

UNIVERSITY TEACHERS FOR HUMAN RIGHTS (JAFFNA)*

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Let Them Speak:

Truth about Sri Lanka's Victims of War

“When I despair, I remember that all through history the way of truth and love has always won. There have been tyrants and murderers and for a time they seem invincible but in the end, they always fall – think of it, ALWAYS.” – Mahatma Gandhi

Executive Summary

This latest report from the University Teachers for Human Rights (Jaffna) documents the final chapter of Sri Lanka’s war 26-year war. Drawing on individual eyewitness accounts, it chronicles the relentless violence experienced by survivors of the conflict between the Sri Lankan government and the Liberation Tigers of Tamil Eelam between September 2008 and May 2009, when the Sri Lankan government ultimately crushed the LTTE leadership and declared victory. What these survivors’ stories make clear is that for both parties, the key to military dominance lay not in brilliant strategies, but in an utter disregard for the lives of civilians and combatants alike, driven by their leaders’ single-minded pursuit of personal power.

Both sides treated truth as an enemy. Outsiders who could bear witness to these events were kept out or silenced; dissent on either side was crushed; the poor and powerless were treated as cannon fodder and in the case of Tamil civilians, ultimately locked up to prevent them from revealing what they had experienced. As the report notes, Sri Lanka’s “war against truth has grave implications for the future of democracy.”

But this report is more than a catalogue of war-time atrocities; it provides an analysis of the social and political underpinnings of the conflict that made atrocities possible, and that have historically shielded the people who committed such crimes from justice.

This report is a call to Sri Lankans of all communities to examine their history and take control of their present; to acknowledge the degeneration of the country and its

democratic institutions, to demand justice for the crimes that have been committed in the name of fighting terrorism or securing Eelam, and to declare “never again.”

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It was bloody war and international norms were breached by both sides, which by trapping people in the conflict zone wrought large scale death and destruction.

The State systematically marginalised and restricted the operation of international organisations, subverting their efforts to humanise the conduct of the war and secure reduced casualties. It convinced the majority of people in the country (and many outside), that utter annihilation was only way to deal with the forces like LTTE. At the same time the Government blatantly lied about the real number of civilians trapped in the zone, and the number killed by their disproportionate use of force in the form of intense shelling and bombing.

The LTTE’s callous attitude towards the civilians, its forced conscription and the violent and coercive methods it used to prevent people from fleeing for their lives, further helped the government to successfully neutralise any criticism against their modes of operation.

### **Perpetrators must be brought to account.**

It is also imperative for international human rights activists and organisations to go beyond mere condemnation of the way in which this war was conducted and recognise what it has shown us about the limitations of the present broader architecture of international Human Rights and Humanitarian mechanisms and institutions, which failed utterly to avert this disaster.

Social and political forces with narrow ethnic or religious ideological trappings continue to undermine democracy in most of the developing nations. These are not new phenomena; the world had seen many major religious crusades to wars between nations which in the modern era led to the creation of international institutions, conventions and treaties. The unequal economic and military power structures operating at a global level continue to undermine these institutions while allowing local actors to blame the external powers for their own failures.

In Sri Lanka, the political elite continues to fail the people, and whatever potential the country had to move towards a healthier path of development and prosperity has been continuously undermined by narrow electoral politics. The country is at a crossroads. Improvement will not be achieved by relying on the political elite in the belief that they will have at last to moderate self interest and address the many underlying social and economic issues which caused the war.

The callousness of Sri Lanka’s powerful towards their own people has been clearly shown in the persistent undermining of state institutions, the deterioration of which has been met with major armed resistance again and again. Today politicians continue to use

this war, this monumental tragedy, for political capital in their narrow power game in the South, while the removed and insensitive Tamil Diaspora tries to further polarise people in their home country with their meaningless rhetoric and slogans of Transnational government.

There is only one way forward. An initiative to forge a broad multi-ethnic and multi-religious movement that challenges these narrow ethnic and religious agendas and Sri Lanka's climate of impunity; that demands accountability for the grave and systematic violation of human rights that has for so long prevented Sri Lanka from progressing. This should be the priority for all those who desire to fight for social justice and human rights.

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## **Part I: When People Do Not Matter and Tyrannical Egos are Dressed-Up as Nations**

*“When I despair, I remember that all through history the way of truth and love has always won. There have been tyrants and murderers and for a time they seem invincible but in the end, they always fall – think of it, ALWAYS.” – Mahatma Gandhi*

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### **1.1 The Still Eloquence of Wastelands**

The legacy of war and the devastated lives of hundreds of thousands of people will remain with us long. Its effects will be felt in every corner of the country, by the blind, blighted, marred and crippled; and beyond this is the mutilation of democracy, freedom and the ability of different communities to live together.

Weakened, impaired communities of widows and fractured families may be rehabilitated in name, but they continue to live in isolation under a paramilitary regime; their sons, brothers and fathers who were LTTE conscripts – some for only a short time – , have been intimidated and recruited as agents of the state security apparatus. Under these conditions human rights abuses would inevitably remain hidden deep below the surface.

Highlighting a few that are hard to prove such as rape may actually help the State to hide others no less grave and systemic.

The truth must be faced in its full horror without compromise for partisan gain. Visible tokens of what thousands of ordinary Sri Lankans were compelled to endure owing to the ideological games played by those more powerful are nowhere more evident than in what mine clearing teams have found in their treacherous and delicate labour, where a slip could be fatal. The wastelands they move in have their own story to tell.

Just north of the Mannar – Vavuniya Road that had been a frontline for more than a year, no house in the once prosperous agricultural area stands undamaged. Most of them are ruins. Virtually all the trees are destroyed. In the fields, a larger version of the thorny *Udai* trees have grown up, making thereby cultivation this season far more arduous after resettlement is done.

The variety of weapons that they had collected on the field is an indicator to the heavy casualties that both sides must have suffered. There were all types of weapons collected and piled up in houses to be cleared. These are all that remain of many a friend and foe, who once fought one another with them.

The whole area had been heavily mined by the defenders – in this case the LTTE. They had built up a long trench for their line of defence and then heavily mined a vast area behind it. They left behind varieties of mines with timing devices. The delayed action mines had been set to various times. Wire-trip mines were also used widely. Observers with military experience are amazed at the sophistication of the devices. To this day, soldiers on patrol die regularly as they go inadvertently into certain areas and houses that have been mined.

Four groups are working on mine clearing, including a local company, two Indian companies and one from the Sri Lankan Army, each allocated different areas.

A widely understood catch in the affair is that the last “No-Fire-Zone”, the strip of coast north of Mullaitivu that was the final, traumatic and devastating home for over 240 000 persons, has been given to the Sri Lankan Army unit. Far more than mines, which our informants tell us the LTTE was very short of at that time and, at best, laid astride a handful of well defined bunds across the narrow strip between the sea and the lagoon, the area undoubtedly contained a great deal of incriminating material including remains of a huge number of shells and cluster munitions the Army fired into the helpless IDPs from February to May 2009. This is just the tip of the iceberg in the continuing war on truth.

## **1.2. IDPs and Hidden Agendas: A Dark Shadow over Lanka**

The decimation of the LTTE is for many Tamils a source of new challenge and despair. It represents the dissolution of a dream that many clung on to, even with deep reservations. They believed that despite its violence and crime, the LTTE would deliver a settlement that the Sinhalese, they felt, would never grant.

The nature of the challenge they now face is two-fold. One aspect of that challenge concerns the need to examine and question the legacy of Tamil politics that led to this calamity; the other, is coming to terms with and responding to the conduct of the war and the treatment of the displaced.

Political and military leaderships on both sides not only denied the trauma they inflicted on the civilians during the war, which needed urgent care, but exacerbated it. Since the war's conclusion survivors have been subject to further indignity and hardship.

As if to prove the Government's pronouncement that the war was conducted with zero civilian casualties, its survivors have been locked up and denied the means to account for the dead and missing, to mourn for them and to cry on shoulders they find comfort in. This policy of segregation of the entire northern Tamil population and denial of basic rights and remedies is overtly discriminatory.

It shows that the Sinhalese polity is far from being able to overcome the legacy of communalism that has brought infamy on Lanka and denied its people peace and normality for generations.

In the absence of truth, all the self adulation and flattery about trouncing the world's number one terrorist are fragile. A wise statesman should know that in the final reckoning every war is a tragedy that casts upon the victor an immense burden of reconciliation. This report is merely an attempt to unravel the tragedy that lies buried under the debris of the Vanni, lies and government censorship.

Debating about whether or not the camps holding the survivors of the Vanni apocalypse are concentration camps misses the point. The point is very simple. Consolidating peace and security calls for generosity. This has been the case wherever in history genuine reconciliation has taken place.

Previous governments in Lanka that used harsh methods to combat JVP insurgencies, stopped short of imprisoning entire villages to weed out JVP elements. They at least understood the cost of creating two nations of Sinhalese. The logic of the government's current policy regarding Tamil war survivors is more contradictory, as if the IDPs both are and are not Sri Lankan citizens.

Strangely, the inhuman plight of the IDPs is not that of a defeated enemy nation, but of a people whom Sinhalese ideologues insist are people of their own nation

A person who experienced the trauma of war and the humiliation of IDP camps told us,

*“If the Government openly admitted that it had crushed and injured these people, it would be easier to accept than what it does now. It claims that it rescued the civilians without a single casualty, is caring for them, feeding them, resettling them and looking after all their needs. That kind of lie is the lowest thing you could inflict on another human being.”*

Instead of showing generosity, the Government made maximum mileage of the misery it imposed on Tamil civilians to solicit funds from reluctant donors to pay for the extra-legal incarceration of IDPs and for other projects with ulterior aims, such as resettlement

or development schemes that could change the ethnic demographics of the north and east to further weaken the Tamil community's claim on those areas.

The fear that the Government will not allow the IDPs to resettle in all the areas they inhabited before the war, and will instead introduce new Sinhalese settlements and their familiar consequences would remain a real fear for the Tamils. The Weli Oya Project of 1984 begun by forcibly displacing and massacring Tamils (Chapter 20 of the Arrogance of Power) continues to haunt them. Meanwhile the Government appears totally indifferent to the squalor of the IDPs. The effect of its actions amounts to the decimation of a people by crippling them from birth through deprivation, routine harassment and dirt.

The Government is being carried headlong by the disastrous logic of Sinhalese hegemonism, an attitude that has lain dormant much of the time but whose sinister underpinnings are often expressed in local politics and the casual talk of ordinary people, and which sometimes leads to outbursts of communal violence. The recent war victory is seen by some leading elements in the Government as a chance to fulfill their wildest ideological dreams. This drama has been compounded by a concerted campaign against truth and Sinhalese dissent by which the Government has tried to hide realities of its acts during the war and its inflictions on civilians, which were either war crimes or border on them .

The whole machinery of law enforcement has been politicised, violently covering up crimes by the state; and manipulating trials and judicial verdicts at the behest of the executive.

Many Tamils, who know the malignity of the LTTE sought explanations for the Government's continuous bombing and shelling of Vanni civilians in provocations by the LTTE. A closer examination of events leads us to raise some crucial questions.

We easily forget the implications of the deliberate massacre of five innocent students on the Trincomalee sea front on 2<sup>nd</sup> January 2006. Many haunting questions remain unanswered in that case, and justice has been stymied. We do know that the State at the highest levels and all the different arms of the security forces in Trincomalee were involved in this ugly exhibition, followed by ideologically motivated intimidation.

Against this background, and given the Government's conduct of the war in the East, one needs to be extremely skeptical as to whether a State which in the past had displayed such a vindictive attitude to a minority, could have been trusted to treat the Vanni civilians decently and in accordance with humanitarian norms and the rules of war. We take up this question in the light of further eyewitness accounts. We believe the answer is no.

### **1.3. Never Again**

In reality, for more than a decade most Tamils on the ground had been thoroughly disillusioned with the LTTE's politics. Its commencement of forcible conscription of

children in the East in 2001, and the resulting agony of families (sadly covered up by Tamil publicists and intellectuals in Colombo and abroad) was a glaring sign of terminal cancer that many Tamil elites just did not want to see. But institutions with their roots on the ground like the influential Roman Catholic Church were beginning to voice muted criticism.

The Tamil elite became deeply divided. Through the agency of a few key expatriate intellectuals, the LTTE had captured most of the public space among the Tamil expatriate community by the early 1990s and its propaganda went largely unchallenged. It infiltrated their churches, temples and social organisations, Tamil societies and Tamil schools; it made it respectable to collect funds for military purposes in the name of charity for the victims of state aggression. It was horrifying to see well educated professionals behaving like some fanatical religious group, impervious to reason and humanity,

But another group of expatriates who experienced the LTTE first hand were convinced that one could not talk about any decent future for the Tamils until the LTTE was wiped out. Many embraced the same logic of violence that drove the LTTE and gravitated to support for other armed actors, like Karuna, who sought to challenge the monolith by aligning with the Government. For years they were kept at bay, living in constant fear of attack by the LTTE's shock troops. The latter, often ex-cadres found it easier to obtain asylum as most governments would not accept that victims of non-state forces could be in even greater need of asylum

When the war reached its terminal months there was a curious contrast as well as agreement in lack of concern for the people among both groups of expatriates. The LTTE supporters refused to accept that it was holding the people hostage, abducting their children and shooting at those who attempted to escape. They campaigned one-sidedly, with cries of genocide and a humanitarian catastrophe caused by government missile attacks and deprivation of food and medicine, but avoided any demand that the LTTE should let the people go.

The expatriates' implicit backing for LTTE holding the civilians hostage, reinforced the absence of any process to separate civilians from combatants. Consequently, the international community gave up on the civilians. Combined with testimonies in the international media of the LTTE firing at escapees, the expatriates' propaganda became so discredited that it allowed the Government additional opportunity to hide its criminal misconduct.

The group above, whose development had been influenced by the LTTE's violence against themselves and their own people, wanted the LTTE destroyed at any cost. They refused to question the Government's military strategies and supported the war uncritically. In this stand they showed the same indifference to the people's suffering as LTTE supporters abroad.

On the ground it was very different. Even among political groups that had every reason to detest the LTTE and wish for its end, there were several among them for whom, concern for the people overshadowed all other considerations. They saw and heard harrowing accounts of the Vanni experience and differed radically from expatriate colleagues who were long close to them and had begun engaging with the Government.

Interestingly, persons who were in the Vanni and believed in the LTTE's cause and witnessed the harrowing final days placed much of the blame on the LTTE's overseas supporters' failing to say in time what they can and cannot do. In the first place the overseas support base was assiduously built and managed by the LTTE and was its mere shadow. Expecting them to be a strong force in world affairs, which could stop the war when the LTTE's diplomatic and military fortunes were rapidly eroding, was misplaced.

The expatriates' role in making life hell for the Vanni folk was more subtle. They had swallowed the LTTE's rhetoric that it would somehow carve out a separate state, and for various reasons blindly invested in the project. The LTTE had itself become a lopsided organisation, which had only a tenuous political base among the people and had come to rely heavily on its overseas mafia-like operations. Changing course would have meant pricking the balloon of its Eelam project and letting go its only source of material support.

Despite signs of proscription by belatedly disillusioned Western nations from 2005, beginning with the curtailment of arms supplies, the LTTE failed to see its intrinsic weakness as a purely military organisation without a political base, pitted against a state power with far greater resources and new found diplomatic support. Once the tokens of defeat were clear, India too committed itself firmly, albeit covertly, on the Government's side. The LTTE went on until the last, promising in particular its expatriate supporters that their withdrawals were merely tactical and a prelude to inflicting a major reversal on the State as it did in 1999. The end was inevitable. Once it came, some angry expatriate supporters made a beeline to their collectors demanding their money back. The hubris of LTTE politics gave the Sri Lankan state a gratuitous military victory, at terrible cost to the people.

These are certainly setbacks for the LTTE's kind of politics which was dominated by the destructive power of its military machinery. Given however the obdurate and blatantly chauvinistic character of the present government, there remains potential for the revival, if not of the LTTE itself, then of the ideological edifice that supported the LTTE's politics. While the Government and Sinhalese chauvinism must be fought through alliances with Muslims and Sinhalese who understand the dangers, the Tamils should be clear that there should be no return to any LTTE brand of politics.

The ruin it brought to the Tamils must be incontrovertibly documented and recognised as the ultimate outcome of its atrocities against Muslims, Sinhalese and above all the Tamils themselves. The LTTE's inability to negotiate a dignified settlement when several opportunities arose, its constant belligerence arousing Sinhalese fears and its electoral manipulation, finally brought Rajapakse and his team to power.

Despite the disasters it wrought, its appeal to the people abused and humiliated by the present government should not be underestimated. Further, overseas Tamils have long preferred to embrace heroic myths rather than concern themselves with the real plight of people back home. What LTTE supporters have done to their people is so horrendous that they dare not face up to the truth. Living with myths is far easier. One recalls expatriate propaganda in the 1990s, praising Tamil children at home who should have been at school with their geometrical instruments, taking a gun instead in the cause of the liberation of their nation. Knowing what their children needed, they did not want to ask by what deceitful means these children were taken from their mothers and made to carry guns.

People who need to hold on to myths to justify themselves, would also refuse to see the depravity involved in conscripting all and sundry and sending them to the battlefield to protect the leaders' skins and, over their dead bodies, negotiating safe passage for themselves.

The dangers are apparent and would be greatly reinforced by the Government's actions. For tens of thousands in IDP camps, whose initial anger against the LTTE flowed like water through a breached dam, are now beginning to say that it would have been better had they fought with the LTTE and died. Like all expressions of this type, this is largely hyperbole, but their anger and desperation are real enough and can be easily manipulated.

In contrast to the blind adulation of expatriate supporters, those who lived in the Vanni have finely nuanced perceptions of the LTTE. They hold the leadership a great deal responsible for their suffering and they detest the political wing that was involved in conscription of their children, but at the same time they have much admiration for the fighting cadre who did their job of fighting. They on a number of occasions aided the escape of conscripts given to them. While the civilians in IDP camps attacked some of those responsible for conscription, they protected fighting cadres who earned a good name among them. These were potentially good men betrayed by their leaders and peers.

**A great deal needs to be done in documenting impartially the history of the militant struggle, how it degenerated into fascism and why it should never be allowed to happen again. At the same time the Government needs to be challenged on what it is currently doing to the Tamil people while it gloats over a war that was fought with scant regard for civilians and with measures that were humanly unjustifiable, if not criminal. The accompanying war against truth has grave implications for the future of democracy and grievous repercussions for the Sinhalese themselves.**

#### **1.4. Rajapakse Strategy: Plagiarising a Well-Known Script**

Flattery over the recent victory comes not only from the victor but also from foreign defence analysts. In their view Sri Lanka (once a land of promise), which had done little of previous note since Independence 61 years ago, earned renown as a miserable laboratory of violence and hate. Using such low cost data from the misery of others, they

propose to devise surgical cures for their own self inflicted plagues of terrorism. In this exercise they arrogantly disregard root causes, and what unbridled violence and disregard for Human Rights would cost at the next turn of history.

In the course of this report we argue that a government intent on minimising the loss of life and the resulting harm to the country as a whole had several political options. A successful strategy must minimise loss of life and livelihood and requires a solid base of hard thinking.

One could hardly credit a war won on the basis of a plentiful supply of unemployed subaltern manpower, dispensable to the ruling class, as a work of genius when there is no accounting of costs and objectives. Successful planning, especially when fighting supposedly their own people should have been based on a close study of the strengths and weaknesses of the LTTE, the basis of its support and the political remedies that would minimise costs. We point out that little thought was given to rules of engagement having a clear perspective on tenable military objectives and the civilians' right to protection from arbitrary fire.

Some of the facts we highlight in the account below are deep differences between the LTTE's military and political cadre, particularly as regards conscription. Many of the former had deep reservations on the use of conscripts, while imposing war on an unwilling people meant the inevitability of conscription.

The tensions increased in the latter months, with the military cadres frequently helping conscripts to escape and at times being openly scathing about the leadership. Apart from this source of tension, the people fervently resented being held hostage and their children conscripted. After Kilinochchi, the LTTE's elite units like the Charles Anthony Brigade and Malathy Women's Brigade had been decimated. There was a severe shortage of artillery shells, mortar shells and landmines. The LTTE was fighting increasingly with conscripts waiting for a cue from their families to run away.

What prevented the collapse of the LTTE was the people's and the cadres' ingrained fear of the Sri Lankan state, they knew only through its brutality. There were surely many political options available to the State for countering the basis of the LTTE's negative appeal. It could have reigned in heavy handed use of weaponry against civilians; it could have established a transparent system to account for people coming out of LTTE control and further, it could have made clear that it was going to give the Tamils an equitable political deal. Even if only lives of Sinhalese mattered for the rulers, they could have saved the lives of thousands of soldiers by acting with prudent restraint.

Any sense of responsibility on the part of the Government was sadly missing. Its sense of complacency is being fed by articles of the same kind once praising Prabhakaran's military genius after some of his stunning victories such as at Mullaitivu (1996) and Elephant Pass (2000). Some of those who observed him from close quarters feel that such praise going to his head was one of the reasons he failed to understand in time that his

strategies had become untenable, especially after the fall of Kilinochchi on 1<sup>st</sup> January 2009.

For many years we have been convinced that the social costs LTTE politics was imposing on Tamil society, its killing of dissidents and conscription of children would inevitably one day end disastrously for the Tamils. During the recent peace process of 2002 – 2005 those who had such reservations became fairly isolated in the face of well-marketed theories about winning peace.

The cost of the LTTE's diplomacy, which aimed at continuous deception, such as denying human rights abuses while almost openly indulging in them and simply being obdurately intractable when called to change its ways, came to a head in early 2006 when Western nations one by one began labelling it a terrorist group. Its military venture thus received a crippling blow which owed nothing to the Government's virtues.

Today, Rajapakse and his team are receiving the same kind of disproportionate glorification that Prabhakaran once did for his intractable determination and supposed military genius. Much circulated is V.K. Sashikumar's '*Fundamentals of Victory against terror, Sri Lankan Example*' in the *Indian Defense Review* (July – September 2009).

### **1.5. “Operational Freedom”**

Accordingly, the Rajapakse model for fighting terrorism gave the military complete operational freedom '*to Eliminate and Annihilate*' while standing by them politically, which meant telling all foreigners and governments demanding a reigning in of human rights and humanitarian abuses to '*Go to Hell*' and regulating the media.

If we remove these from their euphemistic moorings and examine how they worked, we immediately recognise those very qualities for which the LTTE leader was once seen as a genius. His fundamental premise was: The people do not matter.

Rajapakse repeatedly made solemn pledges to respect human rights, but then killer squads from the Defence Ministry were given a free run. When there was international pressure over a particular incident, he appointed one or even two police teams to conduct urgent investigations, after which nothing more was heard. He appointed a Commission of Inquiry to inquire into some violations in 2006; invited a group of foreign experts to observe it, and in 2009 told some local commissioners who went to him with their findings that it had only been a measure to fool the international community. In November 2006, two weeks after he told the Indian Foreign Secretary his committee of experts was working doggedly on a political settlement, he simply trashed their progressive majority report. These are all leaves out of Prabhakaran's book.

For both Prabhakaran's war of national liberation and Rajapakse's war for national sovereignty, one unstated motive assumed the greatest significance – the entrenchment of unchallenged personal power. Rajapakse followed Prabhakaran in calling his political

enemies “traitors.” Both used the cover of war to kill their enemies; and for both the expression of critical independent opinion was anathema. Both ran regimes that killed exponents of independent opinion – regulating the media in the euphemism above.

The assassination of *Sunday Leader* editor Lasantha Wickrematunge on 8<sup>th</sup> January 2009 had nothing to do with defeating the LTTE. The LTTE’s defeat was sealed days earlier when Kilinochchi fell. The assassination coincided with the shelling of Tharmapuram, a distinctly civilian target. The Air Force took on ill defined targets among displaced civilians. More significantly, civilian dead from shelling, hitherto a few dozen, rose to the hundreds and thousands as they were being cornered towards the eastern seaboard.

The assassination, along with intimidation of journalists and exclusion of the foreign media, was meant to regulate the truth about how the war was waged, to check criticism and to hide the truth about the world’s greatest ‘hostage rescue’ operation. It was becoming a phenomenal cover up operation, as the rescuers showed little compunction about killing the hostages. The role of the Government’s ‘political wing’ was almost a leaf out of Prabhakaran’s book: Not to question, but to justify to the world, the actions of the ‘military wing’.

Claims being aired by an unquestioning media that the war victory was the result of brilliant strategy cannot be taken seriously when the voices of those most affected are simply shut out. Are we hearing the voices of soldier families who lost a loved one or need to help one who lost sight or limb? Why were no political measures ever tried to give the Tamils a role in their future rather than have their feelings moulded by the brutality of the State behind which the LTTE found cover for its misdoings? Was sending tens of thousands of Sinhalese youth crawling through mined, muddy trenches to be mown down upon reaching barbed wire barricades, the only strategy available?

This is not the future the well heeled in Colombo, who praise the sacrifice of youth from subaltern sectors, desire for their own children.

The Government’s dogmatic insistence on sending the Army into the final No-Fire-Zones was thoroughly misplaced as a hostage rescue. This was a war fought on ideological obsessions with both sides regarding fighting men and women, and civilians, as disposable fodder. That is why the Government wants all mouths sealed.

An accounting for the civilian dead needs to be done. Whichever way one looks at it, significantly more than 20 000 civilians are dead or missing from January to May 2009 (see Part V). The number could be several tens of thousands more. Then we need to ask, was it not something that went far beyond a war to defeat the LTTE?

During past rounds of the war, the Army has used brutal and indiscriminate bombing and shelling against civilians. But that was usually when the security forces felt they were at some disadvantage, insecure and in some ways militarily inferior to the LTTE at its height. But this time, from January 2009, indiscriminate brutality causing huge civilian casualties was used when the LTTE was virtually broken and was merely prolonging the

war by throwing in conscripts. This time, moreover, the bombing and shelling of areas full of civilians seemed almost vindictive. The largest civilian losses came at the last stages due to indiscriminate fire when the LTTE was virtually finished. These were stages when a sensible government could have made a breakthrough to secure the future by showing the greatest clemency towards civilians, its own Tamil civilians. Any government excited about Rajapakse's victory needs to think twice.

## **1.6. Absence of Rules of Engagement and Rain of Shells in Safe Zones**

The military strategies used could in the first instance have been hardly worse for the civilians. Vanni is a big place. Every family's modest desire is to stay with their plot of land, sow, reap and raise their family. Displacement of people should be contemplated only under dire circumstances. The people would not have followed the LTTE's retreat without the cannons of the advancing Army pounding remorselessly.

Starting from southwest Vanni, the entire people was shelled and bombed all the way through several temporary homes to the threshold of the LTTE's prime high security zone in northeast Vanni. This area, the Government had appointed the Thevipuram safe zone and urged civilians to shelter there, although it obviously knew that it was going to become the most bitterly contested war zone.

The Army's final intrusion into the safe zone, which it called a hostage rescue, was the most questionable. On 20<sup>th</sup> April, the army undertook a predictably bloody operation to box in a group of civilians. This involved shelling crowded areas opposite the Army's main entry points. In the latter stages in May the battle became a remorseless firefight in a tiny area packed with helpless civilians who were also subject to the advancing Army running heavy vehicles over their flimsy bunkers and soldiers popping grenades into their bunkers.

One of the most damning features of the war was that civilians caught up in a shrinking area, were subject to relentless shelling, and particularly in safe zones so declared by the Government.

Almost every part of the shrinking area became a war zone. The LTTE was cornered and had nowhere else to fight from and the Government was intent on decapitating the LTTE leadership at any cost. All those whom we have talked to who were in the final safe zone, are agreed that places where civilians gathered and sighted from UAVs, often for collecting rations and handouts, were regularly targeted for shelling.

A similar early instance was the shelling of refugees from further south who had gathered at Murukandy Junction in September 2008.

In almost all instances not involving direct combat, the Army's return fire was directed at civilian presences, something it would have known from UAV information. Modern detection systems for hostile artillery have a circular probable error of about 0.45% of

range ([http://en.wikipedia.org/wiki/Counter-battery\\_radar](http://en.wikipedia.org/wiki/Counter-battery_radar) ). This roughly means that detection of hostile fire 6 ¼ miles (10 km) away could be measured to a working accuracy of 50 yards (45 m). This is again a probabilistic measure, inadequate for firing at enemy positions among civilian concentrations. LTTE had its large artillery guns usually in isolated places. Civilians on their own kept well clear of LTTE mortar positions. Witnesses report the LTTE firing mortars from among them, but they were usually out of sight or at a distance outside the error in detection systems. In general they were far enough to avoid danger to civilians, if civilian safety had been one of the Government's aims.

The Government had the technology to avoid hitting civilians; the fact that it did so almost daily points to a deliberate intention. Several witnesses consulted by us confirm that one shell from the LTTE or even its firing small arms into the air brought indiscriminate return shelling multiplied scores of times. This was the pattern throughout. The ICRC which issued a series of damning statements from late January to early February was pressurised to quit the war zone on 10<sup>th</sup> February 2009.

At their final safe zone on the strip of coast, shells were directed into civilians every three or four hours, not giving them a chance to sleep. Shells came by turns from surrounding army artillery points: Alampil, Ampankamam, Oddusuddan, Kilinochchi, Visuamadu and Theravil. Guessing the next source of artillery fire, civilians would readjust their positions inside bunkers to minimise chances of being hit. Some witnesses viewed this shelling as a daily homework assignment for the Army. Others concede that the shelling would be less when the LTTE did not fire. Death was routine. Army gunners observed Sunday as a holiday, unless disturbed by the LTTE.

Apart from temporary medical centres being hit, the Ponnambalam Memorial Hospital was bombed on 6<sup>th</sup> February 2009 and Puthukkudiyiruppu hospital was hit thrice by government artillery fire on 1<sup>st</sup> February, killing nine civilians on the spot. There was no LTTE fire from inside the hospital. But even if in the extreme case that the LTTE had turned the hospital into a fortress, Article 14 of the Geneva Conventions indicates what a civilized party should do prior to firing:

*“The protection to which civilian hospitals are entitled shall not cease unless they are used to commit, outside their humanitarian duties, acts harmful to the enemy. Protection may, however, cease only after due warning has been given, naming, in all appropriate cases, a reasonable time limit and after such warning has remained unheeded.”*

Here too we see an absence of rules of engagement issued by the Defence Ministry. The civilians were given no warning, nor were any alternative locations named for them, before the Government shelled hospitals and safe zones it had designated, without respite.

It should be noted that, the government-declared safe zones had an extremely curious feature. They were designated without consultation with the LTTE and were invariably the Army's next target.

The ICRC was also not consulted, although it has a clear mandate to engage with both parties in establishing safe zones. This should have been utilised in determining and monitoring safe zones and would have been in everyone's interest. Instead, the Thevipuram safe zone, as we pointed out, bordered the LTTE's prime high security area. As a result, the ICRC was shelled from safe zone to safe zone along with the people until its presence was confined to its local staff, who were trapped just as surely as the civilians.

A less harsh way of looking at it is that the Government may have wanted to show statistics of its singlehanded rescue of civilians from the LTTE and get good political mileage out of it. We note that the Army was on the verge of taking complete control of Mullaitivu town when it designated the Thevipuram safe zone on 21<sup>st</sup> January. It probably hoped to take control of Puthukkudiyiruppu (PTK) at the southeastern end of the safe zone by 4<sup>th</sup> February in time for Independence Day celebrations. This way it may have hoped to get the people out to Mullaitivu. But the advance from Mulliavalai to PTK failed with large army casualties. Even if it had succeeded, the position of the civilians would not have been very different.

The major flaw in this plan was that the civilians were placed in the thick of the war, ostensibly to effect a hostage rescue. The advancing army shelled them blindly, even as LTTE cadres and gun mounted vehicles moved among them. Thought given to civilian protection, if any, was minuscule.

Shelling was bad on 20<sup>th</sup> January, but became unbearable after the declaration of the Thevipuram safe zone on 21<sup>st</sup> January. Later, people leaving by the A 35 road jam packed with people and vehicles going east, were shelled relentlessly leaving many civilian corpses along the road. This coincided with the Army losing many men south of PTK and the ICRC being pulled out.

The idea of IDP camps itself was a clear indication that the Government wanted the entire population displaced, as though to dispel any notion in their minds that the land belonged to them. Given all these compulsions, safe zones became in fact killing zones.

One simple consideration speaks a lot about the efficacy of the Government's return fire. It killed several thousand unarmed civilians. On the other hand the LTTE had 25 to 30 long range artillery pieces along with about 25 for medium-range. Only up to four of them were damaged by government fire. Despite the Army shelling Suthanthirapuram generously, the LTTE's nearest artillery position was in a patch of jungle north of Thevipuram, about a mile east of the places shelled.

Most objectionable of all was the Army moving into the remaining No-Fire-Zone from 9<sup>th</sup> May, after which food, medical shipments and casualty evacuations were stopped, and the Army and the LTTE were slinging it out freely at one another.

**Before any military action, there must be clarity about what the objectives are, the cost and what is possible. If a desired objective proves too costly or not essential,**

**objectives and strategies must be reviewed. There was apparently no such planning here, no rules of engagement. The Government grossly understated by at least 65% the number of people on the move and used it aggressively to short supply food and medicine, abusing anyone who complained. The Health Ministry shamelessly insisted that there were enough stocks of medicines against protestations by the doctors and the ICRC, ignoring the huge scale of death and injury. That too was easy, since the Government's position was that civilian casualties were zero. There was indeed no accounting of costs.**

The absence of rules of engagement was described euphemistically in the Indian Defence Review article quoted as '*complete operational freedom*'. There was no concern about how many Tamil civilians, how many unwilling conscripts or, even for that matter, how many youthful Sinhalese soldiers were killed. Here the leadership has gone far below the level of individual soldiers who at risk to their life waded into the lagoon off Puthumathalan to rescue injured Tamil civilians fleeing from LTTE fire.

Despite their rhetoric about securing a unitary state, as far as the Government's influential Sinhalese backers in were concerned, Tamils are part of the alien 'them' and not 'us'. This was a major factor that discouraged the State from placing the Tamil civilians' well being at the centre of their strategic planning. When the army shelled indiscriminately, they were far from feeling that their own brethren were being killed.

### **1.7. The Shelling and Aerial Bombardment of Murukandy, 16<sup>th</sup> September 2008, Limitations on Reportage and the Mounting Death Toll**

Understanding what the civilians have been through also requires some background knowledge of the calculations of the warring parties. Even as the year 2008 came to a close Kilinochchi became a zone of misery, wailing and funeral houses as many of the children conscripted by the LTTE and sent in a futile attempt to stop the advancing Army were killed. Sources with links to some leaders said that 2000 cadres were killed in the defence of Kilinochchi, pointing to similar losses among the Army.

A common impression held by many is that civilian casualties from shelling and aerial attacks were lower before the fall of Kilinochchi, often counted in the digits of one's hand after each attack, rather than in the dozens when the displaced were increasingly crowded into a diminishing area. This needs to be qualified. When people were spread out, deaths also went easily unreported as the incident below would illustrate:

#### **“Muhunthan”**

Muhunthan (name altered) was from Mallavi. From August as the Army advertised its approach by shelling their areas, the people from Mankulam, Mallavi and Oddusuddan packed their belongings in lorries, vans and tractors and began moving north towards Kilinochchi. Muhunthan said his farm had been bifurcated by the LTTE building a bunker position through it.

They moved in a large convoy and rested in Murukandy, a shrine junction on Kandy Rd., and many people began erecting temporary shelters in a paddy field near by. They parked their vehicles in the available shade nearby, breaking coconuts to the deity and pondering their next step. Previously the people took precautions when they saw a UAV (*vandu* or beetle) overhead, knowing that bombers would follow. By this time they had become indifferent as UAV sightings were frequent and on the move they had nowhere to hide. They ignored the one overhead.

Soon, the Army's shells and air force bombs began to fall on this crowded civilian area. The LTTE was resisting the Army some way to the southwest, but not where the civilians were. *TamilNet* reported that due to air force bombing in the morning at Murukandy, '17-year-old Ponnuthurai Thayaparan and 25-year-old Thangarajah Jeyanthan were killed on the spot around 11:00 a.m. 60-year-old Kanapathipillai Thirunavukarasu succumbed to his injuries at Ki'linochchi hospital', making a total of three deaths. Two brothers of Thayaparan were badly injured.

Muhunthan, who was in Murukandy, confirmed the three deaths due to aerial bombing about 10.00 AM. They were all known to him and were killed near the church, but in the afternoon, there was heavy army-shelling into the civilian area, beside Kfir bomber attacks. He had been near the Pillayar Temple and sustained a shrapnel injury on the calf of a leg. Leaving the women and children, they were packing and loading the vehicles for the next move. He said that about seven persons there were killed, including his cousin-brother Perinpanathan (23) who later died in Kilinochchi Hospital. A further five were killed near the petrol shed. The total killed on that day was about seventeen. The area had also been shelled the previous day while they were there injuring two persons.

Their vehicles had been burnt or destroyed by shelling. Most of the deaths were due to excessive bleeding due to a long delay in finding means to take the injured to hospital. This attack followed the usual pattern. First the Kfirs swooped and dropped bombs, about seven runs on that day, and then concentrated shell fire. There was no marked LTTE presence there. The fighting was in Kutthuvadduvan, three miles south. It was on hearing gun fire at a distance that they packed up to move again.

Muhunthan said that in the earlier stages of the fighting, they waited for the Army to come within six or seven miles of them before they moved, because there were places to move to. But once from Udayarkaddu and beyond, they waited amidst heavy shelling until the Army was barely half a mile away as their space was jam packed and it became very hard to move and there was no really safer alternative.

Only the first three deaths were reported and the second event bringing the toll to 17 was not reported anywhere. The Defence Ministry (defence.lk 16<sup>th</sup> Sept.08) described the morning's bomber attacks as '*precision air sorties at two separate LTTE gathering points located 3km and 4.5km West of Iranamadhu, Kilinochchi*' at 10.10 AM, '*made in assistance of the advancing 57 Division troops [under Maj. Gen. Jagath Dias] now operating in the outer perimeters of Kilinochchi.*'

Bombing and shelling were regular incidents leading to far flung deaths, impossible for a few reporters to cover. In our experience, *TamilNet* though biased and selective in reporting, was fairly accurate in what it reported. It thus makes an invaluable guide to civilian suffering during that period. One may not agree with the late Sivaram's political leanings, but in forming the *TamilNet* it was perhaps his intention to have a source that was credible in what it reported selectively. In this he may have succeeded.

Muhunthan above was later admitted to Kilinochchi Hospital, which had around 300 patients, mostly injured civilians. LTTE injured were also brought to the hospital in civilian clothing and in civilian vehicles, but were dressed and soon moved to an LTTE facility. While he was there some shells fell in the hospital compound. He learned that Dr. Sathiyamoorthy, who was in charge had complained through the ICRC, after which the hospital was not hit.

### **Another witness to the carnage**

Another hint of what was coming came with the Air Force's bombing of Murasumoddai on the Paranthan – Mullaitivu Rd. on 31<sup>st</sup> December 2008 and 1<sup>st</sup> January 2009. A religious leader who visited that village told us that he saw six or seven bodies, including the scattered flesh, hands and legs of a man, which were given to the family by the Hospital in a polythene bag. He said there were several more bodies he did not see. (*TamilNet* reported a total of ten dead.) This was the Government's method of telling people to move.

### **The Body Count Escalates**

The community was plunging into an situation where there was little possibility of keeping track of the dead. As aerial bombing and shelling became frequent and indiscriminate especially from mid-January 2009, hospitals ceased to be notified of the dead. Few dared to venture out. Bodies were buried then and there with perhaps half a dozen in attendance.

As the fighting came nearer, Kilinochchi Hospital was moved to Tharmapuram, from late 2008, to the east on the A 35, where many of the patients were under improvised shelters or trees. Dr. Sathiyamoorthy kept shuttling between Tharmapuram and Kilinochchi in a bid to keep the hospital in the latter place open, which struck many as very risky and courageous on his part. In mid-January again they were moved to Udayarkattu, further east as the Army moved east.

Once Killinochchi and Mullaitivu hospitals faced closure due to bombing and shelling in the vicinity towards the end of 2008, the ICRC battled to keep Puthukkudiyiruppu Hospital, the remaining major hospital, open, particularly in view of the mounting casualties. But the Government had no such ideas. From January Puthukkudiyiruppu too came under pressure. It was hit by shells on 13<sup>th</sup> January, killing one person. The ICRC moved to the road linking Suthanthirapuram and Vallipunam in the first 'safe zone', but

this zone was shelled relentlessly. The Government was not at all serious about the safety of the IDPs. The zone, though supposedly to take effect on 21<sup>st</sup> January, was according to a community leader present, communicated to the AGA, the chief government administrator in the zone, on the afternoon of the 21<sup>st</sup>, under intense shelling.

The ICRC had little choice but to move out of the extremely unsafe zone towards the end of January to near the church in Valaignarmadam, in the final 'safe zone', where it remained until 10<sup>th</sup> February, overseeing the shifting of Puthukkudiyiruppu Hospital to the school in Putumattalan. The ICRC kept contact until 9<sup>th</sup> May through its ship calling regularly to pick up the injured and ill.

## **Part II: From Kilinochchi to Puthukkudiyiruppu**

### **Contents:**

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### **2.1. The fall of Kilinochchi and After**

Soon after Kilinochchi fell on 1<sup>st</sup> January 2009, senior LTTE leaders conferred in Visuamadu. While several of the senior leaders reportedly believed that the war could no longer be won and that it was time for a new approach, none was in a position to tell Prabhakaran, who had acquired a reputation of invincibility to live up to.

Sources who had access to senior leaders said that the counsel of men like V. Rudrakumaran and K. Pathmanathan would have been of little consequence because they were not on the ground and it was often easy for those like Castro and Nadesan to discredit them by dropping innuendos suggesting they were agents of outfits like CIA or RAW. If a difference was to be made it need have come from persons like the late Anton Balasingham or Shankar who had the capacity to force the leader's attention and carry through an argument to its end. The talk got around among the people that Prabhakaran

had become mentally unbalanced after the fall of Killinochchi. Other reports said that he was refusing to meet groups like the Christian clergy and intellectuals, who were pressing for course change.

A former left activist, with access to LTTE advisors, who was an eyewitness in the Vanni confirms in *'What happened in the Vanni? An Experience from the Battleground'* (Vanni Experience) that many advised the leadership to stop forced conscription, mend relations with India and to proceed in a new direction, but to no avail. The writer notes that among the first things the LTTE started when the war began in 2006 was forced conscription, openly justified in LTTE propaganda, while also claiming contradictorily that youths are joining voluntarily in large numbers. Conscription became worse after the UN and many INGOs left the Vanni in September 2008 on the Government's order. The article to which further reference will be made appeared in the Madras based Tamil journal *Kalachchuvadu*, August 2009<sup>1</sup> (<http://www.kalachuvadu.com/issue-116/page47.asp> )

An outcome of the meeting, according to sources with access to senior LTTE leaders, was a decision to go on fighting. One assumption was that if they made life difficult for the Army, they might be content to hold the A9 (Jaffna – Kandy Road) and not move east. No decision of consequence was taken. Pottu Amman, according to our source, put forward a plan to stop the Army by using their assets to foment terrorist attacks and paralyse the South. Not perhaps wanting to risk turning international opinion against them, Prabhakaran vetoed the plan.

The area to be defended was divided into three zones. The one furthest west, Visuamadu, was under Ratnam Master. Ratnam Master had been responsible for two operations in Vavuniya, one against a communication facility and, according to these same sources, the suicide assassination of General Janaka Perera Rtd. in 2008. The latter is however contested by army circles close to the late general. Latterly, Ratnam Master had become a new right hand man of Prabhakaran, commanding a new intelligence unit, partially sidelining Pottu Amman from 2007. The middle area around Udayarkattu was placed under Sea Tiger leader Soosai.

Puthukkudiyiruppu (PTK) and a ring around it were placed under Pottu Amman. The first two were unable to hold their areas when the Army advanced. An observer suggested that Ratnam and Soosai in their given state with heavy ammunition becoming scarce, lacked the confidence to execute offensives as a means of defence.

A conscripted LTTE soldier who was later killed, told his family that they were almost never ordered to advance at this point. When the Army advanced they fired at them with small arms and ducked into their bunker. Government soldiers who were well equipped and had LMGs, let loose continuously. When the Army stopped, the LTTE made their

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<sup>1</sup> See also our reports *Trauma in the Vanni: Human Grist to the Mills of Dual Hypocrisy*, July 2008 <http://www.uthr.org/bulletins/Bul46.htm> , *Pawns of an Unheroic War*, October 2008 <http://www.uthr.org/SpecialReports/spreport31.htm> and *A Marred Victory and a Defeat Pregnant with Foreboding*, 10<sup>th</sup> June 2009 <http://www.uthr.org/SpecialReports/spreport32.htm>

escape. Another observer told us that LTTE units at this time often comprised three experienced cadres and about 15 newer conscripts. When attacked, the seniors began to withdraw. The others often died or surrendered to the Army. When civilians asked the seniors why they are coming back alone, they didn't answer, only replied that they would soon chase the Army back! Observers present also told us that it was army shelling during advances that caused the largest casualties among the LTTE.

Pottu Amman held his area in early February 2009 by launching an offensive that also used suicide cadres, many of them women. They were deployed to halt a northward army advance from Mulliavalai and pushed the Army back a few miles after inflicting a heavy loss of men and weapons. Pottu Amman eventually had to let go, after the Army outflanked him by moving through Soosai's area towards the east coast, bypassing him to the north. But he ensured that the battle for Puthukkudiyiruppu, a built up area, was costly to the enemy.

The author of *Vanni Experience* writes that senior LTTE military leaders continued the fight under duress, but their actions lacked the force or will to stop the army advance. Meanwhile conscripts were escaping regularly from training camps and the battlefield, which the LTTE tried to check by imposing severe punishments on the families. Such raw conscripts, aged 15 to 22, were in no position to stop a determined and well-equipped army advance. Their training, which at first took a week, was reduced to three days and in the final stages, was confined merely to being taught to fire a gun.

## **2.2. Conscription: From the Realm of Black Humour to the Calamitous**

The war escalated from August 2006 and the LTTE once again stepped up conscription, a tactic it first resorted to on a large scale when it began abducting large numbers of children from the East in 2001.

There the LTTE started conscription in the rural and poorer parts of Batticaloa District, where people had been beaten down by army atrocities during the war and the LTTE's bloody crusade against other groups. Karuna, now a government minister, was the LTTE's Batticaloa leader at that time, and he had a relatively easy time snuffing out public resistance to his conscription drives with raw thuggery.

In the Vanni the standard methods had been to force school children and adults to undergo mass military training and importuning captive audiences of school children for long hours through propaganda. But public resistance had been building up and international pressure had forced the LTTE to agree to sign formal arrangements with UNICEF to release child soldiers. Among those who had left the LTTE during the peace process and were being called back, the mood was sullen. Although the Government later detained teachers and educationists from the Vanni in IDP camps arbitrarily, practically all of them were horrified by what the LTTE did to children, irrespective of their political views.

Prabhakaran was worried about public resistance and his first move was cautious. He ordered the conscription of unruly or fun-loving types.

Just after August 2006, some young men in Mallavi were having drinks at the 'company' (tavern), when they were approached by a man. The man asked if they were married. The young men were amused thinking that this was a marriage broker trying to get them fixed and began speaking in a lighter vein. Suddenly the putative broker's companions came from the shadows and abducted them. Soon they came to realize that papers had been made up and they had become members of the LTTE.

One of the young men named Tharmarasa was sent for training. He told the trainers from the military wing that he has no desire to become a soldier. The trainers sent him back home. Such instances were indications of friction between the military and political wings. It was the latter, with the *kaval* (police), who were involved in conscription. Tharmarasa (30) originally from Chettikulam was conscripted again around the time of the fall of Visuamadu (January 2009) and was killed in action a month later.

The people generally believe that it was Tamilchelvan who was the prime mover for conscription. When he addressed a meeting for ex-cadres in 2006 asking them to rejoin, the meeting became riotous and armed LTTE guards were summoned to restore calm. It is also said among the people that upon Tamilchelvan's suggestion to start conscription Prabhakaran became worried about the repercussions from the people who had begun to show open anger against it in recent years. Tamilchelvan, it is reported, said he would see to it that there are no repercussions. Prabhakaran, they believe, told him to stop potential recruits on the road and talk to them even for many hours, but not to take them by force. But as the Army advanced, all inhibitions were lost. Tamilchelvan, by then dead, became a convenient scapegoat.

The methods used as we had previously reported were brutal and crude. Houses were invaded and searched. The victims were taken away crying with the family in tears going behind them. Conscription age, first 18 years, and later 17, finally dropped to even 12 years, if the person had the strength to carry a gun. At the latter stages, during the height of displacement, the people saw young children calling their mothers upon being taken away, and screaming parents following close behind only to be turned back by violence and intimidation.

Parents desperately hid their children in covered in bunkers or under mats and sat on them. Reports from the displaced speak of children so hidden dying due to suffocation. Their lore speaks of young women being married off early to avoid conscription, and sometimes, if with child, being made to jump from trees to abort the foetus, with fatal results.

Some of the conscription methods used were very offensive. There was a place on the strip near the lagoon shore south of Putumattalan where there were trees. The male IDPs used to go there in the mornings for their compulsory ablutions. Parents too accompanied

children whom they kept hidden to this spot. Conscription gangs at times hid there and waited for the victims to show themselves and promptly abducted them.

It was the Political Wing and scores of organisations under it that were responsible for conscription and came to be hated, so much so that when its leader Tamilchelvan died due to aerial bombing in November 2007, there was silent jubilation.

Senior military wing cadres fighting on the frontlines frequently did not approve of conscripts, most of whom were waiting for a chance to run away. On several occasions when a conscript told them that he was a hard pressed family man or a young conscript who did not want to be there, the seniors showed them escape routes and sent them off.

The difference between how people regarded the political wing cadres responsible for conscription and military cadres who fought the State but otherwise caused the people no harm or inconvenience, showed itself in the IDP camps.

- Mathulan (31) from Vattakachchi was in the political wing and had been close to Tamilchelvan. A handsome actor-like figure, he was notorious for conscription. He left the NFZ with the people when the war ended and entered a 'welfare centre' in Manik Farm, where he was living in a room with a woman as a married man. He seldom went out. In time the others came to know. About 30 men, many of whom had a near relative conscripted and killed in the fighting went to his room, pulled him out and thrashed him. One of them said that for all what they suffered, this man should not use his right hand to eat and damaged his hand.
- Another senior military cadre B was also in the camp. The people had a good opinion of him as someone who fought for them and did them no harm. Whenever he came home on leave, he was good to the neighbours and if he came to know that someone was being hidden, either from conscription or for some other reason, he ignored it and did not let them down. As of this writing, no one had betrayed him to the Army.

### **2.3. Caught between the Army and the LTTE, the Fate of LTTE Prisoners**

For civilians who had been displaced many times, the fall of Killinochchi began a long period of uncertainty. Civilian deaths became very high as the Army from 15<sup>th</sup> January moved westwards, towards Visuamadu. The intensity of shelling caused heavy civilian casualties. Constantly on the move the civilians often found themselves caught between the Army advancing east and the LTTE defending from the west.

In one typical experience, a highly traumatised lady in her late 50s with whom we later spoke, was with some others was caught between advancing troops and the LTTE defending fiercely. She spotted a bunker and crouched inside it for over six hours under a heavy exchange of fire overhead. Finally, the defenders retreated and the troops passed

over her bunker in pursuit. She climbed out after some time, walked over dead bodies, some of them her kith and kin, to the army defence line.

### **Bearing Witness: A Left Activist**

Maniam lived with his family in Iranapalai, a suburb to the north of Puthukkudiyiruppu. This was a time, first week of January, when people displaced or in anticipation of it were moving into Putumattalan – a place by the sea which later was made nominally a safe zone. It normally has few inhabitants, except during the South-West Monsoon, when fisher folk moved into temporary huts. It was latterly also used by the Sea Tigers.

An exchange of shell fire was going on which most people had learnt to ignore. The Army was planning to take Puthukkudiyiruppu and was firing from the south. LTTE artillery was firing from Pacchaipulmoodai just north of where Maniam was. While listening to news from Soorayan Radio, he noticed that at 6.11 PM LTTE cannon changed direction and fired three shells to the southeast. He later found out that the shells landed in Putumattalan, killing 17 civilians and injuring 23. Maniam confronted a strong LTTE supporter about this. The answer he got was that the whole of Puthukkudiyiruppu should be displaced and the people must suffer. This has been a regular LTTE refrain since the mid-1980s.

The LTTE also had over a thousand detainees starting from Vanampadi in Visuamadu all the way to Puthukkudiyiruppu. When the Air Force started bombing Visuamadu bombs also fell on Vanampadi. Some prisoners escaped, but scores of others were transferred to a camp in Suthanthirapuram. Among those who escaped is Ravi of whom more will be said in the Addendum.

A joint family from Mannar District who had for over two years been fleeing from place to place in search of safety got into a bunker, late January, to take cover from a heavy exchange of shelling overhead. One shell fell right into their bunker killing every one. Their only surviving sibling is an agonised Roman Catholic nun.

The civilians had been so caught up in a pincer movement where they got no relief, but have been continuously either kept on the run or confined to bunkers. Though all of them had some dry rations, money was in short supply, and given the collapse of the agricultural economy, purchase of other essentials was difficult. They survived by boiling rice with either soya meat or dhal and salt. This was prior to the fall of Tharmapuram on 15<sup>th</sup> January, followed soon by the Army's move on Visuamadu. At that stage, the trapped people rarely got the opportunity for a cooked meal. Many were maimed or killed when they were utterly exhausted by hunger and thirst after spending prolonged periods in bunkers, and had crawled out to have a cup of tea or to cook a meal.

In one incident reported by IDPs, a mother who left her family in a bunker and came out to prepare a meal was stuck by shrapnel from a shell and died. In another incident a whole family called up by the mother to have a cup of tea in the evening, were similarly killed.

On 16<sup>th</sup> January the LTTE engaged the 58<sup>th</sup> Division moving from Tharmapuram towards Visuamadu. Heavy resistance resulted in the Army being stopped at the Nethali Aru Bridge on 19<sup>th</sup> January. Nethali is a perennial river flowing north from Kalmadu Tank. The Army's losses were evidently heavy. It abandoned the direct approach to Visuamadu and proceeded east from the south of the A 35 road. It went from Ramanathapuram along the bund of Kalmadu Tank, taking Visuamadu on 29<sup>th</sup> January. A section of the Army also moved east along the bund of Visuamadu Tank. LTTE estimates placed the army losses in the region of 350 killed. It displayed the bodies of about 30 soldiers it had recovered.

The setback at Nethali Aru was followed by Army shelling into areas east of Nethali Aru where IDPs had taken refuge, including Visuamadu and Piramandal Aru from 18<sup>th</sup> January. The IDPs were forced to move three miles further east to Udayarkaddu and Suthanthirapuram. These same areas were shelled heavily on 20<sup>th</sup> January, the date of the swearing in of US President Elect Barak Obama, when the people hoped dearly for a happier turn of events.

#### **2.4. Thevipuram Safe Zone and the Battle for Visuamadu: Escape Debarred from the Rain of Shells**

In response to international pressure arising from mounting civilian casualties, the Government on 21<sup>st</sup> January established a safe zone at Thevipuram, ending two miles east of PTK, lying north of the Mullaitivu-Paranthan Rd (A-35). It bordered a 2 ½ mile stretch of the same road, east from Udayarkattu junction to the Yellow Bridge on the south and extending northwards to Iruddumadu and Thevipuram. It only made matters worse. From 21<sup>st</sup> to 29<sup>th</sup> January, this zone experienced intense shelling by the Army, which was then battling for Visuamadu three miles west, resulting in astounding levels of civilian casualties. Civilians, who experienced intense shelling on 20<sup>th</sup> January, said that it became even worse once the area was declared a safe zone the next day. It quickly became an international issue, prompting the Indian foreign minister's hurried visit. It did nothing to stop the punitive retaliatory shelling. As though to appease Indian sensibilities, President Rajapakse announced a two day bogus ceasefire, asking the people to come out.

##### **Bearing Witness: A Teacher**

A teacher spoke of an instance where a man of about 50 was standing with a crowd when the Army began shelling, killing many in the crowd and making the others restive. The man appealed amicably to an LTTE commander standing nearby, "*Thamby (younger brother), at least at this stage, you must let the people go.*" In a move apparently to suppress any desire in the crowd to leave, the commander pulled out his pistol and shot the man dead.

As the shelling became unbearable, the people became desperate to escape into the army-controlled area. One factor that often held people back was their conscripted children

they did not want to leave behind. This is where the LTTE showed its ruthless side, which by May had also become sadistic. When the people advanced as a group to leave, a line of LTTE cadres blocked their path. If the people persisted, the LTTE opened fire laming several of them and killing some as an example. This method was later repeated in Mullivaykkal.

**Bearing Witness: Refugee from Kattapirai, Jaffna**

A group of people from Jaffna was trying to escape towards army moving west from south of the A 35, lines when some LTTE cadres stopped them. A woman was with her grand daughter and the latter's two younger brothers in their early teens. The grand daughter prostrated herself before an LTTE man and pleaded with him to let them go. The LTTE man pushed her with his foot. Her grand mother then lay at his feet and repeated the same plea. The LTTE man then opened fire injuring the three children. The injured grand daughter and the two children were helped by others to the army line and were dispatched to Vavuniya Hospital. The boys recovered. The grand daughter was sent to Colombo Hospital where she succumbed. One of the young boys who survived says that he would recognise the LTTE man who shot them anywhere and he would kill him.

The reasons for people to escape at great risk were tied to problems apart from shelling. A family, whose eldest son was already dead, had qualified as a Great Hero's family in virtue of their second son, who was in the LTTE, having recently died in action. The LTTE came asking for the third boy. The father showed them the picture of the Great Hero and explained his trepidation at sending the 3<sup>rd</sup> son and was pleading with them to spare his boy. The leader of the conscription gang, in a show of contempt, threw down the photo frame depicting the hero, broke it and asked, "*Can a great hero fight*"? They proceeded to drag the third boy away from the parents moaning in agony.

**Mullaitivu:** Civilians had left Mullaitivu before there was significant shelling. They had not planned to leave, until around 30 civilians were killed in the surroundings. Here again the Government adopted its mean and drastic way of asking people to move. It shelled the hospital compound, where they fell barely 30 feet from Dr. Shanmugarajah's quarters. He and his wife were in two rooms at different sides of the house with a child each. Both children received injuries. The people of the area, on seeing the LTTE removing things from their offices, took whatever they could of their possessions and left. Some had gone nearby to Mullivaykkal long before it was declared a safe zone. The Mullaitivu Hospital was moved to Vallipunam and Suthanthirapuram.

**Bearing Witness: A Religious Leader**

A religious leader arrived in Udayarkaddu and Suthanthirapuram with 63 families. He said he had seen the LTTE firing small arms into the air from among civilians and the Army's response, which was to fire shells indiscriminately over a wide area.

**Bearing Witness: A Science Teacher**

A science teacher, who was also in Udayarkaddu, related an incident where the people had a bitter argument with the LTTE. An LTTE man went away threatening that they would soon see what happens. A little later the LTTE fired mortars from an area behind the tents, out of his sight. The teacher said the Army fired into a radius of a little over 100 yards from where the mortars were fired. This caused damage to the tents some fell near entrances to bunkers.

The general experience of civilians was that if the LTTE fired two or three, the Army replied with scores of shells into a wide area and moreover, much of the shelling was independent of any provocation. This pattern was confirmed by Muhunthan, who having received a shell injury in Murukandy had been moved the second time to Udayarkaddu Hospital, the new location of Kilinochchi Hospital, which first shifted to Tharmapuram.

*Vanni Experience* says that the people were completely broken and demoralised, having to move every three days. The medical services, which regrouped in temporary field hospitals were inundated with casualties and were unable to cope. He placed the number of civilians killed in Udayarkattu, Suthanthirapuram, Vallipunam, Thevipuram and Puthukkudiyiruppu at around 2000. He observes:

*“The attacks by the Army from around Udayarkattu were extremely venal. This was the time the Government adopted the strategy of using cannon fire as a means of causing utter perplexity among the people and thereby to separate them from the Tigers. This was scandalous and contrary to every humanitarian norm. No excuse could offer any extenuation of this inhumanity.”* We shall see that estimates by civilians speaking from a limited perspective seldom captured the full horror of their situation.

On 25<sup>th</sup> January many civilians had slept in the Nirojan sports grounds at Suthanthirapuram, a short distance northeast of Udayarkaddu inside the safe zone, as part of the queue to collect food supplies that had been brought there the previous day by two officers of the UN WFP and stockpiled at a tent in the grounds for distribution. Shells falling in the ground killed 12 persons including five from a single family and several others elsewhere.

Killinochchi Hospital had been moved to Udayarkaddu and Mullaitivu Hospital to Suthanthirapuram and Vallipunam, the latter two miles east of Udayarkaddu. All were in the safe zone. On 26<sup>th</sup> January Dr. Varatharajah sent an urgent appeal to the Government informing them that 300 civilians had died in the recent shelling, asking for urgent supplies as they were running out of medicines to treat 1000 persons lately injured. The hospitals were unable to cope and the ICRC which had set up office in the road connecting Thevipuram and Suthanthirapuram to ensure that safe zones were safe, found themselves helpless, virtually confined to bunkers.

Dr. Varatharajah’s appeal was backed by an ICRC statement on 27<sup>th</sup> January: *“Hundreds of people have been killed and scores of wounded are overwhelming understaffed and ill-equipped medical facilities in Sri Lanka’s northern Vanni region, following intensified*

*fighting between the Sri Lanka Security Forces and the Liberation Tigers of Tamil Eelam (LTTE)...*

*“People are being caught in the crossfire, hospitals and ambulances have been hit by shelling and several aid workers have been injured while evacuating the wounded. The violence is preventing the International Committee of the Red Cross (ICRC) from operating in the region”*

UN sources too confirmed (*New York Times* (NYT), 27 Jan.09): ‘*The people were being killed by army shelling (one killing nine persons near the UN compound on 25<sup>th</sup> January) in response to shelling by the LTTE.*’

We recently checked with a witness who was present in the safe zone during the shelling and later moved to Putumattalan. She insisted that the LTTE did not bring their guns into the safe zone, but had fired from its eastern boundary. This agrees with what the UN official told the NYT, the ‘*rebels were firing at government forces from close to where civilians were taking shelter*’.

On 28<sup>th</sup> January Rev. Anukoolan, the priest in charge of the American Mission Church at Suthanthirapuram reported that an air force bomb fell in the church premises with many displaced persons, killing 17 and injuring 39 persons, including a priest Rev. Anandarajah. The LTTE’s artillery point was quite some distance, in a jungle patch about a mile from Suthanthirapuram.

### **Bearing Witness: Muhunthan and Premila**

Vallipunam Hospital was shelled on the 19<sup>th</sup>, 21<sup>st</sup> and 22<sup>nd</sup> January, killing five in the premises on the last occasion. Udayarkaddu Hospital where Muhunthan was came under repeated shell attack. On 26<sup>th</sup> January morning, the Hospital was shelled, killing 10 patients and two others. On 2<sup>nd</sup> February, a nurse was killed by shelling. On 5<sup>th</sup> February, even as the load of injured on the Hospital recorded a tremendous increase shells falling in its vicinity killed about half a dozen people and damaged parts of the Hospital, including its stores. Although needing further care, the doctors discharged Muhunthan, sent him in a vehicle to Suthanthirapuram and left him with his relatives after giving him a pair of crutches.

The area where he arrived had been hit by MBRL fire on the night of 2<sup>nd</sup> February, killing several people. Among them was Thamotheran, brother-in-law of his wife-to-be, Premila. Also injured were Thamotheran’s wife and his year old daughter. This was the period when it became a common experience for doctors to remove dead foetuses from shelled expectant mothers.

On 7<sup>th</sup> February, two days after Muhunthan was discharged, a shell fell on the house next to his in Suthanthirapuram. The victims were a family from

Skandapuram in Kilinochchi. The mother and two children died instantly. The father whose legs were mangled, died later in Udayarkaddu Hospital. Many people left the area on that day.

By this time the fighting had come closer. The LTTE did fire its mortars from isolated positions among the civilians, but the Army responded with indiscriminate weapons such as MBRLs among the civilians. During one attack, some who were close to Muhunthan fell on his lap and died. By 10<sup>th</sup> February, with no prospect of the fighting easing, and the Army being very close, the people left en masse without any instruction from the LTTE.

Muhunthan and Premila, who was to become his wife, told us that the people were shelled mercilessly, when they were on the road with nowhere to escape and delay was pointless. Once the exodus from Suthanthirapuram began, the A-35 was bulging with people and vehicles bearing their remaining possessions. But shelling continued targeting the road, leaving masses of corpses and damaged vehicles. Muhunthan's group left for Thevipuram on 12<sup>th</sup> February. Like many others, they avoided the road and went through fields and houses, wading through channels. The shelling in Thevipuram too was unbearable. They left east for Iranapalai on 15<sup>th</sup> February.

The Government could offer far-fetched military reasons for the shelling as cutting off supplies to the LTTE on the front lines (the LTTE had other routes). But that would be an unacceptable reason for killing people in what was yet the 'safe zone'.

It became the common civilian wisdom that government-marked safe zones were the least safe. One of their surmises was that the Government was acting on rumours that Prabhakaran was in the safe zone and wanted to finish him off whatever the cost to civilians.

That was the last straw. According to persons in the safe zone, the ICRC negotiated an hour's cessation of shelling with the Army to withdraw towards Puthukkudiyiruppu and then Valaignarmadam, through the zone declared safe by the Army. Many people followed along with the patients. As the LTTE lost ground, it was forced to move its prisoners, some of whom it released. Many others, it executed. Some were also sent for work on the frontlines.

## **2.5. Some Developments concerning LTTE's Detainees**

### **Bearing Witness: Satheeshkumar**

**The Execution of 140 Prisoners from Vanampadi and Tango Ten:** We noted earlier that scores of prisoners were moved from Vanampadi in Visuamadu to Tango Ten in Suthanthirapuram. On 8<sup>th</sup> February the Army had entered Iruddumadu and was on the doorstep of Suthanthirapuram. Satheeshkumar was a

prisoner on a non-political charge. Intelligence chiefs Pottu Amman and Kapil Amman came to Tango Ten. The prisoners pleaded with them to be freed. After discussing among themselves, Pottu Amman decided to free all those arrested on non-political charges not dealing with security. The remaining 140 were to be executed. This group included members of rival Tamil parties, especially the EPDP, and Sinhalese and Muslims detained over allegations of security connections. Satheeshkumar said that they were killed and burnt in the nearby jungle.

There were also other categories of prisoners, a spin off from the LTTE's conscription. These were people who helped deserting LTTE conscripts to escape. Several of them were pastors from evangelical churches who enjoined their flock to renounce violence. We have documented long-running tensions between these churches and the LTTE (e.g. Bulletin No.25). Particularly from 2006, the LTTE took a hard line and began conscripting the young of these churches. Some conscripts gave pledges that they would die rather than kill their enemy.

#### **Bearing Witness: An Evangelical Pastor from Mullaitivu**

This pastor, who kept with him about 15 escaped conscripts, took them to certain locations and instructed them how they should proceed towards army lines. The LTTE found out and detained him at a centre close to Puthukkudiyiruppu. Six of them were placed in one squat dog cage. Even the floor was wired so that their flesh hurt whether sitting or squatting. There were many such dog cages holding prisoners, among whom there were eight pastors like him. After three months they were taken out and sent to the front lines, and given work such as carrying tiffin and digging bunkers. From here many escaped and hid among civilian IDPs. Others got killed.

### **2.6. Puthukkudiyiruppu Hospital, Battle for the Town and the ICRC Pullout**

On 1<sup>st</sup> February afternoon between 3.00 and 4.00 PM Puthukkudiyiruppu Hospital was struck by two shells, according to ICRC statements, hitting first the kitchen and then the church. Two persons were killed. A statement on that day quoted Morven Murchison-Lochrie, an ICRC medical coordinator present in Puthukkudiyiruppu, *"The staff are under acute stress, surrounded as they are by the sound of the ongoing fighting and the influx of new patients. Ambulances are constantly arriving, but people are also being brought in by wagon, pick-up truck, tractor and even motor scooter."* She added that *despite this, the staff remained inventive and committed to caring for the injured and sick who had made the dangerous trip to the hospital."*

ICRC reported that a few hours later at 10.20 PM the same day (1<sup>st</sup> February) a ward with women and children was hit. This time the Hospital had more than 800 people sheltering there, including 500 in patients. In all nine persons were killed and twenty injured on that day. On 2<sup>nd</sup> February at 6.40 PM the Hospital was hit again and a nurse was injured. One

factor behind the shelling was that the Army's 59<sup>th</sup> Division, which advanced from Mulliavalai, eight miles south, was trying to fight its way and take Puthukkudiyiruppu. The Army was then not far to the south of the Hospital. The LTTE had gun mounted vehicles which were used to fire at Kfir bombers coming in support of the Army, even though the firing had, if anything, no more than a slight deterrent effect.

**Bearing Witness: A Senior Educator**

A senior educator familiar with the hospital told us that the LTTE largely disregarded the ICRC's request not to drive or park its vehicles in front of the Hospital, as these could be spotted by UAVs leading to shell attacks. At the time the first two shells hit the Hospital, he is quite sure that there was no firing from the LTTE. The same witness told us that the Hospital also had over 200 injured LTTE patients, one of whom was his nephew, who used a separate building and additional tents had been erected to accommodate the overflow. They were behind the church where the second shell had fallen, killing about 15 of them.

Monica Zanarelli of the ICRC told *Tamil Insight*, referring perhaps to the LTTE injured not covered by the ICRC's mandate (3<sup>rd</sup> Feb.): "*It is likely that there were casualties outside the Hospital too, but we do not have exact figures yet.*" The third shell which fell the same night, struck a bunker killing about seven people including a nurse and a child. At this time the families of many hospital employees were spending the nights in the hospital.

**An eye witness told us that although he had heard that cluster munitions had been used from about 21<sup>st</sup> January 2009, it was on this occasion that he for the first time saw unexploded cluster sub-munitions in the vicinity of the Hospital. This he subsequently confirmed by checking their appearance and properties on the internet.**

The LTTE then hurriedly removed their patients from Puthukkudiyiruppu Hospital probably to Ponnambalam Memorial Hospital, which was close by. During this period the Hospitals were under heavy pressure, both with patients and shelling which took little account of hospitals that were hit several times. On 5<sup>th</sup> February a nurse at Udayarkaddu Hospital was killed. There was pressure on Puthukkudiyiruppu Hospital to move to another location. The ICRC being unable to send patients needing advanced care to Vavuniya by land due to constant shelling of the A 35, the sea route was the other possible option. The Government we learn did not want the Hospital moved as they hoped to be in control of Puthukkudiyiruppu soon. The LTTE on the other hand wanted it moved so that it would have some assistance for its injured.

When the Hospital was hit for the fourth time on 2<sup>nd</sup> February at 6.40 PM or on a subsequent occasion, the hospital staff and the people around soon became quite sure that it was this time the LTTE that fired. Our sources do not have direct evidence, but the LTTE is linked to the people and information that filters down has considerable authority for them.

The Hospital was functioning with assistance from ICRC personnel who had a few days earlier pulled back from Suthanthirapuram. An ICRC statement of 4<sup>th</sup> February stated, *“Puthukkudiyiruppu Hospital, in the northern Vanni region, has been shelled repeatedly in the last 24 hours, forcing patients and staff to flee towards the north-eastern coast...Over 300 patients and hospital staff fled the premises of Puthukkudiyiruppu Hospital this morning. Accompanied by 18 ICRC staff members, they made their way to a community centre in Puttumatalan, in the north-eastern Vanni – an area that lacks clean drinking water, which puts the displaced patients and medical staff at even greater risk.”* On this same day, the ICRC helped the staff at Puthukkudiyiruppu to relocate to Putumattalan.

Meanwhile as pointed out, by the end of January, the 59<sup>th</sup> Division under Nandana Tudawatte had advanced from Mulliavalai along the coast of the lagoon and was on the outskirts of Puthukkudiyiruppu. At this time Pottu Amman who was in charge of the defence, used a manoeuvre in which the LTTE was well practised. A diversionary group was sent to attack the Army’s artillery positions at Mulliavalai and Oddusuddan which damaged about six of the Army’s guns. Meanwhile, during intense fighting lasting the first five days of February, an LTTE group including suicide cadres crossed the Nanthikadal Lagoon on 3<sup>rd</sup> February to Kepapulavu and attacked the Army. They cut off the soldiers who had advanced north from supplies and reinforcements.

Sources close to the LTTE estimate that about 400 soldiers were killed. The Army was pushed back about three miles and lost much ammunition and equipment. Its survivors escaped by going west and walking through the jungles of Kepapulavu to Mannakandal. The blow was so severe that plans for taking Puthukkudiyiruppu were delayed by several weeks. The 59<sup>th</sup> Division was sent back to Mullaitivu and the 53<sup>rd</sup> Division under Kamal Gunaratne was given the task of advancing towards Puthukkudiyiruppu. It did so with great caution.

An important outcome of all this for civilians was punitive shelling although they were well outside the fighting. 2<sup>nd</sup> February saw once more intense shelling of Udayarkaddu, Suthanthirapuram, Vallipunam and Thevipuram. A nurse was killed when Udayarkaddu makeshift hospital was hit. This was the period during which Puthukkudiyiruppu Hospital was hit. On 3<sup>rd</sup> February Defence Secretary Gotabhaya Rajapakse famously told Sky TV in answer to a question about the shelling of Puthukkudiyiruppu Hospital, *“No hospital should operate outside the Safety Zone...everything beyond the safety is a legitimate target.”*

On 5<sup>th</sup> and 8<sup>th</sup> February, the safe zone experienced enormous shelling. On the latter day the 58<sup>th</sup> Division came through the jungles north of Udayarkaddu and entered the safe zone. Through loudspeakers they invited the people to come. An estimated 20 000 who were at Iruddumadu went to the Army as the LTTE had withdrawn. Many civilians had fled east because of the shelling. Others who tried to escape were shot at by the LTTE – a phenomenon that was to last until 16<sup>th</sup> May. At Iruddumadu, civilians commended the conduct of the Army.

### **Bearing Witness: Ganeshapillai**

Ganeshapillai was among civilians advancing towards the army line in Iruddumadu. Four LTTE cadres joined the civilians and kept firing, deliberately provoking the Army. A group that had gone ahead of them had told the Army that more civilians are following along the road. The Army kept shelling but was then careful not to shell the road. As they got close, the four cadres ran back and turned into snipers. As the Army was receiving the civilians, the snipers opened fire killing four soldiers. But the other soldiers betrayed no signs of reacting against the civilians. They calmly carried their dead, loaded the civilians into tractor trailers and sent them on. The LTTE seemed to pin their hopes on ensuring maximum civilian casualties, in the hope that Uncle Obama would intervene.

On 9<sup>th</sup> February, the Sri Lankan military declared that a female suicide bomber blasted herself among escaping civilians at the army reception centre at Visuamadu, killing several military personnel, 23 civilians and injuring about 60 persons. As far as we know this version has not been corroborated by escaping civilians. We have recently received authoritative testimony that two injured witnesses, a woman and a child, contradicting the army version were removed by intelligence men operating inside Vavuniya Hospital (see VI.7).

On 12<sup>th</sup> February again those who remained at Suthanthirapuram were shelled. On 16<sup>th</sup> February, the IDPs at Thevipuram and Vallipunam in the safe zone, *TamilNet* reported, were boxed in by shelling around the perimeter of a box containing them. The apparent attempt to corral the civilians and take them out appears to have been aborted after causing heavy casualties. By 20<sup>th</sup> February most civilians had withdrawn east to the new no fire zone.

Thus we might say that Putumattalan being declared a safe zone was pre-empted by the events described above and also a need to take the injured civilians out by sea. The Government was experimenting with 'hostage rescue' with no concern about how many of the civilians they killed. A final incident suggests that the Government kept trying by means that do it no credit, to stop the civilians and the Hospital moving to Putumattalan.

### **Bearing Witness: Maniam**

On Monday 9<sup>th</sup> February afternoon, the ICRC set off to Putumattalan after reportedly informing the Defence Ministry to supervise the dispatching of injured by sea. Maniam, who reported the LTTE shelling during the first week of January, said that first two shells were fired on this day, which fell near the road ahead of Putumattalan school (which was by then a makeshift hospital) killing a child and injuring its mother. Within three minutes shells were fired by an MBRL further east of where the first shells fell, just north of Charles Mandapam (Hall), killing all together 16 persons. He is certain that the shells were fired by the Army from Kalliady, which is across Nandikadal lagoon, south of Puthukkudiyiruppu.

The next day the ICRC said in a statement:

*“On Monday, Putumattalan was hit by shelling that killed at least 16 patients. ‘We are shocked that patients are not afforded the protection they are entitled to’, said Paul Castella, head of the ICRC delegation in Colombo. ‘Once more, we call on both parties to meet their obligation under international humanitarian law to spare at all times the wounded and sick people, medical personnel and medical facilities at all times’ ...Most of the population is now displaced and completely dependent on outside aid, yet none has reached the area since 29 January.”*

The ICRC sailed with injured patients that day and presumably was not allowed to get back on a permanent basis. Its last few statements were very damaging to a government which did not want anyone to report on deaths by bombing and shelling and deliberate shortages of food and medicine. It thereafter became a war with no witnesses from outside, except when the ICRC ship called. Whenever the doctors spoke of casualties or shortages of medicare, there was no one to back them up. The Government routinely accused them of lying.

**New No-Fire Zone (NFZ):** Prior to advancing towards PTK, the government on 12<sup>th</sup> February announced a new safe zone, a 7 ½ mile stretch of the sea coast east of PTK. PTK Hospital was closed and moved to Putumattalan by the sea in the new NFZ. The ICRC became the last organisation to dismantle its permanent expatriate presence. The LTTE too began moving its assets into the NFZ. The Army took Puthukkudiyiruppu Junction on 2<sup>nd</sup> March. Civilians in the NFZ, just a short distance east of the fighting were the victims of shelling by government forces throughout this period. ICRC worker Vadivel Vijayakumar, father of three, was among those killed in the NFZ at Valaignarmadam on 4<sup>th</sup> March, whose son was injured. An ICRC bulletin on 17<sup>th</sup> March stated, *“The area is affected by shelling every day, and the cramped conditions and the lack of water and proper sanitation are putting people at risk of epidemics.”*

## **2.7. The Bombing of Ponnambalam Memorial Hospital**

Defence Secretary Lt. Colonel Gotabhaya Rajapakse Rtd. appeared to believe that it was his right to make up rules of war as suited his whims. One wonders at his excuse for shelling PTK hospital, the only major hospital in Vanni left functioning in its premises, being left just outside the safe zone declared by him in January and his insistence that no hospital should function outside the safe zone and anything outside is a legitimate target. All hospitals were hit and one would look in vain for any traces of restraint. One instance of a hospital that was bombed and has not received due attention despite the ICRC presence is Ponnampalam Memorial Hospital in Puthukkudiyiruppu. The Hospital though funded and built by LTTE supporters abroad, was maintained as a first rate hospital serving both civilians and LTTE injured.

The Government by its actions was criminalising the treatment of injured LTTE cadres. The latter were normally brought to government hospitals and taken away after about two

days. Previous governments had not made this an issue. International law and basic humanity forswear attacks on those who are weak, disabled or under medical care. Doing otherwise sends a country on the fast track to barbarousness.

After the shelling of PTK Hospital, the expatriate media *Athirvu.com* on 3<sup>rd</sup> February produced a video on the incident (<http://video.filestube.com/video.6817c8dcb815128803ea.html> ). In their introduction they showed a map taken presumably from Defence Ministry graphics used also in defence.lk. The map showed a hospital north of PTK Junction. PTK government hospital is in fact situated on the PTK – Mullaitivu Rd. That is, going 500 yards east from PTK Junction. Two days later on 5<sup>th</sup> February the Defence Ministry produced a video in response to *Athirvu* introduced as ‘*Air Force beach craft exposes how LTTE has taken UN for a ride*’ (<http://www.youtube.com/watch?v=FhDrJc8BuXE> ). The Defence Ministry video was a childish attempt at propaganda. The beach craft (UAV) was set to fly over the hospital and take continuous pictures. Any discontinuity of position or time in the video display, points to sections being censored out. We note first a gap of 2 minutes, then one of 34 minutes. Lastly it runs from 14 36 30 hrs to 14 36 47 and gives a quick glimpse of a fork of a road taken earlier at 14 34 56, which points to clumsy editing. The Defence Ministry announced ‘*Video footage clearly shows the Puthukkudiyiruppu government hospital with no damages*’

The very next day after giving ‘proof’ that it had not bombed PTK Hospital, the Air Force, 6<sup>th</sup> February, bombed Ponnampalam Memorial Hospital (PMH). The news appeared in *TamilNet* only on 7<sup>th</sup> February, saying little more than 61 patients being killed. Against this the Defence Ministry put out a news item “*Sri Lanka Air Force Kfir and F-7 fighter jets yesterday (Feb 6) destroyed a hideout of senior LTTE leader Soosai located 1 Km northeast of Puthukudduyiruppu junction.*” It put out a video <http://video.google.com/videoplay?docid=180115444206565895#> . It added, “*the target was registered after through analysis of intelligence obtained through technical and human sources*”.

It described the attack: “*According to the Air Force spokesperson [Wing Commander Janaka Nanayakkara], the initial air strike was taken on the target at 1.45, last afternoon. The mission was to destroy an underground bunker and a luxury house of one of the LTTE's senior leaders. Following the attack, it was observed that the terrorists were making a desperate attempt to dig out the location with three earth moving vehicles. The fighters again hit the target at 4.45 on the same day evening destroying the three terrorist vehicles.*”

This corresponds closely to what sources on the ground told us about the scene near PMH. After the bombing, rescuers were trying to pull out the victims in the rubble when the Air Force bombed again.

PMH is situated on the right, about half a mile N25\*E from PTK Junction on the road to Putumattalan (PuM Road). Almost opposite to it (on the left of the road) are government offices including the AGA’s office and the Mullaitivu GA’s office, which was moved

there after hostilities broke out in Mullaitivu. Another road going N20\*W from opposite PTK Hospital (Link Road) meets PuM Rd. just north of PMH. According to persons native to the area, several houses around PMH were taken over by the LTTE because they considered these safer once hostilities began and had meetings in some of them. Doctors from PMH also lived in nearby houses. (See <http://wikimapia.org/1532417/General-Hospital-Puthukkudiyiruppu> )

The LTTE was having many casualties for which the PMH had no space and some adjacent houses were used to treat injured cadres. The large luxury house opposite PMH on the Link Rd., whose owner is resident abroad, was also used for treating casualties. The house next to PMH to the south and on the same side of it on Link Rd. was used by doctors at that time. PMH sustained bomb damage from behind, and some of the neighbouring houses, including the two above used for patients and doctors were also badly damaged. Another house severely damaged was the fourth on the left of Link Road going towards PTK Hospital from PMH, which according to local sources was used by the LTTE leader Sornam. Local sources place the number killed as around 75 patients and visitors including 14 members of the LTTE.

We checked with different sources and found that while Soosai may have been visiting houses around PMH, his so-called hideout was interior into Kombaveli Rd., which leads off from PuM Rd. a little north of PMH, going west from opposite the Hindu Cemetery. People knew that LTTE leaders lived down the place (deep down with several escape routes handy) from the fact that they were regularly seen coming out, but hardly anyone went inside. Another source who knew Soosai's house said that unlike the house shown in the Defence Ministry video, Soosai's house had no trees nearby. He was unable to identify the house in the video. He pointed out that it was a selective display as the bombers did at least six swoops, each time dropping two to four bombs, so that several places would have been hit.

While what happened does little credit to the LTTE, it marks a war crime as being an indiscriminate attack on a protected site (a civilian medical unit) rather than a targeted attack on a protected site. It does not speak well of a government which was doing this in the name of hostage rescue.

The action described above violates customary international law, which recognises specific protections due medical and religious personnel and objects:<sup>2</sup>

Sri Lanka is a party to Common Article 3 to the 1949 Geneva Conventions, which applies in the case of a non-international armed conflict occurring on the territory of a state party. It requires, among other things, that all wounded and sick be cared for. Although Sri Lanka is not a party to 1977 Additional Protocol II, which deals with non-international armed conflicts in more detail, customary international law mirrors its major points,

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<sup>2</sup> Customary Rules of International Humanitarian Law Applicable in Armed Conflicts of a Non-International Character; A STUDY BY THE INTERNATIONAL COMMITTEE OF THE RED CROSS [http://www.adh-geneva.ch/RULAC/pdf\\_state/ICRC-Study-of-Customary-Rules-of-IHL-in-Non-International-Armed-Conflicts.pdf](http://www.adh-geneva.ch/RULAC/pdf_state/ICRC-Study-of-Customary-Rules-of-IHL-in-Non-International-Armed-Conflicts.pdf)

including those contained in Article 11.1 guaranteeing the protection of medical units and transports: *Medical units and transports shall be respected and protected at all times and shall not be the object of attack.* And 2) stipulating protection *...shall not cease unless they are used to commit hostile acts, outside their humanitarian function* (the latter includes treatment of injured cadres).

The commentaries to the conventions expand the law by going beyond the letter of it to give effect to the spirit of the law. According to the commentary on Article 19 of the First Convention, Remark 4714, *“...respect and protection imply not only the obligation to spare people and objects concerned, but also to actively take measures to ensure that medical units and transports are able to perform their functions and to give them assistance when necessary...To respect such units means, not to attack them or harm them in any way.”*

A serious war crime of this nature did not get the attention due at that time and was forgotten in the flux of events. One weakness was that all condemnation of the bombing was based on the sketchy report in *TamilNet*. No photographs were sent out. This calls for a note on *TamilNet*. The *TamilNet* correspondent was the younger brother of the editor of the LTTE run paper *Eelanatham*, who once worked for that paper.

He very faithfully covered for *TamilNet* one aspect of the reality confronting the civilians in the Vanni in those harrowing times. He braved shells went to places where civilians were killed, took photographs and with help from others who knew how to operate sat-phones sent these pictures out. Estimates of civilian casualties given by him compare well with those given by other good sources. In retrospect *TamilNet* was, even if one-sided in not reporting matters like the LTTE shooting escaping civilians, an indispensable guide to what the State was doing then. It was all the hard work of one man. However, *TamilNet* supported the LTTE which made political commerce out of the suffering of the people, to a large extent its own doing, to feed the mills of expatriate lobbies. It is here that its one-sidedness acquires a sinister aspect.

Even pro-LTTE Tamil web sites of Tamil expatriate groups depended on *TamilNet* for their news and translated its reports into Tamil. The elite expatriate organisations too circulated *TamilNet* reports and relied on them to lobby with their governments.

PMH was a civilian hospital even though several injured LTTE cadres were warded there. It worked closely with PTK Hospital. Patients with broken bones needing long term nursing care were frequently transferred from PTKH to PMH. The ICRC was then present and would have likely passed PMH on the way to Putumattalan.

The Government has as far as we know not denied bombing PMH. Dr. K. Sivapalan, the head doctor at PMH was arrested by the security forces when coming out of the Vanni. He was interviewed in the scripted public confessions by Vanni doctors on 8<sup>th</sup> July 2009 (<http://www.sundayobserver.lk/2009/07/12/fea02.asp> ). Here is an extract from the *Sunday Observer* report quoting Dr. Sivapalan:

*‘ “We were basically focusing on learning latest technologies of endoscopes, echocardiograms and the other factor was technology transfer for the rehabilitation of disabled LTTE cadres...The Ponnambalam Memorial Hospital had an OPD as well as in ward facilities. “The wards could accommodate 50 patients and every day there were 100 - 200 patients for the OPD. The OPD was run by LTTE Medical wing members,” doctor Sivapalan added. In a very organized manner the hospital was carrying out maternity clinics and other such clinics. Doctor Sivapalan was the only permanent doctor attached to this hospital while an elderly doctor T. Gnanadaran visited and was taking care of the maternity ward. Doctor Weerakathipillai Shanmugarajah (from the government hospital) was working as a visiting physician. “During the Ceasefire period in 2002 - 2006 we managed to develop the Intensive Care Unit with the assistance from the Tamil Diaspora,” he said.’*

There was nothing sinister in the workings of the hospital. Dr. Sivapalan was not asked about the bombing of PMH. Nor did the circumstances allow him to volunteer information pertaining to it. We may add that the LTTE compromised the PMH’s civilian character in the public mind by using it in a cloak and dagger fashion, such as for treating prisoners whom it wanted to conceal from the ICRC (see Addendum). This suggests that the Hospital was being used more like a military hospital, but this too is protected in law.

The bombing of PMH, is a grave crime for which the Government is mainly answerable. It had not even issued a warning to those in the hospital. The LTTE too compromised the Hospital in the public eye. Given these factors, the ICRC too likely thought it wise to keep out rather than confront both sides at the same time. The ICRC had in fact asked the LTTE not bring their vehicles and weapons near PTK Hospital, but to no avail. Some of the hospital ambulances had also been taken over by the LTTE, whose leaders were using them to move around. (It makes a curious comparison with the government forces using ambulances to transport persons taken for questioning in Manik Farm.) The deplorable ethics of both sides made it difficult for the ICRC to function in the war zone.

## **2.8. The Battle for Puthukkudiyiruppu and Bombing of the LTTE Prison**

We observed that the Army’s attempt to take control of Puthukkudiyiruppu (PTK) was bitterly contested. The Army reached PTK Junction on 3<sup>rd</sup> March, PTK Hospital on 12<sup>th</sup> March, but did not claim to have captured the area until 5<sup>th</sup> April, after the Anandapuram battle. Once LTTE forces under Pottu Amman, pushed back the Army several miles in early February, it was forced to shun the direct approach and skirt it along the north towards Iranapalai, which it reached around 17<sup>th</sup> March. Prior to that, from mid-February, there was heavy aerial bombing and shelling of places in and around the LTTE’s key area. The places included Iranapalai, Anandapuram and Puthukkudiyiruppu, leading to again huge civilian casualties.

On 16<sup>th</sup> February there were both aerial and artillery attacks on a settlement in Iranapalai, 200 yards away from the LTTE prison where about 25 mainly women were killed (for a personal account, see Part IV.16). There was no LTTE target in the area. There was a

generator plant a short distance from the settlement and lights spotted from the air may have served to identify it as one.

Another possibility is that the area is a coconut producing area. When there was a demand for bunkers, people started coming to the area to cut coconut trees. Most owners refused. But one reasoning that he did not know what would become of him during the war, asked the people to take all his trees. This led to constant activity of trees being felled and transported away. Nearly all the casualties from the bombing were women. Due to economic activity having come to a standstill, the people had no resources. With the rising demand for bunkers, not least in the safe zone, these became a source of employment. The men left the women in bunkers at home and went to earn.

Among the places bombed was the LTTE Reform Prison close to Iranapalai, adjoining PTK and a children's home next to it. The aerial bombing of the prison took place on 18<sup>th</sup> February. Of the about 600 detained, most were persons who had deserted the LTTE and were caught, along with others involved in the lucrative business of helping civilians to escape from the LTTE-controlled area by devious means. About 50 prisoners were killed, according to a volunteer who went there, many of them in chains by which they were bound in pairs, a hand and a foot, to one another. (Curiously again, stories have emerged suggesting that it was not only the LTTE that used such methods as binding prisoners or slaves in pairs to prevent escape, such as when allowed to perform ablutions.) Among those killed by the bombing of the LTTE prison were four naval personnel held prisoner. The identity card of one of them showed that he was 19 years old, according to the volunteer above, who searched for persons who may have been alive among those covered in dust and rubble.

The incident again points to the deliberate, random or indifferent nature of the targeting, apparently based on UAV images that show crowds of people. What happened to the survivors is uncertain. The case of Tango 10 above suggests that most prisoners suspected of political or security connections were killed. Some prisoners from the security forces finally went free on 18<sup>th</sup> May just before the LTTE was decimated. One Tamil who was held for 16 years was released just before the end of the war, after 12<sup>th</sup> May. He was a businessman who was abducted, after which the LTTE made a ransom demand of Rs. 54 lakhs. Before his family could attend to the matter the man was transferred several times to other prisons and the family was unable to trace him. He is now reunited with his family. The family could not recognise him at first. It would be some time before he is calm enough to give more information.

Among those killed were four children from an LTTE-run home next to the prison as told to us by the volunteer. The planes returned an hour later to bomb again. Our witness is unable to tell us what happened this time. The *New Indian Express* of 7<sup>th</sup> September 2009 reported:

*“The interrogation of Puvasan, the head of the LTTE’s prisons, by the Vavuniya police, has revealed that most of the 600-odd prisoners that the outfit had, were executed, some in the final days of Eelam War IV, which ended in May. Puvasan had said that there were*

*14 security forces personnel who were directly under him, and that these were all executed under the orders of the LTTE chief, Velupillai Prabhakaran...Among the dead was Inspector Jeyaratnam of the anti-terrorist unit of the Mount Lavinia police station... Only five military men in custody, four of them sailors, could escape by making use of the confusion in the final days of the war” (see Addendum).*

This scripted claim hides the fact that at least four security personnel were killed by their own air force. Nor is it likely that the military men kept in custody until the last day escaped. They were kept to negotiate a safe passage for LTTE leaders, negotiations in which the Government acted in bad faith, killing those leaders who tried to surrender.

Another time when the civilians were subject to reprisal shelling was during the battle for Anandapuram during the last few days of March. As things got worse, the people’s desperation increased. In Puthukkudiyiruppu seven youths argued with two LTTE cadres over what their movement had brought the people to. According to refugees now in Jaffna, the cadres opened fire killing all seven.

### **Bearing Witness: “Rajaratnam”**

Rajaratnam, not real name, was in charge of a large extended family. Constant intervention by Rajaratnam’s mother, Thavamany, who barged into LTTE camps and obtained letters from leaders on the grounds that her younger son died fighting for the LTTE, saved him from conscription. Rajaratnam had recently become a father of three when his wife Menaka delivered her third baby at Puthukkudiyiruppu Hospital before it was shelled on 1<sup>st</sup> February. Experience had taught him to be cautious. He had decided that the safe zones were the least safe as the LTTE went about in its gun mounted vehicles firing at the Army with no thought of the civilians, who sometimes fought the LTTE openly.

Rajaratnam’s group was hiding in bunkers in Anandapuram along with many others as the Army moved in, waiting for a chance to escape towards army lines. A young man approached them and told them to go the way he pointed saying the Army was there. Many people went, while Rajaratnam was held back by his innate caution. Those who went forward were confronted by a line of LTTE men who thrashed them up with *pachchaimattais* (raw stems of palmyra leaves) and chased them back. Lacking any other alternative, they all went to the new safe zone at Puthumattalan.

## **2.9. 2<sup>nd</sup> Week of March, LTTE’s Two Deep Penetration Missions**

The civilian victims of shelling were well outside the zone where fighting was going on. Whether these were reprisals for casualties suffered by the Army, or responses to LTTE firing from among civilians, needs to be determined by talking to the civilians. By early March the Army was too close to the NFZ for the LTTE’s use of cannon. Our inquiries

reveal that the LTTE used its cannon in the south of the NFZ (the people were generally towards the north) on the night of 7<sup>th</sup> March in support of an operation by its deep penetration unit to neutralise the Army's gun positions at Theravil, east of Visuamadu. The LTTE claimed they used the cannon captured at Theravil to shell Kilinochchi, Muhamalai and Pallai from Visuamadu before spiking them on the morning of 10<sup>th</sup> March. The LTTE claimed that only four Black Tigers were killed during this operation which was in itself meant as a smokescreen for a more ambitious operation.

In another operation just about this time, 800 LTTE cadres infiltrated army lines from Chalai by crossing the lagoon and moving about two miles into Thevipuram. Those involved included Lawrence, Sornam and Prabhakaran's son Charles Anthony. They had two aims, one was to capture the Army's ammunition store and replenish their dwindling stocks. Not only were theirs critically low, but they were near or past the expiry date, after which the performance would diminish. Second, they wanted to block the A 35 and hence the Army's supply route to troops fighting in PTK. The Army had their store near a small tank in the middle of the former (Thevipuram) safe zone, on the route of the 58<sup>th</sup> Division's eastward march towards Iranapalai. The *Daily Mirror* defence correspondent quoting the Army admitted heavy fighting in which many soldiers were killed besides 125 of the attackers.

The operation failed although, according to sources close to the LTTE, the infiltrators got hold of the munitions, but were unable to carry them back. Among the reasons were the Army had been alerted shortly after the LTTE left Chalai and began taking countermeasures (Military Matters, *the Nation* 15 Mar.09). The more important reasons from the LTTE side are that Sornam and Charles Anthony were injured and the cadres had to pay attention to getting them to safety, and too many of the infiltrators were recent conscripts who were relatively inexperienced. Although the LTTE did not disclose this operation to the public, the talk among them was that about 200 cadres died.

A source who was in the NFZ said the LTTE fired only a little above ten shells in support of the two related operations as they were short of ammunition. Partly to conserve ammunition, they used long range guns only when there were cadres in the field to direct the gunners to worthwhile targets. During these two attacks civilians in the north of the zone near Valaignarmadam were subject to reprisal shelling, although the LTTE's guns (130mm and 122 mm) were generally to the south of the civilians.

**The general principle behind LTTE operations was not to take the troops head on, but where possible to cut off their supply lines and inflict a blow on those trapped as the result. It only meant delaying the army advance, so as to give time for their worldwide supporters to pull off something. This hope was the main inducement to keep up the fight against vastly uneven odds and an increasingly rebellious civilian population, unable to bear the draconian impositions. Such operations also meant deploying skilled reconnaissance units behind army lines.**

## **2.10. Kilinochchi Hospital: An Astonishingly Disturbing Encounter**

This encounter, which was reported to a friend by a cadre (who we refer to as R) involved in reconnaissance duty behind enemy lines during February 2009 for the operations above, was given to us by the friend. The friend, who first gave a hint of the story in passing, in the course of several subsequent conversations gave a detailed and consistent picture. To this friend, R had committed the care of his wife and child, should he ever fail to return from a mission. We judge the story to have a strong ring of truth.

By late February the Army was hammering on the gates of PTK. An LTTE reconnaissance unit wearing army uniforms had gone about five miles behind army lines to Suthanthirapuram, by then bereft of civilians. In one of the deserted houses they encountered two girls in a very dishevelled state. The girls first thought them to be from the Army and tried to run away but the unit stopped them. On learning that the youths were from the LTTE, they reluctantly told their story.

From earlier that month civilians escaping the shelling and worse to come began surrendering to the Army, initially at Visuamadu. The girls said that the Army separated some of the young boys and girls ostensibly on suspicion of being LTTE members and sent them to unknown destinations. These girls, who were civilians, were taken to the hospital in Kilinochchi, which was then under the control of the Army. The hospital had new buildings acquired during the ceasefire. The larger building had good rooms upstairs for patients and consulting rooms and other rooms for the staff on duty downstairs.

The girls said that there were about fifty girls in their position. They did not say much about the other girls. Some male detainees were also brought there for menial work. The girls were kept in the doctors' quarters and in the nights they were taken to a larger building. This was being used as a guest house for officers. The ground floor was used as a mess serving food and drinks. The girls had said they were taken upstairs and sexually abused. The girls understood that they were rotated and the girls finishing their stint at Kilinochchi Hospital were sent away in buses, as they were told, to IDP camps. As to what eventually became of the girls and boys, one could only guess.

The two girls who were from the Kilinochchi area, and knew the terrain, decided to escape along with three other boys. The Hospital, which was on the east side of the Kandy Rd., has a drain 50 yards behind, close to where they were. The drain carried rainwater northward to Kilinochchi Kulam (Tank). They waited for a time when things were quiet, broke through the wired fence, got into the drain, which gave them cover, and later made their escape eastward towards the jungle. At one point there was an alarm over an army patrol and the boys got separated from the girls. The girls were familiar with the place as far as Suthanthirapuram. They found a deserted house where the people had fled leaving behind some provisions, from which they cooked and ate.

They were in some anxiety about proceeding further because they did not know where they might run into the Army. This was when they met the reconnaissance unit. R questioned them closely and on hearing their story, believed them. Even though the girls did not have the same skills in moving covertly, R at some risk took them to

Putumattalan in the NFZ, partly to expose their experience. The girls were questioned for intelligence, but R's superior officer did not want detailed publicity on the matter so as not to alert the Army to their planned mission behind army lines. The girls were enjoined to silence and handed over to the office in Valaignarmadam that connects people with relatives, and relatives collected the girls.

A further check on the authenticity of the story is the manner in which it was featured in the pro-LTTE *pathivu.com* and three days later in *TamilNet* of 27<sup>th</sup> February 2009 under the caption, 'Slave camp suspected in Ki'linochchi hospital building'. It said:

***"A slave camp consisting male and female members 'chosen' from the fleeing civilians by the Sri Lanka Army (SLA) is reportedly setup in the abandoned Ki'linochchi hospital building, reported TamilNet correspondent in Vanni, citing unverified information reaching Mullaiththeevu from males who escaped from the camp. According to the sources, men are kept at the downstairs for forced labour and women kept in the upstairs for abuse by the SLA soldiers who are on temporary leave. Wailing and screaming of women are commonly heard from the upstairs, the sources revealed. The screening of the civilians who fled took place at two centres, in Visuvamadu and in Ki'linochchi."***

***Pathivu.com*** had given a similar story on 24<sup>th</sup> February without saying anything about the sources. We understand that the *Pathivu* report originated in the *Voice of the Tigers* broadcast in the Vanni which was routinely dispatched to the Diaspora in electronic form (V of T continued broadcasts until 15<sup>th</sup> May 2009). *TamilNet* which purports to authenticity in relaying news to the Diaspora, instead of repeating the local Tamil media, apparently went through further checking and came out three days later, giving also a hint of the story's origins. The major operation the LTTE had planned was still ten days away.

Our source also told us that when one of the units operating behind army lines, captured the artillery point at Theravil, based on the information given by the girl escapees, its gunners also aimed artillery shells at Kilinochchi Hospital. R also said that he had been contemplating sending his wife and child out of the war zone by putting her down as a care giver for an injured patient being carried by ICRC ship. But he decided against it after meeting the girl escapees.

When journalists were given a conducted tour of Kilinochchi around mid-January, the new hospital had no signs of habitation, but was newly painted and squeaky clean.

Reports of this story in the pro-LTTE media at that time would have been treated by several readers as a ploy to stop civilians escaping to the army-controlled area. About two weeks earlier the LTTE had begun shooting at escaping civilians. However the main impact of the story was not in the locality, but in the Diaspora. We suggest that this story should be examined alongside the video shown on Channel 4 purportedly depicting executions of prisoners by the Army. The video according to the Journalists for Democracy was taken in January 2009, which places it just after the Army captured Kilinochchi, close to the time of the story

**above. Although the Government has tried to discredit the massacre video on the testimony of local experts whose impartiality has been questioned by leading human rights advocates, it requires a transparent investigation. Both stories pertain to a time when the Army had suffered heavy casualties and there was considerable licence for impunity.**

**According to sources with close contacts in the security forces, many soldiers were said to possess photographs of naked women LTTE cadres in their cell-phone cameras, taken after they were dead. They thought it an unlikely situation that women from the war zone were herded into a brothel. They believed that male cadres falling into the hands of the security forces have been regularly executed, as several soldiers themselves have come from areas affected by civilian massacres in which both sides have indulged.**

**There have hardly been any reports of LTTE cadres being taken prisoner on the battle field. In a polarised country, soldiers' inclinations may be understandable, but it is the function of a disciplined professional army to curb such tendencies. What we have witnessed over the years is an open licence to kill suspects and well over a thousand Tamil civilians have been killed by the present government's killer squads. There is little left to the imagination on what would have happened to prisoners on the battle field.**

## **2.11. Anandapuram**

A source who knew several LTTE leaders told us that Prabhakaran came to a decision to make Anandapuram their Stalingrad. The plan was to marshal nearly 1000 regular infantry, most of what they had left, at Anandapuram, with three heavy artillery guns and advance westwards from where they had earlier evacuated. The plan was put into operation at the end of March as is evident from heavy shelling of the NFZ during the last week of the month. The LTTE force was divided into three divisions, west, south and north. The lagoon was to the east. Commander Theepan was in charge of the northern thrust. As things turned out the Army's 58<sup>th</sup> and 53<sup>rd</sup> Divisions boxed the LTTE into an area half a mile square, once they linked up at Pachchaipulmoodai Junction on 1<sup>st</sup> April. A day earlier, when the Army had about 200 yards to close the loop, the LTTE fought hard to keep it open until they got Prabhakaran away to safety. After the loop was closed the shelling of civilians in the NFZ diminished.

Once the LTTE were trapped in a small area, Kfir bombers ran continuous sorties for three days, dropping over a hundred bombs in the area in a day. The troops were so close that one sortie was seen by the LTTE to bomb a section of the government troops. As things got bad the LTTE called for help. Pottu Amman who was in the NFZ with the remaining Intelligence Wing cadres and Sea Tigers felt the army positions to be too strong for them to break through. Refusing to surrender the LTTE fought on. Theepan had been injured on 2<sup>nd</sup> April. With no chance of getting him away, he died two days later and was buried there. About 500 cadres, half of them with injuries, made it to safety, either by creeping through army lines or by going east and crossing the lagoon to the

NFZ. This portion was marshy land containing several pools, which was not well covered by the Army and not easy terrain for those unfamiliar.

Theepan was a top ranking commander, who with the limited resources he had, held Muhamalai front in the Jaffna Peninsula against several attempts by the Army without budging. He was reluctantly forced to evacuate once the Army took Paranthan to the south. Others who have seen a different side of some leading LTTE figures who died heroic deaths can never forgive them. One woman whose husband, a left activist, was among thousands who disappeared after being detained by the LTTE in 1990, met several senior LTTE figures, including Theepan, seeking information about her husband. None of them, she said, behaved decently to wives, mothers and sisters. They were all nasty.

Some in the LTTE felt that the cause of the Anandapuram debacle was their plan being betrayed by someone at high level. The *Daily Mirror* Defence Correspondent denies the Army had any foreknowledge: *“However, it is now confirmed that the LTTE’s main objective was to breach the 58 Division forward defense line and infiltrate the cleared areas after killing a large number of soldiers. The military initially did not know the LTTE’s plan, and the Tigers too were unaware that the troops were surrounding them by linking from behind.”* An observer who had spoken to some of the commanders agrees with this. His conclusion is that apart from lacking anti-aircraft missiles, the LTTE was short of both heavy ammunition for the cannon and even mortar shells. If they had these in sufficient quantities, he felt, the two divisions of troops (about 30 000 men) who were in a small area at close range would have suffered enormous casualties from direct fire. He believes that although the LTTE suffered a defeat that greatly demolished their conventional capacity and left them too weak for any further offensives, the Army too must have suffered heavy casualties in the intense fighting. An old piece of wisdom among the civilians is that whenever they suffered heavy shelling, it indicated heavy casualties among the Army.

After the fall of Anandapuram, the remaining LTTE fighters were confined to the NFZ. With the Army so close across the lagoon, apart from the paucity of shells, their cannon had become useless. Some of the cannon were placed at the bund to facilitate direct fire. There was no prospect of their breaking out. Even though they were trying to boost numbers by conscripting, even children, indiscriminately, they were beaten and in a bad way. For the Army to take them out in the strip of beach packed with civilians could hardly be termed hostage rescue. To pretend it was a humanitarian operation after pummelling the area with standard shells, phosphorous shells and cluster munitions, is rather disingenuous.

## Part III

### At Sea in ‘Mattalan: Escape invites Death and Staying is Worse

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#### 3.1. Use of Bombs, Cluster Munitions and White Phosphorous; and Curtailment of Medical Aid

The first public reports on the use of cluster munitions appeared in the international media in early February 2009. On 4<sup>th</sup> February AFP’s Ravi Nessman reported citing the Colombo UN Spokesman Gordon Weiss that 52 civilians had been killed in intense fighting over the past day and that cluster munitions were fired outside the Puthukkudiyiruppu Hospital, which too had been struck by artillery killing 12 persons. The Government immediately denied it. Mr. Weiss as quoted by AFP said that cluster munitions had been used at least once earlier in recent weeks. The same report also quoted him saying, ‘*the UN accepted the government’s assurance that they did not have the weapons*’. It appears the UN took a political decision not to pursue the matter.

Our sources have assured us that cluster shells, known locally as *kotthu kundu*, were regularly fired from 21<sup>st</sup> January. They were then noticed by the Oxfam staff at Thevipuram and subsequently by the OCHA, which had its office near Puthukkudiyiruppu Hospital. Both observations were reflected in the UN statement.

Witnesses said that at the time of firing cluster shells are indistinguishable from normal shells, but subsequently these shells open about 1000 feet above the ground with the pop sound of an opening of a soda bottle, sending out about 80 submunitions or bomblets, each the shape of a plumb bob. A few seconds later they strike the ground making a characteristic loud drumming noise for several seconds. Our witnesses are agreed that this was a daily occurrence in the NFZ – about one in ten shells fired had cluster munitions. Of the 80 or so bomblets in a shell, about 15 remained on the ground, lethal to children who chanced to pick them up. The LTTE regularly warned people about these and placed sticks with a red cloth attached wherever an unexploded device was reported. This was a familiar sight and the drumming noise of these shells was a familiar sound until the fighting ended in May 2009.

*TamilNet* regularly reported the use of cluster munitions, but appears not to have published pictures of any unexploded devices. Taken along with indignant government denials and the UN dropping the matter and the ICRC not saying anything publicly, the only means of establishing the truth is to question witnesses brought to the IDP camps.

**Bearing Witness: “Gunam”**

We obtained a description of frequently encountered sub-munitions from a young witness whom we call Gunam is scientifically trained. We give below his description of the object:

These are shaped like bells of grey aluminium colour about 1 ½ inches in diameter and 3 ½ inches long. The top of the bell which contains the mechanism is screwed to the lower part and some of the threads are visible. The lower part which contains the explosive packed along the sides has an empty appearance. The bell shaped object falls downwards trailed by red ribbons attached a small rotating cap fixed to the top of the bell, so that the drag ribbons do not interfere with the spin acquired by the bell upon discharge. Gunam said that 95% of the unexploded cluster munitions were as described in the link given:

<http://www.tadamon.ca/wp-content/uploads/cluster%20bomb%20nabatiyeh.jpg>

The witness who in early February saw about 15 unexploded munitions near Puthukkudiyiruppu Hospital said he searched Google using the type number of one of them (which he has since lost) and found that it was from a shell with about eighty sub-munitions. He had confirmation of this on a later occasion where on the soggy ground of the NFZ, he saw over 60 holes where the sub-munitions had penetrated the ground. A friend of the witness took one of the unexploded sub-munitions at Puthukkudiyiruppu. The exposed threads below the top invite an unsuspecting beholder to unscrew the object. When Gunam’s friend proceeded to unscrew, he found the object getting hot. It exploded before he could throw it away, causing him to lose a hand and acquire injuries on his neck and face by small bolt-like objects. A person standing in front was killed.

On another occasion Gunam was told about unexploded cluster munitions in a house. In order to prevent children picking them up, he went with some others to

place a sandbag over the unexploded munitions. On certain occasions the sub-munitions fell on people's heads as with other normal shells, killing them. Whenever people found that the bomblets had fallen inside their bunker and penetrated the ground or lay there unexploded, they abandoned the bunker to avoid risks of a mishap. The bomblets come down with a spin, which they acquire upon being discharged centrifugally by a dispenser.

On an occasion quite widely known to the people near Putumattalan Hospital, a spinning outer rim of the bomblet, upon falling, embedded itself in the thigh of a woman lying down. She was taken to the hospital and, according to those present, her leg was amputated rather than risk the bomblet exploding while attempting its extraction. In another instance seen by Premila who testified to us, a sub-munition was embedded in a calf of an 8-year-old girl. She was living close to the hospital and also saw the girl after her leg was amputated.

To identify the cluster munitions used, we first note that the Indian and Pakistani media have reported from May 2006 that Sri Lanka placed orders for cluster munitions with Pakistan (e.g. *Indian Express*, 2<sup>nd</sup> May 2006, *Lanka sent Pak its arms wishlist*, Pranab Dhal Samanta). *Pakistan Daily* (3<sup>rd</sup> March 2009) said, "It has been reported that Sri Lanka has purchased cluster bombs, deep penetration bombs and rockets and UAVs from Pakistan." A similar report was put out by Jane's Information Group.

In its 2007 document 'Overview of Dirty Dozen Cluster Munitions', Human Rights Watch lists 12 kinds of submunitions that are most harmful to civilians by for example being inaccurate or leaving a high proportion unexploded on the ground. Just one of these types shown was manufactured in Pakistan, besides in the US, Turkey and Germany, and had been used in Iraq, Kuwait, Lebanon and Western Sahara. These were M42/M46 type sub-munitions carried by 155mm shells, each one of which dispenses 88 or 72 of them. The sub-munitions are bell shaped and have almost the identical dimensions described above and are fitted with drag ribbons. The agreement with the eyewitness description from the battle zone, gives us a tentative identification of the type of cluster shells used in the Vanni.

**White Phosphorous:** The use of white phosphorous shells, *eri kundu* (burn bombs) in local parlance, was prominent on the morning of 20<sup>th</sup> April when the Army entered the NFZ. Militarily, burning white phosphorous creates a smoke screen for advancing troops, but in a crowded area like the NFZ, these shells led to deep burns among civilians and children. Gunam saw white phosphorous shells creating on 20<sup>th</sup> April morning a prominent white glare. Although he was not close enough to see this again, it was common knowledge that white phosphorous shells were being fired on an almost daily basis. Because the area was near the sea, one could see the smoke prominently even at a distance.

**Aerial Bombing:** Until the people were herded into the NFZ, many of them were victims of aerial bombing. After 19<sup>th</sup> April 2009, aerial bombing was confined to the LTTE's defence lines in the NFZ. Reckless bombing was a daily occurrence in a region where

civilians were fleeing and camping out and there were hardly any clearly marked LTTE targets. The reckless nature of the bombing could be seen from the fact that in mid-March 2009, the Air Force bombed the LTTE prison near Iranapalai, killing many detainees including naval personnel. From civilian observation, a Kfir bomber usually comes with six bombs. In its first run it drops two bombs known in local parlance as *air shots*. These explode above the ground, killing or burning anyone within the range of a sizeable field. When the bomber circles and makes its second run it drops another two bombs known as *delay shots*. These are 1000 kg bombs which penetrate the ground and explode leaving a hole the depth of a well and throwing high up the soil and everything within a given radius. On the third run the bomber drops its last two bombs known as *solid bombs*. These explode on contact with any object, house or structure.

### **3.2. Putumattalan Hospital**

An undeniable fact was that from about April, the medicines received by the Putumattalan hospital in the NFZ were grossly inadequate for the number getting injured by government missiles. Further, the doctors and support services were far too overstretched to deal with the casualties. A witness who visited the hospital at Putumattalan found some of the doctors almost in tears. They were saying, “*We studied and were trained to save lives, but here we do not have the ability and wherewithal to fulfill our mission.*” Whenever the doctors complained of the lack of medicines, the Government became very angry, often blaming the LTTE of taking the medicines. Visitors going to Putumattalan Hospital have confessed to the depressing sight of the more seriously injured laid out by the roadside and practically allowed to die.

To put it in stark terms, if the patient came with a wound in the head or the stomach caused by a missile, the person was often given a dressing and laid on a mat to slowly die, which took about two days. This group amounted to about 25% of the admissions. An implication of this is that the standard dead: injured ratio of 1: 2 resulting from shelling must be taken as nearer 3: 4 in the case of Vanni.

The doctors concentrated attention on those with a chance of being saved under existing conditions. This meant trying to keep the injured alive until the ICRC ship arrived, which was about once in three days. Thus a significant proportion of those who could have been saved, were allowed to die. It is the Government that is answerable and not the doctors it impugned and humiliated. Allowing the MSF into the war zone to aid the overstretched medical services could have saved many hundreds of lives.

The hospital was housed in a small school. Surgical operations were performed chiefly by Dr. Athirchelvan, who was originally from Mallavi Hospital, working as late as 2.00 AM. Being a small rudimentarily constructed classroom, the operating theatre had more the appearance of a butcher’s shop.

Injured LTTE cadres were brought to the hospital and left there for two days and were then taken over by the LTTE. Although shells were falling in the vicinity and exceptionally inside the hospital premises, there was no major shell damage. An army post across the lagoon had a direct view of the hospital. The Army fired with RPGs or small arms whenever they saw a vehicle approaching the hospital, taking it to be one bringing injured cadres. They did not fire at ambulances displaying the red light above. The LTTE usually approached the hospital when it was dark after switching off all lights. People were also advised not to be seen near the hospital in jeans. One young man in jeans who had left his mother and was standing outside the hospital was killed by sniper fire from across the lagoon aimed at his head.

Yet, despite the yeoman service of the doctors, the hospital's reputation was not uncompromised. The author of *Vanni Experience* commends the doctors' dedication while having reservations about their political sympathies.

This, in combination with the LTTE being the ultimate authority deciding who should be sent by ICRC ship, aroused suspicions and questions in the minds of people over certain experiences. According to the people who were there, the LTTE was not allowing persons injured by its guards, while attempting to escape, passage on board the ICRC ship, however much the patients needed advanced care not available there.

Maniam told us an incident where a mother and her two boys were injured by LTTE firing while attempting to escape, the mother in a hand and the boys in their legs. They were inevitably warded at Putumattalan Hospital. The mother was very angry and had a sharp exchange of words with one of the doctors, which was observed by others in the ward. One boy's leg was later amputated and he subsequently died. It is in cases like this that the people are bound to ask searching questions even when the doctors had done their best under the circumstances.

It raises questions about politics that are consistent with the highest medical ethics. They are perhaps a questions not adequately discussed in the Medical Faculty at the University of Jaffna, after the LTTE assassinated Dr. Rajani Thiranagama with the assistance of some medical students. The people were very angry with the LTTE and they saw the doctors as being sympathetic to that group. In these circumstances they were likely to blame the doctors unfairly even on matters beyond their control. For one thing the Government was sending far too little medicine in relation to what was needed. A proper inquiry should easily be able to compare the quantity of medicines brought by the ICRC with what was required on the ground. The people also perceived rightly or wrongly that LTTE cadres were being treated better than the civilians, against the reality that many injured civilians were dying along the road and under the trees near the Hospital, their wounds infested by maggots.

### **3.3. The State of the LTTE**

The Government's obsession was with decapitating the LTTE, disguised as civilian rescue, and never paid attention to the state of the LTTE and how the challenge it posed could be tackled politically. There was no genius in the Government's approach. Age, the attrition within caused by repression and the peace process had all taken their toll on the LTTE.

The LTTE as an organisation evinced two minds, showing the different expectations of the Leader and normal cadres and officers. The Leader had driven himself to a point where it would become difficult for him to justify his prolific record of killings if he settled down to a federal settlement, where he would ultimately be held politically accountable. A more immediate problem was the section of the Diaspora that had financed and feted him to deliver Tamil Eelam. Disappointing them would have meant some loss of face that could have been ignored. What the people wanted was a federal settlement offering them dignity and an opportunity to rebuild their lives.

Thus even during the peace process the active section of the LTTE concentrated on furthering their control over the Tamils, conscripting children, training suicide cadres and killing opponents. Many experienced cadres on the other hand left the organisation after going through the punishment, got married and started raising families. The same applied to officers who wanted to live as officers in peacetime, raising children, sending them for an English education and university, ensuring good career prospects.

In going into the peace process, Prabhakaran could not have it all his own way. He could not help constantly provoking the security forces, creating tensions and stirring up his organisation to be in a constant state of war readiness. Not many officers and cadres would have fancied spending a lifetime in warlike activity. The Karuna split of his Eastern Wing in 2004 was a symptom of divided expectations in his organisation. His provocations in 2004, 2005, and his calculation in bringing Rajapakse to power by electoral fraud, could be seen as a single do or die move before matters got worse. The Karuna split and the uncertain dispositions of several senior leaders showed how the drift during the peace process might easily go beyond Prabhakaran's control.

When the undeclared war began in 2006, the LTTE was no longer the confident organisation that brought about the Army's Vanni debacle in 1999 and went on to capture Elephant Pass in 2000. When Tamilchelvan was sent in 2006 to appeal to the 5000 or so cadres who left the organisation during the peace process for civilian life, they refused point blank and complained angrily about the way they were humiliated and punished when they wanted to leave. Some skilled ex-cadres who refused to rejoin were even abducted and tortured.

An inside description of the state of the LTTE in its final year said that out of say 10 000 cadres, 5000 would have been fresh conscripts, who were inadequately trained or unfit for battle. Of the 5000 trained, about 3000 were those unwilling to fight and looking for some means of avoiding it. An option many of them took for exemption from fighting was to become recruiters. The price they had to pay was to bring in 20 conscripts/recruits

every month. This figure was raised to 50 once the LTTE was cornered in the NFZ from February 2009 to keep the number at 15 000.

Finally out of 10 000 it was only about 2000 who were willing to fight and die for the cause. Even here there were many problems. Earlier in Killinochchi, the officers were pampered. Each had a batman and support staff, who attended to household needs and tasks such as taking children to school. After the fall of Killinochchi they lost all this. Besides their families were on the run and their children got injured like everyone else. Often the officers had to take time off to visit their families, check on their safety and attend to urgent needs themselves.

Another matter that was deeply upsetting particularly to those who believed in the LTTE's cause, despite misgivings about its methods, was the treatment of dead cadres. Earlier they used to be interred ceremonially in well-kept mausolea. It gave the dead a religious aura as eternal children of the Leader, and gave their families dignity and the means to come to terms with the loss.

However in the NFZ, dead cadres, who were conscripted and used briefly like disposable objects, were brought by the dozens, about 50 a day on the average, on trailers of tractors and buried unceremoniously, about three in the same hole, one above the other, covered and forgotten. Many felt impelled to ask how a movement that treated its cadres so cheaply could justify the burden it was imposing on the people.

**The LTTE had become a shadow of what it had been and was in no fighting shape. The Leaders themselves were not sure towards what end they were imposing all this suffering on the people. This is why invading the NFZ was poor strategy and a failure to use the intelligence the Government would have obtained from escapees, causing the deaths of many civilians and young conscripts who did not want to fight.**

#### **Bearing Witness: Muhunthan**

Muhunthan, whose younger brother was an LTTE cadre who died a few years back, and was helping to transport the injured at Putumattalan Hospital, told us that military wing cadres who came to see the injured, openly voiced dissent against the Movement, its policies and the fate it had brought on the people. He identified an important source of this disillusionment as conscription. At one time the LTTE had left alone the siblings of persons who served in the movement. But lately it had been conscripting persons indiscriminately, even if two or three in the family had served in the Movement. Often, a front line soldier who believed he was fighting for a just cause, received news that his conscripted younger brother or sister had been killed. This upset serving soldiers badly.

In May 2009 for example, four members of the LTTE police and two cadres came to conscript the younger brother of an LTTE *poruppar* (divisional or departmental head). While the younger brother was in the van, his father came and fought with the conscription gang, who shot him dead. The younger brother jumped from the van,

grabbed the gun of one of the gang, shot dead five of them and escaped. He is now reportedly in an army prison.

#### **Bearing Witness: Father of “Raj”**

Conscription also gave rise to dissension in other ways. Raj from PTK was conscripted by the LTTE in October 2007. A month later he escaped with a Sea Tiger girl “Mala” who was a body guard of the Woman Sea Tiger leader Urani. They lived in hiding for about eight months as man and wife. They were detained by the LTTE in Nachchikuda while attempting to escape to India. Raj served six months in prison and was then posted to the LTTE’s vehicle division. His father met him again in Putumattalan in February 2009. He told the father that he was trying to save people by warning them whenever the LTTE planned to conscript in a particular neighbourhood. The father learnt that his son was seen by an aunt in Valaignarmadam on 26<sup>th</sup> April and heard from others that he was seen with those who left around 17<sup>th</sup> May in Vattuvakal and then in Omanthai, but has been unable to trace him. Mala, who is from Valvettithurai, entered an IDP camp and was released through the agency of a Tamil group close to the security forces.

Despite continuing losses, the LTTE kept up an illusion of a strong organisation through its worldwide propaganda machine. Even before Anandapuram the elite Charles Anthony Brigade, the Black Tigers under the Intelligence Wing and the women’s Malathy Brigade had been largely decimated. The LTTE was very low on cannon shells, mortar shells and mines. The LTTE artificially increased numbers by conscription and these began to dominate casualties, often in the age group 15 - 20. When they ran away the LTTE began conscripting other family members or imposing severe punishments on others as deterrence. By such reckless means it was enabled to maintain a nominal strength of around 15000. Conscription went until almost the last, until about 17<sup>th</sup> May, when anarchy prevailed within.

#### **3.4. Early March 2009: People Take Matters into their Hands**

One looking through the course of the war would notice that the LTTE’s repression of its own population succeeded best when the violence of the State was at its worst. The LTTE understood this and it formed a part of its calculations in breaking off every peace process and restarting war. Under heightened levels of violence, the people were on the move or were too busy trying to keep their families safe and fed. Whenever the violence diminished, people talked more to each other and began to wonder why they accepted this level of repression that often involves surrendering their children to the LTTE for cannon fodder.

If governments had understood this, they would have had some ready political options for dealing with the LTTE. But they were so undisciplined that whenever war began, they lost all control and rushed headlong into indiscriminate violence against the Tamil people.

From late February to mid-March 2009, the people had somewhat settled down in the new no-fire-zone, and there was a notable drop in casualties due to government shelling. After heavy civilian casualties during January and February, the casualties shipped by the ICRC touched a low rate at February end, which lasted till mid-March. The number of casualties shipped by the ICRC was 400 for the first half of March, which almost doubled during the second half, and the half monthly figures subsequently were higher. One reason for this was that the Army was preoccupied with taking Puthukkudiyiruppu and there was a buffer zone between the Army and the NFZ. Later on the Army's artillery units had nothing else occupy them, except to fire into the NFZ.

The first half of March, having a lower level of shelling into the NFZ, also saw open rebellion against LTTE conscription gangs. During the first week of March, a conscription gang of about 50 police and intelligence men came near Pillayar Temple in Putumattalan, in two Hiace vans and seven motorcycles. The local folk attacked them, burning three motorcycles and one van. Three policemen were injured of whom at least one died according to local sources. The attackers were heard saying angrily, "*Ivangal engalai vaala vida maataangal (These fellows won't let us live)*".

A few days later, a conscription gang, including an administrative head, tried to abduct an 18-year-old boy in Valaignarmadam. The boy grabbed the gun from the administrative head, shot him dead and ran, firing at his pursuers, injuring three of them. Finally before his ammunition ran out, he took his own life. Maniam was later told by the boy's uncle that the LTTE came the next day, took the boy's 55-year-old father and executed him.

During this period, a mother near Pillayar Kovil, attacked with an axe a conscription gang of five who came for her son, hitting one of them on the back. The injured man ran away with the rest, his dress dishevelled, when according to the same report, a mortar shell from the Army exploded, injuring all of the gang.

In the coming days a clash broke out between the LTTE and the people over conscription. The LTTE shot dead three protesting civilians. The people, who were bursting with anger, carried the dead to the beach to show ICRC representatives who had come to collect injured civilians. LTTE Police tried to block the demonstrators carrying the dead, and in the clash the Police killed one youth. During these disturbances civilians boarded several small boats and put out to sea as the LTTE fired at them. 643 civilians, about half of them children, in 35 boats were found by the Navy on 18<sup>th</sup> March and taken to Pt. Pedro in the Jaffna Peninsula.

People clashing with the LTTE and burning their vehicles happened regularly, while the LTTE shot and killed hundreds of those who tried to escape. Persons so injured though hospitalised were not allowed to board the ICRC ship which came to collect the injured. Sometimes escapees were attacked with RPGs. The author of Vanni Experience says, "*At this juncture, the people began speaking openly about the LTTE's repression against Muslims, their anti democratic activities such as banning and physically eliminating*

*members of other militant groups, and their killing and intimidation of intellectuals. Several of them cursed Prabhakaran openly.”*

Even months after the experience, many people from the state education sector whom governments and NGOs took for granted to be pro-LTTE elements, though when called they had no choice but to perform on the LTTE's *Pongu Tamil* (Tamil Ferment) platforms, show deep feelings of anger against how the LTTE treated the people.

One is reminded of Central College Principal Rajadurai and Kopay Christian College Principal Sivakadatcham who were both killed by the LTTE in late 2005. The latter was reputedly a very good man who resisted the LTTE taking his students out for functions and demonstrations and offered himself instead to speak on their platforms.

A senior officer who lost close relatives due to army shelling, and is just coming out of a prolonged depression, blamed the LTTE for much of the suffering and said emphatically that the LTTE fired shells on civilian institutions such as hospitals. A woman officer came out even more strongly. She recounted angrily the violence used by the LTTE during conscription, dragging people out of bunkers, beating them along with their parents and shooting those who followed the abductors pleading and protesting. She spoke of an instance where a mother who had given birth five months earlier, ran after a conscription gang who abducted her son. The abductors beat her up with a *pachchai mattai* (the raw stem of a Palmyra leaf). The officer herself saw the mother's injuries. This officer had been interrogated by the Sri Lankan military.

Generally, people were angry and so negative about the LTTE that they were quite ready to say and believe that many cases of civilian places being shelled were the work of the LTTE. One man said that the LTTE would fire two shells at civilians from Chalai and then two shells at the Army, provoking it to fire at the civilians, so that the people would blame the Army. He was very positive that the shelling of PTK Hospital was by the LTTE.

### **Bearing Witness: Maniam**

We once more checked with Maniam who impressed us as a critical judge. From our earlier sources there was little doubt that the shelling of PTK Hospital, as also suggested by the Government's puerile cover up, was mainly the work of the Army. Maniam again confirmed that it was the Army that shelled PTK Hospital on 1<sup>st</sup> February. His cousin who was a female attendant had been injured. As to the RPG shell that hit the roof of Putumattalan Hospital on 24<sup>th</sup> March injuring two patients, Maniam was again sure that the Army fired it from just across the Hospital. He explained that how the LTTE operated was more subtle.

During mid March nearly a thousand people had escaped by boat to Jaffna from the coast near Putumattalan. Once even two or more Sea Tigers had taken one of their boats and escaped to India. In order to stop this, the Tigers wanted to shift the civilians further interior from the coast. Around 20<sup>th</sup> March, the LTTE brought

some of its mortars near the coast in the area of St. Anthony's Church and fired towards the Army. The Army fired with cannon paying back many times over. While Maniam cannot say how many were killed, but he is aware that seven persons including a mother were killed when a shell blasted a vehicle. *TamilNet* gives several instances during this period when the coast was shelled.

Maniam said that it was because the people fought the LTTE openly that he was able to save his 17-year-old son from conscription. But after mid-March as the violence of the State increased, the LTTE had greater opportunity to tighten its control. Maniam's own story is an example of how the State's mindless violence served the LTTE's purpose.

Maniam kept his family with a group of people who were, towards March end, planning to run up to the lagoon and wade across. The LTTE which observed them came to know this. The LTTE went near the group, fired mortar shells towards the Army and withdrew. The Army's shells came back like an answer to a prayer. One fell into a bunker where civilians were sheltering killing seven persons. Maniam was himself injured in a leg.

**It is well to remember that the people have always resisted the LTTE in their own way. What they needed was help that was both sympathetic and politically astute – Certainly not the kind of appeasement tried by peace actors or the blundering violence of the State miscalled hostage rescue and counterterrorism. Both ultimately held the people in contempt and led to disastrous outcomes.**

### **3.5. Civilians at Putumattalan: Waiting in the Rain for Storms of Bullets and Shells**

After Anandapuram, the Army occupied the west side of the lagoon with the civilians on the east side. The civilians were mainly between Putumattalan and Valaignarmadam on the north side of the NFZ where the lagoon separating them from the Army was very narrow. The south side around Vellaimullivaikkal had houses from the tsunami housing scheme and was used mainly by the LTTE, which had also brought its weapons to this area. Civilians largely avoided that area.

Although called a no fire zone the civilians barely had a moment of peace. The LTTE made sure the civilians were an obstacle to the Army literally decapitating the LTTE leadership. Civilians who were present had a range of perceptions about shelling by the Army. Some saw shelling as inevitable when an army confronted them and thought '*if our people did not shell, they would have shelled less*'. Some believed shelling to be a part of the Government's genocidal programme. The most charitable interpretation was to see shelling by the Army as intended to mentally harass them to break out from the LTTE's control and flee into the army's control no matter how many were killed or maimed – a matter of counterbalancing the LTTE's threat (regularly carried out) to shoot those who escape by making it intolerably risky to remain. The hard reality was that the

civilians faced regular firing of cluster shells and white phosphorous shells besides regular shells, the former not precision weapons.

One of the most heart-rending instances of inhumanity seen in the NFZ is that of a mother who had been killed and her infant trying to suckle her lifeless breast.

The LTTE regularly moved its gun-mounted vehicles through the NFZ, sometimes firing at the army line and quickly reversing them eastwards next to civilian dwellings. A woman told us that when that happened, there was nothing they could do except to sit it out keeping their fingers crossed.

The LTTE had established some mortar positions in the NFZ in a circle-shaped space from which the civilians were kept away. When the LTTE fired and the Army fired back, the shells fell close, but according to those present, hardly ever harmed the LTTE who jumped into their bunkers in good time. It was almost wholly civilians that suffered. But the Army kept firing shells frequently and without provocation. These fell indiscriminately all over the place and in much greater number. The LTTE was short of mortar shells.

Worse than shelling from the army side was regular small arms fire. People moving within the zone, which was open and clearly visible to the Army, had no choice but to use the main road. One did not know when a bullet had been fired until it whizzed past the ear. Until 19<sup>th</sup> April, the number of people dying from small arms fire was of the same order as of those dying from shelling. Parents were nervous about letting a child out of the bunker. There have been cases of children playing on the beach who simply collapsed without any sound. The cause being a bullet was discovered only upon examination. It was almost impossible for parents to keep their children in bunkers all the time. And for this reason a high proportion of those killed in the open were children and mothers keeping watch over them. The firing of small arms by the Army changed positions but was usually not a response to LTTE provocation.

**Bearing Witness: Mr. and Mrs. Kailash**

Mr. and Mrs. Kailash (name altered), aged 60+ and 50 respectively, are from the west of Mallavi. Mrs. Kailash had sustained a shell injury during their earlier sojourn at Iruttumadu/ Suthanthirapuram and carried a piece of shrapnel in her leg. She was injured again in Putumattalan. The way it happened was according to many a general phenomenon, but was also dismissed by others. The popular belief is that many civilians got killed and others maimed as a result of LTTE men ducking into a place having a group of civilian tents after some incident or provocation, leaving the people huddled together in a state of extreme anxiety. According to several accounts, the LTTE man would then converse on his walkie-talkie, and as soon as this wireless communication started, a shell would fall in the area. Such were the circumstances under which Mrs. Kailash received her second shell injury.

The injury having occurred in the night, Mrs. Kailash had to crawl under barbed wire into an LTTE women's camp and get them to bandage it and stop the bleeding.

The next day Kailash with much difficulty took his wife to 'Mattalan Hospital to have a proper dressing done.

The Kailash's moved to Valaignarmadam and pitched their tent alongside those of two of their relatives' to the east (sea) side of a short and stout Palmyra tree, giving some minimal cover against army missiles from the west. One night they heard a shell fall and burst close to the palmyrah tree. They were scared and talked among themselves and decided on the inadvisability of venturing out at night left things till morning. They felt that if not for the Palmyra tree the shell would have consumed their lives.

Incidents of the kind above belonged to some of the people's dreaded experiences in Putumattalan, besides the widely talked about cluster shells – the 5 inch or 122 mm shells. The latter they say come silently without warning and make a noise only on striking the target, but the destruction is enormous.

The Kailash's said that they among many people had on occasion spent two or three days in bunkers, going without food and very little water because of virtually non-stop shelling. The whole process of bearing up under the tension, sitting up for days in a crowded, hot bunker, meant that the desire to fall down and sleep became the overwhelming. By doing so they thrust into the oblivion of slumber, the insatiable craving for food or water.

### **Bearing Witness: Nick**

Nick was a successful farmer from west of Madhu, whose gardens were the envy of others of his trade. Nick has a son and two younger daughters. The son was conscripted around early 2007. Of the two daughters he had the elder married early to a government officer partly to protect her from conscription. He carried with him his worry about the younger daughter. The family followed the IDP movement, through Suthanthirapuram, Vallipunam and Thevipuram, pitching a new tent every three days. When the family reached Puthumattalan, Nick's son deserted from the LTTE and the father protected him by shifting him from bunker to bunker.

Following the son's desertion, the LTTE came for the youngest daughter. Nick kept her in bunkers and whenever the LTTE came he put them off with a story and quickly moved by night to another place. He had to keep this up even when they moved to Mullivaykkal in April, until they finally came out in May. By then the daughter was sick and thin, having spent nearly three months in bunkers, coming out only for meals.

While in Valaignarmadam, a shell fell near Nick's tent sending a piece of shrapnel into his thigh. The explosion also lifted his motorcycle which had a full tank and dropped it by his tent, causing it to burn. The clothes of Nick's younger daughter who was inside the tent also caught fire. Nick, despite his bleeding injury found the strength to jump up and drag his daughter away from the tent and push her to the ground and douse the flames by rubbing her with sand.

Nick on his own took out the shell piece which was protruding from his thigh and went to the hospital bleeding all over. The deep wound which was continuously oozing in spite of several clean-ups was eventually dug up to the point of the bone and tied. Nick understood that the penetration of the shell piece with the smoking substances it carried cause severe toxic effects. The doctors too went on cutting up further, thinking that the oozing was caused by some small shell piece hiding inside. After some time in Manik farm, still experiencing pain, he managed to show him-self to a visiting foreign surgeon, who said after examination that he would experience pain for some time until the cut up muscles develop properly and he moves around and uses them more. He was advised never to allow any doctor to cut any further, thinking that he may still have some alien particles inside. This would again be detrimental to the progress achieved.

**The Infant Food Incident:** On 8<sup>th</sup> April about three shells hit a queue of people who were required to bring their very young children to receive packets of powdered milk that were being rationed out. This was because people no longer had cards to prove their entitlement to infant milk food. A witness who was nearby and saw the dead and injured being transferred to Putumattalan Hospital told us that a UAV had been flying overhead and the Army, which was within hailing distance, would also have heard the loudspeaker announcements asking people to assemble at the primary care centre for milk food. The Army it seems deliberately fired into the area. Another eyewitness who saw the incident told us that over a dozen were killed including children.

We had earlier independently, in April, reported in Bulletin No.47, *“Persons who escaped on 8<sup>th</sup> April said that about the same day, the Army announced over speakers tied high up on palmyrah trees instructing the public to come across the lagoon into their area immediately, as they were going to advance into the no-fire zone. Soon afterwards, they fired a large shell right into the midst of the public, apparently to goad them into complying. This reportedly caused heavy casualties among the public.”*

The Health Ministry took issue with the doctors for discrepancies in casualty figures given out by them in two different contexts, from the incident attributed to the government forces. Besides tending to an admission, it was being petty over an issue that was best left alone. The lowest tally quoted was 13 dead and 50 injured. In such a situation, 25 of the injured might succumb within a day, bringing the tally of dead to about 40. But that would no longer have been news.

*Vanni Experience* says about civilians during this period: *“They were people who had lost their hands, legs or had in a moment lost their sight or their kin. Daily the streets, the hospital and tarpaulin tents filled with corpses. Death teased and played with us. The thought that we might escape with our life had left our minds. All that was certain is that until that very moment, death had given us a miss. Except for this, we were all living in an arena of death, which could strike any moment.*

*“We wondered hope against hope whether India, Tamil Nadu, the UN or the international community would forge an arrangement that would give us some peace...”*

Other witnesses told us that on occasion when not observed, young conscripts who had no sense of belonging to the organisation, but whose attachment was to their families and the people, helped escapees by showing them the safest way out. Muhunthan married Premila to whom he had been proposed in 2007, at Putumattalan on 11<sup>th</sup> April 2009. Muhunthan had lost a younger brother who joined the LTTE on his own and died a few years ago. Premila from Mankulam lost an elder sister who had fought for the LTTE, and another sister was widowed at Suthanthirapuram in February. They both wanted to escape from the LTTE on their wedding day with another 2000 of the same mind, but were ultimately deterred by shelling.

### **3.6. Running the Gauntlet: The Lethal Game of Escape**

Many of the IDPs decided that whatever the risk, escape was preferable to what seemed slow and certain death in the NFZ. *Vanni Experience* says, the ‘*people were defying the LTTE’s punitive surveillance and trying to escape from the Vanni. It was not a large number. They did so facing heightened danger using less known jungle routes, sea routes and treacherous paths through the marshland...The Tigers could not prevent people escaping to the Army even as the LTTE fired at them. Some succeeded while the rest of their family succumbed to gun fire. Some were injured or caught by the LTTE. While the Tigers obstructed escape, the Army’s attacks on the people too intensified amidst dwindling supplies of food and medicine...*’

*“Persons conscripted and forcibly taken to the battlefield died by the hundreds. There was among the Tigers not an iota of remorse for these deaths. They roamed as drunken men abducting persons without number, showing no trace of civilization or humanity. A Tiger media man himself admitted that with their end so near, they no longer needed the people’s support.”*

Persons who were present told us that every day scores of civilians found guard points in the bund that were unmanned or the LTTE sentries asleep, climbed over waded across the lagoon and surrendered to the Army. Some became virtual experts, who if someone in their family had been left behind, asked those who had succeeded in crossing to go on further and surrender to the Army and came back to help the rest stuck in the NFZ even if it took several days. Several experiences have been documented in Section 6 of Bulletin No.47 <http://www.uthr.org/bulletins/Bul47.htm>

#### **Bearing Witness: Francesca**

The experiences themselves speak of the desperation people felt. Francesca, a mother of over 60, had a son who was an injured LTTE cadre. The leg injury though not grievous, required time to heal and meanwhile he could not set his foot on the ground. He was sent home to rest and get back, but the mother was

determined that he should not. About mid-April she made the escape attempt with the boy who could do no more than crawl. Another escapee felt sorry for her and carried the son. Once over the bund, they both fell down after which the man excused himself and proceeded on his own. The mother helped the boy to the lagoon, which was shallow at that point. She held the boy's legs while he propelled himself across the water with his hands walking the bed.

### **Bearing Witness: Rajaratnam**

Rajaratnam from Puthukkudiyiruppu, whom we encountered earlier, was with his joint family, but when it came to escape different members decided separately. Rajaratnam, his wife, with the wife's mother, decided to escape with their three children. Rajaratnam's mother, Thavamany, decided to stay on with her 85-year-old father, her two sisters and the family of the one who was married. Rajaratnam decided that he would even fight with the LTTE to get out.

They were about to leave about the end of March. Two LTTE cadres told Rajaratnam, *"When on the border, don't stop. If our people come, grab their gun and fight. Keep going, never look back. There may be small groups posted further up front specially to shoot those who have got close to the other side. These are mainly orphans brought up by the movement. They will do anything the movement tells them and will show no pity."*

Rajaratnam's group went in a line with others, crossed the barbed wire, and climbed over the bund. Rajaratnam got his party into a small ditch before the water and looked back. He saw civilians who had come behind them on top of the bund fighting with the LTTE, trying to grab their guns. Using the distraction, Rajaratnam's party began to cross. He had told his wife and mother-in-law that they are for now on their own, while he rushed forward as fast as he could carrying his three children.

Rushing forward, when Rajaratnam got close to the other side, he saw a girl whom the LTTE had shot in the leg begging for help. No one stopped. Close to the other shore, he saw a mother who was shot, fallen dead in the shallow water, while her infant was crawling upon her. Most people passed by, but one youth picked up the infant and he saw them later in the IDP camp, where the youth had adopted the infant, another Moses from the bulrushes.

Rajaratnam's wife had been weak after childbirth. Rajaratnam had gone ahead and she was feeling faint while crossing the water. She clutched at a man who was passing her and asked, *'can you help me'*? The man paused and told her politely, *"First take a look at me, and if you feel like it, ask me again."* Mrs. Rajaratnam looked at him and noticed for the first time that he was carrying a child on his shoulder and one in each arm. She let him go. Weak as she was, she struggled on and made it to the other shore, when Rajaratnam came back to help her.

Mrs. Rajaratnam's mother was slightly lame after she had fallen into an unprotected well in Puthumattalan. To cater for the huge number, people had dug wells and simply left them open. The lady struggled on behind her daughter, and at one point fell into a pit where the water came up to her mouth. Fortunately, she found an elevation which supported her and made it to the other side. Then they all walked a little distance to the army line.

### **Bearing Witness, School Principal**

It must be placed on record that, in the estimate of a school principal who was there in the NFZ, about 25% of the civilian casualties in the NFZ, averaging about 15 to 20 a day, were of people killed by the LTTE when trying to escape. Other estimates are similar.

The Principal told us that every dawn about a thousand were ready and waiting to make a run for it and escape. The bund by the narrow strip of lagoon was 2 ½ miles long. Whence there were bound to be places where the LTTE's guard was weak.

When a weak spot was identified, the people ran to it clutching their children and meager belongings to jump over the bund and into the water. When the LTTE noticed it, often their police or military wing whose job it was to prevent the civilians from escaping would come running to the place and open fire. About 50 to 100 would make it, 15 to 20 would get killed. Some would return with injuries and a few would also make it with injuries.

He said that he had seen soldiers wade into the water risking LTTE fire to help injured persons on to the other shore of the lagoon. Impressions about the Army too vary with such experiences.

The principal described a typical scene he witnessed. After waiting for a chance of escape, a father ran clutching his grown up daughter and son, who was an LTTE conscript. The latter was the principal reason for attempting escape. His wife followed clutching a four-year-old child on her waist. Behind the wife followed her aunt and another lady. Being quicker, the father and two grown up children made it. An LTTE man shot at the wife hitting her on the head. She fell dead with her child who suffered an injury. The aunt and the other lady picked up the child and went back.

A bystander in an astonished whisper remarked on the element of ruthlessness he had witnessed, *"Did you notice, it was not the same bullet, but a separate one that hit the child on the hip?"* The principal reflected to us, *"Those were their orders. They have to obey or be punished."* The principal was a keen Roman Catholic layman. One could almost hear his unspoken pain. His son had been conscripted just after he turned 18, and died of army shelling in Pokkanai during March 2009.

Had his son lived, he too may have had to do this thing he found so absolutely abhorrent.

The principal described something else he had seen. 15 escapees had been shot dead opposite the Putumattalan Hospital. Along with the daily quota of dead resulting from army shelling, these bodies too were placed in a space ringed by ropes on a side of the hospital. With the help of labourers, the doctor looked at the bodies and pronounced the cause of death. The distinction was clear between shell injuries and bullet injuries. The doctor regularly pronounced all of them to have died due to army firing. The principal remarked, "*I wonder how he did it?*" This went on day after day and perhaps above a thousand died trying to cross the strip of water.

Before we judge, we must keep in mind practices that had come to be accepted as normal under the provenance of terror. No doctor in an LTTE-controlled area dared to certify the LTTE as the cause of a death. Often they were spared this dilemma. When the wife of someone executed by the LTTE for political reasons went to the local headman in Jaffna, which was by then under army control, to make an application for a death certificate, he without batting an eyelid wrote or altered the cause of death to army shelling. Practices in the Sinhalese South during the late 1980s JVP insurgency were not very different. There it was often a question of whose terror was more potent in a particular place at a particular time. Such dilemmas paralysed human rights groups in the South and led to deaths of lawyers and human rights advocates.

Escape experiences have been so varied and often so tragic that they cannot be limited to a few categories that were widely witnessed. Mr. T.T. Thiagarajah was assistant educational development officer in Mullaitivu. Owing to illness, his wife and daughter left Putumattalan earlier by ICRC ship. Mr. Thiagarajah crossed the lagoon about 20<sup>th</sup> March with his son and his sister's son. Nothing more has until now been heard about any one of the three.

Mr. Deivendram was the director of education, Mullaitivu. He had with him his elder sister, wife and daughter. During late March, the four left towards the lagoon. The Tigers accosted them and sent them back, along with several others. Deivendran's party found an empty tent close by, abandoned by owners who had escaped. They spent the night in the tent, hoping to escape in the morning. During the night a shell fell on the tent. A colleague who went to the scene said that the wife's body was 'smashed'. The elder woman and the girl were admitted to Putumattalan Hospital, where they succumbed to their injuries.

### **3.7. 20<sup>th</sup> April, Army enters the NFZ**

Even after Anandapuram, direct confrontations between the Army and the LTTE were constantly going on. The bund along the LTTE side of the lagoon had been built a month earlier by using earth movers, which in the dark moved along the lagoon, lifting earth and

piling it along the lagoon's edge. The LTTE continued to hold roads crossing the lagoon into the strip where the civilians were. The LTTE had constructed bunds about a quarter mile west of the lagoon on the three roads leading to the NFZ. These were scenes of constant fighting killing in all about 50 LTTE cadres a day, mainly conscripts. It was a debilitating war of attrition. The Army's shelling constantly breached the bunds which LTTE cadres had to repair again at high risk.

Final preparations for the Army's entry began on 16<sup>th</sup> April which witnessed considerable shelling. There was no day that the civilians were free of shelling. Since toilet facilities were scarce, women and children used to go to the sea shore early in the morning to perform their ablutions. An Air Force MI 24 helicopter took up position above the army-controlled zone out of reach of LTTE guns and swept the seashore with its cannon creating pandemonium. 15 to 20 of the women and children were killed. The following from *defence.lk* on 19<sup>th</sup> April gives the original plan for the Army's entry into the NFZ:

*“Sri Lankan soldiers of 53 and 58 Divisions were just 700m to 800m short of the bridge on the A-35 road (Paranthan - Mullaivivu) at Vellaimullaivaikkal last night (Apr 18)...troops after a daylong march along the A-35 axis readjusted their forward boundary that extends across A-35 to the northern bank of the Nanthikadal lagoon. The manoeuvre is aimed at opening up a main road access to the No Fire Zone...Battlefield reports indicated that troops have encountered stiff resistance from the terrorists. Intercepted LTTE radio transmissions revealed that 17 LTTE cadres were killed and 22 others suffered injuries in the day's fighting.”*

This meant that the Army planned to enter the NFZ along the A-35, which would have brought it into the NFZ at Irattavaykkal, which would have led to the Army acquiring 4½ miles of the 7½ mile long NFZ. Irattavaykkal is the point where the narrow lagoon links with the much broader Nanthikadal. It would also have cut off the LTTE's supply line from Mullivaykkal, forcing an LTTE withdrawal from the area. The LTTE sensing disaster fought tooth and nail to hold its bunker on the A-35 Rd.

Owing to its failure to take the A-35 entrance, the Army seems to have scaled down the original plan to entering the NFZ along the road to Ampalavan(Pokkanai), perhaps hoping for an element of surprise, but it meant taking control of just the northernmost two miles of the NFZ.

According to sources with access to the LTTE, the latter were expecting the Army to try to take out the civilian population in one go, which would have meant entering through Irattavaykkal. For practical purposes it was from Putumattalan to Irattavaykkal that the IDPs regarded as the NFZ. South of it was mostly occupied by the LTTE. The part of the NFZ on the east between Valaignarnadam and Irattavaykkal was also soggy land where the IDP density was lower. Thus the original plan would also have entailed considerably fewer civilian losses.

The LTTE did not take seriously the Army's possible entry along the narrow Pokkanai road, as it would have meant taking out only a section of the IDPs. Besides the Army had

edged closer to Putumattalan and were only 400 yards away, but never showed signs of wanting to enter there. The LTTE protected the Pokkanai Road by having two bunkers out into the Army's side of the lagoon, about 60 yards apart, on either side of the road. Even if the Army entered the NFZ that way, the LTTE had figured that they could close the gap along the lagoon and cut off the troops that came in.

The people were expecting the Army to try once again to make an entry. Many of them had moved close to the main road through the strip, hoping to get away by crossing the gap between the road and the lagoon, which had much of the time been subject to constant army fire from across the lagoon. For most of its length, the road was 300 yards east of the lagoon. But in Pokkanai, it was just 10 yards from the lagoon, and in Putumattalan it was about 50 yards from the lagoon. In these two places the people's bunkers were close to the lagoon. The LTTE was also expecting an attempt by the Army. The Army finally entered the NFZ on 20<sup>th</sup> April. *Vanni Experience*' describes the event thus:

*“When the people were under the LTTE's control, they saw themselves completely as hostages. That too was how the Tigers treated them. (They are now in the Government's internment camps.) In the course of rescuing over a lakh of hostages, over a thousand civilians were killed.”*

The night of 19<sup>th</sup> April was pitch-dark under an overcast sky and a heavy downpour. Most bunkers were flooded and people were crouching inside them, holding their infants on their shoulders. Since a move by the Army was expected, the LTTE had wanted to place before dawn, experienced fighters at the bunker points out on either side of the road going west from Pokkanai to PTK. Due to a delay in the arrival of replacements, there was a gap in the defence of the road into Pokkanai. Noticing this, several persons who were waiting to flee, went past the unmanned points to the Army through the lagoon. On hearing their report, army commandos got them to come back part of the way and show them the gap. Army commandos took over those points by 4.00 AM.

The LTTE sensed something amiss leading to a blind exchange of small arms fire. Others who were present said that commandos had also waded through in the pitch dark and rain, and positioned themselves unseen along the bund. Until 5.00 AM there was a stand off between the two sides. With the first glimmer of dawn, the commandos who were hiding in the water beside the bund pitched grenades over it. Most of the LTTE sentries, who were young and inexperienced, ran back east from the bund to where the people were. Meanwhile the Army moved into Pokkanai between the secured points. At the same time intense shelling was directed towards the coastal strip east of Pokkanai. *Vanni Experience* records:

*“At the same time the Tigers used violence to drive forcibly a section of the people towards Mullivaykkal. Under these circumstances the people who lacked the means to feed themselves, reasoned that rather than die of starvation under the LTTE, it was wiser to attempt escape even if it cost them their lives. They instinctively resisted the Tigers’*

*attempt to drive them south towards Mullivaykkal. The Tigers, who were in no mood to relent, drove many people under duress to Mullivaykkal, the place of their last stand.”*

A part of the Army’s plan was to have two groups fight their way eastwards, one towards the sea from Pokkanai and the other from Mattalan, along the harbour road just south of the hospital, and thus to box the civilians inside. This they accomplished by late or mid morning on the 20<sup>th</sup>, but at heavy cost to the civilians. On the 20<sup>th</sup> the Army did no more than to control the west, north and south sides of the box. They avoided the middle for the fear of Black Tigers and went deeper inside the box only the next day.

As explained above, the main point chosen for the Army’s entry was Pokkanai. The bulk of its shelling was directed towards the east of the NFZ strip at Pokkanai, opposite its intended place of entry. Its military purpose would have been to prevent the LTTE regrouping in that area and offering resistance, and also to deter LTTE reinforcements moving north from Mullivaykkal into the box, and marginally perhaps expecting the civilians caught up in the shelling to move into the box where the shelling was less.

Such an action is justifiable in purely military terms, but here the area shelled had a huge population of IDPs, ostensibly in a safe zone and to be rescued. As pointed out earlier, people avoided the main road close to the west of the strip because of constant sniper and missile attacks by the Army across the lagoon. They therefore built their shelters closer to the secondary road from Valaignarmadam to Putumattalan nearer the sea, which was the area shelled. There were an estimated 1000 or more civilian casualties from this quarter.

A witness, who went to the Pokkanai area from Mullivaykkal to help a friend rescue his wife and children, saw white phosphorous shells falling into this area with their characteristic white flame. When he got closer, he saw people with burns and in great pain dipping themselves in the sea. They complained of feeling faintish afterwards.

Once the Army reached the sea at Pokkanai, the LTTE cadres to the north of it were cut off. Taking Putumattalan was then an easier task, which began a little after the advance to Pokkanai. There too the army advance to close the box followed intense shelling. The following testimony given by a woman to the BBC was quoted in Special Report No.32:

*“We were staying near Puttumatalan hospital. On the night of the 20th there was heavy shelling. I thought I won’t survive. There was continuous shelling from midnight to the early morning. Many civilians have made a harrowing journey from the war zone. During that time we took shelter inside a bunker. At around 6am, when I came out of the bunker, I saw people running all around amid shelling. I also joined them. But soon I got injured in the legs and arms. My husband got injured in his head. Some shrapnel is still inside his head. Still, we came out of the LTTE (Liberation Tigers of Tamil Eelam)-controlled area along with our son. My mother and brother also started with us, but I don't know what happened to them. I have lost all contact with them.”*

### **Bearing Witness: Muhunthan and Premila**

Muhunthan and Premila were in a bunker just south of Putumattalan Hospital, just 50 yards from the lagoon. From the first light of dawn, commandos who had taken up position in the lagoon, which was close to civilian bunkers, began throwing grenades, which included bombs that emitted a gas causing people to lose consciousness. Muhunthan began to feel faint, at which time several army grenades also fell into neighbouring bunkers, killing or injuring entire families. Apart from closing the box, the Army did not move inside it immediately. They feared the presence particularly of Black Tigers. The inside of the box was subject to artillery attacks by 5 inch shells (122 mm), resulting in many deaths.

Once the Army controlled parts of the bund, about 7.00 AM, soldiers at certain points showed white flags, signalling the civilians to exit the zone at those points. Soldiers helped them to scale the bund and instructed them to lie low and move when they told them it was safe. They also saw the dead bodies of many who had perished from the fire of one party or the other. At the same time, LTTE cadres who had withdrawn east away from the bund started firing at the soldiers with small weapons and RPGs. In this exchange many civilians too were killed.

Muhunthan and Premila crossed the lagoon about 9.00 AM. Muhunthan's uncle Chandrapalan, who too had been in a bunker close to Putumattalan Hospital, had waited and set out to cross with his family at 10.30 AM. The LTTE who were about 150 yards behind in Charles *Mandapam* (Hall) shouted to the group, in which the family was, not to proceed. In their desperation, they ignored the order and proceeded towards the lagoon. The LTTE fired an RPG aiming it at a wall near the group. The shell exploded scattering shrapnel, killing Chandrapalan's son Sujeevan (13) and injuring his wife in the stomach. Chandrapalan, who lost an eye, went across taking his wife who was later hospitalised in Vavuniya. Other sources said that many were killed by both LTTE and Army fire.

One of our sources was told by a man in the LTTE who was near Charles Mandapam that at 11.00 AM (20<sup>th</sup> April), they were ordered to stop shooting at escaping civilians. He also said that some civilians touched his feet and told him apologetically that they are leaving not because they reject the LTTE, but because of hunger. It may well be the local wisdom to avoid confrontation when one's position is very weak. If correct, it explains the fewer casualties among those who left the zone over the coming two days.

Another witness told us that the shelling inside the box was aimed mainly towards the sea coast. The purpose was evidently to force the civilians to break through any LTTE obstacle and exit west towards the lagoon. The witness saw in this strategy an indifference to any number of civilians being killed, as long as the Army could parade the number who made it out as a major success of rescue.

**BearingWitness: Muhunthan and Premila (continued)**

About 2000 civilians also put out to sea in 100 boats and were escorted by the Navy to Jaffna. Several young LTTE cadres threw away their weapons, begged civilians for normal clothes and went with the civilians, in uniform when unable to procure normal clothes. Some looked pleadingly at civilians to take them along as part of their family. Muhunthan and Premila crossed the lagoon about 9.00 AM, climbing over literally countless dead bodies from both army and LTTE fire. Many bodies were left behind in bunkers, making the total dead a mystery.

The people who were leaving briskly waded through the lagoon. A woman was carrying her 1 ½ year old child and a bundle of their possessions on her head. The child slipped and fell into the muddy water stirred up by the surging crowd. She stood and looked for a while and moved on. A woman coming behind remarked, *'What sort of a mother is she?'* Others who saw it took a charitable view. The crowd surging forward urged on by the LTTE's firing gave no opportunity for anyone to pause, and had they done so they would have been stampeded over. The deaths of several people who fell into the water because of the stampede have also been the talk of escapees.

When they got to the other side, they were well received. At that time army casualties were low. An officer speaking in English asked Muhunthan what he had studied, and on finding out that he had passed his A. Levels told him that he could now study computer science. It felt very good then, until they began experiencing the squalid hopelessness of the IDP camps.

Among those who stayed behind in their bunkers at Putumattalan, their experience with the Army had different sides. In an instance reported to us, when the Army came in and the people tried to scramble out of their bunkers, the soldiers ordered them to stay inside. A section of the soldiers then came round and forced the women to hand over their jewellery, before letting them go. On the other side of the lagoon the escapees had to get into a trench and leave their bags on top to be searched separately. This was a routine started after the Military claimed that three suicide bombers joined the exodus and blew themselves up killing 17 escapees. Several of those who left their bags out for checking lost valuables.

The Army appears to have been thorough in evacuating the injured. They were taken and hospitalised in Vavuniya. A relative told us about an old man who was with his wife in a bunker. He was weak on his feet and while in the bunker he had been injured in his leg by a missile and was bleeding. His wife did not want to leave him and she did not have the strength to take him. They waited till 8.00 AM. Then the husband ordered his wife to leave him and go. The wife went to an IDP camp and relatives assumed that the husband was dead. However the Army had taken him and warded him at Vavuniya Hospital. Having no one known to him, he only remembered his son's phone number in Europe. He gave this to a well wisher and asked him to pass on the message that he was alive. It was thus that the family was reunited with him.

After the Army boxed in a section of the NFZ bounded on the west by just over a mile of the lagoon between Pokkanai and Putumattalan, a group of the LTTE as well as civilians, who were around Palamattalan, were caught between the box and the Army's 55<sup>th</sup> Division at Chalai to the north. LTTE cadres in the box escaped south by the sea in small boats without significant loss. Some stayed on in Palamattalan north of the NFZ and fought fiercely for one and a half days, to give them time to remove their equipment south by sea to Mullivaykkal, before pulling out. In all about 100 000 people got out of the NFZ from the 20<sup>th</sup> to the 22<sup>nd</sup> beginning with 30 000 on the first day.

The Putumattalan Hospital too was just north of the box. Dr. Athirchelvan, who had served six years at Mallavi Hospital, being a very skilled surgeon, had thus far taken a heavy load of the operations. Athirchelvan was never quoted publicly and remained largely unnoticed. He left after the Army's entry on 20<sup>th</sup> April with other evacuees and several hospital staff. Other government doctors and medical staff, who wanted to stay behind, moved by sea to Mullivaykkal. The Hospital had already been in the process of moving to Mullivaykkal, because the approach road to Putumattalan was opposite the hospital, thus making it more vulnerable as the Army got nearer along the road.

#### **Bearing Witness: Muhunthan and Premila**

There were not enough buses to take the people who had got across the lagoon to Omanthai on 20<sup>th</sup> April. Many people were housed in a school at Iranapalai. Premila and Muhunthan had to wait three days to be transported in buses crammed with humanity. The last to go were made to clean up the refuse left behind by those who had gone. By the time they got to the checkpoint at Omanthai prior to entering Vavuniya, many of the men were beaten by the soldiers. One who had fallen into the barbed wire while moving through the crowded corridor was so beaten. They later found out that the Army while advancing south in the NFZ, they had left behind, met with stiff Tiger resistance at Valaignarmadam and suffered heavy casualties.

At Omanthai, the IDPs were detained overnight. Unarmed men in plain clothes, who identified themselves as members of the Karuna group, walked about among the exhausted IDPs trying to get some sleep, flashing torches and frequently pulling out young persons who were then separated. The Army were also around observing this. Persons with injuries, frequently from government firing into civilians, were among those separated as LTTE suspects. Muhunthan, being young, was the next day taken away into the group of suspects. Premila refused to leave him, pleaded and cried, and managed to get him released before anyone identified the prominent shrapnel injury on his calf, received at Murukandy.

There is no account of those killed especially on 20<sup>th</sup> April. While most died from the Army's shelling, the Government puts all the dead on to the LTTE's account. 600 and 1000 are just round figures of convenience. Those who saw the shelling in Pokkanai believe that most casualties were from that area. Those near Putumattalan had a different experience, including death due to army shelling and throwing grenades blindly, several

of which fell into civilian bunkers. Those in the centre experienced shelling. Figures given are based on subjective experiences. No one really knows.

### **3.8. The Church of Our Lady of Rosary, Valaignarnadam**

This church played an important role in the NFZ until its evacuation after 23<sup>rd</sup> April. It is also important to clear some misunderstandings about the role of the Roman Catholic clergy. Catholic laymen who wanted the church to stand up to the LTTE were very angry with the compromising attitude of some clergy, one of whom told the BBC Tamil Service in 1999 that the shell killing dozens of civilians at the Madhu shrine was fired by the Army, when Bishop Rayappu himself admitted when asked that it was the LTTE that fired the shell. But stories in some media naming priests and accusing them of recruiting children for the LTTE are slanderous.

A senior priest explained that the real difference was in approach. Bishop Savundaranayagam of Jaffna had an aversion for the LTTE, but Bishop Rayappu Joseph of Mannar wanted to engage with them, and because of this he was dubbed pro-LTTE and sidelined under the present dispensation in Colombo. On matters such as child conscription, Rayappu had taken a public stand critical of the LTTE. There was always the question of how much one could gainfully engage with an organisation such as the LTTE – something that we had long discussed and on which we had frequently differed with peace groups.

The experience of the Church of Our Lady of the Rosary (Valaignarnadam Church) has something to tell us:

Many of the Roman Catholic clergy, nuns and ICRC workers made the church their place of refuge. In addition, numbers at the church were swollen by civilians needing a roof over their head, runaway LTTE conscripts and the families of young persons seeking refuge from conscription. The number of such fugitives in the church rose to an estimated 900.

Fr. James Pathinathar was the senior priest there. The ICRC had built some temporary shelter near the church when it was forced to vacate PTK. It became also the quarters for the AGA Parthipan and also the doctors. The priests fenced it off for some privacy from the huge crowd in the church and surroundings. They supported those in the church by feeding them Kanji and preserving its status as a sanctuary..

Illamparathy and Elilan of the LTTE's political wing had several times called on the church fathers and asked for permission to go into the church and take the runaways and those evading conscription. The fathers refused, taking up the position that the Church must protect anyone who comes to them for sanctuary. This tug-o-war was going on for some time. Finally, Illamparathy, Elilan and Malaimakal, a senior woman cadre, came at

the end of March and gave notice to the fathers that whether they allow it or not, they are coming to take what they regarded as their property.

A leftist who was there told us that Malaimakal was a writer, who had been sent to South Africa for a conference and was normally reasonable in her speech. But on this occasion she took a tough line. She asked the fathers what assurance they had that the church was not becoming a refuge of banned political groups. When it was pointed out that the Tigers were in the wrong, Malaimakal made her repartee, not without a fatalistic note of pathos, *“There is no other way. Justice is always on the side of the victor. That is the way of the world.”*

Finally, late morning close to March-end, a large number of LTTE cadres, including police and military, surrounded the church in the style of a military operation. They barged in. They went into the church with their guns, but the victims evidently did not want to give up without a fight. The LTTE opened fire and killed four persons inside the church. As panic and terror spread the church emptied. One observer described the scene of wailing and mourning as one, whose profound imprint the shore and landscape would long remember. The LTTE brought a stream of buses, packed the young and moved them away in quick succession to Mullivaykkal.

Observers also told us that this time the fathers kept away from the pandemonium and were in a bunker in the fenced off area. Only two young priests stood outside watching. The people were at boiling point. By then the LTTE was conscripting randomly whether or not other children from the family were in the LTTE or even in the Black Tigers. The people gathered at the church, began shouting at the LTTE and threw stones at them. The LTTE police was called in to clear the environs of the church of irate civilians by firing into the air and manning a barricade.

Any engagement between the fathers and the LTTE took a sharp downturn. The church was south of Pokkanai and connected to it by a secondary road close to the sea, the main road being subject to shelling and sniper fire from the Army across the lagoon. On the day the Army entered on 20<sup>th</sup> April, a large number of their shells fell around the church during the morning and several people were killed. The Army’s purpose may have been to drive the people there north into their box. But the situation was not conducive for anyone to go. Some LTTE families were also evidently in the church. An LTTE colonel too had come there in search of his family.

Since the Army was expected to move south, many who wanted to get out of LTTE control remained in the church. Ilamparithy and Elilan once more came to the church and wanted the fathers to move to Mullivaykkal. The fathers refused. There was at this juncture nothing but mutual aversion between them and the LTTE. On an earlier occasion the fathers had wanted the LTTE to surrender in order to spare the civilians the enormous suffering imposed on them. The LTTE had become very angry.

On 22<sup>nd</sup> April a single shell fell in the church and Fr. James Pathinathar was injured. Fr. James was a Tamil nationalist long involved in welfare projects with figures such as the

late K. Kanthasamy of the TRRO – the Tamil Refugees Rehabilitation Organisation, founded after the 1977 communal violence by K. Kanthasamy and G. Nithyanantha, is distinct from the TRO started among exiles in India by pro-LTTE individuals about 1986, with a view to edging the TRRO out). Fr. Pathi was once in charge of the Tamil Information Centre in London and came back to Lanka to serve the people. Although wary of its totalitarian aims, nationalists generally avoided confrontation with the LTTE and were frequently cornered and appropriated by it.

After the last incident of shelling, a senior educationist who was a few hundred yards south of the church, told us that based on what the people gathered of the shell's origin and trajectory, the general consensus was that the LTTE fired it. Another shell which fell the next day, led to the amputation of one of Fr. Vasanthaseelan's legs. He and Fr. Pathinathar were subsequently removed by ICRC ship. Fr. Pathi is credited by several persons who were in the NFZ of having tried to protect would-be-conscripts.

The more than 3000 people remaining around the church and environs, including some Christian clergy and religious workers, were sent across once the Army moving south reached Valaignarmadam about 25<sup>th</sup> April. A person who stayed about 300 yards south of the church told us that on looking out of his bunker about 26<sup>th</sup> April, he saw a soldier near the church signalling him to come forward. Thus began his journey to an IDP camp and the end of the role played by Our Lady of the Rosary during those times.

### **3.9. A Background to Events in the Church**

The church became a centre for discussion for persons thoroughly disillusioned with the way the LTTE was directing things and wanted to do something. One of them was Mr. Thirunavukkarasu, former assistant lecturer in History at the University of Jaffna. The following is based on accounts given by outsiders who were part of the discussions going on. Out of about thirty priests who were there, the younger priests who were the majority were very critical of the LTTE, notable among whom were Fathers Nehru and Roche. Another group of priests kept out of any discussion, believing that their role was to administer the sacraments and deliver sermons. About three priests were pro-LTTE, one of whom was considered so subservient to the LTTE that he was kept out of all conversations.

Fr. Pathinathar being senior was at the centre of their activity. He readily accepted all the criticism made by the young priests about the LTTE. But he was held back by the dilemma long faced by nationalists who were dissatisfied with the LTTE's leadership. At the same time they felt that if the LTTE is finished all the sacrifices made by the Tamil people would go waste.

Thus Fr. Pathi's regular question was, is this the right time to expose the LTTE's wrongdoings? Observers felt that this confusion was partly behind the debacle where the LTTE invaded the church and took away hundreds who had sought sanctuary. Fr. Pathi,

they said, challenged the LTTE, but did not go beyond a particular limit. They feel that if the priests had stood their ground and told the LTTE that it is over their dead bodies that they would go into the church, the LTTE would not have dared to shoot them. These are very difficult questions of ethics recurring in conflicts, where one would be wise not to rush into judgment.

There was another important initiative that was undertaken by the fathers. In consultation with outsiders who were part of their circle, they drafted a document called '*The Voice of the Voiceless*'. Drafted partly in Tamil and English, it was finally rendered into English by Fr. Pathi who was responsible for the final version and its tone. Those who were aware of the document said that it was critical of both the LTTE and the Government. The criticism of the LTTE was mainly around conscription and denying the civilians the right of movement.

A creative feature of the report was that instead of demanding a ceasefire, which the Government was against, it called for a bilateral agreement on the safe zone. The LTTE was not consulted or party to the existing safe zone. Its implication was that if accepted, it would have brought in third party monitoring to enforce it. The fact that it was not pursued is an indictment especially on the Government.

The report, whose writing commenced in February, could not be sent by email. It was taken out by Fr. Roche on ship about 20<sup>th</sup> March and delivered to Fr. Jayakumar of HUDEC, Jaffna. It was distributed as an appeal from the church in the Vanni, but does not appear to have received the publicity it deserved. One individual close to the fathers, who spoke by sat-phone to both the bishops of Jaffna and Mannar, said that the Bishop of Jaffna was pessimistic that anything could be done, but the Bishop of Mannar listened for half an hour. He too had the same question of whether it would have any effect, but agreed to work on it.

### **3.10. April 23<sup>rd</sup> to May 8<sup>th</sup>**

The remaining civilians and the Putumattalan Hospital had been moved to Mullivaykkal where the LTTE vacated the buildings. On 23<sup>rd</sup> April the LTTE put up strong resistance at Valaignarmadam, a mile south of Pokkanai, and stopped the army advance and for the moment at least consolidated their position with three successive bunds, several hundred yards apart, across the strip, between Irattaivaikkal, which is a mile south of Valaigarmadam, and Karaimullivaykkal, a further mile south. The defence was also aided by the fact that the land between Valaignarmadam and Irattaivaykkal was soggy low lying land east of the main road, not easily amenable for use, especially for tanks and vehicles.

Because of the buildings and trees to the south at Mullivaykkal, the people had better cover from small arms fire by the Army and continuing civilian deaths were mainly due to shelling. While regular shelling and small arms fire, now in addition from the north,

continued, so did ICRC evacuations of injured by sea until 9<sup>th</sup> May. From then on until the end on 20<sup>th</sup> May, the people took enormous risks to escape and some got away in boats. The Army took the Irattaiyaikkal bund on 29<sup>th</sup> April after heavy fighting.

In Special Report No. 32 we cited the following message of 29<sup>th</sup> April 2009 from a relief worker, which shows that civilians further south were being pummelled even as the Army fought in Irattaiyaikkal, resulting in scores of civilian casualties: *Saw yesterday 10.00 - 12.00 hours, 15 dead bodies beside the road to the Mullaivaikal hospital about 50 m from the hospital. They were civilians who died from shelling. There were four deaths in hospital. Explosions continue this morning, including firing from sea. The Government does not appear to be restrained in the use of heavy weapons. It is often too dangerous to go out of the house/bunker.*” The reference was to the pledge given by the Government two days earlier that it would cease the use of heavy and aerial weapons. The pledge was of course never meant to be taken seriously.

On 1<sup>st</sup> May the President appealed to the civilians in the NFZ, *“I appeal to every one of you to come over to the cleared areas. My government will continue to give utmost priority to ensure the safety and welfare of each and every one of you.”* It was a mere rhetorical appeal, backed up by the goad of army shelling.

IDP statistics show that the people wanted to escape, and continued to escape, but not for reasons that gave credit to either side. When they delayed it was mostly because of a conscripted child or a sickly relative who could not be moved. During March, an average of 1000 persons escaped daily, because there were more escape routes. When confined to Putumattalan, an average of 700 persons escaped daily. Even during May, when desperation contended with difficulty, an average of 800 persons a day made their escape ([http://en.wikipedia.org/wiki/Sri\\_Lankan\\_IDP\\_numbers,\\_May\\_2009](http://en.wikipedia.org/wiki/Sri_Lankan_IDP_numbers,_May_2009)).

The Army took a further bund on 4<sup>th</sup> May, and approached the final Karaimullivaykkal bund on the 7<sup>th</sup>. A new spurt of shelling activity on this day signalled the fighting becoming more desperate.

The safe zone, which had in effect been shrunk to half the former area, was shrunk further to one square mile in the middle of the southern half of the original 8 sq. mile zone. *Lakbima News* of 10<sup>th</sup> May quoting defence sources said that this contraction was done on account of senior LTTE leaders including Prabhakaran being domiciled there, and whence, *“Now we can carry out air attacks and use heavy weapons to the Vellamullivaikkal South targeting LTTE bunkers”*. In pointing to enhanced use of heavy weapons in the shrinking safe zone, the defence authorities were disingenuously ignoring the fact that more than 100 000 civilians remained within. They were further cramped into a much smaller area along with LTTE cadres who were going to resist fiercely from among them.

## **Part IV**

### **The Final Phase**

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#### **4.1. Deception over Civilian Safety**

Having taken Valaignarmadam after overcoming strong LTTE resistance, which gave it time to build three defence bunds, the Army on 28<sup>th</sup> April launched a fierce attack on the first bund at Irattavaykkal. The result as civilians had experienced repeatedly was a rain of army shells falling among IDP camps in Mullivaykkal, two miles south, causing enormous civilian casualties. The Government denied using its heavy weapons while blaming the LTTE of using its. President Rajapakse the previous day pledged that the Government was abandoning the use of heavy weapons.

If there was a military method in this madness, one needs to look back at the experience of civilians in the Udayarkaddu-Suthanthirapuram-Thevipuram safe zone during January and February 2009. In the reality of things, calling the war zone a safe zone was a mere piece of deception for the international community. The civilians were in their bunkers listening to the music of falling shells, having no idea where those shells were coming from. It was when they saw withdrawing LTTE cadres that they knew the Army was very close, perhaps just 50 yards away.

In normal war, shelling the roads far behind enemy lines made sense to obstruct enemy supplies and reinforcements. In this instance those who got killed were civilians fleeing with their meager belongings. At the same time fighting was fierce and army casualties were heavy. The Government had placed all its eggs in the basket of absolute victory and was prepared to go on at any cost, using patently the most ridiculous deception.

When it came to the fears and nervousness of the troops against the Government's obligations to the civilians it purported to rescue, the former meant everything and the latter did not matter at all. Firing its cannon freely into the cowering IDPs became a small matter, if it made the troops a little readier to advance towards the prize of absolute victory.

At the same time the LTTE showed no mercy in deterring the escape of civilians, as if in the hope that the cries of genocide and humanitarian catastrophe by its expatriate lobbies would buy it a reprieve.

In this final phase, a major element in the Army's nervousness consisted of the Sea Tigers and Black Tigers. The LTTE's land based offensive capacity had been broken after the victory at Anandapuram. Since then much of the LTTE's defensive capability had shifted to the Sea Tiger and Black Tiger units.

Once the LTTE lost Chalai and Putumattalan, the Sea Tiger assets were shifted to the Mullivaykkal coast. The military surveillance (e.g. by UAVs) was so high that launching out a boat and later dragging it up the shore and camouflaging it became very risky. At the end of April, the Navy gun boats were stationed off the coast to cover the Army's advance. This meant that the civilians got a heavy dose of firing from machine guns and cannon from both land and sea.

According to persons from the area, another strategy used by the LTTE during the protracted battle for Puthikkudiyiruppu was to station disabled suicide cadres with explosives in bunkers of the kind used by civilians, with instructions to explode themselves when a large group of soldiers passed that way. This might explain in part the Army ordered to finish the job in a hurry, reportedly running their heavy vehicles over civilian bunkers, thus burying a significant number of people.

#### **4.2. A Tenuous Link to the Outside World on the Brink**

**Bearing Witness: Mr. and Mrs. Kailash**

Towards evening on 28<sup>th</sup> April, amidst the rising tempo of war, Mr. and Mrs. Kailash went to Mullivaikal hospital and then walked down to the beach on the east coast where boats were picking up people for the ICRC ship anchored in the deep sea. LTTE cadres who were giving clearance would not allow them arguing that the lady's injury was not serious enough. They had to in the end pay them money, a little more than Rs. 100,000/=, before receiving clearance. They say that most of those who came with them did not qualify, but had all paid the LTTE large sums.

There had been two other boats that had followed theirs' to the waiting ship. As they had just set off into the sea, the military commenced heavy shelling which affected the ICRC's pick up area. The ICRC could not take in most of the people from the second and third boats as the ship had already reached capacity. The two boats had to return to the coast with virtually all their passengers. The Kailash's felt that because of the shelling those who returned in the two small boats were at immense risk.

The same day Mullivaykkal Primary Health Centre was shelled killing six previously injured patients who were receiving treatment. The next day, April 29<sup>th</sup>, the same Centre and the Hospital were both shelled, killing 15 persons. The Hospital was shelled again on 30<sup>th</sup> April and 2<sup>nd</sup> May, killing about 9 and 68 persons respectively.

A part of the background to this shelling was the large number of army casualties when the Army attacked the first bund on the 28<sup>th</sup> and when the LTTE tried to take it back using human bombs and explosive-packed vehicles, along with suicide boats to break the navy blockade. The Navy towards the end of April deployed boats to seal off the coast, resulting in confrontations between the Navy and the Sea Tigers opposite Mullivaykkal.

A likely reason for the massive shelling of Mullivaykkal suggested by an observer present is that the LTTE was planning an offensive operation, which later did not materialise. He thinks the Military would have found out by analysing UAV pictures, showing significant movements of persons and objects. Another reason is the routine shelling when the Army plans to advance. These are text book responses with no cognisance of political and humanitarian objectives and obligations.

The Defence Ministry reported a naval confrontation early morning on the 29<sup>th</sup>. Around 4.00 PM, 100 mm naval cannon struck Mullivaykkal, which was so crowded that any explosion was potentially lethal, hitting also the Hospital, killing according to *TamilNet* more than 150 civilians. In the afternoon of the 30<sup>th</sup>, the LTTE claimed sinking one of the Navy's water jet gun boats and also a Dvora fast attack craft. The Defence Ministry claimed the next day (1<sup>st</sup> May) that it sank three Sea Tiger craft at 1.00 AM. 110 injured persons were admitted to hospital on the 1<sup>st</sup>; and on the 2<sup>nd</sup>, the hospital was shelled twice in the morning killing 68 patients.

The ICRC carried out evacuations on 28<sup>th</sup>, 29<sup>th</sup> and 30<sup>th</sup> April. On 30<sup>th</sup> April, ICRC said in a statement, *“Given the catastrophic situation of thousands of displaced, sick and wounded people still in the conflict area, the parties must do more to protect them and must allow more food and medicine into the area”*. The service was evidently under strain. After negotiations with both parties, the next time the ICRC came was on 7<sup>th</sup> May and it was a hazardous exercise. Its statement said that it could not perform this operation for seven days due to security constraints. Its head of operations for South Asia in Geneva Mr. Jacques de Maio said after the evacuation:

*“Heavy fighting is taking place near the medical assembly point at Mullavaikkal, which puts the lives of patients, medical workers and ICRC staff at great risk. This hampers medical evacuations of wounded civilians and their families. Not all the wounded could be evacuated today, and it is of the utmost importance that more evacuations take place over the coming days.”*

### **4.3. 8<sup>th</sup> May**

The next day, 8<sup>th</sup> May, saw a new burst of shelling following a lull, when the Army took on the final, 3<sup>rd</sup>, bund at Karaimullivayakkal, two miles north of Mullivaykkal. Food was scarce and on this day, a large number of children were lined up to receive each a ‘bonda’ (made from flour and yam) from a cart that was distributing them, when barrage of shells exploded killing many. A witness told us that a UAV, known to civilians as ‘vandu’ (beetle) was flying overhead and the queue of children waiting for the nutrients would have been clearly seen by those who decided to fire. Our witness saw more than a dozen dead bodies, most of them children.

The Defence Ministry which denied the shelling reported on the following morning, 9<sup>th</sup> May, that about 300 civilians escaped south past the LTTE bunds and surrendered to the 59<sup>th</sup> Division which had already come across the causeway and established a position on the southern extremity of the ‘safe zone’. It added that nine died of LTTE fire and another 19 touched base with injuries.

#### **Bearing Witness: Nick**

Nick’s family together with the mother and five children, all less than 7 years of age, of another family were holed up in adjacent bunkers during a bout of shelling. Nick was seated on a log at the entrance to his bunker and the father of the other family (who was from Puthukudiyiruppu) was seated on the ground at the entrance to his bunker. The two men were talking. This happens often due to the want of society and the stultifying heat of bunkers. A shell came silently and grazed the Puthukudiyiruppu man’s head. Bleeding heavily he fell unconscious, as though dead. Nick feels that if not for the victim diverting the shell, it would have fallen clean through the entrance to his bunker and killed his whole family. Thinking that the man was dead or dying, and being conscious of imminent

danger of another shell landing in the vicinity, Nick promptly dragged out the mother and 5 children as well as his own family and moved elsewhere. Months later, Nick met the other man in Manik farm IDP camp, reunited with his family. He had been rescued by some Good Samaritan, and through the ICRC eventually transferred to a proper hospital, where he gained consciousness.

#### 4.4. 9<sup>th</sup> May

Saturday 9<sup>th</sup> May was the last time the ICRC was able to transfer the injured. It said on 12<sup>th</sup> May: *“Last Saturday, 9 May, was the last time the ICRC-chartered ferry was able to reach the conflict area. It offloaded food and life-saving medical supplies, and evacuated 516 wounded and sick patients and their accompanying relatives. Fighting also made it impossible for the ferry to approach the shore on the previous day, 8 May. As the fighting draws ever closer, thousands of people trapped along a narrow coastal strip north of Mullaitivu are forced to take cover most of the time in improvised trenches and shelters in order not to be hit by exchanges of fire between government troops and fighters of the Liberation Tigers of Tamil Eelam (LTTE). The civilians also suffer from a lack of food, drinking water and proper medical care.”*

According to persons present, an issue that prevented the ICRC from evacuating patients in early May was the determination of a safe point. The LTTE wanted it south of the earlier location and the Government reportedly did not agree to it. The new phase beginning on 9<sup>th</sup> May heralded the worst times for the civilians, without any hope of relief, while the Government and the LTTE, having other preoccupations, were the least concerned.

On the night of 9<sup>th</sup> the Army's 53<sup>rd</sup> and 58<sup>th</sup> Divisions began moving towards Vellaimullivaykkal, 1.4 miles south. Advancing along the sea coast, the Army had come within 500 yards of Pillayar Kovil Rd, the ICRC pick up point. But the Army did not use the position to launch offensive operations for several days. The move was preceded by heavy shelling.

On 9<sup>th</sup> May, the heavy shelling and the Army's manner of advance was such as to brook no delay, even though there were 100 000 civilians cramped in what was left of the NFZ. In the absence of further bunds north of Mullivaykkal, the LTTE offered heavy resistance from the Tsunami Housing Scheme, which stretched from Karaimullivaykkal to (Vellai)Mullivaykkal, east of the main road. This slowed down the Army's progress until 13<sup>th</sup> May.

At this time the LTTE's treatment of escapees had become very harsh. A man from Mullaitivu said that frequently persons attempting to run away had been caught by the LTTE, dragged back and shot. He also said that in the latter stages any parent who tried to appeal against the conscription of his or her child was handled very roughly. Whenever people were bold in their protestations, they were threatened with punishment in the

“Pannai” (cattle farm) (“*Pannaiku vaariya?*”). This meant that they were taken to the front lines and told to build bunkers, carry food and supplies for men on the front lines and given other risky chores. Given the current intensity of fighting, virtually all those serving in the *Pannai* ended up dead.

Sivalingam (not real name) is from 8<sup>th</sup> Channel, Uruthirapuram. His testimony is taken from *Thesam.net* of 30<sup>th</sup> October 2009 (<http://thesamnet.co.uk/?p=17325>). It comes across as the plain, honest testimony of a simple man. Like with most others escape was high on his mind. The question was how and when. Earlier in May, he with his family, his wife, a boy and two daughters, had gone to Nanthikadal Lagoon to escape. The Tigers stopped them and conscripted his son. The rest went back to where they stayed, as they had no heart to escape without the son. In order to get hold of his son, Sivalingam hung about places frequented by the Tigers. The Tigers needed logs from coconut trees for their defences and they got Sivalingam to use his tractor to transport them.

During this interlude, after transporting some logs, Sivalingam was idling at the bank of Nanthikadal, when he saw an Irrigation Department employee from his village. The Tigers then brought the Irrigation employee’s son of 22 years. The boy was an innocent, who had spent much of his time at home singing *thevarams* (devotional hymns) in the temple and cleaning up the place. When the LTTE began conscription, the father had hidden him in Mallavi. A long time later the LTTE discovered the boy and conscripted him in Mullivaykkal. The Tigers also brought a girl conscript from the same village, whose parents had escaped to Vavuniya earlier. The Tigers told the irrigation man to take his son and the girl and go. The Tigers waited until they were knee deep in the lagoon and opened fire, killing the girl on the spot. The boy who was injured in the ear and chest, clutched his father’s feet and shouted, ‘*Appa (Father), Amma (Mother)*’! Sivalingam helped them to take the boy to an LTTE hospital nearby. The Tigers told them, ‘*We don’t have any medicines, go away.*’ The boy died and they best they could do was to bury him in a grave half a foot deep, dug with their hands.

On 9<sup>th</sup> May, while Sivalingam was transporting and delivering logs, he saw his son dressed in a uniform stitched from a bed sheet. His mother promptly ordered him to climb into the trailer, where she covered him with tarpaulin. They drove away and quickly moved residence elsewhere. Sivalingam observed that they did not receive any food over the next 5 or 6 days. He also observed that there was hardly any burying of the dead after 8<sup>th</sup> May and numerous dead bodies were lying all over the place as also said by others.

### **Bearing Witness: Gunam**

A grandmother from Thirunagar, Kilinochchi, was to take the ICRC ship on this day, 9<sup>th</sup>. She was in charge of her little grand daughter, who had a leg amputated after being caught in a shell blast. The ship, having to carry accumulated numbers of injured and loaded to capacity, left without them. The ICRC promised to return the next day, but the continuous rain of shells ensured that it was to be the last journey.

After the ship left, the grand mother took her grand daughter and went to a nearby house close to the embarkation point, left their things and stayed in a bunker with others. After nightfall, the tempo of shelling increased. The grand mother left the bunker and rushed to the house saying that she wanted to collect their documents and money. While she was inside a shell fell on the house, severing the lower part of her body. The story was told to us by Gunam, a friend of the family who was with the grand daughter.

The shelling that night became an international issue. It later led to the Government forcing the doctors to recant all they said from the war zone after they left the NFZ on 15<sup>th</sup> or 16<sup>th</sup> May. The doctors, according to others who had spoken to them, believed that facts stated with regard to accuracy are the most effective. Other witnesses present have confirmed the high death toll during those days.

A report by Ravi Nessman of the AFP quoted Dr. Shanmugarajah, one of the doctors at Mullivakkal Hospital: *“Two overnight artillery barrages (9<sup>th</sup>, 10<sup>th</sup> May) pounded the area over the weekend, with several shells landing inside newly demarcated ‘safe zone’, where the government had urged civilians to gather, according to Dr. V. Shanmugarajah, another doctor at the hospital. A total of 430 ethnic Tamil civilians, including 106 children, were either brought to the hospital for burial or died at the facility after those attacks, he said. But the death toll was likely closer to 1,000 because many of those killed would have been buried in the bunkers where they were slain, and many of the gravely wounded never made it to the hospital for treatment, he said.”*

Once the Army began advancing on 9<sup>th</sup> May, government run medical facilities ceased to be any indicator of civilian casualties. After the shelling of 9<sup>th</sup> night, Dr. Shanmugarajah spoke of 1100 new admissions. Taken together with details in *TamilNet*, different aspects of the story, along with the doctor’s claims, are remarkably consistent.

The Army began moving again on 13<sup>th</sup> May. A relatively small number who came out of their bunkers with their hands up were sent northwards into the army-controlled area. According to *defence.lk* of that date, *“A total of 76 Tamil civilians held under LTTE hostage sought protection with security forces yesterday, 13 May, military sources said.”*

#### **4.5. 10<sup>th</sup> to 12<sup>th</sup> May**

Sivalingam and family had to keep moving trying to choose every time a new place that seemed safer. In front of his tent were a father, mother and three children who were all killed when a shell fell on them. There had also been a business family, who were in a tent next to his. A shell fell killing all 16 of them. He said that at this time the LTTE was killing escapees mercilessly. There were many instances when the Tigers waited for the escaping family to get into the water and fired bursts at the children, watching them writhe and die, in convulsions of hands and legs.

#### **Bearing Witness: Komathy**

An elderly retired lady teacher, whom we call Komathy, was in an evangelical Christian group that abhorred violence, but her son had two years earlier during the conscription drive become involved with the LTTE. The lady was looking after the son's four children, daughter-in-law and a senior niece who had been a long time cripple. If not for the latter she would have attempted to escape earlier. During these latter stages, her son in the LTTE had developed extreme anxiety for the safety of his children and suffered psychologically. But he kept bringing the mother news about the goings on that came to his ears.

Komathy, who was originally at Valaignarmadam, had when the Army was moving in, shifted near Karimullivaykkal, north of Mullivaykkal. She said that the LTTE resisted the armed forces' attempt to break the defense bund very fiercely and successfully. She says that about 14 Kfirs were used by the armed forces in addition to heavy shelling and the use of tanks and ground troops. She had seen the jets swoop down and re-ascend as the Tigers, including their girls, fired fiercely from the ground.

On the 12<sup>th</sup>, the waiting room at the hospital was hit by a mortar shell, killing scores of civilians sheltering in the admission room. The same day, a young man joined Sivalingam's family. He had sent his wife and mother out and stayed behind. He felt that his presence would have made them more vulnerable to punitive measures by the LTTE against escapees. At that time sugar cost Rs. 5500 (USD 55) a kg. On the morning of 13<sup>th</sup> May, the young man went to a tea shop to get himself a cup of tea. A shell fell on the shop killing all who were there. Sivalingam said that out of the eleven sandbags they had to protect themselves against shelling, they undid one, covered the young man's body with it and moved away. They never found out who he was or from where.

The Tigers had also built three bunds for their southern defence at Vattuvakkal, facing Mullaitivu. The Army's 59<sup>th</sup> Division had before 9<sup>th</sup> May, obtained control of the bridge connecting Mullaitivu and Vattuvakkal and had breached the first of the bunds by 12<sup>th</sup> May.

#### **4.6. 13<sup>th</sup> May**

##### **Being Killed in their Bunkers**

###### **Bearing Witness: "Komathy"**

Later when the Army began moving south on 13<sup>th</sup> May in the face of continuing LTTE resistance, Komathy also confirmed that civilians running south to Mullivaykkal told others that advancing soldiers popped grenades into civilian bunkers as a precaution against the LTTE using these bunkers to attack them. She observed that LTTE resistance petered out on 14<sup>th</sup> May leading to a lull.

Komathy also heard of the Army reacting to fierce Tiger resistance, and heavy casualties on their side, by firing into and closing up civilian bunkers during their latter advance.

**Bearing Witness: “Revathy”**

Revathy (name altered) is a worker for an evangelical church, who was north of Mullivaykkal with her two brothers, the family of one of them including his mother-in-law and children, and another sister. A fellow worker from the church who was helping them had been killed by a missile while transporting timber with other men to strengthen their bunker.

Revathy and her siblings said that most of the people at that time had been hiding in bunkers because of the heavy shelling. On 13<sup>th</sup> May those who came running south from near Karaimullivaykkal said that the advancing army had run their heavy vehicles over these bunkers, turning the bunkers into graves for so many. Although the ground was soggy to the west of the main road, the Army’s tracked vehicles were able to operate off the main road, particularly to the east of it.

**Bearing Witness: Muhunthan**

Muhunthan had in the IDP camp met several people known to him from Mallavi, who had left the NFZ at the very last stages. The LTTE offered fierce resistance using also Black Tiger suicide squads. The Army was panicked into not taking chances and fired RPGs at any structure that looked a possible LTTE defence point. The ground being soggy or sandy, the bunkers had been constructed by reinforcing the sides with wooden posts raised above ground level and thatched to give shelter, which made them look like defence points.

Other sources told us that during the earlier battles in Puthukkudiyiruppu, disabled Black Tigers used to stay in bunkers and blast themselves when a large group of soldiers passed them. They stayed several days until a sufficiently large group of soldiers came their way. But in Mullivaykkal, Black Tigers used to run into the Army on motorcycles or small vehicles and blast themselves. They could not use larger vehicles as a large number of vehicles were parked on and along the main road. At this stage Black Tigers were used chiefly to provide security for senior leaders. By blasting themselves when troops came too near, they gave time for other security persons who ringed the object protected, to get the object away.

Sensing that the oncoming troops from the 53<sup>rd</sup> and 58<sup>th</sup> Divisions were in a rough mood after taking many casualties, most of the civilians to the north of Mullivaykkal fled southwards where the LTTE still remained. Their reports further alarmed the people. Consequently, the people began edging southwards despite the lack of space. The people wanted to get out and surrender to the Army so that their immediate ordeal would come to an end. Afraid of the advancing troops, they thought it safer to move south and surrender to the 59<sup>th</sup> Division at the Mullaitivu end, which they perceived as more accommodative towards the civilians’ plight.

On 13<sup>th</sup> May the Mullivaykkal makeshift hospital in a school building closed, after the hospital was hit and the hospital staff, family members began to be affected and medical supplies ran out. There were nearly 2000 injured about the hospital awaiting ICRC shipment, when the hospital was hit by a mortar shell.

The Defence Ministry kept on putting out claims about civilians surrendering to them as they advanced, but did not tell us that they had stayed in bunkers while the two sides were hammering it out over them, killing many of them as they did. It said (defence.lk 15<sup>th</sup> May) that the 58<sup>th</sup> Division rescued over 1590 civilians from the Karaimullivaykkal tsunami housing scheme. Obviously, most of those there had fled south.

### **Bearing Witness: Maniam**

Maniam met some people in Manik Farm who on 13<sup>th</sup> May, had tried to reach the army line by walking north towards Irattavaykkal through a *panai vadali* (a nursery of young palmyra plants) close to Nanthikadal Lagoon. They were confronted by LTTE men who scolded them and opened fire killing an eight-year-old girl and injuring some others. The group turned back. They identified the man who shot the girl as Sivaji Prabhu from Supermadam, Pt. Pedro. This man, they said, entered Manik Farm and paid his way out.

### **4.7. 14<sup>th</sup> May**

14<sup>th</sup> May saw a lull in the fighting. Talk began to get around that the LTTE would soon allow the people to leave. Sea Tiger leader Soosai was widely reported saying that the LTTE would soon give up arms as the means of liberation. At this time there was also confusion among the LTTE cadres about whether or not to let the civilians go. A community leader told us that on 14<sup>th</sup> May, the LTTE discharged most women cadres.

Confusion among LTTE ranks was also confirmed by the retired lady teacher Komathy above. The LTTE also for the first time, on 14<sup>th</sup> May, announced that civilians who wanted to leave could leave. However, there were some instances after that where they had ordered would be escapees not to do so. We reported in Special Report No.32 that a large group of civilians, who went to a palmyra nursery near Nanthikadal Lagoon before dawn on the 14<sup>th</sup> to cross to the other side or to Vattuvakkal to the south, were shot at by the LTTE killing about 500 of them. We have had further confirmation of this.

The three bunds to the south had been under the Sea Tigers, who had so far lost one. They apparently allowed about 1000 people to go across to the Army on the 14<sup>th</sup> evening.

### **4.8. 15<sup>th</sup> May**

15<sup>th</sup> May was a day of confusion even for the Tigers. There were negotiations and several variations in how the Tigers handled civilians who wanted to escape. Some appeared to

think that some deal had been almost worked out, while others saw it as important to hold on to the civilians for a successful outcome.

Sivalingam and his family tried to leave. Another young unmarried woman joined their family of five along with another relative. Near the Nanthikadal lagoon, some LTTE men confronted them saying that the ICRC and US ships are coming to save them and told them to go back. There being just a few of them, they did not argue, even as people were leaving by various other ways. They went back a little and sat among some palmyra logs.

When some Tigers came that way, the young woman who was part of Sivalingam's company, argued with them, "*We are hungry and suffering much, please let us go.*" The Tigers shot her dead, while the others stared in terror, and ordered them to go back to Mullivaykkal town. They went back and lay down beneath their tractor-trailer. They saw many dead beneath the tractors and lorries where they had sheltered. The streets too had corpses everywhere besides torn pieces of flesh.

On 15<sup>th</sup> May afternoon, Dr. Varatharajah said in an audio interview with an expatriate journal:

*"Shells are coming close to hospital; three to four of our staff were killed within the last three days. These three days we didn't treat the patients. Wounded are dying without treatment. Both wounded and dead are in the same place, still they are not separated. Around 300 to 400 patients and dead bodies are mingled lying here and there on the floor."*

This meant that most of the 2000 or so injured in the hospital three days earlier had been taken away by relatives, many no doubt died. Those still in hospital were dying or had no one to care for them. The absence of medicine and the pain of separation would have prompted people in a crowd slowly edging its way south to bear injured relatives along in the hope of treatment once in the government-controlled area.

There was no working system there by means of which one could quantify human suffering. Witnesses said that because of the dense crowd pressing south from 11<sup>th</sup> May one could not even wait in a place for half an hour. There was no food or medicine available. The people were on or close to the main road to Vattuvakal, which itself was choked with vehicles. People crept under the vehicles for shelter as shells fell everywhere. Occasionally a vehicle that was close to a shell explosion caught fire. About 20 shell explosions could be heard every minute. Occasionally when a vehicle was hit, the road would be blocked for a short time, and then the crowd surged forward preoccupied with their own concerns such as locating separated family members.

On the 15<sup>th</sup> morning the people tried to break through towards Mullaitivu. Thrice the LTTE chased them back and also resisted the advance of the 59<sup>th</sup> Division using suicide bombers.

Witnesses have testified that on the 15<sup>th</sup> and 16<sup>th</sup>, every time a group of people set off to flee, a line of Tigers would face them and block their path. When the crowd pushed forward they would shoot at their legs and damage a few legs and even kill others in order to scare them away. Even then there were many who had become desperate beyond control. They just pushed through the space between adjacent Tigers in the line and marched towards the Vattuvakal Bridge, where the 59<sup>th</sup> Division was. Frequently the Tiger line moved backwards under pressure and stayed facing the advancing people to shoot again. By the end of the day's battles, the 59<sup>th</sup> Division had got hold of the second of the three bunds to the south, leaving the Tigers in control of the remaining bund.

As we reported in Special Report No.32, the Government had informally agreed to a surrender deal worked out by intermediaries including some Tamil MPs and senior aid agency figures. By this time Pottu Amman was in charge of military matters. Later in the day the fighting and shelling eased and the LTTE began burning its equipment, a signal that it was implementing its side of the bargain, whose outlines we described in Special Report No.32:

*“The Government would accept the surrender of the remaining LTTE personnel and leaders, with due consideration to prevailing norms of surrender, and allow a certain number of leaders to leave the country, the conditions being: 1.) Surrender of Weapons and equipment, 2.) Release of Civilians and 3.) Release of prisoners from the government forces the LTTE held.*

*“The LTTE agreed to destroy its weapons and equipment instead of surrendering them, and apparently this was agreed. On Friday 15<sup>th</sup> it began complying with 1.) & 2.). It also complied with 3.) as would be seen. According to our information three TNA MPs, including Chandra Nehru Jr., were among those involved in making these arrangements.”*

During the lull the crowds began surging south towards Vattuvakal. The Sea Tigers who were in charge of the remaining bund allowed hundreds of civilians to go to the 59<sup>th</sup> Division. We learn that they were faulted for this and on the 16<sup>th</sup> night, the Sea Tigers were taken out and another group was placed in charge of the bund.

At 9.00 PM, Sivalingam's company rose from beneath the tractor-trailer where they had taken refuge and went back to Nanthikadal to make another effort at crossing the lagoon. They had slept under a tractor-trailer with other people in two or three groups. The sound of shelling had been constant. They did not rouse themselves in the night to check even when a shell fell close by. Later they found that entire families had been killed, except perhaps a child. On the 15<sup>th</sup> night many who were under tractors were killed or shredded. They went to the place where they had lain among palmyra logs the day before, where the Tigers had killed the young virgin.

**Bearing Witness: “Revathy”**

In the night of 15<sup>th</sup> May, south of Mullivaykkal, Revathy, her siblings and brother's family crossed from Vattuvakkal to Mullaitivu. She had been

traumatised by the escape experience expecting at any moment to be cut down as they scrambled over dead body after dead body. She said later in tears and loud moaning that on that particular day itself, around 3000 civilians would have perished.

Revathy's impression was that the shelling was done by both parties, the LTTE shelling from among the civilians at advancing troops. Thus the civilian deaths were caused by the Army's indiscriminate shelling, though they were provoked by the LTTE in much smaller measure. The Army took in Revathy's party at Vattuvakkal and sent them across the bridge after asking why they came so late in the day. They accepted their explanation that they had hesitated and delayed because of having so many young children. Revathy's family were sent to Omanthai and then to an IDP camp in Chettikulam by 16<sup>th</sup> night.

#### **4.9. 16<sup>th</sup> May: Uncertainties of Escape**

Having spent the night among Palmyra logs close to Nanthikadal, Sivalingam's party found themselves in the morning in the company of several others, all in readiness to run towards the Army. As the sun rose, there were about 20 of them sheltering from the sun in the shadow of one Palmyra tree. Later they noticed the Army at hailing distance. The Tigers, who were also around, shouted, "*Go away, don't wait here*"! Subsequently, they threw a grenade at the Army. The Army replied with a shell that fell close to the people, killing about 17 persons. The time was 1.00 PM on Saturday 16<sup>th</sup> May. Sivalingam felt they had made a mistake in coming there, "*Many others had escaped by other ways, and only a small number of us got caught to these few brutes. We had no choice but to hang around.*"

##### **Bearing Witness: Nick**

There were people constantly crossing Nanthikadal from different points. Nick related the tragic story of Kumarasamy (names altered), whose father, Periyathamby, was a sickly old widower from Nick's area. Kumarasamy was looking after his own family with young children as well as the sickly father. With much caution and difficulty he was making good his escape towards Nanthikadal with his family and was supporting his flagging father. As he came to Nanthikadal the son found to his dismay that the father had become too weak and felt that he would not bear the strain of crossing. He left the father under a tree by the shore with a sheet for cover, 6 or 7 biscuit packets, and two cans of water and crossed over with his family. Nick later met Kumarasamy among IDPs at Manik farm inquiring with tears from people as to whether anyone heard anything about his father's presence among the IDPs.

#### **4.10. 16<sup>th</sup> May: A Deceptive Truce and Denial of Relief to the Injured**

The LTTE had requested the ICRC to come and take away the injured civilians and cadres. The ICRC ship had been in the vicinity for some days, but did not receive clearance from the Government to deliver essentials and take away the injured and others with urgent complaints. The refusal also suggested that the Government was not taking its side of the bargain (above) seriously. It wanted to get the civilians away so that it could use indiscriminate firing without international repercussions.

That third party negotiations were going on, as we reported, was further confirmed indirectly by a civilian who knew some senior LTTE men. We pointed out earlier that the Sea Tigers were removed from the southern bund for allowing civilians to leave prematurely. However on 16<sup>th</sup> May, about mid-day, the civilians were in a confused and disorganised manner allowed to leave, even as some groups took punitive action into the afternoon. The civilians in Mullivaykkal began moving south towards Mullaitivu.

Meanwhile the Army's 59<sup>th</sup> Division moved north and later in the day linked up with a section of the 58<sup>th</sup> Division moving south along the sea coast (the 53<sup>rd</sup> was moving parallelly south along the lagoon coast of the strip).

Our civilian source noted that senior LTTE members were staying behind, seemingly not very perturbed. When he asked them, they replied that talks were going on after which they would leave. They expected a favourable response by late morning. To most observers, even if the Government made promises through third parties, it would have been to facilitate decapitating the LTTE leadership rather than to hinder it. In this instance the LTTE had let the civilians go, making the Government's work easier. Why the LTTE misread the signs says something about their cutting themselves off from the real world.

**An Aborted Escape Attempt:** Our source also told us that if not for their hope in the negotiations, they would certainly have attempted to make a break for it in the early hours of the 16<sup>th</sup> instead of the 17<sup>th</sup> morning, when several of the senior leaders crossed the lagoon and tried to break westwards into the jungle. The attempt failed with senior LTTE leaders being captured or killed. According to numerological beliefs the LTTE long took seriously, dates on which the digits added up to 8, e.g. 8<sup>th</sup>, 17<sup>th</sup>, and 26<sup>th</sup> as unlucky days for operations (digits totalling 5 were the lucky days). It was for the urgency caused by the delay that they attempted it on the 17<sup>th</sup>.

There were also stories circulating among civilians who remained to the last that there was an attempt to get the LTTE leader away on the 15<sup>th</sup> or 16<sup>th</sup> May. The retired lady teacher whose son was in the LTTE heard a story that the leader came pretty close to perishing about this time as there was an unexpected hole in the 7 ringed security ring around him and the troops almost got him. They were apparently trying to smuggle him away and important people were put in command of each ring and there was a failure in the passing of information. The commander of a particular ring had not been present at the designated spot. There was a story of betrayal. The lady teacher heard that

Prabhakaran had later called up the commander and questioned him, and then killed him. She remembers the name as Bhanu, though she was a little hazy about it.

Another source with good information said that there was an aborted attempt to get the leader away across Nanthikadal on the 16<sup>th</sup>. He had heard the story about Bhanu but dismissed it as speculation. He thinks Bhanu fell into the Army's hands, although there is no confirmation from the Army. Negotiations, there were, but the Leader had not apparently relied on them fully. Interestingly, many IDPs had heard the story that it was the treachery of Bhanu that caused the Anandapuram disaster in early April. This discredited story points to some apologists for the LTTE using Bhanu as a scapegoat.

**The LTTE have always paraded 'traitors' to explain the inevitable consequences of their politics.**

**Bearing Witness: "Kannan"**

Kannan, a family man from Visuamadu, set off with his family and younger brother from Mullivaykkal along the Nanthikadal coast towards Irattaiyakkal at 2.00 PM on the 16<sup>th</sup>. There were no noises from gun fire at that time. He was from a family of nine siblings and the rest of his family had gone to Vavuniya before 2009. He set off from Visuamadu with the refugee exodus to Suthanthirapuram the previous January and began moving to Putumattalan after 12 days. His younger brother was riding a bicycle in Thevipuram ahead of them when a shell exploded injuring his brother, after which he was unable to use a leg and a hand. The LTTE would not have allowed young persons with a chance of being cured to board the ICRC ship. This was a reason why Kannan had to wait. He managed to reach the 53<sup>rd</sup> Division with his younger brother without incident. He has improved steadily under medical treatment. Along the Nanthikadal shore he saw about 500 corpses.

Once the ICRC was disallowed, hundreds of injured too weak to be taken away or with no family or friends at hand were left in the lurch. Since medicines had run out and the hospital ground to a halt, it was four days since the injured had received even the most rudimentary treatment. It was time for people to get away if they could and the surviving medical staff (about three of them had been killed) joined the milling crowds edging their way out. An eyewitness testified to seeing scores of injured cadres left on the sides of the road begging people to help them. Civilian injured usually had some known persons to carry them in improvised stretchers made with sheets.

**Bearing Witness: Gunam**

Among the most tragic sights were hundreds of young injured LTTE cadres, many of them girls, who were brought early in the morning of 16<sup>th</sup> May and stretched out along the sides of the road near the southern end of the NFZ. The LTTE originally hoped that the Government would give the ICRC clearance to come over the Vattuvakkal Bridge and pick them up. This did not materialise although as late as 11.00 AM, they were still hopeful.

The victims who had lost limbs and some their sight, were by evening screaming in agony, begging for someone to take them along or at least to give them a cyanide capsule. A ten year old boy searched the road for cyanide capsules and gave them to some of the injured cadres. The injured above were the worst cases with no one to care for them. Most of the other injured, perhaps around 1000, had been taken by their families or friends.

The cadres who survived the fighting, once they knew their families were leaving, had abandoned their cyanide capsules and uniforms, put on civilian clothes and joined the exodus with their families. That was how there were plenty of cyanide capsules along the roadsides. On the previous day when the LTTE had begun setting fire to their equipment, a number of cadres, especially women, who had disabilities due to injury, had cast themselves into the flames.

#### **4.11. 16<sup>th</sup> May Dusk: Truce ends Unannounced and a Rude Awakening**

##### **Bearing Witness: “Rani”**

A mother, Rani, (not real name) who left Mullivaykkal late on the 16<sup>th</sup> evening, said that her husband was injured in a shell attack on 28<sup>th</sup> April and died in hospital on 30<sup>th</sup> April. The LTTE had conscripted her 15-year-old daughter in February 2009, whom she had not seen for some time. She had been searching for her daughter. She found two large tents full of injured LTTE cadres. Those who were nursing them had fled intending to escape with the crowd. The road to Vattuvakkal was jam packed and there was no movement as the Army had closed the entry. She set off north along the main road towards Irattaiyakkal as many others had done. Quite by chance she saw her daughter among those left along the road in the hope that the ICRC would come. One of her legs had been amputated after a shell injury and her other leg had wounds that had become badly infected. She promptly took her daughter and moved slowly with the crowd along the main road towards Irattaiyakkal.

By then the LTTE must have decided that the Government was not interested in their surrender. The road was packed with vehicles. In anticipation of the Army’s move into the final safe zone, the LTTE began exploding many of the vehicles, with a view to blocking the Army’s movement. Off the road movement was not so easy because of marshy ground to the west and sandy soil to the east. Rani saw many people on the road being injured or killed by these explosions. **By then the Army too began moving south. She had been distracted looking for her ten year old son who had become separated from her and had left her injured daughter on the road for a short time. This was when soldiers encountered her and virtually pushed her behind them (to the north) not heeding her anguished plea that she had to fetch her crippled daughter.**

Rani now pleads, '*Please find my daughter*'. By a quirk of fate, Rani found her lost daughter in a pitiful state only to lose her an hour later. She had run into the Army just when it had begun its final advance. This is confirmed by the Army's claim at 5.00 PM on the 17<sup>th</sup> that the LTTE had been boxed into an area 400m x 600m. What chance did a lame mite have when an army that would brook no delay advanced behind monstrous hulks of iron?

The experience above suggests that whatever hopes the Government had given about a ceasefire were at an end and a final battle was in prospect amidst more than 35 000 civilians trapped in a small area. Given the rush and congestion of people leaving many stayed back in the belief that the apparent calm would hold, the Army would move in without firing a shot and they could surrender. Once the LTTE started burning vehicles and the Army resumed shelling there was panic among those remaining. Many decided that it was better to go towards army lines despite the shelling and small arms fire.

**Bearing Witness: "Kiruban"**

Kiruban (18), not real name, was in a family that had left Jaffna during the October 1995 Exodus (Special Report No.6) and settled down in Killinochchi. During the earlier shelling the family had spent much of their time sheltering under vehicles, with corpses nudging them wherever they lay. This life has been described by persons who were there as between *chalam* and *pinam* (between faeces and corpses). They had waited when the firing stopped around noon thinking it was all over.

To their surprise heavy shelling began again around sunset. In a group of about 1000 they began moving towards Irattaiyakkal along the shore on Nanthikadal. The shelling caused several deaths in the crowd of people. Kiruban too saw hundreds of corpses on the way. He estimated that about 150 of those in the crowd got killed. He too was injured in a leg by shrapnel. His sister received a bullet in her stomach. The Army met them and Kiruban was dispatched to Polonnaruwa Hospital where his leg was amputated. His sister survived after medical care.

There is hardly anything in the Government's conduct here that suggests hostage rescue. The Government negotiated a ceasefire with the LTTE to make it let the civilians go with no intention of implementing it. The civilians were given no instructions by the Government. Had it let the ICRC in to supervise the civilian exodus it could have been done in an orderly manner and the injured left behind could have been saved. The civilians were simply allowed to take their chances and leave. After sunset the Government resumed hostilities placing those who were left behind in a dilemma. Staying or going could both spell death and 35 000 remained. The next day the Government happily announced that all hostages had left and launched its final indiscriminate offensive.

**4.12. 16<sup>th</sup> May Night**

### **Bearing Witness: Nick**

Nick and his family were among those who entered the Vattuvakal Bridge on the 16<sup>th</sup> night and got into Mullaitivu early morning on the 17<sup>th</sup>. Those who went in the night, including Nick's party were all asked to sit down throughout the length of the long bridge. They were all huddled together in a packed crowd with no opportunity to observe social etiquette. The military men who had been told by the Government that there were not more than 20 000 people left under LTTE control, were thoroughly surprised that several times that number had been in the area.

Nick said that even at that late stage during the 16<sup>th</sup> night, a group of Tigers was fighting desperately. The Army was shelling fiercely. As Nick's party ran out, they had regularly to take cover behind heaps of dead bodies, whenever there was a spate of shelling and run again desperately, holding on to dear life, when it abated. As they took cover and lay low often touching the corpses that gave them a modicum of protection, they had the impression that some of those bodies had been lying there for days, incurring decay and infection. They just wiped their hands on their clothing covering the thighs and kept running until the next round of shelling. All the bodies had large and often whole portions ripped off. It was a horrifying experience, which Nick says would haunt their memories for the rest of their days. This was also a critical time in Nick's daughter's pregnancy. She became a happy mother in September 2009.

Once the Army had got the people to the other side of the bridge and loaded them into buses, the noise of shells rose fiercely on the 17<sup>th</sup> morning. Nick felt that in Mullivaykkal the Army's pressure on the LTTE had been most severe from the north, east and west and the latter had withdrawn further south into an enclave that was easier to defend and were fighting desperately.

### **4.13. May 17<sup>th</sup> Morning: End of the Road at Kepapulavu? Balakumar Surrenders**

With the first light at 5.30 AM, Sivalingam surveyed the scene and found no signs of the LTTE. He does not know what happened to them. 50 yards away, he saw the Army behind sand bags, who shouted at them to come quickly. Sivalingam's family went immediately. The soldiers gave them biscuits and bottles of water and sent them on to get into buses and go to the IDP camps.

On the other side of Nanthikadal, at Kepapulavu, some key LTTE leaders, including Prabhakaran, Pottu Amman and Soosai, with a core group of fighters, had made a bid to cut their way through the 53<sup>rd</sup> Division westwards into the jungle. We said based on information we obtained through well-placed army sources that Prabhakaran and probably members of his family were captured, Prabhakaran was executed the same day or the next and his 12-year-old son Balachandran was executed in front of the father (see

Special Report No.32). Nothing has since been heard about his wife Mathivathani or daughter Dwaraka, nor have there been any reports of their body being found. We have nothing more to say on this subject, except that our story has not been contradicted by evidence and the Government's denials and its own versions about Prabhakaran's death carry no credibility. Photographs of the dead body of Balachandran showing injuries on his body, taken apparently by a soldier's cell phone camera, are in the public domain and are open to investigation by experts.

A witness, who had reached the 59<sup>th</sup> Division at Mullaitivu on the 17<sup>th</sup> morning, told us that he heard gunfire from the direction at Kepapulavu. He added that he also heard gun fire receding westwards, suggesting to him that some members of the LTTE got through the army lines. The escape strategy attempted by the LTTE leader was the same as that used by Pottu Amman (who was in charge of the escape) in the defence of Puthukkudiyiruppu during early February 2009. A group that crossed Nanthikadal then had cut through the line of the 59<sup>th</sup> Division in Kepapulavu and isolated a section of it in the north.

### **Balakumar Surrenders**

EROS leader Balakumar understood the LTTE well and had long feared them. When the LTTE provoked a war with the IPKF in 1987, Balakumar reportedly clutched his head saying that Prabhakaran had blown it. Being evidently a weak man having personal rapport with Prabhakaran, his organisation was virtually taken over by the LTTE, against objections from many EROS members. Though Balakumar made political speeches for the LTTE, his reservations were also deep; in recent times he became a source of moral support for dissidents, both EROS and LTTE. Latterly he had separated himself. His family had moved to Udayarkaddu and Balakumar suffered a shell injury in an arm, in December 2008. His wife Indrani, a trained nurse, brought him back to health. Indrani kept the family under her watchful eye, especially their children Sooriyatheepan (19) and Mahilini (18), whom she kept in hiding away from conscription gangs. Balakumar was a sickly man who suffered from high blood pressure, a weak heart and glaucoma.

In Putumattalan, some of Balakumar's friends met him on 18<sup>th</sup> April 2009 to discuss escape. It was agreed that each would take his chance as it comes as others also had families. Early morning on 19<sup>th</sup> April, Balakumar's family got into a boat having about 20 people in Putumattalan and sailed in a southerly direction maintaining that they were moving to Mullivaykkal. The idea was to move slowly to Mullivaykkal and then make a dash for Pulmoddai. When the boatman revved up the engine to make a dash, an LTTE patrol boat spotted them. It caught up and opened fire. The two who fired were very young boys.

Mahilini's left arm was fractured near the shoulder and another lady had a slight injury. The boat went ashore. The next day the Army entered Putumattalan and some of Balakumar's friends went out. There was no treatment for Mahilini at Mullivaykkal. Indrani left for Pulmoddai on the first ICRC ship to call at Mullivaykkal on 23<sup>rd</sup> April. She is now heart broken that she left her husband and son.

Balakumar and Sooriyatheepan stayed with relatives north of Mullivaykkal. On the 16<sup>th</sup> May, the LTTE allowed the people to go. Like many others who were to the north, they went towards the 53<sup>rd</sup> Division near Irattavaykkal, along the Nanthikadal Lagoon. On the 17<sup>th</sup> May morning, just after 7.00 AM, the party was a short distance away from the Army. A soldier asked those who had been in the LTTE to first come forward. Sick as he was, Balakumar went forward and identified himself. An officer was called. He spoke to Balakumar politely and shook hands. Encouraged by this cordiality, Balakumar said that he had his son.

The officer asked him to fetch him. Balakumar returned with his son Sooriyatheepan, who had nothing to do with the LTTE, and an LTTE cadre Aingaran who wanted to surrender. As far as the people could see, Balakumar was treated well. A tractor-trailer was brought and Balakumar was helped to lie down inside and the three were taken away. The rest of the party who had gone with them, then surrendered. There has been no word of Balakumar or the other two since then (see Sec.15).

#### **4.14. 17<sup>th</sup> Night to 18<sup>th</sup> Morning: An Apocalyptic Close**

##### **Bearing Witness: Komathy**

We return to the experience of the retired lady teacher Komathy introduced earlier. On the 15<sup>th</sup> the LTTE started to set fire to all their vehicles and weaponry. The fires were raging for 3 or 4 days. By the 17<sup>th</sup> night the raging fires, aided by the Army's firing of burn missiles, had spread into the civilian shelters and caused pandemonium. Until this point the people who had remained had believed that the 'boys' would not allow the troops in. But once the fires were lit, many fled. Survivors have related tragic stories such as, a mother having to escape with her children through raging fires, without having the opportunity to look back at what became of her husband. The retired lady teacher Komathy remained because of her crippled niece, still hoping that when the troops come in, they could surrender to them.

As the troops advanced, the Tigers also fired back from among the 30 000 or so people still remaining. There was hardly enough space to distinguish between a civilian zone and a battleground, resulting in many deaths in the fierce cross fire. The LTTE seemed to be using their ammunition generously in what was their last battle.

Komathy confirms the generous use of burn shells and cluster shells, the latter familiar to civilians by their drumming noise, and had seen many perish, having their bodies badly broken up. The burn shells, according to persons who were there, burns objects within a given radius. Typically, one would leave a charred circle if it fell on grass.

Komathy was lying in their tent as she found the heat and stifling sweat in the bunker unbearable. One man who had been fleeing with his family in the deep hours of the night in consequence of intense fire from advancing troops, and was helping his children into a bunker, was hit by shrapnel as he was stooping to lift up his child lying next to the lady teacher. He fell over her as he died. The lady too was hit by shrapnel which penetrated her shoulder. Being a diabetic, she has so far not attempted to remove it by surgery.

Komathy was camped with many others who were perishing in great numbers in the cross fire – both sides took no account of the civilians' presence. They finally made a westward dash for the Nanthikadal lagoon, in the wee hours of the morning. At this time the troops moving in a southerly direction were about quarter mile away. With her son's help they found a tractor, put her crippled niece into it and trekked to the lagoon, which they crossed and surrendered to the Army.

She thus managed to escape with her son, her daughter-in-law and four children as well as a senior niece of who had been a long time cripple. The latter was the main reason why she stayed on till late. She had been awaiting a suitable tractor leaving the place to transport her niece.

There was no uniform manner in which civilians attempted their escape. They tried all ways and means, moving a short distance, taking cover and moving again. Some went west across Nanthikadal to Kepapulavu, some hugged the Nanthikadal coast southwards and used a float to reach Mullaitivu. Some hugged the east coast to Vattuvakal and crossed the water near the bridge to Mullaitivu and some came along the main road. Several persons who went towards Nanthikadal found countless putrefying dead bodies all over, killed either by army shelling or shot by the LTTE while trying to escape.

Muhunthan later met in hospital a person who escaped with five injuries on his body at the last stages. When this person was injured, another from his village, Mallavi, had gone to pick him up, when he was cut down by a shell blast. About 300 persons gathered at the school that had been Mullivakkal Hospital and surrendered to the Army.

Those who were too scared or too weak to run away remained in their bunkers. The Army surrounded the area at dawn. Those who survived the shelling, close range fighting and indiscriminate fire by both sides were, in several testimonies, called out by the Army, prior to being dispatched to IDP camps.

A religious leader, who had left the NFZ earlier, later talked to many civilians who had been in the NFZ until the last. The soldiers they saw looked fierce and unearthly like men out of the grave. One family had been moving to Vattuvakal on 18<sup>th</sup> May, after the main fighting had ended. Suddenly they heard bursts of gun fire behind them and the sounds of victims screaming.

Those who were too scared or too weak to run away remained in their bunkers. The Army came near at dawn on the 18<sup>th</sup> but did not enter the area where the Tigers were last

holed up. Perhaps they finally thought of the civilians or were afraid of any remaining suicide bombers. The Army surrounded the area and left an opening towards Irattavaykkal for the people to come out.

### **Bearing Witness: Thavamany**

Rajaratnam's mother Thavamany, with her married sister and her husband, had remained in a bunker to the south of Mullivaykkal, and hence were a little cut off from those who were exiting to the north. Her 85-year-old father, who remained a strong man to the last, helping in chores like chopping firewood, had died of natural causes. Her unmarried sister and the children who were with them had left earlier. Thavamany and the other two stayed in a bunker with a vehicle parked over it with sand piled around, which made it relatively safe except for a direct hit. When it was thought safe, Thavamany crawled out, lit a fire without exposing herself too much and made tea. Shells continuously fell around them until 19<sup>th</sup> May. There were also gun shots from the remaining LTTE cadres.

Those who survived the shelling, close range fighting and indiscriminate fire by both sides were inside their bunkers. The Army moved in very cautiously, breaking up the area into boxes, and calling out the people from each box. However, many of those in the boxes felt too frightened to come out, not knowing the Army's intentions. A man who was Thavamany's relative was in a bunker when the Army called. He remained inside and after some time peeped out, when a soldier saw him and shot him dead. The soldiers were later apologetic to the rest of the family.

On 19<sup>th</sup> May, Thavamany heard explosions close by and fires which made their bunker extremely warm. They gathered that the surviving injured LTTE cadres, possibly with others not injured, were committing suicide by blasting themselves. The cadres knew from experience that if they tried to surrender they would not be spared. Thavamany witnessed a huge fire. The next day, 20<sup>th</sup> May, when the surroundings were eerily quiet, Thavamany led the rest and walked south towards the Mullaitivu end. The soldiers expressed surprise, but accepted their explanation for the delay and let them through.

Thavamany was too far south to see army vehicles running over bunkers. But she said that the shelling had been very intense until 19<sup>th</sup> May. From messages passed between bunkers in her area, she estimates that about 150 persons were killed by shelling in her vicinity. All those who were in Mullivaykkal at the latter end that we have spoken to, are agreed that countless deaths occurred during these days while the Army and LTTE were slinging it out at one another with no concern for the people. Odd testimonies coming from the security forces confirm that the area was awash with dead bodies.

Human Rights Minister Mahinda Samarasinghe, claimed without batting an eyelid (17<sup>th</sup> May) that ‘*soldiers saved all Tamil civilians trapped inside the war zone without shedding a drop of blood*’. The war was over and the LTTE was militarily shattered at Anandapuram in early April. The NFZ being subsequently turned into a massacre zone in the name of hostage rescue is a monstrosity that cannot humanly be accepted.

#### **4.15. Some Vital Questions of Humanitarian Law and Ethics**

We have pointed out before that what the State inflicted on the civilians, particularly at Mullivaykkal, not only borders on wanton crime, but also has no justifiable political or military basis. The LTTE was broken and the resistance it offered was no more than a last gasp of a dying organism. We learn from the authors of *Vanni Experience* (the *Kalachchuvadu* article) who are from a left background, but served the LTTE in a cultural capacity with deep reservations, that dissent was strong even amongst the leadership. Sea Tiger Leader Soosai had walked out of the last leaders’ meeting disagreeing with Prabhakaran. Pottu Amman too felt that military resistance was doomed and wanted another way out, but did not confront Prabhakaran openly as Soosai had done.

Some of Balakumar’s friends said that during the year leading to the LTTE’s defeat, he was so disillusioned that he saw the continuance of the LTTE leadership as a grave liability for the Tamils. Many persons with dissident views found in Balakumar a source of moral support. Because of his personal rapport with Prabhakaran, he wrote to him regularly. Some who saw these letters told Balakumar that the issues are so serious and he was writing in the polite and restrained manner of a social exchange. Balakumar explained that if anyone tells Prabhakaran anything he would reject it out of hand. One needed to work on him gently so that he would feel the change as coming from him. However, in one of his final letters, Balakumar had told Prabhakaran that history would have no room for him.

The dissidents who were close to Balakumar felt that although their camp was increasing in numbers, there was little they could do while the leadership controlled the army and the intelligence service. They hoped that with addition of numbers to the dissident camp, there would be slow erosion of the structures of control.

We pointed out in Special Report No.32 that the state-owned newspaper Divaina reported that several LTTE leaders surrendered to the Army at the end of the war. Among them were Yogaratnam Yogi, Lawrance Thilakar and V. Balakumar. Nothing more has been heard about them. We have given above, eyewitness testimony on Balakumar’s surrender, along with his innocent son and a nephew.

We also said in Special Report No.32 that several senior leaders including Prabhakaran and Soosai were killed after surrender on 17<sup>th</sup> May. The sources quoted in that report and the circumstantial evidence given here suggest that there was a surrender deal which the

Government dishonoured. Moreover, the political wing leaders including Nadesan, Pulidevan and many others had wanted to surrender on the 18<sup>th</sup> May morning.

Kohona told the *Independent*, he had learnt from troops then present in the field that Nadesan & co were shot by LTTE cadres who learned of their attempt to escape, adding, *'this is consistent with their behaviour'*. The same day the *Daily Mirror* quoted Kohona pointing in a contradictory direction: *"The LTTE wanted to surrender their arms a little too late"*. The latter seems to imply that the leaders were killed because of their failure to surrender in time. Notably, the Defence Ministry (defence.lk 18<sup>th</sup> May), far from claiming that the LTTE killed its leaders, merely reported that their bodies had been found.

High level contacts, involving the President, senior government figures and Foreign Ministry Secretary Dr. Palitha Kohona, had advised the leaders to go with a white flag and surrender to the Army. They were all reportedly killed. Kohona's final message to the political leaders through the ICRC was, *"Just walk across to the troops, slowly! With a white flag and comply with instructions carefully. The soldiers are nervous about suicide bombers."* Kohona surely said this after contacting the Defence Ministry and that is where the problem begins. Killing those who came to surrender has the appearance of being premeditated, as with the undermining of a surrender agreement.

Almost everyone in the LTTE who could speak with some authority on surrender talks between the Government and the LTTE has been killed or silenced by some other means. There is little that could be said in defence of the LTTE leaders after the manner in which they treated the people. A government cannot descend to the level of criminals even in dealing with criminals. The Government and a country lose their dignity and legitimacy when they subject anyone who is defenceless to barbarous treatment. It is also a loss to the Tamils, because they needed to question and hear their errant leaders and hold them accountable as part of rediscovering their soul. The Government has instead created conditions for the leaders to re emerge among an alienated people as potent figures of mythology.

In Balakumar's case, he was a political person and there are no criminal charges against him. The laws of the land do not permit anyone to be detained indefinitely without sanction from a court of law and it is now more than 180 days. Persons from detainee families have told us that families now have access to most LTTE cadres who surrendered. But in about 25% of the cases there is no word about them despite numerous appeals having been made.

In Balakumar's case his surrender to an officer of the 53<sup>rd</sup> Division near Irattaiyaikkal, along with his son, was witnessed. We hold Major General Kamal Guneratne, former army commander, Lt. Gen. Sarath Fonseka, defence secretary Gotabhaya Rajapakse and President Rajapakse, directly answerable to the country for the safety of Balakumar and his son. They owe it to the families of all those who surrendered to provide access or be answerable for their loved ones. The country must make it clear to those who command institutional force that they are not above the law.

#### **4.16. Beyond Death; a Survivor's Experience in His own Words**

From the survivors we would hear a variety of stories and many tragedies. They would all have one thing in common – it was a miracle to be alive, considering the many times death came very close.

We give below the story of one individual for whom death and life have become so intermingled, an experience for which words are inadequate. It is enriched by the fact that he did not have a family, but went about, anxious to help victims where he could. We relate the experiences the way they were told:

*After the fall of Killinochchi, the people were on the run moving eastwards and lost contact with one another. During mid-January I went on my motorcycle to Piramandal Aru (River) east of Visuamadu looking for one of my friends. I inquired at a house in which the man was seated on a chair outside, while his wife, aged about 45, was cooking. There were two other young women there. When I inquired from the man he directed me to a place nearby where about 50 men and women had taken shelter. Since I used kerosene as fuel, it was taking me time to start my motorcycle. Being instinctively alert, no sooner upon faintly hearing the hum of an oncoming shell, I jumped into a nearby pit and immediately heard an explosion. When I raised myself and looked, I observed that the shell had struck the ground between the legs of the man who was sitting. No trace of him was visible. The two young women were also killed. The woman who was cooking was screaming in pain. She was aware that her legs had been blown off. Blood was mixed with the curry she had been preparing. She pleaded with me not to leave her in that condition and to take her to a hospital. The nearest field hospital was in Udayarkattu. Her life was ebbing away and she knew it. I was helpless. The least I could do was to be with her. Within a few minutes, she was gone.*

*I had moved to the church in Iranapalai. During February, the Kfirs came on a bombing raid. I got into a bunker. A little later a 1000 kg delay bomb fell about 15 feet from my bunker and penetrated the ground. I found myself rocked roughly like a baby in a cradle. Fortunately, this bomb failed to explode. Later the LTTE came and dismantled it to extract about 600 kg of explosive.*

*A few days later I was with some friends in a house at Anandapuram. When Kfir bombers arrived, I wanted to join some others moving into an open field, where there was also a cemetery, between Iranapalai and Anandapuram. The reason for moving into the open field was a surmise that the pilots would see we are civilians and leave us alone. But a friend of mine restrained me. The bomber dropped 'air bombs' (bombs that explode above the surface) in the field, killing about 15 of those who had gone there for safety.*

*About the same time a delay bomb (1 ton or 1000 kg) fell on a temple close by. I saw a goat, a man, a mat and some cooking utensils being thrown above the height of a cocoanut tree.*

*During my stay at Iranapalai, there were huge casualties due to aerial bombing and shelling. When a settlement was bombed on 16<sup>th</sup> February, some of us got hold of vehicles and went to rescue the survivors. Because the bombing of an area is frequently followed by artillery shelling or a return of the bombers themselves, the vehicle drivers refused to go near the settlement and parked about 150 yards away.*

*The victims were mainly women and children who had stayed at home when the men went out to earn their bread doing jobs like constructing bunkers. These bombs when exploding use the ambient oxygen for combustion creating a vacuum, resulting instantly in a powerful blast of wind. The blast wrenches at the clothes and renders them in tatters, leaving the injured women partially exposed. Several girls had stayed together in a bunker to avoid conscription gangs. The blast covered the bunker killing all of them. In a bid to avoid the disrespect of touching the bodies of the women, we had to place them on sacks or sheets, rush them into the van staying at a distance and get back.*

*One experience that left a heartrending impression on me was a young girl of 16 or 17 whose legs were blown off. As I was passing, she gripped my legs and pleaded with me to take her. She was supported by a rafter of cocoanut wood and had not realised that her legs were gone. I could see the bones sticking out. Before I could take in what happened, she asked me insistently, "If I were your sister, would you leave me here?" I have no sisters, although I wish I had. I was dumbstruck. She soon passed away.*

*Another girl came running towards us shouting that some terrible thing has happened. She neither showed any signs of injury nor awareness of such. To my astonishment, the girl who was running normally, collapsed 10 metres away from me and died. When I went close and examined her, I noticed that a piece of shrapnel had struck the back of her head and she did not know it. I figure that about 25 mainly women were killed in the incident. I don't know the exact number because I had gone as part of a rescue team and not to count. I also saw others who had come independently of us also taking away the injured.*

*Subsequently, when I was in the NFZ by the sea, staying out in the open became risky with shells exploding and bullets flying, whose sound could be heard only upon their whizzing past. But for one reason or another, we had to travel along the main road running through the length of the NFZ, especially on rainy days. This road merges with the A 35 near Irattavaykkal and its northern part where the people were staying is generally close to the lagoon. Valaignarmadam was marginally more dangerous, because the ground was raised, giving the soldiers across the lagoon a clear view and they regularly took pot shots at road users. One was thus better advised to use the secondary road from Putumattalan to Valaignarmadam that is closer to the sea. But when it rains the secondary road becomes inundated, and if one must travel, there was no choice but to take one's chance on the main road.*

*I was on my motorcycle going through this area behind a couple on a motorcycle. The woman was pregnant and they were out probably to do some shopping. The couple was coming fast. They signalled to me and I moved aside to let them overtake. I suddenly saw the couple fall down for no discernible reason and the man writhing in agony. He had been hit by a bullet from the army's side. I stopped and the pregnant woman pleaded with me to take her husband to the hospital. Most people passed us by engrossed in their own problems and such things had become a daily occurrence. The man whose lower jaw had been blown off was vomiting blood and the situation looked hopeless. What had happened was that when we passed that area on motorbikes, it was our custom to dip our heads as low as possible to minimise our chances of being hit by an army sniper. Because the man had ridden fast and taken a curve in overtaking me, he lacked the balance to dip his head as a precaution.*

*The stricken man's wife was helpless. To carry the man to the medical post at Valaignarmadam required a third person on the bike so that the injured man could be sandwiched between us. My bike being too small for that, I asked the wife to help the man onto the bike so that he could sit behind leaning his head on my back. In this manner I took the man to the hospital. By the time I reached there he was dead. It was then that I noticed my own state. A good part of my person was drenched in blood and covered in flies. The flies formed also a thick layer upon the dead man. This brought home to me the absolute squalor of the place.*

*I was once travelling on the main road when unexpectedly I saw an RPG shell fired by a soldier across the lagoon landing in front of me. I considered and decided that there was no point in stopping and rode on and another RPG shell fell behind me. I warned people travelling in the opposite direction not to proceed as there was an ambush waiting. But no one seemed to take notice. **How does one explain such behaviour? On the one hand there is constant danger from shelling and from small weapons fire and ideally children should be inside bunkers. But on the other, you see children playing on the beach and even flying kites, indifferent to sudden death that strikes unawares.***

*Children could not be kept long inside bunkers and when they went out it was a time of grave anxiety with bullets flying about. Also in April, I saw a mother crying inconsolably over the body of her child. The child had been missing. When she found her child it was a corpse four days old.*

*On 8<sup>th</sup> April I was nearby at Pokkanai, when the Army fired a barrage of shells, causing over a dozen deaths and scores of injuries among people in a queue with children below three years, whose presence was needed to collect packets of milk powder being distributed. What struck me most was the sight of a mother who was herself injured, clutching her dead child and crying.*

*On 20<sup>th</sup> April, when the Army entered the NFZ, the Pokkanai area was severely shelled. I went there in the morning with a friend who was searching for his family. Earlier I had*

*seen a prominent white phosphorous flame. As I got nearer, I saw people with burns dipping themselves in the sea. Hundreds had died in the shelling.*

*During the first week of May, I was in Mullivaykkal. There was no day we were free from shelling. I had a friend staying in a house close to the sea with his wife, whose leg had been fractured by a shell blast and also had an injury in his arm. He had a lap top computer which he used to pass time. I occasionally collected his computer and had its battery charged at a communication centre, which had a generator. On this day, I had his computer charged and went to his home to deliver it. It was past 7.00 PM.*

*A nurse from the hospital was there to dress my friend's wounds. Because she was dealing with a man, her father, had accompanied her. He was seated on a chair, while the others were on the ground. The father got up and offered me his chair. I declined. My friend's wife asked me to stay and have a cup of plain tea. I excused myself saying it was time for my dinner.*

*As I was walking away, within a few seconds, I heard the noise of a single shell being fired. That was deceptive. The Army had a timing device which fired several shells simultaneously, although the noise suggested it was one shell. I was barely 10 metres from the house and I heard an explosion. I received what seemed like a thundering slap. I was thrown down and also someone's severed leg that was cast up in the air by the explosion fell upon me. I fell wondering whether my hands and legs were intact. I felt pain, but upon feeling about I realised that I had come to no harm. My thoughts immediately went to the folk in the house I had just left.*

*The shell had fallen between me and the house. Going back, I saw the nurse's father still sitting on the chair sans his head, as though he had been decapitated. The others were unharmed. Upon seeing me, my friend, disregarding his injured leg, walked up to me and hugged me saying he was worried if I had been blown to bits by the shell blast. The strain caused a relapse in his injured leg. The severed leg had come from the man next door, who had squatted in front of the house trying to tune his wireless set. He was dead.*

*On 8<sup>th</sup> May I witnessed a queue of hungry young persons waiting for patties being shelled after being spotted by a 'vandu' (beetle or UAV), leaving more than a dozen mostly children dead.*

*In the days that followed there was hardly any food. People were dying all over and were hardly in their bunkers. They stopped caring about living. They wanted to get out or die. The Hospital at Mullivaykkal stopped functioning due to a lack of medicines and the staff too did not have the peace to work. At such hazardous times when sudden death is imminent, people generally choose to stay close to their family, so that if death strikes they all go together. They cannot bear separation.*

*The cadres had little choice. Even if they were injured, the choice was to fight on or die. The prospect of medical care and hospitalisation did not exist. I saw for the first time and have no wish to see again, dogs, themselves hungry, carrying parts of human flesh from*

*the multitude of bodies strewn around and left unattended. The whole area exuded the stench of death and hell's drum beat of falling shells.*

*On the 15<sup>th</sup> night, I with some others walked towards the lagoon to find a place to sleep. Property rights to bunkers had expired, and people were constantly edging south. They dared not go northwards as troops there had suffered heavy casualties and they feared how they would be treated. Some of us found an abandoned bunker. We got inside and dug about a little to expand the space. My hand encountered the hands and legs of a dead infant and the bloodied head of a dead woman. It seemed that a shell had fallen into the bunker and killed its occupants.*

*On 16<sup>th</sup> May evening, as people were moving out, I saw a sight that moved me with deep sadness and guilt. The hospital was no more. Injured cadres, many of them young girls, with no family at hand, were laid out on the sides of the road near Vattuvakal. The ICRC that was to fetch them was evidently not permitted. They screamed for someone to take them or to give them cyanide. These cadres were very young and they were not sufficiently developed to understand the world around them and the nature of their fate. Their organisation should never have allowed them to suffer in this manner.*

*In the night I desperately looked for a place to sleep as I had not slept for three days. I saw a man covered by a mat lying down under a tractor, whom I took to be the owner. Since there was space, I asked for permission to sleep there. I took his silence for consent and spent the night next to him. To my consternation I noticed in the morning that the man was covered with congealed blood and had been dead about two days.*

*I walked in the morning with the people who were moving south. As we advanced soldiers from the 59<sup>th</sup> Division going north passed us on the other side of the road. There was no exchange of fire. On getting to Vattuvakal close to Mullaitivu, the soldiers warned us not to get off the road since the sides may be mined. One man who was in a hurry, left the road to overtake us. There was an explosion just ahead of me. The man lost a leg so near to safety. We were well received by the Army at that point and were given water. We were promised a new spring in our lives.*

*That was the point where the Government could have won over the people by treating them like citizens and ensuring their speedy return to normal life. In confining them to the squalor of 'welfare centres', for what seemed an interminable length of time, the Government had failed.*

*Months later, enjoying a kind of twilight freedom, I went to a temple. While standing there, a well of tears long confined flowed freely, as though something in me had given way without the slightest warning. I almost died several times, and unbelievably was among the living. We had passed through death, and life would never be the same again. That experience would always bind me to the people who suffered with me. It has given me a new lease of energy and determination to work for their well being.*

## Part V

### **The Population Game: Disappeared on Paper and Killed with Cannon**

#### **Contents:**

##### **5.1. Strategic Numbers**

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##### **5.7. The Task**

##### **5.8. Who was Responsible for Short-changing the People in Food and Medicine?**

#### **5.1. Strategic Numbers**

For a government's claim to have accomplished the 'hostage rescue' with zero civilian casualties to carry conviction, it should have had some idea in advance of how many hostages it had to rescue and where they were. Minimally it had to ensure that they did not starve. It was basic intelligence, and indeed administrative work, to determine how many there were, and where. After all it is the government of these people, with administrators in the area whom it regularly met formally and informally and who would have told them where matters stood even when local records were flawed. Tamil administrators were worthy of at least that little respect. By rejecting their word the Government was deliberately or through incompetence preparing to act blindly.

The Government's cavalier attitude to the lives of the trapped people is revealed by its unacceptably low figures for the displaced population, and is further illustrated by its claim on 17<sup>th</sup> May before the final free-for-all that 50 000 civilians had come out of the NFZ and all the civilians had been rescued. After the final bash it announced on 18<sup>th</sup> May: "*Despite the speculations of a 'bloodbath' and a 'humanitarian catastrophe' at the final military push Sri Lankan soldiers were able rescue about 70,000 people within the last 72 hours without causing any harm to the innocent*" (*defence.lk*). In fact 29 000 civilians were transported from the battlefield to Chettikulam Zone 4 from 18<sup>th</sup> May and 1400 injured civilians to Padaviya Hospital. Civilians were coming out of the war zone until at least 20<sup>th</sup> May 2009. This means there must have been nearly 35 000 civilians left when the Government said on the 17<sup>th</sup> afternoon there were none.

The vexed question of how many were killed in the Vanni by the Government and the LTTE is closely tied to how many there were originally. After all, we do know that from the time the welfare camps were set up in 2008, the number that had been detained there after the close of the war was 290 000. This was practically all who had survived the war. In 2008, the task of aid agencies was to ensure that the people were fed. Thus the practical way out for them was to err on the higher side and in late 2008 estimated the population at 430 000. Many of us groped in the dark and judged from past experiences or past biases. The truth was unknowable within a wide margin.

When enumerating the displaced on 4<sup>th</sup> November, the Government Agents of Mullaitivu and Kilinochchi gave the total as 348 103. The same month the UN High Commissioner for Refugees estimated there are 230,000 displaced in the Vanni. The Consortium of Humanitarian Agencies currently estimated the number to be 300 000, which HRW pointed out the UN also at times quoted inconsistently.

Curiously, the Government which was the employer of the GAs of Kilinochchi and Mullaitivu, was not sitting down with them to arrive at a working consensus, which was its duty to the people. Instead, it quoted an unrealistic figure of 100 000 IDPs and stuck to it. The war in the Vanni reached its more destructive phase for the civilians in January 2009. By early March about 37 000 civilians had escaped to the government-controlled area. The Government lowered the number of IDPs remaining in the Vanni to 70 000. It stuck to this figure until the next exodus of 103 000 civilians during 20<sup>th</sup> to 22<sup>nd</sup> April, 33 000 more than the Government's total.

Then by its curious arithmetic, the Government insisted that only 15 000 to 20 000 people were left in the NFZ (e.g. defence.lk, 30<sup>th</sup> April 2009, 9.40 AM). However the IDP count in camps was 172 000 on 28<sup>th</sup> April and 290 000 on 25<sup>th</sup> May, suggesting that more than 120 000 people remained in the NFZ after the April 20<sup>th</sup> to 22<sup>nd</sup> exodus. The unofficial figure of 165 000 given to leading Tamils by the government administration in the NFZ is much closer to the truth, if one also takes into account the large casualties among those who remained.

There was no consistency or any genuine information behind the Government's figures. These were just pulled out of the hat, and on the basis of these food and medicines to the IDPs were curtailed to ridiculously low quantities, irregularly delivered, causing starvation and extreme hardship. It did not treat the Tamils as citizens of this country. In a more sinister vein, by deliberately understating the IDP numbers the Government was preparing for the eventuality where it could dismiss any later suggestion of high civilian casualties by pointing out that, according to its statistics, the dead persons never existed. **It was as though they had been disappeared on paper in preparation for their extinction by cannon fire.**

The Government had in a way turned the discourse to suit its aims, where the international agencies, if they wanted to avoid confrontation that would be fatal to their operations, were best advised to moderate their figures. In January 2009, the UN spoke of 230 000 IDPs on the move and the ICRC of 250 000. When the final NFZ was created in

February, the Government stuck to 70 000 IDPs in the NFZ. The UN said in a briefing to the diplomatic community in Colombo on 9<sup>th</sup> March 2009 that on the basis of satellite imagery there were at least 100 000 to 150 000 in the NFZ. The UN also pointed out that the food being supplied was less than a quarter of the monthly 3000 tons needed to feed 200 000 people (i.e. barely adequate for 70 000). The International Crisis Group (ICG) in a statement in early March quoted the ICRC as saying that there were 150 000 people in the NFZ and got a bloody nose from the Government's Peace Secretariat.

There had in fact been well above 250 000 in the NFZ, taking into account the 37 000 in IDP camps in early March and 290 000 on 25<sup>th</sup> May. How much more, is a question we need to answer as part of determining how many died in a straightforward manner? It is interesting that INGOs who were planning for a Vanni population of 430 000 in late 2008, also talked about 300 000 and 250 000, finally came down to 150 000 in the NFZ and 37 000 in welfare centres. We were ourselves guilty of understatements and mix ups, the sum of which allowed the Government to manipulate the discourse.

Sadly, not many of us took seriously the figures given by the abused and abased GAs and AGAs, who were trying to do an honest job within their constraints and now dare not speak. We were given a jerk by a senior community leader who had been in the NFZ and told us of a conversation he had in early March 2009 with a high ranking government administrator. The latter told him that from the checks he had made through the village headmen (GSs) of the Vanni who were nearly all there, there were 330 000 civilians in the NFZ. The community leader asked him, "*With or without ghosts?*" The administrator assured him, "*Without ghosts*". Ghosts refer to padded numbers on official lists enabling the siphoning off of part of the supply to feed the LTTE. The community leader told us, "*I cannot prove it, but I believe the administrator's figure was correct.*"

The community leader gave us another jerk by assuring us that a minimum of 6400 civilians were killed up to the end of March. (The UN briefing referred to above suggests 4800.) What we gathered is that we must be prepared for much higher casualty figures than are commonly talked about. The UN briefing gives us a hint.

## **5.2. Quantifying the Suffering**

We must return to the question we began with. The surest way to find out how many died, a question the Government does not want to investigate, is to compare the number of those who arrived in IDP camps with an authoritative estimate of the original Vanni population. The best figure we have for the latter is about 365 000 given by government administrators in the Vanni to persons they trusted. These figures have by far shown themselves credible in comparison with the official Colombo figures.

Given the huge vacuum in information, we need to proceed carefully in giving any estimate of the dead. The two sets of reliable figures we have are, one, those collected by the local office of the UN OCHA for the dead and injured in January, February and early March. This is an important indicator but is subject to interpretation before we could draw any conclusions. The second important set of figures are the casualties shipped by the ICRC, obtainable from the ICRC web site and the Indian High Commission web site

([http://www.hcicolombo.org/events\\_Detail.cfm?id=66](http://www.hcicolombo.org/events_Detail.cfm?id=66) ). Local information from the ground suggests that two persons died for every casualty shipped by the ICRC.

Another important figure is the 330 000 given for the number of people on the run by a Senior Government Official (SGO). The gap between this figure and those eventually in IDP camps is more than 40 000. As to whether these give an indication of the total dead requires careful consideration. Persons interested in such matters who were in Manik farm tell us that a number got away by paying money or through sneaking away without leaving a record with the Government.

### **5.3. Attempts to Set the Record Straight**

The Government originally maintained from September 2008 that there were only 100 000 civilians in the war zone and by March reduced it to 70 000. Food and medicine could be brought only with government approval. It was clear that the numbers were grossly understated and the UN and INGOs were helpless. They asked the SGO how many there really were so that they could make a case. It was sometime in February that the SGO began working through his subordinates to compile a census of those in the war zone.

Persons who moved closely with SGO told us that he did a thorough job and have no doubt about the integrity of his figures. But they said that the figures need to be qualified by two factors. One was that even as the figures were being compiled, people were dying and escaping. The other is that the figures included LTTE cadres and conscripts who were on family lists.

The second and important matter is that the Government was totally denying civilian casualties and there were no expatriates in the war zone. Mr. G, a political science graduate of the University of Jaffna, was the head of the OCHA office in the war zone, which was originally close to PTK Hospital and was later shifted close to Putumattalan Hospital. Those who moved with him and spent time with him in bunkers attest to his absolute impartiality and the professional integrity of casualties he compiled.

Persons who moved with Mr. G told us that he went beyond the call of duty, actively to maintain contact with all the makeshift hospitals and collect casualty figures on a regular basis. These figures were the basis for the briefing given to diplomats in Colombo on 9<sup>th</sup> March 2009.

### **5.4. OCHA figures**

OCHA gave figures of the dead as nearly 3000 from January 20<sup>th</sup> to March 8<sup>th</sup>. But the figures bear closer examination.

No. of civilians injured in January 2208 Killed in January 420 Dead /Injured = 1/5

No. of civilians injured in Feb. 4756 Killed in Feb. 1914 Dead /Injured = 1/2.5

No. of civilians injured in Mar. 1072 Killed in Mar. 536 Dead /Injured = 1/2

The above is reflected in the way the figures were collected. During January and February the people were very much on the move and many of the dead would not have been reported to the hospital and hence the low dead/injured ratio. The figure is higher for February and stabilises at 1/2 when conditions are more stable. Thus the figures collected for the dead are unreliable and it is from the injured that we must try to get some idea of the number of dead. We must also make corrections for the injured who die for the lack of adequate medical care and the major casualties who did not receive transport to a proper facility in time (there was no ICRC transport from 27<sup>th</sup> January to 10<sup>th</sup> February). Making these corrections, the total dead for January and February comes to over an estimated 6000.<sup>3</sup>

The dead for March estimated from ICRC shipping data comes to more than 2000. This corresponds closely with the OCHA figure of an average of 67 persons being killed daily during early March.

This makes the dead from January to March, excluding those killed by the LTTE, more than an estimated 8000. We compare this with other figures given to us.

### **5.5. Other Estimates**

The senior community leader quoted above gave the dead for this period as a minimum of 6400

A TRO official told a friend confidentially that based on dead bodies they buried (60 to 80 a day) they have a record of just about 4000 dead for the same period. The source also told us that TRO did not reconcile this with other sources.

At our request through a mutual friend, a lady doctor in the LTTE's Medical Corps, who had a lot of field experience during this period gave her estimate of the total dead as 35 000 to 37 000. Her breakdown was January to March 10 000, April 10 000 and May 15 000.

We find her estimate for April to be high with regard to estimates from casualties shipped by the ICRC together with perhaps another 1500 killed in the April 20<sup>th</sup> rescue operation, but her other estimates are quite plausible, especially the one for May.

9<sup>th</sup> to 20<sup>th</sup> May is the most difficult period. The one day about which we have some information is the shelling of 9<sup>th</sup> to 10<sup>th</sup> May. Dr. Shanmugararah estimated the number of dead at 1000. The fact that about 430 injured died in hospital suggests that the dead

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<sup>3</sup> Estimates from the ground suggest that about 25% of the injured (particularly with head or stomach injuries) died in the hospitals and surroundings. These sources also said that about 40% of the casualties are normally shipped by the ICRC. 5/8 (62.5%) of casualties shipped are major casualties and Trincomalee Hospital received 670 major casualties (those who would die without timely attention) by 2<sup>nd</sup> March 2009 (Trincomalee Hospital data, 2<sup>nd</sup> March 2009).

could have been as high as 1500. The Defence Ministry's web site defence.lk told us that the remaining area to be captured on the 17<sup>th</sup> May evening was ¼ sq.km. This means 35 000 people (as could also be checked from [http://en.wikipedia.org/wiki/Sri\\_Lankan\\_IDP\\_numbers,\\_May\\_2009](http://en.wikipedia.org/wiki/Sri_Lankan_IDP_numbers,_May_2009) ) were in that small area receiving the full force of the Army's cannon. If one makes a naïve comparison with late January where about 300 000 people in a safe zone of 35 sq. km were being pummelled by the Army's cannon, the casualties during the latter stages in May would have been several thousands. Persons on the ground estimated over 4000 dead on 17<sup>th</sup>/18<sup>th</sup> May, in agreement with a naïve calculation.

Also the number killed by the LTTE would also run into several thousands. LTTE cadres and conscripts killed based on a working estimate of 50 a day from those who had LTTE contacts, works out to nearly 7000 from January to May 2009.

### **5.6. Indicators from persons resettled.**

We are so far not able to obtain random samples from most communities who were displaced and even from the same area, there are wide variations. Subregional variations arise from the fact that they stuck together when displaced and often made their break for army custody together. Those from Mannar District generally made their exit during January and February. Unlike those in Killinochchi and Mullaitivu districts, they are long experienced in displacement and are acclaimed by those who know them to be better survivors. The heaviest casualties were among those from Mullaitivu and Killinochchi Districts.

Metaphorically, the talk among IDPs is that those who got out in January and February are the Grade Eights in terms of experience, those who got out from Puthumattalan, the O. Levels, those from Valaignarmadam the A. Levels and those from Mullivaykkal the university graduates.

Another group that exited early in January and February comprises those from areas like Chundikulam that are a continuation of Vadamaratchi East. This group along with those from Mannar have been the first to be resettled as deaths among them were significantly less, making it easier for the Government to put up with casualties. The Government would be much more reluctant to allow free access to those from Killinochchi and Mullaitivu.

### **Resettled in Jaffna**

A social activist having contact with those resettled in Jaffna confirmed that most of them exited from LTTE control in January and February. He suggests that there are at least 10 dead among 20 families. Among the 10 dead, he places 7 as due to army firing and the remaining 3 as killed by the LTTE when trying to escape.

Given there were 60 000 families in the Vanni, the sample suggests that the total dead are numbered in tens of thousands.

## Resettled in Mannar District

The samples below show significant differences in the same district.

Of the 60 families settled in Seevivanayagar Kulam, Adampan, there have been 22 deaths from August 2008 to April 2009. Of the dead, three were LTTE conscripts. The rest were killed by shelling mostly in 2009. Two families suffered most or several members killed (see footnotes below).

44 families resettled in Manayankulam report 8 civilians killed during the war along with 15 conscripts from the same village.

The 144 families resettled in the Kovilkulam and Athimodda area report 20 dead in the war and in addition, five conscripts killed.

The difference is explained by Manayankulam being a poorer area and Kovilkulam one of relatively rich farmers, who managed to get many of their children away and protect them. We also note that basing conclusions on resettled families is misleading. Many families who suffered heavily may never come back at all.<sup>4</sup> Others have come back considerably depleted and fragile.<sup>5</sup>

### 5.7. The Task

We have at present little to go on, but there are also other indications of a high level of distress. A resident of a block in Manik farm having 214 families told us that there are 56 widows. Finally we go back to the SGO's figure of 330 000, which may represent something higher as people were moving out during the compilation. On 9<sup>th</sup> February 2009 there were already nearly 15 000 in IDP camps, which rose to 36 000 by 25<sup>th</sup> February. The highest number recorded in IDP camps is 290 000 on 25<sup>th</sup> May. This leaves a minimum of 40 000 to be reconciled as dead or missing.

Anything that deserves to be called a government should leave no stone unturned to measure the scale of a distress affecting its own people in its various aspects; such as the numbers dead, disabled, widowed, psychiatrically affected and children impaired or handicapped in a variety of ways. This is key to rehabilitation. This so-called government

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<sup>4</sup>This is a family that largely died out. Muthusamy from Seevivanayagar Kulam, Adampan was killed by an elephant some time ago. His wife Mallikadevi was in Puthumattalan with their four children. During a shell attack in April 2006, Mallikadevi perished along with three children. The one child who survived is with the grandmother.

<sup>5</sup>Munian Sivalingam and his wife Chandra of Seevivanayagar Kulam in the Mannar District had six children. Chandra and three children were killed in a shell attack in Puthumattalan in April 2009. Three children survived and are with the father.

Kathiravel Nadarasa (57) and Paratharani (51) is a couple from Vamadevapuram, Adamban. Their children were Revathy (30), Kanesamoorthy (28), Priya (26), Brintha (24), Premila (20) and Vanimalar (19). Vanimalar was conscripted by the LTTE in October 2008 and was killed 4 months later. Paratharani's mother Pattiyamma went missing during the displacement. Revathy's husband was shot dead by the LTTE in Mullivaykkal on 15<sup>th</sup> May 2009 while the family was trying to escape with their children Vanushan (7) and Vanushy (5).

has been sitting on the problem, jailing the IDPs, tying the hands and sealing the lips of government officers who served in the Vanni, and keeping out foreigners and INGOs purely to suppress.

Given direction and allowed a free hand, experienced government administrators who served in the Vanni have the capacity to account for the population and make records of what happened to every individual family, with the help of local universities and NGOs. And these people can be rehabilitated only under robust political autonomy and not by political zamindars from Colombo or foreign agencies who would inevitably become patronising when operating in a political vacuum.

### **5.8. Who was Responsible for Short-changing the People in Food and Medicine?**

Apart from the problem of quantifying the suffering, there are also humanitarian issues of an unprecedented nature. Under previous governments, even when the defence establishment was ruthless with the civilians in war, other ministries dealing with food, rehabilitation and medicine were often understanding. There was a tacit acknowledgment that they were dealing with people of their country. Even leaders like J.R. Jayewardene understood the political cost of starving war affected people.

The UN briefing on 9<sup>th</sup> March said, “*We need to send to the NFZ at least 3,000 MT of food per month for a caseload of 200,000 people.*” The UN had been delivering more than this by road until mid-January. From mid-February to mid May, the ICRC was allowed to deliver (ICRC statement of 12<sup>th</sup> May) just 2350 tonnes of food instead of the nearly 10 000 tonnes required for an average population of 200 000 over the final three months. The justification for this was apparently the Government’s fictitious population figures. Only 50 tonnes of food reached the NFZ in May because the shelling did not permit the ICRC to make more deliveries or pick up more casualties. The civilians themselves had confirmed that they were starving during the latter days. Even the quantities of medicines appear to have been determined by the Government’s position of zero civilian casualties and a grossly underestimated population.

There were supposedly independent ministers in charge of these subjects who should have done their homework. They must answer. There must also be a transparent and credible inquiry into how many there were in the Vanni and a breakdown of what happened to them. Unless this step is taken and greater openness is forthcoming, rehabilitation would remain a fraud, however much money foreign governments pump into to it.

## **Part VI**

### **Protecting Crime by Criminalising an Entire Populace**

In this chapter, we shall examine the position of the Vanni IDPs and the implications of their treatment after the conflict on their future wellbeing.

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#### **Appendix**

#### **6.1. Welcome to Snake Farm**

Although the plight of the IDPs in Manik farm has received considerable media attention, an aspect of the IDP situation that has received little attention, illustrates best the rationale behind mass detention of IDPs. Until mid-March 2009, IDPs with the most serious injuries from shelling and bombing who were evacuated from the NFZ by the ICRC, with their care givers, landed at Trincomalee. Trincomalee is a place where most Tamils have social contacts in the local civil society, its hospital and in the government administration. It is also a place with several foreign organisations and is frequented by foreigners.

Trincomalee thus became a major point of information exchange about how the war affected civilians, but this was not a situation the Sri Lankan government appeared happy about.. During the early half of March 2009, Amos Roberts of Australia’s SBS spoke to Major General Palitha Fernando, the military liaison officer in Trincomalee. The latter informed Roberts that there was *‘absolutely no problem in visiting Trincomalee’*, but

added that it is not possible to interview wounded people who have been evacuated from the war areas and brought to Trincomalee. Asked why, Maj. Gen. Fernando replied, *“That’s the way we want it, Simple answer.”*

The ICRC landed patients at the new Indian facility at Pulmoddai from 16<sup>th</sup> March, from where patients were treated by Indian doctors or sent to other hospitals including Padaviya and Trincomalee. It made logistical sense because the distance from the war zone was shorter. It did not stop information about ‘safe zone’ injuries getting out. As civilian casualties intensified in late April 2009, The UN OCHA Vanni Emergency Situation Report of 27<sup>th</sup>/28<sup>th</sup> April posted the following announcement:

***“In Trincomalee District, the local authorities informed agencies that patients and care givers evacuated by ICRC and arriving in Pulmoddai will remain in the district and will no longer be transferred to Vavuniya as was the case previously. The authorities have said that the site will be opened for six months only.” Local authorities here refer to the local administration and military hierarchy taking orders from the President and Defence Ministry. What it meant was that those arriving in Pulmoddai for treatment of injuries, and others accompanying them, would not later be sent to IDP centres in Vavuniya, which were porous where information was concerned.***

*The immediate context was the President’s pledge reported in an Associated Press dispatch of 27<sup>th</sup> April 2009, headlined, ‘Sri Lanka to stop air strikes, shelling of rebels’: This followed the visit of John Holmes, UN Undersecretary-General for Humanitarian Affairs. President Rajapakse pledged that “combat operations have reached their conclusion,” and that the “use of heavy calibre guns, combat aircraft and aerial weapons which could cause civilian casualties” would stop.*

*We also note that injuries to civilians from army shelling mounted steeply from 28<sup>th</sup> April to 2<sup>nd</sup> May, when shelling killed scores of injured in Mullivaykkal Hospital. ICRC shipping of the injured was stopped between 30<sup>th</sup> April and 7<sup>th</sup> May, reportedly due to the ICRC not being able to get agreement between the Government and the LTTE on the pick up point. The Government could have enabled the ICRC to pick up the injured as it was responsible for the shelling of the area. The ICRC’s mission was stopped after a further pick up and a minuscule food delivery on 9<sup>th</sup> May.*

*The significance of this could be seen in the fact that the ICRC picked up 1056 casualties from 21<sup>st</sup> to 30<sup>th</sup> April and only 357 casualties in May before it ceased operations from 10<sup>th</sup> May. These figures suggest (see Ch.5) that more than 400 major casualties were allowed to die in the deteriorating conditions at Mullivaykkal Hospital. Blame has to be apportioned after a transparent inquiry, but we may say on evidence that the Government was wary of the bad publicity resulting from the ICRC shipping a large number of the injured. It further detained, criminalised, held up to public obloquy and silenced the doctors who had served in safe zones.*

*Granting that the Indian facility at Pulmoddai was gifted with good intention, manipulation by the Sri Lankan government raises questions about whether patients ultimately benefited from it. The ICRC was already providing specialist care at Trincomalee and the MSF too was available. While patients have nothing but praise for their treatment in the local hospitals to which they were sent and for the doctors who dealt with them, the administrative arrangements left in the hands of the Army and the clumsiness and resulting delays, caused unnecessary complications for the patients.*

*The two hours saved by shortening the ship's journey may not have been to the patients' advantage, when Trincomalee Hospital was already doing a good job with ICRC help. The new arrangements appear to have been to cover up, rather than to improve services for the war zone patients.*

*Bearing Witness: 'Nirmala', wife of a Senior Tamil Leader*

*Nirmala accompanied her daughter 'Thayalini' to Pulmoddai by ICRC ship on 23<sup>rd</sup> April. Thayalini had a bullet injury from LTTE firing near her left shoulder joint. From Pulmoddai Thayalini was transferred to Padaviya Hospital. Since there was no orthopaedic surgeon there, she was transferred to Polonnaruwa the next day. The journey took five hours with the patients kept seated in the vehicle for three hours before starting. The mother and daughter were in Polonnaruwa Hospital for two months. Thayalini's injured arm had become infected, and made worse on account of the delays. The doctors did not want to fix it until the infection healed.*

*The healing did not take place and in July they were sent back to Padaviya Hospital. The latter wanted to transfer the daughter to Kurunegala Hospital. Nirmala objected strongly and at her request they were sent to Vavuniya Hospital. It was here that she learnt from her sister that her husband and son had been taken into army custody. Vavuniya Hospital decided to transfer Thayalini to Colombo, where she was prescribed some strong drugs for the infection to heal and sent to Manik Farm in Chettikulam. All this time they were treated as prisoners whose movements and contacts were restricted, but the hospitals treated them well. From Manik Farm she applied to go to her father's place and left in September 2009. Thayalini is still taking drugs as the infection has not subsided.*

*The issue here is, was all this movement and needless transfers and isolation of patients, who were already traumatised and denied means to find out the fate of their loved ones, done with their interest at heart? It took Nirmala three months to meet her sister and get some news about her husband and son. The patients themselves would have been much happier if they had been sent to Trincomalee or Vavuniya directly, where there were known people. Trauma and anxiety are obstacles to healing.*

*Bearing Witness: Mr. and Mrs. Kailash*

***Mr. and Mrs. Kailash who sailed by ICRC ship on 28<sup>th</sup> April, landed at Pulmoddai and were subsequently interned at a nearby camp at Sahanagama. Sahanagama 'Welfare Centre' as it was officially called had just under 7000 persons in Sites 1&2, including for those who had escaped south by sea from the NFZ. The conditions of the camp in an out of the way jungle spot with international agencies practically kept out, say much about the rationale behind the detention of IDPs.***

The Kailashes never thought that they would come out of this alive. They were brought to a piece of cleared jungle and lived in tents. The inhabitants gave themselves light relief by christening the place "Snake Farm" after Manik Farm for those sent to Vavuniya. The place was full of very fierce looking poisonous snakes, the likes of which they had never seen in their parts of the Vanni. It had been remarkably common for the inmates to wake up in the morning and discover that they had kept close company with some of these reptiles during the night. They think that it is the mercy of God that no one was bitten by these creatures through their several months there.

The camp had another remarkable feature. Its fenced border was lit by electric lamps as a precaution against inmates getting ideas of saying good bye to Snake Farm. However the central area, containing the residential tents was in pitch darkness barring moonlit nights. During the evening meals the people had to sit around and eat in the dark.

The Kailashes said that the World Concern's liaison took an interest in this matter and followed it up incurring much hassle and embarrassment with the authorities. As the result of his efforts, each family received a torch and batteries. This gave the people much relief in the nights and also gave them opportunity to scrutinise their food while eating. As however the months dragged on most of their torches became unusable. In the nights many of them ate their food along with the insects that all too easily got into their plates.

One redeeming feature was that they found the younger officers embarrassed and concerned, and tried their best. But at higher levels the management was unyielding.

After September, said the Kalishes [a time of mounting international pressure], preparations were underway by both the civilian and military authorities to clear all the paper work to send off refugees whose relatives had applied to host them. An announcement was made for all those who at any time had the slightest involvement with the LTTE to come forward. Those who went forward were then loaded into the buses that had been brought. The parents of these youngsters and relatives gathered around the buses weeping and protesting loudly, pleading that their children be released. The shock of having them taken away after all these months, after having besides protected them from the LTTE, was unbearable.

The military men then began beating up the parents mercilessly. The Kailashes escaped this treatment because they were at the back of the crowd. Snake Farm was in an isolated location. But what happened there, illustrates the contempt for the much abused people, the unchecked freedom to rebuff their fundamental liberties, and the undercurrent of violence that was waiting to erupt. The attitude illustrates the position of the IDPs and of the Tamils in general. The incident also makes clear the nonsense about screening which never took place during the long months of detention. It is another aspect of misery separate from that of the injured who died in Mullivaykkal because of the denial of relief.

## **6.2. To Live Perpetual Suspects under a Paramilitary Regime**

Screening was long given as an excuse for keeping the IDPs behind barbed wire, but was never done in any meaningful manner and it degenerated into a vehicle for extortion and abuse.

Institutionally no thought seems to have been given to what purpose it should serve. The LTTE had begun by insisting on one conscript per family and in the latter months took anyone it could catch. To catch these youngsters and ask them if they were in the LTTE becomes just meaningless bullying. Those who simply believed in the Eelam cause, and conscientiously fought for the LTTE, need to be tackled politically. Those who need to be isolated and tried are those who planned and carried out murders and criminal actions. Such persons have mostly bribed their way out. The screening going on now is a parody.

### **Bearing Witness: Maniam**

Maniam, from Puthukkudiyiruppu, who was in a left party, is very angry. He told us, *“One of my sons was conscripted by the LTTE and is missing. With much hardship I escaped with most of my family. I was able to save my 17-year-old son because other people had used force in resisting conscription and left the LTTE in a quandary. Seven persons were killed and I received a shell injury when the LTTE fired mortar shells from near us knowing that we were planning to escape and the Army fired back. I was questioned by the Indian RAW, and by Sri Lankan intelligence at Padaviya Hospital, for information about the LTTE. Their interest in our welfare stopped there.*

*“Tamil Nadu MPs came to Manik Farm recently. All I could see of what they achieved was the great amount of dust raised by their convoy driving in and out of Manik Farm. Who cares about the infants falling sick without proper food, having scabs and rashes all over their bodies?*

*“From what is talked about among the IDPs, Sornam and Kutty were the only senior LTTE leaders who survived and came to Manik Farm. Kutty I hear is in London and Sornam too must be out. Why on earth are we detained, we who*

*suffered immensely from the LTTE and the Military, and barely escaped with our lives? Why are we punished like criminals with such substandard living conditions? Despite promises, the medical care we receive here is far below what I have seen in Padaviya Hospital.” Sornam, we learn, died on 15<sup>th</sup> May 2009.*

Many of the recently released IDPs from South Vanni were towards the end of October 2009 brought first to Illupaikulam camp, to the south of the 10<sup>th</sup> Mile Post on the Vavuniya Road, screened by people wearing hoods to disguise their features who would nod with their heads to indicate someone should be arrested (noddys) and then sent to their villages. At the end of a week they had taken away six youths. After saying for months that they are detaining the IDPs for screening, the Government seems to believe now that they could not screen them before because the people from any one village were scattered through the several zones of Manik Farm.

Now it seems the authorities had a brilliant stroke, that the best way to screen them was by returning the IDPs to their villages, where they use ex-LTTEers from the area as hooded noddys. This promises to be a worse ordeal than Manik Farm itself. They now have to live with paramilitaries and those who earlier conscripted their children coming back as the Army's noddys to abduct and torture.

A girl who was a conscription victim – she had actually been taken by the LTTE in place of her brother whom her abductors wanted to be brought back from university in the South and surrendered to them for this girl to be released – was taken for questioning and then released to be with her parents. The family must now live in fear of the girl's enforced stay with the LTTE being known to the security forces. The family was staying in a public place with other families and clearing their land in preparation for putting up a temporary shed and then moving in.

Families initially staying in churches and common buildings in local areas and moving about making preparations to move into their own land, is also been used by the authorities as an opportunity for screening and giving the people a strong message.

On the 30<sup>th</sup> of October the white van had gone into an area in South Vanni with an informer inside the van. The dealers were military intelligence personnel. They stopped the van on the road and called up the people and asked them to pass one by one before the van. The people got disturbed and surrounded the van and demanded that the noddy be handed over to them. They argued that the informer and others like him had been their spoilers before, under the LTTE, and have now returned to haunt them as agents of a different power. The van withdrew. Had there been fewer people who had reacted defensively, the white van party would have taken the upper hand. That was what the LTTE did.

Several reports speak of white vans going into the areas where the people have been taken for resettlement and spiriting away youngsters indicated by hooded men, leaving the people brought for resettlement with a heightened sense of fear.

Later on at the end of October, those released from Manik Farm were not taken to their villages, but to other camps like Kallimoddai and Jeevanagar. The pretext again seemed screening while keeping the people behind barbed wire. Later on they were released, but sometimes much later, contrary to the very flowery promises about dates.

In several instances, the military and state authorities show their power through meaningless obstruction intended to demonstrate that they are the masters. An elderly couple that was in Snake Farm, near Pulmoddai applied for release on the Government's concession that those with relatives willing to take them could apply. The couple gave the name of their only daughter as the one who would receive them.

However, the daughter was in the third month of her pregnancy, weak and was vomiting badly. The parents pleaded with the camp authorities to give consideration to the lady's condition and allow the husband to come and release them. The authorities insisted that since the daughter's name was down as their host, she should call personally and take over her parents. As the result the daughter and husband travelled at great risk to the baby and mother and at great expense, hiring a vehicle from Anuradhapura to Pulmoddai and back. According to reports there were many others facing a similar plight. Commonsense dictates that the elderly couple should have been free to travel to any part of the country as was their right.

The days of the LTTE as a real terrorist threat in the country are over, and the authorities should stop interfering with the liberty of civilians on the pretext of fighting terrorism. Arresting someone simply because he or she held an office in the Vanni in a civilian capacity and had to meet persons in the LTTE in relation to his work is counterproductive and only undermines the community's ability to rebuild by stripping it of its more accomplished and capable members. In any case, whatever information such a person could give under torture is likely to be useless gossip rather than having any relation to terrorism.

### **The case of K. Thayapararajah,**

**K. Thayapararajah**, a brilliant product of the Engineering Faculty at Peradeniya was the head of the Vanni Tech, as both a civilian teacher and administrator. He would have met Charles Anthony, now dead, and a few other LTTE figures at board meetings. He fell out with the LTTE and came out of the NFZ with his family in late March, identified himself to the Army and was questioned before being sent on. He joined his family in Vavuniya for some time, went to Colombo to find his way abroad. He was arrested in September 2009 in Colombo and tortured at a security camp in Avissawela, was shot and injured on 13<sup>th</sup> September while being taken to court under escort and died at Kalubowila Hospital two days later. Such actions introduce a needless element of insecurity into the life of every Tamil. The Government did not even acknowledge the incident, leave alone investigate it, nor did the Press report it (see Appendix).

We now go back to some of the earlier experiences of IDPs in internment camps and their prospects for the near future.

### **6.3. Interned behind barbed wire in ‘Welfare Centres’; Whose Welfare?**

This is a matter that has received a great deal of publicity in the Press and we confine ourselves to some salient features. Most of the IDPs lacking any income were totally dependent on the Government and charity support. The Government first cited security and the need for screening as the reason for confining the people. When this started to become untenable it brought in mine clearance. Under international pressure and the pressure of elections in prospect, resettlement was begun, but how far it would be carried and whether all civilians would be allowed to return to their areas remains in question after what happened to the people of Sampoor south of Trincomalee. Those who have been resettled are subject to surveillance, the cruising of the dreaded white vans and arbitrary arrest.

With an election in the offing and the Government being in a hurry to resettle the IDPs, the commonsense approach seems to have been taken. People are being resettled in areas reasonably free of mines, are being told which areas to avoid and are being given instruction in mine awareness. But some unpleasant questions need to be answered by the authorities.

The people of the Vanni have been systematically isolated from the time International NGOs and the UN were ordered to vacate for the safety of their staff in September 2008. Unlike any self respecting government, this one gave scant regard to the safety of its own people and was apparently only concerned about the safety of foreigners (who might otherwise become witnesses). Was it also out of concern for their safety that the Government kept international NGO staff out of IDP camps, even when these IDPs had urgent needs that were being neglected?

The Government dared not admit the true reason that it was really to prevent the refugees speaking out. The President has repeatedly said that he would never countenance a war crimes inquiry against the armed forces. For this purpose he had to criminalise the population of Vanni and shut them up.

#### **Bearing Witness: A Medical Specialist**

IDP camps were organized militarily with full control by the military. The way the camps were run and the meetings with higher authorities (under General Chandrasiri) suggested the actual goal was to prevent stories getting out. There appeared to be actual fear of war crimes investigations at the highest levels and everything was done to prevent any evidence getting out. At every level there were military on committees. Further Sinhalese were appointed to all levels, and every Tamil civilian authority (even those with maturity and experience) had a

Sinhalese counterpart (sometimes younger and less experienced) over him. The intent appeared to be to prevent stories getting out. INGO's were not given access except for a few who followed the rules and did not say anything to the outside world. Those who did were sent away or their visas cancelled. Communications, visits, phones etc. were strictly controlled.

For those who had been traumatised by what had happened during the fighting (the majority) the best form of treatment was counselling but this was specifically prohibited as the stories would come out. Counselling and psychological help even became a dirty word in Colombo. Tamils working with the IDP's who spoke out or said something to the outside media were intimidated and silenced. An atmosphere of silence and control was instituted. People understood what was wanted and acted accordingly.

Non government actors, like academics, scholars etc., also supported this concealment and projection of a benign counter terrorist campaign. For example they compared events in World War II or the internment of Japanese in the US to what was happening in the Vanni. High officials and authorities gave glowing accounts of what was being done in the camps and came to the defense of what was happening (see the many letters in the British Medical Journal and responses [http://www.bmj.com/cgi/content/full/338/jun08\\_1/b2304](http://www.bmj.com/cgi/content/full/338/jun08_1/b2304) ).

Its agenda of concealment did not prevent this government from disingenuously demanding that the international community should bear the cost of imprisonment. If those confined were not adequately nourished, it blamed the international community. During August 2009, when the rains came and the camps had pools of floating sewage, the Government blamed the UN for faulty drainage.

Physical weakness, all sorts of dangerous diseases, regular deaths, the weakening of their infants at a critical stage of development became the lot of the IDPs. They received basic rations like rice, dhal, potatoes and sugar from the World Food Programme. But items like vegetables, salt, condiments and infant food were gifted by NGOs occasionally and irregularly. While spending on an undiminished defence budget, the Government was unwilling to spend on these people it detained illegally even what it is obliged to spend on convicted criminals in state prisons. Instead it bullied and begged embarrassed international donors to spend on maintaining its illegal prisons, threatening to throw out expatriate staff of agencies that did not cooperate.

As the frustration of those detained increased, the soldiers too started becoming more hostile. People seeking to do ordinary things like communicating with friends and relatives outside were punished like criminals. The internees have been beaten by the military if caught talking to a relative outside on a cell phone they managed to conceal. They have been given military type punishments such as being made to carry a load and run till they are close to collapse or made to stand a day in the sun, and in rare cases even shot in the leg, for crossing through barbed wire to talk to a relative or family member in

an adjacent camp. Their cameras which contained mementoes of their experience were confiscated.

It is from persons who came out illegally that we got the most vivid descriptions of the trauma they had been through, having constantly witnessed for many months, shelling, aerial bombing, death and dismembered limbs around them; or shot by the LTTE, even more sadistically in the latter stages, if they attempted escape. It seemed to many survivors that they would never get out alive.

People made gaps in the barbed wire to cross the space in between IDP camps and put the broken wires back in place after use. Sometimes people went to the next camp to spend the day under shelter cooler than the tarpaulin tents in their assigned camp.

This was a dangerous trend where the Government was giving authority to the security forces to confine and punish people illegally, merely to prevent information about their experience going out. Persons spending two days flying from Jaffna to Colombo and then coming to Vavuniya by road to see someone in an IDP camp, under military watchfulness, were frequently asked to go away after 10 minutes.

People who have been through the harrowing ordeal suffered by these IDPs were not even allowed the opportunity to cry and speak freely to someone close to them.

**Subjecting people to such psychological stress in a situation where they are forcibly detained is a crime in itself. It constitutes cruel and unusual treatment.**

#### **6.4. The Talking Game of Releasing IDPs**

Under constant international pressure to release IDPs the Government resorted to increasing deception. Although the Government cited screening as a cause for delaying the release there was no attempt to screen them systematically.

IDPs from the Eastern Province were told that they could fill up forms given by the Rehabilitation Ministry and apply to go home. About 450 did so. Once approval came from the Rehabilitation Ministry, it was the turn of the Defence Ministry. The latter sent persons who claimed they were from the paramilitary Karuna group, to do the screening. The applicants were treated harshly and several of them were beaten in the course of interrogation. When the others learnt of their treatment, they decided this was not the way they wanted to go out.

Prior to the UN Under-Secretary General for Political Affairs B. Lynn Pascoe's visit (17<sup>th</sup> to 18<sup>th</sup> September 2009) the Government announced that IDPs who had relatives outside willing to keep them would be allowed to leave. The relatives had to make the application. *Lakbimanews* (20 Sept.09) reported that while President Rajapakse told Pascoe on 18<sup>th</sup> September of a poor response where only 2000 applications had been received from relatives to the Government's advertisement, reports from Vavuniya said that the local administration suspended receiving applications two days earlier.

An example of how the release was meant to work came also with Pascoe's visit. The Government announced with ceremony that it is going to release some IDPs from places in the south of Mannar District such as Nanattan and Vankalai. On 16<sup>th</sup> September 2009, two days before Pascoe's visit, 150 IDPs were taken from the major IDP camps to a small camp in Iluppaikulam about ¼ mile interior to the south from the Mannar-Vavuniya Rd., 10 miles east of Mannar.

The IDPs were told that there is a three day delay in their resettlement. NGOs present locally were asked to feed them for the duration. Three days later, the day after Pascoe left, they were told that there was a delay of a few more days. Meanwhile a further 100 or so persons had been brought for resettlement, making the total about 250. On 22<sup>nd</sup> September a meeting was called between the civil administration, the military authorities and the NGOs. The military authorities announced that they were not going to resettle the people now because they had not been screened. It was pointed out that the people were brought in the first place with the promise of resettlement. The Army replied that they would make arrangements to release pregnant women and those over 60.

Locally the people were very angry. Releasing persons over 60 and pregnant women were assurances given several months earlier. So pitifully slow was the process that it was later paraded as a new concession. It is now clearer that the Government was intent on lying and prevaricating to avoid releasing anyone soon. Then preparations were already underway to place the IDPs in smaller camps where they would be thoroughly cut off from the outside world. Only about four NGOs willing to accept military dictates were to be allowed access, so as to relieve the Government of the expense of feeding those confined. Another IDP camp was prepared at Jeevodhayam, the Methodist housing scheme in Murungan. Almost every reason the Government gave to continue the detention fell apart on inspection.

A report in the *Island* (31 Aug.09) by Shamindra Ferdinando gave a glimpse into the real thinking of the Government. The report quoted an influential section of the security establishment not just wanting to extend the confinement, but also to further isolate them so as to avoid the bad publicity resulting from their conditions. The excuse was that terrorists were hiding among the IDPs, and Prabhakaran's near octogenarian parents were cited as the possibility of many more. They wanted smaller and more manageable camps. Here too there was another reason. The IDPs increasingly resented the confinement leading to disturbances and fears of riots.

On 26<sup>th</sup> September, the Army opened fire at a group of civilians crossing from one camp to the other after an exchange of words, injuring six persons including a woman and two children of three and six years, the latter seriously. The Army later made up a story that the civilians tried to attack them with poles and a grenade, and the next day forced people in Anandacoomaraswamy Village (Zone-1) to remain in their tents for 8 hours as they pretended to search for grenades (<http://dbsjeyaraj.com/dbsj/archives/1107> ).

## **6.5. Screening – a Farcical Exercise leading to Crime**

The Government regularly claimed that many LTTE members are hiding among the IDPs and the former army commander claimed that they were regularly arresting LTTE cadres in camps – without of course any methodical screening.

A brigadier concerned with resettlement backed their position with figures. He claimed that they had to account for a total number of 40,000 LTTE cadres. Of these, he claims 20,000 died in the recent war. Another 10,000 have escaped to some foreign country. Thus he deduced that 10,000 are in the IDP camps. That is why he claims that they cannot release any of the IDPs without thorough screening. This, we shall see, was rather disingenuous.

The IDPs saw LTTE cadres identifying themselves at the Omanthai entry point and then being dispatched to IDP camps. The Army already had their particulars. One witness told us that he knows of about 15 LTTE members who identified themselves at Omanthai, who were sent to IDP camps and were later picked up by the Army as an investigative triumph.

Witnesses say there was no consistency either. On the one hand conscripts who had been with the LTTE for only a few days and then escaped were sent to rehabilitation camps. On the other hand, there were several girls with the characteristic short hair cuts of LTTE cadres in IDP camps; they had recognisably been in the LTTE, and were occasionally called for questioning, but not removed to rehabilitation camps.

Other witnesses told us that soon after the IDPs were brought to camps, the Army announced over the loudspeaker in a tone of polite entreaty asking all those who belonged to the LTTE to come forward and identify themselves. Most people with such connections lacking other means of escape did so. They were sent back and later picked up in groups for questioning. When asked what they did, most of them said sentry duty. They were beaten, asked how long they were in the LTTE, and then told that they must have killed at least so many soldiers after being there that long and beaten again.

As this illegal detention was prolonged, screening degenerated into a protection racket and in several cases something worse for women. When persons are summoned repeatedly for interrogation, it has nothing to do with intelligence about a group that is no longer a significant threat.

### **Bearing Witness: The Sister of a retired LTTE member**

The very first time her brother was called up for questioning by the intelligence unit, he told the entire truth about himself. He had been a member of the LTTE in the 1980s, dropped out in 1989 and was then was a tailor in a town in the Vanni and is a married man with several children. When he was called the third time, he felt that the intelligence men were fishing for money and that it would get scary and embarrassing if he is called up repeatedly. So he had offered them money. After paying Rs. 100 000/=, he has been left alone for some time, but with no real assurance.

This man's sister said that she is aware of many similar cases where the families have been milked for huge sums of money in the name of protection. She is also aware of actual cadres who have paid heavily for their exit, some going abroad and others living in towns like Colombo and Vavuniya playing informants and noddys.

### **Bearing Witness: Other Escape Attempts**

- In another instance, a lady spoke of her brother who was the second assistant of the intelligence wing commander, who came into the Manik farm as an IDP. When a fellow IDP recognised him and threatened to inform, he bribed him with ten thousand rupees. Then he bribed his way out of the camp with Rs. 200,000/= . Now he is said to be living in Colombo, fully supporting the military.
- A man who was detained by the LTTE for six years and escaped has since seen some of his warders and torturers working as agents of the security forces in Vavuniya.
- Another lady had tried hard to get the release of her brother who had been arrested by the military and taken away from the family when coming out of the Vanni. She says that the boy is innocent. (This is the plight of many in the camps who are kept under "arrest"). The lady had said that she felt like writing a letter to the President. It is those who cannot afford to pay that are detained. Anyone with an ear to the ground would tell you that almost all who mattered, who survived the war, have paid their way out.

### **6.6. Women and the Risk of Abuse**

A lady with several IDP relatives said that there are many stories within the camps of young girls being singled out – especially those with links – and taken away for questioning; and of their allegedly being sexually abused. She said that none of these stories was confirmed, adding that as long as there is no clear mechanism to protect the inmates against impunity and arbitrary treatment, people will not speak up.

Some women activists looking after the interests of interned women warned us that focusing on sexual abuse might actually do these women a disservice. For one thing such allegations are difficult to prove because of the hazards faced by women in coming forward. Besides, these kinds of abuses take on many convoluted forms, all of which work towards making affected women vulnerable and defenceless in the long term.

Take for example historical examples from areas in southwest Vanni where IDPs are currently being sent back to their villages. Two cases over the past nine years illustrate the problem.

**In March 2001 of two innocent women Sinnathamby Sivamany Weerakoon (24) and Vijikala Nanthakumar (22), were picked up by the Navy in Mannar and taken the same night to the Counter Subversive Unit under OIC Suraweera for an ‘inquiry’. They were gang raped by naval personnel and policemen attached to the CSU. The case against the perpetrators was strong (Bulletin No.25), but eventually the case was moved to Anuradhapura where Tamils find it scary, instead of being heard in Vauniya. CSU personnel also on occasion visited the home area of one of the women and marked their attendance by making inquiries about her. The woman had to go into hiding. That was practically the end of the case.**

**There is also the unsolved case of the Martins: husband, wife and their two children, a girl and a boy, both less than 10 years of age, being brutally murdered by the security forces on the night of 9<sup>th</sup> June 2006. The local village headman who originally said it was deliberate murder, changed his story to suicide after being questioned by the CID a number of times (Supplement to Special Report 23).**

The position of civilians being resettled in the Vanni, who are fractured families, cripples, widows without support and their community leaders who have been thoroughly intimidated, would be at least as bad. They would be under a paramilitary regime taking orders from the security forces, making them easy pickings for predators.

This is far from speculation when we are talking about people who have been told by action that they have no rights. There are many young women who had been conscripted by the LTTE detained in a rehabilitation camp in Vavuniya. To outsiders they are being well treated, but a woman activist told us that after a protest by these women demanding greater access to visitors, many of them were beaten by the camp authorities.

She added that several of the staff are very good, but do not see anything unusual in beating as a means of control. At best the community is being driven into a patronising relationship. The activist said that conditions have since improved with regard to having visitors.

Sivalingam whom we quoted above (<http://thesamnet.co.uk/?p=17325>) told his interlocutor that in his camp at Manik Farm, the CID comes in the night and makes a count of the children.

More disturbingly, he added that young women, who are ostensibly suspected of having received LTTE training, are taken away in ambulances at night and brought back in the morning. When that happens he says the mothers rush behind the ambulances to the place of interrogation. Although he says they are taken to a place in Vavuniya, it does not square with the mothers being able to go there unless it is to the investigation centre within the camp itself. Sivalingam, while wondering why the security forces should do this to young women by night using ambulances, adds defensively that after the event he could not gather from the faces of the parties concerned that anything untoward had happened. Others in camps have told us that after nightfall the security men are often drunk. The use of ambulances for such purposes has a very sinister ring.

We have seen letters sent from Manik farm making very similar allegations about the treatment of ex-women LTTE cadres. Other allegations received in a letter concern the exploitation of persons who are mentally weak for indecent purposes.

In a normal society such would be dealt through normal processes of the law. But here it apparently happens to a people who dare not protest and are denied any real access to the law. The fact that all these must remain a mountain of allegations exemplifies a nasty situation.

The situation at Vavuniya Hospital throws further light on this.

### **6.7. Military Abuses at Vavuniya Hospital**

The Government faced a problem with Vavuniya Hospital; it did not trust the doctors, who were mainly Tamil, even though they are government servants. Such mistrust is not unique to Vavuniya; it has caused witnesses in other sensitive cases to be shifted from one hospital to another; and court cases to be transferred to Sinhalese areas.<sup>6</sup>

In Vavuniya, injured patients from the war zone were being brought there whose evidence might contradict the Government's versions of some key incidents and also patients who were suspected of LTTE involvement. It has been the Government's practice to deny the latter the benefits prescribed by the law. It resulted in a climate of intimidation for Tamil doctors and forced ideological conformity. The case of Dr. Murali Vallipuranathan, a specialist doctor attached to the Ministry of Health in Colombo marks a disturbing development.

#### **The case of Dr. Murali Vallipuranathan**

On 12<sup>th</sup> May 2009, Dr. Chrisantha Abeysena of Kelaniya University sent Dr. Murali by email a link for a CNN poll. To the question, "*Should the International Community intervene in Sri Lanka?*", Abeysena told the recipients to vote 'No'. Dr. Murali said in an email reply:

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<sup>6</sup> To place what was going on at Vavuniya Hospital in perspective, following the STF-instigated massacre of 10 Muslim labourers in Pottuvil on 17<sup>th</sup> September 2006, the surviving sole witness, Meera Mohideen, was dispatched to Kalmunai Hospital. Acting on the instructions of the Government, ASP Jamaldeen, stopped the ambulance at Karaitivu and diverted it to Amparai Hospital, where the doctors were largely Sinhalese. A Muslim minister Athaullah obtained video testimony from him to implicate the LTTE. He was after being discharged, transferred to Colombo Hospital and kept in a paying ward instead of being sent home. Later when he went home he had been thoroughly intimidated. Although his alleged video testimony about which Mohideen could remember nothing was widely publicised, he was never produced to testify before a magistrate. We have also seen in the ACF case how a JMO sent by the Justice Ministry fixed a time for the incident convenient for blaming the LTTE. Had Mohideen been taken to Kalmunai Hospital where the doctors are mainly Muslim, interference with the evidence would not have been easy..

*“What do you want us to do? Observe silently the inhuman treatment taking place at the Forced Detention Camps (FDC) under the name of provision of health services and security? I think this is time for us (the medical professionals) to discuss this more openly without any racial feelings. I hope you are aware of what is really happening at the FDC if not please watch the channel 4 and enlighten yourself.*

[http://www.channel4.com/news/articles/politics/international\\_politics/grim+scenes+at+sri+lankan+camps+/3126257](http://www.channel4.com/news/articles/politics/international_politics/grim+scenes+at+sri+lankan+camps+/3126257)

*Anyway IC will not interfere just because somebody voted at CNN. Await you kind response (except the white van<sup>7</sup> reaction).”*

As an exchange of personal opinion between colleagues, though provocative on both sides, it should have ended there. But Dr. Abeysena evidently complained to the Ministry of Health, whose Director sent in the Investigation and Flying Squad, who were not medical men, summoned Dr. Murali for an inquiry in July. Dr. Murali was sent an interdiction order in Sinhalese on 10<sup>th</sup> November 2009 for bringing ‘Disrepute on the Government of Sri Lanka’ and his salary was stopped. No charge sheet was served. This is a case of the Government acting unconstitutionally in violation of the 17<sup>th</sup> Amendment that required such an action as the dismissal of a public servant to be made by a non partisan body appointed by the Constitutional Council. Medicine has become politicised in the hands of apparatchiks acting outside the law. (See report <http://www.lakbimanews.lk/special/spe10.htm> )

The other side of the coin is that the doctors in Vavuniya Hospital are forced to conform to a paramilitary regime with no hope of support from the Health Ministry or medical professionals in the South. In the new building at Vavuniya Hospital, the ground floor is the OPD (Outpatient Department), the 1<sup>st</sup> and 2<sup>nd</sup> floors are clinics, and the 3<sup>rd</sup> floor has quarters for doctors, now used mainly by troops.

### **Bearing Witness: A Hospital Worker**

Above the third floor is a penthouse, also known as the Fourth Floor, to which the staff are at present denied access. This place is alleged to be used for torture and interrogation. The person in charge of ‘paramilitary’ personnel at the Hospital is reportedly an ex-LTTEer called Ranjit who is seen to enjoy considerable power over the Sinhalese under him. Once a person taken up, the hospital staff heard, was brought down in a poor state, revived and then taken back.

### **Bearing Witness: A Consultant Doctor with intimate knowledge of Vavuniya Hospital**

Staff at the Hospital, speak of patients being removed by security elements from hospital wards along with documents marking their presence. Of the dozens so

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<sup>7</sup> Shorthand for an enforced disappearance, referring to the vehicle commonly used for abductions

removed, the Hospital has no record of where they were taken. On one occasion a doctor resisted the military wanting to remove a patient at 9.00 PM, despite feeling enormous fear. Finally the men took away the patient in the morning when the doctor discharged him, after getting their particulars recorded on the bed head ticket. On one occasion security-related elements took away a young patient in an auto-rickshaw with a cannula in her arm. A lady doctor who witnessed it was threatened by troops.

A woman and a child, who were injured in the explosion caused according to the Army by a woman suicide bomber, at their rescue centre at Visuamadu on 9<sup>th</sup> February 2009, were warded at the Hospital. When they revived several hospital staff are aware that their account contradicted the Army's version.

The woman of about 18 years, who was in the surgical unit was in mid-March 2009, after she was sufficiently recovered, sent to other clinics for check ups. During these rounds when she felt sufficiently reassured, she spoke of what she had experienced at the IDP reception centre on 9<sup>th</sup> February. She refuted the charge that there was a suicide attack. She said that it was an explosion triggered among the IDPs targeting the surrendees (IDPs). The explosion was followed by troops firing at the surrendees. She said that both the explosion and the army firing killed about 18 persons. At one clinic she was started on drug treatment and there was a second session to assess her status. She was not seen again. This is not unusual in Vavuniya Hospital. The doctors were kept very busy with patients. The admission and removal of Vanni survivors from the wards was done entirely by the Army and the doctors had no control over it. 'Missing' from the wards had become so 'normal' that the doctors dared not raise questions. The woman would have gone 'missing from the wards'. That is all the information that the doctors were entitled to and they could not intervene to check her status.

### **6.8. Defrauding a People in War and in Peace**

For several Tamils who move closely with leading personalities in the Government, and know their attitudes and realities on the ground, there are no illusions about the Government's good intentions towards the minorities. Several of them are pessimistic to the point of saying that even the release of Tamils from IDP camps on the payment of large sums of money was being done by the Police and Army with the full knowledge of the Government.

Such practices fit well with the intentions of ideologues close to the Government, who would not allow the minority communities any autonomous existence. Through such practices as harassment and illegal detention, the funds received by Tamils from relatives abroad is through necessity siphoned off to a large extent on bribing the security forces to get out of some scrape or detention. They are largely unable to do anything meaningful with their resources in this country except to pay an agent to seek asylum elsewhere.

One way or the other the community is being weakened without any hope in this country. It would appear that the Government is doing to the Tamils at a leisured pace what the Tigers did to the Northern Muslims in one go. The difference is that the Tigers were not the internationally acknowledged legal authority in the North and were unlikely to get away with it in the long term. It was in that sense different from the Jayewardene government chasing the Tamils out of places like Manal Aru, now Weli Oya, in Mullaitivu.<sup>8</sup> The party that committed this crime against humanity being the internationally acknowledged government of these people, rather than a rebel group, it made it much harder for people to get their lands back.

### **Donors Throw Up Their Hands**

Ideally, the problems of Tamils who feel threatened by the impunity of the regime and economic hardship should be alleviated by political means that should precede rehabilitation. But the Government is resistant to any loosening up that would threaten its Sinhala extremist agenda or disrupt huge profits flowing to the rulers from donor funds.

The West and Japan backed peace process that went wrong, followed by the war in which the Government largely scorned these nations, followed by massive disruption in the North-East triggering claims for asylum. These have left the West weary of Lanka.. Unable to do anything constructive, the Western governments seem to be taking the easy way out by putting aside their obligations to ensure human rights are protected and respected, largely denying asylum even to those provably under significant threat, and giving instead the Government some money for reconstruction of the North-East to salve their conscience. Here too those who control power seem intent of fleecing the same people they crushed in war. And things look ugly.

All development work in the North must go through the Presidential Task Force that has the President's brother Basil as chairman, and 18 others who are persons mainly retired from the security forces. The Foreign Ministry web site shows only one member from a minority. Any NGO or agency wanting to work among the displaced must get authorisation from the Task Force and NGOs wanting to start work have been paralysed.

Normally when people want to do some work they go to the government administration for advice on where the needs are which they could fulfill and begin work. An NGO activist in South Vanni told us that their organisation was not even able to do an innocuous project like giving five chickens to displaced widows starting a new life. Government officers are scared to talk to NGOs because they had been warned by superiors not to cooperate with them.

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<sup>8</sup> In late 1984, a year after the July 1983 violence, the Jayewardene government acting on the advice of Israeli consultants violently drove out the Tamil inhabitants from the border area of the Northern and Eastern Provinces and planted a militarised settlement of Sinhalese convicts. The massacre of about 60 of the convicts by the LTTE in November 1984 was the cue for further massacres by the Army (Ch.20 of Arrogance of Power). The LTTE forcibly evicted the Muslim inhabitants of the North en masse in October 1990 (Report No.6). Their resettlement is presently underway.

A key member of the Task Force, one who is a relation of the President known as “Mr. 10 Per Cent,” sets the tone by being featured unnamed in the *Lakbimanews* lead item of 25<sup>th</sup> October 2009, ‘*Mabey & Johnson’s collapsing flyovers and bribes*’. The report said ‘*Contracts worth 22 million pounds had been awarded [to the company] for building nine bridges and one of Britain’s richest families had admitted to paying bribes to win contracts in Ghana, Jamaica and Iraq.*’ Questioned by the paper about the award of the contract Minister of Highways T B Ekanayake told the paper nonchalantly that ‘*the English company was selected through their local agent in Colombo and that he in turn had recommended the firm.*’

This is the context in which foreign aid for the reconstruction of the North becomes a gold mine for several persons in and around the Task Force. This may in the end do more harm to the people for some temporary relief, by spreading the stink of corruption and control all around. The Task Force’s powers are being used to keep out established NGOs and assign work to selected NGOs who would use this position to canvass money. It is an old trick used by NGOs that were in good standing with the LTTE.

Those on the ground told us, several ministers and high powered persons are starting their NGOs and this includes our first lady Shiranthi Rajapakse as well. Minister Rizard Bathiudeen, we understand has kept other NGOs out of the newly resettled Muslim villages to provide work for his brother’s NGO.

To concerned observers, the Task Force’s (hidden) mandate is to ensure that international aid is channelled through the Government which is now largely militarised in the North-East as seen in the composition of the Task Force. In turn it would be contractors close to this network who would get the jobs and share out the booty. There is no people’s participation or civil societies’ voice in what is being done. Simply put, the Task Force eliminates all forms of monitoring and consultation with the needy.

Moreover, it prevents international and local NGOs monitoring of their funds being distributed to the needy in a fair and responsible manner. Every move with regard to the IDPs is militarised and as a local activist put it, “*Under the blanket of security, corruption is rampant and proceeds in a hidden manner, not open to challenge.*”

The activist added, “*For example most of the road development in the North is assigned to contractors by the same gentleman who makes money out of flyover contracts to Mabey and Johnson. The supervision is not done by the local Road Development engineer, but selected engineers are brought from the South to pass the work. In the name of security, Tamil officers and IDPs would not be allowed into areas where big projects, including some highways, are undertaken in their name.*”

This tendency was already seen in contracts given for Manik Farm where questions were raised in the Press. The welfare of the IDPs is a priority abysmally low in comparison with the greed of the politically well-connected, who opened all stops to make money out of both war and peace.

## **6.9. Fooling India and the World, and Getting Away with It**

One of the remarkable features of the saga is that almost the whole world protested at the illegality and arrogance of detaining the IDPs. The Government simply arm twisted the relief agencies through pressures like threatening to cancel their employees' visas and curtail their access to the IDPs totally. The Government bargained using its own citizens virtually as hostages and won. The UN agreed to play a support role in the camps even though the conditions fell far below the stipulations of humanitarian norms. When the rains brought pools of sewage within low lying areas of camps, the Government happily blamed the UN for poor drainage, even though the people were prisoners of the Government and not the UN.

More puzzling is the manner in which the Government appears to have checkmated India into playing its game and then dumping some of the dirt on her. It began with the Government, in late 2006, getting India's agreement to build a coal power plant in Sampoor from where the people had been expelled by shelling and denied the right to return in violation of the ICCPR and international law.

The Indian Hospital which began operations in mid-March 2009 was a boon to the injured being evacuated by the ICRC. There is no doubt that the sympathies of the Indian doctors were with the injured. An Indian surgeon in Pulmoddai who spoke to a Tamil civilian confessed that he had not seen this degree and scale of civilian injuries before. The hospital was later relocated at Anandacoomaraswamy Village in Manik Farm.

### **Bearing Witness: "Guna"**

Guna, a translator for the Indian medical personnel told us that once the President's brother Basil Rajapakse came there with an entourage of journalists. The Indian surgeon showed him a six year old child from near whose heart he had removed a piece of shrapnel, and asked Basil whether this boy was a terrorist? Basil and the journalists kept pin drop silence and the group moved off. The surgeon was angry and told Guna that he would rather see two patients than use the time posing for a photograph with Basil's group.

Yet the Government manipulated the presence of the Indian Hospital in Pulmoddai to conceal the injured and other witnesses brought by the ICRC from the war zone in the latter stages by shutting them up eventually in Snake Farm. Thus everything India did is open to misrepresentation, especially so in the current state of opinion among IDPs where India is believed to have backed the Sri Lankan government to the hilt, disregarding the plight of the people at death's door. Thus in mine clearance where India with good reason is intent on a speedy return of IDPs, even Tamils who have no truck with the LTTE, see India's participation as connivance with the Sri Lankan government to destroy evidence of war crimes. The fact that the Government turned down de-mining offers from the West is cited as confirmation of this.

By helping Sri Lanka to defeat a motion before the UN Human Rights Council calling for an investigation on how both sides conducted themselves during the war, India seems to have invited more trouble than it bargained for. Sri Lankan officials and commentators have regularly said that Sri Lanka fought India's war. The theme was recently elaborated by a columnist for a leading Colombo daily (4<sup>th</sup> November 2009, [http://www.dailymirror.lk/DM\\_BLOG/Sections/frmNewsDetailView.aspx?ARTID=66714](http://www.dailymirror.lk/DM_BLOG/Sections/frmNewsDetailView.aspx?ARTID=66714)).

The article evidently reproduces arguments advanced by members of the Sri Lankan establishment which are not quite borne out by facts. The burden of the piece is that the Sri Lankan forces were in no hurry to finish the war as they wanted to give due consideration to the safety of the civilian population. It suggests that it was Indian Foreign Minister Mukherjee who on the instigation of the family of Rajiv Gandhi wanted at first a swift end to the war. The weakness of these suggestions is revealed in these lines from the piece:

*“Finally, pursuant to Mukherjee's instructions, the war was slowed down and heavy artillery attacks were curbed during the Indian general elections period. But, when the Indian general elections results were being announced, all possible action and artillery were deployed to destroy Prabhakaran and end the war. If heavy civilian casualties had resulted it was due to India's need to expeditiously finish the war.”*

It is hard to argue that military action in the Vanni was slowed down in the run up to the Indian elections. The last phase involving heaviest casualty rate began on 8<sup>th</sup> May 2009, days before Tamil Nadu went to vote. If at all, the Government curtailed the ICRC bringing the injured out and used the Indian medical facility at Pulmoddai to conceal those injured brought from the war zone. It would be more convincing to argue that the Sri Lankan government tried hard to finish the war before the results of the Indian elections were out, rather than face uncertainty if a new government were elected.

If the call for a war crimes inquiry gathers momentum, we could expect the claim that ‘the Sinhalese government blackened its name with heavy Tamil civilian casualties because of India's urging’, would receive more coherent expression than above. India would find anyone in this country hard to please. Perhaps, this is the price of India's time honoured bilateralism with a neighbouring government having no standards.

## **Appendix**

### **Murder of Kathiravelu Thayapararajah, Director Vanni Tech , 15<sup>th</sup> September 2009**

The Tamils have been consigned to arbitrary rule collectively as terrorist suspects. No one knows when he or she is safe and what novel pretext the State's security apparatus would find to kill or abduct them. There is no appeal, no channel to seek explanation from those who wield authority under state patronage. This element of uncertainty totally breaks down individuals, families and communities. We have given many cases in the past. Here we deal with one which raises several more issues. Presently, anyone who held a position of respect and leadership could be eliminated, without any acknowledgment or any legal process.

The other issue is the absence of any process or civilised rules concerning the treatment of persons who with much valued dedication served educational or civilian functions within the LTTE-controlled region. The laws and orders to the security services and administrators should be clear on this point. Persons subject to investigation or arrest should only be those suspected with reason of serious crimes or those who connived in such. Unfortunately law enforcement functions have been vested with security forces, which use the fight against terrorism as a badge to murder, terrorise and extort. This has complicated the problem to a point of hopelessness.

Moreover, Parliament acting in the wake of the state-orchestrated July 1983 violence to criminalise support for a separate Tamil state, which is a political question to be dealt with in that sphere, has served to confuse Sinhalese minds on the differences between crime, terrorism, dissent and political aspirations. This furthered the growth of terrorist violence on all sides in the hope of political gain.

The following information about Thayapararajah's public role in the Vanni Tech is gathered from his friends and that is all we are concerned about. Thayapararajah, passed out a top student in Computer Engineering from Peradeniya University in 2005. Having three sisters, his family would have liked him to go abroad for his higher studies, but he joined Vanni Tech as its director. The Tech began with courses in electronics and several branches of computer engineering, offering one year of intensive training, leading to diplomas. Its first two batches of students came mainly from Jaffna and after the A9 road was closed in 2006, students were drawn exclusively from the Vanni. Its graduates have found work with UN and international agencies and Vanni Tech signed up contracts with Kilinochchi Hospital and government departments to maintain their information systems.

Vanni Tech itself may be seen as a continuation of the desire among Tamil professionals and educators to build up institutions in the North-East and upgrade their universities to a very high standard and harness the resources of their areas. This desire took root especially after the communal violence of 1977. The LTTE's monopoly of the political sphere undermined this endeavour. With the start of the peace process in 2002, there was a new drive for expatriates to contribute to the development of the North-East. Understandably those who participated either supported the LTTE or accepted LTTE control as a fait accompli one had to work within. Vanni Tech was one result. Once more the LTTE's politics undermined the endeavour.

The Tech was founded as an independent institution to be funded for four years at a lessening rate, after which it was to be self supporting, so that the donors could move on to another project. During 2008 the LTTE's computer unit took a direct hand in the board of Vanni Tech. This was to be a time of transition where the Tech was to become self supporting. But owing to the situation, the donors agreed to continue the funding for another year to pay staff salaries. The LTTE supplied other needs like diesel for generators. None of this diminishes the civilian character of Vanni Tech and the civilian status of its employees.

A Vanni resident close to Thayapararajah described him as fully dedicated to building up Vanni Tech and a compassionate man. He refused to accept a salary except for fringe benefits such as free board and lodging at the guest house. When the resident reminded him that he had sisters in need of his salary, Thayapararajah said characteristically that he would see about it later. Uthayakala, had been in an LTTE-run school and then in its women's wing. During the late 1990s she left the LTTE and married. She lost her husband after having two children. She later joined Vanni Tech as a student. She once fainted at the college and as the director, Thayapararajah spoke to her, felt sorry for her and became attached to her. Despite reservations from others, he insisted on becoming her husband.

Apparently, the LTTE did not look upon this marriage with favour. After the LTTE computer unit became the main decision maker on the board during 2008, Thayapararajah had to sit with some high ranking LTTE persons including Charles Anthony. Some time, the differences reached a point, where the LTTE relieved Thayapararajah of his responsibilities as director.

He too moved east following the general IDP movement eastwards that began in 2008. <http://defencewire.blogspot.com> of 28<sup>th</sup> March 2009 carried the following item reporting Thayapararajah's escape from LTTE control:

*“Meanwhile the LTTE's cream has started abandoning the organization. The Director of the LTTE's Vanni Institute of Technology (VIT) surrendered to the Army a few days ago. A former Assistant Lecturer at the University of Peradeniya, the VIT Director graduated from the same school as a Computer Engineer and was later recruited by the LTTE while visiting his wife in the Vanni.”* This was the time the Army and LTTE were fighting for the control of Puthukkudiyiruppu, but nearly all the IDPs were by this time in Puthumattalan.

What the item indicates is that the intelligence services questioned him and released him at some point or he paid and released himself from illegal detention at Manik Farm. He moved to Colombo with Uthayakala and children after staying with his family in Vavuniya, hoping to go abroad. The following is slightly modified from a note by one of his former teachers:

*“In Colombo, Uthayakala being from Kilinochchi had no ID and was not registered. So she was picked by the CID around June 2009. Thayapararajah was not because he had his ID. She was taken to the Fourth Floor where she was beaten up and questioned and then released. While she was being questioned, the CID with Special Forces picked up Thayapararajah who was then taken to Avissavela. So after her own arrest, she has not seen her husband.*

*“A lawyer in Colombo represented Thayapararajah who was moved from Colombo to a camp in Avissavela. Uthayakala's 75 or 76 year old grandmother (whose husband had been the Hatton UC Chairman at one time) visited him there a couple of times. She found that he had been beaten up.*

*“At some point some place Thayapararajah received gunshot injuries in circumstances unknown to the family and was taken to the Kalubovila Hospital Colombo on 13<sup>th</sup> September. The family was informed the same day that they ought to come as he was in a serious condition. As Uthayakala was scared she sent her grandmother. He died on 15<sup>th</sup> September. His wife, her old grandmother and one of the children identified the body. As no one was prepared to arrange a funeral, the body was cremated and the ashes given to Udayakala. The lawyer who represented Thayapararajah says there are 2 engineers and a doctor still at the Avissavela camp.”*

Thayapararajah had an injury in the chest area. Some felt that Thayapararajah was shot by an assassin working under the security forces, privy to the information that Thayapararajah was to be escorted by the Police to a court in Colombo. Another possibility is misfire from a weapon carried by the escort or he was shot when he tried to escape. The escort had no intention of killing him is suggested by the fact that they warded the injured man in hospital and tried to save him – he was alive for two days.

The fact is that Thayapararajah and Uthayakala were both tortured badly. Uthayakala could hardly walk when she was released. Thayapararajah was also in a poor state as witnessed by Uthayakala’s grandmother.

The Government has been silent on this death. There has been no real inquiry. It probably realised that blaming it on the LTTE would not sell when its main leaders were no more. There was silence elsewhere too. *TamilNet* itself reported the murder as late as 24<sup>th</sup> September, after which one Tamil paper reported it.

## Part VII

### Misunderstanding Terrorism and the Importance of Root Causes

#### Contents:

**7.1. A Time for Reckoning: Where Have we Failed?**

**7.2. Dangerous Miscalculations about Terrorism**

**7.3. Stuck in a 60 year Groove: Progressive Poisoning of Atmosphere**

**7.4. When Politics is Depraved and Old Soldiers Refuse to Fade Away: Facing up to Anarchy at the Door**

#### **7.1. A Time for Reckoning: Where Have we Failed?**

The war, its end and aftermath has left us all with a task of reckoning. This is not a task just for the Sri Lankan Government, or the Sinhalese in whose name it acted, or for those who supported the LTTE from the privilege of exile (who are to a great extent responsible for the misery of their fellows). It is also the duty of those of us within the Tamil community who opposed the LTTE's politics and practices, and who tried to expose what it was doing to the people in the name of liberation.

We, and others who share our views, too are imbued with a sense of failure. We might say that our analysis was correct on where the LTTE's brand of politics would inevitably carry the people and that its end would be catastrophic. But then what is the virtue in having been right?

We protested when the LTTE was in the early 1990s filling up its prisons with dissidents, many of them of the highest character and commitment, and was exterminating thousands of them to keep the people in the dark about what it was doing to Tamil society. Some called us liars, and many others found us interesting. But nothing was done to stop it. Soon many international NGOs caught the peace bug and did not want to touch the LTTE's human rights record, while not disputing what we said about what the Government was doing. The peace bug was so potent that this lobby managed to shift the blame on to President Kumaratunge when she talked peace in early 1995 and the LTTE started war, after using talks to stock up petrol and cement and getting the Army to vacate Pooneryn.

We protested similarly when a large bandwagon followed cheering the Norwegian peace process, seeing in it as a brilliant stroke, while ignoring the LTTE's unremitting conscription of children and continuous killing of dissidents using the access provided by the peace process. Those who shared our views were rebuffed and in the predictable

course of things, Sinhalese extremism, which too consistently criticised the process for its own reasons, attained the upper hand. People who were genuinely concerned about protecting the rights of the Tamil people and wanted to find a political settlement in the South, were marginalised.. The present cataclysm is the result.

Many people who were critical of the Norwegian process told us we should support the recent war because the Government was getting rid of the LTTE, and were angry that we were instead exposing the violations of the Government. Sadly today, equating dissidence with treachery has become the linchpin of the Government's war against democracy and the media, just as it was for the LTTE for many years, and with devastating results of Tamil society.

We must confess that even as we opposed the ideology of the recent war and the manner in which it was fought, we were not alert enough to the full enormity of the human toll. In retrospect, there were several reasons for this lapse. Estimates of the numbers killed and wounded communicated to us by civilians who were coming out of the war zone were well below figures being cited by the UN and other sources. At the same time we believed that under such enormous international pressure, the Government must show some real concern for the civilians. In this we were proved wrong.

Historically, the abysmal operational standards maintained by the Sri Lankan military have largely gone unchallenged by the international community because so much of the blame for provoking attacks lay with the LTTE. When the Army made its first abortive attempt to overrun Jaffna on 9<sup>th</sup> July 1995, it inundated civilian areas under barrages of shells, fired without any warning and then on the following day bombed the church in Navalay where a large number of refugees had gathered, killing in all nearly 300 men, women and children.

There seemed to be something inevitable about the army's violations, given the manner in which the LTTE had used peace negotiations as a prelude to launching a new round of war. We covered all this and the subsequent disappearances in Jaffna, but these did not feature in public discourse at the time as war crimes, partly because the Government was then perceived to be intent on a political settlement, while it was the LTTE that was undermining the effort.

In 2009 it was different. Neither side was talking peace, and neither side cared what happened to civilians who got in the way of their war efforts. The rhetoric of Sinhalese supremacism with ideological overtones of conquest was being voiced from the highest echelons of power. Attacks on the media, and the continuous slaughter of civilians for several months spread the stink far and wide. The situation was compounded by the way the survivors were treated to suppress the tragedy of the war.

We will now examine if this has anything to do with fighting terrorism.

## **7.2. Dangerous Miscalculations about Terrorism**

Those of us who have grown old with Prabhakaran and Osama bin Laden have a weakness for believing that these gentlemen were the heart and soul of the phenomena of terrorism they represented. It is thus the accepted wisdom that killing such leaders is the key to smashing terrorism.

Prabhakaran is dead and the jubilant extremist lobby close to the Government views his defeat as the ultimate vindication of their political agenda. They believe the military victory over the LTTE finally buries any argument about the need for a political settlement to the minority question. They have scoffed at it, branding it a liberal illusion detrimental to sovereignty.

This position misses an important point about terrorist phenomena. Terrorism in Sri Lanka has a lot to do with the root causes of conflict the Sinhalese extremists deny. Once the flame has been lit, the terrorist potential we see today burns on quite independent of Prabhakaran or bin Laden, or other similar leaders who come and go. It is fed by anger the young feel about perceived injustice and humiliation, and by the absence of a creative leadership with character and direction.

There are different possible responses to oppression. In history we have seen anarchist movements, revolutionary movements and liberation movements, all of which used violent means to fight against oppression. There was a broad spectrum in the ideological make up of these movements. Some were guided by broader principles and succeeded in capturing power. Movements which kept the interest of the people at heart, succeeded in fashioning their means to suit changing situations and were not dogmatic about ends.

Broader revolutionary movements at least in principle tried their best to defend the people and while accepting deaths among them as the price of struggle, they tried to minimise them. But movements such as the LTTE, Al Quaida and Taliban have not only have shown scant concern for civilian suffering, but worked towards its maximisation in the belief that civilian suffering could be used to campaign against their perceived enemies. The LTTE institutionalised a nihilistic mindset not only among the cadres but also manipulated the community in such a manner that those who supported its suicidal politics most vocally and bankrolled it, got away from its consequences. Those who were trapped suffered, and were denied means of escape.

As recently as 25 years ago, while the Tamils still had democratic freedom among themselves, it was possible to argue out possible strategies of struggle. This resulted in various militant formations – most short-lived. But the overarching impact of Sinhalese and Tamil narrow nationalism, which dominated the political landscape, denied to both the Sinhalese and Tamil communities the ability to be creative in responding to the crisis. So many critical analyses were done about the failure of the political elite in Sri Lanka to forge ahead with a political agenda towards identifying a meaningful power sharing mechanism, to undo the legacy of a state that evolved into a ‘Sinhala State’, thereby alienating the minorities. But the political elite in all communities miserably failed and not only allowed the ethnic conflict to fester but relied on it to preserve their power.

People naturally support leaders that inspire confidence that the sacrifices they are called upon to make towards the attainment of justice are worthwhile. Mahatma Gandhi did that very successfully against British rule. His character and moral ideals, his single minded dedication and disinterest in power, wealth or security, and his readiness to challenge injustices within India that divided the people, served to inspire a high degree of confidence unparalleled in the history of such a diverse nation.

It is the tragedy of the Tamil people that they did not generate such a leadership. The LTTE was the end result of repeated communal violence and of a Tamil parliamentary leadership increasingly taking refuge in rhetoric.. And once it gained power, the LTTE systematically wiped out any discussion of alternatives, compromised character among the general public and made the worship of its heroism and unquestioning obeisance the only course open to the Tamils.

Young Tamils were not allowed to see the brutal elimination of dissent in the LTTE's closed camps or even find out the truth about these 'traitors'. To them the brutality of the Sri Lankan military machine was part of their real life experience. Under the constraints of a terrorised society, young people did not have fearless community leaders of character, who could guide them. They only saw the heroism of LTTE cadres, some of whom they might know from school, and this often decided their choice of role models or objects of respect.

When one talks to young IDPs from the Vanni – a large proportion of whom have lost at least one family member who voluntarily or otherwise fought for the LTTE – one soon realises that they actually have a low opinion of the LTTE leadership. The latter after all put the civilians through enormous suffering and conscripted the unwilling almost to the last, saying no surrender in public, while using third parties to negotiate their safe exit. This however does not mean that the people have rejected the rank and file of the LTTE.

**Even as they reject discredited leaders and their ways, they would continue to admire those who heroically sacrificed their lives. Who else was there for them to look up to whom the LTTE would have spared? They face a moral and political vacuum within their community and outside it they face the arrogance and violence of the State.**

It is within this ambience of total despair that they identify individuals whom they admire even when they will not follow them. This too, as illustrated by the two examples below, is indicative of minds on the threshold of suicidal pessimism that is very disturbing in itself. Why should anyone feel that such are the noblest accomplishments in life open to him or her?

One example is of a young man caught up in the tail end of the war at Mullivaykkal in May 2009. One day before, he was talking normally. On his final day he packed a motorbike and his person with explosives and rode away to blast himself among the

soldiers who had come close. As he went he told a scholar, *“I will do my part in trying to stop the oncoming army. I leave it to you to do your part in building up our nation.”*

In another terrible story, told to us by a youth who had several friends in the LTTE, an LTTE suicide cadre sent to Colombo was surrounded by security men. The cadre ran, when he found a bakery. He rushed in and threw himself into the oven, from where his remains were recovered. He evidently did this so that nothing of his person or form would remain by which he could be identified and his links traced. In some way their whole existence had been absorbed into the cause of Tamil Eelam.

To be sure, the situation we find ourselves in has a good deal to do with how the LTTE managed society, pushed for war whenever there was a prospect of peace and brainwashed the community through its propaganda monopoly. It also has a good deal to do with how the State has conducted itself. And expatriate LTTE supporters who basked in this vicarious glory are deserving of the highest contempt. Yet one is called upon to understand the state of mind of those who sacrificed their lives in this manner believing that it was to uphold their people’s dignity. This state of mind also extends to a significant segment of the IDP community.

The IDPs first came out of the LTTE-controlled Vanni castigating the LTTE in the strongest terms. As their bitterness became more pronounced in the face of prolonged incarceration, even some women with strong religious views against violence began saying that they would have been better off had they fought with the LTTE and died. Presently among many IDPs, we have found a tendency to rationalise what the LTTE did to them. Several people have said to us that the LTTE got a large number of them killed, hoping that the high civilian death toll would impel intervention by a longed for foreign saviour, whom many identified with Uncle Obama.

Unfortunately, an influential section of the Sinhalese polity appears to believe that the Government has done the right thing, and old dreams have been revived (and vocally) about denying the Tamils any autonomous space by planting Sinhalese colonies and having a permanent repressive presence of the military in their areas. The Weli Oya project of 1984 and the Sampoor coal power plant project are products of this type of thinking. Ideas such as the special economic zone in Trincomalee and a similar arrangement for Killinochchi put forward by the President’s clique; and General Fonseka’s proposal to increase the strength of the peace time army by 100 000 in order to preserve the gains of war, point to such intentions.

This is the time the government could have pushed for a genuine reconciliation process to charter a post conflict phase. It would have allowed all the communities to work towards brighter future taking into consideration the failures of the past. But the present regime with its vision no broader than consolidating of power of a family, is using the war victory to suppress the truth, not only what happened during the last stages of the war, but also the decades-long wounds that culminated in the war.

The opposition which rhetorically talks about the rights of the Tamil community is more interested in capturing power at any cost than seriously pondering its failures for allowing the situation to deteriorate to the present level of despair.

### **7.3. Stuck in a 60 year Groove: Progressive Poisoning of Atmosphere**

One marvels at the singular lack of originality and creativeness in the Sinhalese polity, which poses real questions for the Sinhalese. The medicines that have been repeatedly applied to the minority question have the major ingredients in common. In the late 1950s and 1977, communal violence was advanced as a cure for unwarranted political demands by the Tamils. In the 1950s it was used to quell resistance to the Sinhala Only policy and the federal demand, and in 1977 it was unleashed because the Tamils had shown strong support at elections for a party advocating a separate state. There was no serious attempt to address the legitimate political grievances that drove these demands, only to silence them.

In July 1983, President Jayewardene, as indicated in his *Daily Telegraph* interview a few days before the violence and in Minister Athulathmudali's statement in Parliament on the eve of the violence, viewed communal violence as a way of countering Tamil terrorism by destroying once and for all any notion of a Tamil Homeland, a victory he then consolidated by planting military-backed Sinhalese settlements in their areas.

In all these instances, the sight of bereaved Tamils who had lost their possessions being cast into the abject humiliation of refugee camps was a sign of triumph for advocates of the violence. Many other people who were uncomfortable with the suffering salved their conscience by peddling stories about Sinhalese saving Tamil friends or neighbours from Sinhalese mobs. But there was no public outcry or a demand to try those behind the violence and punish them. The result was a growing erosion of respect for the rule of law among Sinhalese. And each of these 'victories' became a prelude to a major cataclysm.

It also affected institutions that should have been the main hope for uniting the country. One needs to be thankful that in the 1960s and into the 1970s, universities like Peradeniya exuded what one calls, an atmosphere. There were certain things in the category of 'not done'. If one showed any trace of communalism in one's behaviour, one would have been checked by one's friends or peers. That atmosphere of inclusiveness was to a great extent diminished by the politically backed attack on Tamil students by fellow Sinhalese students affiliated to the UNP in May 1983.

It is not necessarily that people in charge of institutions key to ensuring that the communities work together approved of mistreating minorities. Rather, what we have seen is a persistent deterioration of atmosphere, a lack of conviction at the institutional level that such conduct is too dangerous and too degrading to be tolerated. Given their repeated experiences of racism (large and small) in most spheres of public life, it becomes hard to blame a Tamil for feeling that a separate state is the answer.

But the LTTE capitalised on such feelings and used them towards totally destructive ends, proving that giving way to such feelings may be worse.

The manner in which the war was fought has resulted in something far, far worse than all the rounds of communal violence put together. The war's final chapter was accompanied by terrible, chauvinist rhetoric on the part of the country's leaders, and has ushered in an era of utter impunity for almost unimaginable acts of violence. Tamil civilians were victims of mass killings; those who survived were detained en masse in military-guarded camps; those released became objects of crippling surveillance,

That things would end this way was already hinted at in the public execution of five innocent Tamil students in Trincomalee on 2<sup>nd</sup> January 2006, the execution of 17 ACF workers on 4<sup>th</sup> August 2006, followed by threats and intimidation to deny justice.

Numerous statements by the President, cabinet ministers and the former Army Commander Sarath Fonseka taken collectively make it clear that those in power see Lanka as a Sinhalese country where the others exist on the sufferance of the Sinhalese. Euphemisms such as abolishing the term minority and preserving the gains of war taken in context and knowing the aims and history of July 1983 leave no doubt about what the President actually intended.

Isolating beaten and injured Tamils in 'welfare centres', takes us back to the kind of victories exemplified by displacement camps after previous rounds of communal violence. **Defeating the LTTE was a legitimate objective, but what has been done to the people goes far beyond anything legitimate. Notionally defeating terrorism must restore the rule of law. In Sri Lanka there are no signs of that happening. There are only signs of a re-enactment of the past and making state terror part of the minorities' day-to-day existence.**

#### **7.4. When Politics is Depraved and Old Soldiers Refuse to Fade Away: Facing up to Anarchy at the Door**

The prospect facing us at the coming elections should be a wake up call to Lanka's sons and daughters who care for her future. The voters seem likely to have a choice between persons who have all wallowed in extreme impunity and abused their offices in total contempt for the Constitution and laws of the land. The country then stands to be buffeted in stormy weather until eventually breaking on the rocks.

There seems little prospect of making the opposition act in a sane manner. One should be able to read the signs in the Tamil Press. At the end of the war the Government could have encouraged the Tamil parties to visit the IDPs, speak freely on behalf of their people and contribute gainfully towards a political settlement. It tried instead to divide and constrain them to toe its line. Only Tamil political leaders completely subservient to it

were allowed to visit the IDPs, so as to have a monopoly of their votes. In these circumstances it is TNA spokesmen, who were from parties persecuted and decimated by the LTTE and went under its umbrella for mostly opportunistic reasons, and whose credibility was at a nadir when the war ended, that hog publicity in the Tamil Press. It is the old game that brought about the Tamils terrible tragedy.

The opposition talks about restoring democracy and Human Rights and yet supports the Army General as the candidate to challenge the President Mahind Rajapakse, although he has shown, if anything scant regard for these. Perhaps they think that by going behind him, they could remove the tag of “anti national forces” bestowed on them by the Rajapakse camp.

The fact that they accepted this tag passively is an admission of their lack of vision, and inability to argue out issues outside the framework of Sinhalese ideology. It is amongst the strangest ironies of the times that Sinhalese Nationalism which boasts itself the guardian of Theravadha Buddhist heritage must do a reverse of Asoka Maurya.

Asoka embraced Buddhism as an escape from the trauma and futility with which he was afflicted in consequence of the bloodshed and misery of the Kalinga war. It was Asoka’s missionary zeal that spread Buddhism far and wide, including to South India and Lanka. Today’s Lankan standard bearers of Buddhism, particularly the JHU, use it to justify and cover up, by the foulest means, all the defilements of the Vanni war and much that preceded it. Even worse, the supporters of the presidential contestants are fighting each other using Sinhalese Buddhist rhetoric in staking their claim to being the sole agent of victory in the recent war. In doing so they lose sight of the fact that the claim is double edged. The claimants also become prospective owners of war crimes.

Sadly, the tumult and virulence of this election battle would do little to educate the masses on the real tragedy that has befallen us. It denies the Tamils the space to reflect on their recent political legacy, which brought them unmitigated tragedy. The Sinhalese masses would continue to believe that the war was a humanitarian one where the Government minimised the casualties to an extent compatible with the LTTE’s provocations. If the people are allowed to see the enormity of the tragedy on both sides and begin to understand each others’ trauma at a human level, the door to reconciliation would open up. And the way to a political settlement offering dignity and security to all also becomes easier.

But political power elites still hang on to partial narratives that reinforce narrow nationalism on both sides.

In spite of the constraints of this unhealthy political environment, many activists keep the flame of hope alive by their humanitarian and reconciliation efforts wherever opportunity permits. Moreover, social relations between the communities have not reached an abysmal level where reconciliation is impossible. The Tamils, despite the devastation resulting from years of war, communal violence and the self destructive totalitarianism of the LTTE, have not reached the end of the road. Given a leadership that puts behind the

Jaffna centred Tamil nationalism, which contained within it the seeds of totalitarianism, isolationism and the alienation of other minorities, and is able to form imaginative alliances in the spirit of give and take with other minorities; the Tamils could still emerge a powerful voice in the affairs of Lanka. This is quite independent of the Sinhalese polity being able put away fashioning imaginary fears and illusory enemies, continually to undermine a political settlement that would ring in a peaceful and prosperous Lanka.

Genuine reform towards reinvigorating a democratic culture, accountability, good governance, along with a framework that affords political and cultural space for ethnic and religious minorities, cannot begin in the absence of truth. Beyond accepting that something has gone radically wrong, each community must feel and acknowledge its share of guilt for this tragedy, without falling for scapegoats whom politicians are good at procuring. If that happens, those who try to divide the people would stand exposed.

The issues have long been well understood among activist groups in the South and a number of them have worked tirelessly for reform. Any criticism on our part would immediately strike many of them as unfair. Admittedly, we too have ostensibly failed. It could be said that we were marginalised by LTTE dominance in the North as well as by the dominant nationalism of the South.

We might plead one consideration. Several activist groups in the South that advanced the right causes have risked marginalisation by trying to take short cuts in the face of undoubtedly difficult choices. This happened when they courted the UNP's Ranil Wickremasinghe in 1999 on his West-driven idea of appeasement with the LTTE and aided his opportunistic undermining of the political settlement put forward by President Kumaratunge in 2000.

Some people who should have known better were ready to ignore principles, particularly sweeping under the carpet the UNP's responsibility for August 1977, July 1983 and much that followed. Most grave among the latter was its debasement of the rule of law, which President Rajapakse has carried to new lengths on the pretext of combating the LTTE. It is this dereliction by many well meaning activists in 1999 and 2001 that brought us to the present ascendancy of Sinhalese chauvinism. Once more the UNP which tried to ride, disastrously, the Sinhala Only wave in 1955, is presently trying to ride the ascendancy of chauvinism by means of a dangerous and inflammable shortcut – General Fonseka.

We do know that the failure of civil society in the South to combat the culture of impunity hiding behind national security, and a parallel failure in the North to oppose suicidal nationalism parading as national liberation, reinforced one another. Short cuts that compromise principles have trapped the country in this vicious cycle. They seemed alluring for the moment, but in the end sacrificed the prospects of a happier turn around in the long term.

No doubt anyone who values human rights, the rule of law and democracy would like to see the backs of the arrogance and corruption of the Rajapakse regime. But even at the

cost of being left out or marginalised, we should give careful thought to preserving long term options.

## **Part VIII**

### **Addendum: The End of the LTTE's Vanni Gulag**

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#### **8.1. Muted Celebration**

The end of the LTTE's Gulag is a matter for celebration, but after years of seeing what the State is capable any inclination to celebrate must be muted. The Government's continuing impunity for operating killer squads, its routine use of torture, quasi-legal prisons and mass detention centres make it difficult to be hopeful.

We do not know what is to come. The first time the LTTE started mass detention centres was after decimating its rival groups from mid-1986. A prison massacre of EPRLF prisoners in Jaffna became public knowledge in March 1987. It began building up its prisons in Neervely, Jaffna, even while the IPKF was here.

The LTTE's prisons started expanding on a massive scale, once it made a deal with President Premadasa on an agreement to get the IPKF out, and in turn for it to wield untrammelled power informally in the North-East. Its project for cleansing society of 'traitors' intensified as it eliminated members of other militant groups, dissident intellectuals who opposed its politics, supporters of the TULF and India, and those who had any kind of dealing with the Indian Army or rival groups.

Under President Premadasa, Deputy Defence Minister Ranjan Wijeratne, JOC Chief General Cyril Ranatunga and Army Commander Hamilton Wanasinghe, the LTTE received not only money and weapons, but the security forces also helped the LTTE to round up its 'traitors' from all parts of the country and transport them openly to its prisons, torture and extermination camps.

Once the LTTE went back to war in June 1990, the same Government hammered the Tamils mercilessly with massacres and disappearances, but the LTTE carried on regardless using the war as cover, filling up its prisons and building new ones.

Our reports covered this phenomenon from the beginning, especially in Reports 4, 5, 6, 8, 9 and 10. The last, published on 15<sup>th</sup> January 1993 had a chapter on the Jaffna Gulag. In Report No.9 of February 1992, we reported:

*“The number of prisoners now in captivity under the Tigers ranges from 2000 to 6000, according to various sources. But reliable estimates put the number in between 3000 to 4000. The brutal manner in which the LTTE torture the prisoners, using young boys who are even below the age of 16 to torture them, in the underground bunkers, and the sadistic nature of the boys who are involved in this dastardly act brings out the true colour of the struggle.”*

The reliable estimate came from a former detainee who helped the LTTE devise a system of counting for the Thunukkai complex, which had about 3000. The estimate of 4000 was arrived at by taking account of several other centres, including houses in the interior of Jaffna and elsewhere in the Vanni, mainly Mullaitivu District. Many years afterwards, a Thunukkai detainee, ‘Rolex’ Mudalali, who is mentioned in Report No.9, told us inadvertently that out of 1350 who were with him, most were called by their numbers and taken out after making them jubilant with the good news that they were being released. He remained to the last with about 450 who were finally released. It was when he came out that he realised that those taken out earlier on the pledge of release had been killed. Undoubtedly, several thousands were exterminated.

Several of those who ended their lives in these prisons were close to us. Our attempts to get some action on the detainees did not get far. By 1992 making peace between the LTTE and the Government was the priority of most INGOs and Western governments – a phase that lasted until 2005. It was very painful and frustrating for us because many of those killed in prison were politically astute, courageous and dedicated people committed to the community’s well being.

## **8.2. Manoharan and Chelvi.**

Among our close affiliates who were killed by the LTTE were students Manoharan and Chelvi. The information that went into Special Report No. 2 on the Army’s operation in the Islands of August 1990 was the daring work of Manoharan, a young man in his third year at the University of Jaffna. Worse than their deaths in a way was the indifference or rejection of most Western NGOs caught up in peacemaking. These two young people who were so special to our community, were non-entities to much of the activist world. We were considered on the wrong side, either anti-peace or at best, arid.

In the South our exposure of the LTTE served as good propaganda when published selectively, leaving out our records of the security forces’ atrocities. The South did little to correct itself, and instead gave credit to the LTTE’s cause.

The advent of the Norway-brokered peace process in 2002 saw an enhancement of the same trend. We highlighted the fact that the peace process was doing little to stop the LTTE's conscription of children in preparation for war. A very sad development was a painful meeting in mid-2003 with a delegation, most of whom were from a leading human rights organisation that had until at least early 2002 been forthright in its criticism of the LTTE, particularly in regard to child abduction. The delegation had apparently been persuaded to soft-peddle human rights based criticism and lobbying, and instead to engage with the LTTE in hope of encouraging it to abide by human rights principles. Naturally, the strategy failed.

The LTTE had shown them one of its police prisons and appeared to be receptive to consider changes to its law enforcement and detention procedures. One delegate, who was not a member of the human rights group and was brought along solely for his knowledge of humanitarian law, was impressed by the LTTE's response. He began criticising us, sounding as though he had on this one visit found out all there is to know about the LTTE and the Vanni. Some of the others, with far more experience were plainly embarrassed. That was the sad direction of things generally under the peace process. Many of our natural allies and old friends were lured (at least for a time) into hopeless "peacemaking."

We had reported little on LTTE prisons since 1993 because most of those held at the peak of the drive against 'traitors' had been killed or released and our contacts with detainees mostly dried up. We give here a sketch of the prisons in their last days, and how little change there had been, peace process or no peace process. Even more remarkable was to come across the same names of those responsible for torture and execution after 16 years and how some whose job was to rid the soil of Eelam of traitors found new careers as arch traitors. It says much about an organisation that was thoroughly rotten inside.

### **8.3. The End of an Era**

We made contact through old friends with several former detainees, who escaped or were released from the LTTE's many prisons. By early January the LTTE was anticipating the fall of areas east of Kilinochchi. It decided to execute many key detainees. Among them were Jeya, Farook and Lingan from the PLOTE, and Inspector Jeyaratnam from the Sri Lanka Police. Another person killed was Saman Abeysekere from Anuradhapura who had lost his way, was detained at Puliyankulam in 2004 and was suspected of being a CID agent. Saman was held at Alpha Two in Vallipunam and killed about the beginning of 2009. During the same period, mid-January, the Air Force bombed Vanampadi prison in Visuamadu and some detainees escaped.

#### **Bearing Witness: Iyah**

Iyah, was a farmer from West Vanni and father of four daughters and two sons (two daughters were married). He had lost his wife in 2006 after the LTTE refused him

permission to take her to Colombo to remove a growth in the womb. She was allowed to go to Jaffna where she died.).

In 2008, Iyah did what almost every parent tried to do when the LTTE began conscription. He helped his children evade recruitment. He kept his youngest boy (OL student) in hiding, and he managed to send his remaining children out; they surrendered to the Army and were kept in Kallimoddai IDP camp started in 2008. The LTTE which regarded him as having defrauded them, by protecting his children, arrested him at night in April 2008.

Iyah was taken to a camp for punitive labour. He was put to hammering out plates of lead and cutting numbers on them. These were planted on sticks. When artillery support is called, cadres gave the number on the stick near them, whose GPS coordinates are computerised.

Iyah was later transferred to Alpha Two. Many of the detainees there were persons like Iyah. *Athipar* Raveendran, another detainee there, was a principal from Vattakkachchi, who had protected his son from conscription by the LTTE. There was a doctor in the same position. Martin, a 58-year-old engineer who had come from Colombo in connection with some work had been detained on suspicion. An Iyer, a Brahmin priest who used to come from Jaffna to conduct *poojas* at a temple in Akkarayan, had been detained on suspicion of spying for the Sri Lankan Army. Iyah said his hair was cut, his yellow string (sacred thread) was removed and he had been forced to eat meat. Iyah said Martin was released before the Air Force bombing.

There were 230 prisoners in Alpha Two. Iyah who is a native of West Vanni places the number that escaped at about 150. Many of the escapees mingled with the IDPs on the move and ended up in the NFZ at Puthumattalan. Several others made it along other routes, were killed by the Army's reconnaissance units or were again caught by the LTTE.

Iyah himself upon escape joined the displaced who were moving further east in Vanni and also found his younger son among the IDPs. He does not know the fate of many of the others.

Iyah was among those IDPs who unreservedly commended President Rajapakse. He said no one took notice of them, not their MPs, not the international community and if not for Mahinda's military operation, he may not have got out alive. The next case gives more details about the entire system.

#### **8.4. Bearing Witness: Ravi**

Ravi is an Indian national who came by sea, as people travelled up and down the Palk Strait freely, from time immemorial, before passports were invented. He and his father came as salesmen, selling textiles and other sundry goods, during the cease fire in 2003.

The LTTE detained them on suspicion and held them separately. After six years, he has exchanged his Madurai Tamil for Jaffna Tamil.

Upon being detained, Ravi was sent to the prison Tango Ten in Vallipunam and soon afterwards to Siddharthan Camp nearby where he was placed in a cage with his legs chained. The person in charge of interrogating him was Mathavan Master and a senior person there was Kanthi.

Ravi says he was regularly taken out of the cage, tied to a banyan tree and beaten by Kanthi. Others who came there also beat him and tortured him, among whom were Thooyavan, Mithilan and Sutha. The charge against him was that he had been sent by Indian Intelligence.

We have already encountered Kanthi as the big man in the torture chamber at Thunukkai Complex, which included Charles Camp, in the early 1990s (Ch.4 of Report No.10). The Complex, which was built with materials obtained with the assistance of the Government during the previous peace talks, was closed after the commencement of war in 1990 and the key men, like Kanthi, were moved to the complex of smaller camps in Jaffna.

Ravi says he was in the cage for five months during which time the meals were brought to prisoners on time, but to defecate and urinate they were given plastic bags to do it inside the cage. His legs were chained. Meanwhile in order to avoid further torture, he had falsely admitted that he was sent by Indian Intelligence.

After the five months he was allowed out, but forbidden to talk. After a year he was in a cell with others and that was when he got to know his fellows. Ravi also got to know four Sinhalese men who were fellow prisoners. One who became very friendly with him was Saman Abeysekere. Saman who was from Anuradhapura had lost his way and was caught by the LTTE in Puliyankulam during the peace process in 2004 and was immediately suspected of being a CID agent. Saman who could speak Tamil told him wistfully about his home and sisters in Anuradhapura. He said he had been tortured with electric shocks.

Another detainee he met was Ruthiran, a businessman from Vavuniya who used to come to the Vanni on business. The LTTE arrested him on suspicion of aiding the Sri Lankan forces to plant landmines in the Vanni. He was kept in a lone cage.

Remarkably, businessmen and Brahmin priests have been suspected and targeted by both sides. Brahmin priests were among those killed by state killer squads in Jaffna. Their professions gave them a wide range of contacts, which made them suspect in the eyes of paranoid security men.

Ravi told us he also met Sri, who kept a betel shop at Paranthan Junction who was detained as a suspected spy. He met Xavier from Vidathalthivu, who was arrested for smuggling. The LTTE was very sensitive to smuggling as the same smugglers also made money by transporting young persons avoiding conscription out of the LTTE's area. Xavier, like many other detainees was sent chained to several others to cut bunkers on the

frontlines. He was killed while cutting bunkers at Muhamalai in a Kfir bomber attack in June 2008. Ravi also knew that soldier prisoners from the Sri Lankan Army were kept in a camp at a coconut grove in Udayarkaddu.

Ravi spoke warmly of Farook, Lingan and Jeya. They comforted him saying the LTTE would release him. Farook, he said, once tried to escape, was caught near Omanthai and brought back.

During the Madhu Festival of 2006, Ravi heard that the LTTE arrested several hundred who had come from other areas, suspecting them of spying.

In due course he was sent to Alpha Five, later renamed TELO – India, which was also in the Vallipunam area, across the lagoon from the Sea Tiger base at Chalai, giving it additional security from escape. Alpha Five had about 350 prisoners. The places where prisoners were held included 24 cages, six cells and three larger iron cages.

Ravi also noticed that Alpha Five was for many prisoners the final destination. Sometimes the guards would call out a few dozen names of prisoners telling them that they were being released. The inmates knew that they were going to be executed. They were never heard of again. This was the same pattern followed at Thunukkai 16 years earlier. Ravi said that during his five years in prison, about 150 prisoners had been taken out individually and killed. Many more were killed in 2009.

Alpha Two and Alpha Five had boards at the entrance, which said, “*You may enter here and leave. But if you enter again you will never leave.*” What read like a homely old riddle, meant that these were the camps to which people were first brought, and if they were brought again after doing the rounds to various other camps, it meant that they were going to be executed. The Tigers cannot be accused of a lack of transparency.

Ravi said that about 1000 prisoners in the Vallipunam area were put to work in manufacturing mines, including plastic covers for them. He was amazed how the LTTE obtained the materials. All the camps had engineering divisions for various forms of manufacture, including making buckets.

### **8.5. Ravi relates the fate of fellow prisoner, Inspector Jeyaratnam**

Jeyaratnam and Nilabdeen had been leading men in counter-insurgency work during the 1990s. Following the commencement of the 2002 peace talks, Jeyaratnam was taken out of counterinsurgency and posted at Mt. Lavinia Police Station. It was a loss of caution on his part that a Tamil man from London, who worked for another group earlier, took Jeyaratnam’s family out to dinner at the Mt. Lavinia Hotel, plied him with alcohol and abducted him in the pretence of driving him home. Jeyaratnam became friendly with Ravi and told him that he had been smuggled by sea to Vidathalthivu in the Mannar District.

The LTTE's intention was to use Jeyaratnam's intimate knowledge of security arrangements in Colombo for sabotage and assassinations. Ravi said that Jeyaratnam was not tortured, but treated well in the hope that he would consent to work for the LTTE. But Jeyaratnam declined. Next, he was placed in prison with those who had been detained for around seven years or more with no hope of ever getting out. This was done with a view to breaking Jeyaratnam mentally. But he withstood it. Inspector Jeyaratnam was sent to Alpha Five where Ravi met him towards the end of 2007.

On 21<sup>st</sup> September 2008, Alpha Five was bombed by the SL Air Force. Two prisoners were killed and 16, including Ravi, were injured. The latter were taken to Ponnampalam Memorial Hospital in Puthukkudiyiruppu. The ICRC got wind of it and came to meet the prisoners. The prisoners were led out through a side entrance, along a path, to a room in an outer building and hidden there.

After being cured Ravi was sent to Alpha Two in Vallipunam, which is very close to Alpha Five, and then to Alpha Five. He saw no further signs of Jeyaratnam. This was the usual pattern of switching prisoners between camps. Ravi was then sent to Vanampadi in Visuamadu. Here he did odd jobs for a salary of 12 500 rupees a month. This enabled him to escape during an air raid in January 2009. He ended up in Puthumattalan, where he met several prison inmates and they became a kind of unofficial network. It was imperative that they escape at the earliest lest someone in the LTTE recognised them.

Ravi had earlier met an EPDP prisoner Ratheepan in Alpha Two who did the job of serving food to other prisoners. Ratheepan knew he was not meant to get out alive. During bombing and shelling as the Army got close to Vallipunam in February 2009, Ratheepan took his chance and escaped when he went pretending to collect a bucket of food. He later gave Ravi the information that 35 prisoners including Jeyaratnam, Farook, several Sinhalese and members of rival groups had been executed by the LTTE.

It was through such sources that Ravi learnt about the aerial bombing of the prison known as the 'Reform Centre' at Anandapuram on 18<sup>th</sup> February. Ravi said that many prisoners were kept chained and that 45 had been killed, agreeing with information obtained from other sources. Ravi said that naval officers were generally kept there and Officer Boyagoda was one of its former inmates.

**The Singular Fate of Kanthi:** Kanthi who had long been a torture king in the camp system had also tormented Ravi. However, Ravi learnt that Kanthi had come under suspicion of being a government informant after the air attack on 2<sup>nd</sup> November 2007, which successfully targeted the LTTE's political leader, Tamilchelvan. Kanthi had evidently been questioned and let off because of his good standing with Pottu Amman. There followed another scandal. Kanthi had apparently detained dozens of members of his own intelligence unit on charges of betrayal, tortured and killed them. The reason as many believed was Kanthi's fear that some of his juniors who were rising in the intelligence wing might outshine him (in whatever the unit was supposed to do). Ravi heard that the LTTE leadership, which received many complaints about Kanthi from the families of those he killed, finally decided to execute him. By that time Kanthi's patron

Pottu Amman's star was also on the decline as Ratnam Master was being pushed up as a parallel operator.

Thooyavan, whom Ravi found also a nasty operator, who gave him much offence by insulting his mother in the lowest terms, was among many that met a fate characteristic of the organisation's character. Thooyavan who came out with the IDPs has now joined the ranks of ex-LTTEers whose star talents are now at the service of the CID and Sri Lankan intelligence.

### **8.6. Bearing Witness: Satheeshkumar**

Satheeshkumar, a mason, was from Jaffna, which he left for the Vanni during the 1995 exodus. He was detained after being caught by the LTTE while transporting his cousin whom the LTTE sought to conscript from Vidathalthivu by sea,. He was placed under a prison boss named Venthana. After enduring much torture, he was posted to Vanampadi camp. In January 2009 Vanampadi came under pressure from the SL Army. Some escaped. About 300 survivors were transferred to a camp named Tango Ten in Suthanthirapuram adjoining Udayarkaddu. (Ravi believes that this was the same place where members of the Sri Lankan Army were held. Although the original Tango Ten was in Vallipunam, Ravi says that the LTTE had the practice of moving camps and retaining old names.)

On 8<sup>th</sup> February, the Army was very close at Iruddumadu. The prisoners pleaded with intelligence chiefs Pottu Amman and Kapil Amman who came there to release them. After conferring with other LTTE officials, Pottu Amman ordered the release of ten persons. He ordered 140 others to be executed. They were mainly members of other Tamil groups, Sinhalese or Muslims suspected of security forces connections. Satheeshkumar understood that they were killed in the nearby jungle and their bodies were burnt.