

**Special Report No.8**  
**Date of release : 7th March 1997**

**TRINCOMALEE:**  
**STATE IDEOLOGY AND THE POLITICS OF FEAR**

[Summary](#)

[Why this report?](#)

[The Jail Break](#)

['Distortions of broad settlement patterns':](#)

[Sinhalese fears and psychology of the armed forces](#)

[Dimbulagala, Tamankaduwa](#)

[Law of the Jungle and the Trivialising of the State](#)

[1. Displacement of Muslims from Aakuwatte \(now Pansalwatte\), Uppuveli](#)

[2. Langanagar](#)

[The story of Linga Nagar](#)

[EPDP's Activities & its Antecedents](#)

[The Trinco market fiasco](#)

[The Administration : the cost of being effective and belonging to the wrong community](#)

[At the highest level](#)

[Refugees and Resettlement](#)

[Refugees: General](#)

[Staying home and the political challenge before the Tamils:](#)

## **Summary**

The objective of this report is to highlight the deeply entrenched discriminatory practices of the State machinery and the Armed Forces, as touched upon in Reports 11 and 12, using contemporary factual evidence as well as recent history. Trincomalee District is a key example of why the people are unable to trust a Government which remains too passive in its approach to tackling these problems. The fact that refugees cannot return to their native areas still today demonstrates that insecurity and poverty remain as impenetrable barriers. Settlement of communities continues to be shaped by political ambitions and the approach of

the Central Government where too often partisan considerations prevail. The findings of this report are presented to help those concerned to push for administrative and political reform by addressing the problem in a realistic light. The present Government has indeed established a political breathing space which was not in existence before 1994. Having said this, efforts towards devolution will not be fruitful unless the State begins to take steps towards gaining the confidence of the people in the North-East. A fundamental change in ideology and an end to discrimination are desperately needed before there can be any hope for a peace with dignity for all.

The Trincomalee jail break serves as a primary example of a continuing unwillingness on behalf of the State to bring perpetrators of gross human rights violations to justice. Medical evidence has revealed indications of torture and that some prisoners were deliberately shot at close range. Further information tells us that many of the suspects involved were prisoners who were to be released soon after and thereby having no reason for attempting to escape, and may have only done so out of fear of reprisals. What resulted was a cover up by the Government with NGOs and citizens either too fearful or simply not caring enough to help find the truth.

There are a number of recent incidents which demonstrate the ideology being imposed by the central governing powers on Trincomalee, the market fiasco being one. In this case, a tender which was legally entitled to a bidder who was a Tamil man was viewed as a threat to Sinhalese control over business, by both the Army and local reactionary tendencies. What developed was a situation where the Urban Council dared to stand up to the Brigadier's orders to revoke the tender by use of emergency powers. In another case, a Tamil government officer was denied the regular five year extension of office before retirement at 60, clearly because he had challenged discriminatory land settlement practices by the Army in the past. Further, the flaring of hatred following the killing of land officer T.D. Pieris was yet another incident showing the volatility of a situation where business and politics have become poisoned by communal tendencies, furthering detrimental suspicions among the people.

While altering the ethnic balance in favour of the majority community in the Trincomalee District has been the common practice of the State, the eviction of Tamil settlers from lands such as Linga Nagar take on overt characteristics of discrimination since pervasive fear renders public scrutiny and opposition ineffective. The displacement of Muslims from areas such as Aakuwatte near Uppuveli Vihara have involved a concerted effort of distortion of land claims as well as supplying Sinhalese settled in their place with building materials.

Sinhalese and Muslim communities in the area have been forced to rely on protection by the security forces due to a history of massacres by the LTTE. In villages such as Dimbulagala, youth often join the Army out of sheer desperation to escape poverty. Untrained civilians are sometimes forced to man security posts while their wives at home may be harassed by Army personnel. The resulting social problems and frustration of not knowing where to turn for security has become largely ingrained.

Widely held suspicions have broken much of the friendly relations between the communities of Trincomalee. Discrimination in practice by the Armed Forces and the State, combined with blatant misinformation by the press in Colombo, continue to fuel the fire. Unwillingness on behalf of the Government to investigate cases of mass disappearances and extra-judicial executions which occurred not so long ago, convince the people that protracted ill-will would remain business as usual.

The responsibility for reform of the State machinery lies not only with the Government but also with the people. If Tamils who have the privilege to live abroad continue to thoughtlessly support the LTTE, then the progressive demise of all communities which remain in the East and the values of civilised humanity will continue. The LTTE would rather have Tamils continue as refugees while the organisation remains trapped in its inertia unable to negotiate an honourable peace or conclude the war in its favour. What is needed is room for discussion among all communities and a Government which is actively committed to ending the discrimination which is built into the State and administrative machinery. The youth, with their past experiences of militancy and sacrifice for better and for worse, must be encouraged as organisers of the peace movement. The confidence of the people must be established long before the displaced can return to their homes, long before communities can freely work together, and long before any proposals for devolution can be respected. [\[Top\]](#)

## **Why this report?**

Unlike our usual reports that deal in matters more directly related to violence, conflict and the hurt caused to vulnerable groups, this one concentrates on state structures and ideology. These are no doubt the root cause of the civil war that began in earnest in late 1984, and are among the chief obstructions to a political resolution. The political package now being discussed is a move in the right direction. But unless the Government displays a will to tackle the issue of state structures and ideology independently, the political package too may prove a meaningless exercise.

Trincomalee is an area where the damaging and discriminatory practices of state structures are most deeply entrenched, and have shown no change for the better under the present Government. It would serve the cause of peace well if the Government would make an effort to understand the situation and make Trincomalee a model of how different communities can realise their common interest of harmonious co-existence. If on the other hand the Sinhalese in such areas see any just and adequate political resolution, necessarily involving considerable regional autonomy, as transferring the boot to the other foot - where the minorities will do as they were done by - peace would long elude us. Confidence building must therefore be an exercise independent of the package. In part it involves cleaning the Augean stables that comprise the state machinery.

The problem is again highlighted in an answer given by the President in a recent television interview. She elaborated her claim that her Government had tackled the problem of 'state terror' within a short time of assuming office. By this she meant that the Government no longer encourages nor orders security personnel to indulge in violations, and has up to a point taken measures to discourage them. The main reason why the Government has made little or no qualitative impact is that this is too passive an approach to structures and practices that are very deeply entrenched, have a life of their own and are so alienating to the minorities. They call for hard-headed positive action.

Introduction: It has never been our intention to make our reports catalogues of misery. But rather we would also like to point out signs of hope for the reader to meditate upon and if possible contribute to their enhancement. In the course of what follows below we will point to a theme that has its reflections in two very different situations. The North and the South of this country have both a valuable resource - youth who have participated in militant struggles, have had time to reflect on their experience and have matured politically over the years. The

common tendency is to treat them as flotsam and jetsam from a past that most people would like to forget. Yet many of them represent a section of society imbued with a spirit of sacrifice and trained to endure present discomfort for long - term goals. It would be fair to say that it is such persons who comprise the back bone of the peace movement in this country. Owing to the fact that internal terror is still dominant within the Tamil community, few Tamil youths with a militant past have found themselves able to play an active role, and indeed the intellectual discussion in the Tamil media that would help them to do so remains largely stifled. This is the principal challenge facing the Tamil community in this crucial period of change.

Before taking up this theme in Tamankaduwa (Polonnaruwa District), we set the scene with an incident that points to the role of the State in Trincomalee that has been a constant feature of all governments.[\[Top\]](#)

## **The Jail Break**

On the night of 30th October 1996, some LTTE prisoners made a planned escape from the Military cum Police detention centre for LTTE suspects in Customs Road in Trincomalee Town. Many details of the incident appeared as the lead story in the Island of 1st November. 'Five Tigers killed in Trinco jail break', the title chosen, as we shall see below, was utterly misleading. The report from Colombo contained as much as could be obtained by telephoning Trincomalee a few hours after the event. The report gave some disturbing testimony from a senior officer of the Human Rights Task Force in Trincomalee. He said that two of the alleged escapees killed could not be identified because their faces were disfigured by gunshot injuries. It is a fair surmise that the two at least were not in the act of escaping and had been shot deliberately at close range. As most often happens where Tamils are concerned, the story was not followed up even though the censorship had been lifted three weeks earlier. Indeed, after the headline reference to 'Five Tigers killed', there was no room for a follow up that brought out foul play on the part of the authorities.

The true fate of the five prisoners killed began to emerge through testimonies given in confidence. This was further confirmed by the state of the corpses.

Of those killed Krishnapillai Meharasa (22), Ward 7, Kirankulam; and Nallarathnam Sasi(19), Senaithurai, Mahaloor, Kaluwanchikudy, were from Batticaloa District. Achchuthan Irajasekaran(27), 677 Anbuvelipuram; Shanmugam Pushpakaran (25), Varodayanagar, Sambaltivu, and Thiyagarajah Nagarathnam (30) , 64/4, UNHCR camp, Alles Garden, were from Trincomalee District.

They had all been detained between mid-February and early June 1996. In the case of Pushpakaran, his corpse had an eye badly damaged, a tooth broken and the stomach had been pierced. It was a case of a person who was tortured and killed. He was married to Mangala (20), had a year old son and was arrested on 5th June '96 near the 3rd Mile Post security post between home and Trinco town. He was held by the police, produced in court a month later on 5/7, again on 18/7 and then transferred to Army detention on 26/8.

The case of Nagarathnam ought to be even more a matter of international concern. He had left the LTTE, married , gone to India as a refugee and returned on the basis of what was essentially a guarantee by the UNHCR. He was arrested on 6th March, spent 2 months in

police detention and then was transferred to army custody. He was produced in court on 8/8/96. He was to be released on 5th Nov. 96. These persons were just technically suspects against whom no case had been made, and whose detention was being periodically renewed. Achuchuthan for example had been in the process of being released. His release date was 13th Nov. 96, and so had no reason to escape.

The press report claimed that further investigations were to be conducted under Chief Inspector E. Mahendra, HQI Trincomalee and that the military was to launch a high level inquiry into the incident. Not surprisingly, nothing further has been heard. The incident took place near a middle-class residential area of Trincomalee. Yet in talking to people, hardly any one seemed to know anything definite. No two versions seemed to agree. The priest in the neighbourhood through whom two of the escapees reportedly surrendered, would only say that he was not in Trincomalee at that time. There had been no activist group to marshal the facts, provide assurances to the witnesses and press for action. This is hardly the situation of lack of information or interest that one would encounter in, say, Batticaloa. The fear of knowing too much and saying too much was very real. What should have been a matter for concerted public pressure was dissipated in private gossip.

We give the facts as pieced together from several sources. The LTTE 'suspects' were kept in a two storey building. The cells were on the ground floor. Upstairs was used by the military police. The atmosphere there had become friendly. At 7.30 pm the prisoners used to be let out of their cells for dinner which was followed by a sing - song from 8.00 pm, after which the prisoners were locked up. When the military police were given a TV set, the prisoners used to be invited upstairs to watch TV or videos at 8.00 p.m. - all completely against regulations. On the night of the escape there were three or four military policemen seated on a bed, two policemen seated on chairs and 26 prisoners seated on the floor, all watching a video. The police appear to reckon that 7 or 8 of the 26 had LTTE involvement. This figure of 7 or 8 as the reader might surmise, seems to include those who had LTTE connections in the past and were leading ordinary civilian lives when detained as suspects.

The escape it appears was planned no more than by four or five prisoners with the others knowing nothing - had they known, they had a vested interest in tipping off the guards. That night these persons had placed themselves close to the policemen. About 10.30 p.m. they set upon the policemen and grabbed their revolvers and shot the military policemen, of whom Corporal Bandara died. The two policemen quickly escaped unharmed. Those who planned the escape got away by jumping over the wall. Most of the rest followed not because they wanted to escape, but did so fearing reprisals. Indeed, many had release dates coming up in November.

One of them jumped onto the tin roof of a lavatory in a neighbouring house and broke his leg when the roof gave way. As the alarm was given the security men began firing. They were also joined by other security personnel, including the Harbour Police. The nearby residents were put up and their houses were searched while firing noises were heard. Three or four of the escapees were seen running towards the beach. One version suggests that a boat was waiting for them. The more plausible version coming from the police is that they were seen running along the beach and had then escaped along side North Coast Road, after dropping a seized weapon on the beach.

By about 12.30 am firing noises had ceased. A little later neighbours heard one prisoner being moved along the road by the prison shouting, "Aiyu amma ( mother) do not beat me". A little

later a single shot was heard. This was the end of the prisoner who had fallen into the lavatory.

Five bodies were found on the beach the following morning near the Buddhist monument. According to witnesses all had injuries in the head from firing at close range. Sources close to prison officials said that four among the dead were persons who had not escaped. Witnesses who were about near the monument to the victims of the Welikade jail massacre, opened by the TELO that same month, said that they saw these persons being brought out and shot.

There are also other corroborating circumstances. The four other than the man who fell into the lavatory, appear to have been killed while there was regular firing from the vicinity of the prison. A tractor and trailer were forcibly removed from the Urban Council premises that were later returned with blood- stains in the trailer. This is said to have been used to transport the five bodies from the vicinity of the prison to the beach. The security authorities later claimed that a weapon was recovered from one of those found dead on the beach.

As for the other prisoners, circumstances suggest that their main problem was not how to escape, but how to surrender. Ranjithakumar and another prisoner had spent the night hiding in the Calvary monument at the nearby St. Mary's church and had surrendered through the parish priest the following morning. Krishnadasan, Singarasa Sivaarasan, Puratchidasan and Sandirasingham surrendered through Sub- Inspector Ubaithullah of the CID. Five others were reportedly picked up from around town. Of these Sivarasan had been a Sea Tiger who had left the organisation.

The HRTF knew the facts and ought to have raised the matter and informed the President as it was bound to do. The MP for the area raised the matter in parliament. But with no organised follow-up locally, the matter ended there. The shameful incident remains effectively covered up.

With much apparently going for Trincomalee to check such incidents or ensure that proper action is taken, all systems seem to have failed. Several international NGOs including the ICRC and the UNHCR are represented in Trincomalee. There are a number of local NGOs. The judicial authorities too could not be drawn into commenting on the incident. The only action known to have been taken is that the two police officers who were watching the video were interdicted. The surviving prisoners who should have been key witnesses in any proper investigation, continued to be held in the same vulnerable conditions.

The victims of the incident were persons who were routinely remanded at the request of the security forces. In sharp contrast 11 soldiers who were identified at considerable personal risk by civilians as having participated in the massacre at Killiveddy during February 1996, were released on bail by the Acting Magistrate of Trincomalee during June the same year, to return to active duties. The failure to bring these men to trial has been cited as one of the failures to enforce the law in the recent Country Report released by the US State Department. While the Acting Magistrate claims that he did what was required by the law in view of the failure by the Attorney General to file charges within three months, others knowledgeable in the law maintain that it is the High Court and not the Magistrate's Court that is empowered to grant bail to any one remanded on charges of homicide. The Acting Magistrate further denies that he was under any pressure from the Army to grant bail.

The Army Brigadier in charge of Trincomalee has powers of court martial to take disciplinary action against the men concerned in both the incidents above in the best interests of the Army. He did nothing of that kind. What moved him to action in December 1996 was something most singular. Citing a `deteriorating security situation' in the Trincomalee market area, he moved to cancel the tender for the market legally awarded to a Tamil individual.

These are reflections of the continuing nature of the State that is at the root of current problems around Trincomalee town, that have made land settlement, the arrival of Tamil refugees from the North and even the control of the market highly sensitive issues. In these matters the Government has been seen to vacillate between the mean and the infantile. [\[Top\]](#)

### **'Distortions of broad settlement patterns':**

One aspect of this is the most unusual step taken by the Defence Ministry in confining Tamil refugees arriving from the North(Vanni) in so called welfare centres in Vavuniya. Conditions for them to move out and go to a place of their choice in Vavuniya town, the South or East of the same country where they are fellow citizens is governed by extremely stringent conditions. These generally involve paper work, documents and letters of acceptance to establish that the internal refugee is a permanent resident of, or has a close relative such as a parent, spouse or child residing in, these areas. Several people in frustration went back to the LTTE controlled Vanni with all its privations. Those willing to go to Jaffna, other alternatives unavailing, were most readily accepted, transported to Trincomalee, kept in camps, loaded into ships often after waiting hours in a queue under the sun and shipped off to Jaffna.

The policy came in for severe criticism in the foreign press. This liability applied only to Tamils in the North. Security reasons cited did not justify the degree of harshness especially considering that other avenues for LTTE infiltration were wide open. Moreover many of those being confined were elderly, women and children. The Defence Ministry issued a press release on 5th December 1996 confirming that it had very much in mind reasons other than security. It contained the sentiment : "As a matter of principle, mass movements of persons in a situation of this nature cannot be permitted to develop into distortions of broad settlement patterns without creating undue tensions".

The last part of the sentence could only apply to Vavuniya, and particularly, to Trincomalee whose Sinhalisation was a foregone conclusion by the early 80s. It was distortions by 'broad settlement patterns' of Sinhalese that successive governments had been trying to bring about in the Trincomalee District with the Defence Ministry taking an increasingly prominent role. As a matter of policy every Government Agent(GA) appointed to the majority Tamil-speaking district from the 60s has been Sinhalese. A concerted attempt to speed up Sinhalisation was undertaken by the new UNP government of J.R. Jayawardene elected in 1977. In the late 70s and early 80s under Mr.D.J. Bandaragoda as GA, large extents of crown land were brought under the control of various government ministries by gazette notification. The employees of these corporations were mostly Sinhalese brought from outside. Sinhalese encroachers were encouraged to move in under the patronage of government ministers, Buddhist monks or local Sinhalese merchants around Trincomalee market who were invariably agents of either the UNP or the SLFP. A new order of local power was so being fostered with the active patronage of the security forces. A case in point concerning encroachments is that the Ports Authority(SLPA) at no time used more than 100 acres of the 5000 it had acquired. At Premadasa's Trincomalee Presidential Mobile Secretariat on 6th January 1993, the case of Sinhalese squatters on these lands came up. The SLPA obligingly

offered to release 700 acres to regularise these encroachments. Some of these encroachments on the west side of 4th to 6th mile post on the Colombo road were regularised about 1994.

From 1977 communal violence in which recently settled Sinhalese elements were mobilised with the connivance of the armed forces was used to bring about the displacement of Tamil and Muslim civilians. Some of the merchants around Trincomalee market too saw violence as a means to enhance their commercial advantage. From the mid-80s and then again in 1990, the armed forces played a direct role in the destruction of Tamil property and the displacement of inhabitants in the suburbs of Trincomalee town and in the rural villages of the district. From 1977 to 1992, upwards of 1400 Tamil civilians were killed or went missing in the Trincomalee District. The worst period was June 1990 - March 91 when about 870 youths disappeared after being detained by the security forces. About 100 were killed during July 1983. [See our reports 10,11 & 12 for more details.] [\[Top\]](#)

### **Sinhalese fears and psychology of the armed forces**

A combination of events led to the first attack by Tamil hoodlum elements against Sinhalese civilians in September 1987. The Indian Peace Keeping Force had arrived in early August. Tamil militant groups opposed to the LTTE had returned to town and there was a new assertiveness on the part of the Tamils. There was also growing friction between the Indian Army and the Sri Lankan Army which took being confined to barracks very badly. On one occasion a Sri Lankan Army vehicle speeding past the Town Hall opened fire at a group of Indian Army men and local civilians which included Brigadier Joshi. About this time around 2000 Tamil youths who had been confined at Boosa without charges were shipped to Trincomalee and released under terms of the Indo-Lanka Accord.

One day Tamil hoodlums started attacking Sinhalese with the backing of certain militant leaders. Some of the local civilians helplessly observed some horrendous scenes of cruelty. An old man who went to a Tamil house to purchase milk for his grand-daughter when confronted by Tamil hoodlums pleaded for his life from the lady of the house. She was unable to stop them chasing the man and beating him to death. A Sinhalese lorry driver was assaulted and his lorry was set on fire. As he emerged crawling from under the burning lorry, he was lifted and thrown into the flames screaming. Witnesses also spoke of Sinhalese women being raped and killed. Several bodies were thrown into a well that was covered up. According to these witnesses in the region of 50 Sinhalese were murdered in the area around the main Sinhalese school, east of Inner Harbour Road on the isthmus. These Sinhalese were long settled there and had been close to the Tamils.

The mob moved northwards towards Anuradhapura junction raiding liquor shop after liquor shop on its way before tottering to exhaustion. By that time the Indian Army had also intervened. According to a widely believed story, elements of Tamil militant groups had been given a few hours by a section of the Indian Army to clear the Sinhalese before they intervened. The cycle of cynicism and mischief was to go on bringing further distrust among the civilians and complicating matters at every turn. According to documentation presented in Narayanan Swamy's 'Tigers of Lanka' Brigadier Kobbekaduwa who took charge of the Sri Lankan forces in Trincomalee about that time was instrumental in supplying arms to the LTTE which had commenced a war with the Indian Army, during the middle of 1988. This was done irrespective of the fact that the LTTE had never stopped attacking Sinhalese civilians and had been responsible for massacres during the same period.



Following the event above, a large number of Sinhalese fled as refugees. Although most of them returned, they never regained the confidence that the Sri Lankan State was ultimately willing to or capable of protecting them. This has persisted despite the fact that the old-order returned after June 1990 with the town area firmly under the Sri Lankan Army & other security forces and police under Sinhalese leadership and the administration essentially controlled by Sinhalese. It is notable that when the Sri Lankan forces went on a binge in June 1990, the Sinhalese population and merchants kept aloof. The politics had become too murky for anyone to take sides.

For the defence establishment too there was the persisting unease and a feeling of self-doubt, that their ideological goal of Sinhalisation that had seemed so certain in the mid-80s and on which they had staked much, had been thwarted. From the point of their goal, talk of decentralisation and a political settlement brought more uncertainties. Another factor adding to their unease is the arrival after 1990 from the North of a Tamil refugee population who have bought property and settled down.

Further there are now in Trincomalee town armed Tamil militant groups who though in one sense junior partners of the armed forces in fighting the LTTE, also support the present Government in parliament. This has given them a, perhaps illusory, measure of autonomy. Given their past experience, Tamil civilians though not necessarily liking them, see them as a useful counterweight to what they see as a Sinhalese army and police. This in turn has spurred some of these groups to go in for populist actions that are counterproductive in the long run.

These in turn have enhanced the fears of the local Sinhalese population who had a bad experience in 1987. Although relations between the communities are normal on the surface, the deeper suspicions are seldom talked about openly and mutual fear lurks underneath. Each community continues to hold on to very dissimilar interpretations of events based on half truths and falsehood. The press contributed much to keep Sinhalese suspicions on the boil by giving ample space to extreme nationalist spokesmen in Colombo whose knowledge of the ground-reality in Trincomalee is scant. As we shall see below the press often gives total misrepresentations of facts and events and are calculated to feed Sinhalese suspicions.

It is this background that would help to explain the attitudes of the Defence Ministry to the land issues in Trincomalee, tenders for the Trinco market and 'distortions of broad settlement patterns' that would otherwise seem idiosyncratic. We must also keep in mind that the State and its essentially repressive and discriminatory structures will remain the most decisive force around Trincomalee with the capacity to do the greatest harm. [\[Top\]](#)

## **Dimbulagala, Tamankaduwa**

Some remarkable speeches were made at a peace meeting organised by the Sri Lanka Solidarity Forum held in the local conference hall at Dimbulagala. A number of peasants from the surroundings had been present there after finishing their day's work. Dayawansa, a member of the Provincial Council spoke on the theme of a majority becoming a minority. He said that before the Mahaweli Scheme was instituted the majority of the people in the area were Tamils. The chairman of the Village Council at Mannampitiya was a Tamil. Under the Mahaweli scheme the lands on which the Tamils had been cultivating were taken over by the Mahaweli Authority. When lands were given under the Mahaweli Scheme many Tamils were left out, and today these Tamils suffer many disabilities. Today, he said, there are 80 Tamil children in Dimbulagala who are unable to attend school. Such experiences, he said, are at the

root of the present conflict. Another speaker was Dharmasri Liyanage, an official of the Samurdhi Movement and a farmer in Mannampitiya . He said that he grew up in Batticaloa and left in 1985 when the troubles began. When he came to Mannampitiya his Sinhalese had been imperfect and he had often substituted Tamil words in his speech. He had later served in the police for a time. He had witnessed the Sri Lankan Army looting Tamil houses from which the owners had been chased away, and retrieving jewellery from nooks where they had been hidden by those fleeing. In Mannampitiya, there are today 80 families who had not been given land by the Mahaweli Authority that had taken over the land on which they had previously cultivated. In this land on which the Tamils had been a majority, they now cannot get their official work done in Tamil. They often need to hang around government offices until they find someone who could translate from Tamil to Sinhalese.

These speeches were more remarkable considering that this was the home-base of the late Dimbulagala Thero who had led a crusade of 5,000 people with the connivance of the Mahaweli Authority to occupy lands used by Tamils to the east across Madhuru Oya in the wake of the July 1983 violence.

Since that time the press and a number of well connected militant Sinhalese based in Colombo have represented Dimbulagala as a bastion of heroic Sinhalese resistance to the Tamil menace. When reporting on these border areas, press-men have regularly relished photographs of peasant women carrying shot guns. In the course of such reporting, the humanity and ordinary human aspirations of these people have been suppressed. The real life of these people is on the other hand a tragedy imposed on them by the dominant Sinhalese ideology of the State of which they too are of victims. The audience listened patiently and were obviously looking for a change in the course of this country's history. The pervasive influence of the ideas of the late Dimbulagala Thero on these people is again a myth created by the press.

Nimal Munasinghe, the local organiser of the peace movement is a much respected English teacher in the area based at Nidanwela Central School. He was one of the rebels during the 1971 JVP insurgency, who then spent a few years in prison and married a fellow prisoner from a family of women rebels. He has continued to be politically active. It is clear that the people look up to him and are receptive to his ideas. The people of the area have suffered immensely from the war. Over the years there had been more than 50 LTTE attacks in the area claiming more than 60 lives of civilians. Many of the people are unable to use their lands. Consequently several men from the area have joined the armed forces. The protection given to the villages too is not adequate to prevent LTTE incursions. It was reported that equipment from the conference centre too was robbed by the LTTE. Even worse soldiers had often forced untrained civilians to man the bunkers, and in complaints reminiscent of Weli Oya, had crept into their homes and harassed their women. This caused many social problems in the area that had become very much impoverished. Such practices, it is said, had decreased after PA government assumed power.

Shortly after sun set, as the home guards were taking up their positions in the bunkers, we were taken to the last sentry point to the east that was manned by five soldiers. This point had been attacked after night fall on three occasions and in one attack two soldiers had been killed. By the side of the sentry point is the house of Mr Somapala of the All Lanka Peasants Congress who died of natural causes a few days ago. During 1995, two of his sons-in-law who were farmers were hacked to death by the LTTE in the paddy field, about quarter mile east from their home. Especially from that time Somapala had become an ardent campaigner for peace. This was the village of Arunapura, lying on the edge of the main village of

Aralagamavilla. Also recently police constable Susil Nandana, the husband of a grand daughter of Somapala's, was killed in action, leaving his 18 year old wife widowed with an infant child. Normally the house would have been empty by this time, as the inmates sought safety in a house further to the interior. Owing to funeral observances this period was an exception. Five youths from Arunapura are said to be serving in the army.

Looking eastwards from the army post one could witness flickering lights in empty huts meant to dissuade elephants from coming into the paddy fields. Across the Madhuru Oya (River) two miles away, lies Padduvankarai in the Batticaloa District, where too life for the Tamil peasants must be no less miserable. But the situation there is one where no active peace movement can take shape. This is another aspect of the internal tragedy of the Tamils.

The misery of 87 Tamil families in Dimbulagala is hardly ever mentioned or written about. They are a forgotten people with no one to speak for them. The children used to attend an old Tamil school towards the jungle where they had to spend a good part of the morning clearing buffalo dung. Since the onset of the war the children had stopped going there. Nimal Munasinghe said that although school space can be found for them nearby, this has not been done. He had also found it difficult to highlight this in the press. An even deeper tragedy of the Tamil families is that in 40 out of the 87 families the men folk are missing. According to Munasinghe the families maintained that the men had been finished off by the Army, while several of the Sinhalese claimed that they had joined the LTTE. This also reflects the state of suspicion against these Tamil families. It has been claimed that some of the youths from the area have ties with the LTTE and were instrumental in the murder of Dimbulagala Thero during mid-1995.

During the night we encountered another problem that is quite typical of the area. An elderly lady R.B.Somawathy, originally from Bibile, and her elder son, Jayathilake(21), a home guard working under the police, sought out Nimal Munasinghe. Somawathy's younger son Rajapaksa had joined the army when he was 18, had later deserted and was working as a tailor in the village. He was arrested by the police when the government ordered all deserters to return. He then absconded again when the police sent him to a shop to buy something. He was re-arrested and in the course of assaulting him, the police broke his arm. He is now remanded in the custody of Polonnaruwa police. The mother was concerned about her son's medical condition. She could scrape up Rs 3,000 for the lawyer's fees in Polonnaruwa, but it was difficult to find lawyers in these parts willing to take up cases against the security forces. Those such as Munasinghe were among the rare persons to whom she could turn for help.

Technically Rajapaksa by deserting had acted in breach of the law. But this was a predicament that was very unlikely to be faced by a boy from a well-placed middle-class home in Colombo that was comfortable with the war. The two acres of land which the family had been given was very inadequate to be shared among the children. Alternative employment is hard to come by. It would have been very hard for a young boy who had known only the mother's affection to go into the army and be assaulted and abused by the sergeant in the course of breaking him. Unable to take it, Rajapaksa made his escape. Now the government wants Rajapaksa back, not for his own good, but to use him as cannon fodder.

These are other aspects of the legacy of state ideology based on narrow Sinhalese nationalism, that has brought only tragedy to these people. The lands on the other side of Madhuru Oya, once taken over by the Dimbulagala Thero in the crusading zeal that followed the July 1983 violence, now lie bare of inhabitants. Even older settlements such as Maligatenne on the

western side of Madhuru Oya, had been abandoned. It has indeed been a harvest of blood and misery. [\[Top\]](#)

## **Law of the Jungle and the Trivialising of the State**

We now go into an investigation of some current problems confronting Trincomalee, two of which have been much in the news. Indeed they would hardly have been newsworthy had the authorities applied the law impartially without harbouring an agenda that was hurtful to the minorities. How these problems have been dealt with at the highest levels of a government that in many ways represents a change for the better from past governments is a sad comment on the state of the country. These cases below also give a gloomy picture of the levels to which the State and administrative machinery have degenerated particularly at a time when a political solution is being sought to end a wasteful ethnic conflict. Indeed a far higher standard of administrative integrity is called for.

In land matters that further Sinhalisation in keeping with state ideology, the different government ministries and departments have the capacity to work together very expeditiously. The instances of Ports Authority land and the acquisition of Muslim squatter land by the Uppuveli Vihara which was itself originally built on crown land have been cited. Brigadier Lucky Wijeratne settled squatters along Colombo road on forest reserve in 1990 and in the meantime got the land de-reserved and regularised. When Tamil residents in Love Lane who fled their houses in 1990 found Sinhalese occupying them when they returned, two powerful ministers in the last government intervened in an effort to have the Tamils shifted to alternative housing. On the other hand when it comes to public uses of land where Tamils and Muslims would benefit, obstructions are thrown up that carry little reason. A particular instance of related obstructiveness is the case of the Tamil officer given in the sequel.

### **1. Displacement of Muslims from Aakuwatte (now Pansalwatte), Uppuveli**

At the outset of the war in June 1990 the LTTE attacked the police station in Uppuveli and ran away. In the resulting pandemonium Tamil refugees streamed out of Trincomalee and the barons of local power did not fail to use the security forces to carry through their agendas. The victims of one such event were the 50 or so Muslim families of Aakuwatte, squatters originally from 7th Mile Post (Iqbal Nagar), Nilaveli Road, who had been there from about 1980. They had evidently moved there at the invitation of a Muslim mill owner who sought security from the Sinhalese squatter settlements beyond.

On 13th June 1990 the Police set fire to their dwellings. Rahamathullah Sahib, the leader of the community, asserts that the police performed this act of arson at the behest of the influential Buddhist priest at the Uppuveli Vihara. The displaced persons had continued to live as refugees in two sheds in Love Lane partitioned by polythene paper. They insist that they would go nowhere else except where they were chased from.

A second blow came when President Premadasa came in January 1993 to hold the mobile Presidential Secretariat and the Buddhist monk requested and received from the President  $\frac{3}{4}$  acre of land in the same area that has so far remained idle according to the refugees.

Following the election of the new government in 1994, the refugees have taken up the matter with Mr.M.H.M. Ashraff, Minister for Ports and Rehabilitation, Deputy Minister Hisbullah and Mr. Najeeb, MP. All of them promised to resolve the matter, but had proved powerless.

The worst came when recently the National Housing Development Authority(NHDA) began supplying materials for the construction of 30 houses for Sinhalese on the land where the Muslims had lived. The local head of the NHDA told the Muslim refugees that 'there had been orders from above'. When they approached the AGA(DS) Trincomalee Town and Gravets, he told them that he was powerless to do anything in the matter.

The problem was later put to a number of Sinhalese residents who were present at a local peace meeting. The response received was that the Muslims were making a bogus claim because the Uppuveli Buddhist monk had produced a title deed to that land. This also gives an insight into their psychology of beleagueredness. It had not occurred to them to question the ethics of dealing with the Muslims in this manner, leave alone by a Buddhist monk. Further if the monk had a genuine legal claim, and with the apparatus of the state behind him, he could easily have dealt with it through the courts in a humane manner.

A similar case is that of Mattikali which housed Sri Shanmuga Boys' Home until the disturbances of 1983. Then Sinhalese encroachers moved in. A Land Officer, T.D. Pieris, tried to regularise these by producing a deed showing that the land belonged to the nearby Jayasumanarama Buddhist temple. This move was dropped after other Tamils produced old deeds to establish Pieris' document to be a forgery. (More on forgeries in the sequel.) But many Sinhalese continue to insist that the land is as described in the forgery.[\[Top\]](#)

## **2. Linganagar**

Mr. T.D. Pieris the Land Officer was shot dead by an unknown gunman on 17th September 1996. Among his last major acts was to issue eviction orders to squatters at Linganagar who were recently placed there by the Tamil militant group, the EPDP, whose 10 MPs support the Government in Parliament. The Defence Ministry was claiming that the land was the property of the Army. The LTTE is generally ruled out since the assassin is said to have watched Pieris' home in town for some days and Pieris regularly visited rural parts of Trincomalee where the LTTE had greater access. Although the Tamils had long looked upon his activities with alarm, there is no suggestion that he was ever an LTTE target. Although the killer has not been identified and evidence is lacking, suspicion remains focused on the EPDP.

The 'Sunday Island' of 29th September 1996 carried a feature article titled 'The murder of a land officer'. It was a compendium of claims and suggestions gathered by interviewing officials and a former UNP minister, Gamini Jayasuriya - all Sinhalese with seemingly a similar mind-set. What follows is the essence of the feature. An official was quoted as saying that Linga Nagar is situated on a 47 acre plot of land belonging to the Sri Lankan Army, that was given by the UNP government to build a firing range.

Officials were further quoted as saying that the authorities had decided to relocate the people in Linga Nagar elsewhere because the LTTE could use it to threaten the naval dockyard, Plantain Point SLA detachment, the SLAF base and the Trincomalee harbour.

A survey conducted by Pieris had found that only 31 of the 177 Tamil families at Linga Nagar had been displaced by the war. The rest it was claimed had been 'brought from all parts of the country'. There was a fear, it was claimed, that the group behind the settlement 'was planning to intensify its activities'.

Gamini Jayasuriya claimed that there was a well organised campaign to cripple civil administration in Trincomalee, one among whose objectives was to settle a large number of so-called Tamil refugees around Trincomalee town.

We shall now give the truth as best as we are able to piece together. [\[Top\]](#)

## **The story of Linga Nagar**

Linga Nagar is situated north of Trincomalee town. Travelling north on the main road leaving town on the inner (western) side of the isthmus one finds Cottiar Bay to the left, first the Inner Harbour, and then a promontory known as Orr's Hill also to the left going into the bay. The nearer part of Orr's Hill has offices of the NE Provincial Administration, then what is now a crowded residential area and lastly a wide extent of land occupied by Plantain Point army camp. The road then passes Jayasumanarama temple on the left, then Yard Cove (a lagoon inlet) on the left with Mattikali on the right and then a promontory on the left, the nearer part of which is Linga Nagar. Further down the road is another Tamil village known as Palaiyootru.

Linga Nagar consists in part of the old village close to the main road with more than 150 families which existed prior to 1970. By the 1980s there were more than another 100 squatter families living on crown and private lands further interior into the promontory. In 1989 the Ministry of Lands called all encroachers on crown lands throughout the country to register themselves with a view to regularisation if the land concerned was unused crown land not earmarked for other purposes. A circular further said that no regularisation was to be done after 27.10.89. Some families on crown land at Linga Nagar registered themselves and obtained LDO permits.

In early 1990 the Indian Army was in the process of withdrawing and the LTTE which had close dealings with the UNP government of President Premadasa moved into Trincomalee. A number of youths from Linga Nagar quite imprudently identified with the LTTE and appeared to enjoy a spell of authority. In a multi-ethnic context where the Sri Lankan forces too had a large presence, they were warily observed, marked and the SL forces awaited their chance. This came in June 1990 when the LTTE massacred policemen, started a war and pulled out of towns in the East. Several people of Linga Nagar in the category above, or who had moved with the Indian Army, were among the 870 or so persons in the district picked up by the Sri Lankan forces without great finesse or discrimination, and eliminated in death orgies at Plantain Point among other places. [Reports 10, 11 & 12.]

Once more large numbers fled as refugees. In 1992 there were 14 families with LDO permits living in what was earlier crown land in Linga Nagar. It is this land that is the subject of controversy. The older part of the village with its school and temple carries on much as before with many of the refugees having returned.

## **Plantain Point Army Camp and Claims on Linga Nagar**

The story now goes back in time. Plantain Point, at the further end of Orr's Hill was earlier used by the British Admiralty and remained abandoned when they pulled out in 1958. The area turned to shrub jungle and came to be occupied by Tamil squatters. In 1975 a land officer named Jayasuriya who was in the Volunteer Force moved to get the Sri Lankan Army to take over the area. He went in and unceremoniously evicted the residents overnight. The action

was grossly discriminatory and unprecedented in the treatment of squatters. It was the time when estates in the South were being taken over by the government and much land was being given to Sinhalese peasants.

Tissa Devendra who was government agent at that time, it is reported, was unhappy with the move, and had left the station to dissociate himself from it and at the same time to avoid confronting the Army.

While the original camp was a small one at the edge of the promontory, the new one was greatly enlarged with the boundary moved several furlongs eastwards towards the main road. The lands on Orr's Hill including what was taken over by the British Admiralty during the last war were private lands. The British Admiralty tried to trace the owners with a view to returning the lands as they pulled out in 1958. Being unable to do so and the owners not showing much interest then since land prices were low at that time, the lands were left as crown lands by the Admiralty.

About 1978 or 1979 the Army at Plantain Point made a request for 6 chains (132 yards) of land to be measured from the tip of the adjacent promontory containing Linga Nagar to be used as a demolition ground. The land was measured and marked off by the Kacheri Surveyor for Town and Gravets, Mutur, Kinniya, Kuchchaveli and Thampalakamam. The extent of land was 1.9 acres, but it was never taken over by the Army(see map). At this time T.D. Pieris was Kacheri Surveyor for the remaining divisions of Trincomalee:- viz. Kantalai, Seruvila and Gomarankadawela.

In 1982 T.D.Pieris was interdicted by the chairman of the District Development Council(DDC) elected in 1981 for allegedly having taken a bribe of Rs.500/- from a lady for the issue of a land deed. Such remained constant complaints against Pieris throughout his career. With the communal violence of July 1983, the last vestiges of the DDCs - that were advanced as a solution to the ethnic problem - collapsed. Under Camillus Fernando as GA, Pieris was returned to his position. It was a time of confusion and what sort of inquiry was held, if there was one, is not clear. Following the retirement of the Kacheri Surveyor covering Town & Gravets, Kinniya, Mutur, Thampalakamam & Kuchchaveli, Pieris was given charge of the whole district and was later promoted to Land Officer.

It was after the collapse of the North-East Provincial Council under the Indo-Lanka Accord, and the onset of the war in June 1990 that Pieris' hand was felt in a big way. His small-time jobs consisted of taking money, getting clerks to fill up LDO (Land Development Ordinance) forms, and forging the signatures of former land officers. The Army and the Administration found him useful in identifying lands around Trincomalee to settle Sinhalese, exclude Tamils and Muslims or to plant some state body such as the Army.

MAP 1 MAP 2  
Vested  
with SLPA Linga Nagar  
Linga Nagar

47 Acres

for Army  
firing range

Yard Cove  
Orr's Hill

Bay \* Plantain Point  
Army Camp Edge of Promontory

Sketch of Pieris' map produced in 1992

In 1992 T.D. Pieris produced a map (map 2 above) which showed 47 acres east of the ridge as belonging to the Army and another piece of land as vested with the Ports Authority. The Army command at Plantain Point under Brigadier Siri Pieris made an insistent claim that they needed the land for a firing range. Had the land been measured from the edge of the promontory, taking a natural slice of it with the boundary running north-west, instead of north-east through the middle, Linga Nagar would have been excluded. But the lands claimed by the Army and supposedly vested with the SLPA were so placed as to take over much of Linga Nagar. It was claimed that the transfer had been effected in 1979.

Confronting the Army in Trincomalee was then considered a dangerous thing to do. But several officials challenged this claim. This also brought the claims of the Army in conflict with the actions of A.Thangarajah, Additional Land Commissioner for the North - East, who earlier as a land officer in 1989 had issued LDO permits to encroachers on land which the Army claimed had already been their property. Thangarajah had acted according to a government decision at that time as already explained.

Major General Nalin Seneviratne, Governor of the North-East Province, appointed a 3 member commission that could not report because the chairman Markandu was transferred to Colombo and A.Thangarajah resigned because the propriety of his own action was in question. The Governor then appointed a second commission chaired by Mr. Velayuthapillai with two other Sinhalese officers. The commission report found the claims of T.D. Pieris and the Army inconsistent and badly wanting. T.D.Pieris and an army officer who was earlier Lieutenant Tikiri Banda told the commission that the hand-over of 47 acres shown had been done in 1979 on behalf of the administration by T.D. Pieris and Tikiri Banda had accepted on behalf of the Army. The following are some salient features of the case.

- (i) No record of procedure such as: Request by the Army for land stating extent and purpose, record of survey, request by GA to the Land Commissioner for authority to transfer crown land, gazette notification, and documents of transfer. In particular, there is no gazette notification of the land transfer.
- (ii) The transfer was claimed as having been done to the 22nd Brigade of the SLA in 1979. But the 22nd Brigade was formed only in the late 80s.
- (iii) The SLPA could not in 1979 have possessed the land shown in the map as belonging to it. Land acquisitions by the SLPA were not gazetted until the early 80s. No record of any request for the land by SLPA.
- (iv) T.D. Pieris could not have done the transfer in 1979 as his duties then did not cover Town



and Gravets. A more senior surveyor covered the latter area and there was no reason to call upon Pieris, a junior officer, to do the transfer.

There is another little known fact. While the controversy was going on General Nalin Seneviratne wrote to the Army asking them to shift the firing range to some other suitable rural location. Being an experienced military man he considered the suburban setting in Linga Nagar inappropriate for the purpose - and even more so in the location nearer the main road chosen by Pieris.

It was clear that the acquisition had nothing to do with any military purpose. The motivations were ideological. The map and the claims were fraudulent. Although the Army did not subsequently press its earlier claim, it did not drop the demand and the matter remains unresolved. It is also very much a reflection of the degree of ethnic polarisation within the administration and the absence of professionalism that the report of the commission on the lines above was submitted by the chairman, with the two Sinhalese members refusing to sign in the matter of what was an open and shut case.

But T.D. Pieris' presence became an embarrassment and even a nuisance in the administration of Trincomalee and during 1993 the Government Agent Mr. Godawela called for his removal and a transfer order was given by the Ministry of Lands. According to prominent local sources Brigadier Siri Pieris and the Defence Ministry successfully lobbied to retain him in Trincomalee on the grounds that his services were invaluable to them. T.D. Pieris remained in Trincomalee but was thereafter not taken very seriously. He continued to do the small-time jobs for which he was well-known. We also reliably understand that in the Land office of the Trincomalee Kacheri, LDO permits held by non-Sinhalese were picked up from stacks, a small number at a time, and destroyed on a regular basis. It was in the wake of EPDP activities that Pieris managed to revive the Army's interest in taking over Linga Nagar.

This time apart from the old claim that the 47 acres of land belonged to the Army, security reasons were being advanced (Shamindra Fernando's report cited above) and the officials are quoted as denying charges that they intend settling Sinhalese on the land. Both these deserve comment. In terms of proximity, Linga Nagar is further away from security installations than other Tamil residential areas. Orr's Hill in fact adjoins Plantain Point camp. If one goes on the basis that any Tamil residential area is a security threat, this line of reasoning would lead to herding all Tamils into fenced and guarded 'welfare centres' such as obtain in Vavuniya. What would then be the country's fate?

The claim of having no intention of settling Sinhalese is again disingenuous. Going by past experience, some junior army officer or local official has only to give a signal and encroachment would be guaranteed. The authorities have no record of ever taking action against Sinhalese encroachers unlike the third degree methods used against other communities.

It may also be asked why the Army made such a flimsy case for the Linga Nagar land that was full of gaping holes? The short answer is that they expected little active opposition. There are many officials retired and in service who are familiar with the original history of the case, the actual request in 1979 for 6 chains of land and what happened thereafter. But they remain reluctant to testify in public or have their names quoted. Trincomalee has a particular history and there is real fear that once you are marked, anything could happen. Something did happen to one official who was mixed up in the Linga Nagar case. This will be taken up below. [\[Top\]](#)

## **EPDP's Activities & its Antecedents**

Through a fluke of history the EPDP got ten MPs into parliament from the Jaffna District with as few as 5 votes from some electorates. It had been allied to the last UNP government and its cadre had been posted in Jaffna's offshore islands which had the bulk of the effective voters in the district, since the vast majority of voters who were then under LTTE control could not vote. The EPDP also effectively prevented other Tamil parties from campaigning in the islands. The elections were technically held and the EPDP got its reward. Thereafter it switched sides to support the newly elected PA government in parliament. This was the source of its influence. The EPDP did not have a reputation for being so unruly or heavy handed as, say, the PLOTE or TELO.

In November 1994 , following the last elections, an incident revealed something of the EPDP's inner nature. One of its cadre Udaya Sooriyakumar who is said to have been wanting to leave the movement was found dead with 17 stab injuries on the Wellawatte beach on the morning of 15th November 1994.. A report in the Observer of 13/11/94 by P.Senanayake & J.Jayasinghe said that acting on an anonymous call two members of the EPDP, including the organiser for Trincomalee, were detained and questioned about this killing. They had revealed that the deceased had been abducted on 1/11/94 for leaving the organisation without notice and detained at the EPDP's head quarters then at Park Road, Havelock Town. On the evening of 14/11/94 he was taken in an EPDP jeep to the beach where he was murdered. The EPDP hierarchy was clearly implicated, and according to the Observer of Sunday 27/11/94, the police searched the EPDP HQ following the organisations failure to hand over three suspects. Nothing remarkable came out of these investigations. The EPDP's MPs were already supporting the Government in parliament. The support was no doubt more firm after the investigations.

With the breakdown of any rational administrative policy or outlook it is the general rule throughout the country that the distribution of state resources depended overwhelmingly on the political patronage of the government in power. As the last president D.B. Wijetunge put it crudely, it was the government that ladled out the rice from the bowl. The message was that those who voted for the opposition would suffer. The Tamils in the East who lived in a multi-ethnic environment saw themselves as having suffered heavily through being in the opposition most of the time. Tamils, even nationalists, in the Amparai District who now have no representation, feel that the benefits that had accrued to them by their former TULF MP Kanagaratnam crossing over to the UNP government had been crucial to their survival. Today all four Tamil MPs including the one from the Trincomalee District support the government in parliament. The means by which state resources are distributed has also consolidated a populist political culture where the MP gets the credit for resources brought to the area. The EPDP is largely prevented by security considerations from working among its own constituents in Jaffna. On the other hand Trincomalee town and suburbs which are considered fairly secure have become a hub of activity for all militant groups opposed to the LTTE. But the EPDP has few resources to build up its image in Trincomalee since the local Tamil MP is from the TULF which supports the government. Given the large refugee population in Trincomalee, the EPDP resorted to another brand of populism where the lack of resources did not pose a big problem. What it did was to call applications for land in Trincomalee town from refugees who were nearly all from the rural villages. It then blocked out 6 to 8 perches of land for a family from two blocks of land. One was the contentious crown land in Linga Nagar, and the other was the 30 acre plot purchased by the Tamil University Movement near

3rd Mile Post on the Nilaveli Road. The move was both short sighted and had serious inherent limitations. Other residents pointed out that the land belonging to the Tamil University Movement could have been used for an educational or cultural purpose at an appropriate time in the future. The trustees of this land were at present not contesting the move by the EPDP. The fact that it is an armed militant group that currently enjoyed some influence with the State is something that would cross anyone's mind.

In the case of Linga Nagar the EPDP's move to settle people on the land provided opportunity to T.D.Pieris who had largely ceased to be taken seriously. Once again publicity was loudly voiced to the effect that there was a sinister move to settle Tamils on land that belonged to the Army. The Army too began voicing its claim which it had not taken seriously for some time. Under Pieris moves were set in motion to evict the squatters. It was against this backdrop that Pieris was shot dead on 17th September. Then cries of foul play by sinister Tamil forces became even more strident with the ultra-nationalist sections of the press, Buddhist monks and members of the elite in Colombo getting into the act. There were calls to disarm the Tamil militant groups opposed to the LTTE. It is a measure of the influence commanded by the EPDP's parliamentary support to the government that in Trincomalee the PLOTE was disarmed for a time. Indeed the PLOTE was notorious for killings in Vavuniya town for which no serious action had been taken. Its three MPs from Vavuniya too supported the government in parliament. But any suspicion that the PLOTE was responsible for the killing of T.D. Pieris in Trincomalee was extremely remote.

Prior to the temporary disarming of the PLOTE there were demonstrations in the market area on 10th October 1996. This was preceded by a drama that is not widely known and the potential danger it portended should not be underestimated when taken in conjunction with the volatile political climate in the South. During early October there was a meeting in the suburban Sinhalese settlement of Sirimapura which is the home of some rougher elements with interests in the market and associated with leading communal violence in the past with the co-operation of the security forces. Those considered friendly to the Tamils were excluded from the meeting that was also attended by some Buddhist monks. The issues of T.D.Pieris' murder and of a police sub-inspector were discussed. The dominant sentiment was that the Sinhalese interests were being threatened and that they could no longer take things lying down. Emotions were running high.

A prominent Tamil citizen was informed by a Sinhalese resident that there were plans afoot to spark off communal violence. This was communicated to the TULF general secretary in Colombo and preventive measures were taken. It also turned out that a number of Sinhalese had urgently communicated the danger to their Tamil contacts. This is again suggestive of a strong interest in avoiding violence.

The demonstration which began in the market and moved to the EPDP office passed off without much incident. Muslims and Tamils in the market area too had little choice but to participate in the protest for the fear of displeasing the rough Sinhalese elements. The press in Colombo reported this as a broad-based protest against the armed Tamil militant groups.

What happened then was that the Army became insistent on taking over the Linga Nagar land. The EPDP which was crucially dependant on the Army at one level could not go far in confronting the Army. Thus the logical thing for the EPDP to do was to slowly wash its hands off the Linga Nagar matter altogether. The Army which regarded T.D.Pieris as their man and was convinced that the EPDP had done the killing was prevented from getting at the EPDP

because of its influence with the government and the lack of any evidence. So they were demanding their pound of flesh by getting at the people who were not EPDP supporters, but had simply wanted land. It was again the old logic of reprisal action against the people after the attackers were safely beyond reach .

In the case of the Tamil University land too, once some kind of peace returns, the board of trustees of the Tamil University Movement is bound to file court action and the people will have to leave the land. In either case, the EPDP's populism is bound to leave the people in the lurch and worse off than what they would have been.

The people concerned are those from villages in the district and feel that there are too many uncertainties for them to go back. Any solution to their problem needs to take into account their well-being and economic viability in the long term. Perhaps the most serious criticism of the EPDP's action is that it was using these people to score a point in the same manner that the Army plants Sinhalese peasants along the roadsides in insecure areas.

Mr. Chandradasa, the present Government Agent, has a reputation for having sympathy for the down-trodden with a sincere disapproval of violence. While serving as AGA in Seruvila some years ago, he had worked hard at helping the neglected Tamil peasants in Ichchilampattai.

Even while T.D.Pieris was trying to raise alarm in circles of power about the EPDP settling squatters in Linga Nagar, Chandradasa did not take sides. But once Pieris was killed, he had reportedly become coloured by the view that the settlers were EPDP supporters and that the killing was a threat to the administration. But on the market issue reported below, Chandradasa had voiced the view that the Army was in the wrong. [\[Top\]](#)

## **The Trinco market fiasco**

A letter dated 5th January was sent to the Chairman of the Trincomalee Urban Council by Brigadier P.S.B.Kulatunge RSP USP, Commander 22nd Brigade and Co-ordinating Officer, TCO South. The letter contained the following unusual statement: " The decision to cancel the tender after our discussion, as you know, was made due to the deteriorating situation in the area, and in the general interest of the public in Trincomalee".

The letter further added a note of warning, "Your hasty decision to allow the tenderer to collect the rent at the vegetable market as from 4th January 1997, would further aggravate the security situation, and hence I would like you to abide by my earlier decision for the UC employees to collect the rent from the vegetable market."

The foregoing would suggest a most singular drama considering what was involved was simply the Trincomalee market being given out on tender with all the rules followed to the letter.

The facts in short are these. The Trincomalee market was dominated by Sinhalese traders. The Tamils who were the majority in town, generally did not show much interest in this line of business. The influence of some Sinhalese merchants rose sharply with state patronage, the

backing of the security forces and the advent of communal violence from 1977. Their power was greatly reduced when the Indian Peace Keeping Force arrived. From June 1990 however, the market was under the control of an influential Sinhalese agent who got control of the market for Rs 300, 000/= a year with no competition offered.

In November 1996 the chairman of the Urban Council decided to call for tenders and set the minimum at Rs500,000. His contention was that the Council needed the money and moreover business had picked up in recent years. Jayaratne, the man who originally controlled the market objected to the new minimum set and did not tender for the market. This being the situation the tender period was extended at the request of the Brigadier. Only one person, Kennedy, tendered, who also happened to belong to the militant group PLOTE. This is understandable since only a Tamil person with such a background could hope to stand up to those who had hitherto controlled the market and wielded considerable intimidatory power. Kennedy was awarded the tender. A protest was organised by the supporters of Jayaratne on 17th December 1996 which closed most of the shops in Trincomalee and public and private transport too was brought to a standstill as Sinhalese operators dominated these sectors as well. It was clear that these sections were using the power they had enjoyed with the blessings of the Sinhalese dominated security forces, to prevent the law from taking its course. Buddhist priests too joined in the protest against the award of the tender to a Tamil man. It reflected arm twisting by interests that had been increasingly asserting themselves in Trincomalee for the last few decades.

The Brigadier in charge of Trincomalee intervened using his emergency powers to cancel the tender, but the Chairman of the Urban Council stood his ground. Following a meeting with the Brigadier on 26th December the Chairman agreed as an interim measure for employees of the Urban Council to collect the rent from the market stall holders. The Brigadier in turn promised police assistance to the Urban Council officers who went to collect the rent. But no such police assistance was forthcoming and the UC chairman decided to allow the tenderer to collect the rent. The tenderer too proved unsuccessful. Up to the time of writing the UC had not collected any rent from the market. The 'Sunday Island' of 26th January 1997 carried a feature by Namini Wijedasa which gave an impartial report on the situation based on interviewing Mr. Sooriyamoorthy, chairman of the Urban Council and some of the Sinhalese traders. In comparison with the protest on 17th December new reasons were being adduced such as a threat to the Sinhalese, plans to shift the market to a Tamil area and so on. The report also added that the Tamil and Muslim traders refused to comment and concluded that the truth of the matter may have evaded the writer.

According to the Tamil residents the Brigadier's action demonstrated that laws in this country are applicable only to the minorities. They added that the Tamil and Muslim traders in the market had to do as they were told by the former Sinhalese bosses, as given their experience in the past, they feared being marked and something unpleasant happening later on. The 'Island' of 27th January carried an editorial referring to the Trincomalee market sitting on a powder keg and calling for the situation to be defused. Eighteen years ago in 1979, the 'Financial Times' of London carried a Survey on Sri Lanka where the lead item was headlined, "Sri Lanka sits on a powder keg". This country went happily living out the prophecy over the next few years with the burning of the Jaffna Public Library, communal violence and then precipitating a war. Neither the press nor the ruling establishment ever seemed to take all this seriously, and now we seem to have discovered that Trincomalee market is sitting on a powder keg! Indeed, the situation must be defused. But we seem to be going through a certain kind of warped reasoning again and again. Where it is an issue where the law appears to place

the minority in an advantageous position a grave crisis and a threat to peace are discovered and used as an argument to deprive the members of the minority. A similar argument was used to introduce a very unfair system of standardisation of university admissions in 1971, which by lowering the marks for Sinhalese candidates gave the advantage overwhelmingly to privileged Sinhalese students in the best schools. [Originally preference was based on purely linguistic criteria. The district quota system was introduced some years later.] [\[Top\]](#)

## **The Administration : the cost of being effective and belonging to the wrong community**

Given below is the fate of a Tamil officer who exercised initiative and whose services were uniformly commended. His recent penalisation is linked in particular to two land matters. One of them is Linga Nagar:

At the time he reached 55 on 10th February 1995, A. Thangarajah had worked 20 years in the Administrative Service, having earlier worked as a teacher, also in government service. A number of others with his experience had reached the top. But what happened to Thangarajah was very unusual. On reaching 55 (the age of optional retirement) while he was AGA(DS) Mutur, he was told that he should go on retirement. Upon application it is practically routine for SLAS officers to be given extensions until they reach 60 (age of compulsory retirement).

In 1980 the officer was punished while serving as AGA Vaharai by having to spend 40 months on no pay, losing several increments and his seniority. He had then refused to register a Rural Development Society where the president and secretary were UNP minister Devanayagam's men who were resident in Valaichenai. The inquiring officer had found no charge to be valid. The officer who should have reached Class I in 1992 retired at Class II - Grade 2. His deferred promotion to II-1 due in 1993 was not given and is still on appeal.

Thangarajah came to Trincomalee in 1983 as a land officer covering the mainly Tamil and Muslim AGA divisions of Town and Gravets, Kinniya, Mutur and Kuchchaveli. Up to 1990 he had strictly followed government regulations and circulars in issuing 17000 Land Development Ordinance permits in these divisions. Working hard for the people on land matters was no doubt undesirable from the point of State ideology. He was never faulted on his work, except that later in 1992, his issue of 14 LDO permits on land in Linga Nagar to which the Army subsequently made a claim was advanced in certain quarters as unlawful and conspiratorial.

In 1990 Thangarajah was appointed Additional Land Commissioner for the North-East under the NE provincial administration. Acting within his powers under the 13th Amendment to the constitution, his administration issued more than 2000 LDO permits mainly in the Mannar and Kilinochchi districts and appointed 40 land officers and assistant land commissioners to expedite land work.

He was made AGA (DS) Mutur in early 1993. In all matters under his purview, he used his powers to the full and ensured that the people received the best possible benefit. As DS Mutur he spent all the money allocated for public works at the rate of about Rs 78 million a year without returning any to the treasury. Of about 50 projects allocated to Mutur under 15,000 Village Level Projects, he saw that the work was completed.

When floods came to Mutur in December 1993, his work in flood relief was commended by the co-ordinating officer Brigadier Siri Pieris. Once the brigadier's commendation came, the excess Rs 3.9 million spent above the 0.5 million allocated, about which questions were being raised, was expeditiously settled.

Thangarajah made an application to the Ministry of Public Administration (MPA) for the first one year's extension from 11.2.95 about August 1994.

On 13th February 1995 he received a letter from the ministry informing him that he should go on retirement. Thangarajah appealed to the Public Services Commission on 14th February, the following day. He found that his application had not been recommended by Mr. Chandradasa who was appointed Government Agent in late 1994 after the election of the new government. The grounds for not recommending were said to be some petitions against him. Thangarajah stated in his appeal that Chandradasa who was only familiar with his work for a very short period could not be a suitable referee and that Mr. Godawela, the former GA, would be the right person. Godawela later confirmed that he had recommended Thangaraja. The PSC approved his extension and informed the MPA. After a long delay of 18 months that included the MPA asking for Thangarajah's birth certificate which they said was not in the file, Thangarajah received his approval from the MPA on 11th November 1996, by when even the period for his second year's extension had almost expired. He sent his second appeal to the PSC the following day on 14.11.96 and at the time of writing this report he had been out of work for 24 months and was yet to receive a response. But it is learnt that the PSC had hand-delivered its approval to the MPA on 7/2/97. The matter had been raised by a number of persons including a local MP. Ratnasiri Wickremanayake, the minister of public administration is understood to have said that the officer had been treated unfairly.

It is widely understood that what is held against Thangarajah is in particular his issue of 14 LDO permits in Linga Nagar in 1989. Another that surfaced after Chandradasa became GA is the issue of Sinhalese squatters who had lived near the Mutur jetty. Some time after June 1990 the Army put them into occupation of public land in town designated for a bank and the telecommunication centre, and were helping them. Moves to regularise the encroachment in 1993 were dropped following protests, including by Mr. M.H.M Ashraff, now a minister in the present government. Chandradasa took up the matter again and wanted Thangaraja as DS, Muthur, to regularise the encroachment. This Thangarajah refused as he had refused Minister Devanayagam in 1980. In Thangaraja's case one could think only of utter inefficiency, or the cabal applying the unwritten rules of the public service, knowing what they want. Either way the state of the administration bodes ill for the credibility of any political settlement.

The new PA government in late 1994 called for appeals from those who had suffered political victimisation under the previous UNP government of 1977-94. Thangarajah's case is expected to receive a positive response. In the meantime his treatment by the new government was hardly an improvement. [\[Top\]](#)

## **At the highest level**

In what is again a very unusual development, both the Linga Nagar matter and the Trincomalee market affair were brought to the president for her resolution. Both these matters are governed by clear rules laid down in the law and should have been disposed of at a much lower level. These should never have been brought to the president whose job was quite

something else. The fact that these matters came to her is again a symptom that rules had ceased to apply in the ramshackle state machine worn down by decades of misuse.

The parties to the market dispute had been invited to the presidential secretariat for a discussion. The TULF MP for Trinco District met the president at the end of January, showed her T.D. Pieris' map of Linga Nagar and explained the facts to her with the findings of the governor's commission. The president immediately saw through the issue and asked the MP to discuss the matter with defence ministry officials. The latter stood by their claim to 47 acres of land. The MP asked the defence officials to show when and where they had shown cause and asked for land in Linga Nagar, and how they arrived at the magic figure of 47 acres, except for the fact that it surfaced in the claim faked by T.D. Pieris. Later the defence officials modified their claim to 47 acres, that were to be measured from the edge of the promontory. There were even later suggestions that some officials dissatisfied that Linga Nagar would be largely left untouched, had wanted 30 acres of SLPA land (again a fiction from Pieris' map) to be first marked off from the edge of the promontory before measuring 47 acres for the Army. The matter is bound to drag on and probably go back to the president again.

Had an ordinary member of the public made the kind of claim in a court of law that the defence ministry was making on the basis of Pieris' map, he would have been found guilty of fraud, perjury and forgery. By right the president should have severely reprimanded the officials concerned as persons who ought to set a better example and even have demoted some of them as unfit to represent the country with honour at its highest levels. By not doing so, she had chosen to appease the defence ministry, thus adding to her problems. We also get a fair idea of why cases of violations by security personnel under this government either continue to get covered up, or even where arrests are made, the accused are bailed out with the trial indefinitely delayed.

The murder of T.D. Pieris was a crime against an individual who was also an officer of the State. But would such a crime in a Sinhalese area have sent the Army hell-bent on acquiring land in the area to punish residents, as at Linga Nagar, who were not party to the crime? The Linga Nagar and the market issue further confirm what has long been said about the inner motivations of the Army and the Defence Ministry. They perceive themselves as Sinhalese state institutions furthering a communal state ideology. By standing his ground and calling the brigadier's bluff on the market issue, the chairman of the Trincomalee Urban Council has exposed State ideology at its silliest and most ridiculous. It also aptly sums up Sri Lanka's post-independence political legacy as communal politics of the fish and vegetable market.

[\[Top\]](#)

## **Refugees and Resettlement**

*Sinhalese refugees from Kallara:*

Mary Agnes (50) was originally from Thiriyai just south of Kallara. She had belonged to the only Sinhalese family in the farming village of Thiriyai who farmed several acres of paddy land. She had good friends among the Tamils and spoke the language fluently. In 1985 as the conflict intensified her neighbours advised her to leave. She went first to Trinco town and then to live in Kallara with Sinhalese fisherfolk in 1987 after the IPKF arrived. With the onset of war in June 1990 the residents of Kallara fled to Trincomalee town and returned six months later. On 25th May 1995 the LTTE attacked Kallara a month after it broke its cease-fire



agreement with the PA government. 46 Sinhalese civilians were killed including a niece of Agnes and the husband of her niece. Agnes now lives with other Sinhalese refugees in Love Lane receiving food rations from the government. The LTTE's claim was put to these refugees that it had attacked the village because these Sinhalese were integral to the armed aggression against Tamils and were so part of the military machine. The refugees responded that they did not work for the Army and hardly saw the LTTE. The only help they gave the Army was that their fishing boats were used to transport vegetables to the Army from Puddavaikkattu and soldiers who were going home on leave.

The presence of Sinhalese fisherfolk in the area goes far back and has been mentioned in the Ceylon Census of 1901. The LTTE's actions have forced isolated Sinhalese and Muslim communities to depend on the Sri Lankan Army for their protection. The choice was not theirs. Several of the men among the refugees now work for fishing boat owners in the area. [\[Top\]](#)

## **Refugees: General**

A key problem presently facing refugees from the Tamil villages of Trincomalee is that they are scattered in several camps or in small communities around Trincomalee town, in Mullaitivu District and further afield such as Mannar Mainland(Madhu), Mannar Island(Pesalai) and India.

The camp at Alles Garden near Trincomalee town was built by the UNHCR and is now administered by the Trincomalee Kachcheri . All refugees who are not resettled are provided rations by rehabilitation ministry. Nilaveli, still has a refugee camp at the Roman Catholic church where the refugees came mainly from the villages further north such as Kuchchaveli and Thiriyai. The difference is that those in Nilaveli, had evacuated after the army arrived in 1990 and harrassed the people, causing some to disappear. The people had then moved towards Trincomalee town for relative safety and some had settled in Nilaveli. Those in the UNHCR camp are generally people who fled into Mullaitivu District before the Army arrived in June 1990, trekked through the jungle to the Mannar coast, were in India as refugees and were brought back by ship to Trincomalee from 1993 under what they took to be a guarantee of their security by UNHCR. The UNHCR camp thus contains people from all parts of the district starting from Pulmoodai, Thiriyai and Kuchavelli in the north, from Kannia and Pankulam to the west of Trincomalee town, and also persons from the Mutur and Kinniya divisions in the south of the district.

Kannia, Pankulam and Thiriyai are at present not under army control., and lie almost totally abandoned. These persons may not be able to go back, unless the LTTE and the security forces agreed to certain norms that would guarantee their safety and reconstruction is made possible. But a number of persons in these camps are from Kuchchaveli which is the last village going north under Army control. Between Kuchchaveli and Pulmoddai is a gap containing Pudavaikkaddu, Thiriyai and Kallara from which the Army pulled out in 1995. Refugees from Kuchchaveli have for some time been asked to return. Some of the factors are that these refugees from Kuchchaveli have found work as employees of fishing boat owners close to town, as labourers or as farm hands around Nilaveli. They receive rations as displaced persons, have some kind of rudimentary housing particularly in the UNHCR camp, and their children have found schools close to the camps. Combined with doubts and uncertainties about going back home, a certain inertia has set in. On the other hand if communication is

established between the scattered communities from the same village and they can jointly decide to go back., there would be greater confidence in returning.

The refugees at the Nilaveli Roman Catholic church also related a problem faced by a number of refugee families who did not flee the district in 1990. The Army had come into the Nilaveli church camp on three occasions from July to August 1990 and taken away a total of 56 males who are now missing. The families who lost bread winners have been eking out a living supported by government rations. It is not easy for them to contemplate going back to their village and starting life anew, without assurance of further support. Further, entrenched discriminatory practices followed at check points and by the Navy reinforce Tamils in their insecurity. For the refugees in particular these prevent them from developing trust. For example, the Tamil and Muslim fishermen are not allowed to go beyond a certain distance from the shore. But this does not apply to Sinhalese fishermen.

Also among the refugees in town are Muslims from Pulmoddai. These people too are scattered with some in Kinnia, some in Puttalam and others in Pulmoddai itself. According to Ahamed Lebbe, the head of sixteen families living in Love Lane, they had come to town in 1990 and went back on foot after two years. But has received little from the rehabilitation ministry besides their rations. There is no direct access to Pulmoddai along the coast. Ahamed Lebbe feels that they may be cheated again and is reluctant to go back without more concrete assurances.

In the case of Puddavai Kaddu the Muslim villagers were even earlier treated with suspicion by the security forces. At the outset of the present bout of war in April 1995, the LTTE attacked soldiers in the area and five civilians were killed, reportedly in reprisals by the Army. The area is now under LTTE control. These refugees feel that they cannot go back until the security forces are firmly in control, owing to the LTTE's ambivalent attitude towards Muslims.

The TULF MP was asked for his observations on rehabilitation and to respond to some of the shortcomings that people had complained about. One of the complaints was that the 186 families of estate labour origin who were resettled in Kappalthurai six miles south on the Colombo road are living in dilapidated conditions. The MP admitted that the conditions for resettlement are not ideal and the Rs25,000/= provided for housing by the rehabilitation ministry was inadequate. He pointed out that adjacent to Kappalthurai 50 Muslim families and another group of Sinhalese families were resettled with identical facilities - that is an initial Rs 6,000/= and then the housing grant in stages. The Muslims and Sinhalese he said, had done some gardening and had found some other means to supplement their income. They participated in the self-housing scheme and had put up houses using the Rs 25,000/= from the rehabilitation ministry along with their own money and they are now fairly stable. The Tamils he said had not participated in the self-housing scheme. But they had been given a hospital that is now being built and two school buildings. But they had been slow in finding means of a reasonable income. Although the dry rations would normally have been stopped after they were paid the Rs 6,000/=, this facility has been extended. It is therefore not correct, he said, to say that they have been unduly neglected or treated unfairly.

The MP observed that although settling rural refugees in small plots of land around Trincomalee town is welcomed by some, it would on the long run be ruinous for the Tamils. He added, "Most of these people are from the villages and that is where their culture and community life belong. In your village you have your culture, your place of worship, your

home garden and you will never starve. In the case of refugees in town their children are in a sorry plight and you could see many of them rootless and becoming undisciplined.

" It is not fair to say that Trincomalee town is being neglected by me. In fact the building programmes of schools that had long been stalled are now being looked into and new buildings have been put up under various schemes. But I would say that my priority is the rural villages. It is these areas that had suffered the greatest destabilising damage and conditions must be created for people to go back. Several tens of millions of rupees are now being spent on rural infrastructure such as roads, hospitals and dispensaries. I would say that resettlement in Thampalakamam is a fair success. Sippitthidal, Munmaritthidal, Parathipuram, Mulliyady and Patthinipuram have been resettled. They now have a hospital with a maternity ward, a medical ward and an ambulance and patients need not come to Trincomalee except in the serious cases. Because some people went back and resettled the area, other refugees are now coming back, even from places such as Mullaitivu.

"If you look at the refugee phenomenon closely, it is often the case that at the slightest sign of trouble those in villages more accessible from Trincomalee town tend to flee there. You take Ichchilampattai (in the south of the district near Verugal). This has been the most difficult area. It has been changing hands from the Army to the LTTE. But all this time hardly two percent of the people ever fled the area. Sambaltivu, Athimodda, and Illupaikulam had been resettled, and money is being spent on infrastructure including Rs 15 million on water supply. The LTTE twice attacked the police in Sambaltivu and about 60% of the people ran back to Trincomalee town that is barely 6 miles away. But the rest are staying put, and hopefully those who left would return. Kuchchaveli now has a hospital built by the Swiss Disaster Fund and it is about time the people went back. The rations supplied by the Rehabilitation Ministry too cannot be kept up for ever and sooner or later they would be stopped. We need to work at bringing life back to our villages, if not our villages may be gone forever. As things are, the basics such as a decent school, a hospital and basic help in housing can be provided to those who return. The rest is left to us".[\[Top\]](#)

### **Staying home and the political challenge before the Tamils:**

Among the urgent questions facing the Tamils of Trincomalee are the abandoned villages and the refugees, many of whom are now around town, seeing little prospect of going back in the near future. There are a number of similarities between those leaving Jaffna and going to Colombo, eventually hoping to go abroad; and those refugees in Trincomalee. If this goes on the former may end up as marginalised plebeians in Western society, while those who abandoned their villages in Trincomalee may find themselves as impoverished vagrants in new slums around Trincomalee town. Both these phenomena have to do with the refusal to tackle serious political and human rights issues internal to the Tamil community. For the middle and upper classes, it has become too comforting to send their children abroad and involve themselves in NGO activities that amount to little more than giving handouts. In this culture there is a good market for blaming the Sri Lankan government, the security forces, the rehabilitation minister Mr. Ashraff and the Sri Lanka Muslim Congress, besides the ordinary Sinhalese, for all the ills of the Tamils. This goes hand in hand with the refusal to face up to the crucial questions posed by the activities of the LTTE.

For those Tamils who intend to retain this country as their home, the problem has reached crisis proportions because the market for blaming the government, the security forces etc. has its greatest demand at the higher and most articulate levels of Tamil society. Whether the latter realise it or not, their conduct suggests that they have much to gain by going on blaming

the government and continuing a situation of war. It does help their children to establish themselves abroad. But it also creates hell for those wanting to remain behind. For those sections of Tamil society who support the LTTE or the actions of the other groups such as the murder of T.D.Pieris, the militant cadre and their eventual fate count for nothing. They are just regarded as our thugs who are a useful counter to Sinhalese or Muslim thugs, whether in uniform or without. This makes the task of creating a healthy politics which would help the Tamils to live in dignity at home even more difficult.

The reality is that a good deal has at least temporarily changed for the better under the present government. There is breathing space which was not available before. Activities in the South by peace and political groups have shown that there is far greater receptivity among ordinary Sinhalese people for a just settlement to the war that is also very hurtful to them. There is also more space to mobilise on human rights issues with less fear of repercussions. We too need to use these openings to consolidate and expand them. Our purpose in highlighting continuing deficiencies in the state structures is to help bring about corrective political action and not to feed a market.

If we try to answer the question why the refugees in Trincomalee are not going back to their villages, the blame lies not so much with the rehabilitation effort, but primarily with the policies of the LTTE. The same is true of those leaving Jaffna, who most of the time though, find it far easier and self-justifying to cater to the market and blame the government. In Jaffna those seen to co-operate with the government on rehabilitation and reconstruction have been threatened by the LTTE. Where the LTTE is concerned they do not want the credit to go to anyone else for reconstruction and the restoration of village life. They would keep the people refugees until the war is ended in their favour. One need not explain why this would be catastrophic. Our villages and our community life may then be gone forever.

Thus the political and human rights issues remain paramount. Our first handicap is that there is no real political discussion within our community. For example, why are a number of Tamils happy with the murder of T.D.Pieris? There was similar rejoicing in nationalist quarters in 1975 when Alfred Duraiappah was murdered. The failure to condemn this ultimately led to grave violations and rivers of blood within the community. Twenty two years later, have we not learnt? The problem with Pieris ought to have been tackled politically. The facts were there and so was the commission report.

It is generally considered bad form among Tamils to have a good word for the North-East Provincial Council which was a result of the Indo-Lanka Accord. But many in Trincomalee feel that this was the most hopeful thing that ever happened to the Tamils. Now they see the attack on Sinhalese in 1987 as grave blunder. Had we instead sought accommodation with the Sinhalese then and persuaded them to participate in the NEPC, it would have attained greater stature and stability. Much has thus gone by default owing to the lack of moral and political vision.

It is today far easier for those who are not refugees to see that it is in the best interest of the refugees to go back to their villages, than it is for the refugees themselves. They have gone through the experience of becoming refugees on more than one occasion and thus have legitimate fears. It therefore falls to the community to articulate a politics that gives them confidence. If we have failed to persuade the government to bring to trial those service personnel behind the Killiveddy massacre last year and the jail-break murders recently, what

reasonable guarantees can we give those returning to rural villages? Even the jail murders which happened in the heart of town have been covered up with next to no protest.

Once more we return to the theme mentioned at the outset of this report. A large number of Tamils aged 45 and below have one way or the other gained valuable experience through the militant struggle. Much has been learnt and forgotten. What has been learnt must be openly discussed and put to good use. The Trincomalee Urban Council is controlled by such persons. What they have demonstrated by going strictly according to the law and standing up to the Brigadier, is an example of what can be achieved. If they could go even further and convince the Sinhalese residents that their actions are in the common interest of everyone, it would be a hopeful sign.

Trincomalee poses a potent challenge to all those concerned with bringing about peace. It is a misfortune that most peace groups are based in Colombo and have only a cursory understanding of the deeper problems in Trincomalee. Although some of these activists of proven dedication have made a significant impact in the South, the intricacies of Trincomalee go far beyond general sentiments. The ideological workings of the state apparatus, the legacy of Tamil nationalism that fostered strife within and without, and the survival oriented populism of Tamil militant groups, have all combined to create an atmosphere of mutual fear among the different communities. On the other hand the people have continually demonstrated a common vested interest in communal harmony. But with a fragile political climate in the South, the destabilising potential in Trincomalee should not be underestimated. Herein lies the task of the peace groups: to marshal their energies, co-ordinate their activities and bring to bear a common voice of the people.