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**Child Conscription and Peace: A Tragedy of Contradictions**

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## Summary

This latest report by UTHR(J) examines the health of the peace process one year on, noting that for all the celebration internationally and in Sri Lanka, conditions on the ground are not encouraging. A year of “no-war” has, particularly in view of the LTTE’s conduct, shown no significant improvement in democratic rights, human rights or inter-communal relations in the North-East. And the LTTE’s forays into economics have been disastrous.

A series of alarming incidents (most recently the Navy’s sinking of an LTTE ship suspected of carrying arms on 10<sup>th</sup> March) raised fears that the LTTE might return to war. These fears were tempered only by the hope that international involvement in the peace process would convince the LTTE to think twice before abandoning the negotiating table. The LTTE has been the principal source of violations during the cease-fire, but UTHR(J) are keenly aware of the immense destructive potential of the Armed Forces, should the cease-fire break down. A renewed outbreak of war would lead to the most poignant of tragedies for the thousands of children who have been coerced into the ranks of the LTTE throughout the peace process.

Recent conflicts are however to do with brute power, symbols and status. These expose the fallacy, that raising human rights violations, which mainly concern lives ordinary people, would be a crucial provocation giving the LTTE cause for renewed war.

- **UTHR(J) is particularly concerned about the LTTE’s duplicity regarding its continued recruitment of child soldiers.**

In the face of government indifference and a paralyzed Tamil community it has fallen to international organizations to deal with the problem and the particularly the LTTE’s child conscription in the East. The issue of these children was finally taken up at the talks in Berlin during February after persistent international pressure. The LTTE at last acknowledged the problem and agreed to deal with it. But the report illustrates that a chasm lies between the few hundred children released by the LTTE (possibly having been picked up for that very purpose) and the thousands who remain in LTTE custody. By UNICEF’s own admission its database of 730 names is nowhere near complete.

A joint LTTE/UNICEF press release was issued on 4<sup>th</sup> March at the end of talks in Killinochchi where the LTTE once more reiterated its commitment not to recruit persons under 18. It was agreed to set up transit centres for children affected by war that are to be co-managed by international and national agencies including UNICEF and the TRO, an LTTE front organization. UNICEF welcomed the outcome as ‘encouraging’, ‘positive’ and ‘an important step forward for all children.’

The demand that each family in Batticaloa District should give a child has been in force from September 2001. Even as the talks with UNICEF were taking place, the LTTE was

conscripting children and threatening parents to keep silent. Posters appeared in Interior Batticaloa saying that talks were not the answer, war was imminent and parents must give their children for the struggle.

- **The only way the International Community can sustain the cease-fire is to hold both sides accountable.**

When there is systematic deception, there is a need to be brutally frank. The LTTE in particular must be given a clear message that a heavy price will be paid internationally should it resort to war. It is no less important to hold the Government accountable and in that, Civil Society groups in the South must also play their role.

International involvement in the peace process is meaningful only if it enhances human rights and the adherence to values coming from the world community's rich experience in dealing with such problems. The LTTE must be convinced to relinquish its extreme ethnocentric viewpoint, respect the concerns of the others in this country and show tangible progress towards upholding human values. Then at least some in the LTTE may be forced to rethink.

- **Disproportionate importance has been given to the military dimension of the peace process, at the cost of the civilian and political dimension.**

While agencies were watching the military balance, there has been a steady decline of democratic and human rights, especially as regards political opponents, women and children.

- **These contradictions cannot be overcome without bringing in the interests of the people, their interest in a political solution, their desire to avoid a return to war and their willingness to compromise.**

There is no replacement for civil society and democratic participation. The success of the SLMM and UNICEF in combatting child recruitment depends on the ability of local groups to encourage and sustain victim families to overcome their fear and use these organizations. This requires much more than conferences and workshops in Colombo. The sad reality today is that rural mothers and families whose children have been abducted or face abduction need to lobby to have their predicament understood by so called civil society organizations in their own country.

Most peace groups have too readily identified the LTTE as the chosen leaders of the Tamil people. In the event of war who will then protect the Tamil civilian population from the wrath of the Armed Forces?

- **International agencies must not proclaim tokens of hope where there are none.**

While privately, the SLMM and UNICEF may be clear about ground realities, their mandate to engage with the LTTE to resolve thorny issues, may seem to demand a softer approach. Unfortunately the LTTE is led to believe that token gestures will neutralize international criticism.

- **Is effective human rights monitoring possible?**

The LTTE has made it easier for international agencies to glean tokens of hope by dismantling and suppressing all possibilities of monitoring. Members of opposition parties cling to their offices for safety. Women's groups and trade fraternities in rural areas, who in the past exposed the Army's violations, now find themselves unable to function.

It was decided at the Berlin peace talks (February 7<sup>th</sup>-8<sup>th</sup>) that Mr. Ian Martin would be asked 'to draw a roadmap for human rights issues relating to the peace process.' While this gives hope, we fear that the outcome may be less than fair to a man of Mr. Martin's reputation. The task requires a clear assessment of what went wrong and what more can be done. For a year now the SLMM and a number of humanitarian agencies have been on the ground. As professional monitors one could hardly better those in the SLMM, and quite apart from Norway's politics, we have much respect for the work of individual monitors. But for the rights and dignity of the people, the story is one of steady deterioration. So what went wrong? Are we expecting a miracle from Mr. Martin?

Assessing progress in the human rights is feasible only if the prospect of monitoring exists. There may be few public killings compared with the lamppost killing days and a façade of normality. But that is because terror has become institutionalized. The fear of disobeying or displeasing the LTTE is at the root of behaviour that is ostensibly normal. Moreover, the democratic and human rights environment has not improved under the cease-fire and in crucial areas has deteriorated so far that monitoring becomes a tall order.

- **The Government should have striven to create a political climate in which, along with the Opposition, it could have faced up to atrocious mishandling in the past and reached consensus on resolving the conflict.**

Instead it attempted to stifle any critical evaluation of the peace process, thus providing grist to the mills of opponents of any kind of process that would address the country's deep-seated problems.

The Government, ignored political realities in the South and relied desperately on dealings with the LTTE to delay the war, while it consolidated its hold on power. Its inability to trust its own people and the failure to forge conditions for consensus on a political solution has driven the country to the doldrums. If it has only US policy to rely upon in the event of the LTTE breaking off peace talks, the 'national security regime' will return sooner rather than later.

The PA opposition appears bent on reinforcing these trends by seeking a partnership with the JVP, simply to exploit the UNP government's weakness. The move offers no clear vision for the nation's future, particularly on the ethnic conflict. Countering the LTTE requires a principled approach to overhauling the existing polity, one that is in its death throes, mired in corruption and the dictates of the World Bank.

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# Child Conscription and Peace: A Tragedy of Contradictions

## 0. A Reassessment Overdue

The anniversary of the MoU (22<sup>nd</sup> February) saw contradictory signals on the peace process. To the Government, a year of 'no-war' was an accomplishment worthy of national celebration by lighting lamps. To the LTTE it was an occasion of mourning, marking yet another betrayal – the continued occupation of their land by 'alien forces' – one observed with black flags and a *hartal* (stoppage).

Contributing to the anxiety has been a series of alarms raising speculation over when the LTTE would return to war, mollified by the hope that with the international community involved, the LTTE would think twice. The latest has been the sinking of an LTTE ship allegedly carrying arms on 10<sup>th</sup> March, in the north-eastern waters, with 11 cadres on board, amidst the usual claims and counter-claims. On the ground speculation has been intensified by the recall of area leaders to the Vanni, the closure of LTTE offices in Jaffna and other signs of military preparation such as massing troops at sensitive locations. But this is not the first time. There were similar tokens a month earlier.

### Weak Links & Contradictions

On 7<sup>th</sup> February, three LTTE cadres on board a trawler apprehended by the Navy blew themselves up after a search by the SLMM disclosed hidden weaponry. The LTTE's first version of a communication problem between the cadres on the trawler and their leadership, which was so confidently aired at the Berlin peace talks then in progress, was subsequently discounted by the SLMM. The incident exemplifies two weak links in the peace process.

The first is the undue importance given to the military dimension of the process at the cost of the civilian and political dimension. Thus concern for democratic freedoms recedes into the background as against an obsession with military balance. The situation admits a series of contradictions and pitfalls. Soon after this incident the LTTE's propaganda organs went to town questioning the legitimacy of the MoU, which, they argued, undermined the military balance by preventing the LTTE from bringing in arms, which the Government was free to do! Ironically, it was only two months earlier that LTTE's Commander Karuna boasted in Switzerland that the MoU was a masterstroke, testifying to the LTTE's superior resources and, in this instance, to the genius of Anton Balasingam!

Had there been definite movement towards a political settlement, the military balance would soon have faded into irrelevance. In the absence of such movement, the 'military balance' inevitably becomes a bone of contention, which is technically impossible to resolve.

Such fatal contradictions cannot be overcome without bringing in the interests of the people, their longing for a political solution, their desire to avoid a return to war and their willingness to compromise. As our reports indicate, the first year of the MoU has

witnessed a steady decline of democratic and human rights, especially as regards political opponents, women and children. This is directly related to the empowerment of the LTTE as a totalitarian force with its politico-military agenda very much intact. This is the other weak link in the process. While the monitors were watching the military balance, the rot was creeping in from the other end.

### **‘Politico-religious’ Ideology & Totalitarianism**

Take the suicide of the three cadres. With the SLMM involved there was no prospect of their being tortured or killed by the Navy. Yet the LTTE has blamed the Navy for their deaths, without saying that they were actually murdered! Surely, the families of the cadres and the community have a right to a clearer statement from the LTTE. Did they commit suicide out of fear, and if then of whom? From the SLMM’s confirmation that they were in communication with their superiors just before blowing themselves, it would appear that they did so under orders. Then it becomes an act of enforced ‘martyrdom’, of regular blood sacrifice demanded by a politico-religious ideology.

In the absence of any explanation from the LTTE, the direct implication of the suicides is that the peace process is just a strategic diversion on the road to Eelam. The people too, in this dispensation, are merely there to be used and sacrificed in their time. The LTTE simply ordered them to mourn the deaths of the three and observe a work stoppage. The people in turn had lost the ability to question the LTTE.

When they see the LTTE preparing for war, all they could do is to pack their valuables for instant flight. While the LTTE ordered mourning on the anniversary of the MoU (the ‘masterstroke’!), a demonstration by the people demanding peace on their terms would never be tolerated. Independent attempts by groups in the North-East to celebrate worldwide occasions like Children’s and Women’s Days, recently, had to be abandoned. Even these innocuous occasions become a grave embarrassment to the LTTE.

Recent conflicts are however to do with brute power, symbols and status. These expose the fallacy, that raising human rights violations, which mainly concern ordinary people, would be a crucial provocation giving the LTTE cause for renewed war.

### **Towards the National Security State**

The Government, for its part, faced weighty obstacles to handing over power to the LTTE in the North-East under an interim administration, as earlier agreed. Apart from constitutional hurdles, there was also Muslim discomfort to contend with. The LTTE too had second thoughts when international organizations started insisting on accountability. As a way out, the Government allowed the LTTE to appropriate effective power in the North-East covertly, while taking the LTTE on board as a partner to solicit funds internationally, for ‘rehabilitation’.

Many donor countries that understood the true nature of the partnership went along cynically. For the people it was in many ways the worst of all possible worlds. It was in effect entrenching the LTTE’s control over their lives with no checks. The LTTE’s envisaged role in the rehabilitation of war-affected children through the TRO would



dwarf that of traditional caring agencies, were the latter still able to obtain funds! However money dealings between the UNP and LTTE are unlikely to be smooth.

After a year of the MoU, rehabilitation has failed to improve the lives of the people, no less due to the LTTE's greed and arbitrariness. But given the informal nature of the partnership, it was easy for the LTTE to put all the blame on the Government, which, to make matters worse, failed to hold any inquiry into the widespread charges of corruption against ministers who had dealings or responsibilities in the North-East. The effect of frequent press exposure was no more than barrels of water off a duck's back.

The Government, which had ignored political realities in the South and relied desperately on dealings with the LTTE to delay the war, while it consolidated its hold on power, found itself in a quandary. The Government's inability to trust its own people and forge conditions for consensus on a political solution, owing to narrow party interests, is once more driving the country to the doldrums. It has only the vagaries of US policy to rely upon in the event of the LTTE breaking off peace talks. The 'national security regime' will return sooner rather than later.

Rather than countering these ominous trends, the PA opposition appears bent on reinforcing them through seeking a partnership with the JVP, simply to exploit the UNP government's weakness. It would offer no clear vision for the nation's future, particularly on the ethnic conflict. Countering the LTTE requires a principled approach to overhauling the existing polity, one that is in its death throes, mired in corruption and the dictates of the World Bank.

A renewed outbreak of war would lead to the most poignant of tragedies for the thousands of children, who have been coerced into the ranks of the LTTE throughout the peace process. The issue of these children was finally taken up at the talks in Berlin during February after persistent international pressure. The LTTE at last acknowledged the problem and agreed to deal with it. This report is centred on this theme.

Izeth Hussain (*Island* 28.2.03) arguing for a non-binding referendum as the first step towards a national consensus on a political settlement, indicated a recurrent danger signal: "*The most persistent cease-fire violations have taken the form of child conscription. Nothing can ever justify the forcible wrenching away of children from their parents...child conscription seems to indicate clearly enough that the LTTE expects to maintain a militant capacity for many years ahead. What is certain is that child conscription is not consistent with confidence in the peace process.*"

## **1. Danger Signals**

To make the peace process succeed, it is imperative that we recognize the danger signals and take appropriate counter-measures. The SLMM, from its own standpoint of military balance, ruled against the LTTE's demand on the High Security Zones. However, public sentiment is moved by the perception that large chunks of highly arable lands, central to their idea of home, have been denied to them. The LTTE is hammering at sentiment to

force a showdown rather than pushing for an overall political settlement to resolve the issue permanently. Herein is a clear danger signal.

The crucial danger signal comes from Batticaloa, the mainspring of Tamil nationalism in the East. It is widely perceived by the people that the LTTE, now in virtual control, has treated them in several respects worse than any 'Sinhalese' government or its security forces. As it did many times in the past, the LTTE knows that the sure way to reestablish legitimacy for its role is to provoke a war. Among the key concerns determining public perception in the East is child conscription.

In the face of government indifference and the Tamil community being terrorized, it has fallen to the SLMM, ICRC, UNICEF and other international organizations to deal with the problem. But we see a great deal of confusion and ill-conceived realpolitik in their approach. If one gives the LTTE some credit for being viewed by the Tamil people politically, rather than pathologically, as liberators, our reports on the extent of child conscription would seem highly exaggerated and unreal.

Moreover, our reports have tried to show that the grip of the LTTE's violence within the Tamil community is both total and integral to its political hegemony. If true, it would challenge the premises and viability of the present peace process and the problem would demand an approach that is much more creative. The Government and the "International Community", which supports the process, cynically, have rewarded the LTTE, which won no election and whose democratic credentials are steeped in blood, by virtually making them 'sole representatives of the Tamil people' by the back door. The diplomatic approach of many international institutions, despite inward cynicism, may have strategic justification, if only we ignore the principles and issues at stake.

The LTTE's treatment of their political opponents, and even elected leaders, is a scandal that is papered over. The International Community's intention to support and work with the LTTE in the rehabilitation of children, and in particular child soldiers would appear an irony in view of the tragic reality on the ground! The drama requires giving the LTTE certificates of good intention every time the outrage becomes public.

## **2. The Government, SLMM and UNICEF on Child Conscription**

Direct testimony to the present role of the International Community came from one who worked closely with them. Professor Harendra de Silva, chairman of the National Child Protection Authority (NCPA) told the *Island* (27.1.03): "*I have spoken to members of the International Community... I can even mention names if it comes to a push... I tried to speak to them so many times and they say no, no, no, don't talk about child soldiers, it's too sensitive. You will upset the peace process.*" It was against this backdrop that Amy Waldman's features on the LTTE and children in the *New York Times*, on 6<sup>th</sup> and 14<sup>th</sup> January, stirred widespread embarrassment.

The Prime Minister was clearly vexed. The *Sunday Leader's* lead story on 19<sup>th</sup> January was the PM's meeting with intelligence chiefs a week earlier, where he warned them about leaking half-baked stories to the media and '*compromising national security*'. He

told them, it said, that *'media reports based on intelligence reports of child soldiers in LTTE camps were... grossly exaggerated'*. Rather than making his judgment on intelligence reports given to him, the PM, having judged otherwise, seemed to be telling his intelligence chiefs what they should find. Three days after the story, the President said, citing intelligence reports, that the LTTE increased its strength by 10 000 during the cease-fire by conscripting mainly children.

Minister and Chief Government Negotiator Prof. G.L. Peiris was hardly more convincing. He said in response to a question about child soldiers (*Sunday Island*, 23.03.03): *"In Thailand we made available to them [the LTTE] a copy of the article published in the New York Times. The point we made was that mere assurances will not be sufficient..."* There had been flagrant child conscription for 16 months before the appearance of the NYT article (6<sup>th</sup> January) that reported just one major incident. The Minister apparently did not know that the ICRC, SLMM, UNICEF, the Human Rights Commission and the National Child Protection Authority, all of whom work closely with the Government, documented the phenomenon continuously.

Earlier, the SLMM Head had played down the question of child conscription by saying that the LTTE was allowing underage combatants to return home (see Bulletin No.30 of 3<sup>rd</sup> December 2002). This would have been credible were the LTTE leadership acting firmly to release hundreds of such combatants identified by the various organizations. But this almost never happened.

The *New York Times* report forced the issue into the open. When questioned by the media immediately afterwards, the SLMM candidly admitted that the problem was indeed grave and that their concluded inquiries into about half the complaints confirmed 314 cases of underage recruitment. The SLMM sources further spoke about trauma created in society by child conscription, adding that the complaints received by them, estimated by them at about 25%, was just the tip of the iceberg. This was quite strong.

The SLMM as a body appeared torn between the human agony, which its officers in the field confronted all the time, and the PR obligations of its top brass. A few days later an SLMM statement announced that child conscription was decreasing. The claim was based on a dip in complaints during November 2002!

In answering questions posed by Namini Wijedasa (*Island* 27<sup>th</sup> January), the SLMM Head, General Furuho's bottom line was that the LTTE leadership was very concerned about ending child drafting, but *'something is happening in local areas that doesn't correspond with decisions taken by the leadership'*. This, he added, *'is something we can see all the time'*.

Furuho was clearly uncomfortable with attributing such impotency to a group so rigidly controlled as the LTTE. He said he sometimes wondered why the Tiger leaders did not stop it, although he raised child recruitment with them regularly and they know that it is a blatant breach of international law that upsets many people and harms their image. While admitting that something was seriously amiss, he also felt obliged to

uphold the general line of the peace process. His understanding of the LTTE, he said, was they did not want to be dictated to. *'They want self-determination and freedom to find their own solution'* and need support to do so, he said.

By contrast Heikki Hulkonnen, the SLMM's local chief in Batticaloa, came out strongly (*Daily Mirror* 31<sup>st</sup> January). He said that of the 750 complaints they had received since last April, child recruitment accounted for 270. Expressing frustration at their inability to meet the people's expectations, he sounded a note of surprise and gratitude that they still came to the SLMM with their complaints. He said that in the face of mounting allegations, the LTTE simply issued denials and refused them access to search LTTE camps, which the SLMM was entitled to do under the MoU.

Hulkonnen further said that despite the SLMM protesting to the LTTE regularly at their weekly meetings, the LTTE insists that *'when a child escapes from a camp, they would take a family member hostage'*. All the SLMM could do at local level, he said, *'was to send statistics to our head quarters'* and leave it to them to raise matters with the LTTE.

UNICEF's executive director Carol Bellamy during her three-day visit to Sri Lanka at the end of January revealed her organization's strategy. While she said that UNICEF is in possession of 730 cases of child recruitment that are unresolved, the problem was portrayed as manageable. The UNICEF's strategy is to get the LTTE to agree to processes, which if carried out as conceived, would demobilize children, to which the LTTE readily agreed. While the UNICEF was trying to induce the LTTE to transform itself, for the LTTE it was a game of strategic dissimulation.

Whence, Bellamy described as 'encouraging' and a 'positive outcome' the LTTE's claim to have released 350 children since November 2001 (press conference on 1<sup>st</sup> February). The 350 claimed to have been released almost certainly comprised escapees and persons not on anyone's record. Having formally accepted the position of LTTE leaders that their intention to *'include children in the peace process'* [i.e. not to conscript them] is not filtering through to the lower ranks, Bellamy offered UNICEF's help *"to support the communication process to take the message across. That the position of the leaders would be understood by the lower ranks"*.

### **3. Child Conscription as Portrayed by the International Community**

We see above a general trend to conceal the gravity of child conscription despite SLMM officials sometimes giving clear indications that the problem is beyond comprehension. In all their public statements the SLMM and UNICEF have conveyed the impression that the problem concerns a few hundred children. Only after the NYT report was an SLMM spokesman moved to say that the complaints to them, estimated by them at 25%, was the tip of the iceberg, which suggests a number of about 2500. This was however an almost impromptu exception.

Privately, the SLMM and UNICEF may be clear about ground realities, but their mandate to engage with the LTTE to resolve thorny issues, may seem to demand a soft approach. This unfortunately gives the LTTE confidence that it could play with token gestures and

neutralize international criticism. Meanwhile, the people who long for the return of their children may lose heart. It may simply turn out to be a time buying exercise to advance repression, which would make it too late for the community as a whole.

On the other hand optimism may be justified were it really the case that the LTTE leadership is intent on transforming itself and child conscription today is just a matter of delays in the message getting across to the lower ranks. Were the problem concerning only a few hundred child soldiers taken during the last 16 months, this picture would be credible. If it is not, the question is whether optimistic projections are helpful as strategy?

Were the number of children involved much higher, of the order of five to ten thousand, and their conscription a policy orchestrated by the leadership, one needs to ask if present strategies would do more harm than good?

We, along with informed local observers, have been talking of child conscription being of the order of 5000 or more since late 2001. Were we right, the UNICEF patting the LTTE on the back for releasing 350 child soldiers during the same period is a departure from reality that raises many questions. Solutions coming from such a standpoint are likely to stay on the fringes. It is well known that the LTTE was able to wipe out rival groups because of its investment in effective modern communications and a rigid centralized command, where lower ranks carry out orders ruthlessly. It is not poor communications, as is often held, that is the cause of continuing child conscription.

To be fair by UNICEF, we may recall the statement issued by its Executive Director Carol Bellamy on 20<sup>th</sup> July 2001, under the title *'Underage recruitment continues as more children drop out of school'*. Its tone was quite blunt. It said, *"One of the most serious violations of children's rights is the continued recruitment of children by the LTTE, despite its promise to end this practice...Recent reports indicate that some children are recruited even as young as 12."* Then again the LTTE made the promises that are all too familiar and *'undertook to allow the UN to systematically monitor compliance with these measures'*. The measures included, giving wide publicity to the minimum age of recruitment, not recruiting in or near schools and to take appropriate measures when a case of underage recruitment is reported, including the release of those under 17.

This was a month before the commencement of mass conscription of children in August 2001, which has continued ever since. Yet, by comparison, recent statements by the same Executive Director have not just been subdued, but might even appear to give the LTTE some dubious credit. One comparing recent statements with that in 2001 might conclude that there has been a marked improvement. We can be sure that this is not what the UNICEF intended to convey. It is more likely that the UNICEF are at the end of their tether, trying to deal with the LTTE under constraints that are not all of their making.

#### **4. 'The Tip of the Iceberg'**

There is something eminently unsound when the SLMM and UNICEF appear too willing to fuel optimism when they have failed to get a response from the LTTE to even a

handful of individual cases. Had they demanded publicly that the LTTE should release the children on their lists, it would have created ripples helping more parents to come forward and hold the LTTE to account. It would have strengthened rather than weakened the peace process. The LTTE dare not go to war over its right to keep child conscripts.

The *Sunday Leader* (19<sup>th</sup> January) which led with the Prime Minister's concern over 'exaggerated' reports of the LTTE's child soldiers, contrasted with the *Sunday Times* lead story. The Rt. Rev Kingsley Swampillai, Bishop of Batticaloa and Trincomalee, gave the LTTE a list of complaints by parents of conscripted children and called upon the LTTE to be accountable. The Bishop had previously made representations to Karikalan, then political leader, in September 2001 when he saw the problem worsening. He certainly did not go the second time to pat the LTTE on the back over green shoots of hope.

Bishop Swampillai himself harboured no little anxiety on account of his initiative. A report of the Bishop's meeting in the *Sunday Virakesari* of the same day (19<sup>th</sup>) was the first time a mainline Tamil paper gave a hint of the outrage. The following day's *Virakesari* in an editorial addressed the 'reports' of child conscription citing the Bishop. Rather than moral indignation it was about 'Sinhalese chauvinists' and 'enemies of peace' using reports of child conscription. It sounded as though were it not for this drawback, the Editor would have been happy to pass on his child to the LTTE.

Even this weak coverage in the Tamil print media encouraged several parents to come forward and complain to the Bishop in the coming days. The International Community from whom much more was expected have failed. We would be the first to admit that our reporting has its weaknesses. Anyone with experience in trying to extract the truth through a maze of terror would, of necessity, find himself relying on sources of varying quality and making critical judgments. Upholding public interest demands taking risks in reporting what we judge to be reasonably close to the truth, with the proviso that we will publish a correction when further inquiry proves that an error was significant. As to the broader picture and the general trend, events have undoubtedly proved us correct.

## **5. Child Conscription: The Broad Picture**

To recapitulate what we said in earlier reports, forced conscription of children from LTTE-controlled areas of Batticaloa and Trincomalee Districts started in August 2001. In Batticaloa it was widespread and intensive. While Karuna was the driving force behind it, Karikalan, political leader, Batticaloa-Amparai, handled the public relations.

At meeting after meeting LTTE leaders demanded that each family must give a child to 'liberate our soil' and proceeded immediately to round up children. The poorer families were treated harshly. When Bishop Swampillai and other religious leaders made representations to Karikalan in late September 2001, he showed them a video of parents crying uncontrollably while surrendering children 'voluntarily'. Although Karikalan claimed that they were not taking children under 16, it was well known that the criterion of one child per family was being enforced regardless of age (see Bulletins 26-27).

As the people, shocked at first, began resisting, the LTTE's rhetoric become harsher, especially in Karuna's home area from Kiran to Vaharai. Leaflets demanding one child per family became very threatening. Those who refused were declared traitors.

This state of affairs continued through 2002 in spite of the MoU that obliged the LTTE to respect International Law. The MoU gave the LTTE access to extend conscription to the government controlled area with virtual impunity. Nevertheless the LTTE was free with assurances of good intention to international agencies (e.g. LTTE leader's press conference on 10<sup>th</sup> April 2002 and to UNICEF and Amnesty International in June 2002).

At the end of July 2002 when Karikalan was removed, it was suggested by optimists that this owed to Karikalan bringing the LTTE a bad name through child conscription and anti-Muslim actions. However, these were essentially the projects of Karuna who became the unchallenged warlord of the East, making Karikalan the sacrificial scapegoat.

The LTTE had little choice but to rely on child soldiers to sustain its fascist politics, when faced with enormous disillusionment in a shrinking community. It was from the wrecked humanity of the East that it could get them with least resistance. Doing this for the Leader became also an opportunity for the ambitious Karuna. International pressure pushed the LTTE to look for other means to get its children than criminal abduction. Its attempt to use the grand Martyrs' Day observance on 27<sup>th</sup> November 2002 to attract recruits failed. Hence conscription in its most raw form resumed in December 2002. (See **Appendix I&II for trends in child conscription.**)

## **6. Pointers to the Numbers**

The demand that each family in Batticaloa District should give a child has been in force from September 2001. It undoubtedly comes from the highest level of the LTTE. It was so stated by Commander Karuna in a speech to Tamil expatriates in Switzerland on 7<sup>th</sup> December 2002. The thrust of his speech was, the Tamils needed to be militarily strong to fulfill their destiny under their unfathomable leader. They have asked for one person from each family, and only then, he said, they could match the Sri Lankan Army. Even his sister, though she pleaded with him, was obliged to give a daughter.

The message to the applauding mainly Jaffna-based expatriates was, *'The Batticaloa people are giving their children, you must give your money'*! As always in such speeches no minimum age was stated. The reference to the speaker's sister made it clear that compulsion was implicit. An audio recording of the speech was posted on the web site [www.tamilnaatham.com](http://www.tamilnaatham.com). The following quotation from an internal memorandum of a key international agency, dated 20<sup>th</sup> September 2001, together with Karuna's speech, shows that whatever has since been said on the subject to muffle the reality, the LTTE has been clear and consistent from the beginning in implementing its declared policy:

*'LTTE recruitment of underage youth continues in the uncleared areas [of Batticaloa District]. Some suggest as young as 10 years, although 15/6 years is quoted generally. LTTE have demanded that each family 'gives' one son or one daughter. The head of the ... Office there said, "entering the uncleared area at present is like entering a funeral*

*house as so many are publicly mourning the 'loss' of their children". The situation has virtually brought ...'s work to a standstill in the uncleared area.'*

Now there are about 40,000 Tamil families in the Batticaloa District distributed in about 175 village headman's divisions, of about 250 families each. We heard independently that the LTTE divided Batticaloa District into 25 divisions and the leader of each division was assigned a target of 1000 'recruits', giving a total of 25,000. This information matches quite well with 40,000 families and may be taken as given.

The question is how far had the LTTE succeeded in its target of 25,000? That is difficult to answer. Were the number of 'recruits' only a few hundred or even 2000, we must conclude that the LTTE is a very ineffective organization, earning worldwide opprobrium for very meagre military dividends. That is a fatal error to make about the LTTE's calculations. What we might say with certainty is that the LTTE overestimated the influence of its terror on the population.

At the beginning the LTTE tried to portray an air of religious enthusiasm, showing videos of parents ceremonially giving children at temples. Karikalan bragged that they would take Batticaloa in January 2002. What the LTTE leadership did not bargain for was the resistance of families and the bad publicity that ensued. Area leaders simply had orders to fill their quotas and the only way they knew to deal with resistance was brazen thuggery, against mothers as well as children. The façade of spontaneity collapsed as civilians fled to government-controlled areas and children escaped from camps in large numbers with their tales of horror.

We have given regular reports of LTTE abductors going into villages and schools and going away each time with half a dozen to several dozens of children. This was in addition to individuals regularly abducted from streets and homes. What Amy Waldman reported in the NYT was the raid on Kinniyadi on 16<sup>th</sup> December 2002. Quoting estimates of villagers, she said that at least 18 and possibly more than 60 young persons were forcibly removed, many of them boys and girls, some as young as 12.

Our own sources placed the number at 35 from Kinniyadi that included the neighbouring village of Sugankerny. Over a month ending in mid-January 2003, about 70 youths had been taken forcibly from Morakkotanchenai. By comparison, 67 youths were taken from Kothiyawalai in the LTTE-controlled area on 10<sup>th</sup> October 2001.

Assuming 30 youths taken from each village headman's division, would give a total of about 5000 for Batticaloa District. The passing out parade for 436 LTTE boys on 11<sup>th</sup> June 2002 was reported in the Tamil Press to have been about the 5<sup>th</sup> for boys in Batticaloa after Karuna's return from the North in December 2000. According to the testimony of some women escapees at the end of last year, about 2500 females had been trained since 2001 end. We may conclude, allowing for escapees, that the LTTE bagged at least 4000 from Batticaloa to date. About 75% of them would be minors.



So far, the only figure that came from the LTTE is 12 000 underage persons in its ranks, all districts inclusive. LTTE representative Mr.Sinniah twice gave the Local Monitoring Committee in Batticaloa this figure last September (Sp. Rep.15). Given the scenario above, we have no reason to disbelieve this figure. We must remember that conscription was taking place in all districts, notably also in Trincomalee, Amparai and Vavuniya.

We may also conclude that the LTTE fell far short of its target of 25 000 for Batticaloa. This is evident in the impatience displayed by Karuna who has repeatedly ordered conscription to be expedited. Other methods of mass mobilization tried by the LTTE such as 'Pongu Thamil' functions to whip up frenzy also failed. The climate of uncertainty and confrontation the LTTE is presently engineering is a smoke screen for the pursuit of thwarted aims. When the International Community deliberately underplays the problem of child conscription, even as repression worsens, will it ever have a gainful impact?

### **7. Fake Solutions:**

We pointed out that Amy Waldman's piece in the NYT made both the Government and the SLMM uncomfortable. If the abductions in Kinniady, in one village among hundreds in just one day, were the general pattern, it was no longer possible to speak of a mere few hundred 'underage recruits'. It was evidently not as easy to ignore the *New York Times*, as to discount local 'spoilers' and speeches in Tamil by LTTE leaders. The matter was taken up for discussion in an SLMM facilitated meeting between Government and LTTE representatives in Vavunativu, off Batticaloa, on 30<sup>th</sup> January 2003.

SLMM Head General Trond Furuhoide chaired the meeting. The Government and LTTE teams were led respectively by Defence Secretary Austin Fernando and Commander Karuna. If one looked at the SLMM statement after the meeting and at other reports in English, the results appear positive gains.

The LTTE agreed that any complaint of child conscription would be dealt with by SLMM representatives sitting down with the parents and the LTTE area leader concerned. It further pledged that its area leaders would act in a fair manner to reach a just solution. As though to drive home their earnestness, the LTTE delegation went further. They called on international organizations, including ICRC, UNHCR, UNDP and UNICEF, to organize seminars for members of their political and military wings (see *Virakesari* 31.01.03).

Soon after the meeting Karuna gave a press conference to make sure that the Tamil people did not get the wrong message. He completely denied that the LTTE or any of its members was involved in child conscription. Such children as came to join them, he said, were being given back to their parents before the SLMM. 80% of Batticaloa District, he claimed, was under LTTE control and there were absolutely no complaints of abductions or violations in this area. It was however in the city area densely populated by the security forces and alternative [sic] Tamil groups, he continued, were violations taking place. Therefore, he added, 'we pointed out to the SLMM and the Government that if the latter puts a stop to the activities of 'armed alternative Tamil groups' [sic] the abductions of 'anti-peace forces' too would cease'.

Karuna went on to accuse the Security Forces of conducting a calculated campaign maligning the LTTE. It had also been agreed at the meeting that a high level delegation of Muslim representatives and LTTE leaders would discuss the 'peace-related aspirations of Tamils and Muslims'. Karuna however told the Press that while they had been very moderate in respect of Muslims, they took strong objection to statements being issued by Muslim leaders that are meant to provoke and irritate the Tamils. He took particular exception to the demonstration at South-Eastern University the day before, where, according to him, a Muslim proclamation of a separate state ('*naadu*') was made.

Here we have another example of what appears in English as hopeful and conciliatory being contradicted by menacing undertones in Tamil. The Muslim and conscription issues are related because the LTTE keeps alive in Tamil minds a fear of Muslim domination to find legitimacy for its conscription drive. In the matter of child conscription and abduction, Karuna has brazenly denied the obvious as a warning to those who complain. The latter, even parents, would in effect become 'traitors'.

The proposed solution that came out of the Vavunativu meeting reflects the Government's and SLMM's need to pretend that child conscription is an aberration at low level rather than top-level policy. The LTTE readily encouraged this. The result was absurdly cynical and patently unworkable. Parents resisting conscription of children have endured abuse and assault from LTTE area leaders. After Karuna's menacing denial what can the parents expect from a discussion with the local area leader?

On the same day as the Vavunativu meeting, SLMM's Batticaloa chief told the Press that not only have they been denied access to LTTE camps, but the LTTE has been blatant on its insistence of taking a family member hostage when a child escapes from its clutches.

A joint LTTE/UNICEF press release was issued on 4<sup>th</sup> March at the end of talks in Killinochchi where the LTTE once more reiterated its commitment not to recruit persons under 18. It was agreed to set up transit centres for children affected by war that are to be co-managed by international and national agencies including UNICEF and the TRO, an LTTE front organization that collected money from expatriates for 'refugees'. UNICEF's Mr. Ted Chaiban, who has described UNICEF's approach as in essence apolitical, welcomed the outcome as 'encouraging', 'positive' and 'an important step forward for all children'.

Even as these talks were taking place, the LTTE was conscripting children and threatening parents not to tell anyone. Posters came up in Interior Batticaloa saying that negotiations are not the answer, war is imminent and parents must give their children for the struggle. Analysts in the media have already pointed out that the transit centres will amount to another token gesture in the face of access to LTTE camps being denied. Indeed, the LTTE's manner of dealing with complaints speaks loudly.

We must also point out that the success of the SLMM and UNICEF in combatting child recruitment depends very much on local groups encouraging and sustaining the victim families to overcome their fear and use these organizations. This requires much more

than conferences and workshops in Colombo. The sad reality is that rural folk, whose children face the most terrible of fates, need to lobby in order to have their predicament understood by 'civil society organizations' in their own country.

## **8. Children and LTTE Public Relations: The Great Success Story**

The LTTE's record of handling complaints about child conscription is by intimidation, creating diversions, giving false hopes to prevent complaints going to the SLMM or UNICEF, and stunts of outright deception. We give some illustrative cases below.

Yogachandran (14 years, born 4 Oct.1988) of Mamangam, near Batticaloa, was abducted by the LTTE on 11<sup>th</sup> January. Having failed to get her son back through repeated pleas, the boy's mother Mrs. Kannamma Yogachandran doused herself with kerosene in front of the Mamangam LTTE office and threatened to immolate herself, were her son not released. The story spread like wild fire through Batticaloa town bringing reporters and onlookers to the scene. The woman was persuaded to abandon her resolve, very likely on some vague promise. This was on the morning of 21<sup>st</sup> January.

The same afternoon, Jothipalan, who heads the Mamangam LTTE office, summoned the SLMM and journalists. In their presence, Jothipalan paraded three 14-year-old-boys as having come to the office volunteering to join the LTTE. He explained that as a matter of policy they do not accept under-eighteens. He then handed them over to couples, purportedly their parents. The Tamil media and *Tamilnet* reported this as an example of the LTTE's high standards, omitting the incident that preceded it.

None of the boys allegedly released was listed as missing with anyone. It were as though Kannamma's threat to immolate herself opposite the office that morning had inspired the three 14-year-olds to volunteer! There was a similar event at the LTTE's Valaichenai office the same day, an area where conscription has recently been intensive.

On 14<sup>th</sup> February, two 14-year-old girls in school uniform, **Miss Pathampriya Sivarasa** and **Miss Mathinarathy Thambirajah**, were being conducted out of Sambaltivu by two young LTTE girls, apparently to Trincomalee town and then to Muttur. They were stopped at the navy checkpoint at Sambaltivu Junction. The naval sentries became suspicious when they noticed the schoolgirls were in distress. After inquiring, the Navy returned the schoolgirls to their parents and handed the LTTE girls to the Police.

Before the Colombo media knew about it, or the Navy anticipated the turn of events, the LTTE version appeared in the Tamil media the very next day (15<sup>th</sup>). According to this, the LTTE girls were merely escorting the schoolgirls, who volunteered to join them back to their parents, when the Navy acted deceitfully.

The LTTE launched a *hartal* demanding the release of their girls. When the girls (one of them underage) were produced before the Trinco Magistrate, the Police, apparently under instructions, did not advance the evidence. The girls were allowed bail and the truth was left vague, though the LTTE's version is far from the norm.

The Navy's version has wide acceptance among the local populace. According to local sources, what is happening in Trincomalee is low level canvassing among school children by the LTTE, rather than outright abduction as in Batticaloa. The duress to which the two 14-year-olds were subject was psychological rather than physical.

Terror is being increasingly used to prevent complaints reaching the SLMM. A parent complaining on behalf of his or her own child becomes a 'traitor'. This was the fate of a village headman (GS) of Morakkottanchenai whose 14-year-old son was taken in mid-January. The LTTE threatened him after he complained to the SLMM and he fled to Batticaloa town. A mother from South Batticaloa reported to the SLMM the abduction of her 13-year-old. The LTTE, after being contacted by the SLMM, went to the mother and offered to return her child if she withdrew her complaint. When she proposed the reverse, the LTTE declined! But the harassment continued.

To divert people from the SLMM, the LTTE has to give hope that coming to them is of some use. It would unexpectedly release a few or spread rumours giving rise to a flutter of hope among parents of conscripts. According to sources in Morakkottanchenai the LTTE conscripted about 70 youths during the three weeks leading up to mid-January. Then there was a rumour that they had released 15, but none was identified from that area.

Given this reality, many avoided going to the SLMM and went to the LTTE's Kokkadichcholai office. After that going to the SLMM becomes scary. P (16 years) was among 10 boys abducted by the LTTE while returning from a tuition class in Batticaloa on 24<sup>th</sup> January. The boy's mother succeeded in getting at Kausalyan, LTTE political chief for Batticaloa and Amparai. He gave a note to Jim Kelly Thattha, who is in charge of training at Tharavai, to release the boy. The mother went to Jim Kelly beaming with hope and returned empty handed. This is a regular scripted drama.

**S**, whose family had been displaced to the Vanni, joined the LTTE 18 months ago as a boy of 14 years. His family had since returned to Jaffna, where the LTTE posted him in late 2002. S deserted and went into hiding. The LTTE went to his home and took away as hostage his elder brother who was weak and subject to fits. The family was afraid to approach the SLMM and was to go to the LTTE instead. In an earlier case where Sea Tiger **Sutharshan (Kalingan)** came home to Pt. Pedro on leave and deserted, the LTTE took his father, **S. Thangavelayutham (Kanthi)**, prisoner to the Vanni (Bull.30 gave the father's name as Sothy). The SLMM was able to do nothing. These are virtually cases of cross-border abduction!

The accepted wisdom now is that if you go to the SLMM the chances of success are nil, whereas in going to the LTTE perhaps, there is some small chance like at a sweep draw. Where the LTTE is concerned it minimizes information of its criminal actions going into the databases of various organizations. Thus parents of missing children in Batticaloa take the ferry crossing at Manmunai, whispering in anxious tones to acquaintances, amidst the serene beauty of the lagoon.

A more detached observer knows it to be a lost cause. It was for the parents of their only son born after more than ten years of marriage. The boy of 15 years was taken whilst playing in the grounds of Valaichenai Hindu College on 11<sup>th</sup> January. Friends who initially contacted the LTTE were mistakenly optimistic. So were the parents of the 15-year-old boy Moorthy who went missing at the *Thaipongal* (15<sup>th</sup> January) football match organized by the LTTE in Batticaloa town (only his bicycle was returned).

### **Spiking the SLMM**

The SLMM's Local Monitoring Committee (LMC) in Batticaloa had been the most effective, particularly on account of the presence of Fr. Harry Miller who gave confidence to complainants. K. Pathmanathan (22) from Sittandy, who was in the LTTE artillery unit, came home on leave in early January and refused to go back saying that he was very unhappy. When an LTTE party under Gadaffi tried to remove him forcibly, he bit his cyanide capsule and was warded in Batticaloa Hospital in the night of 11<sup>th</sup> January. LTTE Special Commander Ramesh came to the Hospital on 14<sup>th</sup>, Tuesday, to remove him, but the Police to whom he had surrendered prevented them. Pathmanathan also sought the SLMM's protection.

Pathmanathan's family was in a dilemma because the LTTE had reportedly threatened to take his two sisters if they failed to surrender him. Mr. Sinniah, an LTTE nominee to the LMC, had evidently offered to help the mother if she asked for the custody of her son. This she did and the Police produced him before the Magistrate later on the 14<sup>th</sup>. She took custody of her son and refused an offer from the Police to transport them home. She got into an auto rickshaw with her son and Mr. Sinniah. A short while later an LTTE party under Senathy, overtook them and abducted Pathmanathan.

The SLMM wrote a strong letter of protest to the LTTE leader, told him that they cannot work with Mr. Sinniah and wanted him replaced. The Leader has refused to co-operate, so creating a deadlock that left the LMC in limbo. The SLMM went to Pathmanathan's home and spoke to a sister, offering to go with a family member to the LTTE and insist on talking to Pathmanathan. The family declined! The LTTE got away with it and spiked the LMC in the bargain.

## **9. The Need to Hold the LTTE Accountable**

The International Community has tried to deal with the problem of child conscription carefully avoiding holding the LTTE accountable. To do so they perhaps feel would rock the peace boat. The result has been to give the International Community the appearance of a white elephant. One could guess why the UN Special Representative for Children in Conflict twice put off his visit to Sri Lanka scheduled for August and then January.

Of course they all know that the problem is far graver than they publicly allow. The LTTE's attempts at concealment speak volumes. After one year of the cease-fire and peace talks, Norway and the SLMM should be examining the significance of continued child conscription. Moreover, Karuna's recent speech on the *Thaminaatham* web site is a clear statement that it will continue conscription with tactical breaks. Instead of asking

why child abduction has not stopped, the SLMM courts ridicule by trying to assure us that it is declining. Those already abducted have ceased to be an issue.

In trying to minimise the crime by holding with the LTTE's story of aberrations at low level, the strategies of the International Community become almost a sham. The LTTE has been given plenty of leeway to lie about everything that is most obvious and carry on regardless. Rather than the International Community cornering the LTTE, it is more the reverse.

Were it admitted that child conscription is part of policy coming down from the top leadership to maximize its manpower and technological edge, the problem becomes radically different. One has to cease pretending that the LTTE is a guerrilla group in search of rights, democracy and federalism. Our peacemakers do not even take the speeches of LTTE leaders in Tamil seriously. There can be no escape from making the LTTE accountable. This is what people on the ground are saying as best they could.

Tamil opinions presented in the Press at the conclusion of a year of the MoU contain some surprises. The consortium of NGOs in Jaffna, generally a pawn of the LTTE, was quite even handed in its approach to the two sides, judging by the comments of the chairman, **Mr. Pathmanathan**, in the *Sunday Observer* (23.02.03). The weight of public opinion in Jaffna forced the Consortium to curtail to a few hours the *hartal* it called on the occasion at the LTTE's behest.

Even more remarkable were the comments of **Mrs. Kokila Tharvaraja**, a teacher at RKM School in Morakkotanchenai, Batticaloa District. She said: "...[*The LTTE*] *must come forward to revive educational activities in the remote areas of the North-East. Propaganda to attract children to join in their military activities should be stopped. The young ones who are already in the organization should be allowed to return to their homes and continue their studies...*" (Interviewed by *Sunday Observer's* Batticaloa Correspondent R. Thurairatnam.) The boldness shown by the lady and the interviewer are a pointer to the desperation in those parts.

To the Tamil people the anniversary was one of apprehension rather than of hope. They know that they are being pushed by the LTTE towards an outcome they dread. They want the LTTE held accountable. In this the International Community appears lost. Civil society here in Colombo too has done little to support resistance on the ground.

## **10. Muddying the Waters**

Despite the fact that the MoU was tilted very much in the LTTE's favour, things did not all go as expected: Whatever the UNP had promised the LTTE, sincerely or otherwise, it was bound by constraints, both regional and local; The Security Forces remained in the North-East; Recruitment in Jaffna was very disappointing; Conscription in Batticaloa came in for embarrassing exposure and was slowed down; Though disarmed, vulnerable and under attack, the opposition parties did not pack their bags and run away. By the latter part of 2002 any LTTE call for demonstration or protest was largely being ignored.

To save face, the LTTE used the various fronts it had created (e.g. of JPs, barbers etc.) to summon protests. Even the few hundreds who came for these had to be made up by pulling children out of schools and emptying government offices. The LTTE felt angry and let down. It resorted to well-practiced stratagems in an attempt to change the situation in its favour. In Jaffna it played up the High Security Zones (HSZs) issue under the theme 'aliens on our soil'. It raised little enthusiasm even in Jaffna.

On 7<sup>th</sup> February three LTTE men in a trawler stopped by the Navy off Delft and found carrying an anti-aircraft gun exploded themselves. This was immediately after they were in wireless communication with a leader, apparently Sea Tiger Chief Soosai. The people know from experience since 1987 that when LTTE leaders order martyrdom in the context of a peace process, it presages dramatic violence. The LTTE was quick to give their version claiming that the dead were victims of the Sri Lankan Navy's malignance. This was totally rejected by the SLMM, two of whose monitors narrowly escaped from the LTTE boat before the explosion.

The next incident occurred at the Sandilipay Junction checkpoint in the Jaffna peninsula on 12<sup>th</sup> February. The previous evening soldiers there from the Military Intelligence Corps had asked a girl in a passing LTTE group to remove her military web belt, as required by the MoU. The LTTE refused and the soldiers gave way.

According to civilian sources the LTTE was determined to provoke a confrontation the next day, and in anticipation the soldiers too had decided to play rough. The basic fact is that a larger group of LTTEers, about a dozen or more, with six to eight girls wearing web belts, arrived at the same checkpoint the following morning. As to what exactly happened, there are army versions from press reports and several civilian versions. The differences are minor, except that one cannot tell cause from effect.

According to one version an LTTE man held the neck of a soldier who asked them to disperse peacefully. Another says that a girl slapped a soldier who ordered her to remove her belt, while another claims that this happened after the soldier tried to remove her belt forcibly. What gave offence to the public were reports that the girls had been roughed up and trampled – not unlikely in the context of a melee.

The LTTE mobilized vehicles to bring crowds as usual. According to some who got into these vehicles, they were given 'food' parcels that turned out to contain stones! The Security Forces too brought in reinforcements and a number of bystanders were also beaten. Four LTTE girls and three civilians were hospitalized. Two days later the Navy arrested two LTTE girls in Trincomalee for recruiting children. The LTTE used its own versions to muddy the waters. As usual, the first target was the opposition.

On major issues undermining peace such as child recruitment, abductions and killing of opponents, the Government has not given any clear directives to the Security Forces or the Police. They are generally supine observers who simply ignore complaints. It is then mere symbols (e.g. a belt) that become key issues of authority. Confrontations on these, to the exclusion of basic questions of law and order crucial to civilian life, become

dangerous and futile contests over false dignity and false sense of power. Amidst all this, the people continue to be powerless.

## **11. Strengthening (One Party) Democracy in the North-East**

### **More Attacks on the Opposition Parties EPDP & EPRLF(V)**

As calm returned after the Manipay incident, the LTTE machine was ticking. About 9.00 PM the same day (12<sup>th</sup>), the Chavakacheri EPDP office in Nunavil East was attacked with firearms. **Mr.P. Gunasingham**, chairman of the EPDP-administered Kopay local council, and a policeman in his security, were injured. They were in a van parked outside the office. This was followed by a grenade attack on another EPDP office.

According to Shamindra Ferdinando (*Sunday Island*, 16.02.03), about 6.00 PM, three hours before the attack, the security forces monitored a radioed 'directive' from LTTE HQ in Killinochchi calling for attacks on EPDP offices in government held areas. This points to the LTTE leadership carefully monitoring the show in Manipay and planning the next move.

On 17<sup>th</sup> February after 10.00 PM, a grenade was thrown at the house of **Mr. Thurairatnam**, local leader of EPRLF(V), in Batticaloa town. The grenade bounced off the top of the wall and exploded without harming the people in the compound preparing for the morning. Thurairatnam was not at home. Three of the four attackers who came on two motorcycles were identified by witnesses as members of the LTTE intelligence wing. Sivakumar threw the grenade. Thoopan and Seyan came on another motorcycle.

The attack took place shortly after Karuna's return to Batticaloa from the Berlin talks. Thurairatnam, widely known for being politically astute, is the leading spokesman for the opposition in the East, whom the media regularly interviews. Karuna casts a vindictive eye on whomever he feels is a direct challenge to him. Among the hundreds of murders under his orders, two notable ones are those of TULF stalwarts Sambandamoorhty (1988) and Nimalan Savundaranayagam MP (2000). Both were, like Karuna, from the Kalkuda electorate, which Karuna treats as his fiefdom.

At a meeting called in Batticaloa by the SLMM on 8<sup>th</sup> January, which the LTTE declined, opposition groups raised the matter of abduction and a murder of seven of their number. Although two LTTEers involved in the murder of V. Alahathurai of EPRLF (V) were identified, the Police failed to act. The SLMM promised to take up the security of those doing independent political work and a few days later wrote to them that the LTTE gave an assurance not to harm them – soon to be proved empty.

Thus the position of other parties in the North-East becomes more tenuous by the day. Civil Society groups are silent. The Government may be moved to utter some platitude were the *New York Times* to take it up. The Security Forces, feeling increasingly harassed and uncertain of their role, are reluctant to exert themselves in relation to violations against Tamil opposition groups. The only remarkable thing to be said here of any violation is: Damn the victims, if somehow war were avoided, it is a triumph of peace!



### **The Jaffna Public Library: Closing Minds & Rivers of Blood**

Whoever ordered the burning of the Library in 1981 it was a vindictive act for which the UNP government was responsible. Apart from the irreplaceable materials destroyed, the Library was a public utility, an indispensable source of modern knowledge, books and periodicals to growing generations.

Moves to reconstruct the Library were begun under the last PA government and the execution fell to the newly elected Municipal Council in 1998. The work that was delayed by LTTE threats and its murder of two TULF mayors Sarojini Yogeswaran and Sivapalan, was completed under **Mayor Sellan Kandaiyan**, a TULF stalwart who had taken on the dangerous job. The Council was unanimous in scheduling the opening for 14<sup>th</sup> February since its term was to end on the 17<sup>th</sup> .

Although Kandaiyan's task was made the harder by his caste status, he turned out to be among the most competent of Mayors. He maintained an excellent working relationship with other councillors, the TULF being in a minority of 9 members out of 23, and functioned by consensus. In passing unanimously resolutions opposing arbitrary taxation by the LTTE and its claim to be sole representatives, the Council became a symbol against totalitarianism. It also became a model of consensual politics. The rebuilt Library kept the spirit of its founders as a monument to co-operation for the public weal. None of this was to the LTTE's liking. It encouraged TNA elements and its agents to stop the opening. As in the past, if caste could be used to its advantage, the LTTE was prepared to encourage or at least allow it.

Having failed to get the Council to back down, the incidents in Delft and Manipay provided the context for a more direct use of terror. On the 13<sup>th</sup> Morning, the day after the Manipay incident, Ilamparithy (alias Aanjeneyar), the LTTE's Jaffna political chief, walked into the Council and sought a meeting with the Mayor. The Mayor talked to Ilamparithy in the presence of **Muhunthan**, a young TULF councillor. We give the essence of the exchange as gathered from reliable sources.

Ilamparithy told the Mayor that the Leader (Prabhakaran) wants them to stop the opening, and failure to comply will land them in the 'other' list [i.e. of 'traitors']. The Mayor stuck to his position of being bound by the collective decision of the Council to open the library on the 14<sup>th</sup>. Ilamparithy raised objections to the participation of councillors from 'traitor' groups. The Mayor stood by those with whom he had jointly run the Council.

Then Muhunthan chipped in, *"Apart from other TULF leaders, you killed Mayors Sarojini and Sivapalan and placed so many obstacles before the Council. What moral right have you now to stop us opening the Library?"* *"Those killed were all traitors"*, replied Ilamparithy. *"We cannot accept that, nor will the people"*, rejoined Muhunthan. Ilamparithy delivered a blunt parting shot, *"If you go ahead with the opening, there will be a blood bath as happened at the International Tamil Conference in 1974...It may be far worse leading to many more deaths [than the 9 then]."*

Among the LTTE fronts present, was the International Students' Union of Gajendran with some student agitators. A councillor from an opposition party told the students, "*A Library is meant to create a learned people. It is not right for you students to oppose the opening.*" TNA MP Sivajilingam suggested a compromise, that instead of actually opening the Library, they could just perform the ceremony of boiling milk. Gajendran told him bluntly, "*It is we who made you an MP, do not tell us what to do.*" Sivajilingam smiled sheepishly. Gajendran, it was, who ran the massive operation of vote impersonation by university students, to which several TNA MPs owe their good fortune!

Mayor Kandaiyan stuck by his stand of collective responsibility to the last. The Commissioners met and bowed to the inevitable. As a mark of protest they resigned collectively. Talking to the Press, Kandaiyan hinted, "*I am a man with a family.*" TULF leader Mr. Anandasangari, who was billed to open the Library, recounted in a moving statement how the Library had helped him to advance in life. He added in a barbed remark, "*I can understand Thenmaratchy traders [an LTTE front] opposing the opening. What I cannot fathom is university students trying to stop the opening of a library!*"

The LTTE was very angry over the collective resignations and Anandasangari's statement. However cowardly the TULF leadership of the moment, the LTTE knows that the considerable body of ordinary hard core TULF supporters, though passive, believes strongly that the LTTE betrayed and destroyed the Tamil struggle.

The LTTE let it be known that it had wanted the ruins of the destroyed Library preserved as a monument to the crime against the Tamil people. The LTTE's selectiveness in the memory of crimes against the Tamil people it wants to preserve, is meant to perpetuate its politics of hate.

### **Another Nail in the Coffin of Democracy**

The terms of local councils in Jaffna that had been twice extended by 6 months owing to the Government's failure to hold elections ended on 17<sup>th</sup> February. The LTTE had been urging the Government through its TNA agents to hand over the councils to bureaucrats known as special commissioners. The Government has now complied. Its significance was immediately evident in the Jaffna Municipal Council.

14<sup>th</sup> February, the day after the Councillors resigned collectively, the LTTE arrived at the Municipality with vehicles and ordered out the employees for its protest demonstration against the Delft and Manipay incidents. This was something it could not overtly do before. The numbers at the demonstration were reported in the media as 1000 to 3000 persons. It is more complicated. The LTTE pulled people out of government offices and schools and commenced from the unopened Public Library. Most people disappeared along the way. At the end there were about 500 mainly school children.

The LTTE was also quick to summon the special commissioners appointed to run local councils and instruct them. The LTTE will hereafter take the collections from market stalls and bicycle parks that used to be public funds.

## 12. Tiger Economics: “Everything is a Violation”

Under the MoU, the LTTE virtually took over crucial functions in the North-East and proceeded to maximize its acquisition of children and resources. Rather than rehabilitation or reconstruction, the result was cannibalization. A typical answer one receives is, “*What is it that you want to know? Everything here is a violation.*”

The North-East is a region where people had learnt to live with a minimum of government patronage and relied on enterprise and long established traditions. When the LTTE began tampering with these, purely to maximize its income in the short term, it brought ruin and wrecked the economy. There was indeed an enormous task of rehabilitation to do with damage and destruction caused by the State. With little help forthcoming, the people had slowly begun their recovery using their own resources. The cease-fire has for many of them been a setback.

The Tamil fisherfolk in Vaharai had long established trade relations with Muslims in Oddaimavady to their mutual benefit. Since the signing of the MoU the LTTE has used terror to break these links with a view to placing profitable monopolies under Karuna’s brother Reggie. In the process Muslims have been subject to violence and murder (Sp. Rep No. 14 and Bulletin 31). The Tamils suffered even greater misery and ruin.

Now in Vaharai and Kalkuda, fisherfolk are only allowed to sell to the LTTE. Even what is taken for their use must be shown to them. The discontent in Vaharai developed into a situation of unrest. The LTTE for example purchased prawns from the fisherfolk at a price they fixed at Rs. 200 per kilo and sold them at Rs. 400 p.k. The fisherfolk raised the matter with the LTTE’s Reggie and Milton, who told them that if the conditions did not suit them, they should pack up and go.

Last December some civilians planned to appeal to the Leader. Getting wind of this, Reggie arrested Panchacharam of Vaharai and threatened him, “*If not for the cease-fire, you would have been a corpse on the street*”. On 10<sup>th</sup> February the fisherfolk in Panichchankerni demonstrated and the LTTE beat them up. Some were hospitalised. The fishermen refused to go to sea the following day. Suspecting that traders were backing the protests, many of them were barred from trading, citing orders from Karuna. The LTTE further detained three labourers Kamalan, Ratnam and Yogan.

In pursuit of its immediate ends, the LTTE is doing long-term damage by making enterprise unrewarding. The Muslims who recently returned to Jaffna tried to revive the scrap iron trade. The LTTE intervened decreeing that only they could transport scrap from Jaffna. Now the Muslim who goes house-by-house collecting scrap is forced to sell to the LTTE at a low price fixed by them.

Anyone who lets the LTTE pinch a good idea faces the reward of pain and misery. The movement of persons and goods from the LTTE controlled Vanni was restricted until recently. One man got a bright idea and started collecting aluminium waste, which no one had bothered with for 12 years. He took a lorry load of it to Colombo and earned a good profit. He celebrated by purchasing a new motorcycle, which he brought back in the

lorry. Finding out the source of his money at the entry point, the LTTE ruled that only they should deal in scrap aluminium.

The LTTE both imposes and interprets regulations arbitrarily. It had allowed persons to bring into the Vanni 4 sheets of asbestos. A number in excess of this was to be taxed. Roger of Kattankulam got his friend who accompanied him to bring 4 sheets in his name and in the next trip brought 4 sheets in his own name. The girl employed at the customs noticed this and wanted to tax Roger. Roger argued that he was within their regulations and took his sheets and went home, ignoring the girl's orders.

The girl reported this to the LTTE divisional finance chief. The latter ordered the LTTE Police to arrest Roger on the charge that he behaved refractorily and threatened to rape the customs girl. Following Roger's arrest, the finance chief took him to the notorious Richard Camp, a torture camp at Vattakandal, Adampan, and thrashed him. Roger developed fits, to which he was prone in infancy, and was dumped at a medical centre.

In the meantime the whole village of Kattankulam was up in arms. They checked with the girl at the customs and found that the charge was a fabrication. The incensed villagers surrounded the camp of the finance chief. The alarm reached Thamilchelvan's political office, which sent persons to pacify the family. They dissuaded the family from taking Roger to a hospital in the government-controlled area, lest the case should go into the record of the 'alien' Police. Later the family had Roger treated privately in Colombo.

### **Amparai: A Disastrous Intrusion**

In the area south of Akkaraipattu, the LTTE forcibly took over hundreds of acres of paddy lands belonging to non-resident landowners and set about trying to maximize their profit. Traditionally rice farmers did cattle herding alongside. The grazing fields for the cattle were further interior, to the west. For many years the STF had prevented farmers from going interior. Now the grazing land is overgrown with shrubs, and though free to go there, the farmers avoid it for the fear of landmines. They are thus faced with having to graze the cattle close to the paddy fields as they had done in recent years.

The risk of cattle damaging the rice crop was greater at the last season, since with the ceasefire more fields were sown. This meant the cattle had to be fenced off. The farmers met at the Kacheri and agreed upon a system. That is, if undue damage were caused to a farmer's crop by someone else's cattle through negligence, compensation would be decided by an impartial inquiry. Then came the LTTE and annulled the arrangement. They wanted to ensure that the fields they had taken over suffered no damage.

The LTTE wanted the cattle to be grazed three miles interior. When the farmers pointed out why this was not possible, the LTTE insisted on crowding the cattle into a small area where they could hardly graze. The farmers protested since they had experienced an outbreak of cattle disease in 1998. The injections sent by the Government had not been administered by skilled hands and the disease was barely controlled by native physicians. The LTTE rejected the farmers' protest and had their way. Disease spread fast and

disaster struck. Many cattle and nearly all the calves died. Milk production that was an important part of the local economy has dropped by 90%.

That was not the end of the story. The LTTE taxed the farmers Rs.1000 for each acre sown. Thus preparation costs went up to Rs.9000 per acre. Again to maximize its own profit, the LTTE fixed the harvesting charges at Rs.1500 per acre when the going rate was Rs.2000. The harvesters worked in gangs, harvesting and stacking, and were paid by the acre. Thus it was the labourer who was to bear the cost of the LTTE's greed. For the farmer who paid the LTTE tax, the lower wages for labour acted as a rebate.

There was another problem. Going rates were common to the whole region and the Tamil labourer would naturally go to the Muslim farmer for a better wage. The LTTE therefore ruled that Tamil labourers should not work for Muslims until the Tamil fields are harvested. The labourers looked to harvesting seasons to make a substantial packet of money and were therefore very unhappy. The weather is however idiosyncratic.

During harvest time at the end of January there were unusually heavy rains and 'wet paddy' fetched a lower price in the market. Then in early February the skies cleared and the sun shone brightly. Farmers who had kept their fingers crossed hoping for a brighter turn of weather had to harvest quickly. Harvesting charges shot up from Rs. 2000/- to Rs. 4000/- per acre. Tamil labourers disregarded the LTTE's strictures and worked for Muslim cultivators. Wages quickly evened out.

### **13. Implications for the Muslim Question**

What has been said above exemplifies an underlying factor that has seldom received mention. Muslim enterprise and commerce have contributed significantly to keep the Tamil peasant labourer and fisherman, who lived at the margins of deprivation, from going down completely. The LTTE's atrocities against Muslims and its moves to separate the two communities and establish monopoly control over the Tamils' economy, are detrimental primarily to the Tamil underclass. The Tamils as a whole would face progressive economic ruin. The economic decline of the Tamils touches a host of social problems including a drop in educational standards and child soldiers.

That the Muslims are the cause of the decline of Tamils is a myth that has supported a most retrograde politics. An enterprising community is an asset to everyone around them. The solution to the decline of the Tamils must be found firstly in reforming their politics. Sinhalese nationalism too had its origins in perceived Tamil domination of education and commerce, and has inevitably run its disastrous course.

The large demonstration by Muslims at Oluvil on 29<sup>th</sup> January, centred on the student union of South-Eastern University, put forward an apparently flexible demand for Muslim autonomy, with the proviso that the final form of the political solution must have Muslim consent. We reliably understand that the moderation was influenced by a very senior Muslim academic and Tamil literary figure. Though long associated with the Tamil struggle, this academic had himself been a victim of the LTTE. He cautioned the

organizers on the dynamics of extreme demands, pointing out how the 1976 Vaddukkottai resolution ultimately brought about the discomfiture of the Tamils.

A reflective Muslim close to leading political circles in the East, pointed out that part of the problem is Tamils calling for progressive separation from the Muslims, demanding new DS divisions and local councils, citing fears of Muslim domination [- in the Amparai District, in the neighbouring Batticaloa District the Tamils are in a majority and concerns are the reverse]. He bemoaned the loss of healthy working relationships between Tamils and Muslims who served on common bodies. He added that the North-East merger could be saved only if the Tamils accept a certain pre-eminence of Muslims in certain areas and certain walks of life. The monopolistic politics of the LTTE and Karuna's rhetoric run counter to this objective.

#### **14. Recent Attempts to Mobilise School Children:**

Perpetuating deprivation, economic ruin, a culture of victimhood and fear of the Muslims and Sinhalese is the cornerstone of LTTE politics. When the LTTE says that its military strength is the key to success of negotiations, adults may see some point in it, but know better than to follow such reckless leaders. This reality gives the LTTE's 'political work' its unique flavour. With adults, the business of 'politics' is just a matter of demanding children and money. It is school children that are the focus of this 'political work'. When LTTE leaders pledge to leave children alone, they are never serious.

Thus LTTE spokesman Anton Balasingam told the Press on 8<sup>th</sup> February, following the Berlin talks, that the Tamil community has seen only destruction during the past 20 years of conflict without having achieved anything politically substantive. He further said that the image of the LTTE had been severely damaged by the recruitment of underage children by regional leaders, who disregarded the Leader's orders. The following day he spoke to Tamil expatriates in Dusseldorf, the penitence giving way to bravado. He said, "*We are recruiting people, training people and also using this opportunity to improve our economy [sic]. But the Sinhala nation's economy has collapsed*".

While the expatriates were being asked to fork out money, on the ground, the LTTE was looking for alternative means to press the young into its ranks, since abductions were proving costly. The LTTE held a series of meetings for students about 13 and above at leading schools in Batticaloa last January. The message was: Tamil Eelam is the only permanent solution to which Leader Prabhakaran remains firmly committed. Although they have entered into negotiations, division in the Sinhalese polity will abort a fair solution. Be prepared for war in the event of Sinhalese chauvinists sabotaging the peace process. We can liberate Batticaloa from Sinhalese oppression in three days. Each family must make its historic contribution of at least one child.

The presence of a speaker from the Vanni in Batticaloa is a clear indication that it comes from the top. The expatriate journal *Eelanadu* identified this speaker as Newton from Pt. Pedro, Batticaloa leader in the mid 1980s. We have no local confirmation of this. The message at meetings held in the Valaichenai Hindu College (VHC) on 29<sup>th</sup> and 31<sup>st</sup> January was more menacing. This is Karuna's home area.

On 29<sup>th</sup> January at VHC in the government-controlled area, an assembly of all teachers and students was addressed by LTTE figures including Reggie, area leader and Karuna's brother, and Ashok, Assistant Head for Transport, B&A. The main business was the teaching of LTTE history and self-defence. The latter included dismantling and assembling a gun – introduced in Vanni schools in 1999. This special LTTE curriculum was compulsory and was to be taught during the first period and the interval. Teachers who do not comply will be punished. The meeting lasted from 10.30 AM to 2.30 PM.

The second meeting at VHC on 31<sup>st</sup> January, was again for all teachers and students, lasting from 11.30 AM – 3.30 PM. This time the chief speaker was the LTTE dignitary Athimaniyan, who heads the LTTE's education unit in the Vanni. He said that the teaching of the LTTE's curriculum comprising history and self-defence is being made compulsory in schools and lectured on how to teach the curriculum. *“Our goal is to drive away Sinhalese from the North-East and establish Tamil Eelam”*, he said, *“that is our struggle”*. All students and teachers, he added, must participate in this programme. The audience was warned that reporting what happened to a newspaper, organization or the Police, be it a teacher or parent, would be an offence punishable by death.

Such haranguing did not bear immediate results, but may be seen as psychological conditioning. The harvest must await the situation becoming unstable, people beginning to feel threatened by the State or a massive surge of nationalist emotion where children simply fall into the trap. As pointed out the LTTE has tried all these. 'Pongu Thamil' or Tamil inspirational rallies quickly ran out of steam. Beginning with the HSZs issue in December, the LTTE has been trying to engineer unrest, using mainly school children. Sometimes the Army loses its balance and provides an issue. A sideline of 'historical research' is the bane of professionalism in Sri Lanka. We quote from the entry in the Army web site on 20<sup>th</sup> February that is informative about a state of mind rather than about archaeology:

*“It is believed that the protest [by hundred incited uniform clad school children and 25 adults] was staged against the alleged reconstruction [sic] of a Buddhist shrine at Kantharodai...Ancient chronicles dating back to pre-Christian times affirm that Kantharodai remained a Buddhist archaeological site of Buddhist worship for centuries [sic] and was known as Kadurugoda Vihara.”*

Such is the extent of disillusionment that even when there was public sympathy on an issue, the LTTE's attempts to turn people out in large numbers have fallen flat. Demonstrations number at best a few hundred and then mainly school children. Meetings have also been held with a view to reviving 'Pongu Thamil'. The idea has apparently been shelved over the difficulty of getting a quorum. The LTTE would however go on hammering and provoking, hoping that something would click.

In its unprincipled eagerness to appease, the Government has been caught flat-footed. It should have insisted on accountability as provided by International Law from the start and maintained decorum. To the Government it seemed to be *‘Whatever you [the LTTE]*

*do with Tamils, it is not our problem*'. It naively thought that the LTTE would play ball if it winked at child soldiers and closed its eyes to the fate of the Tamil opposition.

After going so far as to broadcast Pongu Thamil on State TV, the Government now looks unconvincing clawing back lost ground by confronting the LTTE over a Pongu-type slogan planted outside Batticaloa town and web belts worn by LTTE girls. These are petty issues after the Government's failure to take a stand on violations pertaining to the well-being of the Tamil people. The Government has lost the moral battle to a force which boasts, '*Weaponry is our spiritual strength (Iraimai)*' (e.g. Balasingam in Dusseldorf). It is here that sovereignty and legitimacy are lost.

## **15. Current Trends and the Relevance of Human Rights**

It has been our contention that trying to pursue peace negotiations without a serious attempt to hold the LTTE accountable plays into its hands. The oft-repeated question, '*What is the alternative?*' (e.g. Prof.G.L. Peiris) is meaningless. As far as the LTTE is concerned there was never an alternative. Had the Government accepted that, the Norwegian role is superfluous. All that was required was a timetable for troop withdrawals.

The purpose of bringing in the International Community is meaningful only if it enhances human rights and adherence to values coming from the world community's rich experience in dealing with such problems. It should have given the LTTE a clear message that it cannot deal with the question from an extreme ethnocentric standpoint, that it must respect the concerns of the others in this country and show tangible progress towards upholding human values. Then at least some in the LTTE would be forced to rethink.

Likewise, the Government should have striven to create a political climate in which, along with the Opposition, it could have faced up to atrocious mishandling in the past and reached consensus on resolving the conflict. Instead, its authoritarian impulses directed it to attempt stifling any critical evaluation of the peace process. It thus provided grist to the mills of opponents of any kind of process that would address the country's deep-seated problems.

Sadly, the International Community too largely failed. Its efforts suffer from having been brought in on the wrong footing in support of the Government's flawed programme. Appeasement remains the dominant theme of peace activity. One year of no-war in the North-East has, particularly in view of the LTTE's conduct, not shown any significant improvement in the areas of democratic rights, human rights and inter-communal relations. Economically too the LTTE's intrusion has been disastrous. After a year there is yet no monitoring mechanism effective in the LTTE-controlled area, where the people have been left entirely at the whims and fancies of the LTTE. Will this process be judged by history another missed opportunity?

### **Triumphalism**

The current round of speeches by LTTE leaders, both locally and abroad, give much cause for concern. The Speeches are structurally identical pointing to central direction:



- 1.) Affirm that Tamil Eelam is their goal and would send out the Sri Lankan Forces dead or alive to liberate their soil. The need to reconcile this to the LTTE's commitment to a negotiated federal settlement leads to 2.)
- 2.) Our Leader is a genius and a master strategist, don't trust appearances:  
*"Thalaivar (Our Leader) will always have a master plan. No one can understand our leader. Even I cannot understand him...His thoughts are becoming a reality. He will make the right move at the right time..."* (Almost the identical words used in V. Balakumar's speech in Vavuniya on 11.1.03 and Karuna's speech in Switzerland, 7.12.02). Also:

*"Our Leader in a special message calls for your contributions to the Tamil Eelam Financial Project. Do not ask questions. This money will be used in case of emergency. When we achieve results you will be surprised"* – Balasingam to Tamil expatriates in Dusseldorf, 9.2.03.

There is a strong triumphalistic note in these speeches:- viz. The Tamils are strong because they have only one leader. The Sinhalese and Muslims are fools fighting among themselves. We were called terrorists, so we went into a diplomatic phase to prove the rightness of our cause. Now everyone – including Kofi Anan and the Japanese envoy Akashi – is seeking us out. Everyone is competing to give us aid. By Balasingam's masterstroke of seeking transit through India, India has been neutralized.

The other problem is that Eelam (separation) would necessitate war. On what pretext would the LTTE wage war? Thus 3):

3) We gave them a chance (another masterstroke) to come up with a solution offering us 'internal self-determination'. But the Sinhalese polity is divided. The President and Prime Minister are at loggerheads. They cannot offer us a solution. We have recruited, armed and have developed our economy. But the Sinhala nation is weak. Their economy has collapsed and soldiers are deserting. The Wickremasinghe government is losing control. If and when the Sinhalese chauvinists cause war to erupt – a certainty by the foregoing – we are ready. Jaffna and Batticaloa will be taken in three days.

[All this can be gleaned from Karuna's speech in Switzerland, 7.12.02, in [www.tamilnaatham.com](http://www.tamilnaatham.com), Balakumar's in Vavuniya, 11.1.03, in *Ulakathamilar*, Canada 24.1.03, Balasingam's in Dusseldorf, in *Sudaroli* 11.2.03, Speeches in Batticaloa schools, *Eelanadu* (overseas) 20.1.03]

Meanwhile, the LTTE will do everything to keep the main parties, the UNP and PA, divided (see Special Report No 15). Through the TNA the LTTE will support the UNP in Parliament as long as it is expedient. The bizarre is the order of the day with the TNA supporting the Government in a no-confidence motion against the Defence Minister, while the LTTE was railing against his Ministry on the HSZs issue. Going by the speeches above, the LTTE has a lot of confidence in the Defence Ministry!

The main difference between the LTTE's speeches to locals and to expatriates is, the former are asked to part with their children and the latter with their money. As regards children the LTTE gets away with equivocation. Never in a Tamil speech has an LTTE leader spoken of a minimum age, and the audience invariably contains very young school children. The emphasis is on a minimum of one child per family. When caught in a specific case, the monitoring agency is solemnly assured, '*The Leader has given strict orders...*'. Yet no move is made to release the child. This has gone largely unchallenged.

The 'From Glory to Glory' scenario painted by LTTE leaders, though impressive to many, is deeply flawed. That it is a house of cards waiting to be blown is evident in their basic premise: '*Our Leader is supreme and unfathomably wise, the Sinhalese and the rest of the world are fools*'.

The strength of the LTTE's cause is not founded on economic success, a technological base, or a coming together of people around a broader vision encompassing universal values. Its strength derives solely from a 'strong' dictator who has mastered the ability to turn the wrecked humanity around him into suicide bombs.

The flimsiness of the LTTE's logic would become amply clear as soon as someone is desperate enough to meet it on its own grounds. Had the mother of the conscript in Batticaloa immolated herself as she had threatened, the LTTE would have been thrown into disarray. Its belief in its command of a monopoly in certain methods would have been shattered. The LTTE was not deterred by cannon and bombers. But the LRRPs that targeted leaders threw it off balance.

However, it is the brashness of LTTE leaders based on an illusion of strength, coupled to the Government's myopic strategy of co-opting the LTTE in an unprincipled bid to entrench itself, that is going to be the main determinant of events. The PA opposition merely exploiting the Government's weakness, rather than giving hope against a fatally corrupt state culture, further aids the LTTE. Aggravating the crisis is the anger and insecurity in the armed forces.

### **The Armed Forces:**

The LTTE has been the principal source of violations during the cease-fire and its aims presage great tragedy for the future. But we are keenly aware of the immense destructive potential of the Armed Forces, should the cease-fire break down (see Bulletin No.29).

The rather shaky assumptions of this peace process have left them feeling imperilled, uncertain and humiliated by events. Half a dozen or more Military Intelligence men have been abducted or killed contrary to the MoU and the issue has simply been buried. Then we have the LTTE-orchestrated demonstrations throwing stones and insults, and attempts to use the MoU one-sidedly to make the Army relocate to insecure positions.

Moreover, according to reports, Lawrence who is in charge of the LTTE assault group, directly under regional commander Theepan, is in the Jaffna peninsula. So are Veeraman, commander of the Charles Anthony Regiment and his third in command, Amuthap. They are certainly not doing political work. There has also been much bluster by LTTE spokesmen of taking Jaffna in three days. Addressing Jaffna's co-operative employees in mid-February, Ilamparithy told them that in the likely event of war, they like everyone would be given a job. Theirs would be to bury 40 000 corpses of soldiers!

It is hard for a soldier living through this strange no-war to keep his equanimity. Most violations of security forces under the MoU have been a direct, though unwarranted, reaction to provocations. After giving the LTTE a long leash to abuse the MoU, the Government lacked the will or the ability to check the Security Forces. This is evident in the shameful manner in which the Kanjirankuda and Trincomalee incidents were hushed up. Civil Society in Colombo too failed to do its part in pressing justice for the victims.

Most peace groups, through their failure to be more creative, have readily identified the LTTE as the chosen leaders of the Tamil people. In the event of war that would lead to a series of tragedies. Who will then protect the Tamil civilian population from the wrath of the Armed Forces? It will not be the Government, Civil Society in the South or the LTTE.

### **The Human Rights Task: Accountability First**

It was decided at the Berlin peace talks (February 7<sup>th</sup>-8<sup>th</sup>) that Mr. Ian Martin be asked 'to draw a roadmap for human rights issues relating to the peace process'. While this gives hope, we fear that the outcome may be less than fair to a man of Mr. Martin's reputation. The task requires a clear assessment of what went wrong and what more can be done. For a year now the SLMM and a number of humanitarian agencies have been on the ground. As professional monitors one could hardly better those in the SLMM, and quite apart from Norway's politics, we have much respect for the work of individual monitors. But for the rights and dignity of the people, the story is one of steady deterioration. So what went wrong? Are we expecting a miracle from Mr. Martin?

We too readily write off experience gained at great cost since the Indo-Lanka Accord, hoping that this time it is different. Expectations were high when Norway came in and in many respects Norway and the SLMM tried to do a job. The SLMM investigated complaints, communicated them to the LTTE, and from time to time took stands on a number of issues. Yet, there is no evidence of qualitative change in the LTTE. It has only shown a level of constraint to keep peace talks wobbling along. Illustrative of the extent of restraint is the LTTE telling the SLMM that it would take hostage a family member, even when a conscript escapes. The SLMM could do nothing. We have also pointed out the absence of any monitoring mechanism in the LTTE-controlled area.

The SLMM's LMC in Batticaloa was the most effective. When the SLMM objected to the conduct of an LTTE nominee and demanded his replacement, the LTTE simply stopped co-operating and is quite happy to leave the LMC non-functional. Over attacks

on members of opposition groups, the SLMM's action was weak, but it raised the matter with the LTTE and got an assurance. It was another pledge to absolutely no effect.

A year ago people coming from LTTE-controlled areas felt relatively free in Batticaloa town. But so completely has the LTTE installed its terror under the MoU that even those in town dare not talk. The smaller numbers complaining to the SLMM are increasingly threatened. Even Batticaloa Hospital is not safe. Reportedly, three trainees for middle level medical positions, who joined the LTTE, have been unofficially reinstalled at Batticaloa Hospital.

Assessing progress in the human rights is feasible only if the prospect of monitoring exists. There may be few public killings compared with the lamppost killing days and a façade of normality. But that is because terror has become institutionalized. The subterranean fear of disobeying or displeasing the LTTE is at the root of behaviour that is only ostensibly normal. Moreover, the democratic and human rights environment, with particular reference to the LTTE, has not improved under the cease-fire and in crucial areas has deteriorated so far that monitoring becomes a tall order.

Jaffna receives considerable attention from visiting foreign envoys. It helps in some respects, but how many of them understand the sordid ground reality? Ilamparithy, the LTTE's political commissar in Jaffna, had the Hartley College Principal mauled and made an example of, for doing his job in protecting his students from being taken on LTTE demonstrations and imperilled. The same Ilamparithy prevented the opening of the Jaffna Library by threatening the Mayor and promising a 'blood bath'. Both outrages have largely been passed over.

So unreal are the five-star conferences for economic development and rehabilitation of the North-East, when the politics can only further economic ruin. So is the impression created in the South that people in the North-East are going to swim in foreign largesse, when after all the necessary filtering along the way, they will get barely a pittance, and moreover at the price of totalitarian control being legitimized.

In the area of child soldiers we have seen reality being distorted by proclaiming tokens of hope where there are really none. When international agencies avoid holding the LTTE accountable to support a flawed peace process, they become its accomplices. The LTTE makes it easier for them to glean tokens of hope as it dismantles and suppresses all possibilities of monitoring. Thus members of opposition parties cling to their offices for safety. Women's groups and trade fraternities in rural areas, who in the past exposed the Army's violations, now find themselves unable to function.

Given the LTTE's proclivities, all this is dangerous from the standpoint of sustaining the cease-fire. While there is widespread inhibition to talk about the LTTE's conduct, the LTTE spares no effort to provoke and publicise the Army's violations. Thus the LTTE went to town proclaiming the incident at Manipay as a major violation of human and women's rights. But who talks about the LTTE's brutality towards mothers who resist the conscription of children or threats to mothers of escaped children?

The result is thus a propaganda bias in the LTTE's favour in the event that it resorts to war. Articulate conflict strategists who pushed for appeasement will exacerbate the confusion, when they look for scapegoats as they bail out. This happened in 1995.

The only way the International Community could sustain the cease-fire is to hold both sides accountable. When there is systematic deception, there is also a pressing need to be brutally frank. The LTTE must be given a clear message that should it resort to war, the rest of the world would mean business. It is no less important to hold the Government accountable. Here Civil Society groups in the South will have to play their role.

There has hardly been any expression of concern over the Jury's verdict in the Mylanthanai massacre case. This is widely seen as a travesty of justice and affects the confidence of a whole community in the system. Apart from general accountability for crimes of the past, even the recent incidents at Kanjirankuda and Trincomalee have been swept under the carpet. The constant message communicated to a minority is that they will never see justice under a 'Sinhalese government'. The benefits of bringing in the International Community would be nullified if the State and the Sinhalese polity were seen to be incapable of change.

***Note: Appendix I & II, which follow, deal with trends in child conscription. Appendix III is a follow up on matters raised in earlier reports. Included in it are the Kanjirankuda incident and an examination of contrasting aspects of the LTTE's role in Australia.***

## **Appendix I**

### **Continuing Trends in Child Conscription**

#### **Batticaloa: An Unmitigated Tragedy**

At a deeper level LTTE politics and child conscription have become part of a larger social malaise that feeds on itself. The violence of the State, whose massacres have gone into history tagged with place names, LTTE massacres of Muslims, reprisals against Tamil civilians, continuing LTTE violence, economic collapse and domestic violence, now forms a wretched whole of strands woven into each other. Behind a façade of traditional religious rituals, apparently functioning government offices, schools and institutions of further education, there lurks social and economic collapse.

A single mother who, in her 20s or 30s, sets out with determination to fend for her children doing a series of small jobs, comes even more under the predatory attention of the LTTE. Her greatest need and her heart's most ardent desire is to enfold her children protectively and keep her family together. Anyone concerned for her must help her to accomplish this, but no, the LTTE simply wants to grab her children.

First goes an elder boy who lent the mother a shoulder to lean on. Such boys can be trapped in so many ways. One is to invite them to watch heroic videos and ask them to sign on a paper that they know nothing about. Then the LTTE claims them as their property. Later, a younger child would be abducted. When the mother goes to the LTTE and complains that they have already taken one child, she would receive a lecture. She is told that she is a single mother and her child would be better looked after and fed in the LTTE.

This is not a low level aberration. We have information that poor mothers have been told this by top brass of the women's cadre in Batticaloa. The poor are being told that their children would be better off as cannon fodder.

When challenged, the crime against the poor is given a different twist. We hear the LTTE's familiar refrain: *"We never take children forcibly. We have with us temporarily only children who came to us on to their own for the lack of a good home!"*

The truth is that these mothers want their children desperately. Once they lose a child or two they lose interest in life. They even become suicidal. They despairingly compare the proverbial privilege of the children of LTTE leaders and the unrelieved misery of their own children.

It does not stop there. Once a child is abducted the rest of the family, especially children, become traumatized. We have cases of such families where the remaining children develop an intense paranoia about going to school and cower in fear within the four walls of the house. They do not even leave the house for ablutions. They defecate and urinate inside the house. In whatever way the LTTE has intruded into their lives, it is to bring upon the people further ruin. Cynically today, the LTTE is being promoted as the 'sole Tamil representatives' in the Sub-Committee for Immediate Humanitarian and

Rehabilitation Needs (SIHRN), as partners in rehabilitating child soldiers and other traumatized children!

Having to contend with a high rate of desertion particularly among conscripts, the LTTE imposes severe punishments as documented in our earlier reports. We now have information that a group of boys, friends in their mid-teens who attempted to escape, were caught and warned. They were later caught a second time and executed by gunshots about the middle of last year. Friends of the deceased were ordered to bury them. A number of cadres in the mid and late teens have told their mothers who need them badly that they want to come out, but fear escape and its consequences. An escapee leads a hunted life with the family facing constant harassment and hostage taking.

The desperation increased as the talk of war got around LTTE camps. Reports from Batticaloa said that about 75 conscripts fled from Tharavai training camp during the first two weeks of March and arrived in the Sittandy area. This is a notable increase.

The LTTE has promised the UNICEF that it would discharge underage children. Should the war recommence many of them would be dead before they knew what hit them. Their leaders would confer martyrdom on these remains of quenched childhood with an Rs.5000 gravestone, and notch up their numbers, as though they were votes to advance their totalitarian claims.

### **Sample Cases**

**16<sup>th</sup> November 2002: Miss.Dushyanthi (14 years)** of Muhattuvaram, Bco: Taken by the LTTE on this day and escaped a week later.

**November 2002: Miss Vinothini Pakiarajah (16)** of Kokuvil, Bco: Conscripted and escaped during November.

**8<sup>th</sup> December 2002:** Two girls **V. Jayanthi (16)** of Mankerni and **S.T. Kenkeswary** of Valaichenai were abducted by the LTTE and sent to an LTTE women's training camp under Kamalawathy and Ilanai. According to the Army in Valaichenai to whom they surrendered after escape in February, the girls testified to 100 girls between 10 and 17 years under training at that camp.

**21<sup>st</sup> December 2002: Miss Sumurdha Rasalingam (13 years)** was abducted by two LTTE girls in the morning from her aunt's place in Araiampathy. The girl attained age after her abduction. The family is without a father and Sumurdha's elder brother joined the LTTE four years ago, at the age of 13.

**11<sup>th</sup> January 2003: Mas. Somachandran Yogachandran (14 years,** born 4.10.1988) of 33, 2<sup>nd</sup> Cross St, Mamangam, Bco, was abducted by the LTTE while cycling in the road (see Secn.8 of report)

**12<sup>th</sup> January 2003: Daughter (15) of Sivanesan,** 14<sup>th</sup> Colony, Mandur, abducted by the LTTE.

**15<sup>th</sup> January 2003: Mas. Lakshmanan Ehambaramoorthy (15)** of Batticaloa was abducted from the Thai Pongal football match organized by the LTTE.

**16<sup>th</sup> January 2003: Mas. Ramesh Thavithu Appu (15 years)**, born 11<sup>th</sup> August 1987), whose father is Sinhalese and mother Tamil, was abducted on his way to Lucky Tutor, Chenkalady, for O.Level tuitions. Ramesh, a student of Eravur Tamil School, used to live in Cemetery Road, Vipulananthapuram, Iyankerny, Chenkalady.

**18<sup>th</sup> January 2003: Mas.Sasikumar Selvaraja (16)** of Palamunai, was abducted by the LTTE.

**19<sup>th</sup> January 2001: Yogarajah Kuhathasan (17) of Thimilativu, Bco, abducted by Parany of the LTTE.**

**20<sup>th</sup> January 2003: Mas, Antony Uthayaraja (14 years)** of 8<sup>th</sup> Cross St., Velan Colony, Kallady, Bco and a 7<sup>th</sup> Standard student of Saraswathy School, was abducted by members of the LTTE Navatkuda office.

**23<sup>rd</sup> January 2003:** The LTTE launched a child abduction raid at 11.00 PM in the village of Kannankuda, off Batticaloa. Entering the house of **Arumugam Mayuran** they beat him up severely for hiding his son, leaving his head swollen. There was apparently a scuffle in which his wife too was beaten and the LTTE left sans a shoe of one of the raiders. We have been unable to verify whether the child was taken.

**24<sup>th</sup> January 2003:** The LTTE **Miss.Anushya Konesamoorthy (14)** of Mandur 3 was abducted by LTTE girls from her home.

**24<sup>th</sup> January 2003: Miss Vijirani Selvanayagam (14)** of Kayankerni, Valaichenai and her sister **Parvathy (17)** were abducted by the LTTE. Three days later (27<sup>th</sup>) the LTTE was taking them by van to the LTTE controlled area when the girls screamed at the final army check-point at Black Bridge, Chenkalady. The Army stopped the van and handed the sisters over to the Police. They were released to their family by the Magistrate the following day.

**24<sup>th</sup> Januray 2003:** Ten schoolboys, all 16 years old, were abducted by the LTTE when returning from a tuition class in Batticaloa. The names of three made available to us are: **K. Praveenan (16)** of Main St., Kallady, **S. Pradhepan** of Trincomalee Rd., Batticaloa and **K. Sasikaran** of Main Street, Araiampathy.

**Early February 2003: Mas. Ramesh Kanthasamy (14) and Mas. Danushyan Karunanathan (17)** were abducted by the LTTE and sent to the camp in Sampur, Trincomalee District for training. They escaped on the night of 23<sup>rd</sup> February and surrendered to the Military Police in Mutur the following morning.



**2<sup>nd</sup> February 2003: Daughter (17) of Karuvalthamby Yoganathan** of Palamunai, Mandur, who had completed her O. Levels and was staying at home, was abducted by LTTE women from the 13<sup>th</sup> Colony Office.

**13<sup>th</sup> February 2003: Mas. Thuraimurugan K. (15)** was abducted by the LTTE from 5<sup>th</sup> Division, Eravur, Bco..

**14<sup>th</sup> February 2003:** Two LTTE girls were conducting away **Miss. Pathmapriya Sivarasa (14)** and **Miss. Mathinarathy Dharmaraja (14)** from their school in Sambaltivu north of Trincomalee. Seeing the girls in distress, the Navy stopped them at the Sambaltivu Junction check-point and returned the girls to their parents (see Secn.8).

**16<sup>th</sup> February 2003: Mas. Sasikumar. T (15)**, whose mother is a widow, was abducted by the LTTE at 11.30 AM from Sittandy Junction, Bco..

**18<sup>th</sup> February 2003: Mas. Sasindran (14 years)** was abducted from Eravur, Bco.. When his father approached the LTTE, he was told that his son had joined voluntarily. In other cases parents making inquiries have been shown letters purportedly signed by their children saying that they joined voluntarily. The conscription that took place north of Batticaloa from Eravur through Sittandy, Morakottanchenai and Kiran was under the supervision of Jim Kelly Thattha.

**27<sup>th</sup> February 2003: Kapilan Sivanandaraja (17)**, an O. Level student at Sivananda College, Kallady, was returning home at 2.30 PM when LTTE men coming in a white van tried to abduct him. Kapilan escaped from them and surrendered to the SLMM in Batticaloa.

**3<sup>rd</sup> March 2003: Mas. Rangesh Linganathan (14 years)** was abducted by the LTTE from his village of Pudur, off Batiicoloa town, and transported to Tharavai. The LTTE told his parents that they would kill the boy should they complain to the SLMM. At the same time the LTTE in the Vanni was talking to UNICEF about programmes to rehabilitate child soldiers (see Secn.7).

Both local testimony and our cases affirm that there was no let up in child conscription at any time. When the LTTE moves into an area in significant numbers and takes away conscripts by the dozens (in ages ranging from about 12 to 21), as happened several times from December 2002 to February 2003, the news gets out fast. At other times when international pressure intensifies, as it does periodically, or there is an important donors' meeting, the mode of conscription changes to the more unobtrusive, such as abducting youngsters off the road in ones and twos, as was the case last November and as it is since the Berlin talks in early February. During such periods many locals are unaware that it is going on, and there is a long delay before a few cases reach interested groups.

We have also a number of cases of persons 18 and above, some married, who were abducted by the LTTE recently. This is hardly less a crime and has the additional effect

of depriving families of actual or effective breadwinners, making younger children even more vulnerable.

## **APPENDIX II**

### **Child Recruitment/Conscription in the Amparai District**

The pattern here has similarities to the Batticaloa District, where conscription is the norm, and also differences. In Amparai District conscription was prominent at temple festivals, but low key otherwise. Propaganda in schools and weakness of the home have also played a significant part.

Only two children, both boys, from the Methodist Mission School in the rural village of Thandiady, south of Thirukkivil, joined the LTTE in response to propaganda during 2002. No one in the school was physically conscripted according to sources in the area. The two boys were Gopinath (14 years) and Ketheeswaran (14). In Gopinath's case his mother had gone to earn in the Middle East at the time he went. Particularly vulnerable are children whose mothers have gone away to earn. This touches on rural poverty and the run down state of the local economy.

Often the LTTE tells widows and single mothers that their children are better off in the LTTE and forcibly removes them. In Thirukkivil recently, the LTTE removed the two children of a depressed mother, girls of 6 and 9 years, to a temporary home until they could be sent to one of their Chencholai (Red Blossomed Garden) Homes.

At these homes children are brainwashed into a culture of suicide and worship of the Leader, incinerating oneself at whose command, is taught as life's supreme privilege (see Amy Waldman's feature in the *New York Times*, 14. 1. 03)

A large number of those who joined the LTTE are 15 or 16 year old boys preparing for their O. Levels. They had not responded to LTTE propaganda sessions, which began in schools last year after the MoU. Most of them joined when they got cold feet close to the O. Level examinations. Teaching standards in the area have dropped and a well-known schoolmaster is known to tell the boys, '*study if you can, and if you cannot, go to the jungle!*'

At Vinayapuram High School 27, mainly boys, left for the LTTE after submitting their applications for last December's O. Level examinations. At Thambiluvil High School the number was about 30. A large number of the exam-fever recruits deserted subsequently. In Thambiluvil it was said to be nearly half the number.

Conscription of the young takes place all the time as testimonies of escapees show. But it was most prominent at the annual temple festivals during July-August last year. The largest of the local festivals were at Mangaimariamman Temple in the coconut estate in Korakalappu owned by K.V.M. Sivaganesh, Sakalakalaivalliamman Temple in

Kalliantivu and Kannakiamman Temple in Thambiluvil. Owing to the cease-fire very large crowds came and stayed till well after nightfall.

The modus operandi for the LTTE was to bring young men and women cadres by van and drop them at festivals. These cadres moved through the crowd canvassing among children and mothers. They would typically approach a mother, inquire about her family and children, and then pop the question '*Why don't you give us one of your children?*' The results were negligible. The LTTE's intention seems to have been to avoid or minimize outright abduction. When they got annoyed that they were hardly getting anyone, orders were given during the succeeding festival days to abduct, and the abductors went on the rampage.

The people recount the scenes with dread. At Korakalappu girls were verbally abused and their hair done up for the festival was clipped, as they were thrust into vans waiting to carry them off to the jungle. Witnesses at Kannakai Amman Temple spoke of scenes of agony that were in sharp contrast to the promise of peace. They recall screaming mothers pulling their child by one hand and an LTTE woman pulling by the other, in grotesque scenes of tug-o-war.

In this kind of conscription/recruitment there is inevitably also large scale desertion, coupled with extreme harshness on the part of the LTTE. As to how many have succumbed or suffered grave harm, we have no idea except that the number is significant. Our reports have given a number of cases from the Batticaloa District. The two below in the Amparai District may be the thin end of the wedge:

The son of Nantheeswary of Thirukovil-Thambiluvil was a 15-year-old O. Level student who joined the LTTE on his own and then, according to the LTTE, escaped. The LTTE came to Nantheeswary recently and demanded her son. The mother knew nothing about his whereabouts and said so. The LTTE took her hostage. Because Nantheeswary was ill, the LTTE released her after a few days, getting a pledge from her that she would hand back her son. The boy is missing and the mother knows nothing about him. She fears the worst.

Chandiran, an 18-year-old from the same area had been with the LTTE. The LTTE came to his mother recently and wanted to take Chandiran's elder brother, claiming that Chandiran had escaped. The mother lashed out at the LTTE asking who would feed and nurture the elder brother's three children? The LTTE went away. The mother has since heard nothing further about Chandiran. She only had word that Chandiran was last seen at the Kanjikudichcharu camp, unable to walk.

## **Appendix III**

### **A Follow Up of Earlier Reports**

We will give follow ups of incidents reported by us only when they are possible and necessary. Often it is not possible. It is frequently the case that our information comes from someone who by chance or otherwise meets another, who relates an experience and goes his or her own way. We make our judgments when deciding to report the incident. Conditions have now deteriorated so far that it is nigh impossible to get any follow up from Interior Batticaloa and Vaharai. A follow up too is often a matter of chance.

#### **III.1 Special Report No. 13 of 10<sup>th</sup> May 2002: Two Child Conscripts**

We reported the abduction in Trincomalee by the LTTE of the two children Kumari (12), a girl, and Yoshua (14), a boy, early last year (2002). The children were taken to training camps in Mutur. We now learn that Kumari escaped and is living with her grandmother. She was once stopped on the road by an LTTEer and she refused to go. Yoshua completed his training and is now posted north of Trincomalee in the area of Kuchchaveli. Meeting once some friends from Trincomalee he was reticent about his new life. He only said, *“Please pray for me that I can get back”*.

#### **III.2 Special Report No.15 of 4<sup>th</sup> October 2002: The Australain Scene**

##### **The LTTE in Australia: A Spectrum of Options Towards Dissent**

##### **The Murder in Colombo**

We reported (Secn.6.5) the murder in Colombo of Subramaniam Muthulingam (45), an engineer from Perth, Australia, on 9<sup>th</sup> September 2002. We stated that the widespread opinion was the LTTE were the killers. The LTTE has been trying to take over the incomes of Hindu temples set up abroad by Tamil expatriates. A refusal by the Murugan Temple in Perth, where Muthulingam was a trustee, resulted in sustained intimidation by the LTTE. Muthulingam left the temple committee.

When the LTTE made a similar demand on the Hindu temple in Zurich, Switzerland, the trustees asked them to place it before a meeting of the board. The LTTE came and found that the local mayor was on the board and went away very angry. Such were exceptions.

There is no hard proof yet to show that Muthulingam (Muthu) was murdered by the LTTE. The Sri Lankan Police investigations, not unexpectedly, faded away into silence. Moreover, in the recent months, Muthu’s family too has refused to state their suspicions (either way) in public. They have changed phone numbers, and most of them, including his widow, have gone into self-imposed incommunicado. The Muthulingams were known in Jaffna in the 1980s as a very affectionate couple. Muthulingam was also known to have been critical of the LTTE. It is strongly rumoured among the Tamil community in Australia that it was the LTTE that killed Muthulingam, or was at least complicit in the

killing. The belief has largely muted criticism of the LTTE by Tamils in Australia among outsiders and especially members of the Australian establishment (local MPs etc).

A large proportion of Tamils in Australia arrived there in the mid 1980s. But now, twenty years on, many of them have become naturalized, and at least a few among them are equally involved with the politics of Australia as with that of Sri Lanka. Their concerns are driven more by future prospects for themselves and their children in Australia, rather than by nostalgic notions of returning to Sri Lanka (or Eelam). Even stalwart LTTE sympathizers, when faced with choosing between their pro-LTTE sentiments and material interests in Australia, readily often opt for the latter. They are largely middle-class professionals well networked with the Australian establishment.

In recent years, criticism of the LTTE among these circles has been growing, partly due to genuine disillusionment, and partly in view of the international crackdown on terrorism. Public association with the LTTE has become an embarrassment. Indeed, it is now almost detrimental to one's interests in Australia. Thus a number of people, although not critical of the LTTE in public, began to express reservations in private - including to Australian politicians. In the post 'September 11<sup>th</sup>' (2001) environment, it became almost customary for many middle class Tamils to distance themselves from the LTTE at least verbally, especially among non Sri Lankans.

LTTE activities mentioned in private conversation, simply by way of criticism, could, and indeed did, become intelligence material for the Australian authorities. It was, according to local sources, information gathered in this way that exposed the LTTE's fund raising activities in Australia. An Australian government gazette notification of the 8<sup>th</sup> of October 2001, made fundraising for foreign terrorist organizations in Australia illegal. This was followed by another gazette notification on the 21<sup>st</sup> of December 2001, where a list of proscribed organizations was published. This was the same as the list of organizations included in the UN Charter on Terrorism passed earlier that year. Of greater import was an accompanying legislative document that named four organizations in the UN list as actively fundraising in Australia - the LTTE was one of them. This list was updated again on 17<sup>th</sup> April 2002, and the LTTE remains proscribed. Herein lies the main significance of the murder.

The murder of Muthulingam has made the Tamils in Australia notably more reticent about the LTTE's activities, especially with non-Tamils. According to sources in Perth, LTTE intimidation led to Muthulingam's resignation from the Temple's board of trustees. The board then came to be dominated by LTTE sympathisers. Muthulingam had not been actively involved in politics of any kind, nor was he a very high profile member of the Tamil community in Australia. Yet his murder has exacerbated paranoia among this community of Tamils. They now seem to believe that even very localized resistance to the LTTE can prove fatal - even though they are not absolutely sure in their mind regarding the LTTE's role in Muthu's murder.

The action against Muthulingam was at the crudest level. But the LTTE has also shown a capacity to work against its opponents at highly sophisticated levels.

## **Chelliah Nagarajah**

Chelliah Nagarajah is a Tamil journalist living in Sydney, who used to work with Australia's SBS Network. SBS is a government-owned TV and Radio broadcaster, whose focus is on broadcasting news and cultural programmes of interest to Australia's many ethnic communities. SBS is generally known as the multicultural station of Australia. The station broadcasts programmes in approximately sixty languages, and there is a weekly one-hour broadcast in Tamil on Sunday at 11.00 AM.

Nagarajah was employed by SBS as a casual journalist in April 2002, and was associated with its Tamil broadcasts. However, his services were terminated in November of the same year, after being accused of making editorial comments on a news programme. To do so was technically against SBS's Code of Ethics for journalists. Nagarajah's dismissal followed an internal inquiry, in which he was allegedly not present.

In the Tamil broadcast of 20<sup>th</sup> October 2002, only 8 days after the bombing of a night club in Bali (Indonesia) that killed more than 100 Australians, Nagarajah made the following comments with regard to terrorism, as part of his coverage of the bombing:

*"... Some groups fighting for their rights are engaged in terrorism, and killing innocent people. Similarly, some government forces are carrying out terrorist activities. But, we should not distinguish between the two; terrorism is terrorism, whichever quarter it comes from. Many of us are treating those terrorists who have been involved in the killing of innocent civilians as heroes and we're celebrating their horrible deeds. Thereby we are legitimating their terrorism. This kind of duplicity must stop. . ."*

While no one can quarrel with what was said, it is also technically true that the statement above (which was part of a wider coverage) is opinion rather than news. However, a number of broadcasters on the same programme did earlier make editorial comments favouring mainly the LTTE. According to Nagarajah, the guidelines regarding editorial comments on news programmes was never enforced seriously by SBS.

Following his dismissal from SBS in November 2002, Nagarajah made two appeals to the SBS Management: one to the Head of Radio, and the other to the Station Manager. Both were turned down. It is understandable that once a legal point, such as on editorializing, had been made, it is easier for the management to decide on a technicality. Going deeper into how SBS is being manipulated demands far greater initiative from the management, especially to withstand organized lobbying by a force such as the LTTE in liberal garb.

The following salient point was made by Nagarajah in a letter of appeal to the Station Manager. He stated that on the day of the broadcast and the day following, no one at SBS complained that the Code of Ethics had been breached. Only after an intense vilification campaign was launched against him in certain sections of the Tamil community, did SBS pick up the Code and find him in breach. *Inpathamil Oli*, a 24-hour pro-LTTE Tamil radio station in Sydney, broadcast four programs on Nagarajah's comments, and James Sugumar of the Consortium of Tamil Associations made a public complaint to SBS.

Ironically, one of SBS Television's most highly rated investigative programme's in English, *Dateline*, on 4<sup>th</sup> October 2000, exposed connections between an employee of the SBS Radio's Tamil unit and an organisation involved in raising funds for the LTTE in Australia.

Nagarajah's dismissal reveals the ability the LTTE to function at a very sophisticated level, manipulating complex legal arguments, and influencing the very heart of the Australian establishment. This and the murder of Muthulingam are demonstrative of contrasting ways in which criticism of the LTTE is silenced, even within a Liberal Democracy such as Australia.

### **III.3 Bulletin 29 of 26<sup>th</sup> October 2002: The Kanjirankuda Incident & Children**

The Committee of inquiry headed by Air Vice Marshall Harry Goonetilleke concluded, contrary to our findings, that the STF fired in self-defence after a large number of demonstrators broke into the camp premises. The number of demonstrators who entered the camp was placed at a hundred in Goonetilleke's statements to the media (e.g. BBC's Sinhalese Service on 27.10.02). We had further said that the LTTE was also to blame for the manner in which it was using civilians and school children as a front to harass and evict the Security Forces. Something of this kind was bound to happen. Our main objection was that while the committee exercise has exonerated the STF, with some mild strictures on the LTTE, the civilian dead and injured were buried in fiction and forgotten. The peace process was, according to the wisdom in vogue, saved!

We have gone through the incident again with people of the area. While they do not give any credit to the LTTE, the Government's image has been further damaged.

#### **Children at the Barricades**

From the beginning of the MoU the LTTE behaved provocatively towards the STF often placing the civilians in front. One notable incident followed the STF arresting an LTTE medical cadre on an alleged traffic offence on 22<sup>nd</sup> May 2002, in a tit-for-tat game. A government officer described his experience:

*"We were at a routine official meeting in Thambiluvil and noticed an STF jeep going towards Akkaraipattu. The LTTE then came in and ordered us government servants out of the offices onto the road. They placed barricades and pipes across the road and told us that we must bar the STF jeep that went from coming back. Some of us argued, "Thamby, they have weapons and we have none. How do you expect us to stand in the way of armed men?" The LTTE man replied promptly, "You need not worry, there will be school children at the barricades". Sure enough school children were then marched in. I slipped off and went home.*

*"Later I heard firing noises from the Thirukkivil STF camp. My children were in school. I was instantly worried about them, but I could not go when there was firing. When I subsequently went, I found that the LTTE and its agents had pulled out even very young*

*children from schools and taken them to a stone throwing demonstration at the STF camp. When the STF fired into the air the crowd stampeded. Two very young boys from Methodist Mission School, friends of my children, had fallen on the road. Fortunately it was against the fence. Otherwise the stampeding crowd would have trampled over them.*

*“This has been the pattern. Whom do you think they collared for the Kanjirankuda demonstration? Children playing in schools, labourers returning from fields, people who did not know what it was all about. And some of them were killed or injured. The people are now too wise to go when summoned by the LTTE.”*

### **Kanjirankuda, 9<sup>th</sup> October 2002**

An eyewitness described what he saw at Kanjirankuda. He was behind the crowd, but had a clear view: *“The road runs south past the camp and takes an L-shape turning east, with the lagoon occupying the interior of the L. The crowd did not enter the camp, but had broken past the two security barriers on the main road, on either side of the camp entrance. They threw stones and set fire to the summer hut along the road past the second security barrier. The barriers were daily lowered after 6.00 PM stopping movement on the road past the camp. I saw the STF men come down from the sentry perches and level their guns at the crowd. I sensed trouble. Then I saw across the lagoon to the south STF men from Thandiyady approaching along the arm of the L. They fired a few shots into the air. Then the men at Kanjirankuda who had already levelled their guns opened fire.*

*“I saw the camp commandant running up and down the length of the camp trying to stop the firing. Two persons were killed on the spot opposite the gate. This I checked from others who were there. The firing was intermittent. One burst and the crowd fell on the road. Then when they got up and started moving, another burst and so on. The STF then carried the dead bodies and dumped them inside the entrance to camp. Some injured too were killed and their bodies planted in a like manner. Much of the damage was done by the STF later. The LTTE were not in the crowd. They were watching from behind, to the north.”*

Asked if he saw injured persons killed and dumped (see our Bulletin No.29 for an eyewitness account on this point), he said that shopkeepers whose shops were a few hundred yards north of the camp saw a good deal and talked about it. Their shops were burnt some days later, on Wednesday 29<sup>th</sup> October (*Mirror* 1.11.02).

This is consistent with what we had reported. STF chief Nimal Goonetilleke’s first statement (*Island* 10.10.02) spoke only of two persons killed, a number he increased subsequently. We also quoted a citizen who said that the bloodstains on the road were some way from the entrance suggesting that the STF fired at a withdrawing crowd. This is in accordance with the testimony of the witness quoted here.

While most people feel that the situation could have been handled as before by firing into the air, one who passed that way regularly said that it is a borderline question. He said, *“True, no one entered the camp. But the security barriers on either side of the gate had been breached. It was close to nightfall and the STF men had no way of knowing what*



*would come behind the demonstration. They were isolated and had the crowd come in and damaged their generator, they would have been groping in the dark.”*

He added: *“Had the Harry Goonetilleke Committee simply argued that the STF were within their permitted discretion in firing at the crowd to protect themselves, that may not have been too bad. By resorting to fiction in claiming a huge invasion into the camp, they have given much offence to the people whose testimonies had been disregarded as worthless”*. Another civilian, who had spoken to the camp commandment a few days later, was told: *“What happened should not have happened. Now I have to answer for it.”*

### III.4 Bulletin No 31, 13<sup>th</sup> January 2003: Three Escapees - A Correction

We dealt with 3 girls, conscripts from Thirukkovil, who escaped. Our first informant from Batticaloa who met the girls said that the girls Sasikala, Radipa and Thamilchelvi were 14-years-old. The Army web site subsequently gave their ages respectively as 17, 17 and 19. We asked a local source to check it up and were told that they were 11 years old.

Because of the large discrepancies, we made another request to recheck the ages as accurately as possible. The answer we got was: Sasikala: 13 years, Radipa: 14 years and 6 months and Thamilchevi: 15 years and 9 months. This accords with what our first informant in Batticaloa told us. The first two are from Vinayagapuram High School and the last is from Korakalappu Sakthy School. They were abducted late last year.

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*\* 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.*