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Wider Significance of the Incidents in Pesalai and the University of Jaffna

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1. Murder in the Cathedral

While preparing this briefing we received news of the tragic and senseless killing of the Hon. Joseph Pararajasingham, MP for Batticaloa, soon after he received communion with his wife at Christmas mid-night mass. Christmas eve was also the birthday of his wife Sugunam, who sustained injuries. The MP collapsed and literally died at the feet of Bishop Kingsley Swampillai. So far we have only allegations and theories about the identity of the killers. The LTTE has already accused the Government of complicity in the killing and awarded the deceased the title of “*Maamanithar*”. The Sri Lankan defence establishment for its part has accused the LTTE of the killing giving reasons which are not farfetched, knowing the LTTE’s present agenda discussed below. A few anti-LTTE websites justifying the killing have given prominence to statements purportedly issued by unknown forces such as *Seerum Padai* (Hissing Force) and *Sennan Padai* who claim LTTE-style that Joseph Pararajasingham was a traitor to the Eastern cause. The killing and justifications adduced yet again bear testimony to the community’s devaluation of healthy public values and principles in the face of powerlessness and anger.

Having entered politics in calmer times as a Gandhian and a federalist and later caught between the vicious violence of the State and that of its totalitarian Tamil nemesis – the LTTE – Pararajasingham opportunistically and rhetorically sided with the latter. Nevertheless he remained likeable and gentle in his dealings with all people. Among sections of the security forces in Batticaloa who dealt with him, the grief was sincere. When the LTTE split in 2004, Pararajasingham declined to side with Karuna whom he had earlier referred to publicly as ‘*Mannin Mainthan*’ (Prince of our Land) and ‘*Mannin Thalapathy*’ (Chief Warrior of our Land). But then as MP on the TNA national list he remained largely silent and never attacked Karuna. He was not a significant challenge to anyone and there was no real motive for anyone to kill him. The symbolism of his murder at Christmas Mass renders it all the more repugnant.

Under the circumstances, it is even more incumbent on the Government to find the actual killers. This is particularly so because of the debilitating uncertainty that surrounds most killings and also the leanings of Tamil sources that have rushed to justify it. Moreover, we have credible information that Tamil militant types under threat from the LTTE are housed in security forces camps in and around Batticaloa and some security officials expressed concern at more such persons being inducted around October. This is the dishonourable obverse of appeasing the LTTE. We have constantly argued for an honest and open solution to the problem, which stemmed from the atrocious manner in which the Government and Norway dealt with the Karuna split.

People present at the scene of killing identified Pararajasingham’s killer as a tall dark person with short-cropped hair who simply walked out of the church firing into the air. He has so far not been identified, suggesting that he was not locally well-known. The talk in Batticaloa is that the killer who reportedly used a micro-pistol is known as Sittha, but there is no information about his affiliations. Finding out his affiliations cannot be too difficult. The defence authorities have claimed that the deceased MP decided to go to church only after he received a telephone call. It is a circumstance that must await clarification.

2. In the North : A Menacing Speech

The incidents follow rising tensions in the Jaffna peninsula that have included a series of killings of civilians and attacks on the armed forces. In interpreting these events the press and even human rights organisations have tended to follow impressions that have taken root in

NGO and media circles particularly in Colombo. The killings are admittedly difficult to investigate and the pattern has defied comprehension. True, there are multiple forces at work, but our understanding of developments is that the direction towards a very destructive outburst is being determined largely by the LTTE.

The killings would of course require more work and space than is allowed for in routine journalism. This briefing focuses on the incidents at the University and some of the contested killings would be dealt with in a subsequent bulletin. A remarkable meeting called by the LTTE, which explains a good deal, was held in Pallai on the 23rd of December. Heads of departments were summoned and addressed by a senior member of the LTTE. The heads were told that the LTTE would soon capture Jaffna and that their provocations and scattered attacks on the Army are meant to demoralise and confuse the security forces. He said that the Army Commander General Fonseka has promised the President that he would expand Palaly base and bring Jaffna under control, but they, the LTTE, would take over Jaffna before that. In the meantime, the speaker said, government officers need not report for work. About the same time, a front organisation threatened government workers not to report for work.

Attacks on the Army claiming about twenty lives to date in Jaffna (rising to 30 after the latest landmine attack in Pt. Pedro) were steadily mounted following the Leader's Heroes Day speech a month ago. So far the Army has largely refrained from firing at civilians. But after each incident such as a grenade attack on sentry point or the shooting of a soldier, the Army beating up civilians passing by has become a common occurrence. In this atmosphere, using its monopoly over the media and the terrorising and stifling of alternative political voices, the LTTE has charged up a significant section of the youth. Independent reports say that the LTTE has distributed grenades and is forcibly or otherwise encouraging youths to attack the Army.

3. Murder in Pungudutivu

A particular incident around which the LTTE tried to mobilise public anger was the discovery of the body of the young woman Elaiyathamby Dharmini in a well near the Navy camp in Pungudutivu on the evening of 17th December. The young woman had been killed (reportedly after rape) and dumped into a well and weighed down with stones. In December 1999 Sarathammal, a young girl from the same area, was raped and killed and a brother had identified naval personnel as the perpetrators. In the recent incident too there was little doubt in local minds that the Navy was responsible and the people became angry. This resulted in a local disturbance where the Navy's public Relation's Office was burnt down. Although the killing of the young woman has not been investigated, neither the Government nor the Navy has attempted to allay public anxiety.

We might mention here that we subsequently received information that the woman had regular sexual relations with naval personnel, and further that some persons of unknown affiliation had been seen over about five days to the incident at the temple near the well where the body was found. They have not been seen since that fatal night (16th) when the woman was apparently on her way to the camp. It is up to the Government and the two-member committee President Rajapakse has appointed to investigate and come out with the full truth. The delay on the Government's part is unaccountable.

There is a growing list of Tamil women who were raped and killed by the security forces or died in consequence of grievous abuse, where one must say in retrospect that justice has been

systematically obstructed and the perpetrators got off free. The Government's failure to deal with this has resulted in much frustration within the community and people feel that there are many more instances that have not been made public.

Some of the prominent cases since 1996 that led to fatality are: Krishanthi Coomarasamy (September 1996), Kanthsamy Vijayakumari (Detained in Vavuniya on her way to Colombo Hospital, gave birth under a tree in pouring rain and died), Velayuthpillai Rajani (September 1996), Koneswary (Central Camp, Amparai 1997), Sararthammal (1999).

4. Pesalai Incident

At 1.30 PM on 23rd December a Navy bus transporting naval personnel was attacked by exploding a landmine from the 100 houses housing scheme in Pesalai, Mannar Island. More than a dozen naval personnel were killed. Following the incident naval personnel went on the rampage. All residents were ordered out about 2.00 PM and lined up on the road in the scorching sun and were attacked with gun butts not sparing the women and children. Men were made to stand with their head in a hole in the ground and were humiliated and kicked from behind. It was only after the intervention of the parish priest that they were allowed to go to the church about 9.00 PM. Remains of a mother and her four year old son have been recovered from a house that was burnt by the Navy. Another parent and child are among those missing. Attacks on civilians reportedly continued into the following day. Naval personnel robbed a large quantity of gold from the residents. There was no attempt on the part of the Government to intervene promptly and reassure the civilians, let alone acknowledge what happened.

Among those admitted to hospital is a 5 year old boy with a broken skull. A naval man had rammed his gun barrel into the back of the boy's head and penetrated it.

LTTE propaganda let it be known that the landmine attack was revenge for the killing of the woman in Pungudutivu. This may seem plausible from a distance, but not to those in the area who have suffered loss and displacement and whose lives have been irreparably ruined. A further irony exposes the hypocrisy.

5. The child soldier

The LTTE had planted the mine and left a child soldier to detonate it, a child for whom the serpentine reasoning of propagandists meant as little as the harm he did to the residents. The child who had not been seen by the residents before the day of the attack, or since, had been hanging about the place and walking on the road selling mangoes to the unsuspecting residents. LTTE propaganda later named yet another front organisation, supposedly of the people, as being responsible for the attack. Commentators trying to sound knowledgeable have on occasion written of two spurious front organisations uniting!

6. University of Jaffna

The day following the discovery of the woman's body in Pungudutivu, 18th December, Gajendran, MP, who runs the Tamil Eelam Students' Federation office (formally used as an IPKF camp) at Parmeswara junction near the University, organised two buses to carry university students for agitation in Pungudutivu and went off. Gajendran is a well-known LTTE front figure who in April 2002, soon after the ceasefire, announced at the sacred

precincts of Kandasamy Temple that the 40, 000 soldiers in Jaffna would become fertiliser if they remained. Having become an MP through the 2004 parliamentary election notorious for foul play, he repeated the fertiliser threat in Parliament and the blood-curdling slogan became the regular fare on Pongu Tamil platforms. Public sarcasm also addresses him as “*Kuthirai* (Horse) Gajendran” after the widely known practice of the LTTE sending agents to the University through having proxies sit for the A Level entrance examination. The sobriquet also commemorates Gajendran riding to parliamentary stardom on a massive wave of fraudulent votes.

An army patrol at Parameswara junction near the University blocked a section of the Palaly Road before the buses could set off to Pungudutivu. In the altercation some students and civilians were beaten and stones were also pelted at the Army. Following this a student meeting was called at Kailasapathy auditorium at 10.00 AM on 19th December. The meeting was also announced in the *Uthayan* daily, where LTTE control is overt.

At that meeting the Vice Chancellor Prof. Mohanadas and the Dean of Arts Prof. Sivachandran were also on the podium. Gajendran MP was a key speaker at the meeting. A decision was taken to present a protest petition to the SLMM. The demonstration left the University with the Vice Chancellor, the Dean and some staff members at its head. They were obviously not in control. The demonstration was accompanied by two trishaws with loud speakers on top blaring slogans such as, ‘*Sinhalese scum get out.*’

Emergency regulations in force require that government permission should be obtained for demonstrations. We verified that the Vice Chancellor had not spoken to the Army about the demonstration before it set off. He did speak to the Army two days earlier about army positions around the University, but not on the day in question. But a point made by many in Jaffna is that there are still unauthorised demonstrations in the South and the authorities often turned a blind eye, and are almost never violent. The killing of the woman was a legitimate issue of concern (even though the University was understandably silent on routine killings by the LTTE). The demonstration went the hundred and fifty yards from the University to Parameswara junction turned right into Palaly road and ran into a patrol of about 40 to 50 soldiers at the Parameswara junction who blocked their way.

The Vice Chancellor, the Dean and some other staff members sat down on the road. Other staff members present felt that they should have gone up to the Army with their hands up, identified themselves and explained to them. As it was there was no communication between the Army and the staff members in the lead. We have been told that stones were thrown at the Army at this point. But we could not verify from where they were thrown. The stone throwing is also confirmed by the SLMM statement, which goes onto emphasise that the demonstration was not a peaceful one.

Following the landmine attacks earlier this month, army patrolling of the main roads has been intensified. There is an army camp about three quarters of a mile down Palaly Road towards Jaffna town, but there was only a small contingent of the Army at Parameswara Junction at that time and no army vehicles. Reinforcements and armoured vehicles came about 45 minutes after the incident.

The soldiers moved forward, some with sticks, and tried to push the demonstrators back. To this end, they fired up into the air and also at the ground. As far as we could establish, they did not fire at the demonstrators as some media reports claimed earlier. One lecturer,

Perinpanathan, felt blood coming out of his thigh due to something hitting him. This may be a fragment resulting from soldiers firing into the ground. He was admitted to the hospital, which did not find evidence of a gunshot injury and soon discharged him. The soldiers also attacked the demonstrators with rifle butts. Among those beaten was Prof. Sivachandran, who received a blow on his back from a stick or a rifle butt. Prof. Mohanadas who was seated on the road shouted in Sinhalese that he was the Vice Chancellor. The soldiers scolded him and pushed him into a shop and asked him to sit down. But he was not beaten. Some staff members who were at the head and had reached the army patrol were also not beaten.

7. Incidents on 20th December 2005

The police had occupied a house in KKS road and a police party came along Kaladdy Road in a vehicle, turned into Parameswera Rd. and went into a house in a lane opposite the University Library to deliver a cheque as rent. They went to the house of Eeswarathas, a registrar in the Jaffna Kachcheri. The police party was told that they were only tenants and asked them to deliver the cheque to Dr. Sivarajah's daughter in the same lane. The police party was observed and a crowd gathered at the top of the lane and blocked the police from leaving. The agitators threw stones at the Police and attempted to set fire to the Police vehicle. 70% of the agitators were persons from outside the University and included students from the Kokkuvil Technical College. The policemen took positions and fired into the air and radioed Jaffna and Kopay for reinforcements. Emergency 999, a small police party, came there in 15 minutes time, but was insufficient to handle the crowd. Some LTTE men were present on the scene and took off on their motorcycles as soon as the police reinforcement made its appearance. The mob continued to pelt stones at the police and kept them at bay. By firing into the air the Police also kept the mob about 100 yards away from the Jeep. A larger group of 200 policemen arrived 45 minutes later and moved up Parameswara Road from the junction on foot firing into the air. The crowd scattered.

Illampirai, a university employee, probably alarmed by the firing, lay down on the road and got hurt by the police party that in advancing fast, ran over him. The same Illampirai as a student had thrown stones from Abirami Hotel at the Indian Army during the February 1989 incident, also at Parameswara junction, where two students died of gun shot injuries. The Police detained Illampirai, a student and an outsider. Illampirai and the student were released.

8. Terror at Home and Deception Abroad

The incident should be seen in the overall context and purpose of the continuing provocations in Jaffna and the speech in Pallai cited above. This is not an Intifada as some commentators have described. Nor is it a spontaneous people's movement, but is something orchestrated with a military agenda, the consequences of which the people are painfully aware, but are in terror of expressing. Against this silence enforced by fear, the media and even human rights organisations are picking up planted noises as the voice of the people.

The Army, which is virtually Sinhalese, in trying to deal with a reality where the LTTE has since 2002 built up a network of saboteurs and agent provocateurs, faces a major challenge. Thanks to the one-sided CFA, which placed no tangible obligations on the LTTE, it forged this climate of anarchy by destroying even the limited political space that was available earlier. Going by the recent record, there will be random and devious attacks and continual killings of so-called LTTE supporters and captive Pongu Tamil stars in Jaffna, after which

well orchestrated accusations will be made against the Army and paramilitary forces (*Kootuppadaï* or Joint Forces in current propaganda jargon).

All this is now part of the tested arsenal of the LTTE. Soon after the IPKF's arrival in 1987, the LTTE ambushed four priests from Assemblies of God in Uduvil and then went all over Jaffna announcing that the ENDLF – the IPKF's so-called 5th column – was responsible for the atrocity and organised public protests. There are verified instances of the same strategy at work today (see the last Bulletin). Many reputedly "LTTE supporters" (whom the LTTE used but never trusted) face the real danger of assassination, which is then credited to 'paramilitary forces', followed by the award of the gratuitous title of 'Tamil National Patriot'. To the LTTE's advantage the Army and most other groups lack the credibility to counter this strategy, as they too have been involved in some barbaric killings.

The people themselves tremble in fear of speaking to their neighbour and fear that no communication is private. The LTTE-controlled media has become the only source of information even for an incident in their neighbourhood. Consequently all is confusion, among the people, the Army, the other groups, the international media and, not least, the international community! The Army's long-practised counter assassination methods would only further confuse and confound the anarchy. The only party that is clear about what it intends to reap is the LTTE intelligence wing headed by Pottu Amman!

The LTTE wants the people to be harassed, beaten and killed by the Army. Our monitoring of LTTE behaviour from the early 1980s has accumulated enough evidence, which shows that the thrust of LTTE politics is never to defend the people or secure their welfare, but to work towards making them fodder for military gains and propaganda! Likewise, the security forces, which treat all the Tamils as Tigers and unleash their terror, create fertile ground for LTTE recruitment and its style of politics, whose end is utter ruin.

Our reports have continually highlighted the dangers in store when the so-called peace process culminates in pre-ordained failure! A peace process, which could not change the pernicious dynamism or undermine the logic of terror, cannot be sustained and was bound to hit the shoals. Unfortunately, many leading Southern NGOs and the facilitators have paid scant regard to these warnings and have fuelled and legitimised LTTE politics at others' expense in the hope of transforming it by appeasement. What the civilians want is a permanent political solution and withdrawal of the Army to barracks so that they could lead normal civilian lives.

Why did the LTTE withdraw from the Norway-sponsored talks in 2003? Even during the Kumaratunge presidency they orchestrated war hysteria and were systematically provoking the Army after the 2004 Heroes Day speech, only to be stopped short by the tsunami disaster (Bulletin No.37). All along the LTTE's unmistakable strategy was to prolong an uncertain situation while obstructing a political solution. Knowing the nature of the Sri Lankan state, its armed forces and the latent chauvinism of the Sinhalese polity, they are sure that there would come an opportune moment, where the Army could be portrayed as an occupying force terrorising the civilian population and the Sinhalese leaders as the extremists who would never accommodate reasonable Tamil demands. Mark the ease with which the international media was ready to portray President Rajapakse as an obdurate extremist opposed to federalism, while turning a blind eye to the LTTE's long record of running away from negotiations whenever a federal solution was within reach – the last time it was 6 months after the December 2002 Oslo Accord, after which it spurned all entreaties to return to talks.

9. Mishandling of an Explosive Situation

Against this reality, the crucial question is whether there has been any qualitative shift in Sri Lankan Army to respond creatively to the present challenge? While the Army has shown some restraint, the behaviour of the Navy has been utterly reprehensible, doing exactly what the LTTE wanted, living in its own world as though the people did not exist. The ground situation meanwhile moves dangerously close to what prevailed in the 1980s and early 1990s – one of seething resentment against the Government.

Unfortunately statements coming from leading persons in charge of security have tragically misread the task at hand. Their methods would further alienate the Tamils, isolate the security forces from the community and bear them to the brink of losing their balance completely. What is needed is a clear policy and actions, such as a proper investigation of the incidents in Pungudutivu and Pesalai that would build public confidence in the security forces as the guardians of their best interests.

The Army in Jaffna had all this while failed to open a channel to the University authorities to engage and deal with them. Instead, a routine patrol was allowed to handle the recent protest near the University. This reveals severe professional shortcomings and insensitivity. In the event of stones being thrown, why was there no senior army officer to identify the Vice Chancellor and deal with the situation differently? Why has the Government and the Defence Command failed to make a public commitment to inquire into the loss of civilian life in Pesalai and convince the people that the culprits would be punished?

The understanding of the security challenge and the nature of the conflict possessed by the present Army Commander and the recently appointed advisor to Minister of Defence, former DIG Kotakadeniya, does not give any confidence that they have the capacity to deal with LTTE's agenda creatively. For the former's role in the East during the early 1990s and the latter's in Colombo during the mid-1990s see Reports 4, 7 and the book *The Arrogance of Power...* Increasing the number of soldiers on random combing operations, who then in one form or the other relieve their anger and frustration on the ordinary civilians, is not going to work at all.

While security is important both in Colombo and in Jaffna the methods used should not harass or alienate innocent civilians. General Larry Wijeratne had managed to understand the nature of the problem and consciously worked towards building a community relationship, keeping in mind that he is a Sinhalese from the South. Knowing the plight of the people and their dilemmas he carried out his duties as a conscientious and intelligent soldier. He was threat to the LTTE's agenda and thus became the first middle ranking army officer to be targeted by an LTTE suicide bomber at his farewell function. The example of the late General Larry Wijeratne in Pt. Pedro should be studied with care.

But in order to arrest the present trend towards total war, a clear signal must come from the international community to make the LTTE understand the futility of prolonging war at the expense of the Tamil community. While insisting that it should work meaningfully towards a permanent political settlement, all available levers should be used to express the international community's contempt for its politics in no uncertain terms.

The Government needs to set up oversight mechanisms with the participation of community leaders to restrain the Army and the Navy. Moreover, they should take urgent initiatives to

build consensus in the South regarding the final political settlement and demand that the LTTE engage with them in this endeavour.

The situation further demands of us to think about a possible international monitoring mechanism with enforcement power through military coercion when necessary. The manner in which the situation is developing, this may become the only means of securing the peace and defeating the LTTE's agenda, which is nothing short of destroying the Tamil community utterly. It has indeed been a Black Christmas.