

University Teachers for Human Rights (Jaffna)

Sri Lanka

UTHR(J)

Special Report No. 26

Date of Release: 3rd August 2007

Can the East be won through Human Culling?

Special Economic Zones – An Ideological Journey Back to 1983

CONTENTS:

[0. Introduction and Summary](#)

[1. The Cleansing of Mutur East – Back to the Calamities of Weli Oya](#)

[2. Forcing the Exodus of Tamils from Mutur East](#)

[3. Dying Defenceless, Robbed and Expunged from Record – Plight of the Displaced in Batticaloa](#)

[3.1 LTTE Executes Prisoners:](#)

[3.2 Muslim Extremism and Military Patronage:](#)

[3.3 Paduvankarai:](#)

[3.4 The Murder of Miss. Thavamani:](#)

[4. ‘Resettlement’ in Mutur South – Culling the Able and Active](#)

[5. Trincomalee District: General](#)

[5.1 An On and Off Pattern of Extra Judicial Killings and Disappearance](#)

[5.2 The Special Case of Thiriyai](#)

[5.3 Eechilampattai: Buccaneering in the name of Buddhist Ideology](#)

[6. Muslims and the Wider Significance of the De-merger of the North-East](#)

[6.1. The Killing of Four Muslims at Mavil Aru](#)

[7. The Supreme Court, High Security Zone, and Ethnic Engineering:](#)

[7.1 Compensation for HSZ Victims:](#)

[7.2 The Supreme Court and the Sampoor/ Mutur East HSZ](#)

[8. New Innovations in Violence](#)

[9. The Infernal Machine](#)

[9.1 N. Raviraj MP:](#)

[9.2 S. Raveendranath, Vice Chancellor of Eastern University:](#)

[10. 'Population Control' and Houses for Soldiers in Trincomalee and Amparai](#)

[11. Taking the LTTE Seriously](#)

[12. Civilians of Mutur East and Sampoor must be Given their Homes – International Law](#)

[12.1 The Position of Sampoor/ Mutur East Displaced in International Humanitarian and Human Rights Law](#)

[13. Larger Concerns of Militarisation in the East](#)

[14. Recommendations](#)

[Appendix I](#)

[Killings and Abductions among IDPs in Killiveddy and Environs \(Mutur South\)](#)

[Appendix II](#)

[Disappearances and a Murder in Thiriyai](#)

[Appendix III](#)

[The 1985 Focus on the East - Antecedents of the Mutur East Zone](#)

[Appendix IV](#)

[Containing the Minorities through Sinhalese Settlements – A Brief Sketch of the Final Solution of 1983](#)

[Appendix V](#)

[Expropriation from Tamils in the Name of Buddhist Remains in Muhattuvaram](#)

[Appendix VI](#)

[Map of Trincomalee District showing HSZ](#)

0. Introduction and Summary

If the two contending nationalisms celebrating recurrently their fleeting moments of military glory have proved anything in 25 years, it is that they have nothing to offer except unending futility and misery. The LTTE uses celebrations of heroism to chain the disillusioned and unwilling into military ranks. In the binge of euphoria over the Government's claims that it is winning the war and liberating the East, crucial military and political uncertainties are being swept under the carpet. People with longer memories see the futility of celebrating taking areas several times abandoned before, driving the country's human rights record to a new nadir, cannibalizing the economy for uncertain objectives and acting in blind defiance of the sensibilities of India and the international community. The most formidable military task in the North remains untouched and the costly military failures there and the damage done to civilians by regular bombing largely ignored. Contempt for international law would in time undermine the Sri Lankan state's sovereignty and legitimacy.

Worst of all, the Government has virtually abandoned any attempt to win over the minorities and make them feel equal partners in the nation-building enterprise. Was it not the root cause of this tragedy that the minorities feel alienated by majoritarian absolutism? The ruling SLFP's proposal before the APRC tasked with finding a political settlement undermines any hope people had in the prospect of neutralising the LTTE's penchant for violence as its only weapon and attaining a durable peace. While the international community feels that the LTTE and its politics too are contributory to the predicament of the Tamil people, it is at the same time appalled by the manner in which the Sri Lankan state is squandering the opportunity provided by its crackdown on LTTE terror and extortion networks.

Most untimely is the Government's extremist bent towards decimating the Tamil community in the name of fighting LTTE terror, coming just when the Tamils at large are beginning to acknowledge the LTTE for what it is – it will destroy, but never liberate – and the international community has created the ground for an enlightened approach. Those who guide military operations and make policy on behalf of the government have very little understanding of the complex dynamism of the ethnic problem, thus alienating the minorities, especially the Tamils.

Based on what we have reported in the past and in the current report, government policy towards Tamils, now a virtual monopoly of the Defence Ministry, appears to have the following strands centred on the East, drawing strangely on precedents set by the LTTE:

1. Silence the more prominent Tamil leaders who articulate Tamil aspirations, particularly in support of the North-East Merger. We find strong pointers to the Defence Ministry in the killings of Joseph Pararajasingham, V. Vigneswaran, N. Raviraj, Eastern University Vice Chancellor S. Raveendranath, and Eastern PLOTE leader Pakiarajah (Mama). Defence Ministry protégé, the Karuna Group has been associated with most of these. We reliably learn that Karuna has instructed his cadres to kill Eastern EPRLF leader Mr. Thurairatnam (who survived many LTTE attempts), in a way that would conceal their hand.

2. Kill Tamil leaders at local level to weaken the community, especially in the Trincomalee District, of which this report gives a number of examples.
3. Use violence, displacement and land acquisitions (as conceived in 1983) to marginalise the Tamils and to Sinhalise Trincomalee District.
4. Use terror and silencing of Tamil journalists to control news of severe violations.

Once more security is being equated with capturing areas and bringing them under Sinhalese hegemonic dominion. Against such delusions, the Government's much vaunted wining of the East is going to be temporary, the Tamils and Muslims are going to feel further insecure and in turn Sinhalese living in the East would further be turned into unwilling pawns in a devastating ideological game.

While we draw attention to historical precedents in demographic fiddling and uprooting of Tamil villages in the North-East as part of the Sinhalese hegemonic project, we reiterate that its renewal runs contrary to the wishes of the Sinhalese people. Credible revelations of a pre-election deal between the President's men and the LTTE to disadvantage the UNP candidate, throw doubts on whether the President was elected. The party of extremist Buddhist monks (JHU) and presidential ally, currently wielding key influence in driving government policy in the North-East, was never by far elected as the representatives of the Sinhalese people.

This is not the first time when gnawing doubts of legitimacy have pushed leaders to indulge in violent heroics to image themselves as reincarnations of school history-book heroes fighting epic battles against the Tamils. We saw it after the controversial and violent referendum extending the term of Parliament in 1982. Such times enable fringe elements to use their leverage to enforce their narrow vision on the country and spike the possibility of democratic change for decades to come. We would then find events determined not by the strengths of people, but by their anger, weakness, vice and insecurity. Then historical antecedents and failed agendas take on a life of their own, where current aspirants to the status of epic heroes try to succeed where others failed. In turn these antecedents inflame the fears of those who are the intended victims.

We all become subjective. On 16th July, Herath Abeyweera, Chief Secretary of the Eastern Province was gunned down as he left his office in Trincomalee. The President condemned it as a cowardly act, for which the LTTE are the leading suspects. We unreservedly agree with the President. But cowardly are also nearly all the killings described in this report. The Government is in total denial, while the Tamils feel angry and insecure.

For its part, the LTTE will continue to appeal to the Tamil people that without their military might the Tamils have no chance of surviving a community with rights in Sri Lanka. Its contribution towards that very calamity would be glossed over. The people condemned to fear and insecurity would become fatally entrapped in the ideological agendas of both sides. Both Sinhalese soldiers and young Tamils and children dying by the thousands, sacrificing their life for misguided political agendas which they do not comprehend, bringing neither honour to the dead nor peace and dignity to the living.

The East is now under a total militarisation of the civil administration, by a military enjoying a 23-year-history of absolute impunity, killing thousands of Tamil civilians without anyone being punished. There are no democratic structures where the civilians have a credible voice, such as a political settlement with meaningful devolution would have provided. State-

affiliated killer groups run loose picking out targets among Tamils with leadership qualities. These precedents forebode ill for democracy in Sri Lanka.

Against this anarchy, the Government has announced grandiose claims to rehabilitate the East on a priority basis, of course asking the international community and NGOs to foot the bill for the destruction of life and property it caused. Such a rehabilitation would inevitably be based on government-propaganda of what the people have been through. It is indeed true that the Sinhalese farmers suffered because of a ten-day LTTE-imposed water cut at Mavil Canal. But that is only part of the story of civilian suffering in the East that includes death and displacement among Tamils and Muslims because of government-shelling, loss of land and livelihood, and systematic looting of property and stored food stocks by the government forces. To speak of this is taboo. The Defence Secretary threatened a *Daily Mirror* journalist who touched on this with 'extermination'.

In the minds of the advocates of the Sinhalese hegemonic project, depopulation of Tamil villages in the Trincomalee District has been a long-term objective. One by one Tamils have lost areas where they were secure. Sampoor is one such area to which victims of violence fled in April 2006. The Supreme Court has already dismissed two fundamental rights petitions against the attempt by the Government to take away the land of those forced out of the Sampoor area by shelling. Contrary to a number of international treaties that Sri Lanka has acceded to, the petition was dismissed on the simple grounds that the Court cannot adjudicate on security matters. The ICCPR, which reinforces the right to return of the displaced, though acceded to by Sri Lanka, has been placed in limbo by a controversial Supreme Court judgment of 2006. It is time to demand that the Government takes steps to give substance to international treaties it has acceded to.

The immediate task is to rehabilitate the displaced and provide them with protection against killers and abductors enjoying close collusion with the security forces. Only unobstructed international participation on the ground by international organisations such as UNHCR and international NGOs could ensure that humanitarian work is conducted based on principles of equity, non-discrimination and conflict sensitivity.

While humanitarian assistance should continue with the urgency it warrants, the situation in Eastern Sri Lanka is not conducive to either elections or reconstruction. Unless the government is willing to make major changes on the ground towards demilitarization, an end to state-linked human rights abuses and the independence of institutions, the local populations are not going to benefit from elections or reconstruction efforts. Indeed the Government has the opportunity to make the multi-ethnic East a region of democratisation and co-existence, but all signs on the ground are in the contrary direction of ethnic polarization and anarchy fuelled by armed actors. And this picture in the East is unlikely to change without international participation to strengthen local civilians and their institutions.

Given the history violence in the East over the last two and a half decades, the East more than any other region calls for a UN Human Rights Field Operation, to ensure independent and impartial monitoring, investigation and reporting on human rights abuses as well as to contribute towards the protection of civilians. If the government is serious about winning the confidence of the local populations, particularly the minority communities, a deterrent against abuses, as what international human rights monitoring offers, will also demonstrate the government's commitment to protect civilians.

Following the Indo-Lanka Accord of 1987, the increasing space towards democratisation and reconstruction, gave the people in the East much confidence, and it was the starting point of attempts towards rebuilding Tamil moderate politics and Tamil society as a whole, beginning in the East and extending to the North. Collusion between the LTTE and the Sri Lankan government to undermine the Indo-Lanka Accord, soon aborted those efforts. Were the Government to put forward a credible political solution to address Tamil and Muslim aspirations and then work towards democratisation and economic development in the East, it could provide a new opening towards rebuilding Tamil society. This however, would require a shift in the political direction of the State and the military establishment in particular, which has been all too comfortable during the last two years in mirroring the project of the LTTE to decimate Tamil democratic politics and the Tamil and Muslim communities in the East.

1. The Cleansing of Mutur East – Back to the Calamities of Weli Oya

If one were to point to a single most potent reason why the LTTE thrives, it is state backed aggression over land that regards the minorities as aliens. It has led to an obsession with countering separatism to the exclusion of all other facets of nation building.

As conceived by the ruling section of the Sinhalese political class in the run up to the violence of July 1983, the guarantees against separatism were to be imposed through strategic areas from which the Muslims and Tamils were to be excluded through brute force and gazette declarations that found euphemisms for these exercises as ‘Special Areas’ for some activity to do with allegedly security, economic or Buddhist projects. Draconian powers of the Central Government under the present unitary dispensation, both military and administrative, have thus been used to target areas where Tamils and recently Muslims have hitherto been fairly secure.

It is this treatment of the minorities as subversive and undeserving of rights any civilized country accords its citizens that fuelled the Tamil militancy and enables an obdurate force such as the LTTE to thrive. Contrary to the propaganda bandied about in Colombo, it was not India or the Tamil expatriates who were the causes of ‘terrorism’. The attitude outlined above and its effects culminating in July 1983 created conditions for the simmering Tamil insurgency to boil over.

It is no accident that the first steps in the policy of creating exclusive Sinhalese zones in the North-East coincided with the unleashing of the July 1983 violence. That too was when the District Development Councils advanced as a political settlement in 1981 were shown to be mockery. For President Rajapakse to offer these as the SLFP’s position today is an insult to the country, which knows better. He has further signalled the Government’s intention to give new life to policies and practices that have advanced Sinhalese and sought to cripple the minorities.

President Rajapakse’s gazette declaration of 30th May 2007 establishing the Mutur East/Sampoor High Security Zone, implicitly affirmed that the Tamil civilians displaced from the area would be deprived of their land. The new HSZ covers an area of 35 square miles touching Foul Point, Illankanthai, Uppural, Thoppur, Kattaiparichchan and Mutur. The population here had been predominantly Tamil (see [Sec.7, Appendix VI](#) with Map and

Documents). 15 000 civilians in 12 villages with arable farmlands, water resources and fishing facilities were turned into beggars, who were moved from one ill-provided refugee camp to another with state-sponsored vigilante groups let loose in their surroundings. Developments in Illankaithurai Muhattuvaram described below, suggest the HSZ extends further south *de facto*.

Also significantly, the Mutur East area from which Tamils are now being excluded is one of the few remaining areas where Tamils in Trincomalee District have been secure from state-backed communal violence (most recently in April 2006) that is a constant threat resulting from decades of planned Sinhalese colonisation. It is a place to which a large number of Tamils affected by reprisal violence in the Allai Scheme fled from April 2006.

Government Defence Spokesman Keheliya Rambukwelle speaking to BBC Sinhala further confirmed that the civilians of Sampoor and Mutur East would lose their lands and justified the acquisition as an economic zone for development similar to the Mahveli project (1960s to 1980s) for which the people lost their 'properties and ancestral lands'. This was the same pretext used in the Weli Oya precedent that was billed Mahveli System L (Special Rep.5 and Bulletin 3). These were unusual projects for the manner in which the land was acquired. In the recent case the people driven out of their homes were shelled on the run from April to December 2006, all the way from Sampoor to Batticaloa.

The same menace was implicit in what Rambukwelle told the *Hindustan Times* (19 Jun.07). He said that the civilian refugees from this area (Mutur East) would not be allowed to go back to their homes and lands, "***both for their own security and the security of vital establishments to come up there.***" Once more the President showed the world the value of his word. On 4th September 2006, he told the SLFP's 55th Anniversary gathering, "***We have salvaged Sampur from the grip of the enemy purely for the benefit of the people.***"

Security through exclusive Sinhalese zones in the North-East was first mooted openly when on the eve of the violence in July 1983 Minister Lalith Athulathmudali told Parliament, "*In those days it used to be said that there was a Tamil majority in the North. But now it is different. The time has come that the majority of Tamils live among the Sinhalese*". The arrangements already set in motion went unnoticed in the outrage of state-backed attacks on Tamils that immediately followed (see Appendix IV). The first exclusive Sinhalese zone, Weli Oya (Manal Aru), was carved out north of Trincomalee in the South of Mullaitivu District in October 1984 after driving out Tamils from Kent and Dollar Farms and moving in selected Sinhalese prisoners from Anuradhapura Prison, 62 of whom were massacred by the LTTE on 30th November 1984.

The Army accomplished the next step in driving out Tamils from the surroundings by brute violence starting early in December 1984. From several directions, beginning in the south with Amarivayal and Thennamaravady in Trincomalee District, the Army moved into villages in the South of Mullaitivu District leaving dozens dead or disappeared in several villages (e.g. 15 dead in Thennamaravady and 27 in Othiyamalai). In February 1985 displaced farmers who went south from their refugee camps in Mullaitivu town to harvest their paddy fields were fired upon from the air, and the Government itself admitted to killing 52 Tamil 'separatists'. The number of persons missing compiled in refugee camps numbered 131. The result left about 3 000 Tamil families permanently deprived of their homes. (The facts with sources have been documented in *Sri Lanka: Arrogance of Power...*, esp. Ch. 13.3, 15 and 20, Special Report No.5 with maps and also the Appendix IV below.)

Any notion that the sovereignty of a state must be preserved through massacring and chasing minorities from their homes to create Special Zones is to deny them their birthright to their environment and render them aliens who must seek their own protection. Such an attitude is necessarily founded on violence and invites spiralling violence.

The current trend in Trincomalee District, from the execution of 5 students early last year, is comparable with that in 1985 – 1987 based on plans set in motion in 1983. (See Appendix IV.) What we see are variations of the same methods, but with the same objective – Sinhalisation of the East.

The project of exclusive Sinhalese zones brutalised both Tamils and Sinhalese and the first massacres of Sinhalese civilians by the LTTE go back to this period – 11 in Kokkilai on 1st December 1984 and 120 in Anuradhapura on 14th May 1985. We mentioned this history, because in Sri Lanka history does not go away. Far from any economic or security gain, this approach has been an unmitigated tragedy for the Tamils evicted and the Sinhalese planted in these exclusive zones.

2. Forcing the Exodus of Tamils from Mutur East

Clearing the land for Weli Oya involved outright massacres of civilians and disappearance. In Mutur East while the civilian dead and disappeared are of a similar order, genuine security threats posed by the LTTE have been more cleverly used to disguise the menace to civilians.

The villagers of Mutur East were a peaceful people engaged in farming and fishing. The area was under army control until 1996, when troops were moved from large parts of the East for operations in Jaffna and Vanni. The people in areas vacated by the Army came under the LTTE's exclusive control and the LTTE abused and misused them for 10 years. This fate was imposed on them by the Military's weakness and short sightedness and not of their choosing. Governments spared no thought for the civilians when they took or evacuated areas. During the CFA, the LTTE acted contrary to its spirit and turned the area into a Sea Tiger base having also long range cannon. It terrorised the Muslims and drove them out of several areas, which became LTTE high security zones. All this worked to the detriment of the Tamil and Muslim people (Special Report No.14 and Bulletin 34).

The security need for the Government to take back Mutur East, which was thoughtlessly abandoned, is understandable. But that is no excuse for penalising the people. As we pointed out in Bulletin No.45, the Military had a drill tested during the Vadamaratchy operation in 1987 to retake an area with minimum harm to civilian lives, by designating schools and places of worship as shelters while the Army advanced. It worked fairly well and deaths from shelling were relatively few.

The way Mutur East was emptied was so abominable that one must conclude that the eviction of the populace by bombing and shelling was deliberate. The people should not have been made to move beyond the nearest school, temple or church. The big school in the area, Senaiyoor Central, had been hit from 25th April. Vigneswara High School in Kathiraveli was hit in on 8th November killing over 40 civilians. Testimonies we received from civilians

(Bulletin No.45) confirmed that in general, the LTTE did not fire at the Army from among civilians until the last stages in December 2006.

The Government used the Mavil Aru (Canal) crisis as a pretext to go on the offensive and drive the Tamil civilians out of Mutur East. The accepted wisdom that the LTTE closed the canal and deprived the Sinhalese cultivators of water in order to start the war must be questioned in the light of several impartial testimonies.

The suicide attack on Army Chief Fonseka on 25th April 2006 was followed by indiscriminate reprisal shelling and bombing of the entire Muthur East area (including villages like Pattalipuram, where there was no LTTE base in the village, but far away from the coast). The Army further closed checkpoints for goods entering Mutur East, which was by then having a large displaced population from Mutur South, who from April fled violence in the colony area resulting from LTTE provocations. This caused severe hardship and food shortages by June.

Impartial observers who visited the LTTE Sampoor office two weeks before the closure of the sluice gates of Mavil Aru said that the situation had become acute, and people were putting a lot of pressure on the LTTE to do something. They strongly felt that something was bound to happen. It was subsequently that the LTTE closed the sluice gates (which hit mostly Sinhalese farmers as the Tamil and Muslim farmers had been unable to plough because of the violence in April). The Government persisted on a military offensive even after the SLMM and the reputedly hard-line Buddhist monks at Neelapola and Seruvila negotiated a settlement.

Faced with massive bombing and shelling of Mutur East in early August 2006, the civilians were forced to move from one village that was hit to another that seemed safer. Thus many people who fled Sampoor, which was shelled first in April, fled to Illankaithurai Muhattuvaram. When Muhattuvaram came under missile attack in August, the displaced scattered again to wherever seemed safer, to Verugal, Kathiraveli and Vaharai before ending up in refugee camps in the Batticaloa District in December 2006. At every one of these places they were bombed, shelled or both. This would not have happened if the Government had designated places nearby from which they could have got back home once the operation was over. The point is that the Government did not want them to get back home as subsequent events show.

A leading citizen from the area told us that the death toll resulting from the whole episode of flight is close to 180, adding that the list is still a tentative one. An unknown number of elderly and children died falling into pits while crossing Vaharai lagoon by night in a final act of desperation when Vaharai was being shelled. He explained that many had been killed during flight, because of random or misdirected shelling, and had simply been buried by the roadside and did not go into any official record. The refugees living scattered over Batticaloa, Trincomalee, Killiveddy and far beyond, makes documentation extremely difficult. The number 180 appears conservative, given the Non-Violent Peace Force's figure of above 147 civilians killed in Batticaloa District for November 2006 alone. The number injured would be at least three times that figure. By then there was hardly anyone left in Mutur East and most of them were in the Batticaloa District.

An analysis of these operations from the standpoint of international law to determine the proportionality of the level of force employed by Sri Lankan Security forces in relation to the concrete and direct military advantage gained needs to examine factors such as:

- (a) Were realistic precautions taken to minimise collateral damage?
- (b) Were there alternative or less damaging ways of achieving the intended military objective?
- (c) Was the damage excessive in relation to the expected military advantage?

The events in Mutur East could be a violation of International Humanitarian Law. It would call for an independent and international commission to investigate such violations. **In other countries, UN Human Rights Field Operations are tasked with such investigations, and clearly there is again a need for such an international monitoring and investigative presence.**

3. Dying Defenceless, Robbed and Expunged from Record – Plight of the Displaced in Batticaloa

Before we return to the issue of the HSZ in Mutur East and Sampoor, land which was expropriated from persons displaced by shelling, we set the scene by illustrating the plight of the displaced especially in Paduvankarai (Sunset Shore), Batticaloa District which applies in general to the East of Sri Lanka. It places in context the attempt to further rob the land of people terrorised, driven from pillar to post and denied all rights, even the security of life. Inhabitants of Paduvankarai too were displaced by shelling and were forced to move into Batticaloa town in March 2007. It was the worldwide indignation resulting from the swelling of the displaced in Batticaloa town and environs from 90 000 to over 150 000 that pushed the Government to address the arithmetic by forcibly moving the Mutur displaced from Batticaloa to Killiveddy.

A number of incidents display the same spirit of impunity that has been witnessed in Trincomalee District. Several concern the manner in which the security forces pad up the Tiger tally to give more weight to their victory.

On 19th July 2007, the President spoke at the victory parade in Colombo to celebrate the capture of Baron's Cap, supposedly the last outpost of the LTTE in the East. He proclaimed, *"Let us bequeath to [our children] a land where Sinhalese, Tamils and Muslims can live together and smile as the children of one mother."* Yet on the ground the Tamils are treated as the defeated enemy having no rights, except to some redundant legal ritual without which things could have been worse.

Near Baron's Cap lie scattered habitations, among which is the village of Akurana. The day after the President's address, 20th July, three Tamil youths in the village were killed and the Army refused their parents their bodies and took them to Valaichenai Hospital. The Defence Ministry web site duly reported:

"Three LTTE cadres were killed when Army troops continuing mopping up operations in the Thoppigala jungle confronted a group of LTTE terrorists in the Peraveli general area, South of Thoppigala this morning (July 20). The incident occurred when troops attacked the LTTE

terrorists who had been trying to escape the Thoppigala jungle around 10:30 a.m. Troops also captured one 81 mm mortar gun from the fleeing LTTE cadres.”

At the Hospital, according to very reliable sources, the Police told the parents who went for the bodies that if they go to the courts, the Army would shoot them. The Army had claimed that they recovered from the unidentified dead, three cyanide capsules and a numbered identity tag. The parents then went to the army camp at Illuppadichchenai and were warned by the Army that if they testified in court, they would be killed. The Police brought no productions to substantiate the Army’s claims. Sources at the Hospital confirmed that the bodies of the youths, definitely less than 25 years, had no bullet marks, making it clear that they were beaten or tortured to death. Allowing three days the local authorities interred the bodies as unclaimed and unidentified.

The following claim appeared in the Defence Ministry web site on 20th June 2007: “*Army troops with the assistance of Police gunned down three LTTE cadres who had attempted to infiltrate into Kalkudah village on Tuesday (19) night. During the subsequent search, troops found two hand grenades and two claymore mines along with the three bodies of the LTTE cadres.*” The truth however, which we obtained from very reliable sources, is utterly shameful.

The victims were fishermen from Akkaraipattu displaced a few months ago reportedly due to a local dispute with another community. They were **Thiagarajah Asokumar** (21), **Govindarajah Kalaichelvan** (25) and **Shanmuganathan** (17). The three were married respectively to **Mahendran Mehala**, **Thangarajah Mehala** and **Ratnasingham Thanalatchumi**. The men went out to sea on 19th June and after they returned the Army accosted them and shot them dead. Their three wives and their mothers, one of whom is **Samithamby Rasamma** went to the beach to look for them after 7.00 PM. The security forces who met them told them that three bodies had been sent to Valaichenai Hospital.

The women went to the mortuary and identified the dead. The Police and Army told them that the bodies could be released only if they signed statements that the deceased belonged to the LTTE. The women refused, upon which they were beaten by the policemen and soldiers. They persisted in their refusal and went without the bodies, which were later released through the courts after due procedure.

In the Lurch: With the LTTE abandoning their establishments in the interior of Batticaloa, many of those it had forcibly taken to work in these were also left with nowhere to go in safety. **Sellathamby Anandarajah** (49) came home to Vinayagapuram in Valaichenai at 5.30 PM on 19th June 2007 after escaping from the interior where fighting was going on. For two years he worked for the LTTE. A short time after his arrival, armed Karuna cadres came home and tried to drag him away. His wife and daughter **Kamaleswari** tried to protect Anandarajah by standing between him and the gunmen. The latter beat up the women and took Anandarajah. His corpse with gunshot injuries was found the next day at Karunkalicholai in Kalkudah.

3.1 LTTE Executes Prisoners:

We also received information from an escapee from an LTTE prison in the interior of Batticaloa, that in the final stages it was holding 74 prisoners of whom it executed 46 from February to April 2007. The LTTE men in charge of the prison were Imayavan and

Kanimohan of Intelligence. There were then 200 intelligence cadres in the camp, including Kamson, Seelan, Oothappan (of Jaffna) and Thuronan (in charge of suicide training). The prison was at Avatiaveli next to Keviliamadu, otherwise known as Beirut.

12 persons were executed on 23rd February, one of whom was Nedumaran. On 12th April, nine prisoners were taken out for an 'inquiry' and executed. Among them were Rubaharan, a CTB conductor from Santhiveli, and two Sri Lankan Army soldiers, one known as Samintha. The latter two who probably surrendered during a skirmish were beaten to death rather than shot. On 21st April again 13 persons were executed. Among them were Nazar of Mosque Rd., Katthankudy, who was taken for ransom and Karuvalthamby Rajaratnam of Central Camp taken over a local dispute. Prisoners according to this source, now abroad, were also executed during May. Those killed included persons taken in civil cases and on the charge of being Karuna sympathisers.

3.2 Muslim Extremism and Military Patronage:

From 1990, the Government used Tamil paramilitaries in addition to Muslim home guards. The latter used to collect their weapons from the police station when going for duty and return them. Over the years a number of them stopped being home guards and joined Muslim extremist groups, what are commonly referred to as Jihadi groups. Today in several areas the distinction between jihad and home guard elements has been lost. Often members of the same family are in both. Some home guards have sold their weapons to jihad elements, some bought them from cadres on the run after the LTTE split and recently the security forces have also given weapons to them. The Police have given up trying to account for weapons. In Valaichenai jihadis operate under military patronage parallel to the Karuna group in Tamil areas and novel things happen, such as a parallel legal system with the Military turning a blind eye.

Among the leading jihadis in Valaichenai are Auto Kaleel, Adambawa Ibrahim, Naufer and Pavadai Mahan. A recent instance of the impunity they enjoy is the case of the 15-year-old girl **Hidaya**. She was earlier sexually abused by a *hadjiar*, followed by several men. Her home was not a good place for her because her father used to come home drunk and beat her. She was sent to a children's home where too an employee abused her. Recently, the jihadis caught hold of her, kept her prisoner for 15 days and executed her with a bullet in her head. This is a further aspect of anarchy in the East fuelled by Government patronage.

In Hidaya's case the Police have simply ignored orders, which is now common, to arrest the culprits above. One reason why the security forces are tolerant of them is that much of the risky frontline fighting in the East had been done by the Karuna group and Jihad, both of which worked closely. Jihadis received training from the Karuna group in their common fight against the LTTE and fought alongside Karuna cadres in Vaharai for example. When Mutur was under siege last year, Karuna and jihad elements took on difficult roles in fighting. Because of this the security forces let them do as they please.

In Valaichenai itself there are an estimated 300 jihadis, which is also a reflection on unemployment. While both home guards and jihadis operate with the security forces, the former are fairly well paid. The latter like the Karuna group support themselves by extortion, so that the Government gets their services for free. Hidaya's case is the tip of the iceberg. There is far reaching intimidation of the local Muslim populace as extortionists go around demanding money and threatening dire consequences for non-payment, particularly from

those better off, parallel to what Karuna and Pillaiyan are doing among the Tamils. In both communities, the victims dare not speak out. The East is thus footing the Government's bill, supporting several satraps. The extortion and abductions in Colombo were an extension of practices well grounded in the East. After the LTTE evacuated, Karuna's men and the jihadis once close, are now prone to clash.

3.3 Paduvankarai:

In Paduvankarai region of Batticaloa, almost the whole population fled to the sea coast stretching from Valaichenai south to Batticaloa and Kalmunai when the Government commenced shelling the area from February end 2007, as a prelude to moving in. The resettlement of Paduvankarai began in mid-May 2007. People began getting back to homes where rafters, doors, window frames and stocks of harvested rice, had been systematically looted by the security forces and taken out through Valaiyiravu Bridge and Pulukkunawa in lorries. Karuna group too began conscripting cattle herders who went looking for their cattle. The LTTE too was around, and on 10th June its member **Sinnathamby** shot dead **Rajendran** of Munaikkadu. The latter, once an LTTE supporter, after surrendering to the Special Task Force (STF) was suspected of helping them. The LTTE in June set fire to the house of Udalveddy Kasupathy, which the STF used to visit.

The area, which was under the LTTE for many years, had faced large-scale conscription of children from 2001. In many cases parents had been forced to hand over children. According to local sources, it was young conscripts from the area whom the LTTE had used in the defence of Baron's cap, which fell to the government forces in mid-July 2007. 35 conscripts from the Pattipalai DS Division had been killed in recent battles. We look at the fate of one young woman conscript.

3.4 The Murder of Miss. Thavamani:

On 11th July, four days after the incident in the night of 7th July, Ariyanenthiran MP told the media that a young woman **Miss. Thavamani** had been killed in Paduvankarai. The incident was soon given worldwide publicity by the Asian Human Rights Commission and BBC Sinhala.

We heard the story from two different levels. One was a casual admission by an STF officer that they killed the young woman because she was an LTTE spy. In his logic it was of no use arresting her because she would be sent to the courts and released. We also heard her story from several civilian sources in the area.

When the LTTE, even after the CFA, was in 2003 was applying punitive pressures on parents to hand over one child from each family, Thavamani's parents gave her to the LTTE when she was about 23. She was duly trained and a year later in 2004, the Karuna faction split the LTTE. Thavamani was among the thousands released. She went home to her parents in their village of Mavadimunmari, 3 miles from Kokkadichcholai. To avoid any further pressures on her she was sent abroad to work and came back to her village, which was resettled after their displacement to Batticaloa in March 2007.

Mavadimunmari had an STF camp of about platoon strength at *Cholaiyam*, a conference hall earlier used by the LTTE. Having consulted a number of sources on how the STF became

interested in her, we give what we finally heard from a responsible source. While going on patrol past the *wadis*, STF men used to talk to Thavamani. She became quite open and told them she was in the LTTE and gave even her identity tag number. But at some point she became anxious about the way they were questioning her. It was then that she got other women to sleep with her.

On the night of 7th July, men came to where over a dozen women slept, and flashing torches, identified Thavamani and pulled her out. Following morning her body with stab wounds was found more than 100 yards away.

The women who observed the men and probably their speech contend that it was the STF that killed Thavamani. This is further indicated by the fact that dozens of families left Mavadimunmari and moved close to Kokkadichchola. The Police and local Military blamed the LTTE. The Military Spokesman in Colombo, Brigadier Prasad Samarasinghe, denied the whole incident itself – the killing and the people fleeing. However, as mentioned above, the STF has not only admitted the murder in some quarters, but also defended it.

Thavamani's father Rajasundaram gave the most important testimony in the case to the Acting Magistrate. He said that five men in uniform came to abduct his daughter without saying they were the STF. But it leaves hardly any other alternative. Her body was found next to Katpaham House. The forensic examination at Batticaloa Hospital said that Thavamani died of injuries to her heart and kidney. Although the report is silent on rape, it should not be excluded. It is too sensitive a pronouncement for a doctor in those conditions. (See Bulletin No.25 for the post mortem examination of the 2000 Vesak Day massacre by the Special Forces in Batticaloa.)

Once more over another grave incident in the East with severe legal implications after the 5 Students case in Trincomalee in January 2006, the ACF killings, the Pottuvil massacre, the killing of four Muslim peasants in Mavil Aru, the system or what passes for it is in complete denial. In all except two, the STF is the party implicated. All were cases of wanton murder as in Thavamani's case. Given the fact that the Tamil media which used to report such incidents immediately said nothing for four days or more is another token of how the Tamil media has been silenced, first by LTTE terror and now state terror.

Sources from the area also told us that the STF at Mavadimunmari was also responsible for killing another IDP. About three days after Thavamani's incident, **Sinnathamby (35)** from Manalpidy (between Kokkadichchola and Mavadimunmari) passed Mavadimunmari and went to the Thantha Hill tank to fish. On his way back the STF reportedly stopped him at Mavadimunmari, tied his eyes and his body was found later by villagers. There does not seem to be an inquest record for the deceased.

Thavamani and Sinnathamby, are reflective of the cases of the displaced whose right to life too was finally violated. Practically all the obligations attaching to resettlement were unfulfilled. Where security is concerned, they became a herd of hunted animals. Material help for resettlement after their houses and stored grain were looted was largely absent and the crime unacknowledged. Food rations promised became irregular. In many respects they were worse off than in camps. The Defence Ministry is yet to give regular access to INGOs after vilifying them, because there is too much to hide.

In a memorandum circulated to the security chiefs and civil administrators in the fourth week of July (apparently in Sinhalese), Eastern Commander Maj. Gen. Parakrama Pannipitiya instructed them not to allow any NGO to start projects “according to their will” in the east. According to him, projects would be determined by a Rural Development Committee, including the Village Headman (GS) and representatives of the STF or Army, sent to the Divisional Secretariat and then assigned to NGOs. At a meeting in Vaharai to which Gen Pannipitiya summoned INGOs and NGOs, the latter were unilaterally vilified and accused of doing little work despite receiving a lot of money.

The Military was thus imposing its heavy hand on both the civil administration (non-Sinhalese in most areas) and relief agencies. Persons who know the scene described the allegations against INGOs as a lot of sweeping nonsense. In the first place there is little to show in these areas after the military destroyed and then looted the places they moved into. Can there be any real discussion in these rural development committees with those who torture and kill with impunity? One could legitimately insist that INGOs and NGOs have proper channels of accountability, but not to the Military that with all its crimes and corruption is living in a world of illusion where they are totally insensitive.

We will now move on to the plight of refugees in Mutur South. Here the ideological anti-minority drive of the Government focused on Trincomalee makes their situation much more parlous. The crimes against them have been compounded by the attempt to grab the land of folk in Sampoor/Mutur East.

4. ‘Resettlement’ in Mutur South – Culling the Able and Active

The state of nearly fifty thousand shelled and displaced from Mutur and Vaharai who arrived in Batticaloa amidst the winter rains, starved and without food or shelter, with their stories of horror and loss, aroused worldwide indignation (see Bulletin No.45). To reduce the visibility of misery, under the pretext of resettlement the Government transported under duress in buses over 2000 of the Trincomalee refugees from Batticaloa to Killiveddy in Mutur South. A defence Ministry statement described it as a *‘transitional (sic) base at Killiveddy for a brief rehabilitation program [for IDPs, to] be resettled in stages completing the resettlement by April.’* Those from Sampoor languished there in flimsy shelters and now it is official that they are not going home (Bulletin 45). The others from Sivapuram, Menkamam, Killiveddy, Mallikaitivu, Iruthayapuram, Peruveli, Pattitidel and Palathadichchenai have been taken back to their villages. Hundreds from Eechchilampattai were taken back in July. Many of the displaced remain scattered in camps and are watching the security situation. Sampoor falls in the new HSZ and the displaced face uncertainty over their future.

Violence, coercion and intimidation from the State were constant companions of the refugees from the time they reached the government-controlled area, were photographed and processed by the security forces and taken to IDP camps. In the bulletin referred to above we have recorded instances of conscription of IDPs just outside camps by the Karuna group. In the case of those forcibly moved to Trincomalee, often ordered to get into buses without notice, they were beaten by the security forces, parted from children who were at school, and told that if they remained their huts would be bombed or if caught on the road in Batticaloa with a Trincomalee ID, they face an uncertain future (Bulletin No.45). The violence followed them.

The violence these people suffered in both nature and scale is strongly reminiscent of their experience in 1985 (see Appendix III and Ch.20 of *Arrogance of Power*).

The standard legal reference, Guiding Principles on Internal Displacement (of which more below), defines internally displaced persons (IDPs) as *'persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border.'*

This definition makes it clear that all persons we refer to in the report are IDPs whether still in camps or have been transported back to what used to be home. Except for the fact that shells are no longer falling on them, the violence and deprivation they fled are with them, often in a worse and unpredictable form. As pointed out previously, the basic conditions for resettlement, especially security, remain unfulfilled. For many of those brought to Killiveddy, it was back home to a place they had fled beginning April 2006 to Mutur East, because of reprisal violence by the Sinhalese home guards and army. Despite the UNHCR's involvement in sheltering those in camps, any expectation of long-term security has proved illusory. Soon killer and abduction teams of Tamil paramilitaries and Sinhalese home guards working in tandem with the Army got going with their tested ways of crushing the Tamil civilian population. Outside their camps, IDPs are vulnerable as others 'resettled'.

The targets the state-sponsored vigilantes chose for elimination or disappearance varied. Some were reasonably well-to-do farmers who had survived the vicissitudes of the times. Some were picked at random to intimidate and scare off other Tamils. Some were either related to someone in the LTTE or had been on good terms or had a temporary connection with the LTTE. An early incident of a harrowing murder of both a prominent man and IDP is that of the 65-year-old **Kathamuthu Perinparasa**. On the very day he arrived from Mutur, 4th August 2006, and entered the IDP camp at Killiveddy School, he was dragged out by the Army and executed in front of the School.

An important category among those eliminated is elderly men who gave moral support and courage to their fellows. They were the kind whom International NGOs wanting to interact with the community would seek out, such as Mr. Govindasamy JP (Appendix I), who was killed. Other senior persons killed, who were a source of strength to the community, were Gunabalasingham and Nadesarasa. INGO sources confirmed that the people are now afraid of talking to them lest they are marked. It is notable that beginning in May 2006 threats were made and incidents were staged in Mutur intended to force INGOs to quit. On 21st May, Sunday, grenades were thrown at the offices of three INGOs, NVPF, ZOA and InterSOS, meaning to scare them off. The following month the office of Emergency Architects was robbed. ACF was sent warnings, but returned to reside in Mutur at July end. On 4th August, 17 of its workers were massacred.

A regular feature in this area is frequent round ups by the Army, after which an army officer addresses the people, at say a school. Local sources tell us that the officer commonly tells them for example that 10 more persons among them are to be eliminated, thus indicating the close link between the Army and the killer squads.

After 'resettlement' from the end of April through May 2007 saw 15 killings and 9 disappearances in the area around Killiveddy, mainly among persons resettled in the area. If

someone is killed and the body is found, there is likely to be an inquest record. A disappearance is literally just that. No record, no investigation. Those from Sampoor and Mutur East were in camps in the same area. We learn that some or all of **Pathmanathan, Muthukumar** and **Sivathas Sinthan** who are missing after reportedly being stopped at the Palaththadichchenai army camp on 4th April 2007, were from camps for the Mutur East displaced. For more details on abductions and killings in this area see Appendix I. The impunity is underlined in this area, which comes under the Mutur Magistrate, by the almost routine failure of the Police make arrests even when witnesses identified the culprits.

No Arrests Despite Evidence: The cases in Appendix I also illustrate the close link between the security forces and killer and abduction gangs. At the time Mutur Magistrate M. Ganesharajah was transferred out last January, he had kept open at least 20 cases of murder. In around 15 he had solid eyewitness evidence on the identities of the perpetrators, who were associated with the security forces. In the case of Ravichandran in Appendix I, his wife gave evidence along with some others, and the identity of the killer was known. In all these 15 cases where inquests were done, the Police failed to make any arrests. Now they are forgotten.

5. Trincomalee District: General

The opening shots of the revival of the ideological project were fired in Trincomalee with the execution of the 5 innocent students on 2nd January 2006. Not surprisingly the killing rate for state-linked killers in Trincomalee town alone has been higher than anywhere else in the North-East. Again the events are reminiscent of 1985 (see Appendix III and Ch.20 of *Arrogance of Power*) According to the official record compiled by the Divisional Secretary, Town and Gravets, out of 98 killings from 12th April 2006 to 1st January 2007, 5 were of Muslims, 7 of Sinhalese and 86 of Tamils. Although we have not sorted these out, and are aware that the LTTE is responsible for some killings (e.g. the bomb meant for the Navy on 1st May which killed two women passengers, a young boy and the auto-rickshaw driver and the 7 mainly Sinhalese who died in the market bomb explosion on 12th April (Special Rep.21)), local sources agree that during this period the killings of Tamils, including over a dozen women, were overwhelmingly by pro-state parties including the security forces, Karuna group and Sinhalese thugs protected by the security forces. The latter according to local sources largely moved out due to fear after their role in the violence of April 2006.

The Divisional Secretary's record in Thampalakamam has 12 killings from May 2006 to February 2007, of whom 2 are Muslims, 3 are Sinhalese and 7 Tamils.

5.1 An On and Off Pattern of Extra Judicial Killings and Disappearance

The incidents of killings and disappearance evince an on-off pattern. There are periods where they are relatively intense. Then they ease off, becoming isolated events. This reflects the fact that when the incidents become very noticeable, protests are mounted by NGOs and MPs, the embassies take note and the Government is placed under pressure to stop. But there is no

reason for comfort. In the Mutur area for example, things were bad from April to August 2006, after which most Tamils from the area fled to Batticaloa and started coming back in March 2007. Again the intensity of incidents was high during April until about mid-May and eased off.

In the case of Thiriyai below, a number of disappearances took place within a week towards October end 2006 and stopped. It resumed on 10th April 2007 and lasted for over a month and stopped. The patterns strongly suggest that the same party was involved in all the incidents. Whether on or off, the menace and intention remain constant: Namely, the ultimate eviction of the Tamils. It works by parents beginning to send the young people away. Certain areas are vacated. People are scared to go to their fields. The place slowly dies.

When incidents die down after a period of intensity, the Government is quick to take credit for dealing with the Human Rights question. No one should be fooled. **We reiterate that during 2006, witnesses in Mutur identified to the Magistrate most of the perpetrators of more than 20 incidents of murder and abduction. The Police in Mutur arrested no one. (Two cases that led to arrest and prosecution are robberies at Emergency Architects and at a Saudi Arabian NGO, both involving home guard/ Jihad elements.) This has now gone on in the country for more than 25 years. Unless the perpetrators are identified and prosecuted, it would start again. The State wants to keep it that way.**

5.2 The Special Case of Thiriyai

Another area of significance is Thiriyai, the northernmost Tamil village in the district after the mass eviction of Tamils of December 1984 further north. Thiriyai belongs to an area where there are a number of Buddhist monuments along the coast, and has been especially targeted by Sinhalese hegemonists. These monuments (e.g. Kuchcaveli, Thiriyai) however reflect the plural origins of religious and social life in Sri Lanka. A number of these monuments inscribed in Sanskrit rather than Pali are of unorthodox Mahayana origin, subscribed to by South Indian merchants during the Pallava period (600 – 900 AD). Epigraphica Zeylanica Vol IV p.152 says of Girikandi Caitya on Kandasamy Hill one mile west of Thiriyai, “*Girikanda Caitya which appears to have enjoyed a great reputation for sanctity hardly finds mention in the chronicles written by the [dominant] Theravadins.*”

The people of Thiriyai were also forced out in 1985, and resettled after the Indo-Lanka accord. The few who went back have since led a tenuous existence (Report No.12). With the revival of the Sinhalisation agenda under the present government, there has once more been a move to make life for the people impossible and force them to flee. Of the several hundreds of families, all Tamils that lived in the area, Kallampattai is deserted, 50 families live in Kattukulam and 60 in Thiriyai village. Most people fled to India, to the refugee camp in Alles Garden near Trinco Town or live in the town itself.

During 20th to 23rd October 2006, five were abducted in this area under Navy control. As a prelude to this phase of abductions, a checkpoint jointly manned by the Navy and the Karuna group was set up in Thiriyai. A number of people started leaving the area after the abductions.

Appendix II gives 13 cases of abduction including the five above and one murder in March 2007. A second spate of abductions lasted from 10th April to 25th May 2007, during which eight persons were abducted. Among these, four cases stand out. On 10th April abductors took

away 14 year-old schoolboy **Praruban** from his Kaddukulam home in the night while his grandmother screamed. From a later case of his uncle **Tharmarajah** also being abducted, it appears that in the first instance the abductors came for the uncle and in his absence took the schoolboy nephew. A second case worth remarking is the abduction of **Mr. and Mrs. Chandrabose** also from Kaddukulam. The couple that was living in a hut was taken in the evening by abductors who on their return from a bath at a neighbouring well were waiting for them at home.

Following the latter spate of abductions the last residents of Kaddukulam left, leaving the village deserted for the second time since its first destruction by the Sri Lankan forces with bombs and arson in 1985. Many residents of Kattukulam moved into Thiriyai, and that was perhaps the intention of this terror. After the spates of abductions, the Navy called the people for a meeting and assured them that it would not happen again! This was very likely a reaction to complaints by MPs. It also shows that the higher authorities in command who instigate or allow extra-judicial action, could also put a stop to them.

5.3 Eechilampattai: Buccaneering in the name of Buddhist Ideology

People from several villages interior of Illankaithurai Muhattuvaram in the Verugal Division, on the sea coast of Muttur East, see in the desecration before their eyes that they are in the same plight as the Tamils chased out of Manal Aru to make way for Weli Oya.

Like Manal Aru, the area around Illakaithurai Muhattuvaram had a humble rural population and outsiders seldom went there. The Government could afford to prevaricate because their woes are unlikely to be heard. From Batticaloa where the displaced were an eyesore arousing the world's pity, the Government has brought them back in the name of resettlement. Now most of their homes are non-existent or in ruins. Several families stay together or are at a camp at 49th Mile Post, Batticaloa Rd. Economically they are broken, as much of their economic space is lost. Those who fished are not allowed to go to the coast. They had lands and used to grow the best coconuts.

Seven or eight villages interior of Muhattuvaram with about 900 families brought back found their homes, fields and cattle inaccessible. Their houses had been bulldozed and are now in an unofficial High Security Zone. They have virtually been left under trees. The Army does not let them go into the area, but they see Sinhalese from the colony area of Mahindapura going in with the Army's complicity and coming out with the remains of their property.

The pretext for keeping the Tamils out appears to be a hill called Kunjithapathamalai with some Buddhist remains, which the locals had long used as a Murugan (Skanda) shrine, which could easily have preceded the Buddhist edifice. It is a phenomenon very common in South India, where shrines that were Buddhist or Jain have been adapted to other deities. Having driven the Tamils out, the Army has constructed a Buddhist shrine that it has without any basis associated with a lost Samudragiri Vihara. The displaced from the area have been robbed in contravention of international norms. We discuss this in **Appendix V**.

The other major non-Sinhalese component in the East consists of the Muslims who are the majority in Amparai District. Developments there, which were low key for a long time, accelerated last year. The long term nature of these developments must also be seen from the

fact that from the mid-1960s, the administration of both the majority Tamil-speaking districts of Trincomalee and Amparai (which had just then been carved out of Baticaloa District), were continuously headed by Sinhalese government agents who wield enormous authority in land matters.

6. Muslims and the Wider Significance of the De-merger of the North-East

If the Government kept the people guessing about its approach to the ethnic problem, a quick succession of developments since mid-2006 allowed little room for doubt. The SLFP left to itself would have stuck to a moderate role, but this time became hostage to the disparate ambitions of the JVP, JHU, the President himself and his brother Gotabhaya, and the LTTE provided the military pretext to uproot the Tamils and destabilise the community. The state of anarchy in politics has also given the Chief Justice who has found refuge in the extreme Sinhalese-Buddhist segment of the spectrum a role in exacerbating the mischief and uncertainty rather than upholding the rule of law.

From the middle of last year when the JVP brought the de-merger petition to the Supreme Court (which sanctioned it in October) things moved fast. The new Eastern Province flag represented the Muslim dominated Amparai District with the Sinhalese Lion, giving notice to the Muslims of things to come. The standard method of Sinhalisation involves a combination of brute force (military, paramilitary and hoodlums), politically amenable Government Agents for the Districts of Trincomalee and Amparai and ideologically motivated scholars (JHU-types) who identify ancient Buddhist remains to impose a Sinhalese-Buddhist claims on the land. The latter are now busy finding Buddhist antecedents, actual or fraudulent, in Sampoor and Pottuvil.

The last – Buddhist remains – is a curious argument for claiming ownership, since it would entail Sinhalese-Buddhist ownership of much of Tamil Nadu, leave alone the North-East of Sri Lanka. This criterion gives an insight into the viciously narrow outlook of Sinhalese hegemonists, who simply fail to understand that Buddhism is the common heritage of peoples and languages of the wider South Asian region who no less treasure this heritage. Among standard measures for claiming Sinhalese ownership consists of claiming a site as Buddhist, planting a Sinhalese colony, and carving out a new Divisional Secretary's (earlier AGA's) division from which Muslims and Tamils would thereafter be administratively excluded (Report No.11). In addition, the Divisional Secretaries are instructed by the Government Agent, who in the crucial districts of Trincomalee and Amparai has from the 1960s always been Sinhalese although the populations are more than 60% Tamil-speaking.

The harm being done to minorities by state aided Sinhalese colonisation in the East was evident from the communal violence in 1956 and 1958 and should have been resolved a long time ago. Instead they have been used as a base for further aggression over the years. (Interestingly, Tarzie Vittachi and S.J. Tambiah, the two authors of violence during this early period record that it was the labourers on the colonisation schemes, rather than the settled population with longer term interests, that attacked the Tamils.) In the 1980s Lahugala AGA (now DS) division was carved out of the Pottuvil Division for 1600 Sinhalese families. Recently there have been moves to add to it areas that contribute to the livelihood of the

Muslim (majority) and Tamil populations in the area and shut them out of future land allocations in the division.

We will cite two examples from the report *Territorial Claims, Conquests and Dispossession in the 'New East': The growing concerns of the Muslims of Ampara* by the Coalition of Muslims and Tamils for Peace and Coexistence (CMTPC). In December 2005 soon after this government came to power, the GA Amparai wrote to the local councils asking for information on Buddhist sites, indicating ones already identified – seven in Pottuvil alone. In a move reminiscent of the fate of Sampoor, there were earlier rumours of making 1000 acres about the Shastriveli STF camp in the Pottuvil area a High Security Zone, depriving the Muslim population of the area its use. Actual intentions became clearer last September when 10 Muslim labourers who went into the area to repair an irrigation tank were massacred under the direction of the STF. Almost predictably, on 27th April 2007, Minister for Planning and Implementation P. Dayaratne, wrote to Divisional Secretary Pottuvil, instructing that 1000 acres around the STF camp be allocated to the Shastriveli Buddhist Temple. Next would be a Sinhalese settlement.

Another minister throwing his weight in the area trying to take over land under various pretexts is JHU Minister for Environment Champika Ranawaka. On 21st March 2007 the JHU discussed at its Head Office in Colombo, collaboration with the Karuna group in Amparai, and the Defence Ministry subsequently posted armed Karuna cadres in the area. The intention was none other than to repress the Muslims. The *Daily Mirror's* (16 Apr.07) reporting of Muslim displeasure over this was one of the issues that led to the Defence Secretary phoning and asking the editor Champika Liyannarachchi to resign, threatening her with the Karuna group, besides threatening to 'exterminate' another journalist on a separate article dealing with human rights issues of displaced Tamils. The events mark a new innovation in the Sinhalese hegemonic project where Muslim paramilitaries are used against Tamils in Mutur and Tamil paramilitaries against Muslims in Amparai.

In Mutur itself Muslim paramilitaries have been involved in killing Tamils while the security forces protected them (see Appendix I). The Karuna group was notoriously anti-Muslim while with the LTTE and now the Defence Ministry has deployed them in the Amparai District where the Muslims have become restive after the STF-instigated the killing of 10 Muslim labourers last September and the Government's now open Sinhalisation agenda. Things could also become confused when violence flares up between Muslim and Tamil paramilitaries. Muslim elements called a *hartal* in Valaichenai during the second week of July after the Karuna group shot dead a jihad member Meerasahibu Nasoordeen (28). The Magistrate and the Police managed to control the situation without violence flaring up further.

All branches of the State have been openly involved in Sinhalisation for more than four decades in the Trincomalee District. The posting of an ex-General T.T.R. de Silva as GA Trincomalee has seen a more aggressive approach erasing the distinction between the military and the civil administration. There is now a brash move to control and direct humanitarian agencies which civil administrators fought shy of.

Apart from the military and administration there are other signs, which do not bode well. While the rest of the world was loud in its indignation about the plight of refugees shelled out of their homes, the Chief Justice was conducted by the Army on a '*familiarisation tour of the recently captured Verugal Aru area*' empty of its miserable inhabitants. Shown a pinnacle with inscriptions '*believed to be over 2000 years old*', the CJ promptly took steps '*to inform*

the Archaeology Department of the need to translate the inscriptions and restore the pinnacle...' (Daily Mirror 20 Apr.07). What could follow is all too familiar. (See below for the CJ's ruling on the Sampoor HSZ and Appendix V.)

It was the reading of an inscription that was the undoing of the Tamils in Trincomalee. A 12th Century donative inscription in Sanskrit at the site of Koneswaram temple in Trincomalee referred to the site as Gokarna – a generic term for a shrine of Siva, which Koneswaram was. Having pointed this out correctly in 1955, the Archaeological Commissioner without any evidence (apart from Gokarna being the Pali transcription of Gokarna) went on to posit the long lost Gokarna Vihara at the same site. He thus advanced the claim that Koneswaram had supplanted the Vihara (the lost Vihara was almost certainly near Kataragama, see *Arrogance of Power* p 75 ff).

Since then the misidentification, supported by scholars, has been used relentlessly to advance Sinhalese-Buddhist claims over Trincomalee by discrediting the rich cultural traditions in the District centred on Koneswaram, which was held in high esteem by the kings of Lanka at least since the 11th century AD. In the last 40 years, the obliteration of the traditions centred on Koneswaram and the Tamil peasantry have proceeded apace. With the projected obliteration of Sampoor as a place of Tamil habitation, its famous Paththirakali Amman Temple stands to join the modern ruins of Sri Lanka.

6.1. The Killing of Four Muslims at Mavil Aru

A further incident reminiscent of the massacre of 10 Muslims in Sastriveli last September occurred near Verugal in the Trincomalee District. South across the Verugal River in the Polonnaruwa District is the Muslim village of Palliyagodelle. It was one among four, two Tamil and two Muslim, villages caught up in bloody massacres during 1992 owing to conflicts created by the presence of the LTTE and the security forces (Report No.11). A massacre by the LTTE left 50 widows in that village of *chena* cultivators, cattle herders and hunter-gatherers.

On 28th June 2007 eight Muslims from the village went north across the Verugal with a two shotguns to look for cattle stolen by a nearby village. This was a common occurrence. Late afternoon the Media Centre for National Security (MCNS) reported that troops had trapped LTTE cadres fleeing Batticaloa District, killing 11 of them, and seized a stock of T56 guns, three grenades and a radio. An army officer showed reporters, who were covering resettlement of Tamils in nearby Verugal, four corpses with two cyanide capsules, two grenades and a radio. The bodies were handed over to Kantalai Hospital. Because some of the eight Muslims escaped, the truth came out.

At mid-day on 30th June, the MCNS put out a new story that fleeing LTTE cadres killed four civilians who came towards Mavil Aru to herd cattle and do fishing, without saying the victims were Muslims. One of the eight who had witnessed the event from hiding told BBC Sinhalese Service that the assailants had spoken Sinhalese, called out Sinhalese names and had killed four of his companions despite their pleas that they were Muslims.

Those shot and killed were **Thanga Marikkar Mohamed Kareem** (47), **Ismail Samoon** (40) and **Bawa Sahibu Cader Meera** (42). The soldiers beat to death **Seeni Wappu Lathun** (32), the youngest of them. One of the deceased was married to a widow who was very young when she lost her husband in the 1992 LTTE massacre. Another had two children born blind.

As part of the emerging pattern, Muslim MPs in the Government told the families that the bodies would be released only if they do not blame the security forces. They did not have much trouble in getting the bodies from Kantalai Hospital. However the death certificates obtained after a hassle stated that the victims were killed because of mistaken identity.

These developments are part of a pattern of growing impunity and indiscipline among the Sri Lankan forces beginning with the 5 Students case, and showing increasing recklessness in lying and covering up through the ACF and Pottuvil massacres. This incident, along with the Pottuvil massacre reflects an attitude that the Muslims and Tamils who used the resources of the land for their subsistence for many centuries could do so now only at the risk of being murdered by the security forces.

7. The Supreme Court, High Security Zone, and Ethnic Engineering:

A number of High Security Zones have been declared in the North-East. In Jaffna they include 74 square miles of prime agricultural land, supposedly to protect key military installations. There does not seem to be a uniform legal procedure about these zones. Once the Army decides that an area is an HSZ, civilians sometimes find out the hard way, as when the Army apprehended and stabbed to death eight displaced civilians who went to see their homes in Mirusuvil, Jaffna, on 19th December 2000. There is no legal declaration of High Security Zones in Jaffna, except a map prepared by Jaffna Kacheri (civil administration) informing administrators. Adjustments have been made, such as to enable Union College, Tellipalai to function or to cultivate some fields, purely by local negotiation with the military.

Weli Oya remained unofficially a zone banned to Tamils from 1984, until Minister Dissanaike made the dispossession official by a gazette declaration declaring it Mahveli project land. Trincomalee town would be considered a high security zone, but the Tamil residents yet remain.

We may thus distinguish two types of High Security Zones. The first is the type in Jaffna where the legal ownership to the land it encompasses unquestionably remains with the displaced civilians. It is simply that they dare not go to their land without clearance from the Army in the area. At least in Jaffna there is yet no fear that Sinhalese settlers would be inducted. The second type of HSZ is where the land has been legally brought under the possession of the Government as in Weli Oya and Sampoor. Even if on principle the dispossessed are entitled to compensation, those displaced and scattered in a community that is politically paralysed could hardly get a deal that is remotely fair. Where compensation in Sri Lanka is concerned, it is not what is promised that counts, but what the victims could get immediately.

With their other priorities and luxuries making demands on money, even the better governments have little to spare for Tamil victims. The Sansoni Commission recommended compensation for the victims of the 1977 communal violence in the early 1980s, which the Government accepted. Despite continual reminders by victims, the promise remains unfulfilled. On the 21st anniversary of the July 1983 violence, President Kumaratunge with an apology paid 937 victims for injuries and destruction an average of USD 750. This deals with only a very minute fraction of the damage done in loss of lives (about 3000) and property.

The best thing the displaced of Sampoor and Mutur East could have is their houses and properties. Otherwise they would be cheated wholesale.

The Government now appears reluctant to admit expropriation for the Mutur East/ Sampoor HSZ as evidenced in the Supreme Court. When the gazette notification says that no one shall enter the HSZ except under the written authority of the Competent Authority, a Major General, the intention is clear. Which Tamil speaking farmer would be admitted before a Major General, who besides has proved singularly inaccessible?

The zones of the first type where civilians are barred are increasingly a source of discontent because the alleged security purpose has no time limit, making these zones an act of robbery of civilians' property and livelihood. If civilians must vacate every time the military feels insecure, owing to prevailing political and military inability to secure the surroundings while civilian life goes on, the logic is both questionable and an inversion of priorities. Such security becomes meaningless. The expanded HSZ from Palaly to KKS and Mathagal, which displaced 80 000 civilians, had a need in the early 1990s when the LTTE controlled the part of the Jaffna peninsula outside the base. That need is no longer there since the Army is in control of the hinterland. Indeed, civilians were living and working in most of this HSZ when the Indian Army controlled Jaffna.

One could understand the security forces wanting to restrict civilian use of certain areas in a time of war. This should be confined to the duration of hostilities and there should always be some process of consultation and independent assessment of genuine security needs. Such restrictions that must be temporary in nature should not be the means of achieving the objectives of conquest over another ethnic group such as in Palestine. Such would not only be contrary to international law, which we discuss below, but would constitute a permanent barrier to peace.

Land is already being used as a means of advancing Sinhalisation through playing Muslim against Tamil. Many Muslims in Mutur and Kinniya were displaced from outlying villages, as from Jaffna, after June 1990 when the LTTE oppressed Muslims. In any peace arrangement they like all other displaced should regain their lands. But what this Government is doing through its military GA Trincomalee is playing with the Muslims.

The GA Trincomalee has ordered all Muslims displaced around Kinniya and Mutur since 1990 to be resettled in their villages. 200 Muslim families displaced from Arafanagar, which lies in the new HSZ between Kattaiparichchan and Sampoor, are being resettled. Meanwhile the Tamils are kept displaced and in a condition of extreme insecurity. This appears to be an attempt to use Muslims as a security corridor while pushing the Tamils out from wherever possible. Fostering Tamil-Muslim enmity has been a constant strategy of the security establishment since 1985.

Another element in the engineering is, the GA Trinco absolutely forbids any humanitarian agency from providing support to IDPs whom he does not recognise as IDPs. All such cases we learn are Tamils who have a history of violent displacement going back to 1985. There are a number of scattered cases of Tamil IDPs (e.g. 50 families in Thampalakamam) who do not get any assistance. Humanitarian agencies were not treated in this manner by former GAs from the civil service. In July 2007, Eastern Security Commander Maj. Gen. Pannipitiya confirmed in a circular that the security forces would supervise all development activity in

captured areas of the East, making the regime in Trincomalee the general practice. How can those who wantonly kill civilians, especially Tamils, be a part of rehabilitation?

From the time the security forces captured Sampoor, they have looted the place, levelled houses and started building roads through paddy fields according to reports we have received, as though it were no concern of the civilians and without any formal procedure. That such practices are a crime against humanity, if they are aware of it, is regarded a minor inconvenience.

7.1 Compensation for HSZ Victims:

The Government we learn had identified land in Raalkuli west of Mutur and in Eechilampattai to move the displaced residents of Sampoor and Mutur East. 150 acres in Raalkuli we learn were cleared to this end. For one thing the displaced were never consulted. The land with which they were to be compensated is simply for name's sake and grossly incommensurate with good and vast lands and water resources that provided them a decent livelihood. The Raalkuli land is close to the Mahveli River and local sources say it could go under four or five feet of water when the river floods. The Eechilampattai land in Panichchankulam is also noted for flooding. After the 2004 tsunami there had been an attempt to settle refugees from the coast on that land and they refused. Recently, a community leader told us that an official vehicle went there to check the land for resettlement and was stuck in the mud. The Government was playing with their original lands without any sense or assessment of what it meant to the inhabitants. This is a way of destroying the community as so many have been destroyed in the North-East with these high security zones. The best many of the victims got was food rations until they dispersed and disappeared.

The protests that followed Minister Rambukwelle's announcement that the people of Sampoor and Mutur East would lose their lands, appears to have brought home to the Government that it cannot so easily get away with such measures. The Attorney General's response to a fundamental rights case taken up in the Supreme Court by the Centre for Policy Alternatives (CPA) suggests equivocation on the question of people losing their lands.

7.2 The Supreme Court and the Sampoor/ Mutur East HSZ

The CPA petition addressed the "*infringement of the fundamental rights of a large section of Sri Lankan society who have been and are being further discriminated against and gravely prejudiced*". It argued that a section of society on the basis of their ethnicity and place of origin are being deprived of their rights contrary to the Constitution. The state counsel representing the Attorney General said ambivalently that the government is planning to resettle the displaced in the region after security forces clear land mines.

This provided a shaky pretext for the Chief Justice (CJ) to dismiss the petition at the leave stage. Accusing the CPA of creating news for 'international consumption', the CJ urged the petitioners not to bring sensitive issues that affect national security before the judiciary. He urged them not to provoke Sampoor residents by bringing in similar lawsuits. The Court observed that the government should be given ample time to complete the security measures related to the area.

Thus a host of grave rights issues were trivialised under the pretence that the question of people losing their lands is not an issue at present. But all the Government's moves, what minister Rambukwelle said explicitly and attempts to site a coal power station in Sampoor have spoken otherwise. It is also significant that no one is saying seriously that Tamils living there would pose a threat to Trincomalee Harbour. Soon after the capture of Sampoor, the Military Spokesman Brigadier Samarasinghe affirmed that with the area taken away from LTTE control, there was no threat to Trincomalee.

The Supreme Court has simply skirted issues that are momentous in international law by hiding behind the military – they as it were know best about security matters. A hearing of the case where top military officials cited as respondents would have been summoned would have helped to clarify many issues: Nearly all other displaced have been allowed to return home, why are all persons in this large (Sampoor/ Muttur East) area being kept out for 11 months to date? Vaharai residents, the mine clearing apparently done, were forced to go back in March 2007, two months after its capture. Have they really been clearing mines in Sampoor for 11 months? Could there not have been some dialogue with civilian representatives to convince them that the delay is for their own good and at least arrange for schools to collect their records so that the education of children could continue without a hitch? Instead the Supreme Court has rubber stamped the whims of the military and Sinhalese chauvinists. Also, what are the criteria determining overriding security needs?

This avoidance of issues is a dangerous state of affairs for the minorities. Using similar pretexts, the military authorities could order all Tamil residents to vacate Trincomalee town. By their proximity, they are arguably a greater threat to Trincomalee Harbour than the residents of Sampoor 13 nautical miles away could possibly be. A fundamental question arises, if a person by being a Tamil is a threat to the Sri Lankan state, what alternative arrangement is there for the Tamils? Are military establishments meant to protect civilian life, livelihood and habitations, or should the latter be played about with unilaterally for the protection of the military?

Also of importance is the fact that Sri Lanka has acceded to a number of treaties in international law. Of great moment in this matter guaranteeing the right of IDPs to return is the ICCPR (which will be examined below), which Sri Lanka had acceded to. In a very controversial judgment in the Singarasa case, which is strongly contested by legal scholars in Sri Lanka, Chief Justice Sarath Silva ruled in September 2006 that the ICCPR '*does not have internal effect and the rights under the Covenant are not rights under the law of Sri Lanka*' (see Appendix II of Special Report No.23). The same argument nullifies most treaties Sri Lanka has acceded to. Parliament could have removed any dispute by simple legislation, but did nothing. Thus Sri Lanka now holds a vice presidency in the Human Rights Council while acting systematically in defiance of basic international norms.

A second petition similar to the CPA's was taken up before a Supreme Court bench comprising Justices Nihal Jayasinghe, Nimal Dissanayake and Raja Fernando on 24th July. The bench felt bound to reject the petition since the CJ had rejected a similar petition by the CPA on the 17th unless the petitioners agreed to submit this before a bench where the CJ was present. The petitioners agreed and the hearing was deferred to 30th July. So much for judicial independence.

The second time again the Chief Justice avoided the issue telling the petitioners not to bring such 'sensitive' issues before the Court and if the Court granted this petition there would be

15 000 more of such. Granting that speedy action should be taken to resettle those displaced because of their area being declared a High Security Zone, he said that the delay was due to some safety measures that need looking into before allowing people to go back to their own places. The CJ said that those who wanted to get back to their own properties should apply to the Competent Authority (CA) Gen. Pannipitiya.

When Kanag-Iswaran PC, counsel for the four petitioners pointed out the difficulty in locating the CA to make applications, the CJ suggested that the CA should remain invisible for security reasons and suggested that the petitions could be forwarded through Deputy Solicitor General Yasantha Kodagoda representing the AG in court. He concluded by instructing the Registrar that in view of this arrangement no further petitions on this matter should be accepted. DSG Kodagoda maintained that resettlement would begin after consulting the Military.

The fact is that the position taken by the CJ and AG in dismissing the petition makes a judgment while refusing to examine the facts, which would have been brought up in a hearing. Are safety measures such as mine clearing the real reason for the delay? What was the real reason for declaring the area a HSZ? What is the point in going to the Competent Authority representing the Military after the Cabinet Defence Spokesman had categorically stated that the people would not get back their lands? What is the meaning of repeatedly pushing India to install a coal power plant there without any consultation with the people or their representatives?

The Supreme Court conceded nothing except to repeat platitudes in what could be an episode of 'Yes Minister'. The hypocrisy of demining as an excuse is revealed in the document '*Protection Issues to be incorporated in the Government's Resettlement Plan for the East*' issued recently by the Consortium of Humanitarian Agencies:

"Although [UXO and Mine Clearance] was voiced as a pre-condition for return by UNHCR and other organizations, none of the resettlement areas have received land quality assurance certificates. While the GoSL security forces are engaged in battlefield mine and UXO clearance, it is pertinent that non-governmental organizations are also invited by the GoSL to provide support in humanitarian mine and UXO clearance in all resettlement areas. Reports indicate that areas such as Vavunativu and some pockets of Vaharai have a significant number of unexploded ordnances that continue to pose a risk to the communities, Government workers as well as the humanitarian community."

Thus the Government 'resettled' IDPs in Vaharai and Vavunativu in a record time of two months although UXO and mine clearance was incomplete. The same holds for Eechilampattai. Initially demining agencies refused to go into Vaharai as they did not want to be seen endorsing the Government's political position.

The Chief Justice who went on a '*familiarisation tour of the recently captured Verugal Aru area*' in April 2007 must have some idea of what is really going on. The landmines seem to affect only Tamils who are prevented from going to their properties in the Muhattuvaram area and beyond where the CJ it appears was shown inscriptions supposedly 2000 years old. But landmines notwithstanding, Sinhalese from the Mahindapura colony are allowed by the Army to freely go in and help themselves to the Tamils' property.

If we believe that international laws are for the betterment of all, it is time to determine answers to certain questions and get the Government to abide by them. For how long could one cite security reasons and deny a disproportionate part of the land to civilians who have lived and thrived on it? If due to political and military ineptitude, and a basic inability on the part of the Sinhalese polity to put forward a viable political settlement, such deprivation is to last decades, should there not be strong international scrutiny of Sri Lanka?

Also in need of clarification is who is an IDP? The Sri Lankan government has had the habit of taking over land, pushing people into IDP camps, giving them rations for some months and forgetting all about them. No thought is given to their loss of livelihood. Often a family that loses its land needs to look for some unsatisfactory menial jobs. This cannot go on for long and the IDPs disperse, become scattered and lose their identity.

One has lost track of those driven out to make room for the Sinhalese settlement of Weli Oya in 1985 and those driven out from ancient Tamil villages like Thennamaravady about the same time. One expects that like the residents of Thiriyai, many of them went to India, to live virtually stateless, but safe. They are still IDPs living in deprivation who should be offered the opportunity of returning to their land and living in safety. The protection international law guarantees IDPs should be redoubled for those formerly 'resettled' but are forced to live in an environment such as in Muttur South where state sponsored killer groups with a sinister intent roam among them. This is a very dangerous phase of their displacement.

What is very objectionable is to allow chauvinistic administrators, such as the present GA Trincomalee, with an agenda of ethnic engineering, to have the discretion of determining who is and who is not an IDP. The matter should rest with representative bodies in which eminent local persons are involved in whom the victims have confidence. The IDP in Sri Lanka's East is a victim of political calculations as much as of humanitarian woes.

8. New Innovations in Violence

During the mid-1980s the evacuation of Tamil villages was accomplished by violence that was intense and of short duration. Now, once the first phase of displacement by shelling was over, those supposedly resettled are being subject to regular violence that seldom gets reported, but the end in view is the same. Much of this violence inflicted through Sinhalese home guards and Tamil paramilitaries is calculated to wear down the people's will by targeting leaders in particular.

Early indications of something nasty afoot came from threats in Trincomalee town originating from Sinhalese elements supported by the security forces to families and witnesses in the 5 Students case that used the expression '*Me Rata Sinhala Rata*' (This land is Sinhalese land). Later developments indicated this was no mere isolated incident. The students targeted showed promise of bright professional careers and were from the middle class that was the backbone of the Tamil community.

Tamil businessman and philanthropist **Thambirajah Mayuran** was murdered in his premises in Trincomalee town by broad daylight on 5th August 2006 (Special Report No.22). Neighbours implicated naval personnel in the killing and identified the naval officer Udawatte Weerakody (also allegedly involved in the killing of the 5 students) as the man entrusted with the plan to kill leading Tamils. Mayuran's family who had friends among leading security

officers had ignored warnings from well placed Sinhalese friends that a circle of Sinhalese chauvinists backed by elements in the security forces had made a list with names of about 40 leading members of the Tamil community to be eliminated. During the CFA, the LTTE had also approached Muyuran for help in some local projects.

The previous day, 4th August 2006, an elderly Tamil businessman **Kathamuthu Perinparasa (65)** had been killed in Killiveddy by the Army. He had walked all the way from Mutur that day with the IDPs and was at the Killiveddy School. Army personnel came there, and according to eyewitnesses, took him out of the school and executed him at close range in full view of the IDPs. They prevented his body being removed for at least a day. On 20th August 2006 a middle aged Tamil trader **Bastianpillai Arul** was murdered in his premises in Court Rd., Trincomalee. These two had close relatives in the LTTE. Another significant leader killed was **Sivapragasam Mariyathas** (7 Aug.06) of the Socialist Equality Party, a non-violent left party. Killings aimed at weakening the Tamil community became the hallmark of the present Defence Ministry and there was a wave of executions of Tamils in Trincomalee District following the Army being forced, temporarily, to evacuate Mutur.

Many of the killings under the present government left an air of disbelief. For one, the connivance of the security forces was too obvious – such as in killings and abductions in Colombo. But then the President promised a full inquiry and ended up appointing a commission of inquiry with eminent international observers, without perhaps fully realising the cost of continuing with impunity at the same time.

The method common in Trincomalee and elsewhere is that the killers are housed in either security forces' camps or in places under security forces' protection. They move about in high security areas like jackals, abducting, killing, extorting and even conscripting children and adults before slinking back to their lairs. The links to the security forces are so obvious that even commanders get tired trying to deny the connection. The Jaffna Army Commander General Chandrasiri and the Defence Secretary went far in acknowledging current practices to the international media. (Somini Sengupta in the *New York Times* 14 Jun.07, Defence Secretary's interviews with Roland Buerk (BBC 12 Jun.07) and Simon Gardner (Reuters 13 Jun.07)).

The NYT quoted General Chandrasiri describing abductions as the 'work of pro-government Tamil paramilitary groups who, as he put it, try to "eliminate" Tamil Tiger operatives', adding, "I'm not saying all our people are clean". Defence Secretary Rajapakse told Buerk and Gardner, "*We have to defend ourselves. You can't risk the country...I'm talking about terrorists. Anything is fair. When the U.S. does operations, they say covert operations. When something is (done) in Sri Lanka, they call it abductions...This is playing with the words.*" These practices make the term security forces a misnomer. What has drawn the most attention is the work of this apparatus in urban areas and, especially, Colombo.

9. The Infernal Machine

The killing of 5 students in Trincomalee in January 2006 and some information with strong hints in the media drew attention to the names of Defence Secretary Gotabhaya Rajapakse and JHU Treasurer and Special Advisor to the Defence Ministry H.M.G.B. Kotakadeniya as the persons to observe in connection with killings. The joint complicity of all arms of the security

forces in this and subsequent incidents pointed to a group around the powerful Defence Secretary.

In the Allaipiddy killings in the night of 12th May 2006 for example, one group of killers set off from Varany army camp in the east of Jaffna, picked up some members of the EPDP in Jaffna town and were joined by the local Navy in committing the outrage against a dozen of persons including a family with their two children. This was the pattern followed in the killings from Joseph Pararajasingham MP onwards, where when not actively supporting the crime, the other arms of the security forces either kept away or provided cover (see Supplement to Special Report No.23 & Special Report No.24).

Following the furore resulting from killings and abductions in Colombo and the all-too-evident complicity of the security establishment, senior UNP MP Lakshman Seneviratne named in Parliament on 6th June 2007, Defence Secretary Gotabhaya Rajapaksa, former member of the air force Nishantha Gajanayake and DIG Rohan Abeywardene as those involved in the scandal. He also revealed as confirmed later in the Press that Gajanayake operated from Room 706 at the Colombo Holiday Inn and his bills were picked up by another businessman Nalaka Gajadeera operating from another room on the same floor. The immediate context was the two Red Cross workers from Batticaloa, Sinnarajah Shanmuganathan (38), and Karthigesu Chandramohan (28), who came from a programme in Colombo and were abducted on 1st June. Their bodies were found dumped in Ratnapura. Seneviratne pointed out that they with four others from Batticaloa had been housed at Holiday Inn, where Gajanayake was.

Despite fervent denials by government MPs, under mounting pressure, the Police took Gajanayake and Gajadeera for questioning on 9th June 2007, released them on bail and arrested Gajanayake on 21st June. Interesting details surfaced in an article by Dilrukshi Handunetti and Nirmala Kannangara in the *Sunday Leader* (1st July) and in the *Senpathi* column of *the Nation on Sunday* (24th June).

Gajanayake was a squadron leader in the Air Force, ADC to the Air Chief Donald Perera and subsequently to the Chief of Defence Staff when Perera was moved to that position. He got himself discharged about July 2006 in his early 40s, and whatever his new job was called, he worked covertly for the Defence Ministry. Reports suggest that he had established his connections with the breakaway Karuna faction and around the November 2005 presidential election had reportedly offered Karuna's services to both Wickremasinghe's and Rajapakse's parties and had been picked up by the latter. This connection was probably a factor in his leaving the Air Force. The *Nation* says, Gajanayake "was first introduced to Gotabhaya Rajapaksa by a controversial SLFP MP who switched allegiances from the former President to the then Prime Minister Mahinda Rajapaksa in the run up to presidential polls."

It is notable that abductions and extortion in Colombo burgeoned into notorious proportions in August 2006, about the time Gajanayake changed jobs. This was also the period the Defence Ministry's plans to raise numbers in the Karuna group by abduction hit headlines around the world, occasioning **Special Advisor to the United Nations Special Representative** for Children and Armed Conflict on Sri Lanka Allan Rock's visit. A significant factor in the drama mentioned also by *Senpathi*, is that apart from intelligence arms of the security forces another group that cultivated the Karuna group and sheltered them at sundry times is the extremist JHU, represented at the top of the Defence Establishment by advisor and former DIG, Kotakadeniya. With JHU Minister Champika Ranawakka

spearheading designs of colonisation in the Pottuvil area, the JHU had a meeting with the Karuna group on 21st March 2007 after which Karuna cadres were deployed in Pottuvil to the consternation of the Muslims. The *Daily Mirror*'s reporting this angered Gotabhaya Rajapakse into threatening the editor.

The support arrangements for Gajanayake ensconced at the Holiday Inn are instructive. Nalaka Gajadeera who reportedly paid his bills is a brother of Chandrasiri Gajadeera. The latter contested the 1989 parliamentary elections from Matara under the United Socialist Alliance, which after Chandrika Kumaratunge took over the SLFP leadership in the early 1990s was absorbed into the People's Alliance. Under her presidency he had become Deputy Minister for Housing. Rajapakse who became president in November 2005 made him Minister of State for Home Affairs. The official web site <http://www.pubad.gov.lk> lists Nalaka as holding apparently a sinecure in his brother's ministry as Media Secretary, extra to a Public Relations Officer.

The *Sunday Leader* describes Nalaka Gajadeera as a '*businessman by profession who is involved in many government contracts on housing*' – from the Housing Ministry where brother Chandrasiri had been? One could make a fairly good guess that the expenses of Gajanayake at the Hilton came from the taxpayer. The *Sunday Leader* further said, "*Gajanayake was also well known to JVP Propaganda Secretary Wimal Weerawansa and had on one occasion telephoned him soon after a live television show in which murdered TNA MP, Nadarajah Raviraj was also a participant.*"

9.1 N. Raviraj MP:

In Section 3.4 of the Supplement to Special Report No.23 we gave an account of the killing of Raviraj MP and could now be more specific in the light of further information. The Police were apparently making progress and left their findings with the Magistrate fearing political interference. Scotland Yard too was invited in the wake of pressure on the President, but no more has been heard of their findings. Raviraj was invited by several Sinhalese television channels and was an effective communicator of Tamil perceptions to the Sinhalese public and a potent challenge to advocates of Sinhalese hegemonism. As an active member of the Civil Monitoring Committee challenging abductions of Tamils (Muslim businessmen came later), he crossed the path of Gajanayake and associates.

Further information we have received from some reliable sources, points to Gotabhaya Rajapakse's involvement or at least complicity with near certainty. Besides strong hints in the Press, our sources also point to Gajanayake, whose apparatus functioned under the Defence Secretary, as the main organiser behind the assassination. Further details the sources gave us were that in preparation for the deed, a prominent Buddhist monk affiliated to the JHU and well known to the Defence Secretary went to Batticaloa or Amparai and brought back two assassins from the Karuna group.

The role of EPDP cadres sent to the scene was according to our sources to cover the killers from the Karuna group since they knew the area and the security establishments. The role of the EPDP was told to us by well-placed sources abroad. Two intelligence types provided further cover from behind the scenes.

However the lack of progress over eight months despite initial cocksure optimism of a breakthrough by the Police and Scotland Yard, compels us to question all that was reported at

that time. Raviraj's vehicle was found on the middle of Elvitigala Rd. Apparently he had come out of Matha Rd. where his home is and was crossing the main road to turn right towards Borella through an opening in the barrier running through the middle separating traffic moving in opposite directions.

A close look at the Press reports that appeared the following day, 11th November 2006, all relying heavily on the Police, point to changing police versions through the day of the incident. No substantive independent eyewitness report has to our knowledge been published. The *Daily Mirror* quoted SSP Pujitha Jayasundara citing reports that the gunman had approached Mr. Raviraj's vehicle in a three-wheeler, got out and shot the MP and his bodyguard from the rear of the vehicle. The gunman then mounted a motorbike, with number JE 6507, and sped away. The *Island* report said almost the same thing as the *Daily Mirror* quoting the Borella Police that the gunmen had arrived in a three-wheeler and escaped on a motorcycle. There were now two instead of one.

The *Daily News* report which appears to have been compiled last quoted the same SSP Pujitha Jayasundera giving a different, but more plausible story that the assailant had come to the scene on motorcycle No. JE 3507, waited on the pavement with the gun in a bag, shot the victim when he emerged in his car and fled the scene with his accomplice immediately afterwards leaving behind the T 56 weapon. Subsequent police versions in the Press adhered to this altered line. That is the assailant and accomplice came on a motorcycle on which they left. They explained the three-wheeler connected with the incident, now rendered largely redundant, as a decoy vehicle to mislead pursuers.

The *Daily Mirror* report, which also cites an eyewitness, appears to have the virtue of an early report, which quotes the Police before they had made up their mind on a uniform version. Both its sources suggest to the reader that the gunman alighted from the three-wheeler, approached the car on foot from behind and first opened fire from the rear. The resources of the killers reported do not explain why the car stopped for the killer to walk up to it on a busy road, nor do they conform to the need for a sure kill without alerting Police Sgt. Lakshman Lokuwella, who was detailed for Raviraj's security and also killed.

Our sources who have proved reliable over time said that the assailants arrived at the scene in an auto-rickshaw (three-wheeler), with the gun in a bag. They waited in the auto-rickshaw, went out when apparently alerted, killed Raviraj and his bodyguard and escaped from the vicinity in the same auto-rickshaw, but were probably picked up by someone nearby. Our sources also added that there were two persons on a motorcycle waiting separately near the scene, who took off independently after the killing without any evident role in it. These sources added that intelligence types following developments were also waiting in a vehicle about quarter mile away. According to persons who covered the incident, the weapon recovered from the scene, apparently left behind by the killers, looked brand new, as if just taken out of wrappings.

Other versions of whose reliability we are quite confident spoke of a different scenario where another vehicle stopped next to Raviraj's, perhaps wedging it and forcing it to stop. This would strongly suggest that additional resources were used in the killing. The Police who were quick to give the number of a motorcycle apparently not directly involved in the shooting, with other confusing stories, seem to have missed much else. The promise of a quick breakthrough appears to have been based on red herrings. The motorcycle apparently

registered under the name of a former EPDP MP from the East who had fallen out with the leadership and left the country a year earlier was a good distraction.

There was a traffic jam in the area soon after the killing, which also normally had a number of security personnel on duty not far away. Where the killing took place had an army hospital not far on the opposite side, the back boundary of the BMICH 300 yards to the west, the Police Garage quite close and Kanatte Junction about 600 yards in the opposite direction. There are strong indications that some security personnel spoke to witnesses telling them it would not be good for them to make public what they have seen.

It falls to the Commission of Inquiry to ask if their objectives of investigation with a view to prosecution of this and other crimes are compatible with the Police being controlled by bigwigs in the Defence Ministry who are the main suspects. This public suspicion is strengthened by the absence of a breakthrough in any one of the many transparent cases since December 2005.

9.2 S. Raveendranath, Vice Chancellor of Eastern University:

Raveendranath was abducted in a high security zone (Colombo 7) just after he came out of a scientific conference on 15th December 2006. There was at that time a widespread consensus that the Karuna group was involved and has been strengthened by time. We also learnt that it was Pillaiyan from the Karuna group who previously abducted Balasugumar, Dean of Arts at the Eastern University, and released him. At that time Pillaiyan, before his recent split with Karuna, was heard making dire threats against Raveendranath. Very knowledgeable sources are clear that Karuna operates under the instructions, or the sufferance, of the Defence Ministry and cannot do anything without their knowledge in Colombo. Independently, we learnt from a reliable source that in the days following the abduction, the Defence Secretary knew what was going on.

DIG Rohan Abeywardene, who was also charged by Lakshman Seneviratne MP of being a confidante of Gotabhaya R, and of providing protection to Gajanayake, cannot get away from answering serious questions about his role through simple denial. He was DIG in charge of Trincomalee when the 5 Students were executed by STF gunmen in an incident directed by SP Kapila Jaysekere who was directly under him. The STF team took instructions from the SP and was housed and provided with vehicles by the Trincomalee Police. The telephones of all leading police officials were frantically dialled, but went unanswered. Acting Magistrate Subashini Chitravel, whose own nephew was a victim, had to go in person to the Trincomalee Police because of this (Special Report No.24).

Rohan Abeywardene was in charge of Trincomalee when in response to an LTTE bomb, sections of the security forces and Sinhalese thugs attacked Tamils and Tamil establishments. Telephones again rang and went unanswered. The Police had been ordered by HQI Senanayake, a subordinate of Abeywardene's, to stand aloof and not to fire tear gas or to use weapons on the mobs (12th April 2006, see Special Rep. No.21).

It was under Abeywardene that leading businessman in Trincomalee Thurairajah Mayuran was killed by thugs connected to the Navy in Sea View Road, in the high security zone quite close to the police station and with a police post 20 yards away. Abeywardene's immediate

subordinate SSP Samarakoon was a friend of the family and yet absolutely nothing was done to find the culprits.

About the end of 2006, Abeywardene became DIG Colombo, a politically sensitive post. Under him abductors and extortioners moved unchallenged past checkpoints with their victims. It fell to him to carry out the Defence Secretary's order to send Tamils in lodges out of Colombo, which after a few hundred had been sent was halted by the Supreme Court. DIG Abeywardene's justification as quoted by Reuters was, "*It is for their own good. You all have been complaining about people being abducted and arrested and detained.*" Coming from a man whose recent career has evinced a singular inability to protect Tamils or to bring violators of their rights to book, this excuse, if not sarcastic, is merely stating the obvious. It is not the language of a self-respecting police officer.

The arrest of Gajanayake and the revelations flowing from it must be regarded a freak affair stemming from international indignation over the killing of the Red Cross workers on 1st June, MP Seneviratne's charges and the 11th of June statement by P.N. Bhagavati, former Chief Justice of India, on behalf of the International Group of Eminent Persons (IIGEP) observing the Commission of Inquiry (CoI). Alarmed by the '*apparent renewed systematic practice of enforced disappearance and the killings of Red Cross workers*' even as state officials blithely sold the CoI exercise as the Government's remedy for these ills, Bhagavati felt constrained to say, "*it is critical that the Commission and IIGEP not be portrayed as a substitute for robust, effective measures including national and international human rights monitoring.*"

Many observers have pointed out indignantly that it was as though the security forces in Colombo with all their numbers, intelligence and checkpoints could do nothing to check the scandal, until an MP from distant Mahiyangana saw it all in a crystal ball. Following on Gajanayake's testimony several dozens of persons have been arrested, including first two officers from the STF deployed in the East and as we subsequently learn officers from the air force and more STF and army men with others. Our sources say that this led to alarm among persons in intelligence circles involved in killings and abductions and that some of those detained did not want to do this work but were following instructions from superiors. They wonder how Gotabhaya R is going to slip out of it. He has nothing to worry.

In the Bodies in Lakes case of 1995, STF personnel were arrested, the IGP revealed sensational details to the Press. This was the case in which following the outbreak of war in 1995, about 20 bodies of Tamils were found in lakes and waterways close to Colombo. One of the IGP's revelations was that the victims had been strangled in the STF HQ in a posh Colombo suburb before being dumped elsewhere. More than a year later the present Chief Justice, who was then Attorney General, told the Press that they were awaiting a report on scientific tests from Scotland before proceeding. A year later it vanished from the roll of the Colombo Magistrate's court. The trick in these cases is that Police investigations stop short of anything that might lead to a successful prosecution. The STF was also behind the 80 or so headless bodies thrown into the sea near Thirukkovil in 1990. Handunetti and Kannangara have pointed out that tracing those whom Gajanayake called on his telephones would provide a wealth of information, but that would also be potentially explosive.

While the arrest of Gajanayake is revealing, it would not be the end of the matter. State sponsored killer groups had been in action for some time before Gajanayake was brought into the business. The affair tells us how the network extends from the centre to the peripheries, and includes informers, helpers, parties like the Karuna group and the EPDP and most

importantly ideologically motivated groups including the JHU, who are bent on Sinhalisation of the East, who provide the impetus and the political cover for the impunity the exercise demands. Unless there is unity of purpose in the opposition to stop it, they would have their way with a willing president.

Most of all, it gives us insight into the work of killer and abduction groups let loose on those suffering from the trauma of shelling, displacement, loss of life and limb among near ones, besides their homes and livelihood. While the UNP government of the mid-1980s did also practice it, the present government has shown a singular recklessness in eliminating persons with leadership qualities among Tamils. What restraint could one expect from it in a place like Mutur where many disappearances go unreported and people are terrified of talking to INGOs, whose presence too is scarce after the ACF killings?

10. ‘Population Control’ and Houses for Soldiers in Trincomalee and Amparai

The *Sunday Leader* of 24th June 2007, gave the highlights of the minutes (dated 4th June) of the meeting chaired by the Defence Secretary on 31st May with 76 other top security officials at which the latter were briefed on the expulsion of Tamils from lodges in Colombo on the 7th. Item 61 of the minutes read, “*The Secretary Defence emphasized the importance of population control measures that are required to counter LTTE activities and instructed military and police officers to carry them out immediately.*” The *Leader* commented, “*While the means of ‘population control’ is not explained, it is left to the vivid imagination of those present how best ‘population control’ of an ethnic minority could be carried out.*”

In a country where the minorities formed 30% of the population at the time of independence and about 25% of the population today, a security conference at which all the 77 top ranking participants were Sinhalese, and where chilling expressions as ‘population control’ were used, carries an unmistakable message of its own. Demographic change, particularly in the East has been the key obsession with champions of the Sinhalese hegemonic agenda. Subjects dealt with in this report stand ample testimony to the practical applications of ‘population control’. It was coincidentally the day before the conference that the President’s gazette notification depriving 15 000 Tamils of their homes in Mutur East and Sampoor was issued.

The present Government is in fact drawing from ideas formulated in 1983 that had to be abandoned after the Indo-Lanka Accord. In adopting this extremist course the Government is in open contempt of the last vestiges of the Indo-Lanka Accord that was for 19 years the bottom line for a negotiated settlement. Among the ‘population control’ schemes adopted in 1983 in consultation with the Israeli Mossad was to introduce West Bank type Sinhalese settlements starting with the border areas. For this purpose Joint Services Special Operations (JOSSOP) was set up about the end of September 1983 to coordinate ‘anti-terrorist’ activities in the districts of Mannar, Vavuniya, Mullaitivu and Trincomalee. JOSSOP was to oversee civil affairs including ‘*land settlement*’ (see Appendix IV).

Weli Oya was a fruit of JOSSOP. Much more was planned. One element was giving farmlands in the interior of Trincomalee District to ‘*youths and Armed forces – predominantly Sinhalese*’ (p.311 ff of *Arrogance of Power* and references therein). The precedent for the recent eviction of Tamils from Colombo also goes back to the eve of the July 1983 violence.

Following the communal violence of 1977 a large number of Tamils who were driven from the South, many of them of Hill Country origin, were settled mostly on land belonging to Tamils in the North-East. From early June 1983 security forces and Sinhalese elements under them unleashed violence in Trincomalee killing at least 18 and driving many from outlying areas, including Pankulam, Kappalthurai and Alles Garden, into refugee camps near Trincomalee town. While keeping Tamil administrators in the dark, handpicked Sinhalese administrators were sent to the refugee camps in the night of 23rd July 1983. The refugees were woken up and families of Hill Country origin were loaded into several buses, as happened recently in Colombo, driven to the Hill Country and dumped there (*Arrogance of Power* p.81-82). That was a population control measure to make way for Sinhalese settlements.

Against this backdrop, the secretive building of about 200 houses for soldiers' families in Kappalthurai south of Trincomalee that the Government designated a Special Economic Zone in January 2007, comes as a disturbing development. This gives added significance to the appointment of a retired general as Government Agent of Trincomalee, who is handling the building of houses in Kappalthurai, and the new rush to tamper with the boundaries of Pottuvil DS Division in the Amparai District, acquire lands along the Pottuvil-Moneragala Road and assigning 1000 acres in Sastriveli to a Buddhist temple.

The Kappalthurai houses appear different from the cabinet approved plan to build 50 000 houses for 'war heroes' as part of the *Ranaviru Gamana* (War Heroes Villages) scheme (e.g. *Daily News* 7th July). These come under the National Building and Estate Infrastructure Development Ministry and the sites mentioned have been outside the North-East. The item quoted announced 5000 houses with the first stage of 3000 in 600 acres in Kapugolle Horawapothana.

According to well-informed sources, two contractors have been selected. One is a local contractor and a friend of Gotabhaya R. The other is a Russian Contractor. Each has been given an initial contract for 5000 houses. The catch is that both contractors were told that there was no money and they would have to get their foreign investment funding. The Government for its part was to start repayment after a grace period of 5 years upon the completion of construction, over a period of 20 years, at an interest rate of 3% per annum – a very low rate for a commercial loan.

The local contractor has been unable to secure funding. The Russian contractor has, we learn, found an Israeli bank with an office in Switzerland, willing to lend the money at 1.75% p.a. interest. To those knowledgeable in international finance, this is extremely low (the going rate is about 6%), and reeks of money laundering.

The houses are all prefabricated, and the quality is reportedly, very poor. A particular significance of this is that the future ethnic composition of the area is being fixed. Tamil or Muslim families will not live there. Another site in Trincomalee District is Morawewa (Mudalikkulam as it was known in Tamil) in the west. This was an area from which the eviction of Tamils commenced in the 1960s, when the Dudley Senanayake Government installed an Air Force farm there. To others familiar with the areas, the houses smack of plans to use soldiers' families as human shields on lines of LTTE infiltration.

11. Taking the LTTE Seriously

Apart from the killings authorised by the Government being morally obnoxious, the strategy is based on a refusal to understand the LTTE. That a force which has only piled increasing misery on the Tamils insisting on its right to kill, conscript and extort has thrived for a generation is also a striking indictment of successive governments. The President on 16th June tried to counter world wide indignation for the aborted eviction of Tamils from Colombo by using his address to the ILO in Geneva to charge: *“Today, there is a misunderstanding and false propaganda that we are involved in ethnic cleansing. This is absolutely false. I must remind this august assembly that it is the LTTE which resorted to heavy ethnic cleansing from the early nineteen eighties. They evicted all the Muslims and the Sinhalese from the North...The LTTE evicted 53,000 Muslims from the town of Mutur and later launched a massive attack on Jaffna and Trincomalee harbour.”*

For a President who must speak for all the communities, this is more disappointing than the Tamil scholar Rev. Chandrakanthan, who now functions as a professor in Toronto University, writing in a research publication that the Muslims left the North in the 1990, because there was a problem between the Muslims and Tamils in the East, and so the Muslims were advised to leave the North in the interests of their own protection. Driving the Muslims from the North was an odious act of ethnic cleansing by the LTTE (Report No.6). But the other two instances given by the President cannot be laid at the LTTE’s door, and he failed to mention the gazette notification he had just signed confirming in effect the eviction of Tamils from Sampoor and Mutur East. Muslims fled Mutur because of government shelling. On this point there is a marked difference in discourse between Muslim leaders, whom the Government tries to cajole, bribe and bully, and the people. The latter openly say without any ambiguity that their sufferings – death, injury and damage to property – resulted from ‘Multis’ (MBRLs). The President also completely forgot Weli Oya.

The beginning of the departure of Sinhalese from Jaffna was in fact largely orchestrated by the Police in August 1977 by deliberate provocation, shooting and arson in Jaffna followed by a false radio message over Police radio that the Sinhalese and Nagavihare were being attacked in Jaffna, which was followed by attacks on Tamils, including those travelling in the train at Anuradhapura railway station. That created tension in Jaffna and the Sinhalese university students felt insecure and wanted to leave the North and were then loaded in buses and trains and sent out of Jaffna. All this came out clearly in the Sansoni Commission proceedings into the 1977 communal violence (see *Arrogance of Power* p.25 ff). The 1977 violence was the formative event of Tamil militancy as a popular phenomenon. Little wonder then that the President living in his own fantasies cannot understand what makes the LTTE tick.

With their half-witted arrogance, successive governments have appropriated to themselves the right to be judge, jury and executioner, the same right over Tamils for which they compete with V. Prabhakaran. By so doing they repeatedly force the Tamils to depend on the LTTE. The Tamils have known the LTTE long enough to be cynical about them. Because of military and political incompetence of governments the people have repeatedly changed hands between the Government and the LTTE. Everytime that happens, there are abductions and eliminations of those who allegedly cooperated with the other side. In Sampoor the LTTE forced the people to be part of its military machine while their families starved. It then fired its cannon at Trincomalee harbour and vanished, leaving the people at the mercy of the government forces and the demographic dreams of Sinhalese hegemonists. Such is the LTTE’s persistent record over the last 20 years.

At the same time despite all that the LTTE has done, the purblindness and cruelty of governments repeatedly creates situations where the people are forced to look to LTTE cadres as 'our boys' in at least a prodigal sense, and the government forces as the 'real enemy'. Take for example the LTTE's brief incursion into Allaipiddy in August 2006. The Navy withdrew and called for the area to be shelled. The LTTE cadres at least attempted to take some of the civilians injured by shells to the Vanni for medical treatment. After it withdrew, the Navy was very harsh with the civilian population and refused to allow the injured to be taken to hospital and later caused the disappearance of their priest Fr. Jim Brown who aided the injured (Special Report No.25). The government forces's treatment of Tamils in Mutur further drives home to them that they are 'the enemy'. This is why the war is senseless. Under such conditions alternative Tamil voices have little chance.

Dark as times are, for those who are committed to the welfare of Tamils, there can be no compromise with the politics of the LTTE. In eliminating promising leaders among the Tamils, the Defence Ministry is only following the atrocious precedent set by the LTTE that has claimed a host of the Tamils' thinkers and committed political activists. Its actions have left the people defenceless. In Mutur itself the current woes of the people owes a great deal to the LTTE's assassination of MP A. Thangathurai and probably also MP A.L.A. Majeed, who were with the people through difficult times and kept the peace between the different communities. (On Majeed's murder on 13th November 1987, while authoritative sources we consulted believed it was the LTTE, some of his close relatives believe strongly that it was done by the Navy to stir up trouble between Tamils and Muslims. In the absence of credible witnesses this seems to be a surmise based on the belief that the LTTE had nothing against Majeed.)

It is also the totalitarian ambitions of the LTTE that decimated the Tamil militant struggle through fratricide, and the thinking Tamils by assassination, to an extent where 24 years later, the present government could dream of going back to what in 1983 was advanced as the final solution. Today, when the Muslims and Tamils need each other most, they are divided by the LTTE's cruelty to the former.

There is no purpose in the Government going on as it does now. The war has run its course. The LTTE must be crippled politically by multilateral means. Several of the Government's actions that have rightly aroused indignation, such as the deportation of Tamils from Colombo, pale before the LTTE's monstrous treatment of those who live under it.

The Vanni: The people there live in undescrivable agony subject to arbitrary intrusions into their lives and homes because of harshly imposed conscription by the LTTE at a minimum of one person per family. A number of persons are hidden in the jungle. In some cases the LTTE who came home repeatedly for a missing male, finally abducted the sister. Often a breadwinner is taken away without any thought or provision for how the family is going to live. There is starvation compounded by the 'collateral' damage of bombing and shelling, and increasing reports of suicide. They need to be liberated, but not the way the East was liberated with 'Multis' blazing. There needs to be international involvement. War has lost all meaning. With new regulations coming into force that would enable the LTTE to conscript two in families with five offspring, life will become even more an agony.

12. Civilians of Mutur East and Sampoor must be Given their Homes – International Law

The displaced in the North-East now placed at several hundred thousands is difficult to quantify. The reasons are varied and both the Government and the LTTE have been responsible. In the Batticaloa District many Muslims, especially in Kattankudy, have lost residential areas (e.g. Ollikulam), and most Muslim farmers have lost access to the lands they cultivated and have been chased out of the interior villages where they lived. The displacement was underlined by the LTTE's harrowing massacres of Muslims in Kurukkal Madam, Kattankudy, Eravur and Palliyagodelle (1990-92). Muslims in Jaffna were chased out with two hours notice were among 75 000 Muslims then evicted from five districts in the North at the end of October 1990. Ironically after exactly five years to the date, it evicted the entire Tamil populace of Valikamam in conditions no less harrowing and traumatic.

Among areas around Mutur from which Muslims were evicted under threat of violence are the 250 families forced out of Arafanagar and a part of Kadatkarachenai. In Kinniya, Muslims for example had to abandon Bharkat Nagar to the south. Muslims there have also faced threats and violence in going to dwellings, fields and places in outlying areas in pursuit of their economic life (see the LTTE's killing of four Muslim farmers south of Kinniya in 2003, Bulletin No.34). We are also informed by knowledgeable persons that the land question between Muslims and Tamils near Mutur has been complicated by the two communities selling to the other where they felt insecure, and likewise buying from the other where they felt secure. While the LTTE's presence clearly disadvantaged the Muslims, the Government in a move that does not bode well, is resettling Muslim families in Arafanagar making an exception to the provisions of the new HSZ, while keeping Tamils displaced. (Reports 6,7,8&11, Bulletin 11 and Special Report No.14).

Many Tamils had to quit their homes because they were dissidents and knew what happened to thousands interned in the LTTE's massive torture camps. A large, but unknown number living under LTTE control had to abandon their properties and flee because it wanted to conscript their children or surrender their homes and property in lieu of a child. A remedy for all these requires a political settlement.

There is, however, one huge difference when ethnic cleansing or displacement involves the agency of the State, which is also the recognised legal authority. The changes it makes through its legal, military, financial (donor-supported) and administrative instruments are very hard to reverse. The permanent structures and establishments it puts up and the demographic changes it makes acquire legal status, unlike in the case of the LTTE. The State has also become institutionally adept at disguising its moves from outsiders as legitimate administrative measures. It could do it over decades. For example, the Sinhalese Lahugala DS (earlier AGA) Division was carved out from the sparsely populated areas of largely Muslim Pottuvil in the 1980s. It is only now that administrative authority of the GA is being used to advance Sinhalese.

When the State uses enforced, violent displacement as a means of demographic transformation, it is more pernicious because it does it as the recognised legal authority, the

measures (like Weli Oya) have greater permanence and it does this under pretensions of representing all the people – including the minorities.

We examine the status of the Mutur East/ Sampoor displaced more closely. The Government's position on the people of Sampoor and Mutur East has been confusingly ambivalent. The President said on 4th September 2006 that they recaptured Sampoor 'purely for the benefit of the people'. Speaking to the *Daily Mirror* (5th September 2006), the Military Spokesman Brigadier Prasad Samarasinghe categorically stated that '***the threat posed by the LTTE to the Trincomalee harbour and the adjoining naval base was no more following the successful operation involving the three forces.***' He added that once the area was cleared the civilians could resettle in the next few days. There was subsequently a move in October 2006 to get India to shift the coal-fired power plant originally planned for China Bay to Sampoor, which India has so far not agreed to. We have given above some graphic accounts of what is happening to Eechilampattai residents.

In March this year these displaced persons were forcibly moved from Batticaloa, where they had become an embarrassment to the Government, to Killiveddy. The Ministry of Defence claimed that this was a '*transitional*' arrangement to facilitate '*a brief rehabilitation program*' before being resettled by April. While they languished swallowing nonsensical pledges from the State, they had the President's gift, the gazette notification of 30th May 2007 – notice of administrative theft of their homes and lands. It was left to Cabinet Defence Spokesman Rambukwelle to further clarify matters. He told BBC (Sinhala 17 Jun.06) of unspecified "*development plans*", explaining that as with evictions from many villages during the Mahveli River Diversion project, people would have to make sacrifices for Development. Shelling people off their land for economic development reads like the worst in the annals of colonialism. And this is not development.

Given the excessive concentration of economic activity and investment around Colombo, there is a need to open up alternative centres of investment. But if it is done from a Sinhalese hegemonic standpoint, excluding local interests from all decision making and threatening the existence of minority communities in those areas, it is unlikely to succeed. There needs first to be a political settlement so that the minority communities and local interests have their due say in the decision making. Today it is the virtually the Defence Ministry and its representatives that wield power in the North-East.

12.1 The Position of Sampoor/ Mutur East Displaced in International Humanitarian and Human Rights Law

Two things follow from what we have pointed out earlier and what the Military Spokesman confirmed. There is no imperative military or security reason why the displaced civilians should be denied the homes and they were '*compelled to leave their own territory*' by being shelled all the way to Batticaloa. The problem was initially created by the Army quitting the area in 1995/6. With the Army back in control there is no question of the LTTE bringing in heavy cannon to shell Trincomalee Harbour or establishing a Sea Tiger base in the area. The excuse of security becomes even more facetious with the Government boasting of having brought the East under their control and celebrating it with fanfare.

With regard to international norms, **the general position in law is one of prohibition of displacement except for the safety of the civilians themselves or for imperative military**

reasons. This is stated explicitly in Article 17 of Protocol II of the Geneva Conventions, which deals with non-international armed conflicts. The same Article further adds, “*Civilians shall not be compelled to leave their own territory for reasons connected with the conflict.*”

The ICRC commentary on Article 17 cited by (A) reads, “*Military necessity as a ground for derogation from a rule always requires the most meticulous assessment of the circumstances. . . . The situation should be scrutinized most carefully as the adjective ‘imperative’ reduces to a minimum cases in which displacement maybe ordered. Clearly, imperative military reasons cannot be justified by political motives. For example, it would be prohibited to move a population in order to exercise more effective control over a dissident ethnic group.*”

In 2001, the UN Human Rights Committee strongly reaffirmed this in General Comment 29, pertaining to states of emergency, with reference to Article 4 of the ICCPR: “*As confirmed by the Rome Statute of the International Criminal Court, deportation or forcible transfer of population without grounds permitted under international law, in the form of forced displacement by expulsion or other coercive means from the area in which the persons concerned are lawfully present, constitutes a crime against humanity. The legitimate right to derogate from article 12 of the Covenant (which includes the right to liberty of movement and freedom to choose one’s residence within the territory of a state) during a state of emergency can never be accepted as justifying such measures.*”

Since the sources of international law on the subject are diverse, after a study beginning with the request of the Commission on Human Rights in 1993 to the Representative of the Secretary-General for internally displaced persons, Francis M. Deng, *Guiding Principles on Internal Displacement* (GP) was presented to the Commission on Human Rights in 1998 and were endorsed by the Commission in resolution 2005/46: “*... recognizing that the protection of internally displaced persons has been strengthened by identifying, reaffirming and consolidating specific standards for their protection, in particular through the Guiding Principles on Internal Displacement*”. We draw from this and *Guiding Principles on Internal Displacement – Annotations* (A) by Walter Kalin (2000), later in 2004 the Secretary General’s Special Representative on the human rights of internally displaced persons. Annotations provides the basis for the principles in international law.

Principle 8 of GP reads, “*Displacement shall not be carried out in a manner that violates the rights to life, dignity, liberty and security of those affected.*” “*In particular, displacement shall not be carried out in a manner that violates the non derogable rights to life and freedom from cruel, inhuman or degrading treatment*” (A).

Displacement here was carried out by shelling and bombing from April 2006 until the people reached Batticaloa in December. No attempt was made to communicate with the people to instruct them on their safety, and even traditional places of refuge such as schools were shelled – most tragically Vigneswara Kathiraveli, killing over 40 civilians.

Principle 6 of GP prohibits displacement: “*When it is based on policies of apartheid, “ethnic cleansing” or similar practices aimed at/or resulting in altering the ethnic, religious or racial composition of the affected population’ and,*

Article 13 of the Universal Declaration of Human Rights, which reads, “Freedom of movement, which implies a right to remain, to leave and to return, and which may not be subjected to restrictions based on discrimination due to race, sex, language or religion”,

strengthens the case of the victims who were displaced for being Tamil. (A) cites Article 7(1) the Rome Statute of the ICC, which defines a ‘crime of apartheid’ as ‘inhumane acts of a character similar to those referred to in paragraph 1 (includes Deportation or forcible transfer of population) , committed in the context of an institutionalized regime of systematic oppression and domination by one racial group over any other racial group or groups and committed with the intention of maintaining that regime.’

Although the Government has been vague about the whole exercise of displacement, Cabinet Defence spokesman Rambukwelle has justified the exercise as making way for economic development, raising speculation that the economic zone announced for Kappalthurai last January, is like the coal-fired power station is to be moved to Sampoor (which is right off the beaten track, where shipping too would not be feasible). Thus this displacement would fall under:

Principle 7 (3) of GP – applicable in a situation ‘other than during the emergency stages of armed conflicts and disasters’.

This situation calls upon the authorities to ‘*ensure that all feasible alternatives are explored in order to avoid displacement altogether*’, to ‘*guarantee to those to be displaced full information on the reasons and procedures for their displacement and, where applicable, on compensation and relocation*’ and most of all to seek the ‘*free and informed consent of those to be displaced*’.

International law places very stringent conditions on displacement for public projects, it is not so simple a matter as chasing people out and pulling out a rabbit of ‘development’ out of the hat as the Sri Lankan Government thinks. Kalin (A) cites the World Bank Operational Directive 4.30, which emphasises that “*involuntary resettlement should be avoided or minimized where feasible, exploring all viable alternative project designs. For example, realignment of roads or reductions in dam height may significantly reduce resettlement needs.*”

In the case under consideration, no thought has been given to the rights of the displaced, but all the cogitation is about inventing pretexts to deny the land to the people who were displaced by shelling them on the run for eight months. As for their rights, they have been left in a godforsaken ‘transitional camp’ with state-sponsored killer groups running amok in the surroundings. Although the President issued a gazette notification robbing them of their homes, no one seems to have any idea of where the people are going to be dumped and when.

Recently, in the Wariyapola area 3500 Sinhalese from 5 villages, were to be moved in connection with the damming of Deduru River. The villagers, mostly farmers were dissatisfied with the assurances given and anxious about their future livelihood. Chamal Rajapakse, the minister concerned visited the area on 11th June, and upon hearing the villagers’ complaints, agreed to stop the project, but when asked refused to give the assurance in writing. The villagers attacked his convoy with stones.

These Sinhalese had at least the ability to protest and stone the minister’s convoy. What rights do the 15 000 Tamil displaced languishing in the scattered camps. If they so much as raise their voice in protest, all that is virtually certain is that the ringleaders would be sought out and marked for the killer and abduction groups. Indeed, during round ups, officers update the villagers on the score of persons yet to be dealt with.

The Government has no business to keep the displaced away from their homes while they conjure up economic projects, Kalin (A) cites Article 49(2) Geneva Convention IV, which stipulates that “[p]ersons . . . evacuated shall be transferred back to their homes as soon as hostilities in the area in question have ceased.” Since, according to humanitarian law, forced movements of civilians in cases of armed conflict are permissible only if the security of civilians or imperative military reasons so demand, return has to be allowed as soon as these reasons have ceased to exist.’ Other matters pertaining to any government project must come later. Not only have the people been barred from stepping into the area, the children’s education has been disrupted and even their records cannot be collected from schools that have suffered shell damage.

Of considerable moment in the situation of displaced around Killiveddy is Principle 10 of GP relating to Protection During Displacement: It prohibits ‘Murder and Enforced disappearances, including abduction or unacknowledged detention, threatening or resulting in death’,

Attacks or other acts of violence against internally displaced persons who do not or no longer participate in hostilities, and

Direct or indiscriminate attacks or other acts of violence, including the creation of areas wherein attacks on civilians are permitted.

Not just in Trincomalee District, this phenomenon now seems to be gaining ground in the recently resettled parts of Batticaloa District. We have reported the case of the 27-year-old woman **Thavamani Balasundaram** who was stabbed to death by the STF. Whether people should be made to live with such so-called security forces is a question that would increasingly be raised.

Even more seriously, the crimes described here would merit close examination under **Article 7 of the Rome Statute of The International Criminal Court. Among Crimes Against Humanity, it lists (d) Deportation or forcible transfer of population and (i) Enforced disappearance of persons.** Further, International Humanitarian Law regards a War Crime or Crime Against Humanity indiscriminate attacks on areas populated by civilians (e.g. Article 51 (4) of Protocol Additional to the Geneva Conventions).

13. Larger Concerns of Militarisation in the East

In nearly all the serious crimes since December 2005 where the truth seemed plain and the agency of the state hardly in dispute, the Government is still in a state of complete denial while the victims and witnesses are terrorised. Such scandalous instances of impunity point to its authors being at the very top of the Defence Ministry. The arrest of former Squadron Leader Gajanayake was revealing and brought some relief to Colombo, but that is all it is likely to be.

On the ground in the East, there is a great deal that is very disturbing for the future of democracy in Sri Lanka, and that is the logical progress of impunity. Previously it was the LTTE that was responsible for violence and intimidation against Tamil political parties that

emerged from the Tamil militant struggle. These parties stand for a merged North-East that is anathema to the forces behind the present Government. Today they face intimidation from the LTTE's breakaway Karuna faction, which is under the patronage of the Defence Ministry. When they move about in the course of political work in the East, they are confronted by armed Karuna cadres and the message is being given that no other Tamil party would be allowed to do political work in the East. They are told that they must obtain permission from the Karuna group before doing any work there.

An incident in early July and subsequent developments made it clear that anyone supporting a broader Tamil identity inclusive of the North would face something nasty from Karuna. The parties on the ground (TNA MPs dare not come there) supporting the broader Tamil identity and the North-East Merger are the EPDP, EPRLF and PLOTE. Early in July, Thileepan of the Karuna group abducted Kala of the EPDP from Pudur, took him to their Corvington Rd. office, beat and chained him. Ravi, the Chenkalady EPDP leader, a tough man who has survived many LTTE attempts and lost many of his family members to revenge by the LTTE, went to the Karuna office. They first denied having Kala, but Ravi insisted and got him out the next day.

Immediately afterwards, Ravi's men arrested a Karuna cadre from an eating house in Chenkalady and later handed him over to the Army. About three days later, on 4th July, heavily armed Karuna cadres, who came with a tractor to remove casualties, launched an attack on Ravi's office, and were forced to run away leaving behind weapons and one dead cadre. Karuna then launched on a course of repression and intimidation against families of EPDP members and the matter has only been patched up on paper. The situation is reminiscent of clashes in the 1980s between the LTTE and the other groups. These were marked by aggression by the LTTE, strategic retreats and deceitful promises of accommodation, before the LTTE finally pounced and crushed the others in 1986.

People in the East are facing rampant intimidation and extortion from both Karuna and his breakaway Pillaiyan faction. Security officials who do not want to see such open breaches of the law have complained privately that the Defence Ministry has ordered them not to take action against the Karuna group. The Defence Ministry is using the Karuna group (two factions now) systematically in abductions, killings and also in a bid to contain the Muslims in areas where they are assertive, especially in the wake of the Government's land grabbing exercise in Pottuvil.

Since the killing of journalists Sivaram of *TamilNet* in 2005 and S. Sugirtharajan of *Sudar Oli* who gave publicity to the 5 students case in January 2006, there has been a rising incidence of attacks especially on Tamil journalists and media workers bringing to about eleven the number killed in the last two years. In several cases they had voiced LTTE sympathies, but killing them was a crime. The result is a far-reaching blackout on the killings and abductions taking place in the North-East. Among the cases we have reported here, those that enjoyed any publicity are exceptional. Regular reporters in the East without political affiliations have some idea that killings and abductions are going on but are afraid to probe or talk about them. Given the fear of the State, lawyers are too afraid to challenge disappearances – lack of habeas corpus writs, lack of representatives for the families of the victims etc. With a few exceptions, Judges too are afraid when it comes to exposing violations by the security forces.

What is most scary about the situation is that the Defence Ministry orchestrates most crucial developments. The soul of the Karuna group is the LTTE's, but its masters today are the

Defence Ministry and the JHU. The Judicial de-merger of the North-East is not unconnected to the systematic targeting of senior Tamil leaders who stand for the North-East merger and grassroots Tamil leaders in Trincomalee District. In our reports (also Supplement to Special Report No.23) we have pointed to strong indications of Defence Ministry complicity/ agency in the assassinations of Joseph Pararajasingham (24 Dec.05), V. Vigneswaran (7 Apr.06), N. Raviraj, and Mama Pakiarajah (26 Dec.06). All were advocates of the North-East merger and all except Raviraj were from the East. Raviraj though forced into the TNA was an independent person and had the promise and potential to provide able leadership to the Tamils at a future date. Pakiarajah was the last of senior PLOTE leaders from the East and commanded a significant vote base of thousands. The Karuna group was used in practically all of these murders.

We have also received information from authentic sources that **Karuna has given orders for his cadres to covertly assassinate Mr. Thurairatnam**, the senior-most EPRLF leader in the East, who a committed democrat, has survived LTTE attempts on his life for more than 20 years, defied all pressures to play a paramilitary role and concentrated with much credit on humanitarian work. Many of those associated with him have been killed by the LTTE.

This is now the East the Government claims to have liberated and wants to rehabilitate. On 19th July the President celebrated the victory of the armed forces in the East. Rather than liberation, people are seeing the establishment of a new totalitarian order that draws heavily on the kind of regime run by the LTTE, down to conscription including of children by the group sponsored by the Defence Ministry. While the President claims a new dawn in which Sinhalese, Muslims and Tamils would live in the East as brothers, the exercise of power and symbolism behind it is all Sinhalese, and to be precise military. The democratic structures through which people could determine their needs of rehabilitation and reconstruction, which a political settlement should have provided, are totally absent. To the Tamils especially, this celebration of victory is a celebration of murder and manslaughter that is still the order of the day as evident in our cases.

For everything one must go to military or ex-military officials, among them GA Trincomalee, the Governor of the East (who was responsible for the movement of displaced from Batticaloa to Trincomalee by intimidation and force) and the commander of the security forces in the East. It is they who decide where the displaced should stay, where they go and when. Humanitarian agencies must get approval from them. It is all very manipulative.

Muslims and Tamils do not find it easy even to mourn or speak of their grief. GA Trincomalee reportedly objected to the ACF, the families and relief agencies observing the first anniversary of the massacre of 17 of its workers, which falls on 4th August 2007, on the grounds that it would be a political event, even though the Government blames the LTTE. He later relented apparently as public pressure mounted. At the end of April 2007, representatives in Mutur arranged by the Majlis-us-Soora wanted to speak to visiting members of the Commission of Inquiry about what they went through when the Government shelled Mutur in early August 2006. We reliably understand that on the instructions of GA Trincomalee, the Mutur DS had invited three military officers who were recording the conversations and taking photographs. Immediately after the hearing one prominent leader began receiving calls from the OIC of the Mutur Police.

What is developing in the East sets very disturbing precedents for the future of democracy in Sri Lanka. The controlling powers in the East would articulate the ideological claims of

Sinhalese extremists and attempt to lull the Sinhalese public by the myth that they have finally defeated Tamil separatism. There are no grounds to believe that any election in the East would be free and fair. One only needs to look at the Tiger precedent for the 2004 elections in the North, which the rest of the country shamefully accepted. As for controlling people and institutions, the Military has learnt a great deal from the Tigers. Who would benefit by this is obvious – not the Sinhalese people.

Since the 1980s, and very recently, we have seen how the culture of impunity makes inroads into Colombo itself. This is where the development of a virtual Defence Ministry fiefdom in the East where people are terrorised and all the crimes and violations are glossed over becomes ominous for the country as a whole. Equally disturbing is the role of the Defence Secretary, a man who has pledged his allegiance to another country, but enjoys unchecked powers including the power to murder, abduct and torture Sri Lankans.

The country already placed itself in considerable jeopardy by allowing the President to get away so lightly in usurping powers over key appointments due to a non-partisan body under the 17th Amendment. By doing so the President has acquired the facility to appoint commissars to posts such as the Chief Justice, Attorney General, Judicial Service Commission besides other key appointments. These institutions are now a shambles. The one drawback the President faces is the bizarre predicament of reportedly having quarrelled with the Chief Justice, who has refused to step down to make way for a favourite, and depends even more for political backing on Sinhalese extremists.

Only the Parliament could take corrective action and limit the damage. Is it too much to expect? The closeness of ethnic chauvinism to totalitarianism was memorably voiced by socialist leader Dr. N.M. Perera in Parliament in opposing the calamitous acts of parliament soon after independence in 1948, which deprived Hill Country Tamil labour of their citizenship followed by voting rights. He said prophetically, *“I thought racialism of this type died with Houston Chamberlain and Adolf Hitler. I do not believe that anyone claiming to be a Statesman would ask us to accede to a bill of this nature ... We cannot proceed as if we were God's chosen race quite apart from the rest of the world; that we and we alone have the right to be citizens of this country.”*

During the citizenship debates 60 years ago, as today, most MPs from the minorities have been complacent, refusing to see the writing on the wall. While going on driving home what is acceptable and not acceptable as a political settlement, and being unequivocal about the unacceptability of the LTTE's politics, the priority for external actors must be to safeguard human rights in the North-East. War must be discouraged by all means. Neither side is going to make significant progress. For the people it would be hell.

14. Recommendations

The government is presently talking about local government elections and development of the East and appealing for aid from the international community. The urgent priority, however, is humanitarian assistance and human rights protection for those displaced and affected by the recent military offensives. If the East is not to hop from one humanitarian crisis to another amidst the reign of a state of terror and anarchy, there also has to be a shift in the politics in the East, with democratisation, rebuilding of independent institutions and respect for the pluralistic fabric of society.

We request all concerned to ensure that,

- Humanitarian assistance should be based on principles of equity, non-discrimination and conflict sensitivity. The international community at large and especially UNHCR has an important responsibility to study government policies related to IDPs and identify various violations and advise the government to take corrective measures.
- The issues of IDPs, extrajudicial killings, disappearances, abductions, child recruitment, land expropriation on ethnic grounds and other human rights abuses should be raised in the upcoming session of the UN Human Rights Council and pressure brought on the government of Sri Lanka to immediately address such abuses.
- The UN Human Rights Council should raise the need for a UN Human Rights Field Operation at the upcoming session, and pressure the government of Sri Lanka to accept such a monitoring mechanism to support efforts towards addressing the human rights crisis in Sri Lanka in general, and the North and East in particular.
- Local and international organisations should put pressure on the government to halt any overt and covert ideological agenda which creates insecurity among the Tamils and Muslims in the East and promote the participation of local community in any reconstruction and development plans.
- Militarisation of the Eastern administration and promotion of the Sinhala majoritarian agenda should be challenged locally and raised internationally, and an environment conducive to democratisation should be created.
- LTTE politics of promoting an environment of insecurity for the Tamils and reinforcing the extremist elements in the South should be condemned for undermining the future of the Tamils. The international community should continue to put pressure on the LTTE to abandon its path of violence and separatism and pressure it to agree to a negotiated political solution within a united Sri Lanka.
- The opposition political parties should shed their short-term opportunistic agendas and take a principled position vis-à-vis a political solution.
- The government in word and deed should take the APRC process seriously and put forward credible proposals for a political solution. Here the SLFP should retract its retrogressive proposals and support proposals along the lines of the Majority Report of the Experts Committee.
- Any elections in the East should follow credible proposals for a political solution to the ethnic conflict. Human rights abuses should be reined in and measures to address pre-election violence such as a UN Human Rights Field Operation or an international election monitoring mission should be instituted prior to any elections in the East, as elections are bound to be controversial and prone to violence.

Appendix I

Killings and Abductions among IDPs in Killiveddy and Environs (Mudur South)

How isolated these people have become could be seen from the fact that hardly any one of the incidents below (just a fraction that came to our notice) has appeared on any public record. Our sources are very clear about the events but often hazy on dates.

Govindasamy (55) of Menkamam, a father of four, was a Justice of Peace, a temple trustee, worked in insurance and was also president of the Rural Development Society. In short he was a natural community leader. On 2nd May, gunmen identified as Tamil speaking paramilitaries, took him from home in the evening and shot him dead. Also in March suspected paramilitaries or home guards killed **Rasu**, an innocent farmer and father of three in Menkamam.

Vyramuththu Gunabalasingham (57), a married and prominent farmer living in Lingapuram, 3 miles from Killiveddy, in Left Bank 3 of the Allai Scheme, was again a natural community leader. When persons were arrested or there was a need to talk to the security forces, people approached him. At 2.00 PM on 11th May 2007, he sent his tractor for repairs to Killiveddy and proceeded there along Thumparai Rd., a short cut. He was last seen there at the checkpoint talking to persons in military uniform, probably Sinhalese home guards. Those who saw him took no further notice, as it was a common occurrence. At 4.00 PM his family realised that he had not reached Killiveddy and looked for him everywhere and lodged complaints with the local army and police and with the ICRC in Trincomalee. Their MP Mr. Thurairtnasingham too complained to Major Peiris in Kallar and to leading security officials and also to the President. All of them promised earnestly to look for him. The matter ended there.

Sivapuram below refers to the Tamil section of 6th Colony, Allai Scheme, north of Killiveddy on the Batticaloa - Muttur Road, which is also shared by Sinhalese, whose section is Dehiwatte. The two communities lived and worked together peaceably until April last year. Rather than maintain the peace, the Government took advantage of LTTE attacks on security forces and home guards to create conditions to drive away the Tamils. Most of the 90 Tamil families in Sivapuram, who fled last year, and recently returned, but the young men are staying out.

Chitravel Nadesarasa (50), a father of five children, originally from Kanguveli, was married in Sivapuram. When most people fled Sivapuram from April last year, he stayed behind because of his poultry and cattle. It was his continued presence and help that gave other Tamils the courage to come back. One night in April 2007, armed Sinhalese home guards raided his chicken coop. Nadesarasa saw it and knew the culprits, but feared to challenge them. In the morning he went to the Police, reported the matter and told them that if his chickens were not returned soon, he would appeal to the spirits. Gunmen came to his home at 7.00 PM and shot him dead.

Jeyachandran (32), a daily wage earner in Sivapuram, had five children. His mother was from Alankerni (Kinniya) who married in Sivapuram. He with his family fled Sivapuram in April 2006, first to Muttur East, then later to Vaharai and Batticaloa. His was among 10 families in Sivapuram forcibly brought back in March. Three days after his return, gunmen killed him at his brother's house near Dehiwatte at 7.00 PM. Local sources say that according to the Police the killers were Sinhalese home guards and the Army had accused him of setting off a claymore mine at CID Bridge just over a quarter mile outside around 17th April 2006. Those who know him strongly discount this story and say that he is totally incapable of it. Other sources suggest vicarious revenge or mistaken identity. Whatever the reason, it is murder and totally inadmissible. Following the incident, a Sinhalese mob burnt 45 houses in Menkamam and Bharathipuram and killed several persons, and according to one source raped several Tamil women.

This was the first incident of communal violence in six years, which had seen a steady improvement in communal relations. Observers who have watched the situation ask if an outside agency was involved in stirring up communal violence in April 2006 that was quite severe, over the death of one home guard? From June to December 2005, a police sergeant and at least six Sinhalese home guards were killed. There was tension when relatives got worked up, but there was no violence. For those living in the area with long-term interests, it is important to keep neighbourly relations with the Tamils. This acts as a prohibition against indiscriminate reprisals that communal violence involves.

Ramachandran, father of three, of Menkamam was one of the peasants who under the CFA, when the LTTE had free access to the place, joined its auxiliary force, the *Maravar Padai*, which he left early last year. During a night last January, Sinhalese home guards, broke his door, entered the house and shot him dead.

Sasi was the son of Mrs. Thangaratnam, secretary to the Mutur Local Council. Earlier in June, Sasi was killed in Mutur by suspected Muslim home guards. Sasi was something of a tough guy who did not hesitate to confront anyone. During the CFA when the LTTE was around he, like most people, had good relations with them.

On the night of 16th June about 10.00 PM, a Muslim youth who had previously worked for the Army from Jinna Nagar, close to Killiveddy, was shot dead at his home by suspected LTTE gunmen. The same night, three Tamil farmers **Suntheram Suvendran (25)**, **Sinnathamby Thavachelvan (24)** and **Vyramuththu Kesavan (30)**, all from Pattithidal (which is twinned with Palathadichenai), were out watching over their rice fields. All three are since missing. The people strongly believe that the army camp at Palathadichchenai (Thoppur Junction) is responsible for their abduction. Whether this disappearance is connected to the killing of the ex-army man is unclear as 3 miles separate the locations of the two incidents. It is likely that they were abducted while passing a checkpoint.

Other leading figures from the area who have been killed by state-related groups are **Thangarajah Ithayarajah**, a father of two and an urban council member in Kinniya and a native of Alankerni. He was shot dead by men who came on a motorcycle near the Kinniya border on 26th January 2007. A TNA supporter **Mathialagan** and his Muslim friend **Sanoos** from the same area were shot dead on 19th September 2006 by killers who followed on a motorcycle while they were returning from work at Kantalai Hospital. **Gopalsundaram Pathmakalakaran** from Verugal, an Eastern University graduate and member of the Serunuwara local council was shot dead near the Serunuwara police station while cycling towards Killiveddy on 30th April 2006.

Besides others named above, the following nine were killed from late April to early June 2007: **Amirthalingam Pratheesparan (25)**, **Kanthasamy Nagarajah (28)** and **Nagaratnam Perinparajah (46)**, all three from Menkamam; **Thangarajah Manoharan (40)**, **Ravulli Chandrasekaran (39)** and **Kanagaratnam Iyunakaran (23)**, all three from Parathipuram; **Gopalasingham Sabeskarana (25)** and **Thuraisamy Soundararajah (18)**, both from Kanguveli; and **Saravanamuththu Sasitharan (28)** of Manalchenai.

Verugal, Eechchilampattu: This is one part of Mutur East where people were recently resettled. When the last of the people fled across the Verugal River in August last year, about 20 families remained in land to the interior near 49th Mile Post after the Army came into

control. All but one of them survived. **Sivaharan** (34) went out to see what was going on and is thereafter missing.

The two following cases illustrate the close ties between killer groups and the security forces.

On 20th October 2006, Tamil paramilitaries on a motorcycle went to the Army's mini-camp in Mallikaitivu and chatted to the soldiers. On their way out passing people working in the field, they shot dead **Nalliah Ravikumar**, a father of five who had no militant connection. This seemed a deliberate act to terrorise the people. This was also a bit unusual as unlike those in Menkamam, those in Mallikaitivu had fairly good relations with the Army. Five days earlier in a separate incident **Nadarajah Indran** was shot dead in Thanganagar.

On 10th June 2006 late morning, a bus leaving Mutur for Killiveddy stopped in front of the Mutur Hospital. **Krishnapillai Ravichandran** (43) of Menkamam had come with his wife to the hospital and the two were returning home, having also bought some vegetables. Several Muslim home guards got into the bus as though to check and all apparently got down when ordered by a security forces officer, while one surreptitiously stayed behind with a weapon. Ravichandran's wife told him that she did not like the look on the faces of the home guards and told him not to get into the bus suspecting that he was being targeted, but he insisted that it was all right and got in. After the bus moved a short distance to Puliyadichanthi, the gunman opened fire killing Ravichandran and, unintentionally, **Vimalanathan Sajeevan (12)** of Koonitivu, Mutur East. Another passenger Nadarajah Paranthaman, was shot and crippled by paramilitaries who came on a motorcycle after he alighted from the bus. The latter's testimony is given in Bulletin 45. The Army was on the road while this happened in the centre of the town.

On 24th May 2006, **T. Chandran**, a fish trader from Pallikudiyiruppu was returning late evening after catching fish to what was then the LTTE-controlled area. He was stopped by the Army at the checkpoint on the Thoppur – Pllikudiyiruppu Road just ahead of crossing Kattaiparichchan River. From the evidence available, it appears the Army dragged him into the checkpoint, beat him up and asked him to run, and then threw a grenade after him and shot him dead. The Army later claimed that he threw a grenade at them and tried to escape. His box with the catch was found a short distance from the checkpoint.

Disappearances: The area also has a disturbing phenomenon of disappearance after abduction, a number of them at checkpoints. One recent incident widely spoken of in the area concerns five young men who fled from Mutur to Vaharai and then Batticaloa last year and returned this year. They are missing after going towards the army camp at Palathoppur. Another instance we learnt is of two young men originally from Pattalipuram in Mutur East, who were stopped by the Police at Serunuwara and asked if they received LTTE-training. They were then detained and are since missing. The fact is that persons of able-bodied age who lived under the LTTE were forced to receive auxilliary training and that cannot be held against them. Persons in government-controlled areas were also given auxilliary training and only then identified for full membership. This was the reason why many Tamil youth wanting to avoid recruitment left the government-controlled areas around Mutur from early 2006 before troubles broke out in April.

The following five persons from the area are among the are missing besides those named above. There are several more whose names are not available to our sources: **Pathmanathan Muthukumar**, bachelor aged 32, all three of Palaththadichchenai, **Sivathas Sinthan**, married

aged 22 of Palaththadichchenai and **Balasingham Iniyavan**, married aged 35 of Mallikaitivu disappeared on 4th April 2007. **Munisamy Kalirasa**, married aged 32, disappeared in Kanguveli on 28th March. **Nallathamby Gnaneswara**, aged 25 of Bharathipuram is another youth who disappeared recently. Local sources place the number of killings in the area by state-related during April and May 2007 at 15 and the number of disappearances at 9. Among those who returned, 15 persons from Pallikudiyiruppu were detained and sent to Boosa Prison in Galle District. The area worst affected because of several journalists being killed and terrorised in the North-East since May 2006, is Trincomalee.

Appendix II

Disappearances and a Murder in Thiriyai

During 20th to 23rd October 2006 the following five were abducted in this area under Navy control. As a prelude to this phase of abductions, a checkpoint jointly amned by the Navy and the Karuna group was set up in Thiriyai:

20th October 2006 – Sundaralingam Selvakumar (19) and Rasu Sasikumar (19) of Thiriyai village: The two went out on a motorcycle in the morning and were last seen at 5.00 PM, and have been missing thereafter.

21st – Kandiah Pakendran (41) of Kaddukulam: Taken away at 8.00 PM by persons who went to his home.

23rd – Krishnapillai Paramasivam (53) and Arunasalam Velayutham (72) of Kallampattai: Kallampattai lies 4 miles interior on the Gomarankadawela Rd. The two elderly men went to the coastal village of Kallara to buy fish and failed to return home. The Navy at Kallara told those who inquired that they went back. Kallara is a place of migrant Sinhalese-Catholic fishermen from Negombo and Chilaw who all speak Tamil. The area had seen two earlier massacres by the LTTE, the last in 1995.

A number of people started leaving the area after the abductions.

1st March 2007 saw an isolated incident: **Pararajasingham Kirupaharan (37) of Cholai** in Thiriyai was called out at 8.30 PM by men apparently from the security forces who took him out wanting his help to buy liquor. They shot him dead 100 yards away from home.

Another spate of abductions began on 10th April 2007 and lasted until 25th May, creating further pressure on civilians to leave.

10th April – Gunasekaram Praruban (14 years) of Kaddukulam: Praruban was a schoolboy. Persons went to his house at 10.00 PM and proceeded to take him away. The boy's maternal grandmother who saw it screamed. The abductors thrust a cloth over the boy's head and dragged him behind the house into the jungle in the direction of Thiriyai Hill, a mile away, upon whose top lies a Buddhist shrine.

23rd – Jothinathan Karthik (24) of Udappu, a Tamil village in Chilaw, was in Kallarawa, in the fishing *wadi* of Nimal Shantha, very likely a Sinhalese migrant fisherman also from the Chilaw area. Karthik is missing. The Navy camp is almost in front of Shantha's *wadi*.

23rd – Sunthararajah Arunaikumaran (26) of Senthoor Padalikkal in Thiriyai was taken away by persons who came to his home on a motorcycle at 5.00 PM.

10th May – Velayutham Chandrabose (43) and his wife **Parvathy** (39) of Kaddukulam were living in a thatched hut, as many had been unable to build houses after the destruction of 1985. The family went to a well for a bath in the evening. Meanwhile some persons had come home and waited. When they came back about 6.00 PM, the husband and wife were taken away. The next happened the same night in the same place.

10th May – Rasiah Tharmarajah (41) also of Kaddukulam lived in fear after his sister's son **Praruban (14)** was abducted on 10th April. Rather than sleep at home, he used to sleep in Ramanathan's house 100 yards away. Callers at night went to Ramanathan's house at 11.00 PM and took Tharmarajah away.

25th May 2007 – S. Niyaz (33) and **Sellathurai Vijayan** (30) were in the same house in Maruthankuda, two miles north of Pudawaikkattu, when callers took them away by daylight at 11.00 AM.

Appendix III

The 1985 Focus on the East - Antecedents of the Mutur East Zone

The East and particularly Trincomalee District has been a particular focus of the State in its attempts to suppress Tamil nationalist aspirations by administrative measures backed by brute force. Sinhalisation of Trincomalee was seen as the key to sundering the contiguity of Tamil habitations in the North and East. A measure put into force in April 1984 was to foment clashes between the Tamils and Muslims in the East. In Amparai and Batticaloa Districts this was achieved by getting Muslim hoodlums of Minister M.H. Mohamed down from Colombo to attack some Tamil villages adjoining Muslim villages with backing from the newly inducted Special Task Force (*Arrogance of Power* p.328 ff). In Mutur such attempts were thwarted by the timely action of A.L.A. Majeed MP.

The UNP government's next move has many similarities to the strategy being used today. The Army and the newly inducted Sinhalese home guards commenced attacks on outlying Tamil villages in the Trincomalee District, in Nilaveli on 23rd May 1985 and in the Allai settlement scheme south of Mutur the next day. The incidents documented in *Arrogance of Power* (p.331 ff) have a very current ring – disappearance of Tamils who went to the market, taken off a bus or stopped on the street by Sinhalese home guards and the burning of 40 huts of Tamils in Eechchilampattai. 80 Tamils were killed in the District, 42 in the eight days ending 31st May 1985. On the night of 31st May a police party with home guards took away 37 Tamils from the south bank of Killiveddy. Subsequently, the same night, TELO militants fired upon the neighbouring Sinhalese village of Dehiwatte killing five.

National Security Minister Lalith Athulathmudali highlighted the last incident in isolation and used it as a cover to launch a massive assault on Tamil civilians in the area, killing, burning and depopulating Tamil villages. The number of killings in June 1985 in the divisions of Mutur, Eechilampattai and Seruvila comes to about 200, nearly all of them Tamils. Mr. A.

Thangathurai, the former MP, who in Trincomalee spoke to the *Daily Telegraph*, London, contradicting Athulathmudali's version of events, had to flee to India upon being tipped off about orders to arrest him.

The Government then was bent on uprooting Tamils from the Trincomalee District. On 5th June 1985, an air force helicopter flew over Thiriyai, the surviving northernmost Tamil village in Trincomalee District, firing at residents (– Amarivayal and Thennamaravady had been uprooted seven months earlier). Air Force men then came in trucks with explosives and set fire to 700 houses. Those who remained took refuge in the local school. Once more reminiscent of today, on 10th August 1985, the Army arrived and opened fire targeting some of the leaders, killing among 10 persons, retired principal Ehambaram, the head of the local coop and a headman. The last of the large-scale attacks was launched on Trincomalee town itself on 9th September 1985. Under cover provided by the Army, firing from the air by the Air Force and from the sea by naval gunboats, mainly Sinhalese home guards moved in to loot, burn and to kill. 25 civilians were killed and about 1500 houses and places of worship were destroyed.

Appendix IV

Containing the Minorities through Sinhalese Settlements – A Brief Sketch of the Final Solution of 1983

(Note – The page numbers below refer to *Sri Lanka: Arrogance of Power – Myths, Decadence and Murder*)

When Sinhalese settlements in the North-East, came to be viewed by the State as a means of containing the minorities is difficult to answer with certainty. The issue had been raised by the Federal Party in the early 1950s and the communal violence in the colonies of Gal Oya and Padaviya in 1956 and 1958 brought the dangers home. The Mahveli River Development Plan drawn up in the 1960s, had on paper several systems in the North-East. There was not enough Mahveli water to go around all these systems, but they provided a legal pretext for the Mahveli ministry to acquire lands in these areas, water or no water. The early 1980s saw frantic land acquisitions by government ministries and corporations in Trincomalee District for alleged economic projects and for preserving putative Buddhist monuments (p.69 ff).

From March 1983, the Government moved to dismantle by violence settlements in Trincomalee District of Tamils, most of them of Hill Country origin, who in the South had been victims of the 1977 communal violence. A week before the July 1983 violence Mahveli Minister Gamini Dissanaiké told the GAs of the North and East that there would soon be special legislation for them to evict persons with no 'right of settlement' in their areas. On the eve of the violence Hill Country Tamils who were in refugee camps after fresh violence in Trincomalee were woken up in the night, and under the direction of the Navy, loaded into buses and transported to the Hill Country (p.81, 82).

Again, about three days before the 1983 violence, Minister Lalith Athulathmudali (who was to earn a dubious reputation as National Security Minister) said in Parliament, "*In those days it used to be said that there was a Tamil majority in the North. But now it is different. The time has come that the majority of Tamils live among the Sinhalese*". Towards the end of

1984 he was more explicit. He spoke of the Government's intention of settling 200 000 Sinhalese, mainly ex-convicts and fisher folk, among Tamils in the North-East (pp.60, 323).

That the inspiration behind these intended Sinhalese settlements in the North-East was the Israeli government's policy of Jewish settlements on the West Bank is strongly suggested by the presence of an Israeli team in Sri Lanka from 14th July 1983 to 6th August 1983 and subsequent developments. This was just when the Government was articulating its first steps in this direction. Israel had no diplomatic relations with Sri Lanka. Following on discussions held with the visiting Israeli officials in July/ August 1983, a more long-term arrangement was finalized later in 1983 with US help. (p.321)

Further, Mahveli Minister Gamini Dissanaike gave his approval on 23rd July 1983 for the implementation of Mahveli System M, the Yan River basin. Although, the area north of Trincomalee Town had not enough water (and no Mahveli water) to make settlement viable, such Sinhalese settlements have been advanced as further means of isolating Eastern Tamils from their Northern brethren. The Minister was using his power to acquire land coming under the Mahveli plan for Sinhalese a settlement, water or no water. The plans were thrown into confusion by the severity of the communal violence, which began on the 24th July evening – a situation comparable with the conflicting agenda's of the Government today resulting from abductions of rich Tamils and Muslims in Colombo. (p.183, 204)

Oblivious to reality, the Mahveli authorities twiddling their fingers in flaming Colombo, became so paranoid that they reacted as though Sinhalese were being attacked by Tamils. They imagined that Tamil hordes were making an organised attempt to occupy lands under Mahveli System B (Batticaloa), and went on to organise a Sinhalese mob to occupy the land instead. The mob left when rains flooded the area.

The July 1983 violence also resulted in India applying pressure on the Government to arrive at a political settlement and in November 1983 President Jayewardene in fact accepted G. Parthasarathy's Annexure C proposals but soon began backpedalling. In a manner reminiscent of President Rajapakse's current attempts to use the APRC, while pursuing a military solution, Jayewardene sidelined the Annexure C proposals arrived at through Indian mediation, and instead summoned an All Party Conference (APC) to go on talking about a home grown settlement, while the main business was done behind the scenes.

About the end of September 1983, the Government formed the Joint Services Special Operations (JOSSOP) comprising the Army, Navy, Police and Air Force to oversee anti-terrorist activities in the districts of Mannar, Vavuniya, Mullaitivu and Trincomalee and oversee civil affairs such as land settlement. Though headed by Rear Admiral Asoka de Silva, the second in command was significantly D.J. Bandaragoda, Additional Secretary Mahveli Development and previously Government Agent Trincomalee during major land acquisitions by the Government in the early 1980s for 'economic development' – a move reminiscent of the present government appointing Major General T.T.R. de Silva Rtd. as Government Agent Trincomalee (p.311 ff).

Following a visit to Colombo by US's roving ambassador Vernon Walters on 30th September 1983, an agreement was signed between Israel's Ministry of Agriculture and the Mahveli Authority on 10th November 1983. It was at this stage that India decided to support the Tamil militancy. In May 1984 Jayewardene said in Hong Kong '*We are prepared even to ally ourselves with the devil to fight terrorism*'. The same month an Israeli Interests section was

opened at the US embassy in Colombo and the President's son Ravi Jayewardene became the key player in implementing Sinhalese settlements. He paid several visits to Israel from June 1984 and there are strong indications that he paid close attention to Jewish settlement activity on the West Bank (p.318 ff).

Weli Oya or Mahveli System L (no Mahveli water of course) was the first settlement to be implemented on the border of the Northern and Eastern Provinces, involving land from Mullaitivu, Trincomalee and Vavuniya districts. In keeping with what Minister Athlathmudali said about solving the Tamil problem by settling 200 000 Sinhalese in the North, the first batch of Sinhalese prisoners was brought to Manal Aru (renamed Weli Oya) after JOSSOP chased out the Tamils from Kent and Dollar farms in October 1984. The fate of the Tamil villages in the area was just a matter of time. What then happened has been described in the main section (p.323 ff).

There were also grand plans, especially for Trincomalee District, to settle Sinhalese on lands frantically acquired by state corporations, by setting up a Planters Corp defended by regular troops (p. 312). The next stage was to uproot Tamil villages in Trincomalee District, which proceeded as described in Appendix III. Everything came to a halt, because there was continued insecurity in places supposedly under government control and India intervened and called a halt in the context of the Indo-Lanka Accord of July 1987.

Appendix V

Expropriation from Tamils in the Name of Buddhist Remains in Muhattuvaram

The controversy was raised in Parliament by JVP MP Wimal Weerawansa in 2003, regarding the construction of a Murugan shrine on the site of Buddhist remains on Kunjithpathamalai directly north of Illankaithurai Muhattuvaram in the village called Seenanveli. The issue concerned a tiny little rock temple on top of a small rock. Only one or a few small statues were what was left. The people regarded it long a seat of Murugan. In 2003 some Sinhalese engineers came there, rediscovered the Buddha statues, decided on pure romantic surmise that it was the lost Samudradevi Vihara, and immediately started planning an elaborate Buddhist temple. The people became thoroughly upset, and undoubtedly with the LTTE's consent, smashed up the statues. In Trincomalee, experience has taught them painfully that eviction and a Sinhalese colony follow a temple. Now the Army has conquered the place.

This threatens to become a tragicomedy by the State using the Army to win arguments about ancient possession. Even the Mahavamsa does not dispute the Veddhas having inhabited the island in pre-historic times. The Veddhas largely vanished and all of us almost certainly have some Veddha blood running in our veins. The inhabitants of Muhattuvaram were largely Veddhas barely a century ago, who have now been absorbed into the Tamil ethnic group. The God of the Veddhas was Murugan, who had shrines on hills stretching down to Kataragama or Kathirkamam. On what basis is one to argue whose shrine came first on a particular hill, Murugan's or the Buddha's?

Dr. Karunasena Kodituwakku, then Minister of Cultural Affairs, tabled a reply to Weerawansa in Parliament on 23rd September 2003, where he quoted the Archaeological

Dept., which inspected the site and said in his reply, “According to ancient legends, Prince Danta and Princess Hemamali had disembarked here when they brought the sacred tooth relic to Sri Lanka. However, no stone inscriptions at the site establish the truth of the statement, and no definite time frame could be fixed as to the time of the construction of the viharaya”. He added, “In the future, the authorities hope to discuss with the Tamil residents and to make them aware of the ancient significance and to remove the illegal kovil building.”

In other words there was a Buddhist shrine there and just that, but of no particular significance. It did not provide proof of the grand association to Samudragiri claimed by political ideologues bent on conquest. Yet under the present Government the Tamils had been evicted and a Vihara has been built giving it the ideological mark of conquest, notwithstanding the absence of evidence archaeological or otherwise to grand claims about its antecedents. Such persons never listen when proved wrong. Truth is immaterial to their aims.

For the people of the area, their worst fears are coming true – eviction. It is a crime in the name of religion, in total violation of the sensible spirit of accommodation in which shrines are treated in neighbouring India. Shrines change their uses as religious practices change. They do not provide any grounds for uprooting people as distinct from preserving heritage. What these local fanatics backing the Government have proved is that they have now found the means to claim a good part of Tamil Nadu, Kerala and beyond for Sinhalese Buddhism and their ilk.

How utterly silly and stupid this is could be seen in the tolerant attitude in our neighbour where solutions are sought purely to preserve cultural heritage, far from spilling blood and uprooting people – a question that never arises.

The following appeared in *the Hindu* 4th July 2007 in ‘*Metamorphosis of a Mahavira Image*’ by T.S. Subramaniam: “A beautiful sculpture of Mahavira, the last Tirthankara of Jainism, has been converted into the idol of a Hindu Amman (mother goddess) on the edge of the Aliyar dam near Puliyanakandi village in Coimbatore district in Tamil Nadu, it has now been revealed by a scholar. The idol, complete with trishuls (tridents) planted behind it, is now that of “Aadhali Amman.”

“...A statue of the Buddha at Ariyankuppam in Puducherry has been converted into that of Brahma Rishi. The Buddha is seated in a padmasana position, he is wearing a vastra with folds on it and there is an ushnisha (flame) above the head. The Buddha now wears a dhoti and a priest performs pujas including aarti to the Brahma Rishi. Statues of Vinayaga and Muruga were added to the temple.”

There is a legion of such instances of transformation in Southern India without sinister intent, received warmly on discovery by those with a tolerant attitude and curiosity about their broader religious heritage. If the rulers of Sri Lanka adopted such an attitude, the people of the North-East would themselves come forward to preserve Buddhist monuments upon discovery, rather than become frightened by them. Then there would be no need of a fully-fledged army to protect Buddhist ruins while ruining the country.

Appendix VI

[Map of Trincomalee District showing HSZ](#)

The President's Gazette Declaration

Details of Villages coming under the HSZ