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Slow Strangulation of Jaffna:

Trashing General Larry Wijeratne's Legacy and Enthroning Barbarism

-- a bequest of Mahinda (Jathika) Chintana

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0. Introduction

10th December is Human Rights Day, celebrated the world over to rekindle the spirit of the UDHR. Apart from civil society and UN bodies, the Government too, though wedded to war as the all-encompassing issue of governance, would cynically make noble professions. These would have no meaning when its energies are consumed by the ethnic war driven by narrow nationalism. Its inevitable debasement of humanity and human dignity would further exacerbate the humanitarian crisis.

Even as this report was in preparation, the rising tempo of violence further affirmed our fears that war-like ideologies were gaining uncontested primacy on both sides, holding in prospect a bleak future for the people of Sri Lanka. Those advocating a military solution might feel vindicated by the intransigence of the LTTE and rationalise military setbacks as inevitable in war. The LTTE having irretrievably bound itself in suicide politics, would continue to plead the futility of a political settlement with Sinhalese governments bent on destroying the Tamils. Both sides would trot out seemingly logical arguments to back their stand. That is the tragedy of Sri Lanka. People, whether Sinhalese, Tamils or Muslims must bear the brunt of their “elected” or self imposed leaders’ callousness. The Sinhalese leadership, with their amnesia for recent history vie for power by degrading themselves and the country to a shambles.

The LTTE’s instinct in putting all its destructive genius into a relentless quest for Eelam runs counter to well founded arguments that it would come a cropper against local, regional and global realities. This instinct, in which Tamil nationalists feel continually vindicated, is one that sees the Sinhalese political leadership as permanently malignant, unable, even out of enlightened self-interest, to advance a rational political approach – one for which there are ample precedents around the world. In the hands of the LTTE, this instinct is bolstered by the confidence that even when rays of hope dawn on the Sinhalese political landscape, it could by strategic acts of violence extinguish this hope, by pushing the Sinhalese polity into a brutal reprisal mode. And thus the LTTE’s narrow nationalist instinct wrought the most dreadful suicide cult – a negation of humanity, vindicated and continually reinforced by the State.

This report epitomises the instincts and calculations of both, the State and the LTTE, which fuel the war in a heedless, desperate gamble with vanishing resources and manpower. The air attacks in the North, and daily killings do not evoke any sense of outrage among policy makers and Sinhalese ideologues. Similarly, the LTTE’s inhuman attacks, reinforcement of Sinhalese fears and the terrible price imposed on the people of the North-East, evoke scant concern among diehard supporters of Eelam.

The knee-jerk reactions of both camps are predictable. In response to the dastardly bombing in Nugegoda, the State began its usual indiscriminate arrests, treating innocent Tamils as criminals. Those having identify cards from the North or East are told they are not welcome in the South. The attitude of the Police is simple, *‘We have our orders and we don’t want you*

here'. Indeed, the Tigers again made their point that the North-East is the home land of the Tamils. The State again obliged the Tigers with its predictable myopia. What could one expect with advisors like DIG Kotakadeniya and the Rajapakse brood ruling the country under Jathika Chintanaya packaged as Mahinda Chintanaya?

1. Blatant Repudiation of the Rule of Law

Life in Jaffna has become a dizzy mixture of the barbarous, anarchic and grotesque. Killings by state forces have in recent times taken a viciously sadistic form. In a number of cases victims questioned by the Army and told that they are cleared, much to their and their families' relief, have soon after been targeted and killed – often before their wives and families – by state killers on a routine shooting safari on motorbikes. These brazen crimes were forebodings of public acts of terror by both sides around the 27th of November, further blurring what is and is not permissible in war. This report also examines the plight of civilians living under the LTTE and argues that war only serves oppressors on both sides.

Speaking in Hambantota, the southern extremity of the island, on 31st October, President Rajapakse held that his government is innocent of the charges of human rights violations levelled against it and called the media and opposition making these '*slandorous, malicious and mischievous*' charges, traitors betraying the motherland.

Likewise also sycophantic government spokesmen bearing Orwellian titles, like Minister for Human Rights and Head of the Peace Secretariat. The minister, Mahinda Samarasinghe, speaking to the Press after the recent Human Rights Council session in September, had nothing to say about his contribution to protecting human rights. Instead he was cock-a-hoop over stalling a council resolution on Sri Lanka. He referred dismissively to the participation in the sessions of 'three NGO "companies"' that had compiled a list of people who had allegedly been abducted. The reference was to the Civil Monitoring Commission, Free Media Movement and the Law and Society Trust.

The report by the three organisations was a timely contribution towards giving a broad picture of current violations in Sri Lanka. If the Minister wanted to discredit them, the surest means would have been to quote statistics available with the President-appointed Human Rights Commission (HRC). The HRC, which has sizeable information in areas where its staff are fairly active, is tongue-tied, supine and as the report cited indicates, dodging requests for information.

Under these circumstances those who seek to lay bare the killings and abductions taking place on a draconian scale must work against barriers erected by a climate of terror and threat to life of those who seek information. Often affected families are very reluctant to talk fearing for the safety of those remaining. After the killings of a number of aid workers, even HRC staff are afraid to go out and collect information. Valaichenai is one such area. The Police are not even reporting abductions taking place in front of the police station. These are among a large number that are likely to go unrecorded.

The system is collapsing with even magistrates increasingly fearful of exercising their power to investigate. We give below instances where in one, the wife, and in the other, a sister, identified army men who killed their loved one in their presence. Yet, the law remains blind.

Disappearances are the hardest to deal with. The security forces routinely deny abductions. In about 75% of the cases nothing more is heard. It requires the powers of a state to investigate and here the state is all about suppression. For organisations with limited facilities to reconcile disappearances is a perennial task. At the same time judgments must be made by committed organisations and figures given with the best of intentions. The shortcomings of these are really an indictment of the State.

It is not figures that this report is about. It is about ordinary folk like the young woman Lathasini who was inadvertently caught up in the web of state-sponsored vampires. It is about young men like Kanthavanam Ketheesan, the much adored security guard supporting a deaf mother, a crippled father and a younger sister, killed by these same vampires. Through taking selected cases, we try to draw a representative picture of violations, concentrating on Jaffna, but having a wider application to the North-East.

The report of the three organisations points out that killings in Batticaloa and Vavuniya are of the same order as Jaffna. Our picture is based on cases and situations that we have inquired into. Each inquiry was to the extent of getting essential facts right and bringing out peculiar features each case presents. Where we quote a source we have no reason to doubt, this is indicated.

The Appendix discusses the numbers involved. Based on available figures for those killed and disappeared and making due allowance for the LTTE's share in killings, we estimate that the Government and its security forces are responsible for murdering in cold blood upwards of a base figure of 700 unarmed civilians in Jaffna during 2006 and 2007. We make a large allowance for persons listed missing, but whose status is uncertain. The best indications of what happened to the disappeared come from testimonies of some who were released in the latter 1990s and the shocking revelations of Corporal Rajapakse who was convicted in the Krishanthi Kumarasamy case. (See for instance Special Report No.12 of 1999). This is the backdrop to the repression of journalists and attacks on them.

What happened under the Cease-fire Agreement of 2002 (CFA) was problematic, but should have been tackled politically by the State reaching out to the Tamil people. The CFA was not their fault. The absence of political engagement has left the Army looking barbaric, ridiculous, and stupid, chasing after schoolboys, peeping into school attendance registers, beating up boys, wives and mothers, shooting unarmed women on the street in cold blood and shooting old men and fathers before their wives and children. The extent of the trauma could be judged from the fact that the victims were mainly young men, frequently with wife and children. That extortion should be mixed with terror comes as no surprise, as killing becomes increasingly for the sake of killing.

It is surely ironic that the President who once claimed to be a human rights defender of the rural South during the late 1980s, should feed distortions about the North-East to the very people who then underwent similar experiences during the JVP's terror and the State's counter-terror. Even more farcical is the role of the JVP which has lately poisoned the minds of the same state forces with Sinhalese hegemonic rhetoric through the Patriotic National Movement, which was consecrated by the President. It is now a cheer leader of atrocities

perpetrated on the Tamils in the name of the war on terror led by its erstwhile *bête noire* – the USA. Its purported Marxist-Leninist inspiration and concern for the poor have been largely eclipsed by its majoritarian chauvinism.

When more than 350 persons disappeared in Jaffna during the three months from July to September 1996, most families thought those taken were alive because of the Kumaratunge government's verbal commitment to human rights. Later we learnt that they were brutally tortured and killed. Among the main differences is that once these disappearances became public (our Special Report No.7), there was significant relief. The Kumaratunge government was sensitive to the extent that it was far from openly repudiating accountability before the law.

The open repudiation of legal norms shows itself today in abuse relentlessly hurled against the world's most respected human rights advocates, while there has been no let up in the violations for nearly two years. That this repudiation comes from the very top was made amply evident when 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.*"

We will see that lots of cardboard tigers, some in their 50s and 60s, are being killed to prove the efficacy of this fight against terror. This Government is continuing what the Tigers started – Murder calculated to crush the community to blind subservience, Murder of a kind practiced by the Tigers, and the JVP and their state and mainstream opponents during the late 1980s. The LTTE's figure of 954 of their cadres killed in 2007 until 20th November, indicates that, apart from the disappeared, the Government's targeted killings of unsuspecting civilian Tamils significantly exceeds the LTTE cadres killed in combat. Rather than the practices of a disciplined professional army, these are practices of underworld contract killers let loose under state patronage.

2. Blood Sport in a Corral: Marked, Stalked and Hunted at Pleasure

The fact of motorcycle safari killings and the political leadership in total denial are symbolic of the utter debasement of the rights and dignity of ordinary citizens. Citizens caught in random searches are often treated as criminals. When a family member goes out the rest are in dire anxiety. Children are not sent to the playground. Those going out take a child or family

member hoping that it would deter soldiers holding them back on suspicion or that if one is detained on the way the other would communicate it.

Almost daily there are incidents of persons being killed on the streets by state-affiliated killers going on motorcycles, barging into houses in the night and attacking wives or some other member of the family, or going in white vans and abducting persons amidst the screams of loved ones. The motorcycles used in killings are again 'borrowed' from the hapless public in a bid to hide their official sanction. People increasingly travel on push bikes which have less chance of being 'borrowed'. Sun or rain, people are suddenly stopped and kept indifferently for hours on the road for a military convoy to pass.

Soldiers suddenly pop out of nowhere and press the gun barrel against the head of an ordinary civilian. One civilian who had that experience decided to pack up and go to India. The memory of the barrel pressing his head gives him nightmares. What if the gun had gone off by accident? A large number of people are now trying to go to India as in the mid-1980s.

Many are the signs that civilians have lost all right to dignity. In Pt Pedro for example, the Army extracts forced labour for clearing roadsides and fields from fishermen who must daily get passes from them to go fishing. No labour, no pass and quite possibly worse. A serious disability everywhere in the government-controlled areas of the North is one the people swallow in silence. MBRLs sited near civilian habitations are constantly and unbearably booming into LTTE areas. A small girl in Shanthipuram, Mannar Island, near the disused railway station, burst her ear drums and died.

On 12th October 2007 UN Human Rights Commissioner Louise Arbour visited Jaffna. Hundreds of women hoping for relief converged on the UN premises in Temple Rd., carrying files of documents of missing persons which speak of their fruitless and painful quest starting with the official Human Rights Commission. In an officiously comical manner on a day when good behavior was expected of them, soldiers at junctions intercepted these people, took their files and asked them to collect them at 5.00 PM.

For the grotesque, Jaffna must be one of the few places in the world where scores of people neither charged with any offence, nor told what they are guilty of, fearing the state's safari killers, voluntarily enter remand prison after registering with the Human Rights Commission and appearing before the Magistrate. In an ironical reversal of roles, civilians innocent in law seek official protective custody – from official defenders of the law freely indulging in manslaughter. Jaffna currently has nearly 200 voluntary remandees. Two cases below are of men who came out of remand and were executed.

On 22nd October 2007, among the eight persons who chose to remand themselves through the Human Rights Commission were a family of five, including a man of 55, his wife of 52 and their three children. Reason – the Army had questioned them three days earlier. Such pathetic decisions reflect a climate where state killers often kill or abduct persons whose age and circumstances render their being parties to violence very remote. S. Jebanesan, an employee of the de-mining group Halo Trust went into voluntary remand. On 18th October, gun men who came in a white van abducted his wife in Thinnevely leaving her two young children helpless. She was released the next day.

About this time, a mother taking her son to Colombo had got through all the security clearance, booked their passage and followed the usual routine of taking the assigned buses at

the Sinhalese School to be conveyed to the boarding point. A soldier on duty, looked at the son's identity card, returned it and told him that he cannot go. He wrote something on the boy's ticket and told him to report to the security clearance office. They took the ticket to someone who could read Sinhalese and found that the soldier had written that the boy was a suspected Tiger. The mother promptly took the boy to the JHRC and had him remanded.

The Military Spokesman Udaya Nanayakkara on 28th September described as 'LTTE cadres' the 42 persons in Jaffna who had recently availed themselves of this remand facility, or in effect, persons who had temporarily cheated the butcher's row.

Increasingly, positions of responsibility as decision makers and spokesmen are being taken by persons with this lawless mindset for whom Tamil phobia has overridden what was left of civilized norms. This phobia is conveniently disguised as 'war-on-terror'.

We have a striking example of this official phobia. 23-year-old *Sunday Leader* journalist Arthur Wamanan Sornalingam, a Tamil, instructed by his paper phoned a minister regarding an item of financial abuse. On 24th October the minister got the CID to detain him on a risible charge of blackmail. The only substantive reasons offered by Superintendent Abeysinghe of the CID to the Mt. Lavinia Magistrate were transparently that Arthur's parents are from the Tamil North, have contacts there and the family live in a largely Tamil suburb of Colombo, and discharging him would exacerbate Sinhalese feelings in the wake of the LTTE attack on Anuradhapura airbase.

It is a tribute to good sense in the country that the Magistrate Ayeshani Jayasena reprimanded the police superintendent and granted bail to the journalist. While the Sinhalese public is not impressed by such gimmicks, this shamelessly open unprofessional conduct of a senior police officer has ceased to shock.

Today it is persons of such mind in the security forces, acting with top level sanction, who are passing death sentences on individual Tamils on the basis of scant or warped information. Under the present government's direction there are no qualms about killing Tamils and one has an uneasy feeling that the effectiveness of the security services is measured by the number of Tamils they kill, rather than on whether their actions usher in order rather than the evident anarchy.

The Army Playing School Monitors with Extra-Ordinary Powers: By November, soldiers started focusing their attention on a younger group. They started barging into houses, especially in Vadamaratchy, asking for particular school boys, took their identity cards and asked them to report to the Pt. Pedro camp. Soldiers also walked into schools and started checking attendance registers.

In the current climate of killings by the Army, parents accompany children wanted for questioning with utmost anxiety. At Pt Pedro camp they were amazed to find lots of boys with their families and had to wait in a queue. Once questioned they are asked to come another day and questioned by someone else. Often questions are like 'Do you have a girl friend' and 'Why not?'. Those not beaten consider themselves lucky. One boy badly beaten is a 15-year-old from Vathiri.

War left lots of people displaced amidst poverty, unemployment and rudimentary facilities. This 15-year-old from Vathiri got up early morning and went some distance from home into

shrubs to fulfill a morning's obligation. Before he got to the place, he saw some soldiers lying down on the ground behind bushes. He became frightened, quietly aborted the ablution, went back home and excitedly told people what he had seen.

When the soldiers found out that their presence was known, they became very angry. They got hold of the boy, took his identity card and ordered him to report to Pt. Pedro army camp. There he was given a sound thrashing with a plastic pipe.

Another youth was repeatedly called to the camp and questioned. He told the truth that the LTTE had used him for some chores. Finally he was told that he is cleared and need not come again. Since many others 'cleared' had been killed, his parents wanted to send him out. When he went to the Army for clearance, he was told that they would give him clearance if he, as someone else had done to him in secret, give them the name of one person who had helped the LTTE. This placed him in a severe dilemma as every other person had been used by the LTTE and giving a person's name could prove fatal to him.

While the State earns universal opprobrium through brazen exhibitionism of lawlessness and ludicrous denial, the LTTE has ample opportunity to further its ends. After having a near monopoly of killings up to late 2005, its present misdeeds are easily hidden among a plethora of killings by the State and its resulting notoriety. The 2004 Human Rights Watch Report 'Living in Fear' on the LTTE's use of child soldiers, its 2006 report on LTTE extortion from the Diaspora and the March 2006 Report of the UN Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston, led the way to exposing the LTTE.

Rather than use the opportunity responsibly, the Government mirrored the LTTE through a programme of unrestrained counter-terror. It is notable that several groups and web sites sympathetic to the LTTE are focusing on the State's human rights violations, even casually attributing killings by the LTTE to the State. These are also being picked up by other organisations. In place of sane reflection, the Government and its cohorts have shouted themselves hoarse to bankruptcy by blindly abusing the world's most respected human rights advocates, whom they only a while ago eulogised for exposing the LTTE.

In making assessments about the human rights situation it is necessary to take a long term historical perspective of the underlying calculations behind the violations, each organisation's culture, ideology and objectives. The immediate present could be misleading. Every positive assessment must also be conditional upon a party's willingness to make observable structural changes.

The unfavourable repercussions the Government faces today are entirely the fault of its hubris and its overrated strategists. One of the sins of hubris is to belittle one's opponent and to brag and bluster just because of superior destructive power. This is not one of Prabhakaran's faults. We have never played down the LTTE's provocative methods and its constant attempts to place civilians on the firing line. But when there was political hope, some officers have shown that the LTTE is more effectively tackled within the law.

3. Trashing General Larry Wijeratne's Legacy and Installing Barbarism

The present government is constrained by its rhetoric of war on terror, behind which its main priority is to achieve the Sinhalisation of the East and to crush even a semblance of a Tamil Nation within Sri Lanka as understood by moderates. This logic sees human rights as an obstacle imposed by the West and advances instead brutal repression.

Such counterinsurgency treats the Tamil people collectively as the enemy. Old lessons learnt at great cost in this country are being forgotten. A politically sensitive approach would on the other hand treat terrorists and potential terrorists with clemency, allow them to reflect and repent. Given time such persons have become some of the ablest leaders. This approach would be in the spirit of the teachings of Buddha rather than the bizarre contortions of Buddhism advanced by the supporters of this government to attack human rights concerns as Western colonialism.

There is nothing Eastern or Western about repugnance for torture or murder, which are the main issues at stake. Against the contempt and ill will shown by the Government, it is natural for the people in the North-East to regard the Army as the enemy.

The difference is very evident in the Vadamaratchy sector of Jaffna. When the late General Larry Wijeratne was in charge of this area from 1996 to 1998, he acted within the law, was sensitive to the people's feelings and infused the feeling that the Army was their army and was there to protect their interests. Despite LTTE infiltration, one could then feel the sense of security and confidence he was able to instill.

To illustrate a problem and differences in approach, last January (2007) a claymore mine was set off near Nakkeeran Playground in Alvai, killing two soldiers. Several persons in the neighbourhood were beaten by soldiers. In November again the LTTE tried to plant a mine in the same area. The people came out and protested. The LTTE threatened them, saying they would remove the mine as they had advertised it, but would be back and lay a mine when they do not know it. It is a problem for everyone and the people know the areas where LTTE infiltrators force themselves on residents.

The Army's reaction is typically to remove identity cards from fishermen and other poor folk and make them report to the army camp regularly and threaten them, and tell them they would get their IDs back only if they give names of persons in say Inparutty, Alvai or Thickham, who received LTTE training during the CFA, and identify their leader. Thus entire families live in panic as persons so questioned have been targeted by army killers on motorcycles. Many change residences. The Army gets some names and makes up a hit list.

Those killed from the Army's hit lists are often terrified young married men with children who would, if at all, never willingly help the LTTE or willingly went for LTTE training. This is counter-terror that makes a broad indiscriminate sweep leaving behind social misery in its wake. It might reduce incidents in the short term, but would not reconcile the Tamils to the Sri Lankan state.

General Larry Wijeratne's approach to almost the same problems was a humane, politically astute one. He understood that below the surface there was no real support for the LTTE. There could be no real support for a force that far from offering peace and dignity, holds out only endless misery in prospect. He realised that behind the nationalist straight jacket were jostling contradictions waiting to erupt, such as the feelings of the people near Nakkeeran Playground above. He approached the people as a concerned human being and the result was

remarkable. People who were ostensibly LTTE, including the embittered mother of the pioneer suicide bomber Millar, became his friends. The LTTE began to find things impossible.

There was room for army officers with such ideas because the Government was then moving towards a political settlement. Today in contrast the Army and its killer groups go about killing with no restraint, but their achievements are illusory.

By threatening civilians, Military Intelligence today gets names of persons who had some old connection to the LTTE, or gave it some marginal help under the CFA where the people had been handed over to the LTTE as chattels. This is reflected in the inclusion in the Army's hit lists of former employees of demining agencies, contractors and those who supplied sea-sand for construction under LTTE licence. This is futile as witnessed by the Army's inability to establish anything like the kind of stability that obtained under General Wijeratne. The very futility, prompts arguments for more killing.

4. The Rationale for Killing Unarmed Civilians

Apart from the State's treatment of Tamils and the absence of a political settlement, there is an outstanding feature that has complicated the problem of security in the North. Governments have found it far easier to appease the LTTE than to work at a political settlement the minorities have long asked for. In appeasing, governments turned a blind eye to what the LTTE did to the Tamils as happened in 1990 and 2002 - 2005. School principals, auto drivers, administrators, cooperative chairman and employees, various trade organisations and even university students (for vote rigging), were all placed gratis under the LTTE's whip and gun.

Governments did not stand up for the people. The LTTE freely conscripted children from schools, while the governments watched and the Police were ordered to be passive. It is the same people and the same society that was thrown into the inevitable new dispensation of confrontation between the Government and the LTTE. The Government then pounced on the people whom it had previously rendered helpless.

From past experience beginning with the disappearances in 1996, we could see the absurdities of the cases against persons who received death sentences from the Army as we have revealed in our reports. Some were never LTTE cadres or had ceased any dealings with them for years, some thoroughly innocent persons disappeared because they were detained along with the former. Commissions of inquiry have uncovered cases such as the husband being killed because soldiers wanted to rape the wife.

In the case of the Bojan sisters killed in January 2006 by the EPDP and Army, their association with the LTTE was at best as sympathisers on account of their late brother, and had latterly told off the LTTE for demanding that people in their position leave Jaffna. This created initial suspicion that the LTTE killed them. In the Puttur killings of 19th April 2006 (EPDP and Army), the main target was an auto driver. One victim was on holiday in Jaffna and had no links to the LTTE. In the Allaipiddy killings on 13th May 2006 (Navy, EPDP and Army), the family with two children killed downstairs had no LTTE links.

In the case of the Manthuvil disappearances of 6th May 2006 (Special Report No.21), the Army came in the night after probably receiving intelligence that five LTTE cadres had come to the temple the previous day and partaken of the festive meal. They removed eight innocent youths helping with the festival. Of course these youths who disappeared knew the LTTE, as most people in Jaffna know them and cannot refuse them. Sympathy is not an issue here, it is a political question.

We take the case below of employees of the HALO Trust. One or two employees helped the LTTE to steal some equipment and very likely did not stay around. In early July 2007 17 employees were dismissed on the Army's orders. It seems that those among them remaining in Jaffna are being targeted one by one by the Army's killers. No one who was an LTTE helper would stay at home knowing that he is under suspicion. Under the Military's broad logic, everyone in Jaffna deserves death.

Some killings defy explanation, while showing that the people, and even law enforcers, are helpless. **Parameswaran Sasikumar** (28) who was deaf and dumb and a father of two lived in Navatkuli. On the evening of 28th July 2006, a known person came home and asked Sasikumar to take him on his motorcycle. He failed to return home and the next morning his body was found on the main road 100 yards from the army camp at Navatkuli junction. At the inquest, his widow pointed to the man who went out with him and told the Magistrate that he should make further inquiries from him. The Magistrate flatly refused, indicating that they cannot do such things. What we do now know is that Sasikumar had been alone on the motorbike when he was shot. He was also a close friend of a man who did sea sand business during the CFA under licence from the LTTE, but had no business dealings with Sasikumar.

The current trend in killings picked up from August 2006. An example of how suspicion matures into a death sentence was referred to in Bulletin 43. **Sebamalai David** (27) a displaced fisherman living in Katkovalam was on suspicion, with two others (also later killed), required to report to the Army. He was discharged and told he need not come again. Because others released had later been killed, he felt insecure and went to stay with relatives near St. Mary of Lourdes Church, Munai, Pt. Pedro. In the evening of 5th December 2006, three motorcycles were observed buzzing around. After nightfall gunmen came home and shot dead David and injured his cousin **John Jesudas** whom he was with. David was not a Tiger. Some in the area thought that the security forces became more suspicious simply because David left Katkovalam.

Bulletin 41 gives several early instances of the kind of killings witnessed today. After a claymore attack in Karanavai where a soldier was killed, an army informant of questionable value in Kambarmalai, pointed out some young men in Udupiddy. Of the four fetched to the Udupiddy army camp on 1st September 2006, two were released and **Vimalathas** (30), a bus driver, and **Vijayasekaran** (25) were given a letter to hand over to the army at Vallai, who looked at the letter and released them. Motorcycle killers then tailed them from the camp and shot them dead. This was just tit for tat for the killing of one soldier in the mine blast. Such killings are commoner in Vadamaratchy and Thenmaratchy which have greater LTTE infiltration and attacks on army personnel.

These killings of unarmed civilians trapped in the peninsula is cowardly in the extreme. Their situation is also exacerbated by the inability of the more sensible TNA MPs to defy the LTTE and express the wishes of the civilians. It was a TNA MP who entered Parliament by electoral fraud who promised that the 44 000 soldiers in Jaffna would become fertilizer for Jaffna's soil

if they did not leave on their own. No other TNA MP dare condemn this irresponsible rhetoric.

Were there a process towards a political settlement, there would be some meaning in the 44 000 soldiers sticking it out in Jaffna. Now they are at a loose end fearing the worst in an unending war – a Tiger incursion into Jaffna. They are trapped in the peninsula alongside the helpless civilians at their mercy.

What we are seeing is a state that was cavalier about protecting the minorities when appeasing the LTTE. Once that ended, it invoked sovereignty to scream against outsiders who remind the rulers that they should protect their own citizens and not murder them. We examine below the perfunctory reasons adduced by the security forces for killing civilians. Examples in the Cases section illustrate the poignant dilemmas people are caught up in and the crude manner in which the killers' minds work.

5. The Vanni: 'Should the Army Advance this far, the People Would Rebel Against Us!'

While we are able to get considerable information on violations by the security forces, Vanni is the area where the LTTE's violations are the heaviest, apart from bombing, shelling and displacement caused by the Government; and we know comparatively little.

The aerial bombing of displaced civilians in Padahuthurai on 2nd January 2007 killing 16 showed that the Military's claims of taking on carefully verified targets to be disingenuous. This followed the killing by bombardment of more than 50 schoolgirls forced to attend a camp where they were being taught first aid along with some defence skills the preceding August.

On 25th October 2007, three civilians, including a pregnant mother displaced from Adampan were killed by an exploding shell. Although the Army blamed the LTTE, we have confirmation from well placed sources that it was undoubtedly the Army that fired the shell. On 26th November, four shells fired by the LTTE fell in the Roman Catholic school in Murungan injuring five students and two teachers. In the morning of the same day 26th bullet ridden bodies of four Sinhalese farmers, including a woman, were found at Willachchiya, a village bordering the Anuradhapura District.

No major instances of reckless bombing were reported after Padahuthurai, until the approach of Great Heroes Day, 27th November 2007. In the Defence Ministry's bid to disrupt the observance regardless of cost, the Air Force on the very day bombed the civilian area two miles south of Killinochchi where the Voice of the Tigers office was situated, killing three staff, eight civilians in the vicinity and damaging facilities of the World Food Programme.

A mine attack on a civilian bus carrying people to the Heroes' cemetery killed 11 civilians. The LTTE accused the Army's Deep Penetration Unit (DPU). Our sources familiar with the Vanni dismiss the notion of the DPU going so far inside. They said that such attacks in the interior around Killinochchi are carried out by locals with help or inducement from the security forces. Nearly all attacks after the Karuna split have been of this nature and reflect the deep dissatisfaction among the people.

An event that touches danger from both sides was illustrated in the tragedy of the family of **Jesudasan Maximus** who was escaping with his family to India by sea on 18th October 2007 from the Mannar Mainland coast, when they came under fire from the Navy off Pesalai. Although the Navy brought the four survivors to Mannar Island, its version was at variance with that of Maximus. The dead were Maximus' father **Jebamalai Jesudasan** and his two children **Mary** (16) and **Dilakshan** (11). The mother **Pushpamalar** (37) and two younger children survived with injuries. The Navy claimed that the time was 4.30 AM when they retaliated after coming under fire from a cluster of LTTE boats. Disputing this story Maximus told the inquest that he fled to India to protect his children from LTTE conscription and the time was after dawn. He said the Navy kept firing despite his waving a white flag.

The LTTE's current practices indicate that the fate that awaited Mary was the immediate cause for the family to flee. The LTTE keeps a register of children and makes a beeline to abduct them as soon as they reach the age of 17. This way they think they cannot be faulted for breaching international law with regard to the use of children. **Unfortunately, rights groups have not got around to seeing the LTTE's practices, certainly a breach of law, as disastrous and traumatic for the whole society, and hardly less harmful to children than conscription. Children left with virtually widowed mothers, without elder brothers and without means, are open to all kinds of exploitation.**

Conscription has proved the LTTE's Achilles heel in the Vanni, resulting in widespread resentment. Resentment has been stirred, not just by the suffering imposed, but also by the reckless use of new conscripts on the frontlines. One incident which brought this home vividly was the use of new conscripts in the ill-fated attack on the army-line in Muhamalai on Friday 11th August 2006. This was an ill-planned gut response to the army advance into Mutur East.

According to survivors, when the LTTE advanced the Army pulled back from their first line of defence, and the LTTE placed former cadres with young families, who were forcibly recalled from civilian life, along with fresh conscripts, in occupation of army bunkers. A fault in the planning was that those who occupied these bunkers were unaware of the danger posed by the trench which ran northerly all the way to Nagar Kovil. They had been told to expect the Army's counter-attack eastwards from Eluthumadduval. The Sri Lankan Army walked unseen through the trench from Nagarkovil and surprised the LTTE's advance party, killing about 150 of them. There were a number of funerals in several villages. In one village for example, the mourners opened the coffin. Finding no corpse, they angrily attacked the LTTE cadres who came with the coffin and damaged their vehicles.

The Army too has suffered proportionately from politically inspired advances into LTTE minefields in Jaffna – a horrible, inglorious fate no patriotic fervour would induce one to impose on his or her own son.

One aspect of local resentment is revealed in popular sympathy for those deserting LTTE ranks. A group of girls who deserted and trekked from Mullaitivu to Uyilankulam to reach the government-controlled zone had passed through about six checkpoints manned by LTTE auxiliaries who let them through. We give the account of two girls who likewise escaped.

A father in Adampan has three sons and a 23-year-old daughter. The LTTE demanded one of the sons, whom the father managed to take out of the Vanni. He got his daughter married to a boy from a 'Hero's Family' (a family, a member of which had served the LTTE and died) and thought she would be safe. The LTTE came for her instead, and after learning she was married, went to her new home and conscripted her proclaiming her marriage invalid. They pointed to regulations promulgated by the LTTE in August 2006, which required anyone below 30 years to get special permission to marry.

The daughter was taken to the jungle in Killinochchi District, her hair shorn and her jewels removed, but for some reason she was not put to training immediately. She escaped with another girl wading neck deep through a tank and found the house of an old lady who was a stranger to them. She took them in, had a trench dug at the back of the house to hide them and covered the lid with soil and grass. One night an LTTE search party came to the backyard, but missed the trench. The old lady had been careful and even hidden their slippers. Those older caught hiding escapees may be detained and put to work, while those younger are frequently sent to dig trenches on the frontlines.

The old lady then gave the two girls dresses and bangles to make them look civilians and directed them to the village where the daughter's mother lived. The mother contacted an old man who knew the byways and they went with him by night through jungle tracks and hid within sight of an army sentry point on the Mannar – Vavuniya Road. At dawn they signalled the sentry point and walked towards it. The Army, which welcomed them with a meal, is quite used to this and had even advised several escapees to go somewhere quietly and not inform the ICRC. For that process might draw the LTTE's attention.

In relation to conscription, a whole set of grave human rights issues are ignored. To begin with young fathers are taken away and the wife and children left to fend for themselves with little assistance that is also likely to stop after a month or two. Conscripts with little training man most of the frontline positions, leaving at their death widows and families for which they were breadwinners utterly destitute. The very basic scruples of conscripts are ignored. Those brought up strict Hindus are made to work in kitchens cutting beef and fish. Life for them is very risky from the start. In July the Air Force bombed a training camp at Paripukadanthan on the Adampan – Madhu Road. About 15 conscripts were killed. Some of those working for INGOs in the Vanni are very unhappy that most of them know about this, but have not made an issue of it in order to retain their access. Parallel considerations also operate in their dealings with the Government.

Most civilians have moved north from areas adjoining the Mannar – Vavuniya Rd. For nearly nine months, the Government has been directing MBRL fire into these areas causing heavy damage to the villages, but all attempts to move in were aborted due to heavy resistance. The civilians are now displaced having lost their livelihood and income with the children's education disrupted. One lesson they learnt through two decades of conflict is to flee without taking chances.

What affects civilians most is bereavement of family members who were conscripted and sent to the frontlines in Jaffna, Pooneryn, Mullaitivu and Mannar Districts, into constant skirmishes. Vanni has become a land of funerals. The LTTE seemed once to realise that conscription was counterproductive, but launched a new round of conscription in late October 2007 soon after the successful Black Tiger attack on Anuradhapura air base.

Several LTTE leaders who deal with the people know the extent of resentment and the curses uttered out of their hearing. Instances of popular jubilation have also been reported when air force bombers hit an LTTE target. At a place 12 miles north of the frontline, a senior LTTE leader told some friends, “*Should the Army advance this far, the people would rebel against us!*”

5.1 A Killing and a Challenge for Healing Muslim-Tamil Relations

Ensuring the return of the Muslims to the North is an obligation that confronts the Tamil community, from where the LTTE shamelessly expelled them in 1990. It is sadly the Muslims who have worked harder to heal the wound. **Gothu Jalaltheen** was one Muslim labouring in this endeavour. His murder by the LTTE (see Cases 8.4 below) triggered panic among the local NGOs that work in war torn areas in which Muslims have played a very creditable role. After the murder two such local NGOs reshuffled their staff and recalled their Muslim staff from Tamil areas.

According to an aid worker the local NGOs that deployed Muslims to work in the North used the opportunity strategically to ameliorate the tension and distrust between the two communities resulting from the LTTE’s eviction of Northern Muslims. Thus the little space that existed for reconciliation has been endangered.

6. A Pointless War – Going Out With a Bang or a Whimper?

The oft repeated claim by government and military leaders that the LTTE is on its last legs would appear to be a foregone conclusion, had it not proved premature on several occasions over the last two decades. The hopelessness of the people in the North-East demonstrates that support for the LTTE is mainly confined to Tamils at a safe distance from it. Middle class Tamils are well versed in investment and the management of money. By any standards, the LTTE is a rotten investment. The LTTE leader has demanded and taken insatiably, both material and human resources for above two decades, and delivered only death and misery. It is a marvel that he has flourished.

One source of his strength was exemplified in a Tamil grandfather in a suburban train in Zurich. He held forth that the Leader could do no wrong and by the end of 2008 he would have everything sorted out. He added proudly that from his government dole he gives monthly 100 Franks to the LTTE. His grand children no doubt get the best education and training in the modern world, unlike the young Black Tigers who gave their life for their leader at Anuradhapura. The LTTE is an investment not for their family or children, but to massage their ego and to nurse unrequited grievances against the Sinhalese, regardless of the ruin inflicted on their own people at home.

Keeping the LTTE alive is a miracle performed by a section of Tamils insensitive to the plight and feelings of their own people and above all by the Sinhalese polity which has for five decades not seen its way to a political settlement. What sort of settlement the movers of power in Sri Lanka intend is evident in the speech delivered by the Army Commander Gen. Sarath Fonseka to senior defence staff during a recent visit to the USA:

“In the case of terrorism in my country, Tamil terrorist organization claims that a certain part of Sri Lanka belongs to Tamil people whose origins are from Tamil Nadu in India where 50 million Tamils live. Another 50 million of Indian Tamils live in other countries all over the world. About 2 million Tamils live in my country but half of them live abroad and other parts of the country. One million people claim a separate state in 1/3 of the country covering 2/3 of the coastal belt. Every military group demanding for separate state cannot be accepted as liberation fighters.” (<http://www.nationalsecurity.lk/fullnews.php?id=8377>)

This is less about history or the origins of Tamils and Sinhalese in Sri Lanka than a statement of an ideologically inspired programme. The Army Commander like many of those in power today is a child of Prime Minister Solomon Bandaranaike’s Sinhala Only revolution of 1956, which sent the country on a tailspin. Tamil speakers, then more than 25% of the population, faced exclusion from the state that was effectively Sinhalese. It may seem silly in retrospect, but its force appears in some of the Army Commander’s prejudices: Tamils are essentially aliens who have the cheek to call any part of Sri Lanka theirs. This was at the root of several rounds of communal violence from 1956.

The programme implicit in the statement is about the imposition of Sinhalese hegemony through deciding by brute force the authorised history of Sri Lanka, its statistics and regional demographics. Every Tamil killed, every Tamil displaced from a targeted region, is a small victory for this programme. It began in earnest in 1985.

A case in the point is Sampoor in the Trincomalee District which was turned into a High Security Zone from which the people were excluded, once the Army drove them out by firing MBRLs. In Hard Talk, Shakuntala Perera (*Daily Mirror*, 1st November 2007), asked the President’s brother Basil Rajapakse, who is in charge of the programme Dawn in the East, the wisdom of evicting people to create High Security Zones.

Basil Rajapakse replied, *“That is also another misconception about our work...Not a single person evicted from these areas and everyone who can prove their residence will get a deed. What happened in the Sampur area is that the LTTE brought and kept some families there for their own protection. These are the people who can’t prove ownership. They can’t even show us a house. But we are giving houses to all these people elsewhere. The plans are all drawn up and even the design of the house completed.”*

The fact of the matter is that all residents of the entire HSZ of 35 square miles, which includes Sampoor, were evicted in August 2006 (see Special Report No.26). No one was then allowed even to step into the area. How can they show houses that have been looted and levelled by the Army? Now Basil tries to make out that the LTTE created Sampoor by settling people for their own protection. Could he name a single family? It is a well documented fact that Sampoor is an old Tamil village in a region that had its vicissitudes of prosperity and sickness as often happened in Sri Lanka’s dry zone in historical times.

A report compiled for the Dutch Administration by Fabrice van Senden in 1786 describes 'Chamboer' as having 25 Vellala males. The British Administration's Census of 1824 lists 'Chamboor' as having a population of 106 persons, with 35 (adult) males. The Census of 1871 lists 'Chambur' as having 39 families totalling 273 persons. How could the Tigers who were not in the area before 1984 have created Sampoor? Unfortunately there is hardly anyone in the present government with whom rational discourse based on facts is possible. They invent their facts and histories as suits the moment.

The present rulers who appeal to the traditions of kingship in Lanka for legitimacy, know nothing of the real history of the country and the spirit in which power was exercised. Kings of Kandy were patrons of Hindu temples in the East. Rajasinghe II of Kandy (AD 1635 – 1687) when constructing *Aathi* Konesar Kovil in Thampalakamam established a service link between Sampoor and this temple. Previously the villages were appointed to perform services to Konesar Kovil in Trincomalee that was destroyed by the Portugese the previous century.

Those in modern times who have claimed succession to these Kings were puny men with shrivelled souls, wholly unfit to step into their shoes. Their warped histories are a desecration of the ancient and pluralistic spirit of the Kings that we could all readily identify with. What the modern pygmies in power have done to the country in their name is sheer vandalism. Basil Rajapakse has signified that what he hopes to accomplish under 'Dawn in the East' would amount to vandalism little different to the LTTE's.

This ideological imperative and refusal to engage politically with the Tamil people, as distinct from the LTTE, is the main driving force behind ongoing killings and disappearances in the North-East. These killings are marketed as counter-terrorism in the war against terror in this corner of the world. Indeed, the Norway-brokered CFA conveniently gave the LTTE opportunity to paint stripes on every Tamil.

What could a fisherman or an auto driver do if they had been forced to join the LTTE union to be allowed to make a living, picked out through the union for defence training in the Vanni, and photographs of it posted on pro-LTTE web sites for expatriate pickings? No one, neither the Government nor the peace makers tried to stop it. Today these people are being murdered in cold blood by state killers, with their wives and children standing by. And those responsible have the temerity to hide behind Buddhist piety.

Such is the partnership between the LTTE and a government of Sinhalese extremists to make life hell for people in the North-East. The Army commander Fonseka is no doubt comfortable with ongoing killings. He, then a colonel, was in charge when hundreds were massacred in Kalmunai in June-July 1990. The Disappearance Commissions appointed by President Kumaratunge hardly took any high ranking officers to task, but Amnesty International must have documented what happened in Kalmunai (our Reports 4 – 7).

The reality is that both sides are skating on thin ice, bleeding the people and holding out for ends that, if attained at all, would be at an unbearable cost to the people and absolute infamy to the name of this country and its peoples.

7. No Reason to Delay Strong Corrective Action

Human rights in Sri Lanka has been a burning issue which has become even more tortuous over the last two years. The Government has bought time by inviting a series of top level delegates concerned with human rights and humanitarian issues. These included Philip Alston UN Special Rapporteur on Extra-judicial, Summary or Arbitrary Executions, Allan Rock, UN Special Representative on Children in Armed Conflict, John Holmes, UN Under Secretary General for Humanitarian Affairs and Emergency Relief Coordinator, Manfred Nowak, UN Special Rapporteur on Torture and latterly Louise Arbour, UN High Commissioner for Human Rights. Then also the President's Commission of Inquiry is assisted by an International Group of Eminent Persons.

All of them reported adversely, expressed deep concern and suggested remedial action. None of which was heeded with any sincere intention and token measures soon looked no less disingenuous. What all these international actors received was abuse from the Government and its hangers on.

We have in this report focussed on Jaffna rather than spread our efforts too widely. It is both compact and diverse enough to exemplify government attitudes, policies and practices that are slowly crushing the people of the North-East. A cursory look at incidents in other parts of the North-East would show the same disease at work. In the programme '*Killing for Peace*' in Channel 4's *Unreported World*, the Army Commander said with reference to the East that '*people getting killed and some people going missing will happen as far as the anti-terrorist operations are continuing*'. Who in the State's logic is not a Tiger and would be spared murder is hard to define.

And so torture, killings and disappearance will continue as deliberate policy, while dissimulation and buying time is done by the Government's man as a vice president of the Human Rights Council in Geneva, a Minister for Human Rights and a Peace Secretariat. The Human Rights Commission appointed illegally by the President has become an embarrassing vestige. It has the machinery for documentation, but what it receives despite the increasing limitations on the ground, and keeps under wraps, is dynamite – which makes its terrible ineffectiveness a scandal.

If no meaningful corrective action is taken promptly, the international machinery to protect human rights, including UN bodies and the Human Rights Council, who have all been taken for a merry ride, would lose their credibility.

We have stated repeatedly that the Tigers, their totalitarianism and their killings have been the main obstacle to peace and the security of the people in the North-East. But that cannot in any way excuse the State imitating them. The Government's course is not finding a political solution to the ethnic problem, but literally killing the ethnic problem by crushing the people. The present government seems to have learnt with the Tigers that until the worms turn, murder, threat, violence, extortion and blackmail, fronted with a 'patriotic war', make effective tools of governance.

The approach of the Tigers' Heroes Day saw violence reaching a new level of recklessness. We had two sets of events: One, the aerial attack on 27th November on the Voice of the Tigers, a non-military target, killing eleven mainly civilians. A mine blast targeting a bus taking civilians to the Martyrs' Cemetery killed again 11 civilians, Second, the killing of four Sinhalese civilians in the South Vanni, the suicide attempt on Minister Devananda and the bomb blast in the Colombo suburb of Nugegoda on the 28th killing 20 shoppers.

The low credibility of both parties has given rise to doubts about the causes of both sets of events, but we have as yet insufficient reason to dispute the more direct readings. Wisdom demanded that the Government should have left Heroes Day alone and not have played up its significance by bombing civilians. Whatever its political overtones, people have a right to mourn their dead. They need that space, if they are to question why their loved ones died and those who drove them to it. To disrupt it by an overwhelming show of destructive force evinced the mindset of a thug.

Some thoughtful younger officers who served in the Sri Lankan Army in the mid-1980s felt that the campaign against Tamil militants (not just the LTTE) was futile because there was no attempt to win them over along with their people. They were rather driven up against a wall. The officers obtained a meeting with President Jayawardene in 1987 and told him it would be best that he put forward a federal settlement.

Two decades have gone and all those lessons have been forgotten. Prabhakaran may not agree to a federal settlement, but a movement that defies common sense must crack. The LTTE cadres and the people, especially of Vanni, need space for the LTTE to crack. This cannot be accomplished by a war that relentlessly corners the conscripts, kills and bombs the people giving them no way out. Giving the people space is what Larry Wijeratne did.

The thoughtless bellicosity of this Government promises immitigable disaster for the country as a whole. Even with more than 100 ministers and as many subjects, this is a one issue government – War at Any Cost. Young boys who joined the Army because of poverty and were taught rank lawlessness and novel ways to commit murder are being disgorged into civilian life as deserters or ex-soldiers. What would life offer them in a bankrupt country with a disappearing welfare state?

The Tigers need to be brought to heel and the people living under them given security and a reprieve from a regime of death and dearth. That requires healthier methods and a commitment to the welfare of the people and not the malevolence of MBRLs and official death squads.

8. Cases

8.1 Who is Whose Spy?

The way the minds of the killers work, each victim below could have been taken for a spy of either party by the other. As the first suggests the truth is likely to be simple and mundane. For anyone in Jaffna, both the LTTE and the security forces are inescapable blood-thirsty realities they dare not antagonise. The slightest suspicion by either side could prove fatal. Young women especially have to negotiate life amidst poverty, with few opportunities and without the escape routes that young men have.

Lathasinini's Story: When the Devil Wants to be Friends

14th July 2007, Miss. Lathasini Arunachalam (24) lived with her parents in Church Lane, Nunavil, and was employed at a fancy goods shop on Kandy Rd., Chavakacheri, 2½ miles from home. Around the corner on Post Office Rd. is a camp of Military Intelligence. She was the only person working in the shop. Military personnel used to go to her shop whenever the

Kandy Rd. (A 9) was closed for military convoys to pass. Military personnel visited the shop frequently and spent several hours there. One officer in particular is said to have become friendly with the lady.

On 11th Wednesday, three days previous to her killing, the shop owner went to the shop and found the shop closed. The man in the tea boutique next door gave him the message from Lathasini that she was sick and had gone to the hospital in Chavakacheri to get medicine. The owner went inside and found Lathasini's handbag left on the table, which suggested that she had gone somewhere nearby. He went to the Hospital to verify, but found no trace of her.

Lathasini returned to the shop three hours later and told the owner that she had been to the Hospital. Though not satisfied with her answer, he gave her three days sick leave and asked her to come to work on Monday.

In a circumstance related to her fate, a friend who met her on Wednesday found in her position an old mobile telephone instead of her own. Upon being asked, Lathasini confided to her friend that a man from the army intelligence unit near her shop had taken her mobile telephone and given her his phone. Her father too observed that she had someone else's old phone instead of her own and asked her about it. She told him that a friend had taken it saying that there was an error in her phone and had given her another promising to repair hers.

Lathasini left home on Saturday 14th morning taking the old substitute phone. Her family thought she was going to the shop as it was a working day. While she was cycling home at 1.30 PM, she was shot dead in the lane 100 yards from her home by killers on a motorcycle. She fell dead with 5 bullets in her body. Her family who checked the body found that the killers had removed her gold chain and the substitute mobile phone which she took with her that morning was missing.

Initial speculation was that she was killed by the LTTE because she was friendly with the Army. But persons who visited the scene of crime told us that the killers must have been affiliated to the State. There was a sentry point on top of Church Lane manned by the Army. The killers must have gone past them in entering Church Lane from Kandy Rd. and the place where she fell is quite close to them. This was confirmed by witnesses who heard the shot and looked out, and saw the motorcycle go past the army sentry point.

Local sources who have some dealings with the Army confirmed that army intelligence was behind the killing. The latter's version according to these sources is that Lathasini was a member of LTTE intelligence who was passing onto them information from the officer and other intelligence personnel who frequented her shop. Her name according to them had transpired during the interrogation of a detainee.

Further inquiries revealed that Lathasini attended Bible classes at a church in Chavakacheri. The question was put to those who knew her if they found it plausible that Lathasini worked for LTTE intelligence. We were told in answer that she was, to begin with, a timid girl.

Inevitably the location of her workplace and the fact that soldiers went there would have aroused the LTTE's interest. What we find incredible is her having been an LTTE cadre. Army intelligence had tricked her into giving her cell phone to check the numbers she had been ringing. For an alleged LTTE agent she had been rather innocent and trusting. It is understandable that she did not want to tell her father that the person who took her phone was

an army officer, but she had admitted it to her friend. This is very unlike an intelligence agent. Had she been, at the first signs of trouble she would have bunked and not stayed at home.

The facts about her are that throughout the ceasefire she had never been to the Vanni, never received any kind of LTTE training. An old cell phone she had used, showed that she had been talking to people in the LTTE-controlled Vanni as indicated by numbers in it beginning with 021-228... It does not mean anything. These are ground lines which are routinely tapped and those in Jaffna have several friends and relatives in the Vanni. Those close to her have no knowledge of any contact she had with the LTTE, though the possibility of the LTTE having sent her some messages should not be ruled out (Shantheepan's case below).

An opinion widely aired in Chavakacheri at present is that the army intelligence group killed Lathasini because in virtue of their having sought her friendship, she had come to know a good deal about their involvement in killings and abductions. This conjecture best explains the known facts of the case.

At some point, some senior intelligence man would have started worrying that she knew too much, since the men who talked to her are likely to have bragged about their power and what they were doing. Once suspicion took over they would have fished for information about her from persons interrogated.

The last three days were critical and she had not neglected the shop before. The fact that on Wednesday she left her handbag and went out points to her receiving a message to meet someone nearby – very likely the intelligence boys. It was on this Wednesday that her having unsuspectingly switched phones was noticed by her friend. The shop owner to whom she explained her absence during the morning as due to sickness gave her three days leave. She may have been disturbed after the morning's events but saw no danger and stayed at home – again a sign of her essential innocence.

On the fatal Saturday, something took her to town though she did not go to work. Very likely she had been summoned by the intelligence officer on some pretext. If they had not retrieved their phone they would have found out that it was on her person. When she returned home, they tailed her for the kill. Being Saturday afternoon the roads would also have been deserted. They kept her gold chain and her cell phone they took for 'repairs' as mementos of a friendship so savagely severed.

Lathasini was no willing spy. She was too trusting, too naïve and quite open with friends. Whatever the unknown side of Lathasini's story, one thing is certain. She was the victim of a grave atrocity.

3rd August 2007: Mahendran Tharani (31) was initially with the LTTE's medical corps. She left the LTTE and worked for Atlas Transport and Communications in Colombo, whose owner Bala was killed by state intelligence in Colombo on 3rd January 2006. She then returned to Jaffna and worked for the Atlas group in Sangaththanai, near Chavakacheri. In that capacity she had dealings with many persons including members of the security forces. She was shot dead while cycling in Sangaththanai in the afternoon of 3rd August by an assassin. Initially there was some uncertainty as she had reportedly been in the LTTE's medical corps, left the organisation and settled into civilian life and also dealt with army personnel. She had been in fact killed by the LTTE's culture police for alleged misdemeanors and the LTTE

claimed responsibility. It is not unlikely that the LTTE wanted her to be an informant and she had been uncooperative. (See the case of Shantheepan, 3rd June 2007, below.)

6th September 2007: Miss. Subajini Rajasingam (30) was shot dead in Thinnevely while travelling on her bicycle towards Jaffna by gunmen who came on a motorcycle. Because she was originally from the islands off Jaffna, although her family had been in the Vanni for some time, it was first thought that she was killed by the LTTE for having links with the EPDP. The general talk later was that she was killed for suspected links with LTTE intelligence. We have confirmation that this was the case.

22nd October 2007: Mr. Chelliah Subramaniam (59) was the President of the Cooperative Services Federation for Jaffna and the Chairman of the Kaithady Multi-Purpose Cooperative Society. Gunmen abducted him from his home in the early hours of the morning and his body with stab wounds was found at Kaithady Junction the following morning.

He was a leading person of the area with a flair for public service. He was the sort of person the people needed amidst hardship. Wherever resources were available for service to the locality, he did not hesitate to make his case. He had good relations with the parties opposed to the LTTE and sought their help in advancing public amenities such as roads.

These circumstances led to initial suspicion that the LTTE had killed him. We have it on good local authority that he was killed by the security forces who had been probing the dealings of government and cooperative officials. They allegedly found that Subramaniam had signed off some goods to the LTTE – a fate long inescapable for officials in the North-East as appears in our reports. These persons did under duress what government leaders have done out of sheer opportunism.

8.2 Violations by the State Forces

These are the dominant violations at present and usually the pattern makes them quite obvious. Their dubious nature is evident from the several elders killed. If there was real evidence of anyone assisting the LTTE's terror, the right thing was to arrest him. These killings give the appearance of notching up numbers for promotions rather than to diminish the LTTE's effectiveness.

The next examples are of victims who have been tailed by killers on motorcycles. The first which happened nearly a year ago illustrates clearly the sadistic inspiration.

December 2006: Ketheeswaran (26) was married to Thiriyatharsini, and the couple had three children. They were living in Punithanagar, Katkoyalam, east of Pt Pedro, which housed displaced persons of the fishing community from Nagar Kovil to Myliddy. The Army was suspicious of this community as during the ceasefire, the LTTE had forcibly taken several of them to the Vanni for defence training and advertised it for their overseas collections. During a round up about early November 2006, the Army singled out three able bodied young men, took their identity cards and asked them to report to the Pt Pedro camp. Ketheeswaran used to go there with his wife and children and sign. One day he was told that he was cleared and need not come anymore. He happily told his wife this and on the way home stopped in a shop between 3rd and 4th Cross St., Pt Pedro on Thumpalai Rd. to grind some codiments. His wife and children were waiting nearby. Gunmen on a motorcycle who had followed him from the army camp shot him dead and went away. Another person David Sebamalai, father of one,

who was one of the three asked to report to the army camp was similarly killed on 5th December.

13th July 2007, Martin Rd., Jaffna: Subramaniam Jeyendran (19) of Jaffna town had according to local sources been previously involved in LTTE sponsored agitations against the Army, but was not a member of the LTTE. He felt his life to be in danger and surrendered to the Human Rights Commission office in Jaffna, who sent him to Jaffna prison for protective custody. He was released at his own request as he thought he could quickly go to Colombo and be safe. He reported to the JHRC and was going along Martin Rd. when gunmen affiliated to the state killed him.

8th August 2007, Kaithady: Killers Manhandle Pregnant Wife: State affiliated killers in a pre-dawn foray into the homes of the victims killed **Murugesu Rajkannan (30)** in Kaithady South and **Chitravel Shanmugalingam (39)** in Kaithady North. Rajkannan was a close relative of **Gangan**, LTTE area leader during the CFA, from the same area. After the LTTE withdrew in September 2005, Rajkannan was taken by the Army and asked to report and sign for some time and let off. Shanmugalingam was displaced from Palaly. Local reports said that he had gone to the HRC out of fear of the Army, stayed in remand protection for some time and came out on his own. His pregnant wife resisted the killers and was manhandled. We learn that she had told the Magistrate that she could identify the army personnel who killed her husband.

25th August 2007, Safari Killers in Manthuvil: **Shanmugarajah Sasikaran** had been the owner of a lorry that used to transport sea sand for construction purposes. The Army reportedly suspected that the LTTE had used him in transporting lethal goods during the CFA. That was a time the LTTE imposed its terms on all trades. The materials used to be brought by sea and hidden in the sand. When the lorries arrived to transport sand the goods were loaded into them to be smuggled into interior areas. After the LTTE political wing pulled out of Jaffna in September 2005, Sasikaran was among those arrested and later released. He had reportedly admitted transporting materials under duress. During mid-2007 he was asked to report to the Army camp in Kodikamam. He reported regularly for some time taking his wife with him. On this day he was told that he is cleared and need not come again. He stopped at a shop and happily gave them the good news. Going home through Manthuvil, a fairly remote area, his wife told him that it looked as though they were being followed. Sasikaran told her that he had been cleared and they had nothing to worry. He then accelerated his motorbike and found that the party coming behind did likewise. He panicked and turned into another road. Those behind followed. Leaving his bike on the road, he rushed into a house nearby. Those who had followed him from the Kodikamam army camp entered the house and shot him dead as his wife watched helplessly.

13th August 2007: K. Chelliah (65), retired Village Headman (GS), was shot dead at his home in Kaithady by gunmen, late morning. This pointless killing we learn is a result of the security forces probing actions of government servants done under duress. Chelliah like many others in his position had to help the LTTE to obtain identity cards for individuals and steal government rations through approving padded lists of beneficiaries.

31st August 2007: Nadarajalingam Seyamalan (25) of Sarasalai North, Manthuvil, was the father of two children and in the textile trade. After dawn he worshipped at Panritthalarechi Amman Temple, picked up a video cassette from a shop and was riding home on his bicycle, when motorcycle killers followed him and shot him dead. Those who know him locally say

that he had no involvement with the LTTE. When the Army terrorises people for information to prepare hit lists, things could go badly wrong.

The two that follow are, we gather, the kind of killings that currently result after interrogators get answers from captured LTTE cadres to questions such as, ‘Who helped you?’, ‘Who gave you food?’ or ‘Who warned you that soldiers were lying in ambush or coming on patrol at such a place and time?’. Such considerations would implicate a significant section of the population.

The young woman **Chandirarasa Kalaivani (30)** was shot dead at her home in Manthuvil North on 18th August 2007. She was the mother of two children, whose husband is a labourer. The area is one where there is much poverty. Local sources say that LTTE cadres had sometimes stayed at her place and been fed.

The bodies of the couple **Sivalingam Selvarasa (54)** and his wife **Ranjithamalar (49)** who lived in Kopay were recovered on 10th September 2007 after a neighbour became alarmed by the absence of any activity. Selvarasa’s body was found in a neighbouring well and Ranjithamalar had injuries on her head signifying assault with a sharp object. According to local information they had given food to the LTTE.

23rd September, Latchumanan Thottam, Thumpalai Pt. Pedro: Around 7.00 AM two men came on a motorcycle and called out the 31 year-old Hindu priest Latchumana Iyer and shot him dead as he came out into the lane. Ten minutes earlier the same persons shot dead **Kulendramohan Suthaharan (27)**, a father of three, who was serving a customer at his eating shop near Sivan Kovil, Pt Pedro, after which they were seen going along Thumpalai Rd. towards Iyer’s area. The Army we learn had searched Suthaharan’s house earlier and kept him under observation. The reasons for the killings are also pretty thin given that the victims were not involved in any armed activity.

As often happens unavoidably, Latchumana Iyer was in the LTTE’s bad books for allegedly being friendly with army personnel in his area. Local sources say that because of the threat he faced, he went to the Vanni to explain matters to the LTTE and came back with some conditions. According to local reports, the Army was searching for a man in Punithanagar, Katkoyalam, and the whole family moved west towards Pt. Pedro. This man was one of the three fishermen picked out (with David and Ketheeswaran), all of whom were later killed. Latchumana Iyer helped the family by keeping their 15-year-old son. On another occasion some LTTE cadres attempted to infiltrate by sea through Katkoyalam, of whom two were killed, one escaped and one injured person made it to a temple where he was fed and others sent word to collect him. There was confusion about whether Latchumana Iyer was involved in this, but local sources say he was not.

14th October 2007, Pungudutivu: Miss Thulasika Pathmalingam (21) of Ward 3 Pungudutivu on her way to classes went missing when passing through an area dominated by the Navy. Her family complained to the Human Rights Commission, but there has since been no official word of her. An unofficial source said that she was picked up on information that she was a member of the LTTE, but this source was unable to say who is holding her, if she is alive. The Navy’s brutal conduct in the area during 2006 and the failure of the law enforcement machinery to deliver justice and the resulting bitterness, inevitably creates suspicion against civilians. Consequently many civilians, including witnesses to navy atrocities, have fled to the LTTE-controlled Vanni.

Proxy Attacks on Women: 19th October 2007, Thunnalai, Pt Pedro: Gunmen who came on a motorcycle forced their way into the house in Kudawattai at 4.00 AM with the intention of killing a man. Two of the women **Kathiramalai Thangam** (43) and **Thavarajah Mangayarkarasi** (38) obstructed the gunmen. Taken aback the gunmen shot and seriously injured the woman and made their escape. The women were taken to Pt Pedro Hospital at Manthikai and transferred to Jaffna Hospital (*Uthayan*).

In checking such incidents, we also learnt of other incidents where gunmen arrived at homes in search of men, and when the men were missing went away after assaulting the women. We were told of one such incident in Varathupalai and one in Thickham.

21st October 2007: Polikandy, Vadamaratchy: Piraisoody Suthakaran (26), married with one child, who was displaced from Varani was living in Polikandy. He was abducted by armed men who came home in early morning in a white van. The women at home who resisted the youth being dragged away were threatened with guns and firing into the air. Two days earlier, armed men in a white van forcibly abducted Thangavelu Kirupaharan from Varani (source – *Uthayan*). Such incidents are routine. On 7th November, Chandran Thavanesan (39) was similarly abducted in Kalviyankadu, Nallur. The security forces routinely deny such abductions and that is often the end of the story.

28th October – 15th November 2007: More Deminers Killed: The British **HALO Trust** and the **Danish Demining Group (DDG)** were brought to work in Jaffna after the 2002 cease-fire. Their employees came under suspicion of the security forces especially after an incident on 27th December 2005. 43 sensing devices were stolen by the LTTE from HALO Trust's Nallur office. The Trust accused some current and dismissed employees of being party to the theft. The Army ordered all the equipment to be stored in the HSZ. Then followed mounting killings and abductions of HALO Trust employees, the total reaching 13 by early July 2007, when 17 employees were discontinued on orders from the army command. Most of these employees were thus on mere suspicion deprived of any protection they had as aid workers. One of them Arumainayagam Aloysius (26) based no doubt on a strong recommendation from HALO Trust was recruited as a field officer by the Danish Refugee Council. On 23rd July when going to work in Jaffna from his home in Sillalai South, he was shot dead by gunmen in Anaikkottai.

On 20th August **Sivasamy Sritharan** (31), an employee of the DDG from Kayts, was with other colleagues chased by gunmen on a motorcycle along Kasturiar Rd. in the commercial heart of Jaffna, very close to the town army brigade HQ. On the killing of Sritharan we quote from the Reuters Relief Web:

'Steen Wetlesen, country programme manager of the Danish Demining Group, said four staff members travelling to work on two motorcycles were chased by three people also on motorbikes. "There were shots towards them. The backseat rider on one bike was hit in the bottom by a shot, so they stopped," he said. "The people pursuing followed the front bike and managed to catch up with them in the end and killed the driver." Wetlesen said the group, which has 300 staff in Jaffna, had suspended its work on the peninsula to determine how to improve staff security. "Four of our staff during the last two years have disappeared. Two of our staff members have now been killed," he added.'

Shanmuganathan Bageerathanathan (28), an ex-employee of DDG, went to live with his father S. Shanmuganathan (75) near Thanthondreeswarar Temple in Naranthanai, Kayts. The

following is from the father's testimony given to M. Thirunavukkarasu, Acting Magistrate, Kayts. After nightfall on Sunday 28th October, three men came to the house which is near a sentry point manned by the Navy. They tied the father's hands and thrust him into a room and spoke to his son. The father came out after some hours and asked the navy men at the guard point to untie his hands. The navy men at first refused and then complied. Not finding his son at home, the father at dawn reported the matter to the Village Headman (GS) and the Police. The Police searched near his home and about 12.30 PM found his son's corpse with bullet injuries and the hands tied. (Inquest as reported by *Uthayan*.)

The navy men nearby must have known everything, but one could be sure that the investigation ends there.

Veeriah Jeyaruban (26), married with one child, had been laid off by HALO Trust in July 2007. Displaced from Chankanai, he moved to Nallur, put up a small mill and survived. On the noon of 12th November he was shot dead while going past St. Benedict's Church, Nallur, along the Nallur-Kacheri Rd. This was according to local sources slightly different from the normal motorcycle killings. He was stopped, one of the killers got on to his bike, took him a little distance and shot him. **Thangarajah Sujeevan (23)**, another former HALO Trust employee was shot dead on Friday 16th November night in Aathiyady off Stanley Rd. at the back of Jaffna Railway Station, quite close to Brigade HQ and the EPDP office, while returning home.

What is remarkable is that most of the HALO Trust employees dismissed on the Army's order and the former employees of DDG must be trapped in Jaffna, waiting to be picked off by killers, one by one. Their deaths will not be news as they are no longer 'aid workers'. It is moreover a terrible scandal.

11th November 2007: Thiruchelvam Jeyakumar (31) of Nallur Cross Road was a son of well to do parents and had followed his father into business. He was shot dead by killers on a motorcycle near Sattanathar Kovil on Pt Pedro Rd. not far from his home. At first it was thought that extortion was the reason for his killing. Subsequent talk in the area was that to his misfortune he had got friendly with Easwaran, who was the LTTE area leader for Nallur during the CFA. That was when the victim had to go to the LTTE for sea sand permits. Given the trends seen below, one should not rule out extortion, even if there is no evidence for it so far.

Continuing Killings: We have no more than endeavoured to give a sample of the killings by state-related killers and these continue without respite.

Francis Phillips (39) of Gurunagar was shot dead near Rasavinthottam at 5.45 AM on 12th November. Local reports say that he was in the LTTE a long time ago, but had left, become a family man and took up the fish trade. Later he gave that up and opened a vegetable stall. He, as was his wont, went to Navalar Rd.- Rasavinthottam Rd. junction to buy vegetables from wholesalers when he was killed.

Sinthathurairasa James Lakshan (24) of Nelliady was taken by killers from his Uncle's place in Irupalai on the night of 12th November, ostensibly for questioning and shot dead. He was at best sympathetic to the LTTE according to sources in Nelliady.

Rathinam Guruparan (27) of Alvai was shot dead at 8.00 AM near the Pt Pedro courts at Malisanthy on 14th November. Local sources say that he was one of those whose identity card was taken by the Army, questioned and released.

Kandiah Koneswaran (37), married with one child was shot dead by gunmen at his shop facing Poet's Lane (after Somasundara Pulavar) in Navaly North, late morning on 17th November. He had according to local sources been associated with the LTTE a long time ago and had set up business during the CFA.

17th November 2007, Pt Pedro: Nadarajah Nithyarajah (30s), of Pillayar Kovil Street, Thumpalai, married with children, left home and is missing. His wife complained to the HRC Jaffna. Nithyaraj was an electrician who did business, including supplying generators for functions. His neighbours believe that the Army abducted him because they could not find his brother who is active in the LTTE.

Vadivelu Nimalraj (31), of Nicholas Lane, Nallur, a proof reader at Uthayan Newspapers, was reported missing from the previous day (16th).

Friday night, **23rd November 2007**, to the morning after saw three killings. **Thurairajah Jeyarajah (42)**, a milkman was shot dead while having dinner at his parents' home by killers who came on motorcycles. The victim, father of 4 children, was separated from his wife and living with his parents. He was reportedly suspected of setting off a mine which misfired.

Palaniyandi Selvarasa (32), a married man, was shot dead in Urumpirai South while going to a temple on the 24th morning. He was a tea maker at Kannan Café near the University at Parameswara Junction, where his father had also worked. The killers were the security forces.

23rd November 2007, Friday night: Kanthavanam Ketheesan (26) of Yakkarai, Karaveddy, Vadamaratchy, worked for a security firm which posted him at the bank within the Jaffna University premises. Ketheesan was a devoted son, whose family was dependent on him, and was respected as a youth of character in his village. His mother was deaf and dumb and his father was disabled, having lost the normal use of his hands. He also had a younger sister. His getting a job was a big boon to his family. Since travelling daily from home was difficult under present conditions, he went home only for the weekends, and on week days spent the night in a room at the university stores in Campus Lane and during the day he was at the bank. Those at the University regarded him with affection as one who was nice and helpful to everyone. On the fatal night, state-affiliated killers came to his room. According to reports, Ketheesan ran on seeing their intentions. He was chased and shot in the premises where his body was found the next morning. There were no witnesses. Only neighbours of the University heard some gunshots. His death caused much grief both in his village and in the University. In neither place was he known to have any links with the LTTE. At worst, he might have seen some things in the nights, or been forced to put up with something.

25th November 2007: Jayakumar Kesavan (25) who was in the afternoon, two days before Heroes Day going home on his motorcycle, was shot dead as he passed the Heroes' Cemetery in Kopay. Local sources said that he was once close to the LTTE, though not a cadre, and latterly also had links with the Army, whom he met periodically in Urelu. Under these circumstances the LTTE is also a suspect, but the way it was done and the choice of location points to the Army. He was very likely followed by safari (motorcycle) killers when he left

the army camp. The plurality of informants and the gossip flowing through crossed channels, creates conditions for the topsy-turvy.

26th November 2007: Where Magistrates are Blind and Murderers Rule: A Safari Killing in Valvettithurai

Sinmayananthaguru Parimalan was an unmarried youth of about 30 years living in Valvettithurai. Though Parimalan's elder brother had died in action as a member of the Sea Tigers, Parimalan himself had no involvement with the LTTE. On the 25th the Army conducted a round up in Parimalan's area and took his identity card, telling him to call at the army camp the following morning. As what is now a standard precaution, Parimalan went to the camp with his sister and was given his identity card, indicating he was cleared. While he returned home with his sister, soldiers on two motorcycles followed them and shot Parimalan dead in Theniammai Street about 10.00 AM.. The Army was looking for targets and must have found out about Parimalan's brother. At the inquest conducted by the Pt Pedro Magistrate, the sister saw one of the killers present in army uniform. She burst out and accused the culprit. Instead of ordering the Police to arrest the man, the Magistrate reportedly pacified the woman and wound up the matter.

29th November 2007: Sinnathamby Thillainadarajah (56) of 179/5 Brown Rd., Jaffna, a family man, was shot dead quite near his home when he was cycling back from Jaffna town at 5.20 PM. His wife's sister's husband who owned the bar opposite the Coop Building on the Causeway (Pannai) Road, had left Thillainadarajah in charge. Different parties used to go to the establishment for money and the LTTE would have been the main or sole recipient during the CFA. Thillainadarajah was a jovial man without any political affiliations. With business going down, he joked that he had no money to give anyone and thought he would have peace. Our sources did not know of any unfulfilled extortion demand. They are clear that he was killed either by the Army or paramilitaries working with them as an alleged LTTE supporter.

8.3 Cleaning Out Jaffna – Extortion, a Bonus of Counter-Terrorism

The website Srilankafirst said on 20th September 2007, "*The LTTE issues threats over telephones in the nights demanding ransom from entrepreneurs of Jaffna peninsula. Many people are complaining about threats in the nights, over phones, demanding fixed sums of money from Traders, rich men and entrepreneurs... The callers demand that the ransom to be handed over to certain trading institution or to be sent through a Bank account.*" Blaming the LTTE is a patriotic reflex action, largely unjustified, as we shall see, in this instance.

The same site announced on 18th October that Police on the order made by the Pt. Pedro Magistrate, arrested in this connection persons in a gang who over the phone threatened '*to kill the traders, businessmen and opulent people of Jaffna peninsula...pretending to be the army from Palaly [army] camp and demanded large amount of money to be deposited*' in an account number given by them. It added that they were to be produced in court on 25th October. The report said those arrested were one person from Vadamaratchy, a 26-year-old Tamil woman Savariamah from Mannar and two others also from Mannar. Nothing more has since been heard of this case, although the news item said that the culprits are in Anuradhapura prison – again a sign of a cover-up. The item said that a student from Jaffna university was also arrested on extortion charges.

From this time there seemed to be a hiatus of about two weeks when nothing surfaced in public. In November began a series of killings, which the public judged to be about money rather than anything else. The one that attracted most attention was the killing on 13th November 2007 of **Thamotherampillai Navanakumar** (43), at his communication centre in the New Market of Jaffna Town. The killers had gone to the centre just past noon, when the city was a bustle with crowds and bristling with security personnel. Soon the talk among local traders and customers was that the Army and EPDP were involved.

Executioners to Police Extortionists: The day after the press reported Navanakumar's killing, the army command in Palaly issued a statement carried on the 15th, an apparent admission of unease. Acknowledging the existence of extortion as described above, it said that they have appointed teams to arrest extortionists and that information given to them over the telephone by the public has enabled them to make arrests. The Palaly command also added that measures have been taken to secure for extortionists the severest punishment prescribed by law. It said:

“The security forces have acted for the security of men, women and business folk. The people must realise the benefits. The theft of jewellery, cash and valuables that people have obtained with much difficulty must not be tolerated”

The statement appealed to the people to contact the security forces in the event of their coming to know any attempts at extortion and for this purpose gave the telephone numbers of the main army camps (brigade level or above) – Valikamam-2222267, 2223398, Vadamaratchy and Thenmaratchy-2263145, 2263370 and Thenmaratchy South-2263146, 2264373, 2264619.

Strange as it may seem, the Palaly command did not care a hoot when killings and abductions were taking place on a daily basis. Suddenly they had become very sensitive about extortion. Only the very naïve would go to them. What follows is an authentic testimony, literally from the doorstep of one of the main camps listed above.

A man of means had sent one son abroad and the son at home was a skilled craftsman who earned well and never had any involvement with the LTTE or anyone else. At 9.30 one night in early October, he received a phone call from a man who first asked for his son and then told him that his son belonged to the LTTE and they want to take him. He added that they would come in a white van. The white van is the signature of abductors – presently from the state intelligence services.

In order to ensure that they were clearly understood, a white van passed by just then towards the entrance of the nearby army camp where there is a checkpoint. Going from the camp there is a second checkpoint past the man's house. The white van was a little later moving towards the second checkpoint, after turning apparently at another road near the main camp. The telephone call was evidently made from the passing van.

Two days later, the father received a second call. He was told by the same person that they need not take the son for questioning, if he would pay Rs. 5 lakhs (USD 4500). Finally a reduced sum was agreed upon. The caller gave his cell phone number and the money was to be paid into the proverbial account in Mannar referred to above. The father wanted time to raise the money, but the caller was insistent on a deadline and told the father that he should

call the number and inform them once the money is deposited. The bank to which the father went in the Jaffna peninsula was suspicious, but he insisted and completed the transaction.

As the news item above indicates, some embarrassment resulted when Vadamaratchy lawyers were asked for money and they collectively went to the Magistrate forcing the Police to take some action. The lawyers wanted the father above to come on board. He refused. From what he had experienced, he was convinced that this racket was orchestrated by persons high up in the security forces – if the commander of the main camp did not know about extortion by his men on his doorstep, there must be a mutiny. The father felt his life would be in danger and he did not even want to talk to anyone about it. He and his family left for India.

The facts point to extortion by the security forces, and according to the Vadamaratchy lawyers there was Rs. 5 million in the Mannar account. One wonders why the bank did not raise questions at the munificence showered by a host of strangers in Jaffna on ostensibly a young lady in Mannar. The police investigation was a cover up.

From what we know, there is a case for separating the second round of extortions from the first. The second round appears to have targeted traders for larger, staggering sums of money. For this reason the demands were made in person rather than by phone using a bank as intermediary. It has strong similarities to the abduction of businessmen from the minorities for ransom in Colombo last year, with the connivance of leading persons in power. Because larger sums were demanded, there was resistance and also killing. In the smaller sums involved in the earlier extortion, people preferred to pay up rather than run risks. We take three known cases pertaining to the second.

4th November 2007: Kandiah Mahalingam (50) of Alady Street, Kondavil, was just modestly well-to-do, having two sons settled in the West, and himself holding the fort, trading in tobacco grown in the area. An extortion demand had been made on him by persons apparently pretending that they were the LTTE and gave notice that they would come on a given date.

According to persons close to Mahalingam, the party had demanded a large sum of money from him. He telephoned a person in the Vanni and got him to find out if the demand was from the LTTE. The answer he received was it was not them.

On the fatal evening some children were playing nearby and six men came home three each on two motorcycles. During the conversation which gave no particular alarm to the beholders, Mahalingam refused to pay. They went off and were soon followed by three on one motorcycle who pulled out a weapon and shot Mahalingam dead inside the house. Those familiar with the local scene rule out the LTTE, who would not move about the area so conspicuously as six on two motorcycles. Also their presence is now minimal.

13th November 2007: Thamotherampillai Navanakumar (43), a father of three children, formerly of Dutch Rd., Chavakacheri, moved to Kondavil East after the cataclysm of 2000. He owned communication centres in New Market, Jaffna Town and also reopened his centre in Chavakacheri. His killing as alluded took place at the peak of noon in the town centre, where he worked.

The incident is very similar to the preceding case. Traders in the area said that he was killed by extortionists who had demanded a sum of money in the region of five million rupees. A

knowledgeable source said that the sum demanded was rupees two million and the extortionists had given him advance notice. (The victim's brothers who are shareholders deny there was any demand for money known to them.)

On the fatal day, according to witnesses, two persons came to Navanakumar's office and had an unusually long conversation with him, which to appearances was friendly. Then they were joined by two others of the same company as the earlier two. The meeting did not last long after the new arrivals, one of whom pulled out a weapon and shot the victim dead, after which all of them left. Those who know the facts of the long and conspicuous manner of the foursome are clear that they are not the LTTE. If the LTTE wanted to deal with him, it would have been far less risky for them to contact him outside town since he travelled daily from Kondavil. Those who operate in the area are convinced that the killers were the EPDP who have an office close by. A relative speaking to others at the funeral was quoted saying, *'The LTTE had also asked him for money and he did not give them, why should he give others?'*

21st November 2007: Velupillai Sabapathipillai (48) was a technical officer with the Chavakacheri Town Council. A native of Yatthalai, Varani, he had served the municipal councils in Batticaloa and Jaffna before moving to Chavakacheri. Those who know him describe him as an amiable, public spirited man without political leanings. A factor leading to his troubles was that he was a hard working man, who in his spare time took on building contracts for houses. In some places one cannot work without giving some money to the powers that be – it is true of public life in Sri Lanka. Varani where he lived is well known for LTTE infiltration. Perhaps it was tensions arising out of this that caused him to move residence to Inparutty in Vadamaratchy. The latter is close to Varani. He used to pass through Varani, which has a large army camp, on his way home from Chavakacheri by motorbike. On his way home in the evening, he was as widely believed, followed by motorcycle killers in Varani and shot dead in his home area.

Sources whose credibility we do not doubt affirmed that army men connected to the killer units demanded a certain sum of money from Sabapathipillai and he was killed after the sum demanded was not forthcoming. This matches the pattern seen above.

Other sources privy to inside goings on said that the new trend was reinforced by six members of the EPDP recently sent to Jaffna and a group of military intelligence types assigned to them by the Defence Ministry. These intelligence personnel we learn operate outside the administrative control of the intelligence establishment in Jaffna. They attribute the fresh round of extortion to the new inductees, adding that intelligence people already operating in Jaffna are unhappy with this development. One could also notice perhaps a subtle difference in the killings in November and even an increased pace. One is the killing in quick succession of some former demining personnel. The other is perhaps direct contact with some of the victims rather than the very impersonal shooting from motorcycles without any interaction with the victim. These few killings related to extortion are just the thin end of the wedge and many are no doubt paying up without the matter coming to light. An interesting question is whether the new momentum in killings in November has anything to do with the Army Commander's reception in the USA, which the Government sees as a green light?

8.4 Killings and Attacks by the LTTE

We give below several cases of civilians killed by the LTTE which most other compilations do not distinguish or record as victims of the security forces.

1st April 2007, Kaithady: Kanapathipillai Sivarajah (33), a poor labourer, was abducted from his home in the evening by LTTE cadres Shanmugam Sashikumar (also from Kaithady), Paramanatham (Murikandy), and Gangan. They took Sivarajah to the cemetery behind Nuffield School for the Deaf and Blind and shot him dead. As not uncommon in this game, Sashikumar of Kaithady, the first of the killers, we learn, later surrendered to the Army and gave them several names, including of people innocent of aiding the LTTE. The Army then released him and he went to Colombo. An unknown number of such former LTTE cadres are also said to be assisting the Army in killings.

3rd June 2007, Mirusuvil: Subramaniam Shanteepan (30) first lived near Mirusuvil Junction in the east of the Jaffna Peninsula. When that became a high security zone, they moved to Meesalai. Shanteepan was the post master at the Sub Post Office at Mirusuvil Junction. Because it was in the HSZ, it was patronised mainly by soldiers who used it to send letters and money orders home. The LTTE had twice warned him not to go to work there. He ignored the warning. Other sources also say that the LTTE wanted him to collect intelligence for them, which he declined. He received a tip-off from the Army that the LTTE sought to kill him and he had started selling his household items preparing to leave for Colombo and was also negotiating to sell his motorcycle.

Before going to work he used to take his wife Nilogini and daughters, Nishani (5) and Koshani (3) to the wife's elder sister's place at Bangalavadi and pick them after work. On 3rd June he picked them up at about 6.30 PM and was going home, when not far from the sister-in-law's home they were accosted by the LTTE, who killed Shanteepan. Nilogini recognised one of the killers to be her classmate at Sangathanai school. Curfew came into force at 6.00 PM but people used to move about through the interior roads without going near army camps. Nilogini screamed after the shooting and the mother and the two small girls remained with the father's corpse on the street through the night. The people around were too terrified to help the woman and the young children.

Following this incident the Army ambushed an LTTE party in Manthuvil North. One of Shantipan's killers was killed, two escaped with injuries and two were captured. Some of those so captured are now said to be working as killers for the Army.

30th June 2007: Vallipuram Satkunarajah (57), a native of Vadamaratchy, retired Coop employee and father of four children, owned a shop in Varani North. On this day he had been with his wife to worship at Vallipuram Temple in Vadamaratchy and the two were coming back on his motorbike, when at 2.30 PM, they were stopped at Karaveddy, Muddukkadu Arasady, and Satkunarajah was shot dead. Sources close to the deceased said that the LTTE had asked him for money and he had been strident in his refusal.

3rd August: Mahendran Tharani (31). See Section 8.1.

7th September 2007, Kaithady North: Chelliah Jeyabalasingham (61) of Chavakacheri owned a tea shop in Kaithady. In the evening before dusk he closed his shop, took his daughter home on the motor cycle and went to the wayside Pillaiyar Temple along Kandy Rd., Kaithady to light a lamp. Witnesses saw him being shot dead by a group of three

LTTEers led by Thangan, who leads a group of five infiltrators moving about the area. Jeyabalasingham had a reputation for being open in his opinions and was critical of the LTTE.

How *TamilNet* reported the killing is revealing, “*The area where Jeyabalasingham was killed is patrolled night and day by the SLA troops and the shooting could not have escaped their notice, sources in Kaithadi said.*”

25th and 27th September 2007, Sitthankerni and Chunnakam: At 8.00 AM on the 25th the LTTE set off a landmine near the Pillayar Temple on the road from Vaddukkottai to Sitthankerni, targeting an army route clearing patrol. Three soldiers were injured and two civilians were killed in the incident. Among the victims was classical music teacher Mrs. Saratha Parnjothy (42) who had left her children at Jaffna College and was proceeding on her bicycle to Sivapragasa College, Chankanai, where she taught. She had previously taught Fine Arts at the University of Jaffna for six years. The second fatality was Sritharan Nishanthan (25) who was struck on his way to work at the Uduvil Local Council and succumbed to his injuries.

Under a dispensation where both sides have scant respect for independent reporting, the *Uthayan* was careful not to be too specific, but seemed to hint that the civilian deaths were due to the mine blast rather than alleged army firing. The report read, “*Two civilians caught up in the incident were killed. One civilian and three soldiers were injured. The claymore attack was conducted at that place. Troops opened fire after the claymore attack, resulting in panic in the area.*” The same paper carried a statement by Palaly Army HQ, which said, “*Two civilians have been murdered in the attack by the Tigers which exposes their barbarous nature. Because of Teacher Saratha’s cruel murder, the dreams of her students to conquer the world by their musical excellence, have been shattered by terrorism. The Tigers have thus displayed the true nature of terrorism.*”

Immediately after the incident, the version circulated locally and carried by the pro-LTTE media was that the civilians died because of shooting by the Army. At the funeral of Saratha however there was discreet murmuring that the victims died of blast injuries. Some pointed out that a lady in a house nearby went out and looked at Saratha’s body, which she would not have done if soldiers had been firing at civilians. Nishanthan, local reports said had crashed with his vehicle into a lamp post due to the shock of the blast and then tried to go by himself but had collapsed.

Further inquiries from persons close to Saratha revealed that she did not have many injuries, but what proved fatal was a shrapnel injury to her chest. They also dismissed reports that the Army had fired at civilians. Similar attempts to doctor the story were evident in the claymore attack on the Mannar – Colombo night bus on 23rd April 2007 (Special Report No.25).

On the 27th the LTTE set off a claymore mine in the Chunnakam market targeting a police vehicle. A policeman was injured while civilians were killed and 30 others were injured, 13 of them seriously. Those killed on the spot were Nagamuththu Rasiah (60) of a displaced man in Chunnakam, Chelliah Asokan (42) of Mallakam and Srinivasan Ganesarajah (49) of Kokkuvil West. The Police conducted themselves with disciplined professionalism and did not respond by firing at civilians.

A bomb explosion in a house in Kondavil at 9.00 O'clock the 28th morning resulted in a youth V. Vijayakumar (28) with a hand mangled being removed by ambulance to Jaffna Hospital (*Uthayan*).

10th November 2007: The Torture and Murder of Gothu Jalaltheen: Failing to Learn from a Despicable History of Intolerance

Mr Gouthu Jalaltheen (38) belonged to the community of Muslims evicted by the LTTE from Mannar in 1990, who though domiciled as refugees in Puttalam, were never lax in the warmth of friendship cherished for the Tamils they formerly lived with. Jalaltheen was an aid worker and has worked at the Rural Development Foundation (RDF) branches in Mannar, Vavuniya, Trincomalee and Mulliteevu for over 17 years. He worked mostly on resettlement projects relating to IDPs and IDP welfare, mainly among the Tamil population.

On 10th November 2007, Jalaltheen took from Puttalam a relative on his motorbike to visit the relative's daughter in Mangkulam in the Chettikulam area of rural Mannar District. On their way back towards Madavachchiya, they stopped at Veerapuram which is 15 minutes away to pay a Deepavali visit to an old friend, a retired Tamil doctor. While talking to the doctor and his wife, two men entered the house, inquired if the visitors were Muslims and asked them to come out, where an armed LTTE man was standing next to their motorbike. Protests and explanations notwithstanding, the Muslims were told that they are needed for an hour's inquiry. The LTTE man got onto the motorbike behind the two of them. On the LTTE man's directions they proceeded to a Hindu temple half an hour distant, where 14 LTTE men were waiting.

Jalaltheen and his relative were stripped down to their underwear and mercilessly assaulted and kicked from 6.00 PM, all the time questioned about one Aslam of Mangkulam and abused with derogatory names as '*choni*' and '*throhi*' (traitor). Jalaltheen fainted, upon which the LTTE men revived him by pouring water, when Jalaltheen vomited. They put a foot on his mouth and kept asking about Aslam. It was very dark and when the LTTE men were distracted the relative asked Jalaltheen if they should escape. The latter declined saying he worked among Tamils and they would release them.

Then eight LTTE men went off in one direction, and the remaining seven took the two prisoners and travelled about five miles on three bicycles. Passing through thick forest and reaching the edge of a paddy field, one LTTE man said it is time they finished this business. The relative heard a gun shot. He pushed the LTTE men with him and started running through the rice field. The LTTE men fired, but missed him in the dark. He did not know what happened to Jalaltheen. He ran all night in fear, climbed a tree and stayed for an hour.

Towards the break of dawn, he heard a public prayer call and knew he was close to a Muslim village. Bruised and in his underwear, he saw an old man driving a tractor. After hearing his plight, the old man directed him to the safety of the nearest Muslim village, but declined to give the relative the cloth on his shoulder for cover, as he feared the LTTE. At 8.00 AM he reached Pavatkulam where a Muslim man helped him and contacted his daughter at Mangkulam. He learnt that Jalaltheen had been murdered.

In the meantime, on the same evening as the LTTE took the two Muslim men away for an inquiry, the displaced Tamil community in Veerapuram, went on a delegation to Mangkulam

and explained to the Muslim elders what happened.. Early next morning at around 4 AM a search party organised by the Mosque, found Jalatheen's body.

The incident seems to have arisen out of the aerial assassination of LTTE political leader Tamilchelvan, for which the LTTE had called a *hartal* (stoppage). The LTTE were angry that the *hartal* was not completely observed in Mangkulam and associated this limited opposition to a man named Aslam. The LTTE were apparently looking for Aslam, whom they told the two captured men, spied for the Sri Lankan Army from Mangkulam. They severely charged the Muslim community in Mangkulam of working against the LTTE and helping the Sri Lankan Army. Mourning Tamilchelvan by killing Jalatheen – the LTTE will never learn the price paid for its intolerance. Happily, the bulk of the ordinary Tamils behaved decently and understand the root of their own tragedy.

29th November 2007: Balasubramaniam Uthayakumar (27), whose one hand is crippled was shot dead after he left his home at Masiapiddy Junction, Chankanai. Local sources said that he was killed by the LTTE. These sources say that he was close to the LTTE and then came back home and continued to maintain links with them, but had under pressure established also links with the Army.

Appendix

Killings and Disappearances: The Question of Numbers

We consider disappearances and killings separately as numbers from different sources vary significantly.

Disappearances

For this our principal source is one institution in Jaffna to which most people would go and record a missing person in the hope that something would be done, but its follow up may not be as thorough. This is implied in the tables below, representing different phases of the changing situation.

1. Dec 2005: This was soon after the presidential election and it was not still clear which way things would go. Although there was no significant alarm about disappearances at that time, 53 persons were reported missing in Jaffna, of whom only 4 reported arrested by the Army are among the 26 still not accounted for. At that stage the LTTE was trying to whip up tension and we may infer that most of those reported missing turned up alive and well.

2. We break the remaining data from January 2006 until 10th October 2007 into three phases.

(i) **January 2006 – July 2006:** The State decided to respond harshly to LTTE provocations. The LTTE raised the pitch by asking its ‘Martyrs’ Families’ to go to the Vanni. While LTTE infiltrators attacked the Army mainly with landmines, atrocities and disappearances picked up. But the road out of Jaffna to the Vanni remained open, and for this reason figures for missing persons during this period are somewhat shaky.

(ii) **August 2006 – March 2007:** The road out of Jaffna was closed on 11th August 2006 when the LTTE launched an attack on Jaffna, which consequently became isolated. Disappearances and killings from the action of the security forces remained at a high pitch during this period. Some of those reported missing may reflect the high level of displacement rather than actual disappearances, as with the highest figure of 68 for August 2006.

(iii) **April 2007 – 10th October 2007:** This period, with Jaffna remaining isolated saw a reduction in disappearances. Those reported missing came down to an average of about 25 per month from around 50 a month in the previous phase. There was also a reduction in killings though not so marked.

Months		Dec-05	Jan 2006 – July 2006	Aug 2006 – Mar 2007	Apr 2007 – Oct 2007	Total Dec 05 - Oct 07)
Total Reported		53	315	413	167	948
Total Still Missing		26	211	311	136	684
Breakdown of the Still Missing Cases	Allegations against SL Army	4	58	108	29	199
	Abductions	0	0	58	30	88
	Other Missing	22	153	145	77	397
Traced		27	104	102	31	264
Breakdown of Traced Cases	Arrested and released	17	38	20	7	82
	Arrested and detained	4	18	24	4	50
	Dead Bodies found	0	2	10	1	13
	Dropped by unknown person	0	0	13	11	24
	Other traced	6	46	35	8	95

Of these the more serious candidates for actual disappearance are the untraced 199 Allegations against the Army and 88 Abductions, making 287. By comparison the LTTE-affiliated NESOHR gave a figure of 204 disappeared in 2006 and about 260 in 2007 until 10th October. This comes to 464 compared with 684 untraced for the same period by the principal source.

More systematic documentation is available for the months of January to August 2007. One source is the Justice and Peace Commission of the Jaffna Diocese of the Roman Catholic Church (JPRC). JPRC has documented 218 ‘disappearances’ for this period, which compares well with 219 by NESOHR and 213 untraced cases for the same period from our principal

source. Thus the term disappearance may be slightly misleading, and should be more accurately termed untraced. The untraced Abductions and Allegations Against the Army from our principal source come to 115 for this same period. These too would be the easier to trace for the principal source. We may thus take the 287 untraced Arrests by the Army and Abductions to be the base figure for disappearances during December 2005 to 10th October 2007 (of which just 4 in December 2005). The actual figure would depend on confirming these and clearing up the 397 listed as 'other missing'.

Extra-Judicial Killings (Separate from Disappearances)

In this category, the figures are more confusing than for disappearances. The principal source cited above has a figure of 195 killed in Jaffna in 2006 and 137 in 2007 until almost the end of November. NESOHR gives 474 killed in 2006 and 159 in 2007 until the end of August and 200 until the end of October. NESOHR could be used as a source for killings, but the details are sometimes misleading. For example, it lists 23 killings attributed to the security forces for September 2007. However, 6 civilians killed in two LTTE claymore mine attacks are described as killed when the Army opened fire after the explosions. Another killed by the LTTE is indirectly attributed to the Army. Two persons are described as unidentified. In some cases, such as the two unidentified bodies reported in Kilaly on 25th October, one suspects they are LTTE infiltrators, and their deaths not necessarily a case of extra-judicial execution.

While NESOHR's documentation of violations of bombing and shelling by the Government in the Vanni is impressive, its record of violations in Jaffna could often be mechanical and merely propagandist. The young woman Mahenthiran Tharani who was killed and claimed by the LTTE on 3rd August, is described by NESOHR as a young male killed by paramilitary troopers.

We have a report by the Civil Monitoring Commission, the Free Media Movement and the Law and Society Trust that gives 178 killings in Jaffna for January – August 2007. The monthly compilations by the JPRC for the same period are in a form convenient to use. It distinguishes killings by claymore mine attacks, unidentified victims and those killed summarily or whose bodies were dumped after torture. It does not distinguish killings by the LTTE, but that too is hard to verify.

For January to August JDRC lists 194 killings, of which 7 are due to claymore blasts obviously triggered by the LTTE and 22 are unidentified, some of whom were evidently killed in combat. This leaves us with about 165 killings definitely of an extra-judicial nature. Of this we may deduct 25 as estimated killings by the LTTE at about 3 a month.

This would give around 140 extra-judicial killings by the security forces in the 8 months, which are fairly representative months for 2006 and 2007. From this an estimate for extra-judicial killings for the 23 months of January 2006 to November 2007 inclusive would be 400.

This would give a base figure of 700 extra-judicial killings in Jaffna by the security forces inclusive of disappearances.

A more exact figure would take a commission of inquiry, though it is unlikely that one appointed by the Government would have the credibility for people to make the effort and risk

reprisals. The Government kills. The Government appoints commissions of inquiry. The people are tired of this charade.

Separating killings by the Army from killings by the LTTE would also require much effort. The 700 we have estimated for extra-judicial killings by the security forces is a very conservative figure. It leaves out unidentified cases and unsorted missing persons. Although the JPRC's appears the most comprehensive list of killings we know of, it must also be regarded as incomplete.

We have only referred to extra-judicial killings. There were in 2006 many killings due to shelling by the Government and the LTTE especially during August – around 40 near Allaipiddy due to government-shelling and about 20 around Kodikamam due to LTTE-shelling. NESOHR's figure of 474 killed in 2006 bears close examination.

We give below a table comparing killings with missing persons for January to August 2007. A comment made by a person concerned with records in Jaffna is that while the decline in killings is not so significant, arrests and abductions have declined. This may also mean that quick decisions to kill are the norm while arrests are rare.

January – August 2007 – Comparison of Killings & Missing Persons in Jaffna

	Jan	Feb	Mar	Apr	May	June	July	Aug
Killings (JPRC)	23	21	33	21	15	23	22	29
Missing (JPRC)	33	39	44	25	19	20	15	23
Missing (Principal Source)	36	33	40	16	22	25	14	27
Untraced Arrests and Abductions	23	21	26	11	5	14	4	11