

# Information Bulletin No. 21

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#### Summary

Since the issue of our last bulletin on the Vanni in May, more territory, almost the whole of Mannar District, has come under Government control. This latest phase of the war clearly exposes that the Government has lost sight of the civilian dimension, the symptoms of which are greater indiscipline among the security forces as is shown by killings and some alarming disappearances. The optimism in the early days of the present government that the security forces would be more disciplined and accountable to the people, has receded. In the newly cleared areas in the Vanni and in Mannar Island itself, attacks on civilians after an incident has become a regular occurrence. The LTTE knows well how to exploit this situation as it is being given ample motivation to step up hit and run attacks, invite reprisals on the civilians and unnerve the security forces. It has also acquired long experience in manipulating the civilians, the media and even the Government and the defence authorities.

About 53 persons are said to have been killed around Mannar Island last year, out of whom at least 27 were identified as innocent civilians. When confronted with this fact **Brigadier T.T.R. de Silva** plainly has justified the killings saying the people killed were smugglers. In a recent incident a Tamil youth **Gnanasekaran Bernardshaw** and his sister **Jeyamalar** were abducted, their Muslim landlady, **Bahia Umma (45)** killed and landlord, **A.Mohammed Hussain (50)** injured. The latter reportedly identified **Captain Ranjith**, who is in charge of Sunny Village camp, as one of those involved. In another incident **Carmelita (21)** was raped and killed by people identified as members of the security forces. After the shooting of a

soldier in the outskirts of Mannar Town on 19<sup>th</sup> July, troops ran amok firing at civilians, assaulting people with boots and gun butts, and ill-treating even suckling mothers. An injured lady succumbed in hospital.

These events expose an alarming tendency. The killings of civilians who smuggle out of desperation as well as the recent incidents suggest that there has been in operation a policy of killing off those suspected of ties with the LTTE. These incidents testify to a deteriorating climate of impunity.

We now know definitely that it was the LTTE which shelled the refugees in Vidathal Thivu church on 29<sup>th</sup> June. It has become the subject of a propaganda war in which the role of the LTTE has become obscured. Moreover, it exposes that the government cannot say with self-assurance that its own conduct is defensible. Such a situation leaves the people without any space to voice their anger and deception.

The fact that the Government has lost sight of the civilian dimension is clearly shown by the disregard with which the Ministries of Defense and Health have treated the medical needs of civilians. Mannar Hospital, which caters to large populations, many of them refugees, remains about the most neglected base hospital in the country. Help offered by **Memisa**, a Dutch organisation providing medical services in difficult areas, has been spurned through 8 months of delay and evasion.

Within these developments one positive tendency has to be mentioned. Some of the crimes, whose causes would have remained in the domain of conjecture, are coming to light only because of new ground broken by the office of the magistrate in Mannar.

In his discussions with the Government and the LTTE leadership, **Mr. Olara A. Otunnu**, Special Representative of the Secretary-General for Children and Armed Conflict, who visited in May 1998 raised several issues pertaining to the rights, protection and welfare of children. He had announced that significant humanitarian commitments had been made by the Government of Sri Lanka and by the leadership of the Liberation Tigers of Tamil Eelam (LTTE). They were related to, provision and distribution of humanitarian supplies, free movement of displaced populations, recruitment and participation of children in hostilities. These discussions further addressed observing the Convention on the Rights of the Child, targeting of civilian populations and sites and the continuing use of landmines by both sides. But so far no structures to implement the agreement have been materialised.

**We strongly advocate that the Government be urged to take the necessary steps to secure the good offices of the Special Representative of the UN Secretary-General for Children and Armed Conflict, to assist in implementing the undertakings given to Mr.Ottunnu by both the Government and the LTTE.**[\[Top\]](#)

## **A DISTURBING DRIFT IN THE VANNI:**

### **THE LOST CIVILIAN DIMENSION**

#### **Introduction**

Since the issue of our last bulletin on the Vanni in May, more territory, almost the whole of Mannar District, has come under Government control. This includes the agricultural heartland of the district, watered by Giant's Tank. In material terms, this has meant an improvement in standards for the farming community. That is better transport, cheaper inputs and much better prices. But for those displaced yet again, it has meant more uncertainty and too often, greater deprivation. For the population which the LTTE has by coercion or other forms of pressure taken along with them, it has meant total disruption – particularly their system of rations, the children's schooling and employment for the able bodied. They have been pushed into a disease-prone area with inadequate water, which can forward little food or employment. Many of the adults had earlier worked in the paddy fields around Madhu and Adampan. This helped them to find the extras needed for the schooling and health of children. Following the closure of Madhu refugee camp recently, as a means of resolving disagreements between the Church and the Army, many of the refugees moved to the camp at Pesalai on Mannar Island or have found accommodation around Mannar Town. Those in the latter category with skills such as in carpentry or masonry sell their labour at significantly depressed rates. Many suffer from a lack of cash, accommodation and employment and are unable to find the extras to send their children to school. Both the government rehabilitation effort and the NGOs function within a fairly rigid framework and a large number of those in need have not been identified and categorised.

On the whole the Government has lost sight of the civilian dimension, the symptoms of which are growing civilian disenchantment, greater indiscipline among the security forces and some alarming disappearances. The Army, perhaps more confident of an outright military victory, have, for the most part, lost interest in looking into the feelings and welfare of civilians. A matter of great concern is the cavalier disregard with which the Government – the Ministries of Defence and Health – have treated the medical needs of civilians. Mannar Hospital which caters to large populations, many of them refugees, who have gone through fifteen years of immense hardship, remains about the most neglected base hospital in the country. Help offered by a foreign organisation of repute has been spurned for reasons not fully explained.

The present civilian mood may be described in this manner: In the months following the last elections in 1994, the people had very optimistic expectations from President Chandrika Kumaratunge, whom they hoped would bring about an honourable peace. But they had no benign expectations from the LTTE. Today they have no confidence in either.

True, the resentment against the Government is of the passive sort and there is much anger against the LTTE, especially amongst the displaced who knew them very intimately. But this is bound to be short-lived as long as the Government carries on indifferently, allowing the resentment to fester. The LTTE understands this well and has long experience, perfected into an art, in manipulating the civilians, world opinion, the media and even the Government and the defence authorities whose unruly responses are too often remarkably predictable. The State has learnt little in twenty years of conflict. In fact many civilians see the present state of affairs in the cleared areas as being similar to that in the early 80s before things got very brutal. We begin by discussing a few incidents which give a flavour of things.

## **The evacuation of Vidatthal Thivu: 29/30 June 1999**

On 26<sup>th</sup> June the Army launched a two pronged advance towards Vidatthal Thivu, a coastal town of considerable significance. It served as a point for the easy infiltration of Mannar Island through mostly shallow water, and for smuggling in banned items. The two columns

advanced, one north-eastwards from Pappamodдай and the other westwards from Palampiddy, having to move 8 miles and 12 miles respectively. Since shelling along the routes of advance was heavy, the people of Vidatthal Thivu took refuge in the churches of St. Mary and St. James. Beginning from 30<sup>th</sup> morning, about a thousand civilians arrived in Pallimunai, Mannar Island, by boat, the early arrivals from Vidatthal Thivu itself, but most of them, later, from Thevanpiddy about 10 miles north-east of Vidatthal Thivu on the Jaffna Road. The circumstances in which they came, has been the subject of a propaganda war in which the truth, a very remarkable story, has become obscured.

Between 4.00 and 4.30 p.m. on 1<sup>st</sup> July, correspondents in Colombo received two press releases by fax in quick succession on the subject of Vidatthal Thivu. The one from the LTTE stated that 9 civilians in the area had been killed in aerial bombing, and 4 civilians were killed and 15 injured, when a shell fell into a church in Vidatthal Thivu. The other from the Ministry of Defence was evidently in anticipation of the LTTE missive. It stated that the Government forces returned fire, after being fired at from the Vidatthal Thivu area. In other words, the LTTE was responsible for any civilian deaths. Owing to heavy resistance, the Army advance had been halted within a mile or two of the meeting point, but after securing their hold over the agricultural area of Adampan.

Shamindra Ferdinando's report in the Island of the following day (2<sup>nd</sup> July) confirmed the reason for the MoD's pre-emptive media-strike. It said: "*The Mannar [Island] based [government] official further said three people had been killed and at least 20 wounded when mortars and artillery hit the village on Tuesday (29<sup>th</sup> June)*"

The official was of course quoting from the testimony of 'over 600' civilians who had arrived in 'at least 50 fishing craft'. The testimony above had been preceded by the essence of the MoD press release: "*Military officials said that terrorists fired mortars from the village towards troops expecting them to fire back at the civilians*". The MoD's press release was an admission that they always fulfil the LTTE's expectations like a prayer.

The LTTE's release was carried by the **Virakesari** of the same day (2-7-99) and was endorsed by '**Vithuran**' in the **Thinakkural** of 4<sup>th</sup> July, which said that 13 civilians were killed by government shelling. **Karunakaran** wrote in the **Weekend Express** of 3<sup>rd</sup> July: "*Independent reports from the Wannu reveal that three people, including a 10 year old boy, were killed and 5 more injured due to heavy shelling by the security forces from the newly captured areas towards Vidatthal Thivu*".

The Army appears to have got a little wiser over the coming days. **P. Manickavasagam** wrote in the Sunday Virakesari of 11<sup>th</sup> July: "*Earlier reports had said that people in the area surrounding Vidatthal Thivu took refuge in the two churches there, whence the LTTE came there and told the people that no one should stay there but should vacate [and move northwards] immediately, and that upon the people refusing, they [LTTE] brought their mortars and made preparations to shell the Army positions. The Army has besides this, further claimed that it was the Tigers who shelled Vidatthal Thivu, and 3 civilians were killed and 15 were injured as the result of a shell exploding in the church compound*".

Manickavasagam then gives the response from posing this charge before displaced persons from Vidatthal Thivu: "Although it has been said that the Tigers made preparations to fire mortar shells, we were woken up from our sleep by the shell which exploded in our

compound and claimed lives. We are therefore in no position to say where the shell came from or who fired the shell”.

These persons further added that three died on the spot, one of whom was a woman whose body was ‘in pieces’. Another succumbed the following day. Manikavasagam then moved on to comment on the intensity of shelling.

Of course Manickavasagam knew the truth. He has extremely good contacts in the area. The displaced persons would not have told officials or outsiders the whole truth. But they spoke freely to their friends. The Roman Catholic Church in particular knew exactly what happened. Within the limits of Tamil journalism in Sri Lanka, Manickavasagam comes closest to the truth, although in form, it is a refutation of allegedly the Army’s new version.

But the rare discerning reader would have found the claims jarring. Anyone who understands the nuances of speech in Tamil society resulting from long years of war and LTTE control, knows what is meant when people say that they do not know who shelled or where the shell came from because they were asleep. It was not an individual experience. Even if one was asleep, many others would then have told him their assessment. If there was good reason to believe that the Army had fired the shell, they would have said so unhesitatingly rather than give the alibi of slumber.

Here is what we have gathered from a number of responsible persons among whom there is no dispute about the key facts:

It is correct that the people - 2500 to 3000 of them - took refuge in the churches.

**Fr.Jeyapalan**, the parish priest, had assured them that in the event of the Army moving in, he would do the utmost to protect their interests as lay within his ability. The people did what was usual in such instances. The routine was well practised over 15 years of war. As the Army got nearer they locked their homes and stayed in the church, going home only for short periods.

The **Rt. Rev. Joseph Rayappu, Bishop of Mannar**, had also taken some necessary steps. He had informed **General Balagalle**, who was commanding the advancing troops, that there were civilians in Vidatthal Thivu, and had received an assurance that the area would not be shelled. So far, the Church’s and the Army’s intentions were commendable and no doubt it was because of the Church that the civilians had the confidence to remain in Vidatthal Thivu. In the meantime they were resisting pressure from the LTTE which had been demanding that they should move northwards into territory under their control – a move that would have turned them into beggars and vagrants in an inhospitable region with no infrastructure.

On 29<sup>th</sup> June, the LTTE got tough and identified **Fr.Jeyapalan** as the main cause of resistance. An argument ensued. The people, especially the young men, gathered around Fr. Jeyapalan. With a view to arm twisting them, the LTTE referred to the intense shelling. They said, “The Sri Lankan Army has fired 30 000 shells into this area, but not one has fallen on Vidatthal Thivu village. This means that you must be having secret links with the Army!” Faced with a firm refusal from the people, the LTTE moved away in anger. As they did, a burst was fired at them from a sub-machine gun. At least two were injured.

They then brought their mortar, fired one shell into the church compound and also fired towards the army lines. On the Army’s admission, they mechanically returned the fire, but no

damage to life resulted from this. The people were left with no alternative but to move. They wanted to go to their homes and remove their valuables, but as a punishment for not moving earlier this was disallowed. The people started their march northwards to Thevanpidy by night. Those owning boats were told that they could move them along the coast northwards, but not to Mannar Island. But some gave the slip and reached Pallimunai in Mannar Island the following morning. Later more people came from Thevanpidy in boats.

As to the LTTE firing a shell into the Church premises, there were no eyewitnesses, but it was not a surmise either. There was a group of the LTTE about the refugee camp. Some of the youth happened to chance upon them when they overheard instructions being given over the radio to those outside, to shell the refugees. There have been several occasions in the past in Jaffna (i.e 1987, 1990 and 1995) where there was strong suspicion, to say the least, that the LTTE had shelled civilians, or had deliberately caused civilians to be shelled.

Presumably the following morning, according to Church sources, a military official phoned Bishop Rayappu and told him that they had been fired at from Vidatthal Thivu. The Bishop is said to have been deeply upset.

These facts are largely undisputed and there is little confusion among people of the region. Some condemn it outright, while some try to soften its very disturbing impact by suggesting that there was a misunderstanding between the LTTE and the people. The reason it is supposed, is to do with Vidatthal Thivu having been in the earlier 80s a stronghold of the LTTE's arch rival, the TELO, which it brutally suppressed in 1986. Also TELO's present leader, **Addaikalanathan (Selvam)**, hails from the area. If there is any substance in this, it only illustrates the LTTE's paranoia – the historical burden of its brutality. It cannot be said today that TELO has a following anywhere.

Two church officials who later visited Vidatthal Thivu reported that all valuables, good clothing and even parts of houses, had been looted and removed by the LTTE. Yet, remarkably, there is so much confusion and misrepresentation over an incident to which there are not one or two, but hundreds of witnesses, as with the Jaffna Exodus of 1995. The LTTE and a section of the Tamil media are able to play the propaganda game with such extraordinary confidence through knowing that they would not be effectively contradicted. Against this confidence, the Government is reacting, reeling and floundering. The main reason for this is that the Government cannot say with self-assurance that its own conduct is defensible. We now move on to a case of confusion where the LTTE did not play any part. [\[Top\]](#)

## **The mystery of the 37 corpses**

The Army advance which begun on 26<sup>th</sup> June lasted about 3 days. The Army claimed that for the loss of 16 dead on their side, they killed more than 150 LTTE cadre, and that they collected 97 LTTE bodies. The Army took 36 bodies to Mannar Island to be handed over to the LTTE through the ICRC. Another body was brought later. Of these 28 bodies were of women. The LTTE on the other hand claimed that they had lost 84 of theirs in return for more than 100 soldiers killed.

In wanting to hand over the bodies the Army appears to have thought that it had scored a propaganda coup, as the following extract from Shamindra Ferdinando's report in the Island of 1<sup>st</sup> July suggests: “ *We believe at least 5 girls were less than 15 years old*”,.... Major

*General Lional Balagalle said, pointing out that the majority of the dead appeared to be young. The LTTE, he said, continues to deploy children despite an assurance given to the United Nations that those under 18 would not be sent for combat”.*

But where the people are concerned it did not take much to turn the whole thing upside down. First, **N.Sri Kantha** of the TELO was quoted in the press as saying that the bodies were mostly those of civilians. He claimed to base his assertion on information of civilians coming from the conflict zone. Why no journalist went to these same sources to check this out is not clear. TELO is given credibility only when it serves the purpose.

In the Thinakkural of Sunday 4<sup>th</sup> July came Vithuran’s column, quoting N.Sri Kantha and building the case further: “The Army claimed to have recovered 97 LTTE corpses. However when they tried to hand over 37 corpses through the ICRC, allegedly of LTTE cadre killed in battle, the Tigers refused to accept these saying that the corpses were not theirs ... The Army has so far said nothing of the balance 60 corpses.”

The Mannar Acting Magistrate, **Mr. Kayas Feldano**, of course did the correct thing. Since the bodies were unidentified, he had them videoed from several angles, had the clothing removed for future identification, and had the bodies buried in numbered graves. It came to be almost universally believed that the dead were civilians, travelling between the LTTE and Army controlled areas for trade. They were waiting just north of the army check point at Pappamoddai, it was supposed, when the advancing troops killed them and palmed them off as LTTE cadre, after dressing some in LTTE uniforms.

The case is not without problems, and an explanation is owed from the Army. There were subsequently conflicting reports from the Acting Magistrate and the JMO (the Judicial Medical Officer whose functions were performed by the DMO). The former, based on an examination of 29<sup>th</sup> June stated that about half the bodies were naked, 6 were wearing uniform, and the types of dress on others were unidentifiable. He also concluded, based apparently on the lack of correspondence between the injuries and punctures on the uniforms, that the uniforms were put on after death. The JMO had reportedly recorded that all were in uniform. The conflict came out in court.

We may recall that according to soldiers who served in the Elephant Pass battle of July 1991, others stripped the bodies of female LTTE cadre killed and photographed them naked. Some such ritual may explain the state of the bodies. If this repulsive practice is still continuing, then it needs to be exposed.

The incident also reveals the pressures under which magistrates and JMOs are working. This is an unprecedented development where actions in the battlefield have come under judicial review. It arose through a freak of the ICRC’s logistical problem. The Judiciary nor the Army were prepared for it, for in most cases the bodies would have been passed onto the LTTE or burned in the fighting zone under the cover of emergency regulations, rather than being left with the hospital authorities, which resulted in a judicial review. This experience again points to how the Emergency Regulations are being used to to avoid accountability.

If there were indeed a significant number of civilian corpses among the 37, one would have expected the following to take place within a matter of days:

- The Church which maintains good contact with the Vanni would have by now obtained and publicised the identities of some civilians. (Even though the land borders are closed, there is unofficial seaborne contact.)
- The LTTE would have publicised some names of civilians killed through its London press releases.
- Families would have contacted the ICRC.

The first two have not happened. We reliably understand that the claim in the Thinakkural above is incorrect. The LTTE, we learn, did not refuse to accept the bodies. The ICRC rather faced a logistical problem in transferring the bodies. The Army evidently suggested a transfer by sea, which the ICRC declined. On the question of queries, we understand that the ICRC is constantly faced with queries about missing persons, but cannot at present speak of particular queries with regard to the incident above. According to one source, “There may have been exceptions, but they had no particular reason to treat the bodies as other than those of the LTTE”.

In general concerns been expressed that this is a war in which, despite the high intensity of fighting, few prisoners have been taken by either side. In the past there have been reports that both sides have killed prisoners – eg. after the Army’s capture of Jaffna in 1995 (our [Special Report No 9](#)), after the LTTE’s overrunning of Mullaitivu Camp in 1996 and earlier of 600 policemen in 1990. In the case above the Army should be called upon to explain what really happened.

The following from P.Manickavasagam’s piece in the Sunday Virakesari of 11<sup>th</sup> July sheds, perhaps, some light on the matter:

*“25<sup>th</sup> June was the last day on which civilians from the army controlled areas of Mannar and Vavuniya districts crossed through the new transit point at Pappamoddai, near Mannar, into the [LTTE controlled] Vanni. About 500 so crossed over. Owing to the long delay resulting from checking [of goods and persons] by the Army, 60 of them having gone beyond the army check-point, spent the night on the roadside with their goods. The following morning the advancing troops, upon seeing them, refused to let them proceed, but brought them back to Pappamoddai, and asked them to leave the goods in the Church. According to government officials from Mannar, they were then brought to Mannar Town, where they are now accommodated.”*

It is also notable that Manickavasagam, a careful writer and a correspondent also to the BBC Tamil Service, had avoided a foray into the 37 bodies controversy. He was probably told the foregoing when making inquiries about the bodies. There is therefore nothing so far to support the allegation of the scandalous fraud the Army is said to be guilty of. Nor is there any notable testimony of misdemeanour by the troops during the recent military advances.

Yet the people of the area, nearly all of them, continue to believe firmly that the Army had killed civilians and tried to pass them off as LTTE. This suggests a serious breakdown of relations between the Government and the people, where the latter are given to believe the worst of the security forces – almost a reversal of the good rapport built up in 1995 when Brigadier Tennekon was in charge.

Another incident illustrates the phenomenon. **Mrs Ananthi Suriapragasam** of the BBC Tamil Service recently visited the displaced persons from Madhu in the Pesalai refugee camp. This was even before the exodus from Vidatthal Thivu. Those present heard much airing of anger against the LTTE. The broadcast recording conveyed sentiments for peace, but this anger was omitted. Those who speak on behalf of the Tamil people, the Church, the media, and peace groups, can ignore this anger with impunity. They know for sure that between the LTTE and the Government, its direction would be altered before long. We will examine this in what follows. [\[Top\]](#)

## **The Armed Forces: A defeatist course**

The problems of the security forces start from attitudes at the very top, running through a broad section of Southern society. Much publicity was given recently in the Southern media to Miss. Sujatha Veerasingham (16), the girl among three injured LTTE cadre captured by the Army in the recent operation. Originally from Karaveddy, Jaffna, and recently in the Vanni and studying in the pre-O.Level class, she had served in the LTTE from December 1998. Recently a group of 100 women cadre were surrounded by the Army. The leader of her group exploded a grenade to kill themselves. Sujatha was admitted to army hospital. It is the following remarks from her that the media have eagerly publicised:

*“I want to live, not to die for something called liberation that is nowhere near..... We and a host of other children were forcefully recruited by the LTTE in December 1998.... We were not treated well and the food was insufficient.... We were suffering a lot. We were not allowed to see our families and those who wanted to leave the LTTE were not allowed, and some who fled were killed....” Clearly, many of them are disillusioned and would desert if there is a way out.*

Much of this is well-known, and it serves little purpose except to reinforce patronising attitudes among Southerners, and drive them into an unwarranted complacency that they are fighting a decent war to liberate poor Tamil children. But the first time when an interview with her was broadcast in the 6.30 p.m. Tamil news on state television, she had spoken of how their leaders motivated them to fight, arguing that there was no other alternative when dealing with the Sinhalese. The Sinhalese, they were told, would cut and chop. To underline the message, reference was made to the Chemmani mass grave in Jaffna where scores of persons detained by the Army in Jaffna during 1996 are believed to be buried.

It is these words of Sujatha that need to be emblazoned in the minds of people in the South, and especially of officers and men. That would lead to a humbler and a more thoughtful approach to the problem. They also highlight a particular and important reason why thousands of Tamil children are trapped into fighting a brutal war in which no quarter is given. These words of hers would also seriously question the morality and judgement of the highest persons in charge of the war, whose wisdom, responsible for hundreds of disappearances, is now encapsulated by the word ‘Chemmani’.

Clearly, the leaders and opinion makers of Southern society are not prepared to face these questions and draw their implications. Consequently, the war is now being waged without political direction or vision. The optimism in the early days of the present Government that the security forces would be more disciplined and accountable to the people, have receded. We see instead a security establishment not looking towards peace, but bent on expanding numbers with more and larger permanent bases in what they presume would be permanently

hostile surroundings. We see a less cerebral approach with growing indiscipline. Twenty years of suffering and experience are being washed down the drain.

In the newly cleared areas in the Vanni and in Mannar Island itself, the assault of civilians after an incident has become a regular occurrence. This is something that is new in an area where the people have been generally accommodative. The LTTE is being given ample motivation to step up hit and run attacks, invite reprisals on the civilians and unnerve the security forces. Recently the STF had been deployed along the Vavuniya-Mannar Road, up to Mannar Town.

In an incident in Murunkan early this month, the LTTE came in a tractor dressed as farmers. An STF man lifted the barrier for the tractor to enter. The LTTE opened fire and killed him. After a further exchange of fire, the LTTE withdrew on foot. At that time a lorry came along the main road. Its driver and four other occupants were all Sinhalese. The STF shot the driver in the thigh. The others who did not know the area ran and finally took shelter in a church. Other civilians were assaulted. An STF man was seen raising the barrel of a mortar to point almost vertically and firing a shell. The shell exploded in the kitchen of a nearby house causing damage, but fortunately, no one was hurt.

Before this incident the LTTE went into a boutique owned by a Muslim near Mannar stadium and shot two STF men having tea and ran away. Then reinforcements came and started assaulting civilians. A few days later the shop was also smashed. The local Citizens' Committee sent a strongly worded letter of protest to the Brigade Commander T.T.Ranjit de Silva. Later the Police Superintendent asked the Committee to withdraw the letter, which they declined. No action was taken.

There are no big massacres today, but the experience of regular humiliation, harassment and beating shapes the people's attitude towards the Government and its security forces. These stories are bandied about among school children, and parents often come to hear of things through children in primary school. These children in turn grow up with a rash boldness, nurturing an antagonism towards the State. We may be sitting on the slippery slope of the early 80s, but in a total political vacuum where no alternatives are offered. It is also a mindless state in which the LTTE is adept at harnessing people's the resentment to destructive ends. [\[Top\]](#)

### **The loss of accountability**

Two years ago one could have picked out a couple of army officers whom the people commended with enthusiasm. There was Larry Wijeratne in Pt.Pedro for one, and less known was Sunil Tennekoon in Mannar. It is a political wave that brings out the abilities of particular officers. There was from 1995-1997 such a wave for a political solution and for national unity. It is also notable the trouble these officers took over former LTTE cadre and deserters. Knowing the nature of the LTTE and how it would try to use them, it is a very demanding task, calling for patience and restraint. Now that political wave has all but receded, and these former LTTE members live dangerously, fearing the security forces as well as the LTTE. This has been one cause for the upsurge of killings in the Mannar area. Institutionally the security establishment has learnt little, even after Chemmani. The receding of the wave and a new chill has been evident for some months.

During December 1998 the Roman Catholic Bishop of Mannar issued a statement that 27 innocent civilians had been killed recently around Mannar Island. Towards the end of the month Brigadier T.T.Ranjit Silva met the NGOs at a conference. The Vicar General who represented the Bishop was said to have been strongly told off by the Brigadier, who denied that those killed were innocent, and maintained that they were smugglers who had wandered close to camp. Every proposal by the VG is said to have been rudely turned down.

In all about 53 persons are said to have been killed around Mannar island last year, about 8 of them identified as LTTE or security personnel. More than 20 bodies were classified as unidentified - suggesting that they were persons who came to the Island in connection with smuggling.

This whole uncalled-for episode is chiefly a result of ill-thought-out government policy. Earlier there had been a decision to cut the rations sent to the Vanni from 1<sup>st</sup> July 1998. Shortly afterwards in early August 1998, some of the poorest civilians who were carrying the allowed 4 liters of kerosene and other items into the LTTE controlled area for sale, faced increased restrictions.

The effect of all these restrictions was to increase hardship all round, and there was a notable increase in smuggling. This was accompanied by an increased harshness on the part of the Army when in one incident in August, 5 smugglers were killed. In due course an order went out from Mannar's bold magistrate, Ilancheliyan, a man respected for his social concern. He had used his authority to get the Police and lax village headmen to crack down on illicit liquor. Ilancheliyan told the Army, "Smuggling is not an offence for which capital punishment is prescribed. You catch the culprits and bring them to court, and they would be tried accordingly." This was followed by rumours that the Army sought the magistrate's transfer. However the killings stopped for a time, and later resumed. The Bishop's statement too halted killings until about late January. During that period a number of smugglers were caught, beaten or ducked in a pool, and chased home.

On the morning of 3<sup>rd</sup> December 1998, an army patrol was passing the Mannar suburb of Nalavanpadu. They spotted a youth quickly disappearing into the compound of a house. A search was done and the youth hiding amidst brushwood was brought onto the road. A man who was apparently the officer-in-charge of the group was seen holding the youth by neck and smashing him against a lamp post several times, until he collapsed on to the road, lifeless. He was then suspended on a pole by his hands and legs, and carried away.

There were two versions of the incident. One was that the boy was innocent and that the soldiers did this because his residence pass had expired by a few days. The second was that the youth was a member of the LTTE and was found carrying in a bag a suicide kit, explosive material and fuses. Such were produced at the inquest, and according to some senior citizens, the productions seemed to them genuine. It is the first version that had wider currency. What the soldiers did was totally unwarranted and because of it, the truth cannot be established with any certainty. Contrary to what the people saw on the road, the Army told the press that the youth had swallowed cyanide [Island 5.12.98].

### **The Tharapuram Murder & disappearances : 4<sup>th</sup> & 5<sup>th</sup> July 1999**

There had thereafter been murders where the culprits have not been identified. Six months ago in Eluthoor, near Tharapuram on Mannar Island, the bodies of two males were found with

their necks cut. Then on 5<sup>th</sup> July there occurred an incident which appeared to throw light on the killings. Miss Jeyamalar Bernardshaw (18) from Jaffna was believed to have been once a member of the LTTE and was living with an elderly Muslim couple in Tharapuram, along with her brother Gnanasekaran Bernardshaw. Jeyamalar became the subject of purely a private dispute in the village and was pregnant at the time of the incident.

On the night of 3<sup>rd</sup> July Gnanasekaran was abducted by unknown persons. In the early hours of the 5<sup>th</sup> morning, unknown persons entered the house where Jeyamalar was staying. A. Mohamed Hussain (50), the landlord, and his wife Bahia Umma (45), had screamed. One of the intruders knifed them, killing Bahia Umma and injuring Hussain. Hussain, who frequented Sunny Village, reportedly said that he had recognised Captain Ranjith, who was in charge of the camp there as being among the intruders. The Mannar Magistrate Illancheliyan who visited the scene with Liyannarachchi, OIC Mannar Police, is said to have found boot marks pointing to the Army. Duly word was sent to Captain Ranjith to appear at the inquest. This he did not do. The magistrate sent him summons to appear in Court on 7<sup>th</sup> July. He also instructed the Police to seek the co-operation of the Mannar Town Commandant to look for the missing persons in army camps in the district.

In the meantime a fairly full report of the inquest proceedings appeared in the **Thinakkural** of the 6<sup>th</sup> July. On hearing about it Ranjith went with some of his men to the Thalvupadu community library and asked people there to read the item. He then uttered words to the effect that he knows how to deal with those who file such reports. Later, he is reported to have summoned the correspondent, a Mannar-born Muslim educated at St. Xavier's, and had a pleasant little chat.

Another circumstance, with the onset of Black Tiger week, early July, Ranjith had become very security conscious. He had blocked off the road, along the camp, except to heavy vehicles, installed a barbed wire fence on the other side, and made pedestrians, cyclists and motor-cyclists, walk or wheel their vehicles through loose sandy soil. He told people that a motor-cyclist was due to come with a woman suicide bomber on the pillion, who would pounce on him.

On 7<sup>th</sup> July Captain Ranjith came to the Magistrate's Court with a two dozen strong security contingent. When the Magistrate disallowed them coming in armed, Ranjith told him that there was a threat to his life. The Magistrate asked him to come in without his arms, assuring him that nothing would happen to him. He then told him that they were both government servants, and that he could have come when asked to come without having to await summons. Ranjith then claimed to have an alibi to prove that he was not involved in the incident. The Magistrate then took up the question of intimidation of the press. This was denied by Captain Ranjith. The Magistrate then reportedly told him, "Don't deny everything, then we will have to start looking for proof."

The Captain was evidently boiling over when he left the court. He grabbed Jeyamalar's elder sister Mary Jenita's identity card and pass and took them away. Mary complained to the Magistrate who ordered the Police to get those back from the Captain or to bring the Captain himself. These were later obtained by the Police.

From the Court, the Captain went with his escort to the Mannar Fort camp, when a funeral procession slowed him down. He was seen raising his hand as if to assault one of those conducting the procession, and was seen putting it down when the Additional GA's vehicle

appeared. Mohamed Hussain is now said to be with his children in Colombo, and is the key witness in the case.

The Captain's conduct is suggestive of a man going to pieces, becoming a danger to himself as well as to others. Under normal circumstances he should have been remanded. The blame very much lies with a combination of bad leadership at the top and an absence of political vision.

Compared with the detailed report of the inquest of 5<sup>th</sup> July which appeared in Thinakklural the next day, only a small item on the magistrate's court hearing of the 7<sup>th</sup> appeared 3 days later. There was no reference to the main actor on the loose - Captain Ranjith. Clearly, the message to the press had gone down.

The danger was clearly illustrated by how Captain Ranjith's men behaved in the afternoon of the 19<sup>th</sup> July, when one of the men going 100 yards into the beach road in front of the camp was shot. The men went on the rampage in vintage Sri Lankan Army style, firing at random, assaulting all and sundry, stripping an old man and burning his hut. Women with suckling babes too were treated roughly. All civilians around were brought to the junction, children cowering behind their mothers, and the men were assaulted with gun-butts and boots while the others looked on.

Those assaulted were left breathless and in great pain. Several of those with bullet wounds were admitted to Mannar Hospital. A lady who was serious was transferred to Anuradhapura Hospital and succumbed there. Ranjith was apparently in town then. However with poor leadership at the top, it takes very little for the LTTE to get the Sri Lankan Army it wants.[\[Top\]](#)

## **The case of Carmelita (21)**

Carmelita's brother Napoleon, from Pallimunai, had been a prominent member of the LTTE. A year ago, he deserted and was at home for awhile. The Army later picked him up and kept him for some time. He has since not been seen, although it is widely spoken that he left the area and is involved in trade. Napoleon's brother who was staying at home is said to have been killed by the TELO two years ago. Carmelita had gone to the Mainland and was said to have been involved with the LTTE for a time. She left and wanted to come back home.

Recently she was told that it was safe for her to come back. There is little doubt that Carmelita's mother had approached the security forces, at least at local level, and got an assurance. The Police are in Pallimunai having close dealings with the population and a number of policemen are married in the village. It was two weeks before her murder that Carmelita, had returned home.

The following facts transpired at the inquest proceedings under Mannar's Acting Magistrate Kayas Feldano on 14<sup>th</sup> July as reported by Thinakkural's Mannar Correspondent : The key witness was the fruit seller who lived in the premises opposite. At 1.30 AM on 12<sup>th</sup> July he was woken up by two men who asked for Napoleon. He took them across and knocked on the door. The mother came. Her hands were tied and she was asked to call the others. Witness and two children were locked up in one room, some others in another room and Carmelita and her mother who were left were taken to the front room. They were first questioned, and the mother was then sent out. The mother was then heard crying, "Shoot me if you like, but do

not harm my daughter.” Camelita’s crying was then heard, “Save me, please do not harm me!” Noises of agony were heard for some time, then a gun shot, and silence reigned.

While this torment was going on, the mother had freed herself and run to the security post nearby and asked for help. She was ignored. When Witness finally came out of the room, he saw Carmelita on the floor in a pool of blood, with her dress torn.

**Witness said that he knew the killers. They were from the nearby security post and came to his shop four or five times a day. Although the face of one was masked with a black cloth, he knew well who he was. When witness went to the Mannar Police to make a statement, he was treated dismissively. He subsequently received a death threat. The DMO Dr. Emmanuel Peiris, who delivered the post-mortem report said that there were 18 injuries on Carmelita. There were several bite marks, including on the lips, a stab wound in the abdomen, and she had been shot after being raped. The Acting Magistrate has instructed the Superintendent of Police and the Town Commandant to provide a list of names of personnel manning the security post in question. The officers in charge of the Military and Police at Pallimunai, along with the police officer who failed to record the statement of the key witness have been ordered to appear in court on July 20<sup>th</sup>.**

There are some points to be noted about the developments in general and the two cases in particular.

- These incidents testify to a deteriorating climate of impunity, of unchecked licence given to those with organised force behind them, resulting in the law enforcers degenerating into criminals. Normally the magistrate should have remanded those whom he has good reason to believe had committed the crime, would very likely intimidate witnesses and hinder the investigation. Whether those above would back a Tamil magistrate ordering the arrest of security personnel remains to be tested.

The general practice followed in the conflict zone, as in Jaffna, has been for the army commandant to take the initiative and order the arrest. Much of the blame should thus rest with Brigadier T.T.R de Silva who had made his attitude towards the civilians clear over the months and others still higher who allowed him to function in this manner. Had firm action been taken with Captain Ranjith, Carmelita’s life may have been saved.

- These events spread over time, the impunity with which those who smuggle out of desperation have been shot, and the recent developments, suggest that there has been in operation a policy of killing off those suspected of ties with the LTTE. This is given further substance by the refusal of the Police to record the complaint. This flies in the face of pledges by the army top brass that they encourage LTTE cadre to surrender and have schemes to rehabilitate them.
- Some of these crimes, whose causes would have remained in the domain of conjecture, are coming to light only because of new ground broken by the office of the magistrate in Mannar. This is unique, considering that from 1977, when the victors at the election forced the police and the magistrates to look on while violence was unleashed on the vanquished for several weeks, the magistracy has been regarded a tame affair.

Today in the Mannar District, the people have no confidence in the Army, the Police or the Government. But they have come to place confidence in the magistrates. It is for this reason that they have come forward to testify at a considerable risk. The magistracy has been a steadying factor in a situation otherwise tending towards anarchy.

It is also notable, and perhaps not at all surprising, that the Mannar magistrate was the last to be asked by the judicial authorities to preside over the excavation of graves in Chemmani, and he promptly accepted. The others, refused, wavered or fled the country, mainly out of fear of the LTTE, although the gravesites were those of victims of the State.

Thus the question of the safety of the Mannar Magistrate, Mr. Illancheliyan, and also of Acting Magistrate Mr. Feldano, should not be taken lightly. Should anything happen to them, the Tamil magistrates would go further into a shell.

We have in the foregoing dealt with one aspect of the people's distrust of the State. But much of it comes from day-to-day experiences. We have dealt with the pass system in previous bulletins. This becomes increasingly mindless and harassing every time the authorities find indications of the LTTE forging their passes. We now take the question of health. [\[Top\]](#)

## Health in the Vanni

Leaving behind Anuradhapura, a bustling city where government money is being poured in, one enters the North. In place of the bygone lush paddy fields and signs of agricultural activity, one sees grinding poverty, little activity, broken or dilapidated buildings, with security and barbed wire everywhere. A new hierarchy is evident from who gives orders and who must obey without protest, and who is allowed to sit in buses at check points, while others must get down and walk with their baggage. Much of this could be explained as a necessary consequence of war. But there are also some distributing reflections. After 15 years, is the order with all its assumptions and incurable irrationality showing signs of becoming permanent? Is it the war alone or are there attitudes which go far beyond the war?

## The boy with a hole in the heart

**Mr. Ganesh** is a minor government official in Adampan which the LTTE controlled until recently. His four-year-old son, Nirojan has a hole in the heart which required surgery from Sri Jayewardenepura Hospital in Colombo. To travel thither, he had to previously enter the army controlled area at Uyilankulam, go 10 miles west to Mannar Town, get a friend there to stand surety and get a pass to go back east towards Colombo. Earlier in the year he took his son to Colombo, but the surgery could not be performed because Nirojan had caught a cold. Last May he was given a date for early July. By this time the Army had moved in, and he and his family were issued with a residence pass by the army command in Vavuniya, whose troops had moved in.

To go to Colombo Mr. & Mrs. Ganesh and Nirojan left Adampan for Mannar Town on 2<sup>nd</sup> July for their pass as usual. Mannar was now only a single short bus ride from Adampan. They applied for their pass in the morning. After a delay of several hours the Mannar Pass office told Ganesh in the afternoon that because his residence pass was from the Vavuniya rather than the Mannar brigade, he must go to Vavuniya and apply for his Colombo travel pass. It was too late for them to go to Vavuniya that day, so they spent the night with friends and

came the next morning, only to be told that they could not board the Vavuniya bus from Mannar, but must go to Uyilankulam nearest to their home down the same road, register themselves there and board the Vavuniya bus. The bus however originates from Mannar.

So they went from Mannar to Uyilankulam, where the registration had closed and the Vavuniya bus was about to arrive. A policeman seeing the sick child and understanding their plight took pity on them and promised to put them into the bus. The bus came and the policeman pleaded. But the security man on escort duty refused to allow in anyone whose name was not on the list. They waited till 3.00 p.m. and caught a bus to Madhu Road, and finally reached Vavuniya. But unlike in Mannar, they had no one in Vavuniya to stand security for them. Whoever stands security will have to surrender his pass and forfeit any travel himself. However through the intervention of friends they reached Colombo in the nick of time and it is a wonder that the child survived the ordeal.

It may also be mentioned here that during his visits to Colombo, it was a former Muslim neighbour of Ganesh who was the most forthcoming in helping him to treat his son. This neighbour, with other Muslims, was chased out of Adampan by the LTTE in 1990.

Given that the people of the Vanni live in an area where they are prone to sickness and several hurdles are placed in their way preventing access to medical care from outside, it becomes imperative on the part of the Government to maintain the Mannar Hospital in good working order.

But for a number of reasons it has not been possible to get experienced doctors to serve there. The Ministry of Health has been sending newly passed out doctors, often foreign qualified, who do a compulsory stint in a difficult area as a condition for permanency. This has been a disaster. Normally these new doctors would have learnt by working under proper supervision of those more experienced. But in Mannar they are left there as it were on the loose. In the very hierarchy and status conscious medical profession in Sri Lanka where titles mean everything, these young doctors tend to feel small consulting highly experienced local doctors, who though having no specialist titles, enjoy the confidence and respect of the populace. Even when experienced MSF doctors had been present, the young doctors had been reluctant to consult them. Often patients have been dispatched to Vavuniya or Anuradhapura without getting the best opinion available. This system has been grossly unfair to the young doctors and particularly to the patients. Things somewhat improved after Dr. Emmanuel Peiris, an experienced local practitioner, was given the authority of a DMO.

Stories of miscarriages of treatment, dangerous experimentation and hair breadth escapes are many. Often the situation could have been rectified by getting or acting on another opinion. Those with narrow escapes are frequently people with the influence to rush a serious patient to Colombo. Recently for example, the story is told of a young doctor who used forceps to deliver a baby without asking for help. A critical nerve of the baby was damaged. The ailment in the baby is later said to have been recorded as having resulted from the mother having malaria (which is very common) during pregnancy.

We give here the experience of **Mr. Jaleel**, a firewood seller from Puthukkudiyiruppu : “I admitted my 7 year old daughter Saida who was having fever to Mannar Hospital. I don't know what happened, but she was suddenly dispatched to Anuradhapura Hospital where she died on 21<sup>st</sup> June. Were she treated here, we would have had the comfort of her dying among

her own people. If I could speak Sinhalese, I would have taken her out of Anuradhapura and looked after her in Puttalam Hospital. Our people are totally lost in Anuradhapura.

”I will tell you sir, in Anuradhapura they use patients sent by Mannar Hospital for learning. In 1987 my younger sister was sent to Anuradhapura Hospital. They had given up on her and were going to give her a pain killer. My mother hugged my sister, protested and did not allow them. She wanted to remove her. A nurse trampled her foot. Then a policeman intervened and my sister was discharged. Can you believe that she is now a mother of six?

From such impressions it does not follow that Anuradhapura Hospital was at fault. But the people do strongly feel that in the present system they are not getting what is at least passable. The important social aspect of health-care is totally absent.

It may yet be argued that the Government is doing its best under the existing constraints of war. This we must seriously question.

### **The Memisa Affair**

Mannar Hospital had been long served by the MSF. **Memisa** is a Dutch organisation providing medical services in difficult areas. In October last year or earlier, **Memisa** had got unofficial clearance from the MoD to take over Mannar Hospital from MSF (Holland) in January this year. The earlier brigadier in Mannar too had been encouraging. But formal approval from MoD was getting delayed. The coming of **Memisa** would have been the prelude to a variety of urgently needed health services and training, apart from surgery. For example there are no ophthalmological services in the Vanni. Recently the Lions or the Rotary Club took people from the area to Kandy for cataract operations and brought them back. Now several of them are encountering problems without aftercare that is crucial after such an operation. Thus the prospect of having **Memisa** was more than welcome.

Based on assurances previously given, **Memisa** commenced work in Mannar Hospital on 1<sup>st</sup> January. The people enthusiastically welcomed their services. However the new Mannar **Brigadier T.T.R de Silva** told them that they should not continue to work there without written approval. **Memisa** had to pull out of Mannar on 16<sup>th</sup> January, there being no written approval. While the **Memisa** team returned to Holland, a representative stayed behind in the hope of getting the approval. All this time patients in Mannar were suffering. The Roman Catholic Church worked hard to get the approval for **Memisa**. The Sisters of the Holy Cross too were eager to provide services in Arippu and North Vanni with help from **Memisa**. There was also a proposal from the Methodist Church to work with **Memisa** in Jaffna.

In the meantime the Ministry of Health tried to provide surgeons for Mannar on a rotational basis. Surgeons came, but there was no anaesthetist. So very little work was done.

**Mr.R.Sampanthan, MP**, heard about the problem and telephoned **M.S.Wickremarchchi**, Additional Secretary/Defence, on 8<sup>th</sup> April and inquired from him. He was happy to hear that the matter had been resolved that very day and a formal letter was being sent to the Ministry of Social Affairs. According to Church sources, **Memisa** too was told of this – i.e six months after they made an application and when unofficial clearance was given.

But even then nothing happened. Mannar remained without much needed medical services. In the meantime in private conversation and in his homilies, Brigadier T.T.R.de Silva has

with barely suppressed pride taken credit for keeping **Memisa** out. His reasons – the Dutch and the British having been our colonial rulers cannot be up to any good! His words were to the effect that these services should be handled by ‘us’. The way the Brigadier had been running Mannar, it is not colonialism that he has any problem with, but only with somebody else’s colonialism.

Moreover, can this Government which talks about devolution and accountability allow the prejudices of a brigadier, a paid servant, to overrule the people obtaining urgent medical services, after its being approved at the highest level over six long months of deliberation? Further, the Ministry of Health had been regularly saying that they badly needed **Memisa** in Mannar. Surely, the MoH should have a greater say in this than the MoD and it should have taken a stand. One can hardly avoid the conclusion that there has been a shameful game of deception at the highest levels of government. It is not peace with honour that moves them, but simply that anything deemed too good for the people of the North-East must be blocked. The Brigadier’s prejudices and any differences between **Memisa** and any other organisation, have merely come in useful. In the meantime many have died whose lives could have been saved.

In the foregoing we have dealt with why the Government’s credibility has reached a low ebb, and how in the context of this the LTTE wins the propaganda war hands down, despite its devastating brutality and oppressiveness. On the intricate question of why Tamil society has been unable to check its march towards the precipice, we take a brief look at the Church which wields much influence in the region.[\[Top\]](#)

### **Why the Church Failed?**

Those who take an extreme view of the Roman Catholic Church to the point of painting it a pro-terrorist organisation, would do well to examine the role of the Buddhist prelates – the Maha Sangha – during the JVP insurgency of 1987 – 1990. Did they make any strong condemnation of the JVP’s terrorist actions? Did they not keep a line of communication open to the JVP? There is always an institutional interest towards not becoming isolated in possible new constellations of power. Behind these institutional interactions also lie shifting boundaries of power, marking a power struggle.

Some of the Church’s actions have been clearly beneficial to the people. During the early 90s the LTTE ran riot in Madhu with its loud speakers and recruitment campaigns. Under Bishop Rayappu, the Church reasserted its control over Madhu, at least formally, and there was some order. But the Church’s more recent claims to the effect that Madhu was liberated territory until the Army moved into the area cannot be upheld.

When the LTTE was around it had many ways of controlling the refugees in the church premises and looking after its interests within, without having armed cadre moving around. There was never any question of unarmed LTTE cadre being fired at. This was far from being the case when government soldiers moved into the area. This tragically proved to be the case when on 13<sup>th</sup> July at 6.00 PM, the LTTE shot and killed an unarmed soldier in the shopping complex within the premises of the Shrine of Madhu. Bishop Rayappu condemned it a few days later as ‘inhuman’ and ‘diabolically intentional’ without mentioning the LTTE and conveyed his deepest sympathies to the soldier’s family. It flew in the face of the respect the LTTE supposedly had for the Shrine, and once again demonstrated the Church’s illusions

regarding its ability to influence the LTTE. The incident was notably not reported in the BBC (TS), IBC radio and the Church's own Radio Veritas.

The Church's position here was a political one, as ever so often the Universal Catholic Church feels a compulsion to preserve its credentials vis-à-vis a local nationalist cause. Here the Church's unrealistic position was not in the interest of the refugees. The gap between the Army and the Church was resolved through the eviction of refugees. Behind all these developments also lies a power struggle – on the one hand between the Church and the LTTE, and on the other, between the Church and the Government. We make a distinction here between a struggle for power and representing the interests of the people while fighting for their rights, although both may often lead to a similar actions, as in the first instance above.

In representing the rights of the people in a situation of crisis where the Church is both a moral and a temporal authority, one would expect a clearly articulated moral position on issues and problems confronted by the people. But this is seldom the case. As against the Government, the Church very rightly condemned the shoot-on-sight policy against smugglers last December and encountered an ill-tempered reaction from the local brigadier. Since then the Church has been largely silent. The Bishop's style has been quiet personal diplomacy which must of necessity often turn a blind eye to the harsh reality of the people. When the LTTE shot down the Lionair passenger flight last November, the Bishop knew the facts. He visited the area and confirmed that there were no survivors. When questioned by others, he avoided the issue by saying that the Government must investigate it. But he also said something in never denying that the LTTE had shot it down.

During the recent army advance towards Vidatthal Thivu, the Church took an unusual and praiseworthy step of a kind it had failed to take during the Jaffna Exodus of 1995, where some senior clergy actually connived with the LTTE in evacuating the people. The Church, to a considerable extent, offered protection to those remaining behind. This was partly facilitated by the good personal rapport between the Bishop and General Balagalle. But the LTTE would have none of it and went to the extent of shelling the people. The LTTE was telling the Church where they get off.

The Bishop, like many others, may think that a section of the LTTE had done this without the knowledge of the leader, **V.Prabhakaran**. Some senior churchmen hope that Prabhakaran would allow the displaced Vidatthal Thivu people to resettle there. But in reality the inhuman plight of civilians cannot and will not change. The transfer of civilian populations, at whatever human cost, is integral to the LTTE's resource, manpower, military and political strategies. Prabhakaran has simply gone too far.

In the meantime the Church has been failing in its most important task – its pastoral mission to care for the rejected and succour the broken hearted. Is this not after all the main challenge of Tamil society today? Has any young boy or girl in trouble with, or fleeing, the LTTE had the trust and confidence to approach the Church for help? Several girls who have fled or left the LTTE are in cleared areas, living in fear, depending on a small, vulnerable circle of family or friends. They have to live as untouchables, not daring to identify themselves. Sometimes the LTTE catches up with them and puts them under pressure to do clandestine work. In the last few days two of them have been missing or killed off by the security forces. If the Church has to go on pretending that this and many related problems do not exist, then it has failed. Surely then, its mission requires taking public positions, defying the powers that be, and exercising its right and duty to help and to take responsibility for those in need.

In the newly cleared (army controlled) areas of the Vanni therefore, the people live in a political vacuum with no institution they could depend on, that lends stability to their lives, ever wary of the arbitrary actions of the security forces and the LTTE.[\[Top\]](#)

## **The LTTE**

In the newly cleared areas the LTTE is very angry with the people, because until the Vidatthal Thivu incident hardly anyone followed the withdrawing LTTE into their area as required. In these areas several LTTE cadre who have obtained passes from the Army taunt the people by saying “We have got passes from YOUR Army!”. This is in sharp contrast to the days when these cadre were called “OUR boys”. They move around and take every opportunity to make life miserable for the people. So far there has been no big massacre, and quite often the Army has behaved itself. But the souring of relations goes on.

Take one instance. In Adampan recently soldiers in a tractor were fired at, killing two, and about four ran away. The villagers of course, as usual, fled the area, and nothing happened to them. Later an army officer summoned the village headman and told him that the chains, cash and other items from the dead soldiers had been stolen. He accused the villagers of doing it on the grounds that the LTTE would not do such things, and wanted the headman to retrieve them. It was something the civilians could not have done.

The LTTE cadre function effectively as a machine, but their individual quality and dedication has declined over the years. Some of those disillusioned have been known to sequester money for their future use. In the cleared areas, the LTTE has hardly any mature people doing clandestine work for them and many are school girls. The organisation is clearly weak. It is sustained mainly by the Government’s failure to give confidence to the people, and following from it, its security approach based on paranoia. But, there is at present little hope that the Government would devote adequate attention to the problem and muster enough political enthusiasm to change the drift of events. It seems to be mainly pressure from outside that could offer any hope. But is that realistic?

## **The dangers ahead**

Some very remarkable things have been happening in what was styled a war of liberation. It was said in our last bulletin as well as in other press reports last May that the LTTE was moving towards mass conscription of a population devoid of means of escape, as well as of young teenage students, and that government food rations would be withheld from those who refuse to undergo training. That this outrage is taking place has since been confirmed by scores of civilians fleeing the Vanni by boat to Jaffna and Mannar Island. [See Iqbal Athas in the Sunday Times of 4.7.99.] The forced exodus of the civilian population from Jaffna in 1995 was a clear pointer to the extent to which the LTTE would abuse the civilian population to prosecute a war that had lost all moral legitimacy. The recent evacuation of Vidatthal Thivu was an exception where the Church actively played a role to protect the civilians. The LTTE has given notice that such a role by the Church will not be tolerated. What then of the civilians being forced by the LTTE into the shrinking zone under its control?

Why such indifference by international organisations to a tragedy developing over the years and coming to a crescendo before our eyes in recent months? Why the silence over pointers like the shooting down of a passenger aircraft, the same mode of transport used by international agencies travelling to Jaffna?

Clearly, the Government's lack of openness is much to blame for the relative indifference with which the LTTE's crimes are regarded by the world. It is after all the Government which outsiders who come here encounter.

The foreign observers who came for the Chemmani excavations in Jaffna last June were not allowed to arrange their own accommodation. They were taken to the RRAN Guest House in Jaffna and were much of the time kept virtual prisoners. A contingent of policemen was placed to guard them, evidently to provide them with security which they did not want. Visitors who could have been allowed in after a body search, if security was a real concern, were turned away. When a lady with good reason to meet them came there, a policeman got in touch with a military official by radio-telephone, and then refused her permission. It was like sending them into a time-warp behind the Iron Curtain of the 50s. Apparently the ministries of defence and foreign affairs were very proud of putting the foreigners in their place.

But what purpose does it serve? Does it not give the impression that the Government has a lot to hide and is running some kind of a colonial project in the North-East? When foreign delegates to Jaffna are treated in this manner, what are MoD communiqués about civilians fleeing the LTTE arriving in Jaffna worth? In the meantime the Government's stock among the Tamils is getting so dangerously low that the LTTE is getting away with murder and intimidation of political opponents with hardly a whimper of protest, whether locally or abroad.

In our last bulletin ([No 20](#)) we advocated that international agencies should be allowed to function in the Vanni with a view to safeguarding civilian interests. **Mr. Olara A. Otunnu**, Special Representative of the UN Secretary-General for Children and Armed Conflict visited Sri Lanka during 3<sup>rd</sup> to 9<sup>th</sup> May. He met the Government and the LTTE representatives and issued a statement on May 21<sup>st</sup> (see Appendix). That statement pointed to a potential role for the UN body to oversee civilian welfare by constraining the LTTE's child recruitment drive, streamlining food supply to the displaced as well as easing civilian travel across the borders of the conflict zones. Unfortunately no one has pursued the matter further which provides a means to make the Government and the LTTE accountable.

**We strongly advocate that the Government be urged to take the necessary steps to secure the good offices of the Special Representative of the UN Secretary-General for Children and Armed Conflict, to assist in implementing the undertakings given to Mr.Ottunnu by both the Government and the LTTE.**

This will give a glimmer of hope that neither party could disregard civilian interests in the manner it is being done at present.[\[Top\]](#)

## Appendix

### Office of the Special Representative of the Secretary-General for Children and Armed Conflict

May 1998

IMPORTANT COMMITMENTS ON THE PROTECTION OF

## CHILDREN MADE BY GOVERNMENT AND LTTE IN SRI LANKA

**New York, 12 May**

At the conclusion of a weeklong mission to Sri Lanka (3-9 May 1998), Mr. Olara A. Otunnu, Special Representative of the Secretary-General for Children and Armed Conflict, announced that significant humanitarian commitments had been made by the Government of Sri Lanka and by the leadership of the Liberation Tigers of Tamil Eelam (LTTE). He said, "I welcome these commitments, which represent a significant development towards ensuring the protection, rights and welfare of children affected by the ongoing armed conflict in Sri Lanka. I now call upon the parties to take concrete steps to fulfil the irrefutable commitments?".

Mr. Otunnu visited Sri Lanka to promote the protection, rights and welfare of children and to witness and assess for himself the multiple ways in which children are affected by the ongoing armed conflict in that country. Through out his visit, he stressed the humanitarian character of his mission and emphasised that he was concerned with all children and all the dimensions of the impact of war on their lives. He met with the President, H.E. Ms. Chandrika Bandaranaike Kumaratunga, Minister of Foreign Affairs, Mr. Lakshman Kadirgamar, Minister of Justice, Constitutional Affairs, National Integration and Ethnic Affairs, Professor G.L. Peiris, parliamentarians and other Government officials. He traveled to affected areas in the Jaffna peninsula and the Vanni region, where he visited schools, resettlement villages and centres for internally displaced persons. While in these areas, he also met with local government officials, military commanders, religious and civic leaders, as well as with representatives of local and international humanitarian agencies. He had the opportunity to meet with two senior representatives appointed by the leader of the LTTE, V. Prabhakaran. Mr. Thamilselvan, Head of the Political Section, and Mr. Balasingham, Political Advisor.

In his discussions with the Government and the LTTE leadership, Mr. Otunnu raised several issues pertaining to the rights, protection and welfare of children. Among the issues on which the parties made specific commitments were the following:

- **Provision and Distribution of Humanitarian Supplies:** Impressive efforts are being made to respond to the humanitarian situation in affected areas; but more needs to be done to meet the critical and growing needs of the affected populations. The Government agreed to review the list of restricted items and also to examine procedures to expedite the approval and distribution of necessary supplies. The LTTE leadership made a commitment not to interfere with the flow of humanitarian supplies destined for affected population and accepted the need for a framework to monitor this commitment.
- **Free Movement of Displaced Populations:** The Government agreed to expedite procedures for the issue of permits for movement in affected areas. The LTTE leadership made the commitment that the movement of displaced populations who want to return to areas now under Government control would not be impeded. They also pledged not to impede the return to their homes of Muslim populations displaced by previous outbreaks of hostilities and they accepted that a framework to monitor these processes should be put in place.
- **Recruitment and Participation of Children in Hostilities:** The LTTE leadership undertook not to use children below 18 years of age in combat and not to recruit children less than 17

years old. The LTTE leadership accepted that a framework to monitor these commitments should be put in place. The Government of Sri Lanka reiterated its commitment to the policy of not recruiting children under the age of 18 years. Mr. Otunnu welcomed Government assurances that there were no plans to embark on recruitment drive in schools.

- Observing the Convention on the Rights of the Child: The Government of Sri Lanka has signed and ratified the Convention. It has also prepared a National Children's Charter. Mr. Otunnu stressed the importance for all parties, including non-state actors, to respect the principles and provisions of the Convention. In this connection, he urged the LTTE leadership to make a public commitment to respect the Convention. He was encouraged by the LTTE's readiness to have its cadres receive information and instruction on the Convention.

- Targeting of Civilian Populations and Sites: Mr. Otunnu expressed the gravest concern about the targeting of civilian populations and sites throughout the country. The LTTE leadership acknowledged this to be an important and legitimate concern and undertook to review its strategies and tactics in this regard.

Another important issue that Mr. Otunnu raised with the Government and with the LTTE leadership was the continuing use of landmines by both sides. He very much regretted that it had not been possible on this occasion to obtain a commitment from either party to refrain from using landmines; he indicated his intention to pursue this issue.

During his travel to the conflict-affected areas, Mr. Otunnu witnessed the trauma and distress on the part of affected populations there. He saw how the protracted conflict has undermined the social and ethical fabric of society. He was struck by the deep and widespread yearning for peace on the part of all communities. At a final address in Colombo, Mr. Otunnu strongly endorsed the launching of a local initiative, proclaiming 'children's zones of peace', as a systematic effort to apply global recommendations on the protection, rights and welfare of children to the specific context of Sri Lanka.

Mr. Otunnu concluded his visit by launching a strong appeal to the international community to provide more assistance to conflict-affected populations in Sri Lanka, especially for resettlement and the meeting of their urgent health and education needs.