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**Flight, Displacement and the Two-fold Reign of Terror**

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## **1. Introduction**

The escalation of conflict in recent months has heightened the travails of civilians in the North-East. Extra-judicial killings, conscription of children and adults, and displacement are taking a tremendous toll. Once again, refugees have been driven to flight across the raging seas to India, and some have perished in the attempt. The state's failure to control its forces in the face of LTTE provocations, to enforce discipline or accept responsibility for their actions has greatly increased civilian suffering.

Villages of all communities live under enormous fear of what they cannot control. It would be a mistake to underestimate the suffering. Muslims in Mutur for example – though often considered to be less affected by the current violence - face, many uncertainties. They are confined to a small area and movement by land is perilous. Their

farming and commercial activities are at a standstill. They do not trust the agenda of the government forces who are only too happy to let Muslims take the blame for killings of Tamil civilians. The LTTE has ordered their expulsion in the name of a front organisation. When questioned by the media the LTTE denies it, but they have done little to calm Muslim fears, rather they have acted to increase their insecurity. As a result, many Muslims with contacts have moved to Kinniya where they do not face the same debilitating fear.

In the Vanni where the LTTE's military conscription of both adults and children is an intimate reality, fathers are huddled in their homes with their children fearing to go out, lest they are dragged into a van by thugs and are not seen again. Their mental agony is beyond description. When the security forces exhibited an acceptable level of discipline, the people had more options. Today that discipline has been severely eroded. The terror they face is at least two (if not three) fold and for the most vulnerable there are no options. Some of the recent tragedies, apart from their poignancy, are reminders of the multi-faceted history of the Tamil people and the current sources of terror.

### **1.1 LTTE attacks on Mr. Anandasangary's followers:**

While those who championed the peace process that is now in a state of collapse have been pointing the finger at 'paramilitaries' and 'spoilers', they are blind to the old disease that made the peace process unworkable from the start – the LTTE's constant targeting of political opponents. No one has called the respected democratic politician Mr. Anandasangary a paramilitary. Now with the LTTE's own party the TNA in the doldrums as time ordained, the LTTE appears determined to eliminate Anandasangary's loyalists.

About 7.00 PM at his Wellawatte residence in Colombo on 10<sup>th</sup> June, the LTTE shot dead Mr. Ramachandran (67) brother of Mr. Anandasangary's former secretary, Satchidanandam, who too has moved out of Jaffna. Ramachandran's daughter is married to Jeeva of the EPDP. Thangarasa Thangamuhunthan who is an Anandasangary loyalist and former member of the Jaffna Municipal Council that had defied the LTTE on the opening of the Public Library was summoned by two LTTE men who came on a motor cycle and shot at his home in Moolai, Jaffna. He was warded at Jaffna Hospital.

### **1.2 One Family's Fate:**

Over decades, the Tamils in Trincomalee faced repeated bouts of state terror and an array of threats from non-state forces, but they were not cowed. The family history of Govindasamy, an elderly fisherman from Ward 10 Trincomalee who died recently at the age of 75 while fleeing to India with his family, reflects the struggle of the people of Trincomalee to survive this complex and stressful environment.

In September 1983, Govindasamy's son Sanjeevi was among those members of the EPRLF militant group who helped the survivors of the Welikade prison massacre escape from Batticaloa prison and flee to India. Sanjeevi's brother Mohan also joined the EPRLF which was later decimated by LTTE violence. They survived when many of their

colleagues in the group were killed. But in December 2003, a year before the tsunami, the LTTE (taking advantage of the ceasefire) abducted Mohan; he has not been seen again. His father, Govindasamy, looked after his wife and children.

Meanwhile violence was increasing in Trincomalee. After the Government and the LTTE again unleashed their combined terror in Trincomalee in April 2006 (Special Report No.21), the LTTE told Tamil civilians repeatedly in especially the poorer areas, words to the effect, “*We will continue our (especially landmine) attacks on the armed forces, and are telling you now that we will not be responsible for the consequences you would face*”. Many of them began moving to India by sea after travelling overland to Mannar. The Tigers came back every few days and asked menacingly those who remained “*Haven’t you gone*”?

Govindasamy sailed for India in an overloaded boat with his family, aided by Kanthasamy, Mohan’s wife’s sister’s husband. The boat capsized near the Indian coast. Many family members drowned: Puvanavathy (40), Mohan’s wife; Radeesha (14), his daughter; Navamani Ammal, his sister; and Nivasini, Puvanavathy’s sister’s and Kanthasamy’s daughter. (Puvanavathy’s sister had passed away 5 years ago). Those missing are: Archana Mohan (9), Mohan’s son, and Kanthasamy’s three adult daughters. Those who survived are: Jahahan Jeyamohan, and Aravindan (11), both Mohan’s sons; Kawthavan Anbalagan (16), Mohan’s brother’s son; Kanthasamy (45) and his sons Balamurali (21), Manoj (18) and Dilakshan (15). Mohan’s father Govindasamy who saved his two young sons, perished when weariness of age left him unable to continue his rescue anymore. The family was taken to Punal refugee camp near Madras by Mohan’s brother Sanjeevi, who had remained in India after the withdrawal of the Indian Army from Sri Lanka in 1990. Mohan and the rest of the family had returned to Trincomalee from India in 1996.

The Tamil community in Trincomalee managed to withstand and bounce back under the impact of state terror, but years of internal terror have progressively left it benumbed and utterly dispirited. In 1983 Tamil youths spontaneously organised themselves to collect relief and run camps for the refugees from communal violence; it was thus that many became politicised and joined resistance movements. That spontaneous youth response has completely been eclipsed by disillusionment and fear of the LTTE’s fascism. Today it is everyone for himself.

The case of Govindasamy’s family is just one among thousands, where males and breadwinners have been killed as traitors or forcibly removed for LTTE auxiliary service on the promise of monthly payments to the family, which generally cease after about 3 months. The wives and children are left defenceless against the perils of man and the perils of nature. Today it is hopeless to try to change the LTTE or wean it away from its destructive course with gifts. What can and must be done is to recognise state terror for what it is and to stem its tide. Then there would be other options.

## 2.0 State Terror in Trincomalee

President Rajapakse's recent remarks on the case of the 5 students murdered in Trincomalee in January, as unjustified as they are, show us what needs to be laid out clearly. The Island of 2<sup>nd</sup> June quoted the President complaining of the lack of evidence against the police personnel being held and his inability to try them according to 'jungle law'. He appealed to witnesses to come forward and give evidence (to the law enforcing authorities). This prompted a hitherto neglected line of inquiry.

There were in fact about 300 witnesses relaxing at the beach front at the time of the grenade explosion. They had been ordered to kneel down in an offensive manner suggestive of communal arrogance by the Navy, who rounded them up. To capture the atmosphere on the beach front, an old woman who cried at the funeral on 5<sup>th</sup> January of the boys killed, described her experience. The woman accused the security forces of banding together and killing the boys. When the security forces arrived on the fatal day, she sensed their intention and tried to prevent them. A man in commando uniform thrust his gun barrel into her mouth and threatened to kill her if she shouted. He then shoved her away telling her in Tamil to go away and sit down.

The 300 or so witnesses included a deputy education officer, several old ladies and Hemachandran, the father of one of the victims – all prostrate. There were a number of auto rickshaws and about five cars parked at the beach. Among those who had a close view of the proceedings were vendors of refreshments. Why did not any of them come forward? The reason is to be sought in the other witnesses – the Police, Navy and STF – who were upholding the law of the jungle in Trincomalee, the President ironically adverted to, and the fate of the one witness who had the civic sense to defy intimidation by the security forces and pursue justice for his son – Dr. Manoharan.

From their kneeling position and with the lights nearby switched off, no one, except perhaps those who were very close, could say who exactly did what. But there is absolutely no doubt that the crime was committed by the security forces present and the principle of command responsibility applies. If the President is unable to exercise his authority as commander in chief to find out what those men under his command did on the Trincomalee sea-front on 2<sup>nd</sup> January 2006, how impossibly difficult it must be for witnesses to go past these armed and desperate men determined to suppress the truth (apparently outside the control of their C-in-C) and give evidence?

Fortunately, enough good evidence has been compiled for us to say quite accurately who did what. An STF unit was posted to Trincomalee on the orders of Defence Advisor HMGB Kotakadeniya with the understanding of Defence Secretary Gothabhaya Rajapakse. Reports that the unit, which had orders to be tough against terrorist elements, did the killings appeared in the Press immediately after the incident. We published information coming from within the Police that Police Superintendent Kapila Jayasekera orchestrated the outrage and the executions were carried out on the instructions of Inspector Perera of the STF. Since then, a report by the Special Rapporteur to the Human Rights Commission, the former High Court Judge T. Suntheralingam, confirms these versions and places the evidence on a much firmer footing.

The Special Rapporteur's findings should have been a comprehensive official document setting out the evidence. But two days after the report dated 31<sup>st</sup> March was out, the HRC went kaput owing to legal difficulties in appointing the new commissioners. The commissioners whose terms expired moved on and the Special Rapporteur was obliged to circulate his document in his personal capacity -- evidence the President has presumably not seen. We draw from its findings (SpR) with additional information as needed.

On 23<sup>rd</sup> December 2005, a party of 28 STF men, including an Inspector (VA Saratchandra Perera), 2 sub inspectors, a sergeant, 22 constables and two drivers, was posted to Trincomalee on orders from Superintendent K.H. Jayaweera at the Colombo HQ. The party which reported in Trincomalee the next day was placed under Kapila Jaysekere, Superintendent of Police (Operations), Trincomalee, himself a former STF man, who appointed Sub Inspector Ananda Bulanwewa of the Uppuveli Police to work with the STF unit.

The seven students, all born in 1985, who gathered at the Trincomalee sea front for their accustomed chat at 6.50 PM were Shanmugarajah Sajendran, Thangathurai Sivanandan, Manoharan Rajihar, Lohithathan Rohan, Yogarajah Hemachandran, the five who were killed; and Pararajasingam Kokularaj and Yoganathan Poongulalon, the two who survived with injuries. The latter two testified to Magistrate Ramakamalan from hospital that an occupant of the green coloured auto rickshaw, which came southwards along Dockyard Rd. from the UC police checkpoint, made a u-turn to the left (eastwards) round the Gandhi statue into Fort Road, rolled a grenade towards the students near the Gandhi statue, and proceeded north to Fort Frederick. This was about 7.35 PM.

Going north along Dockyard Rd. past the UC roundabout next comes the Kali Kovil check point and then the Clock Tower check point where there were 13 STF men in uniform. The Fort Rd, which is along the beach, lay east of Dockyard Rd. The UC followed by Mc Heyzer Stadium lie between these two roads. A road from the Clock Tower joins the Fort Rd. just beyond which junction is the army check point at Koneswaram (Fort Frederick). All these are within quarter of a mile or so. The green auto rickshaw concerned, which travelled along Fort Rd., was seen going towards this junction near the Fort. It would have had to go into the Fort or towards the STF men at the Clock Tower. Once past the stadium, which is fenced off, its progress was clearly visible across open grassland from several check points.

All these check points are equipped with wireless communication and it is notable that even after the explosion no attempt was made to stop the auto rickshaw. The very purpose of these proximate check points is to prevent the action or at least block the escape of gun men and bombers.

The STF were housed in the old police station which is between the Dockyard Rd. and UC check points and close to the scene of the tragedy. There is also another check point near the Rest House at the turn off to the Colombo Rd. that is opposite the UC check point. The Navy manned this one.

Some students from Moratuwa University who were at the scene of the incident told the parents that they had the registration number of the auto rickshaw which had a young driver in front with two men behind. These students had been close to the road by the casuarina trees, whereas the victims were on the seaside of the Gandhi statue. But these Moratuwa students became silent when the intimidation was turned on a few days later. .

The Navy then rounded up everyone in the area, made the civilians kneel down and prevented those like Dr. Manoharan, who received a plea for help from his son's cell phone, from going in. According to the evidence of SI Ananda Bulanwewa (*vide* SpR), upon hearing the grenade explosion near the Gandhi statue he, with the 13 uniformed STF men, got into their vehicle and went to the Dockyard check point and started walking towards the beach. Inspector V.A. Saratchandra Perera who was in charge of the STF unit added that upon hearing the grenade blast they '*rushed to the spot on the beach and saw seven persons some of whom were injured*' (SpR). It was then that the Harbour Police arrived and dispatched all the seven to hospital.

There was no admission of their having fired their weapons. In fact the official version reported in the press was: "*The LTTE cadres riding four cycles met with an accident and the bombs exploded. Commander of the 22 Brigade Major General Tissa Jayawardena said that the LTTE cadres were on their way to attack a security forces checkpoint 100 meters away from where they met with the accident. He said that another live hand grenade was found on the road by their bodies*" (Island 4 Jan.06).

It was when the JMO Dr. Gamini Gunatunga revealed that the students died of gunshot injuries that the controversy arose. No one anymore spoke of live grenades being found by their bodies. The people concluded that the affair had been staged. SpR cites the evidence of Yoganathan Poongulalon, one of the survivors, that 15 uniformed persons arrived soon after the grenade blast, put all those injured into the jeep, assaulted them and then pushed them out. '*Soon thereafter he heard repeated gunshots, two of which struck him in the thigh and the back of the chest*' (SpR).

Based on this testimony, the Special Rapporteur says that it is '*highly unlikely that anyone other than the STF could have shot those who were at the Gandhi statue*'. It is often the case in such instances that we form an opinion based on information given by a dependable internal source and come to be satisfied that the material facts agree with these crucial confidences. That was the way we began and we have no doubt that the Special Rapporteur had the benefit of such guidance, but it cannot be firm and final as judicial proceedings that eliminate subjective factors, as the Special Rapporteur has implicitly acknowledged.

The work that has been put in by a number of journalists and the Special Rapporteur would have been ample if there was in this country a credible process of law enforcement to take it up and ensure that justice is done. So pathetic is our state of affairs that even the C-in-C with all the king's horses and all the king's men at his command is at a loss, finding that his men have gone wild and his horses had bolted. He wants those trampled in the stampede to tell him what his men were doing. We are however grateful for his

remarks. Re-examining the ground convinces us that focusing on the STF men, who were the most likely suspects who pulled the trigger, would have been the easy way out. It would have severely played down the grossness of the issue. It is simply too ugly to be covered up and the STF men were merely pawns in the drama.

If an STF inspector and his men who are no longer in Trincomalee were the only ones involved, it would not explain the continuing intimidation and threats against actual and potential witnesses. Moreover the absolute silence of 300 witnesses who were prostrate before the live performance of a horror story defies explanation. The witnesses include several persons in the education sector, a retired police sergeant and vendors. Some of the threats have the flavour of JHU (an extremist party in the government) enthusiasts enjoying a free reign of their longings. Two individuals who threatened a witness, Dr. Manoharan, asking him to get out told him, “*Ape rata Sinhala rata*” (*Our land is the land of the Sinhalese*). These threats by anonymous callers and stone throwers are in an area completely under the domination of the security forces and where civilians after that incident hardly move after getting home from work. We take up the story from those who lived through these events.

## **2.1 The Grand Tiger Hunt – A Macabre Full Dress Drama before a Captive Audience**

Weerakkody, a former Ports Authority employee identified with communal violence against Tamils, was killed by the LTTE on 24<sup>th</sup> December 2005 and it was widely talked about that his son in the Navy had sworn revenge against Tamils. Some killings of both Tamils and Sinhalese continued in the coming days but had subsided by New Year’s Day. People were relaxed on the 2<sup>nd</sup> of January and many went to the sea front. Dr. Manoharan was at home at 6.00 PM when a friend, a bank employee, telephoned him and told him not to let his sons go out as he had received a tip-off from the Police that some incident was to be staged that day. But his two sons had already gone out. When the elder son came home he telephoned the younger son Rajihar to whom he had given a cell phone to keep him notified of his movements. He was unable to contact him but then found a message from him calling for help and in the meantime, at 7.35 PM, he had heard the grenade explosion.

As the parents of the victims found out later, immediately after the explosion, the students who were not hurt, including Hemachandran and Rajihar, were trying to help those injured. They tried to get transport to take them to hospital. Meanwhile the round up started and the commandos arrived. There is a good deal of circumstantial information the parents strongly believe has to do with pre-planning and the targeting of this particular group of students. The information concerns cell phone calls, one received by one of the students at 7.20 PM apparently to ensure his presence at the place of the tragedy, and certain persons who were summoned by cell phone from the scene just before the green auto rickshaw arrived. It is unfair and possibly very misleading for us to speculate. But any proper inquiry should trace cell phone calls made by the Police, the STF unit and several persons against whom suspicion has been directed. We know for a fact that it will not be done by the Sri Lankan authorities.

Dr. Manoharan went on his motor cycle to the Dockyard check point. A navy man stopped him and told him that he could not proceed on his motor cycle. He went back to his home nearby to leave his motor cycle and returned, but he was not allowed to proceed. He was in fact barely 25 yards from the Gandhi statue where his son was. He argued with the navy man that he must find his son and was allowed to proceed not towards the beach but to the left where he stood in front of the Roman Catholic NGO EHED. The place was teeming with the security forces. Most notable were security personnel in black, faces covered with only the eyes visible.

According to witnesses several security vehicles had been in the area of the incident and some were observed as the crowd moved out after the shooting. One was a dark green pick up, the vehicle used by SP Kapila Jayasekera, director operations, who was therefore presumably present. There was a jeep in which the STF men had arrived, along with a Land Rover (which again is said to have brought men in commando uniform) and a truck. There were also a number of motor cycles in which men from the dreaded motor cycle group normally used in jungle operations had arrived. An operation to kill five unarmed students had theatrically assumed the high profile of a daunting military operation.

The lights for which the switch was on a nearby lamp post had been switched off and people were watching, many on their knees as initially ordered (*'mulangkalilai nil'*). Those in the EHED building in front where foreigners stay also had a full view, and rumour has it that at least one of them took photographs. For more than 15 minutes from the bomb blast nothing decisive happened. Perhaps some in the security forces who came there anticipating a major terrorist incident would have found the whole thing ridiculous.

The decisive stage of the drama came between 7.45 and 8.00 PM when a jeep with the head lights off and having only parking lights on approached menacingly from the direction of Fort Frederick and stopped where the students were. According to the testimony of a survivor, men in commando uniforms got down, started loading the injured into their vehicle, assaulted them, pushed them out and assaulted the whole group of seven. The men then made as though to go away. The final order to kill was barked out by a senior officer who had remained inside the vehicle with its parking lights on. This was about 8.00 to 8.15 PM.

Shortly afterwards gun fire was heard. Dr. Manoharan briefly heard cries of 'Save us' in Tamil. Five young lives were violently cut short before the statue of the apostle of non-violence and where a memorial had also been erected to the victims of the July 1983 Welikade Prison Massacre.

The vehicle that came with just the parking lights on before the shooting is believed to be the one that brought the STF party under Inspector Saratchandra Perera (*vide* SpR). The vehicle assigned we learn is designated for ASP-2. The remaining STF men who would have been at the Old Police Station nearby would have just walked across at an earlier stage. DIG Rohan Abeywardene (Abeygunawardene) ought to know who it was under his command that carried out the outrage. The crass and persistent nature of the police cover up that followed could not have taken place without the consent of the DIG.



According to witnesses the killing of the students came from spaced gunshots, and judging by the sound as well as the single flashes, came from the same gun. The fingers on Rajihar's left hand were burnt when viewed in the mortuary. In his last moments he had clutched desperately at the barrel of the gun when it came to his turn. The barrel had become overheated by being fired several times. It is hardly surprising that this gun was not apparently among the several guns sent for testing.

Dr. Manoharan turned to a naval man nearby and persistently asked him what happened. The naval man called a colleague on his cell phone and told him that five civilians had been killed and the bodies had been taken to hospital. Dr. Manoharan retreated in the direction of the hospital, also the direction of his home. At that time, SP Kapila Jayasekare's pick up passed by with several black-attired men with faces covered at the back of the vehicle.

Ten minutes later Dr. Manoharan was at the hospital, but he was prevented from going inside by police from the motor cycle unit. He protested that he was a doctor and the former SP Daya Samaraweera was a friend of theirs whom his son, an all-round sportsman, used to call uncle. He also told the men that this was no place for them to be present carrying arms. A Muslim male nurse led him away and took him to the ICU where he saw the two injured boys. He was then told that there were five corpses in the mortuary. There he saw his lifeless son Rajihar and broke down. One bullet had entered his right ear, and made its exit just one and a half inches away to the left causing a small hole. One entered his shoulder. According to the post mortem report, one entered the brain and lodged there causing instant death. Altogether there were five bullets fired at him. One entered the leg and another shattered his ankle.

Rajihar was well known in school for his interest in chess. Junior boys remember him coming around persuading them to take part in chess tournaments.

Dr. Manoharan with the other parents were informed by the Police that they could remove the bodies of their sons only upon signing a statement that the deceased were Tigers. They refused saying that they would await the Magistrate in the morning. Dr. Manoharan's position on the killings avoids the difficulty confronted by those who have pointed to the STF unit and lost sight of the fact that a huge array of forces with certainly more senior persons than an inspector was present on the scene.

The State has thus tried to get out of this by conveniently restricting attention to the STF unit, sending some unspecified set of weapons for testing and claiming that the bullets recovered from the victims do not match the weapons. Whatever Inspector Saratchandra Perera did, he did it on the orders of someone probably much higher up. Dr. Manoharan says, *"The whole place was bristling with and was under the total control of the security forces. They killed my son and his friends. The lights were switched off and there was little that we could clearly see. Some civilian witnesses were very close and would have seen, but they will not talk. But there were security personnel of rank and authority present who know everything and saw what happened. Ask them, ask the security personnel, they know who did what."*

## 2.2 The Continuing State Terror

For a man who as a doctor had, along with his family, good personal relations with senior members of the security forces, any trace of this friendliness and goodwill vanished like the morning dew upon the death of his son. Rajihar who had moved with security officials as a sportsman, became upon his death, a '*kottiya*' (a Tiger or terrorist). 10<sup>th</sup> January 2006 was the first hearing in the magistrate's court. It became clear that Dr. Manoharan was going to be the only persistent witness from among civilians. From that night he started receiving anonymous threatening calls, stones thrown upon his roof in the night, the banging of his door and even personal callers making threats, such as death to his younger son if he persisted with the case. These often happened during curfew hours. They were generally Sinhalese speaking distorted Tamil, sometimes giving voice to their Sinhalese extremist leanings. He did not go to court again.

The Special Rapporteur observes, "*In the case of Dr. Manoharan...who gave evidence at the inquest into the killing of the students...the threats have reached alarming proportions. No attempts appear to have been made to protect these witnesses and some of them are living in fear of their lives. Though it is very difficult for the Police to provide protection to all witnesses, they do not seem to have taken any efforts to protect such witnesses.*"

Out of Dr. Manoharan's hearing, policemen in the magistrate's court called the families of the victims *kottiyas* (terrorists). The Magistrate Ramakamalan appealed for some of the 300 or so witnesses to come forward, even before him privately in his chambers, but hardly surprisingly to no avail. Persons from the security forces accosted visitors to the Manoharans and persons helping them with household chores and talked to them threateningly. During the first week of February, two callers came on a motor cycle without number plates and asked Mrs. Manoharan for her husband. He was then out.

When publicity was given to Dr. Manoharan's appeal to the Asian Human Rights Commission of 26<sup>th</sup> February, describing the threat under which his family lived, he again received two nasty visitors on 6<sup>th</sup> March. They were middle aged and the argument lasted 10 minutes. They told him that unless he left he would be killed. Dr. Manoharan told them that they may do so if they wished, but must kill all four persons at home, for if they left one alive, they would be in trouble. The callers whose features were hard to forget appeared to be from the company of influential Sinhalese thugs who were backed by the security forces.

On 11<sup>th</sup> March the families of all the victims received letters (crude Tamil renderings of Sinhalese originals). The students were all called Tigers and their families were ordered to leave Trincomalee. The Sinhalese slogan '*Me rata Sinhala rata*' (*This country is Sinhalese country*) was rendered in Tamil script. The letter said crudely in Tamil, "*Our Eastern homeland will soon become a reality. If you do not get out you would be shot. Do not fool yourselves that (ongoing Geneva) talks would bring peace.*" The letter was signed '*Vigilance Committee to Destroy Enemies*'.

The 90<sup>th</sup> Day for the students fell on 1<sup>st</sup> April. Preparations were made on 31<sup>st</sup> March for the ceremony at the beach close to where the Manoharans lived. An apparent message was given by a group of armed men in commando uniform who stood along the road in the area from 7.30 PM to 9.30 PM. The following day, a police sub-inspector who came to see the ceremony remarked derisively that they were observing a memorial for *kottiyas*. This was witnessed by a prominent International NGO, which established contact with the victims and assisted the Manoharans after the appeal put out by the Asian Human Rights Commission at the end of February. Dr. Manoharan believes the SI as with most policemen about the area to be from the Harbour Police, but does not know them by name.

Dr. Manoharan tried having phone calls to him monitored to trace the anonymous calls and found that they came from commercial or public telephone booths in Trincomalee. The Manoharans live in a highly protected area that leads to the naval base, where it is nigh impossible for anyone other than the security forces to indulge in activity of this kind. Security forces personnel also regularly confront the children in a manner, whatever the intention, is scary or unpleasant. Recently, an army or navy man saluted Rajihar's younger brother and asked him where is Anna (elder brother)? Later the same day he asked him if his brother was dead. The episode is one of state terror pure and simple having the connivance of persons at the highest level locally, enjoying the blessings of the hierarchy in Colombo. Especially evident is the heavy hand of the Police, obeying their master's voice and not the law.

About 7.30 PM on the night of 12<sup>th</sup> June, several parents of the dead students including Hemachandran, Shanmugarajah and Manoharan received anonymous telephone calls. The message was brief in Sinhalese to get out of Trincomalee and the caller then cut off.

The Special Rapporteur also adverts to the STF backgrounds of both Deputy Inspector General of Police, Trincomalee, Mr. Rohan Abeywardene (Abeygunawardene) and also SP Kapila Jayasekera from whom the STF men posted to Trincomalee were asked to get their instructions and adds: *"We have reports that SP Kapila Jayasekera who was in charge of operations in Trincomalee was very familiar with the area and incidents that had been taking place in Trincomalee in the past, had been behind the shooting incident."*

Special Advisor Kotakadeniya, who serves under Defence Secretary Gothabhaya Rajapakse, the President's brother, is perhaps intentionally the more audible voice of the Defence Ministry. Having at the back of his mind perhaps the killing of the five students, he told the television show Hard Talk (*Daily Mirror* 1<sup>st</sup> May 2006): *"In countries like the UK when the underground bombing took place the troops didn't wait for orders, they shot whomever they suspected. And with one incident the whole thing subsided, because of the tough action taken."* The precedent Kotakadeniya chose to draw from was ironically the rather exceptional case of Jean Charles de Menezes, a 27 year old Brazilian electrician shot dead in a London Underground train at Stockwell on 22<sup>nd</sup> July 2005 by firearms officers of the Metropolitan Police.

No one with sense would claim that it solved anything or reduced the threat of terrorism. Menezes was the wrong man, an innocent man, killed after being pinned down and disabled. To say the least, in Britain there was a process, an examination by the Independent Police Complaints Commission, several critical documentaries and exposes and continuing public protest. In the case of the terror in Trincomalee, the only follow up obtaining here can hardly be called a process worthy of a civilised country. Little changes in Sri Lanka.

### **2.3 Manoharan and Nallanayagam: Sri Lanka's Eternal Present**

Although Dr. Manoharan has paid a far heavier price, his experience has disturbing similarities to that 20 years ago of Paul Nallanayagam. That had to do with the newly launched STF's baptism in infamy, whose later specialties included severing heads of detainees (1990) and strangling detainees at the HQ and dumping their bodies in lakes (1995). Paul Nallanayagam, the President of the Kalmunai Citizens' Committee was arrested and charged with spreading rumours and false statements after speaking to foreign journalists about what turned out to be the STF's secret execution at Thambattai beach, Amparai District, on 17<sup>th</sup> May 1985 of 23 Tamil youths detained earlier in the night. The charges under the PTA were filed in the Colombo High Court after he was first detained on 22<sup>nd</sup> May 1985 without charges or without being produced before a magistrate and released by the Supreme Court 122 days later on a Fundamental Rights appeal.

The case was fought voluntarily (except for a young newly married lawyer whom Nallanayagam insisted on paying) by a team led by S. Nadesan Q.C. who at 81 came out of retirement for what he felt a strong call of duty to aid a man who stood up for his fellow citizens. The judgment delivered on 17<sup>th</sup> July 1986 by K. Vignarajah, then of the High Court, dismissed all 17 charges against the accused. Commending the character of the accused, the judgment observed: “... *the accused was given the chance of escaping the ordeal of being in detention and going through a trial if the accused retracted the information he gave by saying that the information was based on false premises. But the accused did not want to resort to these devices because it was against his conscience.*”

Amnesty International USA observed in ‘Sri Lanka: When will justice be done?’ published in 1994: “*During his trial before the Colombo High Court in mid-1986, a lot of evidence emerged about the "disappearance" of the 23 young men but no further action against those responsible has been taken since. Paul Nallanayagam was acquitted on all charges on 17 July 1986... Amnesty International is concerned that no action has been taken by the government to establish the fate or whereabouts of the 23 young men, nor who was responsible for their arrest and killing in custody. Amnesty International is urging that the STF officers [from Kallady camp] responsible would be brought to justice.*” Needless to say nothing was done and the ghosts unloosed then continue to haunt us.

Many cases (e.g. Richard de Zoysa) dealt with in the Amnesty document pertained to the 1987-1990 insurgency in the South – cases that would have been raised by Mahinda

Rajapakse MP, then an opposition member known to human rights agencies around the world as a human rights activist. Perhaps he would wake up to the ordeal to which his henchmen, who champion the STF's bloodstained legacy today, are subjecting Dr. Manoharan, another man of character and fortitude who like many around him, had an easy way out which he rejected.

### **3.0 From the Frying Pan into the Fire**

We covered the students' case in some detail since it shows clearly that state terror receives its licence from the highest level. The Allaipiddy Massacre by naval personnel and its ongoing cover up tell the same story. Of the headless bodies, five of which around Avissawela received press publicity at the end of April (there are several more we have been told), IGP Chandra Fernando held strongly that they were victims of gang vendetta. Defence Advisor Kotakadeniya said on television not to jump to conclusions that the victims are Tamil. Four of the five victims have since been identified as Tamil. Going by precedents one would deem the STF the prime suspect, and the provenance of the bodies an extension of the impunity with which persons suspected of being close to the LTTE are being dealt with in the North-East. But the matter has simply flown out of the window. We were told by a lawyer interested in the matter that the case is not on the Attorney General's books. These form an important part of the background against which many people are fleeing their homes.

In several parts of the North-East, civilians of all communities, but more poignantly the Tamils, are faced with impossible choices. Having to flee home is difficult for everyone, leaving behind cattle, livelihood, crops and property and mementos collected over a lifetime. But for the Tamils it is a choice between the frying pan and the fire, nay, a furnace – a choice between the Government's terror and the LTTE's terror. The latter is programming the former's terror, and to a large extent deciding where the people should move, not for their good, but to suit its own agenda.

In the event of a reprisal for say a landmine attack, government soldiers kill one or more civilians or cause some to disappear, and the people first move into a school or church close to their home hoping that things would subside in a couple of days. When that expectation is not met and instead there are more incidents that raise the level of fear of an already frightened people, they flee wherever they hope to find temporary safety, abandoning any hope of returning home for months or years. This pattern could be seen in the instances below. What is more worrying is that things are beginning to look a good deal like 1985, the year of massive displacement of Tamil populations in the East and the Mullaitivu District, to the North and to India. One wonders if Sinhalese extremists who are influential in this government, and the LTTE some of whose spokesmen speak of an apocalyptic or enforced suicidal last fling, are determined on displacement as a tool for their ideological dreams.

### 3.1 The Mutur Experience

1985 was the year in which Tamil villages in the Trincomalee District, starting with the Mutur hinterland, the Allai Scheme, were deliberately depopulated by the Jayewardene government, bent on defeating terrorism by Sinhalisation of the East. This time both the LTTE and the Sinhalese extremists are playing each other's game. The drift was already evident in the LTTE's rhetoric of a people's war and its claymore mine attacks on the armed forces from December 2005. It was even pressing people in government-controlled areas to undergo auxiliary training.

During March this year, visitors to tsunami rehabilitation centres in Kumburupiddy, North of Trincomalee observed a strange phenomenon. Nearly all the able men were missing including some children. They discovered that the LTTE had forcibly taken them into the interior jungle for military training, saying it was for ten days. But the men had not returned for more than two weeks. One of those who escaped was forcibly taken back by the LTTE. One of the mothers, whose 14 year old son had been taken, complained that the government has stopped giving tsunami rations and the families were dependent on the wages of men. But now the men have been removed and the women had no means to feed themselves and the children. The refugees were supervised by 3 NGOs, including a Nordic one. The navy too was not far away. But the LTTE was allowed to do this quite freely without anyone complaining.

In areas under LTTE control East of Mutur, the situation was almost beyond imagination. Child conscription had been rampant since 2001. Among the villagers affected were Sampoor, Senaiyoor and villages beyond, south to Vaharai. By about the middle of 2005 the LTTE had gone school by school and taken the Ord. Level and pre-Ord. Level students (14 & 15 years) for its military force. From late 2005 the LTTE started rounding up people found anywhere. The typical modus operandi was for the LTTE to go in a van with an armed man or two seated by the driver in front. Wherever they saw a young male bathing at a well at home or in a pond, they would force the person into the van and drive away to the interior.

If a person left Mutur, the LTTE would abduct other members of the family, hold them hostage and send messages for the person to come back. Once a young person was on their list, the LTTE would go on making inquiries tracing the person.

D, was a boy in the pre-Ord. Level class in 2005. The LTTE forcibly took him for training and now he is permanently a fighter. P, a 14-year-old boy, was chased around by the LTTE and taken in. He escaped and came home. His family has since been displaced. After the government shelling on 26<sup>th</sup> April, he is now in a refugee camp in the LTTE controlled area and those who were chasing him may have temporarily lost track.

Even before the government shelling the situation of the people became desperate. In many families the young fathers had been taken for military service and the LTTE was unconcerned about how the rest of the family lived without an income. Many young men were wearing uniforms they hated. Frequently seeing someone they could trust they cried

on the friend's shoulder. Families were pleading with outsiders to take their children and keep them safe anywhere. For the LTTE displacement meant more people they could forcibly train.

### 3.2 Trinco Violence and After

Following a series of landmine attacks on the security forces and a bomb blast in the Trincomalee vegetable market on 12<sup>th</sup> April, the LTTE gleefully gave a pretext for the security forces to attack Tamils and Tamil establishments in and around Trincomalee, which the security forces did with no less glee. The LTTE further stirred up things by attacks on the security forces and Sinhalese home guards in the Allai scheme. On 21<sup>st</sup> April the LTTE killed 2 policemen in a landmine attack in Menkamam. A Sinhalese mob in turn killed Chandran, a Tamil farmer. On the same day an LTTE land mine at 58<sup>th</sup> milepost, Dehiwatte, killed a Sinhalese home guard and injured a policeman. A Sinhalese mob knifed a Tamil man to death. Tamils left their sections of Dehiwatha and some of their houses were burnt and looted. On 24<sup>th</sup> April the LTTE killed a Sinhalese home guard in Seruwila scheme C. On the 26<sup>th</sup> Sinhalese home guards or possibly soldiers killed 3 men in Joseph Devi's family, leaving her severely injured, in Seruwila scheme B. Tamils started fleeing Seruwila scheme B for Kiliveddy, which is adjacent to Dehiwatte.

Whence, even before the Government shelled the Tamil coastal areas of Mutur following the attack on the Army commander on 25<sup>th</sup> April, thousands of Tamils in the area were already refugees. The shelling, which included 8 rounds of MBRLs, it was argued, was meant to uphold the sovereignty of Sri Lanka. The targets, according to Minister Keheliya Rambukwelle *"were selected based on Army intelligence and analysis. Sophisticated technology was used to identify the rebel targets"*. But the experience on the ground parodied this claim. The LTTE according to our information does not have major camps in the coastal villages. They are mostly sentry points and look out points, having about 20 cadres each. These cannot be separated from civilian dwellings. The LTTE does not maintain large camps in these villages because many parents whose children have been conscripted would be at the gates, a perpetual nuisance. The real camps are to the interior and are generally not known to the civilians. Camps housing top leaders are even more secretive.

The apparent target of the shelling was a look out point in Sampoor, visible from the sea, which we learn was not hit. Shells hit a house about 300 yards inside killing 6 civilians. Two other houses were hit, 300 and 700 yards to the east claiming civilian casualties. The LTTE came to know about the shelling, apparently by tapping military communications, and had pulled back most of its cadres. An unexploded MBRL shell half buried in the sand was seen for some weeks afterwards. The government stopped the shelling after the air force, reportedly using information fed into computers, hit the Muslim village of Vattam killing 4 Muslim civilians and injuring two naval men at the Mutur jetty.

According to Mutur sources what worried the LTTE was when shells started falling about one of their main camps interior to Thoppur. This source claimed that according to some

LTTE cadres they found a woman vegetable seller with a transmission device, and they shaved her head and killed her.

An outcome of this was that a population in the LTTE controlled area that had some livelihood fled their homes to places where they had no living. People were forced into dry, barely inhabited areas like Muhattuvaram with no work and no medical facilities or necessities. A number of refugees had shrapnel injuries from the government shelling that, if at all, had the benefit of the most rudimentary care. No infant food was available at all and available relief could not cope with this sudden surge. Children were also dying of snakebite. Having mauled these utterly helpless people, commentators in Colombo were congratulating the Government on the appropriateness of the missile attacks in protecting the country's sovereignty. Another round of displacement commenced on Wednesday 24<sup>th</sup> May.

On 24<sup>th</sup> May a fish vendor T. Chandran who entered the army-controlled area from Pallikudiiruppu was shot dead by the Army between Iruthayapuram and Thoppur. The Army prevented the parish priest who tried to get to the body. The Army claimed that the deceased was a Tiger and they found, as with many of their innocent victims, a grenade on him. Sources in the area said that a 14-year-old boy, a relative who accompanied the fishmonger, was also shot dead by the Army, but were unable to get his name. Another Tamil youth Suntharalingam Ravichandran (24) of Manalchenai arrested by the Army in Iruthayapuram on 28<sup>th</sup> April had gone missing.

The following day, 25<sup>th</sup> May, there was a landmine attack near Dehiwatte, but no one was killed. The Army commenced a search operation along a stretch of the Batticaloa- Muttur Rd. About 4 miles away, many of the displaced from surrounding areas were housed at the Mallikaitivu school. A refugee who was standing on the road saw the Army approaching and withdrew into the school. The Army went in, dragged him out and shot him dead in view of the others. They were also rough with the displaced and a soldier assaulted a young woman named Usha on her head with his gun butt. We have so far been unable to get the name of the man killed. At this point of time the area was so cut off that getting information was proving to be very difficult.

With these incidents, the people who had remained within cycling access to their homes and were already living in fear lost hope. The previous day, 24<sup>th</sup> May, a convoy of Tamil refugees, which included about 10 tractor loads had tried to enter Muttur town, but were prevented by the Army. The following day, Thursday, a host of displaced persons in the Allai Scheme, took whatever they could carry, their cattle and buffaloes and moved into the LTTE controlled area, swelling the already large displaced population in Muhattuvaram on the eastern shore. Any government relief was bound to take a long time in getting to them. First it had to be cleared by the MoD, and the situation had become one where lorry drivers from one ethnic group were afraid of crossing into the area of another. We have been told that by early June government supplies were moving.

By this time there were 1500 families in the Muhattuvaram school and another 1000 families in Punniady nearby on the east coast north of Verugal. There are 240 families in



the Pachchanoor Roman Catholic Church. Another 50 families who had crossed the river from Pachchanoor and gone to Santhanaveddu in the LTTE-controlled area have now moved to Verugal. Well over a hundred families have crossed the Verugal River and gone to the Vaharai Division of the Batticaloa District. After the LTTE killed 12 Sinhalese civilians near Welikanda on 30<sup>th</sup> May, many Tamils from the western border of Batticaloa around Welikanda are also moving into Vaharai.

On 27<sup>th</sup> May morning, Mathavarajah, a goldsmith from Kattaiparichchan who worked in a jewellery shop in Mutur waiting at the Mutur jetty after security clearance to take his expectant wife to Trincomalee Hospital, was abducted by persons from or working with the security forces. The next day in the night another Tamil youth was shot dead in Mutur town. Many Tamils who had stayed on in Mutur town began leaving for the LTTE-controlled area.

It was at this time that an LTTE front organisation issued the first warning to Muslims to leave Mutur. Caught between the government forces and the LTTE and blamed for many ills that befell the Tamils, they had little control over what was going on. Since 2002, the LTTE had launched several rounds of aggression against them through murder and organised communal violence. We pointed out in Bulletin No.33 of Dec.2003 that the LTTE's military plans of encircling Trincomalee Harbour required the displacement of Muslims.

The difficulty in assessing incidents is exemplified in the case of Thangathurai Kugan (22) and Mylvaganam Kumarathurai (21) whose bodies *TamilNet* reported were found near a Tamil school in the Killiveddy area in the morning of 6<sup>th</sup> June. Residents, the report said, had heard gunshots at 7.30 PM the previous night and the weapon of murder as determined by the Mutur magistrate was a 9.00 mm pistol. The school as we learn now houses 230 Tamil refugee families from the Allai zone. What we did find out was that the victims were not from the camp or the area, but had been brought there and shot near the refugee camp. The refugees were terrified to discuss the matter. The names of the deceased are curiously those of Thangathurai, the murdered popular MP for the area and of his younger brother Kumarathurai.

The LTTE had meanwhile directed the refugees to go further interior to Verugal on the border of Batticaloa and Trincomalee Districts. This meant that they were utterly at the mercy of the LTTE. By early June, 127 refugee families from Mutur and Sampoor were in Kathiraveli, Batticaloa, District, staying at the school and with friends and relatives. Ironically they were retracing the escape route many of them took in 1985, escaping massacres by the Sri Lankan Army and home guards. Over a thousand then fled from the Mutur hinterland into this area, and the task of relief fell to Mr. Anthonymutthu, GA, Batticaloa, who died in a mine explosion soon after the 1987 Indo-Lanka Accord.

#### **4.0 Kayts: Jaffna and Vankalai: Mannar**

Kayts is another place to be watched. A number of families left Kayts for the Jaffna peninsula following the Allaipiddy massacre by naval personnel, killing 11 persons on

the night of 12<sup>th</sup> May. Persons who contacted the witnesses immediately after the incident told us that they maintain with absolute clarity that the perpetrators were naval personnel whom they had regularly seen about the place and they could identify them. Their question was not who did it, but why these navy men with whom they had been on friendly terms acted with such sadistic brutality, killing even a young mother and her infants in cold blood.

The witnesses said that there were no EPDP persons among the perpetrators. They added that some Tamil speaking young men on motorcycles were about the area in the days preceding the atrocity, but they could not say for certain whether or not they were EPDP.

According to what EPDP persons in Jaffna told some of their friends, a special military team had been conducting investigations on the basis of information obtained from persons detained and they found that some of the places affected had been used by the LTTE. They added that the Navy may have received this information and decided to act. The EPDP leader however told the BBC that even the LTTE might have done it.

In the upstairs house where 8 persons were killed the chief householders were Mr. T. and Mrs. Lillimalar Sellathurai, of whom the former was killed. The house was built from the remittances of their eldest son who works in the Middle East. Among those killed downstairs were their daughter, her husband and their two children. Staying and killed with their sons upstairs was a business partner Navaratnam Ganesh whose daughter was married to a LTTE man in the Vanni. The Sellathurai family were Pentecostal Christians, who have a number of times got into trouble with the LTTE for their opposition to violence and its agents. The LTTE killed a Pentecostal minister in Vaharai during 2001 (Bulletin No.25).

Events have confirmed public expectation that the Government is covering up. On 19<sup>th</sup> May two key witnesses Lilimalar Sellathurai and her daughter Violet told the Kayts magistrate's hearing in the presence of a senior police officer that they could identify the naval personnel involved. Magistrate Jeyaraman Trotsky gave a verdict of homicide involving naval personnel. Two days later the Sunday Observer of 21<sup>st</sup> May carried prominently a statement by the Police Chief, IGP Chandra Fernando that there was no evidence against the Navy.

An identification parade was to take place on 5<sup>th</sup> June. No naval personnel were produced; a special committee of the CID tasked with the investigation did not present itself. Instead, an inspector from the Jaffna Police came claiming that the details given by the witnesses to apprehend the naval personnel were insufficient, the testimony of the main witnesses was not corroborated by other witnesses and asked for a long date. The Magistrate charged the Police with trying to cover up, asked them to bring the naval personnel from Allaipiddy camp for an identification parade and gave them 15 days to submit a report. The public expectation is that even if naval personnel are brought for an identification parade, it would be like the guns sent for testing in the Trincomalee case of the schoolboys.

At 4.30 AM on 6<sup>th</sup> June the LTTE shot dead at their home a young couple in Velanai who are said to be supporters of the EPDP. *TamilNet* described the victims as two men shot dead in the morning by unknown gunmen when they were leaving a Sri Lankan army camp.

Although not said openly, many of the displaced from Allaipiddy and Velanai now in Jaffna town admitted that the LTTE has been exerting severe pressure on them to move to the Vanni. But the bulk of the displaced do not want to go there, fearful of what would befall their sons and daughters. What they ask for is a guarantee of security so that they could go back to their homes.

#### **4.1 Vankalai:**

Another case of a brutal murder during the night of 9<sup>th</sup> June that just came up is that of the carpenter Moorthy Martin (35), his wife Mary Madeleine (27), their daughter Anne Lakshitha (9) and their son Dilakshan (7), of Thomaspuri, Vankalai, adjacent to Mannar Island on the mainland.

Persons who visited the scene said that the victims had been knifed and the brutality was beyond description. The rest other than Mary Madeleine were found hanging by ropes, while condoms were strewn near Mary's body on the ground.

The incident took place about 300 yards from a satellite army camp. Most who live in the area move out to the church in Vankalai for the night. On the crucial day the Martin family stayed behind because, according to one report, Martin was late in coming home.

What the people feel about who did it is exemplified by the fear that has taken over from initial defiance. The people are moving away from near satellite army camps around Vankalai into the main village. On 12<sup>th</sup> June after the Army established a camp in the nearby Arippu area, 200 families moved from Sirukandal to Madukkarai to the north, also in the government controlled area, but bordering that controlled by the LTTE.

Neighbours strongly feel that the crime was committed by soldiers who showed an interest in the Martin home the previous day and say that they could pick them out in an identification parade.

Some who witnessed the scene have suggested caution in apportioning blame because of the brutally brazen nature of it and the fact that the attackers had been generous in leaving behind clues that would suggest the Army. Condoms that suggested rape are a curiosity, implying that men who were totally out of their senses were also concerned about hygiene. Up to 14<sup>th</sup> June the Magistrate had not received the report on tests for rape on samples sent to Colombo.

The family returned from India about 6 months ago, the man having been also a refugee in India from Trincomalee. Mary Madeleine's brother Soothran who was in the LTTE was killed a long time ago during the Indian Army's presence by a member of the TELO. The Vankalai people who are relatively educated and emotional have demanded that the Army should not enter their area. Some locals wonder where this would lead. Where the problem of displacement is concerned, the incident again highlights the dilemma faced by the people in a climate of impunity where both sides do not shrink from being cynical and callous.

On 2<sup>nd</sup> June an LTTE claymore mine attack on an army vehicle near Vankalai killed one soldier. Firing by the army injured a 12-year-old girl and her father. The body of Arulappu Jesuthasan Prince Croos (38) of Ward No: 06, Vankalai, arrested by the Army in Mannar town on Friday 26<sup>th</sup> May, was washed ashore at Keeri on 1<sup>st</sup> June.

The Martins' case demands a thorough investigation. Criminals who act in this manner are eventually going to be a burden to the whole country. But unfortunately we do not see any determination on the part of the Government to fulfill its obligation. The focus on rape or its absence is bound to divert attention from the utterly abominable nature of the crime and provide perhaps an excuse for the authorities to avoid a proper investigation. The current 'investigations' of the Police are reflected in the story by Mannar's Senior Police Superintendent L.B.A. Tennekoon that appeared in the *Sunday Times* of 11<sup>th</sup> June:

*"Our investigations show that Moorthy Martin had been approached by the LTTE several times to plant a claymore mine on the Vankalia road to destroy an Army convoy...Despite the threats, he had refused to comply with the LTTE. He was later approached by an explosives expert of the LTTE identified as Kundudasan. But he had tipped off the army about Kundudasan's whereabouts. Kundudasan's body was later found on the Mannar coast..."*

Kunduthasan (Fat-thasan) was we found the same Jesuthasan Croos arrested in the Mannar bazaar referred to above. Jesuthasan was a brother of Hakkim, who died a member of the LTTE, making his family a hero's family. He was arrested by the Army on a tip off, and we learn that he led them to some claymore mines. The Army released him on the understanding that he would lead them to persons involved in planting mines. Jesuthasan we reliably learn used to get drunk and boast that he had given the Army the slip and the Army rearrested him and killed him. SSP Tennekoon has evidently used some gossip about Jesuthasan he picked up from army torturers to spin a tale about Martin. After all, both are dead. So much for police investigations. If there was any connection between Martin and Jesuthasan it needs to be established by thorough inquiry. And then the truth may turn out to be unpalatable. The murder was after all the height of sadism.

Given the fact of a total cover up in the case of the five boys in Trincomalee where the State was the perpetrator of the crime, we cannot take police claims seriously. The State lacks the will or capacity to carry out a serious investigation in crimes of a political nature or which have grave political implications.

For some time now the LTTE has been sending letters to former cadres from Vankalai who have settled into civilian life to rejoin and has been very angry at the lack of a response. A number of the former cadres were themselves angry that the LTTE had never done anything for their welfare, but were taking notice of them only when in need of cannon fodder. Incidents of the kind above would push them to move into the LTTE-controlled area and then they will have no choice.

## **5.0 LTTE-controlled Vanni – the Giant Torture Chamber**

One sees the same repressive trends in the Vanni. Human Rights would seem an abstraction where life is ceasing to be human. One sees the same indifference on the part of the LTTE to families, wives and children, no concern about how they live or die. Many young couples with young families suddenly find themselves devoid of the breadwinner. These young men who had started families and had young mouths to feed had been forcibly taken away by the LTTE for 1 to 3 years of military service, promising a monthly allowance for the upkeep of the families. The money comes for about 3 months and ceases. A number of these young men were LTTE cadres who left during the ceasefire and got married.

An official connected with a church establishment expressed alarm that several of these abandoned families without means were bringing children to them and they simply did not have the means to cope. The torture of the community goes on at many levels. Even older men have been mobilised to undergo auxiliary training and have been told that they would be posted for frontline sentry duty. In a number of villages, these men have collectively told the LTTE, *“You can force us to undergo training, you can post us where you would, but when the Army advances we will throw our guns and run away.”*

During the earlier years of war, among the difficulties faced by the farmers was tank maintenance. During the ceasefire moves were made to do repairs to Giant’s Tank in west Vanni. In order to mobilise the men for its auxiliary forces, the LTTE banned the dry season cultivation. Many men confine themselves to their home with their children in agony fearing abduction by LTTE press gangs in their proverbial white vans.

The LTTE’s measures have also given rise to an undercurrent of unrest. In one area regarded a high security zone of the LTTE, a tough commander was brought back from retirement. A grenade was aimed at him, causing injury to two persons. Those in the area discount the Karuna group as being responsible.

**Speaking at a passing out parade of the auxiliary forces in Vattakacchi, Killinocchi, on Sunday 4<sup>th</sup> June, Colonel Balaraj announced that Eelam War 4 has begun, and in its prosecution, the guerrilla attacks are now taking place.** He said that the Rajapakse regime, which has revealed its colours by killing Tamils in the same manner the Premadasa regime did, is being given the last chance. Because of the strength of the Tamils today, he added, the dreams of the Sinhalese government will come crashing down: We will heap up victories by winning our lands back from the enemy, who would be stupefied into inaction when our battle plans are unravelled in the field.

The LTTE may not be so sure and perhaps never was in starting a war until the enemy blundered by turning indiscriminately on the people. The Karuna forces, backed by the Army, have launched several attacks on the LTTE Vanni faction, and reports indicate that a number of persons are being killed on the LTTE side. The Vanni faction routinely denies major losses and they may be right. For them the auxiliaries are thoroughly disposable. The truth is likely to be that those being killed are persons who do not want to hold a gun in the first place, and given the option would throw their gun and run away. Would the civilians be given a chance? Note the omission when Balraj referred to two presidents.

## **6.0 The State and International Community Must Act**

The LTTE has already started a war without acknowledging it to the international community. The security forces and civilians are daily facing casualties. The former are angry and have weapons and the institutional means to do things and cover up; the latter are helpless. But they do not want war and that is capital the Government can use to corner and expose the LTTE. Instead the impunity in which the armed forces' current actions are steeped is enabling the LTTE to make cannon fodder of these people who dread war. This state of affairs today is precipitating the human catastrophe of massive displacement where people have limited choices of where to run.

Sri Lanka is becoming a place where life has no value. People are being killed, but no one feels responsible. Those in authority do not appear to understand that this is a problem that must sooner rather than later concern the welfare of everyone of us. When it comes to Tamil civilian deaths at the hands of the security forces, government spokesmen, in the absence of the authorities doing anything constructive, are spinning tales that do not do them any credit.

Today, when we badly need some forceful international intervention to bring back a measure of sanity, we are being told that Sri Lankans must decide. Some of the fatalistic assessments hold that we are now far below the threshold where it is meaningful to talk about human rights, that so much malignancy was built up on both sides during the management of the CFA that we must face some catastrophic eruption before we could heal. We see little capacity for healing locally when members of the intelligentsia lionised for their discourses on federalism leading to separatism and wielding decisive influence, never displayed the honesty to take cognizance of the endemic institutional violence towards Tamils and fail to admit that this unitary state has been stewing in its poison for 50 years.

But we must keep hope. Having brought us to this point the international community cannot in fairness say that it is now up to us. We need intervention to restore the value of life, some means to check the violations of the State at least as the first step. Both the UN Special Rapporteur and the Human Rights Commission's Special Rapporteur who have studied the problem have made valuable recommendations in this regard. Things are not yet anything like as bad as they quickly became after the spate of massacres and counter

massacres from December 1984. But the signals are there, where in a number of instances ethnicity has identified a person as a legitimate target.

The Government too must take some urgent steps in its own interests and in the interests of the country. Although several magistrates have tried with courage and competence to turn the wheels of justice and bring relief to the victims of violations by the State, they are being brazenly obstructed by the Police and the security forces. In the case of the five schoolboys in Trincomalee and in the continuing intimidation, there is a clear message and warning to the Tamil civilians that the security forces would get away with anything. This cannot go on without plunging the country into the direst of catastrophes. The omens of 1985 and what followed thereafter confront us with a grave challenge. The Government must abandon the pretence that the courts and the Police would check abuses by the security forces.

We strongly urge that the President speedily institute a committee based at the presidential secretariat and reporting to him, to quickly investigate and check abuses by the security forces. The committee should be formed of persons who enjoy the confidence of all communities and could include retired senior security personnel, retired judges, retired public servants and other persons as necessary to give it clout. The committee should as often as necessary, visit areas under government control where violations are taking place and collect evidence from those affected. It should have access to security forces' camps and to question officers and personnel as required. The task of the committee should be to identify perpetrators, suggest remedial and disciplinary measures and other measures to prevent violations.

The members of the committee should welcome civil society figures in the North-East to be in regular contact with them and to get in touch with them as soon as there is a matter needing attention. Many committees and commissions in the past have been spiked at birth by being headed by someone who is conformist and more than willing to cover up. Such a committee would be a wasteful time buying exercise. We hope the Government appreciates the situation as being too urgent for such an exercise.