

**ISSUE PAPER**

**SRI LANKA: DEVELOPMENTS SINCE THE FEBRUARY 2002 CEASEFIRE**

All the sources of information contained in this document are  
identified and are publicly available.

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OTTAWA, CANADA

March 2003

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Research completed 28 January 2003

Additional research completed 10 February 2003

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MAP



Source: United Nations. August 2001. "General Map of Sri Lanka."  
<<http://www.un.org/Depts/Cartographic/map/profile/srilanka.pdf>> [Accessed 7 Feb. 2003]

**GLOSSARY**

EPDP	Eelam People's Democratic Party
HSZ	High Security Zone
IDP	Internally Displaced Persons
LTTE	Liberation Tigers of Tamil Eelam
SEP	Socialist Equality Party
SLA	Sri Lanka Army
SLMM	The Sri Lankan Monitoring Mission
UAS	Unified Assistance Scheme
UNF	United National Front
UTHR(J)	University Teachers for Human Rights (Jaffna)

## **1. INTRODUCTION**

This Issue Paper addresses political developments in Sri Lanka since the signing of a ceasefire agreement between the Government of the Democratic Socialist Republic of Sri Lanka and the Liberation Tigers of Tamil Eelam (LTTE) on 22 February 2002 (Norway 22 Feb. 2002; *Dawn* 23 Feb. 2002; Sri Lanka Project July 2002). It should be noted that the peace process is ongoing and, as a result, the situation in the country remains one of constant flux. This Issue Paper should be read in conjunction with a number of Research Directorate publications, including the May 2002 report entitled *Security and Human Rights Situation, Entry and Exit Procedures and Personal Documentation*, the February 2001 Issue Paper *Sri Lanka: The Internal Movement of Tamils Displaced by the Conflict in the Northern and Eastern Regions*, and various Responses to Information Requests all available in the IRB Regional Documentation Centres and on the IRB Website at <[www.irb.gc.ca](http://www.irb.gc.ca)>.

## **2. THE PEACE PROCESS**

### **2.1 The Ceasefire**

Following two decades of war and two previous attempts at a ceasefire in 1989 and 1994 (Sri Lanka n.d.), the Government of the Democratic Socialist Republic of Sri Lanka and the LTTE signed a Norwegian-brokered ceasefire agreement on 22 February 2002 (Norway 22 Feb. 2002; *Dawn* 23 Feb. 2002; Sri Lanka Project July 2002).

The agreement, which entered into force on 23 February 2002, contains a number of commitments, including a total cessation of all military activity and the vacation of places of worship, schools, and public buildings by armed personnel (Sri Lanka/LTTE 23 Feb. 2002). While not expressly a human rights document, the agreement contains basic proscriptions against the harming of civilians (HRW July 2002). With the expressed aim of "restoring normalcy for all inhabitants of Sri Lanka," Article 2.1 states that "the parties shall in accordance with international law abstain from hostile acts against the civilian population, including such acts as torture, intimidation, abduction, extortion and harassment" (Sri Lanka/LTTE 23 Feb. 2002).

As stipulated under Article 3 of the Agreement, an international verification mission called the Sri Lankan Monitoring Mission (SLMM) was established in order to monitor possible

violations of the ceasefire, investigate complaints, and assist in dispute resolution (ibid.; Sri Lanka n.d.).

Headed by Major General Trond Furuhoide of Norway, the SLMM is composed of members from Norway, Finland, Sweden, Denmark and Iceland (ibid.). Headquartered in Colombo, SLMM has six district offices in Jaffna, Mannar, Vavuniya, Trincomalee, Batticaloa, and Ampara (ibid.). As well, local monitoring committees — composed of two Sri Lankan government-appointed members, two LTTE-appointed members, and an SLMM monitor acting as chairman — work in conjunction with the SLMM district offices (ibid.). All Sri Lankans, not just the signing parties, are entitled to file complaints of alleged violations with these committees (ibid.).

Paving the way for peace talks to begin, the Sri Lankan government lifted the 1998-imposed proscription on the LTTE on 4 September 2002 (ibid. 5 Sept. 2002; AFP 4 Sept. 2002; CNN 4 Sept. 2002; *Daily News* 5 Sept. 2002; *The Hindu* 6 Sept. 2002).

## **2.2 The Peace Talks**

Between September 2002 and January 2003, four rounds of peace talks have been held: the first held from 16-18 September 2002 in Thailand (Reuters 16 Sept. 2002); the second also held in Thailand between 31 October and 3 November 2002 (EU Nov. 2002); the third round which took place on 2-5 December 2002 in Oslo, Norway (ibid.; Reuters 2 Dec. 2002); and the fourth round held in Thailand from 6-9 January 2003 (Sri Lanka 6 Jan. 2003; EU Nov. 2002). For information on the fifth round of peace talks, please refer to section 8 of this paper.

During the first round of peace talks, preliminary discussions were held on such topics as landmine clearance, the resettlement of internally displaced persons (IDPs) and the reconstruction in the North and East (*The Hindu* 18 Sept. 2002; BBC 19 Sept. 2002; *Sri Lanka Monitor* Sept. 2002a). As well as establishing a "joint task force for humanitarian and reconstruction activities" (Reuters 18 Sept. 2002), the Sri Lankan government and the LTTE also agreed to work jointly to obtain international assistance (BBC 19 Sept. 2002).

The second round of talks was overshadowed by the *in absentia* sentencing of the LTTE's leader, Velupillai Prabhakaran, to a 200-year jail sentence for orchestrating a 1996 suicide bombing of the Central Bank in Colombo (AFP 31 Oct. 2002; AP 31 Oct. 2002; WSWS 7 Nov. 2002). However, the two sides agreed on the establishment of three sub-committees: (1) the Sub-Committee on the Immediate Humanitarian and Rehabilitation Needs in the North and East,

whose role includes the identification of humanitarian and rehabilitation needs, the implementation of activities to meet these needs, and the orchestration of funding (EU Nov. 2002; Norway 7 Nov. 2002); (2) the Sub Committee on De-Escalation and Normalization, which was established in order to address matters relating to High Security Zones (HSZ), including resettlement and the return of private property (*ibid.*; *Sri Lanka Monitor* Oct. 2002); and (3) the Sub-Committee on Political Matters set up to address such topics as other peace processes, political solutions to ethnic conflicts, models and systems of government, and reconciliation processes (EU Nov. 2002; Norway 7 Nov. 2002).

In what was hailed as a "major breakthrough" (AFP 7 Dec. 2002), the third round of peace talks resulted in the two parties reaching agreement on a federal system of power-sharing within a united Sri Lanka, whereby the Tamils would have autonomy in the North and East (BBC 5 Dec. 2002; *Daily Mirror* 6 Dec. 2002). In a joint statement issued following the talks, the LTTE and the Sri Lankan government announced that they had "agreed to explore a solution founded on the principle of internal self-determination in areas of historical habitation of the Tamil-speaking people based on a federal structure within a united Sri Lanka" (*The Island* 6 Dec. 2002).

Avoiding contentious military issues (AFP 7 Jan. 2003), the fourth round of the peace talks instead focused on addressing humanitarian needs (Sri Lanka 10 Jan. 2003). As well as agreeing that the World Bank would be the custodian of donor funds earmarked for the rehabilitation of the North and East (*ibid.*; AFP 9 Jan. 2003), the two sides reached agreement on an action plan for the resettlement of Internally Displaced Persons (IDPs) in the Jaffna Peninsula (Sri Lanka 10 Jan. 2003; Norway 9 Jan. 2003). For further information on this action plan, please consult section 6 of this paper on the resettlement of IDPs.

As established at the fourth round of talks, subsequent sessions are to take place on 7-10 February 2003, 18-21 March 2003, and 29 April - 2 May 2003 (Norway 9 Jan. 2003).

### **2.3 Ceasefire Violations**

A January 2003 SLMM report found that, in the time period between the signing of the ceasefire agreement and the end of December 2002, there were a total of 556 violations; 502 carried out by the LTTE and 54 by government forces (Sri Lanka 21 Jan. 2003). Of the LTTE violations, the most common were "313 cases of child recruitment, 89 cases of abductions of adults and 41 cases of harassment" (*ibid.*). The most common violations carried out by the



government forces broke down as follows: "20 cases of harassment, 13 cases of extortion, and 7 cases of restriction of movement" (ibid.).

### 3. FREEDOM OF MOVEMENT

#### 3.1 Travel Between the North and the South

Travel between the North and the South flows through the Vanni via the newly re-opened Highway A9 (Torkelsson 29 Nov. 2002; Reuters 4 Aug. 2002; *Guardian Unlimited* 3 Nov. 2002). The highway runs from Colombo to Jaffna, linking such towns as Vavuniya and Omanthai and running through "the LTTE-controlled part of Vanni and small towns such as Puliyankulam, Mankulam, Kilinochchi and Paranthan" (WSWS 3 Oct. 2002). Following these points, the road then reaches Elephant Pass, Palai and then the Sri Lanka Army (SLA)-controlled Muhamalai, and finally Jaffna (ibid.).

The road is only open during certain hours of the day, with various accounts placing those hours between 06:00 (*Sri Lanka Wildlife News* Oct. 2002) or 07:00 (Torkelsson 29 Nov. 2002; *The Island* 16 June 2002; ibid. 18 June 2002; *Daily News* 2 Nov. 2002) and 17:00 (Torkelsson 29 Nov. 2002; *Sri Lanka Wildlife News* Oct. 2002) or 17:30 (*The Island* 18 June 2002; ibid. 16 June 2002; *Daily News* 2 Nov. 2002). It is not open on Sundays (ibid.; *Sri Lanka Wildlife News* Oct. 2002; *The Island* 16 June 2002). According to Teitur Torkelsson, SLMM's Press and Information Officer, while travel is slowed by SLA and LTTE manned checkpoints, everyone may use the road (Torkelsson 29 Nov. 2002).

Teitur Torkelsson described the process involved in travelling the road as being in many ways similar to that of crossing a border (29 Nov. 2002). Similarly, a 4 August 2002 Reuters article, reporting on the opening of the A9 Highway, described the process of crossing the Omanthai checkpoint as "similar to stepping into another country, complete with an official entry form to fill out that is stamped with the rebel emblem — a roaring Tiger head in front of two crossed machineguns."

An article in the October 2002 edition of the *Sri Lanka Wildlife News* provided the following first-hand description of travel from Colombo to Jaffna on Highway A9:

It is best to spend the night at Anuradhapura and make an early start, to get to the assembly area just south of Omantai at 06:00 hrs. You will find a queue of vehicles, mostly cargo trucks all lined up. Everyone waits until 06:00 hrs, when

the ICRC [International Committee of the Red Cross] vehicles arrive and the barrier is lifted. The whole convoy then proceeds to the Army Check Point [SLA] at Omantai. The checkpoint closes at 17:00 hrs.

On arrival there, the passenger vehicles are separated from the cargo carriers. The former are asked to drive onto a ramp. The chassis numbers and engine numbers are checked by army personnel [...]

After clearing the Army Check Point, you proceed to the LTTE Check Point about 500 m ahead. Here all Sri Lankans are required to fill in a form - name, address, NIC [National Identity Card] number etc. Foreigners should have their passports. This hassle may be overcome by preparing a Manifest of those in the vehicle. It should show the vehicle number, make and description; it is best to list the names of the occupants, ID Card number and address in one column and have the equivalent Tamil translation against each name. We had taken 5 copies of this manifest. They asked us for 3, retained 2, stamped the third as 'OK' and returned it to us. This was our pass throughout LTTE territory.

Four copies of ID cards, passports etc should be available for production if required. Otherwise photocopying facilities are available at the checkpoint with the resultant delay. Your luggage may be checked and taxed. ....

On reaching Pallai you leave the LTTE checkpoint, where your pass will be checked, and you will move into Army territory again. There are no more checkpoints to Jaffna.

According to the article, the following is to be followed on the return trip to Colombo:

Get to the Puliyankulam Army Check Point as early as possible. It opens at 06:00 hrs. The vehicle chassis number etc will be checked. ... The checkpoint closes at 17:00 hrs. At the LTTE Checkpoint, you will be stopped. You should provide the pass you were issued with when you entered at Omantai. This will be stamped and returned to you. At the LTTE checkpoint at Omantai they will ask you for this pass. After this you will be in Army-controlled territory on your way to Vavuniya (*Sri Lanka Wildlife News* Oct. 2002).

The Project Co-ordinator of the Sri Lanka Project of the British Refugee Council, M. Vije, described a similar process, stating that while a government pass is not needed to enter the Vanni, a permit from the LTTE is necessary (20 Jan. 2003). According to M. Vije, the LTTE permit is issued at Puliyankulam, where travellers must fill out a form containing such information as the traveller's name, permanent and current address, and their Identity Card number (Vije 20 Jan. 2003). Similar information must be provided for any additional passengers travelling in the vehicle (*ibid.*). The form, which M. Vije described as a visa to enter LTTE areas, is stamped in Puliyankulam and at Palai in Jaffna, before the traveller enters SLA-

controlled territory (ibid.). On the return trip south, travellers must bring the same form to be stamped again at Palai and Puliyankulam (ibid.). The form is collected by the LTTE at Omanthai before the traveller may enter SLA-controlled Vavuniya (ibid.).

Further, M. Vije stated that "foreign Tamil visitors" must undergo a separate interview at which they are expected to provide passport details and complete and sign an additional form providing such personal information as their address in the foreign country, the length of their stay in the foreign country and their occupation (ibid.).

In addition to the Puliyankulam, Omanthai and Palai checkpoints named by both M. Vije (ibid.) and in the *Sri Lanka Wildlife News* article (Oct. 2002), various sources further refer to a checkpoint in Muhamalai (*The Island* 18 June 2002; ibid. 16 June 2002; ibid. 10 May 2002; *Daily News* 6 July 2002; ibid. 11 May 2002).

The LTTE reportedly collects taxes on goods transported through their territory (Torkelsson 29 Nov. 2002), particularly at the Omanthai and Muhamalai checkpoints (WSWS 3 Oct. 2002; *The Daily Star* 10 May 2002; *The Island* 10 May 2002; *The Daily News* 11 May 2002; ibid. 6 July 2002). At Omanthai, described as the "first LTTE check point where both Sinhalese and Tamils passing through to Jaffna are thoroughly checked," the taxes charged range between 3 and 25 per cent (ibid.). A 10 May 2002 article, similarly stated that people travelling from Colombo to Jaffna, are charged a 25 per cent tax on both those items brought for sale and those intended for domestic use (*The Daily Star* 10 May 2002).

For further information on the LTTE practice of levying taxes on goods, please consult section 6 of this paper.

As well as the A9, the section of Highway A5 running between the eastern towns of Maha Oya and Chenkaladi was re-opened on 15 April 2002 following seven years of closure (Sri Lanka 15 July 2002; *Daily News* 16 July 2002). While the SLA controlled most of the 176-kilometre highway, which in its entirety runs between the central town of Kandy and Batticaloa in the east, 32 kilometres fell within LTTE territory and 8 kilometers were classified as "no-man's land" (AFP 15 July 2002). Reports of the road's opening stated that it was to be kept open at all hours (*Tamil Guardian International* 17 July 2002; *Daily News* 16 July 2002). An SLA officer present at the opening ceremony stated that the Sri Lankan forces and LTTE would be undertaking only "random checkings" (ibid.).

In addition to highway travel, the six-year ban on domestic flights was lifted in early April 2002, allowing the resumption of services to the Jaffna Peninsula (BBC 8 Apr. 2002; *ibid.* 4 Apr. 2002). Two (Sri Lanka 19 Sept. 2002) or four (Torkelsson 29 Nov. 2002) airlines are presently offering flights between Colombo and Jaffna. Two of the airlines reported to have resumed domestic services were identified in a 19 September 2002 article as Lionair and Serendib Express (Sri Lanka).

### **3.2 Checkpoints and Roadblocks (Jaffna and Colombo)**

Referring to government-controlled territory in the North and East, Teitur Torkelsson stated that roadblocks and checkpoints are maintained in most government-controlled areas, especially in areas bordering on High Security Zones (HSZ) which mostly surround militarily sensitive areas such as airports, naval bases and Forward Defense Lines (29 Nov. 2002).

In Jaffna specifically, Jehan Perera, the Media and Research Director of the National Peace Council of Sri Lanka, stated in December 2002 that many checkpoints and roadblocks still remain in place (5 Dec. 2002). Similarly, M. Vije stated that, while checkpoints remain, people are not stopped except when travelling into areas that have been declared HSZ (20 Jan. 2003).

While they differed on the dates of their removal, both Teitur Torkelsson and M. Vije stated that, in Colombo, most roadblocks and checkpoints had been dismantled (Torkelsson 29 Nov. 2002; Vije 20 Jan. 2003). Several additional sources also refer to the dismantling of the roadblocks in Colombo (*Sri Lanka Monitor* July 2002; *Asia Times* 16 Jan. 2002; Sri Lanka 13 Feb. 2002).

Teitur Torkelsson further added that those checkpoints that are still maintained are found around the major government ministries and the offices and residences of the President, the Prime Minister and other dignitaries (29 Nov. 2002).

Jehan Perera and Teitur Torkelsson added that, in the South and Colombo, security checks are seldom conducted (5 Dec. 2002; 29 Nov. 2002), with both M. Vije and Maheswary Velautham, the Secretary of the Forum for Human Dignity, stating that there were no further security checks (20 Jan. 2003; 14 Feb. 2003).

In a 21 March 2002 interview with the Senior Superintendent of the Criminal Investigation Department (CID) in Sri Lanka, delegates of the United Kingdom Home Office were informed that there had been "no round-ups of Tamils in Colombo in the last six months"

(United Kingdom 22 Apr. 2002). Similarly, Maheswary Velautham stated that no round-ups of Tamils were being conducted in any part of Sri Lanka (14 Feb. 2003).

### **3.3 Registration Requirements in Colombo**

Jehan Perera and Vinny Joseph, a representative of the Jesuit Refugee Services (JRS) in Sri Lanka, stated that registration requirements are no longer in effect in Colombo (5 Dec. 2002; 27 Nov. 2002). M. Vije further explained that police registration was officially discontinued with the lapsing of the Emergency regulations on 6 July 2001 (20 Jan. 2003). For further information of the discontinuance of the Emergency regulations, please consult section I. 2.1 of the May 2002 Research Directorate/Danish Immigration Service report entitled *Security and Human Rights Situation, Entry and Exit Procedures and Personal Documentation*. While there were occasional complaints of police officers continuing to demand registration following July 2001, since the ceasefire agreement in February 2002, M. Vije was aware of no further occurrence of such demands (20 Jan. 2003).

The Sri Lankan Interior Minister announced at a 15 February 2002 press conference that people, regardless of their place of origin, could travel to any destination and remain there without having to register with the police (*Sunday Observer* 17 Feb. 2002).

The Sri Lankan government was reported to have issued a circular on 8 March 2002 stipulating that information about Tamil civilians residing in Colombo and its suburbs no longer had to be provided to the police (TamilNet 8 Mar. 2002). Further, with the exception of LTTE cadres who must register with the authorities when travelling in government-controlled territory, the Sri Lankan government was reported to have removed all travel restrictions imposed on Tamil civilians in early March 2002 (*Daily Mirror* 7 Mar. 2002; BBC 5 Mar. 2002).

In May 2002, the British High Commission in Colombo, as well as the Deputy Inspector General's office in Colombo and the Senior Superintendent of Police's office in the North all "confirmed that household registration was no longer taking place in Colombo" (United Kingdom Oct. 2002, 6.41).

Additionally, M. Vije stated that the Ministry of Defence permit for Sri Lanka citizens to travel to Jaffna was lifted on 11 February 2002, while the government permit necessary to travel from the Jaffna Peninsula to other areas was abolished on 15 February 2002 (20 Jan. 2003).

### 3.4 The Vavuniya Pass System

The government pass system for Vavuniya, which required anyone entering, leaving or living in Vavuniya to obtain a permit (*Sri Lanka Monitor* Sept. 2002b), is no longer in effect (Perera 5 Dec. 2002; TamilNet 5 Sept. 2002; *Sunday Observer* 17 Feb. 2002; *Daily News* 10 Sept. 2002). Before its elimination, the pass system had already been simplified in February 2002, with the government issuing just 3 types of travel passes instead of the previous 24 (*The Daily Mirror* 7 Mar. 2002; BBC 5 Mar. 2002).

Ruling on a case brought before it by a refugee from Sithamparapuram Refugee Camp in Vavuniya, the Supreme Court declared in early September 2002 that the Sri Lankan constitution had been violated by the Vavuniya pass system (CPA 5 Sept. 2002; *Sri Lanka Monitor* Sept. 2002b; *Daily News* 10 Sept. 2002; TamilNet 5 Sept. 2002). The court, which awarded the petitioner 30,000 rupees [\$CDN 474.30 (Bank of Canada 30 Jan. 2003)] compensation, found in its ruling that: "several clauses of the Constitution of the country, which guarantees the fundamental rights of citizens had been violated by the scheme implemented in Vavuniya requiring the people to obtain security passes to travel from Vavuniya to SLA held territory under the previous regime" (TamilNet 5 Sept. 2002).

## 4. LTTE RECRUITMENT AND CHILD SOLDIERS

In late June 2002 the United Nations Children's Fund (UNICEF) and LTTE reached a verbal agreement in which LTTE gave assurances that it would not recruit anyone under the age of 18 (BBC 20 June 2002; UNICEF 20 June 2002). The agreement further delineated UNICEF's maintenance of a central information system containing details on all confirmed cases of under-age recruitment and made arrangements for regular meetings to be held between LTTE and UNICEF (*ibid.*).

Following the date of this agreement, sources report on the release of child soldiers by the LTTE (*ibid.* 11 Sept. 2002; JRS 27 Jan. 2003). In September 2002, the LTTE handed over to UNICEF a list containing the names of 85 child soldiers it had released (UNICEF 11 Sept. 2002). UNICEF subsequently confirmed that over 20 of these children had indeed been with the LTTE and had been returned to their families (*ibid.*). The LTTE leader in Vavuniya was reported to have returned to their parents six children who had "voluntarily" sought to join the LTTE

(TamilNet 20 Dec. 2002). The event, which took place in the presence of SLMM officials, occurred on 20 December 2002 (ibid.). Similarly, the Jesuit Refugee Service (JRS) in Sri Lanka reported that four 14 year-old boys had been returned to their parents in January 2003 (JRS 27 Jan. 2003).

While the University Teachers for Human Rights (Jaffna) (UTHR(J)) acknowledges that SLMM follow-ups on reports of child recruitment have in fact helped gain the release of children, in its 4 October 2002 report, the human rights organization held that such releases were a result of the LTTE's attempt to stem criticism. The report maintains that the number of children released represents only a "tiny fraction of those taken in recent months" (UTHR(J) 4 Oct. 2002). As well, according to the report, most of these children were released either on the same or following day that they were supposedly recruited (ibid.).

Teitur Torkelsson similarly stated that, while the LTTE has returned some child recruits, this number in fact represents only a fraction of those cases of child recruitment of which the SLMM is aware (29 Nov. 2002).

Several reports document continuing incidents of child recruitment in the months following the February 2002 ceasefire (UTHR(J) 3 Dec. 2002; ibid. 4 Oct. 2002; ibid. 20 July 2002; HRW July 2002). In its July 2002 background briefing, Human Rights Watch identified 13 children recruited by the LTTE at "propaganda drives" in the Trincomalee area (ibid.). Explaining that schools remained an important source for the recruitment of children, the briefing reported that the LTTE's Amparai-Batticaloa leader, while addressing the students of a local school, had stated that all students, irrespective of their age, must "join the final phase of the LTTE's struggle for Eelam" (ibid.). Similarly citing cases of forced recruitment, the briefing further reported that such incidents continue to compel families to "flee their homes"(ibid.). The report did not indicate where it was these families had fled.

UTHR(J)'s reports, which provide detailed descriptions of the forced recruitment of children, maintain that child recruitment has continued despite LTTE's promise not to employ minors (20 July 2002; 4 Oct. 2002, 8). According to UTHR(J), the ceasefire has allowed the LTTE to expand its recruitment efforts to previously inaccessible areas in government-controlled regions, particularly in Batticaloa (UTHR(J) 20 July 2002). As a result of this access, the report notes that "families who lived there in relative peace earlier are now facing a choice between giving a child or money, or being branded traitors who have no right to live there" (ibid., 26).

UTHR(J)'s reports refer to several methods adopted by the LTTE in order to ensure the continued recruitment of children, including physical assault, extortion, and the confiscation of property (ibid.; ibid. 4 Oct. 2002, 16). Additionally, in order to prevent information on cases of child conscription from reaching the outside world, the LTTE is reported to have adopted a new method of intimidation, issuing warnings to parents that, should they complain, their other children would also be taken (ibid., 19).

In its 3 December 2002 report, UTHR(J), details several cases of forced child conscription that all occurred in October 2002 (6-7). According to the report, in light of resistance from the populace, local LTTE leaders are facing difficulties in filling their recruitment requirements (UTHR(J) 3 Dec. 2002, 6). The LTTE as a result has adopted "methods of enticement," which include promises of privileges for the family such as housing and financial rewards (ibid.).

Both Teitur Torkelsson and Jehan Perera stated that, while reports of LTTE child recruitment continue, such reports have decreased in number (Torkelsson 29 Nov. 2002; Perera 5 Dec. 2002). The number of complaints of child recruitment has reportedly "halved in recent months" (BBC 22 Jan. 2003).

According to the SLMM, more than 300 cases of LTTE child recruitment occurred in 2002 (Sri Lanka 21 Jan. 2003; BBC 28 Jan. 2003), the majority of which took place in Batticaloa and Jaffna (ibid. 22 Jan. 2003). Government sources, however, alleged that over 10,000 children were forcefully recruited in 2002 (ibid.; ibid. 28 Jan. 2003; JRS 27 Jan. 2003).

A 28 January 2003 BBC article reported that the LTTE itself had admitted to ongoing recruitment of children. The LTTE has presented various reasons for the continuation of this practice (BBC 28 Jan. 2003; AFP 28 Jan. 2003; UTHR(J) 4 Oct. 2002). UTHR(J) stated that the LTTE had maintained that it does not actively recruit children and, while representatives of the group admit that it has minors in its ranks, these are children who have run away from home because of poverty, abuse, or other similar reasons (ibid., 14). The LTTE then assumes responsibility for these children until such time as their families are better positioned to take care of them (ibid. 3 Dec. 2002, 5).

In a similar vein, a 26 January 2003 article reported that the LTTE alleged that underage recruits without birth certificates were joining their ranks (AFP). A more recent article stated that LTTE leaders were holding "ill-disciplined junior members" responsible for the recruitment



(BBC 28 Jan. 2003). Indicating that, in the past, it had "removed" those individuals responsible, Teitur Torkelsson reportedly stated that LTTE leaders would "act against those of its members still violating the ceasefire by recruiting underage fighters" (ibid.).

## 5. LTTE EXTORTION

Teitur Torkelsson stated that the SLMM's offices in Mannar, Vavuniya, Trincomalee, and Batticaloa had received complaints of LTTE harassment and extortion — termed taxation by the LTTE (29 Nov. 2002). Jehan Perera, similarly maintained that extortion, which the LTTE justifies as taxation, continues to occur on a "very heavy scale" (5 Dec. 2002).

Since the ceasefire, there have been scattered reports of instances of LTTE extortion, or "taxation," in the media (*The Island* 7 Dec. 2002; ibid. 6 Nov. 2002; ibid. 25 Apr. 2002; *Daily Mirror* 6 Nov. 2002; *Sunday Times* 5 May 2002).

As a consequence of the ceasefire and the resulting ability of the LTTE to now move freely in government-controlled areas, the LTTE has reportedly been able to extend its extortion activity into new territory, particularly the towns of Batticaloa and Karaitivu (*The Island* 25 Apr. 2002). This expansion is justified by the LTTE who argues that the Tamil people in government-controlled territories have not had to pay money to support the LTTE for several years (ibid.). Describing the situation, the Batticaloa-Ampara Civil Liberties Association (BACLA), stated that people in these areas are being abducted by gangs with no apparent connection to the LTTE and are then taken to LTTE camps (ibid.). The relatives of those abducted then agree to pay money in installments in order to gain the release of their family members (ibid.).

Since the signing of the ceasefire agreement, the LTTE's collection of "taxes" has reportedly become more formalized, with the LTTE now issuing a receipt upon payment (*Sunday Times* 5 May 2002). A 5 May 2002 article described the process as follows:

LTTE cadres first move in and inform the prospective tax or ransom payers that they wish to meet the person at a specified time. The person is expected to call over on the given date to discuss the matter. The bargaining begins and the dues paid.

The practice has not changed over the past few months. Civilians who promised to pay ransom a few months ago, continue to pay and if the payments are not

made the LTTE sends a reminder. If the reminder is ignored the civilian faces the risk of being taken away and detained by the LTTE (*Sunday Times*).

Various articles further report on the LTTE confiscation of goods destined for LTTE territory (*Daily Mirror* 6 Nov. 2002; *The Island* 6 Nov. 2002; *ibid.* 7 Dec. 2002). In one instance, a Muslim businessman who was travelling to Jaffna was stopped at the LTTE checkpoint at Omanthai, Vanni, where, upon inspection, his stock of watches and batteries was confiscated (*ibid.*). In two additional incidents, businessmen similarly had their goods confiscated at the Omanthai checkpoint (*ibid.* 6 Nov. 2002; *The Daily Mirror* 6 Nov. 2002). In both cases, the LTTE accused the businessmen of under-valuing their goods in order to evade taxation (*ibid.*).

## **6. RESETTLEMENT OF INTERNALLY DISPLACED PERSONS (IDP)**

An April 2002 United Nations Internal Displacement Unit report, assessing the situation of IDPs in Sri Lanka, estimated that since 1983 some 800,000 people have been displaced (OCHA 10 May 2002). The Jaffna Peninsula has produced the largest number of IDPs, estimated at 350,000, a number that includes its entire Sinhalese and Muslim populations (*ibid.*). Additionally, the LTTE-controlled Vanni, which includes Kilinochchi, Mullaitivu and northern Vavuniya districts, is thought to be hosting an estimated 300,000 IDPs, the large percentage of which are from the Jaffna Peninsula (*ibid.*).

As reported in the Bulletin of the United Nations Inter-Agency IDP Working Group, the Sri Lankan Government estimated that, between January and October 2002, approximately 236,206 IDPs had returned home, relocated, or were in transit (3 Jan. 2003). The government figures further estimated that, of these, some 133,083 IDPs moved to or within Jaffna district; 41,451 moved to or within Kilinochchi; 30,572 moved to or within Mullaitivu; 13,323 moved to or within Vavuniya; 9,909 moved to or within Mannar; and 7,868 moved to or within Trincomalee (United Nations Inter-Agency IDP Working Group 3 Jan. 2003).

Under its Unified Assistance Scheme (UAS), the Sri Lankan government allots a 15,000 rupee [\$CDN 235.65 (Bank of Canada 6 Feb. 2003a)] start-up grant to returning IDPs and refugees that is to be used to acquire basic tools, temporary shelter and to reestablish livelihoods (United Nations Inter-Agency IDP Working Group 28 Nov. 2002). The UAS also makes provisions for an additional 50,000 rupee [\$CDN785.50 (Bank of Canada 6 Feb. 2003b)]

grant as a permanent housing allowance (United Nations Inter-Agency IDP Working Group 28 Nov. 2002). However, the Bulletin of the United Nations Inter-Agency IDP Working Group noted that fiscal constraints have meant that only a very limited number of returning IDPs or refugees have received the full amount (ibid.).

Both Teitur Torkelsson and Jehan Perera stated that people displaced by the conflict are being allowed to return to their homes, except in cases where their return destinations are inside High Security Zones (HSZ) established by the SLA (29 Nov. 2002; 5 Dec. 2002). In the Jaffna Peninsula, such zones cover approximately 30 per cent of the territory (Torkelsson 29 Nov. 2002).

Based on a field visit undertaken in late October and early November 2002, Eranthi Premaratne, a researcher for the Legal and Constitutional Law Unit of the Centre for Policy Alternatives (CPA) in Colombo, stated in a November 2002 paper that many people are unable to return to the North as a result of the large proportion of land that has been occupied by the LTTE and the SLA. Further, although the SLA allows some limited access in a "go and see visit" capacity, it was found that individuals are not allowed to inhabit HSZ (Premaratne Nov. 2002). The LTTE itself holds that some 100,000 persons have been unable to return to their homes in the northern Jaffna Peninsula as they fall within HSZ (DPA 10 Nov. 2002).

As agreed upon in the fourth round of the peace talks held on 6-9 January 2003, the LTTE and the Government of Sri Lanka established an "Action Plan for an Accelerated Resettlement Programme for the Jaffna District" (Norway 9 Jan. 2003). The first phase of the plan is to focus on the resettlement of IDPs and refugees in areas outside of the HSZ, while the second phase will focus on areas inside the HSZ as and when they are decommissioned by the SLA for resettlement (ibid.; Sri Lanka 8 Jan. 2003).

The plan is reported to have four specific tasks and deadlines: a preliminary physical assessment scheduled to be completed by 7 February 2003; the formulation of project recommendations and the identification of potential implementing agencies to be completed by 14 February 2003; the identification of available resources from appropriate funds scheduled for 20 January 2003; and a plan to return property held by the SLA to its original owners or to its intended purposes, to be submitted by 31 January 2003 (Norway 9 Jan. 2003).

## 7. REPATRIATION

While, more than 1,000 refugees "spontaneously returned" to Sri Lanka from Southern India in 2002 (United Nations Inter-Agency IDP Working Group 3 Jan. 2003), a letter dated 12 November 2002 from the UNHCR Branch Office for Canada, stated that:

UNHCR maintains its position that although peace talks between the Sri Lankan government and the LTTE are taking place it is premature to promote large-scale voluntary repatriation. However, UNHCR has not called for a moratorium on the return of unsuccessful asylum-seekers. Asylum-seekers' individual needs for protection must be assessed on their own merits in the course of full and fair procedures, before their removal is effected to Sri Lanka.

During a visit to Sri Lanka in March 2002, the UNHCR informed the United Kingdom Home Office that security checks on returnees arriving at the Colombo airport were no longer as strict and that many "rejected asylum seekers" were being "waved through" (United Kingdom 22 Apr. 2002). The new practice came into place in December 2001 (*ibid.*).

## 8. FURTHER CONSIDERATIONS

In what the SLMM termed a clear violation of the ceasefire agreement (*The Island* 11 Feb. 2003), the LTTE was found transporting weapons across territory not controlled by them (*ibid.*; *ibid.* 8 Feb. 2003; *Daily News* 11 Feb. 2003; *The Washington Post* 7 Feb. 2003). In the incident, which occurred 7 February 2003, three LTTE cadres blew themselves and their boat up following the SLMM's discovery of munitions, including an anti-aircraft gun, aboard their vessel (*ibid.*; *The Island* 8 Feb. 2003; *Daily News* 11 Feb. 2003; *ibid.* 8 Feb. 2003a). The boat, initially intercepted on 6 February 2003 by the Sri Lankan Navy off of the Delft islands, was boarded by the SLMM following the crew's refusal to allow the Navy to inspect it (*ibid.*; *The Island* 8 Feb. 2003).

Despite this incident, the fifth round of peace talks between the LTTE and the Sri Lankan government continued to be held in Berlin, Germany (*Sunday Observer* 9 Feb. 2003). During the talks, which took place 7-8 February 2003 (Norway 8 Feb. 2003), the LTTE promised to stop recruiting children (*ibid.*; VOA 8 Feb. 2003; DPA 8 Feb. 2003; *Sunday Observer* 9 Feb. 2003). The LTTE agreed to a "complete cessation of recruitment of, and recruitment campaigns aimed at, persons under 18 years of age" (Norway 8 Feb. 2003; Reuters 8 Feb. 2003). The LTTE has

reportedly released 350 child soldiers over the "last months" (ibid.; Norway 8 Feb. 2003; DPA 8 Feb. 2003). Also relating to the issue of child soldiers, the LTTE further agreed to submit to monitoring by UNICEF (ibid.) and to undertake, along with assistance from the Sri Lankan government and UNICEF, their rehabilitation (ibid.; *Daily News* 8 Feb. 2003b; Reuters 8 Feb. 2003).

The LTTE and the Sri Lankan government further agreed to allow their human rights advisor, Ian Martin, a former head of Amnesty International, to develop a "blueprint" to address human rights concerns (VOA 8 Feb. 2003; AP 8 Feb. 2003). A draft plan is to be prepared for the sixth round of peace talks to be held in Japan in March, and is to include: mechanisms for monitoring human rights; training in human rights and humanitarian law for LTTE cadres and Sri Lankan government officials (Norway 8 Feb. 2003); and training programmes for police and prison officials (ibid.; *Sunday Observer* 9 Feb. 2003).

Additionally, a press release issued by the Norwegian Embassy in Berlin, Germany, reported that the implementation of the "Action Plan for Accelerated Resettlement in the Jaffna district" was ahead of schedule (Norway 8 Feb. 2003). Preliminary needs assessments have been completed and the activities required to facilitate resettlement are being identified (ibid.).

## NOTES ON SELECTED SOURCES

### **Centre for Policy Alternatives (CPA)**

According to information contained on its Website, the Centre for Policy Alternatives (CPA) is an independent, non-partisan organization formed in 1996. Based in Colombo, the Centre's research and advocacy work focuses primarily on issues of governance and conflict resolution (CPA n.d.).

### **Jehan Perera - Media and Research Director, National Peace Council of Sri Lanka, Colombo.**

According to its Website, the National Peace Council of Sri Lanka (NPC) is "an independent conflict resolution organisation dedicated to support and facilitate a negotiated solution to the ethnic conflict in Sri Lanka." For further information on Jehan Perera, please refer to the "Notes on Selected Sources" section of the Research Directorate's February 2001 paper entitled *Sri Lanka: Internal Movement of Tamils Displaced by the Conflict in the Northern and Eastern Regions*.

### **M. Vije – Project Co-ordinator, Sri Lanka Project, British Refugee Council, London, U.K.**

According to its Website, the Sri Lanka Project was established by the British Refugee Council in December 1987. The stated objective of the Project is "to provide information on Sri Lanka, with a focus on displacement and human rights." The Sri Lanka Project publishes the *Sri Lanka Monitor*, a monthly newsletter, which largely addresses issues relating to the refugee, human rights and political situation in Sri Lanka (Sri Lanka Project n.d.).

### **Maheswary Velautham - Secretary, Forum for Human Dignity, Colombo**

As described in the May 2002 Research Directorate/Danish Immigration Service report entitled *Security and Human Rights Situation, Entry and Exit Procedures and Personal Documentation*, the Forum for Human Dignity is a non-governmental human rights organization founded in 1997. Its activities include the operation of a documentation centre and the provision of legal assistance to victims of human rights abuses.

### **TamilNet**

TamilNet is described on its Website as "a news and feature service that focuses on providing reliable and accurate information on issues concerning the Tamil people." Additionally, the Website provides the following information: "through our experienced

correspondents, we will strive to provide comprehensive and timely information of developments within the war-torn north eastern parts of Sri Lanka" (TamilNet n.d.).

**Teitur Torkelsson – Press and Information Officer, Sri Lanka Monitoring Mission, Colombo.**

The SLMM was established in order to monitor ceasefire violations, investigate complaints, and assist in dispute resolution. It is composed of members from Norway, Finland, Sweden, Denmark and Iceland (Sri Lanka n.d.).

**University Teachers for Human Rights (Jaffna)**

According to its Website, the University Teachers for Human Rights (Jaffna) (UTHR(J)) was formed in 1988 at the University of Jaffna, as part of the national UTHR. While it no longer operates out of the University, the organizations' stated aims remain the same, namely to "challenge the external and internal terror engulfing the Tamil community as a whole through making the perpetrators accountable, and to create space for humanising the social & political spheres relating to the life of our community" (UTHR(J) n.d.).

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