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**Rewarding Tyranny: Undermining the Democratic Potential  
for Peace**

Summary

Child Soldiers:

Political Opponents:

Muslims:

Rewarding Tyranny: Undermining the Democratic Potential for Peace

I. INTRODUCTION:

The Diplomatic Blitz and the Message

The War on Terrorism and Sri Lanka

What of the People?

II. REWARDING MURDER AND DISINTEGRATION

III. FANNING EMBERS IN THE EAST

Mutur: April, 2003

LTTE Statements on the events

May-July, 2003: Continuing Provocation and a New Trend

The Incidents of August 2003

Context Of Conscription

The Sammanthurai Murders

The LTTE's Obsession with the EPRLF(V)

The LTTE, the State and Tamil Insecurity in Mutur

Buried Links in the Disappearance of Adrian Selvan

The Withered Tree – the Demise of a Family

The New *Vanniars*

Children and the New Bondage: the LTTE's Compulsory Military Training

Conscription in the Amparai and Batticaloa Districts: An Unexpected Turn in Valaichchenai

An Impenetrable Wall of Silence

Current Trends

6<sup>th</sup> October: An Unexpected Turn of Events in Valaichchenai

Fallout from the Valaichchenai Protest

Branding the Very Young

UNICEF's Role and De-Conscription of Child Soldiers

Ceremony, Misery and a Plaintive Cry

IV. TRENDS IN THE NORTH

Jancy's Ordeal: In the Dark Shadows of Pongu Tamil  
A New Turn in Hartley College, Point Pedro

V. MUSLIM POLITICS: TAMIL HISTORY REPEATING ITSELF?

Militancy in Mutur  
The Limitations of TULF – SLMC Politics

VI. INTENSIFICATION OF ATTACKS ON OPPONENTS AND FORMER OPPONENTS

Murdered  
Abducted and Missing  
Beaten, Harassed or Attempt on Life

VII. DISPLACEMENT, REFUGEES AND THE LOGIC OF FAIT ACCOMPLI

No Peace Without Challenging Ideologies of Conflict  
Rallying Extremism in the South  
The Dangerous Logic of *Fait Accompli*  
The Advance of Hubris

Appendix I  
Cases of Conscription and Forcible Induction of Children  
LTTE-Controlled hinterland of Mutur:  
Batticaloa District  
Amparai District  
Jaffna  
Vavuniya

Appendix II  
Persons detained in forced labour camps on account of their escaped children

Appendix III  
A Tribute to Subathiran by a Tamil Coward, from the *Ceylon Daily News*, 21<sup>st</sup> June 2003  
Robert's indictment

## Summary

This latest report by UTHR(J) examines grave contradictions between the rhetoric of peacemaking in Sri Lanka over the past 21 months and its reality. UTHR(J) contends that while the LTTE leaders were honing their diplomatic skills abroad, their cadres were carrying out their orders for military and political expansion, terrorising opponents and sowing communal discord at home.

Special Report 17, **Rewarding Tyranny: Undermining the Democratic Potential for Peace**, provides documentary evidence of the LTTE's continued abuse of civilians: killing of political opponents, violence against Muslims and conscription of children, and shows the destabilizing effect of these activities on Sri Lankan society. Communal violence is on the rise, and party and inter-party squabbles at the parliamentary level are growing increasingly bitter. The report warns that the LTTE's concurrent military build up and strategic deployment threatens not only Sri Lankan security, but the security of the region.

UTHR(J) remains critical of the continued “appeasement” policy towards the Tigers, practiced most strenuously by the UNP and Norway but also embraced by other international and local institutions. The strategy, no doubt intended to persuade the LTTE to continue to engage in talks, has also encouraged its utter disregard for international norms.

As the new report notes: “the course of the ‘peace process’ tells its own story very clearly:”

- In December 2002 in Oslo, LTTE spokesman Anton Balasingam claimed that the LTTE had embraced human rights norms as a basis for talks, and pledged to “allow other political parties and groups to participate in the democratic politics.” Meanwhile in the east, murder and abduction of LTTE’s opponents and child conscription intensified.
- In Hakone talks in March both the LTTE and the Government of Sri Lanka (GoSL) subverted Mr. Ian Martin’s proposals for independent international human rights monitoring – the only way to effectively ensure that the rights under discussion would actually be protected.
- Having boycotted the aid pledging conference in Tokyo, the LTTE also rejected the Tokyo Declaration of 10<sup>th</sup> June 2003 that tied support for the peace process to human rights, democracy and pluralism.
- Four days later, as though to signal its contempt for the Declaration, the LTTE assassinated its most potent political opponent, T. Subathiran who was an embodiment of the principles outlined in the Declaration. By this time, members of the international community were in a quandary. They had almost stopped talking about democracy and human rights, so intent had they been on encouraging the peace process.
- By mid-July 2003 the LTTE had successfully changed the terms of debate. It renewed its early demand for an Interim Administration for the North-East on terms that would in effect confer on it unchecked power in exchange for continued participation in negotiations. It demanded control over not only economic matters, as proposed by the Sri Lankan government, but also policing and judicial services. The LTTE is not waiting for any constitutional settlement involving the whole of Sri Lanka. Its blueprint for a hierarchy of councils reaching down to the villages, and having the leader at the apex, is already in circulation.

### **Child Soldiers:**

Contrary to all expectations of the agreement signed with the UNICEF to oversee the demobilization of child soldiers, the LTTE has once again intensified its conscription

programme, renewing its demand for one child per family in several eastern districts, while making aggressive intrusions upon school children in the North. In Batticaloa the SLMM received on average 5 complaints of child conscription every week during the first three weeks of September from parents brave enough to come forward. Reports on the ground suggest further intensification subsequently.

### **Political Opponents:**

Democratic opponents and their families, (and others long out of politics) continue to be targets of LTTE violence. The report documents the cases of at least twelve murders and seven unresolved “disappearances” of persons abducted by the LTTE in August and September. Several serious assaults resulting in injuries serious enough to require hospitalization were also reported.

### **Muslims:**

LTTE violence against Muslims and constraints imposed by the Tigers on Muslim economic activities are creating a dangerous situation in eastern Sri Lanka. Muslim anger erupted in April and August in Mutur in the face of provocations by the LTTE that left 9 Muslims and 4 Tamils dead and substantial property destroyed in both communities with Muslims suffering disproportionately. In related incidents 2 Muslims were killed in Sammanthurai and 2 disappeared in Valaichchenai. In the wake of the violence, the LTTE increased the pressure by banning Tamils in Mutur and the surrounding villages from trading with the Muslims for a time and constricting their economic life in general. In August, Muslim leaders demanded government protection after at least 28 deaths and the disappearances of Muslims since the beginning of the peace process.

The September press indicated that some Muslim youths were gravitating towards militancy, and had sought to procure arms to protect their communities. Clearly vigilante activity in Mutur showed that the violence was more organized than it had been previously and this is troubling. But one fact stands out: from the start of the cease-fire up to May 2003, guns had only been used by Tamils. The agents who used them were members of the LTTE, either regulars or vigilantes, and they did so with LTTE backing. The first time Muslim vigilantes used a gun against a Tamil was when Gunam Subaraj was shot on 4<sup>th</sup> August 2003 in apparent retaliation for the murder the previous day of a police officer who had served in intelligence. Prior to that Muslim militant activity in Mutur was largely that of street fighters and market thugs responding to LTTE provocation.

Abuse of vulnerable groups in the North-East by the LTTE continues unabated. It is time for Norway and others who wish to bring peace to the island to rethink their superficial notion of peacemaking. Ignoring the democratic potential within the community, and preserving a temporary absence of war while enthroning exclusive ideological movements or ignoring systematic violations will in the end undermine the process. Experience has shown again and again that accountability for the past and present should be instilled in some way as a norm of any process to achieve lasting peace

## Special Report No. 17

### Rewarding Tyranny: Undermining the Democratic Potential for Peace

#### I. INTRODUCTION:

The LTTE has engaged in a deliberate effort over the last 21 months to advance its political and military hold on the North-East under the cover of the cease-fire, to gain access to billions in foreign assistance, and meanwhile to contain any democratic effort (local or international) that might challenge its basic totalitarian nature. While its leaders honed their diplomatic skills, their cadres terrorised opponents and sowed communal discord. The LTTE's audacity in disclaiming any responsibility for the killing of its political opponents in the government-controlled areas, mirrors the disingenuousness of its assurances to the Sinhalese people and the international community that it is earnest in its quest for peace.

The effects are being felt. Violence and communal unruliness are on the rise; as are inter and intra-party political squabbles at the parliamentary level. While Tiger leaders parade around European capitals shaking hands with every dignitary the Sri Lankan government can muster, at home, on the orders of these very same leaders, their frightened, confined and often-impooverished democratic opponents and their families, (and others long out of politics) are being abducted, tortured and killed.

*A peace process is generally understood to involve progressive movement towards a stable order, based on broadly agreed upon principles which promote resolution of conflicts rather than their aggravation. Assessed by these very basic tokens, the "process" in Sri Lanka was not about peace. It was an exercise in public relations, spearheaded by the Norwegian and Sri Lankan governments that intentionally ignored clear signals that the LTTE was not operating in good faith.*

The LTTE, which routinely denies placing children under arms, was forced to implicitly admit it engaged in the practice, by the fact of an agreement with UNICEF in March this year, on demobilizing child soldiers. However, the UNICEF's sacrifice of principle in the name of realpolitik has parodied the effort to bring relief to child soldiers. Contrary to all expectations of the agreement with UNICEF, the LTTE has once again intensified its conscription programme, renewing its demand for one child per family in several eastern districts, while making aggressive intrusions upon school children in the North.

UTHR(J) has repeatedly argued that a peace process that accommodates systematic violence is a contradiction in terms. We document the LTTE's conscription of children, its violence against Muslims and against its own people, not simply to illustrate how LTTE terror functions, but to show its devastating effect on society. The fascist ideology practiced by the LTTE -- one that denies independent thought, compassion and tolerance -- will never bring peace and dignity to the Tamil community or security to its neighbors; its destabilizing nature in the region must not be underestimated.

Current efforts to secure a lasting peace in Sri Lanka were doomed from the outset, because they began by denying and then downplaying obvious abuse (such as the LTTE's blatant child conscription and systematic political assassination). Blaming Sinhalese or Muslim "extremists", the PA, SLMC, or the hapless Tamil groups opposed to the LTTE for its failure is convenient, but wrong.

The Government's bankruptcy is evident in its critical, but perhaps misplaced, reliance on India and the US coming to its assistance in the event of a resumption of war, while it has singularly failed to build any meaningful consensus with the opposition on the political issues at stake.

The Norwegian interlocutors, the Japanese, who are mustering the financial incentives, and the international community, together with the Government, have shown a dangerous ineptitude in their stark failure to hold the LTTE to international norms, which it repeatedly acknowledged. Were the LTTE's perception of interest in a federal solution, it had at its disposal international goodwill and war wariness and a desire for peace in this country as cardinal assets. In the Guatemalan case, even a militarily weak rebel group became a key partner in the peace process through the agency of the Assembly of Civil Society.

What we have in this country is a total perversion of the peace process by the LTTE. Instead of calming the situation and allowing the country to 'think peace', it has steadily stepped up the warlike rhetoric. It has used the military space provided by the ceasefire to conscript children under the very noses of the Army, to launch a massive military build up and to secure strategic deployment. The course of the 'peace process' tells its own story very clearly:

- In Oslo in early December 2002, LTTE spokesman Anton Balasingam made a commitment to a settlement involving federalism and pluralism. Meanwhile in the east, murder and abduction of LTTE's opponents and child conscription intensified.
- At the Hakone talks last March, both the LTTE and the Government of Sri Lanka (GoSL) subverted Mr. Ian Martin's proposals for independent international human rights monitoring – the only way to effectively ensure that the rights under discussion would actually be protected.
- Having refused to attend the aid pledging conference in Tokyo, the LTTE also rejected the Tokyo Declaration of 10<sup>th</sup> June 2003 that tied support for the peace process to human rights, democracy and pluralism.

Paragraph 16 of the Tokyo Declaration reads: *"The Conference also urges the parties to move expeditiously to a lasting and equitable political settlement. Such a settlement should be based upon respect for human rights, democracy and the rule of law. In this regard, the Conference looks forward to the parties reaching early agreement on a*

*human rights declaration, as discussed at the sixth session of peace negotiations at Hakone.*” But what does the Declaration really mean in practice?

On linkage between donor support and progress, Paragraph 18 includes, “*Participation of a Muslim delegation as agreed in the declaration of the fourth session of peace talks in Thailand*” and “*Parallel progress towards a final political settlement based on the principles of the Oslo Declaration*”. Both these have now been virtually ruled out by the LTTE and hardly anyone is pressing them. Also included is, “*Implementation of effective measures in accordance with the UNICEF-supported Action Plan to stop underage recruitment and to facilitate the release of underage recruits and their rehabilitation and reintegration into society.*” A great deal has gone wrong from here. Why the misleading euphemism of ‘*underage recruitment*’, when the fact of the abduction and conscription of hundreds of very young children has been confirmed by organizations including the AI, HRW, UNDP and the SLMM? We will not speculate, one need only look at the current direction of UNICEF’s work.

- Four days after the Tokyo summit, as though to signal its contempt for the Declaration, the LTTE assassinated its most potent political opponent, T. Subathiran, who was an embodiment of the democratic principles outlined in the Declaration. By this time, members of the international community were in a quandary. They had almost stopped talking about democracy and human rights, so intent had they been on encouraging the peace process.
- By mid-July 2003 the LTTE had successfully changed the terms of debate. It renewed its early demand for an Interim Administration for the North-East on terms that would in effect confer on it unchecked power in exchange for continued participation in negotiations. It demanded control over not only economic matters, as proposed by the Sri Lankan government, but also policing and judicial services. The LTTE is not waiting for any constitutional settlement involving the whole of Sri Lanka. Its blueprint for a hierarchy of councils reaching down to the villages, and having the leader at the apex, is already in circulation.

An important contradiction in the Interim Administration approach with sinister consequences is being overlooked. The High Security Zones issue can be resolved only through a political settlement leading to de-militarization. The interim administration having a brief for re-construction in the absence of a political settlement, will quickly lead to rancorous, irresolvable contradictions over the High Security Zones. The LTTE apparatus is well practiced in making the Government and the Sinhalese look unreasonable, even while it pushes its military stakes. At this time the LTTE has turned a traffic accident in Jaffna into a familiar ‘people’s agitation’ for the Army’s removal.

The response of the international community was reflected in the World Bank’s announcement on 16<sup>th</sup> July of a release of \$1 billion over the next four years for reconstruction in Sri Lanka. The country Director Peter Harrold, while saying that the

peace process was going 'remarkably well,' linked disbursements to further progress. He refused to be drawn into the question of human rights (V.S. Sambandan, *The Hindu*, 17.07.03).

- By August the LTTE had brought a new diversion onto the process by putting up a camp west of Muttur in an area declared by the SLMM to be outside their zone of control, and then ignoring repeated pleas by the Monitors to remove it.

The World Bank, ADB and the Japanese Bank for International Cooperation (JBIC) issued a statement on 2<sup>nd</sup> October after a two-day meeting. It spoke of their commitment to assist reconstruction and development in line with the Tokyo Declaration, and to fund new projects based on progress in the peace process. AFP quoted Peter Harrold on financial aid, "*Merely resuming the talks between the Colombo government and Tamil Tiger rebels would not be sufficient. We want to see results emerge from the talks rather than the start of the talks.*"

Whenever questioned on human rights, Harrold has merely reiterated the Tokyo Declaration, but avoiding the subject otherwise, as in the 2<sup>nd</sup> October statement, even as child conscription and assassinations by the LTTE are alarmingly on the rise. As indicated above, the Tokyo Declaration's intentions regarding human rights, democracy and an expeditious political solution have been surrendered almost casually. The idea of progress now appears to rest largely on a neo economic agenda. We argue in this report that this is an area that calls for much rethinking.

There is little doubt now as to who was calling the shots, but by this time the attention of the international community was wandering; Sri Lanka was once again treated as a marginal problem in world affairs. The events indicate that the international community's idea of progress means, in practice, progress on the LTTE's terms. To the UNP government, probably as it had known at the outset, the problem became one of maintaining an appearance of peace talks, with conferences here and there, in the hope of keeping the World Bank and others happy to disburse cash until the next elections. The emphasis now is not to rock the boat and to keep the money flowing. For the Norwegians and the Japanese, it has become a matter of saving face.

### **The Diplomatic Blitz and the Message**

Along with the meeting of donors in Colombo, which the LTTE declined to attend, a well-coordinated diplomatic blitz was launched by the donor countries to persuade the LTTE to restart the peace process. All met LTTE political wing leaders in the areas they visited. The Danish ambassador visited the Vanni on 10<sup>th</sup> –11<sup>th</sup> September; the Japanese envoy Akashi, Amparai on the 13<sup>th</sup> and the Vanni on the 14<sup>th</sup>; the Norwegian Deputy Foreign Minister Vidar Helgesen and his Special Adviser Erik Solheim had discussions with various parties on the peace process from 17<sup>th</sup> to 19<sup>th</sup> September; the Canadian ambassador visited Killinochchi and talked to Thamilchelvan on the 19<sup>th</sup> and the SLMM Head had discussions with Thamilchelvan on the 28<sup>th</sup>.

There is no doubt that they all raised the same issues, including killings, with perhaps differing emphasis. What is more important is the impression they make on the LTTE. During the period covering this diplomatic offensive, from 7<sup>th</sup> to 28<sup>th</sup> September, there had been in the Batticaloa and Amparai Districts, a record of 6 murders by the LTTE, 3 disappearances and one injured victim in hospital (see Chapter VI below). This is not surprising.

The LTTE media represent this intense courting of its functionaries by diplomats as the international community endorsing their exclusivist ideological claims (see articles by Thuraimehanathan and Venithan in *Thamil Alai*, 20.09.03). They see this as a special privilege granted to them for the sacrifices of their dead, and hold it an insult for anyone else, the Muslim leaders for example, to think that they should sit with them as a party to the negotiations. Any injunctions by diplomats about killing or child conscription do not register. Why should they, if they are not seen to be seriously meant?

The EPDP complained in a letter to the Japanese ambassador (17.9.03) expressing distress over the Japanese Special Envoy Yasushi Akashi's negative approach to meeting democratic Tamil parties. It pointed out that members of the Tamil opposition parties who were being decimated by LTTE assassins were excluded from the delegations Akashi met in the Amparai District to assess the situation, despite earlier requests to the Japanese embassy.

If one is in any doubt about the message the LTTE is getting from the West and Japan, take the following remarks made by Commander Karuna from a press interview given from Zurich during his recent European tour (*Thinakkural* 4<sup>th</sup> September 03):

*“In support of the interests of Sinhalese communalists, some Muslim leaders [Rauf Hakeem in particular] are engaged in creating divisions between Muslims and Tamils...Therefore if communal clashes break out in the North and East, it is the people of this region who will be destroyed. Hence the Muslims must be extremely careful in this matter... When a separate police unit is raised for the protection of Muslims, it will lead to many problems. The Muslims must understand this. When an ordinary problem explodes into a clash, it is the Muslims of this region who will bear the destruction... If a special police unit is created under the present conditions, the Muslims will have to be very vigilant to prevent communal clashes. We have experienced at first hand the tragedies and losses resulting from armed struggle in the past. The Muslims too must take note of this.”*

This interview came against the background of Muslim leaders demanding government protection after at least 28 deaths and disappearances of Muslims during the peace process. Much of the message is in the man saying it and his bloody record. The context would suggest to the ordinary reader the blessings of Europe and the Swiss government! This singular outcome comes against the US-led War on Terrorism.

## **The War on Terrorism and Sri Lanka**

Although in general the war on terrorism as led by the US has tended to politically arm 'terrorist movements' rather than weaken them, in our context it has some impact on restraining the LTTE from embarking on war, as they had regularly done earlier. However, it could not restrain them from terrorising the community locally and carrying out their agenda. That too because the UNP's appeasement policy, which was backed by the Norwegians, undermined even the small but significant degree of external pressure applied on the LTTE.

The Sinhalese nationalists have on their part pounced on the War on Terrorism as their only platform to deal with the LTTE. Glossing over the inherent inconsistencies of the US-led war, they have harped on its ambivalence towards the LTTE. They leave world opinion unconvinced by trying to hide what the rest of the world knows – the long and harrowing history of state terrorism against the Tamils – and shedding instead tears for the Tamil victims of LTTE terror. Reliance on the lopsided US-led war on terrorism to deal with the LTTE in the absence of any local initiative to disarm it politically is doomed to failure.

Such an initiative must seek to disarm not just the LTTE, but also all ideologically narrow, violent and anti-democratic forces that are now coming to the fore. Many of them are offspring of the same forces that marginalized the minorities, while playing up the insecurity of the Sinhalese to keep themselves in power.

Meanwhile, the peacemakers are relying on military parity as the sole rationale for peace. They miss the point of the LTTE strategists' reliance on this peace process as the stepping-stone to Eelam, and the manipulation of Tamil civil society under the aegis of the same.

This is in part a reflection of the impotency of Colombo-based civil society actors, who too have no strategy except to hope that the current global milieu would induce the LTTE to compromise. They have largely lost the ability to mobilize pressure from below-upwards to influence the different actors – in particular the UNP to build a constructive relationship with the opposition parties, especially with the PA, towards a real peace process that brings human rights concerns to the forefront.

Unable to do this, many have become mere fiddlers, playing to the Government's discordant orchestration of appeasement. Their camaraderie with the UNP and the cry by the JVP and other extremist forces to eradicate the LTTE militarily are the two sides of the same coin. Both show no concern for the ordinary Tamil people, whom they both crush. Both conspire to arm the LTTE politically, which plays on Tamil insecurity and claims to offer the only viable solution.

### **What of the People?**

The people are intelligent enough to be cynical about the present peace process. Their hope against hope that the LTTE may be serious this time has faded and they cling now to the hope that the current state of non-war will last just a little longer.

For members of the Tamil community, the widely publicized issue of rehabilitating child soldiers is fast being overshadowed by the whole society facing a sort of LTTE conscription. From 1986, the LTTE has tried to impress on the people that their duty is to obey “the movement” without question and in effect to be cogs in its military machine. They will be assigned roles in the Orwellian world of Eelam, as fighters, bearers of fighters, publicists, demagogues, bureaucrats, or even human rights activists who are blind to what happens within.

Once such a regime is in force, there is no need to abduct children. They are simply there, conditioned and ripe for harvesting. The LTTE has no other vision for human society. Although this ordering of society has been implicit in the LTTE’s propaganda for nearly 20 years, it has largely failed because the people had some room to manoeuvre or escape. However by increasingly atomizing society by advancing its terror, it has gone some way towards making the poorest sections bow to a fate of not being able to exercise guardianship over their own children. Protecting that right is an object of human rights activity, which this peace process is fast eroding.

When the International Community came in, the people did expect them minimally to ensure that human rights and democracy were enshrined in the process. When Sri Lankans see the International Community more interested in keeping up appearances with the LTTE, meekly accepting the shifting of goal posts and leaving the process a shambles with mere token protest, naturally their worst fears are aroused.

The motto of the LTTE “*The thirst of the Tigers is the Motherland of Tamil Eelam*” is still the slogan at rallies, *Pongu Tamil* events and other gatherings. But recently, they are, as it were, flagging a new cry: “*The thirst of the Tigers is an Interim Administration*”. Many peace activists see it as proof that LTTE has changed its colours.

Those who vilified earlier calls for an interim administration by other Tamil groups, remonstrating that we need political rights and not interim solutions, are now very deliberately, even fearfully, avoiding any discussion of the core issues. Is this an inconsistency on the Tigers’ part? No. Any one who follows developments on the ground knows there is no inconsistency.

The process allows the LTTE to be totally unaccountable. It permits the Tamils’ “sole representatives” to continue their exercise of power through sheer violence, and to control and manipulate Tamil society. Hence the leadership’s perception of *interest* in this process is to achieve their “goal” which is intertwined in form and content. Eelam, that is, in form, and absolute control of its polity in content. But the concomitant political developments in the South will further aggravate the already uncertain future confronting the Tamils. Unless the Norwegians and the international community see clearly to insist

on meaningful accountability, by both the LTTE and UNP, the LTTE will drag the Tamils again into massive death, waving the mirage of Eelam as their banner.

One could feel how swiftly the shadows are closing in since the murder of Subathiran less than four months ago. An incident in Jaffna illustrates where things are going. Since the beginning of the peace process a number of Colombo-based NGOs have been going to Jaffna with foreign speakers to hold discussions and seminars in places like the University of Jaffna, on topics like, federalism, political solutions, alternative models, reconciliation and challenges of peace around the world. These efforts were well meant and provided some life and discussion in an otherwise drab environment.

Recently, four young men accosted an intellectual who had been to one such seminar. They told him, "*Annai, you mustn't go to these seminars*". The man replied, "*Why, I only sit and listen, I don't say anything*". One of the young men shot back, "*But you might speak to them afterwards in private!*" This kind of intimidation is very effective against the background of political killings, which is part of their purpose. Unknown filibusterers have deliberately insulted some delegations from Colombo. Tamils in these delegations showing democratic tendencies receive special attention as suspected 'traitors'. The LTTE routinely claims that such actions come from the 'people', even when the dodgy behaviour of the hosts speaks otherwise.

One day the peacemakers will give up and leave. To defend their LTTE-centred appeasement and dismissive attitude towards other 'disruptive' interests, they will blame this or that 'extremist' group or the President. But that would be to confuse secondary with primary phenomena. It does not take much perceptiveness to discern that the UNP government's crudely opportunistic elevation of the LTTE was pregnant with tragedy

## II. REWARDING MURDER AND DISINTEGRATION

**Karuna's** grand tour of Europe placed in sharp relief against the murder in broad daylight of **Navaneethan (Patkunam)** by his goons a few days later, in Batticaloa town, tells us what this MoU and peace process are now really about. Navaneethan had been a member of the EPRLF(V) and like many others left for reasons, including the lack of resources. Navaneethan lived with his family in Batticaloa town and worked as a mason. At the last elections he had worked for the party. The LTTE had visited his home twice before and missed him. On his way to work at 8.00 AM on 15<sup>th</sup> September, an LTTE party led by **Sathyan** and **Mathan** accosted him near the petrol depot.

Sathyan pulled out a knife and stabbed Navaneethan, who fought back and protested, "*I am not in any movement, why do you want to kill me?*" This went on for 5 to 10 minutes in public view during rush hour, Navaneethan fighting back attempts by the goons to stab him. Finally Mathan pulled out a revolver and shot him several times. Navaneethan died in hospital. This happened at the height of the diplomatic blitz by donor countries and on the day of Mr. Akashi's press briefing in Colombo (see Chapter VII).

The LTTE's deliberate disregard for the terms of the MoU could not have been more public. Complaints have been made to the Police and the SLMM. The Police are 'investigating', but no arrests will be made. Since, as we understand, Murder is not listed specifically as a violation in the MoU (although 'violence against civilians' and carrying weapons in the government controlled area are forbidden), the SLMM will not investigate.

Though the SLMM has now said publicly that political killings are violations of the cease-fire agreement, the real problem might be their utter lack of any capacity for investigation. They will ask Karuna, or one of his nominees, during their regular meetings and he would deny having anything to do with it. SLMM, Batticaloa, would then send a report to HQ, who may in turn take it up with the Police, who will continue to 'investigate'.

**Privately, a member of the SLMM in Batticaloa** has said he believes that the LTTE has been, by the course of events, given a clear message that they could get away with anything, and so have pulled out their old hit lists. The Police appear to be under orders from the top not to act on complaints against the LTTE. The member opines that this is a bad patch, and things might ease up if an Interim Administration came into effect in which the LTTE had to be accountable to the Sri Lankan Police. Giving the LTTE police powers, as they have demanded, would make things worse than they are now, he added. But the international community has already lost the game of nerves. It has no stomach for matters that may complicate the drive for appeasement.

The resettlement of Muslims in the North whom the LTTE meanly robbed and expelled to live in miserable conditions is another issue requiring special consideration from donors. Resettlement is their right and cannot have anything to do with the LTTE's likes and dislikes. Everywhere in the North-East the economic life of the Muslims is being deliberately squeezed and their slow displacement that is taking place in the East today may become a catastrophe in a time of war. However, to represent the Tamil people as beneficiaries in this game is the characteristic folly of Sinhalese chauvinism. Where there was malnutrition in the LTTE controlled areas, it is still there. Fear and hatred of the Muslims is being deliberately cultivated among children, who deserved far better, to force them into military service.

No, things are going badly and it is better to be honest about it. In early August, Amnesty International and Human Rights Watch (HRW) issued a joint statement of concern about political killings by the LTTE along with a detailed report by HRW. Just after this an expatriate supporter reportedly met LTTE leader Prabhakaran and Intelligence chief Pottu Amman. We understand that the latter's casual remarks evinced no change in the LTTE's approach to political opponents. The Japanese Special Envoy Mr. Yasushi Akashi met the LTTE leader for 3 hours on 8<sup>th</sup> May. The LTTE press statement on the meeting concentrated on the utilization of donor funds. What it did not say is contained in an instructive story in the diplomatic grapevine.

During the meeting, Mr. Akashi made a vigorous plea dealing with democracy, human rights and the conscription of children. The LTTE leader, the story goes, heard him out impassively without a word of response, and no sooner had Akashi finished, moved to the next item on the agenda. Nevertheless, Mr. Akashi has continued unremitting in his efforts to host functions where money will be rattled and the LTTE will meet a choice of dignitaries from around the world. A month after the AI and HRW expressed concern about the LTTE's political killings, the European Union issued a statement reflecting that concern. It did nothing to dampen the ebullience of European tours by LTTE leaders, who came back to business as usual.

The vast majority of the people in any community are not extremists by nature. Even if they are unconvinced they are willing to give an initiative by a new government a chance. They cannot be blamed for having no confidence in what is going on now in the name of peace. This loss of confidence is evident in the deep and even violent divisions within the SLMC. The TULF is transfixed. If the JVP is emerging as a major 'disruptive' force, it is the peacemakers who must question themselves. The UNP's handling of Southern opposition parties too raises questions about its seriousness in seeking the essential Southern consensus. While the President is being blamed for a 'negative' approach, the UNP has failed to heed repeated calls to broad base participation in the talks. The LTTE, which has spared no effort to keep things that way, is the only force with a clear grasp of what is doing. Its current strategy is clearly reflected in recent events in the East.

### III. FANNING EMBERS IN THE EAST

Among the techniques used by the Sri Lankan Forces along the eastern seaboard south of Mullaitivu in the 1990s, was that of calculated provocation, by introducing Sinhalese settlers or by importing Muslim agent provocateurs from Colombo. Any real or purported response was used as a pretext for massive retaliation against the Tamil civilian population. Large masses of especially the Tamil rural population became refugees. The result of such actions is usually a *fait accompli* in favour of the side with the greater potential for violence. The technique is a familiar one: Israeli Prime minister Ariel Sharon is using it today in a bid to force on the Palestinians a deal that would confine them to a small, arid fraction of what was once their home.<sup>1</sup>

The LTTE then, in the traumatic year of 1986, did much of the work for the Sri Lankan forces by decimating the other Tamil groups. Were it not for the Indo-Lanka Accord, the Sri Lankan forces would have succeeded. Today, however, it is the LTTE that is using the technique against the Muslims in the East. Attempts to constrict the economic life of Muslim traders in Valaichenai had begun before the incidents in Muttur in June 2002 (our Special Report No. 14). The events in Muttur culminated in massive LTTE-organised retaliation, principally against properties, business premises and crops. This was followed by Muslim protests in Valaichenai, where the LTTE killed 14 Muslims and followed it up with further constraints on their economic life.

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<sup>1</sup> Viktor Ostrovsky in his inside story of the Mossad titled, *By Way of Deception* told us that in 1985 the Mossad trained teams from the Sri Lankan forces and the LTTE simultaneously without their seeing each other. The allegation has not been disproved.

In the East in particular, a large proportion of fields worked by Muslims were in areas where access required the cooperation of the LTTE. When SLMC leader Rauf Hakeem and other Muslim MPs met the LTTE leader in April last year, the LTTE leader agreed to all their requests to normalize the lives of Muslims. But for Muslims returning to Jaffna, it was a long journey from their refugee base to a place where their houses and schools were rubble. The required relief was not forthcoming and LTTE regulations and taxes made viable trade nigh impossible. The underlying message was, 'You were chased away, now stay away'. These people were never party to any kind of violence. In the East many fields once worked by Muslims have become 'disputed', and the decision is in the hands of an LTTE local leader. These simply drag on. In April 2003 the situation in Muttur again worsened:

### **Muttur: April, 2003**

After nightfall on 31<sup>st</sup> March 2003, two married Muslim youths **Maqbool Naim** (28) and **Abdur Razak** (28) sailed eastward in their boat towards the LTTE-controlled Tamil area of Kadatkarachenai. According to sources from the area, they had gone at the invitation of a Tamil businessman from Sampur, as Muslim fishermen often did, to trade in dry fish, ganja or timber. The youths did not return and it was presumed by the Muslims that they had been arrested by the LTTE as confirmed to them by Tamils coming from the area. The latter said that the missing youths would be produced in LTTE courts after inquiry.

However, a very balanced report prepared by the Muslim Information Centre (MIC, 28 Apr.2003) points out that when local community leaders sought information by visiting LTTE offices, LTTE leaders acted evasively, keeping the community leaders waiting from 9.00 AM to 3.00 PM on several occasions. As frequently happens when dealing with a fascist force, the community was divided. One section felt that the youths would be released in two weeks if they did not agitate for the release. Thus when the youths were not released, they blamed the politicians and those who agitated with them. The drama was reminiscent of the disappearance in 1986 of Jaffna University student Vijitharan and the student agitation that followed.

Meanwhile, tensions between Muslims and the LTTE had been on the rise over other causes. Under the MoU, the Muslims began moving into parts of their traditional economic zone lying in areas under LTTE control and tried to reoccupy abandoned villages and take possession of properties that had contributed to their livelihood, in for example, Uppural southeast of Muttur. MIC points out that the LTTE prevented them by citing such reasons as landmines, and coincidentally or otherwise, Muslims were approached by Tamil individuals and organizations with offers to buy up their very fertile properties. There were also according to Tamil sources, the usual tensions that arise when men from a better off, property owning stratum of society have dealings in an impoverished area, which is made worse when an ethnic factor is also involved at a time of rising tension. (See the Sammanthurai killings below.)

Further, Muslims going into LTTE-controlled areas such as Sampur identified some of their possessions presumably looted during the disturbances of June 2002. A number of

complaints were made to the SLMM and they sometimes even got back their goods. The Muslims attribute this to be the main reason for the LTTE imposing a prohibition on Muslims going into the Sampur area, which was in force when the two youths were abducted. **M.K. Isiyathumma** (48), the mother of Jabir, who had been going to the LTTE regularly inquiring for her son, committed suicide on 15<sup>th</sup> April, leading to a heightening of tensions in Mutur.

Meanwhile, Ministers **Rauf Hakeem, Abdul Cader, M.H.M. Azwer** and MPs **M.M.Mahroof, M.M. Thowfeek** and ‘**Thidir**’ (‘**Surprise**’) **Thowfeek** had rushed to Mutur. The LTTE, which had been silent on the subject of the missing youths for 15 days issued a statement denying responsibility and regretting the death of the mother. The LTTE accused a mysterious ‘third force’ of trying to foment division between the Muslims and Tamils.

While Rauf Hakeem complained about the helplessness of the Muslims and demanded government protection, Mahroof, who is from the UNP, said that Hakeem should resign for failing to protect the Muslims. As during the previous year, the Muslim UNP MPs were following the party line of keeping up appearances with the LTTE and not blaming it. In turn, with Hakeem getting a bad press as a troublemaker, the situation became more confused.

As for the disappearance of the two Muslim youths, Tamil villagers in the LTTE-controlled area east of Mutur are not in any doubt about the LTTE’s involvement. The stories circulated often try to attribute some reason, and one such story is that the youths belonged to the ‘*Osama Group*’ or the ‘*Jihad*’. Other stories are variations on this theme. Another is that one of the youths was caught escaping and killed and the other was also killed to cover up the affair. A less speculative reason comes from the Muslim delegation that met the LTTE’s Trinco political leader Thilak for talks on 21<sup>st</sup> April. Without admitting anything, Thilak casually told some in the delegation to tell Muslim fishermen to keep off the Sampur-Kadatkarachchenai area as they have facilities that are secret.

We have no doubt that the LTTE was behind the attacks on Muslims during that period. No independent group of persons would be allowed to take the initiative in such matters, and, what does not suit the LTTE, it could have stopped quickly. Besides guns were used by Tamil mobs, as seen also from photographs by journalists. The sequence can be seen to fit the pattern of provocation of Muslims, Muslim reaction and major reprisal. Apart from reports from our sources and the MIC report, we have also used reports in the *TamilNet* to fix the chronology.

**31<sup>st</sup> March 2003:** The LTTE abducted fishermen Naim and Jabir

**5<sup>th</sup> April 2003:** Two Muslims who were fishing in Uppural (a salty lagoon east of Thoppur) about 10.15 AM were severely attacked and badly abused by members of the LTTE for no reason. Their boat was also confiscated. Later, at noon, a group of Muslim students that was picnicking in the area was attacked by the same LTTE members (MIC report).

**6<sup>th</sup> April 2003:** According to the MIC, the LTTE member Kanthan who was involved in the attack on the Muslim students was identified by the victims at Thoppur and badly beaten up. **S.Sujeef** writing in the *Sunday Virakesari* (20.04.03) says that the person ('Kanthan') who was attacked on his way home to Pattalipuram, spotted two Muslims while passing through Pallikudiyiruppu and detained them. On hearing of this, he added, 6 Tamil youths passing through Thoppur were detained by Muslims. Finally wiser counsels prevailed and both sides released their hostages. However, Thoppur was marked.

**14<sup>th</sup> April 2003:** Rauf Hakeem arrived in Mutur. Jabir's mother committed suicide the following day. LTTE publicly denied the abduction of the youths. On the 16<sup>th</sup> Rauf Hakeem and other ministers and MPs visited Thoppur.

**17<sup>th</sup> April 2003:** In the evening, according to *TamilNet*, a crowd attacked the Muslim village of Thoppur. Very significantly, as also reported by *TamilNet*, 4 Muslims, 3 men and a woman (Abesha Bee), were warded in Mutur Hospital with gunshot injuries, while one Muslim (**Nilabdeen** (50) died of gunshot wounds. Two Tamils, whose names were given by *TamilNet* were warded in Killiveddy Hospital with cut injuries. It was pointed out to us that the use of guns does not necessarily point to the LTTE as many civilians have home made guns for hunting. But in this particular instance, we were told by trusted Muslim sources that regular LTTE guns were used.

While Thoppur lies about 6 miles south of Mutur town, a Tamil crowd came across the river from Kattaiparichchan into the Muslim area of Vattam east of the town and burnt 15 boats belonging to Muslim fishermen near the Mutur jetty and also some houses and looted Muslim shops.

**17<sup>th</sup> – 18<sup>th</sup> April 2003:** Beginning the 17<sup>th</sup> night and going into the morning, angry Muslims reacting to what happened in Vattam burnt a number of houses and shops belonging to Tamils in Mutur town. In the process a Sinhalese shop and one or more Muslim shops were also burnt. About 250 Tamil families (over 1000 Tamils) sought refuge in the Roman Catholic and Methodist churches in Mutur town. By this time the Government had declared curfew in Mutur town, but the Police, especially, were not enforcing it. Policemen were seen standing by idly and watching as Tamil premises were burning.

**18<sup>th</sup> April 2003:** The Defence Minister Mr.Marapone and the IGP Mr.Anandarajah arrived in Trincomalee and conferred on the situation with Mr.Hakeem, Mr.Sampanthan (TULF) and other MPs and ministers at the Kattaiparichchan army camp. Meanwhile, a large Tamil crowd estimated at around 1000, from the LTTE controlled eastern side of the Kattaiparichchan Bridge armed with swords and staves, and a Muslim crowd from Palanagar on the government-controlled side, confronted each other. According to a journalist present there, the soldiers identified the LTTE men among the Tamil crowd as persons wearing checked sarongs of the same design, occasionally taunting the soldiers by showing their back. The conference was taking place against the background of this

pandemonium. A grenade was thrown at the Tamil crowd which was trying to enter the Muslim side (an army grenade thrown by a Muslim as widely believed by Tamils) and shots were fired by the Army, killing two Tamils **Mahesweran Ravishankar** (32) and **Tharmalingam Kamalathan** (25) were killed.

**18<sup>th</sup> April 2003:** An LTTE led crowd of hundreds came in the night and looted Azath Nagar and Hyria Nagar. There were no casualties. About 350 families were displaced.

**19<sup>th</sup> – 20<sup>th</sup> April 2003:** At mid-night about 10 members of the LTTE came to Jinnah Nagar and Arafat Nagar, which lie about the 58<sup>th</sup> Mile Post, 5 miles South of Mutur. They talked to the Muslims who served them tea, reassured them and left around 12.00AM. At about 1.00 AM the two agricultural settlements were raided by a crowd of 300 led by the same LTTEers, following the throwing of a petrol bomb. The Muslims began running to the nearest army camp. The attackers removed jewellery from several of the fleeing women. The raiders looted the place removing valuables, paddy and tractors. About 650 gunny bags of paddy were burnt. The raiders also polluted the wells by throwing into it products of their destruction of shops and houses.

The following gives the general pattern of destruction as conveyed by independent observers: *“There was a clear pattern of destruction in the Muslim villages, where the attackers generally came from the LTTE-controlled area. The exceptions were Thoppur and 58<sup>th</sup> Mile Post, where the attackers came from the government-controlled area, and in one instance, along with some Sinhalese, after the shop of a Sinhalese man married to a Tamil woman was burnt. The geographical pattern of the destruction tells its own story, indicating very clearly who the attackers were. Close to the border virtually every Muslim house was burnt. Further into the Muslim area, the pattern changes rapidly to a mixture of houses being damaged with machetes and items burnt inside houses. This in turn was followed by physical destruction but no burning, indicating that the attackers ran out of fuel and inflammable matter.*

*“The attackers in Mutur town at first burnt whatever they could, and subsequently took to destroying physically after stocks of petrol were finished. Everywhere, the intention was clearly to do as much damage as possible in the shortest time.*

*“Houses where doors and windows did not open easily escaped with a few machete marks on doors and windows. Valuables like, bicycles, fishing nets, boats, fridges, television sets, radios, closets with cloths, and in one instance a huge collection of books, were particularly targeted for destruction. In a number of instances the house itself was not burnt, but the things were collected together in a corner and burnt. While cooking utensils, pots and pans were systematically damaged, home gardens were usually left alone. In a number of cases, it was reported that household goods and furniture were thrown into the well.*

***“Among the telltale signs of direct LTTE participation in the attacks on Muslim neighbourhoods in Mutur town are the use of hand grenades in damaging several houses. Offhand, at least seven such houses were visible to the casual observer. These***

*appear to have been chosen randomly. One may conjecture that the main purpose behind the use of grenades was to instill fear into those returning. In the Tamil areas of Mutur town, destruction was equally willful, but because it was confined to small patches, the proportion of houses burnt was much higher”.*

Two more Muslims were shot dead. On Monday 21<sup>st</sup> April, **Mohamed Rabsali** (41) of Iqbal Nagar was shot dead, reportedly while bathing in a tank. The following day, **Meera Lebbe** (50), a resident of Selvanagar, was shot dead while his daughter Lafir Sashila survived with injuries, bringing the number of Muslims killed to five.

#### **LTTE Statements on the events**

On the 16<sup>th</sup> April, the LTTE political secretary for Trincomalee issued a statement denying their role in the abduction of the two missing youths and blamed a **third force** that was against the peace process (*TamilNet*). At a meeting with TULF MPs in Killinochchi, on 19<sup>th</sup> April LTTE political leader Thamilchelvam said, “*We are constantly striving to strengthen unity with the Muslim people. In spite of this incidents have taken place. Some [Hakeem?] are making mountains out of molehills and are creating violence*” (*Virakesari* 2.04.03).

On the same day **Seralathan**, an LTTE dignitary, at an Annai Poopathy memorial meeting in Batticaloa, took exception to Rauf Hakeem’s request for more army personnel to protect the Muslims. He warned the Muslims that they must not forget that they are part of the Tamil Eelam nation whose flag will fly at the UN one day. Their economic resources are among the Tamils, he said. Should political forces drag the Muslims towards seeking illusory protection from the Sinhalese state and political forces, he added, they would **have to face enormous losses and huge tragedies** (*Virakesari* 21.04.03).

A statement by the LTTE’s political wing in Trincomalee (*Thinakaran*, Sunday 20.04.03) said that in spite of their informing the public through leaflets and the media that they had nothing to do with the disappearance of the two Muslim youths, a group [Hakeem’s SLMC?] seeking to make political capital out of this has created tension between the Tamil and Muslim communities. It said, “*Consequently, Tamils have been attacked and their belongings were destroyed. The Muslim people have prevented the movement of goods and foodstuffs into areas controlled by us. On 18-04-03 while the security conference was taking place, Tamil people demonstrated outside the Kattaiparichchan army camp, demanding that the road going east be opened. A grenade was thrown and gunshots were fired resulting in two being killed and 14 injured. We vehemently condemn this attack that took place within close proximity of the ministers and security top brass, leading to a state of shock among the Tamil people. We call upon the people to beware of these forces that create disunity between the Tamil and Muslim peoples and to expose them.*”

At a meeting arranged by SLMM in Trincomalee the following day (21<sup>st</sup>), LTTE’s **Thilak** and **Moulavi Kareem** of the Mutur Mosque signed an agreement committing themselves to rebuild trust between the communities, and to jointly call for impartial law

enforcement by the security forces in areas under their control, while the LTTE guaranteed the security of Muslims in areas controlled by them. On the 22<sup>nd</sup>, LTTE's Trinco military leader **Colonel Paduman** issued a statement condemning the attack on a group of Muslims in Allai Nagar, near Thoppur, denying the LTTE's involvement and blamed it on **forces against peace**. This was the day an allegedly mysterious party shot and beheaded Meera Lebbe.

The rhetoric, propaganda and actions of the LTTE, with regard to the Muslims, are similar to those of the authors of the July 1983 violence against the Tamils and the counter-insurgency that followed. Deplorably similar are also the combination of patronizing appeals and threats to the Muslims, with the insistence that, like it not, there is only one nation that dictates their identity and terms of domicile.

### **May-July, 2003: Continuing Provocation and a New Trend**

One factor stands out in the violence involving Muslims under the MoU up to May 2003. Guns had been used exclusively by the Tamil side, and, without belabouring the point, we assert that the agents who used the guns, home-made (of which we have no specific instance) or otherwise, were members of the LTTE, either regulars or vigilantes, and did so with the LTTE's backing. In discussing the violence in Mutur and Valaichenai in June 2002, we found no evidence of there being a politically motivated, organized and armed Muslim extremist group called the 'Osama Group' as claimed by Tamil politicians and the media. We argued that the floating of such group was an attempt to muffle the highly disproportionate violence suffered by the Muslims. As against 14 Muslims killed, one Tamil was killed, and that by police firing in Valaichenai during June 2002.

There are Muslim religious zealots, market thugs and younger educated Muslims who talk about doing more to defend the Muslims in a time of crisis. It is natural for them to come together when the community is under threat. Whether they call themselves Osama, Jihad or whatever the name one may wish to give them, there is no evidence that they were an organized force up to April 2003 and every indication is that they were marginal in Muslim society. But the deliberate deprivation and humiliation inflicted on Muslims by the LTTE, as the Tamils should well understand, was bound to drive these marginal elements to the fore, eventually.

Take the continuing direction of these incidents. In Mutur town itself the destruction in the Tamil area is prominent and most Tamils have left except a remnant that takes refuge in the two churches when there is trouble. But for the Muslims the losses are crippling. For a community involved in trade, fishing and agriculture, many businessmen have closed shop and moved out. Fishermen have become highly restricted. In each Muslim settlement attacked by LTTE mobs, people have abandoned the fringes and so-called border areas. More and more fields have been abandoned because it is not safe to go there. Muslims have been beaten, killed or warned off places that had been their traditional zones of economic activity for generations.

After every crisis the Government is quick to announce that more army patrols have been ordered for the protection of Muslims, life is fast returning to normal and peace is

progressing on track. UN and international agencies refuse to look deeper and risk rocking the peace boat. In reality things are going irretrievably wrong. Take the beating up of Muslims who went to Uppural. It was not a newsworthy event in Colombo. The Police and the SLMM would have, if complained to, treated it as a fairly pedestrian assault by unknown persons. The LTTE itself, to whom a complaint was made, denied having anything to do with it and told the Muslims to punish the culprits if they found them. But the Muslims in the area, who have a nagging dread of what the LTTE is up to, know for sure that were they to go there again, it would be to risk, even marginally, the fate that overtook Naim and Jabir.

After the violence, the LTTE turned the screws on the Muslims further by banning Tamils in Mutur and the surrounding villages from trading with Muslims. It was also in effect harassment of the Tamils who had to go far to buy their requirements from Sinhalese traders in Dehiwatte. Tamil farmers who normally sold their produce in Mutur, also suffered unbearable losses. The lengths to which the LTTE went were petty and humiliating to the Tamils as well as Muslims. Tamils coming from Trincomalee by ferry and going to a Muslim shop for a cup of tea or to purchase something, found themselves confronted by Tamil vigilantes telling them that they should not go to a Muslim shop. Persons carrying packets of biscuits were asked at LTTE checkpoints where the goods were bought. If they declared the goods to have been bought at a Muslim shop, they were confiscated!!!

These are not ordinary communal riots after which things can settle down to normal. There is a force with a clear agenda now courted beseechingly by the international community and against which the Government has gone into a state of voluntary paralysis. In July the LTTE's new camp at Kurangupanjani among the rice fields chiefly of Muslims in Kinniya became a heated issue, but not because a number of Muslims were losing their livelihood. Such things are too much part of a pattern to be stray incidents.

In Batticaloa the LTTE claims that 5000 acres of paddy fields belonging to the Muslims have been given back and another 35 000 will be given back in due course. But for the Muslims in practice, something happens, like the two farmers killed near Sammanthurai, and they are afraid to go. Grazing land for Muslim cattle herders is now limited. A herder Mustapha, of Mosque Road, Oddaimavady, left 107 cows for the night at Navalady Junction in Valaichenai on 18<sup>th</sup> September. LTTE men under the local military leader Sivam, rustled the cows and took them to their farms in Kudumbimalai

The desperation and anger felt by Muslims in Mutur expressed itself in a way that is not unexpected. A few of them decided to obtain weapons. It appears that the LTTE came to know of this because the Tamil agents from whom the weapons were sought had tipped them off. Sources in Mutur believe, and it is plausible from the events, that both the LTTE and the Muslim vigilantes prepared hit lists, based on persons who were most active on the other side. The Muslims were being further drawn into a trap.

## The Incidents of August 2003

**3<sup>rd</sup> August 2003, Sunday: Noorthamby Rilwan**, a police officer who had served in intelligence was under interdiction and was residing at his home in Jinnanagar, 59<sup>th</sup> Mile Post, Muttur. He was shot dead by the LTTE in the morning while cycling to his restaurant.

**4<sup>th</sup> August 2003:** At 2.30 AM **Gunam Subaraj** (21), a mason married with one child was shot dead through the window of his house. The Tamils are clear that the killing was by Muslim elements in reply to Rilwan's murder. According to local sources Subaraj's father had been awake and saw the killers parking a bicycle in front of their house. How close Subaraj was to the LTTE is in dispute, but it appears to be generally known that he was active during the incidents. Subaraj's killing was the first time Muslims had used a gun.

**13<sup>th</sup> August 2003:** Two Muslims, **Abdul Kuthus Fareed (35)** and **Mohamed Riyaz (27)**, were shot dead in Chelvanayakapuram, a northern suburb of Trincomalee, about 8.00 PM, while they were riding a motorcycle. One, if not both, of them is, according to local sources, an employee of the Ports Authority. Press reports quoting the Police said that they had negotiated the purchase of a weapon with a Tamil agent and paid Rs. 20,000 in advance. On the fatal day they had reportedly gone with the balance of Rs. 80 000 while the LTTE, who had set up the agent, was waiting for them. Press reports (e.g. *Daily News* 18.08.03) said that both the money and the motorcycle were stolen. The Police could not have got this information other than from someone in the know.

According to Muslim and Tamil sources from the area, Fareed, an SLMC supporter was known to take a significant part in violent agitations, while Riyaz was regarded fairly decent.

**13<sup>th</sup> August 2003:** Tamil sources said that Muslim shops in Muttur that remain open till late closed early on that day indicating something unusual. But Adrian Selvan who belonged to a Tamil family living in Muttur had not known about this. He left home about 10.00 PM and went a short distance from home to confirm arrangements with a van they had booked to go to the Madhu festival. Adrian never returned. His case will be discussed in detail below.

As people became aware of the tension, the Tamils, as before, went to the two churches as refugees. The mood among the Tamils was that earlier it was their properties that were at risk, but now there was no guarantee for their life. At mid-day on the 15<sup>th</sup> at Palathoppur 4 Tamils stabbed E. Jiffy of Azath Nagar who was cycling through. He was hospitalized with injuries.

On the 16<sup>th</sup> morning the LTTE abducted two Muslim fishermen at sea. They were Mohamed Rafik (46) and his son Rafik Firoz (15). Tensions rose steeply as a large crowd of Muslims stoned a passenger bus. The police used tear gas and batons to disperse the crowd. Five passengers and four policemen were injured according to the *Daily News*.

Muslim elements too reportedly kidnapped a Tamil teacher and student. All four abducted persons were subsequently released. Rafik and Firoz complained of beating.

### **Change of Scene: Amparai, August 2003**

**17<sup>th</sup> August 2003, Sunday:** The scene suddenly shifted to the Amparai District. About 7.30 PM, two cultivators in Sammanthurai, **A. Ibralebbe** (40), a father of four, and **K.L. Ismail** (21), a father of one, told those at home to prepare food and went on a motorcycle to Nelluchenaivattai to check things in their field. They went 3 miles along the Amparai Road, turned into the bund road going to their field. Labourers keeping watch in their *wadis* heard the sound of a T-56 automatic gun, but for fear did not come out to check.

The bodies of the two men were recovered the following morning. Nothing was stolen. Had instinctive suspicions about the incident led to communal violence, the natural target for Muslim vigilantes in Sammanthurai would have been the Tamil suburb of Veeramuani.

However, the mosque authorities in Sammanthurai were determined to prevent an outburst. They, to their credit, acted quickly, summoned the people, urged restraint and brought the situation under control. As to the main incident itself, confusion was rife. Among the Muslims themselves there was reluctance to blame the LTTE for two reasons. One, they would have been accused of throwing spanners into the peace works. Two, in an effort to resolve their parochial concerns, they were talking to the LTTE – at least talking – and this went a long way towards clinching the point for many: That it is not in the LTTE's interest to kill Muslims at this time, when it has to impress on the international community its capacity for responsible behaviour.

The theories proposed to explain the killing of the farmers centered on groups with a motive for sabotaging the peace process: Some Tamil group opposed to the LTTE or a Muslim group opposed to the SLMC, particularly some extremist group. We rule out both possibilities. The LTTE has under the MoU terrorized and gunned down all Tamils who might pose the slightest hindrance to its hegemony. The others live in camps under police protection. In our judgment the choice was between some group in the security forces and the LTTE and we can largely rule out the former.

Such devious action has hardly ever been known to originate from individuals. It needs a very ruthless and calculating terrorist organization that has developed the capacity over many years along with routines to preserve secrecy. The latter involves brutal punishment for any breach of secrecy, and for dissent. Concomitant with this would necessarily have been a series of internal killings and general fear. The only organization that fits the bill is the LTTE.

The Muslim community has a long way to go to reach that state. Its politics remains contentious and open. No one party has succeeded in edging the others out. There is political violence, but far from being secretive; it is in the nature of open gang warfare. The kind of terrorist culture required for devious killing, preserving absolute secrecy by

enforcing fear on the wider community, and complex logistics, does not exist in the Muslim community at present.

### **Context Of Conscription**

What in our judgment was the most important context behind the incident has not even been reported. Contrary to all expectations and the deal signed with the UNICEF, the LTTE has once again intensified its conscription programme. Reports of conscription in significant numbers in the area came from Karaitivu, Veeramunai, Akkaraipattu, Thambiluvil and Vinayagapuram since mid-August. The LTTE's renewed insistence was one child per family.

Veeramunai, the sizeable Tamil village closest to the scene of the two murders above was visited by the LTTE on 15<sup>th</sup> August. It forcibly took away 14 youths. Karaitivu and Mandur are quite close and several Tamil villages lie in Sammanthurai West AGA Division. Resistance though passive was intense and people were hiding their children or sending them out. The Muslims were killed two days after the LTTE visited Veeramunai (which is incidentally under government control!) and it came back to Veeramunai a week later on the 24<sup>th</sup> and took away at least 5 persons. A Muslim backlash was useful and contriving one was not out of character with the LTTE's record.

True, if one sees the LTTE's principal need as succeeding in the peace process, killing these Muslims and all its manoeuvres in Mutur are utterly irrational. But movements governed by immoral ideologies have irrational compulsions. Was it rational for the UNP government, which wanted the open economy to succeed, to foment the July 1983 communal violence? We will return to the incident below.

**18<sup>th</sup> August 2003:** On the day following the killing of Ibralebbe and Ismail of Sammanthurai, **Ibrahim Ilyas (30)** and **Thambilebbe Marzook (20)** from Malihaikkadu, Sainthamaruthu, left for Valaichenai, telling their families that they would come back the next day. When they did not return, local youths organized a *hartal* (*stoppage*) and agitation. Malihaikkadu is situated next to Karaitivu towards Kalmunai, barely a mile across the paddy field from the edge of Sammanthurai. Malihaikkadu, which has a long history of simmering tensions with Karaitivu, has also one for acquired militancy. It is well known that during the IPKF period in the late 1980s, the LTTE found shelter largely in Muslim villages and Malhaikkadu was one of them. From Malihaikkadu, according to local sources, the LTTE used to creep into Karaitivu, carry out assassinations and get back to cover. In mid-1989 there was a massive attack on Malihaikkadu by Tamils in Karaitivu supported by militants opposed to the LTTE, and backed by the Indian Army, after which the assassinations stopped (see our Report No. 3 of 1989). During the LTTE's presence, youths in Malihaikkadu became familiar with weapons.

In response to the Muslim agitation, the Government sent a special police team to conduct investigations. By tracing records of the numbers dialled on a cell phone belonging to the missing persons, the Police remanded M.A. Fowzie and M.B. Hussein from Oddamavady, Valaichenai, north of Batticaloa, whom the missing persons had gone

to meet. While earlier reports said that the missing had gone to buy a trishaw, police sources, according to *TamilNet* (25.08.03), said that the disappeared youths had purchased a T-56 automatic rifle from the persons remanded.

The Police were evidently working on the theory that Fowzie and Hussein had abducted, killed, or knew the fate of, the missing persons. Oddamavady is a relatively small, crowded area and had anything happened inside, the Police could have easily found out. There is little prospect of any Muslims taking a corpse for disposal outside Oddamavady without the security forces or the LTTE finding out. About ten days after the event, we heard from a community leader who had spoken to SSP Sheriffdeen, then on special duty in Kalmunai, that the search for the fate of the missing persons in the Muslim quarter had drawn a blank. The media too lost interest in the issue of the suspects whose first remand date expired on 8<sup>th</sup> September.

We now come to the report in the *Thamil Alai* and *Paadumeen.com* of 22<sup>nd</sup> August that ties up the LTTE's fatal and inevitable conjunction of activities – the attacks on Muslims and Tamil opposition groups and the conscription of children and adults.

***“The Varathar Group (EPRLF(V)) Sells Weapons to Muslim Gangs in the Eastern Province”***

*“Certain gangs operating behind the cover of the Sri Lanka Muslim Congress (SLMC) are getting prepared to attack Tamils according to information received. To this end they are purchasing huge quantities of weapons. It is learnt that the two Muslims killed in Trincomalee [on 13<sup>th</sup> Aug.] had gone to see a person from the EPRLF(V) to negotiate sales of arms that are being purveyed by this group at a discount.*

*“It is reported that the two killed were leaders of gangs, which attacked Tamils in Muttur. The Police are investigating why early after nightfall the two went to Uppuveli beach with Rs. 80 000 in their possession, and how the money went missing...*

*“A special CID team, it is reported, is probing whether there is a connection between these killings and the subsequent killing of two Muslims [at Sammanthurai]. A Colombo paper has pointed out that the killed Muslim youths [all four of them] were agents of persons having close contacts with Rauf Hakeen and the SLMC.*

*“When the Indian Army was in Sri Lanka, large quantities of arms were given to the EPRLF. They were hidden in several locations in the North-East. The Sri Lankan government too gave them weapons. The weapons hidden in the East are now being sold to Muslim gangs at reduced rates.*

*“It is to attack Tamils that Muslim gangs are buying these weapons. To this end these gangs have received huge funds. Amparai District SLMC MP Anwar Ismail spoke recently of a plan to wage war against the Tamils. MP Mrs. Ferial Ashraf too announced recently that Muslim youths will bear arms and wage war against the Tamils.”*

'*Thamil Alai*' is the paper started by the LTTE in Kokkadichcholai after it forcibly shutdown the 'independent' paper '*Thinnakathir*' published in Batticaloa town that was already toeing its line, and robbing its equipment wholesale. The piece above has been cleverly crafted using a mixture of half-truths, distortions and lies. Mrs. Ashraf never spoke of waging war against the Tamils. All that she said was the obvious, that as the Government has failed to protect the Muslims, it should come as no surprise if the Muslim youth take up arms to protect the community (*the Island* 20 Aug 03). A bit rhetorical perhaps, but nothing fundamentally wrong.

Rhetorical, because during the ceasefire the LTTE has killed or abducted many more Tamils than Muslims. The LTTE has also abducted thousands of Tamil children. As certain incidents in Mutur show (see *Buried links...*below), there is so much pressure on the Police by Muslim politicians calling for the protection of Muslims, that the Police have done nothing to protect innocent Tamils from Muslim vigilantes with party connections. As the result they play into the hands of LTTE propaganda and its campaign to have the Sri Lankan Police removed from the North-East. We have no illusions about the LTTE's intentions towards the Muslims, but for that very reason Muslim political leaders have to be more sensitive to the intricacy of issues.

### **The Sammanthurai Murders**

We note that while many observers are hesitant to blame the LTTE for the killing of the two Muslim farmers in Sammanthurai and are weighing many alternative theories, the *Thamil Alai* article quoted makes no attempt to hide the LTTE's involvement. We now return to the incident that has defied simple explanation.

Having contacted a number of sources, we think we have an answer that is close to the truth. Nelluchchenaivattai, where the two farmers had their fields, borders the Tamil villages of Mallikaitivu and Valatthapiddy. There are also Muslims living close to the border. One of those killed (hereafter referred to as the deceased), was reportedly a strong supporter of the SLMC, who also had at least one Tamil mistress in Mallikaitivu. (The village suffered badly at the hands of the Sri Lankan forces during 1990 leaving many women widowed, see our Special Report No.3.)

'**Kottan**' Mahendran is a member of the LTTE from Vihara Rd., Kalmunai, whose beat long covered the area concerned and was once involved in tax collection from Muslims. He is also reputed to have robbed 3 or 4 motorcycles from Muslim farmers. Mahendran also got married in Mallikaitivu. Mahendran had, we understand, warned the deceased a number of times over three or four months not to come into Mallikaitivu. But the deceased had reportedly been defiant, and had told people that Mahendran was threatening to kill him.

Mahendran and **Mangaiyan**, a native of Thirukkivil in LTTE intelligence whose beat covered also Thirukkivil and Akkaraipattu, were regularly seen moving along the bund road by Muslim farmers. They often carried weapons like T-56s and grenades. On the day in question, the two had stopped at a wayside kiosk for a cup of tea after nightfall, not long before the murder. The incident occurred near a culvert not far from the kiosk.

According to stories in circulation, the deceased had hit out at Mahendran after they were stopped.

This version of the incident makes at least obliquely some connection with the *Thamil Alai* article above. The killings of Muslims given above were not random or arbitrary. There was a vague shadow of a cause from the LTTE's unacceptable and utterly hypocritical standpoint. The strategy in the Sammanthurai affair, for one, was not in the murder itself, but in the timing. If the *Thamil Alai* article is any indication, it was not Mahendran who determined the timing. There was an organizational hierarchy making careful calculations.

### **The LTTE's Obsession with the EPRLF(V)**

The LTTE did not express its fierce obsession with the EPRLF(V) aloud until very recently. Since the ceasefire came into force the LTTE has been targeting members of the EPRLF(V) very much on the sly. When it killed the EPRLF(V) Mandur local council chairman **Alahathurai** last December, it tried to conceal its action by choosing a stormy night, but failed. As soon as the LTTE saw that the people were hostile, it claimed the victim to be a supporter of theirs. **Subathiran (Robert)** challenged the LTTE politically as an active member of the Jaffna Municipal Council. He moved about in Jaffna, the LTTE never said a word against him and in open encounters treated him with respect. What distinguished Subathiran, as an observer in Jaffna put it, was that he was a 'cultured' challenge to fascism. The LTTE killed him surreptitiously in mid-June this year.

We quote from an appreciation for Subathiran in the *Daily News* (21.06.03), which for the record we give in full as Appendix IV: "*I got to know Robert as a caring man, an idealist. He went out of his way to help and showed how much heart he had. My assessment of his character proved correct when he rose to the needs of the times and demonstrated his mettle working closely with the TNA in running the Jaffna Municipal Council within a refreshingly democratic framework and serving the Tamil public in many ways*"

Not even the LTTE's ardent armchair middleclass supporters dared to say a word against him. Why suddenly weave those fantasies in the article above, about a hunted group leading a hand-to-mouth existence, and whose supporters and former members are literally starving because they cannot live and work in their village for fear of their life? One reason is that this group was seen as the LTTE's main political challenge on the horizon. Another reason was suggested in oblique justification by the LTTE's mouthpieces in the Tamil Press (e.g. *Subathra* in the *Sunday Virakesari*, 22.6.03; also similar allegations in *Uthayan*). This was to the effect, citing some expressions of concern over the killing in India, that Subathiran was key to India's master plan for intervention in Sri Lanka. The LTTE's paranoia about India is also reflected in recent abductions of former ENDLF cadres in Batticaloa.

Interestingly, in the piece above the LTTE has not named the putative EPRLF(V) person in Trincomalee to whom the two Muslims went to buy a weapon. Were it so, that would

have been something for the LTTE to go to town on. While the Police have given journalists details like the deceased having Rs 80,000, which went missing, they have been strangely silent about how they came by that information and whom they went to meet. While Rauf Hakeem acknowledged that the deceased were his supporters by attending their funeral, he has evidently not pushed for a full police investigation and the arrest of the killers and their accomplices. This contrasts with Rauf Hakeem's insistence on firm police action against violent supporters of party dissident, Minister Athaullah.

We thus gain some insight into the weaknesses of the Rauf Hakeem's TULF-style ethnocentric politics and how the LTTE is drawing him on, along with his Muslim rivals, into a trap. The crux of the article above is that the Muslims must be attacked because they and their leaders are waging war on the Tamils, the EPRLF(V) must be attacked because they are traitors selling arms to Muslims to attack Tamils and, the Tamils must tolerate some irregularities so that the Tigers can raise an army to defend the Tamils! We move on to examine Tamil security in the Mutur area and explore how it fits into the overall scheme of things.

### **The LTTE, the State and Tamil Insecurity in Mutur**

Where the peace process was concerned, everything was going in favour of the LTTE. It was in effect treated as the only force in the North-East that counted. Not just the TNA MPs, even Muslim MPs went on a pilgrimage for a *dharisanam* or audience with the LTTE leader in April 2002. He even graciously patted Rauf Hakeem on the back as the *Thalaivar* (Leader) of the North-Eastern Muslims. Far from opposing the LTTE, the Muslims wanted a deal to live and let live. However, the LTTE's intolerance of pluralism eroded the initial show of pragmatism within two months, as happened in 1990. The Tamils in Mutur town became in turn the sacrificial victims of its agenda. Their plight was also useful propaganda for the LTTE. Where its machinations were concerned, the ineptitude of the State and the shortsightedness of the SLMC played into its hands. The President and the PA too showed their lack of grasp of reality in identifying the North-East merger as the main problem, simply to make a populist gesture.

### **Buried Links in the Disappearance of Adrian Selvan**

Adrian Selvan disappeared on the night of Wednesday 13<sup>th</sup> August, shortly after the murder of Fareed and Riyaz in Trincomalee (see above). Selvan went out about 10.00 PM to confirm the booking of the van taking them to the Madhu festival and never returned. We understand that his father Mr. Selvan complained to a police officer patrolling the streets that same night, and at the Police Station the following day. The Police did not do a serious search. They walked along streets but did not enter any suspect houses.

The Muslims too were rather upset by what had happened, since Adrian whom they called a 'very good boy', moved freely among them. One of his three sisters was married to a Muslim. The Muslims too were feeling the onset of internal terror at an incipient stage. They secretly passed on messages to Adrian's family. On Saturday morning the Roman Catholic priest received a call from a Muslim who was deeply upset, informing him that Adrian was killed and thrown into the lagoon where the Mahaveli River terminates. A group of Tamils immediately sought police help in recovering the body.

The police party came only late in the afternoon with a party of soldiers. It was late when they got to the bank and there was not much time. The Police stood by idly while the Army helped the searchers, but the body could not be found. The Tamils in Mutur as a rule have no confidence in the Police, but have some trust in the Army.

On Monday (18<sup>th</sup>) Mr.Selvan received an anonymous letter saying that Adrian was dead and they could perform the funeral rites. This was done. There were two different versions of how Adrian was killed. One, that he was taken into a house and knifed, and that a Muslim woman who later saw the blood stains fainted. The other, that his screams were heard from the lagoon side.

A number of Muslims secretly passed on the identities of the killers. We received three names and have been told by responsible persons in the area that they have been cross-referenced by a plurality of sources. Our sources also stated that two of the three persons named are on the payroll of the Sri Lanka Ports Authority, which comes under Rauf Hakeem's ministry. A number of his supporters are according to these sources on SLPA's payroll, while in fact some do only party work, as was the case with one of the three named. It is also notable that the two Muslims killed in Trincomalee are SLMC supporters and one at least was on SLPA's payroll.

We were also told that the Police in Mutur have the same information about the identities of the killers, but did nothing about it. Soon after the murder of Fared and Riyaz, Rauf Hakeem waxed indignant on the insecurity of Muslims, but did not press for a thorough investigation. Similarly Tamil nationalists waxed indignant about Adrian Selvan's murder, but as to the killers being brought to justice, there was an eerie silence on their part. Everyone found impunity useful, some for more intelligent reasons than others.

While the resentment of ordinary people like Adrian Selvan's family is nurtured through a system of justice that leaves them out in the cold, the TULF's legal expertise works full time to ensure that the LTTE receives right royal treatment from the Sri Lankan system of justice. The Police arrested the LTTE's Pudur area leader Subaraj Devanayagam (Satyaraj) on 6<sup>th</sup> June 2003, acting on eyewitness testimony that implicated him in the murder of Navasooriyan of Army Intelligence in a Batticaloa saloon, on 19<sup>th</sup> May. Four days later, the LTTE abducted two policemen. On 4<sup>th</sup> July, TULF candidate and lawyer K. Sivapalan urged bail for Subaraj at the High Court in Trincomalee on the grounds that Subaraj had an alibi. Judge Paramarajah granted Subaraj Rs. 10 000 cash bail with the caution that he should not interfere with the investigation! Two days later the LTTE released the abducted policemen. The curtain closed on the charade.

Against this one finds it almost sinister that not one TULF lawyer, MP or politician in Trincomalee challenged Rauf Hakeem to sign a joint statement demanding an impartial inquiry into Adrian's murder, or demand aloud that the Police should do a professional job and justice must be seen to be done. Instead, when Tamil and Muslim representatives get together they jointly utter empty platitudes declaring that Tamils and Muslims are brothers who must continue their centuries-long fraternal coexistence, and then do little to make that a reality. This is seen in the fate of the agreement initialled on 21<sup>st</sup> April by

the LTTE's Thilak and Moulavi Kareem. Adrian's family's, which is typical of hundreds of families in the area, illustrates the desperation felt by ordinary Tamils.

### **The Withered Tree – the Demise of a Family**

Mr. Selvan who worked for the Co-op in Alankerni, adjoining Kinniya, lost his job in 1982 over an allegation that he was responsible for a fire in the premises and was unemployed for 13 years, during which time he had moved to Mutur. He was reinstated in 1996 and works for the Co-op in Mutur. He had 3 girls and 4 boys. The story of the loss of all his four boys embodies several of the tragedies that overtook rural Tamils in the region, affecting hundreds of families:

**Jesuntreepan Selvan** (born about 1969): When the war recommenced in 1990, Mutur became unsafe and many Tamils moved as refugees to Pachchanoor. On 25<sup>th</sup> August 1990, the Army came to Pachchanoor and took away 20 youths, including Jesuntreepan. All of them disappeared. We do know that most of them were taken to Plantain Point army camp in Trincomalee, where hundreds were tortured and killed. Almost no one came back (our Report No.10 gives a testimony of conditions inside). The matter came up before the North-East Disappearance Commission set up by President Kumaratunge (Official Report – 1998). The Commission made a strong adverse comment on the testimony of the officer in charge, who reported the loss of records. The officer in time became a major general.

**Presley Stephen Selvan** (born 1973): Joined the LTTE and died in action in Thampalakamam on 10<sup>th</sup> July 1990.

**John Stewart Selvan** (born 1974): Arrested on suspicion of belonging to the LTTE, was held in Kalutura and was released, but had to appear for his case in Colombo according to local sources. He died falling from the train on 7<sup>th</sup> March 2000 while travelling between Trincomalee and Colombo.

**Adrian Selvan** (born 1982): Killed by Muslim vigilantes on 13<sup>th</sup> August 2003.

The insecurity felt by Tamils in the region became particularly intense during the UNP government of 1977 – 94 and has continued ever since (our Reports No 10, 12, Bulletin No.10 and Sp. Rep No 8.). If it needs a graphic illustration, we quote from the survey done by a government agency, the Poverty Impact Monitoring Unit, in the Trincomalee District (*the Sunday Observer* 19.3.2000). According to the agency, children in the North-East are likely to be suffering from high levels of severe malnutrition and stunted growth. In the Trincomalee District 51% of children were underweight compared with the national average of 31%. In the same district, stunting was highest among Tamils (34% in government-controlled and 42% in LTTE-controlled areas), followed by 17% among Muslims and 15% among Sinhalese. Wasting among Tamils was 27% in randomly selected villages in the government-controlled areas and 38% in the LTTE-controlled areas. Corresponding figures for Sinhalese and Muslims were 25% and 14% respectively. Acute malnutrition among children in the District was 26% compared with the national average of 13%.

There is a chequered history in which the parties in government have behaved very badly over the years. Thus when the PA links the insecurity of Muslims, which is indeed grave, to the North-East merger, as though it (the PA) has a proud record of making the Tamils feel secure, it plays into the hands of the single dreaded actor, who today occupies the centre stage.

### **The New *Vanniars***

In the village of Uppural, hidden away in the LTTE-controlled area to the east of the district, the people are thin and withered in appearance. No proper government services or rations reach them. Its one dilapidated school building was only recently repaired by the GTZ. In desperation the people go into the jungle to look for roots to feed themselves. There are other villages like Veeranagar where the situation is not so bad, but these worst cases illustrate a general tendency in the area.

What these people needed most was for someone to prod the government machinery that already exists, and ensure that these people get minimally the health, education and welfare services that it is obliged to provide, and to canvas humanitarian agencies to supplement these efforts. In the normal course of things, even the imperfect working of a parliamentary democracy should provide this measure of stabilisation. This was not in the LTTE's interests.

The LTTE did not choose its targets idly, but deliberately removed interlocutors who could advocate effectively for and between their communities. It assassinated two MPs from the region, A.L.A. Majeed of Kinniya (SLFP) in 1988 and A. Thangathurai of Killiveddy (TULF) in 1997. The two kept the social peace between Tamils and Muslims and developed the area. While in 1985 the Muslim UNP MPs had to toe the line and lend complicity to the plan of destabilizing the East by indiscriminate attacks on Tamil villages, Majeed stood alone, warning Muslims of the plan and the role of some UNP Muslim MPs (who eagerly embrace the Tigers today) and told them not to become pawns of these machinations. Where the UNP government failed in creating a permanent rift between the Tamils and Muslims of the area, the LTTE appears to be succeeding astoundingly well. Thangathurai was killed amidst his untiring efforts at getting the war-devastated area rehabilitated.

What the Tamil people of the area need most is better health, education, nutrition and better opportunities in life. What they needed least was to be starved, fed with hate and turned on the Muslims as mindless, marauding mobs. As for bringing the Tamil people to their knees, the LTTE appears determined to bring to fruition what a malignant government started in 1985.

The state of the Tamil people in the LTTE-controlled part of Mutur's hinterland today is strangely reminiscent of the conditions suffered by their forebears 200 years ago, when a combination of colonial incursions and a decline of the authority of the King of Kandy, gave licence to wide ranging abuses by native chieftains (*Vanniars*), whose harsh rule and imposition of compulsory, unpaid labour to maximize immediate profits, forced

inhabitants into grinding deprivation or flight. As the new *Vanniars*, the LTTE is busy imposing the bondage of military service on the Tamil population, using Muslims as the pretext. Those who hope that the LTTE would see the rational need to establish Muslim-Tamil amity, hope in vain.

### **Children and the New Bondage: the LTTE's Compulsory Military Training**

Once the LTTE set Mutur on fire last April, rumours began to fly and people started getting worked up. The LTTE pretended to be aloof, while carefully pouring oil on the flames from behind. What happened in Jinnah Nagar and Arafat Nagar made the LTTE's stratagems very clear to the Muslims, but it may not have been so obvious to the Tamils. According to Tamil sources, a number of Tamils asked the LTTE for help or at least for arms and grenades, but outwardly the LTTE made out that it was not getting involved. But as soon as the troubles were receding, the LTTE demanded that everyone living under its control must undergo compulsory military training as auxiliaries. The ages of persons called up ranged from 13 to 70.

Details about the auxiliaries, the *Maravar Padai*, vary from source to source. All males in the LTTE-controlled area surrounding Mutur, and school children from about the age of 13, were trained in armed combat. Every village is said to have a leader who takes part in decision-making and maintains the LTTE's authority. The core of the auxiliary force is believed to comprise several thousands. Our sources said that in all schools teachers, under instructions from the LTTE, were compelling children from Grade 7 (Year 8) upwards to undergo military training. Among the 14 or so sizeable schools in the area is Sampur High School. The number of children in Years 8 & 9 is estimated at above 2000.

Although most of these children live at home, they have been issued with parts of the uniform such as caps and are regularly called up for duties at sentry points, check points and for patrolling. While on duty they carry automatic weapons. The following are some of the children used in such a capacity, whose names have been truncated for reasons of security.

1. **Dinesh (13 years)** – Year 8 at school
2. **Kalvayan (13)** Year 8
3. **Ruban (14)** - Year 9
4. **Dharshan (14)** Year 9

This is just a small sample of what is routinely going on in many schools. The LTTE might argue technically that it has not recruited them. But the reality is that they live under LTTE control, are under close watch by the LTTE, have been trained militarily and cannot escape. The LTTE can and will mobilize them whenever it needs them. They are conscripts and the effect of this on the society cannot be other than disastrous. The case of another class of children represents something even more insidious. Among this group are:

1. **Kandappan's son (12 or 13 years)**
2. **Nandan's son (13)**

### **3. Prasad (13)**

Here Kandappan and Nandan are in the LTTE and their very young sons have also been inducted into the organization and are constantly seen with weapons. They are full time members of the LTTE and their incorporation on account of their fathers may be non-formal, and so may be denied. Prasad, also a fulltime member, has two uncles in the LTTE. In his case too his incorporation may be considered a family affair.

We see here the emergence of a form of bonded military service at menial level, among the most deprived sections in the East. For this purpose they will be preserved as poor, deprived and ignorant. Socially, this area is contiguous with Vaharai in the Batticaloa District across the Verugal River. Forced conscription of children began in both areas in late 2001. Developments in the hinterland of Mutur are part of the ongoing military build up that is now widely regarded a threat to Trincomalee.

Even as the 'peace process' opened up government-controlled areas to free movement by the LTTE, the LTTE-controlled areas around Mutur have been closed to Muslims and others entering are questioned closely and monitored once allowed in. There is indeed much to hide. We next take the Amparai and Batticaloa Districts, where too, as the article quoted indicates, a Muslim threat is being floated and played up to intensify conscription activity.

#### **Conscription in the Amparai and Batticaloa Districts: An Unexpected Turn in Valaichchenai**

##### **An Impenetrable Wall of Silence**

The intensification of conscription is witnessed by the rise in complaints received by the SLMM. In Batticaloa there were about 5 complaints of child conscription coming in every week during mid-September as against 4 for adults. This is against an average of about 8 complaints a month for children for this year until that time. These figures are misleading as to the actual extent, on account of the tremendous rise in the fear of complaining or even talking about conscription. As seen above in the case of Mutur, and as will be seen below, the issue of child conscription is being overtaken by the virtual conscription of the whole society. This, as we have argued elsewhere in this report, is taking place with the connivance of the international community.

Reports are coming in from all parts of the area under consideration that the LTTE is holding regular meetings sternly demanding a child from each family. The people are being told, "*The Muslims are raising an army. The Sri Lankan Army is recruiting. So the Tamils too must contribute at least a child for a family, so that in a war we could defend ourselves*". There were also reports from a number of sources that enhanced conscription was under way by mid-August from Sittandy to Valaichenai. Conscription was also reported from Palugamam in the LTTE-controlled area, where a child has been removed from nearly every family remaining there. A further intensification was evident about 20<sup>th</sup> September with reports coming from Interior Batticaloa of conscription in Illupadichchenai, Karadian Aru, Keluththimadu, Aithiyamalai and so on.

Yet unlike earlier this year, it has become much harder to penetrate the wall of secrecy that the LTTE has sought to erect. The utter impunity with which the LTTE can and does kill whom it will has done much to reinforce the silence. Many an outsider wonders why the parents are silent instead of launching mass demonstrations. The answer is the systematic destruction of all prospect of organized protest through murder, unopposed and unchallenged. Murder is the key to maintaining this order. A target must be found at regular intervals, even if the person targeted is not involved in any active opposition.

Once the threshold is crossed where the people can deal with the LTTE only as isolated individuals, a fascist order is in place. One could go to Palugamam and see the LTTE's court functioning, complainants appearing at the police station and a façade of legitimacy. But are the people happy after losing a child from nearly every home? There can be only one possible answer.

A good example is Krishnapillai alias Vellimalai, the MP from Palugamam. He earned his place as a TNA candidate in 2001 by addressing meetings demanding that each family give the LTTE a child. To ensure that he set a good example, the LTTE made sure that he gave a son. During 2002, a group of journalists visited his home and wished to interview his wife, whom they thought would make a strident martial speech, like the famed warrior mothers of poetic licence in the *Sangam* age. She came, and did not utter a word. She simply stood before the journalists crying profusely. The clarity of her speech was more than any words could have conveyed.

As some of the cases below also suggest, there is among parents the widespread belief that reporting child conscription to the SLMM, or even talking about it to others, would affect their child's fate adversely. To reinforce this belief, in recent weeks, the LTTE has even given back their children to several parents who went to them without going to another agency such as the UNICEF or SLMM.

### **Current Trends**

One could now appreciate the conditions under which the true extent of child conscription is concealed. The case of **Miss. Chitra Kanapathipillai (13 years)** is one of many that are in the rumour mill, with extremely vague details. The long delays that ensue in obtaining reliable information are a comment on the reality. Chitra was a student of Karadian Aru High School, the same area where Commander **Karuna** has his office. Chitra's elder sister **Piriya** (18) had joined the LTTE at the age of 14 in 1999. Shortly before July 2003, she eloped with an LTTE boy Kumarasingam Kamalanathan (19) of Munaikkadu. Kanthan Sathyaseelan (18) of Puthukkudiyirippu escaped with the couple.

In early July, members of the LTTE Military Wing under Karuna, went to Piriya's home and abducted Chitra for their army. There are bound to be a number of such cases, as according to sources from Interior Batticaloa, LTTE circles speak of about 30 LTTE couples who have eloped in recent months, creating 60 places to be filled. Piriya and the two boys, according to local sources, first sought refuge in Puthukkudiyirippu in the government-controlled area. Getting word that the LTTE was coming for them, they went

back to the LTTE-controlled area, fled again and surrendered to the Army at Vavunativu, and have now, according to these sources, gone back to the LTTE.

The situation has other ironies too. On 4<sup>th</sup> March 2003, the UNICEF and LTTE agreed to an action plan, committing the LTTE to demobilize its children (e.g. under 18s) through transit centres. On 8<sup>th</sup> August, with a number of dignitaries in attendance, a foundation stone was laid for a transit centre in Chitra's home area of Karadian Aru. The TRO, the UNICEF's partner in managing the centres, is headed in Batticaloa by Reggie, Karuna's brother. This is based on the fact that it is Reggie who has been addressing public meetings on behalf of the TRO. Reggie as military leader for Batticaloa North (Aandaan Kulam) earned notoriety for child conscription in the area, which includes Vaharai.

Present methods are also more devious. Not all temple festivals were raided for conscripts. **Daniel Yogeswaran** (age 16) of Thompuhar Veethy, Eravur 4, was abducted by the LTTE from the temple festival at Sittandy on 9<sup>th</sup> September about 10.00 PM. A family friend said that according to Yogeswaran's father dozens of youths were abducted from the festival. On 20<sup>th</sup> September, **Kandasamy Kumar** (age 14) was watching a dramatic performance at Nahammal Temple in Pasikkudah, near Valaichchenai about 9.00 PM. LTTE men reportedly took him away with his eyes tied. The reports people hear are many more than what they could actually pin down.

During August, the LTTE held about 3 meetings in Mandur, a government controlled area. The parents were asked to come with a child to be given to them. Many parents sent their children away to relatives in largely Sinhalese areas. Only parents were at the meeting. At a meeting towards the end of the month, the parents were given September 10<sup>th</sup> as the final deadline, after which they would help themselves. However, even by 20<sup>th</sup> September the LTTE had not moved. Up to then (and this may be very unrepresentative) we received only two cases of adult abduction from Mandur. Suntharalingam Pratheepan (19) of Mandur-3 and Periyathamby Vijayakumar (19) of Marungaiadypooval were abducted on their way to the Thanthamalai temple festival on 12<sup>th</sup> August. The first case of child conscription we received from the Mandur area was on 2<sup>nd</sup> October, of **Kanagasooriam Nithyanantham** (16), Nellikkadu, Palayativattai.

In the meantime, the LTTE had launched surprise incursions into the government-controlled areas of Karaitivu, Veeramunai and Akkaraipattu and conscripted dozens of persons. Here too the cases we received were mostly adults, perhaps owing to the fact that younger children had been concealed. Very few young children have been seen at temple festivals lately.

In Akkaraipattu 16 persons were abducted on 21<sup>st</sup> August, 10 on the 22<sup>nd</sup> August, and 5 on the 23<sup>rd</sup>. Out of this, we understand 4 cases went as complaints to the SLMM, and many more mothers were seen crying at the LTTE office. An attempt was made by the LTTE to abduct GS officer **Saroja**'s daughter on the 23<sup>rd</sup> night, but the group ran away when the people at home screamed. About this time the LTTE abducted 12 persons from a part of Karaitivu adjoining Nintavur, of whom 5 escaped. The LTTE abducted 14 persons from Veeramunai on 15<sup>th</sup> August and again 5 persons on 24<sup>th</sup> August. In early

September, LTTE women went house by house in Mallikaitivu telling the residents that each family must give a child.

On 27<sup>th</sup> and 28<sup>th</sup> September, LTTE teams raided some interior areas after 8.00 PM. Four children were reportedly removed from Aiththiyamalai on the 27<sup>th</sup>. Among those removed from Karadian Aru on the 28<sup>th</sup> was a **15-year-old daughter of Sinnavan**.

At this time, with an LTTE-team led by Thamilchelvan about to embark on a trip to Ireland, the UNICEF announced that the LTTE would release the first batch of 50 children to a transit centre (see below). Coincidentally or otherwise, two cases reported to the SLMM resulted in the release of the children. We received a report that an LTTE team led by **Senthamilan** abducted **Sivalingam Sanjith** (14 years) and **Senathy Sri Krishna** (15) of Periyaniawanai, near Kallar, on 29<sup>th</sup> September. The parents sought the intervention of the SLMM and the children were released, presumably before they were sent off to the interior. We stress the point that such cases are few and in the case of many parents who can be bullied or intimidated, even the information is unlikely to reach the outside world. (A sample of cases is given in Appendix I).

### **6<sup>th</sup> October: An Unexpected Turn of Events in Valaichchenai**

Over the weekend of 4<sup>th</sup> –5<sup>th</sup> October, the LTTE conscripted over 40 persons in the area including Valaichchenai, Peththalai and Kalkudah, of whom 17 were from Nahammal School, Kalkudah; Peththalai School and Valaichchenai Hindu College (VHC). The remainder was a mixture of adults and children out of school. The children taken included, **Kauthan Satheeskumar (12 years)** of Nahammal School Paasikkudah, **V. Pratheepan (13 or 14)** of VHC and **Nallathamby Kanthan (14)** of Nahmmal School. Appendix I contains more names. 4<sup>th</sup>, Saturday was the great festival of Saraswathy, the goddess of learning, which was celebrated at VHC. Towards evening, after worship ended and food was served, the school children played in the grounds.

It was then, about 5.00 PM that an LTTE conscription team under Thoathiran came to the grounds in a blue van with registration number GF 0295. Thoathiran had his own ideas about paying homage to Saraswathy. Thoathiran called children to get into the van to help them push a vehicle that was stuck and left with about 10 captives. Nothing remarkable here for those who knew what was going on in the East these last two years. On Monday 6<sup>th</sup>, the totally unexpected happened.

The students of the school, about 700 of them, and some parents, protested on the Kalkudah Road, blocking the traffic from 7.00 AM demanding the release of the students. It could not have come at a worse time for the LTTE. It had carefully prepared the ground for Thamilchelvan's ongoing visit to Ireland by a token release of 49 children into a transit camp jointly managed with UNICEF. After the Valaichchenai protest, the world media, from the BBC, broadcast to the world that the LTTE abducted a comparable number of children the very next day! One could hardly blame the LTTE if they suspected a conspiracy, but then who was there for such conspiracies? A ghost?

The LTTE had carefully crushed any potential opposition in the area, which was of special interest to Karuna. He had the popular TULF MP **Nimalan Soundaranayagam** murdered and now the TULF is deaf and dumb. The only other person there with a significant electoral base is **Siva** of the EPRLF (V), who was given a prison warrant with the signing of the MoU, which would become a death warrant should he get a little humanly careless. He lives in his party office under police protection and the people fear that meeting him could be too costly.

VHC has been carefully cultivated by the LTTE and has a particular significance for Karuna. The LTTE has used the school regularly as a centre for propaganda meetings for teachers and students from the area, which is under Karuna's brother Reggie. On 21<sup>st</sup> May 2002, Karikalan inaugurated the Tamil Students' Wing in that school with its principal Thavarajah as head, to organize the students and teachers of Batticaloa North as part of the LTTE's machine for propaganda, protests and general violent mobilization. About the turn of the year, a key LTTE spokesman was brought from the Vanni to address staff and students from local schools at VHC about the LTTE's new curriculum. Those who would not toe the line were issued dire threats. Reggie too spoke.

Against this background the protest against the LTTE must have come as a rude shock. It was no doubt triggered spontaneously. How much could after all fascists do to ensure that the ground does not crumble under their tread? As was to be expected (e.g. the Vijitharan protest of 1986), the LTTE's first move was to break up the protest with promises. Even as the protest was under way, LTTE men wearing helmets concealing their identity entered the school discreetly through the back entrance, and negotiated with the parents in the presence of the principal. The principal went to the protesters and reportedly gave an assurance that the abducted students will be released in a matter of days. Around 12.00 PM, the protesters started moving into the school.

Although the protesters are confident of resuming the protest if the LTTE does not keep its word, it is not so simple. By now the LTTE intelligence would be hard at work trying to identify leaders through the principal and teachers whom it has ensnared into its web. In the next couple of days one could expect several individuals to be targeted for fascist-style intimidation at the least.

### **Fallout from the Valaichchenai Protest**

As expected, during the course of the 7<sup>th</sup> the LTTE's repressive machinery was grinding at full throttle. When the LTTE had called children to get into the vehicle, one boy who was in the company had told the LTTEers that he would follow on his bicycle and had not gone. The LTTE suspected him of having given the alarm that the children had been taken by the LTTE. The LTTE's Economic Development Secretary Nizam called the boy and his father to the Puthukudiyiruppu office and abused them for creating trouble.

Word was also sent to parents and students who were seen to be active in the demonstrations to call at Nizam's office. Some did not go. The others went at different times. Those who went were abused and told that they will not protest if the Army shoots

people, but come forward to protest only when LTTE abducts children. One man who lost his son Pradheepan (13 or 14) was the Post Master at Mankerni. Going in search of his son, he saw Jim Kelly Thaaththa and some other LTTEers on the road. He asked them to return his son. When they refused, he attempted to commit suicide, according to local sources. The incident will result in significant pressure of the UNICEF to change its approach to the LTTE. It has already issued a strong statement on the Valaichchenai fiasco.

Whatever the impression the LTTE would like to give the international community, it was unsparing in its efforts to halt the escape of conscripts. An unknown number of parents have been taken hostage in lieu of their escaped children (see cases in Appendix II). They have been sent out to hard labour in pig farms and other LTTE establishments in Tharavai, Kudumbimalai and Kathiraveli. Among the persons in charge of this project are reportedly Tharan of Intelligence, Thirumal and Vairavan.

There is therefore no change in the LTTE's intentions. It is all the time adapting its methods to minimize scrutiny from international organizations. The manner in which it is handling the very young is instructive.

### **Branding the Very Young**

The following cases of abduction by the LTTE during August and September 2003 pertain to the south of Amparai District. They were all released. From time to time the LTTE summons the SLMM and UNICEF and releases some children to parents, claiming credit for releasing underage children who 'came on their own'. Places and full names of the children below have been withheld.

**Miss. Kumuthini (13 years)**, Year 8: Given 4 days training by the LTTE and released

**Miss. Kalaivani (13)**, Year 7: Given 3 days training by the LTTE and released

**Mas. Sasi (14)** : Given 2 days training by the LTTE, which released him when the parents went and asked for him.

**Mas. Alec (15)** : Given 4 days training, then brought back by the parents.

**Miss. Saranya (14)**, Year 9 : Under training. The parents went and asked for her. The LTTE promised to release her at the end of about 2 weeks.

Our information is that there are many such cases and all of them treated differently. Some escaped from the LTTE base. Some were told that if they did not like it there, they could go. Some were not released. Some were released to persistent parents, and it is believed that several of the parents paid money. In all cases the LTTE told the parents not to talk about it. It is a variation of what is happening in Mutur, adapted to a government-controlled area, calculated to block complaints going to international agencies. Moreover, in these cases recruitment or conscription can be denied. Although the children were

nearly always abducted, the LTTE could maintain that they came on their own and it released them. The ones kept back would generally be children of parents too scared on account of their child to talk or to complain.

The significance of this must be seen against the constant beat of war drums, a past where the security forces had been very harsh with the young suspected of LTTE connections and the proposed Interim Administration. The LTTE has already given notice that it will not return to peace talks unless its counterproposals, which would in effect formally confer on it untrammelled control over the people, are accepted – the final stamp on the conscription of the whole society.

As for the children, LTTE intelligence operatives and their agents move among the people questioning them on what they know about the children being taken, whether they are being taken by force, who said what and so on. Things are far worse than they were early this year. The UNICEF's attempts to deal with the problem have been dictated by the international community's ill-starred approach to the present peace process, along with unhelpful euphemisms.

### **UNICEF's Role and De-Conscription of Child Soldiers**

UNICEF's *'Action Plan: Addressing the needs and care for the children in the North East affected by war'* has come under considerable comment and criticism in the media. Portions of the agreement reads remarkably like an LTTE propaganda piece, punctuated by practical input from UNICEF. It is not surprising. International NGOs, besides other agencies have been encouraged by the international community to 'engage' with the LTTE as virtually a parallel state. The result has been a war of nerves paralleling the disastrous 'progress' of the 'peace process'. The LTTE came on top by effectively telling the agencies, "*If you want to be in business accept our terms.*" Once the majority kowtowed, the exceptions felt the sting of the TRO 'police'. The TRO – the Tamil Refugee Organization – is UNICEF's partner in the Action Plan.

We deal with some of the remarks made by UNICEF's country director Ted Chaiban, responding to many of the criticisms in a television interview with Frederica Jansz on 18<sup>th</sup> August 2003. On the question of why situate the centres in LTTE-controlled areas rather than government controlled areas where many of the parents will have easier access to their children and where centres suitable for the care of such children already exist, Chaiban's answer was that this was a process. Without a process, he said, whatever the protestations made, the children would not come back. Your best chance of getting your child is to go through this process, he added, or you don't get your child back. Although Chaiban did not use the word, a member of his staff spoke of 'compromise' in private with reference to the Action Plan.

As for what goes on at the transit centres, Chaiban said that UNICEF staff would be joint supervisors. On ensuring that the LTTE does not take back children returned to their homes, Chaiban said that UNICEF has limited staff, but the children would have regular visits from government child probation officers.

Anyone familiar with the North-East would know instantly that this exercise is flawed. The presence of UNICEF staff at a transit centre in an LTTE-controlled area means very little. It is the TRO staff who would exercise real control. After all, INGO (International NGO) staff operating in the LTTE-controlled areas know well that if they visit a village, LTTE intelligence would come shortly after they left, to inquire who said what. Further, under the present conditions of terror, government child probation officers could hardly report anything adverse to the LTTE.

More than anything that Chaiban was asked, there is the real possibility that the LTTE would further advance its terror by releasing selected youth into society through these transit centres to act as spies and assassins. Where there is opportunity the LTTE has no inhibitions.

Chaliban's defence of the UNICEF's process is rather like the semi-official Norwegian defence of another process – the Memorandum of Understanding (MoU). One of its controversial features is the free movement of (on paper) unarmed LTTE cadres in government-controlled areas. We are told: *“Peace needs a process: The MoU is something both sides have negotiated, agreed to and signed. Your best chance for peace is to go through the process. Otherwise you will not have peace.”* Coincidence?

With most organizations that have a little sense of shame, the compromises of UNICEF and other INGOs would be relatively harmless. But with the LTTE, before they quite realized where they were going, it had made a significant start towards making them partners in crime.

### **Ceremony, Misery and a Plaintive Cry**

CNN's Kasra Naji reported on the LTTE's release of the first batch of children, 49 of them, to a UNICEF-TRO transit centre at a ceremony in Killinochchi on 3<sup>rd</sup> October. LTTE representative Sutha Thangan was annoyed that there was a ceremony at all and warned against its use as propaganda against the Tigers. In an indication of how these centres would work, only 4 of the 49 were allowed to speak to journalists, and that too under LTTE supervision. A 17-year-old boy said he joined to fight the Army, a 17-year-old girl because her sister was raped by the Army, and a 16-year-old girl because her parents were too poor.

Chaiban, while being alarmed over continuing child recruitment, told the CNN that some of the children were abducted while others ran away from home. But on local MTV news he spoke of 'underage recruitment' in the same breath as domestic child labour and other forms of war-related child deprivation. Again the vast difference between an individual who violently abuses a child servant and an organization, a quasi-state, which systematically abducts children for both morally and physically lethal military serfdom, is being obfuscated. Trying to hide a pumpkin in a plate of rice, as a local expression goes.

The cause of child soldiers has lost much by the UNICEF surrendering its dignity so easily to place a gloss on the LTTE's reputation. It should simply have demanded the immediate release of children abducted after the ceasefire, encouraged parents to report

violations to competent agencies, and spearheaded the campaign for worldwide restrictions on the LTTE on the grounds that its abduction of children is a war crime. Instead, in the real context of the LTTE's contempt for every human norm, the UNICEF's diplomatic approach makes it in effect a public relations firm on contract to the LTTE. UNICEF's argument that its, is the only way to get the children back is a statement of impotency.

Meanwhile, if the abduction of the four girls in Vavuniya (see next chapter) is any indication, the problem is becoming diabolically more involved. International agencies on the ground will become even more ineffective. While a great deal of attention is been given to worldwide public relations exercises for the LTTE and attempts to make them take money, a huge problem facing thousands of children is being swept under the carpet.

Hundreds of children in the Batticaloa and Amparai Districts, from Valaichchenai and Sittandy, to Mallikaitivu, Thirukkivil and Pottuvil, have fled to Sinhalese areas in the western sector of the Eastern Province and beyond. Most of them are children of poor folk staying with relatives and in places of refuge to escape from LTTE conscription. Many others have not fled because they simply lack the support. Local NGOs will not get involved and other means to find support for these unusual refugees have not met with any success. So much for the legitimacy of a force that claims to be the ultimate protector of the Tamils.

There are already rumblings of a new class of children being targeted. We have said in earlier reports that since last December a number of members and former members of parties opposed to the LTTE are confined, in hiding or are living in their offices under police protection. There are reliable reports that the LTTE is angry with those who have evaded its hit teams and is now targeting their children for conscription. Very small children of these party activists have been abused on the streets by LTTE functionaries, or cuffed on the head while riding past.

One party activist said plaintively, *“They [the LTTE] tried to get me for a good many years and failed. Now they are trying to get me through my children. My life is now a burden. I have seen the people suffering immensely and have faced the deaths of many of those closest to me. The one thing I desire for my children is that they should not go through these same afflictions.”*

#### **IV. TRENDS IN THE NORTH**

Recent reports from the Vanni speak of increased recruitment activity, particularly around Mullaitivu. Meetings and disruption of school activities have resumed in a manner reminiscent of 1999-2000. The talk in the area is of a campaign by the LTTE to enhance its cadre by 10 000. This ties up with what is happening in the East and increased reports of abduction throughout the North-East. The following cases have been reported from the North:

**Mas. Vijaysanthan Ramanathan (16)** was abducted from Thaali Kulam, Vavuniya, where his father is the principal of the local school, on 21<sup>st</sup> Aug 2003. The father contacted the Veppam Kulam area leader Srinath. Failing to secure his son's release, the father contacted the Vavuniya political leader Elil. Elil said that he would inform Srinath.

**Mas. Satheesh (17)** was abducted from a tutoring in Pandaitharippu Road, Sandilipay, Jaffna, on 17<sup>th</sup> September. The mother went looking for the son and found her son's bicycle at the Changathanai LTTE office. She went in and demanded her son. The LTTE replied that she could see her son only after he finishes training. They also told her that she could report it to the Police, and that they were not in the least bothered. The mother was keeping vigil at the Muhamalai exit point from Jaffna in an effort to intercept her son.

**Manivannan Jeyajothi:** A native of Dutch Road, Chavakachcheri, was taken by the LTTE as reported by the *EPDP News* 17<sup>th</sup> September 2003, which gave his age as 14. Other sources, which placed the age at 16, confirmed that the boy was missing from August and that the family had complained to the Human Rights Commission. These sources added that a relative with the LTTE had sent word that he had seen the boy in the Vanni.

Cases such as these are now routine and more can be found in Appendix I. A point about them is the uncertainty regarding the extent of coercion, both mental and physical. Unlike in the East, instances of witnessed physical abduction seem to be rare. But their age makes the use of the term conscription appropriate. The following case however represents an extraordinary new departure. *EPDP News* reported the first ripples of the story on 19<sup>th</sup> September in a form so unusually intriguing:

*“Four female students were abducted from the Vavuniya town area on 16.09.2003, and forcibly taken to Batticaloa and detained in an abandoned house. Two of them escaped from there, and one of them Krishnasamy Jasmine (age 14) surrendered to the Batticaloa Police. The whereabouts of the others is not known as yet.”*

### **Jancy's Ordeal: In the Dark Shadows of Pongu Thamil**

Our attempts to find out more came up against conflicting versions. One was that Jasmine (hereafter Jancy, her real name) was abducted from Vavuniya, made to work as a child serf at a home in Batticaloa for some months, and unable to bear it, fled to a Convent on a neighbour's advice, where the sisters did the needful. Although this version did not suggest an LTTE involvement, given the present reality the story was highly problematic.

We finally obtained a detailed story from what we call our principal source, along with the address where the girl was detained, where she escaped and the names of persons who helped her. We are confident of the essentials of the story, but suppress some details. *Pongu Thamil* festivals are ceremonies in adulation of the leader and his goal, at which principals are ordered to ensure the attendance of a given number of children. The earlier one last June in Jaffna chanted “*Hail Sun God (Sooriathevan) Prabhakaran*”. Some women LTTE cadres from Batticaloa had come in a van apparently in connection with arrangements for the one held in Vavuniya on 23<sup>rd</sup> September.

Amidst the bustle, they, or others on their behalf, abducted four very young girls on the 16<sup>th</sup> evening, one of whom was **Miss. Jancy Krishnasamy**, daughter of Rasiah Krishnasamy of 6<sup>th</sup> Lane Veppam Kulam, Vavuniya. According to Jancy's testimony, she was abducted along with a girl of Estate Tamil origin and two other girls whom she took to be Sinhalese from Vavuniya who were conversant in Tamil. The LTTE women gave them a hundred rupees each and put them in a Batticaloa bound bus at Vavuniya on the 17<sup>th</sup> morning. The LTTE women told them that their vehicle would follow behind, and should they get down from the bus before reaching Batticaloa, they would be shot.

The LTTE women picked up the girls at the Batticaloa bus stand about 4.00 PM and took them to a house in Munai Street, Batticaloa, shut them in a room and went away, talking among themselves about coming back after nightfall. Unknown to the LTTE women, Jancy had some familiarity with Batticaloa. She had earlier been in a children's home in Kalmunai attending school, then dropped out early and returned home to Vavuniya. Subsequently her younger sister Dilanthi (now 13) had entered another children's home, this time in Batticaloa.

After the LTTE women left, Jancy found the door unlocked. She opened it and found the coast clear and made her way to her sister's home. She had seen the girl of Estate Tamil origin in a bus and thinks she got away. She does not know the fate of the other two girls. We will now go to a different source and take up the story from when she got to her sister's home.

A very agitated Jancy unexpectedly turned up at her sister's home late on the 17<sup>th</sup> evening, called Dilanthi and told her that she must go to Vavuniya immediately and asked Dilanthi to accompany her. The authorities of the home intervened and told Jancy that her sister can only be released to the parents, nor would they let her go as she was too young and it was late. Jancy was too agitated to think. She insisted on going and started walking towards the bus stand and got into a bus. The warden and some other girls followed her and asked her to get down from the bus. Jancy refused. The others called the Police, who then took over and in due course restored her to her parents.

According to the authorities of the home, Jancy said that bobbed haired girls in jeans, whom they gathered were Sinhalese speaking, brought her from Vavuniya. The Police told them later that when they asked Jancy where she was held, she had pointed to a shop that was closed. The Police added that upon inquiry, they decided that Jancy was telling a fictitious story. The authorities of the home did not want to go deeper into the matter. This is fully understandable and their reasons are obvious.

There is the objective fact that an agitated child from Vavuniya turned up suddenly in Batticaloa without any reason, was desperate to get out quickly and wanted her sister to accompany her. There is no fundamental conflict between what our principal source gathered from Jancy and the experience of the authorities of the children's home. What the principal source had been told by Jancy about her connections in the East has been

found to be accurate. Based on Jancy's information, the principal source located where Jancy had been held and the owner of the premises. It was not a closed shop.

We may conclude that Jancy was trying to reflect her experience as best as she could and the essentials of her testimony are correct. Why the Police came to their conclusion we do not know. It appears that they restricted their role to restoring the girl to her parents and did not want to go deeper. It partly explains why the story became so confused after the initial ripples appeared in *EPDP News*. How easily do conditions in the North-East overlay important developments with myth and obfuscation.

The abduction of the girls from Vavuniya was not sudden fancy. It was planned and the modus operandi for transporting them to Batticaloa had been thought out in the light of experience: Our earlier reports gave cases of young conscripts in LTTE vehicles being rescued at Army checkpoints. This may not be the first time and the method can only work with very young children. It is likely to have been going on for some time, since the LTTE has been under the MoU conscripting a number of children in Vavuniya, and especially the refugee camps. Transporting them to Batticaloa does not involve any major checking, unlike taking them north through the Omanthai checkpoint.

Further, the LTTE's recent behaviour (see accounts in this report) shows that the LTTE is more sensitive to cases of child conscription going down on record. When children are removed far away rather than kept locally, conscription is easier to deny and escape even harder. It becomes a matter of missing children – a routine police case! Without the security forces being present, Jancy stood no chance of escape.

### **A New Turn in Hartley College, Point Pedro**

Just over a year ago, the LTTE beat up, humiliated and drove out the Hartley College Principal **Mr. Sripathy** (see Sp. Rep No15). The principal's sin was that he was trying to protect the children from being misused by the LTTE in dangerous demonstrations to have the army camp removed from Point Pedro. The Army is still there and Hartley College is in the high security zone, which irritates the LTTE. But, thanks to its efforts and its newfound influence, the school has a new principal, **Mr. Pathmanathan**, who is merely a figurehead. The real authority in the school is **Mr. Gunaseelan**, who was notorious for urging the students to join the LTTE. About 1<sup>st</sup> September, the school that normally closes at 2.00 PM, was closed at 12.30 PM and Gunaseelan directed all AL first year students (about 150 to 200 of them) to go to Modern Commerce Tutoring in Point Pedro.

There an LTTE speaker gave the students a tongue-lashing. He told them, "*You chaps are 17 now and you should be ashamed that you have not joined us. There are even 15 year olds joining us now. Do you think that you can study and go to university? That will never happen. In 4 months time, there will be war, and we are getting ready for it. We cannot do much while this army camp is here. We will soon remove it.*" He spoke in this vein for an hour and asked if there were any questions. One student put up his hand and said that he has the responsibility of looking after his sister and so must study. The speaker sneered back, "*What are you going to do when the army rapes your sister?*" The

students went away chilled by the experience. They fear that one of these days they may be thrust into a van and taken away.

Given the use of the Muslim community as a pretext for the LTTE's conscription, and the fact that the LTTE deliberately distorts statements by Muslim leaders to aid its military preparations, where do things really stand? What is the real significance of the rhetoric and violence associated with the Muslim community? These need to be clarified and placed in context, since as one occasionally discovers, there is no limit to the malignity casual Tamil propaganda attributes to a supposedly united and highly organized Muslim community. We earlier referred to the case of Isyathumma, the mother of Jabir, who committed suicide by taking poison. The Tamils in Mutur have no doubt that it was the act of a grieving woman. 14 miles north in Trincomalee, a different but highly conspiratorial story was being circulated; that the autopsy had not revealed poison in the stomach of the deceased woman. Conclusion: Muslim extremists had throttled her to death and poured poison into her mouth to create a drama!

#### **V. MUSLIM POLITICS: TAMIL HISTORY REPEATING ITSELF?**

Muslim politics is, contrary to popular myth, neither united nor conspiratorial. There is a great deal of dissent that, unlike in the Tamil community, finds open expression. Muslim politics in Amparai, like Sri Lankan politics, can be both democratic and violent. But that is yet a far cry from Tamil election politics that by the 1970s reached the fatal stage of ideological killing of opponents.

In Akkaraipattu, about 4<sup>th</sup> September, supporters of dissident SLMC MP and minister of highways, Mr. Athaullah, pounced with swords without warning on a supporter of party leader Rauf Hakeem. The attack, described as 'murderous', left the victim badly injured. Apparently because the police in Akkaraipattu, fearing Mr. Athaullah, did not want to arrest the culprits, Rauf Hakeem had to intervene. Under his direction as a key government minister, a police party from Amparai town went to Akkaraipattu and arrested the culprits from the home of Minister Athaullah!

The SLMC grew not only by its appeal to the Muslims in the East who felt that the UNP and SLFP had become insensitive to their interests, but also through forging advantageous alliances. For example Muslims from Kinniya and Mutur had largely voted for the SLFP's Majeed and later for his son Najeeb, both from Kinniya. Under a deal the SLMC made with the SLFP in 1994, Najeeb was conscripted into the SLMC, and after one term, ceased from active politics. Muslims in Mutur came under the sway of 'Thidir' Thowfeek, SLMC nominee and the first MP from the town.

Before the 2001 elections, the uneasy alliance within the SLMC broke down and its late leader M.H.M. Ashraf's widow, Ferial, took out a faction that decided to stay with the PA (SLFP) after Hakeem, in what turned out to be a costly misjudgment, allied with the UNP that was already committed to appeasing the LTTE. Another horse deal, this time with the UNP to keep out long-standing Muslim UNP politicians in the Amparai District from the electoral fray, and the SLMC emerged strong enough to demand and get some key ministries.

This kind of dealing is the stuff of parliamentary politics and is relatively harmless in normal times, but it has proved most inappropriate at a time when the LTTE poses a grave challenge to the Muslim community, one that is more imminent than one expected a year ago. Before proceeding, we examine some nuances on the ground.

### **Militancy in Mutur**

We pointed out that the first time Muslim vigilantes used a gun against a Tamil was when Subaraj was shot on 4<sup>th</sup> August 2003. Prior to that Muslim militant activity in Mutur was largely that of street fighters and market thugs responding to provocations by the LTTE. A notable figure in the last category, who emerged in June 2002, is popularly known as **Meat Shop Hakim**, who was described by some Tamils as the leader of the 'Osama Group'. A senior Tamil politician described Meat Shop Hakim as a supporter of the MP '**Thidir**' **Thowfeek**, who in turn he described as close to Osama. Meat Shop Hakim, he charged, worked for 'Thidir's election in such capacities as polling card fraud (a vice of nearly all contestants in Sri Lanka and particularly the North-East) and also played a leading role in violence against Tamils.

These charges were put to Minister Rauf Hakeem on 5<sup>th</sup> May 2003, who protested against allegations that his presence in Mutur during April aggravated the situation. Rauf Hakeem did not contradict allegations about Meat Shop Hakim's reputation or his links to Thidir. But he said that Thidir had told him not to meet Meat Shop Hakim, indicating that the latter had sought an interview with Rauf and Thidir had thought it unhelpful for the leader's image and reputation for him to entertain MSH. By way of mitigation, Rauf Hakeem said in effect that when one is in parliamentary politics, one needs supporters for election work and in practice one cannot be too fussy about ensuring that every one of them is of excellent character. His positions were not unreasonable.

But on 14<sup>th</sup> August Rauf Hakeem was back in Mutur to attend the funerals of Fareed and Riyaz who had been killed by the LTTE the previous day. Fareed was reputedly in a militant league that many Muslims were uncomfortable with. Many sensitive Muslims felt that it did not behove their cause for a national level leader to attend the funeral and compromise his name by association. According to Muslim sources, Fareed had said the day before he was killed that should anything happen to him, the *Thalaivar* must be informed and he must attend the funeral, thus leaving Rauf Hakeem with little choice. We thus see that some significant change had taken place between May and August, given the uncontradicted reports that Fareed was killed while on a mission to purchase a weapon.

### **The Limitations of TULF – SLMC Politics**

This is a brand of politics based on the victimhood of a particular community. It is as a rule indifferent to wider national issues and tends to be conservative or reactionary on economic and labour issues. It is hostile to members of the community who tend to pluralism in politics. Its rhetoric and practice, often violent, is meant to delegitimize political alternatives within the community, calling upon everyone to vote for that party and to maximize its bargaining power. While its rhetoric is militant, with glories of the

race or religion thrown in for good measure, it has no programme to mobilize the people in a politically meaningful way, no creative solutions. It has no friends. It can do none other than bargain with the largest party in Parliament or any other it is forced to reckon with. The end result invariably falls far short of the rhetorical aspirations.

Given this reality, the leadership of such parties has to constantly negotiate the gap between what they could bargain for and the high expectations of their youthful supporters. In doing so they encourage exclusivist militant rhetoric and flirt with violent elements, which also come in useful to keep their political opponents in check.

This was the story of the TULF. It was characteristically overtaken by its violent offspring after its attempts to negotiate with Jayewardene's UNP met with regular rebuffs and violence, similar to how the LTTE is treating the SLMC today.

Undoubtedly, while Rauf Hakeem was in Mutur last April, he would have been surrounded by angry youth demanding weapons to protect the Muslims. Rauf Hakeem could not antagonize the LTTE, but we may conclude that within the chain linking Rauf Hakeem and Fareed, some decision for a token arming of Muslims had been taken, in part to calm the angry youth. Again one cannot easily find fault with it except that it was walking into a trap against a group with far flung access to lethal weapons.

The only way Rauf Hakeem could have challenged the LTTE was to have mobilized his supporters to ensure that the Tamils and their property are protected, whatever the provocation. Then he could have explained his case to the Tamils in Mutur town, and assured them that they would suffer no harm from the Muslims. He could also have nominated persons to whom the Tamils could complain if they had any cause for alarm, and given a firm commitment that he would see to it that the Police acted impartially. That would have placed the Tigers in a fix. But TULF-SLMC politics is by nature too unruly, and the leaders are mentally unprepared for creative alternatives that run counter to the ir rhetoric.

The dilemmas and contradictions of Rauf Hakeem's politics are seen in the way the Police act or fail to act under his influence. Investigation of Fareed's murder may prove too embarrassing and a hindrance to peace, so it is out. Police action in the murder of Adrian Selvan would involve his supporters and compromise him, so it is out. When factional leader Athallah's supporters attack his in Akkaraipattu, the Police must be firm to shore up his hold on the party. To cap it all, the Tigers represent his largely token and defensive moves as a massive stockpiling of arms to attack the Tamils. The trap begins to close.

A number of Muslims in Mutur fully understand that the LTTE is setting a trap to bring about their eventual displacement. They also understand that the challenge requires a different approach that ensures the confidence of the Tamils in Mutur town. They blame the local SLMC stalwarts around Rauf Hakeem for advising him badly. It is no doubt the realization that the complex problems facing the Muslim community require a broader approach that led the late SLMC leader M.H.M. Ashraf to found the National Unity

Alliance. It was a hopeful beginning for the Tamils and Muslims that was cut short by a mysterious helicopter crash three years ago.

The LTTE in its arrogance will fail to learn from Tamil history and underestimate the incendiary capacity that a frightened and alienated Muslim community might muster. Shortly after the 1977 communal attacks, LTTE leader Prabhakaran went by boat to India in an attempt to purchase some weapons. Who would have thought that he might one day hold to ransom a very pro-Western government with a regular army, navy and air force? Accompanying him in the boat was Mavai Senathirajah, his political elder brother and leader of the TULF youth wing. Today, MP Mavai must kneel before his erstwhile junior with fear and trembling. That too is in the natural order of the TULF's political legacy.

The other element in the conjunction besides the suppression of Muslims and conscription for its army is the elimination of all traces of political opposition. The innate paranoia of the LTTE is now driving it towards tracing and killing all persons with past links to groups opposed to it or to the state forces (invariably forced on individuals by the LTTE's terror).

## **VI. INTENSIFICATION OF ATTACKS ON OPPONENTS AND FORMER OPPONENTS**

The following lists pertain to persons killed, abducted, or attacked since our last update in July. An intensification of attacks in September is evident. According to local information in Batticaloa, a group has been sent there by the LTTE intelligence chief **Pottu Amman** to expedite these killings and abductions. Also involved in these killings are local intelligence operatives **Mathan** and **Sakthi**.

### **Murdered**

**9<sup>th</sup> August 2003: Sambunathapillai Vivekanandan (35)**, former TELO member and father of two children, shot and killed by the LTTE in Sagamam Road, Akkaraipattu, about 5.00 PM.

**14<sup>th</sup> August 2003: Arasaratnam Radheeskaran (37)** was shot dead by the LTTE in Batticaloa town. The victim who survived an attempt on his life 2 months previously had been a member of the EROS, later joining the Military Intelligence and then the EPDP two weeks before his death.

**29<sup>th</sup> August 2003: Sebamalai Vimalakumaran**, a youth hailing from Tellipallai, Jaffna was shot dead by the LTTE about 8.30 pm, in Pandarikulam in Vavuniya District, in the vicinity of the Madasamy Temple. His body was chopped thereafter with an axe. (*EPDP News*, 30.8.03)

**7<sup>th</sup> September 2003: Kandiah Chandramohan (27)** of Chelvanagar, Araiampathy, who had been in the Varathan faction of the TELO, was stabbed to death in the morning by Keerthi. Keerthi is a paid killer who is seen in the company of LTTE intelligence men.

This is among the new devices used by the LTTE to pass off its murder of opponents as routine crimes.

**13<sup>th</sup> September 2003: Pushparajah Saveskanth (27)** of Boundary Road, Thandaveli, Bco., Dist., was shot dead by the LTTE. The victim who escaped a murder attempt within the last year was married 4 months ago, and had belonged to Army Intelligence 5 years ago.

**14<sup>th</sup> September 2003: Sabaratnam Soundaranayagam** (less than 30 years) had been a member of the National Defence Force (Razik Group) which he left 3 years ago. He was married near Batticaloa, had two children and lived in his village at Temple Road, Morakkottanchenai and earned his living by fishing. On this day he and his friend **Sithamparapillai Pulendrakumar (24)** went fishing for prawns near the Pump House at Muhattuwarem, when LTTE men came there, shot him and began stabbing him. Pulendrakumar instinctively went to his friend's aid, when the attackers told him, "*Don't tangle with the Movement.*" They shot at Pulendrakumar and began stabbing him as well. Pulendrakumar ran with his injuries and escaped. He was warded in Batticaloa Hospital, and was among the very few who made a statement to the Police recently implicating the LTTE.

**15<sup>th</sup> September 2003: Thangathurai Navaneethan (Patkunam) (30)** had been a member of the EPRLF(V) from Mangaikattu, Vavunativu, and had worked for the party at the last elections. The party went into hard times, whence Navaneethan left the party; stayed with his sister in Sinna Uppodai, Batticaloa, and worked as a mason. He was cycling to work at 8.00 AM when he was set upon by LTTE men led by **Sathyan** and **Mathan** near the Petroleum Corporation. He died in hospital, having had his windpipe cut. More details about this very public incident are given in Section 2. Sathyan had at one time surrendered to the NDF (Razik Group).

**21<sup>st</sup> September 2003: A headless body** was found in the morning at Sinnamuhattuwarem, 40<sup>th</sup> Mile Post, just south of Akkaraipattu. The body was later identified as that of **Subramaniam Inparaja (33)** of Sivan Kovil Rd., Thambiluvil 2. The victim had left the previous evening to visit relatives and not returned. The victim had reportedly served in the LTTE between 1991 and 1995 and is then accused of having absconded with cash. Inparasa, who has a younger brother in the LTTE, reportedly went abroad about 1998 while the LTTE was looking for him. He came back in 2001 and the LTTE is said to have asked for him several months ago. Again the timing and the barbarous method of killing must be placed in the larger context of ongoing killings, which are intended to secure silence and instill fear in the wider community.

**26<sup>th</sup> September 2003: Velupillai Yogendran (39)** of 78, Arjuna St., Pandiruppu, north of Kalmunai, was shot 3 times by the LTTE shortly after he left home on his motorcycle at 8.00 PM. He died in Kalmunai Hospital. Yogendran was among the many Easterners who joined the EPRLF in the mid-1980s. He was trained by the Indian Army and deployed in Jaffna during 1986-7. He escaped to India with many members of his group when the LTTE attacked it in December 1986, but remained in India after the 1987 Indo-

Lanka Accord as a fringe supporter of his group and had no contact with it after 1990. He returned to this country under the PA government in 1995/6. According to local reports, Sangar, an old EPRLF friend, now an EDDP official, helped him to find work in the library at RKM School, Akkaraipattu. He married Thillainayagam Suganthini of Thambiluvil, who is now widowed with two children, a boy and a girl. Yogendran was a civilian with absolutely no involvement in politics.

**2<sup>nd</sup> October 2003: Thirugnanamoorthy Vigneswaran** of the Sri Lanka Army was hacked to death by six members of the LTTE in Orr's Hill Lower Street, Trincomalee

**4<sup>th</sup> October 2003 (press report): Erambamoorthy Sabanayagam**, a native of Santhiveli north of Batticaloa, surrendered to the STF in Kumburumoolai when the LTTE tried to kill him in 1985. He remained with the STF and after the STF was pulled out in 1987, joined the Army, and was with the Army in the Batticaloa District during the 1990s. The LTTE shot at him 5 times over the years, the last time in 1998. He bore the scars on his body. He was reportedly a sharp and careful man who trusted no one. Since 1998 he lived quietly with his wife and children in Matale. The *Lankadipa* of 4<sup>th</sup> October and the *Sunday Times* the next day reported that he was befriended by a sixty-year-old man who pretended to have known his father, and by a stratagem took him to Kokkadichcholai where he was killed by the LTTE. It is uncharacteristic of the man.

**4<sup>th</sup> October 2003: Subramaniam Kirubaharan (Seelan)** (36), of Navaratnarajah Street (Thiruneetrukerny), Araiampathy, Bco. Dist., had been in the EPRLF until 1987 and then joined the TELO, which he left in 1998. This history may be mystifying, but it tells us something about the motivations of many an Eastern youth who joined the militancy. The LTTE was a latecomer in the area and peer attraction played an important role in the choice of the group a person joined. Araiampathy had a strong TELO base and Kirubaharan, a native of Thethathivu nearby to the south, attached himself to Navaratnarajah, one time local councillor and TELO strong man. He was killed by the LTTE in 1998, which was when Kirubaharan left. He was a married man with a family, physically disabled in one leg, and worked as a bicycle park attendant at the Araiampathy market. He was at the market attending to his work when the LTTE fired several bullets into him. Why the LTTE should fear such persons tells us much about the group.

#### **Abducted and Missing**

**2<sup>nd</sup> August 2003: Thangarasa Kumar (27)** of Sangar Mill road, Kommathurai, Chenkaladi, was abducted by the LTTE. The victim is a former member of TELO.

**12<sup>th</sup> August 2003: 'Plastic' Thavarajah alias Thavam**, a former member of the TELO who left his village, Thonikkal in Vavuniya district for Killinochchi Town for the purpose of selling plastic wares did not return home. Sources in Killinochchi report that he had been abducted by the LTTE. (*EPDP News*)

**13<sup>th</sup> August 2003: Nallathamby Venkat (27) and Manian Ravi (32)**, both former members of the ENDLF from Santhiveli, Batticaloa Dist, were abducted by a party of

five from the LTTE at Lake Road, Santhiveli. Ravi is married and a father of two. Having been a refugee in India, Ravi had returned two months previously.

**13<sup>th</sup> September 2003: Gnanasekaram Inparasa (Suresh) (38)** was a former member of the EPRLF from Ward 10, Kokkadicholai. He had left the organization about 1990 and married a daughter of **Keerthi Aruna** of 17/5 Paalameen Madu, Bar Road, and has since been doing business with his father in law, doing fishing and running a shop. He has two children. On the day in question, a visitor came home, and reportedly asked him to accompany him to the temple festival in Kokkadichoalai. He is missing since then.

**13<sup>th</sup> September (approximate): Anandarajah Vigneswaran (Selvam) (27)** of Badulla Road, Chenkalady, went missing on his way from Chenkalady to Batticaloa. He was a member of the PLOTE who subsequently joined the EPDP, which in turn he left 2 or 3 years ago to work for the Batticaloa Red Cross as a volunteer

**16<sup>th</sup> September 2003: Thurairaj Thusyanthan (20)** of MPK Rd., Kommathurai, Chenkalady was abducted by the LTTE at Chenkalady. Thusyanthan's elder sister is the wife of Ravi of EPRLF(V), who was the local council chairman for Chenkalady. Ravi lives at the party office under police protection.

### **Beaten, Harassed or Attempt on Life**

**19<sup>th</sup> August 2003:** The LTTE summoned **Mr.Kailasapillai** and his two sons living at home to its Verugal office to inquire about another son who was in the EPRLF. They were asked for the address of the latter. The father said that this particular son had gone to India as a refugee in 1990 and was no longer in touch with him. The LTTE said that they did not believe him and proceeded to assault the younger son. The three were warned and sent off.

**19<sup>th</sup> August 2003: Elaiathamby Harichandra**, EPDP's district organizer, who was riding a motorbike in Mannar Town with **Reginald Sudharshan** at 8.00 PM, was shot at by the LTTE, who also threw a grenade at them. Both escaped. Baskaran of LTTE intelligence had been seen in the area, which is near the Police Station

**22<sup>nd</sup> September 2003: Nadarajah Chandrakumar (21)**, a member of the EPDP attached to the EPDP office in Vavuniya town was abducted about 2.00 PM on his way to see his mother at Maravankulam by members of the LTTE who had followed his bicycle on motorbikes. He was beaten, then taken to the LTTE office and beaten again with broomsticks, under the supervision of the district commissar Elil. He was warned against distributing EPDP leaflets and released in turn through the SLMM and Police and warded in hospital.

**27<sup>th</sup> September 2003: Kandasamy Gnanasekaran**, a police constable from his station in Trincomalee, on leave at his home in Kaluwanchikudy, Batticaloa District, was abducted and beaten up by the LTTE for two days, threatened and released.

**30<sup>th</sup> September 2003: K.G. Nimal** of the Sri Lanka Army who was on leave at his home in Akkaraipattu, was abducted by the LTTE and escaped on 2<sup>nd</sup> October while being transferred to the interior.

**2<sup>nd</sup> October 2003: Palipody Sivasamy (36)** had left the PLOTE in 1990 and became close to the EPRLF(V), but completely immersed himself in civilian life as a fisherman in Kallady, where he also married Paramjothy and had 2 boys and a girl. At 5.30 PM members of the LTTE came home in search of Him. He managed to escape from them and take refuge in a party office in Batticaloa town.

The LTTE has routinely denied involvement in these killings. Its Tamil paper *Thamil Alai* (*Paadumeen.com*, 22.08.03) carried an article titled '*Mysterious Circumstances Surrounding Batticaloa Murders*'. It began by commenting on the Tamil opposition groups leaving the murdered Radheeskarar's coffin in front of the Batticaloa SLMM office for some time as a mark of protest:

*"There is no tradition in the Hindu religion where the coffin is opened and the dead exposed in all sorts of places. On the contrary, Hindus believe that such an unwholesome act would lead to death among the kinsfolk. Moreover Hindus worship the corpse as a god. No religion or people has the practice of abandoning a corpse and walking away".*

The article went on to argue that Military Intelligence (MI) and the EPDP got together and killed Radheeskarar, the reason being that MI was upset at his joining the EPDP after knowing a great deal about their inner workings. Another argument given is that his killers were allowed to get away in a high security area in Batticaloa. The *TamilNet*, a pro-LTTE website, however, after describing the killers as 'unidentified persons' (report on 14.07.03), did little to conceal the fact that the LTTE were the killers. *TamilNet* said:

*"According to the Police Radheeskarar was a long time member of the EPDP, a close ally of President Chandrika Kumaratunga. Radheeskarar... was riding a motorbike with a colleague near the private bus stand in the heart of Batticaloa town, when a cyclist dashed across his path, making him fall. The cyclists then opened fire on Radheeskarar with their pistols killing him on the spot. His pillion rider escaped unhurt, the Police said..."*

Similarly, the *Thamil Alai* article attempts to blame a combination of the PLOTE and MI for the murder of PLOTE member **Mehanathan** on 4<sup>th</sup> July 2003. It points out that Mehanathan belongs to a *Maaveerar* or Martyr's family, meaning that a brother or a sister had died in the LTTE's cause. It places Mehanathan as a victim of a PLOTE and MI conspiracy to eliminate LTTE supporters within the PLOTE. *TamilNet* (4.7.03) however said, quoting ex-militant sources, that Mehanathan (alias Justin) was shot dead by '*unknown assailants*' who came on a motor bike at 6.15 PM when Mehanathan was riding home on a bicycle from the PLOTE office in Puthur. *TamilNet* described Justin as a resident of Vavunativu and a long time member of PLOTE.

The dead were well known in the militant scene and certainly to local sources and the editor of the *TamilNet*. The *Thamil Alai* stories are an afterthought, very likely having something to do with international protests over continuing killings by the LTTE. The stabbing of recent victims, as in common criminal activity, is thought to be an innovation having to do with the fine distinction by means of which the SLMM disposes of many complaints -- by placing them in the category of 'police matters' as distinct from violations of the MoU. These murders are therefore not listed as violations in periodic SLMM statements.

We have a situation where the Government and the Monitors play tricks with words, while no avenue for redress exists. The Monitors pass the buck to the Police and what does one expect the Police to do? The Police arrested LTTE's Pudur leader Subaraj (Satyaraj) for murder in June. The LTTE then abducted two policemen (see Ch. III, Buried links...). Though obviously a violation on the LTTE's part, the Monitors could do nothing, even though the LTTE was very improperly linking the release of the arbitrarily abducted policemen to the release of Subaraj from any murder inquiry. The SLMM was, we reliably understand, averse to risking a war on this issue and are known to put up with several humiliating rebuffs by the LTTE. But at the SLMM's LMC in Batticaloa, strong objection was raised to linking the issues.

Subsequently the SLMM accompanied the DIG Police for the range, for negotiations with the LTTE in the interior. The DIG agreed to release Subaraj through the courts, in return for the release of the two policemen. We understand the DIG told the SLMM that he was satisfied with the arrangement, and in effect let them off the hook. One wonders who gave the orders to the High Court Judge to do the needful. In effect the murders that we have recorded, along with many others, are sanctioned by all the powers that be, whatever they may say. There is no power on earth that the victims could appeal to.

The logic of *fait accompli*, we said at the beginning of Chapter III, governed the violations by the State in the North-East that began in earnest in 1984. The same logic, we averred, the Tigers copied and used against the Muslims in the North in 1990 and its use against Muslims in the East is underway at present. In both instances, the use of *fait accompli* is tied to ideology.

## **VII. DISPLACEMENT, REFUGEES AND THE LOGIC OF FAIT ACCOMPLI**

If one takes a map of Sri Lanka and marks out the Tamil villages deliberately attacked by the State Forces, during the two years beginning in late 1984, and depopulated with dozens of civilians killed in each, one would learn a good deal about the agenda and ideology behind it. The National Security Minister was then talking aloud about solving the Tamil problem through the establishment of Sinhalese settlements. Starting from the south and going north, some of these villages are Thangavelayuthapuram, Vayaloor near Sagamam, Pullumalai, Thampalakamam, Killiveddy, Pankulam, Amarivayal, Thennamaravady and a number of villages in the Mullaitivu District. The idea is much older and an important marker was the Gal Oya riots in 1956.

These experiences shaped Tamil nationalist thinking, its strategies, the obsession with land, the obsession with the North-East merger, the tolerance of fascism, and the justification for attacking Sinhalese villages. The potential for child soldiers too came first from the pool of the displaced, which the LTTE subsequently institutionalized.

Today displaced Tamils are attempting to return to several of these villages, a number of them totally destroyed, overtaken by jungle, infested with cobras and the wells polluted. In undertaking this Herculean task, they are faced with the inadequacy of funds, corruption in the government machinery through which the poor are fleeced by officials, and the lack of essential amenities like health and education. Many of the shortcomings could be overcome if local democratic accountability is given its due place, and the people have greater control over reconstruction. A typical complaint is that a state agency nominated a contractor, who supposedly repaired a village tank with a capacity to irrigate 120 acres. The contractor and his cronies collected the large sum of money allocated by the World Bank. But the tank can now irrigate only a tiny fraction of its capacity.

Today one sees no essential obstacle to all Tamil refugees going back home, if the LTTE would pursue earnestly a negotiated political settlement. That has largely been the case since the Indo-Lanka Accord of 1987. However, what confronts the Muslim refugees, especially from the North, is far more daunting, made worse by the unfriendliness of the LTTE that robbed and deported them.

There were in the Mullaitivu District a significant number of Muslim farmers and fishermen. Some went back after the signing of the MoU to see their places. The Tamil neighbours were welcoming. Some even told them half-jokingly that they were fortunate not to have been there. The LTTE has now more or less made it clear to them that they should not come back.

In Jaffna, the Muslim quarter of the town is more or less bare land. Most of the dismantling was done after 1995 by Tamils returning from the great exodus, for use as building materials. About 5% of the original Muslim houses that have survived are occupied by displaced Tamils. The few Muslims who have returned are those who could eke out a living in some small trade. The return of Muslims on a large scale requires a sympathetic approach by the authorities and planned reconstruction of infrastructure. For a large proportion of Tamil refugees returning home means leaving their families in a place not too far away, where they have connections, and preparing the ground for their gradual return. In the case of Muslims it often means a move of 170 miles from a refugee camp in Puttalam to a bare piece of land in Jaffna and a volatile future ahead.

On Mannar Island, the main Muslim settlements are Vidatthalthivu, Vattakandal in Adampan adjoining the Giant's Tank and Periyamadu, all in the LTTE-controlled area north of the Vavuniya Road, and Musali south of the road in technically government-controlled area. The Muslims can go back to Musali, but after the experience of 1990, they have asked for a connecting road to the Puttlalam Road, in case a need for flight arose. At Periyamadu, the Muslims' houses and lands are largely in use by displaced Tamils.

In Vidatthalthivu where Tamils and Muslims lived together, conditions remain unsettled as most Tamils themselves have not returned after, ironically, their forced eviction by the LTTE in 1999. The people refused to obey the LTTE's orders to move north when the Sri Lankan Army was advancing and instead congregated in a church. The LTTE was caught shelling the church premises and killing several persons.

Most Tamils fled to Mannar Island by boat and have not returned. In Vattakandal, the Tamils and Muslims had been very close, and according to Muslim sources, the Tamils welcomed their return and offered to negotiate and arrange for a return of their premises occupied by others.

Compared with the LTTE's hostile and grudging attitude to a people whom it wronged grievously, the ordinary Tamil people have frequently risen to much higher levels of humanity than their self-imposed leaders. On orders from the top, the Muslims, who had done no wrong to their fellows, were not allowed to take any property and were deported as absolute paupers. In Vattakandal many Tamils accompanied the evicted Muslims, carrying their Muslim neighbours' jewellery and valuables as their own, and handed them to the owners once they were outside the LTTE's clutches.

In Mutur where the LTTE had induced Tamil civilians to attack the Muslims, the Tamil people are far from comfortable with what had happened. To quote from the observer cited earlier: *"A very positive sign is that many people seem to be convinced that what was done was wrong. They are formulating it as 'what we did was not good', rather than blame themselves. On the other hand there is fear...not so much blind hatred as overwhelming fear, regret and sadness that it happened and trust had been broken"*.

### **No Peace Without Challenging Ideologies of Conflict**

The people are instinctively uncomfortable with ultra nationalist ideologies used in justification of crimes normally unthinkable, such as the LTTE's unprovoked massacre of Muslims in Kattankudy and Eravur. Even the LTTE's Muslim cadres were totally taken by surprise (see our Report No. 8 of 1991). Tamil ultra nationalist ideology is no less obnoxious than its Sinhalese counterpart, except that the international community frowned, rightly, on the latter, but is now rewarding the former. The methods of the two can have some striking similarities.

During April 1985 a group of army personnel from Kondavadduvan camp in the Amparai District, went to the farming village of Vayaloor near Sagamam having 219 families, and asked the men for water for their breakfast. The water was brought in pots. The soldiers had their breakfast, then lined up the men and shot dead 16 of them. The village had since been abandoned. The same leering duplicity is evident in the LTTE having tea with Muslims in Jinnah Nagar and Arafat Nagar on the night of 18<sup>th</sup> April 2003, before leading a party to attack, loot and burn the villages. As a concession to the peace process no one was killed. Today it is the Tigers who have virtually a free hand to enforce their *fait accompli*.

Clearly, one cannot have justice, human rights, or even peace in any stable sense, unless these ideologies, whose motif is to establish an oppressive *fait accompli*, are challenged. This country has throughout its history had a rich diversity, and tolerance and accommodation were natural to it. What was heartening about the peace moves in 1994 that swept Chandrika Kumaratunge to power and were followed through for many months afterwards, was the widespread agreement that these divisive ideologies that are against the interests of the people must be challenged at popular level. Things could easily have worked out differently had the LTTE not returned to war.

Today's globally driven peace process with the UNP as local partner disdained any notion of justice and human rights or recompense for wrongs inflicted on communities. Its main protagonists, Norway and the Government, refused to take account of the LTTE's mad rush for child conscription from before the last elections to this time. Both of them covered it up until that became impossible. The main calculation of the process was the hope that by lifting all barriers and allowing money, goods and people to flow freely, the North-East would be sucked into the global cultural stream dominated by consumerism. The flow of foreign aid was expected to expedite this phenomenon. From the standpoint of foreign backers, Sri Lanka would then have become fertile ground for investment.

The snag was that they failed to understand the LTTE, which had a clear agenda and a very lucid perception of where its interests lay. The LTTE refused to take the bait and were becoming irritated by donor summits where they were called upon to make token concessions to international norms. They refused to attend the Tokyo summit last June and have snubbed invitations to similar confabulations ever since.

Nonplussed and their egos battered, the protagonists were in full panic. Appeasement was in roaring flood. The Tigers were set on their totalitarian state where only the (nominally) ideologically pure would be tolerated. Any illusions that making it a haven of global capitalism, where old traditions and old identities become anomalous, could preserve the unity of Sri Lanka were at an end. A natural reaction to the appeasement of the LTTE was the Sinhalese feeling frightened and threatened, certainly not idle fears this time. Consequently, there was a visible reassertion of Sinhalese ideology in its contentious and discredited form, one that had been on the retreat from before the election of President Kumaratunge in 1994.

Far from bringing peace to Sri Lanka, what the international community had succeeded in doing is to rekindle old suspicions and fears and give new life to discredited ideologies. In the present direction of their moves, rather than confront these ideologies, they appear to want to contain them in two different entities – two banana republics in place of a struggling democracy if you like – still good for foreign capital.

The main victims of such an outcome would be the Muslims, those who refuse to be ideologically pure, and perhaps the hundreds of thousands coming under pressure to move across the 'border' from places that had long been home. This is not a commendable or desirable end to a 'peace process'. We thus come back to the original

point - that there can be no peace without the ideologies that are at the root of this conflict being challenged and defeated.

This is why justice for the Muslims, especially those who suffered humiliation, expropriation and expulsion from the North becomes tremendously important. A leading Northern Muslim who had painstakingly documented the trails of the community and strived to have them resettled, said that his appeals to the World Bank, Asian Development Bank and the UNHCR fell largely on deaf ears. They felt, he said, that their problem is unimportant amidst much larger issues. We are confronted again with their preference for managing pernicious ideologies like the LTTE's, rather than challenging them, and becoming in turn willing partners to its *fait accompli*.

### **Rallying Extremism in the South**

If one doubted our reading of the international community's role in the 'peace process', one need only have looked at the Japanese envoy Yasushi Akashi's careworn face during the press briefing on 15<sup>th</sup> September, following his visit to the Vanni. Despite his offer of more than a billion dollars to advance the peace process, he was denied the *dharisanam*. Akashi had to do with meeting the LTTE's regular prop, Thamilchelvan, whose job as observed by an experienced foreign correspondent, is to con visiting foreigners and send them back smiling under a dunce cap. The leader had clearly signalled his wariness. It was all written on Akashi's face, before he in many words said it, "*More appeasement please*".

Apart from the normal platitudes about the peace process, Akashi did routinely raise, at the press briefing, Japan's concerns with political killings and recruitment of child soldiers by the LTTE and its build up in Kinniya close to Trincomalee against strictures by the SLMM. (According to knowledgeable journalistic sources, unlike the leader the previous time, Thamilchelvan deigned to respond to concerns about killings. He reportedly told Akashi that they were the work of the SLT (SLA?!))

These concerns, though raised by Akashi, had evidently nothing to do with his bottom line. This may be judged from two of his remarks taken in conjunction with the LTTE's position. Akashi warned that the 'fickle' (sic) and 'impatient' international community might be forced to divert its attention to another conflict situation if the peace process did not move forward. Although he did not know the details of the LTTE's counterproposals on the Interim Administration for the North-East, he expressed the hope that the Government's response would be 'positive'. (*Daily Mirror* 16 Sep. 03).

Take Akashi's against the LTTE's stated position that it would not resume peace talks unless the Government accepted its counterproposals. These would include a demand by the LTTE for police powers (*Sunday Times* report 14 Sep. 03) as also indicated by repeated LTTE threats against North-Eastern youths joining the Sri Lankan Police.

What does Akashi mean by a 'positive' response by the Government to proposals by the LTTE he had not seen, and whose leader declined to meet him and give him the kind of assurances he could at least be satisfied with? In fact any assurances he had received on

fundamental questions during his interactions with the group were entirely negative! Does not the Government of Sri Lanka have a basic obligation to check any proposals at least to ascertain that the fundamental rights of citizens are protected in word and deed? Is not the 'fickle' and 'impatient' international community telling the Government that it would walk out if a large number of terribly frightened people, including the Muslims collectively, are not handed over willy-nilly to the tender mercies of the LTTE?

The LTTE's ideology simply does not allow for any notion of other people's rights, and the basis on which it claims rights for itself has no parallel in the civilized world. Curiously, the shrinking of the Tamil community appears to serve the political claims of both Northern and Southern ideological extremes. The LTTE, which is busy abducting tomorrow's 'martyrs', bases its claims to exclusiveness on the 18 000 already 'martyred'. Its publications are in effect saying, "*We stand tall upon the footprints of 18 000 martyrs with the blessings of the international community. How dare the Muslim leaders ask to sit with us at negotiations? Would that not be to devalue and denigrate our victorious 20-year struggle?*" (See for example, *Right or Wrong?: The Muslim Leaders Must Think*, Venithan, *Thamil Alai*, 20 Sep.03.)

Given the foregoing considerations, the international community's positions are now clearly in effect pushing towards two utterly sordid banana republics in what was once Sri Lanka. The interest of global capitalism rather than any concern for the people is clearly showing behind the crude and undignified way in which this country is being pushed. By threatening to pull out their aid even if the talks breakdown because of the unreasonableness of the LTTE, not only is its obduracy being encouraged, but also the rest of the country is being punished for no fault of theirs. This is not even enlightened self-interest on the part of donors.

We are now seeing the very predictable results of this flawed peace process. The Sinhalese are feeling humiliated and threatened. We have the unbelievable spectacle of the Government at loggerheads with its services top brass and the President over the security of Trincomalee. The latter on the basis of their intelligence and a study by the US Pacific Command say that there is a dire threat. The Government dismisses this assessment, on what grounds one does not know, as alarmist. While the Government has silenced its own members by exercising the whip, there are within the SLFP strong pressures to get back to its 1956 *Sinhala Only* roots. At present it seems to be mainly the President's authority that is holding the party back from a slide into the abyss.

### **The Dangerous Logic of *Fait Accompli***

The feeling of threat and humiliation is leading even fairly moderate Sinhalese to be less open about contentious issues. There is rather a reassertion of the state of mind that prompted the State towards establishing a *fait accompli* in the East. An open letter to the Prime Minister by V.C.B. Unantenna, M.W.S. Gunaratne and Tissa Devendra on the subject of sacrificing the Sinhalese in the Eastern Province was given wide media publicity during early June (SPUR web site 8.6.03). The three gentlemen were government agents (GAs) respectively of Amparai, Batticaloa and Trincomalee about the early 1970s. They were convinced that the Prime Minister is '*engaged in not-so-*

*transparent negotiations with the LTTE*’ to hand over the Eastern Province to them. We quote:

*“It is clear that the present government has either forgotten, or turned its back on, the horrendous and barbaric massacres of Sinhalese peasants in the so-called ‘border villages’, peace loving Bhikkus in Arantalawa and the surrendered 600 policemen in the pursuit of mono-ethnic hegemony by this pitiless terrorist group.*

*“ Its aim is to either kill or drive away every Sinhalese from the land that they, and their ancestors, have lived in for centuries, governed by the traditional laws and customs of the Kandyan Kingdom. According to the 1981 Census the percentage of Sinhalese in these three districts is as follows: Ampara – 37.8, Trincomalee – 33.4 and Batticaloa – 3.4... ”*

All facts pertaining to recent times are correct, but they weaken in their case the moment they complain as Sinhalese on behalf of Sinhalese. Is handing over Tamils and Muslims to a ‘pitiless terrorist group’ any more justified than handing over the Sinhalese? This line is rather strange in persons who worked among Tamils and were respected by Tamil friends and colleagues. It is perhaps a sign of the times.

In their relation of facts too the authors have blandly adopted Sinhalese nationalist historiography that deliberately leaves much that is of interest unsaid. In its massacres of Tamil civilians, the State surpassed the Sinhalese victims of the LTTE several fold. The massacre of Bhikkus at Arantalawa was horrendous and barbaric. But no less so was the massacre of civilians by forces of the State in Pullumalai near Arantalawa a few months earlier in November 1986. The dead included entire families and infants, including an eight months old baby trampled under a boot. How many others were driven to join the LTTE and take part in such massacres as described by the gentlemen?

Nor could they have been unconscious of another fact, which is at the heart of the conflict. Although neither Amparai nor Trincomalee had a Sinhalese majority at any time, all GAs of Amparai since the creation of the district in the early 1960s have been Sinhalese, and so have all GAs of Trincomalee after McHeyzer in the 1960s. Why?

An earlier census report than the one cited by the gentlemen gives the answer. The proportion of Sinhalese in the Eastern Province given by the 1946 Census was 9.8% (5.9% in the combined Batticaloa and Amparai Districts and 20.7% in Trincomalee), which became 24.9% in the census of 1981.

The proportion Tamils in the Eastern Province was 48.7% in the 1946 Census and 42.9% in the 1981 Census, a difference largely accounted for by colonization of Sinhalese. The figures respectively for Muslims are 39.1% and 33.1%. The figures being quoted for the Eastern Province today, based on estimates by the Director General of Census for the Year 2000 for Trincomalee and Batticaloa, and the 2001 Census for the Amparai District, are: Tamils 33.2%, Sinhalese – 27% and Muslims – 39.6% (see extract from T.D.S.A. Dissanayaka’s *Sri Lanka: What went wrong?*, *Sunday Observer*, 6.7.03)

These latter figures, whatever their merits, are frequently quoted without comment in the tone *'The Tamils have no case, the chapter on the East is closed'*. This is again a reaffirmation of the State's long cherished *fait accompli*. Based on such flawed advice the President recently floated the proposed de-merging of the North and East that are merged only on paper, citing the security of Muslims. The problem is that everyone knows what happened, how and why. They all know very well what they write or refrain from writing and why.

They are all writing about a group of people in their own country – the Tamils of the East – whose proportion apparently dropped precipitately from 42.9% in 1981 to 33.2% in 2001. This represents a contraction of the Tamil community by 34%, or a third, in relation to what it should have been under conditions similar to those of other communities. It is a phenomenon without parallel in the stable growth of all communities between 1946 and 1981. It is so extraordinary and is surely a matter that cries for comment.

What happened to the Tamils? Did they die like flies or flee like hares? Sadly, we know the answer only too well, and in this the Tigers too are far from innocent. This statistical revelation of the catastrophe faced by the Eastern Tamils is a terrible indictment of all concerned, and especially the State. It is something too shameful to be trumpeted in aid of a partisan *fait accompli*. The missing in this case are certainly not people who went to the West.

It is as unconscionable a misuse of the suffering of these Tamils in aid of the Tigers' case, as of the suffering of Sinhalese and Muslim victims of the LTTE in aid of the case for the State. The State has no excuse as the internationally accredited guardian of the Tamils, no less, and had to suffer the indignity of being placed on par with the Tigers. It has cost us all dearly.

The hard reality in the East is that the Tamils and Muslims must live and work together. The ghetto mentality on both sides must and will come to an end. There has right along been a strong element of artifice in the Southern polity's interest in driving a wedge between them. They shared crucial common interests with regard to language and colonization. The late founder leader of the SLMC, Mr.M.H.M. Ashraf, was after all a considerable Tamil literary figure, who, moreover, commenced his political career in the Tamil United Liberation Front.

It is idle and counter-productive to watch the slipping percentage of Tamils in the East to clinch a *fait accompli* on very involved and sensitive political issues, such as the North-East merger. By what murderous folly on the part of the State did the merger come about, even after the TULF had agreed to District Development Councils? Its future can only be decided by a delicate consensus. *Fait accompli* cannot be the rationale for deciding such questions as the recent history of the Sri Lankan state shows. Unless we are willing to inject more openness and higher values into the debate, we may live to see the Tigers prove themselves the real masters of *fait accompli*. This is indeed a trying time for the

Sinhalese. The worst they could do for themselves and the rest of us is to retreat into a shell of obscurantism.

A strong point in favour of the Sinhalese is that refugees from the North-East have been pouring into the South. No political party has made it an issue and the ordinary Sinhalese people have generally accommodated those who fled. That should not be undone.

### **The Advance of Hubris**

We would be wrong to leave behind the impression that the intentions of those who came to support this peace process were ignoble. The dominant element was no doubt the one that wanted to push through a settlement with considerable devolution and make Sri Lanka an investors' paradise. One may not like the social consequences of modern day capitalism and the global politics underpinning it, but in a war-torn country such as ours, the aim cannot be termed ignoble. Other humanitarian agencies were coming into the picture, but the former laid the line for them: *Engage with the LTTE and never confront them*. This is evident in for example the UNICEF's disastrous change of approach.

The surrender progressed by degrees through a game of nerves, which the LTTE consistently won. Contrary to the original intentions, nearly everything about the process has become a fraud. The direction of the process is now firmly set towards creating two banana republics. The LTTE's ambitions have gone far beyond anything connected with righting wrongs, into the domain of hubris – conquer, humiliate and dominate. The prospect that confronts Sri Lanka is not an investor's paradise, but rather a great deal of bitterness, anger and more war.

Unfortunately, journalistic presentations of the LTTE leader can result in unintended complacency. The LTTE leader Prabhakaran is not an 'elusive mind', or an idealist who lost his way. There is nothing elusive about his mind to the ordinary Tamil villager who kept his equanimity amidst the chaos around him. The mind, he well knows, is very transparent. He knows he is up against the mind of a paranoid and sadistic killer. A mind that is the epitome of how to amass immense power by single-mindedly eliminating all actual and potential opponents, and creating conditions of terror where people must deal with his regime only as individuals. Any semblance of an organized movement must be ruthlessly nipped in the bud. This is the basic precondition for child conscription.

There is nothing here that must ever be admired, emulated or encouraged. It is terribly repulsive and dangerous. This may all be novel to foreigners whose briefs here hardly exceed three years. And whatever their own judgment, they must stick to constraints laid down by their government or head office. The criteria by which the LTTE leader and his henchmen choose their victims, as illustrated by the small sample in this report, is a clear indication that the number of victims over the years runs into several thousands. (See our reports Nos. 5,6,8,9,10 and Bull No.4.)

If this were all the restraint the LTTE could show during a 'peace process' with the whole world watching them, what dire limits await their assumption of full control? The nature of the tragedy is one where open political competition in a society, where each one of the

many parties had a base ranging from a hundred to several thousands, was abruptly fractured. One party declared all others traitors, and launched upon an orgy of slaughter.

It is high time the international community took stock. To begin with they should not reward what should never be rewarded, especially tendencies for aggrandizement, domination and disintegration. It will do no one any good.

## Appendix I

### Cases of Conscription and Forcible Induction of Children

#### LTTE-Controlled hinterland of Mutur:

The following are members of the Auxiliary Force founded in May 2003, carrying weapons while on patrolling and sentry duties

1. **Dinesh (13 years)** – Year 8 at school
2. **Kalvayan (13)** Year 8
3. **Ruban (14)** - Year 9
4. **Dharshan (14)** Year 9

The following children of persons in the LTTE are regularly seen with guns and have been virtually absorbed into the organization

1. **Kandappan's son (12 or 13 years)**
2. **Nandan's son (13)**
3. **Prasad (13)**

#### Batticaloa District

The following minors have been conscripted into the LTTE

1. **Miss. Chitra Kanapathipillai (13 years):** Conscripted from home in Karadian Aru to replace escaped elder sister in early July 2003
2. **Patkunam Prabhakaran (age 16),** Grade 11 student of Peththalai School, Valaichchenai, was abducted by Maheswaran and Sinnavan of the LTTE on 21<sup>st</sup> July 2003. His mother Nagamuthu Jeevarani made a complaint to the Kalkudah Police
3. **Daniel Yogeswaran** (age 16) of Thompuhar Veethy, Eravur 4, was abducted by the LTTE from the temple festival at Sittandy on 9<sup>th</sup> September about 10.00 PM
4. **Kandasamy Kumar** (age 14): Conscripted on 20<sup>th</sup> September 2003 while watching a dramatic performance at Nahammal Temple in Pasikkudah
5. **Kanagasooryam Nithyanantham** (16) of Nellikkadu, Palaydivaddai, Mandur, was abducted on 2<sup>nd</sup> October

The following were abducted from Thurainilavanai on 20<sup>th</sup> September by Senthamilan of the LTTE and were released upon the intervention of the SLMM:

**Sivalingam Sanjith (14)**  
**Senathy Sri Krishna (15)**

**The following were among the schoolboys abducted from Valaichchenai and environs by Thoathiran and others of the LTTE over the weekend of 4<sup>th</sup> to 5<sup>th</sup> October, and whom the LTTE promised to release after the public protest:**

**Kauthan Satheeskumar (12)**, Nagammal School, Paasi Kudah  
**V. Pratheepan (13 or 14)**, Valaichenai Hindu College  
**Nallathamby Kanthan (14)**, Nagammal School, Paasi Kudah,  
**Peethamparam's son(14 or 15)** of Puthukudiyiruppu, Valachenai Hindu College,  
**Kamalanathan Parani (15)** of Union Colony, Valaichenai Hindu College,  
**Konalingam Satheesh(16)**, Puthukudiyiruppu,  
**Roshan Micheal (16 or 17)**, of Paper Co-operation quarters, VHC  
**Atputharasa, Prasath(17 or 18)** of Pethaalai, VHC  
**Nadarajah Gajayanthan(17)** of Puthukudiyiruppu, Valachenai Hindu College  
**Vallimani Sivakumar (16 or 17)**, VHC,  
**Yohanathan Kamalanathan (17)**, VHC

#### **Amparai District**

The following are a sample of very young children from the district who were recently abducted by the LTTE, trained for between 2 days to two weeks and then released, some being warned that they will be needed when called

**Miss. Kumuthini (13 years)**, Year 8: Given 4 days training by the LTTE and released

**Miss. Kalaivani (13)**, Year 7: Given 3 days training by the LTTE and released

**Mas. Sasi (14)** : Given 2 days training by the LTTE, which released him when the parents went and asked for him.

**Mas. Alec (15)** : Given 4 days training, then brought back by the parents.

**Miss. Saranya (14)**, Year 9 : Under training. The parents went and asked for her. The LTTE promised to release her at the end of about 2 weeks.

The following were conscripted as indicated

**Akkaraipattu**: Among 31 conscripted 21<sup>st</sup> – 23<sup>rd</sup> August, were A. Level taken from a tutorial

**Jeyaseelan Jason (17)**

## **Thambirajah Sivachandran (17)**

### **Veeramunai**

The following were abducted on 24<sup>th</sup> August

**Thamotheram Tharan** (O. Level, 14-16)

**Krishnapillai Ruban** (O. Level, 14-16)

**Viswalingam Jesudas** (A. Level, 16-18)

**Tharmalingam Sivasuthan** (A. Level, 16-18)

### **Jaffna**

**Miss. Jenitha (16)**, taken from Bankshall Street on 2<sup>nd</sup> May

**Miss. Jeyanthi Prem (17)**, taken from Kavyankadu on 25<sup>th</sup> July

**Manivannan Jeyajothi (age 14-16)**: A native of Dutch Road, Chavakachcheri, was abducted by the LTTE and taken to the Vanni during August

**Lakshmanan Bhaskaran (14)**, taken from Araly, Vaddukkottai, 21<sup>st</sup> August

**Sasikaran (16)**, taken from Mirusuvil, Thenmaratchy, on 1<sup>st</sup> September

**Ravi Rajkumar**, taken from E12 Gurunagar Flats, 5<sup>th</sup> September

**Mas. Satheesh (17)** was abducted from a tutoring in Pandaitharippu Road, Sandilipay, Jaffna, on 17<sup>th</sup> September.

*EPDP News* of 24<sup>th</sup> September reported the following cases of children taken by the LTTE and stated that the parents were keeping vigil at the Muhamalai exit point from Jaffna

**Mahendralingam Vijidharan** (age 17) of Hospital Road, Chankanai

**Balasamy Eesan** (age 17) of Sudumalai, Manipay

**Miss. Sanjika Sivarajah** (age 16) of Allarai

**Arulampalam Prabhakaran** (age 17) of Chettiar Kuruchchi, Pandataripu.

### **Vavuniya**

**Miss. Vimaladarshini Sivanathan (age 10)**: According to *EPDP News* of 8<sup>th</sup> August: *The parents of Vimaladarshini, who had been living in the Poonthottam Welfare Centre in Vavuniya have complained to the Police that their daughter who went to Maharambaikulam on 28.07.2003 for a bath had not returned to the Welfare Centre. The parents also made a complaint to the Human Rights Commission. It is reliably learnt that the girl has been abducted by the LTTE.*

*Our attempts to get more information have been of no avail so far. The event itself is not unusual (see next case) except that there have been few known cases of conscription in that age group during this period. But that is of little significance.*

**Miss. Kavitha Suppiah (16)** was abducted by the LTTE from Unit 2 Poonthottam refugee camp on 1<sup>st</sup> August

**Mas. Vijayasanthan Ramanathan (16)** was abducted from Thaali Kulam, Vavuniya, where his father is the principal of the local school, on 21<sup>st</sup> Aug 2003.

**Kavirajathan Upendran (age 14)** of 15/4 Srinagar and **Ravindran Sashi (age 14)** of 86 Srinagar: According to the *EPDP News* of 3<sup>rd</sup> October, these two youths, both students of Rambaikulam Vidyalayam, in the Vavuniya Poonthottam area, were abducted by the LTTE on 27<sup>th</sup> September

## **Appendix II**

### **Persons detained in forced labour camps on account of their escaped children**

1. **Theivanayagam(50)**, Kinniyady, Paper Factory pensioner, abducted by the LTTE 15<sup>th</sup> August 2003.
2. **Manoharan Yogan(40)**, Fisherman, Kinniyady, Vaalaichenai abducted 15<sup>th</sup> August 2003.
3. **Sellathamby Sithiravel(43)**, Grocery Shop owner, wife nurse in Batticaloa hospital, Kinniyady, Vaalaichenai, abducted 15<sup>th</sup> August 2003.
4. **Nalliah Ratnasingham(58)**, Paper Factory pensioner, Pilliayar Kovil Street, Vaalaichenai, abducted 15<sup>th</sup> August 2003.
5. **Murugesu Suntharalingam(48)**, farmer, Sungankerni, Vaalaichenai, abducted 15<sup>th</sup> August 2003.

## **Appendix III**

### **A Tribute to Subathiran by a Tamil Coward, from the *Ceylon Daily News*, 21<sup>st</sup> June 2003**

#### **Robert's indictment**

Subathiran of Chavakachcheri, better known by the code name of Robert, and of the EPRLF - Varatharajaperumal faction, is no more. He had been gunned down by a murderer, while exercising from the roof-top of his flat June 14.

I had got to know him when my institution required some help from the Army and the EPRLF and the EPDP were the only groups that could do anything for the people in the North East. Regardless of their politics and ours, many of us Tamils went to them and later on kept quiet about whose help we had got.

I got to know Robert as a caring man, an idealist. He went out of his way to help and showed how much heart he had. My assessment of his character proved correct when he rose to the needs of the times and demonstrated his mettle working closely with the TNA in running the Jaffna Municipal Council within a refreshingly democratic framework and serving the Tamil public in many ways.

By accident of history, like many other idealistic Tamil youth of the early nineteen eighties, Robert had joined a liberation movement that was not to be ascendant and then fell victim to the Tamil fascist politics of joining the bandwagon or being deemed a traitor and being damned as one. Many took the easy way out by leaving the country.

It was not an option for a leader like Robert on whom many of the cadre depended. He could not abandon them. He chose to stay on and work for democracy and political space for the Tamil people.

In the process, he, and others like him under physical threat had to make alliances with the Sri Lankan Army.

It was a no-win situation. The dynamics of Tamil politics is tilted against any idealist who seeks the Army's protection from the LTTE. Thus we simultaneously have an endorsement of Robert's high calibre and a revelation of the cynicism of Tamil politicians in the remark of a man from a nationalistic faction of the TNA. "Yes, everyone in Jaffna says that Robert was a good man who helped the public in many ways. But why was he with the EPRLF (V)?" It was a callous endorsement of Robert's murder and a revelation of how many Tamil politicians use murder by their proxies as their route to power.

The last time I saw Robert, his movements were largely restricted to his party offices, and the lean young man I first knew had become overweight through confinement. His was the lonely life of a hunted man that did not permit the comforts of a wife or the pleasures of children. As I conversed with him and recognised the courageous idealism he showed - idealism that I markedly lacked. I realised that he was likely soon to be killed, like his father and by the same determined people who had killed his father. I was moved to a quiet tear or two which I quickly wiped away. And he did not comment and seemed politely not to notice. But if in those brief moments, he realized that there are those who loved him and recognised the humanity in him, it would ease my bereavement at this dark hour.

I wished to write a longer tribute describing how Robert helped me and sign my name to it. But my family has strictly enjoined me not to jeopardise my safety when I have a wife and children depending on me. I understand that Robert's body now lies at a funeral parlour in Kanatte and his only sister is arriving from Canada. I then wished to at least pay a courtesy call at the parlour. But the family has reacted fearfully by getting senior TULFers to tell me that they themselves failed to attend his funeral in Jaffna despite the warmth they felt for him and that I should not take the risk of being noted.

I am now resigned to accepting that I am a very ordinary man, a cowardly pigmy by the side of the toweringly courageous Robert, fired by his youthful idealism. Even in death he indicts the entire Tamil community and forces us to think about what kind of people we have become, when we cannot acknowledge friends; not even in death.

To his sister and other members of the family, I say this: There may not be many non-EPRLF people at the funeral. But in truth there are many of us cowards who respect and value what Robert stood for and acknowledge his humanity. One day, surely, we will be able to call ourselves openly his friends. As Robert meets his maker, be assured that Robert will be judged far more kindly than the Tamil community.

Tamil Coward.

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*\* 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.*