

University Teachers for Human Rights (Jaffna)

Sri Lanka

UTHR(J)*

Information Bulletin No. 36

Date of Release: 29th May 2004

**The Batticaloa Fiasco
& the Tragedy of Missed Opportunities**

Introduction_

PART I:

The Continuing Tragedy of Child Soldiers

Karuna releases the children under his command

New Conscription in the North and Trinco

Trauma

Re-examining the statistics of a widespread tragedy

PART II: Karuna's Gamble

The Killings Begin

The LTTE's business partners

The Undermining of Karuna

The word games commence

What happened in Verugal

The White Flag Incident

Giving charge of patrimony

Part III: The Elections and their aftermath: A triumph of fascist diplomacy?

The TNA's lethal democracy

The Return of the Ellalan Force

The Recolonisation of Sri Lanka

A National Consensus vs. Mounting Anarchy

Appendix

Children Abducted by LTTE(P)

Summary

This latest bulletin by the University Teachers for Human Rights (Jaffna) assesses the role of institutions responsible for protecting the rights civilians in the wake of Karuna's rebellion and the April election. The LTTE(P)'s routing of Karuna's forces (accomplished with the active or tacit support of Sri Lanka authorities and the international community) left no clear authority in place in Batticaloa, and mistrust all around. In the vacuum, both sides began weeding out their opponents, including military and intelligence cadres and also influential academics and businessmen. The region began slipping into anarchy.

Child soldiers released from Karuna's army have chilling stories to tell of their experiences under the LTTE. Their testimony makes clear that recruitment is ongoing, and the traumas experienced by children and families are profound. As more parents gather the courage to go public with their complaints, the true scope of the problem is emerging, exposing the half-truths of organisations that have shown more interest in protecting their own international reputations than preventing abuse.

The bulletin criticises the insufficient and ineffectual official response to the LTTE's systemic and unchecked use of violence and intimidation against opponents engaged in electoral politics, culminating in wide-spread vote rigging in the North and East.

The bulletin stresses that international agencies and donors cannot take the place of a self-respecting civil society and state institutions backed by a national consensus and sense of purpose. It urges the Sri Lankan people to become responsible agents of their own destiny. It calls on the government to show the LTTE that it is ready to discuss political solutions, to tell the international community the terms on which it will deal with them, to seek new friends, and new economic models.

The attempt to make peace here giving second place to democracy and human rights is having its logical consequences.

As expected we are now seeing a rising incidence of killings - Prabhakaran's people by Karuna's people and vice versa, and government security personnel by Prabhakaran's people on the suspicion that they are aiding Karuna. Prabhakaran is today almost exclusively dependent on his intelligence chief Pottu Amman and a handful of other northern cronies, backed by 500 or so northern cadres, to restore his control in Batticaloa. Given Prabhakaran's proclivity to provoke a war whenever he feels cornered, the prospect of one is nearer now.

Introduction

"We are back on track again". If there was one remark that revealed the international community's relief at the ostensible conclusion of Karuna's challenge to Prabhakaran's

control of Batticaloa, it was this one, from SLMM deputy head Hagrup Haukland, speaking to Reuters. The SLMM had unilaterally pulled out of monitoring in Batticaloa when Karuna rebelled against Prabhakaran. With the blood barely dried on the scorching sands of Verugal and Karuna now out of the way, the Norwegian-led monitors lost no time in re-establishing contact with Ramesh, leader of Prabhakaran's forces. Reports of humanitarian law violations (not to mention violations of the cease-fire) included the massacre of scores of Karuna's forces after they had stopped fighting or had surrendered. How many are unaccounted for? How many killed were children? Of this, of course, the SLMM knew nothing and had nothing to say – the guardians of our peace process were not monitoring the fighting.

Even after the battle at Verugal, the prospect of a blood bath in the East was very real. Undisturbed by the SLMM or the Sri Lankan forces, Pottu Amman's death squads (once again free to kill, terrorise and abduct civilians) rooted out suspected Karuna sympathisers. The LTTE(P) rushed to reenlist Karuna's fighters, including hundreds of newly released child soldiers. Life it seemed was indeed back to normal.

Karuna shares personal and collective guilt for all the crimes and vices of the LTTE oligarchy. It was also under his command that thousands of child soldiers lost their lives since the late 1980s, families were decimated and potential political opponents were silenced. But by refusing to engage him at this critical juncture the Sri Lankan government missed a rare opportunity to change these patterns, to demilitarise the East, free child soldiers and possibly even bring back a semblance of democracy to the region. There was a good chance of pulling this off since Karuna knew that the odds were stacked against him and was desperately seeking allies. To this end, he had already stopped child conscription and extortion, and had expressed an intention to discharge the child soldiers under him.

It would not have required much from others. A simple public statement calling on Prabhakaran to abide by the MoU and not resort to violence to settle the dispute with Karuna would have gone a long way. This is what any self-respecting government should have done to safeguard the welfare of its people, making it clear that it would challenge any warlike activity. Instead Karuna was isolated, and Prabhakaran was given clear signals that everyone would look the other way while he did his worst. Our 'donors' led by the Norwegians, with our foolhardy government in tow, seemed to believe that crushing Karuna's rebellion quickly was the only road to peace.

Now Karuna is mocked as a man who ran away after a show of bravado. It might have been convenient for some if he had carried on a bloody war for months longer, but whatever his motives, Karuna did the right thing in asking his followers to go home rather than sacrifice hundreds of children under him. And his short-lived rebellion worked some unexpected wonders. Where conflict resolutionists were stumped, it made possible a revival of peace talks stalled by the LTTE since April last year. The LTTE, which was angling for war after the elections, now appeared willing to talk if only to secure the head of Karuna, an old buddy who knew too many intimate details about the Leader.

Until Karuna disabled the LTTE's war machine, few thought that the UNP could be voted out of power. The UNP leader was practically blackmailing the electorate with the threat of war and loss of pledged donor funds should the UPFA be voted in. The Karuna episode has now been overlaid by a variety of reductionist myths convenient to the different parties, the SLMM, UNICEF, the LTTE(P) and the Government among them. The episode revealed the extent of donor domination over Sri Lanka's political affairs, and the Government's

continuing lack of will to protect civilian interests, especially when those civilians also happen to be Tamil.

We will take up the issues one by one.

PART I: The Continuing Tragedy of Child Soldiers

Children are missing. New child soldiers continue to be conscripted. And those who were released by Karuna faced almost immediate pressure to rejoin Prabhakaran's forces. The magnitude of the child soldier problem continues to be masked by blandly reassuring renditions of statistics based on actual numbers of complaints received and ignoring the overall political climate of LTTE terror that deters many from making complaints. This has always been our main criticism of the figures released by the SLMM and UNICEF, agencies that UTHR (J) believes have placed too a high priority on maintaining good relations with the LTTE and protecting their reputations^[1]

According to leading persons in Batticaloa, Karuna's deputies did mention informally in meetings with civilians during March that they were closing children's camps and had sent several children away with Rs.100/- to find their way home. While we were unable to confirm the report, during March UNICEF recorded about a dozen of children in Batticaloa as "runaways." Unfortunately, because UNICEF remained passive during March, unwilling to talk to Karuna, it lost a key opportunity. With a little persuasion, UNICEF might have secured the formal release of child soldiers in Batticaloa and Amparai Districts, monitored their safety and at the same time put pressure on the LTTE(P) in the North to do likewise. Instead UNICEF took its cues from Norway and the EU, isolated Karuna and simply recorded reports from 13 parents whose children had come home during March.

By choosing to join the Norwegians' game of appeasing the LTTE(P), UNICEF in this crisis compromised its main mandate to protect children. This was a tragic waste of the agency's substantial influence. With the lives of so many children at stake, UNICEF should have been among those voices demanding that Prabhakaran eschew force to resolve the split in his outfit. When Prabhakaran did attack Karuna's troops on Good Friday, 9th April, children were among those killed, and it could have been far worse had Karuna not disbanded his troops. On 16th April, a UNICEF statement confirmed the deaths of two girls in the fighting, even though activists on the ground known to UNICEF had testimonies of several more child deaths.

Local groups encountered several parents seeking children who have not returned home after the battle at Verugal. Sources in Kiran for example said that five mothers from Kokkadichcholaï stopped there on their way to Verugal in search of their children. Other villages have stories of this kind. But as far as we know no organisation has compiled a full account of children missing in the wake of the fighting. UNICEF, after a slow start, began registering returnees in mid-April. It also collected new complaints.

By around the 20th May UNICEF had registered over 1600 returned children, and had a list of some 374 unresolved cases of child soldiers in Batticaloa-Amparai. Roughly one in five of those children, who returned home after Karuna disbanded his troops, were on a UNICEF list dating from late March that documented 481 unresolved cases for Batticaloa & Amparai. It thus appears that UNICEF had recently received several scores of new complaints from parents whose children had not returned home.

UNICEF, like other international agencies, had ignored Karuna and the interests of child soldiers during the 40 days of his rebellion. When on 16th April UNICEF finally made a public statement about events in the east, it was to welcome the LTTE(P)'s release of a group of Karuna's captured or demobilised child soldiers: "*On Tuesday 13th April, the LTTE formally released 209 children and the UNICEF assisted in reunifying them with their families*". This was great PR for the LTTE(P). UNICEF's release suggested that the LTTE(P) had willingly released the children who were going home by the hundreds.

In fact the 209 children UNICEF said were released in Kathiravelly on 13th April were freed largely as a result of spontaneous protests by their parents, which forced the LTTE(P)'s hand. We understand that several others in this captured group may have been executed. UTHR(J) understands from witnesses that rather than a formal ceremony, the LTTE(P) began to let the children in its custody go in an *ad hoc* manner, when UNICEF staff heard about the releases and went to investigate.

The UNICEF statement was widely reported and repeated in the media, which grew increasingly effusive. For example, the BBC reported to the 6th May, "*After the recent revolt ... in the east...the Tigers released or sent home more than 1300 child soldiers*". That number clearly refers to Karuna's disbanded army. But the LTTE(P) was able to claim that they had released all child soldiers in the East and to ignore the UNICEF's demand that they should do the same in the North.

Prabhakaran's forces were not responsible for the thousands of released cadres who headed home when Karuna disbanded his army. Instead these troops were considered fair game for re-recruitment.

Karuna releases the children under his command

Insistent mothers had also converged on Karuna's camps, demanding that he release their children. We confirmed from sources on the ground that Karuna began releasing children from his main base in Tharavai days before the fighting that commenced on 9th April, and that all remaining children were asked to go home on the evening of Easter Day, 11th April.

The mothers' activism belies the frequent claims that poverty has made Tamil parents more tolerant of their children joining the LTTE.

A witness at the Mankerni army checkpoint about mid-day on 11th April saw three children, girls of 13, 14 and 17 years being escorted from Batticaloa to Kathiravelly by their parents. The children, who were of Veddah origin and were victims of the mass conscription drive from late 2001, had been asked to go home several days earlier by Karuna's group, LTTE(K). Fearing what lay in store for them, they had taken shelter at the homes of others released with them and sent word to their parents to collect them.

Two days later on April 13th, the LTTE(P) started releasing former Karuna cadres in Kathiravelly. Contrary to press reports, this release was neither ceremonial nor organised. Child and adult soldiers had been going home all morning, on bicycles and transport provided by well-wishers. UNICEF arrived about 11.00 AM in time to take charge of about 269 of those who remained. In retrospect it was presented as a ceremonial release by the pro-LTTE *TamilNet*. It referred to the release of 269 cadres, including 168 children, from Karuna's faction who had 'rejoined' the LTTE.

We have verified that a large number of those released had surrendered to LTTE(P) – a number reported earlier by *TamilNet* as 300. This number accounts for about half of Karuna's forces present in Verugal and is consistent with other reports. It does not account for the significantly larger numbers released on that day.

We know from other reports that some of Karuna's cadres on their way home had been picked up and detained by the newly arrived LTTE(P) – e.g. at Manalpidy in Batticaloa South on April 12th morning. The LTTE(P) was certainly keen to reabsorb the younger of Karuna's cadres, without whom they were confronted with a huge problem of lack of personnel. The April 13th release appears to have been precipitated by parents, who were angered that some of their children had been killed treacherously or after they had stopped fighting (see below).

Some reports said that parents had placed obstructions on the road and refused to let the northern party move in. A senior citizen told us that angry parents demanding their children had assaulted a high-ranking LTTE leader named Senathy with what appeared to be a broomstick or tool handle. This was after he had either on 10th or 11th April given parents an evasive reply to queries about their children. Senathy who had been in charge of Batticaloa town had gone over to Prabhakaran after Karuna's rebellion. In that mood the LTTE(P) was left with little choice.

Many parents expressed irritation that UNICEF, which had done very little up to that time to help their children, was suddenly up and about asking for details. Meanwhile, parents and children who had been reunited were facing varying threats from the LTTE(P), which was applying pressure on released cadres to rejoin. A loudspeaker announcement made in Valaichenai town on 12th May said that all those released must rejoin. Other reports from rural areas are more chilling. A civilian reported second hand that in Murunthanai beyond Vahaneri, the LTTE(P) had threatened to shoot those who did not rejoin. There were a number of such reports from rural areas. Significantly, when UNICEF planned to inform parents to register children released, its partner, the TRO, objected to more independent NGOs like Sarvodaya being called to help.

The fact that the issue raised international concern, eliciting statements of support from Human Rights Watch and the Coalition Against Child Soldiers, owed much to the resistance shown by mothers to the re-conscription of their children, and the persistence of other active groups on the ground. The LTTE(P) was forced to lay off for a while. In Batticaloa-Amparai itself, the parents remain defiant, frequently swearing that their children would be removed from them only over their dead bodies. Yet sympathetic folk who talk to them at greater length soon realise that beneath the defiance there is immense uncertainty and fear. They have neither support nor material means of resistance.

New Conscription in the North and Trinco

Meanwhile, to make up for the loss of cadres in the East caused by Karuna's rebellion, the LTTE(P) commenced an aggressive conscription drive in the North and in the Trincomalee District, where senior members sent to oversee recruitment were spotted in Mutur, and north of Trincomalee from Sampalthivu to Nilaveli. Local leaders in Jaffna, Killinochi and other locations were set targets running into several hundred each. We had independent confirmation that in some areas (for example, Parappankandal and Mannar District) children were being abducted, forced into vans and driven away.

The BBC (6th May) heard new reports of ‘aggressive’ conscription in the North and contacted UNICEF. UNICEF once again downplayed the true gravity of the problem, acknowledging four confirmed cases of child conscription in Vavuniya during May (as against 11 in April) and saying it hoped that these were isolated incidents owing to persons ‘who were not acting under orders from the leadership’.

In fact this response from UNICEF came after about ten cases of child conscription were reported in the government-controlled Vavuniya district. Their ages were mainly 13-15 (report from the website <http://www.tamilnewsweb.com>, a translation of which is given in the Appendix). These reports in the government-controlled area against a backdrop of graver accounts from the LTTE-controlled area nearby made it clear that this was an organised, systematic campaign on the orders of the top leadership. In fact other reports said that the political wing in Jaffna had been ordered to bring in 400 cadres by force or otherwise. Once again the UNICEF was unaccountably misleading. Reports of conscription and violence against resisting parents have since multiplied (see Appendix).

Trauma

The trauma suffered by conscripted children and their parents, sometimes driving them to suicide, is a phenomenon we have consistently documented in our reports. The sudden return of hundreds of these children, all with stories to tell, provides fresh and graphic insights into the cruelty they have experienced.

- A 14-year-old boy who came home to rural Batticaloa following disbandment by Karuna will not leave his mother’s side. He even sleeps with her to make up for missing the last years of his childhood.
- Parents of two boys in rural Batticaloa hid their eldest son by moving him from place to place thinking the younger son of about 15 would be safe. The latter cried and screamed when an LTTE abduction gang arrived a year ago. He was violently removed though the parents resisted. They have not seen him since.
- In Mandur in January 2003 LTTE cadres called a 16-year-old boy, who has now returned home, to help them push a stalled vehicle. When the boy failed to turn up at home later his mother, began searching for him from camp to camp. Twelve days later, she managed to sneak into a training camp where she confronted hundred children under training. On seeing the children’s attention diverted, the trainer who was with his back to her turned in alarm, and upon seeing her blew his whistle to dismiss the children. The mother saw her son leave reluctantly. When she demanded her son the trainer sent her to another official. When she was sent from one person to another she realised it was futile and gave up.
- A farmer in Batticaloa who refused to give the LTTE a child two years ago was taken hostage and tortured. Subsequently they took his son who had yet to reach his teens and released the father. When the son later escaped, the father was again beaten badly. The child escapee eventually went back to the LTTE to spare the family further torture and forfeiture of their livelihood.
- Two years ago, LTTE cadres abducted a girl of twelve from rural Batticaloa. When the girl refused to leave, her parents, grandparents and five brothers and sisters were

beaten in her presence. The girl was taken away screaming that she would rather be killed than taken. The girl and her abductors have all returned home. She is now 14.

- A boy was removed from home by the LTTE five years ago, at the age of 8. He is now back home and says he was used for tending goats in the jungle, alone much of the time. He has a long way to catch up in education and communication skills with those of his age.

Our reports over the last 32 months have been full of such cases. But the desecration of a community by their self-acclaimed and donor-backed “liberators” is now out in the open. That the tragedy is ongoing, with renewed conscription by the LTTE in the North-East must be acknowledged and addressed. The rehabilitation of former child combatants and protection and assistance to their families is equally crucial.

We will now be clear about the numbers and the fact that the stories are not isolated cases but evidence of an endemic problem.

Re-examining the statistics of a widespread tragedy

Since May 2002 when we released Special Report 13, we have estimated the number of LTTE conscripts (mainly children) in Batticaloa, Trincomalee and Amparai at more than 5000 and considerably more in the entire North-East, including Jaffna and the Vanni.^[2] We always considered these very conservative figures. In fact, because conditions such as the intensity of recruitment and proportion of complaints reported to authorities vary tremendously from locale to locale the actual numbers could be much higher. Not surprisingly, communities experiencing intensive recruitment drives are ruled by a climate of fear that inhibits parents from making complaints.^[3] This is an important point. Too often agencies such as the SLMM and UNICEF have promoted the perception that the data they publish tells the whole story.

The first concrete statistic from the LTTE on child soldiers came from Mr. Sinnaiah, its representative on the Batticaloa Local Monitoring Committee (LMC), who twice told the LMC in September 2002 that the LTTE had in all 12,000 children in their custody.

An SLMM spokesman Teitur Torkelsson told journalists later that Mr. Sinnaiah had denied saying this, and suggested that the actual number was around 2000.^[4] We know now that Torkelsson’s estimate was extremely low, and although the figure attributed to Sinnaiah appeared at the time to be very high, he may not have been far from the truth.

In January 2003, after downplaying the issue for months in the face of mounting evidence, representatives of the SLMM finally acknowledged that child conscription by the LTTE was indeed a serious problem, and that they were receiving numerous complaints. One SLMM monitor told reporters he thought complaints received by his mission amounted to only about twenty-five percent of the total incidents of child conscription (see Sp.R No.16).

A girl who was in Karuna’s Meenaham base until disbandment in April 2004 said Karuna had a fighting cadre of 4,200, all from Batticaloa-Amparai. Agencies that have been visiting Karuna’s discharged fighters believe that more than half are children, and that girls outnumber boys. Of twenty-three returnees to the village of Vahaneri west of Valaichenai, more than 75% were children.

In April 2004, the SLMM revealed that out of 1,469 complaints received in the North-East since it began monitoring in February 2002, 1,122 of them were ceasefire violations pertaining to 'child recruitment.' This is a small fraction of the total that excludes children abducted during the six months prior to the ceasefire when conscription was particularly intense in Batticaloa.[\[5\]](#)

UNICEF had 1,269 unresolved cases of child recruitment in its database at the end of March 2004, after Karuna launched his rebellion, but when his troops were largely intact. As noted above, when UNICEF began recording children released as Karuna's army disbanded, the agency found that only about one in five children was in its database. Some children, killed in Verugal or taken to the North, will naturally remain unaccounted for. The fact that the number of unresolved cases with UNICEF in Batticaloa-Amparai had reduced from 481 at the end of March to just 374 in mid-May suggests that a very small fraction of the 1600 children it registered as having returned home were on its database. The 374 also include new cases of children who failed to return home after the recent events.

PART II: Karuna's Gamble

There may be no simple answer to why Karuna rebelled against his leader on 2nd March, but Karuna's complaints about discriminatory treatment of the East by the northern LTTE were real. The two main groups that supported his rebellion were eastern traders and the educated classes, particularly a significant section of the Eastern University. These groups resented the LTTE-backed Jaffna domination most. But political backing for Karuna did not extend much further; the peasantry in particular was lukewarm. Because although Karuna was a dominant figure, he was inextricably associated in the public mind with child abduction, physical and economic harassment and violence against Muslims, even if these policies originated in the Vanni.

Karuna had not prepared himself for the rebellion by over a period of time showing a distinctively more compassionate face to the local Tamils and Muslims whose support he needed. Perhaps he could not build such a constituency without arousing suspicion. Once he rebelled, he was overtaken by other preoccupations – such as evading the LTTE intelligence chief Pottu Amman.

Given Karuna's political weakness locally, the first two days were crucial for him. Had external actors, including the Sri Lankan Government, engaged him on a legitimate programme of normalising conditions in the East and restoring democracy, the northern LTTE(P) might have been kept at bay. But the Government spurned Karuna's overtures, as did the international community. This caused panic among those who initially supported Karuna, or would have supported him in time. His subordinates who deserted him did not do so immediately, but over a period of days, and Karuna did not prevent them from joining Prabhakaran in the Vanni. There was no question of principle involved. Karuna let them go, but Prabhakaran would never have forgiven them had they stayed.

Only a very small fraction of Karuna's followers went to Prabhakaran, including about 11 area leaders and 100 privates among the 4000 or so under him. The prominent seniors who left were his deputy Ramesh, Bawa, Kuyilinpan, Senathy, Thayamohan and Keerthi. Karikalan, who briefly functioned as rebel political leader under Karuna, went over to Prabhakaran and denounced Karuna as Pol Pot – a term he would have frequently

encountered, but exclusively in reference to Prabhakaran. These persons who left without hindrance were later sent back by Prabhakaran to hunt for Karuna's head.

Although we had doubted it, Karuna was more or less right in his claim that the killer machine in Batticaloa was run by Pottu Amman. Karuna who did not know the identities of the killers planted over the years was surprised by its potency and soon had to stop seeing members of the public. Prabhakaran's machinery worked through several channels beginning with the Tamil media, local agents and telephones, and civilians were systematically warned. For ordinary individuals, the calculation was simple. Karuna needed to show a new face and would not kill so easily. Prabhakaran would kill for sure.

Having halted the LTTE practices of child conscription and extortion, Karuna found that local businessmen refused to give him the funds he so desperately needed. His weak position became evident very quickly. Others too quickly understood this.

The Killings Begin

On the afternoon of 24th May, Eastern University academic Kumaravelu Thambaiyah (40), a senior don teaching Economics at the Eastern University in Batticaloa was shot and killed by two unidentified youths who had asked to speak with him. Thambaiyah died on the way to Batticaloa Teaching hospital. Press reports varyingly identified Thambaiyah as a close confidante of Karuna or a loyal supporter of Prabhakaran, and each faction accused the other of his killing. According to one report (*Asian Tribune*), Professor Thambaiyah was recently summoned by Kausalyan the head of the LTTE(P)'s political wing in Batticaloa-Amparai and told to reorganise the Eastern University located at Vantharamoolai in favour of the LTTE (P). Kausalyan has called on the SLMM to investigate the murder. Although we will not probe the killing further in this bulletin, it takes its place in the chain of killings that begun in March. It was two months earlier, on 24th March, when two gunmen targeted another don from the same university, Thiruchelvam, in a similar manner.

It has been clear for many years that a corrupt, bureaucratic structure based in Colombo was unfit to rehabilitate the North-East. In response, donors pushed for a structure controlled by the LTTE, more regionally relevant perhaps, but with no democratic accountability. Karuna's rebellion made clear that the LTTE's overbearing, bureaucracy based in Killinochchi was equally unfit to rehabilitate Batticaloa. Violence by the LTTE(P) operatives in March, during Karuna's rebellion, targeted Eastern intellectuals who may have shared this view. This signalled a warning that the Northern LTTE was approaching dissension in Batticaloa with a mindset similar to that which guided the Sinhalese polity's dealings with the Tamils.

Eastern University north of Batticaloa had been closely watched and controlled by Pottu Amman's Intelligence Wing in a bid to stamp out any show of 'regionalism'. There was at the university a clear show of support for Karuna. Pottu Amman's men in quick succession made attempts on the lives of Acting Dean of the Agriculture faculty, Dr. T. Thiruchelvam, and Government Agent Ratnam Mounagurusamy, who both narrowly escaped.

The murder of the academic Thambaiyah in Batticaloa underlines what it means for civilians to live in such times. It is by no means clear who killed this son of poor rural parents. Given the LTTE's use of Eastern University, a man in his position would naturally have had to deal with Karuna's as well as Pottu Amman's people at a high level. The dangers to such persons following the unforeseen division need not be elaborated. Both sections would have been

paranoid about what he did or would not do. All that we know is that the handlers of the killers, who came to an urban area by broad daylight, did not expect them to be identified in those parts.

It is the LTTE(P) that has taken well publicised steps to blame the killing on the Karuna faction, but these furnish more questions than answers. The pro-LTTE *TamilNet* was quick to point out that Thambaiyah was a Northerner ‘evicted from Batticaloa by the renegade LTTE commander Karuna’ last March – one among 5000 as then reported by *TamilNet*! There are a number of Northerners on the Eastern University staff. *TamilNet* has also said that Thambaiyah was a founder of the ‘Tamil Renaissance Movement’ and attempted to make him out as a leading advocate of the LTTE brand of nationalism (as opposed to Karuna’s ‘regionalism’). But his name has no previous appearance in *TamilNet* that covered all pro-LTTE functions including meetings in the Eastern University.

Also questionable is LTTE(P) political leader Kausalyan’s demand that the SLMM should investigate the killing by ‘anti-national forces’. Given the relationship, LTTE(P) more than anyone else understands the SLMM’s capacity to investigate and come up with a ‘third force’. (See SLMM spokesman Teitur Torkelsson covering up the LTTE’s sinking of the Chinese trawler Fu Yuan Ya 225 on 20 Mar.03 in the *Ceylon Daily News*, 2 Apr.03.) If the LTTE(P) were serious about investigating Thabaiyah’s murder, they should agree to an independent investigating body, a demand they have repeatedly spurned. We need one today if the peace process is to be saved.

The LTTE’s business partners

On 30th March, LTTE(P) cadres shot and killed Rajan Sathiamoorthy, president of the Batticaloa Traders Association, Karuna supporter and a TNA candidate in the parliamentary elections scheduled for 2nd April. Sathiyamoorthy’s killing points to another contentious issue in Batticaloa – the LTTE’s overt support for big businessmen from Jaffna, which local traders like Sathiyamoorthy resented. It is not so much to do with the LTTE’s fondness for Jaffna businessmen, who had little choice in the matter, as with successful arrangements by which the LTTE has spread its financial and intelligence empires. Not just into Batticaloa and Colombo, but into Europe, Canada and far corners of the world. Shopkeepers were given two choices: either pay huge sums in extortion to the LTTE and go broke or work for them. The latter meant that the LTTE would plough back into the venture money it obtained through extortion, in return for a commensurate share of the profits. The owner would also have to accept LTTE agents planted in his venture as employees. Inevitably, these ventures in Batticaloa received favoured status to the chagrin of local businessman.

Following the pre-election attacks on his supporters, Karuna cracked down on these suspect businesses. There were reports of threats against Jaffna folk, one case of arson with robbery and another case of robbery in Chenkalady. In the main, according to our sources, not more than 200 Jaffna folk were asked to leave and return after the elections. LTTE propaganda worldwide was trying to stir up anti-Batticaloa feelings among Jaffna folk. *TamilNet*, whose editor is from Batticaloa, evinced excessive zeal in Prabhakaran’s cause by reporting not only that 5000 Jaffna persons were expelled from Batticaloa, but as with the Muslims expelled by the LTTE from Jaffna in 1990, they were allowed only Rs. 500 each.

In a further deliberate provocation the LTTE(P) strongly condemned Sathiyamoorthy’s murder as jeopardising democracy (*TamilNet*) while letting it be known that they were the

killers (e.g. *TamilNet* editor's column in the *Daily Mirror*). Later its agents dug up the victim's body and desecrated it. During these incidents Karuna's men, according to local sources, killed about nine persons suspected of working for Pottu Amman.

Through all this Karuna's position was being steadily undermined. Norway did the dirty work for the international community and the Sri Lankan Government also did its part to ensure his isolation.

The Undermining of Karuna

Once Karuna had rebelled against Prabhakaran on 2nd March, one of the first things he did was to contact Army Commander Lionel Balagalle and ask for a separate ceasefire agreement. This was perfectly legitimate and a practical necessity. He was then functioning as a separate entity and neither he nor the President of Sri Lanka wished to war against one another. This required agreed upon modalities to discuss problems as they arose. And by this point the Vanni leadership of the LTTE clearly had neither the capacity nor the competence to discuss or decide on these issues. The question was merely a matter of finding out from Karuna whether or not he would abide by the terms of MoU signed with his former leader while long-term issues were discussed. Karuna's assent would have resulted in an agreement, whatever form it took. Here was a momentous development calling for a response from the highest level of government. Instead there was indecision and delay. That indecision played into Prabhakaran's hands.

Finally on 6th March the media quoted unnamed government sources and Defence Secretary Cyril Herath rejecting Karuna's request for a separate agreement on the grounds that they already had an agreement with Prabhakaran – although the area in question was one where Prabhakaran no longer had authority. It was clear that the state and the international community both feared the LTTE would return to war if either force acknowledged Karuna's hold on the East, and neither had the capacity nor political will to risk that. Media coverage of the statements that followed provides a fascinating glimpse into the process by which truth is diplomatically revised.

The word games commence

On 11th March, Norwegian envoy Erik Solheim and Ambassador Hans Brattskar met LTTE(P) spokesman Tamilchelvan in the Vanni. Following the meeting, answering a question on their meeting Karuna, Solheim answered, "*We will not interfere in an internal matter of the LTTE*". *TamilNet* quoted him saying that 'exactly' as they did not involve themselves in discussions between the Prime Minister and the President, they would '*not take any part in the discussion between the LTTE leadership and Mr. Karuna. The first is an internal matter for the South and the second is an internal matter for the Northeast.*'

Here was a nuance indicating that the Norwegians functioned as if dealing with two different states. The comparison of North-East and South is so grossly misplaced as to suggest cynicism. All 'discussions' between LTTE(P) and Karuna were at an end by that point. Prabhakaran had appointed a new commander for Batticaloa and set in motion a military onslaught on Karuna.

The game of playing with words, shifting meanings and twisting logic was the same day (11th Mar.) followed up by the SLMM. SLMM spokesman Agnes Bragadottir announced that they

were suspending monitoring operations in areas '*claimed to be controlled by Karuna...since he says that he is not bound by the present truce agreement any longer*' (Deccan Herald News Service). But Karuna had never threatened to breach the MOU's provisions, which Prabhakaran routinely did or to eject the monitors! He was seeking allies and recognition, and as far as we can tell, had in his own interests every intention of cooperating with SLMM. Nevertheless, the SLMM's word play successfully created the impression that '*Karuna had refused to recognise the SLMM*' (PTI 14 Apr. 04) and had in effect thrown them out.

On top of that Norwegian peace envoy Eric Solheim knowingly described Prabhakaran's war preparations as an internal matter, giving the SLMM another justification to keep out until Prabhakaran finished his war. A more candid remark than Solheim's or Bragadottir's was attributed to SLMM chief General Furuhoide in an internal SLMM memo dated 29th April 2004 leaked to an anti-terrorism website in Norway. The General is quoted as having said at the meeting at LTTE(P) HQ, "*SLMM stayed away during the elections and also the Karuna-split deliberately. We wanted that the two Parties should have space to act.*"

The essence of the game was no one that mattered should speak to Karuna. If they did they would have to ask him if he would respect humanitarian law and the provisions of the MoU. That would have led to an agreement – something the civilians wanted, but that would have enraged Prabhakaran and complicated the Norwegians' simple bilateral vision of conflict resolution.

The reactions of the international community and the Government encouraged Prabhakaran's belief that he could pursue his military plans with impunity. One may, for instance, treat the visit to LTTE(P) HQ on 23rd March by the World Bank country director Peter Harrold and the Norwegian Ambassador Hans Brattskar as a routine visit regarding development. *TamilNet* quoted Harrold, "*It was constructive, as these meetings usually are; and we discussed a lot about the issues of generating more resources to finance development and humanitarian assistance of north and east...we have a lot of work to do...we made good progress today.*" Placed against the systematic boycott of Karuna who then controlled much of the 'East', it connotes something evidently stronger.

The final let down of Karuna came from the Government when the military failed to prevent the LTTE(P)'s movements through its territory.

Karuna was one of the LTTE's best military commanders and had battle-hardened leaders like Jim Kelly Thaththa who led one of the columns that almost captured Jaffna in 2000 under his command.^[6] Karuna was criticised by journalists after the fact for inadequately defending the eastern coastline. But Karuna would not have done this unless he had an assurance that the Sri Lankan Navy would interdict any attempt by the LTTE(P) to move convoys of troops by sea in breach of the MoU. According to a source who was in touch with Karuna at that time, Karuna was shocked when he heard that the Sri Lankan Navy had stood aside and allowed LTTE(P) to move considerable numbers of troops by sea. This is very hard to explain.

Prior to the elections, in late March, there were reports, in the face of bombast by the LTTE(P), that President Kumaratunge had ordered strengthening of security in the government-controlled western side of the Vaharai strip to prevent LTTE(P) infiltration through the area. The *Sunday Times* defence correspondent Iqbal Athas wrote on 21st March, "*The newly appointed Eastern Naval Area Commander...Upali Ranaweera... has ordered the deployment of additional naval craft to patrol the seas off Trincomalee and Batticaloa*".

From radio interceptions and observed movements the security forces knew that an attack was imminent. Athas reported on 28th March that after observing Sea Tiger craft stationed in Verugal Bay, a meeting at Navy HQ had discussed the security of Trincomalee.

Incredibly, when contacted by the Press just after LTTE(P) attacked, Military Spokesman Sumedha Perera declared that he was unaware of any breach of the ceasefire agreement by LTTE(P) in consequence of moving troops by sea (e.g. *Daily Mirror* 13 Apr.04). He had no reports, he said. As for a government reaction, the state-run *Sunday Observer* reported on 11th April that the '*clashes between the Prabha and Karuna factions... were a violation of the ceasefire agreement*' on account of the displacement of civilians, as determined by the Government and SLMM. There was no mention of any sea movement. And we wonder how Karuna violated an agreement he was not supposedly party to.

President Kumaratunge did not lift a finger for the child soldiers she once talked so much about, and was in turn opening the gates to anarchy and bloodshed in the East. Both the Government and the SLMM absolved themselves by not having 'reports' – by choosing to be blind.

This brings us to LTTE(P)'s myth about the fight at Verugal, which they later claimed was clean and surgically carried out with minimum loss of life. We now piece together what we know. The reported means by which the LTTE(P) subdued Karuna's forces in have been among the meanest and most dishonourable in any army. These included perfidious attacks by fighters pretending to surrender to their former comrades, and the massacre of disarmed, surrendered opponents. Over the weeks we have consulted several sources, speaking to witnesses, as well as following written accounts.

What happened in Verugal

We first take up the facts that are closely corroborated by nearly all sources contacted by us. A crucial misfortune that befell Karuna at the start of his rebellion was the LTTE's Trincomalee leader Paduman, who evidently shared Karuna's grievances, apparently got cold feet. He meekly answered summons to report to Prabhakaran and has since been under detention. It gave Prabhakaran the opportunity to place Sornam in charge at Trincomalee and plan an attack across the Verugal River. No one questioned these moves that were incongruous with a peace process. Conflict resolution theorists could not cope with three sides. So they all stood back and waited until there were two sides again.

The Press generally went by *TamilNet* reports of a swift, sharp and clean 'three-pronged attack'. The sea movement was not referred to by LTTE sources until the *TamilNet* editor published his column in the *Daily Mirror* of 16th April. Early *TamilNet* reports only referred to the crossing of Verugal River. *TamilNet* spoke of Karuna's forces rejoining Prabhakaran in large numbers. The propaganda momentum was kept up with the handing over to UNICEF on the 13th of those who had 'rejoined'.

The first dissonant note came when on 14th April *TamilNet* published just 4 names of persons, all conveniently from Batticaloa, as the only casualties from LTTE(P). These contradicted Iqbal Athas' figures based on radio interceptions by the Army which placed LTTE(P) casualties at 40 dead and 100 wounded, suggesting that fighting had been heavy. Athas' figures tallied with reports from civilians in the area that three tractor-trailers were seen taking

the dead and injured northwards. D.B.S. Jeyaraj has been among the journalists who have tried to pursue the truth methodically.

The LTTE(P) crossed the Verugal and started the attack about 1.30 AM on Good Friday, 9th April. About the same time there was a sea borne attack on Kathiravelly camp south of Verugal. The main fighting and deaths were at Verugal, while those at Kathiravelly appear to have surrendered soon or escaped. The attack was least expected because Good Friday, Easter and the traditional New Year season came in quick succession. In the earlier years of war these have been times of a formal or an informal ceasefire. A large number among Karuna's forces at Verugal were children who had not seen battle.

Soon after the fighting started, Karuna sent in some seasoned fighters, which accounts for the 40 or more deaths reported among the attackers, with several more injured. But within half an hour of the fighting Karuna ordered everyone to pull back and the children to run home. A large number of children ran in confusion without knowing where they were going. A number of civilians, perhaps half a dozen, were killed in the shelling and crossfire. A boy standing near a shop was killed by a shell.

Relatives of local folk were affected and public anger mounted when they heard that significant numbers of Karuna's troops had been massacred after they had surrendered or while they were laying down their arms. Families wanted to collect the bodies in the morning, but the incoming Vanni (LTTE(P)) forces prevented them. This was when they protested and according to some reports blocked the road.

Some accounts speak of planned attacks on surrendering cadres. Other killings of those who were surrendering may not have been premeditated. One youth from near Sittandy, who was in Karuna's army, said that he was in a group of ten who were surrendering when one in the group opened fire. The Vanni forces fired on all of them killing at least four. The youth himself surrendered and was later released.

A subsequent counter attack by Karuna forces failed. A particular incident that was widely talked about shows the nasty mood of the Vanni forces. These forces reportedly fired an RPG at an ambulance that was carrying away an injured woman officer, Kayatri, from Karuna's forces. The patient and driver were both killed. The driver lay bleeding for several hours and the people were prevented from going to his aid. By the time help was allowed, it was too late.

On the evening of the following day, 11th April, besieged by mothers demanding their children, Karuna disbanded his forces. Overcome by shock a number of his troops were reluctant to go home, as were 300 girls in a camp of 600, who were still around on the 12th morning. Karuna exploded a grenade to show that he meant business. He had the means to carry on the fight. Karuna left with some of his followers a little later after releasing several of his prisoners, but killing Neelan, a subordinate of Pottu Amman's whom Karuna believed had been sent to deal with him.

The White Flag Incident

The first reports of the dead in Verugal came to us from the testimony of a witness who was in Kathiraveli on the 11th morning. The villagers told him that they had buried nine bodies, but had not evidently been allowed into the area where there had been fighting. They added

that an unknown number of bodies were lying in the jungle, which they attributed to those killed for running away without surrendering.

The first story of the white flag came from a government officer from the area who had tried to go towards Kathiraveli on the 10th, but was unable to go because of reports of fighting. Persons who came from the area told him of how the Vanni forces had landed on the south bank of Verugal. According to this report a group from the Vanni forces had come in a boat holding a white flag saying that they wanted to surrender, but having landed on the south bank, they opened fire on Karuna's forces killing several of them and thus established a bridgehead. It was such a strange story that it needed to be treated with caution.

However D.B.S Jeyaraj reported a stronger version of this story in the *Frontline* magazine (24th April 04): *"Simultaneously a group of Tigers came across [the Verugal River] saying they wanted to surrender. These included some senior cadre who had defected from Karuna earlier. Some of Karuna's cadre had been trained by these men and they welcomed their 'Gurus' and 'Annans' ('masters' and 'elder brothers'). But the LTTE men suddenly opened fire on the unsuspecting Karuna cadre and took control of the ferry point. More Tigers started coming over. The Tigers from the beach, too, proceeded inwards."*

Jeyaraj, who spoke to two of Karuna's cadres who were at Verugal, was told that the fighting was savage initially. But later with no firm instructions many of them surrendered, several of whom were shot for having offered resistance and others who ran away without surrendering were also shot.

We attempted to check this story out further through a person who went to Kathiraveli about two weeks after the event. A village leader told this person, *"If you think we are free to give honest answers to these questions, you are mistaken."* After the initial defiance fear had begun to take over.

A young woman gave our informant a different version of the white flag story. She said that the Vanni party on the northern bank had asked Karuna's cadres to surrender. The latter, she said, agreed and the Vanni group came in a boat holding a white flag to take back the surrendering cadres. But instead Karuna's cadres opened fire at those coming in the boat and provoked the fighting between the two sides. It however confirmed that a group had come in a boat holding a white flag. Hers may be the kind of story a local resident could safely tell outsiders now.

Further testimony about this incident came from a journalist who had been in close touch with Karuna during this period. His was a slight variation of the story reported by D.B.S. Jeyaraj. According to him, one group of the Vanni forces came with a white flag without arms saying that they wanted to surrender. They effectively brought about complacency among Karuna's group who gladly accepted them. They were followed by a second group who sailed across holding a white flag, saying they too wanted to surrender. But they came with their arms. Once they landed they opened fire on Karuna's group killing 35 of them.

This source was different from D.B.S.Jeyaraj's. Jeyaraj gave details of an agreement between Karuna and Prabhakaran where Karuna agreed to disband his army in return for protection for his cadres and those close to him. Jeyaraj was subsequently surprised at Karuna's alleged killing of Neelan. Our source however said that he was then very close to Karuna, but no such agreement was ever talked about. This source also said that among those who

surrendered, 30 persons identified as close to Karuna were taken into the jungle and killed on 13th April.

Other individuals and organisations, which have visited the Verugal area since, said that the people have counted 20 graves, but do not know how many were buried in each. Among all our sources there is now general agreement that the number killed from Karuna's side on that occasion is between 60 and 150. Those who know the LTTE would not be surprised at the white flag story. The LTTE(P) evidently used everything possible to maximise its advantage. The Government for its part could not have obliged more.

Giving charge of patrimony

The manner in which events unfolded looked utterly preposterous to foreign observers close to the events. To any reasonable mind, when Karuna dissolved his army, an obligation naturally fell on the Sri Lankan forces to move into these areas and provide security for the inhabitants. The ceasefire agreement as pertaining to two armed parties in Batticaloa had lapsed. There is nothing in the agreement anticipating this new situation, or giving such property rights to Prabhakaran, as obliging the government forces to stand aside, in such an event, and aid his force of not more than a few hundred to occupy the vast spaces they could not conceivably control.

The LTTE(P)'s public relations was excellent. *TamilNet* quoted LTTE(P) claiming that they had scoured the interior of the district, adding confidently that there is no trace of Karuna or his following and that they are in control. SLMM's deputy head Hagrup Haukland was quick to reinforce LTTE(P)'s claim: "*It is quite clear the LTTE had regained control of the area*" (Reuters 13.04.04). Earlier, when Karuna was in control SLMM spokesman Agnes Bragadottir had grudgingly spoken of '*areas claimed to be controlled by Karuna*' (*Deccan Herald* 11 Mar. 04)!

But the LTTE(P) does not fully control the area and what we are seeing today is anarchy and revenge killing. Some interior areas remain no-go areas for LTTE(P). The LTTE(P) is now following in Batticaloa a disastrous course parallel to that followed by the Sinhalese polity in the North-East. It has no credible figure of Batticaloa origin whom it could trust completely. Instead of working for political rapprochement, it went far to discredit Ramesh, the man it placed in charge. Pottu Amman's unit reportedly took to the North a number of persons who had surrendered on a public amnesty offer by Ramesh. Among them were Visu, Thurai, Robert and Jim Kelly Thaththa. The report that these persons had been killed led to a spontaneous demonstration by the people in Kokkadichcholai on 14th May.

As expected we are now seeing a rising incidence of killings - Prabhakaran's people by Karuna's people and vice versa, and government security personnel by Prabhakaran's people on the suspicion that they are aiding Karuna. Prabhakaran is today almost exclusively dependent on Pottu Amman and other northern cronies like Newton, Banu, Thangan and several hundred northerners to restore his control in Batticaloa. Given Prabhakaran's proclivity to provoke a war whenever he feels cornered, the prospect of one is nearer now.

—

Part III: The Elections and their aftermath

A triumph of fascist diplomacy?

While the nature of the LTTE(P)'s military gains against the Karuna are dubious, it is to the LTTE(P)'s diplomacy and Colombo's incompetence that one needs to look to understand the events. Our examination is admittedly speculative, but the pattern of developments raises questions that cry for answers.

The LTTE(P) appears to have assessed the outcome of the April 2nd elections, which brought in a minority government led by the President's party, and ordered its surrogate party, the TNA, to fish in troubled waters. The main subject of any deal the LTTE(P) sought to make with the Government would inevitably have been Karuna – nothing overt, just a few more clarifications to the Government's 'neutrality'.

The LTTE(P) attacked and the Navy did nothing – remained 'neutral' – and supposedly saw nothing and reported nothing. Is the Navy so redundant or was it just convenient? Karuna's spokesman Varathan charged in an interview with the *Asian Tribune* (21 Apr.04) that President Kumaratunge ditched Karuna in return for an offer of the TNA's good offices in peace talks and conditional support in Parliament. Having seemingly dispensed with Karuna, the TNA voted against the Government's nominee for speaker – D.E.W.Gunasekera – a man who had long spoken up for the Tamils.

The TNA's lethal democracy

Having fashioned a parliamentary group – the TNA – to tamely promote the LTTE(P)'s claim to be the sole representatives of the Tamils, the LTTE was determined to extract every strategic use from it. It was important enough that intelligence chief Pottu was placed directly in charge. The blatant rigging of the last elections and the failure of the Government to check the abuse despite repeated complaints have been amply documented in the reports of independent election monitors.

The LTTE(P)'s political wing leaders in Jaffna, Illamparuthy (Aanjaneyar) and Paapaa were given the job of fixing the election for the district. We deal with one aspect. According to information from a member of the fixing party, which is fairly indicative, the ballots to be cast by the fixers were to be divided in the following ratio: For every three ballots, one for Gajendran, president of the so-called International Students' Organisation, one for Mrs. Padmini Sithamparanathan and one for the candidate from the electorate. That aside there would have been internal manoeuvring of the fixers by the candidates themselves and senior LTTE persons. It was Gajendran who organised Jaffna University students in mass impersonation at the 2001 elections.

The preference votes tell their own story:

Gajendran: 112 077, Padmini Sithamparanathan: 68 239, G.G. Ponnambalam: 60 768, Suresh Premachandran: 45 783. TULF's Mavai Senathirajah scraped through with

38 779. A popular figure such as Sivamaharajah lost with 24 964.

The electoral list was the same one used in 2001 when the TNA obtained a total of 102 214 (less than Gajendran's preference vote. But this time a section from Vanni also voted!). In 2001, Anandasangaree and Mavai Senathiraja led with more than 33,000 preference votes –

about a third the number obtained by the party, and 20 000 to 30 000 of the TNA's votes were fraudulent. In 2004, the TNA increased its vote from 102 324 (or 55.8% of votes counted) to 257 320 (or 90.6%). The EPDP's share dropped from 58 000 (or 30.6%) in 2001 to 18 612 (or 6.55%) in 2004.

These figures are the result of extensive fraud and violent attacks, threats and harassment of the opposition and the voters themselves. One could say without hesitation that at least 100 000 of the 112 077 preference votes supposedly obtained by Gajendran in 2004 were fraudulent, as with about 170 000 of the 257 320 votes credited to the TNA in Jaffna. Thus even the last vestiges of democratic choice among the Tamils were utterly bankrupted. That was not the most sinister aspect of the whole exercise.

Suresh Premachandran performed the marvelous feat of increasing his preferential vote to 45 783 from 13 302 in 2001, which too was notoriously fraudulent. Also on the TNA list, long time LTTE ally C.V.K. Sivagnanam obtained 25 954 and failed to get elected. Sivagnanam was, in 1987, LTTE's nominee to the aborted North-East Interim Council, when Premachandran, as General Secretary of the EPRLF, was its arch-enemy. Sivagnanam was deeply offended, since the votes were a measure, not of the people's regard for him, but rather the LTTE's. This was an election in which the LTTE assigned the votes!

The score was even more remarkable because it is well known that the chief fixers, Illamparithy and Paapaa, hated Premachandran. Obviously Illamparithy and Paapaa had been given firm orders from the top that Premachandran must enter Parliament. We pointed out in Bulletin No.35 that Suresh P. is a leading asset of intelligence chief Pottu Amman, and his men are now constituted into a special intelligence unit under Pottu.

While in the South and in neighbouring India, people have used their vote to protest against the economic and political order of neo-colonialism, those rulers imposed on the Tamils, whether through a rigged electoral process or through simple military might, are in fact the keepers of a prison. The people undergo all manner of torments there, from murder and torture to child conscription.

Among those to whom the people of the North-East owe the robbery of their democracy and the legitimisation of their 'sole representatives', are sadly, the European Union.

On 5th April 2004 John Cushnahan MEP, who headed the EU election observers issued a statement, which said of elections in the North-East: *"It was encouraging that the people of the North and East were able to exercise their franchise through cluster arrangements. However, it is a matter of deep concern that the electoral process in the North and East was tainted by intimidation and violence"*.

But the stark reality was that the election in Jaffna was not just tainted. It was completely polluted. The violence, intimidation and murder were systematic, unchecked and the election was the culmination of that process. All these crimes since 2002 were exclusively the work of one party, which Cushnahan did not name. Cushnahan is evidently pleased with the cluster arrangements he pushed for – done in such a way that people from the LTTE-controlled area were in practice free to vote just for the one party he was reluctant to name.

The monitoring group Paffrel observed in its interim report the fact that those contesting the elections independent of the LTTE doing so only on the pain of being deemed traitors, exerted

a ‘chilling influence’ on both contestants from the opposition and those who would vote for them. Indeed the observations of foreign monitors contained in the report suggest that many voters were spared the painful dilemma by having their polling cards taken from them beforehand and even on their way to the polls:

“...the voter turn out [in Jaffna town] appeared to be low and large numbers of youth were also observed with polling cards, particularly in the vicinity of Jaffna campus (University)...

[The following refers to the exercise of democracy by voters from the LTTE-controlled Killinochchi, which Cushnahan found ‘encouraging’:] *“Two international observers at the Muhamalai cluster polling station independently witnessed large-scale vote rigging originating from the LTTE-controlled ‘uncleared area’. Between 11 AM and noon international observers saw young men collecting polling cards from persons crowded into open-air vehicles. In other instances, young men were handing out polling cards to persons in vehicles, seemingly checking them (perhaps for sex) before handing them over. At least three persons were seen holding two-inch wads of voter cards...”*

The foreign monitors also interviewed and recorded testimonies of opposition party workers and polling agents who had received dire threats from the LTTE, both personally and impersonally: *“They [came home the night before the elections and] grabbed me by the throat and pushed me into a coconut tree. I felt something [cold] stick in my ears...One of the men hit me in the stomach with a flashlight...”*

The result was duly hailed by the LTTE publicity apparatus as an affirmation of its sole representative status. This was the liberation of a people who had since 1931 known and valued the free exercise of universal adult franchise. The Commissioner for Elections who had earlier pledged to be strict and vigilant, tamely accepted the results for the North-East with some words to the effect that they were a special case beyond him.

The MPs were soon put to good use. The *Daily Mirror* of 6th May carried a curious item ‘*Oslo warns it might pull out*’. The contents of the story, concerning the TNA MPs meeting Erik Solheim at the Norwegian Embassy, indicated that the source was Suresh Premachandran. Solheim was quoted laying down conditions for the Sri Lankan President, who according to Solheim is to negotiate on the LTTE’s convoluted terms – negotiations only with the LTTE starting with its ISGA proposals, not to be a piece of deception to obtain aid and within a time frame. Solheim was further quoted as warning that Norway would pull out from facilitation should criticism continue to be levelled against them.

In comparison with the evil machinations and organised hyperactivity of the LTTE lobbies, which were ably using Norway and the EU to advance their agenda, the Government and the Sinhalese polity were hopelessly inert. The latter are unable grasp issues in time and identify priorities. One putting together the sequence of events since last November would be left with the impression that MEP John Cushnahan and peace envoy Solheim have been far more active in deciding trends in the North-East, and the country’s destiny, than the President of Sri Lanka.

The Return of the Ellalan Force

In the wake of the election, the LTTE’s death squad the Ellalan Force (*Ellalan Padai*) is up to its old tricks in Jaffna. Its role: to reassert the LTTE’s control over the local population

through terror. The Ellalan Force functions as the LTTE's morals police – violently eliminating persons it deems “anti-social” elements. It also functions as a political hit squad, blamed for the murders of many of the LTTE's political opponents, among them, the Jaffna Mayors Sarojini Yogeswaran and Sivapalan who belonged to the Tamil United Liberation Front (TULF).

On 16th May Subramaniam Chandralalith, (age 22) was found stabbed to death in a Jaffna neighborhood. A note near his body signed by the Ellalan Force claimed responsibility for the killing, accusing Chandralalith and five others abducted with him of “anti-social activities,” including robbery, rape, abduction, extortion, fraud and child molestation.

Chadralalith's mother-in-law told the Police that LTTE cadre Easwaran (the LTTE's area leader for Nallur) abducted the men at gunpoint while they were playing cards and took them away in a van. The other victims were found blindfolded, bound and beaten. They told police they had been tortured. *Tamilnet* on May 16 reported that the police said they had not arrested anyone in connection with the murder and abductions and did “not know anything about the Ellalan Army,” a claim that is exceedingly hard to believe.

Easwaran's brutality (and that of the Ellalan Force) is well-known in Jaffna. Eeswaran was also implicated in the June 2003 murder of Thambirajah Subathiran (Robert), respected deputy leader of the Varatharajaperumal wing of the EPRLF. In April 2004, police officials told James Ross of Human Rights Watch that “*no progress had been made in the case, despite leads implicating a local Tiger leader*”. To our knowledge Easwaran has never even been questioned.^[7] The freedom and impunity enjoyed by well-known serial killers is a unique aspect of the Sri Lankan peace process.

The Recolonisation of Sri Lanka

The sequence below speaks for itself.

4th November 2003: President Kumaratunge took over the ministries of defence, finance and information, suspended parliament and declared a state of emergency charging that Prime Minister Wickremasinghe's appeasement of the LTTE had compromised the country's security. She pledged her support for the peace process begun by Wickremasinghe who remained Prime Minister.

Whether or not the President was wise in what she did, she had acted within her constitutional rights and there were genuine security concerns. However the concerted barrage of criticism of the President that came from the West was blatantly hypocritical. The President was accused of jeopardising the peace process, when in fact it had been flawed from the beginning in February 2002. The West had then praised the MoU facilitated by Norway between the LTTE leader and Prime Minister Wickremasinghe. Kumaratunge, the constitutional executive head of state had been sidelined and this was no oversight.

It was clear all along that the West had a marked bias towards Prime Minister Wickremasinghe who was prepared to carry out unreservedly the appeasement of the LTTE and the neo-liberal economic agenda even though the same agenda had resulted in much misery in the West itself. There followed intimidation (in the economic sense) and arm-twisting of the President, until by the end of November she had become an appeaser little different from Wickremasinghe.

The US was more subtle and careful. On 4th November US State Department spokesman Adam Ereli spoke of concern over a possible negative effect on the peace process and talks with the LTTE. The following day Prime Minister Ranil Wickremasinghe was photographed in the White House with President Bush's arm around him. White House Press Secretary Scott McClellan said that Bush expressed strong support for Wickremasinghe's *'leadership and his commitment to peace'*. [8]

A press release on 5th November 03 by MEP John Cushnahan began, *"The events of the last 24 hours pose the most serious threat to the peace process"*. He described the events as a 'marked contrast' to the renewed hopes for peace a few days earlier when the LTTE presented its ISGA (Internal Self Governing Authority) proposals. This was not a fair interpretation of events. The peace process was in crisis after the LTTE pulled out of talks seven months earlier in April. The ISGA proposals were proposals only in name. Their implementation would have amounted to conceding a separate totalitarian state. Cushnahan also reminded the country that USD 4.5 billion donor funds were at stake.

This spin on events was carried further by Norwegian deputy foreign minister Vidar Helgesen at a press-conference in Colombo announcing Norway's temporary withdrawal from facilitation: *"Peace talks could have started tomorrow, provided there were clarity about who is holding political authority and responsibility on behalf of the Government to ensure the continuation of the ceasefire agreement and the resumption of peace negotiations. Until last week there was such clarity. Today there is no such clarity. Until such clarity is re-established, there is no space for further efforts by the Norwegian government to assist the parties."*

Helgesen had conveniently forgotten that there was never any clarity since Norway had sidelined the executive head of state at the signing of the MoU in February 2002.

The resolution passed by the European Union on 21st November was so unacceptably biased as to read like a threat against President Kumaratunge. It spoke of Ranil Wickremasinghe who was elected prime minister in 2001 having made the resolution of the conflict his main priority and the agreement reached in Oslo a year later to explore a federal solution. It failed to mention that both these were first attempted by Kumaratunge and wrecked by Wickremasinghe and the LTTE.

The EU viewed as progress the government's proposal, the LTTE's ISGA proposals that were a far cry from democratic federalism, spoke of economic progress, the USD 4.5 billion in the donor pipeline and rising economic indices (which the voters as opposed to the EU were hardly impressed with), endorsed (with regrets) Norway's pullout from facilitation and blamed Kumaratunge for endangering these advances. EU also regretted Kumaratunge questioning, rightly, the validity of the ceasefire agreement although she made it clear that she was committed to it. MEP Cushnahan, the prime mover behind the resolution, in his own comments, was beginning to sound more powerful than the President of Sri Lanka: *"I would appeal to her (Kumaratunge) to pause and reflect on the consequences"* [9]

On the 26th November European Union minister Chris Patten paid the LTTE leader a birthday visit. The reasons, perhaps charitable ones, for this symbolic act were not explained. Speaking to the Press in Colombo the same day, Patten, while saying that there would be no compromise on democracy, added he had warned Prabhakaran that should the international community find evidence that charges of child conscription and political killings made against

the LTTE are justified, its good faith would be called into question. The EU, one gathers, has no intention of finding or acknowledging such evidence.

President Kumaratunge had evidently got the message. While this drama was taking place, the LTTE had with a clear military agenda, indulged in a series of killings of Muslims in Mutur and Kinniya from later October to the end of November 2003. The murder of three farmers in Naduootru that was witnessed was particularly brutal. In statements and interviews President Kumaratunge's police chief and other senior officials went to ridiculous lengths to exonerate the LTTE (our Bulletin No. 33). In contrast to the reasons she gave for taking over the defence and interior ministries, Kumaratunge had become no less an appeaser than Wickremasinghe.

We have already referred to Cushman's and the EU's role in the scandalous elections in the North-East, where their actions aided the TNA, increasing the likelihood of a TNA-UNP coalition. Karuna upset the applecart. Thereafter, the West with the Norwegians worked to boycott and punish Karuna.

President Kumaratunge found herself vulnerable to accusations of endangering the peace and donor largesse, often made for the only reason that Prabhakaran did not like her, regardless of the people's choice. With elections a distinct possibility, Prime Minister Wickremasinghe said at a public meeting on 7th January 2004: *"The action of the President has damaged the very foundation of our peace talks. Certain clauses of the ceasefire agreement have become invalid today"*.

Ironically, since taking over the Defence Ministry, the President became an even more passive actor in the North-East. The LTTE's killing of opponents and child conscription in the North-East went on while the Government took good care to keep out of the LTTE's way. The Police considered it their job to cover up for the LTTE. Its murders went uninvestigated (see Bull.No.35). The LTTE had a free field for election violations. The President found it prudent to seek her political survival in the South leaving the North-East alone.

The LTTE had achieved an important victory with help from Norway and the EU. Now it had Chandrika Kumaratunge where it wanted. It hated Sinhalese who spoke of giving the Tamils a fair deal from a moral or political standpoint and threatened its claim to be their sole champion. Thus it humiliated D.E.W. Gunasekera by ordering the TNA to vote for Gamini Lokubandara as Speaker – a man never noted for championing Tamil rights. The TNA is unable to explain it to the people who supposedly voted for them.

The LTTE hated Chandrika Kumaratunge for trying to bring about a federal settlement in the latter 1990s and made a deal with Ranil Wickremasinghe's UNP to undermine the attempt. The LTTE loved Wickremasinghe even more when he flirted from time to time with Sinhalese extremism and religious obscurantism, as with Tamil fascism, to achieve his immediate ends.

The rebellion in the East presented an opportunity to take Karuna and his followers out of a culture of murder and give them, and the people, a better life. Instead the Sinhalese polity is repeatedly giving Tamils who oppose the LTTE the message that they only have utility value as hand grenades, bait (prawns to catch sharks) and killers. They matter as little as the military intelligence men regularly killed by the LTTE, who go into oblivion unnoticed and unmourned. Karuna too has been thrown back to survive on the very resources he acquired

from his mentor and present arch-foe, Prabhakaran. That is as far as the imagination of the Sinhalese polity goes. Sri Lanka has been recolonised, not by an invading army, but by the threat of withholding cheques. The new colonisers play with us without having to bear the cost. It speaks for our servility and lack of imagination.

A National Consensus vs. Mounting Anarchy

The urgent task before the Government is to evolve the widest possible consensus in the South and tell the LTTE that they are ready to discuss the political solution. For more than ten years the LTTE has been able to drag things on desultorily, insisting on talking only about day-to-day needs of the people, pointing out that there was no consensus in the South. Instead of trying to make the UNP a partner in the peace process, the UPFA government is preoccupied with the old game of buying MPs and scandal hunting, which we know from the past, is counterproductive. Meanwhile, there is little sense of the danger arising from mishandling of the developments in the East.

Our survival demands a national consensus to define a national purpose that embraces everyone, and to be responsible agents in charge of our own destiny. It requires a sense of purpose to tell the international community the terms on which we will deal with them and to seek new friends and new economic models. A country needs to find its self respect before it can have friends.

We are today finding out the hard way that peace making and conflict resolution could become a dirtier game than even fighting a war. Even minimally, Norway and the EU have had no impact on curtailing LTTE's reliance on child conscription and murder.

The attempt to make peace here giving second place to democracy and human rights is having its logical consequences. We are now back to times reminiscent of the months preceding the Indian Government's announcement in September 1989 of the IPKF's pullout, and President Premadasa's disastrous dalliance with the LTTE in early 1990. The times were marked by frantic child conscription, mounting internal killings and, with the onset of war, mass disappearances and massacres by the Sri Lankan Forces. The LTTE set the agenda and won.

In 1990 the international community hoped that Premadasa's appeasement would work, while wringing their hands at his methods. The West then had at least a formal regard for human rights. Today even those inhibitions seem to have vanished, while the appeasement in which their role in pandering to the LTTE is increasingly visible has been equally disastrous.

The West and Japan continue to talk about giving the LTTE(P) money for the human and economic upliftment of the North-East. What the exercise really means is underlined by Kausalyan's order to the NGO forum in Batticaloa recently. He told them that there should be no programmes that would help those eighteen and above among former Karuna cadres to be on their feet. Development is all therefore about fattening the military machine. The tragedy and trauma of child soldiers of which there are countless pictures on display in Batticaloa, amidst redoubled conscription elsewhere, are pointers to coming events and the challenges facing us.

Appendix

Children Abducted by LTTE(P)

3rd May 2004: The following children from Poonthottam Refugee Camp, Vavuniya were abducted by the LTTE(P) on their way for a tuition class.

1. **Miss. Pathmeswari Thevasahayam (13 years)**
2. **Miss. Priyanka Santhanam (13)**
3. **Miss. Anushya Nagarajah (14)**
4. **Miss. Somarani Sivalingam (17)**

About the same time the following children were abducted by the LTTE(P) from Maharambaikkulam south of Vavuniya:

5. **Miss. Shanthnayaki (13)**
6. **Mas. Sasitharan Rathinakokulan (14)**
7. **Mas. Thushyanthan Sivakumar (15)**
8. **Mas. Mohanan Sathyaseelan (16)**
9. **Miss. Vanitha Chrithurajah (17)**
10. **Miss. Rajanithevi Arumugam (17)**

The cases above, as several of those below, were taken from *Tamilnewsweb.com*, which also reported that the Police, SLMM and UNICEF were informed of the above.

11. Miss. Jayalalitha Arumugam (13)

Jayalalitha, a school girl, from the Vaarikattu Refugee camp in Vavuniya, was abducted by a group led by Sureshkanthan of the LTTE(P) about 10th May. Jayalalitha's mother Sellammah Arumugam (47) complained the SLMM.

12. Miss. Selvakumari Selliah (15)

Selvakumari, who was residing in the Mannar Pesalai Welfare, was abducted by the LTTE(P) on 3rd May. The father Selliah filed a complaint with the Police. Subsequently, the Tigers who came to know of it warned him not to pursue the matter.

13. Mas. Krishanthan Navaratnam (17)

Krishanthan from SIRRUPIDY North, Neervely, was abducted by Tigers, when he went to Puthur on 11th May to make a telephone call. His father Navaratnam Kanthiah (53), filed a complaint with the Atchuvely Police that members of the LTTE who came in a motor cycle (No. 4526) showed their Group ID and abducted him at gun point. The SLMM too was notified.

The following deal with cases of conscription in the Mutur area. 30 cases of conscription have been reported in the villages of Anbuvelipuram and Kappalthurai alone. A report pertaining to the Trincomalee District stated as follows: *"LTTE has brought in several key members into Trinco and are showing video shows and conducting meetings afterwards. Some parents have rejected their attempts to influence their young children into the movement saying that the UNICEF had told them to report to them if any children under 18 years of age are recruited. To that the LTTE men replied, "UNICEF is misguiding you all. If a 14 year old and a 18 year old are left to stand in front of the gun and shot, will the 18 year old get more killed than the 14 year old? Their meetings and video shows are widely held in almost all villages."*

14. **Mas. Jegathas Kangesapillai** (just 18), of Menkamam, Mutur Division, was taken by the LTTE in March last year when he was 16. He ran away 10 days later and was caught and taken back. This happened several times. He was released about September 2003 after his father Kankesapillai Jegathas and mother complained to the SLMM. He was forcibly re-conscripted on 12th May 2004.
15. **Mas. Sriharan Vignaraja** (just 18), of Menkamam, Kiliveddy, Mutur Division, was conscripted a year ago and escaped several months later. Perhaps as a means to protect him, his mother Shathamalar had him married to Ganesamma last April. The LTTE(P) forcibly abducted him in the early hours of 12th May.
16. **Mas. Kirupaharan Tharmalingam** (17) of Periyaveli, Mallihaithivu, Mutur Division, was taken by the LTTE in June last year and he escaped in November. LTTE(P) men using violence abducted him from home in the early hours of 12th May. His mother Mallihathevi who offered resistance was badly assaulted and left with bruises on parts of her body.
17. **Mas. Pratheepan Kunasekaran** (17) of Bharathipuram, Killiveddy, Mutur Division, was taken by the LTTE in June 2003, and escaped home on 1st May. He was forcibly abducted in the morning of 12th May.

The four cases above indicate that LTTE(P) intelligence gave orders after the Karuna affair to local operatives to compile lists and addresses of former cadres and escapees residing in their area. LTTE(P) gangs then swooped on the area around Killiveddy (nominally government-controlled) in the early hours of 12th May giving no one a chance to escape or hide. In relation to UNICEF's 132 outstanding cases of child conscription in Trincomalee District at March end, it recorded 63 escapees (before then). The corresponding figures for Batticaloa-Amparai were respectively 481 and 119.

The earlier cases may remind the reader of the striking remark from persons who met many of the disbanded children in Batticaloa, that a significant majority of the younger conscripts are girls.

[1] The farce of so-called transit centres for which the UNICEF has paid out large sums of money to the TRO (and thus in effect to the LTTE), and for buildings that did little for child soldiers, stand testimony to the UNICEF's orientation.

[2] The basis for the estimate was 1000 in the Trincomalee District and the fact that the LTTE was conscripting aggressively on the basis of one per family in Batticaloa. There were nearly 175 Tamil village divisions in Batticaloa with 250 families each. 20 conscripted from a village was a modest estimate. Moreover, the LTTE had divided Batticaloa into 25 divisions, giving each divisional head a target of 1000 conscripts (Sp Rep. No 16).

[3] From January 2002 UNICEF received complaints of child recruitment of which 572 were from Batticaloa and 524 from Jaffna. But in spite of the almost equal numbers of reports from the two areas, child conscription was much more intense in Batticaloa. In Jaffna, children were not bundled off by the tractor loads; people in Jaffna were simply more forthcoming in making complaints. In the LTTE-controlled districts of Killinochchi

and Mullaitivu where child conscription has been traditionally intense, the number of complaints (unresolved) are respectively 119 (45) and 147 (54). It is in these areas that people are least free to complain, as with the Vaharai sector in Batticaloa.

[4] Sp. Rep. 15, Bulletin 30 and *Daily Mirror* 5.10.02

[5] *Island*, 17 April, 2004

[6] See, UTHR(J) Bulletin. No.24.

[7] “Jaffna Dispatch: Prey,” by James Ross, *New Republic* April 22, 2004.

[8] *Daily News* 7.11.03

[9] *TamilNet* 21.11.03.