

UNIVERSITY TEACHERS
FOR
HUMAN RIGHTS (JAFFNA)*
SRI LANKA.

Special Report No: 20

Date of release: 1st April 2006

Terrorism, Counterterrorism and Challenges to Human Rights Advocacy

CONTENTS: <![endif]>

- [1. Geneva talks: Thin Pledges, and the Need for Independent Measures](#)
- [2. Geneva and After](#)
- [3. 20 Years of Discussion and the Overdue Settlement](#)
- [4. Cracks in the CFA and the Drift to Vigilantism](#)
- [5. Crying Wolf, Shifting Blame, and Self Fulfilling Prophecy](#)
- [6. Preparations for Counter-killings and a 'People's War'](#)
- [7. Some Questions for the EPDP](#)
- [8. The Challenge to Human Rights Advocacy: addressing non-state actors](#)
- [9. Present Reality](#)
- [10. Reporting, Provocation and Propaganda](#)
- [11. State Vigilantism in Trincomalee](#)
- [2nd January 2006: The murder of 5 Students](#)

12. Atrocities against Women

16th January 2006: The Murder of the Bojan Women

16th December 2005: The rape and murder of Miss. Tharshini Elaiyathamby (19)

19th November 2005: Miss. Kanishta Philip (25)

7th December 2005: Mrs. Yogeswary Yogarasa (26) and Miss. Vathany Thurairasa:

11th January 2006 Miss. Pavalarani Kanapathipillai (31)

18th January 2006: Miss. Puvitha Puvanendran (19)

13. Other cases of Death and Disappearance

An Unfinished Affair: 12th December 2005: Sinnathamby Ganeshalingam (Farook):

1st December 2005: Sinniah Sivakaran and Kunaratnam Krishnakumar:

28th December 2005: Thambirajah Arul Ajanthan (16)

4th January 2006: Sebamalai Victoria (32) and Vadivel Manoharan:

5th January 2006: Mahenthiran Kumutha (28):

5th January 2006: Thangarajah Pradeeshkumar (28):

9th January 2006: Pancharatnam Pranavan (24):

11th January 2006: P. Sivasankar (28), Meesalai:

12th January 2006: Kanapathy Murugesu (69):

13^h January 2006: Arulampalam Suntheralingam (Sinnavan – Little Fellow),

14th January 2006: Tharmarasa Tharmaseelan (37), Kayts:

15th January 2006: Sellathurai Yogarajah (26):

16th January 2006: Suppiah Murugan (31):

16th January 2006: Muralitharan (25):

14. Norway's Strategy: Balasingham as a Substitute for Knowledge and Analysis

15. Cycles of State Vigilantism

16. Chartering a Human Rights Agenda

17. Rationale for War: Some Wider Questions

Summary

Once again international pressure on the LTTE pulled Sri Lanka back from the brink of war. But the continuing failure of would-be peacemakers to insist on democratic pluralism and effective mechanisms to enforce accountability for such fundamental violations as murder will necessarily doom their efforts. The anarchy that reigned throughout December and January was the direct result of these failings. With impunity, the lack legitimate political space for the LTTE's critics and the failure of the State to protect potential victims, extremism and vigilantism flourished. Killings by all sides intensified, and the perpetrators – both state and non-state -- were increasingly difficult to identify as actors cried wolf, shifted blame and enlisted a variety of agents to do their dirty work.

This report examines in detail deaths and “disappearances” from December 2005 and January 2006. We are concerned not only to establish the truth in a series of incidents that have been subject to a great deal of spin and speculation, but also to explore the challenges currently facing human rights advocacy in the North and East where it lacks freedom to operate independently. The absence of credible law enforcement makes establishing the truth a long-term commitment.

1. Geneva talks: Thin Pledges, and the Need for Independent Measures

Although the country was saved from imminent war by the international community forcing the LTTE to talk to the Government, the LTTE once again succeeded in confining the agenda to issues that it saw as obstacles to its monopoly on power. The outcome brought mixed relief to the country. Most believed that keeping the LTTE talking was the only immediate way to avoid a catastrophe, but few thought talks would do anything but postpone the next crisis. At another time, the location Geneva, and the catch-phrase ‘peace talks’, would naturally have created high expectations. But this time around Sri Lankans had few illusions. They welcomed the talks simply as a reprieve from violence after several frightening months. And most felt quite sure that when talks no longer yielded sufficient gains, the LTTE would use violence to ratchet up the pressure again.

Many opportunities have presented themselves over the last two decades, to discuss the interests of the Tamil people, but the LTTE has never used the forum provided by peace talks. Instead, it always talked about ‘day to day needs of the people’, interim or internal self-governing authorities to acquire materials, to control foreign aid, consolidate its totalitarian grip and to prepare for the next round of ‘final war’. No progress can be hoped for unless the LTTE is placed firmly on notice to discuss a political settlement.

Take the record. The LTTE has interacted with Rajiv Gandhi, President Jayewardene, President Premadasa, President Kumaratunge, Prime Minister Wickremasinghe, and now President Rajapakse. Gandhi and Premadasa were killed by the LTTE. A suicide attack was made on Kumaratunge who attempted a federal settlement. Neelan Thiruchelvam one of the main authors of her federal proposal (which Balasingham posthumously praised) fell victim to a suicide bomber not long before. Wickremasinghe was out-manoeuvred politically. The LTTE spokesman Balasingham out talked them all, who were one by one placed out of commission.

Most of the leaders above had invited the LTTE leader Prabhakaran for face to face talks, including Rajapakse. Over the years the Prabhakaran had been entreated to settle his differences with other Tamil groups by face to face talks with their leaders, with for example Sri Sabaratnam and Padmanabha. He never agreed, and the best he ever did was to give insincere assurances through third parties and then seek to kill them. If Prabhakaran genuinely represented Tamil aspirations he could have used direct talks with Rajapakse to advance his case. This he would never do. He will continue to use con men like Balasingham to make third party agreements that could be disowned or misinterpreted and stretched out of recognition. This was also the fate of the 2002 Oslo Accord. After all what could be expected after the LTTE became the leading oppressor of the Tamil People.

The recent Geneva peace talks were no different. Having signed the CFA in 2002, the LTTE proceeded with its set agenda of acquiring materials, conscripting children, eliminating political opponents and preparing for war. But things started going wrong after the Karuna split. After it killed Foreign Minister Kadirgamar, the LTTE stepped up its provocations, appearing to prepare for another round of war. The Government responded by setting up killer groups to take on LTTE assets. The people too made it clear to the LTTE that they were in no position to take another round of war.

The talks in Geneva thus became a sham exchange between the parties, each hailing its sincerity to the CFA and the other's insincerity. The LTTE's preoccupation with absolute control, which dominated its agenda, turned the Geneva talks into a circus, whose effective centrepiece was an LTTE document on "paramilitaries" it demanded that the government disarm. Among them were individuals the LTTE knew very well to be purely political opponents from organisations whose members it has continually targeted and killed. Unfortunately, Norway and the SLMM have over the years aided the LTTE's propaganda campaign against political opponents by not clarifying the issue and by the disparaging way they treated them (see **Bulletin No.38, 14. The Danger of lumping all killings into the LTTE vs. Paramilitary Rubric**).

The outcome of the talks thus makes it amply clear that the LTTE will go on killing all those whom it thinks would even remotely pose a future challenge to them, whether foe or friend of convenience. Its immediate objective was to restore the status quo ante it enjoyed before the Karuna split and before the Government started relying on counter-terror groups to meet the imminent threat of a 'people's war'. The latter led to the rise of counter-killings in December and January and the withdrawal of the LTTE's political offices. **Although the LTTE's intolerance may be the root cause and the Government itself supports and encourages Tamil killer groups for short-term objectives, the resulting processes imbue these groups with constituencies, resources and alliances that give them significant autonomy.** The support of governments the LTTE and EPDP enjoyed during crucial phases of their growth, made them what they are today, surpassing the original purposes for which the support was given.

An example of the resulting anarchy is the alleged abduction of 10 TRO workers in the Batticaloa District about the end of January (first two and then reportedly another released). The facts around these abductions remained murky and appeared on the surface a complex plot involving several actors, with the connivance of the state security apparatus at local level. But now UTHR(J) can confirm that the TRO abduction drama was staged by the LTTE immediately before the Geneva meeting to force the paramilitary issue to the forefront of the talks. According to a reliable source close to a family member of an abducted TRO employee,

the family was assured that he is safe and not to worry, as all the abductees are safe with the LTTE. But the family was warned not to leak this information. Further, we understand that the release of 3 abductees along with rumours that some of the abductors spoke Hindi was also calculated to point the finger of blame at the Karuna faction (which is aligned to the ENDLF). This was meant to detract from the Government's insistence that the abductions were the work of the LTTE. The released abductees were forced to relate a story implicating the security forces and the Karuna group. This also explains LTTE fronts quickly becoming silent in demanding the release of the TRO abductees. We withhold further information on the ordeal of family members and other information which led us to our finding for the sake of the safety of the families. But in the interests of peace and accountably, this information needs to be brought into the open.

Not only is the LTTE's manipulation of the peace process detrimental to the interests of the people, it also gives enough leverage for the Government to whitewash its misdeeds. Whenever the Government blames the LTTE, it is quite likely to stick. Many local sources believe that in recent times many robberies in government-controlled areas are being staged at the instigation of the LTTE to create a belief that without their control law and order will deteriorate. This is a time tested strategy used periodically by the LTTE to delegitimise those who are in control. It was a widespread practice during the IPKF period where not only were various incidents stage-managed by the LTTE, but fake news items about extensive looting and other sinister happenings were planted in the newspapers to create an atmosphere of insecurity and panic.

In 1988, a rumour spread in Jaffna claimed that the "grease man" frequented houses where young women lived for evil purposes, but the grease on his body enabled him to give the slip whenever someone tried to apprehend him. One paper even gave the date, time and place in Uduvil where such an incident took place. But a group of university students who investigated the reports quickly concluded it was an orchestrated campaign and most of the incidents were pure fantasy. In this context, several notable incidents attributed to "paramilitaries" need to be examined afresh. But we must also be watchful of the the State and other groups trying to get away by simply accusing the LTTE. The situation is becoming murkier and human rights reporting all that more difficult.

We will concentrate in this report on what we believe to be the key areas where diplomacy and human rights activism have failed – their unwillingness to insist on democratic pluralism and accountability.

We have seen in the history of the Tamil struggle that the LTTE's collective threat to their life has at various junctures pushed even the most committed democrats into becoming killers. **The only effective answer is to widen the democratic space in the North-East. To play to the LTTE's tune by pretending that all the LTTE's legitimate opponents are paramilitaries is to indulge in dangerous fiction. Without putting the LTTE on notice to discuss a political settlement, the long term consequences of such talks are growing anarchy in the North-East and Norway becoming ensnared into becoming a tool of the LTTE rather than be seen an honest broker.**

It is thus important to institute measures outside Norway's involvement, which on past showing could at best keep the LTTE talking. To begin with, we need to address the absence of effective mechanisms to enforce accountability for very basic violations as murder. It is imperative that organisations in the field such as UNICEF, SLMM, and the various INGOs

become more conscious of the real plight of the people. It is time to focus on issues such as democratic space in the Tamil community and the nature of the LTTE, and exert pressure to send a message that the international community will not tolerate its total disregard for fundamental norms. The urgency is evident in what happened the very day talks were concluded in Geneva.

2. Geneva and After

On 23rd February, the very day talks were concluded in Geneva, a statement carried in the LTTE-controlled Jaffna media warned the cadres of EPDP to leave Jaffna. Alluding to internal discontent within, it made harsh threats against those who still associated with the group. More remarkably, the remnants of TELO who had over the years been gobbled up by the LTTE and used as its spies and thugs against dissidents in the hope that their life would be spared, have been instructed by them to close their vestigial offices. A grenade was thrown at TELO's Batticaloa office. A leading member of the EPRLF splinter group who works with the LTTE confessed to a fear that he may be killed any moment and the blame ascribed to 'paramilitaries'. This is the unchanging fate confronting former TULF members however beseechingly they go on their knees.

Although child recruitment was raised by the government, the LTTE attempted to detract from its gravity by claiming it was not part of the CFA and disingenuously raised issues related to other forms of child abuse in the South.

The Norwegian facilitators have not helped the situation. It should be recalled that Erik Solheim who has played a pivotal role in the peace process aired his very patronizing view of the Tamils and their struggle when some human rights activists raised the issue with him some time before the talks. Solheim said that many of the leaders joined militant movements when they were below 17 years and child recruitment is not a major issue. What he chose to ignore was the long history of the Tamil struggle, the mature and dedicated leaders it produced, the variety of political choices and debate it offered and the drastic qualitative shift that took place from 1986 and its plunge into fascism.

3. 20 Years of Discussion and the Overdue Settlement

In addition to independent measures, pressure must be brought to bear on the South to move with urgency towards a political settlement. Although consensus in the South is imperative to resolve the ethnic issue, the Government needs to provide strong leadership and consolidate whatever consensus has been achieved so far towards a political framework for a final settlement. It would be utterly irresponsible to undermine past efforts towards this objective by various political and civil society actors over the past two decades and pretend to begin afresh. Not only would this smack of insincerity, but also would be seen as an attempt to reinstate the miserably discredited majoritarianism. While engaging with all points of view is essential, the Government should not lose sight of the potential of ordinary Sinhalese who, if given a chance, are capable of making a rational choice, taking into consideration the lessons learned from our recent history.

The Government's lack of a comprehensive strategy is exemplified in recent discussions about forming a Muslim battalion in the Sri Lankan Army. A comprehensive strategy must address the history of state sponsored violence and the alienation of the minorities as the result. An attempt to use one minority militarily in an insurgency involving another, against a

history where the State has been cynical about the lives of both, would complicate problems of peace enormously. The Muslims face urgent problems of security and threat to their livelihood. The right way to address these is to have Muslim representatives at peace talks intended at a comprehensive settlement.

There has been more than 20 years of discussion on federalism. The South needs to come up with a concrete set of proposals now to convince the Tamil people that there is an alternative to LTTE's suicidal track. The UNP can play an important role if they wish to instead of playing narrow party politics. If instead of blaming external forces, the JVP and JHU look within to find out what went wrong, they might begin to understand the political realities, rather than make demands that drive the Tamils further into the arms of the Tigers. This was very well exemplified by the JHU spokesman's recent utterances, among which was that the bodies of 4 lakhs of Tamils would be sent back to the North. This came as a meeting of minds, in response to TNA MP Super Fraud Gajendran's bravado in parliament that the 40 thousand Sinhalese soldiers in Jaffna would be sent back to the South in body bags. It is to be much regretted that the JHU spokesman's remark did not elicit a sharp condemnation from President Rajapakse or the UPFA, given the past bloody outcome of such rhetoric.

The JVP's position again is one of hollow radical posturing. They find it easier to take refuge behind rhetorical promises of equality and pretend that that would solve the problem, rather than face the accumulated institutional and ideological realities at the root of the ethnic conflict. They have never shown any remorse for the manner in which they used the occasion of the Indo-Lanka Accord to rhetorically charge the youth into unleashing terror, in place of constructive criticism that was the duty of a responsible political party.

Further the State must be made to institute meaningful oversight mechanisms to monitor the behaviour of its armed forces and violations by them. In this respect if the Sri Lankan state commands the courage and wisdom to sign the ICC, it would provide a basis for the State to strengthen accountability mechanisms, and give them a badly needed measure of credibility. Moreover, it would assist the international community to make also the LTTE accountable for its crimes against humanity and war crimes, in arenas where the State's writ does not run.

The UNP trapped the people and the country by signing in haste a lopsided ceasefire agreement that paid no regard to the plight of the people in the North-East. In this regard, the UNP should take responsibility as a party to the present CFA, rather than sneer at the present government's inability to change it.

With no simple way around the CFA, we need to look beyond it and seek other means and mechanisms to address the issues. Although the LTTE is bent on continuing unchecked in its old ways, many points of leverage are available for the international community to thwart its agenda of terror. They need to have a clear view of the LTTE's ideological and organisational strengths and weaknesses and also how it uses its international network to undermine the democratic potential of the Tamil community here and abroad and thus secure munitions for its permanent war. Further the LTTE and the government should be persuaded to accept a human rights accord, with effective mechanisms to monitor its implementation.

In what follows we argue again why the issue of human rights is key to the success of any peace process and why tolerance of fascist politics can never bring stability. Fascism in a community breeds its own nemesis. Those threatened are driven to alliances and covert sources of support. They find constituencies as they grow. Ultimately no one is in

control. The use of the pejorative term paramilitaries to exclude other parties is to pretend that someone is in control. Nothing here is static or predictable.

4. Cracks in the CFA and the Drift to Vigilantism

We are witnessing a new and dangerous twist to the killings that have dogged the ‘peace process’ since the beginning – violence through multi-pronged vigilante action. In the first two years of the peace process killings of unarmed civilians and some security personnel was almost an LTTE monopoly. More than 90% of the victims were (and are to this day) Tamils. Both Norway and the Government, backed by the peace community, defended the tolerance of this state of affairs as being the only means of bringing the LTTE to an agreement. Norway and the international community turned a blind eye to the LTTE’s misdoings, and an important section of Colombo-centred civil society in the South took the easy way out by equating peace activism to appeasement of the LTTE. Despite ritual condemnation of the LTTE’s actions when events made it unavoidable, they did nothing to help open up space for dissent in the Tamil community. We repeatedly warned that this dispensation would not bring peace or secure human rights. The situation was bound to degenerate into anarchy.

The killing of journalist Sivaram in Colombo last April ([Special Report No.19 - II](#)) was among the early signs that the state security apparatus at high level was gearing up for vigilantism after a long period of passivity.

Although governments are comfortable ignoring Tamils and Tamil suffering, whether at the hands of Sri Lankan security forces or for that matter through the LTTE’s terror, it is far more difficult to manage the Sinhalese and Muslims in the North-East. The Sinhalese especially have their lobbies and backers at all levels of the power structure. Armed forces recruits too are drawn disproportionately from the poverty stricken Sinhalese colonies in and bordering the North-East.

It is a matter of historical fact that Tamil insecurity resulting from State vigilantism using the armed forces and Sinhalese goons, especially in 1977 and 1983, was the main spur for the Tamil militancy.

Today, there is little doubt that it is the LTTE’s exclusivism, and the fear that the government in Colombo would give it control of Trincomalee that spurred Sinhalese vigilantism in that city. Two particular instances indicate that that this vigilantism receives overt and covert support from the State and the security apparatus. One is the overnight erection of a Buddha Statue on the Trincomalee sea front last April by the Navy and local Sinhalese elements. The local magistrate’s and the Attorney General’s moves to defuse tensions by having the Buddha statue removed were thwarted ironically by a Supreme Court ruling.

The other is the outrage on 2nd January where 5 innocent Tamil students were murdered in cold blood by the STF at an evening leisure spot on the sea front where a Gandhi statue used to stand. A uniting secular icon is gone, giving way to Buddha monuments as symbols of conquest. The symbolism is not lost on the Tamils of Trincomalee.

We have highlighted in a number of our reports how the effects of state ideology in Trincomalee created insecurity among the minorities. There have never been any initiatives by the government to address these issues. For the LTTE, which is not interested in building bridges between the communities or thinking of the long-term interest of the Tamil

community in this island nation, its short term ends are well served by its calculated provocations that unleash the terror of state and Sinhalese hoodlums on innocent Tamils. Growing Tamil insecurity in turn provides the pretext for spiralling vigilantism and political extremism on both sides. (See [Report 11](#) and [Special Report 8](#).)

Sinhalese fears of LTTE demands helped the election of President Mahinda Rajapakse last November, in a story with ironic twists that finally gave the LTTE enforced boycott the credit for his victory. Had he simply voiced the democratic rights of the Tamils in addition to the fears of Sinhalese and Muslims he would have won easily with many Tamil votes to his credit. By portraying himself an extremist by allying with the JHU, he scared off the Tamils to vote for his opponent and was very likely saved by the LTTE imposed bar on Tamils in the North-East casting their vote. The President thus cornered himself into running a government that shows very different faces to different people. The assassination of Tamil MP Joseph Pararajasingham on Christmas Eve 2005 followed by the murder of the five students in Trincomalee would have been grave setbacks to any government attempting to moderate its image. Elements in the armed forces that favour vigilante actions to promote Sinhalese claims appear to be in a stronger position in the state apparatus since the election.

But moves towards greater impunity as a response to increasing LTTE attacks on the armed forces were already afoot in October last year, before the presidential election. We learnt very reliably that security officials in Batticaloa had been asked to accommodate dozens of armed Tamil elements in their camps and they feared a spate of killings.

On the other hand the President cannot afford a war and needs to show accommodativeness to the LTTE leader – an expressed eagerness to sit with him and talk things out. Having rejected Oslo as the venue for talks with the LTTE, he accepted Geneva. The reason he gave for rejecting Oslo is the LTTE's attacks on the armed forces. Once more it exemplifies Colombo's outlook as not caring an iota for Tamil democracy or the hundreds of Tamils being killed. It only matters when Sinhalese are killed.

Whatever individuals in the Government are as persons, moderate or otherwise, as we feared, the peace process is set to become a battleground of extremisms. The vast majority that yearns for peace with moderation has been rendered voiceless. A number of disparate actors are set to kill with complete impunity. The international community will continue to make barren demands to stop the killings after backing unreservedly a peace process that dismantled all checks on killing.

The Norwegian envoy Erik Solheim was back on the peace mission after four years of abysmal failure to promote a more effective peace process that would have restrained the unruliness of the main actors. Having failed in measures that would at least have given the peace process a modicum of credibility, he was again looking in the wrong places for illusory spoilers. Since then Jon Hanssen-Bauer, Director, Fafo Institute for Applied International Studies, University of Oslo, has been appointed the new Special Envoy to the Sri Lankan peace process, but Erik Solheim would also continue to play a role. One hopes that the change would make the peace process more inclusive and accountable. And that there would be no more of the grass being repeatedly warned not to complain while two rhinos goad each other to exhaustion.

5. Crying Wolf, Shifting Blame, and Self Fulfilling Prophecy

A remarkable feature of the ceasefire that came into force in 2002 is that although it failed to impose much restraint on the LTTE, the terror apparatus of the state and vigilante elements drawn from the Sinhalese and Muslims had largely been held in check. But this state of affairs could not have continued unless, as many have pointed out, a human rights agreement had been brought into force and the LTTE constrained from using murder as a means of advancing its claims.

Rather than expose the LTTE's perverted use of the ceasefire, we have seen a game of blame shifting, where many of the ongoing killings have been attributed to the LTTE's opponents and victims. Blame shifting also provided cover for the LTTE to whip up war frenzy and alarm the security forces with land mine attacks, shootings and screams of a people's war by LTTE publicity outlets. The result was to remove reasons for restraint by all those who feared the LTTE. In December and January we have strong indications (see the cases below) of vigilante action by the State and its agents on a scale not seen since the mid-1990s.

The LTTE's virtual monopoly on killings persisted in the North, in our estimation, into December 2005. But it persistently tried to obfuscate the issue by accusing 'paramilitaries' and its political opponents of these killings. Although LTTE claims were not given much credit, agency reporting became cautious about blaming the LTTE for these killings in the North. In the East, clashes between the two LTTE factions became the main source of violations against non-combatants, apart from continuous child conscription and abductions. In October 2005 two leading school principals, Rajadurai and Sivakadatcham, were killed successively in Jaffna. The former was a known critic of the LTTE and the latter was apparently close to them. The first killing was attributed to the EPDP and the killing of Rajadurai was explained as a "tit for tat". Character assassination of Rajadurai and threats to him began in earnest several months earlier as discussed in our earlier bulletin (No.39). But these two killings in a short period led to the "tit for tat" paradigm to explain ongoing killings. What was unjustifiable became justifiable. Prompted by propaganda outlets, which were hitherto not taken seriously on this point, it became the norm to counter-pose LTTE killings with killings supposedly by the Army, the EPDP and so-called paramilitaries.

While this counter-position, in the absence of effort to find out the truth, became politically correct and an easy way out for commentators, it was a disaster for the cause of human rights. It was a game of crying wolf and it had enormous potential to become a self-fulfilling prophecy.

Our own efforts to clarify the Sivakadatcham killing have so far been indecisive and we will continue to pursue the matter. However, the constant terror faced by educationists is fairly general. The principal and vice principal of a leading former mission school in Valikamam North were summoned by the LTTE to Killinochchi about the end of February. Their crime as it turned out was that on government money provided by Minister Devananda, the school had gifted bicycles to some very poor students. (The Central Principal was killed after he built a computer centre from money provided by the same minister.) The principal from the school in Valikamam North told his LTTE interlocutors, "*If we don't accept the money, they kill us, and if we accept the money you kill us. Now shoot me and be done with it!*"! The two were allowed to go.

Under these circumstances the task of human rights and peace activism should have been to probe all killings and allegations as best possible, state what the reality is and ensure the protection of potential victims. Instead, by painting the very groups under attack by the LTTE

as paramilitaries and spoilers and thus removing all cause for these groups to observe restraint, we create the danger of self-fulfilling prophecy. After the Karuna group separated from the LTTE, it asked the children in its ranks to go home. Instead of using the opportunity to give the East much needed respite, the LTTE's Vanni faction was given licence to hunt the Karuna group and re-conscript children sent home. Persons on the ground suspect that some recent instances of child conscription in Batticaloa were by the Karuna group. If that is true it needs to be condemned.

The groundwork was thus laid for the LTTE's war manoeuvres. Once the Leader made his Heroes Day speech and commenced landmine attacks on the armed forces, the plot was almost complete. The state security apparatus predictably arm-twisted those who had helplessly faced the LTTE's guns to perform vigilante services for them. Many had inhibitions against becoming part of this vicious cycle. Individuals are faced with a severe moral dilemma which most of us are fortunate not to face. The dilemma becomes very pressing when they are exposed to stalking death as a group devoid of any protection. To whom can they look for a reprieve when human rights activism, which should come to their aid, is in the doldrums? Unknown to most observers, preparations were being made behind the scenes from about August 2005 to strike terror into LTTE supporters in such a way that the Government could disclaim any responsibility.

6. Preparations for Counter-killings and a 'People's War'

Two key events were the LTTE's abduction and killing of Jaffna Police Superintendent Charlie Wijewardene on 28th July 2005 and the killing of Foreign Minister Lakshman Kadirgamar 15 days later. Information received by us suggests that the Government was preparing to strike back at low level or marginal LTTE supporters in a similar vein. To this end the Government tried to enlist Tamil groups under attack by the LTTE.

A number of groups drawn from different ethnic communities have been under attack by the LTTE despite the ceasefire. If the Cease Fire Agreement had created conditions for others, who have different political positions from the LTTE, to function freely, at least in the government-controlled areas, it is then reasonable to talk about "paramilitaries" if any armed group with state patronage functioned in those areas. But the LTTE used the cease-fire to freely kill all others and continued to terrorise the community.

Some of these other Tamil groups had killed in the past, but the restraint they showed for whatever reason deserves to be commended. It was nevertheless a source of worry that these groups may be tipped over into counter vigilante action or even the military would apply pressure on them to do their dirty work. But apart from them, there are many former LTTE cadres and cadres from other organisations, who were not given any option to survive in the community, but were forced to work with the Army. Their fear was very real and during the ceasefire the LTTE had killed many ex-militants who tried to lead normal lives.

It is alleged that one Tamil party leader was enlisted for vigilante action against the LTTE using money given by the State to recruit persons. If it is true, this is just one instance of a killer group. According to our source, among those recruited were two persons from Karuna's group who tried to go abroad and were stuck in Colombo. The killer units were supplemented by Military Intelligence. This leader also used this money to buy up persons from other groups facing personal hardship, leading to fear and resentment within those groups. According to a Tamil party source, some PLOTE members and their vehicle were caught up

inadvertently in the Sivaram killing last April after they were asked to bring their vehicle by associates of the Tamil party leader (who belonged to another group). Such requests for vehicles of another group for unspecified reasons were commonly made to members of the group who enjoyed financial favours. This story is hard to check without the kind of thorough inquiry that would not take place. But it should alert us to the kind of deviousness that was previously unknown outside the LTTE.

So far it has been widely assumed that Member of Parliament Joseph Pararajasingam was killed by the Karuna group. But it happened on 24th December in the context of the Government giving the green light to local killer groups to take on perceived LTTE assets at their discretion. The new information about the Sivaram killing should caution us against pinning the blame on Karuna exclusively. It is the Government that must be held principally responsible.

Having prepared the killer units, events suggest that the Government did not give the green light until mid-December 2005, when the LTTE began land mine attacks on the security forces. These followed some significant killings in November – Military Intelligence Colonel Rizwi Meedin (30 Oct.), EPDP member Vellaippodi Rasanayagam (36) (shot dead in Colombo 13 Nov.) and EPDP senior leader N. Kumaran injured in a grenade attack while distributing presidential election leaflets in Kayts (15 Nov 2005).

Parallel preparations were being made by the LTTE to prosecute its people's war, where again a new element of deviousness is evident. We have mentioned several times before that the LTTE was mobilising lumpen elements in society for its vigilante actions and violence. Early in the morning of 16th November (the day before the presidential election where the LTTE had ordered Jaffna residents not to vote), the LTTE's Culture Police brought the youth M. Dinesh (22) to the Kokkuvil Hindu College football field, summoned the people and slowly beat him to death. The LTTE organ *Nitharsanam* stated that the youth who was supposedly involved in anti-social activities was beaten to death by angry people. Information received by us suggests that the youth was previously used by the LTTE, and under pressure to do more such actions as throwing bombs at the Army, he tried to avoid them. The victim's mother and elder sister pleaded with the assailants to spare him. But no remorse was shown. The people in fact were deeply upset and terrorised. Others too had run away to escape the LTTE's orders to attack the Army.

This situation opens up some painful questions for human rights activism and reporting. The label paramilitaries occurring in the CFA has been used to place killings of party activists and security personnel outside the purview of human rights monitoring and the SLMM has promoted this view. Do not developments in Sri Lanka show this separation to be thoroughly unproductive in protecting unarmed civilians?

On an even more poignant matter, the LTTE in an abuse of the spirit of the ceasefire, has continually threatened 40,000 troops in Jaffna with total annihilation. Recently the threat was made more immediate with preparations for a so called "people's war" further blurring the distinction between combatants and civilians. Could one in practice seek to protect the civilians ignoring the unreasonable predicament of the soldiers? Would that not simply leave the soldiers to their own devices in seeking to protect themselves?

7. Some Questions for the EPDP

While there is a pattern of widespread LTTE killings, charges against the EPDP as a killer (also being made by a significant segment) arise mainly from suspicion directed against it for targeted killings of an isolated nature before December 2005.

Recently some sources close to the EPDP have alleged that certain killings, which had been attributed to the LTTE, may have been carried out to the order of the EPDP. These are grave charges that should be placed on record as further inquiry needed before a final conclusion is reached. We mention these since they are coming from persons inside the EPDP who felt disturbed, and it is up to the party and the Government do a serious inquiry and unearth the truth.

In the case of T. Kailainathan, the public servant in the EPDP leader's ministry killed on 5th April 2005, an insider told UTHR(J) that before his killing he had a dispute with the minister's brother Dayananda, who manages finances for the Party. Kailainathan is said to have refused to certify a job for the ministry for which he was the contractor. Dayananda, according to this source was heard remarking, "*I will give him a good injection*". Two weeks later he was killed. It was speculated that the job had been done by paid agents in the Karuna group. The Police, it was felt, hushed up the investigation and an additional secretary and other administrators who became afraid got themselves transferred out of the ministry of vocational education. These sources have heard inside references to Iniyabharathy of the Karuna group as their contact man and the Minister's assistant Anthony Jeyaraj (Kiruban) as the one who maintains contact.

These internal sources also suspect the EPDP of killing Mr. P. Sooriyaamoorthy, former mayor of Trincomalee on 17th May 2005. One is that the Police did not proceed with the investigation of a cell phone dropped by the killers, and also talk within that a cadre named Murali (subsequently killed by the LTTE in Alles Garden) did the job. The motive it is believed was that Mr. Sooriyaamoorthy was an ally of Mr. Anandasangary, an electoral rival to the EPDP.

Although the evidence against the EPDP is circumstantial, it needs to be taken seriously. Insiders can see and identify unhealthy trends within that have been shared by a number of groups since the origins of the militancy. Many feared that the organisation was becoming increasingly comfortable using the general environment of LTTE terror as a tool to resolve its own internal problems, or targeting others who might undermine its desire to be the "sole alternative".

The first two killings were covered in our Bulletin No.38. We blamed the LTTE based mainly on how its publicity outlets covered the events. *TamilNet* for example drew attention to the victim Kailanathan as someone serving "*Mr. Douglas Devananda, MP, leader of EPDP and a close ally of President Chandrika Kumaratunga...*" In the case of Sooriyaamoorthy for example, the Tamil Sakthy TV where his daughter Sooriyaprabha worked failed to announce his death. The London-based LTTE-run IBC Radio described Sooriyaamoorthy as a man castaway (thrown) and rejected by the people, in reference to his not being elected in the 2004 parliamentary elections mercilessly rigged by the LTTE. Moreover the Police do not even investigate killings done by the LTTE. Even if these killings were actually done by the EPDP, the LTTE's lower ranks and propaganda organs would likely have assumed that they were indeed the work of their organisation. At the same time, if these killings were the work of the LTTE, there are also those within the EPDP who fear that they may have been committed by their organisation! That exemplifies the situation today.

As matters stand we have inadequate reason to revise our earlier assessments. The fact that these suspicions have increasingly wide currency needs to be addressed by the EPDP. These events parallel indications of the State resorting to its earlier habits and practices and it is time to sound the alarm and take stock.

Rather than be given an opportunity to reflect and come out of its harrowing past as part and parcel of the LTTE, the Karuna group was allowed to be hunted down by the parent body. It is thus natural that it would not have any problem in resorting to the same means it practised for many years without any inhibitions.

8. The Challenge to Human Rights Advocacy: addressing non-state actors

Criminal investigation seeks to establish the facts of an illegal act by any perpetrator and determine responsibility in relation to judicial proceedings. Human rights monitoring and investigation also seeks to clarify facts surrounding violations of law – in this case international human rights law established by international agreements. Most human rights violations are crimes in the local context, but not all crimes are human rights violations. In traditional interpretations, only agents of states (as parties to these international treaties) are bound by human rights law and can be described as guilty of human rights violations -- either as direct perpetrators of illegal acts or by failing to protect against such acts by third parties. Responsibility lies with the state and its judicial organs to follow up criminal investigations and ensure that justice prevails. When the state fails to uphold its commitments it becomes a human rights violator. This has been the prevailing interpretation for decades.

Systematic efforts by human rights organisations to address the actions of armed groups or other non-state forces engaged in similar crimes began much more recently. In general these actions are described as human rights *abuses*, or violations of basic human rights *principles*, rather violations of law – since non-state actors are not parties to international human rights treaties. The pressure exerted is largely moral, rather than legal. But the fundamental rights being advocated are the same.

The trend towards addressing the actions of non-state actors directly reflects the reality that in a number of contexts, states are either unable or unwilling to control the actions of these groups and the level of harm inflicted on individuals is too great for persons of conscience to wait for the law to catch up.

From the beginning UTHR(J) advocated the need for monitoring non state forces not only as potential “states in making” (as espoused in their political vision) but also to discourage the degeneration of armed resistance into a destructive and dehumanising endeavour.

Where, a state is unwilling or unable to bring the culprits to justice; and where the identity of the perpetrators is difficult to pin down due to lack of control or capacity in the state apparatus, or because the main protagonists see a vested interest in maintaining an environment of uncertainty and terror; the challenges to human rights monitoring and investigation are profound. We must use every tool at our disposal to uncover the truth: intimate local knowledge of people, conditions and the dispositions of various parties, and a healthy respect for community gut instincts. Identifying killers becomes doubly difficult when one or more actors do not allow independent human rights organisations to function.

The strength of human rights activism resides in its ability to pin down as accurately as possible the sources of particular violations and, for us at least, the political aims and processes behind them. Good reporting helps to direct opinion and, at crucial moments, act as a catalyst for beneficent change.

The crisis that faces reporting is highlighted by the emergence of North-Eastern Secretariat of Human Rights (NESOHR) as in effect the only human rights organisation that is allowed to exist in the North-East. Having attained this status through an enforced vacuum, it has come to be acknowledged with reservations no doubt by international human rights actors. Even if it cannot convince them, it has the ability to sow confusion, blunt their incisiveness and render them ineffective.

NESOHR is headed by Fr. X. Karunaratnam described as Fr. P2 in our [Bulletin No. 23 \(Section 12. The Church: Between Nationalism & Fascism\)](#). He has a long record of service to the LTTE. NESOHR has no independent existence apart from the LTTE and was created after physically wiping out independent human rights activism that found internal violence among the Tamils more insidiously destructive than the external. Many pioneers of human rights who questioned this internal violence were killed, practically all of them by the LTTE. Among them were Soosaipillai Nobert, Selvi Thiagarajah, Manoharan, Rajani Thiranagama, Vimalaswaran and many other democratic political leaders and intellectuals. Their histories should be part of any international human rights organisation's institutional memory. We expect more sensitivity to this reality from these organisations. If not, it carries enormous dangers for human rights reporting in a situation where several very deceptive traps have been purposefully laid.

9. Present Reality

Seemingly good circumstantial evidence, which we would have had little hesitation accepting as quite decisive earlier on, can be extremely hazardous in the current situation. The qualitative difference was put to us in these terms by Fr. Harry Miller, who with the Batticaloa Peace Committee performed yeoman service in recording the thousands of deaths and disappearances caused by the state forces in the early 1990s: *“At that time someone was bound to come and give us testimony that we could cite with confidence. Today, hardly anyone is coming forward and we have very little to go by. The Police are not doing any meaningful investigations. Anyone who has a reason to kill, and the means, could kill with impunity. A particular killing many appear to be political, but it could equally well be the work of an angry brother-in-law or a business rival. It is quite hopeless”*.

The rape and murder of the 19 year old girl Tharshini on 16th December in Punguditivu was widely attributed to the Navy on the grounds that the body was found in a well not far from the navy camp. (Amnesty International in its statement of 11th January too appears to suggest this.) The information we gathered from local sources makes the case against the Navy unclear up to now. But this crime was later used as a pretext for the LTTE's 'people's war' against the armed forces.

Subramaniam Suhirtharajan (35), a stringer for the Uthayan group of newspapers was shot dead in Trincomalee on 24th January. Reporters Sans Frontieres was quick to claim that his murder owed to his exposure of abuses committed by paramilitary groups. This was on the face of the evidence unconvincing and the RSF had failed to do its research and observe due caution. Had the RSF pointed to state-supported Sinhalese vigilantism in Trincomalee, it

would have been very plausible. What the RSF and its sources missed out is that the LTTE-intelligence related web site *Nitharshanam* carried on the very same day, a stinging attack on the Uthayan editor for having met and interviewed President Rajapakse, akin to the warning given to the Central College principal Rajadurai before he was killed. The murder of Suhirtharajan appeared soon afterwards in the *Nitharsanam* on the same day, the fourth item from the threat to the editor. The editors of the *Nitharsanam* themselves appeared to have been taken aback and refrained from going to town with the usual harangue blaming the killing on the EPDP and assorted paramilitaries. In an unusual note of restraint in contrast to the RSF, *Nitharsanam* blamed the killing on unidentified persons, adding that the Police was investigating.

10. Reporting, Provocation and Propaganda

The point we wish to make here is that indifferent reporting influenced by LTTE propaganda and statements based on such reporting reinforced calculated provocations by the LTTE to precipitate war. The cases we present below concentrate on those that made a significant impact and yet proved very obscure, and several of them remain so. There was a period from October to about 20th December when the state forces in Jaffna were being blamed for violations they most likely did not commit. The height of this was the contrived affair where the Army was falsely accused of shooting at demonstrators from the University of Jaffna. Although the Army fired into the ground, beat up many and handled the situation in an unprofessional manner, the propaganda version that the army fired at the crowd unprovoked is a misleading one. Nevertheless, the Army's reaction to the protest cannot be condoned. The LTTE boasted of a fifth column in Jaffna ready to take on the Army in a 'people's war'.

We believe that it was about this time that orders went down to individual army camps giving them the discretion to crack down on LTTE assets in their area. Given the drubbing governments have faced in the past for human rights abuses, this could not have happened without approval at the highest level. We base this on the fact that late December was about the time that the armed forces got involved in vigilante action and information that such orders were in currency when the 2 Bojan ladies were murdered on 16th January. This discretion we reliably understand was partially rescinded 2 days after the impact of the killing of the Bojan ladies. Their connection was more through a son who had died for the LTTE. By partially rescinded we mean, as we understood, that local camps were told not to take decisions to kill on their own.

That the Government was preparing for such action was indicated by the report from Batticaloa last October and a report from Jaffna subsequently that a senior Military Intelligence officer had been posted to Jaffna. The latter's specialty was to work with LTTE deserters from the mid-1990s (of whom there are several hundreds) and mould them into a counter-insurgency force. This is a natural outcome of the LTTE's terror and any state force, based on their gut feeling, will try to use them for their military purposes. But without any political initiatives these methods will bring only partial success and most of the time would legitimise LTTE's terror in the eyes of ordinary Tamils.

The State's terror apparatus had been largely dormant for some time. We have argued the contention that it could have been kept that way by objective and energetic human rights reporting and lobbying. Even now it is not too late. We will again try to show in the cases below that there are ways around the obstacles to reporting. First we will deal with one of the worst recent cases of state vigilantism.

11. State Vigilantism in Trincomalee

2nd January 2006: The murder of 5 Students

We have documented in our reports and the publication *Arrogance of Power* that the 'reconquest' of Trincomalee has been the focus of the Sinhalese extremist agenda since archaeological fraud at the highest level posited the long lost Gokanna Vihara of the chronicles in Trincomalee (see *Arrogance of Power*). The tragedy of the five murdered students goes back to the desultory history of Sinhalese vigilantism unleashed in this cause, which reached terrible intensity in the mid-1980s with overt participation of the security forces.

Tamils in the area saw the Ports Authority employee Weerakody as a prime agent in the Sinhalese vigilantism of the mid-1980s. Weerakody, since retired, ran an iron-smith's shop on Orr's Hill. As part of the LTTE's bid to provoke a re-emergence of Sinhalese vigilantism, its gun men shot Weerakody dead just outside his home about 8.00 PM on Christmas eve. The security forces reacted with the kind of alacrity not shown when Tamils are killed, cordoning off the area and conducting searches.

According to local reports, Weerakody's son, who is in the Navy, vowed vengeance. On the 25th evening two Tamil trishaw drivers Vijeyaseelan and Ramanan were taken on hire outside town. Their bodies were found on the 26th morning respectively at the Kanniya - Vilgam Vihara junction and the 4th Mile Post - both places noted for vigilante action against Tamils in the mid-1980s. The following day, 27th, Sunil, a soldier on leave at home in Sangamam 3 miles from Trincomalee was killed when a grenade was thrown into his home. We believe the killing of the students is a continuation of this phenomenon coupled with the new discretion given to the security forces for local vigilante action.

Commentators have pointed to the dispatch of an STF unit to Trincomalee on the orders of H.M.G.B. Kotakadeniya former DIG Police, current defence advisor and stalwart of the extremist JHU (Iqbal Athas in the Sunday Times of 8th January 2006).

The Tamil youths - Shanmugarajah Gajendran, Lohitharaja Rohan, Thangathurai Sivanantha, Yogarajah Hemachandran and Manoharan Rajihar - all of them born in 1985 - were bona-fide students either in university or on the threshold of higher studies. They had no political connections and used to meet in the evenings on the sea front where the Gandhi statue used to stand. Nearby was the beginning of Dockyard Road leading to a naval installation and there were a number of navy sentries in the area. The regular meeting of the students had been observed and the plan took shape. The parties involved were the STF, Navy and the Police.

A full version of the incident has been given by D.B.S. Jeyaraj in [TamilWeek](#), with which our sources are in agreement. We received some additional details, before which we will sketch some essentials.

A trishaw came along Dockyard Road about 6.00 PM from which a grenade was thrown at the students, two of whom received minor injuries and fell on the ground. Soon afterwards the area was surrounded by the Navy and the STF unit arrived and the students were not allowed to leave. First they were loaded into the police truck in which the STF arrived. Then they were assaulted, thrown down, made to kneel and shot, two of them through the ear.

After a delay, apparently to ensure that the injured died, the victims were taken to the hospital. Immediately the cover up went into full swing, with security spokesmen and the army website, which had been a fairly credible source of violations by the LTTE, claiming that the students were killed by the explosion of a bomb in their possession.

How they imagined the cover-up would succeed beats one's imagination. There was shooting and at that time a number of civilian witnesses were about. Perhaps the security men calculated that they would be too terrorised to testify. In this they have been proved largely right. Their crucial miscalculation was the courage of the Sinhalese DMO, Dr. Gamini Gunatunga, who did the post mortem examinations and testified that the 5 students named above died of gun shot wounds. The two students Yogarajah Poongulaon and Pararajasingham Kokularaj who fell down after the grenade blast were apparently left for dead and survived.

There was a delay of about half an hour between the arrival of the STF and the shooting of the students. Perhaps there were some misgivings and arguments about how they would get away with it.

Based on information from within the security forces, our sources have identified Kapila Jayasekera, Superintendent of Police, Trincomalee, as having planned the outrage. Jayasekera, we learn, was earlier with the STF in Amparai, and was there during the Kanjirankuda incident in October 2002, when 7 civilians were killed by STF fire ([Bulletin No.29](#)). Our contacts said that the recent executions by the STF in Trincomalee were carried out by Inspector of Police Perera.

Our contacts believe the STF men were inside the trishaw from which the bomb was thrown, and which subsequently went in the direction of Fort Frederick where the STF men are said to have been quartered. The police truck in which they came to commit the crime had been parked in the old police station near the post office, quite close to where the youths were killed.

The role of the Police at a high level is also indicated by the fact that even after the magistrate released the bodies to the parents, the Police unit at the hospital tried to prevent them, demanding that they sign a false declaration stating that their sons were Tigers. Policemen are simple persons taught to do a straightforward routine job. When they play up and do something utterly stupid, it means that they have received unprofessional orders from the top and are lost.

What the incident amply reveals is that Sinhalese chauvinism is very much alive within the state apparatus and there is little political will to change that. Once more we are confronted by the fact that despite hopes raised in the mid-1990s, there has been no qualitative change in the security forces. If President Rajapakse were serious about peace with dignity, a number of security officials ought to have been interdicted pending the conclusion of an inquiry. As it stands the scandal stinks to high heaven.

12. Atrocities against Women

16th January 2006: The Murder of the Bojan Women

The atrocity is more shocking for its having been premeditated and both the Army and the LTTE gave cause for suspicion, making it a difficult case. The Bojans were a family displaced from Kollankalladdy and living in Manipay. One son had died a member of the LTTE. The father, an old time supporter of the Federal Party, kept out of politics in recent times and was involved in such activities as the Boy Scout movement and the St. John's Ambulance Brigade. While reports of the incident admit several variations, the Jaffna daily *Uthayan* of 17th January gave a matter of fact report after speaking to the survivors.

At 12.40 AM on 16th January, intruders who had scaled the wall knocked on the door and demanded to search the house. When Mr. Bojan opened the door he was asked to put his hands up. His second unmarried daughter Shanuka (23) rushed out of the house and the intruders shot her down. Then Mrs. Arthanareeswary Bojan (51) and her newly married eldest daughter and English teacher Renuka (30) rushed out, Renuka was gunned down. The mother, as we subsequently learnt, died of a heart attack. Bojan's son Ullasan, a mathematics teacher at Jaffna Central College was also injured. The gunmen withdrew after shooting Mr. Bojan in the leg. The report also said that 9 gunmen in civils had come and left their residence at 17 Kanagasabai Mudali Street, Manipay, in a white van, one of them wearing a mask. *Uthayan* referred to them as unknown persons.

The Army website which uses strong words as gruesome to describe LTTE attacks on the armed forces did not touch incident at all. On the other hand some civilians close to the family were strongly leaning towards the view that the LTTE was responsible. The family was a 'Heroes Family' and the dead girl Shanuka had acted in a film made by the LTTE's media unit. Also the LTTE had asked all Heroes families to move to Vanni in order to be part of their military effort. To this end the LTTE had besides whipping up war fever by attacks on the Army had stopped material aid to Heroes families who did not move to their area.

The Bojans thus lived on in Manipay defying the LTTE. The day before the incident, the LTTE approached the girls and asked them to move to Vanni. But they declined, telling them they cannot just leave the house and belongings. The girls too were reputedly spirited girls who could not be ordered around. Suspicion was also aroused by the manner in which LTTE sources were presenting their case with several anomalies. *TamilNet* blamed the EPDP and Military Intelligence, but otherwise went little beyond the *Uthayan*. The most concrete charges were made by the LTTE's Jaffna political commissar Illamparathy in a statement published in the *Uthayan* on the 17th. He claimed that the white van after leaving the scene of crime had proceeded to Navaly Nachchimar temple through Pipili junction and had returned to the Manipay army camp. He also claimed that later two military intelligence operatives Ramesh and Mahesh Bandara had passed the funeral house on a motor cycle, grinning.

Illamparathy's pointed charges were dropped by other LTTE organs and were not repeated by anyone. NESHOR in a report made subsequently brought in hitherto unreported allegations of an army presence near the house during the late night hours leading up to the incident. According to our sources an army patrol was in the lane on the 15th afternoon around 3.00 – 4.00 PM.

These circumstantial factors and the significant weight of opinion made the case against the LTTE plausible, but there was no decisive evidence either way. The fact that LTTE fronts fairly quickly stopped making an issue of this terrible atrocity with enormous propaganda potential, beyond making the women victims Tamil National Patriots, was striking. The reality seems that families with LTTE connections were not impressed with the LTTE making

them bear the brunt of their whipped up war frenzy and provocations. This we understand was an important factor in the LTTE agreeing to talks in Geneva.

We also received other reports pointing to the Army. Army sources in Jaffna regretfully complained to a civilian that they had maintained good public relations in the Manipay area, but this atrocity had ruined it. About the same time we received information that army camps had been allowed the discretion to carry out killings, but the discretion to individual camps was withdrawn two days after the Bojan incident.

Others in Jaffna felt that army officers at a high level were not directly involved, but it was more in the nature of a military intelligence operative posted to the area anew, taking the decision after advice from Tamils helping them. While it began to appear that the Army was responsible or at least sections in the Army thought so, we kept getting reports, and one from a person with very close ties to the family, that the LTTE killed the Bojan women. While LTTE commissar Illamparathy held that the women were killed by the Army and EPDP men who recently went to their home and threatened them, the relative said that the LTTE had gone home and demanded that the women as members of a heroes family should leave for the Vanni. The women had refused. Purely by the nature of the weapons, local observers suggest the EPDP as an alternative to the LTTE, but cannot cite any other indication pointing to the EPDP's direct involvement in this kind of activity.

Most decisively for us, a trusted informant told us that the vehicle in which the killers left made a detour and returned to the Manipay army camp. Rather remarkably, this agrees with the statement made by LTTE commissar Illamparathy, which other LTTE accounts dropped completely. This source told us that among those who went on the mission were Military Intelligence persons with names resembling Ramesh and Mahes (but not the Mahesh Bandara Illamparathy had referred to according to this source) and a Tamil militant, probably EPDP or ex-EPDP, whose name we do not have. This may have been planned as revenge for the LTTE's murder five days earlier of Miss. Pavalarani Kanapathipillai of Mattuvil, fiancée of senior EPDP member Charles. We were also told that senior persons in the Army had nothing to do with the incident and perhaps Mahes and Ramesh were trying to 'show results' in keeping with the general order to target the LTTE in their area. It is in the nature of the times where the same persons are under threat from different parties for their own reasons, and one is at a loss when something happens.

The EPDP has condemned all killings of civilians and blamed the LTTE for the Bojan killings, pointing out that the family is close kin of their senior member Mr. Sivathan. They are in a position to give a fuller account of the incident in their own interests and correct us if need be in what is truly a messy and confusing affair. It is however imperative that the Army which should know who the culprits are, should come clean and proceed against them in accordance with the law.

16th December 2005: The rape and murder of Miss. Tharshini Elaiyathamby (19)

We made reference to this in our briefing of 27th December. We mentioned that early on, the general opinion in the area was that the Navy was responsible for the rape and murder of Tharshini. Tharshini who left her home for her aunt's around 7.15 PM on 16th December was recovered from a well near temple more than 200 yards from the Navy camp. We received some preliminary information before our Briefing went out. We stated local testimony which said that some persons were hanging about near the temple for several days prior to the killing

of Tharshini and also that she was having affairs with several naval men. We stated this merely to alert the reader that there may be a different angle to the affair, and later realised that we may have been unfair to the deceased. **We unreservedly apologise for the wording, which we now know to be ill-founded and very unfair by the deceased.**

We have continued to pursue this angle. We learnt that the person who originally said that some persons were hanging about near the temple prior to the killing of Tharshini and then vanished is now unwilling to talk. But after about two months of inquiries we received some substantive information of a circumstantial nature. But this would not be worth pursuing until difficulties in the public domain are cleared.

Firstly the Navy has done nothing to deny their involvement or say anything about an internal inquiry, if there was one. They seem to be depending on the absence of evidence or witnesses for the courts to clear them. One must thus take the possible involvement of the Navy very seriously. There are a number of theories in circulation pointing to novel scenarios, but have no basis in known fact. These are a reminder of how involved the case is. The EPDP too has good sources of information in the area, and its silence is almost deafening.

The basic known facts are these. Tharshini left her home in Pungudutivu about sunset to sleep at her aunt's place. From her home she took a footpath leading to a gravel road. To the left from the top of the foot path the gravel road leads to the navy camp, according to our information of the order of a mile or more distant. Her body was found in the well of a temple down this road towards the navy camp, but more than 200 yards from it. It is not close in the sense that there is no obstacle from the Navy to a civilian presence in the area of the well.

It would have been easier to believe that the Navy was responsible for the crime, had Tharshini cycled towards the navy camp, and was found by persons in the area of the navy camp in the semi-darkness, raped and killed. However, the report by NESOHR (in the web), which unequivocally blames the Navy, gives us some remarkable information in the map it presents. The report's evidence makes it clear that almost the entirety of Tharshini's journey was involuntary. Starting from the foot path and close to her home, one slipper of hers, the braces for her teeth and then the other slipper, were found in turn covering the route from her home along the gravel road to the place of the tragedy. This means she was abducted near her home, conducted towards the navy camp, raped and killed not far from the navy camp, but where unchallenged civilian movement was possible.

The NESOHR report also says that people in the area of Tharshini's home were largely displaced and there were several abandoned houses providing free access to intruders. Why intending rapists took her all the way to the well is something in need of explanation, unless the involvement of the Navy is proved independently by some incontrovertible evidence.

At present the only evidence before the courts is an item of headgear said to have been discovered near the scene of crime. The CID has reported to the Court that the headgear belonged not to the Navy, but to someone serving in the Army in Batticaloa. The matter is proceeding. We will wait for the courts to pronounce on the evidence and postpone the matter to another report. The leads we obtained are themselves not decisive, but the Court's ruling would give us some idea of their relevance.

19th November 2005: Miss. Kanishta Philip (25)

The body of a strangled young woman was recovered from near Vallipuram Vishnu Temple east of Pt. Pedro. It passed into rumour as a case of rape by the Army. *TamilNet* reported that her body was found 200m from the local army check point and added, “the area is controlled by the Sri Lankan Army and people travelling to Vadamaratchy East from Pt. Pedro have to cross this check point.” There was no follow up

Kanishta Philip (25) was a native of Kilaly. Her father Peter Philip was deceased (1989), but her mother went to live separately in Mirusuvil North when she was 4 years old. The mother Rajapoopathy earned a living by cooking for the Roman Catholic fathers in the Mirusuvil Church.

During the Elephant Pass attack of 2000, they were displaced to Karaveddy, Vadamaratchy. Kanishta fell in love with another displaced youth Y. After living with Y for a year, Kanishta returned to her mother in Mirusuvil after being badly mistreated physically by her fiancé. Some LTTE girls with whom Kanishta came into contact gave her a job in the Muhamalai pass office. Her mother talked to the LTTE and took her back home about 16th November 2005.

The same night Y came home, beat Kanishta and dragged her away. The mother complained to the Kodikamam police, merely stating that her daughter was missing, giving the Mirusuvil church as her address.

3 days later a girl’s body was found and the Police informed the Fathers and wanted Rajapoopathy to identify the corpse at Manthikai (Pt. Pedro) hospital. Seeing the corpse disfigured and strangled, she went home saying it was not her daughter. Since then she has, evincing considerable distress, told people that it was her daughter’s corpse, but at that moment she didn’t want to own it. The rumour that it was the Army’s work has since gone unchallenged. Y (Kanishta’s former fiancé) is not known to have any connection with the LTTE.

7th December 2005: Mrs. Yogeswary Yogarasa (26) and Miss. Vathany Thurairasa:

The two sisters lived in Vantharumoolai, Batticaloa District. Their brother with nom de guerre Puhalventhan was in the LTTE and was with Karuna after the split. A group of Karuna cadres went on a mission to attack the LTTE Vanni faction in Kanjikudichcharu, Amparai District, on 6th December 2005. Later, the Vanni faction announced the capture of Karuna group cadres Gnanatheepan and Puhalventhan and the death of Karuna leader Iniyabharathy in the confrontation. *TamilNet* carried this announcement the same day.

In the night of the following day, 7th, Puhalventhan’s two sisters Yogeswary and Vathany were killed by intruders who called at their home about 9.30 PM, and the two year old child of the former was injured.

TamilNet announced the death of the two sisters 17 hours later, giving the report of the capture of Puhalventhan made two days earlier a new twist. It said that Puhalventhan and Gnanatheepan had claimed responsibility for the killing of Iniyabharathy (of which the LTTE had made no hint earlier). The report went on to adduce that the two sisters had been killed in revenge for Iniyabharathy by the Karuna group (‘paramilitaries’).

By then the Police has also filed a report. The police report which cited Ganesapillai Yogarasa, husband of the eldest slain sister Yogeswary, as witness named the killer as Chandrakumar, the brother of the dead sisters. **Chandrakumar was Puhalventhan.**

TamilNet of 11th December reported Puhalventhan's and Gnatheepan's interview presented by the LTTE, which dwelt heavily on the Karuna group's alleged links to the Government and Muslim politicians. But on the most newsworthy item of the day, the murder of Puhalventhan's two sisters, the account had nothing to say, considering the Police account had been referred to in the Tamil press (e.g. *Thinnakural*) two days earlier. Chandrakumar (i.e. Puhalventhan) had been named the prime suspect.

The drama took another extra-ordinary turn two days later (13th), when Iniyabharathy rose as it were from the dead to give interviews to the TBC and *Asian Tribune*. He gave his account of what happened in the fighting in the Kanjikudichcharu. The mere fact of the interviews contradicts the LTTE's claim or second thoughts that Puhalventhan deserted to them after killing Iniyabharathy. In Iniyabharathy's interview the story of the killing of the two sisters took another bizarre turn.

Iniyabharathy was defensive of Puhalventhan, saying that he made a recitation under duress. As to the sisters, he claimed that they had been killed by Ganeshapillai Yogarasa alias Santhiran, husband of Yogeswary, as the consequence of a quarrel arising from his extra-martial affairs. He added that Yogarasa surrendered to the Vanni faction.

Contrarily, those who accepted the police report thought that in order to save his life, Puhalventhan had agreed to co-operate with the Vanni faction, and the latter to test him had sent him to kill his brother-in-law Yogarasa whom they took to be a Karuna supporter. The sisters resisted, and in a panic Puhalventhan threw a grenade and ran away.

Our repeated inquiries in Batticaloa threw little further light and the case remains open. Even people fairly close to the incident relied on media reports, themselves often confused. People changed their opinion depending on what they heard next. They were too afraid to make independent inquiries. Our attempts to get some indication from the family proved of no avail. We learnt that through fear the family had gone into hiding and were uncontactable.

This is another matter that should not be left being kicked around, with those who have the means to clear such cases taking the easy way out in ambivalent statements, which only helps the cause of anarchy.

The Police report is perhaps the best starting point. Legal sources in Batticaloa who have been seen it, treat it as a serious document. It appears a straightforward '*ralahamy's*' report without preconceptions. The Police had no reason to invent a peculiar story. In the unlikely event that the Eravur police heard the news Puhalventhan the previous day, it is even more unlikely that they associated the person in LTTE custody with Chandrakumar. The Police and witnesses have not been tested by cross-examination in court. But there is no reason why accredited institutions that can give guarantees of confidentiality and protection cannot do it.

11th January 2006 Miss. Pavalarani Kanapathipillai (31)

Pavalarani had worked as Samurthi (poverty upliftment) official at the Divisional Secretariat in Chavakacheri. She was reputedly effective in her work and public dealings. LTTE gun men

abducted her from her home and her body was later found in the premises of Paditalachchi Amman Temple. Her story is again one of women trying to lead normal lives getting caught up in lethal dramas having little to do with their aspirations.

Pavalarani, we learn, had earlier worked for the LTTE intelligence. As fate would have it, she fell in love with Charles, a senior member of the EPDP, on whose life the LTTE had made an attempt earlier on during the ceasefire in Vadammaratchy. Pavalarani broke off her ties to the LTTE and became engaged to be married to Charles. The LTTE warned her to break off contact with Charles, but evidently suspected her of meeting him during her trips to Colombo.

18th January 2006: Miss. Puvitha Puvanendran (19)

Gun men who entered Puvitha's home at 10.00 PM shot her dead and injured Vasantharaja (34). Our sources say that the gunmen belonged to the Karuna group and suspected Puvitha of spying for the Vanni faction.

13. Other cases of Death and Disappearance

The following illustrate the flavour of incidents from December following the land mine attacks on the Sri Lankan Army in the North, which point to spiralling reprisals providing also a smokescreen for the killing of sundry opponents. Those below are largely uncontroversial and have not been as rigorously investigated as the defining cases above.

An Unfinished Affair: 12th December 2005: Sinnathamby Ganeshalingam (Farook):

Farook, a senior member of the PLOTE was abducted by LTTE men who came in a van, while riding a motor cycle southeast of Vavuniya town. The abduction led to a huge spontaneous demonstration by the public in Vairavapuliyankulam, Vavuniya. Farook had been involved in social work in the area.

The disappearance of Farook brings us to one of the painful aspects of the Tamil struggle. It is indeed a thought provoking irony that he should have survived the Welikade prison massacre, only to be branded a traitor and fall victim to a party that time and again conspired with his tormentors – the UNP. Farook is one of the last links to the unfinished business of the prison massacre. He was in the Youth Offenders Building on the fatal day of 27th July 1983 and saw it being entered by Sepala Ekanayake and another who has been identified as the most prominent UNP thug of the day, hailing from Kelaniya. Another key witness to a historic UNP atrocity has been removed by the LTTE.

1st December 2005: Sinniah Sivakaran and Kunaratnam Krishnakumar:

The two who returned from working in the fields were shot dead at a tea boutique close to Athiyar Hindu College in Neervely, Jaffna, about 8.00 PM. Another youth, Ruban, was injured. The gunman reportedly escaped in an auto rickshaw. The LTTE media blamed Military Intelligence, claiming that the dead farmers were involved in decorating the streets for Heroes Day (27th November).

Our inquiries yielded no conclusive result. The intended target, we learnt was Sivakaran, and that the gunman who hit two others struck observers as a clumsy and unskilled assassin. The

area is one where the LTTE had long been active. Sivakaran, as a local tough, had a group of persons behind him and though was active in local or even LTTE functions, as becomes such persons, the LTTE would have found him difficult to control. Another circumstance is that he had marital problems and was living with a second wife. His first wife had some time back complained to the EPDP more than once and he had been to the EPDP office for inquiries regarding this matter. The killer escaping in an auto rickshaw in a rural area that has only few of them, suggests that some would know more about the incident.

Local observers feel that neither the security forces nor the LTTE had strong reasons for killing him. A possibility that should be looked into are personal reasons and the use of arms floating around by local thugs, enjoying more freedom in the context of the LTTE's 'people's war'. In making the assertion that the killings were done by Military Intelligence, *TamilNet* added in its report, 'A youth involved in Heroes day decorations was shot at the same spot last week'. Were it true, it would have strengthened the case for a government killer group being active at that time.

Six days earlier, on 25th November, a youth **Narenthiran Nirojithan** (22), also reportedly involved in decorating the streets in Neervely, was according to *TamilNet*, a brother of an LTTE war-dead, shot and injured by 'unknown persons' who entered his house in the early hours of the morning. Other reliable reports said that the victim was LTTE intelligence chief for Neervely, and was injured when the pistol tucked in his hip went off accidentally. He was treated at Jaffna Hospital and the Police were not informed.

28th December 2005: Thambirajah Arul Ajanthan (16)

of Eruvan, Kodikamam was shot dead by gun men who entered the house at late night. According to our information, Ajanthan's mother had found a grenade in swept leaves piled up in front of her house. She reported it to the Police who came home and removed the device. On the night in question some armed Tamil speakers came to her house apparently on the belief that her elder son in the LTTE was there. He had apparently been home two days earlier. They were rude to the mother and started asking her about the device recovered from her house. Ajanthan became angry and started breaking sticks from the fence. He was shot dead.

4th January 2006: Sebamalai Victoria (32) and Vadivel Manoharan:

The couple talking in front of their house in the night were shot at by 'unknown gun men' according to *TamilNet* in Sethukuda, Batticaloa. Victoria was killed and her husband was injured. Information received by us suggests that the killers did not belong to the LTTE. The Case is open.

5th January 2006: Mahenthiran Kumutha (28):

The body of this young lady, a clerk in the Irrigation Department with several knife wounds in the neck was found in Sinna Oorani, Batticaloa. The Police now believe that she had been killed by her husband.

5th January 2006: Thangarajah Pradeeshkumar (28):

The victim who lived near the Sri Lankan Army camp in Uduvil, was called out by gunmen about 10.00 PM and shot dead. We have so far been unable to establish whether he was killed by the LTTE or a group connected to Military Intelligence. It is thought that he had links to both.

5th and 7th January 2006: Thavendran Mathan (28) and Iyathurai Baskaran (27): On the 5th night Thavendran Mathan, an employee of the Point Pedro Urban Council, who has been associated with the EPDP by the LTTE media, probably meaning that he got his job through someone with EPDP connections, was abducted from his home by unknown men and his body with wounds from stabbing was found half a mile east of Pt. Pedro town. Two days later the body of Iyathurai Baskaran with reportedly some low level LTTE connection who was abducted from his home in the night was again found with stab injuries in the coastal village of Katkoyalam 3 miles east of Pt. Pedro.

8th and 9th January 2006: Soosaitasan Maranitharan (31) and Balakrishnan Rajivmohan (21), Illavalai: The two youths were abducted on successive nights from their homes by Tamil speaking persons reportedly accompanied by the Security Forces.

9th January 2006: Pancharatnam Pranavan (24):

The victim was shot dead about 2.00 PM by LTTE gunmen who followed him. The incident took place opposite a video store on Adiapatham Road, joining Thinnevely and Nallur markets.

11th January 2006: P. Sivasankar (28), Meesalai:

Sivasankar, the owner of a textile shop in Chavakacheri, was shot dead about 5.30 PM by gunmen following on a motor cycle. Sivasankar was returning home to Meesalai after closing his store. The case is open.

11th January 2006: Thambu Nedesu (50):

The body of this trader from Puttur East who took part in the protest against the Army on 28th October 2005, over accusations of attempted rape, was found in a plantain field after he was taken from home in the night by persons believed to be from the Army. The victim is said to be a close relative of Nirojan Tharmarajah (20) who was shot dead when the Army opened fire on last October's LTTE-instigated protest after the protesters became unruly.

12th January 2006: Kanapathy Murugesu (69):

The victim, a retired post master travelling on a bicycle was killed in Puloly Pt. Pedro, when according to the Army, a soldier's gun accidentally went off. The Army took the body to Pt. Pedro Hospital.

13th January 2006: Arulampalam Suntheralingam (Sinnavan – Little Fellow),

Batticaloa: *TamilNet* announced, “Unidentified gunmen shot and killed a paramilitary cadre of the EPRLF group, Sinnavan, Friday at 10:45 a.m. at Kallady [in front of a motor cycle repair shop], 2 km south of Batticaloa town, Police said. Sinnavan was a former cadre of

Razeek Group". The LTTE-controlled *Uthayan* from Jaffna added spice to its reporting by claiming that the victim was on his way to a liquor shop.

The victim was in fact a civilian and tsunami victim who had left the EPRLF a long while ago and with his family, which included 3 children, was living in the weaving centre refugee camp in Kallady. That morning he had gone on his bicycle to purchase fish, which he then cycled about selling to householders. The Razik group was formed by a section of the EPRLF in the East who disagreed with the political approach of the mainstream and decided that the only way to challenge the LTTE is through violence. The group is long defunct and its remaining members were absorbed into the Sri Lankan Army. Sinnavan's association with them was very brief and he left them a long time ago to go into civilian life and was never active. This is another illustration of how the LTTE media uses the term 'paramilitary' to justify LTTE killings of all and sundry, with the thoughtless connivance of donors and peacemakers.

14th January 2006: Tharmarasa Tharmaseelan (37), Kayts:

The victim, a native of Padeteruppu and a motor cycle mechanic, was abducted in the night and shot dead while visiting friends in Suruvil. Our initial information suggests that the victim was an LTTE supporter.

15th January 2006: Sellathurai Yogarajah (26):

The victim was shot dead in the Kudani police area of Kodikamam, Jaffna District, while travelling on the road at 8.30 AM. The killers had fired from hiding. This was an area in which the LTTE was active, and the killers are believed not to be from the LTTE.

16th January 2006: Navaratnarajah Jegatheeswaran (26):

The victim, a former member of the EPDP who had left 5 years ago, became a family man and father of two and worked as a labourer in the Nelliady market was shot dead by the LTTE at 8.45 AM.

16th January 2006: Sithamparam Ganesharatnam (40) and Viswar Krishnan (32): The two men, both barbers by profession, were shot dead at 8.30 PM while cycling on the road in the Chavakacheri area. The first was the president of the barbers' association in Jaffna. First indications suggest that they were killed by a party connected to Military Intelligence. The two were relatives of the LTTE spokesman Tamilchelvan.

16th January 2006: Suppiah Murugan (31):

The victim, a native of Trincomalee, was employed in an eating-house in Urumpirai. Two men entered the shop and ate '*kotthu rotti*'. One of them went out and started the motorcycle. The other who went up to the victim as though to pay for the meal, pulled out a gun, shot him dead and escaped on the motorcycle. Early indications are that the killers were probably from the LTTE. The victim knew Sinhalese and not much is known about why he came to Jaffna.

16th January 2006: Muralitharan (25):

The victim, a native of Nelliady, was shot dead in Raja Veethy (The King's Way) on his way to Jaffna with his brother. He had earlier been a member of the LTTE, who had gone abroad and just come back. There is at this point doubt as to who the killers were: Whether he was killed as a suspected LTTE member, or whether because he had walked out of the LTTE and gone abroad.

The preceding cases give us an indication of the peace process collapsing into multi-pronged vigilantism. We have commented before on our reservations about Norway's approach. Perhaps the most glaring aspect is its inexplicable reliance on Anton Balasingham as main architect of the cease-fire agreement and phony spokesman for the Tamil people.

14. Norway's Strategy: Balasingham as a Substitute for Knowledge and Analysis

Even as the LTTE retained a virtual monopoly on murder, abduction and child conscription during the peace process, Norway not only avoided taking the LTTE to task, but at the critical moment of the Karuna split, helped to set the stage for the LTTE's main faction to massacre its Eastern opponents.

At one level the SLMM maintained that the political and other killings, which were rampant in government controlled areas, were merely law and order problems. From the stand point of the SLMM's mandate, it may arguably be true and it takes time for any international actor to understand the complex reality of the situation in any country. The failure is with the State and the Norwegian actors involved in preparing the CFA, as they completely overlooked the reality of internal terror in the North-East and failed to engage with others concerned before presenting the CFA as in effect a *fait accompli*. There was no consultation with any of the international human rights organisations that had been monitoring the country for more than two decades or with local civil society groups. The brash manner in which Norway has dealt with those outside the charmed circle delineated by the CFA has left others feeling that they were dealing with thugs.

Even the belated attempt by AI to bring in a human rights expert to entrench human rights norms in the process never took off. Hence the CFA, which was hurriedly prepared with scant regard to the concrete reality of human rights violations in the North-East and political realities in the South, resulted in the present scenario of the process being hijacked by the LTTE to promote its political aims of total control over the Tamil population. Many are still looking at the problem superficially advocating "no war no peace" as the best scenario possible and are unable to see the long term outcome of this process. The failure of Palestinian process should at least have taught some lessons to the Norwegians but they have, as many others, failed to learn from their own past.

Many accuse Norway of a pro-LTTE bias and ulterior motives over their role in the Sri Lankan peace process. However, our understanding is that failure on Norway's part stems from its reliance on mere individuals, in the absence of wider institutional engagement and a sensitive appreciation of the complexities. They naively relied on individuals like Balasingham to the point of sidelining the president of the country concerned in formulating the CFA. Every Tamil activist with community's interest at heart, who had experience of Balasingham over many years, holds him in contempt for his masterly opportunism and double-speak. The Tamil community to its misfortune is fated to be represented by people of this ilk, who have done more harm to the community than the leader of the LTTE, who rightly or wrongly came to believe himself a messianic figure. It is persons like Balasingham, with

their intellectual pretensions, who while knowing the dire consequences indulge their egos in justifying and promoting a debased politics consuming thousands of youth and children. Yet Balasingham enjoying the best of western capitals amuses himself in public fora with vulgar outbursts glorifying suicide killings and threatening individuals with human bombs (garlands!).

The other side of the coin is how this flattery of persons like Balasingham and what they represent induces and justifies the state apparatus, itself periodically resorting to killings. Ironically, both sides could kill with impunity while preparing to exchange meaningless platitudes at routinely inconclusive summits in western capitals where the donors would take them.

15. Cycles of State Vigilantism

In order to understand how human rights activism has failed, we only need to look at the fatal cycle in which we seem to be inexorably trapped. The State has periodically resorted to extra-judicial killings since the Prevention of Terrorist Act of 1979. For the most part these have been documented by human rights agencies and the State was taken to task. There was no difference between how governments and international NGOs perceived these killings.

But from the Jaffna disappearances of 1996 caused by state action, perceptions have diverged. International human rights organisations continued to monitor and denounce human rights violations in Sri Lanka, increasingly attempting to influence actions by non-state actors as well as state agents. Foreign governments began to emphasise conflict resolution on one hand and anti-terrorism on the other. Consequently recent vigilante killings by the State have made very little impact on foreign governments. They are resigned to these as long as the LTTE confronts the Government as it does, with absolutely no concern for the people.

A military intelligence unit of any state faced with a security threat would, as is their job, build up dossiers of persons suspected of supporting insurgents. When the challenge is seen as intense, as was the case when the LTTE went into a frenzy threatening a 'people's war', most other governments would tacitly excuse killings by the State as done in its defence. We have seen over the years that no amount of protest would change that. The same foreign governments that supported appeasement of the LTTE as a measure to achieve stability, would turn a blind eye to state initiated killings, when they see the LTTE as going beyond tolerable limits.

If we are to break this very old and predictable cycle, human rights actors should in addition to taking the State to task, spend time understanding the LTTE, its ideology (now almost a theology) and its modus operandi. Challenging the LTTE involves protecting Tamil dissent, from the LTTE as well as attempts by governments to coerce them for immediate ends.

16. Chartering a Human Rights Agenda

We are facing a human rights nightmare exemplified by the Tharshini and Bojan cases. Both are crimes of a baffling nature where circumstantial factors give no clear indication of the perpetrator, making accountability all that harder. However deplorable the State, the people would have felt reassured if they could trust their liberators. But this, alas, was far from the case. Their woeful ethics have been blatantly in evidence for over 20 years and people simply did not want to see.

The survivors from Kokkuvil Hindu College in 1987 very well knew that the advancing Indian Army tanks fired at the block housing refugees, because there were LTTE men on the roof firing small arms at the tanks. A similar tragedy occurred in Jaffna Hospital when on 21st October 1987 about four LTTE cadres fired at the advancing Indian Army column from the front balcony of the doctors quarters and made their escape leaving innocent patients and the hospital staff to face the brunt of the Army's wrath.

Our history of severe internal terror over the past 20 years has resulted in a horrendous political vacuum. Most people with the means chose to escape it rather than confront the terror which is steadily driving the Tamil people towards barbarism of an elusive kind. Elusive, because it is a barbarism serviced by a westernised elite giving it an air of respectability. Once abroad, the realities at home became a shadowy part of expatriate life. What purports to be the reality is communicated to them in subliminal flashes by the largely LTTE-controlled electronic media. These largely played on their harrowing past experiences of the Sri Lankan state and its armed forces – experiences which governments have done little to address and get out of the way.

The impressions these emigrants carry and pass on are as harrowing as one could get:

A young man stabbed in the arm in July 1983 and locked up in a room in a burning house in Nugegoda with the males at home, and narrowly saved by the mother, herself stabbed in the eye, and yet commanded the presence of mind to rush in and turn the key on the door, which fortunately the government-instigated hoodlums had not removed; People travelling from Jaffna in dread of being beaten up by the security forces in Vavuniya for an incident involving security personnel in Jaffna.

Even the mildest of expatriates would admit that they find little sympathy when hearing of Sri Lankan soldiers being killed. Their need for society and a sense of identity makes them ready victims of largely ignorant expatriate professionals, themselves in need of recognition. They attend benefit shows, sales and tea parties that collect money for LTTE front organisations such as the TRO, and go home happy that they served a good cause. Meanwhile Prabhakaran competes with other avatars for their religious allegiance. A doctor in Australia collected some devoted admirers after he met Prabhakaran and claimed to have seen a halo about his head. This indicates what the younger overseas generation is bound to learn about politics in Sri Lanka if they are interested at all.

This situation is in sharp contrast to what prevailed a generation ago. Under the impact of the state instigated violence of 1977 and 1983, the Tamil youth as a whole became politically charged. A large number of them joined various militant groups. A whole class in Hartley College for example joined the TELO. It is a remnant of this generation, who saw the dark side of Tamil nationalism from within, were branded by it, and had opportunity to reflect on their experience, who form the back bone of any move for corrective and restorative action. Their former mates paid an enormous price for their concern and were killed by the hundreds and thousands in the LTTE's prison camps in the early 1990s and continue to be killed to this day.

Of course these hapless persons are dismissed as paramilitaries by the present direction of the peace process and governments lacking in sense or vision have largely sought to use them for military ends. It is very sad if human rights groups cannot act with greater imagination, and see the urgency of protecting Tamil dissent instead of falling in line with the short term

illusory objectives of appeasement. Nearly everyone who works towards the objectives of human rights in the Tamil community has a political or militant past.

Of the names we mentioned earlier as pioneers of human rights, only Manoharan came without a political background. He came from a tradition of Christian activism in a situation where the Church was being swallowed up as was the Church in Nazi Germany, and he was the closest the Church in the North-East came to producing its Bonhoeffer. He was killed in an LTTE prison camp. Human rights concern must actively resist writing off dissident Tamils as paramilitaries in the name of peace. It must also aid and protect those on the ground who cut through the obfuscation spread by the perpetrators of violations to bring out the truth, thus preventing the people from becoming hostages to propaganda. In today's environment of a convoluted peace process it becomes too easy for human rights concern to become entangled in the web of propaganda. This makes it easier for dissidents to be killed with impunity. Facing up to this challenge is the primary task of a human rights agenda.

17. Rationale for War: Some Wider Questions

In many commentaries one reads, the Government is presented as extremist, one that would not agree to federalism as opposed to devolution within a unitary state. The LTTE's moves to start a war are thus implicitly taken to be not unreasonable, despite the fact that its record is one of obstructing any attempt at a settlement, even federal arrangements. Where the people are concerned, they only want justice, dignity and a credible system of law and order in which the Sri Lankan polity has dismally failed. Even at the highest level, the Supreme Court's failure to deliver justice to the victims of the Bindunuwewa massacre and its ruling on the unlawfully erected Buddha statue on the Trincomalee sea front should cause us deep concern. One may not be wrong in seeing in the latter ruling a failure to restrain the kind of recurrent vigilantism in the port city that led to the killing of the five students.

These are indeed real concerns, but there is not today the kind of imminent physical threat to Tamils as a whole as in 1977 and 1983 that would justify armed resistance. That earlier armed resistance too had politically a different character from what came about after the LTTE assumed total control through elimination of others. We have always agreed with those who held that the Tamils can work towards their liberation only by mass mobilisation in a plural and democratic framework. A little reflection would tell us what the LTTE's war would really mean.

Through its inability to reach a political settlement, it has terrorised the people and launched three 'final battles' (*iruthi yutthams*) from 1990. We are no nearer liberation. But every five years or so the people have been forced to flee their homes in the face of falling bombs and shells, clutching plastic bags; only to return months later to looted or destroyed homes, dead or missing kin and then live amidst fields freshly sown with mines. This is no recipe for a thriving civilisation. The people's faith in the coming *iruthi yuttham* is demonstrated by their sullen resistance to the idea of fleeing once more. The LTTE's subsequent attempts to assure them that all they need to do is to remain unharmed in their homes while they systematically wipe out 40 000 soldiers, who are supported by air power and cannon, were met with horrified disbelief.

The LTTE is itself in a desperate bind. Those who know them well are clear that they are pushing for war irrespective of talks in Geneva. They are trapped in their own rhetoric and claims of sole representation that have been discredited particularly by the Karuna split. An

attempt at taking Jaffna may be their only hope of a signal victory. That too is a high-risk strategy and success too would likely mean prolonged war and complete loss of the East. In the long run numbers are against the LTTE and that has been the deciding factor in all wars.

Faced with indefinite war and the loss of quality in life, most Tamils who can escape are continuing to escape. A second generation has come to maturity abroad having both opportunities and distinctive success in education. They have come a long way from the years of communally-based standardisation and the abysmal year of 1975 when an unthinking government imposed on Tamil students the combined disabilities of media-wise standardisation and district quotas. The number of university entrants from Jaffna Hindu College was reduced to 5 (2 Engineering, 2 Humanities, 1 Vet Sc.), down from above 20 for engineering alone in earlier years. In the coming years commonsense prevailed and these disabilities of discrimination were largely overcome. The fate of Jaffna schools today is largely of our own making and the political dispensation that necessitates perpetual war.

By extending its terror overseas the LTTE succeeded in mobilising the resources of emigrants for its war effort and propaganda. Many of those with reservations took trips home and did stints in relief work during the cease-fire. But a number of factors have prevented them from undertaking the crucial task of challenging the political dispensation. Contact with LTTE fronts like the TRO also induces blindness and indifference to enormities such as child conscription.

The hard reality is that no amount of destructive technology and more sophisticated suicide squads can compensate for the social decline and the sharp erosion of the population. Overseas Tamils as tools of the LTTE are fast losing their cutting edge as the populations they live among become outraged by child soldiers, extortion and suicide bombers. In Australia for example regular donors to the TRO have been asked to stop contributions after recent raids by the authorities (as instructed strangely by the 'Tamil Coordinating Committee', from which the TRO earlier tried to distance itself). LTTE operators try to pretend that there is no cause for alarm since the Police released those detained for questioning. However, the charges in the search warrant, details of businesses and bank accounts show clearly that the Police did their homework and the charges of aiding and abetting terrorism are far too serious to be taken lightly.

On the other hand if the Tamils at home are democratically mobilised the Tamils overseas can become a tremendous asset, rather than being confused, divided and frightened of fellow Tamils as they are today. Then with regard to a political settlement there is every chance that commonsense would prevail.