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**When Indignation is Past and the Dust Settles**  
**- Reckoning Incompatible Agendas**

- 1.0 A Menacing Triad
  - 1.1 Behind the Provocations
  - 1.2 The Killing of Political Leaders
- 2.1 Twin Agendas
- 2.2 What happened in Trincomalee on 12<sup>th</sup> April?
- 2.3 State Complicity at High Level behind Trincomalee Violence
- 2.4 Trincomalee: Achilles Heel and Flashpoint
- 2.5 Reflecting on History: Making Trincomalee a Zone of Peace
- 3.0 Lessons from the CFA
- 4.0 Violence by Political Default
- Appendix
  - The Patterns of Violence and Extra-Judicial Killings
  - A0.0. Introduction
    - A0.1. 13<sup>th</sup> May: Massacre in Allaipiddy, Kayts, Jaffna Offshore
  - A1.0 Jaffna District
  - A 2.0 Batticaloa District
  - A 3.0 Vavuniya and Mannar

## **1.0 A Menacing Triad**

Spiralling violence and increased polarisation along communal lines are threatening to tear Sri Lanka apart. The situation is compounded by the state's inability to uphold the law, and its inept and disingenuous handling of the current political crisis. We are faced with a menacing triad of developments:

- § The peace process had never come to terms with the LTTE's agenda and the South failed to demonstrate a tangible will for a political settlement that would have enabled the Tamils to challenge the LTTE.
- § The mushrooming of killings aimed at curbing the LTTE was the second predictable development. The groups responsible are by the weight of evidence

state sponsored, and their attacks have not just tripled or quadrupled the combined killing rate in the North-East they have taken on another sinister aspect, targeting unarmed political rivals.

Hiding behind the cover of the LTTE's violence, these newly hyperactive killer groups have killed at least three senior Tamil political figures – Joseph Pararajasingham, Vigneswaran and Senthilnathan. These were persons who implicitly , justified and in turn legitimised the LTTE's terror, but also gave voice to some genuine Tamil grievances. The State now pretends that the matter is one of Tamils killing Tamils and is out of its hands. This gives the use of killer groups a political colouring matching the LTTE's, both ultimately calculated to destroy the spirit of the people and plunge the country back into a war entailing an unimaginable human rights disaster.

The Government's sanctioning killer groups has adversely affected discipline and respect for the law down the hierarchy of the security forces, and has contributed, quite apart from provocations by the LTTE, to a readiness to kill unarmed persons (not infrequently bystanders) to suppress evidence of unlawful behaviour. Particularly disturbing was the appearance of bodies without heads in the Avissawela area east of Colombo in April, which were suspected to be of Tamil youths detained by the security forces. Opinion among Sinhalese in the areas concerned dismissed the Inspector General of Police's line that this is gangland rivalry (*Sunday Island* 30 Apr.06). The clean cuts on the necks resemble those on headless bodies and heads appearing on beaches south of Akkaraipattu during late September and early October 1990 (our [Special Report No.3](#) and [Report No.6](#)). Then it was the work of the STF as also with about 20 corpses in lakes and waterways in 1995. Of the four new bodies so far identified, two were of Tamil youths from the Vanni who were working in Avissawela. Two others were of Tamil men picked up from Armour Street, Colombo, on the morning after the suicide attack on the Army Commander.

§ The third and most threatening development for the prospects of peace and a political settlement is the violence in Trincomalee.

The Government and the media have pretended that there was a spontaneous burst of communal violence in response to the LTTE's provocation, but was quickly brought under control. But on the ground the loss of confidence in the security forces, and the motives of the Government and its respect for the law it is mandated to uphold, is almost total. Communal attacks by both Tamils and Sinhalese continued in the coming days in rural villages of the district with the poorest of both communities being displaced and rendered utterly helpless. However provocative the actions of the Tigers, they would have been exposed if the Government had been committed to enforcing the law.

Adding to the destabilisation of Trincomalee by the Tigers, ideologues with narrow communal agendas have gained dominance over security matters. For decades these forces had employed demographic gerrymandering to assert the alleged Sinhalese-Buddhist character of Trincomalee that they claim was being eclipsed by (Tamil and Muslim) interlopers. This cause has been latent in all administrations from the 1960s, and

was expressed very violently in the 1980s. It received new life recently as evidenced in the violence throughout Trincomalee District and the blatant and unchecked partisanship of the security forces since the murder of five Tamil students on 2<sup>nd</sup> January.

There is today a great deal of panic and indignation around, characterised by a refusal to consider how people from other communities or political affiliations see things, the context and the pressing dangers. Angry and pejorative epithets are flowing freely in the Press accompanying very one-sided reporting. These sentiments would sanction actions and impunity that have brought this country infamy in the past. Compelling arguments that seem to justify the use of killer groups to combat the LTTE (and earlier the JVP in the latter 1980s) come at the end of a series of political and moral failures, causing leaders to lose their judgment. Instead of taking initiatives towards nation building, the Government has remained unable to shed its ideological blinkers. Only then can it pay urgent attention to dismantling the accumulated institutionalisation of the effectively exclusive Sinhalese character of the state and its institutions, which brought half a century of instability and misery to this country.

The Government's initial lukewarm response to the recent communal violence in Trincomalee, failed to take to task officials of the security forces who failed in their duty. The Government remained silent as both the LTTE and vigilante elements of the State killed and stirred up communal tensions in rural Trincomalee that caused large scale displacement. Then for questionable reasons on 25<sup>th</sup> April, after the suicide attack in Colombo, it sanctioned aerial and missile attacks that were bound to kill Tamil civilians in the Sampoor area across the bay from Trincomalee. Aerial bombardment and killing of soft targets in the Tamil community as the means of responding to the LTTE's terror is a sign of impotency on the part of the State, and indicates an inability on the part of its strategists to come up with creative political and military options.

Off the record claims or excuses by leading persons in the Government that the missile attacks on targets in Sampoor were a necessary response to the LTTE's suicide attack on the Army Commander to prevent communal riots, were both contrary to experience, and a further signal that decision makers were not in their right senses.

The attack around Sampur finally left 13 Tamil civilians dead, a two year old child Meiyar Kishanthan and several women among them. Among the 4 Muslims killed were Moulavi Junaideen, his wife and sister. About 40 civilians were seriously injured. These did not seem to bother the Government and media. What did intensely was whether the actual number displaced was about 10 000 rather than 40 000 as originally estimated by some news sources. Matters were made worse by the Tamils injured in the LTTE-controlled area being cut off and denied help, despite the Navy, rightly, transporting the Muslim injured to Trincomalee.

In this environment the LTTE was well geared to harness the fears of the Tamils and the international press to display the Tamil people as victims of a hostile state. Given the constraints of reporting, factual discrepancies concerning any humanitarian disaster are to be expected. But what is crucial for the Government is to ask itself if current measures

are the only options left to it at this juncture. The LTTE is on a well-tested strategy to further delegitimise the state in the eyes of the Tamil people. 23 years ago, on the eve of the July 1983 violence, a former president too said that he could no longer take into account the Tamils, their opinion or their well being, and must first do what it takes to defeat terrorism. Are we going to be stuck in the same groove, refusing to learn from the past? These are the paramount questions the President and his advisors need to address.

But, instead, President Mahinda Rajapakse went on record at an all-party conference implicitly attacking the international media of having launched a media war. These sentiments were eloquently reflected by sections of the local media. The vast gap between indignant denunciations by the Government and local media, and perceptions of the foreign media are disturbingly reflective of mid-1983. Blaming outside elements for the all the ills and refusing to look inward has been the bane of this country. Legitimate and necessary criticism of external actors is meaningless when the State repeatedly fails to represent significant cross sections of its own people and to check abuses by its agents.

## **1.1 Behind the Provocations**

The LTTE suicide bomb attack on 25<sup>th</sup> April which injured the Army Commander and killed nine others brought forth a flood of indignation and statements of condemnation from powerful governments. It came in a sequence of violent incidents..

Two days earlier, the LTTE had massacred 6 Sinhalese farmers in Gomarankadawela in the Kattukulampattu West division of Trincomalee District. Like many other incidents, this too was represented as one in a series of provocations and responses. Whether it is provocation by the Government and response by the LTTE or vice versa is one of those partisan questions doing the rounds. The LTTE through a front organisation, the Resurgence Front, has claimed that it was a response for the murder of 5 Tamil students by the security forces on 2<sup>nd</sup> January. This is one instance that makes clear the meaninglessness of provocation and response where the LTTE is concerned. The villagers of Gomarankadawela, a rural area well outside the city, had traditionally, for over a century, been well disposed to the Tamil people and had nothing to do with the killing of the students. Moreover, when the tsunami disaster struck, the villagers were among those Sinhalese who hastened to the aid of the Tamil victims after the generous spirit of bygone times.

For the LTTE it has long been a matter of provocation after provocation, targeting security personnel with landmines or killing Sinhalese, purely with the intention of plunging Sri Lanka into communal violence -- the only way they see of attaining their agenda of Tamil Eelam. This has long been clear to those who know the LTTE intimately, despite the elitist rhetoric about the LTTE alone helping the Tamils to hold their heads high.

A further instance of the LTTE's cynicism about avenging Tamil deaths surfaced ironically in Trincomalee on 1<sup>st</sup> May. At 9.40 AM a Navy vehicle went along

Vidyalayam Rd. to give breakfast parcels to colleagues who were at the junction with Huskisson Road, a crowded Tamil residential area in Trincomalee. Shortly after the vehicle turned back, an LTTE bomb attached to a parked bicycle exploded. A professional lady who thought the roof of her house was collapsing, ran to her gate. She found her neighbours Mrs. Chitra Thurainayagam, her daughter Vanitha, a nurse, and young son Thlasithasan lying dead along with the driver of the auto rickshaw in which they had just come home from Pillayar Kovil. The windscreen wiper of the auto was working. Mrs. Thurainayagam was folded in two due to the impact of the blast, which also killed a navy man.

The President of Sri Lanka, and even the leaders of the JVP and JHU did some of the right things after the attack on the Army Commander in appealing to the people to remain calm and not to harm the Tamils in their midst. It appeared that the Government had won the diplomatic battle and occupied the high moral ground.

The media reflected new confidence. Reporting that had earlier been cautious about blaming the LTTE for killings and readily used 'unknown persons' or 'paramilitaries', were quite reckless in accusing the LTTE, including of things they did not do. There was almost one-sided blame of the LTTE for the ongoing violence, and expressions like barbarism used for its violence alone.

While expressions of support, sympathy and condemnation of the LTTE from foreign governments are frequent and often ritual, they tend to be much more careful about committing themselves to meaningful action. The day before the Army Commander was injured, Human Rights Watch had issued a statement critical of the Government's and security forces' conduct in the communal violence in Trincomalee. An Indian government statement issued the same day made an oblique reference to the same matter. A closer look at the Government's performance would suggest that it has learnt nothing in 50 years. We see the same pattern of developments reminiscent of the years 1977 to 1994 that brought the country's reputation to a nadir.

For a Government to occupy the moral high ground, its actions must be guided by accepted principles of common justice. When these principles are treated with patent cynicism, obvious to all but itself, the high ground it occupies would be more akin to a dunghill.

During the second half of the 1990s significant effort was invested in improving the image of the security forces among Tamils despite the sordid disappearances of 1996, which still remain unaddressed. Under the late Brigadier Larry Wijeratne experiments in consulting the people in Vadamaratchy about procedures for search and arrest brought considerable success. The worst time of provocation for the Army was the 2000 Elephant Pass debacle. Even then Tamil civilians noted the restraint with which the Army conducted itself. These achievements have now been precipitously thrown away.

Once the Government lost all credibility and moral legitimacy, the LTTE's desperate provocations had a better chance of succeeding or driving the country towards anarchy.

The peace process became an exchange of lies, stratagems and murder. The people appeared not to matter to anyone; even the suicide bomb attack on the Army Commander had become just another meaningless act of violence. While sparks flew, Trincomalee burnt, shells exploded, blood flowed and thousands fled their homes, both sides piously claimed that they were observing the ceasefire agreement!

We take up two matters alluded to in the foregoing – the killing of political leaders and some salient features of the violence in Trincomalee and discuss some of the implications. The pattern of ongoing killings on which several of our conclusions have implicitly relied will be described in a sample given in the Appendix.

## **1.2 The Killing of Political Leaders**

From the beginning of the Ceasefire Agreement, the LTTE had been systematically targeting its political opponents among the Tamils with almost no tangible concern from the Government or the facilitators – the Norwegians. The Government started responding with killer groups once the LTTE, irritated by the defection of the Karuna faction and feeling itself on a curve of diminishing returns began attacking the Army and Navy with landmines – something it accused the security forces of doing to them by proxy in Batticaloa. What this shows is that it is futile to judge right and wrong within the confines set by the CFA and the narrow interests of the Government, the peacemakers and the LTTE without taking the interests of the people into account.

Once the LTTE began with much scary fanfare talking about a people's war and attacking the armed forces (with reports of heavy infiltration of its cadres into Jaffna) some 40 000 angry soldiers were left seeing themselves as sitting ducks. Then the killer groups were deployed. According to knowledgeable persons, the Army regard these killer groups as successful vehicles for staving off the immediate threat. Other sources claim that in fact only a handful of the LTTE are in Jaffna to do killings and that the landmine attacks are being carried out by irregulars it recruited during the ceasefire (see below a report of the landmine misfire in Chavakacheri). But the logic of killing by state-linked groups did not stop there.

Having looked at other possibilities and considering the unconvincing manner in which police investigations have proceeded, UTHR(J) joined other observers in concluding that it was one or more of these killer groups used in counter-insurgency that killed three leading Tamil political figures – Joseph Pararajasingham (24<sup>th</sup> December 2005), V. Vigneswaran (7<sup>th</sup> April 2006) and S.R. Senthilnathan (26<sup>th</sup> April 2006). In essence, the killer groups adopted the same tactic so long used by the LTTE: elimination of Tamils of prominence and ability who voiced unwelcome political opinions.

Vanniasingham Vigneswaran was born about 1955 in Nainativu, an island off Jaffna, and received his education in Nainativu Central College. He became politically active as a supporter of the Federal Party stalwart K.P. Ratnam. His first job as a social service officer was given by the party. He later secured a job in a bank and settled in Trincomalee. Under the impact of the militant struggle he joined the TELO and became

a central committee member. When TELO once decimated by the LTTE and having worked with government forces later fell in with the LTTE, he too became active in the TNA which brought together the LTTE's allies of convenience.

A common outlook shared by Tamil people from areas like Trincomalee was the fear that the State was intent on destroying the remaining Tamil character of these areas by violence and subterfuge. Many would naturally support any force that seemed strong enough to counter this agenda; it really did not matter to them whether it was the LTTE or some other force. Under the ceasefire Vigneswaran was active at LTTE ceremonies and in organising demonstration against the planting of the Buddha statue on the sea front in May 2005. He was shot dead in a high security area in the morning of 7<sup>th</sup> April, close to the Police and Navy head quarters. 8 days earlier he had spearheaded the TNA victory at the Trincomalee municipal and local council elections and the LTTE had nominated him to take the seat in Parliament left vacant by the murder of Joseph Pararajasingham. Vigneswaran had campaigned for Tamil votes on the issue of the 5 students murdered by the STF on 2<sup>nd</sup> January and the huge Buddha statue that was surreptitiously substituted for a smaller one on 15<sup>th</sup> May 2005.

S.R. Senthilnathan (52) was a businessman in Vavuniya, who became the local organizer for the Tamil Congress, which joined the TNA, and finally the leading TNA candidate for the coming local council elections in Vavuniya. He was killed in his shop in the morning of 26<sup>th</sup> April.

There could have been a Sinhalese extremist interest in killing Vigneswaran, and this year's events render that plausible. In that event, the official initiating the murder would probably have been instructed to use a Tamil for the purpose, in case something went wrong and the matter was exposed. In Senthilnathan's case the Sinhalese extremist interest is unlikely.

Another factor to be taken into account is that groups with political ambitions, which take part in killer squad activity, may themselves, like the LTTE, crave for a clear field, so that in coming elections they would face no meaningful opposition. The EPDP and the Karuna group have been widely named as participants in killer squad activity. They owe it to the people to make their positions clear.

The Uthayan office was attacked on 2<sup>nd</sup> May by gunmen who came in motorcycles and, in the absence of the journalists they were apparently looking for, killed two members of the support staff. Suspicion was widely directed against parties close to the security forces, and in particular the EPDP which is in the Government, citing the recent lampooning of the EPDP leader by the paper. Others pointed out that it could not come at a worse time for the Government, when it was hosting a major observance for World Press Freedom Day. The best testimony we have suggests that about two of the attackers had EPDP links or were operating out of the Stanley Rd. EPDP office, but who initiated it and what their intentions were is not clear. (See Appendix for a fuller account.)

Nevertheless the ongoing political killings, a number of which enjoy the complicity of the State, must yet again warn us of the baseness to which politics can descend and the threat to democracy in Sri Lanka as a whole. Sinhalese extremism and anti-Tamil killer groups may at present find themselves in a marriage of convenience, as the LTTE has with the former from time to time, but the long-term prospects are unpredictable and hardly less dangerous than the LTTE itself.

## **2.0 The Violence in Trincomalee: 12<sup>th</sup> April onwards**

Since several detailed reports are in circulation, we merely focus on some salient features. The funeral of local TNA leader V. Vigneswaran was held on 11<sup>th</sup> April, with some minor incidents in the town itself. The same evening the LTTE attacked a Navy vehicle with a claymore mine in Thampalakamam 12 miles southwest on the Colombo Road out of Trincomalee, killing 11 personnel and injuring 8. The following morning, (12<sup>th</sup> April) a Police vehicle was attacked in Kumburupiddy 20 miles north of Trincomalee, killing 2 policemen and injuring two. In town, shopping for the traditional Sinhalese and Tamil New Year was underway and any tensions were below the surface.

About 3.50 PM, according to a shop owner, a bomb hidden in a parcel attached to a parked bicycle went off opposite the Trincomalee vegetable market on Central Road. Witnesses say that they saw about six bodies on the ground. The victims were both Tamil and Sinhalese. Reported accounts of bomb casualties include two Sinhalese women and a Tamil child killed. The number of Sinhalese killed in incidents around Trincomalee from the 12<sup>th</sup> – 14<sup>th</sup> is placed at 7. Of the 7 Tamils accounted killed in reprisals on the 12<sup>th</sup>, 6 were women. 4 other Tamils were killed in other subsequent incidents.

RR Marketing, the agent for Unilever products, was among the large Tamil establishments close to the blast, about 75 yards away towards the esplanade. A few minutes after the blast, a small crowd entered the premises through the main gate, threw stones and started breaking vehicles. Of the 35 employees, both Tamil and Sinhalese, about half escaped by climbing the back wall, 19 including 4 girls came into the office. The crowd then went away. Those left closed the iron door of the office building and hoped for the best.

They had reason to hope. Navy men were posted every 100 yards along Central Road and there was an army bunker at every street junction. Even if they did their job without much enthusiasm the situation would not have got out of hand, and there was a lull.

About 10 to 20 minutes later, a much bigger crowd came back and was hammering at the main gate. A huge explosion was heard in their yard and the stores which were adjoining and separated by a wall went up in flames. It turned out that the mob had poured out the fuel from 5 or 6 motorcycles parked there and set fire to the premises. Those in the office building started hearing gunshots and blasts above. Meanwhile, the owner's son who was away when the troubles started jumped over walls and joined his father and other employees. He saw three bodies in the yard. He believes they were victims injured in the bomb blast, who must have staggered there early on looking for safety and aid amidst the

hostility directed against Tamils. After about half an hour of being trapped inside, those inside heard shooting at iron door locks, after which the mob of over 50 entered buildings with clubs, knives and repeater guns. Since no civilian is allowed to have guns legally, the repeaters were probably ones issued to Sinhalese home guards.

All this made it clear to Tamils trapped in the area that the security forces, notably the Navy, were hand in glove with the mob and were breaking locks for them. Because the mob had set fire to the vehicles in the yard outside the office they were unable to enter by the back door. Those at RR Marketing fled through a back door, making their way through the burning vehicles. Some of the men managed to push a burning vehicle near the back door to delay the mob that was inside. The girls were helped to climb over the wall into the stores. By this time the stores were burning and the mob had left. Having climbed about 3 walls they got into Vigneswara School. There they came across men from the Navy, who detained them for some time, but let them go. The owner who has to start again for the fifth time, takes pride in the fact that although he lost everything -- his lorries, goods, vehicles, money, equipment and documents -- he and his son saved all the employees, which was their priority.

Two employees of the Dialog cell phone agency had been stuck inside when the violence began. When the mob broke the glass door, they pulled shut an iron gate. While the mob battered the gate, the employees made their escape through the back.

Two witnesses said that as they made their escape from their burning premises, they saw freezer trucks belonging to the fish monger Chooty Mudalali (Boss) moving in, and armed men alighting from the trucks to join the attack on Tamils. Several Tamils knew Chooty Mudalali as a friendly man ready to do favours, although local sources said that a brother-in-law of his in the Navy had been killed recently in an LTTE mine attack. Tamils we spoke with ruled out Chooty Mudalali's involvement in the violence against Tamils and contended that the trucks were forcibly removed from him.

A Tamil youth searching for a loved one tried to get to his father in his shop on Central Road when the violence was at its height. He first tried climbing over walls of houses to avoid the road. While on a wall, a navy man fired at him and missed him. Having no choice, he hurried along Central Road at the height of the violence. Though well known in the market area, no one recognized him. Thinking about it later, he concluded that the thugs attacking Tamils (many of whom were carrying plastic cans of petrol along with weapons for their pyrotechnics) must have been outsiders,. He witnessed acts of brutality:

- He saw a navy man who caught a man by the collar and handed him over to a sword-wielding thug telling him, 'This is a Tamil, chop him'. This and what happened next he said he could never forget.
- He also saw a Tamil woman sprawled on the road whose eyes were moving – a victim of the market bomb needing medical care. On seeing her, a navy aimed a blow at her with his gun butt, hitting her on the right side of her head. He later learnt that this woman had been known as *Killi Acca*.

- Near the market, he said he saw two civilian bodies with another of what appeared to him a navy man – all victims of the original blast. At one point a member of the mob gave him a chase. He ran and escaped.

The mob was relatively small, numbering not more than 100 to 150 and could easily have been controlled by the security forces who had been poured into Trincomalee in large numbers. The security forces, the Army, Navy and Police, stood by and watched or colluded for two hours doing nothing to stop the mayhem. About 30 Tamil shops were burnt. After the mob burnt a Muslim shop, word went around for Muslim shops to put up white flags. After two hours the Police fired into the air to disperse the mob, but made no arrests. Many of the shops were looted before being burnt. Where the loot went is a question that can be answered by the guardians of the law.

Credible reports have appeared in the media suggesting that the Government reined in the violence only after the Indian Prime Minister Manmohan Singh had spoken to President Rajapakse. An IANS report of 13<sup>th</sup> April confirmed that the 10 minute telephone conversation took place late on the 12<sup>th</sup> and the Indian Prime Minister while offering his condolences for the troops killed in LTTE mine attacks, *'focussed on the anti-Tamil violence in the eastern port town of Trincomalee'*. Nevertheless, the armed forces continued to be party to violence rather than enforcers of the law in the coming days in and around Trincomalee. Given the possible volatility in Tamil Nadu with the campaign for the state assembly elections on 8<sup>th</sup> May in full swing, the Indian Government and media have been restrained in talking about the violence in Sri Lanka.

On 14<sup>th</sup> April, following the discovery of the body of Nissanka, a Sinhalese youth hacked to death by Tamil elements the previous day, Sinhalese mobs went about burning houses and attacking Tamils. A mob of not more than 50 set fire to about 15 Tamil houses in Mahindapura, a task that required more than half an hour. Again there are credible reports that the Army was helping the mob and according to a political leader with good contacts, soldiers on motorcycles were among the mob. The mob then burnt 40 houses in neighbouring Nadesapuram. Also burnt were 50 houses in Kanniya of refugees who returned from India.

Three persons were killed in the reprisal violence on the 14<sup>th</sup>: a 60 year old woman Somasuntharam Maheswary who was dragged out of the Nadeswarar temple and hacked to death, an Indian national Venkadasamy Venkatraman (30) of Bangalore, an itinerant astrologer, and Thannimalai Namasivayalingam (28) an employee of the Trincomalee district secretariat.

The secretary of a democratic Tamil party spoke in turn to President Rajapakse who was in the South celebrating New Year and then the DIG, Police, responsible for Trincomalee, Rohan Abeywardene. The President had evidently not been informed of the gravity of the violence in Trincomalee. The secretary said that the DIG tried to put him off by saying that the events were not so serious, but became more cautious after the secretary made it clear that he knew what was going on. We will return to events in Trincomalee town after the next section.

## 2.1 Twin Agendas

Subsequent events once more made clear how the Tiger agenda and that of the Sinhalese extremists complemented each other. The Tigers wanted to reinforce the message that what was in effect a Sinhalese state cannot be trusted, and there was no future for the Tamils within Sri Lanka. To this end they provoked the violence against Tamils. The Sri Lankan forces whose intention was made amply clear in the razing of Tamil villages in 1985, moved once again to terrorise the Tamils and sap their will to live in Trincomalee, using the LTTE's provocations as a pretext.

An instance that gives an insight into the sinister turn of events took place in China Bay south of Trincomalee on the 21<sup>st</sup> and 22<sup>nd</sup> April. On the evening of the 21<sup>st</sup>, about 6.30 PM, men in a white van speaking accented Tamil went to the home of a woman Samurdhi officer Rajani in China Bay asking for her younger brother. They purported to have a letter from another brother asking her to send him the younger through the persons in the van. She refused to take the letter, raised her voice and accused the men of having some sinister purpose. The neighbours gathered and the men went away. The Tamil community there became afraid and all 90 families moved into the local church as refugees.

Men in what is believed to be the same white van went at 5.30 AM the next day to Kavatikuda near China Bay, where 31 Tamil families, victims of the tsunami, are housed in a cluster of temporary huts. The intruders went to one hut, chosen apparently at random, lifted a plastic sheet that served for a window, and opened fire. A 49 year old woman, Mrs. Nallammah Kanthasamy, was killed and her husband Pasupathy Kanthasamy was injured in the forehead and an eye. Our informant said that the villagers were leaving for the same church as refugees. Some days later they went back to their homes, but what of their will to stay on? If such vigilantism needed provocation, the Tigers were generous with it.

On the 21<sup>st</sup> the LTTE attacked with a claymore mine a route clearing patrol between Dehiwatte and Kiliveddy in the Allai colony area south of Mutur. A Tamil youth from Menkamam was killed in reprisals. On the 23<sup>rd</sup> the LTTE killed 6 Sinhalese farmers in Gomarankadawela north of Trincomalee.

A story which was given considerable publicity in the Colombo media though badly reported was that at 2.00 PM on the 24<sup>th</sup> afternoon in Seruvila Block C, the LTTE hacked to death a Sinhalese woman and her infant. According to the *Island* (26<sup>th</sup>), which sourced the story to the Army, LTTE men in flight after attacking some home guards, stopped to attack the Sinhalese woman feeding her infant. The *Daily News* (25<sup>th</sup>), which gave the woman's age as 38 said that the home guards came upon hearing the cries of the woman. Both reports neither gave her name nor made any reference to her family. *TamilNet* claimed that a Sinhalese person named Pushpakumara was shot dead in the area by unidentified gunmen half an hour earlier at 1.30 PM. The AFP report of the following incident two days later, which the Colombo media was silent on, indirectly gave some substance to the slaying of the Sinhalese woman as talk among people of the area. So

much for indignation about the foreign media's bias and the media war. The local media has mostly given poor quality reports that are calculated to stir passions rather than to inform, as with the unproven claim that the woman suicide bomber who attacked the Army Commander was pregnant.

Two days later, on the 26<sup>th</sup> afternoon, two armed Sinhalese men in masks, believed by Devi Joseph (38) to be army soldiers, or possibly home guards, came to her home in neighbouring Seruvila Block B dominated by Tamils. She was about to fetch her children from school. They forced Devi holding an infant, her brother, uncle and husband to accompany them to the Sinhalese dominated Block C. They were lined up near an irrigation channel and the abductors opened fire. The three Tamil men were killed. Devi's legs were smashed by bullets and she fell into the channel, protecting her infant.

Three Tamil boys in the area, 13, 12 and 9 years, then ran into some Sinhalese homeguards, whose identity they knew, who trussed them and roughed them up, pushed them into the channel, stood on their heads and let them go warning them not to talk about it. It was later that they came to know of the shootings of Devi's family.

It is extremely difficult to chronicle all the incidents or place them in an order. One gets to hear some of them quite by accident. Tit for tat is largely meaningless as an explanation. The Tigers have a clear agenda and indeed, they have reportedly recruited hundreds of Tamil youths in the District, who are too young or too angry to see the futility of it all. They cannot see that the Tigers have nothing to offer in return for all the Trinco youths they had got slaughtered as fighters and traitors.

Government policy on the other hand by default or otherwise is being determined by extremists controlling the defence ministry. The events, though so far on a smaller scale, sadly read like the dark days of 1985 when the Army as a matter of policy went for the Tamils in Trincomalee. That was soon after Sinhalese home guard units were created. Their historical unchanging role has never been to protect Sinhalese against attack, but to go under army protection to the nearest Tamil village after an attack and massacre those too weak or infirm to run away. Whether directed by soldiers or home guards, the weapons that are killing Tamils are government-owned weapons and that gives a message the people grasp instinctively: that the Government has little intention of being the government of the Tamils as well.

The failure of government is disturbingly evident at several levels. Government media and government spokesmen are zealous at publicising brutality towards Sinhalese, but when it comes to Tamil victims, they usually deny it outright or put it on the LTTE. A closer look at what happened in Trincomalee town on 12<sup>th</sup> April throws further light on government policy.

## **2.2 What happened in Trincomalee on 12<sup>th</sup> April?**

The mood of menace was already fomented in Trincomalee by the erection of the Buddha statue in May last year and the arbitrary execution of 5 students by the STF last January.

What happened on 12<sup>th</sup> May is therefore not out of character. Those utterly cynical about the security forces in Trincomalee and the Government's intentions include persons of all communities. It is an unsubstantiated, but almost universal belief among Tamils that the bomb that went off near the vegetable market that preceded the communal attacks was set up, and the attack was pre-planned. The same opinion has been communicated to Tamils by members of the security forces. A naval man from Kandy told a Tamil official that they knew it was a set up, but what to do, they need a salary to live.

The Government's loss of credibility has also thus a debilitating effect on morale of the security forces. There was no official with real power to whom the Tamils could turn for reassurance. Nominally important Tamil government officials gave assurances to calm the people, telling them that they would see to it that the violence would not happen again, and then admitted privately that nothing would change.

Once the "set up" theory is implicitly accepted, the conclusion that the violence was all preplanned becomes highly plausible. We did not find the evidence to support this, but what we did find out gives us no cause for complacency:

The Government version is that spontaneous reactive violence ensued after the Tiger bomb attack on civilians, but that this was quickly brought under control. This version leaves so much unsaid, which people had witnessed and talked about. When the Government is so cavalier about the truth, one could hardly blame the people for believing that every Tiger bomb is a government plant.

The "set up" theory would suggest that gangs were already in place to start attacking Tamils once the bomb went off. Versions supporting this theory claim that Sinhalese mobs were ferried from places 20 miles or more distant as Kantalai and Seruvila. The time required in travel would imply at least that these people were assembled near Trincomalee, armed and vehicles kept ready to move at a moment's notice. The logistics and the testimony of people who had checked in Kantalai rule this out.

Sources, both trusted and well wired to local goings on from Kantalai, told persons close to the UTHR(J) that no such party of thugs returned to Kantalai that day and drew a blank on looted goods arriving in Kantalai. These persons also found no signs of preparations for an attack among Sinhalese in Trincomalee and no traces of a rumour that the LTTE would attack the Trinco market.

We rule out the claim that the original bomb blast was part of a Sinhalese plot to attack Tamils. Other factors too point the finger at the LTTE. The LTTE media by simply mentioning the bomb blast and then moving on to attacks on the Tamils, suggests that the bomb was probably theirs. One story circulated among Tamils later said that the bomb was actually meant to destroy the controversial Buddha statue in Trincomalee that had been the source of so much unrest previously, but had gone off accidentally. Another story, reportedly issued in a leaflet by an LTTE front said that some Sinhalese were transporting the bomb to a part of the market where there were a large number of Tamils at that time, but it exploded prematurely killing a number of Sinhalese. From what we

can determine, in fact the bomb was not moving anywhere, but had been left on a parked bicycle as the one meant for a navy patrol on 1<sup>st</sup> May.

We may also dismiss the theory put forward in some quarters that the JVP was behind the market bomb and was instrumental in the violence. The factors adduced for JVP involvement are its attempts to build a following among the squatters at Koreawatte by building houses for them soon after the tsunami which it stopped after a show of Tamil opposition; and also the fact that the Buddhist incumbent monk at China Bay who chanted blessings at the erection of the offending Buddha statue, is among his other affiliations known as a JVP supporter.

The JVP although represented by an MP in the District joined the President in saying nothing about the troubles in Trincomalee. Despite its opportunism of silence, the best information we have is that the JVP leadership at district level was not at all keen on stirring up problems with the Buddha statue, when they were also interested in building up a base among the Tamils and Muslims. Those in Trincomalee itself who blame the JVP of a role in the recent troubles are exceptional.

There may have been some general antipathy towards Tamils because of continued LTTE provocations and the alleged market bomb on the eve of the New Year may have tipped the balance. But there is no evidence of a deep preconceived plan to attack the Tamils. The Tigers also chose the New Year for a provocation in 1987, when India was applying pressure on it to negotiate. It massacred over 120 Buddhist pilgrims at Kituluttwa close to Trincomalee, triggering off a spate of reprisal missile attacks in Jaffna. Time it seems has stood still. On the part of the Tigers, the tactics are too stale to deserve the credit of being termed a conspiracy. It is more a testament of how little the Government and international community have learnt.

If we put aside the supposition of a deep conspiracy, the events certainly reveal the deep seated institutional problems faced by the Tamils that have made Trincomalee a rich recruiting ground for the Tigers regardless of the delicate situation of the Tamil community as a whole and the patent harm the Tigers continually did to them.

### **2.3 State Complicity at High Level behind Trincomalee Violence**

There are very cogent reasons why we place the main blame on the State, and moreover why we believe that high ups in Colombo both knew about the violence in Trincomalee and let it happen. The actual size of the mob was quite small at 100 – 150. This combined with the huge presence of all the branches of the security forces in Trincomalee, makes the kind of unchecked violence that went on for 2 hours practically inconceivable, unless they were part of that violence. The main police station was barely a mile away, Fort Frederick about half a mile and there was an army sub-camp very close to the market. It is hard to believe that the attackers used their weapons in murder and arson without the knowledge of their superiors.

The task of maintaining public order rested with the Police in the first instance and if they found their resources inadequate, the Army and Navy were bound to help them. The mob could very easily have been controlled by the Police. But the Police remained mere observers. According to police sources, orders were passed down by Head Quarters Inspector Senanayake asking his men on duty not to shoot or fire tear gas on the Sinhalese mobs, but to stand aloof. We understand that there was subsequently a letter transferring him out, which to this time has not been carried out. What were his superiors, the ASP, SP, SSP and the DIG (Rohan Abeyawardene) doing during the two hours of mayhem?

A section of the mob according to knowledgeable persons came in a dozen or so auto-rickshaws from Sinhalese settlements around the city. The Army and Navy had sentry points at almost every junction, but made no attempt to stop these reinforcements who were just such a threat to peace as they were meant to prevent. As for the Navy, they were at the centre of the brutality.

There was general talk that a civilian truck bringing attackers had come from Fort Frederick. A security official deemed highly reliable confirmed that after the market blast, a truck came from Fort Frederick with several of the attackers. About half of them were in civilian dress with service haircuts suggesting that they were off-duty soldiers. The rest were thugs from Koreawatte. This matches the earlier testimony of two escaping civilians seeing armed hoodlums getting out of Chooty Mudalali's freezer trucks, forcibly taken over probably by the security forces. Koreawatte (Vijithapura) is a squatter colony of Sinhalese fisherfolk under army patronage on land by the sea near Fort Frederick, used in the ceremonies (*theerthams*) of Koneswaram and Kali Kovils.

Another piece of testimony pointing to high-level complicity comes from members of Trincomalee's Chamber of Commerce. About February this year, a high level meeting between top security officials in Trincomalee and the Chamber of Commerce was held at Fort Frederick. The meeting was chaired by GoC Maj. Gen. Sumith Balasooriya (since replaced), with the top brass of the Navy, Air Force and Police in attendance. The Chamber of Commerce raised just the issue of a possible attack on the market, which in previous times had resulted in violence and arson against Tamils and their establishments in particular. The Chamber requested the security brass to have an emergency plan to act fast and nip the violence in the bud.

The security brass agreed profusely and gave the Chamber a series of telephone numbers to call in the event of an emergency. The feared event came on 12<sup>th</sup> April, and could have been easily controlled. The Secretary to the Chamber of Commerce tried all the numbers given, especially the Army, Navy and Police and none of the calls was answered. The GoC Maj. Gen. Jayawardena had just been transferred and Colonel Wickremaracchi was the Actg. GoC. He later told a member of the Chamber that he had been out of Trincomalee during the trouble on the 12<sup>th</sup>. The Police SSP was new, but the SP Kapila Jayasekera later told the Chamber that on that day he had been out of Trincomalee, in Habarana. The Chairman of the NGO Consortium had telephoned the SLMM. The SLMM said that they were waiting for a police escort to visit the troubled area and the

Police seemed overstretched. It seemed to those at the centre of things that the security top brass had already planned out their absence and alibis.

These facts taken as a whole, lead us to the conclusion that although the LTTE set off a bomb, it was with the active involvement and encouragement of the security forces that the violence became a major communal outburst. There was first relatively minor violence which took on new vigour, following a lull, after the security forces began actively stoking the flames. Tamil businesses which form the community's economic base were the principal targets. Tamil civilians were killed when they were unlucky enough to fall into the hands of the mob, but were not pursued beyond a point. The manner of thinking smacks of a class interest. That of those to whom a chauvinist agenda goes hand in hand with commercial advancement, reminiscent of July 1983.

The top echelons of the security forces could hardly have helped knowing what was going on, as with their bosses in Colombo. They had decided beforehand, or after a quick series of phone calls, to keep off and let it burn. The OIC who gave orders to his men not to interfere with the violence is very unlikely to have acted on his own. The continued protection of the Superintendent implicated in the killing of the 5 Tamil students shows where things stand in the security establishment.

The events of the 12<sup>th</sup> had a comic tailpiece. Inspector General of Police Chandra Fernando visited Trincomalee with the other service chiefs – perhaps compliments of the Indian Prime Minister's telephone call? The IGP offered some consolation to businessmen who had suffered loss. He said that this was communal violence. In Paris, he said, communal violence went on for four days. But in Trincomalee, it lasted only two hours.

Those who heard him pointed out that in Paris, the Police made every effort to arrest the miscreants. But in Trincomalee, no arrests were made. No effort was made to trace the loot, which according to Sinhalese sources in Kantalai, did not come that way and is likely to be hidden in Trincomalee itself. No Police search was made of places like Koreawatte.

The state's inability to discharge its functions of upholding the law and its resort to utter falsehood is proof of its collapse. This creates conditions for rapid polarisation along communal lines and the reign of prejudice, hatred and stereotyping. One only needs to look at the Press and the vast differences in perception between the Tamil media, the Sinhala media and the English language news to see how wide the chasm has become. To many in the lower ranks of the security forces in Trincomalee who observed the behaviour of their superiors, it appears that they engineered the whole thing, including the market bomb.

On the one hand there is a noticeable growth of distrust of Tamils in the South and an enhanced licence for impunity. Among Tamils in Trincomalee in particular, one finds a disturbing trend of readiness to whitewash the crimes of the LTTE. There are beliefs in some quarters, especially the young, that not only was the market bomb wrongly blamed

on the LTTE, but also it was Sinhalese from Gomarankadawela who were brought into attack Tamils on the 12<sup>th</sup> who were killed by the LTTE on the 23<sup>rd</sup>.

Unless there is an international initiative to bring about radical change, we cannot arrest the malignant drift. It suits the Tigers very well. The Government, a prisoner of its own lies and ineptitude, would go on believing in more and more impunity as the way forward and the results would add to this conviction. The shelling of Mutur following on the violence in Trincomalee is an example of how the logic of accelerating division and widening of diametrically opposed interpretation works.

## **2.4 Trincomalee: Achilles Heel and Flashpoint**

Any attempt at peace must first address the problem of Trincomalee. Almost every attempt at a settlement has come unstuck in Trincomalee. Both Sinhalese and Tamil nationalism have shown their worst in Trincomalee. Take for example the STF unit sent to Trincomalee by defence advisor Kotakadeniya, which executed five innocent students. Nothing so brutally irrational had been done elsewhere in recent years by the security forces, why Trincomalee? We quoted police sources as naming Superintendent Kapila Jayasekara as being instrumental in the tragedy. Police involvement is also suggested by their clumsy attempt at forcing the parents of the deceased to make statements certifying falsely that their sons were members of the LTTE. Any assurances of accountability came to nothing and the Superintendent retained his position of crucial authority when the incidents of 12<sup>th</sup> April took place.

Trincomalee is a small place bursting at the seams with the presence of the security forces inducted in on a variety of pretexts including protecting the new Buddha statue. To pretend that the violence in Trincomalee by a few score thugs could not be controlled because HQI Senanayake issued the wrong orders is nonsense. He has above him an ASP, SP, and a DIG. Overlooking the town is the seat of army Major General Ranjit Wanasinghe.

The President remained silent and did not fight the battles he should have fought within his administration. The DIG and the SP should have been interdicted. The violence was again allowed to flare up on the 14<sup>th</sup>, and arson and murder permitted for long enough for three villages to be attacked. The President now complains of having a media war on his hands. What could he expect from the global media when one or more Tamil lives for every Sinhalese life has become the operative norm, when extra-judicial killings have become routine and when the Government pledges adherence to a ceasefire that obliges it to observe international law regardless of what the LTTE does?

The events once more throw into relief what Tamils in Trincomalee have been complaining of for decades. There has long been unwritten collusion between the government administration, the security forces and the hoodlum elements from the Sinhalese settlements to make life unpleasant for the Tamils in Trincomalee whenever an opportunity arises. This is aimed at eventually forcing them to quit. If one did find the politics of those like the late Vigneswaran a bit extreme to be likeable, it must be set

against forces like the JHU that voice Sinhalese extremist obsessions about Trincomalee. Victimhood is seldom beautiful or lovable.

## **2.5 Reflecting on History: Making Trincomalee a Zone of Peace**

In 1968, the Sinhalese extremist agenda concerning Trincomalee took a new turn when Prime Minister Dudley Senanayake was called upon to fulfill his pledge to his government's coalition partner the Federal Party, to make the Koneswaram Temple precincts in Fort Frederick a Hindu sacred area. A Sinhalese lobby led by retired archaeological commissioner C.E. Godakumbura launched a publicity campaign claiming that the temple was an interloper occupying the site of the vanished Gokanna Buddhist Vihara. To find a clinching political argument, he pointed to the development of the Indian naval base at Visakapatanam and argued that a Hindu sacred area in Trincomalee would become a haven for fifth columnists who would prepare the way for an Indian invasion of Ceylon. Prime Minister Senanayake dropped the promise of a Hindu sacred area citing national security reasons.

The campaign to make Trincomalee Sinhalese Buddhist gathered a new frenzy in the 1980s with grand plans for Sinhalese settlements and a huge Buddha statue installed in Fort Frederick and military operations in 1985 killing hundreds and forcing many Trincomalee Tamils to seek refuge as far a field as India. (See out Report Nos.11 and 12 of 1993 for details.) Present events show the same agenda to be very much alive. There can be no peace unless and until the matter is settled with justice to all. We do not see any prospect of the matter being settled within Sri Lanka without a resort to utterly ruinous violence.

During the recent violence both Sinhalese and Tamils from the humblest ranks in Trincomalee District have been coming forward and telling visitors and journalists their disgust at what the security forces and the LTTE have been doing in their name. Tamils who lost their loved ones have condemned the LTTE's provocations and mine attacks. Sinhalese in Allai who earlier asked for more protection from the security forces have told visitors that they would like the Army and home guards to quit the place so that there may be some hope for them to live in peace.

We are today witnessing the fallacies of a ceasefire agreement and its implementation that have taken little account of the wrecking potential of unchecked human rights violations. The Government and the LTTE have neither the ability nor the intention of addressing what the people desire most: a life free of such endemic violence. They have had decades of experience and know that violence means no peace and always tragedy. It is up to international actors to step in. The international community should in the interests of peace in Sri Lanka, make some firm moves that would first make Trincomalee a zone of peace, where armed movement is confined to a minimum, while urging the two parties to come to a political settlement on the sum of issues.

### 3.0 Lessons from the CFA

Knowing the nature of the LTTE, UTHR(J) was among those who protested from the beginning the likely outcome of a peace process whose chief inspiration was the appeasement of the LTTE in the vain hope of luring it gradually into mainstream politics. By promoting this position, the LTTE was allowed the freedom of unchecked violence and human rights violations. The people in the North-East who remembered the impact of appeasement in 1990, never lost sight of what was in store in spite of the welcome relief that came when open warfare was no longer a daily event.

The LTTE left no one with eyes in doubt. 60 days from the signing of the agreement when the LTTE went to Jaffna to set up its political offices, Horse-vaulting Gajendran (MP!) marked the occasion by threatening that if the 40,000 government soldiers did not leave Jaffna their corpses would fertilise the soil. In addition to unchecked child conscription and political killings the LTTE contrived demonstrations of school children to force the Army out of its camps. School principals who resisted were terrorised.

Those in the South who thought the CFA a brilliant stroke to corner the LTTE, whatever its cost to the Tamils, began stirring in disbelief. We warned that this process, in which the LTTE was stirring up Tamil extremist sentiment to enforce its control, would eventually let loose the latent and disillusioned Sinhalese extremism in the South. In the end, everyone who felt their survival or vital interests were at stake and who had no voice in the process would begin to see violence as their only option. A government feeling cornered (as when the LTTE began landmine attacks) and forced to show technical adherence to the CFA because of military and economic uncertainties, was likely to support clandestine violence against the LTTE. All this has come to pass.

The document [\*'Extra-judicial, summary or arbitrary executions'\*](#) authored by Special Rapporteur Philip Alston, and released by the Economic and Social Council of the United Nations on 27<sup>th</sup> March 2006, comes across as a carefully researched document of admirable intellectual clarity touching issues of peace and human rights in Sri Lanka<sup>1</sup>.

Summarising its main conclusion, the report says in its introduction: “... *human rights must be made central both to the peace process and the general system of governance. At present they do not receive the attention they warrant from any of the parties concerned. It suggests that the struggle for hearts and minds in Sri Lanka will be won by those who demonstrate that their actions as well as their vision for the future are solidly grounded in human rights.*”

We were among those who argued for a principled approach to the conflict that did not compromise on human rights or underestimate the importance of what at first might appear to be isolated acts. The killing of even one of the LTTE's political opponents or

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<sup>1</sup> **Civil And Political Rights, Including The Question Of Disappearances And Summary Executions: Extra judicial, Summary Or Arbitrary Executions: Report Of The Special Rapporteur, Philip Alston**

the terror to which the Hartley College Principal was subject, should have been nipped in the bud, by imposition of the harshest possible penalties by international actors short of military action.

The Special Rapporteur has given studied expression to these same concerns: *“The problem of political killings cannot be appreciated through statistics. Those dead since 2002 number in the hundreds, not the thousands, and it could be tempting to speak dismissively of a “high murder rate” or of an “imperfect but workable peace”. The social consequences of these political killings are, however, exponentially more severe than those that would follow from a comparable number of common crimes or random ceasefire violations. The purpose of these killings has been to repress and divide the population for political gain. Today many people - most notably, Tamil and Muslim civilians - face a credible threat of death for exercising freedoms of expression, movement, association, and participation in public affairs. The role of political killings in suppressing a range of human rights explains why members of civil society raised this more than any other issue.”*

The neglect of these concerns has left the Tamil people in particular in a far worse plight than before the CFA. No thanks to the Government and Norway, which did almost everything wrong by the Tamil people. The Karuna faction’s breakaway provided an opportunity that should have been handled in a principled manner giving primacy to the well being of the people of the East. Instead, both these actors cleared the way for the Vanni faction to hunt them down, until they had no options left. Now it is the Sinhalese extremists who have their own agenda for the East, and have no intention of coming to a just settlement with the Tamils, who have become Karuna’s champions.

The CFA, whose dangers were evident from the beginning, encouraged people to come to terms with the LTTE simply to exist. There was no other way for them. They spoke on LTTE platforms, took office in LTTE-sponsored auto-drivers associations, got involved in business ventures with the LTTE, were appointed as the LTTE’s agents to temple boards and cooperative societies and encouraged children and youths to participate in the LTTE’s ‘people’s war’. They had little choice under the CFA dispensation that was imposed on them by the Government. It looked foolproof for the LTTE. Now it is these poor and ordinary people who should have been the beneficiaries of the peace process who are being killed as part of counter terrorism. (See Appendix.)

Even at this late stage, if the Government is seriously concerned about its human rights obligations and in turn its credibility, it has much to profit from Philip Alston’s report and the implementation of its recommendations:

*“Human rights law affirms that both the Government and the LTTE must respect the rights of every person in Sri Lanka. Human rights norms operate on three levels - as the rights of individuals, as obligations assumed by States, and as legitimate expectations of the international community. The Government has assumed the binding legal obligation to respect and ensure the rights recognized in the International Covenant on Civil and Political Rights (ICCPR). As a non-State actor, the LTTE does not have legal obligations*

*under ICCPR, but it remains subject to the demand of the international community, first expressed in the Universal Declaration of Human Rights, that every organ of society respect and promote human rights.”*

#### **4.0 Violence by Political Default**

Arguments in favour of summary killings as part of counterinsurgency arise in the context of political failure and bankruptcy. This is the fate of the Tamils today. The series of assumptions that come naturally in the face of such failure and the actions arising from them are self-reinforcing. Meaningful political initiatives on the other hand such as the offer of a concrete political settlement, alters the dynamics and opens up a new set of possibilities. The Premadasa government tried appeasing the LTTE by conceding the power to kill Tamils at will, without any move towards a settlement. When the LTTE went to war unconscionably in 1990, the gut reaction of the Government was that the Tamil people who never came into the picture had let them down, and it massacred Tamils indiscriminately. We now see history threatening to repeat itself.

The UNP opposed President Kumaratunge’s federal proposals in 2000, also encouraged Sinhalese extremist groups to do so playing on the fears that it would divide the country. Having then returned to appeasement, the UNP committed itself to federalism, but no concrete proposals were made except to drop hints that Kumaratunge’s proposals it rejected may be revived. The South lacked the statesmanship or enlightenment to put differences aside and move on the matter, as the only means of countering the LTTE. Once more it is the Tamil people, Sinhalese in border areas, the security forces and the LTTE’s child soldiers who are facing the brunt of the loss of political will at the top.

The Government’s reaction to the attack on the Army Commander was typical of equating the Tamils with the LTTE. How could the Government and many newspaper columnists see attacking a part of this country with missiles with the expected collateral casualties of Sri Lankan women and children as upholding the country’s sovereignty? Only imperial powers regard push button reprisals against recalcitrant subjects in this light. The events are also part of the picture where the Government showed a lack of political will in dealing with the communal violence in Trincomalee. It is against a failure of political will that shelling Tamils to prevent communal riots appears a reasonable proposition. How would the Tamils react to these?

These events are also part of the context of summary killings by state-linked killer groups. One-to-one most TNA MPs are reasonable. A member of the Government having a friendly chat with one of them would likely have been told that they daily lived in fear of the LTTE’s displeasure. One of them even told a friend that he was safer in the LTTE-controlled area as there were two attempts on his life by the LTTE when he was outside. That was until state-linked killer groups started targeting TNA politicians. In the context of a meaningful political initiative by the Government these persons could have been handled differently with profit and they would have had to tone down their political rhetoric, and it is the LTTE that would have been cornered.

Today instead, rhetoric abounds, people are being cornered and alienated from the Government. Once again, individuals who could be handled politically are being killed in the name of security. And once that river is crossed, the reasons for killing will have no bounds. And in effect the Tamils as a people are being handled with contempt, having been delegated to the care of extremists in the defence establishment who suffer under of variety of misperceptions.

They do not appreciate that Tamil Nadu in India is a reality 20 miles away, where violence against Tamils in Sri Lanka has the potential to become an explosive issue. They do not understand that rising international strictures against the LTTE owe only very minimally to diplomatic efforts by Sri Lanka, and instead have developed mainly due to the strident Tamil opposition to the LTTE that has developed in North America and Europe in the last several years. It was this constituency that exposed the LTTE's systematic extortion and lobbied against the LTTE with Western leaders, carrying far more credibility than the Government. One hopes that the Government would see the wisdom of abandoning its present, violent, chauvinist course and deal with the growing tensions through a political initiative. Using killer groups and sending missiles into civilian areas is not justified even in the context of war. Indignation without moral commitment would finally burn itself out in the ashes of barbarism.

## **Appendix**

### **The Patterns of Violence and Extra-Judicial Killings**

#### **A0.0. Introduction**

The sample given below tries to capture the ongoing patterns of killings and disappearances in the North-East. These are mostly everyday events, which form the background for the lawlessness that precipitated the deeper violence in Trincomalee for which the causes are more endemic (see the main bulletin). Once more the people are caught between the LTTE's provocations and selective killings as part of its perennial struggle for a fascist state, which has exiled the majority of the Tamil middle class in distant lands; and the State in its blind arrogance falling back on old discredited methods. In one of the worst incidents so far (13<sup>th</sup> May), eight civilians including a child of 4 years and an infant of 4 months were gunned down in a house in Allaipiddy, in an episode of counterinsurgency gone utterly insane.

The total absence of any human ethics in the LTTE's methods has also opened the gates to its adversaries, who are no less keen on a monopoly over power, to deal ruthlessly with their long term obstacles at little cost of exposure. One likely such instance is the attack on the opportunistically LTTE-leaning Uthayan newspaper on 2<sup>nd</sup> May.

The Puttur killings of 19<sup>th</sup> April provide an instance of persons being killed by the State to suppress evidence of extra-judicial killing. The current summary way of dealing with persons on mere suspicion is instanced in the Nelliady killings on 4<sup>th</sup> May and the Manthuvil disappearances on 7<sup>th</sup> May. In the last instance we give some social background, which provides an insight into the fatal destructiveness of the LTTE's approach to people.

The reader would see below a number of instances of killing of auto-rickshaw drivers. On the one hand, the LTTE placed them in unions for its own benefit rather than theirs, and compromised them by placing their henchmen as office bearers. Many were also forced to undergo training and act as saboteurs. They had little choice under the CFA. At the same time the LTTE was worried about 'unpatriotic' auto drivers giving information to the Army.

A particular killing we wish to draw attention to is the LTTE's murder of the auto driver Kennedy (23<sup>rd</sup> April). He survived one LTTE attempt on his life and yet stayed on knowing that they would go on trying. For many such persons there is no option. They lack the means to go abroad and have no possibility of making ends meet in Colombo. If they had contacts with dissident political parties, they might live in offices protected by the security forces. But then their families are without an income and meeting them is also risky. They have little choice but to go on from day-to-day, hoping to live another day. This is among the cruelest punishments imposed by the CFA on civilians who wanted to be left alone.

Trincomalee is a special case that has been dealt with in the main section of the bulletin. In Batticaloa the main killings are apparently between the Vanni faction of the LTTE and the Karuna faction, with strong indications of the latter serving as proxies for the State – the latter keeping behind the scenes and providing intelligence and logistical support, as it did to the LTTE when it fought or rather provoked the IPKF in 1988-89.

In the North (Jaffna and Vavuniya) the EPDP appears to be involved in killings at some level, but with the present role of the Police there will be no legal proof. But given its apparent manpower constraints, most killings seem to be done by Tamils working for Military Intelligence. The Karuna group has been named and civilians did report running into a house in the High Security Zone in the Jaffna peninsula occupied by persons of distinct Batticaloa speech. This may not be the Karuna group as hundreds of members of the LTTE from the East had surrendered to the Army over the years. If our suspicion that the EPDP was involved in the Uthayan attack is correct, it gives a picture where raiders coming from different locations with possibly different affiliations get together for a particular action.

Before we move on to the cases, we describe an outrage that stands out on its own for its sheer brutality.

## **A0.1. 13<sup>th</sup> May: Massacre in Allaipiddy, Kayts, Jaffna Offshore**

According to the best information available to us at this early stage, four men wearing shorts and T-shirts went to a shop in Allaipiddy Ward 1 and purchased refreshments including biscuits and aerated water. Next they went to a new looking two-storey house in Allaipiddy Ward 2, where they barged into both floors firing wildly killing nearly all the inmates, five on the ground floor and three on the first floor. Among those killed on the ground floor were the young couple Palachamy (28) and Esther (24) Ketheeswaran and their children Dhanushanthan (4 years) and Yathurshan (4 months). They were all sleeping, the children cuddled between their parents. T. Sellathurai, whom we learn was Palachamy's father, was injured. He may have been out of the house. Also killed was Joseph Anthonymutthu (64), father of 5 who was listening to the radio.

Those killed on the upper floor were Ganesh Navaratnam (50) and two young men Abraham Robinson (28), father of 3, and Sellathurai Amuthas (28), father of 1. All those killed in the two-storey house were involved in the fishing trade.

Following the killings at the two-story house, the 4 men went back to the shop where they had purchased refreshments and opened fire, probably with the intention of killing witnesses who may be able to identify them. The injured in the shop were Sinnathurai Sivanesan (46) and his wife S. Mohanambikai (46). The injured were taken to Jaffna Hospital the next day, where Sivanesan succumbed to his injuries.

While nothing can excuse these killing, local sources associate this madness with the dwellers upstairs. Ganesh Navaratnam was originally from Kottady in Jaffna town. We learn that of his five children, 3 boys live in the LTTE-controlled Vanni, one son is a mason in Jaffna and his daughter is married to Arul, an important LTTE functionary in the Mannar District. On 29<sup>th</sup> April there was a claymore mine attack on the Navy at Allaipiddy Junction (see below). The locals think it likely that the Navy placed the persons living upstairs in that house with Navaratnam among the suspects.

There is little doubt that the killers are linked to the State and the killings are an instance of the growing practice of killing and terrorising ruthlessly on the merest suspicion.

**Further Atrocities:** Within three hours armed men visited Puliyanhoodal in the same area, entered a house and gunned down Murugesu Shanmugalingam (72), his wife Parameswary (65) and their last son Kantharooban (22). The raiders then set fire to some business premises in the same area. About that time, gunmen shot dead a shopkeeper Ratnam Senthoran in Vangalavadi, Velanai. This brought to 13 the number of civilians killed in the same area on the night of 13<sup>th</sup> May.

**Why the Navy is the Prime Suspect:** Nothing of the indignation reserved for the LTTE's killing of Sinhalese civilians appeared in the Colombo Press. The *Daily Mirror* (15 May) did mention the killing of the two children. The *Island* did not mention it, except that 13 civilians were shot dead by unspecified gunmen. But reported intriguingly,

*'The Navy insisted that they opened fire after they were attacked with grenades.'* The *Daily Mirror* was given a different story by the Navy, no grenades or firing: "Navy spokesman D.K.P. Dassanayake said "at night we are confined to our camp in the islets, as a precautionary measure, to avoid clashes with the Tigers" adding "that night also we were inside the camp, but we had to help some civilians control a fire, which broke out twice in some shops near our camp."

The state-owned *Daily News* reported President Mahinda Rajapakse while vehemently condemning the killings of Tamil civilians in Mandathivu Island off the Jaffna peninsula, ordering a full-scale inquiry into the incident. Going by what the government spokesman on security matters, Keheliya Rambukwelle, was saying in the same edition, one could be fairly sure that this full-scale inquiry would also meet the same fate as all others he had ordered into violations against Tamil citizens (e.g. the killing of five students in Trincomalee). Rambukwelle said that the ruthless killings of Tamil civilians could very well be a part of the LTTE strategy to divert the international opinion.

The same report on the Government spokesman added: "*Initial investigations have revealed that an informant who worked with a political group and his family members were gunned down brutally.*" This was an attempt to identify the main victims with the Government's ally, the EPDP. The EPDP Tamil website which first reported only the shooting incident in the shop, was rather late in acknowledging the killings in the two storey house, and made no claim to any connection with the victims, nor did it attempt to say who was or was not responsible.

The Navy camp is within quarter of a mile of the incident and the LTTE presence in the area is low. We have given reasons based on the connections of Ganesh Navaratnam why we blamed the atrocities on agents of the State, which is further confirmed by the Government's and Navy's reactions. Were it a killer group linked to the state, but not the Navy, it could not have operated independently of the Navy. Local civilians have also charged the Navy of blocking access to the area, rather than helping the injured to be taken to hospital expeditiously.

17 Navy men were killed on 11<sup>th</sup> May when the LTTE attacked a sea convoy transporting troops from Trincomalee to KKS and the Navy was also looking for persons behind the claymore mine attack on 29<sup>th</sup> April. Apart from the shop, in the three places where the gunmen carried out atrocities, there were one or more young men in their early 20s. Even if suspicions were well founded there was no question of arrest of suspects. Everyone was targeted, including elderly and children, along with witnesses who might later prove a problem. Those who survived did so by chance. That is the spirit of the times. Forebodings of barbarism of this kind can be seen in the cases below.

**The Global Impact of the Night of 13<sup>th</sup> May:** The present mood in the South of ignoring and covering up the misdoings of the Armed Forces may deceive the Government into blissful complacency. But to get some idea of the international impact and that on tens of millions of Tamils worldwide, one only needs to look at how the

prestigious and popular BBC Tamil Service covered it on the night of the 14<sup>th</sup>, purely as a matter of competent journalists doing their job.

When asked about the incidents the Military Spokesman Brig. Samarasinghe tried stonewalling behind standard allusions to police investigations and his inability to comment in the meantime. Pressed on by the reporter, he said that as professional security forces of the Government, they would never receive authority to commit such crimes. From then on his waffling became very evident. He admitted to a question that if investigations find a member of the armed forces guilty they would face court martial. Being familiar with events of the last few months, including the killing of the 5 youths in Trincomalee last January, the interviewer asked the spokesman, whether there was anyone facing court martial hearings. The Spokesman waffled on indistinctively saying nothing meaningful. Perhaps the thought crossed the Military Spokesman's mind that he would have felt less uncomfortable fighting a real war, than fighting the Government's 'Media War', which the President alluded to recently.

## **A1.0 Jaffna District**

**10<sup>th</sup> April:** 7 killed including 5 soldiers and 2 employees of the Roman Catholic NGO HUDEC who were travelling in a van. The later are Pathmanathan Shanmugam (55) and Pradeeshkumar (25).

**11<sup>th</sup> April: Thambu Kopalasingham (26)** – a mini bus driver from Kayts was beaten and killed by persons who came home. It is thought locally that the victim was killed for being an LTTE supporter.

**12<sup>th</sup> April: Sellathurai Dhanenderan (36)** - an Auto Rickshaw Driver of Power Station Road, Chunnakam, was called out of his house at 6.30 A.M. by gunmen who came home and shot him dead. The victim is said to be an LTTE supporter and his killers from a State-linked group.

**12<sup>th</sup> April:** Selvaratnam Vijayakumar, a tailor from Mirusuvil North was shot dead by persons who came home at 8 PM. The reasons for his murder are unclear.

One version suggests that a party working with the Army killed him because his shop is near a place where a claymore mine attack against the Army took place. The second version says that he was killed by the LTTE because he did tailoring for the Army.

**13<sup>th</sup> April:** Panchacharam Kirupaharan (33): was the proprietor of Saranga jewellers, Chavakachcheri and lived in Sangathanai. He was called out at 6.30 AM by gunmen who came home and shot him dead. Here again there are two versions: One, he was killed as an LTTE supporter. Two, the LTTE demanded extortion money from him, and he had not paid up.

**13<sup>th</sup> April: C. Thayaparan (22)** of Sarasalai North was called out and shot dead. The victim had formally been in the LTTE and left. The killers are believed to be connected to the State.

**13<sup>th</sup> April: Thambiah Ratnasabapathy (64)** was a retired police sergeant living in Meesalai. He was called out and shot by LTTE men who came home on a motorcycle.

**14<sup>th</sup> April: Muhamed Aziz (23)** was a Street Hawker in Muneeswarar street, Jaffna. He was shot dead at 2.10 PM, by members of the LTTE. According to local sources, he was part of a delegation that went to meet LTTE in Killinochi regarding taxes. Aziz according to these sources resisted paying the amounts demanded.

**15<sup>th</sup> April: Thevarasa Mariyathas** of Munai Point Pedro was shot dead. Doubts about the identity of the killers arise from the fact he had good relations with both the Army and the LTTE.

**17<sup>th</sup> April:** An LTTE claymore mine exploded on post office Road, Chavacheri, killing the boy **Atputharajah Suresh (14)** and **Sivapathasundeream Dileepan (30)**. The mine was meant for either the Army who go on patrol that way or the Police on their way to the Chavakachcheri Courts.

The Army website claimed that the schoolboy killed was being used by the LTTE to set up the mine which exploded accidentally. However the boy's father Maclan Atputharajah was a prospective parliamentary candidate for the EPRLF and was shot dead by the LTTE in May 2003.

A mother testified that she saw two very young persons seated on a culvert hundred yards away from the explosion playing with the gadget, the size of a cell phone. Suddenly there was an explosion and the two youths ran away in a state of shock.

**17<sup>th</sup> April : Ramalingam Sahithan (30)** was the owner of an electrical shop in Meesalai and also owned a vehicle. He was in the Army controlled zone. He was shot dead by persons who came to his shop. According to one source the LTTE had demanded Rs.1 lakh from him and he had not paid up. According to this source when the gunman pointed at him, he lifted up his folded hands and pleaded saying that he would pay the money.

On the other hand, a close relative of Sahithan believes that the Army killed him over suspicion that he was connected to a land mine attack on them.

**18<sup>th</sup> April: Bala Reginald Roshan (38)** who went to his Sinnammah's (mother's younger sister's) place in Colombogam was shot dead by gunmen linked to the State. Roshan was an important member of LTTE intelligence who lived in Jaffna for the last two years, maintaining that he had left the group.

Previously he lived in the Vanni and used to visit periodically his mother's home in First Cross Street, Jaffna. His mother was a hospital nurse.

**19<sup>th</sup> April: 5 killed in Puttur:**

Four persons who went in an auto-rickshaw passed the Army camp in Puttur East at 8.30 PM. They were checked and allowed to proceed to Vaatharavatthai. Our account of what happened differs in some detail from previously published accounts and comes from persons who attended some of the funerals.

After dropping one person the auto rickshaw returned and was stopped by 4 persons in civil, quite close to the same army camp. The driver Balasubramaniam Kannathasan (27) and the other two, Sellappu Kamalathasan (25), an electrical mechanic, and Mahadevan Kishokumar (20), a farmer, were detained and shot dead. Two others who came that way, Kandasamy Gowripalan (32), a Local Council employee and Thangarajah Raveendran (27) also an auto rickshaw driver, were also detained and shot dead. The bodies of these two persons were found separate from the other 3.

Putting together information we received from different sources, the persons the Army were looking for were the two auto drivers, especially Kannathasan. Raveendran had apparently gone looking for Kannathasan when he did not turn up. The local council employee too had come that way by chance. Kannathasan and Raveendran, who were reportedly active in the LTTE's protest demonstrations in the area, had gone to the Vanni when counter-killings started last December and returned after the first Geneva talks.

The three others were killed to eliminate witnesses. Kamalathasan for instance worked in Colombo and came to Jaffna to see his family. He had packed a box of mangoes and was ready to take them to Colombo. He had told his younger sister in Colombo whom he spoke to by phone a day earlier that there were frequent killings in Jaffna and he was coming soon. He would have gone a day earlier had his friends not persuaded him to stay another day. His other two companions had assault marks on their bodies, but he was spared assault. He was shot at close range with a 9 mm pistol. When the news of the killings came out, Brigadier Prasath Samarasinge, the Military Spokesman, denied that the Army had anything to do with it.

**19<sup>th</sup> April: Ambikaipahan Thambapillai** (37) of Kondavil was shot dead by gunmen who came home. There are doubts as to whether a state-linked group shot him as an LTTE supporter or the LTTE shot him over an unfulfilled extortion demand.

**20<sup>th</sup> April: Thavasi Thavachandran** of Chulipuram was a fish merchant. He was shot dead by the LTTE, although, he was also thought to be friendly with them. Ellalan Padai, an LTTE front, claimed responsibility. It is thought that his trips to the Islands, where there is a strong Navy presence, to make his purchases, aroused the suspicions of the LTTE.

**22<sup>nd</sup> April : Subramaniam Vaseharan** (28), local president of the Auto Drivers' Association and father of two, together with **Rathinam Rasithan** (23) were shot dead at the Nelliady bus stand by gunmen linked to the State who came on a motorcycle. The deceased, both from Rajakiramam, Karaveddi, had gone to the Vanni when killings by state-linked groups commenced and came back after the first Geneva talks, thinking it was safe.

**22<sup>nd</sup> April: Gurunathan Janarthanan** (23): The victim, a native of Irupalai and auto rickshaw driver, was shot dead by the Army after a round up in the area. According to local sources the Army had been looking for him after two claymore mine attacks on them in early December in Irupalai and Kodikamam respectively, after which he had reportedly gone to the Vanni and returned. He was suspected of leading an auxiliary group tasked by the LTTE to carry out mine attacks in the name of a 'people's war'. Evidently, the Army expected to find more persons but the others had escaped.

**23<sup>rd</sup> April: Amirthanathan Kennedy** (35), a former member of the PLOTE and an auto rickshaw driver, was shot dead by the LTTE in Navanthurai. A week earlier an attempt by the LTTE in the Jaffna hospital bicycle park had failed.

**23<sup>rd</sup> April: Nagamuthu Thiruchelvam** (71), who was Deputy Chairman of the EPDP controlled local council in Kayts was shot dead by the LTTE. The LTTE front Ellalan Padai claimed responsibility.

**23<sup>rd</sup> April: Rasanayagam Jegan**, a former member of the LTTE had married and settled Maravan Kulam (Thenmaratchi) and was the father of a child. He was shot dead by gunmen very likely linked to the State.

**24<sup>th</sup> April: S. Sathiyathan** (39) was a resident of Puthukuddiyiruppu in the Vanni, who fell ill and came to Jaffna to be treated at the Jaffna Teaching Hospital. He was to have returned on 25<sup>th</sup> April but was stuck in Jaffna because the Muhamalai exit point was closed owing to the attack on the Army Commander in Colombo. He went to stay with his relatives in Church Lane, Urumpirai, and was the same night shot dead by gunmen linked to the State.

**24<sup>th</sup> April: Kandasamy Rajeswaran** (30) was a bus conductor from Aavarangal, Atchuveli. He was serving in a bus passing Kanagam Pulliyady junction, near Chavakachcheri, at 7 PM, when he was shot dead by the Army. There were only 4 passengers at that time in the bus. One hour earlier a soldier had been shot dead by the LTTE at the same point. It is not known why the Army fired at the bus, whether it was because they signalled and it failed to stop or out of revenge.

**26th April: Rasiyah Rajmohan**, of Madduvil, was one of the seven detained by the Army in a round up of the Chavakachcheri market. Rajmohan seems to have taken part in LTTE initiated demonstrations. The seven were released and Rajmohan was standing outside

the Chavachcheri Market when, ten minutes later, Tamil speaking persons in civils came on a motor bicycle, talked to him and shot him dead.

**26<sup>th</sup> April: Thangarasa Kamalalosan** (37), of Paal Pannai (Dairy Farm) Street, Thirunelveli, who was a watcher at the Kokkuvil Technical College, was shot dead. The gunmen are very likely linked to the State.

Kamalalosan's elder brother is in the LTTE, but Kamalalosan himself was known to be a fair-minded man who had no political links. Our sources believe that persons with a grudge against him had tipped off the Army that he was an LTTE supporter.

**27<sup>th</sup> April: Suresh Fernando** (38) of St. Joseph's Church Precincts (Soosaiappar Kovilady), Kayts, an auto rickshaw driver was shot dead and his 4 year old daughter injured. The affiliation of the killers is so far unknown.

**29<sup>th</sup> April: Suthaharan** (24) of Thileepan Street, Urelu was chased by a gunman on a motorbike and shot dead. This was close to the Army camp and local sources maintain that the motorcycle was seen returning to the Army camp.

**29<sup>th</sup> April:** A housewife and mother of a child **Ratnasingam Bothini** (29) was shot and injured by two LTTE men on a motor cycle near the old bus stand in Velanai, Kayts, about 6.00 PM. A claymore mine attack on the Navy by the LTTE at Allaipiddy Junction resulted in a delay in taking her to Jaffna Hospital, where she died under surgery. The deceased was said to have been on friendly talking terms with the Army. Ellalan Padai, an LTTE front, claimed responsibility.

**29<sup>th</sup> April: Ramasamy Sangarapillai** (74) lived in Allaipiddy, near Velanai where the LTTE attacked the Navy with a claymore mine. The Navy then entered houses in the vicinity and beat up people. Ramasamy was the one man the Navy shot and killed.

**30<sup>th</sup> April: M. Pirakash** (25), of Colombogam, Jaffna used to run a bus between Jaffna and Muhamalai. He was shot dead in Jaffna town at 11.45 AM. An LTTE front claimed responsibility.

**2<sup>nd</sup> May: Selvaratnam Mathiseelan** (25) of Kacchai Road, Kodikamam was an auto rickshaw driver, who was killed in Kodikamam by two men who came on a motorcycle. Although Mathiseelan like everyone else had to put on a friendly face to the LTTE, he was from an educated and well-regarded family that spurned cheap political gimmicks. Mathiseelan was not unfriendly with the Army. Although the LTTE is a suspect, regular killings by groups close to the Army must also be taken into account.

**2<sup>nd</sup> May: The Attack on Uthayan Newspaper:**

The gunmen entered the offices of the Uthayan Newspapers at Kasturiar Road extension at the edge of Jaffna town at 7.30 PM. The premises are just south of Navalar Rd. with the nearest army camps about half a mile away. The raiders were ostensibly in search of

senior journalist Kuganathan who reports on LTTE press briefings and also covered the first Geneva talks last February, and senior editorial staffer Jegatheeswaran. The manner in which the raiders noisily and dilatorily got about their task leaves strong doubts as to whether their intention was to kill anyone in particular rather than to intimidate the editorial staff. The raiders ran amok destroying property and killing the marketing manager Bastian George and distribution supervisor Ranjithkumar (28). Three others were injured.

According to a claim first appearing in the *TamilNet*, an Uthayan employee recognised one of the raiders as seen regularly at the Jaffna EPDP office, but nothing more specific has emerged in any report. Also, knowledgeable sources in Jaffna are unaware of such a claim relating to the EPDP in the local domain. EPDP acting in collusion with the Army had in 2000 killed BBC Tamil Service stringer Nimalrajan, who under duress perhaps, also did intelligence favours for the LTTE. The EPDP has denied any role in the Uthayan raid. Uthayan was essentially a business concern that toed an unashamedly pro-LTTE line, which paid locally, while its owners also made overtures to those who controlled power in Colombo as their business interests required.

Opinion in Jaffna initially ruled out the LTTE as the party responsible for the attack and was convinced that the raiders were linked to the security forces. Six persons arrested by the Police were released by the Magistrate after none was singled out in an identification parade. Four of those detained were students studying in tutorials and boarded in a private home not far from the incident. The other two worked in a teashop.

The EPDP was deemed the prime suspect in early reports, including by the RSF. But no further information surfaced to give clear indications to identify the killers. The next day's Uthayan (3<sup>rd</sup> May) gave an account of the raid. These are the basic facts given:

Five persons speaking clean Tamil, faces covered and wearing helmets, entered the premises by jumping over the wall at 7.25 PM, went to the security office and asked the security officer to lie down, left one man to stand guard, warning the officer that he would be shot should he raise his head.

The gunmen then went to the marketing manager Bastian George Sahayathas's office, which is in front, and *'wildly fired bullets into him without a word uttered or question asked'*.

The gunmen next went to the distribution office, which is next to the security office and ordered the employees to sit on the ground and fired (not directly at them). They were ordered to lie down with a warning that none should lift themselves up and again opened fire. Uthayakumar, who was next to the security officer was injured. Upon hearing the exclamation 'Aiyo' from the injured man Ranjith sat up in alarm. A gunman opened fire at him, and placing his foot on the injured Ranjith's back, killed him with another burst.

Then placing a gun on the head of the assistant distribution manager, a gunman asked for the head office and for a member of the editorial staff by name. (This is the first mention in the Uthayan report of the gunmen showing an interest in the editorial staff.)

Until the gunmen reached the editorial office, they kept firing at anything that caught their eye. The report says, *'Warned by sounds of gunfire, the editorial and computer staff in the redecorated building, miraculously hid themselves and escaped unharmed'*.

Having fired wildly into the editorial office, the gunmen proceeded to descend the stairs with the assistant distribution manager. As though suddenly remembering something, one gunman ran up the stairs and fired into the computers smashing them.

They walked back to the security office firing. One of them said in broken Sinhalese that they must also damage the printing section. Another declined in Sinhalese, saying it was time for them to go. They ordered the assistant distribution manager to lie down, went out instantly, got onto their motorbikes and scooted off.

Variations of this primary version have since appeared in newspapers. One report said that the attackers spoke Tamil, while two persons who waited on motorbikes with lights on and engines running spoke Sinhalese. From this it would appear that the attackers wanted to sign themselves off as Military Intelligence, while in the Uthayan report, the reference to Sinhalese speech has the flavour of theatre.

Some felt that the EPDP, a party in the Government, could hardly have been so senseless as to attack a leading provincial newspaper just when the Government was hosting a three-day UNESCO-sponsored event to mark World Press Freedom Day with foreign and local journalists in attendance. Moreover, President Rajapakse was scheduled to preside over the Awards Ceremony of the UNESCO-Guillermo Cano World Press Freedom Prize 2006 the following day. In fact the announcement of the attack on Uthayan was made by the Convener of the Free Media Movement during a pageant to mark World Press Freedom Day.

It is likely that the Government initially at least wanted the Police to find out who was behind it. The police arrest of the six mentioned above appears now to be a diversionary gambit rather than based on any serious investigation. The immediate interest of the Police appears to have been to parry accusations that Government or its allies were involved in the outrage.

Although we do not have enough information at this stage, one circumstance however forces us to take very seriously the EPDP as the prime suspect. The Military Spokesman said (*Daily News* 3 May) that *'Army personnel manning the Sivan Kovil junction, which is a few hundred yards away from the Udayan office, had fired at a motorbike which was speeding in a suspicious manner with two persons.'* He added that they fled dropping a T-56 automatic. This suggests that the raiders who left the Uthayan office broke up. The two in question would have gone about 50-100 yards north along Kasturiar Rd., turned left (westward) into Navalur Rd., travelled less than quarter mile to Manohara Junction

and turned left into KKS Rd. (southward) towards the heart of the city and encountered the army sentry at Sivan Kovil (Kannathiddy Junction). Were the raiders the LTTE, the natural escape route would have been north towards Kokkuvil and their natural haunts. They would hardly have gone into the commercial heart of the city with several army sentry points, which they knew were there. Kannathiddy Rd. is the prime area for jewellery shops and goldsmiths.

The route is also suggestive of a detour, three sides of a rectangle (including segments of Navalar Rd., KKS Rd. and Stanley Rd.) to Windsor Junction rather than the direct route south from Uthayan along Kasturiar Road. The EPDP office on Stanley Rd. is close to Windsor. The escape route makes good sense if the two raiders were operating from the EPDP office. From Sivan Kovil they could have continued south along KKS Rd. to Stanley Rd. Junction or alternatively turned left (eastward) into Kannathiddy Rd. Either way the office was quite close. Though not widely talked about, there are also indications that the two raiders were injured by army firing and went towards the EPDP office. This would also mean that army and police personnel providing security for the EPDP office knew about this, but had not warned some of the sentry points. This raises further the question about whether the Government was serious about finding the culprits.

**4<sup>th</sup> May: 7 killed in Nelliady:** The following is the Military spokesman Brig. Prasad Samarasinghe's version of the incident quoted from the *Daily Mirror*, 5<sup>th</sup> May: "*Around 2.15 p.m. seven LTTE cadres armed with hand grenades arrived in two three-wheelers and launched an attack on the two soldiers at the military checkpoint near the filling station at Nellyadi and fled the scene.*

*"On being informed about the movement of the three-wheelers, troops at the nearby Navindil camp blocked the passage of the three-wheelers and fired at them. Simultaneously, a huge explosion occurred inside the second three-wheeler killing all the men inside", the spokesman said.*

*"Then soldiers had opened fire at the first three-wheeler while the LTTE cadres had thrown hand grenades at the troops. After the fierce battle ended, soldiers recovered seven bodies of LTTE cadres along with several hand grenades scattered around, the spokesman said."*

The truth is that the dead were humble labourers from Rajakiramam (King's Village) and two auto drivers, who did not have any explosive matter with them. The 'huge explosion' is meant to give the impression that something the persons were carrying exploded, rather than the RPG fired at them by the Army.

The dead are Selverajah Suman (22), Veluppillai Nimalan (21), Nagaratnam Naguleswaran (18), Balachandran Krishanthan (18), Thamotharampillai Sharmilan (17), Naratnarajah Nesannah (19) and Subramaniam Subash (19).

A bomb had been thrown at the Nelliady petrol station sentry point and the victims from Nelliady East, possibly ignorant of the incident, were going to their friend's in the

Navindil Road for a party 20 minutes later about 2.20 PM. Had they come direct from Rajakiramam along the inner road, they would have got onto the Pt Pedro-Jaffna Rd. at the Nelliady police station and turned left towards Jaffna, and moved away from the Petrol Station sentry point to the north of them. The two auto rickshaws drove fast past the EPDP and EPRLF camps and turned right into the Navindil Road just before the Military Intelligence camp. We learn that before the autos turned someone at the Military Intelligence camp signalled them to stop from some distance, but the drivers did not see it. They turned and continued at speed. A soldier fired an RPG from the Jaffna Road at the autos, from about 50 yards behind and then they were fired upon with small arms. That was basically how the tragedy occurred.

There was tension around because of the hartal enforced over the attack on Uthayan, a bomb or bombs had been thrown at the Army in the vicinity a few minutes earlier and the victims and possibly the drivers may have been drunk as reported elsewhere. But the way the Army acted was totally unjustified. **It is part of the new dispensation that the Army is answerable to no one and could cover up the way they liked.**

### **7<sup>th</sup> May: The Manthuvil Disappearances**

Once more the issue is not whether the Army acted in an inexplicably brutal manner. The issue is rather one of search and arrest procedures, the safety of innocents during a legitimate military operation and the inconsiderate and callous manner in which the LTTE uses civilians. The general dispensation today as other cases show is the licence given to the Army to kill on suspicion, including to suppress evidence. The case also exemplifies the inherently precipitate pitfalls of a force whose contempt for democracy and human dignity forces it to rely on narrow loyalties such as caste, which could blow up in its face.

A major festival was to be held at the Kelakkai Seerani Amman Temple that is situate on the Manthuvil – Varani Road. The climax was to be on Sunday the 7<sup>th</sup>. On Saturday, which followed 3 days of festivities, the temple was cleaned and adorned and the god was richly attired for the *kumbabishegam* of the 5<sup>th</sup> and final day. The following persons spent the night at the temple as was customary to secure the premises and articles of value:

1.) Rasanyagampillai Sivananthamoorthy (35), the General Secretary of the Temple Management Board and a teacher at Karambaikurichi American mission Tamil mixed school, 2.) Markandu Pushpakanthan (26), a temple management board member, 3.) Kandasamy Parimelalakan (29) 4.) Ramachandran Rasakumar (22), 5.) Ponnambalam Parthipan (18), 6.) Vaikundavasan Vaikundakumar (17), 7.) Selvaratnam Sivananthan (17) 8.) Ratnam Thayaroopan (21).

The basic facts are as follows. The Army was aware of the temple festival and had gone there about 7.00 PM on Friday. On Saturday, the Army went there at 10.00 PM, casually talked to some persons and went away without checking. At 1.00 AM, Sunday, residents heard the sound of vehicles followed by gun fire. Sound of vehicles was heard again at 4.00 AM. The following morning relatives who went to check found those who kept vigil

missing, and saw instead tell-tale signs of violence. No bodies have been found and the 8 civilians have technically disappeared.

On the one hand it appears an instance of unreasoning brutality and the wanton desecration of a sacred symbol. That is good for propaganda but not for the protection of civilians. The truth is more involved. Manthuvil, Varany and Kodikamam are close to the eastern extremity of the government controlled part of the Jaffna Peninsula. The area is one regularly infiltrated by the LTTE and Manthuvil that is in a rural sector is one where the LTTE moves quite freely. The nearest army camps are more than a mile away. The Army too moves about with great caution.

Intelligence is crucial to the Army's survival there as is evident in the large number of killings around Kodikamam – the LTTE gunning for suspected army informants and the Army for persons suspected of helping the LTTE. Against this background, local polarisation along caste lines does become a significant factor in the intelligence game. Of special significance locally are differences between the Koviyaar (a high caste) and Nalavar (a dalit) groups, which had been violent at times and there had been violent clashes during the last year.

The left oriented groups of a generation ago felt a need to politicise the people and get the caste issue behind the Tamil community. Among those who worked towards this in the late 1970s was T. Subathiran of the GUES (later EPRLF). With his charisma and common touch, he recruited many youths in the Thenmaratchy area across caste barriers, a part of whose political action was to work alongside dalits in their trades.

A hallmark of the LTTE leader was his contempt for political work. Kittu who was prominent in the LTTE had been known to beat and ill-treat cadres from the lower segment of the marine caste. July 1983 changed the political climate in Prabhakaran's favour and what he offered his recruits was Clint Eastwoodian thrills. Among Subathiran's recruits to the GUES from the Thenmaratchy area who later joined the LTTE were Paapa, Curdles and possibly Thamilchelvan, all of whom became prominent later. The LTTE's assassination of Subathiran in 2003 under the pretext of political work as part of ceasefire perks, fell into place in the drama of fomenting anarchy.

The LTTE did not deal with caste issues. It used it for immediate military objectives and exacerbated it. We recorded in our Special Report No.18 of March 2005: *“In Kodikamam there was a brawl between a toddy tapper (Nalavar) community and another group. The latter took the matter up with the LTTE. The tappers reminded the LTTE that every time they were ordered to attack the Army (mostly with stones), they had complied. Because of this they said the LTTE should allow them leeway and leave them alone.”*

The LTTE did not leave them alone. In October 2005 it killed Jaffna Central College principal Kanapathy Rajadurai, who was not only a leading educationist in Jaffna, but also a prominent and successful member of the dalit community from Manthuvil, who was also a friend of Subathiran. D.B.S. Jeyaraj wrote in *TamilWeek* (23 October 2005) describing the anger stirred up in the community by the assassination of Rajadurai:

*“The Jaffna political commissar Ilamparity was not well disposed towards Rajadurai. Both of them were from Manthuvil and belonged to different castes. Apparently there was a caste clash in Manthuvil many years ago in which close relatives of Ilamparity were killed by relatives of Rajadurai. Ilamparity was only a boy then. A much younger Rajadurai was not directly involved at all. Yet relatives of Rajadurai allege that animosity was harboured by Ilamparity due to this... This writer listened to the TBC call in program, read some leaflets, and spoke with many members of Rajadurai’s community over the past few days. The anger and resentment was patently visible, audible and discernible. The LTTE is sitting on a rumbling volcano. If the hierarchy does not grasp this and respond justly and positively it could face another serious cleavage.”*

**The Disappearances:** Coming to the recent disappearances at the Manthuvil temple, the bitterness of caste cleavages also surfaced in battles for control over the temple. On 4<sup>th</sup> May 2006, there was local talk that 8 LTTE cadres had been seen in the Manthuvil market and they were around to do something major against the Army. There is little doubt that army intelligence would have picked this up.

We also understand reliably that 5 LTTE cadres participated in the temple meal on Saturday (6<sup>th</sup>) and possibly Friday, and probably came there for the night. The Army’s coming casually at 10.00 PM on the 6<sup>th</sup> and paying a surprise call three hours later suggests that they were acting on information. We have no eyewitness testimony of what happened, but the fact the Army opened fire and then acted harshly suggests that some persons ran away when the Army arrived.

All 8 persons keeping vigil at the temple who disappeared are from Jaffna LTTE commissar Illamparity’s Koviari community. A part of the drama is to do with the LTTE’s insensitivity and its contempt for democratically based politics. It is fated to destroy and be destroyed. The other part owes to the State’s contempt for the people.

**An Unchanging Pattern:** On 5<sup>th</sup> September 1990 while the Army was screening the Eastern University, a grenade in the possession of some LTTE cadres hiding under the auditorium platform exploded. The Army, under the regional command of Maj. Gen. Gerry de Silva, and Brigs. P.A. Karunatileke and A.M.U. Seneviratne under him, took away 159 civilians picked up from the camp for no particular reason and killed them. Justice has been denied all these years and we see it happening again and again to this day.

As with the persons keeping vigil at the temple, the inmates of the refugee camp had no control over the LTTE presence. The LTTE would have known some of them, and despite the consequences they did not bargain for, they could not ask them to go. Either way they were at risk. In both instances the LTTE has obtained undeserved propaganda advantage from the disappearances because of the callousness and arrogance of the State.

## **A 2.0 Batticaloa District**

**9<sup>th</sup> April: Suthakaran Sutharuban** (17) was shot dead by the LTTE (Vanni faction) at 11.00 PM when he was going home after a ceremonial occasion at Kali Kovil, Veloor Colony, Kallady. The deceased youth's father Suthakaran had been a member of the EPRLF from 1984 and joined the Razik group in 2000 and was killed by the LTTE in 2001.

**11<sup>th</sup> April:** Three youths **including Thangeswaran Nirojan** (20) of Periya Urani and **Arunasalam Arunakirubeswaran** (22) of Mamangam were caught by the Karuna faction putting up Vanni faction posters at Kali Kovilady, Veloor Colony, Kallady. They were reported killed by the Karuna faction. The body of Arunakirubeswaran was found in Veloor Colony, Kallady.

**13<sup>th</sup> April: Cader Mohideen Rubin** (37) of Palamunai, Batticaloa, was shot dead by the LTTE Vanni faction. A young girl Fathima (11) and an elderly woman Sabitha (55) were injured in the shooting. Cader had originally been a member of the LTTE, as were a number of Muslim youths in the area. After the LTTE commenced massacring Muslims from July 1990, by mid-August 1990, nearly all its Muslim cadres had run away. Eventually they left Batticaloa or settled down to civilian life. Sources in Batticaloa believe that the LTTE killed Rubin fearing that the Government may use him in building up a Muslim armed opposition as part of its bid to isolate the LTTE in the East.

**17<sup>th</sup> April:** An LTTE claymore mine attack on an air force jeep at Santhiveli resulted in an air force officer's wife and daughter getting injured. The air force the opened fire injuring a five-year-old boy **Parameswaran Girijan**.

**20<sup>th</sup> April: Sellathurai Sivakumar** (32) of the EPDP was shot dead by the LTTE in the Batticaloa Market.

**24<sup>th</sup> April: Kanagaratnam Lingeswaran** (29), an employee of the Vaharai education office was shot dead about 11.00 AM by gunmen from Karuna's group who entered the Valaichenai education office. An official A. Nagalingam (53) was injured in the firing. The deceased, a native of Thirukkivil, is said by local sources to have been a member of LTTE intelligence, who was given his job through the agency of the LTTE.

**28<sup>th</sup> April: Vinayagam Kamalan** and **Selvan Prabha**, the latter recently married, were shot dead by the Karuna faction near the ferry crossing at Kinniyadi, where there is also an army camp nearby. According to local sources the two deceased were of the Vanni faction, who had shot and injured two members of the Karuna faction putting up posters near the Valaichenai Post Office during mid-April.

## **A 3.0 Vavuniya and Mannar**

**17<sup>th</sup> April: Thiagarajah Kuganeswaran** (36), **Sivsambu Nahularajah** (44) and **Sivguru Rajalingam** (36), who went hunting in the area that separates the government

and LTTE-controlled domains were recovered as corpses, tied and shot dead. Locally it is thought that this was done by the LTTE to dissuade infiltrators.

**28<sup>th</sup> April: Kunaratnam Colton** of Kallikadu, Mannar, was among those known or suspected of having business connections with the LTTE, which was common and legitimate under the ceasefire. Among the business activities was the LTTE buying vehicles in the South and getting professional drivers to drive them into the Vanni – a perfectly legal activity. Two men on a motorcycle went to Colton’s home and asked him if he was willing to drive a van into the Vanni. Knowing the dangers of the present situation, Colton first refused. Under persuasion he agreed. As soon as he agreed the visitors pulled out a gun and shot him dead.