

**Implementation of the Agreements Reached Between
the Government of Sri Lanka and the Liberation Tigers of Tamil Eelam
at the Geneva Talks the 22-23 February 2006**

1. Preamble

The Government of Sri Lanka (GOSL) and the Liberation Tigers of Tamil Eelam (LTTE) met in Geneva 22-23 February 2006 for talks on the Cease Fire Agreement (CFA). The GOSL and the LTTE committed themselves to respect and uphold the CFA and reconfirmed their commitment to fully cooperate with and respect the rulings of the Sri Lanka Monitoring Mission (SLMM). The GOSL and the LTTE also pledged to take all necessary measures to ensure that there will be no intimidation, acts of violence, abductions or killings.

The LTTE made commitments to take all necessary measures to ensure that there will be no acts of violence against the security forces and police. The GOSL on the other hand pledged to take all necessary measures in accordance with the CFA to ensure that no armed group or person other than Government security forces will carry arms or conduct armed operations in GOSL controlled areas. GOSL and LTTE discussed all issues concerning the welfare of children in the North East, including the recruitment of children.

It was agreed that SLMM will report on the implementation of the above agreement at the next session of talks in Geneva on 19-21 April 2006.

This report is an assessment based on information collected by SLMM Monitors, including information on alleged and confirmed violations of the CFA and the Parties' compliance to SLMM determinations with special attention to the defined period of 24 February – 28 May 2006.

A significant increase of complaints lodged by the Parties was noted following the decision that SLMM would present a report at the next round of talks. However, it should be mentioned that it has been somewhat difficult for SLMM to inquire into often rather vague and general accusations with very few concrete facts. SLMM has not yet been able to determine all the complaints recorded during the period as more time is needed to finalize the inquiries in a professional manner and to allow respective Parties to respond to the allegations. As such, this report will analyze the situation in a broader perspective and recommend measures which could strengthen the implementation of the CFA.

2. GOSL and LTTE overall commitment to the CFA

The period started with a positive atmosphere and steps were taken to further normalize the situation. The presence of soldiers in town centers and the number of checkpoint decreased and the population living in the North and Northeast became much more hopeful for the future.

Attempts were made to restart LTTE political activities in GOSL controlled areas but too

much distrust prevailed between the Parties and so the GOSL was not willing to provide unlimited access to LTTE political cadres as they feared that they would engage in clandestine activities. LTTE also pushed for a resumption of organized transport of LTTE cadres through GOSL controlled areas, including LTTE sea movements.

SLMM made several attempts to facilitate a meeting in Killinochchi between local LTTE leaders, a prerequisite set by LTTE to ensure their participation in the second round of Geneva talks. However, neither GOSL nor LTTE could reach an agreement on the transport. The transport issue has now reached a complete deadlock, thus postponing the Geneva talks.

Although the level of violence decreased drastically after the decision was taken to resume high-level talks, the situation became very tense again following the assassination of the Trincomalee District President of Tamil Peoples Forum on 7 April 2006. The killing triggered a resumption of attacks against the GOSL forces, which began with hand grenade and claymore mine attacks, notably in the East. However, this soon escalated into more high profile attacks such as the suicide attack against the Commander of the Army Lt. Gen Fonseka on 25 April, and the sea tiger attack on a SLN Dvora on 11 May. GOSL showed restraint to begin with, but as the seriousness of the incidents increased, so did GOSL's response, which led to additional violence and the suffering of the civilian population.

As a result of the recent escalation in violence the CFA has been put under heavy pressure and the parties' lack of commitment is to be considered highly critical.

3. Intimidation, acts of violence, abductions and killings by GOSL and LTTE

The level of intimidation and harassment of civilians increased with the resumption of attacks against the security forces, forcing people to seek shelter in schools, churches and temples. These places of shelter have lately become targets as well, notably in Trincomalee where the tension between civilian Tamils and Sinhalese is particularly high following a bomb explosion in a market frequented mostly by Sinhalese. In the riots that follow at least 20 were killed, mostly Tamils.

The fishing restrictions enforced by the GOSL continued to impose a serious problem for the fishermen in the North and Northeast. The GOSL initially relaxed some of the limitations but later imposed additional restriction as force protection measures.

Mr. Vigneswaran, the District President of Tamils People Forum in Trincomalee, was assassinated outside the bank where he worked on the 7th of April. The cold blooded killing of this prominent member of the Tamil society close to major police and defense installations raised serious doubts about GOSL capability to maintain law and order.

There had only been few attacks against the security forces or police during the initial six weeks after the Geneva Talks. However following the abovementioned killing the attacks resumed again on the 8th of April when a claymore mine targeted an Army truck in Jaffna. This attack was followed by a series of mine and bomb attacks mostly targeting the SLA and SLN. The security forces and police were attacked more than 141 times in seven weeks resulting in at least 88 servicemen killed in action. The number of attacks,

the targets, the tactics used, and geographic dimension pointed towards the LTTE as being the most likely perpetrator. It does however not rule out that some attacks might have been executed by some other actors or that they could be cover operations. The attacks were a very serious violation of the CFA.

LTTE forward defense localities or convoys in the East were attacked on a number of times throughout the period resulting in the death of at least 19 LTTE cadres. In mid-April five claymore mine attacks in LTTE controlled Vanni killed five civilians and two LTTE cadres. There was also extended exchange of fire between SLA and LTTE across the zone of separation on several occasions.

At least 223 civilians were killed during the period.

In Jaffna more than 43 civilians were assassinated since the 10th of April in a virtual campaign of targeted killings. On several occasions these killings took place within close vicinity of permanent SF presence. Yet, they denied witnessing any of these killings.

The killings followed a pattern where gunmen approaching the victims at their house, calling them out and shooting them. In May two grave incidents demonstrated a new development where gunmen targeted groups of civilians instead of individuals.

On 2 May a group of gunmen entered a newspaper office, shot dead the marketing manager and injured two others by shooting randomly at the employees. On 13 May three gunmen entered a private house and shot dead 8 civilians, including two children.

The fighting between LTTE and the Karuna faction in Batticaloa District lead to at least 25 civilian casualties, some of which were most likely Karuna cadres. On 30 April a Karuna camp in Batticaloa district came under attack by the LTTE. According to the LTTE 20 Karuna cadres were killed and several injured. 10 wounded Karuna cadres were brought to a Governmental Hospital, but SLMM was denied access to there cadres by GOSL.

Furthermore tension in Vavuniya, partly believed to have been related to extortion and armed groups, led to at least 21 civilians being killed. Even though it is difficult to verify, it is likely that many of the civilians killed were actually members or supporters of either the LTTE or an armed group, thus directly related to the conflict.

On 23 April a suicide bomber exploded herself in the vicinity of the commander of the Sri Lankan army Lt Gen Fonseka. The explosion took place inside the army headquarters in Colombo. 9 persons were killed and 27 wounded in this attack. The incident clearly bears the hallmark of the LTTE.

In retaliation the Sri Lanka Armed forces on 25 and 26 April attacked the LTTE controlled area of Sampur and Ilakkantai, by using air and artillery capabilities to strike military and political targets of the LTTE.

Approximately 15 civilians were killed in these actions. The number of LTTE cadres killed in these strikes is unknown as the LTTE has not revealed any figures to the SLMM.

4. Presence and activities of armed groups

Continued attacks on LTTE forward defence localities throughout the period showed that one or more armed groups were actively engaged in offensive operations against the

LTTE. SLMM was able to verify three attacks where the perpetrators either came from or fled to GOSL controlled areas: the attack on the LTTE checkpoint in Vanuvateevu on the 2nd of March, the attack on the LTTE checkpoint in Poonagar, Mahindapura on the 23rd of March and the attack on the LTTE post in Panichchankerni on the 6th of April.

The continued high number of assassinations of civilians, including LTTE supporters, in the East, as well as numerous reports of harassment of civilians strongly indicates that armed groups are operating in that area.

SLMM received a large number of complaints relating to assassinations, harassments, extortions, assaults or abductions where an armed group is the main suspect. Sighting of armed civilians claiming to represent Karuna is often reported to SLMM and on the 28th of March SLMM monitors encountered 10 - 15 armed men in civilian clothes operating in Valaichchenai, who told SLMM that they belong to the Karuna faction. SLMM District Office in Batticaloa has also been contacted by individuals claiming to be Karuna members.

The only clearly identified armed group is the Karuna faction and their political front TMVP who, contrary to the GOSL commitment, became even more visible in GOSL controlled areas in the East in March. SLMM has been in direct contact with Karuna supporters and TMVP members and their presence and activities are often confirmed by GOSL officials. SLMM was even advised by Ministry of Defence to avoid movements in certain parts of GOSL-controlled areas north of Batticaloa due to security reasons.

There are a number of indications that the GOSL is actively supporting the Karuna group. Known Karuna supporters have been seen moving to and from SLA camps, and it is evident that the security forces and police in some areas are not taking action to prevent armed elements from operating.

There were also strong indications that armed groups have started operating in and around Vavuniya. A number of civilians, mainly Tamil businessmen, have been killed during the last few months and it is believed that the main reason behind these killings is an attempt by an armed group to disturb LTTE activities in Vavuniya and strengthen their own position.

SLMM inquiries into incidents of armed violence against civilians in Vavuniya strongly indicate that SLA and Army Intelligence is supporting armed groups in Vavuniya district.

SLMM has not been able to confirm the LTTE allegations that armed groups opposed to LTTE are operating in Jaffna nor the presence of an active Muslim armed group. The LTTE claim that independent armed groups such as the "Peoples Force" opposing GOSL have been behind the attacks on the Security Forces can thus not be verified.

5. Child recruitment

Child recruitment and child abduction increased significantly during in March and April after being at a fairly low level since September last year. The actual number is likely to be much higher as many parents are unwilling to lodge a complaint due to fear of retaliation.

While it is evident that the LTTE was behind most of the child recruiting as confirmed by several of the victims and the LTTE, there were also indications that armed groups such as the Karunas were abducting children. The reasons might be a perceived need to increase the strength of the fighting formations as the conflict escalates. In the East the struggle between the LTTE and the Karuna faction might also lead to increased child recruitment as they are both competing for the same group of potential new cadres.

SLMM is aware that some underage children freely volunteer or leave their families due to economic reasons to join LTTE. Nevertheless it is still against international law to accept them for training or use them for military purposes.

6. Other violations of the CFA

Both Parties are reinforcing their forward defense localities following several incidents of cross fire exchange between the parties, notably in Jaffna and in Vavunathievu, Batticaloa. In Vavunathievu tension seems to have escalated following the killing of a high ranking LTTE leader in the Zone of Separation on May 21st. LTTE had temporarily stopped building a 250 meters long and 2 meters high rampart, but resumed the construction work following the killing.

Furthermore they have constructed new positions along their forward defense localities beside the A9 highway at Omanthai crossing point in spite of it being a clear violation of the CFA.

The situation along the LTTE controlled coastline in Trincomalee Bay was tense, mainly due to the fact that there is no zone of separation along the coastlines. Armed LTTE cadres moving and practicing shooting near the beach alerted the Sri Lankan Navy units deployed on the outlying islands and at sea. When SLN approached the shore, LTTE Sea Tiger boats had been deployed, which further raised the tension and led to exchange of fire between SLN and LTTE. SLMM assisted to defuse the situation by negotiating an agreement whereby the Parties would inform about any weapons practice in advance.

LTTE Sea Tiger vessels have been maneuvering far off the coast in Mullaitivu for several days since April. They have continued to provoke the Sri Lankan Navy ships in the area by approaching in fighting positions and firing with their weapons towards the SLN. This was a clear intentional violation of the CFA culminating in the attack on 11 May 2006 when LTTE attacked four SLN Fast Attack Craft in the north-eastern waters, between Nagarkovil and Chalai.

One SLN craft was sunk by an LTTE suicide boat and 17 SLN sailors died.

It is assessed that this engagement was to a show of force that LTTE has a naval force to be reckoned with, and that they “control” the waters outside their coast.

7. GOSL and LTTE cooperation with SLMM and compliance with SLMM rulings

The LTTE is still not providing full freedom of movement to the SLMM. On numerous occasions SLMM was hindered to approach the shores and suspected LTTE Sea Tiger bases. Although the situation improved slightly, it remains a problem, especially in areas where SLMM needs immediate access to inquire into alleged violations. Such

restrictions make already difficult tasks even more challenging and add problems to SLMM's possibility to determine on alleged violations.

SLMM also faces problems when patrolling in GOSL area. Since SLMM's press release on 29 April regarding GOSL's involvement in extrajudicial killing, SLMM has on several occasions been denied access through checkpoints and exit/entry points. Security Forces on the ground claim that they act upon orders from Colombo.

The LTTE has been quicker to provide inquiry related information requested by the SLMM since the last Geneva meeting. Yet, the situation is still not satisfactory. It has also been very difficult for SLMM monitors to get access to LTTE Sea Tigers and Military Wing leaders.

As for the GOSL, both security forces and police were restrictive when it came to SLMM inquiring into alleged activities by armed groups, especially in Vavuniya. It has also been very difficult for SLMM to inquire into the disappearance of four civilians following the attack on a Navy bus in Pesalai, Mannar on 23 December 2006. Sri Lankan Navy, who are accused of being behind the disappearance, has been completely unwilling to cooperate with SLMM to bring clarity to the case.

Both Parties were still very reluctant to comply with SLMM rulings and even though SLMM continuously pointed out, that for example a newly constructed position is a violation and needs to be removed, no action was taken by either Party.

Prior to the Sea tiger attack on 11 May, LTTE forwarded two written warnings to SLMM, stating that SLMM should refrain from boarding SLN vessels and that LTTE disclaims all responsibility should an SLMM monitor be injured. SLMM perceived these warnings as mere threats, not to be given into. However, SLMM was forced to cease all naval monitoring activities when Sea tigers attacked a SLN craft with a naval monitor onboard on 11 May.

8. Conclusive remarks

The violence has not decreased during the reporting period and serious violations of the CFA have been committed.

The GOSL's commitment to take all necessary measures in accordance with the CFA to ensure that no armed group or person other than Government security forces will carry arms or conduct armed operations in GOSL controlled areas has not been implemented. GOSL is responsible for maintaining law and order in all GOSL controlled areas and this includes preventing operations by criminal, paramilitary and other unofficial armed groups.

LTTE continued to recruit and abduct children to strengthen their fighting capacity. LTTE must follow the CFA and international law and stop this practice.

The Parties must fully cooperate with SLMM and allow access to high security zones and other restricted areas. The Parties also need to improve in providing SLMM with the information required for inquiries and complying with SLMM rulings. LTTE's attempt to

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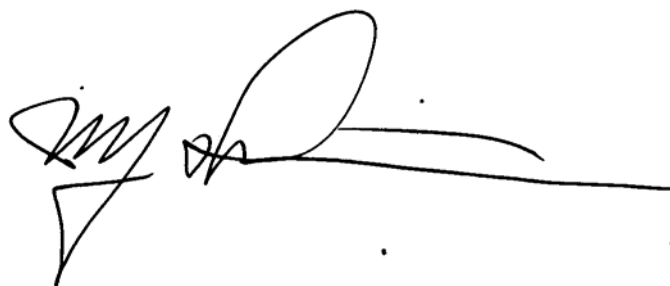
limit SLMM naval monitoring was a totally unacceptable move to limit SLMM's mandate.

A number of violations by the Parties might have occurred due to lack of discipline and knowledge of the CFA, international law and human rights. Both sides should therefore provide more training on the above-mentioned subjects on all levels.

The Geneva meeting gave an opportunity to the Parties to move forward and improve the situation. The initial positive forward looking atmosphere was however quickly changed into reality as the GOSL remained unwilling to implement all of its commitments and instead denied even the mere presence of armed groups in their areas. In addition the GOSL showed little willingness to accept requests by the LTTE aimed at normalizing the situation. SLMM fears that the resumption of attacks against the GOSL security forces were the LTTE's way of putting pressure on the GOSL. The inability by the Parties to grasp the opportunity after the Geneva talks unfortunately led to 150 people being killed and even more being injured or displaced in the violence that followed.

The Parties must start looking at what measures they can take to strengthen the CFA and improving the situation instead of focusing on the faults done by their counterpart. Direct dialogue on all levels should be reestablished as a first confidence building measure. SLMM also recommends that the Parties look closer to the Vienna Document 1999 to find well proven confidence and security building measures which could be adapted to the situation in Sri Lanka.

Finally, it should be emphasized that there are two basic fundamentals which are necessary for a lasting peace and stability: A confident legal system and full democratic control of the armed forces. These basic fundamentals must be strengthened in Sri Lanka if the peace process shall be successful.

A handwritten signature in black ink, consisting of a stylized first name and a long horizontal line extending to the right.

Major General Ulf Henricsson

Head of Mission