

Information Bulletin No.9

Date of release : 30th Dec. 1995

Civilians and the Armed Forces in the Batticaloa District: December 1995

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0.Introduction:

Since we had last reported on the area 6 months ago, the presence of the armed forces in the interior areas had been further thinned down to facilitate a concentration of troops in Jaffna for the ongoing operation. This meant that Paduvankarai (west of the lagoon) with key positions like Kokkadichchulai (last controlled by the STF) had been almost entirely abandoned, together with Vaharai, north of Valaichenai. Thus the principal task for these forces was to control the main trunk road that leads from Polonnaruwa through Valaichenai, and then southwards along the eastern seaboard through Batticaloa, Kalmunai, Akkaraipattu and Thirukkivil to Pottuvil, and the towns on the road. This road itself and the railroad to Batticaloa were under constant pressure from increased LTTE infiltration. Route clearing patrols were regularly ambushed, resulting in significant casualties. Transport was thus regularly disrupted. In terms of reaching the destination, the trains (now 3 days a week to Colombo), when they run, are considered more reliable than buses, which turn back at the slightest sign of trouble. Trains too are subject to sudden cancellations and long delays. Dons in the Eastern University who travel 8 miles north from Batticaloa daily said that they are either delayed or have to turn back about twice a week on the average.

Batticaloa town itself had several new road-blocks and barriers. Though usually calm, as one observer put it, “the LTTE is always there in some form”. As would be seen in the sequel, this form could be of the strangest and unhealthiest sort.

The question addressed here is how has the relatively improved position of accountability to the civilians by the Forces over the two years up to last June, stood up to the new situation. This will be taken up after some reports. The main context of this bulletin is the LTTE attack on the STF post at Puthukkudiyiruppu resulting in about 90 casualties among combatants. The incident also provides pointers to where the civilians would stand in an extreme military crisis. If the political approach to the ethnic problem is to predominate over the exigencies of war, then answers need to be found which the civilians find satisfactory. It must be remembered that although the armed forces are under considerable pressure, the civilians are always the helpless victims in these incidents. [\[Top\]](#)

1. 5th December: The attack on the STF camp at Puthukkudiyiruppu

We first give the story as it best fits together on the basis of testimony available to us.

At 11.00 a.m. some women were close to the mangroves on the eastern shore of the lagoon near Puthukkudiyiruppu, collecting sticks. They were approached by LTTE men in STF uniform who told them to sit down without fear and to go when told to do so.

Puthukkudiyiruppu is about 5 miles out of Batticaloa on the Kalmunai road. It lies 1 mile north of Kurukkalmadam (Ambalanthurai Junction). It has an STF camp which is in-between Araipattai camp, to the north and Cheddipalayam to the south, and is smaller than either.

For some minutes before 3.00 p.m. men in STF uniforms on both sides of Puthukkudiyiruppu stopped vehicles and asked the drivers to park the vehicles on the road and for everyone in the vehicles to scoot. A part of the intention was to block reinforcements. Fearing some calamity, the passengers left the road and mostly went towards the sea coast (east).

At about 3.00 p.m., a van loaded with vegetables with men in STF uniform came to the entrance of the Puthukkudiyiruppu STF camp. The sentries reportedly first thought that these were the routine supplies. The van was half way into the entrance when either something about the van or some casual exchange of conversation alerted a sentry who immediately threw a grenade into the van. Hearing the explosion the LTTE assault party positioned on the western(lagoon) side of the camp charged in to attack. The explosion was the signal for them to attack, but the situation in the STF camp was not what they were given to anticipate.

The van that went into the camp was a suicide group who were to drive the explosive-packed van to the command centre and explode it. In the resulting confusion, the camp would have been an easy target for the assault party armed with RPGs and rockets. But the command centre was intact and the STF quickly manned defensive positions. The attackers were met with heavy fire, and according to local sources, perhaps 25 LTTE cadre in the first wave were mown down and several more were injured. Thereafter, it was a gruelling exchange of fire for both sides with a steady toll of casualties.

Both the STF camps at Araipattai and Cheddipalayam then tried to send in reinforcements. At this point the STF at both these camps began stopping public transport buses that were

passing through. Several buses were used in transporting reinforcements. There is definite testimony that in two instances at least the passengers were forced to remain in the bus and provide a shield for the reinforcements. [\[Top\]](#)

What follows is the experience of passengers in one bus that was stopped at Araipattai (Arayampathy): The Co-op bus from Batticaloa to Kalmunai which was travelling full was stopped by the STF at Araipattai. (The southbound buses are normally checked at Kattankudy and are not meant to stop at Araipattai.) All the passengers were ordered to alight while the driver was asked to remain inside. This was about 3.00 p.m. A little later a man in mufti ordered the passengers to get back inside. About 30 to 40 STF men boarded the bus in a rough and aggressive mood. The OIC of Araipattai was among them. The civilians were asked to sit down and the STF men crouched in the corridor, pressing their guns against the stomachs of civilians with the ends of the barrels protruding through windows. The driver was ordered to proceed south and the STF men occasionally fired out of the window. Passengers who had reached their destination and wanted to alight were ordered to remain.

Just south of Thalankuda, the driver was ordered to stop. The passengers were ordered to remain and the STF men got out leaving two men, one each at the front and back of the bus. A short while later there was firing from the surroundings of the bus as the STF and LTTE fought it out. The two men in the bus also went out to join their colleagues. The passengers lay on the floor as bullets started coming into the bus.

Sometime later the passengers heard a voice crying out to them in good Tamil, “Get down. Hold your life in your hand and run for it!” They took this to be the LTTE. The passengers got down and ran amid firing noises. As they ran Uvais(28), a native of Kattankudy travelling to Maruthamunai, was hit in the leg. He fell down and asked for help. His neighbour responded, “I am not a Muslim, but I am a man. I will help you”, and then lifted him, helping him to walk. The two proceeded slowly without further incident.(The reference to religion was a reflection of relations between the Tamil and Muslim communities which hit an extreme low point during the tragic events of 1990-92.) Having gone some distance from the main road, an old woman said that another old woman, her companion, was missing. Her corpse, possibly together with those of two others, was found in the bus the following day. The remaining passengers got back to Batticaloa the next day.

Veerakutty Canagaraja(36) of Kallar was the driver of the Kalmunai bound CTB bus choking with over 90 passengers that had left Batticaloa at 2.30 p.m., quarter of an hour ahead of the Co-op bus. It had gone past Araipattai STF camp without being stopped. Just past Thalankuda church, a single shot rang out from the west (lagoon or jungle side), bursting the front-right tyre. The passengers screamed ‘stop’! Then a second shot rang out. The driver tried to take the bus further away from the gun man. When he pressed the accelerator, he found that his foot was without strength and was bleeding profusely. The second shot had struck his foot. The bus went a few hundred yards further, and went off the road as the deflated tyre made control difficult. Two other passenger vans came and halted behind the bus about 3.20 p.m.. LTTE men wearing camouflage hats with leaves and branches stuck in them emerged onto the road and deflated the tyres of all the vehicles by firing at them. The people were asked to run. The bus driver was carried by others and all went to Puthukkudiyiruppu Central School where G.C.E. O. Level examinations were going on. The principal directed them to some vacant classrooms. As the sound of gunfire got louder the candidates continued writing their answers while crouching on the floor. This was probably when the LTTE confronted STF men from

Araipattai who had come in the Co-op bus using a human shield. When fighting all round became intense, the O.Level candidates left their scripts and went behind the class rooms. Thavarajah(36) from Puthukkudiyiruppu who was returning home after repairing his motorcycle at Kattankudy was killed during this time. We have no firm testimony as to whether the death was caused, presumably by accident when the LTTE fired to stop vehicles, or by crossfire during the later confrontation. The injured driver was dispatched to Batticaloa hospital at noon the next day, in a vehicle from Batticaloa that had to turn back because the road was closed.

On the southern side of Puthukkudiyiruppu STF camp, Abdul Cader Najimudeen, a goldsmith with a shop in Batticaloa, had been to Kaluthavalai in his car with his young son, and was returning. At Ambalanthurai junction a lorry was stopped on the road and they had the first intimation of trouble. Najimudeen asked the driver to turn back. A passenger van had also turned back at this point and returned south. At the Kurukkalmadam temple, both vehicles were stopped by STF men. The van was boarded by 4 STF men who ordered the passengers to remain inside. The car was boarded by 3 STF men, one on the front passenger seat and two on the sides of the back with the goldsmith and his son in the middle. The van had proceeded in advance of the car.

We piece together what happened to the van from testimonies made available to us. About half the civilian casualties for the day were persons in the van. The van door was closed and no one was allowed to get down, not even old ladies. Nearing Puthukkudiyiruppu, the van was stopped by a man in STF uniform who asked in Sinhalese ‘Ape kattiya innavathe?’ (‘Are [any of] our boys inside?’). An STF man in the van said ‘innava’ (‘there are’) and proceeded to get down. He was felled by a shot. The three remaining STF men fired from inside and ordered the driver to move. The van was then subjected to a hail of fire in which the 3 remaining STF men and more than half the civilians in the van were killed.

Anandarajah was a post master, a literary figure and teacher of English, who was seated next to Miss. Kanapathipillai Mohana, a computer student returning from classes in Kalmunai. Both were hit, Mohana on the shoulder and legs. Anandarajah fell on Mohana. His last words were, “I am injured. You lie down, you will be alright”. Those who knew him said, ‘That it was how he lived and also died’. Puvanendran, a postal worker in Batticaloa, was also travelling in that van with his wife, a teacher, and their little child, who were seated in front of Puvanendran. Puvanendran was hit and was bleeding. His wife holding their little child sat with him after the survivors and those injured who could be helped along, had left. No help came, and as it got dark, she ran with her child and took shelter for the night in a deserted house where the inhabitants had fled.

Najimudeen who was in the car said that as the car passed through Kiran Kulam, there was an eerie silence that made him instinctively sense trouble. Suddenly he heard gunfire. The driver stopped the car. The STF men sprang out and escaped. Najimudeen and the driver lay on the road, with the former holding his son down by placing him between his legs. Najimudeen was hit in the hand. They lay down until there was a lull in the firing. The three then joined the survivors from the van, all of whom, numbering about 14, took shelter in a single room in a house where the owners had fled.

At about 6.00 p.m. a voice called out in Tamil asking those inside to come out with their hands up. Najimudeen told the others, ‘if we do not respond, they may toss a grenade inside’, and went out with his son. When outside, he discovered that it was the STF, and told them

that there were in all about 14 of them who were mostly injured. The STF found a school bus in which all of them were dispatched southwards to Kalawanchikudy hospital.

The foregoing indicates that the LTTE broke off and withdrew when it realised that the objective of over-running the camp was unattainable and subsequently the STF men came out. In Kirankulam, the STF men fanning out in the neighbourhood were reportedly fired at from a particular house. The STF asked the inmates to come out. When no one came out, they opened fire. An old lady and a child inside were injured and later admitted to Batticaloa hospital. The house itself was set on fire by the STF. This was the only report from the area of a house being burnt.

Several travellers wanting to reach Batticaloa and unable to pass Puthukkudiyiruppu, went west from the main road from Ambalanthurai junction towards the ferry point, to make a crossing over the lagoon to Ambalanthurai. (From there they hoped to reach Batticaloa through LTTE controlled territory and then via the Valaiyiravu bridge and Veechukkalmunai.) The travellers were turned back by the STF at the ferry camp. Having walked some distance away, they received a hail of bullets in which one or two were wounded.

The following morning Mrs. Puvanendran who had left her injured husband in the van, went alone to the van which was surrounded by STF personnel. She was allowed to look and did not find her husband on the seat where she had left him. In her excitement, thinking that he had been removed to Batticaloa hospital, she went home to Kaluwanchikudy. It was only the next day(7th) that, having failed to trace him in Batticaloa, her brother and brother-in-law from Kaluwanchikudy were able to go to the van. They found his body near the foot board - perhaps he died while trying to crawl out. About 1.00 p.m. on the day after the incident(6th), the STF allowed the vehicles that had been held up during the attack to move. This was the time that many civilians and several of those injured moved out. On the same day the bodies of about 20 LTTE cadre left abandoned and found by the STF were handed over to the LTTE at Kokkadichcholai by the ICRC. But the civilian dead lay unattended.

The following morning early(7th) a parish from Batticaloa came to Puthukkudiyiruppu to check on the welfare of the children at the boy's home run by the Roman Catholic church. After he had satisfied himself on this matter, the people of the area told him of the state of the civilian bodies which were giving out the odour of decomposition. Taking a quick look with STF permission he observed about 12 bodies (there were in fact 16) mostly in a crouching position. There were also two bodies opposite the STF camp. One was of a young man from the village whose parents were crying and the other of a married man from Kaluwanchikudy whose wife was crying - both probably caught in the crossfire. The STF OIC promised a tractor to first take the bodies to Kattankudy police station. But they were then taken to Batticaloa in a vehicle from Noah's undertakers that had come from Batticaloa in connection with a separate funeral. The parish priest returned to Batticaloa and gave word about the state of affairs. It was through the Government Agent that a lorry was arranged, and the remaining bodies were brought to Batticaloa hospital around 4.30 p.m.. Among the corpses, Duke, a doctor at the hospital, recognised that of his mother's, whom he had hitherto been unable to trace. A total of about 26 bodies were brought to Batticaloa hospital. One of two or so civilians who were taken to Amparai hospital by the STF succumbed there, giving a civilian toll of about 30. [\[Top\]](#)

How the combatants behaved

On the basis of testimony recorded, the majority of the civilians killed, died because they

were used as human shields by the STF, although the fatal firing came mostly from the LTTE. The LTTE did take some measures to minimise civilian presence on the road during the confrontation. But beyond this its concern for civilians was largely token. The targeted camp itself was in an area with a concentration of civilians.

The STF camp at Puthukkudiyiruppu is said to have a fairly good reputation among the civilians of the area. Reports from the area suggest that this had not been impaired by the attack. There are no reports of the STF having gone on the rampage or wantonly killing civilians. There was an instance of a Buffel armoured car under pressure from the LTTE, which escaped by moving towards the coast. On seeing this the civilians lay flat on the ground. But no attempt was made to harm civilians.

Most of the 30 or so STF casualties were from the reinforcements. A possible instance of the STF wantonly killing someone during the incident is the case of Ravi from Puthur, a driver attached to the Kalmunai CTB depot. He and his conductor Parthiban from Araipattai, are said to have been killed. Their bus had been stopped at Cheddipalayam and was used to transport reinforcements. The two were waiting near the parked bus while the fighting was going on. One report that has wide circulation said that one or both were killed by an STF party, after this party had suffered casualties. But we have so far been unable to pin down any testimony.

Press reports said that the STF had received intelligence of an LTTE attack and were prepared. This begs the question, what were their contingency plans to reinforce camps under attack? The seemingly casual manner in which a senior STF spokesman had admitted reinforcements travelling in buses with civilians suggests that there were no credible plans. Reinforcements sometimes travelling in threes and fours using civilian shields sounds so crazy as to suggest that the STF men were uninstructed on how to respond.

Within two days after the event, the STF at Puthukkudiyiruppu had used what amounted to forced labour from the village to clear the debris and erect temporary sheds. We have pointed out in the past that such practices readily lead in a crisis to the use of human shields. [\[Top\]](#)

Responsibility towards civilian injured

When several corpses of civilians killed were brought to Batticaloa hospital 50 hours later, word got around that two of them at least belonged to persons who had died considerably later than others. Both Puvanendran and Anandarajah had been alive for some time after the shooting. The student who died later in Amparai hospital may have been saved had she been quickly brought to Batticaloa hospital that is much closer. It is also known from experience (cf. [Bulletin No.6](#)) that it is futile for a local organisation or individuals to try to rush an emergency case to Batticaloa hospital. They have often to face long delays and interminable questions from the security forces at checkpoints. In the bulletin referred to, a patient bleeding from a gunshot injury (again when the LTTE fired at a van in which a few STF men were travelling with other passengers to get to Batticaloa hospital) bled to death because it took 4 hours to cover the 4 miles from Thalankuda to Batticaloa.

Questions being commonly asked among the people are: Why did not the ICRC go to the area over next two days, when the area was not readily accessible, to look for the civilian dead and injured? What is their relevance to civilians if they are mainly handing over dead bodies of

combatants? (Of course they are also visiting prisoners.) They point out that only the ICRC may have the ability to provide quick relief to the injured. Normally it is the police who should have been the first into that area to do the needful. It is in the context of a breakdown in the local machinery for relief and law enforcement that organisations like the ICRC are called upon to play a role.

The reporting of the incident

A front page item in the Island of 7th December quoting security sources said, "29 STF commandos and at least 40 terrorists of the 'Black Tigers Group' were killed in a massive LTTE attack...The raid was repulsed by the STF personnel forcing the Tigers to withdraw. During the attack, three inspectors, two sub inspectors and 24 police constables, including 12 Reserve PCs, lost their lives..."

There was no reference to civilian casualties or to any culpability on the part of the STF. Under such circumstances the reader is normally left to conclude that the civilian dead had been grouped with the LTTE and to fear that much is being hidden.

That evening (7th December) a leading TULF MP claimed in parliament that STF personnel had run berserk killing 30 civilians and burning houses. On the basis of this, the TULF voted against an extension of the state of emergency. The claim appeared to clarify what was reported in the press under the prevailing censorship.

The STF perhaps felt the need for some damage control. The Island of 8th December quoted a senior STF spokesman obliquely admitting a degree of culpability on the part of the STF; "...As reinforcements from neighbouring STF camps in Arayampathy and Manmunai came in these buses with the civilians, terrorists who had monitored STF communications had ambushed the buses about two and a half kilometres away from the Puthukkudiyiruppu STF camp. Then they had attacked all vehicles that came along the Batticaloa-Kalmunai Road using RPGs..." There was still no reference to civilian casualties.

The LTTE press release from London the same day (8th) contained the following item: "30 Tamil civilians slaughtered by Sri Lankan army in **Batticaloa**: The Sri Lankan security forces ran amok in Puthukkudiyiruppu in Batticaloa after 40 of its members were killed there during an attack on one of its camps by the LTTE. At least 30 Tamil civilians in the area were slaughtered by the Sri Lankan forces. A complete news blackout was imposed in the area by the Sri Lankan army and no one was allowed to enter or leave the area for the past 48 hours where the killings took place."

This "English translation of an LTTE statement" was issued three days after the event closely following what was said in the Sri Lankan parliament the previous day and then in an interview over the BBC Tamil Service. Owing to the bankruptcy of the Government media and spokesmen, the latter version would be largely believed by those in Batticaloa itself, who were not immediately concerned with the incident. [\[Top\]](#)

2. The young as instruments of terror

The following two incidents illustrate how the young in a society where values have been

broken down by years of state oppression and violence are used as instruments of terror and to gather information.

Pathmanathan is a schoolboy from Arasadytivu of well-to-do parents, who is boarded in Batticaloa. The LTTE asked him to meet them for extortion purposes. When he did not respond, a caller gave him another option. If he could do the job of killing a given member of the TELO, he would become one of them (i.e. the LTTE). Then there would be no reason for him to meet them. Since P. could hardly hold a revolver, he got hold of Maharajah, an O.Level student from Palugamam living in a boarding house and studying at Shivananda College. He had been trained and worked for the local LTTE intelligence chief Ramanan, who had asked him to return to school and be an informer. He had once thrown a grenade at a police patrol in Manjanthoduwa which failed to explode. The two of them organised Koneswaran, an O.Level student also at Shivananda, who agreed to do the killing for money. The revolver was supplied to Pathmanathan by Thiruchelvam, a bus conductor, and was passed on to Koneswaran via Maharajah. The weapon was discovered by the people of the boarding house where Koneswaran lived. They asked Koneswaran to leave. Koneswaran returned the gun to Pathmanathan via the same route and moved into a new residence. Pathmanathan gave the weapon to Muraleetharan, another O.Level student at Shivananda. One Krishnakumar from Kallady, an ex-Boosa detainee who had supplied the weapon to Thiruchelvam (the bus conductor) was caught by the security forces, leading to the arrest of all those in the chain of contacts. The weapon was recovered from Muraleetharan. Also taken in were two female attendants from Batticaloa hospital, who had helped to hide some bombs supplied by Thiruchelvam.

Another case is that of Ganeshamoorthy Sivadarshan(15), an O.Level student. He was returning to Batticaloa from Paduvankarai about early October when he was detained by the air force and beaten up, having been suspected of LTTE involvement. The boy and his mother maintained that he had gone to visit the Amman Temple. The air force placed him on two months parole, where he had to sign once a week. Sivadarshan was missing after he went to the air force on 26th November. The air force maintained that he had left after reporting. His mother maintained that he was missing after going to the air force. A few days later, an ambush party caught him swimming into Batticaloa from the other side of the lagoon with a bag of bombs.

All the students caught above have been released on parole and sat for their O.Level examinations, except Muraleetharan who sat his examinations with an army guard to watch over him. [\[Top\]](#)

3. Other incidents

The following gives a selection of incidents over the past 7 months.

2nd May 1995: [Bulletin 6](#) referred to 4 persons taken by the army to Valaichenai camp of whom 3 were later found tied up in the jungle. The other, Kanagaratnam Krishnapillai is still missing.

26th May 1995: Vellavelly: Kandasamy Thambiratnam and Vallipuram Thevarajah were taken into custody by the STF at 40th colony which was witnessed by the father of the first. The two

are since missing. Having failed to trace them, Brigadier Kalupahana, who was then in charge of Batticaloa, advised the families to take compensation.

30th June 1995: Poondukalchenai, near Kiran: 18 soldiers involved in route clearing were ambushed and killed by the LTTE. A day or two later an army patrol went into the village at 4.00 a.m. when the people took alarm and ran. The army opened fire killing ten villagers. Elayathamby Tharmaratnam(33) who was taken into custody was reported missing.

30th July 1995: Kalkudah: Arumugam Jeyaganesh(15) was abducted by the LTTE at 10.00 p.m. from his father's house. The father works as cook at the Kalkudah police camp.

10th September 1995: Oddaimavady: Weerakoonlage Dayananda, a boy schooling at Minneriya, and whose father Podisingho Chandradasa works at the Valaichenai paper factory, went missing while visiting Oddaimavady. The LTTE is deemed the chief suspect.

8th October 1995: Arumugam Ganeshan of Pethalai (off Valaichenai-Kalkudah Rd.) was taken by the police in the presence of his wife. Both DIG/Police in Batticaloa and the brigadier in charge denied the arrest. About 6 days later he was handed over to the CSU (Counter Subversive Unit of the police). The elderly married man with a child is now deranged.

19th November 1995: Santhiveli: The LTTE attacked a route clearing patrol of the army along the railroad. about 40 soldiers died in the ensuing confrontation. When the army came into the village at 11.00 a.m., most of the villagers ran away. Indrani, a woman aged 24 was alone in a house. Having checked the house, the army shot her. In another house a lady was shot dead and her sister cried for help. Soldiers burnt the house with the dead lady. Eight of the injured civilians, including 4 children, were later admitted to Batticaloa hospital.

Late November 1995: Siruthayankallu: 4 children who were playing in this interior village ran when they saw a helicopter overhead. The gunner in the machine fired a shell injuring all four children (two males ages 5 & 7 and two girls, ages 12 & 11).

9th December: Araipattai: Santhiramohan(30), a carpenter, while walking on the road was called by men in uniform, assaulted and shot in the leg. The victim lodged no complaint with anyone. He was receiving treatment in Batticaloa hospital.

10th December 1995: Punnaicholai: The LTTE warned a man whose daughter was to be married to a member of another militant group. The marriage went ahead, following which the LTTE murdered the father.

23rd December 1995:Santhiveli: 33 army personnel were killed during an LTTE attack in the afternoon. No reprisals reported. The 'Virkesari' reported one civilian killed during the attack.

The abduction of Prof.Santhanam, Vice Chancellor of Eastern University

An event of considerable significance that has attracted comparatively little publicity is the abduction by the LTTE of Prof.Santhanam, who was coming to the end of his term as vice chancellor of Eastern University. During the 'peace process' of the early months of 1995, Karikalan, LTTE's Batticaloa leader, addressed a meeting of the staff in the university. Numerous allegations ranging from malpractices to political deviations were made, along with expressions such as 'Death would be the minimum punishment'. Every time someone

tried to speak, he was signalled to wait. When Karikalan finished and people tried to respond, they were given to understand that they were there only to listen to him, and the meeting ended.

The events must also be seen in the context of the LTTE's nervousness about 'regionalism' and its utter inability to come to terms with the Muslim question.

Prof. Santhanam was known to have been held in Kokkadichcholai and has been seen by a few individuals who did not report any mistreatment. The LTTE claims that he had ignored several letters calling upon him to report to them. Some had been told by the LTTE that Prof. Santhanam had to pay a sum of the order of Rs. 25 lakhs for his release - a sum which his close associates say he does not possess. [\[Top\]](#)

4. Treatment of detainees

According to citizen's groups in Batticaloa, arrests are now far fewer, and in town at least the methods of interrogation and treatment of prisoners by the Military Intelligence unit is far more professional and enlightened. Complaints about missing persons are fairly promptly looked into, and nearly all of them have turned out to be false alarms - in the town at least. In this respect Colonel Dissanayake, who heads the unit, and his assistants Lieutenants Abeyssekera and Bandara, have been described as 'very fair'. (See the case of the school boys above.) The situation in Valaichenai is still described as very unsatisfactory. [\[Top\]](#)

5. General behaviour of the Forces

The fact that villagers still run when they see a patrol approaching, particularly after an incident, shows that the old problem has still not been addressed - that of the army continuing to be seen as an alien and hostile institution. Villagers continue to assume that the risk of running away and getting shot is less than that of staying at home and getting shot.

In areas that the Forces have ceased to control, the attitude seems to be 'anything goes'. A year ago the armed forces controlled much of Paduvankarai (sunset shore). Following the resumption of war in April and the closure of smaller camps, the LTTE had asserted control. Since then the areas were shelled and now they are being bombed. The case of the 4 children above who were injured is typical. Villagers have also complained about the use of barrel bombs. These are crude devices that are pushed out of aircraft and are untargetable. The use is suggested by the admission to hospital of about two female patients with extensive skin burns.

The use of human shields by the forces, which received some publicity during the middle of the year (eg. our [Bulletin No.6](#) & Macan Markar in the Sunday Times of 11th June 1995) has refused to go away. Shortly after the resumption of war, the army route clearing patrols used human shields in the Sittandy and Commaturai areas. In June the army got local civilians to sit in front of Sittandy and Morakkothanchenai army camps. These were stopped shortly after the Batticaloa Peace Committee & MPs protested. But the BPC had little influence in STF controlled areas. Apart from being cowardly and reprehensible in itself, the practice of using human shields reveals a cavalier approach to the basic rights and dignity of civilians. It does not take much imagination to answer the question, "How do civilians living in the vast

expanses of territory in the East, which are regularly subject to military activity, see the Government and its forces?" [\[Top\]](#)

The Government and civilian security

The question is important not least in view of the Government calling upon the civilians to return to Jaffna. The President in her address to the nation on 6th December after the army took control of Jaffna, said: "I invite all those who left Jaffna to return to your homes and lands, and live normal lives in peace and security. My Government undertakes to ensure you that..."

The situation in Batticaloa gives us some idea of the extent to which this laudable aim could be translated into practice. Impunity, despite improvements, remains the norm. If the Forces come under pressure, the civilians could with impunity be shelled, sometimes summarily killed, have their houses burnt or be used as human shields. Why do people continue to run from the forces? Why are people afraid to protest and meekly allow themselves to be used as human shields? The answer is surely that the Government is yet to take any significant positive action to assert the rights of the people who are punished through more violations instead of those perpetrating them. If what the Government 'undertakes to ensure' cannot stand up in a crisis, the pledge becomes largely rhetorical. The Tamil parties too must share the blame for not addressing these issues with consistency and foresight, rather than make dramatic gestures when what is waiting to happen, happens. As regards human rights, we are far from being out of the woods. There is no cause for human rights monitors to relax their vigil.

The need for the vigil is not to deny the fact that there have been notable improvements, but more so to ensure that these are stabilised against the constant threat of relapse. The changes which have quantitatively increased restraint among the forces in the East, are yet to yield a qualitative transformation. This is crucial for the Government to gain legitimacy among the people.

The cause of human rights is also imperilled by the prevailing popular confusion about military and political objectives. The Government, for example, is accused of having lost control of the East, which the former UNP Government is said to have secured by early 1993. What sort of control it was, needs to be examined. There used to be a large number of army camps that could contain a relatively small LTTE presence, but not a huge influx of cadre from the North. The LTTE continued to make its presence felt in the villages through extortion and executions.

The people who managed their lives in constant fear of both sides, did certainly not identify with the government forces. The latter remained aliens whose massive violations targeted against the Tamil community, particularly during 1984 - 87 and 1990-91, remain a vivid memory. Several known offenders continue to remain at large. The control we are talking about is therefore a stifling one, requiring a large military presence and beset with constant danger. How each of the army and the LTTE relate to the people was clearly brought out by the following remark made by a civilian in the East. He said, "When the Tigers attack and kill the army, the people feel good. Yet, when the army kill the Tigers, the people are not sad".

Hence without political movement, the control referred to was at best tantamount to the control of an occupying power. Once the army camps were withdrawn from the rural areas, the LTTE quickly took control with no significant political challenge to its claim of legitimacy. The kind of control that is talked about therefore is costly, ephemeral and meaningless in the absence of a political process of reconciliation that restores accountability to the people. Such a process is yet to get off the ground.