

# University Teachers for Human Rights (Jaffna)

## Sri Lanka

### UTHR(J)

## Bulletins No.42, 43 and Supplement to SpR.23 October 2006

Date of Release: 13<sup>th</sup> December 2006

1. [Bulletin No.42– a note on current developments](#)
2. [Supplement to Sp. Report No.23: Before Time Obscures the Moul'dring Heap – I](#)
3. [Bulletin 43 : Laying the Siege of Jaffna](#)

### 1. Bulletin No.42– a note on current developments

#### Disillusionment with the State and the Perils of Unity in Grievance

#### Contents

##### [1. Anniversaries as Reminders of Bankruptcy](#)

##### [2. Worldwide Indignation: Turning Point or a Long Haul Ahead?](#)

##### [3. The State, Ideology and Impunity](#)

##### [4. The Supreme Court and the North-East Merger](#)

##### [5. Sweet is Unity in Grievance](#)

##### [6. Maamanithar – Tragic Symbol of a Fatal Malaise](#)

##### [7. Cost of Caricaturing Dissidence – Destroying Democracy at the Root](#)

#### 1. Anniversaries as Reminders of Bankruptcy

Prabhakaran's predictable and self-indulgent 52<sup>nd</sup> birthday oration on 27<sup>th</sup> November, sentenced the Tamil people to more misery. His contempt for the lives and aspirations of ordinary men and women, and the sham consolations he showers on the unwitting dead, emerged plainly in the Tamil original: "*The saga of human life is like that of ephemeral bubbles that appear intermittently in the perpetual river of time and vanishes at death. Not so the lives and annals of the Great Heroes [now being celebrated]. They live on. They cease not at death. They live forever in the womb of the Tamil Mother. As paragons of truth, they are the living fire of courage and our guides and assurance on the road to freedom.*" Thrilling to

his distant admirers, and dark forebodings to those at home. The official, and dry, English version of his speech was largely confined to a distorted history events explaining why he has been driven to fighting another final war for Tamil Eelam.

Against Prabhakaran's need for perpetual conflict, his regime is all too evidently symbolised by his secret prisons, but for Tamils living under his rule, the people as a whole are as surely imprisoned, kept behind barbed wire, forced into military service in growing numbers, and denied access to the most basic of necessities, even before the current shortages imposed by the escalated fighting. Among those compelled to provide Prabhakaran's cannon fodder are very poor Tamils of Hill-Country origin, who migrated to the Vanni in the 1970s to escape want and violence on the estates. His is a regime that feeds on such desperation. Meanwhile a few privileged families around the leadership find comfortable lives and education for their children in the West.

It is on Prabhakaran that the blame for the reemergence of war in its current virulent form must be laid. While a number of peacemakers have tried to make excuses for him, the Tamil people know well that had Prabhakaran ever been willing to accept a reasonable settlement, they would have been spared 20 years of pain and destruction. President Rajapakse's drift to extremism itself was deliberately contrived by Prabhakaran's repeated landmine attacks on the Army. These continued even while Prabhakaran insisted through his mouthpiece, Thamilchelvan, that he stood committed to the CFA.

The Norwegians could have cornered Prabhakaran by engaging with him directly, and calling for an explicit commitment to the right to dissent and an end to human rights abuses. That would have been an auspicious prelude to a sustainable peace process. They settled instead on appeasing the LTTE as the easier way forward. Prabhakaran who is responsible for a host of war crimes and crimes against humanity, is now gearing up for another explosive round. Another myth cultivated by peace lobbies is that the LTTE has several cliques and the secret of peace is to strike a line to the right one. This is wishful thinking. The organisation exists for Prabhakaran alone and for his personal and political survival. The sacrifices of the Tamil people he talks about have been, for the last 20 years, the destruction he personally imposed on them in the name of Eelam. He cannot now afford to turn back. Another year of humanitarian calamity means nothing to the LTTE.

Mahinda Rajapakse completed a year as president of Sri Lanka on 17<sup>th</sup> November. His decision to rely on Sinhalese nationalists and military hardliners to capture the presidency had him bogged down in a quagmire, compelling him to procrastinate over political initiatives to expose Prabhakaran's bluff. Giving these elements inroads to manipulate the security forces has already had a major impact and caused irreparable harm. The Government is answerable for the killings of a number of Tamil spokesmen and 3 MPs during the last year, in all of which available indications point to the involvement of state security services. Instead of tackling the problem at the outset a year ago, the President allowed it to fester. This was a marked failure of leadership. He has thus doomed himself to repeat history, making strong rhetorical statements on "defending the motherland" and reenacting old discredited security measures which invariably lead to the abuse of civilians by a state that has long resisted reform.

In a recent testament to the state of sanity in the nation we are treated to the Government's whining reply to Prabhakaran's oration (*Brushing the Cobwebs off a 40-foot Tomb*, 27 Nov 2006 - 19:00, <http://www.nationalsecurity.lk/fullnews.php?id=2477>) rediscovering tired and

futile themes, proving to the converted that there was no historical Tamil region but only Tamils living as a minority among Sinhalese through the ages. There was no need for the Government to answer Prabhakaran on the importance of the *Mahwamsa* as a source of regional history rather than ideology. The Government rhetorically argues that the Tamils caught up in cross-fire (sic) are better off than the 34% (sic) Sinhalese in the North and East, because they enjoy the blessings of foreign munificence and could either flee abroad or live peacefully among Sinhalese in the South! It should be noted that this is an *official position* on the humanitarian crisis.

The immediate cause of this defensive whining is the worldwide condemnation over the plight of Tamil civilians in Vaharai caught in 'cross-fire'. They face shelling and aerial attacks by the Government, which kept relief goods out of the area until 29<sup>th</sup> November when the President was in India. Every time a convoy of relief was to go, the Army stopped it charging the LTTE with shelling, but did not permit independent monitoring of its claims. On the other hand the LTTE would not let the civilians leave the area and families are hopelessly divided, some having fled to the government-controlled area and the others trapped between the belligerents. Recent arrivals from the area described the conditions as Biafran.

Even while the people are crushed between the Government side and the LTTE, their potential to articulate defiance and to determine their own future should not be lost sight of. One such effort was the demonstration by hundreds of civilians in Batticaloa on 21<sup>st</sup> November demanding that the Government send food to Vaharai and also that the LTTE allow civilians to leave and not keep families divided. The Army wants to move into that area. It is the TRO that receives the food sent and a sizeable portion goes to the LTTE. Civilian welfare should not be hostage to military operations.

## **2. Worldwide Indignation: Turning Point or a Long Haul Ahead?**

An event, which turned the focus on Vaharai, was the shelling of Vigneswara School refugee camp in Kathiraveli, which left up to 35 refugees dead. Other developments were the killing in Colombo of TNA MP N. Raviraj and the report by Allan Rock, advisor to the UN Special Representative on Children and Armed Conflict charging the Government of complicity with the Karuna group in the conscription of children, previously a monopoly of the LTTE.

Shelling accompanied by aerial bombing began with the attack on Sampur last April. It has become unconscionably regular since late July. SLMC leader Rauf Hakeem protested when shelling by the Government claimed scores of victims, mainly Muslims, in Mutur in early August. He was virtually ridiculed and dismissed as a liar. The Government carried on regardless, killing scores of displaced Tamils, with little opposition from abroad.

Nearly always government shelling has been in response to some form of LTTE fire. In Kinanthimunai where tens of thousands of IDPs were held up by the LTTE on 4<sup>th</sup> August, the report of one gunshot from them, which killed a defiant Muslim, sufficed for the government forces to plaster the neighbourhood with MBRL fire. They did so even though they had been told of the civilian presence. The experience of civilians who have been through the works in Mutur East is that, the security forces react to LTTE fire by getting the approximate location of the unseen target and then varying the range. That is usually how civilians get hit. This is

perhaps how the Arabic College in Mutur got hit several times even though the security forces knew it housed displaced civilians.

The 8<sup>th</sup> November shelling of Vigneswara School refugee camp came at the crest of mounting concern about Sri Lanka. While the Government had sharply curtailed media and agency access to victims in the LTTE-controlled areas, hundreds of victims being brought to Batticaloa and Valaichenai hospitals also made the difference. Suddenly the world woke up to the routine callousness it had largely passed over for months.

Civilian witnesses were also scathing in their condemnation of the LTTE, which had forcibly kept them in their control, conscripted them, fired at the Army without any concern for them and pinched their rations. What the world finds rightly more blameworthy is the conduct of a state that had carried on as though sovereignty included the right to shell civilians.

The second week of December saw an artillery exchange between the Army and the LTTE around Verugal and Vaharai, and fighting south of Vaharai. There were several civilian deaths in Sinhalese villages in the area and a number of them evacuated to safer areas. An estimated 30 000 Tamil refugees are trapped in the LTTE controlled-area. Refugee camps at Kathiraveli, Palchenai and Pammivedduvan have been hit according to sources in Batticaloa, killing at least nine. The ICRC evacuated many of the 50 or so injured to Valaichenai by sea, and transferred them to Batticaloa.

The ongoing calculated provocations by the LTTE, reprisals such as the recent killing of five students in the Vavuniya Campus on 18<sup>th</sup> November, and the routine lying by both sides have taken us back to the mid-1980s where people count for nothing. Another indication of how divided the Country is, comes from furious reactions in the South to Allan Rock's report, going so far as calling him an LTTE supporter, even though army support for Karuna has been an open secret for months in Colombo as have stories of his renewed involvement in child recruitment. In Batticaloa town itself there could be no illusions. A number of very young armed children are seen outside the new Karuna camp near Arasady where a house was recently commandeered. The children feeling lost try to attract passers by to talk to them.

### **3. The State, Ideology and Impunity**

The State let the genie of impunity out of the bottle about 11 months ago by licensing killer groups. In itself that might not have been hard to rein in, but for the accumulated ideological baggage. From the time of the killing of the five students in Trincomalee last January, there has been an undercurrent of '*Me rata Sinhala rata*' (*My State, Sinhala State*) issued as threats and slogans. The Superintendent of Police from whom the STF unit implicated in the January killings took its orders should have been interdicted. He was instead promoted. The killers of Joseph Pararajasingham MP last December are known to the Government and remain free. Eleven months later, the same apparatus killed Raviraj MP.

While violations by the State have accelerated, the President has mired himself in a routine of making solemn promises to see justice done and doing nothing. Things could thus only get worse. The Manel Mal Movement (MMM), which is associated with the Patriotic National Movement (PNM), illustrates the kind of mess the Government has landed itself in. Its ostensible purpose is to boost the morale of the armed forces and look into their welfare. President Rajapakse ceremonially launched the MMM on 17<sup>th</sup> July.

On 21<sup>st</sup> July, the Presidential Secretariat dispatched an MMM team to Jaffna, including JVP parliamentarian Weerawansa and Somaratne of the PNM. They told the soldiers that the problem could be solved in 24 hours by bombing Jaffna, and received a private reprimand from Maj. Gen. Sanath Karunaratne (*Sunday Leader* 30 Jul.06). The PNM stars countered with, “*That’s ok, they are all demalu (Tamils).*” Weerawansa also earned renown for his hate campaign against INGOs, the UN and any foreign involvement in humanitarian and peace efforts.

On 15<sup>th</sup> November, Wimal Weerawansa charged that Allan Rock’s report, censuring the Government for complicity in child conscription, was a ‘future conspiracy’ against Sri Lanka (BBC Sinhalese Service). More tellingly, the BBC report quoted the monk Bengamuve Nalaka Thero, also of the MMM, faulting the Government for expressing regret after the killing of civilians in Kathiraveli by shelling the previous week. He added, “*Nobody has a right to accuse the forces of killing civilians as the attack was aimed at the LTTE terrorists.*”

The East is at the centre of the explosion of impunity Sri Lanka has witnessed this year. Among the prominent personalities to have appeared on MMM platforms are lawyers S.L. Gunasekera and Gomin Dayasiri who appeared for the JVP in the Supreme Court petition to invalidate the North-East merger and to thus isolate the East. Gunasekera was closely associated with the group that in the mid-1980s was intent on violently establishing strategic Sinhalese settlements calculated to split the contiguity of Tamil habitations in the East (see UTHR publication *Sri Lanka: Arrogance of Power...*). All Tamil villages in Trincomalee District north of Thiriyai ceased to exist from 1985. Thiriyai itself after much violence survives precariously.

Sadly, well educated and articulate professionals, with otherwise good personal contacts across ethnic barriers, attempt to compensate for personal inadequacies by promoting divisive ideologies and political agendas based on them against the humbler ranks of Muslims, Sinhalese and Tamils. In doing so they blight the future of the country as a whole by sowing confusion that hampers benign political developments, which are essential to handling a major crisis such as ours. This phenomenon was tragically visible in the unbridgeable differences which arose in the preparation of the report of experts for the APRC. Rather than achieving greatness as a nation, this deceased intellectual environment in Sri Lanka proves most fertile in spawning such political movements as the JHU, JVP and LTTE, or this ilk of politico-military outfits.

The pattern of military action that commenced with the missile attack on Sampoor in April appears a continuation of that of 1985 halted by the Indo-Lanka Accord of 1987. This time they are intent on depopulating Tamil villages stretching down from Sampoor in the Trincomalee District to Vaharai in Batticaloa North. And MBRLs are handy toys for displacing communities. The role of MMM types who have acquired a firm foothold in the Government and the Defence Ministry was eminently visible in pushing the Government to begin its much vaunted ‘humanitarian offensive’ last July that depopulated Mutur East.

The 15<sup>th</sup> October Supreme Court ruling declaring the North-East merger invalid was a high point in this campaign. International strictures which dampened this triumphal mood, came thus as a very unpleasant surprise. Hence the intemperate responses to the censure of shelling and abduction that have after all been quite public for months.

The connections of the MMM and PNM raise also concerns about the aggravation of impunity in the South. The Free Media Movement reported Weerawansa's hate speech at a PNM meeting on 6<sup>th</sup> April, naming several journalists and media concerns, adding, "*We should expose these individuals by name and create a situation where they won't be able to walk on the streets . . . [we] should spit in their faces . . .*" Given the setting up of killer units within the security forces, the presidential access granted to the MMM as an ostensible welfare body must be viewed with deep concern.

In killing operations, as revealed so far, the coordinating role is played by state intelligence that has links with cadres in Tamil groups who may have their own reasons for wanting to kill someone. The MMM and Defence Advisor H.M.G.B. Kotakadeniya, (who is also the Treasurer of the JHU) are just the *outward* signs of the access Sinhalese extremist elements have been allowed within the state's institutions at the heart of burgeoning impunity. Under normal conditions simple dislike does not result in killing. But nothing enhances killing as making it so terribly easy and cost free as giving the kind of access the extremists have in the present government, where it becomes an impersonal and deniable affair requiring only a hint dropped in the right place.

The killing of 24-year-old Lakmal de Silva of *Sathdina* on 1<sup>st</sup> July, the first Sinhalese journalist to be killed since 1999, blew up as a major issue. The Press with good reason pushed the Police to move and arrest two officers of Military Intelligence, albeit briefly, and five months later the murder has been all but forgotten.

The *Nation* reported in a feature (9 Jul.06), "*...senior police officials told this newspaper that it was becoming clearer that the killing of Sampath Lakmal de Silva... was linked to the murder of IP Nimal Douglas (a police officer framed and discharged in court who was expected to expose drug dealings of senior police officers) in Malabe [on 25<sup>th</sup> April] and the subsequent connected murders in Colombo and Avissawella [of several Tamils after the suicide attack on the Army Commander on 25<sup>th</sup> April]. Sampath Lakmal De Silva was in possession of certain information into these murders that appeared to be linking several top police officers to the incidents.*" The World Socialist Web Site quoted *Sathdina* editor Srilal Priyantha, "*He was abducted and tortured by the army personnel last October [2005] after he wrote an article about the financial corruption of the military intelligence unit.*" The same WSWWS report also said that Lakmal, who was a member of the JHU, also wrote about the financial irregularities and internal disputes of the JVP and JHU.

These issues that were not directly linked to the LTTE, were indeed very troubling developments. Even members of traditional Left parties who were close to the President are extremely worried about the situation. According to sources from these parties, the Government is in the hands of six persons around the President including a senior member of the Judiciary. It is the thinking of these persons to take it out on the Tamils for the LTTE's actions and place on the Tamil people the onus of bringing the LTTE to terms. They fear for the safety of anyone who advocates a course of moderation.

President Rajapakse would of course continue to make promises of better things to come with no idea of how he would bring them to fruition, but then something must give. Unless he commands the political will to rein in the impunity his government has unleashed, even he would not be able to predict his position this time round a year hence. This is the third time extremist forces have taken a piggyback ride on the SLFP. The first time it cost a prime minister his life.

When the Government is unable or unwilling to control its own machinery and to investigate crimes that shock the populace, it finds internationalisation a convenient tactic to buy time and neutralise worldwide condemnation. But timely orders to the service commanders and directors of intelligence to observe clear operational guidelines with effective internal monitoring, would have spared the country much avoidable damage. In turn it would have helped the Government to be seen also as the government of the Tamils and Muslims, which would have undermined the LTTE's purely negative politics.

#### **4. The Supreme Court and the North-East Merger**

Prominent in the current insecurity faced by the minorities are state killer groups and undisciplined members of the armed forces. They however operate at a lower level of the state hierarchy and could be checked if there was a system of law enforcement that worked. That too could largely be determined by the quality of justice being meted out by the Supreme Court.

Whatever the merits or demerits of the North-East merger, it is an intensely political question, also involving India. It should be settled only through fair trial and dialogue. It involves a perception of historical injustices on the part of the minorities with regard to state aided colonisation, and the undeniable fact of overt violence of the state forces from the mid-1980s, which left entire Tamil villages depopulated, particularly in the East. These are realities which most Sinhalese choose to ignore. The displaced remain vagrants to this day. Their right to vote at any election is a fantasy. Protection before the law is non-existent.

Ironically the Supreme Court presumed to decide the merger's status on the grounds of the right to equal protection before the law as pleaded by three individuals in a fundamental rights petition:-viz. the petitioners have been denied the right of franchise in some tortuous sense. Tortuous, because the court argued essentially that the North-Eastern Provincial Administration was constituted through a merger that is invalid, since the specified conditions undertaken by India were not fulfilled, and consequently the petitioners have been denied the right of franchise to elect an Eastern Provincial Council.

The judgment written by the Chief Justice with good reason did not spell out why the violation of franchise should relate to Eastern rather than North-Eastern (where no Provincial Council election was held since 1988), but relied implicitly on Counsel H.L. de Silva's submission, quoted earlier, that the merger would result in the '*Muslim and Sinhala communities in the Eastern Province being permanently subjugated to a minority...*' This is a dangerous argument, against merely a federated North-East, in a multi-ethnic country battling separatism.

Fundamental rights hearings are meant to provide quick redress for violations of a fairly simple and straightforward nature. The denial of the vote to an individual is such an issue. But the boundaries of the electoral division in this case (North-East or East) involves the rights of so many others and complex political considerations. Such could hardly form the subject of a fundamental rights hearing, unless the Court was already predisposed to the objective sought – the isolation of the East.

Was it a mere coincidence that even as the Court was hearing the petition, two petitioners and their party, the JVP, were giving a demonstration of the excessive franchise they enjoyed in colonised areas, by co-driving the war frenzy that was raining missiles from aircraft and

MBRLs on the Tamils of Muttur East and Vaharai? What rights, of franchise or else, would the Tamils and Muslims in the East enjoy when the Government has finished what it is doing now?

Perhaps more to the point of the proceedings is what Counsel H.L. de Silva said in a recent paper *'Devolution of Power to territorial entities...'* (Island 10 Jun.06): "According to current demographic patterns in this area, devolution of power to units formed on the basis of district boundaries would, while reducing the risk of ethnic discrimination, also reduce the risk of secession..." Current military operations, and killings, like those in the mid-1980s, are a graphic demonstration of how these demographic patterns are being determined.

A key element in the judgment was that the merger was conditional upon India disarming the militants and restoring normalcy in the North-East, in which it failed. To sustain this position, the justices resorted to some very partisan and tendentious history. The Government of Sri Lanka too had an obligation to do its part in enabling the Indian Army to control the LTTE. It is very dishonest to say that India failed without taking into account Sri Lankan government treachery in supplying the LTTE with arms and logistical support to kill Indian Army personnel and massacre supporters of the Provincial Administration. The latter, which the Government was committed to protect, but treated deplorably and betrayed, is referred to derisively in the judgment. The judgment is further an undeserved affront to India and to Indian troops who perished in Sri Lanka.

In order to get over the time bar of one month for a fundamental rights petition, the judgment declared the denial of franchise to the petitioners to be a 'continuous violation'. This interpretation of the time bar could open up a host of cases under FR where persons suffer continuously from a violation inflicted decades ago. It would apply to tens of thousands of Tamils displaced from Mullaitivu, Jaffna and Trincomalee since 1985.

The unanimous judgment by the five member all-Sinhalese bench was hardly about fundamental rights, but about extraneous issues deviously woven into a privileged FR petition. The Supreme Court rushed in, where wiser counsels would have forbore, and made ex-parte pronouncements on far deeper matters without giving the opposing side a fair hearing, which according to reports was treated shoddily by the Chief Justice.

An important benefit accrues from this Supreme Court hearing that comes on the heels of the Bindunuwewa judgment and the denial of relief to a Tamil petitioner under the ICCPR. There can no longer be any illusions about the position of minorities in Sri Lanka.

## **5. Sweet is Unity in Grievance**

It would have been very hard indeed to find an educated Tamil living anywhere who had not lost faith absolutely in Sri Lanka's institutions. The position of many Sinhalese commentators and the Government on the recent Supreme Court decision on the North-East merger was simply that the highest court had pronounced and not how it decided and whether justice was seen to be done. It looked as though the intelligentsias of the two communities were at polar extremes, reminiscent of post-July 1983. The time was dangerous for Sri Lanka and even more for the Tamils.

Hard it is to recall a time when the Tamils were united as after the communal violence of 1977 and 1983. Every Tamil was a friend with whom one got on famously by exchanging



harrowing experiences of fellow Tamils and to cry or be angry together. Sweet it was to spin dreams about Tamil Eelam where we would all be safe and to discuss tasks of lobbying officials of various foreign countries and sympathetic religious bodies and INGOs. The sweetness of unity could last only as long as we stuck to romantic visions and did not talk about moral values, democracy and what we as Tamils were going to make of ourselves instead of merely faulting the Sinhalese.

By 1986, once the LTTE made its homicidal bid for supremacy, the Tamils had become their worst enemies. They had no moral reference point. The unity of 1983 had evaporated. Came 2006, we had spurned several very good opportunities for peace and our condition was far worse than in 1983. Now we have come through a cycle and are, despite the misery, rediscovering the sweetness of being able to put it all on the Sinhalese.

For LTTE lobbies around the world that loathed any talk about human rights and democracy and casually defended the organisation's base inhumanity with such clichés as '*You cannot make an omlette without breaking an egg*', the Government's conduct comes a godsend. Silenced and driven under by recent worldwide strictures against the LTTE, now is the time for its lobbies to open all stops and talk about international law and violations by the Government of human rights and humanitarian law.

The allure of unity in grievance was very real for those weary of the isolation of standing up for values that the post July 1983 Tamil elite seem to care little about. It brought the LTTE tremendous dividends in the past. By its concerted takeover of overseas Tamil organisations in the late 1980s, it created a façade of unity behind its totalitarian claims.

Over recent years Tamils eager to challenge the LTTE and advance a democratic alternative to its collective suicide have fought the isolation and taken some very significant strides. Their voice is being heard with respect around the world. Succumbing to unity in grievance is to surrender all they have achieved and to lose their identity. At the same time they have to be very firm in challenging violations of the State and not fall into the trap of confusing opposition to the State with helping the LTTE. No one has helped the LTTE more than the State.

For concerned Tamils to fail in this difficult task is to condemn their people to wallow in a grand lie. Meanwhile we edge slowly towards extinction. Raviraj was a good man caught up in the whirlpool totalitarian dominance. The ironies of his life serve to characterise the deadly trap in which the Tamil people have been snared.

## **6. *Maamanithar* – Tragic Symbol of a Fatal Malaise**

The LTTE leader lost no time in conferring *Maamanithan* on the deceased Raviraj. Raviraj had no militant background and joined the TULF in 1987 after his legal studies and was regarded by those who knew him a man of courtesy and refinement. His friends know his feelings of despair and indignation against the LTTE soon after Jaffna mayor Mrs. Sarojini Yogeswaran had been killed in May 1998 by the same deity that crowned him *Maamanithan*. The lady owed also her widowhood to this deity who had usurped absolute powers over others' life and reputation.

Matters did not end there. The Jaffna TULF vice president, S. Namasivayam, who defied the LTTE and made arrangements to mourn the mayoress was himself killed by the deity's

minions. So was the next mayor Sivapalan by a bomb placed in his office in September 1998 and in December Mathimugarajah who was to succeed him. Raviraj then took on the post of deputy mayor and continued in constant fear of the *Yama* special to the Tamils.

Raviraj developed deep bonds of affection with several of the municipal councillors who were from parties opposed to the LTTE and these remained with him. He addressed as *Annai* (elder brother) Councillor T. Subathiran who was later killed by the LTTE. By that time Raviraj along with the bulk of the TULF had been absorbed into the LTTE-TNA, but he defied the fear that ever stalked TNA members who fell out of line and attended Subathiran's funeral.

Many "good men" of the TULF chose to continue in politics despite the shame of obeisance to the LTTE. Such relief is short-lived as a number of factors combine to make their position untenable. It is also futile. TNA (ex-TULF) MP Mr. R. Sampanthan delivered in parliament a superbly argued critique of the Supreme Court judgment on the North-East merger. However, nearly every issue on which they speak – the merger, high security zones, the shelling of refugees etc – would have been resolved a long time ago, as early as 1987, if the deity they served was only capable of a democratic settlement.

How long could one shut one's senses and sojourn in the house of a murderer whom one knows is destroying everything that is dear and honourable? Had the LTTE killed Raviraj while he was deputy mayor of Jaffna, he would have gone down a traitor along with his peers, Mrs. Yogeswaran, Namasivayam, Sivapalan, Mathimugarajah – all TULF stalwarts of courage and commitment. That he and the people were barred on pain of death from mourning them as well as Subathiran *Annai* must have constantly rankled in him. If he would speak from the grave, he should surely tell us that the *Maamanithan* title was sheer hypocrisy and a supreme insult aimed at appropriating his name for what he did not represent – the extinction of the Tamil people.

A very senior TULF (now TNA) leader admitted in a conversation 5 years ago, "*Yes, many of our leading members were killed by the LTTE, but we have not said so.*" One could feel the tremors of pain and shame it cost him to make that admission. One of the immediate subjects of the conversation was the slain TULF MP Nimalan Soundaranayagam.

In the October 2000 parliamentary elections Nimalan scored the highest preference vote in Batticaloa District pushing the LTTE's favourite Joseph Pararajasingham to the third place in TULF's preferential list. Accordingly, *TamilNet* announced that he had lost his seat. On a second count he was declared elected when he was switched to second place pushing out Pon Selvarajah, many believe, after fiddling the preferential count. The election was already flawed by the LTTE's murder of the popular PA candidate Cheliyan Perinpanayagam, on which the TULF was silent, but did disappointingly despite it.

Nimalan was a newcomer, a school principal and social worker, genuinely popular and not to the LTTE's liking. They harassed him vindictively, demanding that he should carry saboteurs, explosive materials or both to Colombo using his official privileges. Nimalan complained to friends, but firmly declined. On 7<sup>th</sup> November he was asked to see Nagesh of the LTTE's intelligence wing, who arranged for him to be shot dead at Kiran on his way home. The people's man died a traitor and his wife became so isolated that it was mainly her husband's Muslim colleagues who helped her to wind up his affairs. The kill order, if not then LTTE Batticaloa chief Karuna's, was at least cleared by him. And Karuna is now a 'traitor'. Nagesh

remains with the Vanni faction. Whether Nimalan is still a *Throhi* (traitor) or *Maaveeran* is an interesting question for the LTTE's legal specialists.

Pararajasingham was not a serious LTTE supporter. He feared them. If it were possible he would have lived peaceably with all men, but his opportunistic backing of the LTTE caused others legitimate hurt, sometimes severe. Karuna became his enemy only through an ironical twist of fate beyond his control. In death Pararajasingham was made a *Maamanithan*. For the LTTE it was a politically useful gesture to divert attention from its own killings and to remind the people that the Government would kill anyone who spoke on Tamil grievances.

The political course of the LTTE trapped everyone in a whirlpool of murder with no way out. Not for the people, not for those who oppose the LTTE and most of all no way out for the LTTE itself. It is condemned to the cyclic drama in which each act is a repetition of the previous one with a few changes to the stage setting: Curtain lifts, the two battered combatants agree to talks, the public cries for them to discuss a political settlement; the LTTE says no, we will only talk about day to day needs of the people, namely petrol, cement and metal sheets and proceeds to kill, conscript, and prepare for war; war begins, curtain closes. Last time the stage setting included the colour of several world capitals.

## **7. Cost of Caricaturing Dissidence – Destroying Democracy at the Root**

The late Ketheeswaran Loganathan had been prescient in holding that any viable peace process must have a component that seeks to rehabilitate all militants, both LTTE and non-LTTE. Alas, the last one instead pandered to the LTTE and denigrated its opponents as paramilitaries, which they were then not. Kethees died a 'traitor' because he resisted a political line that has become the curse of the whole people. The instances below amply vindicate Kethees.

The person X who planned out Pararajasingham's assassination in collaboration with military contacts had first been in the TELO, who were the first to confront the Sri Lankan army conventionally in 1984, and were later banished as traitors by the LTTE. Knowing his military skill the LTTE tried several times to kill him. X joined a party that wanted to do only political work, and yet the LTTE went on trying to kill him even after the CFA. Over the years the LTTE had massacred a large section of his family, beginning with his mother and mother's sister. (We have had occasion to record his story.) He later formally joined the EPDP, but worked closely with the Karuna group, his erstwhile tormentors. By then he owed no particular allegiance to any group but wanted to survive and take revenge.

The killing of unarmed political opponents was a practice started by the LTTE. The first time an opponent responded in a like manner was when Y killed an elder Mr. Sivanandasundaram in 1988, while the Indian Army stood by. Sivanandasunderam, also from Valvettithurai like Y, went about Jaffna exalting the LTTE and denigrating its opponents. Y had narrowly survived the Welikade prison massacre and in the course of events about nine of his family members were killed by the LTTE. X and Y are both persons who made enormous sacrifices for the Tamil struggle, and many of their colleagues were massacred by the LTTE.

The hypocrisy and insensitive opportunism of the TNA created deep resentment among persons such as these who had taken such a beating that they were unable to see the long-term political consequences of their actions. From their point of view, it was enough that leaders such as Pararajasingham and Raviraj were prepared to legitimise a force such as the LTTE,

knowing well what it means to the Tamils. Unwittingly they became easy targets. It has been made very hard for these individual cadres who were hunted down like wild animals to have a rational outlook. They in turn became prey for sections of the State, thinking perhaps that they are using the State to fulfill their mission of revenge!

Thus LTTE politics, which caricatures all opponents as traitors, carries the seeds of its own destruction dragging the wider community along. Its leaders can never hope to find rest in this world. Any human being placed in the position of many like X and Y above, their good intentions thwarted, their sacrifice maligned and their families insulted and violated, could easily have done what they did and become tools of others who mean their community ill. However many the LTTE kills as traitors it can never unite the Tamils. It could only destroy them.

The EPDP phenomenon is a natural outcome of the LTTE's politics. It emerged in the 1990s and has a chequered history. From the beginning, governments have done business with it as a useful Tamil face. Had the LTTE opted for peace, the EPDP which has no ideological hang ups could have emerged as a democratic party in a parliamentary context. Many of those who joined the EPDP as party workers and local councillors did so to do political work and not to carry arms. Many with left inclinations formed ties with the EPDP because of older associations.

The way the international community ran the CFA, all the LTTE's opponents were delegitimised as paramilitaries. Even their humble workers who stood at bus stands for a pittance and sold the party paper were systematically targeted by the LTTE. They repeatedly appealed to the international community and the Government and no relief came. Their members were trapped in their offices and could visit their families only under extreme peril.

The EPDP had suffered much at the LTTE's hands during the CFA. Also many families without means who were victims of the LTTE's two decades long scythe of murder, and lived under constant threat, had been drawn towards the EPDP for a variety of reasons. The EPDP had government patronage to distribute and given the economic ruin of Jaffna, people were desperate. Those receiving favours from the EPDP in turn became targets for the LTTE. The Central College principal who had received government money through the EPDP for school development was one such target. The present Government wanted killers. A number of instances suggest that the EPDP lost its inhibitions and allowed its cadres to be used by the State. The LTTE in turn became increasingly reckless in its killings as evidenced in the frequency with which it is targeting even elderly women.

The EPDP's mere physical violence cannot however destroy the soul of the people. But the TNA cannot claim moral superiority over the EPDP, when it condones the LTTE's violence.

The political outlook for the Tamils is bleak. There is hardly any space for activists to mobilise the people and do political work. It is far easier make brief forays from hiding to kill for one side or the other. An exception was seen recently in Batticaloa where some activists with nothing to fall back on got the people together in the protest march against both the Government and LTTE. It would seem futile and suicidal. But such risks are essential to preserve hope for the future. All Tamils with some influence must reassess their priorities. The few democratic activists we have are too precious to lose.

The LTTE presently stands to gain some lost ground because of the Government's senseless descent to lawlessness. As tempting as it may be at such moments, we dare not forget that the LTTE must be held to account for the thousands of Tamil dissidents, Sinhalese and Muslim civilians it killed over the years in the most abject manner. It remains of cardinal importance that democratically minded Tamils keep their identity and priorities and not succumb to temptations of unity in grievance. Meanwhile Sri Lanka seems set for a period of anarchy.

In the absence of any moral reference point, accusations of terrorism by either side, whether remotely or proximately delivered have, despite their superlative vehemence, lost all meaning. Only the ordinary long-suffering people, irrespective of ethnic labels, have the moral right to, and must, hold terrorism to account; whatever the feline symbol, with claws or daggers, behind which it masks its true nature by feigning allegiance to some glorified cause.

## **2. Supplement to Special Report No.23: Before Time Obscures the Moul'dring Heap – I**

Contents:

### **1. Introduction**

### **2. Cases**

#### **Principal Sivakadatcham of Kopay Christian College:**

#### **3. The Killing of Tamil Political Leaders: 24<sup>th</sup> December 2005 – 10<sup>th</sup> November 2006**

#### **The Missing TRO workers, 29<sup>th</sup> and 30<sup>th</sup> January 2006:**

#### **The Murder of the Martin Family in Vankalai:**

#### **Cases of two women:**

### **1. Introduction**

This Supplement deals with a number of killings and other incidents since early 2005 that have remained subjects of controversy. This being so for the reason that policing has virtually broken down in the North-East. The LTTE maintained a virtual monopoly over killings until about the end of 2005. During this period (2002 – 2005) it was, in virtue of appeasement of the LTTE, the unwritten Government policy not to touch killings of Tamils. From early 2006, the Government got into the killing business in a big way and it became the business of the Police actively to cover up. Either way criminal investigations were swept aside by political expediency.

Nevertheless, we have hazarded an opinion on a number of these killings, and naturally there remained a margin of doubt. Circumstantial evidence, however strong, could be misleading. Although we gave a number of circumstantial factors pointing to the LTTE being the killers of Principal Sivakadatcham, there remained an influential block of Tamil opinion holding that it was the EPDP, including the normally well-informed *TamilWeek*. On the other hand a considerable push from the Government and purveyors of public opinion could transform

circumstantial factors into dead certainty, so much so that it becomes impossible to raise doubts. Equally, the Government and media could make strong circumstantial evidence appear a gigantic lie as with the killing of Muslim labourers in Pottuvil.

In the absence of a professional body seeking out the evidence and having only forces that destroy evidence and silence witnesses, circumstantial evidence is all we are left with in most cases. But it is only right to hold on to a glimmer of uncertainty. If our judgment is right, time would strengthen it. If we were wrong, some new information would likely turn up that would show otherwise or open new avenues of inquiry.

We therefore think that in the public interest it is only right to offer a well founded opinion wherever we have good reasons for doing so. But one must pursue these continually seeking out relevant facts in an attempt to shrink the margin of uncertainty. In Special Report No.20, we recorded some remarks from an EPDP insider, which threw doubts on opinions about certain killings that we ourselves had expressed. It brought home to us the enormous challenge of holding perpetrators accountable in an environment where killers from several parties have a common interest in keeping the people confused. Despondency over the inability to identify the killers has also the effect of devaluing life and rendering killings 'normal'.

One may sometimes form a strong opinion about who the perpetrator was based on a leak from a good source. While the subjective element in such an opinion cannot be removed, it should become a spur, pointing the way for any professional body tasked to investigate these killings.

We will continue with this occasional series, taking up cases old and new, on the principle that no killing should be forgotten. A civilized people has an obligation to lay every killing to rest by identifying the perpetrators and holding them to account. Where we are wrong despite the best efforts possible at that time, we would endeavour to correct ourselves. With these remarks we move onto the cases, several of which had been taken up in our reports before.

## 2. Cases

**4<sup>th</sup> April 2005 T. Kailanathan (55):** Kailanathan, who had wide experience in technical education, was deputy director in the Ministry of Vocational Education. He went to Batticaloa and as part of the effort in tsunami relief interviewed students at the Government Technical College in Manjanthoduwa to be trained in carpentry, irrigation and handiwork. Based on circumstantial factors, particularly the LTTE media's handling of the killing, we identified the LTTE as the killer. We also recorded in Special Report No.20, testimony from an EPDP insider pointing to that group as the possible killer citing differences between the deceased and a brother of the EPDP leader. The informant also suggested the possible use of the Karuna group in the killing.

Having made further inquiries, we are persuaded that the LTTE were indeed the killers. The Technical College had been assigned to train 100 to 150 students in craft skills. The LTTE, we reliably learn, told the principal that they would make the selections and fill the list and the principal should approve it. The Principal told them that selections do not come under him and the deputy director would make the selections based on an interview. We also learn that the LTTE had sent Kailanathan a message not to come for the selections and that the college

authorities also knew about this. This was the main context behind the killing and not so much that he worked for Mr. Douglas Devananda's ministry in a professional capacity.

Local observers also pointed out that the situation in the Technical College was similar to that at Eastern University, the College of Education and the Open University. All of them had a strong LTTE network, and it would have been almost impossible for a member of the EPDP or Karuna group, to walk in, kill someone and get away so easily.

**18<sup>th</sup> May: P. Sooriyamoorthy:** We said in Bulletin No.38 that the former mayor of Trincomalee was killed by the LTTE. Publicity in the LTTE media to a statement by a fictitious group claiming that Sooriyamoorthy was killed because he was an LTTE spy meant that the LTTE was playing a joke or was hiding something. Doubts were expressed by the EPDP insider referred to, who pointed to talk in the EPDP suggesting that the late Murali of the EPDP may have been the killer. Similar doubts were expressed also by D.B.S. Jeyaraj in *TamilWeek*. Although Mr. Sooriyamoorthy was shot on 18<sup>th</sup> May, he was moved to Colombo Hospital and it was a week before he died. During this period he had been talking to people. Mr. V. Anandasangary, his closed friend both politically and personally, who was in touch with him and his family during this period, heard nothing to suggest otherwise and is in no doubt that the LTTE killed his friend. Our attempts to trace persons with material facts suggesting otherwise proved futile. Murali, we understand, was killed by the LTTE late last year. Since a doubt has been raised, we must grapple with it, though we are skeptical.

**11<sup>th</sup> October 2005 :**

**Principal Sivakadatcham of Kopay Christian College:**

Sivakadatcham was killed in the night of 11<sup>th</sup> October 2005 followed by Central College principal Rajadurai the following day. Although the first was widely blamed on the EPDP and Military Intelligence and the second 'tit for tat' for the former, we in Bulletin No.38 pointed out several features that urged caution. Some of these are:

- a) Word from a good source who called on the family soon after the murder that Sivakadatcham knew those who came and called him, and went immediately saying 'coming sonny'. This strongly suggested to them the LTTE owing to his close dealings with them at that time.
- b) In their protest, the students of Kopay Christian College, were very discreet. They did not blame the LTTE, but they did not blame the Army either, and merely called for a proper investigation. This kind of bold discretion would have been hard to imagine with LTTE agents everywhere pushing them to blame the Army, unless there was strong suspicion otherwise.
- c) Sivakadatcham was posthumously awarded a counterfeit title of Tamil National Patriot by someone of as little consequence as the Jaffna political commissar, rather than by the Leader as precedents indicate – a fact the Tamil media except *Nitharsanam* tried to hide.

Our suspicions were supported by a number of people in the government sector in Jaffna whose work places also function as an information exchange. Answers to all inquiries directed to Jaffna generally pointed to the LTTE. An appreciation for him in the *Uthayan* by a Sivanesarasan suggested reasons why he was killed. The writer stated, "*He never hesitated to*

*express what touched his heart”, and moreover, “For the sake of the welfare of the school, he on occasions sold his good name and his self-respect.”*

Those who knew him elaborated these coded references. He had on one or more occasions complained to LTTE agents he dealt with about the group’s unruliness in dealing with schools and students. Second, the LTTE, which under the access provided by the ceasefire agreement was applying heavy pressure on school principals to send their children for its functions and activities, pulled up Sivakadatcham for refusing to send his children for their activities. He told the LTTE not to ask for his children, but he would work for them in their stead. This was how from about July 2005, Sivakadatcham began speaking on LTTE platforms. Evidently, this did not satisfy the LTTE.

After many months, we got through to persons in Kopay who had been very close to Sivakadatcham and had worked with him on educational matters. They said, *“It was very obvious that it was the LTTE who killed him.”* They repeated what a number of people gathered earlier from the deceased’s circles, but could not ask very directly – that the persons who came to kill were the same persons who had come to the house before. They added that he was shielding his school children by not sending them for LTTE activities calculated to brainwash and recruit. On this he had been very firm, despite speaking on LTTE platforms. A visitor to Kopay earlier this year raised the matter with several residents casually. Not only did they confirm this, they were privately very angry with the LTTE.

### **3. The Killing of Tamil Political Leaders: 24<sup>th</sup> December 2005 – 10<sup>th</sup> November 2006**

Three Tamil political leaders, Joseph Pararajasingham of Batticaloa, Vanniasingam Vigneswaran of Trincomalee and also N. Raviraj, were shot dead on 24<sup>th</sup> December 2005, 7<sup>th</sup> April 2006 and 10<sup>th</sup> November 2006 respectively. Because of the common features and issues involved, we treat them together. The day after Pararajasingham was murdered, Christmas Day, the Defence Ministry’s version was contained in the title of its statement, *“Tamil National Alliance Member of Parliament Gunned Down by LTTE Pistol Men during Midnight Christmas Prayers.”*

The *Sunday Leader* of 22<sup>nd</sup> January reported a meeting some TNA MPs had with President Rajapakse a few days earlier, where he was quoted as admitting that the security forces were involved in murders calculated to discredit him. He was also quoted that Pararajasingham was killed inside a church to paint him as anti-Christian and given the heavy security presence in the area, the killers could not have got away without their connivance.

The Government promised a thorough investigation and has announced several times that it was on the verge of arresting the murderers. A recent instance was 12<sup>th</sup> July when CID Deputy DIG Asoka Wijethilaka said at a press conference at the Human Rights Ministry that a positive development was around the corner and strongly hinted that the offenders would be brought to trial. One gathers that the Police know but are prevented from acting. A fuller story of these killings must begin before the November 2005 presidential election.

The LTTE’s killing of Lakshman Kadirgamar in August 2005, which followed its killing of SP Charlie Wijesekera virtually brought to an end the tottering ceasefire. Tough action was



already being contemplated by the Kumaratunge presidency. In October 2005, a very senior police officer in Batticaloa told some religious leaders that they had been ordered from Colombo to accommodate Karuna cadres in security forces' camps and added with alarm that killings would go up.

In an interview with the *Island* (25 Sep.05) JHU Treasurer and former DIG H.M.G.B. Kotakadeniya said in the event that '*the LTTE did not agree to a solution within the framework of a unitary state... the Tigers should be crushed militarily.*' This was a declaration of war against Tamils in general. For the LTTE federal or unitary did not make any difference. But, federalism is a long-standing Tamil demand. All this was no doubt music to the LTTE's ears. It did its part to have Rajapakse elected and started its provocations against the Army with land mine attacks before November was out.

By 6<sup>th</sup> December, Rajapakse's hard line team was in charge of security. Gotabhaya Rajapakse was Defence Secretary, Kotakadeniya Defence Advisor in Police matters and Sarath Fonseka, the new Army Commander. In President Rajapakse's meeting with the TNA, who were totally expendable as far as the LTTE was concerned, reported in the *Sunday Leader* of 22<sup>nd</sup> January, he told the TNA MPs, 'he believed the STF was responsible for the murder of the Trincomalee students and was again done to discredit him. Rajapakse had also drawn the attention of the TNA to the fact the STF was set up by the UNP.' The reference was to the 5 students killed on the Trincomalee sea front on 2<sup>nd</sup> January. We keep coming back to it because it is the defining event of the new dispensation.

### **3.1 24<sup>th</sup> December 2005 – 3<sup>rd</sup> January 2006**

**Trincomalee 2<sup>nd</sup> January – The New Dispensation:** Iqbal Athas in his *Sunday Times* defence column of 8<sup>th</sup> January drew attention to the STF unit under Chief Inspector Vas Perera sent to Trincomalee on the initiative of Defence Advisor Kotakadeniya that was implicated in the killings. On January 15<sup>th</sup> Athas reported that Kotakadeniya accepted responsibility for sending the STF, but held that he had first got clearance from Defence Secretary Rajapakse. The latter declined to comment. Athas had reported on the 8<sup>th</sup> that the deployment of the STF team had been done with little or no knowledge of other security officials. Once the postmortem reports confirmed that the students had been shot dead in cold blood, Athas was surprised that the MoD announced simply a full scale inquiry and the President had been persuaded not to make a commitment to punish the offenders.

The facts on the ground that became clearer in due course, gave a very disturbing picture. Far from the other branches of the security forces in Trincomalee not knowing about the deployment of the STF, the Army and Navy fully cooperated in doing their share in facilitating the cold blooded murder. The incident was planned and executed and the point man on the ground was SP (now SSP) Kapila Jayasekera. Chief Inspector Vas Perera told the magistrate's court that he was hand picked for deployment in Trincomalee by Kapila Jayasekera. The STF as part of the Police came under Kotakadeniya's purview, but not the Army and Navy. Only Defence Secretary Rajapakse could explain how the Army and Navy got involved. Needless to say nothing came of the MoD's full-scale inquiry.

This event in Trincomalee brings us to the killing of Pararajasingham MP nine days earlier. Looking back we could see the similarities in the modus operandi. The event elucidates the atmosphere created within the security forces after Rajapakse backed by extremist parties won the election. The appointments to the defence sector themselves carried a message of their

own, of which Kotakadeniya's pronouncements over the months left little doubt. Among his more explicit messages was his citing with approval an alleged British propensity for fighting terror by killing suspects willy-nilly. Rajapakse from time to time tried to put on a moderate face, but this was drowned by the passage of actual events.

Thus with regard to state killings there is no need to ask whether this or that killing had explicit approval from someone high in defence. The atmosphere and the message of impunity that was proclaimed by inaction over the initial killings had a momentum of its own. Had the Government acted firmly to punish the offenders in one instance it would have stopped. The absence of any deterrent action acted as an inducement to criminality.

**3.2 24<sup>th</sup> December 2005: Joseph Pararajasingham** was to attend midnight Christmas Mass. During the hours leading to the Mass, two persons were seen going around the cathedral area in a white van. One was recognised as they passed the office of a party now in the TNA to which he had previously belonged. (He had lately joined the EPDP.) As mentioned earlier he is not loyal to any party but wanted to take revenge. His base was some miles from the city. The LTTE had made several attempts on his life and he never moved without an army escort. His companion was a military officer of the intelligence type. When it was time, two Karuna cadres who had already been brought to a house in the area were transferred to St. Mary's Cathedral to do the deed. The military officer and the EPDP man stood outside the church premises near the entrance.

Officials of the Roman Catholic Church in Batticaloa told us that Joseph and his wife Sugunam were the first to arrive at the Cathedral with their driver and bodyguard. Seeing the place almost empty, Sugunam became worried and suggested going back home. Then her nephew arrived in a car and they took courage and stayed back. Then the Cathedral began filling up. The bodyguard and driver were left at the Cathedral entrance while the MP and his wife went to the front.

The Cathedral is in the high security area of Puliyantivu and there was a high level of security forces activity around it before the service. Church sources said that when the service started, the security personnel suddenly withdrew and were thereafter conspicuous by their absence. Against this the movement white van mentioned above was very noticeable. About five youths were noticed standing at the entrance to the wing of the Cathedral facing St. Michael's College and the bakery. They were constantly whispering to each other which those who noticed them found alarming.

When Joseph and his wife went to receive communion, one killer made his entrance from the wing on the opposite side and pumped bullets into Joseph, injuring also Sugunam and six other civilians. The killers then fled amidst confusion created by the firing of crackers by accomplices, ran to the lagoon shore behind the public bus stand, took a boat and went across to the mainland. This too was well planned like the action on the Trincomalee beachfront. The fact that the outrage was committed in the very centre of the Church in the region, in the presence of the Bishop, has not resulted in the powerful Roman Catholic Church taking the Government to task.

We understand that much of this information, which we have verified independently, was also passed onto the Government by the TNA. We also learn from sources connected to the Government that the same military officer who was placed in charge of one of the several

groups of Tamil killers cooperating with the State, also supervised the assassination in Colombo of **Atlas Bala (Balendran)** on the night of 3<sup>rd</sup> January 2006.

Atlas Bala was a Tamil businessman dealing in Travel and cellular telephones in Colombo and Jaffna who prospered during the Norwegian brokered CFA. A part of the inspiration behind the CFA, misplaced though it was, was to transform the Tigers through a surfeit of commercial activity into captains of commerce. Many businessmen took advantage of this and prospered. It went without saying that the Tigers would get their share. That was how the CFA was meant to work and no fault of Bala's. All known circumstances point to Vigneswaran and Raviraj being killed in a similar manner with state intelligence types directing from behind.

**3.3 7<sup>th</sup> April 2006: Vanniasingham Vigneswaran** was a central committee member of the TELO who became a leading Tamil nationalist in Trincomalee advancing the LTTE's claims. He came into prominence campaigning for the removal of the Buddha statue erected with the connivance and equipment of the security forces on the Trincomalee sea front in May 2005 and was appointed by the LTTE to take Joseph Pararajasingham's place in Parliament. He was shot dead in the premises of the bank where he worked in Trincomalee's naval high security zone on 7<sup>th</sup> April 2006. The Government condemned the killing and ordered the IGP to find the killers. The then IGP Mr. Chandra Fernando, who knew the victim personally from his days in Trincomalee, did nothing apart from visiting Trincomalee and giving arguments why the LTTE killed him.

Sources in Trincomalee told us that Vigneswaran was killed by a Karuna cadre named Riyaseelan (Seelan), whom we are told is different from the Seelan known as Sinthujan. The latter was also, we learn, some time used for operations in Trincomalee by military handlers and then removed. Sinthujan now has his office adjoining the STF camp in Akkaraipattu and is notorious for conscription. Both the area and the use of a Karuna cadre suggest the same modus operandi as in Pararajasingham's

**3.4 10<sup>th</sup> November: Nadarajah Raviraj** was a young but articulate TNA member, a moderate, who felt for the people and is also on record criticising the LTTE leaders for sending their children abroad while wanting other children to fight. Perhaps a number of parties had their own reasons for wanting him put out. He was young at 44 and popular as a communicator of the Tamil point of view to Sinhalese audiences through the broadcasting media that regularly invited him as a guest. He thus challenged the Sinhalese extremists. He was also an active member of the Civil Monitoring Committee (CMC), working with Mano Ganesan MP (Colombo District), Vasudeva Nanayakara MMC, Dr. Vickramabahu Karunaratne, and Appapillai Vinayagamoorthy

The Civil Monitoring Committee made a significant impact in challenging the recent spate of abductions and killings of Tamils in Colombo. Many of those abducted were held for ransom. Some of the abductions, such as from Galle Road, Wellawatte, were so open and in broad daylight with several check points or a police station a stone's throw that it was abundantly clear that they had the connivance of the security forces.

There were also strong hints based on earlier precedents that many of these abductions and killings were an outcrop of the killer groups set up by the Government, extending their privileges to get rich in the bargain.

As for the recent abductions, there are strong indications that some cadres of the Karuna group, the EPDP and sections of the security forces are acting together. Several of the kidnapped persons were taken to Welikanda where Karuna has several bases. In some instances the EPDP also became involved in negotiations to release the victims and received large sums of money from the family, holding out hopes of having the victim released. A notable feature in the affair is that the Karuna group, having broken away from the LTTE, knows many of those in LTTE lists as potential targets for extortion.

Events of the past year have shown that once the Government by acts of commission and omission allowed killer groups to function, the latter become a power unto themselves and any move by the Government to check them would inevitably carry serious repercussions for it. Thus the Government's hands are tied however much these criminal actions bring it to disrepute. With or without government approval, they had in effect an open licence to kill in Colombo.

On the morning of 10<sup>th</sup> November Raviraj returned home from a programme with the Sinhalese TV channel Derana and thereafter left home in Narahenpita driving his car with his government-assigned Sinhalese bodyguard Police Sergeant Laxman Lokuwella of Gampaha. His driver and domestic help had taken leave and had reportedly extended their leave. At 8.45 AM, from Martha Rd. he was to enter Elvitigala Rd., a prominent road having several government and security establishments, when two men on a motorcycle came and fired at him from an automatic hidden in a bag. The gunman got down from the pillion went round the vehicle firing. The gun men fled on the motorcycle, registration number JE 3500, leaving behind the T 56 rifle. An auto-rickshaw which is believed to have contained spotters was also observed leaving the place. Raviraj died in hospital about 40 minutes later, while his bodyguard was dead on admission.

The killing in a very public place and widely witnessed conveyed an inevitable message. A prominent journalist Ameen Izzadeen wrote in the *Khaleej Times* (14 Nov.): *“The presence of police officers and soldiers on the streets of Colombo is conspicuous. They are there every hundred metres — armed and on alert. Virtually, nothing escapes their attention. But the killers of Tamil Nationalist Alliance parliamentarian Nadarajah Raviraj got away with ease on Friday after committing the crime in broad daylight in the heart of Colombo which sometimes resembles a garrison city.”*

The National Christian Council said in a statement: *“We note that Mr. Raviraj’s assassination was carried out in broad daylight on a busy road on a week day morning. It is also clear that the assassin was in no hurry but got away without even a semblance of challenge from any soldiers guarding that road at several places.”*

The President condemned the killing and arranged to invite Scotland Yard to investigate. *TamilWeek* quoted a police officer saying that if only they were allowed to do their work without interference they could easily bring the culprits to book. And the Police did make some rapid progress. They found according to press reports that the motorcycle had been bought from a garage in Tangalle by persons with military or ex-military connections and registered in the name of a Tamil politician. They made some arrests and took the unusual step of handing over the file to the Colombo magistrate for safekeeping, as they feared political interference.

We received some information on the murder from Tamil expatriate sources having an intimate knowledge of the situation on the ground. According to these sources, a former EPDP MP who left Sri Lanka for the West in September 2005 has been told that a vehicle used in the killing was registered under his name and is since both puzzled and extremely worried. The former MP is said to have left Sri Lanka with hard feelings for the EPDP leader. According to these sources the Police arrested about 4 Sinhalese working for the EPDP for questioning.

These sources also disclosed that the modus operandi was similar to that used in the killing of Joseph Pararajasingham. A team of six was involved, two from the military of intelligence type, two from the EPDP and two from the Karuna group. Only the EPDP and Karuna cadres went to the vicinity to do the killings. The military accomplices or handlers were keeping the escape route clear, making sure that the killers were not challenged by security forces personnel in the area. Diverse and normally reliable sources also said independently that an individual affiliated to one of the two extremist parties supporting the Government, and enjoying high-level contacts within it, arranged a temporary hiding place for the escaping gunmen.

To the list of MPs whose killing causes particular concern, we must also add Sinnathamby Sivamaharajah (68) who was killed at his home in Tellipalai after nightfall on 21<sup>st</sup> August this year. A police station is almost across from his house in a high security zone.

### **3.5 Implications of the Killings of MPs**

We reiterate that these killings are primarily the result of a state killing machine that has gone wild. It has developed its own momentum. Worse for the Government, it signifies a reliance on terror in dealing with the ethnic problem and the absence of any meaningful political overtures. Everything the JHU Treasurer and Defence Advisor Kotakadeniya said or hinted, everything the extremists desired has come to pass. Among these are generous extra-judicial measures, waging war (quite indiscriminately as it turned out) to recapture Tiger-held territory and isolating the East. The role played by the JHU and JVP in starting the 'humanitarian' water war using one-sidedly hysterical propaganda was very conspicuous.

Whatever happened to the moderate SLFP and President Rajapakse's repeated promises of human rights and 'maximum devolution' after the Indian model? Once more the extremists who took a piggyback ride on the SLFP have virtually swallowed it up. And what about the JVP now heartily applauding and wanting more from the Army of the methods it perfected when it all but eliminated the JVP during 1987-1990? The Deputy Defence Minister then said infamously in Parliament in January 1990, "*We have finished the first eleven and the second eleven. Now we are tackling the under fourteen fellows.*" The JVP is fated to go down as history's celebrated scapegoats who drowned themselves for four decades in their own rhetoric and violence, bringing nothing but misery on their hard-pressed constituents.

The peace constituency has been criticised for excessive zeal in their demonstration in Colombo after the killing of Raviraj. What as at issue is not the degree of altruism in the protest, they were right to do so. Everyone has the right to self-defence. So far the killings have been allowed to proceed by the simple rule that the Tamils are fair game. The way they have run wild few can predict what the next turn would bring. The intra-Sinhalese killings of the latter 1980s were a direct continuation of government killings in the North-East.

Raviraj's killing exemplifies the impending anarchy. The killer group phenomenon is the bringing together of diverse elements from state intelligence and two Tamil and two Sinhalese extremist parties among others; and granting them impunity. On its own, each subgroup would have been very cautious about undertaking a killing. But under one umbrella with a guarantee of impunity gives the collective a life of its own. Any one group could initiate something and the others with no deep interest in a particular killing would go along in a game of *you scratch my back and I scratch yours*. There is no risk. With risk removed a larger circle of contacts would also be willing to do things for money. Collectively, they acquire a hugely inflated sense of power that also makes them reckless. The killing of Raviraj was after all such a revealingly clumsy affair.

### **The Missing TRO workers, 29<sup>th</sup> and 30<sup>th</sup> January 2006:**

We made a brief reference to this matter in Special Report No.20; where, quoting sources who had very good contacts with the LTTE, said that the case of the 7 TRO employees missing was staged by the LTTE in the wake of the portended Geneva talks. Although what we said received wide publicity, the LTTE failed to contradict us. On 6<sup>th</sup> April 2006, the families of the allegedly missing TRO staff were brought to Colombo for a press conference. The earlier sources laughed it off saying that those at the press conference had been well rehearsed. These were the sort of persons who dealt regularly with fairly senior LTTE officials and were happy to talk about what they knew without ulterior motives.

Having made further inquiries, we must admit that we were only partially correct and the LTTE had good reasons to mislead the public. The catch is that there were two incidents of TRO vehicles going missing in the Welikanda area, the first on the night of 29<sup>th</sup> January and the second in the evening of 30<sup>th</sup> January. Both Amnesty International and the Special Rapporteur to the Human Rights Commission (SpR) have written about this.

The first group to be abducted was a straightforward accident as follows from the SpR's report and agrees with what we heard from sources in Batticaloa. In the evening of 29<sup>th</sup> January, **Kasinathar Ganeshalingam**, described as Secretary for the Pre-School Education Development Centre for the North-East, the driver **Kathirkamar Thangarasa** and three young female TRO employees, described as pre-school teachers, left Batticaloa for Killinochchi.

Another group of TRO employees left Batticaloa on the evening of the 30<sup>th</sup> and the vehicle was stopped in the Welikande area by the abductors and all but a few of those in the vehicle were released. *TamilNet* flashed the news the same night claiming that 5 staff members were missing. Internal checks had apparently failed, and it was not until the 31<sup>st</sup> evening that TRO realised that those who left on the 29<sup>th</sup> were also missing.

In SpR's account it transpires that their van turned into a wrong road after passing Welikande, which become rough after they drove for some time, and ran into a sentry point of the Karuna group that detained them. It appears from those who know the area that the driver being recently employed from Killinochchi in the North, had failed to take a turn. Passing Welikande, the road turns right and comes to a roundabout from where the Polonnaruwa Road is to the left. If the vehicle had gone straight, the road is initially good before becoming narrow and rough and gets into Karuna's encampments around Karapola.

Ganeshalingam, who was from Jaffna, and the driver Thangarasa have not been seen again and are presumed killed. We had no indication that they were in the TRO other than to do a job of relief work. According to local sources, the Karuna group claimed to have taken over a parcel of jewellery weighing about half a pound, which the vehicle was carrying to the North. According to these sources, Karuna's men obtained under interrogation, information about the TRO van that was to proceed to the North the next day and who was expected to be in it.

The second TRO vehicle left Batticaloa on the 30<sup>th</sup> evening with TRO staff going to the North for a training programme. **According to local sources again, one woman passenger boarded the vehicle between Vantharumoolai and Valaichchenai.** The TRO employees who were there mainly for employment were alarmed at the extra company they did not know to be on the TRO staff.

The Karuna group later stopped the van and most of the passengers, according to our sources, pleaded that they were there only for a job and were chased away by the abductors. Those chased away then reported the incident. The TRO reported the following missing: **Miss. Thanuskody Premini** TRO Batticaloa Chief Accountant, **Mr. Shanmuganathan Sujendram** TRO Accountant, Manikkavasagar Children's Home, Santhivelli, **Mr. Thambiraja Vasantharajan** Accountant, TRO Batticaloa, **Mr. Kailayapillai Ravindran** Accountant, Vipulananda Children's Home, Palugamam, and **Mr. Arunesarasa Satheesharan** Accounts Trainee, Vellaveli.

There can be no confirmation of this claim for the lack of independent testimony from those released after the second incident. **According to local sources, Karuna group cadres claimed that one woman who was in the second vehicle was a key intelligence cadre carrying important messages between Killinochchi and Batticaloa. Another source was told by an LTTE acquaintance, "We lost some important people."**

Perhaps of some significance is the difference between how the TRO (the LTTE) has treated the two incidents. Although the Executive Director of the TRO informed the Human Rights Commission that it wanted them to investigate the two incidents, it only presented the three girls released from the 29<sup>th</sup> incident to be interviewed by the HRC in the presence of TRO representatives (two girls in Colombo and one in Batticaloa). The TRO's publicity too focused on the 29<sup>th</sup> incident, highlighting the pre-school education programme in which they were involved as being partnered by the INGOs Save the Children, UNICEF, FORUT and the Norwegian Refugee Council. While the TRO has informed Amnesty International that 10 persons were released after the 30<sup>th</sup> incident, none of them was presented to the HRC. Little was said of them except that they were accountants or office trainees.

There is no known connection between the two incidents and the Sri Lankan forces. But the latter are so close operationally to the Karuna group that one wonders. If the Karuna group believed a prisoner to be a key LTTE intelligence cadre, would they have disposed of her without handing her over to the Sri Lankan military? The dirty war between rival intelligence sectors, started by the LTTE, gathered momentum when Newton of the LTTE went missing near Colombo in May 2005.

A postscript speaks of the tragedy of a community where people are artificially divided into the service of warlords who have nothing to do with their deeper feelings or their well-being. One of the TRO girls who was detained and released in the saga above is married to Sittha of the Karuna group who is the political wing leader for Batticaloa. The girl's elder brother is the

Head Forest Ranger for the LTTE (Vanni) in the Batticaloa District. Romance takes wing in the strangest of encounters.

The LTTE's control of the TRO and its use as a multi-purpose organisation, besides for humanitarian work, undermines the work of many of its staff who are doing yeomen service under very trying conditions. Thilagar, the former LTTE plenipotentiary in Europe operates as L. or Lawrence Christie, Planning Officer for the TRO. Thilagar who enjoyed immense power was cut down to size and bundled off to the Vanni from Paris in an indecent hurry, shortly after two internal killings within the LTTE in Paris on 26<sup>th</sup> October 1996. The killings are still unexplained.

**10<sup>th</sup> April 2006: Suthakaran Sutharuban, Kali Kovil Street, Kallady, Batticaloa District:** Sutharuban was a young boy of age 15 to 17, who was abducted by the Karuna group. On the day given his body was found chopped to three pieces (head and hands severed) at the Kallady clock tower. It was taken to the hospital and brought home for burial in the evening where the mourners were gathered. The Karuna group came home with weapons and threatened the people there. The mourners, even close relatives who would normally stay over at the funeral house, began leaving. Only about three people, including the parents, were left with the body that night. Very few attended the Christian funeral the next day by village standards. Family sources said that Sutharuban had acted as a very low key LTTE informer and was betrayed by another who worked as a double agent. The victim was picked up when he was seated in an auto-rickshaw. The Karuna group according to reports also took the other later and he has not been seen.

**2<sup>nd</sup> May 2006: Attack on the Uthayan Newspaper Office:** The Uthayan office was attacked on 2<sup>nd</sup> May by gunmen who came on motorcycles and, in the absence of the journalists they were apparently looking for, killed two members of the support staff. In Special Report No.21, we named the EPDP as the principal suspect. The fact that the army sentry at Sivankovil opened fire and injured two persons on a motorcycle on a slightly circuitous route from the Uthayan to the EPDP office just after the attack, was the source of this suspicion. A good source later confirmed this suspicion, adding that the injured were two EPDP cadres. One was according to this source, mildly injured and the other was being treated for his injuries even two months later.

**15<sup>th</sup> May 2006: Escaping Karuna Conscripts Killed, Batticaloa:** On 19<sup>th</sup> May the Police recovered two bodies from the Batticaloa Lagoon that had come ashore at Navatkudah. Forensic examination suggested that they were killed 4 days earlier. The bodies remained unidentified. We learnt from religious leaders that the two youths had been conscripted by the Karuna group and were held in its Batticaloa office. They escaped during the night, took a boat and reached Buffalo Island in the Batticaloa Lagoon. There they were apprehended by army men at a lookout post. Finding out who they were, the Army handed them over to the Karuna group who beat them to death and threw them into the lagoon. One was also shot possibly while trying to run away. This is the fate of many children of poor parents who are treated as goods by the Government, the LTTE and the Karuna group and their parents may never come to know how they perished.

**18<sup>th</sup> May 2006: The Killing of Indian Traders, the Case of Mahlingam Vijayakumar:** Vijayakumar (30) was an itinerant textile trader from Sinnalampiddy, Thindukal District, Tamil Nadu, who used to tour the Batticaloa District. We reliably learn that Vijayakumar was called to Vinayagapuram, Valaichchenai at 10.00 AM for a viewing of his wares, taken to an



unoccupied house, bound and imprisoned by two cadres of the LTTE intelligence unit under Tharan. Tharan, from Valvettithurai, who is in charge of the Aandankulam Division (Vaharai and Valaichchenai) area, has worked under the supervision of Pottu Amman for 10 years and has his office in Kathiraveli. The two cadres who abducted Vijayakumar are Sakthy and Ukku. Sakthy (Anthonypillai Navaratnarajah, 30 years) of Pavatkodichchenai joined the LTTE in the 1990s, surrendered to the Army in 1999, was released and rejoined the LTTE after a year. He deserted his wife Thillaiampalam Kanthimathy and his son of 7 years and lives with another married woman. Ukku, not married, has three children by a common law wife.

The night of the same day that Vijayakumar was taken, he was tortured and knifed to death. In order to cover up the killing and also because wild hogs dig up graves, local sources say that the killers also killed a dog and buried both victims in the same pit. The pit was dug up when on 21<sup>st</sup> May, the villagers and the headman complained to the Police of an unbearable stench.

### **9<sup>th</sup> June 2006: The Murder of the Martin Family in Vankalai:**

During the night of 9<sup>th</sup> June the entire family of the carpenter Moorthy Martin (35), his wife Mary Madeleine (27), their daughter Anne Lakshitha (9) and their son Dilakshan (7), of Thomaspuri, Vankalai, were brutally murdered. The rest, other than Mary Madeleine, were found hanging by ropes from the roof, while condoms were strewn on the ground. The incident took place about 300 yards from a satellite army camp. Most of those who lived in the area had moved out to the church in Vankalai for the night, the normal routine in these insecure times.

In evidence before the Mannar magistrate T.J. Prabhakaran in late June, Mary Madeline's elder sister, Mrs. Christopher Seniorita Kulas (44) said that on the morning of the day of the killings, members of the Sri Lankan Army came to the village and inquired from the women in the houses as to how many persons were in each house and other 'unwarranted details'. Mrs. Kulas stated that nobody, other than the Army, could have committed the crime, as it is only army personnel who are in control of the area and there are two army camps in close proximity.

As to the manner in which the Government was handling the case, the *Daily Mirror* of 28<sup>th</sup> June contained the following: "*Magistrate T.J. Prabhakaran, had previously ordered the (Police) OIC Jayasena to give notice to the OICs of Vankalai Police and the Army Camp, informing them to be present in Court last Friday (23). The OICs failed to be present in Court. The Magistrate asked the OIC Crimes, Mannar Police, the reason for the OICs' absence. The OIC Crimes told court that he could not communicate the Court order. The Magistrate noted the response of the OIC Crimes, as an act of negligence and indifference and is not plausible, as the police post concerned is under the purview of the same OIC Crimes.*"

From the very outset the Police and the Defence Ministry tried to fob off the case with a story that Martin had been approached by an LTTE agent Kunduthasan and Martin had turned informer and tipped them off about Kunduthasan. Kunduthasan (Prince Croos) who was arrested by the Army in the Mannar bazaar on 26<sup>th</sup> May was washed ashore on 1<sup>st</sup> June, 8 days before the murder of the Martins. The Government story was that the LTTE had killed Martin for having turned army informer. Beyond story-telling it has done no investigation

despite the horrifically sensational nature of the atrocity and the LTTE using the gruesome pictures for publicity all over the world.

We directed several inquiries to Vankalai folk about possible links between Martin and Kunduthasan, the answer was they hardly knew each other. Initially a number of persons in the area did not rule out LTTE involvement, but then decided that was very unlikely and impractical. The killers had spent some time in the Martin home, had smoked and indulged in torture. Boy Dilakshan's neck had been broken before he was strung up with his father and sister. The mother lying on the floor had bleeding from her vagina. Contraceptives were strewn nearby and rape was suspected, but so far not medically confirmed as far as we know, though samples were sent to Colombo. For a place in a high security zone and army camps nearby, the killers had acted confidently as though no one would disturb them.

Another possibility considered by locals was an inside job, suggesting that Martin had differences with his wife owing to her having had an earlier attachment. She later met and married Martin from Trincomalee, both whose families were refugees in India. The Martins had resettled in Vankalai less than a year earlier. The suicide theory too was talked about and dismissed. The hanging of Martin and the two children suggested an external hand and there were tell tale signs of intruders.

Apart from the circumstantial fact that soldiers had been making inquiries about the family earlier the day it happened, the Police's manner of investigation was suggestive of a cover up. Rather than try to uncover the truth, they were according to local sources, asking questions like, "*Could the LTTE have done it?*" and "*Could the EPDP have done it?*" One example of what it did to people was the state of the headman (GS) Mr. Rongalin.

At the beginning Rongalin was saying that this was calculated murder. He faced several sessions of questioning by the CID (Police) and also possibly by the Military Police. Later, he changed his position and maintained that it was suicide. Locals found that he was not normal, as though he had been given a terrible fright.

We talked to a man with whom Martin had worked closely. Martin worked in the timber trade. He and his family had been in and out of the witness's home. Martin was by reputation scrupulously honest, the sort that needed no supervision. He had no enemies. The business in which he worked collapsed after his murder for the lack of anyone to replace him. The witness affirmed that Martin had no problems with his wife and was very fond of his children. Although the Martins usually slept in the church, because of a church function the following morning, the family had brought their jewellery and had slept at home. He said that the soldiers who were making inquiries the day before the murder were not from the neighbouring camp but from one further away. He added that the disingenuous manner in which the Police and Army posed questions about the murder, strongly indicated they know what exactly happened to the Martins.

While fear and the disingenuous conduct of the investigation appear to have closed all avenues of inquiry, locals point to one that may be the way forward. Based on some indications they strongly believe that Martin resisted the attackers with some of the carpentry tools kept in his home and one or more of the attackers were injured seriously enough to need immediate medical attention. This is believed to be one reason why they acted with such barbarous frenzy.

Against this backdrop we received information from a good source that a killer group involving also Naval Intelligence and some Tamil elements of unknown affiliation committed the crime. One of those involved was later pinpointed as one who survived the LTTE sting in Mannar town on 30<sup>th</sup> June.

**24<sup>th</sup> June: Kaththamutthu Rasanayagam (43), Santhiveli, Batticaloa District:** The father of three was cycling on the main road about 11.00 AM. The man was a psychiatric patient and did not stop when soldiers asked him to do so. Injured, he fell to the ground. A soldier went up to him and shot him dead at close range. His wife Sivathesam who rushed to the scene testified before the Magistrate M.H.M. Ajmeer that she had seen a soldier planting a grenade on her husband. A soldier M. Anuratne told the Magistrate that the deceased was asked to stop, who then tried to throw a grenade at the army patrol. This is one of several such cases where the soldier should have been tried and punished, but are deliberately allowed to disappear in files that get stuck somewhere and are decorated with cobwebs.

**26<sup>th</sup> June 2006: Baskaran and a young woman victim, Anbuvelipuram, Trincomalee:** On Sunday 25<sup>th</sup> June about mid-day a bomb exploded at Gandhinagar Market in Anbuvelipuram, a suburb of Trincomalee, but no one was hurt. The Army then became rough with the civilians and beat up several people. A number of youths were arrested. That night a youth came running through the compound of a house chased by others. The fugitive tried to get through the barbed wire fence into the drain by the roadside through which apparently he hoped to escape. But he got caught in the barbed wire. Those chasing him caught up with him and began beating him mercilessly and showering him with abuse. The captured youth pleaded plaintively, "*Don't beat me.*" The people recognised the youth as one who had just began driving an auto-rickshaw and among those detained that day. His tormentors were not soldiers, but persons whose mother tongue is Tamil. The next morning Baskaran's body was found with cut and gun shot injuries.

Two days later the LTTE came again into the area and shot a young woman, who like many villagers sometimes spoke to soldiers. She was bleeding profusely but no one dared to help her. It was some soldiers who came and carried her to transport her to hospital. One soldier was heard saying in Tamil, "*Thangachchi (younger sister) has lost a lot of blood, but no one is coming to help her.*"

**27<sup>th</sup> August, Vimalakumari Sinnarasa (44):** Vimalakumari was present at her sick mother's place at Uthayam St. in Sittandy and so was her brother Ratnavel Sinnarasa. As to what was behind the killing of the brother and sister by gunmen who called there in the evening, we heard conflicting reports. Our sources finally said that some Karuna cadres were having dinner at their house when the LTTE got word and came there. The Karuna cadres managed to run away. The LTTE gunned down the sister and brother.

**3<sup>rd</sup> July 2006: A Rare Sign of Hope, Trincomalee:** A bomb fixed to an abandoned auto-rickshaw exploded near the army check point at Anuradhapura Junction at noon, killing a soldier, a woman home guard, two police constables, a police sergeant and a civilian. More than a dozen others were injured. From April, the standard pattern after an LTTE provocation of this sort is for the security forces to launch reprisal attacks on Tamil civilians. But this time, the Police **SSP Nihal Samarakoon** rushed to the scene and controlled the situation, preventing any reprisals.

## Cases of two women:

**5<sup>th</sup> July 2006: Miss. Punithvathy Ambalavanar (43):** The spinster lived with her mother in Ponniah Lane, Uduvil, about 300 yards from the army camp. Intruders in the night murdered her, injured her mother and robbed the house. In its report, *TamilNet* alleged, wrongly as we learnt, rape of the deceased and made the connection with the army camp. Information we received from two sources independent of one another, points to ruffians who are used by the LTTE for Ellalan Force type of operations. We have earlier referred to such elements forced on pain of death to do services for the LTTE, which include murder, robbery and throwing bombs at the Army. Among their tasks is to create insecurity and panic mainly through robberies intended to discredit the Army.

Another remarkable instance during the middle of this year was the robbery at Senthil Master's. **Senthil Master**, a graduate teacher and native of Chavakacheri was married and settled in Kalviankadu. He ran a successful tuition centre and became quite well to do. About 4 or 5 robbers entered his house, beat him up, tied his wife and took away Rs. 10 lakhs worth of jewellery. Senthil Master complained to both the Police and to the LTTE's political wing in Pallai. He had a clear view of his assailant and had apparently guessed his affiliation. The LTTE's political commissar Illamparithy summoned him to Pallai, sat across him at a table with the man whom Senthil Master recognised as his assailant beside him. Illamparithy asked the Master whether he recognised any one of those involved. The Master got the message and never raised the matter again.

**19<sup>th</sup> October 2006, Mrs. Piriyaliny Karalasingam (32):** Piriyaliny, a native of Muttur, had married a policeman from Batticaloa and came to live in Selvanayagam Lane, Batticaloa Town, with her child. Her husband left the Police and went to work abroad. She had some jewellery and her house had been robbed a day or two earlier. She evidently recognised some of the robbers and had made it known that she was going to inform the Police. On the morning of 19<sup>th</sup> October, gunmen came to her house, called her out and shot her dead. What was remarkable was that this happened by broad daylight in a high security zone and no arrests were made. The general speculation was that the perpetrators belonged to the Karuna group. According to our sources, they were ruffians who bore to the Karuna group a relationship similar to that between the Ellalan Force and the LTTE.

### **3. Bulletin 43 : Laying the Siege of Jaffna- *behind the singular assault on the poorest of women***

Contents:

#### **[1. Introduction](#)**

#### **[2. The LTTE's killing of Two GS officers, 26<sup>th</sup> and 30<sup>th</sup> November 2006](#)**

#### **[3. A Sample of other recent Killings](#)**

##### 1. Introduction

Nothing courts defeat as the loss of political vision. The Army has been left in Jaffna mechanically doing things, such as targeted killings of individuals, for the loss of any strategy

that is seen to work. The present government placed hard-line elements in the Defence Ministry, relegated the political settlement to the back burner and set up killer groups. In Jaffna this policy has run out of steam. The overwhelming predominance in killings by state elements that we saw in earlier months is now giving way to the LTTE's. The latter is working on a strategy of besieging both the people and the troops psychologically. The sample of current killings below, going at around 30 a month in Jaffna alone, gives some idea.

Of 35 recorded killings in Jaffna during November and early December, about 12 could be traced to the LTTE. 14 of the killings could be traced to the Army and its killer groups. What is remarkable is that 8 of the victims are women and nearly all of them killed by the LTTE.

LTTE killers have infiltrated in significant numbers and unlike in the latter 1990s when the Army used to receive information fairly quickly, the Army at present displays its sense of loss by going nearly always for soft targets. We give below the case of a displaced youth in Pt. Pedro, who was asked to report periodically at the Police Station. He began absconding after another youth fulfilling similar reporting obligations was killed by a state killer group on his way home after reporting. The absconding youth was killed recently by state killers.

The LTTE on the other hand is deliberately targeting persons in two categories, who are generally far from being informers. One category is of persons whom it knows are not LTTE supporters, but whose presence and social commitment have played an important role in keeping up the morale of the populace. The other comprises people of humbler origin whom it knows not to be its supporters or persons from families closely connected to victims of the LTTE.

Among those in the first category are a retired village headman (GS) Shanmuganathan in Point Pedro and a serving GS Anandarajah near Jaffna Town. The general belief was that the second was killed by the LTTE in reprisal for the first – similar to the speculation concerning the killing of Principal Rajadurai which followed the killing of Principal Sivakadatcham. Both GSs and both principals were in fact killed by the LTTE. When the LTTE targets such persons, it is to deliberately leave the people destitute of any support so that they could manipulate them.

We encounter a number of cases of poor women killed by the LTTE, apparently for fraternising with the Sri Lankan forces or the EPDP. In their situation these women could hardly avoid dealing with soldiers camped nearby. After their deaths they were slandered as immoral or as traitors in leaflets carrying the name Ellalan Force or left unclaimed. The LTTE's hypocrisy from which it shields itself by terror is not lost on the people. It put itself all out to shield a supportive professor who had abused a 13-year-old servant girl, claiming that the girl was an undesirable with loose morals.

The LTTE knows that it failed to capture Jaffna in 2000, because the people preferred the Army and this made the crucial difference to the Army's morale. The coterie that determines policy in the present government saw using killer groups and punishing the Tamils as the way forward. Civilians see the food shortages and high cost of food in Jaffna, along with killings and disappearances, as vindictive measures. The present government is seen to be anti-Tamil and enjoys the unenviable record of being the first to deal with them, as the LTTE has done, by targeting their parliamentarians. In a new development, LTTE killers roam on motorcycles, which was rare earlier this year, and seem to operate with considerable freedom.

The Government's violations are now a useful distraction for the LTTE. Its shelling of refugees in Vaharai, the bombing of Killinochchi Hospital, the killing of 5 students in Vavuniya and the disappearances in Jaffna (over 30 a month, of whom many are hopefully alive), have with good reason caught the headlines. The LTTE has been left free in Jaffna to do its work with quiet menace.

Losing Jaffna in 1995 was a huge loss in prestige for the LTTE leader. The LTTE's attempts to recapture Jaffna in 2000 and August this year failed. Its position in the East is tenuous. The rest of the world is increasingly disinclined to treat them as representatives of the Tamil people. It thus makes sense for them to keep up a certain level of harassment in the East and put their resources into retaking Jaffna, the lost jewel in the leader's crown. The killings signify the psychological siege of Jaffna for which the Government's policy gave the opportunity.

On 1<sup>st</sup> December the LTTE set off a mine fixed to a motorcycle just outside Jaffna Hospital killing two policemen. Like the bomb just outside the Agricultural School in Vavuniya, this was a cynical ploy putting the civilians at risk. To the credit of the security forces in Jaffna, there were no killing reprisals as in Vavuniya. But the stringent security measures are making it very inconvenient for anyone to do business in Jaffna town. The Jaffna bus stand moved to the outskirts of the town, forced patients who came to the Hospital to walk a long distance in the sun. This has now been partially rectified, but damage was done. As with food shortages for which the LTTE is also to blame, these are seen as vindictive measures. A government dealing politically with the people could have avoided killings and used the LTTE putting the people at risk to its advantage.

Unfortunately, the Government trapped into a consensus with Southern extremists has no ideas left except to hope that MBRLs and Kfir bombers would work the miracle they failed to effect where Kfirs originate. Meanwhile Jaffna may be faced with the kind of humanitarian catastrophe it could hardly survive.

Killings may not be news anymore. By now however we should know the terrible prospect current killings portend. There are many agencies around the world starting with the UN whose task it is to act with the wisdom of foresight, now that there could be no illusions about the actors in Sri Lanka. We urge all appropriate measures to restrain both parties and give a strong message to the LTTE leader that his persistence in avoiding a reasonable settlement and tormenting the civilians with his ever inconclusive military experiments would earn them the full repercussions of the international system.

In the cases we have of Jaffna women killed during this period, circumstances, local information or direct evidence points nearly always to the LTTE as the perpetrator. They were mainly poor women who may have been forced to go to the Army or to an army-run shop to get essentials during the recent food and medicine shortages enforced partly and deliberately by the LTTE. In assessing the LTTE leader's quarter century of non-achievement of his goals and the intolerable misery he heaps on the people as he keeps trying, we would do well to remember what another woman victim of the LTTE wrote in 1987, in the wake of the Indian Army's offensive to take Jaffna:

*"When the children were dying with diseases, they threatened those who cared for them, ordering them not to issue Indian drugs. Did they offer alternatives, so that we could eat Tiger food and give our children Tiger drugs? Many important and searching questions*

*surfaced during the crisis. How was it that the movement that claimed to be the leaders of the people, acted with such a disregard for the people? Why did they choose this path of bull-like collision, well knowing our defenceless position? Why did they not understand that the task of rescuing the nation from Indian military and political domination, from the present position of weakness, would entail enormous creativity and not simple slogans and rhetorical, intransigent positions? One has to search in the roots of the Tigers to explain these aspects of our history. Though many factors contributed to this short-sightedness, some aspects of Tiger psychology are pertinent.” – Dr. Rajani Thiranagama, Vol. II Ch.6 of the Broken Palmyra.*

That psychology defying change and dictated by the ego of one man, has evidently evaded the understanding of most of those who want to make peace in Sri Lanka, who for the lack of will, still promote the illusion of talks with the LTTE as the road to peace.

## 2. The LTTE’s killing of Two GS officers, 26<sup>th</sup> and 30<sup>th</sup> November 2006

We highlight this development as very menacing, since both those killed, Shanmuganathan and Anandarajah were very popular with the people, spontaneously helpful to those in distress and contributed to the morale of the people they lived among. Neither was directly challenging the LTTE politically and certainly not militarily.

**26<sup>th</sup> November 2006: Kanapathipillai Shanmuganathan (64), Pt. Pedro:** Shanmuganathan, a retired village headman (GS) living down College Rd. was shot dead by LTTE gunmen near his home in the evening. He was to go to Colombo the following day. He was familiar with three languages, gave Sinhalese classes and people went to him to have official documents or letters in Sinhalese translated or explained to them. He was a leading and respected person in the area, spontaneously and promptly helpful to those who went to him as a Justice of Peace or to have some forms filled. He showed little interest in money. He was also a trustee of Athiady Pillaiyar Temple. People knew that he did not like the LTTE’s style of politics. He had a relationship of trust with the Army that was in the neighbourhood. If he gave the word, they released anyone detained. Barely nine days earlier he had attended the funeral of the slain TNA MP Raviraj. Hardly anyone disputed that the LTTE had killed him, but his funeral was very well attended.

**30<sup>th</sup> December 2006: Gilbert Anandarajah (45):** Anandarajah, a father of two, was shot dead at noon at the Gurunagar West GS office where he worked as the headman (GS). He was a socially conscious individual with progressive views who was always ready to discuss the people’s problems. He was notably silent on occasions when the LTTE expected government officers to flatter them. In his quiet way he promoted the kind of discussion that looked squarely at the people’s predicament, which exposed the LTTE’s pretensions. Unlike a normal person in his position, he pursued his education relentlessly, earned a BA degree and was also working for his MA. He also gave tuitions. This gave him a wide variety range of contacts from students to ordinary people he encountered in his work. He was compassionate towards the youth who lost their life in the LTTE’s web. On occasions there were about 40 unclaimed LTTE bodies in the Hospital mortuary. Anandarajah sometimes arranged for their burial. He told friends that the sight of the bodies grieved him deeply, for they were very young. There is no mistaking the reasons why the LTTE killed him. Often, as in this case, the word is spread that he was an EPDP supporter. The basis for such an allegation may be nothing more than his meeting Minister Douglas Devananda in his official capacity, giving him some ideas for the common good or even suggesting a welfare project.

### 3. A Sample of other recent Killings

#### **31<sup>st</sup> October – 1<sup>st</sup> November 2006: Surendrakumar (36) and Mahindan (16), Jaffna:**

Mahindan came from a broken home, where the parents had broken up and the mother was married again. Mahindan was working in a shop. Being on his own, he had apparently become friendly with the Army. The LTTE shot him dead on 31<sup>st</sup> October. The next day two army intelligence types on a motor cycle shot dead Surendrakumar, a hawker on Muniappar Street that adjoins the Jaffna Esplanade, and burnt his body. The second was apparently a reprisal for the first.

**2<sup>nd</sup> November 2006: Yasothiny Narayanamoorthy (25):** The young woman from the Odai area near Pt. Pedro was shot dead by LTTE gunmen who followed her on a motorcycle. The incident took place at Pandari Amman Temple, Thambasiddy, near Pt. Pedro where the young woman was travelling on a bicycle. The Ellalan Force (i.e. the LTTE) claimed responsibility, as usual declaring the woman to be a traitor who was involved in anti-social activities. She was in fact a health apprentice at Pt. Pedro Hospital, and we understand that she had gone to the EPDP, as with many people who seek the usual political favours with regard to government employment and transfers, to have her position made permanent.

**2<sup>nd</sup> November 2006: Nagaratnam (Nagendran) Atputharani (48), Colombo:** Atputharani was a seamstress in Wellawatte, Colombo, who was shot dead while closing shop in the evening. Her tragic story mocks the expectations of her parents in naming her (Miraculously given Queen), and is not different from the fate that has overtaken many Tamil women. Atputharani was from Mattuvil Chavakacheri and had a child by a man who deserted her. After the Army took Jaffna in 1995, she was casually friendly with soldiers in her area. About 1998, she received a letter from the LTTE calling her for an inquiry. The Army helped her to move to Vavuniya and then to Colombo, where she opened shop as a seamstress. She also married the driver of prominent PLOTE man, Peter. Although it is very likely that the LTTE killed her, another possibility must not be overlooked. It is sometime since she moved to Colombo, and the LTTE would have known her whereabouts. The LTTE is also known to have blackmailed and used women in her position for facilitating their terror network in Colombo (see cases in Bulletin No.25). If so, the security forces may also have found out.

**4<sup>th</sup> November 2006: Abdul Saleem Rahinidevi (31), Puttur West, Jaffna:** The young widow and mother of a five-year-old child was shot dead by LTTE gunmen at 7.00 PM. She was the widow of Saleem, the former EPDP secretary in the Atchuvvely office, a talented man originally from the Amparai District who married in Jaffna. Saleem had died of illness. Rahinithi was from Vembirai, a very poor village in the area where during the 1960s and 1970s, the Communist Party (Peking Wing) worked for social reform and political consciousness as the key to advancement (something the LTTE frowns on). Some of the left-leaning militant groups worked in the area during the 1980s. Sivaram who was in the PLOTE reflects on some of his experiences in this area in one of his last articles in the *Virakesari*. (See Special Rep. No.19 Part-I.) Many people coming from such backgrounds formed links with the EPDP during the latter 1990s, owing to old left connections. Minister Devananda's father was a Communist. Rahinidevi had also been a local councillor on an EPDP ticket.

**5<sup>th</sup> November 2006: Thavasi Rasenthini (29), Sirupiddy, Valikamam West:** Rasenthini was shot dead by gunmen who came home about 7.00 PM and shot her dead in her mother's presence. Her village is in the same deprived area as the previous victim, Rahinidevi. Local



sources place the LTTE as the prime suspect. Otherwise there is next to no information about her from LTTE or other sources.

**5<sup>th</sup> November: Ponnuchchamy Ramesh (30), Karaveddy, Jaffna:** Ramesh, father of two, and an auto-rickshaw driver, was shot dead by gunmen in the morning. Ramesh who was originally from Colombo, had settled in Rajakiramam, Karaveddy, after marriage. A possible pointer to the killers is that his younger brother is in the Army.

**6<sup>th</sup> November 2006: C. Bhaskaran, Jaffna:** Bhaskaran, who works in the anti-malaria campaign for the Jaffna Municipal Council, was shot by a state-linked killer group in front of the Human Rights Commission office near the Church of Our Lady of Refuge, Jaffna. He was taken to the Hospital by HRC employees, where he succumbed to his injuries. The deceased, from Avaragal, was recruited during Mrs. Yogeswaran's period as mayor.

**8<sup>th</sup> November 2006: Kathirkamanathan Lalitha (47), Alvai, Jaffna:** The mother of 7 children, was shot dead at 10.30 AM. Cut wounds on her face suggested that there had been a struggle. Sources from the area said that the woman from the depressed toddy tapper community. According to some local talk, the deceased was reputed for relations with other men and the killers were the LTTE's culture police. It is also the kind of area where the EPDP canvassed support. As in some of the other cases, the woman's age and her huge family responsibilities militate against the accusations. In several of the killings of women recorded here LTTE publicity outlets made similar accusations, which are patently ridiculous in some instances. With women of the lower social strata, they have a good chance of sticking.

**8<sup>th</sup> November 2006: Kathirkamathamby Gowri (31), Arumugaththan Kudiyiruppu, Eravur, Batticaloa:** Gowri was shot dead at her home by the LTTE at 7.00 PM. She was the mother of two children whose husband worked in the Middle East. She was on friendly terms with policemen in the area. According to local sources, the LTTE first asked her to work for them and shot her upon her refusal.

**9<sup>th</sup> November 2006: Arumugam Vignarajah (50), Pt. Pedro:** Vignarajah was the president of the fishermen's union, was shot dead by the LTTE. He had been a local council candidate for the EPDP. His nephew was the right hand man of EPDP's Jegan and was shot dead by the LTTE some time ago while visiting his fiancée.

**12<sup>th</sup> November 2006: Ravi Rajeevan (14 or 15) and Thangarooban Jeeva (21), Vellaipanthi, Kondavil East:** Jeeva was questioned by the Sri Lankan Army in a search operation on Saturday 11<sup>th</sup> morning, released and arrested the same day. Rajeevan, a schoolboy was picked up from his home late that night. Their bodies were dumped near Anaipanthi Junction near Jaffna town in the early hours of the morning, near where two soldiers on a motorcycle died in a landmine attack on the 9<sup>th</sup>. Jeeva was to be married soon.

**13<sup>th</sup> November 2006: Sivasubramaniam Rahu, Jaffna:** Rahu had been the secretary of the Jaffna barbers' association and was shot dead in Kasturiar Rd., Jaffna, by killers linked to the State. The victim, a close relation of LTTE political leader S.P. Thamilchelvan, joins several other relatives killed since 2004.

**14<sup>th</sup> November 2006: Sivalingam Rajendran (32), Eravur, Batticaloa District:** Died of beating while under interrogation by the LTTE.

**25<sup>th</sup> November 2006: Senthooran (24), Irupalai, Jaffna:** Senthooran was abducted in the Thinnevely Milk Farm area about 2.30 PM and his body was found dumped two days later in a playground in the area with torture injuries. State-linked killers are the prime suspects.

**26<sup>th</sup> November 2006: Mariyathas siblings, Navanthurai, Jaffna: The Mariyathas siblings,** the twin brother and sister Jude and Jasmine (32) and their younger brother Julius (30), were Allaipiddy refugees living in the fishing village of Navanthurai adjoining Jaffna town. One an occasion when Julius was in Jaffna town, a soldier stopped him, questioned him and obtained details of where he lived. About mid-night, Sunday, a state-linked killer group arrived at their house about mid-night and wanted Julius. Jasmine and Jude stood in their way and tried to stop them. The killers opened fire killing the two brothers. Jasmine was badly injured and admitted to Jaffna Hospital. Allaipiddy has been in a lot of controversy with the security forces. On 13<sup>th</sup> May this year, 8 civilians in the village including two children were killed in a joint spree by the Navy, Army and two or three members of the EPDP. On 11<sup>th</sup> August at least 25 persons died in shelling by the Army soon after the LTTE made a foray into the area. Its parish priest Fr. Jim Brown disappeared a week later after being abducted by the Navy. This history gave the security forces a bad name, and they may be paranoid about anyone from the area who might give evidence before a long delayed international inquiry. Local talk blames the EPDP for the murder of Jude and Julius. It falls to the EPDP to clarify matters.

**28<sup>th</sup> November 2006: Uthayakumar Rajitha (34), Thinnevely, Jaffna:** She was followed by LTTE men on a motorcycle and shot dead on her way home. The LTTE may have suspected her of links with the EPDP, because her elder sister's husband another close relative who had been in local council politics under the EPDP had been shot dead by the LTTE.

**29<sup>th</sup> November 2006: Kanapathypillai Rajadurai (64), Vathiri, Pt. Pedro:** Rajadurai was called out of his home by gunmen and shot early in the morning. He was a playwright used by the LTTE for its propaganda, but there remains some uncertainty.

**30<sup>th</sup> November 2006: Daniel Quinton (25), Naranthanai:** Quinton, who lived in a Jaffna suburb went to visit a relative in Naranthanai and was abducted in the evening. His headless body was found in Nerunchimunai, Kayts the next day. According to sources familiar with the area, the LTTE was responsible for this crime although recent history pointed to the Navy. The matter needs to be kept open. Again there is very little additional information about the deceased. Often some kind of public ceremony accompanies the work of a state killer group, unless the victim was picked up at a checkpoint or went into a lonely area dominated by the security forces. A similar difficulty accompanies the case of **Sathasivam Thayaparan (38)**, a native of Kopay who went to Velanai in the Islands on 1<sup>st</sup> November with Rs. 15 000/=, was reportedly seen in Velanai in the evening, and his severed head was found 500 yards from the body in the Velanai area the following morning. No motive for the killing is known. All that we have been able to gather is that an unknown party took him to Velanai under a false pretext.

**1<sup>st</sup> December 2006: Thevathasan Vimala (56), Oddumadam, Jaffna:** Vimala, a woman of Cheliyan St., Oddumadam was called out and shot dead by the LTTE, late morning. While *TamilNet* announced only the incident, another LTTE web site *Puthinam*, claimed that she was a traitor, betraying the struggle and having sexual relations with the Army, an accusation that did not quite fit her age. What was true was that her daughter had worked at the EPDP office.

**5<sup>th</sup> December 2006: Sebamalai David (27), Katkovalam, Pt. Pedro:** David was a displaced fisherman living in Katkovalam. He had been picked up by the Army and was after then required to sign at the police station regularly. After a person reporting to the Police like him was followed by a state killer group and shot dead, he was afraid to report to the Police and was absconding. At 7.00 PM on the fatal day he was at the Church of St. Mary of Lourdes in Thumpalai, talking to his cousin John Jesudas (37). A state-linked killer group traced him to the Church and opened fire at him and killed him. Jesudas was seriously injured and later transferred to Jaffna Teaching Hospital.