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**The Plight of Child Conscripts, Social Degradation
&
Anti-Muslim Frenzy**

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1. Introduction

Resolving a two decade-long conflict is bound to be plagued by uncertainties. However a large degree of certainty can be ensured if at least one key player is firmly committed to the values of democracy and human rights and the others have realistic expectations of the outcome. The party firmly articulating these benignant values can give the ordinary people the necessary leeway to constrain the others. In our instance where the key players are the Government, Norway and the LTTE, these values appear to be in abeyance. They are acknowledged, and then largely in a token manner, when something embarrassing crops up that is too blatant to be denied. Such has been the case with child conscription by the LTTE.

We shall see that the credibility of the peace process hinges on the issue of child conscription because all that is palpably going wrong is intimately linked to it. Although extortion by the LTTE is a major irritation, it is the cruelty of child conscription and its sinister purpose that continues to erode the confidence of Tamil civilians in the peace process. The offensive military build up it signifies, about which the LTTE is now unhelpfully cocky, inevitably triggers skepticism in the South and among the armed forces, resulting in critical tensions. We have witnessed eruptions in the East that will be taken up below. The real concerns of the Muslims are being dangerously mismanaged.

These developments have shown that the Government, although clearly not wanting a return to war, has been manipulative, rather than principled, in its approach to the peace process. Its appearance of walking on thin ice, without a tangible position on human rights and justice, has added to the fears of the civilian population should there be a return to war. The Tamils in the East in particular have vivid memories of the state forces going on the rampage under the previous UNP government in 1990 (see our **Reports 4-8** and **Special Reports 1-3**).

The lack of clear-cut values and priorities emerges in the Government's public relations. The scandal of large-scale child conscription in the East had been mounting from August 2001 leading to **Amnesty International** issuing two reports this year. Following the second last March, **Defence Minister Marapone** was asked about it by the BBC Sinhalese Service. Instead of evading the question, as the Minister could have done by saying that Norway is looking into such complaints, he described the reports of conscription as 'unconfirmed gossip' of which the Government had no evidence.

Rather than reassure the Sinhalese population that the Government was in control of the process, it did the opposite. By May the Government had become wary of playing the LTTE's advocate and felt a need to tell the Sinhalese population that the LTTE were sadly mistaken if they thought they were taking them for a ride. Two articles written in Sinhalese by a journalist confidante of the Prime Minister appeared in the *Lankadeepa* of 16th and 23rd May 2002. These purportedly described the LTTE's strategy and how the Prime Minister, whom the LTTE will learn is no fool, would meet them in war. In such

an event, according to the writer, the Prime Minister would have the US Navy, the Indian Air Force and the rest of the world behind him.

Such harmful public relations are a consequence of inexcusable wishful thinking about the LTTE's disposition at the outset. It does not leave the peace process looking honest or benign. Such wishful thinking based on a distortion of ground realities is also supported by key intellectuals and organisations in the South (e.g. press statements and articles in early March). Who is going to be answerable if the civilians in the North-East are again going to be caught up in a war such as one described by the *Lankadeepa* columnist?

We see the close relation of these pernicious developments to child conscription. The MoU made matters worse by giving the LTTE free access to conscript children in urban areas. We pointed out in our last report that the LTTE leader's public denial of child conscription at the press conference of 10th April was dishonest. In fact following **Pottu Amman's** arrival in Batticaloa District in late April, there has been a sharp increase in conscription. Once more, as in September-October 2001, there are press gangs visiting schools and villages and hauling away screaming children in tractor-trailers.

Moreover, quite independently of other considerations, can one, as the Government, Norway and many in the peace community do, describe the process as benign and hopeful when the situation as regards child conscription has become in fact considerably worse. The MoU brokered by Norway has opened up the government-controlled areas to such activity with no credible restraint. In Batticaloa where the situation took a turn for the worse, a number of complaints have been made to the Monitoring Mission (SLMM) under the aegis of Norway. But the SLMM has not succeeded in getting the LTTE to release a single conscript.

Many would argue that we have misconstrued Norway's role, that it is only a passive actor, that the responsibility to expose wrongdoing rests elsewhere and that its real role is confidence building. However, there is little cause for confidence among the vulnerable sections - the civilian population in the North-East and the thousands of child conscripts who want to go home.

We have no doubt that the Norwegians work hard and sincerely behind the scenes in an attempt to further the objective of peace. However, they are in part responsible for misjudgements that have enabled the LTTE to widen the scope of child conscription under the cover of peace. We shall moreover see that some statements made by Norwegians in an attempt not to blame either of the two parties, leave the civilians feeling that their concerns do not count (see Section 11). This is not confidence building.

Among the Tamil civilian population the dominant feeling is one of fear with little cause for hope. They, as the Government appears eager to do, may be handed over to fascist rule. In Batticaloa, the people are already having a dose of unbridled thuggery, where it is dangerous to appeal. The other prospect is their lives being rudely disrupted once more by a war of unprecedented severity, with their young as unwilling cannon fodder.

We take a look at developments in child conscription that become more sinister with every passing week. The strength of the Norwegian role lies in a realisation by the LTTE that it is in a hostile international climate with limited options (see interview with **Vidar Helgesen** and **Eric Solheim**, *Island* 12.06.02). It depends crucially on prevailing upon the LTTE to act rationally and be realistic about its expectations. However, the LTTE is an organisation in unstable equilibrium constantly juggling with several acute crises. This renders it very volatile.

On the more hopeful side, there have in late June and early July been three initiatives to address this impasse. One was Amnesty International's visit, a high point of which was its meeting with some senior LTTE leaders in the Vanni. The second is the report by **Human Rights Watch**, titled '*Sri Lanka: Human Rights and the Peace Process*'. Both these are a response to the concern voiced by several groups in this country of the lack of a Human Rights perspective in the ongoing peace process.

Both these initiatives have highlighted the need to bring an end to child conscription and to ensure the return of all minors to their homes. We all have a tendency to become absorbed by the pressing concerns of the moment. These initiatives however remind us that the situation could change rapidly bringing other dangers to the limelight. The following pertinent paragraphs are from the HRW report:

Also critically important is the need to eliminate or reform the Prevention of Terrorism Act and to release the hundreds of detainees held without trial under its draconian provisions. Most of these detainees are Tamils arrested on suspicion of links to the LTTE (now operating openly in a political capacity throughout the country). Many were arrested months or even years ago pending investigation, with no evidence to support police suspicions beyond their own confessions - often extracted under torture.

Accountability for abuses is a critical component of human rights protection. The PTA has contributed to a climate of impunity in Sri Lanka where custodial abuse and thousands of "disappearances" have gone investigated and unpunished. Sri Lankan human rights defenders expressed alarm in May at news that the government planned to wind up the missing persons unit of the Attorney General's office and the "disappearance" investigation unit of the Criminal Investigation Department (CID).

Besides ensuring that all parties responsible for abuses of human rights and humanitarian law are held accountable for their actions, the release of prisoners, and an end to abuses such as child recruitment and extortion - which have placed an enormous burden on families already ground down by years of war - effective international monitoring could also help protect and nurture efforts to rebuild civil society in the north and east.

Indeed what we see today is a grim silence on the PTA detainees. The ones who are totally innocent are the least likely to have anyone influential interested in them. Police investigations into politically linked crimes are highly selective and are seen to be no more than manipulative in purpose. As HRW has pointed out, proceedings that would

have implicated important ministers in the present government in grave violations have been quietly dropped. Public confidence in the rule of law is at a low ebb.

It was this outlook that guided the Government's idea of peace. The former UNP government's attempt to subdue 'a mere 12%' of the population in 1983 with a show of force and a sound dose of thuggery came unstuck. The next best to its legatees appeared to be to subcontract the North-East to another force that would try the same methods with its own people and other inconvenient sections like the Muslims. We see the arrangement already unravelling. One cannot be complacent about the dangers facing the country. In this context the role of the International Community assumes a crucial importance in taking timely corrective measures.

This brings us to the third initiative. Finally, it appears, the Sri Lanka Monitoring Mission did some hard talking with the LTTE leadership in Batticaloa during a meeting on 10th July (see report in Section 5). The topics, according to sources on the ground, included child conscription, abduction, and extortion. This can only be a beginning. The LTTE had already been moving towards circumventing these strictures.

We begin with developments that have assumed a high level of poignancy. Among these are the public resentment the LTTE has provoked, particularly in Batticaloa, and of even greater concern, the barbarous fate confronting Eastern conscripts who are deserting in their hundreds.

2. Terror in Training Camps

In our recent **Special Report No 13**, we gave three different reports pertaining to escapees from training camps in the Mutur area. Reference was made to the hazards of crossing crocodile infested waterways. These receive poignant elucidation from the testimony of a group of recent escapees in the 16-17 age group. We give the main highlights of their experience.

These youths from Trincomalee District joined the LTTE largely in response to propaganda about April. When taken to the training camp, some of the seniors told them, "*Why on earth did you come here? You don't know the situation now. It is no longer a 'punitha iyakkam' (pure and virtuous movement)*".

There were also in the camp under training children in the age group 12-14 years. Those who express feelings of missing home or wanting their mother are mercilessly beaten.

Some seniors also said that a yeast-like powder is mixed with the food given to new recruits. Its purpose is to transform them to an aggressive, fighting disposition and make them lose interest in home.

Those under punishment for attempted escape (as one of the group was) are daily given a tablet, shaped like a cod-liver oil capsule, to swallow.

Some children had been killed during live firing exercises and their bodies were summarily buried. They are understood as having the status of 'martyrs'!

The girl trainees are kept separated from the boys, but the boys and girls can talk across to each other. As regards escape, the girls are more helpless. Many girls pleaded with boys across the divide to show them a means of escape.

Escape is difficult because there is a waterway to be crossed and it is common talk that a number of escapees have fallen into the jaws of crocodiles. The camp bosses had also shown the trainees fleshy objects, purportedly the remains of victims of crocodiles, and warned them against attempting to escape. The bosses also said that landmines were concealed in the peripheral zone.

These escapees also confirmed that the fears created by the deterrents against escape are more effective on the younger conscripts. This means that those 15 and under are more likely to remain through fear of escape. One of the escapees met a boy under 15 given in our lists in previous reports. This boy is now trained and carries a gun. When asked why he did not escape, he cited the uncertainties confronting such an enterprise. For similar reasons fewer girls escape.

Those who are caught escaping face the punishment of 6 months hard labour, in extremely poor accommodation, having to rise at 4.00 AM. The food given is also inedible and full of stones.

The escapees who testified undertook the attempt in late May with the connivance of sympathetic seniors. They were provided with a boat of sorts to cross the waterway by night. They had also been instructed by the seniors to find the cart track and keep following it. This they did and came to a cemetery at dawn. Going further, they ran into an army checkpoint. When they explained their plight, the soldiers let them in without any fuss. They then went to a Muslim habitation (name suppressed) where the *Moulavi* (Preacher) helped them to reach relative safety. Now that the LTTE is free to roam everywhere, escapees running into them are mercilessly thrashed.

The mounting problem of escaping conscripts makes cruel mockery of the LTTE's claim to be a people's movement or the people's sole representatives. Meanwhile, as the two cases below indicate, the LTTE's measures against escapees are becoming markedly more harsh and cruel. While on the one hand the LTTE campaigns continuously against the PTA, hostage arrests and third degree torture by government agencies, the resort to these very same measures by the LTTE itself, and moreover against its own people, is now the market talk in the East.

The first case is that of **Miss. Sasikala Krishnapillai** (19 years), Near Hospital, Eechanthivu, Navatkadu. We give three complementary accounts, first, how it surfaced in market talk in Batticaloa town. The young girl was conscripted by the LTTE some months ago along with two of her bosom friends, while on holiday from school. The

parents knew little thereafter, except that she was very unhappy. One day in late May or early June, the LTTE summoned the parents to a camp in the interior, saying that their daughter was ill. On going there LTTE women told them that the girl had died of illness and tried to send them away.

The parents persisted in wanting to see the body and they were allowed. They noticed a red mark on their daughter's neck and surmised that she had been shot. Subsequently, they also learnt that their daughter was not buried in the 'martyrs graveyard', but in a *kuli* (shallow pit) in the jungle where it was bound to be dug up by the wild beasts.

A directed inquiry yielded the following account. Sasikala had finished the training programme, and being a misfit was ill-treated by the camp bosses. One day she and her two bosom friends attempted to escape. A female guard opened fire, killing Sasikala. What became of her two friends remains unknown.

Yet another twist to Sasikala's tragedy came from a further witness. According to this source, Sasikala did not die immediately upon escape, but was chased and cornered at Vannathiaru. Her pursuers then beat her to death. The body was first brought to Venthan camp, where it was seen by our witness. Only then was it taken to her own camp. Thus if the gunshot injury suggested by the two earlier accounts is correct, we may surmise that it was not fatal.

The second case pertains to the 14-year-old boy **Krishnakumar Chandrasekeran**, of Navatkadu and Grade 9 student at Nahammal School in the same village. He lived with his father **Kunaratnam Chandrasekaran**, a cultivator, mother **Rajeswary** nee Krishnapillai (33) and two sisters **Githa** (12) and **Banuja** (7).

Krishnakumar was abducted on 19th October 2001 along with several other children. He was dispatched to Periyavedduvan training camp in Veppavedduvan, where he was attached to the Venthan Regiment among a group of 250 trainees. Most of them were very young, many about 13 years old. There were also persons aged 18 and 20. The trainees were commanded by Jeyam and his deputy was Kali. Kali was notoriously cruel and used to beat the trainees severely. There were about 35 on the staff. The training was completed on 18th March 2002 and this was the 51st to pass out.

Krishnakumar escaped on the 18th of May and came home. Several LTTE men came in a tractor looking for him two days later. Finding him at home, they belaboured him with rods in the presence of his parents and took him back to the same camp. In camp, a whip made of plaited wire was produced, and each one of a 100 trainees was asked to give Krishnakumar, who was tied up, one lash. After about 50 lashes, Krishnakumar fainted, and was carried away. As the result of the brutal treatment he received, Krishnakumar's right shoulder had been injured and the hand gave the appearance of having come down. He also had injuries on hands and legs.

He was sent to the hospital camp at Vannathi Aru where his leg was manacled to the bed. A few days later he was freed to be able to go to the lavatory on his own. He found that

he could walk better than had been anticipated. On 4th June at 7.00 PM he left the camp while the others were distracted watching television. He limped towards home, intermittently hearing motor cycles of the search party, reaching home at 1 AM on 5th June.

The parents quickly sent him to the mother's sister in Batticaloa town. The LTTE came home and demanded the son from the parents. The father, Chandrasekaran, told the LTTE that the son had not been home. The LTTE asked him to accompany them, which he refused. They beat him up and took him away as a hostage in their vehicle.

The mother, Rajeswary, later met Visu, the Deputy Political Head for Batticaloa and Amparai, at his Kokkadichcholai office. **Visu** sent her away saying that there is nothing to discuss. Having traced Rajeswary's younger sister (the boy's *sinnamma*) in Batticaloa town, the LTTE threatened her husband (the boy's *sithappa*). He was told that they should surrender the boy, for if they were forced to take the boy, they would kill him, and failing their getting the boy they would kill his father.

Rajeswary quickly obtained help and appealed to the Local Monitoring Committee of the SLMM. She appealed for security and urgent medical aid for her son, the release of her husband and to ensure the non-confiscation of their home and livelihood. Krishnakumar was at the time of writing receiving medical attention at Batticaloa Hospital under the care of the SLMM.

Krishnakumar's escape from the camp is far from being an isolated event. Earlier in May we heard from other sources, about 10 days before Krishnakumar's escape, that 15 boys escaped from the same camp and tried to hide. They were caught at Kokkunchi, similarly beaten and taken back. The case of **Selvendran Thambirasa** (16) who was tortured to death for escape is given in Section 6 (6th July).

The new degree of severity resorted to by the LTTE is an admission of the discontent and dissension resulting from an attempt to build up numbers using children and conscripts. A dozen years ago the LTTE was notorious for torturing political dissidents. Torturing child conscripts and their parents now is in the nature of a logical sequel. We noted that the Monitoring Mission has since early May been receiving more complaints on child conscription. However, the LTTE has gone back on its pledges and yielded not an inch.

3. SLMM Taken for a Ride

In **Special Report No.13** we referred to three complaints of conscription before the LMC (Local Monitoring Committee) of the SLMM in Batticaloa. One was a newly married girl of 18, another a 13-year-old girl with a short leg and the other, a sickly boy of 15. During May it was arranged that the LMC and the complainants would meet **Karikalan** at the Kokkadichchoalai office, where the bride and the children would also be produced to verify their dispositions.

The LMC was present at the time appointed with the families. The father of the 13-year-old had come on a bicycle crossing the lagoon, bringing his wife on the bar along with an infant in the wife's arms. Neither **Karikalan** nor any one of the abductees was present. Those who came were simply told that there had been a change of plan and that they must go instead to Commander **Karuna**'s office at Karadiyan Aru. Some of the LMC members felt that it was too much for the families, especially the father, mother and infant on their bicycle. They asked the families to remain at Kokkadichchola and went to Karadian Aru.

Having gone there to be disappointed again, they concluded that they had deliberately been put on a wild goose chase. Back in Kokkadichchola they had to tell the families to go back empty handed. It was getting late and they saw the father, mother and infant starting back, weary and overwhelmed by grief. They later found out that the three had been detained by the LTTE for two or three days as punishment for complaining to the SLMM.

The mother of the 15-year-old went to new lengths of desperation to trace her son. Using whatever information she had gathered she roamed the interior pretending to be a peasant woman and succeeded in locating her son. The sickly boy was looking thinner and worse for the change. The boy pleaded to be taken home. On discovering the mother and her purpose, the LTTE warned the mother and sent her away. She communicated her adventure to the LMC, which in turn was helpless.

Up to this time promises have been given, but there has been no movement. The LTTE has in the meantime been using its nominee on the LMC to confuse the issue and detract from its urgency. This nominee later one day told the LMC that the 15-year-old with the weak chest now wished to remain in the LTTE and that the mother was visiting him daily. The others knew, however, that this was untrue. The mother feared that something fatal may happen to him anytime and wanted him back badly. It was moreover her right to have him.

Fr. Harry Miller, however, was clear that getting children released should be a principal obligation of the SLMM, since their plight was among the most poignant tragedies confronting us. He reflected sadly, *"People seem to think that there are more important things to do than getting children released."* Although he pressed the issue regularly on the LMC, he observed that the Government too is not keen to pursue it for the fear of jeopardising the cease-fire.

The cases presented here and in our previous reports are (e.g. see below) far from being exceptions. Despite the mounting evidence marshalled by a number of organisations, the LTTE has decided that it would not concede the slightest hint of wrongdoing. Its spokesmen go on insisting that all those taken in are volunteers. It will not even admit to the outside world that it has made it a rule for parents around Batticaloa to hand over a child. The LTTE's foreign English media stop short of total denial by referring to 'unsubstantiated allegations of child conscription'. Notable are also growing attacks on Amnesty International, a long-standing critic of human rights abuses by the governments

of Sri Lanka. The LTTE's passing out parade in Palugamam on 10th June was a public relations act intended to place a veneer of legitimacy on child conscription.

4. 10th June: The Passing out Parade & Legitimation

Letters went out to parents of selected trainees, inviting them to Palugamam on 10th June to view their children. It was a grand passing out parade attended by top brass with titles suggesting that their rank had been upgraded. Among them were:

Special Commander (Military) Batticaloa-Amparai Karuna,
Special Commander (Military) Ramesh,
Special Commander (Political) Batticaloa-Amparai Karikalan,
Special Commander (Political) Visu,
Commander (Political) Thurai,
Special Commander (Women's Wing) Nilanthini,
Commander (Military) Amparai Stalin,
Commander (Mathana Regiment) Savitiri,
Commander (Anbarasi Regiment) Rupika,
Commander (Visalan Regiment) Jeyam
Special Commander (Vinothan Regiment) Jim Kelly Thaththa,
Commander (Intelligence) Batticaloa-Amparai Ramanan,
Commander (Finance) Kausalyan

An important actor moving things from behind the scenes was missing - namely, the LTTE intelligence chief Pottu Amman. The arrival of Pottu Amman in Batticaloa District on 24th April became something of an international incident involving Norway, India, the Maldives and the Sri Lankan Navy (see Nirupama Subramanian, *The Hindu* 30.04.02 and Iqbal Athas, *The Sunday Times* 28.04.02 & 05.05.02). Other indications of his presence will be given below. The event also put an end to speculation about reasons for the unprecedented conscription and alleged rifts between the different LTTE leaders. The presence of Pottu Amman makes it abundantly clear that conscription is being orchestrated from the top.

Tamilnet put a gloss on passing out parade of about 450 members of the Special Forces by highlighting it as a show of heroic nationalist defiance. Karuna's speech was portrayed as throwing the gauntlet to the Sri Lankan Government - give us a just settlement or we are ready and will not hesitate to fight.

However, an important aspect of the proceedings was related to child conscription and had a clear propagandist purpose that was botched. Writing in the *Sunday Virakesari* (16.06.02), **G. Nadesan** said: "*The passing out parade of those recruited 6 months ago [10 Dec 2001] has been held amidst concerted propaganda that the LTTE has been forcing one member to join from each household*". Nadesan then quotes a cruder passage from Karna's speech, omitted from reports in English, that goes long way towards admitting the charge:

"In response to our request to give us one soldier from each family, parents from Paduvankarai joined their children to us. The parents who refused have gone to the enemy's territory, and with the help of the enemy, have launched propaganda accusing us of conscription. Were this the case, we should have held the parade behind a barbed wire ."

Nadesan added, *"By holding the passing out parade in public, the LTTE have given the lie to the allegation of forcible conscription."* Nevertheless, the following day, the word was about in Palugamam that up to ten of those who 'passed out' had run away, in spite of knowing the draconian punishment they would face if caught.

Special Commander Ramesh said in his speech (*vide Tamilnet*): *"The training is very rigorous and disciplined, and that is why we don't allow parents to visit them during training."* It was an admission that the parents had been clamouring to see their children.

We have already seen the LTTE's systematic evasion of the SLMM through a mixture of deception, harassment and punishment of complainants. That parents cannot demand to see their children who are under 'rigorous and disciplined training' has become another weapon in the armoury of evasion.

We also noted a sharp increase in conscription activity after Pottu Amman's arrival following a relative lull in mid-April. In the next two sections we will trace the general tenor of orders emanating from within the LTTE followed by actual events on the ground. In the East, unlike in the North, the villagers are more aware of what is going on within the organisation.

5. LTTE Leaders, Accelerated Conscription & Deployment

Early indications of the activities of Pottu Amman who arrived in Batticaloa on 24th April started surfacing in the villages during the coming weeks.

Mid May: Summoning military leaders in the district for a meeting, Pottu Amman told them that the peace process may soon break down. He instructed them to recruit as many as possible quickly through the various arms of the organisation, including the development societies.

Mid May: Addressing a meeting of leaders of the Intelligence Wing, Pottu Amman called upon them to mobilise all NGOs and public organisations to press for the removal of army and STF camps. They were also asked to compile lists of members and former members of other groups.

Late May: Pottu Amman invited Intelligence, Military, Finance and Political area leaders to a meeting in Tharavai. Several promotions were announced. Among those promoted were Robert to Intelligence Commander Batticaloa-Amparai. Area leader one-eyed Mohan noted for his ruthlessness in conscripting children in the Navatkadu area, and his famous night raids on homes, was assigned a considerably larger area.

This was also an important period for the Intelligence Wing. From about 20th May the LTTE was given unrestricted access to government controlled urban areas under the MoU. Batticaloa is now the focus of heavy intelligence activity. Public institutions like the Hospital and Post Office are kept under surveillance. Members of the Intelligence Wing are also said to be in public transport leaving and entering Batticaloa. In doing this they also undertake regular stints in Colombo.

With the MoU giving free access to the government controlled area, Political Leader Karikalan had much work to do, carrying the message of peace to these liberated people.

20th May: Addressing a public meeting at Hindu College, Batticaloa Town, Karikalan called upon the people to give one son or daughter from each family for the 'struggle'. He said that up to now it was the families in the LTTE-controlled areas that had been 'voluntarily' sending their children to the 'movement', and now it was time for the rest to do the same.

21st May: About 4.00 PM, Karikalan addressed a meeting for students from the area at Valaichenai Hindu College. He said that all students irrespective of age must join the final stage of the struggle. He also inaugurated a Tamil Student's Wing with VHC principal **Thavarajah** as leader, Vani School principal C. Loges as deputy and 2 teachers and 2 students on the committee. Its role is to organise processions, distribute leaflets and organise welcome ceremonies for leaders.

What follows are some activities pertaining to deployment, planning and ordnance in keeping with the directions given:

About 10th May: Several hundred girls were taken to Eelankulam and handed over to Siva for training.

30th May: **Sarana**, who heads the Mavdi Odai training camp brought in 4 carpenters to start making coffins. There have been several such reports concerning orders to make a large number of coffins. The circulation of such reports may be deliberate on the part of the LTTE.

30th May: The LTTE went to the co-op outlets at the Aithyamalai, Unnichchai and Navatkadu and commandeered the rations sent by the Government to the recipients of the *Samurdhi* poverty alleviation scheme. The supplies were carried away in 3 lorries.

Late May: Pillayan, the Transport Head for Batticaloa-Amparai took by lorry 200 children trained at Panjimarathady, Tharavai, and assigned them to work at the dairy farm camp at Kokkukunchimadu. The circumstances point to these children being part of the same group from which Krishnakumar (see above) escaped on 18th May. This also indicates those too young being assigned non-combat reserve duties for the time being. Farmers living in the area were instructed to give 5 bottles of milk a day for the needs of these children.

5th June: LTTE's **Gadaffi** went to all co-ops in Kokkadichcholai and commandeered the rations meant for *Samurdhi* welfare recipients and transported them to the LTTE base in Tharavai.

5th June: About 100 children forcibly conscripted around 6th March were sent to Veppavedduvan for special training under Transport Head Pillayan.

5th June: Jim Kelly Thaththa who played a leading role in the attempt to take Jaffna in May 2000 (see our Bulletin 24) invited area commanders for a meeting in Tharavai. He asked them to take those who have completed training back to their area bases and train them in attack and demolition of army and STF camps. He asked those in intelligence to expedite the photographing and mapping of these camps.

After the passing out parade of 10th June, it was reported that the new fighters were sent to commanders in Vellavelly, Porativu, Palugamam and Kokkadichcholai to build bunkers and defences and to be trained in the use of heavy weapons.

20th June: On instructions from Karuna, supplies of heavy weapons, small weapons, food and medicines were sent to LTTE camps at Illupadichchenai, Tharavai, Veppavedduvan, Karadiyanaru, Kitul, Vellikakandy, Unnichchai, Pavatkodichenai, Kalapoddamadu, 10 1/2 Mile Post, Thupalancholai, Meelattuchenai, and Sillikkudiaru. Bunkers are being cut and defence perimeters set up several hundred yards from each camp. Trained conscripts are also being posted to these camps.

We move on to a sample of corresponding events on the ground. Many of the incidents below are now, in the guise of political work under the MoU, taking place blatantly in the government controlled area.

22nd June : 150 newly trained persons were given arms and sent from Tharavai to Ramanan, Head of Military Intelligence, Batticaloa-Amparai for posting to different camps.

26th June: Commander Karuna addressed a meeting of several Special Commanders, including, Finance Head Kausalyan, at the camp of Vehicles Head Pillayan at Veppavedduvan. Karuna stressed the need to make tax collection more effective and wanted fixed taxes to be collected from persons in every profession, including farming and toddy tapping.

28th June: Finance Head Kausalyan held a meeting in Rameshpuram for the RDSs (Rural Development Societies) of that area and Vantharumoolai. They were instructed on collecting taxes from people and a child from each family. Failure to comply, he added, would incur severe punishment.

30th June: Commander Karuna held, a meeting in Kokkadichcholai, Arasaditivu, to which Ramanan had invited all special heads. Karuna told them that war may be

imminent and called upon them to finish all special training and be prepared. The orders, he said, will be issued shortly. The building of military defences and bunkers is underway. Conscription of children and extortion have both been intensified in areas from where smaller SL army detachments have been removed recently under the MoU (e.g. Mandur).

10th July: The SLMM, led by **Major-General Trond Furuho** (Rtd.), with the heads of LMCs of Batticaloa and Amparai, had discussions with senior LTTE leaders in Interior Batticaloa. Among the latter were Special Commanders Karuna and Karikalan. Some of the concerns raised by the SLMM, according to sources on the ground, were forced conscription of children, abduction, extortion, forced taxation and vehicle theft. The LTTE was told, these sources said, that violations in these categories were creating a situation where they may be held responsible for a breakdown of the cease-fire, which may in turn lead to their becoming subject to international law enforcement.

These sources also reported that following the meeting, Karuna issued orders to area leaders that they should avoid becoming directly involved in forced conscription. He said that they should get public organisations such as Rural Development Societies to do the work of getting a child from each family. Such a move was already in prospect. He also called upon those who had left the LTTE or are working with the Army to rejoin. The latter were offered an amnesty with the pledge that by-gones will be by-gones. Area leaders for about 22 areas in Batticaloa District were asked to compile lists and get about it. Those so taken back are said to be receiving training at Sillikudiaru.

17th July: According to adult escapees who were receiving commando training, 450 of them were being trained at Irumankulam, Thanthamalai. Those in charge were **Sanjeeva Master, Hamsa Master** and **Satchi Master**, under the supervision of Captains Ramesh and Nahes (Robert).

New security measures in prospect:

There are indications that the LTTE will clamp down new and unprecedented security measures whenever a crisis arises.

5th June: **Jegan** of LTTE intelligence and his men suddenly descended on the roadway leading out of Kurunthiady and installed a checkpoint. They started checking the people, the same way the Security Forces do, much to their annoyance. The people protested. Jegan told them that they would do it again anytime and that they should not talk about it.

16th June: **Niroshan** from LTTE intelligence went with Intelligence Siva and some others from Keluththimadu camp, and began checking civilian passers-by near Koduwamadu. Some queued up and were inconvenienced. Other civilians panicked and scattered, several of them losing their belongings.

6. Conscription and Extortion

11th May: LTTE's **Jagan** apprehended **Vijayakumar** and **Jayaseelan** from Chenkalady who were swimming in Pasikudah, and demanded Rs. 2 lakhs from **Vijayakumar**. He took Vijayakumar's motor cycle. Vijayakumar was asked to pay Rs 50,000 and released on 15th May, but **Jayaseelan** who is from a poor family was not released.

12th May: **Yogan** of the Political Wing called parents for a meeting at Vantharumoolai Krishnan Kovil (Temple) and demanded a child from each family. Later 12 children were forcibly removed.

12th May: Kalkudah area leader **Suman** called a meeting and demanded children who were 17 or older. It was subsequently learnt that parents were hurriedly getting their children married while the LTTE was contesting these marriages.

15th May: Palamunai, Mandur: **Yoharasa Satheeskumar** (15 years) was forcibly taken by the LTTE.

17th May: Kalkudah: The LTTE called a meeting for parents at Vishnu Kovil that was addressed by Economic Development leader **Nizam** and Valaichenai and Vaharai political leaders including **Senathy**. The parents were told that those who do not give a child would lose their properties and vehicles.

17th May: LTTE's **Kanga**, a departmental head, held a meeting in the village of Mavady Vembu. He demanded Rs 2 lakhs from each well-to-do family and one child from others. This was a government-controlled area where this was new and the people protested and demanded why? Kanga replied, "*No reason need be given to you. You must take orders form us. You must know how we behave!*" The people panicked and said that they will do as they are told.

17th May: The same day as the meeting above, the LTTE went to the home of **Kanapathipillai** in Mavady Vembu and demanded a son. Kanapathipillai refused. The LTTE beat his son Chandran in his presence and took him away. Two days later Chandran escaped and came home. Kanga came home at 10 PM and demanded the boy. When the father said that he did not know, Kanga asked where his next son was. Just then the second son came to the entrance. Kanga took the boy away while the boy was screaming. The father was told that he should pay Rs. 2 lakhs if he wanted his son back. Kanapathipillai sold his tractor, paid the money and brought his son back.

17th May: **Kausalyan, Velu** and a few others from the LTTE went to the house of **Sellathamby** of Vantharamoolai and demanded a son. When he refused they confiscated his 18 cows and two carts in Vannathiaru.

18th May: **Senathy**, LTTE's Valaichenai political leader, told a meeting for the parents of Pankudaveli and Punniaveli that those who do not give a child will have the children removed by force. Twelve families who became very frightened handed over in all 8 boys and 4 girls, all about 15 years, to Roshan of the LTTE at Karadianaru.

21st May: The LTTE beat up Vellupillai Sellathamby of Illupadichchenai for not paying the money demanded and took 35 of his cows.

23rd May: Area leader Reginald went to Thumpalancholai in Vavunativu and called a meeting of parents. He demanded children from those who had hitherto not given. The people refused. Reginald and his men forcibly, amidst much screaming, removed 7 children under 13 years and 5 under 15 years. They were reportedly taken to Pullumalai.

23rd May: Local intelligence chief **Nanthakumar** went to the home of **Sivagnanam** in Commathurai, father of a boy and two girls, and asked for his son. Sivagnanam refused. The LTTE confiscated his house, shop and property in Illupadichchenai.

28th May: **Kalaivannan** of LTTE Intelligence called the parents of Kelutthimadu and Pallachchenai and demanded children from those who had not given. The people refused. LTTE men went house by house and abducted 13 children, 8 of them 14 years old and 5 of them 15 years old. They were taken to Karadian Aru training camp and handed over to **Gadaffi**.

Gadaffi is the same man against whom a complaint of indecent assault on a widow and attempted rape was made to the SLMM in Batticaloa after the LTTE political office tried to intimidate the complainant. Gadaffi was reportedly confined by the LTTE for a few days and then taken out supposedly because of a shortage of trainers.

30th May: Aandankulam political leader **Senathiraja** went to Aathikkuli and asked all parents to come to the Nursery. He demanded children from those who had not given and read out a list of these households. The people refused and scolded the LTTE indignantly. Senathiraja ordered his men to beat the people. They then went about in a tractor and abducted 7 children, who were taken to Tharavai and handed over to Jim Kelly Thaththa.

31st May: **Rasiah** and **Sivarasa** of the LTTE went to the baker who operates near Chenkalady market and demanded Rs. 2 lakhs. The baker refused. The same two went to the baker's home at 10.45 PM that night with five more LTTE men. They knocked on his door saying that they wished to talk to him. When he opened he was assaulted with poles in the presence of his wife and child. He was then detained at a camp in Illupadichchenai.

31st May: An LTTE party under Reginald and Elil of LTTE Intelligence barged into the school at Kitul and began forcibly removing children. The teachers protested. The LTTE responded by asking the teachers to hand the children over to them ceremonially. The teachers refused. The LTTE abused them verbally, and proceeded to load 15 boys and 10 girls, about 14 years of age, into a tractor. They were taken away and handed over to Jim Kelly Thaththa. at Panjimaraththady camp.

31st May: A party led by Reginald of Intelligence went to the house of Vijayakumar at 9.45 PM and demanded Rs.1 lakh. **Vijayakumar** said that he did not have the money. Reginald pushed him down, went into the bedroom, broke open his almyrah, and went away with Rs 50,000 cash. The party returned later that same night and demanded his

tractor. When he refused, they beat him up with poles. While going away with his tractor he was told that as a punishment he must pay 3 lakhs more. He had been forced to pay Rs.1 lakh some months earlier

Early June: A poor Methodist family from Kiran had fled to a Batticaloa suburb when the LTTE came demanding a child. The eldest girl was deserted by her husband and returned recently after a stint in Jordan to earn some money. The second, a girl, had finished her O. Levels and the third, a boy, was doing his O. Levels. In early June, going by the impression that LTTE pressure on the area had eased, the second girl took a bus to Kiran to spend the day in '*ooliyam*' (evangelistic work) with her church folk. An LTTE spy on the bus spotted her and she was off-loaded and taken away.

4th June: A party led by Ilango of the LTTE forced their way into the school at Koppaveli (78th Mile Post, Badulla Road). They forcibly loaded 9 girls and 14 boys aged about 15 into a tractor. They were taken away screaming to Iralaikkulam in Tharavai and handed over to the notorious Gadaffi.

5th June: Mudalikkulam, Cheddikulam (Vavuniya District): **Miss. Piriyangini Kunchina Prabha** (15) was taken by the LTTE.

10th June: Illupadichchenai political leader Yogan summoned the parents of Thampanaveli and Koomachcholai for a meeting at the Koomachcholai School. He told them that their deadline for handing over children is past and that they must do so now. The parents refused. **Yogan** told them, "*If you won't give, then we know how to take*". He and his men went around the two villages, caught 9 children, and took them away in a tractor.

10th June: The LTTE summoned the people of Vaharai, Panichchenkerny and Kathiraveli for a meeting on the *Mydhan* (Esplanade). The people were told that they should give a child or pay Rs. 50,000. Subsequently, a number of children 10 and above were rounded up and taken for training.

12th June: The LTTE did a night round up of villages of Peththalai, Pandimedu and Vinayagapuram near Valaichenai and took away many children.

12th June: Kiran: **Miss Jeevamalar Arulampalam (21)** is the daughter of **Kulanthaivelu Arulampalam**, and is a teacher at Vivekananda School, Kiran. On this day the LTTE went into the school and tried to abduct her. With the help of others, she evaded them and came home.

The LTTE went to her home the next day (13th) and asked the father where his daughter was, and received the reply that she was in school. The LTTE told him that he was lying because they had just been to the school. Arulampalam asked them bluntly, "*Are you looking for her to take her?*" The LTTE men told her that they wanted her, as he had not given them a child. Arulampalam protested that it is not right for them to remove a lady teacher in this manner.

The LTTE men then asked Arulampalam whether he had any male children around. Arulampalam replied that there was only a boy of ten. The LTTEers rejoined that they had many of that age and they would take the boy. The father told them that the boy was not at home, whence the LTTEers proceeded to thrash him mercilessly. Out of pain and anguish he said that the boy had gone out to play and he would give him later. The LTTEers went away after warning him that he should bring the boy to their Valaichenai office (also in the government-controlled area under the noses of the Army and Police) by 10.00AM the next day at the latest. Failing which, they added, he would face severe punishment. The same night Arulampalam took his family and left Kiran and is a refugee in a Batticaloa suburb.

12th June: Illupadichenai: **Kausalyan**, Chief of Finance, Batticalo-Amparai, went to the home of **Sellathurai** and demanded his daughter for the LTTE. When he refused, Kausalyan's party beat him up with hands and poles. They then confiscated his 240 tractor and 175 buffaloes.

15th June: Karadinayanaru: Kannan of the LTTE went to the homes of neighbours **Mahendran** and **Sundaram** and demanded a child from each. They replied that they had only girls. Kannan said it is girls that they want and ordered his men to grab a girl from each home. When the parents firmly refused, the LTTE proceeded to beat the fathers, until they collapsed. The LTTE left in a vehicle with Mahendran's daughter **Kausalya** and Sundaram's daughter **Revathy**.

On their way to Veppavedduvan in Vannathiaru, Kannan and party stopped for a break. The two girls escaped into the jungle and went along two different tracks. Kausalya subsequently found her way home. Revathy's fate came to be known later through the grapevine straddling all sections that inhabit Batticaloa's interior. Revathy lost her way in the jungle. She observed a party of LTTE men, tried to hide and was spotted. The men questioned her and she revealed the circumstances of her situation. The men raped her and used her cruelly, leaving her lifeless.

18th June: The LTTE went to the home of **Kumaran** and **Seetha** in Kokkadichcholai and demanded a child. When the couple refused, they were beaten and detained.

19th June: Amnesty International met the LTTE's political leader **Thamil Chelvan** in the Vanni and in a comprehensive discussion that lasted more than two hours, Mr. Chelvan made concrete assurances. He echoed the LTTE leader Prabhakaran's denial at the 10th April press conference and averred that the LTTE does not recruit persons under 18. He repeated the claim added by **Prabhakaran's** translator and spokesman **Balasingam** that those under age are being returned to their parents for which receipts are obtained. Mr. Chelvan revealed that these are in keeping with a policy decision made by the LTTE following UN strictures on recruitment adopted earlier this year (*vide Tamilnet*, 24.6.02). Incidentally, Mr. Chelvan made similar assurances to UNICEF a few days earlier (prior to that also in May 1998) and the UN body told the media that it had secured the release of about 60 children. Details about the latter have not been publicised.

However the SLMM in Batticaloa that took up concrete cases of child conscription with the LTTE has faced systematic evasion.

22nd June: This was the season of temple festivals and the LTTE took advantage of the 'peace process' to haunt the festivals in the government controlled areas of Batticaloa. It installed its action videos in the festival grounds and instructed the temple authorities that there should be no cultural performances in the premises other than theirs. The people generally avoided what the LTTE showed. The soft approach having failed, the LTTE removed the velvet glove and moved on to the next step - conscription in sacred premises. The people were angry and upset. Those abducted below were taken to Kallady camp (in the government-controlled area) the same night, and to Kokkadichcholai the next day by Thurai, Political Leader, Batticaloa:

1. **Mas. Parthipan Yoharasa (14 years)**, taken at Muthumariamman Temple
Mother: Mrs. Saraswathy Yoharasa (42), widow
37. Thomas Anthony Rd, Kallady
2. **Mas. Jesuthasan Sebamalai (16)**, taken at Muthumariamman Temple,
Mother: Mrs. Pushpam Sebamalai (40), widow
16. Vettisingam Sastriar Rd, Dutch Bar, Kallady
3. **Mas. Rajani Ramanathan (14)**, taken at Mariamman Temple.
Mother : Mrs. Nirmala Ramanathan, widow
Velankanni Street, Kallady
4. **Mas. Jegan Theivendran (15)**, taken at Mariamman Temple
Mother: Mrs Yoheswary Theivendran, widow, employed in the Middle East
Beach Road, Kallady
5. **Mas. Kisokanth Rasalingam (16)**, taken at Muthumariamman Temple
Mother: Trhavamany nee Periyakaruppan (46)
Father: Subramaniam Rasalingam, unemployed
3. Jeyanthipuram, Batticaloa

25th June: Unnichchai (Batticaloa District): The LTTE intelligence chief for Navatkadu abducted 12 girls and 23 boys who were on their way to school. Most of them were less than 15 years in age. They were handed over for training at Tharavai.

27th June: Batticaloa: **Mas. Prasanjan Nallathamby (15)** was abducted by the LTTE on the street at Vyravarkovilady, in front of the Railway Station. His mother Mrs. Pakiam Ponniah (40), widow, lives down Amman Kovil Road, Sinna Urani, Batticaloa.

27th June: Trincomalee: **Miss. Subashini Arumugam (15)** is a daughter of the **Arumugams** of Linganagar, Trincomalee. She and her sister were students at

Vivekananda College, Orr's Hill. On 26th June while she was returning from school with her elder brother, some LTTE men waylaid them and tried to abduct her. Her elder brother resisted firmly and the LTTE left. The following day (27th) **Subhashini** was walking back from school at 2.00 PM with her younger sister. At a place between two police checkpoints on Orr's Hill, an LTTEer came on a bicycle and knocked down Subhashini. A pickup van came immediately behind, forced Subhashini inside and took off, witnessed by her younger sister. Her mother, Mrs. Arumugam, went to the LTTE office in the Trincomalee suburb of Chelvanayakapuram and complained. She was told by the LTTE woman officer Kaveri that Subashini had come voluntarily and was now out of town.

Mrs. Arumugam persisted and Officer **Kaveri** arranged for her to speak to Subashini at the office by telephone. Subashini told her mother that she had joined voluntarily. The mother then demanded that she should be given the opportunity to speak to her daughter in person. This was refused on the grounds that Subashini had already spoken her mind.

The Arumugams have been warned that should they complain about this incident, their remaining children too would be removed. This is the new line of the LTTE to minimise information about child conscription leaking out. We learn that similar abductions in Trincomalee have increased and the same threat has been made. The parents, unlike before, are reluctant to complain for the fear of losing their remaining children.

Some other recent cases from the environs of Trincomalee are :

Mas: Sasikaran Paramsothy (15), Thirugnanasambandar Veethy, Trincomalee. Was taken after a propaganda session in Mid-June.

Mas Vasanthakumar Yoharasa (16), Kathiraveli, Vaharai. Was removed forcibly last March.

Mr. Gunaseelan Somasundaram (23), Mavadichenai, Mutur. Was removed forcibly during early June.

2nd July: 26 children who were forcibly conscripted from Chenkalady DS Division escaped from Tharavai at 10.00 AM. The LTTE gave a chase and caught six. The other 20 however had not reached home. Kausalyan, Head, Finance, went to the homes of those who were not caught and demanded that the parents hand them over. The parents denied that they had come home. Kausalyan forced the parents into a tractor, and took them to the camp of Pillayan, Head, Vehicles, at Kokkukunchimadu, where they were imprisoned.

3rd July: Miss. Sutharshini Kulanthaivel (14), an LTTE conscript, escaped to relative safety. Sutharshini was a 7th year student, at Kalaivani High School, staying with her parents at Kothiyavalai, Kannankuda. On 16th April, at 3 PM, **Kuyilan, Inpan and Seyon**

of the LTTE came to her home and caught her to take her away. Her father demanded what they were doing. Kuyilan replied that they want her for the LTTE and asked her father to hand her over legitimately. The father refused and grabbed his daughter's hand. Kuyilan aimed a blow at the father's hand with a stick and the stick broke. The father fainted and fell down. Sutharshini's mother who saw it also fainted. The LTTE men tied Sutharshini's hands and took her away in a tractor to the girl's camp at Tharavai and handed over to Theenthamil who was in charge.

Next to this camp is another for very young boys, about 200 of them. Some of them were as young as 8 years in age. They received military training and at the same time were also given schooling.

Sutharshini's training commenced in a group of just over 250 girls. The general talk among the girls was that they would escape if given a chance. On 7th May Sutharshini along with some other girls was taken to Karadiyan Aru camp where there is a video centre and handed over to **Rajivan** and **Malarvili**. After an interval there, at 9.00 AM on 29th May, the girls were taken to the LTTE office at Kokkadichchola and given to **Ramesh** who was in charge. They were kept confined in a house. At 10.00 PM on the same day, Sutharshini escaped with **Kalaiarasi** and **Vaanmathy** who were young girls like her and got to their homes. The LTTE went to their homes the following morning and demanded that the parents should surrender the escapees. They warned the parents that if they catch them on their own, they will shoot them. Sutharshini was hidden at the home of a relative and smuggled out later on. She does not know the fate of **Vaanmathi** and **Kalaiarasi**.

6th July: Karaveddy (Batticaloa District): The LTTE went to the village on 28th June and abducted 12 children, most of them less than 15 years in age. They were taken to Tharavai from where they were sent to another camp. Six of them escaped and came home

Roshan of the LTTE went to Tharavai and got details of those who escaped from the 6 remaining. He sent word to the parents of those who escaped to come to Tharavai. When they came, Roshan locked them in a room and threatened them, placing them under duress to hand in their children the following day. This was done.

Roshan took the six children to Vepavedduwan training camp, where they were handed over to Brindha Master. All six were tortured, and one of them died. The deceased is **Mas. Selvendran Thambirasa** (16), of Karaveddy, Mahilavedduvan, Vavunativu. The parents collected the body after they were subsequently informed.

17th July: Anparasan, the political leader for Navatkadu, commandeered a large number of tractors from Navatkadu, Eechanthivu, Vilavedduvan, Karaveddi, Kannanguda, Mandapaththady, Thandiyady and Mahilavedduvan. These were taken to the LTTE camp at Illupaddichchenai. The same vehicles were used to transport a number of boys and girls who had finished training at Tharavai to the Karadiyanaru LTTE camp. The same night several of them escaped and went home.

On the morning of 18th July, the LTTE on discovering the escape went to the homes of the escapees and beat up the parents and threatened them demanding their children. The parents said, *"You took them. Why do you ask us"*. The LTTEers replied that they have escaped, and should be surrendered to them. The LTTE left after warning the parents that if they do not surrender the children, they must leave the village and assaulting them further. One or two of the escapees were caught.

What we see here is lethal child slavery, terror and capricious brutality inflicted by the LTTE on its own people. In the next two sections we will examine the considerations that led it to inflict this astounding treatment on the people of Batticaloa.

7. Background to the ongoing child conscription and its effects on Batticaloa District

We shall trace in the subsections that follow the events and causes leading to forced child conscription in the Batticaloa District, the reasons for the choice and its fateful consequences on society and social relations. How these developments led to a further debilitating conflict with their Muslim neighbours will follow in a later section.

7.1 The Military Crisis, Internal Security and the Peace Process

In the backdrop to the peace process are three significant military events whose implications were far better understood by the LTTE. The first was the LTTE's thrust in May 2000 to retake Jaffna. After its initial success at Elephant Pass which demoralised the Sri Lankan Army, the LTTE's momentum petered out in the coming weeks. With material and moral support from abroad, the Sri Lankan Army was able to recoup much lost ground and stabilise its positions.

The LTTE's hope that people in parts of the Jaffna peninsula it recaptured would flock to its banner were bitterly disappointed. The overwhelming bulk of the refugees fled behind Sri Lankan Army lines. With its failure to retake Jaffna, the LTTE became very conscious of an acute manpower problem. The people, in particular those better off, were constantly fleeing the North-East. The possibilities for recruitment in the LTTE-controlled Vanni were close to exhaustion and resistance was building up.

It was in the wake of this crisis that Commander **Karuna** was sent back to his home base in Batticaloa in the East to undertake a recruitment drive. This was in December 2000. The results were so disappointing that in August 2001 the LTTE went for a deliberate policy of abduction and conscription in the Batticaloa District.

Available figures indicate that the LTTE needed at least 3000 recruits annually to keep up its numbers against an annual average death rate of 1800 in recent years. Owing to an accelerating shortfall, its fighting strength, which was estimated at about 8000 in 1997, had fallen significantly.

The second major military event was the failure with considerable losses of the Government's thrust to regain Elephant Pass in February 2001. It was the final one in a series of lessons that conventional advances depending on brute inertia, moving columns of heavy armour and infantry along well-defined trunk roads, was too costly. This was especially so because the LTTE had complete freedom of organisation and rapid deployment, especially of heavy guns, in the area under its control, and further, the Navy had been unsuccessful in interdicting re-supply by sea.

The third event is perhaps the most significant. From the spring of 2001 the Army for the first time used an unconventional strategy - **Long Range Reconnaissance Patrols** (LRRPs) to target key leaders deep inside LTTE controlled territory. The LTTE's confidence in having total control and untrammelled manoeuvrability in its area of control was shattered. So successful were LRRPs that in spite of continuous deployment for many months they evaded LTTE interception with almost total success. It again underscored the LTTE's manpower constraints.

The effect of the LRRPs on the LTTE leadership and their thinking was devastating as became clear in recent months, following the cease-fire. The dominant impression made on journalists who in April attended the LTTE leader's Killinochchi press conference was the extreme paranoia of the group's leadership. There is at present a high level of surveillance inside the Vanni. We have given above some instances of the LTTE experimenting with surveillance strategies in the East. Upgrading surveillance in a time of crisis would call for a huge induction of manpower.

It was also at the height of the success of LRRPs that the LTTE began conscription in Batticaloa. There was also then political instability in the South with a change of government in prospect. The main parties, the UNP and PA, and not least the LTTE wanted a cease-fire. The LTTE shopped for the most advantageous terms and worked for the UNP at the elections. This was the background to the peace process.

Another aspect of the LTTE's strategy may be mentioned here. Whenever they were driven out of population centres, they always attempted to get back one way or the other. When the IPKF confined them to the jungles, they came to an understanding with the UNP government of **Premadasa** in 1989 and gained control of the entire North-East without firing a shot. They were then free to go on with their singular form of state building by constructing prison complexes and torture chambers.

From 1996 they were confined to the Vanni region and the peripheries in the East. They forcibly took people with them to the Vanni, but could not keep them there and many returned to Jaffna or fled elsewhere. They tried to recapture Jaffna militarily in 2000. When they failed, they devoted all their energy to a subterfuge that would again give them direct power over the people. Once more the UNP clearly had no qualms about coming to such an arrangement.

Having experienced acute manpower constraints in recent years, the LTTE's rational course would be to avoid a return to war now and to establish itself in the envisaged

Interim Administration for the North-East. It would use its numbers swollen by conscription and its current high profile militarisation to intimidate the Government to withdraw its increasingly angry and anxious armed forces from the North-East. In an interim administration, it would require these swollen numbers for checkpoints and an elaborate system of internal security.

However, rational choices seldom work for the LTTE. Its bloodstained history has piled crisis upon crisis. In trying to address one it invariably triggers off a worse crisis. This was the case with the recent troubles in the East involving the Muslims as we shall see. In addressing its manpower problem through huge child conscription and massive extortion, it has provoked deep resentment in the populace. This has not helped to mitigate the high degree of paranoia harboured by the LTTE leadership about their real position among the people whom they had silenced.

Thus at the back of the draconian methods being used by the LTTE for child conscription and retention lies the stark fact that the people have had more than enough and distanced themselves from the LTTE's cause. The question naturally arises, granted the LTTE's acute manpower crisis, why choose Batticaloa for such nasty treatment?

7.2 Response in the North to Appeals by the LTTE

Our earlier bulletins (e.g. **Nos: 18-25**) give some idea of the difficulties the LTTE was facing with regard to recruitment in the North amidst rising resentment. It was generally a matter of identifying susceptible individuals, cornering them alone, applying intense psychological pressure and abducting them as the last resort. Escaping and being caught and punished was normal routine. This is evident in the cases given in **Bulletin No.25**. The 14-year-old boy **Nimal** was displaced to the Vanni from Thenmaratchy, Jaffna, during June 2000. In coaxing him to join he was assured that there was no physical danger. They would shell the Army from a safe distance, chase the Army, simply walk over and occupy their position and go on repeating this. He had deserted 12 times and been fetched back.

This was a rather irksome way of maintaining a fighting force. Mass abductions of dozen or so children at a time, as is presently happening in Batticaloa, would have been extremely difficult in the North. We may also note the significance of what LTTE recruiters told **Nimal**, *"Persons from Batticaloa, Amparai and other places are fighting to conquer Jaffna from the Army, and you are loitering"*.

7.3 Batticaloa: A people cowed down

The community is one that has suffered massive social dislocation as the result of violence. During the early 1990s, Batticaloa suffered most from atrocities and disappearances caused by the armed forces. Throughout this period their sufferings have been compounded by the LTTE strategy of contriving reprisals for political gain and recruitment. Although the effectiveness of its strategy declined, its success in eliminating all opposition gave by default a certain acceptance to the proposition that if the LTTE is

finished, the Government would cheat the Tamils. This provided the LTTE an opening to impose its draconian will. In this process the people lost all rights.

Some revealing events in Palugamam say much about the extent to which the people have been cowed down. The Kernipillayar Temple was levelled down by the LTTE during May and, in religious terms, this Hindu site was desecrated by building a fish market in the same location. Traditionally whenever there is a temple festival, no fish is brought into the village or sold. At the Vellimalai Pillayar Temple in the same village, the fence posts were removed by the LTTE. The Savatkalai Pillayar Temple was broken. The LTTE also began removing the tiles from Nagathambiran Temple. It is said that the Temple's guardian cobra hissed and the job was left half done. In the case of another temple, its façade was pulled down.

Such an attack on religious symbols that have seldom been witnessed in this country during the last 350 years would have resulted in vehement public protest. But in Palugamam, there was hardly a whimper. It bore eloquent testimony to the degree to which the people had been cowed.

The man immediately responsible for the temple destruction is the area leader **Ramanan**. Some weeks later Ramanan was taken ill and admitted to GV Hospital in Batticaloa with typhoid and malaria. The devotees derived comfort from what they regarded as divine vengeance on Ramanan. Subsequently there was a temple festival at Kali Temple, Punnachchola, Amirthakali. The LTTE demanded from the temple authorities the rent collected from stallholders selling sundry goods to devotees. This time the temple authorities were confident that divine succour would come to their rescue.

As for the desecration in Palugamam, some pointed out that the destroyed temple was associated with families belonging to the *Vellalar* caste while Ramanan belonged to the *Mukkuvar* caste. Others were quick to point out that caste associations were not at the root of the incident.

Other factors point to peculiar nuances in this drama. Ramanan was careful not to harm the two Christian church premises in Palugamam (i.e. Roman Catholic and Methodist). On the other hand during May-June 2001, the LTTE had used two Hindu extremist groups (one from Batticaloa and the other from Trincomalee) to stir up resentment against families around Vaharai who had recently become members of evangelical churches (i.e. AoG and Four Square Gospel). This led to LTTE orchestrated attacks on these families. How does one explain the apparent inconsistency in these developments?

7.4 Recruitment Compulsions & Populism

Some aspects are more easily disposed of. By 1996 it was clear to the LTTE that the Hindu *Vellalas* in Jaffna had distanced themselves from it. Although sections of the mainline Christian churches provided strong propaganda support for the LTTE, the Protestant churches provided next to no recruits. The propaganda support too had its uses for sections in the churches in the arena of global NGO politics and funding. The LTTE

for its part valued these sections of the churches as a very useful bridge to Western opinion in particular. In recent years the Roman Catholic populace too has been distancing itself from the LTTE.

What the mainline Christian churches have solicited from the LTTE has many similarities to what has been sought by the Muslim leadership in the North-East. What they both have sought is a *modus operandi* to 'live and let live'. The LTTE has thus been fairly careful so far to allow the mainline churches certain autonomy in their internal matters.

In view of these constraints the LTTE was left with having to find the bulk of its recruits from the Hindu underclass. In this regard the LTTE finds Christian evangelistic activity, which too finds most converts in the same class, a nuisance. The LTTE has been more circumspect in dealing with this conflict of interest in the North. The attack on evangelical converts in Vaharai (and earlier in Kiruvalkuli) shows a readiness to resort to more extreme measures in the East. It is mainly about recruitment and not religion.

We have pointed out that the LTTE could afford to enforce harsher methods of conscription in Batticaloa because the society has been cowed down. An outcome of this process has been a populist thrust aimed at the Hindu underclass. In the East the association between caste and economic prosperity is significantly more blurred than in the North - this is why we were warned against jumping to conclusions about the Palugamam incidents.

In the course of conscription that was unloosed in August 2001, the expropriation of those better off, their humiliation and abuse has become part of the process. With each family required to part with a child, or hand over their property and leave, it is those better off, having the ability to make alternative arrangements in Batticaloa town or elsewhere, that have more readily taken the second option. This further reinforced the anti-elite feeling among middle level leaders in the LTTE, who themselves came often from the underclass.

Prominent temples are frequently associated with leading families, who in addition to their own paddy fields, have in trust lands, the income from which is used to defray the expenses of temple festivals. What happened in Palugamam is, in part, playing to the gallery by humiliating such leading families. Another side of these developments is that a relatively stable social order is being overthrown, not with a view to replacing it with one more just. It is rather a cheap attempt to compensate the Hindu poor for the criminal abduction of their children. Its effects on society as a whole, and the LTTE itself, have been absolutely disastrous. The LTTE's violent posturing against the Muslims is in part a populist gimmick to distract the Tamils from the ills imposed on them.

7.5 Effects on the LTTE

The manner in which these developments are fracturing society is indicated very strongly in Karuna's speech at the passing out parade. He has branded those who went to the government held area in order to evade giving them a child, agents of the enemy. These

leaders have cut themselves off to an extent where they are unable to understand ordinary human feelings and aspirations. **Karuna** and **Karikalan** should after all know better than others how zealous the LTTE's top leaders are, as parents, in ensuring the security and welfare of their own children.

Now that the LTTE is allowed free access to the government controlled areas under the MoU, families who lived there in relative peace earlier are now facing a choice between giving a child or money, or being branded traitors who have no right to live there. The incidents presented show the LTTE becoming unrestrainedly harsh in satisfying its demands for children and cash. For the LTTE, the effect of this cruelty towards mothers, and to the children in its cadre, has meant the loss of any vestige of being a liberation group.

For many years, the word frequently used to describe the LTTE functionaries in the North was 'cunning'. Their speech and public conduct seldom revealed their true intentions. The corresponding description frequently used in the East has been 'unruly'. This is a reflection of the fact that the LTTE has used the real insecurity felt by the Tamils in the East over the agenda and conduct of the State, merely to replenish its numbers, without being in any sense a liberating influence.

Consequently, there have deliberately been fewer checks on the conduct of individual area leaders. Someone going higher up to complain about one of them may find themselves being punished brutally by the same person. In Special Report No.13 we found **Thurai** (now heading the Batticaloa political office) bringing a group of young boys to thrash up a man who had lodged a complaint about him with his superiors. About July last year, **Kurukulasingam** of Koththiawalai who accused an area leader of having an illicit affair with a woman was beaten to death. Six relatives of the deceased who protested were detained for a month.

Since forced conscription and uncontrolled extortion began, the incidents reported point to standards having plummeted to a deeper abyss. The shortage of trainers has apparently been given as the excuse for placing **Gadaffi**, a man widely known for sexual assault on a widow and attempted rape (**Special Report No.13**), in charge of new conscripts, including young girls. Correspondingly, the level of public dissension against the LTTE has also reached an all-time high. The differences in the organisation between the North and East have also become notable.

7.6 The Warlords of the East

We have described above the effects of the LTTE attempting to bloat its numerical strength without any concern for the highly deleterious political, social and economic consequences. This is not to compare qualitatively the differences between its Northern and Eastern cadre. All those who had a vision for the East and were concerned for the people had left the LTTE a long time ago. **Prabhakaran** is stuck with those who had no qualms about doing his bidding. For the sake of multiplying cannon fodder, the

leadership has been willing to put up with greater levels of indiscipline and looseness in the East.

Of course the LTTE can be openly callous in the North, as for example during the Jaffna Exodus of 1995, but its fascist structures and lines of control have been maintained. This would be necessary at least to ensure the security of the top leadership and crucial establishments in the Vanni. As in a fascist polity, the forms of legality and showpiece civil structures are maintained. There are many 12 and 13-year-old LTTE members to be seen in the Vanni, mainly girls, but they were largely coaxed into the organisation and not taken by overt force.

Comparatively, the LTTE in the East would be easier to penetrate and there are no highly sensitive establishments. The leaders more or less function as warlords whose dealings with the people have no semblance of legality. However, no leader in the East can assert his independence of the North. The control over ordnance, logistics and external contacts remains firmly in the Vanni. The visit of Pottu Amman to the East may also be seen as a move by the leadership in the Vanni to strengthen its control over the crucial area of intelligence.

7.7 Socio-Economic Consequences

The rice growing economy that affects the livelihood of most Tamils in Batticaloa and Amparai is tenuous and has been rendered more fragile by the war. The best lands are the irrigated lands under the Gal Oya Scheme, west of Sammanthurai and Kalmunai. Many Tamils in this area were killed in reprisals orchestrated by the security forces following LTTE attacks on Muslims and Sinhalese in mid-1990. Although reliable figures are not available, it is the general talk that many Tamils have sold and moved out. The bulk of Tamils now cultivate on rain-fed lands for only one season a year. The yield here is about 65 to 90 bushels an acre as opposed to 150 bushels per acre per season on Gal Oya lands. With inputs costing more, the economy of rain fed lands has become increasingly delicate.

Traditional cultivation in Batticaloa was based on the *podiyar* system. A group of families involved in cultivation are attached to a *podiar* (who owns a large extent of land). The *podiar* is in turn obliged to look after the needs of the families under him. This gave them security in bad times as well. There are no caste or religious affiliations involved. Both *podiar*s and labourers include Muslims as well as Tamils.

The LTTE's conscription and extortion drives have resulted in many Tamil *podiar*s being expropriated. (Muslim *podiar*s in Batticaloa had since 1990 been denied access to much of their lands and have only recently made moves to use them.) As part of its populist thrust, the LTTE has divided up these expropriated lands into small plots and assigned them to poor families from whom they have taken a child. Unlike the *podiar*s who cut down costs by cultivating a large extent (e.g. someone cultivating 10 acres would have his own tractor) that is combined with milk and curd production, those recently given

small pieces of rain-fed land have found cultivation unviable. The local economy in Batticaloa has suffered badly by a huge slump in rice production.

Rising impoverishment over the years has driven many women, both Muslim and Tamil, to seek employment as domestic helps in the Middle East in order to sustain their families. Conscription (mainly abduction) by the LTTE has resulted in a sharp increase in the number of young Tamil women going to agents for employment in the Middle-East. For these young women trying to escape poverty, conscription or both, it means first being taken to Colombo and housed in a lodge. The hazards are many.

In extorting huge sums of money from this community, both directly and indirectly, the LTTE is further torturing a people it helped to impoverish. To many who believed in the liberation struggle and contributed towards it in earlier years, the total ruin of their community has been heart breaking. There is a tear in every syllable when they speak of the ruin of a culture, its domestic felicities, its festivals and the give-and-take between communities. Against this backdrop the LTTE's political outreach conveys a depressing aridity.

8. 'Political Work' in the North-East

The Tamils have a background of more than 70 years of mass politics and a variety of political movements. Many of those who contributed to this political life were giants in their time. Some of these movements had a broad worldview and imbued generations with high ideals of justice and social service. The co-operative movement was brought to this country by activists from Jaffna. Having this proud heritage behind us, where are we now?

By the standards of any liberation struggle, the LTTE is at the height of success. The Government is ready to concede a great deal for the mere asking. The International Community will penalise the Government if it hedges on considerable devolution. In short, the LTTE has a tremendous opportunity to win the long cherished demands of the Tamil people. Normally, at such a moment, there would be joy and an outpouring of a sense of freedom. It is a time for visions, ideas and ideals, a flowering of democracy, and a time of hope and generosity.

But what we witness in the North-East is a mournful silence. Whenever the LTTE prods people to put on an artificial show of enthusiasm, it only makes them shrink in terror. The trouble is that we have been hopefully here thrice before, only to find each time that it was a prelude to disaster. The LTTE has now gained access everywhere to do 'political work'. Given the resources and past achievements of the community, one might expect many to come forward and make a contribution to the quality of such work. But in place of hope, visions or ideals the political message in its clumsy vulgarity brings tears to one's eyes.

Girls from the LTTE's political wing can be found canvassing outside girls' schools in Jaffna. Their message is, *"When the war starts the Army will come and rape you. So what are you going to do?"*

On 1st June the LTTE called a meeting of NGOs in Kalmunai. Only Tamils were invited. A one-armed LTTE political spokesman told those gathered: *"It is time there was a people's movement. You must think about the violent events of 1990. There is no guarantee that they will not be repeated. The Tamils must unite to fight against the Muslims!"*

Two members of the LTTE's political wing addressed the girls at St. Cecilia's School, Batticaloa. After they finished one girl requested permission to pose a question. When this was granted, the girl said, *"We are all happy that peace is coming and all are for it. Why in the middle of peace are you still catching children?"* The two political wing members looked at each other. After an awkward silence, they promised to come another time and answer that question and went away.

A trade unionist in Jaffna, whose erstwhile leader **Vijayanathan** of the Communist Party had been murdered by the LTTE in 1988, thought the MoU allowed them to have their own May Day rally. He then heard that **Aanjaneyar** who headed the new LTTE office in Jaffna wished to talk to him. Fearing that Aanjaneyar may come home and alarm his family, he went to Aanjaneyar's office in the morning. Aanjaneyar got the trade unionist to sit by his side in the office, where two daunting figures stood at the door, to bar, as it were, his exit. Aanjaneyar repeatedly plied him with a 'request' to join the LTTE's May Day rally, claiming that it is not exclusive but common to all. By afternoon the man who was afraid and tired agreed, and reached home to the relief of his family. Having roped in 25 to 30 trade unions, the LTTE celebrated May Day at Ramanathan College. For all its pains only about 1200 persons attended.

The Press in Jaffna that had surrendered some time ago is now finding the last vestiges of independence snatched away even before the LTTE has actually taken over. The journalists are regularly summoned for meetings by the LTTE political office and the proceedings are taped so that people cannot go back on what they said. The *Uthayan* was pulled up for covering rowdy clashes among students at the University of Jaffna in which much property was damaged. (By contrast the LTTE in the late 1980s, when the university students acted independently, encouraged the press to discredit the students, even attacking student leaders for trying to stop ragging!) Journalists receive telephone calls when something written is not to their liking. When the Press is becoming freer in Sri Lanka, the Tamil Press is succumbing to censorship without even a fight. Even the well-known fact of the LTTE's murder of some public figure cannot be mentioned.

The LTTE's attempt to appropriate **Sivakuamran**, whose politics was far from totalitarian, actually dishonoured and trivialised his memory. On 6th June the LTTE ordered commemoration meetings for Sivakumaran who committed suicide on 5th June 1974 to evade capture by the Police, a practice later adopted by the LTTE. A venue was arranged in a leading school in a provincial town in the East. All principals were ordered

to bring children and come there. The principals played safe and went with the minimum number of students, leaving out the ones who are young and susceptible. It was thought that the LTTE would bring the speakers. There was a pandemonium at the last minute when the principals were told that it is they themselves must speak. This was in a depoliticised society where no real history was ever discussed. To the relief of the principals, someone produced a newspaper cutting about Sivakumaran to 'pick up some points'. The meeting began with two LTTE dignitaries lighting the lamp. Then the educationists spoke, touching on Sivakumaran and digressing very generally, finally reminding the students of the changed time of the district sporting event that had to be cancelled that day to accommodate the meeting.

On 8th June several dozen school principals were called for a meeting with LTTE leaders at the Teachers' Training College, Batticaloa. The meeting was presided over by **Thurai** and among others present were **Ravi, Kausalyan, Aathi** and **Banutha**. A leading topic was conformity with 'Tamil culture' and curtailing opportunities for the two sexes getting together. There are to be regular follow up meetings. There have been other instances where, when grown up men and women attended a seminar, the LTTE has questioned some of the delegates.

The residents of Vidalththalthivu who gathered at two churches for temporary refuge during an army advance on 29th June 1999 had been ordered by the LTTE to move northwards into its area (our **Bulletin No.21**). When the people refused, the LTTE fired a shell into the church compound killing 4 civilians. But some civilians had accidentally overheard the order to shell being communicated by radio and everyone knew that it was an LTTE shell and not the Army's. Finally most of the people reached Mannar Island by boat. They were housed in temporary shelter by the Church in its land at Thottaveli. Early last May, the LTTE went there and asked the people to return to Vidalththathivu. The people refused to go back and live under them and there was an altercation where the LTTE shelling them was also brought up. The meeting ended with one or more members of the LTTE being manhandled by fisherfolk.

About 18th June at Illuppaikulam under the Diocese of Mannar, the parish priest Fr. Croos was having a tree in the church premises cut down for church use. Suddenly, the LTTE drove into the premises in a tractor and demanded from Fr. Croos with whose permission he was cutting the tree? What they meant was that he should have paid them the tax that comes with the formal approval he should have obtained. "*With whose permission did you come into the church premises?*", retorted Fr. Croos. The priest was quickly joined and supported by the parishioners of the largely Christian village and the LTTE withdrew.

The picture that emerges is one where the people had high expectations from the peace process and are disappointed that the LTTE in particular has not allowed them the full benefits of the process. This is most visibly so in the crippling and irritating tax regime imposed by the LTTE.

Apart from money to upgrade its security regime, the LTTE has always found it politically necessary to maintain the people in a state of uncertainty and to regularly push them into a posture of confrontation with the Government, even where the latter appears more than amenable. The most expeditious means of achieving this is '*hartal politics*' - an old TULF gimmick. Nothing more is expected from people than to take a day off and stay at home. Those needing public transport for medical care are greatly inconvenienced.

The impact of the MoU in allowing the LTTE free access to government-controlled areas has been notably different in the North in relation to the East. In the East the effect on the people has been very adverse. In the North the business community has been affected badly, but most people maintain a certain reserve and the LTTE is careful about prodding them too much. There have been no recent reports of conscription in the North. In Jaffna the chief means of people becoming aware of recruitment is seeing anxious mothers at LTTE offices.

We will now take a look at violations by the Armed Forces. Since these have received enormous publicity such as to skew the total picture, we will place the context and comment on their significance before moving on to the recent disturbances in the East highlighting the plight of the Muslims.

9. Violations by Armed Forces

The very real danger with the Armed Forces is that if they are again sent into action after a major provocation by the LTTE, where in addition they feel badly let down and gravely compromised by the government in power, there may be severe reprisals against Tamil civilians. The Government too may deliberately encourage it to allow the Armed Forces to quench their anger, which may otherwise turn against itself. This happened under the UNP government in 1990. When the PA government was pushed into war in April 1995, it was at the beginning quite successful in controlling violations. But standards fell subsequently. The present peace process involves real danger of repetition and vigilance is required to avert it.

That said, in the past, in 1990 and 1995, the Armed Forces generally followed orders given by the Government. Apart from wishful speculation, there is no evidence that they conspired or did anything to jeopardise the prevailing truce. Nor did the ordinary soldier have any wish to return to war. The same holds during the present truce for the most part. The problem areas have been the STF-controlled Amparai District and the Islands off Jaffna controlled by the Army and Navy.

One big difference this time is that there is much cynicism among the Armed Forces right from the start. The LTTE moves about freely, and a common soldier told a visitor, "*Our hands are tied, but we can see with our eyes*". With a few oblique questions, one could easily elicit their deep reservations about what the Government is doing and their own perception of vulnerability.

Another difference is the free access allowed to the LTTE and its blatantly lawless activities under the very noses of the Armed Forces. Irritated by this and unable to do much about it, the STF have confronted the LTTE in instances that were either in a grey area or where they (the STF) were clearly in the wrong. The STF now does not, under the MoU, have powers it previously had under Emergency Regulations and the PTA. The LTTE's uniform response to any assertiveness by the STF has been to force members of the public on to the streets and behave provocatively.

An early instance about March was the arrest of an LTTE man named Jude who passed the Thirukkivil STF camp. Locally, Jude has a reputation for being a vehicle thief who has added to the LTTE's fleet of stolen vehicles it is suspected of maintaining in the jungles off Thirukovil and Kanjirankudah. The LTTE brought a crowd to the STF camp in the night and shouted slogans. Jude was later released. Whether there was a case against him under normal law is doubtful.

Amparai District:

A feature that is relevant in the Amparai District is that the Tamils suffered very badly in 1990 from the actions of the Armed Forces. Since then they have led a suppressed existence, overwhelmed by a perception of rising Muslim dominance and the impunity enjoyed by the Armed Forces. An utterly ridiculous instance of this transpired in August 1996. The STF in Kalmunai killed two innocent Tamil boys on the street and claimed that they were on their way to assassinate two visiting Muslim ministers. The PA government commended them with a cash reward and a promotion for the officer!

With the LTTE given free movement, most Tamils conscious of the LTTE's deliberate betrayal in 1990 keep a cautious distance. Not unexpectedly, however, there is an element among the young using the LTTE's presence to come out of their suppressed existence and show defiance. Some of the young boys who used to behave humbly before the STF show no respect now. They ride with the LTTE in vehicles speeding past checkpoints that daunted them in the past. Tamil boys from Veeramunai burning tyres in the streets of the Muslim bastion of Sammanthurai as they did during a recent LTTE-instigated *hartal* would have been unthinkable in the past.

Many senior residents also hasten to add that a balanced view must be taken of the STF. It is relatively a disciplined force in comparison with the Army and Police. However, it was also known to have been brutal at times. There is further a feeling prevalent among many that the Tamils would not have survived in the villages and paddy lands west of Kalmunai and Sammanthurai if not for the STF. The STF had on several occasions prevented things from falling apart. This happened particularly in the wake of LTTE attacks on Sinhalese villages in the area. About 1996 seven Tamils were killed in reprisals after the LTTE killed a Sinhalese policeman. Then **Sarath Silva**, ASP, STF, safeguarded the Tamil civilians by temporarily moving them to Senaikkudy and arranging mobile patrols to maintain order. Other STF officers whose work has been appreciated in recent years are ASP **Seneviratne** and **Jayantha Gamage**.

The assessment of the people must be taken in the context of prevailing uncertainty about the LTTE's agenda. They know that its military calculations were not only unconcerned about the safety of civilians, but were deliberately aimed at increasing death and destruction. Here it becomes natural for them to leave political considerations aside and make pragmatic assessments about the various parties that carry arms and will determine their future.

We will list below the main incidents as reported by *Tamilnet* and where possible make our observations. Where a violation has resulted in death, injury or damage to property, verification is relatively easy. Where it is an allegation of threat, abuse or assault not involving injury, firm conclusions may not be possible.

22nd May, Thirukkivil: Kopan, a member of the LTTE medical corps, was arrested by the STF at Kanjirankuda south of Thirukkivil, apparently for not having proper papers or a licence. According to *Tamilnet*, in an item titled '*STF commandos fire on demonstration*' issued the same day, Kopan was beaten by the STF and a crowd of more than 1000 gathered in front of the Thirukkivil STF camp to protest against the arrest and assault. *Tamilnet* goes on to quote the local MP **Chandranehru Ariyanayagam** to the effect that the STF '*opened fire indiscriminately on the crowds*'. It added that one 12-year-old student **Ranjan Mano** of Methodist Mission School was injured. It was later reported that **Kopan** was produced before the Akkaraipattu magistrate and released on Rs. 10 000 bail.

However, there is general consensus among local observers that after the arrest of **Kopan**, the LTTE went to schools in the area and ordered teachers to bring their children and come to the STF camp. Having done this, LTTE *agents provocateurs* threw stones at the STF camp. The STF fired into the air to disperse the crowd. The crowd ran in panic. **Ranjan Mano** (12) who was also an inmate of the Methodist Boys' Home was pushed against a barbed wire fence. A barb aggravated a wound he already had and he fell down. An STF officer picked him up, took him to hospital and had the gash stitched. The boy was then normal.

When the boy was later questioned by the LTTE, he had reportedly said that he was shot. His class teacher then questioned him and he stated what is written immediately above. Those familiar with the case assert that the wound was obviously not caused by a bullet. These facts are well established. However, the better story (i.e. the shooting version) received wide publicity. It was broadcast on BBC (Tamil Service) by the local correspondent and later repeated most unusually in the English Press in Colombo and in foreign media. *Tamilnet* repeated again on 30th May that the boy had been shot by the STF.

26th May, Veeramunai: According to *Tamilnet*, the incident involving Kopan and the STF firing '*indiscriminately*' at over 1000 protestors and injuring two, triggered off '*riots and violent protests*'. The hartal on Thursday 23rd May, we are told, was called by *the 'Eastern University Society, Batticaloa Students' Union, the Ceylon Tamil Teachers' Union, government offices, shops and businesses...*' *'Protestors'*, *Tamilnet* says, '*burnt*

tires in Batticaloa town and several places in the Amparai District. More than ten thousand students from 52 schools... marched and demonstrated ...against the STF'.

Following this, on Sunday 26th May, *Tamilnet* reports: "*Commandos from the STF camp in Karaitivu...came to Veeramunai, armed with a list of 30 persons in the village. The commandos identified each person's home. They had then summoned some people in the area and threatened them that the village would have to face death after a month and that each family should have two coffins ready.*"

From our inquiries, an incident along the lines reported did take place. The STF's manner of countering the LTTE's politics shows that it has learnt little. Veeramunai suffered enormously at the hands of the State in 1990 (see our **Special Report No.3**). To illustrate the people's state of mind, during one raid alone the Army carried off 42 youths from the Pillayar Temple refugee camp, who were then killed at Kondavedduvan army camp. Subsequently, their mothers, in the company of some elders, met then Deputy Defence Minister **Ranjan Wijeratne** in the Thirukkivil STF camp. On inquiring about their children, the Minister replied in English that they have gone to heaven and asked the elders to translate it. When the latter declined, he asked them for the Tamil word and told the mothers that their sons have gone to '*motcham*' (heaven in Tamil). The mothers threw dust into the air saying '*you go to the dust*' and went away.

Unlike many Sinhalese mothers who had similar experiences under the same Government, their ethnicity has marked out the people of Veeraminai for a beleaguered existence devoid of hope even after 12 years. The LTTE is now giving the youth a chance to assert themselves by burning tyres on the streets, only to suffer more later on. This happened in Trincomalee soon after the IPKF arrived in 1987. The Sri Lankan Army exacted a heavy price in 1990, when about 900 Tamil youth disappeared in Trincomalee.

29th May, Karaitvu: The STF arrested 4 youths on the street, reportedly roughed them up and claimed in the morning they were suspected of intending to rob a bank. The LTTE instigated a *hartal* with the usual burning of tyres. **Mr. Shanmuganathan** from the Local Monitoring Committee, who came to settle the matter, later received two threatening calls, apparently because he was suspected of having a hand in the *hartal*. According to our sources, the four youths are recent school leavers who were known to the STF. They associate the problem with wounded dignity on the part of the STF under the new circumstances.

Jaffna:

20th June: The beating up of two LTTE men in Velanai

The LTTE was first refused permission to do 'political work' in the Islands off Jaffna in keeping with the MoU on the grounds that these islands comprised a high security zone. The LTTE insisted, the Norwegians negotiated and permission was finally granted. During the night of 20th June, **Chemmanan** and another member of the LTTE political wing who were newly arrived in Velanai were assaulted by a group of men who allegedly

came in a truck. The LTTE was quick to accuse the Navy and the EPDP. The Government at the request of the SLMM appointed a commission to probe into the matter.

At the level of propaganda, the LTTE ostensibly wanted to do 'political work' peacefully in the Islands and their emissaries were violently abused by alien oppressors and 'anti-national forces'. The attack, whoever was responsible, was politically wrong and should be condemned. But the truth is always stranger than fiction. As we said at the beginning, much of the problem is to do with the need to multiply numbers in a depoliticised brute force that atomised the community, and a bad MoU that recognises such tragic fiction as the LTTE doing 'political work'.

We give what we have learnt from authoritative sources close to the LTTE. Ever since the LTTE set up its political office in Jaffna during April, **Thamil Chelvan**, the leader of the Political Wing, has been pressing those sent to Jaffna to send many more recruits. Thamil Chelvan kept complaining that their efforts in this direction were inadequate and that recruitment was their principal responsibility, while they should do their other work as well (e.g. extortion). All their leave to spend time with their families was cancelled until 1000 persons had been sent for military training. Initially they got up to a dozen a day, but the number dwindled. **Yogan**, *nom de guerre* **Chemmanan**, a native of Kayts, argued with Thamil Chelvan that if they could send them to the Islands, he would find hundreds quickly.

This was during May when controversy over the Islands was going on. Those left in the Islands, Jaffna's one time commercial powerhouse, were poor folk whose children lacked entertainment. The EPDP was fairly well established in the Islands, and several of them had their families there. The Security Forces too regarded the Islands a safe area. They had little confidence that the LTTE would not resort to war and so were anxious to keep the LTTE out. The EPDP too shared this anxiety. The EPDP had lost political power at the last elections and since then they had reduced their movements and generally stayed in their camps.

The only evidence that the EPDP was involved in the assault on the LTTE men was that some of the nine or so attackers were in mufti, rather than uniform. Many who are aware of the EPDP's present vulnerability do not think that the leadership would promote such actions at this time. Their relations with the Navy too are not the best. But in the given reality it is very plausible that the local cadre would have been directly or indirectly encouraged to show their anger against the LTTE. The LTTE however drags in the names of parties opposed to them at every pretext with a view to justifying something terrible when an opportunity arises. In Section 11.3.2 we give the case of an EPDP member who was abducted by the LTTE on 9th May 2002 while visiting his sister in the Vanni and of two more with EPDP connections recently. There is little the EPDP can do about it. They are helpless.

Within the LTTE, it is all agog with conscription for the coming deluge. Young conscripts, many of them going through some difficulty at home, are daily sent by bus

with an 'uncle' or an 'aunty' to tour the Vanni. There are also cases where the parents had intercepted them at the ICRC exit point from Jaffna and got them out. **Paapaa**, the deputy political leader of the LTTE in Jaffna, now avoids as far as possible, going to their Potpathy Road office because there are daily dozens of agonised mothers crying outside.

So, it is to the smiling and soft-spoken **Thamil Chelvan** that the **AI, UNICEF** and many others go, for pledges about stopping child conscription. These, he readily gives them as he did to the AI and UNICEF about 19th June, and are quickly broken. Our cases show that on 22nd June itself at least 5 children were abducted at temple festivals in the government-controlled area of Batticaloa. And who took them for handing over to military trainers? Ironically, it had to be Thamil Chelvan's subordinate **Thurai**, after being kept overnight in the political office in Kallady. Political work indeed!

The recent aggression against the Muslims in Mutur and the violence in Valaichenai on 27th June must be seen in the context of the LTTE's politics and its alienation of the Tamils themselves. Any reactive violence on the part of marginal Muslim elements was more than matched by the LTTE's orchestration and organisational power.

10. The Useful Anti-Muslim Frenzy

10.1 General Considerations

The Muslims in the North-East are being caught up in a difficult and dangerous predicament for no fault of their own. Under the LTTE's monopoly the Tamil community had suffered enormous self-inflicted injury. Everything has been subjugated to building up perishable and socially unsupportable military might. In the East the Tamils are feeling themselves progressively enfeebled beside their Muslim neighbours. This has resulted in a crop of myths and fears. The Muslims in turn have to contend with the enormous destructive power of the Tamils. They can counter this only by inflicting similar damage on their community and destroying the democratic and moderate character of Muslim politics.

It is a misfortune that the present peace process is about legitimising unwholesome trends that brought the so-called moderates to their knees through the use of terror and a manipulation of their weaknesses. This logic is now being extended to the Muslim community. This is not a peace process founded on justice and truth, but rather on being wilfully blind to the malignant nature of Tamil ideology and its self-evident destructive power. The Southern peace lobby's default in coming to easy terms with this would ultimately confer respectability to the temporarily eclipsed Sinhalese supremacist forces.

The SLMC leader Rauf Hakeem's MoU with the LTTE leader was an attempt to secure autonomy of life within predominantly Muslim areas and safeguard Muslim interests in the envisaged Interim Administration under the LTTE. The LTTE no doubt needed this to obtain Muslim consent, but is on the other hand caught up in the web of its own destructiveness. Many Tamils perceive this MoU as a conspiracy against them. It appears to them to allow the Muslims to get on with life and prosper, while the Tamils are being

brought to the doldrums by losing their children and properties to satisfy the LTTE's demands. The LTTE's responses to such pressures leave it satisfying neither the Tamils nor the Muslims.

We have had dark hints by **Karikalan** about setting right allegedly unfair gains made by Muslims. There are then statements such as the one by the LTTE's area leader in Kalmunai quoted above, calling upon the Tamils to stand together to fight the Muslims. Apart from these, the agreement with the SLMC was continually being jeopardised by the LTTE's moves aimed at establishing its own monopolies over profitable areas of trade.

About 12th June, the LTTE issued an order to Tamils in Valaichenai. They were told not to buy sand or stone from Muslims, and not to have joint undertakings with Muslims such as in the fish trade. It further added that those who act in breach of this order would face severe punishment. These appear to be the beginning of further moves to undermine age-old traditional dealings by which the two communities profited jointly.

One such instance of mutual benefit used to be the trade in fish, prawns and jungle honey between the Vaharai folk and businessmen in Oddamavady. Vaharai is now in the LTTE-controlled area and the LTTE has monopoly rights over much of the produce. Reggie, a brother of Commander **Karuna**, controls the trade in fish and prawns. The LTTE has its own arrangements for freezing, packing and marketing. According to the locals, they receive a pittance compared with what the Muslim traders in Oddamavady used to pay them. The prospects of peace have done nothing to lift their gloom.

The LTTE recently made a gesture by calling upon the Muslims whom they expelled to return to Jaffna. Some of them, as they had done during many years past, bought scrap metal in Jaffna to be transported and sold in the South. The transportation of this was blocked by the LTTE. There is no use for this metal in Jaffna. The Muslims concerned are at the time of writing still appealing to the LTTE.

A large proportion of Muslims in the North-East are urban folk. If their ability to trade were cramped, they would find life very difficult. We have seen that the LTTE's demands have already brought many farmers to ruin. These things happening prematurely, as it were, while still under army-control, does not make the proposed interim administration credible, unless firm assurances are forthcoming from the LTTE.

Against this background, one should not look for isolated causes for the disturbances in the East that began recently in Mutur. They were waiting to happen and needed only a pretext. We give below in point form some factors that have exacerbated the situation in the East.

1. **Mutur attack not isolated:** There is no reason to believe that the attack on the LTTE office in Mutur during the night of Friday 21st June was communal in nature. The Tamils too were alienated by taxation, extortion and conscription. During earlier months a number of Muslims had been abducted for ransom. A week before the attack on the Mutur office, the LTTE office in Pesalai, Mannar Island, too was

attacked. This was not by Muslims but by Tamil fishermen. The situation pertaining to Mutur will be described below.

2. **Fears about the North-East Interim Administration:** The Muslims had suffered terrible violence at the hands of the LTTE during 1990-92. Earlier too they had been at the receiving end of the misdemeanours of other Tamil militant organisations. Hence their feeling of insecurity under any Tamil militant dispensation is understandable. The Muslims (in addition to a significant section of the Tamils) have depended on the presence of the Sri Lankan Forces for their protection. The LTTE has been pressing for a withdrawal of these forces. As for the protection of Muslims in an LTTE dominated regime, Karikalan told Paul Harris in the now famous interview (*Daily Telegraph*, late March 2002): "*Muslims must have faith in Prabhakaran. If he tells the cadres not to act against them, then they will not dare*". No one in the world should be happy with such a dubious guarantee.
3. **The extinction of the Tamil moderates in politics:** The older generation of Tamil nationalists from the Federal Party and TULF tried to carry the Muslims along and always advocated playing fair by the Muslims. Their personal friendship with Muslim leaders was very close. Leaders like Amirthalingam and Sivasithamparam were respected by the Muslims and were readily accorded hospitality in their areas. Even during the 1980s when Tamil nationalism was drifting in such a way that it could not accommodate Muslim interests in the East, personal good relations between the leaders helped to maintain a wide bridge between the two communities.

Regrettably, a number of Tamil leaders who played this necessary role have been killed by the LTTE. Among them were Amirthalingam, Tiruchelvam and Thangathurai. Also killed by the LTTE was the latter's friend A.L.A. Majeed MP in 1987. Majeed helped to maintain Tamil-Muslim unity in the Mutur area, and was a strong voice against the UNP government's strategy in 1985 of fomenting Tamil-Muslim violence.

Having narrowly survived an LTTE assassination attempt in 1989, **Sivasithamparam** was in his latter days cowed down by LTTE terror. Nevertheless, he had always condemned violence against the Muslims (without mentioning the agent) and this came from the heart, from values held dear. However, most Tamil MPs are now in the TNA, a surrogate of the LTTE. The LTTE has been progressively replacing the moderate TULF elements, often through murder, by those who belong to the political riff-raff. Several of them who were LTTE nominees on TNA lists have already been elected. In their positions and attitudes towards Muslims they will go along with **Karikalan** without the slightest intellectual or moral qualms.

Thus, during the recent disturbances **Mr. Rauf Hakeem**, the leader of the Sri Lanka Muslim Congress (SLMC), quite rightly appealed to the Muslims not to indulge in violence and to remain calm. He too observed almost apologetically that there was no convincing appeal from the Tamil side. This is an example of how the absence of independent Tamil moderates harms the Tamil cause, besides being an obstacle to peace.

The qualitative difference in the articulated outlook of the two communities appears in a leaflet issued by Muslims during the recent disturbances. It declared, " *We will extend our hand in the cause of fraternity, but in the cause of justice (rights) we will raise our voice*" ("*Uravukku Kai Koduppom, Urimaikku Kural Koduppom*"). This is eminently reasonable. The LTTE-inspired voices on the Tamil side were not talking about reconciliation, but rather about pinning a grand 'Osama' conspiracy on a humble and insular Muslim population.

4. **The SLMC-LTTE Pact:** At the time of last December's elections, the LTTE clearly understood from leading members of the UNP that a new UNP government would give them control of the North-East expeditiously. The SLMC, which was in alliance with the UNP, had no choice but to make the best possible deal with the LTTE. But Muslim politics is diversified and the SLMC should have associated Muslim representatives from other parties in any deal with the LTTE. However, the SLMC went alone to meet the LTTE leader, and in return for the SLMC's support for the envisaged 'peace process', the LTTE declared the SLMC to be the representatives of the Muslims.

This was in defiance of electoral realities. For Muslim politicians supporting parties other than the SLMC, it also created the problem of whether they would be allowed to function in an LTTE-dominated North-East. Nevertheless, had the LTTE allowed the Muslims to get on with life free of harassment, the SLMC could have taken credit. As things turned out, the LTTE's compulsions have not made things comfortable for the SLMC. The other Muslim politicians have little incentive to pull the SLMC's chestnuts out of the fire.

5. **Extremist elements:** There had been localised violence between Muslims and Tamils in earlier times, but never total organised riots. The first time this happened was in 1985 when the UNP government actively armed and organised the unruly fringe among Muslims in a bid to crush the Tamil militancy through terror. These same elements were armed as home guards by the UNP government in 1990 and used as minions and scapegoats for reprisal violence against Tamil civilians. Undoubtedly, these elements would have been scared about a peace process that placed them at the LTTE's mercy. But they would not have been a problem had the LTTE behaved towards the Muslims in an enlightened manner.

However, when the LTTE began its abductions for ransom, extortion and stealing vehicles from Muslims, the latter as a whole felt threatened. When the Sri Lankan forces stood by passively and allowed this to go on under their very noses, it is understandable that the home guard types among Muslims would have begun collecting grenades and small weapons. The LTTE's paranoia at such counter-developments is reflected in Karikalan's remark to Paul Harris in March: "*Muslims are preparing for war. The Jihad organisation was importing arms when Mr.Ashraff was minister of Ports. Now there are stockpiles of arms in every village.*"

LTTE-related propaganda has loved to use grand names such as '*Jihad*' and '*Osama Group*' to describe such *ad hoc* responses by a section of the Muslims to a situation where the Government had abdicated its obligation to uphold the law. '*Osama Group*' is a useful name calculated to divert the US government's present unfavourable focus on the LTTE. Nothing in the violence by Muslims has evinced organisation or sophistication.

There is nothing pointing to Middle-Eastern funding or importation of weapons. There was nothing attributed to Muslims in the recent violence even to remotely match the number of weapons floating freely in this country that surface in crime and in fighting elections. '*Osama*' and '*Jihad*' are hype for loose disparate groups that are best described as ex-home guards and market thugs. However, if the present trend of cornering the Muslim community continues, it is only logical that increasingly sophisticated militant formations will emerge.

6. **Hartal Politics:** The manner in which the LTTE was imposing *hartals* in the East at the drop of a pin would have been an irritant, particularly to the Muslims. Mr. Soundaranayagam, LTTE representative on the Amparai Monitoring Committee was quoted by *Tamilnet* (30.05.02): "*Protesting through a hartal is a fundamental democratic right of the people.*" When the Muslims exercised this '*fundamental democratic right*' for the first time on 27th June, it sparked off clashes in Valaichenai. Ironically, an LTTE-declared *hartal* was being observed in Jaffna on the same day.
7. **Inactivity of the Security Forces:** There is a widespread belief among the Tamils and Muslims that the Security Forces encouraged the violence or, at least, simply let it go on. This fear needs to be allayed since little has been done over the years to restore the *bona fides* of the security Forces in the East. There was arson in Valaichenai just near the police station and little was done to control the situation there on 27th June, whether by the Army or the Police, until after SLMM officials arrived. It must however be pointed out that Tamil mobs were backed by the LTTE, the main *provocateur*, and the Muslims were the worst affected. Some of the foregoing will receive clarification in our account below of some obscure aspects of the developments.

10.2 Beginnings in Mutur: The Wraith of Osama

Mutur (66th Milepost) lies north of Pachchanoor (62nd Milepost) along the Batticaloa-Trincomalee Road. 64th Milepost used to be a Muslim-dominated area, but most of them have moved northwards nearer Mutur since the advent of troubles. About half way between Pachchanoor and 64th Milepost (i.e. 63rd MP) there lies a hillock atop which 14 concrete crosses were installed last April. This was done by Roman Catholics who are numerous around Pachchanoor and it caused some unhappiness among the local Hindus and Muslims who had complained to the DS that this was an illegal construction on crown land.

The same hillock has a granite face where stone is quarried as is done at several places along the main road. There is a permanent army post about a mile from the hillock towards Mutur and police post near the crosses, both with a view to protecting the main road. While the main road is under army control, the LTTE controlled area runs parallel to the road, so that the back of the hillock faces LTTE controlled area to the east. During the night of 20th June, one of the crosses was broken. Word was spread that Muslims were responsible resulting in a tense situation.

In the evening of the following day, 21st June, Friday, the Police OIC of the area held a meeting in Pachchanoor to resolve the tension. All Muslim religious heads from the mosques in Mutur attended the meeting. The OIC heard both sides and resolved that the Muslims could not have broken the cross. After the meeting, about 6.00 PM, a gang waiting on the road near the hillock badly beat up a Muslim passer-by.

Shortly after the Muslim victim reached Mutur, about 6.45 PM, the LTTE Mutur office was attacked. The office was closed and empty at that time. These are basically the material facts. A view accepted widely among Tamils is that the attackers were persons close to the beaten victim. An explanation offered for this is that among those who beat up the Muslim man were persons closely associated with the LTTE.

The rest then appears to have followed in the natural order of things: Tamils incensed by the attack on the LTTE office took out a demonstration leading to clashes with the Muslims.

However, other local testimony carries us off in a different direction. It is from Pachchanoor folk that we get some rather unusual testimony, but in trying to sort it out we enter miry ground. Thus stories that came initially, soon after the incident, were positively bizarre. We posed questions to our sources, who in turn made further inquiries and so it went. We describe how it went.

The first story we received was that the mob that broke the LTTE office was led by **Hakkim**, a butcher and a member of 'Jihad', and that he was joined in that enterprise by an ex-LTTEer named Ranjan. This did not make sense.

Next we were told that neither Hakkim nor Ranjan was involved in the attack on the office. No one had seen the attackers. But the general talk in the area is that Ranjan was the cause of their troubles that had made many of them, including Tamils, refugees. Ranjan, they said had joined some Muslims and broken the cross. But there was no word of anyone being eyewitness to the incident. The involvement of Muslims, people of the area said, was suggested by notices found at the broken cross claiming that the '*Osama Front*' was responsible. Still rather puzzling.

On making further inquiries, a journalist familiar with the area asserted that Ranjan was in the group that beat up the Muslim passer-by. But he could not say whether Ranjan was connected with the breaking of the cross. We put down what appear to be the reasonably well-grounded facts.

- A cross was broken on the night of 20th June and the people had been told that the miscreants had left claims on paper saying that they are from the '*Osama Front*'.
- In the minds of many people the Tamil man Ranjan was instrumental in their troubles. He was also associated with beating the Muslim man.
- Although influenced by the name '*Osama Front*' being bandied about, the Tamil people were uncomfortable with the idea that the breaking of the cross was simply a Muslim conspiracy. They believed that there was Tamil involvement with a view to creating trouble and that Ranjan's role in the entire affair was *mala fide*.
- Ranjan was a well-known person. Also well known around Mutur were his close connections to the LTTE. One or more persons in the crowd which attacked the Muslim man were linked to the LTTE. It was this that led to the attack on the empty LTTE office.

A glance at Ranjan's associations explain the suspicion many people felt about the whole affair and their discomfort with blaming the Muslims. Ranjan is an ex-LTTE member from the area who is married and lives with his family. The people are skeptical about the LTTE's claim that he is not now their man. Ranjan is known to visit frequently the LTTE establishments east of Mutur town.

One of Ranjan's occupations is the clandestine trade in timber felled in the LTTE-controlled area that is bought by Muslims in Mutur. He is essentially thus an intermediary in trade between the LTTE and the Muslims. Apart from being close to the LTTE, Ranjan is also identified by Tamils as being close to the Muslims. This may explain the origin of the rumour that Ranjan joined the Muslims in breaking the cross and later in attacking the LTTE office. It also explains why people felt that there was something fishy in the stories about Muslim culpability.

We may conclude that the association of any Muslim group called *Osama* or otherwise with the breaking of the cross was never established. Claims about pieces of paper at the scene bearing the name *Osama* are not even grounds for reasonable suspicion, for those who want to act responsibly.

Such being the case calls into question the actions of the LTTE, some TNA leaders and, sadly, the Tamil media. In the days following the attack on the LTTE office, they all made a concerted effort to give flesh to the wraith called '*Osama Front*' through frequent repetition. It caught on. *Tamilnet* used *Osama Front* and '*Islamic Extremists*' interchangeably. TULF General Secretary and one time moderate R. Sampanthan '*accused a Muslim group calling itself Osama of having started the incidents*' (*Sunday Times* 30th June 2002). The name itself first came to public notice when in complaining to the SLMM about the attack on the office, the LTTE blamed the '*Osama wing of the Jihad Group*' (*Tamilnet* 23.06.02).

The LTTE gave the game away by its statement, which appeared in the *Virakesari* pf 26th June, Tuesday. Condemning the attack on its office at Alayady, Mutur, it said '*Our patience should not be taken for weakness*'. The act itself was described as an insult to the

soul of the Tamil Nation. It described *Osama* as the same party responsible for breaking the cross and the attack on its office. Accusing the Muslims and their leaders of protecting the group, the statement added that they cannot accept that it is a small group until its members are arrested. The obligation to strengthen Tamil-Muslim relations was placed squarely on the shoulders of the latter. It '*opined*' that the relations between the communities will improve '*if Muslim intellectuals and leaders would take measures to keep their people under control*'.

Ironically, it was this same demand made upon Tamil intellectuals and leaders in the 1970s and 80s by the Sinhalese government brandishing the big stick over their heads, which confirmed the Tamils collectively in a state of rebellion. Today it is the turn of the 'sole representatives of the Tamils' to repeat this folly.

This was a virtual declaration of war against the Muslim community. If a responsible newspaper were reporting such a malignant statement against another minority, it should not have left it there. It should have commented on it and condemned it. The LTTE no doubt knew the facts better than anyone else. There was no evidence to connect Muslims with the destruction of the cross. Among a hundred and one reasons people may have for attacking an LTTE office, the LTTE knew that there was an immediate reason - the beating of the Muslim man. Then why blow it out of proportion? The likely answer is that the LTTE was getting annoyed by Muslim reactions and complaints that pertained to its extortion and stealing of cattle and vehicles. The LTTE wanted to make an intimidatory show of brute power. Other circumstances too point towards it.

Although the LTTE statement above was attributed to the Political Wing of Trincomalee, one could be fairly sure that this was mainly a measure of convenience. The top leaders could then shift the responsibility if needed. It was after all blowing up a problem in a small town to include all Muslims. The LTTE leadership certainly owed the SLMC leader **Rauf Hakeem** the courtesy of communicating with him immediately when a problem of such magnitude arose. The LTTE leadership did not. When Hakeem telephoned the political leader **Thamil Chelvan** on 25th June itself, the latter was not available and it was a subordinate he spoke to. Hakeem and Thamil Chelvan reportedly spoke only on the 27th evening!

On the same day that the statement above was released, the LTTE had called a *hartal*. A large procession came into Mutur from villages to the south including Panchchanoor, Manalchenai, Mallikaitivu and Raalkuli. Among them were persons carrying bicycle chains and other weapons. It was then that the trouble started. We cannot decide who threw the first stone or plunged the first knife. The question is irrelevant. The LTTE statement above determined the tone of the LTTE-orchestrated procession. There was an inherent desire to show the Muslims their place and the procession came well-armed for thuggery and vandalism. There was even reported a tractor-trailer bringing youths armed with crowbars. The Muslims were themselves not in a confrontational mood. They were respecting the *hartal* and had closed their businesses.

Vandalism was part of the spirit of the procession and it has been reported that from 64th Milepost onwards stones were thrown at Muslim houses and Muslims were attacked, humiliated and robbed. In Mutur a crowd of Muslims gathered spontaneously to block this procession, while some in the procession tried to rob fuel from a petrol shed with a view to arson. This was the first time during the crisis that Tamils and Muslims clashed as mobs, largely by stone throwing.

The Tamil mob retreated after damaging several shops and driving away many heads of cattle. They also broke down fences and drove cattle into fields of cultivated paddy ruining or damaging hundreds of the 6000 acres of crop belonging to Muslims. The Majidun Noor Mosque before the 64th Milepost was also burnt. Instead of bringing matters to an end, it acted as a further provocation. Whole villages of both communities were displaced and much property was destroyed. Although **Rauf Hakeem** condemned the attack on the LTTE office and appealed to Muslims to remain calm, he seemed to get little help from the LTTE.

The *Virakesari* (26th June) gave a version that rationalised the action of the Tamil mob. It said it had received information that **Sarveswaran** (31), who was in the procession coming from 58th Milepost, was attacked by the gang called '*Osama Group*' near the 64th Milepost and suffered cut injuries. Reports say, it added, that the people who became angry advanced towards 64th Milepost. It does not say that any from *Osama Group* suffered retaliatory violence at that point, although it reports that three Muslims were injured in clashes at Cemetery Junction, Mutur Town. The report discredits itself by its gratuitous introduction of *Osama*. According to well placed Muslim sources in the area, there was no significant incident until the procession reached Mutur town.

Interestingly, the same *Virakesari* reporter told the BBC (TS) that the Tamil procession started at Killiveddy and ended at the 64th Milepost, well short of Mutur. He explained the violence in Mutur as resulting from a group of 'youths' roaming the town, whose Muslims on his own admission had put up shutters to co-operate with the LTTE hartal, clashing with another group.

However some of the actions of the protest marchers during their advance to Mutur are described in the Tamil Muslim journal *Meelpaarvai* (Review): The protesters went into the house of **Marzuka** (42), broke her furniture and attacked her and her daughters who had come of age. Of the 16 goats the woman possessed, some were slashed to death with knives, some were beaten to death and the rest were taken away. A Muslim schoolboy was beaten on his head with stones and injured. The protesters entered houses and plucked away jewellery from Muslim women and robbed bicycles bullock carts and much cattle. No mainstream Tamil paper reported these.

It is clear that the Tamil procession was well armed, backed by the LTTE in the shadows, if not directly, and was intent on violence. One cannot otherwise explain the apparent absence of the normally overactive LTTE in any of the reports. The *Thinakkural* reported on the 27th that during the two days of clashes six Muslims and a Tamil suffered cut injuries. The Tamil victim was **Sarvananthan** - same as **Sarveswaran** above? One

Muslim was stabbed when he tried on the 26th to photograph the burnt mosque near the 64th Milepost. The same day the house of the *Virakesari* reporter who also reports for the BBC (TS) was also attacked by a Muslim mob.

A Muslim named **Aziz** of Mutur who was travelling to Mutur in a vehicle on the 25th was abducted at 64th Milepost and escaped the following day with cut injuries. His Muslim companions from Thoppur had been allowed to proceed. For a few days subsequently the Muslims in town were preventing Tamils from the south (Pachchanoor etc.) coming into town, but those from the east (Sambur etc.) were bringing their produce into town. Clearly, the people in general wanted to avoid trouble.

10.3 Valaichenai Burns

On the 27th, a section of the Muslims responding to cumulative humiliation, exercised the 'democratic right' claimed by LTTE supporting Tamils and called a *hartal*, leading to violence and arson in Valaichenai and Oddamavady. We will not chronicle events widely reported in the Press. However, if the LTTE had respected the Muslims' claim to the same democratic rights, things would have blown over relatively peacefully. Instead the LTTE was deliberately contributing to and orchestrating the mayhem. The clashes left twelve Muslims dead. The *Thinakkural* of Sunday 30th June reported that a Tamil youth Nagalingam Gunasekaram (19) was killed by police firing in Valaichchenai on the 27th evening.

It is clear that some Muslim ruffians were about the place to enforce the *hartal* and stop the public transport. *Meelparvai* of July reports that the incidents were minor until the LTTE came in the morning to stop the *hartal*, make the buses run and force the Muslims to open their shops. When they failed they started arson and some attacks on Muslims. Then the call went out over the Jumma Mosque loudspeakers summoning the Muslims to protect the Mosque. When a Muslim crowd gathered, the LTTE threw grenades, killing **Shahabdeen** (37) and **Saleem** (15) on the spot and injuring 42 others. It was then that clashes began in earnest. This version is more explanatory than others. Five Muslims were killed in this confrontation. The other three are **Anwer** (20), **Hajamohideen** (39) and **Mubarak**. We will describe one incident that clearly points to the orchestration.

Three Muslim cooks had been brought the previous day from Oddamavady to prepare the wedding repast at the home of a Tamil bride at Vipulananda Street, Peththalai, Valaichenai. The wedding was on the fateful day of 27th June. There was already trouble in the bazaar. A Tamil gang of about 20 men led by the LTTE came to the bridal home at 10.00 AM, armed with sticks. They tried to take the Muslims. The folk at home and some leading guests objected that this was wrong and contrary to the MoU. The gang withdrew.

The gang, enlarged in numbers, returned at 11.00 AM, beat the elder man among the Muslims and took away the two younger men, **Hyath Mohamed Janudeen** (26) and **Hyath Mohamed Janushdeen** (20). They were tortured to death in the same area and buried in shallow graves. According to testimony quoted from the father, **Ramlan**

Mohamed (65), the beaten and wounded brothers were lynched. The spot is barely a mile from the LTTE office along the road to Kalkudah and firmly within the ambit of LTTE surveillance.

On Sunday 30th June, the local magistrate **Mr. Gaffoor** and the DMO **Dr. Thatchanamoorthy**, went with the father, about half a dozen Muslims, a senior police official and some 100 soldiers under **Major Hettiarachchi** to collect the bodies. According to the testimony given by this officer to the *Sunday Leader* (7.7.02) they were surrounded by about 300 LTTE men and given a choice between leaving behind the Muslims or leaving behind the bodies. In the name of the peace process they left behind the bodies.

Journalists **Paul Harris** and **S.S. Selvanayagam** who tried to reach the bodies were turned back by a crowd throwing crackers at their vehicle. This was a highly organised affair. The bodies were then placed on tyres and burnt. The LTTE was clearly anxious to avoid any legal proceedings. Ironically again, the LTTE has made good use of Sri Lanka's notorious Emergency Regulation 15A, which Tamil human rights activists had campaigned against for ages!

The bride in the episode above is **Chandra**, daughter of *Ice Vadi* **Kanagaratnam**. All those at the wedding were deeply upset and the food prepared by the deceased remained uneaten. **Chandra** works for the NGO *Thadaham* and among the guests were prominent Tamils from the NGO and media worlds. All of them know that the LTTE was behind the outrage. Moreover, several of them communicated this to others outside. Even individuals, who argued with the LTTE during the incident, are now trying to shift the blame.

Interestingly, even though there were guests closely connected with the mainstream Tamil media and the regional paper *Thinakkathir*, none of them carried the incident. The only paper to carry it was the weekly *Thinamurasu*, whose sale in Batticaloa had been twice banned recently by the LTTE. Circumstantially, there is no doubt that all references to 'Tamil mobs' during the shameful episode of violence in the East, should be read 'LTTE mobs'.

In Kalmunai, a mob of Tamil youth was waiting on the road within a short distance of the LTTE office to waylay any Muslims who passed by. The LTTE was aware of it since the one-armed area leader was observed coming out, taking a look and going in. He is the man who spoke of the Tamils having to get together to fight the Muslims. Fortunately, senior police officials got wind of it and declared curfew. Another Tamil mob with one man having a gun was seen in Kalmunaikkudy, bordering the Muslim quarter. Several Muslims returning from Maruthamunai were however diverted from the main road with roadblocks at Pandiruppu and detained. Hours later, they were released upon Rauf Hakeem contacting the LTTE leadership.

On the same day, two men, **H.M. Kaleel Rajman** (22) and **P.M. Ajwath** (25) who were returning from Eravur to Valaichenai were abducted in the general area of Kiran and are

since missing. Paul Harris names **Jim Kelly Thatha** as the LTTE leader who that evening had a road block in Kiran (*Mirror* 4.7.02). Three Muslim fishermen who went to fish in the Vahaneri reservoir are also missing according to sources in the area. They are **N.M. Abusally** (35), **H.M. Mohamed Usan** (44) and **M.A. Hyath Mohamed** (42).

Throughout the whole crisis the Tamil media were woefully biased, giving the impression that the blame lay squarely with the Muslims. *Tamilnet* told us that the home of the *Virakesari* correspondent in Mutur was attacked by a Muslim mob. But the Muslims also resented the biased coverage and the harm being done to them by fictitiously linking them with Osama bin Laden. *Tamilnet* reported on 27th June that ten Tamil women were abducted by Islamic Extremists at Oddamavady. This is hitherto totally unsubstantiated. *Tamilnet* reported a large Muslim mob led by 'Islamic extremists' attacking the house of SLMC MP and Deputy Minister **Mr. M.A. Cader** on 28th June and another similarly inspired mob setting fire to a government office in the Tamil quarter.

Here again there were unacknowledged causes close to the surface unconnected with religious extremism. The Muslims who were about to enter the Oddamavady Mosque at 12.45 PM for Friday prayers were attacked by the LTTE which came firing their weapons and threw five grenades of which three exploded badly injuring 7 persons. One of the injured, Mubarak, died in Kandy Hospital subsequently. Moreover, two local Muslim men who went to cook at a Tamil wedding had been deliberately killed by an LTTE instigated mob.

This movement which talks about protecting Tamil culture does not have even the slightest regard for the obligations of courtesy and hospitality. Those who came to celebrate life were done to death. No Tamil paper or politician would acknowledge that.

10.4 Why all the fuss?

After all the damage was done, by about Friday 28th June the LTTE was softening its stance towards the Muslims. Necessity perhaps. In a statement published on this day it appealed to the Tamils not to harm the innocent Muslim populace because of the atrocities of Muslims who are mercenaries of evil forces. This is a come down from the statement three days earlier that deemed all Muslims culpable.

In Trincomalee and Mutur there were talks between the LTTE and Muslim leaders. We understand from well-placed sources that the Muslim leaders have identified some of those who attacked the LTTE office, and the LTTE some who attacked the Muslim man over the cross incident. Both sides evidently agreed not to release any names now, but will leave the matter with the Police. There was an implicit acknowledgement that the assault on the man and the attack on the office were the key issues. There was apparently no more insistence that the cross was broken by Muslims. There was in fact nothing extraordinary in the attack on the LTTE office.

A week before the attack on the Mutur office, LTTE's Pesalai office was attacked. Siruthoppu is a fishing *wadi* in Pesalai used by fishermen from Vankalai. According to local tradition all the boats remain moored and sea-going activity ceases as a mark of respect whenever there is a funeral in the village. On the day of a funeral at Pesalai, the LTTE had used a Vankalai fisherman's boat to transport something to the Mainland from Siruthoppu. In the resulting quarrel between the Pesalai and Vankalai folk, the LTTE sided with the latter. This led to an argument in the LTTE's Pesalai office that ended in the LTTE men getting thrashed and the office furniture smashed.

The Pesalai men refused to pay LTTE taxes and the LTTE made threats. Finally the parish priests intervened and persuaded the LTTE to drop the matter. In Mutur however, no LTTE person was attacked.

10.5 Was the Violence Orchestrated? - A Question for the LTTE

What we have said above concerning Mutur, where the violence erupted, was largely gathered from Tamil sources. It raises many questions about the LTTE's conduct, still nothing definite. After several days' effort we obtained testimony from an authoritative Muslim source through a well wisher. We give the testimony in point form. Its veracity is not in doubt because it is consistent with what we have already gathered and complements it.

- The Muslim passer-by who was attacked by the Tamil mob over the cross incident is **Faizal**. **Faizal** identified **Ranjan** as a member of the mob. It was this that triggered the attack on the LTTE office and the attackers were Muslims who were angered by this.
- The Muslims were in no doubt about Ranjan's close association with the LTTE. He is regularly found in the LTTE office. Extorting from Muslims is one of his chief activities and he issues receipts in the name of the LTTE for monies received.
- The Police could have defused the tension by arresting Ranjan, which they could easily have done. But they had been inactive.
- There is absolutely no evidence linking the Muslims with the breaking of the cross on the hillock. The geography described above would make him an extraordinarily fanatical Muslim who would go there in the dead of the night and make a huge racket breaking a concrete cross. There is a mystery why the police in the nearby post did not intervene. Perhaps they were asked to avoid anything that may lead to a clash with the LTTE.

So here we have it, what erupted in Mutur was all the time a straight matter that was easily resolved. No grand conspiracies by Muslims. So what was all the fuss about and all bitterness? The LTTE knew from the beginning that all this talk about an *Osama Front* was rubbish and is now deafeningly silent about it. It was orchestrated.

TULF General Secretary **Mr. Sampanthan** was quoted in the *Sunday Times* for the second time on 7th July alluding to the *Osama group* as the troublemaker. Mr. Sampanthan is an experienced and competent lawyer. He well knows that one should not

go on repeating such things without any evidence. He has not been able to name the leader of the *Osama Group*, a member or even a minor functionary who makes tea at their meetings. This is the pathetic state of the TULF after its senior members started running to the LTTE to adjudicate in their internal matters. Where is now the Tamil-Speaking Nation that the TULF once worked for?

We cannot accept that the LTTE issued the statement in the *Virakesari* of 26th June not knowing the questions raised about their man Ranjan. Accusing the Muslim community as a whole threateningly could not have been undertaken lightly. The LTTE top leadership's failure to communicate with the SLMC leadership during the crucial days appears deliberate. The charge that the LTTE orchestrated the recent violence appears credible and it is left to the leaders to answer that charge. Further questions about its role have been raised by the conduct of its cadres in Valaichchenai, the murders and abductions.

Other questions have been raised in the report of Paul Harris in the *Daily Mirror* of 4th July 2002:

- Why did extortion and attacks on local Muslims continue after Minister Hakeem's MoU with Prabhakaran?
- Why were four stolen buses parked outside the LTTE office in Valaichchenail on the morning of June 27th.
- Why were LTTE-style weapons used around the mosque [at Oddamavady] around 1.30 PM on June 28th.
- Why did armed LTTE cadres in combat uniform [under Jim Kelly Thaththa] block the road at Kiran around 7 PM?

We may add a further question: Throughout the week of violence, even the pro-LTTE media were talking about the so-called alien Sri Lankan Army and Police being rushed in to restore order. However, the LTTE were everywhere ubiquitous and call themselves the sole legitimate rulers of the North-East. What was their contribution to restoring order?

After all the damage the LTTE did to itself and the cause of the Tamils in the recent days, there has not been the slightest remorse. Offered on the one hand are honeyed words inviting the Muslims to reconciliation, but the undertones are menacing. The statements of LTTE front organisations and NGOs, along with the Tamil media, highlight violations attributed to Muslims and say nothing about the contrived, ugly incidents of which the Tamil community ought to be ashamed. On the other hand the economic life of Muslims is under constant attack. We have described moves in the environs of Valaichchenai to cramp the Muslims. In Mutur recently, much paddy in fields was destroyed and irrigation water for 6000 acres of fields close to Mutur cultivated by Muslims was blocked by the LTTE. This too was damaging to the crop. Even if this is temporary, the message is clear.

We further see attempts at cornering the Muslims through a strategy of divide and rule. The LTTE's show of conviviality with discredited Muslim politicians in the UNP who were instrumental in fomenting violence between Muslims and Tamils in 1985, as part of

government strategy, is a piece of political bankruptcy that does not augur well. It was again the East that suffered. This is a move by both sides to clip the wings of the SLMC that is now complaining aloud about the LTTE.

Nevertheless, the UNP Muslim minister from Colombo who was in April 1985 accused by the late **Mr. Thondaman** in cabinet of acting as the cat's paw in stirring up the East, is now photographed beaming in Karikalan's company. The Government has been given enough and more evidence about the LTTE's recent role in the East. Yet, this minister, along with the Defence Minister, has been quoted exonerating the LTTE. The SLMC is now being subjected to the kind of games President Jayewardene played with the TULF in the late 1970s and early 80s. It certainly does not brighten prospects for the East. The Tamils had no problems with the SLMC whose interests always lay in regional harmony.

The Tamils who look at the LTTE's measures against Muslims in the East will be sadly reminded of the UNP government's aims and strategies in dealing with themselves in July 1983. The rhetoric, propaganda and thuggery were similar. So was the attack on the economic life of a minority and the message that its members must accept what the bully deems good for them. Is this what Tamil self-respect and self-determination have come to?

The hatred shown towards the Muslims was crude, almost unrelieved by a single act of civilian defiance. That is the extent to which fascism has degraded Tamil society. Even in the aftermath of July 1983 there was some democratic freedom left in the South, which helped at least a critical number of Sinhalese individuals to reflect where they were going and campaign for new values. Does this peace process provide any such opening for the Tamils? A word of credit must be given to the Muslims for their restraint. There was plenty of opportunity for them to harm innocent Tamils where they held back. What did the LTTE expect them to do when they threw grenades at Muslims going to prayer at Oddamavady, knowing that there are also Tamils in that village?

We are once more confronted with a salient feature of LTTE politics that those in the vanguard of the peace process have refused to come to terms with. By its very nature the LTTE is in a position of permanent instability, juggling with mutually incompatible demands. A combination of internal and external circumstances pushed it into a peace process. The process required it to strike a deal with the Muslim leadership and the pact with the SLMC was very much in its favour. Its own paranoia and long term aims require a considerable army. Conscription and extortion to build such a force has alienated both the Tamils and the Muslims. Playing this game requires constant juggling.

One cannot say that the top leadership of the LTTE planned every detail in the week's events. Once the decision to confront the Muslims was taken, the leadership would not have been in full control of events. The area leaders around Valaichenai too had their own compulsions.

Our chronicle of incidents in this report and our earlier reports show that the LTTE has recently been conscripting children and adults in the poor areas around Valaichenai using crude and inhuman methods. There was seething resentment against the LTTE. Playing the Muslim bogey at this time, and leading the Tamil people in a frenzy of hate against an imagined Muslim menace, served to distract these people from the misery it had unleashed on them. Thus in Valaichenai, an LTTE-instigated mob beat two young innocent Muslims to death. It was as though by this unconscionable action, the LTTE helped the Tamil people to expiate the terrible crimes it had committed against them and their children.

The man in charge of the LTTE office at Valaichenai is none other than **Senathy**, who as seen from reports in Section 6, had distinguished himself in child conscription. He was there watching everything, taking orders from the top and orchestrating things locally. According to an eyewitness account, LTTE men were standing in front of his office on 27th June, calling Muslims who passed by and slapping them. They were also calling Tamil civilians and encouraging them to throw stones at Muslims. Hatred of Muslims was being cultivated deliberately to hide their depredations against their own people. It is easy to see where the sadistic killing of the two Muslim cooks nearby fits in.

Such would have come to the LTTE instinctively in the course of events. But the end result is that it has torn up the invaluable agreement with Rauf Hakeem and there is a shift in the crisis. The problem of peace has been further complicated. Moreover, all sections of Tamil society have proved incapable in acting to preserve communal relations and further the objective of peace. The TNA MPs remained shamelessly within the confines determined by the LTTE. Only the International Community appears to have the ability to accomplish some good. An important player on the ground is the Norway-led SLMM.

11. Norway and the SLMM: Potential and Problems, Conceptual & Structural

11.1 Good intentions and wrong priorities?

It would be fair to say that few question the competence or utility of the members of the Sri Lanka Monitoring Mission. During the trouble in Valaichenai, the SLMM arrived amidst the rioting and exploding grenades. Their arrival acted as a catalyst for the security forces to go into action and helped the restoration of order.

In certain areas, they have also proved adept at arm-twisting the LTTE. When the LTTE wants a house in a particular area, they identify the most vulnerable, such as the elderly, and order them to vacate. In such circumstances the SLMM has had some success in evicting the LTTE upon a complaint made. In one case for example they informed the LTTE that they were coming and went to the house with a video camera and an LTTE nominee on the Monitoring Committee. The LTTE men were taken aback, but they quit after scolding their nominee. Such gains are sometimes short-lived since the LTTE returns later and tries to have its way. A particular area where they have had little success concerns child conscription that is among the biggest obstacles to peace.

The SLMM's problems are both conceptual and structural. The conceptual aspect is evident in its report of 29th May. It listed 196 complaints of which 58 were categorised as truce violations. Of these 30 were in Batticaloa among which 10 were abductions. The forced conscription of children was not listed as a violation. The report observed, "*None of the cease-fire violations has jeopardised the agreement*" (Mirror 30-05-02). However, this position is patently unsustainable even from a pragmatic standpoint.

The LTTE is building a massive offensive capability using child conscripts. It is certainly not a move to support the peace process. Nor can it be explained as stemming from distrust of the Government. The Government is economically cornered and everyone knows the mood in the Sri Lankan Army. We have also seen the extent to which child conscription contributes to political degradation and indiscipline within the LTTE itself, rendering it more volatile as an organisation. Despite having a favourable agreement with the SLMC, it showed its self-destructive volatility in its manner of dealing with the Muslims. How can one then say that child conscription does not jeopardise the cease-fire agreement?

The SLMM's inability to make an impact on conscription has made people skeptical about its role. We have found that forced conscription has become a highly offensive and obscene part of the cease-fire regime in Batticaloa and to a lesser extent in Trincomalee. Our cases show it happening in urban areas where the Police and Army are concentrated. In suburban Jaffna, outside the LTTE's Potpathy Road office, there are daily dozens of mothers crying for their children taken away by the LTTE. An observer remarked, "*We have the SLMM, Police, Army, NGOs and INGOs here, but there is no one to monitor this crime*". How does this build confidence?

One might argue that the SLMM has no police powers and can only inquire into complaints and use pressure. The danger is that where neither inquiry is possible nor persuasion works, the temptation is to pretend that the issues concerned are unimportant. This appears to have become the problem of the SLMM. It might be argued on behalf of the SLMM that it is best left to look after the cease-fire, while others should raise the hue and cry about individual violations. What if there is no one the ground doing the latter (as is the case) and the cumulative force of individual violations (as child conscription for example) moves towards making the much treasured cease-fire untenable? Is there in these circumstances any virtue in focussing narrowly on the cease-fire?

Indeed the SLMM's mandate according to the MoU is a wider one, reflecting the fact that monitoring the cease-fire in isolation is meaningless. It has the access and stature that no one else has. No human rights group can simply walk into a village and inquire about child conscription. The SLMM's own experience in this matter speaks volumes.

Article 2.1 of the MoU reads '*The Parties shall in accordance with international law abstain from hostile acts against the civilian population, including such acts as torture, intimidation, extortion and harassment*'

The introduction to Article 3 reads, *'The Parties have agreed to set up an international monitoring mission to enquire into any instance of violation of the terms and conditions of this agreement'*.

The two in conjunction clearly mean that the SLMM's area of responsibility is not simply the cease-fire, but includes all violations coming under Article 2.1 above. Thus strictly speaking, the SLMM should be reporting on violations of the MoU. Moreover, including abductions among violations while excluding forced conscription of children becomes very misleading and arbitrary.

The MoU is inexplicably vague on certain matters. It does not provide explicitly for civilians to make complaints. However, it does not necessarily mean a dilution of the place of civilians under the MoU. Indeed, the SLMM has been accepting complaints from civilians. But there is no commitment in the MoU to indicate what the SLMM ought to do with such complaints except perhaps *'enquire'*. The introduction to Article 3 obliges the Parties (Government & LTTE) to *'co-operate fully'* with the SLMM to *'rectify any matter of conflict caused by their respective sides'*. Meanwhile, 3.11 obliges the SLMM *'to take immediate action'* on complaints made by either party, to enquire and *'assist the Parties'* to settle disputes. There is no corresponding written obligation towards civilians.

The Royal Norwegian Government comes into the picture (Article 3.2) through its authority to appoint the Head of the SLMM and to be the final arbiter on the interpretation of the MoU (giving again a strong indication of the RNG's influence on its contents).

Technically therefore, one cannot fault the SLMM or the Norwegian government for playing down child conscription, although not including it among violations is questionable. However, what is the reality on the ground? Article 2.1 is being flouted with brazen impunity by the LTTE. Children resisting conscription are being beaten and tortured. Often their parents themselves are subject to similar treatment. A girl escapee is beaten to death. When the LTTE are unable to lay hands on a lady teacher they go to her house, beat up the father and force him to agree to give his 10 year old son. Young boys and girls forcibly removed from their homes are handed over to a trainer who is grossly unfit to deal with helpless innocents (see **Section 6**, 28th May). The list goes on depressingly.

These are day-to-day occurrences in the East and the incidents presented by us are merely a small sample. Listing them as violations under the MoU and not doing much about them tangibly, even as the degree and extent of the violations rise out of control, does not add to the credibility of the Norwegian government or the SLMM. Unlike courts of law, public opinion and public confidence are entities not impressed by the small print of agreements.

The MoU itself thus points to the conceptual faults, priorities of the Norwegian government and the Parties, and the rules observed by the SLMM. Norway has tried to assert itself in humanitarian concerns, played a leading role in the UN Commission for

Human Rights, and is a signatory to the recently inaugurated International Criminal Court (ICC). For a country with such experience, the grossness of faults surrounding the MoU cannot be set down as oversights arising from a pragmatic approach. The RNG might even find itself culpable in law in relation to child conscription in Sri Lanka!

11.2 Child Conscription: Is Norway Culpable before International Justice?

Both the governments of Sri Lanka and Norway are signatories to the *Optional Protocol to the Convention on the Rights of the Child*. Accordingly they are both responsible for ensuring that children below the age of 18 are not made party to armed conflict. In this connection, the following are included among the action points in the UN Secretary General's Report to the General Assembly on Children in Armed Conflict [A/56/342-S/2001/852]:

4. The Security Council may wish to ensure that mandates of peace operations explicitly include provisions for monitoring the rights of children.

6. Regional organisations are called upon to institute mechanisms for monitoring and taking steps to curb the cross-border movement of individuals and groups credibly accused of having violated their child protection commitments and obligations.

Norway's peace mission here though not under the aegis of the UN, was obliged to respect minimum standards set by the UN. Why did Norway fail to include a child protection mechanism into the MoU, given that it was well known to be an urgent need? The issue had after all merited a visit in 1998 by the UN Special Representative dealing with children, resulting in a formal commitment by the LTTE. Levels of forced child conscription were also known to be high from August last year (2001) and even while the MoU was in preparation early this year. Moreover, the Norwegian minister dealing with the peace process was aware of such concerns. Answering a question posed by the *Daily Mirror* (28th March 02) on a recent Amnesty International report on child conscription by the LTTE, Norway's Deputy Minister Helgesen replied:

"Yes, we have been asking them [the LTTE] whether this is the case. They are telling us that it is not. We have not been in a position to verify this on our own. But our role is to try and bring this process forward. In the end if the Cease-fire Agreement holds, if there is a political settlement, the country would benefit..."

We have discussed some aspects of this attitude before. But the very fact that the LTTE had denied it to the Norwegians should have made it all the more easier to include child protection in the MoU, at least in the interests of the RNG's good name. It cannot in view of the LTTE's denial be said that such protection was excluded so as not to embarrass the LTTE. Failing to include it, knowing that there was public concern, makes the MoU a murky affair, disregarding minimum standards set by the UN.

The RNG has by now had more than ample opportunity to verify this *'on their own'*. The SLMM spokesman Teitur Torkelson was recently quoted by Reuters on the subject (11th July 02): *"I can tell you that in the East, child recruitment and abduction are the Mission's most common complaint. In Batticaloa and Ampara there are parents crying outside the office every morning"*. Is it not then ethically incumbent upon the RNG to admit openly that they had bungled the MoU and demand rectification? If not, the RNG runs the danger of being held an accomplice abetting child conscription. Moreover, they have placed several conscientious monitors on the ground, doing a frustrating job with one hand tied behind, monitoring a highly defective process.

As for the other party, the Sri Lankan government, we can understand their avoidance of child protection. Sri Lankan governments have observed very selective notions of human rights and democracy that do not improve when it concerns Tamils. Indeed, they have all shown amazing lethargy in putting their sleazy image behind them. The Government has even attempted to ridicule well-founded allegations of child conscription by the LTTE through its man Friday, the Defence Minister. For all the absurd risks they were prepared to take in dealing with the LTTE in this manner, the Government could have benefited considerably by placing itself on a higher moral plane by becoming party to the ICC. It would have placed the LTTE in a difficult position. Why they have not done so is a good question and a scary one at that.

According to an AI document on the ICC, the Court can try persons accused of violations of humanitarian law under Protocol II of the Geneva Conventions, pertaining to internal armed conflicts. Included among these is: *Conscripting or enlisting children under the age of 15 into the armed forces or groups using them to participate actively in hostilities*. There may be a case for parents of children under 15 abducted by the LTTE to prosecute the Royal Norwegian Government, where the MoU had provided the context and opportunity for such action.

The UN Secretary General's Action Point No.6 given above places the British and Norwegian governments in a difficult situation. The LTTE Spokesman Anton Balasingam claims to have the same mind as Prabhakaran and is a resident and citizen of Britain. He made a trip to Sri Lanka recently in a special flight accompanied by a Norwegian official. According to the Action Point above, both the Norwegian and the British governments were obliged to curb his cross border movements. He is, moreover, liable for prosecution by the ICC on the issue of child conscription.

Legally however, culpability may be difficult to establish because of the intricate technicalities involved. But if the RNG respects the spirit of these international norms, they have a moral responsibility to be far more vigilant and sensitive to the plight of the victims. We now take a few instances where the conceptual and structural shortcomings of the MoU vitiate the functioning of the SLMM and defeat its good intentions. The first instance below sheds further light on the structural problems of the SLMM.

11.3 The SLMM's Impact

11.3.1 SLMM seen from the ground:

We see here the contradictions between an ambiguous MoU, expectations on the ground and Norway's peace agenda. The people on the ground naturally expect the SLMM to be responsive to their concerns. Structurally, it is through the LMCs (Local Monitoring Committees) that the people can voice these. In Batticaloa where complaints have been most numerous, some in the LMC have been working hard on human rights concerns. The local expatriate members, though sympathetic, have lacked the clout to get the LTTE to honour its commitments.

Thus it is necessarily the Head of the SLMM who needs to push the LTTE to respect the rules. For example, in the case of the two children and the young bride (see Section 3), the LMC has failed to get a meaningful LTTE response for three months and it is only the head of the SLMM who stands a chance of forcing some action. But nothing has happened so far. On particular matters to do with civilians the SLMM's head - the General - had spoken to the LTTE and was confident that something good will come, but the opposite happened. **Sithamparapillai's** case below is one example.

What is particularly galling to those on the LMC who are not LTTE nominees is that they have been co-opted in a public relations exercise for the Norwegian and Sri Lankan governments without being able to do much for the people. They are worthy citizens giving their time and effort and have faced obstacles insurmountable at local level. The hierarchy of the SLMM should have by now conferred with the LMC about the next step. In more than four months of the SLMM's existence the General has not met the LMC as a body once, even to find out the fate of the promises made to him by the LTTE.

Peace ultimately means providing opportunities and encouragement for the people to take the initiative. A group of prominent citizens in Batticaloa mustered the courage of conviction to seek an appointment with the General to raise some critical issues. They were given just 10 minutes. They went to the meeting with an unsigned memorandum identifying themselves as the Peace Loving Citizens of Batticaloa. Among the issues addressed were child conscription, abduction and extortion. Some who slipped in a little late were ticked off on military punctuality. The General noted the contents of their memorandum. But no time was allowed for any discussion. It was not a meeting between equals.

LMC meetings are moreover taken up with matters that cause misgivings among those mainly concerned about the rights of the people. Among the most time consuming matters pertain to the security forces having to vacate public buildings. This is a matter under the MoU that hardly bothers the people. The security forces have been in occupation of the premises for 12 years and nearly all the government departments and schools had built or found alternative premises and settled down. The security forces are obliged by the MoU to find some government land nearby and put up new structures. It has little meaning now and can wait for a negotiated settlement.

Everyone is also aware that the LTTE's real intention is to throw the security forces out and is unhappy about their relocating in the same area. So neither does all this painful discussion solve the problem of a bad MoU. The LTTE's new demand coming before the monitors is '*demilitarisation of the government*' that has no place in the MoU. It is also painfully evident at LMC meetings that there is no check on the LTTE's occupation of premises in its areas of control and things are only slightly better in the government controlled area.

Nor has the SLMM found any way to check the LTTE's blatant disregard for the MoU. The LTTE has now set up offices in the government-controlled area and is only marginally less inhibited in its actions. But no one else, not even the UNP has been able to set up a party office in the LTTE controlled area. Indeed, members, ex-members and suspected supporters of Tamil opposition parties visiting their families in the LTTE-controlled area or simply passing through in public transport have been detained by the LTTE in violation of basic conditions of the MoU.

Working under these conditions has imbued the more conscientious LMC members with a sense of futility and pessimism, of simply having been used. The SLMM led by the General went to Interior Batticaloa on 10th July, and in talks with senior LTTE leaders did raise several issues like child conscription that some LMC members had pursued vigorously. **Mr.Sinniah**, an LTTE nominee on the LMC, had also accompanied the General. However, no debriefing was given to the LMC as a body, although the issues taken up were concerns raised by them.

The citizens who had come forward to raise these issues too had to find out from Reuters, which interviewed the SLMM, or the Jungle Telegraph. It may of course be argued that communicating with such concerned citizens is not necessary. However, following Norway's intervention, these people are literally besieged by the LTTE, they face additional hazards and their room to manoeuvre has been curtailed. When people among them take significant risks to make representations to the Monitoring Mission, they need to be kept reassured. If not Norway's confidence building exercise does not include them.

11.3.2 Tamil Opposition Parties and the MoU:

The position in which these parties have been placed suggests that either the Norwegian and Sri Lankan governments had not done their homework or they were being cynical. The latter appears to be the case. We hold political pluralism a sacred principle not because politicians are saints, but because it is essential for the healthy resolution of social conflicts. The Tamil parties opposed to the LTTE have been part of the country's political mainstream for some time.

The MoU should have explicitly acknowledged their position and guaranteed their security. Instead the oblique reference to them as paramilitary groups to be disarmed has been unhelpful and unfair. It did not take into account the history of internal terror inflicted on the community by the LTTE. Nor did it take into consideration the political reality in the North-East or the near impossibility of any independent forces challenging the LTTE's politico-military agenda.

The killing of Neelan Thiruchelvam, by a suicide bomber in the year 2000, was the final straw that turned the TULF, with other 'democratic' segments like the ACTC, into grovelling supplicants. Almost all one-time "paramilitary" outfits such as TELO, and EPRLF(S) eventually cowed down. They all became vocal agents of the political agenda of their erstwhile arch tormentor. Indeed, there are complex considerations at work apart from their capitulation to terror. But terror was among the reasons which enabled them to stifle their conscience with the slogan "forget the past"(note, they did not say forgive, who are they to forgive the LTTE, only LTTE have the divine power to forgive themselves!).

The same terror and fear for their existence forced many of these groups to seek patronage in turn from the Indian and Sri Lankan states. Sections from these groups functioned as paramilitary units (e.g. TELO, PLOTE (Mohan) & EPRLF (Razik Group)). Several of the ex-militant groups sought to rebuild their political base by demanding a political solution to the conflict and at the same time aligned with the Army at a certain level in dealing with the LTTE. The EPRLF(V) became less dependent on the State and tried to sustain itself by rediscovering its Marxist roots. This complex political reality encompassing the logic of violence needs to be negotiated, if we are serious about a just peace.

The present peace process is mainly about maintaining a fragile truce between the GoSL and the LTTE, in the belief that the many intricate issues that have not been addressed will resolve themselves in the process of confidence building. However, the present process is reinforcing the deleterious ideological milieu in Tamil society that is counter to the aim of a just peace. Those behind the Government and the LTTE talk about 'forgetting the past' in a perfunctory manner that is far from repenting it. But these actors at the apex of power demand only that the people and the victims forget the past. They hold onto their right to be vindictively unforgetful. They have not accepted the right of others to their independence and their memory. It is under this dispensation that many Tamil parties went to the LTTE on bended knee. We give below a quotation that touches on the conditions for a just peace:

"The issue surrounding forgiveness and not forgiving has two aspects – a psychological and a political factor. Very often we have the tendency to only view forgiveness from a psychological perspective. We have failed to integrate a holistic approach of forgiveness; as a result of which we continue to experience the fact that politics are often translated and determined by the historical collective fear and suffering of a people. The failure of confronting political forgiveness has only helped legitimize injustice and suppression. Is it possible for forgiveness to become a political virtue? The passivity of political forgiveness has enabled the power relationship to remain unchanged. Only when one starts confronting this aspect of forgiveness can the existing power relations change – it needs a clear mind and memory."

"Forgiveness cannot be interchanged with forgetting. It is often the powers that be that advocate 'forgive and forget.' It is a contradiction in its terms. Forgetting the atrocities and crimes would be worse than forgiving the criminal who seeks forgiveness, because forgetting the crimes devalues the humanity that perished and suffered in those atrocities. Further if one forgets, the act of forgiveness no longer remains a conscious action of intention – it becomes cheap. It is important not to forget the past; otherwise forgiveness would be meaningless but it is important that one does not get trapped in the memory of that past, otherwise one will not be able to find their place in the changed future. Forgiving is not to convert

wrong into right. It is not to justify the wrong done and therefore it is imperative not to confuse forgiveness with forgetting for it may be interpreted as 'mercy.' Forgiveness is appropriate only when it is consistent with self-respect and dignity of the victim and the perpetrator. [Miracles of Grace - Philosophy and Praxis of Reconciliation, by Aküm Longchari]

It is under this very unforgiving environment that the plight of the LTTE's opponents must be viewed. In practice, the MoU, acknowledges only the LTTE's right to do political work. LTTE members by Article 1.19 enjoy free movement in the government-controlled areas, technically unarmed, but with no effective check on their activities. Abductions and intimidation are part of the order in the East. Threats against opposition parties at public gatherings, meetings and through anonymous calls have become routine. People are being threatened not to go to them.

These opposition parties, particularly the EPRLF(V) and EPDP, are getting little credit or help for sticking to their positions and not running away. Even their ability to distribute their newspapers is being undermined. The SLMM can get the LTTE to lift any ban such as which it twice imposed on the EPDP's *Thinamurasu*. But then like it does in democratic Toronto, the LTTE's 'political' goons have only got to warn the newsagents and transporters. This is very different from campaigning legitimately for people not to buy the paper. These are papers many people want to buy and the MoU is progressively taking away the little freedom they had for diversity of information and opinion.

One example will show how little they matter in the monitoring arrangements. When two LTTE men were assaulted in Velanai on 20th June, by persons so far not identified, the SLMM was quick to express concern and ask the Government for a commission of inquiry. However, **Suman** of the EPRLF(V) was abducted by the LTTE on the eve of the signing of the MoU. We hope the SLMM would respond to these issues with greater earnestness. Up to this time, they have not made any observations on the matter. And now things are getting worse.

Recent abductions: The following abductions have been reported to the SLMM by the EPDP:

Dharman Balamurali (23), Saraiady, Pt. Pedro, member of EPDP: 9th May: Abducted in Puthukkudiyiruppu, Vanni, while visiting sister, **Mrs. Dharmalatha Ragupathy**, by a party led by **Inbam** of the LTTE. Wife, **Sathyabhavani**, informed by sister several weeks later.

Navaratnam Shanker (30), Navanthurai, Jaffna, pavement hawker and father of two children, left EPDP in 1999: Boarded a bus in Jaffna on 8th July to visit mother in Thambiluvil, EP. Taken off the bus by LTTE in Muhamalai, Jaffna Peninsula. Wife: Lukes Rumina (27).

Nimalshanker (27), Ariyalai, Jaffna, former leader Student Union, University of Jaffna and Petroleum Corporation employee: Taken off bus at Puliyankulam by the LTTE on 2nd July while returning from a promotion related interview in Colombo.

Kandasamy Sasikumar (20), Karampon, Kayts, left EPDP 6 months earlier: Taken off a bus in Yakkachchi, Jaffna Peninsula on 6th July while travelling to Colombo to go abroad.

Mrs. Suhirthakala Sivagnanam and the Wife Beaters: Suhirthakala (28) went with her husband Murugesu Sivagnanam (35) and their 4-year-old son and a family friend Sivaruban on 12th July to visit Sivagnanam's elder sister, mother and brother in Karuvakerni, near Valaichenai. Sivagnanam, who has been a long time member of the EPRLF (V) and is a local council candidate for the Valaichenai TC elections, noticed some LTTE men observing them. At nightfall he took the precaution of sitting away from the house while talking to his sister. About 7.30 PM the LTTE's local intelligence leader Tharanan Thivakaran surrounded the house with ten of his men, including Nalliah, Kannan and Naharasa.

Sivagnanam heard a commotion and a harsh exchange of words. His sister asked him to run saying that she would look after the home front. He ran to the home of a neighbour who boldly helped him to go to the EPRLF (V) office in Valaichenai. Together with some people there, they got help from the Police to go to Sivagnanam's mother's place to find out what happened to the others. They found Suhirthakala in a critical state after being mauled by the LTTE.

Not finding Sivagnanam the LTTE men had dragged his wife a hundred yards from the house and belaboured her with wooden poles demanding her husband. Suhirthakala pleaded that she was three months pregnant. The LTTE men pushed her on the ground trampled her and stood on her. They left her semi-conscious with injuries on her head, shoulders and chest and took the visitor's bags and money with them. Suhirthakala was rushed to Valaichenai Hospital for urgent medical care and then transferred to Batticaloa Hospital. In hospital a woman LTTE agent dressed in yellow went to her and warned her not to talk too much and not to talk out of turn. The LTTE also visited Sivagnanam's mother and demanded that she hand over her son.

The SLMM has rightly expressed indignation and condemnation in strong terms when the LTTE abducted two of its Nordic monitors at mid-night on 13th July. This happened when they boarded for examination an LTTE trawler that had been intercepted off Jaffna by the SL Navy. The LTTE forcibly took the monitors along as hostages to escape from the SL Navy and released them in Killinochchi. For the SLMM it was a revelation. An SLMM press release quoted its chief **General Furuho** describing the incident as a *'major blow to the trust of the SLMM in the LTTE'*. He further described it as *'irresponsible behaviour'* requiring the LTTE to do much to *'rebuild the people's confidence in the organisation'*! It is now time for reality and some indignation on what ordinary people of this poor country have to contend with.

11.3.3 The Spiking of Local Monitoring Committees:

Each Local Monitoring Committee is headed by an expatriate and has two LTTE nominees and two government nominees. In a situation where the violations are in the main by the LTTE against the civilians, the onus of representing the latter has fallen on

the government nominees, if they choose to accept the role. When violations against civilians come up before an LMC, the role of the LTTE nominees, often respectable social figures, was described thus by an insider: *"They will admit nothing and argue against everything"*.

The original intention was perhaps that the LTTE nominees would be fairly reasonable men who would convince the LTTE and smoothen the path to dealing with it. In reality they have hardly wrested any concessions from the LTTE, which uses them as agents in a crude game. We have seen this in cases of child conscription before the SLMM. We further refer to the case of **Mr.Sithamparapillai**, the 82-year-old gentleman from Batticaloa, who was abducted for ransom by the LTTE (see **Special Report No.13**).

Sithamparapillai was released from the custody of the LTTE's Chief Extortioner Athiamman on 30th April, on the same day the Head, SLMM, paid a call on them. An apparent success for the SLMM. However, Athiamman had already discovered that the bank would not release the money unless the victim called in person, and had freed Sithamparapillai on the understanding that he would get the money from the bank. Nevertheless, the SLMM told Sithamparapillai that he need not pay the LTTE any money. This they did on assurances given to them by very senior LTTE figures that he would not be harassed.

However, Sithamparapillai continued to receive messages demanding money. This he conveyed to Fr. Harry Miller, a member of the LMC. Mr. Lars Tidbeck, who headed the LMC, then issued a public statement stating that Sithamparapillai was being harassed by the LTTE notwithstanding assurances given to them. At a more general level the LTTE was asked to mend its ways with the civilian population.

The same day this statement appeared, 11th May, we learn from local media sources that two media men, **Uthayakumar** of BBC Tamil service and **G. Nadesan** of the *Virakesari*, and **Mr.Sinnaiah** of the LMC, had a meeting with the LTTE's local political head, **Thurai**. Its purpose was to discuss means to counter Tidbeck's statement. Duly, Sinnaiah met Sithamparapillai at his house and persuaded him to retract any claims that he had been harassed by the LTTE, as the price for ending harassment and demands for money. He was also asked to stop communicating with Fr. Miller.

The next day, Sunday 12th May, Sinnaiah went to Sithamparapillai's in the morning. To the latter's bewilderment, he brought journalists and equipment along as for a press conference. Mr. Sinnaiah also added in the course of the interview that Karikalan who is the regional head of the LTTE regretted that the Mission had issued a statement without obtaining their version. The BBC broadcast of this conference also made the point that Mr.Sithamparapillai had never complained officially to the SLMM, that in fact his children had done so.

Subsequently the demands for money started again. Harassing telephone calls were made and on 21st May 2002, around 8:00 PM an unidentified person went to Mr.Sithamparapillai's house and uttered death threats. Next day, 22nd May, around 8:00

PM there was a grenade explosion at his house, where no one was hurt. The LTTE suggested that the Police had caused the explosion. However, everyone knew without a shred of doubt the messenger and the message. Friends and relatives became scared of visiting his home. Sithamparapillai paid up Rs.10 lakhs (Rs10,000,00~\$10,000) to **Athiyaman** for temporary relief. The LTTE's policy in all matters is to concede nothing and to harass and frustrate the SLMM and all who persist in wanting redress. It has effectively co-opted the media and its nominees on the LMC to this end.

Mr.Sithamparapillai's case is not an isolated one. The "Reconciliation Committee" has been sending letters signed by one **Vijayan** to many in the government-controlled areas requesting them to make a pilgrimage across the lagoon and meet Athiyaman. Many are going and reconciling themselves to the fate of the present peace process by handing over their houses and grandiose sums of money. Few are prepared to complain to the LMC.

11.3.4 The Vaharai incident, 1st May

In our **Special Report No.13** we referred to the incident above pertaining to gunrunning by the LTTE. The SLMM's statement was carried in the *Daily Mirror* of 14th May 2002 under the front-page headline '*SLMM clears Govt-LTTE over Vaharai*'. The SLMM's Acting Head **Hagrup Haukland** was quoted thus: "*According to Article 1.3 of the Cease-fire Agreement the Sri Lankan Navy executed its legitimate task in intercepting the suspected trawlers and it was proved that one of the trawlers illegally carried mortar shells and RPGs, but no finding linked the trawlers to any of the Parties. Consequently, neither of the Parties can be blamed for the violation of the cease-fire agreement.*"

Arguably neat, but it has evaded the main problem. There is no doubt that the LTTE was gunrunning, but it was a grey area of the MoU. **Article 1.3** recognises the Navy's right to safeguard the country's sovereignty and territorial integrity without engaging in offensive action. Meanwhile **Article 1.7** forbids the Parties from moving munitions, explosives and military equipment into the area controlled by the other Party. References to areas of control in **1.4** and **1.5** make no mention of the sea. The whole matter thus rests in a grey area until resolved. According to **3.2** of the MoU, the authority to resolve the matter rests with the Royal Norwegian Government. Hence the SLMM wanting to avoid the matter at that stage is understandable, given its sensitivity.

The main problem as we see it is to do with the protection of civilians whether or not the Parties are in armed conflict. Two civilians were killed and one was injured in the same incident. The main issue is what has the SLMM done to make life safer for civilians in the event of such confrontations. Excerpts from military dispatches presented by Iqbal Athas in the *Sunday Times* of 13th May 2002, taken together with the material fact that just one fishing trawler was sunk (apart from the one that exploded) makes it clear that it was the Navy that killed the fishermen. The circumstances given lead one to conclude that the action taken had no justification whatsoever. This is dealt with in the Appendix.

That is not all. Haukland's statement suggests that the trawler with the three fishermen that was destroyed, though not referred to explicitly, was a suspected trawler, and no

trawler was found linked to the LTTE. This also implies that the SLMM discounts the Navy's story that the LTTE fired at them from this trawler (see Athas' article or Appendix). Does the SLMM consider sinking an unarmed, but merely 'suspected', trawler a 'legitimate' action by the Navy? The SLMM's position here appears patently defective. The SLMM might of course argue technically that someone other than the LTTE may have fired at the Navy.

Such a supposition would be to introduce unwarranted complications. Even where the military dispatch quoted by Athas does not mention the LTTE explicitly, it was only the LTTE they had in mind as the hostile party. This is clear in their reference to intercepted LTTE transmissions.

The circumstances of the Navy's action in shooting at fishing vessels carrying civilians and the excerpts from the dispatches fail to provide credible evidence of the LTTE firing at the Navy. However, the Navy's action falls among the foibles of frustrated men with destructive power at their command.

The second LTTE boat had escaped into shallow water bypassing vessels of fishermen plying their trade. This would have prevented the Navy from getting closer without knowing the true disposition of these vessels. In their irritation they simply let loose.

12. Conscription and its Consequences: Facing Reality

In the North-East especially, the people needed a break and a dose of optimism to get on with life. The cease-fire provided such a pretext. In the East, any optimism was short-lived. In Jaffna, the people were anxious about the return of the LTTE. Their worst fears waned since the LTTE's presence was less noticeable to the articulate middle-class and its doings evoked less scandal in comparison with the East. Hence many in Jaffna cling to the hope that this time round the peace process would bring some stability. The optimists are preparing hopefully for stable life under the LTTE, at the price of not being sticklers for human rights.

It is like the few golden months in 1990. It seemed that life could go on if one decided not to notice a disappearance in the neighbourhood or some fellow passenger being unloaded from a bus and led away shivering. Such an attitude comes naturally when people see no alternative. And so they get irritated and angry about the Army cutting precious palmyrah and coconut trees to make or repair their bunkers. Moreover, it disturbs their optimism. This optimism can be sustained only by ignoring doings in the East. These doings for the civilians in the North are a secondary concern, and the Tamil media has succeeded in keeping them almost in total ignorance.

However, the writing is clearly on the wall even in the North. The University of Jaffna has been brought under totalitarian control and there is no avenue for the students to discuss the present reality and their political future. Many academics are anxious that the present process ought to be directed towards a political settlement and lasting peace.

Unable to discuss options in the real world, they cling to Thimpu principles and nationhood in the abstract.

Arriving at a political framework entails confronting difficult ground realities and making compromises. It is today that sound leadership and open discussion are most needed. The Tamils need to face the fact that in respect of them, the Muslims face today a problem comparable with that faced by Tamils in respect of the Sinhalese in 1983. The bolder individuals, who ought to speak up rejecting the politics of the LTTE, are falling silent, as fear becomes the dominant trend.

Outsiders and international agencies concerned too need something to fuel their optimism about their programmes and ideas. The North, the once forbidden land, is now open and that is where most visitors go. Its state of desolation with a promising people brought low by the combined depredations of the State and the Fascists would readily ignite anyone's pity and patronising instincts. The LTTE knows how to use it. Dilapidated school buildings, the visitors will be told, are all the fault of the State. They would not be told that educational allocations and monies coming from the Government, even when inadequate, were used to order furniture for the LTTE and build their establishments and police stations - easily the most photogenic buildings in the Vanni.

In selling itself to outsiders as the future rulers of the North-East, the LTTE tried to impress on them its setting up of a police force and a system of courts. In fact the only development in twelve years of LTTE control in the Vanni is to do with its coercive machinery that is an outcrop of its military structures and sheer extortion. Tamil society is not like something out of Somalia or Rural Nepal. It is dominated by many able lawyers and professionals. It is not difficult for the LTTE to show a semblance of sophistication in running their affairs. But when it comes to suppressing dissent or laying their iron fist, their primeval brutality knows no bounds.

The distilled essence of the LTTE was vividly brought home to a journalist in conversation with the medical officer at a dilapidated Vanni hospital that had also suffered war damage. The government doctor said almost apologetically that the LTTE have their own hospital with advanced facilities, where any condition can be treated. The journalist asked him why he did not request the LTTE to help them. The doctor replied in surprise, *"Who am I to ask them?"*

However, for activists from outside looking for an opening to work with the LTTE and influence them for the better, its few structures dealing with civilians appear a good starting point. The LTTE's apparent responsiveness becomes also a cause for optimism. To think otherwise would be to deprive those in the North of their tenuous hold on hope. One can more easily share in such hope if the North were the only part of the story. The East may be stale and commonplace, but that is where the core of the drama is taking shape.

What is happening in the East is the LTTE cannibalising what is left of Tamil society, its soul and civil structures and raising the stakes for a final showdown. Its primary motive

may not be to fight an actual war, but the process is inherently destabilising for an organisation that was never stable. The uninhibited brutality used to deter conscripts from escaping that we have recorded, and the need to stir up anti-Muslim passions to counter popular resentment, are manifestations of this instability. This is another stage in the auto-genocidal impulse of the LTTE's political progress.

In building up this huge explosive potential in the East, the LTTE has lost all sensitivity to basic human values. The Government and Norway have pursued a will-o-the-wisp and do not want to face up to the gravity of this potential that they have exacerbated. The International Community too is willing to put money into soft options like engaging with and counselling the LTTE, but whether that alone would persuade the LTTE to unwind its destructive build up needs to be questioned. What will have an effect would require a series of pressures calling for an adequate political settlement from the Southern polity and at the same time crippling the LTTE's overseas arms acquisition and logistics.

Unfortunately however, most outsiders take a cynical view of the Government and the Sinhalese polity that have through twenty years of acute crisis failed to convince the Tamils or the rest of the world that they are serious about an adequate political settlement. The present government remains a prisoner of its duplicity while in opposition and has said different things at different fora. Why should others lose sleep to help those who are singularly inept at helping themselves?

As for the LTTE, individual ambassadors and political secretaries may feel strong repugnance towards it, but they would also feel inhibited from doing much because of the supineness of the Sinhalese polity. In the meantime they would have other interests too that would determine their career advancement, where something tangible can be achieved for their national interest. To take one example, Sri Lanka is under considerable pressure to commercialise its rich bio-diversity. There is also concerted resistance locally. On the other hand, a Sri Lanka paralysed and impoverished by war is more likely to yield. From this narrow perspective Prabhakaran would be an ally of those who would like to see this country mortgaged. They would have more to gain by playing with him rather than by terminating his career.

But in the meantime this country would be ruined and the Tamils ruined utterly. The LTTE's political outreach may be laughable and its bankruptcy may appear a mere peccadillo to be corrected by good advice. But the die was cast long ago and we are witnessing helplessly the unstoppable catastrophic effects of this politics. The Tamil militant groups that had a broader political vision had been clear that one could not pursue Tamil liberation by bringing ruin on the Muslims, the Sinhalese and on Sri Lanka as a whole.

Even more lamentable is the political vision of the present government. Its pursuit of peace is a crude affair based on giving the LTTE a free run in the North-East and depending particularly on the US to curb its more extreme ambitions. It is again founded

on the late President Jayewardene's naïve belief that the West will not let down the UNP. The real road to peace however begins here with some hard political choices.

The need for a political settlement addressing the real needs of the Tamil people cannot be over-stressed. Many who have seen the ineptness and brutality of the State over many decades, would simply see the LTTE as a reaction to it that has taken on a life of its own. From this perspective, if the problems of the Tamils are addressed honestly, there is no need to talk to the LTTE or appease them, and no need for war. While this view simplifies the institutional character of the LTTE, the Sinhalese extremists are on the contrary obsessed with its power and its trappings of an incipient state. This blinds them to the cry of the Tamil people and spurs them into actions that perpetuate the LTTE's politics.

The immediate concern in the event of a resumption of war concerns the fate of thousands of conscripts, most of them children, who would be thrown into the flames as unwilling cannon fodder. It is too much to expect the Government to worry about strategies to deal with such an eventuality. Nor does one see the kind of enlightenment required to ensure that the security forces respect the rights and dignity of non-combatant Tamil civilians. The Defence Minister, unfortunately like his forerunner Ranjan Wijeratne, has been delegated to spend valuable time covering up for the LTTE. What we are witnessing today is a seedy affair that will nose-dive into tragedy and is symptomatic of arrogance that remains totally insensitive to the minorities.

On the ground we see a turn for the worse. We have seen planned attacks on Muslims in the East for which the Defence Minister with other members of the Government have been exonerating the LTTE (e.g. *Sunday Times* political column, 14.7.02). The conscription of children and the cruelties inflicted on escapees in the East and their parents has taken a turn for the worse (see latter reports in Section 6). Harassment of the Tamil opposition with abductions too has shown a qualitative change for the worse in July (see end of 11.3.2).

Everything must be done to preserve the peace process. But prudence demands of concerned sections of the International Community to be assertive in preventing the LTTE from using this process to tighten its grip on society and drive it towards war. There is a good opportunity to demand that the Southern polity deliver something concrete and meaningful to the Tamils. However, the LTTE's reason for avoiding this course is very clear.

Mr. Olara Otunnu, the Special Representative for Children and Armed Conflict is due in Sri Lanka next month. As usual the LTTE will pretend that nothing is amiss or make some pretence at dealing with the problem. We will have promises and declarations. But what we need to stop this tragedy is a concerted effort by all sections from the UN to the Norwegians and other civil society organizations. They need to follow up and fashion mechanisms to stop child conscription and release those already taken in.

Appendix

The Vaharai Incident Seen Through Military Dispatches

The incident took place in clear visibility, beginning well before sunset on Wednesday 1st May 2002. The initial confusion about the incident is far from over, and the SLMM statement, which appeared on 14th May, did nothing to clarify matters. Much could however be inferred from the dispatches of the Army's 23rd Division that are the basis of Iqbal Athas' defence feature in the *Sunday Times* of 19th May 2002.

With reference to the LTTE boat that was presumably exploded to avoid seizure, a dispatch says: *'Naval troops detected two suspicious fishing boats positioned three nautical miles east of Vakarai, which were proceeding towards the land. The fishing boats did not stop when challenged on closing up for inspection. One boat exploded itself at 1740 hours. In the meantime the second boat beached approximately six miles south of Vakarai.'*

The second boat was evidently fast enough to evade the navy's craft unlike the first. We may assume it beached around 1750 hours. The next events described in the same dispatch took place after a gap of several minutes: *" The beached boat then started to move north towards Vakarai. At 1835 hours naval troops detected another suspicious fishing boat positioned 4.5 nautical miles east of Vakarai. On closing up for inspection, the boat had fired at naval boats. Several attempts were made to stop the boat, but failed. In the meantime naval troops retaliated in self defence resulting in the suspicious boat exploding and it remained ablaze for several hours."*

This dispatch accounts for two boats that went up in flames and sank. The testimony given by fishermen to the SLMM too speaks of two boats going up in flames of which one, and one alone, was accounted for as belonging to fishermen who were in the area. The other, the first to go up in flames, we may conclude, was one of the two LTTE boats.

Those in the second boat that sank were Mohamed Sabeek, Mohamed Hyath and Noor Mohamed Naseer from Valaichenai, of whom only Naseer survived to testify. He too gave the time they were hit by the Navy as 6.30 PM and also said that 3 or 4 navy boats fired at them. Both the dispatch, as well as Naseer's testimony, suggest that this boat was isolated from the 13 other fishing boats in the area. This is explained by the fact that Naseer and companions were fishing from an anchored boat in deep waters, while most of the others were diving for sea slugs in shallower waters.

There are no reasonable grounds to accept the Navy's story that they were fired at from Naseer's isolated, slow moving, or even anchored, vessel. But it happened in the context of the beached second LTTE vessel escaping northwards.

According to another military dispatch cited by Athas, this second vessel was beached 300 to 400 metres from the government-controlled shore just north of Mankerni. This was seen by ground troops. A Naval Sub Unit (NSU), vessels jointly manned by army

and navy personnel, was sent to interdict the beached vessel. The dispatch proceeds: "*By the time it was noticed that the suspected trawler commenced movement towards the north. Only one naval craft was able to approach 25 meters to the suspected trawler*".

The dispatch adds that contrary to instructions the naval vessel aborted its mission to seize the trawler in which there were four persons in civilian clothes, and turned back. It does not give any credible reason for this failure. It is Iqbal Athas who says at the beginning of his piece: "*A near confrontation developed between the guerillas and the Navy-Army group after the former had threatened to open fire if they interfered with the trawler.*" Athas asks: "*Were they [the NSU] ordered to do so or take the decision themselves? Is their claim that their craft developed engine problems correct?*"

None of the excerpts from the dispatches, or even Athas, provide direct testimony of any other LTTE boats having been on the scene except the two trawlers involved in gunrunning. Athas however adds: "*A confrontation occurred between guerrilla boats which had arrived to secure the second fishing trawler and naval boats which pursued it, but found it difficult to get closer to the shore in view of the shallow draught. Without a doubt, fishing boats... in the vicinity were caught in the cross-fire, though it is difficult to establish whether they were hit by guerilla or navy gunfire*".

This could not of course have applied to the sunken fishing boat from which two fishermen were killed. This boat was well isolated from others and further out. Moreover, the Navy's version was that they were fired at from this 'suspicious fishing boat', not from some sleek sea Tiger boat that had come out to confront them.

It is quite possible that some Sea Tiger boats arrived on the scene and positioned themselves to protect the second trawler. But neither the Navy nor the fishermen on the scene have claimed that the Navy hit or sank any such boat. It certainly looks bad that the Navy 'confronted' the Tigers and managed to sink only a harmless fishing vessel and damage other fishing boats, giving the survivors the scare of their life. Telling the truth would have been safer for the Navy's reputation.

** The University Teachers for Human Rights (Jaffna) (UTHR(J)) was formed in 1988 at the University of Jaffna, as part of the national organisation University Teachers for Human Rights. Its public activities as a constituent part of university life came to a standstill following the murder of Dr. Rajani Thiranagama, a key founding member, on 21st September 1989. During the course of 1990 the others who identified openly with the UTHR(J) were forced to leave Jaffna. It continues to function as an organisation upholding the founding spirit of the UTHR(J) with its original aims:*

To challenge the external and internal terror engulfing the Tamil community as a whole through making the perpetrators accountable, and to create space for humanising the social & political spheres relating to the life of our community. The UTHR(J) is not at present functioning in the University of Jaffna in the manner it did in its early life for reasons well understood. The work of UTHR(J) receives support from the European Human Rights Foundation among others.