

University Teachers for Human Rights (Jaffna)
Sri Lanka
UTHR(J)*

Information Bulletin No. 32

Date of Release: 2nd May 2003

The North – East: Democracy on Death Row

1. After Hakone
 2. Life Amidst Death, the Plight of the LTTE's Opponents
 - 2.1 The Trail of Murder
 - 2.2 The SLMM and Police
 - 2.3 An Escape from an LTTE Prison & other incidents
 - 2.4 The Mark of the Tiger
 3. Why is there so little Outcry?
 4. Paralysed by Fear – Dynamics of Tamil Society's Relationship to the LTTE
 - 4.1 Operation Tiger in Sheep's Clothing:
 - 4.2. The Third Party Syndrome: Anything Goes
 5. The Importance of Broader Political and Moral Objectives
- Appendix I
- Persons from Political Groups Abducted or Killed by the LTTE from January 2002 (Incomplete)
- Tamil Army Personnel and Former Members of the LTTE who were Abducted or Killed by the LTTE from January 2002 (Incomplete)
- Tamil Civilians Abducted or Killed by the LTTE Since July 2002 (Incomplete)

1. After Hakone

Contrary to hopes raised by the ceasefire and the MoU, impunity persists in the North-East, especially on the part of the LTTE. The two crucial and inseparable areas of violations that we have consistently highlighted are child conscription and attacks on political opponents. The two go on in parallel and independently of each other with slack periods followed by periods of intense activity. At present child conscription appears to have subsided while the LTTE's intelligence activity and targeted killings have intensified, both in the North-East and the South, as the LTTE endeavours to eradicate political opponents and military enemies.

By the end of April newspapers were reporting that at least 15 Tamils working as informants to the Sri Lankan military had been killed since the beginning of the cease-fire in February 2002. The latest killing occurred in Colombo on April 26th, causing the Government to launch a long delayed investigation. Reports of surveillance, harassment, abduction and murder of rival Tamil political party members have also increased.

It appears that the LTTE has adopted a programme of first things first. In Batticaloa after the Hakone talks, the LTTE spread the word that whatever was said in the press about the peace talks, each family was still required to provide a child recruit. But intense scrutiny on the issue has made conscripting children outright more difficult. Since Hakone, the LTTE has launched a renewed effort to silence independent local observers and political groups. Their policy: elections and democracy, yes, but after killing or crippling the remaining political opposition.

Thus the universally eulogized peace talks, and the prospect of local elections, far from ushering in hope, have become the sound of doom. It is no exaggeration to say that many of the LTTE's courageous and outspoken political opponents, especially in the East, are living a confined existence, as it were, on death row.

Norway and Japan are the main external actors dealing directly with the LTTE. Their bottom-line has appeared to be that human rights must be pushed, but not beyond a point where the LTTE might break off talks. This may partially explain why the LTTE's continuing attacks on Tamil opposition groups has not featured as a critical concern in the peace process, even though any entity promoting resolution of this conflict would unhesitatingly acknowledge how critical democratic participation is to lasting peace.

In fact, in April the LTTE at least temporarily broke off talks in spite of the diplomatic soft-peddalling. Reacting to a perceived slight when the Sri Lankan government participated in a meeting with donors in Washington, DC that the LTTE was barred by US anti-terrorism laws from attending, the LTTE withdrew from talks scheduled for Thailand in late April; a major aid conference Japan is hosting from June 9th – 10th in Tokyo; and also pulled out of a joint panel on humanitarian needs in the North-East. This was followed by a soap operatic interlude when Minister Moragoda threatened not to participate in peace talks, alleging that LTTE political leader Thamichelvan had misquoted him to the *Sunday Leader* (27.4.03) as having promised to wangle for the LTTE an invitation to the Washington meeting.

The Minister who had been very tolerant of the LTTE bringing the ultimate misery to thousands through child conscription, abduction and murder in the name of peace, was waxing loud with moral indignation over a storm in a teacup. The LTTE's spokesman Anton Balasingham, who has been at pains to say that their absence from talks does not necessarily signal a return to war, was more than ready to smother Moragoda with apologies (for an alleged translation error!) and be pals again. For the present, at least, the moves on all sides appear to be a game of brinkmanship.

The most alarming piece of cynicism in this regard came from the SLMM – essentially a voice of the Norwegian government. On 20th March, during the talks in Hakone, Japan, the LTTE attacked and sank a Chinese fishing trawler off Mullaitivu, killing 17 of its crew. In a bid to exonerate the LTTE, the SLMM in its reflections on the incident pointed its finger at the hapless Tamil opponents of the LTTE! The scene of the incident is a few miles off the Mullaitivu coast, which the LTTE zealously controls. It would have been dangerous or suicidal for anyone else to come there in small fishing boats, the kind in which the attackers reportedly came. The Navy passes that way in fast patrol boats, which journey between KKS and Trinco. Not even the LTTE has suggested that the Navy, which rescued the nine survivors whom the attackers had tried to finish off, committed the crime.

The US is now being widely acknowledged as a key player, the threat of whose destructive power, it is thought, had kept the LTTE from breaking off completely from negotiations. The US called upon the LTTE to formally ‘renounce violence and terrorism’ while heaping praise on the peace process. Whatever the nuances the LTTE has gathered from these expressions, it apparently feels more confident about killing its political opponents. Complicity on the part of the Government is now taken for granted.

Notably, at the Hakone talks during the third week of March, both the Government and the LTTE rejected proposals for international monitoring of a human rights agreement. They opted instead for monitoring by the Human Rights Commission (HRC), knowing well that the HRC are neither equipped for monitoring under the prevailing environment of terror, nor have they established public credibility to an extent that can give confidence. The LTTE once more pledged to drop child conscription and agreed to the holding of local council elections in the North-East.

2. Life Amidst Death, the Plight of the LTTE’s Opponents

Having got the message that the MoU will do little to prevent or punish political killings, the LTTE is now quite open about it. Members of opposition parties, particularly in the East, dare not leave their political offices. They visit their homes at great risk. The incidents below illustrate the kind of impunity the LTTE enjoys now. Even in the heart of Batticaloa town, LTTE spies quite openly hang out with cell phones. When they spot a target they summon the death squads who would come promptly on motorcycles or auto rickshaws. Under the MoU, the LTTE’s political opponents have been deprived of the weapons they had for their protection, while the LTTE goes about with arms and has shot people in public, while the Police and the Army did nothing. In Jaffna things can be subtler and for that reason more chilling. (See the Atputharajah murder below.)

In Batticaloa the LTTE could silence the Tamil community by getting rid of a handful of individuals, whose survival all these years needs to be marvelled at. In Jaffna and in Muslim areas the LTTE faces a far greater challenge. Among those most vulnerable in the East are members of the EPRLF(V) and EPDP. UTHR(J) have reliable information that in targeting certain leaders, the LTTE has approached some former members of these groups to gain access to their party offices and kill for a cash reward. The deterrence of the law has become a non-issue. This will be seen in the cases below.

2.1 The Trail of Murder

Kadirgamanathan Ragupathy (35): was once a member of the PLOTE and was of late attached to the Directorate of Military Intelligence. Married and a father of two children, he was living in Colombo after the ceasefire (December 2001). He has become the fourth such person to be killed by the LTTE contrary to the MoU, but using the access it provided. Late in the evening of 18th March he was gunned down by LTTE assassins who came on a motorcycle. This happened in Mt. Lavinia, on Galle Road, as he was approaching St. Sylvester's Rd. where he had a room. The circumstances point to LTTE spotters with cell-phones covering the area and summoning the hit men when the victim was sighted.

Killers in Colombo: The irony of the incident is that it was expected. Ragupathy had told Military Intelligence that he was being trailed. That the probable killer, **Sivakumar**, had left Batticaloa for Colombo the previous day was known, and warnings had been sent to vulnerable persons and political groups in Colombo. It is well known in the Tamil community that senior LTTE intelligence operatives who were earlier functioning in the Vanni or Interior Batticaloa, from where they sent instructions to operatives in the South, have, under the MoU, set up shop in Colombo and have even been seen in public with their bodyguards. They do their fieldwork without any bother from the Sri Lankan authorities and summon their hit men, who are strangers in Colombo, to do the job and vanish. Sivakumar was back in Batticaloa the next day.

Varathan led a breakaway group from TELO in Araiampathy, south of Batticaloa. He had been a member of the local council and worked for the PA during the last elections. TELO had worked closely with the Army from 1990 – perhaps the only means the local cadre had to protect themselves – but its leadership fell in with the LTTE and is part of the TNA. The MoU enabled the LTTE to target members of Varathan's group with little hindrance and now it seems to be open season. Varathan had gone to Colombo and returned recently.

On the morning of 2nd April, Varathan was in front of the Ariampathy Hospital talking to the OIC, Police, Kattankudy, when Sivakumar of the LTTE passed them on a motor cycle, going towards Kalmunai. Sivakumar turned back, came towards them, whipped out his pistol (which the MoU does not allow him or Varathan to have), and fired at Varathan. Surprised, Varathan, who was unarmed, started running. Sivakumar got down from his motorcycle, gave a chase, and pumped several bullets into Varathan. This was seen by several people, who asked the police inspector why he did nothing. The inspector pleaded that he was unarmed.

Mylvaganam Sivakumar (28) heads the LTTE intelligence in Batticaloa town and had been 6 years in the LTTE. A native of Pudur, he answers directly to the Batticaloa – Amparai Intelligence Chief, Ramanan, and is said to have received special training in stalking and killing individuals. It was under his supervision that three senior EPDP members in Batticaloa were abducted on 3rd December 2002 (Bulletin No.31). For his work he has reportedly been assigned a van, two motorcycles, weapons and 5 bodyguards. Until now his actions against opposition party members had been low key.

Since December his men have been stalking, mostly in the night, homes, offices and routes of opposition party members and we have reported several attempts on them. On 17th February, he threw a grenade at the house of Thurairatnam, leader of the EPRLF(V) in Batticaloa.

2.2 The SLMM and Police

Complaints about Sivakumar's actions have been made to the SLMM, the Human Rights Commission and the Police, but nothing has been done. Following Sivakumar's public murder of Varathan, an order for his arrest was made by the Batticaloa Magistrate. Sivakumar continues to ride around Batticaloa town by broad daylight without the slightest impediment. The current orders to the LTTE intelligence wing are to kill members of the opposition expeditiously. Earlier, in December, the Magistrate ordered the Police to arrest Rajan and Paramanathan over the murder of EPRLF(V) local council chairman Alahathurai in Mandur. The two continue at large.

The SLMM has been notably silent on the murder of members of opposition groups and of Tamils in the security forces, apart from using them as scapegoats to exonerate the LTTE. When approached by opposition parties about their security, the SLMM directed them to the Police. The Police and the Army in turn have spoken of the absence of instructions from the top. **In effect the LTTE goes about killing like vigilante units during the JVP era, while the Police look the other side.** It is the same police force that a few years ago showed an astounding prowess for picking up in a single day a thousand or more 'Tamil Terrorist Suspects' in Colombo! Whenever the Police are made to look ridiculous, the situation is ominous.

Amirthalingam Rasan (18) was from a very poor family in Analaitivu (The Islands) who had been a member of the EPDP for a year. According to his mother Amirthalingam Selvamalar, who has five other sons, the LTTE had sent her several letters to bring Rasan to their office. Rasan declined to comply. In the afternoon of 4th April he was abducted by the LTTE when he left the EPDP office in Mallakam and was tortured in an abandoned house in Soorawattai, Chunnakam. With help from villagers his body was discovered in the lavatory pit of that house on 7th April. Owing to the circumstances, the post mortem on Rasan's corpse and the interment were done in Colombo. The kind of information the LTTE tries to extract from opposition party members comes from the testimony of an EPDP escapee from LTTE custody. It gives a curious insight into the LTTE's preparations for peace. Much of his story has appeared in the Press (e.g. *Sunday Times*, 13th April 2003).

2.3 An Escape from an LTTE Prison & other incidents

Selliah Param (23) of the EPDP went to Killinochi on 31st March to meet his elder sister and family whom he had not met for many years. This is well within the provisions of the Ceasefire Agreement. He was arrested by the LTTE after being seen by a reporter known to him. He was held in a dark underground bunker in notoriously subhuman conditions, where he met members of other groups and also Sinhalese speakers, whom he was told were members of the security forces.

Two days later he was beaten and interrogated while being shown photographs of senior EPDP leaders, some of them crossed in red. The information being elicited was to facilitate murder – e.g. the source of the EPDP leader’s meals and his movements.

At this stage an LTTE cadre Kumar whispered to him that staying there was fatal and he should somehow escape. The chief interrogator learnt of this, shot Kumar dead in his presence and got him (Param) to clean up the mess.

Param was then moved to a makeshift cell, which he shared with a member of the PLOTE, who was detained 4 months ago. The latter had obtained an instrument of sorts during forced labour during the day. They managed to undo the lock, and finding the two guards asleep, made their escape. Being a local, the PLOTE man knew the area, and led Param to the main road near Killinochchi, where they climbed a tree and waited for the dawn. The PLOTE man showed him the SLMM office and went his way. While Param was with the SLMM, Thamilchelvan’s office called and asked the SLMM to hand him over to the LTTE Police. At Param’s request he was returned to the EPDP through the Sri Lankan Police.

The Incident in Chelvanagar, Araiampathy, Batticaloa District: Following the murder of Varathan, some members of his group had held talks with a view to joining the EPDP. The incident which took place about 11.30 PM on 13th April, Traditional New Year’s Eve, was described by *Tamilnet* in these terms: “*Alagathurai Ganesan (30), a father of 3 children , and Mr.Vinoth, a member of the Varathan group, were killed and 8 people were wounded in a grenade attack, allegedly by the paramilitary Varathan group, and subsequent shooting..., sources said. Four members of the Varathan group and four women were admitted to the teaching hospital in Batticaloa with injuries sustained in the attack.*”

Tamilnet added: “*Sources said that inebriated members of the Varathan group visited ‘Selva Nagar’... and started attacking villagers. Mr. Ganeshan had resisted the attacks and the Varathan group had then visited the home where Mr. Ganeshan was staying and lobbed grenades. Mr. Ganeshan died and two women in the house were injured, the sources said. Following this there was shooting.*”

This story is palpably at variance with the forensic evidence. The dead civilian (Ganeshan) and the five dead and injured members of Varathan’s group had gun shot injuries in addition to grenade blast injuries. The four injured women had grenade injuries.

The basic facts are that the LTTE was in the area targeting the Varathan group, who were celebrating the New Year. Thilak, a member of the Varathan group (one of the injured), went to a boutique to buy cigarettes shortly before midnight and got into a fight with Ganeshan, which was joined by others. Some villagers informed other members of the Varathan group who came to Thilak’s aid. The shooting was clearly by the LTTE.

As to how the fight started, Thilak apparently went into Ganeshan's premises to intervene in a noisy quarrel between Ganeshan and his wife, where, reportedly, a girl married to an LTTE cadre, Jegan, was also staying. The incident, we learn, took place in Ganeshan's premises. While a complete account is so far lacking, a material fact in determining whether anyone from the Varathan group threw a grenade, is that no injury to the LTTE has been reported, as against five casualties from the Varathan group with grenade and bullet injuries.

Raveendrakumar (Ravi), a Tamil who works for army intelligence, was shot and badly injured by the LTTE near his home in Batticaloa. The Army later picked up 3 LTTE men who have been remanded by the Magistrate for an identification parade. Ravi was first taken to Batticaloa Hospital. It was after others told the Army that the LTTE would finish him off there that he was transferred to Colombo.

Marimuthu Rasalingam (Jegathes) (42) was a bank employee from Karaitivu, south of Kalmunai, who joined the EPRLF and worked in their publications, and in the early 1990s joined the EPDP. He was on the fringes of the party and his inclination was to vanish into the obscurity of civilian life. He was sickly and went about on a bicycle on his own without any security. Last year he became chairman of the Alaiyadi Vembu Urban Council in Akkaraipattu.

On 18th April, Jegathes left Karaitivu for Akkaraipattu to sign some cheques at the local council and it was known that he was coming. He was shot dead by LTTE men who came on two motorcycles without number plates when he emerged from Sagamam Road on to the main road in Akkaraipattu. It was obviously well planned and co-ordinated. Other sources reported that the killers had been sent from Ramanan's Intelligence HQ in Palugamam and got back there soon after the murder.

Selliah Puvanendran (53) was found dead in Thunnalai, south of Pt. Pedro, on the morning of 23rd April with cut injuries on his neck, hands tied and cloth stuffed into his mouth. Puvanendran's wife was working in Vavuniya and apparently owing to some differences Puvanendran had come to live with his mother in Point Pedro. *Tamilnet* suggested that Puvanendran was a member of the Sri Lankan Army volunteer force. This has been denied by others who knew the party. At this point whatever is claimed about him for public consumption must be regarded as useful speculation.

Sithamparapillai Yasodaran (23) of Pudur, Batticaloa, had been a member of the Razik group, a Tamil unit that is part of the Army, for a short time. Having left the unit six months ago, he was staying at home. At 10.30 AM on the 23rd of April he was abducted from Arasady Junction by the LTTE.

2.4 The Mark of the Tiger

Maclan Atputharajah (52) was a father of five and was president of the Chavakachcheri mini bus owner's association. He was efficient, fluent in all three languages, and was notably firm in not letting the LTTE dictate terms to the association. Prior to the displacement in 2000, the LTTE had asked him for Rs. 5 lakhs. The wife, who was

afraid, reportedly went without her husband's knowledge, gave them Rs. 50,000/- and told them that they do not have more. When they returned to Chavakachcheri recently, the LTTE demanded money again. There were also rumours that Aputharajah, who was known to be sympathetic to the EPRLF (V), would become its candidate at the coming local council elections. About 9 PM on the night of 23rd April, Aputharajah, closed his bar and was returning home by van with his helper **Poothan Chandrakumar (27)**.

They were waylaid by 6 masked men in black trousers and T-shirts who came in another ash coloured van, carrying with them poles and knives. They waited just inside a lane off Kandy Road, between the CSI Church and Drieberg College, where there is an army sentry point. At the approach of Aputharajah's vehicle, the waiting van dashed out to the road and stalled the coming vehicle against a pile of stones. Aputharajah was beaten and stabbed while seated in the van, and again after being dragged out. The assailants finished the job and vanished within four minutes. Aputharajah died while being taken to hospital by members of the public. Chandrakumar escaped with stab injuries. Aputharajah normally went home on a motorcycle. This meant that his movements, including the change to a van, had been monitored and passed on. The Police have arrested two men, Kili and Thanges, who had quarrelled with the deceased.

The Anatomy of the Aputharajah Murder: Thanges was the owner of a minibus and had been suspended by the Minibus Owners' Association (MOA) for breaking rules. Although Thanges was known for a sharp tongue, he was thought incapable of premeditated murder by those who knew him, nor did he have the contacts for the kind of action that took place. Kili had a quarrel with Aputharajah's son who owned a shop. He was known to have friends in Thunnalai, Vadamaratchy, who are rough elements. But friends of the deceased, who checked up in Vadamaratchy, said that these friends were in Thunnalai that evening and had not left the place.

The kind of organized gangsterism involved, with other tell-tale signs, point the finger clearly at the LTTE. Aputharajah's body was released by the hospital the following (24th) morning and the funeral was fixed for the next day. The family wrote up a notice and the *Uthayan* correspondent in Chavakachcheri agreed to put it in next day's edition as a news item. The correspondent passed it on to his Jaffna office through the driver of Jeweller V.M. Kanapathipillai who also had a branch in Jaffna. The driver confirmed that it was delivered. But the paper failed to publish it the following day. The statement issued and delivered to the *Uthayan* by the Minibus Owners' Association met with the same fate.

The MOA took issue with reporters on the day of the funeral for not informing the public of an event that was undoubtedly newsworthy. The reporters, who felt bad, told the MOA to parade their buses as a mark of protest and that they would photograph it and publish it. The parade did take place, but the reporters did not turn up! When Aputharajah recently had an age-attaining ceremony for his daughter, eight LTTE men turned up, apparently uninvited. But only one LTTE man turned up for the funeral, and moreover, at the time the coffin was being removed.

The family of the deceased and other concerned persons expressed their dissatisfaction about the murder to the LTTE, who promised in earnest that they would investigate and find the killers. More than a week later, there were no signs of any investigation. The LTTE had questioned neither family nor friends. This was rather like the promised investigation into the brutal assault on the Hartley College Principal last September.

On looking back, two events stand out. A week before the murder, unknown persons had woken up Atputharajah at his home at 1.00 AM and wanted him to come with them. Fearing what it might mean, the natural response of people under such circumstances is to think of escape and not to ask too many questions. The men said that a vehicle had met with an accident at Sangathanai, a mile east of Chavakacheri, and wanted his help to remove the vehicle. Atputharajah told them to go to the Police and that he would come the first thing in the morning. He discovered the next morning that there had been no such incident near Chavakacheri.

A month earlier, Ilamparithy, the LTTE's political commissar for Jaffna, himself a Thenmaratchy man, attended a meeting of the Minibus Owners' Association. He had earlier opposed Atputharajah being made its president. At the meeting Ilamparithy patted Atputharajah on the back genially, and told him, *'Hanuman, I have earlier saved your life!'* Hanuman was Atputharajah's nickname locally. There were two unknown faces at the meeting. Atputharajah inquired who they were. Ilamparithy replied casually, *'They are our boys'*. In retrospect, it was a chilling encounter, whose significance falls into place.

In Chavakacheri itself, the public is convinced that the LTTE is behind the killing and talk about it less. It lays bare the sinister significance of the MoU that is still talked of as an achievement. Friends of the family are in a dilemma about what to do with the two men in police custody, whom they now believe are being harassed, and almost certainly beaten, for no reason.

24th April: Grenades thrown in Jaffna: About 8.30 PM, LTTE men who came on a motor cycle, threw a grenade into the restaurant run by the EPRLF(V) at the junction of 1st Cross St. and Hospital Road, Jaffna, and at the PLOTE office nearby. The grenades did not explode though the pins had been removed. The army disposal team exploded the grenade that had fallen outside the PLOTE office and removed the one from inside the restaurant for examination. In the latter instance, the lever which is kept pressed down to prevent explosion after the removal of the pin, had come off, and was found separately with EPDP written on it! The army disposal men said why the grenades did not explode is a mystery.

Lingasamy Devaraja, a former LTTEer from Batticaloa, who worked with the Army's DMI was shot dead on the night of 26th April while going to a boutique in Pepilyana Road, in the Nugegoda area near Colombo, with his wife and young son. The killers who shot him at close range escaped in a trishaw. The number of Tamil army personnel killed during the MoU is placed at about 15.

Trincomalee: Grenades Thrown: The LTTE threw grenades, late evening, into the premises of the EPDP office on 14th April 2003, the Orr's Hill residence of Tamil Sihala Urumaya member Viswanathan on 21st April and two into the premises of the EPRLF(V) office on CV Road on 30th April. Fortunately, no one was out and no one injured. The message is clear against the approach of elections.

3. Why is there so little Outcry?

The silence [of progressive elements of civil society] over these killings has stemmed from a mistaken notion of democracy and peace building. Many former Tamil militant groups opposed to the LTTE share its history of human rights abuse. Tamil politics of the 1980s was dominated by militarism, and military mobilization was accomplished at the cost of political vision. Public disillusionment [with these groups] followed as LTTE terror destroyed all vestiges of a people's struggle. For the elite in Tamil society, appeasing the winner came instinctively as a means of survival. It became fashionable to heap derogatory epithets on the other militant groups. The pain, sacrifice, humiliation, rejection, and the debasement that many of the LTTE's rivals suffered meant little to them.

But everyone is answerable for their actions, and peace can become real only if, not just the Tamils, but Sri Lankans as a whole strive to make all actors answerable for their misdeeds. Peace must come with justice, and not by building myths around unlikely champions of peace and stubbornly refusing to face the truth about where we are headed.

Spearheaded by the Norwegians, the process has been based on technocratic calculations of military balance [that have accepted the LTTE as authentic representatives of the Tamil people and have permitted LTTE abuses to continue largely unchecked]. Under the noses of the monitors, the LTTE has continued to kill, to dragoon underage children for use as armed coolies, to impose any form of duress on individuals and groups to prove that they have the proverbial 100 % support, and to run prisons and engage in torture.

This state of affairs could not have come about without a surrender of values by intellectuals and activists. Illusions of achieving an "illiberal peace" are sustained by holding out the offer of legitimacy to forces that are irreconcilably destructive, and whose ways are inherently the antithesis of peace and justice. That the guns have been largely silenced is used to argue that the present peace process is intrinsically feasible and, besides, the only conceivable 'road map' to peace. Those who advocate this position refuse to acknowledge the growing adverse realities: the changing political equation in the South, the LTTE's calculated, multi-faceted thrust against any emerging Southern political consensus, and its patent cynicism in dragging on the peace process for as long as convenient by making sham, rhetorical commitments to human rights, democracy and a political settlement, while progressively ensuring by terror on the ground that none of these stands a fighting chance.

To these guardians of intellectual rigour and the country's well being, the LTTE's targeting of members of opposition groups and Tamils in the security forces is just a minor irritant. Many of the victims are individuals who were abandoned and disowned by

the struggle and threatened with death by the LTTE, who in their powerlessness and anger turned to the State. The State used and abused them and shamelessly left them to be picked off by killers on the streets of Colombo – useful and chilling testimony to the inexorable power of the LTTE and the fate that awaits those who defy it.

A poem that appeared in the *Island* captures the tragedy and irony of persons from the humbler ranks of society who were killed, because to kill is the stamp of power, and of others from the well-heeled sections of society, for whose agenda, the fact that anyone should notice it is irksome:

**to the memory of the three-wheeler driver purportedly shot dead by
the ltte for being familiar with the police**

we will not mourn you
auto-man¹, nameless,
in my address book,
for you have turned
a spy and i a yuppie
activist;
you spun yarns
in war and peace
and i took a vow
of silence.

for they
said, carelessly,
in choice words
of wisdom;
it is of no consequence,
only a street man.
who drank deep
of the poisons of this city,
who dared to cross
borders and language
marches,
carried messages of peace
across enemy lines
in war time.

but now that we have
the chatter of peace
all around us,
we are on
an epic journey
to motherland, to
sattahip².
we will not mourn you;
for peace unfurls in a
flurry of words, talks,
and we await,
in chaste longing,
a second coming
of holy men,
and hooligan dealers

¹ since the mou was signed between the government and the ltte, a
number of people, including three wheeler drivers, have been killed by the ltte for going against
their strictures

² sattahip: the first round of peace talks between the ltte and the sri lankan government, held in sattahip in thailand.
“thai” is th cruelly, you joked e formal term for mother in tamil

but they
were not certain,
charioteer,
the city planners and civil society,
they were not certain
of your humanity; they
took
a snap decision,
in plush hotels made in
heaven,
to clean up
the streets,
of gods and their side
kicks,
of traitors and three
wheelers,
they wanted to clean up
the city, safe,
for fascists
and foreign investors.

i will not mourn you,
three legged guide,
for i too have caught the
germ;

i have sealed my body
against your truth; i pack
my thoughts tight
in six yards of lack;
wave flags

at peace vigils,
supplicate
in a long unbidden
prayer,

haunted by winding
memories
of your courage, love,
caring, intimacy, struggle.

cruelly, you joked
with death
and its militant fans,
splattered the white
of the sidewalks
with shades of red;
the blood
ran down the palace
walls,
drowned peace and all
its polite talk
in its naked colour
in a tumult of the
multitude,
turning
the grey of my dream
incarnadine.

4. Paralysed by Fear – Dynamics of Tamil Society's Relationship to the LTTE

Any illusion in the North-East that peace will dawn and people can breathe freely is slowly being dissipated. Facing the truth has become dangerous and people who talked quite freely some months back, are beginning again to talk in whispers, as though walls have ears. They take refuge behind absurd, but safe, conjectures.

In the North the LTTE have failed to bring the people totally under their control. People have shown a marked reluctance to be bulldozed into participating in the LTTE's ritual gatherings. The people of the North were also traumatised during the LTTE's forced exodus of 1995, and are anxious to preserve a semblance of normality in their lives. Taxation and extortion demands continue, but there is resistance to them. The presence of the Army and a tacit understanding it has built up with the people makes it difficult for the LTTE to use terror in an effective manner.

The LTTE controls the media and is to a degree manipulating the University, using a handful of students and staff. It is making a determined bid to eliminate the remaining political space for alternative voices before the next elections.

In the East, the LTTE's ability to summon people to areas under their control and impose demands on them has facilitated their control of the Tamil people. They also manipulated latent anti-Muslim feelings to their advantage. The effect of the MoU on places like Batticaloa, has been to make people feel the presence of the LTTE in the very air they breathe.

The fate of local democratic participation is at stake. If Sivakumar's public murder of Varathan in the presence of a police inspector gave the message of total impunity, the murder of Jegathes and Aputharajah demolished the complacency of many who hoped that they were too unimportant to become LTTE targets. Many political parties have a significant base in the East. In every village there are people who have associated with candidates at election time. There are hundreds like Jegathes who have a party connection without being at the centre of party politics. It is such persons who come forward as candidates at local council elections, now the immediate focus of LTTE action.

4.1 Operation Tiger in Sheep's Clothing:

After a year of the MoU, the LTTE clearly saw that it had alienated the people and had singularly failed to build a dependable electoral base. Going for elections was out of the question. Its warlike rhetoric increased. Its absurd claim to be sole representatives was based on the parliamentary seats held by grovelling TNA members. This shaky foundation too was demolished when TULF leader, Mr. Anandasangary, at a well-attended party meeting in Jaffna, on 23rd March, asserted the independent, separate identity of his party, adding that the LTTE or anyone else cannot be the sole representatives of the Tamil people in a multi-party arena. This was something the audience was longing to hear. They applauded enthusiastically and mobbed their leader. In a party where the LTTE had killed over 10 leaders since 1988, other MPs became nervous. They criticized Anandasangary for saying openly what they too accepted, but thought wise to leave unsaid.

Not only had Mr. Anandasangary obtained the highest preference vote in Jaffna at the last elections, but was also the one to have benefited least from the massive LTTE-sponsored impersonation. The LTTE leaders were livid. Thamilchelvan, the LTTE's political chief, who summoned TULF MPs for a meeting on 19th April, ordered them to get rid of Anandasangary as leader. He told them that the LTTE would then use the TULF as their political front and that they would have to accept some of their nominees. The following day Mavai Senathirajah MP summoned a meeting at the TULF's Stanley Road office in Jaffna, a place he had previously avoided, and began the process of undermining his absent leader.

The meeting was ostensibly to organise the May Day rally, a task the LTTE had entrusted to Senathirajah after the LTTE's abysmal failure to attract crowds for its functions – its recent Annai Poopathy meetings in Batticaloa attracting no more than a few hundreds.

Senathirajah told the party meeting that the TULF is the political front of the Tamil struggle, while the LTTE is the military front. He added that the current negotiations might fail and war may follow (- the next day LTTE spokesman Anton Balasingam announced in a letter to the Prime Minister the LTTE's temporary withdrawal from peace talks). In the event of war, Senathirajah told the audience, the TULF would be fully behind the LTTE.

This was contrary to Anandasangary's position that the TULF backs the LTTE as Tamil representatives tasked with negotiating a political settlement, and for that purpose alone. Senathirajah's extrapolations had no basis in party decisions. The audience that had excitedly applauded Anandasangary less than a month earlier remained silent – walls have ears. Raviraj MP, who is close to Anandasangary, took refuge in inanities, attacking UNP minister Maheswaran.

The LTTE's two-fold strategy to cover their lack of popular appeal is thus manifest. One is to take over the TULF, kill off any independent life left in it, while using remaining old faces in the party as mere useful props, and to use the TULF cover as a sheepskin. The second is to expedite the extinction of the Tamil parties opposed to them through terror and murder.

4.2. The Third Party Syndrome: Anything Goes

Whatever crime the LTTE commits, all it needs to do is to make a simple denial. Starting with the Government and the SLMM, the main actors in the peace process will come forward to cover up for it and even to reward it. The SLMM's credibility as a monitor reached a new low after the verdicts it gave on the attack on the Chinese fishing vessel on 20th March and the reported attack off Trincomalee on the passenger ferry carrying over a thousand troops to Jaffna on 31st March. On MTV's Good Morning Sri Lanka programme the following morning (April Fool's Day), SLMM spokesman Teitur Torkelsson said that the LTTE denied involvement in the incident in which two soldiers were injured and added that any of the 'other Tamil parties' could have carried out the attack!

This line of speculation became infectious. In a climate where the truth was dangerous, whenever the LTTE was clearly the party to a crime, people pointed to a 'Third Party', whether out of mischievous intention or, often, simply out of fear. Violence flared up in the Mutur area in the wake of protests following the abduction of two Muslim youths on 31st March and the suicide of the mother of one of them on 15th April. Armed LTTE cadres were seen among Tamil mobs looting, destroying, allegedly poisoning wells, and, occasionally, murdering, to show, as it were, the Muslims 'their place'. About half a dozen civilians were killed. Again, pointing the finger at a 'Third Party against the peace process' became the fashion among Tamil editors and commentators.

And so members of Tamil opposition parties who dare not sip a cup of tea in a boutique in Mutur or Batticaloa town, or even walk the streets of Wellawatte, are being credited with deep-sea attacks off the East Coast and of abductions and murders in rural, LTTE-controlled Mutur. This incredible state of affairs prevails because there is no one in

authority to speak the truth. Instead of a robust peace process based on respect for truth, we are having a directionless peace process, constantly distorting the truth to reward the LTTE at any cost to the people. After the SLMM did its part to cover up for the LTTE over the attack on the Chinese vessel, Thamilchelvan came close to admitting LTTE involvement by saying that LTTE permission is required to sail in certain waters off the island's coast. Now after more than a year of the MoU and the lack of any tangible progress on a political settlement, the SLMM wants to give legal form to Thamilchelvan's claim.

There is pressure on the Government to move the Army out of Jaffna town.. While the Army's presence places restrictions on normal life, the people are by no means enthusiastic about moving the Army out. In the event of the Army moving out, a number of traders are planning to wind up operations in Jaffna, and several of them have moved substantial capital to Colombo. It is an ironical comment on the half a century old Tamil struggle for self determination that, without the Army (even though they do not positively safeguard them), those in Jaffna who want to represent the people democratically, will face the same problems faced by their counterparts in Batticaloa. Even Mr. Anandasangary and his supporters will not be safe in the TULF's Stanley Road office. (The TULF's former Jaffna Mayor Sivapalan had been advised by friends to function from the Stanley Road TULF office near the Town Brigade HQ, and was killed by the LTTE in September 1998 when he moved to the Mayor's office in Nallur.) The Army must eventually move out of town, but one cannot close one's eyes and pretend that restoring normality is a one-sided affair, especially when political killings go unchallenged.

Since 1990 we have from time to time provided accounts of the atrocious conditions, torture and executions in the LTTE's bunker prisons, based on testimonies of former inmates. We now have current testimony from an escapee whose picture is in conformity with the hideous conditions we described 13 years ago (see Reports 5,6,8,9 and 10).

Meanwhile foreign visitors have been fobbed off with descriptions of LTTE legal proceedings, a view of their more passable detention centres, and humble appeals for their advice in bringing these up to international standards! What kind of normality do these bunker prisons represent? It also raises questions about how serious the monitoring arrangements are, and what civilians in the Vanni have to put up with.

The nations that have pushed this peace process on with extravagant praise, must pause and reflect on where this is going. Do democracy and truth feature anywhere in it? If they truly believe that a totalitarian peace is the only answer, then they should draw up plans to provide political asylum to members of Tamil opposition parties. The supporters and dependents of these parties, far from thinking of elections, are terrified by the recent upsurge of killings and are desperate for help. It is inhuman to pretend that there will be some leeway for democracy and human rights worth fighting for, and watch while these vulnerable persons get picked off one by one. This pretence is essential to sell the process as a noble endeavour worthy of support.

5. The Importance of Broader Political and Moral Objectives

The current violence in Mutur, the second outbreak in less than a year, underlines the inherent fragility of the peace process. If support is given to the LTTE's totalitarian agenda in the name of peace, the Muslims may be driven out of the East as they were driven from the North in 1990. Given the nature of the LTTE, it would logically come to that, even though most Muslim leaders try hard not to offend the LTTE and are remarkably flexible and accommodative. When confronted with this crazy and obdurate approach to the Muslims, peacemakers frequently choose to escape from reality by inventing the 'Third Force', with an interesting list of candidates. Thus misrepresenting the problem, they lose all ability to build bridges between the communities, if they ever thought that necessary.

Lacking a grasp of real problems, conflict resolutionists dazzle us with new jargon such as 'Human Security' and seminars on it. But the insecurity of whole families on the ground resulting from child conscription, political killings and suppression of their grief, remains far from their ken. Their real interest in individuals is confined to sleazy types who offer contact with the LTTE. The intellectual roots of the current peace process have close links to other bizarre attempts at conflict resolution such as the Lome Peace Agreement in Sierra Leone of 7th July 1999. A criminal organization, The Revolutionary United Front (RUF), was placed in power by starry-eyed conflict resolution experts and even a manifesto was drawn up for it. Things went out of control, and it took a contingent of British troops to intervene and restore order.

The world is moving in two diametrically opposed directions. There is on the one hand a trend to bring to bear international norms of order and justice, along with institutions to give them force. This is essential to check the obduracy of governments and the rising tendency for obscurantism and terror in the name of fighting for the rights of aggrieved groups. On the other hand powerful nations led by the US are contriving their own hierarchies of power and patronage with complete disregard for international law and norms. In this they undermine the sway and credibility of international institutions to secure their short-term economical and political objectives.

Unfortunately in Sri Lanka, the tendency among leading political actors is to tackle the present crisis by relying solely on tactical alliances with big powers. They are largely blind to the necessity of committing themselves to broader political and moral objectives based on international norms. They seek to remain in their political ghettos manoeuvring to safeguard their turf. The present government appears to hope that its tolerance of anarchy, and opportunistic disregard for the life and rights of Tamils and Muslims on the margins, would be rewarded by some big power intervening in its interests. These excursions into fantasyland will boomerang on every one of us in this country.

- The essential first step is for the Sri Lankan government to place its commitment to democracy and human rights on a solid footing by, as early as possible, signing and ratifying the Rome Statute of the **International Criminal Court**, and so give a message to the world that the Sri Lankan government will abide by rule of law

and no one, whether from the arms of the state or individuals, will be allowed to get away with crimes of genocide, crimes against humanity and war crimes

- Secondly, we must demand collectively that rather than misuse third party mediation to further its totalitarian objectives, the LTTE should negotiate a settlement for the well-being of the ordinary long-suffering Tamils, who must live and die in this country, with due respect for the rights and dignity of all other communities. We in this country have the necessary intellectual resources to formulate a political framework suited for our needs. Unfortunately, when people are sent on world tours to study models, it gives the impression of a lack of seriousness. Ironically, it fell to LTTE spokesman Anton Balasingam, recently, to commend publicly the constitutional proposals drawn up in 1995 by suicide bomber victim Neelan Tiruchelvam, with Prof. G.L. Peiris!

The International Community should not waste this opportunity for peace by, on the one hand, being blind to the LTTE's systematic killings and lending legitimacy to its totalitarian agenda, and, on the other, giving support to the Government's manipulative and unprincipled approach to peace. The failure to address core political issues should not be postponed any longer. The LTTE has been allowed to use the 'need to restore normalcy' as a cover for its refusal to address these. In real terms, this one-sided normalcy means tightening of the LTTE's stranglehold on the Tamil people. Correspondingly, there has been little pressure on the Southern political formations to put their house in order and to talk about a framework in earnest. Under such circumstances, any developmental activity would be pointless and wasteful, if not disastrous.

Appendix I

Persons from Political Groups Abducted or Killed by the LTTE from January 2002 (Incomplete)

(Unless indicated, nothing more has been heard.)

18th January: Vijayanthan Vithyakaran (29), former member of PLOTE, 142, Beach Rd., Navatkudah, Batticaloa; Father Velupillai Vijyanathan.

21st February: Raju Suman, member of EPRLF(V), abducted in Valaichenai

19th July: Sellaiah Kathasamy (36), member of EPRLF(V), Thiruvalluavan Street, Pandiruppu 1, Wife: K.Utyhayarani, Children: 2

3rd December: Sellathurai Thangarasa (36), EPDP organizer, Aaron's road, Thandavaveli, Batticaloa, Wife: Xaviour Cicilia, Children: 1

3rd December: Naharaja Nesaraja (48), member of EPDP and former MPC, NE, Avulia Lane, Batticaloa, Wife: Inpamalar, Children: 2.

3rd December: Kandasamy Gnanajothe (49), EPDP supporter, Kathirkamar Street, Amirthakali, Batticaloa, Wife: Ramasamy Vanitha, Children: 1.

16th December : Poopalapillai Alahathurai (35), member of EPRLF(V) and Chairman of Porativu Local Council, Theevukkadu, Mandur, Newly married. Dead body found with torture wounds: 18th December

2nd April 2003: Seenithamby Ranjan alias Varathan, Leader of a TELO breakaway group and former local councillor in Araipattai (Araiampathy), Batticaloa, Shot dead in broad daylight by LTTE's Sivakumar.

4th April 2003: Amirthalingam Rasan (18), member of the EPDP for a year until the time of death, native of Analaitivu, kidnapped, tortured and killed by the LTTE in Chunnakam

13th April 2003: Subramaniam Jeyadevan (21) alias Vinoth, a member of the Varathan group, whose survivors moved recently to join the EPDP. Shot dead by the LTTE on Traditional New Year's Eve

18th April 2003: Marimuthu Rasalingam (42) alias Jegathes, Chairman of the Alaiadi-Vembu (Akkaraipattu Tamil Division) Local Council and member of the EPDP. Murdered by LTTE gunmen when he came to attend to council business

Tamil Army Personnel and Former Members of the LTTE who were Abducted or Killed by the LTTE from January 2002 (Incomplete)

9th February 2002: Anthony Claire (36), Sri Lankan Army, Thethaveli Road, Araiampathy, Wife: Thilagavathy, Children: 7. Abducted and missing.

3rd July 2002: Arumugan Soundararajah (28), Sri Lankan Army, Siripala Building, Batticaloa, Wife: Thamotheram Injutha, Children: 2. Abducted from town.

11th December 2002: Ganeshmoorthy Thilakarajah, a former member of LTTE Intelligence from Batticaloa, was staying in a lodge in Bambalapitiya, Colombo, trying to leave the country, when he was killed (see Bulletin No.31).

3rd January 2003: Sivasambu Pulendirarajah (44), Sri Lankan Army, 46, Lake Road 2, Batticaloa. Abducted from town

16th February 2003: Sebamalai Madonna Mark (30), former major in Women Sea Tigers and a talented singer. Reportedly abducted from home in Vankalai, Mannar District. The family, according to this report, was warned subsequently by Amithap, LTTE political commander, Mannar, Nilavan and Poomathy who visited them.

18th March 2003: Kadigamanathan Ragupathy (35), Sri Lankan Army, recently resident in Mt. Lavinia with wife and children. Killed.

23rd April 2003: Sithamparapillai Yasodaran (23), Recently left the Sri Lankan Army and staying at home in Pudur, Batticaloa, Abducted by the LTTE.

26th April 2003: Lingasamy Devarajah, Sri Lankan Army, recently resident in Colombo with wife and child. Killed.

Tamil Civilians Abducted or Killed by the LTTE Since July 2002 (Incomplete)

12th July 2002: Ganeshamoorthy Thilakarajah, was a resident of Pandiruppu, Kalmunai who was reportedly friendly with the EPDP. The LTTE had been making extortion demands on him and one day forcibly removed his motorcycle after threatening his mother. Thilakarajah moved to Colombo, where he was killed.

9th September 2002: Subramaniam Muthulingam (45), an engineer from Australia, and former trustee of the Murugan Temple in Perth, who fell foul of the LTTE by resisting its extortion of Temple funds (see Appendix III.1 of Special Report No.16). Was killed in Dehiwala while holidaying in Sri Lanka.

25th September 2002: Ponnuthurai Jebanant hakumar, Puthukkudiyiruppu, Mullaitivu, reportedly shot dead.

12th February 2003: Sathyan, Karaitivu, Amparai District. Killed

13th April 2003: Alahathurai Ganeshan (30) of Araiampathy, Batticaloa. Died of gunshot injuries in the same incident in which the LTTE fired at members of the Varathan group, killing one and injuring four.

23rd April 2003: Maclan Atputharajah (52), President of the Chavakacheri Minibus Owners Association and supporter of the EPRLF (V), beaten and stabbed to death.

23rd April 2003: Selliah Puvanendran (53), Former resident of Vavuniya, recently resident in Pt. Pedro, tortured and cut to death.

Muslim Civilians Killed by the LTTE After the Signing of the MoU (February 2002)

27th June 2002, Valaichenai (see Special Report No. 14)

- 1.) **Hyath Mohamed Januudeen (26)**
- 2.) **Hyath Mohamed Janushdeen (20)**

The two brothers above were abducted and killed by the LTTE from a Tamil wedding in Petthalai, where they had been invited to cook.

- 3.) **Shahabdeen (37),**
- 4.) **Saleem (15),**
- 5.) **Anwer (20),**
- 6.) **Hajamohideen (39) and**
- 7.) **Mubarak**

The five above were killed when the LTTE threw grenades and attacked a crowd guarding the Valaichenai Mosque on the same day.

- 8.) **H.M.Kaleel Rajman (22)**
- 9.) **P.M. Ajwath (25)**

The two above were returning to Valaichenai and are missing since being abducted in Kiran by an LTTE party under Jim Kelly Thattha.

- 10.) **N.M.Abusally (35)**
- 11.) **H.M.Mohamed Usan (44)**
- 12.) **M.A.Hyath Mohamed (42)**

The three above went fishing in the Vahaneri reservoir are missing after being abducted by the LTTE on 27th June 2002.

- 13.) **Mubarak** was killed when the LTTE opened fire and threw grenades at worshippers at Oddaimavady Mosque on 28th June 2002
- 14.) **A.T.M. Hussain (68) alias Kalanthar**, a Muslim auto-driver in Valaichenai, who was popular with Tamils among whom he had a large customer base, was murdered in the early hours of 5th January 2003 while at work. At this time the LTTE was threatening Tamils not to do business with Muslims. See the poem in Secn.3 above and Bulletin No. 31.

- 15.) **Mahboobal Nayeem (28)**
- 16.) **Razak Jabir (25)**

The two above were abducted by the LTTE when they went by boat from Mutur on the morning of 31st March 2003 to trade off the LTTE-controlled coast off Kadatkarichenai to the east. The two are believed to have been killed - the context behind tensions in Mutur (see forthcoming Bulletin). On 15th April, **M.M. Kiyathumma (48)**, the mother of Nayeem, committed suicide by swallowing poison.

- 17.) **17th April 2003: Nilabdeen (50)** died of gunshot injuries in the Palath-Thoppur area after being fired upon by the LTTE.

18.) 21st April 2003: Mohamed Rabsali (41) of Iqbal Nagar, was shot dead by the LTTE reportedly while bathing in a tank.

19.) 22nd April 2003: Meera Lebbe (50), a resident of Selvanagar in the Mutur area, was shot dead by the LTTE. His daughter **Lafir Sashila** who was with him survived with injuries.

** The University Teachers for Human Rights (Jaffna) (UTHR(J)) was formed in 1988 at the University of Jaffna, as part of the national organisation University Teachers for Human Rights. Its public activities as a constituent part of university life came to a standstill following the murder of **Dr. Rajani Thiranagama**, a key founding member, on 21st September 1989. During the course of 1990 the others who identified openly with the UTHR(J) were forced to leave Jaffna. It continues to function as an organisation upholding the founding spirit of the UTHR(J) with its original aims: **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.** The UTHR(J) is not at present functioning in the University of Jaffna in the manner it did in its early life for reasons well understood.*