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An Appraisal of New Trends in Jaffna & Concern Over Detainees

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SUMMARY

This report focuses on detainees being held by the security forces in Jaffna, a topic which is largely lacking in detailed documentation. The majority of arrests and detentions remain unacknowledged and more than often are flatly denied. Specifically, numerous cases of arbitrary arrest, beatings and death due to torture continue to be denied by the Army. The interrogation process is brutal and inefficient, with those suffering the worst harm, both physically and mentally, often being those with no LTTE connections who remain honest in their refusal to submit. Cases of disappearance after arrest remain significant.

Contrasting to this is a marked improvement among many members of the security forces in their conduct towards civilians. Despite LTTE provocation and indiscriminate attacks in public places, there have been no reprisals by the Army. Since the suicide bomb explosion in Jaffna on July 4th, where significant casualties in death and injury resulted from firing by the Army, it seems that the security forces have learnt their lesson and now ask civilians to take cover *before* taking action. Furthermore, certain commanders have been viewed refreshingly in a positive light.

The country had been shocked by the tragedies centred around two young girls who were victims of gang rape and murder by soldiers. These two incidents may not have been uncovered had government censorship remained in place and organised protest, specifically in Colombo, had not taken place. If timely attention had been paid to well documented earlier cases of rape and murder, these lives may have been spared. It is argued in this report that if

security forces in any armed conflict are allowed in the name of security to commit violations of human rights involving arbitrary detention and torture, then, rape, secret executions and disappearances are bound to follow.

The LTTE continues to attack the security forces in public places, bringing death and destruction to civilians while failing in their campaign to spark reprisals by the Army. In these cases, grenade attacks are the most common, often being thrown at known meeting places of civilians at the busiest of times. Gun battles in crowded areas and LTTE land mines have also killed a number of civilians. The rationale behind such attacks is similar to the thinking behind aerial bombing and shelling by the security forces, but these recent incidents bring out the hollowness of the LTTE's concerns regarding the injustices of government shelling and bombing in international propaganda efforts.

Besides gross violations by the security forces and the LTTE, the situation in Jaffna today remains one of immense uncertainty and difficulty for the people. Common complaints include harassment at check-points, limited access to education, employment and the outside world, and prolonged difficulty in obtaining travel passes to Colombo. Movement of goods into Jaffna continue to be held up by bottlenecks at the port of KKS and the continuance of such barriers has encouraged a large black market in essential items. The promised establishment of a Human Rights Task Force (HRTF) office in Jaffna by the Government, after a long delay, is yet to materialise. In addition, even with the lifting of censorship, it is impossible for journalists to enter Jaffna without prior approval from the Government.

If the Government wishes to claim any sense of "normality" in Jaffna or to differentiate the conduct of the security forces from that of the LTTE, it must hold itself accountable for all cases of rape, murder and disappearances involving the security forces. The Government has failed to allow public access to lists of detainees and incidents of death due to torture remain undocumented. This only works to the detriment of the Government and plays into the hands of the LTTE which wants violations to continue and has proven time and again that it will stop at nothing to provoke such abuses. Though relations between the Army and civilians in Jaffna have seen a more positive development recently, it cannot be denied that violence has been *institutionalised* at the highest levels of command and such a repressive system will continue to be reinforced if there remains a refusal to investigate and end human rights violations. [\[Top\]](#)

An Appraisal of New Trends in Jaffna & Concern Over Detainees

The main purpose of this bulletin is to focus concern on the plight of those detained by the security forces in Jaffna. The situation with regard to the detainees remains qualitatively unchanged since the issue of our [Report No.7](#) last August even if the frequency and the chances of dying under torture may be lower now. To begin with, most of the detentions remain unacknowledged. At the time of writing no moves had been made to enforce the issue of receipts and other conditions agreed to by the government. The Covenant Against Torture which has been signed by the present government is being flagrantly disregarded with at least passive complicity from the higher reaches of the government. This aspect by itself threatens to sully several other developments which must be regarded as real improvements in the Army's management of the affairs of Jaffna since the take over by the army a year ago. For example, there have been no reprisals by the army despite severe and repeated provocations by the LTTE to force one. When there is an attack or a grenade throwing incident, civilians are routinely asked to lie down before the Army opens fire. This is an achievement for any

army in the world. The LTTE for its part has been indiscriminate in its attacks on the security forces in public places, causing death and a large number of injuries among civilians.

Other developments are the revival of agricultural production with government help, the availability of essentials at lower prices, public transport, although minimal, at affordable cost despite crowded buses and delays at check points, and the functioning of schools and the university despite severe drawbacks. According to Jaffna hospital sources levels of malnutrition have dropped sharply. **Uthayan**, the only newspaper in Jaffna, judging by its contents, is freer than papers have been in Jaffna in the last dozen years. The revival of policing and the judicial process even against certain offences by the Army is not entirely lacking in credibility. This may have inherent limitations and is arguably not more than what the LTTE was working towards during their control of Jaffna, where the legal process during the latter years had a facade of legitimacy. The revival under government control may be dated to the aftermath of the two sensational cases of rape and murder which occurred in September. Up to that time the Government had been denying that there were violations in the North. The Deputy Minister for Defence had maintained that there was not a single incident of rape in the North. But once these two incidents became publicised and activist groups launched public protests in the South, the Government was forced to respond. If the Government wishes to make a decisive qualitative difference from the LTTE, it will have to respond to the scores of well attested cases involving one or more of rape, murder and disappearance attributed to the armed forces. We had detailed several of these in [Special Report No.7](#). Although these received publicity abroad, the then prevailing censorship had helped the Government to cover these up. Since then several other cases have been reported by members of parliament and by other groups. There has been no acknowledgement or action on most of these. This points to a deeper malaise and gives a hint of the inherent limitations for legal redress. Some of these matters will be discussed in greater depth in the sequel. [\[Top\]](#)

The situation of detainees

The following cases show that the absence of accountability and the arbitrariness with which physical harm could be inflicted, provide a clear continuity with those cases reported last August in [Special Report No.7](#). The following general description was given at the end of September by an observer who had shown a strong concern for detainees under the LTTE regime. He said about the current situation: “---stripping naked the prisoners after a session of torture hanged from the toes from beams, after an inhalation of petrol fumes in a plastic bag. A few may die after extreme sessions, their shame exposed--- at times even to those of the opposite sex. There have been cases of females who have committed suicide out of shame after release - mental or physical rape?--- mothers suffer most because of the pain of disappearances and the constant threat of rearrest. We have to struggle against hopelessness, towards dignity---“.

The following concrete case gives some idea of the dangers confronting detainees randomly picked up, and having no connection with the LTTE but who cannot speak Sinhalese. The person concerned is a minister in a registered church with international connections that is based in Colombo. On 14th October he was going to the Chavakacheri market at 8.30 am to do his family shopping. He stopped at a cycle shop to pump his bicycle tyres when a soldier asked for his identity card. He gave both his national identity card and the credential issued by his church bearing his photograph. The soldier who knew only Sinhalese could not understand what this person was. He was taken to the army camp on Dutch road close to the rear entrance

of the Chavakacheri government hospital. He was taken to a small room where his shirt, vest and purse were removed, his hands tied behind his back and he was blindfolded with a very tight cloth band. His explanations were of no avail. He was continually abused in foul language, made to sit down and was kicked with boots on his chest, head and shoulder.

On hearing about her husband's arrest his wife rushed to the camp where a soldier showed her husband's credential issued by the church and asked if that was her husband. When she assented, the soldier went in but never returned. Later when other soldiers came she told them that her husband had been detained and that it was his bicycle which was parked in the compound. The soldiers insisted that he was not arrested by them and asked her to go away. She later got word to another person who could speak Sinhalese and express himself authoritatively.

This friend came to the camp and asked for the minister's release. Again there was a total denial. All this time the minister had been continually assaulted by each new group of soldiers passing that way, who popped into the room and had what they considered fun. The friend then went to the military police office next to Drieberg College and demanded immediate action. He told the Military Police that his friend the minister had been arrested and faced an uncertain fate, and threatened to raise the matter with higher authorities if the arrest was not formally acknowledged and his safety assured. The military police officials consulted with one another and told him that the minister would be released within ten minutes and asked him to go home. Two military policemen were sent immediately on a motorcycle. The friend going towards the camp met the military policemen returning. The latter stopped him and told him not to go to the camp as the soldiers would be angry. But he proceeded to the camp to tell the wife to get in touch with him if her husband was not released and went home. Inside the camp the minister suddenly found his hands and eyes being untied. He was asked to dress up, his purse and ID's were returned and he was asked to check his belongings. The soldiers then asked him if they had assaulted him. The minister said 'yes'. The soldiers replied 'no'. This went on a few times before he was sent out.

The following day his senior minister came from Jaffna and took him to the same army camp and asked the camp officials for an explanation. The camp officials denied that there was either arrest or harassment and asked the minister if there had been. The minister stood his ground and said yes, there had been. After some time the officials admitted that there had been such a thing, that it was normal for anyone brought in to be treated in such a manner and gave the minister an unsolicited assurance that he had no problem, nothing to worry about and could go about without any fear! For weeks thereafter the minister experienced a swollen shoulder with slight oozing of blood, with a loss of feeling and numbness in parts of his body. This "normal" practice gives one a frightening feeling of what could happen to detainees who have no connections and who spend several days in an army camp being treated in this manner. The next case deals with a fatality and the following one where a fatality is strongly suspected.

What emerges is that the interrogation process is brutal and not sophisticated and those who survive the sessions better are those who had an LTTE connection and admit it during the course of interrogation while those who had no LTTE links and persist in telling the truth suffer for their denial of an LTTE connection by prolonged beating and other forms of torture.

25 September 96:Thavarasa Muralitharan(23) was cycling near Kuncharkadai, Karanavai, Vadamaratchi, between 10 am and 12 noon, when he was detained along with three others and

taken to Vigneswara College, Karaveddy. In the evening **Muralitharan** was hung upside down from his toes and was beaten by four soldiers with poles who kept asking him whether he belonged to the LTTE. Blood was seen coming out of his mouth and nose by fellow detainees. **Muralitharan** was heard screaming aloud while he was beaten. Later he was let down and the soldiers were seen trampling on him. The fellow detainees noted that no sound came from him. Later when it was dinner time the soldiers turned him and the face was obviously that of a dead man. Several soldiers came in and had a discussion. The four other detainees were moved out to another place. The following morning the other detainees were told that **Muralitharan** had been flown to Colombo for further interrogation, warned not to talk about him and later released to their families on 1st October.

Muralitharan had been in charge of a sales outlet for the Palmyrah Products Society. When his wife **Selvaranee**(19) heard about her husband's arrest in the afternoon she alerted other officials in the Society. These officials later told her that they had contacted **Colonel Wijeratne**, the Brigade Commander for Vadamaratchi, who told them that **Muralitharan** had been released. The wife then went to several camps in the area only to receive denials of **Muralitharan**'s arrest. More than two weeks later she made contact with three detainees who told her that **Muralitharan** was assaulted but they had not seen him subsequently. **Selvaranee** then went personally to **Colonel Wijeratne** who asked her to make a complaint to the police, which she did on 14th October. On the 29th October she was taken by the police to the army camp at Vinayagar Vidyalayam(School) which was close to Vigneswara College and an L shaped former LTTE bunker was opened up under the supervision of Inquirer Into Sudden Deaths, **Mr.V.Nadarajah** and **Dr.C.Kathravetpillai**, District Medical Officer, Point Pedro Base Hospital at Manthikai. The body was not found but there was a nauseating stench and the soil was wet with some sticky matter. **Dr.Kathravetpillai** collected some of this matter and sent it to Colombo to test for human remains.

Much of this information transpired at the magistrate's hearings. It is to be remarked that one of the witnesses who was detained along with **Muralitharan** and testified at the hearings is **Sunderalingam Subadas** who had been in the LTTE from 1991 to 1994. Apparently he did not suffer much after he had admitted this, while **Muralitharan** does not seem to have had any LTTE connection. A detailed account of the magistrate's proceedings was published in "Uthayan".

23rd July 1996: Aravindan(26), son of Poopathy owner of Radiospathy: Aravindan was not a normal boy and did not shine out at school. He had some peculiarities such as large feet and some boils on the body. He did not continue his schooling to receive a basic educational qualification and did not have the ability to do steady work. His daily routine was to accompany his father to his shop in the morning, have lunch with him and then cycle home to Kattapirai (between Kalviyankadu and Irupalai on the Point Pedro road). On the day in question he was returning home between 12 noon and 1 pm passing at Ariyakulam junction at the edge of the commercial centre of Jaffna city. Soldiers in a jeep stopped him. Two soldiers left his bike in a shop and said that the boy would come back and collect it. The boy was taken away in the jeep. All this was witnessed. The boy's uncle who is quite senior in the local administration made inquiries at several army camps, but the arrest was denied. About 4 days later **Aravindan**'s identity card was found on the road near Irupalai junction, not far from home. His family heard later from some others who had been detained and released that **Aravindan** had been with them and upon being beaten by soldiers had said that he had been in the LTTE. According to his family, because of his mental deficiency **Aravindan** was

capable of assenting to any suggestion made, even contradictory ones. There is grave anxiety about what might have befallen him.

The three cases given above show a pattern that has persisted at least from July. There appears to be no control or supervision to ensure that detainees are not subject to random violence. What follows are more cases of missing persons that have been brought to our notice.

14th July 1996: Balakrishnan(24), labourer, Jaffna Municipal Council: While going with a rice parcel about 3 pm he was taken in at Thundi junction, Colombogam by the Army who have a check point there. When witnesses informed his family, his family members went to the Army camp and inquired. The soldiers admitted the arrest and said that he had been sent to some other camp. When the family inquired at other camps they were told that they did not have **Balakrishnan**. The family, where the father too is a labourer in the Jaffna Municipal Council, used to live in Maniamthottam, that is in an uncleared area outside town limits, and had recently shifted to Beach Road, Gurunagar. A month later his brother also went missing.

26th July 1996: Thevathas Antony Jeslyn(21, born 20/5/75): At 11.30 pm **Antony** who is a student of St.John's College, Jaffna, due to sit for his A Levels Commerce, was removed by the Army from his home at 5/3, First Lane, Eechamottai, Chundikuli. Over the following days his father **Samuel Thevathas** made inquiries at several army camps without receiving any admission of his custody.

13th September 1996: At 5 am as part of a round up the Army from Thenmaratchi surrounded the village of Kaputhoo, Vadamaratchy, in the uncleared area, about mid-way on the Chavakacheri-Point Pedro road. **Sivagurunathan Arutchelvam(20)** who was in the field was taken by the Army and his whereabouts are not known. Many men from the village, including **Subramaniam**, the Hindu priest, were assaulted by soldiers. The village is one where the Army is seldom seen whereas the Tigers frequent the place.

16th September 1996: Thanankilappu, Thenmaratchi: Seven men came from Vanni crossing the Jaffna lagoon and landed at Thanankilappu. They were displaced persons returning home. About 12 noon they were surrounded by the Army and were questioned and beaten. Six of them were released. The seventh, **Sinnathurai Kathiravetpillai(20)** was detained and his whereabouts cannot be traced. **Veluppillai Mahesan** of Karanavai South and **Paramesan** of Kaputhoo, Karaveddy were among those who witnessed the arrest.

15th October 1996: The Government's Amnesty Offer: Sathasivam Ramesh(19years) of "Mangalavasa" Paththalai, Alvai East, Alvai, was a student at Hartley College, Point Pedro, who sat for his O Levels in 1993. He joined the LTTE in 1995. The family was at Pooneryn where his mother **Mrs. Kamaladevi Sathasivam** was the Sub-Post Mistress. In August 1996 **Ramesh** left the Movement and joined his mother at Pooneryn. The mother was reluctant to keep him there out of fear that he might re-join the LTTE. Then the Government made an amnesty offer over the radio promising that LTTE members who surrender, far from suffering the normal penalties would be rehabilitated and be allowed to live normal lives. The mother was desperate to take the offer. On 14th October **Ramesh**, his mother, the mother's younger sister with her two very young children negotiated with fishermen in the Pooneryn area and paid them Rs 9000/= for transportation to the peninsula. The fishermen landed them at Thanankilappu from where the party proceeded to Chavakacheri. About 1 pm. the party met the army who took them by truck to a camp. **Ramesh** was detained while the rest were issued passes to cross the bund into the cleared area and proceed to Chavakacheri. The mother told

the Army about the amnesty offer and her son's past and was reluctant to leave the son and proceed. She was given an assurance that nothing would happen to her son and was asked to come back after two days and collect him. The mother went to Chavakacheri where she spent the night at Drieberg College and then to stay with relatives at Meesalai. She went to the army camp at Thanankilappu at the appointed time to be told that her son had been taken to Jaffna and to make inquiries there. Since that time she had gone about making inquiries at several army camps without getting any information about her son. [\[Top\]](#)

The situation in Jaffna

The main complaints of the people usually centre around the inconvenience resulting from check points and round ups, the fear of being caught up in a security incident, limitation of opportunities pertaining to education and employment, a dormant economy and their virtual cut off from the outside world. The situation contrasts sharply with the optimism during the years leading up to the communal violence of July 1983. There was then a sign of movement with Jaffna having perhaps the best staffed university in the island and the mood of optimism was such that money was constantly being brought in by young men returning after a few years in the Middle-East who were hoping to start small industries. Except with those who take a special interest in human rights matters, disappearances, for example, do not feature in conversations with most people. There is still, in general, some appreciation of Army's difficult role, especially the role of some of the commanders, is seen as being quite positive. Among the better officers are **Colonel Lucky Wijeratne** in Vadamaratchi and **General Janaka Perera** in the area that includes Jaffna town. In Vadamaratchi, in particular, the Army is generally spoken of highly, so much so that the press report on the magistrate's hearing over the disappearance of **Muralitharan** came as a severe jolt to the people of Vadamaratchi.

Some of the imaginative measures taken by **Colonel Wijeratne** have gone down well. Among these are four buses a day to Jaffna town where army personnel travelling in the bus check people as they get in. Those travelling in these buses are spared the trouble of alighting at the ten check points. The time of the journey has thus been halved to about an hour and fifteen minutes. Some of the main drawbacks in Jaffna are administrative in nature. There are disparities in the organisation of check points. The check point for entry to Jaffna along Palaly road at Kondavil is among the best organised, resulting in minimum delay. There are also others where the delays are irritatingly long. The treatment of civilians at check-points is found to be more harassing in the Thenmaratchi area. Thenmaratchy remains relatively an insecure area especially for the people, and the Army is less mindful about the welfare of the civilians. Another area with considerable shortcomings is the hassle of getting passes to travel to Colombo. This involves people coming into town, which is difficult enough, and spending a good part of the day in long queues. It takes 3 to 4 months for ordinary people to obtain pass to come to Colombo. For official and urgent cases it is possible to get passes within a short period. It only involves some administrative reorganisation to make the system work more smoothly, but nothing has been done so far.

The movement of goods into Jaffna has been considerably slowed by bottle necks at KKS harbour. A ship at the entrance to the harbour which was blown up by LTTE suicide bombers during July '95 still rests on the bottom with part of the ship visible above water. This has made it difficult for the larger ships to dock at KKS. Waduwa, which is among the bigger ships with a capacity of 5000 tons cannot enter the harbour. It anchors outside and needs to be unloaded by navvies going out in barges. Owing to supposed security considerations these men have been brought from the South. During the days of the LTTE's control, the ships

used to anchor off Point Pedro harbour where again the goods were unloaded into barges. The navvies who were local men had a reputation for very hard work that was enhanced by a sense of serving the community. The ships were then unloaded in record time. The same does not hold for the unloading done at KKS. Recently a few shiploads chartered by private traders have been unloaded at Pt Pedro.

The bottlenecks at KKS in turn encourage a thriving black market in some essential items. For example cement is in great demand. When a shipment reaches the Building Materials Corporation (BMC), it is distributed at the normal price of Rs 495/- per bag strictly according to allocations made by the GA. At this point private traders bring down their price of cement sharply and jack it up back to Rs 1000/- once the BMC runs out of stock.

Since the Army began moving into the uncleared areas, particularly in Valikamam West, the LTTE presence has been significantly reduced. New camps have been established at Sandilipay, Manipay, Navaly and Uduvil. In several areas the bund (the improvised wall separating cleared and uncleared areas) has been shifted, expanding the cleared area. Foot patrols regularly go out from the newly established camps. In a new move small groups of soldiers go into uncleared areas under cover of darkness, and camp in a house for a few days observing the surroundings. Temporary check points are also established without notice in uncleared areas. All this has meant that things are more difficult for the LTTE whose presence is largely felt in desperate grenade attacks often harming civilians more than the security forces. [\[Top\]](#)

Attacks by the LTTE

Attacks by the LTTE have been very regular and in the majority of these incidents it is the civilians who have mostly been harmed. In some of these such as the Deepavali attack on Salu Sala, all the victims were civilians. The same pattern established earlier has been continued. Some of these are:

29 September'96: 6 Tamil civilians killed and at least 10 wounded in a gun battle between troops and LTTE infiltrators in Muhamalai, Thenmaratchi, at 1.20 am.

23 September: The KKS-Point Pedro bus bringing returning refugees from KKS harbour was caught in a claymore mine blast west of Puloly, killing two civilians and one soldier. The same day two soldiers were wounded in a grenade attack outside Jaffna Technical College.

25 September: In about the worst incident of its kind 15 soldiers were killed and four were wounded at Kaithady when an army vehicle went over a claymore mine. Here again there were no reprisals. Immediately after the incident the area was searched and a large number of soldiers went into the nearby Faculty of Siddha Medicine. No harm was done to any among the staff, students and others present.

On **17th September** a young woman travelling on a bicycle was killed by an LTTE landmine. On **9th October** during an LTTE attack at Kaladdy junction a student, **Rajadurai Sivanandan** of Manipay, was killed. During October a grenade attack in town caused injury to 11 civilians of whom 8 were admitted to hospital. On **2nd November** a grenade attack on Hospital Road injured two soldiers and 11 civilians, one of them badly. On **8th November** one officer was killed and two soldiers were injured in an RPG attack by the LTTE near Manipay. A grenade attack at the Salu Sala outlet killed one lady and injured 12 civilians. A grenade

attack on **15th November** next to the Thinnaveli market resulted in 5 civilians being injured. A few days later a youth who had been standing near the Jaffna Hospital entrance cycle park threw a grenade at the hospital police post which is the former LTTE run Patients Welfare Society (a parallel administration), near the OPD. A policeman and about 8 civilians in the hospital premises were injured. We describe below in more detail two among the recent incidents.

2nd November, Manipay Junction: Ratnakumar was a newly married technician who was involved in setting up new machinery for the Palmyra Development Board at Chankanai. He had been under immense pressure to leave the country, but stayed on out of a sense of loyalty. During the lunch hour he was standing outside **Sudarshan**, an electrical store at Manipay junction, to make some purchases. This was also the period when the area was being gradually cleared. An army truck came that way when the LTTE from hiding launched an RPG at the truck which bounced off a back tyre and exploded a few feet behind, not causing any harm to the army. **Ratnakumar** and 8 other civilians were injured by shrapnel. **Ratnakumar** fainted and was later taken to Jaffna Hospital. He was given blood transfusion and two main injuries were sewn up. When he came round, he had lost his memory. He was placed in a normal ward rather than being monitored in an emergency unit. He passed away at 3.00 a.m the following day. His life could have been saved had there been qualified and experienced medical personnel.

9th November: New Market, Jaffna: The area was bristling with last minute shoppers who were to celebrate Deepavali the next day. The Salu Sala sales outlet was crowded by people purchasing cloth materials. About 11 am a grenade was thrown from outside at the sales counter. This broke the glass pane at the counter but failed to explode. The shoppers panicked and a section of them ran outside while the others ran further inside. Then a second grenade fell in the shopping area and exploded, claiming the life of **Miss.Sunderambal Ragunathan(22)**, a sales assistant. A further 12 persons were injured, most of whom were females from the ages of 6 to 40. Two of them were employees. In reporting the incident the **“Uthayan”** was unusually severe. It stated: “[The victims were] innocent civilians including a little girl who had come to town glowing with happiness to make purchases of cloth to celebrate Deepavali. It brought enormous grief to see them being taken to hospital with blood dripping from their bodies. The fact that grenades were thrown at a meeting place of common people at a time when it was most likely to be crowded was viewed with ‘great dissatisfaction’ by the common people. This mood was very much in evidence in Jaffna.” The report added, “Military sources claimed that it was the LTTE that threw the grenades”. The **“Uthayan”** also pointed out that several more would have been killed had the first grenade exploded. But instead of exploding it caused a panic that resulted in a considerable thinning of the crowd thus reducing the casualties from the second grenade.

Given the cynicism, that is around, various stories and theories were floated among the civilians regarding the identity of the perpetrators of these incidents. The grenade throwing incidents at the Jaffna Hospital and Salu Sala were regarded by many with scepticism. Knowing the ground reality, observers who follow these incidents closely are convinced that they were the work of LTTE. There is again the familiar pattern of rumour mongers at work on the ground, accompanied by a remarkable official silence on these incidents by the LTTE's global network.

The developing pattern of these attacks evinces a greater tendency to indiscriminateness. The rationale seems to be that they would attack anywhere, where a couple of soldiers are present,

irrespective of the fact that there were civilians in greater numbers. There is also evidently a hope that if a couple of soldiers were killed in an area with a large civilian presence, more civilians would suffer if there were a reprisal attack. Some of the thinking is very similar to that going into the aerial bombing and shelling by the government forces. This has been strongly condemned by concerned people all round the world. Such practices by the Sri Lankan forces have also been used effectively by the LTTE in its propaganda campaign against the Government. But the LTTE's recent attacks on civilian targets has shown that it has no moral right to talk about aerial bombing and shelling by the Government. A common theory among the civilians is that these attacks were conducted by small groups of the LTTE who had lost contact with the leadership and were feeling frustrated. It might also be remarked that no further attacks of this nature have been reported during the three weeks leading upto the time of writing in late-December. [\[Top\]](#)

Rape Cases

The two cases of murder and rape that received much publicity after the lifting of censorship as mentioned before, were those of **Krishanthy Kumarasamy** and of **Rajini Velayuthapillai**. Here, we have just pointed out some salient features, the role of censorship will be discussed in the sequel. The first public notice of **Krishanthy Kumarasamy's** matter appeared in the Sunday Island of 15th September quoting **Joseph Pararajasingham, MP** (TULF). He put it in the form of a parliamentary question stating that the girl was missing after being detained at the check point in Chemmani while going home after answering an A Level examination. Her mother **Mrs. Kumarasamy**, a deputy principal, **Krishanthy's** brother and a family friend who went to that camp to inquire about **Krishanthy** that afternoon were also subsequently missing. In this form the item was not subject to censorship. The Deputy Minister for Defence promised to inquire into the matter and come up with an answer shortly. About 10th October, the Hindu correspondent asked the Deputy Minister at a routine press conference about his answer to the MP's question. The Deputy Minister skirted the question by suggesting that the MP is welcome to join him in going to Jaffna and see for himself the good work the Government is doing there. He also continued to maintain that there were no violations in Jaffna.

In the meantime the matter was also being taken up with the military authority by the Jaffna Citizens Committee. By all accounts **Major General Janaka Perera** commanding the 51st brigade division responsible for the cleared area in Valikamam and based in Achchelu, was very keen to get to the bottom of the matter. Being dissatisfied with the lack of information from the officer in charge of the camp, he is said to have responded, "In that case we will have to pack up and go home". During mid-October the mutilated bodies of all four missing persons were located in graves in the abandoned Chemmani saltern. At the end of October the matter was receiving a great deal of publicity in Colombo. The interrogation of suspects (5 soldiers & 2 policemen) revealed that **Krishanthy** had been gang raped.

Rajini Velayuthapillai (23) was detained on her way home at a check post at Kondavil on the evening of 30th September while returning home to Urumpirai. The family had first thought that she had stayed overnight with relatives she had gone to visit. Failing to locate her the following day, their suspicion fell on this particular check post. This suspicion was further strengthened upon hearing that soldiers at the check point had on that same evening tried to stop other young women ostensibly for checking. These women on seeing that there were no women security personnel present as should be the case when women are checked, ignored the calls to stop and had moved on.

A week later on 7th September, the elders in the area were summoned by well-wishers for a public meeting, that was presided over by **Rajani's** father **Mr. Velayuthapillai**. A petition was drawn up, signed and jointly presented to the main Army camp in Kondavil. It was immediately transmitted to **General Janaka Perera** in Acchelu. Military policemen were immediately sent to the area to whom civilians who had passed that way on that fatal evening testified individually and confidentially. Based on this testimony four soldiers were arrested that same evening. On 12th October a police dog brought to the area located **Rajani's** body, her clothes, her jewellery and her dismantled bicycle that had been buried separately.

Mr. Velayuthapillai then received a condolence message from the General, acknowledging his first letter of 4th October and containing the following: "Being myself a father, I fully appreciate your unbounded grief at the loss of your daughter. No consoling words from me can soothe your grief, as I fully understand. I will use every means at my command to ensure that those responsible for this cruel act would be punished severely. I have taken measures to ensure such a tragedy would not befall other parents". (This account dealing with **Rajani** is a summary of the fuller report published in the **Veerakesari** of 26th November, contributed by **Sunderampillai** of Pallayoor)

Atchuveli: In another incident it had been claimed that a 10 year old school girl had been raped by the soldiers at Puttur sentry point. A complaint to this effect was made to the President by a Tamil politician in Colombo. However the facts regarding the incident are not clear and it may be now too late to clarify what exactly had happened. Following the alleged incident the principal and the teachers closed the sessions at Puttur Somaskanda Vidyalayam where this girl was studying in standard five. Later however, the father of the girl as well as the people of the area tended to deny that anything of significance had happened. When a complaint reached the military authorities, in the course of investigations, the girl was questioned by a Tamil speaking female military officer. The girl said that she had been travelling by bus and at the check-point she had been urged to go to the military post by a lady seated next to her in the bus. The girl claimed that she had been questioned and she was frightened, but nothing indecent had happened. She also said that she had not complained to any of the teachers or to the principal that anything indecent had taken place. The father too said that the matter had been thoughtlessly raised by some causing him and his daughter great pain in the heart.

People in the area considered the Army Commander of the area to be a reasonable man. Moreover they had good relations with the Army and were anxious to play down the incident. Many in the area felt that nothing untoward had taken place. Several others opined that some form of molestation might have taken place but not rape. Unfortunately the nature of the inquiry conducted by the Army leaves room for doubts to persist. In a case like this the first thing that should have been done is to send the girl for a medical examination, which was not done.

The first two cases described above are fairly recent ones which probably would have been covered up in the normal course of events had the censorship prevailed and some active interest had not been taken by concerned groups in Colombo. Although there is a commendable trend in the manner in which investigations had been carried out and the culprits arrested, there is also good reason to believe that these incidents would not have taken place and lives would have been spared had the Government and the Army responded to well documented earlier cases of rape, disappearance and murder, some of which were published in our Special [Report No 7](#) of August. We shall argue below that once an army is empowered arbitrarily to detain people, torture and kill for reasons of security, rape comes in the normal

course of events. It is also significant that the Government had neither openly acknowledged nor responded to the cases documented earlier, suggesting a good measure of complicity and culpability. [\[Top\]](#)

We list some of the former cases below:

1st May 1996: Kachchai: S. Karunathiran (25), cultivator, and his wife **Pushpanayagi** (22), who had gone to give him breakfast were hacked to death.

17th May 1996: Manthuvil West, Thenmaratchy: 3 women raped by soldiers including Thangaraja Puveneswary (36) and three males and a child were there chopped to death. Those killed were **K.Sivaguru** (52), **S.Nagalingam** (57), **K.Nagalingam** (17) and **P.Thabiththan** (3years).

4th August 1996: Kerudavil: Soldiers entering a house in the night killed the father **Karthikesan** (67) and his daughter **Balaeswary** (22) was killed after being raped.

We also gave the case of **Sivatharmsundram Mayooran** of Meesalai North, Thenmaratchy, who was assaulted and knifed by soldiers at a sentry point near his home, left for dead and dumped into a nearby lavatory pit, but narrowly escaped because his moans were heard by a woman who insisted on a thorough search. It would have been very easy to investigate the matter and apprehend the culprits. But nothing was done. This happened at the end of July.

Further Incidents

5th October 1996: Eluthumattuvaal, Thenmaratchi: On 17th November, in the presence of **N.Tharmendran**, Inquirer Into Sudden Deaths, Chavakachcheri, the police excavated two shallow graves and recovered several bodies in a decomposed state. Relatives identified the bodies by the clothes, identity cards, slippers and food stamps on their persons. Each grave had three bodies. The victims were **Thaamu Manikkam** (42), a father of five from Eluthumattuvaal; **Thiagarajah** (40) of Kilali, father of four; **Ponnu Alagaratnam** (28) of Viluvalai, Eluthumattuvaal, father of three and a railway employee; **Kandasamy Pulendrarah** (16) of **Soranpattu**, a student; and **Periyathamby Thavarajah** (40), a father of three. A sixth corpse was said to belong to a coconut merchant from Uddupiddy, Vadamaratchi.

These persons went missing on **5th October**, 43 days earlier. Five of them were taking goods to the market and the student was going for tuition. The previous day the LTTE had attacked a military post in that area. The locations of the bodies were pointed out by four soldiers who had been detained in connection with this incident. The bodies were then taken to Palaly Army Base for a post-mortem examination by the JMO Kandy who had been flown in for that purpose. It was decided that **2nd Lieutenant Jayaweera** and 3 other soldiers would be produced before the District Judge, Colombo, once the forensic report is available.

This is one of the four judicial inquiries conducted in connection with violations in Jaffna of which a large number remain to be addressed. These inquiries are perhaps one of the after-effects of the publicity received by the **Krishanthi Kumarasamy** case. We give below two more cases that appeared in LTTE bulletins regularly faxed from London. These incidents if correctly reported, had taken place in uncleared areas. Our own inquiries into these reports

have so far not borne fruit. We put these down as incidents which require further investigation as they conform to the general pattern of violations at that time (our Sp.Rep.No. 7).

LTTE bulletin of 15th of August: The bodies of 3 young girls and five young men were discovered bound up in a shallow grave in Thenmaratchy. The bulletin appears to connect this with the round up by the Army on 4th August where it is said that 9 persons were detained in Kachchai and 2 in Thanankilappu. [Note the similarity of circumstances and area to the case above (5th October) that is now being judicially followed up.]

LTTE bulletin of 30th August: It is claimed that the following five fishermen named, from Savatkadu, were killed by the Sri Lankan Navy. They are **Selvaratnam Rajasingham** (30) father of five; **Sebaratnam Ratnakumar** (28), father of two; **Thiventhiram Senathiraja** (36), father of five; **Thavarasa Ithayarasa** father of one; and **Rasiah Thiruchelvam** (50), father of 9. These persons it is said were arrested on 27nd July, (a few days after a naval vessel was blown up by Black Sea Tigers off Mullaithivu). The bodies of the five are said to have been washed shore on the Araly coast on **29th August**. We have in our Special [Report No. 7](#) recorded several cases of violations against civilians during the aftermath of the Mullaithivu disaster. [\[Top\]](#)

The role of the local media in Jaffna

At present the only Colombo papers available in Jaffna are the ones published by the government controlled Lake House group,. These are only available at a few outlets in a limited quantity. Only one paper is published in Jaffna which is the “**Uthayan**”, that has been in print from 15th July. It is the one that is universally read by people who want to be kept informed, particularly of local developments. Its role therefore is important. One is also impressed by the fact that it provides a very useful window into developments in Jaffna. Given the circumstances the paper evinces a remarkable measure of independence that also speaks well for the political foresight of the military authorities in Jaffna. Violations by the armed forces are regularly reported where there is a judicial process involved. **As regards missing persons “Uthayan” of 15/11/96 reported that The People’s Committee for Peace and Goodwill submitted to Major General Janaka Perera a list of 230 missing persons, many of whom are said to have been detained by the Army. Of this number 35 are students, 12 of whom were prevented from sitting the G.C.E. A Levels. 5 are university students, one had gained admission to the university, one is a technical student, and the remaining 16 are G.C.E. O Level students.** The Committee demanded that the inquiries concerning these students should be completed speedily so that they could resume their education. The paper also carried a feature on the overrunning of the Mullaithivu army camp which ran into 10 parts. The LTTE leader’s National Heroes Day message of 26th November was also carried. LTTE statements and news of expatriate pro-LTTE activities are also featured in the paper. In reporting violations by the LTTE the paper is understandably cautious but shows a greater degree of openness than what has been seen in the last 10 years after the LTTE began its crack-down on fellow militant groups. We have quoted the report on the bomb throwing incident at Salu Sala where the protest though muted, was clearly in evidence.

The “**Uthayan**” of 29th October reported a boycott of classes by school students in protest against the rape and killing associated with the **Krishanthi Kumarasamy** case. The protest was organised by an amorphous group calling itself the Jaffna District Students Union. The boycott was effective only in the Valikamam sector. In a statement sent to the “**Uthayan**” the

group claimed that the purpose was to focus international publicity on violations against students.

In what may be seen as a new departure, an “**Uthayan**” reporter asked some of the leaders, “The LTTE too disrupts the education of students by taking away students for military service in their cause; students are also adversely affected by some of their actions! But you do not seem to have protested against these?” An un-named student replied: “We can do nothing about those who voluntarily join the LTTE. Just because the students are affected by the actions of the Tigers, we cannot ignore students becoming victims to violations by of the armed forces. The Tigers are a militant group. But the armed forces are a legally constituted arm of the government. They are therefore constrained to observe the law and respect human rights...”

The paper also carried editorials and feature articles on matters that have been the general concern of Tamils. Some of these, such as pertaining to colonisation and the current land problem in Trincomalee, had been taken from journals published in Colombo. The editorial on 29th October commented on belated moves to establish an office of the Human Rights Task Force in Jaffna. It observed the urgent need for an organisation with authority that would monitor the local human rights situation and added: “When Jaffna was under the control of the LTTE, it was made obligatory that all functions of the government in Jaffna should be subject to clearance by the Defence Ministry. But why is this earlier practice being continued when Jaffna is under government control with the civil administration established and the area under the protection of the government forces? Is it right that Defence Ministry clearance should be required even for the purpose of establishing a branch of the Human Rights Task Force in Jaffna?”

The editorial of 16th November commented on the severe disabilities to which the Tamils, especially the young, have become subject and of civilians fleeing Vanni into Vavuniya being confined by the Government in camps in the manner of being held in prison. It observed, “It has become deeply entrenched in the hearts and minds of officialdom to think that Tamils could be made subject to any disability, any suffering and any kind of restriction. These injustices are enforced under the stamp of national security..... These measures are driving Tamils towards feeling that the present government, though having committed itself to higher ideals, in its oppressiveness of its conduct, is no different from previous governments. The gap of division between the communities is ever widening. This is far from desirable”.

The Army acting in such a manner as to allow the paper to be seen to be independent and representative of Tamil opinion, has also enabled it to appeal quite successfully to the Tamil public through its pages. The ‘**Uthayan**’ of 20th November carried a statement from the Army listing attacks by the LTTE in which those affected were nearly all civilians. The statement went on to observe, “The inner character of these incidents reveals that the Tigers who called themselves the liberators of the Tamil people have absolutely no concern or feeling for the Tamil people”. In a clear reference to violations by the armed forces that had recently received publicity the statement continued, “We need to examine why those who campaign for international publicity to be given to small acts of indiscipline by the armed forces observe absolute silence over these violations [by the LTTE]. It is after all the army that conducted an investigation into the murder of **Krishanthy** and of **Rajani Velayuthapillai**, and produced those guilty before courts of law. It is moreover the Army that publicised what had transpired in these crimes. After the Army had done all this, it needs to be asked why condemnation and demonstrations should follow at this particular point.... Is silence being observed on crimes by

the LTTE because people have taken it for granted that murders and abductions are the normal functions of the LTTE?

“ A branch of the Human Rights Task Force has now been instituted in Jaffna to safeguard the human rights of the people in the peninsula. It will impartially investigate and act on all violations. The people can therefore obtain redress by taking their complaints to the officials of this organisation”.

The ‘**Uthayan**’ of **23rd November** carried an appeal by **Major General Janaka Perera**:

“The LTTE cannot continue to function without being vampires sucking the blood of the people. The armed forces understand this fully well. In grenade attacks around the city of Jaffna during the past month, 39 civilians were injured, while one was killed. During the week gone by, the army recovered 900 hand grenades within the city limits alone. There is no doubt that the Liberation Tigers had hoped to use these grenades to celebrate their National Heroes Week. Had they done so a large number of civilians would have been injured.

“ It is with the co-operation of the public that we were able to recover these grenades. Yet a few who suspect our motives are reluctant in giving us their co-operation. But the manner in which we are performing our duties will speak for itself. ‘Please change your hearts and co-operate with us’ remains our message. The future belongs to you and to your families... It was not to the liking of the Liberation Tigers that you should live in freedom. They began to lay their hands on the civil administration that came to function with a degree of normality after several years... The Liberation Tigers are using the people as shields to attack soldiers manning check points at the entrance to the city....The Tigers are trying to perform a sacrifice with the lives of the common people in order to celebrate their Leader’s birthday. They had informed the people in Annaikoddai, Manipay, Uduvil and other places [all uncleared areas] of their plans. It is with the intention of preventing unnecessary loss of life that we in the armed forces undertook new operations in the Valikamam sector. We must say that the people in those parts greatly welcomed our actions. During the course of these operations, we neutralised more than 12 LTTE cadre and recovered 25 automatic weapons, suicide kits and a large quantity of explosives, and most importantly a large quantity of medicines”. The statement claimed that these medicines which were for the use of the common people had been stolen from Manipay hospital causing civilians the inconvenience of going to Jaffna town even for simple medical remedies. The statement concluded by kindly requesting the co-operation of the people in the coming days to eliminate the menace of ”vampires”.

It was quite evident that these statements which displayed considerable political astuteness were proving effective. Many of the sentiments are what a large number of people would like to express openly, but lack the ability to do so. It did not matter so much to them that they should come from a general in a Sri Lankan army. **Janaka Perera** may as well have been a pseudonym. Indeed the student protest did have a certain legitimacy. But these statements accompanied by an army that was seemed to be much better disciplined appeared to take the wind out of this protest.[\[Top\]](#)

The Role of censorship and the Government’s responsibility.

During the months following the suicide bomb blast in Jaffna town on 4th July, the Government's commitment to human rights had fallen far below what it had pledged to uphold, and indeed what it was obliged to respect in view of its international commitments and covenants it had signed, such as the Covenant Against Torture. Compounding the abuses by a routine failure to issue receipts upon arrest, non-disclosure of places of detention, practising systematic deception on family members, and sending them from place to place in search of detainees, merely to tire them out, knowing very well that no answer would be forthcoming, amounts to a flagrant violation of basic humanity even in a time of war. In this matter the Government's conduct was far from being blameless. It had been told, given well authenticated reports and knew well what was going on. But in its public statements, it kept on denying that there were any violations. Further the setting up of an HRTF branch in Jaffna was delayed by several months. Moreover, when criticisms were made, annoyed military spokesmen came out with some unbalanced statements rather than responding to the very real grave problems. The Army Commander for example is quoted as having said that the disappearances were really of persons who had joined the LTTE and of parents blaming it on the Army to hide the truth. It only shows that the defence establishment is yet very much governed by its past approach of denying all charges and avoiding any open re-evaluation.

Again the censorship that was in force until the 8th of October also needs to be examined in the light of what was actually suppressed. Once the censorship was lifted nothing new of significance was revealed in the Colombo press about military events. Nearly everything about the disaster had appeared in some form. The Mid-Week Mirror had even defied the censorship to reveal the extent of the Mullaitivu disaster. The arguments appearing in the Southern press against censorship at that time are also revealing. One of the key arguments put forward was that censorship and the absence of independent reporting had deprived the Government of what was to be gained from fully exploiting the success of its military operation to capture Killinochi. Hardly anything was said about the consequences of using censorship to suppress what the Tamil civilians were suffering at the hands of the armed forces.

We had always opposed the use of censorship to hide the suffering of the people. Even now it is impossible for journalists to go to Jaffna without the Government making the arrangements. Since there are now regular flights, it should not be difficult for journalists to visit Jaffna on their own if the Government gives a green light. It will allow the ordinary people in the South to understand developments in the North as well as keep the Army accountable. Of course, the latter can happen only if the media are keen on reporting the suffering of the ordinary people, and are prepared to see things with an open mind. But unfortunately the institutionalised nature of bias in the mainline press along ethnic lines hampers openness. Further the covering up of the Army's misdoings is treated as a patriotic duty by most journalists. This pervasive character of tribalism, passing off as patriotism, has destroyed both communities, further enhancing the crisis.

Perhaps the only significant revelations after the lifting of the censorship had to do with alleged irregularities in the use of the huge defence budget to make purchases. These included a royal chandelier for a naval mess. Another item concerned some apparent rivalry between the navy and the airforce which on 9th May resulted in an LTTE arms ship unloading its cargo off the Mullaitivu coast and getting away. We earlier referred to some freak circumstances which combined to publicise the **Krishanthi Kumarasamy** case in a manner that never had happened before in the case of a Tamil. One important circumstance is that there were a few

groups in the South that were concerned, which took up the matter and organised public demonstrations. They were also helped by some sympathetic individuals in the press.

Another factor is the contribution to media diversity occasioned by the coming of the Weekend Express, now a barely a year old. A lady journalist published a strong report which appeared in the Weekend Express of 28th October, which followed the publication in full, in an earlier issue, of an appeal to the President by the elder sister of Krishanthy who was left the sole surviving member of the family. The protest, together with this letter and report, aroused enough publicity that could not be ignored. The following Sunday, 3rd November, all four main Sunday English papers had stern pieces on the case written mostly by regular columnists. The Government too was constrained to take some serious action.

In the sequel, substantial measures were initiated to improve the human rights situation in Jaffna. The fact that there are magistrate's proceedings where at least complaints against certain types of violations by the armed forces could be heard, as indicated in the reports above, is a definite improvement. Earlier there had been a situation where people lived in terror and thought it utterly pointless to talk about or complain to the authorities regarding violations by the armed forces. That a former member of the LTTE felt safe enough to testify against the Army at the disappearance hearing in Pt Pedro reported above, though on isolated case, is an encouraging sign. The real test would be how safe people feel to complain about misconduct by soldiers in the remote parts of Thenmaratchy and the newly cleared areas. A necessary further step is strictly to enforce tangible redress concerning missing persons within a short period.

It must also be mentioned that there are several matters in which the Army has learnt its lessons and has changed for the better. It will be recalled that following the suicide bomb explosion on 4th July, a number of deaths and injuries resulted from firing by the Army. Since then the Army has held its fire whenever a grenade attack had taken place in a public area and had asked the civilians to lie down, or take cover before themselves taking action. The Army is now said to be more circumspect in dealing with civilians. There appears to be a determination to see that tragedies like **Krishanthy's** and **Rajani's** are not repeated again. [\[Top\]](#)

The Dangers During the Coming Year

An important legacy bequeathed to Tamil society by more than 10 years of fascist politics is the ruin inflicted on its moral fabric. People are no longer in a position to make firm judgements about others they meet every so often. Such a society is very prone to manipulation. Thus when an Army of outsiders with the power to inflict physical harm is brought in to maintain security and make judgements about individuals who are total strangers, that even insiders are hardly able to do, it becomes a situation ripe for violations. In the meantime the LTTE wants violations to take place and does everything in its power to provoke them. Bringing some order into this situation also requires political leadership among the Tamils that could confront both the armed forces and the LTTE, and take responsibility on behalf of the people. The student protests that were reported have so far been handled carefully by the Army without recourse to overt repressive measures. These protests may also prove the thin end of the wedge, if the human rights and political questions are not resolved.

It seems clear that the Government has so far failed to make public a list of persons detained because some of them have died under conditions of torture. By not dealing with it early

enough a situation has been allowed to continue where the number of deaths under torture increased. But the Government cannot delay this forever. When the truth comes out many questions are going to be asked and even the measure of goodwill earned by the Army is going to be put under severe strain. It was a rising incidence of disappearance under torture that gave a boost to youth activism and the militant movement in the early 80s. If such a situation is allowed to occur again, it would be very damaging to Tamil society as well as for the State. It is also notable that the current student activism has its base in leading schools around Jaffna town. This partly owes to the fact that the rape and murder victim **Krishanthi Kumarasamy** was herself from one such school. The LTTE will all the time be looking for opportunities to provoke and challenge these students into doing something rash. Such an occurrence is more likely if the human rights question is not dealt with.

We saw it happening in the early months of the **UTHR (Jaffna)**. During the Indian army's presence in mid-1989 there was a situation of mounting violations by both sides. A leading student at St. John's College, Jaffna, was killed by a Tamil militant group allied to the Indian army. It turned out that this student was a popular school prefect enjoying a high opinion among both students and staff. But he had also been pushed into a situation where he was using LTTE letter-head paper to send threatening letters to the school authorities and other members of the school in aid of the LTTE's programme of disruption. This revelation which came later was a shock even for people who had known him well, again illustrating how in the context of this politics it becomes difficult even for insiders to judge others. Such matters bring us to the question of how far the Army can go in acting firmly against violations. It is clear that routine torture has been sanctioned from the highest levels in the name of security.

General Janaka Perera whose role in Jaffna has been positive, with many civilians commending him enthusiastically as an able and approachable officer, also has hearings pending against him in the South concerning serious violations during the JVP era. During 1989, **Brig. Perera** addressing a meeting of local people in the Nikaweratiya area threatened to sacrifice ten of them for each soldier killed. Subsequently about 20 Sinhalese youths taken into custody were tortured, assaulted with iron bars and killed at Nikaweratiya army camp (report of Magistrate's court hearings, Daily News 20-01-96). This is one among many cases that show the horrendous level of institutionalised violence within the armed forces. Apart from the concerted human rights pressure launched world-wide, the present Government too deserves credit for the present happier state of affairs in the armed forces. No doubt credit is also due to **Janaka Perera** for his ability to play a far more humane role despite his past.

The question is however how serious can the Government and the Army be about investigating offences and punishing offenders? The tendency to cover up and the painfully slow judicial hearings of earlier cases in the South give a pessimistic picture. The Government has shown itself unable to implement its own directives to the security services in many areas of day to day activity. In this context unless the armed forces are themselves convinced and consciously take a decision to change their tactics and methods, recent improvements may not last for long. In some cases civilians who complained to top ranking military officials were not given denials. They were instead given statistics of weapons and ammunition recovered. How does one punish men for following the example of officers who, despite serious charges against them, have even recently been promoted and decorated by the President? The Government cannot be very serious unless there is strong public pressure.

There are again many issues outside Jaffna on the basis of which Tamil people would decide to what extent the Government and the Army are capable of playing a benign role. A matter highlighted in the press is the plight of Tamil civilians from the North now being confined to camps in Vavuniya and Kalpitiya. Individual tragedies have been widely reported in the press both locally and abroad. The Defence Ministry has claimed in a statement in response to adverse publicity abroad that freedom of movement of citizens cannot be stretched to apply to a situation where there are pressing security concerns. But this is only part of the story.

In their anger following the fall of Mullaitivu, the armed forces shelled Killinochchi not sparing the hospital, bombed even places of civilian refuge and drastically curtailed medical supplies to the Vanni. No serious provision was made for civilians to remain in the Vanni or in safe areas in Killinochi as the Army moved in. What emerges from the plight of confined refugees is an impression of gross discrimination. Even after many complaints little action is taken to ease the situation in the camps in Vavuniya. Recently the state owned Rupavahini showed homely pictures of refugees watching TV in Vavuniya's refugee camps when some ministers visited these camps. The TV sets had been installed in the morning and the camps were hurriedly cleaned up. After the visit of ministers the TV sets were withdrawn and everything returned to "normal".

The other issue which has been raised recently is the very sensitive land question. On this issue the Tamils have seen the Army as an instrument of oppression. The latest to come into the news is Linganagar in Trincomalee. A part of the land was occupied by persons holding Land Development Ordinance (LDO) permits and the rest was designated for a housing scheme to relocate sanitary labourers and their families now in overcrowded slums in Anna Nagar close to Trincomalee hospital. In 1992 the all-powerful Army under **Bridadier Siri Pieris** laid claim to the land supposedly for a firing range in the most unsuitable sub-urban setting. [See ch 5 of our [Report No. 12](#) of Nov 1993]. The matter has been totally misrepresented in the Colombo press. The Government now appears to be getting pushed into a position of partiality.

A great deal would finally depend on whether the Army could successfully transform itself from being the conscious instrument of a populist ethno-nationalism that is synonymous with indiscipline, into a truly national army. The outcome would be inseparable from the quality and nature of the political solution envisaged.