every week prices are collected in each of these markets and then the average for the month is worked out.

²⁴⁹ From Rs.36 per kg in November to Rs.40 per kg in December

²⁵⁰ From Rs.30 to Rs.32

²⁵¹ From Rs.15 per nut in October to Rs.20 per nut in December

²⁵² From Rs.72 per kg in October to Rs.190 per kg in December

²⁵³ From Rs.1,573 per gram in October to Rs.1,738 per gram in December

In addition Potato by 23% (from Rs.88 per kg in November to Rs.108 per kg in December), onion by 24% (from Rs.74 per kg in November to Rs.92 per kg in December), pumpkin by 60% (from Rs.25 per kg in October to Rs.40 per kg in December), LP Gas by 5% (from Rs.1,060 in November to Rs.1,115 in December)

²⁵⁴ From Rs.610 per bag in November to Rs.630 per bag in December

²⁵⁵ Includes essential food items from rice to bread in the table. LP gas, kerosene, diesel, petrol, cement, and gold prices are not included.

²⁵⁶ See sub-total in the table.

²⁵⁷ *Virakesari*, 19-01-2006: 25.

²⁵⁸ Tax is levied by the LTTE on every vendor according to the daily turnover since the ceasefire agreement signed in February 2002. Rice, vegetables, and fruits brought into the market everyday for sale are weighed in the mornings and again in the evenings at the close of business. According to the quantity sold and the daily cash turnover, vendors are asked to pay a share as tax.

²⁵⁹ *Virakesari*, 25-11-2005: 8 & personal observation.

²⁶⁰ Ceylon Daily News, 04-11-2005: 4.

Relief, Rehabilitation and Reconstruction

²⁶¹ Forward by Miloon Kothari (Special Rapporteur on Adequate Housing) in Tsunami Response: A Human Rights Assessment by Action Aid International, People's Movement for Human Rights Learning and Habitat International Coalition, January 2006

²⁶² Tamil Net, 20th and 21st of November 2005

²⁶³ National Geographic, December 2005 issue

²⁶⁴ Morning Leader, 8th February 2006

²⁶⁵ 54,102 transitional shelters have been completed and 1,948 were in progress in November 2005. Post Tsunami Recovery and Reconstruction, Joint Report of the Government of Sri Lanka and Development Partners, December 2005

²⁶⁶ Situation Report- Trincomalee, November 29, 2006.

²⁶⁷ Daily Mirror, 19th December 2005

²⁶⁸ In Batticaloa, 78 transitional shelters were still under construction in Batticaloa, with 22 families staying with relatives and 4 families still remaining in the Paddy Marketing Board premises.

²⁶⁹ Construction Status- Donor Built Housing Project, THRU, 31st January 2006 (Data received during a field trip by CPA (February 2006)

²⁷⁰ In Batticaloa, under the 'donor driven housing programme' of the required 3445 houses, 447 are in progress of which 137 are near completion. In comparison, under the 'home owner driven housing programme' of the required 17,601 houses in Batticaloa, construction has commenced on 16,602 (Situation Report- Batticaloa, February 2006)

²⁷¹ Tamil Net, February 4, 2006.

²⁷² In Ampara, under the 'donor driven housing programme', of the 8519 houses required 1556 houses are in progress²⁷² and in Trincomalee of the 5619 houses required 956 houses are in progress (Situation Report- Trincomalee, January 24, 2006.)

²⁷³ Daily Mirror, February 7, 2006

²⁷⁴ Tsunami Response: A Human Rights Assessment by Action Aid International, People's Movement for Human Rights Learning and Habitat International Coalition, January 2006

²⁷⁵ Daily Mirror, February 7, 2006

²⁷⁶ Tsunami Response: A Human Rights Assessment by Action Aid International, People's Movement for Human Rights Learning and Habitat International Coalition, January 2006

²⁷⁷ Tsunami Response: A Human Rights Assessment by Action Aid International, People's Movement for Human Rights Learning and Habitat International Coalition, January 2006

²⁷⁸ Tsunami Response: A Human Rights Assessment by Action Aid International, People's Movement for Human Rights Learning and Habitat International Coalition, January 2006

²⁷⁹ Tsunami Response: A Human Rights Assessment by Action Aid International, People's Movement for Human Rights Learning and Habitat International Coalition, January 2006

²⁸⁰ Tamil Net, 29th January 2006

²⁸¹ Tamil Net, 29th January 2006

²⁸² In certain cases there were problems of flooding as seen in Thiranamadu in Batticaloa (Tsunami Response: A Human Rights Assessment by Action Aid International, People's Movement for Human Rights Learning and Habitat International Coalition, January 2006)

²⁸³ Tamil Net, 29th January 2006

²⁸⁴ The lack of permanent housing has resulted in increased alcohol abuse not only by men but also by women and children. Marital problems are also reported to have increased due to cramped conditions. (UN OCHA Situation Report, 27 January-2 February 2006).
The lack of permanent housing has resulted in increased alcohol abuse not only by men but also by women and children. Marital problems are also reported to have increased due to cramped conditions

²⁸⁵ The school in the Tirukovil Division is yet to be repaired resulting in lessons being conducted in temporary shelter. Daily Mirror, 19th December 2005

²⁸⁶ Daily Mirror, 19th December 2005

²⁸⁷ "The Internally Displaced in Sri Lanka, Discussion Paper on Equity", 1st December 2005.

²⁸⁸ Tamil Net, January 29, 2006.

²⁸⁹ UN OCHA Situation Report, 27 January-2 February 2006.

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- ²⁹⁰ UN OCHA Situation Report, 27 January-2 February 2006.
- ²⁹¹ Tamil Net, February 5, 2006.
- ²⁹² The result of this has been feelings of depression and boredom particularly amongst men ("The Internally Displaced in Sri Lanka, Discussion Paper on Equity", 1st December 2005.)
- ²⁹³ Tamil Net, February 6, 2006.
- ²⁹⁴ Daily Mirror, 19th December 2005
- ²⁹⁵ Daily Mirror, 19th December 2005
- ²⁹⁶ "Post-Tsunami Voice of the Community Leaders" by Research Consultancy Bureau for Sarvodaya, October 2005
- ²⁹⁷ The Christian Science Monitor, January 4, 2006.
- ²⁹⁸ "The Internally Displaced in Sri Lanka, Discussion Paper on Equity", 1st December 2005.
- ²⁹⁹ "Sri Lanka: Imperative to respond to needs of conflict displaced", October 28, 2005.
- ³⁰⁰ The Christian Science Monitor, January 4, 2006.
- ³⁰¹ NEHRP has completed 3079 houses under their first phase, out of the targeted 4904 houses. The first phase of the project covers the following districts- 309 in Ampara, 501 in Batticaloa, 666 in Trincomalee, 295 in Vavuniya, 484 in Mannar, 501 in Killinochchi, 513 in Mullativu and 1635 in Jaffna. Tamil Net, 4th February 2006. The rest are expected to be completed by February 2006. The second phase of this project has already commenced with 13,000 houses which will be constructed in Jaffna, Vavuniya, Trincomalee, Mannar, Killinochchi, Mullativu, Batticalore and Ampara districts. (Tamil Net, February 4, 2006)
- ³⁰² Under a World Bank project, 5000 houses are to be provided for IDPs residing in Puttalam.
- ³⁰³ The Morning Leader, 18th January 2006
- ³⁰⁴ The Morning Leader, 18th January 2006
- ³⁰⁵ The Ministry of Resettlement is confident that the four year plan can stay its course (The Morning Leader, 18th January 2006)
- ³⁰⁶ Tamilnet, 22nd January 2006
- ³⁰⁷ A letter by the Assistant Government Agent Eachchilampathu dated 13th January 2006, states that there are 500 families in Eachchilampathu Division and another 200 families in Muthur South who are now housed in schools and houses of their relatives. In other situations people are staying in temporary accommodation in the nights and return to their houses during the day. For example, 350 Tamil families living in Keeri village along Mannar-Thalvupadu road stay with relatives in Thalvupadu in the nights and return to their village during the day (Tamilnet, 22nd January 2006)
- ³⁰⁸ Interview with Ms. C. Caron, Consultant-Ministry of Resettlement.
- ³⁰⁹ Associate Press, 23rd January 2006
- ³¹⁰ The numbers rose with the killing of 13 navy personnel when their bus hit a claymore mine and the retaliated attack on Pesali by the Navy resulting in the killing of civilians.
- ³¹¹ Statistical Summary, UNHCR, October 2005
- ³¹² FCE Situation Report, 24th January 2006
- ³¹³ Tamil Net, 18th January 2006
- ³¹⁴ Tamil Net, 21st January 2006
- ³¹⁵ FCE Situation Report, 24th January 2006
- ³¹⁶ FCE Situation Report, 24th January 2006
- ³¹⁷ The Morning Leader, 18th January 2006
- ³¹⁸ The Morning Leader, 18th January 2006
- ³¹⁹ NGO Consortium for Batticaloa, FCE Situation Report, 1st February 2006
- ³²⁰ The UN, the American Embassy, CHA have raised their concern- OCHA Situation Report 27th January-2nd February 2006
- ³²¹ Minister Mangala Samaraweera at the weekly cabinet briefing, Daily News 3rd February 2006
- ³²² The Morning Leader, 18th January 2006
- ³²³ The Gazette of the Democratic Socialist Republic of Sri Lanka, No. 1420/28, 23rd November 2005
- ³²⁴ http://www.priu.gov.lk/Ministries/Min_Nation_Building_Development.html as at 20th January 2006
- ³²⁵ The Gazette of the Democratic Socialist Republic of Sri Lanka, No. 1420/28, 23rd November 2005
- ³²⁶ Interview with Mr. Razeek, Secretary- Ministry of Resettlement, 9th January 2006
- ³²⁷ Post-Tsunami Update- OCHA, December 2005

³²⁸ Dr. P.B Jayasundara, Speech at the launch of the Tsunami One Year Report, SLFI, 24th December 2006

³²⁹ Ramesh Selliah, Director- Housing, Meeting at CHA, 23rd January 2006

Media Cluster

³³⁰ It is only the Sunday Leader (15/1) that echoes the Tamil media in questioning the ‘terrible truth of the tragedy’ in Trincomalee about branding seven innocent youth as terrorists and the cover-up is indicative of the atrocities against Tamils. However, it does mention the Sinhala doctor that conducted the autopsy in Trincomalee (who stood by his word that they were shot amidst heavy pressure) as brave and just.

³³¹ The Island (3/1) sites that 6 were killed when grenades exploded accidentally

³³² Daily News (5/1) – Hindu priest killed by the LTTE, regional leader of the LTTE killed in Manner, DM 7/1- grenade attack on a bus, 6/1 four men arrested with grenades on their way to conduct an attack on the Army.

³³³ The same paper carries another article detailing the way they students were killed, including the accusation that they were not taken to the hospital for half an hour after the incidents, thus allowing them to die. It also questions the physical state of the bodies in claiming that had this been a grenade explosion as said by the SL Army, then the bodies should be in worse physical condition. However, this article mentions nothing of the ‘Sinhala doctor’ who conducted the autopsies and stood behind his statement that they had bullet holes in their bodies, clearly contradicting the SL Army

³³⁴ The Thinakural (4/1) takes a different approach, where it carries Sampanthan’s statement that the military shot dead five students and that the SLMM is privy to this information

³³⁵ In each case, the Tamil media goes further than ever before to prove that this is not a random act of violence but a fusion of the grievances of Tamil peoples. Therefore it goes beyond mere reporting towards a platform of what can even be termed ‘advocacy’.

³³⁶ For example, Dinamina (5/1) and Lankadeepa (5/1) give more attention to a claymore attack on a PLOTTE leader in the North, 3 bomb attacks in Trincomalee.

³³⁷ Divaina states that “Tamils” set fire to 5 bunkers in mob violence. The Daily News 7/1 speaks of a group that attack a bus with grenades, 3 soldiers being injured in an attack and states that there is Hartal in trincomalee , crippling the town due the deaths of 5 students as almost an afterthought.

³³⁸ Even the English language state daily Daily News (14/1) highlights the fact that there is continuing Hartal in Trincomalle by 2 Sinhala organisations because of attacks against the Sinhalese over the incidents surrounding the students deaths in the previous weeks.

³³⁹ Lankadeepa (9/1) states the every army post en route was destroyed, but that the army remained very patient in the event. It questions why the students were buried in a cemetery that requires a route through Sinhala areas when there is a cemetery closer, implying the possibility that these attacks on the SL Army were the true cause of the procession.

³⁴⁰ Divaina (9/1) editorial claims that Prabhakan who has killed many Tamil intellectuals and remains the only group seeking self-determination in the world that systematically eradicates their own (when there is opposition within the community), also dupes his own people into following him by intentionally keeping them subservient and stupid. This article claims that through child conscription, he creates a nation that only knows how to wage war and is not educated is thus malleable.

³⁴¹ It might also explain the psychology of immortality and the culture of child warriors in the Tamil cause, which over time has lead children and parents to join it of their volition (this is not a denial that there are many incidents of forced child conscription).

³⁴² Daily Mirror editorial (10/1) also comments on the president’s order as noteworthy and admirable.

³⁴³ The only one Sinhala paper prints the LTTE denial (Lankadeepa 9/1).

³⁴⁴ Divaina (pg 8) and Lankbima (pg 6) also echo these concerns on the same day

³⁴⁵ There is of course mention of other attacks in all media during this period, but the attention paid to it (or the diversion created) is significantly less than during the height of the killing of the 5 students’ story. For example, Veerakesari (10/1) carries a story of a possible military attack in the Vanni which possibly signals war and claims that the military maybe preparing for a long range military attack, but goes into little detail. However, there is an interesting connection made by an article, where Solheim’s visit is praised because militarism and the heightening of tensions in the North has left the “Peace Process hanging by a thread’ (Veerakesari 8/1).

³⁴⁶ in comparison, Divaina sites the 5 students funeral as a statement of fact.

³⁴⁷ For example: the Sinhala media (feature, Lankadeepa 26/01) reiterates the view that JHU and JVP do not believe in the PP as it is (the CFA and the Norwegian involvement included) and rejects any solution that will not maintain the 'unitary' nature and sovereignty of Sri Lanka

³⁴⁸ Here the Sinhala and Tamil media differ in the way the speech is presented to the media consumers. While all three media carry headline news of the speech and full statements, what is interesting are the components picked out as captions or titles of news items. For example: Although the front page carries the full statement of the speech (Lakbima 28/11), page 7 tries to balance the effect of the speech by giving evidence of a lack of Tamil interest in heroes day and its consequences. It claims that the Heroes Day celebrations in Trincomalee were a failure because of dwindling numbers. In presenting the story, Dinamina 28/11 (the state daily) highlight P's statement that Mahinda is a 'pragmatic leader' adding that the peace process did not bear fruit under Ranil and Chandrika and as a leader elected by the South, P's acceptance of Mahinda is a positive sign.

³⁴⁹ Lankadeepa and Divaina (28/11 –lead) use different translation of the position of the LTTE. Lankadeepa clearly picks its side as a supporter of the new government, as it says that the LTTE are waiting for the plans and vision of the new president to be brought to the table 'patiently' indicating the time limit of 'next-year'. After this they will return to 'satana' or war (this is a stronger, value-laden word than 'aragalaya' meaning 'struggle'). The Divaina translates the same as 'curiously' awaiting the position of the president, which has an entirely different connotation to being 'patient'.

³⁵⁰ This includes the fact that Jayalalitha (chief minister of TN) snubbed the Sri Lankan president by not being available for a meeting, and the large turnout of supporters at the Eelam Security Conference.

³⁵¹ This is supported by (Lankadeepa and Divaina 28/1) by claims that Burns would like LTTE to come to the table without conditions ("Burns says that the LTTE should come to the table after stopping violence").

³⁵² For example, Divaina (27/1) states that Solheim tells 'Tigers' that there should be no more 'terrorist acts' and that the only possible way is through negotiations.

³⁵³ Lankadeepa (29/1) in an article that states the Tamilchelven is not dead (as a result of the Claymore attack) adds that the LTTE are working on weakening the Sri Lankan army while strengthening their own military.

³⁵⁴ Interestingly, the same paper (pg. 4) carries an article that states that the LTTE could possibly be going in for war and this will further crush the hopes of the Tamil-speaking people! Lankadeepa (23/1) carries a front page article of the JVP statement that claims the LTTE is trying to scare the people with terrorism when it can't dupe the people anymore, setting the stage for a critical view of the talks as well as distrust of the LTTE from the very outset as an honourable party.

³⁵⁵ This clearly is an example of the difference in the two papers as the Dinamina is more eager to preserve and promote the interests of the president while the Lankadeepa is more inclined to favour and promote the government as a whole.