

*UTHR(J)**

Jaffna: **A Vision Skewed**

Special Report

No: 09

Date of release

07 June '97

**UNIVERSITY TEACHERS FOR HUMAN RIGHTS
(JAFFNA), SRI LANKA.**

UTTER (J)

officer:

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Part 10
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*We shall have to repent
in this generation,
not so much for the evil deeds of the
wicked people,
but for the appalling silence of the
good people.*

- Dr. Martin Luther King -

SUMMARY

*Despite continuing promises made by the Government, any sense of normalcy has not come to the communities of Jaffna. The refusal to initiate institutional reform from within the Army, combined with a deliberate and concerted attempt to evade credible and transparent investigations into cases of missing persons, has created an environment where a variety of human rights violations committed by the Security Forces and the LTTE have increased. Reprisal action by the Army and disappearances following arrest or detention have risen. "Hunting" expeditions, where masked informants point out LTTE suspects who are immediately gunned down by the Army even while being unarmed, have resulted in some innocent civilians being killed and claimed as LTTE. Beatings during round ups, especially if detained for questioning, and sometimes at check points, have only further ingrained a sense of insecurity, especially among rural villages. Arbitrary execution of civilians by the LTTE continues to take hold and threatens anyone who might be seen merely speaking with a member of the Security Forces. In a brutal display of the mentality existing today, both the LTTE and the Army have on occasion publicly displayed the bodies of their victims as a terrifying warning. **The need for independent inquiries into questionable deaths of civilians both during and after battles, is desperately needed if the people are to believe that any type of honest rehabilitation is to occur in the future.***

Recent incidents involving the Army which are detailed in this Report include the killing of an unarmed man having mental disorders, as well as the shooting of a young woman in an empty street long after a grenade throwing incident had subsided. In one incident parents had been beaten while taking vigil outside a detention centre where their children were held after a round up. Cases presented include labourers killed while returning home from work and men taken from their home and shot on the beach by the Navy with no explanation given to family members. Land mines set by the LTTE and grenades thrown have frequently injured and killed civilians in a continuing demonstration of their absence of concern for the people. One of the most disturbing features of many of these deaths is the habits surrounding cover ups by the Army. Victims were in a number of instances claimed to have been carrying grenades or involved in offensive action, in an attempt to cast a veil over foul play. In several cases, such claims have been denied by witnesses or family members. Civilian deaths due to military operations are further difficult to investigate due to the lack of proper post-mortem facilities and experienced personnel in Jaffna. An investigation of the medical situation in Jaffna as it stands today is found in the Addendum at the end of this Report.

LTTE killings serve as a reminder that any talk of critical evaluation or constructive solutions from within the Jaffna community could be followed by strict and

repressive silencing. The methods remain the same. Unarmed civilians are executed in or around their family home, after which the body is publicly displayed with a written warning to all "traitors". In several cases, friends and relatives of victims have given reliable accounts as to why LTTE claims are utter and dangerous nonsense. Those killed may have been seen speaking to a soldier at a checkpoint, may have been frankly honest in their opinion of the LTTE while talking with neighbours or may have simply been a victim of local rumours. After the killing of one man well-known to be openly critical of the LTTE for many years, the community of Point Pedro was left devastated and terrified. Though reprisal killings by the Army have been viewed as on the increase, they remain the exception rather than the norm. But this fact has by no means curtailed the killing and injury of civilians due to grenades and mines detonated by the LTTE.

Vadamaratchy stands out as an example of better discipline and responsibility on behalf of the Security Forces. There has been a genuine concern for the safety of civilians during attacks, sensitivity to their rights and feelings, and greater accessibility. **Colonel Wijeratne**, the brigade commander, has spent time visiting families and getting to know the community. Unfortunately, this newly found discipline has for the most part, not taken hold within the Army as an institution. Terror continues to be the most visible face of the Army for many of the communities in Jaffna.

So why does the Government remain silent on disappearances? It is suggested here, with good reason, that it is because a significant number of those arrested in Jaffna had died in detention due to torture and indiscriminate assault.

The determination of the people and their courage to stand up and speak their mind alone has the power to bring any sense of stability to Jaffna. Unfortunately, their voice is not often heard. LTTE propaganda abroad has implicitly asserted the view that the people who struggle to hold on to their lives in Jaffna are no longer to be cared for, and that the area today is merely a place where the LTTE can practice its military moves without any regard for the civilian population. But if the Government continues in its failure to implement drastically needed institutional changes within the Army and the Ministry of Defence, Jaffna will remain to be this "free-fire zone" for all parties to the War. The LTTE will continue its suicidal attempts to provoke reprisals. The Army will continue to see disappearances as an acceptable feature of conflict. Statistical data put forth by the Government describing decreases in violations are meaningless or at best of seasonal significance, in the absence of matching institutional change. If a serious commitment to human rights is to be implemented, then the practices of the past and the present must be stopped immediately before they become the norm of the future. A start needs to be made by a policy of providing recognition and positive support for officers who have demonstrated a capacity for benignant transformation.

JAFFNA: A VISION SKEWED

0. Introduction

In its recent statement on the human rights situation in Jaffna, Amnesty International had placed the number of persons missing after being detained by the armed forces at 676. Interestingly, this figure has been implicitly substantiated in Sri Lankan Ambassador Janaka Nakkawita's statement at the 53rd Session of the UN Commission on Human Rights on 27th March 1997. He said that of the 1652 complaints received up to 28th February 1997 from sources including the ICRC, UNWG on Disappearances and MPs, 857 were found to be duplications and of the remainder 72 have been traced. Even if 80% of the 676 could be traced, it would still place Sri Lanka in the top league for missing persons. In the face of this it is surprising to find the Government doing little that is tangible beyond making statements of good intention. For example the ambassador told UNCHR that the Human Rights Task Force that reports to the president was in the process of establishing its tenth regional office in Jaffna. This talk had been in the air since September last year and the HRTF did make a preliminary visit to Jaffna. But nothing happened. Talk then was around that the HRTF is to be superseded by a Human Rights Commission and the list of names of commissioners was made public. To date there has been a complete blank with regard to the commission's activities. Legal proceedings into violations by service personnel remain a story of promises and anticlimaxes in the same tradition.

This lack of headway on the part of the Government's effort on reversing the trend can be partly explained by sheer inefficiency and the lack of support it gives to officers who have demonstrated a capacity to take independent initiatives towards improvement. For one thing the political establishment or the cabinet of ministers hardly seem to think about the ramifications of this problem. Far too much initiative has already been surrendered to the Defence Ministry, which is still controlled by the old guard whose general approach is to cover up rather than seriously investigate violations and take firm action against the offenders. Not knowing what government policy is, if there is indeed one, officialdom moves only on definite orders from the president ahead of each step, on what ought to be routine matters. These small token steps too come usually on the heels of concerted local and international pressure following a major incident that gets into the news.

Another aspect of it stems from practices long associated with the Army that ultimately relies on terror to the detriment of any fresh political initiative. The actions of the Army in different parts of the Jaffna peninsula, and its relations with civilians have a revealing continuity with practices that took shape during the early months following the Army's take-over of Jaffna. Relations in Vadamaratchy remain exemplary. Even with current disappearances at a low ebb, relations in Thenmaratchy are a matter for no little concern. The lack of information about missing persons is, as we have argued, deliberate and purposeful. We shall return to this after shifting our focus to other related matters. Disturbingly, the recent record indicates an increasing tendency towards reprisal action against civilians. At the same time, in a continuing demonstration of its absence of concern for the people, the LTTE continues throwing grenades and detonating land mines in the hope of provoking such reprisals. Where civilians are not killed or injured in reprisals, they most certainly become casualties due to these initial explosions. The routine manner in which acts of homicide and murder by the security forces is covered up bodes ill for future developments. The families of victims are too vulnerable to pursue the matter further and Defence Ministry press releases are fated to be the last word in these instances.

1. The general situation.

The fact that the Army has made significant efforts at certain levels to distance itself from the past has been recently acknowledged by two prominent citizens in Jaffna as quoted in the press. They had spoken to the effect that 'the Army is doing a difficult job very well'. The Roman Catholic Bishop is also quoted as having said that there had been no major violations since last November when two cases involving rape and murder by soldiers were publicised. This perception is widely held at one level. We record below one known instance of reprisals involving the death of two civilians and injury to several others on 29th January. The Major General commanding the 51st Div. later apologised to the people and promised to punish the offenders. Certain practices have also been adopted to make the Army more disciplined in its dealings with civilians. It seems the general pattern that soldiers wanting to search civilian houses after nightfall do so only in the company of a civilian official - the local headman (GS). Alternatively they surround the house and wait until daybreak. In Jaffna town itself the situation is considered quite normal. The Town Commandant, Brigadier Jayasundera, is readily accessible on the phone

to civilian officials and is said to at least investigate complaints. Receipts are also issued for arrests under his command. (Elsewhere, we have reports that it is followed in some areas.) In other areas too army commands have been known to be responsive, even if belatedly. Early this year a pregnant woman in Thenmaratchy facing a medical emergency died on the way to Jaffna hospital owing to delays at checkpoints. Following representations to the authorities, one could now travel about 7 miles from Chavakacheri to Mamapalam Junction near the town with minimum delay.

Yet at many other levels a certain passive resentment is building up which owes to the lack of improvement, stagnation or even deterioration in aspects of the general outlook. Often the dominance of security considerations has ceased to have meaning. The Defence Ministry, the effective ruling power in Jaffna, is seen as having ceased to think or as being simply cussed. Every activity from the transportation of medicines to small village level programmes need clearance from this Ministry. Someone carrying a 4 months supply of pressure tablets (not always readily available in Jaffna) for personal use would be asked to leave these behind at Ratmalana Airport. Visitors to Jaffna are still allowed only in a controlled and selective manner. Some international human rights groups who wanted to visit Jaffna had been told that 'it is not convenient'.

Approval for the MSF which was already in Point Pedro to send medical specialists to Jaffna Hospital was delayed for nine months and approved only recently. We understood on good authority that the main reason was the MoD seeing foreign doctors from organisations of this kind as meddling too much in human rights matters. (See addendum on Jaffna hospital.)

The Jaipur Foot manufactory under the Friends in Need Society, Jaffna, was sent materials after USAID had spent 6 months obtaining approval from the MoH and MoD in Colombo. Upon reaching Jaffna the military authorities there returned to Colombo some of the materials including cylinders, that are used in making new legs for the war-maimed. (The society continues to improvise cylinders by stripping aluminium bodies of the abandoned buses.) Such procrastination on basic things run entirely counter to flowery promises about revitalising Jaffna. The resulting uncertainties about the Government's attitude to Jaffna, combined with a hostility towards Jaffna coming alive under Government control on the part of an influential section of Tamils outside, help to perpetuate an air of pessimism among the residents.

To the residents and users of Jaffna town the frequency and manner in which checkpoints are operated has become a sore point. Civilians need to dismount, remove their hat if they were wearing one, and roll their bicycles or motor-cycles past the soldiers - a practice observed by oppressed castes in the past when passing high caste persons. The effect of doing this day after day even on very balanced minds should not be underestimated. An intellectual who had been a consistent opponent of the LTTE and politically a Leftist, as distinct from a nationalist, observed, "At least once in twenty days I cannot help wondering if after all the Tigers are right!"

The main reason for the high frequency of check-points as one approaches town seems to be that the army high-command has taken over buildings in the town-centre to site its head-quarters. This is not the case in Vadamaratchy and Thenmaratchy where the brigade command centres are away from the commercial areas. By May, there was a significant easing of the tedium of check points, notably outside Jaffna town. Some of them had also been closed owing to a transfer of troops to support the ongoing operations in the Vanni.

Despite a surface calm, the occasion on which a schoolboy gets assaulted by a soldier at a sentry point or during a round up is enough to set off undercurrents whose course would be unpredictable. For the present these remain unnoticed, and the military authorities are largely oblivious to such matters. This is reflected in the indifferent manner in which civilian dignity is being trodden upon in parts of Thenmaratchy in contrast to the early weeks following the Army's entry in April 1996.

At the time of writing, the army captain in Chavakacheri placed in charge of civil affairs is described as someone who speaks neither Tamil nor English, does not entertain those who cannot speak Sinhalese, and whose use of the latter is generously spiced with abuse. The top brass are described as almost inaccessible, and of probably not wanting to meet civilians. In the rural areas military decisions, against which there is no appeal, could be even more alienating and more arbitrary. On approaching the Colonel in charge at Kachchai, in Thenmaratchy South, the lady principal of Allarai GTM school was refused permission to hold the annual sports-meet. The reason was that she could not provide details of persons who were attending. The lady's position was that such a request could not be complied with as it was a public function. On another occasion the same Colonel went into Kachchai Central School where students were training for the District Drill Display Competition, shouted at

the teacher in charge, asking him whether he was training Tigers, and forbade further training. The competition organised by the Education Department is a regular event in which most schools take part.

Such developments, though relatively isolated they may be, must be seen in the context of procrastination and the absence of meaningful action on the missing persons issue and the rising tendency to reprisal action.

Another practice whose deep significance is not so evident at present is the display of bodies of LTTE cadre killed in public places. This happens in places such as Valikamam West where the LTTE maintains a tenuous, but sizeable, clandestine presence. The Army too receives information quite freely and launches what are described as 'hunting' expeditions. The informant wearing a mask and dressed in military uniform is taken on the pillion of a motor cycle or in an armoured vehicle. As soon as the person or persons are pointed out, the soldiers open fire. Few chances are taken and those killed are frequently off-guard, unarmed and in no position to offer resistance. One place where their bodies are regularly displayed is Suthumalai Road junction in Manipay, where William Mather Memorial Church is sited. The people see those killed as ignorant boys who in response to bombing and shelling, or in an unwitting moment, joined the LTTE - who did not deserve such an end, and certainly not such humiliation in death. The display is also no doubt a warning. The connotations of such actions in an ethnic conflict act as a hindrance to the Tamils believing that the Government seeks political accommodation on terms of equality and mutual respect.

Moreover such counter-insurgency strategies take away from the consideration and respect owed to civilians, even when responding to LTTE attacks. Although the number is still small in relation to the mid-80s, in comparison with last year, there has been in recent months, a rising incidence of civilians getting hurt or killed in Army action following LTTE attacks. The Army puts them all down to cross-fire, whereas, as our reports indicate, in a number of cases this is simply not true. In the case of the school-boy shot dead by the army in Anaikottai on 8th April following an LTTE grenade attack, there was a big turnout at the funeral, indicative of a mood of protest. Passive protest is also in such instances hinted at in condolence notices in the press signed 'School Welfare Society & Old Students' Association'.

We have also cases in this report where ordinary civilians had been killed and later claimed as Tigers carrying grenades. In some cases the families had also been placed under pressure to endorse the false claim. It is far too premature to say that normality or civil administration has returned to Jaffna. Many in the rural areas with little interest in politics do say that it is not possible to live with the Army. Round ups are regular and even the old are kept in schools for a good part of the day without food or water. Those taken for questioning are routinely beaten. Frequently different sections of the Army have the same information about a person once connected with the LTTE, resulting his being continually beaten and released by different units coming in to the area. In such instances the parents are extremely anxious to send their sons abroad because they are always on pins. This makes any kind of planned existence impossible for the people, a number of whom have been displaced as many as eight times during the course of the war.

2. Reports of incidents

These detailed reports are meant to give a general idea and speak for themselves.

Point Pedro (Vadamaratchy) - 27th Novemebr 1996 (National Heroes Day): The day was tense as talk had been around that the LTTE would do something to celebrate its leader's birthday. About 6.10 a.m. firing noises and a grenade explosion were heard in the suburb of Thumpalai. The people of the area lay flat on the ground for about 45 minutes. A lady then ventured out cautiously and found **Mr.Yogarajah's** house full of soldiers. This is what had happened: **Yogarajah** is a seaman who had come home on vacation and was at home with his wife and five daughters. About 5 a.m. there was a knock on the door. Upon opening he encountered LTTE cadre asking to enter the house. **Yogarajah** protested, since, to begin with, no one with girls likes to entertain strangers at that hour. The LTTE boys persisted and appeared to be nervous. **Yogarajah** allowed them inside. Two boys climbed into the ceiling. A little later there was a second knock and this time it was the Army. The officer asked **Yogarajah** if there were any LTTE cadre in the house, to which **Yogarajah** replied in the negative. As the soldiers were moving away, there was a noisy crash through the ceiling and one cadre fell onto the ground. The soldiers came rushing back and the person on the ground was shot dead. The house was then surrounded and the family of the house was asked to come out. Soldiers then climbed the roof and began removing some of the

tiles. Firing noises and a grenade explosion were heard and the second Tiger in the ceiling died swallowing cyanide.

It turned out that the two dead Tigers were from the same area. One had his father in Germany and the mother and the rest of the family in the Vanni. The father's brother was later questioned by the Army. The second was a Brahmin and a grandson of **Rathina Iyer**. The new pattern seems to be for the LTTE to send in people of the same area who may find survival easier. **Yogarajah** was taken by the army and released the same day after questioning. Four days later he was arrested again. **Colonel Larry Wijeratne**, the brigade commander, visited one of the daughters who was in grade 10 at Methodist Girls' School and assured her that the father would be unharmed. Arrangements too were made for the family to exchange letters. At the time of writing his release was said to be imminent.

Mulli Junction (Thunnalai, Vadamaratchy) - 18th January 1997:

What follows is the final tragedy that overtook an innocent man. **Krishnalingam (43)** was a valuation officer. Having studied at Maradana Technical College, he followed a course in quantity surveying in the UK, which he had not completed because he had a blackout after which he returned home. He found employment as a government quantity surveyor, married and was stationed in Galle during the 1983 communal violence. His trauma in the wake of the violence was exacerbated owing to his already vulnerable condition. He went to Point Pedro as a refugee. But his wife returned to Colombo with her parents soon after the riots. But he had refused to leave. His marriage was under strain. But a reconciliation was brought about around 1990. **Krishnalingam** however returned to Point Pedro towards the latter part of last year after the Army took control of the area. He reported to the valuation department in Jaffna. But the authorities in Colombo said that he should report there. He lived with his mother giving tuitions in English and Mathematics. He was a short, stout person who also knew Karate. He was a devout Hindu. On occasions when he was mentally disturbed, he would go on a pilgrimage on foot visiting several temples, often staying at the Chella Channanithi temple pilgrim's rest, Thondamanaru, for several days.

On the Thursday before he died, a lady relative who came to visit her mother called **Krishnalingam** and gave him a message from his wife. The same evening **Krishnalingam** went to the house of a friend, waited for sometime and left, since the friend was late in coming home. The same night he told his

mother, 'mother I want some peace', and went to Puttalai Pillayar Kovil on foot. Such things he had been doing despite the prevailing curfew. On Friday morning he went to Vallipuram temple. On Saturday morning he set off along the Point Pedro - Kodikamam road towards Chuttipuram temple which was one of his favourite haunts. He was only carrying a shoulder bag. At the Mulli junction sentry point (4th mile post) he was shot dead by a soldier. He had received shots in the neck and head. The 'Daily News' quoting the military version reported that the army doing a clearing operation in Thunnalai had fired at an LTTE terrorist who had a grenade in his possession. Krishnalingam's relatives who came for the funeral from Colombo raised the matter with **Colonel Larry Wijeratne** pointing out that **Krishnalingam** was certainly not a terrorist but a patient, and would never have carried a grenade in his bag. They also said that had he been difficult at the check point, since there were several soldiers around, they could have easily brought him under control and that there was no necessity to shoot him. They added that if it had come to the worst, they could have shot him in the legs rather than in the head. Wijeratne promised to look into the matter and had taken a statement from the soldier who shot **Krishnalingam**. The soldiers' version was that he had refused to show his bag at the check point and had become physically aggressive. According to **Colonel Wijeratne**, he had issued strict instructions not to shoot at civilians. We shall see that claims about the dead victim having a grenade is a common ruse in cover ups.

Krishnalingam had a problem which many psychiatric patients face. When feeling better, they often stopped taking their pills and consequently become aggressive. Having experienced the 1983 communal violence in the South, **Krishnalingam** had developed a strong attachment to Vadamaratchy as his home, where he was free as he could never be elsewhere. Friends have often seen him in the market buying supplies for his brother's family on the other side of the bund, while most people are reluctant to cross the bund. **Krishnalingam** has been heard to remark, "Who are these fellows to stop me from going where I want to go in my own home".

Ponnalai (Vallikamam West) - 29th January 1997: In the morning a group of fisherfolk from Moolai were moving towards Ponnalai causeway for their day's work. When they came close to the military post at the junction a mine exploded. In what followed nine civilians and a soldier were killed. Six women were injured. A statement was issued by the Tamil parties presently in Jaffna to the effect that the death of civilians took place because of soldiers

firing into them. An army spokesman in Jaffna later told the Tamil parties that their statement which was published in the 'Sunday Observer' was incorrect because the mine which exploded had been suspended from a tree and that the civilians were killed by the mine explosion, which because of its position above the ground, had a wider spread. The soldiers, he claimed, had fired upwards towards the tree and not at the ground towards the fisherfolk. He also said that they could check with the hospital authorities who in the course of the post-mortem had not found bullets. A Tamil party spokesman said that this was possibly true since the survivors who were in a state of shock had heard firing noises and had thought the bullets were fired at them. Since doubts remain, the matter deserves a fuller inquiry. (See addendum on Jaffna hospital.)

Puttur - 10th February 1997: About 9.00 in the morning an army patrol was returning to Puttur along the Kodikamam Road. They were about 300 yards from the check point which was around a bend. Normally army patrols take the precaution of moving in single file where 20 men would stretch over about 100 yards of the road. Perhaps, being close to home, they had lost their caution and were bunched together like a crowd of boys after a film show. This had evidently been observed by the LTTE a number of times. The soldiers also had a prisoner, **Kandasamy Sasikumaran**, a boy of 16, carrying a helmet in his hands. As the soldiers approached a small bridge an LTTE man who was observing them signalled to three others who while hidden out of sight of the soldiers, pressed the plunger. For sometime there was only a pall of smoke accompanied by firing from the soldiers. When the smoke cleared soldiers who had hidden in neighbouring houses came onto the road and firing noises ceased. Two soldiers lay dead on the road while an injured man signalled with his hand. A vehicle quickly came from the camp and took away the dead and the injured. The young man whom the soldiers had been holding prisoner was also seen by local civilians coming onto the road, holding the helmet. The soldiers then turned nasty and brutally assaulted civilians in the area. One man was pleading on his knees while a soldier held him by the hair and beat him with a thick piece of wood. As five women came out of the house in which they were hiding, they were shot in the legs. (Fortunately these turned out to be only flesh wounds.) Three dead bodies were later brought to Jaffna Teaching Hospital. Two were of civilians. One was a civilian killed by the army in reprisals at the neighbouring camp of Sirupiddy. Another was of the 16 year old boy prisoner. The third was of the LTTE cadre who had given the signal. While escaping he had run into soldiers moving towards the location, and had swallowed cyanide.

The 16 year old boy used to come to Puttur East every day from Watharavattai to purchase bread for some families in his village. On this morning the army had taken him suspecting him of supplying bread to the LTTE. It is understood that the post-mortem report by Jaffna hospital stated that the boy bearing several injuries, had died in the mine blast. **But we have firm testimony that he was seen after the mine explosion.** (See addendum on Jaffna hospital.) The boy had apparently been brutally done to death. The matter was later taken up with **Major General Balagalle** by the EPDP. The General came and apologised to the people, promised that such incidents will not happen again and that the offenders will be punished. A lady in the village later observed sarcastically, "The big man came and apologised to us. The dead came alive, and it all ended well!"

The other three Tigers who were involved in the operation were later seen in the locality by a civilian. He asked them, "Why do you set off mines where civilians are living, making life impossible for us?" The Tigers replied to the effect that there was nothing else they could do and so they had to do this.

Kokkuvil/Thavady - 24th February 1997: A man was travelling along the Anaikkottai-Kulappiddy road when he was called by a man dressed in a neat shirt and sarong. The latter asked the traveller if he knew him. The traveller recognised him to be **Kulatheepan**, the LTTE's Vanni GA, whose responsibilities had included collecting taxes from vehicles bringing supplies into the Vanni. The traveller told him, "The people are tired of this war, they cannot take any more. Why do you not go for peace talks?" **Kulatheepan** replied, "You wait two weeks and everything will be made clear." The traveller noticed that **Kulatheepan** was surrounded by a guard, members of which had taken up positions around him and were on the look out for the army. The traveller then asked him, "Do you know that there is a God above watching everything?" **Kulatheepan** thought a little and responded, "Yes I believe that there is a superior power above us". The two soon parted company, each going his own way. The traveller had been afraid that had he prolonged his stay someone would have seen them together and informed the army.

The next day however **Kulatheepan** met his death. **Kulatheepan** and his superior, **Senthamil**, who was the political leader for Jaffna were ambushed by the army at 6.45 a.m. near Pathirakali Amman temple, Thavady. Also killed in the army firing was **Kandiah Sivashanmuganathan(41)**, a merchant and fa-

ther of two boys, 15 and 7 years, and a girl of 14. He was passing that way to his shop. The bodies were taken to Jaffna hospital where **Sivashanmuganathan's** wife and a child identified his body. The Police refused them permission to remove the body saying that it had belonged to a member of the LTTE.

Towards the end of February travellers passing by saw a horrifying sight. A severed head was placed on three stones near Kulappiddy junction. According to local talk, this was the head of a soldier who had fallen into the hands of the LTTE when he went alone to obtain a drink of toddy. Such acts have been perpetrated by both sides. There have been reports that in the same area at least on two occasions heads of LTTE cadre who had fallen into the hands of the Special Forces had been severed and placed in front of their parents' houses.

Thenmaratchy West - Mid-March 1997: Troops rounded up an area about 3 miles in circumference including parts of Maravanpulavu, Navatkuli, Kaithady & Koilakandy and all - old and young - were taken to a school. Except for 20 young persons, the rest were later asked to go back. The parents and relatives of those detained refused to return, despite some of those refusing to go being beaten by angry soldiers. A masked person was then brought in an auto, who cleared all those detained. The latter were then released in the presence of the local headman.

Jaffna Convent - 3rd May 1997: In the morning at 6.45 a grenade was thrown by two Tigers at the security post by the water tank across Main Street from Holy Family Convent, Jaffna. One policeman was injured, but not too badly. The Tigers who had thrown the grenade ran into an army truck while trying to get away and were shot dead. The streets naturally emptied. **Pathmarajah Sudharshini(20)**, a young girl who had gone to church in the morning when returning home was perhaps the first civilian to venture into that area. This was about 20 minutes after the incident. She was shot at by security personnel, was injured and was taken to the intensive care unit at the JTH. Upon investigating the incident the EPDP, EPRLF, & PLOTE discovered that the shooting of the girl took place well after the excitement. They subsequently had a meeting with **Brigadier Jayasundera**, the Town Commandant, and urged him to set up a committee of inquiry into the incident.

3. Instances of civilian death or injury resulting from military action

The following gives a sample of cases: (See also A Note on Military Operations)

Meesalai - 18th December 1996: Kandiah Vijayanathan(21) was taken in a round up and detained at Chavakachcheri. He was later found shot dead with an injury at the back of the neck. The Army claimed that he had been shot while attempting to escape.

Karainagar - 11th January 1997: Thevarajah Vigneswaran (22) and **Somasundaram Sivakumar (22)** were shot dead by the Navy about 8:30 p.m. The official (navy) version is that the two were walking along the seashore during curfew hours and did not heed a call to stop. The truth is of course very different.

The two had no LTTE connection, were close to the navy, were well known to them, and the second was close to the EPDP if not a member. The first had a shop close to the navy camp that was patronised by its personnel and the families had been pro-security forces in their outlook. The house of the first was supplied with electricity by the navy and other neighbours came there in the nights to watch TV and videos. Curfew was only formal and people moved about freely inland. The first was married to a charming lady and the second who lived about 200 yards away was to marry a sister of the first.

On the day in question the two men, the ladies and several neighbours, including children, had watched a video and the two men came to the entrance of the home of the first, intending to go to a friend's to dine. To everyone's surprise naval personnel came there, took the men away to the beach and shot them in the head. An inquiry was held but nothing came of it, although the EPDP had said that it would press the matter. The EPDP's 'Thinamurasu' of Jan. 19th - 25th while stating the navy's claim, added that **Mr. Baskaran, MP EPDP**, "brought this [the murders] to the notice of the authorities".

It was speculated locally that some naval personnel had entertained designs on the two women. But on that night the naval personnel had not come into the house although the women were there. The navy now provides rations to

the families of the victims. Some who were there have admitted privately that they could identify the navy personnel who committed the crime, but had told the inquiry the contrary - the navy was after all the law in Karainagar. As in many similar cases the official version remains the last word on the matter, and that happens all too easily.

Ponnalai - 17th January 1997: Ratnasabapathy Vigneswaran(40) was shot through the back of his head at 1 a.m. No further information other than that the body was found. Needs further investigation.

Kokkuvil - 23rd January 1997: Rasalingam Ratnasingam (45), father of four, was shot dead by the army while returning home in the evening.

Putthur - 10th February 1997: (see above)

Sangaratthai, Valikamam West - 28th February 1997: Troops in ambush at Sinnappu School shot dead two labourers returning home about 6:45 p.m. They were **Nagamutthu Rajendram (40)**, father of three, and **Krishnan Perampalam (32)**, father of four. The families who went to Mavady camp the following day were told that the two were killed because they were carrying grenades. When they visited the scene, they only found a bag with a smashed coconut sprout (pooraan). The latter is normally consumed by poorer folk.

Chankanai, Valikamam West - Mid-March: Nadarajah, a car broker past middle age, went to his sister's place in the evening to obtain some curries for dinner. While returning he was shot dead by soldiers. When relatives, including the sister and her husband, went to the Army regarding this matter, they were asked to sign a declaration that the deceased had been a member of the LTTE.

Nacchimar Kovil, Jaffna - 17th March 1997: Pakianathan Aingaran (18), student of St. Henry's, Illavalai, was killed when troops travelling in an armoured vehicle opened fire upon hearing an explosion. Two others were injured.

Karainagar - 29th March 1997: A youth, **Tharmarajah Janarthanam**, was shot dead by the Navy. According to the Navy the youth was shot after he threw a grenade during a search operation conducted by them. The

Thinamurasu (Apr. 6-12th) quoted the parents as saying that the naval personnel who entered their home just after mid-night had ordered them out and interrogated their son. Gunshots were heard subsequently.

Alaveddy - 7th April 1997: Sivarajah Manivannan of Arunachalam Vidyalayam, Alaveddy, "died under tragic circumstances" - press notice in the **Uthayan** by the School Welfare Society and the Old Students' Association. (The form of the notice indicates that he was killed in a firing incident and we have no further details.)

Anaikkottai - 8th April 1997: Kanapathippilai Pratheepan (16,O/Level) of Balasubramaniam Vidyalayam, Anaikkottai was shot dead at mid day when the army fired back in response to a grenade thrown by the LTTE. The body was collected from Jaffna Hospital after identification by parents, the school principal and teachers. There was a massive turn out at the funeral. The EPDP called for a judicial inquiry.

Thinnevely East - 20th April 1997: Nithyanantharajah Pushpalatha (31), mother of two, was injured in the stomach and a leg during the shooting incident at 2:30 a.m. Her husband had been killed by the IPKF in 1988.

Malusanthy, between Manthikai & Nelliady, Jaffna Road, Vadamaratchy - 22nd April (approx.): The LTTE shot dead two soldiers whom they had apparently observed going to drink toddy for some time. Troops then assaulted several civilians in the area. **Colonel Wijeratne** who was away during the incident is said to be trying to trace those assaulted.

Jaffna Convent - 3rd May 1997: (See report above)

Irupalai - 3rd May 1997: Kandiah Selvaratnam (58), a coconut plucker, lost a leg by treading on a minefield meant to protect an army post in Vithanayar Lane.

Between Chunnakam & Mallakam - Mid-May 1997: An LTTE mine explosion claimed the lives of 4 soldiers travelling in a tractor and a civilian passer-by. In the sequel about 60 civilians were assaulted by soldiers. In a statement, **Major General Balagalle**, apologised for the assault and promised appropriate punitive action against those responsible.

Manipay, Anaikottai, Suthumalai, Kokkuvil - 19th, 20th May 1997: Firing noises and grenade explosions were heard in this area. A civilian **Kathiravelu Suresh (33)** and his wife **Jamuna (24)** were hit by gunfire. The former was killed and the latter was taken to Palaly base to be treated. Four other unidentified bodies were brought to Jaffna hospital.

Inuvil West - 20th May 1997: Kandasamy Rathinamma, an old woman, was shot dead when she went into her compound holding a lamp at 4:30 a.m. to ease herself. Her body was handed over to Jaffna hospital by the Chunnakam Police with several gunshot injuries in her chest.

4. Killings by the LTTE.

5th January 1997: G.W.Piyadasa(65), a Sinhalese who had been resident in Jaffna for 40 years was shot dead by the LTTE near Innuvil junction. He was accused of having contact with the army and giving information. The LTTE notice further asked people not to have contact with the army whether willingly or unwillingly. With long experience **Piyadasa** was no doubt a careful man. During the 80s in particular, a number of individuals, Sinhalese, Tamil and Muslim, were killed on the slenderest accusation of giving information. In the present climate of a large number of people giving information, even an innocent conversation by **Piyadasa** with soldiers who had moved into that area would have been given an adverse interpretation. For example, in the case of the killing of two key LTTE leaders in Thavady which is close to Innuvil, 1 1/2 months later, the army had been able to obtain accurate information without the help of any Sinhalese around.

Kokkuvil, Manjavannapathy - 6th January :A man about 50 years old was found shot dead. The local talk was that he had been 'punished' by the LTTE

17th January: Uthayakumar , a merchant, was shot dead by the LTTE who claimed responsibility saying that he was an informer.

Point Pedro - 18th January: Krishnakumar(48) of Valvettithurai was attached to the security division of the Point Pedro CTB Depot and was a widower. His deceased wife **Indra** had been the daughter of **Mr.Kandasamy**, Emeritus Principal of Palaly Teachers' Training College. He lived alone with

his mother and was fond of dogs, of whom he kept several. As has often been found characteristic of several critics of the LTTE of Valvettithurai origin (same as the Leader), he was very frank and open about his criticism of the LTTE. This had obviously been reported to the LTTE a long time ago. The fact that he was an outsider and the fear of associating with someone openly critical of the LTTE, rendered **Krishnakumar** somewhat isolated.

While the LTTE controlled Jaffna peninsula, it had used its middle class supporters to spy and inform on others of similar social status. For example, a retired gentleman in Point Pedro used to be visited after dark by two men from the LTTE Intelligence Unit riding a motorcycle. He was periodically given instructions to spy on particular persons. During 1993 this gentleman told some of his close associates that the LTTE would soon place **Krishnakumar** under detention. But this had not happened. Nothing happened until recently

On the day concerned an army patrol passed his house in V.M. Road near Vada-Hindu Girls' School and the dogs barked. It was 6.50 p.m.(old time) and almost dark. A little later the dogs barked again. **Krishnakumar** went out to look and five shots were heard. His mother then came out and found him dead. Though it was curfew time the mother carried a lantern and walked 1 1/2 miles to Manthikai hospital to obtain help. The army came at 3:00 a.m. the next morning and took away the body in an ambulance. The body was brought to the house after the inquest. The event sent shock waves of terror among the people of Point Pedro. Hardly anyone attended the funeral besides **Krishnakumar's** brother **Jeyakumar** and his wife - the only ones to stand by the mother. **Krishnakumar** had no children.

It was later reportedly claimed by the LTTE that **Krishnakumar** had worked for the Army Intelligence Unit. This is strenuously denied by all those who knew him well. Such an occupation is not undertaken by those who are openly critical of the LTTE. This is one of those periodic actions by the LTTE to keep the people reminded that they would come back "to wipe away their tears".

Point Pedro - 25th January: **S.T.R.Jeyakumar** was killed by the LTTE in exactly the same manner on a Saturday at the same time, exactly a week after **Krishnakumar** was killed. **Jeyakumar** was a photographer in Point Pedro with two children and had gone to live in Vavuniya during the war. Following the army taking over Vadammaratchy in April 1996, **Jeyakumar** brought his family back to Point Pedro and resumed his trade of taking videos

and photographs at functions. On the day concerned someone came to his house, called him out and said that he had come to collect some photographs. When **Jeyakumar** did not recognise the man, the caller asked him to look at his face and then opened fire. The **Uthayan** report indicated a claim that he had been an informant to the Army. There was also local gossip to the effect that he had links with other militant groups who had just begun setting up offices in Jaffna. All this was mere speculation. Again those who knew him well averred that he had no links with the security forces. **Jeyakumar's** funeral was well attended as he was a man of the area and his children counted many playmates. Those in the locality are unaware of any LTTE claim.

Polikandy (Vadamaratchy) - 30th January 1997: S.Shanmugam was executed by the LTTE. He is said to have been fluent in Sinhalese. There have been several other reports of killings by the LTTE of which we do not have the details. The **Uthayan** of 25/12/96 quoted an Army spokesman as saying that the LTTE killed a 65 year old woman in Point Pedro.

Manipay - 6th February 1997: Y.Srinivasan(48) was killed by the LTTE. The charges against him in a notice beside the body were reported in the **Uthayan**. He is said to have betrayed supporters of the LTTE and provided information to the army about an LTTE camp and hidden equipment. He is also said to have betrayed a planned ambush in Sitthankerny resulting in the army recovering a claymore mine. The LTTE further asked others who had fallen for "charmed words and privileges" to give up such activities.

Nunavil - 8th April 1997: Chelliah Padaiveerasingham was called out from his house near the junction at 7.30 p.m. by someone standing at the gate. A shot was heard a little later. His body was found the next morning a short distance away. There was a board saying that he had been punished. The EPDP said (**Uthayan** 10/4/97) that he had been killed by the LTTE. Other sources in the area said that **Padaiveerasingham** lived in a neighbourhood from which a number of persons had joined the EPRLF, but that he was an innocent man having no contact with the army. This contention is further strengthened by the fact that this killing had left many people in the area puzzled. There was no local knowledge or rumour to suggest that he had any links with either the Army or the LTTE. People simply reasoned that the LTTE did not appear to have been responsible because it issues a warning or two before killing someone. But we have a number of cases of LTTE killings on record where no warning was given, and the LTTE denied responsibility. Some people in the

area drew the conclusion that the killing had been done by Tamil groups who had recently come to Jaffna. The modus operandi however is the one used by the LTTE and there are no indications that the other Tamil groups who had been in Jaffna now for four months have indulged in such activities. Yet some of the recent killings by the LTTE may have to do with driving fear into persons who may have family or other connections with the Tamil parties now in Jaffna.

Imayaman Kovilady, Vadamaratchy - Mid May : Tharmalingam Saimini, a young woman of 22 years, was shot dead by the LTTE. Her 'crime' was that she was engaged to a member of the Sri Lankan army. It is said that the LTTE had issued 3 warnings. The funeral arrangements were undertaken by the Army.

Sarasalai, Thenmaratchy - 23rd May 1997: Arumauam Kumarasooriyar (42), a trader, also known as **Suresh**, was taken from his home by the LTTE during the night. His dead body as discovered near Kamalasini School, Mattuvil, the following morning. The charge against him is reportedly that he had retailed goods that were shipped into Jaffna and supplied by the Army. Some sections of the army are involved in trade on the side, even running some well-patronised canteens.

5. Civilians affected directly by LTTE attacks:

Chavkacheri, Chankatthanai - 19th January: LTTE cadre threw a grenade at soldiers manning a temporary road - block and ran away. A school boy, **Paramanathan Parthipan (15)** and some other civilians suffered injuries.

Ponnalai - 29th January : See 3 above and last section of Addendum on JTH.

Chankanai East - 19th February: According to a statement by the Army reported in the 'Uthayan' and not contradicted, a claymore mine exploded in Chankanai East at 7.30 AM on 19th February 1997, and a grenade was thrown, resulting in 5 civilians being injured and a 10 years old girl who was badly hurt being taken to Palaly base for treatment.

Thalayady, Maruthankerni - 15th March: Passenger bus no 62-4774 plying route No 807 at 6.15 a.m. was blasted by an LTTE land-mine. It is speculated that those exploding the mine had thought that the bus was carrying soldiers. But only regular passengers 7 were in the bus. A woman, **Pathmavathy (30)**, of Maruthankerny and a man, **Kandiah (65)** of Uduthurai, were killed. 11 others were injured.

Thinnevely - mid-April : LTTE cadre threw grenades at soldiers between the University of Jaffna and the post office. Those injured were 3 women and a man who were 2nd year commerce students of the University :- **P.Jeyarani (24)**, **S.Priya (23)**, **N. Pushparani (25)** & **C.Easan (23)**.

Illavalai, Valikamam North - 3rd June: An Army escorted bus was subject to a land mine attack, killing a policeman, two soldiers and two civilians. The injured civilians were taken to JTH.

6. A Note on Military Operations.

Despite a disturbing trend, reprisals remain the exception rather than the rule. In Vadamaratchy discipline remains good. As an example, Irumpumathavady in Navindil is an area frequented by the LTTE. Recently soldiers acting on information ambushed and killed two or three LTTE cadre. About a week later the LTTE shot and killed two soldiers on a motorcycle near the local army camp. Within an hour the situation was normal and people were going past the army camp without fear.

LTTE attacks on the Army mainly rely on hand grenades and claymore mines and are thus principally aimed at un-nerving and provoking reprisals. The LTTE operates in larger numbers in the south-eastern sector of Thenmaratchy where direct confrontations sometimes take place. The LTTE admitted losing 4 men in a confrontation at Vettilaikerni in early May. About 2.30 A.M. on 4th May the LTTE attacked the Army camp at Thanankilappu and withdraw after half an hour leaving two dead. The Army too seems to have suffered casualties as suggested by a report in the 'Uthayan', that two helicopter landings in the army camp were sighted. 13 soldiers were killed in an LTTE attack in Vettilaikerni just before independence day (4th February). On 17th April 10 soldiers and two civilians travelling with them were killed in a mine blast in

Vadamaratchy East (uncleared). Their vehicle was one in a convoy going on a mission. Following a round up using masked informants, three persons from the same family in Nagar Kovil { **Ariaratnam Selvakumar (23)**, **Ariaratnam Arulmathy (21)**, & **Periyathamby Amalanathan (31)** } were taken away.

On the 6th December 1996, 6 soldiers having their usual bath at a well 75 yards from the Meesalai camp in Thenmaratchy were killed when two claymore mines operated by a pressure switch exploded. Overall, troop casualties appear to have declined in comparison with last year, and the levels are far below the high casualty rate in the East. The distinction between cleared and uncleared areas remains. Often Special Forces mounted on motorcycles operate in uncleared areas.

Reports of LTTE casualties could be gleaned from the 'Uthayan'. These are often coded ambiguously as 'bodies of unidentified youth'. One often reads that the Police from Chavakacheri (in case of Thenmaratchy) or Chunnakam (in the case of Valikamam) brought the bodies of unidentified youth to Jaffna Hospital for identification and post-mortem examination. This usually means that no relative had so far come forward to make an identification.

For example, the 'Uthayan' of 18-02-97 reported that the Chavakacheri Police brought 8 bodies to Jaffna Hospital over the past 3 days, 5 from 3 separate incidents. 3 unidentified bodies from an incident in Palai on the dawn of 15/2 were brought to Jaffna Hospital on the 17th evening. All three had gunshot injuries, one had the chest and two hands smashed. The bodies of **Nadaraja Prabakaran(21)** and **Yogeswarasarma(22)** killed on Sunday (16th) during the shooting incidents in Mattuvil - Point Pedro Road and Navatkadu, Varani, respectively, were brought to Jaffna Hospital in the evening, the same day. Their names were given by the Police, but where they are from is not known."

There is, taking into account the circumstances given and not given, little cause for doubt in the case of the first three. In the case of the last two they may have possessed some form identification or may have been known in the area. But for more than 24 hours, no one had come forward to claim the bodies. Based on this, the element of doubt is however greater. We have given a case above (24/2) where in the case of an innocent civilian killed, the family had come to Jaffna Hospital for the body, but the Police refused saying that he was LTTE.

Other typical reports are : (**Uthayan** 19/1/97): The body of a youth with gunshot injuries was seen on Eluthumattuval - Nagarcovil road in the morning, the day before yesterday. No further details were received of this corpse clad in black trousers and a green banian.

Same issue of Uthayan: The corpse of a youth about 20 years, said to have been shot dead in Chankanai, 9:50 a.m., day before yesterday, was brought by the Chunnakam Police the same day. There were gunshot injuries in the left side of the chest and in the neck. His name was given as **Jegan. (Uthayan 27/2)**: The body of a youth said to have been killed in the incident in Kokkuvil West day-before-yesterday, was brought to Jaffna Hospital yesterday by the Chunnakam Police. It was made known that the deceased was a member of the LTTE.

(The latter incident appears to have been in the context of the operation in which two key members of the LTTE were killed the previous day in the same area - report above)

(**Uthayan** 30/3): The body of an unidentified youth, about 29 years of age, said to have been killed in the shooting incident at about 4:30p.m. in the Kondavil area day before yesterday, was brought to Jaffna Hospital by the Jaffna Police yesterday for identification and inquest proceedings. The corpse had gunshot injuries in the back of the left shoulder and the upper right hand.

7. Vadamaratchy.

We once more highlight Vadamaratchy as an area where the conduct of the army has been exemplary. Missing persons have been very few and we know of only one case in Irumbumathavady where arrest is being denied, which remains to be clarified. Sadly much of this owes to the initiative of **Colonel Larry Wijeratne**, the brigade commander, rather than to the army as an institution. In dealing with the people he tries to understand them and remove causes for offence. On the vexed question of persons having to dismount at check points and walk past soldiers he has now made it the routine that people need not dismount from their vehicles. In cases of persons who were victims of army action he has visited their homes and tried to reassure their families. In the case of **Muralitharan** (Bulletin No.13) who died under torture by the army, the Colonel visited the home, carried the baby and made his personal

apologies to the wife. In places where soldiers had tended to misbehave, in order not to expose the complainants he had visited homes in the area, which served as a warning to the soldiers. As a result he has also been successful in forming a number of societies and even those of youth, where issues could be discussed.

One of the successes was to arrange for 92 students (two from every GS division) to visit the South where they were given opportunities to meet those of their age in the South and also visit places of interest. This went ahead despite warning letters to the headmen (GSs) from the LTTE. Applications for travel to Colombo need to go through the brigade HQ and in following the normal routine there is a long wait. Owing to the shortage of teachers the Colonel had politely told teachers who gave him their applications to travel to Colombo, that rather than wait their turn in the queue, if they would go during the vacation he would see to it that they would travel as soon as their school broke and could then return in time for the reopening.

In principle every civilian has access to the brigade commander. Normally the civilians would first go to the civil affairs officer and if he could not help them in the way they wanted, they could see the brigade commander if they were prepared to wait. More recently the Colonel has been visiting places and homes informally in civilian dress.

Recently the Colonel had been invited as the guest of honour at the prize givings at **Hartley College** and **Methodist Girls' School**, Pt. Pedro. His speeches were much appreciated. The Manila based **Radio Veritas** claimed in its Tamil broadcast that the Colonel has been forcing himself on schools and has also forced schools to fly the national (Sri Lankan) flag at their functions. Both these charges are denied locally. The invitations were spontaneous. The Colonel had in fact told the school principals that they are not under any compulsion to fly the national flag.

It is also the first time after 1978 (at **St. Patrick's**) where a Sinhalese had been so honoured at a prize-giving in Jaffna. The people are mainly looking for decency and humanity. We are also given a strong hint of the wasteful and destructive nature of government and military policy over the past decades, as opposed to what could have been achieved by an appeal to reason and humanity.

8. The Long Road to Dignity and Democratic Accountability

8.1. The People.

Experience, that has been long and tragic, ought to have taught us that it is the willingness of people at all levels of society to stand up and speak their minds fearlessly that would ensure its health and well-being.

It is heartening to note that Jaffna is doing better than what might have been expected in the light of what happened during the past 11 years. The Roman Catholic Church has been the largest organised body in Jaffna, but it had almost totally failed to take up a moral position during the long years of internecine strife and internal oppression when blood flowed freely. The opportunism and culpability of some clergy is also well-known. In recent times however it is a most encouraging sign that **Bishop Thomas Saundaranayagam** is rising up to the occasion and saying things that need to be said by a leader of his standing. In a number of interviews he has given the press and visiting delegations, his remarks have been wide-ranging. He has criticised the Government over its shortcomings and the needless disabilities suffered by the people. But he has also done the difficult things like giving credit to the Government and the Army where credit is due. He has also been self-critical. Commenting on the lack of democratic initiative within the Tamil community, he has said, "For seven years we have been silent. We need once more to teach ourselves how to speak". Tamil readers in Jaffna have however not been given the benefit of what he has been saying. The Tamil press has generally avoided publishing remarks which challenge the nationalist position.

There have also been letters to the editor of the **Uthayan** protesting against arbitrary arrest and corruption. What follows is an excerpt from a letter to the editor of the *Athena* (6th January 1997). It is a carefully drafted letter, a good deal of which is double edged, and is capped by the irony of the editor's note: *"...It has been pointed out in the press that the people returned to Valikamam placing their faith in the armed forces. Arrests and disappearances resulting from the activities of the armed forces have created a situation where the gap between them and the people could only increase. I trust that my writing this will not be taken as an action against the forces resulting in harm being done to me. Yet it is being widely talked about that we came*

trusting the armed forces and that we have been taken for a ride. Therefore I trust and plead that the armed forces would treat this as a problem of those who placed their trust on them and will take remedial action accordingly. "Even in recent times many persons have been arrested by both the Tigers and the armed forces. But no information about these arrests is published in the press. This has caused many readers of the Uthayan (the only paper in Jaffna) to wonder if it is being subject to censorship through clandestine means..."

Editor's note: *"In consideration of the safety of this reader from Anaikkottai, we have decided to withhold his name."*

8.2. Tamil Political Parties in Jaffna

From January four former militant groups, the EPDP, EPRLF, TELO & PLOTE are represented in Jaffna as political parties. The EPRLF had largely ceased to function as a militant group since 1990. There had been misgivings about their deployment in Jaffna owing to a negative view of the activities of some groups that had worked closely with the armed forces. For example, in our recent report on the Vanni, we highlighted some of the activities of the PLOTE and TELO in Vavuniya. **Manikkathasan**, who is the deputy leader of the PLOTE, has been personally associated with a number of uninvestigated killings even under the present government. Under the terms in which these groups were to set up office in Jaffna, they could maintain rifles in their offices and certain leaders were allowed to carry pistols for their protection while moving around. So far the earlier fears have not materialised and these groups are so far known to be playing only a political role in the peninsula proper (i.e. excluding the Islands where the EPDP had long maintained an armed presence).

Up to this time there have been no major complaints although doubts remain. At least people who need help with someone arrested, want to go to Colombo urgently, wish to make a telephone call to Colombo, wish to find a job or talk about some other problem, feel that they could approach someone who might do something. These groups have also been exerting pressure regarding missing persons and have been pressing for inquiries in the case of persons killed by army action.

There would always be the nagging fear that some elements from these groups who are very much beholden to individual army officers rather than to anyone else, may, if things become difficult, be used in the manner in which they have been used in Vavuniya and the Eastern Province. The LTTE no doubt hopes that such an eventuality would arise. If such pitfalls are avoided, this may be an opportunity for these groups to redeem themselves. The TULF has been criticised for not coming to Jaffna and according to a TULF spokesman, they are seriously thinking of moving in.

9. Hobson's choice: facing disillusioned combatants

On both sides many of the combatants see themselves caught up in a war that has lost all meaning for them. But all choices seem unenviable. In recent weeks there have been well publicised desertions of security personnel sent to the Vanni from safer postings. A batch of applicants who went recently to be interviewed for selection as army officers were surprised to find themselves strongly discouraged by serving officers who met them on the way. In the case of the Tamil struggle the causes of disillusionment are very deep and have been increasingly felt from its militarisation in the 80s. We have discussed this in earlier reports and the issue has been covered from several perspectives in the '**Broken Palmyra**'. We merely point to some recent developments.

With the opening of the Vavuniya-Mannar road earlier this year the army stopped the boat service from Vidathativu in the LTTE controlled mainland to Mannar Island that had been under army control. The pass system operated by the LTTE had made it very difficult for its deserters and ex-militiamen to leave its domain. The army wanted travellers to Mannar Island to come to Uyilankulam on the newly opened main road and take a bus. The people did this despite being forbidden by the LTTE and in time it became regularised. With many pressing matters on its hands the LTTE lost control of the situation. Consequently, it became an escape route for LTTE deserters who went to Uyilankulam and surrendered to the army.

On 1st May 1997, about 4 LTTE men went along with the civilians with concealed weapons and suddenly opened fire at soldiers manning the Uyilankulam entry point. Two soldiers were hit of one whom died later. The soldiers had

been without success trying to get the civilians into two queues. Fortunately there was present a competent civil co-ordinator, Wijedasa, a retired army officer who was trilingual, who got the people to lie down before the army responded with small weapons and cannon. The shells fell further afield killing the son of Bar Ponniah of Mannar, father of a four months child. One shell killed two cows, and a lady about to feed them stood transfixed by shock holding the bag of feed, when a piece of shrapnel from a second shell, tore through the bag though not harming her. Subsequently LTTE deserters who came to surrender were beaten and the message has been given that the army does not want LTTE deserters to come that way. The people of the area live on pins owing to occasional shelling.

Once the LTTE's deputy leader **Mahattaya** was placed under custody in 1993, those who were closely associated with him became suspect and were tortured by their own organisation. According to local figures in Chavakachcheri, when the Army moved in there in April 1996 they used **Mahattaya** loyalists who had come over to them to screen out LTTE cadre who had remained in refugee camps. The mother of a detainee from Meesalai said that her own son was being tortured by former LTTE men now working for the army. A number of former LTTE men now dressed in Sri Lankan army uniform have been observed in Jaffna. In the Manipay area a former LTTE area leader is now said to hold the rank of 'captain' in the army. The LTTE cadre **Sayanthan (alias Anandan)** who was responsible for the landmine attack at Ponnalai on 29th January (report above) was arrested in Araly after being shot in the leg. He told a fellow prisoner apologetically that he did not have time to take the cyanide. The army is known to have been treating him well.

Thus one gets accounts of many strange things in Jaffna. A young man who came from Colombo and attended a funeral in his village, was closely questioned by a former acquaintance. Others at the funeral warned him, "Be careful of what you tell him, he is very close to the LTTE". The next day this young man was going past an army camp when to his surprise he observed the same person who questioned him holding hands with a soldier, engaged in a very friendly conversation. A young man **Ramesh** who lived near Valvettithurai was shot dead by the LTTE. The local talk is that LTTE cadre had visited his home, had dinner with him and he had gone along with them to escort them safely out. But subsequently they had shot him.

What follows is the story of a young man caught up in a tragedy that is very characteristic of the atmosphere. After the forced exodus of the civilian popula-

tion from Valikamam in October 1995, **Haran** deserted from the LTTE and stayed with his family which included two sisters, who were refugees in Thenmaratchy. One day the LTTE came to the area and said that they were looking for two LTTE deserters who were being hidden by the refugees. But on that particular day **Haran** had gone to another village for the night. After the Army moved in those who were members of the LTTE were asked to surrender. The parents arranged for **Haran** to be surrendered by a person of standing.

Haran was kept for a few days and released with a slip of paper. With this he enjoyed the freedom to travel much more freely than was permitted to normal civilians. He was freely allowed to go into the uncleared areas and come back. At one point he visited the Thavady area frequently and had evidently made contact with the LTTE. Having had lunch one day in September 1996 with some LTTE members who had come from the Vanni, he was shot dead by the army near Uduvil where he is said to have been attempting to throw a grenade. One explanation of this episode is that he had been an agent deliberately left behind by the LTTE. But what seems to fit the facts better is that he had agreed to provide information to the Army and had at the same time tried to persuade his LTTE companions that he was on their side. He may have been sent to throw a grenade to prove his loyalty to the LTTE.

10. A follow up on earlier reports and issues

Kerudavil - 4th August 1996: In Special Report No.7 of August last year we reported the murder of **Karthigesan** and his daughter **Baleswari**, the latter being killed after rape. According to local sources the culprits were detained by the Army following medical evidence. We have no record of what further action was taken.

Meesalai - 8th August 1996: **Navaratnakurukkal Koneswara (27)**, Brahmin priest, had gone to Meesalai the previous day and set off home to Point Pedro via Jaffna about 9.30 a.m. He did not reach home. All possible agencies were informed including army camps but to no avail.

Chavakacheri - 12th August 1996: **Chinniah Somaskandan**, Arts student, University of Jaffna, originally from Thellipalai, refugee in Chavakacheri,

arrested on the way to the university via Kopay. Mother, Rajapoopathy Somaskandan, widow, has since then been inquiring at army camps only to be sent from one camp to the other.

Karambakkurichchi, Varani - 13th August 1996: V.Ramanathan(25) unmarried was killed in 'cross fire'.

Manduvil, Thenmaratchi - 28th August 1996: The decayed body of **M.Kanagu(55)** with the hands tied was found in the cesspit of a lavatory close to his house. The detection was made a month after the victim had gone to see his lands and not returned. The identification was made by the wife. The culprits were not traced. In our Special Report No.7 of August 1996, we reported a similar case from the same area during the same month. In that case the victim, **Mayuran (19)** who was thrust into a cesspit had managed to attract the attention of a lady with sharp ears and was rescued. It was also in this area that on 17th May 1996 three males and a child were chopped to death and three women were raped. This too remains uninvestigated.

Sarasalai, Thenmaratchi - 13th September 1996: At about 6 p.m. **Saravanabavanandan(21)** was made to crawl by soldiers and was shot from behind. The army version is that he had come with arms with 15 others.

Nunavil, Thenmaratchy - 18th September 1996: **Thangavelu Rajendraumar(28)** of Atthai, Alvai East, Vadamaratchy, was Sarvodaya Regional Co-ordinator, Vadamaratchy. On the day in question he went to the regional office at Nunavil at 10 a.m. and was arrested by the army in the vicinity, at the site of a claymore mine incident the previous day. The arrest was witnessed by a watcher who is prepared to testify anywhere. Rajendrakumar is frail and suffers from occasional fits.

Thenguthattu, Thenmaratchi - 22nd September 1996: This village is 300 yards beyond the bund. 6 persons were killed by shells fired from Eluthumattuval South.

Manduvil, Thenmaratchi - 24th September 1996: **Krishnapillai(57)** was killed by the LTTE in the presence of his daughter. He was reportedly accused of being friendly with the army.

We have so far been unable to find local confirmation of the claim made in the LTTE Bulletin of 15th August 1996, that the bodies of three young girls and five young men were discovered in a shallow grave which was connected apparently with an army round up in Kachchai and Thanankilappu. The people contacted were not aware of this particular incident but there was a rumour about the disappearance of 13 persons in another part of Thenmaratchi of which we have no concrete testimony. (The recent AI report gives an incident in mid-1996 in Thenmaratchy West, where a number of persons went missing.)

In Bulletin No.13 of 27th December 1996 we reported the arrest by the army of **Sivagurunathan Arutchelvam(20)** in Kaputhoo, Vadamaratchi. We are informed that he has been released. We also reported the arrest in Thanankilappu of **Sathasivam Ramesh(19)** on 15th October 1996, who had crossed the lagoon with his mother. We are now informed that he was held at the Chavakachcheri army camp and transferred to KKS on 23rd December 1996. He wrote his first letter to his mother on 26/12/96. He was subsequently transferred to Magazine Prison, Colombo and his case was to be heard in Anuradhapura on 9th May. When his mother had inquired at the Chavakachcheri camp just after his arrest, she had been firmly told that her son was not there. The case of **Poopathy Aravindan (26)** missing after arrest in July '96 (Our Bulletin No.13) was taken up before the MoD's committee in Jaffna on 17th April.

The case of the Chundikuli Tie - 12th December 1996: The LTTE London Bulletin of this date stated that the bodies of a number of Tamil school children were washed ashore around Mullaithivu. One corpse of a girl in school uniform is said to have been wearing a tie of **Chundikuli Girls' College**, Jaffna. The **Uthayan** published a news item on 13/12/96 quoting news agencies in London that the bodies of 3 girls previously subject to abuse were washed ashore in Mullaithivu. It added that this had been confirmed by the **BBC Sinhalese Service**. Its issue of 19/12/96 gave further information quoting a letter from the **TULF** leader to the President that the corpse had both the Chundikuli tie and school badge. The issue of 25/12/96 carried a response from the army. The army had interviewed the school principal who had said that other than the case of the rape victim **Chryshanthi Coomarasamy** (who was killed on 7/9/96) she had received no reports from parents or relatives about any other girl missing and that in such an event she ought to be the first to be informed. She too had heard about the Mullaithivu corpse from the press. The **Uthayan** was faulted for blindly publishing reports coming from Co-

lombo and abroad without going to the trouble of checking with the school principal who was accessible within the same Jaffna municipal limits. The truth about the corpses remains a mystery.

11. What is the reality behind missing persons?

Of the 676 missing persons listed by **Amnesty International**, 576 are from Thenmaratchi and 100 from Valikamam. The committee appointed by the Defence Ministry to look into missing persons heard 59 cases in January (Jaffna Municipality 19, rest of Valikamam 12, Thenmaratchy 28) and another 60 cases in April (Jaffna Municipality 13, rest of Valikamam 27, Thenmaratchi 20). No findings have been made public so far. Of the number given by Amnesty, 361 went missing in August 1996. We may take AI's to be the most complete list.

We had ourselves suggested that one reason why the government was so silent on the matter is that a number of those detained had died under conditions of torture or criminal assault. The case of the remains in the cesspit given in the earlier section is almost certainly one of several such examples that may never come to light. What independent information do we have with regard to this question? According to testimony coming from two middle ranking army officers (above the level of captain), the Army did eliminate scores of persons belonging to the LTTE who were captured or picked up in Valikamam when the army moved into Jaffna town in December 1995. They claimed that their bodies had been burnt. But they added that of those detained after April 1996 when the civilians returned to Valikamam, no one was eliminated and that they are nearly all under custody.

As to the first claim we have no independent sources, but it does conform to the little that is known about what happened after the Army came to Jaffna in December 1995. We recorded the case of a merchant in Kandarmadam in whose house at that time 20 LTTE cadre had taken shelter. When the army came there on a tip off, the merchant himself was shot along with three LTTE cadre. As far as the LTTE is concerned all those left behind in Valikamam who fell into the Army's hands should have taken cyanide rather than get captured. Even after April 1996, summary executions do not seem to have been regarded unusual - e.g. the execution of two captured cadre in Navindil (Sp. Rep. No.7). If the claim about eliminations is true, it is made the more baneful when one also considers that there is an association of families of missing

servicemen in the South with the late **General Kobbekkaduwa's** widow as patron. These families have been frantically seeking information of about 500 missing servicemen. Public appeals to the LTTE through the press by some of the parents have been both moving and conciliatory, with emphasis on a strong desire for peace.

In the case of testimonies we have recorded in the previous reports, the methods of torture were so unrestrained that several of those detained would have died. Despite repeated protests, the Government was in practice very lackadaisical about the matter. This partly owes to the sheer inertia of the system.

We do have testimony that torture in the form of suffocation with petrol bags and severe assault with thick pieces of wood went on at least until the end of last year. A prisoner who was at Chavakachcheri camp testified that when he was beaten on the hands the piece of wood came down on his handcuffs causing them to break. Several persons so treated are likely to be released by the Anuradhapura High Court after a nominal bail of Rs 1500/= - meaning that they are practically innocent. Most of the torture seems to have been carried out at local camps rather than at Palaly base itself. At Palaly base there seems to be some form of internal accounting where records are maintained of prisoners who are brought there. If a prisoner does get sent to Palaly for medical treatment, he or she would then come into this accounting process. An exception seems to be prisoners taken by the Special Forces (SF). According to testimony coming from an army nurse, prisoners sent for medical treatment by the Special Forces are returned to the SF themselves. A particular case referred to was **Shanthi** from Brown Road, Jaffna, a female LTTE cadre picked up by the SF in the uncleared part of Kokkuvil early this year, who was tortured with her vagina being burnt with lighted cigarettes.

The Government seems to have settled down to dealing with the problem of missing persons by releasing a small number of detainees at a time. There are regular news items in the 'Uthayan' providing information about youths detained or released. The issue of 8/12/96 said that there were 149 youths at Kalutara from the North, most of whom were arrested in 1996. It also said that 21 were being released. On 16/2/97 the Uthayan published a list of 34 persons held at Magazine Prison said to have been given by the EPDP. The Government might hope that by so releasing small numbers at a time, the issue might in the end become so cloudy that it will be very difficult to obtain an accurate picture as to how many were re-

leased and how many had disappeared. The existing instruments, both national and international, do not seem to afford a remedy against so called 'friendly' governments getting away with such things.

Recently, a 'Committee for the Defence of Missing Persons' in Jaffna sent a memorandum to the President of Sri Lanka which reads: "...students, government servants and employees of private institutions were among those detained by the security forces. About 800 parents so affected have been blighted in both body and mind. Life has lost its meaning and their life-span too has been shortened...Despite warnings from other quarters it is out of the trust reposed on you and the armed forces that we chose to live under government control...Our children were arrested by the army before our own eyes at their check points. They had neither gone abroad nor joined the LTTE [as is sometimes suggested by officers]...Our minimum demand is that arrangements should be made for them to exchange letters with us - their parents..."

12. Jaffna: Condemned by her own sons?

It is unfortunately true that Jaffna has suffered the most from political game-playing by her own sons who had cut off any permanent stake in the place. We have pointed out before that the LTTE's activities were most profitable to those who wanted to establish themselves abroad. During the war years while a relatively privileged section with the means or foreign connections was seeking to establish themselves abroad as immigrants or refugees, propaganda by persons from the same group in concert with the LTTE sought to represent life in the North-East as having become impossible entirely due to state oppression. We will not go into the several ways in which this contention was used and abused. We just take one strand.

The Medical Institute of Tamils (MIOT) was formed in 1994 and it convened its first meeting in London in September 1994. Many distinguished Tamil doctors attended who genuinely wanted to help the people. The medical problems of the North-East highlighted were genuine and urgent, and no doubt the government was culpable in a big way. One paper highlighted mental illness and trauma as being about the gravest problem with internal repression under the LTTE being among the major causes. (This was played down by censorship in the published collection.) The purpose of the conference was to seek remedies.

As a follow up, a "Short Visit Programme for Doctors" was announced. The appeal was published in the May/June 1995 Bulletin of the Tamil Information Centre (London), a co-sponsor of the conference. The appeal mentioned "large numbers suffering from Post Traumatic Stress Disorder (PTSD) resulting from constant shelling and bombing by the Sri Lankan Security Forces" (no doubt true, but partially). It added: "The overriding health need in the North-East, however, according to the visiting and local doctors is personnel. The attitude of the Sri Lankan government towards the North-East population is calculated apathy and it is only the Tamil medical fraternity abroad that can fill the prime need for medical personnel".

In announcing the details for volunteers, it was stated: "Transportation will be arranged from Colombo under the auspices of the Red Cross or other organisations. Board and lodging will be provided during the stay in **Eelam**" (our emphasis).

Clearly, as a programme requiring the co-operation of the ministries of health, defence and the local Red Cross, it was a non-starter. An explanation is owed about what the intentions were.

Came the Government offensive in Jaffna in October 1995, and the LTTE ordered the civilians to leave Valikamam on 30th October. This had no doubt been planned at least some weeks earlier. It was to be represented to the world that a patriotic people left en masse of their own free will, because they did not recognise nor wanted to live under an alien government. A privileged few had early notice to leave with their possessions (our Special Report No. 6). The international networks had to be primed to articulate this message and represent the enormous sufferings of the dispossessed as being due to the Government alone, and promote the LTTE as their saviour.

The medical problems of the residents of Jaffna today remain no less severe than they were in 1994, and there are far fewer doctors. Most consultant specialists in Jaffna hospital have left. There is to begin with, no permanent surgeon at present. Many peripheral units are without doctors at all. The doctors in Nainathivu and Vadamaratchi East have left. The people who are now more vulnerable to infectious diseases could suddenly be faced with epidemics with totally inadequate medical care. For example, during recent years malarial illness has been common in the early months of the year. There is only one doctor in Kayts serving the islands, and in February the Kayts hospi-

tal had at one time 40 patients warded. In Thenmaratchi 1271 fever victims had their blood tested at Chavakachcheri hospital. Point Pedro hospital at Manthikai, once a thriving hospital has, besides the MSF staff, only two qualified doctors, one of whom is in harness after passing his age of retirement. Jaffna peninsula which was a relatively a healthy place for much of this century, now according to medical sources, has a significantly higher rate of infant mortality.

A particular group of vulnerable persons, whose numbers could rise to more than 150,000 with the current military situation in the Vanni, is of a kind that has been unknown during this century. These are mainly Vanni returnees from the late 1995 exodus. They record a high incidence of septicaemia, malaria, cerebral malaria, typhoid and the so-called 'fire fever'. The latter has been known particularly among Jaffna's displaced population from about 1991. The victims succumb within two days. These people have to carry the scars of the 'Exodus' that was primarily a game for those who articulated it.

Yet little has been heard about concern for the health needs of the people from those who were vocal on the subject when the LTTE was in control. It would appear as though their medical problems had ceased to exist along with the people themselves. The romance in highlighting their problems has vanished. Jaffna no longer has the glamour where expatriates could come in and carry back a coveted video record of their having tea with LTTE functionaries. Jaffna is only fit to be a free-fire zone. (See addendum on Jaffna hospital.)

Those who have tried to persuade Tamil doctors to come and work in Jaffna, even from Colombo, have found the effort singularly unrewarding. The British Foreign Minister who was in Jaffna last December had also made the observation that efforts at trying to persuade Tamil doctors in Britain to spend a short time in Jaffna while receiving all the benefits of working in Britain, also turned out to be futile. The propaganda is such that even those who may have considered going to Jaffna are being discouraged by fellow Tamils. In Jaffna itself several middle class areas are largely empty of inhabitants. There may be just one couple who have the care of parents, grand parents, uncles, aunts and other elders whose other descendants had left. One such young man who was himself being asked to come abroad by his doctor brother, who told him that there is soon going to be an attack to liberate Jaffna, observed sceptically: "In earlier years those who were leaving Jaffna were considered traitors in LTTE propaganda. Now supported by LTTE propaganda those abroad con-

sider themselves patriots, while we who are trying to keep life going for ourselves and those around us are regarded as traitors!"

13. The Search for Remedial Measures.

We stated at the beginning that the issue of missing persons is a reflection of much of what has happened. The numbers missing in each division is also a measure of the gulf between the people and the authorities in the area. As for external consequences, the Government may well get away by dragging its feet and inviting foreign observers at some convenient time to report that the human rights situation has improved in a technical sense. Yet it is widely recognised that quantitative improvement is farcical unless it is matched by benign institutional changes and the removal of repressive laws. Of these we have seen nothing. Even the President's feeble attempts at reform could make only a limited and temporary impact as they are not supported by criteria or processes for evaluation, matched by a system of rewards and punishments to encourage certain tendencies and to discourage others.

Thus pressure needs to be constantly applied to hold the Government accountable in the fullest sense possible. Means must be developed to counter the Government's evasiveness. Apart from individual tragedies, the failure to address the human rights issue fully or to merely treat it as a public relations ritual, poisons the political atmosphere to a point where the options left are unserviceable.

Given the situation described in this report, one could easily see how the situation could deteriorate if the human rights question is not addressed urgently: The gulf between the Army and the people will grow, the Army becoming more harsh with the people in response to LTTE provocations that include more frequent attacks on anyone perceived as an opponent. Terror takes over the community. All those who had hitherto lacked the courage or conviction to take any stand whatsoever, would take refuge behind slogans like "It is wrong to criticise the LTTE" and "You could never trust a Sinhalese government or a Sinhalese army".

We have been here before and it is political terrain in which the LTTE feels most at home, where it has so far found no match. Its job would become about as easy as carrying out selective assassinations and keeping up provocations.

Then all those, who took bold initiatives, spoke up or tried something different and constructive, would find themselves isolated, frustrated and even eliminated.

In such an impasse talks with the LTTE would be advanced as a lifeline, not as being about democracy, peace or devolution, but as a truce - an elusive truce between two oppressive agents, both having good deal to hide. There will be nothing in it for the people. We have been here before too.

Variants of these very real dangers must be kept in mind while addressing what needs to be done. To begin with, the Government should not be allowed to get away with further excuses for not opening up Jaffna fully. If human rights organisations and journalists have unhindered access, it would do a lot of good. Jaffna has two options. It could improve dramatically or die the slow death it is undergoing now.

To those who were prepared to ignore the hidden realities of the LTTE's regime, what obtains in Jaffna today looks more repressive - freedom of movement has been curtailed, arrest is less predictable and crime seems more conspicuous. But many of those who have lived through the vicissitudes of the last two decades refuse to see things so pessimistically.

There is today more freedom, perhaps just a little more, to speak one's mind openly, if they dare. With varying degrees of clarity, many see the crucial importance of pushing this freedom to its limits.

It is futile to compare what occurred under the LTTE with what exists today. That would be to apply static criteria instead of looking at what could be done. When the Sri Lankan Army, which in the past had alienated the ordinary Tamil by its actions and its virtual transformation as a Sinhalese Army, tries to administrate without much political initiative, people resent its overriding authority as well as its inefficient functioning. The LTTE regime, being part of the community, having suppressed all forms of independent initiative by the people, was able to provide the elementary services with much efficiency. But the politics of the LTTE has a very dangerous flaw:- Its constant need to enhance the very real insecurity faced by the Tamil people, tap their lower instincts for hatred and revenge, and so use them to further brutalise the 'enemy'. It progressively suppresses any potential there is for peace building. The tragic plight of the Vanni returnees from the engineered exodus of late

1995 is characteristic of what it will bring again and again. This makes the freedom of thought and expression far less abstract and equally more precious.

The people who flocked back to Jaffna in April 1996 saw some changes - an army that was disciplined, and a government which showed at least a vision of finding a political solution to the ethnic problem. This vision was allowed to become skewed. The reader of this report, we hope, would have found food for thought on what needs to be done to redeem that vision.

ADDENDUM

Miscellany on Jaffna Teaching Hospital

From 1986 when shells fired by the army from Jaffna Fort fell in and around Jaffna Teaching Hospital (JTH), it has occupied a central place in the drama surrounding the war. On the one hand the hospital was crucial to the morale and well-being of the community, and on the other there was propaganda benefit to be derived from incidents that pointed to the Government's ill-will or malignity towards the hospital. With the politics having become serpentine and callous, the issues concerning the vicissitudes of the hospital have never been clear-cut. (See the 'Broken Palmyrah' and subsequent reports of the UTHR(J).) From its heyday in the early 80's when the medical profession in Jaffna counted a number of persons of international standing and the future promised great things, the hospital is today faced with many uncertainties. The current position is briefly reviewed below.

Staff Position:

Only the department of medicine that counts three specialists- **Dr (Mrs) Ganeshamoorthy, Dr (Mrs) Nagendra** and **Dr. Anandaraja** - could be said to be stable. A few departments having consultants/specialists, but where the position remains shaky are: Ophthalmology (**Dr. Kugasthasan**), ENT (**Dr. Sivasubramaniam**), Obstetrics (**Dr. Karunakaran**, supported by the Resident Obstetrician, **Dr. Gunaratnam**) & Pathology (**Dr. (Miss) Sinnappah**). There is an anaesthetist (**Dr (Mrs) Theivendran**), but there had been no surgeon since the return of refugees in April 1996 until the arrival of the MSF

surgeon on 1st April 1997. Some positions with no consultant/specialist are : Paediatrician, Neurologist, Neuro - Surgeon, OPD (for the past six years) & Surgeon.

The hospital is very short of junior level doctors, among whom are Senior House Officers (SHOs). These persons are normally recruited a year after passing out as doctors. But in Jaffna an SHO now means something much more. A number of them have served six years in that position without going elsewhere to further themselves in the profession as was normally the case. Many felt obliged to delay their departure as there was no one to relieve them. Though lacking avenues to attend conferences, seminars and in general discuss their work in broader fora, the work during the war years was such that they had acquired valuable experience and skills - sometimes even performing surgical operations.

Some of the staff positions as at present are : Medicine - 2 out of 4 SHO positions filled; Obstetrics - 2 out of 3; Surgery- nil out of 3; Paediatrics - nil. Out of 26 vacancies for interns, only 5 are filled.

Labourers - no apparent shortage after 70 were recruited recently by advertisement. Nurses- short by 120 out of a total of about 300 positions. Despite the dire shortage, 24 hours coverage is provided through voluntary arrangements among doctors.

Some reasons for the shortage:

The isolation of Jaffna and the lack of senior persons from whom skills can be acquired or guidance sought, has made JTH unattractive for the young wanting to move ahead. The natural first step should therefore be to attract senior persons, and to address the question why those fairly well settled in Jaffna life have left. There are also reasons besides the more obvious ones related to the war with no end in sight. Those remaining do so for a mixture of reasons- eg. professional or moral dedication, a strong bond with the place and its people, facing a rare challenge - and in sum, service and life in Jaffna offers them a satisfaction they could not get elsewhere.

What recent events, particularly the '95 exodus had done, was to virtually wipe off the modest capital several of them had for an emergency as land and property, thus putting them under much pressure. It has been pointed out that the money that is available to redress this shortage could perhaps be used far

more effectively. USAID spends an estimated Rs.6 lakhs (US\$ 10 000) a month to provide 3 MSF personnel who are much needed. If a similar sum from well-wishers is used to provide incentives for a few years to local doctors who would work in Jaffna, the results, it is averred, would be more effective and permanent. The health ministry too, it is said, would do well to address an anomaly that obliges returning senior expatriate doctors to work on contract at the lowest point of the consultant's scale, with no allowances.

Medical Supplies to Jaffna:

Requests for supplies have to be endorsed by the Ministry of Health and then processed by the Ministry of Defence. When Jaffna was under LTTE control, the first was routine while the latter (MoD) made cuts in the list before passing it. From April 1996 the MoD has made no cuts except for disallowing Ketamine, an anaesthetic that could be used in the field.

All gifts to Jaffna Hospital need MoD approval, and this is now routinely granted. NGOs (e.g. ICRC&MSF) are now not allowed to take their own supplies of medicine to Jaffna. The MSF for example has to get its medicines from JTH. Previously, under LTTE control, the NGOs used to supplement what JTH received in short-supply. A hospital spokesman said that the NGOs still had the option of donating the medicines to JTH in Colombo, which would then be approved by the MoD, transported to Jaffna and then be available from JTH.

Up to the end of last year, the JTH however had problems with supplies. The Commissioner General of Essential Services, who is said to have been unsympathetic and has since been replaced, had insisted that medical supplies to Jaffna should go in normal cargo vessels and not in the ICRC ship that did weekly trips to Jaffna. This had resulted in long delays (e.g. 25 days from Colombo to JTH) and up to 30% loss by pilferage. Matters came to a crisis during Deepavali (November) 1996, when merchants used their influence to push the ship with medicines out of KKS harbour and unload instead vessels with festive goodies and aerated waters. The resulting shortage of medicines led to protests and the question of transport by the ICRC was taken up again. The minister of health is regarded both sympathetic and co-operative.

Buildings and infrastructure:

Sections of some buildings (e.g. surgical ward) were badly damaged. The three storey maternity block that faces Victoria Road and the Army HQ

(i.e. Subash Hotel) is not used since the Army has cited security reasons and forbidden its use. This has been a sore point which the hospitals authorities have raised with the Army again and again. The Army too has changed its mind several times on the matter. Maternity patients now use the very inadequate ground floor of an incomplete building with no proper labour room. Bed space is so short that patients are sent to the floor 3 hours after delivery. (It used to be 24 hours during 1995.) Patients not wanting to risk having labour pains during curfew hours have also contributed to the congestion.

The Army HQ being closeby has also resulted in a constant intrusion of security personnel into the hospital premises. The wall at the corner of Victoria Road and Power House Road has been broken and a sentry point has been sited there, making the staff anxious about moving to and from the nearby Intensive Care Unit during the night.

The general health of the population:

An indicator of present conditions is the significant rise in infant mortality. In times before the war the quality of life index for Jaffna District was among the highest. Both the birth rate and infant mortality were below the national average. Today infant mortality is about 30% higher than the national average of around 33 per 1,000. Asked if the present disabilities faced by Jaffna Hospital have had a significant adverse effect on the population, resulting in a higher death rate, a senior doctor at the hospital replied that there would have been an adverse effect, but at the same time it would be difficult to quantify. The answer he said is more complicated. To begin with, he said, those who come to the hospital are already a select group who are more knowledgeable than others. The very poor often do not come at all. Much more important, he said, is the breakdown of paramedical services and pre-natal care, particularly in the more rural areas. He also confirmed that the effect of the Vanni returnees has been to boost the adverse statistics significantly.

As for the more critical cases, he said, their transfer to Colombo is today more streamlined because of the ICRC ship going every week. Giving an example of a very critical case, he cited the case of a girl with a sub arachnoid bleed who needed brain surgery. She had come to Jaffna hospital on a Monday in mid May. On Tuesday she was flown to Colombo by an airforce plane. The catch here, he said, was that her family had to pay for her air transport and for those who accompanied her (Rupees 3,200/= per person). This is something that cannot be afforded by those who are poor. But he felt that it may be

possible to transfer the expense away from the patient if the matter is taken up for discussion.

Post-mortem examinations

From what we have been able to find out, neither the Army nor any other section of the security forces has applied any form of pressure on JTH as regards post-mortem examinations. The shortcomings in these examinations, the senior doctor said, have more to do with the lack of experience, exposure and specialised training on the part of the doctors performing these examinations. Normally such persons should have regular opportunity to discuss their work at conferences and also have had specialised training abroad. These are among the handicaps faced by young doctors in Jaffna. Some of the cases covered in our reports are instructive.

In our Special Report No 7, of August 1996, we recorded the case of the university entrant who was tortured at the Kalviankaadu army camp, was admitted to Jaffna Hospital when he started having fits and later died. The boy had an enlarged kidney and high blood pressure, a condition deemed unconnected with torture. The post-mortem examination also revealed a blood clot in the brain, almost certainly connected with indiscriminate assault. The doctor was clear in his mind that torture had been the cause of death. The hospital reported the matter to the HQI, KKS Police. The HQI took the matter seriously and placed 12 soldiers under arrest. The army captain at the camp approached a doctor concerned and wanted to know the cause of death. He wanted to protect his men and kept arguing that the enlarged kidney was the cause of death. The doctor refused to discuss the matter further. But he was clear that no intimidation was involved. A judicial officer visited Jaffna and the doctor agreed to testify in court at Anuradhapura. As is too often the case in such situations, nothing more was heard. The senior doctor added that even today, if the hospital authorities reported any finding of foul play to the police, the normal investigation and arrest would take place. But whether things would go beyond that is yet to be demonstrated.

In the same report (Sp. Rp 7) we reported abuses at Kaladdy army camp. During the same period the body of a youth was sent to JTH by the army who claimed that he had died in a shooting incident. On the surface this seemed acceptable. But later one doctor noticed that there was an entry wound, but no exit wound. He became suspicious, as when he returned to Jaffna in April last year, he found a knife left behind by a soldier who had been in the house. It

was of the kind that was driven into a person and then given a twist. He got a technician to x-ray the corpse and found that there was no bullet found in the body. He concluded that the youth had died from stabbing. But it is not known whether he this recorded his conclusion. Often working in an environment where there is no seriousness about taking action, doctors doing post-mortem examinations tend to become despondent over the seeming futility of their work. Now for two cases dealt with in the present report .

We referred to doubts concerning the cause of death of 9 civilians in connection with Ponnalai mine explosion of 29th January 1997. The Army had claimed that the mine explosion rather than firing by the soldiers had been the cause of death. The senior doctor who spoke to us said that there was no finding to contradict the army's version. There were no bullets found in any of the bodies. But, he added that this was corroboratory as regards the Army's claim, but not confirmatory. He said that one normally does not find bullets in the body as they generally pass through leaving an entry wound and an exit wound. In the Ponnali incident no foreign particles were found in the bodies. Apart from objects hitting the body in an explosion, death could also occur, he said, due to tissue damage from the air hammer effect, leaving no external injury. He said that given the fact that the Army's integrity in such matters is not rated high, one needs to be more careful.

If after shooting a person, the Army subjects the body to a bomb explosion, it would be difficult to determine the cause of death, unless the doctor concerned was an expert who could distinguish between a bullet injury and an injury from a particle shot out by an exploding mine also leaving entry and exit wounds. It would, he said, have taken the calibre of someone like the late **Professor.Saravanabavananthan** to make the distinction. He added that in the case of Ponnalai incident, local opinion from the Moolai area seemed to suggest that the army's version was correct. The doctor was then asked about the Puttur mine incident where the post-mortem report seemed to have concluded that the 16 year old boy had died from the mine explosion, whereas in fact, he was seen alive following the explosion. "This may be a case in the point I made," he replied, "There was no intention in the part of the doctors to give a false report. If the body had several injuries of the kind described, death due to the mine explosion would have seemed a natural conclusion. But these injuries could have been faked. The Jaffna Medical Association is very concerned about maintaining a high standard of professionalism in post-mortem examinations as is possible under present conditions," he concluded.

The Human Rights (Jaffna) (THRJ) was formed in 1982 at the University of Jaffna as part of the national organization University Teachers for Human Rights. Its public activities as a constituent part of university life came to a standstill following the murder of Dr Rajani Thirumangalakudi a few months earlier on 17 September 1987. During the course of 1992 the others who identified agency with the (THRJ) were forced to leave Jaffna. It continues to function as an organization upholding the founding spirit of the (THRJ) with its original aims:

To challenge the external and internal terror engulfing the Tamil community as a whole through making the perpetrators accountable and to create space for humanising the social & political spheres relating to the life of our community. The (THRJ) is not an interest group in the University of Jaffna in the manner it did in its early life for reasons well understood. The work of (THRJ) extends beyond the University Human Rights Committee among the



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the murder of Dr. Rajani Thiranagama,
a key founding member, on 21st September
1989. During the course of 1990 the others
who identified openly with the UTHR(J) were
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functioning in the University of Jaffna in the
manner it did in its early life for reasons well
understood. The work of UTHR(J) receives
support from the European Human Rights
Foundation among others.*