

**University Teachers for Human Rights (Jaffna)**  
**Sri Lanka**  
**UTHR(J)\***  
**Information Bulletin No. 29**  
**Date of Release: 26th October 2002**

**The Meaning of "People's Action" and the  
Consequences of Prolonged Negotiations**

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## **1. New Doubts and the Challenge**

Five incidents since the first round of peace talks in mid-September have raised new doubts and placed the process itself under a pall of gloom. The first was the arrest by the LTTE of 7 soldiers from the Vilgam Vihara camp who were collecting sand nearby in what the SLMM has pronounced a disputed area. The other four have involved LTTE- instigated "People's Action" with clear politico-military ends. The first was the use of school children in the violent demonstration opposite Valachenai police station on 1<sup>st</sup> October; second, the attack on the EPDP at Delft on the night of 5<sup>th</sup> October; third, the tyre-burning and stone throwing demonstration outside the Kanjirankudah STF camp that resulted in 7 civilians being killed and fourth, the tyre-burning "peoples' protest" in Trincomalee that led to three protesters being killed in a grenade explosion.

These actions may be regarded the continuation of war by other means that are less lethal for the present. But one cannot have illusions about the long-term consequences. Were the Government and the LTTE serious about long term peace, the priority in negotiations ought to be the political solution. For the LTTE, given its present "strong" position, its first objective, if in search of a political solution, should be to reassure the Muslims and Sinhalese in the East that it respects their rights and dignity. Forbearance is a test of strength and maturity. The LTTE's recent actions are, however, calculated make the Muslims and Sinhalese feel more insecure and to tear apart the delicate social fabric of the East.

The removal or reduction of Army and STF camps in the North-East is a legitimate objective. But the means to attain that end is by arriving at a political solution thorough the peace process. The current wisdom as expressed by the Norwegians and the Government is that talks will go on for several years. But the LTTE clearly does not want to wait that long. Its use of the civilians to remove security forces' camps by turning a section of them into tyre-burning, stone-throwing mobs raises many thorny questions.

In entering into a peace process knowing the LTTE, the Government should have been ready with strategies to deal with situations such as those above without precipitating a return to war. But we find a government very much at sea, trying to postpone the reckoning to another day. Were the Government prepared, the situation in Trincomalee could easily have been controlled.

Given the urgency of the crisis the truth is important and several incidents, as those above, are in danger of becoming obscured by the claims of the Security Forces, the propaganda of the LTTE as orchestrated through the TNA, and the SLMM's patching-up diplomacy. The disposition of the people condemned to increasing powerlessness and caught between the LTTE's lethal manipulations and long-standing disillusionment with the politics of Colombo, tends to get lost. We no more than try to throw light on obscure features of some of the incidents above. It will be seen that the Government's ability to restore peace would also hinge on raising the tone of law enforcement in Sri Lanka from its present abysmal level.

## **2. The Arrest of 7 Soldiers: 25<sup>th</sup> September**

The LTTE arrested these soldiers while they were collecting sand, not far from Vilgam Vihara camp. One of them was armed and in uniform, the others were unarmed and in civil. This was in an area where the line of control may not have been clearly known and the soldiers appear to have done this many times before. If there was a dispute the LTTE should have got the SLMM to resolve it.

According to press reports the LTTE agreed to release the soldiers to the Army on the same day and subsequently to the SLMM on 27<sup>th</sup> and 30<sup>th</sup> September and failed to deliver. In the meantime tension was rising among the Sinhalese population in Trincomalee, which spilt over into a tyre-burning demonstration having implications for later events.

One soldier was released to the SLMM subsequently on a plea that his son needed him for a blood transfusion. It also became clear that the LTTE was holding the rest for the release of two of its cadres held by the Kantalai Police and remanded until 10<sup>th</sup> October by the Trincomalee Magistrate under the Offensive Weapons Act. They were reportedly in possession of weapons while felling timber in a forest reserve.

Through the offices of the SLMM an arrangement was worked out where the LTTE men filed a plea for bail in the Court of Appeal on 8<sup>th</sup> September and the Attorney General stated that he would not object to bail. A very displeased Justice Raja Fernando said that in view of the situation in the country, the Court would not stand in the way. The Trincomalee Magistrate granted bail the following day. The LTTE released the soldiers to the SLMM the same day. The indignation and annoyance felt by the Justices on account of being arm-twisted by the LTTE was reflected in media commentaries.

A salient feature in this incident, according to well-placed sources in Trincomalee, is that the LTTE leader Prabhakaran was dealing directly with his men in Trincomalee, while Tamil Chelvan's political office was acting as a post box in dealings with the SLMM.

The incident stands in sharp contrast to the report by the *Sunday Island's* defence correspondent on 25<sup>th</sup> August that the LTTE leader had ordered his area leaders to ensure that there are no incidents that would disrupt the first round of talks scheduled for mid-September. The impunity with which the LTTE has acted after the talks in a series of incidents also points to strategic calculations in the timing.

### **3. The Attack on the EPDP in Delft**

5<sup>th</sup> October: Four drunken men set up by the local LTTE leader, Kannan, taunted the four EPDP men in the office that night with obscene slogans. When the EPDP men came out, they were attacked and Ameen of the EPDP suffered a minor cut injury from the sword wielded by Carter, a shopkeeper, who was the leader of the drunks. When Carter raised his sword again, he was pushed by an EPDP man and fell suffering a cut on his head. The drunks ran away. Kannan who was supervising the affair roused the villagers saying that some of them had been attacked and came with a larger gang, whom he urged to barge into the EPDP office. The raiders grabbed Ameen. The rest of the EPDP men escaped to the Police post nearby. Kannan warned the Police that should they shelter the three men or intervened otherwise, there will be 'people's action' against them too. The Police stayed inside.

Joined by Kannan and his deputy, Ameen was tied up, beaten personally by Kannan and made to confess on tape that he is in the EPDP under duress and would like to be freed. The next day he was handed over to the SLMM who visited Delft and is now back with the EPDP. The LTTE is clearly intent on complete control over Delft Island that has considerable strategic value, lying 25 miles from Rameshwaram, with Kachchaitivu half way between.

What is noteworthy here is the LTTE using civilians for the dirty work while issuing instructions from a discreet distance. The *Island* report also shows the Jaffna Police lacking clear instructions and trying to play safe with the LTTE. When asked by the *Island* the Police said that the attack by an 'unidentified gang' is consequent to an altercation on the same day where an EPDP member knifed a shopkeeper in the area! *Tamilnet* and other Tamil papers carried this version of events. Seelan, the second in the group of drunks, has now been appointed by Kannan to spearhead 'people's action' to evict the Police.

### **4. The Incident at the STF Camp in Kanjirankuda: A Case of Shifting Evidence: 9<sup>th</sup> October**

This was among the two most serious incidents in the series resulting in 7 civilian deaths. The main incident at the STF camp is the most difficult to elucidate because of the contradictory accounts circulated in the English and Tamil media and even locally there was much confusion. The incident stemmed from the supposed beating up of two LTTE men in a tractor at the STF checkpoint, at about 10.00 AM and led to an indignant stone-throwing demonstration at the Kanjirankudah STF camp late in the evening. According to the STF chief, they opened fire to prevent LTTE, or LTTE supporters from causing extensive damage. We will go through the sequence step by step, examining the available evidence.

#### **4.1 The alleged beating of two LTTE men: 10.20 AM**

A private tractor driven by a civilian, N.Susikaran, came from Rufus Kulam and turned towards Thirukkovil at Kanjirankuda junction. The tractor which also carried two LTTEers, Pottuvil area leader Viswanathan (Visu) and Sukikaran ( Christryraj). In an account almost entirely dictated by the LTTE, the *Thinakkural* (10.10.02) claims that the STF stopped the vehicle and severely beat up all three, and even when the LTTEers identified themselves they were beaten with rifle butts and mamotty handles. According

to this account, the three proceeded to Thirukkivil and were warded in hospital, from where the SLMM was summoned. A similar version was given by *Tamilnet*.

Mr.R.Samapanthan, MP, issuing a statement on behalf of the TNA evinced some reservation in saying that the two LTTEers were attacked. Having described the attack on the civilian driver 'by some STF personnel' as 'unwarranted and provocative', he added, "*The LTTE cadres were themselves attacked by STF personnel*". The SLMM statement issued the following day made no reference to such an attack on LTTE men - a significant omission if it were true. The STF denied it.

Our sources have revealed a different version. The tractor with the two LTTEers and driver had gone to the LTTE-controlled Rufus Kulam area in the morning carrying sand and had ignored the order by STF guards to stop at the check-point. On its way back, the STF blocked the road with a log and stopped the tractor. The civilian driver was beaten up in normal STF fashion, but the two LTTEers were, according to our sources, not touched. This we reliably understand was witnessed by passersby. The LTTE men then tried to get themselves warded in Thirukkivil hospital. We also understand from local sources that the doctor found no signs of injury on the two LTTEers.

Here, the STF's assault on the civilian driver is itself a typical example of the manner in which they deal with civilians. They have the right to stop and inquire, or to apprehend the tractor and complain to the SLMM in order to resolve the matter. But the STF, which is used to humiliating civilians in this fashion, lacked the ability to deal with the situation rationally.

#### **4.2 Collecting a Demonstration**

Following the incident above the LTTE instigated protests all over the Amparai District, claiming that two of its members had been beaten by the STF. Tyres were burnt in places including Kalmuani, Sammanthurai and Akkaripattu, and in Thirukkivil in front of the STF camp. Schools closed at 2.00 PM as usual and children and older persons were practicing in school premises for the sporting events scheduled for the next day in celebration of LTTE women fighters. Agents of the LTTE, often local toughs, went to schools and other public places and called people out for a demonstration using a combination of emotional appeal and coercion.

One well-known agent is for example a shopkeeper. He had no militant connection, but was detained in Boossa without charges and released under the Indo-Lanka accord in 1987. He simply harbours an anti-security forces feeling and is ever ready for a confrontation. Now in his late 30s, he was among those at the forefront of organising school children for the demonstration at the Thirukkivil STF camp on 22<sup>nd</sup> May. He was hospitalised with injuries following the Kanjirankudah incident on the day in question.

At Thambiluvil Central College children and others practising for the following day were summoned out. Extra classes were being conducted for A Level students. The teachers were ordered to stop so that their students could join them. Nearly all the A Level students, sensing danger, pretended to go along and slipped away home. Those who were caught were mainly younger children, one of whom, a 15-year-old boy from the school, was later killed.

A crowd was also collected from Vinayagapuram on the way to Kanjirankuda. This is a poor village that had suffered significantly from the security operations of the STF that included torture and murder. Many have also been denied access to their fields for many years by the STF giving security reasons. It also has a refugee population from areas that are interior from Kanjirankuda, including Thangavelayauthapuram that suffered a major STF massacre in 1985. Although rehabilitation officials including the Defence Secretary held a meeting in Vinayagapuram in May this year, to discuss the resettlement of refugees and promised money and infrastructural help, nothing has been done so far according to local sources.

The demonstrators numbering several hundred reached the Kajirankuda STF camp, four miles south of Thirukkivil, at about 6.00 PM. According to the *Thinakkural* they burnt tyres on the road. It is generally admitted that many demonstrators threw stones at the STF camp and shouted slogans. More mature persons in the area thought this utterly foolish, as it was a late hour in a lonely place when there is hardly anyone on the Pottuvil Road.

It may be observed that the demonstration was not about the civilians becoming justifiably angry about the treatment they had received from the STF and launching a spontaneous protest. It was rather about local LTTE cadres involved in an unwarranted incident with the STF, instead of getting the SLMM to mediate, using the people as a tool to demonstrate their "power".

The STF at Thirukkivil knew two hours in advance of the crowd moving to Kajirankuda, giving enough time to think about how they would handle the situation. At Thirukkivil for example on 22<sup>nd</sup> May, the STF fired into the air and sent an armoured car out and the crowd dispersed. The problem here is not simply one of security, but is also deeply political involving a long history of state violence. The troubling question is whether the STF had sufficient reason to fire at the crowd at Kanjirankuda.

### 4.3 The Shifting Evidence at Kanjirankuda

#### 4.3.1 What the STF chief said

Anyone putting together the shifting claims made to journalists by Nimal Goonetilleke, DIG (STF), as the evening progressed, would feel very uncomfortable about the STF's action. Judging by the contents and logistics, one gathers that the first statements he made were the ones appearing in the *Island* and *Mirror* the following day (10<sup>th</sup> October).

Goonetilleke told the *Mirror* (10.10.02) that the STF had first fired tear gas to disperse the stone throwing mob, and *'had opened fire in self-defence after the crowd had set fire to the summer hut - a resting place for STF personnel - and forcibly entered the camp'*. The *Island* report mentioned in addition damage to security lights and communication lines.

The damage mentioned here refers to items on the periphery of the camp. The summer hut featuring prominently in these reports is outside the camp at the southern end on the opposite (lagoon) side of the road - a redecorated bus shelter.

The *Island* report speaks of two LTTE cadres killed by STF firing when they had continued causing damage. Goonetilleke had also told the *Mirror* that the mob destroyed the radio mast inside the camp and the same report adds that two persons were found dead inside the camp and two outside.

Some new elements, especially the claim of the STF having come under fire, enter into what Goonetilleke told BBC's Frances Harrison in a report on the web site posted at 10.03 PM local time, the same day. According to this version the STF fired tear gas and rubber bullets to disperse the demonstrators when they came under fire from rebels or rebel sympathisers. Then the attackers entered the STF camp and set fire to two bunkers and damaged security lights, at which point the STF fired back, killing two within the camp premises and two outside.

The SLMM monitors visited the STF camp at 8.00 PM. Subsequently Scott McDonald of Reuters contacted SLMM spokesman Torkelsson. The latter quoted STF officers as saying that the crowd attacked them with stones, molotov cocktails and firearms, and the STF responded with tear gas, rubber bullets and live rounds.

**Its were as though someone who had beaten off an attack by armed rebels, first recounted the destruction of a thatched hut outside the camp along with some lights and at long last remembered that their lives had been placed in imminent jeopardy by gun fire and molotov cocktails.**

What is immediately evident, however, is that the STF top brass were plagued by the feeling that their successive explanations about firing lethally at civilians were unconvincing and needed further padding. And so the purported evidence kept building up. We shall see that a crucial omission in the picture the STF tried to paint is the presence of STF men from Thandiady outside the camp. It changes the picture drastically.

### 4.3.2 The SLMM

Remarkably, when the SLMM monitors visited the camp around 8.00 PM, they found three dead bodies inside the camp, instead of the two claimed by Goonetilleke. A fourth was distinguished by being 5 metres outside the camp. The SLMM's statement released the next day was also a reflection of the monitoring group's limitations. While indicating that their main informant was the STF camp commander, the statement gave much credit to the STF version of events - a crowd out of control broke into the camp through the main entrance and barbed wire fence shooting and throwing stones. The STF accordingly fired '*tear gas, rubber bullets and then live ammunition*'. The SLMM found that the '*four people had lost their lives exactly where their bodies were found*'. There was no reference to molotov cocktails.

The SLMM had evidently not taken any civilian testimony into account, especially that of the injured. We shall see that this aspect is more awkward on account of the SLMM's arrival helping a crucial witness who was in hiding. While the STF was anxious to make out that some of those killed or injured were members of the LTTE, the SLMM found no evidence of this.

The STF claimed that Vijayaprakash and Nagarasa among the casualties were members of the LTTE (*Island* lead, 11.10.02). There was no name resembling Nagarasa in the lists of killed and injured in the *Virakesari* of 11<sup>th</sup> October. Vijayarajah Jeyaprakasam (19) of Vinayagapuram was among these listed killed. The reason for identifying 'Vijayaprakash' as an LTTE cadre is evidently that he was a PTA detainee, though never charged in court. All that could be said about this 'Vijayaprakash' is that he had a legitimate grudge against the system. The fate of this youth as we shall see points to the viciousness that took over.

The eagerness to identify LTTE men among the direct participants in the 'demonstration', apart from the STF's need to hide the unconscionable, is based on a total misunderstanding of current LTTE strategy. This will become clear when we deal with the event in Trincomalee. Among the seven killed were two minors, one of whom was Manaar Satheeshkumar (15) of Thmabiluvil Central College. Gnanasunderam Pratheepan (15) was the only minor among the 14 hospitalised with injuries.

### 4.3.3 Was the STF fired at?

The key justification adduced by the STF for firing at the crowd is that they had been fired at. Neither in statements given to the Press by STF officials nor in the SLMM statement is there reference to any gunshot injury suffered by an STF man. Except for the gun which the SLMM saw outside the camp, no productions have so far been reported in the media to suggest that firing took place from within the crowd. The SLMM too had initially been willing to extrapolate from the single gun and conclude that the rifle found close to where the crowds were, '*indicated that some among the crowd were armed*' (Torkelsson quoted by AP, 10<sup>th</sup> October 7.15 EDT). However, by the time the SLMM issued its statement, it appears to have had second thoughts and merely mentioned the physical fact of a rifle found there.

The strongest indication that the rifle was planted comes from the failure of STF chief Goonetilleke to mention firing from the crowd in his earlier statements - he only spoke of stone throwing. After talking about some external damage (including to the summer hut), he said that a crowd had forcibly entered the camp and '*had we not opened fire they would have ransacked the armoury...*' (*Mirror* 10.10.02). Testimony from civilian witnesses too contradicts the STF claim that they first used tear gas and rubber bullets. The first thing the civilians knew was live firing - they were fired at in anger.

The foregoing suggests strongly we must question most of what the STF has claimed. Owing to the dubious nature of the claims, many impartial persons in the area, by no means fond of the LTTE, were skeptical about claims of damage caused by the civilians. Moreover, they felt certain that some or all the dead bodies found in the camp had been dragged inside by the STF. We will examine the evidence.

## 4.4 The actions of the crowd and damage to the camp

There is general agreement that the crowd at the camp acted provocatively, shouting slogans and throwing stones. Many of the injured questioned have readily admitted 'we only threw stones'. Many have also spoken bitterly of the LTTE and its agents who orchestrated the procession on fictitious premises and have

blamed them rather than the STF. We also have testimony to the STF being provoked by the destruction of the summer hut.

The first report of substantive damage we received from a Tamil source is from persons who admire the LTTE and move closely with local leaders. These persons reported the damage to the camp matter-of-factly and were thrilled with the political capital earned that day by the STF's killing of seven Tamils. According to them the crowd broke the STF signboard, the gate, some of the security lights and part of the fence. They also thought that the damage to the Buddhist shrine near the entrance was caused later by the STF and not by the crowd. Thus initially even the LTTE was not clear about what had happened.

#### **4.5 What Went Wrong?**

In piecing together what really happened, we were frequently confronted by partial or distorted accounts that people believed to be true, but were ultimately misleading. Among them was the report in the Tamil Press that STF troops from Thandiyady (south of Kanjirankuda) who arrived on the scene, fired randomly at the protesters, which in turn was followed by the STF at Kanjirankuda firing at the crowd in the same manner. This might suggest a planned massacre. But this was not so. However, the presence of troops from Thandiyady in support of those at Kanjirankuda was suppressed by the STF to build a picture of a camp in imminent danger, besieged by a large rampaging armed mob.

We also received persistent testimony from the injured and the people of the area that the crowd never entered the STF camp and that the damage caused was minimal, while they freely admitted that they threw stones. Of crucial importance in putting together this picture has been the testimony of community leaders and residents who have spoken to many of those who were in the demonstration and have verified particular facts.

The demonstration passed the Thirukkivil STF camp noisily without incident about 4.00 PM, collecting crowds in Vinayagapuram as it went along, reaching Kanjirankuda about 6.00 PM. For some reason the local LTTE leader Visu appears to have had second thoughts about demonstrating at the Kanjirankuda camp. Perhaps he felt that if things went badly wrong his claim to have been assaulted by the STF might come under embarrassing scrutiny or he may have wanted to avoid an incident on his account.

Visu travelling on a motor cycle overtook the demonstration as it was approaching Kanjirankuda and told them that they had come far enough and asked them to turn back. However, the leaders of the demonstration had worked themselves up in to high spirits and struck a compromise. They said they would go up to the STF camp, have a token protest, burn a few tyres and turn back. On reaching the camp, they threw stones, shouted slogans, damaged some security lights by throwing stones at them, pulled out some bladed wire found at the fence, and started burning tyres. On the question of whether they broke the entrance gate, their answer was a clear no. Some argued that the STF would never have let them do that.

What the demonstrators did not know was that the STF had brought a truckload of men from Thandiyady, dropped them in view of the Kanjirankuda camp and withdrawn the truck out of sight. These men were hidden to the south. The demonstrators had been at the camp only a few minutes (5 to 7 minutes according to local sources) when they saw the men from Thandiyady advancing towards them firing into the air. This is a point we have been at pains to verify. No one was killed or injured by firing from the Thandiyady men. So far it seemed a routine plan to drive the demonstrators back where they came from. The demonstrators who were unarmed and had not come to wage war started moving back.

What happened next was also a tricky question. Based on several testimonies, it seems clear that the commander of the Kanjirankuda camp did not give the order to fire. According to the demonstrators it is a few individual STF men from Kanjirankuda who fired at the crowd withdrawing from the advancing Thandiyady men. They say they can identify these individuals. The one who started firing is described as a dark short man whom they had often seen playing cricket. Some others were firing into the air. One witness said he saw the camp commander trying to stop those shooting at civilians.

A community leader told us: *"There were hundreds in the crowd. If all the STF men in the camp had fired at the crowd there would have been a huge massacre, instead of the seven killed and fourteen injured. In*

*every group there are a few bad men. Three communal minded men in a group of fifty can do a lot of damage.*" This leader was also clear that the crowd at that time posed no threat to the security of the STF. He visited the site and said that the bloodstains of the injured were more than fifty yards from the entrance to the camp towards Thirukkovil. It is not as though they were trying to enter the camp. Those fired at had been in the process of withdrawing. He said that he did not find bloodstains near the entrance. He disbelieved STF claims about attackers having been shot dead inside the camp.

#### **4.6 The Doctoring of Evidence - Brutality Takes Over**

We have already encountered instances to suspect the doctoring of evidence - almost certainly the gun found outside the camp by the SLMM. Then we have the two dead bodies inside the camp claimed by Goonetilleke becoming three when the SLMM arrived.

When the crowd heard the firing they scattered in panic. Some fled with light injuries. Several of them jumped into waist deep water in the lagoon opposite. Some fell into the defensive ditch along the STF camp and were unable to move. There have been persistent stories in circulation from those who were injured and others who escaped that they had seen bodies of dead or injured being dragged into the camp and worse. Some testified to footwear left behind by the fleeing crowd being taken into the camp, all in an effort to create an impression that the camp had been stormed. We give below a crucial piece of testimony.

#### **The Experience of P**

P (name suppressed) from Vinayagapuram, who is in his early 30s, ducked into the lagoon opposite the camp and lay hidden afraid to move. He saw a boy injured in the leg lying on the road some distance from the gate. He saw STF men dragging him and placing him near the bladed wire roll along the camp fence. He was then shot in the head and a gun was placed by his side. This was the youth Vijayarajah Jeyaprakasam (19), whom the STF as seen earlier was anxious to pass off as a member of the LTTE.

And so some time about 7.00 PM the stage was set for the STF chief to come out with the new story that the camp had been attacked by an armed gang. P, according to local sources, escaped later by identifying himself to SLMM personnel who came there. This makes the SLMM's virtual acceptance of the STF's version of things even stranger.

We see here a frightening phenomenon taking place even under a cease-fire. We can be sure that the STF hierarchy and the local camp commander did not want civilians to be killed in this manner. But once it happened, perhaps in a mood of panic no pains were spared to cover it up. The rational course for a professional body would have been to help the injured and place those who fired at civilians without orders under arrest pending an inquiry. This would also have limited the damage. Instead barbarism was allowed to take over in a move to cover up and the killing of at least one injured person has been countenanced to build up a scare story. The State has been placed in an utterly discreditable position as the result.

**In a peace process where trust, confidence, respect for truth and human values are at a low ebb, there is a lot of insecurity around. Instead of leaders directing the actions of key institutions, in the Kanjirankudah incident and the Trincomalee incident below, we find the actions of institutions being determined by initiatives taken in anger by individuals way down the line. The hierarchy has simply let go to cover up. In both instances urgent medical care was withheld from the injured.**

In judging this whole matter one has also to raise questions about the nature of Tamil nationalist politics that has use for people only as dehumanised cannon fodder. Similar issues are raised by the incident in Trincomalee on 11<sup>th</sup> October.

#### **5 Trincomalee: The Reopening of Old Wounds: 11<sup>th</sup> October**

The LTTE leadership called for a *hartal* (stoppage) all over the North-East on this day over the incident in Kanjirankuda. This was in addition to the *hartal* in parts of the East called by the local leadership the previous day. In Trincomalee it came a few days after the *hartal* called by its Sinhalese residents on the 5<sup>th</sup> over the arrest of 7 soldiers by the LTTE. Then too tyres were burnt in various parts of the town and traffic



was stopped. Although the Police should have prevented it, they allowed it. Nor did the Tamil population interfere with it. The LTTE's *hartal* thus took on a competitive aspect to which Kanjirankuda was marginal.

The LTTE's modus operandi was very much as before. It started it off and stayed clear. In the morning LTTE men urged Tamils to come out and burn tyres on the roads. A brother of Aingaran, a recently disgraced local leader, was among the LTTE men burning tyres in town. A feeling of being suppressed by the State in Trincomalee has created a latent tendency for the Tamil mob to follow anyone who would help them to assert themselves. On this occasion, many went out believing, mistakenly, that the LTTE would protect them, in the way that Sinhalese mobs had been protected by the State over the years on several occasions.

For a start it looked as though the Police were ignoring the Tamil tyre burning protesters as they had ignored Sinhalese protesters a few days earlier. Tamil protesters from Anbuvelipuram and Gandhi Nagar (Anuradhapura Junction) burning tyres met resistance from the Sinhalese colony of Abhayapura to the south, where the two groups threw stones at each other. Here three Tamils were killed in a grenade blast and a large number were injured.

At Linganagar south of Abhayapura on Inner Harbour Road, a group of men identified as policemen arrived in a jeep and started beating up the Tamils and then fired at them. At Padukkai, adjoining Thirukkadaloor, at least two Tamils were badly injured by explosive devices thrown at them by persons from Sirimapura. With a mixture of partial truth and speculation doing the rounds, there was in Trincomalee itself much confusion about what had happened.

The TULF's R. Sampanthan charged that a peaceful Tamil *hartal* had been tragically disrupted by lawless elements. To the Government this was unwelcome news at this time. Defence Secretary Austin Fernando made allusions to a conspiracy to disturb the peace process and mentioned the numbers killed and injured in the explosion of a grenade of unknown provenance.

The Police were quick to put out a story that a grenade carried by a protester had exploded, killing himself, two others and injuring many more. This story was given wide coverage in the Colombo media. Of the three who died, two were family men and the other, a boy. A nine-year-old child Pratheepan was among those injured.

Not surprisingly, nearly all the injured were from the poorest sections of society, especially from a community of sanitary labourers of recent Indian origin. Most of the injured had right along pointed a finger at the Police and said very clearly that they could identify the culprits. Their status in society also ensured that what they had to say remained suppressed, with only garbled versions reaching the middle class.

### **5.1 The Strange Behaviour of the Police**

It was certain public aspects of Police behaviour that made immediate ripples in the upper reaches of the society. The Police were there near Anbuvelipuram when the explosion caused a large number of casualties. But they did nothing to clear the Sinhalese mob to enable the injured to be taken to hospital. Nor did they assist the injured, until perhaps very late. In fact ambulances coming from the hospital were stoned. Dr. Rohan Kumar who attempted to get to the casualties in an ambulance was apparently manhandled, and his driver beaten, by the mob at Abhayapura. Another ambulance bringing a patient from Mutur was also stopped and the driver assaulted and his spectacles broken, apparently for contemplating taking some of the injured along. The Police put him back into the damaged ambulance and enabled him to proceed.

Prevented from taking the injured to hospital, the local helpers first took them to the refugee camp at Alles Garden, Uppuveli. Here again there was a long delay because the coast road to the hospital involved passing through Sirimapura. According to one youth, he was in the first boat of injured to be taken from Uppuveli to the Hospital by sea. Reports in circulation that the Navy blocked boats taking the injured to hospital are wrong.

To the Tamils, the incident rekindled the feeling of vulnerability they had experienced repeatedly since 1977, especially from 1983-87 and 1990. This was grist to the mill of LTTE politics.

## 5.2 Mr. Sampanthan's Report

A series of versions emerged from the security forces in a bid to contradict that given by the local MP, Mr.R. Sampanthan. In a final report sent to the Prime Minister on 14<sup>th</sup> October, Mr. Sampanthan stated, *"I have met all the injured persons who are inmates of the General Hospital, Trincomalee. Four of the injured persons have been transferred to the General Hospital, Colombo, in view of the serious nature of their injuries. All the injured persons admitted to the General Hospital, Trincomalee numbering 54..., including those transferred to Colombo are all Tamils. I have also met with the families of the three persons who have been killed, (i) Sonamuthu Konalingam, (ii) Christie Mayuran, (iii) Kanapathipillai Sasinthiran, all of whom are Tamils. No Sinhalese person has been killed."*

Mr. Sampanthan went on to sketch three of the main incidents:

- (i) Thirukadaloor (Padukkai): *"Two Sinhalese persons believed to be home guards [from Sirimapura] flung grenades and fired into the Tamils. Three Tamils were injured, one of them seriously."*
- (ii) Entrance to Anbuvelipuram: *"Some Sinhalese from Abhayapura demonstrated against the Tamils. The Police threw themselves completely on the Sinhala side. The Police threw a grenade and fired into the Tamils. Three Tamils whose names I have given above were killed, and a large number of Tamils were injured. Everyone of the persons injured whom I have spoken to at the General Hospital, was definite that the grenade was thrown and that firearms were used by the Police."*
- (iii) Linganagar Junction: *"The Sinhalese from Mud Cove, some distance away, demonstrated against the Tamils. A Sub Inspector and several Police Constables according to my information were endeavouring to explain to the Sinhalese that they had done exactly the same on the 5<sup>th</sup>, when a police vehicle arrived on the scene. Police personnel who came in this vehicle threw grenades and fired into the Tamils. Every injured person I spoke to has confirmed that the grenade and firearm attack was carried out by Police Personnel who came in that vehicle."*

Mr. Sampanthan was clear that no untoward incident would have happened if the Police had behaved towards this demonstration exactly as they had behaved towards the Sinhalese demonstration on the 5<sup>th</sup>.

## 5.3 The Security Forces' Versions

The first version given by the Security Forces was that 'A hand grenade carried by a person had exploded killing him and two others with him' (Norman Palihawadene, *Island* 12.10.02). This would have implied that the bodies of one of the dead would have been mangled. However the postmortem examination did not support this version. We reliably understand that one of the dead was close to the blast while the other two were at some distance. There were no injuries such as multiple ones to suggest that any of the dead had carried the grenade.

Another version communicated to us as coming from an intelligence outfit gets over this difficulty at the price of a more unlikely scenario. It says that an LTTE grenade placed in a tyre exploded when the tyre was burnt.

In the coming days a further version came from senior security officials in Trincomalee introducing a fourth victim. It is maintained that this was the LTTE cadre who carried the fatal grenade leading to his body being mangled. The body, the version goes, was quickly removed by the LTTE and transported to Sambur.

There is a common factor implicit in all these versions. None speaks of a grenade that was thrown. All of them refer to a blast above the ground as corroborated by the absence of any blast mark on the road. This is

also consistent with Tamil civilian testimonies, which have said from the beginning that the grenade thrown by a policeman fell into a pile of tyres and exploded.

A particular weakness in the Security Forces' versions is the fact that they have been shifting. The Police were there. Had the grenade exploded while being carried, the Police would have seen the corpse and said so immediately. Trincomalee is saturated with security forces. Were the Police acting professionally, they should have had the area cordoned off and helped the injured to get to hospital. Then everything would have been clear. Instead they acted as though the injured were the enemy and connived with obstructing urgent medical care that they needed. Now they appear to be in the business of closing the barn door after the horse had bolted, reacting to the medical evidence with new theories.

The MP Mr. Sampanthan said that if there were any truth in the versions of the Security Forces they should have established these early. He added that neither was his version disputed, nor other versions presented, when the ministerial team led by John Amaratunge visited Trincomalee on 13<sup>th</sup> October. Even the local UNP organiser, Ranjini Serasinghe, was suggesting that outside elements had entered Trincomalee.

The only investigative feature to have appeared in the media was carried by the *Daily Mirror* of 19<sup>th</sup> October. It gives a variety of testimonies, which raise questions about the role of the Police, but inclines towards the Police version of a grenade carried by a demonstrator at Anbuvelipuram. It misses the fact that there were incidents in three different places. All of them testify to the *mala fide* role of the Police. The report provides a civilian testimony that the thrown grenade exploded upon falling into a tyre, but implicitly rules it out because the same man also said, mistakenly, that one of the dead was stabbed. These are humble people who mix up what they see with surmises from others. But hardly have questions been raised about the absurdities of senior, trained security officials concerning this event. Are we heading back to the mid-1980s when truth used to be ethnically polarised?

#### **5.4 Further Testimony on the Trinco Incident**

Our own inquiries through a variety of sources tended to confirm Mr. Sampanthan's account. The differences were minor. Establishing certainty that is judicially acceptable must necessarily involve judicial proceedings. These have not got under way because the Police have done little to start them. The people are clear that if one Sinhalese had got killed, there would have been a flurry of inquiries and arrests. Here the victims are eager to identify the miscreants, but no identification parade has hitherto been held.

From the manner in which the Police have briefed the *Daily Mirror* in the feature referred to above, it appears that they are trying to pretend that there was an incident in only one location - Anbuvelipuram - and are giving out convenient theories to suit the technical evidence. The detection of bullets in the bodies of victims may prove an embarrassment to the Police. Incidentally, DIG Pathirikirikorale who is now in charge of Trincomalee also played a role in covering up the Special Forces' massacre in Batticaloa on 17<sup>th</sup> May 2000 where they shot dead 17 civilians after a planted bomb exploded (see Bulletin Nos. 23& 25). The doctor doing the postmortems then had been persuaded to record bullet injuries as blast injuries!

##### **5.4.1 The Postmortem Report**

We very reliably understand that the postmortem report from the Trincomalee Hospital records that several of the injured had been penetrated by plastic bullets fired at close range. In one instance, at least, a metal bullet was recovered from an injured victim. The dead persons had no bullet injuries. According to a police source, plastic bullets are known among them as 'blank ammunition' and metal bullets as 'ammos'. They are both fired from the same gun and make the same noise. This gives credence to the claims of the victims in Mr. Sampanthan's report that firearms were used against them. We mentioned earlier that one of the dead according to the report had been close to the blast, while the other two were some distance away. The medical authorities ruled out the grenade exploding on a person carrying it. We shall see that all this is consistent with what we have gathered.

##### **5.4.2 The Grenade Explosion at Anbuvelipuram Junction**

We concentrate on what happened at this place since it is at the heart of the controversy. What happened elsewhere has been sketched out in the extracts quoted from Mr. Sampanthan's report. We have not been

able to verify whether or not firearms were used at Padukkai (Thirukadaloor). There is also disagreement between different sources on whether the explosives used there were grenades or dynamite sticks. Now to Anbuvelipuram.

The Tamil mob drawn from Gandhi Nagar and Anbuvelipuram was advancing south towards town along the Colombo (Kandy) Road about 10.30 AM. It was resisted by a Sinhalese mob from Abhayapura that came towards the Tamil mob. The two mobs exchanged stones. Police personnel from Uppuveli were in between. ASP Sudeshanathan was hit by a stone on the neck. Tear gas was then fired at the Tamil mob. At this point the Tamil protesters had already started burning tyres in front of them and some noticed the Sinhalese crowd withdrawing.

It was then that a grenade thrown from the front fell into burning tyres placed haphazardly in a pile and exploded. This explains why there was no mark on the ground and gives us the origin of the theory of a grenade hidden in a tyre. Konalingam from Gandhi Nagar who was then burning tyres was closest to the blast and 'Ravi' from Palaiyootru who was helping him was behind him. Both were killed. This is in agreement with the post mortem report. Persons in the area privy to the incident have observed that had the grenade not fallen into the tyres the casualties would have been significantly higher. Our trusted sources in the area are clear that none of the dead belonged to the LTTE. Konalingam's wife had her first child three months ago.

Those in the Tamil crowd surmised that the grenade must have been thrown by the Police because they were the only ones in front, the Sinhalese crowd having pulled back, being perhaps warned that something untoward was about to happen. Several of them have said that they could identify the person who threw the grenade. The *Mirror* feature above quotes a witness, Rajaratnam Vinogarajan, saying that several of them saw a police sub-inspector flinging the grenade, whom they recognised as one who frequently raided the area for illicit liquor. We will return to this later. The same witness also testified to the Police firing at them.

#### **5.4.3 Some of the Culprits**

Some of the culprits were named by police sources who were angry that a cover up was under way. The information given to us is independent of everything said above and matches quite well with the testimony of civilian sources.

Reserve Sub Inspector (RSI) Gamage from the 4<sup>th</sup> Mile Post police post has been named independently by two police officers, one of them Sinhalese, as the one who threw the grenade at Anbuvelipuram. He is said to have thrown the device from near the garage of Keerthi Travels. According to these sources, in the confusion before the grenade was thrown, the Police shouted in Sinhalese, "*Mehe patthe ende*" (*Come this side*). This was the signal for the Sinhalese crowd to move away.

RSI Dananjaya is identified as one who came towards the Tamil crowd at Anbuvelipuram in a police vehicle and fired at the crowd without getting down.

The most remarkable piece of testimony concerns Constable Piyasena R 11074, Personal Security Officer (PSO) to the Trincomalee SSP, Upali Hewage. We also learn that he was pointed out to the visiting ministerial team by some of the injured victims in hospital as one who fired at them at Langanagar. He was accompanying the SSP who was with the ministerial team. Mr. Sampanthan said that from the time trouble broke out on the 11<sup>th</sup> he talked to the SSP by telephone every few minutes, while at the same time telling his constituents to stay in their homes. The SSP had constantly reassured him that he was trying to keep the situation under control and at no time told him that he had given orders for the use of firearms.

According to our sources, on the morning of the troubles the SSP called his PSO and told him to go and see what was going on (some words like "*geela balala ende*" - go, see and come). This man, taking it as a licence to throw his weight about, went to Police HQ, collected about four others and proceeded to Langanagar (which is before Abhayapura on the same road). Piyasena got down with his companions, thrashed the Tamils brutally and opened fire at them (see extract from Sampanthan's report above). The SSP, finding this man now a liability, has reportedly told him not to accompany him.

Other sources have identified the persons who threw the explosive devices in Thirukadaloor as Saman and Janaka, both of Sirimapura. We have so far not verified whether they are home guards.

#### **5.4.4 Were Outside Elements Involved?**

There have been suggestions of a conspiracy, both by the Government as well as in Tamil media and political circles. Forces opposed to the peace process have been named - supposedly the JVP and Sihala Urumaya. There is no evidence for this charge and any basis is very flimsy. One TNA member pointed to there being a number of JVP supporters among the home guards in Sirimapura. The incident near Sirimapura is a small part of the whole drama and what went wrong is primarily to do with the role of the Police at a fairly high level. Dragging in outside influences to explain what happened is entirely superfluous.

#### **5.5 The Cost of the Incident**

The gravity of the incident arises from the fact that the State not only failed dismally in a very routine policing matter, but also gave the Tamils the message that its actions continue to be determined by a seemingly intractable ethnic bias. It is different from an army going on the rampage in a moment of anger. The Police had a lot of time to think and deal with the situation and had enough advance warning. The damage done is reflected in the remark of a senior government official in Trincomalee: *"We are Tamils and they are Sinhalese, the problem will always go on and they will go on covering up"*. That is a step towards justifying Tiger politics.

Many expatriate organisations are present in Trincomalee and hardly any one of them buys the official version of events. The Government's delay in holding a proper inquiry speaks volumes. The expatriates will not say anything openly, but will brief their embassies. It will tend to confirm their negative opinion about the State and will influence their assessment of the totally undeserved claims of political legitimacy by the Tigers. Issues like child conscription are not serious ones for them in a Third World country. After all the Head of SLMM told the Foreign Correspondents' Association recently that child conscription by the LTTE should not be seen a 'Black and White' issue. They cannot see through the devious destructiveness of an organisation that can make children commit suicide and at the same time host an international cultural festival serving out sophisticated sounding academic discourses!

All must go through their own learning curve, and at their own pleasure, but only the people who are trapped in this regime will continue to suffer. This inability to understand and assess certain types of obscurantist politico-ideological movements, and their relationship to the people, is rapidly becoming the bane of the world order. One side dumps the people behind these movements and advocates uninhibited military measures against them. The other explains the emergence of these forces and tends to justify them in a way that gives the people no way out. Finally, no one will be spared the destructiveness unleashed between the two camps.

It is now left to the Government to convince the Sinhalese people that matters like the two incidents above cannot be covered up. The World must be shown that this country is capable of enforcing the law. The problem is not primarily to do with the security forces being overwhelmingly Sinhalese, but with poor leadership that mainly rewards the wrong kind of person. It must be placed on record that there were a large number of Sinhalese officers in Trincomalee who were deeply upset by what happened.

### **6. Being Lulled into Complacency**

The problem of insecurity faced by the Tamils on account that State's ideological agenda is long standing and erupted into massively orchestrated state violence in the mid-1980s. Against this background, as pointed out above, what happened recently in Trincomalee is far more damaging to the credibility of the State than the incident in Kanjirankuda. The latter has arguably some grey areas in the behaviour of the STF and the Government is not directly to blame.

The Government certainly did not want this to happen at this juncture as it undermines its peace programme. Had it been more conscious of its own past, it would have anticipated it and taken preventive

measures. Even the period of the PA government saw no qualitative change in the relations of the people with the State in Trincomalee. The Customs Road prison massacre in October 1996 and the Thampalakamam massacre in January 1998 (our special Report No.8 and Bulletin No.16) were ultimately covered up. So was the bombing incident at the Sakthy TV music festival during the traditional New Year of 2000, where police involvement was suspected. The OIC implicated in the Thampalakamam massacre is now ASP Mutur. These are people who will in time become SSPs and DIGs.

The section of the Government, which has staked its political future in the peace process, is not entirely blind to this problem and according to press reports has applied to the Royal Ulster Constabulary for ideas about policing in a plural context. But nothing will be achieved if immediate problems of discipline and accountability are swept under the carpet. Of course the system is geared towards covering up and more so when questions are raised about an SSP's role and the witnesses are mainly from the lowest stratum of society.

We see the system lulling itself into complacency. Instead of asking itself the harder questions, it is looking for fanciful explanations on how a grenade could have exploded so as to exculpate the Police. It is also beginning to believe these.

Why not after all be complacent? The LTTE has not made a big fuss about Trincomalee and has been quite nice about it. It has expressed full confidence in the peace process and has been persuasive in convincing others that the confrontations were triggered off by fringe elements that went out of control. According to an item in the *Daily Mirror* (1.10.02), the two LTTEers whose alleged assault by the STF led to the "demonstrations" have been summoned to HQ for an inquiry. The Defence establishment is evidently persuaded that what happened in Trincomalee did not have the sanction of the top LTTE leadership. So why make a big fuss about what the Police did or did not do in Trincomalee? Moreover, the SLMM keeps reassuring us that only fringe elements are disturbing the peace (General Furuhoode, 15<sup>th</sup> October).

After all these years the Colombo establishment cannot understand the LTTE, its strategies, strengths and weaknesses, because it does not want to understand itself.

## **7. The LTTE's Calculations**

### **7.1 Acting by Proxy**

Most of the incidents above which took place from 25<sup>th</sup> September to 11<sup>th</sup> October have much in common with the attack on the Army Hartley College, Jaffna (see Special Report No.15). They were all calculated to expand the LTTE's political and military control over the North-East. We pointed out in our last report that the LTTE scaled down incidents and child conscription during the run up to talks in mid-September, which again saw a new rise soon after the talks. Anton Balasingham arrived on the 16<sup>th</sup> of October and everyone is happy that the next round of talks is on course. One might expect a few relatively peaceful weeks ahead.

In the course of these events the LTTE leadership has said very little and has been careful in instructing its cadre to keep a distance. Much has, however, been said by Tamil parliamentarians under its control and the Tamil media. Insiders know well the extent of fascist control, and how many of these leaders of Tamil public life run to Big Brother like boy scouts to find out what to say next and what to write.

After the Kanjirankuda incident, it was the TNA that made the public statements. Issuing a statement on behalf of the TNA, Mr. Sampanthan placed all the provocation on the side of the STF and suspected that the firing at the civilians - merely a protest demonstration! - was a deliberate attempt to disrupt the peace process. A crucial demand made was to replace the STF by other security forces. A TNA MP from Jaffna attending the funerals in Thirukkovil of those killed screamed, "*STF get Out!*"

The LTTE was clearly happy at the way the demonstration developed at Kanjirankuda, but said nothing in public. In a discussion with the Head, SLMM, the regional LTTE military leader Karuna complained about human rights violations by the STF and pressed the SLMM to remove the STF camp in Kanjirankuda so that they could retain confidence in the peace process!

Issuing a statement again on behalf of the TNA after the Trincomalee incident, Mr. Sampanthan described the tyre burning Tamil *hartal*, coming on the heels of the humiliation felt by the Sinhalese on account of the LTTE abduction of 7 soldiers, as peaceful. A slogan carved out of his statements and speeches was " *The security forces are 99% Sinhalese, but those being killed are 100% Tamil*". Communicated by the Tamil media it made ripples in Trincomalee and in areas like the Hill Country where Tamils felt vulnerable.

## **7.2 Tamil Home Guards?**

Another demand made by the TNA in discussions with the Prime Minister was even more curious. Sampanthan asked for 200 armed Tamil home guards to patrol Trincomalee. Sinhalese home guards have been a disaster from the time they were deployed in 1985. These armed village youth were supposed to protect Sinhalese border villages from LTTE attacks. In Trincomalee, where regular security forces are concentrated, Sinhalese home guards were quite frankly a paramilitary arm of the State to oppress the Tamils. The communities which produced these home guards were themselves condemned to a culture of violence and stagnation.

The TULF has itself through the years, and rightly, demanded that home guards should be disbanded. Why now inflict this plague on the Tamils? The MoU between the Government and the LTTE required the disarming of 'Tamil paramilitary units'. Allowing the Sinhalese home guards (i.e. a paramilitary arm) to remain armed is a curious oversight that has its uses.

Asked about the demand for Tamil guards, a TULF (i.e. TNA) official replied, "*In Trincomalee, the Tamil people regularly see armed Sinhalese home guards hobnobbing closely with the Police and the Army. It gives them the feeling that a plot is being hatched to attack them that very night and they are in constant fear. If Tamil home guards are deployed with Sinhalese home guards, it will be a bar to conspiratorial talk*". Hardly convincing. One can be sure that the demand for Tamil home guards did not originate in the councils of the TULF. The Government has lacked the foresight to understand the liability it was incurring by maintaining Sinhalese home guards.

## **7.3 People's Power LTTE Style**

It is certain that the LTTE is using the incidents above, not to make the people more secure, but to make a case for it to demand a further pull back of the Sri Lankan forces in the North-East. The demands will be made with minimum publicity through the Norwegians and in closed-door talks with government representatives.

Whatever process is going on now can hardly be described a peace process. Under a regime of prolonged talks, contrived disturbances to further a totalitarian agenda will be the order of the day. Rather than giving dignity to the Tamil people, the Tamil people are being used as an unruly mob, whose lives are cheap. The people in government controlled areas of the North-East were thoroughly irritated by the recent 'people's uprising' which paralysed life for four days. No hospital, no groceries, no vegetables, no transport and no school. Often the tyre burning mobs were inconsiderate and inaccessible to reason even in the face of pressing human needs.

The people, who also want to protest against the extortionate taxes, forcible recruitment of children and abduction for ransom can by no means have a real people's protest. Presently the "people's protest" will be defined and determined by the LTTE for its strategic aims. The qualitative difference between real people's struggles and their protests, as against promoting mob violence in the name of mass politics by ideologically motivated groups, needs to be understood. The potential of the latter was fully exploited in Hitler's Germany and Mussolini's Italy.

The recent incidents give us a vivid picture of 'People's Power' LTTE style. As recent events in Akkaraipattu showed, life has become more volatile rather than peaceful.

## 8 The Abduction in Akkaraipattu

### 8.1 The Abduction Issue and Political Intrigue

In the wake of the troubles in Kanjirankuda and Trincomalee, a Muslim tailor Abdul Wahid (24), who was travelling on a bicycle in Akkaraipattu along Amparai Road about 9.30 AM on 15<sup>th</sup> October, went missing. His companion Haniffa Ramiz subsequently testified that Abdul Wahid was abducted by LTTE men known in the area, who came in a white van. The LTTE men were identified by him as Regan and Baaba, who then proceeded along Ramakrishna Mission Road. He repeated this testimony before the OIC, Akkaraipattu Police, and a trustee of the local mosque. Later testimony on the EPDP web site reported the white van being seen in the LTTE-controlled area, proceeding towards Kolavil.

To those who accepted this testimony, the natural surmise was that the LTTE was really looking for the victim's brother Azmir, an active member of the EPDP, and that the victim was abducted as a hostage. Azmir had recently distributed an EPDP leaflet that politically attacked the LTTE's positions and practices.

Although the EPDP is far from being an Islamic party, the main local protest was mobilised by Athaullah, the Muslim Congress (SLMC) MP from that area. The Press in Colombo was very cautious in covering the abduction. The LTTE role in the abduction was the possibility least talked about among the Tamils, rather like the Government and the grenade explosions in Trincomalee. The more popular theory was that the affair was stage managed by Athaullah to start a campaign against the Tamils and to apply pressure on Hakeem in the internal struggle between them. The other theory was that the EPDP had hidden the victim to smear the LTTE.

Complaints about the abduction were also made to the ICRC and SLMM. Being the weaker community in Akkaraipattu, the Tamils felt insecure and alarmed at the sight of club wielding Muslim mobs, some wearing masks, on the streets on intimate terms with policemen who were largely Muslim. There were also reports of Tamil vigilantes. Over the next two days there came reports of beatings, abductions and counter-abductions. It is unfair to pass judgement cursorily, because the LTTE was a powerful actor behind the scenes apparently observing the cease-fire, but enjoying tremendous flexibility in its secretive actions. It has repeatedly shown its anti-Muslim bent and the full story of how it provoked the Muslims from behind the scenes would be hard to document.

Many Tamils moved out of their homes to safer areas, as no doubt did Muslims living closest to Tamil areas as had happened several times since 1985. As mutual resentment was building up and a Muslim *hartal* was being observed, the SLMM tried to mediate between the communities on 16<sup>th</sup> October. The following day, at a meeting presided over by Minister Dayaratne, the Muslim leaders agreed to call off the protest and calm was restored.

Then came the news that at mid-might on the 17<sup>th</sup>, the abducted youth, his eyes reportedly tied, was dropped at Irakkamam, a Muslim village between Akkaraipattu and Amparai. The youth reportedly went to a house of persons known to him and a trishaw dropped him at home after 6.00 AM on the 18<sup>th</sup>. Immediately afterwards the Police came home and took him for questioning. According to the *Mirror* of 19<sup>th</sup> October, Abdul Wahid had only said that he was abducted by a Tamil group and was treated well. On Sunday, 20<sup>th</sup> October, there were news items in the Press that Abdul Wahid had confessed to the Police of having staged the abduction drama in order to get money from the EPDP, so that both he and Ramiz could go to the Middle-East. This claim received uncritical acceptance from the media, which further reported that the two young men were to be kept in detention for further inquiries.

Many in Akkaraipattu are confused and are not prepared to believe the police story that is full of absurdities:- viz. There are no precedents for such payments by militant groups where families of members have suffered far worse; What compensation can someone expect after being actually released, in this instance after 60 hours! Will a staged claim implicating the LTTE hold water for long? There were also some immediately awkward questions of law. There was no crime actually committed and any offence was surely bailable. Under what laws were the Police holding them? Was it under the PTA offence of causing disharmony between communities? One had the uneasy feeling that the dignity of the law was being



sacrificed in the interests of narrow political intrigue. Adding to the confusion has been the silence of the EPDP and SLMC.

## **8.2 Abuse of Law Enforcement and Fanning the Flames of Muslim and Tamil Insecurity**

The family has right along maintained that Wahid was abducted by the LTTE and that he and Ramiz are being pressurised by the Police to endorse in a confession the story put out by them 'to save the peace process'! Whatever confession the Police may extract has no chance of being upheld in a court of law, particularly as pertaining to any criminal offence. The two youths would have a good fundamental rights case. Is the poverty of the detainees being used against them?

Here we have the Police, who have not made a single arrest over Kanjirankuda and Trincomalee, and are deliberately lethargic even on holding an identification parade, moving with highly dubious alacrity in this case. Even if the Police version were true, the two Muslim youths have been foolish rather than criminal! The incident and its handling by the Government in the name of its peace agenda with the LTTE has exacerbated communal tensions between Tamils and Muslims rather than heal them.

The dominant Tamil view propounded by the Tamil media and politicians absolves the LTTE of the abduction and puts it down to a conspiracy to discredit the LTTE by either the Muslim Congress or the EPDP. While the Government is pledged not to use the PTA in the North-East, the local TNA MP has urged that the Muslim youths be kept under arrest and be subjected to a severe inquiry.

Many among the Muslim community firmly believe that the LTTE abducted Wahid and that the Government is helping the LTTE to cover it up by extracting false confessions from the two young men. There are again many unanswered questions and the Government does not seem interested in answering them. It appears that there are several witnesses other than Ramiz who have seen the white van in question journeying via RKM Road towards the LTTE-controlled area.

One can be sure that neither the Government, the Police nor the SLMM will say anything that would challenge the versions among the Tamils. But the crisis underscored new tensions that have left the Tamils feeling more insecure. The STF on whom the Tamils in Akkaraipattu had relied for protection during tensions with the Muslims were markedly inactive this time. The STF is said to be angry following the Kanjirankuda incident and its aftermath. A local resident quoted an STF officer as having told him, "*The next time war erupts, we will not have time to look at identity cards. We will just shoot!*" This time the Tamils had a good word for Reserve Inspector Alahakoon (a Sinhalese) who patrolled the Tamil areas.

The incidents above and their effects give us an insight into the intrinsically destabilising nature of LTTE politics. Its programme is built on evicting the Security Forces from the 'homeland' as the sole aim. Politically it cannot tolerate any role for the others apart from serving their agenda. The Muslim community suffers from the twin disabilities of Tamil stereotyping about their community as well as from the agenda dictated by the LTTE's totalitarian ideology.

In dealing with the Muslims, in particular, the LTTE will evince contradictory tendencies based on strategic calculations. Taking advantage of the peace process will force it to project an accommodative face. But it cannot sustain this façade against its deeply entrenched totalitarian mores. Prolonged peace talks is therefore intrinsically unsustainable. The only viable strategy is to move rapidly to secure a political settlement while insisting on high standards of democratic and legal accountability.

## **9 Impartial Law Enforcement & a Speedy Political Settlement - A Must**

### **9.1 Throwing Democracy to the Wolves**

One of the main factors undermining the peace process is the conflict between confused expectations and actual developments on the ground. The confused expectations are inherent in the MoU itself. On the one hand it appears to envisage a movement towards a two-state solution and provides for the progressive takeover of the North-East by the LTTE. On the other hand while allowing the LTTE free unarmed access

to the government-controlled zone, it appears to place the security Forces in charge of law and order in these areas.

The UNP's thinking had however long been accustomed to dealing with the LTTE by giving it *de facto* control over the North-East under what remained on paper a unitary state. To this end the Premadasa government and the present one have been willing to turn a blind eye to the LTTE's programme in the North-East. The Premadasa government lent complicity to the LTTE's rounding up of thousands of perceived Tamil dissidents and building a gigantic prison complex in the North. It even went a step further and issued the ill-fated order surrendering 600 policemen in the East to the LTTE in a bid to appease them.

Under present MoU again the Government has ordered the Security Forces to turn a blind eye in the North-East and not to interfere with its violations. The LTTE has meanwhile stepped up progressive intimidation of the Tamil opposition. The latest is to summon members of opposition groups to its offices. Even more insidious are visits by the LTTE to families and relatives of political opponents. They are in turn advised to get their family member to quit politics. These families well know that under the Premadasa dispensation, family members of opponents were killed, sent to prison camps or even shipped off to the Andaman Islands.

The attack on EPDP men in Delft, the recent attack on Nagarajah Kodeswaran (27) of the tiny Socialist Equality Party (SEP) in Kayts and the recent abduction and assault against PLOTE's Jaffna municipal councillor Jeyachandran are the latest in the series of LTTE attacks on the opposition.

Kodeswaran, the Treasurer of the Amphinagar Fishermen's Co-op was attacked with a knife by Karthikesu Amirthalingam of the LTTE on 8<sup>th</sup> October. He narrowly escaped with knife wounds on his head, neck and shoulders by sheltering a local store. A death threat against SEP members was made by the LTTE's area political leader Chemmannan a month earlier.

Jeyachandran was followed by LTTE's Paapaa and Nava on 20<sup>th</sup> October and bundled into a van without numberplates when he stopped to buy gram near Veerasingham Hall. It was here that the LTTE was hosting a grand cultural festival with many local and Indian intellectuals and artistes participating. In contrast to what was going on immediately outside, the festival was called "Tamil Humanity's Gathering 2002". The victim was driven close to the Nallur temple and assaulted brutally inside the van as evidenced by a medical report. However, since the abduction was widely witnessed and Jeyachandran's companion Thasan escaped, despite being given a chase, the matter was quickly reported to the SLMM.

Then Paapaa received a message to hand Jeyachandran over to the SLMM. What followed is a revealing commentary on Norwegian priorities and diplomacy. The victim was taken to the SLMM office by Paapaa and Puli Thevan. At the office the Nordic officials warmly shook hands with the latter, the abductors, and served them cool drinks. The victim as we learn was given nothing. As the two abductors were leaving they spoke to the victim's wife who had come there. They advised her to send her husband out of the country rather than have him doing unwanted things here.

The Jaffna Municipal Council of which Jeyachandran is a member had recently passed resolutions challenging the LTTE's totalitarianism. The drama inside the SLMM office is inseparable from the drama of intimidation outside.

## **9.2 The Security Forces: The Legal Vacuum and Pent Up Resentment**

What has the Sri Lankan Police done about these? In Delft, warned by the LTTE the Police stayed passively inside their station. The Kayts Police have since done nothing to arrest the miscreants although a complaint was made. We noted that the Jaffna Police was even covering up for the LTTE. The Kayts Police again took no action on the complaint made by the SEP with regard to the knife attack on Kodeswaran.

The Security Forces are thus operating in the North-East without any clear instructions from the Government, knowing well that they will not be rewarded for upholding the law if it means confronting the LTTE. Thus in many parts of the North-East the Police find life easier being under the LTTE's thumb. In

the meantime the LTTE goes on with its 'people's protests' for the progressive eviction of the Security Forces. It is both frustrating and humiliating, and ultimately dangerous as happened in 1990.

In effect civilians and opposition groups are fair game for the LTTE, but when the Security Forces are affected, they take out their resentment in a manner which makes them look more foolish. Following the stone throwing 'people's protest' against the Hartley College camp, the Police were looking for heads of local organisations like the Fishermen's Union that the LTTE used. But no attempt was made to arrest LTTE men like Ilakkian who were there virtually superintending the attack. On the morning of the Kanjirankuda incident, the STF attacked the civilian driver of the tractor that earlier went that way without stopping at the check-point, but stayed clear of the LTTE men in the tractor who made the driver go without stopping. It is moreover very doubtful if the offence of not stopping at a checkpoint has any legal standing.

This is the context where pent up resentment erupted disastrously in Kanjirankuda and Trincomalee. The Government's lack of direction and uncertain objectives are very much to blame. If the Security Forces are not upholding the law in the North-East, not taking measures to stop child conscription, extortion and abduction, and are simply being a nuisance with dubious check-points, their role in the North-East has no meaning. If in addition they are asked to put up with stone throwing 'people's protests' and turn the other cheek, while talks go on for donkey's years, it is simply not tenable. Either the Security Forces uphold the law impartially or they are nothing.

After watching their process slowly going to pieces with a studied ambivalence towards issues of democracy and human rights, the Nordic monitors appear to be articulating a firmer line. In a statement issued on 16<sup>th</sup> October, the SLMM head, General Furuhoiv told the armed forces that bending over backwards to avoid violence and bloodshed is a professional virtue. He added, "*The Police must be firm and professional in maintaining law and order. They must be well trained and able to handle difficult situations such as demonstrations in a professional manner... The LTTE has to take responsibility, demonstrate care for their people and respect democratic values.... You [the public] must have courage not to accept injustice from anyone....*"

### **9.3 The Perils of the Legacy of Anarchy**

The onus thus falls on the Government to reform the law enforcement machinery and give it proper direction so as to remove all traces of communal bias. The machinery can restore its credibility in the North-East only if it can do so throughout the country. This was clearly evident during the crisis when the LTTE abducted seven soldiers. The Justices of the Court of Appeal were indignant that the LTTE was twisting their arm to obtain bail for their two cadres arrested in Kantalai under the Offensive Weapons Act.

During this crisis, 25 miles south of Kantalai, a club wielding UNP mob organised by henchmen of the local MP, attacked a protest by Samurdhi leaders and Assistant agricultural research officials, along with several journalists covering the event. The Police were mere onlookers. The protest was held over a series of politically motivated attacks. In the first of these attacks on the night of 25<sup>th</sup> September, suspected UNP thugs wielding a T56 gun beat up a Samurdhi leader at his residence (*Island* 9.10.02).

It is well known that there is a host of these party henchmen with illegal automatic guns. The Press reported a half-hearted intention by the Government to collect such weapons after the last parliamentary elections and that seemed the end of it. Hardly any of these party henchmen have been arrested by the Police under the Offensive Weapons Act. They do not trouble the dignity of Honourable Justices because they are covered by arm twisting the system of law enforcement at the lower levels. The two detained LTTEers had a legitimate cause for complaint against the system.

The country's past, which the present government thought it could sweep under the carpet, is all the time catching up with it. In trying to make peace with the LTTE without coming to terms with the past, the LTTE is repeatedly forcing the country to relive it.

## **9.4 Multiplying Fear and Fragility**

The present peace process is simply about legitimising the hold of the LTTE on the North-East, and in particular the Tamil community, without any accountability for its past and no tangible assurance for the future. All other social and political forces are expected to exist under its overarching control. The process that seeks to license the LTTE's immoderation while expecting all other sections to be moderate and compliant in the interests of peace, cannot but unleash a host of latent destructive forces. This inherent fragility is compounded by the manoeuvres of the main political formations in the South. In the game of undermining one another, they form alliances without inhibitions about the consequences, not in the coming years, but in a matter of weeks and months.

The events described above give us a picture of fragility where the higher echelons of the Security Forces are losing their ability to lead and are reacting to initiatives taken way down the line. The anger and insecurity felt by the Muslims in Akkaraipattu found recent expression in posturing by mobs over the Wahid incident. The Government's handling of it may only serve to confirm the feeling that the Government and the LTTE are working hand-in-glove to cover up the latter's misdeeds. The Muslims' politico-military demands centred on this insecurity, now being talked about at the grassroots, portend more chaos than a resolution of the conflict.

## **9.5 Why Pandering to Authoritarianism Will Not Work?**

Unfortunately, Norway's wisdom in peace making is purely technocratic and it is inadvertently reinforcing narrow ideologies and authoritarianism rather than containing them. While on the one hand the Tamil people are weak and voiceless, the position which the LTTE has attained through internal terror, on the other, has given the community a superficial appearance of inordinate power in the eyes of others. Just as the LTTE was an outgrowth of Tamil powerlessness at the hands of the State, the powerlessness felt by the Muslims leads to a similar logic. That is, follow the LTTE's method, invoke Jihad to unite the community and use terror when needed to eliminate 'traitors', and so become powerful like the Tamils! But its end will be devastation and the LTTE's method certainly will not succeed.

That the LTTE cannot succeed is easy to see, but that has not stopped influential sections from pandering to it. Its present strategy is coming unstuck because its very inhumanity is spawning complex forces of extremism everywhere. Whatever the Government may have wished, a minor police functionary throwing a bomb at unarmed Tamils in Trincomalee brought the Police as an institution, at least temporarily, down to his level. So did an STF constable or NCO who took it upon himself to shoot at unarmed Tamils at Kanjirankuda. And where do the Norwegians come in?

In the framework of the Norwegians, their instinct is to appease authoritarianism. What happened at the Jaffna SLMM office is a revealing example. They were convivial with the assailants and gave them drinks, but ignored the victim. How far can they go when this process of rewarding the bully encourages everyone to try the LTTE's method?

## **9.6 The Need to Transform the Peace Process**

As we have repeatedly seen, the first to suffer and to suffer most as the result of the LTTE's politics, have been the more exposed Tamils in Trincomalee and Amparai. In the latter, the illusion of strength temporarily given to the Tamils by the LTTE and the insecurity felt by the Muslims inhibits the realisation that they have a mutual vested interest in forging a democratic political environment, one where they can each articulate their identity without threatening each other. Further militarisation of the Muslim community is not going to solve the problem.

The strength of Norway's role is to be appreciated in the fact that there has been no war for ten months. While it has not succeeded in transforming the politics of the LTTE, its restraining role, however marginal and perhaps temporary, has given the people some room to manoeuvre. If not for the SLMM the consequences of some of the incidents above would have been far more damaging. For example after the incident in Trincomalee, in spite of a section of the Tamils looking for revenge, the LTTE was restrained from direct support for violence which would have made a bad situation worse. However Norway's and the SLMM's limitations are also now becoming painfully evident. The task before civil society groups and

political actors is not to derail the present process. The challenge is rather to transform the process, so that in finding a solution, the plurality of interests and the multi-ethnic nature of the problem are taken account of.

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*\* The University Teachers for Human Rights (Jaffna) (UTHR(J)) was formed in 1988 at the University of Jaffna, as part of the national organisation University Teachers for Human Rights. Its public activities as a constituent part of university life came to a standstill following the murder of **Dr. Rajani Thiranagama**, a key founding member, on 21st September 1989. During the course of 1990 the others who identified openly with the UTHR(J) were forced to leave Jaffna. It continues to function as an organisation upholding the founding spirit of the UTHR(J) with its original aims: **to challenge the external and internal terror engulfing the Tamil community as a whole through making the perpetrators accountable, and to create space for humanising the social & political spheres relating to the life of our community.** The UTHR(J) is not at present functioning in the University of Jaffna in the manner it did in its early life for reasons well understood.*