

RAY'S OF HOPE AMIDST DEEPENING GLOOM



REPORT NO. 10

BY

UNIVERSITY TEACHERS FOR HUMAN RIGHTS (JAFFNA)

ISSUED: 15TH JANUARY 1993

UTHR (JAFFNA)
UNIVERSITY of Jaffna
Thirunelvely, Jaffna
SRI LANKA (CEYLON)

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REPORT OF THE COMMISSION OF ENQUIRY INTO THE SITUATION OF HUMAN RIGHTS IN SRI LANKA

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PREFACE

This report makes its appearance at a time when we approach the 10th anniversary of the fateful July of 1983. The current phase of the war is over 2 1/2 years old. The Tamils have no readily identifiable political leadership. Those who promote the LTTE as political leaders do not also feel an obligation to raise issues with them nor demonstrate that they could be influenced to give priority to the welfare of their people. The government's military enterprise is widely talked of as being at a dead end. The political approach based on the parliamentary select committee was handled in the worst possible manner. Instead of a consensus the Tamil parties found themselves bull-dozed towards giving up perceived gains of the Indo-Sri Lanka Accord for what a Tamil SLFP MP described as a 'paper rose'. Instead of giving the Tamils the necessary confidence and apply pressure on the LTTE, it tended to strengthen the only plank of Tamil chauvinist politics - that the Sinhalese cannot be trusted. The navy's act of piracy in the Jaffna Lagoon which left more than 35 dead or missing, reinforced some of the worst fears. It must be said here that the Tigers too must be blamed for not allowing the development of any structure to safeguard the interests of civilian travellers and forcing civilians to travel under contrivedly provocative conditions. Even 10 days after the incident the government was 'unable to verify the facts', although several of the dead were leading government officials and the informant was the government agent, Killinochchi. Unable to give political leadership, it was once more covering up for the forces. If the hard facts, such as the navy hacking civilians with knives and robbing jewellery from the victims are admitted, an inquiry would be unavoidable.

Still, one need not despair of history standing still or repeating itself. Every positive action leaves its mark. We have no doubt that although we may be far from realising the full potential of an international presence, including the ICRC, UNHCR, MSF and others, such a presence has had a benevolent influence. Even with political paralysis at the top, international organisations working closely with well motivated military leadership at local level can greatly improve the general situation in the area. It gives the people greater freedom to articulate their interests, which in turn constrains the Tigers towards greater accountability. Such an outcome is not a victory or a defeat for either side, but a victory for humanity. It is such an outcome that mature leadership ought to aim at, now that we know that talk of a military decision is futile. This is not theory, but is based on recent benign developments in some areas, as isolated and unnoticed as they may be. [See Ch.5]

We have from the beginning (the IPKF days) paid far greater importance to such developments, and have urged action in this direction. Giving precedence to the well-being and dignity of ordinary people, we needed to disagree strongly with Tamil nationalists of various shades for whom the Tamil people did not exist. We increasingly felt that our approach of checking human rights violations by government forces while exposing the inhuman depravity of the dominant Tamil nationalist politics, is, in practical terms, the right one. Checking the violations of government forces in the East and bringing greater accountability to the people will go a long way to make it very costly for the Tigers to massacre Muslims and Sinhalese. This would, in both the short term and the long term, be the practical way forward.

Another aspect where time has thankfully not stood still is that there is some visible openness in the Southern press in trying to understand what is happening to the Tamil people. There is no total blackout in the independent English press on human rights violations by the forces. **In spite of this, whenever questions of accomodating the minorities arise, undue prominence is given in these papers to individuals with no sense of history. They are unable to grasp the crucial reality of the development of the Sri Lankan state since independence as an essentially Sinhalese state, and the consequent alienation of the minorities. Much credit for the positive developments in reporting should go to some of the smaller Sinhalese papers.** Unfortunately there is little openness in the Tamil press, even in some earmarked for that purpose, in examining the legacy of Tamil nationalist politics, and particularly the murder and alienation of Muslims.

A number of incidents involving LTTE massacres of Muslims have taken place since the publication of Report No.9, the last being on 15th October 1992. In this instance three villages in the Polonnaruwa District populated almost exclusively by Muslims were attacked resulting in 160 civilian deaths. This followed an earlier attack in the same district the previous May. We refer the reader to reports published by the International Centre for Ethnic Studies in Colombo. We will cover aspects of these in coming reports.

For the present, high level talks in Colombo may be of little consequence. Where therefore the people are not involved and the electoral map remains fluid, there is little substance in the promises of politicians and 'betrayals' will remain the order of the day. With unpromising leadership the deep paralysis brought about by decades of Sinhalese and Tamil chauvinism will take long to thaw. Hence the role of international and non-governmental organisations assumes a disproportionate importance. They must be vigilant against slipping into some kind of paralysis. It is finally a climate of opinion and a desire to act among the people that would move the politicians.

In this report we once more highlight the issue of Tamil political prisoners. We have repeatedly raised the matter involving the lives of about 4000 persons which hang in the balance. **Commendable work in exposing this phenomenon has been done by Amnesty International and Article 19, and representations have been repeatedly made to the LTTE. Even though this information reached a limited circle, the work mentioned has had a positive influence over the LTTE's thinking on prisoners. Some of the prisoners have been allowed visits by relatives. The LTTE has been trying to improve its image on that score by giving publicity to token releases of prisoners. Much more will be accomplished if concerted publicity is given to the matter and the politics behind it is questioned.** If not those in Jaffna and elsewhere trying to raise the matter will continue to face considerable danger. Major news organisations appear to view the matter with some incredulity and are not geared to what would require a greater commitment to human rights rather than routine journalism. That people in Jaffna do not talk about prisoners seems an adequate reason for ignoring the existence of this phenomenon. Will this too be exposed when it is too late for the victims, like the horrors of Nazi concentration camps? This may be unfair to journalists when issues of this kind and the fate of Muslims sometimes come low in the attentions of major humanitarian and religious institutions.

The government's poor showing in the desire for a settlement and continuing human rights violations by its forces, appear to have persuaded more expatriates to render 'negative' support for the Tigers. **These are often persons who would privately admit that the Tigers are 'brutal' and 'fascist, but also that if the Tigers are weakened now the Tamil people will be 'finished'.** Indeed while we write this preface, as though to emphasise their point, news came in of 9 civilians killed in Siththankeni, Jaffna, as the result of the airforce bombing a civilian area. **We have argued throughout that to say that the Tigers have in any sense protected the Tamils is to take a very blinkered view of events. The only evidence, starting from events in June 1990 upto the massacre at Kilaly is that the Tigers deliberately endangered civilians for their own benefit, in the face of brutal state forces.**

But time has not stood still and there is another stark ground reality. The population of the North-East has declined from about 1.7 million in 1987 to about 0.9 million today. (5.1 inside). Disease and malnutrition are rife. In 1987 when bombing and shelling in Jaffna was more murderous, people did not flee in such large numbers. Why this situation today? Why such deep rooted disillusionment about our future? Why much of our best potential in underground prisons and foreign climes? What sort of liberation politics is this that tries to excel the government in its oppressiveness?

Even the present population of the North can only decline. Most people have their only capital in terms of the one house giving a roof over their head. They are not allowed to sell this and use the money to move to Colombo. If they leave they lose their house to the Tigers. Thanks to the dedication of individual teachers and university dons, the system of education remains reasonably good at least for the present. Under these conditions it makes practical sense for those with children to let them complete their education in Jaffna, rather than being destitute in Colombo. The Tiger pass system meant to keep people in the North is in many ways superfluous, except to keep children, who are regarded as potential recruits, a captive population. Again a very large number have decided that once their children complete higher education, and are old enough to be on their feet in Colombo or abroad, they will follow them - house or no house. If peace does not return, it is the Mosquito rather than the Tiger that will be master of the land. This is hard reality.

If the government is determined to destroy the Tamils in the North-East, they do not need to waste money on new weapons and aircraft. The president has only to talk peace, do nothing about it, and ask the army to stay put. Tiger politics will do the rest.

It is important that the Tamils see this for themselves. We have argued that a politics relying on destructive strengths will only destroy the people. The survival of the people of the North-East surely needs a more positive strategy. Our approach of putting human rights first is based on experience and has been sufficiently vindicated.

Special Feature : Massacre in the Jaffna Lagoon

O.1 Press Reports

Sri Lanka is a small island. The distance from Colombo to Jaffna is barely 250 miles or even less as the crow flies. But it is not unusual for goings on in those now distant parts to reach the pages of the Colombo press, and perhaps the rulers of this land through Reuter International. So the Island of 4th January broke the news of the massacre in the Jaffna Lagoon of the night of Saturday 2nd January, quoting a Reuter report filed from Colombo on the 3rd, headlined:

Nine Civilians Killed in Naval Attack

"Nine civilians were killed on Saturday night when navy patrol craft attacked a flotilla of boats trying to cross Jaffna lagoon where travel is banned, residents said today. Sixteen boats each carrying about 20 people were attacked as they tried to cross the lagoon from Jaffna to the mainland, they said.

"People panicked and started screaming and shouting," he said after he reached Vavuniya. "I saw rounds of tracer fly past my boat and hit the water. The Jaffna lagoon, the scene of frequent fire fights between the navy and the Tamil rebels has been declared a no-go zone by the military where people can be shot on sight.

The resident said the firing continued for about 30 minutes."Only six boats in the flotilla reached the mainland. The rest turned back", he added. . .

The Island of 5th January (Tuesday) carried the following item filed by Shamindra Ferdinando, referring to the same incident headlined,

"Navy demolishes Tiger boats"

"Naval patrol boats operating in the Jaffna lagoon blasted at least four fibre glass dinghies last Saturday night killing over a dozen persons, authoritative military sources revealed yesterday.

"The dinghies operated by Sea Tigers were moving in a convoy when the Navy patrol boats had swooped down on them. However some of the dinghies had escaped carrying the wounded persons.

"The Navy boats operating from Nagathevanthurai radar-naval station had confronted the boats while they were moving towards the peninsula the sources indicated . . ."

"According to the Joint Operations Command (JOC) the navy's in shore patrol craft operating from Nagathivanthurai were successful in controlling Sea Tiger activities in the Jaffna lagoon. "All boats trying to break the government imposed ban will be dealt with", an officer said"

It appeared from the hard attitude above that the government and its forces had made up their minds that anyone using the Jaffna lagoon was a Tiger crossing in a Tiger boat. Not so, it seems, according to a Daily News front page report of 6th January headlined.

Tiger morale declining day by day Nearly 3000 Tigers killed in 1992 By Daryll de Silva.

"A Senior military source yesterday told the Daily News: "They (the Tigers) are now being frowned upon by the very people they claim to be fighting for. It is the people's pressure that will ultimately be their downfall. . . the Tigers are not allowing any traffic to move up and down through the Elephant Pass Road, although the security forces have repeatedly assured the civilians of Jaffna. .

"This he said, left the civilians with no option but the use of 'no go' Jaffna lagoon Kilaly Point crossing, at great risk to their lives, as the area is heavily patrolled by the navy."

"Most of those moving to the mainland on the Kilaly crossing were deserters, They are in such poor shape that they are risking their lives to come South. . ."

Now what have we here? Are civilians Tiger deserters, or is it that Tiger deserters with Tiger passes are crossing the lagoon in Tiger boats? Some were getting their act mixed up.

O.2 The background

This supplements that given in 1.4 of this report. See also 5.1 of Report No9. Shortly after the outbreak of war in June 1990 the northern railroad was stripped by the Tigers and even road traffic through Elephant Pass, which was under army control, ceased. The Tigers imposed a pass system to stem the civilian exodus and travel to the South became a hazardous affair involving extortionate sums, with civilians subject to occasional attacks from the air.

Following the LTTE's failed attempt to overrun Elephant Pass in July 1991, the army gradually expanded its control

over surrounding areas. It then prohibited civilian traffic through other routes and wanted civilians to travel along the main road through Elephant Pass as during the previous bout of war ending in July 1987. To reinforce the ban and cut off the peninsula, the army subsequently took control of the alternative ferry crossing at Puneryn. The Tigers cited military reasons for themselves banning civilian traffic through Elephant Pass. They claimed that the army would advance behind the civilians into Jaffna. Whether this fear was genuine is questionable. The forces are known to have used civilian cover, particularly in the East, to move about in areas where resistance was likely to be light and sporadic. [See 1.2 and 4.11 of Briefing No. 1 & Ch. 6 of this report] But when commencing advances in areas where heavy resistance was to be expected and much publicity would be focused, there was a standard established pattern. This was to declare curfew and advance behind armoured vehicles after heavy pounding from land-based artillery and from the air. This has been the pattern for operations in Jaffna since 1987. Civilian cover was used in Kayts in August 1990, but much after the initial advance and when little resistance was expected.

The forces appear to have tacitly accepted that the civilians had little choice. After July 1991 civilians continued to use the land route through Kompaddi, an open space about 2 1/2 miles east of Elephant Pass, using boats for the flooded stretches when the rains came from October. People travelled within sight of army sentries, occasionally shelled, but for the most part ignored.

This continued for about an year, both civilian traffic and essential food supplies travelling by this route, until further consolidation of the army's position in the Elephant Pass area put a stop to this. The forces increased their insistence that civilians must use the Elephant Pass route (highway A-9). With Puneryn cut off the Tigers responded by allowing the civilians to travel only through the 20 mile sea-route from Kilaly - a new course not known to living memory. Ordinary civilians made the crossing at 8 knots in slow boats while Tiger boats fitted with several outboard motors did the crossing at about 30 knots or more. Whether the army or the Tigers had greater need for civilian cover in this instance would be a topic for an interesting debate among military strategists.

It was clear that ordinary civilians had a problem. Once more civilians continued to travel, occasionally shelled from Puneryn and Elephant Pass and sometimes attacked by naval craft, where civilians were killed. [See Chapter 1 of this report]. But there was no concerted attempt to go all out and kill civilians, at least until December 1992. The intention, from a purely military angle, seemed to be to apply pressure on the civilians to use Elephant Pass.

Even before the present massacre there had been a regular toll on civilians. But this was consistently played down by the Tigers. Little publicity was given to civilian casualties resulting from naval action in the lagoon. Bodies were regularly

discovered on the shores by local villagers and buried. The news of these diffused slowly by word of mouth. It is also significant that following the recent massacre, while Tamil political figures in Colombo and the press were reporting the number dead at about 40 or more, the LTTE office in London gave a figure of 14. This is contrary to the normal Tiger practice of multiplying several fold casualties from airforce bombing. Clearly the Tigers were trying not to scare people from using the lagoon, resulting in greater pressure on them to allow the use of Elephant Pass.

The plight of the civilians remained largely unaddressed in a balanced and effective manner. Given the necessity to travel, the civilians had no choice, except to take the course that involved the least risk as they saw it. In October 1992, the BBC correspondent raised with the LTTE spokesman Yogi the question of civilians using Elephant Pass. Yogi responded that this would be agreeable to the LTTE provided that the government gave an assurance that it would not use Elephant Pass for a military advance into Jaffna. The military command gave such a verbal assurance. But the matter dropped and nothing happened with regard to enforcing such an agreement. It was widely remarked by the people that Yogi went off the international air waves for a long time.

Something serious and big was waiting to happen. The first moves towards this began in mid-December. The army began issuing hand bills to travellers through Vavuniya not to use the Kilaly crossing. The Tigers announced through the press in Jaffna that they would offer protection to people using the Kilaly crossing. Many passengers came to understand later that the Tiger offer of protection amounted to giving fast rides to passengers in their boats for a payment of a sum of Rs. 1500/-. For the vast majority who could not afford it, it was to be the slow boat at Rs. 200/-. Which announcement came first is probably unimportant. From the point of view of the forces it had become a prestige battle. From the Tigers' point of view it was a propaganda gambit. They had neither before nor after demonstrated a will or the capacity to protect civilian traffic in the Jaffna lagoon. Though the navy claims to have destroyed a number of Tiger boats variously ranging from 60 to many more, it is doubtful if even a couple of them were Tiger boats rather than civilian sitting ducks travelling at 8 knots. Both needed to make their point at the people's expense.

For the navy to make its point, it needed to sink some boats it could lay its hands on (i.e the sitting ducks). For the Tigers to make their point, they needed to fire on navy boats and make a break for it. The worst was bound to happen sometime.

O.3 The Massacre

The night's crossing on Saturday 2nd January started in the usual manner. Passengers had queued up and were taking their turn in crossing by boats leaving at intervals carrying 15 to 20 passengers each. The first four boats from Kilaly

reached the mainland to the south without incident. A naval gun boat fitted with cannon was in the lagoon at that time. This boat could operate in an area in the centre of the lagoon where the water was deep enough. But could not approach the shores. Whether the naval men saw the first four boats is not known. Since movements were monitored by radar, it is possible that these being slow boats, they were monitored and allowed to pass. We next come to a crucial fact based on the testimony of one witness, but on which most others are understandably reticent. Following the first four boats, according to this witness was a fast boat with three outboard motors of the kind used by Tigers. According to this witness the three or so persons in the boat were not armed and were thought to be Tiger helpers rather than Tigers.

Upon seeing the gun-boat, the fast boat made a U-turn and sped away northwards. The gun-boat gave a chase. The fast boat ran close to a group of passenger boats heading south and escaped northwards. The gun-boat opened fire at these passenger boats from a distance and kept firing for a long time - half an hour according to the Reuter report quoted above. Not having received return fire at any stage, it was then clear that there were no Tigers about the place. The gun-boat did not go any nearer, probably because it was then near shallow water. The stricken passenger boats were then boarded by naval men who came in smaller boats. According to the testimony of **Sellathurai, a survivor**, ('Virakesari' of 5/1): **"A navy boat suddenly appeared alongside our boats and ordered us to stop. Then a torch beam was flashed on us, followed by gun shots. Those in my boat screamed and fell to the ground. I did the same. The other boats were similarly shot at. The boatmen jumped into the sea."**

This happened between 7 & 8 p.m and the lagoon water was rough. The navy men set about attacking the passengers at least in one boat with knives irrespective of age and sex. The boats were then towed away. One of the boats broke loose and the navy men left it drifting without attempting to secure it. It was this boat that was brought to the mainland subsequently. In the meantime some other boats had taken in passengers and were about to begin the crossing. Suddenly an LTTE boat appeared and asked them not to cross. Sensing that things were not safe and that things were not safe and that there had been a tragedy, many of the women began to cry. Several of the boatmen who had become anaesthetised to danger in return for a small income, told the passengers that if only the Tigers let them go, they would do so without any trouble.

These boat with casualties which came ashore had about 4 survivors with cut injuries and about 9 corpses. A lady who had lain against the prow of the boat had been missed by the attackers. The first reports to emerge spoke of nine to fifteen or so dead. The figure later rose to over 35 to include passengers from other boats who were either missing or whose bodies were recovered. Among the first to be reported dead or missing were **Sellathurai**, an employee of the Primary Courts, Mannar, **Nalini**, a lady in her 20s, a school

teacher in Killinochchi and **Dr. Sathiaseelan**, District Medical Officer of Killinochchi.

We ascertained the following from a close relative of **Sellathurai** (quoted above) who spoke to him. He and his wife **Parameswary** were travelling to Colombo to meet two children living there and two others coming from abroad. **Parameswary was among those killed when the naval men opened fire. Sellathurai lay injured. Naval men came into the boat. A naval man first assaulted him and demanded money and jewellery. Sellathurai emptied his purse. The naval man then ripped the gold chain around his dead wife's neck. Sellathurai tried to unscrew her ear rings to give the naval man. An order rang out asking the men to return quickly. The man immediately cut portions the dead woman's ears with the rings and vanished. The boat was then tied for towing, but broke loose. It was left behind. A little later a boat man who had earlier jumped out, came into the boat. It was he who took the boat to the southern shore. Five boats were said to have been taken by the navy.**

There was much evidence of the naval men's handiwork. Many of the bodies recovered were badly mutilated. Tharmaraja, the deceased director of education had an eye gouged out. His thigh too had a deep cut. The corpse of a lady which reached the shore was without its head. Of the five or so boats towed away, the bodies of the dead were placed in one boat and the boat was set on fire according to local reports. Many of the dead also had gaping wounds suggesting that these were caused by cannon rather than small arms. A government version of this incident broadcast over "Makkal Kural" for a Tamil audience did speak about a fast boat which approached the gun-boat, did a U-turn and ran into the passenger boats. But it also added that the fast boat had fired at the navy, which was denied by civilian witnesses. Several boats going north reached their destination later in the night completely unaware that there had been an incident. The wind and rough sea would have had the effect of muffling gun shot noises.

The **Virakesari** of 5/1 said: 14 bodies recovered were brought to the Killinochchi Hospital. Six of the bodies belonged to women. Among the dead was **A. Tharmarajah (51)** from Nunavil, Regional Director of Education Killinochchi. Of the 14 bodies, only 9 have so far been identified. They are mostly persons from Jaffna past their middle age. The names of the bodies identified were released by **K. Ponnampalam**, Government Agent, Killinochchi. These are: **S. Subramaniam (57)**, retired police driver; **S. Balasubramaniam (40)**, bakery owner; **S. Parameswary (52)** and her daughter **T. Nalini (20)**, teacher, D-5 Killinochchi; **Gopalapillai (40)**, Tea Boutique owner, Pooneryn; **Mdm A. Arulamma (36)**; **V. Sellathurai (28)**, **Mannar Courts.**

The injured were: **Mdm. Rohinidevi Nadarajah (26)**; **N. Selvaratnam**, Security Officer, People's Bank, Nallur; **K. Alagan (25)**, trader; **K. Sellathurai (62)**, retired gov-

ernment servant; Aingaran (27), trader. The first was sent to Anuradhapura for advanced surgery.

The Virakesari report added: **“Five boats proceeding South to the mainland were affected during the incident. . . . Those travelling in the lagoon the following (Sunday) morning reported seeing floating corpses. large numbers of ordinary people scoured both shores of the lagoon for more bodies.”** Despite the fear travel resumed two days later. As the ‘Virakesari’ of 6th January indicated, the people had become so alienated from the forces, that they had come to believe that the Tigers were their protectors, in Jaffna lagoon at least. There are also reasons for the high incidence of government officers among the victims. It was the Christmas - New Year season. Government leaks to the Colombo press, highly publicised speeches by the president and reports of Minister Hameed’s talks with the LTTE in Europe had all given the impression that an unofficial ceasefire prevailed in the North and that peace was imminent. Thus many government servants and students who needed to cross the lagoon for a quick visit to their families had assumed that this was the best time.

The Virakesari of 9th January reported that a further 11 bodies were recovered in the last few days bringing the total to 25. These have not been identified. The Vavuniya Police had said that Rohinidevi Nadarajah who was taken to Anuradhapura hospital had died.

There are several aspects of the navy’s conduct that are indefensible. The first is the gun-boat firing its cannon towards civilian boats continuously for a considerable time without apparently a single return shot being fired. The second, the frightening spectre of naval personnel dominated by indiscipline, greed and a concomitant readiness to kill and rob.

0.4 Government responsibility and responses

The ‘Virakesari’ of 6/1 and the Island of 7/1 reported that two Tamil MPs Navaratnam & Premachandran had protested about the incident to the president and had called on him to institute an independent inquiry. There was in the coming few days no direct, response from the president. But oblique government responses appeared in the front pages of the Daily News of 6/1 and 7/1 although the government controlled paper had not recorded the massacre. The first filed by Lankapuwath headlined ‘**Main highway to Jaffna open since July ‘91**’, quoted a JOC spokesman: **“The security forces had done their duty by the public of Jaffna by clearing and reopening the main A-9 highway and safe passage was ensured to the public by the security forces. However, the public were being prevented from using the highway by the LTTE who were more interested in extorting money by forcing the public to use their transport in No-Go-Zones and also by preventing the transport of ample stocks of food and other essential items. . . .”**

The second was a print out of what was broadcast the previous day. This seemed to suggest that Jaffna lagoon had only now been declared a prohibited zone. It read: **“The Jaffna lagoon has been declared a prohibited zone under section 5 (Chapter 4O) of the Public Security Ordinance, under which no person will be permitted to ply or use any vessel, other than a vessel belonging to the Sri Lanka Navy or any vessel authorised in that behalf by the competent authority.**

“Any person who contravenes the provisions of this regulation will be guilty of an offence. These regulations will be cited as the Emergency (Establishment of a Prohibited Zone) Regulations No. 1 of 1992 A certificate under the hand of the Commander of the Sri Lanka Navy (Competent Authority appointed by the president), to the effect that any area specified in such certificate is within the Prohibited Zone shall be admissible in evidence and shall be prima facie evidence of the facts stated therein. . . .”

These attempts at a response lightly skirt the serious issues. The Jaffna highway is by no means cleared and reopened by the security forces in the sense of their being able to offer reasonable protection and right of passage to those who use it. If people travelling on it are stopped at gun-point a few hundred yards up or down the road from Elephant Pass, there is nothing the security forces would do about it, except perhaps fire some shells.

The second about the prohibited zone is a very euphemistic representation of a harsh reality. It suggests that someone using the prohibited zone will be committing an offence like trespassing on private property. The offender will when caught be taken to court and the naval commander’s certificate will be produced as proof of an offence.

Firstly what is the effect of it? The prohibition against the use of Jaffna lagoon has been in force for a long time whether given legal sanction through gazette notification or not. Would the government state publicly that government servants, corporation employees, university staff and employees will not receive promotions and scholarships because the Tigers prevent them from travelling to Colombo through Elephant Pass for appropriate examinations and interviews? Will it pay teachers who cannot report for work for the same reason, or find university places in the South for students so prevented from attending the University of Jaffna? We know from experience that for practical reasons and reasons of bad publicity the government will not take up such positions. Indeed, letters for official functions, conferences, interviews and examinations have been sent as if people could travel without hindrance! Is it then responsible for the government to issue the navy commander with a certificate to enforce the prohibition and close its eyes to the consequences?

Secondly one must look at the pitiable traditions in which

the law of the land and its enforcement have evolved. One positive aspect of the statement of the emergency regulation above is that it indicates limits of action the navy could resort to in enforcing it. Implicitly it implies that the navy could open fire only in self defence. Otherwise it could only stop boats, question people and discretionarily treat them as offenders to be produced in court. Firing on unarmed boats is totally ruled out.

Indeed for navy men to behave like parang wielding pirates of the South China Sea or of the archipelagic of the East Indies is unthinkable. The navy has shown that the spirit of the Kumudini boat massacre of 1985 is very much alive. The action is also reminiscent of the days in 1987, shortly before the Indian army arrived, when government servants in government helicopters used to shoot at government servants on bicycles and vans reporting for work via Kopay Veli (Open Land).

Here we have the sight of the nation going to pieces by the government not facing up to its responsibilities towards the people and their basic needs.

0.5 Bad laws and corruption

In the 50s and 60s the imposition of curfew did not mean that curfew breakers were meant to be shot. The forces were first meant to ascertain whether there was a threat to security. If not there would have been no meaning in the issue of curfew passes. People did get shot without justification. But those with urgent needs, such as one to see a doctor, could often talk their way through. The principle of the state being responsible for the basic welfare of people was acknowledged. Care was taken to give people notice and time to stock up and attend to essential chores. In the treatment of the people of the North today, all these obligations are being violated. Over the years the armed forces have been given the freedom to act without reference to the basic needs of people. The armed forces have been given the freedom to interfere with anything from the transport of essential goods and medicines. Its only effect has been to make lots of people rich without bringing peace any nearer. With the build up of cynicism all round, it has become a war with widespread corruption in the forces accompanied by a mistaken sense of pride. Press reports of corruption in sections of the forces have been persistent.

During the phase of the war ending in July 1987 a quantity of basic goods to be distributed through co-operative societies was regularly passed. Today, it is charged by very responsible persons that such societies with the least capacity to bribe are the most harassed by authorities in Colombo, while private traders function smoothly. The Vavuniya check point has been notorious. At times when passes were not issued in Colombo for large quantities of kerosene to the North, lorry loads had been allowed through, while people carrying small quantities with permits of authority coming immediately behind had been sorely harassed.

We have reliable testimony of a regular run of banned items to the North from the Puttalam lagoon area to the LTTE controlled coast further north with naval complicity. The run needs to be accomplished between times of naval patrols from Talai-Mannar, given in advance. Those in the Wannu intimately familiar with the network of corruption and vested interests surrounding this war despair of its ever coming to an end. Corruption is a means by which basic human needs triumph over the harshest restrictions. But at very great cost to the moral fabric of the nation and the well-being of ordinary people. Malaria, para-typhoid and malnutrition have become endemic among people of the North. A generation of infants in the North is growing up permanently impaired.

When there is widespread corruption a wrong sense of pride takes over. While allowing banned goods through some channels, there is also an accompanying need for the forces to shoot up civilians and boats transporting innocuous civilian goods in the Jaffna lagoon to prove that a great job is being done in fighting the war. Press statements by the forces unashamedly speak of the cargo of several boats captured or sunk as consisting of stuff like rice bags and bicycles. That is the level at which military success is being measured.

A large part of the blame for this state of affairs should be placed on the government. Had the government politically identified itself with the well-being of the Tamil people, there would have been no major war in the first place. When political paralysis leads to thinking that the basic needs of the people, guaranteed by international conventions, can be interfered with for military reasons, things are bound to deteriorate. Once an ill-advised decision is taken to make it illegal for people to do what they normally ought to do in the routine course of life, a military force vested with enforcing it cannot be expected to sit around simply watching people get about their lives.

If the ban on travel in the Jaffna lagoon were to be lifted it would militarily make little difference to the government. The Tigers will use it with or without a ban, as they did in 1987. It is not food for the Tigers that comes through the lagoon. It is a piece of old wisdom that bad laws which allow ordinary people no alternative but to break them, only bring the law into disrepute and lead to corruption. The ban on travel in the Jaffna lagoon must be lifted. Though appearing to be a military loss, it will be an enormous political gain. Particularly when nearly all press commentators are saying that the military mission of the government is an impossible one, there is a greater practical need to make political gestures to the Tamil people.

0.6 The responsibility of other organisations

We have said elsewhere in this report that given the paralysis in the government, there was a duty which fell on other international and civilian organisations to represent the interests of the people. The people of Jaffna could rightly and legitimately appeal to the government, but they are unable to

THE SOUTH : WAR, DEMOCRACY & HUMAN RIGHTS

1.1 Failure of democracy and the culture of repression

On 10th December 1992, Human Rights Day, demonstrators led by some opposition parliamentarians on a peaceful march in Slave Island raising the issue of tens of thousands disappeared over the years were set upon by the police. The demonstrators were tear gassed, attacked with batons and even journalists covering the event were subject to assault. The police were also assisted by persons not in uniform. The following day accounts of the incident were given in parliament by Vasudeva Nanayakkara and Mahinda Rajapakse, the MPs concerned. There was laughter from the government benches when the first described the treatment by the police of the latter.

So soon had recent history been forgotten. When Tamil MPs in the late 70s and early 80s described the behaviour of the forces in the North-East, there used to be sneering jubilation from government benches. The events inexorably led to the three year closure of the universities in the South, the arrival of the IPKF and the JVP uprising. The government members were then anything but jubilant. MPs were among the 40 thousand or so killed. Several of the once all-powerful top brass in the services tried everything from medical leave to resignation.

The events of 10th December were not isolated. A few months ago Yunoos, cartoonist for the much respected *Aththa*, journal of the Communist Party, was stabbed, leading to protests by journalists. On 10th October, the lady mayor of Nuwara Eliya and several of her body guards took strong arm measures to block the sales of two newspapers, the *Ravaya* and the *Yukthiya*. This led to protest meetings in the town organised by journalists affiliated to the Free Media Movement and the use of the Police in attempts to deter them.

The unhealthy drift in the political culture was also reflected in an event in the University of Colombo involving Dr. Nalin de Silva of the Department of Mathematics and prominently of the *Jathika Chinthanaya* Movement. Dr. de Silva adopted an insensitively communal position on the ethnic question. This position maintained at best that the ethnic problem did not exist or at worst that it was an Indian ploy, notwithstanding years of bloody civil strife. The Doctor's affairs of immediate concern to the university were however his reportedly controversial relations with his colleagues and students. It was generally alleged that his brash attitude to colleagues and the conduct of students influenced by him were disruptive to the functioning of the university. On 4th December the university council issued a suspension order against him and even before the suspension was explained, followed it up the next day with an interdiction order.

The university was at this time closed due to disruption. It became evident as the days followed that the matter was not so simple. Dr. de Silva had been repeatedly elected to responsible positions in staff unions. Currently he is president of the Federation of University Teachers' Associations (FUTA) and also of the University Science Teachers' Association.

The problem was thus that though many of Dr. de Silva's colleagues disapproved of his actions, the matter was referred to higher authorities because there was no functioning structure, such as a healthy union, that could discuss the matter and take up positions. This would have been the right way to constrain aberrant conduct among colleagues. On the part of the authorities, they left themselves open to accusations of high-handedness by acting against Dr. de Silva without first calling for his explanation. Several of Dr. de Silva's colleagues feel that his conduct has been both insulting and intimidating. The kind of political ideology articulated by Dr. de Silva inevitably leads to conduct that is insensitive and oppressive. Those like him may arouse sympathy by rightly pointing out the shortcomings of the system. But their ultimate role is not of reform, but to exacerbate these shortcomings and profit by them. It is amidst this broad failure of sound traditions that there is a resort to levers of power that prudence demands should, if at all, be touched sparingly and with caution. Thus the unhappy trend in our universities continues. Instead of training the intellect and character of students, they too are being trained, like their peers, to think and act like army brigadiers.

There is also a general concern that any charges framed against Dr. de Silva would of necessity have to be so vague and general as to create a precedent for more thoroughgoing victimisation of those not liked by the authorities. Expressing his concern about the whole procedure while dissociating from Dr. de Silva's views, Osmund Jayaratne, trade unionist and professor emeritus ended his letter to the *Island* with a line from Shakespeare's *Hamlet*: '**There appears to be something wrong in the state of Denmark**'.

In the end there is little happening to challenge the tragedies of the last decade. Once again the summoning of brute force is being advanced as a panacea for the inconveniences of those with authority. That recent history has shown it to be a fast wasting asset, has been forgotten.

This line evidently has a wider application when one looks at the state of the political culture within which the more pressing question of the civil war is being addressed.

1.2 Crucial differences

There are many reasons why history cannot once again flow along the same channels. In the early 80s the power and

arrogance of the state were largely unchallenged. The July 1983 violence, the civil war, the arrival of the IPKF, the JVP episode, the government's discredited relations with the LTTE, a series of dubious election results, the humiliation of state forces and the much publicised attempt to impeach the president leading to arm twisting within the ruling party, have all helped to erode the authority and image of the state. A positive feature of the Southern polity, as opposed to the Northern polity, is that enough pluralism has survived in the South to make this current crisis good for democracy. There is a more visible attempt to assert the freedom of the press, and brave attacks upon it. The *Yukthiya* has published the reflections of a soldier questioning the military policy of 15 years directed against the Tamils. But the overwhelming majority of leaks from the army receiving press publicity deal not with the Tamil question, but with the helpless anger within the army directed at the political establishment and the government in particular.

Whether the present opportunity for democracy will be used with success depends on whether or not the ideology of Sinhalese chauvinism will be challenged and laid to rest. Only thus can the Tamil counterpart of this ideology be denied legitimacy, laying the foundation for a united Sri Lanka. An earlier opportunity did arise when the IPKF arrived in 1987, but was mislaid, plunging the country into a blood-bath. Although the present government for its own survival may see a need to challenge Sinhalese chauvinism, it is too weak to offer an initiative. The task thus falls primarily on NGOs and other organisations with an interest in democracy.

1.3 The armed forces and the nemesis of lawlessness

In a deviation from the headlines that one gets used to, 'the *Christian Worker*' of November 1992 carried the singular caption: **Justice for Voters and Generals?**. The articles inside dealt with the Election Commissioner **Chandrananda de Silva's** report published earlier in the year, the famous clandestine disclosures of Udugampola, former DIG of Police, and the deaths of ten leading service men, including General Kobbekaduwa, in a landmine blast on the eve of a major military operation last August. The election commissioner in his report earlier this year pointed by implication to considerable malpractice during the February 1989 parliamentary elections while the police looked on. In another of his disclosures made in April from hiding, former DIG Udugampola added that terrorism prevailing at that time was a necessary cover for the UNP's (government party's) machinery of fraud to operate without impediment. Among the methods alleged by the DIG was the deployment of 'Black Cats' supplied by UNP MPs to kill opposition (mainly SLFP) activists. The DIG said that he had 60 names of persons so killed.

The end result of all this was a heightened sense of insecurity and cynicism in the South. People were ready to

believe the meanest allegations made against the state. Conspiracy theories which began with the mysterious crash of Upali Wijewardene's jet in 1982 reached a crescendo with General Kobbekaduwa's death. Defence Minister Ranjan Wijeratne's death in a car bomb explosion last year had given rise to a bout of speculation given subsequent revelations of intimate contacts between top UNPers and a deported Singaporean financier and gambling magnate. Wijeratne had acted against the latter on the findings of his brainchild, the Bureau of Special Operations headed by Udugampola. The BSO wound up in January 1992. About the time of Kobbekaduwa's death the country had been abuzz with bizarre stories of magic rituals for the protection of VIPs, soothsayers and disappearing virgins—the last hotly denied by irate senior policemen.

With the killing of the 10 leading servicemen in a mine explosion in Kayts the dam burst. The one man commission comprising Justice Ismail appointed by the government to quell rumours, failed to stem the tide of press speculation fuelled by leaks from the forces. What the investigation proved with near certainty was that the Tigers could not have done it. The explosion occurred on a disused jeep track adjacent to the cleared main track in use. With all the imponderables of the officers' arrival and movements, if the Tigers were to spend time planting a mine in a relatively open space in the proximity of two army posts, they would have hardly chosen that spot. This left the most reasonable explanation that the mine was an old one planted before the army took that area, as maintained by army spokesmen. The alternative explanation of an inside job was almost unthinkable in a country that had singularly failed to keep even one secret. Nevertheless the tide of speculation persisted. The report of a former British army expert based on an examination of photographs of the scene taken by colleagues of the officers led the late general's wife to ask the president for an international inquiry which was promptly acceded to.

The subsequent killing of Admiral Clancy Fernando in Colombo by a suicide bomber was relatively uncontroversial as the cause was patent. The LTTE did not help matters when it claimed responsibility for the killing of the 10 officers which it could hardly have done and kept quiet on the Clancy Fernando affair. A desperate government media eager to quash speculation publicised the LTTE admission of the first together with photographs of an award ceremony graced by the leader for cadres alleged to have planted the bomb. The people in Jaffna were aware that the LTTE made the claim only after the government media broadcast the event in August. The common strand in the speculation both in the North as well as the South dealt with the near certainty of secret collusion between leadership of the warring adversaries.

For many army officers and men it was a time of creeping doubts as to why, what and for whom they were giving their lives. The top brass were in public dispute about objectives.

Among the men desertion increased sharply.

Speaking in parliament on 19th November, Lakshman Jayakody (SLFP) gave the human cost of the war since July 1983 as follows: 30 000 civilians of all communities dead, inclusive of militants. 8000 made limbless, 600 000 made refugees. A further 200 000 displaced persons living with friends and relatives, 170 000 in India and another 200 000 outside South Asia. Defence expenditure stood at an annual US \$500 million. (See 6.1 for some different estimates given by Dr. Nithyananthan of the University of Jaffna). For the forces: 5500 service and police personnel killed since July 1983, 7700 desertions - nearly 1300 since August.

By thus demeaning law and humanity, the government and the forces became authors of their own paralysis. The heartfelt tributes paid to the dead are of comfort to those once near to them who are left behind in the face of uncertainties. But the reputations of men who may have accomplished much good in happier circumstances will of necessity remain sullied by the institutions they served. Questions over their own deaths were not dissimilar to those which arose over the fates of their victims, in a country lacking in points of moral reference.

Addressing a routine multi-party conference a few months before he died, Ranjan Wijeratne told a Tamil group in answer to a question about Tamil detainees: "We are not interested in whether they are guilty or innocent. If you say they are your cadre, we will release them." Other appeals made subsequently over persons taken by the forces from refugee camps and who then disappeared fell on deaf ears. During Operation Liberation in May 1987 civilian detainees viewed by then Brigadier Kobbekaduwa at Nelliady junction were a little later taken down Pt Pedro Rd, asked to run and shot at from behind. Despite the islands off Jaffna being taken by forces under General Kobbekaduwa in August 1990 with next to no resistance by the LTTE, more than 70 civilians were killed at close range. Several of them were killed by the forces after being made to perform forced labour. The late general may have been enlightened by the standards of the normal run of military men in this country. It is by no means obvious that troops under his command were more humane than others. The nation has failed these men in leaving grave doubts hanging over their memories.

1.4 Reporting and National Unity: Operations in the North

The war on the government side, it is said, is being fought to unite the country. But the attitudes to the lives and dangers faced by people whose reconciliation within the national fold is being sought remains curious. Regular reports dealing with the North are of the kind below: Island, 12.11.92: JOC said yesterday that, "the Navy observed a flotilla of about 10-15 boats approaching the Naval Sub Unit at Nagathevanthurai (in Jaffna Lagoon) and opened fire. Terrorists on board returned the fire and having altered course fled the area. It is

believed terrorists on board suffered casualties, but details are not available at present.

Island, 9.12.92: "The navy opened fire and destroyed three speeding boats in the Jaffna Lagoon according to northern military sources. The sources said the boats were being used by the LTTE to transport fuel and other supplies. The navy recovered the wreckage of a boat and a few barrels of fuel.

Daily News, 30.11.92: "Security forces have destroyed 25 boats at a Sea Tiger base in outer Mathagal, while the navy has destroyed around 50 LTTE craft in the Jaffna lagoon during the last month. In addition air force bombers are attacking LTTE targets in several areas of the North.

Island, 27.12.92: "Sri Lankan air force planes bombed Tamil guerilla positions in the northern rebel stronghold of Jaffna, military sources said today.

"We took some targets-known terrorist camps- on Wednesday", a senior officer in charge of operations in the North said. "But we had no details of the bomb damage or casualties yet."

Other reports of this kind mention the navy firing on 'terrorist' boats in the lagoon killing terrorists and recovering supplies such as bicycles, food and fuel without bothering to tell us whether the persons shot at were armed or had fired at the navy. The following nearly humorous piece appeared in the Daily News of 2nd December 1992: Navy seizes Tiger boats, smugglers leap into lagoon

The Shri Lanka Navy's inshore patrol craft, operating in the Jaffna lagoon, seized two LTTE boats in the early hours of Monday. The occupants jumped overboard and are presumed dead.

The encounter was on the southern side of the lagoon, east of Nagathevanturai, at 3.55 am. The captured boats, equipped with two outboard motors, were said to have been carrying 50 gunny bags of rice and sugar and 42 bicycle frames smuggled from the mainland to the Jaffna peninsula.

"It looks as if Tiger mobility is now limited on the peninsula. They would otherwise not need bicycle frames. Maybe the other items needed to assemble complete bicycles have already been taken across, or have still to get across," a senior military officer said yesterday.

He said that on the previous night at 9.15 pm, the navy had sunk yet another terrorist craft in the same area and all those aboard it were believed drowned.

"May be cycle trimmings were in that boat?" the officer speculated. The navy was being very vigilant in this particular area, after these incidents, he said.

The Colombo, English press did however give us some glimpses of what was really going on:

Daily News 19.12.92 quoting Reuter: "...Military authorities declared the lagoon patrolled by the navy and covered by radar, a "no-go" zone and warned that anyone crossing the water could be shot on sight.

"Despite the ban about 2000 people, mostly Tamils, crossed the lagoon daily because all other routes were sealed by the army and the rebels refuse to allow traffic on the main road to the peninsula....

"The bodies of two people, apparently civilians, were washed ashore on the mainland side last week, the residents said, adding that they thought the victims died when their boat was attacked by the navy.

"At least 10 rebels were killed when navy patrols destroyed two of their dinghies trying to cross the lagoon under cover of darkness earlier in the week, military sources said on Thursday.

"Sometimes the civilian boats are escorted by the guerillas who also on occasion transport civilians on faster boats for a higher fee..."

The Island, 28.10.92: "The TULF alleged yesterday that more than 10 men, women and children had been killed in a quarry in Vellaveli in Batticaloa. A statement issued by the TULF executive committee also said that the frequency and intensity of attacks by the armed forces against unarmed civilians in the North and East had increased during the last two weeks. "There had been aimless bombings in Uduppiddy, Valvettithurai and Kokkuvil," it added.

There had been persistent independent reports of civilian bodies being washed ashore in the Jaffna lagoon. The Virakesari reported those of a mother and daughter holding hands last October, and that of a child in November. On the bombing operation referred to above, independent sources confirmed that air force jets bombed Nunavil, Chavakacheri on 26th November, killing three siblings - a girl and two boys.

A feature in the Sunday Times of 18th October 1992 by its Defence Correspondent which carried a feature on sea operations and included an interview with the late Vice Admiral Clancy Fernando, shed, more light on the situation in the Jaffna lagoon:

Referring to Sea Tiger activity it said: "Most of their activity is in the Jaffna Lagoon, using locally made 33 foot fibre glass dinghies powered by 3 or more out-board motors. The origin of the motors is a mystery, but large shipments have been seized both in India and the port of Colombo.

"A few of the craft are even foreign built, using five high powered out-board motors which can attain speeds of 45 knots (Sea miles per hour). At times even the fastest navy Dvora Fast Attack craft have been unable to intercept them.... (The Sea Tigers) also use sophisticated equipment like radar to track down navy vessels. Many are mounted on land vehicles, which make them highly mobile, while others are at high points in the peninsula and are hard to detect."

"...In a three week period in September, at least 15 Sea Tiger boats were sunk in the lagoon, as well as three more off the east coast of the peninsula. This in a sharp increase in Sea Tiger loses; in contrast only about 35 craft were sunk the whole of last year and another 40 were sunk in the first 11 months of this year".

The feature places the Sea Tiger strength at 300. "They are believed to have undergone training clandestinely in India, Malaysia and Singapore, with Chinese, Norwegian and Singaporean mercenaries as instructors."

If one places a modest average of 3 Sea tigers in each boat sunk, nearly the whole unit, one needs to believe, has been slaughtered!

There was not the slightest acknowledgement in the feature that the bulk of those traversing the lagoon were civilians taking 2 1/2 to 3 hours in slow boats to do the 20 or so miles (hardly 7 or 8 knots - nowhere near the 45 knots said to be touched by advanced Tiger boats).

As to why the Tigers want civilians going south to cross the lagoon from Kilaly rather than use Elephant Pass is contained in a suggestion with which most civilian observers would agree: "The lagoon is more than just the last link to the mainland for the Tigers. It is also their safest route to India". (Via Wilpattu National Park and the West coast south of Mannar).

From the foregoing what is really going on is clear. Here again we find a persistent trend in the southern polity, the state, the forces, and the press. They refuse to take or acknowledge responsibility for the Tamil civilians who do not cease being citizens of this country. They cross the lagoon to meet urgent survival tasks. Those who so cross the lagoon include senior government servants, professionals and dons coming for seminars and other official business in Colombo. Also included are university staff and others who came down for scholarship interviews at the UGC or examinations and then missed them either because they had been informed too late or because the police in Colombo locked them up. How they live and travel does not appear to be an issue. There is a pretence that they are some kind of hob goblins who pop out of the earth and disappear thence. Thus does Tamil chauvinism receive an undeserved legitimacy.

It is against the backdrop of an intellectual and moral paralysis closely linked to the aforementioned events that peace moves and talks of constitutional reform are going on. The most important constituency - the people, Muslims, Tamils and Sinhalese - is ignored.

1.5 Peace Moves

We will confine ourselves to some salient features without going into details. It has been our position that the main issue of a permanent settlement is not federalism or a merger of the former Northern and Eastern Provinces. It is but one of giving confidence to the minorities that they are full partners in the nation building process and that the state will neither discriminate nor its machinery work to their detriment. Also if the damage done in the past is to be overcome, there needs to be a more open and generous approach. The Tamils in the North-East have long and urgently voiced particular grievances touching on security concerning the conduct of the forces and state aided colonisation of Sinhalese resulting in insecurity to others.

These are matters on which, we have repeatedly pointed out (Reports 6,7 & Briefing No1) the state ought to act on its own as a matter of duty. To make such action a subject of negotiation only reinforces distrust. Two specific areas requiring such action are the provision for real remedial action (not the cosmetic one of presidential task forces) to challenge violations by the forces and the making of substantial positive gestures regarding colonisation. A good candidate for the latter would be the dismantling of the Weli Oya or Manal Aru settlements which are in any case a costly shambles. Whatever the merits of Weli Oya settlements, these have been trumpeted too long by Sinhalese chauvinists in Colombo (not Weli Oya) as to frighten Tamils. It is from such developments that the merger of the North-East as a security measure came to be seen as necessary by the Tamils. It was given a new force by the Indo-Lanka Accord. The situation in the Jaffna lagoon, bombing and shelling are other areas where the government can and ought to make positive gestures.

The government has done next to nothing on these lines, thus casting a shadow over any talks that take place. Even so new constitutional measures that could give confidence to the minorities could play a benign role. Two proposals before the parliamentary select committee chaired by Mangala Moonesinghe that received publicity were the Apex Council proposal for a semi-merger of the North and East and the second for federalism without a merger proposed by Srinivasan MP. The first, widely accepted as well-meant, was worked out by Mangala Moonesinghe himself with help from some leading academics. The second was noted for the magic words federalism and de-merger. Its details were sketchy and ill-thought out. Why it received so much publicity is a subject of much speculation.

Both had certain positive or negative merits from the point of all communities in the North-East. For the Tamils, up

to 40% of their population in the North-East, particularly the East, were refugees. There was a fear that a long war fought in the name of a merger would mean displacement, rather than a merger, becoming permanent, leading to creeping colonisation of Sinhalese under military protection. From this point of view a transfer of power from the military to a civilian authority in the East was desirable.

The Muslims in the East feared, particularly after massacres of Muslims by the LTTE, that a large Tamil dominated unit would work to their disadvantage. They too, in terms of a fear of colonisation, stood to gain by local civilian, rather than military control.

The Sinhalese in the East shared the first fear with the Muslims. [See Report No7 & Rev. Nirmal Mendis in the Cross-Points, an NCC publication, December 1990 and September 1992].

For the Tamils there were also some merits in trading off a merger for more powerful federal units. For the Tamil parties in Colombo these proposals carried strong temptations provided they were seen to be realisable. This is where the experience of the past and the failure of the government to show good faith, such as in a manner sketched above, became serious impediments. There were also doubts as to whether a federal proposal would withstand the referendum demanded by the constitution even after obtaining two thirds support in the house.

The chief impediment came from the main parties (UNP&SLFP) who remained studiously reluctant to commit themselves, while the Tamil parties were under intense pressure to commit themselves. There was a real fear that having agreed to drop the merger, which had the force of the Indo-Lanka Accord, they would be left clutching at straws in the wind. They feared that they were being used as land mines against the LTTE. After the two main parties agreed to back a consensus at select committee level they appeared to grudgingly concede something only to claw back later. It was first reported that they had both accepted Srinivasan's proposal for federalism without merger. This was later changed to the Indian model and finally Srinivasan without federalism.

The problem was ultimately that we, perhaps in good faith, had very fluid notions of constitution making, based on passing whims of individuals which ignored the people. The years since July 1983 and the Indo-Lanka Accord were painful experiences for this country. The positive features of the Accord as regards the ethnic issue were not effectually realised. The machinations of this government prevented the provincial councils from coming to be seen as genuinely autonomous bodies with real and adequate powers. The North-East provincial council practically gave way to some unspecified understanding between the government and the LTTE. The justification hinted at for this was that the EPRLF though 'elected' did not represent the Tamils. How the LTTE

came to represent the Tamils was never addressed. The government-LTTE understanding fell to pieces and the Tamils were once more left with nothing but the dubious protection of the LTTE. If the Tamil parties in Colombo rescind the merger, that will be gladly publicised and used. But if tomorrow another deal with the LTTE is desired it would once more be hinted that the Tamil political parties represented nobody. Some years later it could be argued that the present government's legitimacy was in question or that the LTTE became the representatives of Tamils on doubtful premises and we would be talking something else as if yesterday was a dream.

The SLFP's positions again represent instability and double talk.

The DPA manifesto on which Mrs Bandaranaike contested the 1988 presidential elections envisaged a merged North-East with a part of Amparai District excised. Recently she was reported saying that her party did not support a merger. The DPA manifesto she said was rejected by the people. But she had contested the verdict of her defeat in court saying that it was arrived at by fraudulent means. It is by all indications therefore futile to think that the talks as they stand would lead to a solution.

The Tamil parties could however have done much better than turn down the proposals merely on the grounds that they did not envisage a North-East merger. They should have been clearly and logically examined and argued how they meet or fail to meet the aspirations of Tamils for dignity and security, and here based their acceptance or rejection on reason. This would have at least led to a healthy debate and a clear discussion of issues. Instead the other side was not made to discuss issues and merely confronted the Tamil parties with a flat rejection of a merger. We are being further plunged into a culture where the value of sound reason is being lost, and who represents whom determined ultimately through brute force.

What would lead to a solution is only an open discussion of issues and how we came to this point of paralysis. If the leaders address the people, involve them in a public discussion and convince them, then any resulting solution will have permanent roots. There will be no need to whisper consent and claw back. When it was first announced in the press that the two main parties had accepted federalism, the country accepted it as a matter of course. There was perhaps a sigh of relief rather than angry demonstrations.

The present state of affairs will favour only the extreme nationalists on both sides. They are the only ones talking to the people. By ignoring real Sinhalese and Muslim fears, it is easy to represent to the Tamils how the others cannot be trusted. By focusing on the LTTE and ignoring the Tamil people and recent history, the other extremist camp could

argue that given the LTTE's persistent duplicity, only a military solution is possible.

1.6 The Role of NGOs, Religious bodies and Non-party organisations

Things as they are, leave the country poised dangerously. The ordinary people feel confused and powerless and now the armed forces are in the same state. Against this the LTTE goes on massacring Muslim and Sinhalese civilians, ignoring the diplomatic reverses and hoping that the next heaven would do the trick. Its mind is clear. It can live with de facto control like in the months leading up to the current war. But survival dictates that it cannot be tied down by written legal undertakings, even a federal arrangement. It has cornered itself by killing in the name of the holy cause of Eelam and building up its cadre on the basis of Eelam or nothing and that anyone who thinks otherwise is a traitor. The alternative to de facto control is to trigger off anti-Tamil violence in the South. Then its own past would be forgotten, and it could expect a diplomatic swing in its favour. The country would then for all purposes be sundered. The LTTE's closest allies would then have been its vocal Sinhalese counter-parts. How strong is the polity of this country to withstand this challenge?

As was pointed out there is a certain despair among those who were close to dead combatants on all sides as to whether they died to any purpose. A note about the late **Brigadier Lucky Wijeratne** by K.H. in the Sunday Times of 20th December reads: *"A soldier, particularly a commander who must send out men to kill or be killed, will frequently question the logic of and the motives behind a war— We can ensure that they did not die in vain by bringing about a political settlement that was their pot of gold at the end of a rainbow. A prolonged battle with a heavy loss of life, even if the ultimate result is a military victory for the security forces, will not justify the death of Lucky and his colleagues. The final chapter of Lucky's story must be written by the politicians."*

By their performance so far it is doubtful if the politicians by themselves will ever write the final chapter. It is only a demand from the people that would move them. Thus it becomes imperative that others must talk to them and restore the value of sound reason and sound morals rather than leave the field to extremists. It is now left to the kind of organisations mentioned above to campaign for rational solutions, and open up the issues by going before the people. The country's predicament must be clearly understood. Only so can the country derive strength. There must be an end to the illusion that the road to peace lies through secret flattery of those who control the means of destruction and keeping the people in the dark. **If the LTTE clearly understands that there is no prospect of communal violence in the South, its own politics will change much for the better.**

CHAPTER 2

THE MASKADE CHAIN - Tamil Detainees of the Sri Lanka Forces

2.1 Introduction

Many of our recent reports have averred to detainees being taken by the Sri Lankan Forces - from their homes, removed from public transport while fleeing the war zone, often from refugee camps, while fleeing to India by sea and when sheltering from the war in the South. In Report No.5 we referred to a press report in the Virakesari where a convoy of buses going to Colombo from Batticaloa escorted by the forces was stopped at the army camp in Valaichenai. Then home guards under army supervision removed about 30 passengers. The incident took place in late August 1990. We also referred (Reports 7 & 9) to 16 persons removed from the refugee camp in Pesalai, Mannar Island, by the army in November 1990. Special Report No. 3 was written at the time the STF was making mass arrests from refugee camps, a number of whom finished up as headless bodies on the high seas. A number of Tamils in the South continued to be arrested in the South during the course of the current conflict and nothing more has been heard of several of them. Kugamorthy was prominent among them. Representations made among very high circles, including the President's office, bore no fruit.

Some have lived to tell the tale. We now complement accounts given by former detainees in Special Report No.3 and Reports 7,8 and 9 and also shed some light on the specific instances mentioned above. The story still remains far from complete. These experiences also tell us about the perverted notion of legality that has become current in the wake of the PTA and the new emergency regulations. Even when it is evident that the prisoner can have no information of the slightest military value, torture is proceeded with until the prisoner confesses to something, such as giving food parcels to the LTTE, to justify his detention. Those who survived this ordeal have been kept for between one and two years before being released without charges. These considerations are relevant to the question of sending back Tamil refugees from India and Europe.

'Maskade' (Butcher's shop) is a term current among detainees of the forces descriptive of the torture chamber. Its Tamil equivalent, 'Iraichikkadai', is used by the LTTE's detainees. They remain curious symbols of national unity in a supposedly separatist war.

The general pattern

As mentioned in earlier reports, between June and October 1990, the Forces made mass arrests in many parts of the East, and the best information we have is that most of them were executed within a few days. The pattern that took shape goes something like this. In the East, the detainees not killed were generally tortured at the local forces' camp for one or

two weeks. In the Mannar District, the detainees were usually sent to Thallady Camp if they survived the first day or two. At Thallady, torture followed a fairly uniform pattern (See also Ch. 4, Report 9) and lasted from one week to three.

Those who survived followed the initiation of the first two to six weeks in the local centres were then sent to Magazine Prison in Colombo. Survivors who were badly mauled and were refused admission by Magazine Prison were sent to the Kadawatte STF camp until sufficiently presentable. In some cases they had a further period of interrogation at the 4th floor CID building in Colombo before being sent to Magazine. Magazine Prison has a routine where prisoners on admission are beaten by guards on the first day - a kind of rag, but not very serious compared to what they had been through. It is called Varavetpadi (Welcoming beating) in prisoners' parlance. Thereafter the prisoners were left in peace and even found the guards friendly and helpful. Those ill at the time of admission escaped Varavetpadi. One prisoner who was earlier at the Military Police camp in Trincomalee said that there was no infliction of physical pain there.

Some prisoners finished the latter stage of their detention at Magazine Prison and others at the detention camp in Kalutura.

Following their release, nearly all prisoners had two or more of the following symptoms: **Recurring loss of memory (LM) Recurring blackouts (BO), Nightmares (NM), Gastritis (G), Body pains (BP), Hypertension (HT) Abdominal pains (AP), Tremors of hands (TR), Skin infections like scabies in nearly all cases (SK), Sleeplessness (SL), Loss of appetite (LA), and Frequent ejaculations in the nights (FE). The last, sometimes symptomatic of sexual torture, is something about which prisoners are understandably reticent.**

An observation made by some of the prisoners held at Thallady, is that some prisoners with known LTTE links were released on the intervention of certain leading local figures. Those tortured most often had nothing to confess. Some undercurrents involving intermediaries who smuggle fuel bought from the forces to the North have been touched in Report No.9.

Nearly all those who were questioned have gone back to their homes. To prevent identification, names and certain other details have been suppressed.

2.2 Cases The South

1....(20s), Amparai District. Arrested Bandarawela

April 1991. Was staying with uncle to study for A.Levels. First week in local police station. Frequently assaulted with s-lon (plastic) pipes on head and body and ears. Kept in a dark room. On first night was masturbated repeatedly by six policemen until he lost consciousness. Then transferred to Pallekele Detention Camp and Magazine Prison (MP) Released September 1992.

Symptoms: LM,BP,BO,SL,LA,and FE. Very worried about capacity to lead a normal married life.

2....(2Os), Kalviankadu, Jaffna, unemployed. Living in Colombo. Was picked up by the TELO in **July 1991**. Was held at the CID branch Longden Place, Colombo -7 (near SLBC) for 15 days. Assaulted with hands and chains.

Symptoms: Pain in Chest & legs, SL & NM.

Trincomalee District

3....(2Os), Muttur. Taken from the Muttur refugee camp in **November 1990** with 10 others by the police. He had already spent 4 months in the refugee camp since the outbreak of war. Tortured daily for 13 days. Assaulted with hands and batons. Forearm bones fractured. Witnessed fellow prisoners taken away, who were then said to be missing. Then taken to Trincomalee prison and held under custody of Military Police, who were helpful in getting relatives to see prisoners. Taken to Magazine Prison after 1 month. Treated well by prison guards after first day's Varavetpadi'. Released after 22 months. Symptoms: LM - Frightening since prisoner was a good student. SL, NM, LA. Was treated for fracture at OPD, Colombo only after admission to Magazine Prison.

Batticaloa District

4....(2Os), Trincomalee. Was in Batticaloa when war broke out in **June 1990**. Was travelling to Colombo in a bus on **21st August 1990**, as part of an army escorted convoy of buses and other vehicles. The convoy was stopped at Ottaimavadi and 29 males and 3 females were picked off buses by home guards under the supervision of the army at Valaichenai. Prisoners were at first assaulted with batons by home guards. (This was done nine days after the massacre of Muslims at Eravar by the LTTE). At the Valaichenai army camp they were placed in sitting positions with hands and feet tied and were assaulted with hands and wire. Three days later, prisoners were taken to the army camp at Punani and were kept in six cells, each 8ft by 4ft, 6 or 7 persons to a cell. There they were tortured almost without break for 14 days. Each time the shift changed, torture commenced with new zeal. At Punani, the prisoner witnessed about 6 others being beaten to death and burnt with tyres soaked in diesel.

The prisoners were visited at Punani by the ICRC. But those to be killed were not shown. During these sessions, the prisoner was deprived of his Seiko watch and Rs 3000 in cash. He was then taken to the 4th floor CID building. He was personally not tortured. But witnessed 3 smaller boys being tortured. Was taken to Magazine Prison after 6 weeks, where

he was held until release in early 1992.

Symptoms: Depression, General weakness, Difficulty in reading, SL, HT, Severe NM

The incident of the arrests above was reported in the '**Virakesari**' and was raised with the late minister of defence by Tamil MPs, but to no avail.

5....(2Os), Batticaloa. Picked up by the SL army at Mannampitiya in **July 1991** while travelling to Colombo. Hands tied. Placed on the floor face up and was assaulted all over the body. Then turned face down and beaten with S-lon pipes filled with cement. Then subject to phalanga - beating on soles of feet. This went on for 2 weeks, 2 to 3 hours daily. Released after two weeks in custody.

Symptoms: General body pain, particularly in soles, AP, Burning pain in stomach. Presently unemployed in Colombo.

Amparai District

6....(2Os) Arrested from his home by the STF in a round up in the Thirukovil-Akkaraipattu area with about 25 others in **September 1990**, (This was the time Special Report No.3 dealing with violations in the same area was being compiled. Several incidents of this kind were recorded). Tortured for 9 days, mainly by beating with hands (See Ch. 3 of Special Report No.3). Witnessed killing of fellow prisoners under torture. Spent 1 year in Magazine Prison. (Was spared from Varavetpadi because of chicken pox). Then 1 year at the Kalutura detention centre before release. Symptoms: LA,FE,BO,TR-usually associated with sexual torture, SK.

7....(2Os). Arrested by the STF in the Amparai District in **December 1991** Held at the Kondavedduvan STF camp for 2 months. Assaulted with batons and gun butts, sometimes hung by feet. Released. Symptoms: BP,SL,NM.

Mannar District

8....(2Os), Mainland. Arrested in **November 1990** from the Pesalai refugee camp with 16 others. Assaulted with gun butts on knees and back while being taken in the bus. Helmet was placed on head and then banged upon with gun butts. Of the 16 taken 10 prisoners said to have been killed (See Report No.9). Witnessed one prisoner tortured and killed in his presence. Kept in Thallady for 8 months. Tortured while statement was being taken. Hung upside down, beating and phalanga. Suffocated with plastic bag placed over head and held around neck. Penis squeezed. Hands tied, pole passed through loop formed by hands and body and raised. Pricked under nails with needles and burnt with cigarette butts. Torture went on for 3 weeks, but much reduced after first week. Sent to Magazine Prison and released in July 1992. Symptoms: BP, particularly shoulder & soles, SL, LA, tearing from eyes.

9....(4Os), Fisherman from Jaffna, traditionally fishing off Talai Mannar, Took refuge in the Pesalai Refugee Camp

during the military operation to take Mannar Island. Taken by the army from refugee camp in **November 1990**. Assaulted in refugee camp. Taken to Thallady and held for 45 days. Hung by feet, beating & phalanga. Taken to Magazine Prison in Colombo. Transferred to the Kalutara Centre in June 1991. Released July 1992.

Symptoms: Poor vision, BP, Particularly in feet, SL, Depression.

10....(30s) Mannar. Taken from Pesalai Refugee Camp with two above in **November 1990**. 5 months in Thalladi. Assaulted with baton on chest & body. Burnt with cigarette butts Pricked under nails with needles. Suffocated by plastic bag containing petrol fumes enwrapping head. Hung by toes. Hung and suddenly released to land head first. Then 4 months in Magazine & 8 months in Kalutara prior to release.

Symptoms: TR,LA, SL, BO & Tearing from eyes.

11....(20s), Chunnakam, Jaffna District. Arrested by the navy at sea off Mannar while going to India in **January 1991**. Assaulted with hands by navy personnel. Then sent to the 'maskade' at Thallady army camp. Hung upside down and assaulted with baton on chest and body for 3 days with no food. Sent to Mannar prison to share a small cell with 7 others. Beaten, but not seriously. Sent to Magazine Prison in June 1991. Transferred to the Kalutara centre in November 1991. Released July 1992.

Symptoms: TR,SK, Tiredness and Hyperventilation (Perumoochchu)

12....(30s), Mannar, Technical person of supervisory rank by profession. Arrested by the army in **March 1991** and taken to Thallady camp. Electrical torture used on hands, ear lobes and nipples. Assaulted with bare hands & baton. On one occasion **Major Salman**, head of the unit, took a personal hand by punching him on the chest. After 6 months at Thallady, sent to STF camp in Kadawatte for 3 months. No torture there. Then Magazine & Kalutara prior to release. Symptoms: SK,HT,Vision defective and arthritis on foot. (The last two may be natural tendencies exacerbated by detention)

13....(40s),Adampan Mannar District, Employee of UNHCR. Arrested in presence of UNHCR personnel. But he is unaware of action taken on his behalf by the UNHCR, although something was presumably done. Was tortured for 7 days. Was hung by his feet and beaten with a gun butt on thighs, sole and head. Suffocated by inserting head in shopping bag containing some petrol and tying around neck. Repeated on another occasion with chili powder instead of petrol. Suspended from legs, forepart of body lowered into a barrel of water and pulled out as prisoner started to asphyxiate. Hands tied behind. Pole inserted through hands, along body. Then suspended horizontally and beaten as pole was rotated. On another occasion soldiers stood on abdomen. Once the penis was placed on a table and was hammered with a baton. Kept in Thallady for 8 months. When taken to Colombo, Magazine Prison refused to accept him because of

his condition. Then kept by STF, Kadawatte, for 2 1/2 months, Magazine for 6 days and then Kalutara until release. Symptoms: SL,NM,LA,BP, Tiredness, Numbness, Giddiness.

14....(20s), Talaimannar, Fisherman. Arrested Pesalai Refugee Camp (UNHCR) **May 1991** with 5 others. Hands were tied at the refugee camp itself. Eyes blindfolded in the Pesalai army and taken to Thallady the next day & kept there for 4 months. Assaulted with baton on back and shoulder. Then Magazine 5 months and Kalutara until released in July 1992.

Symptoms: SL,NM,SK,FE,BP, Numbness.

15....(30s), Nilaveli. Trinco District. Arrested June 1991 Pesalai by SLA while preparing to leave for India. 1 day in Pesalai. Hung by big toes. Petrol poured into nostrils, head inserted in polythene bag and tied around neck. Assaulted with batons. Lost one tooth. Taken to Thallady and tortured for 7 days. Everyday hung by feet and given the polythene bag treatment. Out of agony prisoner falsely admitted giving 15 packets of rice parcels to the LTTE. Immediately the torture was stopped and a statement recorded. Then sent to Magazine Prison for a year prior to release.

Symptoms: SK, Back ache, Head ache, Chest pain, Poor vision at night.

16....(20s), Ramanathapuram, Fisherman, Indian national. Arrested Talaimannar sea June 1991 by navy. Tortured at Talaimannar navy camp, taken to Karainagar navy camp and back to Talaimannar. Transferred to Thallady where the worst torture was endured. Beaten daily, pricked with pin under nails and given shopping bag treatment. Then Magazine, Kalutara and released July 1992.

Symptoms: Bad skin infestation, Multiple infected wounds, Diarrhoea with blood and mucous, Deformity of left wrist, Chest pain and Pain in both forelegs.

Note: Though originally from the same community and fishing in the straits of Paulk, the use of modern methods has caused a rift between fishermen on both sides of the straits. Fishermen in Mannar Island have been complaining that Indian fishermen intruded into their area, taking their catch and sometimes breaking their nets with their boats. The navy, though ready to show their power in the Jaffna lagoon, have been chary about acting against Indian fishermen.

When General Kobbekaduwa visited Mannar before his death in 1992, a complaint about Indian fishermen was made to him by representatives of the fishing community at Pesalai. The general smiled and replied, "**The best we could do is to ask our foreign ministry to complain to the Indian foreign ministry.**"

The treatment of this particular fishermen appears to reflect a deep seated anti - Indian feeling in the forces.

17....(20s), Mannar Town. Arrested SLA **July 1991**.

Taken to Telecom Camp, Mannar Town and assaulted with a baton, breaking part of a front tooth. When prisoner asked for water, a soldier undid his trousers, urinated into a vessel, mixed it with cement, put the broken front tooth into mixture & made prisoner swallow it. Taken to Thallady next day. Both thumbs tied together, hung and beaten. Then hung upside down, poured petrol into nostrils & eyes and given plastic bag treatment. Tortured for 3 days. Produced before the ICRC in late July 1991. Torture then greatly reduced. Then August Magazine, February 1992 Kalutara and released July 1992.

Symptoms: TR,SK,Visual difficulties and Chest pain.

2.3 Prisoners & International Organisations

The two international organisations with which the prisoners above came into contact are the ICRC in most cases and the UNHCR in several of the cases from Mannar District. We have in our reports recorded the taking of prisoners from refugee camps in all districts of the Eastern Province, a large number of whom were later not accounted for. The same thing has happened in Pesalai, though on a smaller scale, despite a UNHCR presence.

The ICRC has had varying access to detention camps in areas of the North-East with a Sri Lankan Forces' presence. As to whether all or only selected prisoners were seen by the ICRC, the second has usually been the case. We do not have

adequate information on the pattern in recent months. What is found in our reports represents the changing pattern up to about a year ago (1991 end).

Earlier on, certainly, prisoners to be eliminated were not shown to the ICRC. In Mannar the ICRC in general had access to prisoners, not upon arrest, but after the torture session was over. (See also Ch.4, Report No 9). This role of the ICRC served a purpose besides adding something to the safety of those already tortured. Those seen by the ICRC could and have given information on others not seen. How effectively such information is used depends much on the local ICRC representatives. Some of the prisoners listed in our reports have the impression that the ICRC was not aggressive enough. Of course, the long term benefits to the prisoners from the ICRC presence depend on its overall institutional character and how the Sri Lankan Forces as an institution respond. This is too large an issue for our limited experience. But in our experience there are notable local variations.

The ICRC in Batticaloa once had a very conscientious lady. As soon as an arrest was reported, she was known to go to the place immediately and remonstrate with the person in charge until some assurance was given. According to sources in Batticaloa, when the local office had a new head, this lady was asked to go slow, to her annoyance. This may be because of a different perception of what was best for the detainees.

CHAPTER 3

THE LTTE AND THE EMERGING SOCIETY IN JAFFNA

3.1 Priorities

The following story was related to us by a young man who was until recently a member of the LTTE and served in all capacities including as a member of the intelligence unit. Apart from the earnest indignation he feels for his past, his accounts appear to be truthful and are consistent with everything else he says, together with what we have documented over the years.

Among those who had frequent access to the LTTE leader are members of the intelligence and finance units. Addressing a meeting where members from both units were present, the leader told them in words to the effect: **"You are the most important section of this movement. Those who are fighting will die some time. We need not be too concerned about them. You are the ones that will be left to run Tamil Eelam. Therefore it is among you that we want greater discipline and loyalty."** The leader then went on to give his vision of the state of Tamil Eelam: **"Eventually the whole movement must become an intelligence unit. Indeed the whole nation will become an intelligence unit"**

This is not as fantastic as it sounds. The leader has been disarmingly frank on earlier occasions. Everything that has been said by LTTE leaders and its actions over the years add up to this. Yogi said more than five years ago that what was of importance was to safeguard the soil (mun) of Tamil Eelam. To this end the loss of the overwhelming majority of lives was to be of little account. Then there was Mahattaya's attempts to organise the families of 'martyrs' into a network of informers over the national heroes week of 1990. [Report No.6]. Further, financial operations, both locally and internationally have been meticulously organised and run for years by close personal associates of the leader and accountable only to him. Many of these operations do not come into the main organisational structure - the military one. The spartan restrictions which ordinary cadre are supposed to observe, do not apply to these operators. Any vice is overlooked provided they enjoy the leader's confidence in matters of importance to him. Moreover nearly all of them are connected to the leader by ties of kin or clan. Notable in this whole phenomenon is the symbolic importance of land and gold as opposed to life and a wholesome enjoyment of it.

What comes through is some of the worst traditions and methods of Jaffna society.

Again the insignificance of the fighting cadre whose sacrifices were regularly lauded from platforms for public consumption has been known for a long time. Despite the titles, glories and adoration heaped on them by the leader and

the organisation, the cadre often came to realise that they counted for little. Their minds and bodies were needed only to destroy and kill. It was well known by 1987 that the Kittus, and perhaps even the Mahattayas, had no real power in the organisation, as much as they could kill ordinary civilians with impunity. Real power, apart from the leader, lay in the hands of selected individuals in the five continents building up the LTTE's financial empire, besides their own.

3.2 Effects on the Organisation

As we had mentioned before many mature cadre who sensed their real position of powerlessness started leaving the organisation as painful developments from the mid 80s unfolded what the future held. The emphasis on recruitment then shifted to children. The organisation evolved to adapt itself playing on the sensibilities and fears of the young. There was no longer any need for theoreticians to package the LTTE's programme in the language and jargon of liberation movements. The political wing all but vanished. With the ensuing disruption to education, the middle classes and those with contacts outside responded by increasingly sending their children away. **The result was that new recruits were both very young and from the poorer sections. Thus the composition of cadre from Jaffna shifted sharply towards the oppressed castes.**

The importance given to the use of terror and the intelligence unit had its own momentum. In jockeying for influence, every section of an institution has a natural tendency to multiply its scale of operations and demonstrate such a necessity. Nothing serves this purpose so much as a massive operation involving the holding of prisoners. Mere killing is too ephemeral and simplistic an activity. Nothing strikes terror so much as torture chambers and long time inhuman confinement. It is not for nothing that the Gestapo and KGB embarked on massive prisoner operations costly as they were, and so with the LTTE. This has also given the LTTE a capacity for massive civil engineering enterprises using labour intensive technology.

3.3. Influence on Caste

We have pointed to the numerical shift towards oppressed castes among the fighting cadre. The instrumental importance attached to such persons may in certain areas give the impression that caste as an institution is being challenged. But this is deceptive as the foregoing would suggest.

The story of **Senkathir** gives an illustration of how caste operates. When the old Left groups raised the caste

issue, they worked among ordinary oppressed caste peasants, raised their level of intellect and discipline, and made of them responsible persons compelling respect. This is very different from taking a person, whether low caste or high caste, and using his worst instincts. **Senkathir** was a person so used of low caste origin from the Karaveddy area. Though an unruly person, he being Mahattayas's protege, wielded considerable influence. It was widely believed in Karaveddy, that one of Senkathir's briefs was to watch over, and report on the local leader Gamini. Gamini was of high caste from the same area. Gamini was later transferred and lost a leg in a futile attempt on Jaffna Fort in July/August 1990. The local people viewed both Gamini and Senkathir through the spectacles of caste. While Senkathir's star was ascendent, it appeared to give the low castes the edge in local influence. The high castes viewed Senkathir with a detestation not improved by his reported obsession with high caste mistresses. During the Autumn of 1990 Mahattaya's men were removed from key positions. About this time Senkathir went missing, reported by the LTTE as killed in action in the Wannu jungles. The story was not believed by his community which became bitter and suspicious. This individual instance tells us one thing. An organisation which debases humanity and views people as mere instruments, can have no lasting reforming impact on society.

3.4 Impact on the Middle Class

A dominant characteristic of this class is a materialistic value system overlaid by the presumptions of Tamil nationalism. One could be surprised by the lack of anger or indignation one finds among uncles, aunts and cousins of someone very unjustly killed by the LTTE, as opposed to the Sri Lankan forces. The LTTE wearing the mantle of Tamil nationalism has used it to deflect accountability. We recently had an instance of how nationalism is used as an opium to deflect real issues. A deservedly well respected TULF MP of the Batticaloa District was speaking at a school function. He expressed his joy at the song about the ancient Tamil King Cheran Senguttuvan who reportedly ruled the Himalayas. Then he said how proud he was about the Tamil youth taking up arms to fight for the people's rights - a remarkable speech that could have been transposed from a TULF platform to an LTTE platform and vice versa. The real problem and an urgent one is systematically skipped. This was that the boys supposedly fighting for rights were massacring Muslims turning the East into a powder keg.

Terror and the allure of nationalism have imposed on the people the habit of silence. Wherever Sri Lankan forces are in control, people are subject to a good deal of unpredictability and humiliation. But in Jaffna people have come to believe that by not questioning the politics or raising questions about political prisoners and the arming of children, life becomes relatively predictable. The ugly things are kept out of sight and people can move about safely in the nights. Conditioning their minds to use this atomised existence as a starting point, they try to work out the means to send their children out. In

the short term this works well for the LTTE.

3.5. The Role of Institutions

The only institutions in Jaffna with fairly large bases are the university and the churches. One would have normally expected from these institutions some resistance to the unhealthy and dangerous developments. If it is felt that in the interests of the future, these institutions must be kept alive through a phase of terror, they could at least avoid lending legitimacy to these developments. We have dealt with the University of Jaffna in earlier reports. We have also noted in earlier reports how several members of the elite perform services glorifying this brutal political phenomenon. Such legitimisation is in turn used to entice more children to carry arms. These elites and their children are in turn exempt from the rigours to which other hapless people are subject.

We shall now take some instances of how some churches and church men have become catalysts in this downward spiral.

To start with, few churches as institutions in the recent past were seen to be excelling in character and improving the tone of life in Jaffna. Then by identifying with the nationalist cause and by their ability to articulate the cause abroad, their authority increased tremendously. Further, the churches became recipients of large funds for rehabilitation.

Then came the July 1983 anti-Tamil violence. The response of the churches in the South was seen as either communal, inadequate or nominal by their partners abroad. Over the years a strong feeling of guilt overlaid key sections of the Southern church to a point where it became fashionable to be uncritically 'pro-Tamil' particularly with statements made for largely foreign consumption.

In the meantime most Tamil churchmen got into another fashionable rut. Whenever they came down from Jaffna they rightly talked about the sufferings of the people resulting from bombing, shelling and other restrictions placed by the government. But as for harsh restrictions placed by the LTTE, arming of children and political prisoners, they are absolutely silent - few might whisper these to close friends. In turn the more discerning and truly concerned Southern churchmen are afraid to raise these unspoken issues for the fear of being branded anti-Tamil. It appears to become disturbingly fashionable among Southern churchmen not to want to grapple with details and understand the Tamil question in depth. It is becoming all too easy to blindly concur with colleagues from the North in matters such as what is really going in Jaffna, who represents the Tamil people and what the normal run of people really want. If for example those from the North say 'ceasefire', then all agree it shall be ceasefire with no clear idea of what it demands from the church. Attempts by the church to represent reality have conspicuously played down the issue of political prisoners in the North and the Muslim question, thus displaying a dangerous slant in legitimising

something totally unchristian.

With the national church so uncritical and having no definite perspective the same attitude was passed onto important sections of the World Council of Churches. To some individuals in the WCC it became enough to be pro-Tamil, which meant to back the LTTE as the sole legitimate representatives of the Tamil people. The game for them was to humour some Tamil prelates rather than understand the problem. Those who did understand found it diplomatic not to go too far with their reservations. Ultimately it is the interests of the Tamils that suffered through legitimising unhealthy impositions.

Let us take how this worked in a particular instance. In addition to being bombed and shelled, Tamils travelling between Colombo and Jaffna have to undertake an unwanted and risky journey by sea bypassing Elephant Pass. Apart from rough sea, they need to risk being attacked by the forces. The army has ordered civilians not to take that route and to use Elephant Pass instead. But the LTTE has forbidden the use of Elephant Pass and forces people to use the sea route. Both sides have given military reasons for their positions. The LTTE claims that if civilians use Elephant Pass, the army could use it as an advance route. The army claims that if civilians use the sea route, the LTTE would use civilian cover to transport men and munitions. We will not examine the

virtues of the military claims.

Where the people are concerned they are clear that travelling by sea is a needless imposition and that once the route through Elephant Pass is open, even the food supply to Jaffna will be eased. They feel helpless and want someone to represent their interests. The churches are best placed to do this. Criticising the forces for attacking helpless civilians travelling by sea with a view to preventing it is legitimate. But doing only that is questionable. What is also involved is the perception that it is less risky to travel by sea against the army's wishes than to travel through Elephant Pass against the LTTE's wishes. By the churches and other organizations mounting a campaign exclusively against the army while not challenging the LTTE, they were not representing the people's interests. This was another aspect of a society where institutions which are meant to be closest to the people are being mobilised to their discomfiture.

How some church leaders more or less willingly got into this position is another story. Strangely, of all organisations, it was left to the BBC correspondent to take on the LTTE concerning the safety of travellers. If this is how the churches have handled a more or less straight-forward issue which still lies unresolved, how will they handle the complex questions of a sustained ceasefire?

CHAPTER 4

THE JAFFNA GULAG

4.0 An overview

Since our Report No 9 was issued in February 1992, a wealth of information has emerged about detainees held by the LTTE. The information published hitherto has been summarised in Briefing No.1 In what follows we summarise a heap of information to aid those actively concerned. We point out certain patterns without giving these the status of conclusions. The latter will have to await more complete information. The patterns should aid understanding as well as to direct action. Our informants who are former members of the LTTE and former prisoners have left the North-East.

In Briefing No.1 we stated that the estimates of the total number of prisoners as varying around 4000. The number in the Thunukkai complex was estimated at 3000 and a thousand elsewhere. Thunukkai is now believed to be closed and the inmates have been distributed to several camps. Prison camps, either exclusive or part of LTTE camps, are known to exist or to have existed in **Kachchai, Koilakandy** (on Thachchanthoppu - Sungupiddy Road), Urelu (in a commercial Farm), **Kopay (Heroes Hall, next to the women's camp), Kondavil, Chundikuli, Ariyalai (Maniam Thottam) and more than 10 around Chavakacheri.** This list is far from being exhaustive. Villagers in a part of Karaveddy, near Nelliady, know that the local LTTE camp keeps prisoners in underground bunkers. The local wisdom is **'Do not talk about them unless you want to join them'**. Among these camps, some have as few as 30 detainees. The one at Koilakandy had several hundred. Figures given to us vary from 150 to over 500. The number killed following aerial bombing in Kachchai is put at more than 50. The ones in Thenmaratchi, sited in sparsely populated coconut estates facilitate holding larger numbers. Though the treatment in most of them is uniformly inhuman, the security in the smaller camps is not as elaborate as in the Thunukkai complex. An old man succeeded in escaping twice from the Urelu camp.

There are indications that some of the larger prison camps where the treatment is more sadistic are still sited in the jungles between Mullaitivu and Mankulam. According to one prisoner who was transferred from **'Malli'** camp in the jungle near Mankulam on the Mullaitivu Road, the prisoners were kept in several bunkers - 20 to 30 in one bunker-smaller than the Thunukkai ones. There are no reports of escape. The details again give substance to the estimate of the total number of prisoners being about 4000.

As remarkable as this may be, it has aroused comparatively little indignation either locally or internationally. The local reasons are more involved and were discussed in the previous chapter. The international reasons are simpler.

Interest in Sri Lanka in the international media has sharply declined.

In circles that have an economic interest in Sri Lanka, the North-East has been written off-at least this is what senior government officials seem to believe. Equally, there is no vested interest in exposing the scandal of prisoners in comparison with cases where big power interests are involved. Individual journalists visiting Jaffna who casually pursued the matter of prisoners, understandably did not get far. Some leading news organisations appear to believe that if their correspondents cannot lay their hands on this phenomenon, it cannot exist. Again attempts to expose this can deprive newsmen of highly newsworthy access to the Tigers - almost handed out on a platter. All in all the work of concealment for the Tigers has been made comparatively easy and the small efforts at exposure all the more difficult and hazardous.

We shall now go into aspects that will clarify and add to earlier accounts.

4.1 What motivates the Tigers to hold so many prisoners?

Going through all accounts, one sees no trace of compassion for prisoners. If some camp warden evinces the slightest weakness of that kind, he or she will be quickly removed. This poses the question, why keep prisoners alive considering that the Sri Lankan forces had no difficulty in killing off thousands of prisoners taken? The answers need to be partial and have been touched upon in Briefing No.1. We are here talking about some prominent tendencies - the LTTE does conduct massacres and the Sri Lankan Forces do keep prisoners.

The Sri Lankan state was conceived as a liberal - democratic institution. The pillars of such an institution are a system of laws and agencies for enforcement which derive legitimacy by acting according to a given set of rules. Two decades of repressive legislation have introduced parallel systems of law, or in short, lawlessness. This in turn has led the armed forces to act in such a manner as to lose that sense of legitimacy, leading to demoralisation and a loss of direction. Thus killing becomes a thoughtless act of unrestrained human passion, akin to banditry. There is little conception of acting in the name of an institution. Also, there is room for individual officers and soldiers to show compassion and not be persecuted for it.

The Tigers in conception were a very different kind of organisation. The description of the prison camp in Thunukkai (Report 9 & Briefing No.1), the whole pattern of camps and the meticulous administration of the system give the appearance of being consciously drawn from films and books about

the Nazi and Stalinist prison complexes. If we look at the phenomenon taking into account these historical precedents, a consciousness of power requires objects over whom power is exercised. An exulting feeling of absolute power requires servile objects whose humanity is totally debased.

4.2 The Wardens of the Gulag

Through a process of selection and elimination, the persons running the show have the distinctions of cruelty and blind obedience to the leadership. Beyond this their private foibles are of little concern to the organisation. Working with the wardens in some camps are members of the intelligence unit, whose task is to extract information.

Kanthi known as the butcher was earlier at the torture chamber at Thunukkai. **Mampalam** (38) of Myliddy was taken there accused of being an IPKF informer. Of the ten being tortured '**Katkandu**' of Palaly was asked by Kanthi if he recognised any of the others. He pointed at Mamapalam and another from Palaly. Kanthi aimed a blow at Mampalam with a pole. Out of excruciating pain Mampalam screamed some swear words. The other Tigers standing around proceeded to beat Mampalam to death with wooden and metal rods.

Following the closure of Thunukkai after the outbreak of war, Kanthi was moved eventually to the centre at Koilakandy. This camp was the successor to the one at Kachchai bombed in August 1990. During torture a detainee had fainted. Kanthi left him, went to do something else and returned. Seeing that the victim of torture had been given medical attention, Kanthi went into a rage. Screaming, he ripped the bandages with a knife. He then grabbed the handle of a pick axe and beat the victim to death.

Nirmalan was in charge of the camp at Koilakandy and had imbibed a taste of good life earlier. According to the local grapevine Nirmalan had been in a number of foreign countries including Singapore and others in Europe, dealing in a number of LTTE operations involving the handling of money. It is also believed that his new job was a sinecure following deportation to Sri Lanka over an offence abroad. Using prison labour and materials obtained by stripping public assets such as railways and government departments, he proceeded to build for himself a luxury apartment. He surrounded himself with stolen domestic and exotic animals and used **Kannan**, a sculptor and detainee to embellish his apartment.

Things went smoothly until Nirmalan quarrelled with Kanthi, a man from the intelligence unit. Nirmalan was transferred. Kanthi set free the love birds and doves and over a period consumed the pigs and peacocks. The horse, he retained for his use. Nirmalan's castle was demolished by the same detainees who built it and the materials were sent for building bunkers. This much changed, but not the cruelty.

During September 1991 Nirmalan and his sidekick **Kerdi** beat to death in front of other prisoners a mechanic, **Sivalingarajah**, from Chunnakam. Sivalingarajah had earlier repaired vehicles for the EPRLF as he later did for the LTTE.

Pottu Amman is the top man in the intelligence unit. During May 1991, a detainee named **Sri**, a former PLOTE member, escaped from detention with his legs chained. The leaders of the camp were promptly punished by the LTTE high command. Pottu Amman then took a hand. Sri's father, two sisters and a cousin were brought to the camp and were tortured in separate rooms. Then Pottu Amman asked the father to look at the daughters. Crawling to their rooms the father saw the two daughters semi-conscious in pools of blood. Pottu Amman subject the daughters to further cruel beating in the father's presence. To prevent further harm to his daughters, he proceeded to name the places where Sri may be hidden. Sri was re-arrested the next day. At the time of receipt of this information, the family had not been released.

In connection with Sri's escape, a 60 years old a printer, and proprietor of 'Dhurka Brothers' of Uduvil was taken to Kachchai, accused of helping Sri. Here he was tortured by **Kanthi** (later at Koilakandy as mentioned) and then sent to Urelu for confinement. Being unable to walk, he was dragged into the camp by LTTE cadre. He passed away at 7.00 p.m. The other detainees were asked to stitch his body in a sack. A pick up took away the body in the night. His family was informed of his death six months later.

Among Pottu Amman's qualifications for the job is his blind adulation of the leader. During 1984, in India, about the time an oath of personal loyalty to the leader was introduced, some cadre put some questions about the leader's conduct and about the claims of his position. Pottu Amman, it is said, stuttered and went speechless with rage.

Another significant incident involving Pottu Amman is the murder of **Ruban**. Ruban had left the LTTE in 1984 and was doing work among refugees in Vetharanyam. While walking on the street Pottu Amman was seen catching hold of Ruban and assaulting him. He was then taken away by Pottu Amman's gang. The matter was reported by Ruban's friends to the Indian Police and no action was taken. Nothing further being heard, Ruban was presumed killed.

Today Pottu Amman's crew are being blamed by the Indian Police of having killed Prime Minister Rajiv Gandhi, to the accompaniment of crocodile tears about gun culture.

A number of sources, including press reports, have indicated that Pottu Amman was the intended victim of a bomb thrown near Kopay. There are rumours that he was injured, but no official comment from the LTTE.

Ambrose was in charge of a small camp and faced

punishment for the escape of a prisoner. By day, he had to be in a labour camp with other prisoners making brooms. By night he had to trudge looking for the escapee.

Kamal, high caste, from Puttur was in charge of the camp at Urelu, when a prisoner William Kandasamy (60) was sent there. William of oppressed caste, also from Puttur, was sent to the Urelu camp, accused of being a womaniser. Two women with whom he had alleged links, it is said, were publicly executed accused of being EPRLF members, and an example of EPRLF un-Tamil decadence. Kamal, as the prisoners well knew, and as also the organisation had inquired into, was not innocent of what William had been charged with. William had in his younger days been an activist against caste oppression. William's treatment was extra-ordinarily harsh. William escaped, through his wife contacted Nirmalan at the Koilakandy camp and surrendered there. Kamal complained to Pottu Amman, and William was restored to Urelu. William escaped the second time, hid in the house of a Roman Catholic priest and contacted an international organisation. Under the observation of this organisation and some senior clergy, William surrendered to **Valmi** and **Bosco** of the intelligence unit at the Anaikkottai camp. William was released 15 days later.

Several senior persons in the intelligence unit are said to have left the LTTE over differences with Pottu Amman. Among those who left are **Daniel** and **Dinesh** who were at Thunukkai and **Ravi** who was at **Chavacachcheri**. **Salim** a senior man referred to in earlier reports in charge of issuing travel permits, was later transferred to look after the welfare of wounded cadre.

Kerdi and two others were in charge of a group known in Tiger circles as the 'Special Task Force'. They took charge of legalised robbery. Detainees were used to load the loot into vehicles and then unload them.

Among the wardens a common means of letting loose their frustrations and humiliating detainees is to dwell insultingly on questions of marital intimacy, as would be the case among regular soldiers.

4.3 Merchants in Prison

As said earlier, the elite sections of the LTTE are those dealing with finance and intelligence, and not the fighting sections glorified for popular consumption. This comes from the highest authority within the organisation. These sections are led by persons, now middle aged like the leader, and close to him through clan and kinship. Those dealing in finance work closely with selected merchants, can grant them special favours and enjoy considerable freedom in managing their private interests. This has enabled the LTTE to monitor, control and exact payments from the entire merchant class. The merchants in turn smuggle in rare materials, such as fuel, using their contacts. When there is a smooth working relationship with the LTTE, life can be mutually profitable. But

yet curious circumstances have landed many of them in prison. Several cases of merchants held are straightforward. They are or were held pending payment of ransom, often beyond their means.

During the IPKF presence many merchants were placed in an unenviable position. Before the IPKF arrived, they already had a working relationship with the LTTE. Later they tried to do a balancing act between the LTTE and the pro-Indian groups. But the LTTE received an overwhelmingly high proportion of their payments. Several of those in prison are said to have been 'fervently' pro-LTTE, as much as the word could apply to a businessman.

As the IPKF withdrew members of pro-Indian groups left some of their arms with traders for safe keeping, not suspecting that these traders also dealt with the LTTE or were too scared to keep the arms. As the LTTE took over, these traders handed over these arms to the LTTE. Some however retained some revolvers and such like. This they did not to challenge the LTTE. But as shrewd businessmen they suspected that the present order of controlled robbery was not permanent, but may any time dissolve into anarchy. Then they would have to protect themselves. One of them was **Sri**, of **Valambikai Stores, Stanley Road, Jaffna**, who kept back two pistols. The Tigers came to know of this through Anastine, a boat owner and contact of Sri, detained in connection with unauthorised smuggling. Sri was detained and released after paying a fine of Rs 1 1/2 lakhs. A similar fate overtook the **proprietor of Every Day Stores, Palaly**. Whether he was released is not known.

Ranganathan was the owner of **Murugan hardware Stores** near the Chavacacheri Police Station, destroyed in the TELO attack of 1984. Though an LTTE sympathiser, he had retained a revolver recovered from the ruins of the police station. **Kannan**, a former member of the LTTE and recently appointed by the LTTE to the local vigilance committee, led a gang of robbers. In robbing Ranganathan's house, his revolver had also been taken. Later apprehended by the LTTE, Kannan told everything. Ranganathan was arrested and sent to Urelu. Kannan and co were put to sleep. **Marimuthu Satkunam** had a small shop in Palaly and was arrested on the charge that he had sold the EPRLF paper 'Viduthalai' during the IPKF presence. Several months later, on 10th June 1990, he was released and ordered to leave the Tamil region within a month. This he was unable to do owing to the outbreak of war. He was re-arrested on 18th August 1990.

Gunaratnam, a wholesale rice merchant in Jaffna was arrested on the charge that he had used another militant group to get rid of an inconvenient person. He was released after buying a Pajero Jeep for the LTTE. This happened before the war.

Perhaps the most revealing of cases that have come our way is that of Suthanantham, owner of SPS traders, Jaffna.

Though close to the Tigers, **Suthanantham** also did a balancing act. He also it appears, maintained friendly contacts with a Tamil politician based in Colombo. Suthanantham was also very close to **Kutti**, who was the LTTE leader's hand-picked man in charge of supplies. Kutti boasted that it was he who kept the LTTE leader on, a full stomach. He stopped lorries carrying goods from Colombo to Jaffna in the Vanni jungles and took what he wanted. This was during the IPKF presence. Whatever he wanted, whether food or fuel, Suthanantham brought it for him. In turn it was spoken in Jaffna that anyone wanting goods transported safely without having them robbed on the way would do well to use SPS.

On one occasion **Kanthi** and **Shoot** of the LTTE's intelligence unit asked Suthanantham to give them some fuel for their own use. Suthanantham told them that all that he gives, he gives Kutti and that they should ask him. Owing to his rapport with Kutti, the matter ended there for the time being.

Kanthi and **Shoot** had their chance much later. The editor of "**Puththolir**" was kept under surveillance. On searching his house they found a letter from the Tamil politician in Colombo, suggesting that any sensitive letters could be sent through SPS. **Kanthi** and **Shoot** took in the SPS proprietor Suthanantham. After being tortured and reminded of his earlier refusal to give them fuel, he was told that his release was conditional upon the payment of Rs 50 lakhs. As his wife was delivering a child, a fellow businessman had him released for 48 hours on a personal guarantee. 4 months later he was released upon the payment of Rs. 25 lakhs.

4.4 Other Detainees

Thangarajah, director of Education, Jaffna & the Editor of **Puththolir** were old friends of a politician in Colombo. The editor, a school principal in addition, was an active member of several LTTE bodies. But he was under surveillance because his friendship had come to the notice of the LTTE. His wife while accompanied to Colombo by a tea shop owner, **Maniam**, was searched by **Theepan** at Thandikulam, and a letter to the politician was found in her possession. The editor's house was then searched and a letter from the politician was found in which there was a reference to 'Thanga' besides the SPS (see above). All concerned were detained, although there was nothing remotely subversive in the relationships. **Maniam** was tortured and released 5 months later. There was no definite information about the others at the time of receipt of information.

Thiruchelvam of Navaly, whose brother-in-law was in the EPRLF sold fish to the local EPRLF camp during the IPKF presence. He was later detained by the LTTE and subsequently released. He was re-arrested at the instigation of a local LTTE supporter. This time he was beaten to death by **Kanthi** and his fellow minions.

Parimalamuhan (60), a toddy tapper, was a member of

a Coconut and Palmyrah Products Sales Co-operative in Vadamaratchi. He had a dispute with the administration which he accused of corruption. In the sequel he was arrested as an EPRLF sympathiser.

Karunaikadatcharaguru alias Kili (55) of Myliddy was a strong sympathiser of the EROS who supported the LTTE during the IPKF presence. He was called to the local EPRLF camp, warned and let off. He later worked at the EPRLF's Palaly office. He was later arrested by the LTTE as a traitor for not giving them information after it assumed control in Jaffna.

Katkandu from Palaly was detained as an EPRLF sympathiser by the LTTE as the IPKF withdrew. The LTTE tortured him on the assumption that he knew the locations where weapons were hidden and under torture **Katkandu** admitted wrongly that he knew where arms were buried. Following a futile search the Tigers subject him to severe assault. **Katkandu** was later seen in prison with one of his legs where the flesh shrunken and was rendered unusable.

Muhundan, a young graduate of the University of Peradeniya and a EPRLF member, was co-ordinating officer for the North during the short-lived provincial administration. He was later arrested and tortured very badly. He was kept in Thunukai camp and from the earlier accounts of the escapees he was assumed dead. But according to recent information he is alive and although not subject to routine physical torture, he is treated humiliatingly. Sometimes they would give him pen and paper and ask him to write about the strategy of the EPRLF. His writings would then be taken away and studied. Some senior Tigers would then come and argue with him. **Muhundan** would logically argue for the EPRLF position. When unable to answer him, the LTTE leaders would strike him. After they leave, **Muhundan** may be subject to a torture session.

He has been told that his fiancée, also a graduate of the same university, was a detainee in the women's camp. But in truth she now lives in Colombo.

Arulappu Judaharan (23) was a member of the EPRLF. In March 1990 he was arrested in the sea off Palaly while attempting to flee to India. His father, with 9 children, lost the use of his hands after being hit by a Sri Lankan army shell and is without an income. But unknown to his family **Judaharan**, with his head shaven and eyelashes pulled out has been languishing in prison for 2 1/2 years.

Alexander Benedict (35) and Karuppiah (29), both from Palaly and **Sivarajah** from Myliddy were among the several boatmen detained by the LTTE on suspicion of having aided EPRLF cadre to escape to India in early 1990.

Jesudason alias Soori alias Gunalan of Gurunagar Jaffna left the EPRLF in 1988 and lived in Colombo. He returned to Jaffna after the LTTE assumed control, was

arrested, tortured and released a year later. He was re-arrested following a lady of Ariyalai close to the Tigers, complaining that Jesudason had attempted to shoot her son in the Ariyalai sports grounds in 1988. This time Kanthi plucked out his finger nails. But the three sons of the lady of Ariyalai are living in Canada.

Mudiappu Selvarajah of Oorani, KKS, Registrar of Marriages, was arrested on the charge of registering marriages of EPRLF cadre at their camps. He has been tortured. A further charge is that he was friendly with Venugopal, an Indian intelligence officer.

4.5 Dangers faced by detainees - further information

See Briefing No.1 for information published earlier

The main camp of the Tigers sited in Kondavil was targeted by airforce bombers and missed. Expecting another attempt, The Tigers shifted their main camp and transferred several of their detainees to the vacated premises. When the place was successfully bombed on the second attempt, those killed were all prisoners hopelessly shut up inside. Thus the Tigers let the government kill several birds with one stone, giving them selves also pictures for propaganda.

We give here a slight variation of the account of an incident given in Report No. 6 and Briefing No. 1 Although the source this time is different, the facts are substantially the same.

The LTTE prison camp at Kachchai was bombed by the airforce in August 1990. One bomb hit a bunker where prisoners were kept. The camp leader Kanthi came out from his hiding place once the bombers left, sprayed the inside of the damaged bunker with his sub machine gun. The bunker was then covered up. The camp was then moved to Koilakandy.

4.6 Detainees and the ICRC

The occasional positive role played by the ICRC in individual cases is exceptional and depended on several unusual circumstances. There is as said earlier, no access to prisoners. Relatives of detainees through invisible forces at work have been conditioned to believe that should they complain to the ICRC, their loved one will be reported dead. The LTTE tries to handle the problem through a mixture of terror and false hopes. A few months ago the LTTE controlled newspapers announced: "Ten traitors freed," in an attempt to deflect attention from a very large problem.

About mid - 1992, a rumour took root among relatives of detainees that they were being asked to report the detention to the ICRC. Hundreds, some say up to two thousand, marched towards the ICRC office in Jaffna. Close to the office, they were intercepted by some persons who directed them to complain to the National Red Cross, Jaffna Branch, so that their complaints would be forwarded to the ICRC. Since nothing came out of it, it is assumed that the complaints

did not go beyond the Red Cross.

The local Red Cross had some persons who are well-motivated. But even during the IPKF presence it was infiltrated by LTTE agents and the IPKF had even complained about it. Some idea of how the Red Cross functions now is evident from a recent occurrence. Those in the LTTE believed to be Mahattaya's men as opposed to Prabakaran's, were weeded out from all influential positions. About this time the entire board of the Red Cross was changed. For the relatives of detainees, the ICRC flag flies as a symbol of unrealisable hope.

4.7 Malli Camp

A prisoner, among a group of 30, was taken to Malli camp by mistake and was returned after a day. The access to the camp is on foot through dense jungle, after going towards Mullaitivu by road from Mankulam. The prisoners were walked with their legs chained. The prisoner conveyed there by mistake was left outside, while the others were taken into bunkers containing each about 20 to 30. Not only do the sun's rays hardly penetrate the dense foliage, but the prisoners are kept covered in even darker bunkers with their legs chained. They are brought out only for meals. These prisoners are said to be condemned with no hope of release. No one, it is believed, escaped.

On this day one prisoner was having diarrhoea. The others unable to bear the smell, screamed. The warden paid no attention. When brought out for a meal, he ordered all prisoners in that bunker to dip their forefinger in the excreta. They were then ordered to eat with the remaining fingers in their right hand. They were then locked up in the bunker without being allowed to wash their hand.

4.8 Prisoners and Caste

By all accounts reaching us, a very high proportion of the LTTE's prisoners come from the oppressed castes. Some estimate this at 90%. This does not mean that the LTTE has strong ideas about caste either way. An examination of this phenomenon supports our contention that the LTTE is not a liberation group with any notion of reforming Jaffna society. Its clear aim is a drive for power. To this end it will not waste time reforming society. It would rather use and manipulate Jaffna society as it finds it.

How this society works is illustrated by the following incident. Although the external circumstances may be rare, the internal working is typical. During the time of the EPRLF - led provincial administration, it set up vigilance committees in the Palaly and Myliddy areas, comprising young and elderly persons who understandably had little choice. When the LTTE took over in early 1990 all these persons were detained. Later, the high castes were mostly released. Those sent for torture and imprisonment were mainly the low caste persons. Among the latter are: **Sivapragasam (Valalai Vigi-**

lance Committee) and Poologasingham & Konjukkili, both from the Palaly Vigilance Committee.

In the case of the high castes, some friend or relative close to the LTTE would have approached the leadership and have convinced them that these persons if released could perform some useful services. This would very rarely be the case with the low castes. Further light is thrown on this if we look at how the LTTE, which owes much of its character to the untypical enclave of Valvettithurai, has grafted itself onto the main body of Jaffna society through a developing symbiosis. As a result the institution of caste, under challenge over the two decades leading up to 1985, has since been strengthened all but in name. This was looked at more closely in the previous chapter.

If one looks at the prisoners mentioned in our reports, which may not be far from a random sample, the figure of 90% of the prisoners being low caste would not appear to be far off the mark, although about 70% of Jaffna is high caste. (It was much lower a hundred years ago. Educational advancement can sometimes work wonders with caste). Curiously, the same also holds for the rank and file cadre, fighting, dying and torturing for their leaders.

Many of our cases also show the brutal treatment accorded to prisoners from the low castes even when they are rather old. No restraint operates in the case of such prisoners. The image of 'reasonableness' is important for the LTTE in its dealings with dominant sections of Jaffna society. The notion of a low caste person striking a high caste is anathema.

A case reported to us by a person who recently left the LTTE concerns low caste farmer from Karaveddy, Vadamaratchi. The LTTE was given information that he had supplied food to the EPRLF during the time of the provincial administration. Our interlocutor was in the party that went to question him. The farmer was in the field. Speaking to his wife and children, our interlocutor received the strong impression that the farmer may have supplied food on about one occasion, almost under duress. The farmer on returning was taken away. Under torture he made fantastic admissions. Our interlocutor later asked him why he gave such a different story to the one given earlier. The farmer replied that he could not take the torture. Shortly afterwards the farmer was beaten to death.

It is very untypical for a high caste to be so treated for a routine offence. Also, with a useful Valvettithurai connection, much can be forgiven, as has happened in practice.

Another important reason for the predominance of low castes among prisoners is closely tied up with the history of the liberation struggle. From the mid 60s the low castes were politicised en masse by Left organisations and were mobilised against the practice of untouchability. The high castes largely swallowed Tamil nationalist slogans uncritically and were relatively unpoliticised. Groups like the EPRLF which

professed Marxist leanings and universal revolution, in the early stages appealed to sections which were politicised. Even after it became militarised to compete with the LTTE, the EPRLF recruited heavily in these areas. Being poorer, these recruits lacked the ability to flee as their organisation collapsed in the wake of an LTTE takeover.

The group PLOTE had a base in high caste areas of Jaffna. By comparison its cadre had the ability to go abroad and their families were not as threatened by staying at home.

Because of this history, although the LTTE has of late successfully recruited heavily in low caste areas, as an institution it retains a paranoia and a secret fear of areas where Left politics once had a base. Consequently arrests in areas like Vathiri in Karaveddy have had the character of mass arrests [Report No.6]. But arrests of members of the higher strata of society have been mostly individual arrests. Our next case illustrates the dilemma facing families that were once part of the Left struggle.

4.9. The Deserting Recruit

In the following story, the names and incidental details have been changed. Nathan was a typical man of his village. In his younger days he had been active in a Left party, which besides mobilising people against caste oppression had given them considerable knowledge and analysis of liberation struggles around the world. His intellect had been sharpened by the experience of his own social condition. Some success was achieved. As the years went by the party declined. Nathan too married, retained his sympathies and his judgement, but as children came along he busied himself raising his family as a farmer.

Then militant groups came along. Some he more or less agreed with. Others he regarded with horror. In time nearly all of them accepted Indian overlordship and became military institutions. None had a serious programme for the participation of the people. Nathan had a contempt for speech-making. He thus kept a distance from all the groups. As things developed, he saw in the actions of the LTTE everything he had learnt to dread. He knew about Hitler and Stalin and felt in his bones what was going on.

The war of June 1990 had begun and Nathan began to worry about his son Ravi. Ravi was backward in his O.Level class. Everything was controlled by the powers that be. For the young there was total emptiness except what the powers offer. All that Ravi saw of the world was what was directed at him through loud speakers and young uniformed boys with automatics running around in vehicles. Ravi grasped at the only visible thing which offered meaning to his dreary existence. Nathan's worst fears came true. Ravi left home and joined the LTTE.

In his utter despair Nathan found something akin to insanity creeping over him. He sent his wife Kamala to the

LTTE camp to bring back Ravi. Kamala was turned away by the LTTE. Kamala told the LTTE leaders that she would fast in front of the camp until Ravi was restored to her. She built herself a shelter in front of the camp and sat down to fast. Some LTTE cadre came out and demolished the shelter. Kamala continued to sit in the open. Eventually Kamala was sent away.

Ravi was recruited into the intelligence unit. After 3 weeks of training Ravi was sent home for two days. On the pretence of attending the some business, Nathan took Ravi to the home of Murugan is a distant village. Nathan then told Ravi that there was no business and that he was taking Ravi to Colombo. Ravi told him that should he not return within 48

hours, there will be a search out for him. Nathan told Ravi that unless he agreed to desert, he, Nathan, would swallow insecticide. Leaving Ravi at Murugan's and asking Murugan to use his influence and get a Colombo pass, Nathan went to fetch Kamala.

Soon father, mother and their contrite son set off to the Vavuniya border. To their misfortune the Sri Lankan Forces declared curfew and started a military operation, causing travellers to get held up at Thandikkulam. In the meantime the LTTE had sent out an alert for Ravi and the family was traced to Thandikkulam. The family together with Murugan were detained Nathan swallowed insecticide, but narrowly survived. Nathan was released after treatment. Ravi was taken back into the LTTE.

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4.1 The Drowning Nathan

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CHAPTER 5

NORTH - EAST NOTES

5.1 General

Addressing a public seminar in Colombo in December, Dr. Nithyanandan of the Department of Economics, University of Jaffna, gave the following figures giving an indication of what is happening to the people:

Population of the North - East down to 900 000 from 1.7 million in 1987, out of whom 50 000 have been killed or missing. (since 1983 ?) of those who had left the region 300 000 Tamils had gone to the West and 200 000 to India. 350 000 are in refugee camps throughout the island or were staying with relatives. The number who lost employment in Jaffna District alone are well over 100 000 [Sunday Times 13th December 1992].

These estimates may differ from those given by others. But all figures are of the same order. NGOs in the region give long term indicators of health which are more frightening. It is the growth of public health care that made a considerable expansion in the population of the North - East possible. With poor food and poor preventive health care, the best that could be done is to administer drugs, which too are not always accessible. Malaria and para-typhoid have almost become endemic in Jaffna itself. It is much worse for those in the jungle areas of the North. At the UNCHR camps around Madhu sustaining about 30 000 refugees, there is an 80% incidence of malaria. Many have to live with it as drugs have ceased to have an effect.

In normal times Mannar hospital had 3 MLTs (Medical Laboratory Technicians). Anyone taken ill in the mainland region was quickly rushed to the hospital by public transport. Tests for malaria were immediately performed and a cure administered. Now there is only 1 MLT who is often away to be with his family. Also transport except by bicycle and boat is almost non-existence. With so many unemployed and even middle class mothers undernourished and infant food priced high, one could imagine the plight of infants. The young generation in its formative years is growing up with severe handicaps.

5.2 Mannar

5.2.1 Security:

At one level the situation of the island itself has an appearance of normality. The Muslim residents sent out by the LTTE are coming back. People do not feel tense about the presence of security forces. The police have been busy organising a series of sporting tournaments (cricket, football etc) where local teams played those from the different forces and came on top. Christmas and New Year were celebrated with fireworks and public dramas. All this is much in the spirit

of enjoy today while it lasts. Beneath, there is a deep seated anxiety. People still fear travelling on lonely roads. The security forces still have power over life and death. The society is very hierarchical. The local army brigadier is addressed as 'Sir' even by top government officials.

On Mannar Island itself there have been no arrests since about August 1992. In the army controlled areas including parts of the mainland, according to leading persons in Mannar, the lists of persons detained in recent months with local organisations generally tally with those admitted by the army. The procedure for questioning and release too is said to be much faster - 3 weeks at the most unless sent to Magazine prison in Colombo. The discrepancies could sometimes arise because when the army advances, some remain within the army controlled area, while others flee into the interior.

One person to whom credit is given for the general improvement is Brigadier **Sarath Perera**, who was in charge of Mannar for about the second half of 1992. Given the previous record of the army in Mannar, the improvement is creditable (See Chapter 4). Knowing the instincts of Sri Lankan forces an improvement cannot result from the brigadier acting merely as a post box between citizens' organisations, the ICRC and other NGO's, and his own subordinates.

Recent military advances in the area have paid heed to the welfare of civilians. This may also be the result of other calculations. There may be military and political reasons for the government wanting civilians to remain in areas brought under government control rather than drive them into the interior and to the UNCHR camp at Madhu. Further, the LTTE is thinly spread out and the usual practice of bombing and shelling before an advance results in the civilians fleeing the area and the LTTE having advance warning to resist. Many recent advances have taken place by stealth, the civilians coming to know about it only once the army is there.

Following a recent army advance into Suriya Kaddaikaku near Nanaddan, the local civilians gave much credit to **Major Wickrematilleke** who was in charge. There were no casualties or arrests. For three days the civilians were asked to lock up their houses, spend the night in a local school and return during the day. There was no looting at all.

In Puthukaman on the other had there was considerable looting and much damage to agriculture by the movement of heavy vehicles, but no casualties. Over 40 men and youths were taken to Thallady camp, given a lecture, brought back and released. From January 1993 **Brigadier Karunatileke** of the Armoured Brigade took charge of Mannar. **He had earned himself notoriety during the early days of the current war (after June 1990) when he was posted to**

Valaichenai. Troops under him were noted for much cruelty and killing besides recruiting for the LTTE. Those then at the Eastern University found him almost totally unsympathetic and difficult to communicate with. It is left to be seen what will happen in Mannar. On the other hand **Brigadier Siri Peiris**, who was poorly thought of in Mannar seems to have improved his reputation after being posted to Trincomalee in early 1991. The indications seem to be that an attempt will be made to reopen the Mannar - Madawachchi Road. But observers are sceptical.

5.2.2 Refugees

In a district where more than 80% became refugees, people are anxious to re-establish themselves and resume normal living. Many who were sent back from India see little prospect of returning to the mainland in the near future and live in refugee camps in Pesalai and Sunny Village. Many of the expelled Muslims with government employment have returned to Mannar Island. Others too are coming back amidst many uncertainties. Towards the end of December two Muslim fishermen who set out from Erukkalampiddy lost themselves in bad - weather, ran out of fuel and went shore on the mainland near Vidathal Thivu. The local folk were afraid to offer them fuel. The two fishermen it is reported, surrendered to the local Roman Catholic parson, the latter contacted the LTTE and pleaded for their safe conduct. The two fishermen were taken away by the LTTE and their fate is not known. It is believed that the likely outcome would be a ransom demand. It is notable that no concerted attempt has so far been made by the LTTE to disrupt Muslim life on Mannar Island.

Tamil refugees are being encouraged to go back to areas brought under army control. Several Vankali refugees returned at the end of December. Many of them got back to Sunny village after finding their houses either destroyed or beyond repair.

Given the total absence of building materials, resettlement becomes merely a paper exercise. All received Rs 2000/- from the government as a resettlement allowance after which they are considered resettled. A further payment of Rs 4000/- is given to applicants for loss of trade upon certification by the GS. This is meant to purchase implements of trade. Many collected this in ignorance not knowing that after collecting this, they would cease to receive food rations. For a mason with a family of 5 food rations are worth Rs 1000/- or so a month. With the Rs 4000/- grant he could buy tools. But without building materials there is no work. The Rs 15000/- allocated for those whose dwellings were seriously damaged is unrealisable since there are no building materials. The system does not work very well in providing relief. There are war widows with children who did not receive any thing more than the first Rs 2000/-. But those with no losses could receive advice from a well-disposed GS on how to benefit from all schemes.

The UNHCR's 'open relief centres' at Pesalai and Madhu have functioned with the flag of the UNHCR, but as far as people could make out, not much more from the UNHCR besides bringing in supplies. The neutrality of these zones was largely ignored by both sides. During 1990 and 91 the army took away people from Pesalai, some still not accounted for. The LTTE carried out an execution in Pesalai in January 1992. Madhu has been virtually under LTTE control. The current UNHCR representative in the area, a lady with an MSF background, it is reported, is taking a strong line on the neutrality of UNHCR centres. According to press reports, talks with the LTTE are deadlocked. Will the LTTE promote a more pliable alternative to the UNHCR?

A key problem confronting those in areas of the mainland recently taken over by the army is the near absence of government services and medical facilities. A number of families have been separated by recent army advances. Both sides want families to reunite in their area.

The army fears that those going to Mannar Island may take another boat to Vidathal Theevu into the Tiger controlled area. Thus those needing to go to Mannar Island for medical attention need to apply to army officers for permits, the latter being mostly ignorant of medical matters.

5.2.3 The Vankalai mystery

The following item appeared in the Daily News of 06th January:

Six human skulls, skeletons found in abandoned well

Mannar police found six human skulls and some skeletons and bones in abandoned well in the area, on a tip off by a person who had felt a foul odour emanating from the well while he was trying to clean it.

Police believe that these bodies are those of victims of some mysterious killing and that the victims may have been blindfolded and shot in the head and dumped into the well by the culprits.

Three national identity cards belonging to Anthonipillai Sebamalai, a school principal, Justin Lambert of Wankalai, Sebamalai Anthony of Murunkan and Kandiah alias Kuruvi Kandiah of Virichchanmandi were also found in the well. Police are trying to ascertain whether the identity cards too belonged to any of the victims.

Further investigations are continuing.

The police need not go to Scotland Yard to solve this mystery. Vankalai is perhaps the most influential village in Mannar. A large number of senior government servants and

policemen received their education at St. Anne's, Vankalai. Just ask any one of them!. **A report of the incident appeared in Chapter 4 of UTHR(J) Report No.9. The victims were certainly killed by the army.** It was then thought that there were only 4 bodies in the well. Some of those killed were carrying their jewellery. It was not clear whether the motive was robbery or because Principal Sebamalai's school was in a Tiger controlled area. The well was covered up after the matter was reported to the church and UNHCR authorities in Madhu (early 1991) by a passerby who saw an injured victim crying for help. **Brigadier Srilal Weerasooriya** then in charge at Thallady when contacted by local civilians, stated that he could proceed no further as the field officer, **Major Dias**, was unaware of the incident!

The well was excavated by relatives following mediation by the ICRC when civilians returned to Vankali on 28th December 1992. The story also illustrates that many little known persons disappeared during the course of travel whose stories have gone unrecorded. Their relatives were left to live out their grief in some unknown corner. Will the police or the presidential task force investigate the incident?

5.3 Coconuts and the fate of the North -East

The fate of coconut production is a reflection of what is happening to the people and the economy of the North-East. In Batticaloa, local citizens talked to the brigadier about a large number of coconut trees being chopped down by the army. The Brigadier replied that he sympathised with the people. He added that the defence ministry had promised them concrete posts to build defences for their camps. But these never came (IMF restrictions?). Hence the unfortunate chopping of coconut trees.

The Tigers have been using some of the coconut plantations in the sparsely populated areas of Thenmaratchi (Jaffna Peninsula) for their prison camps and ordnance depots. Some months ago a community of toddy tappers who held an estate on contract was told by the Tigers that they had to cease work as the land was being taken over for the Eelam struggle. The tappers pleaded that this was their sole livelihood. The Tigers gave them a month's extension and promised to re-examine the matter. When the tappers returned the following morning to collect the toddy, they discovered that the clay pots in which toddy was collected had been systematically smashed. The tappers joined the army of their unemployed fellows to live on government rations.

In the Mannar District the widespread destruction of coconut trees is evidence near army camps along the coast. On the island itself the story is different. Mannar Island used to export coconuts. When the war broke out and exports ceased, the price of a coconut dropped from Rs4/- to about Rs 2/-. After the army entered Mannar Island in November 1990, they were initially cautious, As time went and they felt safe, they went about plucking coconuts. By doing this they were able to pocket their coconut allowance. These nuts were used

extensively in cooking. Later the soldiers became even more reckless and not even the young coconuts were spared. These were used for drinking (a natural soft drink). Now Mannar Island imports coconuts, a coconut now costing Rs 15/- or more.

5.4 Wann: The people and the Tigers

The people in the Wann region bordering on Mullaithivu, Killinochchi, Vavuniya and Mannar were most assiduously cultivated by the Tigers in early 1990. From the early days of the struggle these people, hard working peasants most ill-treated by the Sri Lankan army, formed the backbone of the militancy in the North. The Jaffna man could think of going West. But these people were with their backs to the wall. Mahattaya understood this. With the uprooting of the PLOTE it was thought that these people were solidly behind the LTTE. The pattern is by no means uniform. In areas where army discipline has shown a marked improvement, the people have often displayed a capacity for independence. In such areas the Tigers have also become more circumspect about imposing themselves on the people. In one such area the Tigers forced everyone in a village to join a procession for a fallen hero. According to witnesses the young boys in the latter teens were openly cracking sarcastic jokes about the LTTE. The LTTE's grip was mainly on those very young and the older folk with interests of personal gain. The Tigers are often viewed as a group looking for every opportunity to grab money and gold, caring little about any- thing else.

In such areas, where fear has declined, the Tigers have stopped conscripting people for forced labour in their civil works, such as road building. These are now often given out on contract.

These patterns also illustrate that the appeal of the Tigers in rural areas is not based on positive qualities. It is rather a negative appeal based on the oppressiveness of the Sri Lankan forces.

5.4.1 Executions in the Wann: Monday, 6th July 1992. An eye-witness account.

"About 6.00 A.M travellers going south to Vavunia queued up at Peikulam. Until 7.30 A.M no one was allowed to move. Someone remarked, 'We may not be allowed to go today. At 8.15 two Tigers in mufti arrived and ordered the entire crowd of several thousand to go back northwards. A little further north the crowd was made to sit in a clearing on the right of the road, with no idea of what was going on. At 9.30 A.M an LTTE man appeared, silenced the crowd and began speaking: "Today when our liberation struggle has reached soaring heights, some traitors and anti-social elements are labouring to weaken our struggle. We have apprehended many traitors who live on our soil and clandestinely work against the people. During the last two weeks, on examining letters carried by travellers, we have discovered several secret messages together with infor-

mation being passed on to traitors living outside Tamil Eelam. In the past our struggle had endured great losses because of sabotage by traitors and anti - social groups. Therefore, you the people must help us to identify the traitors”.

“ While the speech was being made, a covered Elf van made its appearance. First, two women, blindfolded and hands tied behind, were unloaded. This was followed by the unloading of 8 men in a similar state. The women were aged about 35 and with the exception of 3, all the men were young. We then understood that these persons were traitors and were going to be shown to us. We were eager to see their faces. They were made to stand in a row 10 -15 yards to the south of us. At this point a Pajero jeep arrived. A slightly obese man in mufti and a further 5 persons descended from the jeep. The crowd whispered, ‘Mahattaya, Mahattaya’. Six persons had come with the traitors in the Elf van who had a frightening visage. Although two were huge, the smaller ones were no less daunting. They wore black arm bands on the left hand , and not a hint of a smile escaped their faces. They positioned themselves 15 yards in front of the traitors, weapons ready.

“The first speaker resumed his harangue: “ **These ten for the crime of having worked against the struggle have been sentenced to death. These, shame on them, for a sum of Rs 1000/- (US \$ 25) and a bottle of arrack (distilled fermented coconut toddy) have passed on information to our enemies. They will now confess their sins**”. All the traitors began saying that they had given information to the government and that they accept the just and fair punishment. Two broke ranks and screamed aloud, “ **We are innocent, We admitted the charges only because we could not bear the torture. Please forgive us!**” Immediately, the order “Fire” rang out ,followed by gun shots. The women in audience screamed, “**Aiy! Kadavule!**”(Oh God!). Many bowed their heads. A cold sensation crept over my body. The victims fell to the earth screaming and gave up the ghost. Two of the executioners walked towards the dead and examined their bodies. One of them pulled out a huge baynet, severed the head of one of the dead. He lifted the head by the hair and displayed it to the people. He then said, “**The army sent him here to spy on us. We will now return his head to the army**”. The women and the elderly travellers started shivering. My hands and feet became numb.

“ The first speaker then said, “ **You can not go to Vaunniya today. Come tomorrow. You can all go!**” Many stood up and went to view the corpses. I could not walk. I later returned to Killinochchi. Unable to eat nor sleep, I guzzled a bottle of arrack which helped me to drown my senses in a drunken doze. Resuming my journey on the 9th, I heard many in the queue speaking about the incident.

“ I gathered that the Tigers had parcelled the head and had forced a traveller to leave it near the Thandikulam army sentry point. The army had later forced a lady going north to leave her bags, take the parcel to Tiger sentry point and return

for her bags.

“On the 6th three lady medical students from the University of Jaffna had been in the crowd. On sensing what was going to happen, the students began to leave. At the back of the crowd a Tiger stopped them, asked where they were going and asked for their identity cards. On discovering who they were, he said, “ You want to be doctors and need to cut up people. So you are afraid of blood? You are the ones who must watch”. The three ladies almost in tears pleaded, “ We are scared. We want to go”. They were allowed to leave. Hardly had they walked 300 yards when they heard the gunfire.

“I later heard that the man whose head was severed was the driver of the former Vauniya UNP organizer Pulendran, who was shot dead about 1980. He had then worked as a lorry driver and was detained by the Tigers at Viswa Madshu”.

Other observers in the Wannu point out that this show was put on by Mahattaya at a time when his authority within the Movement was increasingly the subject of speculation. They think that the event involves a strong element of internal LTTE politics. Mahattaya, according to reliable reports, has now been delegated to do rehabilitation and refugee work. One reason for the demotion, it is said, is a complaint that he was interfering too much with the work of the intelligence unit!

5.5 Jaffna : More disappearances and bombings:

5.5.1 Jaffna Lagoon : Missing fishermen:

We have observed in Ch.O that since the forces established themselves in Punerny there has been a steady toll on civilian lives in the lagoon area, many of them slipping away unrecorded.

The forces established themselves at Punerny (Kalmunai) on 22nd October 1991. At 2.00 P.M on the 25th of October 1991, 4 fishermen left Passayoor, near Jaffna town, in the blue coloured boat ‘Pathmaraki’ to fish in the waters near Punerny as was their wont. The boat was equipped with a IOHP outboard motor, a can of fuel, a sail and fishing nets. Nothing more has been heard of them. The missing are : 1). **Ambrose Amirthanthar Anton (38)**, 2). **Esthaki Sebastian Rasakone (42)**, 3) **Saverimuttu Stanilaus Pattukili (34)**, 4). **S. Emmanuel Savirian (65)**. The first two were from Passayoor and the others from Gurunagar.

Fatima, the wife of Ambrose had reported the matter to the GA (Jaffna) and to the ICRC with no further avail.

5.5.2 New year bombings in Jaffna

Air force jets dropped bombs at Sittankeni, near Vaddukodai, on 5th January 1993. Military spokesmen in Colombo in the meantime claimed a resumption of operations against identified targets. According to local sources,

there were no identifiable targets in the area. The bombs appear to have been aimed at a mill. Nine civilians were killed including a lady living next to the mill. Although the present bombings are not very frequent, these jets, unlike the sia Machetti trainers, appear suddenly giving people no time to get into bunkers. Nor is accuracy improved. Civilians believe that these bombings are mainly target practice in newly acquired aircraft.

Regular shelling continues into areas like Mallakam and places close to Karainagar.

5.5.3 Pathinathar Santhiapillai(36) was a resident of St. Mary's Street, Navanthurai, Jaffna. He was arrested by the LTTE in early 1990 and is known to have been tortured. On Saturday 19th December 1992 the LTTE informed Pathinathar's wife that her husband had been executed. The reason given was that he was supposedly the supporter of another militant group. The deceased leaves behind 3 children.

About 1986, the Tigers had difficulties in the fishing village of Navanthurai. During the disturbances the Tigers shot dead Pathinathar Visian. It is noteworthy that Pathinathar Santialpillai was his brother. In many cases the Tigers have been known to wait several years for an opportunity to move against a marked person.

5.5.4 Ganeshasunderam,

Chelliah and Ganeshan worked for the People's Bank in Jaffna. The first was a senior manager, the second, manager of the New Market Branch and the last a security officer. All three were detained by the LTTE in early 1990. Ganeshasunderam was among the foremost citizens of Jaffna, a member of several elite gatherings and former president of the St. John's OBA, St. John's being Jaffna's elite school. He was little different from his friends, friendly and given to conviviality with old buddies. No one got the impression from his conversations that he was in any way opposed to the Tigers.

His arrest naturally led to a great deal of consternation among his many friends and private representations were made. The LTTE never directly made a single allegation against him. Rather, rumours were circulated to the effect that he had entertained Indian officers and had passed on information to them. It was not unusual during the IPKF presence for Indian officers to visit leading citizens. The LTTE had lightly let off several members of the elite who had been thrust into positions of intimacy with the IPKF and who even served on vigilance committees appointed by the IPKF. Many of these persons had no qualms about performing the same services for the LTTE or anyone else in power. That Ganeshasunderam dealt with the IPKF in the course of his duties or that IPKF officers sometimes called on him, as they did on many others, was not in any way a serious charge even where the LTTE was concerned. But the rumours circulated

about him mainly served to silence those who may press for his release.

The story becomes even more curious when one goes into the circumstances of Ganeshasundaram's arrest. It becomes clear that Ganeshasundaram had no idea that the LTTE had anything against him. He had been transferred to Colombo as a manager in late 1989 and he visited Jaffna regularly to see his family and attend to residual matters in his previous posting.

On a visit to Jaffna in March 1990 after the LTTE had taken control, there was a message at his home asking him to call briefly at the LTTE office in Nallur. He went in good faith, thinking that it was to iron out a small problem and that he could finish this and return to Colombo. On the first day he was told at the camp that the man who had summoned him was not there. The same thing happened on the second day. Each day he went back home and returned the following day.

On the third day it was said that he would be questioned and released in a few hours. He was never released. According to several sources, Ganeshasundaram is now dead - presumably killed as a 'Traitor'. His associates in Jaffna, according to these sources were prevented from publishing an obituary for him, even with whatever charge made by the LTTE. But there were no charges.

It is very uncommon for the LTTE to be so harsh with a member of the elite. To this class the LTTE tries hard to put on a 'reasonable' and amicable face. To solve the mystery, one seems to have to look for something that is inoffensive to ordinary people, but deeply offensive to the LTTE. The solution seems to lie in the fact that two other colleagues of Ganeshasunderam were taken in. Rumours merely suggested that they had 'given information'. The security officer used to operate a radio communication set to communicate with the head office in Colombo. Many members of the public sought the People's Bank's help to pass on urgent private messages to Colombo - marriages, funerals etc. Although it may naively look plausible, it is silly to suggest that the radio was used to 'pass information'. Radio messages are easily and routinely tapped. The IPKF was on the other had only a few yards away and called in regularly. It then appears that the LTTE's concern is not with Ganeshasundaram personally, but with some action of the People's Bank.

Bank sources suspect that the answer is 'Gold'. People's Bank was the only bank that accepted pawned jewellery and gold as security for loans to farmers and other tradesmen. As the security situation in Jaffna deteriorated from 1985, the gold in People's Bank, Jaffna was transferred to the head office vaults in Colombo. This greatly inconvenienced local people who had then to go to Colombo to retrieve their jewellery. Once the IPKF established control in Jaffna and agreed to provide security for institutions, the gold was brought back to Jaffna in 1988. When Ganeshasundaram was transferred to Colombo in 1989, there was no one in Jaffna to

CHAPTER 6

TRINCOMALEE: June-December 1990

6.1 The war begins:

On 10th June 1990, the day the Batticaloa police station was surrounded by the LTTE, the situation in Trincomalee was confused. The Buddhist monk from Uppuveli went to Trinco town and inquired from some Christian clergy whether there would be trouble in the district. He was told that according to the LTTE, they had no intention of starting anything.

On the 11th Uppuveli police station was surrounded by the LTTE and both the police station and the CTB depot were attacked. After some firing, the police surrendered. A number of policemen were killed by the LTTE. According to local sources, 11 bodies of policemen were dug up from a nearby pit by a police party several days later. Orders were then given to all LTTE cadre in town to abandon their sentry points and withdraw into the jungle. Confusion reigned in town that night as the people found themselves in no-mans land between the security forces still afraid to leave their camps or slowly edging forward, and their protectors-in-name who had suddenly vanished. Uppuveli was shelled that night by the navy and the army from Fort Frederick and Orr's Hill. About 35000 people, mostly Tamils, left Trinco town by night and set off on foot northwards to Nilaveli, where the LTTE had apparently indicated that they would be safe. The Muslims largely remained in town, while the Sinhalese sought safer places.

A shell fired reportedly from the army camp at Orr's Hill struck a rice mill at Nilaveli killing up to 45 refugees - Tamils and Muslims - sheltering there. The number of policemen killed by the LTTE in the Trincomalee and Mutur areas is placed at around 100.

6.2 The army enters Trinco town

On 13th June 1990, troops under the command of **Colonel Saliya Kulatunge** (Sinha Regiment) entered Trincomalee town from Fort Frederick. This was followed by soldiers in civil indulging in widespread looting and burning. The husband of a school principal went with a senior citizen on a motor cycle to look for a close relative, one among a number of persons arrested. They were first stopped by a party under a lieutenant and then again in front of the urban council building. They got by, mentioning the name of a senior army officer known to them. What this showed was that the looting and burning were very much under the supervision of the forces.

During the 4th week of June the Trincomalee residents were asked to assemble at the stadium, leaving one person at home. The residents were paraded before masked informants

in the presence of **Colonel Saliya Kulatunga** and other senior citizens who were allowed to observe the proceedings from a distance. About 500 suspects were taken away for interrogation under a unit headed by **Colonel Kotegoda**. A Tamil speaking interrogating officer, **Corporal Ismail**, was brought from Colombo. Many of those taken for interrogation were subsequently released. But what proportion is not clear. Several like **Balthaazer**, a burgher, and **Sylvester** were released through personal interventions. Among the suspects taken were 7 girls from Mutur, then in Trincomalee. The matter was taken up by a women's organisation in Trincomalee, including others. One of the girls, a student about to enter university, was released that night with her jewellery missing. A senior citizen, over the next few days, gained access to a captain through an interrogation officer, **Corporal Srilal** from Negombo, who had earlier served in Trinco. After promising to release the remaining girls, another 4 were released at the former VIP's hotel. One girl released was the sister of a woman police constable.

Three weeks after the arrest, the two girls not released were painstakingly traced to the army camp in Thambalakamam. When the matter was reported to **Colonel Saliya Kulatunge**, he got the Thambalakamam camp on the phone and let loose in unprintable language. He then assured the citizens that the girls would be released in one week's time. The hidden implication was that they were not in a state to be released. Following the release of the girls, a lady medical officer in Trincomalee was prepared to examine them. The frightened girls refused. Their captors had warned them that they had been marked for elimination and had been saved in the nick of time.

Among those arrested and beaten were several employees of the CTB and of the Port Cargo Corporation.

The foregoing complements accounts in Reports 4 & 5. The killings by the forces during the actual takeover of Trinco town do not appear to have been as numerous as in the Amparai and Batticaloa Districts. One witness (Report No 4) saw about 40 bodies in an area near the hospital. Several of the killings were more isolated and are difficult to quantify. Many of the Tamil refugees in the area were housed in the aircraft hanger at Clappenburg.

Chelvanayakapuram was bombed prior to the army moving in on the 3rd day. Once the army moved in, people were asked to return. K. Velupillai, a retired principal, was taken to the army camp. When the wife went looking for him, she was told that she could see the husband's ashes.

6.3 Killings at Monkey Bridge, Palampottaru

During the months following the outbreak of war, several civilians were reportedly stopped and knifed to death at the Monkey Bridge army camp. One case is that of a young man who lived with his mother at Green Road, Trincomalee. His brother had worked for the late TULF leader and Leader of the Opposition, Mr. A. Amirthalingam. The young man did well buying Elf vehicles, repairing and selling them, and was fluent in all three languages.

While driving to Colombo the young man was stopped by soldiers at Monkey Bridge. Friends travelling from Colombo to Trincomalee saw him at the army camp in a poor state with blood on his face. When they spoke to the soldiers, they said that they would release him.

When the friends reached Trincomalee, they contacted leading citizens. These persons in turn made representations through Major Induruwa and through Ananadarajah, DIG of Police. There was no response. The young man had a child and his wife was then expecting the second. His car however continued to be seen at the Monkey Bridge camp for several more days.

Later on Major Rockwood assumed command at Monkey Bridge. Thereafter the soldiers were disciplined and there were no further incidents of the kind above reported at Monkey Bridge.

6.4 Ratnam Master, Nilaveli

Following the outbreak of war there were 3 refugee camps in Nilaveli Methodist Church (8th mile post), Roman Catholic Church (9th mile post) and the Mosque (10th mile post). The last, housing Muslims and Tamils, was run by the government. Most of the time it was the first two refugee camps that were subject to frequent round ups. On the first occasion 20 were taken from the Roman Catholic Camp and several of them were not released. 14 were taken from the Methodist camp and all of them were released.

Ratnam Master was a 60 years old retired teacher who spent the day at home and went to the Methodist church for the night. On the day of the round up mentioned, home guards working with the army came to his house and demanded cattle. On being refused they threatened him and went away.

The same evening there was a second round up of the Methodist camp by the army and home guards. Nine, including Ratnam Master, were taken away. Seven, including Kennedy, but excluding Ratnam Master were later released. Later inquiries at the Nilaveli army camp elicited the response that he may be in another army camp.

The rest of the story, which shifted to Plantain Point Camp in Trincomalee, did not come out until long after-

wards. Ratnam Master was taken to Plantain Point Camp where a band of old rubber was wound around an arm and set on fire. He was kept with others with one hand of each chained together. Together with their chains the prisoners were marched to bathe in the sea, while the movement of all civilian traffic on the adjacent road was stopped. Left in this manner without medical attention, Ratnam Master's wound became septic. Others who were chained to him then complained that the smell was unbearable. Two young prisoners were then given detol to clean the wound. They found that the wound had reached a stage where the bone was showing. In the sequel, Ratnam Master, smelly and feeble, was detached from his companions and placed on the verandah for the night. Untended and unprotected, Ratnam Master breathed his last in the cold hours of the night. The last resting place of the venerable old schoolmaster was a giant pit in the compound of the army camp, where he, like many others, was turned to cinders.

6.5 Plantain Point Camp, Trincomalee

Like many parts of the East, Mutur was an area where the powers that be had used the simmering tensions between Muslims and Tamils to their advantage. In 1985 when the government was using these tensions, Tamil houses were burnt. During the IPKF presence Tamils attacked Muslims. When the LTTE was in charge before the war, the Muslims were again antagonised.

Following the outbreak of war, many prisoners from other parts of Trincomalee were brought to Plantain Point Camp. Hundreds were reportedly killed and burnt [Chapter 2, Report No.5]. Among the materials used for burning bodies was cadjan sent by relief agencies to house refugees.

Shortly after 10th June 1990, Tamil families fearing the worst, left the elderly in their homes and went into the jungles. The army established itself at Mutur under Lieutenant Nanayakkara (Officer in Charge) and Lieutenant Bandara (killed later that year). The families then returned leaving the young males behind in the jungles. They were asked by the army to call their young men, promising that no harm would befall them. When they returned at the end of July they were beaten by the army, who also invited Muslim thugs from the bazaar to beat them. Sixty of them, including S.Suthahar, and the Dhoby's son Babu, were taken to Plantain Point Camp.

6.5.1 Festivities at Plantain Point:

There was a standard routine when prisoners were brought to Plantain Point Camp. For soldiers bored with torture, it was a festive occasion. There would be wild howling, and soldiers would assemble with a variety of gadgets to swing at prisoners. Babu, who was hit on the head with a hammer, went insane and later succumbed. In the meantime Babu's father went to the ICRC. But his name was not found in the lists at

detention camps. Babu had been arrested in early May 1987 by **Sergeant Piyadasa** and **Homeguard Salim**, and then released after the matter was reported to (now Brigadier) **Srilal Weerasooriya**.

6.5.2 Suthahar and hostage patrols:

On three occasions Suthahar was taken by soldiers, petrol was poured into tyres, and he was threatened with the fate associated with these symbols. All three times he closed his eyes and said, "Jesus, Jesus, Jesus". There was another practice in vogue at Plantain Point. **Young prisoners were dressed in army uniform, given unloaded guns, and made to walk at the head of foot patrols. About 5 to 10 miles out, when Suthahar was ahead in a patrol, a soldier behind struck an anti-personnel mine, loosing a foot. Suthahar then heard the other soldiers asking for the 'Demala Ekkenek' (Tamil fellow). Suthahar quickly hid among the bushes. After some time the patrol returned to camp. Meanwhile other representations had been made and Colonel Tennekoon, in charge at Plantain Point, was asked about Suthahar by higher authorities. The colonel then reportedly ordered that no harm should be done to Suthahar. When the patrol returned, they were asked about Suthahar. Others were then set to fetch him. Suthahar was released.**

6.5.3 Dr. (Miss) Saverimuttu was an Ayurvedic doctor serving in the Kinniya area. Following the outbreak of war, she moved in with Muslim friends in Vellai Manal. Later she was arrested and taken to Plantain Point. Fellow prisoners once heard a Muslim Homeguard telling her, "**Akka (elder sister), there are orders to kill you**". Since then they never saw her.

6.6 Trincomalee; "Normality" Restored!

Shortly after the outbreak of war, **Lucky Wijeratne** replaced **Srilal Weerasooriya** as brigadier in charge of the region. As the weeks wore on the usual Operation Jackal followed the first body blow of the military takeover. **This consisted of nocturnal predators going in white vans and such like abducting people, many of whom subsequently disappeared. The operation which was headed in Batticaloa by Captain Munas was headed in Trincomalee by a Captain Suresh Cassim working with homeguards.**

Many Trincomalee citizens spoke of **Brigadier Wijeratne** as a 'good officer' in Sri Lankan terms. He was described as a professional soldier who was readily approachable by citizens and would face an awkward issue rather than put it off. He well knew, and at least accepted, what was happening under his command. On occasions he had acted on representations and released persons taken. One citizen said, "**When it came to operations he stuck to his own way of doing things. If he was ordered to take a place, he had his methods. There was no listening to representations about how the people may suffer or be cut off without food. But once in control soldiers would go and offer food, or tell people, 'What a pity some terrorists have burnt your roof. We will give you the materials for repair'.**"

Lucky Wijeratne and Richard Wijesekera, SP, were killed in a landmine explosion in the spring of 1991. **Chandra Perera** who succeeded as SP did much to raise the reputation of his office. As a person, he is well-regarded by the public without reservation.

APPENDIX 1

Muslim Reactions to the UTHR(Jaffna).

Although there was a feeling among those Muslims who had come across our reports that we were trying to highlight their plight and expose the atrocities meted out to them by the Tamil militant groups, there is disquiet among them regarding certain aspects of our reporting. We have regretted in subsequent reports that some of the things said about Muslims in the East, particularly in Special Report No. 3 had been unfair, inaccurate and one-sided in certain aspects. The situation prevailing in the latter half of 1990 made it difficult for us to talk to Muslims themselves. We have subsequently tried to make amends. Once again we apologise for our shortcomings and for any injury caused as a result. Within our limitations we try to give out information and analysis in the shortest possible time, so that we could influence current developments and be of service to those whose rights are being violated. It is not our brief to reflect with leisure and erudition on events past which matter little to people in their day to day lives. We will make mistakes, but will be most happy to stand corrected. This has to be an ongoing development and part of a dialogue as well as mutual education.

A.1.1 A reaction from Mannar:

The following is an extract from a letter sent to us by a Muslim academic: "I am writing this letter to clarify a statement in your recent publication titled **"The Trapped People among Peace Makers and War Mongers"**."

On page 46, under the sub- title 4.1.1 The Muslims of Mannar, you state that the Muslims of Mannar Island moved to other areas during the Portuguese and the Dutch periods and that the Muslims had been re-established in the present places during the British era. Further, you state quoting Phillipus Baldeus that Erukkalampiddy was not a Muslim village during his time.

The above statements are historically wrong. The following facts bear evidence to this. There is evidence of the Muslim presence in the Mannar Island and other areas even during the Portuguese and Dutch periods. The Portuguese and the Dutch documents indicate that the Muslims were employed as divers, transporters and elephant catchers during the above two periods. Secondly, the traveller Baldeus, though indicating a church near Erukkalampiddy, did so in close proximity to present Erukkalampiddy. The local traditions indicate that Erukkalampiddy village was not occupied by any religious group other than Muslims at anytime in its history. There were churches established by the Portuguese and the Dutch around Erukkalampiddy Muslim village (e.g., Sampaturai, St.Jude, etc). Baldeus may have been referring to one of the churches in close proximity to the prominent Muslim settlement Erukkalampiddy.

It is very unfortunate that your misleading report carries an account of the history of Mannar Muslims at a time when the LTTE is denying the birthright of the Muslims to live in the Northern Province. In addition, your historical account may be misinterpreted to mean that the present Mannar district Muslims are new comers to the region. You probably know that the history of the Muslims of the Northern Province has not been written so far and your account may be taken as based on facts by uninformed people"

Note: We are sure that the reader is better informed about Mannar's past than we are. What we made was only a suggestion that the Muslims may have responded particularly to Portuguese persecution by moving to safer areas. We have been clear that any community which is displaced from its home for reasons of insecurity, whether Palestinian, Muslim, Tamil or Sinhalese does not lose its right to the land. We have been clear that the historical claims of Muslims in Mannar are not in any way inferior to those of others in region. As for historical detail, we stand corrected.

A.1.2 A reaction from Sammanthurai

A group of Muslim citizens from Sammanthurai in the Amparai District has published a book in Tamil with the title **"Another corner of Eelam"**. The book gives both historical detail and reflects the Muslim feeling of alienation resulting from the misdirection of the Tamil struggle. It also brings out the little known fact that 132 Sammanthurai Muslims were killed by the various Tamil militant groups up to August 1991. The book also answers inaccuracies from Special Report No.3. It is a welcome book excellently written with moderation by people with a deeply felt desire for reconciliation and peaceful co-existence with their Tamil brethren. The book is a contribution from the people-in the long run more important than the juggling of politicians in Colombo high society.

We give below an extract from the preface and will follow it up in future reports. The book is obtainable from the Publications Bureau, Jumma Mosque, Sammanthurai, Sri Lanka. Title: **"Eelaththil Innumoru Moolai"**.

The preface begins by pointing out that Sammanthurai was a fertile area where the Muslim majority and Tamils, mainly from the service castes, lived in peace for centuries. The communalism of the state gave rise to the Tamil liberation struggle. Not only did the Muslims support the aspirations of the struggle materially and by providing safe places for militants on the run, but Muslim youths too joined the militant groups.

The preface then proceeds: “.... As though an evil eye was cast on fraternal relations between Tamils and Muslims, a contrary development took shape in the late 80s. The guns of Tamil youth which were trained on banks, government establishments, co-operatives, the police, army and the STF turned their barrels towards Muslim shops, educational institutions, social workers, Muslim intellectuals, responsible social leaders, high officials, innocent civilians and farmers. The Muslims were left powerless and prostrated in the face of these “liberation activities”. Tamil youths carrying sophisticated weapons, the partiality of the IPKF, and later the LTTE looking the other way in a bid to win support from local Tamils, are the main reasons for this. Further, local elders and religious leaders made a conscious decision to urge restraint on the part of Muslims. However the unfortunate events of 17th May 1989 and again 23rd July 1991, when Muslims had to run away from their homes into refugee camps were carefully contrived and executed.

“On the other hand local and foreign information networks , international terrorist agents and those in authority who give them a voice, together with `European’ Human Rights activists have in the name of `reports’ spread mythical legends in this country, India and Western Europe. These have represented Muslims as murderers, informers, bandits and religious fanatics. More than all these, the Amparai District report (Special NO.3) of the UTHR (JAFFNA), where it concerns Muslims, has the appearance of being both subjective and far from the truth. Like a bull trampling over one fallen from a tree, this international propaganda document which represents the victim as the oppressor, leaves us in a state of deep shock. Who are these international propagandists? We who are left wondering in anguish as to how do we contact them and explain our true position are not approached any anyone.

“We have therefore been driven to bring out the truth in a publication in our defence.... In a search for a future of friendship and amity, we place this report before you with an open heart and without ulterior motives. It represents the tragic history of a community that has faced needless loss of life and has been driven to penury.

“This is not intended to be merely the saga of a people. But it is meant to lay the foundation for an ongoing dialogue that will bring about the rebirth of a new fraternal relationship...”

Towards the end of the book it says after condemning the unfair propaganda against Sammanthurai Muslims : “Again we must defend every community and isolate the forces of evil. Each community must respect the other and protect and establish the other’s communal, cultural and religious rights.

“Only thus can our fraternal relationship be re-established. Each community instead of thinking about revenge must count their memories of friendship and gratitude. We cannot continue to live in the same house and break our common wall...”

APPENDIX 2

RAJANI : Three Years After

Dr. Rajani Thiranagama, a founder activist of the UTHR (Jaffna) fell victim to the assassin's bullet on 21st September 1989. We assess here her lasting contribution and the relevance today of what she stood for, and for which she gave her life.

Having identified herself so closely with those thousands who were dying un-numbered in such degrading conditions, it would not have concerned Rajani if no memorial could be erected for her today among the people she served and loved. That those who killed her needed to go in for barbaric repression and lead an entire people into a twilight existence that could barely be termed human, is surely a sign that the memory of those like her is greatly feared by them.

A 2.1 The Primacy of the People:

This forms the key element in the vision bequeathed by Rajani. With her it was not a slogan or merely a sentiment. She recognised that the basis for any benign and lasting change must be rooted in the people. This change together with a realisation by the people their power to chart their destiny required political vision and a practical programme.

This is not so self evident as it might seem. In fact it is all too easily seen in Sri Lanka that even among the Left leaning elite there is widespread cynicism about the common people. The common people are seen as vile or volatile and moved mainly by manipulation. This picture emerges from a particular reading of Sri Lanka's post independence experience.

Thus whether it is the JVP crisis of 1987 - 89 or the current civil war, leading intellectuals have viewed the making of peace as a horse deal between leaders for whom people do not matter. Ordinary people may be suffering abject indignities from the parties in conflict and may be dying their thousands without denting the optimism of peace makers and intellectuals. Even effective political leadership and statesmanship are seen as the ability to present cosmetic remedies for past failures of character and intellect while fooling the people. Thus in the Sri Lankan context the ability to pander to Sinhalese chauvinist sentiment while devolving some power to the Tamils, or to dismantle local checks on economic life to Western dictates of liberalisation while pretending that Sri Lankan culture is being preserved in its pristine glory, are considered virtues in a political leader. But there is no attempt to question the legacy of the past and the constraint this continues to impose on the countries direction.

This cynicism about the people has reinforced the view that politics is a crude business to be undertaken by immoral individuals. In turn the people have become more powerless and further degraded, giving further confirmation to the dim view of them. The notion of addressing the people, giving them a sense of power and dignity through mobilising them on the basis of higher human values and accepting the risks of confrontation with the dominant interests is no longer in vogue among intellectuals. They have largely become analysts talking to foreign audiences and elite circles, hardly moved by the immense suffering below which they have come to see as inevitable. While intellectuals have succumbed to various degrees of opportunism and cowardice, the rot goes on apace below, with the progressive brutalization of culture. The chronic responses of a lost people benumbed by oppression and massive death, and the callousness of the authorities, go hand in hand. Bunkered intellectuals wringing their hands peer at the panorama through mental slits.

In time even the best minds lose their capacity to analyze. One symptom of this is the bizarre notion of peace making that has gained wide currency. Creating conditions of peace is seen as the appropriate sharing of power between those ready to torture and kill rather than empowering the people by creating conditions where they could democratically exercise it. We have thus failed to learn from repeated tragedies.

It is a sign of the depth of Rajani's commitment to ordinary people, that she was never tempted by comfortable elitist notions. Most of these elites did not see the tragedy of the war with the Indian Peace keeping Force in late 1987 as one that had been in the making through the development of our political culture. They rather saw the problem as one of talking to Indian officials and LTTE leaders, and patching up relations between them. Rajani considered this a waste of time. The issue has never been that both parties did not want to talk to each other or simply that they only wanted to carry on with the war, but rather that both wanted certain things achieved on their own terms. When warring parties have a real contempt for people and do not directly represent their interests, the people rarely come into the picture as factors determining the course of events. She knew that the warring parties would take note only when the people are organised to articulate healthy values and demand their basic rights in no uncertain terms.

Rajani's response to the crisis of October 1987 was to go to the ordinary people, not as a patronising outsider, but as one of them. She opened her home to distressed women and students who found both shelter and counsel. Whether it was the case of a disappeared person, a detained student, the university being importuned by the conflicting parties, or a woman subject of the trauma of rape, Rajani laid stress on a collective approach by students, women or people of the village who were to make a conscious decision to identify with the suffering of the victim. She saw these as small beginnings by which people would realise their power to change their world. She frowned upon individual or class opportunism, and protested vehemently whenever university dons approached their problems as a privileged class. With Rajani political action acquired a new intense meaning, very demanding intellectually and where both the intellect and action enhanced the quality of the other.

Although she attached little importance to talking to those with the guns with the capacity to kill and to manipulate, she took a great deal of time and trouble talking to the alienated young tempted by destructive violence. She was warned by colleagues in strong terms. But through her own past experience she understood the urges of the young and felt for them deeply. She pleaded with them, not to commit their courage and devotion to unscrupulous leaders who would readily destroy them and the community to realise totalitarian power. Rajani's ideas on collective action were making an impact. Several of her friends came to realise the potential of disciplined, self-effacing collective action as distinct from being heroic voices in the wilderness. Her presence was too much for the politics of destruction.

A 2.2 Rajani's Political Vision:

The growth of cynicism about ordinary people in Sri Lanka can be traced to the failure of the Left to understand that the mainstream in political life was largely independent of parliament. The development of this mainstream takes place by imperceptible changes in the minds of people - what they accept or reject and how they perceive their interests. Saddled with rigid ideologies taken from mentors abroad, a section of the Left viewed success largely as success at the parliamentary hustings. Their inability to secure the desired parliamentary success turned them to cynicism about the people, opportunism, communalism and compromise as means of gaining power in the early 70s. This largely destroyed the Left and brought parliamentary politics to an all time low. In times when the Left was seen as standing for principles and ideals it had a strong base in the universities, among mature students and the workforce, and thus was very influential in large sections of the rising generation. On the other hand those who opposed parliamentary politics and talked of revolutionary politics had their own dogmatic models and sterile outlook which was neither creative nor meaningful to the vast majority. The suicide of the Left, far advanced in the 70s, resulted in a dangerous vacuum, particularly because of increasing alienation of the among young.

In fairness to the very able leaders of the old Left, the success of the Russian revolution of 1917 in particular, turned them away from the freshness and open-mindedness of Marx's thought and imposed on them the identification of success with power. Rajani came into a generation where old certainties had wilted and those with a sense of social responsibility had to discover Marx's thought afresh.

Without the presuppositions of ideologies matured abroad, she set about the intellectual labour of seeking the causes of the chronic social and political malignancy in her country in material relations- the historical development of social and economic institutions. In keeping with Marx's maxim, her intellect was sharpened by its application to change the state of affairs. Her intellectual and emotional passion come through in her writings in "The Broken Palmyrah".

In contrast to those who equated success with power, and in consequence became disillusioned and abandoned the people to demagogues, Rajani had implicit trust in the people. She saw the close connection between the low state of morality and the cynicism and distrust of politics and leaders in general. She knew that if the people found leaders whom they could trust, to demonstrate to them through collective responsible actions that there was an alternative, where they could shed their mental and physical chains in the process of realising dignity and fellowship with justice, they would opt for this with enthusiasm. She understood that try as she may, she was also a prisoner of the current dispensation. Her personal liberation would follow the empowerment of the people. Indeed she was very keenly aware that this had happened elsewhere. She valued the experiences of modern Marxist thinkers, both from the West and from the Third World. Marxism which had as state ideology has been discredited. Despite notable successes for a time in some major areas such as eliminating mass poverty and perhaps in containing divisive nationalism, it tended to become totalitarian in nature. But Marx is very much alive, though Marxists do not make headlines.

A 2.3 Rajani and feminism:

This was an area which was close to Rajani's heart and where her blossoming as an intellectual and an activist were very evident. She was far from the popular caricatures imposed on the term. She felt deeply for the degradation of women.

but also saw in the liberation of women, the liberation of the society as a whole. Here again personal attention and sympathy for victims went hand in hand with analysis.

She saw, as evident in her writings, a close link between the oppression of women and the rise of a politics with a leader - god, sending thousands of young men and women on a suicidal course in an apparent show of altruism.

The society in Jaffna is also one where there was a powerful drive pushing young men towards material success. In the past it meant joining the professions, and most recently it came to mean going abroad. It's value system is dictated by a very mobile and aspiring middle class which has very short sighted and narrow vision. The vision of possibilities in life was so narrow that failing the O Levels or failing at university entrance could appear to mean the end of the road. Thus the discriminatory move to restrict university places for Tamils in 1970, though affecting a small minority, was one of the major turning points in Tamil politics.

Success for women was most often measured as marriage to a "successful" man. A woman who attained this success tended to be jealous of her privileges. A pernicious norm dealing with success was set in accordance with which most women drove their sons. For a young girl money and property bequeathed to her by her parents was the most likely means of advancement. Rich girls were taught to be respectable and the poor to be humble. A young woman bubbling with ideas and enthusiasm to go out onto the world and help others was often broken and consigned to the subservience of a 'good' marriage. As everywhere a girl with extra-ordinary intelligence and no means tended to suffer much more than a male. It was a society which disposed women to be the natural enemies of women. The above factors may be common to every other society but the rise of the middle class and its specific nature of dependence for social mobility on a few avenues made the crisis more acute. It was also a society which understandably had one of the highest suicide rates, both men and women, before these troubles.

The material conditions of life affecting the nature of this society are evident. The current Tamil politics instead of liberating people from these constraints, deliberately, conspired with the adversary to tighten them, and draw from its destructive energy. The dormant urge for suicide was given a seemingly altruistic release by the interposition of a religion of sacrifice and a leader- god.

Rajani set about unlocking this prison in order to liberate women. This meant hard systematic effort. Women who had suffered and were rejected were the most likely candidates for this work. Every moment she spent consoling them and opening up new vistas for organised effort was well spent. The social breakdown which made old norms of success unattainable also created opportunities. Death and injury on a mass scale was pushing women into roles of leadership in families. Many of them saw that the whole thing was wrong. This made it important for the political leaders to repress and stamp out any collective effort by women not under their supervision.

It is clear that the degenerated Tamil politics of today could not have survived liberated womanhood. To claim that mothers consciously give their children to become cannon fodder for this politics is an insult to human and animal motherhood. Almost every time children were cajoled away by liberators or were taken by the army, mothers spent days trekking from one camp to the other and waiting hours in the sun. There have been recent instances where mothers had spontaneously got together in villages to resist implied demands that each household should give a child for the LTTE's struggle. Rajani has recorded several instances where women of the lower classes had spontaneously got together to stand up to gunmen of every colour.

Rajani has also exposed the true position of women cadre involved in the struggle. Their position is an extension of that of women in society. Women in uniform are often objects to boost the egos of men. Blank faced women in uniform putting on cyanide capsules and shouting their allegiance to, and willingness to die for a macho leader is more reminiscent of some bizarre and ancient temple ritual.

Rajani saw in the natural urges of women, particularly in their role of caring and bringers of life, and in the contradictions they face as a consequences of social breakdown, one of the most potent forces for the liberation of Third World peoples. As Rajani's death demonstrated, providing the necessary organisation is going to be a hazardous task.

Rajani felt that feminism as a theory gave her strength and allowed her to understand other forms of oppression in a more creative way. Her understanding of the difference between biological determinism and biological potential and its implications, enabled her to understand human potential and evaluate human nature in a more dynamic manner. On the other hand she was appalled by the sectarianism in women's movements as well as Marxist movements and was always aware of the danger of becoming too important in an elite circle. She understood the potential

for an individual to degenerate as a mere careerist who spends all her or his time in attending conferences and seminars with little real contribution.

A 2.4 The Spiritual and the Material:

Rajani never diminished the importance of the spiritual. She did not reach any finality on the matter, but felt a sense of awe and wonder about life itself. It would be true to say that like Marx, she did not exalt the material realm with its dull routines. But did hold that the chains in this realm must be broken for the emergence of a humanity with higher aspirations. As such, she felt the task worth undertaking. She valued being lovingly human. She was vehemently against using people as tools. Though tactics were important, these were subject to principles and values she accepted as part of caring humanity and the pre-condition of trust. Trust between people was to be the vehicle for action and not manipulation.

During the years that have succeeded her death, the UTHR(Jaffna) and several of those around her have drawn inspiration from her ideals and vision. We have also come to realise the immense intellectual depth of her analysis, and that has continued to guide the work of UTHR(Jaffna). Even at this dark hour, there are ordinary men and women who shared her concern for the people, risking their lives to carry on her work. Thanks to the worldwide institutionalisation of human rights concerns, her family who most deeply feel her loss, have been sustained .

Rajani was in many ways a child of her time. The oppressiveness she found in social mores made her rebel against tradition. Yet she was also instinctively traditional in many ways - as a daughter , a wife and a mother. She was instinctively religious and longed for some of the certainties of faith without being an orthodox believer. In rebelling against a tradition that left much to be desired, she walked a tight-rope, a course that was often lonely, confusing and resulting in much private agony. It was a heavy price to pay, but had its rewards as well. Her marriage was unconventional. She married a Sinhalese intellectual from the deep South of peasant origin. This undoubtedly brought her close to the common people of the land as a whole. Her husband's interests shaped the direction of her political views and activism was a product of her marriage. The rewards of such a life are not unmixed with pain. We express our gratitude for the former. Only posterity can do justice to the latter. Rajani lives in having shown us the potential of womanhood for greatness.

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